

By Senator Forman

32-1607-98

See HB

1 A bill to be entitled
2 An act relating to public records exemptions;
3 creating s. 744.7081, F.S.; providing an
4 exemption from public records requirements for
5 certain records requested by the Statewide
6 Public Guardianship Office; providing for
7 review and repeal; providing a statement of
8 public necessity; providing a contingent
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 744.7081, Florida Statutes, is
14 created to read:

15 744.7081 Access to records by Statewide Public
16 Guardianship Office; confidentiality.--Any medical, financial,
17 or mental health records necessary to evaluate the public
18 guardianship system, to assess the need for additional public
19 guardianship offices or services, or to develop the annual
20 report of the Statewide Public Guardianship Office to the
21 Legislature, the Governor, and the Chief Justice of the
22 Supreme Court held by an agency or the court and its agencies
23 shall be provided to the Statewide Public Guardianship Office
24 upon request. Any confidential or exempt information so
25 provided to the Statewide Public Guardianship Office shall
26 continue to be held confidential or exempt as otherwise
27 provided by law. All records obtained by the Statewide Public
28 Guardianship Office relating to the medical, financial, or
29 mental health of an individual may not be disclosed publicly
30 in such manner as to identify the individual and shall be
31 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

1 of the State Constitution. This section is subject to the
2 Open Government Sunset Review Act of 1995 in accordance with
3 s. 119.15, and shall stand repealed on October 2, 2003, unless
4 reviewed and saved from repeal through reenactment by the
5 Legislature.

6 Section 2. The Legislature finds that the health and
7 safety of the public necessitates that the Statewide Public
8 Guardianship Office have access to medical, financial, and
9 mental health records of the states' vulnerable citizens who
10 are elderly persons or disabled adults as defined in chapter
11 415, Florida Statutes, persons with a developmental disability
12 as defined in chapter 393, Florida Statutes, or persons with a
13 mental illness as defined in chapter 394, Florida Statutes.
14 The Legislature further finds that the exemption provided for
15 in this act is a public necessity because the public
16 disclosure of sensitive information as well as information
17 otherwise confidential or exempt could lead to discrimination
18 against affected citizens and could make these citizens
19 reluctant to seek assistance for themselves or their family
20 members. This result would then negatively affect the
21 effective and efficient operation of the Statewide Public
22 Guardianship Office.

23 Section 3. This act shall take effect on the same date
24 that Senate Bill or similar legislation creating the
25 Statewide Public Guardianship Office takes effect, if such
26 legislation is adopted in the same legislative session or an
27 extension thereof.

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LEGISLATIVE SUMMARY

Provides an exemption from the public records law for certain records requested by the Statewide Public Guardianship Office. (See bill for details.)