

By the Committee on Judiciary and Senator Forman

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

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

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

744.7081 Access to records by Statewide Public
Guardianship Office; confidentiality.--Any medical, financial,
or mental health records necessary to evaluate the public
guardianship system, to assess the need for additional public
guardianship offices or services, or to develop the annual
report of the Statewide Public Guardianship Office to the
Legislature, the Governor, and the Chief Justice of the
Supreme Court held by an agency or the court and its agencies
shall be provided to the Statewide Public Guardianship Office
upon request. Any confidential or exempt information so
provided to the Statewide Public Guardianship Office shall
continue to be held confidential or exempt as otherwise
provided by law. All other records held by the Statewide
Public Guardianship Office relating to the medical, financial,
or mental health of vulnerable citizens who are elderly
persons or disabled adults as defined in chapter 415, persons
with a developmental disability as defined in chapter 393, or

1 persons with a mental illness as defined in chapter 394 shall
2 be confidential and exempt from s. 119.07(1) and s. 24(a),
3 Art. I of the State Constitution. This section is subject to
4 the Open Government Sunset Review Act of 1995 in accordance
5 with s. 119.15, and shall stand repealed on October 2, 2003,
6 unless reviewed and saved from repeal through reenactment by
7 the Legislature.

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

25 Section 3. This act shall take effect on the same date
26 that Senate Bill 1178 or similar legislation creating the
27 Statewide Public Guardianship Office takes effect, if such
28 legislation is adopted in the same legislative session or an
29 extension thereof.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1180

The Committee Substitute for Senate Bill 1180:

- Provides a public records exemption for specified records of "vulnerable citizens who are elderly persons or disabled adults as defined in chapter 415, persons with a developmental disability as defined in chapter 393, or persons with a mental illness as defined in chapter 394" as opposed to of "an individual" as provided for in the original bill.
- Makes technical changes.