

By the Committee on Real Property & Probate and
Representative Crow

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.--Notwithstanding any
17 other provision of law to the contrary, any medical,
18 financial, or mental health records held by an agency, or the
19 court and its agencies, which are necessary to evaluate the
20 public guardianship system, to assess the need for additional
21 public guardianship, or to develop required reports, shall be
22 provided to the Statewide Public Guardianship Office upon that
23 office's request. Any confidential or exempt information so
24 provided to the Statewide Public Guardianship Office shall
25 continue to be held confidential or exempt as otherwise
26 provided by law. All other records held by the Statewide
27 Public Guardianship Office relating to the medical, financial,
28 or mental health of vulnerable citizens who are elderly
29 persons or disabled adults as defined in chapter 415, persons
30 with a developmental disability as defined in chapter 393, or
31 persons with a mental illness as defined in chapter 394, shall

1 be confidential and exempt from s. 119.07(1) and s. 24(a),
2 Art. I of the State Constitution. This section is subject to
3 the Open Government Sunset Review Act of 1995 in accordance
4 with s. 119.15, and shall stand repealed on October 2, 2004,
5 unless reviewed and saved from repeal through reenactment by
6 the Legislature.

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

24 Section 3. This act shall take effect on the same date
25 that House Bill 213 or similar legislation creating the
26 Statewide Public Guardianship Office takes effect, if such
27 legislation is adopted in the same legislative session or an
28 extension thereof.

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