

Bill No. CS for SB 704

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Forman moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

744.7081 Access to records by Statewide Public Guardianship Office; confidentiality.--Notwithstanding any other provision of law to the contrary, any medical, financial, or mental health records held by an agency, or the court and its agencies, which are necessary to evaluate the public guardianship system, to assess the need for additional public guardianship, or to develop required reports, shall be provided to the Statewide Public Guardianship Office upon that office's request. Any confidential or exempt information provided to the Statewide Public Guardianship Office shall continue to be held confidential or exempt as otherwise provided by law. All records held by the Statewide Public Guardianship Office relating to the medical, financial, or

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1 mental health of vulnerable citizens who are elderly persons
2 or disabled adults as defined in chapter 415, persons with a
3 developmental disability as defined in chapter 393, or persons
4 with a mental illness as defined in chapter 394, shall be
5 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
6 of the State Constitution. This section is subject to the Open
7 Government Sunset Review Act of 1995 in accordance with s.
8 119.15, and shall stand repealed on October 2, 2004, unless
9 reviewed and saved from repeal through reenactment by the
10 Legislature.

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

28 Section 3. This act shall take effect on the same date
29 that Senate Bill 702 or similar legislation creating the
30 Statewide Public Guardianship Office takes effect, if such
31 legislation is adopted in the same legislative session or an

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1 extension thereof.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

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 A bill to be entitled

10 An act relating to public records exemptions;
11 creating s. 744.7081, F.S.; providing an
12 exemption from public records requirements for
13 certain records requested by the Statewide
14 Public Guardianship Office; providing for
15 review and repeal; providing a statement of
16 public necessity; providing a contingent
17 effective date.

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