

Bill No. CS for SB 704

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Forman moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
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16	and insert:		
17	Section 1. Section 744.7081, Florida Statutes, is		
18	created to read:		
19	<u>744.7081 Access to records by Statewide Public</u>		
20	<u>Guardianship Office; confidentiality.--Any medical, financial,</u>		
21	<u>or mental health records necessary to evaluate the public</u>		
22	<u>guardianship system, to assess the need for additional public</u>		
23	<u>guardianship offices or services, or to develop the annual</u>		
24	<u>report of the Statewide Public Guardianship Office to the</u>		
25	<u>Legislature, the Governor, and the Chief Justice of the</u>		
26	<u>Supreme Court held by an agency or the court and its agencies</u>		
27	<u>shall be provided to the Statewide Public Guardianship Office</u>		
28	<u>upon request. Any confidential or exempt information so</u>		
29	<u>provided to the Statewide Public Guardianship Office shall</u>		
30	<u>continue to be held confidential or exempt as otherwise</u>		
31	<u>provided by law. All other records held by the Statewide</u>		

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9 with s. 119.15, and shall stand repealed on October 2, 2004,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

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

29 Section 3. This act shall take effect on the same date
30 that Senate Bill or similar legislation creating the
31 Statewide Public Guardianship Office takes effect, if such

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1 legislation is adopted in the same legislative session or an
2 extension thereof.

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

6 And the title is amended as follows:

7 Delete everything before the enacting clause

8

9 and insert:

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

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