

By Senator Forman

32-330A-99

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 other records held by the Statewide
28 Public Guardianship Office relating to the medical, financial,
29 or mental health of vulnerable citizens who are elderly
30 persons or disabled adults as defined in chapter 415, persons
31 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5 with s. 119.15, and shall stand repealed on October 2, 2004,
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 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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LEGISLATIVE SUMMARY

Exempts from the public records law information held by the Statewide Public Guardianship Office which relates to the medical, financial, or mental health of elderly persons, disabled adults, persons with a developmental disability, or persons with a mental illness.