

By the Committee on Health, Aging and Long-Term Care; and
Senators Forman and Grant

317-1684-99

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 provided to or held by the
6 Statewide Public Guardianship Office; providing
7 for review and repeal; providing a statement of
8 public necessity; providing an exemption from
9 public records requirements for certain
10 information obtained by the Statewide Public
11 Guardianship Office or a court; providing a
12 statement of public necessity; providing a
13 contingent effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 744.7081 Public records; exemptions.--

20 (1) Any confidential or exempt information contained
21 in any medical, financial, or mental health record that is
22 provided to the Statewide Public Guardianship Office shall
23 continue to be held confidential or exempt as otherwise
24 provided by law. All other records held by the Statewide
25 Public Guardianship Office relating to the medical, financial,
26 or mental health of vulnerable persons who are elderly persons
27 or disabled adults as defined in chapter 415, persons with a
28 developmental disability as defined in chapter 393, or persons
29 with a mental illness as defined in chapter 394, shall be
30 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
31 of the State Constitution. This subsection is subject to the

1 Open Government Sunset Review Act of 1995 in accordance with
2 s. 119.15, and shall stand repealed on October 2, 2004, unless
3 reviewed and saved from repeal through reenactment by the
4 Legislature.

5 (2) Any information obtained by the Statewide Public
6 Guardianship Office or a court as a result of an investigation
7 of a guardian's credit history, or an investigatory check by
8 the National Crime Information Center, or the Florida Crime
9 Information Center by means of fingerprint checks by the
10 Department of Law Enforcement and the Federal Bureau of
11 Investigation shall be confidential and exempt from s.
12 119.07(1) and s. 24(a), Art. I of the State Constitution. This
13 subsection is subject to the Open Government Sunset Review Act
14 of 1995 in accordance with s. 119.15, and shall stand repealed
15 on October 2, 2004, unless reviewed and saved from repeal
16 through reenactment by the Legislature.

17 Section 2. (1) The Legislature finds that the health
18 and safety of the public necessitates that the Statewide
19 Public Guardianship Office have access to medical, financial,
20 and mental health records of vulnerable persons who are
21 elderly persons or disabled adults as defined in chapter 415,
22 Florida Statutes, persons with a developmental disability as
23 defined in chapter 393, Florida Statutes, or persons with a
24 mental illness as defined in chapter 394, Florida Statutes.
25 The Legislature further finds that the exemption provided for
26 in this act is a public necessity because the public
27 disclosure of sensitive information as well as information
28 otherwise confidential or exempt could lead to discrimination
29 against affected persons and could make these persons
30 reluctant to seek assistance for themselves or their family
31 members. This result would then negatively affect the

1 effective and efficient operation of the Statewide Public
2 Guardianship Office.

3 (2) The Legislature finds that the exemption in
4 subsection (2) of section 1 of this act is a public necessity
5 because the disclosure of sensitive information about an
6 appointed or prospective guardian's credit history and
7 background could hinder the recruitment of guardians and make
8 persons who would otherwise serve reluctant to assume the role
9 of guardians. This result would then negatively affect the
10 operation of the Statewide Public Guardianship Program.

11 Section 3. This act shall take effect on the same date
12 that Senate Bill 702 or similar legislation creating the
13 Statewide Public Guardianship Office takes effect, if such
14 legislation is adopted in the same legislative session or an
15 extension thereof.

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 SB 704

20 Removes the requirement that agencies or the court and its
21 agencies provide the Statewide Public Guardianship Office with
22 medical, financial or mental health records upon request.
23 Makes confidential and exempt from s. 119.07(1) any
24 information obtained by the Statewide Public Guardianship
25 Office or the courts as a result of an investigation of a
26 prospective guardian's credit history, or an investigatory
27 check by the National Crime Information Center, or the Florida
28 Crime Information Center by means of fingerprint checks by the
29 Department of Law Enforcement and the Federal Bureau of
30 Investigation. Adds a statement of public necessity for this
31 exemption.