

HB 1433

2010

1 A bill to be entitled
 2 An act relating to public records; amending s. 744.3201,
 3 F.S.; creating an exemption from public records
 4 requirements for petitions to determine incapacity;
 5 providing for future legislative review and repeal of the
 6 exemption; providing a statement of public necessity;
 7 providing a contingent effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Subsection (6) is added to section 744.3201,
 12 Florida Statutes, to read:

13 744.3201 Petition to determine incapacity.—

14 (6) The petition to determine incapacity filed with the
 15 clerk of the court is confidential and exempt from s. 119.07(1)
 16 and s. 24(a), Art. I of the State Constitution. This subsection
 17 is subject to the Open Government Sunset Review Act in
 18 accordance with s. 119.15 and shall stand repealed on October 2,
 19 2015, unless reviewed and saved from repeal through reenactment
 20 by the Legislature.

21 Section 2. The Legislature finds that it is a public
 22 necessity to exempt from public records requirements all
 23 petitions to determine incapacity, whether initial, amended, or
 24 supplementary, in order to preserve the privacy of an alleged
 25 incapacitated person by preserving the privacy of information in
 26 the petition that would otherwise be available to the public.
 27 The Legislature finds that the public disclosure of financial or

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28 | medical information in the petition to determine incapacity
29 | would produce undue harm to the alleged incapacitated person.

30 | Section 3. This act shall take effect October 1, 2010, if
31 | HB 1431 or similar legislation is adopted in the same
32 | legislative session or an extension thereof and becomes law.