

1                                   A bill to be entitled  
 2           An act relating to public records; amending s. 744.331,  
 3           F.S.; creating an exemption from public records  
 4           requirements for reports of examining committee members in  
 5           proceedings to determine incapacity; providing for future  
 6           legislative review and repeal of the exemption; providing  
 7           a statement of public necessity; providing a contingent  
 8           effective date.

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

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 12           Section 1. Paragraph (i) is added to subsection (3) of  
 13           section 744.331, Florida Statutes, to read:

14           744.331 Procedures to determine incapacity.—

15           (3) EXAMINING COMMITTEE.—

16           (i) The report of each committee member filed with the  
 17           clerk of the court is confidential and exempt from s. 119.07(1)  
 18           and s. 24(a), Art. I of the State Constitution. This paragraph  
 19           is subject to the Open Government Sunset Review Act in  
 20           accordance with s. 119.15 and shall stand repealed on October 2,  
 21           2015, unless reviewed and saved from repeal through reenactment  
 22           by the Legislature.

23           Section 2. The Legislature finds that it is a public  
 24           necessity to exempt from public records requirements all reports  
 25           of examining committee members, whether initial, amended, or  
 26           supplementary, in order to preserve the privacy of an alleged  
 27           incapacitated person. The Legislature finds that the public  
 28           disclosure of financial or medical information contained in the

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29 examining committee reports would produce undue harm to the  
30 alleged incapacitated person.

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