

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; listing persons to
 6 whom the clerk of the court shall allow access to the
 7 reports of an examining committee member; providing for
 8 future legislative review and repeal of the exemption;
 9 providing a statement of public necessity; providing a
 10 contingent effective date.

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

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

16 744.331 Procedures to determine incapacity.—

17 (3) EXAMINING COMMITTEE.—

18 (i) The report of each committee member filed with the
 19 clerk of the court is confidential and exempt from s. 119.07(1)
 20 and s. 24(a), Art. I of the State Constitution. A report of a
 21 member of the examining committee made confidential and exempt
 22 by this paragraph shall be disclosed by the clerk of the court,
 23 upon request, to a judge of the circuit, the alleged
 24 incapacitated person, an attorney of record for the alleged
 25 incapacitated person, the public guardian if there is one for
 26 the judicial circuit, the guardian and the attorney for the
 27 guardian if a guardian is appointed, an appellate court as part
 28 of a record on appeal, and to any other person as directed by

CS/HB 1435

2010

29 order of the court. This paragraph is subject to the Open
30 Government Sunset Review Act in accordance with s. 119.15 and
31 shall stand repealed on October 2, 2015, unless reviewed and
32 saved from repeal through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public
34 necessity to exempt from public records requirements all reports
35 of examining committee members, whether initial, amended, or
36 supplementary, in order to preserve the privacy of an alleged
37 incapacitated person. The Legislature finds that the public
38 disclosure of financial or medical information contained in the
39 examining committee reports would produce undue harm to the
40 alleged incapacitated person.

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