

By Senator Aronberg

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

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

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

14 744.3201 Petition to determine incapacity.-

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19 accordance with s. 119.15 and shall stand repealed on October 2,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

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

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30 would produce undue harm to the alleged incapacitated person.

31 Section 3. This act shall take effect October 1, 2010, if

32 SB ____ or similar legislation is adopted in the same

33 legislative session or an extension thereof and becomes law.