

## Committee Substitute for House Bill No. 219

An act relating to public records exemptions; creating s. 744.7081, F.S.; providing an exemption from public records requirements for certain records requested by the Statewide Public Guardianship Office; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

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

744.7081 Access to records by Statewide Public Guardianship Office; confidentiality.—Notwithstanding any other provision of law to the contrary, any medical, financial, or mental health records held by an agency, or the court and its agencies, which are necessary to evaluate the public guardianship system, to assess the need for additional public guardianship, or to develop required reports, shall be provided to the Statewide Public Guardianship Office upon that office's request. Any confidential or exempt information provided to the Statewide Public Guardianship Office shall continue to be held confidential or exempt as otherwise provided by law. All records held by the Statewide Public Guardianship Office relating to the medical, financial, or mental health of vulnerable citizens who are elderly persons or disabled adults as defined in chapter 415, persons with a developmental disability as defined in chapter 393, or persons with a mental illness as defined in chapter 394, shall be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the health and safety of the public necessitates that the Statewide Public Guardianship Office have access to medical, financial, and mental health records of the states' vulnerable citizens who are elderly persons or disabled adults as defined in chapter 415, Florida Statutes, persons with a developmental disability as defined in chapter 393, Florida Statutes, or persons with a mental illness as defined in chapter 394, Florida Statutes. The Legislature further finds that the exemption provided for in this act is a public necessity because the public disclosure of sensitive information as well as information otherwise confidential or exempt could lead to discrimination against affected citizens and could make these citizens reluctant to seek assistance for themselves or their family members. This result would then negatively affect the effective and efficient operation of the Statewide Public Guardianship Office.

Section 3. This act shall take effect on the same date that House Bill 213 or similar legislation creating the Statewide Public Guardianship Office takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.