

By Senator Aronberg

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

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

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

15 744.331 Procedures to determine incapacity.—

16 (3) EXAMINING COMMITTEE.—

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21 accordance with s. 119.15 and shall stand repealed on October 2,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

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

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

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