

FOR CONSIDERATION By the Committee on Judiciary

590-00166A-11

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 744.1076, F.S.,
4 relating to public-record exemptions for court records
5 relating to court monitors in guardianship
6 proceedings; consolidating provisions; providing that
7 orders appointing nonemergency court monitors are
8 exempt rather than confidential and exempt; providing
9 that only court orders finding no probable cause are
10 confidential and exempt; saving the exemptions from
11 repeal under the Open Government Sunset Review Act;
12 removing the scheduled repeal of the exemption;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 744.1076, Florida Statutes, is amended
18 to read:

19 744.1076 Court orders appointing court monitors and
20 emergency court monitors; reports of court monitors; orders
21 finding findings of no probable cause; public records
22 exemptions.-

23 (1) (a) The order of any court appointing a court monitor
24 pursuant to s. 744.107 or an emergency court monitor pursuant to
25 s. 744.1075 is ~~confidential and exempt from s. 119.07(1) and s.~~
26 24(a), Art. I of the State Constitution.

27 (b) The reports of an appointed court monitor or emergency
28 court monitor relating to the medical condition, financial
29 affairs, or mental health of the ward ~~that are required pursuant~~

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30 ~~to s. 744.107~~ are confidential and exempt from ~~s. 119.07(1)~~ and
31 s. 24(a), Art. I of the State Constitution. Such reports may be
32 subject to inspection as determined by the court or upon a
33 showing of good cause.

34 (c) The public records exemptions provided in this
35 subsection expire if a court makes a finding of probable cause,
36 except that information otherwise made confidential or exempt
37 shall retain its confidential or exempt status.

38 ~~(2) (a) The order of any court appointing a court monitor on~~
39 ~~an emergency basis pursuant to s. 744.1075 is exempt from s.~~
40 ~~119.07(1) and s. 24(a), Art. I of the State Constitution.~~

41 ~~(b) The reports of a court monitor appointed on an~~
42 ~~emergency basis relating to the medical condition, financial~~
43 ~~affairs, or mental health of the ward that are required pursuant~~
44 ~~to s. 744.1075 are confidential and exempt from s. 119.07(1) and~~
45 ~~s. 24(a), Art. I of the State Constitution. Such reports may be~~
46 ~~subject to inspection as determined by the court or upon a~~
47 ~~showing of good cause.~~

48 ~~(c) The public records exemptions provided in this~~
49 ~~subsection expire if a court makes a finding of probable cause,~~
50 ~~except that information otherwise made confidential or exempt~~
51 ~~shall retain its confidential or exempt status.~~

52 (2) (3) Court determinations relating to a finding of no
53 ~~probable cause~~ and Court orders finding no probable cause
54 pursuant to s. 744.107 or s. 744.1075 are confidential and
55 exempt from ~~s. 119.07(1)~~ and s. 24(a), Art. I of the State
56 Constitution; however, such orders ~~determinations and findings~~
57 may be subject to inspection as determined by the court or upon
58 a showing of good cause.

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59 ~~(4) This section is subject to the Open Government Sunset~~
60 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
61 ~~on October 2, 2011, unless reviewed and saved from repeal~~
62 ~~through reenactment by the Legislature.~~

63 Section 2. This act shall take effect October 1, 2011.