

ENROLLED
HB 7085

2011 Legislature

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., relating to
4 public record exemptions for court records relating to
5 court monitors in guardianship proceedings; consolidating
6 provisions; providing that orders appointing nonemergency
7 court monitors are exempt rather than confidential and
8 exempt; providing that only court orders finding no
9 probable cause are confidential and exempt; removing the
10 scheduled repeal of the exemption; providing an effective
11 date.

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

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15 Section 1. Section 744.1076, Florida Statutes, is amended
16 to read:

17 744.1076 Court orders appointing court monitors and
18 emergency court monitors; reports of court monitors; orders
19 finding findings of no probable cause; public records
20 exemptions.—

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

25 (b) The reports of an appointed court monitor or emergency
26 court monitor relating to the medical condition, financial
27 affairs, or mental health of the ward ~~that are required pursuant~~
28 to ~~s. 744.107~~ are confidential and exempt from ~~s. 119.07(1)~~ and

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29 s. 24(a), Art. I of the State Constitution. Such reports may be
30 subject to inspection as determined by the court or upon a
31 showing of good cause.

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

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

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

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

50 (2)(3) ~~Court determinations relating to a finding of no~~
51 ~~probable cause and Court orders finding no probable cause~~
52 ~~pursuant to s. 744.107 or s. 744.1075 are confidential and~~
53 ~~exempt from s. 119.07(1) and s. 24(a), Art. I of the State~~
54 ~~Constitution; however, such orders ~~determinations and findings~~~~
55 ~~may be subject to inspection as determined by the court or upon~~
56 ~~a showing of good cause.~~

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

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