

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 744.2111, F.S.; providing an exemption from public
 4 records requirements for certain identifying
 5 information of complainants and wards held by the
 6 Department of Elderly Affairs; providing for future
 7 legislative review and repeal of the exemption;
 8 providing a statement of public necessity; providing
 9 an effective date.

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

12
 13 Section 1. Section 744.2111, Florida Statutes, is created
 14 to read:

15 744.2111 Confidentiality.-

16 (1) The following are confidential and exempt from the
 17 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 18 Constitution, when held by the Department of Elderly Affairs in
 19 connection with a complaint filed and any subsequent
 20 investigation conducted pursuant to this part, unless the
 21 disclosure is required by court order:

22 (a) The names or identities of a complainant and ward.

23 (b) All personal health and financial records of a ward.

24 (c) All photographs and video recordings.

25 (2) Except as otherwise provided in this section,

26 information held by the department, is confidential and exempt
27 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
28 until the investigation is completed or ceases to be active,
29 unless the disclosure is required by court order.

30 (3) This section does not prohibit the department from
31 providing such information to any law enforcement agency, any
32 other regulatory agency in the performance of its official
33 duties and responsibilities, or the clerk of the circuit court
34 pursuant to s. 744.368.

35 (4) This section is subject to the Open Government Sunset
36 Review Act in accordance with s. 119.15 and shall stand repealed
37 on October 2, 2022, unless reviewed and saved from repeal
38 through reenactment by the Legislature.

39 Section 2. (1) The Legislature finds that it is a public
40 necessity that information about a complainant and ward held by
41 the Department of Elderly Affairs related to a complaint or
42 obtained during the course of an investigation conducted
43 pursuant to part II of Chapter 744, Florida Statutes, be made
44 confidential and exempt from s. 119.07(1), Florida Statutes, and
45 s. 24(a), Article I of the State Constitution.

46 (2) (a) The Legislature finds that the release of
47 identifying information about a complainant and ward could cause
48 unwarranted damage to the reputation of such individual,
49 especially if the information associated with the individual is
50 inaccurate. Furthermore, if the complainant and ward are

51 identifiable, public access to such information could jeopardize
52 the safety of such individuals by placing them at risk for
53 retaliation by the professional guardian against whom a
54 complaint has been made.

55 (b) Additionally, the investigation of a complaint
56 conducted by the Department of Elderly Affairs may lead to the
57 filing of an administrative, civil, or criminal proceeding or
58 may affect the department's decision regarding a registration.
59 The release of identifying information could obstruct an
60 investigation and impair the ability of the Department of
61 Elderly Affairs to effectively and efficiently administer part
62 II of Chapter 744, Florida Statutes. The release of identifying
63 information could jeopardize the integrity of the investigation
64 and impair the ability of a law enforcement agency, regulatory
65 agency in the performance of its official duties and
66 responsibilities, or the clerk of the circuit court, to carry
67 out their statutory duties.

68 Section 3. This act shall take effect July 1, 2017.