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

7   applicability; providing for future legislative review

8   and repeal of the exemption; providing a statement of

9   public necessity; providing 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,

hb0981-01-c1

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) The exemption under this section applies to all

36 documents received by the department in connection with a

37 complaint before, on, or after July 1, 2017.

38   (5) This section is subject to the Open Government Sunset

39 Review Act in accordance with s. 119.15 and shall stand repealed

40 on October 2, 2022, unless reviewed and saved from repeal

41 through reenactment by the Legislature.

42   Section 2. (1) The Legislature finds that it is a public

43 necessity that information about a complainant and ward held by

44 the Department of Elderly Affairs related to a complaint or

45 obtained during the course of an investigation conducted

46 pursuant to part II of Chapter 744, Florida Statutes, be made

47 confidential and exempt from s. 119.07(1), Florida Statutes, and

48 s. 24(a), Article I of the State Constitution.

49   (2)(a) The Legislature finds that the release of

50 identifying information about a complainant and ward could cause

51 unwarranted damage to the reputation of such individual,

52 especially if the information associated with the individual is

53 inaccurate. Furthermore, if the complainant and ward are

54 identifiable, public access to such information could jeopardize

55 the safety of such individuals by placing them at risk for

56 retaliation by the professional guardian against whom a

57 complaint has been made.

58   (b) Additionally, the investigation of a complaint

59 conducted by the Department of Elderly Affairs may lead to the

60 filing of an administrative, civil, or criminal proceeding or

61 may affect the department's decision regarding a registration.

62 The release of identifying information could obstruct an

63 investigation and impair the ability of the Department of

64 Elderly Affairs to effectively and efficiently administer part

65 II of Chapter 744, Florida Statutes. The release of identifying

66 information could jeopardize the integrity of the investigation

67 and impair the ability of a law enforcement agency, regulatory

68 agency in the performance of its official duties and

69 responsibilities, or the clerk of the circuit court, to carry

70 out their statutory duties.

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

hb0981-01-c1