

ENROLLED

CS/CS/HB 981

2017 Legislature

1
 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) Personal identifying information of a complainant or
 23 ward.

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

25 (c) All photographs and video recordings.

ENROLLED

CS/CS/HB 981

2017 Legislature

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

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

36 (4) The exemption under this section applies to all
 37 documents received by the department in connection with a
 38 complaint before, on, or after July 1, 2017.

39 (5) This section is subject to the Open Government Sunset
 40 Review Act in accordance with s. 119.15 and shall stand repealed
 41 on October 2, 2022, unless reviewed and saved from repeal
 42 through reenactment by the Legislature.

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

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

ENROLLED

CS/CS/HB 981

2017 Legislature

51 identifying information about a complainant and ward could cause
52 unwarranted damage to the reputation of such individual,
53 especially if the information associated with the individual is
54 inaccurate. Furthermore, if the complainant and ward are
55 identifiable, public access to such information could jeopardize
56 the safety of such individuals by placing them at risk for
57 retaliation by the professional guardian against whom a
58 complaint has been made.

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

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