

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Rizo offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 744.2111, Florida Statutes, is amended to read:

744.2111 Confidentiality.-

(1) A complaint and any information held by the Department of Elderly Affairs as part of the investigative process is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation is completed or ceases to be active. An investigation is considered active as long as the department is continuing with a reasonable, good

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14 faith belief that the investigation may lead to a finding that a  
15 guardian has violated the standards of practice established by  
16 the Office of Public and Professional Guardians.

17 (2) Once an investigation is completed or ceases to be  
18 active, the following information held by the department shall  
19 remain ~~are~~ confidential and exempt from ~~the provisions of s.~~  
20 119.07(1) and s. 24(a), Art. I of the State Constitution, ~~when~~  
21 ~~held by the Department of Elderly Affairs in connection with a~~  
22 ~~complaint filed and any subsequent investigation conducted~~  
23 ~~pursuant to this part, unless the disclosure is required by~~  
24 ~~court order:~~

25 (a) Personal identifying information of a complainant or  
26 ward.

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

28 (c) All photographs and video recordings of a complainant  
29 or ward.

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

35 (3) This section does not prohibit the department from  
36 providing such information:

37 (a) To any law enforcement agency;

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38 (b) Any other regulatory agency in the performance of its  
39 official duties and responsibilities; ~~or~~

40 (c) The clerk of the circuit court under ~~pursuant to~~ s.  
41 744.368; or

42 (d) Pursuant to a court order.

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

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

50 Section 2. This act shall take effect on October 1, 2022.

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53 **T I T L E A M E N D M E N T**

54 Remove everything before the enacting clause and insert:

55 A bill to be entitled

56 An act relating to a review under the Open Government  
57 Sunset Review Act; amending s. 744.2111, F.S., which  
58 provides an exemption from public records requirements  
59 for certain information held by the Department of  
60 Elderly Affairs in connection with a filed complaint  
61 and subsequent conducted investigation relating to  
62 public and professional guardians; specifying when an

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63 | investigation is considered active; narrowing the  
64 | public record exemption for certain photographs and  
65 | video recordings; revising construction; removing the  
66 | scheduled repeal of the exemption; providing an  
67 | effective date.

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