

By the Committee on Children, Families, and Elder Affairs

586-01360-22

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1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 744.2111, F.S., which
4 provides an exemption from public records requirements
5 for certain information held by the Department of
6 Elderly Affairs in connection with a filed complaint
7 or subsequently conducted investigation relating to
8 public and professional guardians; removing the
9 scheduled repeal of the exemption; providing an
10 effective date.

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

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

16 744.2111 Confidentiality.—

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

23 (a) Personal identifying information of a complainant or
24 ward.

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

26 (c) All photographs and video recordings.

27 (2) Except as otherwise provided in this section,
28 information held by the department, is confidential and exempt
29 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution

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30 until the investigation is completed or ceases to be active,
31 unless the disclosure is required by court order.

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

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

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41 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~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

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