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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           and subsequent conducted investigation relating to  
8           public and professional guardians; specifying when an  
9           investigation is considered active; narrowing the  
10          public record exemption for certain photographs and  
11          video recordings; revising construction; removing the  
12          scheduled repeal of the exemption; providing an  
13          effective date.

14  
15   Be It Enacted by the Legislature of the State of Florida:

16  
17          Section 1. Section 744.2111, Florida Statutes, is amended  
18          to read:

19          744.2111 Confidentiality.—

20          (1) A complaint and any information held by the Department  
21          of Elderly Affairs as part of the investigative process is  
22          confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
23          of the State Constitution until the investigation is completed  
24          or ceases to be active. An investigation is considered active as  
25          long as the department is continuing with a reasonable, good  
26          faith belief that the investigation may lead to a finding that a  
27          guardian has violated the standards of practice established by  
28          the Office of Public and Professional Guardians.

29          (2) Once an investigation is completed or ceases to be

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30 active, the following information held by the department shall  
31 remain are confidential and exempt from the provisions of s.  
32 119.07(1) and s. 24(a), Art. I of the State Constitution, ~~when~~  
33 ~~held by the Department of Elderly Affairs in connection with a~~  
34 ~~complaint filed and any subsequent investigation conducted~~  
35 ~~pursuant to this part, unless the disclosure is required by~~  
36 ~~court order:~~

37 (a) Personal identifying information of a complainant or  
38 ward.

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

40 (c) All photographs and video recordings of a complainant  
41 or ward.

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

47 (3) This section does not prohibit the department from  
48 providing such information:

49 (a) To any law enforcement agency;

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

52 (c) The clerk of the circuit court under pursuant to s.  
53 744.368; or

54 (d) Pursuant to a court order.

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

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

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59 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
60 ~~on October 2, 2022, unless reviewed and saved from repeal~~  
61 ~~through reenactment by the Legislature.~~

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