

20227010er

1  
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

20227010er

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~~

20227010er

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.