

CHAPTER 2011-204

House Bill No. 7085

An act relating to a review under the Open Government Sunset Review Act; amending s. 744.1076, F.S., relating to public record exemptions for court records relating to court monitors in guardianship proceedings; consolidating provisions; providing that orders appointing nonemergency court monitors are exempt rather than confidential and exempt; providing that only court orders finding no probable cause are confidential and exempt; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 744.1076, Florida Statutes, is amended to read:

744.1076 Court orders appointing court monitors and emergency court monitors; reports of court monitors; orders finding findings of no probable cause; public records exemptions.—

(1)(a) The order of any court appointing a court monitor pursuant to s. 744.107 or an emergency court monitor pursuant to s. 744.1075 is ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

(b) The reports of an appointed court monitor or emergency court monitor relating to the medical condition, financial affairs, or mental health of the ward ~~that are required pursuant to s. 744.107~~ are confidential and exempt from ~~s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~ Such reports may be subject to inspection as determined by the court or upon a showing of good cause.

(c) The public records exemptions provided in this subsection expire if a court makes a finding of probable cause, except that information otherwise made confidential or exempt shall retain its confidential or exempt status.

~~(2)(a) The order of any court appointing a court monitor on an emergency basis pursuant to s. 744.1075 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

~~(b) The reports of a court monitor appointed on an emergency basis relating to the medical condition, financial affairs, or mental health of the ward that are required pursuant to s. 744.1075 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such reports may be subject to inspection as determined by the court or upon a showing of good cause.~~

~~(e) The public records exemptions provided in this subsection expire if a court makes a finding of probable cause, except that information otherwise made confidential or exempt shall retain its confidential or exempt status.~~

~~(2)(3) Court determinations relating to a finding of no probable cause and Court orders finding no probable cause pursuant to s. 744.107 or s. 744.1075 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution; however, such orders determinations and findings may be subject to inspection as determined by the court or upon a showing of good cause.~~

~~(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2011.

Approved by the Governor June 21, 2011.

Filed in Office Secretary of State June 21, 2011.