

CHAPTER 2022-45

Senate Bill No. 7010

An act relating to a review under the Open Government Sunset Review Act; amending s. 744.2111, F.S., which provides an exemption from public records requirements for certain information held by the Department of Elderly Affairs in connection with a filed complaint and subsequent conducted investigation relating to public and professional guardians; specifying when an investigation is considered active; narrowing the public record exemption for certain photographs and video recordings; revising construction; 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 744.2111, 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 faith belief that the investigation may lead to a finding that a guardian has violated the standards of practice established by the Office of Public and Professional Guardians.

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

- (a) Personal identifying information of a complainant or ward.
- (b) All personal health and financial records of a ward.
- (c) All photographs and video recordings of a complainant or ward.

~~(2) Except as otherwise provided in this section, information held by the department, 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, unless the disclosure is required by court order.~~

(3) This section does not prohibit the department from providing such information;

- (a) To any law enforcement agency;
 - (b) Any other regulatory agency in the performance of its official duties and responsibilities;~~;~~~~or~~
 - (c) The clerk of the circuit court under ~~pursuant to~~ s. 744.368; or
 - (d) Pursuant to a court order.
- (4) The exemption under this section applies to all documents received by the department in connection with a complaint before, on, or after July 1, 2017.

~~(5) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

Approved by the Governor April 6, 2022.

Filed in Office Secretary of State April 6, 2022.