

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Children, Families, and Elder Affairs

CS/CS/HB 981 — Pub. Rec./Department of Elderly Affairs

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Gonzalez (SB 1408 by Senator Broxson)

CS/CS/HB 981 creates a public records exemption for certain information held by the Department of Elder Affairs in connection with a complaint filed against or an investigation of a professional guardian. Legislation passed in 2016 (Chapter 2016-40, Laws of Florida) directed the Office of Public and Professional Guardians within the Department of Elder Affairs to establish standards of practice for public and professional guardians, receive and investigate complaints, establish procedures for disciplinary oversight, conduct hearings, and take administrative action pursuant to ch. 120, F.S.

The investigative information that is confidential and exempt under the bill includes the names and identifying information of a ward and complainant; the ward's personal health and financial records; and all photographs and video recordings. This information is confidential and exempt from public disclosure indefinitely. The bill provides legislative findings that making such information exempt from public records during the course of an investigation is a public necessity. All information held by Department of Elder Affairs not expressly exempted indefinitely in this legislation is confidential and exempt until the investigation is complete or ceases to be active unless otherwise ordered by the court.

The exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2022 unless reviewed and saved by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 115-0