

By Senator Mitchell

4-1438-00

1 A bill to be entitled
2 An act relating to public records; amending s.
3 39.202, F.S.; providing an exemption from
4 public records requirements for records held by
5 a guardian ad litem in cases regarding
6 allegations of child abuse, neglect, or
7 abandonment; providing for future review and
8 repeal; providing a finding of public
9 necessity; providing a contingent effective
10 date.

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

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14 Section 1. Present subsections (5), (6), and (7) of
15 section 39.202, Florida Statutes, are renumbered as
16 subsections (6), (7), and (8), respectively, and a new
17 subsection (5) is added to that section to read:

18 39.202 Confidentiality of reports and records in cases
19 of child abuse or neglect.--

20 (5) All records held by a guardian ad litem in cases
21 regarding allegations of abuse, neglect, or abandonment of a
22 child, pursuant to this chapter, are confidential and exempt
23 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
24 the State Constitution, and shall not be disclosed except as
25 otherwise provided by this chapter or as required by the
26 court. This section is subject to the Open Government Review
27 Act of 1995 in accordance with s. 119.15, and shall stand
28 repealed on October 2, 2005, unless reviewed and saved from
29 repeal through reenactment by the Legislature.

30 Section 2. The Legislature finds that it is a public
31 necessity that all records and reports held by the guardian ad

1 litem in cases regarding allegations of abuse, neglect, or
2 abandonment of a child, pursuant to chapter 39, Florida
3 Statutes, be held confidential and exempt from public
4 disclosure in order to protect information of a sensitive
5 personal nature concerning the child and the child's parents
6 or other persons responsible for the child's welfare. Public
7 disclosure of such information could jeopardize the safety of
8 the child and the child's parents or other persons responsible
9 for the child's welfare, or could be defamatory to such
10 individuals or cause unwarranted damage to the good name or
11 reputation of such individuals. Additionally, allowing for
12 disclosure of such records could impede the effective and
13 efficient administration of the guardian ad litem program by
14 hindering the investigative process and the child advocacy of
15 the guardians ad litem.

16 Section 3. This act shall take effect on the same date
17 that SB ____ or similar legislation takes effect if such
18 legislation is adopted in the same legislative session or an
19 extension thereof and becomes law.

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22 LEGISLATIVE SUMMARY

23 Provides and exemption from public records requirements
24 for records held by a guardian ad litem in cases
25 regarding allegations of child abuse, neglect, or
26 abandonment pursuant to ch. 39, F.S. Provides for future
27 review and repeal.
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