

By the Committee on Children and Families; and Senator Mitchell

300-1995A-00

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A bill to be entitled
An act relating to public records; amending s.
39.202, F.S.; providing an exemption from
public records requirements for portions of
records held by a guardian ad litem in cases
regarding allegations of child abuse, neglect,
or abandonment; permitting access to records
for research and audit purposes; providing for
future review and repeal; providing a finding
of public necessity; providing a contingent
effective date.

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

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

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

(5)(a) Those portions of any record concerning
allegations of abuse, neglect, or abandonment of a child which
are held by a guardian ad litem pursuant to this chapter and
which contain personally identifiable information or would
identify a child, the child's parents, or other persons
responsible for the child's welfare are confidential and
exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
I of the State Constitution and may not be disclosed except as
otherwise provided by this chapter or s. 39.202 or as required
by the court. This section is subject to the Open Government
Sunset Review Act of 1995 in accordance with s. 119.15, and

1 shall stand repealed on October 2, 2005, unless reviewed and
2 saved from repeal through reenactment by the Legislature.

3 (b) Any person or entity authorized by the court who
4 is engaged in the use of such records or information for bona
5 fide academic research or government audit purposes shall be
6 allowed access to the guardian ad litem records. Such
7 individual or entity shall maintain the confidentiality of any
8 information that could identify a child, the child's parents,
9 or other persons responsible for the child's welfare, and
10 shall comply with all laws and rules governing the use of such
11 records and information for academic research or government
12 audit purposes.

13 Section 2. The Legislature finds that it is a public
14 necessity that those portions of records which are held by the
15 guardian ad litem concerning allegations of abuse, neglect, or
16 abandonment of a child, pursuant to chapter 39, Florida
17 Statutes, and which would identify a child or persons
18 responsible for the child's welfare be held confidential and
19 exempt from public disclosure in order to protect information
20 of a sensitive personal nature concerning the child and the
21 child's parents or other persons responsible for the child's
22 welfare. Public disclosure of such information could
23 jeopardize the safety of the child, the child's parents, or
24 other persons responsible for the child's welfare or could be
25 defamatory to such individuals or cause unwarranted damage to
26 the good name or reputation of such individuals. Additionally,
27 allowing for disclosure of such records could impede the
28 effective and efficient administration of the guardian ad
29 litem program by hindering the investigative process and the
30 child advocacy of the guardians ad litem.

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1 Section 3. This act shall take effect on the same date
2 that SB 2282 or similar legislation takes effect if such
3 legislation is adopted in the same legislative session or an
4 extension thereof and becomes law.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 2280

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10 - Modifies the confidentiality and exemption from
11 disclosure of certain information to apply to those
12 portions of any records that would identify a child, the
13 child's parent, or other persons responsible for the
14 child's welfare instead of applying to all records and
15 reports held by a guardian ad litem.
16 - Adds access to guardian ad litem records for persons
17 authorized by the courts who will use the information
18 for academic research and government audit purposes.
19 - Modifies the statement of public necessity for the
20 exemption from disclosure to reflect portions of any
21 records that would identify a child, the child's parent,
22 or other persons responsible for the child's welfare
23 instead of all records and reports held by a guardian ad
24 litem.
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