

By the Committee on Family Law & Children and  
Representatives Roberts, Brown and Effman

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 certain authorized  
8           access; providing for future review and repeal;  
9           providing a finding of public necessity;  
10          providing a contingent effective date.

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

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

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

20           (5)(a) Those portions of any record concerning  
21 allegations of abuse, neglect, or abandonment of a child, held  
22 by a guardian ad litem pursuant to this chapter, that contain  
23 personally identifiable information, or that would identify a  
24 child, the child's parents, or other persons responsible for  
25 the child's welfare, are confidential and exempt from the  
26 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
27 Constitution and shall not be disclosed except as otherwise  
28 provided by this chapter or as required by the court. This  
29 section is subject to the Open Government Sunset Review Act of  
30 1995 in accordance with s. 119.15 and shall stand repealed on  
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1 October 2, 2005, unless reviewed and saved from repeal through  
2 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 shall  
10 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 any record concerning  
15 allegations of abuse, neglect, or abandonment of a child held  
16 by the guardian ad litem, pursuant to chapter 39, Florida  
17 Statutes, that contain personally identifiable information, or  
18 that would identify a child, the child's parents, or other  
19 persons responsible for the child's welfare, be held  
20 confidential and exempt from public disclosure in order to  
21 protect information of a sensitive personal nature concerning  
22 the child and the child's parents or other persons responsible  
23 for the child's welfare. Public disclosure of such  
24 information could jeopardize the safety of the child and the  
25 child's parents or other persons responsible for the child's  
26 welfare, or could be defamatory to such individuals or cause  
27 unwarranted damage to the good name or reputation of such  
28 individuals. Additionally, allowing for disclosure of such  
29 records could impede the effective and efficient  
30 administration of the guardian ad litem program by hindering  
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1 the investigative process and the child advocacy of the  
2 guardians ad litem.

3 Section 3. This act shall take effect on the same date  
4 that HB \_\_\_\_ or similar legislation takes effect if such  
5 legislation is adopted in the same legislative session or an  
6 extension thereof and becomes law.

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HOUSE SUMMARY

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Provides an exemption from public records requirements  
for records held by a guardian ad litem in cases  
regarding allegations of child abuse, neglect, or  
abandonment pursuant to ch. 39, F.S. Provides for  
court-authorized access to such records for certain  
research or audit purposes. Provides for future review  
and repeal.