

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30 1995 in accordance with s. 119.15 and shall stand repealed on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 2305 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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