

Bill No. SB 1810

Barcode 410438

CHAMBER ACTION

Senate

House

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11 The Committee on Judiciary (Campbell) recommended the
12 following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

17 and insert:

18 Section 1. Section 744.1076, Florida Statutes, is
19 created to read:

20 744.1076 Court orders appointing court monitors and
21 emergency court monitors; reports of court monitors.--

22 (1) The order of any court appointing a court monitor
23 under s. 744.107 and the reports of the monitors relating to
24 the medical condition, financial affairs, or mental health of
25 the ward required under the section are confidential and
26 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution. The orders and reports may be subject to
28 inspection as determined by the court as provided in s.
29 744.107.

30 (2) The order of any court appointing a court monitor
31 on an emergency basis under s. 744.1075, the reports of the

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1 monitors relating to the medical condition, financial affairs,
2 or mental health of the ward, court determinations relating to
3 probable cause, and court orders finding no probable cause or
4 to show cause required under this section are confidential and
5 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
6 Constitution. The orders and reports may be subject to
7 inspection as determined by the court as provided in s.
8 744.1075.

9 Section 2. Section 744.1076, Florida Statutes, is
10 subject to the Open Government Sunset Review Act of 1995 in
11 accordance with s. 119.15, Florida Statutes, and shall stand
12 repealed on October 2, 2010, unless reviewed and saved from
13 repeal through reenactment by the Legislature.

14 Section 3. (1) The Legislature finds that it is a
15 public necessity that information concerning the appointment
16 of a court monitor and the report of a court monitor to the
17 court remain confidential and exempt from public disclosure
18 requirements unless otherwise ordered by a court of this
19 state. The Legislature finds that the release of the
20 information would produce undue harm to the ward and any
21 interested parties. In many instances, a monitor is appointed
22 to investigate allegations that may rise to the level of
23 physical neglect or abuse or financial exploitation. When such
24 allegations are involved, if the order of appointment is
25 public, the target of the investigation may be made aware of
26 the investigation before the investigation is even underway,
27 raising the risk of concealment of evidence, intimidation of
28 witnesses, or retaliation against the reporter.

29 (2) The Legislature finds that public disclosure of
30 such information would hinder the ability of the monitor to
31 investigate, interview parties, and conduct a thorough

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1 investigation since many parties involved in the investigation
2 would be reluctant to speak to a court monitor knowing that
3 the information may become public. Protecting the information
4 would provide an environment in which to discuss information
5 in a free and open way and would allow all parties to develop
6 the information needed to assist the monitor in conducting an
7 accurate and thorough investigation. The Legislature finds
8 that the harm to the public which would result from the
9 release of the information substantially outweighs any minimal
10 public benefit derived from the public disclosure of the
11 personal information.

12 Section 4. This act shall take effect on the same date
13 that House Bill 457 or substantially similar legislation takes
14 effect, if the legislation is adopted in the same legislative
15 session or an extension thereof and becomes law.

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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete everything before the enacting clause

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22 and insert:

23 A bill to be entitled
24 An act relating to public-records exemptions;
25 creating s. 744.1076, F.S.; exempting from
26 public-records requirements certain court
27 records relating to the appointment of certain
28 court monitors, reports of such monitors, and
29 orders of a court; providing for future
30 legislative review and repeal under the Open
31 Government Sunset Review Act; providing

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1 findings of public necessity; providing a
2 contingent effective date.
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