

By Senator Campbell

32-1257A-05

See HB 947

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A bill to be entitled

An act relating to public records exemptions; creating s. 744.1076, F.S.; exempting from public records requirements certain court records relating to appointment of certain court monitors, reports of such monitors, and orders of a court; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

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

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

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

(1) The order of any court appointing a court monitor pursuant to s. 744.107 and the reports of such monitors required pursuant to such section are confidential and exempt from section 119.07(1) and s. 24(a), Art. I of the State Constitution. Such orders and reports may be subject to inspection as determined by the court as provided in s. 744.107.

(2) The order of any court appointing a court monitor on an emergency basis pursuant to s. 744.1075, the reports of such monitors, court determinations relating to probable cause, and court orders finding no probable cause or to show cause required pursuant to such section are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such orders and reports may be subject to

1 inspection as determined by the court as provided in s.  
2 744.1075.

3       Section 2. Section 744.1076, Florida Statutes, is  
4 subject to the Open Government Sunset Review Act of 1995 in  
5 accordance with section 119.15, Florida Statutes, and shall  
6 stand repealed on October 2, 2010, unless reviewed and saved  
7 from repeal through reenactment by the Legislature.

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

23       (2) The Legislature finds that public disclosure of  
24 such information would hinder the ability of the monitor to  
25 investigate, interview parties, and conduct a thorough  
26 investigation since many parties involved in such  
27 investigation would be reluctant to speak to a court monitor  
28 knowing that such information may become public. Protecting  
29 such information would provide an environment in which to  
30 discuss information in a free and open way and would allow all  
31 parties to develop the information needed to assist the

1 monitor in conducting an accurate and thorough investigation.  
2 The Legislature finds that the harm to the public which would  
3 result from the release of such information substantially  
4 outweighs any minimal public benefit derived from the public  
5 disclosure of such personal information.

6           Section 4. This act shall take effect on the same date  
7 that Senate Bill \_\_\_ or substantially similar legislation  
8 takes effect, if such legislation is adopted in the same  
9 legislative session or an extension thereof and becomes law.

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