

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children and Families Committee

BILL: SB 2382

SPONSOR: Senator Smith

SUBJECT: Public Records

DATE: March 31, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanford	Whiddon	CF	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 2382 affords staff and volunteers of the Guardian at Litem (GAL) program the same protection for personal identifying information currently given to employees of the Department of Children and Families (DCF) whose duties include the investigation of reports of abuse, neglect, exploitation, fraud, theft, or other criminal activities. The protection extends to spouses and children of the GALs.

The bill contains a statement of public necessity for the exemption from public records. The exemption is subject to the Open Government Sunset Review Act of 1995 and will stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

This bill substantially amends section 119.07(6) of the Florida Statutes.

II. Present Situation:

Florida law has provided for the appointment of a GAL to represent children in court proceedings relating to child abuse, abandonment, or neglect at least since 1971, s. 39.822, F.S. For approximately 25 years prior to 1998, the GAL Program operated under the auspices of the Office of the State Courts Administrator (OSCA) as part of the state court system. Under that system, the GAL program director in each judicial circuit worked under the supervision of the Chief Judge of the circuit with technical support from OSCA. As an adjunct of the courts, the GAL Program was governed by Standards of Operation promulgated by the Florida Supreme Court. Specifically, identifying information regarding volunteers (but not staff members) in the GAL program was protected by the provisions of Rule 2.051, Rules of Judicial Administration.

In 1998, Florida voters approved Revision 7 to Article V of the state constitution. This constitutional revision requires that funding for the state court system is to be provided by the state rather than, as was previously the case, jointly by the state and the counties. One of the results of this change was an evaluation by the courts and the Legislature of various programs attached to the courts and a determination as to which of these should remain under the courts.

In 2003, the Legislature enacted ch. 2003-53, L.O.F., codified in section 39.8296, F.S., which removed the GAL program from the court system and placed it within the Justice Administrative Commission (JAC). As a result of that change, it is not clear that the identifying information protection provided by Rule 2.051 is still available to GAL volunteers.

Both prior to and after the move to the JAC, the duties of the GAL include gathering information and making recommendations to the court regarding parental visitation, custody, and termination of parental rights for children who have been identified as victims of abuse, neglect, or abandonment. Much of this work occurs during the investigative phase of the child abuse case. The work of the GAL program is performed both by volunteers and by staff members of the GAL program. There are currently more than 4500 volunteers and 350 staff members associated with the program.

Personal identifying information regarding employees of the Department of Children and Families whose duties include the investigation of reports of abuse, neglect, exploitation, fraud, theft, or other criminal activities is exempted from the public records requirements of chapter 119 by the provisions of 119.07(6)(i)1, F.S.

III. Effect of Proposed Changes:

The bill affords staff and volunteers of the GAL program the same protection for personal identifying information currently given to employees of DCF whose duties include the investigation of reports of abuse, neglect, exploitation, fraud, theft, or other criminal activities.

Information protected includes the home addresses, telephone numbers, social security numbers, and photographs of current or former GALs as well as the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of spouses and children of GALs.

The bill contains a statement of public necessity for the exemption from public records. The exemption is subject to the Open Government Sunset Review Act of 1995 and will stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill has an effective date of October 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill amends s. 119.07, F.S., to protect personal identifying information regarding employees and volunteers of the GAL program. The bill includes a statement of public necessity for the exemption from public records for this information.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
