

1 A bill to be entitled
 2 An act relating to public records exemptions; creating s.
 3 744.1076, F.S.; exempting from public records
 4 requirements certain court records relating to appointment
 5 of certain court monitors, reports of such monitors, and
 6 orders of a court; providing for future legislative review
 7 and repeal; providing findings of public necessity;
 8 providing a contingent effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 744.1076, Florida Statutes, is created
 13 to read:

14 744.1076 Court orders appointing court monitors and
 15 emergency court monitors; reports of court monitors.--

16 (1) The order of any court appointing a court monitor
 17 pursuant to s. 744.107 and the reports of such monitors required
 18 pursuant to such section are confidential and exempt from s.
 19 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
 20 orders and reports may be subject to inspection as determined by
 21 the court as provided in s. 744.107.

22 (2) The order of any court appointing a court monitor on
 23 an emergency basis pursuant to s. 744.1075, the reports of such
 24 monitors, court determinations relating to probable cause, and
 25 court orders finding no probable cause or to show cause required
 26 pursuant to such section are confidential and exempt from s.
 27 119.07(1) and s. 24(a), Art. I of the State Constitution. Such

28 orders and reports may be subject to inspection as determined by
29 the court as provided in s. 744.1075.

30 Section 2. Section 744.1076, Florida Statutes, is subject
31 to the Open Government Sunset Review Act of 1995 in accordance
32 with s. 119.15, Florida Statutes, and shall stand repealed on
33 October 2, 2010, unless reviewed and saved from repeal through
34 reenactment by the Legislature.

35 Section 3. (1) The Legislature finds that it is a public
36 necessity that information concerning the appointment of a court
37 monitor and the report of a court monitor to the court remain
38 confidential and exempt from public disclosure requirements
39 unless otherwise ordered by a court of this state. The
40 Legislature finds that the release of such information would
41 produce undue harm to the ward and any interested parties. In
42 many instances, a monitor is appointed to investigate
43 allegations which may rise to the level of physical neglect or
44 abuse or financial exploitation. When such allegations are
45 involved, if the order of appointment is public, the target of
46 the investigation may be made aware of the investigation before
47 the investigation is even underway, raising the risk of
48 concealment of evidence, intimidation of witnesses, or
49 retaliation against the reporter.

50 (2) The Legislature finds that public disclosure of such
51 information would hinder the ability of the monitor to
52 investigate, interview parties, and conduct a thorough
53 investigation since many parties involved in such investigation
54 would be reluctant to speak to a court monitor knowing that such
55 information may become public. Protecting such information would

56 provide an environment in which to discuss information in a free
57 and open way and would allow all parties to develop the
58 information needed to assist the monitor in conducting an
59 accurate and thorough investigation. The Legislature finds that
60 the harm to the public which would result from the release of
61 such information substantially outweighs any minimal public
62 benefit derived from the public disclosure of such personal
63 information.

64 Section 4. This act shall take effect on the same date
65 that House Bill 457 or substantially similar legislation takes
66 effect, if such legislation is adopted in the same legislative
67 session or an extension thereof and becomes law.