

By the Committees on Governmental Oversight and Accountability;
and Children, Families, and Elder Affairs

585-03543-10

2010888c1

1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 39.0132, F.S., which
4 provides an exemption from public-records requirements
5 for certain information regarding a child held by a
6 guardian ad litem; clarifying and reorganizing the
7 exemption; removing the scheduled repeal of the
8 exemption; providing an effective date.

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

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12 Section 1. Paragraph (a) of subsection (4) of section
13 39.0132, Florida Statutes, is amended to read:

14 39.0132 Oaths, records, and confidential information.—

15 (4) (a) 1. All information obtained pursuant to this part in
16 the discharge of official duty by any judge, employee of the
17 court, authorized agent of the department, correctional
18 probation officer, or law enforcement agent is confidential and
19 exempt from s. 119.07(1) and may not be disclosed to anyone
20 other than the authorized personnel of the court, the department
21 and its designees, correctional probation officers, law
22 enforcement agents, guardian ad litem, and others entitled under
23 this chapter to receive that information, except upon order of
24 the court.

25 2.a. The following Any information related to the best
26 interests of a child, as determined by a guardian ad litem,
27 which is held by a guardian ad litem is confidential and exempt
28 from s. 119.07(1) and s. 24(a), Art. I of the State
29 Constitution; ~~including but not limited to~~

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30 (I) Medical, mental health, substance abuse, child care,
31 education, law enforcement, court, social services, and
32 financial records. ~~;~~ ~~and~~

33 (II) Any other information maintained by a guardian ad
34 litem which is identified as confidential information under this
35 chapter; ~~is confidential and exempt from s. 119.07(1) and s.~~
36 ~~24(a), Art. I of the State Constitution.~~

37 b. Such confidential and exempt information may not be
38 disclosed to anyone other than the authorized personnel of the
39 court, the department and its designees, correctional probation
40 officers, law enforcement agents, guardians ad litem, and others
41 entitled under this chapter to receive that information, except
42 upon order of the court. ~~This subparagraph is subject to the~~
43 ~~Open Government Sunset Review Act in accordance with s. 119.15,~~
44 ~~and shall stand repealed on October 2, 2010, unless reviewed and~~
45 ~~saved from repeal through reenactment by the Legislature.~~

46 Section 2. This act shall take effect October 1, 2010.