

By Senator Joyner

19-00228A-13

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 744.3701, F.S.; creating an exemption from public
4 records requirements for records relating to the
5 settlement of a claim on behalf of a minor or ward;
6 authorizing a guardian ad litem, a ward, a minor, and
7 a minor's attorney to inspect guardianship reports and
8 court records relating to the settlement of a claim on
9 behalf of a minor or ward, upon a showing of good
10 cause; authorizing the court to direct disclosure and
11 recording of an amendment to a report or court records
12 relating to the settlement of a claim on behalf of a
13 ward or minor, in connection with real property or for
14 other purposes; providing for future review and repeal
15 of the public records exemption under the Open
16 Government Sunset Review Act; providing a statement of
17 public necessity; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 744.3701, Florida Statutes, is amended
22 to read:

23 744.3701 Confidentiality ~~Inspection of report.~~-

24 (1) Unless otherwise ordered by the court, upon a showing
25 of good cause, any initial, annual, or final guardianship report
26 or amendment thereto, or any court record relating to the
27 settlement of a claim, is subject to inspection only by the
28 court, the clerk or the clerk's representative, the guardian and
29 the guardian's attorney, the guardian ad litem with regard to

19-00228A-13

2013610

30 the settlement of the claim, and the ward if he or she is at
31 least 14 years of age and has not, unless he or she is a minor
32 or has been determined to be totally incapacitated, and the
33 ward's attorney, the minor if he or she is at least 14 years of
34 age, or the attorney representing the minor with regard to the
35 minor's claim, or as otherwise provided by this chapter.

36 (2) The court may direct disclosure and recording of parts
37 of an initial, annual, or final report or amendment thereto, or
38 a court record relating to the settlement of a claim, including
39 a petition for approval of a settlement on behalf of a ward or
40 minor, a report of a guardian ad litem relating to a pending
41 settlement, or an order approving a settlement on behalf of a
42 ward or minor, in connection with any real property transaction
43 or for such other purpose as the court allows, in its
44 discretion.

45 (3) Any court record relating to the settlement of a ward's
46 or minor's claim, including a petition for approval of a
47 settlement on behalf of a ward or minor, a report of a guardian
48 ad litem relating to a pending settlement, or an order approving
49 a settlement on behalf of a ward or minor, is confidential and
50 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
51 of the State Constitution and may not be disclosed except as
52 specifically authorized.

53 (4) This section is subject to the Open Government Sunset
54 Review Act in accordance with s. 119.15 and shall stand repealed
55 on October 2, 2018, unless reviewed and saved from repeal
56 through reenactment by the Legislature.

57 Section 2. The Legislature finds that it is a public
58 necessity to keep confidential and exempt from public disclosure

19-00228A-13

2013610__

59 information contained in a settlement record which could be used
60 to identify a minor or ward. The information contained in these
61 records is of a sensitive, personal nature and its disclosure
62 could jeopardize the physical safety and financial security of
63 the minor or ward. In order to protect minors, wards, and others
64 who could be at risk upon disclosure of a settlement, it is
65 necessary to ensure that only those interested persons who are
66 involved in settlement proceedings or the administration of the
67 guardianship have access to reports and records. The Legislature
68 finds that the court retaining discretion to direct disclosure
69 of these records is a fair alternative to public access.

70 Section 3. This act shall take effect upon becoming a law.