

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 a contingent effective
 18 date.

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

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

24 744.3701 Confidentiality ~~Inspection of report.~~-

25 (1) Unless otherwise ordered by the court, upon a showing
 26 of good cause, any initial, annual, or final guardianship report
 27 or amendment thereto, or any court record relating to the
 28 settlement of a claim, is subject to inspection only by the

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

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

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

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 55 | Review Act in accordance with s. 119.15 and shall stand repealed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

HB 943

2013

57 through reenactment by the Legislature.

58 Section 2. The Legislature finds that it is a public
59 necessity to keep confidential and exempt from public disclosure
60 information contained in a settlement record which could be used
61 to identify a minor or ward. The information contained in these
62 records is of a sensitive, personal nature and its disclosure
63 could jeopardize the physical safety and financial security of
64 the minor or ward. In order to protect minors, wards, and others
65 who could be at risk upon disclosure of a settlement, it is
66 necessary to ensure that only those interested persons who are
67 involved in settlement proceedings or the administration of the
68 guardianship have access to reports and records. The Legislature
69 finds that the court retaining discretion to direct disclosure
70 of these records is a fair alternative to public access.

71 Section 3. This act shall take effect on the same date
72 that HB 941 or similar legislation takes effect, if such
73 legislation is adopted in the same legislative session or an
74 extension thereof and becomes law.