

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 a statement of public  
 15          necessity; providing a contingent effective date.

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

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 19           Section 1.   Section 744.3701, Florida Statutes, is amended  
 20 to read:

21           744.3701   Confidentiality ~~Inspection of report.~~-

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

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

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

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

51 Section 2. The Legislature finds that it is a public  
52 necessity to keep confidential and exempt from public disclosure  
53 information contained in a settlement record which could be used  
54 to identify a minor or ward. The information contained in these  
55 records is of a sensitive, personal nature and its disclosure  
56 could jeopardize the physical safety and financial security of

CS/HB 943

2013

57 the minor or ward. In order to protect minors, wards, and others  
58 who could be at risk upon disclosure of a settlement, it is  
59 necessary to ensure that only those interested persons who are  
60 involved in settlement proceedings or the administration of the  
61 guardianship have access to reports and records. The Legislature  
62 finds that the court retaining discretion to direct disclosure  
63 of these records is a fair alternative to public access.

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