

By the Committee on Children, Families, and Elder Affairs; and
Senator Joyner

586-00463-14

2014108c1

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 an effective date.

16
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~~

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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 ward's
44 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 s. 24(a), Art. I of the State
49 Constitution and may not be disclosed except as specifically
50 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
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

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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 that
65 SB 120 or similar legislation takes effect if such legislation
66 is adopted in the same legislative session or an extension
67 thereof and becomes law.