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

1A bill to be entitled2An act relating to public records; amending s.3744.3701, F.S.; providing an exemption from public4records requirements for records relating to the5settlement of a claim on behalf of a ward or minor;6authorizing a guardian ad litem, a ward, a minor, and7a minor's attorney to inspect guardianship reports and8court records relating to the settlement of a claim on9behalf of a ward or minor upon a showing of good10cause; authorizing the court to direct disclosure and11recording of an amendment to a report or court records12relating to the settlement of a claim on behalf of a13ward or minor, in connection with real property or for14other purposes; providing a statement of public15necessity; providing a contingent effective date.16section 1. Section 744.3701, Florida Statutes, is amended10to read:11744.3701 Confidentiality Inspection of report12(1) Unless otherwise ordered by the court, upon a showing23of good cause, an eny initial, annual, or final guardianship24report or amendment thereto, or a court record relating to the25settlement of a claim, is subject to inspect to nonly by the26courtyr the clerk or the clerk's representativerry the guardian26and the guardian's attorney; with respect to the settlement of27the claim, the guardian ad litem; and the ward, if, whices he28or she is at least 14 years of a		585-03640-15 2015360c2
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29 or she is <u>at least 14 years of age and has not</u> a minor or has	28	the claim, the guardian ad litem;, and the ward, if, unless he
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30	been determined to be totally incapacitated, and <u>his or her</u> <del>the</del>
31	ward's attorney; and the minor, if he or she is at least 14
32	years of age, and the attorney representing the minor with
33	respect to his or her claim, or as otherwise provided by this
34	chapter.
35	(2) The court may direct disclosure and recording of parts
36	of an initial, annual, or final report <u>or amendment thereto, or</u>
37	a court record relating to the settlement of a claim, including
38	a petition for approval of a settlement on behalf of a ward or
39	minor, a report of a guardian ad litem relating to a pending
40	settlement, or an order approving a settlement on behalf of a
41	ward or minor, in connection with <u>a</u> any real property
42	transaction or for such other purpose as the court allows, in
43	its discretion.
44	(3) A court record relating to the settlement of a ward's
45	or minor's claim, including a petition for approval of a
46	settlement on behalf of a ward or minor; a report of a guardian
47	ad litem relating to a pending settlement; or an order approving
48	a settlement on behalf of a ward or minor, is confidential and
49	exempt from the provisions of s. $119.07(1)$ and s. $24(a)$ , Art. I
50	of the State Constitution and may not be disclosed except as
51	specifically authorized.
52	Section 2. The Legislature finds that it is a public
53	necessity that a court record relating to the settlement of a
54	ward's or minor's claim, including a petition for approval of a
55	settlement on behalf of a ward or minor, a report of a guardian
56	ad litem relating to a pending settlement, or an order approving
57	a settlement on behalf of a ward or minor, be made confidential
58	and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),

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59	Art. I of the State Constitution. The information contained in
60	these records is of a sensitive, personal nature, and its
61	disclosure could jeopardize the physical safety and financial
62	security of the minor or ward. In order to protect minors,
63	wards, and others who could be at risk upon disclosure of a
64	settlement, it is necessary to ensure that only those interested
65	persons who are involved in settlement proceedings or the
66	administration of the guardianship have access to reports and
67	records. The Legislature finds that the court retaining
68	discretion to direct disclosure of these records is a fair
69	alternative to public access.
70	Section 3. This act shall take effect on the same date that
71	SB 318 or similar legislation takes effect if such legislation
72	is adopted in the same legislative session or an extension

73 thereof and becomes law.

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