

ENROLLED

CS/HB 7

2015 Legislature

1
 2 An act relating to public records; amending s.
 3 744.3701, F.S.; providing 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 minor or ward, in connection with real property or for
 14 other purposes; providing a statement of public
 15 necessity; providing a contingent effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 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, an ~~any~~ initial, annual, or final guardianship
 24 report or amendment thereto, or a 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

ENROLLED

CS/HB 7

2015 Legislature

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 a ~~any~~ real property
 41 | transaction or for such other purpose as the court allows, ~~in~~
 42 | ~~its discretion.~~

43 | (3) A 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 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 that a court record relating to the settlement of a

ENROLLED

CS/HB 7

2015 Legislature

53 ward's or minor's claim, including a petition for approval of a
54 settlement on behalf of a ward or minor, a report of a guardian
55 ad litem relating to a pending settlement, or an order approving
56 a settlement on behalf of a ward or minor, be made confidential
57 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
58 Art. I of the State Constitution. The information contained in
59 these records is of a sensitive, personal nature, and its
60 disclosure could jeopardize the physical safety and financial
61 security of the minor or ward. In order to protect minors,
62 wards, and others who could be at risk upon disclosure of a
63 settlement, it is necessary to ensure that only those interested
64 persons who are involved in settlement proceedings or the
65 administration of the guardianship have access to reports and
66 records. The Legislature finds that the court retaining
67 discretion to direct disclosure of these records is a fair
68 alternative to public access.

69 Section 3. This act shall take effect on the same date
70 that HB 5 or similar legislation takes effect, if such
71 legislation is adopted in the same legislative session or an
72 extension thereof and becomes law.