

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
BAY COUNTY, FLORIDA

IN RE: THE CONFLICT BETWEEN FLORIDA RULE OF CRIMINAL
PROCEDURE 3.220 AND CHAPTER 39, FLORIDA STATUTES

ADMINISTRATIVE ORDER NUMBER 99-03

WHEREAS Sections 39.202, 39.205, and 39.303, Florida Statutes (1998), prohibit the disclosure by the Department of information contained in its files relating to reports of child abuse without a finding by the Court that the disclosure is necessary for the resolution of an issue before the Court; and

WHEREAS the Department of Children and Families is prohibited from disclosing the identity of a reporter of child abuse without the specific written consent of the reporter; and

WHEREAS the above is in conflict with Rule 3.220, Florida Rules of Criminal Procedure; and

WHEREAS as a result of this conflict, the Department of Children and Families must file a Motion to Quash Subpoena or in the Alternative to Compel Disclosure for discovery requests made pursuant to Rule 3.220, Florida Rules of Criminal Procedure, and request that the Court enter the appropriate Order; and

WHEREAS after full consideration of all the foregoing matters and a full consideration of the needs of all the citizens of the Fourteenth Judicial Circuit, as well as the lawyers and judges, be it therefore

ORDERED AND ADJUDGED that the Department of Children and Families is hereby required to comply with discovery requests made pursuant to the Florida Rules of Criminal Procedure regarding disclosure of confidential information obtained through or from abuse investigations under Chapter 39, Florida Statutes, without specific order of

the Court. Further, said information obtained is confidential and shall not be publicly disclosed by any prosecuting or defending attorney unless said attorney has obtained authorization from the Court that public disclosure is necessary to resolve an issue before the Court in accordance with Sections 39.202, 39.205, and 39.303, Florida Statutes (1998). Information regarding the identity of the reporter shall not be disclosed pursuant to a discovery request without the written consent of the reporter and specific authorization from the Court.

DONE AND ORDERED this 19 day of March, 1999,
in Chambers at Panama City, Bay County, Florida.



JUDY MARKHAM PITTMAN
Chief Judge

