

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Children, Families &  
 2 Seniors Subcommittee  
 3 Representative Kerner offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 397.6760, Florida Statutes, is created  
 to read:

397.6760 Court records; confidentiality.—

(1) All pleadings, documents, and the images of all  
pleadings and documents filed with a court pursuant to Part V of  
Chapter 397 are confidential and exempt from s. 119.07(1) and s.  
24(a), Art. I of the State Constitution. Pleadings and documents  
made confidential and exempt by this section may be disclosed by  
the clerk of the court, upon request, to:

(a) The petitioner.

(b) The petitioner's attorney.

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- 18        (c) The respondent.
- 19        (d) The respondent's attorney.
- 20        (e) The respondent's guardian or guardian advocate, if  
21 applicable.
- 22        (f) In the case of a minor respondent, the respondent's  
23 parent, guardian, legal custodian, or guardian advocate.
- 24        (g) The respondent's treating health care practitioner.
- 25        (h) The respondent's health care surrogate or proxy.
- 26        (i) The Department of Corrections, without charge, upon  
27 request if the respondent is committed or is to be returned to  
28 the custody of the Department of Corrections from the Department  
29 of Children and Families.
- 30        (j) A person or entity authorized to view records upon a  
31 court order for good cause. In determining whether there is good  
32 cause for disclosure, the court shall weigh the need for the  
33 information to be disclosed against the possible harm of  
34 disclosure to the respondent.
- 35        (2) The clerk of the court may not post any personal  
36 identifying information on the docket or in publicly accessible  
37 files.
- 38        (3) The exemption under this section applies to all  
39 documents filed with a court before, on, or after July 1, 2016.
- 40        (4) This section is subject to the Open Government Sunset  
41 Review Act in accordance with s. 119.15 and shall stand repealed  
42 on October 2, 2021, unless reviewed and saved from repeal  
43 through reenactment by the Legislature.

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Published On: 1/19/2016 6:40:43 PM

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45 Any person, agency, or entity receiving information pursuant to  
46 this section shall maintain such information as confidential and  
47 exempt from the provisions of s. 119.07(1).

48 Section 2. The Legislature finds that it is a public  
49 necessity to exempt from s. 119.07(1), Florida Statutes, and s.  
50 24(a), Article I of the State Constitution all pleadings and  
51 documents, and identifying information in the corresponding  
52 dockets, for an involuntary admission pursuant to part V of  
53 chapter 397, Florida Statutes, in order to preserve the privacy  
54 of the individual alleged to suffer from substance abuse. The  
55 personal health of an individual and his or her alleged  
56 impairment by substance abuse are intensely private matters. The  
57 Legislature finds that the public disclosure of such information  
58 in the petition or order or docket would produce undue harm to  
59 an individual alleged to be impaired from substance abuse.  
60 Making pleadings and documents filed for involuntary admission  
61 pursuant to part V of chapter 397, Florida Statutes,  
62 confidential and exempt from disclosure will protect information  
63 of a sensitive personal nature, the release of which could cause  
64 unwarranted damage to the reputation of an individual. Further,  
65 the knowledge that sensitive personal information is subject to  
66 disclosure could have a chilling effect on the willingness of  
67 individuals to seek substance abuse treatment services.

68 Section 3. This act shall take effect July 1, 2016.  
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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to public records; creating s 397.6760, F.S.  
providing exemptions from public records requirements for court  
proceedings under Part V of Chapter 397, F.S.; listing persons  
to whom the clerk of the court shall allow access to the  
petition; providing for future legislative review and repeal of  
the exemptions; providing a statement of public necessity;  
providing an effective date.