

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 397.6760, F.S.; providing an exemption from public
 4 records requirements for pleadings and other documents
 5 filed in, and personal identifying information on the
 6 docket of, court proceedings under part V of chapter
 7 397, F.S., relating to involuntary admissions
 8 procedures for substance abuse treatment services;
 9 permitting a clerk of the court to allow certain
 10 persons access to such records; providing
 11 applicability; providing for future legislative review
 12 and repeal of the exemption; providing a statement of
 13 public necessity; providing an effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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

19 397.6760 Court records; confidentiality.-

20 (1) All pleadings and other documents, and the images of
 21 all pleadings and other documents, filed with a court pursuant
 22 to this part are confidential and exempt from s. 119.07(1) and
 23 s. 24(a), Art. I of the State Constitution. Pleadings and other
 24 documents made confidential and exempt by this section may be
 25 disclosed by the clerk of the court, upon request, to:

- 26 (a) The petitioner.
- 27 (b) The petitioner's attorney.
- 28 (c) The respondent.
- 29 (d) The respondent's attorney.
- 30 (e) The respondent's guardian or guardian advocate, if
 31 applicable.
- 32 (f) In the case of a minor respondent, the respondent's
 33 parent, guardian, legal custodian, or guardian advocate.
- 34 (g) The respondent's treating health care practitioner.
- 35 (h) The respondent's health care surrogate or proxy.
- 36 (i) The Department of Children and Families, without
 37 charge.
- 38 (j) The Department of Corrections, without charge if the
 39 respondent is committed or is to be returned to the custody of
 40 the Department of Corrections from the Department of Children
 41 and Families.
- 42 (k) A person or entity authorized to view records upon a
 43 court order for good cause. In determining if there is good
 44 cause for the disclosure of records, the court must weigh the
 45 person or entity's need for the information against potential
 46 harm to the respondent from the disclosure.
- 47 (2) This section does not preclude the clerk of the court
 48 from submitting the information required by s. 790.065 to the
 49 Department of Law Enforcement.

50 (3) The clerk of the court may not publish personal
51 identifying information on a court docket or in a publicly
52 accessible file.

53 (4) A person or entity receiving information pursuant to
54 this section shall maintain that information as confidential and
55 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
56 Constitution.

57 (5) The exemption under this section applies to all
58 documents filed with a court before, on, or after July 1, 2017.

59 (6) This section is subject to the Open Government Sunset
60 Review Act in accordance with s. 119.15 and shall stand repealed
61 on October 2, 2022, unless reviewed and saved from repeal
62 through reenactment by the Legislature.

63 Section 2. The Legislature finds that it is a public
64 necessity to exempt from s. 119.07(1), Florida Statutes, and s.
65 24(a), Article I of the State Constitution all pleadings and
66 other documents, and identifying information in the
67 corresponding dockets, for an involuntary admission pursuant to
68 part V of chapter 397, Florida Statutes, in order to preserve
69 the privacy of the individual alleged to suffer from substance
70 abuse. The personal health of an individual and his or her
71 alleged impairment by substance abuse are intensely private
72 matters. The Legislature finds that the public disclosure of
73 such information in the petition, order, or docket would produce
74 undue harm to an individual alleged to be impaired from

75 | substance abuse. Making pleadings and other documents filed for
76 | involuntary admission pursuant to part V of chapter 397, Florida
77 | Statutes, confidential and exempt from disclosure will protect
78 | information of a sensitive personal nature, the release of which
79 | could cause unwarranted damage to the reputation of an
80 | individual. Further, the knowledge that sensitive personal
81 | information is subject to disclosure could have a chilling
82 | effect on the willingness of individuals to seek substance abuse
83 | treatment services.

84 | Section 3. This act shall take effect July 1, 2017.