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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2017	.	
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The Committee on Children, Families, and Elder Affairs (Powell) recommended the following:

Senate Amendment (with title amendment)

Delete 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 petitions for involuntary assessment and
stabilization, court orders, and related records that are filed
with or by a court under this part are confidential and exempt



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11 from s. 119.071(1) and s. 24(a), Art. I of the State
12 Constitution. Pleadings and other documents made confidential
13 and exempt by this section may be disclosed by the clerk of the
14 court, upon request, to any of the following:
15 (a) The petitioner.
16 (b) The petitioner's attorney.
17 (c) The respondent.
18 (d) The respondent's attorney.
19 (e) The respondent's guardian or guardian advocate, if
20 applicable.
21 (f) In the case of a minor respondent, the respondent's
22 parent, guardian, legal custodian, or guardian advocate.
23 (g) The respondent's treating health care practitioner.
24 (h) The respondent's health care surrogate or proxy.
25 (i) The Department of Corrections, without charge and upon
26 request if the respondent is committed or is to be returned to
27 the custody of the Department of Corrections from the Department
28 of Children and Families.
29 (j) A person or entity authorized to view records upon a
30 court order for good cause. In determining if there is good
31 cause for the disclosure of records, the court must weigh the
32 person or entity's need for the information against potential
33 harm to the respondent from the disclosure.
34 (2) This section does not preclude the clerk of the court
35 from submitting the information required by s. 790.065 to the
36 Department of Law Enforcement.
37 (3) The clerk of the court may not publish personal
38 identifying information on a court docket or in a publicly
39 accessible file.



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40 (4) A person or entity receiving information pursuant to
41 this section shall maintain such information as confidential and
42 exempt from s. 119.07(1).

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

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

49 Section 2. The Legislature finds that it is a public
50 necessity that petitions for involuntary assessment and
51 stabilization and related court orders and records that are
52 filed with or by a court under part V of chapter 397, Florida
53 Statutes, and the personal identifying information of a
54 substance abuse impaired person which is published on a court
55 docket and maintained by the clerk of the court under part V of
56 chapter 397, Florida Statutes, be made confidential and exempt
57 from disclosure under s. 119.07(1), Florida Statutes, and s.
58 24(a), Article I of the State Constitution. A person's health
59 and sensitive, personal information regarding his or her actual
60 or alleged substance abuse impairment are intensely private
61 matters. The media have obtained, and published information
62 from, such records without the affected person's consent. The
63 content of such records or personal identifying information
64 should not be made public merely because they are filed with or
65 by a court or placed on a docket. Making such petitions, orders,
66 records, and identifying information confidential and exempt
67 from disclosure will protect such persons from the release of
68 sensitive, personal information which could damage their and



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69 their families' reputations. The publication of personal
70 identifying information on a physical or virtual docket,
71 regardless of whether any other record is published, defeats the
72 purpose of protections otherwise provided. Further, the
73 knowledge that such sensitive, personal information is subject
74 to disclosure could have a chilling effect on a person's
75 willingness to seek out and comply with substance abuse
76 treatment services.

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

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79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete everything before the enacting clause
82 and insert:

83 A bill to be entitled
84 An act relating to public records; creating s.
85 397.6760, F.S.; providing an exemption from public
86 records requirements for petitions for involuntary
87 assessment and stabilization, court orders, related
88 records, and personal identifying information
89 regarding substance abuse impaired persons; providing
90 exceptions authorizing the release of such petitions,
91 orders, records, and identifying information to
92 certain persons and entities; providing applicability;
93 prohibiting a clerk of court from publishing personal
94 identifying information on a court docket or in a
95 publicly accessible file; providing for retroactive
96 application; providing for future legislative review
97 and repeal of the exemption; providing a statement of



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public necessity; providing an effective date.