

By the Committee on Children, Families, and Elder Affairs

586-01357-22

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1                   A bill to be entitled  
2       An act relating to a review under the Open Government  
3       Sunset Review Act; amending s. 397.6760, F.S.,  
4       relating to an exemption from public records  
5       requirements for involuntary assessment and  
6       stabilization, court orders, related records, and  
7       personal identifying information regarding substance  
8       abuse impaired persons; removing the scheduled repeal  
9       date of the exemption; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13       Section 1. Section 397.6760, Florida Statutes, is amended  
14 to read:

15       397.6760 Court records; confidentiality.—

16       (1) All petitions for involuntary assessment and  
17 stabilization, court orders, and related records that are filed  
18 with or by a court under this part are confidential and exempt  
19 from s. 119.07(1) and s. 24(a), Art. I of the State  
20 Constitution. Pleadings and other documents made confidential  
21 and exempt by this section may be disclosed by the clerk of the  
22 court, upon request, to any of the following:

23           (a) The petitioner.

24           (b) The petitioner's attorney.

25           (c) The respondent.

26           (d) The respondent's attorney.

27           (e) The respondent's guardian or guardian advocate, if  
28 applicable.

29           (f) In the case of a minor respondent, the respondent's

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30 parent, guardian, legal custodian, or guardian advocate.

31 (g) The respondent's treating health care practitioner.

32 (h) The respondent's health care surrogate or proxy.

33 (i) The Department of Children and Families, without  
34 charge.

35 (j) The Department of Corrections, without charge, if the  
36 respondent is committed or is to be returned to the custody of  
37 the Department of Corrections from the Department of Children  
38 and Families.

39 (k) A person or entity authorized to view records upon a  
40 court order for good cause. In determining if there is good  
41 cause for the disclosure of records, the court must weigh the  
42 person or entity's need for the information against potential  
43 harm to the respondent from the disclosure.

44 (2) This section does not preclude the clerk of the court  
45 from submitting the information required by s. 790.065 to the  
46 Department of Law Enforcement.

47 (3) The clerk of the court may not publish personal  
48 identifying information on a court docket or in a publicly  
49 accessible file.

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

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

56 ~~(6) This section is subject to the Open Government Sunset~~  
57 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
58 ~~on October 2, 2022, unless reviewed and saved from repeal~~

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59 ~~through reenactment by the Legislature.~~

60 Section 2. This act shall take effect October 1, 2022.