

By the Committee on Children, Families, and Elder Affairs

586-02179-24

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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. 394.464, F.S., which  
4       provides an exemption from public records requirements  
5       for petitions for voluntary and involuntary admission  
6       for mental health treatment, court orders, related  
7       records, and personal identifying information  
8       regarding persons seeking mental health treatment and  
9       services; abrogating the scheduled repeal of the  
10      exemption; providing an effective date.

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

13  
14       Section 1. Section 394.464, Florida Statutes, is amended to  
15      read:

16       394.464 Court records; confidentiality.—

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

24       (a) The petitioner.

25       (b) The petitioner's attorney.

26       (c) The respondent.

27       (d) The respondent's attorney.

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

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30 (f) In the case of a minor respondent, the respondent's  
31 parent, guardian, legal custodian, or guardian advocate.

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

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

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

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

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

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

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

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

55 (5) The exemption under this section applies to all  
56 documents filed with a court before, on, or after July 1, 2019.

57 ~~(6) This section is subject to the Open Government Sunset~~  
58 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~

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59 ~~on October 2, 2024, unless reviewed and saved from repeal~~  
60 ~~through reenactment by the Legislature.~~

61 Section 2. This act shall take effect October 1, 2024.