FOR CONSIDERATION  $\mathbf{B}\mathbf{y}$  the Committee on Children, Families, and Elder Affairs

	586-01952A-24 20247034pb
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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586-01952A-24 20247034pb 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. (h) The respondent's health care surrogate or proxy. 33 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 person or entity's need for the information against potential 43 44 harm to the respondent from the disclosure. (2) This section does not preclude the clerk of the court 45 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 accessible file. 50 51 (4) A person or entity receiving information pursuant to 52 this section shall maintain that information as confidential and 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 56 documents filed with a court before, on, or after July 1, 2019. 57 (6) This section is subject to the Open Covernment 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.

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