

1 A bill to be entitled
2 An act relating to public records and public meetings;
3 amending ss. 394.464 and 397.6760, F.S.; specifying
4 that all hearings relating to mental health and
5 substance abuse, respectively, are confidential and
6 closed to the public; providing exceptions; exempting
7 certain information from public records requirements;
8 expanding a public records exemption to include
9 certain petitions and applications; authorizing
10 disclosure of certain confidential and exempt
11 documents to certain service providers; authorizing
12 courts to use a respondent's name for certain
13 purposes; revising applicability; providing for future
14 legislative review and repeal of the exemption; making
15 technical changes; providing statements of public
16 necessity; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 **Section 1. Section 394.464, Florida Statutes, is amended**
21 **to read:**

22 394.464 Court proceedings and records; confidentiality.—

23 (1) Absent the respondent's consent or a finding of good
24 cause by a judge or an administrative law judge, all hearings
25 conducted under this part are confidential and closed to the

26 public.

27 (2)(a) The respondent's name, at a hearing or on appeal,
28 and all petitions or applications for voluntary and involuntary
29 admission for mental health examination or treatment, court
30 orders, and related records that are filed with or by a court
31 under this part are confidential and exempt from s. 119.07(1)
32 and s. 24(a), Art. I of the State Constitution. Pleadings and
33 other documents made confidential and exempt by this section may
34 be disclosed by the clerk of the court, upon request, to any of
35 the following:

36 1.~~(a)~~ The petitioner.

37 2.~~(b)~~ The petitioner's attorney.

38 3.~~(c)~~ The respondent.

39 4.~~(d)~~ The respondent's attorney.

40 5.~~(e)~~ The respondent's guardian or guardian advocate, if
41 applicable.

42 6.~~(f)~~ In the case of a minor respondent, the respondent's
43 parent, guardian, legal custodian, or guardian advocate.

44 7.~~(g)~~ The respondent's treating health care practitioner
45 and service provider.

46 8.~~(h)~~ The respondent's health care surrogate or proxy.

47 9.~~(i)~~ The Department of Children and Families, without
48 charge.

49 10.~~(j)~~ The Department of Corrections, without charge, if
50 the respondent is committed or is to be returned to the custody

51 of the Department of Corrections from the Department of Children
52 and Families.

53 11.~~(k)~~ A person or an entity authorized to view records
54 upon a court order for good cause. In determining whether ~~if~~
55 there is good cause for the disclosure of records, the court
56 must weigh the person's ~~person~~ or entity's need for the
57 information against potential harm to the respondent from the
58 disclosure.

59 (b)~~(2)~~ This subsection ~~section~~ does not preclude the clerk
60 of the court from submitting the information required by s.
61 790.065 to the Department of Law Enforcement.

62 (c)~~(3)~~ The clerk of the court may not publish personal
63 identifying information on a court docket or in a publicly
64 accessible file, but the court may use the respondent's name to
65 schedule and adjudicate cases, including the transmission of any
66 court order to the parties or the service provider.

67 (d)~~(4)~~ A person or an entity receiving information
68 pursuant to this subsection ~~section~~ shall maintain that
69 information as confidential and exempt from s. 119.07(1) and s.
70 24(a), Art. I of the State Constitution.

71 (e)~~(5)~~ The exemption under this subsection ~~section~~ applies
72 to all documents filed with a court before, on, or after July 1,
73 2019, and appeals pending or filed on or after July 1, 2026.

74 (f) This subsection applies to records held by the
75 Division of Administrative Hearings to the same extent as

76 records held by a court.

77 (g) This subsection is subject to the Open Government
78 Sunset Review Act in accordance with s. 119.15 and shall stand
79 repealed on October 2, 2031, unless reviewed and saved from
80 repeal through reenactment by the Legislature.

81 **Section 2. Section 397.6760, Florida Statutes, is amended**
82 **to read:**

83 397.6760 Court proceedings and records; confidentiality.-

84 (1) Absent a judicial finding of good cause or the
85 respondent's consent, all hearings under this part or part IV
86 are confidential and closed to the public.

87 (2)(a) The respondent's name, at trial and on appeal, and
88 all petitions or applications for voluntary and involuntary
89 substance abuse treatment or assessment and stabilization, court
90 orders, and related records that are filed with or by a court
91 under this part or part IV are confidential and exempt from s.
92 119.07(1) and s. 24(a), Art. I of the State Constitution.
93 Pleadings and other documents made confidential and exempt by
94 this section may be disclosed by the clerk of the court, upon
95 request, to any of the following:

96 1.(a) The petitioner.

97 2.(b) The petitioner's attorney.

98 3.(c) The respondent.

99 4.(d) The respondent's attorney.

100 5.(e) The respondent's guardian or guardian advocate, if

applicable.

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

7.~~(g)~~ The respondent's treating health care practitioner and service provider.

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

9.~~(i)~~ The Department of Children and Families, without charge.

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

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

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

(c)~~(3)~~ The clerk of the court may not publish personal identifying information on a court docket or in a publicly accessible file, but the court may use the respondent's name to schedule and adjudicate cases, including the transmission of any

126 court order to the parties or the service provider.

127 (d) ~~(4)~~ A person or an entity receiving information
128 pursuant to this subsection ~~section~~ shall maintain that
129 information as confidential and exempt from s. 119.07(1) and s.
130 24(a), Art. I of the State Constitution.

131 (e) ~~(5)~~ The exemption under this subsection ~~section~~ applies
132 to all documents filed with a court before, on, or after July 1,
133 2017, and appeals pending or filed on or after July 1, 2026.

134 (f) This subsection is subject to the Open Government
135 Sunset Review Act in accordance with s. 119.15 and shall stand
136 repealed on October 2, 2031, unless reviewed and saved from
137 repeal through reenactment by the Legislature.

138 **Section 3.** (1) The Legislature finds that it is a public
139 necessity that court hearings and administrative hearings under
140 part I of chapter 394 and court hearings under part IV or part V
141 of chapter 397, Florida Statutes, be made confidential and
142 closed to the public unless the court or administrative law
143 judge, as applicable, finds good cause to open a hearing to the
144 public or the respondent consents to a hearing being open to the
145 public. The mental health or substance abuse disorders of a
146 person are medical conditions that should be protected from
147 public disclosure. A person's health and sensitive personal
148 information regarding his or her mental health or substance
149 abuse disorders are intensely private matters. Making hearings
150 confidential and closed to the public when such disorders,

151 conditions, and personal information may be communicated will
152 protect such persons from the release of sensitive personal
153 information that could damage their and their families'
154 reputations. Allowing public hearings relating to such
155 information defeats the purpose of protections otherwise
156 provided. Further, the knowledge that such sensitive personal
157 information is subject to disclosure could have a chilling
158 effect on a person's willingness to seek out and comply with
159 mental health or substance abuse treatment services.

160 (2) The Legislature finds that it is a public necessity
161 that the respondent's name, at a hearing or on appeal, and all
162 applications or petitions for voluntary and involuntary
163 examination, treatment, or assessment and stabilization; court
164 orders; and related records that are filed with or by a court
165 under part I of chapter 394, Florida Statutes, or part IV or
166 part V of chapter 397, Florida Statutes, be made confidential
167 and exempt from disclosure under s. 119.07(1), Florida Statutes,
168 and s. 24(a), Article I of the State Constitution. Further,
169 because certain proceedings under part I of chapter 394, Florida
170 Statutes, may be conducted before the Division of Administrative
171 Hearings rather than a court, it is a public necessity that the
172 same protections apply to records held by the Division of
173 Administrative Hearings to the same extent as records held by a
174 court. The mental health or substance abuse disorders of a
175 person are medical conditions that should be protected from

public disclosure. A person's health and sensitive personal
information regarding his or her mental health or substance
abuse disorders are intensely private matters. Making such
specified information confidential and exempt from disclosure
will prevent the release of sensitive personal information that
could damage a person's or his or her families' reputations. The
publication of a respondent's name on a physical or virtual
docket, regardless of whether any other record is published,
defeats the purpose of protections otherwise provided. Further,
the knowledge that such sensitive personal information is
subject to disclosure could have a chilling effect on a person's
willingness to seek out and comply with mental health or
substance abuse treatment services.

Section 4. This act shall take effect July 1, 2026.