

PCS for HB 791

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 397.6760, F.S.; providing an exemption from public
 4 records requirements for pleadings and other documents
 5 filed in, and personal identifying information on the
 6 docket of, court proceedings under part V of chapter
 7 397, F.S., relating to involuntary admissions
 8 procedures for substance abuse treatment services;
 9 permitting a clerk of the court to allow certain
 10 persons access to such records; providing
 11 applicability; providing for future legislative review
 12 and repeal of the exemption; providing a statement of
 13 public necessity; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Section 397.6760, Florida Statutes, is created
 18 to read:

19 397.6760 Court records; confidentiality.-

20 (1) All pleadings and other documents, and the images of
 21 all pleadings and other documents, filed with a court pursuant
 22 to this part are confidential and exempt from s. 119.07(1) and
 23 s. 24(a), Art. I of the State Constitution. Pleadings and other
 24 documents made confidential and exempt by this section may be
 25 disclosed by the clerk of the court, upon request, to:

- 26 | (a) The petitioner.
- 27 | (b) The petitioner's attorney.
- 28 | (c) The respondent.
- 29 | (d) The respondent's attorney.
- 30 | (e) The respondent's guardian or guardian advocate, if
- 31 | applicable.
- 32 | (f) In the case of a minor respondent, the respondent's
- 33 | parent, guardian, legal custodian, or guardian advocate.
- 34 | (g) The respondent's treating health care practitioner.
- 35 | (h) The respondent's health care surrogate or proxy.
- 36 | (i) The Department of Corrections, without charge, upon
- 37 | request if the respondent is committed or is to be returned to
- 38 | the custody of the Department of Corrections from the Department
- 39 | of Children and Families.
- 40 | (j) A person or entity authorized to view records upon a
- 41 | court order for good cause. In determining whether there is good
- 42 | cause for disclosure, the court shall weigh the need for the
- 43 | information to be disclosed against the possible harm of
- 44 | disclosure to the respondent.
- 45 | (2) Nothing in this section shall preclude the clerk of
- 46 | the court from submitting the information required by s. 790.065
- 47 | to the Department of Law Enforcement.
- 48 | (3) The clerk of the court may not post any personal
- 49 | identifying information on the docket or in a publicly
- 50 | accessible file.

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51 (4) A person, agency, or entity receiving information
 52 pursuant to this section shall maintain such information as
 53 confidential and exempt from s. 119.07(1).

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
 59 through reenactment by the Legislature.

60 Section 2. The Legislature finds that it is a public
 61 necessity to exempt from s. 119.07(1), Florida Statutes, and s.
 62 24(a), Article I of the State Constitution all pleadings and
 63 other documents, and identifying information in the
 64 corresponding dockets, for an involuntary admission pursuant to
 65 part V of chapter 397, Florida Statutes, in order to preserve
 66 the privacy of the individual alleged to suffer from substance
 67 abuse. The personal health of an individual and his or her
 68 alleged impairment by substance abuse are intensely private
 69 matters. The Legislature finds that the public disclosure of
 70 such information in the petition or order or docket would
 71 produce undue harm to an individual alleged to be impaired from
 72 substance abuse. Making pleadings and other documents filed for
 73 involuntary admission pursuant to part V of chapter 397, Florida
 74 Statutes, confidential and exempt from disclosure will protect
 75 information of a sensitive personal nature, the release of which

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76 | could cause unwarranted damage to the reputation of an
77 | individual. Further, the knowledge that sensitive personal
78 | information is subject to disclosure could have a chilling
79 | effect on the willingness of individuals to seek substance abuse
80 | treatment services.

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