

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Appropriations Committee  
2 Representative Silvers offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 20 and 21, insert:

6 Section 1. Section 394.464, Florida Statutes, is created  
7 to read:

8 394.464 Court records; confidentiality.-

9 (1) All petitions for voluntary and involuntary admission  
10 for mental health treatment, court orders, and related records  
11 that are filed with or by a court under this part are  
12 confidential and exempt from s. 119.071(1) and s. 24(a), Art. I  
13 of the State Constitution. Pleadings and other documents made  
14 confidential and exempt by this section may be disclosed by the  
15 clerk of the court, upon request, to any of the following:

16 (a) The petitioner.

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17 (b) The petitioner's attorney.

18 (c) The respondent.

19 (d) The respondent's attorney.

20 (e) The respondent's guardian or guardian advocate, if  
21 applicable.

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

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

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

26 (i) The Department of Children and Families, without  
27 charge.

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

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

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

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40       (3) The clerk of the court may not publish personal  
41 identifying information on a court docket or in a publicly  
42 accessible file.

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

47       (5) The exemption under this section applies to all  
48 documents filed with a court before, on, or after July 1, 2018.

49       (6) This section is subject to the Open Government Sunset  
50 Review Act in accordance with s. 119.15 and shall stand repealed  
51 on October 2, 2023, unless reviewed and saved from repeal  
52 through reenactment by the Legislature.

53       Section 2. The Legislature finds that it is a public  
54 necessity that petitions for voluntary and involuntary admission  
55 for mental health treatment and related court orders and records  
56 that are filed with or by a court under part I or part III of  
57 chapter 394, Florida Statutes, and the personal identifying  
58 information of a person seeking mental health treatment  
59 published on a court docket and maintained by the clerk of the  
60 court under part I or part III of chapter 394, Florida Statutes,  
61 be made confidential and exempt from disclosure under s.  
62 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
63 State Constitution. The mental health of a person, including a  
64 minor, is a medical condition, which should be protected from

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65 dissemination to the public. A person's mental health is also an  
66 intensely private matter. The public stigma associated with a  
67 mental health condition may cause persons in need of treatment  
68 to avoid seeking treatment and related services if the record of  
69 such condition is accessible to the public. Without treatment, a  
70 person's condition may worsen, the person may harm himself or  
71 herself or others, and the person may become a financial burden  
72 on the state. The content of such records or personal  
73 identifying information should not be made public merely because  
74 they are filed with or by a court or placed on a docket. Making  
75 such petitions, orders, records, and identifying information  
76 confidential and exempt from disclosure will protect such  
77 persons from the release of sensitive, personal information  
78 which could damage their and their families' reputations. The  
79 publication of personal identifying information on a physical or  
80 virtual docket, regardless of whether any other record is  
81 published, defeats the purpose of protections otherwise  
82 provided. Further, the knowledge that such sensitive, personal  
83 information is subject to disclosure could have a chilling  
84 effect on a person's willingness to seek out and comply with  
85 mental health treatment services.

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89 **T I T L E A M E N D M E N T**

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90 |           Between lines 2 and 3, insert:

91 |   creating s. 394.464, F.S.; providing an exemption from public  
92 |   records requirements for petitions for voluntary and involuntary  
93 |   admission for mental health treatment, court orders, related  
94 |   records, and personal identifying information regarding persons  
95 |   seeking mental health treatment and services; providing  
96 |   exceptions authorizing the release of such petitions, orders,  
97 |   records, and identifying information to certain persons and  
98 |   entities; providing applicability; prohibiting a clerk of court  
99 |   from publishing personal identifying information on a court  
100 |   docket or in a publicly accessible file; providing for  
101 |   retroactive application; providing for future legislative review  
102 |   and repeal of the exemption; providing a statement of public  
103 |   necessity;