

1                                   A bill to be entitled  
 2           An act relating to public records; creating s.  
 3           394.464, F.S.; providing an exemption from public  
 4           records requirements for petitions for voluntary and  
 5           involuntary admission for mental health treatment,  
 6           court orders, related records, and personal  
 7           identifying information regarding persons seeking  
 8           mental health treatment and services; providing  
 9           exceptions authorizing the release of such petitions,  
 10          orders, records, and identifying information to  
 11          certain persons and entities; providing applicability;  
 12          prohibiting a clerk of court from publishing personal  
 13          identifying information on a court docket or in a  
 14          publicly accessible file; providing for retroactive  
 15          application; providing for future legislative review  
 16          and repeal of the exemption; providing a statement of  
 17          public necessity; providing a contingent effective  
 18          date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Section 394.464, Florida Statutes, is created  
 23 to read:

24           394.464 Court records; confidentiality.—  
 25           (1) All petitions for voluntary and involuntary admission

26 | for mental health treatment, court orders, and related records  
27 | that are filed with or by a court under this part are  
28 | confidential and exempt from s. 119.071(1) and s. 24(a), Art. I  
29 | of the State Constitution. Pleadings and other documents made  
30 | confidential and exempt by this section may be disclosed by the  
31 | clerk of the court, upon request, to any of the following:

32 | (a) The petitioner.

33 | (b) The petitioner's attorney.

34 | (c) The respondent.

35 | (d) The respondent's attorney.

36 | (e) The respondent's guardian or guardian advocate, if  
37 | applicable.

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

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

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

42 | (i) The Department of Children and Families, without  
43 | charge.

44 | (j) The Department of Corrections, without charge, if the  
45 | respondent is committed or is to be returned to the custody of  
46 | the Department of Corrections from the Department of Children  
47 | and Families.

48 | (k) A person or entity authorized to view records upon a  
49 | court order for good cause. In determining if there is good  
50 | cause for the disclosure of records, the court must weigh the

51 person or entity's need for the information against potential  
52 harm to the respondent from the disclosure.

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

56 (3) The clerk of the court may not publish personal  
57 identifying information on a court docket or in a publicly  
58 accessible file.

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

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

65 (6) This section is subject to the Open Government Sunset  
66 Review Act in accordance with s. 119.15 and shall stand repealed  
67 on October 2, 2024, unless reviewed and saved from repeal  
68 through reenactment by the Legislature.

69 Section 2. The Legislature finds that it is a public  
70 necessity that petitions for voluntary and involuntary admission  
71 for mental health treatment and related court orders and records  
72 that are filed with or by a court under part I or part III of  
73 chapter 394, Florida Statutes, and the personal identifying  
74 information of a person seeking mental health treatment  
75 published on a court docket and maintained by the clerk of the

76 | court under part I or part III of chapter 394, Florida Statutes,  
77 | be made confidential and exempt from disclosure under s.  
78 | 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
79 | State Constitution. The mental health of a person, including a  
80 | minor, is a medical condition, which should be protected from  
81 | dissemination to the public. A person's mental health is also an  
82 | intensely private matter. The public stigma associated with a  
83 | mental health condition may cause persons in need of treatment  
84 | to avoid seeking treatment and related services if the record of  
85 | such condition is accessible to the public. Without treatment, a  
86 | person's condition may worsen, the person may harm himself or  
87 | herself or others, and the person may become a financial burden  
88 | on the state. The content of such records or personal  
89 | identifying information should not be made public merely because  
90 | they are filed with or by a court or placed on a docket. Making  
91 | such petitions, orders, records, and identifying information  
92 | confidential and exempt from disclosure will protect such  
93 | persons from the release of sensitive, personal information  
94 | which could damage their and their families' reputations. The  
95 | publication of personal identifying information on a physical or  
96 | virtual docket, regardless of whether any other record is  
97 | published, defeats the purpose of protections otherwise  
98 | provided. Further, the knowledge that such sensitive, personal  
99 | information is subject to disclosure could have a chilling  
100 | effect on a person's willingness to seek out and comply with

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101 | mental health treatment services.

102 |       Section 3. This act shall take effect on the same date  
103 | that HB 361 or similar legislation takes effect, if such  
104 | legislation is adopted in the same legislative session or an  
105 | extension thereof and becomes a law.