

1                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           397.6815, F.S.; providing an exemption from public  
 4           records requirements for petitions for involuntary  
 5           assessment and stabilization, court orders, related  
 6           records, and personal identifying information  
 7           regarding substance abuse impaired persons; providing  
 8           exceptions; authorizing the release of such petitions,  
 9           orders, records, and identifying information to  
 10          certain persons and entities; providing for  
 11          retroactive application; providing a statement of  
 12          public necessity; providing an effective date.

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

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 16           Section 1. Section 397.6815, Florida Statutes, is amended  
 17   to read:

18           397.6815   Involuntary assessment and stabilization; public  
 19   records exemption; procedure.—

20           (1) Petitions for involuntary assessment and  
 21   stabilization, court orders, and related records which are filed  
 22   with or by a court under this part are confidential and exempt  
 23   from s. 119.07(1) and s. 24(a), Art. I of the State  
 24   Constitution.

25           (2) Personal identifying information published on a court

26 docket and maintained by the clerk of the court under this part  
27 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
28 I of the State Constitution.

29 (3) Notwithstanding paragraph (4)(a), such petitions,  
30 orders, records, and identifying information shall be released  
31 upon request to:

32 (a) Any person responsible for ensuring the continuity of  
33 the respondent's health care, upon approval by the respondent,  
34 the respondent's guardian, or, in the case of a minor, the  
35 respondent's parent, guardian, legal custodian, or guardian  
36 advocate.

37 (b) Any agency or individual who has obtained a court  
38 order finding good cause for releasing such petitions, orders,  
39 records, or identifying information. In determining whether  
40 there is good cause for disclosure, the court shall weigh the  
41 need for disclosure against the possible harm of disclosure to  
42 the respondent.

43 (c) The Department of Corrections, if the respondent is  
44 committed to the department or scheduled to be returned to the  
45 custody of the department from the custody of the Department of  
46 Children and Families. When the Department of Corrections  
47 requests such information, the service charge shall be waived.

48 (4) Upon receipt and filing of the petition for the  
49 involuntary assessment and stabilization of a substance abuse  
50 impaired person by the clerk of the court, the court shall

51 ascertain whether the respondent is represented by an attorney,  
 52 and if not, whether, on the basis of the petition, an attorney  
 53 should be appointed; and shall:

54 (a)~~(1)~~ Provide a copy of the petition and notice of  
 55 hearing to the respondent; the respondent's parent, guardian, ~~or~~  
 56 legal custodian, or guardian advocate, in the case of a minor;  
 57 the respondent's attorney, ~~if known~~; the petitioner; the  
 58 respondent's spouse or guardian, if applicable; and such other  
 59 persons as the court may direct pursuant to paragraph (3) (b),  
 60 and have such petition and notice personally delivered to the  
 61 respondent if he or she is a minor. The court shall also issue a  
 62 summons to the person whose admission is sought and conduct a  
 63 hearing within 10 days; or

64 (b)~~(2)~~ Without the appointment of an attorney and, ~~relying~~  
 65 solely on the contents of the petition, enter an ex parte order  
 66 authorizing the involuntary assessment and stabilization of the  
 67 respondent. The court may order a law enforcement officer or  
 68 other designated agent of the court to take the respondent into  
 69 custody and deliver him or her to the nearest appropriate  
 70 licensed service provider.

71 (5) This exemption shall apply retroactively.

72 Section 2. The Legislature finds that it is a public  
 73 necessity that petitions for involuntary assessment and  
 74 stabilization, court orders, and related records which are filed  
 75 with or by a court under part V of chapter 397, Florida

76 | Statutes, and personal identifying information published on a  
77 | court docket and maintained by the clerk of the court under part  
78 | V of chapter 397, Florida Statutes, regarding a substance abuse  
79 | impaired person be made confidential and exempt from disclosure  
80 | under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
81 | the State Constitution. A person's health and sensitive,  
82 | personal information regarding his or her actual or alleged  
83 | substance abuse impairment are intensely private matters. The  
84 | media have obtained Marchman Act records and published  
85 | information contained in such records on the Internet without  
86 | the affected person's consent. The content of such a record or  
87 | personal identifying information should not be made public  
88 | merely because the record or personal identifying information is  
89 | filed with or by a court or placed on a docket. Making such  
90 | petitions, orders, records, and identifying information  
91 | confidential and exempt from disclosure will protect such person  
92 | from the release of sensitive, personal information which could  
93 | damage the person's, and his or her family's, reputation.  
94 | Publication of personal identifying information on a physical or  
95 | virtual docket, regardless of whether any other record is  
96 | published, defeats the purpose of this act. Further, the  
97 | knowledge that such sensitive, personal information is subject  
98 | to disclosure could have a chilling effect on such person's  
99 | willingness to seek and comply with substance abuse treatment  
100 | services.

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