

26 confidential and closed to the public.

27 (2)(a)(1) The respondent's name, at trial and 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 entity authorized to view records upon
54 a court order for good cause. In determining if there is good
55 cause for the disclosure of records, the court must weigh the
56 person or entity's need for the information against potential
57 harm to the respondent from the disclosure.

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

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

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

70 (e)~~(5)~~ The exemption under this subsection ~~section~~ applies
71 to all documents filed with a court before, on, or after July 1,
72 2019, and appeals pending or filed on or after July 1, 2024.

73 (f)~~(6)~~ This subsection ~~section~~ is subject to the Open
74 Government Sunset Review Act in accordance with s. 119.15 and
75 shall stand repealed on October 2, 2029 ~~2024~~, unless reviewed

76 and saved from repeal through reenactment by the Legislature.

77 Section 2. Section 397.6760, Florida Statutes, is amended
78 to read:

79 397.6760 Court proceedings and records; confidentiality.—

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

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

92 1.(a) The petitioner.

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

94 3.(c) The respondent.

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

96 5.(e) The respondent's guardian or guardian advocate, if
97 applicable.

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

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

101 and service provider.

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

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

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

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

114 (b)~~(2)~~ This subsection ~~section~~ does not preclude the clerk
115 of the court from submitting the information required by s.
116 790.065 to the Department of Law Enforcement.

117 (c)~~(3)~~ The clerk of the court may not publish personal
118 identifying information on a court docket or in a publicly
119 accessible file, but the court may use a respondent's name to
120 schedule and adjudicate cases, which includes the transmission
121 of any court order to the parties or the service provider.

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

126 (e)-(5) The exemption under this subsection ~~section~~ applies
127 to all documents filed with a court before, on, or after July 1,
128 2017, and appeals pending or filed on or after July 1, 2024.

129 (f) This subsection is subject to the Open Government
130 Sunset Review Act in accordance with s. 119.15 and shall stand
131 repealed on October 2, 2029, unless reviewed and saved from
132 repeal through reenactment by the Legislature.

133 Section 3. (1) The Legislature finds that it is a public
134 necessity that court hearings under part I of chapter 394 and
135 parts IV and V of chapter 397, Florida Statutes, be made
136 confidential and closed to the public unless the court finds
137 good cause to open a hearing to the public or the respondent
138 consents to a hearing being open to the public. The mental
139 health or substance abuse impairments of a person are medical
140 conditions that should be protected from public disclosure. A
141 person's health and sensitive personal information regarding his
142 or her mental health or substance abuse impairment are intensely
143 private matters. Making hearings where such impairments,
144 conditions, and personal information may be communicated as
145 confidential and closed to the public will protect such persons
146 from the release of sensitive personal information that could
147 damage their and their families' reputations. Allowing public
148 hearings relating to such information defeats the purpose of
149 protections otherwise provided. Further, the knowledge that such
150 sensitive personal information is subject to disclosure could

151 have a chilling effect on a person's willingness to seek out and
 152 comply with mental health or substance abuse treatment services.
 153 (2) The Legislature finds that it is a public necessity
 154 that voluntary applications or petitions for involuntary
 155 examination or treatment, court orders, and related records that
 156 are filed with or by a court or relevant service provider under
 157 part I of chapter 394 and parts IV and V of chapter 397, Florida
 158 Statutes, respectively, and the personal identifying information
 159 of a person with a potential mental, emotional, or behavioral
 160 disorder or a substance abuse disorder which is published on a
 161 court docket and maintained by the clerk of the court under part
 162 I of chapter 394 and parts IV and V of chapter 397, Florida
 163 Statutes, or with the relevant service provider be made
 164 confidential and exempt from disclosure under s. 119.07(1),
 165 Florida Statutes, and s. 24(a), Article I of the State
 166 Constitution. The mental health or substance abuse impairments
 167 of a person are medical conditions that should be protected from
 168 public disclosure. A person's health and sensitive personal
 169 information regarding his or her mental health or substance
 170 abuse impairment are intensely private matters. Making such
 171 applications, petitions, orders, records, and personal
 172 identifying information confidential and exempt from disclosure
 173 will protect such persons from the release of sensitive personal
 174 information that could damage their and their families'
 175 reputations. The publication of personal identifying information

176 | on a physical or virtual docket, regardless of whether any other
177 | record is published, defeats the purpose of protections
178 | otherwise provided. Further, the knowledge that such sensitive
179 | personal information is subject to disclosure could have a
180 | chilling effect on a person's willingness to seek out and comply
181 | with mental health or substance abuse treatment services.

182 | Section 4. This act shall take effect on the same date
183 | that HB 7021 or similar legislation takes effect, if such
184 | legislation is adopted in the same legislative session or an
185 | extension thereof and becomes a law.