

CHAPTER 2022-44

Senate Bill No. 7008

An act relating to a review under the Open Government Sunset Review Act; amending s. 397.6760, F.S., relating to an exemption from public records requirements for involuntary assessment and stabilization, court orders, related records, and personal identifying information regarding substance abuse impaired persons; removing the scheduled repeal date of the exemption; providing an effective date.

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

Section 1. Section 397.6760, Florida Statutes, is amended to read:

397.6760 Court records; confidentiality.—

(1) All petitions for involuntary assessment and stabilization, court orders, and related records that are filed with or by a court under this part are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Pleadings and other documents made confidential and exempt by this section may be disclosed by the clerk of the court, upon request, to any of the following:

- (a) The petitioner.
- (b) The petitioner's attorney.
- (c) The respondent.
- (d) The respondent's attorney.
- (e) The respondent's guardian or guardian advocate, if applicable.
- (f) In the case of a minor respondent, the respondent's parent, guardian, legal custodian, or guardian advocate.
- (g) The respondent's treating health care practitioner.
- (h) The respondent's health care surrogate or proxy.
- (i) The Department of Children and Families, without charge.
- (j) The Department of Corrections, without charge, if the respondent is committed or is to be returned to the custody of the Department of Corrections from the Department of Children and Families.
- (k) A person or entity authorized to view records upon a court order for good cause. In determining if there is good cause for the disclosure of records, the court must weigh the person or entity's need for the information against potential harm to the respondent from the disclosure.

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

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

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

(5) The exemption under this section applies to all documents filed with a court before, on, or after July 1, 2017.

~~(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2022.

Approved by the Governor April 6, 2022.

Filed in Office Secretary of State April 6, 2022.