

By Senator Gaetz

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A bill to be entitled  
An act relating to public records and public meetings;  
amending ss. 394.464 and 397.6760, F.S.; providing  
that all hearings relating to mental health  
examination or treatment and substance abuse treatment  
or assessment and stabilization, respectively, are  
confidential and closed to the public; providing  
exceptions; providing that certain information is  
exempt from public records requirements; revising a  
public records exemption to include certain petitions  
and applications; authorizing disclosure of certain  
confidential and exempt documents to certain service  
providers; authorizing courts to use a respondent's  
name for certain purposes; revising applicability;  
providing for future legislative review and repeal of  
the exemption; making technical changes; providing  
statements of public necessity; providing a contingent  
effective date.

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

Section 1. Section 394.464, Florida Statutes, is amended to  
read:

394.464 Court proceedings and records; confidentiality.—

(1) Absent the respondent's consent or a finding of good  
cause by a judge or an administrative law judge, all hearings  
conducted under this part are confidential and closed to the  
public.

(2) (a) The respondent's name, at a hearing or on appeal,

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and all petitions or applications for voluntary and involuntary admission for mental health examination or treatment, 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:

1.~~(a)~~ The petitioner.

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

3.~~(c)~~ The respondent.

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

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

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

7.~~(g)~~ The respondent's treating health care practitioner and service provider.

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

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

10.~~(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.

11.~~(k)~~ A person or an entity authorized to view records upon a court order for good cause. In determining whether ~~if~~ there is good cause for the disclosure of records, the court shall ~~must~~ weigh the person's ~~person~~ or entity's need for the

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information against potential harm to the respondent from the disclosure.

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

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

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

(e)(5) The exemption under this subsection ~~section~~ applies to all documents filed with a court before, on, or after July 1, 2019, and appeals pending or filed on or after July 1, 2026.

(f) This subsection applies to records held by the Division of Administrative Hearings to the same extent as records held by a court.

(g) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

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

397.6760 Court proceedings and records; confidentiality.—

(1) Absent a judicial finding of good cause or the respondent's consent, all hearings under this part or part IV

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are confidential and closed to the public.

(2)(a) The respondent's name, at trial and on appeal, and all petitions or applications for voluntary and involuntary substance abuse treatment or assessment and stabilization, court orders, and related records that are filed with or by a court under this part or part IV 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:

1.(a) The petitioner.

2.(b) The petitioner's attorney.

3.(c) The respondent.

4.(d) The respondent's attorney.

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

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

7.(g) The respondent's treating health care practitioner and service provider.

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

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

10.(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.

11.(k) A person or an entity authorized to view records upon a court order for good cause. In determining whether ~~if~~

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there is good cause for the disclosure of records, the court shall ~~must~~ weigh the person's ~~person~~ or entity's need for the information against potential harm to the respondent from the disclosure.

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

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

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

(e)(5) The exemption under this subsection ~~section~~ applies to all documents filed with a court before, on, or after July 1, 2017, and appeals pending or filed on or after July 1, 2026.

(f) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. (1) The Legislature finds that it is a public necessity that court hearings under part I of chapter 394 and part IV or part V of chapter 397, Florida Statutes, be made confidential and closed to the public unless the court finds good cause to open a hearing to the public or the respondent consents to a hearing being open to the public. A person's

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146 mental health or substance use disorders are medical conditions  
147 that should be protected from public disclosure. A person's  
148 health and sensitive personal information regarding his or her  
149 mental health or substance use disorders are intensely private  
150 matters. Making hearings confidential and closed to the public  
151 when such disorders, conditions, and personal information may be  
152 communicated will protect such persons from the release of  
153 sensitive personal information that could damage their and their  
154 families' reputations. Allowing public hearings relating to such  
155 information defeats the purpose of protections otherwise  
156 provided. Further, the knowledge that such sensitive personal  
157 information is subject to disclosure could have a chilling  
158 effect on a person's willingness to seek out and comply with  
159 mental health or substance abuse treatment services.

160 (2) The Legislature finds that it is a public necessity  
161 that voluntary applications or petitions for involuntary  
162 examination or treatment, court orders, and related records that  
163 are filed with or by a court or relevant service provider under  
164 part I of chapter 394 and part IV or part V of chapter 397,  
165 Florida Statutes, and the personal identifying information of a  
166 person with a potential mental, emotional, or behavioral  
167 disorder or a substance use disorder which is published on a  
168 court docket and maintained by the clerk of the court under part  
169 I of chapter 394 and part IV or part V of chapter 397, Florida  
170 Statutes, or with the relevant service provider be made  
171 confidential and exempt from disclosure under s. 119.07(1),  
172 Florida Statutes, and s. 24(a), Article I of the State  
173 Constitution. The mental health or substance use disorders of a  
174 person are medical conditions that should be protected from

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public disclosure. A person's health and sensitive personal  
information regarding his or her mental health or substance use  
disorders are intensely private matters. Making such  
applications, petitions, orders, records, and personal  
identifying information confidential and exempt from disclosure  
will protect such persons from the release of sensitive personal  
information that could damage their and their families'  
reputations. The publication of personal identifying information  
on a physical or virtual docket, regardless of whether any other  
record is published, defeats the purpose of protections  
otherwise provided. Further, the knowledge that such sensitive  
personal information is subject to disclosure could have a  
chilling effect on a person's willingness to seek out and comply  
with mental health or substance abuse treatment services.

Section 4. This act shall take effect July 1, 2026.