

X-D-91 | EXEMPTION SUMMARY - §394 FS**Section 394.4615(1) and (8), F.S.**

Clinical records of persons subject to "The Baker Act" are confidential and exempt from s. 119.07(1). Such records may be released only under the circumstances specified in the statute. Any person, agency, or entity receiving information pursuant to this section shall maintain such information as confidential and exempt from s. 119.07(1).

Section 394.464(1) and (3), F.S.

All petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records that are filed with or by a court under "The Baker Act" are confidential and exempt. Pleadings and other documents made confidential and exempt may be disclosed by the court upon request to certain persons and entities. The clerk may not publish personal identifying information on a court docket or in a publicly accessible file.

Section 394.467(6)(a)3., F.S.

The independent expert's report which is submitted at a hearing on involuntary inpatient placement is confidential and not discoverable, unless the expert is to be called as a witness for the patient at the hearing.

Section 394.907(7), F.S.

Records of quality assurance programs of community mental health centers which relate solely to actions taken in carrying out the provisions of this section and records obtained by the Department of Children and Family Services to determine licensee compliance with this section are confidential and exempt from s. 119.07(1). Meetings or portions of meetings of quality assurance program committees that relate solely to actions taken pursuant to this section are exempt from s. 286.011.

Section 394.921(2), F.S.

Psychological or psychiatric reports, drug and alcohol reports, treatment records, medical records, or victim impact statements that have been submitted to the court or admitted into evidence in Jimmy Ryce Act proceedings shall be part of



the record but shall be sealed and may be opened only pursuant to a court order.

(Florida Office of the Attorney General // © March 9, 2023)

