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March 6, 2019

The Honorable David Silvers  
Florida House of Representatives  
402 South Monroe Street, Room 1003 Cap  
Tallahassee, FL 32399-1300

## Re: HB 363 Exemption/Admission to Mental Health Facilities

Dear Representative Silvers:

We are writing to express our concerns regarding HB 363, creating various public record exemptions for petitions for voluntary and involuntary admission for mental health treatment, court orders, and related records.

There is a provision in the bill that allows access to the exempt records upon court order for good cause. Of particular concern is the language on lines 59 – 62, which requires a person or entity receiving the exempt information to maintain its confidentiality. This, we believe, is a prior restraint. As a rule, government cannot control the downstream use of information lawfully obtained, so the requirement to maintain confidentiality is, in our opinion, unenforceable. We respectfully suggest that HB 363 be amended to strike those lines.

We appreciate your attention to our concerns, Rep. Silvers. If you or your staff have any questions, please don't hesitate to contact us.

Sincerely,

Barbara A. Petersen, President

Cc: The Honorable Jose Oliva, Speaker, Florida House of Representatives