

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 397.334, F.S.; exempting from public records
 4 requirements information from the initial screenings
 5 for participation in a treatment-based drug court
 6 program, substance abuse screenings, behavioral health
 7 evaluations, and subsequent treatment status reports
 8 regarding a participant or a person considered for
 9 participation in a treatment-based drug court program;
 10 providing for future repeal and legislative review of
 11 the exemption; providing a statement of public
 12 necessity; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Subsection (10) is added to section 397.334,
 17 Florida Statutes, to read:

18 397.334 Treatment-based drug court programs.—

19 (10) (a) Information relating to a participant or a person
 20 considered for participation in a treatment-based drug court
 21 program which is contained in the following records, reports,
 22 and evaluations is confidential and exempt from s. 119.07(1) and
 23 s. 24(a), Art. I, of the State Constitution:

24 1. Records relating to initial screenings for
 25 participation in the program.

26 2. Records relating to substance abuse screenings.

27 3. Behavioral health evaluations.

28 4. Subsequent treatment status reports.

29 (b) This subsection is subject to the Open Government
30 Sunset Review Act in accordance with s. 119.15 and shall stand
31 repealed on October 2, 2019, unless reviewed and saved from
32 repeal through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public
34 necessity that information relating to a participant or person
35 considered for participation in a treatment-based drug court
36 program under s. 397.334, Florida Statutes, which is contained
37 in certain records, reports, and evaluations, be made
38 confidential and exempt from s. 119.07(1), Florida Statutes, and
39 s. 24(a), Art. I of the State Constitution. Protecting
40 information contained in records relating to initial screenings
41 for participation in a treatment-based drug court program,
42 records relating to substance abuse screenings, behavioral
43 health evaluations, and subsequent treatment status reports is
44 necessary to protect the privacy rights of participants or
45 individuals considered for participation in treatment-based drug
46 court programs. Accordingly, the Legislature finds that the
47 chilling effect to an individual who is seeking treatment for
48 his or her substance abuse which would result from the release
49 of this information substantially outweighs any public benefit
50 derived from disclosure to the public. Making this information
51 confidential and exempt will protect information that is of a
52 sensitive, personal nature; thus, the release of this
53 information would cause unwarranted damage to the reputation of
54 an individual. Furthermore, making this information confidential
55 and exempt will encourage individuals to participate in drug
56 court programs, and thereby promote the effective and efficient

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57 | administration of treatment-based drug court programs.

58 | Section 3. This act shall take effect upon becoming a law.