

A bill to be entitled

An act relating to public records; amending s. 397.334, F.S.; providing an exemption from public records requirements for information relating to screenings for participation in a treatment-based drug court program, substance abuse screenings, behavioral health evaluations, and subsequent treatment status reports regarding a participant or a person considered for participation in a treatment-based drug court program; providing for the disclosure of certain records; providing for retroactive applicability of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

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

397.334 Treatment-based drug court programs.—

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

1. Records created or compiled during screenings for

27 participation in the program.

28 2. Records created or compiled during substance abuse
 29 screenings.

30 3. Behavioral health evaluations.

31 4. Subsequent treatment status reports.

32 (b) Such confidential and exempt information may be
 33 disclosed:

34 1. Pursuant to the written request of the participant or
 35 person considered for participation, or his or her legal
 36 representative.

37 2. To another governmental entity in the furtherance of
 38 its responsibilities associated with the screening of a person
 39 considered for participation in a treatment-based drug court
 40 program or the provision of treatment to a person in a
 41 treatment-based drug court program.

42 (c) Records of a service provider that pertain to the
 43 identity, diagnosis, and prognosis of or provision of service to
 44 any individual shall be disclosed pursuant to s. 397.501(7).

45 (d) This exemption applies to such information described
 46 in paragraph (a) relating to a participant or a person
 47 considered for participation in a treatment-based drug court
 48 program before, on, or after the effective date of this
 49 exemption.

50 (e) This subsection is subject to the Open Government
 51 Sunset Review Act in accordance with s. 119.15 and shall stand
 52 repealed on October 2, 2019, unless reviewed and saved from

53 repeal through reenactment by the Legislature.

54 Section 2. The Legislature finds that it is a public
55 necessity that information relating to a participant or person
56 considered for participation in a treatment-based drug court
57 program under s. 397.334, Florida Statutes, which is contained
58 in certain records be made confidential and exempt from s.
59 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
60 Constitution. Protecting information contained in records
61 created or compiled during screenings for participation in a
62 treatment-based drug court program, records created or compiled
63 during substance abuse screenings, behavioral health
64 evaluations, and subsequent treatment status reports is
65 necessary to protect the privacy rights of participants or
66 individuals considered for participation in treatment-based drug
67 court programs. Accordingly, the Legislature finds that the
68 chilling effect to an individual who is seeking treatment for
69 his or her substance abuse which would result from the release
70 of this information substantially outweighs any public benefit
71 derived from disclosure to the public. Making this information
72 confidential and exempt will protect information that is of a
73 sensitive, personal nature; thus, the release of this
74 information would cause unwarranted damage to the reputation of
75 an individual. Furthermore, making this information confidential
76 and exempt will encourage individuals to participate in drug
77 court programs, and thereby promote the effective and efficient
78 administration of treatment-based drug court programs.

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