

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 916.1065, F.S.; creating an exemption from public
 4 records requirements for a forensic behavioral health
 5 evaluation filed with a court; defining the term
 6 "forensic behavioral health evaluation"; providing a
 7 statement of public necessity; providing an effective
 8 date.

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

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 12 Section 1. Section 916.1065, Florida Statutes, is created
 13 to read:

14 916.1065 Confidentiality of forensic behavioral health
 15 evaluations.-

16 (1) A forensic behavioral health evaluation filed with the
 17 court under this chapter is confidential and exempt from s.
 18 24(a), Art. I of the State Constitution.

19 (2) As used in this section, the term "forensic behavioral
 20 health evaluation" means any record, including supporting
 21 documentation, derived from a competency, substance abuse,
 22 psychosexual, psychological, psychiatric, psychosocial,
 23 cognitive impairment, sanity, or other mental health evaluation
 24 of an individual.

25 Section 2. The Legislature finds that it is a public
 26 necessity that forensic behavioral health evaluations filed with
 27 the court pursuant to chapter 916, Florida Statutes, be
 28 confidential and exempt from disclosure under s. 24(a), Art. I

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29 of the State Constitution. The personal health of an individual
30 and the treatment he or she receives are intensely private
31 matters. An individual's forensic behavioral health evaluation
32 should not be made public merely because it is filed with the
33 court. Protecting forensic behavioral health evaluations is
34 necessary to consistently protect the health care privacy rights
35 of all persons. Making these evaluations confidential and exempt
36 will protect information of a sensitive personal nature, the
37 release of which would cause unwarranted damage to the
38 reputation of an individual. Further, the knowledge that
39 sensitive personal information is subject to disclosure could
40 have a chilling effect on mental health experts who conduct the
41 evaluations for use by the court. Therefore, making these
42 evaluations confidential and exempt allows courts to effectively
43 and efficiently make decisions relating to the competency of
44 individuals who interact with the state courts system.

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