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A bill to be entitled  
 An act relating to public records; creating s.  
 916.1065, F.S.; providing a definition; providing an  
 exemption from public records requirements for a  
 forensic behavioral health evaluation filed with a  
 court; providing a statement of public necessity;  
 providing an effective date.

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

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

916.1065 Confidentiality of forensic behavioral health  
 evaluations.-

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

(2) A forensic behavioral health evaluation filed with the  
 court under this chapter is confidential and exempt from s.  
 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 2. The Legislature finds that it is a public  
 necessity that forensic behavioral health evaluations filed with  
 the court pursuant to chapter 916, Florida Statutes, be

27 confidential and exempt from disclosure under s. 119.07(1),  
28 Florida Statutes, and s. 24(a), Article I of the State  
29 Constitution. The personal health of an individual and the  
30 treatment he or she receives are intensely private matters. An  
31 individual's forensic behavioral health evaluation should not be  
32 made public merely because it is filed with the court.  
33 Protecting forensic behavioral health evaluations is necessary  
34 to consistently protect the health care privacy rights of all  
35 persons. Making these evaluations confidential and exempt will  
36 protect information of a sensitive personal nature, the release  
37 of which would cause unwarranted damage to the reputation of an  
38 individual. Further, the knowledge that sensitive personal  
39 information is subject to disclosure could have a chilling  
40 effect on mental health experts who conduct the evaluations for  
41 use by the court. Therefore, making these evaluations  
42 confidential and exempt allows courts to effectively and  
43 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.