

1 A bill to be entitled
2 An act relating to public records; creating s.
3 414.1035, F.S.; providing an exemption from
4 public records requirements for identifying
5 information relating to the drug screening,
6 testing, or treatment of applicants for or
7 recipients of WAGES Program assistance or
8 services; providing for future review and
9 repeal; providing a finding of public
10 necessity; providing a contingent effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 414.1035, Florida Statutes, is
16 created to read:

17 414.1035 CONFIDENTIALITY OF RECORDS.--

18 (1) Except as otherwise provided in this subsection,
19 all identifying information on interviews, reports,
20 statements, memoranda, records, and drug screening or test
21 results, identifying any applicant, recipient, or former
22 applicant or recipient and held by an agency as defined in s.
23 119.011(2), received or produced as a result of the drug
24 testing program provided in s. 414.103, are confidential and
25 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
26 I of the State Constitution, and may not be used or received
27 in evidence, obtained in discovery, or disclosed in any public
28 or private proceedings, except in accordance with this
29 section.

30 (2) WAGES Program staff, laboratories, and drug and
31 alcohol rehabilitation programs, and their agents may not

1 release any information concerning drug screening or test
2 results obtained pursuant to s. 414.103 without a written
3 consent form signed voluntarily by the person tested, except
4 when such release is compelled by an administrative law judge
5 or a court of competent jurisdiction pursuant to an appeal
6 taken under s. 414.103, or when deemed appropriate by a
7 professional or occupational licensing board in a related
8 disciplinary proceeding. The consent form must contain, at a
9 minimum:

10 (a) The name of the person who is authorized to obtain
11 the information.

12 (b) The purpose of the disclosure.

13 (c) The precise information to be disclosed.

14 (d) The duration of the consent.

15 (e) The signature of the person authorizing release of
16 the information.

17 (3) Information on drug screening or test results
18 obtained pursuant to s. 414.103 shall not be released or used
19 in any criminal proceeding against a WAGES applicant or
20 recipient. Information released contrary to this section shall
21 be inadmissible as evidence in any such criminal proceeding.

22 (4) Nothing in this section shall be construed to
23 prohibit WAGES Program staff, laboratories, or drug and
24 alcohol rehabilitation programs, or their agents, from having
25 access to drug screening or test information when consulting
26 with legal counsel in connection with actions brought under or
27 related to s. 414.103 or when the information is relevant to
28 its defense in a civil or administrative matter.

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30 This section is subject to the Open Government Sunset Review
31 Act of 1995 in accordance with s. 119.15 and shall stand

1 repealed on October 2, 2002, unless reviewed and saved from
2 repeal through reenactment by the Legislature.

3 Section 2. The Legislature finds that in order to
4 facilitate the identification and treatment of drug abuse
5 among applicants for and recipients of public assistance, it
6 is a public necessity that records of drug screening, testing,
7 and treatment of applicants for and recipients of public
8 assistance be held confidential and exempt from the public
9 records law. Such records often concern matters of a personal
10 and private nature. Disclosure to the public of such personal
11 information would significantly reduce the effectiveness of
12 the drug screening and testing process and hinder drug
13 treatment. Consequently, without such exemption, efforts to
14 develop self-sufficiency among applicants for and recipients
15 of public assistance would suffer. Therefore, the Legislature
16 finds that the benefits from maintaining confidentiality of
17 records concerning the identification and treatment of drug
18 abuse among applicants for and recipients of public assistance
19 outweigh any harm to the public resulting from nondisclosure
20 of such information.

21 Section 3. This act shall take effect on the same date
22 as House Bill 271 or similar legislation takes effect, if such
23 legislation is adopted in the same legislative session or an
24 extension thereof.