

By Representative Lynn

1 A bill to be entitled
2 An act relating to public records; amending s.
3 414.0951, F.S.; providing an exemption from
4 public records requirements for certain
5 information relating to drug testing of
6 applicants for and participants in WAGES,
7 Medicaid, and other public assistance programs;
8 providing exceptions and limitations; providing
9 for future review and repeal; providing a
10 finding of public necessity; providing a
11 contingent effective date.

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

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15 Section 1. Subsection (17) is added to section
16 414.0951, Florida Statutes, to read:

17 414.0951 Drug testing of applicants for and
18 participants in WAGES, Medicaid, and other public assistance
19 programs.--

20 (17) CONFIDENTIALITY.--

21 (a) Except as otherwise provided in this subsection,
22 all information, interviews, reports, statements, memoranda,
23 and drug test results, written or otherwise, received or
24 produced as a result of a drug testing program are
25 confidential and exempt from the provisions of s. 119.07(1)
26 and s. 24(a), Art. I of the State Constitution, and may not be
27 used or received in evidence, obtained in discovery, or
28 disclosed in any public or private proceedings, except in
29 accordance with this section.

30 (b) The department, laboratories, drug treatment
31 program, and their agents may not release any information

1 concerning drug test results obtained pursuant to this section
2 without a written consent form signed voluntarily by the
3 person tested, except where such release is compelled by a
4 hearing officer or a court of competent jurisdiction pursuant
5 to an appeal taken under this section, or where deemed
6 appropriate by a professional or occupational licensing board
7 in a related disciplinary proceeding. The consent form must
8 contain, at a minimum:

9 1. The name of the person who is authorized to obtain
10 the information.

11 2. The purpose of the disclosure.

12 3. The precise information to be disclosed.

13 4. The duration of the consent.

14 5. The signature of the person authorizing release of
15 the information.

16 (c) Information on drug test results shall not be
17 released or used in any criminal proceeding against the
18 applicant or participant. Information released contrary to
19 this section shall be inadmissible as evidence in any such
20 criminal proceeding.

21 (d) Nothing in this subsection shall be construed to
22 prohibit the department, an agent of the department, or a
23 laboratory conducting a drug test from having access to the
24 applicant's or participant's drug test information when
25 consulting with legal counsel in connection with actions
26 brought under or related to this section or where the
27 information is relevant to its defense in a civil or
28 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, Florida Statutes,

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

3 Section 2. The Legislature finds that the exemption
4 provided in s. 414.0951(17), Florida Statutes, is a public
5 necessity.

6 Section 3. This act shall take effect on the same date
7 as House Bill or similar legislation takes effect, if such
8 legislation is adopted in the same legislative session or an
9 extension thereof.

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HOUSE SUMMARY

Provides an exemption from public records requirements for certain information relating to drug testing of applicants for or participants in Work and Gain Economic Self-sufficiency (WAGES), Medicaid, and other public assistance programs. Provides exceptions and limitations. Provides for future review and repeal.