

By the Committee on Education and Senator Cowin

304-1939-00

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A bill to be entitled
An act relating to public records; providing an exemption from public records requirements for certain records of an educator who successfully completes a recovery network treatment program; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

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

Section 1. Upon successful completion of a treatment program as provided in section 231.263(6)(c), Florida Statutes, as amended by Committee Substitute for Senate Bill 2432, and full compliance with a deferred prosecution agreement between an educator and the Department of Education, entered into pursuant to that section, the medical records of the educator which relate to treatment received are exempt from disclosure provisions of Section 24(a) of Article I of the State Constitution and section 119.07(1), Florida Statutes. This exemption is subject to the Open Government Sunset Review Act in accordance with section 119.15, Florida Statutes, and expires on October 2, 2005, unless reviewed and reenacted by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the records described in section 1 of this act be held confidential in order to promote the rehabilitation of impaired educators. Furthermore, the Legislature finds that it would encourage participation in the recovery network program for educators and reduce the teacher shortage in the state if

1 the confidentiality of records pertaining to participation in
2 the program encouraged more participation in the program.

3 Section 3. This act shall take effect on the effective
4 date of Committee Substitute for Senate Bill 2432 or similar
5 legislation, relating to the network recovery treatment
6 program, and shall not take effect if that legislation does
7 not become a law.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 SB 2434

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12 The Committee Substitute clarifies that the only records the
13 bill will exempt are the medical records that relate to
14 treatment received under the deferred prosecution agreement.
15 (Other medical records are exempt under other laws.) This
16 clarification also means that the only records that will be
17 made public if an educator fails to keep the terms of the
18 deferred prosecution agreement, or fails in the treatment
19 program, will be those records not otherwise exempt -- ie.:
20 the fact that the educator entered into the agreement and
21 attempted but failed a treatment program.

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