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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
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The Committee on Governmental Oversight and Accountability  
(Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (10) is added to section 397.334,  
Florida Statutes, to read:

397.334 Treatment-based drug court programs.—

(10) (a) Information relating to a participant or a person  
considered for participation in a treatment-based drug court  
program which is contained in the following records, reports,  
and evaluations is confidential and exempt from s. 119.07(1) and  
s. 24(a), Art. I, of the State Constitution:



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13           1. Records relating to initial screenings for participation  
14 in the program.

15           2. Records relating to substance abuse screenings.

16           3. Behavioral health evaluations.

17           4. Subsequent treatment status reports.

18           (b) This subsection is subject to the Open Government  
19 Sunset Review Act in accordance with s. 119.15 and shall stand  
20 repealed on October 2, 2018, unless reviewed and saved from  
21 repeal through reenactment by the Legislature.

22           Section 2. The Legislature finds that it is a public  
23 necessity that information relating to a participant or person  
24 considered for participation in a treatment-based drug court  
25 program under s. 397.334, Florida Statutes, which is contained  
26 in certain records, reports, and evaluations, be made  
27 confidential and exempt from s. 119.07(1), Florida Statutes, and  
28 s. 24(a), Art. I of the State Constitution. Protecting  
29 information contained in records relating to initial screenings  
30 for participation in a treatment-based drug court program,  
31 records relating to substance abuse screenings, behavioral  
32 health evaluations, and subsequent treatment status reports is  
33 necessary to protect the privacy rights of participants or  
34 individuals considered for participation in treatment-based drug  
35 court programs. Accordingly, the Legislature finds that the  
36 chilling effect to an individual who is seeking treatment for  
37 his or her substance abuse which would result from the release  
38 of this information substantially outweighs any public benefit  
39 derived from disclosure to the public. Making this information  
40 confidential and exempt will protect information that is of a  
41 sensitive, personal nature; thus, the release of this



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42 information would cause unwarranted damage to the reputation of  
43 an individual. Furthermore, making this information confidential  
44 and exempt will encourage individuals to participate in drug  
45 court programs, and thereby promote the effective and efficient  
46 administration of treatment-based drug court programs.

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

48

49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete everything before the enacting clause  
52 and insert:

53 A bill to be entitled  
54 An act relating to public records; amending s.  
55 397.334, F.S.; exempting from public records  
56 requirements information from the initial screenings  
57 for participation in a treatment-based drug court  
58 program, substance abuse screenings, behavioral health  
59 evaluations, and subsequent treatment status reports  
60 regarding a participant or a person considered for  
61 participation in a treatment-based drug court program;  
62 providing for future repeal and legislative review of  
63 the exemption under the Open Government Sunset Review  
64 Act; providing a statement of public necessity;  
65 providing an effective date.