

By Senator Garcia

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 397.334, F.S.; exempting from public records
4 requirements the initial screenings for a treatment-
5 based drug court program, substance abuse screenings,
6 behavioral health evaluations, and subsequent
7 treatment status reports regarding a participant in a
8 treatment-based drug court program; providing for
9 future repeal and legislative review of the exemption
10 under the Open Government Sunset Review Act; providing
11 a statement of public necessity; providing an
12 effective date.

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

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

18 397.334 Treatment-based drug court programs.—

19 (10) Initial screenings for participation in a treatment-
20 based drug court program, substance abuse screenings, behavioral
21 health evaluations, and subsequent treatment status reports
22 relating to a participant in a treatment-based drug court
23 program under this section are confidential and exempt from s.
24 119.07(1) and s. 24(a), Art. I of the State Constitution. This
25 subsection is subject to the Open Government Sunset Review Act
26 in accordance with s. 119.15 and shall stand repealed on October
27 2, 2018, unless reviewed and saved from repeal through
28 reenactment by the Legislature.

29 Section 2. The Legislature finds that it is a public

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30 necessity that initial screenings for participation in a
31 treatment-based drug court program, substance abuse screenings,
32 behavioral health evaluations, and subsequent treatment status
33 reports relating to a participant in a treatment-based drug
34 court program under s. 397.334, Florida Statutes, be made exempt
35 from public records requirements. This exemption is necessary to
36 protect the privacy rights of participants in treatment-based
37 drug court programs. These records are federally recognized as
38 confidential in 42 C.F.R. 2, regarding the confidentiality of
39 records of patients who suffer from alcohol or drug abuse.
40 Accordingly, the Legislature finds that the chilling effect to a
41 participant who is seeking treatment for his or her substance
42 abuse which would result from the release of his or her
43 evaluations, screenings, and reports substantially outweighs any
44 public benefit derived from disclosure to the public.

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