

By the Committee on Governmental Oversight and Accountability;
and Senator Garcia

585-04020-13

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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 information from the initial screenings
5 for participation in a treatment-based drug court
6 program, substance abuse screenings, behavioral health
7 evaluations, and subsequent treatment status reports
8 regarding a participant or a person considered for
9 participation in a treatment-based drug court program;
10 providing for future repeal and legislative review of
11 the exemption under the Open Government Sunset Review
12 Act; providing a statement of public necessity;
13 providing an effective date.

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

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

19 397.334 Treatment-based drug court programs.—

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

25 1. Records relating to initial screenings for participation
26 in the program.

27 2. Records relating to substance abuse screenings.

28 3. Behavioral health evaluations.

29 4. Subsequent treatment status reports.

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32 repealed on October 2, 2018, unless reviewed and saved from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

34 Section 2. The Legislature finds that it is a public
35 necessity that information relating to a participant or person
36 considered for participation in a treatment-based drug court
37 program under s. 397.334, Florida Statutes, which is contained
38 in certain records, reports, and evaluations, be made
39 confidential and exempt from s. 119.07(1), Florida Statutes, and
40 s. 24(a), Art. I of the State Constitution. Protecting
41 information contained in records relating to initial screenings
42 for participation in a treatment-based drug court program,
43 records relating to substance abuse screenings, behavioral
44 health evaluations, and subsequent treatment status reports is
45 necessary to protect the privacy rights of participants or
46 individuals considered for participation in treatment-based drug
47 court programs. Accordingly, the Legislature finds that the
48 chilling effect to an individual who is seeking treatment for
49 his or her substance abuse which would result from the release
50 of this information substantially outweighs any public benefit
51 derived from disclosure to the public. Making this information
52 confidential and exempt will protect information that is of a
53 sensitive, personal nature; thus, the release of this
54 information would cause unwarranted damage to the reputation of
55 an individual. Furthermore, making this information confidential
56 and exempt will encourage individuals to participate in drug
57 court programs, and thereby promote the effective and efficient
58 administration of treatment-based drug court programs.

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