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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:

1   **Senate Amendment (with title amendment)**
2
3   Delete lines 21 - 50
4   and insert:
5   court under this chapter is confidential and exempt from s.
6   24(a), Art. I of the State Constitution.
7   (2) As used in this section, the term "forensic behavioral
8   health evaluation" means any record, including supporting
9   documentation, derived from a competency, substance abuse,
10   psychosexual, psychological, psychiatric, psychosocial,
11   cognitive impairment, sanity, or other mental health evaluation
12   of an individual.

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

14 necessity that forensic behavioral health evaluations filed with

15 the court pursuant to chapter 916, Florida Statutes, be

16 confidential and exempt from disclosure under s. 24(a), Art. I

17 of the State Constitution. The personal health of an individual

18 and the treatment he or she receives is an intensely private

19 matter. An individual's forensic behavioral health evaluation

20 should not be made public merely because it is filed with the

21 court. Protecting forensic behavioral health evaluations is

22 necessary to consistently protect the health care privacy rights

23 of all persons. Making these evaluations confidential and exempt

24 will protect information of a sensitive personal nature, the

25 release of which would cause unwarranted damage to the

26 reputation of an individual. Further, the knowledge that

27 sensitive personal information is subject to disclosure could

28 have a chilling effect on mental health experts who conduct the

29 evaluations for use by the court. Therefore, making these

30 evaluations confidential and exempt allows courts to effectively

31 and efficiently make decisions relating to the competency of

32 individuals who interact with the state courts system.

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

35 And the title is amended as follows:

36   Delete lines 7 - 10

37 and insert:

38   providing a