

By Senator Garcia

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 916.1065, F.S.; creating an exemption from public
4 records requirements for a forensic behavioral health
5 evaluation filed with a court; providing a definition
6 for the term "forensic behavioral health evaluation";
7 authorizing the release of such evaluations under
8 certain circumstances; providing for future
9 legislative review and repeal of the exemption under
10 the Open Government Sunset Review Act; providing a
11 statement of public necessity, applicability, and
12 construction; providing an effective date.

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

16 Section 1. Section 916.1065, Florida Statutes, is created
17 to read:

18 916.1065 Confidentiality of forensic behavioral health
19 evaluations:

20 (1) A forensic behavioral health evaluation filed with the
21 court under this chapter is confidential and exempt from the
22 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution.

24 (2) As used in this section, the term "forensic behavioral
25 health evaluation" means any record, including supporting
26 documentation, derived from a competency, substance abuse,
27 psychosexual, psychological, psychiatric, psychosocial,
28 cognitive impairment, sanity, or other mental health evaluation
29 of an individual.

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30 (3) As provided by law, if the evaluation becomes part of a
31 clinical record, the evaluation may be released as provided in
32 s. 916.107(8).

33 (4) This section is subject to the Open Government Sunset
34 Review Act in accordance with s. 119.15 and shall stand repealed
35 on October 2, 2018, unless reviewed and saved from repeal
36 through reenactment by the Legislature.

37 Section 2. The Legislature finds that it is a public
38 necessity that forensic behavioral health evaluations filed with
39 the court pursuant to chapter 916, Florida Statutes, be
40 confidential and exempt from disclosure under public records
41 requirements. The personal health of an individual and the
42 treatment he or she receives is an intensely private matter. An
43 individual's forensic behavioral health evaluation should not be
44 made public merely because it is filed with the court.

45 Protecting forensic behavioral health evaluations is necessary
46 to consistently protect the health care privacy rights of all
47 persons. This exemption applies during all judicial proceedings
48 unless such records are released as provided by law. This
49 exemption is limited and no broader than necessary to accomplish
50 the stated purpose.

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