

HB 1437

2014

1 A bill to be entitled

2 An act relating to public records; amending s. 111.09,
3 F.S.; providing an exemption from public records
4 requirements for personal medical information
5 collected pursuant to the Drug-Free Public Officers
6 Act; providing for future legislative review and
7 repeal of the exemption; providing a statement of
8 public necessity; providing a contingent effective
9 date.

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

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13 Section 1. Subsection (9) of section 111.09, Florida
14 Statutes, as created by HB 1435, 2014 Regular Session, is
15 renumbered as subsection (10), and a new subsection (9) is added
16 to that section, to read:

17 111.09 Drug-Free Public Officers Act.—

18 (9) PUBLIC RECORDS EXEMPTION.—

19 (a) Records collected or created pursuant to this section,
20 including, but not limited to, initial drug test results from
21 public officers upon election, appointment, reelection, or
22 reappointment; confirmation or confirmed drug test results;
23 written explanations to the Commission on Ethics; referrals from
24 the Commission on Ethics; and records relating to subsequent
25 substance abuse treatment by a public officer; are confidential
26 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State

27 Constitution.

28 (b) This subsection is subject to the Open Government
29 Sunset Review Act in accordance with s. 119.15 and shall stand
30 repealed on October 2, 2019, unless reviewed and saved from
31 repeal through reenactment by the Legislature.

32 Section 2. The Legislature finds that it is a public
33 necessity that information relating to drug testing of public
34 officers be made confidential and exempt from s. 119.07(1),
35 Florida Statutes, and s. 24(a), Article I of the State
36 Constitution. Protecting information contained in records
37 relating to initial drug tests, records relating to confirmation
38 or confirmed drug tests, and subsequent treatment is necessary
39 to protect the privacy rights of public officers. Accordingly,
40 the Legislature finds that the chilling effect to a public
41 officer who is seeking treatment for his or her substance abuse
42 which would result from the release of this information
43 substantially outweighs any public benefit derived from
44 disclosure to the public. Making this information confidential
45 and exempt will protect information that is of a sensitive,
46 personal nature; thus, the release of this information would
47 cause unwarranted damage to the reputation of a public officer.
48 Further, making this information confidential and exempt will
49 encourage public officers to seek treatment for substance abuse
50 and thereby preserve the integrity of government institutions
51 and agencies.

52 Section 3. This act shall take effect on the same date

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53 | that HB 1435 takes effect, if such legislation is adopted in the
54 | same legislative session or an extension thereof and becomes
55 | law.