

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 information relating to a participant or
5 a person considered for participation in a treatment-
6 based drug court program and contained in certain
7 records, reports, and evaluations; providing for
8 future repeal and legislative review of the exemption
9 under the Open Government Sunset Review Act; providing
10 a statement of public necessity; providing an
11 effective date.

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

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

17 397.334 Treatment-based drug court programs.—

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

23 1. Records relating to initial screenings for participation
24 in the program.

25 2. Records relating to substance abuse screenings.

26 3. Behavioral health evaluations.

27 4. Subsequent treatment status reports.

28 (b) This subsection is subject to the Open Government
29 Sunset Review Act in accordance with s. 119.15 and shall stand

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30 repealed on October 2, 2019, unless reviewed and saved from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 a participant or person
34 considered for participation in a treatment-based drug court
35 program under s. 397.334, Florida Statutes, which is contained
36 in certain records, reports, and evaluations be made
37 confidential and exempt from s. 119.07(1), Florida Statutes, and
38 s. 24(a), Article I of the State Constitution. Protecting
39 information contained in records relating to initial screenings
40 for participation in a treatment-based drug court program,
41 records relating to substance abuse screenings, behavioral
42 health evaluations, and subsequent treatment status reports is
43 necessary to protect the privacy rights of participants or
44 individuals considered for participation in treatment-based drug
45 court programs. Protecting against the release of information
46 that is sensitive and personal in nature prevents unwarranted
47 damage to the reputation of treatment-based drug court program
48 participants. Public disclosure of such information could result
49 in a substantial chilling effect on participation in treatment-
50 based drug court programs. Preventing such chilling effect by
51 making this information confidential substantially outweighs any
52 public benefit derived from public disclosure of such
53 information. Accordingly, it is a public necessity that this
54 information be made confidential to protect the privacy rights
55 of program participants, encourage individuals to participate in
56 such programs, and promote the effective and efficient
57 administration of treatment-based drug court programs.

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