

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

585-03260-14

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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 screenings for
5 participation in a treatment-based drug court program,
6 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 program; providing
10 for exceptions to the exemption; providing for
11 retroactive application of the public record
12 exemption; providing for future repeal and legislative
13 review of the exemption under the Open Government
14 Sunset Review Act; providing a statement of public
15 necessity; providing an effective date.
16

17 Be It Enacted by the Legislature of the State of Florida:
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19 Section 1. Subsection (10) is added to section 397.334,
20 Florida Statutes, to read:

21 397.334 Treatment-based drug court programs.—

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

27 1. Records created or compiled during screenings for
28 participation in the program.

29 2. Records created or compiled during substance abuse

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30 screenings.

31 3. Behavioral health evaluations.

32 4. Subsequent treatment status reports.

33 (b) Such confidential and exempt information may be
34 disclosed:

35 1. Pursuant to a written request of the participant or
36 person considered for participation, or his or her legal
37 representative.

38 2. To another governmental entity in the furtherance of its
39 responsibilities associated with the screening of or providing
40 treatment to a person in a treatment-based drug court program.

41 (c) Records of a service provider which pertain to the
42 identity, diagnosis, and prognosis of or provision of service to
43 any person shall be disclosed pursuant to s. 397.501(7).

44 (d) This exemption applies to such information described in
45 paragraph (a) relating to a participant or a person considered
46 for participation in a treatment-based drug court program
47 before, on, or after the effective date of this exemption.

48 (e) This subsection is subject to the Open Government
49 Sunset Review Act in accordance with s. 119.15 and shall stand
50 repealed on October 2, 2019, unless reviewed and saved from
51 repeal through reenactment by the Legislature.

52 Section 2. The Legislature finds that it is a public
53 necessity that information relating to a participant or person
54 considered for participation in a treatment-based drug court
55 program under s. 397.334, Florida Statutes, which is contained
56 in certain records be made confidential and exempt from s.
57 119.07(1), Florida Statutes, and s. 24(a), Article I of the
58 State Constitution. Protecting information contained in records

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59 created or compiled during screenings for participation in a
60 treatment-based drug court program, records created or compiled
61 during substance abuse screenings, behavioral health
62 evaluations, and subsequent treatment status reports is
63 necessary to protect the privacy rights of participants or
64 individuals considered for participation in treatment-based drug
65 court programs. Protecting against the release of information
66 that is sensitive and personal in nature prevents unwarranted
67 damage to the reputation of treatment-based drug court program
68 participants. Public disclosure of such information could result
69 in a substantial chilling effect on participation in treatment-
70 based drug court programs. Preventing such chilling effect by
71 making this information confidential substantially outweighs any
72 public benefit derived from public disclosure of such
73 information. Accordingly, it is a public necessity that this
74 information be made confidential to protect the privacy rights
75 of program participants, encourage individuals to participate in
76 such programs, and promote the effective and efficient
77 administration of treatment-based drug court programs.

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