

2014280er

1  
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:  
18

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

2014280er

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 a person  
40 considered for participation in or the provision of treatment to  
41 a person in a treatment-based drug court program.

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

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

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51 repealed on October 2, 2019, unless reviewed and saved from  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

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

2014280er

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

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