

FOR CONSIDERATION By the Committee on Judiciary

590-00947-19

20197010pb

1                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending s. 397.334, F.S., relating  
4           to an exemption from public records requirements for  
5           certain information relating to screenings for  
6           participation in treatment-based drug court programs  
7           and subsequent treatment status reports; removing the  
8           scheduled repeal of the exemption; providing an  
9           effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Subsection (10) of section 397.334, Florida  
14           Statutes, is amended to read:

15           397.334 Treatment-based drug court programs.—

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

21           1. Records created or compiled during screenings for  
22           participation in the program.

23           2. Records created or compiled during substance abuse  
24           screenings.

25           3. Behavioral health evaluations.

26           4. Subsequent treatment status reports.

27           (b) Such confidential and exempt information may be  
28           disclosed:

29           1. Pursuant to a written request of the participant or

590-00947-19

20197010pb

30 person considered for participation, or his or her legal  
31 representative.

32 2. To another governmental entity in the furtherance of its  
33 responsibilities associated with the screening of a person  
34 considered for participation in or the provision of treatment to  
35 a person in a treatment-based drug court program.

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

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

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

47 Section 2. This act shall take effect October 1, 2019.