

By Senator Rouson

16-01453-23

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1                   A bill to be entitled  
2     An act relating to public records; amending s.  
3     394.47891, F.S.; providing an exemption from public  
4     records requirements for certain information of  
5     persons participating in, or considered for  
6     participation in, veterans treatment court programs;  
7     authorizing the disclosure of confidential and exempt  
8     information under certain circumstances; providing for  
9     retroactive application; providing for legislative  
10    review and repeal of the exemption; providing a  
11    statement of public necessity; providing an effective  
12    date.

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

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16       Section 1. Subsection (12) is added to section 394.47891,  
17 Florida Statutes, to read:

18       394.47891 Veterans treatment court programs.—

19       (12) CONFIDENTIAL AND EXEMPT INFORMATION.—

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

25       1. Records created or compiled during screenings for  
26 participation in the program.

27       2. Records created or compiled during substance abuse  
28 screenings.

29       3. Behavioral health evaluations.

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30 4. Subsequent treatment status reports.

31 (b) Such confidential and exempt information may be  
32 disclosed:

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

36 2. To another governmental entity in the furtherance of its  
37 responsibilities associated with the screening of a person  
38 considered for participation in or the provision of treatment to  
39 a person in a veterans treatment court program.

40 (c) If such confidential and exempt information is a  
41 substance abuse record of a service provider which pertains to  
42 the identity, diagnosis, and prognosis of or provision of  
43 service to a person, such information may be disclosed pursuant  
44 to s. 397.501(7).

45 (d) If such confidential and exempt information is a record  
46 of a service provider which pertains to mental health, such  
47 information may be disclosed pursuant to s. 394.4615.

48 (e) The public records exemption contained in this section  
49 applies to the information collected before, on, or after the  
50 effective date of this exemption.

51 (f) This subsection is subject to the Open Government  
52 Sunset Review Act in accordance with s. 119.15 and shall stand  
53 repealed on October 2, 2028, unless reviewed and saved from  
54 repeal through reenactment by the Legislature.

55 Section 2. The Legislature finds that it is a public  
56 necessity that information relating to a participant or person  
57 considered for participation in a veterans treatment court  
58 program under s. 394.47891, Florida Statutes, which is contained

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59 in certain records be made confidential and exempt from s.  
60 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
61 State Constitution. Protecting information contained in records  
62 created or compiled during screenings for participation in a  
63 veterans treatment court program, records created or compiled  
64 during substance abuse screenings, behavioral health  
65 evaluations, and subsequent treatment status reports is  
66 necessary to protect the privacy rights of participants or  
67 individuals considered for participation in a veterans treatment  
68 court program. Protecting against the release of information  
69 that is sensitive and personal in nature prevents unwarranted  
70 damage to the reputation of veterans treatment court program  
71 participants. Public disclosure of such information could result  
72 in a substantial chilling effect on participation in a veterans  
73 treatment court program. Preventing such chilling effect by  
74 making this information confidential substantially outweighs any  
75 public benefit derived from public disclosure of such  
76 information. Accordingly, it is a public necessity that this  
77 information be made confidential to protect the privacy rights  
78 of program participants, encourage individuals to participate in  
79 such programs, and promote the effective and efficient  
80 administration of a veterans treatment court program.

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