

By Senator Rouson

16-00832-24

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1 A bill to be entitled
2 An act relating to public records; amending ss.
3 394.47891 and 394.47892, F.S.; providing public
4 records exemptions for specified veterans treatment
5 court program records and mental health court program
6 records, respectively; authorizing disclosure of
7 confidential and exempt information under certain
8 circumstances; providing for retroactive application;
9 providing for future legislative review and repeal;
10 providing a statement of public necessity; providing
11 an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (12) is added to section 394.47891,
16 Florida Statutes, to read:

17 394.47891 Veterans treatment court programs.—

18 (12) PUBLIC RECORDS EXEMPTION.—

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

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

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

28 3. Behavioral health evaluations.

29 4. Subsequent treatment status reports.

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

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

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

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

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

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

50 (f) This subsection is subject to the Open Government
51 Sunset Review Act in accordance with s. 119.15 and shall stand
52 repealed on October 2, 2029, unless reviewed and saved from
53 repeal through reenactment by the Legislature.

54 Section 2. Subsection (8) is added to section 394.47892,
55 Florida Statutes, to read:

56 394.47892 Mental health court programs.—

57 (8) (a) Information relating to a participant or a person
58 considered for participation in a mental health court program

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59 contained in the following records is confidential and exempt
60 from s. 119.07(1) and s. 24(a), Art. I of the State
61 Constitution:

62 1. Records created or compiled during screenings for
63 participation in the program.

64 2. Records created or compiled during substance abuse
65 screenings.

66 3. Behavioral health evaluations.

67 4. Subsequent treatment status reports.

68 (b) Such confidential and exempt information may be
69 disclosed:

70 1. Pursuant to a written request of the participant or
71 person considered for participation or his or her legal
72 representative.

73 2. To another governmental entity in the furtherance of the
74 governmental entity's responsibilities associated with the
75 screening of a person considered for participation in or the
76 provision of treatment to a person in a mental health court
77 program.

78 (c) If such confidential and exempt information is a
79 substance abuse record of a service provider that pertains to
80 the identity, diagnosis, and prognosis of or provision of
81 services to a person, such information may be disclosed pursuant
82 to s. 397.501(7).

83 (d) If such confidential and exempt information is a record
84 of a service provider that pertains to mental health, such
85 information may be disclosed pursuant to s. 394.4615.

86 (e) The public records exemption in this subsection applies
87 to the information collected before, on, or after the effective

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88 date of this exemption.

89 (f) This subsection is subject to the Open Government
90 Sunset Review Act in accordance with s. 119.15 and shall stand
91 repealed on October 2, 2029, unless reviewed and saved from
92 repeal through reenactment by the Legislature.

93 Section 3. The Legislature finds that it is a public
94 necessity that information relating to a participant or person
95 considered for participation in a veterans treatment court
96 program or mental health court program under ss. 394.47891 and
97 394.47892, Florida Statutes, that is contained in certain
98 records be made confidential and exempt from s. 119.07(1),
99 Florida Statutes, and s. 24(a), Article I of the State
100 Constitution. Protecting information contained in records
101 created or compiled during screenings for participation in a
102 veterans treatment court program or mental health court program,
103 records created or compiled during substance abuse screenings,
104 behavioral health evaluations, and subsequent treatment status
105 reports is necessary to protect the privacy rights of
106 participants or individuals considered for participation in a
107 veterans treatment court program or mental health court program.
108 Protecting against the release of information that is sensitive
109 and personal in nature prevents unwarranted damage to the
110 reputation of veterans treatment court program or mental health
111 court program participants. Public disclosure of such
112 information could result in a substantial negative effect on
113 participation in veterans treatment court programs and mental
114 health court programs. The Legislature further finds that the
115 harm that may result from the release of such information
116 significantly outweighs any public benefit that may be derived

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117 from the disclosure of such information. Finally, it is a public
118 necessity that this information be made confidential and exempt
119 to protect the privacy rights of program participants, encourage
120 individuals to participate in such programs, and promote the
121 effective and efficient administration of a veterans treatment
122 court program or a mental health court program.

123 Section 4. This act shall take effect upon becoming a law.