

By Senator Garcia

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 916.1065, F.S.; creating an exemption from public
4 records requirements for a forensic behavioral health
5 evaluation filed with a court; providing a definition
6 for the term "forensic behavioral health evaluation";
7 providing a statement of public necessity; providing
8 an effective date.

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

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12 Section 1. Section 916.1065, Florida Statutes, is created
13 to read:

14 916.1065 Confidentiality of forensic behavioral health
15 evaluations.

16 (1) A forensic behavioral health evaluation filed with the
17 court under this chapter is confidential and exempt from s.
18 24(a), Art. I of the State Constitution.

19 (2) As used in this section, the term "forensic behavioral
20 health evaluation" means any record, including supporting
21 documentation, derived from a competency, substance abuse,
22 psychosexual, psychological, psychiatric, psychosocial,
23 cognitive impairment, sanity, or other mental health evaluation
24 of an individual.

25 Section 2. The Legislature finds that it is a public
26 necessity that forensic behavioral health evaluations filed with
27 the court pursuant to chapter 916, Florida Statutes, be
28 confidential and exempt from disclosure under s. 24(a), Article
29 I of the State Constitution. The personal health of an

38-00335-14

2014256__

30 individual and any treatment that he or she receives is an
31 intensely private matter. An individual's forensic behavioral
32 health evaluation should not be made public merely because it is
33 filed with the court. Protecting forensic behavioral health
34 evaluations is necessary to ensure the health care privacy
35 rights of all individuals. Making these evaluations confidential
36 and exempt will protect information of a sensitive personal
37 nature, the release of which could cause unwarranted damage to
38 the reputation of an individual. Further, the knowledge that
39 sensitive personal information is subject to disclosure could
40 have a chilling effect on mental health experts who conduct the
41 evaluations for use by the court. Therefore, making these
42 evaluations confidential and exempt allows courts to effectively
43 and efficiently make decisions relating to the competency of
44 individuals who interact with the state courts system.

45 Section 3. This act shall take effect July 1, 2014.