

By the Committee on Governmental Oversight and Accountability;
and Senator Garcia

585-04019-13

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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,
8 applicability, and construction; providing an
9 effective date.

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

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

15 916.1065 Confidentiality of forensic behavioral health
16 evaluations:

17 (1) A forensic behavioral health evaluation filed with the
18 court under this chapter is confidential and exempt from s.
19 24(a), Art. I of the State Constitution.

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

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

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

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