

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 916.1065, F.S.; providing a definition; providing an
 4 exemption from public records requirements for a
 5 forensic behavioral health evaluation filed with a
 6 court; providing for retroactive applicability;
 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) As used in this section, the term "forensic behavioral
 17 health evaluation" means any record, including supporting
 18 documentation, derived from a competency, substance abuse,
 19 psychosexual, psychological, psychiatric, psychosocial,
 20 cognitive impairment, sanity, or other mental health evaluation
 21 of an individual.

22 (2) A forensic behavioral health evaluation filed with the
 23 court under this chapter is confidential and exempt from s.
 24 119.07(1) and s. 24(a), Art. I of the State Constitution.

25 (3) The exemption in this section applies to forensic
 26 behavioral health evaluations filed with a court before, on, or

27 after the effective date of this section.

28 Section 2. The Legislature finds that it is a public
29 necessity that forensic behavioral health evaluations filed with
30 the court pursuant to chapter 916, Florida Statutes, be made
31 confidential and exempt from disclosure under s. 119.07(1),
32 Florida Statutes, and s. 24(a), Article I of the State
33 Constitution. The personal health of an individual and the
34 treatment he or she receives are intensely private matters. An
35 individual's forensic behavioral health evaluation should not be
36 made public merely because it is filed with the court.

37 Protecting forensic behavioral health evaluations is necessary
38 to consistently protect the health care privacy rights of all
39 persons. Making these evaluations confidential and exempt will
40 protect information of a sensitive personal nature, the release
41 of which would cause unwarranted damage to the reputation of an
42 individual. Further, the knowledge that sensitive personal
43 information is subject to disclosure could have a chilling
44 effect on mental health experts who conduct the evaluations for
45 use by the court. Therefore, making these evaluations
46 confidential and exempt allows courts to effectively and
47 efficiently make decisions relating to the competency of
48 individuals who interact with the state courts system.

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