

By Senator Garcia

38-00335-14

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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.

9  
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

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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.