

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

585-02223-14

2014256c1

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 retroactive application; providing a
8 statement of public necessity; providing an effective
9 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.
19 119.07(1) and s. 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 (3) The exemption under subsection (1) applies to forensic
27 behavioral health evaluations filed with a court before, on, or
28 after July 1, 2014.

29 Section 2. The Legislature finds that it is a public

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30 necessity that forensic behavioral health evaluations filed with
31 the court pursuant to chapter 916, Florida Statutes, be
32 confidential and exempt from disclosure under s. 119.07(1),
33 Florida Statutes, and s. 24(a), Article I of the State
34 Constitution. The personal health of an individual and any
35 treatment that he or she receives is an intensely private
36 matter. An individual's forensic behavioral health evaluation
37 should not be made public merely because it is filed with the
38 court. Protecting forensic behavioral health evaluations is
39 necessary to ensure the health care privacy rights of all
40 individuals. Making these evaluations confidential and exempt
41 will protect information of a sensitive personal nature, the
42 release of which could cause unwarranted damage to the
43 reputation of an individual. Further, the knowledge that
44 sensitive personal information is subject to disclosure could
45 have a chilling effect on mental health experts who conduct the
46 evaluations for use by the court. Therefore, making these
47 evaluations confidential and exempt allows courts to effectively
48 and efficiently make decisions relating to the competency of
49 individuals who interact with the state courts system.

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