

By the Committees on Rules; and Governmental Oversight and Accountability; and Senator Garcia

595-03709-14

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 397.334, F.S.; exempting from public records
4 requirements information from the screenings for
5 participation in a treatment-based drug court program,
6 substance abuse screenings, behavioral health
7 evaluations, and subsequent treatment status reports
8 regarding a participant or a person considered for
9 participation in a treatment-based program; providing
10 for exceptions to the exemption; providing for
11 retroactive application of the public record
12 exemption; providing for future repeal and legislative
13 review of the exemption under the Open Government
14 Sunset Review Act; providing a statement of public
15 necessity; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsection (10) is added to section 397.334,
20 Florida Statutes, to read:

21 397.334 Treatment-based drug court programs.—

22 (10) (a) Information relating to a participant or a person
23 considered for participation in a treatment-based drug court
24 program which is contained in the following records is
25 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
26 of the State Constitution:

27 1. Records created or compiled during screenings for
28 participation in the program.

29 2. Records created or compiled during substance abuse

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30 screenings.

31 3. Behavioral health evaluations.

32 4. Subsequent treatment status reports.

33 (b) Such confidential and exempt information may be
34 disclosed:

35 1. Pursuant to a written request of the participant or
36 person considered for participation, or his or her legal
37 representative.

38 2. To another governmental entity in the furtherance of its
39 responsibilities associated with the screening of a person
40 considered for participation in or the provision of treatment to
41 a person in a treatment-based drug court program.

42 (c) Records of a service provider which pertain to the
43 identity, diagnosis, and prognosis of or provision of service to
44 any person shall be disclosed pursuant to s. 397.501(7).

45 (d) This exemption applies to such information described in
46 paragraph (a) relating to a participant or a person considered
47 for participation in a treatment-based drug court program
48 before, on, or after the effective date of this exemption.

49 (e) This subsection is subject to the Open Government
50 Sunset Review Act in accordance with s. 119.15 and shall stand
51 repealed on October 2, 2019, unless reviewed and saved from
52 repeal through reenactment by the Legislature.

53 Section 2. The Legislature finds that it is a public
54 necessity that information relating to a participant or person
55 considered for participation in a treatment-based drug court
56 program under s. 397.334, Florida Statutes, which is contained
57 in certain records be made confidential and exempt from s.
58 119.07(1), Florida Statutes, and s. 24(a), Article I of the

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59 State Constitution. Protecting information contained in records
60 created or compiled during screenings for participation in a
61 treatment-based drug court program, records created or compiled
62 during substance abuse screenings, behavioral health
63 evaluations, and subsequent treatment status reports is
64 necessary to protect the privacy rights of participants or
65 individuals considered for participation in treatment-based drug
66 court programs. Protecting against the release of information
67 that is sensitive and personal in nature prevents unwarranted
68 damage to the reputation of treatment-based drug court program
69 participants. Public disclosure of such information could result
70 in a substantial chilling effect on participation in treatment-
71 based drug court programs. Preventing such chilling effect by
72 making this information confidential substantially outweighs any
73 public benefit derived from public disclosure of such
74 information. Accordingly, it is a public necessity that this
75 information be made confidential to protect the privacy rights
76 of program participants, encourage individuals to participate in
77 such programs, and promote the effective and efficient
78 administration of treatment-based drug court programs.

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