

By the Committee on Judiciary

590-01173-19

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1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 397.334, F.S., relating
 4 to an exemption from public records requirements for
 5 certain information relating to screenings for
 6 participation in treatment-based drug court programs
 7 and subsequent treatment status reports; removing the
 8 scheduled repeal of the exemption; 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. Subsection (10) of section 397.334, Florida
 14 Statutes, is amended to read:

15 397.334 Treatment-based drug court programs.—

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

- 21 1. Records created or compiled during screenings for
- 22 participation in the program.
- 23 2. Records created or compiled during substance abuse
- 24 screenings.
- 25 3. Behavioral health evaluations.
- 26 4. Subsequent treatment status reports.

27 (b) Such confidential and exempt information may be
 28 disclosed:

- 29 1. Pursuant to a written request of the participant or

590-01173-19

20197010__

30 person considered for participation, or his or her legal
31 representative.

32 2. To another governmental entity in the furtherance of its
33 responsibilities associated with the screening of a person
34 considered for participation in or the provision of treatment to
35 a person in a treatment-based drug court program.

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

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

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45 ~~repealed on October 2, 2019, unless reviewed and saved from~~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

47 Section 2. This act shall take effect October 1, 2019.