

A bill to be entitled

An act relating to public records; amending s. 397.334, F.S.; providing an exemption from public records requirements for information relating to screenings for participation in a treatment-based drug court program, substance abuse screenings, behavioral health evaluations, and subsequent treatment status reports regarding a participant or a person considered for participation in a treatment-based drug court program; providing for the disclosure of certain records; providing for retroactive applicability of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

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

397.334 Treatment-based drug court programs.—

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

1. Records created or compiled during screenings for

27 participation in the program.

28 2. Records created or compiled during substance abuse
 29 screenings.

30 3. Behavioral health evaluations.

31 4. Subsequent treatment status reports.

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

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

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

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

44 (d) This exemption applies to such information described
 45 in paragraph (a) relating to a participant or a person
 46 considered for participation in a treatment-based drug court
 47 program before, on, or after the effective date of this
 48 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 51 repealed on October 2, 2019, unless reviewed and saved from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), Art. I of the State
59 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. Accordingly, the Legislature finds that the
67 chilling effect to an individual who is seeking treatment for
68 his or her substance abuse which would result from the release
69 of this information substantially outweighs any public benefit
70 derived from disclosure to the public. Making this information
71 confidential and exempt will protect information that is of a
72 sensitive, personal nature; thus, the release of this
73 information would cause unwarranted damage to the reputation of
74 an individual. Furthermore, making this information confidential
75 and exempt will encourage individuals to participate in drug
76 court programs, and thereby promote the effective and efficient
77 administration of treatment-based drug court programs.

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