

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 authorizing the release of such evaluations under
 8 certain circumstances; providing for future
 9 legislative review and repeal of the exemption under
 10 the Open Government Sunset Review Act; providing a
 11 statement of public necessity, applicability, and
 12 construction; providing an effective date.

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

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 16 Section 1. Section 916.1065, Florida Statutes, is created
 17 to read:

18 916.1065 Confidentiality of forensic behavioral health
 19 evaluations:

20 (1) A forensic behavioral health evaluation filed with the
 21 court under this chapter is confidential and exempt from the
 22 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 23 Constitution.

24 (2) As used in this section, the term "forensic behavioral
 25 health evaluation" means any record, including supporting
 26 documentation, derived from a competency, substance abuse,
 27 psychosexual, psychological, psychiatric, psychosocial,
 28 cognitive impairment, sanity, or other mental health evaluation

HB 1183

2013

29 | of an individual.

30 | (3) As provided by law, if the evaluation becomes part of
31 | a clinical record, the evaluation may be released as provided in
32 | s. 916.107(8).

33 | (4) This section is subject to the Open Government Sunset
34 | Review Act in accordance with s. 119.15 and shall stand repealed
35 | on October 2, 2018, unless reviewed and saved from repeal
36 | through reenactment by the Legislature.

37 | Section 2. The Legislature finds that it is a public
38 | necessity that forensic behavioral health evaluations filed with
39 | the court pursuant to chapter 916, Florida Statutes, be
40 | confidential and exempt from disclosure under public records
41 | requirements. The personal health of an individual and the
42 | treatment he or she receives is an intensely private matter. An
43 | individual's forensic behavioral health evaluation should not be
44 | made public merely because it is filed with the court.

45 | Protecting forensic behavioral health evaluations is necessary
46 | to consistently protect the health care privacy rights of all
47 | persons. This exemption applies during all judicial proceedings
48 | unless such records are released as provided by law. This
49 | exemption is limited and no broader than necessary to accomplish
50 | the stated purpose.

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