

CHAPTER 2014-174

Committee Substitute for Committee Substitute for Senate Bill No. 280

An act relating to public records; amending s. 397.334, F.S.; exempting from public records requirements information from the 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 program; providing for exceptions to the exemption; providing for retroactive application of the public record exemption; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; 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 participation in the program.
2. Records created or compiled during substance abuse screenings.
3. Behavioral health evaluations.
4. Subsequent treatment status reports.

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

1. Pursuant to a written request of the participant or person considered for participation, or his or her legal representative.
2. To another governmental entity in the furtherance of its responsibilities associated with the screening of a person considered for participation in or the provision of treatment to a person in a treatment-based drug court program.

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

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

(e) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that information relating to a participant or person considered for participation in a treatment-based drug court program under s. 397.334, Florida Statutes, which is contained in certain records be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Protecting information contained in records created or compiled during screenings for participation in a treatment-based drug court program, records created or compiled during substance abuse screenings, behavioral health evaluations, and subsequent treatment status reports is necessary to protect the privacy rights of participants or individuals considered for participation in treatment-based drug court programs. Protecting against the release of information that is sensitive and personal in nature prevents unwarranted damage to the reputation of treatment-based drug court program participants. Public disclosure of such information could result in a substantial chilling effect on participation in treatment-based drug court programs. Preventing such chilling effect by making this information confidential substantially outweighs any public benefit derived from public disclosure of such information. Accordingly, it is a public necessity that this information be made confidential to protect the privacy rights of program participants, encourage individuals to participate in such programs, and promote the effective and efficient administration of treatment-based drug court programs.

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

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.