

CHAPTER 2024-32

Committee Substitute for House Bill No. 715

An act relating to public records; amending ss. 394.47891 and 394.47892, F.S.; providing public records exemptions for specified veterans treatment court program records and mental health court program records, respectively; providing exceptions; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (12) is added to section 394.47891, Florida Statutes, to read:

394.47891 Veterans treatment court programs.—

(12) PUBLIC RECORDS EXEMPTION.—

(a) Information relating to a participant or a person considered for participation in a veterans treatment court program 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 veterans treatment court program.

(c) If such confidential and exempt information is a substance abuse record of a service provider that pertains to the identity, diagnosis, or prognosis of or provision of services to a person, such information may be disclosed pursuant to s. 397.501(7).

(d) If such confidential and exempt information is a record of a service provider that pertains to mental health, such information may be disclosed pursuant to s. 394.4615.

(e) The public records exemption in this subsection applies to the information collected before, on, or after the effective date of this exemption.

(f) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (8) is added to section 394.47892, Florida Statutes, to read:

394.47892 Mental health court programs.—

(8)(a) Information relating to a participant or a person considered for participation in a mental health court program 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 the governmental entity’s responsibilities associated with the screening of a person considered for participation in or the provision of treatment to a person in a mental health court program.

(c) If such confidential and exempt information is a substance abuse record of a service provider that pertains to the identity, diagnosis, and prognosis of or provision of services to a person, such information may be disclosed pursuant to s. 397.501(7).

(d) If such confidential and exempt information is a record of a service provider that pertains to mental health, such information may be disclosed pursuant to s. 394.4615.

(e) The public records exemption in this subsection applies to the information collected before, on, or after the effective date of this exemption.

(f) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029,

unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that information relating to a participant or person considered for participation in a veterans treatment court program or mental health court program under ss. 394.47891 and 394.47892, Florida Statutes, that 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 veterans treatment court program or mental health 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 a veterans treatment court program or mental health court program. Protecting against the release of information that is sensitive and personal in nature prevents unwarranted damage to the reputation of veterans treatment court program or mental health court program participants. Public disclosure of such information could result in a substantial negative effect on participation in veterans treatment court programs and mental health court programs. The Legislature further finds that the harm that may result from the release of such information significantly outweighs any public benefit that may be derived from the disclosure of such information. Finally, it is a public necessity that this information be made confidential and exempt to protect the privacy rights of program participants, encourage individuals to participate in such programs, and promote the effective and efficient administration of a veterans treatment court program or a mental health court program.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor March 22, 2024.

Filed in Office Secretary of State March 22, 2024.