

ENROLLED

CS/HB 715

2024 Legislature

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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.

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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
 30 person considered for participation or his or her legal
 31 representative.
 32 2. To another governmental entity in the furtherance of
 33 its responsibilities associated with the screening of a person
 34 considered for participation in or the provision of treatment to
 35 a person in a veterans treatment court program.
 36 (c) If such confidential and exempt information is a
 37 substance abuse record of a service provider that pertains to
 38 the identity, diagnosis, or prognosis of or provision of
 39 services to a person, such information may be disclosed pursuant
 40 to s. 397.501(7).
 41 (d) If such confidential and exempt information is a
 42 record of a service provider that pertains to mental health,
 43 such information may be disclosed pursuant to s. 394.4615.
 44 (e) The public records exemption in this subsection
 45 applies to the information collected before, on, or after the
 46 effective date of this exemption.
 47 (f) This subsection is subject to the Open Government
 48 Sunset Review Act in accordance with s. 119.15 and shall stand
 49 repealed on October 2, 2029, unless reviewed and saved from
 50 repeal through reenactment by the Legislature.

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

53 394.47892 Mental health court programs.—

54 (8)(a) Information relating to a participant or a person
 55 considered for participation in a mental health court program
 56 contained in the following records is confidential and exempt
 57 from s. 119.07(1) and s. 24(a), Art. I of the State
 58 Constitution:

59 1. Records created or compiled during screenings for
 60 participation in the program.

61 2. Records created or compiled during substance abuse
 62 screenings.

63 3. Behavioral health evaluations.

64 4. Subsequent treatment status reports.

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

67 1. Pursuant to a written request of the participant or
 68 person considered for participation or his or her legal
 69 representative.

70 2. To another governmental entity in the furtherance of
 71 the governmental entity's responsibilities associated with the
 72 screening of a person considered for participation in or the
 73 provision of treatment to a person in a mental health court
 74 program.

75 (c) If such confidential and exempt information is a

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76 substance abuse record of a service provider that pertains to
 77 the identity, diagnosis, and prognosis of or provision of
 78 services to a person, such information may be disclosed pursuant
 79 to s. 397.501(7).

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

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

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

90 Section 3. The Legislature finds that it is a public
 91 necessity that information relating to a participant or person
 92 considered for participation in a veterans treatment court
 93 program or mental health court program under ss. 394.47891 and
 94 394.47892, Florida Statutes, that is contained in certain
 95 records be made confidential and exempt from s. 119.07(1),
 96 Florida Statutes, and s. 24(a), Article I of the State
 97 Constitution. Protecting information contained in records
 98 created or compiled during screenings for participation in a
 99 veterans treatment court program or mental health court program,
 100 records created or compiled during substance abuse screenings,

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101 behavioral health evaluations, and subsequent treatment status
102 reports is necessary to protect the privacy rights of
103 participants or individuals considered for participation in a
104 veterans treatment court program or mental health court program.
105 Protecting against the release of information that is sensitive
106 and personal in nature prevents unwarranted damage to the
107 reputation of veterans treatment court program or mental health
108 court program participants. Public disclosure of such
109 information could result in a substantial negative effect on
110 participation in veterans treatment court programs and mental
111 health court programs. The Legislature further finds that the
112 harm that may result from the release of such information
113 significantly outweighs any public benefit that may be derived
114 from the disclosure of such information. Finally, it is a public
115 necessity that this information be made confidential and exempt
116 to protect the privacy rights of program participants, encourage
117 individuals to participate in such programs, and promote the
118 effective and efficient administration of a veterans treatment
119 court program or a mental health court program.

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