

**FLORIDA DEPARTMENT OF JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**ATTACHMENT H      DRUG FREE WORKPLACE ACT –  
CONFIDENTIALLY**

**CONFIDENTIALLY (s. 112.0455(11), F.S.)**

“(11) CONFIDENTIALLY –

- (a) Except as otherwise provided in this subsection, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section.
- (b) Employers, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents may not release any information concerning drug test results obtained pursuant to this section without a written consent form signed voluntarily by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:
  - 1. The name of the person who is authorized to obtain the information.
  - 2. The purpose of the disclosure.
  - 3. The precise information to be disclosed.
  - 4. The duration of the consent.
  - 5. The signature of the person authorizing release of the information.
- (c) Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this section shall be inadmissible as evidence in any such criminal proceeding.
- (d) Nothing herein shall be construed to prohibit certifying bodies of special risk employees from receiving information on positive confirmed drug test results for the purpose of reviewing certification.
- (e) Nothing herein shall be construed to prohibit the employer, agent of the employer, or laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or where the information is relevant to its defense in a civil or administrative matter.”