

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7009 — OGSR/Health Information/Department of Corrections

by Government Operations Subcommittee and Rep. Shoaf (SB 7030 by Criminal Justice Committee)

The bill amends s. 945.10, F.S., to save from repeal the current exemptions from public records disclosure of an inmate's or offender's protected health information and the identity of an inmate or offender upon whom an HIV test was performed and the subsequent test results held by the Department of Corrections (DOC).

The original public necessity statement provides that it is a public necessity that an inmate's or offender's protected health information and HIV testing held by the DOC remain confidential and exempt from public disclosure. Allowing such information to be publicly disclosed would, in some cases, conflict with federal law and would be a violation of the inmate's or prisoner's privacy under the Florida Constitution. Additionally, maintaining the confidentiality of HIV testing information is essential to an inmate's or prisoner's participation in such testing.

These exemptions, relating to an inmate's or offender's protected health information and the identity of an inmate or offender upon whom an HIV test was performed and the subsequent test results held by the DOC, are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature. This bill removes the scheduled repeal of the exemptions.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 38-0; House 116-0