

Bill No. SB 404

Amendment No. ____

1 (d) Parole Commission records which are confidential
2 or exempt from public disclosure by law.

3 (e) Information which if released would jeopardize a
4 person's safety.

5 (f) Information concerning a victim's statement and
6 identity.

7 (g) The identity of an executioner.

8 (h) Records that are otherwise confidential or exempt
9 from public disclosure by law.

10 (2) The records and information specified in
11 paragraphs (1)(b)-(h) may be released as follows unless
12 expressly prohibited by federal law:

13 (a) Information specified in paragraphs (1)(b), (d),
14 and (f) to the Office of the Governor, the Legislature, the
15 Parole Commission, the Department of Health and Rehabilitative
16 Services, a private correctional facility or program that
17 operates under a contract, the Department of Legal Affairs, a
18 state attorney, the court, or a law enforcement agency. A
19 request for records or information pursuant to this paragraph
20 need not be in writing.

21 (b) Information specified in paragraphs (1)(c), (e),
22 and (h) to the Office of the Governor, the Legislature, the
23 Parole Commission, the Department of Health and Rehabilitative
24 Services, a private correctional facility or program that
25 operates under contract, the Department of Legal Affairs, a
26 state attorney, the court, or a law enforcement agency. A
27 request for records or information pursuant to this paragraph
28 must be in writing and a statement provided demonstrating a
29 need for the records or information.

30 (c) Information specified in paragraph (1)(b) to an
31 attorney representing an inmate under sentence of death,

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1 except those portions of the records containing a victim's
2 statement or address, or the statement or address of a
3 relative of the victim. A request for records of information
4 pursuant to this paragraph must be in writing and a statement
5 provided demonstrating a need for the records or information.

6 (d) Information specified in paragraph (1)(b) to a
7 public defender representing a defendant, except those
8 portions of the records containing a victim's statement or
9 address, or the statement or address of a relative of the
10 victim. A request for records or information pursuant to this
11 paragraph need not be in writing.

12 (e) Information specified in paragraph (1)(b) to state
13 or local governmental agencies. A request for records or
14 information pursuant to this paragraph must be in writing and
15 a statement provided demonstrating a need for the records or
16 information.

17 (f) Information specified in paragraph (1)(b) to a
18 person conducting legitimate research. A request for records
19 and information pursuant to this paragraph must be in writing,
20 the person requesting the records or information must sign a
21 confidentiality agreement, and the department must approve the
22 request in writing.

23
24 Records and information released under this subsection remain
25 confidential and exempt from the provisions of s. 119.07(1)
26 and s. 24(a), Art. I of the State Constitution when held by
27 the receiving person or entity.

28 (3) Due to substantial concerns regarding
29 institutional security and unreasonable and excessive demands
30 on personnel and resources if an inmate or an offender has
31 unlimited or routine access to records of the Department of

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1 Corrections, an inmate or an offender who is under the
2 jurisdiction of the department may not have unrestricted
3 access to the department's records or to information contained
4 in the department's records. However, except as to another
5 inmate's or offender's records, the department may permit
6 limited access to its records if an inmate or an offender
7 makes a written request and demonstrates an exceptional need
8 for information contained in the department's records and the
9 information is otherwise unavailable. Exceptional
10 circumstances include, but are not limited to:

11 (a) The inmate or offender requests documentation to
12 resolve a conflict between the inmate's court documentation
13 and the commitment papers or court orders received by the
14 department regarding the inmate or offender.

15 (b) The inmate's or offender's release is forthcoming
16 and a prospective employer requests, in writing, documentation
17 of the inmate's or offender's work performance.

18 (c) The inmate or offender needs information
19 concerning the amount of victim restitution paid during the
20 inmate's or offender's incarceration.

21 (d) The requested records contain information required
22 to process an application or claim by the inmate or offender
23 with the Internal Revenue Service, the Social Security
24 Administration, the Department of Labor and Employment
25 Security, or any other similar application or claim with a
26 state agency or federal agency.

27 (e) The inmate or offender wishes to obtain the
28 current address of a relative whose address is in the
29 department's records and the relative has not indicated a
30 desire not to be contacted by the inmate or offender.

31 (f) Other similar circumstances that do not present a

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1 threat to the security, order, or rehabilitative objectives of
2 the correctional system or to any person's safety.

3 (4) The Department of Corrections shall adopt rules to
4 prevent disclosure of confidential records or information to
5 unauthorized persons.

6 (5) The Department of Corrections and the Parole
7 Commission shall mutually cooperate with respect to
8 maintaining the confidentiality of records that are exempt
9 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
10 the State Constitution.

11 (6)(a) As used in this subsection:

12 1. The term "personal information about another
13 person" means the home addresses, telephone numbers, social
14 security numbers, and photographs of health care clinicians of
15 the Department of Corrections who are licensed or certified
16 pursuant to chapter 458, chapter 459, chapter 464, chapter
17 465, chapter 466, or chapter 490 and of educational personnel
18 of the Department of Corrections who are certified pursuant to
19 s. 231.17 and of other state officers and employees whose
20 duties are performed in whole or in part in state correctional
21 institutions; the home addresses, telephone numbers, social
22 security numbers, photographs, and places of employment of the
23 spouses and children of such persons; and the names and
24 locations of schools and day care facilities attended by the
25 children of such persons.

26 2. The terms "another person" and "such person" mean
27 any person described in subparagraph 1.

28 3. The term "harass" means engaging in a course of
29 conduct directed at another person which causes substantial
30 emotional distress to such person and serves no legitimate
31 purpose.

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1 (b) An inmate or offender in the correctional system
2 or under correctional supervision, whether on parole,
3 probation, postrelease supervision, or any other form of
4 supervision, is prohibited from disclosing or using personal
5 information about another person with the intent to obtain a
6 benefit from, harass, harm, or defraud such person. Any inmate
7 or offender who violates this section commits a felony of the
8 third degree, punishable as provided in s. 775.082, s.
9 775.083, or s. 775.084.

10 (c) An inmate or offender who has been convicted of an
11 offense under paragraph (b) is prohibited from subsequently
12 participating in any correctional work or other correctional
13 program that provides inmates or offenders with access to
14 personal information about persons who are not in the
15 correctional system or under correctional supervision. If,
16 during a term of imprisonment, an inmate or offender is
17 convicted of the offense under paragraph (b), the inmate or
18 offender shall be subject to forfeiture of all or any part of
19 his or her gain-time pursuant to rules adopted by the
20 department. The department may adopt rules to prohibit the
21 subsequent participation of an inmate who has been convicted
22 of an offense under paragraph (b) in any correctional work or
23 other correctional program that provides inmates access to
24 personal information about another person. The department may
25 also adopt rules to implement the forfeiture or deletion of
26 gain-time.

27
28 (Redesignate subsequent sections.)
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 4, after the semicolon

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5 insert:

6 amending s. 945.10, F.S., relating to
7 confidential information and other information
8 available to inmates and offenders in the
9 correctional system or under supervision;
10 defining terms; prohibiting certain disclosure
11 or use of certain "personal information about
12 another person," as defined, by an inmate or
13 offender with intent to obtain a benefit from,
14 harass, harm, or defraud such person; providing
15 penalties; providing that an inmate or offender
16 convicted of such offense is prohibited from
17 subsequent participation in correctional work
18 programs or other programs; providing that an
19 inmate or offender convicted of such offense is
20 subject to forfeiture of gain-time; providing
21 for adoption of rules by the department;

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