

By the Committee on Criminal Justice

591-02075-22

20227030\_\_

1                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending s. 945.10, F.S., which  
4           provides exemptions from public records requirements  
5           for protected health information of an inmate or an  
6           offender, and for the identity of any inmate or  
7           offender upon whom an HIV test has been performed and  
8           the inmate's or offender's test results; removing the  
9           scheduled repeal of the exemptions; providing an  
10          effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Paragraphs (a) and (h) of subsection (1) of  
15          section 945.10, Florida Statutes, are amended to read:

16           945.10 Confidential information.—

17           (1) Except as otherwise provided by law or in this section,  
18          the following records and information held by the Department of  
19          Corrections are confidential and exempt from the provisions of  
20          s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

21           (a)1. Mental health, medical, or substance abuse records of  
22          an inmate or an offender; and

23           2. Protected health information of an inmate or an  
24          offender. Protected health information, as used in this section,  
25          has the same meaning as provided in 45 C.F.R. s. 160.103. ~~This~~  
26          ~~subparagraph is subject to the Open Government Sunset Review Act~~  
27          ~~of 1995 in accordance with s. 119.15 and shall stand repealed on~~  
28          ~~October 2, 2022, unless reviewed and saved from repeal through~~  
29          ~~reenactment by the Legislature.~~

591-02075-22

20227030\_\_

30 (h) The identity of any inmate or offender upon whom an HIV  
31 test has been performed and the inmate's or offender's test  
32 results, in accordance with s. 381.004. The term "HIV test" has  
33 the same meaning as provided in s. 381.004. ~~This paragraph is  
34 subject to the Open Government Sunset Review Act of 1995 in  
35 accordance with s. 119.15 and shall stand repealed on October 2,  
36 2022, unless reviewed and saved from repeal through reenactment  
37 by the Legislature.~~

38 Section 2. This act shall take effect October 1, 2022.