

By the Committee on Criminal Justice; and Senator Brandes

591-02749A-20

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1 A bill to be entitled
2 An act relating to public meetings and records;
3 amending s. 945.0912, F.S.; exempting from public
4 meetings requirements the protected health information
5 of specified inmates being considered for the
6 conditional aging inmate release program; exempting
7 from public records requirements certain records used
8 by the reviewing panel to make a determination of the
9 appropriateness of conditional aging inmate release
10 and the recordings of closed panel review hearings;
11 providing for legislative review and repeal of the
12 exemption; providing a statement of public necessity;
13 providing a contingent effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Present subsection (7) of section 945.0912,
18 Florida Statutes, as created by SB 574 or other similar
19 legislation, 2020 Regular Session, is redesignated as subsection
20 (8), and a new subsection (7) is added to that section, to read:

21 945.0912 Conditional aging inmate release.—

22 (7) PUBLIC MEETINGS AND RECORDS EXEMPTIONS.—

23 (a) That portion of a panel review hearing conducted in
24 accordance with this section during which the panel will discuss
25 protected information that is confidential and exempt under
26 state or federal law, such as protected health information
27 covered by the Health Insurance Portability and Accountability
28 Act, is exempt from s. 286.011 and s. 24(b), Art. I of the State
29 Constitution. If the panel must discuss exempt information

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30 during the course of its meeting, the following requirements
31 must be met:

32 1. The panel must announce at the public meeting that, in
33 connection with the performance of the panel's duties, protected
34 information must be discussed;

35 2. The panel must declare the specific reasons that it is
36 necessary to close the meeting, or a portion thereof, in a
37 document that is a public record and filed with the official
38 records of the program; and

39 3. The entire closed hearing must be recorded. The
40 recording must include the times of commencement and termination
41 of the closed hearing or portion thereof, all discussion and
42 proceedings, and the names of the persons present. The
43 department shall maintain the recording.

44 (b)1. That portion of the records the panel uses to
45 determine the appropriateness of conditional aging inmate
46 release which includes any of the inmate's protected information
47 is confidential and exempt from disclosure under s. 119.07(1)
48 and s. 24(a), Art. I of the State Constitution.

49 2. Any audio or video recording of, and any minutes and
50 notes generated during, a closed hearing of the panel or closed
51 portion of a hearing of the panel are confidential and exempt
52 from disclosure under s. 119.07(1) and s. 24(a), Art. I of the
53 State Constitution. Such audio or video recording and minutes
54 and notes must be retained pursuant to the requirements of s.
55 119.021.

56 (c) Only members of the panel, staff supporting the panel's
57 functions, and other persons whose presence has been authorized
58 by the panel shall be allowed to attend the closed portions of

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59 panel hearings. The panel shall ensure that any closure of its
60 meetings as authorized by this section is limited so that the
61 policy of the state in favor of public meetings is maintained.

62 (d) This subsection is subject to the Open Government
63 Sunset Review Act in accordance with s. 119.15 and shall stand
64 repealed on October 2, 2025, unless reviewed and saved from
65 repeal through reenactment by the Legislature.

66 Section 2. The Legislature finds that it is a public
67 necessity that the hearings or portions of hearings during which
68 an inmate's personal information is discussed by the review
69 panel considering an inmate's conditional aging inmate release
70 be made exempt from s. 286.011, Florida Statutes, and s. 24(b),
71 Article I of the State Constitution. The Legislature finds that
72 the rights of an inmate afforded under other state or federal
73 laws that deem certain personal information confidential, such
74 as protected health information covered by the Health Insurance
75 Portability and Accountability Act, be upheld and that the
76 inmate's personal information not be disclosed to the public
77 during such hearings. The Legislature also finds that the
78 recordings of a panel review hearing and the records used by the
79 panel to make its determination be made confidential and exempt
80 from disclosure under s. 119.07(1), Florida Statutes, and s.
81 24(a), Article I of the State Constitution. The inmate's
82 personal health information, if publicly available, could be
83 used to invade his or her personal privacy. Making these reports
84 and discussions of such information confidential and exempt from
85 disclosure will protect information of a sensitive personal
86 nature, the release of which could cause unwarranted damage to
87 the privacy rights of the inmate. The Legislature therefore

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88 finds that it is a public necessity that such protected
89 information remain confidential and exempt.

90 Section 3. This act shall take effect on the same date that
91 SB 574 or similar legislation relating to conditional aging
92 inmate release takes effect, if such legislation is adopted in
93 the same legislative session or an extension thereof and becomes
94 a law.