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LEGISLATIVE ACTION

Senate

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House

The Committee on Governmental Oversight and Accountability
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (9) of section 945.0911,
Florida Statutes, as created by SB 556 or other similar
legislation, 2020 Regular Session, is redesignated as subsection
(10), and a new subsection (9) is added to that section, to
read:

945.0911 Conditional aging inmate release.-



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11 (9) PUBLIC MEETINGS AND RECORDS EXEMPTIONS.—

12 (a) That portion of a panel review hearing conducted in
13 accordance with this section during which the panel will discuss
14 information that is exempt from public inspection and copying
15 requirements under state law or confidential under federal law,
16 such as protected health information covered by the Health
17 Insurance Portability and Accountability Act, is exempt from s.
18 286.011 and s. 24(b), Art. I of the State Constitution. If the
19 panel must discuss exempt or confidential information during the
20 course of its meeting, the following requirements must be met:

21 1. The panel must announce at the public meeting that, in
22 connection with the performance of the panel's duties, exempt or
23 confidential information must be discussed;

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

28 3. The entire closed hearing must be recorded. The
29 recording must include the times of commencement and termination
30 of the closed hearing or portion thereof, all discussion and
31 proceedings, and the names of the persons present.

32 (b)1. That portion of the records the panel uses to
33 determine the appropriateness of conditional medical release
34 which includes any exempt or confidential information is
35 confidential and exempt from disclosure under s. 119.07(1) and
36 s. 24(a), Art. I of the State Constitution.

37 2. Any audio or video recording or transcript of, and any
38 minutes and notes generated during, a closed hearing of the
39 panel or closed portion of a hearing of the panel are



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40 confidential and exempt from disclosure under s. 119.07(1) and
41 s. 24(a), Art. I of the State Constitution. Such audio or video
42 recording, transcript, minutes and notes must be retained
43 pursuant to the requirements of s. 119.021.

44 (c) Only members of the panel, staff supporting the panel's
45 functions, the inmate for whom the panel has convened, and
46 licensed medical personnel called by the panel to provide
47 testimony regarding exempt or confidential information shall be
48 allowed to attend the closed portions of panel hearings. The
49 panel shall ensure that any closure of its meetings as
50 authorized by this section is limited so that the policy of the
51 state in favor of public meetings is maintained.

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

56 Section 2. The Legislature finds that it is a public
57 necessity that the hearings or portions of hearings during which
58 exempt or confidential information is discussed by the review
59 panel considering an inmate's conditional medical release be
60 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
61 Article I of the State Constitution. The Legislature finds that
62 the rights of an inmate afforded under other state or federal
63 laws that deem certain personal information confidential, such
64 as protected health information covered by the Health Insurance
65 Portability and Accountability Act, be upheld and that the
66 inmate's exempt or confidential information not be disclosed to
67 the public during such hearings. The Legislature also finds that
68 the recordings and transcripts of a panel review hearing and the



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69 records used by the panel to make its determination be made
70 confidential and exempt from disclosure under s. 119.07(1),
71 Florida Statutes, and s. 24(a), Article I of the State
72 Constitution. The inmate's exempt or confidential information,
73 if publicly available, could be used to invade his or her
74 personal privacy. Making these reports and discussions of such
75 information confidential and exempt from disclosure will protect
76 information of a sensitive personal nature, the release of which
77 could cause unwarranted damage to the privacy rights of the
78 inmate. The Legislature therefore finds that it is a public
79 necessity that such information be made confidential and exempt.

80 Section 3. This act shall take effect on the same date that
81 SB 556 or similar legislation relating to conditional medical
82 release takes effect, if such legislation is adopted in the same
83 legislative session or an extension thereof and becomes a law
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85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete everything before the enacting clause
88 and insert:

89 A bill to be entitled

90 An act relating to public meetings and records;
91 amending s. 945.0912, F.S.; exempting from public
92 meetings requirements that portion of a panel review
93 at which the exempt or confidential information of
94 specified inmates being considered for the conditional
95 medical release program is discussed; exempting from
96 public records requirements certain records used by
97 the reviewing panel to make a determination of the



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98 appropriateness of conditional medical release and the
99 recordings and transcripts of closed panel review
100 hearings; providing for legislative review and repeal
101 of the exemption; providing a statement of public
102 necessity; providing an effective date.