

By Senator Brandes

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1 A bill to be entitled
2 An act relating to public meetings and records;
3 amending s. 945.0911, F.S.; exempting from public
4 meetings requirements the protected health information
5 of specified inmates being considered for the
6 conditional medical release program; exempting from
7 public records requirements certain records used by
8 the reviewing panel to make a determination of the
9 appropriateness of conditional medical release and the
10 recordings of closed panel review hearings; providing
11 for legislative review and repeal of the exemptions;
12 providing a statement of public necessity; providing a
13 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 (9) of section 945.0911,
18 Florida Statutes, as created by SB 556, 2020 Regular Session, is
19 redesignated as subsection (10), and a new subsection (9) is
20 added to that section, to read:

21 945.0911 Conditional medical release.—

22 (9) 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 medical release
46 which includes any of the inmate's protected information is
47 confidential and exempt from disclosure under s. 119.07(1) and
48 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 exempt from disclosure
52 under s. 119.07(1) and s. 24(a), Art. I of the State
53 Constitution. Such audio or video recording and minutes and
54 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 the inmate's conditional medical release be
70 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 exempt from disclosure
80 under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
81 the State Constitution. The inmate's personal health
82 information, if publicly available, could be used to invade his
83 or her personal privacy. Making these reports and discussions of
84 such information confidential and exempt from disclosure will
85 protect information of a sensitive personal nature, the release
86 of which could cause unwarranted damage to the privacy rights of
87 the inmate. The Legislature therefore finds that it is a public

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88 necessity that such protected information remain confidential
89 and exempt.

90 Section 3. This act shall take effect on the same date that
91 SB 556 or similar legislation relating to conditional medical
92 release takes effect, if such legislation is adopted in the same
93 legislative session or an extension thereof and becomes a law.