

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. 945.0912, F.S.; exempting from public  
4       meetings requirements that portion of a panel review  
5       hearing at which the exempt or confidential  
6       information of specified inmates being considered for  
7       the conditional aging inmate release program is  
8       discussed; exempting from public records requirements  
9       certain records used by the review panel to make a  
10      determination of the appropriateness of conditional  
11      aging inmate release and the recordings and  
12      transcripts of closed panel review hearings; providing  
13      for legislative review and repeal of the exemptions;  
14      providing a statement of public necessity; providing a  
15      contingent effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19       Section 1. Present subsections (7) through (9) of section  
20       945.0912, Florida Statutes, as created by SB 232 or similar  
21       legislation, 2021 Regular Session, are redesignated as  
22       subsection (8) through (10), respectively, and a new subsection  
23       (7) is added to that section, to read:

24       945.0912 Conditional aging inmate release.—

25       (7) PUBLIC MEETINGS AND RECORDS EXEMPTIONS.—

26       (a) That portion of a panel review hearing conducted in  
27       accordance with this section during which the panel will discuss  
28       information that is exempt from public inspection and copying  
29       requirements under state law or confidential under federal law,

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30 such as protected health information covered by the Health  
31 Insurance Portability and Accountability Act, is exempt from s.  
32 286.011 and s. 24(b), Art. I of the State Constitution. If the  
33 panel must discuss exempt or confidential information during the  
34 course of its meeting, the following requirements must be met:

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

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

42 3. The entire closed hearing must be recorded. The  
43 recording must include the times of commencement and termination  
44 of the closed hearing or portion thereof, all discussion and  
45 proceedings, and the names of the persons present.

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

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

58 (c) Only members of the panel, staff supporting the panel's

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59 functions, the inmate for whom the panel has convened, and  
60 licensed medical personnel called by the panel to provide  
61 testimony regarding exempt or confidential information must be  
62 allowed to attend the closed portions of panel hearings. The  
63 panel shall ensure that any closure of its meetings as  
64 authorized by this section is limited so that the policy of the  
65 state in favor of public meetings is maintained.

66 (d) This subsection is subject to the Open Government  
67 Sunset Review Act in accordance with s. 119.15 and shall stand  
68 repealed on October 2, 2026, unless reviewed and saved from  
69 repeal through reenactment by the Legislature.

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

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88 be used to invade his or her personal privacy. Making these  
89 reports and discussions of such information confidential and  
90 exempt from disclosure will protect information of a sensitive  
91 personal nature, the release of which could cause unwarranted  
92 damage to the privacy rights of the inmate. The Legislature  
93 therefore finds that it is a public necessity that such  
94 information be made confidential and exempt.

95       Section 3. This act shall take effect on the same date that  
96 SB 232 or similar legislation takes effect, if such legislation  
97 is adopted in the same legislative session or an extension  
98 thereof and becomes a law.