

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 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 medical release program is discussed;
8 exempting from public records requirements certain
9 records used by the review panel to make a
10 determination of the appropriateness of conditional
11 medical release and the recordings and transcripts of
12 closed panel review hearings; providing for
13 legislative review and repeal of the exemptions;
14 providing a statement of public necessity; providing a
15 contingent effective date.

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

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19 Section 1. Present subsections (9) through (11) of section
20 945.0911, Florida Statutes, as created by SB 232 or similar
21 legislation, 2021 Regular Session, are redesignated as
22 subsection (10) through (12), respectively, and a new
23 subsection (9) is added to that section, to read:

24 945.0911 Conditional medical release.—

25 (9) 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 medical release
48 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 medical release be
74 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.