

By Senator Perry

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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 specifying requirements for the review panel when
9 exempt or confidential information must be discussed
10 during its meeting; exempting from public records
11 requirements certain records used by the review panel
12 to make a determination of the appropriateness of
13 conditional medical release and the recordings and
14 transcripts of closed panel review hearings; providing
15 for legislative review and repeal of the exemptions;
16 providing a statement of public necessity; providing a
17 contingent effective date.

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

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

26 945.0911 Conditional medical release.—

27 (9) PUBLIC MEETINGS AND RECORDS EXEMPTIONS.—

28 (a) That portion of a panel review hearing conducted in
29 accordance with this section during which the panel discusses

8-00568-22

2022782__

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

38 1. The panel must announce at the public meeting that, in
39 connection with the performance of the panel's duties, exempt or
40 confidential information must be discussed.

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

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

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

54 2. Any audio or video recording or transcript of, and any
55 minutes and notes generated during, a closed hearing of the
56 panel or closed portion of a hearing of the panel are
57 confidential and exempt from disclosure under s. 119.07(1) and
58 s. 24(a), Art. I of the State Constitution. Such audio or video

8-00568-22

2022782__

59 recording, transcript, minutes, and notes must be retained
60 pursuant to the requirements of s. 119.021.

61 (c) Only members of the panel, the staff supporting the
62 panel's functions, the inmate for whom the panel has convened,
63 and the licensed medical personnel called by the panel to
64 provide testimony regarding exempt or confidential information
65 shall be allowed to attend the closed portions of panel
66 hearings. The panel shall ensure that any closure of its
67 meetings as authorized by this section is limited so that the
68 policy of the state in favor of public meetings is maintained.

69 (d) This subsection is subject to the Open Government
70 Sunset Review Act in accordance with s. 119.15 and shall stand
71 repealed on October 2, 2027, unless reviewed and saved from
72 repeal through reenactment by the Legislature.

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

8-00568-22

2022782__

88 exempt from disclosure under s. 119.07(1), Florida Statutes, and
89 s. 24(a), Article I of the State Constitution. The inmate's
90 exempt or confidential information, if publicly available, could
91 be used to invade his or her personal privacy. Making these
92 reports and discussions of such information confidential and
93 exempt from disclosure will protect information of a sensitive,
94 personal nature, the release of which could cause unwarranted
95 damage to the privacy rights of the inmate. The Legislature
96 therefore finds that it is a public necessity that such
97 information be made confidential and exempt.

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