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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2020	.	
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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 (7) of section 945.0912,
Florida Statutes, as created by SB 574 or other similar
legislation, 2020 Regular Session, is redesignated as subsection
(8), and a new subsection (7) is added to that section, to read:

945.0912 Conditional aging inmate release.—

(7) PUBLIC MEETINGS AND RECORDS EXEMPTIONS.—



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

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

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

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

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

36 2. Any audio or video recording or transcript of, and any
37 minutes and notes generated during, a closed hearing of the
38 panel or closed portion of a hearing of the panel are
39 confidential and exempt from disclosure under s. 119.07(1) and



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

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

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

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



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

79 Section 3. This act shall take effect on the same date that
80 SB 574 or similar legislation relating to conditional aging
81 inmate release takes effect, if such legislation is adopted in
82 the same legislative session or an extension thereof and becomes
83 a law.

84
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 meeting at
93 which the exempt or confidential information of
94 specified inmates being considered for the conditional
95 aging inmate release program are discussed; exempting
96 from public records requirements certain records used
97 by the reviewing panel to make a determination of the



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