

**By** the Committees on Governmental Oversight and Accountability;  
and Criminal Justice; and Senator Brandes

585-03389-20

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

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

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19       Section 1. Present subsection (7) of section 945.0912,  
20      Florida Statutes, as created by SB 574 or other similar  
21      legislation, 2020 Regular Session, is redesignated as subsection  
22      (8), and a new subsection (7) is added to that section, to read:

23       945.0912 Conditional aging inmate release.—

24       (7) PUBLIC MEETINGS AND RECORDS EXEMPTIONS.—

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

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

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

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

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

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

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

57 (c) Only members of the panel, staff supporting the panel's  
58 functions, the inmate for whom the panel has convened, and

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

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

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

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88 information confidential and exempt from disclosure will protect  
89 information of a sensitive personal nature, the release of which  
90 could cause unwarranted damage to the privacy rights of the  
91 inmate. The Legislature therefore finds that it is a public  
92 necessity that such information be made confidential and exempt.

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