

By Senator Gibson

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1 A bill to be entitled
2 An act relating to public records and public meetings;
3 amending s. 825.107, F.S., as created by SB __;
4 specifying that information obtained by an elder abuse
5 fatality review team which is confidential or exempt
6 from public records requirements retains its protected
7 status; providing an exemption from public records
8 requirements for identifying information of an elder
9 abuse victim in records created by a review team;
10 providing an exemption from public meetings
11 requirements for portions of review team meetings at
12 which confidential or exempt information or the
13 identity of an elder abuse victim is discussed;
14 providing for future legislative review and repeal;
15 providing statements of public necessity; providing a
16 contingent effective date.

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

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20 Section 1. Subsections (6), (7), and (8) are added to
21 section 825.107, Florida Statutes, as created by SB __, to read:

22 825.107 Elder abuse fatality review teams.—

23 (6) (a) Any information that is confidential or exempt from
24 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
25 that is obtained by an elder abuse fatality review team
26 conducting a review as provided in subsection (2) retains its
27 confidential or exempt status when held by an elder abuse
28 fatality review team.

29 (b) Any information contained in a record created by an
30 elder abuse fatality review team which reveals the identity of a
31 victim of elder abuse is confidential and exempt from s.
32 119.07(1) and s. 24(a), Art. I of the State Constitution.

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33 (7) Portions of meetings of an elder abuse fatality review
34 team at which confidential or exempt information or the identity
35 of a victim of elder abuse is discussed are exempt from s.
36 286.011 and s. 24(b), Art. I of the State Constitution.

37 (8) Subsections (6) and (7) are subject to the Open
38 Government Sunset Review Act in accordance with s. 119.15 and
39 shall stand repealed on October 2, 2022, unless reviewed and
40 saved from repeal through reenactment by the Legislature.

41 Section 2. (1) The Legislature finds that it is a public
42 necessity that information that is confidential or exempt from
43 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
44 State Constitution remain confidential or exempt when held by an
45 elder abuse fatality review team and that any information
46 contained in a record created by an elder abuse fatality review
47 team which reveals the identity of a victim of elder abuse be
48 confidential and exempt from public records requirements.
49 Otherwise, sensitive personal information concerning victims of
50 elder abuse would be disclosed and open communication and
51 coordination among the parties involved in the elder abuse
52 fatality review teams would be hampered. The harm that would
53 result from the release of such information substantially
54 outweighs any public benefit that would be achieved by
55 disclosure.

56 (2) The Legislature further finds that it is a public
57 necessity that portions of meetings of an elder abuse fatality
58 review team at which confidential or exempt information or the
59 identity of a victim of elder abuse is discussed be exempt from
60 s. 286.011, Florida Statutes and s. 24(b), Article I of the
61 State Constitution. The failure to close portions of meetings at

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62 which confidential or exempt information or the identity of a
63 victim of elder abuse are discussed would defeat the purpose of
64 the public records exemption. Further, the Legislature finds
65 that the exemption is narrowly tailored to apply to only certain
66 portions of meetings of elder abuse fatality review teams to
67 allow for public oversight.

68 Section 3. This act shall take effect on the same date that
69 SB __ or similar legislation takes effect, if such legislation
70 is adopted in the same legislative session or an extension
71 thereof and becomes a law.