

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 HB 703;  
 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.

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

19  
 20           Section 1. Subsections (6), (7), and (8) are added to  
 21           section 825.107, Florida Statutes, as created by HB 703, to  
 22           read:

23           825.107 Elder abuse fatality review teams.—

24           (6) (a) Any information that is confidential or exempt from  
 25           s. 119.07(1) and s. 24(a), Art. I of the State Constitution and

26 that is obtained by an elder abuse fatality review team  
27 conducting a review as provided in subsection (2) retains its  
28 confidential or exempt status when held by an elder abuse  
29 fatality review team.

30 (b) Any information contained in a record created by an  
31 elder abuse fatality review team which reveals the identity of a  
32 victim of elder abuse is confidential and exempt from s.  
33 119.07(1) and s. 24(a), Art. I of the State Constitution.

34 (7) Portions of meetings of an elder abuse fatality review  
35 team at which confidential or exempt information or the identity  
36 of a victim of elder abuse is discussed are exempt from s.  
37 286.011 and s. 24(b), Art. I of the State Constitution.

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40 shall stand repealed on October 2, 2022, unless reviewed and  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

42 Section 2. (1) The Legislature finds that it is a public  
43 necessity that information that is confidential or exempt from  
44 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
45 State Constitution remain confidential or exempt when held by an  
46 elder abuse fatality review team and that any information  
47 contained in a record created by an elder abuse fatality review  
48 team which reveals the identity of a victim of elder abuse be  
49 confidential and exempt from public records requirements.  
50 Otherwise, sensitive personal information concerning victims of

51 elder abuse would be disclosed and open communication and  
52 coordination among the parties involved in the elder abuse  
53 fatality review teams would be hampered. The harm that would  
54 result from the release of such information substantially  
55 outweighs any public benefit that would be achieved by  
56 disclosure.

57 (2) The Legislature further finds that it is a public  
58 necessity that portions of meetings of an elder abuse fatality  
59 review team at which confidential or exempt information or the  
60 identity of a victim of elder abuse is discussed be exempt from  
61 s. 286.011, Florida Statutes and s. 24(b), Article I of the  
62 State Constitution. The failure to close portions of meetings at  
63 which confidential or exempt information or the identity of a  
64 victim of elder abuse are discussed would defeat the purpose of  
65 the public records exemption. Further, the Legislature finds  
66 that the exemption is narrowly tailored to apply to only certain  
67 portions of meetings of elder abuse fatality review teams to  
68 allow for public oversight.

69 Section 3. This act shall take effect on the same date  
70 that HB 703 or similar legislation takes effect, if such  
71 legislation is adopted in the same legislative session or an  
72 extension thereof and becomes a law.