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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2018	.	
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The Committee on Governmental Oversight and Accountability
(Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (9), (10), and (11) are added to
section 415.1103, Florida Statutes, as created by SB 422, to
read:

415.1103 Elder abuse fatality review teams.—

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



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11 Constitution and that is obtained by an elder abuse fatality
12 review team conducting a review under this section retains its
13 exempt or confidential and exempt status when held by an elder
14 abuse fatality review team.

15 (b) Any information contained in a record created by an
16 elder abuse fatality review team which reveals the identity of a
17 victim of elder abuse is confidential and exempt from s.
18 119.07(1) and s. 24(a), Art. I of the State Constitution.

19 (10) Portions of meetings of an elder abuse fatality review
20 team at which exempt or confidential and exempt information or
21 the identity of a victim of elder abuse is discussed are exempt
22 from s. 286.011 and s. 24(b), Art. I of the State Constitution.

23 (11) Subsections (9) and (10) are subject to the Open
24 Government Sunset Review Act in accordance with s. 119.15 and
25 shall stand repealed on October 2, 2023, unless reviewed and
26 saved from repeal through reenactment by the Legislature.

27 Section 2. (1) The Legislature finds that it is a public
28 necessity that information that is exempt or confidential and
29 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
30 Article I of the State Constitution remain exempt or
31 confidential and exempt when held by an elder abuse fatality
32 review team and that any information contained in a record
33 created by an elder abuse fatality review team which reveals the
34 identity of a victim of elder abuse be confidential and exempt
35 from public records requirements. Otherwise, sensitive personal
36 information concerning victims of elder abuse would be disclosed
37 and open communication and coordination among the parties
38 involved in the elder abuse fatality review teams would be
39 hampered. The harm that would result from the release of such



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40 information substantially outweighs any public benefit that
41 would be achieved by disclosure.

42 (2) The Legislature further finds that it is a public
43 necessity that portions of meetings of an elder abuse fatality
44 review team at which exempt or confidential and exempt
45 information or the identity of a victim of elder abuse is
46 discussed be exempt from s. 286.011, Florida Statutes, and s.
47 24(b), Article I of the State Constitution. The failure to close
48 portions of meetings at which exempt or confidential and exempt
49 information or the identity of a victim of elder abuse are
50 discussed would defeat the purpose of the public records
51 exemption. Further, the Legislature finds that the exemption is
52 narrowly tailored to apply to only certain portions of meetings
53 of elder abuse fatality review teams to allow for public
54 oversight.

55 Section 3. This act shall take effect on the same date that
56 SB 422 or similar legislation takes effect, if such legislation
57 is adopted in the same legislative session or an extension
58 thereof and becomes a law.

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete everything before the enacting clause
63 and insert:

64 A bill to be entitled
65 An act relating to public records and public meetings;
66 amending s. 415.1103, F.S.; specifying that
67 information obtained by an elder abuse fatality review
68 team which is exempt or confidential and exempt from



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69 public records requirements retains its protected
70 status; providing an exemption from public records
71 requirements for identifying information of an elder
72 abuse victim in records created by a review team;
73 providing an exemption from public meetings
74 requirements for portions of review team meetings at
75 which exempt or confidential and exempt information or
76 the identity of an elder abuse victim is discussed;
77 providing for future legislative review and repeal;
78 providing statements of public necessity; providing a
79 contingent effective date.