

By Senator Gibson

6-00538-18

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1 A bill to be entitled
 2 An act relating to public records and public meetings;
 3 amending s. 415.1103, F.S.; specifying that
 4 information obtained by an elder abuse fatality review
 5 team which is confidential or exempt from public
 6 records requirements retains its protected status;
 7 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 (10), (11), and (12) are added to
 21 section 415.1103, Florida Statutes, as created by SB ____, to
 22 read:

23 415.1103 Elder abuse fatality review teams.—

24 (10) (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 under this section retains its confidential
 28 or exempt status when held by an elder abuse fatality review
 29 team.

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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 (11) 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 (12) Subsections (10) and (11) are subject to the Open
39 Government Sunset Review Act in accordance with s. 119.15 and
40 shall stand repealed on October 2, 2023, unless reviewed and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

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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 that
70 SB ___ or similar legislation takes effect, if such legislation
71 is adopted in the same legislative session or an extension
72 thereof and becomes a law.