

By the Committee on Governmental Oversight and Accountability;
and Senator Gibson

585-01960-18

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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 exempt or confidential and exempt from
6 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 exempt or confidential and exempt information or
13 the 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 (9), (10), and (11) are added to
21 section 415.1103, Florida Statutes, as created by SB 422, to
22 read:

23 415.1103 Elder abuse fatality review teams.—

24 (9) (a) Any information that is exempt or confidential and
25 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
26 Constitution and that is obtained by an elder abuse fatality
27 review team conducting a review under this section retains its
28 exempt or confidential and exempt status when held by an elder
29 abuse fatality review 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 (10) Portions of meetings of an elder abuse fatality review
35 team at which exempt or confidential and exempt information or
36 the identity of a victim of elder abuse is discussed are exempt
37 from s. 286.011 and s. 24(b), Art. I of the State Constitution.

38 (11) Subsections (9) and (10) 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40 shall stand repealed on October 2, 2023, unless reviewed and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 exempt or confidential and
44 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
45 Article I of the State Constitution remain exempt or
46 confidential and exempt when held by an elder abuse fatality
47 review team and that any information contained in a record
48 created by an elder abuse fatality review team which reveals the
49 identity of a victim of elder abuse be confidential and exempt
50 from public records requirements. Otherwise, sensitive personal
51 information concerning victims of elder abuse would be disclosed
52 and open communication and coordination among the parties
53 involved in the elder abuse fatality review teams would be
54 hampered. The harm that would result from the release of such
55 information substantially outweighs any public benefit that
56 would be achieved by 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 exempt or confidential and exempt
60 information or the identity of a victim of elder abuse is
61 discussed be exempt from s. 286.011, Florida Statutes, and s.
62 24(b), Article I of the State Constitution. The failure to close
63 portions of meetings at which exempt or confidential and exempt
64 information or the identity of a victim of elder abuse are
65 discussed would defeat the purpose of the public records
66 exemption. Further, the Legislature finds that the exemption is
67 narrowly tailored to apply to only certain portions of meetings
68 of elder abuse fatality review teams to allow for public
69 oversight.

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