

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Children, Families &
2 Seniors Subcommittee
3 Representative Hawkins offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 415.1104, Florida Statutes, is created
8 to read:

9 415.1104 .-- Certain information exempt from disclosure.--

10 (1) (a) Any information that is confidential or exempt from
11 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
12 is obtained by an elder abuse fatality review team conducting
13 activities described in s. 415.1103, retains its confidential or
14 exempt status when held by that review team.

15 (b) Any information contained in a record created or held
16 by an elder abuse fatality review team which reveals the

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17 identity of a victim of elder abuse, the location, address, or
18 other identifying information of the victim's residence or
19 residential facility, the identity of any person reporting
20 abuse, neglect, or exploitation to the central abuse hotline, or
21 information otherwise protected by s. 741.316 and s. 741.3165 is
22 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
23 of the State Constitution.

24 (2) Those portions of meetings of an elder abuse fatality
25 review team during which confidential or exempt information,
26 the identity of a victim of elder abuse, the location, address,
27 or other identifying information of the victim's residence or
28 residential facility, the identity of any person reporting
29 abuse, neglect, or exploitation to the central abuse hotline, or
30 information otherwise protected by s. 741.316 and s. 741.3165 is
31 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the
32 State Constitution.

33 (3) This section is subject to the Open Government Sunset
34 Review Act in accordance with s. 119.15 and shall stand repealed
35 on October 2, 2027, unless reviewed and saved from repeal
36 through reenactment by the Legislature.

37 Section 2. (1) The Legislature finds that it is a public
38 necessity that information that is confidential or exempt from
39 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
40 State Constitution remain confidential or exempt when held by an
41 elder abuse fatality review team and that any information
42 contained in a record created or held by an elder abuse fatality

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43 review team which reveals the identity of a victim of elder
44 abuse, the location, address, or other identifying information
45 of the victim's residence or residential facility, the identity
46 of any person reporting abuse, neglect, or exploitation to the
47 central abuse hotline, or information otherwise protected by s.
48 741.316 and s.741.3165 be confidential and exempt from public
49 records requirements. Otherwise, sensitive personal information
50 concerning victims of elder abuse and their caregivers, persons
51 reporting to the central abuse hotline, and victims of domestic
52 violence would be disclosed, and open communication and
53 coordination among the parties involved in elder abuse fatality
54 review teams would be hampered. The harm that would result from
55 the release of such information substantially outweighs any
56 public benefit that 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
59 review team during which confidential or exempt information, the
60 identity of a victim of elder abuse, the location, address, or
61 other identifying information of the victim's residence or
62 residential facility, the identity of any person reporting
63 abuse, neglect, or exploitation to the central abuse hotline, or
64 information otherwise protected by s. 741.316 and s. 741.3165 is
65 discussed be exempt from s. 286.011, Florida Statutes, and s.
66 24(b), Article I of the State Constitution. The failure to close
67 portions of meetings during which confidential or exempt

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68 information, the identity of a victim of elder abuse, the
69 location, address, or other identifying information of the
70 victim's residence or residential facility, the identity of any
71 person reporting abuse, neglect, or exploitation to the central
72 abuse hotline, or information otherwise protected by s. 741.316
73 and s. 741.3165 is discussed would defeat the purpose of the
74 public records exemption. Further, the Legislature finds that
75 the exemption is narrowly tailored to apply to only certain
76 portions of meetings of elder abuse fatality review teams, to
77 allow for public oversight.

78 Section 3. This act shall take effect July 1, 2022.

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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An act relating to public records and public meetings; creating

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s. 415.1104, F.S.; specifying that information obtained by an

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elder abuse fatality review team which is confidential or exempt

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from public records requirements retains its protected status;

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providing an exemption from public records requirements for

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personal identifying information of an elder abuse victim, of

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the location, address, or other identifying information of the

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victim's residence or residential facility, of any person

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reporting abuse, neglect, or exploitation of a vulnerable adult

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to the central abuse hotline, or any information otherwise

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1243 (2022)

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93 | protected by s. 741.316 and s. 741.3165 in records created or
94 | held by a review team; providing an exemption from public
95 | meetings requirements for portions of review team meetings
96 | during which confidential or exempt information, the identity of
97 | an elder abuse victim, the location, address, or other
98 | identifying information of the victim's residence or residential
99 | facility, the identity of any person reporting abuse, neglect,
100 | or exploitation to the central abuse hotline, or any information
101 | otherwise protected by s. 741.316 and s. 741.3165 is discussed;
102 | providing for future legislative review and repeal; providing
103 | statements of public necessity; providing an effective date.