

By Senator Gibson

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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 personal identifying information of
9 an elder abuse victim in records created by a review
10 team; 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 an
16 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. Subsection (7) is added to section 415.1103,
21 Florida Statutes, to read:

22 415.1103 Elder abuse fatality review teams.—

23 (7) (a) Any information that is exempt or confidential and
24 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
25 Constitution and is obtained by an elder abuse fatality review
26 team conducting a review under this section retains its exempt
27 or confidential and exempt status when held by that review team.

28 (b) Any information contained in a record created by an
29 elder abuse fatality review team which reveals the identity of a

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30 victim of elder abuse is confidential and exempt from s.
31 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

37 (d) This subsection is subject to the Open Government
38 Sunset Review Act in accordance with s. 119.15 and shall stand
39 repealed on October 2, 2027, unless reviewed and saved from
40 repeal through reenactment by the Legislature.

41 Section 2. (1) The Legislature finds that it is a public
42 necessity that information that is exempt or confidential and
43 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
44 Article I of the State Constitution remain exempt or
45 confidential and exempt when held by an elder abuse fatality
46 review team and that any information contained in a record
47 created by an elder abuse fatality review team which reveals the
48 identity of a victim of elder abuse be confidential and exempt
49 from public records requirements. Otherwise, sensitive personal
50 information concerning victims of elder abuse would be
51 disclosed, and open communication and coordination among the
52 parties involved in elder abuse fatality review teams would be
53 hampered. The harm that would result from the release of such
54 information substantially outweighs any public benefit that
55 would be achieved by disclosure.

56 (2) The Legislature further finds that it is a public
57 necessity that portions of meetings of an elder abuse fatality
58 review team at which exempt or confidential and exempt

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

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