

By Senator Garcia

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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 or a vulnerable
5 adult abuse fatality review team which is confidential
6 or exempt from public records requirements retains its
7 protected status; providing an exemption from public
8 records requirements for personal identifying
9 information of an abuse victim and other specified
10 information contained in records held by a review
11 team; providing an exemption from public meetings
12 requirements for portions of review team meetings
13 during which certain confidential or exempt
14 information is discussed; providing for future
15 legislative review and repeal of the exemption;
16 providing statements of public necessity; providing a
17 contingent effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (9) is added to section 415.1103,
22 Florida Statutes, as amended by SB ____, 2023 Regular Session,
23 to read:

24 415.1103 Elder abuse and vulnerable adult abuse fatality
25 review teams.—

26 (9) (a) 1. Any information that is confidential or exempt
27 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
28 and is obtained by an elder or vulnerable adult abuse fatality
29 review team while executing its duties under this section

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30 retains its confidential or exempt status when held by the
31 review team.

32 2. Any information contained in a record created by a
33 review team pursuant to this section which reveals the identity
34 of a victim of abuse, exploitation, or neglect or the identity
35 of persons responsible for the welfare of a victim is
36 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
37 of the State Constitution.

38 3. Any information that is maintained as confidential or
39 exempt within this chapter retains its confidential or exempt
40 status when held by a review team.

41 (b) Portions of meetings of a review team relating to
42 abuse, exploitation, or neglect or abuse-related deaths of
43 elderly persons or otherwise vulnerable adults, and the
44 prevention of such abuse, exploitation, neglect, or deaths,
45 during which confidential or exempt information, information
46 protected within this chapter, the identity of the victim, or
47 the identity of persons responsible for the welfare of the
48 victim is discussed, are exempt from s. 286.011 and s. 24(b),
49 Art. I of the State Constitution.

50 (c) This subsection is subject to the Open Government
51 Sunset Review Act in accordance with s. 119.15 and shall stand
52 repealed on October 2, 2028, unless reviewed and saved from
53 repeal through reenactment by the Legislature.

54 Section 2. (1) The Legislature finds that it is a public
55 necessity that information that is exempt or confidential and
56 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
57 Article I of the State Constitution remains exempt or
58 confidential and exempt when held by an elder abuse or

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59 vulnerable adult abuse fatality review team. Additionally, the
60 Legislature finds that it is a public necessity that information
61 that reveals the identity of a victim of abuse, exploitation, or
62 neglect or the identity of persons responsible for the welfare
63 of such victim be confidential and exempt from public records
64 requirements because the disclosure of such sensitive personal
65 information could impede the open communication and coordination
66 among the parties involved in the review team. The harm that
67 would result from the release of such information substantially
68 outweighs any public benefit that would be achieved by
69 disclosure.

70 (2) The Legislature further finds that it is a public
71 necessity that portions of meetings of a review team during
72 which confidential or exempt information, information protected
73 within this chapter, the identity of the victim, or the identity
74 of persons responsible for the welfare of the victim is
75 discussed, are exempt from s. 286.011 and s. 24(b), Art. I of
76 the State Constitution. Failure to close the portions of the
77 meetings in which such sensitive personal information is
78 discussed would defeat the purpose of the public records
79 exemption. Further, the Legislature finds that the exemption is
80 narrowly tailored to apply to only those portions of the
81 meetings in which such sensitive personal information is
82 discussed and that the remainder of such meetings remain open to
83 allow for public oversight.

84 Section 3. This act shall take effect on the same date that
85 SB ___ or similar legislation takes effect, if such legislation
86 is adopted in the same legislative session or an extension
87 thereof and becomes a law.