

By the Committee on Children, Families, and Elder Affairs; and
Senator Garcia

586-03509-23

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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 vulnerable
5 adult abuse fatality review team which is exempt or
6 confidential and exempt from public records
7 requirements retains its protected status; providing
8 an exemption from public records requirements for
9 personal identifying information of an abuse victim
10 and other specified information contained in records
11 held by a review team; providing an exemption from
12 public meetings requirements for portions of review
13 team meetings during which certain exempt or
14 confidential and exempt information is discussed;
15 providing for future legislative review and repeal of
16 the exemption; providing statements of public
17 necessity; providing an 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 1540 or similar legislation,
23 to read:

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

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

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30 under this section retains its exempt or confidential and exempt
31 status when held by the 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 exempt or
39 confidential and exempt within this chapter retains its exempt
40 or confidential and exempt 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 exempt or confidential and exempt information,
46 information protected within this chapter, the identity of the
47 victim, or the identity of persons responsible for the welfare
48 of the victim is discussed, are exempt from s. 286.011 and s.
49 24(b), 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 identifying information could impede the open communication and
66 coordination among the parties involved in the review team. The
67 harm that would result from the release of such information
68 substantially outweighs any public benefit that would be
69 achieved by 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 exempt or confidential and exempt information, information
73 protected within this chapter, the identity of the victim, or
74 the identity of persons responsible for the welfare of the
75 victim is discussed, are exempt from s. 286.011, Florida
76 Statutes, and s. 24(b), Article I of the State Constitution.
77 Failure to close the portions of the meetings in which such
78 sensitive personal identifying information is discussed would
79 defeat the purpose of the public records exemption. Further, the
80 Legislature finds that the exemption is narrowly tailored to
81 apply only to those portions of the meetings in which such
82 sensitive personal identifying information is discussed and that
83 the remainder of such meetings remain open to allow for public
84 oversight.

85 Section 3. This act shall take effect on the same date that
86 SB 1540 or similar legislation takes effect if such legislation
87 is adopted in the same legislative session or an extension

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88 | thereof and becomes a law.