

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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|-----------------------|---------------|-------|
| 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| WITHDRAWN | 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: Health & Human Services
 2 Committee

3 Representative Hawkins offered the following:

4
 5 **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 Confidentiality of information and meetings held
 10 by elder and vulnerable adult abuse fatality review teams.-

11 (1)(a)1. Any information that is exempt or
 12 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 13 of the State Constitution and is obtained by an elder abuse or
 14 vulnerable adult abuse fatality review team while executing its
 15 duties under this section retains its exempt or confidential and
 16 exempt status when held by the review team.

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17 2. Any information contained in a record created by a
18 review team pursuant to this section which reveals the identity
19 of a victim of abuse, exploitation, or neglect or the identity
20 of persons responsible for the welfare of a victim is
21 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
22 of the State Constitution.

23 3. Any information that is maintained as exempt or
24 confidential and exempt within this chapter retains its exempt
25 or confidential and exempt status when held by a review team.

26 (b) Portions of meetings of a review team relating to
27 abuse, exploitation, or neglect or abuse-related deaths of
28 elderly persons or otherwise vulnerable adults, and the
29 prevention of such abuse, exploitation, neglect, or deaths,
30 during which exempt or confidential and exempt information,
31 information protected within this chapter, the identity of the
32 victim, or the identity of persons responsible for the welfare
33 of the victim is discussed, are exempt from s. 286.011 and s.
34 24(b), Art. I of the State Constitution.

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37 repealed on October 2, 2028, unless reviewed and saved from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

39 Section 2. (1) The Legislature finds that it is a
40 public necessity that information that is exempt or confidential
41 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
42 Article I of the State Constitution remains exempt or

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43 confidential and exempt when held by an elder abuse or
44 vulnerable adult abuse fatality review team. Additionally, the
45 Legislature finds that it is a public necessity that information
46 that reveals the identity of a victim of abuse, exploitation, or
47 neglect or the identity of persons responsible for the welfare
48 of such victim be confidential and exempt from public records
49 requirements because the disclosure of such sensitive personal
50 identifying information could impede the open communication and
51 coordination among the parties involved in the review team. The
52 harm that would result from the release of such information
53 substantially outweighs any public benefit that would be
54 achieved by disclosure.

55 (2) The Legislature further finds that it is a public
56 necessity that portions of meetings of a review team during
57 which exempt or confidential and exempt information, information
58 protected within this chapter, the identity of the victim, or
59 the identity of persons responsible for the welfare of the
60 victim is discussed, are exempt from s. 286.011, Florida
61 Statutes, and s. 24(b), Article I of the State Constitution.
62 Failure to close the portions of the meetings in which such
63 sensitive personal identifying information is discussed would
64 defeat the purpose of the public records exemption. Further, the
65 Legislature finds that the exemption is narrowly tailored to
66 apply only to those portions of the meetings in which such
67 sensitive personal identifying information is discussed and that
68 the remainder of such meetings remain open to allow for public

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69 oversight.

70 Section 3. This act shall take effect on the same
71 date that HB 1567 or similar legislation takes effect, if such
72 legislation is adopted in the same legislative session or an
73 extension thereof and becomes a law.
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77 **T I T L E A M E N D M E N T**

78 Remove everything before the enacting clause and insert:
79 An act relating to public records and public meetings; creating
80 s. 415.1104, F.S.; specifying that information obtained by an
81 elder abuse or a vulnerable adult abuse fatality review team
82 which is exempt or confidential and exempt from public records
83 requirements retains its protected status; providing an
84 exemption from public records requirements for personal
85 identifying information of an abuse victim and other specified
86 information contained in records held by a review team;
87 providing an exemption from public meetings requirements for
88 portions of review team meetings during which certain exempt or
89 confidential and exempt information is discussed; providing for
90 future legislative review and repeal of the exemption; providing
91 statements of public necessity; providing an effective date.