

1                                   A bill to be entitled  
 2           An act relating to public records and public meetings;  
 3           creating s. 415.1104, F.S.; specifying that  
 4           information obtained by an elder and vulnerable adult  
 5           abuse fatality review team which is confidential or  
 6           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 elder or vulnerable adult abuse  
 10          victim and other specified information contained in  
 11          records held by a review team; providing an exemption  
 12          from public meetings requirements for portions of  
 13          review team meetings during which confidential or  
 14          exempt information is discussed; providing for future  
 15          legislative review and repeal of the exemption;  
 16          providing a statement 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.   Section 415.1104, Florida Statutes, is created  
 22   to read:

23           415.1104 Confidentiality of information and meetings held  
 24   by elder and vulnerable adult abuse fatality review teams.-

25           (1) (a) Any information that is confidential or exempt from

26 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and  
27 is obtained by an elder and vulnerable adult abuse fatality  
28 review team while executing its duties under s. 415.1103 shall  
29 retain its confidential or exempt status when held by the elder  
30 and vulnerable adult abuse fatality review team.

31 (b) Any information contained in a record created by an  
32 elder and vulnerable adult abuse fatality review team pursuant  
33 to s. 415.1103 that reveals the identity of a victim of elder or  
34 vulnerable adult abuse, exploitation, or neglect or the identity  
35 of persons responsible for the welfare of the victim is  
36 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
37 of the State Constitution.

38 (c) Any information that is maintained as confidential or  
39 exempt within this chapter shall retain its confidential or  
40 exempt status when held by an elder and vulnerable adult abuse  
41 fatality review team.

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

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

55 Section 2. (1) The Legislature finds that it is a public  
56 necessity that information that is exempt or confidential and  
57 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
58 Article I of the State Constitution remain exempt or  
59 confidential and exempt when held by an elder and vulnerable  
60 adult abuse fatality review team. Additionally, the Legislature  
61 finds that it is a public necessity that information that  
62 reveals the identity of a victim of elder or vulnerable adult  
63 abuse, exploitation, or neglect or the identity of persons  
64 responsible for the welfare of such victim be confidential and  
65 exempt from public records requirements because the disclosure  
66 of such sensitive personal information could hamper the open  
67 communication and coordination among the parties involved in the  
68 elder and vulnerable adult abuse fatality review team. The harm  
69 that would result from the release of such information  
70 substantially outweighs any public benefit that would be  
71 achieved by disclosure.

72 (2) The Legislature further finds that it is a public  
73 necessity that portions of meetings of an elder and vulnerable  
74 adult abuse fatality review team during which confidential or  
75 exempt information, information protected within this chapter,

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76 | the identity of the victim, or the identity of persons  
77 | responsible for the welfare of the victim is discussed, are  
78 | exempt from s. 286.011 and s. 24(b), Art. I of the State  
79 | Constitution. The failure to close the portions of the meetings  
80 | in which such sensitive personal information is discussed would  
81 | defeat the purpose of the public records exemption. Further, the  
82 | Legislature finds that the exemption is narrowly tailored to  
83 | apply to only those portions of the meetings in which such  
84 | sensitive personal information is discussed and the remainder of  
85 | such meetings remain open to allow for public oversight.

86 |       Section 3. This act shall take effect on the same date  
87 | that HB 1567 or similar legislation takes effect, if such  
88 | legislation is adopted in the same legislative session or an  
89 | extension thereof and becomes a law.