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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (9) is added to section 415.1103,
Florida Statutes, as amended by SB 1540, 2023 Regular Session,
to read:

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

(9) (a) 1. Any information that is exempt or confidential and



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

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

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

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

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36 repealed on October 2, 2028, unless reviewed and saved from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

38 Section 2. (1) The Legislature finds that it is a public
39 necessity that information that is exempt or confidential and



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40 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
41 Article I of the State Constitution remains exempt or
42 confidential and exempt when held by an elder abuse or
43 vulnerable adult abuse fatality review team. Additionally, the
44 Legislature finds that it is a public necessity that information
45 that reveals the identity of a victim of abuse, exploitation, or
46 neglect or the identity of persons responsible for the welfare
47 of such victim be confidential and exempt from public records
48 requirements because the disclosure of such sensitive personal
49 information could impede the open communication and coordination
50 among the parties involved in the review team. The harm that
51 would result from the release of such information substantially
52 outweighs any public benefit that would be achieved by
53 disclosure.

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

68 Section 3. This act shall take effect on the same date that



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69 SB 1540 or similar legislation takes effect, if such legislation
70 is adopted in the same legislative session or an extension
71 thereof and becomes a law.

72 ===== T I T L E A M E N D M E N T =====

73 And the title is amended as follows:

74 Delete everything before the enacting clause
75 and insert:

76 A bill to be entitled
77 An act relating to public records and public meetings;
78 amending s. 415.1103, F.S.; specifying that
79 information obtained by an elder abuse or a vulnerable
80 adult abuse fatality review team which is exempt or
81 confidential and exempt from public records
82 requirements retains its protected status; providing
83 an exemption from public records requirements for
84 personal identifying information of an abuse victim
85 and other specified information contained in records
86 held by a review team; providing an exemption from
87 public meetings requirements for portions of review
88 team meetings during which certain exempt or
89 confidential and exempt information is discussed;
90 providing for future legislative review and repeal of
91 the exemption; providing statements of public
92 necessity; providing an effective date.