

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

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

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20 Section 1. Section 415.1104, Florida Statutes, is created
21 to read:

22 415.1104 Elder abuse fatality review teams; public records
23 and public meetings exemptions.-

24 (1) (a) Any information that is confidential or exempt from
25 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and

26 is obtained by an elder abuse fatality review team pursuant to
27 s. 415.1103 retains its confidential or exempt status.

28 (b) Any information contained in a record held by an elder
29 abuse fatality review team which reveals the identity of a
30 victim of elder abuse and the address or location of such
31 victim's residence; the identity of a person providing direct
32 care to the victim and the address or location of such person's
33 residence; and the identity of any person reporting abuse,
34 neglect, or exploitation to the central abuse hotline is
35 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
36 of the State Constitution.

37 (2) Any portion of a meeting of an elder abuse fatality
38 review team during which information made confidential or exempt
39 pursuant to subsection (1) is discussed is exempt from s.
40 286.011 and s. 24(b), Art. I of the State Constitution.

41 (3) This section is subject to the Open Government Sunset
42 Review Act in accordance with s. 119.15 and shall stand repealed
43 on October 2, 2027, unless reviewed and saved from repeal
44 through reenactment by the Legislature.

45 Section 2. The Legislature finds that it is a public
46 necessity that information that is confidential or exempt from
47 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
48 State Constitution remain confidential or exempt when held by an
49 elder abuse fatality review team and that any information
50 contained in a record held by an elder abuse fatality review

51 team which reveals the identity of a victim of elder abuse and
52 the address or location of such victim's residence; the identity
53 of a person providing direct care to the victim and the address
54 or location of such person's residence; and the identity of any
55 person reporting abuse, neglect, or exploitation to the central
56 abuse hotline be made confidential and exempt from public
57 records requirements. Without the public records exemption,
58 sensitive personal information concerning victims of elder abuse
59 and persons providing direct care to such victims, as well as
60 persons reporting abuse, neglect, or exploitation to the central
61 abuse hotline, would be subject to public disclosure and open
62 communication and coordination among the parties involved in
63 elder abuse fatality review teams would be hampered. The
64 Legislature further finds that it is a public necessity that any
65 portion of a meeting of an elder abuse fatality review team
66 during which confidential or exempt information is discussed be
67 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
68 Article I of the State Constitution. The failure to close
69 portions of meetings during which confidential or exempt
70 information is discussed would defeat the purpose of the public
71 records exemption and would have a chilling effect on the
72 ability of the task force members to discuss the information
73 that the members have been tasked with reviewing and analyzing.
74 As such, the Legislature finds that without the exemptions from
75 public records and public meetings requirements, the elder abuse

CS/CS/HB 1243

2022

76 | fatality review teams would be unable to operate in an effective
77 | and efficient manner.

78 | Section 3. This act shall take effect July 1, 2022.