

## CHAPTER 2023-261

### Committee Substitute for Senate Bill No. 1542

An act relating to public records and public meetings; amending s. 415.1103, F.S.; specifying that information obtained by an elder abuse or vulnerable adult abuse fatality review team which is exempt or confidential and exempt from public records requirements retains its protected status; providing an exemption from public records requirements for personal identifying information of an abuse victim and other specified information contained in records held by a review team; providing an exemption from public meetings requirements for portions of review team meetings during which certain exempt or confidential and exempt information is discussed; providing for future legislative review and repeal of the exemption; providing statements of public necessity; providing an effective date.

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

Section 1. Subsection (9) is added to section 415.1103, Florida Statutes, as amended by SB 1540 or similar legislation, to read:

415.1103 Elder abuse and vulnerable adult abuse fatality review teams.

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

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

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

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

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028,

unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that information that is exempt or confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution remains exempt or confidential and exempt when held by an elder abuse or vulnerable adult abuse fatality review team. Additionally, the Legislature finds that it is a public necessity that information that reveals the identity of a victim of abuse, exploitation, or neglect or the identity of persons responsible for the welfare of such victim be confidential and exempt from public records requirements because the disclosure of such sensitive personal identifying information could impede the open communication and coordination among the parties involved in the review team. The harm that would result from the release of such information substantially outweighs any public benefit that would be achieved by disclosure.

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

Section 3. This act shall take effect on the same date that SB 1540 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor June 19, 2023.

Filed in Office Secretary of State June 19, 2023.