

By the Committee on Health, Aging and Long-Term Care; and
Senator Cowin

317-1834-99

1 A bill to be entitled
2 An act relating to public records and meetings;
3 providing that confidential information
4 obtained by the State Child Death Review
5 Committee, a local committee, or a panel or
6 committee assembled by either, or by a hospital
7 or health care practitioner from any of those
8 entities, shall remain confidential; providing
9 an exemption from public records and public
10 meeting requirements for specified records and
11 meetings of the state committee, a local
12 committee, or a panel or committee assembled by
13 either, relating to child fatalities; providing
14 a penalty; providing for future legislative
15 review and repeal; providing a finding of
16 public necessity; providing a contingent
17 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. Confidentiality of information obtained by
22 child death review committees.--

23 (1) All information that is confidential or exempt
24 from public records requirements by operation of law and that
25 is obtained by the State Child Death Review Committee or a
26 local committee, or a panel or committee assembled by the
27 state committee or a local committee, shall retain that status
28 and is exempt from section 119.07(1), Florida Statutes, and
29 Section 24(a) of Article I of the State Constitution.

30 (2) All information that is confidential or exempt
31 from public records requirements by operation of law and that

1 is obtained by a hospital or a health care practitioner, as
2 defined by section 455.501, Florida Statutes, from the State
3 Child Death Review Committee or a local committee, or a panel
4 or committee assembled by the state committee or a local
5 committee, shall retain that status and is exempt from section
6 119.07(1), Florida Statutes, and Section 24(a) of Article I of
7 the State Constitution.

8 (3)(a) Any information relating to a child death that
9 could be used to identify a person in reports and records
10 created by the State Child Death Review Committee or a local
11 committee, or a panel or committee assembled by the state
12 committee or a local committee, is confidential and exempt
13 from section 119.07(1), Florida Statutes, and Section 24(a) of
14 Article I of the State Constitution.

15 (b) Portions of meetings or proceedings of the State
16 Child Death Review Committee or a local committee, or a panel
17 or committee assembled by the state committee or a local
18 committee, which relate solely to child fatalities and during
19 which specific persons or incidents are discussed are exempt
20 from section 286.011, Florida Statutes, and Section 24(b) of
21 Article I of the State Constitution.

22 (4) All information and records acquired by the State
23 Child Death Review Committee or a local committee are
24 confidential and not subject to subpoena, discovery, or
25 introduction into evidence in any civil, criminal, or
26 administrative proceeding, except that information, documents,
27 and records otherwise available from other sources are not
28 immune from subpoena, discovery, or introduction into evidence
29 from those sources solely because they were presented to or
30 reviewed by a committee.

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1 (5) The State Child Death Review Committee and local
2 committees may share with each other, and with a hospital or
3 licensed health care practitioner that has provided treatment
4 or diagnosis to a child whose death has been reviewed by a
5 state or local committee, any relevant information regarding
6 case reviews involving a child's death, which information is
7 made confidential and exempt by this section.

8 (6) Any person who discloses information made
9 confidential and exempt by this section commits a misdemeanor
10 of the first degree, punishable as provided in section 775.082
11 or section 775.083, Florida Statutes.

12 (7) This section is subject to the Open Government
13 Sunset Review Act of 1995 in accordance with section 119.15,
14 Florida Statutes, and shall stand repealed on October 2, 2004,
15 unless reviewed and saved from repeal through reenactment by
16 the Legislature.

17 Section 2. Access by the State Child Death Review
18 Committee or a local committee, or a panel or committee
19 assembled by the state committee or a local committee, to
20 records that are otherwise confidential increases the
21 potential for reduced morbidity or mortality of children and
22 reduces the potential for poor outcomes for children, thereby
23 improving the overall quality of life for children. The
24 Legislature finds that it is a public necessity that such
25 information remain confidential in the hands of the state
26 committee, a local committee, or a panel or committee
27 assembled by them, and in the hands of a hospital or health
28 care practitioner who obtains such information from those
29 entities. The Legislature further finds that it is a public
30 necessity that records and reports of the State Child Death
31 Review Committee or a local committee, or a panel or committee

1 assembled by the state committee or a local committee, and
2 portions of meetings thereof, which relate solely to child
3 fatalities and where specific persons or incidents are
4 discussed, be confidential and exempt from public records and
5 public meeting requirements. Otherwise, sensitive or personal
6 information concerning persons who are identified in a child
7 death review would be disclosed and open communication and
8 coordination among the parties involved in the child fatality
9 reviews would be hampered. Accordingly, the Legislature finds
10 that the harm to the public which would result from the
11 release of such information substantially outweighs any
12 minimal public benefit derived therefrom.

13 Section 3. This act shall take effect on the same date
14 that Senate Bill 1406 or similar legislation takes effect, if
15 such legislation is enacted in the same legislative session or
16 an extension thereof.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 1408

21 Clarifies that information which may identify a person in
22 records created by child death review committees is
23 confidential and exempt; clarifies that information provided
24 to child death review committees is not subject to subpoena,
25 discovery, or introduction as evidence in administrative
26 proceedings; allows committees to share relevant information
27 about case reviews with medical providers who have provided
28 treatment or diagnosis to a child whose death is under review
29 and makes this information confidential and exempt; clarifies
30 the public necessity of protecting the identity of persons who
31 are identified in child death reviews.