

By the Committee on Health Care Services and  
 Representative Peaden

1                                   A bill to be entitled  
 2           An act relating to public records and meetings;  
 3           creating s. 383.408, F.S.; providing that  
 4           confidential information obtained by the State  
 5           Child Death Review Team, a local team, or a  
 6           panel or committee assembled by either, or by a  
 7           hospital or health care practitioner from any  
 8           of those entities, shall remain confidential;  
 9           providing an exemption from public records and  
 10          public meeting requirements for specified  
 11          records and meetings of the state team, a local  
 12          team, or a panel or committee assembled by  
 13          either, relating to child deaths; providing a  
 14          penalty; providing for future review and  
 15          repeal; providing a finding of public  
 16          necessity; providing a contingent effective  
 17          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 383.408, Florida Statutes, is  
 22           created to read:

23                   383.408 Confidentiality.--

24                   (1) All information which is confidential or exempt  
 25                   from public records requirements by operation of law and which  
 26                   is obtained by the State Child Death Review Team or a local  
 27                   team, or a panel or committee assembled by the state team or a  
 28                   local team pursuant to ss. 383.401-383.409, shall retain that  
 29                   status and is exempt from the provisions of s. 119.07(1) and  
 30                   s. 24(a), Art. I of the State Constitution.

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1       (2) All information which is confidential or exempt  
2 from public records requirements by operation of law and which  
3 is obtained by a hospital or a health care practitioner, as  
4 defined by s. 455.501, from the State Child Death Review Team  
5 or a local team, or a panel or committee assembled by the  
6 state team or a local team pursuant to ss. 383.401-383.409,  
7 shall retain that status and is exempt from the provisions of  
8 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

9       (3)(a) All reports and records of the State Child  
10 Death Review Team or a local team, or a panel or committee  
11 assembled by the state team or a local team pursuant to ss.  
12 383.401-383.409, which relate solely to child deaths and in  
13 which specific persons or incidents are discussed, are  
14 confidential and exempt from the provisions of s. 119.07(1)  
15 and s. 24(a), Art. I of the State Constitution.

16       (b) Portions of meetings or proceedings of the State  
17 Child Death Review Team or a local team, or a panel or  
18 committee assembled by the state team or a local team pursuant  
19 to ss. 383.401-383.409, which relate solely to child deaths  
20 and during which specific persons or incidents are discussed,  
21 are exempt from the provisions of s. 286.011 and s. 24(b),  
22 Art. I of the State Constitution. The state team or a local  
23 team may hold periodic public meetings to discuss  
24 nonconfidential information or issues.

25       (4) All information and records acquired by the State  
26 Child Death Review Team or a local team are confidential and  
27 not subject to subpoena, discovery, introduction into evidence  
28 in any civil or criminal proceedings, or a public records  
29 request, except that information, documents, and records  
30 otherwise available from other sources are not immune from  
31 subpoena, discovery, or introduction into evidence from those

1 sources solely because they were presented to or reviewed by a  
2 team.

3 (5) The State Child Death Review Team and local teams  
4 may share with each other any relevant information regarding  
5 case reviews involving child death which is made confidential  
6 and exempt by this section.

7 (6) Any person who violates any provision of this  
8 section commits a misdemeanor of the first degree, punishable  
9 as provided in s. 775.082 or s. 775.083.

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

14 Section 2. Access by the State Child Death Review Team  
15 or a local team, or a panel or committee assembled by the  
16 state team or a local team, to records that are otherwise  
17 confidential increases the potential for reduced morbidity or  
18 mortality of children and reduces the potential for poor  
19 outcomes for children, thereby improving the overall quality  
20 of life for children. The Legislature finds that it is a  
21 public necessity that such information remain confidential in  
22 the hands of the state team, a local team, or a panel or  
23 committee assembled by them, and in the hands of a hospital or  
24 health care practitioner that obtains such information from  
25 those entities. The Legislature further finds that it is a  
26 public necessity that records and reports of the State Child  
27 Death Review Team or a local team or a panel or committee  
28 assembled by the state team or a local team, and portions of  
29 meetings thereof, which relate solely to child deaths and  
30 where specific persons or incidents are discussed, be  
31 confidential and exempt from public records and public meeting

