Florida House of Representatives - 1999

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
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sources solely because they were presented to or reviewed by a 1 2 team. (5) The State Child Death Review Team and local teams 3 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 This section is subject to the Open Government (7) Sunset Review Act of 1995 in accordance with s. 119.15, and 11 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 state team or a local team, to records that are otherwise 16 confidential increases the potential for reduced morbidity or 17 mortality of children and reduces the potential for poor 18 19 outcomes for children, thereby improving the overall quality 20 of life for children. The Legislature finds that it is a public necessity that such information remain confidential in 21 the hands of the state team, a local team, or a panel or 22 committee assembled by them, and in the hands of a hospital or 23 health care practitioner that obtains such information from 24 those entities. The Legislature further finds that it is a 25 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 meetings thereof, which relate solely to child deaths and 29 where specific persons or incidents are discussed, be 30 confidential and exempt from public records and public meeting 31

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requirements. If it were otherwise, sensitive, personal 1 information concerning children would be disclosed and open 2 3 communication and coordination among the parties involved in 4 the child death reviews would be hampered. Accordingly, the 5 Legislature finds that the harm to the public that would result from the release of such information substantially 6 7 outweighs any minimal public benefit derived therefrom. 8 Section 3. This act shall take effect on the same date 9 that House Bill or similar legislation creating the 10 Florida Child Death Review Act takes effect, if such 11 legislation is adopted in the same legislative session or an extension thereof. 12 13 14 15 HOUSE SUMMARY 16 Provides that confidential information obtained by the State Child Death Review Team, a local team, or a panel 17 or committee assembled by either, or by a hospital or health care practitioner from any of those entities, shall remain confidential. Provides an exemption from 18 public records and public meeting requirements for specified records and meetings of the state team, a local team, or a panel or committee assembled by either, relating to child deaths. Provides a penalty. Provides for future review and repeal. Takes effect contingent on adoption of legislation creating the Florida Child Death 19 20 21 22 Review Act. 23 24 25 26 27 28 29 30 31

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