

By Representative Murman

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 383.410, F.S.; providing that
4 confidential information obtained by the State
5 Child Abuse Death Review Committee, a local
6 committee, or a panel or committee assembled by
7 either, or by a hospital or health care
8 practitioner from any of those entities, shall
9 remain confidential; providing an exemption
10 from public records and public meeting
11 requirements for specified records and meetings
12 of the state committee, a local committee, or a
13 panel or committee assembled by either,
14 relating to child fatalities; providing a
15 penalty; providing for future review and
16 repeal; providing a finding of public
17 necessity; providing a contingent effective
18 date.

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

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22 Section 1. Section 383.410, Florida Statutes, is
23 created to read:

24 383.410 Confidentiality.--

25 (1) All information that is confidential or exempt
26 from public records requirements by operation of law and that
27 is obtained by the State Child Abuse Death Review Committee or
28 a local committee, or a panel or committee assembled by the
29 state committee or a local committee pursuant to s. 383.402,
30 shall retain that status and is exempt from s. 119.07(1) and
31 s. 24(a), Art. I of the State Constitution.

1 (2) All information that is confidential or exempt
2 from public records requirements by operation of law and that
3 is obtained by a hospital or a health care practitioner as
4 defined by s. 455.501 from the State Child Abuse Death Review
5 Committee or a local committee, or a panel or committee
6 assembled by the state committee or a local committee pursuant
7 to s. 383.402, shall retain that status and is exempt from s.
8 119.07(1) and s. 24(a), Art. I of the State Constitution.

9 (3)(a) Any information that would reveal the name,
10 address, or telephone number of, or information that would
11 identify any of the deceased's surviving siblings, family
12 members, or others living in the home, in reports or records
13 created by the State Child Abuse Death Review Committee or
14 local committee, or a panel or committee assembled by the
15 state committee or a local committee pursuant to s. 383.402,
16 which relates solely to child fatalities and in which specific
17 persons or incidents are discussed is confidential and exempt
18 from s. 119.07(1) and s. 24(a), Art. I of the State
19 Constitution.

20 (b) Portions of meetings or proceedings of the State
21 Child Abuse Death Review Committee or local committee, or a
22 panel or committee assembled by the state committee or a local
23 committee pursuant to s. 383.402, which relate solely to child
24 fatalities and in which specific persons or incidents are
25 discussed are confidential and exempt from s. 286.011 and s.
26 24(b), Art. I of the State Constitution. The state committee
27 or a local committee may hold periodic public meetings to
28 discuss nonconfidential information or issues.

29 (4) All information and records acquired by the State
30 Child Abuse Death Review Committee or a local committee are
31 confidential and not subject to subpoena, discovery, or

1 introduction into evidence in any civil or criminal
2 proceedings, except that information, documents and records
3 otherwise available from other sources are not immune from
4 subpoena, discovery, or introduction into evidence from those
5 sources solely because they were presented to or reviewed by a
6 committee.

7 (5) The State Child Abuse Death Review Committee and
8 local committees may share with each other any relevant
9 information regarding case reviews involving child death which
10 information is made confidential and exempt by this section.

11 (6) Any person who violates this section commits a
12 misdemeanor of the first degree, punishable as provided in s.
13 775.082 or s. 775.083.

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

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

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

14 Section 3. This act shall take effect on the same date
15 that House Bill 481 or similar legislation takes effect, if
16 such legislation is adopted in the same legislative session or
17 an extension thereof.

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20 LEGISLATIVE SUMMARY

21 Provides that confidential information obtained by the
22 State Child Abuse Death Review Committee, a local
23 committee, or a panel or committee assembled by either,
24 or obtained by a hospital or health care practitioner
25 from any of those entities, shall remain confidential.
26 Provides an exemption from public records and public
27 meeting requirements for specified records and meetings
28 of the state committee, a local committee, or a panel or
29 committee assembled by either, relating to child
30 fatalities. Provides a penalty. Provides for future
31 review and repeal.