

By Senator Cowin

300-827-99

See HB

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) All reports and records of the State Child
10 Abuse Death Review Committee or a local committee, or a panel
11 or committee assembled by the state committee or a local
12 committee pursuant to s. 383.402 which relate solely to child
13 fatalities and in which specific persons or incidents are
14 discussed are confidential and exempt from s. 119.07(1) and s.
15 24(a), Art. I of the State Constitution.

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

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

1 introduction into evidence from those sources solely because
2 they were presented to or reviewed by a committee.

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

7 (6) Any person who violates this section commits a
8 misdemeanor of the first degree, punishable as provided in s.
9 775.082 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 Abuse Death
15 Review Committee or a local committee or a panel or committee
16 assembled by the state committee or a local committee to
17 records that are otherwise confidential increases the
18 potential for reduced morbidity or mortality of children and
19 reduces the potential for poor outcomes for children, thereby
20 improving the overall quality of life for children. The
21 Legislature finds that it is a public necessity that such
22 information remain confidential in the hands of the state
23 committee, a local committee, or a panel or committee
24 assembled by them, and in the hands of a hospital or health
25 care practitioner that obtains such information from those
26 entities. The Legislature further finds that it is a public
27 necessity that records and reports of the State Child Abuse
28 Death Review Committee or a local committee or a panel or
29 committee assembled by the state committee or a local
30 committee, and portions of meetings thereof, which relate
31 solely to child fatalities and where specific persons or

1 incidents are discussed, be confidential and exempt from
2 public records and public meeting requirements. Otherwise,
3 sensitive, personal information concerning children would be
4 disclosed and open communication and coordination among the
5 parties involved in the child fatality reviews would be
6 hampered. Accordingly, the Legislature finds that the harm to
7 the public that would result from the release of such
8 information substantially outweighs any minimal public benefit
9 derived therefrom.

10 Section 3. This act shall take effect on the same date
11 that Senate Bill or similar legislation takes effect,
12 if such legislation is adopted in the same legislative session
13 or an extension thereof.

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16 LEGISLATIVE SUMMARY

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