

By Senator Silver

38-1486-00

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

16 (b) Portions of meetings or proceedings of the State
17 Child Death Review Committee or a local committee, or a panel
18 or committee assembled by the state committee or a local
19 committee, which relate solely to child fatalities and during
20 which specific persons or incidents are discussed are exempt
21 from section 286.011, Florida Statutes, and Section 24(b) of
22 Article I of the State Constitution. The state committee or a
23 local 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 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 Death Review Committee and local
4 committees may share with each other any relevant information
5 regarding case reviews involving a child's 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
9 section 775.082 or section 775.083, Florida Statutes.

10 (7) This section is subject to the Open Government
11 Sunset Review Act of 1995 in accordance with section 119.15,
12 Florida Statutes, and shall stand repealed on October 2, 2005,
13 unless reviewed and saved from repeal through reenactment by
14 the Legislature.

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

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

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

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16 SENATE SUMMARY

17 Provides that confidential information obtained by the
18 State Child Death Review Committee, a local committee, or
19 a panel or committee assembled by either, or obtained by
20 a hospital or health care practitioner from any of those
21 entities, shall remain confidential. Provides an
22 exemption from public records and public meeting
23 requirements for specified records and meetings of the
24 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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