

By the Committee on Health, Aging, and Long-Term Care

317-352A-04

1                                   A bill to be entitled  
2           An act relating to a review under the Open  
3           Government Sunset Review Act; amending s.  
4           383.410, F.S., relating to exemptions from the  
5           act which are provided for certain records and  
6           portions of meetings concerning child  
7           fatalities investigated by the State Child  
8           Abuse Death Review Committee, a local  
9           committee, or a panel assembled by the state or  
10          local committee; saving the exemptions from  
11          repeal under the Open Government Sunset Review  
12          Act; deleting an exemption provided for certain  
13          records obtained by a hospital or health care  
14          practitioner which relate to child fatalities;  
15          specifying the persons whose identity may be  
16          withheld from public disclosure under the  
17          exemptions provided for certain records and  
18          portions of meetings of the State Child Abuse  
19          Death Review Committee, a local committee, or a  
20          panel assembled by the state or local  
21          committee; revising requirements for the  
22          subpoena, discovery, or introduction into  
23          evidence in civil or criminal proceedings of  
24          information contained in records acquired by  
25          the State Child Abuse Death Review Committee or  
26          a local committee; revising a penalty  
27          applicable to the unauthorized disclosure of  
28          confidential information concerning child  
29          fatalities; deleting provisions that provide  
30          for the repeal of the exemptions under the Open  
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1 Government Sunset Review Act; providing an  
2 effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Section 383.410, Florida Statutes, is  
7 amended to read:

8 383.410 Confidentiality.--

9 ~~(1) All information that is confidential or exempt~~  
10 ~~from public records requirements by operation of law and that~~  
11 ~~is obtained by the State Child Abuse Death Review Committee or~~  
12 ~~a local committee, or a panel or committee assembled by the~~  
13 ~~state committee or a local committee pursuant to s. 383.402,~~  
14 ~~shall retain that status and is exempt from s. 119.07(1) and~~  
15 ~~s. 24(a), Art. I of the State Constitution.~~

16 ~~(2) All information that is confidential or exempt~~  
17 ~~from public records requirements by operation of law and that~~  
18 ~~is obtained by a hospital or a health care practitioner as~~  
19 ~~defined by s. 456.001 from the State Child Abuse Death Review~~  
20 ~~Committee or a local committee, or a panel or committee~~  
21 ~~assembled by the state committee or a local committee pursuant~~  
22 ~~to s. 383.402, shall retain that status and is exempt from s.~~  
23 ~~119.07(1) and s. 24(a), Art. I of the State Constitution.~~

24 (1)(a)(3)(a) Any information that reveals would reveal  
25 the identity name, address, or telephone number of, or  
26 information that would identify any of the deceased's  
27 surviving siblings, family members, or others living in the  
28 home of a deceased child who is the subject of review and  
29 which is contained in a record that relates solely to child  
30 fatalities and is reports or records created by the State  
31 Child Abuse Death Review Committee or local committee, or a

1 panel or committee assembled by the state committee or a local  
2 committee pursuant to s. 383.402, ~~which relates solely to~~  
3 ~~child fatalities and in which specific persons or incidents~~  
4 ~~are discussed~~ is confidential and exempt from s. 119.07(1) and  
5 s. 24(a), Art. I of the State Constitution.

6 (b) Portions of meetings or proceedings of the State  
7 Child Abuse Death Review Committee or local committee, or a  
8 panel or committee assembled by the state committee or a local  
9 committee pursuant to s. 383.402, which relate solely to child  
10 fatalities and in which the identity of any of the surviving  
11 siblings, family members, or others living in the home of a  
12 deceased child who is the subject of review is specific  
13 ~~persons or incidents are discussed~~ are confidential and exempt  
14 from s. 286.011 and s. 24(b), Art. I of the State  
15 Constitution. ~~The state committee or a local committee may~~  
16 ~~hold periodic public meetings to discuss nonconfidential~~  
17 ~~information or issues.~~

18 (2)(a) Information made confidential or exempt  
19 pursuant to s. 119.07(1) and s. 24(a), Art. I of the State  
20 Constitution which is obtained by the State Child Abuse Death  
21 Review Committee or a local committee, or a panel or committee  
22 assembled by the state committee or a local committee pursuant  
23 to s. 383.402, shall retain its confidential or exempt status.

24 (b)(4) All information contained in ~~and~~ records  
25 acquired by the State Child Abuse Death Review Committee or a  
26 local committee is ~~are confidential and~~ not subject to  
27 subpoena, discovery, or introduction into evidence in any  
28 civil or criminal proceedings. Such, ~~except that~~ information,  
29 documents, and records otherwise available from other sources  
30 are not immune from subpoena, discovery, or introduction into  
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1 evidence from those sources solely because they were presented  
2 to or reviewed by a committee.

3 (3)~~(5)~~ The State Child Abuse Death Review Committee  
4 and 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 (4)~~(6)~~ Any person who knowingly or willfully makes  
8 public or discloses to any unauthorized person any information  
9 made confidential and exempt under ~~violates~~ this section  
10 commits a misdemeanor of the first degree, punishable as  
11 provided in s. 775.082 or s. 775.083.

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

16 Section 2. This act shall take effect October 1, 2004.

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19 SENATE SUMMARY

20 Revises exemptions from the public records and public  
21 meetings law which are provided for certain records and  
22 portions of meetings relating to the child fatalities  
23 investigated by the State Child Abuse Death Review  
24 Committee, a local committee, or a panel assembled by the  
25 state or local committee. Deletes an exemption provided  
26 for certain records obtained by a hospital or health care  
27 practitioner which relate to child fatalities. Delineates  
28 those persons whose identities may be withheld from  
29 public disclosure under the act. Removes a provision that  
30 provides for the repeal of the exemptions.  
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