

1                   A bill to be entitled  
2           An act relating to public records and public meetings  
3           exemptions; creating s. 383.412, F.S.; providing an  
4           exemption from public records requirements for any  
5           information that reveals the identity of surviving  
6           siblings, family members, or others living in the home of a  
7           deceased child who is the subject of review and which is  
8           contained in a record that relates solely to child  
9           fatalities and is created by the State Child Abuse Death  
10          Review Committee or a local child abuse death review  
11          committee, or a panel or committee assembled by the state  
12          committee or a local committee; providing an exemption from  
13          public meetings requirements for portions of meetings or  
14          proceedings of the State Child Abuse Death Review Committee  
15          or a local child abuse death review committee, or a panel  
16          or committee assembled by the state committee or a local  
17          committee, which relate solely to child fatalities and in  
18          which the identity of any of the surviving siblings, family  
19          members, or others living in the home of a deceased child  
20          who is the subject of review is discussed; providing that  
21          confidential or exempt information obtained by the State  
22          Child Abuse Death Review Committee or a local child abuse  
23          death review committee, or a panel or committee assembled  
24          by the state committee or a local committee, shall retain  
25          its confidential or exempt status; providing that  
26          information contained in records acquired by the State  
27          Child Abuse Death Review Committee or a local child abuse  
28          death review committee is not subject to subpoena,

29 discovery, or introduction into evidence in any civil or  
 30 criminal proceedings; authorizing the State Child Abuse  
 31 Death Review Committee and local child abuse death review  
 32 committees to share relevant confidential and exempt  
 33 information regarding case reviews involving child death;  
 34 providing a penalty for the unauthorized disclosure of  
 35 confidential information concerning child fatalities;  
 36 providing for future review and repeal; providing a  
 37 statement of public necessity; providing an effective date.  
 38

39 Be It Enacted by the Legislature of the State of Florida:  
 40

41 Section 1. Section 383.412, Florida Statutes, is created  
 42 to read:

43 383.412 Confidentiality.--

44 (1)(a) Any information that reveals the identity of the  
 45 surviving siblings, family members, or others living in the home  
 46 of a deceased child who is the subject of review and which is  
 47 contained in a record that relates solely to child fatalities  
 48 and is created by the State Child Abuse Death Review Committee  
 49 or local committee, or a panel or committee assembled by the  
 50 state committee or a local committee pursuant to s. 383.402, is  
 51 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 52 of the State Constitution.

53 (b) Portions of meetings or proceedings of the State Child  
 54 Abuse Death Review Committee or local committee, or a panel or  
 55 committee assembled by the state committee or a local committee  
 56 pursuant to s. 383.402, which relate solely to child fatalities

57 and in which the identity of any of the surviving siblings,  
 58 family members, or others living in the home of a deceased child  
 59 who is the subject of review is discussed are exempt from s.  
 60 286.011 and s. 24(b), Art. I of the State Constitution.

61 (2)(a) Information made confidential or exempt pursuant to  
 62 s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
 63 which is obtained by the State Child Abuse Death Review  
 64 Committee or a local committee, or a panel or committee  
 65 assembled by the state committee or a local committee pursuant  
 66 to s. 383.402, shall retain its confidential or exempt status.

67 (b) All information contained in records acquired by the  
 68 State Child Abuse Death Review Committee or a local committee is  
 69 not subject to subpoena, discovery, or introduction into  
 70 evidence in any civil or criminal proceedings. Such information,  
 71 documents, and records otherwise available from other sources  
 72 are not immune from subpoena, discovery, or introduction into  
 73 evidence from those sources solely because they were presented  
 74 to or reviewed by a committee.

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

79 (4) Any person who knowingly or willfully makes public or  
 80 discloses to any unauthorized person any information made  
 81 confidential and exempt under this section commits a misdemeanor  
 82 of the first degree, punishable as provided in s. 775.082 or s.  
 83 775.083.

84 (5) This section is subject to the Open Government Sunset

85 Review Act of 1995 in accordance with s. 119.15, and shall stand  
86 repealed on October 2, 2010, unless reviewed and saved from  
87 repeal through reenactment by the Legislature.

88       Section 2. The Legislature finds that it is a public  
89 necessity that any information that reveals the identity of the  
90 surviving siblings, family members, or others living in the home  
91 of a deceased child who is the subject of review and which is  
92 contained in a record that relates solely to child fatalities  
93 and is created by the State Child Abuse Death Review Committee  
94 or a local child abuse death review committee, or a panel or  
95 committee assembled by the state committee or a local committee  
96 pursuant to s. 383.402, Florida Statutes, be held confidential  
97 and exempt from public records requirements. The Legislature  
98 further finds that it is a public necessity that portions of  
99 meetings or proceedings of the State Child Abuse Death Review  
100 Committee or a local child abuse death review committee, or a  
101 panel or committee assembled by the state committee or a local  
102 committee pursuant to s. 383.402, Florida Statutes, which relate  
103 solely to child fatalities and in which the identity of any of  
104 the surviving siblings, family members, or others living in the  
105 home of a deceased child who is the subject of review is  
106 discussed be held exempt from public meetings requirements.  
107 These exemptions are deemed a public necessity in that they  
108 increase the potential for reduced morbidity or mortality of  
109 children and reduce the potential for poor outcomes for  
110 children, thereby improving their overall quality of life. In  
111 the absence of such exemptions, sensitive, personal information  
112 concerning children would be disclosed and open communication

HB 0185

2005

113 and coordination among the parties involved in child fatality  
114 reviews would be hampered. Accordingly, the Legislature finds  
115 that the harm to the public that would result from the release  
116 of such information substantially outweighs any minimal public  
117 benefit derived therefrom.

118 Section 3. This act shall take effect October 1, 2005.