

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

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6 A bill to be entitled

7 An act relating to public records and public meetings
8 exemptions; creating s. 383.412, F.S.; providing an
9 exemption from public records requirements for any
10 information that reveals the identity of surviving
11 siblings, family members, or others living in the home of
12 a deceased child who is the subject of review by, and
13 which information is held by, the State Child Abuse Death
14 Review Committee or local committee, or a panel or
15 committee assembled by the state committee or a local
16 committee; providing that confidential or exempt
17 information obtained by such committees or panels will
18 retain its confidential or exempt status; providing an
19 exemption from public meetings requirements for portions
20 of meetings of such committees or panels wherein
21 confidential and exempt information is discussed;
22 authorizing the State Child Abuse Death Review Committee
23 and local child abuse death review committees to share

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24 relevant confidential and exempt information regarding
 25 case reviews involving child death; providing a penalty
 26 for the unauthorized disclosure of confidential
 27 information concerning child fatalities; providing for
 28 future review and repeal; providing a statement of public
 29 necessity; providing an effective date.

30
 31 Be It Enacted by the Legislature of the State of Florida:

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 33 Section 1. Section 383.412, Florida Statutes, is created
 34 to read:

35 383.412 Public records and public meetings exemptions.--

36 (1)(a) Any information that reveals the identity of the
 37 surviving siblings, family members, or others living in the home
 38 of a deceased child who is the subject of review by, and which
 39 information is held by, the State Child Abuse Death Review
 40 Committee or local committee, or a panel or committee assembled
 41 by the state committee or a local committee pursuant to s.
 42 383.402, is confidential and exempt from s. 119.07(1) and s.
 43 24(a), Art. I of the State Constitution.

44 (b) Information made confidential or exempt from s.
 45 119.07(1) and s. 24(a), Art. I of the State Constitution that is
 46 obtained by the State Child Abuse Death Review Committee or a
 47 local committee, or a panel or committee assembled by the state
 48 committee or a local committee pursuant to s. 383.402, shall
 49 retain its confidential or exempt status.

50 (2) Portions of meetings of the State Child Abuse Death
 51 Review Committee or local committee, or a panel or committee

52 assembled by the state committee or a local committee pursuant
 53 to s. 383.402, at which information made confidential and exempt
 54 pursuant to subsection (1) is discussed are exempt from s.
 55 286.011 and s. 24(b), Art. I of the State Constitution.

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

60 (4) Any person who knowingly or willfully makes public or
 61 discloses to any unauthorized person any information made
 62 confidential and exempt under this section commits a misdemeanor
 63 of the first degree, punishable as provided in s. 775.082 or s.
 64 775.083.

65 (5) This section is subject to the Open Government Sunset
 66 Review Act of 1995 in accordance with s. 119.15, and shall stand
 67 repealed on October 2, 2010, unless reviewed and saved from
 68 repeal through reenactment by the Legislature.

69 Section 2. The Legislature finds that it is a public
 70 necessity that any information that reveals the identity of the
 71 surviving siblings, family members, or others living in the home
 72 of a deceased child who is the subject of review by, and which
 73 information is held by, the State Child Abuse Death Review
 74 Committee or a local child abuse death review committee, or a
 75 panel or committee assembled by the state committee or a local
 76 committee pursuant to s. 383.402, Florida Statutes, be held
 77 confidential and exempt from public records requirements. The
 78 Legislature further finds that it is a public necessity that
 79 such committees and panels be provided access to records that

80 are otherwise confidential or exempt and that such committees
 81 and panels be authorized to maintain the confidential or exempt
 82 status of such information. These public records exemptions
 83 increase the potential for reduced morbidity or mortality of
 84 children and reduce the potential for poor outcomes for
 85 children, thereby improving the overall quality of life for
 86 children. In the absence of the exemptions, sensitive, personal
 87 information concerning children would be disclosed. In addition,
 88 the Legislature finds that it is a public necessity that
 89 portions of meetings of the State Child Abuse Death Review
 90 Committee or a local child abuse death review committee, or a
 91 panel or committee assembled by the state committee or a local
 92 committee pursuant to s. 383.402, Florida Statutes, wherein
 93 confidential and exempt information is discussed be made exempt
 94 from public meetings requirements. Without such exemption, open
 95 communication and coordination among the parties involved in
 96 child fatality reviews would be hampered. Furthermore, release
 97 of confidential and exempt information via a public meeting
 98 defeats the purpose of the public records exemption.
 99 Accordingly, the Legislature finds that the harm to the public
 100 that would result from the release of such information
 101 substantially outweighs any minimal public benefit derived
 102 therefrom.

103 Section 3. This act shall take effect upon becoming a law.