

ENROLLED

HB 185, Engrossed 1

2005 Legislature

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
7 a deceased child who is the subject of review by, and
8 which information is held by, the State Child Abuse Death
9 Review Committee or local committee, or a panel or
10 committee assembled by the state committee or a local
11 committee; providing that confidential or exempt
12 information obtained by such committees or panels will
13 retain its confidential or exempt status; providing an
14 exemption from public meetings requirements for portions
15 of meetings of such committees or panels wherein
16 confidential and exempt information is discussed;
17 authorizing the State Child Abuse Death Review Committee
18 and local child abuse death review committees to share
19 relevant confidential and exempt information regarding
20 case reviews involving child death; providing a penalty
21 for the unauthorized disclosure of confidential
22 information concerning child fatalities; providing for
23 future review and repeal; providing a statement of public
24 necessity; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
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28 Section 1. Section 383.412, Florida Statutes, is created
 29 to read:

30 383.412 Public records and public meetings exemptions.--

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

39 (b) Information made confidential or exempt from s.
 40 119.07(1) and s. 24(a), Art. I of the State Constitution that is
 41 obtained by the State Child Abuse Death Review Committee or a
 42 local committee, or a panel or committee assembled by the state
 43 committee or a local committee pursuant to s. 383.402, shall
 44 retain its confidential or exempt status.

45 (2) Portions of meetings of the State Child Abuse Death
 46 Review Committee or local committee, or a panel or committee
 47 assembled by the state committee or a local committee pursuant
 48 to s. 383.402, at which information made confidential and exempt
 49 pursuant to subsection (1) is discussed are exempt from s.
 50 286.011 and s. 24(b), Art. I of the State Constitution.

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

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55 (4) Any person who knowingly or willfully makes public or
56 discloses to any unauthorized person any information made
57 confidential and exempt under this section commits a misdemeanor
58 of the first degree, punishable as provided in s. 775.082 or s.
59 775.083.

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

64 Section 2. The Legislature finds that it is a public
65 necessity that any information that reveals the identity of the
66 surviving siblings, family members, or others living in the home
67 of a deceased child who is the subject of review by, and which
68 information is held by, the State Child Abuse Death Review
69 Committee or a local child abuse death review committee, or a
70 panel or committee assembled by the state committee or a local
71 committee pursuant to s. 383.402, Florida Statutes, be held
72 confidential and exempt from public records requirements. The
73 Legislature further finds that it is a public necessity that
74 such committees and panels be provided access to records that
75 are otherwise confidential or exempt and that such committees
76 and panels be authorized to maintain the confidential or exempt
77 status of such information. These public records exemptions
78 increase the potential for reduced morbidity or mortality of
79 children and reduce the potential for poor outcomes for
80 children, thereby improving the overall quality of life for
81 children. In the absence of the exemptions, sensitive, personal
82 information concerning children would be disclosed. In addition,

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83 the Legislature finds that it is a public necessity that
84 portions of meetings of the State Child Abuse Death Review
85 Committee or a local child abuse death review committee, or a
86 panel or committee assembled by the state committee or a local
87 committee pursuant to s. 383.402, Florida Statutes, wherein
88 confidential and exempt information is discussed be made exempt
89 from public meetings requirements. Without such exemption, open
90 communication and coordination among the parties involved in
91 child fatality reviews would be hampered. Furthermore, release
92 of confidential and exempt information via a public meeting
93 defeats the purpose of the public records exemption.
94 Accordingly, the Legislature finds that the harm to the public
95 that would result from the release of such information
96 substantially outweighs any minimal public benefit derived
97 therefrom.

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