

Bill No. SB 676

Barcode 443230

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Saunders) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

383.412 Public records and public meetings exemptions.--

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

(b) Information made confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution that

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1 is obtained by the State Child Abuse Death Review Committee or
2 a local committee, or a panel or committee assembled by the
3 state committee or a local committee pursuant to s. 383.402,
4 shall retain its confidential or exempt status.

5 (2) Portions of meetings of the State Child Abuse
6 Death Review Committee or local committee, or a panel or
7 committee assembled by the state committee or a local
8 committee pursuant to s. 383.402, at which information made
9 confidential and exempt pursuant to subsection (1) is
10 discussed are exempt from s. 286.011 and s. 24(b), Art. I of
11 the State Constitution.

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

16 (4) Any person who knowingly or willfully makes public
17 or discloses to any unauthorized person any information made
18 confidential and exempt under this section commits a
19 misdemeanor of the first degree, punishable as provided in s.
20 775.082 or s. 775.083.

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23 shall stand repealed on October 2, 2010, unless reviewed and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

25 Section 2. The Legislature finds that it is a public
26 necessity that any information that reveals the identity of
27 the surviving siblings, family members, or others living in
28 the home of a deceased child who is the subject of review by,
29 and which information is held by, the State Child Abuse Death
30 Review Committee or a local child abuse death review
31 committee, or a panel or committee assembled by the state

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1 committee or a local committee pursuant to section 383.402,
2 Florida Statutes, be held confidential and exempt from
3 public-records requirements. The Legislature further finds
4 that it is a public necessity that such committees and panels
5 be provided access to records that are otherwise confidential
6 or exempt and that such committees and panels be authorized to
7 maintain the confidential or exempt status of such
8 information. These public-records exemptions increase the
9 potential for reduced morbidity or mortality of children and
10 reduce the potential for poor outcomes for children, thereby
11 improving the overall quality of life for children. In the
12 absence of the exemptions, sensitive, personal information
13 concerning children would be disclosed. In addition, the
14 Legislature finds that it is a public necessity that portions
15 of meetings of the State Child Abuse Death Review Committee or
16 a local child abuse death review committee, or a panel or
17 committee assembled by the state committee or a local
18 committee pursuant to section 383.402, Florida Statutes,
19 wherein confidential and exempt information is discussed be
20 made exempt from public-meetings requirements. Without such
21 exemption, open communication and coordination among the
22 parties involved in child fatality reviews would be hampered.
23 Furthermore, release of confidential and exempt information
24 via a public meeting defeats the purpose of the public-records
25 exemption. Accordingly, the Legislature finds that the harm to
26 the public that would result from the release of such
27 information substantially outweighs any minimal public benefit
28 derived therefrom.

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

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

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

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1 information concerning child fatalities;
2 providing for future review and repeal under
3 the Open Government Sunset Review Act;
4 providing a statement of public necessity;
5 providing an effective date.
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