

By Senator Saunders

37-655-05

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 383.411, F.S.; exempting from
4 public disclosure certain personal information
5 concerning child fatalities investigated by the
6 State Child Abuse Death Review Committee, a
7 local committee, or a panel or committee
8 assembled by the state committee or a local
9 committee; exempting portions of meetings of
10 the state committee, a local committee, or a
11 panel or committee assembled by the state
12 committee or a local committee from public
13 meetings requirements if certain personal
14 information is discussed; providing that
15 information made confidential under the act
16 retains its confidential status; providing that
17 information contained in records acquired by
18 the State Child Abuse Death Review Committee or
19 a local committee is not subject to subpoena,
20 discovery, or introduction into evidence in a
21 civil or criminal proceeding; authorizing the
22 state committee and a local committee to share
23 information with each other committee;
24 providing a penalty for the unauthorized
25 disclosure of confidential information
26 concerning child fatalities; providing for
27 future repeal and legislative review under the
28 Open Government Sunset Review Act; providing a
29 statement of public necessity; repealing s.
30 383.410, F.S., relating to an exemption from
31 public records and meetings requirements

1 formerly provided for records held by the State
2 Child Abuse Death Review Committee, a local
3 committee, or a panel or committee assembled by
4 the state committee or a local committee;
5 providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Section 383.411, Florida Statutes, is
10 created to read:

11 383.411 Exemptions from public records and meeting
12 requirements.--

13 (1)(a) Any information that reveals the identity of
14 the surviving siblings, family members, or others living in
15 the home of a deceased child who is the subject of review and
16 that is contained in a record relating solely to the child's
17 death which is created by the State Child Abuse Death Review
18 Committee or a local committee, or a panel or committee
19 assembled by the state committee or a local committee pursuant
20 to s. 383.402, is confidential and exempt from s. 119.07(1)
21 and s. 24(a), Art. I of the State Constitution.

22 (b) Portions of meetings or proceedings of the State
23 Child Abuse Death Review Committee or a local committee, or a
24 panel or committee assembled by the state committee or a local
25 committee pursuant to s. 383.402, which relate solely to a
26 child fatality and in which the identity of any of the
27 surviving siblings, family members, or others living in the
28 home of the deceased child who is the subject of review is
29 discussed are exempt from s. 286.011 and s. 24(b), Art. I of
30 the State Constitution.
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1 (2)(a) Information made confidential or exempt
2 pursuant to s. 119.07(1) and s. 24(a), Art. I of the State
3 Constitution which is obtained by the State Child Abuse Death
4 Review Committee or a local committee, or a panel or committee
5 assembled by the state committee or a local committee pursuant
6 to s. 383.402, shall retain its confidential or exempt status.

7 (b) All information contained in records acquired by
8 the State Child Abuse Death Review Committee or a local
9 committee is not subject to subpoena, discovery, or
10 introduction into evidence in any civil or criminal
11 proceeding. Such information, documents, and records otherwise
12 available from other sources are not immune from subpoena,
13 discovery, or introduction into evidence solely because such
14 information, documents, or records were presented to or
15 reviewed by a committee.

16 (3) The State Child Abuse Death Review Committee and a
17 local committee may share with each other any relevant
18 information regarding the case review involving a child's
19 death, which information is made confidential and exempt by
20 this section.

21 (4) Any person who knowingly or willfully makes public
22 or discloses to any unauthorized person any information made
23 confidential and exempt from public disclosure under this
24 section commits a misdemeanor of the first degree, punishable
25 as provided in s. 775.082 or s. 775.083.

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

30 Section 2. Access by the State Child Abuse Death
31 Review Committee or a local committee, or a panel or committee

1 assembled by the state committee or a local committee pursuant
2 to section 383.402, Florida Statutes, to records that are
3 otherwise confidential increases the potential for preventing
4 the death of children and reduces the potential for poor
5 outcomes for children, thereby improving the overall quality
6 of life for children. The Legislature finds that it is a
7 public necessity that such information remain confidential in
8 the hands of the state committee, a local committee, or a
9 panel or committee assembled pursuant to section 383.402,
10 Florida Statutes. The Legislature further finds that it is a
11 public necessity that records and reports of the State Child
12 Abuse Death Review Committee or a local committee, or a panel
13 or committee assembled by the state committee or a local
14 committee pursuant to section 383.402, Florida Statutes, and
15 portions of meetings thereof, which relate solely to child
16 fatalities and where specific persons or incidents are
17 discussed, be confidential and exempt from public records and
18 public meeting requirements. Otherwise, sensitive and personal
19 information concerning children would be disclosed and open
20 communication and coordination among the parties involved in
21 the review of child fatalities would be hampered. Accordingly,
22 the Legislature finds that the harm to the public that would
23 result from the release of such information substantially
24 outweighs any minimal public benefit derived therefrom.

25 Section 3. Section 383.410, Florida Statutes, is
26 repealed.

27 Section 4. This act shall take effect October 1, 2005.

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SENATE SUMMARY

Provides an exemption from the public records and public meetings law for certain records and portions of meetings relating to child fatalities investigated by the State Child Abuse Death Review Committee, a local committee, or a panel assembled by the state committee or a local committee. Delineates those persons whose identities may be withheld from public disclosure under the act. Provides a penalty for unauthorized disclosure. Provides for future repeal and legislative review of the exemption. Repeals a former exemption provided for such information which expired by operation of law.