

By the Committee on Governmental Oversight and Productivity;
and Senator Saunders

585-2309-05

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

1 Be It Enacted by the Legislature of the State of Florida:

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

5 383.412 Public records and public meetings
6 exemptions.--

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

15 (b) Information made confidential or exempt from s.
16 119.07(1) and s. 24(a), Art. I of the State Constitution that
17 is obtained by the State Child Abuse Death Review Committee or
18 a local committee, or a panel or committee assembled by the
19 state committee or a local committee pursuant to s. 383.402,
20 shall retain its confidential or exempt status.

21 (2) Portions of meetings of the State Child Abuse
22 Death Review Committee or local committee, or a panel or
23 committee assembled by the state committee or a local
24 committee pursuant to s. 383.402, at which information made
25 confidential and exempt pursuant to subsection (1) is
26 discussed are exempt from s. 286.011 and s. 24(b), Art. I of
27 the State Constitution.

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

1 (4) Any person who knowingly or willfully makes public
2 or discloses to any unauthorized person any information made
3 confidential and exempt under this section commits a
4 misdemeanor of the first degree, punishable as provided in s.
5 775.082 or s. 775.083.

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

10 Section 2. The Legislature finds that it is a public
11 necessity that any information that reveals the identity of
12 the surviving siblings, family members, or others living in
13 the home of a deceased child who is the subject of review by,
14 and which information is held by, the State Child Abuse Death
15 Review Committee or a local child abuse death review
16 committee, or a panel or committee assembled by the state
17 committee or a local committee pursuant to section 383.402,
18 Florida Statutes, be held confidential and exempt from
19 public-records requirements. The Legislature further finds
20 that it is a public necessity that such committees and panels
21 be provided access to records that are otherwise confidential
22 or exempt and that such committees and panels be authorized to
23 maintain the confidential or exempt status of such
24 information. These public-records exemptions increase the
25 potential for reduced morbidity or mortality of children and
26 reduce the potential for poor outcomes for children, thereby
27 improving the overall quality of life for children. In the
28 absence of the exemptions, sensitive, personal information
29 concerning children would be disclosed. In addition, the
30 Legislature finds that it is a public necessity that portions
31 of meetings of the State Child Abuse Death Review Committee or

1 a local child abuse death review committee, or a panel or
2 committee assembled by the state committee or a local
3 committee pursuant to section 383.402, Florida Statutes,
4 wherein confidential and exempt information is discussed be
5 made exempt from public-meetings requirements. Without such
6 exemption, open communication and coordination among the
7 parties involved in child fatality reviews would be hampered.
8 Furthermore, release of confidential and exempt information
9 via a public meeting defeats the purpose of the public-records
10 exemption. Accordingly, the Legislature finds that the harm to
11 the public that would result from the release of such
12 information substantially outweighs any minimal public benefit
13 derived therefrom.

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

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 676

20 Narrows the scope of the exemption.

21 Removes substantive provisions that are not an exemption or
22 related to enforcement as required by s. 24, Art. I of the
23 State Constitution.

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