

HB 7113

2010

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 383.412, F.S., which
 4 provides an exemption from public records requirements for
 5 information held or obtained by the State Child Abuse
 6 Death Review Committee or any local committee and an
 7 exemption from public meetings requirements for specified
 8 meetings of the committee or a local committee; defining
 9 the term "local committee"; reorganizing provisions;
 10 requiring any portion of a closed meeting to be recorded;
 11 providing a public records exemption for the recording of
 12 the closed meeting; providing a penalty; providing for
 13 future legislative review and repeal of the exemption;
 14 providing a statement of public necessity; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 383.412, Florida Statutes, is amended
 20 to read:

21 383.412 Public records and public meetings exemptions.—

22 (1) For purposes of this section, the term "local
 23 committee" means a local child abuse death review committee or a
 24 panel or committee assembled by the State Child Abuse Death
 25 Review Committee or a local child abuse death review committee
 26 pursuant to s. 383.402.

27 (2)~~(1)~~(a) Any information that reveals the identity of the
 28 surviving siblings, family members, or others living in the home

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29 of a deceased child who is the subject of review by⁷ and which
 30 information is held by⁷ the State Child Abuse Death Review
 31 Committee ~~or local committee, or a panel or committee assembled~~
 32 ~~by the state committee~~ or a local committee pursuant to s.
 33 ~~383.402~~, is confidential and exempt from s. 119.07(1) and s.
 34 24(a), Art. I of the State Constitution.

35 (b) Information made confidential or exempt from s.
 36 119.07(1) and s. 24(a), Art. I of the State Constitution that is
 37 obtained by the State Child Abuse Death Review Committee or a
 38 local committee, ~~or a panel or committee assembled by the state~~
 39 ~~committee or a local committee pursuant to s. 383.402~~, shall
 40 retain its confidential or exempt status.

41 (3) (a) ~~(2)~~ Portions of meetings of the State Child Abuse
 42 Death Review Committee ~~or local committee, or a panel or~~
 43 ~~committee assembled by the state committee~~ or a local committee
 44 ~~pursuant to s. 383.402~~, at which information made confidential
 45 and exempt pursuant to subsection (2) ~~(1)~~ is discussed are
 46 exempt from s. 286.011 and s. 24(b), Art. I of the State
 47 Constitution. The closed portion of a meeting must be recorded
 48 and no portion of the closed meeting may be off the record. The
 49 recording shall be maintained by the State Child Abuse Death
 50 Review Committee or a local committee.

51 (b) The recording of a closed portion of a meeting is
 52 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 53 Constitution.

54 (4) ~~(3)~~ The State Child Abuse Death Review Committee and
 55 local committees may share with each other any relevant

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56 information regarding case reviews involving child death, which
57 information is made confidential and exempt by this section.

58 ~~(5)-(4)~~ Any person who knowingly or willfully makes public
59 or discloses to any unauthorized person any information made
60 confidential and exempt under this section commits a misdemeanor
61 of the first degree, punishable as provided in s. 775.082 or s.
62 775.083.

63 ~~(6)-(5)~~ This section is subject to the Open Government
64 Sunset Review Act in accordance with s. 119.15, and shall stand
65 repealed on October 2, 2015 ~~2010~~, unless reviewed and saved from
66 repeal through reenactment by the Legislature.

67 Section 2. The Legislature finds that it is a public
68 necessity to make exempt from public records requirements
69 recordings of any portion of a closed meeting of the State Child
70 Abuse Death Review Committee or a local committee. Release of
71 such recordings would compromise those discussions of the
72 committee members which took place during a closed meeting and
73 negates the public meeting exemption.

74 Section 3. This act shall take effect October 1, 2010.