



659968

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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04/02/2015 04:21 PM

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Senator Bean moved the following:

Senate Amendment (with title amendment)

Delete lines 64 - 134

and insert:

(4) The State Child Abuse Death Review Committee and local committees may share information made confidential and exempt by this section:

(a) With each other;

(b) With a governmental agency in furtherance of its duties; or

(c) With any person or entity authorized by the Department



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12 of Health to use such relevant information for bona fide
13 research or statistical purposes. A person or entity who is
14 authorized to obtain such relevant information for research or
15 statistical purposes must enter into a privacy and security
16 agreement with the Department of Health and comply with all laws
17 and rules governing the use of such records and information for
18 research or statistical purposes. Anything identifying the
19 subjects of such relevant information must be treated as
20 confidential by the person or entity and may not be released in
21 any form ~~any relevant information regarding case reviews~~
22 ~~involving child death, which information is made confidential~~
23 ~~and exempt by this section.~~

24 (5) Any person who knowingly or willfully makes public or
25 discloses to any unauthorized person any information made
26 confidential and exempt under this section commits a misdemeanor
27 of the first degree, punishable as provided in s. 775.082 or s.
28 775.083.

29 (6) This section is subject to the Open Government Sunset
30 Review Act in accordance with s. 119.15, and shall stand
31 repealed on October 2, 2020 ~~2015~~, unless reviewed and saved from
32 repeal through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public
34 necessity that any information held by the State Child Abuse
35 Death Review Committee or a local committee as defined in s.
36 383.412, Florida Statutes, which reveals the identity of a
37 deceased child whose death has been reported to the central
38 abuse hotline but determined not to be the result of abuse or
39 neglect, or the identity of the surviving siblings, family
40 members, or others living in the home of such deceased child, be



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41 held confidential and exempt from public records requirements.
42 The Legislature further finds that it is a public necessity that
43 these committees have the authority to maintain the confidential
44 or exempt status of records otherwise confidential or exempt
45 which are provided to them regarding such children. The
46 Legislature also finds that it is a public necessity that
47 portions of meetings of the State Child Abuse Death Review
48 Committee or a local committee wherein the confidential and
49 exempt information is discussed be made exempt from public
50 meeting requirements, and that the recordings of closed portions
51 of such meetings be made exempt from public records
52 requirements. In 1999, the Legislature authorized the creation
53 of the committees to review the facts and circumstances
54 surrounding the deaths of children in this state which occur as
55 the result of reported child abuse or neglect and to prepare an
56 annual statistical report on the incidence and causes of death
57 resulting from child abuse. Since 2004, cases analyzed by the
58 committees have been limited to reports of verified abuse or
59 neglect. The Legislature made identifying information of the
60 surviving siblings, family members, or others living in the home
61 of the child who died as a result of verified abuse or neglect
62 confidential and exempt from public records requirements to
63 ensure that cases could be vetted thoroughly through open
64 communication without risk of disclosure of the identifying
65 information. In 2014, the Legislature expanded the scope of
66 cases reviewed by the committees to include all deaths reported
67 to the child abuse hotline, regardless of whether the deaths
68 were the result of verified abuse or neglect, and this act
69 expands the public records exemption accordingly. If the



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70 identifying information related to these reports were to be
71 disclosed, it could result in emotional or reputational harm to
72 the family and caregivers and an unnecessary invasion of their
73 privacy and the privacy of the deceased child. In addition, the
74 committees must be able to maintain the otherwise confidential
75 and exempt status of records that are provided to them to ensure
76 continued access to such records and the opportunity for a
77 thorough and open review of cases. Therefore, the Legislature
78 finds that the harm that may result from the release of such
79 information through a public records request or a public meeting
80 substantially outweighs any minimal public benefit that may be
81 derived from its disclosure.

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

83 And the title is amended as follows:

84 Delete line 15

85 and insert:

86 of such a deceased child; reenacting the public
87 meeting exemption to incorporate changes made by the
88 act to the public records exemption; authorizing
89 release of such