

By the Committee on Health Policy

588-01670-15

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       383.412, F.S.; removing the public records exemption  
4       for information held by the State Child Abuse Death  
5       Review Committee or a local committee that reveals the  
6       identity of family members or others living in the  
7       home of a child whose death occurred as a result of a  
8       verified report of abuse or neglect; exempting  
9       information held by the State Child Abuse Death Review  
10      Committee or a local committee that identifies a  
11      deceased child whose death is reported to the central  
12      abuse hotline but whose death is not the result of  
13      abuse or neglect and the identity of the surviving  
14      siblings, family members, or others living in the home  
15      of such a deceased child; authorizing release of such  
16      information to specified persons under certain  
17      circumstances; providing for future legislative review  
18      and repeal of the exemption under the Open Government  
19      Sunset Review Act; providing a statement of public  
20      necessity; providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Section 383.412, Florida Statutes, is amended to  
25   read:

26       383.412 Public records and public meetings exemptions.—

27       (1) For purposes of this section, the term "local  
28   committee" means a local child abuse death review committee or a  
29   panel or committee assembled by the State Child Abuse Death

588-01670-15

20157032\_\_

30 Review Committee or a local child abuse death review committee  
31 pursuant to s. 383.402.

32 (2) (a) Any information held by the State Child Abuse Death  
33 Review Committee or a local committee which reveals the identity  
34 of the surviving siblings of a deceased child whose death  
35 occurred as the result of a verified report of abuse or neglect  
36 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
37 I of the State Constitution.

38 (b) Any information held by the State Child Abuse Death  
39 Review Committee or a local committee which ~~that~~ reveals the  
40 identity of a deceased child whose death has been reported to  
41 the central abuse hotline but determined not to be the result of  
42 abuse or neglect, or the identity of the surviving siblings,  
43 family members, or others living in the home of such a deceased  
44 child, ~~who is the subject of review by and which information is~~  
45 ~~held by the State Child Abuse Death Review Committee or a local~~  
46 ~~committee~~ is confidential and exempt from s. 119.07(1) and s.  
47 24(a), Art. I of the State Constitution.

48 (c) ~~(b)~~ Information made confidential or exempt from s.  
49 119.07(1) and s. 24(a), Art. I of the State Constitution which  
50 ~~that~~ is obtained by the State Child Abuse Death Review Committee  
51 or a local committee shall retain its confidential or exempt  
52 status.

53 (3) (a) Portions of meetings of the State Child Abuse Death  
54 Review Committee or a local committee at which information made  
55 confidential and exempt pursuant to subsection (2) is discussed  
56 are exempt from s. 286.011 and s. 24(b), Art. I of the State  
57 Constitution. The closed portion of a meeting must be recorded,  
58 and no portion of the closed meeting may be off the record. The

588-01670-15

20157032\_\_

59 recording shall be maintained by the State Child Abuse Death  
60 Review Committee or a local committee.

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

64 (4) The State Child Abuse Death Review Committee and local  
65 committees may share any relevant information regarding case  
66 reviews involving child death which is made confidential and  
67 exempt by this section:

68 (a) With each other;

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

71 (c) With any person or entity authorized by the Department  
72 of Health to use such relevant information for bona fide  
73 research or statistical purposes. A person or entity who is  
74 authorized to obtain such relevant information for research or  
75 statistical purposes must enter into a privacy and security  
76 agreement with the Department of Health and comply with all laws  
77 and rules governing the use of such records and information for  
78 research or statistical purposes. Anything identifying the  
79 subjects of such relevant information must be treated as  
80 confidential by the person or entity and may not be released in  
81 any form ~~any relevant information regarding case reviews~~  
82 ~~involving child death, which information is made confidential~~  
83 ~~and exempt by this section.~~

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

588-01670-15

20157032\_\_

88 775.083.

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

93 Section 2. The Legislature finds that it is a public  
94 necessity that any information held by the State Child Abuse  
95 Death Review Committee or a local committee as defined in s.  
96 383.412, Florida Statutes, which reveals the identity of a  
97 deceased child whose death has been reported to the central  
98 abuse hotline but determined not to be the result of abuse or  
99 neglect, or the identity of the surviving siblings, family  
100 members, or others living in the home of such deceased child, be  
101 held confidential and exempt from public records requirements.  
102 The Legislature further finds that it is a public necessity that  
103 these committees have the authority to maintain the confidential  
104 or exempt status of records otherwise confidential or exempt  
105 which are provided to them regarding such children. In 1999, the  
106 Legislature authorized the creation of the committees to review  
107 the facts and circumstances surrounding the deaths of children  
108 in this state which occur as the result of reported child abuse  
109 or neglect and to prepare an annual statistical report on the  
110 incidence and causes of death resulting from child abuse. Since  
111 2004, cases analyzed by the committees have been limited to  
112 reports of verified abuse or neglect. The Legislature made  
113 identifying information of the surviving siblings, family  
114 members, or others living in the home of the child who died as a  
115 result of verified abuse or neglect confidential and exempt from  
116 public records requirements to ensure that cases could be vetted

588-01670-15

20157032\_\_

117 thoroughly through open communication without risk of disclosure  
118 of the identifying information. In 2014, the Legislature  
119 expanded the scope of cases reviewed by the committees to  
120 include all deaths reported to the child abuse hotline,  
121 regardless of whether the deaths were the result of verified  
122 abuse or neglect, and this bill expands the public records  
123 exemption accordingly. If the identifying information related to  
124 these reports were to be disclosed, it could result in emotional  
125 or reputational harm to the family and caregivers and an  
126 unnecessary invasion of their privacy and the privacy of the  
127 deceased child. In addition, the committees must be able to  
128 maintain the otherwise confidential and exempt status of records  
129 that are provided to them to ensure continued access to such  
130 records and the opportunity for a thorough and open review of  
131 cases. Therefore, the Legislature finds that the harm that may  
132 result from the release of such information substantially  
133 outweighs any minimal public benefit that may be derived from  
134 its disclosure.

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