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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; reenacting the public
16 meeting exemption to incorporate changes made by the
17 act to the public records exemption; authorizing
18 release of such information to specified persons under
19 certain circumstances; providing for future
20 legislative review and repeal of the exemption under
21 the Open Government Sunset Review Act; providing a
22 statement of public necessity; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 383.412, Florida Statutes, is amended to
28 read:

29 383.412 Public records and public meetings exemptions.—

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30 (1) For purposes of this section, the term "local
31 committee" means a local child abuse death review committee or a
32 panel or committee assembled by the State Child Abuse Death
33 Review Committee or a local child abuse death review committee
34 pursuant to s. 383.402.

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

41 (b) Any information held by the State Child Abuse Death
42 Review Committee or a local committee which ~~that~~ reveals the
43 identity of a deceased child whose death has been reported to
44 the central abuse hotline but determined not to be the result of
45 abuse or neglect, or the identity of the surviving siblings,
46 family members, or others living in the home of such a deceased
47 child, ~~who is the subject of review by and which information is~~
48 ~~held by the State Child Abuse Death Review Committee or a local~~
49 ~~committee~~ is confidential and exempt from s. 119.07(1) and s.
50 24(a), Art. I of the State Constitution.

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

56 (3) (a) Portions of meetings of the State Child Abuse Death
57 Review Committee or a local committee at which information made
58 confidential and exempt pursuant to subsection (2) is discussed

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59 are exempt from s. 286.011 and s. 24(b), Art. I of the State
60 Constitution. The closed portion of a meeting must be recorded,
61 and no portion of the closed meeting may be off the record. The
62 recording shall be maintained by the State Child Abuse Death
63 Review Committee or a local committee.

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

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

70 (a) With each other;

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

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

86 (5) Any person who knowingly or willfully makes public or
87 discloses to any unauthorized person any information made

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88 confidential and exempt under this section commits a misdemeanor
89 of the first degree, punishable as provided in s. 775.082 or s.
90 775.083.

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

95 Section 2. The Legislature finds that it is a public
96 necessity that any information held by the State Child Abuse
97 Death Review Committee or a local committee as defined in s.
98 383.412, Florida Statutes, which reveals the identity of a
99 deceased child whose death has been reported to the central
100 abuse hotline but determined not to be the result of abuse or
101 neglect, or the identity of the surviving siblings, family
102 members, or others living in the home of such deceased child, be
103 held confidential and exempt from public records requirements.
104 The Legislature further finds that it is a public necessity that
105 these committees have the authority to maintain the confidential
106 or exempt status of records otherwise confidential or exempt
107 which are provided to them regarding such children. The
108 Legislature also finds that it is a public necessity that
109 portions of meetings of the State Child Abuse Death Review
110 Committee or a local committee wherein the confidential and
111 exempt information is discussed be made exempt from public
112 meeting requirements, and that the recordings of closed portions
113 of such meetings be made exempt from public records
114 requirements. In 1999, the Legislature authorized the creation
115 of the committees to review the facts and circumstances
116 surrounding the deaths of children in this state which occur as

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117 the result of reported child abuse or neglect and to prepare an
118 annual statistical report on the incidence and causes of death
119 resulting from child abuse. Since 2004, cases analyzed by the
120 committees have been limited to reports of verified abuse or
121 neglect. The Legislature made identifying information of the
122 surviving siblings, family members, or others living in the home
123 of the child who died as a result of verified abuse or neglect
124 confidential and exempt from public records requirements to
125 ensure that cases could be vetted thoroughly through open
126 communication without risk of disclosure of the identifying
127 information. In 2014, the Legislature expanded the scope of
128 cases reviewed by the committees to include all deaths reported
129 to the child abuse hotline, regardless of whether the deaths
130 were the result of verified abuse or neglect, and this act
131 expands the public records exemption accordingly. If the
132 identifying information related to these reports were to be
133 disclosed, it could result in emotional or reputational harm to
134 the family and caregivers and an unnecessary invasion of their
135 privacy and the privacy of the deceased child. In addition, the
136 committees must be able to maintain the otherwise confidential
137 and exempt status of records that are provided to them to ensure
138 continued access to such records and the opportunity for a
139 thorough and open review of cases. Therefore, the Legislature
140 finds that the harm that may result from the release of such
141 information through a public records request or a public meeting
142 substantially outweighs any minimal public benefit that may be
143 derived from its disclosure.

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