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1  
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.