

FOR CONSIDERATION By the Committee on Health Policy

588-01519A-15

20157032pb

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

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

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19 Section 1. Section 383.412, Florida Statutes, is amended to
20 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) (a) Any information held by the State Child Abuse Death
28 Review Committee or a local committee which reveals the identity
29 of the surviving siblings of a deceased child whose death

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30 occurred as the result of a verified report of abuse or neglect
31 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
32 I of the State Constitution.

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

43 (c) ~~(b)~~ Information made confidential or exempt from s.
44 119.07(1) and s. 24(a), Art. I of the State Constitution that is
45 obtained by the State Child Abuse Death Review Committee or a
46 local committee shall retain its confidential or exempt status.

47 (3) (a) Portions of meetings of the State Child Abuse Death
48 Review Committee or a local committee at which information made
49 confidential and exempt pursuant to subsection (2) is discussed
50 are exempt from s. 286.011 and s. 24(b), Art. I of the State
51 Constitution. The closed portion of a meeting must be recorded,
52 and no portion of the closed meeting may be off the record. The
53 recording shall be maintained by the State Child Abuse Death
54 Review Committee or a local committee.

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

58 (4) The State Child Abuse Death Review Committee and local

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59 committees may share any relevant information regarding case
60 reviews involving child death which is made confidential and
61 exempt by this section:

62 (a) With each other;

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

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

78 (5) Any person who knowingly or willfully makes public or
79 discloses to any unauthorized person any information made
80 confidential and exempt under this section commits a misdemeanor
81 of the first degree, punishable as provided in s. 775.082 or s.
82 775.083.

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

87 Section 2. The Legislature finds that it is a public

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88 necessity that any information held by the State Child Abuse
89 Death Review Committee or a local committee as defined in s.
90 383.412, Florida Statutes, which reveals the identity of a
91 deceased child whose death has been reported to the central
92 abuse hotline but determined not to be the result of abuse or
93 neglect, or the identity of the surviving siblings, family
94 members, or others living in the home of such deceased child, be
95 held confidential and exempt from public records requirements.
96 The Legislature further finds that it is a public necessity that
97 these committees have the authority to maintain the confidential
98 or exempt status of records otherwise confidential or exempt
99 which are provided to them regarding such children. In 1999, the
100 Legislature authorized the creation of the committees to review
101 the facts and circumstances surrounding the deaths of children
102 in this state which occur as the result of reported child abuse
103 or neglect and to prepare an annual statistical report on the
104 incidence and causes of death resulting from child abuse. Since
105 2004, cases analyzed by the committees have been limited to
106 reports of verified abuse or neglect. The Legislature made
107 identifying information of the surviving siblings, family
108 members, or others living in the home of the child who died as a
109 result of verified abuse or neglect confidential and exempt from
110 public records requirements to ensure that cases could be vetted
111 thoroughly through open communication without risk of disclosure
112 of the identifying information. In 2014, the Legislature
113 expanded the scope of cases reviewed by the committees to
114 include all deaths reported to the child abuse hotline,
115 regardless of whether the deaths were the result of verified
116 abuse or neglect, and this bill expands the public records

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117 exemption accordingly. If the identifying information related to
118 these reports were to be disclosed, it could result in emotional
119 or reputational harm to the family and caregivers and an
120 unnecessary invasion of their privacy and the privacy of the
121 deceased child. In addition, the committees must be able to
122 maintain the otherwise confidential and exempt status of records
123 that are provided to them to ensure continued access to such
124 records and the opportunity for a thorough and open review of
125 cases. Therefore, the Legislature finds that the harm that may
126 result from the release of such information substantially
127 outweighs any minimal public benefit that may be derived from
128 its disclosure.

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