

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:

18  
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

588-01519A-15

20157032pb

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

588-01519A-15

20157032pb

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

588-01519A-15

20157032pb

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

588-01519A-15

20157032pb

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.