

By the Committee on Children, Families, and Elder Affairs

586-01483-20

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1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 383.412, F.S., relating
4 to an exemption from public records and meeting
5 requirements for certain identifying information held
6 or discussed by the State Child Abuse Death Review
7 Committee or a local committee; removing the scheduled
8 repeal of the exemption; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (6) of section 383.412, Florida
13 Statutes, is amended to read:

14 383.412 Public records and public meetings exemptions.—

15 (1) For purposes of this section, the term "local
16 committee" means a local child abuse death review committee or a
17 panel or committee assembled by the State Child Abuse Death
18 Review Committee or a local child abuse death review committee
19 pursuant to s. 383.402.

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

26 (b) Any information held by the State Child Abuse Death
27 Review Committee or a local committee which reveals the identity
28 of a deceased child whose death has been reported to the central
29 abuse hotline but determined not to be the result of abuse or

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30 neglect, or the identity of the surviving siblings, family
31 members, or others living in the home of such deceased child, is
32 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
33 of the State Constitution.

34 (c) Information made confidential or exempt from s.
35 119.07(1) and s. 24(a), Art. I of the State Constitution which
36 is obtained by the State Child Abuse Death Review Committee or a
37 local committee shall retain its confidential or exempt status.

38 (3) (a) Portions of meetings of the State Child Abuse Death
39 Review Committee or a local committee at which information made
40 confidential and exempt pursuant to subsection (2) is discussed
41 are exempt from s. 286.011 and s. 24(b), Art. I of the State
42 Constitution. The closed portion of a meeting must be recorded,
43 and no portion of the closed meeting may be off the record. The
44 recording shall be maintained by the State Child Abuse Death
45 Review Committee or a local committee.

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

49 (4) The State Child Abuse Death Review Committee and local
50 committees may share information made confidential and exempt by
51 this section:

52 (a) With each other;

53 (b) With a governmental agency in furtherance of its
54 duties; or

55 (c) With any person or entity authorized by the Department
56 of Health to use such relevant information for bona fide
57 research or statistical purposes. A person or entity who is
58 authorized to obtain such relevant information for research or

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59 statistical purposes must enter into a privacy and security
60 agreement with the Department of Health and comply with all laws
61 and rules governing the use of such records and information for
62 research or statistical purposes. Anything identifying the
63 subjects of such relevant information must be treated as
64 confidential by the person or entity and may not be released in
65 any form.

66 (5) Any person who knowingly or willfully makes public or
67 discloses to any unauthorized person any information made
68 confidential and exempt under this section commits a misdemeanor
69 of the first degree, punishable as provided in s. 775.082 or s.
70 775.083.

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

75 Section 2. This act shall take effect October 1, 2020.