

ENROLLED

HB 7023

2020 Legislature

1
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 383.412, F.S., which
4 provides an exemption from public records requirements
5 for certain identifying information held by the State
6 Child Abuse Death Review Committee or local committee
7 for certain purposes and provides an exemption from
8 public meetings requirements for meetings wherein such
9 information is discussed; removing the scheduled
10 repeal of the exemptions; providing an effective date.
11

12 Be It Enacted by the Legislature of the State of Florida:
13

14 Section 1. Section 383.412, Florida Statutes, is amended
15 to read:

16 383.412 Public records and public meetings exemptions.—

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

22 (2) (a) Any information held by the State Child Abuse Death
23 Review Committee or a local committee which reveals the identity
24 of the surviving siblings of a deceased child whose death
25 occurred as the result of a verified report of abuse or neglect

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26 | is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
27 | I of the State Constitution.

28 | (b) Any information held by the State Child Abuse Death
29 | Review Committee or a local committee which reveals the identity
30 | of a deceased child whose death has been reported to the central
31 | abuse hotline but determined not to be the result of abuse or
32 | neglect, or the identity of the surviving siblings, family
33 | members, or others living in the home of such deceased child, is
34 | confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
35 | of the State Constitution.

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

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

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

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

54 (a) With each other;

55 (b) With a governmental agency in furtherance of its
56 duties; or

57 (c) With any person or entity authorized by the Department
58 of Health to use such relevant information for bona fide
59 research or statistical purposes. A person or entity who is
60 authorized to obtain such relevant information for research or
61 statistical purposes must enter into a privacy and security
62 agreement with the Department of Health and comply with all laws
63 and rules governing the use of such records and information for
64 research or statistical purposes. Anything identifying the
65 subjects of such relevant information must be treated as
66 confidential by the person or entity and may not be released in
67 any form.

68 (5) Any person who knowingly or willfully makes public or
69 discloses to any unauthorized person any information made
70 confidential and exempt under this section commits a misdemeanor
71 of the first degree, punishable as provided in s. 775.082 or s.
72 775.083.

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

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76 | ~~repeal through reenactment by the Legislature.~~

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