

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 record and public meeting
5 requirements for child abuse death review committees;
6 removing the public record exemption for information
7 held by the State Child Abuse Death Review Committee
8 or a local committee that reveals the identity of
9 family members or others living in the home of a child
10 whose death occurred as a result of a verified report
11 of abuse or neglect; expanding the public record
12 exemption to include information held by the State
13 Child Abuse Death Review Committee or a local
14 committee that identifies a deceased child whose death
15 is not the result of abuse or neglect and to include
16 the identity of the surviving siblings, family
17 members, or others living in the home of such deceased
18 child; reenacting the public meeting exemption to
19 incorporate changes made to the public record
20 exemption; authorizing release of the confidential and
21 exempt information to specified persons under certain
22 circumstances; providing for future legislative review
23 and repeal of the public record and public meeting
24 exemptions; providing a statement of public necessity;
25 providing an effective date.
26

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

28

29 Section 1. Section 383.412, Florida Statutes, is amended
30 to read:

31 383.412 Public records and public meetings exemptions.—

32 (1) For purposes of this section, the term "local
33 committee" means a local child abuse death review committee or a
34 panel or committee assembled by the State Child Abuse Death
35 Review Committee or a local child abuse death review committee
36 pursuant to s. 383.402.

37 (2) (a) Any information held by the State Child Abuse Death
38 Review Committee or a local committee that reveals the identity
39 of the surviving siblings of a deceased child whose death
40 occurred as the result of a verified report of abuse or neglect
41 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
42 I of the State Constitution.

43 (b) Any information held by the State Child Abuse Death
44 Review Committee or a local committee that reveals the identity
45 of a deceased child whose death has been reported to the central
46 abuse hotline but determined not to be the result of abuse or
47 neglect, or the identity of the surviving siblings, family
48 members, or others living in the home of such a deceased child,
49 ~~who is the subject of review by and which information is held by~~
50 ~~the State Child Abuse Death Review Committee or a local~~
51 ~~committee~~ is confidential and exempt from s. 119.07(1) and s.
52 24(a), Art. I of the State Constitution.

53 (c) ~~(b)~~ Information made confidential or exempt from s.
 54 119.07(1) and s. 24(a), Art. I of the State Constitution that is
 55 obtained by the State Child Abuse Death Review Committee or a
 56 local committee shall retain its confidential or exempt status.

57 (3) (a) Portions of meetings of the State Child Abuse Death
 58 Review Committee or a local committee at which information made
 59 confidential and exempt pursuant to subsection (2) is discussed
 60 are exempt from s. 286.011 and s. 24(b), Art. I of the State
 61 Constitution. The closed portion of a meeting must be recorded,
 62 and no portion of the closed meeting may be off the record. The
 63 recording shall be maintained by the State Child Abuse Death
 64 Review Committee or a local committee.

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

68 (4) The State Child Abuse Death Review Committee and local
 69 committees may share information made confidential and exempt by
 70 this section:

71 (a) With each other;

72 (b) With a governmental agency in the furtherance of its
 73 official duties and responsibilities; or

74 (c) With any person or entity authorized by the Department
 75 of Health to use such relevant information for bona fide
 76 research or statistical purposes. A person or entity who is
 77 authorized to obtain such relevant information for research or
 78 statistical purposes must enter into a privacy and security

79 agreement with the Department of Health and comply with all laws
 80 and rules governing the use of such records and information for
 81 research or statistical purposes. Anything identifying the
 82 subjects of such relevant information must be treated as
 83 confidential by the person or entity and may not be released in
 84 any form ~~any relevant information regarding case reviews~~
 85 ~~involving child death, which information is made confidential~~
 86 ~~and exempt by this section.~~

87 (5) Any person who knowingly or willfully makes public or
 88 discloses to any unauthorized person any information made
 89 confidential and exempt under this section commits a misdemeanor
 90 of the first degree, punishable as provided in s. 775.082 or s.
 91 775.083.

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

96 Section 2. The Legislature finds that it is a public
 97 necessity that any information held by the State Child Abuse
 98 Death Review Committee or a local committee as defined in s.
 99 383.412, Florida Statutes, that reveals the identity of a
 100 deceased child whose death has been reported to the central
 101 abuse hotline but determined not to be the result of abuse or
 102 neglect, or the identity of the surviving siblings, family
 103 members, or others living in the home of such deceased child, be
 104 made confidential and exempt from public records requirements.

105 The Legislature further finds that it is a public necessity that
 106 these committees have the authority to maintain the confidential
 107 or exempt status of records otherwise confidential or exempt
 108 which are provided to them regarding such children. The
 109 Legislature also finds that it is a public necessity that
 110 portions of meetings of the State Child Abuse Death Review
 111 Committee or a local committee wherein the confidential and
 112 exempt information is discussed be made exempt from public
 113 meeting requirements, and that the recordings of closed portions
 114 of such meetings be made exempt from public records
 115 requirements. In 1999, the Legislature authorized the creation
 116 of the committees to review the facts and circumstances
 117 surrounding the deaths of children in this state, which occur as
 118 the result of reported child abuse or neglect, and to prepare an
 119 annual statistical report on the incidence and causes of death
 120 resulting from child abuse. Since 2004, cases analyzed by the
 121 committees have been limited to reports of verified abuse or
 122 neglect. The Legislature made identifying information of the
 123 surviving siblings, family members, or others living in the home
 124 of the child who died as a result of verified abuse or neglect
 125 confidential and exempt from public records requirements to
 126 ensure that cases could be vetted thoroughly through open
 127 communication without risk of disclosure of the identifying
 128 information. In 2014, the Legislature expanded the scope of
 129 cases reviewed by the committees to include all deaths reported
 130 to the child abuse hotline, regardless of whether the deaths

131 were the result of verified abuse or neglect, and this bill
 132 expands the public record and public meeting exemptions
 133 accordingly. If the identifying information related to these
 134 reports were to be disclosed, it could result in emotional or
 135 reputational harm to the family and caregivers and an
 136 unnecessary invasion of their privacy and the privacy of the
 137 deceased child. In addition, the committees must be able to
 138 maintain the otherwise confidential or exempt status of records
 139 that are provided to them to ensure continued access to such
 140 records and the opportunity for a thorough and open review of
 141 cases. Therefore, the Legislature finds that the harm that may
 142 result from the release of such information through a public
 143 records request or a public meeting substantially outweighs any
 144 minimal public benefit that may be derived from its disclosure.

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