

# CHAPTER 99-210

## Senate Bill No. 928

An act relating to public records and meetings; creating s. 383.410, F.S.; providing that confidential information obtained by the State Child Abuse Death Review Committee, a local committee, or a panel or committee assembled by either, or by a hospital or health care practitioner from any of those entities, shall remain confidential; providing an exemption from public records and public meeting requirements for specified records and meetings of the state committee, a local committee, or a panel or committee assembled by either, relating to child fatalities; providing a penalty; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Section 1. Section 383.410, Florida Statutes, is created to read:

### 383.410 Confidentiality.—

(1) All information that is confidential or exempt from public records requirements by operation of law and that is obtained by the State Child Abuse Death Review Committee or a local committee, or a panel or committee assembled by the state committee or a local committee pursuant to s. 383.402, shall retain that status and is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) All information that is confidential or exempt from public records requirements by operation of law and that is obtained by a hospital or a health care practitioner as defined by s. 455.501 from the State Child Abuse Death Review Committee or a local committee, or a panel or committee assembled by the state committee or a local committee pursuant to s. 383.402, shall retain that status and is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3)(a) Any information that would reveal the name, address, or telephone number of, or information that would identify any of the deceased's surviving siblings, family members, or others living in the home in reports or records created by the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee pursuant to s. 383.402 which relates solely to child fatalities and in which specific persons or incidents are discussed is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Portions of meetings or proceedings of the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee pursuant to s. 383.402 which relate solely to child fatalities and in which specific persons or incidents are discussed are confidential and exempt from s. 286.011 and s. 24(b), Art. I of

the State Constitution. The state committee or a local committee may hold periodic public meetings to discuss nonconfidential information or issues.

(4) All information and records acquired by the State Child Abuse Death Review Committee or a local committee are confidential and not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceedings, except that information, documents and records otherwise available from other sources are not immune from subpoena, discovery, or introduction into evidence from those sources solely because they were presented to or reviewed by a committee.

(5) The State Child Abuse Death Review Committee and local committees may share with each other any relevant information regarding case reviews involving child death which information is made confidential and exempt by this section.

(6) Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Access by the State Child Abuse Death Review Committee or a local committee or a panel or committee assembled by the state committee or a local committee to records that are otherwise confidential increases the potential for reduced morbidity or mortality of children and reduces the potential for poor outcomes for children, thereby improving the overall quality of life for children. The Legislature finds that it is a public necessity that such information remain confidential in the hands of the state committee, a local committee, or a panel or committee assembled by them, and in the hands of a hospital or health care practitioner that obtains such information from those entities. The Legislature further finds that it is a public necessity that records and reports of the State Child Abuse Death Review Committee or a local committee or a panel or committee assembled by the state committee or a local committee, and portions of meetings thereof, which relate solely to child fatalities and where specific persons or incidents are discussed, be confidential and exempt from public records and public meeting requirements. Otherwise, sensitive, personal information concerning children would be disclosed and open communication and coordination among the parties involved in the child fatality reviews would be hampered. Accordingly, the Legislature finds that the harm to the public that would result from the release of such information substantially outweighs any minimal public benefit derived therefrom.

Section 3. This act shall take effect on the same date that Senate Bill 338 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.