

House Bill No. 185

An act relating to public records and public meetings exemptions; creating s. 383.412, F.S.; providing an exemption from public records requirements for any information that reveals the identity of surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held 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; providing that confidential or exempt information obtained by such committees or panels will retain its confidential or exempt status; providing an exemption from public meetings requirements for portions of meetings of such committees or panels wherein confidential and exempt information is discussed; authorizing the State Child Abuse Death Review Committee and local child abuse death review committees to share relevant confidential and exempt information regarding case reviews involving child death; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 383.412, Florida Statutes, is created to read:

383.412 Public records and public meetings exemptions.—

(1)(a) Any information that reveals the identity of the surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held 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, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Information made confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution 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 its confidential or exempt status.

(2) Portions of meetings 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, at which information made confidential and exempt pursuant to subsection (1) is discussed are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(3) 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.

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

(5) 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, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that any information that reveals the identity of the surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held by, the State Child Abuse Death Review Committee or a local child abuse death review committee, or a panel or committee assembled by the state committee or a local committee pursuant to s. 383.402, Florida Statutes, be held confidential and exempt from public records requirements. The Legislature further finds that it is a public necessity that such committees and panels be provided access to records that are otherwise confidential or exempt and that such committees and panels be authorized to maintain the confidential or exempt status of such information. These public records exemptions increase the potential for reduced morbidity or mortality of children and reduce the potential for poor outcomes for children, thereby improving the overall quality of life for children. In the absence of the exemptions, sensitive, personal information concerning children would be disclosed. In addition, the Legislature finds that it is a public necessity that portions of meetings of the State Child Abuse Death Review Committee or a local child abuse death review committee, or a panel or committee assembled by the state committee or a local committee pursuant to s. 383.402, Florida Statutes, wherein confidential and exempt information is discussed be made exempt from public meetings requirements. Without such exemption, open communication and coordination among the parties involved in child fatality reviews would be hampered. Furthermore, release of confidential and exempt information via a public meeting defeats the purpose of the public records exemption. 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 upon becoming a law.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.