

CHAPTER 2010-40

House Bill No. 7113

An act relating to a review under the Open Government Sunset Review Act; amending s. 383.412, F.S., which provides an exemption from public records requirements for information held or obtained by the State Child Abuse Death Review Committee or any local committee and an exemption from public meetings requirements for specified meetings of the committee or a local committee; defining the term “local committee”; reorganizing provisions; requiring any portion of a closed meeting to be recorded; providing a public records exemption for the recording of the closed meeting; providing a penalty; providing for future legislative review and repeal of the exemption; 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 amended to read:

383.412 Public records and public meetings exemptions.—

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

~~(2)(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.~~

(3)(a)(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 (2) (1) is discussed are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The closed portion of a meeting must be recorded and no portion of the closed meeting may be off the record. The recording shall be

maintained by the State Child Abuse Death Review Committee or a local committee.

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

~~(4)(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.

~~(5)(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.

~~(6)(5)~~ This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2015 ~~2010~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to make exempt from public records requirements recordings of any portion of a closed meeting of the State Child Abuse Death Review Committee or a local committee. Release of such recordings would compromise those discussions of the committee members which took place during a closed meeting and negates the public meeting exemption.

Section 3. This act shall take effect October 1, 2010.

Approved by the Governor May 7, 2010.

Filed in Office Secretary of State May 7, 2010.