

## CHAPTER 2015-77

### Senate Bill No. 7032

An act relating to public records; amending s. 383.412, F.S.; removing the public records exemption for information held by the State Child Abuse Death Review Committee or a local committee that reveals the identity of family members or others living in the home of a child whose death occurred as a result of a verified report of abuse or neglect; exempting information held by the State Child Abuse Death Review Committee or a local committee that identifies a deceased child whose death is reported to the central abuse hotline but whose death is not the result of abuse or neglect and the identity of the surviving siblings, family members, or others living in the home of such a deceased child; reenacting the public meeting exemption to incorporate changes made by the act to the public records exemption; authorizing release of such information to specified persons under certain circumstances; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; 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)(a) Any information held by the State Child Abuse Death Review Committee or a local committee which reveals the identity of the surviving siblings of a deceased child whose death occurred as the result of a verified report of abuse or neglect is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

(3)(a) Portions of meetings of the State Child Abuse Death Review Committee or a local committee at which information made confidential and exempt pursuant to subsection (2) 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) The State Child Abuse Death Review Committee and local committees may share information made confidential and exempt by this section:

(a) With each other;

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

(c) With any person or entity authorized by the Department of Health to use such relevant information for bona fide research or statistical purposes. A person or entity who is authorized to obtain such relevant information for research or statistical purposes must enter into a privacy and security agreement with the Department of Health and comply with all laws and rules governing the use of such records and information for research or statistical purposes. Anything identifying the subjects of such relevant information must be treated as confidential by the person or entity and may not be released in any form any relevant information regarding case reviews involving child death, which information is made confidential and exempt by this section.

(5) 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) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2020 ~~2015~~, 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 held by the State Child Abuse Death Review Committee or a local committee as defined in s. 383.412, Florida Statutes, which reveals the identity of a deceased child whose death has been reported to the central abuse hotline but determined not to be the result of abuse or neglect, or the identity of the surviving siblings, family members, or others living in the

home of such deceased child, be held confidential and exempt from public records requirements. The Legislature further finds that it is a public necessity that these committees have the authority to maintain the confidential or exempt status of records otherwise confidential or exempt which are provided to them regarding such children. The Legislature also finds that it is a public necessity that portions of meetings of the State Child Abuse Death Review Committee or a local committee wherein the confidential and exempt information is discussed be made exempt from public meeting requirements, and that the recordings of closed portions of such meetings be made exempt from public records requirements. In 1999, the Legislature authorized the creation of the committees to review the facts and circumstances surrounding the deaths of children in this state which occur as the result of reported child abuse or neglect and to prepare an annual statistical report on the incidence and causes of death resulting from child abuse. Since 2004, cases analyzed by the committees have been limited to reports of verified abuse or neglect. The Legislature made identifying information of the surviving siblings, family members, or others living in the home of the child who died as a result of verified abuse or neglect confidential and exempt from public records requirements to ensure that cases could be vetted thoroughly through open communication without risk of disclosure of the identifying information. In 2014, the Legislature expanded the scope of cases reviewed by the committees to include all deaths reported to the child abuse hotline, regardless of whether the deaths were the result of verified abuse or neglect, and this act expands the public records exemption accordingly. If the identifying information related to these reports were to be disclosed, it could result in emotional or reputational harm to the family and caregivers and an unnecessary invasion of their privacy and the privacy of the deceased child. In addition, the committees must be able to maintain the otherwise confidential and exempt status of records that are provided to them to ensure continued access to such records and the opportunity for a thorough and open review of cases. Therefore, the Legislature finds that the harm that may result from the release of such information through a public records request or a public meeting substantially outweighs any minimal public benefit that may be derived from its disclosure.

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

Approved by the Governor May 21, 2015.

Filed in Office Secretary of State May 21, 2015.