

By the Committees on Governmental Oversight and Accountability;
and Health Regulation

585-04249-10

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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., which
4 provides an exemption from public-records requirements
5 for information held or obtained by the State Child
6 Abuse Death Review Committee or any local committee
7 and an exemption from public-meetings requirements for
8 specified meetings of the committee or a local
9 committee; defining the term "local committee";
10 reorganizing provisions; requiring any portion of a
11 closed meeting to be recorded; providing a public-
12 records exemption for the recording of the closed
13 meeting; providing a penalty; providing for future
14 legislative review and repeal of the exemption;
15 providing a statement of public necessity; providing
16 an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Section 383.412, Florida Statutes, is amended to
21 read:

22 383.412 Public records and public meetings exemptions.—
23 (1) For purposes of this section, the term "local
24 committee" means a local child abuse death review committee or a
25 panel or committee assembled by the State Child Abuse Death
26 Review Committee or a local child abuse death review committee
27 pursuant to s. 383.402.

28 (2)~~(1)~~(a) Any information that reveals the identity of the
29 surviving siblings, family members, or others living in the home

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30 of a deceased child who is the subject of review by~~7~~ and which
31 information is held by~~7~~ the State Child Abuse Death Review
32 Committee ~~or local committee, or a panel or committee assembled~~
33 ~~by the state committee~~ or a local committee pursuant to s.
34 383.402~~7~~, is confidential and exempt from s. 119.07(1) and s.
35 24(a), Art. I of the State Constitution.

36 (b) Information made confidential or exempt from s.
37 119.07(1) and s. 24(a), Art. I of the State Constitution that is
38 obtained by the State Child Abuse Death Review Committee or a
39 local committee~~, or a panel or committee assembled by the state~~
40 ~~committee or a local committee pursuant to s. 383.402~~, shall
41 retain its confidential or exempt status.

42 (3) (a) ~~(2)~~ Portions of meetings of the State Child Abuse
43 Death Review Committee ~~or local committee, or a panel or~~
44 ~~committee assembled by the state committee~~ or a local committee
45 pursuant to s. 383.402~~7~~, at which information made confidential
46 and exempt pursuant to subsection (2) ~~(1)~~ is discussed are
47 exempt from s. 286.011 and s. 24(b), Art. I of the State
48 Constitution. The closed portion of a meeting must be recorded,
49 and no portion of the closed meeting may be off the record. The
50 recording shall be maintained by the State Child Abuse Death
51 Review Committee or a local committee.

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

55 (4) ~~(3)~~ The State Child Abuse Death Review Committee and
56 local committees may share with each other any relevant
57 information regarding case reviews involving child death, which
58 information is made confidential and exempt by this section.

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59 ~~(5)~~(4) Any person who knowingly or willfully makes public
60 or discloses to any unauthorized person any information made
61 confidential and exempt under this section commits a misdemeanor
62 of the first degree, punishable as provided in s. 775.082 or s.
63 775.083.

64 ~~(6)~~(5) This section is subject to the Open Government
65 Sunset Review Act in accordance with s. 119.15, and shall stand
66 repealed on October 2, 2015 ~~2010~~, unless reviewed and saved from
67 repeal through reenactment by the Legislature.

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

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