

House Bill No. 1921

An act relating to a review under the Open Government Sunset Review Act; amending s. 741.3165, F.S.; expanding the exemption from public records requirements for confidential or exempt information obtained by a domestic violence fatality review team to include information that identifies a victim of domestic violence or the children of a victim; expanding the exemption from public meetings requirements to exempt those portions of meetings at which confidential or exempt information is discussed; providing for review and repeal; providing a statement of public necessity; removing unnecessary language; making clarifying changes; providing an effective date.

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

Section 1. Section 741.3165, Florida Statutes, is amended to read:

741.3165 Certain information exempt from disclosure.—

(1)(a) ~~Any information that is or records otherwise confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and that is which are obtained by or provided to a domestic violence fatality review team conducting activities as described in s. 741.316 shall retain its remain confidential or exempt status when held by a domestic violence fatality review team as otherwise provided by law. Any portion of the reports produced by the domestic violence fatality review team which contains any information that is otherwise confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution shall remain confidential or exempt as otherwise provided by law.~~

(b) Any information contained in a record created by a domestic violence fatality review team pursuant to s. 741.316 that reveals the identity of a victim of domestic violence or the identity of the children of the victim is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~(2) Portions of The proceedings and meetings of any domestic violence fatality review team regarding domestic violence fatalities and their prevention, during which confidential or exempt information, the identity of the victim, or the identity of the children of the victim is discussed, are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.~~

~~(3)(2) This section is The exemptions in this section apply only to records held by a domestic violence fatality review team. The exemptions contained in this section are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand this section is repealed on October 2, 2010 2005, unless reviewed and saved from repeal through reenactment by the Legislature before that date.~~

Section 2. The Legislature finds it is a public necessity that information contained in a record created by a domestic violence fatality review team

that identifies a victim of domestic violence or the children of the victim be made confidential and exempt from public records requirements. Domestic violence fatality review teams have been delegated the responsibility to review incidents of domestic violence pursuant to s. 741.316, Florida Statutes. The purpose of these review teams is to learn how to prevent domestic violence by intervening early, improving the response of an individual and the system to domestic violence, and making policy and other recommendations as to how incidents of domestic violence may be prevented. In the course of collecting information on domestic violence, the review teams may interview a survivor of domestic violence or the children of the survivor. These individuals may be unlikely to cooperate if they could be identified in records held by a review team because identification could result in potential threats and additional public embarrassment, as well as the exposure of information of a personal, sensitive nature. If these persons were reluctant to participate because they could be identified, this would defeat the purpose of the review teams and limit the collection of potentially valuable information that could be used to make policy and other recommendations that might reduce the frequency of domestic violence in our society. The ability to interview the parties involved in incidents of domestic violence without fear of the statements of the parties being made public is essential to the work of the review team and leads to a better understanding of the factors contributing to such incidents and the development of strategies to prevent further incidents. Protecting these communications provides an environment in which to discuss information in a free and open manner and allows the review teams to develop the information needed to prevent further deaths from domestic violence in local communities. The Legislature finds that the harm to the public which would result from the release of such information substantially outweighs any minimal public benefit derived from the public disclosure of such personal identifying information. The Legislature finds that the release of such information would hinder the work of the review team and persons and organizations having pertinent information would be reluctant to share vital information with the review team. Thus, it is a public necessity to make confidential and exempt information contained in a record created by a domestic violence fatality review team that would identify a victim of domestic violence or the children of the victim. The Legislature further finds that it is a public necessity that portions of meetings of domestic violence fatality review teams at which confidential or exempt information is being discussed be made exempt from public meetings requirements. In the course of collecting information on domestic violence, the review teams obtain confidential or exempt information from other agencies and this information is discussed during meetings of the review teams. If the portions of those meetings at which this confidential or exempt information is discussed are not closed, confidential or exempt information could be disclosed, which would defeat the purpose of those exemptions. Therefore, the Legislature finds that it is a public necessity to protect confidential or exempt information during those portions of meetings of domestic violence fatality review teams at which such information is discussed.

Section 3. This act shall take effect October 1, 2005.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.