

ENROLLED
 HB 1921

2005 Legislature

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A bill to be entitled
 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~~

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29 ~~confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of~~
 30 ~~the State Constitution shall remain confidential or exempt as~~
 31 ~~otherwise provided by law.~~

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

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

45 (3)-(2) This section is The exemptions in this section
 46 apply only to records held by a domestic violence fatality
 47 review team. The exemptions contained in this section are
 48 subject to the Open Government Sunset Review Act of 1995 in
 49 accordance with s. 119.15, and shall stand this section is
 50 repealed on October 2, 2010 2005, unless reviewed and saved from
 51 repeal through reenactment by the Legislature before that date.

52 Section 2. The Legislature finds it is a public necessity
 53 that information contained in a record created by a domestic
 54 violence fatality review team that identifies a victim of
 55 domestic violence or the children of the victim be made
 56 confidential and exempt from public records requirements.

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57 Domestic violence fatality review teams have been delegated the
58 responsibility to review incidents of domestic violence pursuant
59 to s. 741.316, Florida Statutes. The purpose of these review
60 teams is to learn how to prevent domestic violence by
61 intervening early, improving the response of an individual and
62 the system to domestic violence, and making policy and other
63 recommendations as to how incidents of domestic violence may be
64 prevented. In the course of collecting information on domestic
65 violence, the review teams may interview a survivor of domestic
66 violence or the children of the survivor. These individuals may
67 be unlikely to cooperate if they could be identified in records
68 held by a review team because identification could result in
69 potential threats and additional public embarrassment, as well
70 as the exposure of information of a personal, sensitive nature.
71 If these persons were reluctant to participate because they
72 could be identified, this would defeat the purpose of the review
73 teams and limit the collection of potentially valuable
74 information that could be used to make policy and other
75 recommendations that might reduce the frequency of domestic
76 violence in our society. The ability to interview the parties
77 involved in incidents of domestic violence without fear of the
78 statements of the parties being made public is essential to the
79 work of the review team and leads to a better understanding of
80 the factors contributing to such incidents and the development
81 of strategies to prevent further incidents. Protecting these
82 communications provides an environment in which to discuss
83 information in a free and open manner and allows the review
84 teams to develop the information needed to prevent further

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85 deaths from domestic violence in local communities. The
86 Legislature finds that the harm to the public which would result
87 from the release of such information substantially outweighs any
88 minimal public benefit derived from the public disclosure of
89 such personal identifying information. The Legislature finds
90 that the release of such information would hinder the work of
91 the review team and persons and organizations having pertinent
92 information would be reluctant to share vital information with
93 the review team. Thus, it is a public necessity to make
94 confidential and exempt information contained in a record
95 created by a domestic violence fatality review team that would
96 identify a victim of domestic violence or the children of the
97 victim. The Legislature further finds that it is a public
98 necessity that portions of meetings of domestic violence
99 fatality review teams at which confidential or exempt
100 information is being discussed be made exempt from public
101 meetings requirements. In the course of collecting information
102 on domestic violence, the review teams obtain confidential or
103 exempt information from other agencies and this information is
104 discussed during meetings of the review teams. If the portions
105 of those meetings at which this confidential or exempt
106 information is discussed are not closed, confidential or exempt
107 information could be disclosed, which would defeat the purpose
108 of those exemptions. Therefore, the Legislature finds that it is
109 a public necessity to protect confidential or exempt information
110 during those portions of meetings of domestic violence fatality
111 review teams at which such information is discussed.

112 Section 2. This act shall take effect October 1, 2005.