

586-679B-05

1 A bill to be entitled
2 An act relating to a review under the Open
3 Government Sunset Review Act; amending s.
4 741.3165, F.S.; authorizing the release of
5 certain information to a domestic violence
6 fatality review team; requiring that
7 confidential information released to a review
8 team remain confidential and exempt from
9 public-disclosure requirements; clarifying that
10 only portions of meetings of a domestic
11 violence fatality review team are exempt from
12 requirements otherwise applicable to a public
13 meeting; providing that personal identifying
14 information and records developed by a domestic
15 violence fatality review team are confidential
16 and exempt from public-disclosure requirements;
17 providing for future repeal and legislative
18 review of the exemptions under the Open
19 Government Sunset Review Act; providing a
20 statement of public necessity; providing an
21 effective date.

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

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

27 741.3165 Certain information exempt from disclosure.--

28 (1) Any information or records otherwise confidential
29 or exempt from s. 119.07(1) and s. 24(a), Art. I of the State
30 Constitution which are obtained by or provided to a domestic
31 violence fatality review team conducting activities as

1 described in s. 741.316 shall remain confidential or exempt as
2 otherwise provided by law.

3 (2) Unless specifically prohibited by federal law, if
4 a person or organization has information concerning a
5 domestic-abuse death or near death or concerning related
6 events preceding a domestic-abuse death or near death, that
7 person or organization may provide such exempt or confidential
8 information to the domestic violence fatality review team
9 reviewing the death or near death. Any information shared by a
10 person or organization which is otherwise confidential or
11 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution shall remain confidential or exempt as otherwise
13 provided by law when that information is shared with a team
14 conducting activities as described in s. 741.316.

15 (3) Any portion of the reports produced by the
16 domestic violence fatality review team which contains any
17 information that is otherwise confidential or exempt from s.
18 119.07(1) and s. 24(a), Art. I of the State Constitution shall
19 remain confidential or exempt as otherwise provided by law.

20 (4) Those portions of ~~The proceedings and~~ meetings of
21 any domestic violence fatality review team regarding domestic
22 violence fatalities and their prevention, during which the
23 identity of the victim or of the children of the victim is
24 discussed, are exempt from s. 286.011 and s. 24(b), Art. I of
25 the State Constitution.

26 (5) Information obtained and records produced by a
27 domestic violence fatality review team which contain personal
28 identifying information concerning a victim of domestic
29 violence, a survivor of a near-fatal incident of domestic
30 violence, or a family member of a victim or perpetrator of
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1 domestic violence are confidential and exempt from s.
2 119.07(1) and s. 24(a), Art. I of the State Constitution.

3 ~~(6)(2)~~ The exemptions in this section apply only to
4 records held by a domestic violence fatality review team. The
5 exemptions contained in this section are subject to the Open
6 Government Sunset Review Act of 1995 in accordance with s.
7 119.15, and this section is repealed October 2, 2010 ~~2005~~,
8 unless reviewed and saved from repeal through reenactment by
9 the Legislature before that date.

10 Section 2. (1) The Legislature finds it is a public
11 necessity that information concerning a death or near death
12 resulting from domestic abuse, along with information
13 concerning the events preceding a death or near death
14 resulting from domestic abuse, remain confidential and exempt
15 from public-disclosure requirements when shared with a
16 domestic violence fatality review team that is reviewing the
17 incident of death or near death. The Legislature finds that
18 the release of such information would hinder the work of the
19 review team and persons and organizations having pertinent
20 information would be reluctant to share vital information with
21 the review team.

22 (2) The Legislature further finds that personal
23 identifying information contained in information and records
24 obtained and produced by a domestic violence fatality review
25 team should be confidential and exempt from public-disclosure
26 requirements in order to protect sensitive and personal
27 information concerning the parties involved in an incident of
28 domestic violence. The ability to interview the parties
29 involved in incidents of fatal and near-fatal domestic
30 violence without fear of the statements of the parties being
31 made public is essential to the work of the team, leading to a

1 better understanding of the factors contributing to such
2 incidents and the development of strategies to prevent further
3 incidents. Protecting these communications provides an
4 environment in which to discuss information in a free and open
5 way and allows the teams to develop the information needed to
6 prevent further deaths from domestic violence in local
7 communities. The Legislature finds that the harm to the public
8 which would result from the release of such information
9 substantially outweighs any minimal public benefit derived
10 from the public disclosure of such personal identifying
11 information.

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

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15 SENATE SUMMARY

16 Authorizes a person or organization to release
17 confidential information to a domestic violence fatality
18 review team. Requires that the confidentiality of such
19 information be maintained. Clarifies that only portions
20 of meetings of a domestic violence fatality review team
21 are exempt from public-meetings requirements. Exempts
22 personal identifying information contained in records of
23 a domestic violence fatality review team from
24 public-disclosure requirements. Provides for future
25 repeal and legislative review of the exemptions.
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