

By the Committees on Governmental Oversight and Productivity;  
and Children and Families

585-2020-05

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.; expanding the exemption from  
5                   public-records requirements for confidential or  
6                   exempt information obtained by a domestic  
7                   violence fatality review team to include  
8                   information that identifies a victim of  
9                   domestic violence or the children of a victim;  
10                  expanding the exemption from public-meetings  
11                  requirements to exempt those portions of  
12                  meetings at which confidential or exempt  
13                  information is discussed; providing for review  
14                  and repeal; providing a statement of public  
15                  necessity; removing unnecessary provisions;  
16                  making clarifying changes; providing an  
17                  effective date.  
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19 Be It Enacted by the Legislature of the State of Florida:  
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21                  Section 1.   Section 741.3165, Florida Statutes, is  
22                  amended to read:  
23                  741.3165   Certain information exempt from disclosure.--  
24                  (1)(a)   Any information that is ~~or records otherwise~~  
25                  confidential or exempt from s. 119.07(1) and s. 24(a), Art. I  
26                  of the State Constitution and that is ~~which are~~ obtained by ~~or~~  
27                  ~~provided to~~ a domestic violence fatality review team  
28                  conducting activities as described in s. 741.316 shall retain  
29                  its remain confidential or exempt status when held by a  
30                  domestic violence fatality review team as otherwise provided  
31                  by law. ~~Any portion of the reports produced by the domestic~~

1 ~~violence fatality review team which contains any information~~  
2 ~~that is otherwise confidential or exempt from s. 119.07(1) and~~  
3 ~~s. 24(a), Art. I of the State Constitution shall remain~~  
4 ~~confidential or exempt as otherwise provided by law.~~

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

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

18 ~~(3)(2) This section is~~ The exemptions in this section  
19 ~~apply only to records held by a domestic violence fatality~~  
20 ~~review team. The exemptions contained in this section are~~  
21 subject to the Open Government Sunset Review Act of 1995 in  
22 accordance with s. 119.15, and shall stand ~~this section is~~  
23 repealed on October 2, 2010 ~~2005~~, unless reviewed and saved  
24 from repeal through reenactment by the Legislature ~~before that~~  
25 ~~date.~~

26 Section 2. The Legislature finds it is a public  
27 necessity that information contained in a record created by a  
28 domestic violence fatality review team which identifies a  
29 victim of domestic violence or the children of the victim be  
30 made confidential and exempt from public-records requirements.  
31 Domestic violence fatality review teams have been delegated

1 the responsibility to review incidents of domestic violence  
2 pursuant to section 741.316, Florida Statutes. The purpose of  
3 these review teams is to learn how to prevent domestic  
4 violence by intervening early, improving the response of an  
5 individual and the system to domestic violence, and making  
6 policy and other recommendations as to how incidents of  
7 domestic violence may be prevented. In the course of  
8 collecting information on domestic violence, the review teams  
9 may interview a survivor of domestic violence or the children  
10 of the survivor. These individuals may be unlikely to  
11 cooperate if they could be identified in records held by a  
12 review team because identification could result in potential  
13 threats and additional public embarrassment, as well as the  
14 exposure of information of a personal, sensitive nature. If  
15 these persons were reluctant to participate because they could  
16 be identified, this would defeat the purpose of the review  
17 teams and limit the collection of potentially valuable  
18 information that could be used to make policy and other  
19 recommendations that might reduce the frequency of domestic  
20 violence in our society. The ability to interview the parties  
21 involved in incidents of domestic violence without fear of the  
22 statements of the parties being made public is essential to  
23 the work of the review team and leads to a better  
24 understanding of the factors contributing to such incidents  
25 and the development of strategies to prevent further  
26 incidents. Protecting these communications provides an  
27 environment in which to discuss information in a free and open  
28 manner and allows the review teams to develop the information  
29 needed to prevent further deaths from domestic violence in  
30 local communities. The Legislature finds that the harm to the  
31 public which would result from the release of such information

1 substantially outweighs any minimal public benefit derived  
2 from the public disclosure of such personal identifying  
3 information. The Legislature finds that the release of such  
4 information would hinder the work of the review team and  
5 persons and organizations having pertinent information would  
6 be reluctant to share vital information with the review team.  
7 Thus, it is a public necessity to make confidential and exempt  
8 information contained in a record created by a domestic  
9 violence fatality review team which would identify a victim of  
10 domestic violence or the children of the victim. The  
11 Legislature further finds that it is a public necessity that  
12 portions of meetings of domestic violence fatality review  
13 teams at which confidential or exempt information is being  
14 discussed be made exempt from public-meetings requirements. In  
15 the course of collecting information on domestic violence, the  
16 review teams obtain confidential or exempt information from  
17 other agencies and this information is discussed during  
18 meetings of the review teams. If the portions of those  
19 meetings at which this confidential or exempt information is  
20 discussed are not closed, confidential or exempt information  
21 could be disclosed, which would defeat the purpose of those  
22 exemptions. Therefore, the Legislature finds that it is a  
23 public necessity to protect confidential or exempt information  
24 during those portions of meetings of domestic violence  
25 fatality review teams at which such information is discussed.

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

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                    COMMITTEE SUBSTITUTE FOR  
3                                    Senate Bill 974  
4                   Expands the public records exemption to protect the identity  
5                   of the victim or the child of the victim in the reports of a  
6                   domestic violence fatality review team.  
7                   Expands the meetings exemption to close those portions of  
8                   meetings where confidential or exemption information is  
9                   discussed.  
10                  Provides a statement of public necessity.  
11                  Provides for future review and repeal.  
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