Amendment No. 01 (for drafter's use only)

CHAMBER ACTION

Senate   House

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5   ORIGINAL STAMP BELOW

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11   The Committee on Law Enforcement & Crime Prevention offered

12   the following:

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14   **Amendment (with title amendment)**

15   Remove from the bill: Everything after the enacting clause

16

17   and insert in lieu thereof:

18   Section 1. Section 741.3165, Florida Statutes, is

19   created to read:

20   741.3165 Certain information exempt from disclosure.--

21   (1) Any information or records otherwise confidential

22   or exempt from s. 119.07(1) and s. 24(a) of Art. I of the

23   State Constitution which is obtained by or provided to a

24   domestic violence fatality review team conducting activities

25   as described in s. 741.316 shall remain confidential or exempt

26   as otherwise provided by law. Any portion of the reports

27   produced by the domestic violence fatality review team which

28   contains any information that is otherwise confidential or

29   exempt from s. 119.07(1) and s. 24(a) of Art. I of the State

30   Constitution shall remain confidential or exempt as otherwise

31   provided by law. The proceedings and meetings of any domestic

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1 violence fatality review team regarding domestic violence

2 fatalities and their prevention, during which the identity of

3 the victim or of the children of the victim is discussed, are

4 exempt from s. 286.011 and s. 24(b) of Art. I of the State

5 Constitution.

6 (2) The exemptions in this section apply only to

7 records held by a domestic violence fatality review team. The

8 exemptions contained in this section are subject to the Open

9 Government Sunset Review Act of 1995 in accordance with s.

10 119.15, and this section is repealed October 2, 2005, unless

11 reviewed and saved from repeal through reenactment by the

12 Legislature before that date.

13 Section 2. The Legislature finds that it is a public

14 necessity that information that is confidential or exempt from

15 section 119.07(1), Florida Statutes, and Section 24(a) of

16 Article I of the State Constitution remain confidential or

17 exempt when in the custody of the domestic violence fatality

18 review teams, together with any portions of the reports of

19 such teams containing such information. The Legislature

20 further finds that it is a public necessity that proceedings

21 and meetings of the domestic violence fatality review teams

22 which relate to domestic violence fatalities, or domestic

23 violence incidents, and where specific persons or incidents

24 are discussed, be confidential and exempt from public meeting

25 requirements. Otherwise, sensitive personal information

26 concerning victims and victims' children and family members

27 would be disclosed and open communication and coordination

28 among parties involved in the domestic violence fatality

29 reviews would be hampered. Accordingly, the Legislature finds

30 that the harm that would result in the release of such

31 information substantially outweighs any minimal public benefit

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 1  derived therefrom.
 2        Section 3.  This act shall take effect on the date
 3  House Bill 1039, relating to domestic violence, or similar
 4  legislation becomes law, and shall not take effect if such
 5  legislation does not become law.
 6
 7
 8  =============== T I T L E   A M E N D M E N T ===============
 9  And the title is amended as follows:
10        On page 1, lines 2 through 14
11  remove from the entire title of the bill:
12
13  and insert in lieu thereof:
14              A bill to be entitled
15        An act relating to public records; creating s.
16        741.3165, F.S.; continuing confidentiality or
17        exemption from the public records law of
18        information obtained by a domestic violence
19        fatality review team; exempting certain
20        proceedings and meetings of domestic violence
21        fatality review teams from public meeting
22        requirements; providing that investigations,
23        proceedings, and records of a domestic violence
24        review team are not subject to discovery or
25        introduction as evidence; providing for future
26        legislative review and repeal; providing a
27        finding of public necessity; providing a
28        contingent effective date.
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