

By the Committee on Family Law & Children and  
Representatives Pruitt, Sobel, Sanderson and Suarez

1                                   A bill to be entitled  
2           An act relating to public records; creating s.  
3           741.3165, F.S.; providing that any records  
4           exempt from disclosure under the public records  
5           law disclosed to a domestic violence fatality  
6           review team remain confidential; providing that  
7           the proceedings and meetings of such  
8           organizations where the identity of the victim  
9           or the children of the victim is discussed are  
10          exempt from public meeting requirements;  
11          providing for future legislative review and  
12          repeal; providing a finding of public  
13          necessity; providing a contingent effective  
14          date.

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

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18           Section 1. Section 741.3165, Florida Statutes, is  
19          created to read:

20                   741.3165 Certain information exempt from disclosure.--  
21                   (1) Any records which currently are exempt from s.  
22                   119.07(1) and s. 24(a), Art. I of the State Constitution, and  
23                   which are obtained by a domestic violence fatality review team  
24                   conducting activities as described in s. 741.316, shall not  
25                   lose any public records exemption granted under law solely  
26                   because such records are disclosed to the domestic violence  
27                   fatality review team. The domestic violence fatality review  
28                   team shall be required to keep such records which are exempt  
29                   from s. 119.07(1) and s. 24(a), Art. I of the State  
30                   Constitution confidential. The proceedings and meetings of a  
31                   domestic violence fatality review team regarding domestic

1 violence fatalities and their prevention, during which the  
2 identity of the victim or the children of the victim is  
3 discussed, are exempt from s. 286.011 and s. 24(b), Art. I of  
4 the State Constitution.

5 (2) The investigations, proceedings, and records of a  
6 domestic violence fatality review team conducting activities  
7 as described in s. 741.316 are not subject to discovery or  
8 introduction into evidence in any civil action or disciplinary  
9 proceeding by any department or employing agency arising out  
10 of matters that are the subject of evaluation and review by  
11 the domestic violence fatality review team, and any person who  
12 was in attendance at a meeting of such an organization may not  
13 be permitted or required to testify in any civil action or  
14 disciplinary proceeding as to any evidence or other matters  
15 produced or presented during the proceedings of the  
16 organization as to any findings, recommendations, evaluations,  
17 opinions, or other actions of the organization or any member  
18 thereof.

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

26 Section 2. The Legislature finds that it is a public  
27 necessity that records and proceedings of a domestic violence  
28 fatality review team should not be open to public inspection  
29 because a victim, and those associated with the victim, of  
30 domestic violence must be able to disclose information without  
31 fear of reprisal. In addition, the Legislature finds that it

1 is a public necessity that meetings of a domestic violence  
2 fatality review team be closed to the public so that  
3 participants in such proceedings are not threatened with the  
4 fear of reprisal.

5           Section 3. This act shall take effect on the same date  
6 as House Bill 1039, relating to domestic violence, or similar  
7 legislation takes effect, if such legislation is adopted in  
8 the same legislative session or an extension thereof, and  
9 shall not take effect if such legislation does not become law.

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