

By Senator Myers

27-735-00

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 741.3165, F.S.; exempting specified information
 4 obtained or produced by a domestic violence
 5 fatality prevention task force or a domestic
 6 violence fatality review team from disclosure
 7 under the public records law; providing that
 8 the proceedings and meetings of such
 9 organizations are exempt from public meeting
 10 requirements; providing for future legislative
 11 review and repeal; providing a finding of
 12 public necessity; providing a contingent
 13 effective date.

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

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

19 741.3165 Certain information exempt from disclosure.--

20 (1) The records obtained or produced by a domestic
 21 violence fatality prevention task force or a domestic violence
 22 fatality review team conducting activities as described in s.
 23 741.316 are exempt from s. 119.07(1) and s. 24(a), Art. I of
 24 the State Constitution. The proceedings and meetings of any
 25 domestic violence fatality prevention task force or a domestic
 26 violence fatality review team regarding domestic violence
 27 fatalities and their prevention are exempt from s. 286.011 and
 28 s. 24(b), Art. I of the State Constitution.

29 (2) The investigations, proceedings, and records of a
 30 domestic violence fatality prevention task force or a domestic
 31 violence fatality review team conducting activities as

1 described in s. 741.316 are not subject to discovery or
2 introduction into evidence in any civil action or disciplinary
3 proceeding by any department or employing agency arising out
4 of matters that are the subject of evaluation and review by
5 the domestic violence fatality prevention task force or the
6 domestic violence fatality review team, and any person who was
7 in attendance at a meeting of such an organization may not be
8 permitted or required to testify in any civil action or
9 disciplinary proceeding as to any evidence or other matters
10 produced or presented during the proceedings of the
11 organization as to any findings, recommendations, evaluations,
12 opinions, or other actions of the organization or any members
13 thereof.

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

22 Section 2. The Legislature finds that it is a public
23 necessity that records and proceedings of a domestic violence
24 fatality prevention task force or a domestic violence fatality
25 review team should not be open to public inspection because a
26 victim of domestic violence must be able to disclose
27 information without fear of reprisal. In addition, the
28 Legislature finds that it is a public necessity that meetings
29 of a domestic violence fatality prevention task force or a
30 domestic violence fatality review team be closed to the public
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1 so that participants in such proceedings are not threatened
2 with the fear of reprisal.

3 Section 3. This act shall take effect on the date
4 Senate Bill _____, relating to domestic violence, or similar
5 legislation becomes a law, and shall not take effect if such
6 legislation does not become a law.

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9 SENATE SUMMARY

10 Exempts records obtained or produced by a domestic
11 violence fatality prevention task force or a domestic
12 violence fatality review team from disclosure under the
13 public records law. Exempts proceedings and meetings of
14 such organizations from public meeting requirements.
15 Provides for future review and repeal.

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