

By the Committee on Children and Families; and Senator Myers

300-1914A-00

1 A bill to be entitled
2 An act relating to public records; creating s.
3 741.3165, F.S.; continuing confidentiality or
4 exemption from the public records law of
5 information obtained by a domestic violence
6 fatality review team; exempting certain
7 proceedings and meetings of domestic violence
8 fatality review teams from public meeting
9 requirements; providing that investigations,
10 proceedings, and records of a domestic violence
11 review team are not subject to discovery or
12 introduction as evidence; providing for future
13 legislative review and repeal; providing a
14 finding of public necessity; providing a
15 contingent effective date.

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

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

21 741.3165 Certain information exempt from disclosure.--
22 (1) Any information or records otherwise confidential
23 or exempt from s. 119.07(1) and s. 24(a) of Art. I of the
24 State Constitution which is obtained by or provided to a
25 domestic violence fatality review team conducting activities
26 as described in s. 741.316 shall remain confidential or exempt
27 as otherwise provided by law. Any portion of the reports
28 produced by the domestic violence fatality review team which
29 contains any information that is otherwise confidential or
30 exempt from s. 119.07(1) and s. 24(a) of Art. I of the State
31 Constitution shall remain confidential or exempt as otherwise

1 provided by law. The proceedings and meetings of any domestic
2 violence fatality review team regarding domestic violence
3 fatalities and their prevention, during which the identity of
4 the victim or of the children of the victim is discussed, are
5 exempt from s. 286.011 and s. 24(b) of Art. I of the State
6 Constitution.

7 (2) The exemptions in this section apply only to
8 records held by a domestic violence fatality review team. The
9 exemptions contained in this section are subject to the Open
10 Government Sunset Review Act of 1995 in accordance with s.
11 119.15, and this section is repealed October 2, 2005, unless
12 reviewed and saved from repeal through reenactment by the
13 Legislature before that date.

14 Section 2. The Legislature finds that it is a public
15 necessity that information that is confidential or exempt from
16 section 119.07(1), Florida Statutes, and Section 24(a) of
17 Article I of the State Constitution remain confidential or
18 exempt when in the custody of the domestic violence fatality
19 review teams, together with any portions of the reports of
20 such teams containing such information. The Legislature
21 further finds that it is a public necessity that proceedings
22 and meetings of the domestic violence fatality review teams
23 which relate to domestic violence fatalities, or domestic
24 violence incidents, and where specific persons or incidents
25 are discussed, be confidential and exempt from public meeting
26 requirements. Otherwise, sensitive personal information
27 concerning victims and victims' children and family members
28 would be disclosed and open communication and coordination
29 among parties involved in the domestic violence fatality
30 reviews would be hampered. Accordingly, the Legislature finds
31 that the harm that would result in the release of such

1 information substantially outweighs any minimal public benefit
2 derived therefrom.

3 Section 3. This act shall take effect on the date
4 Senate Bill 1124, relating to domestic violence, or similar
5 legislation becomes law, and shall not take effect if such
6 legislation does not become law.

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 1126

- 11 - Removes the state level domestic violence fatality
12 prevention task force.
- 13 - Modifies the exemption from disclosure of certain
14 information to apply to information obtained by the
15 domestic violence fatality review teams that is
16 currently confidential or exempt from public disclosure
17 instead of applying to any records obtained or produced
18 by the teams.
- 19 - Modifies the exemption from open meetings and
20 proceedings to apply to when the identity of the victim
21 or the children of the victim is discussed instead of
22 applying to meetings and proceedings relating to
23 domestic violence fatalities.
- 24 - Removes the stipulation that the investigations,
25 proceedings, and records of a domestic violence fatality
26 review team are not subject to discovery or introduction
27 into evidence under certain circumstances.
- 28 - Modifies the statement of public necessity to delineate
29 more specifically the circumstances which require the
30 exemption from open meetings and records disclosure.
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