

By Senator Garcia

38-00469-15

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1 A bill to be entitled
 2 An act relating to public records; amending s. 39.908,
 3 F.S.; providing an exemption from public records
 4 requirements for information concerning clients of
 5 domestic violence advocacy organizations or referral
 6 services; requiring written consent of the client for
 7 disclosure of certain information; providing
 8 exceptions; providing for future legislative review
 9 and repeal of the exemptions; providing a statement of
 10 public necessity; providing a contingent effective
 11 date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 39.908, Florida Statutes, is amended to
 16 read:

17 39.908 Confidentiality of information received by
 18 department, ~~or~~ domestic violence center, domestic violence
 19 advocacy organization, or domestic violence referral service.-

20 (1) Information about clients received by the department or
 21 by authorized persons employed by or volunteering services to a
 22 domestic violence center, a domestic violence advocacy
 23 organization, or a domestic violence referral service, through
 24 files, reports, inspection, or otherwise, is confidential and
 25 exempt from the provisions of s. 119.07(1). Information about
 26 the location of domestic violence centers, domestic violence
 27 advocacy organizations, and domestic violence referral
 28 organizations and their respective facilities is confidential
 29 and exempt from the provisions of s. 119.07(1).

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30 (2) Information about domestic violence center, domestic
31 violence advocacy organization, or domestic violence referral
32 service clients may not be disclosed without the written consent
33 of the client to whom the information or records pertain. For
34 the purpose of state law regarding searches and seizures,
35 domestic violence centers, domestic violence advocacy
36 organizations, and domestic violence referral services shall be
37 treated as private dwelling places. Information about a client
38 or the location of a domestic violence center, a domestic
39 violence advocacy organization, or a domestic violence referral
40 service may be given by ~~center~~ staff or volunteers of such a
41 center or organization to law enforcement, firefighting,
42 medical, or other personnel in the following circumstances:

43 (a) To medical personnel in a medical emergency.

44 (b) Upon a court order based upon an application by a law
45 enforcement officer for a criminal arrest warrant which alleges
46 that the individual sought to be arrested is located at the
47 domestic violence shelter, advocacy organization, or referral
48 service.

49 (c) Upon a search warrant that specifies the individual or
50 object of the search and alleges that the individual or object
51 is located at the shelter, advocacy organization, or referral
52 service.

53 (d) To firefighting personnel in a fire emergency.

54 (e) To any other person necessary to maintain the safety
55 and health standards in the domestic violence shelter, advocacy
56 organization, or referral service.

57 (f) Information solely about the location of the domestic
58 violence shelter, advocacy organization, or referral service may

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59 be given to those with whom the agency has an established
60 business relationship.

61 (3) The restriction on the disclosure or use of the
62 information about domestic violence center, domestic violence
63 advocacy organization, or domestic violence referral service
64 clients does not apply to:

65 (a) Communications from domestic violence shelter, advocacy
66 organization, or referral service staff or volunteers to law
67 enforcement officers when the information is directly related to
68 a client's commission of a crime or threat to commit a crime on
69 the premises of a domestic violence shelter, advocacy
70 organization, or referral service; or

71 (b) Reporting suspected abuse of a child or a vulnerable
72 adult as required by law. However, when cooperating with
73 protective investigation services staff, the domestic violence
74 shelter, advocacy organization, or referral service staff and
75 volunteers must protect the confidentiality of other clients at
76 the domestic violence center, advocacy organization, or referral
77 service.

78 Section 2. The amendments made by this act to s. 39.908,
79 Florida Statutes, are subject to the Open Government Sunset
80 Review Act in accordance with s. 119.15, Florida Statutes, and
81 shall stand repealed on October 2, 2020, unless reviewed and
82 saved from repeal through reenactment by the Legislature, and
83 the text of that section shall revert to that in existence
84 immediately before the effective date of the amendments made by
85 this act, except that any amendments to such text enacted other
86 than by this act shall be preserved and continue to operate to
87 the extent that such amendments are not dependent upon the

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88 portions of text that are repealed pursuant to this section.

89 Section 3. The Legislature finds that it is a public
90 necessity that information received by the Department of
91 Children and Families or by authorized persons employed by or
92 volunteering services to a domestic violence advocacy
93 organization or a domestic violence referral service about
94 clients of a domestic violence advocacy organization or domestic
95 violence referral service, be made confidential and exempt from
96 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
97 State Constitution. Domestic violence advocacy organizations and
98 domestic violence referral services act to protect their
99 clients, who are victims of domestic violence, from those who
100 victimized them. If the individuals who victimized these clients
101 were able to learn client information, they might attempt to
102 contact their victims and continue their victimization. The
103 Legislature recognizes that protection is needed for victims of
104 domestic violence who are attempting to escape from domestic
105 violence and to prevent harm from assailants or probable
106 assailants who are attempting to find them. The Legislature's
107 intent is that these victims receive that protection by making
108 the information referenced in this act confidential and exempt.

109 Section 4. This act shall take effect on the same date that
110 SB ____ or similar legislation relating to domestic violence
111 advocacy organizations and referral services takes effect, if
112 such legislation is adopted in the same legislative session or
113 an extension thereof and becomes a law.