

By the Committees on Rules; and Governmental Oversight and Accountability; and Senator Grall

595-03371-25

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A bill to be entitled
An act relating to public records; amending s. 741.29,
F.S.; providing an exemption from public records
requirements for a lethality assessment form that
contains certain information and responses;
authorizing the disclosure of a lethality assessment
form to a domestic violence center and to the office
of the state attorney; authorizing the state attorney
to release the confidential information for certain
purposes and to certain parties; providing for future
legislative review and repeal of the exemption;
providing for retroactive application of the
exemption; providing a statement of public necessity;
providing an effective date.

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

Section 1. Paragraph (i) is added to subsection (2) of
section 741.29, Florida Statutes, to read:

741.29 Domestic violence; investigation of incidents;
notice to victims of legal rights and remedies; reporting.—

(2) The department shall consult with the Department of
Children and Families, the Florida Sheriffs Association, the
Florida Police Chiefs Association, the Florida Partnership to
End Domestic Violence, and at least two domestic violence
advocacy organizations to develop the policies, procedures, and
training necessary for implementation of a statewide evidence-
based lethality assessment. Such policies, procedures, and
training must establish how to determine whether a victim and

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aggressor are intimate partners and establish a statewide process for referring a victim to a certified domestic violence center. The group must review the questions in paragraph (e) and make a recommendation as to whether all questions should be included in the statewide lethality assessment instrument and form. By January 1, 2025, the department must adopt a statewide lethality assessment instrument and form. If a question in paragraph (e) is eliminated from the assessment, the department must confirm that the remaining or altered questions constitute an evidence-based lethality assessment. By January 31, 2025, the department shall report to the President of the Senate and the Speaker of the House of Representatives the results and recommendations of the group, including any proposed statutory changes that are necessary for implementation of a statewide lethality assessment. Training on how to administer a lethality assessment and the approved lethality assessment form must be accessible to a law enforcement officer in an online format.

(i) A lethality assessment form that contains a victim's information and responses to the lethality assessment completed on, before, or after January 1, 2025, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. A lethality assessment form may be disclosed to a domestic violence center, as defined in s. 39.902, and the domestic violence center must treat the form and the information on such form as confidential. A lethality assessment form may be disclosed to the office of the state attorney. The state attorney may release the confidential information in furtherance of its official duties and responsibilities, and to the parties in a pending criminal prosecution as required by law. This

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59 paragraph is subject to the Open Government Sunset Review Act in
60 accordance with s. 119.15 and shall stand repealed on October 2,
61 2030, unless reviewed and saved from repeal through reenactment
62 by the Legislature.

63 Section 2. The Legislature finds that it is a public
64 necessity that a lethality assessment form that contains a
65 victim's information and responses to the lethality assessment
66 be made confidential and exempt from s. 119.07(1), Florida
67 Statutes, and s. 24(a), Article I of the State Constitution. The
68 Legislature finds that the release of information included on a
69 lethality assessment form could subject victims of domestic
70 violence to an increased risk of abuse. Such information
71 contained on a lethality assessment form is sensitive in nature.
72 The Legislature further finds that such victims are more likely
73 to participate in a lethality assessment if such form is
74 protected from public disclosure. The Legislature finds that the
75 harm that may result from the release of such information
76 outweighs the public benefit that may be derived from the
77 disclosure of the information.

78 Section 3. This act shall take effect upon becoming a law.