

By Senator Klein

40-1553-99

See HB 585

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A bill to be entitled  
An act relating to domestic violence; creating  
s. 741.316, F.S.; providing a definition;  
providing for the review of fatal and near  
fatal domestic violence incidents by a domestic  
violence fatality prevention task force or a  
domestic violence fatality review team;  
providing immunity from certain liability;  
providing for attorneys' fees and court costs  
in certain actions; providing an effective  
date.

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

Section 1. Section 741.316, Florida Statutes, is  
created to read:

741.316 Domestic violence fatality reviews;  
definition; immunity from liability.--

(1) As used in this section, the term "domestic  
violence fatality prevention task force" or "domestic violence  
fatality review team" means an organization that includes, but  
is not limited to:

(a) Community contact points for victims of domestic  
violence, children, abusers, and others in a community who  
provide services to and on behalf of families affected by  
violence;

(b) A medical examiner, or assistant medical examiner;  
and

(c) Any other persons who have knowledge regarding  
domestic violence fatalities and non-lethal incidents,

1 including research, policy, law, and other matters connected  
2 with fatal incidents.

3 (2) A domestic violence fatality prevention task force  
4 or a domestic violence fatality review team may review fatal  
5 and near fatal domestic violence incidents to evaluate both  
6 the incidents and ways to prevent such incidents.

7 (3)(a) There shall be no monetary liability on the  
8 part of, and no cause of action shall arise against any  
9 person, including any person acting as a witness, incident  
10 reporter to, or investigator for, a domestic violence fatality  
11 prevention task force or a domestic violence fatality review  
12 team for any act or proceeding undertaken or performed within  
13 the scope of the functions of such task force or team if such  
14 action is taken without intentional fraud or malice.

15 (b) The provisions of this section shall not affect  
16 the provisions of s. 768.28.

17 (4) Except as provided in subsection (3), this section  
18 shall not be construed to confer immunity from liability on  
19 any person while performing services other than as a member of  
20 a domestic violence fatality prevention task force or a  
21 domestic violence fatality review team, or upon any person  
22 acting as a witness, incident reporter to, or investigator for  
23 a domestic violence fatality prevention task force or a  
24 domestic violence fatality review team for any act or  
25 proceeding undertaken or performed outside of the scope of the  
26 functions of such organization.

27 (5) Information, documents, or records provided to the  
28 domestic violence fatality prevention task force or the  
29 domestic violence fatality review team from sources external  
30 to the task force or team are not immune from discovery or use  
31 in any civil action or disciplinary proceeding merely because

1 the information, documents, or records were presented during  
2 proceedings of the task force or team nor should any person  
3 who testifies before such a task force or team who is a member  
4 of such organization be prevented from testifying as to  
5 matters within the person's knowledge, but, such witness shall  
6 not be asked about his or her testimony before a domestic  
7 violence fatality prevention task force or a domestic violence  
8 fatality review team or information obtained from or opinions  
9 formed by him or her as a result of participating in  
10 activities conducted by the task force or team.

11 (6) If the defendant prevails in an action brought by  
12 anyone against any person who initiated, participated in, was  
13 a witness in, or conducted any review as authorized by this  
14 section, the court shall award reasonable attorneys' fees and  
15 costs to the defendant.

16 Section 2. This act shall take effect July 1, 1999.

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19 LEGISLATIVE SUMMARY

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21 Authorizes a domestic violence fatality prevention task force  
22 or a domestic violence fatality review team as defined in the  
23 act to review fatal and near fatal domestic violence incidents  
24 and ways to prevent such incidents. Limits liability for  
25 persons who act as a witness, incident reporter to, or  
26 investigator for such task force or team for any act or  
27 proceeding undertaken or performed within the scope of the  
28 functions of such task force or team, if such action was taken  
29 without fraud or malice. (See bill for details.)  
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