

By Representative Henriquez

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

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

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

17 741.316 Domestic violence fatality reviews;
18 definition; immunity from liability.--

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

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

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

29 (c) Any other persons who have knowledge regarding
30 domestic violence fatalities and non-lethal incidents,
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1 including research, policy, law, and other matters connected
2 with fatal incidents.

3 (2) A domestic violence fatality prevention task force
4 and/or a domestic violence fatality review team may review
5 fatal and near fatal domestic violence incidents to evaluate
6 both 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 and/or a domestic violence fatality
12 review team for any act or proceeding undertaken or performed
13 within the scope of the functions of such task force or team
14 if such 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 and/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 and/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 and/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 and/or a domestic
8 violence fatality review team or information obtained from or
9 opinions 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 HOUSE SUMMARY

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21 Authorizes a domestic violence fatality prevention task force
22 and/or a domestic violence fatality review team as defined in
23 the act to review fatal and near fatal domestic violence
24 incidents and ways to prevent such incidents. Limits
25 liability for persons who act as a witness, incident reporter
26 to, or 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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