

1                   A bill to be entitled  
2           An act relating to domestic violence; creating  
3           s. 741.316, F.S.; providing for the  
4           establishment of domestic violence fatality  
5           review teams to review fatal and near-fatal  
6           incidents of domestic violence; providing for  
7           representation on the domestic violence  
8           fatality review teams; requiring each team to  
9           collect data; requiring the Department of Law  
10          Enforcement to prepare an annual report on  
11          domestic violence; requiring the Governor's  
12          Task Force on Domestic Violence to assist the  
13          teams; providing immunity from liability for  
14          certain acts; exempting certain information and  
15          records acquired by a domestic violence  
16          fatality review team from discovery in civil  
17          actions or disciplinary proceedings;  
18          prohibiting requiring a person to testify about  
19          information presented during meetings or other  
20          activities of a team; placing the domestic  
21          violence fatality review teams administratively  
22          within the Department of Children and Family  
23          Services; providing an effective date.

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

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

29           741.316 Domestic violence fatality review teams;  
30   definition; membership; duties; report by the Department of  
31   Law Enforcement.--

1           (1) As used in this section, the term "domestic  
2 violence fatality review team" means an organization that  
3 includes, but is not limited to, representatives from the  
4 following agencies or organizations:

5           (a) Law enforcement agencies.

6           (b) The state attorney.

7           (c) The medical examiner.

8           (d) Certified domestic violence centers.

9           (e) Child protection service providers.

10          (f) The office of court administration.

11          (g) The clerk of the court.

12          (h) Victim services programs.

13          (i) Child death review teams.

14          (j) Members of the business community.

15          (k) County probation or corrections agencies.

16          (l) Any other persons who have knowledge regarding  
17 domestic violence fatalities, nonlethal incidents of domestic  
18 violence, or suicide, including research, policy, law, and  
19 other matters connected with fatal incidents.

20          (m) Other representatives as determined by the review  
21 team.

22          (2) A domestic violence fatality review team may be  
23 established at a local, regional, or state level in order to  
24 review fatal and near-fatal incidents of domestic violence,  
25 related domestic violence matters, and suicides. The review  
26 may include a review of events leading up to the domestic  
27 violence incident, available community resources, current laws  
28 and policies, actions taken by systems and individuals related  
29 to the incident and the parties, and any information or action  
30 deemed relevant by the team, including a review of public  
31 records and records for which public records exemptions are

1 granted. The purpose of the teams is to learn how to prevent  
2 domestic violence by intervening early and improving the  
3 response of an individual and the system to domestic violence.  
4 The structure and activities of a team shall be determined at  
5 the local level. The team may determine the number and type of  
6 incidents it wishes to review and shall make policy and other  
7 recommendations as to how incidents of domestic violence may  
8 be prevented.

9 (3) Each local domestic violence fatality review team  
10 shall collect data regarding incidents of domestic violence.  
11 The data must be collected in a manner that is consistent  
12 statewide and in a form determined by the Department of Law  
13 Enforcement. Each team may collect such additional data beyond  
14 that which is prescribed in the statewide data collection form  
15 as will assist in the team's review. The Department of Law  
16 Enforcement shall use the data to prepare an annual report  
17 concerning domestic violence fatalities. The report must be  
18 submitted by July 1 of each year to the Governor, the  
19 President of the Senate, the Speaker of the House of  
20 Representatives, and the Chief Justice of the Supreme Court.

21 (4) The Governor's Task Force on Domestic Violence  
22 shall provide information and technical assistance to local  
23 domestic violence fatality review teams.

24 (5)(a) There may not be any monetary liability on the  
25 part of, and a cause of action for damages may not arise  
26 against, any member of a domestic violence fatality review  
27 team or any person acting as a witness to, incident reporter  
28 to, or investigator for a domestic violence fatality review  
29 team for any act or proceeding undertaken or performed within  
30 the scope of the functions of the team, unless such person  
31 acted in bad faith, with malicious purpose, or in a manner

1 exhibiting wanton and willful disregard of human rights,  
2 safety, or property.

3 (b) This subsection does not affect the provisions of  
4 s. 768.28.

5 (6) All information and records acquired by a domestic  
6 violence fatality review team are not subject to discovery or  
7 introduction into evidence in any civil action or disciplinary  
8 proceeding by any department or employing agency if the  
9 information or records arose out of matters that are the  
10 subject of evaluation and review by the domestic violence  
11 fatality review team. However, information, documents, and  
12 records otherwise available from other sources are not immune  
13 from discovery or introduction into evidence solely because  
14 the information, documents, or records were presented to or  
15 reviewed by such a team. A person who has attended a meeting  
16 of a domestic violence fatality review team may not testify in  
17 any civil or disciplinary proceedings as to any records or  
18 information produced or presented to the team during meetings  
19 or other activities authorized by this section. This  
20 subsection does not preclude any person who testifies before a  
21 team or who is a member of a team from testifying as to  
22 matters otherwise within his or her knowledge.

23 (7) The domestic violence fatality review teams are  
24 assigned to the Department of Children and Family Services for  
25 administrative purposes.

26 Section 2. This act shall take effect July 1, 2000.