

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 for the capital improvement  
24          of such centers; creating a grant program for  
25          awarding funds to such centers; providing  
26          application requirements; prescribing uses of  
27          the funds; providing duties of the Department  
28          of Children and Family Services; providing  
29          rulemaking authority for the establishment of  
30          criteria for the disbursement of funds;  
31          providing an effective date.

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

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

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

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

- (a) Law enforcement agencies.
- (b) The state attorney.
- (c) The medical examiner.
- (d) Certified domestic violence centers.
- (e) Child protection service providers.
- (f) The office of court administration.
- (g) The clerk of the court.
- (h) Victim services programs.
- (i) Child death review teams.
- (j) Members of the business community.
- (k) County probation or corrections agencies.
- (l) Any other persons who have knowledge regarding domestic violence fatalities, nonlethal incidents of domestic violence, or suicide, including research, policy, law, and other matters connected with fatal incidents.

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

(2) A domestic violence fatality review team may be established at a local, regional, or state level in order to review fatal and near-fatal incidents of domestic violence,

1 related domestic violence matters, and suicides. The review  
 2 may include a review of events leading up to the domestic  
 3 violence incident, available community resources, current laws  
 4 and policies, actions taken by systems and individuals related  
 5 to the incident and the parties, and any information or action  
 6 deemed relevant by the team, including a review of public  
 7 records and records for which public records exemptions are  
 8 granted. The purpose of the teams is to learn how to prevent  
 9 domestic violence by intervening early and improving the  
 10 response of an individual and the system to domestic violence.  
 11 The structure and activities of a team shall be determined at  
 12 the local level. The team may determine the number and type of  
 13 incidents it wishes to review and shall make policy and other  
 14 recommendations as to how incidents of domestic violence may  
 15 be prevented.

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

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

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1           (5)(a) There may not be any monetary liability on the  
 2 part of, and a cause of action for damages may not arise  
 3 against, any member of a domestic violence fatality review  
 4 team or any person acting as a witness to, incident reporter  
 5 to, or investigator for a domestic violence fatality review  
 6 team for any act or proceeding undertaken or performed within  
 7 the scope of the functions of the team, unless such person  
 8 acted in bad faith, with malicious purpose, or in a manner  
 9 exhibiting wanton and willful disregard of human rights,  
 10 safety, or property.

11           (b) This subsection does not affect the provisions of  
 12 s. 768.28.

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

1           (7) The domestic violence fatality review teams are  
2 assigned to the Department of Children and Family Services for  
3 administrative purposes.

4           Section 2. Certified domestic violence centers;  
5 capital improvement grant program.--There is established a  
6 certified domestic violence center capital improvement grant  
7 program.

8           (1) A certified domestic violence center as defined in  
9 section 39.905, Florida Statutes, may apply to the Department  
10 of Children and Family Services for a capital improvement  
11 grant. The grant application must provide information that  
12 includes:

13           (a) A statement specifying the capital improvement  
14 that the certified domestic violence center proposes to make  
15 with the grant funds.

16           (b) The proposed strategy for making the capital  
17 improvement.

18           (c) The organizational structure that will carry out  
19 the capital improvement.

20           (d) Evidence that the certified domestic violence  
21 center has difficulty in obtaining funding or that funds  
22 available for the proposed improvement are inadequate.

23           (e) Evidence that the funds will assist in meeting the  
24 needs of victims of domestic violence and their children in  
25 the certified domestic violence center service area.

26           (f) Evidence of a satisfactory recordkeeping system to  
27 account for fund expenditures.

28           (g) Evidence of ability to generate local match.

29           (2) Certified domestic violence centers as defined in  
30 section 39.905, Florida Statutes, may receive funding subject  
31 to legislative appropriation, upon application to the

1 Department of Children and Family Services, for projects to  
2 construct, acquire, repair, improve, or upgrade systems,  
3 facilities, or equipment, subject to availability of funds. An  
4 award of funds under this section must be made in accordance  
5 with a needs assessment developed by the Florida Coalition  
6 Against Domestic Violence and the Department of Children and  
7 Family Services. The department annually shall perform this  
8 needs assessment and shall rank in order of need those centers  
9 that are requesting funds for capital improvement.

10 (3) The Department of Children and Family Services  
11 shall, in collaboration with the Florida Coalition Against  
12 Domestic Violence, establish criteria for awarding the capital  
13 improvement funds that must be used exclusively for support  
14 and assistance with the capital improvement needs of the  
15 certified domestic violence centers, as defined in section  
16 39.905, Florida Statutes.

17 (4) The Department of Children and Family Services  
18 shall ensure that the funds awarded under this section are  
19 used solely for the purposes specified in this section. The  
20 department will also ensure that the grant process maintains  
21 the confidentiality of the location of the certified domestic  
22 violence centers, pursuant to section 39.908, Florida  
23 Statutes. The total amount of grant moneys awarded under this  
24 section may not exceed the amount appropriated for this  
25 program.

26 Section 3. This act shall take effect July 1, 2000.  
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