

By the Committee on Children and Families; and Senator Myers

300-1900A-00

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.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1124

- Removes the state level domestic violence fatality prevention task force and instead provides that a state level domestic violence review team may be established.
- Adds the purpose of the domestic violence review teams and parameters of their operation.
- Modifies the immunity from liability authority to provide immunity under certain circumstances instead of stipulating when immunity from liability is not provided.
- Stipulates that the investigations, proceedings, and records of a domestic violence fatality review team are not subject to discovery or introduction into evidence under certain circumstances.
- Places the domestic violence fatality review teams for administrative purposes with the Department of Children and Family Services.