

ENROLLED
CS/HB 1291

2010 Legislature

1 A bill to be entitled
2 An act relating to domestic violence fatality review
3 teams; amending s. 741.316, F.S.; deleting a requirement
4 that the Governor's Task Force on Domestic Violence
5 provide information and technical assistance to local
6 domestic violence fatality review teams; providing that
7 information and records acquired by a domestic violence
8 fatality review team are not subject to discovery or
9 introduction into evidence in criminal or administrative
10 proceedings in certain circumstances; providing that a
11 person who has attended a meeting of a domestic violence
12 fatality review team may not testify in criminal or
13 administrative proceedings as to certain records or
14 information produced or presented to the team; providing
15 an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 741.316, Florida Statutes, is amended
20 to read:

21 741.316 Domestic violence fatality review teams;
22 definition; membership; duties; ~~report by the Department of Law~~
23 ~~Enforcement.~~—

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

28 (a) Law enforcement agencies.

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- 29 (b) The state attorney.
- 30 (c) The medical examiner.
- 31 (d) Certified domestic violence centers.
- 32 (e) Child protection service providers.
- 33 (f) The office of court administration.
- 34 (g) The clerk of the court.
- 35 (h) Victim services programs.
- 36 (i) Child death review teams.
- 37 (j) Members of the business community.
- 38 (k) County probation or corrections agencies.
- 39 (l) Any other persons who have knowledge regarding
- 40 domestic violence fatalities, nonlethal incidents of domestic
- 41 violence, or suicide, including research, policy, law, and other
- 42 matters connected with fatal incidents.
- 43 (m) Other representatives as determined by the review
- 44 team.
- 45 (2) A domestic violence fatality review team may be
- 46 established at a local, regional, or state level in order to
- 47 review fatal and near-fatal incidents of domestic violence,
- 48 related domestic violence matters, and suicides. The review may
- 49 include a review of events leading up to the domestic violence
- 50 incident, available community resources, current laws and
- 51 policies, actions taken by systems and individuals related to
- 52 the incident and the parties, and any information or action
- 53 deemed relevant by the team, including a review of public
- 54 records and records for which public records exemptions are
- 55 granted. The purpose of the teams is to learn how to prevent
- 56 domestic violence by intervening early and improving the

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57 | response of an individual and the system to domestic violence.
58 | The structure and activities of a team shall be determined at
59 | the local level. The team may determine the number and type of
60 | incidents it wishes to review and shall make policy and other
61 | recommendations as to how incidents of domestic violence may be
62 | prevented.

63 | ~~(3) The Governor's Task Force on Domestic Violence shall~~
64 | ~~provide information and technical assistance to local domestic~~
65 | ~~violence fatality review teams.~~

66 | (3)~~(4)~~(a) There may not be any monetary liability on the
67 | part of, and a cause of action for damages may not arise
68 | against, any member of a domestic violence fatality review team
69 | or any person acting as a witness to, incident reporter to, or
70 | investigator for a domestic violence fatality review team for
71 | any act or proceeding undertaken or performed within the scope
72 | of the functions of the team, unless such person acted in bad
73 | faith, with malicious purpose, or in a manner exhibiting wanton
74 | and willful disregard of human rights, safety, or property.

75 | (b) This subsection does not affect the provisions of s.
76 | 768.28.

77 | (4)~~(5)~~ All information and records acquired by a domestic
78 | violence fatality review team are not subject to discovery or
79 | introduction into evidence in any civil or criminal action or
80 | administrative or disciplinary proceeding by any department or
81 | employing agency if the information or records arose out of
82 | matters that are the subject of evaluation and review by the
83 | domestic violence fatality review team. However, information,
84 | documents, and records otherwise available from other sources

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85 are not immune from discovery or introduction into evidence
86 solely because the information, documents, or records were
87 presented to or reviewed by such a team. A person who has
88 attended a meeting of a domestic violence fatality review team
89 may not testify in any civil, criminal, administrative, or
90 disciplinary proceedings as to any records or information
91 produced or presented to the team during meetings or other
92 activities authorized by this section. This subsection does not
93 preclude any person who testifies before a team or who is a
94 member of a team from testifying as to matters otherwise within
95 his or her knowledge.

96 ~~(5)-(6)~~ The domestic violence fatality review teams are
97 assigned to the Department of Children and Family Services for
98 administrative purposes.

99 Section 2. This act shall take effect July 1, 2010.