

By Senator Detert

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1                                   A bill to be entitled  
 2           An act relating to domestic violence fatality review  
 3           teams; amending s. 741.316, F.S.; removing the  
 4           requirement that the Governor's Task Force on Domestic  
 5           Violence provide information and technical assistance  
 6           to local domestic violence fatality review teams;  
 7           prohibiting information and records acquired by a  
 8           domestic violence fatality review team from being  
 9           subject to discovery or introduced into evidence in a  
 10          criminal or administrative proceeding; prohibiting a  
 11          person who has attended a meeting of a domestic  
 12          violence fatality review team from testifying in a  
 13          criminal or administrative proceedings as to any  
 14          records or information produced or presented to the  
 15          team during the meeting; providing an exception for a  
 16          person who has personal knowledge of the matter;  
 17          providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1. Section 741.316, Florida Statutes, is amended to  
 22           read:

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

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

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

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

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

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

76 (b) This subsection does not affect the provisions of s.  
77 768.28.

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

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

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

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