

Committee Substitute for House Bill No. 1039

An act relating to domestic violence; creating s. 741.316, F.S.; providing for the establishment of domestic violence fatality review teams to review fatal and near-fatal incidents of domestic violence; providing for representation on the domestic violence fatality review teams; requiring each team to collect data; requiring the Department of Law Enforcement to prepare an annual report on domestic violence; requiring the Governor's Task Force on Domestic Violence to assist the teams; providing immunity from liability for certain acts; exempting certain information and records acquired by a domestic violence fatality review team from discovery in civil actions or disciplinary proceedings; prohibiting requiring a person to testify about information presented during meetings or other activities of a team; placing the domestic violence fatality review teams administratively within the Department of Children and Family Services; providing for the capital improvement of such centers; creating a grant program for awarding funds to such centers; providing application requirements; prescribing uses of the funds; providing duties of the Department of Children and Family Services; providing rule-making authority for the establishment of criteria for the disbursement of funds; providing an effective date.

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

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

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

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

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

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

(6) All information and records acquired by a domestic violence fatality review team are not subject to discovery or introduction into evidence in any

civil action or disciplinary proceeding by any department or employing agency if the information or records arose out of matters that are the subject of evaluation and review by the domestic violence fatality review team. However, information, documents, and records otherwise available from other sources are not immune from discovery or introduction into evidence solely because the information, documents, or records were presented to or reviewed by such a team. A person who has attended a meeting of a domestic violence fatality review team may not testify in any civil or disciplinary proceedings as to any records or information produced or presented to the team during meetings or other activities authorized by this section. This subsection does not preclude any person who testifies before a team or who is a member of a team from testifying as to matters otherwise within his or her knowledge.

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

Section 2. Certified domestic violence centers; capital improvement grant program.—There is established a certified domestic violence center capital improvement grant program.

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

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

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

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

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

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

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

(g) Evidence of ability to generate local match.

(2) Certified domestic violence centers as defined in section 39.905, Florida Statutes, may receive funding subject to legislative appropriation, upon application to the Department of Children and Family Services, for projects to construct, acquire, repair, improve, or upgrade systems, facilities, or equipment, subject to availability of funds. An award of funds under this section must be made in accordance with a needs assessment developed by

the Florida Coalition Against Domestic Violence and the Department of Children and Family Services. The department annually shall perform this needs assessment and shall rank in order of need those centers that are requesting funds for capital improvement.

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

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

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

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.