

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Law Enforcement & Crime Prevention offered
12 the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

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

20 741.316 Domestic violence fatality review teams;
21 definition; membership; duties; report by the Department of
22 Law Enforcement.--

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

- 27 (a) Law enforcement agencies.
- 28 (b) The state attorney.
- 29 (c) The medical examiner.
- 30 (d) Certified domestic violence centers.
- 31 (e) Child protection service providers.

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- 1 (f) The office of court administration.
2 (g) The clerk of the court.
3 (h) Victim services programs.
4 (i) Child death review teams.
5 (j) Members of the business community.
6 (k) County probation or corrections agencies.
7 (l) Any other persons who have knowledge regarding
8 domestic violence fatalities, nonlethal incidents of domestic
9 violence, or suicide, including research, policy, law, and
10 other matters connected with fatal incidents.
11 (m) Other representatives as determined by the review
12 team.
13 (2) A domestic violence fatality review team may be
14 established at a local, regional, or state level in order to
15 review fatal and near-fatal incidents of domestic violence,
16 related domestic violence matters, and suicides. The review
17 may include a review of events leading up to the domestic
18 violence incident, available community resources, current laws
19 and policies, actions taken by systems and individuals related
20 to the incident and the parties, and any information or action
21 deemed relevant by the team, including a review of public
22 records and records for which public records exemptions are
23 granted. The purpose of the teams is to learn how to prevent
24 domestic violence by intervening early and improving the
25 response of an individual and the system to domestic violence.
26 The structure and activities of a team shall be determined at
27 the local level. The team may determine the number and type of
28 incidents it wishes to review and shall make policy and other
29 recommendations as to how incidents of domestic violence may
30 be prevented.
31 (3) Each local domestic violence fatality review team

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

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

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

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

27 (6) All information and records acquired by a domestic
28 violence fatality review team are not subject to discovery or
29 introduction into evidence in any civil action or disciplinary
30 proceeding by any department or employing agency if the
31 information or records arose out of matters that are the

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1 subject of evaluation and review by the domestic violence
2 fatality review team. However, information, documents, and
3 records otherwise available from other sources are not immune
4 from discovery or introduction into evidence solely because
5 the information, documents, or records were presented to or
6 reviewed by such a team. A person who has attended a meeting
7 of a domestic violence fatality review team may not testify in
8 any civil or disciplinary proceedings as to any records or
9 information produced or presented to the team during meetings
10 or other activities authorized by this section. This
11 subsection does not preclude any person who testifies before a
12 team or who is a member of a team from testifying as to
13 matters otherwise within his or her knowledge.

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

17 Section 2. This act shall take effect July 1, 2000.

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, lines 2 through 18
23 remove from the entire title of the bill:

24

25 and insert in lieu thereof:

26 A bill to be entitled
27 An act relating to domestic violence; creating
28 s. 741.316, F.S.; providing for the
29 establishment of domestic violence fatality
30 review teams to review fatal and near-fatal
31 incidents of domestic violence; providing for

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1 representation on the domestic violence
2 fatality review teams; requiring each team to
3 collect data; requiring the Department of Law
4 Enforcement to prepare an annual report on
5 domestic violence; requiring the Governor's
6 Task Force on Domestic Violence to assist the
7 teams; providing immunity from liability for
8 certain acts; exempting certain information and
9 records acquired by a domestic violence
10 fatality review team from discovery in civil
11 actions or disciplinary proceedings;
12 prohibiting requiring a person to testify about
13 information presented during meetings or other
14 activities of a team; placing the domestic
15 violence fatality review teams administratively
16 within the Department of Children and Family
17 Services; providing an effective date.

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