By Senator Gibson

A bill to be entitled
An act relating to elder abuse fatality review teams;
creating s. 825.107, F.S.; defining the term “elder
abuse fatality review team”; authorizing the
establishment of elder abuse fatality review teams to
review fatal and near-fatal incidents of elder abuse;
specifying the duties and purpose of review teams;
providing immunity from liability for acts conducted
in furtherance of a review team’s duties; exempting
certain information and records acquired by a review
team from discovery or introduction into evidence in
specified actions or proceedings; prohibiting a person
from being required to testify regarding records or
information produced or presented during meetings or
other activities of a review team; assigning the
review teams to the Department of Children and
Families for administrative purposes; providing an
effective date.

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

Section 1. Section 825.107, Florida Statutes, is created to
read:

825.107 Elder abuse fatality review teams.—
(1) As used in this section, the term “elder abuse fatality
review team” means an organization that may include, but is not
limited to, the following persons or employees, members, or
representatives of the following agencies, programs, industries,
or organizations:

(a) Law enforcement agencies.
(b) The office of the state attorney.
(c) A medical examiner.
(d) The office of court administration.
(e) The clerk of the court.
(f) Victim services programs.
(g) The State Long-Term Care Ombudsman Program.
(h) Adult protective services providers.
(i) Aging resource centers.
(j) The business community.
(k) County probation or corrections agencies.
(l) The Agency for Health Care Administration.
(m) Certified domestic violence centers.
(n) An advocacy organization for victims of sexual violence.
(o) A funeral director.
(p) A forensic pathologist.
(q) A geriatrician.
(r) A geriatric nurse.
(s) A geriatric psychiatrist or other individual licensed to offer mental health counseling.
(t) A hospital discharge planner.
(u) An emergency services provider, including firefighters, paramedics, emergency medical technicians, or other first responders.
(v) A health care provider, including a licensed physician or dentist.
(w) A public guardian.
(x) Any other persons who have knowledge regarding fatalities or nonlethal incidents of elder abuse, domestic violence, or sexual violence, including research, policy, law, and other matters connected with such incidents.
(y) Other representatives as determined by the review team.

(2) An elder abuse fatality review team may be established at a local, regional, or state level in order to review fatal and near-fatal incidents of elder abuse and other acts of neglect or violence against the elderly. The review may include a review of events leading up to an 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. The purpose of the team is to learn how to prevent elder abuse by intervening early and improving the response of an individual and the system to elder abuse. 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 elder abuse may be prevented.

(3)(a) There may be no monetary liability on the part of, and a cause of action for damages may not arise against, any member of an elder abuse fatality review team or any person acting as a witness for, incident reporter to, or investigator for an elder abuse fatality review team for any act or proceeding undertaken or performed within the scope of the team’s duties, 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.

(4) All information and records acquired by an elder abuse fatality review team are not subject to discovery or introduction into evidence in any civil or criminal action or
administrative 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 elder abuse 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 an elder abuse fatality review team may not testify in any civil, criminal, administrative, or disciplinary proceeding 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.

(5) The elder abuse fatality review teams are assigned to the Department of Children and Families for administrative purposes.

Section 2. This act shall take effect July 1, 2017.