

Committee on Children, Families, and Elder Affairs

CS/SB 1540 — Elder and Vulnerable Adult Abuse Fatality Review Teams

by Children, Families, and Elder Affairs Committee and Senator Garcia

The bill expands the scope of the existing Elder Abuse Fatality Review Teams to include vulnerable adults and changes the name of such teams to the “Elder and Vulnerable Adult Abuse Fatality Review Teams” (EV-FRTs). The bill provides that the specified purpose of the EV-FRTs is learning how to prevent certain abuse and abuse-related deaths and improve the system response of such instances. The bill also expands the scope of the teams to include incidents which are the result of exploitation and expands the membership. The bill also provides a definition for the terms “vulnerable adult,” “disabled adult,” and “elderly person.”

The bill allows the following persons or entities to initiate an EV-FRT:

- A state attorney;
- A law enforcement agency;
- The Department of Children and Families;
- The Office of the Attorney General; and
- The Agency for Persons with Disabilities.

The bill expands the records that may be reviewed by the team to include open and closed cases from entities other than a state attorney by removing the provision that restricted teams to review only closed cases referred and redacted by a state attorney. The bill also requires EV-FRTs to appoint one co-chair and elect a second co-chair, both serving 2-year terms.

The bill requires all members of an EV-FRT to sign a written acknowledgement stating that members are required to protect from unauthorized disclosure of any confidential and exempt oral or written communications, information, or records produced or acquired by the review team. The bill also requires the written acknowledgement to reference any applicable criminal penalties for disclosing certain information produced or acquired by an EV-FRT.

The bill creates provisions to protect individuals interviewed and information collected by EV-FRTs from being used in a civil or criminal trial or administrative or disciplinary proceeding. However, the bill provides that information, documents, and records otherwise available from other sources are not immune from discovery or introduction into evidence solely because such information was presented to or reviewed by an EV-FRT.

The bill makes conforming changes in the remainder of s. 415.1103, F.S., to align with the changes relating to the scope of the EV-FRTs, and limits the circumstances under which members of a team may directly contact members of a deceased elder’s family.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 38-0; House 119-0