

By Senator Gibson

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1 A bill to be entitled
2 An act relating to elder abuse fatality review teams;
3 creating s. 825.107, F.S.; defining the term "elder
4 abuse fatality review team"; authorizing the
5 establishment of elder abuse fatality review teams to
6 review fatal and near-fatal incidents of elder abuse;
7 specifying the duties and purpose of review teams;
8 providing immunity from liability for acts conducted
9 in furtherance of a review team's duties; exempting
10 certain information and records acquired by a review
11 team from discovery or introduction into evidence in
12 specified actions or proceedings; prohibiting a person
13 from being required to testify regarding records or
14 information produced or presented during meetings or
15 other activities of a review team; assigning the
16 review teams to the Department of Children and
17 Families for administrative purposes; providing an
18 effective date.

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

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

24 825.107 Elder abuse fatality review teams.-

25 (1) As used in this section, the term "elder abuse fatality
26 review team" means an organization that may include, but is not
27 limited to, the following persons or employees, members, or
28 representatives of the following agencies, programs, industries,
29 or organizations:

30 (a) Law enforcement agencies.

31 (b) The office of the state attorney.

32 (c) A medical examiner.

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- 33 (d) The office of court administration.
34 (e) The clerk of the court.
35 (f) Victim services programs.
36 (g) The State Long-Term Care Ombudsman Program.
37 (h) Adult protective services providers.
38 (i) Aging resource centers.
39 (j) The business community.
40 (k) County probation or corrections agencies.
41 (l) The Agency for Health Care Administration.
42 (m) Certified domestic violence centers.
43 (n) An advocacy organization for victims of sexual
44 violence.
45 (o) A funeral director.
46 (p) A forensic pathologist.
47 (q) A geriatrician.
48 (r) A geriatric nurse.
49 (s) A geriatric psychiatrist or other individual licensed
50 to offer mental health counseling.
51 (t) A hospital discharge planner.
52 (u) An emergency services provider, including firefighters,
53 paramedics, emergency medical technicians, or other first
54 responders.
55 (v) A health care provider, including a licensed physician
56 or dentist.
57 (w) A public guardian.
58 (x) Any other persons who have knowledge regarding
59 fatalities or nonlethal incidents of elder abuse, domestic
60 violence, or sexual violence, including research, policy, law,
61 and other matters connected with such incidents.

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62 (y) Other representatives as determined by the review team.

63 (2) An elder abuse fatality review team may be established
64 at a local, regional, or state level in order to review fatal
65 and near-fatal incidents of elder abuse and other acts of
66 neglect or violence against the elderly. The review may include
67 a review of events leading up to an incident, available
68 community resources, current laws and policies, actions taken by
69 systems and individuals related to the incident and the parties,
70 and any information or action deemed relevant by the team. The
71 purpose of the team is to learn how to prevent elder abuse by
72 intervening early and improving the response of an individual
73 and the system to elder abuse. The team may determine the number
74 and type of incidents it wishes to review and shall make policy
75 and other recommendations as to how incidents of elder abuse may
76 be prevented.

77 (3) (a) There may be no monetary liability on the part of,
78 and a cause of action for damages may not arise against, any
79 member of an elder abuse fatality review team or any person
80 acting as a witness for, incident reporter to, or investigator
81 for an elder abuse fatality review team for any act or
82 proceeding undertaken or performed within the scope of the
83 team's duties, unless such person acted in bad faith, with
84 malicious purpose, or in a manner exhibiting wanton and willful
85 disregard of human rights, safety, or property.

86 (b) This subsection does not affect the provisions of s.
87 768.28.

88 (4) All information and records acquired by an elder abuse
89 fatality review team are not subject to discovery or
90 introduction into evidence in any civil or criminal action or

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91 administrative or disciplinary proceeding by any department or
92 employing agency if the information or records arose out of
93 matters that are the subject of evaluation and review by the
94 elder abuse fatality review team. However, information,
95 documents, and records otherwise available from other sources
96 are not immune from discovery or introduction into evidence
97 solely because the information, documents, or records were
98 presented to or reviewed by such a team. A person who has
99 attended a meeting of an elder abuse fatality review team may
100 not testify in any civil, criminal, administrative, or
101 disciplinary proceeding as to any records or information
102 produced or presented to the team during meetings or other
103 activities authorized by this section. This subsection does not
104 preclude any person who testifies before a team or who is a
105 member of a team from testifying as to matters otherwise within
106 his or her knowledge.

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

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