

1 A bill to be entitled
2 An act relating to elder protection; creating s.
3 415.1103, F.S.; authorizing the establishment of elder
4 abuse fatality review teams in each judicial circuit
5 and housing the review teams, for administrative
6 purposes only, in the Department of Elderly Affairs;
7 providing conditions for review team membership,
8 establishment, and organization; specifying
9 requirements for the review team operations and
10 meeting schedules; requiring that certain identifying
11 information be redacted in documents received by a
12 review team; assigning responsibility for paying the
13 administrative costs of review team operations to the
14 team members or the entities they represent;
15 authorizing elder abuse fatality review teams in
16 existence on a certain date to continue; requiring
17 such existing teams to comply with specified
18 requirements; specifying review team duties;
19 authorizing review teams access to and use of certain
20 information and records under certain circumstances;
21 authorizing a member of a deceased elder's family or
22 any person to provide information or records to a
23 review team subject to certain notification; requiring
24 each review team to submit an annual summary report by
25 a specified date to the department; requiring the

26 department to prepare annually a summary report on the
 27 review teams' information and submit the report to the
 28 Governor, the Legislature, and the Department of
 29 Children and Families; providing immunity from
 30 monetary liability for review team members under
 31 certain conditions; providing an effective date.

32

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

34

35 Section 1. Section 415.1103, Florida Statutes, is created
 36 to read:

37 415.1103 Elder abuse fatality review teams.—

38 (1) (a) An elder abuse fatality review team may be
 39 established in each judicial circuit to review deaths of elderly
 40 persons found to have been caused by, or related to, abuse or
 41 neglect. The review teams are housed, for administrative
 42 purposes only, in the Department of Elderly Affairs.

43 (b) An elder abuse fatality review team may include, but
 44 is not limited to, representatives from the following entities
 45 in the review team's judicial circuit:

- 46 1. Law enforcement agencies;
- 47 2. The state attorney;
- 48 3. The medical examiner;
- 49 4. A county court judge;
- 50 5. Adult protective services;

- 51 6. The area agency on aging;
- 52 7. The State Long-Term Care Ombudsman Program;
- 53 8. The Agency for Health Care Administration;
- 54 9. The Office of the Attorney General;
- 55 10. The Office of the State Courts Administrator;
- 56 11. The clerk of the court;
- 57 12. A victim services program;
- 58 13. An elder law attorney;
- 59 14. Emergency services personnel;
- 60 15. A certified domestic violence center;
- 61 16. An advocacy organization for victims of sexual
- 62 violence;
- 63 17. A funeral home director;
- 64 18. A forensic pathologist;
- 65 19. A geriatrician;
- 66 20. A geriatric nurse;
- 67 21. A geriatric psychiatrist or other individual licensed
- 68 to offer behavioral health services;
- 69 22. A hospital discharge planner;
- 70 23. A public guardian; or
- 71 24. Any other persons who have knowledge regarding fatal
- 72 incidents of elder abuse, domestic violence, or sexual violence,
- 73 including knowledge of research, policy, law, and other matters
- 74 connected with such incidents involving elders, or who are
- 75 recommended for inclusion by the review team.

76 (c) A state attorney, or his or her designee, may initiate
77 the establishment of a review team in his or her judicial
78 circuit and may call the first organizational meeting of the
79 team. At the initial meeting, members of the review team shall
80 choose two members to serve as co-chairs and shall establish a
81 schedule for future meetings.

82 (d) Participation in a review team is voluntary. Members
83 of the review team shall serve without compensation and may not
84 be reimbursed for per diem or travel expenses.

85 (e) Members shall serve for terms of 2 years, to be
86 staggered as determined by the co-chairs. Chairs may be
87 reelected by a majority vote of the review team but not for more
88 than two consecutive terms.

89 (f) A review team shall determine the local operations of
90 the team, including, but not limited to, the process for case
91 selection. Reviews must be limited to closed cases in which an
92 elderly person's death is verified by the state attorney to have
93 been caused by abuse or neglect. All identifying information
94 concerning the elderly person must be redacted in documents
95 received for review. The review team shall meet at least once
96 each fiscal year.

97 (g) Administrative costs of operating the review team must
98 be borne by the team members or entities that they represent.

99 (2) An elder abuse fatality review team in existence on
100 July 1, 2019, may continue to exist and shall comply with the
101 requirements created in this section.

102 (3) An elder abuse fatality review team shall do all of
103 the following:

104 (a) Review deaths of elderly persons in its judicial
105 circuit found to have been caused by, or related to, abuse or
106 neglect.

107 (b) Consider the events leading up to a fatal incident,
108 available community resources, current law and policies, and the
109 actions taken by systems or individuals related to the fatal
110 incident.

111 (c) Identify potential gaps, deficiencies, or problems in
112 the delivery of services to elderly persons by public and
113 private agencies which may be related to deaths reviewed by the
114 review team.

115 (d) Whenever possible, develop communitywide approaches to
116 address causes of, and contributing factors to, deaths reviewed
117 by the review team.

118 (e) Develop recommendations and potential changes in law,
119 rules, and policies to support the care of elderly persons and
120 to prevent elder abuse deaths.

121 (4) (a) Review teams in this state may share with each
122 other any relevant information that pertains to the review of
123 the death of an elderly person.

124 (b) A review team member may not contact, interview, or
125 obtain information by request directly from a member of the
126 deceased elder's family as part of the review unless a team
127 member is authorized to do so in the course of his or her
128 employment duties. A member of the deceased elder's family or
129 any person may voluntarily provide information or records to a
130 review team, but must be informed that such information or
131 records are subject to public disclosure unless a public records
132 exemption applies.

133 (5)(a) Annually by September 1, each elder abuse fatality
134 review team shall submit a summary report to the Department of
135 Elderly Affairs which includes, but is not limited to:

136 1. Descriptive statistics regarding cases reviewed by the
137 review team, including demographic information on victims and
138 the causes and nature of deaths;

139 2. Current policies, procedures, rules, or statutes that
140 the review team identified as contributing to the incidence of
141 elder abuse and elder deaths, and recommendations for system
142 improvements and needed resources, training, or information
143 dissemination to address those identified issues; and

144 3. Any other recommendations to prevent deaths from elder
145 abuse or neglect, based on an analysis of the data and
146 information presented in the report.

147 (b) Annually by November 1, the Department of Elderly
148 Affairs shall prepare a summary report of the review team

149 information required under paragraph (a). The department shall
150 provide the summary report to the Governor, the President of the
151 Senate, the Speaker of the House of Representatives, and the
152 Department of Children and Families.

153 (6) There is no monetary liability on the part of, and a
154 cause of action for damages may not arise against, any member of
155 an elder abuse fatality review team due to the performance of
156 his or her duties as a review team member in regard to any
157 discussions by, or deliberations or recommendations of, the team
158 or the member, unless such member acted in bad faith, with
159 wanton and willful disregard of human rights, safety, or
160 property.

161 Section 2. This act shall take effect July 1, 2019.