

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. 415.1103, F.S.; authorizing the  
4       establishment of elder abuse fatality review teams in  
5       each judicial circuit, to be housed, for  
6       administrative purposes only, in the Department of  
7       Elderly Affairs; providing conditions for review team  
8       membership, establishment, and organization;  
9       specifying requirements for a review team's operations  
10      and meeting schedules; requiring that the  
11      administrative costs of operating a review team be  
12      paid by team members or the entities they represent;  
13      authorizing elder abuse fatality review teams in  
14      existence on a certain date to continue to exist;  
15      requiring such existing teams to comply with specified  
16      requirements; specifying review team duties; requiring  
17      each review team to annually submit to the department  
18      by a certain date a summary report containing  
19      specified information; requiring the department to  
20      annually prepare a summary report based on the review  
21      teams' information and submit such report to the  
22      Governor, the Legislature, and the Department of  
23      Children and Families; providing immunity from  
24      monetary liability for review team members under  
25      certain conditions; providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

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29       Section 1. Section 415.1103, Florida Statutes, is created

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30 to read:

31 415.1103 Elder abuse fatality review teams.-

32 (1) (a) An elder abuse fatality review team may be  
33 established in each judicial circuit to review deaths of elderly  
34 persons found to have been caused by, or related to, abuse or  
35 neglect. The review teams shall be housed, for administrative  
36 purposes only, in the Department of Elderly Affairs.

37 (b) An elder abuse fatality review team may include, but is  
38 not limited to, representatives from any of the following  
39 entities in the review team's judicial circuit:

40 1. Law enforcement agencies.

41 2. The state attorney.

42 3. The medical examiner.

43 4. A county court judge.

44 5. Adult protective services.

45 6. The area agency on aging.

46 7. The State Long-Term Care Ombudsman Program.

47 8. The Agency for Health Care Administration.

48 9. The Office of the Attorney General.

49 10. The Office of the State Courts Administrator.

50 11. The clerk of the court.

51 12. A victim services program.

52 13. An elder law attorney.

53 14. Emergency services personnel.

54 15. A certified domestic violence center.

55 16. An advocacy organization for victims of sexual  
56 violence.

57 17. A funeral home director.

58 18. A forensic pathologist.

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59       19. A geriatrician.

60       20. A geriatric nurse.

61       21. A geriatric psychiatrist or other individual licensed  
62 to offer behavioral health services.

63       22. A hospital discharge planner.

64       23. A public guardian.

65       24. Any other persons who have knowledge regarding fatal  
66 incidents of elder abuse, domestic violence, or sexual violence,  
67 including knowledge of research, policy, law, and other matters  
68 connected with such incidents involving elders, or who are  
69 recommended for inclusion by the review team.

70       (c) A state attorney, or his or her designee, may initiate  
71 the establishment of a review team in his or her judicial  
72 circuit and may call the first organizational meeting of the  
73 team. At the initial meeting, members of a review team shall  
74 choose two members to serve as co-chairs and shall establish a  
75 schedule for future meetings.

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

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

83       (f) Each review team shall determine its local operations,  
84 including, but not limited to, the process for case selection.  
85 Reviews must be limited to closed cases in which an elderly  
86 person's death is found to have been caused by, or related to,  
87 abuse or neglect. All identifying information concerning the

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88 person must be redacted in documents received for review. Each  
89 review team shall meet at least once each fiscal year.

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

92 (2) An elder abuse fatality review team in existence on  
93 July 1, 2019, may continue to exist and must comply with the  
94 requirements of this section.

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

97 (a) Review deaths of elderly persons in its judicial  
98 circuit which are found to have been caused by, or related to,  
99 abuse or neglect.

100 (b) Take into consideration the events leading up to a  
101 fatal incident, available community resources, current law and  
102 policies, and the actions taken by systems or individuals  
103 related to the fatal incident.

104 (c) Identify potential gaps, deficiencies, or problems in  
105 the delivery of services to elderly persons by public and  
106 private agencies which may be related to deaths reviewed by the  
107 team.

108 (d) Whenever possible, develop communitywide approaches to  
109 address the causes of, and contributing factors to, deaths  
110 reviewed by the team.

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

114 (4) (a) A review team may share with other review teams in  
115 this state any relevant information that pertains to the review  
116 of the death of an elderly person.

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117 (b) A review team member may not contact, interview, or  
118 obtain information by request directly from a member of the  
119 deceased elder's family as part of the review unless a team  
120 member is authorized to do so in the course of his or her  
121 employment duties. A member of the deceased elder's family may  
122 voluntarily provide information or any record to a review team  
123 but must be informed that such information or any record is  
124 subject to public disclosure unless a public records exemption  
125 applies.

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

129 1. Descriptive statistics regarding cases reviewed by the  
130 team, including demographic information on victims and the  
131 causes and nature of their deaths;

132 2. Current policies, procedures, rules, or statutes the  
133 review team has identified as contributing to the incidence of  
134 elder abuse and elder deaths, and recommendations for system  
135 improvements and needed resources, training, or information  
136 dissemination to address such identified issues; and

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

140 (b) Annually by November 1, the Department of Elderly  
141 Affairs shall prepare a summary report of the review team  
142 information submitted under paragraph (a). The department shall  
143 submit its summary report to the Governor, the President of the  
144 Senate, the Speaker of the House of Representatives, and the  
145 Department of Children and Families.

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146       (6) There is no monetary liability on the part of, and a  
147 cause of action for damages may not arise against, any member of  
148 an elder abuse fatality review team due to the performance of  
149 his or her duties as a review team member in regard to any  
150 discussions by, or deliberations or recommendations of, the team  
151 or the member unless such member acted in bad faith, with wanton  
152 and willful disregard of human rights, safety, or property.

153       Section 2. This act shall take effect July 1, 2020.