

1 A bill to be entitled
2 An act relating to elder and vulnerable adult abuse
3 fatality review teams; amending s. 415.1103, F.S.;
4 authorizing the establishment of elder and vulnerable
5 adult abuse fatality review teams for certain
6 purposes; authorizing certain persons and entities to
7 initiate a review team; requiring the initiating
8 entity to determine the geographic area to be served
9 by the review team; providing a requirement for such
10 geographic area; revising the definition of the term
11 "elder and vulnerable adult"; revising review team
12 membership; authorizing continuance for review teams
13 in existence on a certain date; requiring the entity
14 that initiated the review team to call its first
15 meeting; specifying certain members to be co-chairs of
16 the review team; authorizing a review team to
17 determine the number and types of incidents to review;
18 removing provisions relating to state attorney
19 requirements; requiring members of a review team to
20 sign a written acknowledgment of public records
21 requirements; requiring such acknowledgment to
22 reference applicable criminal penalties for certain
23 disclosures; requiring the initiating entity to
24 provide the acknowledgment form and certain training;
25 revising review team requirements to conform to

26 | changes made by the act; modifying the prohibition
 27 | from contacting, interviewing, or obtaining
 28 | information from the family of a victim; expanding
 29 | immunity from monetary liability to certain persons;
 30 | providing construction; providing that communications,
 31 | information, and records produced or acquired by a
 32 | review team are not subject to discovery or
 33 | introduction into evidence in certain proceedings
 34 | under certain circumstances; providing that a person
 35 | who attends a meeting or other authorized activity of
 36 | a review team may not testify in certain proceedings
 37 | as to certain records or information; providing
 38 | exceptions; providing an effective date.

39 |
 40 | Be It Enacted by the Legislature of the State of Florida:

41 |
 42 | Section 1. Section 415.1103, Florida Statutes, is amended
 43 | to read:

44 | 415.1103 Elder and vulnerable adult abuse fatality review
 45 | teams.—

46 | (1) (a) ~~A state attorney, or his or her designee, may~~
 47 | ~~initiate~~ An elder and vulnerable adult abuse fatality review
 48 | team may be established in his or her judicial circuit to review
 49 | incidents of deaths of elderly persons caused by, or related to,
 50 | abuse, exploitation, or neglect which are believed to have

51 caused or contributed to the death of an elderly person or
 52 vulnerable adult.

53 (b) An elder and vulnerable adult abuse fatality review
 54 team may be initiated by any of the following:

- 55 1. A state attorney.
- 56 2. A law enforcement agency.
- 57 3. The Department of Children and Families.
- 58 4. The Office of the Attorney General.
- 59 5. The Agency for Persons with Disabilities.

60 (c) The initiating entity shall determine the geographic
 61 area that the review team will serve. The geographic area served
 62 by the review team must be within the jurisdiction or service
 63 area of the initiating entity.

64 (d) The purpose of a review team is to learn how to
 65 prevent elder and vulnerable adult abuse and abuse-related
 66 deaths by intervening early and improving the system response to
 67 elder and vulnerable adult abuse, exploitation, and neglect.

68 (2) For purposes of this section and s. 415.1104, the term
 69 "elder and vulnerable adult" refers to a person who meets the
 70 criteria for any of the following terms:

- 71 (a) Vulnerable adult as defined in s. 415.102.
- 72 (b) Disabled adult as defined in s. 825.101.
- 73 (c) Elderly person as defined in s. 825.101.

74 (3) ~~A An elder abuse fatality review team may include, but~~
 75 ~~is not limited to,~~ representatives from ~~any of the~~ entities

76 | listed under paragraph (1)(b) and any of the following persons
 77 | or entities ~~or persons located in the review team's judicial~~
 78 | ~~circuit:~~

- 79 | ~~1. Law enforcement agencies.~~
- 80 | ~~2. The state attorney.~~
- 81 | 1.3. The medical examiner.
- 82 | 2.4. A county court judge.
- 83 | ~~5. Adult protective services.~~
- 84 | ~~3.6.~~ The area agency on aging.
- 85 | 4.7. The State Long-Term Care Ombudsman Program.
- 86 | 5.8. The Agency for Health Care Administration.
- 87 | ~~9. The Office of the Attorney General.~~
- 88 | ~~6.10.~~ The Office of the State Courts Administrator.
- 89 | ~~7.11.~~ The clerk of the court.
- 90 | ~~8.12.~~ A victim services program.
- 91 | ~~9.13.~~ An elder law or disability rights attorney.
- 92 | ~~10.14.~~ Emergency services personnel.
- 93 | ~~11.15.~~ A certified domestic violence center.
- 94 | ~~12.16.~~ An advocacy organization for victims of sexual
 95 | violence.
- 96 | 13.17. A funeral home director.
- 97 | ~~14.18.~~ A forensic pathologist.
- 98 | ~~15.19.~~ A geriatrician.
- 99 | ~~16.20.~~ A geriatric nurse.
- 100 | 17.21. A geriatric psychiatrist or other individual

101 licensed to offer behavioral health services.

102 ~~18.22.~~ A hospital discharge planner.

103 ~~19.23.~~ A public guardian.

104 ~~20.24.~~ Any other persons who are identified and invited by

105 the review team and who have knowledge regarding fatal incidents

106 of elder abuse, vulnerable adult abuse, domestic violence, ~~or~~

107 sexual violence, or suicide, including knowledge of research,

108 policy, law, and other matters connected with such incidents

109 involving elders and vulnerable adults, ~~or who are recommended~~

110 ~~for inclusion by the review team.~~

111 ~~(4)(a)-(e)~~ Participation in a review team is voluntary.

112 Members of a review team shall serve without compensation and

113 may not be reimbursed for per diem or travel expenses. A review

114 team in existence on July 1, 2023, may continue to exist and

115 must comply with the requirements of this section ~~Members shall~~

116 ~~serve for terms of 2 years, to be staggered as determined by the~~

117 ~~co-chairs.~~

118 ~~(b)1.(d)~~ The entity initiating the review team shall state

119 ~~attorney may~~ call the first organizational meeting of the team.

120 2. A representative of the entity initiating the review

121 team, who is chosen by that entity, shall serve as a co-chair of

122 the review team. At the initial meeting, members of a review

123 team shall elect a member ~~choose two members~~ to serve as an

124 additional co-chair. The co-chair elected by the review team

125 shall serve a 2-year term and ~~co-chairs.~~ ~~Chairs~~ may be reelected

126 by a majority vote of a review team for not more than two
 127 consecutive terms.

128 3. At the initial meeting, members of a review team shall
 129 establish a schedule for future meetings. Each review team shall
 130 meet at least once each fiscal year.

131 ~~(c)(e)~~ Except as provided in subsection (1) and paragraph
 132 (4)(b), each review team shall determine its structure, local
 133 operations, and including, but not limited to, the process for
 134 case selection, including, but not limited to, the number and
 135 type of incidents it chooses to review. The state attorney shall
 136 refer cases to be reviewed by each team. Reviews must be limited
 137 to closed cases in which an elderly person's death was caused
 138 by, or related to, abuse or neglect. All identifying information
 139 concerning the elderly person must be redacted by the state
 140 attorney in documents received for review. As used in this
 141 paragraph, the term "closed case" means a case that does not
 142 involve information considered active as defined in s.
 143 119.011(3)(d).

144 ~~(d)(f)~~ Administrative costs of operating the review team
 145 must be borne by the team members or entities they represent.

146 (e)1. Each member of a review team shall sign a written
 147 acknowledgement that the member is obligated to comply with the
 148 applicable provisions of chapter 119 and s. 24(a), Art. I of the
 149 State Constitution and may not knowingly disclose or reveal
 150 information or records produced, acquired, or discussed by the

151 review team which are confidential and exempt from s. 119.07(1)
 152 and s. 24(a), Art. I of the State Constitution. The written
 153 acknowledgment must reference applicable criminal penalties for
 154 such disclosures and clearly identify the records for which such
 155 penalties apply.

156 2. The entity initiating the review team shall provide the
 157 acknowledgment form to be signed by each review team member and
 158 shall provide training to review team members on the
 159 requirements regarding records that are exempt or confidential
 160 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 161 Constitution.

162 ~~(2) An elder abuse fatality review team in existence on~~
 163 ~~July 1, 2020, may continue to exist and must comply with the~~
 164 ~~requirements of this section.~~

165 ~~(5)-(3)~~ A ~~An elder abuse fatality review team~~ must ~~shall~~ do
 166 all of the following:

167 (a) Review incidents ~~deaths~~ of abuse, exploitation, or
 168 neglect of elders and vulnerable adults in the review team's
 169 geographic service area ~~elderly persons in its judicial circuit~~
 170 which are believed ~~found~~ to have ~~been~~ caused or contributed to
 171 the death of such person ~~by, or related to, abuse or neglect.~~

172 (b) Take into consideration the events leading up to a
 173 fatal incident, available community resources, current law and
 174 policies, and the actions taken by systems or individuals
 175 related to the fatal incident, and any information considered

176 relevant by the team, including, but not limited to, a review of
 177 public records and records for which a public records exemption
 178 is granted.

179 (c) Identify potential gaps, deficiencies, or problems in
 180 the delivery of services to elders and vulnerable adults ~~elderly~~
 181 ~~persons~~ by public and private agencies which may be related to
 182 incidents ~~deaths~~ reviewed by the team.

183 (d) Whenever possible, develop communitywide approaches to
 184 address the causes of, and contributing factors to, incidents
 185 ~~deaths~~ reviewed by the team.

186 (e) Develop recommendations and potential changes in law,
 187 rules, and policies to support the care of elders and vulnerable
 188 adults ~~elderly persons~~ and to prevent abuse of such persons
 189 ~~elder abuse deaths~~.

190 ~~(6)(a)-(4)(a)~~ A review team may share with other review
 191 teams in this state any relevant information that pertains to
 192 incidents identified or reviewed by the team ~~the review of the~~
 193 ~~death of an elderly person.~~

194 (b)1. A review team member may not contact, interview, or
 195 obtain information by request directly from a family member of a
 196 person whose case is subject to review by the review team as
 197 part of the review unless:

198 a. ~~the deceased elder's family as part of the review~~
 199 ~~unless~~ A team member is authorized to do so in the course of his
 200 or her employment duties; or

201 b. Such contact, interview, or request is necessary for
 202 the review team to complete its review and determine findings
 203 and such information is not obtainable through any other means.

204 2. A family member of a person whose case is subject to
 205 review by the review team ~~the deceased elder's family~~ may
 206 voluntarily provide information or any record to a review team
 207 but must be informed that such information or any record is
 208 subject to public disclosure unless a public records exemption
 209 applies.

210 ~~(7)(a)-(5)(a)~~ Annually by September 1, each ~~elder abuse~~
 211 ~~fatality~~ review team shall submit a summary report to the
 212 Department of Elderly Affairs which includes, but is not limited
 213 to:

214 1. Descriptive statistics regarding cases reviewed by the
 215 team, including, at a minimum, demographic information on
 216 victims, ~~and~~ the causes and nature of their deaths, and the
 217 incidents of abuse, exploitation, or neglect associated with
 218 their deaths.

219 2. Current policies, procedures, rules, or statutes the
 220 review team has identified as contributing to the incidence of
 221 elder and vulnerable adult abuse and abuse-related ~~elder~~ deaths,
 222 and recommendations for system improvements and needed
 223 resources, training, or information dissemination to address
 224 such identified issues. ~~;~~ and

225 3. Any other recommendations to prevent fatal incidents of

226 ~~deaths from elder~~ abuse, exploitation, or neglect of elders and
 227 vulnerable adults, based on an analysis of the data and
 228 information presented in the report.

229 (b) Annually by November 1, the Department of Elderly
 230 Affairs shall prepare a summary report of the review team
 231 information submitted under paragraph (a). The department shall
 232 submit its summary report to the Governor, the President of the
 233 Senate, the Speaker of the House of Representatives, and the
 234 Department of Children and Families.

235 (8)(a)-(6) There is no monetary liability on the part of,
 236 and a cause of action for damages may not arise against, any
 237 member of a an elder abuse fatality review team, or any person
 238 acting as a witness to, incident reporter to, or investigator
 239 for a review team, for any act or proceeding taken or performed
 240 within the scope and functions of the team, due to the
 241 ~~performance of his or her duties as a review team member in~~
 242 ~~regard to any discussions by, or deliberations or~~
 243 ~~recommendations of, the team or the member~~ unless such person
 244 ~~member~~ acted in bad faith, with wanton and willful disregard of
 245 human rights, safety, or property.

246 (b) This subsection does not affect the requirements of s.
 247 768.28.

248 (9)(a) Oral or written communications, information, and
 249 records produced or acquired by the review team are not subject
 250 to discovery and may not be introduced into evidence in any

251 civil, criminal, administrative, or disciplinary proceeding if
252 the communications, information, or records arose out of matters
253 that are the subject of evaluation and review by the review
254 team. Information, documents, and records otherwise available
255 from sources other than the review team are not immune from
256 discovery or introduction into evidence solely because the
257 information, documents, or records were presented to or reviewed
258 by a review team.

259 (b) A person who attends a meeting or other authorized
260 activity of a review team may not testify in any civil,
261 criminal, administrative, or disciplinary proceedings as to any
262 communications, records, or information produced or presented to
263 the review team during its meetings or other activities
264 authorized by this section.

265 (c) This subsection does not prohibit:

266 1. A person who testifies before a review team or is a
267 member of a review team from testifying in a civil, criminal,
268 administrative, or disciplinary proceeding to matters otherwise
269 within his or her knowledge; or

270 2. A member of a review team from testifying in a policy-
271 related hearing or matter, as long as the member of the review
272 team does not disclose communications, records, or information
273 that would identify the victim or victim's family or any other
274 confidential or exempt records or information pertaining to a
275 matter reviewed by the review team.

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276 | Section 2. This act shall take effect July 1, 2023. |