

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
 23 to read:

24 825.107 Elder abuse fatality review teams.—

25 (1) As used in this section, the term "elder abuse

26 | fatality review team" means an organization that may include,
 27 | but is not limited to, the following persons or employees,
 28 | members, or representatives of the following agencies, programs,
 29 | industries, or organizations:

- 30 | (a) Law enforcement agencies.
- 31 | (b) The office of the state attorney.
- 32 | (c) A medical examiner.
- 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
53 firefighters, paramedics, emergency medical technicians, or
54 other first 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.

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

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

76 and other recommendations as to how incidents of elder abuse may
77 be prevented.

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

87 (b) This subsection does not affect the provisions of s.
88 768.28.

89 (4) All information and records acquired by an elder abuse
90 fatality review team are not subject to discovery or
91 introduction into evidence in any civil or criminal action or
92 administrative or disciplinary proceeding by any department or
93 employing agency if the information or records arose out of
94 matters that are the subject of evaluation and review by the
95 elder abuse fatality review team. However, information,
96 documents, and records otherwise available from other sources
97 are not immune from discovery or introduction into evidence
98 solely because the information, documents, or records were
99 presented to or reviewed by such a team. A person who has
100 attended a meeting of an elder abuse fatality review team may

101 not testify in any civil, criminal, administrative, or
102 disciplinary proceeding as to any records or information
103 produced or presented to the team during meetings or other
104 activities authorized by this section. This subsection does not
105 preclude any person who testifies before a team or who is a
106 member of a team from testifying as to matters otherwise within
107 his or her knowledge.

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

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