

1 A bill to be entitled
2 An act relating to access to the courts for
3 vulnerable elders; providing legislative
4 findings and intent; defining the term "elder";
5 requesting the Judicial Management Council or
6 another court committee to evaluate the
7 accessibility of the courts to elders and make
8 recommendations to improve the responsiveness
9 of the courts; providing an effective date.

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

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13 Section 1. Elder courts.--

14 (1)(a) The Legislature recognizes that:

15 1. There is continuous rapid growth in this state's
16 elderly population;

17 2. There are many persons in this state who suffer
18 from the infirmities of aging; and

19 3. Infirmities of aging may be manifested by physical,
20 mental, or emotional dysfunction to the extent that a person
21 may be impaired in the ability to adequately provide for or
22 secure his or her own care, protection, rights, or access to
23 the courts.

24 (b) The Legislature acknowledges that several groups
25 have assessed the court-related needs of elderly persons.

26 Studies generated by these groups include:

27 1. The January 1, 1994, Action Plan of the Supreme
28 Court of Florida Committee on Court-Related Needs of the
29 Elderly and Persons with Disabilities;

30 2. "A Proposal to Ensure Cook County Seniors Equal
31 Opportunity for Justice," by the Task Force on Seniors in the

1 Courts, of the Ad Hoc Committee on Agency/Court Related Senior
2 Citizens Issues;

3 3. The American Bar Association Recommendations on
4 Court-Related Needs of the Elderly and Persons with
5 Disabilities (1991); and

6 4. The American Bar Association Commission on Legal
7 Problems of the Elderly State Justice Institute, "Recommended
8 Guidelines for State Courts Handling Cases Involving Elder
9 Abuse."

10 (c) The Legislature finds that elder persons should be
11 accorded full access to the justice system and that the
12 judiciary has assumed a leadership role in removing barriers
13 and in ensuring that elderly persons are treated in a
14 dignified manner. The Legislature recommends that the
15 judiciary continue its exemplary role by examining whether any
16 additional measures are needed to enhance judicial
17 responsiveness to the needs of elderly persons.

18 (2) For the purposes of this section, the term "elder"
19 means a person who is 60 years of age or older and who suffers
20 from infirmities of aging, as manifested by physical, mental,
21 or emotional dysfunction to the extent that the ability of the
22 person to adequately provide for or secure his or her own
23 care, protection, rights, or access to the courts is impaired.

24 (3) In accordance with Rule 2.125(a)(1)(B)(iii), Rules
25 of Judicial Administration, the Florida Legislature requests
26 that the Judicial Management Council or other court committee
27 evaluate the manner in which the courts process and handle
28 cases in which an elder is a party.

29 (a) Such review should include consideration of, and,
30 when appropriate, recommendations on: court organization and
31 procedures; court staffing, support services, and other

1 resources; the availability of alternative dispute resolution;
2 additional judicial and court personnel training; and public
3 education needs. The review should identify the
4 implementation requirements for any recommendations, including
5 fiscal impact, and provide any other necessary information.

6 (b) In evaluating the court-related needs of elders
7 and how court organization and procedures affect those needs,
8 the designated court committee and the Office of the State
9 Courts Administrator are encouraged to coordinate with
10 court-related agencies, executive branch agencies, and
11 private-sector organizations that have expertise in elder
12 issues.

13 (c) The designated court committee is requested to
14 submit a report of its findings to the Chief Justice of the
15 Supreme Court, the Governor, the President of the Senate, the
16 Speaker of the House of Representatives, and the Minority
17 Leaders of the Senate and the House of Representatives no
18 later than December 1, 1999.

19 (d) The Office of the State Courts Administrator shall
20 provide staff to the designated court committee in furtherance
21 of this review, along with all necessary data collection,
22 analysis, research, and support services.

23 Section 2. This act shall take effect July 1, 1997.
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