

By Senator Cowin

11-817-98

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

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

Section 1. Elder courts.--

(1)(a) The Legislature recognizes that:

- 1. There is continuous rapid growth in this state's elderly population;
- 2. There are many persons in this state who suffer from the infirmities of aging; and
- 3. Infirmities of aging may be manifested by physical, mental, or emotional dysfunction to the extent that a person may be impaired in the ability to adequately provide for or secure his or her own care, protection, rights, or access to the courts.

(b) The Legislature acknowledges that several groups have assessed the court-related needs of elderly persons. Studies generated by these groups include:

- 1. The January 1, 1994, Action Plan of the Supreme Court of Florida Committee on Court-Related Needs of the Elderly and Persons with Disabilities;
- 2. "A Proposal to Ensure Cook County Seniors Equal 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, 2000.

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, 1998.

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26 LEGISLATIVE SUMMARY

27 Requests the judicial branch to evaluate the manner in  
28 which courts process cases in which certain elderly  
29 persons are parties and to forward a report to the  
30 Legislature.  
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