

By Senator Gibson

6-00430B-18

2018422\_\_

1                   A bill to be entitled  
2       An act relating to elder abuse fatality review teams;  
3       creating s. 415.1103, F.S.; providing legislative  
4       findings; creating elder abuse fatality review teams  
5       in each judicial circuit housed, for administrative  
6       purposes only, in the Department of Elderly Affairs;  
7       providing for membership; specifying the duties of the  
8       review teams; providing immunity from liability for  
9       acts conducted in furtherance of a review team's  
10      duties; prohibiting a review team and its members from  
11      disclosing certain information; exempting certain  
12      information and records acquired by a review team from  
13      discovery or introduction into evidence in specified  
14      actions or proceedings; providing an exception;  
15      prohibiting a person from being required to testify  
16      regarding records or information produced or presented  
17      during meetings or other activities of a review team;  
18      providing an exception; requiring each judicial  
19      circuit to organize by public notice the review team's  
20      initial meeting; providing requirements for the  
21      initial meeting; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25       Section 1. Section 415.1103, Florida Statutes, is created  
26 to read:

27       415.1103 Elder abuse fatality review teams.-

28       (1) The Legislature finds that elder abuse is a serious  
29 issue and that fatality review teams raise awareness in the

6-00430B-18

2018422\_\_

30 community of the serious nature and potential lethality of elder  
31 abuse in this state, support the enactment of protections and  
32 reforms that will help prevent abuse-related deaths in the  
33 future, and help ensure that victims of elder abuse receive  
34 needed services.

35 (2) Effective December 31, 2018, an elder abuse fatality  
36 review team must be established in each judicial circuit to  
37 review the facts and circumstances in cases involving abuse-  
38 related deaths. The teams shall be housed, for administrative  
39 purposes only, in the Department of Elderly Affairs.

40 (3) The elder abuse fatality review teams are composed of  
41 volunteers, each of whom shall serve without compensation for a  
42 term of 2 years. The review team membership may include, but is  
43 not limited to, the following or their representatives:

- 44 (a) Law enforcement agencies.  
45 (b) The state attorney.  
46 (c) The medical examiner.  
47 (d) A county court judge.  
48 (e) Adult protective services.  
49 (f) The Aging and Disability Resource Center.  
50 (g) The State Long-Term Care Ombudsman Program.  
51 (h) The Agency for Health Care Administration.  
52 (i) The Office of the Attorney General.  
53 (j) The office of court administration.  
54 (k) The clerk of the court.  
55 (l) A victim services program.  
56 (m) An elder law attorney.  
57 (n) Emergency services personnel.  
58 (o) A certified domestic violence center.

6-00430B-18

2018422\_\_

- 59       (p) An advocacy organization for victims of sexual  
60 violence.
- 61       (q) A funeral home director.
- 62       (r) A forensic pathologist.
- 63       (s) A geriatrician.
- 64       (t) A geriatric nurse.
- 65       (u) A geriatric psychiatrist or other individual licensed  
66 to offer behavioral health services.
- 67       (v) A hospital discharge planner.
- 68       (w) A public guardian.
- 69       (x) Other persons who have knowledge regarding fatal  
70 incidents of elder abuse, domestic violence, or sexual violence,  
71 including knowledge of research, policy, law, and other matters  
72 connected with such incidents or who are recommended for  
73 inclusion by the review team.
- 74       (4) Each elder abuse fatality review team shall do all of  
75 the following:
- 76       (a) Limit its review to cases that have been closed, to  
77 avoid interference with or influencing the outcome of an ongoing  
78 criminal investigation or prosecution.
- 79       (b) Determine the number of cases it will review in which  
80 an elderly person's death is verified to have been caused by  
81 abuse or neglect.
- 82       (c) After reviewing those cases, make policy and other  
83 recommendations as to how incidents of abuse-related fatalities  
84 may be prevented.
- 85       (d) Submit its recommendations to the Office of the  
86 Governor, the President of the Senate, the Speaker of the House  
87 of Representatives, the Department of Children and Families, and

6-00430B-18

2018422\_\_

88 the Department of Elder Affairs.

89 (5) (a) The elder abuse fatality review teams must be  
90 provided access to any information or records contained in a  
91 closed file that pertains to an elder whose death is subject to  
92 review by a team, including information or records from a law  
93 enforcement agency, which are determined necessary for the team  
94 to carry out its duties.

95 (b) The review teams shall review the events leading up to  
96 a fatal incident, available community resources, the actions  
97 taken by systems and individuals related to the fatal incident,  
98 and any other information deemed relevant by the team.

99 (6) There is no monetary liability on the part of, and a  
100 cause of action for damages may not arise against, any member of  
101 an elder abuse fatality review team in the performance of his or  
102 her duties as a review team member.

103 (7) Elder abuse fatality review teams and their members may  
104 not disclose any information that is not otherwise a public  
105 record.

106 (8) Information and records acquired by an elder abuse  
107 fatality review team are not subject to discovery or  
108 introduction into evidence in any civil or criminal action or  
109 administrative or disciplinary proceeding by any department or  
110 employing agency if the information or records arose out of  
111 matters that are the subject of evaluation and review by the  
112 elder abuse fatality review team. However, information,  
113 documents, and records that are available from other sources are  
114 not immune from discovery or introduction into evidence solely  
115 because the information, documents, or records were presented to  
116 or reviewed by a review team. A person who has attended a

6-00430B-18

2018422\_\_

117 meeting of an elder abuse fatality review team may not be  
118 required to testify in any civil, criminal, administrative, or  
119 disciplinary proceedings as to any records or information  
120 produced or presented to the team during meetings or other  
121 activities authorized by this section. However, review team  
122 members may be required to testify as to matters otherwise  
123 within their personal knowledge.

124 (9) The chief judge or his or her representative from each  
125 judicial circuit shall provide public notice of the initial  
126 meeting of the review team in its circuit. At the initial  
127 meeting, the volunteers shall choose two members who shall serve  
128 as co-chairs of the review team. The co-chairs shall determine  
129 the frequency of the meetings in the circuit and submit the  
130 team's recommendations as provided in paragraph (4) (d).

131 Section 2. This act shall take effect July 1, 2018.