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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2019	.	
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The Committee on Children, Families, and Elder Affairs (Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

415.1103 Elder abuse fatality review teams.-

(1) (a) An elder abuse fatality review team may be
established in each judicial circuit to review deaths of elderly
persons alleged or found to have been caused by, or related to,



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11 abuse or neglect. The review teams are housed, for
12 administrative purposes only, in the Department of Elderly
13 Affairs.

14 (b) An elder abuse fatality review team may include, but is
15 not limited to, representatives from the following entities in
16 the review team's judicial circuit:

- 17 1. Law enforcement agencies;
- 18 2. The state attorney;
- 19 3. The medical examiner;
- 20 4. A county court judge;
- 21 5. Adult protective services;
- 22 6. The area agency on aging;
- 23 7. The State Long-Term Care Ombudsman Program;
- 24 8. The Agency for Health Care Administration;
- 25 9. The Office of the Attorney General;
- 26 10. The Office of the State Courts Administrator;
- 27 11. The clerk of the court;
- 28 12. A victim services program;
- 29 13. An elder law attorney;
- 30 14. Emergency services personnel;
- 31 15. A certified domestic violence center;
- 32 16. An advocacy organization for victims of sexual
33 violence;
- 34 17. A funeral home director;
- 35 18. A forensic pathologist;
- 36 19. A geriatrician;
- 37 20. A geriatric nurse;
- 38 21. A geriatric psychiatrist or other individual licensed
39 to offer behavioral health services;



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40 22. A hospital discharge planner;
41 23. A public guardian; or
42 24. Any other persons who have knowledge regarding fatal
43 incidents of elder abuse, domestic violence, or sexual violence,
44 including knowledge of research, policy, law, and other matters
45 connected with such incidents involving elders, or who are
46 recommended for inclusion by the review team.

47 (c) A state attorney, or his or her designee, may initiate
48 the establishment of a review team in his or her judicial
49 circuit and may call the first organizational meeting of the
50 team. At the initial meeting, members of the review team shall
51 choose two members to serve as co-chairs and shall establish a
52 schedule for future meetings.

53 (d) Participation in a review team is voluntary. Members of
54 the review team shall serve without compensation and may not be
55 reimbursed for per diem or travel expenses.

56 (e) Members shall serve for terms of 2 years, to be
57 staggered as determined by the co-chairs. Chairs may be
58 reelected by a majority vote of the review team but not for more
59 than two consecutive terms.

60 (f) A review team shall determine the local operations of
61 the team, including, but not limited to, the process for case
62 selection. Reviews must be limited to closed cases in which an
63 elderly person's death is verified by the state attorney to have
64 been caused by abuse or neglect. All identifying information
65 concerning the person must be redacted in documents received for
66 review. The review team shall meet at least once each fiscal
67 year.

68 (g) Administrative costs of operating the review team must



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69 be borne by the team members or entities that they represent.

70 (2) An elder abuse fatality review team in existence on
71 July 1, 2019, may continue to exist and shall comply with the
72 requirements created in this section.

73 (3) An elder abuse fatality review team shall do all of the
74 following:

75 (a) Review deaths of elderly persons in its judicial
76 circuit alleged or found to have been caused by, or related to,
77 abuse or neglect.

78 (b) Consider the events leading up to a fatal incident,
79 available community resources, current law and policies, and the
80 actions taken by systems or individuals related to the fatal
81 incident.

82 (c) Identify potential gaps, deficiencies, or problems in
83 the delivery of services to elderly persons by public and
84 private agencies which may be related to deaths reviewed by the
85 review team.

86 (d) Whenever possible, develop communitywide approaches to
87 address causes of, and contributing factors to, deaths reviewed
88 by the review team.

89 (e) Develop recommendations and potential changes in law,
90 rules, and policies to support the care of elderly persons and
91 to prevent elder abuse deaths.

92 (4) (a) Review teams in this state may share with each other
93 any relevant information that pertains to the review of the
94 death of an elderly person.

95 (b) A review team member may not contact, interview, or
96 obtain information by request directly from a member of the
97 deceased elder's family as part of the review unless a team



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98 member is authorized to do so in the course of his or her
99 employment duties. A member of the deceased elder's family may
100 voluntarily provide information or records to a review team.

101 (5) (a) Annually by September 1, each elder abuse fatality
102 review team shall submit a summary report to the Department of
103 Elderly Affairs which includes, but is not limited to:

104 1. Descriptive statistics regarding cases reviewed by the
105 review team, including demographic information on victims and
106 the causes and nature of deaths;

107 2. Current policies, procedures, rules, or statutes that
108 the review team identified as contributing to the incidence of
109 elder abuse and elder deaths, and recommendations for system
110 improvements and needed resources, training, or information
111 dissemination to address those identified issues;

112 3. Any other recommendations to prevent deaths from elder
113 abuse or neglect, based on an analysis of the data and
114 information presented in the report; and

115 (b) Annually by November 1, the Department of Elderly
116 Affairs shall prepare a summary report of the review team
117 information required under paragraph (a). The department shall
118 provide the summary report to the Governor, the President of the
119 Senate, the Speaker of the House of Representatives, and the
120 Department of Children and Families.

121 (6) Information and records acquired by an elder abuse
122 fatality review team are not subject to discovery or
123 introduction into evidence in any civil or criminal action or
124 administrative or disciplinary proceeding by any state or local
125 government department or agency if the information or records
126 arose out of the matters that are the subject of review by a



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127 review team, unless the information and records are not
128 discoverable from any other source. Information and records that
129 are available from other sources are not immune from discovery
130 or introduction into evidence solely because the information,
131 documents, or records were presented to or reviewed by a review
132 team.

133 (7) A person who has attended a meeting of an elder abuse
134 fatality review team or who has otherwise participated in the
135 activities authorized by this section may not be allowed or
136 required to testify in any civil, criminal, administrative, or
137 disciplinary proceeding as to any information or records
138 produced or presented to the review team during a meeting or
139 other activity authorized by this section, unless such testimony
140 is necessary to determine the information or records that were
141 available to the review team. However, this paragraph does not
142 prevent any person who testifies before the team or who is a
143 member of the team from testifying as to matters otherwise
144 within his or her knowledge.

145 (8) There is no monetary liability on the part of, and a
146 cause of action for damages may not arise against, any member of
147 an elder abuse fatality review team due to the performance of
148 his or her duties as a review team member in regard to any
149 discussions by, or deliberations or recommendations of, the team
150 or the member, unless such member acted in bad faith, with
151 wanton and willful disregard of human rights, safety, or
152 property.

153 (9) Elder abuse fatality review teams and their members may
154 not disclose any information that is confidential pursuant to
155 law.



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156 Section 2. This act shall take effect July 1, 2019.

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158 ===== T I T L E A M E N D M E N T =====

159 And the title is amended as follows:

160 Delete everything before the enacting clause
161 and insert:

162 A bill to be entitled
163 An act relating to elder abuse fatality review teams;
164 creating s. 415.1103, F.S.; authorizing the
165 establishment of elder abuse fatality review teams in
166 each judicial circuit and housing the review teams,
167 for administrative purposes only, in the Department of
168 Elderly Affairs; providing conditions for review team
169 membership, establishment, and organization;
170 specifying requirements for the review team operations
171 and meeting schedules; assigning responsibility for
172 paying the administrative costs of review team
173 operations to the team members or the entities they
174 represent; authorizing elder abuse fatality review
175 teams in existence on a certain date to continue;
176 requiring such existing teams to comply with specified
177 requirements; specifying review team duties; requiring
178 each review team to submit annually a summary report
179 by a certain date to the Department of Elderly Affairs
180 containing specified information; requiring the
181 department to prepare annually a summary report on the
182 review teams' information and submit the summary to
183 the Governor, the Legislature, and the Department of
184 Children and Families; exempting certain information



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185 and records from discovery; providing an exception;
186 restricting the testimony of certain persons about
187 information or records presented during meetings or
188 activities of the review teams; providing immunity
189 from monetary liability for review team members under
190 certain conditions; prohibiting review teams and
191 review team members from disclosing confidential
192 information; providing an effective date.