

**By** the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Gibson

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1                                   A bill to be entitled  
2       An act relating to elder abuse fatality review teams;  
3       creating s. 415.1103, F.S.; authorizing the  
4       establishment of elder abuse fatality review teams in  
5       each judicial circuit and housing the review teams,  
6       for administrative purposes only, in the Department of  
7       Elderly Affairs; providing conditions for review team  
8       membership, establishment, and organization;  
9       specifying requirements for the review team operations  
10      and meeting schedules; assigning responsibility for  
11      paying the administrative costs of review team  
12      operations to the team members or the entities they  
13      represent; authorizing elder abuse fatality review  
14      teams in existence on a certain date to continue;  
15      requiring such existing teams to comply with specified  
16      requirements; specifying review team duties; requiring  
17      each review team to submit annually a summary report  
18      by a certain date to the Department of Elderly Affairs  
19      containing specified information; requiring the  
20      department to prepare annually a summary report on the  
21      review teams' information and submit the summary to  
22      the Governor, the Legislature, and the Department of  
23      Children and Families; exempting certain information  
24      and records from discovery; providing an exception;  
25      restricting the testimony of certain persons about  
26      information or records presented during meetings or  
27      activities of the review teams; providing immunity  
28      from monetary liability for review team members under  
29      certain conditions; prohibiting review teams and

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30 review team members from disclosing confidential  
31 information; providing an effective date.

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. Section 415.1103, Florida Statutes, is created  
36 to read:

37 415.1103 Elder abuse fatality review teams.-

38 (1) (a) An elder abuse fatality review team may be  
39 established in each judicial circuit to review deaths of elderly  
40 persons alleged or found to have been caused by, or related to,  
41 abuse or neglect. The review teams are housed, for  
42 administrative purposes only, in the Department of Elderly  
43 Affairs.

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

- 47 1. Law enforcement agencies;
- 48 2. The state attorney;
- 49 3. The medical examiner;
- 50 4. A county court judge;
- 51 5. Adult protective services;
- 52 6. The area agency on aging;
- 53 7. The State Long-Term Care Ombudsman Program;
- 54 8. The Agency for Health Care Administration;
- 55 9. The Office of the Attorney General;
- 56 10. The Office of the State Courts Administrator;
- 57 11. The clerk of the court;
- 58 12. A victim services program;

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59 13. An elder law attorney;

60 14. Emergency services personnel;

61 15. A certified domestic violence center;

62 16. An advocacy organization for victims of sexual  
63 violence;

64 17. A funeral home director;

65 18. A forensic pathologist;

66 19. A geriatrician;

67 20. A geriatric nurse;

68 21. A geriatric psychiatrist or other individual licensed  
69 to offer behavioral health services;

70 22. A hospital discharge planner;

71 23. A public guardian; or

72 24. Any other persons who have knowledge regarding fatal  
73 incidents of elder abuse, domestic violence, or sexual violence,  
74 including knowledge of research, policy, law, and other matters  
75 connected with such incidents involving elders, or who are  
76 recommended for inclusion by the review team.

77 (c) A state attorney, or his or her designee, may initiate  
78 the establishment of a review team in his or her judicial  
79 circuit and may call the first organizational meeting of the  
80 team. At the initial meeting, members of the review team shall  
81 choose two members to serve as co-chairs and shall establish a  
82 schedule for future meetings.

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

86 (e) Members shall serve for terms of 2 years, to be  
87 staggered as determined by the co-chairs. Chairs may be

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88 reelected by a majority vote of the review team but not for more  
89 than two consecutive terms.

90 (f) A review team shall determine the local operations of  
91 the team, including, but not limited to, the process for case  
92 selection. Reviews must be limited to closed cases in which an  
93 elderly person's death is verified by the state attorney to have  
94 been caused by abuse or neglect. All identifying information  
95 concerning the person must be redacted in documents received for  
96 review. The review team shall meet at least once each fiscal  
97 year.

98 (g) Administrative costs of operating the review team must  
99 be borne by the team members or entities that they represent.

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

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

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

108 (b) Consider the events leading up to a fatal incident,  
109 available community resources, current law and policies, and the  
110 actions taken by systems or individuals related to the fatal  
111 incident.

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

116 (d) Whenever possible, develop communitywide approaches to

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117 address causes of, and contributing factors to, deaths reviewed  
118 by the review team.

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

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

125 (b) A review team member may not contact, interview, or  
126 obtain information by request directly from a member of the  
127 deceased elder's family as part of the review unless a team  
128 member is authorized to do so in the course of his or her  
129 employment duties. A member of the deceased elder's family may  
130 voluntarily provide information or records to a review team.

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

134 1. Descriptive statistics regarding cases reviewed by the  
135 review team, including demographic information on victims and  
136 the causes and nature of deaths;

137 2. Current policies, procedures, rules, or statutes that the  
138 review team identified as contributing to the incidence of elder  
139 abuse and elder deaths, and recommendations for system  
140 improvements and needed resources, training, or information  
141 dissemination to address those identified issues; and

142 3. Any other recommendations to prevent deaths from elder  
143 abuse or neglect, based on an analysis of the data and  
144 information presented in the report.

145 (b) Annually by November 1, the Department of Elderly

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146 Affairs shall prepare a summary report of the review team  
147 information required under paragraph (a). The department shall  
148 provide the summary report to the Governor, the President of the  
149 Senate, the Speaker of the House of Representatives, and the  
150 Department of Children and Families.

151 (6) Information and records acquired by an elder abuse  
152 fatality review team are not subject to discovery or  
153 introduction into evidence in any civil or criminal action or  
154 administrative or disciplinary proceeding by any state or local  
155 government department or agency if the information or records  
156 arose out of the matters that are the subject of review by a  
157 review team, unless the information and records are not  
158 discoverable from any other source. Information and records that  
159 are available from other sources are not immune from discovery  
160 or introduction into evidence solely because the information,  
161 documents, or records were presented to or reviewed by a review  
162 team.

163 (7) A person who has attended a meeting of an elder abuse  
164 fatality review team or who has otherwise participated in the  
165 activities authorized by this section may not be allowed or  
166 required to testify in any civil, criminal, administrative, or  
167 disciplinary proceeding as to any information or records  
168 produced or presented to the review team during a meeting or  
169 other activity authorized by this section, unless such testimony  
170 is necessary to determine the information or records that were  
171 available to the review team. However, this paragraph does not  
172 prevent any person who testifies before the team or who is a  
173 member of the team from testifying as to matters otherwise  
174 within his or her knowledge.

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175       (8) There is no monetary liability on the part of, and a  
176 cause of action for damages may not arise against, any member of  
177 an elder abuse fatality review team due to the performance of  
178 his or her duties as a review team member in regard to any  
179 discussions by, or deliberations or recommendations of, the team  
180 or the member, unless such member acted in bad faith, with  
181 wanton and willful disregard of human rights, safety, or  
182 property.

183       (9) Elder abuse fatality review teams and their members may  
184 not disclose any information that is confidential pursuant to  
185 law.

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