

By the Committees on Governmental Oversight and Accountability; Judiciary; and Children, Families, and Elder Affairs; and Senator Gibson

585-03510-19

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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; providing immunity from
24 monetary liability for review team members under
25 certain conditions; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 415.1103, Florida Statutes, is created

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30 to read:

31 415.1103 Elder abuse fatality review teams.-

32 (1) (a) An elder abuse fatality review team may be
33 established in each judicial circuit to review deaths of elderly
34 persons found to have been caused by, or related to, abuse or
35 neglect. The review teams are housed, for administrative
36 purposes only, in the Department of Elderly Affairs.

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

40 1. Law enforcement agencies;

41 2. The state attorney;

42 3. The medical examiner;

43 4. A county court judge;

44 5. Adult protective services;

45 6. The area agency on aging;

46 7. The State Long-Term Care Ombudsman Program;

47 8. The Agency for Health Care Administration;

48 9. The Office of the Attorney General;

49 10. The Office of the State Courts Administrator;

50 11. The clerk of the court;

51 12. A victim services program;

52 13. An elder law attorney;

53 14. Emergency services personnel;

54 15. A certified domestic violence center;

55 16. An advocacy organization for victims of sexual
56 violence;

57 17. A funeral home director;

58 18. A forensic pathologist;

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59 19. A geriatrician;

60 20. A geriatric nurse;

61 21. A geriatric psychiatrist or other individual licensed
62 to offer behavioral health services;

63 22. A hospital discharge planner;

64 23. A public guardian; or

65 24. Any other persons who have knowledge regarding fatal
66 incidents of elder abuse, domestic violence, or sexual violence,
67 including knowledge of research, policy, law, and other matters
68 connected with such incidents involving elders, or who are
69 recommended for inclusion by the review team.

70 (c) A state attorney, or his or her designee, may initiate
71 the establishment of a review team in his or her judicial
72 circuit and may call the first organizational meeting of the
73 team. At the initial meeting, members of the review team shall
74 choose two members to serve as co-chairs and shall establish a
75 schedule for future meetings.

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

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

83 (f) A review team shall determine the local operations of
84 the team, including, but not limited to, the process for case
85 selection. Reviews must be limited to closed cases in which an
86 elderly person's death is found to have been caused by, or
87 related to, abuse or neglect. All identifying information

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88 concerning the person must be redacted in documents received for
89 review. The review team shall meet at least once each fiscal
90 year.

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

93 (2) An elder abuse fatality review team in existence on
94 July 1, 2019, may continue to exist and shall comply with the
95 requirements of this section.

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

98 (a) Review deaths of elderly persons in its judicial
99 circuit found to have been caused by, or related to, abuse or
100 neglect.

101 (b) Consider the events leading up to a fatal incident,
102 available community resources, current law and policies, and the
103 actions taken by systems or individuals related to the fatal
104 incident.

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

109 (d) Whenever possible, develop communitywide approaches to
110 address causes of, and contributing factors to, deaths reviewed
111 by the review team.

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

115 (4) (a) Review teams in this state may share with each other
116 any relevant information that pertains to the review of the

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117 death of an elderly person.

118 (b) A review team member may not contact, interview, or
119 obtain information by request directly from a member of the
120 deceased elder's family as part of the review unless a team
121 member is authorized to do so in the course of his or her
122 employment duties. A member of the deceased elder's family may
123 voluntarily provide information or records to a review team but
124 must be informed that such information or records are subject to
125 public disclosure unless a public records exemption applies.

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

129 1. Descriptive statistics regarding cases reviewed by the
130 review team, including demographic information on victims and
131 the causes and nature of deaths;

132 2. Current policies, procedures, rules, or statutes that
133 the review team identified as contributing to the incidence of
134 elder abuse and elder deaths, and recommendations for system
135 improvements and needed resources, training, or information
136 dissemination to address those identified issues; and

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

140 (b) Annually by November 1, the Department of Elderly
141 Affairs shall prepare a summary report of the review team
142 information required under paragraph (a). The department shall
143 provide the summary report to the Governor, the President of the
144 Senate, the Speaker of the House of Representatives, and the
145 Department of Children and Families.

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

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