

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Children, Families &
2 Seniors Subcommittee
3 Representative Watson, B. offered the following:
4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

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

9 415.1103 Elder abuse fatality review teams.—

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

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

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

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39 21. A geriatric psychiatrist or other individual licensed
40 to offer behavioral health services;

41 22. A hospital discharge planner;

42 23. A public guardian; or.

43 24. Any other persons who have knowledge regarding fatal
44 incidents of elder abuse, domestic violence, or sexual violence,
45 including knowledge of research, policy, law, and other matters
46 connected with such incidents involving elders, or who are
47 recommended for inclusion by the review team.

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

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

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

61 (f) A review team shall determine the local operations of
62 the team, including, but not limited to, the process for case
63 selection. Reviews must be limited to closed cases in which an

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64 elderly person's death is verified by the state attorney to have
65 been caused by abuse or neglect. All identifying information
66 concerning the person must be redacted in documents received for
67 review. The review team shall meet at least once each fiscal
68 year.

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

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

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

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

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

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

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

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

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

96 (b) A review team member may not contact, interview, or
97 obtain information by request directly from a member of the
98 deceased elder's family as part of the review unless a team
99 member is authorized to do so in the course of his or her
100 employment duties. A member of the deceased elder's family or
101 any person may voluntarily provide information or records to a
102 review team but must be informed that their information or
103 records are subject to public disclosure unless a public records
104 exemption applies.

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

108 1. Descriptive statistics regarding cases reviewed by the
109 review team, including demographic information on victims and
110 the causes and nature of deaths;

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

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

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

125 (6) There is no monetary liability on the part of, and a
126 cause of action for damages may not arise against, any member of
127 an elder abuse fatality review team due to the performance of
128 his or her duties as a review team member in regard to any
129 discussions by, or deliberations or recommendations of, the team
130 or the member, unless such member acted in bad faith, with
131 wanton and willful disregard of human rights, safety, or
132 property.

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