

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, to be housed, for
6 administrative purposes only, in the Department of
7 Elderly Affairs; providing conditions for review team
8 membership, establishment, and organization;
9 specifying requirements for a review team's operations
10 and meeting schedules; requiring that the
11 administrative costs of operating a review team be
12 paid by team members or the entities they represent;
13 authorizing elder abuse fatality review teams in
14 existence on a certain date to continue to exist;
15 requiring such existing teams to comply with specified
16 requirements; specifying review team duties; requiring
17 each review team to annually submit to the department
18 a summary report containing specified information by a
19 certain date; requiring the department to annually
20 prepare a summary report based on the review teams'
21 information and submit such report to the Governor,
22 the Legislature, and the Department of Children and
23 Families; providing immunity from monetary liability
24 for review team members under certain conditions;
25 providing an effective date.

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

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 found to have been caused by, or related to, abuse or neglect. The review teams shall be housed, for administrative purposes only, in the Department of Elderly Affairs.

(b) An elder abuse fatality review team may include, but is not limited to, representatives from any of the following entities or persons located in the review team's judicial circuit:

1. Law enforcement agencies.
2. The state attorney.
3. The medical examiner.
4. A county court judge.
5. Adult protective services.
6. The area agency on aging.
7. The State Long-Term Care Ombudsman Program.
8. The Agency for Health Care Administration.
9. The Office of the Attorney General.
10. The Office of the State Courts Administrator.

51 11. The clerk of the court.

52 12. A victim services program.

53 13. An elder law attorney.

54 14. Emergency services personnel.

55 15. A certified domestic violence center.

56 16. An advocacy organization for victims of sexual
57 violence.

58 17. A funeral home director.

59 18. A forensic pathologist.

60 19. A geriatrician.

61 20. A geriatric nurse.

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

64 22. A hospital discharge planner.

65 23. A public guardian.

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

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

76 | schedule for future meetings.

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

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

84 | (f) Each review team shall determine its local operations,
85 | including, but not limited to, the process for case selection.
86 | Reviews must be limited to closed cases in which an elderly
87 | person's death is found to have been caused by, or related to,
88 | abuse or neglect. All identifying information concerning the
89 | person must be redacted in documents received for review. Each
90 | review team shall meet at least once each fiscal 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 must comply with the
95 | requirements of this section.

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

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

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

109 (d) Whenever possible, develop communitywide approaches to
110 address the causes of, and contributing factors to, deaths
111 reviewed by the 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) A review team may share with other review teams in
116 this state any relevant information that pertains to the review
117 of the 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 any record to a review team
124 but must be informed that such information or any record is
125 subject to public disclosure unless a public records exemption

126 applies.

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

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

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

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

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

147 (6) There is no monetary liability on the part of, and a
148 cause of action for damages may not arise against, any member of
149 an elder abuse fatality review team due to the performance of
150 his or her duties as a review team member in regard to any

151 | discussions by, or deliberations or recommendations of, the team
152 | or the member unless such member acted in bad faith, with wanton
153 | and willful disregard of human rights, safety, or property.

154 | Section 2. This act shall take effect July 1, 2020.