

1 A bill to be entitled
2 An act relating to elder abuse fatality review teams;
3 creating s. 415.1103, F.S.; authorizing a state
4 attorney, or his or her designee, to initiate an elder
5 abuse fatality review team in his or her judicial
6 circuit; providing conditions for review team
7 membership, establishment, and organization;
8 specifying requirements for a review team's operations
9 and meeting schedules; defining the term "closed
10 case"; requiring that the administrative costs of
11 operating a review team be paid by team members or the
12 entities they represent; authorizing elder abuse
13 fatality review teams in existence on a certain date
14 to continue to exist; requiring such existing teams to
15 comply with specified requirements; specifying review
16 team duties; requiring each review team to annually
17 submit to the department a summary report containing
18 specified information by a certain date; requiring the
19 department to annually prepare a summary report based
20 on the review teams' information and submit such
21 report to the Governor, the Legislature, and the
22 Department of Children and Families; providing
23 immunity from monetary liability for review team
24 members under certain conditions; providing an
25 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) A state attorney, or his or her designee, may initiate an elder abuse fatality review team in his or her judicial circuit to review deaths of elderly persons caused by, or related to, abuse or neglect.

(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.
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.

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.

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) Participation in a review team is voluntary. Members
71 of a review team shall serve without compensation and may not be
72 reimbursed for per diem or travel expenses. Members shall serve
73 for terms of 2 years, to be staggered as determined by the co-
74 chaairs.

75 (d) The state attorney may call the first organizational
76 meeting of the team. At the initial meeting, members of a review
77 team shall choose two members to serve as co-chairs. Chairs may
78 be reelected by a majority vote of a review team for not more
79 than two consecutive terms. At the initial meeting, members of a
80 review team shall establish a schedule for future meetings. Each
81 review team shall meet at least once each fiscal year.

82 (e) Each review team shall determine its local operations,
83 including, but not limited to, the process for case selection.
84 The state attorney shall refer cases to be reviewed by each
85 team. Reviews must be limited to closed cases in which an
86 elderly person's death was caused by, or related to, abuse or
87 neglect. All identifying information concerning the elderly
88 person must be redacted by the state attorney in documents
89 received for review. As used in this paragraph, the term "closed
90 case" means a case that does not involve information considered
91 active as defined in s. 119.011(3)(d).

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

94 (2) An elder abuse fatality review team in existence on
95 July 1, 2020, may continue to exist and must comply with the
96 requirements of this section.

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

99 (a) Review deaths of elderly persons in its judicial

100 circuit which are found to have been caused by, or related to,
101 abuse or neglect.

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

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

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

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

116 (4) (a) A review team may share with other review teams in
117 this state any relevant information that pertains to the review
118 of the death of an elderly person.

119 (b) A review team member may not contact, interview, or
120 obtain information by request directly from a member of the
121 deceased elder's family as part of the review unless a team
122 member is authorized to do so in the course of his or her
123 employment duties. A member of the deceased elder's family may
124 voluntarily provide information or any record to a review team

125 but must be informed that such information or any record is
126 subject to public disclosure unless a public records exemption
127 applies.

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

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

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

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

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

148 (6) There is no monetary liability on the part of, and a
149 cause of action for damages may not arise against, any member of

150 | an elder abuse fatality review team due to the performance of
151 | his or her duties as a review team member in regard to any
152 | discussions by, or deliberations or recommendations of, the team
153 | or the member unless such member acted in bad faith, with wanton
154 | and willful disregard of human rights, safety, or property.

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