

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Driskell offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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39 22. A hospital discharge planner.

40 23. A public guardian.

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

46 (c) Participation in a review team is voluntary. Members
47 of a review team shall serve without compensation and may not be
48 reimbursed for per diem or travel expenses. Members shall serve
49 for terms of 2 years, to be staggered as determined by the co-
50 chairs.

51 (d) The state attorney may call the first organizational
52 meeting of the team. At the initial meeting, members of a review
53 team shall choose two members to serve as co-chairs. Chairs may
54 be reelected by a majority vote of a review team for not more
55 than two consecutive terms. At the initial meeting, members of a
56 review team shall establish a schedule for future meetings. Each
57 review team shall meet at least once each fiscal year.

58 (e) Each review team shall determine its local operations,
59 including, but not limited to, the process for case selection.
60 The state attorney shall refer cases to be reviewed by each
61 team. Reviews must be limited to closed cases in which an
62 elderly person's death was caused by, or related to, abuse or
63 neglect. All identifying information concerning the elderly

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64 person must be redacted by the state attorney in documents
65 received for review. As used in this paragraph, the term "closed
66 case" means a case that does not involve information considered
67 active as defined in s. 119.011(3)(d).

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

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

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

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

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

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

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

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

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

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

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

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

110 2. Current policies, procedures, rules, or statutes the
111 review team has identified as contributing to the incidence of
112 elder abuse and elder deaths, and recommendations for system
113 improvements and needed resources, training, or information

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114 dissemination to address such identified issues; and

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

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

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

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

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133
134 **T I T L E A M E N D M E N T**

135 Remove everything before the enacting clause and insert:

136 A bill to be entitled

137 An act relating to elder abuse fatality review teams;

138 creating s. 415.1103, F.S.; authorizing a state

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139 attorney, or his or her designee, to initiate an elder
140 abuse fatality review team in his or her judicial
141 circuit; providing conditions for review team
142 membership, establishment, and organization;
143 specifying requirements for a review team's operations
144 and meeting schedules; defining the term "closed
145 case"; requiring that the administrative costs of
146 operating a review team be paid by team members or the
147 entities they represent; authorizing elder abuse
148 fatality review teams in existence on a certain date
149 to continue to exist; requiring such existing teams to
150 comply with specified requirements; specifying review
151 team duties; requiring each review team to annually
152 submit to the department a summary report containing
153 specified information by a certain date; requiring the
154 department to annually prepare a summary report based
155 on the review teams' information and submit such
156 report to the Governor, the Legislature, and the
157 Department of Children and Families; providing
158 immunity from monetary liability for review team
159 members under certain conditions; providing an
160 effective date.

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