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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 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.

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) A state attorney, or his or her designee, may  
33 initiate an elder abuse fatality review team in his or her  
34 judicial circuit to review deaths of elderly persons caused by,  
35 or related to, abuse or neglect.

36 (b) An elder abuse fatality review team may include, but is  
37 not limited to, representatives from any of the following  
38 entities or persons located in the review team's judicial  
39 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.

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 of  
71 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

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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 the  
98 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

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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

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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.