

By Senator Garcia

36-00756A-23

20231540__

1 A bill to be entitled
2 An act relating to elder abuse and vulnerable adult
3 abuse fatality review teams; amending s. 415.1103,
4 F.S.; revising provisions related to elder abuse
5 fatality review teams; revising the scope of such
6 review teams to include review of fatal and near-fatal
7 incidents of abuse, exploitation, or neglect of
8 vulnerable adults in addition to elderly persons;
9 revising the permissible jurisdictions of such review
10 teams; providing purposes of the review teams;
11 revising membership, meetings, and duties of the
12 review teams; authorizing elder abuse fatality review
13 teams existing on a specified date to continue to do
14 so and requiring them to comply with specified
15 provisions; revising annual reporting requirements;
16 providing that certain persons have immunity from
17 monetary liability; providing an exception and
18 construction; providing that certain information and
19 records acquired by a review team are not subject to
20 discovery or introduction into evidence in civil and
21 criminal proceedings; providing an exception;
22 providing that certain persons may not testify in
23 certain proceedings; providing exceptions and
24 construction; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 415.1103, Florida Statutes, is amended
29 to read:

36-00756A-23

20231540__

30 415.1103 Elder abuse and vulnerable adult abuse fatality
31 review teams.—

32 (1) (a) An elder abuse or a vulnerable adult ~~A state~~
33 ~~attorney, or his or her designee,~~ may initiate an elder abuse
34 fatality review team may be established at a local or regional
35 level or at the state level ~~in his or her judicial circuit~~ to
36 review fatal and near-fatal incidents of deaths of elderly
37 ~~persons caused by, or related to,~~ abuse, exploitation, or
38 neglect of elderly persons and vulnerable adults.

39 (b) The purpose of the review teams is to learn how to
40 prevent abuse and abuse-related deaths of elderly persons and
41 otherwise vulnerable adults and to improve the system response
42 to instances of such abuse, exploitation, or neglect.

43 (2) (a) An elder abuse or a vulnerable adult abuse fatality
44 review team may include, but need is not be limited to,
45 representatives from any of the following entities or to the
46 following persons, as applicable ~~located in the review team's~~
47 ~~judicial circuit:~~

- 48 1. Law enforcement agencies.
- 49 2. The state attorney.
- 50 3. The medical examiner.
- 51 4. A county court judge.
- 52 5. Adult protective services.
- 53 6. The area agency on aging.
- 54 7. The State Long-Term Care Ombudsman Program.
- 55 8. The Agency for Health Care Administration.
- 56 9. The Agency for Persons with Disabilities.
- 57 10. The Office of the Attorney General.
- 58 11.~~10.~~ The Office of the State Courts Administrator.

36-00756A-23

20231540__

59 ~~12.11.~~ The clerk of the court.
60 ~~13.12.~~ A victim services program.
61 ~~14.13.~~ An elder law attorney.
62 ~~15.14.~~ Emergency services personnel.
63 ~~16.15.~~ A certified domestic violence center.
64 ~~17.16.~~ An advocacy organization for victims of sexual
65 violence.
66 ~~18.17.~~ A funeral home director.
67 ~~19.18.~~ A forensic pathologist.
68 ~~20.19.~~ A geriatrician.
69 ~~21.20.~~ A geriatric nurse.
70 ~~22.21.~~ A geriatric psychiatrist or other individual
71 licensed to offer behavioral health services.
72 ~~23.22.~~ A hospital discharge planner.
73 ~~24.23.~~ A public guardian.
74 ~~25.24.~~ Any other persons who have knowledge regarding fatal
75 or near-fatal incidents of elder abuse, vulnerable adult abuse,
76 domestic violence, or sexual violence, or suicide, including
77 knowledge of research, policy, law, and other matters connected
78 with such incidents involving elderly persons and vulnerable
79 adults ~~elders, or who are recommended for inclusion by the~~
80 ~~review team.~~
81 ~~(b)(e)~~ Participation in a review team is voluntary. Members
82 of a review team shall serve without compensation and may not be
83 reimbursed for per diem or travel expenses.
84 (c) Except as required under subsection (4), the structure
85 and activities of a review team, including the number and type
86 of incidents it chooses to review, are determined by the members
87 of the review team. ~~Members shall serve for terms of 2 years, to~~

36-00756A-23

20231540__

88 ~~be staggered as determined by the co chairs.~~

89 ~~(d) The state attorney may call the first organizational~~
90 ~~meeting of the team. At the initial meeting, members of a review~~
91 ~~team shall choose two members to serve as co chairs. Chairs may~~
92 ~~be reelected by a majority vote of a review team for not more~~
93 ~~than two consecutive terms. At the initial meeting, members of a~~
94 ~~review team shall establish a schedule for future meetings. Each~~
95 ~~review team shall meet at least once each fiscal year.~~

96 ~~(e) Each review team shall determine its local operations,~~
97 ~~including, but not limited to, the process for case selection.~~
98 ~~The state attorney shall refer cases to be reviewed by each~~
99 ~~team. Reviews must be limited to closed cases in which an~~
100 ~~elderly person's death was caused by, or related to, abuse or~~
101 ~~neglect. All identifying information concerning the elderly~~
102 ~~person must be redacted by the state attorney in documents~~
103 ~~received for review. As used in this paragraph, the term "closed~~
104 ~~case" means a case that does not involve information considered~~
105 ~~active as defined in s. 119.011(3)(d).~~

106 ~~(d)(f)~~ Administrative costs of operating the review team
107 must be borne by the team members or entities they represent.

108 ~~(3)(2)~~ An elder abuse fatality review team in existence on
109 July 1, ~~2023~~ 2020, may continue to exist and must comply with
110 the requirements of this section.

111 ~~(4)(3)~~ An elder abuse or a vulnerable adult abuse fatality
112 review team shall do all of the following:

113 (a) Review fatal and near-fatal incidents involving deaths
114 of elderly persons or otherwise vulnerable adults in the team's
115 jurisdiction in its judicial circuit which are found to have
116 been caused by, or related to, abuse, exploitation, or neglect.

36-00756A-23

20231540__

117 (b) Take into consideration the events leading up to a
118 fatal or near-fatal incident, available community resources,
119 current law and policies, ~~and~~ the actions taken by systems or
120 individuals related to the fatal or near-fatal incident, and any
121 information deemed relevant by the review team, including a
122 review of public records and records for which a public records
123 exemption is granted, if available to the review team.

124 (c) Identify potential gaps, deficiencies, or problems in
125 the delivery of services to elderly persons or otherwise
126 vulnerable adults by public and private agencies which may be
127 related to incidents ~~deaths~~ reviewed by the team.

128 (d) Whenever possible, develop communitywide approaches to
129 address the causes of, and contributing factors to, incidents
130 ~~deaths~~ reviewed by the team.

131 (e) Develop recommendations and potential changes in law,
132 rules, and policies to support the care of elderly persons and
133 otherwise vulnerable adults and to prevent abuse-related
134 incidents ~~elder abuse deaths~~.

135 ~~(5)-(4)-(a)~~ An elder abuse or a vulnerable adult abuse
136 fatality ~~A~~ review team may share with other review teams in this
137 state any relevant information that pertains to incidents
138 identified or reviewed by the team ~~the review of the death of an~~
139 ~~elderly person.~~

140 ~~(b) A review team member may not contact, interview, or~~
141 ~~obtain information by request directly from a member of the~~
142 ~~deceased elder's family as part of the review unless a team~~
143 ~~member is authorized to do so in the course of his or her~~
144 ~~employment duties. A member of the deceased elder's family may~~
145 ~~voluntarily provide information or any record to a review team~~

36-00756A-23

20231540__

146 ~~but must be informed that such information or any record is~~
147 ~~subject to public disclosure unless a public records exemption~~
148 ~~applies.~~

149 (6) (a) ~~(5) (a)~~ Annually by September 1, each elder abuse or
150 vulnerable adult abuse fatality review team shall submit a
151 summary report to the Department of Elderly Affairs which
152 includes, but is not limited to, all of the following:

153 1. Descriptive statistics regarding cases reviewed by the
154 team, including demographic information on victims and the
155 causes and nature of their fatal or near-fatal incidents of
156 abuse, exploitation, or neglect. ~~deaths;~~

157 2. Current policies, procedures, rules, or statutes the
158 review team has identified as contributing to the incidence of
159 ~~elder~~ abuse and ~~elder~~ deaths of elderly persons or otherwise
160 vulnerable adults, and recommendations for system improvements
161 and needed resources, training, or information dissemination to
162 address such identified issues. ~~;~~ ~~and~~

163 3. Any other recommendations to prevent fatal or near-fatal
164 incidents ~~deaths~~ from ~~elder~~ abuse, exploitation, or neglect,
165 based on an analysis of the data and information presented in
166 the report.

167 (b) Annually by November 1, the Department of Elderly
168 Affairs shall prepare a summary report of the review team
169 information submitted under paragraph (a). The department shall
170 submit its summary report to the Governor, the President of the
171 Senate, the Speaker of the House of Representatives, and the
172 Department of Children and Families.

173 (7) (a) ~~(6)~~ There is no monetary liability on the part of,
174 and a cause of action for damages may not arise against, any

36-00756A-23

20231540__

175 member of an elder abuse or a vulnerable adult abuse fatality
176 review team or any person who serves as a witness for, reports
177 an incident to, or conducts an investigation for a review team,
178 for any act or proceeding taken or performed within the scope
179 and functions of the team ~~due to the performance of his or her~~
180 ~~duties as a review team member in regard to any discussions by,~~
181 ~~or deliberations or recommendations of, the team or the member~~
182 unless such person ~~member~~ acted in bad faith, with wanton and
183 willful disregard of human rights, safety, or property.

184 (b) This subsection does not affect or supersede the
185 requirements of s. 768.28.

186 (8) (a) All information and records acquired by an elder
187 abuse or a vulnerable adult abuse fatality review team are not
188 subject to discovery or introduction into evidence in any civil
189 or criminal action or administrative or disciplinary proceeding
190 by any department or employing agency if the information or
191 records arose out of matters that are the subject of an
192 evaluation and review by the review team. However, information,
193 documents, and records otherwise available from other sources
194 are not immune from discovery or introduction into evidence
195 solely because the information, documents, or records were
196 presented to or reviewed by a review team.

197 (b) A person who attends a meeting or other authorized
198 activity of a review team may not testify in any civil,
199 criminal, administrative, or disciplinary proceedings as to any
200 records or information produced or presented to the review team
201 during its meetings or other activities authorized by this
202 section.

203 (c) This subsection does not prohibit:

36-00756A-23

20231540__

204 1. A person who testifies before a review team or is a
205 member of a review team from testifying in a civil, criminal,
206 administrative, or disciplinary proceeding to matters otherwise
207 within his or her knowledge; or

208 2. A member of a review team from testifying in a policy-
209 related hearing or matter, as long as the member of the review
210 team does not disclose records or information that would
211 identify the victim or victim's family or any other confidential
212 or exempt records or information pertaining to a matter reviewed
213 by the review team.

214 Section 2. This act shall take effect July 1, 2023.