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1 A bill to be entitled
2 An act relating to elder and vulnerable adult abuse
3 fatality review teams; amending s. 415.1103, F.S.;
4 authorizing the establishment of elder and vulnerable
5 adult abuse fatality review teams for certain
6 purposes; authorizing certain persons and entities to
7 initiate a review team; requiring the initiating
8 entity to determine the geographic area to be served
9 by the review team; providing a requirement for such
10 geographic area; revising the definition of the term
11 "elder and vulnerable adult"; revising review team
12 membership; authorizing continuance for review teams
13 in existence on a certain date; requiring the entity
14 that initiated the review team to call its first
15 meeting; specifying certain members to be co-chairs of
16 the review team; authorizing a review team to
17 determine the number and types of incidents to review;
18 removing provisions relating to state attorney
19 requirements; requiring members of a review team to
20 sign a written acknowledgment of public records
21 requirements; requiring such acknowledgment to
22 reference applicable criminal penalties for certain
23 disclosures; requiring the initiating entity to
24 provide the acknowledgment form and certain training;
25 revising review team requirements to conform to
26 changes made by the act; modifying the prohibition
27 from contacting, interviewing, or obtaining
28 information from the family of a victim; expanding
29 immunity from monetary liability to certain persons;

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30 providing construction; providing that communications,
31 information, and records produced or acquired by a
32 review team are not subject to discovery or
33 introduction into evidence in certain proceedings
34 under certain circumstances; providing that a person
35 who attends a meeting or other authorized activity of
36 a review team may not testify in certain proceedings
37 as to certain records or information; providing
38 exceptions; providing an effective date.
39

40 Be It Enacted by the Legislature of the State of Florida:
41

42 Section 1. Section 415.1103, Florida Statutes, is amended
43 to read:

44 415.1103 Elder and vulnerable adult abuse fatality review
45 teams.-

46 (1) (a) ~~A state attorney, or his or her designee, may~~
47 ~~initiate~~ An elder and vulnerable adult abuse fatality review
48 team may be established in his or her judicial circuit to review
49 incidents of deaths of elderly persons caused by, or related to,
50 abuse, exploitation, or neglect which are believed to have
51 caused or contributed to the death of an elderly person or
52 vulnerable adult.

53 (b) An elder and vulnerable adult abuse fatality review
54 team may be initiated by any of the following:

- 55 1. A state attorney.
- 56 2. A law enforcement agency.
- 57 3. The Department of Children and Families.
- 58 4. The Office of the Attorney General.

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59 5. The Agency for Persons with Disabilities.

60 (c) The initiating entity shall determine the geographic
61 area that the review team will serve. The geographic area served
62 by the review team must be within the jurisdiction or service
63 area of the initiating entity.

64 (d) The purpose of a review team is to learn how to prevent
65 elder and vulnerable adult abuse and abuse-related deaths by
66 intervening early and improving the system response to elder and
67 vulnerable adult abuse, exploitation, and neglect.

68 (2) For purposes of this section and s. 415.1104, the term
69 "elder and vulnerable adult" refers to a person who meets the
70 criteria for any of the following terms:

71 (a) Vulnerable adult as defined in s. 415.102.

72 (b) Disabled adult as defined in s. 825.101.

73 (c) Elderly person as defined in s. 825.101.

74 (3) ~~A An elder abuse fatality~~ review team may include, ~~but~~
75 ~~is not limited to,~~ representatives from any of the entities
76 listed under paragraph (1)(b) and any of the following persons
77 or entities or persons located in the review team's judicial
78 circuit:

79 ~~1. Law enforcement agencies.~~

80 ~~2. The state attorney.~~

81 ~~1.3. The medical examiner.~~

82 ~~2.4. A county court judge.~~

83 ~~5. Adult protective services.~~

84 ~~3.6. The area agency on aging.~~

85 ~~4.7. The State Long-Term Care Ombudsman Program.~~

86 ~~5.8. The Agency for Health Care Administration.~~

87 ~~9. The Office of the Attorney General.~~

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88 ~~6.10.~~ The Office of the State Courts Administrator.
89 ~~7.11.~~ The clerk of the court.
90 ~~8.12.~~ A victim services program.
91 ~~9.13.~~ An elder law or disability rights attorney.
92 ~~10.14.~~ Emergency services personnel.
93 ~~11.15.~~ A certified domestic violence center.
94 ~~12.16.~~ An advocacy organization for victims of sexual
95 violence.
96 ~~13.17.~~ A funeral home director.
97 ~~14.18.~~ A forensic pathologist.
98 ~~15.19.~~ A geriatrician.
99 ~~16.20.~~ A geriatric nurse.
100 ~~17.21.~~ A geriatric psychiatrist or other individual
101 licensed to offer behavioral health services.
102 ~~18.22.~~ A hospital discharge planner.
103 ~~19.23.~~ A public guardian.
104 ~~20.24.~~ Any other persons who are identified and invited by
105 the review team and who have knowledge regarding fatal incidents
106 of elder abuse, vulnerable adult abuse, domestic violence, ~~or~~
107 sexual violence, or suicide, including knowledge of research,
108 policy, law, and other matters connected with such incidents
109 involving elders and vulnerable adults, ~~or who are recommended~~
110 ~~for inclusion by the review team.~~
111 (4) (a) ~~(e)~~ Participation in a review team is voluntary.
112 Members of a review team shall serve without compensation and
113 may not be reimbursed for per diem or travel expenses. A review
114 team in existence on July 1, 2023, may continue to exist and
115 must comply with the requirements of this section ~~Members shall~~
116 ~~serve for terms of 2 years, to be staggered as determined by the~~

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117 ~~co~~-chairs.

118 (b)1.~~(d)~~ The entity initiating the review team shall state
119 ~~attorney may~~ call the first organizational meeting of the team.

120 2. A representative of the entity initiating the review
121 team, who is chosen by that entity, shall serve as a co-chair of
122 the review team. At the initial meeting, members of a review
123 team shall elect a member ~~choose two members~~ to serve as an
124 additional co-chair. The co-chair elected by the review team
125 shall serve a 2-year term and ~~co~~-chairs. ~~Chairs~~ may be reelected
126 by a majority vote of a review team for not more than two
127 consecutive terms.

128 3. At the initial meeting, members of a review team shall
129 establish a schedule for future meetings. Each review team shall
130 meet at least once each fiscal year.

131 (c)~~(e)~~ Except as provided in subsection (1) and paragraph
132 (4) (b), each review team shall determine its structure, local
133 operations, and including, but not limited to, the process for
134 case selection, including, but not limited to, the number and
135 type of incidents it chooses to review. ~~The state attorney shall~~
136 ~~refer cases to be reviewed by each team. Reviews must be limited~~
137 ~~to closed cases in which an elderly person's death was caused~~
138 ~~by, or related to, abuse or neglect. All identifying information~~
139 ~~concerning the elderly person must be redacted by the state~~
140 ~~attorney in documents received for review. As used in this~~
141 ~~paragraph, the term "closed case" means a case that does not~~
142 ~~involve information considered active as defined in s.~~
143 ~~119.011(3) (d).~~

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

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146 (e)1. Each member of a review team shall sign a written
147 acknowledgment that the member is obligated to comply with the
148 applicable provisions of chapter 119 and s. 24(a), Art. I of the
149 State Constitution and may not knowingly disclose or reveal
150 information or records produced, acquired, or discussed by the
151 review team which are confidential and exempt from s. 119.07(1)
152 and s. 24(a), Art. I of the State Constitution. The written
153 acknowledgment must reference applicable criminal penalties for
154 such disclosures and clearly identify the records for which such
155 penalties apply.

156 2. The entity initiating the review team shall provide the
157 acknowledgment form to be signed by each review team member and
158 shall provide training to review team members on the
159 requirements regarding records that are exempt or confidential
160 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
161 Constitution.

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

165 ~~(5)~~⁽³⁾ A An elder abuse fatality review team must shall do
166 all of the following:

167 (a) Review incidents deaths of abuse, exploitation, or
168 neglect of elders and vulnerable adults in the review team's
169 geographic service area elderly persons in its judicial circuit
170 which are believed found to have been caused or contributed to
171 the death of such person by, or related to, abuse or neglect.

172 (b) Take into consideration the events leading up to a
173 fatal incident, available community resources, current law and
174 policies, and the actions taken by systems or individuals

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175 related to the fatal incident, and any information considered
176 relevant by the team, including, but not limited to, a review of
177 public records and records for which a public records exemption
178 is granted.

179 (c) Identify potential gaps, deficiencies, or problems in
180 the delivery of services to elders and vulnerable adults ~~elderly~~
181 ~~persons~~ by public and private agencies which may be related to
182 incidents ~~deaths~~ reviewed by the team.

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

186 (e) Develop recommendations and potential changes in law,
187 rules, and policies to support the care of elders and vulnerable
188 adults ~~elderly persons~~ and to prevent abuse of such persons
189 ~~elder abuse deaths~~.

190 ~~(6) (a) (4) (a)~~ A review team may share with other review
191 teams in this state any relevant information that pertains to
192 incidents identified or reviewed by the team ~~the review of the~~
193 ~~death of an elderly person.~~

194 (b) 1. A review team member may not contact, interview, or
195 obtain information by request directly from a family member of a
196 person whose case is subject to review by the review team as
197 part of the review unless:

198 a. the deceased elder's family as part of the review unless
199 A team member is authorized to do so in the course of his or her
200 employment duties; or

201 b. Such contact, interview, or request is necessary for the
202 review team to complete its review and determine findings and
203 such information is not obtainable through any other means.

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204 2. A family member of a person whose case is subject to
205 review by the review team ~~the deceased elder's family~~ may
206 voluntarily provide information or any record to a review team
207 but must be informed that such information or any record is
208 subject to public disclosure unless a public records exemption
209 applies.

210 (7) (a) (5) (a) ~~Annually~~ by September 1, each ~~elder abuse~~
211 ~~fatality~~ review team shall submit a summary report to the
212 Department of Elderly Affairs which includes, but is not limited
213 to:

214 1. Descriptive statistics regarding cases reviewed by the
215 team, including, at a minimum, demographic information on
216 victims, and the causes and nature of their deaths, and the
217 incidents of abuse, exploitation, or neglect associated with
218 their deaths.

219 2. Current policies, procedures, rules, or statutes the
220 review team has identified as contributing to the incidence of
221 elder and vulnerable adult abuse and abuse-related ~~elder~~ deaths,
222 and recommendations for system improvements and needed
223 resources, training, or information dissemination to address
224 such identified issues. ~~and~~

225 3. Any other recommendations to prevent fatal incidents of
226 ~~deaths from elder~~ abuse, exploitation, or neglect of elders and
227 vulnerable adults, based on an analysis of the data and
228 information presented in the report.

229 (b) Annually by November 1, the Department of Elderly
230 Affairs shall prepare a summary report of the review team
231 information submitted under paragraph (a). The department shall
232 submit its summary report to the Governor, the President of the

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233 Senate, the Speaker of the House of Representatives, and the
234 Department of Children and Families.

235 (8) (a) ~~(6)~~ There is no monetary liability on the part of,
236 and a cause of action for damages may not arise against, any
237 member of a ~~an elder abuse fatality~~ review team, or any person
238 acting as a witness to, incident reporter to, or investigator
239 for a review team, for any act or proceeding taken or performed
240 within the scope and functions of the team, ~~due to the~~
241 performance of his or her duties as a review team member in
242 regard to any discussions by, or deliberations or
243 recommendations of, the team or the member unless such person
244 member acted in bad faith, with wanton and willful disregard of
245 human rights, safety, or property.

246 (b) This subsection does not affect the requirements of s.
247 768.28.

248 (9) (a) Oral or written communications, information, and
249 records produced or acquired by the review team are not subject
250 to discovery and may not be introduced into evidence in any
251 civil, criminal, administrative, or disciplinary proceeding if
252 the communications, information, or records arose out of matters
253 that are the subject of evaluation and review by the review
254 team. Information, documents, and records otherwise available
255 from sources other than the review team are not immune from
256 discovery or introduction into evidence solely because the
257 information, documents, or records were presented to or reviewed
258 by a review team.

259 (b) A person who attends a meeting or other authorized
260 activity of a review team may not testify in any civil,
261 criminal, administrative, or disciplinary proceedings as to any

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262 communications, records, or information produced or presented to
263 the review team during its meetings or other activities
264 authorized by this section.

265 (c) This subsection does not prohibit:

266 1. A person who testifies before a review team or is a
267 member of a review team from testifying in a civil, criminal,
268 administrative, or disciplinary proceeding to matters otherwise
269 within his or her knowledge; or

270 2. A member of a review team from testifying in a policy-
271 related hearing or matter, as long as the member of the review
272 team does not disclose communications, records, or information
273 that would identify the victim or victim's family or any other
274 confidential or exempt records or information pertaining to a
275 matter reviewed by the review team.

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