

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Hawkins offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 415.1103, Florida Statutes, is amended
 8 to read:

9 415.1103 Elder and vulnerable adult abuse fatality review
 10 teams.—

11 (1) (a) ~~A state attorney, or his or her designee, may~~
 12 ~~initiate~~ An elder and vulnerable adult abuse fatality review
 13 team may be established in his or her judicial circuit to review
 14 incidents of abuse, exploitation, or neglect which are believed
 15 to have caused or contributed to the death of an elderly person

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16 or vulnerable adult deaths of elderly persons caused by, or
17 related to, abuse or neglect.

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

20 1. A state attorney.

21 2. A law enforcement agency.

22 3. The Department of Children and Families.

23 4. The Office of the Attorney General.

24 5. The Agency for Persons with Disabilities.

25 (c) The initiating entity shall determine the geographic
26 area that the review team will serve. The geographic area served
27 by the review team must be within the jurisdiction or service
28 area of the initiating entity.

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

33 (2) For the purposes of this section and s. 415.1104, the
34 phrase "elder and vulnerable adult" refers to those persons who
35 meet the criteria for any of the following terms:

36 (a) Vulnerable adult, as defined in s. 415.102;

37 (b) Disabled adult, as defined in s. 825.101; and

38 (c) Elderly person, as defined in s. 825.101.

39 (3) ~~(b)~~ A review team may include ~~An elder abuse fatality~~
40 ~~review team may include, but is not limited to,~~ representatives

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41 ~~from any~~ of the entities listed under paragraph (1) (b) and any
42 of the following entities or persons located in the review
43 team's geographic service area ~~judicial circuit~~:

- 44 ~~1. Law enforcement agencies.~~
45 ~~2. The state attorney.~~
46 ~~1.3.~~ The medical examiner.
47 ~~2.4.~~ A county court judge.
48 ~~5. Adult protective services.~~
49 ~~3.6.~~ The area agency on aging.
50 ~~4.7.~~ The State Long-Term Care Ombudsman Program.
51 ~~5.8.~~ The Agency for Health Care Administration.
52 ~~9. The Office of the Attorney General.~~
53 ~~6.10.~~ The Office of the State Courts Administrator.
54 ~~7.11.~~ The clerk of the court.
55 ~~8.12.~~ A victim services program.
56 ~~9.13.~~ An elder law or disability rights attorney.
57 ~~10.14.~~ Emergency services personnel.
58 ~~11.15.~~ A certified domestic violence center.
59 ~~12.16.~~ An advocacy organization for victims of sexual
60 violence.
61 ~~13.17.~~ A funeral home director.
62 ~~14.18.~~ A forensic pathologist.
63 ~~15.19.~~ A geriatrician.
64 ~~16.20.~~ A geriatric nurse.
65 ~~17.21.~~ A geriatric psychiatrist or other individual

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66 licensed to offer behavioral health services.

67 ~~18.22.~~ A hospital discharge planner.

68 ~~19.23.~~ A public guardian.

69 ~~20.24.~~ Any other persons who are identified and invited by
70 the review team, and who have knowledge regarding fatal
71 incidents of elder abuse, vulnerable adult abuse, domestic
72 violence, ~~or~~ sexual violence, or suicide, including knowledge of
73 research, policy, law, and other matters connected with such
74 incidents involving elders and vulnerable adults ~~elders, or who~~
75 are recommended for inclusion by the review team.

76 ~~(4)(a)-(e)~~ Participation in a review team is voluntary.
77 Members of a review team shall serve without compensation and
78 may not be reimbursed for per diem or travel expenses. A review
79 team in existence on July 1, 2023, may continue to exist and
80 must comply with the requirements of this section. ~~Members shall~~
81 ~~serve for terms of 2 years, to be staggered as determined by the~~
82 ~~co-chairs.~~

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

86 2. A representative of the entity initiating the review
87 team and chosen by that entity shall serve as a co-chair of the
88 review team. At the initial meeting, members of a review team
89 shall elect a member ~~choose two members~~ to serve as an
90 additional co-chair ~~co-chairs.~~ The co-chair elected by the

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91 members of the review team shall serve a two-year term and may
92 be reelected by a majority vote of a review team for not more
93 than two consecutive terms.

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

97 ~~(c)(e) Except as provided in subsections (1) and paragraph~~
98 ~~(4)(b), each review team shall determine its structure, local~~
99 ~~operations, including, but not limited to, the and process for~~
100 ~~case selection, including, but not limited to, the number and~~
101 ~~type of incidents it chooses to review. The state attorney shall~~
102 ~~refer cases to be reviewed by each team. Reviews must be limited~~
103 ~~to closed cases in which an elderly person's death was caused~~
104 ~~by, or related to, abuse or neglect. All identifying information~~
105 ~~concerning the elderly person must be redacted by the state~~
106 ~~attorney in documents received for review. As used in this~~
107 ~~paragraph, the term "closed case" means a case that does not~~
108 ~~involve information considered active as defined in s.~~

109 ~~119.011(3)(d).~~

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

112 (e)1. Each member of a review team shall sign a written
113 acknowledgement that the member is obligated to comply with the
114 applicable provisions of Ch. 119 and s. 24(a), Art. I of the
115 State Constitution and may not knowingly disclose or reveal

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116 information or records produced, acquired, or discussed by the
117 review team that are confidential and exempt from s. 119.01(1)
118 and s. 24(a), Art. I of the State Constitution. The
119 acknowledgement shall reference applicable criminal penalties
120 for such disclosure and clearly identify the records for which
121 such penalties apply.

122 2. The entity initiating the review team shall provide the
123 acknowledgement form to be signed by review team members and
124 shall provide training to review team members on requirements
125 regarding records that are exempt or confidential and exempt
126 from s. 119.01(1) and s. 24(a), Art. 1 of the State
127 Constitution.

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

131 ~~(5)-(3)~~ A ~~An elder abuse fatality~~ review team must ~~shall~~ do
132 all of the following:

133 (a) Review incidents ~~deaths~~ of abuse, exploitation, or
134 neglect of elders and vulnerable adults in the review team's
135 geographic service area in its judicial circuit which are
136 believed ~~found~~ to have ~~been~~ caused or contributed to the death
137 of such person ~~by, or related to, abuse or neglect.~~

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

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141 related to the fatal incident, and any information considered
142 relevant by the team, including, but not limited to, a review of
143 public records and records for which a public records exemption
144 is granted.

145 (c) Identify potential gaps, deficiencies, or problems in
146 the delivery of services to elders and vulnerable adults by
147 public and private agencies which may be related to incidents
148 ~~deaths~~ reviewed by the team.

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

152 (e) Develop recommendations and potential changes in law,
153 rules, and policies to support the care of elders and vulnerable
154 adults and to prevent abuse of such persons ~~elder abuse deaths~~.

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

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

163 a. A team member is authorized to do so in the course of
164 his or her employment duties; or

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

168 2. A family member of a person whose case is subject to
169 review by the review team ~~A member of the deceased elder's~~
170 ~~family~~ may voluntarily provide information or any record to a
171 review team but must be informed that such information or any
172 record is subject to public disclosure unless a public records
173 exemption applies.

174 ~~(7)(a)-(5)(a)~~ Annually by September 1, each ~~elder abuse~~
175 ~~fatality~~ review team shall submit a summary report to the
176 Department of Elderly Affairs which includes, but is not limited
177 to:

178 1. Descriptive statistics regarding cases reviewed by the
179 team, including, at a minimum, demographic information on
180 victims, ~~and~~ the causes and nature of their deaths, and the
181 incidents of abuse, exploitation, or neglect associated with
182 their deaths;

183 2. Current policies, procedures, rules, or statutes the
184 review team has identified as contributing to the incidence of
185 elder and vulnerable adult abuse and abuse-related ~~elder~~ deaths,
186 and recommendations for system improvements and needed
187 resources, training, or information dissemination to address
188 such identified issues; and

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189 3. Any other recommendations to prevent fatal incidents of
190 deaths from elder abuse, exploitation, or neglect of elders and
191 vulnerable adults, based on an analysis of the data and
192 information presented in the report.

193 (b) Annually by November 1, the Department of Elderly
194 Affairs shall prepare a summary report of the review team
195 information submitted under paragraph (a). The department shall
196 submit its summary report to the Governor, the President of the
197 Senate, the Speaker of the House of Representatives, and the
198 Department of Children and Families.

199 ~~(8)(a)(6)~~ There is no monetary liability on the part of,
200 and a cause of action for damages may not arise against, any
201 member of a an elder abuse fatality review team, or any person
202 acting as a witness to, incident reporter to, or investigator
203 for a review team, for any act or proceeding taken or performed
204 within the scope and functions of the team, due to the
205 performance of his or her duties as a review team member in
206 regard to any discussions by, or deliberations or
207 recommendations of, the team or the member unless such person
208 ~~member~~ acted in bad faith, with wanton and willful disregard of
209 human rights, safety, or property.

210 (b) This subsection does not affect the requirements of s.
211 768.28.

212 (9)(a) Oral or written communications, information, and
213 records produced or acquired by the review team are not subject

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214 to discovery and may not be introduced into evidence in any
215 civil, criminal, administrative, or disciplinary proceeding if
216 the communications, information, or records arose out of matters
217 that are the subject of an evaluation and review by the review
218 team. Information, documents, and records available from sources
219 other than the review team are not immune from discovery or
220 introduction into evidence solely because the information,
221 documents, or records were presented to or reviewed by a review
222 team.

223 (b) A person who attends a meeting or other authorized
224 activity of a review team may not testify in any civil,
225 criminal, administrative, or disciplinary proceedings as to any
226 records or information produced or presented to the review team
227 during its meetings or other activities authorized by this
228 section.

229 (c) This subsection does not prohibit:

230 1. A person who testifies before a review team or is a
231 member of a review team from testifying in a civil, criminal,
232 administrative, or disciplinary proceeding to matters otherwise
233 within his or her knowledge; or

234 2. A member of a review team from testifying in a policy-
235 related hearing or matter, as long as the member of the review
236 team does not disclose records or information that would
237 identify the victim or victim's family or any other confidential

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238 or exempt records or information pertaining to a matter reviewed
239 by the review team.

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

241

242 -----

243

T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

245

An act relating to elder and vulnerable adult abuse fatality

246

review teams; amending s. 415.1103, F.S.; authorizing the

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establishment of elder and vulnerable adult abuse fatality

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review teams in certain areas and for certain purposes;

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authorizing certain persons and entities to initiate a review

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team; requiring the initiating entity determine the geographic

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area served by the review team; revising the definition of the

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terms "elder and vulnerable adult"; revising review team

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membership; authorizing continuance for review teams in

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existence on a certain date; removing provisions relating to

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state attorney requirements; authorizing a review team to

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determine the number and types of incidents to review; revising

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review team requirements to conform to changes made by the act;

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requiring members of a review team to sign an acknowledgement of

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public records requirements; requiring such acknowledgements to

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reference applicable criminal penalties; requiring the

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initiating entity to provide training; modifying the prohibition

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from contacting, interviewing, or obtaining information from the

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263 family of a victim; expanding immunity from monetary liability
264 to certain persons; providing construction; providing that
265 information and records acquired by a review team are not
266 subject to discovery or introduction into evidence in certain
267 proceedings under certain circumstances; specifying that
268 provisions of law relating to a waiver of sovereign immunity
269 still apply; providing that a person who attends a meeting or
270 other authorized activities of a review team may not testify in
271 certain proceedings as to certain records or information;
272 providing exceptions; providing an effective date.