

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 in certain areas and
6 for certain purposes; revising the definition of the
7 term "vulnerable adult"; revising conditions for
8 review team membership and structure; removing
9 provisions relating to state attorney requirements;
10 authorizing continuance for review teams in existence
11 on a certain date; revising review team requirements
12 to conform to changes made by the act; removing a
13 prohibition from contacting, interviewing, or
14 obtaining information from the family of a victim;
15 expanding immunity from monetary liability to other
16 persons; providing that information and records
17 acquired by a review team are not subject to discovery
18 or introduction into evidence in certain proceedings
19 under certain circumstances; specifying that
20 provisions of law relating to a waiver of sovereign
21 immunity still apply; providing that a person who
22 attends a meeting or other authorized activities of a
23 review team may not testify in certain proceedings as
24 to certain records or information; providing
25 exceptions; providing an effective date.

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

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

415.1103 Elder and vulnerable adult abuse fatality review teams.—

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

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

(2) For purposes of this section and s. 415.1104, the term "vulnerable adult" includes a disabled adult and elderly person as those terms are defined in s. 825.101(3) and (4), respectively.

(3) ~~A~~ An elder abuse fatality review team may include, but is not limited to, representatives from any of the following entities or persons ~~located in the review team's judicial circuit:~~

- 51 (a)~~1.~~ Law enforcement agencies.
- 52 (b)~~2.~~ The state attorney.
- 53 (c)~~3.~~ The medical examiner.
- 54 (d)~~4.~~ A county court judge.
- 55 (e)~~5.~~ Adult protective services.
- 56 (f)~~6.~~ The area agency on aging.
- 57 (g)~~7.~~ The State Long-Term Care Ombudsman Program.
- 58 (h)~~8.~~ The Agency for Health Care Administration.
- 59 (i)~~9.~~ The Office of the Attorney General.
- 60 (j)~~10.~~ The Office of the State Courts Administrator.
- 61 (k)~~11.~~ The clerk of the court.
- 62 (l)~~12.~~ A victim services program.
- 63 (m)~~13.~~ An elder law or disability rights attorney.
- 64 (n)~~14.~~ Emergency services personnel.
- 65 (o)~~15.~~ A certified domestic violence center.
- 66 (p)~~16.~~ An advocacy organization for victims of sexual
67 violence.
- 68 (q)~~17.~~ A funeral home director.
- 69 (r)~~18.~~ A forensic pathologist.
- 70 (s)~~19.~~ A geriatrician.
- 71 (t)~~20.~~ A geriatric nurse.
- 72 (u)~~21.~~ A geriatric psychiatrist or other individual
73 licensed to offer behavioral health services.
- 74 (v)~~22.~~ A hospital discharge planner.
- 75 (w)~~23.~~ A public guardian.

76 (x) The Agency for Persons with Disabilities.

77 (y)24. Any other persons who have knowledge regarding
78 fatal and near-fatal incidents of vulnerable adult abuse,
79 disabled adult abuse, elder abuse, domestic violence, ~~or~~ sexual
80 violence, or suicide, including knowledge of research, policy,
81 law, and other matters connected with such incidents involving
82 vulnerable adults, elderly persons, or disabled adults ~~elders,~~
83 ~~or who are recommended for inclusion by the review team.~~

84 (4) (a) (e) Participation in a review team is voluntary.
85 Members of a review team shall serve without compensation and
86 may not be reimbursed for per diem or travel expenses. ~~Members~~
87 ~~shall serve for terms of 2 years, to be staggered as determined~~
88 ~~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 (b) Except as required under subsection (6), the structure
107 and activities of a review team, including the number and type
108 of incidents it chooses to review, is determined by the members
109 of the review team.

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

112 (5)-(2) A ~~An elder abuse fatality~~ review team in existence
113 on July 1, 2023 ~~July 1, 2020~~, may continue to exist and must
114 comply with the requirements of this section.

115 (6)-(3) A ~~An elder abuse fatality~~ review team must ~~shall~~ do
116 all of the following:

117 (a) Review fatal and near-fatal incidents involving deaths
118 of elderly persons, disabled adults, or otherwise vulnerable
119 adults in the team's jurisdiction ~~in its judicial circuit~~ which
120 are found to have been caused by, or related to, abuse,
121 exploitation, or neglect.

122 (b) Take into consideration the events leading up to a
123 fatal or near-fatal incident, available community resources,
124 current law and policies, ~~and~~ the actions taken by systems or
125 individuals related to the fatal or near-fatal incident, and any

126 information considered relevant by the team, including a review
127 of public records and records for which a public records
128 exemption is granted.

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

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

136 (e) Develop recommendations and potential changes in law,
137 rules, and policies to support the care of elderly persons,
138 disabled adults, and other vulnerable adults and to prevent
139 abuse-related incidents ~~elder abuse deaths~~.

140 ~~(7)(4)(a)~~ A review team may share with other review teams
141 in this state any relevant information that pertains to
142 incidents identified or reviewed by the team ~~the review of the~~
143 ~~death of an elderly person.~~

144 ~~(b) A review team member may not contact, interview, or~~
145 ~~obtain information by request directly from a member of the~~
146 ~~deceased elder's family as part of the review unless a team~~
147 ~~member is authorized to do so in the course of his or her~~
148 ~~employment duties. A member of the deceased elder's family may~~
149 ~~voluntarily provide information or any record to a review team~~
150 ~~but must be informed that such information or any record is~~

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151 ~~subject to public disclosure unless a public records exemption~~
152 ~~applies.~~

153 ~~(8)(a)-(5)(a)~~ Annually by September 1, each ~~elder abuse~~
154 ~~fatality~~ review team shall submit a summary report to the
155 Department of Elderly Affairs which includes, but is not limited
156 to:

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

161 2. Current policies, procedures, rules, or statutes the
162 review team has identified as contributing to the incidence of
163 elder or vulnerable adult abuse and abuse-related ~~elder~~ deaths,
164 and recommendations for system improvements and needed
165 resources, training, or information dissemination to address
166 such identified issues. ~~;~~ and

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

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

176 Department of Children and Families.

177 (9)(a)~~(6)~~ There is no monetary liability on the part of,
 178 and a cause of action for damages may not arise against, any
 179 member of a an elder abuse fatality review team, or any person
 180 acting as a witness to, incident reporter to, or investigator
 181 for a review team, for any act or proceeding taken or performed
 182 within the scope and functions of the team, due to the
 183 performance of his or her duties as a review team member in
 184 regard to any discussions by, or deliberations or
 185 recommendations of, the team or the member unless such person
 186 ~~member~~ acted in bad faith, with wanton and willful disregard of
 187 human rights, safety, or property.

188 (b) This subsection does not affect the requirements of s.
 189 768.28.

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

200 (b) A person who attends a meeting or other authorized

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201 activities of a review team may not testify in any civil,
202 criminal, administrative, or disciplinary proceedings as to any
203 records or information produced or presented to the review team
204 during its meetings or other activities authorized by this
205 section.

206 (c) This subsection does not prohibit:

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

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

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