

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; authorizing certain persons and
7 entities to initiate a review team; revising the
8 definition of the term "vulnerable adult"; requiring
9 certain representatives to be active participants on a
10 review team; revising review team membership; removing
11 provisions relating to state attorney requirements;
12 authorizing a review team to determine the number and
13 types of incidents to review; authorizing continuance
14 for review teams in existence on a certain date;
15 revising review team requirements to conform to
16 changes made by the act; removing a prohibition from
17 contacting, interviewing, or obtaining information
18 from the family of a victim; expanding immunity from
19 monetary liability to certain persons; providing
20 construction; providing that information and records
21 acquired by a review team are not subject to discovery
22 or introduction into evidence in certain proceedings
23 under certain circumstances; specifying that
24 provisions of law relating to a waiver of sovereign
25 immunity still apply; providing that a person who

26 attends a meeting or other authorized activities of a
 27 review team may not testify in certain proceedings as
 28 to certain records or information; providing
 29 exceptions; providing an effective date.
 30

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

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

34 415.1103 Elder and vulnerable adult abuse fatality review
 35 teams.-

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

43 (b) An elder and vulnerable adult abuse fatality review
 44 team may be initiated by any of the following persons or
 45 entities, which must specify the geographic area in which the
 46 team shall serve:

- 47 1. A state attorney, or his or her designee.
- 48 2. A law enforcement agency.
- 49 3. The Department of Children and Families.
- 50 4. The Office of the Attorney General.

51 5. The Agency for Persons with Disabilities.
 52 (c) The purpose of a review team is to learn how to
 53 prevent elder and vulnerable adult abuse and abuse-related
 54 deaths by intervening early and improving the system response to
 55 elder and vulnerable adult abuse, exploitation, or neglect.
 56 (2) For purposes of this section and s. 415.1104, the term
 57 "vulnerable adult" includes a disabled adult and elderly person
 58 as those terms are defined in s. 825.101(3) and (4),
 59 respectively.
 60 (3) (a) A ~~An elder abuse fatality~~ review team ~~must~~ may
 61 include a representative from the person or entity initiating
 62 the team, who must be an active participant on the team.
 63 (b) A review team may include, ~~but is not limited to,~~
 64 representatives from ~~any of~~ the other persons or entities that
 65 may initiate a team under paragraph (1)(b) and any of the
 66 following persons or entities ~~or persons located in the review~~
 67 team's judicial circuit:
 68 ~~1. Law enforcement agencies.~~
 69 ~~2. The state attorney.~~
 70 ~~1.3.~~ The medical examiner.
 71 ~~2.4.~~ A county court judge.
 72 ~~5. Adult protective services.~~
 73 ~~3.6.~~ The area agency on aging.
 74 ~~4.7.~~ The State Long-Term Care Ombudsman Program.
 75 ~~5.8.~~ The Agency for Health Care Administration.

76 | ~~9. The Office of the Attorney General.~~
 77 | 6.10. The Office of the State Courts Administrator.
 78 | ~~7.11.~~ The clerk of the court.
 79 | ~~8.12.~~ A victim services program.
 80 | ~~9.13.~~ An elder law or disability rights attorney.
 81 | ~~10.14.~~ Emergency services personnel.
 82 | ~~11.15.~~ A certified domestic violence center.
 83 | ~~12.16.~~ An advocacy organization for victims of sexual
 84 | violence.
 85 | ~~13.17.~~ A funeral home director.
 86 | ~~14.18.~~ A forensic pathologist.
 87 | ~~15.19.~~ A geriatrician.
 88 | ~~16.20.~~ A geriatric nurse.
 89 | ~~17.21.~~ A geriatric psychiatrist or other individual
 90 | licensed to offer behavioral health services.
 91 | ~~18.22.~~ A hospital discharge planner.
 92 | ~~19.23.~~ A public guardian.
 93 | ~~20.24.~~ Any other persons who have knowledge regarding
 94 | fatal and near-fatal incidents of vulnerable adult abuse, elder
 95 | abuse, domestic violence, ~~or~~ sexual violence, or suicide,
 96 | including knowledge of research, policy, law, and other matters
 97 | connected with such incidents involving vulnerable adults or
 98 | elderly persons ~~elders, or who are recommended for inclusion by~~
 99 | ~~the review team.~~
 100 | (4) (a)-(e) Participation in a review team is voluntary.

101 Members of a review team shall serve without compensation and
 102 may not be reimbursed for per diem or travel expenses. ~~Members~~
 103 ~~shall serve for terms of 2 years, to be staggered as determined~~
 104 ~~by the co-chairs.~~

105 ~~(d) The state attorney may call the first organizational~~
 106 ~~meeting of the team. At the initial meeting, members of a review~~
 107 ~~team shall choose two members to serve as co-chairs. Chairs may~~
 108 ~~be reelected by a majority vote of a review team for not more~~
 109 ~~than two consecutive terms. At the initial meeting, members of a~~
 110 ~~review team shall establish a schedule for future meetings. Each~~
 111 ~~review team shall meet at least once each fiscal year.~~

112 ~~(e) Each review team shall determine its local operations,~~
 113 ~~including, but not limited to, the process for case selection.~~
 114 ~~The state attorney shall refer cases to be reviewed by each~~
 115 ~~team. Reviews must be limited to closed cases in which an~~
 116 ~~elderly person's death was caused by, or related to, abuse or~~
 117 ~~neglect. All identifying information concerning the elderly~~
 118 ~~person must be redacted by the state attorney in documents~~
 119 ~~received for review. As used in this paragraph, the term "closed~~
 120 ~~case" means a case that does not involve information considered~~
 121 ~~active as defined in s. 119.011(3)(d).~~

122 (b) A review team may determine the number and type of
 123 incidents it chooses to review.

124 (c)~~(f)~~ Administrative costs of operating the review team
 125 must be borne by the team members or entities they represent.

126 ~~(5)-(2)~~ A ~~An elder abuse fatality~~ review team in existence
127 on July 1, 2023 ~~July 1, 2020~~, may continue to exist and must
128 comply with the requirements of this section.

129 ~~(6)-(3)~~ A ~~An elder abuse fatality~~ review team ~~must~~ shall do
130 all of the following:

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

135 (b) Take into consideration the events leading up to a
136 fatal or near-fatal incident, available community resources,
137 current law and policies, ~~and~~ the actions taken by systems or
138 individuals related to the fatal or near-fatal incident, and any
139 information considered relevant by the team, including a review
140 of public records and records for which a public records
141 exemption is granted.

142 (c) Identify potential gaps, deficiencies, or problems in
143 the delivery of services to elderly persons or vulnerable adults
144 by public and private agencies which may be related to incidents
145 ~~deaths~~ reviewed by the team.

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

149 (e) Develop recommendations and potential changes in law,
150 rules, and policies to support the care of elderly persons and

151 vulnerable adults and to prevent abuse-related incidents ~~elder~~
 152 ~~abuse deaths.~~

153 ~~(7)(4)(a)~~ A review team may share with other review teams
 154 in this state any relevant information that pertains to
 155 incidents identified or reviewed by the team ~~the review of the~~
 156 ~~death of an elderly person.~~

157 ~~(b)~~ ~~A review team member may not contact, interview, or~~
 158 ~~obtain information by request directly from a member of the~~
 159 ~~deceased elder's family as part of the review unless a team~~
 160 ~~member is authorized to do so in the course of his or her~~
 161 ~~employment duties. A member of the deceased elder's family may~~
 162 ~~voluntarily provide information or any record to a review team~~
 163 ~~but must be informed that such information or any record is~~
 164 ~~subject to public disclosure unless a public records exemption~~
 165 ~~applies.~~

166 ~~(8)(a)(5)(a)~~ Annually by September 1, each ~~elder abuse~~
 167 ~~fatality~~ review team shall submit a summary report to the
 168 Department of Elderly Affairs which includes, but is not limited
 169 to:

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

174 2. Current policies, procedures, rules, or statutes the
 175 review team has identified as contributing to the incidence of

176 | elder or vulnerable adult abuse and abuse-related ~~elder~~ deaths,
177 | and recommendations for system improvements and needed
178 | resources, training, or information dissemination to address
179 | such identified issues. ~~;~~ ~~and~~

180 | 3. Any other recommendations to prevent fatal or near-
181 | fatal incidents ~~deaths~~ from ~~elder~~ abuse, exploitation, or
182 | neglect, based on an analysis of the data and information
183 | presented in the report.

184 | (b) Annually by November 1, the Department of Elderly
185 | Affairs shall prepare a summary report of the review team
186 | information submitted under paragraph (a). The department shall
187 | submit its summary report to the Governor, the President of the
188 | Senate, the Speaker of the House of Representatives, and the
189 | Department of Children and Families.

190 | (9)(a)-(6) There is no monetary liability on the part of,
191 | and a cause of action for damages may not arise against, any
192 | member of a an-elder abuse fatality review team, or any person
193 | acting as a witness to, incident reporter to, or investigator
194 | for a review team, for any act or proceeding taken or performed
195 | within the scope and functions of the team, ~~due to the~~
196 | ~~performance of his or her duties as a review team member in~~
197 | ~~regard to any discussions by, or deliberations or~~
198 | ~~recommendations of, the team or the member~~ unless such person
199 | ~~member~~ acted in bad faith, with wanton and willful disregard of
200 | human rights, safety, or property.

201 (b) This subsection does not affect the requirements of s.
202 768.28.

203 (10) (a) All information and records acquired by the review
204 team are not subject to discovery or introduction into evidence
205 in any civil or criminal action or administrative or
206 disciplinary proceeding by any department or employing agency if
207 the information or records arose out of matters that are the
208 subject of evaluation and review by the review team. However,
209 information, documents, and records otherwise available from
210 other sources are not immune from discovery or introduction into
211 evidence solely because the information, documents, or records
212 were presented to or reviewed by the review team.

213 (b) A person who attends a meeting or other authorized
214 activities of a review team may not testify in any civil,
215 criminal, administrative, or disciplinary proceedings as to any
216 records or information produced or presented to the review team
217 during its meetings or other activities authorized by this
218 section.

219 (c) This subsection does not prohibit:

220 1. A person who testifies before a review team or is a
221 member of a review team from testifying in a civil, criminal,
222 administrative, or disciplinary proceeding to matters otherwise
223 within his or her knowledge; or

224 2. A member of a review team from testifying in a policy-
225 related hearing or matter, as long as the member of the review

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226 | team does not disclose records or information that would
227 | identify the victim or victim's family or any other confidential
228 | or exempt records or information pertaining to a matter reviewed
229 | by the review team.

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