

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Hawkins offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 415.1103 Elder and vulnerable adult abuse fatality review
8 teams.-

9 (1) (a) ~~A state attorney, or his or her designee, may~~
10 ~~initiate~~ An elder and vulnerable adult abuse fatality review
11 team may be established ~~in his or her judicial circuit~~ to review
12 ~~incidents of deaths of elderly persons caused by, or related to,~~
13 ~~abuse, exploitation, or neglect~~ which are believed to have

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

14 caused or contributed to the death of an elderly person or
15 vulnerable adult.

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

18 1. A state attorney.

19 2. A law enforcement agency.

20 3. The Department of Children and Families.

21 4. The Office of the Attorney General.

22 5. The Agency for Persons with Disabilities.

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

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

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

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

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

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

37 (3) ~~A An elder abuse fatality review team may include, but~~
38 ~~is not limited to,~~ representatives from ~~any of the~~ entities

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

39 listed under paragraph (1)(b) and any of the following persons
40 or entities ~~or persons located in the review team's judicial~~
41 ircuit:

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

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

63 ~~17.21.~~ A geriatric psychiatrist or other individual
64 licensed to offer behavioral health services.

65 ~~18.22.~~ A hospital discharge planner.

66 ~~19.23.~~ A public guardian.

67 ~~20.24.~~ Any other persons who are identified and invited by
68 the review team and who have knowledge regarding fatal incidents
69 of elder abuse, vulnerable adult abuse, domestic violence, ~~or~~
70 sexual violence, or suicide, including knowledge of research,
71 policy, law, and other matters connected with such incidents
72 involving elders and vulnerable adults, ~~or who are recommended~~
73 ~~for inclusion by the review team.~~

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

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

83 2. A representative of the entity initiating the review
84 team, who is chosen by that entity, shall serve as a co-chair of
85 the review team. At the initial meeting, members of a review
86 team shall elect a member ~~choose two members~~ to serve as an
87 additional co-chair. The co-chair elected by the review team

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

88 shall serve a 2-year term and co-chairs. Chairs may be reelected
89 by a majority vote of a review team for not more than two
90 consecutive terms.

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

94 ~~(c)(e)~~ Except as provided in subsection (1) and paragraph
95 (4)(b), each review team shall determine its structure, local
96 operations, and including, but not limited to, the process for
97 case selection, including, but not limited to, the number and
98 type of incidents it chooses to review. ~~The state attorney shall~~
99 ~~refer cases to be reviewed by each team. Reviews must be limited~~
100 ~~to closed cases in which an elderly person's death was caused~~
101 ~~by, or related to, abuse or neglect. All identifying information~~
102 ~~concerning the elderly person must be redacted by the state~~
103 ~~attorney in documents received for review. As used in this~~
104 ~~paragraph, the term "closed case" means a case that does not~~
105 ~~involve information considered active as defined in s.~~
106 ~~119.011(3)(d).~~

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

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

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

113 information or records produced, acquired, or discussed by the
114 review team which are confidential and exempt from s. 119.07(1)
115 and s. 24(a), Art. I of the State Constitution. The written
116 acknowledgment must reference applicable criminal penalties for
117 such disclosures and clearly identify the records for which such
118 penalties apply.

119 2. The entity initiating the review team shall provide the
120 acknowledgment form to be signed by each review team member and
121 shall provide training to review team members on the
122 requirements regarding records that are exempt or confidential
123 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
124 Constitution.

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

128 ~~(5)-(3)~~ A An elder abuse fatality review team must shall do
129 all of the following:

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

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

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

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

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

153 ~~(6)(a)(4)(a)~~ A review team may share with other review
154 teams 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)1. A review team member may not contact, interview, or
158 obtain information by request directly from a family member of a
159 person whose case is subject to review by the review team as
160 part of the review unless:

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

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

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

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

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

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

182 2. Current policies, procedures, rules, or statutes the
183 review team has identified as contributing to the incidence of
184 elder and vulnerable adult abuse and abuse-related ~~elder~~ deaths,
185 and recommendations for system improvements and needed

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

186 resources, training, or information dissemination to address
187 such identified issues. ~~;~~ and

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

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

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

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

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

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

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

228 (c) This subsection does not prohibit:

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

233 2. A member of a review team from testifying in a policy-
234 related hearing or matter, as long as the member of the review
235 team does not disclose communications, records, or information

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

236 that would identify the victim or victim's family or any other
237 confidential or exempt records or information pertaining to a
238 matter reviewed by the review team.

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

240

241 -----

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

243 Remove everything before the enacting clause and insert:

244

245 A bill to be entitled

246 An act relating to elder and vulnerable adult abuse
247 fatality review teams; amending s. 415.1103, F.S.;
248 authorizing the establishment of elder and vulnerable
249 adult abuse fatality review teams for certain
250 purposes; authorizing certain persons and entities to
251 initiate a review team; requiring the initiating
252 entity to determine the geographic area to be served
253 by the review team; providing a requirement for such
254 geographic area; revising the definition of the term
255 "elder and vulnerable adult"; revising review team
256 membership; authorizing continuance for review teams
257 in existence on a certain date; requiring the entity
258 that initiated the review team to call its first
259 meeting; specifying certain members to be co-chairs of
260 the review team; authorizing a review team to

255691

Approved For Filing: 4/28/2023 5:10:21 PM

Amendment No.

261 determine the number and types of incidents to review;
262 removing provisions relating to state attorney
263 requirements; requiring members of a review team to
264 sign a written acknowledgment of public records
265 requirements; requiring such acknowledgment to
266 reference applicable criminal penalties for certain
267 disclosures; requiring the initiating entity to
268 provide the acknowledgment form and certain training;
269 revising review team requirements to conform to
270 changes made by the act; modifying the prohibition
271 from contacting, interviewing, or obtaining
272 information from the family of a victim; expanding
273 immunity from monetary liability to certain persons;
274 providing construction; providing that communications,
275 information, and records produced or acquired by a
276 review team are not subject to discovery or
277 introduction into evidence in certain proceedings
278 under certain circumstances; providing that a person
279 who attends a meeting or other authorized activity of
280 a review team may not testify in certain proceedings
281 as to certain records or information; providing
282 exceptions; providing an effective date.

255691

Approved For Filing: 4/28/2023 5:10:21 PM