

26 | to read:

27 | 415.1103 Elder Abuse Fatality Review Teams.--

28 | (1) REVIEW TEAM ESTABLISHMENT AND ORGANIZATION.--

29 | (a) An elder abuse fatality review team may be established
 30 | in each judicial circuit to review deaths of elderly persons
 31 | alleged or found to have been caused by, or related to, abuse or
 32 | neglect. The teams are housed, for administrative purposes only,
 33 | in the Department of Elderly Affairs.

34 | (b) A review team may include, but is not limited to,
 35 | representatives from the following entities within the review
 36 | team's judicial circuit:

- 37 | 1. Law enforcement agencies;
- 38 | 2. The state attorney;
- 39 | 3. The medical examiner;
- 40 | 4. A county court judge;
- 41 | 5. Adult protective services;
- 42 | 6. The Area Agency on Aging;
- 43 | 7. The State Long-Term Care Ombudsman Program;
- 44 | 8. The Agency for Health Care Administration;
- 45 | 9. The Office of the Attorney General;
- 46 | 10. The Office of the State Courts Administrator;
- 47 | 11. The clerk of the court;
- 48 | 12. A victim services program;
- 49 | 13. An elder law attorney;
- 50 | 14. Emergency services personnel;

- 51 15. A certified domestic violence center;
 52 16. An advocacy organization for victims of sexual
 53 violence;
 54 17. A funeral home director;
 55 18. A forensic pathologist;
 56 19. A geriatrician;
 57 20. A geriatric nurse;
 58 21. A geriatric psychiatrist or other individual licensed
 59 to offer behavioral health services;
 60 22. A hospital discharge planner;
 61 23. A public guardian;
 62 24. Any other persons who have knowledge regarding fatal
 63 incidents of elder abuse, domestic violence, or sexual violence,
 64 including knowledge of research, policy, law, and other matters
 65 connected with such incidents or who are recommended for
 66 inclusion by the review team.
 67 (c) Any person eligible under paragraph (b) may initiate
 68 the establishment of a review team in his or her judicial
 69 circuit by requesting the Department of Elderly Affairs to call
 70 the first organizational meeting of the team. The secretary of
 71 the Department of Elderly Affairs, or his or her designee, shall
 72 appoint the members of the review team in consultation with the
 73 entities under paragraph (b). At the initial meeting of a review
 74 team, members shall choose two members to serve as co-chairs.
 75 (d) Participation in a review team is voluntary. Members

76 | of the review teams shall serve without compensation and may not
 77 | be reimbursed for per diem or travel expenses.

78 | (e) Members of a review team shall serve for staggered
 79 | terms of 2 years. The secretary of the Department of Elderly
 80 | Affairs may reappoint members for up to 3 consecutive terms.
 81 | Chairs may be reelected by a majority of the review team for up
 82 | to 2 consecutive terms.

83 | (f) A review team shall determine the local operations of
 84 | the team, including, but not limited to, the process for case
 85 | selection, which shall be limited to closed cases in which an
 86 | elderly person's death is alleged or found to have been caused
 87 | by, or related to, abuse or neglect, and the meeting schedule,
 88 | to include at least one meeting in each fiscal year.

89 | (g) Administrative costs of operating the review team
 90 | shall be borne by the team members or entities whom they
 91 | represent.

92 | (2) REVIEW TEAM DUTIES.-- A review team shall:

93 | (a) Review deaths of elderly persons in its judicial
 94 | circuit found or alleged to have been caused by, or related to,
 95 | abuse or neglect;

96 | (b) Consider the events leading up to a fatal incident,
 97 | available community resources, current law and policies, and the
 98 | actions taken by systems and individuals related to the fatal
 99 | incident;

100 | (c) Identify gaps, deficiencies, or problems in the

101 delivery of services to elderly persons by public and private
102 agencies which may be related to deaths reviewed by the review
103 team;

104 (d) Whenever possible, develop a communitywide approach to
105 address causes of and contributing factors to deaths reviewed by
106 the review team; and

107 (e) Develop practice standards, and recommend changes in
108 law, rules, and policies, that support the care of elderly
109 persons and prevent elder abuse deaths.

110 (3) ACCESS TO AND USE OF RECORDS.--

111 (a) The Department of Elderly Affairs, on behalf of a
112 review team, may request and shall be provided the following
113 information or records pertaining to an elderly person whose
114 death is being reviewed by a review team:

115 1. Information and records held by a criminal justice
116 agency, as defined in s. 119.011(4), not including active
117 criminal intelligence or investigative information, as defined
118 in s. 119.011(3).

119 2. Information and records from Adult Protective Services
120 pursuant to s. 415.107(3) (m).

121 3. An autopsy report from the medical examiner's office,
122 not including materials protected under s. 406.135.

123 (b) Review team members may share with each other any
124 relevant information that pertains to the review of the death of
125 an elderly person.

126 (c) A team member may not contact, interview, or obtain
 127 information by request directly from a member of the deceased
 128 elderly person's family as part of the review, unless a team
 129 member is authorized to do so in the course of his or her
 130 employment duties. A member of the deceased elderly person's
 131 family may voluntarily provide records or information to a
 132 review team.

133 (4) ANNUAL REPORTS.--

134 (a) By September 1 of each year, each review team shall
 135 submit a report to the Department of Elderly Affairs, including,
 136 but not limited to:

137 1. Descriptive statistics regarding cases reviewed by the
 138 review team, including demographic information regarding victims
 139 and caregivers, and the causes and nature of deaths.

140 2. Current policies, procedures, rules, or statutes that
 141 the review team identified as contributing to the incidence of
 142 elder abuse and elder deaths, and recommendations for system
 143 improvement and needed resources, training, or information
 144 dissemination to address those identified issues.

145 3. Any other recommendations to prevent deaths from elder
 146 abuse based on an analysis of the data and information presented
 147 in the report.

148 4. Any steps taken by the review team and public and
 149 private agencies to implement necessary changes and improve the
 150 coordination of services and reviews.

151 (b) By November 1 of each year, the Department of Elderly
152 Affairs shall prepare a summary report of the information
153 required by subsection (a), which shall be provided to the
154 Governor, the President of the Senate, the Speaker of the House
155 of Representatives, and the Department of Children and Families.

156 (5) Information and records acquired by a review team are
157 not subject to discovery or introduction into evidence in any
158 civil or criminal action or administrative or disciplinary
159 proceeding by any state or local government department or agency
160 if the information or records arose out of the matters that are
161 the subject of review by a review team. However, information,
162 documents, and records that are available from other sources are
163 not immune from discovery or introduction into evidence solely
164 because the information, documents, or records were presented to
165 or reviewed by a review team.

166 (6) A person who has attended a meeting of the review team
167 or who has otherwise participated in the activities authorized
168 by this section may not be permitted or required to testify in
169 any civil, criminal, administrative, or disciplinary proceeding
170 as to any records or information produced or presented to a
171 review team during a meeting or other activity authorized by
172 this section. However, this paragraph does not prevent any
173 person who testifies before the review team or who is a member
174 of the review team from testifying as to matters otherwise
175 within his or her knowledge.

176 (7) There is no monetary liability on the part of, and a
 177 cause of action for damages may not arise against, any member of
 178 a review team in the performance of duties as a review team
 179 member, unless such member acted in bad faith, with wanton and
 180 willful disregard of human rights, safety, or property.

181 (8) Review teams and their members shall not disclose any
 182 information that is confidential pursuant to law.

183 Section 2. Paragraph (m) is added to subsection (3)
 184 of section 415.107, Florida Statutes, to read:

185 415.107 Confidentiality of reports and records.—

186 (3) Access to all records, excluding the name of the
 187 reporter which shall be released only as provided in subsection
 188 (6), shall be granted only to the following persons, officials,
 189 and agencies:

190 (m) The Department of Elderly Affairs on behalf of an
 191 elder abuse fatality review team established under s.
 192 415.1103(1) that is reviewing the death of an elderly person.

193 Section 3. This act shall take effect on July 1, 2018.