

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 1540
INTRODUCER: Garcia
SUBJECT: Elder Abuse and Vulnerable Adult Fatality Review Teams
DATE: May 2, 2023

I. Amendments Contained in Message:

House Amendment 1 - 255691

II. Summary of Amendments Contained in Message:

House Amendment 1 – 255691 contains the contents of HB 1567, the House companion to SB 1540. The differences between SB 1540 and HB 1567 are as follows:

Removal of Near-Fatal Incident Reviews

The amendment removes the ability of elder abuse and vulnerable adult fatality review teams (review teams) to review near-fatal incidents of elder or vulnerable adult abuse. Under the amendment, review teams will review only fatal incidents.

Co-Chair Requirement

The amendment also requires a representative of the entity initiating a review team, who is chosen by that entity, to serve as a co-chair of the team. Members of a review team must elect a member of the team to serve as an additional co-chair at the review team’s initial meeting. The elected co-chair must serve a 2-year term and may be reelected by a majority vote of the team for no more than two consecutive terms. SB 1540 currently does not require review teams to elect chairs or co-chairs.

Confidentiality Agreements and Written Acknowledgements

The amendment requires all members of a review team to sign a written acknowledgement that each member is obligated to comply with the applicable provisions of ch. 119, F.S., and s. 24(a), Art. 1 of the Florida Constitution, and may not knowingly disclose or reveal information or records produced, acquired, or discussed by the review team which are confidential and exempt. The written acknowledgement must reference applicable criminal penalties for such disclosures and clearly identify the records for which such penalties apply. The entity initiating a review team is required to provide the acknowledgement form to be signed by each review team member and must provide training to review team members on the requirements regarding records which are exempt or confidential and exempt.

SB 1540 currently requires review team members to sign a confidentiality agreement acknowledging the requirement to protect confidential and exempt oral or written communications, information, or records produced or acquired by the review team from unauthorized disclosure. A review team member who knowingly and willfully discloses confidential and exempt oral or written communications, information, or records produced or acquired by the review team commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The confidentiality agreement must reference such penalties.

The amendment eliminates the requirement to sign confidentiality agreements and replaces it with the requirement to sign written acknowledgements, which reference any applicable criminal penalties for unauthorized disclosures rather than specifically stating that unauthorized disclosure results in commission of a second degree misdemeanor.

Miscellaneous Provisions

The amendment also:

- Does not allow a designee of a state attorney to initiate a team;
- Specifies that the geographic area served by a review team must be within the jurisdiction or service area of the initiating entity;
- Provides a definition of ‘vulnerable adult’ (specifies that vulnerable adult has the same meaning as in s. 415.102, F.S.); and
- Does not specifically prohibit disclosure of information or records (only prohibits making records subject to discovery or introduction into evidence).