

CHAPTER 98-216

House Bill No. 1705

An act relating to access to the courts for vulnerable elders; providing legislative findings and intent; defining the term “elder”; requesting the Judicial Management Council or another court committee to evaluate the accessibility of the courts to elders and make recommendations to improve the responsiveness of the courts; providing an effective date.

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

Section 1. Elder courts.—

(1)(a) The Legislature recognizes that:

1. There is continuous rapid growth in this state’s elderly population;
2. There are many persons in this state who suffer from the infirmities of aging; and
3. Infirmities of aging may be manifested by physical, mental, or emotional dysfunction to the extent that a person may be impaired in the ability to adequately provide for or secure his or her own care, protection, rights, or access to the courts.

(b) The Legislature acknowledges that several groups have assessed the court-related needs of elderly persons. Studies generated by these groups include:

1. The January 1, 1994, Action Plan of the Supreme Court of Florida Committee on Court-Related Needs of the Elderly and Persons with Disabilities;
2. “A Proposal to Ensure Cook County Seniors Equal Opportunity for Justice,” by the Task Force on Seniors in the Courts, of the Ad Hoc Committee on Agency/Court Related Senior Citizens Issues;
3. The American Bar Association Recommendations on Court-Related Needs of the Elderly and Persons with Disabilities (1991); and
4. The American Bar Association Commission on Legal Problems of the Elderly State Justice Institute, “Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse.”

(c) The Legislature finds that elder persons should be accorded full access to the justice system and that the judiciary has assumed a leadership role in removing barriers and in ensuring that elderly persons are treated in a dignified manner. The Legislature recommends that the judiciary continue its exemplary role by examining whether any additional measures are needed to enhance judicial responsiveness to the needs of elderly persons.

(2) For the purposes of this section, the term "elder" means a person who is 60 years of age or older and who suffers from infirmities of aging, as manifested by physical, mental, or emotional dysfunction to the extent that the ability of the person to adequately provide for or secure his or her own care, protection, rights, or access to the courts is impaired.

(3) In accordance with Rule 2.125(a)(1)(B)(iii), Rules of Judicial Administration, the Florida Legislature requests that the Judicial Management Council or other court committee evaluate the manner in which the courts process and handle cases in which an elder is a party.

(a) Such review should include consideration of, and, when appropriate, recommendations on: court organization and procedures; court staffing, support services, and other resources; the availability of alternative dispute resolution; additional judicial and court personnel training; and public education needs. The review should identify the implementation requirements for any recommendations, including fiscal impact, and provide any other necessary information.

(b) In evaluating the court-related needs of elders and how court organization and procedures affect those needs, the designated court committee and the Office of the State Courts Administrator are encouraged to coordinate with court-related agencies, executive branch agencies, and private-sector organizations that have expertise in elder issues.

(c) The designated court committee is requested to submit a report of its findings to the Chief Justice of the Supreme Court, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives no later than December 1, 2000.

(d) The Office of the State Courts Administrator shall provide staff to the designated court committee in furtherance of this review, along with all necessary data collection, analysis, research, and support services.

Section 2. This act shall take effect July 1 of the year in which enacted.

Became a law without the Governor's approval May 24, 1998.

Filed in Office Secretary of State May 22, 1998.