

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Harrison offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 415.1111, Florida Statutes, is amended
 7 to read:

8 415.1111 Civil actions.—

9 (1) A vulnerable adult who has been abused, neglected, or
 10 exploited as specified in this chapter has a cause of action
 11 against any perpetrator and may recover actual and punitive
 12 damages for such abuse, neglect, or exploitation.

13 (2) The action may be brought by:

14 (a) The vulnerable adult, or that person's guardian; ~~or by~~

15 (b) A person or organization acting on behalf of the
 16 vulnerable adult with the consent of that person or that
 17 person's guardian; ~~or by~~

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18 (c) The personal representative of the estate of a
19 deceased victim without regard to whether the cause of death
20 resulted from the abuse, neglect, or exploitation; ~~or-~~

21 (d) A facility which has an obligation to provide for the
22 health, safety and welfare of the vulnerable adult, provided
23 that the facility has reported the alleged exploitation to law
24 enforcement. The facility must act on behalf of the vulnerable
25 adult and with the consent of the vulnerable adult. If consent
26 cannot be given by the vulnerable adult, the facility must give
27 written notice to the vulnerable adults' next of kin or legal
28 representative, and must show that this action is necessary for
29 the immediate health, safety or welfare of the vulnerable adult.
30 Recovery for the facility shall not exceed the value of the debt
31 owed for services provided to the vulnerable adult plus any
32 reasonable attorney fees or costs incurred in bringing the cause
33 of action. Any recovery in excess of this amount owed belongs to
34 the vulnerable adult or the vulnerable adult's estate.

35 (3) The action may be brought in any court of competent
36 jurisdiction to enforce such action and to recover actual and
37 punitive damages for any deprivation of or infringement on the
38 rights of a vulnerable adult. A party who prevails in any such
39 action may be entitled to recover reasonable attorney's fees,
40 costs of the action, and damages.

41 (4) The remedies provided in this section are in addition
42 to and cumulative with other legal and administrative remedies
43 available to a vulnerable adult.

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44 (5) Notwithstanding the foregoing, any civil action for
45 damages against any licensee or entity who establishes,
46 controls, conducts, manages, or operates a facility licensed
47 under part II of chapter 400 relating to its operation of the
48 licensed facility shall be brought pursuant to s. 400.023, or
49 against any licensee or entity who establishes, controls,
50 conducts, manages, or operates a facility licensed under part I
51 of chapter 429 relating to its operation of the licensed
52 facility shall be brought pursuant to s. 429.29. Such licensee
53 or entity shall not be vicariously liable for the acts or
54 omissions of its employees or agents or any other third party in
55 an action brought under this section.

56 Section 2. This act shall take effect July 1, 2016.

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

60 Remove everything before the enacting clause and insert:
61 An act relating to vulnerable adults; amending s. 415.1111,
62 F.S.; providing for a cause of action against the exploitation
63 of vulnerable adults by a facility providing goods and services
64 to such vulnerable adults under certain circumstances; providing
65 an effective date.