

Bill No. SB 1188

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Rossin moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 Section 1. Subsection (5) of section 415.102, Florida  
 18 Statutes, is amended, subsection (11) is renumbered as  
 19 subsection (12), present subsections (12) through (35) are  
 20 renumbered as subsections (14) through (37), respectively, and  
 21 new subsections (11) and (13) are added to said section, to  
 22 read:

23 415.102 Definitions of terms used in ss.  
 24 415.101-415.113.--As used in ss. 415.101-415.113, the term:

25 (5) "Closed without classification" means the closure  
 26 of a report in which an adult protective investigator  
 27 determines that:

28 (a) Some evidence exists that abuse, neglect, or  
 29 exploitation has occurred, but a preponderance of evidence  
 30 cannot be established; or

31 (b) A preponderance of the evidence exists that abuse,

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1 neglect, or exploitation has occurred, but no perpetrator can  
2 be identified, ~~or~~

3 ~~(c) Self-neglect is the sole cause of the neglect.~~

4 (11) "Disabled adult in need of services" means a  
5 disabled adult who has been determined by an adult protective  
6 services investigator to be suffering from the ill effects of  
7 neglect not caused by a second party perpetrator and is in  
8 need of protective services or other services to prevent  
9 further harm.

10 (13) "Elderly person in need of services" means an  
11 elderly person who has been determined by an adult protective  
12 services investigator to be suffering from the ill effects of  
13 neglect not caused by a second party perpetrator and is in  
14 need of protective services or other services to prevent  
15 further harm.

16 Section 2. Paragraphs (b) through (f) of subsection  
17 (2) of section 415.1045, Florida Statutes, are redesignated as  
18 paragraphs (c) through (g), respectively, and a new paragraph  
19 (b) is added to said subsection to read:

20 415.1045 Protective investigations; onsite  
21 investigations; photographs, videotapes, and medical  
22 examinations; abrogation of privileged communications;  
23 confidential records and documents; classification or closure  
24 of records.--

25 (2) ONSITE INVESTIGATIONS.--For each report it  
26 receives, the department shall perform an onsite investigation  
27 to:

28 (b) Determine whether the person is a disabled adult  
29 in need of services or an elderly person in need of services,  
30 as defined in s. 415.102.

31 Section 3. Subsection (1) of section 415.105, Florida

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1 Statutes, is amended to read:

2 415.105 Provision of protective services with consent;  
3 withdrawal of consent.--

4 (1) PROTECTIVE SERVICES WITH CONSENT.--If the  
5 department determines through its investigation that a  
6 disabled adult or an elderly person demonstrates a need for  
7 protective services or protective supervision, the department  
8 shall immediately provide, or arrange for the provision of,  
9 protective services or protective supervision, including  
10 in-home services, provided that the disabled adult or elderly  
11 person consents. A disabled person in need of services as  
12 defined in s. 415.102 shall be referred to the community care  
13 for disabled adults program. An elderly person in need of  
14 services as defined in s. 415.102 shall be referred to the  
15 community care for the elderly program administered by the  
16 Department of Elderly Affairs.

17 Section 4. Paragraph (d) of subsection (2) of section  
18 415.1055, Florida Statutes, is redesignated as paragraph (e),  
19 and a new paragraph (d) is added to said section to read:

20 415.1055 Notification to administrative entities,  
21 subjects, and reporters; notification to law enforcement and  
22 state attorneys.--

23 (2) NOTIFICATION TO OTHER PERSONS.--

24 (d) In the case of a report that has been determined  
25 by an adult protective services investigator to be either a  
26 disabled adult in need of services or an elderly person in  
27 need of services, as defined in s. 415.102, no classification  
28 of the report shall be made and no notification shall be  
29 required.

30 Section 5. Subsections (6), (7), and (8) of section  
31 415.1065, Florida Statutes, are renumbered as subsections (7),

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1 (8), and (9), respectively, and a new subsection (6) is added  
2 to said section, to read:

3 415.1065 Records management.--All records must be  
4 maintained in their entirety for their full retention period,  
5 except as otherwise provided in this section:

6 (6) RECORDS OF REPORTS CLOSED AS DISABLED ADULT IN  
7 NEED OF SERVICES OR ELDERLY PERSON IN NEED OF SERVICES.--The  
8 department may retain the records of reports determined to be  
9 a disabled adult in need of services or an elderly person in  
10 need of services for up to 1 year for purposes of facilitating  
11 the provision of services, program performance reporting, and  
12 research and statistical analysis. After 1 year the record  
13 must be expunged in its entirety.

14 Section 6. Paragraph (c) of subsection (2) of section  
15 415.1102, Florida Statutes, is amended to read:

16 415.1102 Adult protection teams; services; eligible  
17 cases.--Subject to an appropriation, the department may  
18 develop, maintain, and coordinate the services of one or more  
19 multidisciplinary adult protection teams in each of the  
20 districts of the department. Such teams may be composed of,  
21 but need not be limited to, representatives of appropriate  
22 health, mental health, social service, legal service, and law  
23 enforcement agencies.

24 (2) The adult abuse, neglect, or exploitation cases  
25 that are appropriate for referral by the adult protective  
26 services program to adult protection teams for supportive  
27 services include, but are not limited to, cases involving:

28 (c) Reported medical, physical, or emotional neglect,  
29 ~~either self or second party,~~ of a disabled adult or an elderly  
30 person.

31 Section 7. Subsection (5) of section 430.205, Florida

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1 Statutes, is amended to read:

2 430.205 Community care service system.--

3 (5) Any person who has been classified as a  
4 functionally impaired elderly person is eligible to receive  
5 community-care-for-the-elderly core services. Those elderly  
6 persons who are determined by adult protective services to be  
7 elderly persons in need of services, pursuant to s.  
8 415.1045(2)(b), or to be the functional assessment to be at  
9 risk of institutionalization and victims of abuse, neglect, or  
10 exploitation who are in need of immediate services to prevent  
11 further harm and are referred by adult protective services,  
12 shall be given primary consideration for receiving  
13 community-care-for-the-elderly services. Primary  
14 consideration" means that an assessment and services shall  
15 commence within 72 hours after referral to the department,  
16 according to the protocols established in written agreements  
17 between adult protective services and the responsible local  
18 agencies designated through contracts by the department.

19 Section 8. This act shall take effect July 1 of the  
20 year in which enacted.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

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27 and insert:

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A bill to be entitled

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An act relating to adult abuse, neglect, and  
30 exploitation; amending ss. 415.102 and

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415.1102, F.S.; deleting references to

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1 self-neglect from provisions relating to adult  
2 protective services cases and reports; defining  
3 "disabled adult in need of services" and  
4 "elderly person in need of services"; amending  
5 s. 415.1045, F.S.; providing for determinations  
6 in onsite protective investigations that  
7 certain persons are persons in need of  
8 services; amending s. 415.105, F.S.; providing  
9 for referral of such persons to programs of the  
10 Department of Elderly Affairs; amending s.  
11 415.1055, F.S.; providing that no  
12 classification or notification is required for  
13 reports resulting in such determinations;  
14 amending s. 415.1065, F.S.; providing for  
15 retention and expunction of records of such  
16 reports; amending s. 430.205, F.S.; revising  
17 circumstances under which certain elderly  
18 persons must receive primary consideration for  
19 community-care-for-the-elderly services;  
20 defining "primary consideration"; providing an  
21 effective date.

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