

Bill No. HB 4167

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

15 and insert:

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17 Section 1. Subsection (5) of section 415.102, Florida

18 Statutes, is amended, subsection (11) is redesignated as

19 subsection (12), present subsections (12) through (35) are

20 redesignated as subsections (14) through (37), respectively,

21 and new subsections (11) and (13) are added to that section,

22 to 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. As used in this
14 subsection, "primary consideration" means that an assessment
15 and services must commence within 72 hours after referral to
16 the department or as established in accordance with department
17 contracts by local protocols developed between department
18 service providers and adult protective services.

19 Section 8. The Office of Program Policy Analysis and
20 Government Accountability shall conduct a review and follow-up
21 study of the process by which the Department of Children and
22 Family Services elder victims of abuse, neglect, or
23 exploitation are referred to the Department of Elderly Affairs
24 for community services. The study shall also examine the
25 process used by the Department of Elderly Affairs to establish
26 service priorities for and provides service to these persons.
27 The Office of Program Policy Analysis and Government
28 Accountability shall submit a report of the review to the
29 President of the Senate and the Speaker of the House of
30 Representatives no later than December 31, 1998 and a report
31 of the follow-up study no later than December 31, 2000.

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1 Section 9. This act shall take effect July 1, 1998.

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

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

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 A bill to be entitled

10 An act relating to adult abuse, neglect, and
11 exploitation; amending ss. 415.102 and
12 415.1102, F.S.; deleting references to
13 self-neglect from provisions relating to adult
14 protective services cases and reports; defining
15 "disabled adult in need of services" and
16 "elderly person in need of services"; amending
17 s. 415.1045, F.S.; providing for determinations
18 in onsite protective investigations that
19 certain persons are persons in need of
20 services; amending s. 415.105, F.S.; providing
21 for referral of such persons to programs of the
22 Department of Elderly Affairs; amending s.
23 415.1055, F.S.; providing that no
24 classification or notification is required for
25 reports resulting in such determinations;
26 amending s. 415.1065, F.S.; providing for
27 retention and expunction of records of such
28 reports; amending s. 430.205, F.S.; revising
29 circumstances under which certain elderly
30 persons must receive primary consideration for
31 community-care-for-the-elderly services;

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defining "primary consideration"; providing for
a review and follow-up study by the office of
Program Policy Analysis and Government
Accountability; providing for reports to the
Legislature; providing an effective date.