

By the Committee on Elder Affairs & Long Term Care and  
Representatives Brooks, Jacobs, Argenziano, Carlton, Wiles,  
Reddick and Barreiro

1                                   A bill to be entitled  
2           An act relating to adult abuse, neglect, and  
3           exploitation; amending ss. 415.102 and  
4           415.1102, F.S.; deleting references to  
5           self-neglect from provisions relating to adult  
6           protective services cases and reports; defining  
7           "disabled adult in need of services" and  
8           "elderly person in need of services"; amending  
9           s. 415.1045, F.S.; providing for determinations  
10          in onsite protective investigations that  
11          certain persons are persons in need of  
12          services; amending s. 415.105, F.S.; providing  
13          for referral of such persons to programs of the  
14          Department of Elderly Affairs; amending s.  
15          415.1055, F.S.; providing that no  
16          classification or notification is required for  
17          reports resulting in such determinations;  
18          amending s. 415.1065, F.S.; providing for  
19          retention and expunction of records of such  
20          reports; amending s. 430.205, F.S.; revising  
21          circumstances under which certain elderly  
22          persons must receive primary consideration for  
23          community-care-for-the-elderly services;  
24          defining "primary consideration"; providing an  
25          effective date.

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

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29           Section 1. Subsection (5) of section 415.102, Florida  
30   Statutes, is amended, subsection (11) is renumbered as  
31   subsection (12), present subsections (12) through (35) are

1 renumbered as subsections (14) through (37), respectively, and  
2 new subsections (11) and (13) are added to said section, to  
3 read:

4 415.102 Definitions of terms used in ss.

5 415.101-415.113.--As used in ss. 415.101-415.113, the term:

6 (5) "Closed without classification" means the closure  
7 of a report in which an adult protective investigator  
8 determines that:

9 (a) Some evidence exists that abuse, neglect, or  
10 exploitation has occurred, but a preponderance of evidence  
11 cannot be established; or

12 (b) A preponderance of the evidence exists that abuse,  
13 neglect, or exploitation has occurred, but no perpetrator can  
14 be identified. ~~or~~

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

16 (11) "Disabled adult in need of services" means a  
17 disabled adult who has been determined by an adult protective  
18 services investigator to be suffering from the ill effects of  
19 neglect not caused by a second party perpetrator and is in  
20 need of protective services or other services to prevent  
21 further harm.

22 (13) "Elderly person in need of services" means an  
23 elderly person who has been determined by an adult protective  
24 services investigator to be suffering from the ill effects of  
25 neglect not caused by a second party perpetrator and is in  
26 need of protective services or other services to prevent  
27 further harm.

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

1           415.1045 Protective investigations; onsite  
2 investigations; photographs, videotapes, and medical  
3 examinations; abrogation of privileged communications;  
4 confidential records and documents; classification or closure  
5 of records.--

6           (2) ONSITE INVESTIGATIONS.--For each report it  
7 receives, the department shall perform an onsite investigation  
8 to:

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

12           Section 3. Subsection (1) of section 415.105, Florida  
13 Statutes, is amended to read:

14           415.105 Provision of protective services with consent;  
15 withdrawal of consent.--

16           (1) PROTECTIVE SERVICES WITH CONSENT.--If the  
17 department determines through its investigation that a  
18 disabled adult or an elderly person demonstrates a need for  
19 protective services or protective supervision, the department  
20 shall immediately provide, or arrange for the provision of,  
21 protective services or protective supervision, including  
22 in-home services, provided that the disabled adult or elderly  
23 person consents. A disabled person in need of services as  
24 defined in s. 415.102 shall be referred to the community care  
25 for disabled adults program. An elderly person in need of  
26 services as defined in s. 415.102 shall be referred to the  
27 community care for the elderly program administered by the  
28 Department of Elderly Affairs.

29           Section 4. Paragraph (d) of subsection (2) of section  
30 415.1055, Florida Statutes, is redesignated as paragraph (e),  
31 and a new paragraph (d) is added to said section to read:

1           415.1055 Notification to administrative entities,  
2 subjects, and reporters; notification to law enforcement and  
3 state attorneys.--

4           (2) NOTIFICATION TO OTHER PERSONS.--

5           (d) In the case of a report that has been determined  
6 by an adult protective services investigator to be either a  
7 disabled adult in need of services or an elderly person in  
8 need of services, as defined in s. 415.102, no classification  
9 of the report shall be made and no notification shall be  
10 required.

11           Section 5. Subsections (6), (7), and (8) of section  
12 415.1065, Florida Statutes, are renumbered as subsections (7),  
13 (8), and (9), respectively, and a new subsection (6) is added  
14 to said section, to read:

15           415.1065 Records management.--All records must be  
16 maintained in their entirety for their full retention period,  
17 except as otherwise provided in this section:

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

26           Section 6. Paragraph (c) of subsection (2) of section  
27 415.1102, Florida Statutes, is amended to read:

28           415.1102 Adult protection teams; services; eligible  
29 cases.--Subject to an appropriation, the department may  
30 develop, maintain, and coordinate the services of one or more  
31 multidisciplinary adult protection teams in each of the

1 districts of the department. Such teams may be composed of,  
2 but need not be limited to, representatives of appropriate  
3 health, mental health, social service, legal service, and law  
4 enforcement agencies.

5 (2) The adult abuse, neglect, or exploitation cases  
6 that are appropriate for referral by the adult protective  
7 services program to adult protection teams for supportive  
8 services include, but are not limited to, cases involving:

9 (c) Reported medical, physical, or emotional neglect,  
10 ~~either self or second party,~~ of a disabled adult or an elderly  
11 person.

12 Section 7. Subsection (5) of section 430.205, Florida  
13 Statutes, is amended to read:

14 430.205 Community care service system.--

15 (5) Any person who has been classified as a  
16 functionally impaired elderly person is eligible to receive  
17 community-care-for-the-elderly core services. Those elderly  
18 persons who are determined by adult protective services to be  
19 elderly persons in need of services, pursuant to s.  
20 415.1045(2)(b), or to be the functional assessment to be at  
21 risk of institutionalization and victims of abuse, neglect, or  
22 exploitation who are in need of immediate services to prevent  
23 further harm and are referred by adult protective services,  
24 shall be given primary consideration for receiving  
25 community-care-for-the-elderly services. "Primary  
26 consideration" means that an assessment and services shall  
27 commence within 72 hours after referral to the department,  
28 according to the protocols established in written agreements  
29 between adult protective services and the responsible local  
30 agencies designated through contracts by the department.

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

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5 HOUSE SUMMARY

6 Removes references to self-neglect from provisions  
7 relating to adult protective services cases and reports.  
8 Defines "disabled adult in need of services" and "elderly  
9 persons in need of services." Provides for determinations  
10 in onsite protective investigations that certain persons  
11 are persons in need of services. Provides for referral of  
12 such persons to programs of the Department of Elderly  
13 Affairs. Provides that no classification or notification  
14 is required for reports resulting in such determinations.  
15 Authorizes the department to retain records of such  
16 reports for up to 1 year, and requires expunction  
17 thereafter. Revises circumstances under which certain  
18 elderly persons must receive primary consideration for  
19 community-care-for-the-elderly services, and defines  
20 "primary consideration."  
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