

By the Committee on Children and Families; and Senator Margolis

300-2289-03

1 A bill to be entitled
 2 An act relating to adult protective services;
 3 amending s. 415.1045, F.S.; requiring the
 4 Department of Children and Family Services to
 5 enter into certain working agreements with
 6 local law enforcement agencies; requiring the
 7 Office of Program Policy Analysis and
 8 Government Accountability to review and report
 9 to the Legislature; amending s. 415.1102, F.S.;
 10 defining the term "multidisciplinary adult
 11 protection team"; providing for composition of
 12 such teams; requiring the department to report
 13 to the Legislature on the status of compliance
 14 with certain recommendations relating to the
 15 Adult Services Program and to analyze and
 16 provide a plan for the implementation of
 17 multidisciplinary adult protection teams;
 18 providing an effective date.

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

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 22 Section 1. Subsection (6) of section 415.1045, Florida
 23 Statutes, is amended to read:

24 415.1045 Photographs, videotapes, and medical
 25 examinations; abrogation of privileged communications;
 26 confidential records and documents.--

27 (6) WORKING AGREEMENTS.--By March 1, 2004, the
 28 department shall enter into working agreements with the
 29 jurisdictionally responsible county sheriffs' office or local
 30 police department that will be the lead agency when conducting
 31 any criminal investigation arising from an allegation of

1 abuse, neglect, or exploitation of a vulnerable adult. The
2 working agreement must specify how the requirements of this
3 chapter will be met. The Office of Program Policy Analysis and
4 Government Accountability shall conduct a review of the
5 efficacy of the agreements and report its findings to the
6 Legislature by March 1, 2005.For the purposes of such
7 agreement, the jurisdictionally responsible law enforcement
8 entity is authorized to share Florida criminal history and
9 local criminal history information that is not otherwise
10 exempt from s. 119.07(1) with the district personnel. A law
11 enforcement entity entering into such agreement must comply
12 with s. 943.0525. Criminal justice information provided by
13 such law enforcement entity shall be used only for the
14 purposes specified in the agreement and shall be provided at
15 no charge. Notwithstanding any other provision of law, the
16 Department of Law Enforcement shall provide to the department
17 electronic access to Florida criminal justice information
18 which is lawfully available and not exempt from s. 119.07(1),
19 only for the purpose of protective investigations and
20 emergency placement. As a condition of access to such
21 information, the department shall be required to execute an
22 appropriate user agreement addressing the access, use,
23 dissemination, and destruction of such information and to
24 comply with all applicable laws and rules of the Department of
25 Law Enforcement.

26 Section 2. Section 415.1102, Florida Statutes, is
27 amended to read:

28 415.1102 Adult protection teams.--

29 (1) 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. As used in this section, the term
2 "multidisciplinary adult protection team" means a team of two
3 or more persons who are trained in the prevention,
4 identification, and treatment of abuse of elderly persons, as
5 defined in s. 430.602, or of dependent persons and who are
6 qualified to provide a broad range of services related to
7 abuse of elderly or dependent persons.

8 (2) Such teams may be composed of, but need not be
9 limited to:

10 (a) Psychiatrists, psychologists, or other trained
11 counseling personnel;

12 (b) Police officers or other law enforcement officers;

13 (c) Medical personnel who have sufficient training to
14 provide health services;

15 (d) Social workers who have experience or training in
16 preventing the abuse of elderly or dependent persons; and

17 (e) Public guardians as described in part IX of
18 chapter 744., ~~representatives of appropriate health, mental~~
19 ~~health, social service, legal service, and law enforcement~~
20 ~~agencies.~~

21 (3) The department shall utilize and convene the teams
22 to supplement the protective services activities of the
23 protective services program of the department.

24 (4) This section does not prevent a person from
25 reporting under s. 415.1034 all suspected or known cases of
26 abuse, neglect, or exploitation of a vulnerable adult. The
27 role of the teams is to support activities of the protective
28 services program and to provide services deemed by the teams
29 to be necessary and appropriate to abused, neglected, and
30 exploited vulnerable adults upon referral. Services must be
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1 provided with the consent of the vulnerable adult or that
2 person's guardian, or through court order.

3 (5) ~~If in all instances in which~~ an adult protection
4 team is providing certain services to abused, neglected, or
5 exploited vulnerable adults, other offices and units of the
6 department shall avoid duplicating ~~the provisions of~~ those
7 services.

8 Section 3. Given the serious and growing problem of
9 elder abuse, by December 1, 2003, the Department of Children
10 and Family Services shall report to the Legislature on the
11 status of its compliance with all of the recommendations for
12 improvement of the Adult Services Program included in Report
13 No. 03-08 from the Office of Program Planning and Government
14 Accountability. The department shall also analyze and include
15 as part of this report a plan for implementing at least one
16 multidisciplinary adult protection team, as defined in section
17 415.1102, Florida Statutes, in each of its districts.

18 Section 4. This act shall take effect July 1, 2003.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1822
4 Changes the date by which the Department of Children and
5 Family Services (department) is to enter into working
6 agreements with local law enforcement agencies pertaining to
7 investigations of alleged abuse, neglect, or exploitation of a
8 vulnerable adult.
9 Requires the Office of Program Policy Analysis and Government
10 Accountability (OPPAGA) instead of the department to conduct a
11 review of the efficacy of these working agreements and report
12 its findings to the Legislature by March 1, 2005.
13 Defines the term "multidisciplinary adult protection team" and
14 suggests the composition of this team.
15 Directs the Department of Children and Family Services to
16 report to the Legislature the status of departmental
17 compliance with recommendations for improvement to the Adult
18 Services Program that are included in OPPAGA report No. 03-08,
19 by December 1, 2003.
20 Directs the department to analyze and include as a part of
21 this report a plan for implementing at least one
22 multidisciplinary adult protection team in each of its
23 districts.
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