

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 creating the Guardianship Task Force within the
19 department; providing purpose; providing for
20 staff, a chairperson, and membership of the
21 task force; providing for organizations that
22 appoint members to pay their expenses;
23 providing duties of the task force; requiring a
24 preliminary and a final report to the Governor
25 and the Legislature; allowing the appointment
26 of auxiliary members; providing a term of
27 service; providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (6) of section 415.1045, Florida
2 Statutes, is amended to read:

3 415.1045 Photographs, videotapes, and medical
4 examinations; abrogation of privileged communications;
5 confidential records and documents.--

6 (6) WORKING AGREEMENTS.--By March 1, 2004,the
7 department shall enter into working agreements with the
8 jurisdictionally responsible county sheriffs' office or local
9 police department that will be the lead agency when conducting
10 any criminal investigation arising from an allegation of
11 abuse, neglect, or exploitation of a vulnerable adult. The
12 working agreement must specify how the requirements of this
13 chapter will be met. The Office of Program Policy Analysis and
14 Government Accountability shall conduct a review of the
15 efficacy of the agreements and report its findings to the
16 Legislature by March 1, 2005.For the purposes of such
17 agreement, the jurisdictionally responsible law enforcement
18 entity is authorized to share Florida criminal history and
19 local criminal history information that is not otherwise
20 exempt from s. 119.07(1) with the district personnel. A law
21 enforcement entity entering into such agreement must comply
22 with s. 943.0525. Criminal justice information provided by
23 such law enforcement entity shall be used only for the
24 purposes specified in the agreement and shall be provided at
25 no charge. Notwithstanding any other provision of law, the
26 Department of Law Enforcement shall provide to the department
27 electronic access to Florida criminal justice information
28 which is lawfully available and not exempt from s. 119.07(1),
29 only for the purpose of protective investigations and
30 emergency placement. As a condition of access to such
31 information, the department shall be required to execute an

1 appropriate user agreement addressing the access, use,
2 dissemination, and destruction of such information and to
3 comply with all applicable laws and rules of the Department of
4 Law Enforcement.

5 Section 2. Section 415.1102, Florida Statutes, is
6 amended to read:

7 415.1102 Adult protection teams.--

8 (1) Subject to an appropriation, the department may
9 develop, maintain, and coordinate the services of one or more
10 multidisciplinary adult protection teams in each of the
11 districts of the department. As used in this section, the term
12 "multidisciplinary adult protection team" means a team of two
13 or more persons who are trained in the prevention,
14 identification, and treatment of abuse of elderly persons, as
15 defined in s. 430.602, or of dependent persons and who are
16 qualified to provide a broad range of services related to
17 abuse of elderly or dependent persons.

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

20 (a) Psychiatrists, psychologists, or other trained
21 counseling personnel;

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

23 (c) Medical personnel who have sufficient training to
24 provide health services;

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

27 (e) Public guardians as described in part IX of
28 chapter 744., ~~representatives of appropriate health, mental~~
29 health, social service, legal service, and law enforcement
30 agencies.

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1 (3) The department shall utilize and convene the teams
2 to supplement the protective services activities of the
3 protective services program of the department.

4 (4) This section does not prevent a person from
5 reporting under s. 415.1034 all suspected or known cases of
6 abuse, neglect, or exploitation of a vulnerable adult. The
7 role of the teams is to support activities of the protective
8 services program and to provide services deemed by the teams
9 to be necessary and appropriate to abused, neglected, and
10 exploited vulnerable adults upon referral. Services must be
11 provided with the consent of the vulnerable adult or that
12 person's guardian, or through court order.

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

18 Section 3. Given the serious and growing problem of
19 elder abuse, by December 1, 2003, the Department of Children
20 and Family Services shall report to the Legislature on the
21 status of its compliance with all of the recommendations for
22 improvement of the Adult Services Program included in Report
23 No. 03-08 from the Office of Program Planning and Government
24 Accountability. The department shall also analyze and include
25 as part of this report a plan for implementing at least one
26 multidisciplinary adult protection team, as defined in section
27 415.1102, Florida Statutes, in each of its districts.

28 Section 4. Guardianship Task Force; creation;
29 membership, duties.--

30 (1) There is created within the Department of Elderly
31 Affairs a Guardianship Task Force. The purpose of the task

1 force is to examine guardianship and incapacity and make
2 recommendations to the Governor and the Legislature for the
3 improvement of guardianship and incapacity practice. The
4 department shall staff the task force. The Secretary of
5 Elderly Affairs shall appoint the chair of the task force.
6 Members of the task force shall serve without compensation.
7 Unless specified otherwise, task force members shall be
8 appointed by the respective organizations that they represent.

9 (2) Members shall serve without compensation. Any
10 member of the committee who is a public employee is entitled
11 to reimbursement for per diem and travel expenses by his or
12 her employer, and the cost of each member's participation must
13 be borne by the organization that appointed the member.

14 (3) The Guardianship Task Force shall identify the
15 characteristics of Florida guardianship practice. It shall
16 also identify guardianship best practices and recommend
17 specific statutory and other changes for achieving such best
18 practices and for achieving citizen access to quality
19 guardianship services. The task force shall submit a
20 preliminary report to the Governor, the Secretary of Elderly
21 Affairs and the Legislature no later than January 1, 2004, and
22 shall submit a final report no later than January 1, 2005.

23 (4) The Guardianship Task Force shall consist of 10
24 members as follows: a judge who has experience sitting in
25 guardianship proceedings appointed by the Florida Conference
26 of Circuit Judges, a representative of the Association of
27 Clerks of Court, a professor of law who has experience in
28 elder issues appointed by the Secretary of Elderly Affairs, a
29 representative of the Florida State Guardianship Association,
30 a representative of the Florida Guardianship Foundation, a
31 representative of the Real Property and Probate Section of The

1 Florida Bar, a representative of the Elder Law Section of The
2 Florida Bar, a professional who has experience in examining
3 and determining incapacity, a representative of the Florida
4 Bankers' Association and a citizen/consumer appointed by the
5 Florida AARP (American Association of Retired Persons).

6 (5) The Guardianship Task Force may appoint auxiliary
7 members based on their expertise to assist the task force in
8 carrying out its duties.

9 (6) The task force is terminated May 6, 2005.

10 Section 5. This act shall take effect July 1, 2003.

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