

1 result in serious physical or psychological injury or a
2 substantial risk of death.

3 Section 2. Subsection (1) of section 415.1051, Florida
4 Statutes, is amended to read:

5 415.1051 Protective services interventions when
6 capacity to consent is lacking; nonemergencies; emergencies;
7 orders; limitations.--

8 (1) NONEMERGENCY PROTECTIVE SERVICES
9 INTERVENTIONS.--If the department has reasonable cause to
10 believe that a vulnerable adult or a vulnerable adult in need
11 of services is being abused, neglected, or exploited and is in
12 need of protective services but lacks the capacity to consent
13 to protective services, the department shall petition the
14 court for an order authorizing the provision of protective
15 services.

16 (a) Nonemergency protective services petition.--The
17 petition must state the name, age, and address of the
18 vulnerable adult, allege specific facts sufficient to show
19 that the vulnerable adult is in need of protective services
20 and lacks the capacity to consent to them, and indicate the
21 services needed.

22 (b) Notice.--Notice of the filing of the petition and
23 a copy of the petition must be given to the vulnerable adult,
24 to that person's spouse, guardian, and legal counsel, and,
25 when known, to the adult children or next of kin of the
26 vulnerable adult. Such notice must be given at least 5 days
27 before the hearing.

28 (c) Hearing.--

29 1. The court shall set the case for hearing within 14
30 days after the filing of the petition. The vulnerable adult
31 and any person given notice of the filing of the petition have

1 the right to be present at the hearing. The department must
2 make reasonable efforts to ensure the presence of the
3 vulnerable adult at the hearing.

4 2. The vulnerable adult has the right to be
5 represented by legal counsel at the hearing. The court shall
6 appoint legal counsel to represent a vulnerable adult who is
7 without legal representation.

8 3. The court shall determine whether:

9 a. Protective services, including in-home services,
10 are necessary.

11 b. The vulnerable adult lacks the capacity to consent
12 to the provision of such services.

13 (d) Hearing findings.--If at the hearing the court
14 finds by clear and convincing evidence that the vulnerable
15 adult is in need of protective services and lacks the capacity
16 to consent, the court may issue an order authorizing the
17 provision of protective services. If an order for protective
18 services is issued, it must include a statement of the
19 services to be provided and designate an individual or agency
20 to be responsible for performing or obtaining the essential
21 services on behalf of the vulnerable adult or otherwise
22 consenting to protective services on behalf of the vulnerable
23 adult.

24 (e) Continued protective services.--

25 1. No more than 60 days after the date of the order
26 authorizing the provision of protective services, the
27 department shall petition the court to determine whether:

28 a. Protective services will be continued with the
29 consent of the vulnerable adult pursuant to subsection (1);

30 b. Protective services will be continued for the
31 vulnerable adult who lacks capacity;

