



1 supervision, and services necessary to maintain the physical  
2 and mental health of the vulnerable adult, including, but not  
3 limited to, food, clothing, medicine, shelter, supervision,  
4 and medical services, which ~~that~~ a prudent person would  
5 consider essential for the well-being of a vulnerable adult.  
6 The term "neglect" also means the failure of a caregiver or  
7 vulnerable adult to make a reasonable effort to protect a  
8 vulnerable adult from abuse, neglect, or exploitation by  
9 others. "Neglect" is repeated conduct or a single incident of  
10 carelessness which produces or could reasonably be expected to  
11 result in serious physical or psychological injury or a  
12 substantial risk of death.

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

15 415.1051 Protective services interventions when  
16 capacity to consent is lacking; nonemergencies; emergencies;  
17 orders; limitations.--

18 (1) NONEMERGENCY PROTECTIVE SERVICES  
19 INTERVENTIONS.--If the department has reasonable cause to  
20 believe that a vulnerable adult or a vulnerable adult in need  
21 of services is being abused, neglected, or exploited and is in  
22 need of protective services but lacks the capacity to consent  
23 to protective services, the department shall petition the  
24 court for an order authorizing the provision of protective  
25 services.

26 (a) Nonemergency protective services petition.--The  
27 petition must state the name, age, and address of the  
28 vulnerable adult, allege specific facts sufficient to show  
29 that the vulnerable adult is in need of protective services  
30 and lacks the capacity to consent to them, and indicate the  
31 services needed.

1           (b) Notice.--Notice of the filing of the petition and  
2 a copy of the petition must be given to the vulnerable adult,  
3 to that person's spouse, guardian, and legal counsel, and,  
4 when known, to the adult children or next of kin of the  
5 vulnerable adult. Such notice must be given at least 5 days  
6 before the hearing.

7           (c) Hearing.--

8           1. The court shall set the case for hearing within 14  
9 days after the filing of the petition. The vulnerable adult  
10 and any person given notice of the filing of the petition have  
11 the right to be present at the hearing. The department must  
12 make reasonable efforts to ensure the presence of the  
13 vulnerable adult at the hearing.

14           2. The vulnerable adult has the right to be  
15 represented by legal counsel at the hearing. The court shall  
16 appoint legal counsel to represent a vulnerable adult who is  
17 without legal representation.

18           3. The court shall determine whether:

19           a. Protective services, including in-home services,  
20 are necessary.

21           b. The vulnerable adult lacks the capacity to consent  
22 to the provision of such services.

23           (d) Hearing findings.--If at the hearing the court  
24 finds by clear and convincing evidence that the vulnerable  
25 adult is in need of protective services and lacks the capacity  
26 to consent, the court may issue an order authorizing the  
27 provision of protective services. If an order for protective  
28 services is issued, it must include a statement of the  
29 services to be provided and designate an individual or agency  
30 to be responsible for performing or obtaining the essential  
31 services on behalf of the vulnerable adult or otherwise

1 consenting to protective services on behalf of the vulnerable  
2 adult.

3 (e) Continued protective services.--

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

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

9 b. Protective services will be continued for the  
10 vulnerable adult who lacks capacity;

11 c. Protective services will be discontinued; or

12 d. A petition for guardianship should be filed  
13 pursuant to chapter 744.

14 2. If the court determines that a petition for  
15 guardianship should be filed pursuant to chapter 744, the  
16 court, for good cause shown, may order continued protective  
17 services until it makes a determination regarding capacity.

18 (f) Costs.--The costs of services ordered under this  
19 section must be paid by the perpetrator if the perpetrator is  
20 financially able to do so; or by third-party reimbursement, if  
21 available. If the vulnerable adult is unable to pay for  
22 guardianship, application may be made to the public guardian  
23 for public guardianship services, if available.

24 Section 3. Paragraphs (a) and (h) of subsection (3) of  
25 section 415.107, Florida Statutes, are amended to read:

26 415.107 Confidentiality of reports and records.--

27 (3) Access to all records, excluding the name of the  
28 reporter which shall be released only as provided in  
29 subsection (6), shall be granted only to the following  
30 persons, officials, and agencies:  
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