

By Senator Richter

23-01231A-16

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1                   A bill to be entitled  
 2           An act relating to vulnerable adults; amending s.  
 3           415.1111, F.S.; providing for a cause of action  
 4           against the exploitation of vulnerable adults by a  
 5           facility providing goods and services to such  
 6           vulnerable adults under certain circumstances;  
 7           providing an effective date.

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

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 11       Section 1. Section 415.1111, Florida Statutes, is amended  
 12       to read:

13       415.1111 Civil actions.—

14       (1) A vulnerable adult who has been abused, neglected, or  
 15       exploited as specified in this chapter has a cause of action  
 16       against any perpetrator and may recover actual and punitive  
 17       damages for such abuse, neglect, or exploitation.

18       (2) The action may be brought by:

19       (a) The vulnerable adult, or that person's guardian; ~~or by~~

20       (b) A person or organization acting on behalf of the  
 21       vulnerable adult with the consent of that person or that  
 22       person's guardian; ~~or~~

23       (c) A facility which has an obligation to provide for the  
 24       health, safety, and welfare of the vulnerable adult acting on  
 25       behalf of the vulnerable adult and with the consent of the  
 26       vulnerable adult, or if such consent cannot be given, if  
 27       necessary for the immediate health, safety, or welfare of the  
 28       vulnerable adult, provided that no punitive damages are  
 29       awardable under this paragraph; or ~~by~~

30       (d) The personal representative of the estate of a deceased  
 31       victim without regard to whether the cause of death resulted  
 32       from the abuse, neglect, or exploitation.

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33       (3) The action may be brought in any court of competent  
34 jurisdiction to enforce such action and to recover actual and  
35 punitive damages for any deprivation of or infringement on the  
36 rights of a vulnerable adult. A party who prevails in any such  
37 action may be entitled to recover reasonable attorney's fees,  
38 costs of the action, and damages.

39       (4) The remedies provided in this section are in addition  
40 to and cumulative with other legal and administrative remedies  
41 available to a vulnerable adult.

42       (5) Notwithstanding the foregoing, any civil action for  
43 damages against any licensee or entity who establishes,  
44 controls, conducts, manages, or operates a facility licensed  
45 under part II of chapter 400 relating to its operation of the  
46 licensed facility shall be brought pursuant to s. 400.023, or  
47 against any licensee or entity who establishes, controls,  
48 conducts, manages, or operates a facility licensed under part I  
49 of chapter 429 relating to its operation of the licensed  
50 facility shall be brought pursuant to s. 429.29. Such licensee  
51 or entity shall not be vicariously liable for the acts or  
52 omissions of its employees or agents or any other third party in  
53 an action brought under this section.

54       Section 2. This act shall take effect July 1, 2016.