

HB 557

2016

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 the vulnerable adult, or
19 that person's guardian, by a person or organization acting on
20 behalf of the vulnerable adult with the consent of that person
21 or that person's guardian, or by the personal representative of
22 the estate of a deceased victim without regard to whether the
23 cause of death resulted from the abuse, neglect, or
24 exploitation. The action may also be brought by a facility for
25 goods and services provided to the vulnerable adult, but
26 recovery shall be only for instances of exploitation and may not

27 exceed the amount owed to the facility plus attorney fees and
28 costs pursuant to subsection (3). Amounts recovered by a
29 facility shall be credited against the sums owed to the
30 facility.

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

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

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

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