

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;~~ 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 by~~

23           (c)   The personal representative of the estate of a  
 24           deceased victim without regard to whether the cause of death  
 25           resulted from the abuse, neglect, or exploitation; or

26           (d)   A facility that has an obligation to provide for the

27 health, safety, and welfare of the vulnerable adult, provided  
28 that the facility has reported the alleged exploitation to law  
29 enforcement. The facility must act on behalf of the vulnerable  
30 adult and with the consent of the vulnerable adult. If consent  
31 cannot be given by the vulnerable adult, the facility must give  
32 written notice to the vulnerable adults' next of kin or legal  
33 representative, and must show that this action is necessary for  
34 the immediate health, safety, or welfare of the vulnerable  
35 adult. Recovery for the facility may not exceed the value of the  
36 debt owed for services provided to the vulnerable adult plus any  
37 reasonable attorney fees or costs incurred in bringing the cause  
38 of action. Any recovery in excess of this amount owed belongs to  
39 the vulnerable adult or the vulnerable adult's estate.

40 (3) The action may be brought in any court of competent  
41 jurisdiction to enforce such action and to recover actual and  
42 punitive damages for any deprivation of or infringement on the  
43 rights of a vulnerable adult. A party who prevails in any such  
44 action may be entitled to recover reasonable attorney's fees,  
45 costs of the action, and damages.

46 (4) The remedies provided in this section are in addition  
47 to and cumulative with other legal and administrative remedies  
48 available to a vulnerable adult.

49 (5) Notwithstanding the foregoing, any civil action for  
50 damages against any licensee or entity who establishes,  
51 controls, conducts, manages, or operates a facility licensed  
52 under part II of chapter 400 relating to its operation of the

53 licensed facility shall be brought pursuant to s. 400.023, or  
54 against any licensee or entity who establishes, controls,  
55 conducts, manages, or operates a facility licensed under part I  
56 of chapter 429 relating to its operation of the licensed  
57 facility shall be brought pursuant to s. 429.29. Such licensee  
58 or entity shall not be vicariously liable for the acts or  
59 omissions of its employees or agents or any other third party in  
60 an action brought under this section.

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