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

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

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

415.1111 Civil actions.—
(1) A vulnerable adult who has been abused, neglected, or
exploited as specified in this chapter has a cause of action
against any perpetrator and may recover actual and punitive
damages for such abuse, neglect, or exploitation.

(2) The action may be brought by:

(a) The vulnerable adult or that person's guardian;

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

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

(d) A facility that has an obligation to provide for the
health, safety, and welfare of the vulnerable adult, provided that the facility has reported the alleged exploitation to law enforcement. The facility must act on behalf of the vulnerable adult and with the consent of the vulnerable adult. If consent cannot be given by the vulnerable adult, the facility must give written notice to the vulnerable adults' next of kin or legal representative, and must show that this action is necessary for the immediate health, safety, or welfare of the vulnerable adult. Recovery for the facility may not exceed the value of the debt owed for services provided to the vulnerable adult plus any reasonable attorney fees or costs incurred in bringing the cause of action. Any recovery in excess of this amount owed belongs to the vulnerable adult or the vulnerable adult's estate.

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

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

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

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