

# Mandatory Reporting Requirements: The Elderly Florida

*Last Updated: April 2023*

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> <li>• Any person, including, but not limited to, any:               <ul style="list-style-type: none"> <li>• Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, paramedic, emergency medical technician, or hospital personnel engaged in the admission, examination, care, or treatment of vulnerable adults;</li> <li>• Health professional or mental health professional;</li> <li>• Practitioner who relies solely on spiritual means for healing;</li> <li>• Nursing home staff, assisted living facility staff, adult day care center staff, adult family-care home staff, social worker, or other professional adult care, residential, or institutional staff;</li> <li>• State, county, or municipal criminal justice employee or law enforcement officer;</li> <li>• An employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments;</li> <li>• A Florida advocacy council or Disability Rights Florida member or a representative of the State Long-Term Care Ombudsman Program;</li> <li>• Bank, savings and loan, or credit union officer, trustee, or employee; or</li> <li>• Dealer, investment adviser, or associated person under Florida Consumer Finance Laws (chapter 517).</li> </ul> </li> </ul>
When is a report required and where does it go?	<p><b>When is a report required?</b></p> <ul style="list-style-type: none"> <li>• Knowledge or reasonable cause to suspect that a vulnerable adult has been or is being abused, neglected, or exploited.</li> </ul> <p><b>Where does it go?</b></p> <ul style="list-style-type: none"> <li>• Reports shall be made to the central abuse hotline on the single statewide toll-free telephone number (1-800-962-2873) or 1-800-955-8771. Reports may also be made online: <a href="https://reportabuse.dcf.state.fl.us/Adult/AdultForm.aspx">https://reportabuse.dcf.state.fl.us/Adult/AdultForm.aspx</a>. Web reporting should not be used for situations requiring immediate attention. Contact hotline's toll free reporting number if a vulnerable adult is at imminent risk of harm.</li> <li>• General information is available: <a href="https://www.myflfamilies.com/services/abuse">https://www.myflfamilies.com/services/abuse</a></li> </ul>
What definitions are important to know?	<ul style="list-style-type: none"> <li>• <b>“Abuse”</b> means any willful or threatened act or omission by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a vulnerable adult’s physical, mental, or emotional health. Abuse includes acts and omissions.</li> <li>• <b>“Caregiver”</b> means a person who has been entrusted with or has assumed the responsibility for frequent</li> </ul>

and regular care of or services to a vulnerable adult on a temporary or permanent basis and who has a commitment, agreement, or understanding with that person or that person's guardian that a caregiver role exists. "Caregiver" includes, but is not limited to, relatives, household members, guardians, neighbors, and employees and volunteers of facilities.

- **"Exploitation"** means a person who:

- Stands in a position of trust and confidence with a vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult; or
- Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.

- **"Exploitation"** may include, but is not limited to:

- Breaches of fiduciary relationships, such as the misuse of a power of attorney or the abuse of guardianship duties, resulting in the unauthorized appropriation, sale, or transfer of property;
- Unauthorized taking of personal assets;
- Misappropriation, misuse, or transfer of moneys belonging to a vulnerable adult from a personal or joint account; or
- Intentional or negligent failure to effectively use a vulnerable adult's income and assets for the necessities required for that person's support and maintenance.

- **"Facility"** means any location providing day or residential care or treatment for vulnerable adults. The term "facility" may include, but is not limited to, any hospital, state institution, nursing home, assisted living facility, adult family-care home, adult day care center, residential facility licensed under chapter 393 (development disabilities), adult day training center, or mental health treatment center.

- **"Neglect"** means the failure or omission on the part of the caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the physical and mental health of the vulnerable adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, which a prudent person would consider essential for the well-being of a vulnerable adult.

- **"Neglect"** also means the failure of a caregiver or vulnerable adult to make a reasonable effort to protect a vulnerable adult from abuse, neglect, or exploitation by others. "Neglect" is repeated conduct or a single incident of carelessness which produces or could reasonably be expected to result in serious physical or psychological injury or a substantial risk of death.

- **"Vulnerable adult"** means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> <li>• Reports must be made immediately.</li> </ul>
<p>What information must a report include?</p>	<ul style="list-style-type: none"> <li>• Name, age, race, sex, physical description, and location of each victim alleged to have been abused, neglected, or exploited;</li> <li>• Names, addresses, and telephone numbers of the victim's family members;</li> <li>• Name, address, and telephone number of each alleged perpetrator;</li> <li>• Name, address, and telephone number of the caregiver of the victim, if different from the alleged perpetrator;</li> <li>• Name, address, and telephone number of the person reporting the alleged abuse, neglect, or exploitation;</li> <li>• Description of the physical or psychological injuries sustained;</li> <li>• Actions taken by the reporter, if any, such as notification of the criminal justice agency; and</li> <li>• Any other information available to the reporting person that may establish the cause of abuse, neglect, or exploitation that occurred or is occurring.</li> </ul>
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> <li>• Any person required to report who knowingly and willfully fails to report known or suspected abuse, neglect or exploitation of a vulnerable adult, or who knowingly or willfully prevents another from doing so, commits a misdemeanor in the second degree.</li> <li>• Any person who is required to investigate reports of abuse, neglect, or exploitation and who has reasonable cause to suspect that a vulnerable adult died as a result of abuse, neglect, or exploitation shall immediately report the suspicion to the appropriate medical examiner, to the appropriate criminal justice agency, and to the department, notwithstanding the existence of a death certificate signed by a practicing physician.</li> <li>• A person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a vulnerable adult, or a person who advises another to make a false report, commits a felony of the third degree, unless that person was acting in good faith.</li> <li>• Any person who participates in making a required report or participates in a judicial proceeding resulting therefrom is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from any liability, civil or criminal, that otherwise might be incurred or imposed. A resident or employee of a facility that serves vulnerable adults may not be subjected to reprisal or discharge because of the resident's or employee's actions in reporting abuse, neglect, or exploitation.</li> <li>• Any person who makes a required report has a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of the reporting party by reason of the reporting party's making the report. Any detrimental change made in the residency or employment status of such a person, such as, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations, within 120 days after the report is made establishes a rebuttable presumption that the detrimental action was retaliatory.</li> </ul>

Statutory  
citation(s):

Adult Protective Services Act; Fla. Stat. Ann. §§ 415.102, 415.1034 and 415.1036.