

## **Florida Dependent Adult Abuse Reporting**

Florida has reporting regulations on suspected abuse, neglect, and exploitation of vulnerable adults, including older adults and adults with physical, mental, or emotional impairments who need help with daily living and protection from harm.

### **Who do I contact to report an incident in Florida?**

Florida's Department of Children and Families operates the Florida Abuse Hotline as the central intake point for suspected abuse, neglect, or exploitation of vulnerable adults.

To report suspected abuse, neglect, or exploitation of a vulnerable adult in Florida, call the Florida Abuse Hotline at 800-96-ABUSE (800-962-2873), 24 hours a day, 7 days a week.

### **How much time do I have to report an incident?**

A person who knows or has reasonable cause to suspect abuse, neglect, or exploitation of a vulnerable adult must immediately report the concern to the central abuse hotline by telephone.

**Fla. Stat. § 415.1034(1)(a)**

### **What is a "vulnerable adult" in Florida?**

A "vulnerable adult" is a person age eighteen or older with impairment of physical, mental, or emotional function who experiences abuse, neglect, exploitation, or self-neglect or faces a risk of this harm and who, due to the impairment, has limited ability to provide for personal care or protection. **Fla. Stat. § 415.102**

### **What is "abuse," "neglect," and "exploitation" of a vulnerable adult in Florida?**

"Abuse" of a vulnerable adult means any willful act or threatened act by a relative, caregiver, or household member that causes or is likely to cause significant impairment to the vulnerable adult's physical, mental, or emotional health. Abuse includes harmful acts and harmful omissions. **Fla. Stat. § 415.102(1)**

"Neglect" means a failure or omission by a caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the vulnerable adult's physical and mental health, such as food, clothing, medicine, shelter, supervision, and medical services that a prudent person would consider essential, or a failure to protect the vulnerable adult from abuse, neglect, or exploitation by others. Neglect covers repeated conduct or a single incident of carelessness that produces or is reasonably expected to produce serious physical or psychological injury or a substantial risk of death. **Fla. Stat. § 415.102(16)**

"Exploitation" of a vulnerable adult means, among other conduct, obtaining or using, or trying to obtain or use, a vulnerable adult's funds, assets, or property by a person in a position of trust and confidence, or by a person who knows or should know the adult lacks capacity to consent, with the intent to deprive the vulnerable adult of the use, benefit, or possession of the property for someone else's benefit. Exploitation also includes breaches of fiduciary duty, unauthorized taking of assets, misuse of accounts, and failure to use income and assets for the vulnerable adult's support and maintenance. **Fla. Stat. § 415.102(8)**

### **Who is a mandatory reporter in Florida?**

Florida places the duty to report on every person. Any person who knows or has reasonable cause to suspect abuse, neglect, or exploitation of a vulnerable adult must immediately report the concern to the central abuse hotline. The law lists examples such as physicians, nurses, paramedics, emergency medical technicians, hospital staff, mental health and other health professionals, spiritual healers, nursing home and assisted living staff, adult day care and adult family care home staff, social workers and other adult care staff, state, county, and city criminal justice employees and law enforcement officers. **Fla. Stat. § 415.1034(1)(a)**

**Are Clergy mandatory reporters in Florida?**

Yes. **Fla. Stat. § 415.1034(1)(a)**

**Is there an exception for confidential communication in Florida?**

Yes. Confidential spiritual communications that meet the clergy privilege definition in the evidence code stay privileged even when the concern involves abuse, neglect, or exploitation of a vulnerable adult. **Fla. Stat. §§ 415.1034(1)(a), 415.1045(3), 90.505**

**If there is a confidential communication in Florida, how do you define such a communication?**

Florida evidence law says a communication with clergy is confidential when a person speaks privately with a member of the clergy for spiritual counsel or advice, in the usual course of the clergy member's practice or discipline, and does not intend the communication to be shared further except with other persons who are present to help provide that spiritual care. **Fla. Stat. § 90.505(1)(2)**

**Where can I find Florida law on elder and dependent adult abuse?**

Florida's Adult Protective Services Act appears in Chapter 415, sections 415.101 through 415.113.