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1 A bill to be entitled

2 An act relating to protection of elderly persons and  
3 disabled adults; providing a short title; amending ss.  
4 784.08, 812.0145, 825.102, 825.1025, and 825.103, F.S.;  
5 providing for designation of certain offenders as "elder  
6 predators" or "disabled adult predators" for specified  
7 purposes; creating s. 943.0425, F.S.; providing for the  
8 creation of a publicly accessible Internet database of  
9 elder predators and disabled adult predators; providing  
10 requirements for the database; providing immunity from  
11 civil damages for certain good faith actions relating to  
12 the database; providing a presumption of good faith in  
13 specified circumstances; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. This act may be cited as the "Elderly Person  
18 and Disabled Adult Protection Act of 2007."

19 Section 2. Subsection (4) is added to section 784.08,  
20 Florida Statutes, to read:

21 784.08 Assault or battery on persons 65 years of age or  
22 older; reclassification of offenses; minimum sentence.--

23 (4) An individual whose offense is reclassified under this  
24 section shall be designated as an "elder predator" for purposes  
25 of s. 943.0425.

26 Section 3. Subsection (3) is added to section 812.0145,  
27 Florida Statutes, to read:

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28           812.0145 Theft from persons 65 years of age or older;  
29 reclassification of offenses.--

30           (3) An individual whose offense is reclassified under this  
31 section shall be designated as an "elder predator" for purposes  
32 of s. 943.0425.

33           Section 4. Subsection (4) is added to section 825.102,  
34 Florida Statutes, to read:

35           825.102 Abuse, aggravated abuse, and neglect of an elderly  
36 person or disabled adult; penalties.--

37           (4) (a) An individual whose offense against an elderly  
38 person is reclassified under this section shall be designated as  
39 an "elder predator" for purposes of s. 943.0425.

40           (b) An individual whose offense against a disabled adult  
41 is reclassified under this section shall be designated as a  
42 "disabled adult predator" for purposes of s. 943.0425.

43           Section 5. Subsection (5) is added to section 825.1025,  
44 Florida Statutes, to read:

45           825.1025 Lewd or lascivious offenses committed upon or in  
46 the presence of an elderly person or disabled person.--

47           (5) (a) An individual whose offense against an elderly  
48 person is reclassified under this section shall be designated as  
49 an "elder predator" for purposes of s. 943.0425.

50           (b) An individual whose offense against a disabled person  
51 is reclassified under this section shall be designated as a  
52 "disabled adult predator" for purposes of s. 943.0425.

53           Section 6. Subsection (3) is added to section 825.103,  
54 Florida Statutes, to read:

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55           825.103   Exploitation of an elderly person or disabled  
56   adult; penalties.--

57           (3) (a) An individual whose offense against an elderly  
58 person is reclassified under this section shall be designated as  
59 an "elder predator" for purposes of s. 943.0425.

60           (b) An individual whose offense against a disabled adult  
61 is reclassified under this section shall be designated as a  
62 "disabled adult predator" for purposes of s. 943.0425.

63           Section 7. Section 943.0425, Florida Statutes, is created  
64   to read:

65           943.0425 Elderly and disabled adult predator database.--

66           (1) The department shall make identification, case, and  
67 criminal history information for individuals designated as elder  
68 predators or disabled adult predators available to the public  
69 through an Internet database. The database shall be searchable  
70 by the public and shall include the capability of searching for  
71 offenders by zip code.

72           (2) The database shall not allow the public to access  
73 information that is confidential and exempt from public  
74 disclosure under s. 119.07(1) and s. 24(a), Art. I of the State  
75 Constitution.

76           (3) The department, its personnel, and any individual or  
77 entity acting at the request or upon the direction of the  
78 department are immune from civil liability for damages for good  
79 faith compliance with this section and will be presumed to have  
80 acted in good faith by reporting information. The presumption of  
81 good faith is not overcome if technical or clerical errors are  
82 made by the department, its personnel, or any individual or

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83 entity acting at the request or upon the direction of the  
84 department in reporting the information; if the department and  
85 its personnel are unable to report information because the  
86 information has not been provided or reported by a person or  
87 agency required to provide or report the information to the  
88 department; or if the department, its personnel, or any  
89 individual or entity acting at the request or upon the direction  
90 of the department reports information that was falsely reported  
91 without the knowledge of the department, its personnel, or such  
92 individual or entity.

93 Section 8. This act shall take effect October 1, 2007.