

By Senator Margolis

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1 A bill to be entitled

2 An act relating to elderly persons and disabled adults;
3 amending s. 825.102, F.S.; reclassifying the offense of
4 aggravated abuse of an elderly person or disabled adult
5 from a second-degree felony to a first-degree felony;
6 amending s. 921.0022, F.S., relating to the offense
7 severity ranking chart of the Criminal Punishment Code, to
8 conform; creating s. 943.17296, F.S., relating to training
9 on identifying and investigating elder abuse for certified
10 law enforcement officers; requiring that the training be
11 completed by a time certain; providing that an officer's
12 certification becomes inactive in certain circumstances
13 related to the failure to complete the training; providing
14 an effective date.

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

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18 Section 1. Subsection (2) of section 825.102, Florida
19 Statutes, is amended to read:

20 825.102 Abuse, aggravated abuse, and neglect of an elderly
21 person or disabled adult; penalties.--

22 (2) "Aggravated abuse of an elderly person or disabled
23 adult" occurs when a person:

24 (a) Commits aggravated battery on an elderly person or
25 disabled adult;

26 (b) Willfully tortures, maliciously punishes, or willfully
27 and unlawfully cages, an elderly person or disabled adult; or

28 (c) Knowingly or willfully abuses an elderly person or
29 disabled adult and in so doing causes great bodily harm,

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30 permanent disability, or permanent disfigurement to the elderly
 31 person or disabled adult.

32
 33 A person who commits aggravated abuse of an elderly person or
 34 disabled adult commits a felony of the first ~~second~~ degree,
 35 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

36 Section 2. Paragraph (h) of subsection (3) of section
 37 921.0022, Florida Statutes, is amended to read:

38 921.0022 Criminal Punishment Code; offense severity ranking
 39 chart.--

40 (3) OFFENSE SEVERITY RANKING CHART

41 (h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
499.0051 (7)	1st	Forgery of prescription or legend drug labels.
499.0052	1st	Trafficking in contraband legend drugs.
560.123 (8) (b) 2.	2nd	Failure to report currency or

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49	560.125 (5) (b)	2nd	<p>payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.</p>
50	655.50 (10) (b) 2.	2nd	<p>Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p>
51	777.03 (2) (a)	1st	<p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
52	782.04 (4)	2nd	<p>Accessory after the fact, capital felony.</p>
53	782.051 (2)	1st	<p>Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.</p>
			<p>Attempted felony murder while perpetrating or attempting to</p>

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			perpetrate a felony not enumerated in s. 782.04(3).
54	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
55	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
56	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
57	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
58	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
59	800.04 (4)	2nd	Lewd or lascivious battery.
60	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

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61	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
62	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
63	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
64	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
65	812.13 (2) (b)	1st	Robbery with a weapon.
66	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
67	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
68	825.102 (2)	<u>1st</u> 2nd	Aggravated abuse of an elderly person or disabled adult.
69	825.1025 (2)	2nd	Lewd or lascivious battery

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upon an elderly person or disabled adult.

70	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
71	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
72	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
73	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
74	860.16	1st	Aircraft piracy.
75	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
76	893.13 (2) (b)	1st	Purchase in excess of 10 grams

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			of any substance specified in s. 893.03(1) (a) or (b).
77	893.13(6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
78	893.135(1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
79	893.135(1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
80	893.135(1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
81	893.135(1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
82	893.135(1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
83	893.135(1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
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85	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
86	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
87	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
88	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
89	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
90	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
91	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
	896.101 (5) (b)	2nd	Money laundering, financial

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transactions totaling or exceeding \$20,000, but less than \$100,000.

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896.104(4)(a)2.

2nd

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

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94 Section 3. Section 943.17296, Florida Statutes, is created
95 to read:

96 943.17296 Training in identifying and investigating elder
97 abuse and neglect.--Each certified law enforcement officer must
98 successfully complete training on identifying and investigating
99 elder abuse and neglect as a part of the basic recruit training
100 of the officer required in s. 943.13(9) or continuing education
101 under s. 943.135(1) before June 30, 2011. The training shall be
102 developed in consultation with the Department of Elderly Affairs
103 and the Department of Children and Family Services and must
104 incorporate instruction on the identification of and appropriate
105 responses for persons suffering from dementia and on identifying
106 and investigating elder abuse and neglect. If an officer fails to
107 complete the required training, his or her certification is
108 inactive until the employing agency notifies the commission that
109 the officer has completed the training.

110 Section 4. This act shall take effect July 1, 2008.