

1 A bill to be entitled
2 An act relating to protection of vulnerable persons;
3 amending s. 415.102, F.S.; revising definitions;
4 amending ss. 415.1045, 415.105, 415.1052, F.S.;
5 conforming provisions to changes made by the act;
6 amending s. 415.1051, F.S.; providing for protective
7 services interventions when ability of a vulnerable
8 adult to consent is impaired, rather than when
9 capacity to consent is lacking; amending s. 812.0145,
10 F.S.; reducing the minimum amount of a theft from a
11 person 65 years of age or older that constitutes a
12 felony of the third degree; providing criminal
13 penalties; amending s. 825.101, F.S.; revising
14 definitions; defining the term "vulnerable adult";
15 amending s. 825.102, F.S.; revising terminology to
16 prohibit specified offenses against a vulnerable
17 adult, rather than against an elderly person or
18 disabled adult; amending s. 825.1025, F.S.; revising
19 terminology to prohibit specified lewd and lascivious
20 offenses committed upon or in the presence of a
21 vulnerable adult, rather than an elderly person or
22 disabled person; conforming provisions to changes made
23 by the act; amending s. 825.103, F.S.; revising
24 terminology to prohibit specified offenses involving
25 exploitation of a vulnerable adult, rather than an
26 elderly person or disabled adult; conforming
27 provisions to changes made by the act; amending s.
28 825.105, F.S.; revising terminology to provide

29 legislative intent relating to good faith assistance
 30 to a vulnerable adult, rather than an elderly person
 31 or disabled adult; amending s. 825.106, F.S.; revising
 32 terminology concerning speedy trial of specified
 33 offenses; amending ss. 90.803, 435.04, 775.084,
 34 775.0844, 775.0877, 782.07, 921.0022, 948.06, 960.003,
 35 and 1012.315, F.S.; conforming provisions to changes
 36 made by the act; providing an effective date.

37

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

39

40 Section 1. Subsections (16) through (28) of section
 41 415.102, Florida Statutes, are renumbered as subsections (15)
 42 through (27), respectively, present subsections (4) through (12)
 43 and (15) are amended, and a new subsection (12) is added to that
 44 section, to read:

45 415.102 Definitions of terms used in ss. 415.101-415.113.-
 46 As used in ss. 415.101-415.113, the term:

47 ~~(4) "Capacity to consent" means that a vulnerable adult~~
 48 ~~has sufficient understanding to make and communicate responsible~~
 49 ~~decisions regarding the vulnerable adult's person or property,~~
 50 ~~including whether or not to accept protective services offered~~
 51 ~~by the department.~~

52 (4) ~~(5)~~ "Caregiver" means a person who has been entrusted
 53 with or has assumed the responsibility for frequent and regular
 54 care of or services to a vulnerable adult on a temporary or
 55 permanent basis and who has a commitment, agreement, or
 56 understanding with that person or that person's guardian that a

57 | caregiver role exists. "Caregiver" includes, but is not limited
 58 | to, relatives, household members, guardians, neighbors, and
 59 | employees and volunteers of facilities as defined in subsection
 60 | (8) ~~(9)~~. For the purpose of departmental investigative
 61 | jurisdiction, the term "caregiver" does not include law
 62 | enforcement officers or employees of municipal or county
 63 | detention facilities or the Department of Corrections while
 64 | acting in an official capacity.

65 | (5) ~~(6)~~ "Deception" means a misrepresentation or
 66 | concealment of a material fact relating to services rendered,
 67 | disposition of property, or the use of property intended to
 68 | benefit a vulnerable adult.

69 | (6) ~~(7)~~ "Department" means the Department of Children and
 70 | Family Services.

71 | (7) ~~(8)~~ (a) "Exploitation" means a person who:

72 | 1. Stands in a position of trust and confidence with a
 73 | vulnerable adult and knowingly, by deception or intimidation,
 74 | obtains or uses, or endeavors to obtain or use, a vulnerable
 75 | adult's funds, assets, or property with the intent to
 76 | temporarily or permanently deprive a vulnerable adult of the
 77 | use, benefit, or possession of the funds, assets, or property
 78 | for the benefit of someone other than the vulnerable adult; or

79 | 2. Knows or should know that the vulnerable adult's
 80 | ability to provide for his or her own care or protection is
 81 | impaired ~~adult lacks the capacity to consent,~~ and obtains or
 82 | uses, or endeavors to obtain or use, the vulnerable adult's
 83 | funds, assets, or property with the intent to temporarily or
 84 | permanently deprive the vulnerable adult of the use, benefit, or

85 possession of the funds, assets, or property for the benefit of
86 someone other than the vulnerable adult.

87 (b) "Exploitation" may include, but is not limited to:

88 1. Breaches of fiduciary relationships, such as the misuse
89 of a power of attorney or the abuse of guardianship duties,
90 resulting in the unauthorized appropriation, sale, or transfer
91 of property;

92 2. Unauthorized taking of personal assets;

93 3. Misappropriation, misuse, or transfer of moneys
94 belonging to a vulnerable adult from a personal or joint
95 account; or

96 4. Intentional or negligent failure to effectively use a
97 vulnerable adult's income and assets for the necessities
98 required for that person's support and maintenance.

99 (8)~~(9)~~ "Facility" means any location providing day or
100 residential care or treatment for vulnerable adults. The term
101 "facility" may include, but is not limited to, any hospital,
102 state institution, nursing home, assisted living facility, adult
103 family-care home, adult day care center, residential facility
104 licensed under chapter 393, adult day training center, or mental
105 health treatment center.

106 (9)~~(10)~~ "False report" means a report of abuse, neglect,
107 or exploitation of a vulnerable adult to the central abuse
108 hotline which is not true and is maliciously made for the
109 purpose of:

110 (a) Harassing, embarrassing, or harming another person;

111 (b) Personal financial gain for the reporting person;

112 (c) Acquiring custody of a vulnerable adult; or

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113 (d) Personal benefit for the reporting person in any other
114 private dispute involving a vulnerable adult.

115
116 The term "false report" does not include a report of abuse,
117 neglect, or exploitation of a vulnerable adult which is made in
118 good faith to the central abuse hotline.

119 (10)~~(11)~~ "Fiduciary relationship" means a relationship
120 based upon the trust and confidence of the vulnerable adult in
121 the caregiver, relative, household member, or other person
122 entrusted with the use or management of the property or assets
123 of the vulnerable adult. The relationship exists where there is
124 a special confidence reposed in one who in equity and good
125 conscience is bound to act in good faith and with due regard to
126 the interests of the vulnerable adult. For the purposes of this
127 part, a fiduciary relationship may be formed by an informal
128 agreement between the vulnerable adult and the other person and
129 does not require a formal declaration or court order for its
130 existence. A fiduciary relationship includes, but is not limited
131 to, court-appointed or voluntary guardians, trustees, attorneys,
132 or conservators of a vulnerable adult's assets or property.

133 (11)~~(12)~~ "Guardian" means a person who has been appointed
134 by a court to act on behalf of a person; a preneed guardian, as
135 provided in chapter 744; or a health care surrogate expressly
136 designated as provided in chapter 765.

137 (12) "Infirmities of aging" means any bodily ailment or
138 weakness, feebleness, condition or disease, or failing or defect
139 in a person's moral or physical character brought on by old age.

140 ~~(15) "Lacks capacity to consent" means a mental impairment~~

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141 ~~that causes a vulnerable adult to lack sufficient understanding~~
142 ~~or capacity to make or communicate responsible decisions~~
143 ~~concerning person or property, including whether or not to~~
144 ~~accept protective services.~~

145 Section 2. Paragraphs (a) and (b) of subsection (2) and
146 paragraph (a) of subsection (4) of section 415.1045, Florida
147 Statutes, are amended to read:

148 415.1045 Photographs, videotapes, and medical
149 examinations; abrogation of privileged communications;
150 confidential records and documents.—

151 (2) MEDICAL EXAMINATIONS.—

152 (a) With the consent of the vulnerable adult ~~who has the~~
153 ~~capacity to consent~~ or the vulnerable adult's guardian, or
154 pursuant to s. 415.1051, the department may cause the vulnerable
155 adult to be referred to a licensed physician or any emergency
156 department in a hospital or health care facility for medical
157 examination, diagnosis, or treatment if any of the following
158 circumstances exist:

159 1. The areas of trauma visible on the vulnerable adult
160 indicate a need for medical examination;

161 2. The vulnerable adult verbally complains or otherwise
162 exhibits signs or symptoms indicating a need for medical
163 attention as a consequence of suspected abuse, neglect, or
164 exploitation; or

165 3. The vulnerable adult is alleged to have been sexually
166 abused.

167 (b) Upon admission to a hospital or health care facility,
168 with the consent of the vulnerable adult ~~who has capacity to~~

169 | ~~consent~~ or that person's guardian, or pursuant to s. 415.1051,
 170 | the medical staff of the facility may examine, diagnose, or
 171 | treat the vulnerable adult. If a person who has legal authority
 172 | to give consent for the provision of medical treatment to a
 173 | vulnerable adult has not given or has refused to give such
 174 | consent, examination and treatment must be limited to reasonable
 175 | examination of the patient to determine the medical condition of
 176 | the patient and treatment reasonably necessary to alleviate the
 177 | medical condition or to stabilize the patient pending a
 178 | determination by the court of the department's petition
 179 | authorizing protective services. Any person may seek an
 180 | expedited judicial intervention under rule 5.900 of the Florida
 181 | Probate Rules concerning medical treatment procedures.

182 | (4) MEDICAL, SOCIAL, OR FINANCIAL RECORDS OR DOCUMENTS.—

183 | (a) The protective investigator, while investigating a
 184 | report of abuse, neglect, or exploitation, must have access to,
 185 | inspect, and copy all medical, social, or financial records or
 186 | documents in the possession of any person, caregiver, guardian,
 187 | or facility which are relevant to the allegations under
 188 | investigation, unless specifically prohibited by the vulnerable
 189 | adult ~~who has capacity to consent~~.

190 | Section 3. Subsection (3) of section 415.105, Florida
 191 | Statutes, is amended to read:

192 | 415.105 Provision of protective services with consent;
 193 | withdrawal of consent; interference.—

194 | (3) INTERFERENCE WITH THE PROVISION OF PROTECTIVE
 195 | SERVICES.—When any person refuses to allow the provision of
 196 | protective services to a vulnerable adult ~~who has the capacity~~

197 | ~~to consent to services,~~ the department shall petition the court
 198 | for an order enjoining the person from interfering with the
 199 | provision of protective services. The petition must allege
 200 | specific facts sufficient to show that the vulnerable adult is
 201 | in need of protective services and that the person refuses to
 202 | allow the provision of such services. If the court finds by
 203 | clear and convincing evidence that the vulnerable adult is in
 204 | need of protective services and that the person refuses to allow
 205 | the provision of such services, the court may issue an order
 206 | enjoining the person from interfering with the provision of
 207 | protective services to the vulnerable adult.

208 | Section 4. Subsections (1), (2), and (5) and paragraph (a)
 209 | of subsection (4) of section 415.1051, Florida Statutes, are
 210 | amended to read:

211 | 415.1051 Protective services interventions when ability
 212 | ~~capacity~~ to consent is impaired ~~lacking~~; nonemergencies;
 213 | emergencies; orders; limitations.-

214 | (1) NONEMERGENCY PROTECTIVE SERVICES INTERVENTIONS.-If the
 215 | department has reasonable cause to believe that a vulnerable
 216 | adult or a vulnerable adult in need of services is being abused,
 217 | neglected, or exploited and is in need of protective services
 218 | but ~~lacks~~ the adult's ability ~~capacity~~ to consent to protective
 219 | services is impaired, the department shall petition the court
 220 | for an order authorizing the provision of protective services.

221 | (a) Nonemergency protective services petition.-The
 222 | petition must state the name, age, and address of the vulnerable
 223 | adult, allege specific facts sufficient to show that the
 224 | vulnerable adult is in need of protective services and the

225 | adult's ability lacks the capacity to consent to them is
226 | impaired, and indicate the services needed.

227 | (b) Notice.—Notice of the filing of the petition and a
228 | copy of the petition must be given to the vulnerable adult, to
229 | that person's spouse, guardian, and legal counsel, and, when
230 | known, to the adult children or next of kin of the vulnerable
231 | adult. Such notice must be given at least 5 days before the
232 | hearing.

233 | (c) Hearing.—

234 | 1. The court shall set the case for hearing within 14 days
235 | after the filing of the petition. The vulnerable adult and any
236 | person given notice of the filing of the petition have the right
237 | to be present at the hearing. The department must make
238 | reasonable efforts to ensure the presence of the vulnerable
239 | adult at the hearing.

240 | 2. The vulnerable adult has the right to be represented by
241 | legal counsel at the hearing. The court shall appoint legal
242 | counsel to represent a vulnerable adult who is without legal
243 | representation.

244 | 3. The court shall determine whether:

245 | a. Protective services, including in-home services, are
246 | necessary.

247 | b. The vulnerable adult's ability ~~adult lacks the capacity~~
248 | to consent to the provision of such services is impaired.

249 | (d) Hearing findings.—If at the hearing the court finds by
250 | clear and convincing evidence that the vulnerable adult is in
251 | need of protective services and his or her ability ~~lacks the~~
252 | ~~capacity~~ to consent is impaired, the court may issue an order

253 | authorizing the provision of protective services. If an order
 254 | for protective services is issued, it must include a statement
 255 | of the services to be provided and designate an individual or
 256 | agency to be responsible for performing or obtaining the
 257 | essential services on behalf of the vulnerable adult or
 258 | otherwise consenting to protective services on behalf of the
 259 | vulnerable adult.

260 | (e) Continued protective services.—

261 | 1. No more than 60 days after the date of the order
 262 | authorizing the provision of protective services, the department
 263 | shall petition the court to determine whether:

264 | a. Protective services will be continued with the consent
 265 | of the vulnerable adult pursuant to this subsection;

266 | b. Protective services will be continued for the
 267 | vulnerable adult whose ability to consent is impaired ~~who lacks~~
 268 | ~~capacity~~;

269 | c. Protective services will be discontinued; or

270 | d. A petition for guardianship should be filed pursuant to
 271 | chapter 744.

272 | 2. If the court determines that a petition for
 273 | guardianship should be filed pursuant to chapter 744, the court,
 274 | for good cause shown, may order continued protective services
 275 | until it makes a determination regarding capacity.

276 | 3. If the department has a good faith belief that the
 277 | vulnerable adult's ability ~~adult lacks the capacity~~ to consent
 278 | to protective services is impaired, the petition to determine
 279 | incapacity under s. 744.3201 may be filed by the department.
 280 | Once the petition is filed, the department may not be appointed

281 guardian and may not provide legal counsel for the guardian.

282 (f) Costs.—The costs of services ordered under this
 283 section must be paid by the perpetrator if the perpetrator is
 284 financially able to do so; or by third-party reimbursement, if
 285 available. If the vulnerable adult is unable to pay for
 286 guardianship, application may be made to the public guardian for
 287 public guardianship services, if available.

288 (2) EMERGENCY PROTECTIVE SERVICES INTERVENTION.—If the
 289 department has reasonable cause to believe that a vulnerable
 290 adult is suffering from abuse or neglect that presents a risk of
 291 death or serious physical injury to the vulnerable adult and
 292 that the vulnerable adult's ability ~~adult lacks the capacity~~ to
 293 consent to emergency protective services is impaired, the
 294 department may take action under this subsection. If the
 295 vulnerable adult has the ability ~~capacity~~ to consent and refuses
 296 consent to emergency protective services, emergency protective
 297 services may not be provided.

298 (a) Emergency entry of premises.—If, upon arrival at the
 299 scene of the incident, consent is not obtained for access to the
 300 alleged victim for purposes of conducting a protective
 301 investigation under this subsection and the department has
 302 reason to believe that the situation presents a risk of death or
 303 serious physical injury, a representative of the department and
 304 a law enforcement officer may forcibly enter the premises. If,
 305 after obtaining access to the alleged victim, it is determined
 306 through a personal assessment of the situation that no emergency
 307 exists and there is no basis for emergency protective services
 308 intervention under this subsection, the department shall

309 terminate the emergency entry.

310 (b) Emergency removal from premises.—If it appears that
311 the vulnerable adult's ability ~~adult lacks the capacity~~ to
312 consent to emergency protective services is impaired and that
313 the vulnerable adult, from the personal observations of the
314 representative of the department and specified medical personnel
315 or law enforcement officers, is likely to incur a risk of death
316 or serious physical injury if such person is not immediately
317 removed from the premises, ~~then~~ the representative of the
318 department shall transport or arrange for the transportation of
319 the vulnerable adult to an appropriate medical or protective
320 services facility in order to provide emergency protective
321 services. Law enforcement personnel have a duty to transport
322 when medical transportation is not available or needed and the
323 vulnerable adult presents a threat of injury to self or others.
324 If the vulnerable adult's caregiver or guardian is present, the
325 protective investigator must seek the caregiver's or guardian's
326 consent pursuant to subsection (4) before the vulnerable adult
327 may be removed from the premises, unless the protective
328 investigator suspects that the vulnerable adult's caregiver or
329 guardian has caused the abuse, neglect, or exploitation. The
330 department shall, within 24 hours after providing or arranging
331 for emergency removal of the vulnerable adult, excluding
332 Saturdays, Sundays, and legal holidays, petition the court for
333 an order authorizing emergency protective services.

334 (c) Emergency medical treatment.—If, upon admission to a
335 medical facility, it is the opinion of the medical staff that
336 immediate medical treatment is necessary to prevent serious

337 physical injury or death, and that such treatment does not
338 violate a known health care advance directive prepared by the
339 vulnerable adult, the medical facility may proceed with
340 treatment to the vulnerable adult. If a person with legal
341 authority to give consent for the provision of medical treatment
342 to a vulnerable adult has not given or has refused to give such
343 consent, examination and treatment must be limited to reasonable
344 examination of the patient to determine the medical condition of
345 the patient and treatment reasonably necessary to alleviate the
346 emergency medical condition or to stabilize the patient pending
347 court determination of the department's petition authorizing
348 emergency protective services. Any person may seek an expedited
349 judicial intervention under rule 5.900 of the Florida Probate
350 Rules concerning medical treatment procedures.

351 (d) Emergency protective services petition.—A petition
352 filed under this subsection must state the name, age, and
353 address of the vulnerable adult and allege the facts
354 constituting the emergency protective services intervention and
355 subsequent removal of the vulnerable adult or provision of in-
356 home services, the facts relating to the ability ~~capacity~~ of the
357 vulnerable adult to consent to services, the efforts of the
358 department to obtain consent, and the services needed or
359 delivered.

360 (e) Notice.—Notice of the filing of the emergency
361 protective services petition and a copy of the petition must be
362 given to the vulnerable adult, to that person's spouse, to that
363 person's guardian, if any, to legal counsel representing the
364 vulnerable adult, and, when known, to adult children or next of

365 kin of the vulnerable adult. Such notice must be given at least
366 24 hours before any hearing on the petition for emergency
367 protective services.

368 (f) Hearing.—When emergency removal has occurred under
369 this subsection, a hearing must be held within 4 days after the
370 filing of the emergency protective services petition, excluding
371 Saturday, Sunday, and legal holidays, to establish reasonable
372 cause for grounds to continue emergency protective services.

373 1. The court shall determine, by clear and convincing
374 evidence, whether an emergency existed which justified the
375 emergency protective services intervention, whether the
376 vulnerable adult is in need of emergency protective services,
377 whether the vulnerable adult's ability ~~adult lacks the capacity~~
378 to consent to emergency protective services is impaired, and
379 whether:

380 a. Emergency protective services will continue with the
381 consent of the vulnerable adult;

382 b. Emergency protective services will continue without the
383 consent of the vulnerable adult; or

384 c. Emergency protective services will be discontinued.

385 2. The vulnerable adult has the right to be represented by
386 legal counsel at the hearing. The court shall appoint legal
387 counsel to represent a vulnerable adult who is without legal
388 representation.

389 3. The department must make reasonable efforts to ensure
390 the presence of the vulnerable adult at the hearing.

391 4. If an order to continue emergency protective services
392 is issued, it must state the services to be provided and

393 designate an individual or agency to be responsible for
 394 performing or obtaining the essential services, or otherwise
 395 consenting to protective services on behalf of the vulnerable
 396 adult.

397 (g) Continued emergency protective services.—

398 1. Not more than 60 days after the date of the order
 399 authorizing the provision of emergency protective services, the
 400 department shall petition the court to determine whether:

401 a. Emergency protective services will be continued with
 402 the consent of the vulnerable adult;

403 b. Emergency protective services will be continued for the
 404 vulnerable adult whose ability to consent is impaired ~~who lacks~~
 405 ~~capacity~~;

406 c. Emergency protective services will be discontinued; or

407 d. A petition should be filed under chapter 744.

408 2. If it is decided to file a petition under chapter 744,
 409 for good cause shown, the court may order continued emergency
 410 protective services until a determination is made by the court.

411 3. If the department has a good faith belief that the
 412 vulnerable adult's ability ~~adult lacks the capacity~~ to consent
 413 to protective services is impaired, the petition to determine
 414 incapacity under s. 744.3201 may be filed by the department.
 415 Once the petition is filed, the department may not be appointed
 416 guardian and may not provide legal counsel for the guardian.

417 (h) Costs.—The costs of services ordered under this
 418 section must be paid by the perpetrator if the perpetrator is
 419 financially able to do so, or by third-party reimbursement, if
 420 available.

421 (4) PROTECTIVE SERVICES INTERVENTIONS WITH CAREGIVER OR
 422 GUARDIAN PRESENT.—

423 (a) When a vulnerable adult whose ability ~~who lacks the~~
 424 ~~capacity~~ to consent is impaired has been identified as the
 425 victim, the protective investigator must first request consent
 426 from the caregiver or guardian, if present, before providing
 427 protective services or protective supervision, unless the
 428 protective investigator suspects that the caregiver or guardian
 429 has caused the abuse, neglect, or exploitation.

430 (5) INTERFERENCE WITH COURT-ORDERED PROTECTIVE SERVICES.—
 431 When a court order exists authorizing protective services for a
 432 vulnerable adult whose ability ~~who lacks capacity~~ to consent is
 433 impaired and any person interferes with the provision of such
 434 court-ordered protective services, the appropriate law
 435 enforcement agency shall enforce the order of the court.

436 Section 5. Subsection (2) of section 415.1052, Florida
 437 Statutes, is amended to read:

438 415.1052 Interference with investigation or with the
 439 provision of protective services.—

440 (2) When any person refuses to allow the provision of
 441 protective services to the vulnerable adult ~~who has the capacity~~
 442 ~~to consent to services~~, the department shall petition the court
 443 for an order enjoining the person from interfering with the
 444 provision of protective services. The petition must allege
 445 specific facts sufficient to show that the vulnerable adult is
 446 in need of protective services and that the person refuses to
 447 allow the provision of such services. If the court finds by
 448 clear and convincing evidence that the vulnerable adult is in

449 need of protective services and that the person refuses to allow
 450 the provision of such services, the court may issue an order
 451 enjoining the person from interfering with the provision of
 452 protective services to the vulnerable adult.

453 Section 6. Paragraph (c) of subsection (2) of section
 454 812.0145, Florida Statutes, is amended to read:

455 812.0145 Theft from persons 65 years of age or older;
 456 reclassification of offenses.—

457 (2) Whenever a person is charged with committing theft
 458 from a person 65 years of age or older, when he or she knows or
 459 has reason to believe that the victim was 65 years of age or
 460 older, the offense for which the person is charged shall be
 461 reclassified as follows:

462 (c) If the funds, assets, or property involved in the
 463 theft from a person 65 years of age or older is valued at \$1
 464 ~~\$300~~ or more, but less than \$10,000, the offender commits a
 465 felony of the third degree, punishable as provided in s.
 466 775.082, s. 775.083, or s. 775.084.

467 Section 7. Section 825.101, Florida Statutes, is amended
 468 to read:

469 825.101 Definitions.—As used in this chapter:

470 (1) "Business relationship" means a relationship between
 471 two or more individuals or entities where there exists an oral
 472 or written contract or agreement for goods or services.

473 (2) "Caregiver" means a person who has been entrusted with
 474 or has assumed responsibility for the care or the property of a
 475 vulnerable ~~an elderly person or disabled~~ adult. "Caregiver"
 476 includes, but is not limited to, relatives, court-appointed or

477 voluntary guardians, adult household members, neighbors, health
 478 care providers, and employees and volunteers of facilities as
 479 defined in subsection (5) ~~(7)~~.

480 (3) "Deception" means:

481 (a) Misrepresenting or concealing a material fact relating
 482 to:

483 1. Services rendered, disposition of property, or use of
 484 property, when such services or property are intended to benefit
 485 a vulnerable ~~an elderly person or disabled~~ adult;

486 2. Terms of a contract or agreement entered into with a
 487 vulnerable ~~an elderly person or disabled~~ adult; or

488 3. An existing or preexisting condition of any property
 489 involved in a contract or agreement entered into with a
 490 vulnerable ~~an elderly person or disabled~~ adult; or

491 (b) Using any misrepresentation, false pretense, or false
 492 promise in order to induce, encourage, or solicit a vulnerable
 493 ~~an elderly person or disabled~~ adult to enter into a contract or
 494 agreement.

495 ~~(4) "Disabled adult" means a person 18 years of age or~~
 496 ~~elder who suffers from a condition of physical or mental~~
 497 ~~incapacitation due to a developmental disability, organic brain~~
 498 ~~damage, or mental illness, or who has one or more physical or~~
 499 ~~mental limitations that restrict the person's ability to perform~~
 500 ~~the normal activities of daily living.~~

501 ~~(5) "Elderly person" means a person 60 years of age or~~
 502 ~~elder who is suffering from the infirmities of aging as~~
 503 ~~manifested by advanced age or organic brain damage, or other~~
 504 ~~physical, mental, or emotional dysfunctioning, to the extent~~

505 ~~that the ability of the person to provide adequately for the~~
 506 ~~person's own care or protection is impaired.~~

507 ~~(4)-(6)~~ "Endeavor" means to attempt or try.

508 ~~(5)-(7)~~ "Facility" means any location providing day or
 509 residential care or treatment for vulnerable elderly persons ~~or~~
 510 ~~disabled~~ adults. The term "facility" may include, but is not
 511 limited to, any hospital, training center, state institution,
 512 nursing home, assisted living facility, adult family-care home,
 513 adult day care center, group home, mental health treatment
 514 center, or continuing care community.

515 ~~(6)-(8)~~ "Intimidation" means the communication by word or
 516 act to a vulnerable ~~an elderly person or disabled~~ adult that the
 517 vulnerable elderly person or disabled adult will be deprived of
 518 food, nutrition, clothing, shelter, supervision, medicine,
 519 medical services, money, or financial support or will suffer
 520 physical violence.

521 ~~(9)~~ "Lacks capacity to consent" means an impairment by
 522 ~~reason of mental illness, developmental disability, organic~~
 523 ~~brain disorder, physical illness or disability, chronic use of~~
 524 ~~drugs, chronic intoxication, short-term memory loss, or other~~
 525 ~~cause, that causes an elderly person or disabled adult to lack~~
 526 ~~sufficient understanding or capacity to make or communicate~~
 527 ~~reasonable decisions concerning the elderly person's or disabled~~
 528 ~~adult's person or property.~~

529 ~~(7)-(10)~~ "Obtains or uses" means any manner of:

- 530 (a) Taking or exercising control over property; or
- 531 (b) Making any use, disposition, or transfer of property.

532 ~~(8)-(11)~~ "Position of trust and confidence" with respect to

533 | a vulnerable ~~an elderly person or a disabled~~ adult means the
 534 | position of a person who:

535 | (a) Is a parent, spouse, adult child, or other relative by
 536 | blood or marriage of the vulnerable ~~elderly person or disabled~~
 537 | adult;

538 | (b) Is a joint tenant or tenant in common with the
 539 | vulnerable ~~elderly person or disabled~~ adult;

540 | (c) Has a legal or fiduciary relationship with the
 541 | vulnerable ~~elderly person or disabled~~ adult, including, but not
 542 | limited to, a court-appointed or voluntary guardian, trustee,
 543 | attorney, or conservator;

544 | (d) Is a caregiver of the vulnerable ~~elderly person or~~
 545 | ~~disabled~~ adult; or

546 | (e) Is any other person who has been entrusted with or has
 547 | assumed responsibility for the use or management of the
 548 | vulnerable ~~elderly person's or disabled~~ adult's funds, assets,
 549 | or property.

550 | (9) ~~(12)~~ "Property" means anything of value and includes:

551 | (a) Real property, including things growing on, affixed
 552 | to, and found in land.

553 | (b) Tangible or intangible personal property, including
 554 | rights, privileges, interests, and claims.

555 | (c) Services.

556 | (10) ~~(13)~~ "Services" means anything of value resulting from
 557 | a person's physical or mental labor or skill, or from the use,
 558 | possession, or presence of property, and includes:

559 | (a) Repairs or improvements to property.

560 | (b) Professional services.

561 (c) Private, public, or governmental communication,
562 transportation, power, water, or sanitation services.

563 (d) Lodging accommodations.

564 (e) Admissions to places of exhibition or entertainment.

565 (11)~~(14)~~ "Value" means value determined according to any
566 of the following:

567 (a)1. The market value of the property at the time and
568 place of the offense or, if the market value cannot be
569 satisfactorily ascertained, the cost of replacing the property
570 within a reasonable time after the offense.

571 2. In the case of a written instrument such as a check,
572 draft, or promissory note, which does not have a readily
573 ascertainable market value, the value is the amount due or
574 collectible. The value of any other instrument that creates,
575 releases, discharges, or otherwise affects any valuable legal
576 right, privilege, or obligation is the greatest amount of
577 economic loss that the owner of the instrument might reasonably
578 suffer by the loss of the instrument.

579 3. The value of a trade secret that does not have a
580 readily ascertainable market value is any reasonable value
581 representing the damage to the owner suffered by reason of
582 losing advantage over those who do not know of or use the trade
583 secret.

584 (b) If the value of the property cannot be ascertained,
585 the trier of fact may find the value to be not less than a
586 certain amount; if no such minimum value can be ascertained, the
587 value is an amount less than \$100.

588 (c) Amounts of value of separate properties involved in

589 exploitation committed pursuant to one scheme or course of
 590 conduct, whether the exploitation involves the same person or
 591 several persons, may be aggregated in determining the degree of
 592 the offense.

593 (12) "Vulnerable adult" has the same meaning as provided
 594 in s. 415.102.

595 Section 8. Section 825.102, Florida Statutes, is amended
 596 to read:

597 825.102 Abuse, aggravated abuse, and neglect of a
 598 vulnerable ~~an elderly person or disabled~~ adult; penalties.-

599 (1) "Abuse of a vulnerable ~~an elderly person or disabled~~
 600 adult" means:

601 (a) Intentional infliction of physical or psychological
 602 injury upon a vulnerable ~~an elderly person or disabled~~ adult;

603 (b) An intentional act that could reasonably be expected
 604 to result in physical or psychological injury to a vulnerable ~~an~~
 605 ~~elderly person or disabled~~ adult; or

606 (c) Active encouragement of any person to commit an act
 607 that results or could reasonably be expected to result in
 608 physical or psychological injury to a vulnerable ~~an elderly~~
 609 ~~person or disabled~~ adult.

610
 611 A person who knowingly or willfully abuses a vulnerable ~~an~~
 612 ~~elderly person or disabled~~ adult without causing great bodily
 613 harm, permanent disability, or permanent disfigurement to the
 614 vulnerable ~~elderly person or disabled~~ adult commits a felony of
 615 the third degree, punishable as provided in s. 775.082, s.
 616 775.083, or s. 775.084.

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617 (2) "Aggravated abuse of a vulnerable ~~an elderly person or~~
618 ~~disabled~~ adult" occurs when a person:

619 (a) Commits aggravated battery on a vulnerable ~~an elderly~~
620 ~~person or disabled~~ adult;

621 (b) Willfully tortures, maliciously punishes, or willfully
622 and unlawfully cages a vulnerable, ~~an elderly person or disabled~~
623 adult; or

624 (c) Knowingly or willfully abuses a vulnerable ~~an elderly~~
625 ~~person or disabled~~ adult and in so doing causes great bodily
626 harm, permanent disability, or permanent disfigurement to the
627 vulnerable ~~elderly person or disabled~~ adult.

628

629 A person who commits aggravated abuse of a vulnerable ~~an elderly~~
630 ~~person or disabled~~ adult commits a felony of the first degree,
631 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

632 (3) (a) "Neglect of a vulnerable ~~an elderly person or~~
633 ~~disabled~~ adult" means:

634 1. A caregiver's failure or omission to provide a
635 vulnerable ~~an elderly person or disabled~~ adult with the care,
636 supervision, and services necessary to maintain the vulnerable
637 ~~elderly person's or disabled~~ adult's physical and mental health,
638 including, but not limited to, food, nutrition, clothing,
639 shelter, supervision, medicine, and medical services that a
640 prudent person would consider essential for the well-being of
641 the vulnerable ~~elderly person or disabled~~ adult; or

642 2. A caregiver's failure to make a reasonable effort to
643 protect a vulnerable ~~an elderly person or disabled~~ adult from
644 abuse, neglect, or exploitation by another person.

645
646 Neglect of a vulnerable ~~an elderly person or disabled~~ adult may
647 be based on repeated conduct or on a single incident or omission
648 that results in, or could reasonably be expected to result in,
649 serious physical or psychological injury, or a substantial risk
650 of death, to a vulnerable ~~an elderly person or disabled~~ adult.

651 (b) A person who willfully or by culpable negligence
652 neglects a vulnerable ~~an elderly person or disabled~~ adult and in
653 so doing causes great bodily harm, permanent disability, or
654 permanent disfigurement to the vulnerable ~~elderly person or~~
655 ~~disabled~~ adult commits a felony of the second degree, punishable
656 as provided in s. 775.082, s. 775.083, or s. 775.084.

657 (c) A person who willfully or by culpable negligence
658 neglects a vulnerable ~~an elderly person or disabled~~ adult
659 without causing great bodily harm, permanent disability, or
660 permanent disfigurement to the vulnerable ~~elderly person or~~
661 ~~disabled~~ adult commits a felony of the third degree, punishable
662 as provided in s. 775.082, s. 775.083, or s. 775.084.

663 Section 9. Section 825.1025, Florida Statutes, is amended
664 to read:

665 825.1025 Lewd or lascivious offenses committed upon or in
666 the presence of a vulnerable adult ~~an elderly person or disabled~~
667 ~~person.~~—

668 (1) As used in this section, "sexual activity" means the
669 oral, anal, or vaginal penetration by, or union with, the sexual
670 organ of another or the anal or vaginal penetration of another
671 by any other object; however, sexual activity does not include
672 an act done for a bona fide medical purpose.

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673 (2) (a) "Lewd or lascivious battery upon a vulnerable adult
674 ~~an elderly person or disabled person~~" occurs when a person
675 encourages, forces, or entices a vulnerable adult ~~an elderly~~
676 ~~person or disabled person~~ to engage in sadomasochistic abuse,
677 sexual bestiality, prostitution, or any other act involving
678 sexual activity, when the person knows or reasonably should know
679 that the vulnerable adult's ability ~~elderly person or disabled~~
680 ~~person either lacks the capacity~~ to consent is impaired or the
681 vulnerable adult fails to give consent.

682 (b) A person who commits lewd or lascivious battery upon a
683 vulnerable adult ~~an elderly person or disabled person~~ commits a
684 felony of the second degree, punishable as provided in s.
685 775.082, s. 775.083, or s. 775.084.

686 (3) (a) "Lewd or lascivious molestation of a vulnerable
687 adult ~~an elderly person or disabled person~~" occurs when a person
688 intentionally touches in a lewd or lascivious manner the
689 breasts, genitals, genital area, or buttocks, or the clothing
690 covering them, of a vulnerable adult ~~an elderly person or~~
691 ~~disabled person~~ when the person knows or reasonably should know
692 that the vulnerable adult's ability ~~elderly person or disabled~~
693 ~~person either lacks the capacity~~ to consent is impaired or the
694 vulnerable adult fails to give consent.

695 (b) A person who commits lewd or lascivious molestation of
696 a vulnerable adult ~~an elderly person or disabled person~~ commits
697 a felony of the third degree, punishable as provided in s.
698 775.082, s. 775.083, or s. 775.084.

699 (4) (a) "Lewd or lascivious exhibition in the presence of a
700 vulnerable adult ~~an elderly person or disabled person~~" occurs

701 when a person, in the presence of a vulnerable adult ~~an elderly~~
 702 ~~person or disabled person~~:

- 703 1. Intentionally masturbates;
- 704 2. Intentionally exposes his or her genitals in a lewd or
 705 lascivious manner; or
- 706 3. Intentionally commits any other lewd or lascivious act
 707 that does not involve actual physical or sexual contact with the
 708 vulnerable adult ~~elderly person or disabled person~~, including,
 709 but not limited to, sadomasochistic abuse, sexual bestiality, or
 710 the simulation of any act involving sexual activity,

711
 712 when the person knows or reasonably should know that the
 713 vulnerable adult's ability ~~elderly person or disabled person~~
 714 ~~either lacks the capacity to consent or fails to give consent to~~
 715 having such act committed in his or her presence is impaired or
 716 the vulnerable adult fails to give consent.

717 (b) A person who commits a lewd or lascivious exhibition
 718 in the presence of a vulnerable adult ~~an elderly person or~~
 719 ~~disabled person~~ commits a felony of the third degree, punishable
 720 as provided in s. 775.082, s. 775.083, or s. 775.084.

721 Section 10. Section 825.103, Florida Statutes, is amended
 722 to read:

723 825.103 Exploitation of a vulnerable ~~an elderly person or~~
 724 ~~disabled~~ adult; penalties.—

725 (1) "Exploitation of a vulnerable ~~an elderly person or~~
 726 ~~disabled~~ adult" means:

727 (a) Knowingly, by deception or intimidation, obtaining or
 728 using, or endeavoring to obtain or use, the vulnerable ~~an~~

729 ~~elderly person's or disabled~~ adult's funds, assets, or property
 730 with the intent to temporarily or permanently deprive the
 731 vulnerable ~~elderly person or disabled~~ adult of the use, benefit,
 732 or possession of the funds, assets, or property, or to benefit
 733 someone other than the vulnerable ~~elderly person or disabled~~
 734 adult, by a person who:

735 1. Stands in a position of trust and confidence with the
 736 vulnerable ~~elderly person or disabled~~ adult; or

737 2. Has a business relationship with the vulnerable ~~elderly~~
 738 ~~person or disabled~~ adult;

739 (b) Obtaining or using, endeavoring to obtain or use, or
 740 conspiring with another to obtain or use a vulnerable ~~an elderly~~
 741 ~~person's or disabled~~ adult's funds, assets, or property with the
 742 intent to temporarily or permanently deprive the vulnerable
 743 ~~elderly person or disabled~~ adult of the use, benefit, or
 744 possession of the funds, assets, or property, or to benefit
 745 someone other than the vulnerable ~~elderly person or disabled~~
 746 adult, by a person who knows or reasonably should know that the
 747 vulnerable adult's ability ~~elderly person or disabled adult~~
 748 ~~lacks the capacity to consent~~ is impaired; or

749 (c) Breach of a fiduciary duty to a vulnerable ~~an elderly~~
 750 ~~person or disabled~~ adult by his or her ~~the person's~~ guardian or
 751 agent under a power of attorney which results in an unauthorized
 752 appropriation, sale, or transfer of property.

753 (2) (a) If the funds, assets, or property involved in the
 754 exploitation of the vulnerable ~~elderly person or disabled~~ adult
 755 is valued at \$100,000 or more, the offender commits a felony of
 756 the first degree, punishable as provided in s. 775.082, s.

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757 775.083, or s. 775.084.

758 (b) If the funds, assets, or property involved in the
759 exploitation of the vulnerable ~~elderly person or disabled~~ adult
760 is valued at \$20,000 or more, but less than \$100,000, the
761 offender commits a felony of the second degree, punishable as
762 provided in s. 775.082, s. 775.083, or s. 775.084.

763 (c) If the funds, assets, or property involved in the
764 exploitation of a vulnerable ~~an elderly person or disabled~~ adult
765 is valued at less than \$20,000, the offender commits a felony of
766 the third degree, punishable as provided in s. 775.082, s.
767 775.083, or s. 775.084.

768 Section 11. Section 825.105, Florida Statutes, is amended
769 to read:

770 825.105 Good faith assistance.—This chapter is not
771 intended to impose criminal liability on a person who makes a
772 good faith effort to assist a vulnerable ~~an elderly person or~~
773 ~~disabled~~ adult in the management of the funds, assets, or
774 property of the vulnerable ~~elderly person or disabled~~ adult,
775 which effort fails through no fault of the person.

776 Section 12. Section 825.106, Florida Statutes, is amended
777 to read:

778 825.106 Criminal actions involving vulnerable ~~elderly~~
779 ~~persons or disabled~~ adults; speedy trial.—In a criminal action
780 in which a vulnerable ~~an elderly person or disabled~~ adult is a
781 victim, the state may move the court to advance the trial on the
782 docket. The presiding judge, after consideration of the age and
783 health of the victim, may advance the trial on the docket. The
784 motion may be filed and served with the information or charges

785 or at any time thereafter.

786 Section 13. Paragraph (a) of subsection (24) of section
787 90.803, Florida Statutes, is amended to read:

788 90.803 Hearsay exceptions; availability of declarant
789 immaterial.—The provision of s. 90.802 to the contrary
790 notwithstanding, the following are not inadmissible as evidence,
791 even though the declarant is available as a witness:

792 (24) HEARSAY EXCEPTION; STATEMENT OF ELDERLY PERSON OR
793 DISABLED ADULT.—

794 (a) Unless the source of information or the method or
795 circumstances by which the statement is reported indicates a
796 lack of trustworthiness, an out-of-court statement made by a
797 vulnerable ~~an elderly person or disabled~~ adult, as defined in s.
798 825.101, describing any act of abuse or neglect, any act of
799 exploitation, the offense of battery or aggravated battery or
800 assault or aggravated assault or sexual battery, or any other
801 violent act on the declarant vulnerable ~~elderly person or~~
802 ~~disabled~~ adult, not otherwise admissible, is admissible in
803 evidence in any civil or criminal proceeding if:

804 1. The court finds in a hearing conducted outside the
805 presence of the jury that the time, content, and circumstances
806 of the statement provide sufficient safeguards of reliability.
807 In making its determination, the court may consider the mental
808 and physical age and maturity of the vulnerable ~~elderly person~~
809 ~~or disabled~~ adult, the nature and duration of the abuse or
810 offense, the relationship of the victim to the offender, the
811 reliability of the assertion, the reliability of the vulnerable
812 ~~elderly person or disabled~~ adult, and any other factor deemed

813 appropriate; and

814 2. The vulnerable ~~elderly person or disabled~~ adult either:

815 a. Testifies; or

816 b. Is unavailable as a witness, provided that there is
 817 corroborative evidence of the abuse or offense. Unavailability
 818 shall include a finding by the court that the vulnerable ~~elderly~~
 819 ~~person's or disabled~~ adult's participation in the trial or
 820 proceeding would result in a substantial likelihood of severe
 821 emotional, mental, or physical harm, in addition to findings
 822 pursuant to s. 90.804(1).

823 Section 14. Paragraphs (dd), (ee), and (ff) of subsection
 824 (2) of section 435.04, Florida Statutes, are amended to read:

825 435.04 Level 2 screening standards.—

826 (2) The security background investigations under this
 827 section must ensure that no persons subject to the provisions of
 828 this section have been arrested for and are awaiting final
 829 disposition of, have been found guilty of, regardless of
 830 adjudication, or entered a plea of nolo contendere or guilty to,
 831 or have been adjudicated delinquent and the record has not been
 832 sealed or expunged for, any offense prohibited under any of the
 833 following provisions of state law or similar law of another
 834 jurisdiction:

835 (dd) Section 825.102, relating to abuse, aggravated abuse,
 836 or neglect of a vulnerable ~~an elderly person or disabled~~ adult.

837 (ee) Section 825.1025, relating to lewd or lascivious
 838 offenses committed upon or in the presence of a vulnerable ~~an~~
 839 ~~elderly person or disabled~~ adult.

840 (ff) Section 825.103, relating to exploitation of a

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841 | vulnerable ~~an elderly person or disabled~~ adult, if the offense
842 | was a felony.

843 | Section 15. Paragraph (d) of subsection (1) of section
844 | 775.084, Florida Statutes, is amended to read:

845 | 775.084 Violent career criminals; habitual felony
846 | offenders and habitual violent felony offenders; three-time
847 | violent felony offenders; definitions; procedure; enhanced
848 | penalties or mandatory minimum prison terms.—

849 | (1) As used in this act:

850 | (d) "Violent career criminal" means a defendant for whom
851 | the court must impose imprisonment pursuant to paragraph (4) (d),
852 | if it finds that:

853 | 1. The defendant has previously been convicted as an adult
854 | three or more times for an offense in this state or other
855 | qualified offense that is:

856 | a. Any forcible felony, as described in s. 776.08;

857 | b. Aggravated stalking, as described in s. 784.048(3) and
858 | (4);

859 | c. Aggravated child abuse, as described in s.
860 | 827.03(2) (a);

861 | d. Aggravated abuse of a vulnerable ~~an elderly person or~~
862 | ~~disabled~~ adult, as described in s. 825.102(2);

863 | e. Lewd or lascivious battery, lewd or lascivious
864 | molestation, lewd or lascivious conduct, or lewd or lascivious
865 | exhibition, as described in s. 800.04 or s. 847.0135(5);

866 | f. Escape, as described in s. 944.40; or

867 | g. A felony violation of chapter 790 involving the use or
868 | possession of a firearm.

869 2. The defendant has been incarcerated in a state prison
870 or a federal prison.

871 3. The primary felony offense for which the defendant is
872 to be sentenced is a felony enumerated in subparagraph 1. and
873 was committed on or after October 1, 1995, and:

874 a. While the defendant was serving a prison sentence or
875 other sentence, or court-ordered or lawfully imposed supervision
876 that is imposed as a result of a prior conviction for an
877 enumerated felony; or

878 b. Within 5 years after the conviction of the last prior
879 enumerated felony, or within 5 years after the defendant's
880 release from a prison sentence, probation, community control,
881 control release, conditional release, parole, or court-ordered
882 or lawfully imposed supervision or other sentence that is
883 imposed as a result of a prior conviction for an enumerated
884 felony, whichever is later.

885 4. The defendant has not received a pardon for any felony
886 or other qualified offense that is necessary for the operation
887 of this paragraph.

888 5. A conviction of a felony or other qualified offense
889 necessary to the operation of this paragraph has not been set
890 aside in any postconviction proceeding.

891 Section 16. Paragraph (a) of subsection (5) of section
892 775.0844, Florida Statutes, is amended to read:

893 775.0844 White Collar Crime Victim Protection Act.—

894 (5) Any person who commits an aggravated white collar
895 crime as defined in this section and in so doing either:

896 (a) Victimized 10 or more vulnerable adults ~~elderly~~

897 ~~persons~~, as defined in s. 825.101~~(5)~~;

898
 899 and thereby obtains or attempts to obtain \$50,000 or more,
 900 commits a felony of the first degree, punishable as provided in
 901 s. 775.082, s. 775.083, or s. 775.084.

902 Section 17. Paragraphs (j) and (k) of subsection (1) of
 903 section 775.0877, Florida Statutes, are amended to read:

904 775.0877 Criminal transmission of HIV; procedures;
 905 penalties.—

906 (1) In any case in which a person has been convicted of or
 907 has pled nolo contendere or guilty to, regardless of whether
 908 adjudication is withheld, any of the following offenses, or the
 909 attempt thereof, which offense or attempted offense involves the
 910 transmission of body fluids from one person to another:

911 (j) Section 825.102(1), relating to abuse of a vulnerable
 912 ~~an elderly person or disabled~~ adult;

913 (k) Section 825.102(2), relating to aggravated abuse of a
 914 ~~vulnerable an elderly person or disabled~~ adult;

915
 916 the court shall order the offender to undergo HIV testing, to be
 917 performed under the direction of the Department of Health in
 918 accordance with s. 381.004, unless the offender has undergone
 919 HIV testing voluntarily or pursuant to procedures established in
 920 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
 921 rule providing for HIV testing of criminal offenders or inmates,
 922 subsequent to her or his arrest for an offense enumerated in
 923 paragraphs (a)-(n) for which she or he was convicted or to which
 924 she or he pled nolo contendere or guilty. The results of an HIV

925 | test performed on an offender pursuant to this subsection are
 926 | not admissible in any criminal proceeding arising out of the
 927 | alleged offense.

928 | Section 18. Subsection (2) of section 782.07, Florida
 929 | Statutes, is amended to read:

930 | 782.07 Manslaughter; aggravated manslaughter of a
 931 | vulnerable ~~an elderly person or disabled~~ adult; aggravated
 932 | manslaughter of a child; aggravated manslaughter of an officer,
 933 | a firefighter, an emergency medical technician, or a paramedic.—

934 | (2) A person who causes the death of a vulnerable ~~any~~
 935 | ~~elderly person or disabled~~ adult by culpable negligence under s.
 936 | 825.102(3) commits aggravated manslaughter of a vulnerable ~~an~~
 937 | ~~elderly person or disabled~~ adult, a felony of the first degree,
 938 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

939 | Section 19. Paragraphs (c), (e), (f), (g), and (h) of
 940 | subsection (3) of section 921.0022, Florida Statutes, are
 941 | amended to read:

942 | 921.0022 Criminal Punishment Code; offense severity
 943 | ranking chart.—

944 | (3) OFFENSE SEVERITY RANKING CHART

945 | (c) LEVEL 3

946 |

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

947 |

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948	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
949	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
950	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
951	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
952	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
953	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
954	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
955	327.35 (2) (b)	3rd	Felony BUI.

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961	400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.
962	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
963	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
964	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
965	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
966	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
967	697.08	3rd	Equity skimming.

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968	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
969	796.05 (1)	3rd	Live on earnings of a prostitute.
970	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
971	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
972	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
973	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
974	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; <u>\$1</u> \$300 or more but less than \$10,000.
975			

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976	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
977	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
978	817.233	3rd	Burning to defraud insurer.
979	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
980	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
981	817.236	3rd	Filing a false motor vehicle insurance application.
982	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
983	817.413 (2)	3rd	Sale of used goods as new.
	817.505 (4)	3rd	Patient brokering.

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984	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
985	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
986	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
987	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
988	843.19	3rd	Injure, disable, or kill police dog or horse.
989	860.15 (3)	3rd	Overcharging for repairs and parts.
990	870.01 (2)	3rd	Riot; inciting or encouraging.
991	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver

cannabis (or other s.
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs).

992

893.13(1)(d)2. 2nd Sell, manufacture, or deliver
 s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs
 within 1,000 feet of
 university.

993

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
 s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs
 within 1,000 feet of public
 housing facility.

994

893.13(6)(a) 3rd Possession of any controlled
 substance other than felony
 possession of cannabis.

995

893.13(7)(a)8. 3rd Withhold information from
 practitioner regarding previous

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receipt of or prescription for
a controlled substance.

996

893.13(7)(a)9. 3rd Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation,
etc.

997

893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled
substance.

998

893.13(7)(a)11. 3rd Furnish false or fraudulent
material information on any
document or record required by
chapter 893.

999

893.13(8)(a)1. 3rd Knowingly assist a patient,
other person, or owner of an
animal in obtaining a
controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

1000

893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to

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1001			assist a patient, other person, or owner of an animal in obtaining a controlled substance.
1002	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
1003	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
1004	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
1005	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
1006	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
	985.721	3rd	Escapes from a juvenile

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facility (secure detention or residential commitment facility).

1007
1008
1009

(e) LEVEL 5

Florida	Felony	
Statute	Degree	Description

1010

316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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1011

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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1012

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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1013

327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
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1014

379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
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1015

379.3671(2)(c)3.	3rd	Willful molestation,
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			possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
1016	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1017	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
1018	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1019	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1020	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1021	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.

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790.01 (2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

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1031	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1032	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1033	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
1034	812.131(2)(b)	3rd	Robbery by sudden snatching.
1035	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
1036	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1037	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the

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1038			solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
1039			
	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
1040			
	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of <u>a vulnerable</u> an elderly person or disabled adult.
1041			
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
1042			
	827.071 (5)	3rd	Possess, control, or

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1043	839.13 (2) (b)	2nd	intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
1044	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
1045	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
1046	847.0137 (2) & (3)	3rd	Lewd or lascivious exhibition using computer; offender 18 years or older.
1047	847.0138 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1048	874.05 (2)	2nd	Transmission of material harmful to minors to a minor by electronic device or equipment.
			Encouraging or recruiting another to join a criminal

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1049	893.13(1)(a)1.	2nd	gang; second or subsequent offense.
			Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
1050	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
1051	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

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1052	893.13(1)(e)2.	2nd	<p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</p>
1053	893.13(1)(f)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.</p>
1054	893.13(4)(b)	2nd	<p>Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).</p>
1055	893.1351(1)	3rd	<p>Ownership, lease, or rental for trafficking in or manufacturing</p>

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			of controlled substance.
1056			
1057	(f)	LEVEL 6	
1058			
	Florida	Felony	
	Statute	Degree	Description
1059			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
1060			
	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
1061			
	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
1062			
	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
1063			
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
1064			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
1065			
	784.021 (1) (b)	3rd	Aggravated assault; intent to

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1066			commit felony.
	784.041	3rd	Felony battery; domestic battery by strangulation.
1067			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
1068			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
1069			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
1070			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
1071			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
1072			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
1073			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
1074			

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1075	784.083 (2)	2nd	Aggravated assault on code inspector.
1076	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
1077	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
1078	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
1079	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
1080	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
1081	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.

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1082	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
1083	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
1084	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
1085	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
1086	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
1087	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1088	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
	812.014 (6)	2nd	Theft; property stolen \$3,000

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			or more; coordination of others.
1089	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
1090	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1091	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
1092	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1093	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
1094	825.102 (1)	3rd	Abuse of <u>a vulnerable</u> an elderly person or disabled adult.
1095	825.102 (3) (c)	3rd	Neglect of <u>a vulnerable</u> an elderly person or disabled adult.

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1096	825.1025(3)	3rd	Lewd or lascivious molestation of <u>a vulnerable</u> an elderly person or disabled adult.
1097	825.103(2)(c)	3rd	Exploiting <u>a vulnerable</u> an elderly person or disabled adult and property is valued at less than \$20,000.
1098	827.03(2)(c)	3rd	Abuse of a child.
1099	827.03(2)(d)	3rd	Neglect of a child.
1100	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1101	836.05	2nd	Threats; extortion.
1102	836.10	2nd	Written threats to kill or do bodily injury.
1103	843.12	3rd	Aids or assists person to escape.
1104	847.011	3rd	Distributing, offering to distribute, or possessing with

1105			intent to distribute obscene materials depicting minors.
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
1106			
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
1107			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
1108			
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
1109			
	944.40	2nd	Escapes.
1110			
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
1111			
	944.47(1)(a)5.	2nd	Introduction of contraband

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1112 (firearm, weapon, or explosive)
into correctional facility.

951.22 (1) 3rd Intoxicating drug, firearm, or
weapon introduced into county
facility.

1113
1114 (g) LEVEL 7

1115 Florida Felony
Statute Degree Description

1116 316.027 (1) (b) 1st Accident involving death,
failure to stop; leaving scene.

1117 316.193 (3) (c) 2. 3rd DUI resulting in serious bodily
injury.

1118 316.1935 (3) (b) 1st Causing serious bodily injury
or death to another person;
driving at high speed or with
wanton disregard for safety
while fleeing or attempting to
elude law enforcement officer
who is in a patrol vehicle with
siren and lights activated.

1119 327.35 (3) (c) 2. 3rd Vessel BUI resulting in serious

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1120			bodily injury.
	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1121	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1122	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1123	456.065 (2)	3rd	Practicing a health care profession without a license.
1124	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1125	458.327 (1)	3rd	Practicing medicine without a license.
1126	459.013 (1)	3rd	Practicing osteopathic medicine without a license.

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460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.

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1137	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1138	483.901 (9)	3rd	Practicing medical physics without a license.
1139	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1140	484.053	3rd	Dispensing hearing aids without a license.
1141	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1142	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments

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1143	655.50(10)(b)1.	3rd	exceeding \$300 but less than \$20,000. Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1144	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
1145	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
1146	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1147	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

1148

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1149	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1150	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1151	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1152	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1153	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
1154	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

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1155	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1156	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1157	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1158	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1159	784.081 (1)	1st	Aggravated battery on specified official or employee.
1160	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1161	784.083 (1)	1st	Aggravated battery on code inspector.
1162	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
1163			

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1164	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
1165	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1166	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1167	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1168	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1169	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax

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1176	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1177	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1178	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1179	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1180	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1181	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

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1182	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1183	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1184	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1185	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1186	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1187	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1188	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1189	817.234 (9)	2nd	Organizing, planning, or participating in an intentional

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1190			motor vehicle collision.
	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1191			
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1192			
	825.102 (3) (b)	2nd	Neglecting <u>a vulnerable</u> an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1193			
	825.103 (2) (b)	2nd	Exploiting <u>a vulnerable</u> an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
1194			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.

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1195	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1196	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1197	838.015	2nd	Bribery.
1198	838.016	2nd	Unlawful compensation or reward for official behavior.
1199	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1200	838.22	2nd	Bid tampering.
1201	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1202	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1203	872.06	2nd	Abuse of a dead human body.
1204			

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1205 874.10 1st, PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

1206 893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

1207 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b),

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			(1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
1208	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1209	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1210	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1211	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1212	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1213	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1214	893.135	1st	Trafficking in flunitrazepam, 4

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1215	(1) (g) 1.a.		grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1216			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.a.		1 kilogram or more, less than 5 kilograms.
1217			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.a.		10 grams or more, less than 200 grams.
1218			
	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1219			
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1220			
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but

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1221			less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1222			
	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1223			
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1224			
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1225			
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1226			
	944.607 (9)	3rd	Sexual offender; failure to comply with reporting

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1227			requirements.
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1228			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1229			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1230			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1231			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1232			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address

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1233			verification.
1234	(h)	LEVEL 8	
1235			
	Florida	Felony	
	Statute	Degree	Description
1236			
	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
1237			
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
1238			
	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
1239			
	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
1240			
	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
1241			
	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

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1242 | 560.125 (5) (b) | 2nd | Money transmitter business by
 | | | unauthorized person, currency
 | | | or payment instruments totaling
 | | | or exceeding \$20,000, but less
 | | | than \$100,000.

1243 | 655.50 (10) (b) 2. | 2nd | Failure to report financial
 | | | transactions totaling or
 | | | exceeding \$20,000, but less
 | | | than \$100,000 by financial
 | | | institutions.

1244 | 777.03 (2) (a) | 1st | Accessory after the fact,
 | | | capital felony.

1245 | 782.04 (4) | 2nd | Killing of human without design
 | | | when engaged in act or attempt
 | | | of any felony other than arson,
 | | | sexual battery, robbery,
 | | | burglary, kidnapping,
 | | | aggravated fleeing or eluding
 | | | with serious bodily injury or
 | | | death, aircraft piracy, or
 | | | unlawfully discharging bomb.

1246 | 782.051 (2) | 1st | Attempted felony murder while
 | | | perpetrating or attempting to

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1247	782.071 (1) (b)	1st	perpetrate a felony not enumerated in s. 782.04(3). Committing vehicular homicide and failing to render aid or give information.
1248	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
1249	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity.
1250	787.06 (3) (c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
1251	787.06 (3) (f)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.
1252	790.161 (3)	1st	Discharging a destructive device which results in bodily

1253			harm or property damage.
	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
1254			
	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
1255			
	800.04 (4)	2nd	Lewd or lascivious battery.
1256			
	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1257			
	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
1258			
	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1259			
	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

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1260	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1261	812.13(2)(b)	1st	Robbery with a weapon.
1262	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
1263	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
1264	825.102(2)	1st	Aggravated abuse of <u>a</u> vulnerable an elderly person or disabled adult.
1265	825.1025(2)	2nd	Lewd or lascivious battery upon <u>a vulnerable</u> an elderly person or disabled adult.
1266	825.103(2)(a)	1st	Exploiting <u>a vulnerable</u> an elderly person or disabled adult and property is valued at \$100,000 or more.

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1267	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
1268	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
1269	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
1270	860.16	1st	Aircraft piracy.
1271	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) .
1272	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .
1273	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in

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			s. 893.03(1) (a) or (b).
1274	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1275	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
1276	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
1277	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
1278	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
1279	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
1280	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28

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1281			grams.
	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
1282			
	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
1283			
	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
1284			
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
1285			
	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
1286			
	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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1287

895.03 (3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

1288

896.101 (5) (b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

1289

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.

1290

1291 Section 20. Paragraph (c) of subsection (8) of section
1292 948.06, Florida Statutes, is amended to read:

1293 948.06 Violation of probation or community control;
1294 revocation; modification; continuance; failure to pay
1295 restitution or cost of supervision.—

1296 (8)

1297 (c) For purposes of this section, the term "qualifying
1298 offense" means any of the following:

1299 1. Kidnapping or attempted kidnapping under s. 787.01,
1300 false imprisonment of a child under the age of 13 under s.
1301 787.02 (3), or luring or enticing a child under s. 787.025 (2) (b)

- 1302 or (c).
- 1303 2. Murder or attempted murder under s. 782.04, attempted
- 1304 felony murder under s. 782.051, or manslaughter under s. 782.07.
- 1305 3. Aggravated battery or attempted aggravated battery
- 1306 under s. 784.045.
- 1307 4. Sexual battery or attempted sexual battery under s.
- 1308 794.011(2), (3), (4), or (8)(b) or (c).
- 1309 5. Lewd or lascivious battery or attempted lewd or
- 1310 lascivious battery under s. 800.04(4), lewd or lascivious
- 1311 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
- 1312 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
- 1313 under s. 800.04(7)(b), or lewd or lascivious exhibition on
- 1314 computer under s. 847.0135(5)(b).
- 1315 6. Robbery or attempted robbery under s. 812.13,
- 1316 carjacking or attempted carjacking under s. 812.133, or home
- 1317 invasion robbery or attempted home invasion robbery under s.
- 1318 812.135.
- 1319 7. Lewd or lascivious offense upon or in the presence of a
- 1320 vulnerable adult ~~an elderly or disabled person~~ or attempted lewd
- 1321 or lascivious offense upon or in the presence of a vulnerable
- 1322 adult ~~an elderly or disabled person~~ under s. 825.1025.
- 1323 8. Sexual performance by a child or attempted sexual
- 1324 performance by a child under s. 827.071.
- 1325 9. Computer pornography under s. 847.0135(2) or (3),
- 1326 transmission of child pornography under s. 847.0137, or selling
- 1327 or buying of minors under s. 847.0145.
- 1328 10. Poisoning food or water under s. 859.01.
- 1329 11. Abuse of a dead human body under s. 872.06.

1330 12. Any burglary offense or attempted burglary offense
 1331 that is either a first degree felony or second degree felony
 1332 under s. 810.02(2) or (3).

1333 13. Arson or attempted arson under s. 806.01(1).

1334 14. Aggravated assault under s. 784.021.

1335 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 1336 (7).

1337 16. Aircraft piracy under s. 860.16.

1338 17. Unlawful throwing, placing, or discharging of a
 1339 destructive device or bomb under s. 790.161(2), (3), or (4).

1340 18. Treason under s. 876.32.

1341 19. Any offense committed in another jurisdiction which
 1342 would be an offense listed in this paragraph if that offense had
 1343 been committed in this state.

1344 Section 21. Paragraph (b) of subsection (2) of section
 1345 960.003, Florida Statutes, is amended to read:

1346 960.003 Hepatitis and HIV testing for persons charged with
 1347 or alleged by petition for delinquency to have committed certain
 1348 offenses; disclosure of results to victims.—

1349 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
 1350 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

1351 (b) However, when a victim of any sexual offense
 1352 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at
 1353 the time the offense was committed or when a victim of any
 1354 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.
 1355 825.1025 is a vulnerable ~~disabled~~ adult ~~or elderly person~~ as
 1356 defined in s. 825.101 ~~825.1025~~ regardless of whether the offense
 1357 involves the transmission of bodily fluids from one person to

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1358 another, then upon the request of the victim or the victim's
1359 legal guardian, or of the parent or legal guardian, the court
1360 shall order such person to undergo hepatitis and HIV testing
1361 within 48 hours after the information, indictment, or petition
1362 for delinquency is filed. In the event the victim or, if the
1363 victim is a minor, the victim's parent or legal guardian
1364 requests hepatitis and HIV testing after 48 hours have elapsed
1365 from the filing of the indictment, information, or petition for
1366 delinquency, the testing shall be done within 48 hours after the
1367 request. The testing shall be performed under the direction of
1368 the Department of Health in accordance with s. 381.004. The
1369 results of a hepatitis and HIV test performed on a defendant or
1370 juvenile offender pursuant to this subsection is ~~shall~~ not ~~be~~
1371 admissible in any criminal or juvenile proceeding arising out of
1372 the alleged offense.

1373 Section 22. Paragraphs (gg), (hh), and (ii) of subsection
1374 (1) of section 1012.315, Florida Statutes, are amended to read:

1375 1012.315 Disqualification from employment.—A person is
1376 ineligible for educator certification, and instructional
1377 personnel and school administrators, as defined in s. 1012.01,
1378 are ineligible for employment in any position that requires
1379 direct contact with students in a district school system,
1380 charter school, or private school that accepts scholarship
1381 students under s. 1002.39 or s. 1002.395, if the person,
1382 instructional personnel, or school administrator has been
1383 convicted of:

1384 (1) Any felony offense prohibited under any of the
1385 following statutes:

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1386 (gg) Section 825.102, relating to abuse, aggravated abuse,
1387 or neglect of a vulnerable ~~an elderly person or disabled~~ adult.

1388 (hh) Section 825.103, relating to exploitation of a
1389 vulnerable ~~an elderly person or disabled~~ adult.

1390 (ii) Section 825.1025, relating to lewd or lascivious
1391 offenses committed upon or in the presence of a vulnerable adult
1392 ~~an elderly person or disabled person~~.

1393 Section 23. This act shall take effect October 1, 2013.