

By Senator Sanderson

31-589A-02

See HB 479

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A bill to be entitled
An act relating to exploitation of elderly or disabled adults; amending s. 825.103, F.S.; specifying a statute of limitations for exploitation of the funds, assets, or property of an elderly person or disabled adult; providing for tolling of certain statutes of limitations under certain circumstances; providing an effective date.

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

Section 1. Section 825.103, Florida Statutes, is amended to read:

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

(1) "Exploitation of an elderly person or disabled adult" means:

(a) Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

- 1. Stands in a position of trust and confidence with the elderly person or disabled adult; or
- 2. Has a business relationship with the elderly person or disabled adult; or

(b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly

1 person's or disabled adult's funds, assets, or property with
2 the intent to temporarily or permanently deprive the elderly
3 person or disabled adult of the use, benefit, or possession of
4 the funds, assets, or property, or to benefit someone other
5 than the elderly person or disabled adult, by a person who
6 knows or reasonably should know that the elderly person or
7 disabled adult lacks the capacity to consent.

8 (2)(a) If the funds, assets, or property involved in
9 the exploitation of the elderly person or disabled adult is
10 valued at \$100,000 or more, the offender commits a felony of
11 the first degree, punishable as provided in s. 775.082, s.
12 775.083, or s. 775.084.

13 (b) If the funds, assets, or property involved in the
14 exploitation of the elderly person or disabled adult is valued
15 at \$20,000 or more, but less than \$100,000, the offender
16 commits a felony of the second degree, punishable as provided
17 in s. 775.082, s. 775.083, or s. 775.084.

18 (c) If the funds, assets, or property involved in the
19 exploitation of an elderly person or disabled adult is valued
20 at less than \$20,000, the offender commits a felony of the
21 third degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 (3) Notwithstanding any other provision of law, a
24 criminal action or proceeding under this section may be
25 commenced at any time within 5 years after the cause of action
26 accrues; however, the period of limitation does not run during
27 any time when the defendant is continuously absent from the
28 state or is without a reasonably ascertainable place of abode
29 or work within the state, but in no case shall this extend the
30 period of limitation otherwise applicable by more than 1 year.
31 If a criminal prosecution or civil action or other proceeding

1 is brought, or intervened in, to punish, prevent, or restrain
2 any violation of this section, the running of the period of
3 limitations prescribed by s. 812.035(10) with respect to any
4 cause of action arising under s. 812.035(6) or (7) which is
5 based in whole or in part upon any matter complained of in any
6 such prosecution, action, or proceeding shall be suspended
7 during the pendency of such prosecution, action, or proceeding
8 and for 2 years following its termination.

9 Section 2. This act shall take effect October 1, 2002.

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11 HOUSE SUMMARY

12 Specifies a 5-year statute of limitations for
13 exploitation of the funds, assets, or property of an
14 elderly person or disabled adult. Tolls the statute of
15 limitations for civil causes of action for theft of such
16 funds, assets, or property during pendency of criminal
17 prosecution.