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A bill to be entitled

An act relating to elder abuse and neglect; creating s. 825.108, F.S.; requiring that a case worker or protective investigator from the Department of Children and Family Services request a mental health examination of an elderly victim of abuse or neglect if there is suspicion of mental incompetency; amending s. 825.102, F.S.; increasing the penalty for committing aggravated abuse of an elderly person or disabled adult from a second degree felony to a first degree felony; creating the Task Force Against Abuse and Neglect of the Elderly within the Department of Children and Family Services; providing for membership and duties of the task force; requiring reports to the Legislature; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 825.108, Florida Statutes, is created to read:

825.108 Mental health examination.--If a case worker or protective investigator from the Department of Children and Family Services has reason to believe that a person older than 65 years of age who is the victim of abuse or neglect is mentally incompetent, the case worker or investigator may request that the person undergo a mental health evaluation by a mental health provider that is under contract with the

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30 department. The person must be examined within 48 hours  
 31 following the initial observation by the case worker or  
 32 investigator.

33 Section 2. Subsection (2) of section 825.102, Florida  
 34 Statutes, is amended to read:

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

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

39 (a) Commits aggravated battery on an elderly person or  
 40 disabled adult;

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

43 (c) Knowingly or willfully abuses an elderly person or  
 44 disabled adult and in so doing causes great bodily harm,  
 45 permanent disability, or permanent disfigurement to the elderly  
 46 person or disabled adult.

47  
 48 A person who commits aggravated abuse of an elderly person or  
 49 disabled adult commits a felony of the first ~~second~~ degree,  
 50 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

51 Section 3. Task Force Against Abuse and Neglect of the  
 52 Elderly.--

53 (1) The Task Force Against Abuse and Neglect of the  
 54 Elderly is created within the Department of Children and Family  
 55 Services. The Secretary of Children and Family Services, the  
 56 Secretary of Elderly Affairs, and the executive director of the  
 57 Department of Law Enforcement shall each appoint four members to  
 58 the task force. The Secretary of Children and Family Services

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59 shall designate one appointee as the chairperson of the task  
 60 force.

61 (2) The task force shall:

62 (a) Evaluate the current curriculum used to train law  
 63 enforcement officers in identifying abuse and neglect of elderly  
 64 persons. This evaluation must be completed and submitted to the  
 65 Legislature by July 1, 2005.

66 (b) Prepare a list of recommendations for improving the  
 67 curriculum used to train law enforcement officers in identifying  
 68 abuse and neglect of elderly persons and preventing such abuse  
 69 and neglect. This list of recommendations must be submitted to  
 70 the Legislature by September 1, 2005.

71 Section 4. Paragraph (h) of subsection (3) of section  
 72 921.0022, Florida Statutes, is amended to read:

73 921.0022 Criminal Punishment Code; offense severity  
 74 ranking chart.--

75 (3) OFFENSE SEVERITY RANKING CHART

76	Florida	Felony	
77	Statute	Degree	Description
78			(h) LEVEL 8
79			
80	316.193(3)(c)3.a.	2nd	DUI manslaughter.
81	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
82	499.0051(7)	1st	Forgery of prescription or

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legend drug labels.

83

499.0052

1st

Trafficking in contraband  
legend drugs.

84

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.

85

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.

86

655.50(10)(b)2.

2nd

Failure to report financial  
transactions totaling or  
exceeding \$20,000, but less  
than \$100,000 by financial  
institutions.

87

777.03(2)(a)

1st

Accessory after the fact,  
capital felony.

88

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, aircraft

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piracy, or unlawfully  
discharging bomb.

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94  
95

782.051(2)

1st

Attempted felony murder while  
perpetrating or attempting to  
perpetrate a felony not  
enumerated in s. 782.04(3).

782.071(1)(b)

1st

Committing vehicular homicide  
and failing to render aid or  
give information.

782.072(2)

1st

Committing vessel homicide and  
failing to render aid or give  
information.

790.161(3)

1st

Discharging a destructive  
device which results in bodily  
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.

800.04(4)

2nd

Lewd or lascivious battery.

806.01(1)

1st

Maliciously damage dwelling or  
structure by fire or explosive,  
believing person in structure.

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96	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
97	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
98	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
99	812.13(2)(b)	1st	Robbery with a weapon.
100	812.135(2)	1st	Home-invasion robbery.
101	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
102	825.102(2)	<u>1st</u> <del>2nd</del>	Aggravated abuse of an elderly person or disabled adult.
103	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
104	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
105			

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106	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
107	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
108	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
109	860.16	1st	Aircraft piracy.
110	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).
111	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
112	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than

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10,000 lbs.

- 113 893.135(1)(b)1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.
- 114 893.135(1)(c)1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
- 115 893.135(1)(d)1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
- 116 893.135(1)(e)1.b. 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
- 117 893.135(1)(f)1.b. 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.
- 118 893.135(1)(g)1.b. 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
- 119 893.135(1)(h)1.b. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

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121	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
122	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
123	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
124	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
125	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
126	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than

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\$100,000.

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Section 5. This act shall take effect July 1, 2004.