

## CHAMBER ACTION

1 The Committee on Future of Florida's Families recommends the  
2 following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to protection and care for elders;  
8 amending s. 825.102, F.S.; reclassifying the offense of  
9 aggravated abuse of an elderly person or disabled adult  
10 from a second degree felony to a first degree felony;  
11 amending s. 921.0022, F.S., relating to the offense  
12 severity ranking chart of the Criminal Punishment Code, to  
13 conform; creating s. 943.17296, F.S., relating to  
14 identification and investigation of elder abuse training  
15 for certified law enforcement officers; requiring such  
16 training by a time certain; providing that an officer's  
17 certification shall become inactive in certain  
18 circumstances related to the failure to complete such  
19 training; amending s. 430.502, F.S.; providing for the  
20 establishment of a memory disorder clinic at Morton Plant  
21 Hospital in Pinellas County; providing for the Florida  
22 Mental Health Institute at the University of South Florida  
23 to establish a workgroup; specifying the purpose and

HB 379

2004  
CS

24 | responsibilities of the workgroup; providing for the  
 25 | secretary of the Department of Elderly Affairs and the  
 26 | secretary of the Department of Children and Family  
 27 | Services to appoint members to the workgroup; providing  
 28 | for a report by the workgroup; providing for future  
 29 | repeal; providing an effective date.

30

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

32

33 | Section 1. 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.

HB 379

2004  
CS

51 Section 2. Paragraph (h) of subsection (3) of section  
52 921.0022, Florida Statutes, is amended to read:

53 921.0022 Criminal Punishment Code; offense severity  
54 ranking chart.--

55 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description
		(h) LEVEL 8
316.193(3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(7)	1st	Forgery of prescription or legend drug labels.
499.0052	1st	Trafficking in contraband legend drugs.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling

HB 379

2004  
CS

			or exceeding \$20,000, but less than \$100,000.
64	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
65	777.03(2)(a)	1st	Accessory after the fact, capital felony.
66	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 piracy, or unlawfully discharging bomb.
67	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
68	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
69	782.072(2)	1st	Committing vessel homicide and

HB 379

2004  
CS

			failing to render aid or give information.
70	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
71	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
72	800.04(4)	2nd	Lewd or lascivious battery.
73	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
74	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
75	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
76	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
77	812.13(2)(b)	1st	Robbery with a weapon.
78			

HB 379

2004  
CS

79	812.135(2)	1st	Home-invasion robbery.
	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
80	825.102(2)	<u>1st</u> <del>2nd</del>	Aggravated abuse of an elderly person or disabled adult.
81	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
82	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
83	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
84	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
85	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great

HB 379

2004  
CS

bodily harm.

86	860.16	1st	Aircraft piracy.
87	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).
88	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
89	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
90	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
91	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
92	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
93	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than

HB 379

2004  
CS

94	893.135(1)(e)1.b.	1st	400 grams. Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
95	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
96	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
97	893.135(1)(h)1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
98	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
99	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
100	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
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HB 379

2004  
CS

102	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
103	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
104	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
105	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.

106 Section 3. Section 943.17296, Florida Statutes, is created  
107 to read:

108 943.17296 Identification and investigation of elder abuse  
109 and neglect training.--Certified law enforcement officers shall  
110 successfully complete training on identification and  
111 investigation of elder abuse and neglect as a part of their  
112 basic recruit training required in s. 943.13(9) or continuing  
113 education pursuant to s. 943.135(1) prior to June 30, 2008. Such

CODING: Words stricken are deletions; words underlined are additions.

HB 379

2004  
CS

114 training shall be developed in consultation with the Department  
115 of Elderly Affairs and shall incorporate instruction on the  
116 identification of and appropriate responses for persons  
117 suffering from dementia and on the identification and  
118 investigation of elder abuse and neglect. If an officer fails to  
119 meet the required training, his or her certification shall  
120 become inactive until the employing agency notifies the  
121 commission that the officer has completed the training.

122 Section 4. Section 430.502, Florida Statutes, is amended  
123 to read:

124 430.502 Alzheimer's disease; memory disorder clinics and  
125 day care and respite care programs.--

126 (1) There is established:

127 (a) A memory disorder clinic at each of the three medical  
128 schools in this state;

129 (b) A memory disorder clinic at a major private nonprofit  
130 research-oriented teaching hospital, and may fund a memory  
131 disorder clinic at any of the other affiliated teaching  
132 hospitals;

133 (c) A memory disorder clinic at the Mayo Clinic in  
134 Jacksonville;

135 (d) A memory disorder clinic at the West Florida Regional  
136 Medical Center;

137 (e) The East Central Florida Memory Disorder Clinic at the  
138 Joint Center for Advanced Therapeutics and Biomedical Research  
139 of the Florida Institute of Technology and Holmes Regional  
140 Medical Center, Inc.;

141 (f) A memory disorder clinic at the Orlando Regional  
142 Healthcare System, Inc.;

143 (g) A memory disorder center located in a public hospital  
144 that is operated by an independent special hospital taxing  
145 district that governs multiple hospitals and is located in a  
146 county with a population greater than 800,000 persons;

147 (h) A memory disorder clinic at St. Mary's Medical Center  
148 in Palm Beach County;

149 (i) A memory disorder clinic at Tallahassee Memorial  
150 Healthcare;

151 (j) A memory disorder clinic at Lee Memorial Hospital  
152 created by chapter 63-1552, Laws of Florida, as amended; ~~and~~

153 (k) A memory disorder clinic at Sarasota Memorial Hospital  
154 in Sarasota County; ~~and~~

155 (l) A memory disorder clinic at Morton Plant Hospital,  
156 Clearwater, in Pinellas County,

157  
158 for the purpose of conducting research and training in a  
159 diagnostic and therapeutic setting for persons suffering from  
160 Alzheimer's disease and related memory disorders. However,  
161 memory disorder clinics funded as of June 30, 1995, shall not  
162 receive decreased funding due solely to subsequent additions of  
163 memory disorder clinics in this subsection.

164 (2) It is the intent of the Legislature that research  
165 conducted by a memory disorder clinic and supported by state  
166 funds pursuant to subsection (1) be applied research, be  
167 service-related, and be selected in conjunction with the  
168 department. Such research may address, but is not limited to,

HB 379

2004  
CS

169 diagnostic technique, therapeutic interventions, and supportive  
170 services for persons suffering from Alzheimer's disease and  
171 related memory disorders and their caregivers. A memory disorder  
172 clinic shall conduct such research in accordance with a research  
173 plan developed by the clinic which establishes research  
174 objectives that are in accordance with this legislative intent.  
175 A memory disorder clinic shall also complete and submit to the  
176 department a report of the findings, conclusions, and  
177 recommendations of completed research. This subsection does not  
178 apply to those memory disorder clinics at the three medical  
179 schools in the state or at the major private nonprofit research-  
180 oriented teaching hospital or other affiliated teaching  
181 hospital.

182 (3) The Alzheimer's Disease Advisory Committee must  
183 evaluate the need for additional memory disorder clinics in the  
184 state. The first report will be due by December 31, 1995.

185 (4) Pursuant to the provisions of s. 287.057, the  
186 Department of Elderly Affairs may contract for the provision of  
187 specialized model day care programs in conjunction with the  
188 memory disorder clinics. The purpose of each model day care  
189 program must be to provide service delivery to persons suffering  
190 from Alzheimer's disease or a related memory disorder and  
191 training for health care and social service personnel in the  
192 care of persons having Alzheimer's disease or related memory  
193 disorders.

194 (5) Pursuant to s. 287.057, the Department of Elderly  
195 Affairs shall contract for the provision of respite care. All  
196 funds appropriated for the provision of respite care shall be

HB 379

2004  
CS

197 distributed annually by the department to each funded county  
198 according to an allocation formula. In developing the formula,  
199 the department shall consider the number and proportion of the  
200 county population of individuals who are 75 years of age and  
201 older. Each respite care program shall be used as a resource for  
202 research and statistical data by the memory disorder clinics  
203 established in this part. In consultation with the memory  
204 disorder clinics, the department shall specify the information  
205 to be provided by the respite care programs for research  
206 purposes.

207 (6) Each contract entered into pursuant to this section  
208 must contain a requirement for a research component to be  
209 completed and reported on in writing to the department according  
210 to specifications and within a timeframe provided by the  
211 department.

212 (7) The Agency for Health Care Administration and the  
213 department shall seek a federal waiver to implement a Medicaid  
214 home and community-based waiver targeted to persons with  
215 Alzheimer's disease to test the effectiveness of Alzheimer's  
216 specific interventions to delay or to avoid institutional  
217 placement.

218 (8) The department will implement the waiver program  
219 specified in subsection (7). The agency and the department shall  
220 ensure that providers are selected that have a history of  
221 successfully serving persons with Alzheimer's disease. The  
222 department and the agency shall develop specialized standards  
223 for providers and services tailored to persons in the early,  
224 middle, and late stages of Alzheimer's disease and designate a

225 level of care determination process and standard that is most  
226 appropriate to this population. The department and the agency  
227 shall include in the waiver services designed to assist the  
228 caregiver in continuing to provide in-home care. The department  
229 shall implement this waiver program subject to a specific  
230 appropriation or as provided in the General Appropriations Act.  
231 The department and the agency shall submit their program design  
232 to the President of the Senate and the Speaker of the House of  
233 Representatives for consultation during the development process.

234 (9) Authority to continue the waiver program specified in  
235 subsection (7) shall be automatically eliminated at the close of  
236 the 2008 Regular Session of the Legislature unless further  
237 legislative action is taken to continue it prior to such time.

238 Section 5. (1) The Florida Mental Health Institute at the  
239 University of South Florida shall establish a workgroup to focus  
240 on the needs of older adults who have dementia or related  
241 disorders and who are subject to the Florida Mental Health Act  
242 for involuntary treatment. This workgroup will recommend  
243 legislation that will be designed to meet the needs of those  
244 older adults whose behaviors present a risk for self-harm, a  
245 risk of harm to others, or self-neglect.

246 (2) The secretary of the Department of Elderly Affairs and  
247 the secretary of the Department of Children and Family Services  
248 shall each appoint at least one member and not more than seven  
249 members to the workgroup.

250 (3) The workgroup shall:

251 (a) Identify and address the problem of excessive and  
252 inappropriate involuntary examination and placement of elders,

253 especially elders with Alzheimer's disease or related disorders,  
 254 by facilities.

255 (b) Evaluate the potential for involuntary placement based  
 256 upon additional criteria, including the history of the dementia  
 257 sufferer as provided by the family.

258 (c) Identify and evaluate the barriers and restrictions to  
 259 patient care that result from involuntary placement.

260 (d) Evaluate less restrictive alternatives that can meet  
 261 the crisis stabilization needs of the individual with dementia  
 262 or related disorders.

263 (e) Review resources that potentially provide the best  
 264 opportunities for the older adult to return as quickly as  
 265 possible to his or her least restrictive environment.

266 (f) Evaluate the current curriculum used to train  
 267 employees of receiving facilities in how to deal with clients  
 268 with a diagnosis of Alzheimer's disease or a related dementia.

269 (g) Provide a summary of methods and systems used in other  
 270 states to serve this population.

271 (h) Recommend a dementia-specific system that would  
 272 provide the best opportunity for maintaining the dignity and  
 273 well-being of the state's older adult population.

274 (4) Members of the workgroup shall serve without  
 275 compensation.

276 (5) The workgroup shall submit a report to the Governor,  
 277 the Speaker of the House of Representatives, and the President  
 278 of the Senate no later than January 1, 2005. This section is  
 279 repealed February 1, 2005.

280 Section 6. This act shall take effect July 1, 2004.