Florida Senate - 2006

By Senator Margolis

35-430-06

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1	A bill to be entitled
2	An act relating to protection and care for
3	elders; amending s. 825.102, F.S.;
4	reclassifying the offense of aggravated abuse
5	of an elderly person or disabled adult from a
6	second-degree felony to a first-degree felony;
7	amending s. 921.0022, F.S., relating to the
8	offense severity ranking chart of the Criminal
9	Punishment Code, to conform; creating s.
10	943.17296, F.S., relating to training on
11	identifying and investigating elder abuse for
12	certified law enforcement officers; requiring
13	that the training be completed by a time
14	certain; providing that an officer's
15	certification becomes inactive in certain
16	circumstances related to the failure to
17	complete the training; providing an effective
18	date.
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20	Be It Enacted by the Legislature of the State of Florida:
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22	Section 1. Subsection (2) of section 825.102, Florida
23	Statutes, is amended to read:
24	825.102 Abuse, aggravated abuse, and neglect of an
25	elderly person or disabled adult; penalties
26	(2) "Aggravated abuse of an elderly person or disabled
27	adult" occurs when a person:
28	(a) Commits aggravated battery on an elderly person or
29	disabled adult;
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(b) Willfully tortures, maliciously punishes, or
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   willfully and unlawfully cages, an elderly person or disabled
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   adult; or
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           (c) Knowingly or willfully abuses an elderly person or
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   disabled adult and in so doing causes great bodily harm,
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   permanent disability, or permanent disfigurement to the
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    elderly person or disabled adult.
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   A person who commits aggravated abuse of an elderly person or
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   disabled adult commits a felony of the first second degree,
   punishable as provided in s. 775.082, s. 775.083, or s.
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   775.084.
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           Section 2. Paragraph (h) of subsection (3) of section
    921.0022, Florida Statutes, is amended to read:
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           921.0022 Criminal Punishment Code; offense severity
   ranking chart.--
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           (3) OFFENSE SEVERITY RANKING CHART
18
   Florida
19
                      Felony
20
   Statute
                      Degree
                                         Description
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23
                                (h) LEVEL 8
   316.193
2.4
25
                       2nd
                                DUI manslaughter.
    (3)(c)3.a.
26
   316.1935(4)(b)
                                Aggravated fleeing or attempted
                       1st
27
                                eluding with serious bodily
28
                                injury or death.
   327.35(3)(c)3.
                                Vessel BUI manslaughter.
29
                       2nd
    499.0051(7)
                                Forgery of prescription or legend
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                       1st
                                drug labels.
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1	499.0052	lst	Trafficking in contraband legend
2			drugs.
3	560.123(8)(b)2.	2nd	Failure to report currency or
4			payment instruments totaling or
5			exceeding \$20,000, but less than
б			\$100,000 by money transmitter.
7	560.125(5)(b)	2nd	Money transmitter business by
8			unauthorized person, currency or
9			payment instruments totaling or
10			exceeding \$20,000, but less than
11			\$100,000.
12	655.50(10)(b)2.	2nd	Failure to report financial
13			transactions totaling or
14			exceeding \$20,000, but less than
15			\$100,000 by financial
16			institutions.
17	777.03(2)(a)	lst	Accessory after the fact, capital
18			felony.
19	782.04(4)	2nd	Killing of human without design
20			when engaged in act or attempt of
21			any felony other than arson,
22			sexual battery, robbery,
23			burglary, kidnapping, aircraft
24			piracy, or unlawfully discharging
25			bomb.
26	782.051(2)	lst	Attempted felony murder while
27			perpetrating or attempting to
28			perpetrate a felony not
29			enumerated in s. 782.04(3).
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1	782.071(1)(b)	1st	Committing vehicular homicide and
2			failing to render aid or give
3			information.
4	782.072(2)	lst	Committing vessel homicide and
5			failing to render aid or give
6			information.
7	790.161(3)	lst	Discharging a destructive device
8			which results in bodily harm or
9			property damage.
10	794.011(5)	2nd	Sexual battery, victim 12 years
11			or over, offender does not use
12			physical force likely to cause
13			serious injury.
14	800.04(4)	2nd	Lewd or lascivious battery.
15	806.01(1)	lst	Maliciously damage dwelling or
16			structure by fire or explosive,
17			believing person in structure.
18	810.02(2)(a)	lst,PBL	Burglary with assault or battery.
19	810.02(2)(b)	lst,PBL	Burglary; armed with explosives
20			or dangerous weapon.
21	810.02(2)(c)	lst	Burglary of a dwelling or
22			structure causing structural
23			damage or \$1,000 or more property
24			damage.
25	812.014(2)(a)2.	1st	Property stolen; cargo valued at
26			\$50,000 or more, grand theft in
27			1st degree.
28	812.13(2)(b)	lst	Robbery with a weapon.
29	812.135(2)(c)	lst	Home-invasion robbery, no
30			firearm, deadly weapon, or other
31			weapon.
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1	817.568(6)	2nd	Fraudulent use of personal
2			identification information of an
3			individual under the age of 18.
4	825.102(2)	<u>lst</u> 2nd	Aggravated abuse of an elderly
5			person or disabled adult.
6	825.1025(2)	2nd	Lewd or lascivious battery upon
7			an elderly person or disabled
8			adult.
9	825.103(2)(a)	lst	Exploiting an elderly person or
10			disabled adult and property is
11			valued at \$100,000 or more.
12	837.02(2)	2nd	Perjury in official proceedings
13			relating to prosecution of a
14			capital felony.
15	837.021(2)	2nd	Making contradictory statements
16			in official proceedings relating
17			to prosecution of a capital
18			felony.
19	860.121(2)(c)	lst	Shooting at or throwing any
20			object in path of railroad
21			vehicle resulting in great bodily
22			harm.
23	860.16	lst	Aircraft piracy.
24	893.13(1)(b)	lst	Sell or deliver in excess of 10
25			grams of any substance specified
26			in s. 893.03(1)(a) or (b).
27	893.13(2)(b)	lst	Purchase in excess of 10 grams of
28			any substance specified in s.
29			893.03(1)(a) or (b).
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893.13(6)(c) Possess in excess of 10 grams of 1 1st 2 any substance specified in s. 3 893.03(1)(a) or (b). 4 893.135(1)(a)2. 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 5 6 lbs. 7 893.135 8 Trafficking in cocaine, more than (1)(b)1.b. 1st 9 200 grams, less than 400 grams. 10 893.135 11 (1)(c)1.b. 1st Trafficking in illegal drugs, 12 more than 14 grams, less than 28 13 grams. 893.135 14 15 (1)(d)1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 16 17 400 grams. 893.135 18 (1)(e)1.b. Trafficking in methaqualone, more 19 1st 20 than 5 kilograms, less than 25 21 kilograms. 22 893.135 Trafficking in amphetamine, more 23 (1)(f)1.b. 1st than 28 grams, less than 200 2.4 25 grams. 26 893.135 27 (1)(g)1.b. 1st Trafficking in flunitrazepam, 14 28 grams or more, less than 28 29 grams. 30 31

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2(1)(h)1.b.1stTrafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.6893.1357(1)(j)1.b.1st7(1)(j)1.b.1st893.135Trafficking in 1,4-Butanediol, 5 kilograms.8893.13510893.13511(1)(k)2.b.1st13Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.14895.03(1)1st15from pattern of racketeering activity.16racketeering activity any interest in or control of any enterprise or real property.1895.03(2)1st19conduct or participate in any enterprise through pattern of racketeering activity.12895.03(3)1st13Conduct or participate in any enterprise through pattern of racketeering activity.14896.101(5)(b)2nd15Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.1499.101(5)(b)2nd15si00,000.	1	893.135		
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1 896.104(4)(a)2. 2nd Structuring transactions to evade 2 reporting or registration 3 requirements, financial 4 transactions totaling or 5 exceeding \$20,000 but less than 6 \$100,000. 7 Section 3. Section 943.17296, Florida Statutes, is 8 created to read: 9 943.17296 Training in identification and investigation 10 of elder abuse and neglect. -- Each certified law enforcement officer must successfully complete training on identifying and 11 12 investigating elder abuse and neglect as a part of the 13 officer's basic recruit training required in s. 943.13(9) or continuing education under s. 943.135(1) before June 30, 2009. 14 The training shall be developed in consultation with the 15 Department of Elderly Affairs and must incorporate instruction 16 17 on identification of and appropriate responses for persons 18 suffering from dementia and on identifying and investigating elder abuse and neglect. If an officer fails to meet the 19 required training, his or her certification shall become 2.0 21 inactive until the employing agency notifies the commission that the officer has completed the training. 2.2 23 Section 4. This act shall take effect July 1, 2006. 2.4 25 26 SENATE SUMMARY 27 Reclassifies the offense of appravated abuse of an elderly person or disabled adult from a second-degree 28 felony to a first-degree felony. Requires each certified law enforcement officer to complete training regarding the identification and investigation of elder abuse by a 29 specified time. Provides that an officer's certification 30 becomes inactive in certain circumstances if he or she fails to timely complete the training. 31

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