

By Senator Margolis

35-186-07

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.

19

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

21

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;

30

31

1 (b) Willfully tortures, maliciously punishes, or
2 willfully and unlawfully cages, an elderly person or disabled
3 adult; or

4 (c) Knowingly or willfully abuses an elderly person or
5 disabled adult and in so doing causes great bodily harm,
6 permanent disability, or permanent disfigurement to the
7 elderly person or disabled adult.

8
9 A person who commits aggravated abuse of an elderly person or
10 disabled adult commits a felony of the first ~~second~~ degree,
11 punishable as provided in s. 775.082, s. 775.083, or s.
12 775.084.

13 Section 2. Paragraph (h) of subsection (3) of section
14 921.0022, Florida Statutes, is amended to read:

15 921.0022 Criminal Punishment Code; offense severity
16 ranking chart.--

17 (3) OFFENSE SEVERITY RANKING CHART

18

19 Florida	Felony	
20 Statute	Degree	Description
		(h) LEVEL 8
24 316.193		
25 (3)(c)3.a.	2nd	DUI manslaughter.
26 316.1935(4)(b)	1st	Aggravated fleeing or attempted
		eluding with serious bodily
		injury or death.
29 327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
30 499.0051(7)	1st	Forgery of prescription or legend
31		drug labels.

1	499.0052	1st	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
6			\$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)	1st	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)	1st	Attempted felony murder while
27			perpetrating or attempting to
28			perpetrate a felony not
29			enumerated in s. 782.04(3).
30			
31			

1	782.071(1)(b)	1st	Committing vehicular homicide and
2			failing to render aid or give
3			information.
4	782.072(2)	1st	Committing vessel homicide and
5			failing to render aid or give
6			information.
7	790.161(3)	1st	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)	1st	Maliciously damage dwelling or
16			structure by fire or explosive,
17			believing person in structure.
18	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
19	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
20			or dangerous weapon.
21	810.02(2)(c)	1st	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)	1st	Robbery with a weapon.
29	812.135(2)(c)	1st	Home-invasion robbery, no
30			firearm, deadly weapon, or other
31			weapon.

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>1st</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)	1st	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)	1st	Shooting at or throwing any
20			object in path of railroad
21			vehicle resulting in great bodily
22			harm.
23	860.16	1st	Aircraft piracy.
24	893.13(1)(b)	1st	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)	1st	Purchase in excess of 10 grams of
28			any substance specified in s.
29			893.03(1)(a) or (b).
30			
31			

1	893.13(6)(c)	1st	Possess in excess of 10 grams of
2			any substance specified in s.
3			893.03(1)(a) or (b).
4	893.135(1)(a)2.	1st	Trafficking in cannabis, more
5			than 2,000 lbs., less than 10,000
6			lbs.
7	893.135		
8	(1)(b)1.b.	1st	Trafficking in cocaine, more than
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.
14	893.135		
15	(1)(d)1.b.	1st	Trafficking in phencyclidine,
16			more than 200 grams, less than
17			400 grams.
18	893.135		
19	(1)(e)1.b.	1st	Trafficking in methaqualone, more
20			than 5 kilograms, less than 25
21			kilograms.
22	893.135		
23	(1)(f)1.b.	1st	Trafficking in amphetamine, more
24			than 28 grams, less than 200
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			

1	893.135		
2	(1)(h)1.b.	1st	Trafficking in
3			gamma-hydroxybutyric acid (GHB),
4			5 kilograms or more, less than 10
5			kilograms.
6	893.135		
7	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
8			kilograms or more, less than 10
9			kilograms.
10	893.135		
11	(1)(k)2.b.	1st	Trafficking in Phenethylamines,
12			200 grams or more, less than 400
13			grams.
14	895.03(1)	1st	Use or invest proceeds derived
15			from pattern of racketeering
16			activity.
17	895.03(2)	1st	Acquire or maintain through
18			racketeering activity any
19			interest in or control of any
20			enterprise or real property.
21	895.03(3)	1st	Conduct or participate in any
22			enterprise through pattern of
23			racketeering activity.
24	896.101(5)(b)	2nd	Money laundering, financial
25			transactions totaling or
26			exceeding \$20,000, but less than
27			\$100,000.
28			
29			
30			
31			

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
11 officer must successfully complete training on identifying and
12 investigating elder abuse and neglect as a part of the basic
13 recruit training of the officer required in s. 943.13(9) or
14 continuing education under s. 943.135(1) before June 30, 2010.
15 The training shall be developed in consultation with the
16 Department of Elderly Affairs and the Department of Children
17 and Family Services and must incorporate instruction on
18 identification of and appropriate responses for persons
19 suffering from dementia and on identifying and investigating
20 elder abuse and neglect. If an officer fails to meet the
21 required training, his or her certification shall become
22 inactive until the employing agency notifies the commission
23 that the officer has completed the training.

24 Section 4. This act shall take effect July 1, 2007.

25 *****

26
27 SENATE SUMMARY

28 Reclassifies the offense of aggravated abuse of an
29 elderly person or disabled adult from a second-degree
30 felony to a first-degree felony. Conforms the offense
31 severity ranking chart of the Criminal Punishment Code.
Requires that the training be completed by a time
certain. Provides that an officer's certification becomes
inactive in certain circumstances related to the failure
to complete the training.