



942216

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2023	.	
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The Committee on Criminal Justice (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 123 - 308

and insert:

2. Benefit someone other than the property owner;

(b) Obtains or uses, endeavors to obtain or use, or conspires with another to obtain or use, through deception or intimidation, the property of a person 65 years of age or older through the intentional modification, alteration, or fraudulent creation of a plan of distribution or disbursement expressed in



942216

11 a will, trust instrument, or other testamentary devise of the
12 person 65 years of age or older; or

13 (c) Deprives, endeavors to deprive, or conspires with
14 another to deprive, with the intent to defraud and by means of
15 bribery or kickbacks, a person 65 years of age or older of his
16 or her intangible right to honest services provided by an
17 individual who has a legal or fiduciary relationship with such
18 person.

19 (3) A person who violates this section commits:

20 (a) A felony of the first degree, punishable as provided in
21 s. 775.082, s. 775.083, or s. 775.084, if the funds, assets, or
22 property involved in the exploitation of a person 65 years of
23 age or older is valued at \$50,000 or more.

24 (b) A felony of the second degree, punishable as provided
25 in s. 775.082, s. 775.083, or s. 775.084, if the funds, assets,
26 or property involved in the exploitation of a person 65 years of
27 age or older is valued at \$10,000 or more, but less than
28 \$50,000.

29 (c) A felony of the third degree, punishable as provided in
30 s. 775.082, s. 775.083, or s. 775.084, if the funds, assets, or
31 property involved in the exploitation of a person 65 years of
32 age or older is valued at less than \$10,000.

33 (4) It does not constitute a defense to a prosecution for
34 any violation of this section that the accused did not know the
35 age of the victim.

36 (5) In a criminal action resulting from a violation of this
37 section, the state may move the court to advance the trial on
38 the docket. The presiding judge, after consideration of the age
39 and health of the victim, may advance the trial on the docket.



942216

40 The motion may be filed and served with the information or
41 charges at any time thereafter.

42 (6) Notwithstanding s. 825.1035(2), a person 65 years of
43 age or older who is in imminent danger of being exploited may
44 petition for an injunction for protection as provided under s.
45 825.1035. A violation of such injunction shall be handled in the
46 same manner, and such violation shall have the same penalties,
47 as provided in s. 825.1036.

48 Section 2. Subsection (10) of section 775.15, Florida
49 Statutes, is amended to read:

50 775.15 Time limitations; general time limitations;
51 exceptions.—

52 (10) (a) A prosecution for a felony violation of s.
53 817.5695, s. 825.102, or s. 825.103 must be commenced within 5
54 years after it is committed.

55 (b) If the period prescribed in paragraph (a) has expired,
56 a prosecution may nevertheless be commenced for any offense, a
57 material element of which is either fraud or a breach of
58 fiduciary obligation, within 5 years after discovery of the
59 offense by an aggrieved party or by a person who has a legal
60 duty to represent an aggrieved party and who is not a party to
61 the offense.

62 Section 3. Subsection (1) of section 825.1035, Florida
63 Statutes, is amended to read:

64 825.1035 Injunction for protection against exploitation of
65 a vulnerable adult.—

66 (1) INJUNCTION CREATED.—There is created a cause of action
67 for an injunction for protection against exploitation of a
68 vulnerable adult. As used in this section, and in addition to



942216

69 the definitions provided in this chapter, exploitation of a
70 vulnerable adult includes a person 65 years of age or older who
71 is or may be subject to exploitation as described in s.
72 817.5695.

73 Section 4. Subsection (1) of section 825.1036, Florida
74 Statutes, is amended to read:

75 825.1036 Violation of an injunction for protection against
76 exploitation of a vulnerable adult.—

77 (1) In the event of a violation of an injunction for
78 protection against exploitation of a vulnerable adult when the
79 person who violated such injunction has not been arrested, the
80 petitioner may contact the clerk of the circuit court of the
81 county in which the violation is alleged to have occurred. The
82 clerk of the circuit court shall assist the petitioner in the
83 preparation of an affidavit in support of the violation or
84 direct the petitioner to the office operated by the court within
85 the circuit which has been designated by the chief judge of the
86 judicial circuit as the central intake point for injunction
87 violations and where the petitioner can receive assistance in
88 the preparation of the affidavit in support of the violation. As
89 used in this section, and in addition to the definitions
90 provided in this chapter, exploitation of a vulnerable adult
91 includes a person 65 years of age or older who is or may be
92 subject to exploitation as described in s. 817.5695.

93 Section 5. Paragraphs (d) and (f) of subsection (3) of
94 section 921.0022, Florida Statutes, are amended to read:

95 921.0022 Criminal Punishment Code; offense severity ranking
96 chart.—

97 (3) OFFENSE SEVERITY RANKING CHART



942216

98 (d) LEVEL 4

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Florida Statute	Felony Degree	Description
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100

316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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101

499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
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102

499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
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103

517.07 (1)	3rd	Failure to register securities.
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942216

104	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
105	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
106	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
107	784.075	3rd	Battery on detention or commitment facility staff.
108	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
109	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
110	784.081 (3)	3rd	Battery on specified official or employee.



942216

111	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
112	784.083 (3)	3rd	Battery on code inspector.
113	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
114	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
115	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
116	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child



942216

117			at custody hearing or delivering to designated person.
118	787.07	3rd	Human smuggling.
119	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
120	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
121	790.115 (2) (c)	3rd	Possessing firearm on school property.
122	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
123	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
	806.135	2nd	Destroying or demolishing a memorial



942216

124

810.02 (4) (a)

3rd

or historic property.

Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

125

810.02 (4) (b)

3rd

Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

126

810.06

3rd

Burglary; possession of tools.

127

810.08 (2) (c)

3rd

Trespass on property, armed with firearm or dangerous weapon.

128

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

129

812.014
(2) (c) 4.-10.

3rd

Grand theft, 3rd degree; specified items.

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942216

131	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
132	817.505 (4) (a)	3rd	Patient brokering.
133	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
134	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
135	<u>817.5695 (3) (c)</u>	<u>3rd</u>	<u>Exploitation of person 65 years of age or older, value less than \$10,000.</u>
136	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming



942216

137			device.
	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
138			
	836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
139			
	836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
140			
	837.02(1)	3rd	Perjury in official proceedings.
141			
	837.021(1)	3rd	Make contradictory statements in official proceedings.
142			
	838.022	3rd	Official misconduct.
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942216

144	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
145	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
146	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
147	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
148	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less



942216

149			than 18 years.
150	870.01 (3)	2nd	Aggravated rioting.
151	870.01 (5)	2nd	Aggravated inciting a riot.
152	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
153	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
154	914.14 (2)	3rd	Witnesses accepting bribes.
155	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
156	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.



942216

157	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
158	918.12	3rd	Tampering with jurors.
159	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
160	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
	951.22 (1) (h) , (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.



942216

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(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.



942216

170	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
171	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
172	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
173	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
174	784.041	3rd	Felony battery; domestic battery by strangulation.
175	784.048 (3)	3rd	Aggravated stalking; credible threat.
176	784.048 (5)	3rd	Aggravated stalking of person under 16.
177	784.07 (2) (c)	2nd	Aggravated assault on



942216

178	784.074 (1) (b)	2nd	law enforcement officer. Aggravated assault on sexually violent predators facility staff.
179	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
180	784.081 (2)	2nd	Aggravated assault on specified official or employee.
181	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
182	784.083 (2)	2nd	Aggravated assault on code inspector.
183	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
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942216

185	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
186	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
187	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
188	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
189	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.



942216

190	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
191	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
192	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
193	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
194	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
195	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.



942216

196	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
197	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
198	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
199	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
200	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-



942216

201			arm robbery).
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
202			
	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
203			
	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
204			
	<u>817.5695 (3) (b)</u>	<u>2nd</u>	<u>Exploitation of person 65 years of age or older, value more than \$10,000 but less than \$50,000.</u>
205			
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
206			
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.



942216

207	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
208	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
209	827.03 (2) (c)	3rd	Abuse of a child.
210	827.03 (2) (d)	3rd	Neglect of a child.
211	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
212	828.126 (3)	3rd	Sexual activities involving animals.
213	836.05	2nd	Threats; extortion.
214	836.10	2nd	Written or electronic threats to kill, do



942216

215			bodily injury, or conduct a mass shooting or an act of terrorism.
	843.12	3rd	Aids or assists person to escape.
216			
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
217			
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
218			
	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
219			
	914.23	2nd	Retaliation against a witness, victim, or



942216

220			informant, with bodily injury.
	918.13 (2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
221			
	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
222			
	944.40	2nd	Escapes.
223			
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
224			
	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
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942216

951.22(1)(i) 3rd Firearm or weapon
introduced into county
detention facility.

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 7 - 21

and insert:

act; specifying that not knowing the age of a victim
is not a defense to such crime; providing
circumstances under which the trial for a criminal
action arising from specified violations may be
advanced on the docket; authorizing persons who are in
imminent danger of exploitation to petition for an
injunction for protection; specifying applicable
penalties for violations of any such injunction;
amending s. 775.15, F.S.; providing time limitations
for commencing prosecution for violations of the act;
providing an exception for the time limitations for
commencing prosecution for certain felony violations
involving elderly persons or disabled adults if
certain conditions are met; amending ss. 825.1035 and
825.1036, F.S.; specifying that certain acts are
included in exploitation of a vulnerable adult;
amending s. 921.0022, F.S.; ranking certain offenses
created by this act on the offense severity ranking
chart of the