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1  
2 An act relating to the exploitation of vulnerable  
3 persons; creating s. 817.5695, F.S.; defining terms;  
4 specifying conditions under which a person commits  
5 exploitation of a person 65 years of age or older;  
6 providing criminal penalties for violations of the  
7 act; specifying that not knowing the age of a victim  
8 is not a defense to such crime; providing  
9 circumstances under which the trial for a criminal  
10 action arising from specified violations may be  
11 advanced on the docket; authorizing persons who are in  
12 imminent danger of exploitation to petition for an  
13 injunction for protection; specifying applicable  
14 penalties for violations of any such injunction;  
15 amending s. 775.15, F.S.; providing time limitations  
16 for commencing prosecution for violations of the act;  
17 providing an exception for the time limitations for  
18 commencing prosecution for certain felony violations  
19 involving elderly persons or disabled adults if  
20 certain conditions are met; amending ss. 825.1035 and  
21 825.1036, F.S.; specifying that certain acts are  
22 included in exploitation of a vulnerable adult;  
23 amending s. 921.0022, F.S.; ranking certain offenses  
24 created by this act on the offense severity ranking  
25 chart of the Criminal Punishment Code; providing an  
26 effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:  
29

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30 Section 1. Section 817.5695, Florida Statutes, is created  
31 to read:

32 817.5695 Exploitation of a person 65 years of age or  
33 older.-

34 (1) As used in this section, the term:

35 (a) "Bribe" means any money or anything of value which is  
36 provided, directly or indirectly, to a person who has a legal or  
37 fiduciary relationship with a person 65 years of age or older,  
38 for the purpose of improperly obtaining or rewarding favorable  
39 treatment from the person who has the legal or fiduciary  
40 relationship in connection with his or her work for the person  
41 65 years of age or older.

42 (b) "Deception" means:

43 1. Misrepresenting or concealing a material fact relating  
44 to:

45 a. Services rendered, disposition of property, or use of  
46 property, when such services or property are intended to benefit  
47 a person 65 years of age or older;

48 b. Terms of a contract, agreement, trust, will, or  
49 testament entered into with a person 65 years of age or older;  
50 or

51 c. An existing or preexisting condition of any property  
52 involved in a contract, agreement, trust, will, or testament  
53 entered into with a person 65 years of age or older; or

54 2. Using any misrepresentation, false pretense, or false  
55 promise in order to induce, encourage, or solicit a person 65  
56 years of age or older to enter into a contract, agreement,  
57 trust, will, or testament.

58 (c) "Endeavor" means to attempt or to try.

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59        (d) "Fiduciary relationship" includes, but is not limited  
60 to, a court-appointed or voluntary guardian, trustee, attorney,  
61 or conservator.

62        (e) "Intimidation" means the communication by word or act  
63 to a person 65 years of age or older that the person will be  
64 deprived of food, nutrition, clothing, shelter, supervision,  
65 medicine, medical services, money, or financial support or will  
66 suffer physical violence.

67        (f) "Kickback" means money, credit, a fee, a commission, a  
68 gift, a gratuity or other compensation, or anything of value  
69 which is provided to a person in exchange for preferential  
70 treatment for the receipt of goods or services.

71        (g) "Obtains or uses" means any manner of:

- 72        1. Taking or exercising control over property; or  
73        2. Making any use, disposition, or transfer of property.

74        (h) "Property" means anything of value and includes, but is  
75 not limited to:

76        1. Real property, including things growing on, affixed to,  
77 or found in land.

78        2. Tangible or intangible personal property, including  
79 intellectual property, rights, privileges, interests, and  
80 claims.

81        3. Services.

82        (i) "Services" means anything of value resulting from a  
83 person's physical or mental labor or skill, or from the use,  
84 possession, or presence of property, and includes, but is not  
85 limited to:

86        1. Repairs or improvements to property;

87        2. Professional services;

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88           3. Private, public, or governmental communication,  
89 transportation, power, water, or sanitation services;

90           4. Lodging accommodations; or

91           5. Admissions to places of exhibition or entertainment.

92           (j) "Value" means value determined according to any of the  
93 following:

94           1. The market value of the property at the time and place  
95 of the offense, or, if the market value cannot be satisfactorily  
96 ascertained, the value is the cost of replacing the property  
97 within a reasonable time after the commission of the offense;

98           2. In the case of a written instrument, such as a check,  
99 draft, or promissory note, which does not have a readily  
100 ascertainable market value, the value is the amount due or  
101 collectible. The value of any other instrument that creates,  
102 releases, discharges, or otherwise affects any valuable legal  
103 right, privilege, or obligation is the greatest amount of  
104 economic loss that the owner of the instrument might reasonably  
105 suffer by the diminishment or loss of the instrument;

106           3. The value of a trade secret that does not have a readily  
107 ascertainable market value is any reasonable value representing  
108 the damage to the owner suffered by reason of losing advantage  
109 over those who do not know of or use the trade secret; or

110           4. If the value of the property cannot be ascertained, the  
111 trier of fact may find the value to be not less than a certain  
112 amount; if no such minimum value can be ascertained, the value  
113 is an amount less than \$100.

114  
115 Amounts of value of separate properties involved in exploitation  
116 committed pursuant to one scheme or course of conduct, whether

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117 the exploitation involves the same person or several persons,  
118 may be aggregated in determining the degree of the offense.

119 (2) A person commits exploitation of a person 65 years of  
120 age or older if he or she:

121 (a) Obtains or uses, endeavors to obtain or use, or  
122 conspires with another to obtain or use, through deception or  
123 intimidation, the property of a person 65 years of age or older,  
124 with the intent to temporarily or permanently:

125 1. Deprive that person of the use, benefit, or possession  
126 of the property; or

127 2. Benefit someone other than the property owner;

128 (b) Obtains or uses, endeavors to obtain or use, or  
129 conspires with another to obtain or use, through deception or  
130 intimidation, the property of a person 65 years of age or older  
131 through the intentional modification, alteration, or fraudulent  
132 creation of a plan of distribution or disbursement expressed in  
133 a will, trust instrument, or other testamentary devise of the  
134 person 65 years of age or older; or

135 (c) Deprives, endeavors to deprive, or conspires with  
136 another to deprive, with the intent to defraud and by means of  
137 bribery or kickbacks, a person 65 years of age or older of his  
138 or her intangible right to honest services provided by an  
139 individual who has a legal or fiduciary relationship with such  
140 person.

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

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

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146           (b) A felony of the second degree, punishable as provided  
147 in s. 775.082, s. 775.083, or s. 775.084, if the funds, assets,  
148 or property involved in the exploitation of a person 65 years of  
149 age or older is valued at \$10,000 or more, but less than  
150 \$50,000.

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

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

158           (5) In a criminal action resulting from a violation of this  
159 section, the state may move the court to advance the trial on  
160 the docket. The presiding judge, after consideration of the age  
161 and health of the victim, may advance the trial on the docket.  
162 The motion may be filed and served with the information or  
163 charges at any time thereafter.

164           (6) Notwithstanding s. 825.1035(2), a person 65 years of  
165 age or older who is in imminent danger of being exploited may  
166 petition for an injunction for protection as provided under s.  
167 825.1035. A violation of such injunction shall be handled in the  
168 same manner, and such violation shall have the same penalties,  
169 as provided in s. 825.1036.

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

172           775.15 Time limitations; general time limitations;  
173 exceptions.—

174           (10) (a) A prosecution for a felony violation of s.

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175 817.5695, s. 825.102, or s. 825.103 must be commenced within 5  
176 years after it is committed.

177 (b) If the period prescribed in paragraph (a) has expired,  
178 a prosecution may nevertheless be commenced for any offense, a  
179 material element of which is either fraud or a breach of  
180 fiduciary obligation, within 5 years after discovery of the  
181 offense by an aggrieved party or by a person who has a legal  
182 duty to represent an aggrieved party and who is not a party to  
183 the offense.

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

186 825.1035 Injunction for protection against exploitation of  
187 a vulnerable adult.—

188 (1) INJUNCTION CREATED.—There is created a cause of action  
189 for an injunction for protection against exploitation of a  
190 vulnerable adult. As used in this section, and in addition to  
191 the definitions provided in this chapter, exploitation of a  
192 vulnerable adult includes a person 65 years of age or older who  
193 is or may be subject to exploitation as described in s.  
194 817.5695.

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

197 825.1036 Violation of an injunction for protection against  
198 exploitation of a vulnerable adult.—

199 (1) In the event of a violation of an injunction for  
200 protection against exploitation of a vulnerable adult when the  
201 person who violated such injunction has not been arrested, the  
202 petitioner may contact the clerk of the circuit court of the  
203 county in which the violation is alleged to have occurred. The

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204 clerk of the circuit court shall assist the petitioner in the  
205 preparation of an affidavit in support of the violation or  
206 direct the petitioner to the office operated by the court within  
207 the circuit which has been designated by the chief judge of the  
208 judicial circuit as the central intake point for injunction  
209 violations and where the petitioner can receive assistance in  
210 the preparation of the affidavit in support of the violation. As  
211 used in this section, and in addition to the definitions  
212 provided in this chapter, exploitation of a vulnerable adult  
213 includes a person 65 years of age or older who is or may be  
214 subject to exploitation as described in s. 817.5695.

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

217 921.0022 Criminal Punishment Code; offense severity ranking  
218 chart.—

219 (3) OFFENSE SEVERITY RANKING CHART

220 (d) LEVEL 4

221

Florida Statute	Felony Degree	Description
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

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223			activated.
	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
224			
	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
225			
	517.07 (1)	3rd	Failure to register securities.
226			
	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
227			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
228			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.

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229	784.075	3rd	Battery on detention or commitment facility staff.
230	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
231	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
232	784.081 (3)	3rd	Battery on specified official or employee.
233	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
234	784.083 (3)	3rd	Battery on code inspector.
235	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

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236	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
237	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
238	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
239	787.07	3rd	Human smuggling.
240	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
241	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or

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242			other weapon on school property.
243	790.115 (2) (c)	3rd	Possessing firearm on school property.
244	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
245	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
246	806.135	2nd	Destroying or demolishing a memorial or historic property.
247	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

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248	810.06	3rd	Burglary; possession of tools.
249	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
250	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
251	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
252	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
253	817.505 (4) (a)	3rd	Patient brokering.
254	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
255			

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256	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
257	<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>
258	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
259	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
260	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.

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261	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
262	837.02 (1)	3rd	Perjury in official proceedings.
263	837.021 (1)	3rd	Make contradictory statements in official proceedings.
264	838.022	3rd	Official misconduct.
265	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
266	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
267	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
268			

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269	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
270	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
271	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
272	870.01 (3)	2nd	Aggravated rioting.
273	870.01 (5)	2nd	Aggravated inciting a riot.
274	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a),



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			(b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
275	914.14 (2)	3rd	Witnesses accepting bribes.
276	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
277	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
278	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
279	918.12	3rd	Tampering with jurors.
280	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
281	944.47 (1) (a) 6.	3rd	Introduction of

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contraband (cellular  
telephone or other  
portable communication  
device) into  
correctional  
institution.

282

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.

283

284

(f) LEVEL 6

285

Florida  
Statute

Felony  
Degree

Description

286

316.027 (2) (b)

2nd

Leaving the scene of a  
crash involving serious  
bodily injury.

287

316.193 (2) (b)

3rd

Felony DUI, 4th or  
subsequent conviction.

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289	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
290	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
291	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
292	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
293	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
294	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.

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295	784.041	3rd	Felony battery; domestic battery by strangulation.
296	784.048 (3)	3rd	Aggravated stalking; credible threat.
297	784.048 (5)	3rd	Aggravated stalking of person under 16.
298	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
299	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
300	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
301	784.081 (2)	2nd	Aggravated assault on specified official or employee.
302	784.082 (2)	2nd	Aggravated assault by detained person on

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			visitor or other detainee.
303	784.083 (2)	2nd	Aggravated assault on code inspector.
304	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
305	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
306	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
307	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.
308	790.19	2nd	Shooting or throwing

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deadly missiles into  
dwellings, vessels, or  
vehicles.

309

794.011 (8) (a)

3rd

Solicitation of minor to  
participate in sexual  
activity by custodial  
adult.

310

794.05 (1)

2nd

Unlawful sexual activity  
with specified minor.

311

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.

312

800.04 (6) (b)

2nd

Lewd or lascivious  
conduct; offender 18  
years of age or older.

313

806.031 (2)

2nd

Arson resulting in great  
bodily harm to  
firefighter or any other  
person.

314

810.02 (3) (c)

2nd

Burglary of occupied

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structure; unarmed; no  
assault or battery.

315

810.145 (8) (b)

2nd

Video voyeurism; certain  
minor victims; 2nd or  
subsequent offense.

316

812.014 (2) (b) 1.

2nd

Property stolen \$20,000  
or more, but less than  
\$100,000, grand theft in  
2nd degree.

317

812.014 (6)

2nd

Theft; property stolen  
\$3,000 or more;  
coordination of others.

318

812.015 (9) (a)

2nd

Retail theft; property  
stolen \$750 or more;  
second or subsequent  
conviction.

319

812.015 (9) (b)

2nd

Retail theft; aggregated  
property stolen within  
30 days is \$3,000 or  
more; coordination of  
others.

320

812.015 (9) (d)

2nd

Retail theft; multiple  
thefts within specified

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			period.
321	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
322	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
323	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
324	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
325	<u>817.5695 (3) (b)</u>	<u>2nd</u>	<u>Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.</u>
326	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
327	825.102 (3) (c)	3rd	Neglect of an elderly



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328			person or disabled adult.
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
329			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
330			
	827.03 (2) (c)	3rd	Abuse of a child.
331			
	827.03 (2) (d)	3rd	Neglect of a child.
332			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
333			
	828.126 (3)	3rd	Sexual activities involving animals.
334			
	836.05	2nd	Threats; extortion.
335			
	836.10	2nd	Written or electronic threats to kill, do

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336

bodily injury, or  
conduct a mass shooting  
or an act of terrorism.

843.12

3rd

Aids or assists person  
to escape.

337

847.011

3rd

Distributing, offering  
to distribute, or  
possessing with intent  
to distribute obscene  
materials depicting  
minors.

338

847.012

3rd

Knowingly using a minor  
in the production of  
materials harmful to  
minors.

339

847.0135(2)

3rd

Facilitates sexual  
conduct of or with a  
minor or the visual  
depiction of such  
conduct.

340

914.23

2nd

Retaliation against a  
witness, victim, or  
informant, with bodily  
injury.

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341 918.13 (2) (b) 2nd Tampering with or  
fabricating physical  
evidence relating to a  
capital felony.

342 944.35 (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.

343 944.40 2nd Escapes.

344 944.46 3rd Harboring, concealing,  
aiding escaped  
prisoners.

345 944.47 (1) (a) 5. 2nd Introduction of  
contraband (firearm,  
weapon, or explosive)  
into correctional  
facility.

346 951.22 (1) (i) 3rd Firearm or weapon  
introduced into county

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detention facility.

347

348

Section 6. This act shall take effect October 1, 2023.