

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative LaMarca offered the following:

**Amendment (with title amendment)**

Remove lines 124-449 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  
a will, trust instrument, or other testamentary devise of the  
person 65 years of age or older; or

(c) Deprives, endeavors to deprive, or conspires with  
another to deprive, with the intent to defraud and by means of  
bribery or kickbacks, a person 65 years of age or older of his

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17 or her intangible right to honest services provided by an  
18 individual who has a legal or fiduciary relationship with such  
19 person.

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

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

25 (b) A felony of the second degree, punishable as provided  
26 in s. 775.082, s. 775.083, or s. 775.084, if the funds, assets,  
27 or property involved in the exploitation of a person 65 years of  
28 age or older is valued at \$10,000 or more, but less than  
29 \$50,000.

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

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

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

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

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

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

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

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

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

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

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

67 (1) INJUNCTION CREATED.—There is created a cause of action  
68 for an injunction for protection against exploitation of a  
69 vulnerable adult. As used in this section, and in addition to  
70 the definitions provided in this chapter, exploitation of a  
71 vulnerable adult includes a person 65 years of age or older who  
72 is or may be subject to exploitation as described in s.  
73 817.5695.

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

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

78 (1) In the event of a violation of an injunction for  
79 protection against exploitation of a vulnerable adult when the  
80 person who violated such injunction has not been arrested, the  
81 petitioner may contact the clerk of the circuit court of the  
82 county in which the violation is alleged to have occurred. The  
83 clerk of the circuit court shall assist the petitioner in the  
84 preparation of an affidavit in support of the violation or  
85 direct the petitioner to the office operated by the court within  
86 the circuit which has been designated by the chief judge of the  
87 judicial circuit as the central intake point for injunction  
88 violations and where the petitioner can receive assistance in  
89 the preparation of the affidavit in support of the violation. As

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90 used in this section, and in addition to the definitions  
91 provided in this chapter, exploitation of a vulnerable adult  
92 includes a person 65 years of age or older who is or may be  
93 subject to exploitation as described in s. 817.5695.

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

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

98 (3) OFFENSE SEVERITY RANKING CHART

99 (d) LEVEL 4

100

Florida	Felony	
Statute	Degree	Description

101

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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102

499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
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103	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
104	517.07(1)	3rd	Failure to register securities.
105	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
106	784.07(2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
107	784.074(1) (c)	3rd	Battery of sexually violent predators facility staff.
108	784.075	3rd	Battery on detention or commitment facility staff.
109	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
110			

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Bill No. HB 603 (2023)

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111	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
112	784.081(3)	3rd	Battery on specified official or employee.
113	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
114	784.083(3)	3rd	Battery on code inspector.
115	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
116	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
117	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

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118	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
119	787.07	3rd	Human smuggling.
120	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
121	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
122	790.115(2)(c)	3rd	Possessing firearm on school property.
123	794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
124	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.

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125	806.135	2nd	Destroying or demolishing a memorial or historic property.
126	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
127	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
128	810.06	3rd	Burglary; possession of tools.
129	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
130	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
131	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree; specified items.

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132	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
133	817.505(4)(a)	3rd	Patient brokering.
134	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
135	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
136	<u>817.5695(3)(c)</u>	<u>3rd</u>	<u>Exploitation of person 65 years</u>
137			<u>of age or older, value less than</u>
138			<u>\$10,000.</u>
139	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
140	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
141			

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142	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
143	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
144	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
145	837.02 (1)	3rd	Perjury in official proceedings.
146	837.021 (1)	3rd	Make contradictory statements in official proceedings.
147	838.022	3rd	Official misconduct.
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

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148	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
149	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
150	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
151	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
152	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
153	870.01(3)	2nd	Aggravated rioting.
154	870.01(5)	2nd	Aggravated inciting a riot.

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155	874.05(1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
156	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).
157	914.14(2)	3rd	Witnesses accepting bribes.
158	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
159	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
160	916.1085 (2) (c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
161	918.12	3rd	Tampering with jurors.
162			

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163 934.215 3rd Use of two-way communications  
device to facilitate commission  
of a crime.

164 944.47(1) (a) 6. 3rd Introduction of contraband  
(cellular telephone or other  
portable communication device)  
into correctional institution.

165 951.22(1) (h) , 3rd Intoxicating drug,  
(j) & (k) instrumentality or other device  
to aid escape, or cellular  
telephone or other portable  
communication device introduced  
into county detention facility.

166 (f) LEVEL 6

167 Florida Felony  
Statute Degree Description

168 316.027(2) (b) 2nd Leaving the scene of a crash  
involving serious bodily  
injury.

169

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170	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
171	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
172	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
173	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
174	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
175	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.

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176	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
177	784.041	3rd	Felony battery; domestic battery by strangulation.
178	784.048 (3)	3rd	Aggravated stalking; credible threat.
179	784.048 (5)	3rd	Aggravated stalking of person under 16.
180	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
181	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
182	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
183	784.081 (2)	2nd	Aggravated assault on specified official or employee.

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184	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
185	784.083 (2)	2nd	Aggravated assault on code inspector.
186	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
187	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
188	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
189	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or



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196	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
197	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
198	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
199	812.014 (2) (b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
200	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
201	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days

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is \$3,000 or more; coordination  
of others.

202

812.015 (9) (d)            2nd    Retail theft; multiple thefts  
within specified period.

203

812.13 (2) (c)            2nd    Robbery, no firearm or other  
weapon (strong-arm robbery).

204

817.4821 (5)            2nd    Possess cloning paraphernalia  
with intent to create cloned  
cellular telephones.

205

817.49 (2) (b) 2.        2nd    Willful making of a false  
report of a crime resulting in  
death.

206

817.505 (4) (b)        2nd    Patient brokering; 10 or more  
patients.

207

817.5695 (3) (b)        2nd    Exploitation of person 65 years  
of age or older, value \$10,000 or  
more, but less than \$50,000.

208

209

210

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 603 (2023)

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211	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
212	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
213	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
214	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
215	827.03 (2) (c)	3rd	Abuse of a child.
216	827.03 (2) (d)	3rd	Neglect of a child.
217	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
218	828.126 (3)	3rd	Sexual activities involving animals.

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219	836.05	2nd	Threats; extortion.
220	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
221	843.12	3rd	Aids or assists person to escape.
222	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
223	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
224	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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225	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
226	918.13(2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
227	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.
228	944.40	2nd	Escapes.
229	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
230	944.47(1) (a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

