

1 A bill to be entitled

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; specifying that not  
7 knowing the age of a victim is not a defense;  
8 providing circumstances under which the trial for  
9 specified violations may be advanced on the docket;  
10 authorizing persons who are in imminent danger of  
11 exploitation to petition for protective injunction;  
12 specifying applicable penalties for violations of any  
13 such injunction; amending s. 775.15, F.S.; providing  
14 time limitations for commencing prosecution for  
15 specified violations; providing an exception for the  
16 time limitations for commencing prosecution for  
17 certain felony violations involving elderly persons or  
18 disabled adults; amending ss. 825.1035 and 825.1036,  
19 F.S.; providing that the term "vulnerable adult" as  
20 used in the sections includes a person 65 years of age  
21 or older who is or may be subject to exploitation as  
22 described in s. 817.5695, F.S.; amending s. 921.0022,  
23 F.S.; ranking specified offenses created by the act  
24 involving the exploitation of a person 65 years of age  
25 or older on the offense severity ranking chart of the

26 Criminal Punishment Code; providing an effective date.

27

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

29

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.

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  
75 is 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;

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  
107 readily ascertainable market value is any reasonable value  
108 representing the damage to the owner suffered by reason of  
109 losing advantage over those who do not know of or use the trade  
110 secret; or

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

115  
116 Amounts of value of separate properties involved in exploitation  
117 committed pursuant to one scheme or course of conduct, whether  
118 the exploitation involves the same person or several persons,  
119 may be aggregated in determining the degree of the offense.

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

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

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

128 2. Benefit someone other than the property owner;

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

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

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

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

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

151 \$50,000.

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

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

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

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

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

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

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

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

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

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

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

189 (1) INJUNCTION CREATED.—There is created a cause of action  
 190 for an injunction for protection against exploitation of a  
 191 vulnerable adult. As used in this section, and in addition to  
 192 the definitions provided in this chapter, exploitation of a  
 193 vulnerable adult includes a person 65 years of age or older who  
 194 is or may be subject to exploitation as described in s.  
 195 817.5695.

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

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

200 (1) In the event of a violation of an injunction for



201 protection against exploitation of a vulnerable adult when the  
 202 person who violated such injunction has not been arrested, the  
 203 petitioner may contact the clerk of the circuit court of the  
 204 county in which the violation is alleged to have occurred. The  
 205 clerk of the circuit court shall assist the petitioner in the  
 206 preparation of an affidavit in support of the violation or  
 207 direct the petitioner to the office operated by the court within  
 208 the circuit which has been designated by the chief judge of the  
 209 judicial circuit as the central intake point for injunction  
 210 violations and where the petitioner can receive assistance in  
 211 the preparation of the affidavit in support of the violation. As  
 212 used in this section, and in addition to the definitions  
 213 provided in this chapter, exploitation of a vulnerable adult  
 214 includes a person 65 years of age or older who is or may be  
 215 subject to exploitation as described in s. 817.5695.

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

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

220 (3) OFFENSE SEVERITY RANKING CHART

221 (d) LEVEL 4

222

Florida	Felony	
Statute	Degree	Description

223

224	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.
225	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
226	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
227	517.07(1)	3rd	Failure to register securities.
228	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
229	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.

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230	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
231	784.075	3rd	Battery on detention or commitment facility staff.
232	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
233	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
234	784.081 (3)	3rd	Battery on specified official or employee.
235	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
236	784.083 (3)	3rd	Battery on code inspector.
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

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237	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
238	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
239	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
240	787.07	3rd	Human smuggling.
241	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
242	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.

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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.
248	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
249	810.06	3rd	Burglary; possession of tools.
250			

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251	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
252	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
253	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree; specified items.
254	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
255	817.505(4)(a)	3rd	Patient brokering.
256	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
257	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
	<u>817.5695(3)(c)</u>	<u>3rd</u>	<u>Exploitation of person 65 years</u>

of age or older, value less than \$10,000.

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.

261

836.14 (2) 3rd Person who commits theft of a sexually explicit image with intent to promote it.

262

836.14 (3) 3rd Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.

263

837.02 (1) 3rd Perjury in official

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proceedings.

264

837.021(1) 3rd Make contradictory statements  
in official proceedings.

265

838.022 3rd Official misconduct.

266

839.13(2)(a) 3rd Falsifying records of an  
individual in the care and  
custody of a state agency.

267

839.13(2)(c) 3rd Falsifying records of the  
Department of Children and  
Families.

268

843.021 3rd Possession of a concealed  
handcuff key by a person in  
custody.

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.
275	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).
276	914.14(2)	3rd	Witnesses accepting bribes.
277	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
278			

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279	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
280	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
281	918.12	3rd	Tampering with jurors.
282	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
283	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.

284			
285	(f)	LEVEL 6	
286			
	Florida	Felony	
	Statute	Degree	Description
287			
	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
288			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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.

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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.
295	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
296	784.041	3rd	Felony battery; domestic battery by strangulation.
297	784.048(3)	3rd	Aggravated stalking; credible threat.
298	784.048(5)	3rd	Aggravated stalking of person under 16.
299	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.

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300	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
301	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
302	784.081 (2)	2nd	Aggravated assault on specified official or employee.
303	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
304	784.083 (2)	2nd	Aggravated assault on code inspector.
305	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
306	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
307			

308	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
309	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.
310	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
311	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
312	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older

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but less than 16 years of age;  
offender less than 18 years.

313

800.04 (6) (b) 2nd Lewd or lascivious conduct;  
offender 18 years of age or  
older.

314

806.031 (2) 2nd Arson resulting in great bodily  
harm to firefighter or any  
other person.

315

810.02 (3) (c) 2nd Burglary of occupied structure;  
unarmed; no assault or battery.

316

810.145 (8) (b) 2nd Video voyeurism; certain minor  
victims; 2nd or subsequent  
offense.

317

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or  
more, but less than \$100,000,  
grand theft in 2nd degree.

318

812.014 (6) 2nd Theft; property stolen \$3,000  
or more; coordination of  
others.

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319	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
320	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
321	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
322	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
323	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
324	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
325	817.505 (4) (b)	2nd	Patient brokering; 10 or more



patients.

326

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

327

825.102(1)      3rd      Abuse of an elderly person or disabled adult.

328

825.102(3)(c)      3rd      Neglect of an elderly person or disabled adult.

329

825.1025(3)      3rd      Lewd or lascivious molestation of an elderly person or disabled adult.

330

825.103(3)(c)      3rd      Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

331

827.03(2)(c)      3rd      Abuse of a child.

332

827.03(2)(d)      3rd      Neglect of a child.

333

827.071(2) & (3)      2nd      Use or induce a child in a

sexual performance, or promote  
or direct such performance.

334

828.126 (3) 3rd Sexual activities involving  
animals.

335

836.05 2nd Threats; extortion.

336

836.10 2nd Written or electronic threats  
to kill, do bodily injury, or  
conduct a mass shooting or an  
act of terrorism.

337

843.12 3rd Aids or assists person to  
escape.

338

847.011 3rd Distributing, offering to  
distribute, or possessing with  
intent to distribute obscene  
materials depicting minors.

339

847.012 3rd Knowingly using a minor in the  
production of materials harmful  
to minors.

340

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341	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
342	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
343	918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
344	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.
345	944.40	2nd	Escapes.
346	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
	944.47(1)(a)5.	2nd	Introduction of contraband

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(firearm, weapon, or explosive)  
into correctional facility.

347

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

348

349

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