

By Representative Harrington

1 A bill to be entitled
2 An act relating to aggravated battery; creating
3 s. 784.078, F.S.; defining "facility"; defining
4 the offense of aggravated battery by throwing,
5 tossing, or expelling certain fluids or
6 materials on an employee of a correctional
7 facility of the state or local government or a
8 secure facility operated and maintained by the
9 Department of Corrections or the Department of
10 Juvenile Justice, so as to cause or attempt to
11 cause such employee to come into contact with
12 the fluid or material; providing penalties;
13 providing for placement of an offender on a
14 management meal program under specified
15 circumstances; providing an effective date.

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

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19 Section 1. Section 784.078, Florida Statutes, is
20 created to read:

21 784.078 Aggravated battery of facility employee by
22 throwing, tossing, or expelling certain fluids or materials.--

23 (1) As used in this section, the term "facility" means
24 a state correctional institution; a county, municipal, or
25 regional jail or other detention facility of local government
26 under chapter 950 or chapter 951; or a secure facility
27 operated and maintained by the Department of Corrections or
28 the Department of Juvenile Justice.

29 (2)(a) It is unlawful for any person, while being
30 detained in a facility and with intent to harass, annoy,
31 threaten, or alarm a person in a facility whom he or she knows

1 or reasonably should know to be an employee of such facility,
2 to cause or attempt to cause such employee to come into
3 contact with blood, masticated food, regurgitated food,
4 saliva, seminal fluid, or urine or feces, whether by throwing,
5 tossing, or expelling such fluid or material.

6 (b)1. Any person who violates paragraph (a) commits
7 aggravated battery of a facility employee, a felony of the
8 third degree, punishable as provided in s. 775.082, s.
9 775.083, or s. 775.084.

10 2. In addition to the penalties imposed under
11 subparagraph 1., the administration of a facility may place a
12 violation of paragraph (a) who is a prisoner as defined in s.
13 944.02 on a management meal program as specified by rules and
14 regulations applicable to the facility.

15 Section 2. This act shall take effect October 1, 1997.

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18 HOUSE SUMMARY

19 Defines "facility." Defines the offense of aggravated
20 battery by throwing, tossing, or expelling certain fluids
21 or materials on an employee of a correctional facility of
22 the state or local government, or a secure facility
23 operated and maintained by the Department of Corrections
24 or the Department of Juvenile Justice, so as to cause or
25 attempt to cause such employee to come into contact with
26 the fluid or material. Provides penalties. Provides for
27 placement of an offender on a management meal program
28 under specified circumstances.
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