

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

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

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21           Section 1.   Section 784.078, Florida Statutes, is  
22   created to read:

23           784.078 Battery of facility employee by throwing,  
24   tossing, or expelling certain fluids or materials.--

25           (1) As used in this section, the term "facility" means  
26   a state correctional institution defined in s. 944.02(6); a  
27   private correctional facility defined in s. 944.710 or under  
28   chapter 957; a county, municipal, or regional jail or other  
29   detention facility of local government under chapter 950 or  
30   chapter 951; or a secure facility operated and maintained by  
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1 the Department of Corrections or the Department of Juvenile  
2 Justice.

3 (2)(a) As used in this section, the term "employee"  
4 means any person employed by or performing contractual  
5 services for a public or private entity operating a facility.

6 (b) "Employee" includes any person who is a parole  
7 examiner with the Florida Parole Commission.

8 (3)(a) It is unlawful for any person, while being  
9 detained in a facility and with intent to harass, annoy,  
10 threaten, or alarm a person in a facility whom he or she knows  
11 or reasonably should know to be an employee of such facility,  
12 to cause or attempt to cause such employee to come into  
13 contact with blood, masticated food, regurgitated food,  
14 saliva, seminal fluid, or urine or feces, whether by throwing,  
15 tossing, or expelling such fluid or material.

16 (b)1. Any person who violates paragraph (a) commits  
17 battery of a facility employee, a felony of the third degree,  
18 punishable as provided in s. 775.082, s. 775.083, or s.  
19 775.084.

20 2. In addition to the penalties imposed under  
21 subparagraph 1., the administration of a facility may place a  
22 violation of paragraph (a) who is a prisoner as defined in s.  
23 944.02 on a management meal program as specified by rules and  
24 regulations applicable to the facility.

25 Section 2. Paragraph (d) of subsection (3) of  
26 section 921.0012, Florida Statutes, is amended to read:

27 921.0012 Sentencing guidelines offense levels; offense  
28 severity ranking chart.--

29 (3) OFFENSE SEVERITY RANKING CHART  
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Florida Statute	Felony Degree	Description
			(d) LEVEL 4
	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.
	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
	784.075	3rd	Battery on detention or commitment facility staff.
	<u>784.078</u>	<u>3rd</u>	<u>Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.</u>
	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
	784.081(3)	3rd	Battery on specified official or employee.
	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
	787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

1	787.04(3)	3rd	Carrying child beyond state lines
2			with criminal intent to avoid
3			producing child at custody
4			hearing or delivering to
5			designated person.
6	790.115(1)	3rd	Exhibiting firearm or weapon
7			within 1,000 feet of a school.
8	790.115(2)(b)	3rd	Possessing electric weapon or
9			device, destructive device, or
10			other weapon on school property.
11	790.115(2)(c)	3rd	Possessing firearm on school
12			property.
13	810.02(4)(a)	3rd	Burglary, or attempted burglary,
14			of an unoccupied structure;
15			unarmed; no assault or battery.
16	810.02(4)(b)	3rd	Burglary, or attempted burglary,
17			of an unoccupied conveyance;
18			unarmed; no assault or battery.
19	810.06	3rd	Burglary; possession of tools.
20	810.08(2)(c)	3rd	Trespass on property, armed with
21			firearm or dangerous weapon.
22	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
23			or more but less than \$20,000.
24	812.014		
25	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
26			firearm, motor vehicle,
27			livestock, etc.
28	817.563(1)	3rd	Sell or deliver substance other
29			than controlled substance agreed
30			upon, excluding s. 893.03(5)
31			drugs.

1	828.125(1)	2nd	Kill, maim, or cause great bodily
2			harm or permanent breeding
3			disability to any registered
4			horse or cattle.
5	837.02(1)	3rd	Perjury in official proceedings.
6	837.021(1)	3rd	Make contradictory statements in
7			official proceedings.
8	843.025	3rd	Deprive law enforcement,
9			correctional, or correctional
10			probation officer of means of
11			protection or communication.
12	843.15(1)(a)	3rd	Failure to appear while on bail
13			for felony (bond estreature or
14			bond jumping).
15	874.05(1)	3rd	Encouraging or recruiting another
16			to join a criminal street gang.
17	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
18			893.03(1)(a), (b), or (d), or
19			(2)(a) or (b) drugs).
20	914.14(2)	3rd	Witnesses accepting bribes.
21	914.22(1)	3rd	Force, threaten, etc., witness,
22			victim, or informant.
23	914.23(2)	3rd	Retaliation against a witness,
24			victim, or informant, no bodily
25			injury.
26	918.12	3rd	Tampering with jurors.

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28           Section 3. Paragraph (f) of subsection (3) of section

29 921.0012, Florida Statutes, is amended to read:

30           291.0012 Sentencing guidelines offense levels; offense

31 severity ranking chart.--

1	(3) OFFENSE SEVERITY RANKING CHART		
2	Florida	Felony	
3	Statute	Degree	Description
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7			(f) LEVEL 6
8	316.027(1)(b)	2nd	Accident involving death, failure
9			to stop; leaving scene.
10	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
11			conviction.
12	775.0875(1)	3rd	Taking firearm from law
13			enforcement officer.
14	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
15			without intent to kill.
16	784.021(1)(b)	3rd	Aggravated assault; intent to
17			commit felony.
18	784.048(3)	3rd	Aggravated stalking; credible
19			threat.
20	784.07(2)(c)	2nd	Aggravated assault on law
21			enforcement officer.
22	<u>784.078</u>	<u>3rd</u>	<u>Aggravated battery of facility</u>
23			<u>employee by throwing, tossing, or</u>
24			<u>expelling certain fluids or</u>
25			<u>materials.</u>
26	784.08(2)(b)	2nd	Aggravated assault on a person 65
27			years of age or older.
28	784.081(2)	2nd	Aggravated assault on specified
29			official or employee.
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1	784.082(2)	2nd	Aggravated assault by detained
2			person on visitor or other
3			detainee.
4	787.02(2)	3rd	False imprisonment; restraining
5			with purpose other than those in
6			s. 787.01.
7	790.115(2)(d)	2nd	Discharging firearm or weapon on
8			school property.
9	790.161(2)	2nd	Make, possess, or throw
10			destructive device with intent to
11			do bodily harm or damage
12			property.
13	790.164(1)	2nd	False report of deadly explosive
14			or act of arson or violence to
15			state property.
16	790.19	2nd	Shooting or throwing deadly
17			missiles into dwellings, vessels,
18			or vehicles.
19	794.011(8)(a)	3rd	Solicitation of minor to
20			participate in sexual activity by
21			custodial adult.
22	794.05(1)	2nd	Unlawful sexual activity with
23			specified minor.
24	806.031(2)	2nd	Arson resulting in great bodily
25			harm to firefighter or any other
26			person.
27	810.02(3)(c)	2nd	Burglary of occupied structure;
28			unarmed; no assault or battery.
29	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
30			but less than \$100,000, grand
31			theft in 2nd degree.

1	812.13(2)(c)	2nd	Robbery, no firearm or other
2			weapon (strong-arm robbery).
3	817.034(4)(a)1.	1st	Communications fraud, value
4			greater than \$50,000.
5	817.4821(5)	2nd	Possess cloning paraphernalia
6			with intent to create cloned
7			cellular telephones.
8	825.102(1)	3rd	Abuse of an elderly person or
9			disabled adult.
10	825.102(3)(c)	3rd	Neglect of an elderly person or
11			disabled adult.
12	825.1025(3)	3rd	Lewd or lascivious molestation of
13			an elderly person or disabled
14			adult.
15	825.103(2)(c)	3rd	Exploiting an elderly person or
16			disabled adult and property is
17			valued at \$100 or more, but less
18			than \$20,000.
19	827.03(1)	3rd	Abuse of a child.
20	827.03(3)(c)	3rd	Neglect of a child.
21	827.071(2)&(3)	2nd	Use or induce a child in a sexual
22			performance, or promote or direct
23			such performance.
24	836.05	2nd	Threats; extortion.
25	836.10	2nd	Written threats to kill or do
26			bodily injury.
27	843.12	3rd	Aids or assists person to escape.
28	914.23	2nd	Retaliation against a witness,
29			victim, or informant, with bodily
30			injury.
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1	944.35(3)(a)2.	3rd	Committing malicious battery upon
2			or inflicting cruel or inhuman
3			treatment on an inmate or
4			offender on community
5			supervision, resulting in great
6			bodily harm.
7	944.40	2nd	Escapes.
8	944.46	3rd	Harboring, concealing, aiding
9			escaped prisoners.
10	944.47(1)(a)5.	2nd	Introduction of contraband
11			(firearm, weapon, or explosive)
12			into correctional facility.
13	951.22(1)	3rd	Intoxicating drug, firearm, or
14			weapon introduced into county
15			facility.

16           Section 4. This act shall take effect October 1, 1997.

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