

By the Committee on Crime & Punishment and Representative  
Livingston

1                                   A bill to be entitled  
2           An act relating to assault and battery upon  
3           code inspectors; creating s. 784.083, F.S.;  
4           providing enhanced penalties for assault or  
5           aggravated assault or battery or aggravated  
6           battery upon a "code inspector," as defined;  
7           amending s. 921.0022, F.S., relating to the  
8           Criminal Punishment Code offense severity  
9           ranking chart; providing for ranking of the  
10          offenses of aggravated assault upon a code  
11          inspector, battery upon a code inspector, and  
12          aggravated battery upon a code inspector;  
13          providing an effective date.

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

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17           Section 1. Section 784.083, Florida Statutes, is  
18          created to read:

19           784.083 Assault or battery on code  
20          inspectors.--Whenever a person is charged with committing an  
21          assault or aggravated assault or a battery or aggravated  
22          battery upon a code inspector, as defined in s. 162.04(2),  
23          when the person committing the offense knows or has reason to  
24          know the identity or employment of the victim, the offense for  
25          which the person is charged shall be reclassified as follows:

26           (1) In the case of aggravated battery, from a felony  
27          of the second degree to a felony of the first degree.

28           (2) In the case of aggravated assault, from a felony  
29          of the third degree to a felony of the second degree.

30           (3) In the case of battery, from a misdemeanor of the  
31          first degree to a felony of the third degree.

1       (4) In the case of assault, from a misdemeanor of the  
2 second degree to a misdemeanor of the first degree.

3           Section 2. Paragraphs (d), (f), and (g) of subsection  
4 (3) of section 921.0022, Florida Statutes, are amended to  
5 read:

6           921.0022 Criminal Punishment Code; offense severity  
7 ranking chart.--

8           (3) OFFENSE SEVERITY RANKING CHART

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10 Florida	Felony	
11 Statute	Degree	Description
		(d) LEVEL 4
15 316.1935(2)	3rd	Fleeing or attempting to elude 16 law enforcement officer resulting 17 in high-speed pursuit.
18 784.07(2)(b)	3rd	Battery of law enforcement 19 officer, firefighter, intake 20 officer, etc.
21 784.075	3rd	Battery on detention or 22 commitment facility staff.
23 784.08(2)(c)	3rd	Battery on a person 65 years of 24 age or older.
25 784.081(3)	3rd	Battery on specified official or 26 employee.
27 784.082(3)	3rd	Battery by detained person on 28 visitor or other detainee.
29 <u>784.083(3)</u>	<u>3rd</u>	<u>Battery on code inspector.</u>

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1	787.03(1)	3rd	Interference with custody;
2			wrongly takes child from
3			appointed guardian.
4	787.04(2)	3rd	Take, entice, or remove child
5			beyond state limits with criminal
6			intent pending custody
7			proceedings.
8	787.04(3)	3rd	Carrying child beyond state lines
9			with criminal intent to avoid
10			producing child at custody
11			hearing or delivering to
12			designated person.
13	790.115(1)	3rd	Exhibiting firearm or weapon
14			within 1,000 feet of a school.
15	790.115(2)(b)	3rd	Possessing electric weapon or
16			device, destructive device, or
17			other weapon on school property.
18	790.115(2)(c)	3rd	Possessing firearm on school
19			property.
20	810.02(4)(a)	3rd	Burglary, or attempted burglary,
21			of an unoccupied structure;
22			unarmed; no assault or battery.
23	810.02(4)(b)	3rd	Burglary, or attempted burglary,
24			of an unoccupied conveyance;
25			unarmed; no assault or battery.
26	810.06	3rd	Burglary; possession of tools.
27	810.08(2)(c)	3rd	Trespass on property, armed with
28			firearm or dangerous weapon.
29	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
30			or more but less than \$20,000.
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1	812.014		
2	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
3			firearm, motor vehicle,
4			livestock, etc.
5	817.563(1)	3rd	Sell or deliver substance other
6			than controlled substance agreed
7			upon, excluding s. 893.03(5)
8			drugs.
9	828.125(1)	2nd	Kill, maim, or cause great bodily
10			harm or permanent breeding
11			disability to any registered
12			horse or cattle.
13	837.02(1)	3rd	Perjury in official proceedings.
14	837.021(1)	3rd	Make contradictory statements in
15			official proceedings.
16	843.025	3rd	Deprive law enforcement,
17			correctional, or correctional
18			probation officer of means of
19			protection or communication.
20	843.15(1)(a)	3rd	Failure to appear while on bail
21			for felony (bond estreature or
22			bond jumping).
23	874.05(1)	3rd	Encouraging or recruiting another
24			to join a criminal street gang.
25	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
26			893.03(1)(a), (b), or (d), or
27			(2)(a) or (b) drugs).
28	914.14(2)	3rd	Witnesses accepting bribes.
29	914.22(1)	3rd	Force, threaten, etc., witness,
30			victim, or informant.
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1	914.23(2)	3rd	Retaliation against a witness,
2			victim, or informant, no bodily
3			injury.
4	918.12	3rd	Tampering with jurors.
5			(f) LEVEL 6
6	316.027(1)(b)	2nd	Accident involving death, failure
7			to stop; leaving scene.
8	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
9			conviction.
10	775.0875(1)	3rd	Taking firearm from law
11			enforcement officer.
12	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
13			without intent to kill.
14	784.021(1)(b)	3rd	Aggravated assault; intent to
15			commit felony.
16	784.048(3)	3rd	Aggravated stalking; credible
17			threat.
18	784.07(2)(c)	2nd	Aggravated assault on law
19			enforcement officer.
20	784.08(2)(b)	2nd	Aggravated assault on a person 65
21			years of age or older.
22	784.081(2)	2nd	Aggravated assault on specified
23			official or employee.
24	784.082(2)	2nd	Aggravated assault by detained
25			person on visitor or other
26			detainee.
27	<u>784.083(2)</u>	<u>2nd</u>	<u>Aggravated assault on code</u>
28			<u>inspector.</u>
29	787.02(2)	3rd	False imprisonment; restraining
30			with purpose other than those in
31			s. 787.01.

1	790.115(2)(d)	2nd	Discharging firearm or weapon on
2			school property.
3	790.161(2)	2nd	Make, possess, or throw
4			destructive device with intent to
5			do bodily harm or damage
6			property.
7	790.164(1)	2nd	False report of deadly explosive
8			or act of arson or violence to
9			state property.
10	790.19	2nd	Shooting or throwing deadly
11			missiles into dwellings, vessels,
12			or vehicles.
13	794.011(8)(a)	3rd	Solicitation of minor to
14			participate in sexual activity by
15			custodial adult.
16	794.05(1)	2nd	Unlawful sexual activity with
17			specified minor.
18	806.031(2)	2nd	Arson resulting in great bodily
19			harm to firefighter or any other
20			person.
21	810.02(3)(c)	2nd	Burglary of occupied structure;
22			unarmed; no assault or battery.
23	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
24			but less than \$100,000, grand
25			theft in 2nd degree.
26	812.13(2)(c)	2nd	Robbery, no firearm or other
27			weapon (strong-arm robbery).
28	817.034(4)(a)1.	1st	Communications fraud, value
29			greater than \$50,000.
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1	817.4821(5)	2nd	Possess cloning paraphernalia
2			with intent to create cloned
3			cellular telephones.
4	825.102(1)	3rd	Abuse of an elderly person or
5			disabled adult.
6	825.102(3)(c)	3rd	Neglect of an elderly person or
7			disabled adult.
8	825.1025(3)	3rd	Lewd or lascivious molestation of
9			an elderly person or disabled
10			adult.
11	825.103(2)(c)	3rd	Exploiting an elderly person or
12			disabled adult and property is
13			valued at \$100 or more, but less
14			than \$20,000.
15	827.03(1)	3rd	Abuse of a child.
16	827.03(3)(c)	3rd	Neglect of a child.
17	827.071(2)&(3)	2nd	Use or induce a child in a sexual
18			performance, or promote or direct
19			such performance.
20	836.05	2nd	Threats; extortion.
21	836.10	2nd	Written threats to kill or do
22			bodily injury.
23	843.12	3rd	Aids or assists person to escape.
24	914.23	2nd	Retaliation against a witness,
25			victim, or informant, with bodily
26			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			(g) LEVEL 7
17	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
18			injury.
19	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
20			bodily injury.
21	409.920(2)	3rd	Medicaid provider fraud.
22	494.0018(2)	1st	Conviction of any violation of
23			ss. 494.001-494.0077 in which the
24			total money and property
25			unlawfully obtained exceeded
26			\$50,000 and there were five or
27			more victims.
28	782.07(1)	2nd	Killing of a human being by the
29			act, procurement, or culpable
30			negligence of another
31			(manslaughter).



1	782.071	3rd	Killing of human being by the
2			operation of a motor vehicle in a
3			reckless manner (vehicular
4			homicide).
5	782.072	3rd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.08(2)(a)	1st	Aggravated battery on a person 65
21			years of age or older.
22	784.081(1)	1st	Aggravated battery on specified
23			official or employee.
24	784.082(1)	1st	Aggravated battery by detained
25			person on visitor or other
26			detainee.
27	<u>784.083(1)</u>	<u>1st</u>	<u>Aggravated battery on code</u>
28			<u>inspector.</u>
29	790.07(4)	1st	Specified weapons violation
30			subsequent to previous conviction
31			of s. 790.07(1) or (2).

1	790.16(1)	1st	Discharge of a machine gun under
2			specified circumstances.
3	796.03	2nd	Procuring any person under 16
4			years for prostitution.
5	800.04	2nd	Handle, fondle, or assault child
6			under 16 years in lewd,
7			lascivious, or indecent manner.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)	1st	Property stolen, valued at
17			\$100,000 or more; property stolen
18			while causing other property
19			damage; 1st degree grand theft.
20	812.019(2)	1st	Stolen property; initiates,
21			organizes, plans, etc., the theft
22			of property and traffics in
23			stolen property.
24	812.133(2)(b)	1st	Carjacking; no firearm, deadly
25			weapon, or other weapon.
26	825.102(3)(b)	2nd	Neglecting an elderly person or
27			disabled adult causing great
28			bodily harm, disability, or
29			disfigurement.
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1	825.1025(2)	2nd	Lewd or lascivious battery upon
2			an elderly person or disabled
3			adult.
4	825.103(2)(b)	2nd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$20,000 or more, but
7			less than \$100,000.
8	827.03(3)(b)	2nd	Neglect of a child causing great
9			bodily harm, disability, or
10			disfigurement.
11	827.04(4)	3rd	Impregnation of a child under 16
12			years of age by person 21 years
13			of age or older.
14	872.06	2nd	Abuse of a dead human body.
15	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
16			cocaine (or other s.
17			893.03(1)(a), (1)(b), (1)(d),
18			(2)(a), or (2)(b) drugs) within
19			1,000 feet of a school.
20	893.13(4)(a)	1st	Deliver to minor cocaine (or
21			other s. 893.03(1)(a), (1)(b),
22			(1)(d), (2)(a), or (2)(b) drugs).
23	893.135(1)(a)1.	1st	Trafficking in cannabis, more
24			than 50 lbs., less than 2,000
25			lbs.
26	893.135		
27	(1)(b)1.a.	1st	Trafficking in cocaine, more than
28			28 grams, less than 200 grams.
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1 893.135  
2 (1)(c)1.a. 1st Trafficking in illegal drugs,  
3 more than 4 grams, less than 14  
4 grams.  
5 893.135  
6 (1)(d)1. 1st Trafficking in phencyclidine,  
7 more than 28 grams, less than 200  
8 grams.  
9 893.135(1)(e)1. 1st Trafficking in methaqualone, more  
10 than 200 grams, less than 5  
11 kilograms.  
12 893.135(1)(f)1. 1st Trafficking in amphetamine, more  
13 than 14 grams, less than 28  
14 grams.  
15 Section 3. This act shall take effect October 1 of the  
16 year in which enacted, and shall apply to offenses committed  
17 on or after that date.  
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