

By Senator McKay

26-132A-98

See HB

1 A bill to be entitled
2 An act relating to battery; creating s.
3 784.078, F.S.; defining "facility" and
4 "employee"; defining the offense of battery of
5 facility employee by throwing, tossing, or
6 expelling certain fluids or materials on an
7 employee of a correctional facility of the
8 state or local government or a secure facility
9 operated and maintained by the Department of
10 Corrections or the Department of Juvenile
11 Justice or other facility employee, so as to
12 cause or attempt to cause such employee to come
13 into contact with the fluid or material;
14 providing penalties; providing for placement of
15 an offender on a management meal program under
16 specified circumstances; amending s. 921.0022,
17 F.S.; providing for ranking the offense of
18 battery of a facility employee for purposes of
19 the Criminal Punishment Code offense severity
20 ranking chart; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 784.078, Florida Statutes, is
25 created to read:

26 784.078 Battery of facility employee by throwing,
27 tossing, or expelling certain fluids or materials.--

28 (1) As used in this section, the term "facility" means
29 a state correctional institution defined in s. 944.02(6); a
30 private correctional facility defined in s. 944.710 or under
31 chapter 957; a county, municipal, or regional jail or other

1 detention facility of local government under chapter 950 or
2 chapter 951; or a secure facility operated and maintained by
3 the Department of Corrections or the Department of Juvenile
4 Justice.

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

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

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

18 (b)1. Any person who violates paragraph (a) commits
19 battery of a facility employee, a felony of the third degree,
20 punishable as provided in s. 775.082, s. 775.083, or s.
21 775.084.

22 2. In addition to the penalties imposed under
23 subparagraph 1., the administration of a facility may place a
24 violation of paragraph (a) who is a prisoner as defined in s.
25 944.02 on a management meal program as specified by rules and
26 regulations applicable to the facility.

27 Section 2. Paragraph (d) of subsection (3) of section
28 921.0022, Florida Statutes, is amended to read:

29 921.0022 Criminal Punishment Code; offense severity
30 ranking chart.--

31 (3) OFFENSE SEVERITY RANKING CHART

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

Defines "facility" and "employee." Defines the offense of battery by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government, or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice, so as to cause or attempt to cause such employee to come into contact with the fluid or material. Provides penalties. Provides for placement of an offender on a management meal program under specified circumstances. Provides for ranking of the offense as a level 4 offense for purposes of the Criminal Punishment Code offense severity ranking chart.