

By the Committee on Criminal Justice and Senator Saunders

307-1702-01

1 A bill to be entitled
2 An act relating to correctional facilities;
3 creating s. 784.074, F.S.; providing penalties
4 for an assault or battery upon specified
5 facility staff; creating s. 784.078, F.S.;
6 defining the terms "facility" and "employee";
7 defining the offense of battery of facility
8 employee by throwing, tossing, or expelling
9 certain fluids or materials on an employee of a
10 correctional facility of the state or local
11 government or a secure facility operated and
12 maintained by the Department of Corrections or
13 the Department of Juvenile Justice or other
14 facility employee, so as to cause or attempt to
15 cause such employee to come into contact with
16 the fluid or material; providing penalties;
17 amending s. 921.0022, F.S.; providing for
18 ranking the offense of battery of a facility
19 employee for purposes of the Criminal
20 Punishment Code offense severity ranking chart;
21 amending s. 945.35, F.S.; providing an
22 educational requirement for correctional
23 facility inmates on communicable diseases;
24 providing, upon the request of a correctional
25 officer or other employee or any unincarcerated
26 person lawfully present in a correctional
27 facility, for testing of such persons and any
28 inmate who may have transmitted a communicable
29 disease to such persons; providing for results
30 to be communicated to affected parties;
31 providing for access to health care; providing

1 that test results are inadmissible in court
2 cases; requiring the department to adopt rules;
3 amending s. 806.13, F.S.; providing a penalty
4 for damaging specified detention or commitment
5 facilities; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Section 784.074, Florida Statutes, is
10 created to read:

11 784.074 Assault or battery on sexually violent
12 predators detention or commitment facility staff;
13 reclassification of offenses.--

14 (1) Whenever a person is charged with committing an
15 assault or aggravated assault or a battery or aggravated
16 battery upon a staff member of a sexually violent predators
17 detention or commitment facility as defined in part V or
18 chapter 394, while the staff member is engaged in the lawful
19 performance of his or her duties and when the person
20 committing the offense knows or has reason to know the
21 identity or employment of the victim, the offense for which
22 the person is charged shall be reclassified as follows:

23 (a) In the case of aggravated battery, from a felony
24 of the second degree to a felony of the first degree.

25 (b) In the case of an aggravated assault, from a
26 felony of the third degree to a felony of the second degree.

27 (c) In the case of battery, from a misdemeanor of the
28 first degree to a felony of the third degree.

29 (d) In the case of assault, from a misdemeanor of the
30 second degree to a misdemeanor of the first degree.
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1 (2) For purposes of this section, a staff member of
2 the facilities listed includes persons employed by the
3 Department of Children and Family Services, persons employed
4 at facilities licensed by the Department of Children and
5 Family Services, and persons employed at facilities operated
6 under a contract with the Department of Children and Family
7 Services.

8 Section 2. Section 784.078, Florida Statutes, is
9 created to read:

10 784.078 Battery of facility employee by throwing,
11 tossing, or expelling certain fluids or materials.--

12 (1) As used in this section, the term "facility" means
13 a state correctional institution defined in s. 944.02(6); a
14 private correctional facility defined in s. 944.710 or under
15 chapter 957; a county, municipal, or regional jail or other
16 detention facility of local government under chapter 950 or
17 chapter 951; or a secure facility operated and maintained by
18 the Department of Corrections or the Department of Juvenile
19 Justice.

20 (2)(a) As used in this section, the term "employee"
21 includes any person employed by or performing contractual
22 services for a public or private entity operating a facility
23 or any person employed by or performing contractual services
24 for the corporation operating the prison industry enhancement
25 programs or the correctional work programs, pursuant to part
26 II of chapter 946.

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

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

10 Section 3. Paragraphs (d), (f), and (g) of subsection
11 (3) of section 921.0022, Florida Statutes, are amended to
12 read:

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

17 Florida	Felony	
18 Statute	Degree	Description
		(d) LEVEL 4
22 316.1935(3)	2nd	Driving at high speed or with 23 wanton disregard for safety while 24 fleeing or attempting to elude 25 law enforcement officer who is in 26 a marked patrol vehicle with 27 siren and lights activated.
28 784.07(2)(b)	3rd	Battery of law enforcement 29 officer, firefighter, intake 30 officer, etc.

1	<u>784.074(1)(c)</u>	<u>3rd</u>	<u>Battery of sexually violent</u>
2			<u>predators facility staff.</u>
3	784.075	3rd	Battery on detention or
4			commitment facility staff.
5	<u>784.078</u>	<u>3rd</u>	<u>Battery of facility employee by</u>
6			<u>throwing, tossing, or expelling</u>
7			<u>certain fluids or materials.</u>
8	784.08(2)(c)	3rd	Battery on a person 65 years of
9			age or older.
10	784.081(3)	3rd	Battery on specified official or
11			employee.
12	784.082(3)	3rd	Battery by detained person on
13			visitor or other detainee.
14	784.083(3)	3rd	Battery on code inspector.
15	784.085	3rd	Battery of child by throwing,
16			tossing, projecting, or expelling
17			certain fluids or materials.
18	787.03(1)	3rd	Interference with custody;
19			wrongly takes child from
20			appointed guardian.
21	787.04(2)	3rd	Take, entice, or remove child
22			beyond state limits with criminal
23			intent pending custody
24			proceedings.
25	787.04(3)	3rd	Carrying child beyond state lines
26			with criminal intent to avoid
27			producing child at custody
28			hearing or delivering to
29			designated person.
30	790.115(1)	3rd	Exhibiting firearm or weapon
31			within 1,000 feet of a school.

1	790.115(2)(b)	3rd	Possessing electric weapon or
2			device, destructive device, or
3			other weapon on school property.
4	790.115(2)(c)	3rd	Possessing firearm on school
5			property.
6	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
7			offender less than 18 years.
8	810.02(4)(a)	3rd	Burglary, or attempted burglary,
9			of an unoccupied structure;
10			unarmed; no assault or battery.
11	810.02(4)(b)	3rd	Burglary, or attempted burglary,
12			of an unoccupied conveyance;
13			unarmed; no assault or battery.
14	810.06	3rd	Burglary; possession of tools.
15	810.08(2)(c)	3rd	Trespass on property, armed with
16			firearm or dangerous weapon.
17	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
18			or more but less than \$20,000.
19	812.014		
20	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
21			firearm, motor vehicle,
22			livestock, etc.
23	817.563(1)	3rd	Sell or deliver substance other
24			than controlled substance agreed
25			upon, excluding s. 893.03(5)
26			drugs.
27	828.125(1)	2nd	Kill, maim, or cause great bodily
28			harm or permanent breeding
29			disability to any registered
30			horse or cattle.
31	837.02(1)	3rd	Perjury in official proceedings.

1	837.021(1)	3rd	Make contradictory statements in
2			official proceedings.
3	843.021	3rd	Possession of a concealed
4			handcuff key by a person in
5			custody.
6	843.025	3rd	Deprive law enforcement,
7			correctional, or correctional
8			probation officer of means of
9			protection or communication.
10	843.15(1)(a)	3rd	Failure to appear while on bail
11			for felony (bond estreature or
12			bond jumping).
13	874.05(1)	3rd	Encouraging or recruiting another
14			to join a criminal street gang.
15	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
16			893.03(1)(a), (b), or (d),
17			(2)(a), (2)(b), or (2)(c)4.
18			drugs).
19	914.14(2)	3rd	Witnesses accepting bribes.
20	914.22(1)	3rd	Force, threaten, etc., witness,
21			victim, or informant.
22	914.23(2)	3rd	Retaliation against a witness,
23			victim, or informant, no bodily
24			injury.
25	918.12	3rd	Tampering with jurors.
26			(f) LEVEL 6
27	316.027(1)(b)	2nd	Accident involving death, failure
28			to stop; leaving scene.
29	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
30			conviction.
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1	775.0875(1)	3rd	Taking firearm from law
2			enforcement officer.
3	775.21(10)	3rd	Sexual predators; failure to
4			register; failure to renew
5			driver's license or
6			identification card.
7	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
8			without intent to kill.
9	784.021(1)(b)	3rd	Aggravated assault; intent to
10			commit felony.
11	784.041	3rd	Felony battery.
12	784.048(3)	3rd	Aggravated stalking; credible
13			threat.
14	784.048(5)	3rd	Aggravated stalking of person
15			under 16.
16	784.07(2)(c)	2nd	Aggravated assault on law
17			enforcement officer.
18	<u>784.074(1)(b)</u>	<u>2nd</u>	<u>Aggravated assault on sexually</u>
19			<u>violent predators facility staff.</u>
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	784.083(2)	2nd	Aggravated assault on code
28			inspector.
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	800.04(5)(d)	3rd	Lewd or lascivious molestation;
19			victim 12 years of age or older
20			but less than 16 years; offender
21			less than 18 years.
22	800.04(6)(b)	2nd	Lewd or lascivious conduct;
23			offender 18 years of age or
24			older.
25	806.031(2)	2nd	Arson resulting in great bodily
26			harm to firefighter or any other
27			person.
28	810.02(3)(c)	2nd	Burglary of occupied structure;
29			unarmed; no assault or battery.
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1	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
2			but less than \$100,000, grand
3			theft in 2nd degree.
4	812.13(2)(c)	2nd	Robbery, no firearm or other
5			weapon (strong-arm robbery).
6	817.034(4)(a)1.	1st	Communications fraud, value
7			greater than \$50,000.
8	817.4821(5)	2nd	Possess cloning paraphernalia
9			with intent to create cloned
10			cellular telephones.
11	825.102(1)	3rd	Abuse of an elderly person or
12			disabled adult.
13	825.102(3)(c)	3rd	Neglect of an elderly person or
14			disabled adult.
15	825.1025(3)	3rd	Lewd or lascivious molestation of
16			an elderly person or disabled
17			adult.
18	825.103(2)(c)	3rd	Exploiting an elderly person or
19			disabled adult and property is
20			valued at less than \$20,000.
21	827.03(1)	3rd	Abuse of a child.
22	827.03(3)(c)	3rd	Neglect of a child.
23	827.071(2)&(3)	2nd	Use or induce a child in a sexual
24			performance, or promote or direct
25			such performance.
26	836.05	2nd	Threats; extortion.
27	836.10	2nd	Written threats to kill or do
28			bodily injury.
29	843.12	3rd	Aids or assists person to escape.
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1	847.0135(3)	3rd	Solicitation of a child, via a
2			computer service, to commit an
3			unlawful sex act.
4	914.23	2nd	Retaliation against a witness,
5			victim, or informant, with bodily
6			injury.
7	943.0435(9)	3rd	Sex offenders; failure to comply
8			with reporting requirements.
9	944.35(3)(a)2.	3rd	Committing malicious battery upon
10			or inflicting cruel or inhuman
11			treatment on an inmate or
12			offender on community
13			supervision, resulting in great
14			bodily harm.
15	944.40	2nd	Escapes.
16	944.46	3rd	Harboring, concealing, aiding
17			escaped prisoners.
18	944.47(1)(a)5.	2nd	Introduction of contraband
19			(firearm, weapon, or explosive)
20			into correctional facility.
21	951.22(1)	3rd	Intoxicating drug, firearm, or
22			weapon introduced into county
23			facility.
24			(g) LEVEL 7
25	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
26			injury.
27	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
28			bodily injury.
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1	402.319(2)	2nd	Misrepresentation and negligence
2			or intentional act resulting in
3			great bodily harm, permanent
4			disfiguration, permanent
5			disability, or death.
6	409.920(2)	3rd	Medicaid provider fraud.
7	456.065(2)	3rd	Practicing a health care
8			profession without a license.
9	456.065(2)	2nd	Practicing a health care
10			profession without a license
11			which results in serious bodily
12			injury.
13	458.327(1)	3rd	Practicing medicine without a
14			license.
15	459.013(1)	3rd	Practicing osteopathic medicine
16			without a license.
17	460.411(1)	3rd	Practicing chiropractic medicine
18			without a license.
19	461.012(1)	3rd	Practicing podiatric medicine
20			without a license.
21	462.17	3rd	Practicing naturopathy without a
22			license.
23	463.015(1)	3rd	Practicing optometry without a
24			license.
25	464.016(1)	3rd	Practicing nursing without a
26			license.
27	465.015(2)	3rd	Practicing pharmacy without a
28			license.
29	466.026(1)	3rd	Practicing dentistry or dental
30			hygiene without a license.
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1	467.201	3rd	Practicing midwifery without a
2			license.
3	468.366	3rd	Delivering respiratory care
4			services without a license.
5	483.828(1)	3rd	Practicing as clinical laboratory
6			personnel without a license.
7	483.901(9)	3rd	Practicing medical physics
8			without a license.
9	484.053	3rd	Dispensing hearing aids without a
10			license.
11	494.0018(2)	1st	Conviction of any violation of
12			ss. 494.001-494.0077 in which the
13			total money and property
14			unlawfully obtained exceeded
15			\$50,000 and there were five or
16			more victims.
17	560.123(8)(b)1.	3rd	Failure to report currency or
18			payment instruments exceeding
19			\$300 but less than \$20,000 by
20			money transmitter.
21	560.125(5)(a)	3rd	Money transmitter business by
22			unauthorized person, currency or
23			payment instruments exceeding
24			\$300 but less than \$20,000.
25	655.50(10)(b)1.	3rd	Failure to report financial
26			transactions exceeding \$300 but
27			less than \$20,000 by financial
28			institution.
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1	782.051(3)	2nd	Attempted felony murder of a
2			person by a person other than the
3			perpetrator or the perpetrator of
4			an attempted felony.
5	782.07(1)	2nd	Killing of a human being by the
6			act, procurement, or culpable
7			negligence of another
8			(manslaughter).
9	782.071	2nd	Killing of human being or viable
10			fetus by the operation of a motor
11			vehicle in a reckless manner
12			(vehicular homicide).
13	782.072	2nd	Killing of a human being by the
14			operation of a vessel in a
15			reckless manner (vessel
16			homicide).
17	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
18			causing great bodily harm or
19			disfigurement.
20	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
21			weapon.
22	784.045(1)(b)	2nd	Aggravated battery; perpetrator
23			aware victim pregnant.
24	784.048(4)	3rd	Aggravated stalking; violation of
25			injunction or court order.
26	784.07(2)(d)	1st	Aggravated battery on law
27			enforcement officer.
28	<u>784.074(1)(a)</u>	<u>1st</u>	<u>Aggravated battery on sexually</u>
29			<u>violent predators facility staff.</u>
30	784.08(2)(a)	1st	Aggravated battery on a person 65
31			years of age or older.

1	784.081(1)	1st	Aggravated battery on specified
2			official or employee.
3	784.082(1)	1st	Aggravated battery by detained
4			person on visitor or other
5			detainee.
6	784.083(1)	1st	Aggravated battery on code
7			inspector.
8	790.07(4)	1st	Specified weapons violation
9			subsequent to previous conviction
10			of s. 790.07(1) or (2).
11	790.16(1)	1st	Discharge of a machine gun under
12			specified circumstances.
13	790.166(3)	2nd	Possessing, selling, using, or
14			attempting to use a hoax weapon
15			of mass destruction.
16	796.03	2nd	Procuring any person under 16
17			years for prostitution.
18	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
19			victim less than 12 years of age;
20			offender less than 18 years.
21	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
22			victim 12 years of age or older
23			but less than 16 years; offender
24			18 years or older.
25	806.01(2)	2nd	Maliciously damage structure by
26			fire or explosive.
27	810.02(3)(a)	2nd	Burglary of occupied dwelling;
28			unarmed; no assault or battery.
29	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
30			unarmed; no assault or battery.
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1	810.02(3)(d)	2nd	Burglary of occupied conveyance;
2			unarmed; no assault or battery.
3	812.014(2)(a)	1st	Property stolen, valued at
4			\$100,000 or more; property stolen
5			while causing other property
6			damage; 1st degree grand theft.
7	812.019(2)	1st	Stolen property; initiates,
8			organizes, plans, etc., the theft
9			of property and traffics in
10			stolen property.
11	812.131(2)(a)	2nd	Robbery by sudden snatching.
12	812.133(2)(b)	1st	Carjacking; no firearm, deadly
13			weapon, or other weapon.
14	825.102(3)(b)	2nd	Neglecting an elderly person or
15			disabled adult causing great
16			bodily harm, disability, or
17			disfigurement.
18	825.1025(2)	2nd	Lewd or lascivious battery upon
19			an elderly person or disabled
20			adult.
21	825.103(2)(b)	2nd	Exploiting an elderly person or
22			disabled adult and property is
23			valued at \$20,000 or more, but
24			less than \$100,000.
25	827.03(3)(b)	2nd	Neglect of a child causing great
26			bodily harm, disability, or
27			disfigurement.
28	827.04(3)	3rd	Impregnation of a child under 16
29			years of age by person 21 years
30			of age or older.
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1	837.05(2)	3rd	Giving false information about
2			alleged capital felony to a law
3			enforcement officer.
4	872.06	2nd	Abuse of a dead human body.
5	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
6			cocaine (or other drug prohibited
7			under s. 893.03(1)(a), (1)(b),
8			(1)(d), (2)(a), (2)(b), or
9			(2)(c)4.) within 1,000 feet of a
10			child care facility or school.
11	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
12			cocaine or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), (2)(b), or
15			(2)(c)4., within 1,000 feet of
16			property used for religious
17			services or a specified business
18			site.
19	893.13(4)(a)	1st	Deliver to minor cocaine (or
20			other s. 893.03(1)(a), (1)(b),
21			(1)(d), (2)(a), (2)(b), or
22			(2)(c)4. 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	893.135		
16	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
17			grams or more, less than 14
18			grams.
19	893.135		
20	(1)(h)1.a.	1st	Trafficking in
21			gamma-hydroxybutyric acid (GHB),
22			1 kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
26			kilogram or more, less than 5
27			kilograms.
28	893.135		
29	(1)(j)2.a.	1st	Trafficking in Phenethylamines,
30			10 grams or more, less than 200
31			grams.

1 896.101(5)(a) 3rd Money laundering, financial
2 transactions exceeding \$300 but
3 less than \$20,000.
4 896.104(4)(a)1. 3rd Structuring transactions to evade
5 reporting or registration
6 requirements, financial
7 transactions exceeding \$300 but
8 less than \$20,000.

9 Section 4. Section 945.35, Florida Statutes, is
10 amended to read:

11 945.35 Requirement for education on human
12 immunodeficiency virus,~~and~~ acquired immune deficiency
13 syndrome, and other communicable diseases.--

14 (1) The Department of Corrections, in conjunction with
15 the Department of Health, shall establish a mandatory
16 introductory and continuing education program on human
17 immunodeficiency virus,~~and~~ acquired immune deficiency
18 syndrome, and other communicable diseases for all inmates.
19 Programs shall be specifically designed for inmates while
20 incarcerated and in preparation for release into the
21 community. Consideration shall be given to cultural and other
22 relevant differences among inmates in the development of
23 educational materials and shall include emphasis on behavior
24 and attitude change. The education program shall be
25 continuously updated to reflect the latest medical information
26 available.

27 (2) The Department of Corrections, in conjunction with
28 the Department of Health, shall establish a mandatory
29 education program on human immunodeficiency virus,~~and~~
30 acquired immune deficiency syndrome, and other communicable
31 diseases with an emphasis on appropriate behavior and attitude

1 change to be offered on an annual basis to all staff in
2 correctional facilities, including new staff.

3 (3) When there is evidence that an inmate, while in
4 the custody of the department, has engaged in behavior which
5 places the inmate at a high risk of transmitting or
6 contracting a human immunodeficiency disorder or other
7 communicable disease, the department may begin a testing
8 program which is consistent with guidelines of the Centers for
9 Disease Control and Prevention and recommendations of the
10 Correctional Medical Authority. For purposes of this
11 subsection, "high-risk behavior" includes:

- 12 (a) Sexual contact with any person.
13 (b) An altercation involving exposure to body fluids.
14 (c) The use of intravenous drugs.
15 (d) Tattooing.
16 (e) Any other activity medically known to transmit the
17 virus.

18 (4) The results of such tests shall become a part of
19 that inmate's medical file, accessible only to persons
20 designated by agency rule.

21 (5) If the department has reason to believe that an
22 inmate may have intentionally or unintentionally transmitted a
23 communicable disease to any correctional officer or any
24 employee of the department, or to any person lawfully present
25 in a correctional facility who is not incarcerated there, the
26 department shall, upon request of the affected correctional
27 officer, employee, or other person, cause the inmate who may
28 have transmitted the communicable disease to be promptly
29 tested for its presence and communicate the results as soon as
30 practicable to the person requesting the test be performed,
31 and to the inmate tested if the inmate so requests.

1 (6) If the results of the test pursuant to subsection
2 (5) indicate the presence of a communicable disease, the
3 department shall provide appropriate access for counseling,
4 health care, and support services to the affected correctional
5 officer, employee, or other person, and to the inmate tested.

6 (7) The results of a test under subsections (5) and
7 (6) are inadmissible against the person tested in any federal
8 or state civil or criminal case or proceeding.

9 (8) The department shall promulgate rules to implement
10 subsections (5), (6), and (7). Such rules shall require that
11 the results of any tests are communicated only to a person
12 requesting the test and the inmate tested. Such rules shall
13 also provide for procedures designed to protect the privacy of
14 a person requesting that the test be performed and the privacy
15 of the inmate tested.

16 ~~(9)(5)~~ The department shall establish policies
17 consistent with guidelines of the Centers for Disease Control
18 and Prevention and recommendations of the Correctional Medical
19 Authority on the housing, physical contact, dining,
20 recreation, and exercise hours or locations for inmates with
21 immunodeficiency disorders as are medically indicated and
22 consistent with the proper operation of its facilities.

23 ~~(10)(6)~~ The department shall report to the Legislature
24 by March 1 each year as to the implementation of this program
25 and the participation by inmates and staff.

26 Section 5. Present subsections (4), (5), (6), and (7)
27 of section 806.13, Florida Statutes, are redesignated as
28 subsections (5), (6), (7), and (8), respectively, and new
29 subsection (4) is added to that section to read:

30 806.13 Criminal mischief; penalties; penalty for
31 minor.--

1 (4) Any person who willfully and maliciously defaces,
2 injures, or damages by any means a sexually violent predator
3 detention or commitment facility, as defined in part V of
4 chapter 394, or any property contained therein, is guilty of a
5 felony of the third degree, punishable as provided in s.
6 775.082, s. 775.083, or s. 775.084, if the damage to property
7 is greater than \$200.

8 Section 6. This act shall take effect October 1, 2001.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 1318

- 13 1. Provides that the penalty for assaults on the staff for
14 the Sexually Violent Predator Program will be enhanced
15 one degree level. An aggravated battery will be enhanced
16 from a second degree felony to a first degree felony. An
17 aggravated assault will be enhanced from a third degree
18 felony to a second degree felony. A battery will be
19 enhanced from a first degree misdemeanor to a third
20 degree felony. An assault will be enhanced from a second
21 degree misdemeanor to a first degree misdemeanor.
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- 18 2. Provides an offense severity ranking pursuant to s.
19 921.0022, F.S., for each of the crimes described in the
20 bill.
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22 3. Provides that acts of criminal mischief directed at
23 property of the Sexually Violent Predator Program
24 facility exceeding \$200 in damages constitutes a third
25 degree felony.
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