

Bill No. HB 1033, 1st Eng.

Barcode 985900

CHAMBER ACTION

Senate

House

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Senator Rich moved the following amendment:

**Senate Amendment (with title amendment)**

Between lines 33 and 34,

insert:

Section 3. Paragraph (b) of subsection (2) of section 39.301, Florida Statutes, is amended to read:

39.301 Initiation of protective investigations.--

(2)

(b) As used in this subsection, the term "criminal conduct" means:

1. A child is known or suspected to be the victim of child abuse, as defined in s. 827.03, ~~or~~ of neglect of a child, as defined in s. 827.03, or of inappropriate or excessively harsh corporal discipline, as defined in s. 827.032.

2. A child is known or suspected to have died as a result of abuse or neglect.

3. A child is known or suspected to be the victim of aggravated child abuse, as defined in s. 827.03.

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1           4. A child is known or suspected to be the victim of  
2 sexual battery, as defined in s. 827.071, or of sexual abuse,  
3 as defined in s. 39.01.

4           5. A child is known or suspected to be the victim of  
5 institutional child abuse or neglect, as defined in s. 39.01,  
6 and as provided for in s. 39.302(1).

7           Section 4. Section 827.032, Florida Statutes, is  
8 created to read:

9           827.032 Inappropriate or excessively harsh corporal  
10 discipline; penalties.--

11           (1) As used in this section, the term "inappropriate  
12 or excessively harsh corporal discipline" means:

13           (a) An act of discipline that results or could  
14 reasonably be expected to result in any of the following or  
15 other, similar injuries:

- 16           1. Sprains, dislocations, or cartilage damage.
- 17           2. Bone or skull fracture.
- 18           3. Brain or spinal cord damage.
- 19           4. Intracranial hemorrhage or injury to other internal  
20 organs.
- 21           5. Asphyxiation, suffocation, or drowning.
- 22           6. Injury resulting from the use of a deadly weapon.
- 23           7. Burns or scalding.
- 24           8. Cuts, lacerations, punctures, or bites.
- 25           9. Disfigurement.
- 26           10. Loss or impairment of a body part or function.
- 27           11. Significant bruises or welts.
- 28           12. Mental injury, as defined in s. 39.01.

29           (2) A parent, legal custodian, or caregiver who  
30 knowingly or willfully inflicts inappropriate or excessively  
31 harsh corporal discipline upon a child commits a felony of the

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1 third degree, punishable as provided in s. 775.082, s.  
2 775.083, or s. 775.084.

3 (3) This section does not preclude prosecution under  
4 s. 827.03 when a violation of s. 827.03 is charged in lieu of  
5 a violation of this section.

6 Section 5. Paragraph (f) of subsection (3) of section  
7 921.0022, Florida Statutes, is amended to read:

8 921.0022 Criminal Punishment Code; offense severity  
9 ranking chart.--

10 (3) OFFENSE SEVERITY RANKING CHART

12 Florida Statute	13 Felony Degree	14 Description
		16 (f) LEVEL 6
17 316.193(2)(b)	3rd	18 Felony DUI, 4th or subsequent conviction.
19 499.0051(3)	2nd	20 Forgery of pedigree papers.
20 499.0051(4)	2nd	21 Purchase or receipt of legend drug from unauthorized person.
22 499.0051(5)	2nd	23 Sale of legend drug to unauthorized person.
24 775.0875(1)	3rd	25 Taking firearm from law enforcement officer.
26 784.021(1)(a)	3rd	27 Aggravated assault; deadly weapon without intent to kill.
28 784.021(1)(b)	3rd	29 Aggravated assault; intent to commit felony.
30 784.041	3rd	31 Felony battery.

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1	784.048(3)	3rd	Aggravated stalking; credible
2			threat.
3	784.048(5)	3rd	Aggravated stalking of person
4			under 16.
5	784.07(2)(c)	2nd	Aggravated assault on law
6			enforcement officer.
7	784.074(1)(b)	2nd	Aggravated assault on sexually
8			violent predators facility staff.
9	784.08(2)(b)	2nd	Aggravated assault on a person 65
10			years of age or older.
11	784.081(2)	2nd	Aggravated assault on specified
12			official or employee.
13	784.082(2)	2nd	Aggravated assault by detained
14			person on visitor or other
15			detainee.
16	784.083(2)	2nd	Aggravated assault on code
17			inspector.
18	787.02(2)	3rd	False imprisonment; restraining
19			with purpose other than those in
20			s. 787.01.
21	790.115(2)(d)	2nd	Discharging firearm or weapon on
22			school property.
23	790.161(2)	2nd	Make, possess, or throw
24			destructive device with intent to
25			do bodily harm or damage
26			property.
27	790.164(1)	2nd	False report of deadly explosive,
28			weapon of mass destruction, or
29			act of arson or violence to state
30			property.
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1	790.19	2nd	Shooting or throwing deadly
2			missiles into dwellings, vessels,
3			or vehicles.
4	794.011(8)(a)	3rd	Solicitation of minor to
5			participate in sexual activity by
6			custodial adult.
7	794.05(1)	2nd	Unlawful sexual activity with
8			specified minor.
9	800.04(5)(d)	3rd	Lewd or lascivious molestation;
10			victim 12 years of age or older
11			but less than 16 years; offender
12			less than 18 years.
13	800.04(6)(b)	2nd	Lewd or lascivious conduct;
14			offender 18 years of age or
15			older.
16	806.031(2)	2nd	Arson resulting in great bodily
17			harm to firefighter or any other
18			person.
19	810.02(3)(c)	2nd	Burglary of occupied structure;
20			unarmed; no assault or battery.
21	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
22			but less than \$100,000, grand
23			theft in 2nd degree.
24	812.015(9)	2nd	Retail theft; property stolen
25			\$300 or more; second or
26			subsequent conviction.
27	812.13(2)(c)	2nd	Robbery, no firearm or other
28			weapon (strong-arm robbery).
29	817.034(4)(a)1.	1st	Communications fraud, value
30			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 less than \$20,000.
14	827.03(1)	3rd	Abuse of a child.
15	<u>827.032</u>	<u>3rd</u>	<u>Inappropriate or excessively</u>
16			<u>harsh corporal discipline by a</u>
17			<u>parent, legal custodian or</u>
18			<u>caregiver upon a child.</u>
19	827.03(3)(c)	3rd	Neglect of a child.
20	827.071(2)&(3)	2nd	Use or induce a child in a sexual
21			performance, or promote or direct
22			such performance.
23	836.05	2nd	Threats; extortion.
24	836.10	2nd	Written threats to kill or do
25			bodily injury.
26	843.12	3rd	Aids or assists person to escape.
27	847.0135(2)	3rd	Facilitates sexual conduct of or
28			with a minor or the visual
29			depiction of such conduct.
30	914.23	2nd	Retaliation against a witness,
31			victim, or informant, with bodily

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1			injury.
2	944.35(3)(a)2.	3rd	Committing malicious battery upon
3			or inflicting cruel or inhuman
4			treatment on an inmate or
5			offender on community
6			supervision, resulting in great
7			bodily harm.
8	944.40	2nd	Escapes.
9	944.46	3rd	Harboring, concealing, aiding
10			escaped prisoners.
11	944.47(1)(a)5.	2nd	Introduction of contraband
12			(firearm, weapon, or explosive)
13			into correctional facility.
14	951.22(1)	3rd	Intoxicating drug, firearm, or
15			weapon introduced into county
16			facility.

18 (Redesignate subsequent sections.)

21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On line 8, after the semicolon,

24

25 insert:

26 amending s. 39.301, F.S.; including allegations

27 of criminal conduct concerning s. 827.032,

28 F.S., in the allegations of child abuse which

29 the Department of Children and Family Services

30 must refer to certain law enforcement agencies;

31 creating s. 827.032, F.S.; defining the term

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1 "inappropriate or excessively harsh corporal  
2 discipline"; prohibiting parents, legal  
3 custodians, and caregivers from inflicting  
4 inappropriate or excessively harsh corporal  
5 discipline; providing penalties; providing  
6 applicability; amending s. 921.0022, F.S.;  
7 providing ranking on the offense severity  
8 ranking chart;

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