

CHAMBER ACTION

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1 The Justice Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to inappropriate or excessively harsh  
7 corporal discipline; amending s. 39.301, F.S.; including  
8 inappropriate or excessively harsh corporal discipline in  
9 the definition of "criminal conduct" for purposes of  
10 protective investigations; creating s. 827.032, F.S.;  
11 defining "inappropriate or excessively harsh corporal  
12 discipline"; prohibiting parents, legal custodians, or  
13 caregivers from inflicting inappropriate or excessively  
14 harsh corporal discipline; providing penalties; providing  
15 applicability; amending s. 921.0022, F.S.; including  
16 offenses involving inappropriate or excessively harsh  
17 corporal discipline within the offense severity ranking  
18 chart of the Criminal Punishment Code; providing an  
19 effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Paragraph (b) of subsection (2) of section  
24 39.301, Florida Statutes, is amended to read:

25 39.301 Initiation of protective investigations.--  
26 (2)

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

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

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

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

37 4. A child is known or suspected to be the victim of  
38 sexual battery, as defined in s. 827.071, or of sexual abuse, as  
39 defined in s. 39.01.

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

43 Section 2. Section 827.032, Florida Statutes, is created  
44 to read:

45 827.032 Inappropriate or excessively harsh corporal  
46 discipline; penalties.--

47 (1) "Inappropriate or excessively harsh corporal  
48 discipline" means an act of discipline that results or could  
49 reasonably be expected to result in any of the following or  
50 other similar injuries:

- 51 |       (a) Sprains, dislocations, or cartilage damage.
- 52 |       (b) Bone or skull fractures.
- 53 |       (c) Brain or spinal cord damage.
- 54 |       (d) Intracranial hemorrhage or injury to other internal
- 55 | organs.
- 56 |       (e) Asphyxiation, suffocation, or drowning.
- 57 |       (f) Injury resulting from the use of a deadly weapon.
- 58 |       (g) Burns or scalding.
- 59 |       (h) Cuts, lacerations, punctures, or bites.
- 60 |       (i) Disfigurement.
- 61 |       (j) Loss or impairment of a body part or function.
- 62 |       (k) Significant bruises or welts.
- 63 |       (l) Mental injury, as defined in s. 39.01.
- 64 |       (2) A parent, legal custodian, or caregiver who knowingly
- 65 | or willfully inflicts inappropriate or excessively harsh
- 66 | corporal discipline upon a child commits a felony of the third
- 67 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
- 68 | 775.084.
- 69 |       (3) This section does not preclude prosecution under s.
- 70 | 827.03 when s. 827.03 is charged in lieu of this section.

71 |       Section 3. Paragraph (f) of subsection (3) of section  
72 | 921.0022, Florida Statutes, is amended to read:

73 |       921.0022 Criminal Punishment Code; offense severity  
74 | ranking chart.--

75 |       (3) OFFENSE SEVERITY RANKING CHART

76 | Florida                      Felony                      Description

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	Statute	Degree	
77			(f) LEVEL 6
78	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
79	499.0051 (3)	2nd	Forgery of pedigree papers.
80	499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
81	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
82	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
83	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
84	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
85	784.041	3rd	Felony battery.
86	784.048 (3)	3rd	Aggravated stalking; credible threat.
87	784.048 (5)	3rd	Aggravated stalking of person under 16.

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88	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
89	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
90	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
91	784.081(2)	2nd	Aggravated assault on specified official or employee.
92	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
93	784.083(2)	2nd	Aggravated assault on code inspector.
94	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
95	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
96	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
97	790.164(1)	2nd	False report of deadly explosive,

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weapon of mass destruction, or act  
of arson or violence to state  
property.

98 790.19 2nd Shooting or throwing deadly missiles  
into dwellings, vessels, or  
vehicles.

99 794.011 (8) (a) 3rd Solicitation of minor to participate  
in sexual activity by custodial  
adult.

100 794.05 (1) 2nd Unlawful sexual activity with  
specified minor.

101 800.04 (5) (d) 3rd Lewd or lascivious molestation;  
victim 12 years of age or older but  
less than 16 years; offender less  
than 18 years.

102 800.04 (6) (b) 2nd Lewd or lascivious conduct; offender  
18 years of age or older.

103 806.031 (2) 2nd Arson resulting in great bodily harm  
to firefighter or any other person.

104 810.02 (3) (c) 2nd Burglary of occupied structure;  
unarmed; no assault or battery.

105 812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but

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			less than \$100,000, grand theft in 2nd degree.
106	812.015 (9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
107	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
108	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
109	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
110	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
111	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
112	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
113	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
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115	827.03 (1)	3rd	Abuse of a child.
116	827.03 (3) (c)	3rd	Neglect of a child.
117	<u>827.032</u>	<u>3rd</u>	<u>Inappropriate or excessively harsh corporal discipline by a parent, legal custodian, or caregiver upon a child.</u>
118	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
119	836.05	2nd	Threats; extortion.
120	836.10	2nd	Written threats to kill or do bodily injury.
121	843.12	3rd	Aids or assists person to escape.
122	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
123	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman



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treatment on an inmate or offender  
on community supervision, resulting  
in great bodily harm.

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944.40                      2nd                      Escapes.

125

944.46                      3rd                      Harboring, concealing, aiding  
escaped prisoners.

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944.47(1)(a)5.            2nd                      Introduction of contraband (firearm,  
weapon, or explosive) into  
correctional facility.

127

951.22(1)                      3rd                      Intoxicating drug, firearm, or  
weapon introduced into county  
facility.

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129                      Section 4.    This act shall take effect July 1, 2006.