

Bill No. CS for SB 708

Barcode 430142

CHAMBER ACTION

Senate

House

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3	Floor: 1/AD/2R
4	04/21/2006 10:55 AM
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11 Senator Webster moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

14 On page 4, between lines 19 and 20,

15

16 insert:

17 Section 2. For the purpose of incorporating the
18 amendment made by this act to section 787.03, Florida
19 Statutes, in a reference thereto, paragraph (b) of subsection
20 (6) of section 61.45, Florida Statutes, is reenacted to read:

21 61.45 Court order of visitation or custody; risk of
22 violation; bond.--

23 (6)

24 (b) This section, including the requirement to post a
25 bond or other security, does not apply to a parent who, in a
26 proceeding to order or modify child custody or visitation, the
27 court determines is a victim of an act of domestic violence or
28 has reasonable cause to believe he or she is about to become
29 the victim of an act of domestic violence, as defined in s.
30 741.28. An injunction for protection against domestic violence
31 issued pursuant to s. 741.30 for a parent as the petitioner

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1 which is in effect at the time of the court proceeding shall
 2 be one means of demonstrating sufficient evidence that the
 3 parent is a victim of domestic violence or is about to become
 4 the victim of an act of domestic violence, as defined in s.
 5 741.28, and shall exempt the parent from this section,
 6 including the requirement to post a bond or other security. A
 7 parent who is determined by the court to be exempt from the
 8 requirements of this section must meet the requirements of s.
 9 787.03(6) if an offense of interference with custody is
 10 committed.

11 Section 3. For the purpose of incorporating the
 12 amendment made by this act to section 787.03, Florida
 13 Statutes, in a reference thereto, paragraph (a) of subsection
 14 (7) of section 933.18, Florida Statutes, is reenacted to read:

15 933.18 When warrant may be issued for search of
 16 private dwelling.--No search warrant shall issue under this
 17 chapter or under any other law of this state to search any
 18 private dwelling occupied as such unless:

19 (7) One or more of the following misdemeanor child
 20 abuse offenses is being committed there:

21 (a) Interference with custody, in violation of s.
 22 787.03.

23
 24 If, during a search pursuant to a warrant issued under this
 25 section, a child is discovered and appears to be in imminent
 26 danger, the law enforcement officer conducting such search may
 27 remove the child from the private dwelling and take the child
 28 into protective custody pursuant to chapter 39. The term
 29 "private dwelling" shall be construed to include the room or
 30 rooms used and occupied, not transiently but solely as a
 31 residence, in an apartment house, hotel, boardinghouse, or

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1 lodginghouse. No warrant shall be issued for the search of any
 2 private dwelling under any of the conditions hereinabove
 3 mentioned except on sworn proof by affidavit of some
 4 creditable witness that he or she has reason to believe that
 5 one of said conditions exists, which affidavit shall set forth
 6 the facts on which such reason for belief is based.

7 Section 4. Paragraph (d) of subsection (3) of section
 8 921.0022, Florida Statutes, is reenacted and amended to read:

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

11 (3) OFFENSE SEVERITY RANKING CHART

12 Florida Statute	Felony Degree	Description
		(d) LEVEL 4
15 316.1935(3)(a)	2nd	Driving at high speed or with 16 wanton disregard for safety while 17 fleeing or attempting to elude 18 law enforcement officer who is in 19 a patrol vehicle with siren and 20 lights activated.
21 499.0051(1)	3rd	Failure to maintain or deliver 22 pedigree papers.
23 499.0051(2)	3rd	Failure to authenticate pedigree 24 papers.
25 499.0051(6)	2nd	Sale or delivery, or possession 26 with intent to sell, contraband 27 legend drugs.
28 784.07(2)(b)	3rd	Battery of law enforcement 29 officer, firefighter, intake 30 officer, etc.

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1	784.074(1)(c)	3rd	Battery of sexually violent
2			predators facility staff.
3	784.075	3rd	Battery on detention or
4			commitment facility staff.
5	784.078	3rd	Battery of facility employee by
6			throwing, tossing, or expelling
7			certain fluids or materials.
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 <u>minor</u> 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.

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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(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
20			firearm, motor vehicle,
21			livestock, etc.
22	812.0195(2)	3rd	Dealing in stolen property by use
23			of the Internet; property stolen
24			\$300 or more.
25	817.563(1)	3rd	Sell or deliver substance other
26			than controlled substance agreed
27			upon, excluding s. 893.03(5)
28			drugs.
29	817.568(2)(a)	3rd	Fraudulent use of personal
30			identification information.
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1	817.625(2)(a)	3rd	Fraudulent use of scanning device
2			or reencoder.
3	828.125(1)	2nd	Kill, maim, or cause great bodily
4			harm or permanent breeding
5			disability to any registered
6			horse or cattle.
7	837.02(1)	3rd	Perjury in official proceedings.
8	837.021(1)	3rd	Make contradictory statements in
9			official proceedings.
10	838.022	3rd	Official misconduct.
11	839.13(2)(a)	3rd	Falsifying records of an
12			individual in the care and
13			custody of a state agency.
14	839.13(2)(c)	3rd	Falsifying records of the
15			Department of Children and Family
16			Services.
17	843.021	3rd	Possession of a concealed
18			handcuff key by a person in
19			custody.
20	843.025	3rd	Deprive law enforcement,
21			correctional, or correctional
22			probation officer of means of
23			protection or communication.
24	843.15(1)(a)	3rd	Failure to appear while on bail
25			for felony (bond estreature or
26			bond jumping).
27	874.05(1)	3rd	Encouraging or recruiting another
28			to join a criminal street gang.
29	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
30			893.03(1)(a), (b), or (d),
31			(2)(a), (2)(b), or (2)(c)4.

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- 1 drugs).
- 2 914.14(2) 3rd Witnesses accepting bribes.
- 3 914.22(1) 3rd Force, threaten, etc., witness,
- 4 victim, or informant.
- 5 914.23(2) 3rd Retaliation against a witness,
- 6 victim, or informant, no bodily
- 7 injury.
- 8 918.12 3rd Tampering with jurors.
- 9 934.215 3rd Use of two-way communications
- 10 device to facilitate commission
- 11 of a crime.

12
13 (Redesignate subsequent sections.)

14
15
16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 1, line 21, after the semicolon,

19
20 insert:

21 reenacting s. 61.45(6)(b), F.S., relating to a
 22 court order of visitation or custody, and s.
 23 933.18(7)(a), F.S., relating to instances in
 24 which a warrant may be issued for search of
 25 private dwelling, for the purpose of
 26 incorporating the amendment to s. 787.03, F.S.,
 27 in references thereto; reenacting and amending
 28 s. 921.0022(3)(d), F.S.; revising a reference
 29 to the offense of interference with custody
 30 within the offense severity ranking chart of
 31 the Criminal Punishment Code to conform;