

By Senator Sobel

31-00923-11

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1 A bill to be entitled
2 An act relating to assault or battery; amending s.
3 784.081, F.S.; providing for reclassification of
4 specified assault or battery offenses when committed
5 against persons licensed, registered, certified, or
6 regulated under provisions relating to psychological
7 and clinical, counseling, and psychotherapy services;
8 reenacting ss. 921.0022(3)(f) and 1006.13(5), F.S.,
9 relating to the offense severity ranking chart of the
10 Criminal Punishment Code and a policy of zero
11 tolerance for crime and victimization, to incorporate
12 the amendment made to 784.081, F.S., in references
13 thereto; providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (2) of section 784.081, Florida
18 Statutes, is amended to read:

19 784.081 Assault or battery on specified officials or
20 employees; reclassification of offenses.—

21 (2) Whenever a person is charged with committing an assault
22 or aggravated assault or a battery or aggravated battery upon
23 any elected official or employee of: a school district; a
24 private school; the Florida School for the Deaf and the Blind; a
25 university lab school; a state university or any other entity of
26 the state system of public education, as defined in s. 1000.04;
27 a sports official; an employee or protective investigator of the
28 Department of Children and Family Services; an employee of a
29 lead community-based provider and its direct service contract

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30 providers; a person licensed, registered, certified, or
 31 regulated by chapter 490 or chapter 491; or an employee of the
 32 Department of Health or its direct service contract providers,
 33 when the person committing the offense knows or has reason to
 34 know the identity or position or employment of the victim, the
 35 offense for which the person is charged shall be reclassified as
 36 follows:

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

39 (b) In the case of aggravated assault, from a felony of the
 40 third degree to a felony of the second degree.

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

43 (d) In the case of assault, from a misdemeanor of the
 44 second degree to a misdemeanor of the first degree.

45 Section 2. For the purpose of incorporating the amendment
 46 made by this act to section 784.081, Florida Statutes, in a
 47 reference thereto, paragraph (f) of subsection (3) of section
 48 921.0022, Florida Statutes, is reenacted to read:

49 921.0022 Criminal Punishment Code; offense severity ranking
 50 chart.—

51 (3) OFFENSE SEVERITY RANKING CHART

52 (f) LEVEL 6

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Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.

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- 499.0051 (3) 2nd Knowing forgery of pedigree papers.
- 499.0051 (4) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.
- 499.0051 (5) 2nd Knowing sale or transfer of prescription drug to unauthorized person.
- 775.0875 (1) 3rd Taking firearm from law enforcement officer.
- 784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.
- 784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.
- 784.041 3rd Felony battery; domestic battery by strangulation.
- 784.048 (3) 3rd Aggravated stalking; credible threat.
- 784.048 (5) 3rd Aggravated stalking of person under 16.
- 784.07 (2) (c) 2nd Aggravated assault on law enforcement officer.

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66	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
67	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
68	784.081(2)	2nd	Aggravated assault on specified official or employee.
69	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
70	784.083(2)	2nd	Aggravated assault on code inspector.
71	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
72	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
73	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
74	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
	790.19	2nd	Shooting or throwing deadly missiles

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into dwellings, vessels, or vehicles.

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

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

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.

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

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

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

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or

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more; second or subsequent conviction.

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812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

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812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

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817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

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817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

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825.102 (1) 3rd Abuse of an elderly person or disabled adult.

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825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

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825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

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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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827.03 (1) 3rd Abuse of a child.

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827.03(3)(c)	3rd	Neglect of a child.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

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944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

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944.40 2nd Escapes.

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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.

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

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108 Section 3. For the purpose of incorporating the amendment
 109 made by this act to section 784.081, Florida Statutes, in a
 110 reference thereto, subsection (5) of section 1006.13, Florida
 111 Statutes, is reenacted to read:

112 1006.13 Policy of zero tolerance for crime and
 113 victimization.—

114 (5) Notwithstanding any other provision of law, each
 115 district school board shall adopt rules providing that any
 116 student found to have committed any offense in s. 784.081(1),
 117 (2), or (3) shall be expelled or placed in an alternative school
 118 setting or other program, as appropriate. Upon being charged

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119 with the offense, the student shall be removed from the
120 classroom immediately and placed in an alternative school
121 setting pending disposition.

122 Section 4. This act shall take effect July 1, 2011.