

By Senator Cruz

18-01097A-21

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1 A bill to be entitled
2 An act relating to lewd adult battery; amending s.
3 784.041, F.S.; creating the offense of lewd adult
4 battery, which prohibits a person from knowingly and
5 intentionally, without the consent of the victim,
6 touching the breasts, genitals, genital area, or
7 buttocks, or the clothing covering them, of a person
8 18 years of age or older; defining the terms "consent"
9 and "coercion"; providing criminal penalties; amending
10 s. 921.0022, F.S.; conforming a provision to changes
11 made by the act; providing an effective date.

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

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15 Section 1. Section 784.041, Florida Statutes, is amended to
16 read:

17 784.041 Felony battery; domestic battery by strangulation;
18 lewd adult battery.—

19 (1) A person commits felony battery if he or she:

20 (a) Actually and intentionally touches or strikes another
21 person against the will of the other; and

22 (b) Causes great bodily harm, permanent disability, or
23 permanent disfigurement.

24 (2) (a) A person commits domestic battery by strangulation
25 if the person knowingly and intentionally, against the will of
26 another, impedes the normal breathing or circulation of the
27 blood of a family or household member or of a person with whom
28 he or she is in a dating relationship, so as to create a risk of
29 or cause great bodily harm by applying pressure on the throat or

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30 neck of the other person or by blocking the nose or mouth of the
31 other person. This paragraph does not apply to any act of
32 medical diagnosis, treatment, or prescription which is
33 authorized under the laws of this state.

34 (b) As used in this subsection, the term:

35 1. "Family or household member" has the same meaning as in
36 s. 741.28.

37 2. "Dating relationship" means a continuing and significant
38 relationship of a romantic or intimate nature.

39 (3) (a) A person commits lewd adult battery if the person
40 knowingly and intentionally, without the consent of the victim,
41 touches the breasts, genitals, genital area, or buttocks, or the
42 clothing covering them, of a person 18 years of age or older.

43 (b) As used in this subsection, the term:

44 1. "Consent" means intelligent, knowing, and voluntary
45 consent, and does not include submission by coercion.

46 2. "Coercion" means the use of exploitation, bribes,
47 threats of force, or intimidation to gain cooperation or
48 compliance.

49 (4) A person who commits felony battery, ~~or~~ domestic
50 battery by strangulation, or lewd adult battery commits a felony
51 of the third degree, punishable as provided in s. 775.082, s.
52 775.083, or s. 775.084.

53 Section 2. Paragraph (f) of subsection (3) of section
54 921.0022, Florida Statutes, is amended to read:

55 921.0022 Criminal Punishment Code; offense severity ranking
56 chart.—

57 (3) OFFENSE SEVERITY RANKING CHART

58 (f) LEVEL 6

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Florida Statute	Felony Degree	Description
316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to

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			unauthorized person.
66	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
67	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
68	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
69	<u>784.041 (1) or (2)</u> 784.041	3rd	Felony battery; domestic battery by strangulation.
70	784.048 (3)	3rd	Aggravated stalking; credible threat.
71	784.048 (5)	3rd	Aggravated stalking of person under 16.
72	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
73	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.

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74	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
75	784.081 (2)	2nd	Aggravated assault on specified official or employee.
76	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
77	784.083 (2)	2nd	Aggravated assault on code inspector.
78	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
79	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
80	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm

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790.164 (1)

2nd

or damage property.

False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.

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790.19

2nd

Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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794.011 (8) (a)

3rd

Solicitation of minor to participate in sexual activity by custodial adult.

84

794.05 (1)

2nd

Unlawful sexual activity with specified minor.

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800.04 (5) (d)

3rd

Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.

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86	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
87	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
88	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
89	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
90	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
91	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
92	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more;

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812.015 (9) (b)

2nd

second or subsequent conviction.

Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.

812.13 (2) (c)

2nd

Robbery, no firearm or other weapon (strong-arm robbery).

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned cellular telephones.

817.505 (4) (b)

2nd

Patient brokering; 10 or more patients.

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

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.

825.103 (3) (c)

3rd

Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

827.03 (2) (c)

3rd

Abuse of a child.

827.03 (2) (d)

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, do bodily injury, or conduct a mass shooting or an act of terrorism.

843.12

3rd

Aids or assists person to escape.

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847.011

3rd

Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

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847.012

3rd

Knowingly using a minor in the production of materials harmful to minors.

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847.0135 (2)

3rd

Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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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,

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resulting in great
bodily harm.

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944.40

2nd

Escapes.

113

944.46

3rd

Harboring, concealing,
aiding escaped
prisoners.

114

944.47(1)(a)5.

2nd

Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

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951.22(1)(i)

3rd

Firearm or weapon
introduced into county
detention facility.

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Section 3. This act shall take effect July 1, 2021.