

HB713

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1 A bill to be entitled
 2 An act relating to battery offenses; amending s.
 3 784.085, F.S.; expanding the coverage prohibitions on
 4 battery involving contact with bodily substances;
 5 providing criminal penalties; amending s. 921.0022,
 6 F.S.; conforming provisions to changes made by the
 7 act; providing an effective date.

8

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

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11 Section 1. Section 784.085, Florida Statutes, is amended
 12 to read:

13 784.085 Battery ~~of child~~ by throwing, tossing, projecting,
 14 or expelling certain fluids or materials.—

15 (1) It is unlawful for any person, except a child as
 16 defined in this section, to knowingly cause or attempt to cause
 17 a person ~~child~~ to come into contact with blood, seminal fluid,
 18 or urine or feces by throwing, tossing, projecting, or expelling
 19 such fluid or material.

20 (2) Any person, except a child as defined in this section,
 21 who violates this section commits ~~battery of a child~~, a felony
 22 of the third degree, punishable as provided in s. 775.082, s.
 23 775.083, or s. 775.084.

24 (3) As used in this section, the term "child" means a
 25 person under 18 years of age.

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26
 27 Section 2. Paragraph (d) of subsection (3) of section
 28 921.0022, Florida Statutes, is amended to read:

29 921.0022 Criminal Punishment Code; offense severity
 30 ranking chart.—

31 (3) OFFENSE SEVERITY RANKING CHART

32 (d) LEVEL 4

33

| Florida Statute | Felony Degree | Description |
|--------------------|------------------|--|
| 316.1935(3) (a) | 2nd | Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 499.0051(1) | 3rd | Failure to maintain or deliver transaction history, transaction information, or transaction statements. |
| 499.0051(5) | 2nd | Knowing sale or delivery, or possession with intent to sell, |

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| | | | contraband prescription drugs. |
| 37 | | | |
| | 517.07(1) | 3rd | Failure to register securities. |
| 38 | | | |
| | 517.12(1) | 3rd | Failure of dealer or associated person of a dealer of securities to register. |
| 39 | | | |
| | 784.031 | 3rd | Battery by strangulation. |
| 40 | | | |
| | 784.07(2)(b) | 3rd | Battery of law enforcement officer, firefighter, etc. |
| 41 | | | |
| | 784.074(1)(c) | 3rd | Battery of sexually violent predators facility staff. |
| 42 | | | |
| | 784.075 | 3rd | Battery on detention or commitment facility staff. |
| 43 | | | |
| | 784.078 | 3rd | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials. |
| 44 | | | |
| | 784.08(2)(c) | 3rd | Battery on a person 65 years of age or older. |

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| 45 | 784.081 (3) | 3rd | Battery on specified official or employee. |
| 46 | 784.082 (3) | 3rd | Battery by detained person on visitor or other detainee. |
| 47 | 784.083 (3) | 3rd | Battery on code inspector. |
| 48 | 784.085 | 3rd | Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials. |
| 49 | 787.03 (1) | 3rd | Interference with custody; wrongly takes minor from appointed guardian. |
| 50 | 787.04 (2) | 3rd | Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings. |
| 51 | 787.04 (3) | 3rd | Carrying child beyond state lines with criminal intent to |

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| | | | avoid producing child at custody hearing or delivering to designated person. |
| 52 | | | |
| | 787.07 | 3rd | Human smuggling. |
| 53 | | | |
| | 790.115 (1) | 3rd | Exhibiting firearm or weapon within 1,000 feet of a school. |
| 54 | | | |
| | 790.115 (2) (b) | 3rd | Possessing electric weapon or device, destructive device, or other weapon on school property. |
| 55 | | | |
| | 790.115 (2) (c) | 3rd | Possessing firearm on school property. |
| 56 | | | |
| | 794.051 (1) | 3rd | Indecent, lewd, or lascivious touching of certain minors. |
| 57 | | | |
| | 800.04 (7) (c) | 3rd | Lewd or lascivious exhibition; offender less than 18 years. |
| 58 | | | |
| | 806.135 | 2nd | Destroying or demolishing a memorial or historic property. |

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| 59 | 810.02(4)(a) | 3rd | Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery. |
| 60 | 810.02(4)(b) | 3rd | Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery. |
| 61 | 810.06 | 3rd | Burglary; possession of tools. |
| 62 | 810.08(2)(c) | 3rd | Trespass on property, armed with firearm or dangerous weapon. |
| 63 | 812.014(2)(c)3. | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000. |
| 64 | 812.014 (2)(c)4. & 6.-10. | 3rd | Grand theft, 3rd degree; specified items. |
| 65 | 812.0195(2) | 3rd | Dealing in stolen property by |

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| | | | use of the Internet; property stolen \$300 or more. |
| 66 | 817.505 (4) (a) | 3rd | Patient brokering. |
| 67 | 817.563 (1) | 3rd | Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs. |
| 68 | 817.568 (2) (a) | 3rd | Fraudulent use of personal identification information. |
| 69 | 817.5695 (3) (c) | 3rd | Exploitation of person 65 years of age or older, value less than \$10,000. |
| 70 | 817.625 (2) (a) | 3rd | Fraudulent use of scanning device, skimming device, or reencoder. |
| 71 | 817.625 (2) (c) | 3rd | Possess, sell, or deliver skimming device. |
| 72 | 828.125 (1) | 2nd | Kill, maim, or cause great |

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| | | | bodily harm or permanent breeding disability to any registered horse or cattle. |
| 73 | 836.14(2) | 3rd | Person who commits theft of a sexually explicit image with intent to promote it. |
| 74 | 836.14(3) | 3rd | Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose. |
| 75 | 837.02(1) | 3rd | Perjury in official proceedings. |
| 76 | 837.021(1) | 3rd | Make contradictory statements in official proceedings. |
| 77 | 838.022 | 3rd | Official misconduct. |
| 78 | 839.13(2)(a) | 3rd | Falsifying records of an individual in the care and custody of a state agency. |
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| 80 | 839.13(2)(c) | 3rd | Falsifying records of the Department of Children and Families. |
| 81 | 843.021 | 3rd | Possession of a concealed handcuff key by a person in custody. |
| 82 | 843.025 | 3rd | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |
| 83 | 843.15(1)(a) | 3rd | Failure to appear while on bail for felony (bond estreature or bond jumping). |
| 84 | 843.19(2) | 2nd | Injure, disable, or kill police, fire, or SAR canine or police horse. |
| 85 | 847.0135(5)(c) | 3rd | Lewd or lascivious exhibition using computer; offender less than 18 years. |

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| 86 | 870.01(3) | 2nd | Aggravated rioting. |
| 87 | 870.01(5) | 2nd | Aggravated inciting a riot. |
| 88 | 874.05(1)(a) | 3rd | Encouraging or recruiting another to join a criminal gang. |
| 89 | 893.13(2)(a)1. | 2nd | Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs). |
| 90 | 914.14(2) | 3rd | Witnesses accepting bribes. |
| 91 | 914.22(1) | 3rd | Force, threaten, etc., witness, victim, or informant. |
| 92 | 914.23(2) | 3rd | Retaliation against a witness, victim, or informant, no bodily injury. |
| | 916.1085 (2)(c)1. | 3rd | Introduction of specified contraband into certain DCF facilities. |

