

# KNOW the LAW

## A GUIDE FOR YOUTH AND PARENTS



Community  
Coalition  
Alliance



OFFICE OF SUBSTANCE ABUSE  
AND MENTAL HEALTH  
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**To locate the Florida statutes for all laws, visit Online Sunshine:  
[www.leg.state.fl.us/STATUTES](http://www.leg.state.fl.us/STATUTES)**

# CRIME DEFINED

## What is a Crime?

There are many laws which govern the way you should behave. Some laws are criminal, and breaking them can get you sent to jail. When you fail to obey a law with this type of penalty, you have committed a crime. Other laws are civil, such as speed limits. Breaking these laws can result in penalties, such as a fine or suspension of your license. An infraction is a violation or infringement of a law, agreement, or set of rules.

You can be charged with a crime regardless of whether or not you are aware of the law.

## Are All Crimes the Same?

No. There are two basic types of crimes:

1. Felonies are the most serious crimes. They can result in probation or MORE than one year in a commitment facility.
2. Misdemeanors are less serious than felonies. They can result in probation up until your 19th birthday or commitment for up to one year. In Juvenile Court, the greatest penalty for a misdemeanor cannot be more than one year of confinement in a secure juvenile delinquency program.

In no case can a juvenile be committed for more time than an adult would serve for the same crime.

## DIRECT FILE

The state attorney at his/her discretion could charge a juvenile as an adult (direct file) if:

- The juvenile is 14 years or older, and is charged with a violent felony.
- The juvenile is 16 years or older and charged with a felony. This can occur even if there is not a prior history.

Alicia, a 17-year-old, decides to confront Erica at the school bus stop two days after Erica beat her up. When Erica gets off the bus, Alicia runs towards Erica, pulls out a knife and cuts Erica's neck.

Because Alicia is 17 years old and she has committed a serious, violent offense, Alicia can be charged as an adult and sent to adult prison.

## DNA SAMPLES

Pursuant to Section 943.325, you will be required to submit a DNA sample if you are found guilty of committing the following offenses (this is not an exclusive list):

- Sexual Battery
- Robbery
- Lewdness; Indecent Act/ Exposure
- Aggravated Battery
- Carjacking
- Homicide/Murder
- Aggravated Child Abuse
- Burglary
- Robbery/Sudden Snatching
- Manslaughter
- Aggravated Manslaughter
- Kidnapping/False Imprisonment
- Any Forcible Felony (s.776.08)
- Battery on Law Enforcement Officer
- Any Violent 3rd Degree Felony
- Aggravated Abuse (Elderly Abuse)
- Battery on School Staff
- Stalking
- Human Trafficking
- Possession of a Firearm
- All Felonies included in Chapter 812, such as Grand Theft or Dealing in Stolen Property

## PRINCIPAL THEORY

You only have to help a crime be committed in some small way (“aid or abet”) to be guilty of the whole crime. This is called a principal.

### Principal in First Degree

Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures such offense to be committed, and such offense is committed or is attempted to be committed, is a principal in the first degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such offense.

A lookout or a getaway car driver in a store robbery would be examples, even though neither person ever enters the store.

# ALCOHOL

## What Is an Alcoholic Beverage?

Any drink that has at least one half (1/2) of one (1) percent alcohol is an alcoholic beverage. There are four types of alcoholic beverages: beer, wine, fortified wine, and liquor. Each contains different amounts of alcohol.

## How Is Drinking Alcohol Dangerous?

Ethyl alcohol, alcohol, the active ingredient in alcoholic drinks, acts as a depressant. Consuming alcohol is dangerous for the following reasons:

- Damages your liver, mouth, esophagus, stomach, pancreas, brain, and heart.
- Impairs the brain, causes memory loss, and lowers the ability of the brain to control behavior.
- Impairs your ability to perform motor skills such as driving a car.
- Causes Fetal Alcohol Syndrome in an unborn child, which can result in mental retardation.

## When Can I Purchase or Drink an Alcoholic Beverage?

You must be 21 years of age to purchase, possess, or drink alcohol. If you try to buy an alcoholic beverage in a store or a bar, you will be asked to prove your age. If you cannot prove that you are 21 or older, the dealer cannot sell you an alcoholic beverage.

If you are under age 21, it is illegal for you to attempt to purchase an alcoholic beverage. If you are 18 years of age or older and this is your first violation, you could be fined up to \$500, confined for up to 60 days or receive 6 months probation. If you are under 18 years of age you will face juvenile delinquency sanctions.

Anyone who sells or gives alcoholic beverages to a person under 21, or who lets the person drink alcoholic beverages in a bar or store, is breaking the law.

## Other Laws on Alcoholic Beverages

**Open Container.** Florida Law prohibits the possession of open containers of alcoholic beverages by the driver and passengers of most motor vehicles (excluding a limo or large motor home.) An open container is defined as “any container that is immediately capable of being consumed from, or the seal of which has been broken”, meaning the container does not have to be open.

Open containers must be carried in a locked glove compartment, locked trunk, or other locked non-passenger accessible area of the vehicle.

**Implied Consent.** By accepting and using a Florida Driver’s License, a person agrees to submit to a chemical or physical test of their blood or breath alcohol level and a urine test for drugs and other controlled substances when arrested for driving under the influence of alcohol or drugs. If you refuse, your license will be suspended for one year, and your refusal can be used as evidence against you. These tests can be administered without your consent if you severely injure someone or are unconscious.

**Disorderly Intoxication.** If you are drunk or under the influence of drugs in a public place or on a public conveyance, and cause a public disturbance.

**School Discipline.** If you possess, drink, sell, or give liquor to any person in or at any public school or school grounds, then you can be suspended or expelled for this in addition to facing criminal charges.

## **Can I Borrow a Driver’s License or ID or Change the Age on Mine to Show I’m 21 or Older?**

No. In both cases, you would be breaking the law. The penalty for using an identification with an altered date of birth is a second degree misdemeanor with imprisonment for up to 60 days. The penalty for possessing or manufacturing a false identification is a third degree felony with imprisonment up to 5 years.

You cannot lend, borrow, or falsify a driver’s license.

## **Driving Under the Influence (DUI)**

It is illegal to operate a vehicle under the influence of alcohol or drugs. DUI can be proved by a Blood Alcohol limit of .08 and higher or if your normal driving faculties are impaired. Impairment can be caused by alcohol, alcohol in combination with other medications, legal and illegal drugs. Penalties for DUI include: arrests, court costs and fines (a court case can cost up to \$6,000), impoundment, license revocation of six months to a year, DUI School and Evaluation, ignition interlock device, probation of up to a year, 50 hours of community service and increased insurance costs. **A DUI stays on your record for 75 years.**

## **DUI Provisions for Persons Under the Age of 21**

The unlawful blood alcohol level for drivers under the age of 21 is .02 (the smallest amount to register on a breathalyzer test).

The driver’s license suspension is both for a refusal to take the test and also if you take the test and have a blood or breath alcohol level of .02 or higher.

# NARCOTICS , INHALANTS & PRESCRIPTIONS

## Possession Without Prescription

Possession of a prescription medication without a prescription written in YOUR name for that medication is a second degree misdemeanor. This would include antibiotics, prescription strength headache medication, pain reliever, even heartburn medications—any medicine that can only be received by a written doctor’s order (prescription). It is illegal to possess or share someone else’s prescription medication, especially psychotropic drugs.

Some psychotropic drugs are considered a controlled substance under Florida Statutes section 893.03. Possession of Adderall, certain painkillers such as Hydrocodone, Oxycontin, or Percocet, without a prescription is a felony of the third degree. For an adult, it is punishable by up to five (5) years in prison. Valium and Xanax, including generic forms, are controlled substances.

Giving someone one pill of a controlled substance is a serious felony with greater penalties if you are on school property, including in a school bus, or within 1,000 feet of any school property between the hours of 6:00 AM and 12:00 midnight (even if you receive nothing in return). As an adult it carries a thirty (30) year maximum prison sentence.

Giving one pill to someone is a second-degree felony even if you receive nothing in return. As an adult it carries a fifteen (15) year maximum prison sentence.

Possession of any narcotic listed in Florida Statutes section 893.03 (marijuana or cocaine, for example) or possession of alcohol by a person under 21 years of age, will result in a suspension of your driving privilege for at least six (6) months for a first offense. A second or subsequent offense requires a mandatory two (2) year suspension of your driving privileges.

## What Are Dangerous Drugs?

- Methamphetamines (Crystal Meth)
- Cocaine (Powder, Crack or Rock)
- Hallucinogen (LSD, Mushrooms, PCP)
- Synthetic Drugs (K2, Bath Salts, Steroids)
- Narcotics (Heroin, Opium, Morphine, Methadone)
- Marijuana
- Club Drugs (GHB, Ecstasy)
- Prescription drugs used illegally



## Inhalants

It is illegal to sniff, inhale, ingest or possess with intent to inhale harmful chemical substances, such as glue, gasoline, computer air dusters and whipped cream (also known as huffing).

## Laws Regarding Narcotics and Dangerous Drugs

It is illegal and dangerous to:

- Sell counterfeit controlled substances.
- Possess, sell, transport, give away, offer, arrange, or negotiate to sell any controlled substance.
- Ingest or possess with intent to ingest nitrous oxide.
- Drive on the highway or road while under the influence of drugs controlled by section 893.03.
- Possess anything used to ingest or package an illegal drug.
- Make or use a false or changed prescription.
- Plant, cultivate, harvest, or process marijuana or other drugs.
- Encourage, induce, or force any minor to break any of the narcotic laws.
- Use dangerous drugs, unless a licensed person, usually a physician, prescribes them.

## MARIJUANA

Marijuana is illegal in the state of Florida unless you have a medical marijuana card issued by a Florida physician for a medical condition.

- Possession of 20 grams or less is a first degree misdemeanor.
- Possession of greater than 20 grams is a third degree felony.
- Sale of marijuana is a felony.
- You must be 21 to purchase rolling papers. Possession of unused pipes/bongs is illegal if you are under 18.

Any plea to a drug related offense requires suspension of the offender's driver's license for at least six (6) months, but not longer than two (2) years.

Marijuana is composed of THC (a mind-altering ingredient), benzopyrene (causes cancer and is 70% higher in marijuana than in cigarettes), carbon monoxide (highly poisonous), hydrocyanic acid (poison gas), acetaldehyde (solvent), and tar (contains 50% more tar than a strong brand of tobacco cigarettes which causes lung cancer).

## K2 and Spice

K2 and Spice are chemically-engineered substances called synthetic cannabinoids. K2 is often referred to as synthetic marijuana or “fake weed” but it is not marijuana.

- It is a third degree felony to purchase K2 and Spice, possess them, sell them, manufacture them, deliver them or possess them with intent to sell.
- Possession of 3 grams or less of synthetic cannabinoids is a first degree misdemeanor. If the synthetic cannabinoid is in powdered form, the penalty is different.
- K2 or other synthetic drugs mimic the effects of alcohol and marijuana and can impair driving.

Ray is stopped by the police while driving on I-95 after taking a few hits of a marijuana from the bong in his car. The officers finds the bong and the baggie of marijuana residue on the floorboard of the car.

Ray may be charged with 1) Driving Under the Influence of Drugs (DUI) and 2) Possession of Drug Paraphernalia.

## TOBACCO

### Tobacco Laws

If you are under the age of 21, it is against the law to possess tobacco. It is also illegal to sell or give any tobacco product to anyone under the age of 21.

**First Violation:** Court fines or 16 hours of community service and complete a mandatory tobacco class. The fine must be paid within 30 days of the citation being written.

**Second Violation (within 12 weeks of first violation):** Additional court fines.

**Third Violation (within 12 weeks of first violation):** Driver’s license is withheld, suspended or revoked.

## PARTIES

If you host a party or go to a party, these activities may be considered disturbing the peace:

- Excessive rowdiness
- Fighting
- Loud music

## **Open House Parties**

An open house party is a party where alcohol or drugs are served to an underage person.

It is a second degree misdemeanor for a person in control of a home to knowingly allow a minor to possess or consume alcohol or drugs at an open house party.

It is a first degree misdemeanor if a person allows an underage drinking party for a second or subsequent time, or if the minor who consumed alcohol is killed or seriously injured, or if the minor causes or contributes to causing injury or death to another person.

## **WEAPONS & GUNS**

### **Can I Carry or Use a Gun?**

Florida prohibits a person under age 18 from possessing a firearm. This prohibition does not apply in the following situations:

- There is an unloaded firearm in the minor's home.
- The minor is engaged in a lawful hunting activity and is at least age 16 or, if under age 16, is supervised by an adult;
- The minor is engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity, and is at least age 16 or, if under age 16, is supervised by an adult who is acting with the consent of the minor's parent or guardian; or
- The minor is transporting an unloaded firearm directly to or from one of the aforementioned events.

Florida law penalizes any parent or guardian or other adult responsible for the welfare of a minor who knowingly and willfully permits the minor to possess a firearm in violation these provisions.

Florida penalizes any person who knowingly or willfully sells or transfers a firearm to a minor without the permission of the minor's parent or guardian. Federal age restrictions also apply and generally prohibit licensed firearms dealers from selling handguns to persons under age 21.

If you're under the age of 18, you cannot do any of the following:

- Carry a loaded or unloaded firearm of any kind on you, in a vehicle, in a public place in a city, or in other county areas where it is forbidden.
- Possess a firearm other than an unloaded one at your home, unless you are engaged in hunting or lawful marksmanship competition and are 16 years of age or older. If you are under 16, you must be supervised by an adult acting with the consent of your parent or guardian.

If the court adjudicates you guilty of a felony act, you may not possess a firearm until you are 24 years old. If you are convicted of an offense that involves the possession or use of a firearm, law enforcement agencies may release your name for publication, even though you are a child.

## **Can Someone Give Me A Gun?**

If you are under the age of 18, it is illegal for anyone to give you an air gun, a gas-operated gun, or a firearm without your parents' or guardians' permission. Recent changes have made it illegal for anyone to give you a firearm, if you're under the age of 21. No one can sell or transfer a firearm to you unless they have your parents' or guardians' permission.

- Even the least serious weapon-firearm offense can result in you spending up to twenty one (21) days in a secure juvenile detention facility. This is true even if it is your first offense.
- If you are adjudicated of a charge, such as theft of a firearm, possession of a firearm at school, or displaying a firearm in a careless manner and you are not committed to a juvenile delinquency program you will receive an additional fifteen(15) days in the secure juvenile detention facility as well as other minimum/mandatory penalties.
- Crimes where a firearm is involved such as robbery, aggravated battery, or attempted murder may carry very serious consequences, because the law states that you could be prosecuted as an adult.
- Murder can result in an indictment to adult court.

## **Where Can I Shoot or Not Shoot?**

Shooting is not permitted in most areas. Check with county law enforcement to find out where you need owner permission and where you can shoot a firearm. However, no matter where you are:

- You cannot shoot any firearm in any public place, or from or over a public road or highway.
- You cannot shoot a firearm at, within, or into any building, or at, within, or into any occupied vehicle, vessel, train, or aircraft. This can result in a second degree felony.

## **Other Weapons**

A deadly weapon is any object that can be used to cause death or serious injury including an air gun.

Any person who exhibits any sword, sword cane, firearm, electronic weapon or device, destructive device, or other weapon in the presence of one or more

persons in a rude, careless, angry, or threatening manner, and not in lawful self-defense, at a school sponsored event or on the grounds of a school, school bust or a school stop is a third degree felony.

If you throw a deadly missile, such as a stone, at an occupied vehicle or a house (occupied or not), you can be charged with a felony punishable by up to 15 years in prison as an adult.

### **10-20-LIFE**

If you are age 16 or 17 and use or possess a gun during the commission of serious felony, the law requires that you be prosecuted as an adult. The penalty can be 10 years in adult prison for possession, 20 years if the gun is fired and 25 years to LIFE in adult prison if someone is shot and is seriously injured or killed.

## **BOMB & ARSON THREATS**

It is a second degree felony for any person to threaten to throw, project, place or discharge a destructive device with intent to do bodily harm to any person or damage to any property.

It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction. Any person violating this subsection commits a felony of the second degree.

It doesn't matter if you have the means to carry out the threat.

My friends and I decided to call in a bomb threat to the school because we thought it would be 'cool' to get out of class.

The call maker and anyone who helps have committed a second degree felony. If you are aware of who made a bomb threat and give that information to law enforcement, you are eligible for a possible reward if the information given leads to the arrest and conviction of any person violating this law.

# CRIMES AGAINST PEOPLE

Battery is any intentional and unwanted touching; most batteries involve hitting, pushing, or shoving (Chap. 784).

Battery is a misdemeanor. If you commit battery against someone in your house, a judge may place you in secure detention for Domestic Violence. If you commit a second battery, you can be charged with a third degree felony. If you use a

A victim of battery doesn't have to be harmed or injured. Any nonconsensual touching is sufficient to be considered battery.

weapon (even a pencil or pen) or seriously injure the victim, you may be charged with a second degree felony. If you commit battery on a law enforcement officer, a school employee (including teachers and deans), a pregnant person, or a person over the age of 65, the battery is a felony.

**Simple battery.** First degree misdemeanor, possible sentence of imprisonment of up to a year and a fine up to \$1,000.

**Felony battery.** Third degree felony, possible sentence of up to 5 years and a fine up to \$5,000.

**Aggravated battery.** Second degree felony, possible sentence of up to 15 years and a fine up to \$10,000.

Assault is a physical or verbal threat to do violence to someone coupled with the ability to carry out the threat, which causes fear in the person you threatened that violence is about to happen.

If a weapon is involved, you may be charged with aggravated assault which is a felony.

**Simple assault.** Second degree misdemeanor, 60 days imprisonment and a fine of \$500.

**Aggravated assault.** Third degree felony, up to 5 years imprisonment and a fine of \$5,000.

Stalking is maliciously and repeatedly following, harassing or cyber-stalking another person, causing substantial emotional distress. Making a credible threat with the intent to place a person in reasonable fear of bodily harm constitutes a felony.

Affray is a public order offence consisting of the fighting of one or more persons in a public place to the terror of ordinary people. All persons guilty of an affray shall be guilty of a misdemeanor of the first degree.

Dante and Marcus go to rival schools. After a heated argument after a local football game, they decide to fight in the parking lot. A large crowd gathers around them and the police cannot determine who started the fight.

Both students may be charged with affray.

## **Barwick-Ruschak Act**

Created in 2008, “Barwick-Ruschak Act” expands the definition of domestic violence to include victims in dating relationships. In 2008, Governor Charlie Christ signed this measure into law allowing law enforcement officers to make an arrest without a warrant when there is probable cause to believe that the person has committed an act of dating violence.

“Barwick-Ruschak Act” requires law enforcement officers to:

- Help the victim get medical treatment;
- Tell them how to contact local domestic violence centers;
- Inform them of their legal rights concerning prosecution and injunctions for protection;
- File a specific report, even if there’s no arrest, and forward information to domestic violence shelters.

## **SEXUAL MISCONDUCT**

Sex crimes, commonly referred to as “rape,” can occur in several ways:

- Sexual battery (sex without a person’s consent).
- A person under 16 cannot legally consent to sex with anyone.

### **Legal Consent:**

- A person who is 16 or 17 can legally consent to sex with someone who is 16-23.
- A person who is 18-23 can legally have sex with anyone 16 or older.
- A person who is 24 or older can legally have sex with anyone 18 or older.

Any person 21 years old or older who impregnates a child under the age of 16 has committed a separate, additional felony.

Touching the clothing above or the unclothed breast of a female under sixteen (16) years old, or touching the clothing above or the unclothed genital area or buttocks of a male or female less than sixteen (16) years old with any kind of sexual intent is a felony offense.

Claiming that someone consented cannot be considered a defense for the above charges (except for sexual battery). Misrepresentation of age will not release you from the charge. If both parties are under the age of sixteen and participate, then both parties are guilty of the offense and can be so charged.

Sex with someone under the age of twelve is a capital felony and can result in mandatory life in prison.

Not knowing the partner's age is NOT a defense.

It is also illegal to:

- Touch on purpose, the private parts of a person under the age of 16 in a lewd or lascivious (inappropriate or sexual) manner.
- Encourage a person under the age of 16 to touch you in a lewd or lascivious (inappropriate or sexual) manner.
- Use an Internet service, such as Instagram, Snapchat, or Facebook, to seduce or lure, or even to attempt to lure, a person under the age of 18, to engage in sexual intercourse.

## Adam Walsh Act

The Federal Adam Walsh Act causes juvenile sex offenders, who meet certain criteria, to be treated just like adult offenders. Their information will become public, be posted on the FDLE website, and they will be required to register as a sex offender.

## Sending Nude Pictures

A MINOR commits the offense of sending nudes if he or she knowingly uses any device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity and is harmful to minors.

**1st Offense.** Non-criminal offense punishable by a teen court appearance and judgment or up to 8 hours of community service and/or a monetary fine. Failing to comply with the citation may include a withholding of issuance or suspension of drivers license for 30 consecutive days.

**2nd Offense.** Misdemeanor (arrest-able offense.)

**3rd Offense.** Felony Crime

Manage your digital reputation. Colleges and future employers check social media!



## Pornography

It is illegal:

- To take a photograph, make a movie, or make other images (drawings) that a person knows has sexual conduct of a person under 18 years old.
- To possess a photograph, movie, or other image (drawings) that a person knows has sexual conduct of a person under 18 years old.
- To buy, sell, receive, collect, or send photographs on the computer or internet of a person under the age of 18 engaged in sexual conduct.
- To loan, give away, sell or show any obscene material to a person under the age of 18. Material may include a book, magazine, card, picture, drawing, photograph, image and videotape/DVD.

## Human Trafficking:

Florida Law defines human trafficking as a form of modern-day slavery. Victims of human trafficking are young children, teenagers, and adults. Thousands of victims are trafficked annually across international borders worldwide. Many of these victims are trafficked into this state. Victims of human trafficking also include citizens of the United States and those persons trafficked domestically within the borders of the United States. The Legislature finds that victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.

Any minor under the age of 18 who is induced to perform a commercial sex act is a victim of human trafficking according to U.S. law, regardless of whether there is force, fraud or coercion. Increasingly, criminal organizations, such as gangs, are luring children from local schools into commercial sexual exploitation or trafficking. Reports can be made at 1-800- 962-2873 to the Florida Abuse Hotline and 24 Hour Help from the National Human Trafficking Hotline at 1-888-373-7888 or text BeFree (233733).

## PROPERTY CRIMES

**Criminal Mischief** occurs when you damage someone else's property on purpose, including vandalism and graffiti. If the damage is greater than \$1,000, it is a third degree felony. If the damage to the property is less than \$200 it is a second degree misdemeanor and if it is greater than \$200 but less than \$1,000 it is a 1st degree misdemeanor.

**Theft** occurs when you take someone's property without his or her permission, even if you're just borrowing it.

"Egging" a car may damage the paint. A good paint job can easily exceed \$1,000 (a felony)

- **Petit Theft** means the item is worth more than \$100 but less than \$750 and is punishable as a 1st degree misdemeanor.
- **Grand Theft** means the item is worth \$300 or more. This is a third degree felony that includes penalties that may include prison, probation, fines, restitution, and a permanent criminal record.

**Grand Theft Auto (GTA)** includes stealing a car OR driving a car stolen by someone else. It is a crime to be in a stolen car you know or reasonably should have known was stolen. This is true even though you had nothing to do with the theft. It's

It is illegal to "hold" stolen property. You do not need to be the one who stole it originally. Beware of deals that are "too good to be true." They usually are.

called trespass to a conveyance. If you do anything to help the original thief or the driver, you will become a principal to the theft. Help could be pumping gas or giving directions to the driver.

**Burglary** occurs when you enter someone's house, storage shed, business, or vehicle without his or her permission, intending to commit another crime inside, such as theft, criminal mischief, assault, or battery. Entering an unlocked car to steal anything is a felony.

**Armed Burglary.** If you enter a motor vehicle or building of any type, even if it is not occupied, and steal anything that could be construed as a weapon, the law says you have committed an armed burglary. The crime is treated just as if you had the weapon when you entered the vehicle or building. Armed burglary is a first-degree felony punishable by life in prison. The stolen weapon could be a pocketknife, a box cutter, a baseball bat, or a screwdriver. It need not be a gun or a large knife.

**Dealing in Stolen Property** means selling or passing on any item that has been stolen, which you knew was stolen or should have known was stolen. If you possess recently stolen property and can't satisfactorily explain why, the law presumes that you knew or should have known it was stolen.

**Civil Action Against Parents** (for willful destruction or theft of property by a minor). Parents of a minor under the age of 18 years, living with their parents, who maliciously or willfully destroys or steals property, real, personal, or mixed, belonging to others will be held responsible for the repayment of damages to the injured party.

## TRESPASSING

**Trespassing on a construction site.** The site must have special warning "designated construction site" and anyone who trespasses commits a third degree felony.

**Trespassing on school property with firearm or other weapon.** A person who is trespassing on school property and has any weapon or firearm is punishable by a third degree felony.

You and your buddies get a 6 pack of beer and decide to drink it in a home that is under construction. There is no damage done, but you are caught by the cops drinking in a construction site.

You have committed a third degree felony.

## **BULLYING**

In 2008, Governor Crist signed into law, HB 669 which is also known as the Jeffrey Johnston Act. Schools are required to investigate reported incidents of bullying on campus.

Bullying is systemically and chronically inflicting hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, that is severe or persuasive enough to create an intimidating, hostile or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. Someone who bullies can be a student or an adult. Bullying may involve, but is not limited to:

- Unwanted teasing
- Social exclusion
- Theft
- Sexual, religious, or racial harassment
- Destruction of personal property
- Threat
- Intimidation
- Physical violence
- Stalking
- Rumor or spreading falsehoods
- Public or private humiliation
- Cyberbullying

## **CYBERBULLYING**

Online bullying, called cyberbullying, happens when teens use the Internet, cell phones, or other devices to send or post text or images intended to hurt or embarrass another person. Cyberbullying can range from rude comments to lies, impersonations, posting unauthorized pictures, and threats. Police are contacted if cyberbullying involves:

- Threats of violence
- Extortion
- Obscene or harassing phone calls or text messages
- Harassment, stalking or hate crimes
- Child pornography
- Sexual exploitation
- Taking a photo image of someone in a place where they would expect privacy

## **COMPUTER CRIMES**

Sending a letter or any inscribed communication to anyone threatening death or bodily injury to that person or any member of their family is a second-degree felony. Additionally, any person who makes, posts, transmits, a threat in writing or record, including electronic record, to conduct a mass shooting or other act of terrorism is also a second degree felony.

## **WRITTEN THREATS**

A person who writes or composes and sends any letter, inscribed communication, or electronic communication signed or anonymous to any person, containing a threat to kill or do bodily injury to the person or the persons family. Also any person who makes, posts, or transmits a threat in writing to conduct a mass shooting or an act of terrorism that would allow another person to view the threat. These acts are punishable as a second degree felony.

This includes any written threat in the form of a handwritten note, text message, e-mail, instant message, Facebook, Twitter, Snapchat or Instagram message, and other forms of electronic text transfer. A later claim that “I didn’t really mean it” will have little effect on the outcome in court.

## **GANG ENHANCEMENT**

If the court finds that you committed a crime for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang, the penalty may be enhanced if you are an adult.

Encouraging or recruiting another to join a gang is a third degree felony with enhanced with subsequent offenses.

# HATE CRIMES

Hate crimes are criminal acts committed against others based on characteristics of another individual or group of people such as race, color, ethnicity, religion, sexual orientation, national origin, disability, ancestry, age, or homelessness status. Penalties for crimes are increased when a hate crime is determined to be the motivating factor. A second degree misdemeanor becomes a first degree misdemeanor, a first degree misdemeanor becomes a third degree felony and so on.

A gang is a group of three of more people who gather to commit a crime and designate themselves with a name, color, symbol, etc.

# MENTAL HEALTH

**The Florida Mental Health Act** of 1971, also referred to as “The Baker Act” allows for a person (all ages) to be taken to a receiving facility under a Request for Involuntary Examination if there is a reason to believe they are mentally ill and has refused voluntary examination or can’t determine that it is needed, and there is likelihood that, because of that mental illness, is a danger to themselves or others due to threat of harm or neglect. This request for examination may be initiated by the circuit court, a law enforcement officer or a mental health professional. The actual examination being requested must be done by a physician (psychiatrist) or other qualified professional within 24 hours and may be held for evaluation for up to 72 hours. The law also protects those wanting to be admitted on a voluntary basis if they have a mental illness and are competent to provide informed consent and are suitable for treatment.

**The Marchman Act**, also known officially as Chapter 397 of the Florida Statute, encourages a person to seek out treatment on a voluntary basis and to be actively involved in planning their own services with the assistance of qualified professionals. The Marchman Act established a variety of methods under which substance abuse assessment, stabilization and treatment could be obtained on an involuntary basis. Three of the five ways for involuntary admission procedures do not involve the court and are most common. These non-court procedures are:

- Protective Custody (by law enforcement)
- Emergency Admission (aka Physician’s Certificate)
- Alternative Involuntary Assessment for Minors

The criteria for all involuntary admissions include: There is good faith reason to believe the person is substance impaired and, because of such impairment, has lost the power of self- control with respect to substance use; and either has inflicted, or threatened or attempted to inflict, or unless admitted is likely to inflict physical harm on them self or another, or is in need of substance abuse services and, because of that impairment, they are incapable of appreciating the need for such services and of making a rational decision, however, mere refusal to receive services is not considered evidence of lack of judgment with respect to the need for such services.

## VIOLENT FELONIES

Include but are not limited to: homicide, arson, armed burglary, all sex crimes, robbery, stalking, carjacking, aggravated assault and aggravated battery.

## FLEEING & ELUDING

Failure to stop your motor vehicle when law enforcement has directed you to do so constitutes fleeing and eluding.

- If you engage in a high speed chase or reckless driving you have committed a second degree felony.
- If you stop at a law enforcement command and then drive off again you commit a third degree felony.
- If you cause injury or death to another person or their property while fleeing/eluding you have committed a second degree felony.

Lighting paper towels and throwing them in a waste basket in the restroom at school causing damage can be charged as ARSON, a first degree felony.

## DRIVING

Driving is a privilege and earning and keeping your driver's license is a responsibility, for your safety and the safety of others. Driver's education is a continuing process that includes:

Fleeing on foot after a lawful order to stop is also a crime.

**14 years old.** Permitted to take a Traffic Law and Substance Abuse Education (TLSAE) course in preparation for applying for a Learner's Permit.

**15 years old.** Eligible to apply for a Learner's Permit after successfully passing a written exam and completing TLSAE course. Supervised driving restricted to daylight hours for the first three months and only until 10 p.m., thereafter. Must be accompanied by a licensed front seat passenger over the age of 21 at all times.

**16 years old.** Must hold permit for 12 months and log 50 hours of practice driving, 10 of which must be at night to apply for a Restricted Operator License. Driving allowed between 6 a.m. and 11 p.m. All other times must be accompanied by a licensed driver at least 21 years old occupying the closest seat to the right of the driver, or be traveling to or from work.

**17 years old.** Driving allowed between 5 a.m. and 1 a.m. All other times must be accompanied by a licensed driver at least 21 years old occupying the closest seat to the right of the driver, or be traveling to or from work.

## **Traffic Conviction While on a Learner's License**

A teen driver cannot apply for an Intermediate License for one year from the conviction date or until turning 18 years old, whichever happens first.

## **Violating Driving Curfews**

Three points are applied to your license and citation fines are assessed.

## **Six Points on Driving Record Within a 12-Month Period**

The teen's driving will be limited to "business purposes only" for 12 months or until the driver turns 18 years old, whichever happens first. The restriction is extended 90 days for each additional point during the restriction period.

## **Texting While Driving**

Texting while driving as well as instant messaging and emailing behind the wheel is against the law. A first texting offense is punishable by a \$30 fine and court fees, second offense is a \$60 fine, court costs, and three points on a driver's license.

## **Move Over Law**

While driving you are required to move out of the way of emergency vehicles that have their sirens and lights on. You are also required to slow down and if possible move a lane away from any emergency or service vehicles that are pulled to the side of the road to protect their safety.

On a two-lane roadway, you are required to slow to a speed that is 20 miles per hour less than the posted speed limit.

If the speed limit is 20 miles per hour or less, you must slow down to five miles per hour.

If you are driving on an interstate or roadway with multiple lanes of travel in the same direction, and you approach an emergency or law enforcement vehicle parked along the roadway, you must vacate the lane closest to that vehicle as soon as it is safe to do so. If you are not able to safely move over,

you must slow down to a speed of 20 MPH below the posted speed limit unless directed otherwise by a law enforcement officer.

## **School Truancy**

Florida law requires each school principal or designee to notify the district school board of each minor student accumulating 15 unexcused absences in a period of 90 calendar days or who drop out of school.

The Department of Highway Safety and Motor Vehicles may not issue a Driver's License or Learner's Permit, or may suspend the driving privileges of any reported student until the student has satisfied regular school attendance requirements. A teen's license can be suspended for truancy and it will remain suspended until the student provides proof of school attendance for 30 consecutive days.

## **Tobacco Products Possession Conviction**

If a teen under 21 years of age is convicted of possession of tobacco, his or her license will be revoked from six months to one year.

## **ADDITIONAL CONSEQUENCES**

Being found guilty of certain offenses can be accompanied by a variety of consequences, including :

**Fees.** Crimes Compensation Trust Fund; Crimes Prevention Fund; Probation cost (\$1.00/day); Commitment Cost (minimum of \$5.00/day—up to \$50.00/day); Restitution; Attorney's Fees

**License Suspension/Revocation.** Some charges which result in revoking of driving privileges include: Drug and alcohol offenses and graffiti..

**Diversion Programs.** Programs vary from county to county and may include: Teen Court; CINS/FINS; Civil Citation; Neighborhood Accountability Board.

## **FUTURE CONSEQUENCES**

Arrests and convictions can affect your future.

### **Armed Forces**

- **Marine Corps.** Any misdemeanor or felony requires a waiver which can result in limited MOS options also affecting salary.
- **Army and National Guard.** Use own guidelines with misdemeanors depending on nature of charge. Two or more misdemeanors require a waiver which can result in loss of MOS options. All felonies require a waiver limiting MOS options.



- **Navy.** All felonies require a waiver. More than 6 misdemeanor charges or convictions also require a waiver.
- **Air Force.** All applicants screened through the National Crime Center. No felonies are accepted. Also, no adverse adjudication is accepted. All misdemeanors require a waiver. A shoplifting charge will keep you out of the Air Force.

## **Colleges & Universities**

**College of Central Florida:** CF accepts students who have a standard high school diploma or a GED; however, the college screens applicants for admission or readmission who have a criminal record and responds to new information regarding violent illegal activity or violent criminal charges. This does not automatically preclude an applicant from gaining admission or readmission. In order to maintain a safe environment conducive to student learning, the right is reserved to deny admission to applicants for any reason deemed to be in the best interest of the college. Some programs, including those in Criminal Justice, Health Sciences and Education, require a criminal background check and fingerprinting.

Individuals who have been convicted of any felony or of a misdemeanor involving perjury or false statement will not be accepted into Correctional Officer, Crossover from Corrections to Law Enforcement, Florida Law Enforcement Academy or Law Enforcement programs.

### **First Coast Technical College.**

**Fire Academy:** Background screening is determined by Florida Statutes sections 633.34 (2) and 112-11 (2) (b):

**633.34 (2)** Neither have been convicted of a felony or of a misdemeanor directly related to the position of employment sought, nor have pled nolo contendere to any charge of a felony. If an applicant has been convicted of a felony, such applicant must be in compliance with s. 112.011(2)(b). If an applicant has been convicted of a misdemeanor directly related to the position of employment sought, such applicants shall be excluded from employment for a period of 4 years after expiration of sentence. If the sentence is suspended or adjudication is withheld in a felony charge or in a misdemeanor related to the position or employment sought and a period of probation is imposed.

**122.11 (2) (b)** This section shall not be applicable to the employment practices of any fire department relating to the hiring of firefighters. An applicant for employment with any fire department with a prior felony conviction shall be excluded from employment for a period of 4 years after expiration of sentence or final release by the Parole Commission unless the applicant, prior to the expiration of the 4-year period, has received a full pardon or has had his or her civil rights restored.

**Nursing/EMT/Paramedic Programs.** Students with a felony are not admitted. Any drug related convictions disqualify applicants from all programs. The nursing-related programs require a level 2 background screening. The EMT program requires a level 1 background screening.

**Cosmetology.** Students are asked to disclose background to ensure licensure at end of program.

**Flagler College.** Applicants with prior court convictions other than minor traffic violations, will be evaluated by the Admissions Committee on an individual basis and may be asked to interview with the Director of Admissions, if deemed necessary. It is agreed by those applying for admission to Flagler College that those who ultimately enroll will comply with all College rules and with local, state, and federal laws. The College reserves the right to discuss, suspend, or require the withdrawal of a student whose conduct or enrollment is deemed contrary to the best interest of the College.

**Florida State University:** Questions regarding discipline are referred to a Review Committee. Offenses in high school are usually cleared. If not, an appeal process can be used. Dishonest answers to disciplinary questions are harder to overcome. Depending on nature and circumstances, applicants with drug and alcohol abuse, and sexual crimes may be accepted. As a rule, applicants with a history of drug dealing and sexual crimes are not accepted.

**St. Johns River State College:** As an open door institution, the College accepts students who have a standard high school diploma or General Equivalency Diploma (GED); however the college reserves the right to deny admission to any applicant who has been convicted of a crime. Certain programs such as nursing and criminal justice require criminal background checks and will not admit applicants with a criminal history.

**Nursing:** All applicants must disclose whether they have been convicted of a crime (other than a minor traffic violation) and agree to a criminal background check. Any person having been arrested or convicted of a crime other than a minor traffic violation should refer to Florida Statute Chapter 464 regarding nursing licensure.

**Criminal Justice:** All applicants must disclose whether they have been convicted of a crime (other than a minor traffic violation) and agree to a criminal background check. If a person pleads guilty, no contest, or is convicted of a felony or a misdemeanor involving perjury or false statement, that person is ineligible to be certified as an officer in the state of Florida.

**University of Central Florida:** Applicants with offenses ranging from minor to major offenses may be accepted, depending on nature and circumstances. Recommendations for admissions are made from Admissions Office and forwarded to the applicant's program of choice where the final decision is made. Recommendations not to accept are based on seriousness of the crime.

**University of Florida:** Each student is evaluated on an individual basis. If there are discipline questions, an investigation/clarification follows and an interview may be scheduled. Acceptance based on seriousness of crime, frequency and what effect the applicant would have on the safety of the community.

**University of Miami:** Each student is evaluated on an individual basis. If there are discipline questions, an investigation/clarification follows. Dean of Students Office makes the final decision.

**University of North Florida:** If an applicant has been convicted and/or has charges pending for any criminal offense other than a minor traffic violation, they are required to provide a written explanation of the event. You may be required to furnish statements from school administration or legal representation and copies of all official documents explaining the final disposition of the proceedings.

**University of South Florida:** Depending on circumstances, the applicant is referred to a process of "Prior Conduct" to determine if restrictions are needed or denial is warranted. Seriousness of the crime/appropriateness/danger to the community determines whether a personal interview is required.

# RESOURCES

To locate the Florida statutes for all laws, visit Online Sunshine:  
[www.leg.state.fl.us/STATUTES](http://www.leg.state.fl.us/STATUTES)

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Community Coalition Alliance	<a href="http://ccafl.org">ccafl.org</a>
Department of Children and Families	<a href="http://myflfamilies.com">myflfamilies.com</a>
LSF Health Systems	<a href="http://lsfnet.org/lsf-health-systems/">lsfnet.org/lsf-health-systems/</a>

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## Community Coalitions

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Baker County	Baker Prevention Coalition Baker Prevention Coalition	<a href="https://facebook.com/bakerpreventioncoalition">facebook.com/ bakerpreventioncoalition</a>
Bradford County	Bradford Community Coalition	<a href="http://bradfordcommunitycoalition.org">bradfordcommunitycoalition.org</a>
Citrus County	Anti-Drug Coalition of Citrus County	<a href="http://antidrugcitrus.com">antidrugcitrus.com</a>
Clay County	Clay Action Coalition	<a href="http://clayactioncoalition.org">clayactioncoalition.org</a>
Dixie County	Dixie Anti Drug Coalition	<a href="https://facebook.com/drugfreedixie">facebook.com/ drugfreedixie</a>
Duval County	Drug Free Duval	<a href="http://drugfreeduval.org">drugfreeduval.org</a>
Flagler County	Focus on Flagler	(386) 283-2904

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Hamilton County	Hamilton County Alcohol and Drug Prevention Coalition	(386) 792-9388
Hernando County	Hernando County Community Anti Drug Coalition	hernandocommunitycoalition.org
Lake County	Be Free Lake	befreelake.org
Marion County	Marion County Children's Alliance	mcchildrensalliance.org
St. Johns County	PACT Prevention Coalition of St. Johns	pactprevention.org
Sumter County	Sumter Community Action Partnership	(352) 603-4517
Volusia County	One Voice for Volusia	ovfv.org

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