

# KNOW *the* LAW

*A Guide  
for Youth  
and Parents*

*A Collaborative Project of*  
**CENTRAL FLORIDA SUBSTANCE  
MISUSE PREVENTION COALITIONS**



# TO THE YOUTH

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This guide is provided for you in the hope that it will be of value to you and your parents or guardians. If you know the laws that apply to you, then you can make good decisions about your education, your job or your behavior. When making decisions about your behavior, take time to consider the law and weigh the consequences before you act - “ignorance of the law” is never an excuse.

As a member of society, it is important to know your rights, privileges and responsibilities. Knowing the law helps you understand your rights, meet your responsibilities and respect yourself and others. You must accept responsibility for your actions because it is you alone who commits those actions. Your friends and family are not responsible for your behavior.

The law is complex. We have tried to translate the law into a form that is easy for you to read and understand. **It is only a guide and you should check with law enforcement officials or attorneys for specific information. Laws change over time and we cannot guarantee the information will be current when you read it. Our hope is that the information provided in this guide will help you make better decisions.**

*Central Florida Substance Misuse Prevention Coalitions*

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# ACKNOWLEDGEMENTS

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This publication was originally produced in 2002 by Santa Rosa County, in 2008 by Lake County, revised by Orange County in 2014, and revised by the Brevard Prevention Coalition in 2021. While every attempt has been made to include current, accurate information about the law, it is intended only as a guide. **Information included is not intended as an authoritative interpretation of the law. Readers should consult with law enforcement officials, the State Attorney's Office or an attorney for any specific questions about the law.**

## REMEMBER

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**It is your responsibility  
to know the law.**

**IGNORANCE  
DOES NOT  
EQUAL INNOCENCE!**

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# CRIME DEFINED

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## 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.

## Are All Crimes the Same?

No. There are three basic types of crimes.

1. **Infractions:** the least serious law violation. They can result in a loss of liberty or a fine (for example, you receive a traffic ticket and you must pay a fine or attend traffic school).
2. **Misdemeanors:** less serious than felonies. They can result in probation up until your 19th birthday or juvenile commitment (residential placement out of your home) for up to 1 year.
3. **Felonies:** the most serious crimes. They can result in juvenile commitment for more than 1 year.

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

# DIRECT FILE

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The state attorney in 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 or weapon-related felony. This can occur even if there is not a prior history.
- The juvenile is 16 years or older and has two prior misdemeanor or one prior felony adjudication.

# DNA SAMPLES

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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 exhaustive list):

- Sexual Battery
- Lewdness; Indecent Act/Exposure
- Aggravated Battery
- Carjacking
- Homicide/Murder/Manslaughter/Aggravated Manslaughter
- Burglary/Robbery/Sudden Snatching
- Kidnapping/False Imprisonment
- Any Forcible Felony (s.776.08) or Violent 3rd Degree Felony
- Aggravated Abuse (Child Abuse/Elderly Abuse)
- Stalking
- Battery on Law Enforcement Officer or School Staff
- Grand Theft or Dealing in Stolen Property

## PRINCIPAL THEORY

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- You do not have to be the primary or even the secondary participant in a crime to be equally guilty of the whole crime.
- You only have to help out in some small way (aid or abet). It's 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.

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

# ALCOHOL

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## **What is an Alcoholic Beverage?**

Any beverage containing more than 1% of alcohol by weight is an alcoholic beverage. Ethyl alcohol, the active ingredient in alcoholic drinks, acts as a depressant. There are four types of alcoholic beverages: beer, wine, fortified wine, and liquor. Each contains different amounts of alcohol.

## **How is Drinking Alcohol Dangerous?**

Drinking alcohol is dangerous for the following reasons:

- Impairs your ability to perform motor skills properly, such as driving a car.
- 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.
- Causes Fetal Alcohol Syndrome (FAS) in unborn children when pregnant mothers drink. FAS has been known to cause mental retardation.
- Underage drinking often leads to an alcohol use disorder later in life.

## **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 show proof of age. If you are under 21, no one can 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 under 18 years of age, you could face juvenile delinquency sanctions.**

**For your first violation, you could be fined up to \$500, confined for up to 60 days or receive 6 months probation.**

Anyone who sells or gives alcoholic beverages to a person under 21 or who lets the person drink alcoholic beverages in a bar, store, or home, is breaking the law. Florida law prohibits parents to authorize their children under 21 to possess or drink alcohol under their supervision.

## **Other Laws On Alcoholic Beverages**

- 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.

- An “alcohol vaporizing device” is any device, machine, or process which mixes spirits, liquor, or other alcohol products with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation. If you sell or offer to sell an alcohol vaporizing device you commit a first degree misdemeanor. If you have already been convicted with this offense in the past 5 years, and you commit another offense of this type, you then commit a third degree felony. Any person who violates this section by purchasing or using an alcohol vaporizing device commits a noncriminal violation with a fine of \$250.
- If you are drunk or under the influence of drugs in a public place or on a public conveyance, and cause a public disturbance you could be imprisoned up to sixty days.
- 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.

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

It is illegal to operate a vehicle under the influence of alcohol or drugs. DUI can be proven by a blood alcohol limit of .08 or higher or if your normal driving faculties are impaired. Impairment can be caused by alcohol, the combination of alcohol with other medications, or 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 for a minimum of 180 days, DUI School and Evaluation, ignition interlock devices, probation up to 1 year, 50 Hours of community service and increased insurance costs. Students may face disciplinary hearings and possible sanctions from their school. A DUI stays on your record for 75 years.

- The unlawful blood alcohol level for drivers under the age of 21 is .02% (the smallest amount to register on a breathalyzer test).
- By accepting and using a Florida Driver’s License, a person agrees to submit a

chemical or physical test of their blood or breath alcohol level and a urine test for drugs and other control 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 to as evidence against you. These tests can be administered without your consent if you severely injure someone or are unconscious. 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 or .02% or higher.

### **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 identification with an altered date of birth is a 2nd degree misdemeanor and you could be confined for up to 60 days. The penalty for possession or manufacturing a false identification is a 3rd degree felony and you could be confined up to 5 years.

**NOTE:** You cannot lend, borrow, or falsify a driver's license.

## **NARCOTICS / INHALANTS / PRESCRIPTIONS**

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### **Possession without Prescription**

Possession of a prescription medication without a prescription for that medication is a second degree misdemeanor. This includes antibiotics, headache medication, and stomach medication – anything given by 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, other psychotropic drugs, and/or certain painkillers such as Hydrocodone, OxyContin, or Percocet, without a prescription is a felony of the 3rd degree. For an adult, it is punishable by up to 5 years in prison and up to \$5,000 in fines. Valium and Xanax, including generic forms, are controlled substances.

Possession of any narcotic (marijuana or cocaine for example) listed in Florida Statutes section 893.03, or possession of alcohol by a person under 21 years of age, will result in

a suspension of your driving privilege for at least 6 months for a first offense. A second or subsequent offense requires a mandatory 2-year suspension of your driving privileges.

## **What is Drug Trafficking?**

Drug trafficking generally refers to the sale and distribution of prescription and illegal drugs. A person with the intention to sell, purchase, manufacture, deliver, or bring into Florida, or to actually or constructively possess, any controlled substances can be charged with a 1st degree felony including long terms of imprisonment and large fines. For adults, possession of 28 to 199 grams of Cocaine will result in up to \$50,000 in fines and up to 3 years in prison. Possession of 14 to 24 grams of Oxycodone will elicit up to a 7 year sentence and \$100,000 in fines.

**NOTE:** Giving one pill to someone is a 1st degree felony even if you receive nothing in return. As an adult, it carries a 3-year prison sentence.

**NOTE:** 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 a.m. and 12:00 midnight (even if you receive nothing in return). As an adult it carries a 3-year prison sentence.

## **What Are Dangerous Drugs?**

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

## **Inhalants**

Inhalants are volatile substances that produce chemical vapors that can be inhaled to induce a psychoactive, or mind-altering, effect. 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. This action is known as huffing.

## **What Are the Laws Regarding Narcotics and Dangerous Drugs?**

It is illegal and dangerous to:

- Sell counterfeit controlled substances.
- Make or use a false or changed prescription.
- 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.
- Possess, sell, transport, give away, offer, arrange, or negotiate to sell any controlled substance.
- 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.

## **Heroin**

Heroin is illegal in the state of Florida. Heroin is synthesized from morphine, a naturally occurring substance. Heroin usually appears as a white or brown powder or as a black sticky substance.

- Selling, purchasing, manufacturing, delivering, bringing heroin into the state of Florida, or possessing more than 4 grams, but less than 30 grams of heroin or 4 grams or more of any mixture containing heroin is a 1st degree felony known as trafficking in illegal drugs.
- Naloxone: Naloxone is a prescription medication that reverses opioid-related overdoses and can save lives. Naloxone is safe, acts quickly, has no potential for abuse and may be administered through a nasal spray or auto-injector to an unresponsive person. When administered to individuals under the influence of opioids (like Heroin), naloxone may produce symptoms of opioid withdrawal, and while rapid opioid withdrawal may be unpleasant, it is not life-threatening. Naloxone has no effect on non-opioid overdoses, such as those involving cocaine, benzodiazepines, and alcohol. When Naloxone is administered to an individual experiencing an overdose, they should still seek medical attention immediately. It may be necessary to call 9-1-1 or emergency medical services. Depending on the amount of opioids taken, the individual could return to a state of overdose even some time after being revived.
- Florida's Emergency Treatment and Recovery Act, signed into law by Governor Rick Scott

on June 10, 2015, allows authorized health care practitioners to prescribe and dispense, and pharmacists to dispense, naloxone to individuals at risk of witnessing or experiencing an opioid overdose. The law offers civil and criminal liability protections for prescribing, dispensing, possessing, storing, and administering naloxone.

- In 2016, the legislature adopted language to amend Florida's naloxone law. The amendment permits pharmacists to dispense naloxone under a non-patient specific standing order from authorized prescribers. This means that participating pharmacies with naloxone standing orders will be able to dispense naloxone to individuals who come into the pharmacy without an individual prescription in their name. The law went into effect in Florida on July 1, 2016.

## Marijuana

Marijuana is illegal in the state of Florida.

- Possession of 20 grams or less is a 1st degree misdemeanor.
- Possession of greater than 20 grams is a 3rd degree felony.
- Possession in excess of 25 lbs. is considered drug trafficking and is a 1st degree felony.
- Sale of marijuana is a felony.
- The possession of paraphernalia (such as pipes, bongs and rolling papers) is a misdemeanor.
- Any plea to a drug related offense requires suspension of the offender's driver's license for at least 6 months, but not longer than 2 years.

**NOTE:** 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), hydro cyanic acid (poison gas), acetaldehyde (solvent), and tar. It contains 50% more tar than a strong brand of tobacco cigarettes, which cause cancer.

## Synthetic Drugs

Synthetic Drugs are man-made chemically engineered controlled substances. For example K2, Spice, and Flakka are chemically-engineered substances. Bath Salts are another example, and are made to produce a meth-like high and sometimes violent behavior in users. The use of synthetic drugs can be fatal.

- It is a 3rd degree felony to purchase, possess, sell, manufacture, deliver, or possess with the intent to sell synthetic drugs.
- Possession of 3 grams or less is a 1st degree misdemeanor.

- Possession of more than 3 grams is a 3rd degree felony.
- Any person convicted of Possession of Synthetic Drugs will have their driver's license or driving privilege revoked for a minimum of 6 months.

## **Harmful Effects of Synthetic Drugs**

Synthetic drugs often mimic the effects of alcohol and marijuana and can impair basic motor skills. Adverse health effects associated with use include seizures, hallucinations, paranoid behavior, agitation, anxiety, nausea, vomiting, blurred vision, racing heartbeat, elevated blood pressure, and in some cases epileptic seizures.

## **Schools have a ZERO Tolerance for Alcohol and Drugs.**

Anyone who possesses, uses, transmits, sells, purchases, or is influenced by alcohol and/or drugs can be suspended or expelled from the school in addition to criminal intervention taking place.

# TOBACCO

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## **What Are the Laws about Tobacco?**

(FS569.11) If you are under the age of 21, the possession of tobacco (cigarettes, cigars, electronic cigarettes, nicotine dispensing devices) is against the law. It's also illegal to lie about your age in order to obtain tobacco or any nicotine dispensing device.

## **Consequences:**

- **First Violation:** 16 hours of community service or a \$25 fine and, in addition, the person must attend a school-approved anti-tobacco program, if available. All fines must be paid within 30 days of the citation being issued.
- **Second Violation:** If within 12 weeks of the first violation, a \$25 fine.
- **Additional Violations:** The penalty depends upon when the subsequent violation occurs. If it happens after 12 weeks, it is the same penalty as a first violation.
- Possession of tobacco by a minor on school property is means for suspension.

**NOTE:** In 2014, Florida legislation passed prohibitions on nicotine dispensing devices.

"Nicotine dispensing devices" is defined as any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, any similar device or product, any replacement cartridge, and any container of nicotine in a solution or other form for such devices or products.

The sale or giving of “nicotine products” and “nicotine dispensing devices” to minors under the age of 21 is prohibited and punishable as a 2nd degree misdemeanor, which is punishable by a term of imprisonment not exceeding 60 days and a fine not to exceed \$500.

## **Electronic Cigarettes**

- Contains addictive nicotine.
- Nicotine can harm brain development in young people and lead to addiction.
- Young people will be more at risk for developing a nicotine addiction later in life.

## **Hookah**

- A hookah is a long pipe that heats tobacco by charcoal. Smoke is then drawn through the water. Even after it has passed through water, the smoke from a hookah has high levels of carbon monoxide, metals, and cancer-causing chemicals.
- Usually smoked in group settings.
- Laws regulating hookah vary by state and often times by community.

## **What are the Harmful Effects of Hookah?**

- Hookah smoking shares many of the same health risks and diseases as cigarette smoking.
- Hookah smokers are exposed to the same amount of nicotine as a pack a day cigarette smoker.
- The charcoal in hookah creates higher carbon monoxide levels. Longer sessions means greater exposure to toxins.
- Increased risk for cardiovascular and communicable diseases.

## **Hookah versus Cigarette Tobacco**

- Hookah smoke is known to contain higher levels of arsenic, lead, and nickel.
- 36 times more tar in hookah compared to tobacco.
- 15 times more carbon monoxide in hookah compared to tobacco.

# **PARTIES**

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## **If You Host a Party or If You 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 social gathering at a residence where alcohol and/or drugs are served to an underage person.

- It is a 2nd 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 or dance hall.
- It is a 1st degree misdemeanor if a person allows underage drinking at a party for a second or subsequent time, or if the minor who consumed alcohol is killed or seriously injured, or contributes to the injury or death of another person.

# **WEAPONS / GUNS**

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## **What is a weapon?**

A deadly weapon is any object that can be used to cause death or serious injury (i.e. knife or firearm). If you possess a deadly weapon on school property, you may be charged with a felony and expelled from school. If you possess a weapon during the commission of a crime, the charge is escalated to a higher offense and the penalty becomes more severe.

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

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 the age of 16, you must be supervised by an adult acting with the consent of your parent or guardian.

## **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 of any kind without your parents' or guardians' permission and the supervision of an adult. No one can sell or transfer a firearm to you, unless they have your parents' or guardians' permission. Violating any of these laws commits a 3rd degree felony.



## **Consequences of Using a Weapon/Gun**

- Any student who brings a firearm or weapon to school or to any school function, or onto any school-sponsored transportation, will be expelled from school for at least 1 year, with or without continuing educational services, from the student's regular school. You will also be referred to the criminal justice or juvenile justice system.
- Even the least serious weapon-firearm offense can result in you spending up to 3 days in a secure juvenile detention facility for 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 15 days in the secure juvenile detention facility as well as other minimum/mandatory penalties.
- Crimes where a firearm is involved such as burglary, 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.
- If the court adjudicates you a delinquent 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.

## **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 2nd degree felony.

## **Can I carry a weapon just to threaten or scare someone?**

- It is unlawful to threaten anyone with a deadly weapon, even if it is unloaded or to carry such a weapon if you intend to harm anyone. If you threaten someone – place them in fear of harm, with or without a weapon – school officials may notify law enforcement, you may be suspended between 1 and 10 days and your parents or guardians may be notified.
- If you had the ability to carry out that threat and you placed others in fear by

making it, you may be arrested and charged with assault (§784.011, 784.021).

- Anyone who brandishes a firearm in a dangerous or threatening manner within 1,000 feet of a school zone may face a 3rd degree felony charge, which carries a maximum of 5 years of imprisonment and a \$5,000 fine.

## **10-20-LIFE**

If you are age 16 or 17 and use or possess a gun during the commission of a 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**

Or

**25 YEARS TO LIFE in adult prison if someone is shot and is injured or killed**

(10-20-Life Law Chapter 2000)

## **BOMB / ARSON THREATS**

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It is a 2nd degree felony for any person to threaten to throw, project, place or discharge a destructive device (a bomb) with intent to do bodily harm to any person or damage to any property.

If you throw a deadly missile, or projectile, 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.

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 2nd degree.

### **Schools have a ZERO Tolerance Policy for Arson, Bombs, and Weapons**

Anyone who burns or attempts to burn school property, or possesses or creates a bomb, can be suspended or expelled from the school in addition to criminal intervention taking place. The possession or use of a firearm on school property will result in mandatory expulsion. The use of any other type of weapon can result in suspension or expulsion of the student.

**NOTE:** Lighting paper towels and throwing them in a waste basket in the restroom at school causing damage can be charged as arson, a 1st degree felony.

**NOTE:** “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 2nd 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.

## PERSONAL CRIMES

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**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 3rd degree felony.
- If you use a weapon (even a pencil or pen) or seriously injure the victim, you may be charged with a 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 3rd degree felony (784.07).

**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.

**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.

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

# SEXUAL OFFENSES

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Sexual Offenses are defined as unlawful sexual intercourse, sexual contact, or unlawful behavior or conduct intended to result in sexual gratification and where the victim is incapable of giving consent. Some examples include:

- Sexual battery, which is sex, or penetration of another by any object, without a person's consent.
- Sex with a person who is not legally able to give consent (under the age of 18).
- A person 24 years of age or older having sexual intercourse with any person under the age of 18.
- 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 the breast of a female or the genital area of anyone or the unclothed breast of a female, or the unclothed genital area or buttocks of anyone, with any kind of sexual intent is a felony criminal 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 18 and participate, then both parties are guilty of the offense and can be so charged.

Sex with someone under the age of 12 is a capital felony and can result in mandatory life in prison.

**NOTE:** Not knowing the partner's age is NOT a defense!

## 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.

## Jimmy Ryce Involuntary Civil Commitment Act

The Jimmy Ryce Involuntary Civil Commitment Act allows for habitual sex offenders, who are deemed mentally ill, to be involuntarily and indefinitely committed to mental facility for treatment. This occurs after the offender has been previously convicted and served their criminal sentence(s) in jail.

## Most School Districts have a ZERO Tolerance Policy for School-Related Violence and Sexual Offenses

Anyone who commits an act of physical or sexual violence against another student or school district employee or contractor can be suspended or expelled from the school in addition to criminal intervention taking place.

# PROPERTY CRIMES

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**Criminal Mischief** occurs when you damage someone's property on purpose. If the damage is less than \$200, it is a misdemeanor of the 2nd degree. If damage is between \$200 and \$1,000, it is a 1st degree misdemeanor. If the damage is greater than \$1,000, it is a felony. You may be responsible for paying for the damages and have your driver's license suspended or revoked.

**NOTE:** "Egging" a car may damage the paint. A good paint job can easily exceed \$1,000 = FELONY!

**Grand Theft Auto (GTA)** includes stealing a car or driving a car stolen by someone else, and is a felony.

**NOTE:** 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 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 direction on where to go, etc.

**Burglary** occurs when you enter someone's house, storage shed, business, or vehicle without their permission, intending to commit another crime inside (such as, theft, criminal mischief, assault, or battery). Burglary of any kind is a felony.

**NOTE:** 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 armed burglary. The crime is treated just as if you had the weapon when you entered the vehicle or building. Armed burglary is a 1st degree felony punishable by life in prison. The stolen weapon could be a pocketknife, a box cutter, a baseball bat, a screwdriver, etc. It doesn't have to be a gun or a large knife.

**NOTE:** Entering an unlocked car to steal anything is a felony.

**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. This is also known as trafficking and is a felony.

- 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.

**NOTE:** There is no "finders keepers" law. If you find something of value, it must be turned in.

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

- Petit Theft means the item is worth less than \$300. If it is worth less than \$100, then the crime is a 2nd degree misdemeanor. If it is worth \$100 or more, but less than \$300, then it is a 1st degree misdemeanor.
- Grand Theft means the item is worth \$300 or more. This is a 3rd degree felony.

**NOTE:** You cannot "hold" stolen property. You need not be the one who stole it originally. Also, be aware of deals "too good to be true." They usually are.

## TRESPASSING

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**Trespassing** occurs when you willfully enter into any property, land, home, business, school, or structure without authorization OR you remain in any of the above after being asked to leave.

- Trespassing is a misdemeanor, unless you're armed with a deadly weapon. It then becomes a felony.
- If items or property are removed during the trespass, a theft has been committed.
- Trespassing on school property can result in suspension along with criminal actions.

**Trespassing on a Construction Site** occurs when someone enters a site without being authorized, licensed, or invited. The site must have special warning "designated construction site" and anyone who trespasses commits a felony.

**NOTE:** 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 3rd degree felony.

# CYBERBULLYING / THREATS

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Online bullying, called cyberbullying, happens when someone uses 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. Cyberbullying can also escalate to cyberstalking when things like harassment or substantial emotional distress are involved. Police are contacted if cyberbullying involves:

- Threats of violence / actual 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

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### What is a Computer Crime?

There are two types of computer crimes. Offenses against property and offenses against users. Some examples of these include the following:

**Threats** - 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 2nd degree felony.

**NOTE:** This includes any written threat in the form of a handwritten note, text message, e-mail, instant message, Facebook, Twitter 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.

**Child Sexual Abuse Material** - Possessing, or transmitting explicit sexual material involving a minor (under 18 years old) is a 3rd degree felony.

**Sexting** - Using a computer, or phone, to send and/or receive any nude or sexually explicit photos or videos to another. This can also be considered a form of cyber bullying. A minor can be charged with a 3rd degree felony.

**Piracy** - Reproducing, distributing and using software, images, videos, and/or music

without permission of the copyright owner can result in civil penalties up to \$150,000.

**Hacking.** Intentionally accessing a computer, a computer system, or computer network without authorization or exceeding authorized access is a 3rd degree felony.

## GANG ENHANCEMENT

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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.

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

## HATE CRIMES

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If the court finds that you committed a crime based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim, the penalty may be enhanced.

## FLEEING & ELUDING

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### What is Fleeing and Eluding?

Failure to stop your motor vehicle when law enforcement has directed you to do so constitutes fleeing and eluding. Penalties will increase depending on additional factors like lights and sirens being activated or causing injury or death.

- If you are convicted of fleeing or eluding your license will be revoked for 1 to 5 years.
- If you engage in a high speed chase or reckless driving, you commit a 2nd degree felony.
- If you continue at a low speed without attempt of apprehension you have committed a 3rd degree felony.
- If you stop at a law enforcement command and then drive off again you have committed a 3rd degree felony.

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



# ADDITIONAL CONSEQUENCES

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## Fees

- Crimes Compensation Trust Fund
- Crimes Prevention Fund
- Cost of Care
- Secure detention or residential commitment (up to \$5.00/day)
- Home detention or probation (\$1.00/day)
- Restitution
- Attorney's Fees

## DRIVING

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### **Driving Is a Privilege....Don't Lose It.**

Earning and keeping your driver's license is a responsibility, not only for yourself but also for the safety of others.

### **Driver's Education, a Continuing Education Process Starting With:**

- **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. Must keep their learners permit free of points for 12 consecutive months before applying for a full driver's license.
- **16 years old** - Must pass a vision and hearing test, hold a permit for 12 months, and log 50 hours of practice driving. 10 of those hours must be at night to apply for a full driver's license (Operators License-Class E). Driving is 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 front passenger seat, or you must be traveling to or from work.
- **17 years old** - Driving alone is allowed anytime EXCEPT between the hours of 1:00 a.m. and 5:00 a.m., unless traveling to or from work. You can also drive after curfew if you have a licensed driver who is 21 or older in the front seat.

## 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.

## Traffic Conviction While on a Learner's License

If you receive a moving traffic conviction while you have a Learner's License, the 1-year period you are required to hold your Learner's License will be extended for 1 year from the date of the convictions or until you are 18 years old, whichever happens first.

**Note:** It is unlawful for a person to run a red light. Many intersections have Red Light Cameras instead of patrol officers. Running a red light with a camera can cost money and points to be applied to your driver's license.

**Note:** It is unlawful for a person to not yield to pedestrian traffic in intersections. Failing to yield to pedestrians can result in a traffic citation.

## Texting While Driving

A person may not operate a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device, such as texting, e-mailing, and instant messaging. Any person who is texting while driving commits a noncriminal traffic infraction, punishable as a nonmoving violation.

## The Move over Law Applies to Emergency Vehicles with Their Lights or Siren

- 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 **5 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.

- Effective July 1st, 2014, the law was changed to include sanitation vehicles and utility service vehicles.

**Note:** It is unlawful for a person under 18 years of age to ride in the back of a pickup truck unless it has been modified to contain secured seating and safety restraints.

## License Suspension/Revocation

Some charges which result in revoking of driving privileges include:

- Drugs
- Alcohol
- Graffiti
- Racing
- Theft/shoplifting
- **School Truancy** - Florida law requires each school principal or designee to notify the district school board of each minor student accumulating 10 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 18 years of age is convicted of possession of tobacco, his or her license will be revoked for a minimum of 30 days.
- **Blood Alcohol Level** - As mentioned before, if a teen driver has a blood alcohol level of .02% or more (applies to those under age 21), it will result in an administrative suspension of 6 months to 1 year.

# FUTURE CONSEQUENCES

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How can arrest and/or a conviction affect your future?

## Armed Forces

- **Conduct (Moral) Waiver** - A waiver allows a recruit to enter the Armed Forces who is in 1 or more of a list of otherwise disqualifying situations.
- **No military branches** will give waivers to individuals convicted of domestic violence

due to the Domestic Violence Offender Gun Ban which bans access to firearms by people convicted of misdemeanor domestic violence offenses.

- 1. United States Marine Corps** - Any misdemeanor or felony requires a waiver which can result in limited Military Occupational Specialty options also affecting salary. Waivers are required for 5 or more minor traffic offenses; 2 or more serious traffic offenses; 2 or more Class 1 minor non-traffic offenses; 2 or more Class 2 minor non-traffic offenses; 2 or more serious offenses; 1 felony. Individuals with 10 or more minor traffic offenses, 6 or more serious traffic offenses, 10 or more Class 2 minor non-traffic offenses, 6 or more serious non-traffic offenses, or more than 1 felony are NOT eligible for a waiver.
- 2. ARMY** - All felonies require a waiver which can result in limited Military Occupational Specialty options. Individuals under civil restraint including parole, confinement, or probation are not eligible for waivers. Individuals subject to civil court conviction or adverse disposition for more than 1 serious offense, or serious offenses with 3 or more other offenses (apart from traffic) will not be eligible for a waiver. Anyone found trafficking, selling, or distributing narcotics, including marijuana, is NOT eligible for a waiver. Anyone with 3 or more convictions related to driving while intoxicated, drugged, or impaired in the past 5 years prior to application will NOT be eligible. Anyone convicted for 5 or more misdemeanors is NOT eligible. Individuals who are unable to pass a drug or alcohol test or anyone with charges pending will NOT be eligible for a waiver.
- 3. NATIONAL GUARD** - Waivers are required for all misdemeanors. No sex crimes, drug related offenses or felonies will be eligible for waivers. Misconduct offenses pose serious questions as to an applicant's fitness for service, as do an excessive number of minor traffic or non-traffic offenses.
- 4. NAVY** - All felonies require a waiver. More than 4 misdemeanor charges or convictions also require a waiver. More than 8 misdemeanors, more than 1 felony, or any sex crime related offenses are NOT eligible for a waiver. A combination of 1 major misconduct and 3 or more additional offenses, other than traffic violations, are NOT eligible for a waiver.
- 5. AIR FORCE** - No felonies are accepted. 2 convictions or adverse adjudications during the past 3 years or 3 or more convictions in a lifetime for any of their listed offenses is disqualifying for entry into the Air Force. The waiver approval authority is the recruiting squadron commander. All misdemeanors require a waiver. If committed as a minor it is possible to be granted an exception to apply for a waiver depending on the seriousness of the offense.

## **Valencia Community College**

All applications are considered on an individual basis.

Fire Institute: All applicants agree to a criminal background check. Applicants with significant misdemeanor or felony convictions are not accepted.

Criminal Justice Institute: All applicants agree to a criminal background check. Applicants with any misdemeanor or felony convictions are not accepted.

## **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 South Florida**

Applicants who indicate “yes” to the prior misconduct and/or criminal history questions on their application are referred to Student Conduct and Ethical Development (SCED) for Prior Conduct Review (PCR). Upon receipt of the required information, SCED will complete the PCR and make a recommendation back to the admissions team. The PCR Recommendation will indicate one of three possible recommendations: recommended for admission, recommended for admission with conditions, not recommended for admission.

## **University of Florida**

Each student is evaluated on an individual basis. If there are discipline questions, the Office of Admissions sends the application to Student Conduct and Conflict Resolution for review. For most minor incidents, staff in Student Conduct will clear a student's application and return it to admissions for regular admissions review. Any official court documents and police reports must be submitted. The University may refuse to admit an applicant because of past misconduct.

## **Florida State University**

Questions regarding discipline referred to 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.

## **University of Central Florida**

Applicants with offenses ranging from minor to major offenses may be accepted, depending on the nature and circumstances. The Office of Undergraduate Admissions,

College of Graduate Studies, or the Registrar's Office forwards applications that indicate pending or past criminal charges or educational disciplinary histories to the Office of Student Rights & Responsibilities (OSRR) for review and recommendation through the Admissions Clearance Process. If the application is approved, the OSRR will make a recommendation to the Admissions Office who then makes the final decision. If it is later discovered that a criminal history was withheld the applicant can be charged with providing false information and suspended or expelled from the University.

## **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 and provide all official documentation of the event. The application is then reviewed on a case by case basis.

## **College**

All applications are reviewed on an individual basis based on the seriousness of the offense, the final decision is made by the Office of Admissions.

## **Scholarships and Financial Aid**

Students with any criminal convictions, but especially sex or drug offenses, have limited eligibility for federal student aid and may be denied scholarships, loans, or grants.

**Note:** Students that have been convicted of a felony offense as an adult or juvenile may lose their eligibility for a Bright Futures Scholarship.

## **Licensed Professions**

Any licensed profession such as barber, cosmetologist, and bartender are reviewed on a case by case basis by the licensing board. Depending on the profession a person may be denied employment by the state, any of its agencies or political subdivisions, or any municipality by reason of the prior conviction for a crime if the crime was a felony or 1st degree misdemeanor and directly related to the position of employment sought.



*A Collaborative Project of*  
**CENTRAL FLORIDA SUBSTANCE  
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