

KNOW *the* LAW

A Guide for Youth and Parents

MONROE COUNTY
COALITION ★ COM

SAFE AND DRUG FREE
PARTNERSHIPS OF MONROE

A MESSAGE FOR OUR YOUTH

This guide is being provided for you by Monroe County Coalition, the Monroe County Sheriff's Office, the Key West Police Department and the State Attorney's Office in hope that it will become a valuable tool for you and your parents or guardians. It is designed to help you know and understand the laws and their consequences as they apply to you. When making decisions about your behavior, you should always take the time to consider the law and weigh the consequences before you act. "Ignorance of the law" is never an acceptable excuse for bad behavior.

An educated member of the community is our best partner and this booklet is part of the conversation regarding the challenges our community faces in ensuring your safety. Remember, that as a member of our society you also have rights, responsibilities and privileges which are established by law. It is important that you know those too. In order to become a productive, successful part of your community you must understand that your actions now will have a great impact on your future. Your friends and family are not responsible for your behavior, that responsibility is yours alone.

Additionally, we want to remind you that the law is complex and the information provided here is only a guide. Specific questions should be referred to law enforcement officials or an attorney. We are confident that Monroe County has a large contingent of responsible, mature youth and we wish each of you well as you develop your future.



Rick Ramsay
Sheriff of Monroe County

Donald J. Lee, Jr.
Chief of Police

Catherine Vogel
State Attorney

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And especially the community members, parents and youth of Monroe County, who this booklet was designed to serve and inform.

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“We are privileged to live in a society which places great value on freedom and individual rights. In order to protect individual liberties, personal safety, and the security of homes and property, our society has developed a strong and effective justice system. Juveniles as well as adults are responsible for obeying the law. If you break the law, you can face severe penalties, which can include being deprived of your freedom and many of your precious rights. Always remember that freedom and responsibility go hand in hand.”

*Honorable Judge Mark Jones
16th Judicial Circuit*

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.

NOTE: *You will 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.

NOTE: *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 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 felony.
- The juvenile is 16 years or older and charged with a felony. This can occur even if there is not a prior history.



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

PRINCIPAL THEORY

- 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

What Is an Alcoholic Beverage?

Any drink that has at least one half (1/2) of one (1) percent alcohol 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:

- 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.

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

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 2nd degree misdemeanor with imprisonment for up to 60 days. The penalty for possessing or manufacturing a false identification is a 3rd degree felony with imprisonment up to 5 years.

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.

Special 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 for that medication is a second degree misdemeanor. This would include antibiotics, headache medication, and stomach medication — everything 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 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.

NOTE: *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.*

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 AM and 12:00 midnight (even if you receive nothing in return). As an adult it carries a thirty (30) year maximum prison sentence.*

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 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)
- Narcotics (Heroin, Opium, Morphine, Methadone)
- Marijuana
- Club Drugs (GHB, Ecstasy)
- Synthetic Drugs (K2, Bath Salts, Steroids)
- 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.

What Are the 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

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.
- 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 six (6) months, but not longer than two (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 (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.



- It is a third degree felony to purchase them, 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.

WHAT IF?: 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

What Are the Laws about Tobacco?

If you are under the age of 18, it is against the law to do the following:

- Possess tobacco.
- Sell or give away any tobacco product to minors under the age of 18.

First Violation: court fines or 16 hours of community service hours 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 If You Go to a Party

These activities may be considered disturbing the peace:

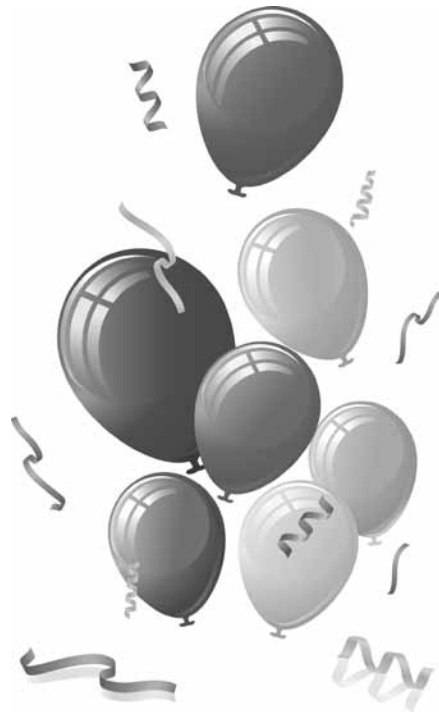
- Excessive rowdiness
- Fighting
- Loud music

Open House Parties

An open house party is a 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?

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 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.

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. 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 2nd degree felony.

Other Weapons

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

If you possess a weapon on school property, you may be charged with a felony and expelled from school.

NOTE: *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 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 seriously injured or killed.

BOMB/ARSON THREATS

It is a 2nd 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.

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

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 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 felony.

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

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.

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.

WHAT IF?: 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 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).
- Sex with a person who is not legally able to give consent (under the age of 16).
- It is unlawful for a person 16 years of age or older to have sexual intercourse with a person under the age of 16.
- Similarly, it is unlawful for a person 24 years of age or older to have 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 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 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 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.

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.
- To encourage a person under the age of 16 to touch you in a lewd or lascivious (inappropriate or sexual) manner.
- To use an Internet service, like MySpace or Facebook, to seduce or lure, or even to attempt to lure, a person under the age of 18, to engage in sexual intercourse.

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.

Sexting

A MINOR commits the offense of sexting if he or she knowingly uses a computer, or any other 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.

Consequences:

- 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.
- 2nd Offense – Misdemeanor (arrest-able offense.)
- 3rd Offense – Felony Crime

NOTE: *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's property on purpose. If the damage is greater than \$1,000, it is a felony.

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.

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 directions on where to go, etc.

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.

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.

- 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: 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.

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.

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.

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



TRESPASSING ON A CONSTRUCTION SITE

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.

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 means systematically and chronically inflicting hurt or psychological distress on one or more students or employees. School personnel must notify the parents of both the student who is bullying and the target.

Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, 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; and may involve but is not limited to:

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

Cyberbullying

Online bullying, called cyber bullying, 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. Cyber bullying can range from rude comments to lies, impersonations, posting unauthorized pictures, and threats. Police are contacted if cyber bullying 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.

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

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.

MENTAL HEALTH

Florida Mental Health Act – Baker Act:

The "Baker Act" also known as the Florida Mental Health Act of 1971 or officially as Chapter 394 of the Florida Statute which 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.

Marchman Act:

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 includes: 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.



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 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.

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

HATE CRIMES

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.

VIOLENT FELONIES

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

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.

ADDITIONAL CONSEQUENCES

- **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:

 - Drugs
 - Alcohol
 - Graffiti
- **Diversion Programs** – vary from county to county. Please contact local Department of Juvenile Justice Office for specific programs. Programs may include:
 - Teen Court
 - CINS/FINS
 - Civil Citation
 - Neighborhood Accountability Board

DRIVING

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 is 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.
- 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.

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 18 years of age is convicted of possession of tobacco, his or her license will be revoked from six months to one year.

The Move Over Law Applies to Emergency Vehicles With Their Lights or Siren Engaged. As a Driver:

- 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.

FUTURE CONSEQUENCES

How an arrest and/or a conviction can affect your future.

ARMED FORCES:

1. **USMC:** Any misdemeanor or felony requires a waiver which can result in limited MOS options also affecting salary.
2. **ARMY:** 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.
3. **NATIONAL GUARD:** Same as Army.
4. **NAVY:** All felonies require a waiver. More than 6 misdemeanor charges or convictions also require a waiver.
5. **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.

Florida Keys Community College: FKCC does not require a background check or disclosure of any criminal history as part of the admission process into the college. Certain programs such as Criminal Justice and nursing require criminal background checks and will not admit applicants with a criminal history. Additionally, applicants for housing must disclose any criminal history and may be subject to a background check as well.

Criminal Justice: Any person who, after July 1, 1981, pleads guilty or nolo contendere to, or is found guilty of a felony, or of a misdemeanor involving perjury or a false statement, shall not be eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication.

Nursing: The following is State law effective July 1, 2009:

Health care boards or the Department of Health shall refuse to issue a license, certificate, or registration and shall refuse to admit a candidate for examination if the candidate has been:

1. Convicted or pleaded guilty or nolo contendere to a felony violation regardless of adjudication... unless the sentence or any probation or pleas ended more than 15 years prior to the application.
2. Terminated for cause from the Florida Medicaid Program unless the applicant has been in good standing for the most recent 5 years.
3. Terminated for cause by any other State Medicaid Program or the Medicare Program unless the termination was at least 20 years prior to the date of application and the applicant has been in good standing within the most recent 5 years.

University of Miami: Each student 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: Depending on circumstances, 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.

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 Florida: Each student 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 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 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.

Florida International University: If an applicant has been convicted and/or has charges pending, they are required to provide a written explanation of the event. In addition, they may be required to furnish FIU with copies of all official documentation explaining the final disposition of the proceedings. An applicant does need to disclose information about minor traffic violations. However, they must disclose information if the traffic offense involved illegal drugs or alcohol or if any person was killed or hospitalized as a result of an accident in which the applicant was charged for a traffic violation. An applicant does not need to disclose information regarding any criminal offense record which has been expunged according to applicable law. However, an applicant must disclose information if charges were dropped or not prosecuted because they were granted any type of pretrial diversion.

Florida Atlantic University: Applicants must disclose and explain any past misconduct. Each application is reviewed on its individual merits. University reserves the right to deny admission based on past conduct that may adversely affect the University community.

The College of Nursing requires a background check for all applicants. The Advisory Panel of the College considers each situation individually and can deny admission or dismiss students based on the results of the background check.

Miami-Dade College: All Medical Campus, Health Science, and School of Education students must submit to a background check. Nursing students must complete both the DCF and FDLE background checks. Students with a criminal background will not be able to obtain the Level II clearance required to complete required clinical experience hours.

New College of Florida: New College applicants must complete the Common App, which includes questions about the applicant's criminal history. While each case is considered individually, applicants can be denied admission based on the answers to these questions.

Florida Gulf Coast University: Applicants must disclose and explain any past misdemeanor or felony charges which resulted in, or, if still pending could result in, probation, community service, restitution, a jail sentence, or the revocation or suspension of his or her driver's license. Any past misconduct could result in the denial of admission.

Nova Southeastern University: Applicants must complete the Common App, which contains questions concerning the applicant's criminal history. Any criminal history can be cause for the denial of admission. Applicants to the College of Healthcare Science must authorize the University to complete a background check, the results of which could be used to deny an applicant admission.

Stetson University: The University's application includes questions about past misdemeanor or felony convictions. Applicants must also complete the Common App, which includes similar questions. Cases are considered individually, but a criminal history can be the basis for a denial of admission.

RESOURCES

Emergencies DIAL	911
Monroe County Law Enforcement:	
Monroe County Sheriff's Office.....	(305) 292-7000
Key Colony Beach Police Department	(305) 289-1212
Key West Police Department.....	(305) 809-1111
Florida Highway Patrol.....	(305) 289-2383
Help Line of the Florida Keys.....	
Domestic Abuse Shelter.....	(305) 296-4357
Lower Keys Medical Center	(305) 743-4440
Fisherman's Hospital	(305) 294-5531
Mariner's Hospital.....	(305) 743-5533
Monroe County Health Department.....	(305) 434-3000
Monroe County School Board Administration	(305) 293-7500
Monroe County State Attorney's Office	(305) 293-1400
Guidance/Care-Center, Inc.	(305) 292-3400
Suicide Prevention	(305) 434-7660
National Suicide Prevention Lifeline – Call 24/7	(305) 743-4445
24-Hour HELpline:.....	1-800-273-8255
	(305) 358-4357 or 211 TTY: (305) 644-9449
Rural Health Network of Monroe County	
Marathon – Dental	(305) 517-6613, ext. 312
Key West – Dental.....	(305) 517-6613, Ext. 307 & 308
Key West – Medical.....	(305) 517-6613, ext. 340 & 341
Key West – Medical (Woman's Health Center)	(305) 517-6613, ext. 320 & 321
Agency for Persons with Disabilities (APD)	(305) 349-1478
Hotline to report underage drinking to:	
Monroe County Sheriff's Office	(305) 289-2351
Key West Police Department	(305) 809-1000
CRIME STOPPERS – Miami & Florida Keys	(305) 471-TIPS
Department of Juvenile Justice	
Key West	(305) 292-6787
Islamorada	(305) 664-0662
Marathon	(305) 289-3726
Department of Motor Vehicles	
Key West.....	(305) 295-5010
Big Pine Key	(305) 872-3653
Marathon	(305) 289-2306
Plantation Key	(305) 852-7150
Key Largo.....	(305) 853-3562
Florida Keys Alcoholics Anonymous	(305) 296-8654
Florida Keys Al-Anon	(305) 295-8886
Monroe County Coalition.....	(305) 849-5929

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**South Florida
Behavioral
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