

2nd Edition © 2023

KNOW *the* LAW



An evidence-based curriculum for discussing laws and regulations with middle school and high school students.



Community
Coalition
Alliance



Community Coalition Alliance

The Northeast Region is comprised of 23 counties across 5 circuits:

Through ongoing support and funding, LSF Health Systems provides CCA the opportunity to contract with fifteen (15) community coalitions across the Northeast Region of Florida to implement community-based prevention strategies, provide technical assistance, and work to identify behavioral health priority areas through systematic data collection efforts.



Our Mission

To serve as the collective voice of community coalitions in the State of Florida while valuing the unique identity of each member of the alliance.

Our Vision

A state that is transformed community by community that provides all our residents a healthy, safe environment in which they can thrive.



Community Coalition
Alliance

Making our Florida Communities...

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KNOW *the* LAW



Community
Coalition
Alliance



HEALTH
SYSTEMS



Foreword

The Community Coalition Alliance (CCA) was established in 2008 to serve as a collective voice of community coalitions working towards substance abuse prevention for the health and wellness of all Floridians. By uniting coalitions across various communities – rural and urban, similar and different – this alliance provides opportunities to leverage efforts and ideas that will positively impact thousands of Floridians.

In 2020, as we faced the pandemic and other civil unrest in our communities, our coalitions and partners continued to work around the clock, adapting to new protocols while continuing prevention efforts. During this timeframe, there were a total of 1,524 drug overdose deaths and 10,109 non-fatal overdose emergency department visits with 6,292 drug related hospitalizations. In addition, the Juvenile Drug Arrests was 78.7%, meaning that almost 80,000 Florida youth were arrested for crimes. While not all of these crimes were drug-related, it is a widely known fact that substances and youth delinquency often travel together, and that a reduction in one can result in a reduction of the other.

As we became aware of these alarming statistics, we increased our efforts to reduce substance abuse, co-occurring risky activities, and the resulting negative consequences of both. Through exemplary work and dedication, the CCA, state partners, local coalitions, and their community partners served 500,000 youth and adults in 2020/2021 in mostly local efforts, defined as campaigns and strategies.

This Know the Law program is one of those strategies*. Research shows that an understanding of consequences reduces youth engagement in illegal activities and this evidence-based curriculum provides that understanding. We also recommend this program for parents, so that they can understand the potential consequence of some of their own choices (i.e., allowing underage drinking in their homes).

For more information about this program or other community-based substance abuse prevention strategies, please contact your local coalition which is listed in the back of this book.

* <https://strategiesforyouth.org/>



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Crime Defined



What is a Crime?

Laws govern the way individuals should behave. Some laws are civil, such as speed limits. Breaking these laws can result in penalties, such as a fine or suspension of your driver's license. An infraction is a violation or infringement of a law, agreement, or set of rules. However, some laws are criminal and the penalty for breaking them can result in being sent to jail or prison. When we say that a "crime has been committed" we are talking about criminal laws being violated.

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 of incarceration in a prison.
2. Misdemeanors are less serious than felonies. They can result in probation until your 19th birthday and/or jail time 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 detention facility.

In no case can a juvenile be sentenced or committed to more time in jail or prison than an adult would serve for the same crime.



When a juvenile is charged as an adult, it is called Direct File. The state attorney can, at their discretion, charge a juvenile as an adult 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 the lawbreaker has no prior criminal record.

Principal Theory

Principal in the First Degree

Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures (helps) 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.



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



Alcohol

What is an Alcoholic Beverage?

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

How is Drinking Alcohol Dangerous?

Ethyl alcohol, the active ingredient in alcoholic drinks, acts as a depressant. Consuming excessive amounts of 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 developmental disabilities.

CONSUMING ALCOHOL IN THE
TEEN YEARS IS DANGEROUS
BECAUSE IT CAN BE VERY
ADDICTIVE. 90% OF ADDICTIONS
START IN THE TEEN YEARS.

When Can I Purchase or Drink an Alcoholic Beverage?

In every state (including Florida) the legal drinking age is 21 years old.

Although you cannot drink alcohol at 18 years old, you can serve alcohol in a restaurant or bar. Generally, an 18-year-old can also sell beer and wine in a store or other places where the alcohol cannot be consumed on the premises. Employees must be 21 years old to transport, sell, or handle liquor.

People must be 21 or older to buy alcohol. A first offense violating this law is a crime and can result in jail for 60 days and a fine of \$500. A second offense can lead to jail for up to one year and a \$1,000 fine.

Using a fake ID to buy alcohol can result in a fine of up to \$5,000 and imprisonment for up to 5 years. In addition, lending an ID for the

purpose of buying alcohol illegally will also result in a minimum penalty of 60 days and \$500, sometimes more. The state where you live also has the right to suspend both people's licenses for at least 1 year.

When someone attempts to buy an alcoholic beverage in a store or a bar, they will be asked to provide ID verifying they are 21 or older. If the vendor sells a customer an alcoholic beverage without verifying their age, he/she can be charged with a crime. Retailers may be fined up to \$500 and are subject to a prison sentence of up to 60 days.

Florida alcohol laws permit beer and wine sales in alcohol-licensed retail stores. This includes grocery stores and convenience gas stations. However, only a package store may sell spirits. (Spirits/liquor include types of tequila, rum, whiskey, gin, or several types of vodka, etc.)



OTHER LAWS ON

Alcoholic Beverages

The Florida Open Container Statute 316.1936

An “open container” is any alcoholic beverage where the seal is broken, or the drink is otherwise immediately ready to be consumed. Most alcoholic drinks are going to count as an “open container.” Beers in bottles or cans, mixed drinks in a cup, and alcoholic beverages in a flask are all considered open containers.

For the passenger, the law says that, “an open container shall be considered to be in the possession of a passenger of a vehicle if the container is in the physical control of the passenger.”

If someone is charged with an open container offense, depending on the details of the situation, they may be charged with a misdemeanor and incur a fine, which will vary depending on the situation.

Disorderly Intoxication Statute 856.011

It’s illegal to be intoxicated in public. It is also illegal to consume alcoholic beverages in public. These activities are illegal even if you are over the age of 21. It is also illegal to cause a disturbance in public and threaten the safety of peoples property while intoxicated. This is considered “Disorderly Intoxication”.

School Discipline

If a student possesses, drinks, sells, or gives alcoholic beverages to any person in or at any public school or on school grounds, they 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. Both of these activities are against the law. The penalty for using an identification with an altered date of birth is a second-degree misdemeanor with up to a \$500 fine and imprisonment for up to 60 days. The penalty for possessing or manufacturing a false identification is a third-degree felony with up to \$5,000 in fines and imprisonment up to 5 years.

OTHER LAWS ON

Alcoholic Beverages

Driving While Intoxicated (DWI)

It is illegal to operate a vehicle under the influence of alcohol or drugs. DWI can result in hefty fines depending on the state, whether it was the person's first offense, and how much they have consumed. With that in mind, let's look at Florida's alcohol laws regarding driving:

- The legal "Blood Alcohol Content" limit (BAC) is .08 for drivers over 21 years of age to allow for responsible consummation of small amounts of alcohol by adults without resulting in impairment. This allowance does not apply to drivers under the age of 21 since consuming any alcohol under the age of 21 is not legal. DWI penalties include community service, fines, or even prison. If a driver is found to have a BAC that is 20% or more over the limit, they will face even more serious consequences.
- Impairment can be caused by alcohol, alcohol in combination with other medications, legal and illegal drugs.
- Penalties for DWI include arrests, court costs and fines (a court case can cost up to \$6,000), impoundment, license revocation of six months to a year, DWI School and Evaluation, ignition interlock device, probation of up to a year, 50 hours of community service and increased insurance costs.
- A DWI stays on your record for 75 years.

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 a person refuses, their license will be suspended for one year, and the refusal can be used as evidence against them. Because of implied consent, those tests can be administered without your consent if you severely injure someone or are unconscious.



Narcotics, Inhalants & Prescriptions

Possession Without Prescription / Controlled Substances

Florida Statute 893.13 (6)
(a) & Florida Statutes
section 893.03

It is unlawful for anyone to possess a controlled substance unless it was lawfully obtained from a medical practitioner pursuant to a valid prescription or order of the medical practitioner during their professional practice.

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

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

Giving someone one pill of a controlled substance is a serious felony with greater penalties if it happens 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 it is not a “sale” and nothing is received in return). For adults, this it carries a thirty (30) year maximum prison sentence.

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

What Are Some Dangerous Drugs?

- Methamphetamines (Crystal Meth)
- Cocaine (Powder, Crack or Rock)
- Hallucinogen (LSD, Mushrooms, PCP)
- Synthetic Drugs (K2, Bath Salts, Steroids)
- Narcotics (Heroin, Opium, Morphine, Methadone)
- Benzodiazepines (Valium, Xanax, Klonopin)
- Marijuana
- Club Drugs (GHB, Ecstasy)
- Prescription drugs used illegally or legally but causing impairment to driving abilities. These type of prescription drugs usually have warning labels.





Inhalants

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



Laws Regarding Narcotics and Dangerous Drugs

It is illegal and dangerous to:

- Sell counterfeit-controlled substances.
- Possess, sell, transport, give away, offer, arrange, or negotiate to sell any controlled substance.
- Ingest (or eat) or possess with intent to ingest nitrous oxide.
- Drive on the highway or road while under the influence of drugs.
- Possess anything used to ingest (or eat) 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

Recreational Marijuana is illegal in the state of Florida as of the date of this publication. In the absence of a valid medical marijuana card issued by a Florida physician for a medical condition being used by the person to whom it is issued, the following laws apply:

- Possession of 20 grams or less is a first-degree misdemeanor.
- Possession of greater than 20 grams is a third-degree felony.
- Sale of marijuana is a felony.
- The legal age to purchase rolling papers is 21 years old. Possession of pipes/bongs are illegal for persons under the age of 18.

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

K2, Spice, and Synthetics

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

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

Tobacco & Vaping

Tobacco Laws

It is against the law for anyone under 21 to possess tobacco. It is also illegal to sell or give any tobacco product to anyone under the age of 21.

- First Violation: Court fines or 16 hours of community service and complete a mandatory tobacco class. The fine must be paid within 30 days of the citation being written.
- Second Violation (within 12 weeks of first violation): Additional court fines.
- Third Violation (within 12 weeks of first violation): Driver's license is withheld, suspended, or revoked.

Vaping Laws

- Effective October 1, 2021, possession of nicotine dispensing devices or nicotine products by persons under age 21 are prohibited. It is also illegal to sell or give any nicotine dispensing device to anyone under the age of 21.
- First Violation: \$25 fine or 16 hours of community service. In addition, offender must attend mandatory tobacco or nicotine class.
- Second Violation (within 12 weeks of first): For a second or subsequent violation within 12 weeks after the first violation, a \$25 fine.





Parties

Parties resulting in 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?

With very few exceptions (mentioned below*), Florida prohibits a person under age 18 from possessing a firearm.

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

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



A person under the age of 18 cannot do any of the following:

- Carry a loaded or unloaded firearm of any kind in their person, 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 their home, *unless engaging in a hunting or lawful marksmanship competition and is 16 years of age or older. Those under the age of 16 must be supervised by an adult acting with the consent of their parent or guardian.

If the court finds a person guilty of a felony act, they may not possess a firearm until the age of 24. If a person is convicted of an offense that involves the possession or use of a firearm, law enforcement agencies may release that person's name for publication, even if that person is a child.

Can Someone Give a Minor A Gun?

If you are under the age of 18, it is illegal for anyone to give, sell or transfer to you an air gun, a gas-operated gun, or a firearm without your parents' or guardians' permission. Recent changes have made it illegal for anyone to give a firearm to a person who is under the age of 21.

- Even the least serious weapon-firearm offense can result in the offender spending up to twenty-one (21) days in a secure juvenile detention facility. This is true even for first-time offenders.
- If an offender is 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 they are not committed to a juvenile delinquency program, they 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 the offender could be prosecuted as an adult.
- Murder can result in an indictment to adult court.

Where Can a Person Shoot or not Shoot?

Shooting is not permitted in most areas. Individuals must check with county law enforcement to find out where owner permission is needed and where firearms can be shot. However, no matter where a person is, firearms cannot be shot:

- In any public place, or from or over a public road or highway.
- At, within, or into any building, or at, within, or into any occupied vehicle, vessel, train, or aircraft. This can result in a second-degree felony.



Other Weapons

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

Any person who exhibits any sword, sword cane, firearm, electronic weapon or device, destructive device, or other weapon in the presence of one or more persons in a rude, careless, angry, or threatening manner, and not in lawful self-defense, at a school sponsored event or on the grounds of a school, school bus, or a school bus stop is committing a third-degree felony.

Bomb & Arson Threats



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

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

Against People

01

Battery (Chap. 784). Florida Statute 784.03

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

Battery is a misdemeanor. If someone commits battery against a person in their house, a judge may place you in secure detention for Domestic Violence. If a person commits a second, repeated battery, they can be charged with a third degree felony. If they use a weapon (even a pencil or pen) or seriously injure the victim, then the crime is categorized as an 'Aggravated' battery and they may be charged with a second-degree felony. If they 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, then the battery is a felony. The consequences for these crimes are as follows:

- Simple battery (no weapon). First degree misdemeanor, possible sentence of imprisonment of up to a year and a fine up to \$1,000.
- Felony battery (no weapon). Third degree felony, possible sentence of up to 5 years and a fine up to \$5,000.
- Aggravated battery (involves a weapon). Second degree felony, possible sentence of up to 15 years and a fine up to \$10,000.

02

Assault Florida Statute 784.011

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 threatened. If a weapon is involved, the person in possession may be charged with aggravated assault, which is a felony. The consequences for these crimes are as follows:

- Simple assault (no weapon). Second degree misdemeanor, 60 days imprisonment and a fine of \$500.
- Aggravated assault (involves a weapon). Third degree felony, up to 5 years imprisonment and a fine of \$5,000.

Against People

03

Stalking

To stalk someone means to maliciously and repeatedly follow, harass, or cyber-stalk 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.

04

Affray

An 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.

05

Barwick-Ruschak Act

Created in 2008, “Barwick-Ruschak Act” expands the definition of domestic violence to include victims in dating relationships and not just people who are married or related by blood.

“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.

Property Crimes



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

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

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

Grand Theft Auto (GTA) includes stealing a car OR driving a car stolen by someone else. It is a crime to be in a car known or reasonably known to be stolen. This is true even though the occupant had nothing to do with the theft. It is called trespass to a conveyance. If a person does anything to help the original thief or the driver, said person will become a principal to the theft. Help could be pumping gas or giving directions to the driver.

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

Armed Burglary occurs when a person enters a motor vehicle or building of any type, even if it is not occupied, and steals anything that could be construed as a weapon, the law says that said person has committed an armed burglary. This crime is treated just as if s/he had the weapon after entering the vehicle or building. Armed burglary is a first-degree felony punishable by life in prison. The stolen weapon could be a pocketknife, a box cutter, a baseball bat, or a screwdriver. It need not be a gun or a large knife.

Dealing in Stolen Property means selling or passing on any item that has been stolen, which was known (or one should have known) to be stolen. If a person possesses recently stolen property and cannot satisfactorily explain why, the law presumes that s/he knew or should have known it was stolen.

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

Trespassing

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

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



Bullying

[http://www.leg.state.fl.us/Statutes/index.cfm?](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1006/Sections/1006.147.html)

[App_mode=Display_Statute&URL=1000-1099/1006/Sections/1006.147.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1006/Sections/1006.147.html)

The Jeffrey Johnston Act requires schools to investigate reported incidents of bullying on campus.

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

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



Cyberbullying



Bullying on the Internet, cell phones, or other devices is considered cyberbullying if the intent of the post, text, or images is to intimidate or harm. Cyberbullying can range from rude comments to lies, impersonations, posting unauthorized pictures, and threats. Police are contacted if cyberbullying involves:

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

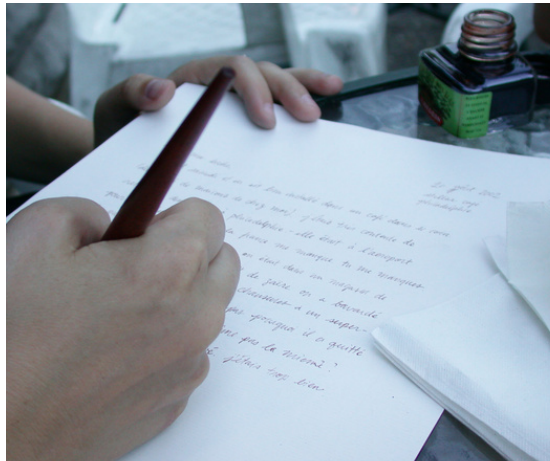
Computer Crimes

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

Written Threats

Florida statute 836.10

Written Threats are any letter, inscribed communication, or electronic communication, signed or anonymous, sent to any person that contains a threat to kill or do bodily injury to a person or the person's family, or conduct a mass shooting or an act of terrorism, is punishable as a second-degree felony.



Hate Crimes

Florida Statute 775.085(1)(a), 775.085(2), 877.19

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



Mental Health

The Baker Act

The Florida Mental Health Act of 1971, also referred to as “The Baker Act” ss. 394.451-394.47892

A person of any age can be taken to a receiving facility under a Request for Involuntary Examination if there is a reason to believe they are mentally ill and they have refused voluntary examination or cannot determine that it is needed, and there is likelihood that, because of that mental illness, they are 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 the person may be held for evaluation for up to 72 hours.

Because a “Baker Act” is often facilitated by law enforcement, the police report referencing the action taken is public record. Privacy laws protect any information about diagnosis and treatment, but do not extend to the contents of the police report.

The Marchman Act

Chapter 397 of the Florida Statute

The Marchman Act established a variety of methods under which substance abuse assessment, stabilization and treatment could be obtained on an involuntary basis. The most common ways for this involuntary admission procedure to happen (and do not involve the court) are:

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

In any of these circumstances, there must be a 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 himself or another, or is in need of substance abuse services and, because of that impairment, they are incapable of appreciating the need for such services and of making a rational decision, however, mere refusal to receive services is not considered evidence of lack of judgment with respect to the need for such services.



Violent Felonies

Include, but are not limited to: homicide, arson, armed burglary, all sex crimes, robbery, stalking, carjacking, aggravated assault, and aggravated battery (both of which include weapons).



Fleeing & Eluding

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

- Engaging in a high-speed chase or reckless driving is a second-degree felony. Stopping at law enforcement's direction and then driving off again is a third-degree felony.
- Causing injury or death to another person or their property while fleeing/eluding is a second-degree felony.

Driving

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

- 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 always accompanied by a licensed front seat passenger over the age of 21.
- 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. Between 11 p.m. and 6 a.m. the driver 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. Between the hours of 1 a.m. and 5 a.m. the driver must be accompanied by a licensed driver at least 21 years old occupying the closest seat to the right of the driver or be traveling to or from work.

Traffic Conviction While on a Learner's License

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

Violating Driving Curfews

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

Six Points on Driving Record Within a 12-Month Period

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





Texting While Driving

Florida Statutes Section 316.305

Law enforcement may stop motor vehicles and issue citations to drivers who are texting and driving. A person may not operate a motor vehicle while typing or entering multiple letters, numbers, or symbols into a wireless communications device to text, email, and instant message. Texting while driving, as well as instant messaging and emailing (essentially using anything except for a hands-free GPS), is against the law. A first texting offense is punishable by a \$30 fine and court fees, second offense is a \$60 fine, court costs, and three points on a driver's license.

Move Over Law

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

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

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

If you are driving on an interstate or roadway with multiple lanes of travel in the same direction, and you approach an emergency or law enforcement vehicle parked along the roadway, you must vacate the lane closest to that vehicle as soon as it is safe to do so. If you are not able to safely move over, you must slow down to a speed of 20 miles per hour below the posted speed limit unless directed otherwise by a law enforcement officer.



Additional Consequences

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

- Fees: Crimes Compensation Trust Fund; Crimes Prevention Fund; Probation cost (\$1.00/day); Commitment Cost (minimum of \$5.00/day—up to \$50.00/day); Restitution; Attorney's Fees
- License Suspension/Revocation: Some charges which result in revoking of driving privileges include drug and alcohol offenses and graffiti.
- Diversion Programs: Programs vary from county to county and may include Teen Court; CINS/FINS; Civil Citation; Neighborhood Accountability Board.

Future Consequences

Arrests and convictions can affect your future.

Armed Forces

- Marine Corps. Any misdemeanor or felony requires a waiver which can result in limited MOS options also affecting salary.
- Army and National Guard. Use own guidelines with misdemeanors depending on nature of charge. Two or more misdemeanors require a waiver which can result in loss of MOS options. All felonies require a waiver limiting MOS options.
- Navy. All felonies require a waiver. More than six (6) misdemeanor charges or convictions also require a waiver.
- Air Force. All applicants screened through the National Crime Center. No felonies are accepted. Also, no adverse adjudication is accepted. All misdemeanors require a waiver. A shoplifting charge will keep you out of the Air Force.

Colleges & Universities

If a student is convicted of a crime while they are a minor, it could be problematic for them when it is time to apply to college. The colleges and universities across the state of Florida (and across the country) have varying and changing policies when it comes to how to handle such applicants, with most requiring a separate interview or review board assembly to discuss the criminal record of the applicant. While most institutions have some sort of policy that allows for the applicant to at least be considered for entry on a case-by-case basis, some institutions will not accept students with certain charges (most commonly sexual crimes, violent crimes, felonies, and drug crimes). It is also common for certain criminal offenses to result in ineligibility for certain courses of study (like nursing, criminal justice, etc.).





Delinquency Prevention Services

The Florida Department of Juvenile Justice (DJJ) Office of Prevention Services offers delinquency prevention services and programs designed to reduce juvenile crime and protect public safety. Through effective prevention, intervention, and treatment services, DJJ aims to strengthen families and help youth get back on the right path.

DJJ's delinquency prevention services and programs target youth who exhibit problem behaviors such as ungovernability, truancy, running away from home, and other pre-delinquent behaviors. Help is only a phone call away. For more information go to: <https://www.djj.state.fl.us/services/prevention-services> or scan the QR Code.



Florida Civil Citation or Similar Prearrest Diversion

DJJ civil citation or similar prearrest diversion initiative addresses a youth's behavior at his or her first encounter with the juvenile justice system and provides an alternative to arrest for that child. These alternatives provide misdemeanor offenders the opportunity to participate in intervention services at the earliest stage of delinquency. Diverting misdemeanants through civil citation or similar prearrest diversion will provide better youth outcomes and save millions of dollars that would otherwise be spent if youth were arrested and required to go through formal delinquency processing.



DJJ wants to make civil citation or similar prearrest diversion a success through partnerships with community stakeholders and providers. By intervening at the early stages of delinquency, we can help shape the future of our youth! For more information about DJJ's civil citation or similar prearrest diversion initiative go to <https://www.djj.state.fl.us/partners-providers-staff/our-approach/florida-civil-citation> or scan the QR code.

Misdemeanors vs. Felonies

Charting Activity

Misdemeanors	Felonies
1st Degree:	1st Degree:
2nd Degree:	2nd Degree:
3rd Degree:	3rd Degree:

Community Drug Prevention Coalitions

Baker County - Baker Prevention Coalition, Inc.

Shira Callahan, Executive Director

Email: director@bakerprevention.org

Website: www.bakerprevention.org

Mailing and Physical Address:

85 W Railroad Avenue Macclenny, FL 32063

Phone: (904) 259-3922



Bradford County - Bradford Community Coalition, Inc

Jenna Hewett, Executive Director

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Citrus County - Anti-Drug Coalition of Citrus County, Inc.

Renea Teaster, Executive Director

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Clay County - Clay Action Coalition, Inc.

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1279 Kingsley Avenue, Ste. 116, Orange Park, FL 32073

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Dixie County - Dixie County Anti-Drug Coalition, Inc.

Katrina VanAernam, Executive Director

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P.O. Box 1266, Cross City, FL 32628

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Phone: (352)-578-8006

Facebook: <https://www.facebook.com/drugfreedixie/>



Duval County - Drug Free Duval

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Fax: (888) 340-4588

Facebook: www.facebook.com/drugfreeduval

Twitter: @drugfreeduval

LinkedIn: https://www.linkedin.com/company/safe-and-healthy-duval-coalition-inc?trk=company_logo



Flagler County - Focus on Flagler, Inc.

Debbie Neuman, Executive Director

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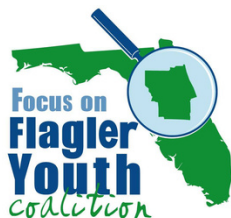
Mailing Address:

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Hamilton County - Hamilton County Alcohol and Other Drug Prevention Coalition, Inc.

Emily Lumpkin, Executive Director

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Mailing Address:

PO Box 946, Jasper, FL 32052

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Hernando County - Hernando County Community Anti-Drug Coalition, Inc.

Tresa Watson, Executive Director

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Website: www.hernandocommunitycoalition.org

Mailing & Physical Address:

13001 Spring Hill Drive, Spring Hill, FL 34609

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Indian River County - Substance Awareness Center

Michele Buldo, Director, SAFIR Coalition

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Lake County - Be Free Lake, Inc.

Delrita Meisner, Executive Director

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Marion County - Marion County Children's Alliance, Inc.



Hilary Jackson, Prevention Coordinator

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Martin County - Martin County Community Action Coalition

Joanna Greene, Human Services Supervisor,
Martin County Mental Health and Drug Courts
Juvenile Diversion Programs

OD2A and Tobacco-Free Florida Grants

Martin County Community Action Coalition

Martin County Human Services

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Okeechobee County - Okeechobee Substance Abuse Coalition



Daniel Rickards, Director

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Facebook: www.facebook.com/profile.php?id=100077376620604

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St. Johns - Prevention Coalition of St. Johns County

Susan Jackson, Executive Director

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Physical Address: 10 Hildreth Drive, St. Augustine, FL 32084

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St. Lucie County - Roundtable St. Lucie County

C. Jovil Wharton, Project Coordinator, Drug Free St. Lucie

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Sumter County - Sumter CAP (Community Action Partnership)

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Volusia County - One Voice for Volusia, Inc.

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