

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



Sean T. Brandenburg
Chief of Police



Dennis Ward
State Attorney

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.

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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

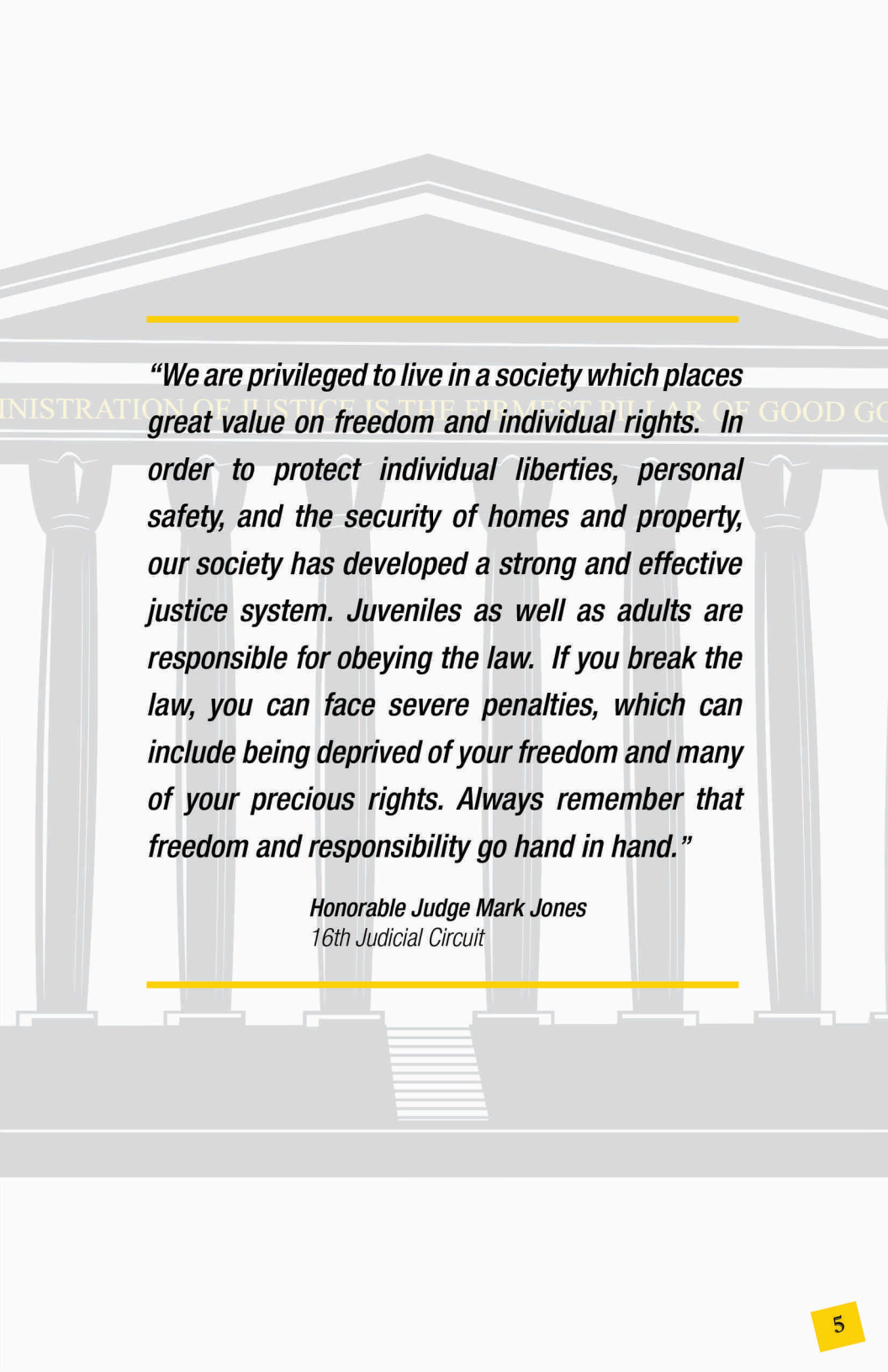
How an arrest and/or a conviction can affect your future.

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.



“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***





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.*

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

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.*

COMPUTER CRIMES

Sending a letter or any inscribed communication that threatens them or any member of their family with death or bodily injury is a second degree felony.

NOTE: *This includes any written threat in the form of a handwritten note, text message, e-mail, instant message, social media message, and any other forms of electronic transfer.*

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, allows for a person of any age 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 if they have 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.

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.



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 to be charged with a crime. 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, you must turn it in.*



TRESPASSING ON A CONSTRUCTION SITE

If a site has signage that indicates it is a "designated construction site," 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. You don't do any damage, but the cops catch you drinking at the site. You have committed a 3rd degree felony.*

- 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 **less than 20 grams** is a 1st degree misdemeanor.
- Possession of **20 grams or more** 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 smoke contains THC (a mind-altering chemical), benzopyrene (causes cancer and is 70% higher in marijuana than in cigarettes), carbon monoxide (highly poisonous), hydrocyanic acid (poison gas), acetaldehyde (solvent), and tar (contains 50% more tar than a strong brand of tobacco cigarettes which causes lung cancer).*

K2 and Spice

K2 and Spice are chemically-engineered substances called synthetic cannabinoids.



- 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.

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 be posted on the FDLE website. They will also 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

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 depicts sexual conduct of a person under 18 years old.
- To possess a photograph, movie, or other image (drawings) that a person knows depicts 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 or 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. Victims of human trafficking are often subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.

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 without your parents' or guardians' permission. **You must be 21 to own a Firearm.**

- 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 found guilty 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.
- Minors charged with murder can be tried in 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.

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 in a way that causes 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.*