

By Senator Rich

34-00308-08

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1 A bill to be entitled

2 An act relating to protection of ocean lifeguards;
3 amending s. 784.07, F.S.; providing a definition;
4 providing enhanced penalties for an assault or battery on
5 an ocean lifeguard while he or she is engaged in the
6 lawful performance of his or her duties; amending ss.
7 435.04, 901.15, 943.051, and 985.11, F.S.; conforming
8 provisions; amending s. 921.0022, F.S., and reenacting
9 paragraph (3) (d), relating the offense severity ranking
10 chart, to conform; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (e) is added to subsection (1) of
15 section 784.07, Florida Statutes, subsection (2) of that section
16 is amended, and subsection (3) of that section is reenacted, to
17 read:

18 784.07 Assault or battery of law enforcement officers,
19 firefighters, emergency medical care providers, public transit
20 employees or agents, or other specified officers;
21 reclassification of offenses; minimum sentences.--

22 (1) As used in this section, the term:

23 (e) "Ocean lifeguard" means a lifeguard employed along the
24 coastal or intracoastal beaches and shores of the state to help
25 prevent injury or drowning of persons.

26 (2) Whenever any person is charged with knowingly
27 committing an assault or battery upon a law enforcement officer,
28 a firefighter, an emergency medical care provider, a traffic
29 accident investigation officer as described in s. 316.640, a

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30 | nonsworn law enforcement agency employee who is certified as an
31 | agency inspector, blood alcohol analyst, or a breath test
32 | operator while such employee is in uniform and engaged in
33 | processing, testing, evaluating, analyzing, or transporting a
34 | person who is detained or under arrest for DUI, a traffic
35 | infraction enforcement officer as described in s. 316.640, a
36 | parking enforcement specialist as defined in s. 316.640, a person
37 | licensed as a security officer as defined in s. 493.6101 and
38 | wearing a uniform that bears at least one patch or emblem that is
39 | visible at all times that clearly identifies the employing agency
40 | and that clearly identifies the person as a licensed security
41 | officer, ~~or~~ a security officer employed by the board of trustees
42 | of a community college, or an ocean lifeguard while the officer,
43 | firefighter, emergency medical care provider, intake officer,
44 | traffic accident investigation officer, traffic infraction
45 | enforcement officer, inspector, analyst, operator, parking
46 | enforcement specialist, public transit employee or agent, ~~or~~
47 | security officer, or ocean lifeguard is engaged in the lawful
48 | performance of his or her duties, the offense for which the
49 | person is charged shall be reclassified as follows:

50 | (a) In the case of assault, from a misdemeanor of the
51 | second degree to a misdemeanor of the first degree.

52 | (b) In the case of battery, from a misdemeanor of the first
53 | degree to a felony of the third degree.

54 | (c) In the case of aggravated assault, from a felony of the
55 | third degree to a felony of the second degree. Notwithstanding
56 | any other provision of law, any person convicted of aggravated
57 | assault upon a law enforcement officer shall be sentenced to a
58 | minimum term of imprisonment of 3 years.

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59 (d) In the case of aggravated battery, from a felony of the
60 second degree to a felony of the first degree. Notwithstanding
61 any other provision of law, any person convicted of aggravated
62 battery of a law enforcement officer shall be sentenced to a
63 minimum term of imprisonment of 5 years.

64 (3) Any person who is convicted of a battery under
65 paragraph (2)(b) and, during the commission of the offense, such
66 person possessed:

67 (a) A "firearm" or "destructive device" as those terms are
68 defined in s. 790.001, shall be sentenced to a minimum term of
69 imprisonment of 3 years.

70 (b) A semiautomatic firearm and its high-capacity
71 detachable box magazine, as defined in s. 775.087(3), or a
72 machine gun as defined in s. 790.001, shall be sentenced to a
73 minimum term of imprisonment of 8 years.

74
75 Notwithstanding s. 948.01, adjudication of guilt or imposition of
76 sentence shall not be suspended, deferred, or withheld, and the
77 defendant is not eligible for statutory gain-time under s.
78 944.275 or any form of discretionary early release, other than
79 pardon or executive clemency, or conditional medical release
80 under s. 947.149, prior to serving the minimum sentence.

81 Section 2. Paragraph (a) of subsection (3) of section
82 435.04, Florida Statutes, is amended to read:

83 435.04 Level 2 screening standards.--

84 (3) The security background investigations conducted under
85 this section for employees of the Department of Juvenile Justice
86 must ensure that no persons subject to the provisions of this
87 section have been found guilty of, regardless of adjudication, or

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88 entered a plea of nolo contendere or guilty to, any offense
89 prohibited under any of the following provisions of the Florida
90 Statutes or under any similar statute of another jurisdiction:

91 (a) Section 784.07, relating to assault or battery of law
92 enforcement officers, firefighters, emergency medical care
93 providers, public transit employees or agents, or other specified
94 persons ~~officers~~.

95

96 The Department of Juvenile Justice may not remove a
97 disqualification from employment or grant an exemption to any
98 person who is disqualified under this section for any offense
99 disposed of during the most recent 7-year period.

100 Section 3. Subsection (15) of section 901.15, Florida
101 Statutes, is amended to read:

102 901.15 When arrest by officer without warrant is lawful.--A
103 law enforcement officer may arrest a person without a warrant
104 when:

105 (15) There is probable cause to believe that the person has
106 committed assault upon a law enforcement officer, a firefighter,
107 an emergency medical care provider, public transit employee
108 ~~employees~~ or agent ~~agents~~, or other specified person ~~officers~~ as
109 set forth in s. 784.07 or has committed assault or battery upon
110 any employee of a receiving facility as defined in s. 394.455 who
111 is engaged in the lawful performance of his or her duties.

112 Section 4. For the purpose of incorporating the amendment
113 made by this act to section 784.07, Florida Statutes, in a
114 reference thereto, paragraphs (d) of subsection (3) of section
115 921.0022, Florida Statutes, is reenacted, and paragraphs (f) and
116 (g) of that subsection are amended to read:

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117 921.0022 Criminal Punishment Code; offense severity ranking
 118 chart.--

119 (3) OFFENSE SEVERITY RANKING CHART

120 (d) LEVEL 4

121

Florida	Felony	Description
Statute	Degree	

122

316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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123

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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124

499.0051(2)	3rd	Failure to authenticate pedigree papers.
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125

499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
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126

784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
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127	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
128	784.075	3rd	Battery on detention or commitment facility staff.
129	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
130	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
131	784.081 (3)	3rd	Battery on specified official or employee.
132	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
133	784.083 (3)	3rd	Battery on code inspector.
134	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
135	787.03 (1)	3rd	Interference with custody;

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136			wrongly takes minor from appointed guardian.
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
137			
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
138			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
139			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
140			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
141			
	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
142			
	810.02 (4) (a)	3rd	Burglary, or attempted

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			burglary, of an unoccupied structure; unarmed; no assault or battery.
143	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
144	810.06	3rd	Burglary; possession of tools.
145	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
146	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
147	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
148	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
149	817.563 (1)	3rd	Sell or deliver substance other than controlled

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			substance agreed upon, excluding s. 893.03(5) drugs.
150	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
151	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
152	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
153	837.02 (1)	3rd	Perjury in official proceedings.
154	837.021 (1)	3rd	Make contradictory statements in official proceedings.
155	838.022	3rd	Official misconduct.
156	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
157	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.

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158	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
159	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
160	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
161	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
162	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
163	914.14 (2)	3rd	Witnesses accepting bribes.
164	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
165	914.23 (2)	3rd	Retaliation against a witness,

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victim, or informant, no
bodily injury.

166

918.12 3rd Tampering with jurors.

167

934.215 3rd Use of two-way communications
device to facilitate
commission of a crime.

168 (f) LEVEL 6

169

Florida	Felony	Description
Statute	Degree	

170

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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171

499.0051 (3)	2nd	Forgery of pedigree papers.
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172

499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
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173

499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
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174

775.0875 (1)	3rd	Taking firearm from law enforcement officer.
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175

784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
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176	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
177	784.041	3rd	Felony battery; domestic battery by strangulation.
178	784.048 (3)	3rd	Aggravated stalking; credible threat.
179	784.048 (5)	3rd	Aggravated stalking of person under 16.
180	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
181	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
182	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
183	784.081 (2)	2nd	Aggravated assault on specified official or employee.
184	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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185			detainee.
	784.083 (2)	2nd	Aggravated assault on code inspector.
186			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
187			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
188			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
189			
	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
190			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
191			
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.

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192	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
193	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
194	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
195	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
196	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
197	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
198	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.

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199	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
200	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
201	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
202	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
203	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
204	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
205	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
206	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
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208	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
209	827.03 (1)	3rd	Abuse of a child.
210	827.03 (3) (c)	3rd	Neglect of a child.
211	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
212	836.05	2nd	Threats; extortion.
213	836.10	2nd	Written threats to kill or do bodily injury.
214	843.12	3rd	Aids or assists person to escape.
215	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
216	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

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217	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
218	944.40	2nd	Escapes.
219	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
220	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
221	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
222	(g) LEVEL 7		
223	Florida Statute	Felony Degree	Description
224	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.

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225	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
226	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
227	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
228	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
229	409.920 (2)	3rd	Medicaid provider fraud.
230	456.065 (2)	3rd	Practicing a health care profession without a license.
231			

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232	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
233	458.327 (1)	3rd	Practicing medicine without a license.
234	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
235	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
236	461.012 (1)	3rd	Practicing podiatric medicine without a license.
237	462.17	3rd	Practicing naturopathy without a license.
238	463.015 (1)	3rd	Practicing optometry without a license.
239	464.016 (1)	3rd	Practicing nursing without a license.
240	465.015 (2)	3rd	Practicing pharmacy without a license.

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241	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
242	467.201	3rd	Practicing midwifery without a license.
243	468.366	3rd	Delivering respiratory care services without a license.
244	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
245	483.901 (9)	3rd	Practicing medical physics without a license.
246	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
247	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

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248	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
249	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
250	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
251	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
252	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
253	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or

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254			conceal a sexual predator.
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
255			
	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
256			
	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
257			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
258			
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
259			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using

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			deadly weapon.
260	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
261	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
262	784.048 (7)	3rd	Aggravated stalking; violation of court order.
263	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
264	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
265	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
266	784.081 (1)	1st	Aggravated battery on specified official or employee.
267	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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268	784.083 (1)	1st	Aggravated battery on code inspector.
269	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
270	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
271	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
272	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
273	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
274	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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275	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
276	796.03	2nd	Procuring any person under 16 years for prostitution.
277	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
278	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
279	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
280	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
281	810.02 (3) (b)	2nd	Burglary of unoccupied

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			dwelling; unarmed; no assault or battery.
282	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
283	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
284	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
285	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
286	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
287	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.

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288	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
289	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
290	812.131 (2) (a)	2nd	Robbery by sudden snatching.
291	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
292	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
293	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
294	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
295	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property

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			values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
296	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
297	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
298	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
299	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
300	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
301	838.015	2nd	Bribery.

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302	838.016	2nd	Unlawful compensation or reward for official behavior.
303	838.021(3)(a)	2nd	Unlawful harm to a public servant.
304	838.22	2nd	Bid tampering.
305	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
306	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
307	872.06	2nd	Abuse of a dead human body.
308	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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309	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
310	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
311	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
312	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
313	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
314	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than

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			200 grams.
315	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
316	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
317	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
318	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
319	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
320	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
321	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300

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322			but less than \$20,000.
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
323			
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
324			
	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
325			
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
326			
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
327			
	943.0435 (14)	3rd	Sexual offender; failure to

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report and reregister; failure to respond to address verification.

328

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

329

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

330

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

331

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

332

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

333

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or

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conceal a sexual offender.

334

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

335

Section 5. Paragraph (b) of subsection (3) of section 943.051, Florida Statutes, is amended to read:

336

337

943.051 Criminal justice information; collection and storage; fingerprinting.--

338

339

(3)

340

(b) A minor who is charged with or found to have committed the following offenses shall be fingerprinted and the fingerprints shall be submitted to the department:

341

342

343

1. Assault, as defined in s. 784.011.

344

2. Battery, as defined in s. 784.03.

345

3. Carrying a concealed weapon, as defined in s. 790.01(1).

346

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

347

348

5. Negligent treatment of children, as defined in s.

349

827.05.

350

6. Assault or battery on a law enforcement officer, a firefighter, or other specified person ~~officers~~, as defined in s. 784.07(2) (a) and (b).

351

352

353

7. Open carrying of a weapon, as defined in s. 790.053.

354

8. Exposure of sexual organs, as defined in s. 800.03.

355

9. Unlawful possession of a firearm, as defined in s.

356

790.22(5).

357

10. Petit theft, as defined in s. 812.014(3).

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- 358 11. Cruelty to animals, as defined in s. 828.12(1).
- 359 12. Arson, as defined in s. 806.031(1).
- 360 13. Unlawful possession or discharge of a weapon or firearm
- 361 at a school-sponsored event or on school property as defined in
- 362 s. 790.115.
- 363 Section 6. Paragraph (b) of subsection (1) of section
- 364 985.11, Florida Statutes, is amended to read:
- 365 985.11 Fingerprinting and photographing.--
- 366 (1)
- 367 (b) A child who is charged with or found to have committed
- 368 one of the following offenses shall be fingerprinted, and the
- 369 fingerprints shall be submitted to the Department of Law
- 370 Enforcement as provided in s. 943.051(3)(b):
- 371 1. Assault, as defined in s. 784.011.
- 372 2. Battery, as defined in s. 784.03.
- 373 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 374 4. Unlawful use of destructive devices or bombs, as defined
- 375 in s. 790.1615(1).
- 376 5. Negligent treatment of children, as defined in former s.
- 377 827.05.
- 378 6. Assault on a law enforcement officer, a firefighter, or
- 379 other specified person ~~officers~~, as defined in s. 784.07(2)(a).
- 380 7. Open carrying of a weapon, as defined in s. 790.053.
- 381 8. Exposure of sexual organs, as defined in s. 800.03.
- 382 9. Unlawful possession of a firearm, as defined in s.
- 383 790.22(5).
- 384 10. Petit theft, as defined in s. 812.014.
- 385 11. Cruelty to animals, as defined in s. 828.12(1).
- 386 12. Arson, resulting in bodily harm to a firefighter, as

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387 defined in s. 806.031(1).

388 13. Unlawful possession or discharge of a weapon or firearm
389 at a school-sponsored event or on school property as defined in
390 s. 790.115.

391
392 A law enforcement agency may fingerprint and photograph a child
393 taken into custody upon probable cause that such child has
394 committed any other violation of law, as the agency deems
395 appropriate. Such fingerprint records and photographs shall be
396 retained by the law enforcement agency in a separate file, and
397 these records and all copies thereof must be marked "Juvenile
398 Confidential." These records are not available for public
399 disclosure and inspection under s. 119.07(1) except as provided
400 in ss. 943.053 and 985.04(2), but shall be available to other law
401 enforcement agencies, criminal justice agencies, state attorneys,
402 the courts, the child, the parents or legal custodians of the
403 child, their attorneys, and any other person authorized by the
404 court to have access to such records. In addition, such records
405 may be submitted to the Department of Law Enforcement for
406 inclusion in the state criminal history records and used by
407 criminal justice agencies for criminal justice purposes. These
408 records may, in the discretion of the court, be open to
409 inspection by anyone upon a showing of cause. The fingerprint and
410 photograph records shall be produced in the court whenever
411 directed by the court. Any photograph taken pursuant to this
412 section may be shown by a law enforcement officer to any victim
413 or witness of a crime for the purpose of identifying the person
414 who committed such crime.

415 Section 7. This act shall take effect October 1, 2008.