

By the Committee on Criminal Justice; and Senator Rich

591-03343-08

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1 A bill to be entitled

2 An act relating to the protection of lifeguards; amending
3 s. 784.07, F.S.; providing a definition; providing
4 enhanced penalties for an assault or battery on a
5 lifeguard while he or she is engaged in the lawful
6 performance of his or her duties; amending ss. 435.04,
7 901.15, 943.051, and 985.11, F.S.; conforming provisions;
8 amending s. 921.0022, F.S., and reenacting paragraph
9 (3) (d), relating the offense severity ranking chart, to
10 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) "Lifeguard" means a lifeguard employed along the
24 coastal or intracoastal beaches and shores of the state, or other
25 bodies of water of the state, or at swimming pools to help
26 prevent injury or drowning of persons.

27 (2) Whenever any person is charged with knowingly
28 committing an assault or battery upon a law enforcement officer,
29 a firefighter, an emergency medical care provider, a traffic

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

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

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

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

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59 | minimum term of imprisonment of 3 years.

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

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

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

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

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

82 | Section 2. Paragraph (a) of subsection (3) of section
83 | 435.04, Florida Statutes, is amended to read:

84 | 435.04 Level 2 screening standards.--

85 | (3) The security background investigations conducted under
86 | this section for employees of the Department of Juvenile Justice
87 | must ensure that no persons subject to the provisions of this

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88 | section have been found guilty of, regardless of adjudication, or
89 | entered a plea of nolo contendere or guilty to, any offense
90 | prohibited under any of the following provisions of the Florida
91 | Statutes or under any similar statute of another jurisdiction:

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

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

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

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

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

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

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117 (g) of that subsection are amended to read:

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

120 (3) OFFENSE SEVERITY RANKING CHART

121 (d) LEVEL 4

122

Florida Statute	Felony Degree	Description
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.
499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
499.0051(2)	3rd	Failure to authenticate pedigree papers.
499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
784.07(2) (b)	3rd	Battery of law enforcement officer, firefighter, intake

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			officer, etc.
128	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
129	784.075	3rd	Battery on detention or commitment facility staff.
130	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
131	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
132	784.081 (3)	3rd	Battery on specified official or employee.
133	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
134	784.083 (3)	3rd	Battery on code inspector.
135	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
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137	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
138	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
139	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
140	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
141	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
142	790.115 (2) (c)	3rd	Possessing firearm on school property.
143	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.

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144	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
145	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
146	810.06	3rd	Burglary; possession of tools.
147	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
148	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
149	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
150	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
	817.563 (1)	3rd	Sell or deliver substance

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			other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
151	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
152	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
153	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
154	837.02 (1)	3rd	Perjury in official proceedings.
155	837.021 (1)	3rd	Make contradictory statements in official proceedings.
156	838.022	3rd	Official misconduct.
157	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
158	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and

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159			Family Services.
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
160			
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
161			
	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
162			
	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
163			
	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).
164			
	914.14 (2)	3rd	Witnesses accepting bribes.
165			
	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
166			

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167	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
168	918.12	3rd	Tampering with jurors.
169	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
170	(f) LEVEL 6		
171	Florida Statute	Felony Degree	Description
172	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
173	499.0051 (3)	2nd	Forgery of pedigree papers.
174	499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
175	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
176	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
	784.021 (1) (a)	3rd	Aggravated assault; deadly

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

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185	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
186	784.083 (2)	2nd	Aggravated assault on code inspector.
187	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
188	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
189	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
190	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
191	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
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193	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
194	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
195	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.
196	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
197	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
198	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
199	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

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200	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
201	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
202	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
203	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
204	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
205	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
206	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
207	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
	825.1025 (3)	3rd	Lewd or lascivious molestation

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			of an elderly person or disabled adult.
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,

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217			victim, or informant, with bodily injury.
	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			
223	(g) LEVEL 7		
224			
	Florida	Felony	Description
	Statute	Degree	
225			

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226	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
227	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
228	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.
229	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
230	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
231	409.920 (2)	3rd	Medicaid provider fraud.

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

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241	465.015 (2)	3rd	Practicing pharmacy without a license.
242	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
243	467.201	3rd	Practicing midwifery without a license.
244	468.366	3rd	Delivering respiratory care services without a license.
245	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
246	483.901 (9)	3rd	Practicing medical physics without a license.
247	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
248	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

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unlawfully obtained exceeded
\$50,000 and there were five or
more victims.

249

560.123 (8) (b) 1.

3rd

Failure to report currency or
payment instruments exceeding
\$300 but less than \$20,000 by
money transmitter.

250

560.125 (5) (a)

3rd

Money transmitter business by
unauthorized person, currency
or payment instruments
exceeding \$300 but less than
\$20,000.

251

655.50 (10) (b) 1.

3rd

Failure to report financial
transactions exceeding \$300
but less than \$20,000 by
financial institution.

252

775.21 (10) (a)

3rd

Sexual predator; failure to
register; failure to renew
driver's license or
identification card; other
registration violations.

253

775.21 (10) (b)

3rd

Sexual predator working where
children regularly congregate.

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255	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
256	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
257	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
258	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
259	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great

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			bodily harm or disfigurement.
260	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
261	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
262	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
263	784.048 (7)	3rd	Aggravated stalking; violation of court order.
264	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer, <u>firefighter, intake officer, etc.</u>
265	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
266	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
267	784.081 (1)	1st	Aggravated battery on specified official or

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			employee.
268	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
269	784.083 (1)	1st	Aggravated battery on code inspector.
270	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
271	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
272	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
273	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
274	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
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276	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
277	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.
278	796.03	2nd	Procuring any person under 16 years for prostitution.
279	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
280	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.
281	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.

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282	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
283	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
284	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
285	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
286	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.
287	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree

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			grand theft.
288	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
289	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
290	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
291	812.131 (2) (a)	2nd	Robbery by sudden snatching.
292	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
293	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
294	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
295	817.234 (11) (c)	1st	Insurance fraud; property

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			value \$100,000 or more.
296	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
297	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
298	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.
299	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
300	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
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302	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
303	838.015	2nd	Bribery.
304	838.016	2nd	Unlawful compensation or reward for official behavior.
305	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
306	838.22	2nd	Bid tampering.
307	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
308	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
309	872.06	2nd	Abuse of a dead human body.
	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

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care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

310

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.

311

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).

312

893.135 (1) (a) 1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

313

893.135 (1) (b) 1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

314

893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs,

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			more than 4 grams, less than 14 grams.
315	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
316	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
317	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
318	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
319	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
320	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
321	893.135 (1) (k) 2.a.	1st	Trafficking in

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Phenethylamines, 10 grams or more, less than 200 grams.

322

896.101 (5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

323

896.104 (4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

324

943.0435 (4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

325

943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

326

943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.

327

943.0435 (13) 3rd Failure to report or providing

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false information about a sexual offender; harbor or conceal a sexual offender.

328

943.0435(14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

329

944.607(9)

3rd

Sexual offender; failure to comply with reporting requirements.

330

944.607(10) (a)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

331

944.607(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

332

944.607(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

333

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a

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digitized photograph.

334

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

335

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

336

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

337

338

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

339

340

(3)

341

(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:

342

343

344

1. Assault, as defined in s. 784.011.

345

2. Battery, as defined in s. 784.03.

346

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

347

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

348

349

5. Negligent treatment of children, as defined in s. 827.05.

350

351

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).

352

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- 354 7. Open carrying of a weapon, as defined in s. 790.053.
355 8. Exposure of sexual organs, as defined in s. 800.03.
356 9. Unlawful possession of a firearm, as defined in s.
357 790.22(5).
358 10. Petit theft, as defined in s. 812.014(3).
359 11. Cruelty to animals, as defined in s. 828.12(1).
360 12. Arson, as defined in s. 806.031(1).
361 13. Unlawful possession or discharge of a weapon or firearm
362 at a school-sponsored event or on school property as defined in
363 s. 790.115.
- 364 Section 6. Paragraph (b) of subsection (1) of section
365 985.11, Florida Statutes, is amended to read:
366 985.11 Fingerprinting and photographing.--
367 (1)
368 (b) A child who is charged with or found to have committed
369 one of the following offenses shall be fingerprinted, and the
370 fingerprints shall be submitted to the Department of Law
371 Enforcement as provided in s. 943.051(3)(b):
- 372 1. Assault, as defined in s. 784.011.
 - 373 2. Battery, as defined in s. 784.03.
 - 374 3. Carrying a concealed weapon, as defined in s. 790.01(1).
 - 375 4. Unlawful use of destructive devices or bombs, as defined
376 in s. 790.1615(1).
 - 377 5. Negligent treatment of children, as defined in former s.
378 827.05.
 - 379 6. Assault on a law enforcement officer, a firefighter, or
380 other specified person ~~officers~~, as defined in s. 784.07(2)(a).
 - 381 7. Open carrying of a weapon, as defined in s. 790.053.
 - 382 8. Exposure of sexual organs, as defined in s. 800.03.

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383 9. Unlawful possession of a firearm, as defined in s.
384 790.22(5).

385 10. Petit theft, as defined in s. 812.014.

386 11. Cruelty to animals, as defined in s. 828.12(1).

387 12. Arson, resulting in bodily harm to a firefighter, as
388 defined in s. 806.031(1).

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

392

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

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412 | directed by the court. Any photograph taken pursuant to this
413 | section may be shown by a law enforcement officer to any victim
414 | or witness of a crime for the purpose of identifying the person
415 | who committed such crime.

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