

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Garcia offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 57-100 and insert:

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

8 (f)~~(d)~~ "Public transit employees or agents" means bus
9 operators, train operators, revenue collectors, security
10 personnel, equipment maintenance personnel, or field
11 supervisors, who are employees or agents of a transit agency as
12 described in s. 812.015(1) (1).

13 (2) Whenever any person is charged with knowingly
14 committing an assault or battery upon a law enforcement officer,
15 a firefighter, an emergency medical care provider, a traffic
16 accident investigation officer as described in s. 316.640, a
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17 | nonsworn law enforcement agency employee who is certified as an
18 | agency inspector, blood alcohol analyst, or a breath test
19 | operator while such employee is in uniform and engaged in
20 | processing, testing, evaluating, analyzing, or transporting a
21 | person who is detained or under arrest for DUI, a law
22 | enforcement explorer, a traffic infraction enforcement officer
23 | as described in s. 316.640, a parking enforcement specialist as
24 | defined in s. 316.640, a person licensed as a security officer
25 | as defined in s. 493.6101 and wearing a uniform that bears at
26 | least one patch or emblem that is visible at all times that
27 | clearly identifies the employing agency and that clearly
28 | identifies the person as a licensed security officer, ~~or~~ a
29 | security officer employed by the board of trustees of a
30 | community college, or an ocean lifeguard while the officer,
31 | firefighter, emergency medical care provider, intake officer,
32 | traffic accident investigation officer, traffic infraction
33 | enforcement officer, inspector, analyst, operator, law
34 | enforcement explorer, parking enforcement specialist, public
35 | transit employee or agent, ~~or~~ security officer, or ocean
36 | lifeguard is engaged in the lawful performance of his or her
37 | duties, the offense for which the person is charged shall be
38 | reclassified as follows:

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

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

43 | (c) In the case of aggravated assault, from a felony of
44 | the third degree to a felony of the second degree.

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45 Notwithstanding any other provision of law, any person convicted
46 of aggravated assault upon a law enforcement officer shall be
47 sentenced to a minimum term of imprisonment of 3 years.

48 (d) In the case of aggravated battery, from a felony of
49 the second degree to a felony of the first degree.

50 Notwithstanding any other provision of law, any person convicted
51 of aggravated battery of a law enforcement officer shall be
52 sentenced to a minimum term of imprisonment of 5 years.

53 Section 2. Paragraph (a) of subsection (3) of section
54 435.04, Florida Statutes, is amended to read:

55 435.04 Level 2 screening standards.--

56 (3) The security background investigations conducted under
57 this section for employees of the Department of Juvenile Justice
58 must ensure that no persons subject to the provisions of this
59 section have been found guilty of, regardless of adjudication,
60 or entered a plea of nolo contendere or guilty to, any offense
61 prohibited under any of the following provisions of the Florida
62 Statutes or under any similar statute of another jurisdiction:

63 (a) Section 784.07, relating to assault or battery of law
64 enforcement officers, firefighters, emergency medical care
65 providers, public transit employees or agents, or other
66 specified persons ~~officers~~.

67
68 The Department of Juvenile Justice may not remove a
69 disqualification from employment or grant an exemption to any
70 person who is disqualified under this section for any offense
71 disposed of during the most recent 7-year period.

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

74 901.15 When arrest by officer without warrant is
75 lawful.--A law enforcement officer may arrest a person without a
76 warrant when:

77 (15) There is probable cause to believe that the person
78 has committed assault upon a law enforcement officer, a
79 firefighter, an emergency medical care provider, public transit
80 employee ~~employees~~ or agent ~~agents~~, or other specified person
81 ~~officers~~ as set forth in s. 784.07 or has committed assault or
82 battery upon any employee of a receiving facility as defined in
83 s. 394.455 who is engaged in the lawful performance of his or
84 her duties.

85 Section 4. Paragraph (b) of subsection (3) of section
86 943.051, Florida Statutes, is amended to read:

87 943.051 Criminal justice information; collection and
88 storage; fingerprinting.--

89 (3)

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

- 93 1. Assault, as defined in s. 784.011.
- 94 2. Battery, as defined in s. 784.03.
- 95 3. Carrying a concealed weapon, as defined in s.

96 790.01(1).

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

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- 99 5. Negligent treatment of children, as defined in s.
100 827.05.
- 101 6. Assault or battery on a law enforcement officer, a
102 firefighter, or other specified persons ~~officers~~, as defined in
103 s. 784.07(2) (a) and (b).
- 104 7. Open carrying of a weapon, as defined in s. 790.053.
- 105 8. Exposure of sexual organs, as defined in s. 800.03.
- 106 9. Unlawful possession of a firearm, as defined in s.
107 790.22(5).
- 108 10. Petit theft, as defined in s. 812.014(3).
- 109 11. Cruelty to animals, as defined in s. 828.12(1).
- 110 12. Arson, as defined in s. 806.031(1).
- 111 13. Unlawful possession or discharge of a weapon or
112 firearm at a school-sponsored event or on school property as
113 defined in s. 790.115.
- 114 Section 5. Paragraph (b) of subsection (1) of section
115 985.11, Florida Statutes, is amended to read:
- 116 985.11 Fingerprinting and photographing.--
- 117 (1)
- 118 (b) A child who is charged with or found to have committed
119 one of the following offenses shall be fingerprinted, and the
120 fingerprints shall be submitted to the Department of Law
121 Enforcement as provided in s. 943.051(3) (b):
- 122 1. Assault, as defined in s. 784.011.
- 123 2. Battery, as defined in s. 784.03.
- 124 3. Carrying a concealed weapon, as defined in s.
125 790.01(1).

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- 126 4. Unlawful use of destructive devices or bombs, as
127 defined in s. 790.1615(1).
- 128 5. Negligent treatment of children, as defined in former
129 s. 827.05.
- 130 6. Assault on a law enforcement officer, a firefighter, or
131 other specified persons ~~officers~~, as defined in s. 784.07(2)(a).
- 132 7. Open carrying of a weapon, as defined in s. 790.053.
- 133 8. Exposure of sexual organs, as defined in s. 800.03.
- 134 9. Unlawful possession of a firearm, as defined in s.
135 790.22(5).
- 136 10. Petit theft, as defined in s. 812.014.
- 137 11. Cruelty to animals, as defined in s. 828.12(1).
- 138 12. Arson, resulting in bodily harm to a firefighter, as
139 defined in s. 806.031(1).
- 140 13. Unlawful possession or discharge of a weapon or
141 firearm at a school-sponsored event or on school property as
142 defined in s. 790.115.

143

144 A law enforcement agency may fingerprint and photograph a child
145 taken into custody upon probable cause that such child has
146 committed any other violation of law, as the agency deems
147 appropriate. Such fingerprint records and photographs shall be
148 retained by the law enforcement agency in a separate file, and
149 these records and all copies thereof must be marked "Juvenile
150 Confidential." These records are not available for public
151 disclosure and inspection under s. 119.07(1) except as provided
152 in ss. 943.053 and 985.04(2), but shall be available to other
153 law enforcement agencies, criminal justice agencies, state

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154 attorneys, the courts, the child, the parents or legal
155 custodians of the child, their attorneys, and any other person
156 authorized by the court to have access to such records. In
157 addition, such records may be submitted to the Department of Law
158 Enforcement for inclusion in the state criminal history records
159 and used by criminal justice agencies for criminal justice
160 purposes. These records may, in the discretion of the court, be
161 open to inspection by anyone upon a showing of cause. The
162 fingerprint and photograph records shall be produced in the
163 court whenever directed by the court. Any photograph taken
164 pursuant to this section may be shown by a law enforcement
165 officer to any victim or witness of a crime for the purpose of
166 identifying the person who committed such crime.

T I T L E A M E N D M E N T

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168
169 Remove lines 2-5 and insert:

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171 An act relating to assault or battery on certain persons;
172 amending s. 784.07, F.S.; defining the terms "law
173 enforcement explorer" and "ocean lifeguard"; providing for
174 reclassification of certain offenses against law
175 enforcement explorers and ocean lifeguards; amending ss.
176 435.04, 901.15, 943.051, and 985.11, F.S.; conforming
177 provisions; reenacting s.