

By the Committee on Environmental Preservation and Conservation;
and Senator Bullard

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1 A bill to be entitled
2 An act relating to beach safety; amending s. 380.276,
3 F.S.; expanding the beach safety program administered
4 by the Department of Environmental Protection to apply
5 to all beaches; amending s. 784.07, F.S.; defining an
6 "ocean lifeguard"; providing enhanced penalties for an
7 assault or battery on an ocean lifeguard while he or
8 she is engaged in the lawful performance of his or her
9 duties; amending ss. 435.04, 901.15, 943.051, and
10 985.11, F.S.; conforming provisions; amending s.
11 921.0022, F.S., and reenacting paragraph (3)(d),
12 relating to the offense severity ranking chart, to
13 incorporate the amendments made to s. 784.07, F.S., in
14 a reference thereto; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 380.276, Florida Statutes, is amended to
19 read:

20 380.276 Beaches and coastal areas; display of uniform
21 warning and safety flags at public beaches; placement of uniform
22 notification signs; beach safety education.—

23 (1) It is the intent of the Legislature that a cooperative
24 effort among state agencies and local governments be undertaken
25 to plan for and assist in the display of uniform warning and
26 safety flags, and the placement of uniform notification signs
27 that provide the meaning of such warning and safety flags, at
28 ~~public~~ beaches along the coast of the state. Because the varying
29 natural conditions of Florida's ~~public~~ beaches and coastal areas

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30 pose significant risks to the safety of tourists and the general
31 public, it is important to inform the public of the need to
32 exercise caution.

33 (2) As used in this section, the term "beach" means any
34 sandy shoreline fronting on the Atlantic Ocean, the Gulf of
35 Mexico, or Straits of Florida which is laterally transversed or
36 customarily used by the public.

37 (3)-(2) The Department of Environmental Protection, through
38 the Florida Coastal Management Program, shall direct and
39 coordinate the uniform warning and safety flag program. The
40 purpose of the program shall be to encourage the display of
41 uniform warning and safety flags at ~~public~~ beaches along the
42 coast of the state and to encourage the placement of uniform
43 notification signs that provide the meaning of such flags. Only
44 warning and safety flags developed by the department shall be
45 displayed. Participation in the program is strongly encouraged
46 by all governments having a beach as defined in subsection (2),
47 to display, at a minimum, the uniform notification signs that
48 provide the meaning of such warnings and safety flags. It should
49 be the department's goal to have 100 percent of beaches
50 participate in the Florida Coastal Management Program and
51 display the uniform notification signs that provide the meaning
52 of such warnings and the accompanying flags. Participation in
53 the program shall be open to any entity having jurisdiction over
54 a beach as defined in subsection (2), whether or not the entity
55 has lifeguards ~~shall be open to any government having~~
56 ~~jurisdiction over a public beach along the coast, whether or not~~
57 ~~the beach has lifeguards.~~

58 (4)-(3) The Department of Environmental Protection shall

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59 develop a program for the display of uniform warning and safety
60 flags at ~~public~~ beaches along the coast of the state and for the
61 placement of uniform notification signs that provide the meaning
62 of the flags displayed. Such a program shall provide:

63 (a) For posted notification of the meaning of each of the
64 warning and safety flags at all designated beach ~~public~~ access
65 points.

66 (b) That uniform notification signs be posted in a
67 conspicuous location and be clearly legible.

68 (c) A standard size, shape, color, and definition for each
69 warning and safety flag.

70 (5)~~(4)~~ The Department of Environmental Protection may ~~is~~
71 ~~authorized~~, within the limits of appropriations or grants
72 available to it for such purposes, ~~to~~ establish and operate a
73 program to encourage the display of uniform warning and safety
74 flags at ~~public~~ beaches along the coast of the state and to
75 encourage the placement of uniform notification signs that
76 provide the meaning of the flags displayed. The department shall
77 coordinate the implementation of the uniform warning and safety
78 flag program with local governing bodies and the Florida Beach
79 Patrol Chiefs Association. In awarding funds, the department
80 shall first fund all requests from local governments. If funds
81 remain, the department shall fund these on a first-come, first-
82 served basis.

83 (6)~~(5)~~ The Department of Environmental Protection may adopt
84 rules pursuant to ss. 120.536(1) and 120.54 necessary to
85 administer this section.

86 (7)~~(6)~~ Due to the inherent danger of constantly changing
87 surf and other naturally occurring conditions along Florida's

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88 coast, the state, state agencies, local and regional government
89 entities or authorities, and their individual employees and
90 agents, are ~~shall~~ not be held liable for any injury or loss of
91 life caused by changing surf and other naturally occurring
92 conditions along coastal areas, whether or not uniform warning
93 and safety flags or notification signs developed by the
94 department are displayed or posted.

95 (8)~~(7)~~ The Department of Environmental Protection, through
96 the Florida Coastal Management Program, may also develop and
97 make available to the public other educational information and
98 materials related to beach safety.

99 Section 2. Section 784.07, Florida Statutes, is amended to
100 read:

101 784.07 Assault or battery of law enforcement officers,
102 firefighters, emergency medical care providers, public transit
103 employees or agents, or other specified persons ~~officers~~;
104 reclassification of offenses; minimum sentences.-

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

106 (a) "Law enforcement officer" includes a law enforcement
107 officer, a correctional officer, a correctional probation
108 officer, a part-time law enforcement officer, a part-time
109 correctional officer, an auxiliary law enforcement officer, and
110 an auxiliary correctional officer, as those terms are
111 respectively defined in s. 943.10, and any county probation
112 officer; an employee or agent of the Department of Corrections
113 who supervises or provides services to inmates; an officer of
114 the Parole Commission; a federal law enforcement officer as
115 defined in s. 901.1505; and law enforcement personnel of the
116 Fish and Wildlife Conservation Commission, the Department of

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117 Environmental Protection, or the Department of Law Enforcement.

118 (b) "Firefighter" means any person employed by any public
119 employer of this state whose duty it is to extinguish fires; to
120 protect life or property; or to enforce municipal, county, and
121 state fire prevention codes, as well as any law pertaining to
122 the prevention and control of fires.

123 (c) "Emergency medical care provider" means an ambulance
124 driver, emergency medical technician, paramedic, registered
125 nurse, physician as defined in s. 401.23, medical director as
126 defined in s. 401.23, or any person authorized by an emergency
127 medical service licensed under chapter 401 who is engaged in the
128 performance of his or her duties. The term "emergency medical
129 care provider" also includes physicians, employees, agents, or
130 volunteers of hospitals as defined in chapter 395, who are
131 employed, under contract, or otherwise authorized by a hospital
132 to perform duties directly associated with the care and
133 treatment rendered by the hospital's emergency department or the
134 security thereof.

135 (d) "Ocean lifeguard" means a lifeguard employed along the
136 coastal or intracoastal beaches and shores of the state to help
137 prevent injury or drowning of persons.

138 (e)~~(d)~~ "Public transit employees or agents" means bus
139 operators, train operators, revenue collectors, security
140 personnel, equipment maintenance personnel, or field
141 supervisors, who are employees or agents of a transit agency as
142 described in s. 812.015(1)(1).

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

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146 accident investigation officer as described in s. 316.640, a
147 nonsworn law enforcement agency employee who is certified as an
148 agency inspector, blood alcohol analyst, or a breath test
149 operator while such employee is in uniform and engaged in
150 processing, testing, evaluating, analyzing, or transporting a
151 person who is detained or under arrest for DUI, a traffic
152 infraction enforcement officer as described in s. 316.640, a
153 parking enforcement specialist as defined in s. 316.640, a
154 person licensed as a security officer as defined in s. 493.6101
155 and wearing a uniform that bears at least one patch or emblem
156 that is visible at all times that clearly identifies the
157 employing agency and that clearly identifies the person as a
158 licensed security officer, ~~or~~ a security officer employed by the
159 board of trustees of a community college, or an ocean lifeguard,
160 while the officer, firefighter, emergency medical care provider,
161 intake officer, traffic accident investigation officer, traffic
162 infraction enforcement officer, inspector, analyst, operator,
163 parking enforcement specialist, public transit employee or
164 agent, ~~or~~ security officer, or ocean lifeguard is engaged in the
165 lawful performance of his or her duties, the offense for which
166 the person is charged shall be reclassified as follows:

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

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

171 (c) In the case of aggravated assault, from a felony of the
172 third degree to a felony of the second degree. Notwithstanding
173 any other ~~provision of~~ law, any person convicted of aggravated
174 assault upon a law enforcement officer shall be sentenced to a

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175 minimum term of imprisonment of 3 years.

176 (d) In the case of aggravated battery, from a felony of the
177 second degree to a felony of the first degree. Notwithstanding
178 any other ~~provision of~~ law, any person convicted of aggravated
179 battery of a law enforcement officer shall be sentenced to a
180 minimum term of imprisonment of 5 years.

181 (3) Any person who is convicted of a battery under
182 paragraph (2)(b) and, during the commission of the offense, the
183 ~~such~~ person possessed:

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

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

191
192 Notwithstanding s. 948.01, adjudication of guilt or imposition
193 of sentence shall not be suspended, deferred, or withheld, and
194 the defendant is not eligible for statutory gain-time under s.
195 944.275 or any form of discretionary early release, other than
196 pardon or executive clemency, or conditional medical release
197 under s. 947.149, prior to serving the minimum sentence.

198 Section 3. Paragraph (a) of subsection (3) of section
199 435.04, Florida Statutes, is amended to read:

200 435.04 Level 2 screening standards.—

201 (3) The security background investigations conducted under
202 this section for employees of the Department of Juvenile Justice
203 must ensure that no persons subject to the provisions of this

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204 section have been found guilty of, regardless of adjudication,
205 or entered a plea of nolo contendere or guilty to, any offense
206 prohibited under any of the following provisions of the Florida
207 Statutes or under any similar statute of another jurisdiction:

208 (a) Section 784.07, relating to assault or battery of law
209 enforcement officers, firefighters, emergency medical care
210 providers, public transit employees or agents, or other
211 specified persons ~~officers~~.

212
213 The Department of Juvenile Justice may not remove a
214 disqualification from employment or grant an exemption to any
215 person who is disqualified under this section for any offense
216 disposed of during the most recent 7-year period.

217 Section 4. Subsection (15) of section 901.15, Florida
218 Statutes, is amended to read:

219 901.15 When arrest by officer without warrant is lawful.—A
220 law enforcement officer may arrest a person without a warrant
221 when:

222 (15) There is probable cause to believe that the person has
223 committed assault upon a law enforcement officer, a firefighter,
224 an emergency medical care provider, public transit employee
225 ~~employees~~ or agent ~~agents~~, or other specified persons ~~officers~~
226 as set forth in s. 784.07 or has committed assault or battery
227 upon any employee of a receiving facility as defined in s.
228 394.455 who is engaged in the lawful performance of his or her
229 duties.

230 Section 5. For the purpose of incorporating the amendment
231 made by this act to section 784.07, Florida Statutes, in a
232 reference thereto, paragraph (d) of subsection (3) of section

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233 921.0022, Florida Statutes, is reenacted, and paragraphs (f) and
 234 (g) of that subsection are amended, to read:

235 921.0022 Criminal Punishment Code; offense severity ranking
 236 chart.—

237 (3) OFFENSE SEVERITY RANKING CHART

238 (d) LEVEL 4

Florida	Felony
Statute	Degree

Description

239	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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240	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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241	499.0051(2)	3rd	Failure to authenticate pedigree papers.
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242	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
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243	784.07(2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
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244	784.074(1) (c)	3rd	Battery of sexually violent predators facility staff.
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784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
784.081 (3)	3rd	Battery on specified official or employee.
784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
784.083 (3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

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- 787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
- 790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.
- 790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.
- 790.115 (2) (c) 3rd Possessing firearm on school property.
- 800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.
- 810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
- 810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
- 810.06 3rd Burglary; possession of tools.
- 810.08 (2) (c) 3rd Trespass on property, armed with firearm

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or dangerous weapon.

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812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

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812.014(2)(c)4.- 3rd Grand theft, 3rd degree, a will, 10. firearm, motor vehicle, livestock, etc.

265

812.0195(2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

266

817.563(1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

267

817.568(2)(a) 3rd Fraudulent use of personal identification information.

268

817.625(2)(a) 3rd Fraudulent use of scanning device or reencoder.

269

828.125(1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

270

837.02(1) 3rd Perjury in official proceedings.

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837.021(1) 3rd Make contradictory statements in official proceedings.

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- 838.022 3rd Official misconduct.
- 839.13(2)(a) 3rd Falsifying records of an individual in the care and custody of a state agency.
- 839.13(2)(c) 3rd Falsifying records of the Department of Children and Family Services.
- 843.021 3rd Possession of a concealed handcuff key by a person in custody.
- 843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
- 843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).
- 847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.
- 874.05(1) 3rd Encouraging or recruiting another to join a criminal gang.
- 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).

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914.14 (2) 3rd Witnesses accepting bribes.

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914.22 (1) 3rd Force, threaten, etc., witness, victim, or informant.

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914.23 (2) 3rd Retaliation against a witness, victim, or informant, no bodily injury.

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918.12 3rd Tampering with jurors.

285

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

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287 (f) LEVEL 6

Florida	Felony	
Statute	Degree	Description

288

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

289

499.0051 (3) 2nd Knowing forgery of pedigree papers.

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499.0051 (4) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

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499.0051 (5) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

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775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048 (3)	3rd	Aggravated stalking; credible threat.
784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer, <u>firefighter, intake officer, etc.</u>
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081 (2)	2nd	Aggravated assault on specified official or employee.

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784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083 (2)	2nd	Aggravated assault on code inspector.
787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05 (1)	2nd	Unlawful sexual activity with specified minor.

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312 800.04 (5) (d) 3rd Lewd or lascivious molestation; victim
12 years of age or older but less than
16 years; offender less than 18 years.

313 800.04 (6) (b) 2nd Lewd or lascivious conduct; offender 18
years of age or older.

314 806.031 (2) 2nd Arson resulting in great bodily harm to
firefighter or any other person.

315 810.02 (3) (c) 2nd Burglary of occupied structure; unarmed;
no assault or battery.

316 812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but
less than \$100,000, grand theft in 2nd
degree.

317 812.014 (6) 2nd Theft; property stolen \$3,000 or more;
coordination of others.

318 812.015 (9) (a) 2nd Retail theft; property stolen \$300 or
more; second or subsequent conviction.

319 812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or
more; coordination of others.

320 812.13 (2) (c) 2nd Robbery, no firearm or other weapon
(strong-arm robbery).

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321	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
322	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
323	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
324	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
325	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
326	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
327	827.03 (1)	3rd	Abuse of a child.
328	827.03 (3) (c)	3rd	Neglect of a child.
329	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
	836.05	2nd	Threats; extortion.

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836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
914.23	2nd	Retaliation against a witness, 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.
944.40	2nd	Escapes.

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339	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
340	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
341	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
342	(g) LEVEL 7		
343	Florida Statute	Felony Degree	Description
344	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
345	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
346	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.
347	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.

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402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

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409.920(2) 3rd Medicaid provider fraud.

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456.065(2) 3rd Practicing a health care profession without a license.

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456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

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458.327(1) 3rd Practicing medicine without a license.

353

459.013(1) 3rd Practicing osteopathic medicine without a license.

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460.411(1) 3rd Practicing chiropractic medicine without a license.

355

461.012(1) 3rd Practicing podiatric medicine without a license.

356

462.17 3rd Practicing naturopathy without a license.

463.015(1) 3rd Practicing optometry without a license.

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464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (9)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
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

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more victims.

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560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

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560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

370

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

371

775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.

372

775.21 (10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

373

782.051 (3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

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782.07(1) 2nd Killing of a human being by the act,
procurement, or culpable negligence of
another (manslaughter).

375

782.071 2nd Killing of a human being or viable fetus
by the operation of a motor vehicle in a
reckless manner (vehicular homicide).

376

782.072 2nd Killing of a human being by the
operation of a vessel in a reckless
manner (vessel homicide).

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784.045(1)(a)1. 2nd Aggravated battery; intentionally
causing great bodily harm or
disfigurement.

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784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.

379

784.045(1)(b) 2nd Aggravated battery; perpetrator aware
victim pregnant.

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784.048(4) 3rd Aggravated stalking; violation of
injunction or court order.

381

784.048(7) 3rd Aggravated stalking; violation of court
order.

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784.07(2)(d) 1st Aggravated battery on law enforcement

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officer, firefighter, intake officer,
etc.

383

784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

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784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

385

784.081 (1) 1st Aggravated battery on specified official or employee.

386

784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

387

784.083 (1) 1st Aggravated battery on code inspector.

388

790.07 (4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).

389

790.16 (1) 1st Discharge of a machine gun under specified circumstances.

390

790.165 (2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

391

790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or

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attempting to commit a felony.

392

790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

393

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

394

790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

395

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.

396

796.03 2nd Procuring any person under 16 years for prostitution.

397

800.04 (5) (c)1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

398

800.04 (5) (c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but less than

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16 years; offender 18 years or older.

399

806.01(2) 2nd Maliciously damage structure by fire or explosive.

400

810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

401

810.02(3)(b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

402

810.02(3)(d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

403

810.02(3)(e) 2nd Burglary of authorized emergency vehicle.

404

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.

405

812.014(2)(b)2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

406

812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

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408

812.014(2)(b)4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

409

812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.

410

812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

411

812.131(2)(a) 2nd Robbery by sudden snatching.

412

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

413

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

414

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

415

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

817.2341(2)(b) 1st Making false entries of material fact or
& (3)(b) false statements regarding property values relating to the solvency of an

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insuring entity which are a significant cause of the insolvency of that entity.

416

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

417

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.

418

827.03 (3) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

419

827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

420

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

421

838.015 2nd Bribery.

422

838.016 2nd Unlawful compensation or reward for official behavior.

423

838.021 (3) (a) 2nd Unlawful harm to a public servant.

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425

838.22 2nd Bid tampering.

426

847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

427

847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

428

872.06 2nd Abuse of a dead human body.

429

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

430

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.

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

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or a specified business site.

431

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).

432

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

433

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

434

893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more than
4 grams, less than 14 grams.

435

893.135(1)(d)1. 1st Trafficking in phencyclidine, more than
28 grams, less than 200 grams.

436

893.135(1)(e)1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.

437

893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14
grams, less than 28 grams.

438

893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams
or more, less than 14 grams.

439

893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric
acid (GHB), 1 kilogram or more, less

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than 5 kilograms.

440

893.135(1)(j)1.a. 1st

Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

441

893.135(1)(k)2.a. 1st

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

442

893.1351(2) 2nd

Possession of place for trafficking in or manufacturing of controlled substance.

443

896.101(5)(a) 3rd

Money laundering, financial transactions exceeding \$300 but less than \$20,000.

444

896.104(4)(a)1. 3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

445

943.0435(4)(c) 2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

446

943.0435(8) 2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

447

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448 943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

449 943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

450 943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

451 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

452 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

453 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

454 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

455 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

985.4815(12) 3rd Failure to report or providing false

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

456

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

457

458 Section 6. Paragraph (b) of subsection (3) of section
459 943.051, Florida Statutes, is amended to read:

460 943.051 Criminal justice information; collection and
461 storage; fingerprinting.—

462 (3)

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

466 1. Assault, as defined in s. 784.011.

467 2. Battery, as defined in s. 784.03.

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

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

471 5. Negligent treatment of children, as defined in s.
472 827.05.

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

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

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

478 9. Unlawful possession of a firearm, as defined in s.
479 790.22(5).

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- 480 10. Petit theft, as defined in s. 812.014(3).
- 481 11. Cruelty to animals, as defined in s. 828.12(1).
- 482 12. Arson, as defined in s. 806.031(1).
- 483 13. Unlawful possession or discharge of a weapon or firearm
- 484 at a school-sponsored event or on school property as defined in
- 485 s. 790.115.
- 486 Section 7. Paragraph (b) of subsection (1) of section
- 487 985.11, Florida Statutes, is amended to read:
- 488 985.11 Fingerprinting and photographing.—
- 489 (1)
- 490 (b) A child who is charged with or found to have committed
- 491 one of the following offenses shall be fingerprinted, and the
- 492 fingerprints shall be submitted to the Department of Law
- 493 Enforcement as provided in s. 943.051(3)(b):
- 494 1. Assault, as defined in s. 784.011.
- 495 2. Battery, as defined in s. 784.03.
- 496 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 497 4. Unlawful use of destructive devices or bombs, as defined
- 498 in s. 790.1615(1).
- 499 5. Negligent treatment of children, as defined in former s.
- 500 827.05.
- 501 6. Assault on a law enforcement officer, a firefighter, or
- 502 other specified person ~~officers~~, as defined in s. 784.07(2)(a).
- 503 7. Open carrying of a weapon, as defined in s. 790.053.
- 504 8. Exposure of sexual organs, as defined in s. 800.03.
- 505 9. Unlawful possession of a firearm, as defined in s.
- 506 790.22(5).
- 507 10. Petit theft, as defined in s. 812.014.
- 508 11. Cruelty to animals, as defined in s. 828.12(1).

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

511 13. Unlawful possession or discharge of a weapon or firearm
512 at a school-sponsored event or on school property as defined in
513 s. 790.115.

514

515 A law enforcement agency may fingerprint and photograph a child
516 taken into custody upon probable cause that the ~~such~~ child has
517 committed any other violation of law, as the agency deems
518 appropriate. Such fingerprint records and photographs shall be
519 retained by the law enforcement agency in a separate file, and
520 these records and all copies thereof must be marked "Juvenile
521 Confidential." These records are not available for public
522 disclosure and inspection under s. 119.07(1) except as provided
523 in ss. 943.053 and 985.04(2), but shall be available to other
524 law enforcement agencies, criminal justice agencies, state
525 attorneys, the courts, the child, the parents or legal
526 custodians of the child, their attorneys, and any other person
527 authorized by the court to have access to such records. In
528 addition, such records may be submitted to the Department of Law
529 Enforcement for inclusion in the state criminal history records
530 and used by criminal justice agencies for criminal justice
531 purposes. These records may, in the discretion of the court, be
532 open to inspection by anyone upon a showing of cause. The
533 fingerprint and photograph records shall be produced in the
534 court whenever directed by the court. Any photograph taken
535 pursuant to this section may be shown by a law enforcement
536 officer to any victim or witness of a crime for the purpose of
537 identifying the person who committed such crime.

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538

Section 8. This act shall take effect July 1, 2009.