

By Senator Bullard

39-00191-10

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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; specifying how department funds for  
6           promoting the use of beach warning flags are to be  
7           dispersed; amending s. 784.07, F.S.; defining the term  
8           "ocean lifeguard"; providing enhanced penalties for an  
9           assault or battery on an ocean lifeguard while he or  
10          she is engaged in the lawful performance of his or her  
11          duties; amending ss. 435.04, 901.15, 943.051, and  
12          985.11, F.S.; conforming provisions; amending s.  
13          921.0022, F.S., and reenacting paragraph (3)(d),  
14          relating to the offense severity ranking chart, to  
15          incorporate the amendments made to s. 784.07, F.S., in  
16          a reference thereto; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Section 380.276, Florida Statutes, is amended to  
21           read:

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

25           (1) It is the intent of the Legislature that a cooperative  
26           effort among state agencies and local governments be undertaken  
27           to plan for and assist in the display of uniform warning and  
28           safety flags, and the placement of uniform notification signs  
29           that provide the meaning of such warning and safety flags, at

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30 ~~public~~ beaches along the coast of the state. Because the varying  
31 natural conditions of Florida's ~~public~~ beaches and coastal areas  
32 pose significant risks to the safety of tourists and the general  
33 public, it is important to inform the public of the need to  
34 exercise caution.

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

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

55 (4)~~(3)~~ The Department of Environmental Protection shall  
56 develop a program for the display of uniform warning and safety  
57 flags at ~~public~~ beaches along the coast of the state and for the  
58 placement of uniform flag notification signs that provide the

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59 meaning of the flags displayed. Such a program shall provide:

60 (a) For posted notification of the meaning of each of the  
61 warning and safety flags at all designated beach ~~public~~ access  
62 points.

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

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

67 (5) ~~(4)~~ The Department of Environmental Protection may ~~is~~  
68 ~~authorized~~, within the limits of appropriations or grants  
69 available to it for such purposes, ~~to~~ establish and operate a  
70 program to encourage the display of uniform warning and safety  
71 flags at ~~public~~ beaches along the coast of the state and to  
72 encourage the placement of uniform notification signs that  
73 provide the meaning of the flags displayed. The department shall  
74 coordinate the implementation of the uniform warning and safety  
75 flag program with local governing bodies and the Florida Beach  
76 Patrol Chiefs Association. In awarding funds, the department  
77 must first fund all requests from local governments. If any  
78 funds remain, the department shall fund the remaining requests  
79 on a first-come, first-served basis.

80 (6) ~~(5)~~ The Department of Environmental Protection may adopt  
81 rules pursuant to ss. 120.536(1) and 120.54 necessary to  
82 administer this section.

83 (7) ~~(6)~~ Due to the inherent danger of constantly changing  
84 surf and other naturally occurring conditions along Florida's  
85 coast, the state, state agencies, local and regional government  
86 entities or authorities, and their individual employees and  
87 agents, are ~~shall not be held~~ liable for any injury or loss of

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88 life caused by changing surf and other naturally occurring  
89 conditions along coastal areas, whether or not uniform warning  
90 and safety flags or notification signs developed by the  
91 department are displayed or posted.

92 (8)~~(7)~~ The Department of Environmental Protection, through  
93 the Florida Coastal Management Program, may also develop and  
94 make available to the public other educational information and  
95 materials related to beach safety.

96 Section 2. Section 784.07, Florida Statutes, is amended to  
97 read:

98 784.07 Assault or battery of law enforcement officers,  
99 firefighters, emergency medical care providers, public transit  
100 employees or agents, or other specified persons ~~officers~~;  
101 reclassification of offenses; minimum sentences.-

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

103 (a) "Emergency medical care provider" means an ambulance  
104 driver, emergency medical technician, paramedic, registered  
105 nurse, physician as defined in s. 401.23, medical director as  
106 defined in s. 401.23, or any person authorized by an emergency  
107 medical service licensed under chapter 401 who is engaged in the  
108 performance of his or her duties. The term ~~"emergency medical  
109 care provider"~~ also includes physicians, employees, agents, or  
110 volunteers of hospitals as defined in chapter 395, who are  
111 employed, under contract, or otherwise authorized by a hospital  
112 to perform duties directly associated with the care and  
113 treatment rendered by the hospital's emergency department or the  
114 security thereof.

115 (b) "Firefighter" means any person employed by any public  
116 employer of this state whose duty ~~it~~ is to extinguish fires; ~~to~~

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117 protect life or property; or ~~to~~ enforce municipal, county, and  
118 state fire prevention codes, as well as any law pertaining to  
119 the prevention and control of fires.

120 (c) "Law enforcement explorer" means any person who is a  
121 current member of a law enforcement agency's explorer program  
122 and who is performing functions other than those required to be  
123 performed by sworn law enforcement officers on behalf of a law  
124 enforcement agency while under the direct physical supervision  
125 of a sworn officer of that agency and wearing a uniform that  
126 bears at least one patch that clearly identifies the law  
127 enforcement agency that he or she represents.

128 (d) "Law enforcement officer" includes a law enforcement  
129 officer, a correctional officer, a correctional probation  
130 officer, a part-time law enforcement officer, a part-time  
131 correctional officer, an auxiliary law enforcement officer, and  
132 an auxiliary correctional officer, as those terms are  
133 respectively defined in s. 943.10, and any county probation  
134 officer; an employee or agent of the Department of Corrections  
135 who supervises or provides services to inmates; an officer of  
136 the Parole Commission; a federal law enforcement officer as  
137 defined in s. 901.1505; and law enforcement personnel of the  
138 Fish and Wildlife Conservation Commission, the Department of  
139 Environmental Protection, or the Department of Law Enforcement.

140 (e) "Ocean lifeguard" means a lifeguard employed along the  
141 coastal or intracoastal beaches and shores of this state to help  
142 prevent injury or drowning.

143 (f) ~~(e)~~ "Public transit employees or agents" means bus  
144 operators, train operators, revenue collectors, security  
145 personnel, equipment maintenance personnel, or field

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146 supervisors, who are employees or agents of a transit agency as  
147 described in s. 812.015(1)(1).

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

174 (a) In the case of assault, from a misdemeanor of the

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175 second degree to a misdemeanor of the first degree.

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

178 (c) In the case of aggravated assault, from a felony of the  
179 third degree to a felony of the second degree. Notwithstanding  
180 any other provision of law, any person convicted of aggravated  
181 assault upon a law enforcement officer shall be sentenced to a  
182 minimum term of imprisonment of 3 years.

183 (d) In the case of aggravated battery, from a felony of the  
184 second degree to a felony of the first degree. Notwithstanding  
185 any other provision of law, any person convicted of aggravated  
186 battery of a law enforcement officer shall be sentenced to a  
187 minimum term of imprisonment of 5 years.

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

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

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

198  
199 Notwithstanding s. 948.01, adjudication of guilt or imposition  
200 of sentence may ~~shall~~ not be suspended, deferred, or withheld,  
201 and the defendant is not eligible for statutory gain-time under  
202 s. 944.275 or any form of discretionary early release, other  
203 than pardon or executive clemency, or conditional medical

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204 release under s. 947.149, prior to serving the minimum sentence.

205 Section 3. Subsection (3) of section 435.04, Florida  
206 Statutes, is amended to read:

207 435.04 Level 2 screening standards.—

208 (3) The security background investigations conducted under  
209 this section for employees of the Department of Juvenile Justice  
210 must ensure that no persons subject to the provisions of this  
211 section have been found guilty of, regardless of adjudication,  
212 or entered a plea of nolo contendere or guilty to, any offense  
213 prohibited under any of the following provisions of state law  
214 ~~the Florida Statutes~~ or under any similar statute of another  
215 jurisdiction:

216 (a) Section 784.07, relating to assault or battery of law  
217 enforcement officers, firefighters, emergency medical care  
218 providers, public transit employees or agents, or other  
219 specified persons ~~officers~~.

220 (b) Section 810.02, relating to burglary, if the offense is  
221 a felony.

222 (c) Section 944.40, relating to escape.

223

224 The Department of Juvenile Justice may not remove a  
225 disqualification from employment or grant an exemption to any  
226 person who is disqualified under this section for any offense  
227 disposed of during the last 7 years ~~most recent 7-year period~~.

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

230 901.15 When arrest by officer without warrant is lawful.—A  
231 law enforcement officer may arrest a person without a warrant  
232 when:



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233 (15) There is probable cause to believe that the person has  
 234 committed assault upon a law enforcement officer, a firefighter,  
 235 an emergency medical care provider, public transit employee  
 236 ~~employees~~ or agent ~~agents~~, or other specified persons ~~officers~~  
 237 as set forth in s. 784.07 or has committed assault or battery  
 238 upon any employee of a receiving facility as defined in s.  
 239 394.455 who is engaged in the lawful performance of his or her  
 240 duties.

241 Section 5. For the purpose of incorporating the amendment  
 242 made by this act to section 784.07, Florida Statutes, in a  
 243 reference thereto, paragraph (d) of subsection (3) of section  
 244 921.0022, Florida Statutes, is reenacted, and paragraphs (f) and  
 245 (g) of that subsection are amended, to read:

246 921.0022 Criminal Punishment Code; offense severity ranking  
 247 chart.-

248 (3) OFFENSE SEVERITY RANKING CHART

249 (d) LEVEL 4

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.

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	499.0051(2)	3rd	Failure to authenticate pedigree papers.
254	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
255	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
256	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
257	784.075	3rd	Battery on detention or commitment facility staff.
258	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
259	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
260	784.081(3)	3rd	Battery on specified official or employee.
261	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
	784.083(3)	3rd	Battery on code inspector.

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- 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.
- 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.

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- 271 810.02(4)(a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
- 272 810.02(4)(b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
- 273 810.06 3rd Burglary; possession of tools.
- 274 810.08(2)(c) 3rd Trespass on property, armed with firearm or dangerous weapon.
- 275 812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
- 276 812.014(2)(c)4.- 3rd Grand theft, 3rd degree, a will, 10. firearm, motor vehicle, livestock, etc.
- 277 812.0195(2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.
- 278 817.563(1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
- 279 817.568(2)(a) 3rd Fraudulent use of personal identification information.

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280	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
281	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
282	837.02 (1)	3rd	Perjury in official proceedings.
283	837.021 (1)	3rd	Make contradictory statements in official proceedings.
284	838.022	3rd	Official misconduct.
285	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
286	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
287	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
288	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

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jumping).

289

847.0135(5)(c) 3rd Lewd or lascivious exhibition using  
computer; offender less than 18 years.

290

874.05(1) 3rd Encouraging or recruiting another to  
join a criminal gang.

291

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).

292

914.14(2) 3rd Witnesses accepting bribes.

293

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

294

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

295

918.12 3rd Tampering with jurors.

296

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

297

298 (f) LEVEL 6

Florida Felony

Statute Degree

Description

299

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300	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
301	499.0051(3)	2nd	Knowing forgery of pedigree papers.
302	499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
303	499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
304	775.0875(1)	3rd	Taking firearm from law enforcement officer.
305	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
306	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
307	784.041	3rd	Felony battery; domestic battery by strangulation.
308	784.048(3)	3rd	Aggravated stalking; credible threat.
309	784.048(5)	3rd	Aggravated stalking of person under 16.
	784.07(2)(c)	2nd	Aggravated assault on law enforcement

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officer, firefighter, intake officer,  
etc.

310

784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

311

784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.

312

784.081 (2) 2nd Aggravated assault on specified official or employee.

313

784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

314

784.083 (2) 2nd Aggravated assault on code inspector.

315

787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

316

790.115 (2) (d) 2nd Discharging firearm or weapon on school property.

317

790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

318

790.164 (1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or



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violence to state property.

319

790.19                    2nd            Shooting or throwing deadly missiles  
into dwellings, vessels, or vehicles.

320

794.011(8) (a)        3rd            Solicitation of minor to participate in  
sexual activity by custodial adult.

321

794.05(1)             2nd            Unlawful sexual activity with specified  
minor.

322

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.

323

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

324

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

325

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

326

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

327

812.014(6)           2nd            Theft; property stolen \$3,000 or more;

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coordination of others.

328

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

329

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

330

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

331

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

332

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

333

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

334

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

335

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

336

825.103 (2) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less

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than \$20,000.

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- 827.03(1) 3rd Abuse of a child.
- 827.03(3)(c) 3rd Neglect of a child.
- 827.071(2) & 2nd Use or induce a child in a sexual  
(3) performance, or promote or direct such  
performance.
- 836.05 2nd Threats; extortion.
- 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.

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347 914.23 2nd Retaliation against a witness, victim,  
or informant, with bodily injury.

348 944.35(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.

349 944.40 2nd Escapes.

350 944.46 3rd Harboring, concealing, aiding escaped  
prisoners.

351 944.47(1)(a)5. 2nd Introduction of contraband (firearm,  
weapon, or explosive) into correctional  
facility.

352 951.22(1) 3rd Intoxicating drug, firearm, or weapon  
introduced into county facility.

353 (g) LEVEL 7

Florida	Felony	
Statute	Degree	Description

354 316.027(1)(b) 1st Accident involving death, failure to  
stop; leaving scene.

355 316.193(3)(c)2. 3rd DUI resulting in serious bodily injury.

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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.

327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

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

409.920(2)(b)1.a. 3rd Medicaid provider fraud; \$10,000 or less.

409.920(2)(b)1.b. 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.

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

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

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364	458.327(1)	3rd	Practicing medicine without a license.	
365	459.013(1)	3rd	Practicing osteopathic medicine without a license.	
366	460.411(1)	3rd	Practicing chiropractic medicine without a license.	
367	461.012(1)	3rd	Practicing podiatric medicine without a license.	
368	462.17	3rd	Practicing naturopathy without a license.	
369	463.015(1)	3rd	Practicing optometry without a license.	
370	464.016(1)	3rd	Practicing nursing without a license.	
371	465.015(2)	3rd	Practicing pharmacy without a license.	
372	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	
373	467.201	3rd	Practicing midwifery without a license.	
374	468.366	3rd	Delivering respiratory care services without a license.	
	483.828(1)	3rd	Practicing as clinical laboratory	

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personnel without a license.

375

483.901 (9) 3rd Practicing medical physics without a license.

376

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

377

484.053 3rd Dispensing hearing aids without a license.

378

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.

379

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.

380

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

381

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

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383	775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
384	775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.
385	775.21(10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
386	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
387	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
388	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
389	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



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causing great bodily harm or  
disfigurement.

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

391

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

392

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

393

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

394

784.07 (2) (d) 1st Aggravated battery on law enforcement  
officer, firefighter, intake officer,  
etc.

395

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

396

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

397

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

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

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784.083 (1)	1st	Aggravated battery on code inspector.
790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

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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.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
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.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.

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416	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
417	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.
418	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
419	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
420	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
421	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
422	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
423	812.131(2)(a)	2nd	Robbery by sudden snatching.
	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon,

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or other weapon.

424

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

425

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

426

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

427

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

428

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

429

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.

430

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

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432 827.04(3) 3rd Impregnation of a child under 16 years  
of age by person 21 years of age or  
older.

433 837.05(2) 3rd Giving false information about alleged  
capital felony to a law enforcement  
officer.

434 838.015 2nd Bribery.

435 838.016 2nd Unlawful compensation or reward for  
official behavior.

436 838.021(3)(a) 2nd Unlawful harm to a public servant.

437 838.22 2nd Bid tampering.

438 847.0135(3) 3rd Solicitation of a child, via a computer  
service, to commit an unlawful sex act.

439 847.0135(4) 2nd Traveling to meet a minor to commit an  
unlawful sex act.

440 872.06 2nd Abuse of a dead human body.

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

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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.

442

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.

443

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).

444

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

445

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

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

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- 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
- 893.135(1)(e)1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
- 893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.
- 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
- 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
- 893.1351(2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.
- 896.101(5)(a) 3rd Money laundering, financial transactions



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exceeding \$300 but less than \$20,000.

456

896.104(4)(a)1. 3rd

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

457

943.0435(4)(c) 2nd

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

458

943.0435(8) 2nd

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

459

943.0435(9)(a) 3rd

Sexual offender; failure to comply with reporting requirements.

460

943.0435(13) 3rd

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

461

943.0435(14) 3rd

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

462

944.607(9) 3rd

Sexual offender; failure to comply with reporting requirements.

463

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464 944.607(10)(a) 3rd Sexual offender; failure to submit to  
the taking of a digitized photograph.

465 944.607(12) 3rd Failure to report or providing false  
information about a sexual offender;  
harbor or conceal a sexual offender.

466 944.607(13) 3rd Sexual offender; failure to report and  
reregister; failure to respond to  
address verification.

467 985.4815(10) 3rd Sexual offender; failure to submit to  
the taking of a digitized photograph.

468 985.4815(12) 3rd Failure to report or providing false  
information about a sexual offender;  
harbor or conceal a sexual offender.

469 985.4815(13) 3rd Sexual offender; failure to report and  
reregister; failure to respond to  
address verification.

470 Section 6. Paragraph (b) of subsection (3) of section  
471 943.051, Florida Statutes, is amended to read:

472 943.051 Criminal justice information; collection and  
473 storage; fingerprinting.—

474 (3)

475 (b) A minor who is charged with or found to have committed  
476 the following offenses shall be fingerprinted and the

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477 fingerprints shall be submitted to the department:

- 478 1. Assault, as defined in s. 784.011.
- 479 2. Battery, as defined in s. 784.03.
- 480 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 481 4. Unlawful use of destructive devices or bombs, as defined
- 482 in s. 790.1615(1).
- 483 5. Negligent treatment of children, as defined in s.
- 484 827.05.
- 485 6. Assault or battery on a law enforcement officer, a
- 486 firefighter, or other specified person ~~officers~~, as defined in
- 487 s. 784.07(2)(a) and (b).
- 488 7. Open carrying of a weapon, as defined in s. 790.053.
- 489 8. Exposure of sexual organs, as defined in s. 800.03.
- 490 9. Unlawful possession of a firearm, as defined in s.
- 491 790.22(5).
- 492 10. Petit theft, as defined in s. 812.014(3).
- 493 11. Cruelty to animals, as defined in s. 828.12(1).
- 494 12. Arson, as defined in s. 806.031(1).
- 495 13. Unlawful possession or discharge of a weapon or firearm
- 496 at a school-sponsored event or on school property as defined in
- 497 s. 790.115.

498 Section 7. Paragraph (b) of subsection (1) of section  
499 985.11, Florida Statutes, is amended to read:

500 985.11 Fingerprinting and photographing.—

501 (1)

502 (b) A child who is charged with or found to have committed  
503 one of the following offenses shall be fingerprinted, and the  
504 fingerprints shall be submitted to the Department of Law  
505 Enforcement as provided in s. 943.051(3)(b):

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- 506 1. Assault, as defined in s. 784.011.  
507 2. Battery, as defined in s. 784.03.  
508 3. Carrying a concealed weapon, as defined in s. 790.01(1).  
509 4. Unlawful use of destructive devices or bombs, as defined  
510 in s. 790.1615(1).  
511 5. Negligent treatment of children, as defined in former s.  
512 827.05.  
513 6. Assault on a law enforcement officer, a firefighter, or  
514 other specified person ~~officers~~, as defined in s. 784.07(2)(a).  
515 7. Open carrying of a weapon, as defined in s. 790.053.  
516 8. Exposure of sexual organs, as defined in s. 800.03.  
517 9. Unlawful possession of a firearm, as defined in s.  
518 790.22(5).  
519 10. Petit theft, as defined in s. 812.014.  
520 11. Cruelty to animals, as defined in s. 828.12(1).  
521 12. Arson, resulting in bodily harm to a firefighter, as  
522 defined in s. 806.031(1).  
523 13. Unlawful possession or discharge of a weapon or firearm  
524 at a school-sponsored event or on school property as defined in  
525 s. 790.115.

526  
527 A law enforcement agency may fingerprint and photograph a child  
528 taken into custody upon probable cause that the ~~such~~ child has  
529 committed any other violation of law, as the agency deems  
530 appropriate. Such fingerprint records and photographs shall be  
531 retained by the law enforcement agency in a separate file, and  
532 these records and all copies thereof must be marked "Juvenile  
533 Confidential." These records are not available for public  
534 disclosure and inspection under s. 119.07(1) except as provided

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535 in ss. 943.053 and 985.04(2), but shall be available to other  
536 law enforcement agencies, criminal justice agencies, state  
537 attorneys, the courts, the child, the parents or legal  
538 custodians of the child, their attorneys, and any other person  
539 authorized by the court to have access to such records. In  
540 addition, such records may be submitted to the Department of Law  
541 Enforcement for inclusion in the state criminal history records  
542 and used by criminal justice agencies for criminal justice  
543 purposes. These records may, in the discretion of the court, be  
544 open to inspection by anyone upon a showing of cause. The  
545 fingerprint and photograph records shall be produced in the  
546 court whenever directed by the court. Any photograph taken  
547 pursuant to this section may be shown by a law enforcement  
548 officer to any victim or witness of a crime for the purpose of  
549 identifying the person who committed such crime.

550 Section 8. This act shall take effect July 1, 2010.