

By Representatives Flanagan, Saunders and Peadar

1 A bill to be entitled
2 An act relating to emergency medical services;
3 amending s. 784.07, F.S.; redefining the term
4 "emergency medical care provider" to apply to
5 specified personnel who are performing their
6 duties, and to include physicians, employees,
7 agents, and volunteers who are employed,
8 contracted, or authorized by a hospital to
9 perform duties directly associated with the
10 hospital's emergency department; providing that
11 enhanced penalties and certain minimum
12 sentences apply if a person is convicted of
13 assault or battery against an emergency medical
14 care provider; providing an effective date.

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

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18 Section 1. Section 784.07, Florida Statutes, is
19 amended to read:

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

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

25 (a) "Law enforcement officer" includes a law
26 enforcement officer, a correctional officer, a correctional
27 probation officer, a part-time law enforcement officer, a
28 part-time correctional officer, an auxiliary law enforcement
29 officer, and an auxiliary correctional officer, as those terms
30 are respectively defined in s. 943.10, and any county
31 probation officer; employee or agent of the Department of

1 Corrections who supervises or provides services to inmates;
2 officer of the Parole Commission; and law enforcement
3 personnel of the Game and Fresh Water Fish Commission, the
4 Department of Environmental Protection, or the Department of
5 Law Enforcement.

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

11 (c) "Emergency medical care provider" means an
12 ambulance driver, emergency medical technician, paramedic,
13 registered nurse, physician as defined in s. 401.23, medical
14 director as defined in s. 401.23, or any person authorized by
15 an emergency medical service licensed under chapter 401 who is
16 engaged in the performance of his or her duties. The term
17 "emergency medical care provider" also includes physicians,
18 employees, agents, or volunteers of hospitals as defined in
19 chapter 395, who are employed, under contract, or otherwise
20 authorized by a hospital to perform duties directly associated
21 with the care and treatment rendered by the hospital's
22 emergency department or the security thereof.

23 (d) "Public transit employees or agents" means bus
24 operators, train operators, revenue collectors, security
25 personnel, equipment maintenance personnel, or field
26 supervisors, who are employees or agents of a transit agency
27 as described in s. 812.015(1)(1).

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

1 316.640, a traffic infraction enforcement officer as described
2 in s. 318.141, a parking enforcement specialist as defined in
3 s. 316.640, or a security officer employed by the board of
4 trustees of a community college, while the officer,
5 firefighter, emergency medical care provider, intake officer,
6 traffic accident investigation officer, traffic infraction
7 enforcement officer, parking enforcement specialist, public
8 transit employee or agent, or security officer is engaged in
9 the lawful performance of his or her duties, the offense for
10 which the person is charged shall be reclassified as follows:

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

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

15 (c) In the case of aggravated assault, from a felony
16 of the third degree to a felony of the second degree.

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

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

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

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

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30 Notwithstanding ~~the provisions of~~ s. 948.01, adjudication of
31 guilt or imposition of sentence shall not be suspended,

1 deferred, or withheld, and the defendant is not eligible for
2 statutory gain-time under s. 944.275 or any form of
3 discretionary early release, other than pardon or executive
4 clemency, or conditional medical release under s. 947.149,
5 prior to serving the minimum sentence.

6 Section 2. This act shall take effect October 1 of the
7 year in which enacted.

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HOUSE SUMMARY

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Provides that the enhanced penalties imposed for the
offense of assault or battery against an emergency
medical care provider apply if such offense is committed
against an emergency medical care provider who is engaged
in the performance of his or her duties. Provides that
the term "emergency medical care provider" includes a
physician, employee, agent, or volunteer who is employed,
contracted, or authorized by a hospital to perform duties
directly associated with the hospital's emergency
department.

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