

By Senator Lee

23-207-98

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 providers" to include
5 physician assistants, emergency room orderlies,
6 and emergency room security guards; providing
7 that the term includes personnel who are
8 performing official duties whether within or
9 outside an emergency room; providing that
10 enhanced penalties and certain minimum
11 sentences apply if a person is convicted of
12 assault or battery against an emergency medical
13 care provider; providing an effective date.

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

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

19 784.07 Assault or battery of law enforcement officers,
20 firefighters, emergency medical care providers, public transit
21 employees or agents, or other specified officers;
22 reclassification of offenses; minimum sentences.--

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

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

1 officer of the Parole Commission; and law enforcement
2 personnel of the Game and Fresh Water Fish Commission, the
3 Department of Environmental Protection, or the Department of
4 Law Enforcement.

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

10 (c) "Emergency medical care provider" means an
11 ambulance driver, emergency medical technician, paramedic,
12 registered nurse, physician assistant, emergency room orderly,
13 emergency room security guard, physician as defined in s.
14 401.23, medical director as defined in s. 401.23, or any
15 person authorized by an emergency medical service licensed
16 under chapter 401 who is engaged in the performance of
17 official duties, whether within or outside the confines of an
18 emergency room.

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

24 (2) Whenever any person is charged with knowingly
25 committing an assault or battery upon a law enforcement
26 officer, a firefighter, an emergency medical care provider, a
27 traffic accident investigation officer as described in s.
28 316.640, a traffic infraction enforcement officer as described
29 in s. 318.141, a parking enforcement specialist as defined in
30 s. 316.640, or a security officer employed by the board of
31 trustees of a community college, while the officer,

1 firefighter, emergency medical care provider, intake officer,
2 traffic accident investigation officer, traffic infraction
3 enforcement officer, parking enforcement specialist, public
4 transit employee or agent, or security officer is engaged in
5 the lawful performance of his or her duties, the offense for
6 which the person is charged shall be reclassified as follows:

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

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

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

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

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

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

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

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26 Notwithstanding ~~the provisions of~~ s. 948.01, adjudication of
27 guilt or imposition of sentence shall not be suspended,
28 deferred, or withheld, and the defendant is not eligible for
29 statutory gain-time under s. 944.275 or any form of
30 discretionary early release, other than pardon or executive
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1 clemency, or conditional medical release under s. 947.149,
2 prior to serving the minimum sentence.

3 Section 2. This act shall take effect October 1, 1998.

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SENATE SUMMARY

7 Provides that the enhanced penalties imposed for the
8 offense of assault or battery against an emergency
9 medical care provider also apply if such offense is
10 committed against a physician assistant, an emergency
11 room orderly, or an emergency room security guard.
12 Provides that the enhanced penalties apply when any such
13 offense is committed against an emergency medical care
14 provider who is engaged in the performance of official
15 duties whether within or outside the confines of an
16 emergency room.

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