

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 clarify  
5           such persons must be engaged in the performance  
6           of duties; providing that the term includes  
7           enumerated personnel of a hospital's emergency  
8           department; providing that enhanced penalties  
9           and certain minimum sentences apply if a person  
10          is convicted of assault or battery against an  
11          emergency medical care provider; providing an  
12          effective date.

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

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

18           784.07 Assault or battery of law enforcement officers,  
19 firefighters, emergency medical care providers, public transit  
20 employees or agents, or other specified officers;  
21 reclassification of offenses; minimum sentences.--

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

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

1 personnel of the Game and Fresh Water Fish Commission, the  
2 Department of Environmental Protection, or the Department of  
3 Law Enforcement.

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

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

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

26 (2) Whenever any person is charged with knowingly  
27 committing an assault or battery upon a law enforcement  
28 officer, a firefighter, an emergency medical care provider, a  
29 traffic accident investigation officer as described in s.  
30 316.640, a traffic infraction enforcement officer as described  
31 in s. 318.141, a parking enforcement specialist as defined in

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

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

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

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

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

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

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

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

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28 Notwithstanding ~~the provisions of~~ s. 948.01, adjudication of  
29 guilt or imposition of sentence shall not be suspended,  
30 deferred, or withheld, and the defendant is not eligible for  
31 statutory gain-time under s. 944.275 or any form of

1 discretionary early release, other than pardon or executive  
2 clemency, or conditional medical release under s. 947.149,  
3 prior to serving the minimum sentence.

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

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