

By Representatives Lerner, Heyman, Green and Detert

1                                   A bill to be entitled  
 2           An act relating to security of medical  
 3           facilities and supplies; amending s. 784.07,  
 4           F.S.; redefining the term "emergency medical  
 5           care provider" for purposes of enhanced  
 6           penalties for assaults on such persons;  
 7           amending s. 812.014, F.S.; providing  
 8           first-degree felony penalties for theft of  
 9           certain medical equipment; amending s.  
 10          921.0022, F.S., relating to the Criminal  
 11          Punishment Code; including the offense of theft  
 12          of medical equipment on the offense severity  
 13          ranking chart; providing an effective date.

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

16  
 17           Section 1. Paragraph (c) of subsection (1) of section  
 18          784.07, Florida Statutes, is 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           (c) "Emergency medical care provider" means an  
 25          ambulance driver, emergency medical technician, paramedic,  
 26          registered nurse, physician as defined in s. 401.23, medical  
 27          director as defined in s. 401.23, or any person authorized by  
 28          an emergency medical service licensed under chapter 401 who is  
 29          engaged in the performance of his or her duties. The term  
 30          "emergency medical care provider" also includes physicians,  
 31          employees, agents, or volunteers of hospitals as defined in

1 chapter 395, who are employed, under contract, or otherwise  
2 authorized by a hospital to perform duties directly associated  
3 with the care and treatment of patients ~~rendered by the~~  
4 ~~hospital's emergency department~~ or who provide the security  
5 for hospitals thereof.

6 Section 2. Paragraph (a) of subsection (2) of section  
7 812.014, Florida Statutes, is amended to read:

8 812.014 Theft.--

9 (2)(a)1. If the property stolen is valued at \$100,000  
10 or more; ~~or~~

11 2. If the property stolen is medical equipment that is  
12 taken from a facility licensed under chapter 395 or from an  
13 aircraft or vehicle permitted under chapter 401 and that is  
14 valued at \$300 or more; or

15 ~~3.2.~~ If the offender commits any grand theft and:

16 a. In the course of committing the offense the  
17 offender uses a motor vehicle as an instrumentality, other  
18 than merely as a getaway vehicle, to assist in committing the  
19 offense and thereby damages the real property of another; or

20 b. In the course of committing the offense the  
21 offender causes damage to the real or personal property of  
22 another in excess of \$1,000,

23  
24 the offender commits grand theft in the first degree,  
25 punishable as a felony of the first degree, as provided in s.  
26 775.082, s. 775.083, or s. 775.084.

27 Section 3. Paragraph (g) of subsection (3) of section  
28 921.0022, Florida Statutes, is amended to read:

29 921.0022 Criminal Punishment Code; offense severity  
30 ranking chart.--

31 (3) OFFENSE SEVERITY RANKING CHART

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					
	Florida	Felony			
	Statute	Degree		Description	
				(g) LEVEL 7	
	316.193(3)(c)2.	3rd		DUI resulting in serious bodily	
				injury.	
	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)	3rd		Medicaid provider fraud.	
	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.	
	458.327(1)	3rd		Practicing medicine without a	
				license.	
	459.013(1)	3rd		Practicing osteopathic medicine	
				without a license.	
	460.411(1)	3rd		Practicing chiropractic medicine	
				without a license.	
	461.012(1)	3rd		Practicing podiatric medicine	
				without a license.	

1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.053	3rd	Dispensing hearing aids without a
20			license.
21	494.0018(2)	1st	Conviction of any violation of
22			ss. 494.001-494.0077 in which the
23			total money and property
24			unlawfully obtained exceeded
25			\$50,000 and there were five or
26			more victims.
27	560.123(8)(b)1.	3rd	Failure to report currency or
28			payment instruments exceeding
29			\$300 but less than \$20,000 by
30			money transmitter.
31			

1	560.125(5)(a)	3rd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments exceeding
4			\$300 but less than \$20,000.
5	655.50(10)(b)1.	3rd	Failure to report financial
6			transactions exceeding \$300 but
7			less than \$20,000 by financial
8			institution.
9	782.051(3)	2nd	Attempted felony murder of a
10			person by a person other than the
11			perpetrator or the perpetrator of
12			an attempted felony.
13	782.07(1)	2nd	Killing of a human being by the
14			act, procurement, or culpable
15			negligence of another
16			(manslaughter).
17	782.071	2nd	Killing of human being or viable
18			fetus by the operation of a motor
19			vehicle in a reckless manner
20			(vehicular homicide).
21	782.072	2nd	Killing of a human being by the
22			operation of a vessel in a
23			reckless manner (vessel
24			homicide).
25	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
26			causing great bodily harm or
27			disfigurement.
28	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
29			weapon.
30	784.045(1)(b)	2nd	Aggravated battery; perpetrator
31			aware victim pregnant.

1	784.048(4)	3rd	Aggravated stalking; violation of
2			injunction or court order.
3	784.07(2)(d)	1st	Aggravated battery on law
4			enforcement officer.
5	784.08(2)(a)	1st	Aggravated battery on a person 65
6			years of age or older.
7	784.081(1)	1st	Aggravated battery on specified
8			official or employee.
9	784.082(1)	1st	Aggravated battery by detained
10			person on visitor or other
11			detainee.
12	784.083(1)	1st	Aggravated battery on code
13			inspector.
14	790.07(4)	1st	Specified weapons violation
15			subsequent to previous conviction
16			of s. 790.07(1) or (2).
17	790.16(1)	1st	Discharge of a machine gun under
18			specified circumstances.
19	790.166(3)	2nd	Possessing, selling, using, or
20			attempting to use a hoax weapon
21			of mass destruction.
22	796.03	2nd	Procuring any person under 16
23			years for prostitution.
24	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
25			victim less than 12 years of age;
26			offender less than 18 years.
27	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
28			victim 12 years of age or older
29			but less than 16 years; offender
30			18 years or older.
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1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)	1st	Property stolen, valued at
10			\$100,000 or more; <u>property</u>
11			<u>stolen, medical equipment;</u>
12			property stolen while causing
13			other property damage; 1st degree
14			grand theft.
15	812.019(2)	1st	Stolen property; initiates,
16			organizes, plans, etc., the theft
17			of property and traffics in
18			stolen property.
19	812.131(2)(a)	2nd	Robbery by sudden snatching.
20	812.133(2)(b)	1st	Carjacking; no firearm, deadly
21			weapon, or other weapon.
22	825.102(3)(b)	2nd	Neglecting an elderly person or
23			disabled adult causing great
24			bodily harm, disability, or
25			disfigurement.
26	825.1025(2)	2nd	Lewd or lascivious battery upon
27			an elderly person or disabled
28			adult.
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1	825.103(2)(b)	2nd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$20,000 or more, but
4			less than \$100,000.
5	827.03(3)(b)	2nd	Neglect of a child causing great
6			bodily harm, disability, or
7			disfigurement.
8	827.04(3)	3rd	Impregnation of a child under 16
9			years of age by person 21 years
10			of age or older.
11	837.05(2)	3rd	Giving false information about
12			alleged capital felony to a law
13			enforcement officer.
14	872.06	2nd	Abuse of a dead human body.
15	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
16			cocaine (or other drug prohibited
17			under s. 893.03(1)(a), (1)(b),
18			(1)(d), (2)(a), (2)(b), or
19			(2)(c)4.) within 1,000 feet of a
20			child care facility or school.
21	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
22			cocaine or other drug prohibited
23			under s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4., within 1,000 feet of
26			property used for religious
27			services or a specified business
28			site.
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1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 50 lbs., less than 2,000
7			lbs.
8	893.135		
9	(1)(b)1.a.	1st	Trafficking in cocaine, more than
10			28 grams, less than 200 grams.
11	893.135		
12	(1)(c)1.a.	1st	Trafficking in illegal drugs,
13			more than 4 grams, less than 14
14			grams.
15	893.135		
16	(1)(d)1.	1st	Trafficking in phencyclidine,
17			more than 28 grams, less than 200
18			grams.
19	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
20			than 200 grams, less than 5
21			kilograms.
22	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
23			than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
27			grams or more, less than 14
28			grams.
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- 1 893.135  
2 (1)(h)1.a. 1st Trafficking in  
3 gamma-hydroxybutyric acid (GHB),  
4 1 kilogram or more, less than 5  
5 kilograms.  
6 893.135  
7 (1)(i)1.a. 1st Trafficking in 1,4-Butanediol, 1  
8 kilogram or more, less than 5  
9 kilograms.  
10 893.135  
11 (1)(j)2.a. 1st Trafficking in Phenethylamines,  
12 10 grams or more, less than 200  
13 grams.  
14 896.101(5)(a) 3rd Money laundering, financial  
15 transactions exceeding \$300 but  
16 less than \$20,000.  
17 896.104(4)(a)1. 3rd Structuring transactions to evade  
18 reporting or registration  
19 requirements, financial  
20 transactions exceeding \$300 but  
21 less than \$20,000.

22 Section 4. This act shall take effect October 1, 2001.

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25 SENATE SUMMARY

26 Redefines the term "emergency medical care provider," for  
27 purposes of the statute providing enhanced penalties for  
28 assaults on such persons, to include hospital personnel  
29 providing care and treatment outside the hospital's  
30 emergency department and security personnel for  
31 hospitals, hospital personnel, and hospital patients.  
Provides that the theft of medical equipment valued at  
\$300 or more from a hospital ambulance, emergency medical  
services vehicle, or air ambulance is a first-degree  
felony.