

By Representative Harrell

1                                   A bill to be entitled  
2           An act relating to assault; amending s. 784.07,  
3           F.S.; defining the term "medical care  
4           provider"; deleting reference to "emergency  
5           medical care provider"; amending s. 435.04,  
6           F.S., to conform; amending s. 901.15, F.S.;  
7           authorizing a law enforcement officer to make  
8           an arrest without a warrant when there is  
9           probable cause to believe that the person has  
10          committed assault upon a law enforcement  
11          officer, a firefighter, a medical care  
12          provider, public transit employees or agents,  
13          or certain other officers; providing an  
14          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 Fish and Wildlife Conservation Commission,  
4 the Department of Environmental Protection, or the Department  
5 of 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, facilities as defined in chapter 394, and  
20 licensed service providers as defined in chapter 397,who are  
21 employed, under contract, or otherwise authorized by a  
22 hospital, facility, or licensed service provider to perform  
23 duties directly associated with the care and treatment  
24 rendered by the medical providers listed in this paragraph  
25 ~~hospital's emergency department~~ or the security thereof.

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

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1           (2) Whenever any person is charged with knowingly  
2 committing an assault or battery upon a law enforcement  
3 officer, a firefighter, a ~~an emergency~~ medical care provider,  
4 a traffic accident investigation officer as described in s.  
5 316.640, a traffic infraction enforcement officer as described  
6 in s. 316.640, a parking enforcement specialist as defined in  
7 s. 316.640, or a security officer employed by the board of  
8 trustees of a community college, while the officer,  
9 firefighter, ~~emergency~~ medical care provider, intake officer,  
10 traffic accident investigation officer, traffic infraction  
11 enforcement officer, parking enforcement specialist, public  
12 transit employee or agent, or security officer is engaged in  
13 the lawful performance of his or her duties, the offense for  
14 which the person is charged shall be reclassified as follows:  
15           (a) In the case of assault, from a misdemeanor of the  
16 second degree to a misdemeanor of the first degree.  
17           (b) In the case of battery, from a misdemeanor of the  
18 first degree to a felony of the third degree.  
19           (c) In the case of aggravated assault, from a felony  
20 of the third degree to a felony of the second degree.  
21 Notwithstanding any other provision of law, any person  
22 convicted of aggravated assault upon a law enforcement officer  
23 shall be sentenced to a minimum term of imprisonment of 3  
24 years.  
25           (d) In the case of aggravated battery, from a felony  
26 of the second degree to a felony of the first degree.  
27 Notwithstanding any other provision of law, any person  
28 convicted of aggravated battery of a law enforcement officer  
29 shall be sentenced to a minimum term of imprisonment of 5  
30 years.  
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1           (3) Any person who is convicted of a battery under  
2 paragraph (2)(b) and, during the commission of the offense,  
3 such person possessed:

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

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

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12 Notwithstanding s. 948.01, adjudication of guilt or imposition  
13 of sentence shall not be suspended, deferred, or withheld, and  
14 the defendant is not eligible for statutory gain-time under s.  
15 944.275 or any form of discretionary early release, other than  
16 pardon or executive clemency, or conditional medical release  
17 under s. 947.149, prior to serving the minimum sentence.

18           Section 2. Paragraph (a) of subsection (3) of section  
19 435.04, Florida Statutes, is amended to read:

20           435.04 Level 2 screening standards.--

21           (3) The security background investigations conducted  
22 under this section for employees of the Department of Juvenile  
23 Justice must ensure that no persons subject to the provisions  
24 of this section have been found guilty of, regardless of  
25 adjudication, or entered a plea of nolo contendere or guilty  
26 to, any offense prohibited under any of the following  
27 provisions of the Florida Statutes or under any similar  
28 statute of another jurisdiction:

29           (a) Section 784.07, relating to assault or battery of  
30 law enforcement officers, firefighters, ~~emergency~~ medical care  
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1 providers, public transit employees or agents, or other  
2 specified officers.

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4 The Department of Juvenile Justice may not remove a  
5 disqualification from employment or grant an exemption to any  
6 person who is disqualified under this section for any offense  
7 disposed of during the most recent 7-year period.

8 Section 3. Subsection (16) is added to section 901.15,  
9 Florida Statutes, to read:

10 901.15 When arrest by officer without warrant is  
11 lawful.--A law enforcement officer may arrest a person without  
12 a warrant when:

13 (16) There is probable cause to believe that the  
14 person has committed assault upon a law enforcement officer, a  
15 firefighter, a medical care provider, public transit employees  
16 or agents, or other specified officers as set forth in s.  
17 784.07.

18 Section 4. This act shall take effect July 1, 2002.

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21 HOUSE SUMMARY

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23 Authorizes a law enforcement officer to arrest a person  
24 without a warrant when there is probable cause to believe  
25 that the person has committed assault upon a law  
26 enforcement officer, a firefighter, a medical care  
27 provider, public transit employees or agents, or other  
28 described officers. See bill for details.

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