



HB 0311

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A bill to be entitled  
 An act relating to teacher protection and respect;  
 providing a popular name; creating s. 784.071, F.S.;  
 providing enhanced penalties for assault or battery of a  
 teacher or educator, as defined in the act; providing an  
 additional penalty for a person who has had one prior  
 conviction for battery, aggravated battery, or felony  
 battery on a teacher or educator; authorizing law  
 enforcement officers to make an arrest for certain  
 violations even when the violation did not occur in the  
 presence of the officer; providing an effective date.

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

Section 1. Popular name.--This act shall be known by the popular name the "Teacher Protection and Respect Act."

Section 2. Section 784.071, Florida Statutes, is created to read:

784.071 Assault or battery on teachers or educators; definition; reclassification of offenses.--

(1) The term "teacher or educator" means a teacher, professor, adjunct professor, instructor, or substitute teacher of any public or private school, college, university, or institution recognized as a provider of educational services performing his or her duties of instructing children or adults for the purpose of providing an education.

(2) Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon any teacher or educator, when the person committing the offense knows or has reason to know the identity, position, or



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31 employment of the victim, the offense for which the person is  
32 charged shall be reclassified as follows:

33 (a) In the case of aggravated battery, from a felony of  
34 the second degree to a felony of the first degree.

35 (b) In the case of aggravated assault, from a felony of  
36 the third degree to a felony of the second degree.

37 (c) In the case of battery, from a misdemeanor of the  
38 first degree to a felony of the third degree.

39 (d) In the case of assault, from a misdemeanor of the  
40 second degree to a misdemeanor of the first degree.

41  
42 A person who has one prior conviction for battery, aggravated  
43 battery, or felony battery and who commits a second or  
44 subsequent battery commits a felony of the second degree,  
45 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
46 For the purposes of this section, "conviction" means a  
47 determination of guilt that is the result of a plea or trial,  
48 regardless of whether adjudication is withheld or a plea of nolo  
49 contendere is entered. Law enforcement officers are hereby  
50 authorized to arrest a person under the provisions of this  
51 section when the person committing the offense knows or has  
52 reason to know the identity, position, or employment of the  
53 victim and the law enforcement officer may make such an arrest  
54 even when the offense of assault or battery was not committed in  
55 the presence of the officer and would be a misdemeanor.

56 Section 3. This act shall take effect October 1, 2003.