

CHAMBER ACTION

1 The Justice Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to assault or battery; amending s. 784.07,
7 F.S.; providing for reclassification of an assault or
8 battery on a licensed security officer or specified non-
9 sworn law enforcement agency employee; providing
10 applicability; providing an effective date.

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

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14 Section 1. Subsection (2) of section 784.07, Florida
15 Statutes, is amended to read:

16 784.07 Assault or battery of law enforcement officers,
17 firefighters, emergency medical care providers, public transit
18 employees or agents, or other specified officers;
19 reclassification of offenses; minimum sentences.--

20 (2) Whenever any person is charged with knowingly
21 committing an assault or battery upon a law enforcement officer,
22 a firefighter, an emergency medical care provider, a traffic
23 accident investigation officer as described in s. 316.640, a

24 | non-sworn law enforcement agency employee who is certified as an
 25 | agency inspector, blood alcohol analyst, or a breath test
 26 | operator while such employee is in uniform and engaged in
 27 | processing, testing, evaluating, analyzing, or transporting a
 28 | person who is detained or under arrest for DUI, a traffic
 29 | infraction enforcement officer as described in s. 316.640, a
 30 | parking enforcement specialist as defined in s. 316.640, a
 31 | person licensed as a security officer as defined in s. 493.6101
 32 | and wearing a uniform that bears at least one patch or emblem
 33 | that is visible at all times that clearly identifies the
 34 | employing agency and that clearly identifies the person as a
 35 | licensed security officer, or a security officer employed by the
 36 | board of trustees of a community college, while the officer,
 37 | firefighter, emergency medical care provider, intake officer,
 38 | traffic accident investigation officer, traffic infraction
 39 | enforcement officer, inspector, analyst, operator, parking
 40 | enforcement specialist, public transit employee or agent, or
 41 | security officer is engaged in the lawful performance of his or
 42 | her duties, the offense for which the person is charged shall be
 43 | reclassified as follows:

44 | (a) In the case of assault, from a misdemeanor of the
 45 | second degree to a misdemeanor of the first degree.

46 | (b) In the case of battery, from a misdemeanor of the
 47 | first degree to a felony of the third degree.

48 | (c) In the case of aggravated assault, from a felony of
 49 | the third degree to a felony of the second degree.

50 | Notwithstanding any other provision of law, any person convicted

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51 | of aggravated assault upon a law enforcement officer shall be
52 | sentenced to a minimum term of imprisonment of 3 years.

53 | (d) In the case of aggravated battery, from a felony of
54 | the second degree to a felony of the first degree.

55 | Notwithstanding any other provision of law, any person convicted
56 | of aggravated battery of a law enforcement officer shall be
57 | sentenced to a minimum term of imprisonment of 5 years.

58 | Section 2. This act shall take effect July 1, 2006, and
59 | shall apply to offenses committed on or after that date.