

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Communications, Energy, and Public Utilities Committee

BILL: CS/SB 734

INTRODUCER: Communications Energy, and Public Utilities and Senator Wise

SUBJECT: Assault or Battery on Utility Workers

DATE: March 8, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Carter	CU	Fav/CS
2.			CJ	
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill adds utility workers to the list of persons against whom an assault or battery requires an enhanced penalty. The bill takes effect July 1, 2011.

This bill substantially amends section 784.07 of the Florida Statutes.

II. Present Situation:

Section 784.07, F.S., enhances the penalties for assault or battery on the following types of employees or persons:

- a law enforcement officer,
- a firefighter,
- an emergency medical care provider,
- a traffic accident investigation officer,
- a nonsworn law enforcement agency employee who is certified as an agency inspector,
- a blood alcohol analyst or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI,

- a law enforcement explorer,
- a traffic infraction enforcement officer,
- a parking enforcement specialist,
- a person licensed as a security officer and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, and
- a security officer employed by the board of trustees of a community college.

The statute applies whenever any person is charged with knowingly committing an assault or battery upon one of these persons while that person is engaged in the lawful performance of his or her duties. The increase in the penalty depends on the original charge.

Additionally, when a person is found guilty under this statute adjudication of guilt or imposition of sentence cannot be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release prior to serving the minimum sentence.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 784.07, F.S., to define the term “utility worker” and to incorporate utility workers into the list of persons against whom an assault or battery requires an enhanced penalty. The definition of “utility worker” is “any person employed by an entity that owns, operates, leases, or controls any plant, property, or facility for the generation, transmission, manufacture, production, supply, distribution, sale, storage, conveyance, delivery, or furnishing to or for the public of electricity, natural or manufactured gas, water, steam, sewage, or telephone service, including two or more utilities rendering joint service.”

Section 2 makes conforming changes to s. 921.0022, F.S., which provides an offense severity ranking chart.

Section 3 provides that the bill takes effect July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be some increase in costs of prosecution and incarceration.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Communications, Energy, and Public Utilities on March 7, 2011.

The committee substitute makes a technical change to the definition to include all types of communications utilities.

B. Amendments:

None.