

By Senator Rouson

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1 A bill to be entitled
2 An act relating to health care providers; amending s.
3 784.07, F.S.; defining the term "health care
4 provider"; providing for offense reclassification if a
5 person is charged with knowingly committing an assault
6 or a battery upon a health care provider; amending ss.
7 901.15 and 985.644, F.S.; conforming provisions to
8 changes made by the act; reenacting ss. 794.056(1),
9 938.08, and 938.085, F.S., relating to the Rape Crisis
10 Program Trust Fund, additional cost to fund programs
11 in domestic violence, and additional costs to fund
12 rape crisis centers, respectively, to incorporate the
13 amendment made to s. 784.07, F.S., in references
14 thereto; providing an effective date.

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

17
18 Section 1. Section 784.07, Florida Statutes, is amended to
19 read:

20 784.07 Assault or battery of law enforcement officers,
21 firefighters, emergency medical care providers, health care
22 providers, public transit employees or agents, or other
23 specified officers; reclassification of offenses; minimum
24 sentences.—

25 (1) As used in this section, the term:

26 (a) "Emergency medical care provider" means an ambulance
27 driver, emergency medical technician, paramedic, registered
28 nurse, physician as defined in s. 401.23, medical director as
29 defined in s. 401.23, or any person authorized by an emergency

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30 medical service licensed under chapter 401 who is engaged in the
31 performance of his or her duties. The term "emergency medical
32 care provider" also includes physicians, employees, agents, or
33 volunteers of hospitals as defined in chapter 395, who are
34 employed, under contract, or otherwise authorized by a hospital
35 to perform duties directly associated with the care and
36 treatment rendered by the hospital's emergency department or the
37 security thereof.

38 (b) "Firefighter" means any person employed by any public
39 employer of this state whose duty it is to extinguish fires; to
40 protect life or property; or to enforce municipal, county, and
41 state fire prevention codes, as well as any law pertaining to
42 the prevention and control of fires.

43 (c) "Health care provider" means a physician, a registered
44 nurse, an employee, an agent, or a volunteer of a hospital who
45 is employed by, under contract with, or otherwise authorized by,
46 a hospital to perform duties directly associated with the care
47 and treatment rendered by the hospital.

48 (d)~~(e)~~ "Law enforcement explorer" means any person who is a
49 current member of a law enforcement agency's explorer program
50 and who is performing functions other than those required to be
51 performed by sworn law enforcement officers on behalf of a law
52 enforcement agency while under the direct physical supervision
53 of a sworn officer of that agency and wearing a uniform that
54 bears at least one patch that clearly identifies the law
55 enforcement agency that he or she represents.

56 (e)~~(d)~~ "Law enforcement officer" includes a law enforcement
57 officer, a correctional officer, a correctional probation
58 officer, a part-time law enforcement officer, a part-time

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59 correctional officer, an auxiliary law enforcement officer, and
60 an auxiliary correctional officer, as those terms are
61 respectively defined in s. 943.10, and any county probation
62 officer; an employee or agent of the Department of Corrections
63 who supervises or provides services to inmates; an officer of
64 the Florida Commission on Offender Review; a federal law
65 enforcement officer as defined in s. 901.1505; and law
66 enforcement personnel of the Fish and Wildlife Conservation
67 Commission or the Department of Law Enforcement.

68 (f)~~(e)~~ "Public transit employees or agents" means bus
69 operators, train operators, revenue collectors, security
70 personnel, equipment maintenance personnel, or field
71 supervisors, who are employees or agents of a transit agency as
72 described in s. 812.015(1)(1).

73 (g)~~(f)~~ "Railroad special officer" means a person employed
74 by a Class I, Class II, or Class III railroad and appointed or
75 pending appointment by the Governor pursuant to s. 354.01.

76 (2) Whenever any person is charged with knowingly
77 committing an assault or a battery upon a law enforcement
78 officer, a firefighter, an emergency medical care provider, a
79 health care provider, a railroad special officer, a traffic
80 accident investigation officer as described in s. 316.640, a
81 nonsworn law enforcement agency employee who is certified as an
82 agency inspector, a blood alcohol analyst, or a breath test
83 operator while such employee is in uniform and engaged in
84 processing, testing, evaluating, analyzing, or transporting a
85 person who is detained or under arrest for DUI, a law
86 enforcement explorer, a traffic infraction enforcement officer
87 as described in s. 316.640, a parking enforcement specialist as

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88 defined in s. 316.640, a person licensed as a security officer
89 as defined in s. 493.6101 and wearing a uniform that bears at
90 least one patch or emblem that is visible at all times that
91 clearly identifies the employing agency and that clearly
92 identifies the person as a licensed security officer, or a
93 security officer employed by the board of trustees of a
94 community college, while the officer, firefighter, emergency
95 medical care provider, health care provider, railroad special
96 officer, traffic accident investigation officer, traffic
97 infraction enforcement officer, inspector, analyst, operator,
98 law enforcement explorer, parking enforcement specialist, public
99 transit employee or agent, or security officer is engaged in the
100 lawful performance of his or her duties, the offense for which
101 the person is charged shall be reclassified as follows:

102 (a) In the case of assault, from a misdemeanor of the
103 second degree to a misdemeanor of the first degree.

104 (b) In the case of battery, from a misdemeanor of the first
105 degree to a felony of the third degree.

106 (c) In the case of aggravated assault, from a felony of the
107 third degree to a felony of the second degree. Notwithstanding
108 any other provision of law, any person convicted of aggravated
109 assault upon a law enforcement officer shall be sentenced to a
110 minimum term of imprisonment of 3 years.

111 (d) In the case of aggravated battery, from a felony of the
112 second degree to a felony of the first degree. Notwithstanding
113 any other provision of law, any person convicted of aggravated
114 battery of a law enforcement officer shall be sentenced to a
115 minimum term of imprisonment of 5 years.

116 (3) Any person who is convicted of a battery under

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117 paragraph (2)(b) and, during the commission of the offense, such
118 person possessed:

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

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

126

127 Notwithstanding s. 948.01, adjudication of guilt or imposition
128 of sentence shall not be suspended, deferred, or withheld, and
129 the defendant is not eligible for statutory gain-time under s.
130 944.275 or any form of discretionary early release, other than
131 pardon or executive clemency, or conditional medical release
132 under s. 947.149, prior to serving the minimum sentence.

133 Section 2. Subsection (15) of section 901.15, Florida
134 Statutes, is amended to read:

135 901.15 When arrest by officer without warrant is lawful.—A
136 law enforcement officer may arrest a person without a warrant
137 when:

138 (15) There is probable cause to believe that the person has
139 committed assault upon a law enforcement officer, a firefighter,
140 an emergency medical care provider, a health care provider,
141 public transit employees or agents, or other specified officers
142 as set forth in s. 784.07 or has committed assault or battery
143 upon any employee of a receiving facility as defined in s.
144 394.455 who is engaged in the lawful performance of his or her
145 duties.

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146 Section 3. Paragraph (a) of subsection (3) of section
147 985.644, Florida Statutes, is amended to read:

148 985.644 Departmental contracting powers; personnel
149 standards and investigation.—

150 (3) (a) All employees of the department and all personnel of
151 contract providers for any program for children, including all
152 owners, operators, employees, persons who have access to
153 confidential juvenile records, and volunteers, must complete:

154 1. A level 2 employment screening pursuant to chapter 435
155 before employment. The security background investigation
156 conducted under this section must ensure that, in addition to
157 the disqualifying offenses listed in s. 435.04, no person
158 subject to the background screening provisions of this section
159 has an arrest awaiting final disposition for, been found guilty
160 of, regardless of adjudication, or entered a plea of nolo
161 contendere or guilty to, or been adjudicated delinquent and the
162 record has not been sealed or expunged for, any offense
163 prohibited under the following provisions of state law or
164 similar laws of another jurisdiction:

165 a. Section 784.07, relating to assault or battery of law
166 enforcement officers, firefighters, emergency medical care
167 providers, health care providers, public transit employees or
168 agents, or other specified officers.

169 b. Section 817.568, relating to criminal use of personal
170 identification information.

171 2. A national criminal records check by the Federal Bureau
172 of Investigation every 5 years following the date of the
173 person's employment.

174 Section 4. For the purpose of incorporating the amendment

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175 made by this act to section 784.07, Florida Statutes, in a
176 reference thereto, subsection (1) of section 794.056, Florida
177 Statutes, is reenacted to read:

178 794.056 Rape Crisis Program Trust Fund.—

179 (1) The Rape Crisis Program Trust Fund is created within
180 the Department of Health for the purpose of providing funds for
181 rape crisis centers in this state. Trust fund moneys shall be
182 used exclusively for the purpose of providing services for
183 victims of sexual assault. Funds credited to the trust fund
184 consist of those funds collected as an additional court
185 assessment in each case in which a defendant pleads guilty or
186 nolo contendere to, or is found guilty of, regardless of
187 adjudication, an offense provided in s. 775.21(6) and (10)(a),
188 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
189 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
190 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
191 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
192 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
193 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
194 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
195 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
196 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
197 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
198 fund also shall include revenues provided by law, moneys
199 appropriated by the Legislature, and grants from public or
200 private entities.

201 Section 5. For the purpose of incorporating the amendment
202 made by this act to section 784.07, Florida Statutes, in a
203 reference thereto, section 938.08, Florida Statutes, is

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204 reenacted to read:

205 938.08 Additional cost to fund programs in domestic
206 violence.—In addition to any sanction imposed for a violation of
207 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.
208 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
209 784.083, s. 784.085, s. 794.011, or for any offense of domestic
210 violence described in s. 741.28, the court shall impose a
211 surcharge of \$201. Payment of the surcharge shall be a condition
212 of probation, community control, or any other court-ordered
213 supervision. The sum of \$85 of the surcharge shall be deposited
214 into the Domestic Violence Trust Fund established in s. 741.01.
215 The clerk of the court shall retain \$1 of each surcharge that
216 the clerk of the court collects as a service charge of the
217 clerk's office. The remainder of the surcharge shall be provided
218 to the governing board of the county and must be used only to
219 defray the costs of incarcerating persons sentenced under s.
220 741.283 and provide additional training to law enforcement
221 personnel in combating domestic violence.

222 Section 6. For the purpose of incorporating the amendment
223 made by this act to section 784.07, Florida Statutes, in a
224 reference thereto, section 938.085, Florida Statutes, is
225 reenacted to read:

226 938.085 Additional cost to fund rape crisis centers.—In
227 addition to any sanction imposed when a person pleads guilty or
228 nolo contendere to, or is found guilty of, regardless of
229 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
230 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
231 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
232 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.

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233 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
234 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
235 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
236 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
237 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
238 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
239 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
240 \$151. Payment of the surcharge shall be a condition of
241 probation, community control, or any other court-ordered
242 supervision. The sum of \$150 of the surcharge shall be deposited
243 into the Rape Crisis Program Trust Fund established within the
244 Department of Health by chapter 2003-140, Laws of Florida. The
245 clerk of the court shall retain \$1 of each surcharge that the
246 clerk of the court collects as a service charge of the clerk's
247 office.

248 Section 7. This act shall take effect October 1, 2017.