

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. 775.0877(1),
9 794.056(1), 921.0022(3)(d), 938.08, and 938.085, F.S.,
10 relating to the criminal transmission of HIV, the Rape
11 Crisis Program Trust Fund, level 4 of the offense
12 severity ranking chart, additional cost to fund
13 programs in domestic violence, and an additional cost
14 to fund rape crisis centers, respectively, to
15 incorporate the amendment made to s. 784.07, F.S., in
16 references thereto; reenacting and amending s.
17 943.051(3)(b), F.S.; making a technical change;
18 reenacting ss. 20.165(9)(b), 321.05(1), and 570.65(2),
19 F.S., all relating to the arrest authority provided
20 for state law enforcement officers under s. 901.15,
21 F.S., to incorporate the amendment made to s. 901.15,
22 F.S., in references thereto; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 784.07, Florida Statutes, is amended to
28 read:

29 784.07 Assault or battery of law enforcement officers,

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30 firefighters, emergency medical care providers, health care
31 providers, public transit employees or agents, or other
32 specified officers; reclassification of offenses; minimum
33 sentences.—

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

35 (a) "Emergency medical care provider" means an ambulance
36 driver, emergency medical technician, paramedic, registered
37 nurse, physician as defined in s. 401.23, medical director as
38 defined in s. 401.23, or any person authorized by an emergency
39 medical service licensed under chapter 401 who is engaged in the
40 performance of his or her duties. The term "emergency medical
41 care provider" also includes physicians, employees, agents, or
42 volunteers of hospitals as defined in chapter 395, who are
43 employed, under contract, or otherwise authorized by a hospital
44 to perform duties directly associated with the care and
45 treatment rendered by the hospital's emergency department or the
46 security thereof.

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

52 (c) "Health care provider" means a physician, a registered
53 nurse, an employee, an agent, or a volunteer of a hospital who
54 is employed by, under contract with, or otherwise authorized by
55 a hospital to perform duties directly associated with the care
56 and treatment rendered by the hospital.

57 (d)~~(e)~~ "Law enforcement explorer" means any person who is a
58 current member of a law enforcement agency's explorer program

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59 and who is performing functions other than those required to be
60 performed by sworn law enforcement officers on behalf of a law
61 enforcement agency while under the direct physical supervision
62 of a sworn officer of that agency and wearing a uniform that
63 bears at least one patch that clearly identifies the law
64 enforcement agency that he or she represents.

65 (e)~~(d)~~ "Law enforcement officer" includes a law enforcement
66 officer, a correctional officer, a correctional probation
67 officer, a part-time law enforcement officer, a part-time
68 correctional officer, an auxiliary law enforcement officer, and
69 an auxiliary correctional officer, as those terms are
70 respectively defined in s. 943.10, and any county probation
71 officer; an employee or agent of the Department of Corrections
72 who supervises or provides services to inmates; an officer of
73 the Florida Commission on Offender Review; a federal law
74 enforcement officer as defined in s. 901.1505; and law
75 enforcement personnel of the Fish and Wildlife Conservation
76 Commission or the Department of Law Enforcement.

77 (f)~~(e)~~ "Public transit employees or agents" means bus
78 operators, train operators, revenue collectors, security
79 personnel, equipment maintenance personnel, or field
80 supervisors, who are employees or agents of a transit agency as
81 described in s. 812.015(1)(1).

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

85 (2) Whenever any person is charged with knowingly
86 committing an assault or a battery upon a law enforcement
87 officer, a firefighter, an emergency medical care provider, a

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88 health care provider, a railroad special officer, a traffic
89 accident investigation officer as described in s. 316.640, a
90 nonsworn law enforcement agency employee who is certified as an
91 agency inspector, a blood alcohol analyst, or a breath test
92 operator while such employee is in uniform and engaged in
93 processing, testing, evaluating, analyzing, or transporting a
94 person who is detained or under arrest for DUI, a law
95 enforcement explorer, a traffic infraction enforcement officer
96 as described in s. 316.640, a parking enforcement specialist as
97 defined in s. 316.640, a person licensed as a security officer
98 as defined in s. 493.6101 and wearing a uniform that bears at
99 least one patch or emblem that is visible at all times that
100 clearly identifies the employing agency and that clearly
101 identifies the person as a licensed security officer, or a
102 security officer employed by the board of trustees of a
103 community college, while the officer, firefighter, emergency
104 medical care provider, health care provider, railroad special
105 officer, traffic accident investigation officer, traffic
106 infraction enforcement officer, inspector, analyst, operator,
107 law enforcement explorer, parking enforcement specialist, public
108 transit employee or agent, or security officer is engaged in the
109 lawful performance of his or her duties, the offense for which
110 the person is charged shall be reclassified as follows:

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

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

115 (c) In the case of aggravated assault, from a felony of the
116 third degree to a felony of the second degree. Notwithstanding

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117 any other provision of law, any person convicted of aggravated
118 assault upon a law enforcement officer shall be sentenced to a
119 minimum term of imprisonment of 3 years.

120 (d) In the case of aggravated battery, from a felony of the
121 second degree to a felony of the first degree. Notwithstanding
122 any other provision of law, any person convicted of aggravated
123 battery of a law enforcement officer shall be sentenced to a
124 minimum term of imprisonment of 5 years.

125 (3) Any person who is convicted of a battery under
126 paragraph (2)(b) and, during the commission of the offense, such
127 person possessed:

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

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

135
136 Notwithstanding s. 948.01, adjudication of guilt or imposition
137 of sentence shall not be suspended, deferred, or withheld, and
138 the defendant is not eligible for statutory gain-time under s.
139 944.275 or any form of discretionary early release, other than
140 pardon or executive clemency, or conditional medical release
141 under s. 947.149, prior to serving the minimum sentence.

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

144 901.15 When arrest by officer without warrant is lawful.—A
145 law enforcement officer may arrest a person without a warrant

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146 when:

147 (15) There is probable cause to believe that the person has
148 committed assault upon a law enforcement officer, a firefighter,
149 an emergency medical care provider, a health care provider,
150 public transit employees or agents, or other specified officers
151 as set forth in s. 784.07 or has committed assault or battery
152 upon any employee of a receiving facility as defined in s.
153 394.455 who is engaged in the lawful performance of his or her
154 duties.

155 Section 3. Paragraph (a) of subsection (3) of section
156 985.644, Florida Statutes, is amended to read:

157 985.644 Departmental contracting powers; personnel
158 standards and investigation.—

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

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

174 a. Section 784.07, relating to assault or battery of law

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175 enforcement officers, firefighters, emergency medical care
176 providers, health care providers, public transit employees or
177 agents, or other specified officers.

178 b. Section 817.568, relating to criminal use of personal
179 identification information.

180 2. A national criminal records check by the Federal Bureau
181 of Investigation every 5 years following the date of the
182 person's employment.

183 Section 4. For the purpose of incorporating the amendment
184 made by this act to section 784.07, Florida Statutes, in a
185 reference thereto, subsection (1) of section 775.0877, Florida
186 Statutes, is reenacted to read:

187 775.0877 Criminal transmission of HIV; procedures;
188 penalties.—

189 (1) In any case in which a person has been convicted of or
190 has pled nolo contendere or guilty to, regardless of whether
191 adjudication is withheld, any of the following offenses, or the
192 attempt thereof, which offense or attempted offense involves the
193 transmission of body fluids from one person to another:

194 (a) Section 794.011, relating to sexual battery;

195 (b) Section 826.04, relating to incest;

196 (c) Section 800.04, relating to lewd or lascivious offenses
197 committed upon or in the presence of persons less than 16 years
198 of age;

199 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
200 relating to assault;

201 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
202 relating to aggravated assault;

203 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),

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204 relating to battery;

205 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),

206 relating to aggravated battery;

207 (h) Section 827.03(2)(c), relating to child abuse;

208 (i) Section 827.03(2)(a), relating to aggravated child

209 abuse;

210 (j) Section 825.102(1), relating to abuse of an elderly

211 person or disabled adult;

212 (k) Section 825.102(2), relating to aggravated abuse of an

213 elderly person or disabled adult;

214 (l) Section 827.071, relating to sexual performance by

215 person less than 18 years of age;

216 (m) Sections 796.07 and 796.08, relating to prostitution;

217 (n) Section 381.0041(11)(b), relating to donation of blood,

218 plasma, organs, skin, or other human tissue; or

219 (o) Sections 787.06(3)(b), (d), (f), and (g), relating to

220 human trafficking,

221

222 the court shall order the offender to undergo HIV testing, to be

223 performed under the direction of the Department of Health in

224 accordance with s. 381.004, unless the offender has undergone

225 HIV testing voluntarily or pursuant to procedures established in

226 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or

227 rule providing for HIV testing of criminal offenders or inmates,

228 subsequent to her or his arrest for an offense enumerated in

229 paragraphs (a)-(n) for which she or he was convicted or to which

230 she or he pled nolo contendere or guilty. The results of an HIV

231 test performed on an offender pursuant to this subsection are

232 not admissible in any criminal proceeding arising out of the

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233 alleged offense.

234 Section 5. For the purpose of incorporating the amendment
235 made by this act to section 784.07, Florida Statutes, in a
236 reference thereto, subsection (1) of section 794.056, Florida
237 Statutes, is reenacted to read:

238 794.056 Rape Crisis Program Trust Fund.—

239 (1) The Rape Crisis Program Trust Fund is created within
240 the Department of Health for the purpose of providing funds for
241 rape crisis centers in this state. Trust fund moneys shall be
242 used exclusively for the purpose of providing services for
243 victims of sexual assault. Funds credited to the trust fund
244 consist of those funds collected as an additional court
245 assessment in each case in which a defendant pleads guilty or
246 nolo contendere to, or is found guilty of, regardless of
247 adjudication, an offense provided in s. 775.21(6) and (10)(a),
248 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
249 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
250 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
251 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
252 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
253 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
254 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
255 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
256 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
257 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
258 fund also shall include revenues provided by law, moneys
259 appropriated by the Legislature, and grants from public or
260 private entities.

261 Section 6. For the purpose of incorporating the amendment

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262 made by this act to section 784.07, Florida Statutes, in a
 263 reference thereto, paragraph (d) of subsection (3) of section
 264 921.0022, Florida Statutes, is reenacted to read:

265 921.0022 Criminal Punishment Code; offense severity ranking
 266 chart.—

267 (3) OFFENSE SEVERITY RANKING CHART

268 (d) LEVEL 4

269

Florida Statute	Felony Degree	Description
316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell,

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			contraband prescription drugs.
273	517.07(1)	3rd	Failure to register securities.
274	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
275	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
276	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
277	784.075	3rd	Battery on detention or commitment facility staff.
278	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
279			

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280	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
281	784.081 (3)	3rd	Battery on specified official or employee.
282	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
283	784.083 (3)	3rd	Battery on code inspector.
284	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
285	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

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286

787.04 (3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

287

787.07

3rd

Human smuggling.

288

790.115 (1)

3rd

Exhibiting firearm or weapon within 1,000 feet of a school.

289

790.115 (2) (b)

3rd

Possessing electric weapon or device, destructive device, or other weapon on school property.

290

790.115 (2) (c)

3rd

Possessing firearm on school property.

291

800.04 (7) (c)

3rd

Lewd or lascivious exhibition; offender less than 18 years.

292

810.02 (4) (a)

3rd

Burglary, or attempted

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burglary, of an
unoccupied structure;
unarmed; no assault or
battery.

293

810.02 (4) (b)

3rd

Burglary, or attempted
burglary, of an
unoccupied conveyance;
unarmed; no assault or
battery.

294

810.06

3rd

Burglary; possession of
tools.

295

810.08 (2) (c)

3rd

Trespass on property,
armed with firearm or
dangerous weapon.

296

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree
\$10,000 or more but less
than \$20,000.

297

812.014
(2) (c) 4.-10.

3rd

Grand theft, 3rd degree,
a will, firearm, motor
vehicle, livestock, etc.

298

812.0195 (2)

3rd

Dealing in stolen
property by use of the
Internet; property

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stolen \$300 or more.

299

817.505 (4) (a)

3rd

Patient brokering.

300

817.563 (1)

3rd

Sell or deliver
substance other than
controlled substance
agreed upon, excluding
s. 893.03(5) drugs.

301

817.568 (2) (a)

3rd

Fraudulent use of
personal identification
information.

302

817.625 (2) (a)

3rd

Fraudulent use of
scanning device,
skimming device, or
reencoder.

303

817.625 (2) (c)

3rd

Possess, sell, or
deliver skimming device.

304

828.125 (1)

2nd

Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

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306	837.02 (1)	3rd	Perjury in official proceedings.
307	837.021 (1)	3rd	Make contradictory statements in official proceedings.
308	838.022	3rd	Official misconduct.
309	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
310	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
311	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
312	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

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313	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
314	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
315	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
316	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
317	914.14 (2)	3rd	Witnesses accepting bribes.
318	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
	914.23 (2)	3rd	Retaliation against a witness, victim, or

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informant, no bodily
injury.

319

918.12

3rd

Tampering with jurors.

320

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

321

322 Section 7. For the purpose of incorporating the amendment
323 made by this act to section 784.07, Florida Statutes, in a
324 reference thereto, section 938.08, Florida Statutes, is
325 reenacted to read:

326 938.08 Additional cost to fund programs in domestic
327 violence.—In addition to any sanction imposed for a violation of
328 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.
329 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
330 784.083, s. 784.085, s. 794.011, or for any offense of domestic
331 violence described in s. 741.28, the court shall impose a
332 surcharge of \$201. Payment of the surcharge shall be a condition
333 of probation, community control, or any other court-ordered
334 supervision. The sum of \$85 of the surcharge shall be deposited
335 into the Domestic Violence Trust Fund established in s. 741.01.
336 The clerk of the court shall retain \$1 of each surcharge that
337 the clerk of the court collects as a service charge of the
338 clerk's office. The remainder of the surcharge shall be provided
339 to the governing board of the county and must be used only to
340 defray the costs of incarcerating persons sentenced under s.

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341 741.283 and provide additional training to law enforcement
342 personnel in combating domestic violence.

343 Section 8. For the purpose of incorporating the amendment
344 made by this act to section 784.07, Florida Statutes, in a
345 reference thereto, section 938.085, Florida Statutes, is
346 reenacted to read:

347 938.085 Additional cost to fund rape crisis centers.—In
348 addition to any sanction imposed when a person pleads guilty or
349 nolo contendere to, or is found guilty of, regardless of
350 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
351 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
352 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
353 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
354 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
355 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
356 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
357 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
358 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
359 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
360 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
361 \$151. Payment of the surcharge shall be a condition of
362 probation, community control, or any other court-ordered
363 supervision. The sum of \$150 of the surcharge shall be deposited
364 into the Rape Crisis Program Trust Fund established within the
365 Department of Health by chapter 2003-140, Laws of Florida. The
366 clerk of the court shall retain \$1 of each surcharge that the
367 clerk of the court collects as a service charge of the clerk's
368 office.

369 Section 9. For the purpose of incorporating the amendment

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370 made by this act to section 784.07, Florida Statutes, in a
371 reference thereto, paragraph (b) of subsection (3) of section
372 943.051, Florida Statutes, is reenacted and amended to read:

373 943.051 Criminal justice information; collection and
374 storage; fingerprinting.—

375 (3)

376 (b) A minor who is charged with or found to have committed
377 the following offenses shall be fingerprinted and the
378 fingerprints shall be submitted electronically to the
379 department, unless the minor is issued a civil citation pursuant
380 to s. 985.12:

381 1. Assault, as defined in s. 784.011.

382 2. Battery, as defined in s. 784.03.

383 3. Carrying a concealed weapon, as defined in s. 790.01(1).

384 4. Unlawful use of destructive devices or bombs, as defined
385 in s. 790.1615(1).

386 5. Neglect of a child, as defined in s. 827.03(1)(e).

387 6. Assault or battery on a law enforcement officer, a
388 firefighter, or other specified officers, as provided ~~defined~~ in
389 s. 784.07(2)(a) and (b).

390 7. Open carrying of a weapon, as defined in s. 790.053.

391 8. Exposure of sexual organs, as defined in s. 800.03.

392 9. Unlawful possession of a firearm, as defined in s.
393 790.22(5).

394 10. Petit theft, as defined in s. 812.014(3).

395 11. Cruelty to animals, as defined in s. 828.12(1).

396 12. Arson, as defined in s. 806.031(1).

397 13. Unlawful possession or discharge of a weapon or firearm
398 at a school-sponsored event or on school property, as provided

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399 in s. 790.115.

400 Section 10. For the purpose of incorporating the amendment
401 made by this act to section 901.15, Florida Statutes, in a
402 reference thereto, paragraph (b) of subsection (9) of section
403 20.165, Florida Statutes, is reenacted to read:

404 20.165 Department of Business and Professional Regulation.—
405 There is created a Department of Business and Professional
406 Regulation.

407 (9)

408 (b) Each employee serving as a law enforcement officer for
409 the division must meet the qualifications for employment or
410 appointment as a law enforcement officer set forth under s.
411 943.13 and must be certified as a law enforcement officer by the
412 Department of Law Enforcement under chapter 943. Upon
413 certification, each law enforcement officer is subject to and
414 has the same authority as provided for law enforcement officers
415 generally in chapter 901 and has statewide jurisdiction. Each
416 officer also has arrest authority as provided for state law
417 enforcement officers in s. 901.15. Each officer possesses the
418 full law enforcement powers granted to other peace officers of
419 this state, including the authority to make arrests, carry
420 firearms, serve court process, and seize contraband and the
421 proceeds of illegal activities.

422 1. The primary responsibility of each officer appointed
423 under this section is to investigate, enforce, and prosecute,
424 throughout the state, violations and violators of parts I and II
425 of chapter 210, part VII of chapter 559, and chapters 561-569,
426 and the rules adopted thereunder, as well as other state laws
427 that the division, all state law enforcement officers, or

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428 beverage enforcement agents are specifically authorized to
429 enforce.

430 2. The secondary responsibility of each officer appointed
431 under this section is to enforce all other state laws, provided
432 that the enforcement is incidental to exercising the officer's
433 primary responsibility as provided in subparagraph 1., and the
434 officer exercises the powers of a deputy sheriff, only after
435 consultation or coordination with the appropriate local
436 sheriff's office or municipal police department or when the
437 division participates in the Florida Mutual Aid Plan during a
438 declared state emergency.

439 Section 11. For the purpose of incorporating the amendment
440 made by this act to section 901.15, Florida Statutes, in a
441 reference thereto, subsection (1) of section 321.05, Florida
442 Statutes, is reenacted to read:

443 321.05 Duties, functions, and powers of patrol officers.—
444 The members of the Florida Highway Patrol are hereby declared to
445 be conservators of the peace and law enforcement officers of the
446 state, with the common-law right to arrest a person who, in the
447 presence of the arresting officer, commits a felony or commits
448 an affray or breach of the peace constituting a misdemeanor,
449 with full power to bear arms; and they shall apprehend, without
450 warrant, any person in the unlawful commission of any of the
451 acts over which the members of the Florida Highway Patrol are
452 given jurisdiction as hereinafter set out and deliver him or her
453 to the sheriff of the county that further proceedings may be had
454 against him or her according to law. In the performance of any
455 of the powers, duties, and functions authorized by law, members
456 of the Florida Highway Patrol have the same protections and

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457 immunities afforded other peace officers, which shall be
458 recognized by all courts having jurisdiction over offenses
459 against the laws of this state, and have authority to apply for,
460 serve, and execute search warrants, arrest warrants, capias, and
461 other process of the court. The patrol officers under the
462 direction and supervision of the Department of Highway Safety
463 and Motor Vehicles shall perform and exercise throughout the
464 state the following duties, functions, and powers:

465 (1) To patrol the state highways and regulate, control, and
466 direct the movement of traffic thereon; to maintain the public
467 peace by preventing violence on highways; to apprehend fugitives
468 from justice; to enforce all laws regulating and governing
469 traffic, travel, and public safety upon the public highways and
470 providing for the protection of the public highways and public
471 property thereon, including the security and safety of this
472 state's transportation infrastructure; to make arrests without
473 warrant for the violation of any state law committed in their
474 presence in accordance with state law; providing that no search
475 may be made unless it is incident to a lawful arrest, to
476 regulate and direct traffic concentrations and congestions; to
477 enforce laws governing the operation, licensing, and taxing and
478 limiting the size, weight, width, length, and speed of vehicles
479 and licensing and controlling the operations of drivers and
480 operators of vehicles, including the safety, size, and weight of
481 commercial motor vehicles; to collect all state fees and
482 revenues levied as an incident to the use or right to use the
483 highways for any purpose, including the taxing and registration
484 of commercial motor vehicles; to require the drivers of vehicles
485 to stop and exhibit their driver licenses, registration cards,

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486 or documents required by law to be carried by such vehicles; to
487 investigate traffic accidents, secure testimony of witnesses and
488 of persons involved, and make report thereof with copy, if
489 requested in writing, to any person in interest or his or her
490 attorney; to investigate reported thefts of vehicles; and to
491 seize contraband or stolen property on or being transported on
492 the highways. Each patrol officer of the Florida Highway Patrol
493 is subject to and has the same arrest and other authority
494 provided for law enforcement officers generally in chapter 901
495 and has statewide jurisdiction. Each officer also has arrest
496 authority as provided for state law enforcement officers in s.
497 901.15. This section does not conflict with, but is supplemental
498 to, chapter 933.

499 Section 12. For the purpose of incorporating the amendment
500 made by this act to section 901.15, Florida Statutes, in a
501 reference thereto, subsection (2) of section 570.65, Florida
502 Statutes, is reenacted to read:

503 570.65 Department of Agriculture and Consumer Services, law
504 enforcement officers.—

505 (2) Each law enforcement officer shall meet the
506 qualifications of law enforcement officers under s. 943.13 and
507 shall be certified as a law enforcement officer by the
508 Department of Law Enforcement under the provisions of chapter
509 943. Upon certification, each law enforcement officer is subject
510 to and shall have the same arrest and other authority provided
511 for law enforcement officers generally in chapter 901 and shall
512 have statewide jurisdiction. Each officer shall also have arrest
513 authority as provided for state law enforcement officers in s.
514 901.15. Such officers have full law enforcement powers granted

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515 to other peace officers of this state, including the authority
516 to make arrests, carry firearms, serve court process, and seize
517 contraband and the proceeds of illegal activities.

518 Section 13. This act shall take effect October 1, 2018.