

1 A bill to be entitled
 2 An act relating to assault or battery; amending s.
 3 784.07, F.S.; providing for reclassification of
 4 assault or battery offenses committed on certain
 5 persons when such persons are engaged in their lawful
 6 duties; reenacting ss. 775.0877(1)(d), (e), (f), and
 7 (g), 794.056(1), 921.0022(3)(d), 938.08, and 938.085,
 8 F.S., relating to criminal transmission of HIV, the
 9 Rape Crisis Program Trust Fund, the offense severity
 10 ranking chart of the Criminal Punishment Code,
 11 additional cost to fund domestic violence programs,
 12 and additional cost to fund rape crisis centers,
 13 respectively, to incorporate the amendments made by
 14 the act; providing an effective date.

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

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

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

24 (2) Whenever any person is charged with knowingly
 25 committing an assault or battery upon a law enforcement officer,

26 | a firefighter, an emergency medical care provider, a railroad
27 | special officer, a traffic accident investigation officer as
28 | described in s. 316.640, a nonsworn law enforcement agency
29 | employee who is certified as an agency inspector, a blood
30 | alcohol analyst, or a breath test operator while such employee
31 | is in uniform and engaged in processing, testing, evaluating,
32 | analyzing, or transporting a person who is detained or under
33 | arrest for DUI, a law enforcement explorer, a traffic infraction
34 | enforcement officer as described in s. 316.640, a parking
35 | enforcement specialist as defined in s. 316.640, a person
36 | licensed as a security officer as defined in s. 493.6101 and
37 | wearing a uniform that bears at least one patch or emblem that
38 | is visible at all times that clearly identifies the employing
39 | agency and that clearly identifies the person as a licensed
40 | security officer, ~~or~~ a security officer employed by the board of
41 | trustees of a community college, a code enforcement officer as
42 | defined in s. 162.21, an employee of a state park or a park
43 | operated by a state subdivision, or a lifeguard certified under
44 | s. 514.071, while the officer, firefighter, emergency medical
45 | care provider, railroad special officer, traffic accident
46 | investigation officer, traffic infraction enforcement officer,
47 | inspector, analyst, operator, law enforcement explorer, parking
48 | enforcement specialist, public transit employee or agent, ~~or~~
49 | security officer, code enforcement officer, park employee, or
50 | lifeguard is engaged in the lawful performance of his or her

51 | duties, the offense for which the person is charged shall be
52 | reclassified as follows:

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

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

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

59 | Notwithstanding any other provision of law, any person convicted
60 | of aggravated assault upon a law enforcement officer shall be
61 | sentenced to a minimum term of imprisonment of 3 years.

62 | (d) In the case of aggravated battery, from a felony of
63 | the second degree to a felony of the first degree.
64 | Notwithstanding any other provision of law, any person convicted
65 | of aggravated battery of a law enforcement officer shall be
66 | sentenced to a minimum term of imprisonment of 5 years.

67 | Section 2. For the purpose of incorporating the amendment
68 | made by this act to section 784.07, Florida Statutes, in
69 | references thereto, paragraphs (d), (e), (f), and (g) of
70 | subsection (1) of section 775.0877, Florida Statutes, are
71 | reenacted to read:

72 | 775.0877 Criminal transmission of HIV; procedures;
73 | penalties.—

74 | (1) In any case in which a person has been convicted of or
75 | has pled nolo contendere or guilty to, regardless of whether

76 adjudication is withheld, any of the following offenses, or the
77 attempt thereof, which offense or attempted offense involves the
78 transmission of body fluids from one person to another:

79 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
80 relating to assault;

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

83 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
84 relating to battery;

85 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
86 relating to aggravated battery;

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88 the court shall order the offender to undergo HIV testing, to be
89 performed under the direction of the Department of Health in
90 accordance with s. 381.004, unless the offender has undergone
91 HIV testing voluntarily or pursuant to procedures established in
92 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
93 rule providing for HIV testing of criminal offenders or inmates,
94 subsequent to her or his arrest for an offense enumerated in
95 paragraphs (a)-(n) for which she or he was convicted or to which
96 she or he pled nolo contendere or guilty. The results of an HIV
97 test performed on an offender pursuant to this subsection are
98 not admissible in any criminal proceeding arising out of the
99 alleged offense.

100 Section 3. For the purpose of incorporating the amendment

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

104 794.056 Rape Crisis Program Trust Fund.—

105 (1) The Rape Crisis Program Trust Fund is created within
 106 the Department of Health for the purpose of providing funds for
 107 rape crisis centers in this state. Trust fund moneys shall be
 108 used exclusively for the purpose of providing services for
 109 victims of sexual assault. Funds credited to the trust fund
 110 consist of those funds collected as an additional court
 111 assessment in each case in which a defendant pleads guilty or
 112 nolo contendere to, or is found guilty of, regardless of
 113 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 114 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 115 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 116 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 117 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 118 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 119 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 120 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 121 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
 122 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
 123 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
 124 fund also shall include revenues provided by law, moneys
 125 appropriated by the Legislature, and grants from public or

126 private entities.

127 Section 4. For the purpose of incorporating the amendment
 128 made by this act to section 784.07, Florida Statutes, in a
 129 reference thereto, paragraph (d) of subsection (3) of section
 130 921.0022, Florida Statutes, is reenacted to read:

131 921.0022 Criminal Punishment Code; offense severity
 132 ranking chart.—

133 (3) OFFENSE SEVERITY RANKING CHART

134 (d) LEVEL 4

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Florida	Felony	Description
Statute	Degree	
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.

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139	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
140	517.07 (1)	3rd	Failure to register securities.
141	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
142	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
143	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
144	784.075	3rd	Battery on detention or commitment facility staff.
145	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.

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146	784.081 (3)	3rd	Battery on specified official or employee.
147	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
148	784.083 (3)	3rd	Battery on code inspector.
149	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
150	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
151	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
152	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to

avoid producing child at
custody hearing or delivering
to designated person.

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787.07 3rd Human smuggling.

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790.115 (1) 3rd Exhibiting firearm or weapon
within 1,000 feet of a school.

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790.115 (2) (b) 3rd Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

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790.115 (2) (c) 3rd Possessing firearm on school
property.

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800.04 (7) (c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

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810.02 (4) (a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault
or battery.

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160	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
161	810.06	3rd	Burglary; possession of tools.
162	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
163	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
164	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
165	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
166	817.505 (4) (a)	3rd	Patient brokering.
	817.563 (1)	3rd	Sell or deliver substance other

than controlled substance
 agreed upon, excluding s.
 893.03(5) drugs.

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817.568(2)(a) 3rd Fraudulent use of personal
 identification information.

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817.625(2)(a) 3rd Fraudulent use of scanning
 device, skimming device, or
 reencoder.

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817.625(2)(c) 3rd Possess, sell, or deliver
 skimming device.

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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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837.02(1) 3rd Perjury in official
 proceedings.

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837.021(1) 3rd Make contradictory statements
 in official proceedings.

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174	838.022	3rd	Official misconduct.
175	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
176	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
177	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
178	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
179	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less

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than 18 years.

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874.05 (1) (a) 3rd Encouraging or recruiting
another to join a criminal
gang.

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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) 5.
drugs).

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914.14 (2) 3rd Witnesses accepting bribes.

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914.22 (1) 3rd Force, threaten, etc., witness,
victim, or informant.

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914.23 (2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

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918.12 3rd Tampering with jurors.

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934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

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

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

Section 6. For the purpose of incorporating the amendment made by this act to section 784.07, Florida Statutes, in a

212 reference thereto, section 938.085, Florida Statutes, is
213 reenacted to read:

214 938.085 Additional cost to fund rape crisis centers.—In
215 addition to any sanction imposed when a person pleads guilty or
216 nolo contendere to, or is found guilty of, regardless of
217 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
218 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
219 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
220 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
221 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
222 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
223 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
224 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
225 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
226 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
227 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
228 \$151. Payment of the surcharge shall be a condition of
229 probation, community control, or any other court-ordered
230 supervision. The sum of \$150 of the surcharge shall be deposited
231 into the Rape Crisis Program Trust Fund established within the
232 Department of Health by chapter 2003-140, Laws of Florida. The
233 clerk of the court shall retain \$1 of each surcharge that the
234 clerk of the court collects as a service charge of the clerk's
235 office.

236 Section 7. This act shall take effect October 1, 2019.