

By Senator Pizzo

38-01452-20

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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 upon certain  
5       persons while they are engaged in the lawful  
6       performance of their duties; providing an effective  
7       date.

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

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

13       784.07 Assault or battery of law enforcement officers,  
14       firefighters, emergency medical care providers, public transit  
15       employees or agents, or other specified officers;  
16       reclassification of offenses; minimum sentences.—

17       (2) Whenever any person is charged with knowingly  
18       committing an assault or battery upon a law enforcement officer,  
19       a firefighter, an emergency medical care provider, a railroad  
20       special officer, a traffic accident investigation officer as  
21       described in s. 316.640, a nonsworn law enforcement agency  
22       employee who is certified as an agency inspector, a blood  
23       alcohol analyst, or a breath test operator while such employee  
24       is in uniform and engaged in processing, testing, evaluating,  
25       analyzing, or transporting a person who is detained or under  
26       arrest for DUI, a law enforcement explorer, a traffic infraction  
27       enforcement officer as described in s. 316.640, a parking  
28       enforcement specialist as defined in s. 316.640, a person  
29       licensed as a security officer as defined in s. 493.6101 and

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30 wearing a uniform that bears at least one patch or emblem that  
31 is visible at all times that clearly identifies the employing  
32 agency and that clearly identifies the person as a licensed  
33 security officer, ~~or~~ a security officer employed by the board of  
34 trustees of a community college, a code enforcement officer as  
35 defined in s. 162.21, an employee of a state park or a park  
36 operated by a political subdivision, or a lifeguard certified  
37 under s. 514.071, while the officer, firefighter, emergency  
38 medical care provider, railroad special officer, traffic  
39 accident investigation officer, traffic infraction enforcement  
40 officer, inspector, analyst, operator, law enforcement explorer,  
41 parking enforcement specialist, public transit employee or  
42 agent, ~~or~~ security officer, code enforcement officer, park  
43 employee, or lifeguard is engaged in the lawful performance of  
44 his or her duties, the offense for which the person is charged  
45 shall be reclassified as follows:

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

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

50 (c) In the case of aggravated assault, from a felony of the  
51 third degree to a felony of the second degree. Notwithstanding  
52 any other provision of law, any person convicted of aggravated  
53 assault upon a law enforcement officer shall be sentenced to a  
54 minimum term of imprisonment of 3 years.

55 (d) In the case of aggravated battery, from a felony of the  
56 second degree to a felony of the first degree. Notwithstanding  
57 any other provision of law, any person convicted of aggravated  
58 battery of a law enforcement officer shall be sentenced to a

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59 minimum term of imprisonment of 5 years.

60 Section 2. This act shall take effect October 1, 2020.