

By the Committee on Criminal Justice; and Senator Rodriguez

591-02148-21

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1 A bill to be entitled
2 An act relating to assault or battery on hospital
3 personnel; amending s. 784.07, F.S.; defining the term
4 “hospital personnel”; providing enhanced criminal
5 penalties for persons who knowingly commit assault or
6 battery upon hospital personnel; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 784.07, Florida Statutes, is amended to
12 read:

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

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

19 (a) “Emergency medical care provider” means an ambulance
20 driver, emergency medical technician, paramedic, registered
21 nurse, physician as defined in s. 401.23, medical director as
22 defined in s. 401.23, or any person authorized by an emergency
23 medical service licensed under chapter 401 who is engaged in the
24 performance of his or her duties. The term “emergency medical
25 care provider” also includes physicians, employees, agents, or
26 volunteers of hospitals as defined in chapter 395, who are
27 employed, under contract, or otherwise authorized by a hospital
28 to perform duties directly associated with the care and
29 treatment rendered by the hospital’s emergency department or the

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30 security thereof.

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

36 (c) "Hospital personnel" means a health care practitioner
37 as defined in s. 456.001, an employee, an agent, or a volunteer
38 who is employed, under contract, or otherwise authorized by a
39 hospital, as defined in s. 395.002, to perform duties directly
40 associated with the care and treatment rendered by any
41 department of a hospital or with the security thereof.

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

50 (e)~~(d)~~ "Law enforcement officer" includes a law enforcement
51 officer, a correctional officer, a correctional probation
52 officer, a part-time law enforcement officer, a part-time
53 correctional officer, an auxiliary law enforcement officer, and
54 an auxiliary correctional officer, as those terms are
55 respectively defined in s. 943.10, and any county probation
56 officer; an employee or agent of the Department of Corrections
57 who supervises or provides services to inmates; an officer of
58 the Florida Commission on Offender Review; a federal law

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59 enforcement officer as defined in s. 901.1505; and law
60 enforcement personnel of the Fish and Wildlife Conservation
61 Commission, the Department of Environmental Protection, or the
62 Department of Law Enforcement.

63 ~~(f)~~ ~~(e)~~ "Public transit employees or agents" means bus
64 operators, train operators, revenue collectors, security
65 personnel, equipment maintenance personnel, or field
66 supervisors, who are employees or agents of a transit agency as
67 described in s. 812.015(1)(1).

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

71 (2) Whenever any person is charged with knowingly
72 committing an assault or battery upon a law enforcement officer,
73 a firefighter, an emergency medical care provider, hospital
74 personnel, a railroad special officer, a traffic accident
75 investigation officer as described in s. 316.640, a nonsworn law
76 enforcement agency employee who is certified as an agency
77 inspector, a blood alcohol analyst, or a breath test operator
78 while such employee is in uniform and engaged in processing,
79 testing, evaluating, analyzing, or transporting a person who is
80 detained or under arrest for DUI, a law enforcement explorer, a
81 traffic infraction enforcement officer as described in s.
82 316.640, a parking enforcement specialist as defined in s.
83 316.640, a person licensed as a security officer as defined in
84 s. 493.6101 and wearing a uniform that bears at least one patch
85 or emblem that is visible at all times that clearly identifies
86 the employing agency and that clearly identifies the person as a
87 licensed security officer, or a security officer employed by the

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88 board of trustees of a community college, while the officer,
89 firefighter, emergency medical care provider, hospital
90 personnel, railroad special officer, traffic accident
91 investigation officer, traffic infraction enforcement officer,
92 inspector, analyst, operator, law enforcement explorer, parking
93 enforcement specialist, public transit employee or agent, or
94 security officer is engaged in the lawful performance of his or
95 her duties, the offense for which the person is charged shall be
96 reclassified as follows:

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

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

101 (c) In the case of aggravated assault, from a felony of the
102 third degree to a felony of the second degree. Notwithstanding
103 any other provision of law, any person convicted of aggravated
104 assault upon a law enforcement officer shall be sentenced to a
105 minimum term of imprisonment of 3 years.

106 (d) In the case of aggravated battery, from a felony of the
107 second degree to a felony of the first degree. Notwithstanding
108 any other provision of law, any person convicted of aggravated
109 battery of a law enforcement officer shall be sentenced to a
110 minimum term of imprisonment of 5 years.

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

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

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

121
122 Notwithstanding s. 948.01, adjudication of guilt or imposition
123 of sentence shall not be suspended, deferred, or withheld, and
124 the defendant is not eligible for statutory gain-time under s.
125 944.275 or any form of discretionary early release, other than
126 pardon or executive clemency, or conditional medical release
127 under s. 947.149, prior to serving the minimum sentence.

128 Section 2. This act shall take effect October 1, 2021.