

ENROLLED

HB 825

2023 Legislature

1  
 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 for the  
 5 reclassification of certain offenses committed against  
 6 hospital personnel while engaged in the performance of  
 7 their duties; providing an effective date.  
 8

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

10  
 11 Section 1. Paragraphs (c) through (f) of subsection (1) of  
 12 section 784.07, Florida Statutes, are redesignated as paragraphs  
 13 (d) through (g), respectively, a new paragraph (c) is added to  
 14 that subsection, and subsection (2) of that section is amended,  
 15 to read:

16 784.07 Assault or battery of law enforcement officers and  
 17 ~~, firefighters, emergency medical care providers, public transit~~  
 18 ~~employees or agents, or other specified personnel officers;~~  
 19 reclassification of offenses; minimum sentences.—

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

21 (c) "Hospital personnel" means a health care practitioner  
 22 as defined in s. 456.001, an employee, an agent, or a volunteer  
 23 who is employed, under contract, or otherwise authorized by a  
 24 hospital, as defined in s. 395.002, to perform duties directly  
 25 associated with the care and treatment rendered by any

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

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51 her 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. Notwithstanding  
57 any other provision of law, a person convicted of battery upon a  
58 law enforcement officer committed in furtherance of a riot or an  
59 aggravated riot prohibited under s. 870.01 shall be sentenced to  
60 a minimum term of imprisonment of 6 months.

61 (c) In the case of aggravated assault, from a felony of  
62 the third degree to a felony of the second degree.  
63 Notwithstanding any other provision of law, any person convicted  
64 of aggravated assault upon a law enforcement officer shall be  
65 sentenced to a minimum term of imprisonment of 3 years.

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

71 Section 2. This act shall take effect October 1, 2023.