

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Baker offered the following:

**Amendment**

Remove lines 27-141 and insert:

6 of force to resist any ~~an~~ arrest or detention by a law  
 7 enforcement officer, or to resist a law enforcement officer who  
 8 is engaged in the performance of his or her official duties as  
 9 described in s. 943.10(1), if ~~who is engaged in the execution of~~  
 10 ~~a legal duty, if the law enforcement officer was acting in good~~  
 11 ~~faith and~~ he or she is known, or reasonably appears, to be a law  
 12 enforcement officer.

13 ~~(2) A law enforcement officer, or any person whom the~~  
 14 ~~officer has summoned or directed to assist him or her, is not~~  
 15 ~~justified in the use of force if the arrest or execution of a~~  
 16 ~~legal duty is unlawful and known by him or her to be unlawful.~~

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17 Section 3. Section 782.065, Florida Statutes, is amended  
18 to read:

19 782.065 Murder; law enforcement officer, correctional  
20 officer, correctional probation officer.—Notwithstanding ss.  
21 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant  
22 shall be sentenced to life imprisonment without eligibility for  
23 release upon findings by the trier of fact that, beyond a  
24 reasonable doubt:

25 (1) The defendant committed murder in the first degree in  
26 violation of s. 782.04(1) and a death sentence was not imposed;  
27 murder in the second or third degree in violation of s.  
28 782.04(2), (3), or (4); attempted murder in the first or second  
29 degree in violation of s. 782.04(1)(a)1. or (2); ~~or~~ attempted  
30 felony murder in violation of s. 782.051; or manslaughter in  
31 violation of s. 782.07; and

32 (2) The victim of any offense described in subsection (1)  
33 was a law enforcement officer, part-time law enforcement  
34 officer, auxiliary law enforcement officer, correctional  
35 officer, part-time correctional officer, auxiliary correctional  
36 officer, correctional probation officer, part-time correctional  
37 probation officer, or auxiliary correctional probation officer,  
38 as those terms are defined in s. 943.10, who was engaged in the  
39 performance of his or her official duties as described in s.  
40 943.10 ~~engaged in the lawful performance of a legal duty.~~

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41 Section 4. Paragraph (e) of subsection (1) and subsection  
42 (2) of section 784.07, Florida Statutes, are amended to read:

43 784.07 Assault or battery of law enforcement officers and  
44 other specified personnel; reclassification of offenses; minimum  
45 sentences.—

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

47 (e) "Law enforcement officer" includes a law enforcement  
48 officer, a correctional officer, a correctional probation  
49 officer, a part-time law enforcement officer, a part-time  
50 correctional officer, an auxiliary law enforcement officer, and  
51 an auxiliary correctional officer, as those terms are  
52 respectively defined in s. 943.10, and any county probation  
53 officer; an employee or agent of the Department of Corrections  
54 who supervises or provides services to inmates; an officer of  
55 the Florida Commission on Offender Review; a federal law  
56 enforcement officer as defined in s. 901.1505; and law  
57 enforcement personnel of the Fish and Wildlife Conservation  
58 Commission, the Department of Environmental Protection, or the  
59 Department of Law Enforcement. The duties and responsibilities  
60 of these respective positions are described in s. 943.10.

61 (2) Whenever any person is charged with knowingly  
62 committing an assault or battery upon a law enforcement officer,  
63 a firefighter, an emergency medical care provider, hospital  
64 personnel, a railroad special officer, a traffic accident  
65 investigation officer as described in s. 316.640, a nonsworn law

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66 enforcement agency employee who is certified as an agency  
67 inspector, a blood alcohol analyst, or a breath test operator  
68 while such employee is in uniform and engaged in processing,  
69 testing, evaluating, analyzing, or transporting a person who is  
70 detained or under arrest for DUI, a law enforcement explorer, a  
71 traffic infraction enforcement officer as described in s.  
72 316.640, a parking enforcement specialist as defined in s.  
73 316.640, a person licensed as a security officer as defined in  
74 s. 493.6101 and wearing a uniform that bears at least one patch  
75 or emblem that is visible at all times that clearly identifies  
76 the employing agency and that clearly identifies the person as a  
77 licensed security officer, or a security officer employed by the  
78 board of trustees of a community college, while the officer,  
79 firefighter, emergency medical care provider, hospital  
80 personnel, railroad special officer, traffic accident  
81 investigation officer, traffic infraction enforcement officer,  
82 inspector, analyst, operator, law enforcement explorer, parking  
83 enforcement specialist, public transit employee or agent, or  
84 security officer is engaged in the performance of his or her  
85 official duties ~~is engaged in the lawful performance of his or~~  
86 ~~her duties~~, the offense for which the person is charged shall be  
87 reclassified as follows:

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

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90 (b) In the case of battery, from a misdemeanor of the  
91 first degree to a felony of the third degree. Notwithstanding  
92 any other provision of law, a person convicted of battery upon a  
93 law enforcement officer committed in furtherance of a riot or an  
94 aggravated riot prohibited under s. 870.01 shall be sentenced to  
95 a minimum term of imprisonment of 6 months.

96 (c) In the case of aggravated assault, from a felony of  
97 the third degree to a felony of the second degree.  
98 Notwithstanding any other provision of law, any person convicted  
99 of aggravated assault upon a law enforcement officer shall be  
100 sentenced to a minimum term of imprisonment of 3 years.

101 (d) In the case of aggravated battery, from a felony of  
102 the second degree to a felony of the first degree.  
103 Notwithstanding any other provision of law, any person convicted  
104 of aggravated battery of a law enforcement officer shall be  
105 sentenced to a minimum term of imprisonment of 5 years.

106 Section 5. Subsection (1) of section 843.01, Florida  
107 Statutes, is amended to read:

108 843.01 Resisting, obstructing, or opposing by offering or  
109 doing violence to legally authorized person, police canine, or  
110 police horse.—

111 (1) Whoever knowingly and willfully resists, obstructs, or  
112 opposes any officer as defined in s. 943.10(1), (2), (3), (6),  
113 (7), (8), or (9); member of the Florida Commission on Offender  
114 Review or any administrative aide or supervisor employed by the

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115 | commission; parole and probation supervisor; county probation  
116 | officer; personnel or representative of the Department of Law  
117 | Enforcement; or other person legally authorized to execute  
118 | process in the execution of legal process or engaged in the  
119 | performance of his or her official duties as described in s.  
120 | 943.10 ~~in the lawful execution of any legal duty~~, by offering or