

26 | substances or mixtures; minimum sentences.-

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

28 | (a) "Emergency medical care provider" means an ambulance
29 | driver, an emergency medical technician, a paramedic, a
30 | registered nurse, a physician as defined in s. 401.23, a medical
31 | director as defined in s. 401.23, or any person authorized by an
32 | emergency medical service licensed under chapter 401 who is
33 | engaged in the performance of his or her duties. The term
34 | "emergency medical care provider" also includes physicians,
35 | employees, agents, or volunteers of hospitals as defined in
36 | chapter 395, who are employed, under contract, or otherwise
37 | authorized by a hospital to perform duties directly associated
38 | with the care and treatment rendered by the hospital's emergency
39 | department or the security thereof.

40 | (b) "Firefighter" means any person employed by any public
41 | employer of this state whose duty it is to extinguish fires; to
42 | protect life or property; or to enforce municipal, county, and
43 | state fire prevention codes, as well as any law pertaining to
44 | the prevention and control of fires.

45 | (c) "Hospital personnel" means a health care practitioner
46 | as defined in s. 456.001, an employee, an agent, or a volunteer
47 | who is employed, under contract, or otherwise authorized by a
48 | hospital, as defined in s. 395.002, to perform duties directly
49 | associated with the care and treatment rendered by any
50 | department of a hospital or with the security thereof.

51 (d) "Law enforcement explorer" means any person who is a
52 current member of a law enforcement agency's explorer program
53 and who is performing functions other than those required to be
54 performed by sworn law enforcement officers on behalf of a law
55 enforcement agency while under the direct physical supervision
56 of a sworn officer of that agency and wearing a uniform that
57 bears at least one patch that clearly identifies the law
58 enforcement agency that he or she represents.

59 (e) "Law enforcement officer" includes a law enforcement
60 officer, a correctional officer, a correctional probation
61 officer, a part-time law enforcement officer, a part-time
62 correctional officer, an auxiliary law enforcement officer, and
63 an auxiliary correctional officer, as those terms are
64 respectively defined in s. 943.10, and any county probation
65 officer; an employee or agent of the Department of Corrections
66 who supervises or provides services to inmates; an officer of
67 the Florida Commission on Offender Review; a federal law
68 enforcement officer as defined in s. 901.1505; and law
69 enforcement personnel of the Fish and Wildlife Conservation
70 Commission, the Department of Environmental Protection, or the
71 Department of Law Enforcement.

72 (f) "Public transit employees or agents" means bus
73 operators, train operators, revenue collectors, security
74 personnel, equipment maintenance personnel, or field
75 supervisors, who are employees or agents of a transit agency as

76 described in s. 812.015(1)(1).

77 (g) "Railroad special officer" means a person employed by
78 a Class I, Class II, or Class III railroad pursuant to s.
79 354.01.

80 (2) Whenever any person is charged with knowingly
81 committing an assault or a battery upon a law enforcement
82 officer, a firefighter, an emergency medical care provider,
83 hospital personnel, a railroad special officer, a traffic
84 accident investigation officer as described in s. 316.640, a
85 nonsworn law enforcement agency employee who is certified as an
86 agency inspector, a blood alcohol analyst, or a breath test
87 operator while such employee is in uniform and engaged in
88 processing, testing, evaluating, analyzing, or transporting a
89 person who is detained or under arrest for DUI, a law
90 enforcement explorer, a traffic infraction enforcement officer
91 as described in s. 316.640, a parking enforcement specialist as
92 defined in s. 316.640, a person licensed as a security officer
93 as defined in s. 493.6101 and wearing a uniform that bears at
94 least one patch or emblem that is visible at all times that
95 clearly identifies the employing agency and that clearly
96 identifies the person as a licensed security officer, or a
97 security officer employed by the board of trustees of a
98 community college, while the officer, firefighter, emergency
99 medical care provider, hospital personnel, railroad special
100 officer, traffic accident investigation officer, traffic

101 | infraction enforcement officer, inspector, analyst, operator,
 102 | law enforcement explorer, parking enforcement specialist, public
 103 | transit employee or agent, or security officer is engaged in the
 104 | lawful performance of his or her duties, the offense for which
 105 | the person is charged must ~~shall~~ be reclassified as follows:

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

108 | (b) In the case of battery, from a misdemeanor of the
 109 | first degree to a felony of the third degree. Notwithstanding
 110 | any other provision of law, a person convicted of battery upon a
 111 | law enforcement officer committed in furtherance of a riot or an
 112 | aggravated riot prohibited under s. 870.01 must ~~shall~~ be
 113 | sentenced to a minimum term of imprisonment of 6 months.

114 | (c) In the case of aggravated assault, from a felony of
 115 | the third degree to a felony of the second degree.
 116 | Notwithstanding any other provision of law, any person convicted
 117 | of aggravated assault upon a law enforcement officer must ~~shall~~
 118 | be sentenced to a minimum term of imprisonment of 3 years.

119 | (d) In the case of aggravated battery, from a felony of
 120 | the second degree to a felony of the first degree.
 121 | Notwithstanding any other provision of law, any person convicted
 122 | of aggravated battery of a law enforcement officer must ~~shall~~ be
 123 | sentenced to a minimum term of imprisonment of 5 years.

124 | (3) Any person who is convicted of a battery under
 125 | paragraph (2)(b) and, during the commission of the offense, such

126 | person possessed:

127 | (a) A "firearm" or "destructive device" as those terms are
 128 | defined in s. 790.001, must ~~shall~~ be sentenced to a minimum term
 129 | of imprisonment of 3 years.

130 | (b) A semiautomatic firearm and its high-capacity
 131 | detachable box magazine, as defined in s. 775.087(3), or a
 132 | machine gun as defined in s. 790.001, must ~~shall~~ be sentenced to
 133 | a minimum term of imprisonment of 8 years.

134 |
 135 | Notwithstanding s. 948.01, adjudication of guilt or imposition
 136 | of sentence may ~~shall~~ not be suspended, deferred, or withheld,
 137 | and the defendant is not eligible for statutory gain-time under
 138 | s. 944.275 or any form of discretionary early release, other
 139 | than pardon or executive clemency, or conditional medical
 140 | release under s. 947.149, before ~~prior to~~ serving the minimum
 141 | sentence.

142 | (4) A person who unlawfully and intentionally possesses
 143 | any controlled substance or mixture listed in s. 893.13(1)(i)1.
 144 | and exposes a state or local law enforcement officer as defined
 145 | in s. 943.10, a firefighter as defined in s. 633.102, an
 146 | emergency medical technician as defined in s. 401.23, or a
 147 | paramedic as defined in s. 401.23, any of whom is acting in his
 148 | or her official capacity, to such substance or mixture, and the
 149 | exposure results in a serious injury, commits a felony of the
 150 | second degree, punishable as provided in s. 775.082, s. 775.083,

HB 231

2024

151 or s. 775.084, and, upon conviction thereof, must be sentenced
152 to a mandatory minimum term of imprisonment of 15 years. If the
153 injury sustained results in death or great bodily harm, the
154 person commits a felony of the first degree, punishable as
155 provided in s. 775.082, s. 775.083, or s. 775.084, and, upon
156 conviction thereof, must be sentenced to a mandatory minimum
157 term of imprisonment of 30 years. As used in this subsection,
158 the term "expose" includes, without limitation, exposure through
159 skin contact, inhalation, ingestion, or contact with the site of
160 a needlestick or a mucus membrane, including, without
161 limitation, the mouth, eyes, or nose.

162 (5) For purposes of sentencing under chapter 921, a felony
163 violation of this section committed by a person acting in
164 furtherance of a riot or an aggravated riot prohibited under s.
165 870.01 is ranked one level above the ranking under s. 921.0022
166 for the offense committed.

167 Section 2. This act shall take effect October 1, 2024.