FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 857	**COMPANION BILL:** CS/SB 1386 (Yarborough)
TITLE: Assault or Battery on a Utility Worker	**LINKED BILLS:** None
SPONSOR(S): Kincart Jonsson	**RELATED BILLS:** None

Committee References

Criminal Justice	➤	Economic Infrastructure	➤	Judiciary
18 Y, 0 N, As CS		16 Y, 0 N		19 Y, 0 N

SUMMARY

Effect of the Bill:

CS/HB 857 includes utility workers as a specified type of personnel for which an assault or battery offense is reclassified to the next highest penalty when such an offense is knowingly committed against a utility worker while he or she is engaged in work on critical infrastructure.

Fiscal or Economic Impact:

The bill may have a positive indeterminate impact on jail and prison beds. To the extent the bill results in penalties for more assault and battery offenses being reclassified, offenders convicted of such offenses will be subject to longer terms of incarceration.

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ANALYSIS

EFFECT OF THE BILL:

CS/HB 857 includes utility workers as a specified type of personnel for which an assault or battery offense is reclassified to the next highest penalty when such an offense is knowingly committed against a utility worker while he or she is engaged in work on critical infrastructure as defined in s. 812.141(1), F.S.

The bill defines "utility worker" as a person who bears at least one patch, emblem, organizational identification, or other clear marking intended to be plainly visible and that identifies the employing or contracting utility and that clearly identifies the person as a utility worker under contract with or employed by an entity that owns, operates, leases, or controls a plant, property, or facility for the generation, transmission, distribution of, or furnishing to or for the public of electricity, natural or manufactured gas or propane, water, wastewater, telephone, or communications service, including two or more utilities rendering joint service. (Section 1)

Under the bill, the reclassification of assault and battery offenses knowingly committed on a utility worker is as follows:

- In the case of an assault, from a second-degree misdemeanor to a first-degree misdemeanor.
- In the case of a battery, from a first-degree misdemeanor to a third-degree felony.
- In the case of an aggravated assault, from a third-degree felony to a second-degree felony.
- In the case of aggravated battery, from a second-degree felony to a first-degree felony. (Section 1)

The bill makes additional conforming changes. (Section 2, 3, 4, and 5)

This bill has an effective date of October 1, 2025. (Section 6)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have a positive indeterminate impact on prison beds. To the extent the bill results in penalties for more assaults and battery offenses being reclassified as felony offenses, offenders convicted of such offenses will be subject to longer terms of incarceration.

LOCAL GOVERNMENT:

The bill may have a positive indeterminate impact on jail beds. To the extent the bill results in penalties for more assaults being reclassified as first degree misdemeanor offenses, offenders convicted of such offenses will be subject to longer terms of incarceration.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Reclassification of Assault and Battery Offenses

Section 784.07, F.S., reclassifies the misdemeanor or felony degree of assault[1], aggravated assault[2], battery[3], and aggravated battery[4] when a person is charged with knowingly committing any such offense upon the following specified type of personnel while engaged in the lawful performance of his or her duties:

- A law enforcement officer;
- A firefighter;
- An emergency medical care provider;
- A railroad special officer;
- A traffic accident investigation officer;
- A nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing testing, evaluating, analyzing or transporting a person who is detained or under arrest for a DUI;
- A law enforcement explorer;
- A traffic infraction enforcement officer;
- A parking enforcement specialist;
- A person licensed as a security officer and wearing a uniform bearing at least one patch or emblem that is visible at all times and clearly identifies the person's employing agency and that the person is a licensed security officer; and
- A security officer employed by the board of trustees of a community college.

Reclassifying an offense has the effect of increasing the maximum sentence that can be imposed for that offense. Under s. 784.07, F.S., the reclassification of the degree of the offense is as follows:

- In the case of assault, from a second-degree misdemeanor[5] to a first-degree misdemeanor.[6]

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[1] Assault, which is a second-degree misdemeanor, is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent. S. 784.011(1), F.S.

[2] Aggravated assault, which is a third-degree felony, is the commission of an assault using a deadly weapon without intent to kill or the commission of an assault with the intent to commit a felony. S. 784.021, F.S.

[3] Battery, which is a first-degree misdemeanor, is actually and intentionally touching or striking another person against the will of that person or intentionally causing bodily harm to another person. S. 784.03(1)(a), F.S.

[4] A person commits aggravated battery, a second-degree felony, if the person, in committing a battery: intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; uses a deadly weapon; or the person who was the victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant. S. 784.045, F.S.

[5] A misdemeanor of the second degree is punishable by up to 60 days in county jail and a fine not exceeding $500. Ss. 775.082(4)(b) and 775.083(1)(e).

[6] A misdemeanor of the first degree is punishable by up to 1 year in county jail and a fine not exceeding $1,000. Ss. 775.082(4)(a)and 775.083(1)(d), F.S.

- In the case of battery, from a first-degree misdemeanor to a third-degree felony.[7]
- In the case of aggravated assault, from a third-degree felony to a second-degree felony.[8]
- In the case of aggravated battery, from a second-degree felony to a first-degree felony.[9]

Further, if, during the commission of a battery subject to reclassification as a third-degree felony, the person possessed:

- A firearm or destructive device, the person is subject to a mandatory minimum term of imprisonment of three years; or
- A semiautomatic firearm, its high-capacity detachable box magazine, or a machine gun, the person is subject to a mandatory minimum term of imprisonment of eight years.[10]

OTHER RESOURCES:

Gainesville Man Arrested After Allegedly Shooting at GRU Employees, 7-Hour Stand-Off

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	18 Y, 0 N, As CS	3/26/2025	Hall	Saunders
THE CHANGES ADOPTED BY THE COMMITTEE:	• Revised the definition of utility worker. • Narrowed the reclassification of assault or battery on a utility worker to only apply when a utility worker is engaged in work on critical infrastructure as defined in s. 812.141(1), F.S. • Removed the offense severity ranking chart.			
Economic Infrastructure Subcommittee	16 Y, 0 N	3/31/2025	Keating	Bauldree
Judiciary Committee	19 Y, 0 N	4/8/2025	Kramer	Saunders

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[7] A felony of the third degree is punishable by a term of imprisonment not exceeding 5 years and a fine not exceeding $5,000. Ss. 775.082(3)(e), 775.083(1)(c), or s. 775.084, F.S.

[8] A felony of the second degree is punishable by a term of imprisonment not exceeding 15 years and a fine not exceeding $10,000. Ss. 775.082(3)(d), 775.083(1)(b), or s. 775.084, F.S.

[9] A felony of the first degree is punishable by term of imprisonment not exceeding 30 years and a fine not exceeding $10,000. Ss. 775.082(3)(b), 775.083(1)(b), or s. 775.084, F.S.

[10] S. 784.07(3), F.S.