

FLORIDA HOUSE OF REPRESENTATIVES

FINAL 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/CS/SB 1386 (Yarborough)
TITLE: Assault or Battery on a Utility Worker	LINKED BILLS: None
SPONSOR(S): Kincart Jonsson	RELATED BILLS: None
FINAL HOUSE FLOOR ACTION: 113 Y's 0 N's	GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill 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.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

ANALYSIS

EFFECT OF THE BILL:

CS/HB 857 passed as [CS/CS/SB 1386](#).

The bill 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 that is intended to be plainly visible, 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, 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](#))

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2025. (Section [6](#))

FISCAL OR ECONOMIC IMPACT:

STORAGE NAME: h0857z

DATE: 5/5/2025

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 assault¹, aggravated assault², battery³, and aggravated battery⁴ 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:

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.](#)

- In the case of assault, from a second-degree misdemeanor⁵ to a first-degree misdemeanor.⁶
- 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](#)

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.

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.