

1 A bill to be entitled  
2 An act relating to assault or battery on health care  
3 providers; amending s. 784.07, F.S.; defining the term  
4 "health care provider"; providing for the  
5 reclassification of certain assault and battery  
6 offenses committed on health care providers; amending  
7 ss. 901.15 and 985.644, F.S.; conforming provisions to  
8 changes made by the act; reenacting ss.  
9 775.0877(1)(d), (e), (f), and (g), 794.056(1),  
10 921.0022(3)(d), 938.08, and 938.085, F.S., relating to  
11 criminal transmission of HIV, the Rape Crisis Program  
12 Trust Fund, the offense severity ranking chart of the  
13 Criminal Punishment Code, additional cost to fund  
14 programs in domestic violence, and additional cost to  
15 fund rape crisis centers, respectively, to incorporate  
16 the amendments made by the act; providing an effective  
17 date.

18  
19 Be It Enacted by the Legislature of the State of Florida:  
20

21 Section 1. Paragraphs (c) through (f) of subsection (1) of  
22 section 784.07, Florida Statutes, are redesignated as paragraphs  
23 (d) through (g), respectively, a new paragraph (c) is added to  
24 that subsection, subsection (2) of that section is amended, and  
25 subsection (3) of that section is republished to read:

26           784.07 Assault or battery of law enforcement officers,  
27 firefighters, emergency medical care providers, health care  
28 providers, public transit employees or agents, or other  
29 specified officers; reclassification of offenses; minimum  
30 sentences.—

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

32           (c) "Health care provider" means a physician, a registered  
33 nurse, an employee, an agent, or a volunteer of a hospital, as  
34 defined in s. 395.002, or a nursing home facility, as defined in  
35 s. 400.021, who is employed by, under contract with, or  
36 otherwise authorized by such hospital or nursing home facility  
37 to perform duties directly associated with the care and  
38 treatment rendered by the hospital or nursing home facility.

39           (2) Whenever any person is charged with knowingly  
40 committing an assault or battery upon a law enforcement officer,  
41 a firefighter, an emergency medical care provider, a health care  
42 provider, a railroad special officer, a traffic accident  
43 investigation officer as described in s. 316.640, a nonsworn law  
44 enforcement agency employee who is certified as an agency  
45 inspector, a blood alcohol analyst, or a breath test operator  
46 while such employee is in uniform and engaged in processing,  
47 testing, evaluating, analyzing, or transporting a person who is  
48 detained or under arrest for DUI, a law enforcement explorer, a  
49 traffic infraction enforcement officer as described in s.  
50 316.640, a parking enforcement specialist as defined in s.

51 316.640, a person licensed as a security officer as defined in  
52 s. 493.6101 and wearing a uniform that bears at least one patch  
53 or emblem that is visible at all times that clearly identifies  
54 the employing agency and that clearly identifies the person as a  
55 licensed security officer, or a security officer employed by the  
56 board of trustees of a community college, while the officer,  
57 firefighter, emergency medical care provider, health care  
58 provider, railroad special officer, traffic accident  
59 investigation officer, traffic infraction enforcement officer,  
60 inspector, analyst, operator, law enforcement explorer, parking  
61 enforcement specialist, public transit employee or agent, or  
62 security officer is engaged in the lawful performance of his or  
63 her duties, the offense for which the person is charged shall be  
64 reclassified as follows:

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

67 (b) In the case of battery, from a misdemeanor of the  
68 first degree to a felony of the third degree.

69 (c) In the case of aggravated assault, from a felony of  
70 the third degree to a felony of the second degree.

71 Notwithstanding any other provision of law, any person convicted  
72 of aggravated assault upon a law enforcement officer shall be  
73 sentenced to a minimum term of imprisonment of 3 years.

74 (d) In the case of aggravated battery, from a felony of  
75 the second degree to a felony of the first degree.

76 Notwithstanding any other provision of law, any person convicted  
 77 of aggravated battery of a law enforcement officer shall be  
 78 sentenced to a minimum term of imprisonment of 5 years.

79 (3) Any person who is convicted of a battery under  
 80 paragraph (2)(b) and, during the commission of the offense, such  
 81 person possessed:

82 (a) A "firearm" or "destructive device" as those terms are  
 83 defined in s. 790.001, shall be sentenced to a minimum term of  
 84 imprisonment of 3 years.

85 (b) A semiautomatic firearm and its high-capacity  
 86 detachable box magazine, as defined in s. 775.087(3), or a  
 87 machine gun as defined in s. 790.001, shall be sentenced to a  
 88 minimum term of imprisonment of 8 years.

89  
 90 Notwithstanding s. 948.01, adjudication of guilt or imposition  
 91 of sentence shall not be suspended, deferred, or withheld, and  
 92 the defendant is not eligible for statutory gain-time under s.  
 93 944.275 or any form of discretionary early release, other than  
 94 pardon or executive clemency, or conditional medical release  
 95 under s. 947.149, prior to serving the minimum sentence.

96 Section 2. Subsection (15) of section 901.15, Florida  
 97 Statutes, is amended to read:

98 901.15 When arrest by officer without warrant is lawful.—A  
 99 law enforcement officer may arrest a person without a warrant  
 100 when:

101 (15) There is probable cause to believe that the person  
102 has committed assault upon a law enforcement officer, a  
103 firefighter, an emergency medical care provider, a health care  
104 provider, public transit employees or agents, or other specified  
105 officers as set forth in s. 784.07 or has committed assault or  
106 battery upon any employee of a receiving facility as defined in  
107 s. 394.455 who is engaged in the lawful performance of his or  
108 her duties.

109 Section 3. Paragraph (a) of subsection (3) of section  
110 985.644, Florida Statutes, is amended to read:

111 985.644 Departmental contracting powers; personnel  
112 standards and investigation.—

113 (3) (a) All employees of the department and all personnel  
114 of contract providers for any program for children, including  
115 all owners, operators, employees, persons who have access to  
116 confidential juvenile records, and volunteers, must complete:

117 1. A level 2 employment screening pursuant to chapter 435  
118 before employment. The security background investigation  
119 conducted under this section must ensure that, in addition to  
120 the disqualifying offenses listed in s. 435.04, no person  
121 subject to the background screening provisions of this section  
122 has an arrest awaiting final disposition for, been found guilty  
123 of, regardless of adjudication, or entered a plea of nolo  
124 contendere or guilty to, or been adjudicated delinquent and the  
125 record has not been sealed or expunged for, any offense

126 prohibited under the following provisions of state law or  
127 similar laws of another jurisdiction:

128 a. Section 784.07, relating to assault or battery of law  
129 enforcement officers, firefighters, emergency medical care  
130 providers, health care providers, public transit employees or  
131 agents, or other specified officers.

132 b. Section 817.568, relating to criminal use of personal  
133 identification information.

134 2. A national criminal records check by the Federal Bureau  
135 of Investigation every 5 years following the date of the  
136 person's employment.

137 Section 4. For the purpose of incorporating the amendment  
138 made by this act to section 784.07, Florida Statutes, in  
139 references thereto, paragraphs (d), (e), (f), and (g) of  
140 subsection (1) of section 775.0877, Florida Statutes, are  
141 reenacted to read:

142 775.0877 Criminal transmission of HIV; procedures;  
143 penalties.—

144 (1) In any case in which a person has been convicted of or  
145 has pled nolo contendere or guilty to, regardless of whether  
146 adjudication is withheld, any of the following offenses, or the  
147 attempt thereof, which offense or attempted offense involves the  
148 transmission of body fluids from one person to another:

149 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
150 relating to assault;

151 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),  
 152 relating to aggravated assault;

153 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),  
 154 relating to battery;

155 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),  
 156 relating to aggravated battery;

157

158 the court shall order the offender to undergo HIV testing, to be  
 159 performed under the direction of the Department of Health in  
 160 accordance with s. 381.004, unless the offender has undergone  
 161 HIV testing voluntarily or pursuant to procedures established in  
 162 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or  
 163 rule providing for HIV testing of criminal offenders or inmates,  
 164 subsequent to her or his arrest for an offense enumerated in  
 165 paragraphs (a)-(n) for which she or he was convicted or to which  
 166 she or he pled nolo contendere or guilty. The results of an HIV  
 167 test performed on an offender pursuant to this subsection are  
 168 not admissible in any criminal proceeding arising out of the  
 169 alleged offense.

170 Section 5. For the purpose of incorporating the amendment  
 171 made by this act to section 784.07, Florida Statutes, in a  
 172 reference thereto, subsection (1) of section 794.056, Florida  
 173 Statutes, is reenacted to read:

174 794.056 Rape Crisis Program Trust Fund.—

175 (1) The Rape Crisis Program Trust Fund is created within

176 the Department of Health for the purpose of providing funds for  
177 rape crisis centers in this state. Trust fund moneys shall be  
178 used exclusively for the purpose of providing services for  
179 victims of sexual assault. Funds credited to the trust fund  
180 consist of those funds collected as an additional court  
181 assessment in each case in which a defendant pleads guilty or  
182 nolo contendere to, or is found guilty of, regardless of  
183 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
184 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
185 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
186 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
187 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
188 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
189 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
190 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
191 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
192 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
193 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
194 fund also shall include revenues provided by law, moneys  
195 appropriated by the Legislature, and grants from public or  
196 private entities.

197 Section 6. For the purpose of incorporating the amendment  
198 made by this act to section 784.07, Florida Statutes, in a  
199 reference thereto, paragraph (d) of subsection (3) of section  
200 921.0022, Florida Statutes, is reenacted to read:



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201 921.0022 Criminal Punishment Code; offense severity  
 202 ranking chart.—

203 (3) OFFENSE SEVERITY RANKING CHART

204 (d) LEVEL 4

205

Florida	Felony	
Statute	Degree	Description

206

316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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207

499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
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208

499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
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209

517.07 (1)	3rd	Failure to register securities.
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210	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
211	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
212	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
213	784.075	3rd	Battery on detention or commitment facility staff.
214	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
215	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
216	784.081 (3)	3rd	Battery on specified official or employee.
217	784.082 (3)	3rd	Battery by detained person on

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visitor or other detainee.

218

784.083 (3) 3rd Battery on code inspector.

219

784.085 3rd Battery of child by throwing,  
tossing, projecting, or  
expelling certain fluids or  
materials.

220

787.03 (1) 3rd Interference with custody;  
wrongly takes minor from  
appointed guardian.

221

787.04 (2) 3rd Take, entice, or remove child  
beyond state limits with  
criminal intent pending custody  
proceedings.

222

787.04 (3) 3rd Carrying child beyond state  
lines with criminal intent to  
avoid producing child at  
custody hearing or delivering  
to designated person.

223

787.07 3rd Human smuggling.

224	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
225	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
226	790.115 (2) (c)	3rd	Possessing firearm on school property.
227	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
228	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
229	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
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231	810.06	3rd	Burglary; possession of tools.
232	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
233	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
234	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
235	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
236	817.505 (4) (a)	3rd	Patient brokering.
237	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
	817.568 (2) (a)	3rd	Fraudulent use of personal

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identification information.

238

817.625 (2) (a) 3rd Fraudulent use of scanning device, ~~skimming device,~~ or reencoder.

239

817.625 (2) (c) 3rd Possess, sell, or deliver skimming device.

240

828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

241

837.02 (1) 3rd Perjury in official proceedings.

242

837.021 (1) 3rd Make contradictory statements in official proceedings.

243

838.022 3rd Official misconduct.

244

839.13 (2) (a) 3rd Falsifying records of an individual in the care and custody of a state agency.

245	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
246	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
247	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
248	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
249	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
250	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.

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251 893.13(2)(a)1. 2nd Purchase of cocaine (or other  
s. 893.03(1)(a), (b), or (d),  
(2)(a), (2)(b), or (2)(c)4.  
drugs).

252 914.14(2) 3rd Witnesses accepting bribes.

253 914.22(1) 3rd Force, threaten, etc., witness,  
victim, or informant.

254 914.23(2) 3rd Retaliation against a witness,  
victim, or informant, no bodily  
injury.

255 918.12 3rd Tampering with jurors.

256 934.215 3rd Use of two-way communications  
device to facilitate commission  
of a crime.

257

258 Section 7. For the purpose of incorporating the amendment

259 made by this act to section 784.07, Florida Statutes, in a

260 reference thereto, section 938.08, Florida Statutes, is

261 reenacted to read:



262           938.08 Additional cost to fund programs in domestic  
263 violence.—In addition to any sanction imposed for a violation of  
264 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.  
265 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.  
266 784.083, s. 784.085, s. 794.011, or for any offense of domestic  
267 violence described in s. 741.28, the court shall impose a  
268 surcharge of \$201. Payment of the surcharge shall be a condition  
269 of probation, community control, or any other court-ordered  
270 supervision. The sum of \$85 of the surcharge shall be deposited  
271 into the Domestic Violence Trust Fund established in s. 741.01.  
272 The clerk of the court shall retain \$1 of each surcharge that  
273 the clerk of the court collects as a service charge of the  
274 clerk's office. The remainder of the surcharge shall be provided  
275 to the governing board of the county and must be used only to  
276 defray the costs of incarcerating persons sentenced under s.  
277 741.283 and provide additional training to law enforcement  
278 personnel in combating domestic violence.

279           Section 8. For the purpose of incorporating the amendment  
280 made by this act to section 784.07, Florida Statutes, in a  
281 reference thereto, section 938.085, Florida Statutes, is  
282 reenacted to read:

283           938.085 Additional cost to fund rape crisis centers.—In  
284 addition to any sanction imposed when a person pleads guilty or  
285 nolo contendere to, or is found guilty of, regardless of  
286 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and

287 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
288 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
289 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
290 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
291 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
292 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
293 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
294 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
295 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
296 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
297 \$151. Payment of the surcharge shall be a condition of  
298 probation, community control, or any other court-ordered  
299 supervision. The sum of \$150 of the surcharge shall be deposited  
300 into the Rape Crisis Program Trust Fund established within the  
301 Department of Health by chapter 2003-140, Laws of Florida. The  
302 clerk of the court shall retain \$1 of each surcharge that the  
303 clerk of the court collects as a service charge of the clerk's  
304 office.

305 Section 9. This act shall take effect October 1, 2018.