

By the Committee on Law Enforcement & Public Safety and
Representatives Rodriguez-Chomat and Fasano

1 A bill to be entitled
2 An act relating to assault and battery;
3 amending s. 784.07, F.S., relating to
4 reclassification of offenses of assault or
5 battery upon law enforcement officers,
6 firefighters, emergency care providers, or
7 other specified officers or personnel; removing
8 an obsolete reference; adding certain licensed
9 security officers for purposes of the
10 reclassified offenses; authorizing enhanced
11 penalties for the offenses of knowingly
12 committing an assault or battery, or aggravated
13 assault or aggravated battery, upon a licensed
14 security officer; authorizing minimum terms of
15 imprisonment for certain battery offenses
16 against licensed security officers; reenacting
17 s. 985.212(1)(b), F.S., relating to
18 fingerprinting and photographing, s.
19 775.0877(1), F.S., relating to criminal
20 transmission of HIV, and s. 943.051(3)(b),
21 F.S., relating to criminal justice information
22 and fingerprinting, to incorporate said
23 amendment in references; amending s. 921.0022,
24 F.S., relating to the offense severity ranking
25 chart; ranking the new offenses; raising the
26 offenses of battery of law enforcement
27 officers, firefighters, emergency medical care
28 providers, or other specified officers or
29 personnel, excluding licensed security
30 officers, from level 4 to level 6; providing an
31 effective date.

1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsection (2) of section 784.07, Florida
4 Statutes, is amended to read:

5 784.07 Assault or battery of law enforcement officers,
6 firefighters, emergency medical care providers, public transit
7 employees or agents, or other specified officers;
8 reclassification of offenses; minimum sentences.--

9 (2) Whenever any person is charged with knowingly
10 committing an assault or battery upon a law enforcement
11 officer, a firefighter, an emergency medical care provider, a
12 traffic accident investigation officer as described in s.
13 316.640, a traffic infraction enforcement officer ~~as described~~
14 ~~in s. 318.141~~, a parking enforcement specialist as defined in
15 s. 316.640, ~~or~~ a security officer employed by the board of
16 trustees of a community college, or a licensed security
17 officer as defined in s. 493.6101(19), while the officer,
18 firefighter, emergency medical care provider, intake officer,
19 traffic accident investigation officer, traffic infraction
20 enforcement officer, parking enforcement specialist, public
21 transit employee or agent, or security officer is engaged in
22 the lawful performance of his or her duties, the offense for
23 which the person is charged shall be reclassified as follows:

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

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

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

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

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

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

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

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12 Notwithstanding the provisions of s. 948.01, adjudication of
13 guilt or imposition of sentence shall not be suspended,
14 deferred, or withheld, and the defendant is not eligible for
15 statutory gain-time under s. 944.275 or any form of
16 discretionary early release, other than pardon or executive
17 clemency, or conditional medical release under s. 947.149,
18 prior to serving the minimum sentence.

19 Section 2. Subsection (19) of section 493.6101,
20 Florida Statutes, reads:

21 493.6101 Definitions.--

22 (19) "Security officer" means any individual who, for
23 consideration, advertises as providing or performs bodyguard
24 services or otherwise guards persons or property; attempts to
25 prevent theft or unlawful taking of goods, wares, and
26 merchandise; or attempts to prevent the misappropriation or
27 concealment of goods, wares or merchandise, money, bonds,
28 stocks, choses in action, notes, or other documents, papers,
29 and articles of value or procurement of the return thereof.
30 The term also includes armored car personnel and those
31 personnel engaged in the transportation of prisoners.

1 Section 3. For the purpose of incorporating the
2 amendment to section 784.07, Florida Statutes, in references
3 thereto, the sections or subdivisions of Florida Statutes set
4 forth below are reenacted to read:
5 985.212 Fingerprinting and photographing.--
6 (1)
7 (b) A child who is charged with or found to have
8 committed one of the following misdemeanors shall be
9 fingerprinted and the fingerprints shall be submitted to the
10 Department of Law Enforcement as provided in s. 943.051(3)(b):
11 1. Assault, as defined in s. 784.011.
12 2. Battery, as defined in s. 784.03.
13 3. Carrying a concealed weapon, as defined in s.
14 790.01(1).
15 4. Unlawful use of destructive devices or bombs, as
16 defined in s. 790.1615(1).
17 5. Negligent treatment of children, as defined in
18 former s. 827.05.
19 6. Assault on a law enforcement officer, a
20 firefighter, or other specified officers, as defined in s.
21 784.07(2)(a).
22 7. Open carrying of a weapon, as defined in s.
23 790.053.
24 8. Exposure of sexual organs, as defined in s. 800.03.
25 9. Unlawful possession of a firearm, as defined in s.
26 790.22(5).
27 10. Petit theft, as defined in s. 812.014.
28 11. Cruelty to animals, as defined in s. 828.12(1).
29 12. Arson, resulting in bodily harm to a firefighter,
30 as defined in s. 806.031(1).
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1 A law enforcement agency may fingerprint and photograph a
2 child taken into custody upon probable cause that such child
3 has committed any other violation of law, as the agency deems
4 appropriate. Such fingerprint records and photographs shall be
5 retained by the law enforcement agency in a separate file, and
6 these records and all copies thereof must be marked "Juvenile
7 Confidential." These records shall not be available for public
8 disclosure and inspection under s. 119.07(1) except as
9 provided in ss. 943.053 and 985.04(5), but shall be available
10 to other law enforcement agencies, criminal justice agencies,
11 state attorneys, the courts, the child, the parents or legal
12 custodians of the child, their attorneys, and any other person
13 authorized by the court to have access to such records. These
14 records may, in the discretion of the court, be open to
15 inspection by anyone upon a showing of cause. The fingerprint
16 and photograph records shall be produced in the court whenever
17 directed by the court. Any photograph taken pursuant to this
18 section may be shown by a law enforcement officer to any
19 victim or witness of a crime for the purpose of identifying
20 the person who committed such crime.

21 775.0877 Criminal transmission of HIV; procedures;
22 penalties.--

23 (1) In any case in which a person has been convicted
24 of or has pled nolo contendere or guilty to, regardless of
25 whether adjudication is withheld, any of the following
26 offenses, or the attempt thereof, which offense or attempted
27 offense involves the transmission of body fluids from one
28 person to another:

- 29 (a) Section 794.011, relating to sexual battery,
30 (b) Section 826.04, relating to incest,

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1 (c) Section 800.04(1), (2), and (3), relating to lewd,
2 lascivious, or indecent assault or act upon any person less
3 than 16 years of age,
4 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
5 relating to assault,
6 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
7 relating to aggravated assault,
8 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
9 relating to battery,
10 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
11 relating to aggravated battery,
12 (h) Section 827.03(1), relating to child abuse,
13 (i) Section 827.03(2), relating to aggravated child
14 abuse,
15 (j) Section 825.102(1), relating to abuse of an
16 elderly person or disabled adult,
17 (k) Section 825.102(2), relating to aggravated abuse
18 of an elderly person or disabled adult,
19 (l) Section 827.071, relating to sexual performance by
20 person less than 18 years of age,
21 (m) Sections 796.03, 796.07, and 796.08, relating to
22 prostitution, or
23 (n) Section 381.0041(11)(b), relating to donation of
24 blood, plasma, organs, skin, or other human tissue,
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26 the court shall order the offender to undergo HIV testing, to
27 be performed under the direction of the Department of Health
28 and Rehabilitative Services in accordance with s. 381.004,
29 unless the offender has undergone HIV testing voluntarily or
30 pursuant to procedures established in s. 381.004(3)(i)6. or s.
31 951.27, or any other applicable law or rule providing for HIV

1 testing of criminal offenders or inmates, subsequent to her or
2 his arrest for an offense enumerated in paragraphs (a)-(n) for
3 which she or he was convicted or to which she or he pled nolo
4 contendere or guilty. The results of an HIV test performed on
5 an offender pursuant to this subsection are not admissible in
6 any criminal proceeding arising out of the alleged offense.

7 943.051 Criminal justice information; collection and
8 storage; fingerprinting.--

9 (3)

10 (b) A minor who is charged with or found to have
11 committed the following misdemeanors shall be fingerprinted
12 and the fingerprints shall be submitted to the department:

13 1. Assault, as defined in s. 784.011.

14 2. Battery, as defined in s. 784.03.

15 3. Carrying a concealed weapon, as defined in s.
16 790.01(1).

17 4. Unlawful use of destructive devices or bombs, as
18 defined in s. 790.1615(1).

19 5. Negligent treatment of children, as defined in s.
20 827.05.

21 6. Assault or battery on a law enforcement officer, a
22 firefighter, or other specified officers, as defined in s.
23 784.07(2)(a) and (b).

24 7. Open carrying of a weapon, as defined in s.
25 790.053.

26 8. Exposure of sexual organs, as defined in s. 800.03.

27 9. Unlawful possession of a firearm, as defined in s.
28 790.22(5).

29 10. Petit theft, as defined in s. 812.014(3).

30 11. Cruelty to animals, as defined in s. 828.12(1).

31 12. Arson, as defined in s. 806.031(1).

1 Section 4. Paragraphs (d) and (f) of subsection (3) of
2 section 921.0022, Florida Statutes, are amended to read:
3 921.0022 Criminal Punishment Code; offense severity
4 ranking chart.--

5 (3) OFFENSE SEVERITY RANKING CHART

6	7 Florida	8 Felony	
9	Statute	Degree	Description
10			(d) LEVEL 4
11	316.1935(2)	3rd	Fleeing or attempting to elude
12			law enforcement officer resulting
13			in high-speed pursuit.
14	784.07(2)(b)	3rd	Battery of <u>licensed security</u>
15			<u>officer as defined in s.</u>
16			<u>493.6101(19)</u> law enforcement
17			officer, firefighter, intake
18			officer, etc.
19	784.075	3rd	Battery on detention or
20			commitment facility staff.
21	784.08(2)(c)	3rd	Battery on a person 65 years of
22			age or older.
23	784.081(3)	3rd	Battery on specified official or
24			employee.
25	784.082(3)	3rd	Battery by detained person on
26			visitor or other detainee.
27	787.03(1)	3rd	Interference with custody;
28			wrongly takes child from
29			appointed guardian.
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1	787.04(2)	3rd	Take, entice, or remove child
2			beyond state limits with criminal
3			intent pending custody
4			proceedings.
5	787.04(3)	3rd	Carrying child beyond state lines
6			with criminal intent to avoid
7			producing child at custody
8			hearing or delivering to
9			designated person.
10	790.115(1)	3rd	Exhibiting firearm or weapon
11			within 1,000 feet of a school.
12	790.115(2)(b)	3rd	Possessing electric weapon or
13			device, destructive device, or
14			other weapon on school property.
15	790.115(2)(c)	3rd	Possessing firearm on school
16			property.
17	810.02(4)(a)	3rd	Burglary, or attempted burglary,
18			of an unoccupied structure;
19			unarmed; no assault or battery.
20	810.02(4)(b)	3rd	Burglary, or attempted burglary,
21			of an unoccupied conveyance;
22			unarmed; no assault or battery.
23	810.06	3rd	Burglary; possession of tools.
24	810.08(2)(c)	3rd	Trespass on property, armed with
25			firearm or dangerous weapon.
26	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
27			or more but less than \$20,000.
28	812.014		
29	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
30			firearm, motor vehicle,
31			livestock, etc.

1	817.563(1)	3rd	Sell or deliver substance other
2			than controlled substance agreed
3			upon, excluding s. 893.03(5)
4			drugs.
5	828.125(1)	2nd	Kill, maim, or cause great bodily
6			harm or permanent breeding
7			disability to any registered
8			horse or cattle.
9	837.02(1)	3rd	Perjury in official proceedings.
10	837.021(1)	3rd	Make contradictory statements in
11			official proceedings.
12	843.025	3rd	Deprive law enforcement,
13			correctional, or correctional
14			probation officer of means of
15			protection or communication.
16	843.15(1)(a)	3rd	Failure to appear while on bail
17			for felony (bond estreatment or
18			bond jumping).
19	874.05(1)	3rd	Encouraging or recruiting another
20			to join a criminal street gang.
21	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
22			893.03(1)(a), (b), or (d), or
23			(2)(a) or (b) drugs).
24	914.14(2)	3rd	Witnesses accepting bribes.
25	914.22(1)	3rd	Force, threaten, etc., witness,
26			victim, or informant.
27	914.23(2)	3rd	Retaliation against a witness,
28			victim, or informant, no bodily
29			injury.
30	918.12	3rd	Tampering with jurors.
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1			(f) LEVEL 6
2	316.027(1)(b)	2nd	Accident involving death, failure
3			to stop; leaving scene.
4	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
5			conviction.
6	775.0875(1)	3rd	Taking firearm from law
7			enforcement officer.
8	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
9			without intent to kill.
10	784.021(1)(b)	3rd	Aggravated assault; intent to
11			commit felony.
12	784.048(3)	3rd	Aggravated stalking; credible
13			threat.
14	<u>784.07(2)(b)</u>	<u>3rd</u>	<u>Battery of law enforcement</u>
15			<u>officer, firefighter, emergency</u>
16			<u>medical care provider, or other</u>
17			<u>specified officer or personnel,</u>
18			<u>excluding a licensed security</u>
19			<u>guard as defined in s.</u>
20			<u>493.6101(19).</u>
21	784.07(2)(c)	2nd	Aggravated assault on law
22			enforcement officer.
23	784.08(2)(b)	2nd	Aggravated assault on a person 65
24			years of age or older.
25	784.081(2)	2nd	Aggravated assault on specified
26			official or employee.
27	784.082(2)	2nd	Aggravated assault by detained
28			person on visitor or other
29			detainee.
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1	787.02(2)	3rd	False imprisonment; restraining
2			with purpose other than those in
3			s. 787.01.
4	790.115(2)(d)	2nd	Discharging firearm or weapon on
5			school property.
6	790.161(2)	2nd	Make, possess, or throw
7			destructive device with intent to
8			do bodily harm or damage
9			property.
10	790.164(1)	2nd	False report of deadly explosive
11			or act of arson or violence to
12			state property.
13	790.19	2nd	Shooting or throwing deadly
14			missiles into dwellings, vessels,
15			or vehicles.
16	794.011(8)(a)	3rd	Solicitation of minor to
17			participate in sexual activity by
18			custodial adult.
19	794.05(1)	2nd	Unlawful sexual activity with
20			specified minor.
21	806.031(2)	2nd	Arson resulting in great bodily
22			harm to firefighter or any other
23			person.
24	810.02(3)(c)	2nd	Burglary of occupied structure;
25			unarmed; no assault or battery.
26	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
27			but less than \$100,000, grand
28			theft in 2nd degree.
29	812.13(2)(c)	2nd	Robbery, no firearm or other
30			weapon (strong-arm robbery).
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1	817.034(4)(a)1.	1st	Communications fraud, value
2			greater than \$50,000.
3	817.4821(5)	2nd	Possess cloning paraphernalia
4			with intent to create cloned
5			cellular telephones.
6	825.102(1)	3rd	Abuse of an elderly person or
7			disabled adult.
8	825.102(3)(c)	3rd	Neglect of an elderly person or
9			disabled adult.
10	825.1025(3)	3rd	Lewd or lascivious molestation of
11			an elderly person or disabled
12			adult.
13	825.103(2)(c)	3rd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$100 or more, but less
16			than \$20,000.
17	827.03(1)	3rd	Abuse of a child.
18	827.03(3)(c)	3rd	Neglect of a child.
19	827.071(2)&(3)	2nd	Use or induce a child in a sexual
20			performance, or promote or direct
21			such performance.
22	836.05	2nd	Threats; extortion.
23	836.10	2nd	Written threats to kill or do
24			bodily injury.
25	843.12	3rd	Aids or assists person to escape.
26	914.23	2nd	Retaliation against a witness,
27			victim, or informant, with bodily
28			injury.
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1	944.35(3)(a)2.	3rd	Committing malicious battery upon
2			or inflicting cruel or inhuman
3			treatment on an inmate or
4			offender on community
5			supervision, resulting in great
6			bodily harm.
7	944.40	2nd	Escapes.
8	944.46	3rd	Harboring, concealing, aiding
9			escaped prisoners.
10	944.47(1)(a)5.	2nd	Introduction of contraband
11			(firearm, weapon, or explosive)
12			into correctional facility.
13	951.22(1)	3rd	Intoxicating drug, firearm, or
14			weapon introduced into county
15			facility.

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17 Section 5. This act shall take effect October 1 of the
18 year in which enacted.

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