

STORAGE NAME: h4389a.leps

DATE: April 14, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND PUBLIC SAFETY
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4389

RELATING TO: Emergency Medical Services

SPONSOR(S): Rep. Flanagan & Others

COMPANION BILL(S): S 0540(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY YEAS 6 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill expands the definition of "medical care provider" for the purpose of enhancing penalties for assaults and batteries committed on such persons.

Under the bill, physicians, employees, agents, and volunteers who are employed, contracted, or authorized by a hospital to perform duties directly associated with the hospital's emergency department will be added to the current definition of "medical care provider".

The bill provides that this act shall take effect October 1, of the year in which enacted.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Definition of "Medical Care Providers"

Section 784.07, F.S., which offers increased protection to medical care providers (and others) from physical violence as they perform their duties, currently defines "medical care provider" as:

An ambulance driver, emergency medical technician, paramedic, registered nurse, physician, medical director or any person authorized by an emergency service licensed under chapter 401, F.S.

Currently, physician assistants, orderlies, or security officers are not included in this definition.

Enhancement of Penalties for Committing the Offense of Assault and Battery on Medical Care Providers

Section 784.07, F.S., provides for the enhancement of penalties for committing the offenses of assault or battery on the following groups:

1. Law enforcement officers.
2. Firefighters.
3. Emergency medical care providers.
4. Parking enforcement specialists.
5. Traffic infraction enforcement officers.
6. Security officers employed by a community college.

If the victim falls into one of the above categories, and is engaged in the lawful performance of his or her legal duties, the offense is enhanced as follows:

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

Assault and Battery Offenses

Chapter 784, F.S., defines and provides penalties for assault and battery offenses, as follows:

Assault is an intentional, unlawful threat by word or act to do violence to another person, coupled with an apparent ability to do so, and doing some act that creates a well-founded fear in the other person that such violence is imminent. A person who commits an assault commits a second degree misdemeanor, punishable by up to a \$500 fine and/or up to 60 days in jail. [s. 784.011, F.S.]

Aggravated assault is an assault with a deadly weapon without the intent to kill or an assault with an intent to commit a felony. Aggravated assault is a third degree felony. The sentencing judge could sentence an offender to up to a maximum of 5 years in prison. [s. 784.021, F.S.]

The offense of **battery** occurs when a person actually and intentionally touches or strikes another person against the other person's will or intentionally causes bodily harm to an individual. Battery is a first degree misdemeanor, punishable by up to a \$1,000 fine and/or up to one year in county jail. [s. 784.03, F.S.]

Aggravated battery occurs when a person commits a battery and intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement or uses a deadly weapon. Aggravated battery also occurs if the victim of a battery was pregnant and the offender knew or should have known that the victim was pregnant. The offense of Aggravated Battery, section 784.045 F.S., is classified as a second degree felony punishable by up to 15 years in prison.

B. EFFECT OF PROPOSED CHANGES:

The bill amends **s. 784.07, F.S.**, to redefine "medical care provider" to include physicians, employees, agents, and volunteers who are employed, contracted, or authorized by a hospital to perform duties directly associated with the hospital's emergency department.

Under the bill, any individual who commits the offense of assault or battery on a medical care provider, as redefined, would be subject to the enhanced penalties.

The bill provides that this act shall take effect October 1, of the year in which enacted.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

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(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 784.07, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: The bill amends **s. 784.07, F.S.**, to redefine the term "emergency medical care provider" to include physicians, employees, agents, and volunteers who are employed, contracted, or authorized by a hospital to perform duties directly associated with the hospital's emergency department. The bill provides that enhanced penalties apply if a person is convicted of assault or battery against a medical care provider.

Section 2: The bill provides that this act shall take effect October 1, of the year in which enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not effect the mandates provision.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce revenue raising authority.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the state tax shared with counties municipalities.

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

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