

The Florida Senate

2023 Florida Statutes (Including 2023C)

<u>Title XLVI</u> CRIMES	<u>Chapter 784</u> ASSAULT; BATTERY; CULPABLE NEGLIGENCE <u>Entire Chapter</u>	SECTION 07 Assault or battery of law enforcement officers and other specified personnel; reclassification of offenses; minimum sentences.
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784.07 Assault or battery of law enforcement officers and other specified personnel; reclassification of offenses; minimum sentences.—

- (1) As used in this section, the term:
- (a) “Emergency medical care provider” means an ambulance driver, emergency medical technician, paramedic, registered nurse, physician as defined in s. [401.23](#), medical director as defined in s. [401.23](#), or any person authorized by an emergency medical service licensed under chapter 401 who is engaged in the performance of his or her duties. The term “emergency medical care provider” also includes physicians, employees, agents, or volunteers of hospitals as defined in chapter 395, who are employed, under contract, or otherwise authorized by a hospital to perform duties directly associated with the care and treatment rendered by the hospital’s emergency department or the security thereof.
- (b) “Firefighter” means any person employed by any public employer of this state whose duty it is to extinguish fires; to protect life or property; or to enforce municipal, county, and state fire prevention codes, as well as any law pertaining to the prevention and control of fires.
- (c) “Hospital personnel” means a health care practitioner as defined in s. [456.001](#), an employee, an agent, or a volunteer who is employed, under contract, or otherwise authorized by a hospital, as defined in s. [395.002](#), to perform duties directly associated with the care and treatment rendered by any department of a hospital or with the security thereof.
- (d) “Law enforcement explorer” means any person who is a current member of a law enforcement agency’s explorer program and who is performing functions other than those required to be performed by sworn law enforcement officers on behalf of a law enforcement agency while under the direct physical supervision of a sworn officer of that agency and wearing a uniform that bears at least one patch that clearly identifies the law enforcement agency that he or she represents.
- (e) “Law enforcement officer” includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. [943.10](#), and any county probation officer; an employee or agent of the Department of Corrections who supervises or provides services to inmates; an officer of the Florida Commission on Offender Review; a federal law enforcement officer as defined in s. [901.1505](#); and law enforcement personnel of the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, or the Department of Law Enforcement.
- (f) “Public transit employees or agents” means bus operators, train operators, revenue collectors, security personnel, equipment maintenance personnel, or field supervisors, who are employees or agents of a transit agency as described in s. [812.015\(1\)\(l\)](#).
- (g) “Railroad special officer” means a person employed by a Class I, Class II, or Class III railroad pursuant to s. [354.01](#).
- (2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, hospital personnel, a railroad special officer, a traffic accident investigation officer as described in s. [316.640](#), 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 DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. [316.640](#), a parking

enforcement specialist as defined in s. [316.640](#), a person licensed as a security officer as defined in s. [493.6101](#) and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, hospital personnel, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, or security officer is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

- (a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.
- (b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. Notwithstanding any other provision of law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. [870.01](#) shall be sentenced to a minimum term of imprisonment of 6 months.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. Notwithstanding any other provision of law, any person convicted of aggravated assault upon a law enforcement officer shall be sentenced to a minimum term of imprisonment of 3 years.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree. Notwithstanding any other provision of law, any person convicted of aggravated battery of a law enforcement officer shall be sentenced to a minimum term of imprisonment of 5 years.

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

- (a) A "firearm" or "destructive device" as those terms are defined in s. [790.001](#), shall be sentenced to a minimum term of imprisonment of 3 years.
- (b) A semiautomatic firearm and its high-capacity detachable box magazine, as defined in s. [775.087\(3\)](#), or a machine gun as defined in s. [790.001](#), shall be sentenced to a minimum term of imprisonment of 8 years.

Notwithstanding s. [948.01](#), adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time under s. [944.275](#) or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. [947.149](#), prior to serving the minimum sentence.

(4) For purposes of sentencing under chapter 921, a felony violation of this section committed by a person acting in furtherance of a riot or an aggravated riot prohibited under s. [870.01](#) is ranked one level above the ranking under s. [921.0022](#) for the offense committed.

History.—s. 1, ch. 76-75; s. 1, ch. 77-174; s. 22, ch. 79-8; s. 1, ch. 80-43; s. 1, ch. 85-33; s. 39, ch. 88-122; s. 2, ch. 88-177; s. 3, ch. 88-373; ss. 52, 55, 57, ch. 88-381; s. 43, ch. 89-526; s. 3, ch. 91-174; s. 12, ch. 93-230; s. 472, ch. 94-356; s. 20, ch. 95-184; s. 1, ch. 96-293; s. 57, ch. 96-388; s. 32, ch. 97-280; s. 1, ch. 98-97; s. 96, ch. 99-3; s. 4, ch. 99-188; s. 227, ch. 99-245; s. 315, ch. 99-248; ss. 1, 2, ch. 2002-209; s. 1, ch. 2006-127; s. 1, ch. 2007-112; s. 1, ch. 2009-102; s. 3, ch. 2010-117; s. 27, ch. 2012-88; s. 2, ch. 2013-114; s. 15, ch. 2014-191; s. 13, ch. 2019-141; s. 9, ch. 2021-6; s. 1, ch. 2023-128; s. 21, ch. 2023-197.

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