

By the Committees on Criminal Justice; and Transportation; and
Senator Evers

591-03345-13

20131110c2

1 A bill to be entitled
2 An act relating to railroad police officers; amending
3 s. 354.01, F.S.; requiring the Governor to appoint one
4 or more persons as special officers for a railroad or
5 other common carrier under certain circumstances;
6 authorizing the railroad or common carrier to
7 temporarily employ a person as a special officer;
8 requiring the special officer to have the same
9 training and certification as a law enforcement
10 officer; providing that a Class I, Class II, or Class
11 III railroad is considered an "employing agency" for
12 purposes of ss. 943.13 and 943.135(1), F.S.; providing
13 responsibility of certain costs; amending s. 784.07,
14 F.S.; defining the term "railroad special officer";
15 providing for reclassification of certain offenses
16 committed against a railroad special officer; amending
17 s. 943.10, F.S.; including special officers employed
18 by a railroad or other common carrier within the
19 definition of "law enforcement officer" and including
20 certain railroads within the definition of "employing
21 agency" for purposes of specified provisions relating
22 to law enforcement officer standards; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 354.01, Florida Statutes, is amended to
28 read:

29 354.01 Appointment of special officers.—Upon the

591-03345-13

20131110c2

30 application of any railroad or other common carrier doing
31 business in this state, the Governor shall appoint one or more
32 persons who have met the law enforcement qualifications and
33 training requirements of s. 943.13 ~~943.13(1)-(10)~~ as special
34 officers for the protection and safety of such carriers; their
35 passengers and employees; and the property of such carriers,
36 passengers, and employees. However, until the Governor has
37 either appointed or rejected the appointment of the special
38 officer, a common carrier may temporarily employ a person as a
39 special officer if the person complies with the qualifications
40 for employment as a law enforcement officer in s. 943.13.
41 Notwithstanding any other provision of law, a special officer
42 shall be required to have the same training and certification as
43 a law enforcement officer in accordance with s. 943.13 and s.
44 943.135(1) and a Class I, Class II, or Class III railroad shall
45 be considered an employing agency for purposes of s. 943.13 and
46 s. 943.135(1), and shall pay all costs associated with the
47 certification and continuing education of employed special
48 officers.

49 Section 2. Section 784.07, Florida Statutes, is amended to
50 read:

51 784.07 Assault or battery of law enforcement officers,
52 firefighters, emergency medical care providers, public transit
53 employees or agents, or other specified officers;
54 reclassification of offenses; minimum sentences.-

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

56 (a) "Emergency medical care provider" means an ambulance
57 driver, emergency medical technician, paramedic, registered
58 nurse, physician as defined in s. 401.23, medical director as

591-03345-13

20131110c2

59 defined in s. 401.23, or any person authorized by an emergency
60 medical service licensed under chapter 401 who is engaged in the
61 performance of his or her duties. The term "emergency medical
62 care provider" also includes physicians, employees, agents, or
63 volunteers of hospitals as defined in chapter 395, who are
64 employed, under contract, or otherwise authorized by a hospital
65 to perform duties directly associated with the care and
66 treatment rendered by the hospital's emergency department or the
67 security thereof.

68 (b) "Firefighter" means any person employed by any public
69 employer of this state whose duty it is to extinguish fires; to
70 protect life or property; or to enforce municipal, county, and
71 state fire prevention codes, as well as any law pertaining to
72 the prevention and control of fires.

73 (c) "Law enforcement explorer" means any person who is a
74 current member of a law enforcement agency's explorer program
75 and who is performing functions other than those required to be
76 performed by sworn law enforcement officers on behalf of a law
77 enforcement agency while under the direct physical supervision
78 of a sworn officer of that agency and wearing a uniform that
79 bears at least one patch that clearly identifies the law
80 enforcement agency that he or she represents.

81 (d) "Law enforcement officer" includes a law enforcement
82 officer, a correctional officer, a correctional probation
83 officer, a part-time law enforcement officer, a part-time
84 correctional officer, an auxiliary law enforcement officer, and
85 an auxiliary correctional officer, as those terms are
86 respectively defined in s. 943.10, and any county probation
87 officer; an employee or agent of the Department of Corrections

591-03345-13

20131110c2

88 who supervises or provides services to inmates; an officer of
89 the Parole Commission; a federal law enforcement officer as
90 defined in s. 901.1505; and law enforcement personnel of the
91 Fish and Wildlife Conservation Commission or the Department of
92 Law Enforcement.

93 (e) "Public transit employees or agents" means bus
94 operators, train operators, revenue collectors, security
95 personnel, equipment maintenance personnel, or field
96 supervisors, who are employees or agents of a transit agency as
97 described in s. 812.015(1)(l).

98 (f) "Railroad special officer" means a person employed by a
99 Class I, Class II, or Class III railroad and appointed or
100 pending appointment by the Governor pursuant to s. 354.01.

101 (2) Whenever any person is charged with knowingly
102 committing an assault or battery upon a law enforcement officer,
103 a firefighter, an emergency medical care provider, a railroad
104 special officer, a traffic accident investigation officer as
105 described in s. 316.640, a nonsworn law enforcement agency
106 employee who is certified as an agency inspector, a blood
107 alcohol analyst, or a breath test operator while such employee
108 is in uniform and engaged in processing, testing, evaluating,
109 analyzing, or transporting a person who is detained or under
110 arrest for DUI, a law enforcement explorer, a traffic infraction
111 enforcement officer as described in s. 316.640, a parking
112 enforcement specialist as defined in s. 316.640, a person
113 licensed as a security officer as defined in s. 493.6101 and
114 wearing a uniform that bears at least one patch or emblem that
115 is visible at all times that clearly identifies the employing
116 agency and that clearly identifies the person as a licensed

591-03345-13

20131110c2

117 security officer, or a security officer employed by the board of
118 trustees of a community college, while the officer, firefighter,
119 emergency medical care provider, railroad special officer,
120 traffic accident investigation officer, traffic infraction
121 enforcement officer, inspector, analyst, operator, law
122 enforcement explorer, parking enforcement specialist, public
123 transit employee or agent, or security officer is engaged in the
124 lawful performance of his or her duties, the offense for which
125 the person is charged shall be reclassified as follows:

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

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

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

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

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

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

591-03345-13

20131110c2

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

150
151 Notwithstanding s. 948.01, adjudication of guilt or imposition
152 of sentence shall not be suspended, deferred, or withheld, and
153 the defendant is not eligible for statutory gain-time under s.
154 944.275 or any form of discretionary early release, other than
155 pardon or executive clemency, or conditional medical release
156 under s. 947.149, prior to serving the minimum sentence.

157 Section 3. Subsections (1) and (4) of section 943.10,
158 Florida Statutes, are amended to read:

159 943.10 Definitions; ss. 943.085-943.255.—The following
160 words and phrases as used in ss. 943.085-943.255 are defined as
161 follows:

162 (1) "Law enforcement officer" means any person who is
163 elected, appointed, or employed full time by any municipality or
164 the state or any political subdivision thereof; who is vested
165 with authority to bear arms and make arrests; and whose primary
166 responsibility is the prevention and detection of crime or the
167 enforcement of the penal, criminal, traffic, or highway laws of
168 the state. This definition includes all certified supervisory
169 and command personnel whose duties include, in whole or in part,
170 the supervision, training, guidance, and management
171 responsibilities of full-time law enforcement officers, part-
172 time law enforcement officers, or auxiliary law enforcement
173 officers but does not include support personnel employed by the
174 employing agency. For purposes of ss. 943.085-943.255 only, this

591-03345-13

20131110c2

175 definition also includes special officers employed by a Class I
176 or Class II railroad and appointed by the Governor pursuant to
177 s. 354.01.

178 (4) "Employing agency" means any agency or unit of
179 government or any municipality or the state or any political
180 subdivision thereof, or any agent thereof, which has
181 constitutional or statutory authority to employ or appoint
182 persons as officers. The term also includes any private entity
183 which has contracted with the state or county for the operation
184 and maintenance of a nonjuvenile detention facility. For
185 purposes of ss. 943.085-943.255 only, the term also includes a
186 Class I or Class II railroad that employs special officers
187 pursuant to s. 354.01.

188 Section 4. This act shall take effect July 1, 2013.