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576-03637-13

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to railroad police officers; amending  
s. 354.01, F.S.; requiring the Governor to appoint one  
or more persons as special officers for a railroad or  
other common carrier under certain circumstances;  
authorizing the railroad or common carrier to  
temporarily employ a person as a special officer;  
requiring the special officer to have the same  
training as a law enforcement officer; providing that  
a Class I, Class II, or Class III railroad is  
considered an "employing agency" for purposes of ss.  
943.13 and 943.135(1), F.S.; providing responsibility  
of certain costs; amending s. 784.07, F.S.; defining  
the term "railroad special officer"; providing for  
reclassification of certain offenses committed against  
a railroad special officer; providing an effective  
date.

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

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

354.01 Appointment of special officers.—Upon the  
application of any railroad or other common carrier doing  
business in this state, the Governor shall appoint one or more  
persons who have met the law enforcement qualifications and  
training requirements of s. 943.13 ~~943.13(1)~~ ~~(10)~~ as special



363232

576-03637-13

28 officers for the protection and safety of such carriers; their  
29 passengers and employees; and the property of such carriers,  
30 passengers, and employees. However, until the Governor has  
31 either appointed or rejected the appointment of the special  
32 officer, a common carrier may temporarily employ a person as a  
33 special officer if the person complies with the qualifications  
34 for employment as a law enforcement officer in s. 943.13.  
35 Notwithstanding any other provision of law, a special officer  
36 shall have the same training as a law enforcement officer in  
37 accordance with s. 943.13 and s. 943.135(1). A Class I, Class  
38 II, or Class III railroad shall be considered an employing  
39 agency for purposes of s. 943.13 and s. 943.135(1), and shall  
40 pay all costs associated with the training and continuing  
41 education of employed special officers.

42 Section 2. Section 784.07, Florida Statutes, is amended to  
43 read:

44 784.07 Assault or battery of law enforcement officers,  
45 firefighters, emergency medical care providers, public transit  
46 employees or agents, or other specified officers;  
47 reclassification of offenses; minimum sentences.—

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

49 (a) "Emergency medical care provider" means an ambulance  
50 driver, emergency medical technician, paramedic, registered  
51 nurse, physician as defined in s. 401.23, medical director as  
52 defined in s. 401.23, or any person authorized by an emergency  
53 medical service licensed under chapter 401 who is engaged in the  
54 performance of his or her duties. The term "emergency medical  
55 care provider" also includes physicians, employees, agents, or  
56 volunteers of hospitals as defined in chapter 395, who are



363232

576-03637-13

57 employed, under contract, or otherwise authorized by a hospital  
58 to perform duties directly associated with the care and  
59 treatment rendered by the hospital's emergency department or the  
60 security thereof.

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

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

74 (d) "Law enforcement officer" includes a law enforcement  
75 officer, a correctional officer, a correctional probation  
76 officer, a part-time law enforcement officer, a part-time  
77 correctional officer, an auxiliary law enforcement officer, and  
78 an auxiliary correctional officer, as those terms are  
79 respectively defined in s. 943.10, and any county probation  
80 officer; an employee or agent of the Department of Corrections  
81 who supervises or provides services to inmates; an officer of  
82 the Parole Commission; a federal law enforcement officer as  
83 defined in s. 901.1505; and law enforcement personnel of the  
84 Fish and Wildlife Conservation Commission or the Department of  
85 Law Enforcement.



363232

576-03637-13

86 (e) "Public transit employees or agents" means bus  
87 operators, train operators, revenue collectors, security  
88 personnel, equipment maintenance personnel, or field  
89 supervisors, who are employees or agents of a transit agency as  
90 described in s. 812.015(1)(1).

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

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



363232

576-03637-13

115 enforcement explorer, parking enforcement specialist, public  
116 transit employee or agent, or security officer is engaged in the  
117 lawful performance of his or her duties, the offense for which  
118 the person is charged shall be reclassified as follows:

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

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

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

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

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

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

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

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363232

576-03637-13

144 Notwithstanding s. 948.01, adjudication of guilt or imposition  
145 of sentence shall not be suspended, deferred, or withheld, and  
146 the defendant is not eligible for statutory gain-time under s.  
147 944.275 or any form of discretionary early release, other than  
148 pardon or executive clemency, or conditional medical release  
149 under s. 947.149, prior to serving the minimum sentence.

150 Section 3. This act shall take effect July 1, 2013.