

By Senator Evers

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1 A bill to be entitled
2 An act relating to railroad police officers; amending
3 s. 354.01, F.S.; requiring special officers employed
4 by a railroad or other common carrier to comply with
5 specified continuing training or education
6 requirements; providing that a special officer is not
7 considered a "law enforcement officer" except for
8 purposes of ss. 943.085-943.255, F.S.; providing that
9 a Class I or Class II railroad is not considered an
10 "employing agency" except for purposes of ss. 943.085-
11 943.255, F.S.; amending s. 784.07, F.S.; defining the
12 term "railroad special officer"; providing for
13 reclassification of certain offenses committed against
14 a railroad special officer; amending s. 943.10, F.S.;
15 including special officers employed by a railroad or
16 other common carrier within the definition of "law
17 enforcement officer" and including certain railroads
18 within the definition of "employing agency" for
19 purposes of specified provisions relating to law
20 enforcement officer standards; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 354.01, Florida Statutes, is amended to
26 read:

27 354.01 Appointment of special officers.—Upon the
28 application of any railroad or other common carrier doing
29 business in this state, the Governor shall appoint one or more

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30 persons who have met the law enforcement qualifications and
31 training requirements of s. 943.13 ~~943.13(1)-(10)~~ as special
32 officers for the protection and safety of such carriers; their
33 passengers and employees; and the property of such carriers,
34 passengers, and employees. A special officer shall not be
35 considered a "law enforcement officer" except for purposes of
36 ss. 943.085-943.255. A Class I or Class II railroad shall not be
37 considered an "employing agency" except for purposes of ss.
38 943.085-943.255.

39 Section 2. Section 784.07, Florida Statutes, is amended to
40 read:

41 784.07 Assault or battery of law enforcement officers,
42 firefighters, emergency medical care providers, public transit
43 employees or agents, or other specified officers;
44 reclassification of offenses; minimum sentences.-

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

46 (a) "Emergency medical care provider" means an ambulance
47 driver, emergency medical technician, paramedic, registered
48 nurse, physician as defined in s. 401.23, medical director as
49 defined in s. 401.23, or any person authorized by an emergency
50 medical service licensed under chapter 401 who is engaged in the
51 performance of his or her duties. The term "emergency medical
52 care provider" also includes physicians, employees, agents, or
53 volunteers of hospitals as defined in chapter 395, who are
54 employed, under contract, or otherwise authorized by a hospital
55 to perform duties directly associated with the care and
56 treatment rendered by the hospital's emergency department or the
57 security thereof.

58 (b) "Firefighter" means any person employed by any public

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59 employer of this state whose duty it is to extinguish fires; to
60 protect life or property; or to enforce municipal, county, and
61 state fire prevention codes, as well as any law pertaining to
62 the prevention and control of fires.

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

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

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

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88 (f) "Railroad special officer" means a person employed by a
89 Class I or Class II railroad and appointed by the Governor
90 pursuant to s. 354.01.

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

116 (a) In the case of assault, from a misdemeanor of the

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117 second degree to a misdemeanor of the first degree.

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

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

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

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

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

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

140
141 Notwithstanding s. 948.01, adjudication of guilt or imposition
142 of sentence shall not be suspended, deferred, or withheld, and
143 the defendant is not eligible for statutory gain-time under s.
144 944.275 or any form of discretionary early release, other than
145 pardon or executive clemency, or conditional medical release

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146 under s. 947.149, prior to serving the minimum sentence.

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

149 943.10 Definitions; ss. 943.085-943.255.—The following
150 words and phrases as used in ss. 943.085-943.255 are defined as
151 follows:

152 (1) "Law enforcement officer" means any person who is
153 elected, appointed, or employed full time by any municipality or
154 the state or any political subdivision thereof; who is vested
155 with authority to bear arms and make arrests; and whose primary
156 responsibility is the prevention and detection of crime or the
157 enforcement of the penal, criminal, traffic, or highway laws of
158 the state. This definition includes all certified supervisory
159 and command personnel whose duties include, in whole or in part,
160 the supervision, training, guidance, and management
161 responsibilities of full-time law enforcement officers, part-
162 time law enforcement officers, or auxiliary law enforcement
163 officers but does not include support personnel employed by the
164 employing agency. For purposes of ss. 943.085-943.255 only, this
165 definition also includes special officers employed by a Class I
166 or Class II railroad and appointed by the Governor pursuant to
167 s. 354.01.

168 (4) "Employing agency" means any agency or unit of
169 government or any municipality or the state or any political
170 subdivision thereof, or any agent thereof, which has
171 constitutional or statutory authority to employ or appoint
172 persons as officers. The term also includes any private entity
173 which has contracted with the state or county for the operation
174 and maintenance of a nonjuvenile detention facility. For

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175 purposes of ss. 943.085-943.255 only, the term also includes a
176 Class I or Class II railroad that employs special officers
177 pursuant to s. 354.01.

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