

By the Committee on Transportation; and Senator Evers

596-02419-13

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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.; providing responsibility of certain
12 costs; amending s. 784.07, F.S.; defining the term
13 "railroad special officer"; providing for
14 reclassification of certain offenses committed against
15 a railroad special officer; amending s. 943.10, F.S.;
16 including special officers employed by a railroad or
17 other common carrier within the definition of "law
18 enforcement officer" and including certain railroads
19 within the definition of "employing agency" for
20 purposes of specified provisions relating to law
21 enforcement officer standards; providing an effective
22 date.

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

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

28 354.01 Appointment of special officers.—Upon the
29 application of any railroad or other common carrier doing

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30 business in this state, the Governor shall appoint one or more
31 persons who have met the law enforcement qualifications and
32 training requirements of s. 943.13 ~~943.13(1)-(10)~~ as special
33 officers for the protection and safety of such carriers; their
34 passengers and employees; and the property of such carriers,
35 passengers, and employees. A special officer shall not be
36 considered a "law enforcement officer" except for purposes of
37 ss. 943.085-943.255. A Class I or Class II railroad shall not be
38 considered an "employing agency" except for purposes of ss.
39 943.085-943.255. Notwithstanding s. 943.25(5), a Class I or
40 Class II railroad that employs special officers shall as a non-
41 public employing entity incur all costs associated with
42 certification and continuing education of the employed special
43 officers.

44 Section 2. Section 784.07, Florida Statutes, is amended to
45 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

154 943.10 Definitions; ss. 943.085-943.255.—The following
155 words and phrases as used in ss. 943.085-943.255 are defined as
156 follows:

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

173 (4) "Employing agency" means any agency or unit of
174 government or any municipality or the state or any political

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175 subdivision thereof, or any agent thereof, which has
176 constitutional or statutory authority to employ or appoint
177 persons as officers. The term also includes any private entity
178 which has contracted with the state or county for the operation
179 and maintenance of a nonjuvenile detention facility. For
180 purposes of ss. 943.085-943.255 only, the term also includes a
181 Class I or Class II railroad that employs special officers
182 pursuant to s. 354.01.

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