

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

591-03345-13

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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 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

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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

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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

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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

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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.

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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

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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.