

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

576-04661-13

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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 as a law enforcement officer; providing that
10 a Class I, Class II, or Class III railroad is
11 considered an "employing agency" for purposes of ss.
12 943.13 and 943.135(1), F.S.; providing responsibility
13 of certain costs; amending s. 784.07, F.S.; defining
14 the term "railroad special officer"; providing for
15 reclassification of certain offenses committed against
16 a railroad special officer; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 354.01, Florida Statutes, is amended to
22 read:

23 354.01 Appointment of special officers.—Upon the
24 application of any railroad or other common carrier doing
25 business in this state, the Governor shall appoint one or more
26 persons who have met the law enforcement qualifications and
27 training requirements of s. 943.13 ~~943.13(1) — (10)~~ as special
28 officers for the protection and safety of such carriers; their
29 passengers and employees; and the property of such carriers,

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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
57 employed, under contract, or otherwise authorized by a hospital
58 to perform duties directly associated with the care and

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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.

86 (e) "Public transit employees or agents" means bus
87 operators, train operators, revenue collectors, security

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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
115 enforcement explorer, parking enforcement specialist, public
116 transit employee or agent, or security officer is engaged in the

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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.

143
144 Notwithstanding s. 948.01, adjudication of guilt or imposition
145 of sentence shall not be suspended, deferred, or withheld, and

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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.