

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Stone offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 354.01 Appointment of special officers.—Upon the
10 application of any railroad or other common carrier doing
11 business in this state, the Governor shall appoint one or more
12 persons who have met the law enforcement qualifications and
13 training requirements of s. 943.13 ~~943.13(1)–(10)~~ as special
14 officers for the protection and safety of such carriers; their
15 passengers and employees; and the property of such carriers,
16 passengers, and employees. A special officer shall not be
17 considered a “law enforcement officer” except for purposes of
18 ss. 943.085–943.255. A Class I or II railroad shall not be
19 considered an “employing agency” except for purposes of ss.
20 943.085–943.255.

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21 Section 2. Section 784.07, Florida Statutes, is amended to
22 read:

23 784.07 Assault or battery of law enforcement officers,
24 firefighters, emergency medical care providers, public transit
25 employees or agents, or other specified officers;
26 reclassification of offenses; minimum sentences.—

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

28 (a) "Emergency medical care provider" means an ambulance
29 driver, emergency medical technician, paramedic, registered
30 nurse, physician as defined in s. 401.23, medical director as
31 defined in s. 401.23, or any person authorized by an emergency
32 medical service licensed under chapter 401 who is engaged in the
33 performance of his or her duties. The term "emergency medical
34 care provider" also includes physicians, employees, agents, or
35 volunteers of hospitals as defined in chapter 395, who are
36 employed, under contract, or otherwise authorized by a hospital
37 to perform duties directly associated with the care and
38 treatment rendered by the hospital's emergency department or the
39 security thereof.

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

45 (c) "Law enforcement explorer" means any person who is a
46 current member of a law enforcement agency's explorer program
47 and who is performing functions other than those required to be
48 performed by sworn law enforcement officers on behalf of a law

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49 enforcement agency while under the direct physical supervision
50 of a sworn officer of that agency and wearing a uniform that
51 bears at least one patch that clearly identifies the law
52 enforcement agency that he or she represents.

53 (d) "Law enforcement officer" includes a law enforcement
54 officer, a correctional officer, a correctional probation
55 officer, a part-time law enforcement officer, a part-time
56 correctional officer, an auxiliary law enforcement officer, and
57 an auxiliary correctional officer, as those terms are
58 respectively defined in s. 943.10, and any county probation
59 officer; an employee or agent of the Department of Corrections
60 who supervises or provides services to inmates; an officer of
61 the Parole Commission; a federal law enforcement officer as
62 defined in s. 901.1505; and law enforcement personnel of the
63 Fish and Wildlife Conservation Commission or the Department of
64 Law Enforcement.

65 (e) "Public transit employees or agents" means bus
66 operators, train operators, revenue collectors, security
67 personnel, equipment maintenance personnel, or field
68 supervisors, who are employees or agents of a transit agency as
69 described in s. 812.015(1)(l).

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

73 (2) Whenever any person is charged with knowingly
74 committing an assault or battery upon a law enforcement officer,
75 a firefighter, an emergency medical care provider, a railroad
76 special officer, a traffic accident investigation officer as

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77 described in s. 316.640, a nonsworn law enforcement agency
78 employee who is certified as an agency inspector, a blood
79 alcohol analyst, or a breath test operator while such employee
80 is in uniform and engaged in processing, testing, evaluating,
81 analyzing, or transporting a person who is detained or under
82 arrest for DUI, a law enforcement explorer, a traffic infraction
83 enforcement officer as described in s. 316.640, a parking
84 enforcement specialist as defined in s. 316.640, a person
85 licensed as a security officer as defined in s. 493.6101 and
86 wearing a uniform that bears at least one patch or emblem that
87 is visible at all times that clearly identifies the employing
88 agency and that clearly identifies the person as a licensed
89 security officer, or a security officer employed by the board of
90 trustees of a community college, while the officer, firefighter,
91 emergency medical care provider, railroad special officer,
92 traffic accident investigation officer, traffic infraction
93 enforcement officer, inspector, analyst, operator, law
94 enforcement explorer, parking enforcement specialist, public
95 transit employee or agent, or security officer is engaged in the
96 lawful performance of his or her duties, the offense for which
97 the person is charged shall be reclassified as follows:

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

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

102 (c) In the case of aggravated assault, from a felony of
103 the third degree to a felony of the second degree.

104 Notwithstanding any other provision of law, any person convicted

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105 of aggravated assault upon a law enforcement officer shall be
106 sentenced to a minimum term of imprisonment of 3 years.

107 (d) In the case of aggravated battery, from a felony of
108 the second degree to a felony of the first degree.

109 Notwithstanding any other provision of law, any person convicted
110 of aggravated battery of a law enforcement officer shall be
111 sentenced to a minimum term of imprisonment of 5 years.

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

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

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

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123 Notwithstanding s. 948.01, adjudication of guilt or imposition
124 of sentence shall not be suspended, deferred, or withheld, and
125 the defendant is not eligible for statutory gain-time under s.
126 944.275 or any form of discretionary early release, other than
127 pardon or executive clemency, or conditional medical release
128 under s. 947.149, prior to serving the minimum sentence.

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

131 943.10 Definitions; ss. 943.085-943.255.—The following
132 words and phrases as used in ss. 943.085-943.255 are defined as

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133 follows:

134 (1) "Law enforcement officer" means any person who is
135 elected, appointed, or employed full time by any municipality or
136 the state or any political subdivision thereof; who is vested
137 with authority to bear arms and make arrests; and whose primary
138 responsibility is the prevention and detection of crime or the
139 enforcement of the penal, criminal, traffic, or highway laws of
140 the state. This definition includes all certified supervisory
141 and command personnel whose duties include, in whole or in part,
142 the supervision, training, guidance, and management
143 responsibilities of full-time law enforcement officers, part-
144 time law enforcement officers, or auxiliary law enforcement
145 officers but does not include support personnel employed by the
146 employing agency. For purposes of ss. 943.085-943.255 only, this
147 definition also includes special officers employed by a Class I
148 or Class II railroad and appointed by the Governor pursuant to
149 s. 354.01.

150 (4) "Employing agency" means any agency or unit of
151 government or any municipality or the state or any political
152 subdivision thereof, or any agent thereof, which has
153 constitutional or statutory authority to employ or appoint
154 persons as officers. The term also includes any private entity
155 which has contracted with the state or county for the operation
156 and maintenance of a nonjuvenile detention facility. For
157 purposes of ss. 943.085-943.255 only, the term also includes a
158 Class I or Class II railroad that employs special officers
159 pursuant to s. 354.01.

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

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to railroad police officers; amending s. 354.01, F.S.; requiring special officers employed by a railroad or other common carrier to comply with specified continuing training or education requirements; providing that a special officer is not considered a "law enforcement officer" except for purposes of ss. 943.085-943.255; providing that a Class I or II railroad is not considered an "employing agency" except for purposes of ss. 943.085-943.255; amending s. 784.07, F.S.; defining the term "railroad special officer;" providing for reclassification of certain offenses committed against a railroad special officer; amending s. 943.10, F.S.; including special officers employed by a railroad or other common carrier within the definition of "law enforcement officers" and including certain railroads within the definition of "employing agency," for purposes of specified provisions relating to law enforcement officer standards; providing an effective date.