



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

38 Section 2. Paragraph (f) is added to subsection (1) of  
39 section 784.07, Florida Statutes, and subsection (2) of that  
40 section is amended, to 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 (f) "Railroad special officer" means a person employed by  
47 a Class I or Class II railroad and appointed by the Governor  
48 pursuant to s. 354.01.

49 (2) Whenever any person is charged with knowingly  
50 committing an assault or battery upon a law enforcement officer,  
51 a firefighter, an emergency medical care provider, a railroad  
52 special officer, a traffic accident investigation officer as  
53 described in s. 316.640, a nonsworn law enforcement agency  
54 employee who is certified as an agency inspector, a blood  
55 alcohol analyst, or a breath test operator while such employee  
56 is in uniform and engaged in processing, testing, evaluating,

57 | analyzing, or transporting a person who is detained or under  
58 | arrest for DUI, a law enforcement explorer, a traffic infraction  
59 | enforcement officer as described in s. 316.640, a parking  
60 | enforcement specialist as defined in s. 316.640, a person  
61 | licensed as a security officer as defined in s. 493.6101 and  
62 | wearing a uniform that bears at least one patch or emblem that  
63 | is visible at all times that clearly identifies the employing  
64 | agency and that clearly identifies the person as a licensed  
65 | security officer, or a security officer employed by the board of  
66 | trustees of a community college, while the officer, firefighter,  
67 | emergency medical care provider, railroad special officer,  
68 | traffic accident investigation officer, traffic infraction  
69 | enforcement officer, inspector, analyst, operator, law  
70 | enforcement explorer, parking enforcement specialist, public  
71 | transit employee or agent, or security officer is engaged in the  
72 | lawful performance of his or her duties, the offense for which  
73 | the person is charged shall be reclassified as follows:

74 |       (a) In the case of assault, from a misdemeanor of the  
75 | second degree to a misdemeanor of the first degree.

76 |       (b) In the case of battery, from a misdemeanor of the  
77 | first degree to a felony of the third degree.

78 |       (c) In the case of aggravated assault, from a felony of  
79 | the third degree to a felony of the second degree.

80 | Notwithstanding any other provision of law, any person convicted  
81 | of aggravated assault upon a law enforcement officer shall be  
82 | sentenced to a minimum term of imprisonment of 3 years.

83 |       (d) In the case of aggravated battery, from a felony of  
84 | the second degree to a felony of the first degree.

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

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

90 943.10 Definitions; ss. 943.085-943.255.—The following  
91 words and phrases as used in ss. 943.085-943.255 are defined as  
92 follows:

93 (1) "Law enforcement officer" means any person who is  
94 elected, appointed, or employed full time by any municipality or  
95 the state or any political subdivision thereof; who is vested  
96 with authority to bear arms and make arrests; and whose primary  
97 responsibility is the prevention and detection of crime or the  
98 enforcement of the penal, criminal, traffic, or highway laws of  
99 the state. This definition includes all certified supervisory  
100 and command personnel whose duties include, in whole or in part,  
101 the supervision, training, guidance, and management  
102 responsibilities of full-time law enforcement officers, part-  
103 time law enforcement officers, or auxiliary law enforcement  
104 officers but does not include support personnel employed by the  
105 employing agency. For purposes of ss. 943.085-943.255 only, this  
106 definition also includes special officers employed by a Class I  
107 or Class II railroad and appointed by the Governor pursuant to  
108 s. 354.01.

109 (4) "Employing agency" means any agency or unit of  
110 government or any municipality or the state or any political  
111 subdivision thereof, or any agent thereof, which has  
112 constitutional or statutory authority to employ or appoint

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113 | persons as officers. The term also includes any private entity  
114 | which has contracted with the state or county for the operation  
115 | and maintenance of a nonjuvenile detention facility. For  
116 | purposes of ss. 943.085-943.255 only, the term also includes a  
117 | Class I or Class II railroad that employs special officers  
118 | pursuant to s. 354.01.

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