

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 specified purposes; providing that a Class I or II  
9 railroad is not considered an "employing agency"  
10 except for specified purposes; providing  
11 responsibility for payment of certain costs associated  
12 with the employment of special officers; amending s.  
13 784.07, F.S.; defining the term "railroad special  
14 officer"; providing for reclassification of certain  
15 offenses committed against a railroad special officer;  
16 amending s. 943.10, F.S.; including special officers  
17 employed by a railroad or other common carrier within  
18 the definition of "law enforcement officers" and  
19 including certain railroads within the definition of  
20 "employing agency," for purposes of specified  
21 provisions relating to law enforcement officer  
22 standards; providing an effective 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  
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  
41 nonpublic employing entity, shall pay all costs associated with  
42 the certification and continuing education of employed special  
43 officers.

44 Section 2. Paragraph (f) is added to subsection (1) of  
45 section 784.07, Florida Statutes, and subsection (2) of that  
46 section is amended, to read:

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

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

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

55 (2) Whenever any person is charged with knowingly  
56 committing an assault or battery upon a law enforcement officer,

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

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

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

84 |       (c) In the case of aggravated assault, from a felony of

85 | the third degree to a felony of the second degree.

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

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

91 | Notwithstanding any other provision of law, any person convicted  
92 | of aggravated battery of a law enforcement officer shall be  
93 | sentenced to a minimum term of imprisonment of 5 years.

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

96 | 943.10 Definitions; ss. 943.085-943.255.—The following  
97 | words and phrases as used in ss. 943.085-943.255 are defined as  
98 | follows:

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

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113 | or Class II railroad and appointed by the Governor pursuant to  
114 | s. 354.01.

115 |       (4) "Employing agency" means any agency or unit of  
116 | government or any municipality or the state or any political  
117 | subdivision thereof, or any agent thereof, which has  
118 | constitutional or statutory authority to employ or appoint  
119 | persons as officers. The term also includes any private entity  
120 | which has contracted with the state or county for the operation  
121 | and maintenance of a nonjuvenile detention facility. For  
122 | purposes of ss. 943.085-943.255 only, the term also includes a  
123 | Class I or Class II railroad that employs special officers  
124 | pursuant to s. 354.01.

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