

ENROLLED
CS/CS/CS/HB 489

2013 Legislature

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2 An act relating to railroad police officers; amending
3 s. 354.01, F.S.; authorizing the temporary appointment
4 of special officers who meet certain qualifications;
5 requiring special officers employed by a railroad or
6 other common carrier to have specified qualifications
7 and meet specified continuing training or education
8 requirements; providing that a Class I, Class II, or
9 Class III railroad shall be considered an employing
10 agency for specified purposes and shall pay costs
11 associated with training and continuing education;
12 amending s. 784.07, F.S.; defining the term "railroad
13 special officer"; providing for reclassification of
14 certain offenses committed against a railroad special
15 officer; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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

21 354.01 Appointment of special officers.—Upon the
22 application of any railroad or other common carrier doing
23 business in this state, the Governor shall appoint one or more
24 persons who have met the law enforcement qualifications and
25 training requirements of s. 943.13 ~~943.13(1)~~—(10) as special
26 officers for the protection and safety of such carriers; their
27 passengers and employees; and the property of such carriers,
28 passengers, and employees. However, until the Governor either

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29 appoints or rejects the application for appointment of a person
 30 as a special officer, the railroad or common carrier may
 31 temporarily employ the person as a special officer if he or she
 32 complies with the qualifications for employment as a law
 33 enforcement officer in s. 943.13. Notwithstanding any other
 34 provision of law, a special officer must have the same training
 35 as a law enforcement officer in accordance with ss. 943.13 and
 36 943.135(1). A Class I, Class II, or Class III railroad shall be
 37 considered an employing agency for purposes of ss. 943.13 and
 38 943.135(1), and shall pay all costs associated with the training
 39 and continuing education of employed special officers.

40 Section 2. Paragraph (f) is added to subsection (1) of
 41 section 784.07, Florida Statutes, and subsection (2) of that
 42 section is amended, to read:

43 784.07 Assault or battery of law enforcement officers,
 44 firefighters, emergency medical care providers, public transit
 45 employees or agents, or other specified officers;
 46 reclassification of offenses; minimum sentences.—

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

48 (f) "Railroad special officer" means a person employed by
 49 a Class I, Class II, or Class III railroad and appointed or
 50 pending appointment by the Governor pursuant to s. 354.01.

51 (2) Whenever any person is charged with knowingly
 52 committing an assault or battery upon a law enforcement officer,
 53 a firefighter, an emergency medical care provider, a railroad
 54 special officer, a traffic accident investigation officer as
 55 described in s. 316.640, a nonsworn law enforcement agency
 56 employee who is certified as an agency inspector, a blood

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

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

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

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

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

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85 | (d) In the case of aggravated battery, from a felony of
86 | the second degree to a felony of the first degree.
87 | Notwithstanding any other provision of law, any person convicted
88 | of aggravated battery of a law enforcement officer shall be
89 | sentenced to a minimum term of imprisonment of 5 years.
90 | Section 3. This act shall take effect July 1, 2013.