

By the Committee on Criminal Justice; and Senator Perry

591-03092-20

20201416c1

1 A bill to be entitled  
2 An act relating to assaults on specified persons;  
3 creating s. 341.0611, F.S.; requiring public transit  
4 providers to post a specified sign concerning  
5 assaulting a transit operator; requiring public  
6 transit providers to create and implement a risk  
7 reduction program; specifying minimum requirements for  
8 such a program; authorizing public transit providers  
9 to deploy assault mitigation infrastructure; providing  
10 a declaration of important state interest; amending s.  
11 784.07, F.S.; providing a specific reference to  
12 assault or battery on a public transit employee or  
13 agent; revising the reclassification of the offense of  
14 assault on specified persons; providing an effective  
15 date.

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

18  
19 Section 1. Section 341.0611, Florida Statutes, is created  
20 to read:

21 341.0611 Transit worker safety.-

22 (1) By January 1, 2021, every public transit provider  
23 operating regularly scheduled transit service for the general  
24 public shall post in at least one conspicuous place at the  
25 entrance of each public transit vehicle a yellow sign with  
26 black, bold type font no smaller than 48 point containing the  
27 following statement:

28 "ATTENTION: ASSAULTING A TRANSIT WORKER IS A FELONY  
29 PUNISHABLE BY UP TO 5 YEARS IN PRISON."

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30       (2) By July 1, 2021, every public transit provider  
31 operating regularly scheduled transit service for the general  
32 public shall create and implement a risk reduction program. Each  
33 risk reduction program shall include conflict de-escalation  
34 training for transit operators. The risk reduction program may  
35 include the deployment of assault mitigation infrastructure and  
36 technology on public transit, including barriers to restrict the  
37 unwanted entry of individuals and objects into transit  
38 operator's workstations.

39       Section 2. The Legislature finds that public transit  
40 workers may be subject to assault while performing their jobs.  
41 The Legislature further finds and declares that this act  
42 fulfills an important state interest in protecting the safety of  
43 public transit workers by requiring any public transit providers  
44 operating regularly scheduled transit service to conspicuously  
45 post signage that provides notification of the criminal  
46 penalties for assault on a public transit worker, and to also  
47 create and implement a risk reduction program that includes  
48 conflict-de-escalation training. The Legislature further finds  
49 that these reasonable measures may reduce or prevent attacks on  
50 public transit workers.

51       Section 3. Subsection (2) of section 784.07, Florida  
52 Statutes, is amended to read:

53       784.07 Assault or battery of law enforcement officers,  
54 firefighters, emergency medical care providers, public transit  
55 employees or agents, or other specified officers;  
56 reclassification of offenses; minimum sentences.-

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

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

83 (a) In the case of assault, from a misdemeanor of the  
84 second degree to a felony ~~misdemeanor~~ of the third ~~first~~ degree.

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

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

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88 third degree to a felony of the second degree. Notwithstanding  
89 any other provision of law, any person convicted of aggravated  
90 assault upon a law enforcement officer shall be sentenced to a  
91 minimum term of imprisonment of 3 years.

92 (d) In the case of aggravated battery, from a felony of the  
93 second degree to a felony of the first degree. Notwithstanding  
94 any other provision of law, any person convicted of aggravated  
95 battery of a law enforcement officer shall be sentenced to a  
96 minimum term of imprisonment of 5 years.

97 Section 4. This act shall take effect October 1, 2020.