

By the Committee on Criminal Justice; and Senator Perry

591-02345-21

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1                   A bill to be entitled  
2           An act relating to battery upon public transit  
3           workers; creating s. 341.0611, F.S.; requiring certain  
4           public transit providers to post a specified sign  
5           concerning the penalty for committing a battery upon a  
6           transit worker by a specified date; requiring public  
7           transit providers to create and implement a risk  
8           reduction program by a specified date; requiring each  
9           such program to include conflict deescalation training  
10          for public transit employees and agents; authorizing  
11          programs to include the deployment of battery  
12          mitigation infrastructure and technology on public  
13          transit vehicles; providing a declaration of important  
14          state interest; amending s. 784.07, F.S.; including  
15          assault or battery on a public transit employee or  
16          agent within specified reclassified offenses;  
17          providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Section 341.0611, Florida Statutes, is created  
22 to read:

23           341.0611 Public transit employee and agent safety.—

24           (1) By January 1, 2022, each public transit provider  
25 operating regularly scheduled transit service for the general  
26 public shall post in at least one conspicuous place at the  
27 entrance of each public transit vehicle a yellow sign with the  
28 following statement in capital letters in black, boldface type  
29 no smaller than 48 points: "ATTENTION: COMMITTING A BATTERY UPON

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30 A TRANSIT WORKER IS A CRIME PUNISHABLE BY UP TO 5 YEARS IN  
31 PRISON.”

32 (2) By July 1, 2022, each public transit provider operating  
33 regularly scheduled transit service for the general public shall  
34 create and implement a risk reduction program. Each risk  
35 reduction program must include conflict deescalation training  
36 for public transit employees and agents. The risk reduction  
37 program may include the deployment of battery mitigation  
38 infrastructure and technology on public transit vehicles,  
39 including barriers to restrict the unwanted entry of individuals  
40 and objects into public transit employees’ and agents’  
41 workstations.

42 Section 2. The Legislature finds that public transit  
43 employees and agents may be subject to battery while performing  
44 their jobs. The Legislature further finds and declares that this  
45 act fulfills an important state interest in protecting the  
46 safety of public transit employees and agents by requiring that  
47 each public transit provider operating regularly scheduled  
48 transit service conspicuously post signage that provides  
49 notification of the criminal penalties for committing a battery  
50 upon a public transit employee or agent and by creating and  
51 implementing a risk reduction program that includes conflict  
52 deescalation training. The Legislature further finds that these  
53 reasonable measures may reduce or prevent attacks on public  
54 transit employees and agents.

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

57 784.07 Assault or battery of law enforcement officers,  
58 firefighters, emergency medical care providers, public transit

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59 employees or agents, or other specified officers;  
60 reclassification of offenses; minimum sentences.—

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

87 (a) In the case of assault, from a misdemeanor of the

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88 second degree to a misdemeanor of the first degree.

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

91 (c) In the case of aggravated assault, from a felony of the  
92 third degree to a felony of the second degree. Notwithstanding  
93 any other provision of law, any person convicted of aggravated  
94 assault upon a law enforcement officer shall be sentenced to a  
95 minimum term of imprisonment of 3 years.

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

101 Section 4. This act shall take effect October 1, 2021.