

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 14, 1998 Revised: _____

Subject: Mutual Aid Agreements

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Barrow</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>GO</u>	<u>Withdrawn</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The CS provides that a state university that employs or appoints university police officers in accordance with s. 240.268, F.S., may enter into mutual aid agreements between one or more law enforcement agencies. The university police officers must comply with the minimum standards established by the Criminal Justice Standards and Training Commission, within the Department of Law Enforcement, and ch. 943, F.S. When the university lends assistance pursuant to a mutual aid agreement, all powers, privileges, and immunities apply to the agency provided the requested services are coordinated by the affected local law enforcement executive in charge of the law enforcement operation.

The CS would substantially amend section 23.1225 of the Florida Statutes.

II. Present Situation:

Section 23.1225, F.S., defines a “mutual aid agreement” as a *voluntary cooperation written agreement* between law enforcement agencies, including school boards that employ school safety officers, which permits voluntary cooperation and assistance across jurisdictional lines. The agreement is also defined as an *operational assistance written agreement* between agencies for rendering assistance in a law enforcement emergency. Both types of agreements require a description of the type of assistance to be rendered, the agency liable for acts undertaken pursuant to the agreement, the agency having command and supervisory responsibility, and any other conditions required of the situation.

A mutual aid agreement may be entered into by a sheriff, a mayor or chief executive officer of a municipality, or a school board that employs school safety officers. A copy of the agreement must be filed with the Florida Department of Law Enforcement within 14 days after it is signed. In the

event of a state of emergency declared by the Governor, the requirement of an operational written agreement may be waived by the participating agencies for up to 90 days and all powers, privileges, and immunities apply to the agency provided the services are requested by the affected local law enforcement executive in charge of the law enforcement operations.

Section 240.268, F.S., authorizes each state university to employ university police officers who are deemed to be law enforcement officers and who must meet the minimum standards of the Criminal Justice Standards & Training Commission, within the Department of Law Enforcement, and ch. 943, F.S. The law enforcement powers of the officers are normally restricted to the university property or property under the control of the university. However, an arrest can be made off campus if a hot pursuit originates on campus. In the performance of any powers, duties or responsibilities, university police have the same rights, protections, and immunities afforded other peace or law enforcement officers.

III. Effect of Proposed Changes:

The CS would authorize a state university that employs or appoints university police officers to enter into voluntary cooperation or operational assistance written agreements.

The agreement would specify the law enforcement agency requesting law enforcement services, the agency(s) rendering law enforcement services, the agency liable for acts undertaken under the agreement, the agency having command and supervisory responsibility, the time limit of the agreement, the amount and payment of compensation that may accrue as a result of the agreement, and any other issues necessitated by the terms of the agreement. The agreement may be entered into by the sheriff, the mayor or chief executive officer of a municipality, a local school board, or a state university.

Upon signing the agreement, it must be filed with the Florida Department of Law Enforcement within 14 days. The CS would authorize, as limited by the mutual aid agreement, university police officers to cross jurisdictional lines in the performance of duties and responsibilities.

The CS would take effect on July 1, 1998.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

It is possible that there may be an insignificant positive fiscal impact upon the state and local governments as a result of a reduction in the number of encounters, stops, tickets, arrests, or need for assistance by officers of a municipality, county, or the state if university police are authorized to enter into a mutual aid agreement with the surrounding law enforcement agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.