

By Senator Dudley

6-1440-98

1 A bill to be entitled
2 An act relating to mutual aid agreements;
3 amending s. 23.1225, F.S.; redefining the term
4 "mutual aid agreement" and defining the term
5 "law enforcement agency" for purposes of laws
6 relating to such agreements; providing an
7 effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 23.1225, Florida Statutes, is
12 amended to read:

13 23.1225 Mutual aid agreements.--

14 (1) The term "mutual aid agreement," as used in this
15 part, refers to one of the following types of agreement:

16 (a) A voluntary cooperation written agreement between
17 two or more law enforcement agencies ~~or between one or more~~
18 ~~law enforcement agencies and a school board that employs~~
19 ~~school safety officers~~ which permits voluntary cooperation and
20 assistance of a routine law enforcement nature across
21 jurisdictional lines. The agreement must specify the nature
22 of the law enforcement assistance to be rendered, the agency
23 or entity that shall bear any liability arising from acts
24 undertaken under the agreement, the procedures for requesting
25 and for authorizing assistance, the agency or entity that has
26 command and supervisory responsibility, a time limit for the
27 agreement, the amount of any compensation or reimbursement to
28 the assisting agency or entity, and any other terms and
29 conditions necessary to give it effect. Examples of law
30 enforcement activities that may be addressed in a voluntary
31 cooperation written agreement include establishing a joint

1 city-county task force on narcotics smuggling or authorizing
2 school safety officers to enforce laws in an area within 1,000
3 feet of a school or school board property.

4 (b) A requested operational assistance written
5 agreement between two or more law enforcement agencies ~~or~~
6 ~~between one or more law enforcement agencies and a school~~
7 ~~board that employs school safety officers~~ for the rendering of
8 assistance in a law enforcement emergency. The agreement must
9 specify the nature of the law enforcement assistance to be
10 rendered, the agency or entity that shall bear any liability
11 arising from acts undertaken under the agreement, the
12 procedures for requesting and for authorizing assistance, the
13 agency or entity that has command and supervisory
14 responsibility, a time limit for the agreement, the amount of
15 any compensation or reimbursement to the assisting agency or
16 entity, and any other terms and conditions necessary to give
17 it effect. An example of the use of a requested operational
18 assistance written agreement is to meet a request for
19 assistance due to a civil disturbance or other emergency as
20 defined in s. 252.34.

21 (c) A combination of the agreements described in
22 paragraphs (a) and (b).

23 (d) As used in this part, the term "law enforcement
24 agency" includes a sheriff, an agency of any unit of
25 government or political subdivision, a school board that
26 employs school safety officers, or a community college or
27 state university that has constitutional or statutory
28 authority to employ or appoint law enforcement offices, as
29 defined in s. 943.10(1).

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1 (2) A mutual aid agreement may allow for discretion by
2 the parties as to when, whether, and to what extent assistance
3 will be available.

4 (3) A mutual aid agreement may be entered into by a
5 law enforcement agency upon a written agreement by the sheriff
6 or chief executive officer authorized to contract for the
7 agency.+

8 ~~(a) A sheriff;~~

9 ~~(b) A mayor or chief executive officer of a~~
10 ~~municipality or county on behalf of a law enforcement agency,~~
11 ~~if authorized by the governing body of the municipality or~~
12 ~~county; or~~

13 ~~(c) A school board that employs school safety~~
14 ~~officers.~~

15 (4) A copy of a mutual aid agreement must be filed
16 with the Department of Law Enforcement within 14 days after it
17 is signed.

18 (5) In the event of a disaster or emergency such that
19 a state of emergency is declared by the Governor pursuant to
20 chapter 252, the requirement that a requested operational
21 assistance agreement be a written agreement for rendering of
22 assistance in a law enforcement emergency may be waived by the
23 participating agencies for a period of up to 90 days from the
24 declaration of the disaster.

25 (a) When a law enforcement agency ~~or a school board~~
26 ~~that employs school safety officers~~ lends assistance pursuant
27 to this subsection, all powers, privileges, and immunities
28 listed in s. 23.127, except with regard to interstate mutual
29 aid agreements, apply to the agency or entity, provided that
30 the law enforcement ~~or school board~~ employees rendering
31 services are being requested and coordinated by the affected

1 local law enforcement executive in charge of law enforcement
2 operations.

3 (b) A listing of such agencies or entities and the
4 officers and employees of such agencies or entities rendering
5 assistance pursuant to this subsection must be maintained by
6 the agency or entity requesting such assistance and filed at
7 the end of the 90-day period with the Florida Department of
8 Law Enforcement.

9 Section 2. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Provides a definition of law enforcement agency for
purposes of mutual aid agreements. (See bill for
details.)