

STORAGE NAME: h4219.leps
DATE: March 16, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND PUBLIC SAFETY
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4219 (PCB LEPS 98-02A)

RELATING TO: Mutual Aid Agreements

SPONSOR(S): COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY

COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY YEAS 5 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill 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 & Training Commission and Chapter 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.

II. SUBSTANTIVE RESEARCH:

A. 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 and Chapter 943. 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.

B. EFFECT OF PROPOSED CHANGES:

The bill 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 bill would authorize, as limited by the mutual aid agreement, university police officers to cross jurisdictional lines in the performance of duties and responsibilities.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

STORAGE NAME: h4219.leps

DATE: March 16, 1998

PAGE 4

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

STORAGE NAME: h4219.leps

DATE: March 16, 1998

PAGE 5

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 23.1225, F.S.

E. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

STORAGE NAME: h4219.leps

DATE: March 16, 1998

PAGE 7

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

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