

STORAGE NAME: h1123a.lec
DATE: March 23, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND CRIME PREVENTION
ANALYSIS**

BILL #: CS/HB 1123

RELATING TO: Law Enforcement Operations

SPONSOR(S): Committee on Law Enforcement and Crime Prevention; Representative Crist and others

TIED BILL(S): None

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

- (1) LAW ENFORCEMENT AND CRIME PREVENTION YEAS 8 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

Committee substitute for House Bill 1123 amends section 23.1225, F.S., to allow for law enforcement agencies to enter into mutual aid agreements with other law enforcement agencies in their area. Under the language set forth in CS/HB 1123, an agency will be permitted by law to enter such agreements for reasons including, but not limited to the establishment of any of the following joint task forces: (1) Narcotics, (2) School Safety, and (3) Traffic Enforcement.

Committee substitute for House Bill 1123 also amends section 901.15, F.S., to allow a law enforcement officer to arrest without warrant an individual or individuals if they have probable cause to believe that the person has committed a trespass in a secure area of an airport, when signs are posted in a conspicuous area of the airport, or when oral directions are given by airport security personnel. A person suspected of committing a trespass on a secure area of an airport may be arrested and detained either on or off the premises of the airport. A limited liability clause is also included in CS/HB 1123 to ensure that an officer who acts in good faith and exercises due care in making an arrest under this subsection is immune from civil and criminal liability.

Committee substitute for House Bill 1123 further amends section 934.03, F.S., to allow a law enforcement agency to record incoming telephone calls made to published non-emergency telephone numbers, as long as the telephone is staffed by trained dispatchers at public safety answering points.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Currently, section 23.1225, F.S., states that law enforcement agencies may enter into mutual aid agreements for the purposes of creating task forces on narcotics and school safety. There is no clause in the statute to allow for other types of mutual aid agreements. Section 23.1225, F.S., provides the framework for mutual aid agreements and requires that agencies must include in their agreements such topics as: (1) the nature of the agreement; (2) the agency that shall bear liability arising from such an agreement; (3) procedures for requesting assistance; (4) the agency that has command; (5) a time limit for the agreement; (6) the amount of compensation for the assisting agency in the agreement; and (7) any other terms necessary to give the agreement effect.

Under current Florida law there are many instances where an officer may execute an arrest without a warrant. Section 901.15, F.S., states that an officer may arrest an individual when, for example, the following has occurred, (1) a person has committed a felony in the presence of the officer, (2) a felony has been committed, and he or she believes that the person committed it, (3) he or she reasonably believes that a felony has been or is being committed and that the person has committed or is committing it, (4) a warrant for the arrest has been issued and is held by another peace officer, or (5) a violation of chapter 316 (uniform traffic code) has been committed in the presence of the officer.

Law enforcement agencies currently have the authority to intercept and record incoming wire communications on published emergency telephone numbers only. Section 934.03, F.S., also allows for law enforcement or public safety employees to intercept and record outgoing wire communications to a number from which such incoming wire communications were placed, when necessary, to obtain information required to provide the emergency services being requested. Currently, an incoming call to the emergency number can under certain circumstances be forward to a non-emergency line, under s. 934.03, F.S. As it is currently written, this call could not be recorded even though it is staffed by trained dispatchers.

C. EFFECT OF PROPOSED CHANGES:

Committee substitute for House Bill 1123 will allow law enforcement agencies to enter into mutual aid agreements, which include, but are not limited to, the following purposes: (1) Drug/Narcotic Intervention, (2) School Safety, and (3) Traffic Enforcement. Law enforcement agencies will also have the capability to enter into other mutual aid agreements, at their discretion, based upon needs shared by both agencies.

Under the provisions of CS/HB 1123, a law enforcement officer will be able to arrest a person without an arrest warrant for committing a trespass in a secure area of an airport. The secure area must be either posted clearly as a restricted area, or a verbal warning must be directed by airport security personnel. The bill provides that the person to be detained may be apprehended either on or off airport premises. The bill further allows that an officer who acts in good faith and exercises due care in making an arrest under this subsection, is immune from civil liability that might result from his or her actions.

Section 934.03, F.S., is amended to allow law enforcement and or public safety agencies to intercept and record incoming wire communications on published non-emergency telephone numbers, provided that they are staffed by trained dispatchers at public safety answering points.

D. SECTION-BY-SECTION ANALYSIS:

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

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

STORAGE NAME: h1123a.lec

DATE: March 23, 2000

PAGE 4

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 22, 2000 the Committee on Law Enforcement and Crime Prevention approved one amendment to CS/HB 1123. The amendment allows for the creation of subsection (12) to s. 810.011, F.S. The amendment defines the term "authorized person" to mean the following: "any owner, agent or relative of an owner, or any law enforcement officer whose department has received written authorization to communicate an order to leave the property."

This amendment will allow all of the aforementioned individuals the ability to communicate an order to leave the premises of a property owner, pursuant to s. 810.09 (2)(b), F.S. If a person fails to comply with an order communicated by any "authorized person", the trespasser commits a misdemeanor of the first degree punishable by up to one year in county jail and or a fine not to exceed one thousand dollars.

STORAGE NAME: h1123a.lec

DATE: March 23, 2000

PAGE 5

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

Allen Mortham Jr.

Kurt E. Ahrendt