

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.)

BILL: SB 1270

SPONSOR: Senator Laurent

SUBJECT: Law Enforcement Officers

DATE: April 20, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill provides authority to municipal law enforcement officers to patrol property and facilities outside the jurisdictional limits of the municipality when such property or facilities are leased by the municipality.

This bill amends section 901.252 of the Florida Statutes.

II. Present Situation:

Article VIII, Section 2(c), Florida Constitution, provides that the "exercise of extra-territorial powers by municipalities shall be as provided by general or special law." The powers of a municipality, including its police powers, generally cease at the municipal boundaries and cannot, without legislative authorization, be exercised outside of the municipality's limits. The general rule is that the police power of a municipal corporation is coextensive with the municipality's boundaries and such boundaries mark the limit for the exercise of the police power by the municipality. The Legislature, however, has authorized municipal law enforcement officers to exercise their powers outside of their jurisdiction under certain circumstances.

Section 901.25, F.S., authorizes a municipal police officer to make arrests outside of the officer's jurisdiction when in fresh pursuit. Section 901.25(1), F.S., provides that "[t]he term 'fresh pursuit' as used in this act shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. It shall also include the pursuit of a person who has violated a county or municipal ordinance or chapter 316 or has committed a misdemeanor."

Additionally, s. 901.252(1), F.S., allows a law enforcement officer who is employed by a municipality to patrol property and facilities that are owned by the municipality but are outside the

jurisdictional limits of the municipality. When there is probable cause to believe a person has committed or is committing a violation of the law on the property, the officer may take the person into custody and detain the violator in a reasonable manner and for a reasonable time. The law enforcement officer employed by the municipality must then immediately call a law enforcement officer with jurisdiction over the property or facility on which the violation occurred after detaining a person under this subsection.

III. Effect of Proposed Changes:

Section 1 amends s. 901.252(1), F.S., to allow municipal law enforcement officers to patrol property and facilities outside the jurisdictional limits of the municipality when such property or facilities are leased by the municipality.

Section 2 provides that the act will take effect upon becoming a law.

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:

Municipalities will be authorized to patrol property they lease when that property is outside their jurisdiction.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
