

By the Committee on Criminal Justice and Senator Bronson

307-2019-00

1                                   A bill to be entitled  
2           An act relating to law enforcement; amending s.  
3           23.1225, F.S.; describing an additional  
4           authorized joint city-county law enforcement  
5           activity by voluntary cooperation written  
6           agreement; amending ss. 810.08, 810.09, F.S.;  
7           defining the terms "person authorized" and  
8           "authorized person" for purposes of provisions  
9           prohibiting trespass; amending s. 901.15, F.S.;  
10          specifying lawful arrest without a warrant for  
11          trespass in secure areas of airports; providing  
12          for immunity from civil liability for arresting  
13          law enforcement officers under certain  
14          circumstances; amending s. 934.03, F.S.;  
15          revising limited authorization for certain  
16          personnel to intercept and record specified  
17          incoming wire communications; providing an  
18          effective date.

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

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22           Section 1. Paragraph (a) of subsection (1) of section  
23 23.1225, Florida Statutes, is amended to read:

24           23.1225 Mutual aid agreements.--

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

27           (a) A voluntary cooperation written agreement between  
28 two or more law enforcement agencies, or between one or more  
29 law enforcement agencies and either a school board that  
30 employs school safety officers or a state university that  
31 employs or appoints university police officers in accordance

1 with s. 240.268, which agreement permits voluntary cooperation  
2 and assistance of a routine law enforcement nature across  
3 jurisdictional lines. The agreement must specify the nature  
4 of the law enforcement assistance to be rendered, the agency  
5 or entity that shall bear any liability arising from acts  
6 undertaken under the agreement, the procedures for requesting  
7 and for authorizing assistance, the agency or entity that has  
8 command and supervisory responsibility, a time limit for the  
9 agreement, the amount of any compensation or reimbursement to  
10 the assisting agency or entity, and any other terms and  
11 conditions necessary to give it effect. Examples of law  
12 enforcement activities that may be addressed in a voluntary  
13 cooperation written agreement include, but are not limited to,  
14 establishing a joint city-county task force on narcotics  
15 smuggling, ~~or~~ authorizing school safety officers to enforce  
16 laws in an area within 1,000 feet of a school or school board  
17 property, or establishing a joint city-county traffic  
18 enforcement task force.

19 Section 2. Subsection (3) is added to section 810.08,  
20 Florida Statutes, to read:

21 810.08 Trespass in structure or conveyance.--

22 (3) As used in this section, the term "person  
23 authorized" means any owner or lessee, or his or her agent, or  
24 any law enforcement officer whose department has received  
25 written authorization from the owner or lessee, or his or her  
26 agent, to communicate an order to depart the property in the  
27 case of a threat to public safety or welfare.

28 Section 3. Subsection (3) is added to section 810.09,  
29 Florida Statutes, to read:

30 810.09 Trespass on property other than structure or  
31 conveyance.--

1           (3) As used in this section, the term "authorized  
2 person" or "person authorized" means any owner, or his or her  
3 agent, or any law enforcement officer whose department has  
4 received written authorization from the owner, or his or her  
5 agent, to communicate an order to leave the property in the  
6 case of a threat to public safety or welfare.

7           Section 4. Subsection (15) is added to section 901.15,  
8 Florida Statutes, to read:

9           901.15 When arrest by officer without warrant is  
10 lawful.--A law enforcement officer may arrest a person without  
11 a warrant when:

12           (15) There is probable cause to believe that the  
13 person has committed trespass in a secure area of an airport  
14 when signs are posted in conspicuous areas of the airport  
15 which notify that unauthorized entry into such areas  
16 constitutes a trespass and specify the methods for gaining  
17 authorized access to such areas. An arrest under this  
18 subsection may be made on or off airport premises. A law  
19 enforcement officer who acts in good faith and exercises due  
20 care in making an arrest under this subsection is immune from  
21 civil liability that otherwise might result by reason of the  
22 law enforcement officer's action.

23           Section 5. Paragraph (g) of subsection (2) of section  
24 934.03, Florida Statutes, is amended to read:

25           934.03 Interception and disclosure of wire, oral, or  
26 electronic communications prohibited.--

27           (2)

28           (g) It is lawful under ss. 934.03-934.09 for an  
29 employee of:

30           1. An ambulance service licensed pursuant to s.  
31 401.25, a fire station employing firefighters as defined by s.

1 633.30, a public utility as defined by ss. 365.01 and 366.02,  
2 a law enforcement agency as defined by s. 934.02(10), or any  
3 other entity with published emergency telephone numbers;

4 2. An agency operating an emergency telephone number  
5 "911" system established pursuant to s. 365.171; or

6 3. The central abuse hotline operated pursuant to s.  
7 39.201,

8  
9 to intercept and record incoming wire communications; however,  
10 such employee may intercept and record incoming wire  
11 communications on designated "911" telephone numbers and  
12 published ~~nonemergency~~ ~~emergency~~ telephone numbers staffed by  
13 trained dispatchers at public safety answering points only.

14 It is also lawful for such employee to intercept and record  
15 outgoing wire communications to the numbers from which such  
16 incoming wire communications were placed when necessary to  
17 obtain information required to provide the emergency services  
18 being requested.

19 Section 6. This act shall take effect October 1, 2000.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
22 COMMITTEE SUBSTITUTE FOR  
23 Senate Bill 1422

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24 - Removes language authorizing warrantless arrest for  
25 trespass where "oral directions are given by airport  
26 security personnel advising passengers and other persons  
in the airport of the existence and secure nature of  
such areas."

27 - Amends ss. 810.08 and 810.09, F.S., to define the terms  
28 "person authorized" and "authorized person" for purposes  
of provisions prohibiting trespass.

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