

By Representative Goodlette

1 A bill to be entitled
 2 An act relating to the Division of Florida
 3 Capitol Police; creating s. 943.51, F.S.;
 4 creating the Division of Florida Capitol Police
 5 within the Department of Law Enforcement;
 6 providing powers and duties of the division;
 7 creating ss. 943.52 and 943.53, F.S.; providing
 8 for investigations and arrests; creating s.
 9 943.54, F.S.; providing for ex officio agents
 10 from the department, the Department of Highway
 11 Safety and Motor Vehicles, and counties and
 12 municipalities under certain circumstances;
 13 creating s. 943.55, F.S.; providing for
 14 contracts for certain security services with
 15 county, municipal, or licensed private security
 16 agencies; creating s. 943.56, F.S.; providing
 17 for rules; creating s. 943.57, F.S.; providing
 18 authority of the department relating to
 19 maintenance of the division and uniforms for
 20 officers and guards; prohibiting use of a
 21 uniform or emblem by an unauthorized person;
 22 prohibiting impersonation of officers and
 23 guards; providing penalties; creating s.
 24 943.58, F.S.; providing for security of the
 25 Governor and certain visitors to the state;
 26 requiring the department to provide security
 27 and transportation at the request of specified
 28 officials under certain circumstances;
 29 requiring reports of such services;
 30 transferring and renumbering s. 281.301, F.S.,
 31 relating to confidentiality for information

1 related to certain security systems;
2 transferring the Division of Capitol Police
3 within the Department of Management Services to
4 the Department of Law Enforcement; amending s.
5 20.201, F.S.; adding the division to the
6 Criminal Justice Investigations and Forensic
7 Science Program in the department; repealing s.
8 281.02, F.S., relating to powers and duties of
9 the Department of Management Services, Florida
10 Capitol Police; repealing s. 281.03, F.S.,
11 relating to investigations by the Florida
12 Capitol Police; repealing s. 281.04, F.S.,
13 relating to arrests by agents of department;
14 repealing s. 281.05, F.S., relating to ex
15 officio agents; repealing s. 281.06, F.S.,
16 relating to contracts with counties,
17 municipalities, or licensed private security
18 agencies; repealing s. 281.07, F.S., relating
19 to rules governing the Facilities Program of
20 the Florida Capitol Police and traffic
21 regulation; repealing s. 281.08, F.S., relating
22 to equipment; repealing s. 281.20, F.S.,
23 relating to transportation and protective
24 services; amending ss. 287.17 and 288.816,
25 F.S.; conforming cross references; providing an
26 effective date.

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

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30 Section 1. Section 943.51, Florida Statutes, is
31 created to read:

1 943.51 Powers and duties of the Division of Florida
2 Capitol Police.--There is created the Division of Florida
3 Capitol Police within the department. The division has the
4 following powers and duties:
5 (1) To establish, in consultation with the Department
6 of Management Services, a comprehensive and ongoing plan for
7 the fire safety and security of the Capitol, the Senate Office
8 Building, the House Office Building, and the Historic Capitol,
9 including, but not limited to, the institution of programs for
10 the awareness and training in fire safety and security of
11 members of the Legislature and their employees, and all other
12 elected or appointed officials and their respective employees,
13 who occupy such buildings. The Florida Capitol Police shall
14 also ensure that adequate signs and personnel are in place to
15 inform and assist the occupants of and visitors to such
16 buildings.
17 (2) To provide and maintain the fire safety and
18 security of all state-owned property leased from the
19 Department of Management Services, excluding state
20 universities and custodial institutions, the Governor's
21 office, the Governor's mansion and the grounds thereof, and
22 the Supreme Court.
23 (3) To develop plans for reporting suspicious persons
24 or incidents involving state-owned or state-leased buildings
25 or property and emergency procedures and evacuation routes in
26 the event of fire, security threats, incidents prompting a
27 need for evacuation, acts of terrorism, or natural or manmade
28 disaster and to make such procedures and routes known to those
29 persons occupying state-owned buildings leased from the
30 Department of Management Services.
31 (4) To employ:

1 (a) Officers who hold certification as law enforcement
2 officers in accordance with the minimum standards and
3 qualifications as set forth in s. 943.13 and the provisions of
4 chapter 110, who shall have the authority to bear arms, make
5 arrests, and apply for arrest warrants; and

6 (b) Guards and administrative, clerical, technical,
7 and other personnel as may be required.

8 (5) To train officers and guards in fire prevention,
9 fire safety, and emergency medical procedures.

10 (6) To respond to all complaints relating to criminal
11 activity or security threats within or upon state-owned or
12 state-leased buildings or property.

13 (7) To enforce rules of the department governing the
14 regulation of traffic and parking on or at state-owned or
15 state-leased buildings or property, including, but not limited
16 to, issuing citations for the violation of such rules or the
17 traffic laws of the state or any county or municipality and
18 impounding illegally or wrongfully parked vehicles.

19 (8) To delegate all or part of its duties provided in
20 this section to any state agency occupying such state-owned or
21 state-leased buildings or property.

22 Section 2. Section 943.52, Florida Statutes, is
23 created to read:

24 943.52 Investigations by the Florida Capitol Police.--

25 (1) The Florida Capitol Police shall conduct traffic
26 accident investigations and investigations relating to
27 felonies and misdemeanors occurring on or at state-owned or
28 state-leased buildings or property. Any matters which are
29 deemed to involve a felony may be referred to the department's
30 special agents or inspectors or another appropriate law
31 enforcement agency for criminal investigation. Such referrals

1 shall include transmittal of records, reports, statements, and
2 all other information relating to such matters.

3 (2) The Florida Capitol Police shall retain copies of
4 all reports relating to such criminal activity for use in the
5 ongoing fire safety and security plan as required in s.
6 943.51.

7 Section 3. Section 943.53, Florida Statutes, is
8 created to read:

9 943.53 Arrests by officers of the Division of Florida
10 Capitol Police.--A person arrested by an officer of the
11 Florida Capitol Police shall be delivered to the sheriff of
12 the county in which the arrest takes place.

13 Section 4. Section 943.54, Florida Statutes, is
14 created to read:

15 943.54 Ex officio agents.--Law enforcement officers of
16 the Department of Highway Safety and Motor Vehicles, special
17 agents or inspectors of the Department of Law Enforcement, and
18 law enforcement officers of counties and municipalities are ex
19 officio agents of the Florida Capitol Police and may, when
20 authorized by the Florida Capitol Police, enforce rules and
21 laws applicable to the powers and duties of the Florida
22 Capitol Police to provide and maintain the security required
23 by ss. 943.51-943.57.

24 Section 5. Section 943.55, Florida Statutes, is
25 created to read:

26 943.55 Contracts with counties, municipalities, or
27 licensed private security agencies.--The department may
28 contract with any county, municipality, or licensed private
29 security agency to provide and maintain the security of
30 state-owned or state-leased buildings or property required by
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1 ss. 943.51-943.57 upon such terms as the department may deem
2 to be in the best interest of the state.

3 Section 6. Section 943.56, Florida Statutes, is
4 created to read:

5 943.56 Rules; Facilities Program, Florida Capitol
6 Police; traffic regulation.--

7 (1) The department shall adopt and promulgate rules to
8 govern the administration, operation, and management of the
9 Facilities Program, Florida Capitol Police, and to regulate
10 traffic and parking on state-owned or state-leased buildings
11 or property, which rules are not in conflict with any state
12 law or county or municipal ordinance, and to carry out the
13 provisions of ss. 943.51-943.57.

14 (2) Political subdivisions and municipalities may
15 enact and enforce ordinances on the violation of traffic and
16 parking rules provided in subsection (1).

17 Section 7. Section 943.57, Florida Statutes, is
18 created to read:

19 943.57 Equipment.--

20 (1) The department is specifically authorized to
21 purchase, sell, trade, rent, lease, and maintain all necessary
22 equipment, uniforms, motor vehicles, communication systems,
23 housing facilities, and office space, and perform any other
24 acts necessary for the proper administration and enforcement
25 of ss. 943.51-943.57 through the Division of Florida Capitol
26 Police. The department may prescribe a distinctive uniform to
27 be worn by personnel of the Florida Capitol Police in the
28 performance of their duties pursuant to s. 943.51(7). The
29 department may prescribe a distinctive emblem to be worn by
30 all officers or guards of the Florida Capitol Police.

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1 (2) It is unlawful for any unauthorized person to wear
2 a uniform or emblem prescribed by the department for the
3 Florida Capitol Police, or a similar uniform or emblem, or to
4 impersonate or pretend or represent himself or herself to be a
5 police officer or guard of the Florida Capitol Police. Any
6 person who violates the provisions of this subsection commits
7 a felony pursuant to the provisions of s. 843.08, punishable
8 as provided in s. 775.082, s. 775.083, or s. 775.084.

9 Section 8. Section 943.58, Florida Statutes, is
10 created to read:

11 943.58 Transportation and protective services.--

12 (1) The department shall provide and maintain the
13 security of the Governor, the Governor's immediate family, and
14 the Governor's office and mansion and the grounds thereof.

15 (2) The department shall employ such personnel as may
16 be necessary to carry out this responsibility, including
17 uniformed and nonuniformed agents who shall have authority to
18 bear arms and make arrests, with or without warrant, for
19 violations of any of the criminal laws of the state, under the
20 same terms and conditions as investigative personnel of the
21 department, and who shall be considered peace officers for all
22 purposes, including, but not limited to, the privileges,
23 protections, and benefits of ss. 112.19, 121.051, 122.34, and
24 870.05.

25 (3) The executive director shall assign agents for the
26 performance of the duties prescribed in this section. The
27 assignment of such agents shall be subject to continuing
28 approval of the Governor. Upon request of the Governor, the
29 executive director shall reassign an agent from continued
30 performance of such duties.

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1 (4) Security personnel traveling with the Governor,
2 the Governor's family, or other persons authorized by this
3 section shall be reimbursed for travel expenses as provided in
4 s. 112.061. When such security personnel are required to
5 consume meals while in the presence of the Governor, the
6 Governor's family, or other persons as authorized by this
7 section, the security personnel may be reimbursed for
8 reasonable actual meal costs or the subsistence allowance
9 provided in s. 112.061, whichever is higher.

10 (5) The department is authorized to provide security
11 or transportation to visiting governors and their families
12 upon request by the Governor.

13 (6) The department shall provide security or
14 transportation services to other persons when requested by the
15 Governor, the Lieutenant Governor, a member of the Cabinet,
16 the Speaker of the House of Representatives, the President of
17 the Senate, or the Chief Justice of the Supreme Court, subject
18 to certification by the agency head that such services are in
19 the best interest of the state. The agency head may delegate
20 certification authority to the executive director of the
21 department. The agency head shall limit such services to
22 persons:

23 (a) Who are visiting the state; for whom such services
24 are requested by the Governor, the Lieutenant Governor, a
25 member of the Cabinet, the Speaker of the House of
26 Representatives, the President of the Senate, or the Chief
27 Justice of the Supreme Court; and for whom the primary purpose
28 of the visit is for a public purpose and to promote the
29 development of the state; or

30 (b) For whom the failure to provide security or
31 transportation could result in a clear and present danger to

1 the personal safety of such persons or could result in public
2 embarrassment to the state.

3 (7) The department is authorized to coordinate
4 transportation and protective services provided under
5 subsections (1), (5), and (6) with other law enforcement
6 agencies and may request the assistance of other law
7 enforcement agencies to carry out the duties required by
8 subsections (1), (5), and (6). The other law enforcement
9 agencies of the state are authorized to provide such
10 assistance as may be requested by the department under this
11 subsection.

12 (8) The department shall coordinate all protective
13 services with the United States Department of State and the
14 United States Secret Service when requested to do so by such
15 agencies or by the Governor or a member of the Cabinet.

16 (9) The department shall submit reports on July 15 and
17 January 15 of each year to the President of the Senate,
18 Speaker of the House of Representatives, Governor, and members
19 of the Cabinet, detailing all transportation and protective
20 services provided under subsections (1), (5), and (6) within
21 the preceding 6 months. Each report shall include a detailed
22 accounting of the cost of such transportation and protective
23 services, including the names of persons provided such
24 services and the nature of state business performed.

25 Section 9. Section 281.301, Florida Statutes, is
26 renumbered as section 943.59, Florida Statutes.

27 Section 10. (1) All statutory powers, duties, and
28 functions of the Division of Florida Capitol Police within the
29 Department of Management Services are transferred from the
30 Department of Management Services to the Department of Law
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1 Enforcement by a type one transfer, as defined by s. 20.06(1),
2 Florida Statutes, effective July 1, 2002.

3 (2) Each employee of the Division of Florida Capitol
4 Police transferred by this action must meet the Department of
5 Law Enforcement's employment criteria applied to employees of
6 the Department of Law Enforcement in similar positions within
7 the department. Each employee of the Division of Florida
8 Capitol Police shall, by no later than July 1, 2002, complete
9 and submit to the Department of Law Enforcement a supplemental
10 employment application as required by the department and
11 provide fingerprints and be subject to a drug test as required
12 for any prospective employee of the department. Any employee
13 of the Division of Florida Capitol Police transferred to the
14 Department of Law Enforcement on July 1, 2002, and all
15 subsequently employed employees of the Division of Florida
16 Capitol Police must meet the employment criteria utilized by
17 the Department of Law Enforcement. Any employee of the
18 Division of Florida Capitol Police who was transferred to the
19 Department of Law Enforcement on July 1, 2002, who is found by
20 the department not to qualify for continued employment shall
21 be immediately dismissed.

22 Section 11. Section 20.201, Florida Statutes, is
23 amended to read:

24 20.201 Department of Law Enforcement.--

25 (1) There is created a Department of Law Enforcement.
26 The head of the department is the Governor and Cabinet. The
27 executive director of the department shall be appointed by the
28 Governor with the approval of three members of the Cabinet and
29 subject to confirmation by the Senate. The executive director
30 shall serve at the pleasure of the Governor and Cabinet. The
31 executive director may establish a command, operational, and

1 administrative services structure to assist, manage, and
2 support the department in operating programs and delivering
3 services.
4 (2) The following programs of the Department of Law
5 Enforcement are established:
6 (a) Criminal Justice Investigations and Forensic
7 Science Program, which includes the Division of Florida
8 Capitol Police.
9 (b) Criminal Justice Information Program.
10 (c) Criminal Justice Professionalism Program.
11 Section 12. Sections 281.02, 281.03, 281.04, 281.05,
12 281.06, 281.07, 281.08, and 281.20, Florida Statutes, are
13 repealed.
14 Section 13. Paragraph (c) of subsection (2) of section
15 287.17, Florida Statutes, is amended to read:
16 287.17 Limitation on use of motor vehicles and
17 aircraft.--
18 (2) The following criteria shall be considered in
19 determining appropriate uses of motor vehicles and aircraft:
20 (c) Whether the Department of Law Enforcement has been
21 directed by the agency head to provide security or
22 transportation pursuant to s. 943.58 ~~281.20~~.
23 Section 14. Paragraph (g) of subsection (2) of section
24 288.816, Florida Statutes, is amended to read:
25 288.816 Intergovernmental relations.--
26 (2) The secretary shall be responsible for all
27 consular relations between the state and all foreign
28 governments doing business in Florida. The secretary shall
29 monitor United States laws and directives to ensure that all
30 federal treaties regarding foreign privileges and immunities
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1 are properly observed. The secretary shall promulgate rules
2 which shall:

3 (g) Request the Department of Law Enforcement to
4 provide transportation and protection services when necessary
5 pursuant to s. 943.58 ~~281.20~~.

6 Section 15. This act shall take effect upon becoming a
7 law.

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HOUSE SUMMARY

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Creates the Division of Florida Capitol Police within the Department of Law Enforcement. Provides powers and duties of the division. Provides for investigations and arrests. Provides for ex officio agents from the department, the Department of Highway Safety and Motor Vehicles, and counties and municipalities under certain circumstances. Provides for contracts for certain security services with county, municipal, or licensed private security agencies. Provides for rules. Provides authority of the department relating to maintenance of the division and uniforms for officers and guards. Prohibits use of uniforms by unauthorized persons and impersonation of officers and guards. Provides penalties. Provides for security of the Governor and certain visitors to the state. Requires the department to provide security and transportation at the request of specified officials under certain circumstances. Requires reports of such services. Transfers the Division of Capitol Police within the Department of Management Services to the Department of Law Enforcement. Adds the division to the Criminal Justice Investigations and Forensic Science Program in the department.

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