

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-546-02

1 A bill to be entitled
2 An act relating to governmental organization;
3 amending s. 20.201, F.S., creating a Division
4 of Capitol Police within the Department of Law
5 Enforcement; transferring, renumbering, and
6 amending s. 281.02, F.S.; providing for the
7 powers and duties of the Division of Capitol
8 Police; requiring the development of security
9 plans; transferring, renumbering, and amending
10 s. 281.03, F.S.; providing for investigations
11 by the Division of Capitol Police;
12 transferring, renumbering, and amending s.
13 281.04, F.S.; providing for persons arrested by
14 an officer of the Division of Capitol Police to
15 be delivered to the sheriff; transferring,
16 renumbering, and amending s. 281.05, F.S.;
17 providing for ex officio enforcement of rules
18 and laws of the Florida Capitol Police by
19 agents of other law enforcement organizations;
20 transferring, renumbering, and amending s.
21 281.06, F.S.; authorizing the Department of Law
22 Enforcement to contract with private security
23 agencies to maintain the security of public
24 premises; transferring, renumbering, and
25 amending s. 281.07, F.S.; providing for
26 enforcement of parking regulations of the
27 Department of Management Services by the
28 Division of Capitol Police; transferring,
29 renumbering, and amending s. 281.08, F.S.;
30 providing for the procurement of equipment by
31 the Division of Capitol Police; transferring,

1 renumbering, and amending s. 281.20, F.S.;

2 providing for the President of the Senate and

3 the Speaker of the House of Representatives to

4 direct development and implementation of

5 enhanced security plans for the Capitol Complex

6 through the Division of Capitol Police;

7 transferring, renumbering, and amending s.

8 281.301, F.S.; providing for continued

9 exemption from the public records law for

10 information relating to the security systems

11 for property owned or leased by a state agency

12 or political subdivision; transferring the

13 powers, duties, and functions of the Division

14 of Capitol Police from the Department of

15 Management Services to the Department of Law

16 Enforcement; providing for employment criteria

17 and qualifications by affected employees;

18 providing an effective date.

19

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

21

22 Section 1. 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, to include the Division of Capitol Police.

8 (b) Criminal Justice Information Program.

9 (c) Criminal Justice Professionalism Program.

10 Section 2. Section 281.02, Florida Statutes, is
11 transferred, renumbered as section 943.51, Florida Statutes,
12 and amended to read:

13 943.51 ~~281.02~~ Powers and duties of the Division of
14 ~~Department of Management Services, Florida Capitol~~
15 Police.--There is created the Division of Capitol Police
16 within the Department of Law Enforcement. The division shall
17 have ~~The Department of Management Services, Florida Capitol~~
18 ~~Police, has~~ the following powers and duties:

19 (1) To establish, in consultation with the Department
20 of Management Services, the President of the Senate, and the
21 Speaker of the House of Representatives, a comprehensive and
22 ongoing plan for the firesafety and security of the Capitol,
23 the Senate Office Building, the House Office Building, the
24 Knott Building, the Pepper Building, the Holland Building, and
25 the Historic Capitol, including, but not limited to, the
26 institution of programs for the awareness and training in
27 firesafety and security of members of the Legislature and
28 their employees, and all other elected or appointed officials
29 and their respective employees, who occupy such buildings. The
30 Division of Florida Capitol Police shall also ensure that

31

1 adequate signs and personnel are in place to inform and assist
2 the occupants of and visitors to such buildings.

3 (2) To provide and maintain the firesafety and
4 security of all state-owned property leased from the
5 Department of Management Services, excluding state
6 universities, ~~and~~ custodial institutions, ~~the Governor's~~
7 ~~office, the Governor's mansion and the grounds thereof, and~~
8 the Supreme Court.

9 (3) To develop plans for reporting incidents involving
10 buildings and property owned or leased by the state, emergency
11 procedures and evacuation routes in the event of fire,
12 security threats, incidents prompting a need for evacuation,
13 acts of terrorism, or natural or man-made disaster and to make
14 such procedures and routes known to those persons occupying
15 state-owned buildings leased from the Department of Management
16 Services.

17 (4) To employ:

18 (a) Officers ~~Agents~~ who hold certification as law
19 enforcement ~~police~~ officers in accordance with the minimum
20 standards and qualifications as set forth in s. 943.13 and the
21 provisions of chapter 110, who shall have the authority to
22 bear arms, make arrests, and apply for arrest warrants; and

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

25 (5) To train officers ~~agents~~ and guards in fire
26 prevention, firesafety, and emergency medical procedures.

27 (6) To respond to all complaints relating to criminal
28 activity or security threats within or upon state-owned or
29 state-leased buildings or ~~state-leased~~ property.

30 (7) To enforce rules of the Department of Management
31 Services governing the regulation of traffic and parking on or

1 at state-owned or state-leased buildings or property,
2 including, but not limited to, issuing citations for the
3 violation of such rules or the traffic laws of the state or
4 any county or municipality and impounding illegally or
5 wrongfully parked vehicles.

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

9 Section 3. Section 281.03, Florida Statutes, is
10 transferred, renumbered as section 943.52, Florida Statutes,
11 and amended to read:

12 943.52 ~~281.03~~ Investigations by the Division of
13 ~~Florida~~ Capitol Police.--

14 (1) The Division of ~~Department of Management Services,~~
15 ~~Florida~~ Capitol Police, shall conduct traffic accident
16 investigations and investigations relating to felonies and
17 misdemeanors occurring on or at state-owned or state-leased
18 buildings or property. Any matters that ~~which~~ are deemed to
19 involve a felony may be referred to the department's special
20 agents or inspectors or another appropriate law enforcement
21 agency for criminal investigation. Such referrals shall
22 include transmittal of records, reports, statements, and all
23 other information relating to such matters.

24 (2) The Division of ~~Department of Management Services,~~
25 ~~Florida~~ Capitol Police, shall retain copies of all reports
26 relating to such criminal activity for use in the ongoing
27 firesafety and security plan as required in s. 943.51 ~~s.~~
28 ~~281.02~~.

29 Section 4. Section 281.04, Florida Statutes, is
30 transferred, renumbered as section 943.53, Florida Statutes,
31 and amended to read:

1 943.53 ~~281.04~~ Arrests by officers ~~agents~~ of
2 department.--A person arrested by an officer ~~agent~~ of the
3 Division of ~~Department of Management Services, Florida~~ Capitol
4 Police, shall be delivered to the sheriff of the county in
5 which the arrest takes place.

6 Section 5. Section 281.05, Florida Statutes, is
7 transferred, renumbered as section 943.54, Florida Statutes,
8 and amended to read:

9 943.54 ~~281.05~~ Ex officio agents.--Law enforcement
10 officers of the Department of Highway Safety and Motor
11 Vehicles, special agents or inspectors of the Department of
12 Law Enforcement, and law enforcement officers of counties and
13 municipalities are ex officio agents of the Division of
14 ~~Department of Management Services, Florida~~ Capitol Police, and
15 may, when authorized by the Division of ~~Florida~~ Capitol
16 Police, enforce rules and laws applicable to the powers and
17 duties of the Division of ~~Florida~~ Capitol Police to provide
18 and maintain the security required by ss. 943.51-943.59 ~~ss.~~
19 ~~281.02-281.08~~.

20 Section 6. Section 281.06, Florida Statutes, is
21 transferred, renumbered as section 943.55, Florida Statutes,
22 and amended to read:

23 943.55 ~~281.06~~ Contracts with counties, municipalities,
24 or licensed private security agencies.--Except as provided in
25 s. 943.58, the department ~~of Management Services, Florida~~
26 ~~Capitol Police,~~ may contract with any county, municipality, or
27 licensed private security agency to provide and maintain the
28 security of state-owned or state-leased buildings or property
29 required by ss. 943.51-943.59 ~~ss. 281.02-281.08~~ upon such
30 terms as the department may deem to be in the best interest of
31 the state.

1 Section 7. Section 281.07, Florida Statutes, is
2 transferred, renumbered as section 943.56, Florida Statutes,
3 and amended to read:

4 943.56 ~~281.07~~ Rules; Facilities Program, Division of
5 ~~Florida~~ Capitol Police; traffic regulation.--

6 (1) The Division of Capitol Police may enforce rules
7 of the Department of Management Services governing ~~shall adopt~~
8 ~~and promulgate rules to govern~~ the administration, operation,
9 and management of the Facilities Program and regulating
10 ~~Florida Capitol Police, and to regulate~~ traffic and parking on
11 state-owned or state-leased buildings or property, if such
12 ~~which~~ rules are not in conflict with any state law, security
13 needs identified by the department, or county or municipal
14 ordinance, and to carry out the provisions of ss.

15 943.51-943.59 ~~ss. 281.02-281.08.~~

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

19 Section 8. Section 281.08, Florida Statutes, is
20 transferred, renumbered as section 943.57, Florida Statutes,
21 and amended to read:

22 943.57 ~~281.08~~ Equipment.--

23 ~~(1)~~ The department ~~of Management Services, Florida~~
24 ~~Capitol Police,~~ is specifically authorized to purchase, sell,
25 trade, rent, lease, and maintain all necessary equipment,
26 uniforms, motor vehicles, communication systems, housing
27 facilities, and office space, and perform any other acts
28 necessary for the proper administration and enforcement of ss.
29 943.51-943.59 through the Division of Capitol Police ~~ss.~~
30 ~~281.02-281.08~~, pursuant to part I of chapter 287. The
31 department may prescribe a distinctive uniform to be worn by

1 personnel of the Division of Florida Capitol Police in the
2 performance of their duties pursuant to s. 943.51(7)~~s.~~
3 ~~281.02(7)~~. The department may prescribe a distinctive emblem
4 to be worn by all officers or guards of the Division of
5 Florida Capitol Police.

6 ~~(2) It is unlawful for any unauthorized person to wear~~
7 ~~a uniform or emblem prescribed by the department for the~~
8 ~~Florida Capitol Police, or a similar uniform or emblem, or to~~
9 ~~impersonate, pretend, or represent himself or herself to be a~~
10 ~~police officer or guard of the Florida Capitol Police. Any~~
11 ~~person who violates the provisions of this subsection is~~
12 ~~guilty of a misdemeanor of the first degree, punishable as~~
13 ~~provided in s. 775.082 or s. 775.083.~~

14 Section 9. Section 281.20, Florida Statutes, is
15 transferred, renumbered as section 943.58, Florida Statutes,
16 and amended to read:

17 943.58 ~~281.20~~ Transportation and protective
18 services.--

19 (1) The department ~~of Law Enforcement~~ shall provide
20 and maintain the security of the Governor, the Governor's
21 immediate family, and the Governor's office and mansion and
22 the grounds thereof.

23 (2) The department shall employ such personnel as may
24 be necessary to carry out this responsibility, including
25 uniformed and nonuniformed officers or agents who shall have
26 authority to bear arms and make arrests, with or without
27 warrant, for violations of any of the criminal laws of the
28 state, under the same terms and conditions as investigative
29 personnel of the department, and who shall be considered peace
30 officers for all purposes, including, but not limited to, the
31

1 | privileges, protections, and benefits of ss. 112.19, 121.051,
2 | 122.34, and 870.05.

3 | (3) The executive director shall assign agents for the
4 | performance of the duties prescribed in this section. The
5 | assignment of such agents shall be subject to continuing
6 | approval of the Governor. Upon request of the Governor, the
7 | executive director shall reassign an agent from continued
8 | performance of such duties.

9 | (4) Per diem and subsistence allowance for security
10 | personnel traveling with the Governor, or the Governor's
11 | family, or others as authorized by this section, away from
12 | Tallahassee shall be computed by payment of a sum up to the
13 | amounts permitted in s. 112.061 ~~s. 112.061(6)(d)~~ for meals,
14 | plus actual expenses for lodging to be substantiated by paid
15 | bills therefor.

16 | (5) The department is authorized to provide security
17 | or transportation to visiting governors and their families
18 | upon request by the Governor.

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

29 | (a) Who are visiting the state; for whom such services
30 | are requested by the Governor, the Lieutenant Governor, a
31 | member of the Cabinet, the Speaker of the House of

1 Representatives, the President of the Senate, or the Chief
2 Justice of the Supreme Court; and for whom the primary purpose
3 of the visit is for a public purpose and to promote the
4 development of the state; or

5 (b) For whom the failure to provide security or
6 transportation could result in a clear and present danger to
7 the personal safety of such persons or could result in public
8 embarrassment to the state.

9 (7) The Division of Capitol Police shall, in
10 consultation with and with the approval of, the Governor, the
11 President of the Senate, and the Speaker of the House of
12 Representatives, develop operational plans for basic security
13 measures and actions related to the Capitol Complex,
14 consisting of the Capitol, the Senate Office Building, the
15 House Office Building, the Knott Building, the Pepper
16 Building, the Holland Building, the Historic Capitol, and the
17 curtilage and grounds thereof. The Division of Capitol Police
18 shall develop, in consultation with and with the approval of,
19 the Governor, the President of the Senate, and the Speaker of
20 the House of Representatives, enhanced security procedures
21 specific to their respective responsibilities and facilities.
22 The director of the Division of Capitol Police, in
23 coordination with the Governor, the President of the Senate,
24 and the Speaker of the House of Representatives, shall
25 implement such previously approved basic security measures and
26 actions to assure the safety and security of the Capitol
27 Complex and persons therein. Upon the request of the Governor,
28 the President of the Senate, or the Speaker of the House of
29 Representatives, the director of the Division of Capitol
30 Police shall activate the previously approved enhanced
31 security measures and actions as requested and in accordance

1 with the enhanced security plans specific to their respective
2 responsibilities and facilities.

3 (8)~~(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 (9)~~(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 (10)~~(9)~~ The department shall submit reports on July 15
17 and 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 10. Section 281.301, Florida Statutes, is
26 transferred, renumbered as section 943.59, Florida Statutes,
27 and amended to read:

28 943.59 ~~281.301~~ Security systems; records and meetings
29 exempt from public access or disclosure.--Information relating
30 to the security systems for any property owned by or leased to
31 the state or any of its political subdivisions, and

1 information relating to the security systems for any privately
2 owned or leased property ~~that~~ ~~which~~ is in the possession of
3 any agency as defined in s. 119.011(2), including all records,
4 information, photographs, audio and visual presentations,
5 schematic diagrams, surveys, recommendations, or consultations
6 or portions thereof relating directly to or revealing such
7 systems or information, and all meetings relating directly to
8 or that would reveal such systems or information are
9 confidential and exempt from ss. 119.07(1) and 286.011 and
10 other laws and rules requiring public access or disclosure.

11 Section 11. All statutory powers, duties, and
12 functions of the Division of Capitol Police within the
13 Department of Management Services are transferred from the
14 Department of Management Services to the Department of Law
15 Enforcement by a type one transfer, as defined in section
16 20.06, Florida Statutes. Each employee of the Division of
17 Capitol Police transferred by this act must meet the
18 employment criteria of the Department of Law Enforcement which
19 is applied to employees of the Department of Law Enforcement
20 in similar positions within the department. Each employee of
21 the Division of Capitol Police shall, by January 1, 2002,
22 complete and submit to the Department of Law Enforcement a
23 supplemental employment application as required by the
24 department, provide fingerprints, and be subject to a drug
25 test, as required for any prospective employee of the
26 department. Any employee of the Division of Capitol Police
27 transferred to the Department of Law Enforcement on January 1,
28 2002, and all subsequently employed employees of the Division
29 of Capitol Police must meet the employment criteria used by
30 the Department of Law Enforcement. Any employee of the
31 Division of Capitol Police who is transferred to the

1 Department of Law Enforcement on January 1, 2002, and found by
2 the department not to qualify for continued employment is
3 subject to dismissal.

4 Section 12. This act shall take effect upon becoming a
5 law.

6
7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 SB 56-B

10 The Committee Substitute replaces the filed bill with a
11 complete revision and transfer of chapter 281 to chapter 943,
12 F.S. The Division of Capitol Police is transferred from the
13 Department of Management Services to the Department of Law
14 Enforcement. The Division employees must meet the employment
15 qualifications of the successor organization by January 1,
16 2002. A principal feature of the CS is the development of a
17 basic and enhanced security plan for the facilities in the
18 Capitol Complex, the latter which may be activated by the
19 Department of Law Enforcement based upon the unique needs of
20 the named facilities and upon the request of the
21 constitutional officers occupying the facilities.
22
23
24
25
26
27
28
29
30
31