

**STORAGE NAME:** h0089C.sec.doc

**DATE:** December 3, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
SELECT COMMITTEE ON SECURITY  
ANALYSIS**

**BILL #:** HB 89-C

**RELATING TO:** Capitol Security Commission

**SPONSOR(S):** Representative(s) Cantens

**TIED BILL(S):**

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

- (1) SECURITY, SECURITY
  - (2)
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

This bill creates the Capitol Complex Security Commission (Commission). The Commission is composed of the Governor and Cabinet, the Senate President, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court of Florida. The Commission is empowered to establish security policy for the Capitol; the House and Senate Office Buildings; the Holland, Knott, and Pepper Buildings; the Historic Capitol; and the Supreme Court Building. The Commission is further empowered to hire staff, including sworn law enforcement officers, to provide law enforcement and security services to the relevant buildings. The Commission could also contract with law enforcement agencies and private security companies for law enforcement and security services.

The Commission will be chaired by the Governor and, in the Governor's absence, a succession of chairs is provided. Commissioners could appoint a designee to vote for the Commissioner in the Commissioner's absence.

The Commission is required to adopt a security plan and initial rules by February 8, 2002.

The bill relieves the Department of Management Services of any statutory security responsibilities assumed by the Commission in its plan and rules.

The bill appropriates an amount sufficient to carry out the provisions of the act.

The bill is effective upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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:

This bill does not support the principle of Less Government because it creates a new commission.

B. PRESENT SITUATION:

The Department of Management Services (DMS) is the state agency that provides general infrastructure organization and central services for the more than two dozen executive departments and the three branches of state government. Its principal duties involve administration of employee personnel, health, and retirement benefits; the functional ownership of many state buildings, including all of those specified in the Florida Facilities Pool; and centralized procurement and property management. The agency also oversees state parking vehicle management and facility security. The responsibility of facility security is discharged through chapter 281, F.S., with asset protection and capitol-area employee security assigned to the Division of Capitol Police (Division).

The Division concentrates most of its patrol staffing in the state capital area by virtue of the requirements in chapter 281, F.S., with a specific security presence in five named buildings: the Governor's Mansion, Capitol, Historic Capitol, Senate, and House of Representatives. It also has a staffing complement in multi-occupancy state office buildings in other cities outside the capital. About one-half of occupied state agency office space is in leased premises and Division presence is not as intense in such situations. Chapter 281, F.S., provides that the Division may procure, by contract, supplemental services in such circumstances. As a practical matter, state agencies procure supplemental security services as needed using their own budgeted funds. Even in the state capital area, the actual deployment is concentrated more heavily in facilities in the Florida Facilities Pool, a bond funding mechanism for state agency office space. The Pool, however, contains no covenants requiring a security presence.

C. EFFECT OF PROPOSED CHANGES:

The bill creates the Capitol Complex Security Commission (Commission) comprised of the Governor, Senate President, Speaker of the House of Representatives, Chief Justice of the Florida Supreme Court, and the Cabinet. The Commission is created to develop, implement, and oversee a comprehensive safety and security plan for the capitol complex that includes the following buildings (and the state-owned lands adjacent to these buildings):

- The Capitol
- Senate Office Building
- House Office Building

- Knott Building
- Pepper Building
- Holland Building
- Supreme Court Building
- The Historic Capitol

The Commission is given the authority to adopt rules, policies, procedures, and operational plans in developing its comprehensive safety and security plan for the capitol complex. The legislative authority granted in this section of the bill supercedes provisions of chapter 281, F.S., to the contrary. The commission's plan and initial rules are required to be adopted by February 8, 2002.

In implementing the security plan for the capitol complex, the Commission is authorized to hire staff, officers, and guards, and contract with law enforcement agencies and private security firms. Certified law enforcement officers employed by the Commission have the authority to bear arms, make arrests, and apply for arrest warrants. Commission employees that are not certified law enforcement officers are not permitted to carry weapons or make arrests.

The Governor is established as the chair of the Commission, and in the absence of the chair, the following order of succession is created:

- President of the Senate
- Speaker of the House of Representatives
- Chief Justice of the Florida Supreme Court
- Senior Cabinet Member (succession by seniority)

The Commission is housed in the Executive Office of the Governor, and the bill appropriates, from General Revenue, an amount sufficient to carry out the provisions of the act. The bill takes effect upon becoming law.

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

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:

This bill does not require cities or counties to spend funds or to take actions requiring expenditure.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill provides for the Capitol Complex Security Commission to adopt rules to administer the provisions contained in this bill.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON SELECT COMMITTEE ON SECURITY:

Prepared by:

Staff Director:

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Randy L. Havlicak

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Tom J. Randle / Richard Hixson