

By Senator Garcia

39-1032-02

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.

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

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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

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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 disasters ~~disaster~~  
14 and to make such procedures and routes known to those persons  
15 occupying state-owned buildings leased from the Department of  
16 Management 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  
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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 July 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 July 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 July 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 July 1, 2002.

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7 SENATE SUMMARY

8 Transfers the Capitol Police from the Department of  
9 Management Services to the Department of Law Enforcement.  
(See bill for details.)

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