

By the Committees on Criminal Justice; Governmental Oversight
and Productivity; and Senator Garcia

307-2311-02

1 A bill to be entitled
2 An act relating to security of public
3 buildings; amending s. 20.201, F.S.; creating
4 the Capitol Police within the Department of Law
5 Enforcement; transferring the powers, duties,
6 and functions of the Division of Capitol Police
7 relating to security within the Capitol Complex
8 from the Department of Management Services to
9 the Department of Law Enforcement; creating s.
10 281.01, F.S.; defining the Capitol Complex;
11 amending s. 281.02, F.S.; providing for powers
12 and duties of the Department of Management
13 Services with regard to firesafety and security
14 responsibilities; amending s. 281.03, F.S.;
15 providing for collection and retention of
16 certain reports by the Department of Management
17 Services; repealing s. 281.04, F.S., relating
18 to arrest procedures of the Florida Capitol
19 Police; repealing s. 281.05, F.S., relating to
20 ex officio agents of the Florida Capitol
21 Police; amending s. 281.06, F.S.; allowing
22 contracts with the Department of Law
23 Enforcement; authorizing the Department of
24 Management Services to contract with counties,
25 municipalities, or private security agencies to
26 maintain the security of certain public
27 premises; amending s. 281.07, F.S.; providing
28 for adoption of parking regulations of the
29 Department of Management Services; amending s.
30 281.08, F.S.; providing for the procurement of
31 equipment by the Department of Management

1 Services; creating s. 943.60, F.S., to define
2 the Capitol Complex; creating s. 943.601, F.S.;
3 providing for the preservation of legislative
4 powers; limiting the authority of the
5 Department of Law Enforcement to impede such
6 powers; providing a duty of the Capitol Police
7 to ensure such legislative powers as requested
8 by a presiding officer of the Legislature;
9 creating s. 943.61, F.S.; creating and
10 providing for the powers, duties, and functions
11 of the Capitol Police; providing that the
12 Capitol Police shall serve the needs of both
13 the legislative and executive branches of state
14 government; prohibiting the taking of resources
15 of, or the decreasing of appropriations to, the
16 Capitol Police without the approval of the
17 Governor and the Legislative Budget Commission;
18 requiring the development and approval of
19 security plans; requiring consultation with the
20 Governor, members of the Cabinet, and the
21 presiding officers of the Legislature in the
22 development of such plans; requiring biennial
23 approval of such plans; authorizing the
24 implementation of unapproved plans in times of
25 emergency; establishing other powers and duties
26 of the Capitol Police; establishing standards
27 for officers of the Capitol Police; limiting
28 authority of the Capitol Police with respect to
29 certain legislative personnel and facilities;
30 creating s. 943.611, F.S.; providing for the
31 nomination and approval of the director of the

1 Capitol Police; providing that the director
2 serves at the pleasure of the executive
3 director of the Department of Law Enforcement;
4 requiring periodic reappointment and approval
5 of the director; creating s. 943.62, F.S.;
6 providing for investigations by the Capitol
7 Police; creating s. 943.63, F.S.; providing
8 that persons arrested by the Capitol Police
9 shall be delivered to the sheriff; creating s.
10 943.64, F.S.; providing that certain law
11 enforcement officers may serve as ex officio
12 agents of the Capitol Police; creating s.
13 943.66, F.S.; authorizing the Capitol Police to
14 enforce certain rules of the Department of
15 Management Services; creating s. 943.67, F.S.;
16 providing for the procurement of equipment by
17 the Department of Law Enforcement; renumbering
18 and amending s. 281.20, F.S., relating to the
19 security of the Governor and other specified
20 persons; amending ss. 287.17 and 288.816, F.S.;
21 correcting cross-references, to conform;
22 providing for a security inventory, contingent
23 upon an appropriation; providing effective
24 dates.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 20.201, Florida Statutes, is
29 amended to read:

30 20.201 Department of Law Enforcement.--
31

1 (1) There is created a Department of Law Enforcement.
2 The head of the department is the Governor and Cabinet. The
3 executive director of the department shall be appointed by the
4 Governor with the approval of three members of the Cabinet and
5 subject to confirmation by the Senate. The executive director
6 shall serve at the pleasure of the Governor and Cabinet. The
7 executive director may establish a command, operational, and
8 administrative services structure to assist, manage, and
9 support the department in operating programs and delivering
10 services.

11 (2) The following programs of the Department of Law
12 Enforcement are established:

13 (a) Criminal Justice Investigations and Forensic
14 Science Program.

15 (b) Criminal Justice Information Program.

16 (c) Criminal Justice Professionalism Program.

17 (d) Capitol Police.

18 Section 2. All statutory powers, duties, and functions
19 of the Division of Capitol Police within the Department of
20 Management Services related to the provision of security
21 within the Capitol Complex, as defined in section 281.01,
22 Florida Statutes, and the support thereof, are transferred
23 from the Department of Management Services to the Capitol
24 Police within the Department of Law Enforcement by a type one
25 transfer, as defined in section 20.06, Florida Statutes.

26 Section 3. Effective July 1, 2002, section 281.01,
27 Florida Statutes, is created to read:

28 281.01 Definitions.--For the purposes of ss.
29 281.01-281.08, the term "Capitol Complex" includes that
30 portion of Tallahassee, Leon County, Florida, commonly
31 referred to as the Capitol, the Historic Capitol, the Senate

1 Office Building, the House Office Building, the Knott
2 Building, the Pepper Building, the Holland Building, and the
3 curtilage of each, including the state-owned lands and public
4 streets adjacent thereto within an area bounded by and
5 including Monroe Street, Jefferson Street, Duval Street, and
6 Gaines Street. The term shall also include the State Capital
7 Circle Office Complex located in Leon County, Florida.

8 Section 4. Effective July 1, 2002, section 281.02,
9 Florida Statutes, is amended to read:

10 281.02 Powers and duties of the Department of
11 Management Services with respect to firesafety and security,
12 ~~Florida Capitol Police.~~--The Department of Management
13 Services, ~~Florida Capitol Police,~~has the following powers and
14 duties with respect to firesafety and security:

15 (1) To assist the State Fire Marshal in maintaining
16 the firesafety of public buildings pursuant to s. 633.085 To
17 ~~establish a comprehensive and ongoing plan for the firesafety~~
18 ~~and security of the Capitol, the Senate Office Building, the~~
19 ~~House Office Building, and the Historic Capitol, including,~~
20 ~~but not limited to, the institution of programs for the~~
21 ~~awareness and training in firesafety and security of members~~
22 ~~of the Legislature and their employees, and all other elected~~
23 ~~officials and their respective employees, who occupy such~~
24 ~~buildings. The Florida Capitol Police shall also ensure that~~
25 ~~adequate signs and personnel are in place to inform and assist~~
26 ~~the occupants of and visitors to such buildings.~~

27 (2) To make provision by rule, contract, lease, or
28 interagency agreement for provide and maintain the firesafety
29 ~~and security of all state-owned property leased from the~~
30 Department of Management Services, excluding state
31 universities and custodial institutions, the Capitol Complex

1 ~~the Governor's office~~, the Governor's mansion and the grounds
2 thereof, and the Supreme Court. For these purposes, security
3 shall include the safety and security of occupants and
4 visitors to state-owned property, appropriate law enforcement
5 response to complaints relating to criminal activity or
6 security threats, the development of

7 ~~(3) To develop~~ emergency procedures and evacuation
8 routes in the event of fire or disaster, and ensuring that
9 ~~make~~ such procedures and routes are known to those persons
10 occupying such property ~~state-owned buildings leased from the~~
11 ~~Department of Management Services.~~

12 ~~(3)(4) To employ:~~

13 ~~(a) Agents who hold certification as police officers~~
14 ~~in accordance with the minimum standards and qualifications as~~
15 ~~set forth in s. 943.13 and the provisions of chapter 110, who~~
16 ~~shall have the authority to bear arms, make arrests, and apply~~
17 ~~for arrest warrants; and~~

18 ~~(b) guards and administrative, clerical, technical,~~
19 ~~and other personnel as may be required.~~

20 ~~(4)(5) To train~~ employees and make provision for the
21 training of agents, guards, and employees of tenant agencies
22 ~~agents and guards in security fire prevention, firesafety, and~~
23 ~~emergency medical procedures.~~

24 ~~(6) To respond to all complaints relating to criminal~~
25 ~~activity within state-owned buildings or state-leased~~
26 ~~property.~~

27 ~~(5)(7) To make provision for the enforcement of~~
28 ~~enforce rules of the Department of Management Services~~
29 ~~governing the regulation of traffic and parking on state-owned~~
30 ~~or state-leased property, including, but not limited to,~~
31 ~~issuing citations for the violation of such rules or the~~

1 traffic laws of the state or any county or municipality and
2 impounding illegally or wrongfully parked vehicles.

3 ~~(6)(8)~~ To delegate or assign its duties and
4 responsibilities furthering the provision of security as
5 required and authorized by ~~provided in~~ this section to any
6 state agency occupying such state-owned ~~or state-leased~~
7 property. Security requirements may be included in lease
8 agreements or established by department rule.

9 Section 5. Effective July 1, 2002, section 281.03,
10 Florida Statutes, is amended to read:

11 281.03 Incident reports and record retention
12 ~~Investigations by the Florida Capitol Police.--~~

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

22 ~~(2) The Department of Management Services, Florida~~
23 ~~Capitol Police, shall~~ make provision for the collection and
24 retention of ~~retain~~ copies of ~~all~~ reports relating to ~~such~~
25 criminal activity or other safety-related and security-related
26 incidents occurring on state-owned property for use in the
27 ongoing firesafety and security planning and to fulfill its
28 responsibilities under ~~plan as required in~~ s. 281.02.

29 Section 6. Effective July 1, 2002, sections 281.04 and
30 281.05, Florida Statutes, are repealed.

31

1 Section 7. Section 281.06, Florida Statutes, is
2 amended to read:

3 281.06 Contracts with counties, municipalities, or
4 licensed private security agencies.--The Department of
5 Management Services, ~~Florida Capitol Police~~, may contract with
6 the Department of Law Enforcement, Capitol Police, any county,
7 municipality, or licensed private security agency to provide
8 and maintain the security of state-owned ~~or state-leased~~
9 property required by ss. 281.02-281.08 upon such terms as the
10 department may deem to be in the best interest of the state.

11 Section 8. Effective July 1, 2002, section 281.06,
12 Florida Statutes, as amended by this act, is amended to read:

13 281.06 Contracts with counties, municipalities, or
14 licensed private security agencies.--The Department of
15 Management Services may contract with ~~the Department of Law~~
16 ~~Enforcement, Capitol Police~~, any county, municipality, or
17 licensed private security agency to provide and maintain the
18 security of state-owned ~~or state-leased~~ property, and the
19 safety and security of occupants and visitors thereof,
20 pursuant to ~~required by~~ ss. 281.02-281.08 upon such terms as
21 the department may deem to be in the best interest of the
22 state.

23 Section 9. Effective July 1, 2002, section 281.07,
24 Florida Statutes, is amended to read:

25 281.07 Rules; Facilities Program, ~~Florida Capitol~~
26 ~~Police~~; traffic regulation.--

27 (1) The Department of Management Services shall adopt
28 and promulgate rules to govern the administration, operation,
29 and management of the Facilities Program, ~~Florida Capitol~~
30 ~~Police~~, and to regulate traffic and parking on state-owned ~~or~~
31 ~~state-leased~~ property, including the Capitol Complex, which

1 rules are not in conflict with any state law or county or
2 municipal ordinance, and to carry out the provisions of ss.
3 281.02-281.08.

4 (2) Political subdivisions and municipalities may
5 enact and enforce ordinances on the violation of traffic and
6 parking rules provided in subsection (1).

7 Section 10. Section 281.08, Florida Statutes, is
8 amended to read:

9 281.08 Equipment.--

10 ~~(1) The Department of Management Services, Florida~~
11 ~~Capitol Police, is specifically authorized to purchase, sell,~~
12 ~~trade, rent, lease, and maintain all necessary equipment,~~
13 ~~uniforms, motor vehicles, communication systems, housing~~
14 ~~facilities, and office space, and perform any other acts~~
15 ~~necessary for the proper administration and enforcement of ss.~~
16 ~~281.02-281.08, pursuant to part I of chapter 287. The~~
17 ~~department may prescribe a distinctive uniform to be worn by~~
18 ~~personnel of the Florida Capitol Police in the performance of~~
19 ~~their duties pursuant to s. 281.02(7). The department may~~
20 ~~prescribe a distinctive emblem to be worn by all officers or~~
21 ~~guards of the Florida Capitol Police.~~

22 ~~(2) It is unlawful for any unauthorized person to wear~~
23 ~~a uniform or emblem prescribed by the department for the~~
24 ~~Florida Capitol Police, or a similar uniform or emblem, or to~~
25 ~~impersonate, pretend, or represent himself or herself to be a~~
26 ~~police officer or guard of the Florida Capitol Police. Any~~
27 ~~person who violates the provisions of this subsection is~~
28 ~~guilty of a misdemeanor of the first degree, punishable as~~
29 ~~provided in s. 775.082 or s. 775.083.~~

30 Section 11. Section 943.60, Florida Statutes, is
31 created to read:

1 943.60 Definitions.--For the purposes of ss.
2 943.60-943.68, the term "Capitol Complex" includes that
3 portion of Tallahassee, Leon County, Florida, commonly
4 referred to as the Capitol, the Historic Capitol, the Senate
5 Office Building, the House Office Building, the Knott
6 Building, the Pepper Building, the Holland Building, and the
7 curtilage of each, including the state-owned lands and public
8 streets adjacent thereto within an area bounded by and
9 including Monroe Street, Jefferson Street, Duval Street, and
10 Gaines Street. The term shall also include the State Capital
11 Circle Office Complex located in Leon County, Florida.

12 Section 12. Section 943.601, Florida Statutes, is
13 created to read:

14 943.601 Preservation of legislative powers.--Except as
15 may be agreed to by the presiding officers of both houses of
16 the Legislature, nothing in this chapter shall limit or
17 otherwise interfere with the rights and powers of the Senate
18 or the House of Representatives, or the officers of either, to
19 direct or command members or committees of the Legislature or
20 legislative employees to attend any meeting or enter any area
21 of the Capitol Complex for a legislative purpose, and the
22 Capitol Police may, as provided by the security plans
23 developed and approved under s. 943.61(4)(a), and upon request
24 of the presiding officer of either house of the Legislature,
25 ensure the ability of any member of the house presided over by
26 such presiding officer to attend to such legislative business
27 without wrongful interference from any person or government
28 entity.

29 Section 13. Section 943.61, Florida Statutes, is
30 created to read:

31 943.61 Powers and duties of the Capitol Police.--

1 (1) There is created the Capitol Police within the
2 Department of Law Enforcement, to serve the safety and
3 security needs of both the legislative and executive branches
4 of state government. It is the intent of the Legislature that
5 the Capitol Police serve as a specially trained and highly
6 effective security and law enforcement agency serving the
7 Capitol Complex. It shall be the primary responsibility of the
8 Capitol Police to protect the security of the Governor, the
9 Lieutenant Governor, the members of the Cabinet, and the
10 members of the Senate and of the House of Representatives, and
11 those employees assigned to assist such state officials in the
12 performance of their official duties, and to ensure their
13 access to buildings and premises within the Capitol Complex,
14 thereby providing for the continuous operation of the
15 government of the State of Florida. The provision of other law
16 enforcement services and protection of property shall be
17 secondary responsibilities.

18 (2) The Capitol Police shall also provide security and
19 protection for other state officials, employees, and visitors
20 to the Capitol Complex and shall maintain a reasonable degree
21 of safety and security within the Capitol Complex while
22 ensuring reasonable access to buildings and premises within
23 the Capitol Complex by state officials, employees, and
24 visitors. The Capitol Police shall also ensure that adequate
25 signs and personnel are in place to inform and assist the
26 occupants of and visitors to buildings within the Capitol
27 Complex.

28 (3) Notwithstanding the provisions of chapter 216, no
29 assets, personnel, or resources shall be taken from the
30 Capital Police, and no appropriation to the Capitol Police
31 shall be reduced without the express approval of the Governor

1 and the Legislative Budget Commission. Nothing herein limits
2 the ability of the Capitol Police to provide mutual aid to
3 other law enforcement agencies as authorized by law unless
4 such a limitation is expressly included in the operational
5 security plans provided for herein.

6 (4) The Capitol Police shall have the following powers
7 and duties:

8 (a) To develop, in consultation with the Governor,
9 Cabinet officers, the President of the Senate, and the Speaker
10 of the House of Representatives, written operational plans for
11 basic and enhanced security measures and actions related to
12 the Capitol Complex. Such plans and any changes or amendments
13 thereto shall not be implemented unless presented in writing
14 in final form to the Governor, the President of the Senate,
15 and the Speaker of the House of Representatives and all three
16 grant their approval in writing. The approval of any officer
17 required herein shall expire 60 days after such officer
18 vacates his or her office, and the written approval of the
19 successor in office must be obtained prior to the continuation
20 of operations under such plans. Upon the request of the
21 Governor, a Cabinet officer, the President of the Senate, or
22 the Speaker of the House of Representatives, the Capitol
23 Police shall activate previously approved enhanced security
24 measures and actions in accordance with the approved
25 operational plans specific to the requesting officer's
26 responsibilities and to the facilities occupied by such
27 officer and employees responsible to such officer. Upon an
28 emergency threatening the immediate safety and security of
29 occupants of the Capitol Complex, so declared by the Governor,
30 plans not approved as required by this paragraph may be
31 implemented for a period not to exceed 15 days, provided such

1 plans do not substantially interfere with the ability of the
2 Senate and the House of Representatives to assemble for any
3 constitutional purpose.

4 (b) To provide and maintain the security of all
5 property located in the Capitol Complex in a manner consistent
6 with the security plans developed and approved under paragraph
7 (a) and, in consultation with the State Fire Marshal, to
8 provide for evacuations, information, and training required
9 for firesafety on such property in a manner consistent with s.
10 633.085.

11 (c) To develop plans for reporting incidents involving
12 buildings and property within the Capitol Complex, emergency
13 procedures and evacuation routes in the event of fire,
14 security threats, incidents prompting a need for evacuation,
15 acts of terrorism, or natural or manmade disaster and to make
16 such procedures and routes known to those persons occupying
17 such buildings.

18 (d) To employ officers who hold certification as law
19 enforcement officers in accordance with the minimum standards
20 and qualifications as set forth in s. 943.13 and the
21 provisions of chapter 110, and who have the authority to bear
22 arms, make arrests, except as may be limited in the security
23 plans established under paragraph (a), and apply for arrest
24 warrants.

25 (e) To hire guards and administrative, clerical,
26 technical, and other personnel as may be required.

27 (f) To train all officers and other employees in fire
28 prevention, firesafety, emergency medical procedures, and
29 preventing and responding to acts of terrorism.

30 (g) To respond to all complaints relating to criminal
31 activity or security threats within the Capitol Complex, or

1 against the Governor, the Lieutenant Governor, a member of the
2 Cabinet, a member of the Senate or of the House of
3 Representatives, or an employee assisting such official.

4 (h) As provided by the security plans developed and
5 approved under paragraph (a), upon request of the presiding
6 officer of either house of the Legislature, the director may
7 assign one or more officers for the protection of a member of
8 the house served by such presiding officer. Per diem and
9 subsistence allowance for department employees traveling with
10 a member of the Legislature away from Tallahassee shall be
11 computed by payment of a sum up to the amounts permitted in s.
12 112.061 for meals, plus actual expenses for lodging to be
13 substantiated by paid bills therefor.

14 (i) To enforce rules of the Department of Management
15 Services governing the regulation of traffic and parking
16 within the Capitol Complex and to impound illegally or
17 wrongfully parked vehicles.

18 (j) To establish policies for the organizational
19 structure, principles of command, and internal operations of
20 the Capitol Police, provided that such policies are not
21 inconsistent with the provisions of ss. 943.61-943.68 or the
22 security plans developed and approved under paragraph (a).

23 (5) Officers of the Capitol Police may make lawful
24 arrests, consistent with the purposes, responsibilities, and
25 limitations set forth in ss. 943.60-943.68. However, except
26 with the prior approval of the appropriate presiding officer,
27 officers of the Capitol Police shall have no power to prevent
28 the convening or continuation of any meeting of the
29 Legislature, legislative committees, or staff, nor shall they
30 have the power to interfere with the legislative duties or
31 rights of a member of the Legislature, or to interfere with

1 the constitutional duties or rights of the Governor or a
2 member of the Cabinet, except as may be necessary to protect
3 the health and safety of any person from a clear and present
4 danger, or as may be otherwise provided in the security plans
5 developed and approved for fire prevention, firesafety, and
6 emergency medical procedures under paragraph (4)(a). No
7 employee of the Capitol Police shall be permitted in either
8 legislative chamber without the specific permission of the
9 presiding officer of that house of the Legislature, but may
10 enter in the case of an emergency when the presiding officer
11 is not able or available to consent.

12 Section 14. Section 943.611, Florida Statutes, is
13 created to read:

14 943.611 Director of Capitol Police.--

15 (1) The executive director of the Department of Law
16 Enforcement shall nominate, no later than 7 days prior to each
17 organization session of the Legislature, an individual to
18 serve as the director of the Capitol Police, who shall serve
19 at the pleasure of the executive director of the Department of
20 Law Enforcement.

21 (2) Unless discharged by the executive director of the
22 Department of Law Enforcement, the director shall serve until:

23 (a) A successor has been nominated; or

24 (b) The director has been nominated for reappointment
25 and the time for obtaining reapproval has expired.

26 (3) In the event that a nominee is not approved or the
27 director is discharged by the executive director of the
28 department, or the position is otherwise vacant, a successor
29 shall be nominated and approved as provided in subsection (4).
30 No person who has previously been nominated and who failed to
31 obtain approval shall be nominated to serve as the successor.

1 (4) Each person nominated pursuant to either
2 subsection (1) or subsection (3) must be approved no later
3 than 30 days after the adjournment sine die of the next
4 session of the Legislature, whether organization, regular, or
5 special session, by the Governor and by the House of
6 Representatives and by the Senate, in a manner determined by
7 the presiding officer of each house unless an approval process
8 is otherwise provided for in the rules of the respective
9 house.

10 (5) A nominee shall serve as the acting director until
11 the time for obtaining approval has expired.

12 Section 15. Section 943.62, Florida Statutes, is
13 created to read:

14 943.62 Investigations by the Capitol Police.--

15 (1) The Capitol Police shall conduct traffic accident
16 investigations and investigations relating to felonies and
17 misdemeanors occurring within the Capitol Complex. Any matters
18 may be referred to the department's special agents or
19 inspectors or another appropriate law enforcement agency for
20 further investigation. Such referrals shall include
21 transmittal of records, reports, statements, and all other
22 information relating to such matters.

23 (2) The Capitol Police shall retain copies of all
24 reports relating to such criminal activity for use in the
25 ongoing firesafety and security plan as required in s. 943.61.

26 Section 16. Section 943.63, Florida Statutes, is
27 created to read:

28 943.63 Arrest by the Capitol Police.--A person
29 arrested by an officer of the Capitol Police shall be
30 delivered to the sheriff of the county in which the arrest
31 takes place unless a notice to appear is issued.

1 Section 17. Section 943.64, Florida Statutes, is
2 created to read:

3 943.64 Ex officio agents.--Law enforcement officers of
4 the Department of Highway Safety and Motor Vehicles, special
5 agents or inspectors of the Department of Law Enforcement, and
6 law enforcement officers of other state agencies, counties,
7 and municipalities are ex officio agents of the Capitol
8 Police, and may, when authorized by the Capitol Police,
9 enforce rules and laws applicable to the powers and duties of
10 the Capitol Police to provide and maintain the security
11 required by ss. 943.61-943.68.

12 Section 18. Section 943.66, Florida Statutes, is
13 created to read:

14 943.66 Rules; Facilities Program, Capitol Police;
15 traffic regulation.--The Capitol Police may enforce rules of
16 the Department of Management Services governing the
17 administration, operation, and management of the Facilities
18 Program and regulating traffic and parking on state-owned
19 buildings or property and any local ordinance on the violation
20 of such if such rules are not in conflict with any state law
21 or county or municipal ordinance, and are not inconsistent
22 with the other requirements of ss. 943.61-943.68 or any
23 security plan developed and approved thereunder.

24 Section 19. Section 943.67, Florida Statutes, is
25 created to read:

26 943.67 Equipment.--The department is specifically
27 authorized to purchase, sell, trade, rent, lease, and maintain
28 all necessary equipment, uniforms, motor vehicles,
29 communication systems, housing facilities, and office space,
30 and perform any other acts necessary for the proper
31 administration and enforcement of ss. 943.61-943.68 through

1 the Capitol Police, pursuant to part I of chapter 287. The
2 department may prescribe a distinctive uniform to be worn by
3 personnel of the Capitol Police in the performance of their
4 duties pursuant to s. 943.61. The department may prescribe a
5 distinctive emblem to be worn by all officers or guards of the
6 Capitol Police.

7 Section 20. Section 281.20, Florida Statutes, is
8 renumbered as section 943.68, Florida Statutes, and amended to
9 read:

10 943.68 ~~281.20~~ Transportation and protective
11 services.--

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

16 (2) The department shall employ such personnel as may
17 be necessary to carry out this responsibility, including
18 uniformed and nonuniformed officers or agents who shall have
19 authority to bear arms and make arrests, with or without
20 warrant, for violations of any of the criminal laws of the
21 state, under the same terms and conditions as investigative
22 personnel of the department, and who shall be considered peace
23 officers for all purposes, including, but not limited to, the
24 privileges, protections, and benefits of ss. 112.19, 121.051,
25 122.34, and 870.05.

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

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

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

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

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

28 (b) For whom the failure to provide security or
29 transportation could result in a clear and present danger to
30 the personal safety of such persons or could result in public
31 embarrassment to the state.

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

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

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

23 Section 21. Paragraph (c) of subsection (2) of section
24 287.17, Florida Statutes, is amended to read:

25 287.17 Limitation on use of motor vehicles and
26 aircraft.--

27 (2) The following criteria shall be considered in
28 determining appropriate uses of motor vehicles and aircraft:

29 (c) Whether the Department of Law Enforcement has been
30 directed by the agency head to provide security or
31 transportation pursuant to s. 943.68 ~~281.20~~.

1 Section 22. Paragraph (g) of subsection (2) of section
2 288.816, Florida Statutes, is amended to read:

3 288.816 Intergovernmental relations.--

4 (2) The secretary shall be responsible for all
5 consular relations between the state and all foreign
6 governments doing business in Florida. The secretary shall
7 monitor United States laws and directives to ensure that all
8 federal treaties regarding foreign privileges and immunities
9 are properly observed. The secretary shall promulgate rules
10 which shall:

11 (g) Request the Department of Law Enforcement to
12 provide transportation and protection services when necessary
13 pursuant to s. 943.68 ~~281.20~~.

14 Section 23. The Office of Legislative Services shall
15 contract with a qualified outside vendor for a security
16 inventory of facilities and personnel. The security inventory
17 shall include information with respect to:

18 (1) A listing of security options available.

19 (2) A listing of the proposed most efficient,
20 cost-effective methods of providing security.

21 (3) Any other items with respect to security that the
22 Legislature should consider.

23 Section 24. The security inventory contract provided
24 for in section 23 of this act is contingent upon specific
25 funding being appropriated in HB 1943 for such contract.

26 Section 25. Except as otherwise provided in this act,
27 this act shall take effect upon becoming a law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for SB 1144

- 4 - Modifies the Department of Management Services'
5 responsibilities consistent with the Type One transfer.
6 - Requires the Office of Legislative Services to contract
7 with a qualified vendor for a security inventory of
8 facilities and personnel, subject to specific
9 appropriation.
10 - Defines the term "Capitol Complex" to include the State
11 Capitol Circle Office Complex.
12 - Requires the Capitol Police to consult with Cabinet
13 officers in developing and amending basic and enhanced
14 security measures. Permits emergency security measures
15 to be implemented without such consultation for a period
16 not to exceed 15 days.
17 - Specifies the bill take effect upon becoming law, with
18 several provisions taking effect July 1, 2002.
19 - Creates a provision that preserves legislative powers
20 and prohibits officers from interfering with the rights
21 and powers of the Legislature under certain
22 circumstances and limits the authority of the Florida
23 Department of Law Enforcement (FDLE) to impede such
24 powers.
25 - Requires the executive director of FDLE to nominate the
26 individual to serve as director of Capitol Police no
27 later than 7 days prior to each organizational session
28 of the Legislature. The nominated person must then be
29 approved by the Governor and both houses of the
30 Legislature.
31 - Permits the director to assign officers for the
protection of members of the Legislature.
- Limits the powers of the Capitol Police to: prevent the
convening or continuation of any meeting of the
Legislature, committees or staff; interfere with the
legislative duties or rights of a member of the
Legislature; or interfere with the constitutional duties
or rights of the Governor or a member of the Cabinet.
- Provides legislative statements and intent regarding
powers and duties of the Capitol Police.
- Provides that no assets, personnel, or resources shall
be taken from the Capitol Police or appropriations to
Capitol Police reduced without the approval of the
Governor and the Legislative Budget Commission.