

Amendment No. 01f (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Gardiner offered the following:

13 **Amendment (with title amendment)**

14 On page 14, line 28, through page 20, line 8,
15 remove: said lines,

17 and insert:

18 Section 9. Subsection (1), paragraph (b) of subsection
19 (2), and paragraphs (b) and (c) of subsection (3) of section
20 316.640, Florida Statutes, are amended to read:

21 316.640 Enforcement.--The enforcement of the traffic
22 laws of this state is vested as follows:

23 (1) STATE.--

24 (a)1.a. The Division of Florida Highway Patrol of the
25 Department of Highway Safety and Motor Vehicles, the Division
26 of Law Enforcement of the Fish and Wildlife Conservation
27 Commission, the Division of Law Enforcement of the Department
28 of Environmental Protection, and law enforcement officers of
29 the Department of Transportation each have authority to
30 enforce all of the traffic laws of this state on all the
31 streets and highways thereof and elsewhere throughout the

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1 state wherever the public has a right to travel by motor
2 vehicle. The Division of the Florida Highway Patrol may employ
3 as a traffic accident investigation officer any individual who
4 successfully completes at least 200 hours of instruction in
5 traffic accident investigation and court presentation through
6 the Selective Traffic Enforcement Program as approved by the
7 Criminal Justice Standards and Training Commission and funded
8 through the National Highway Traffic Safety Administration or
9 a similar program approved by the commission, but who does not
10 necessarily meet the uniform minimum standards established by
11 the commission for law enforcement officers or auxiliary law
12 enforcement officers under chapter 943. Any such traffic
13 accident investigation officer who makes an investigation at
14 the scene of a traffic accident may issue traffic citations,
15 based upon personal investigation, when he or she has
16 reasonable and probable grounds to believe that a person who
17 was involved in the accident committed an offense under this
18 chapter, chapter 319, chapter 320, or chapter 322 in
19 connection with the accident. This paragraph does not permit
20 the carrying of firearms or other weapons, nor do such
21 officers have arrest authority ~~other than for the issuance of~~
22 ~~a traffic citation as authorized in this paragraph.~~

23 b. University police officers shall have authority to
24 enforce all of the traffic laws of this state when such
25 violations occur on or about any property or facilities that
26 are under the guidance, supervision, regulation, or control of
27 a state university, a direct-support organization of such
28 state university, or any other organization controlled by the
29 state university or a direct-support organization of the state
30 university system, except that traffic laws may be enforced
31 off-campus when hot pursuit originates on or adjacent to any

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1 such property or facilities on-campus.

2 c. Community college police officers shall have the
3 authority to enforce all the traffic laws of this state only
4 when such violations occur on any property or facilities that
5 are under the guidance, supervision, regulation, or control of
6 the community college system.

7 d. Police officers employed by an airport authority
8 shall have the authority to enforce all of the traffic laws of
9 this state only when such violations occur on any property or
10 facilities that are owned or operated by an airport authority.

11 (I) An airport authority may employ as a parking
12 enforcement specialist any individual who successfully
13 completes a training program established and approved by the
14 Criminal Justice Standards and Training Commission for parking
15 enforcement specialists but who does not otherwise meet the
16 uniform minimum standards established by the commission for
17 law enforcement officers or auxiliary or part-time officers
18 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
19 construed to permit the carrying of firearms or other weapons,
20 nor shall such parking enforcement specialist have arrest
21 authority.

22 (II) A parking enforcement specialist employed by an
23 airport authority is authorized to enforce all state, county,
24 and municipal laws and ordinances governing parking only when
25 such violations are on property or facilities owned or
26 operated by the airport authority employing the specialist, by
27 appropriate state, county, or municipal traffic citation.

28 e. The Office of Agricultural Law Enforcement of the
29 Department of Agriculture and Consumer Services shall have the
30 authority to enforce traffic laws of this state ~~only as~~
31 ~~authorized by the provisions of chapter 570. However, nothing~~

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1 ~~in this section shall expand the authority of the Office of~~
2 ~~Agricultural Law Enforcement at its agricultural inspection~~
3 ~~stations to issue any traffic tickets except those traffic~~
4 ~~tickets for vehicles illegally passing the inspection station.~~

5 f. School safety officers shall have the authority to
6 enforce all of the traffic laws of this state when such
7 violations occur on or about any property or facilities which
8 are under the guidance, supervision, regulation, or control of
9 the district school board.

10 2. An agency of the state as described in subparagraph
11 1. is prohibited from establishing a traffic citation quota. A
12 violation of this subparagraph is not subject to the penalties
13 provided in chapter 318.

14 3. Any disciplinary action taken or performance
15 evaluation conducted by an agency of the state as described in
16 subparagraph 1. of a law enforcement officer's traffic
17 enforcement activity must be in accordance with written
18 work-performance standards. Such standards must be approved by
19 the agency and any collective bargaining unit representing
20 such law enforcement officer. A violation of this subparagraph
21 is not subject to the penalties provided in chapter 318.

22 (2) COUNTIES.--

23 (b) The sheriff's office of each county may employ as
24 a traffic crash investigation officer any individual who
25 successfully completes at least 200 hours of instruction in
26 traffic crash investigation and court presentation through the
27 Selective Traffic Enforcement Program (STEP) as approved by
28 the Criminal Justice Standards and Training Commission and
29 funded through the National Highway Traffic Safety
30 Administration (NHTSA) or a similar program approved by the
31 commission, but who does not necessarily otherwise meet the

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1 uniform minimum standards established by the commission for
2 law enforcement officers or auxiliary law enforcement officers
3 under chapter 943. Any such traffic crash investigation
4 officer who makes an investigation at the scene of a traffic
5 crash may issue traffic citations when, based upon personal
6 investigation, he or she has reasonable and probable grounds
7 to believe that a person who was involved in the crash has
8 committed an offense under this chapter, chapter 319, chapter
9 320, or chapter 322 in connection with the crash. This
10 paragraph does not permit the carrying of firearms or other
11 weapons, nor do such officers have arrest authority ~~other than~~
12 ~~for the issuance of a traffic citation as authorized in this~~
13 ~~paragraph.~~

14 (3) MUNICIPALITIES.--

15 (b) The police department of a chartered municipality
16 may employ as a traffic crash investigation officer any
17 individual who successfully completes at least 200 hours of
18 instruction in traffic crash investigation and court
19 presentation through the Selective Traffic Enforcement Program
20 (STEP) as approved by the Criminal Justice Standards and
21 Training Commission and funded through the National Highway
22 Traffic Safety Administration (NHTSA) or a similar program
23 approved by the commission, but who does not otherwise meet
24 the uniform minimum standards established by the commission
25 for law enforcement officers or auxiliary law enforcement
26 officers under chapter 943. Any such traffic crash
27 investigation officer who makes an investigation at the scene
28 of a traffic crash is authorized to issue traffic citations
29 when, based upon personal investigation, he or she has
30 reasonable and probable grounds to believe that a person
31 involved in the crash has committed an offense under the

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1 provisions of this chapter, chapter 319, chapter 320, or
2 chapter 322 in connection with the crash. ~~Nothing in This~~
3 ~~paragraph does not shall be construed to permit the carrying~~
4 ~~of firearms or other weapons, nor do shall such officers have~~
5 ~~arrest authority other than for the issuance of a traffic~~
6 ~~citation as authorized above.~~

7 (c)1. A chartered municipality or its authorized
8 agency or instrumentality may employ as a parking enforcement
9 specialist any individual who successfully completes a
10 training program established and approved by the Criminal
11 Justice Standards and Training Commission for parking
12 enforcement specialists, but who does not otherwise meet the
13 uniform minimum standards established by the commission for
14 law enforcement officers or auxiliary or part-time officers
15 under s. 943.12.

16 2. A parking enforcement specialist employed by a
17 chartered municipality or its authorized agency or
18 instrumentality is authorized to enforce all state, county,
19 and municipal laws and ordinances governing parking within the
20 boundaries of the municipality employing the specialist, by
21 appropriate state, county, or municipal traffic citation.
22 ~~Nothing in this paragraph shall be construed to permit the~~
23 ~~carrying of firearms or other weapons, nor shall such a~~
24 ~~parking enforcement specialist have arrest authority.~~

25 3. A parking enforcement specialist employed pursuant
26 to this subsection may not carry firearms or other weapons or
27 have arrest authority.

28 Section 10. Section 570.073, Florida Statutes, is
29 amended to read:

30 570.073 Department of Agriculture and Consumer
31 Services, law enforcement officers.--

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1 (1) The commissioner may create an Office of
2 Agricultural Law Enforcement under the supervision of a senior
3 manager exempt under s. 110.205 in the Senior Management
4 Service. The commissioner may designate law enforcement
5 officers, as necessary, to enforce any criminal law or conduct
6 any criminal investigation or to enforce the provisions of any
7 statute or any other laws of this state~~relating to any matter~~
8 ~~over which the department has jurisdiction or which occurs on~~
9 ~~property owned, managed, or occupied by the department.~~
10 Officers appointed under this section have the primary
11 responsibility for enforcing laws relating to agriculture and
12 consumer services as outlined below and violations of law that
13 threaten the overall security and safety of this state's
14 agriculture and consumer services.~~Those matters include~~ The
15 primary responsibilities include the enforcement of laws
16 relating to:
17 (a) Domesticated animals, including livestock,
18 poultry, aquaculture products, and other wild or domesticated
19 animals or animal products.
20 (b) Farms, farm equipment, livery tack, citrus or
21 citrus products, or horticultural products.
22 (c) Trespass, littering, forests, forest fires, and
23 open burning.
24 (d) Damage to or theft of forest products.
25 (e) Enforcement of a marketing order.
26 (f) Protection of consumers.
27 (g) Civil traffic offenses as outlined under Florida
28 law provided for in chapters 316, 320, and 322, subject to the
29 provisions of chapter 318, relating to any matter over which
30 ~~the department has jurisdiction or committed on property~~
31 ~~owned, managed, or occupied by the department.~~

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1 (h) The use of alcohol or drugs which occurs on
2 property owned, managed, or occupied by the department.

3 (i) Any emergency situation in which the life, limb,
4 or property of any person is placed in immediate and serious
5 danger.

6 (j) Any crime incidental to or related to paragraphs
7 (a)-(i).

8 (k) Any law over which the Commissioner of Agriculture
9 has responsibility.

10 (2) Each law enforcement officer shall meet the
11 qualifications of law enforcement officers under s. 943.13 and
12 shall be certified as a law enforcement officer by the
13 Department of Law Enforcement under the provisions of chapter
14 943. Upon certification, each law enforcement officer is
15 subject to and shall have the same arrest and other authority
16 provided for law enforcement officers generally in chapter 901
17 and shall have statewide jurisdiction as provided in
18 subsection (1). Each officer shall also have arrest authority
19 as provided for state law enforcement officers in s.
20 901.15~~(11)~~. Such officers have full law enforcement powers
21 granted to other peace officers of this state, including the
22 power to make arrests, carry firearms, serve court process,
23 and seize contraband and the proceeds of illegal activities.

24 (3) The Commissioner may also appoint part-time,
25 reserve or auxiliary law enforcement officers under chapter
26 943.

27 ~~(4)(3)~~ All department law enforcement officers, upon
28 certification under s. 943.1395, shall have the same right and
29 authority to carry arms as do the sheriffs of this state.

30 ~~(5)(4)~~ Each law enforcement officer in the state who
31 is certified pursuant to chapter 943 has the same authority as

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1 law enforcement officers designated in this section to enforce
2 the laws of this state as described in subsection (1).

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 2, line 4, after the semicolon,

8

9 insert:

10 revising traffic law enforcement authority of
11 the Office of Agricultural Law Enforcement;
12 amending s. 570.073, F.S.; revising the powers
13 and duties of the Office of Agricultural Law
14 Enforcement;

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