

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Stansel offered the following:

**Amendment (with title amendment)**

On page 27 of the bill, between lines 5 & 6,

insert:

Section 20. Section 570.073, Florida Statutes, is amended to read:

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

(1) The commissioner may create an Office of Agricultural Law Enforcement under the supervision of a senior manager exempt under s. 110.205 in the Senior Management Service. The commissioner may designate law enforcement officers, as necessary, to enforce any criminal law or conduct any criminal investigation or to enforce the provisions of any statute or any other laws of this state relating to any matter over which the department has jurisdiction or which occurs on property owned, managed, or occupied by the department. Officers appointed under this section have the primary responsibility for enforcing laws relating to agriculture and

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1 consumer services as outlined below and violations of law that  
2 threaten the overall security and safety of this state's  
3 agriculture and consumer services. Those matters include The  
4 primary responsibilities include the enforcement of laws  
5 relating to:

6 (a) Domesticated animals, including livestock,  
7 poultry, aquaculture products, and other wild or domesticated  
8 animals or animal products.

9 (b) Farms, farm equipment, livery tack, citrus or  
10 citrus products, or horticultural products.

11 (c) Trespass, littering, forests, forest fires, and  
12 open burning.

13 (d) Damage to or theft of forest products.

14 (e) Enforcement of a marketing order.

15 (f) Protection of consumers.

16 (g) Civil traffic offenses as outlined under Florida  
17 law provided for in chapters 316, 320, and 322, subject to the  
18 provisions of chapter 318, relating to any matter over which  
19 the department has jurisdiction or committed on property  
20 owned, managed, or occupied by the department.

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

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

26 (j) Any crime incidental to or related to paragraphs  
27 (a)-(i).

28 (k) Any law over which the Commissioner of Agriculture  
29 has responsibility.

30 (2) Each law enforcement officer shall meet the  
31 qualifications of law enforcement officers under s. 943.13 and

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1 shall be certified as a law enforcement officer by the  
2 Department of Law Enforcement under the provisions of chapter  
3 943. Upon certification, each law enforcement officer is  
4 subject to and shall have the same arrest and other authority  
5 provided for law enforcement officers generally in chapter 901  
6 and shall have statewide jurisdiction ~~as provided in~~  
7 ~~subsection (1)~~. Each officer shall also have arrest authority  
8 as provided for state law enforcement officers in s.  
9 901.15~~(11)~~. Such officers have full law enforcement powers  
10 granted to other peace officers of this state, including the  
11 power to make arrests, carry firearms, serve court process,  
12 and seize contraband and the proceeds of illegal activities.

13 (3) The Commissioner may also appoint part-time,  
14 reserve or auxiliary law enforcement officers under chapter  
15 943.

16 (4)~~(3)~~ All department law enforcement officers, upon  
17 certification under s. 943.1395, shall have the same right and  
18 authority to carry arms as do the sheriffs of this state.

19 (5)~~(4)~~ Each law enforcement officer in the state who  
20 is certified pursuant to chapter 943 has the same authority as  
21 law enforcement officers designated in this section to enforce  
22 the laws of this state as described in subsection (1).

23 Section 21. Subsection (1) of section 316.640, Florida  
24 Statutes, is amended to read:

25 316.640 Enforcement.--The enforcement of the traffic  
26 laws of this state is vested as follows:

27 (1) STATE.--

28 (a)1.

29 a. The Division of Florida Highway Patrol of the  
30 Department of Highway Safety and Motor Vehicles, the Division  
31 of Law Enforcement of the Fish and Wildlife Conservation

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

28         b. University police officers shall have authority to  
29 enforce all of the traffic laws of this state when such  
30 violations occur on or about any property or facilities that  
31 are under the guidance, supervision, regulation, or control of

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1 the State University System, except that traffic laws may be  
2 enforced off-campus when hot pursuit originates on-campus.

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

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

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

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

29 e. The Office of Agricultural Law Enforcement of the  
30 Department of Agriculture and Consumer Services shall have the  
31 authority to enforce traffic laws of this state ~~only as~~

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1 ~~authorized by the provisions of chapter 570. However, nothing~~  
2 ~~in this section shall expand the authority of the Office of~~  
3 ~~Agricultural Law Enforcement at its agricultural inspection~~  
4 ~~stations to issue any traffic tickets except those traffic~~  
5 ~~tickets for vehicles illegally passing the inspection station.~~

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

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

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

23 (b)1. The Department of Transportation has authority  
24 to enforce on all the streets and highways of this state all  
25 laws applicable within its authority.

26 2.a. The Department of Transportation shall develop  
27 training and qualifications standards for toll enforcement  
28 officers whose sole authority is to enforce the payment of  
29 tolls pursuant to s. 316.1001. Nothing in this subparagraph  
30 shall be construed to permit the carrying of firearms or other  
31 weapons, nor shall a toll enforcement officer have arrest

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1 authority.

2 b. For the purpose of enforcing s. 316.1001,  
3 governmental entities, as defined in s. 334.03, which own or  
4 operate a toll facility may employ independent contractors or  
5 designate employees as toll enforcement officers; however, any  
6 such toll enforcement officer must successfully meet the  
7 training and qualifications standards for toll enforcement  
8 officers established by the Department of Transportation.

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

12 And the title is amended as follows:

13 On page 3, line 22 after "locations;"

14

15 insert:

16 amending s. 570.073, F.S.; revising the powers  
17 and duties of the Office of Agricultural Law  
18 Enforcement; amending s. 316.640, F.S.;  
19 revising the duties of the Office of  
20 Agricultural Law Enforcement;

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