

By the Committees on Agriculture and Consumer Services;
Comprehensive Planning, Local and Military Affairs; and
Senators Mitchell, Lawson and Peadar

303-2213-02

1 A bill to be entitled
2 An act relating to the Department of
3 Agriculture and Consumer Services; amending s.
4 316.640, F.S.; eliminating certain limitations
5 on the authority of the Office of Agricultural
6 Law Enforcement; amending s. 570.073, F.S.;
7 specifying duties of the Office of Agricultural
8 Law Enforcement with respect to its
9 jurisdiction over violations of law which
10 threaten the security and safety of agriculture
11 and consumer services; authorizing the office
12 to enforce civil traffic offenses and laws
13 relating to the responsibilities of the
14 Commissioner of Agriculture; specifying that
15 officers within the department have the full
16 powers granted to other peace officers of this
17 state; authorizing the commission to appoint
18 part-time, reserve, or auxiliary law
19 enforcement officers; amending s. 163.05, F.S.;
20 revising legislative findings; providing
21 criteria for contracts between the Commissioner
22 of Agriculture and program providers; deleting
23 responsibilities of the Legislative Committee
24 on Intergovernmental Relations; authorizing the
25 Commissioner of Agriculture to award contracts
26 to provide assistance to small counties;
27 requiring the Commissioner of Agriculture to
28 provide fiscal oversight; providing an
29 appropriation; providing an effective date.

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

1 Section 1. Paragraph (a) of subsection (1) of section
2 316.640, Florida Statutes, is amended to read:

3 316.640 Enforcement.--The enforcement of the traffic
4 laws of this state is vested as follows:

5 (1) STATE.--

6 (a)1.a. The Division of Florida Highway Patrol of the
7 Department of Highway Safety and Motor Vehicles, the Division
8 of Law Enforcement of the Fish and Wildlife Conservation
9 Commission, the Division of Law Enforcement of the Department
10 of Environmental Protection, and law enforcement officers of
11 the Department of Transportation each have authority to
12 enforce all of the traffic laws of this state on all the
13 streets and highways thereof and elsewhere throughout the
14 state wherever the public has a right to travel by motor
15 vehicle. The Division of the Florida Highway Patrol may employ
16 as a traffic accident investigation officer any individual who
17 successfully completes at least 200 hours of instruction in
18 traffic accident investigation and court presentation through
19 the Selective Traffic Enforcement Program as approved by the
20 Criminal Justice Standards and Training Commission and funded
21 through the National Highway Traffic Safety Administration or
22 a similar program approved by the commission, but who does not
23 necessarily meet the uniform minimum standards established by
24 the commission for law enforcement officers or auxiliary law
25 enforcement officers under chapter 943. Any such traffic
26 accident investigation officer who makes an investigation at
27 the scene of a traffic accident may issue traffic citations,
28 based upon personal investigation, when he or she has
29 reasonable and probable grounds to believe that a person who
30 was involved in the accident committed an offense under this
31 chapter, chapter 319, chapter 320, or chapter 322 in

1 connection with the accident. This paragraph does not permit
2 the carrying of firearms or other weapons, nor do such
3 officers have arrest authority other than for the issuance of
4 a traffic citation as authorized in this paragraph.

5 b. University police officers shall have authority to
6 enforce all of the traffic laws of this state when such
7 violations occur on or about any property or facilities that
8 are under the guidance, supervision, regulation, or control of
9 the State University System, except that traffic laws may be
10 enforced off-campus when hot pursuit originates on-campus.

11 c. Community college police officers shall have the
12 authority to enforce all the traffic laws of this state only
13 when such violations occur on any property or facilities that
14 are under the guidance, supervision, regulation, or control of
15 the community college system.

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

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

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1 (II) A parking enforcement specialist employed by an
2 airport authority is authorized to enforce all state, county,
3 and municipal laws and ordinances governing parking only when
4 such violations are on property or facilities owned or
5 operated by the airport authority employing the specialist, by
6 appropriate state, county, or municipal traffic citation.

7 e. The Office of Agricultural Law Enforcement of the
8 Department of Agriculture and Consumer Services shall have the
9 authority to enforce traffic laws of this state ~~only as~~
10 ~~authorized by the provisions of chapter 570. However, nothing~~
11 ~~in this section shall expand the authority of the Office of~~
12 ~~Agricultural Law Enforcement at its agricultural inspection~~
13 ~~stations to issue any traffic tickets except those traffic~~
14 ~~tickets for vehicles illegally passing the inspection station.~~

15 f. School safety officers shall have the authority to
16 enforce all of the traffic laws of this state when such
17 violations occur on or about any property or facilities which
18 are under the guidance, supervision, regulation, or control of
19 the district school board.

20 2. An agency of the state as described in subparagraph
21 1. is prohibited from establishing a traffic citation quota. A
22 violation of this subparagraph is not subject to the penalties
23 provided in chapter 318.

24 3. Any disciplinary action taken or performance
25 evaluation conducted by an agency of the state as described in
26 subparagraph 1. of a law enforcement officer's traffic
27 enforcement activity must be in accordance with written
28 work-performance standards. Such standards must be approved by
29 the agency and any collective bargaining unit representing
30 such law enforcement officer. A violation of this subparagraph
31 is not subject to the penalties provided in chapter 318.

1 Section 2. Section 570.073, Florida Statutes, is
2 amended to read:

3 570.073 Department of Agriculture and Consumer
4 Services, law enforcement officers.--

5 (1) The commissioner may create an Office of
6 Agricultural Law Enforcement under the supervision of a senior
7 manager exempt under s. 110.205 in the Senior Management
8 Service. The commissioner may designate law enforcement
9 officers, as necessary, to enforce any criminal law or conduct
10 any criminal investigation or to enforce the provisions of any
11 statute or any other laws of this state. Officers appointed
12 under this section shall have the primary responsibility for
13 enforcing laws relating to agriculture and consumer services,
14 as outlined in this section, and have jurisdiction over
15 violations of law which threaten the overall security and
16 safety of this state's agriculture and consumer services. The
17 primary responsibilities of officers appointed under this
18 section include the enforcement of ~~relating to any matter over~~
19 ~~which the department has jurisdiction or which occurs on~~
20 ~~property owned, managed, or occupied by the department. Those~~
21 matters include laws relating to:

22 (a) Domesticated animals, including livestock,
23 poultry, aquaculture products, and other wild or domesticated
24 animals or animal products.

25 (b) Farms, farm equipment, livery tack, citrus or
26 citrus products, or horticultural products.

27 (c) Trespass, littering, forests, forest fires, and
28 open burning.

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

30 (e) Enforcement of a marketing order.

31 (f) Protection of consumers.

1 (g) Civil traffic offenses as provided ~~for~~ in state
2 law chapters 316, 320, and 322, subject to the provisions of
3 ~~chapter 318, relating to any matter over which the department~~
4 ~~has jurisdiction or committed on property owned, managed, or~~
5 ~~occupied by the department.~~

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

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

11 (j) Any crime incidental to or related to paragraphs
12 (a)-(i).

13 (k) The responsibilities of the Commissioner of
14 Agriculture.

15 (2) Each law enforcement officer shall meet the
16 qualifications of law enforcement officers under s. 943.13 and
17 shall be certified as a law enforcement officer by the
18 Department of Law Enforcement under the provisions of chapter
19 943. Upon certification, each law enforcement officer is
20 subject to and shall have the same arrest and other authority
21 provided for law enforcement officers generally in chapter 901
22 and shall have statewide jurisdiction as provided in
23 ~~subsection (1).~~ Each officer shall also have arrest authority
24 as provided for state law enforcement officers in s. 901.15 s.
25 ~~901.15(11).~~ Such officers have full law enforcement powers
26 granted to other peace officers of this state, including the
27 authority to make arrests, carry firearms, serve court
28 process, and seize contraband and the proceeds of illegal
29 activities.

1 (3) The commissioner may also appoint part-time,
2 reserve, or auxiliary law enforcement officers under chapter
3 943.

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

7 ~~(5)(4)~~ Each law enforcement officer in the state who
8 is certified pursuant to chapter 943 has the same authority as
9 law enforcement officers designated in this section to enforce
10 the laws of this state as described in subsection (1).

11 Section 3. Paragraphs (a) and (c) of subsection (1)
12 and subsections (4), (5), (6), (7), (8), and (9) of section
13 163.05, Florida Statutes, are amended to read:

14 163.05 Small County Technical Assistance Program.--

15 (1) Among small counties, the Legislature finds that:

16 (a) The percentage of the population of small counties
17 residing in the unincorporated areas is relatively high based
18 on the census of 2000 ~~and increased substantially between 1980~~
19 ~~and 1990.~~

20 (c) Fiscal shortfalls persist even though 12 ~~13~~ of the
21 small counties levied the maximum ad valorem millage
22 authorized in their jurisdictions in 2001 ~~1990~~ and an
23 additional 15 ~~13~~ small counties levied between 8 and 10 mills.

24 (4) The Commissioner of Agriculture ~~Comptroller~~ shall
25 enter into contracts with program providers who shall:

26 (a) Be a nonprofit foundation under s. 501(c)(3) of
27 the Internal Revenue Code with a governing board having
28 representation of county commissioners and professional staff
29 of the county ~~public agency or private, nonprofit corporation,~~
30 ~~association, or entity.~~

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1 **(b)** Have substantial and documented experience working
2 closely with all county governments in providing education and
3 technical assistance.

4 **(c)**~~(b)~~ Use existing resources, services, and
5 information that are available from state or local agencies,
6 universities, or the private sector.

7 **(d)**~~(c)~~ Seek and accept funding from any public or
8 private source.

9 ~~(d) Annually submit information to assist the~~
10 ~~Legislative Committee on Intergovernmental Relations in~~
11 ~~preparing a performance review that will include an analysis~~
12 ~~of the effectiveness of the program.~~

13 **(e)** Assist small counties in developing alternative
14 revenue sources.

15 **(f)** Provide assistance to small counties in ~~the~~ areas
16 such as of financial management, accounting, investing,
17 purchasing, planning and budgeting, debt issuance, public
18 management, management systems, computers and information
19 technology, economic and community development, and public
20 safety management.

21 **(g)** Provide for an annual independent financial audit
22 of the program.

23 **(h)** In each county served, conduct a needs assessment
24 upon which the assistance provided for that county will be
25 designed.

26 **(5)(a)** The Commissioner of Agriculture ~~Comptroller~~
27 shall issue a request for proposals to provide assistance to
28 small counties. The request for proposals shall be required
29 not more frequently than every third year, beginning with the
30 2004-2005 fiscal year. All contracts in existence on June 30,
31 2002, between the Comptroller and any other party with respect

1 to the Small County Technical Assistance Program may be
2 accepted by the Commissioner of Agriculture as the party in
3 interest and any such contract shall remain in full force and
4 effect according to its terms.~~At the request of the~~
5 ~~Comptroller, the Legislative Committee on Intergovernmental~~
6 ~~Relations shall assist in the preparation of the request for~~
7 ~~proposals.~~

8 (b) The Commissioner of Agriculture ~~Comptroller~~ shall
9 review each contract proposal submitted.

10 ~~(c) The Legislative Committee on Intergovernmental~~
11 ~~Relations shall review each contract proposal and submit to~~
12 ~~the Comptroller, in writing, advisory comments and~~
13 ~~recommendations, citing with specificity the reasons for its~~
14 ~~recommendations.~~

15 ~~(c)(d)~~ The Commissioner of Agriculture ~~Comptroller~~ and
16 ~~the council~~ shall consider the following factors in reviewing
17 contract proposals:

18 1. The demonstrated capacity of the provider to
19 conduct needs assessments and implement the program as
20 proposed.

21 2. The number of small counties to be served under the
22 proposal.

23 3. The cost of the program as specified in a proposed
24 budget.

25 4. The short-term and long-term benefits of the
26 assistance to small counties.

27 5. The form and extent to which existing resources,
28 services, and information that are available from state and
29 local agencies, universities, and the private sector will be
30 used by the provider under the contract.

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1 (6) A decision of the Commissioner of Agriculture
2 ~~Comptroller~~ to award a contract under this section is final
3 and shall be in writing with a copy provided to the
4 ~~Legislative Committee on Intergovernmental Relations.~~

5 ~~(7) The Comptroller may enter into contracts and~~
6 ~~agreements with other state and local agencies and with any~~
7 ~~person, association, corporation, or entity other than the~~
8 ~~program providers, for the purpose of administering this~~
9 ~~section.~~

10 (7)(8) The Commissioner of Agriculture Comptroller
11 shall provide fiscal oversight to ensure that funds expended
12 for the program are used in accordance with the contracts
13 entered into pursuant to subsection (4) and shall conduct a
14 performance review of the program as necessary to ensure that
15 the goals and objectives of the program are being met.

16 ~~(9) The Legislative Committee on Intergovernmental~~
17 ~~Relations shall annually conduct a performance review of the~~
18 ~~program. The findings of the review shall be presented in a~~
19 ~~report submitted to the Governor, the President of the Senate,~~
20 ~~the Speaker of the House of Representatives, and the~~
21 ~~Comptroller by January 15 of each year.~~

22 Section 4. Specific Appropriation 2252 in the General
23 Appropriations Act of 2002-2003 is repealed and an identical
24 amount is appropriated from the General Revenue Fund to the
25 Department of Agriculture and Consumer Services for the
26 purpose of carrying out the provisions of this act.

27 Section 5. This act shall take effect June 30, 2002.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 2286

The Committee Substitute for Committee Substitute for Senate Bill 2286 is different from Committee Substitute for Senate Bill 2286 in that it:

Removes limitations contained in Chapter 570, F.S., on the authority of the Office of Agriculture Law Enforcement to enforce traffic laws.

It expands the authority of the Office of Agricultural Law Enforcement to enforce the provisions of any statute or any other laws of this state.

Specifies that the primary responsibility of the Office of Agricultural Law Enforcement shall be the enforcement of laws relating to agriculture and consumer services and other laws which threaten the overall security and safety of this state's agriculture and consumer service.