

By Representative Needelman

1                                   A bill to be entitled  
 2           An act relating to law enforcement; providing  
 3           for the consolidation of all sworn law  
 4           enforcement positions in the state under the  
 5           Florida Department of Law Enforcement;  
 6           providing for the enforcement of laws affected  
 7           by the act; providing for a reviser's bill to  
 8           reflect changes adopted in the act; providing  
 9           an effective date.

10  
 11           WHEREAS, the terrorist attacks on the World Trade  
 12   Center in New York City and the Pentagon in Washington, D.C.,  
 13   on September 11, 2001, have unfortunately accelerated personal  
 14   safety concerns of our citizens to ensure domestic  
 15   tranquility, maintain public order, and secure the blessing of  
 16   Liberty to ourselves and our posterity, not only within the  
 17   boundaries of our nation, but especially within the  
 18   territorial boundaries of the State of Florida, and

19           WHEREAS, on October 11, 2001, the Governor of the Great  
 20   State of Florida, Governor Jeb Bush, executed Executive Order  
 21   #01-300, by virtue of the authority vested in Article IV,  
 22   Section 1(a) of the State Constitution and other applicable  
 23   laws, delegated the Florida Department of Law Enforcement  
 24   (FDLE) the operational authority to coordinate and direct law  
 25   enforcement and other resources of all state agencies to take  
 26   precautions needed to protect the State of Florida from  
 27   terrorist acts, and

28           WHEREAS, under further direction of Governor Bush, FDLE  
 29   was asked to do an assessment of Florida's antiterrorism  
 30   capabilities in regard to emergency services, human services,  
 31   infrastructure, and public information and awareness, and

1           WHEREAS, this assessment has identified areas in which  
2 this state's preparedness can be enhanced, and has offered  
3 numerous short-term and long-term recommendations for  
4 consideration touching on various segments of Florida,  
5 including government, the private sector, and volunteer  
6 organizations, and

7           WHEREAS, this assessment demonstrates the need for  
8 further immediate and sustained action to safeguard Florida's  
9 well-being by recommending measures for improving the existing  
10 emergency response framework, and to strengthen Florida's  
11 antiterrorism strategy regarding law enforcement needs in  
12 equipment, training programs, and execution protocols, and

13           WHEREAS, FDLE established Project Guiding Principles in  
14 making recommendations, including to validate and build on the  
15 existing state comprehensive Emergency Management Plan, to  
16 strengthen Florida's antiterrorism preparedness and  
17 prevention, to maximize involvement of federal, state, and  
18 local government, as well as appropriate private sector  
19 entities, and to implement recommendations for improvement  
20 using existing regional FDLE/DEM models, and

21           WHEREAS, FDLE identified and cited nine elements: the  
22 implementation of regional antiterrorism task forces, to  
23 ensure all responding personnel receive appropriate training,  
24 to obtain appropriate equipment for all response efforts, to  
25 enhance retrieving, storing, and sharing of vital intelligence  
26 and investigative information, to coordinate communication, to  
27 enhance early warning response and recovery capabilities  
28 through proven and emerging technology for public safety  
29 agencies, to enhance and expand prevention, regulation, and  
30 statutory remedies to combat terrorism and to address federal  
31

1 issues that would improve state and national antiterrorism  
2 efforts for action within the scope of law enforcement, and

3           WHEREAS, these terrorist attacks on September 11, 2001,  
4 have also unfortunately accelerated and deepened a downturn in  
5 the national economy which has affected not only other  
6 national economies around the world but also local economies  
7 across this nation, especially the economies of states like  
8 Florida which are dependent upon tourism for a significant  
9 portion of their revenues, and

10           WHEREAS, this economic downturn has forced some  
11 businesses in the state and around the nation to downsize or  
12 restructure to remain viable and this reduction or  
13 restructuring has led to reevaluating organizations and  
14 organizational settings, and

15           WHEREAS, this economic downturn has led to concomitant  
16 reductions and restructuring in the public sector as well, and

17           WHEREAS, accordingly, it is the intent of the State of  
18 Florida to join our fellow citizens in this state to economize  
19 while developing strategies that will ensure our citizens the  
20 safety and protection, without violating the guaranteed equal  
21 rights to all as ordained and established in our State  
22 Constitution, and

23           WHEREAS, the Department of Agriculture provides an  
24 invaluable service for the citizens of Florida by protecting  
25 food supplies and associated industries with only 200 sworn  
26 law enforcement officers available to accomplish this  
27 responsibility, and

28           WHEREAS, the Department of Environmental Protection  
29 provides an invaluable service for the citizens of Florida by  
30 ensuring the use, disbursement, and destruction of dangerous  
31 and deadly hazardous materials with only 131 sworn law

1 enforcement officers available to accomplish this  
2 responsibility, and

3           WHEREAS, the Department of Business Regulation, Alcohol  
4 Beverage, provides an invaluable service for the citizens of  
5 Florida by ensuring compliance by alcohol and tobacco  
6 manufacturers, distributors, and retailers with applicable  
7 laws and rules and to collect taxes and fees related to these  
8 industries with only 173 sworn law enforcement officers  
9 available to accomplish this responsibility, and

10           WHEREAS, the Department of Highway Safety and Motor  
11 Vehicles provides an invaluable service for the citizens of  
12 Florida by protecting our highways and our means of safe  
13 transportation with only 1,681 sworn law enforcement officers  
14 available to accomplish this responsibility, and

15           WHEREAS, the Florida Department of Insurance, Division  
16 of Insurance Fraud, provides an invaluable service for the  
17 citizens of Florida by serving and safeguarding the public and  
18 businesses operating in the State of Florida against acts of  
19 insurance fraud with only 109 sworn law enforcement officers  
20 available to accomplish this responsibility, and

21           WHEREAS, the Florida Department of Management Services,  
22 Florida Capitol Police, provides an invaluable service for the  
23 citizens of Florida by ensuring their protection, safety, and  
24 welfare while visiting and conducting business at our State  
25 Capitol with only 45 sworn law enforcement officers available  
26 to accomplish this responsibility, and

27           WHEREAS, the Florida Department of Transportation,  
28 Motor Carrier Compliance, provides an invaluable service for  
29 the citizens of Florida by keeping our commerce moving safely  
30 and efficiently throughout our transportation corridors with  
31

1 only 200 sworn law enforcement officers available to  
2 accomplish this responsibility, and

3 WHEREAS, the Florida Division of State Fire Marshal,  
4 Fire Investigation, provides an invaluable service for the  
5 citizens of Florida by investigating and arresting individuals  
6 who use fire, explosive, and other incinerative devices that  
7 may cause harm and death with only 106 sworn law enforcement  
8 officers available to accomplish this responsibility, and

9 WHEREAS, the Florida Fish and Wildlife Conservation  
10 Commission have among its organization sworn law enforcement  
11 officers which provide an invaluable service for the citizens  
12 of Florida by protecting our waterways, seaports, and  
13 coastline as a first line of defense with only 330 sworn law  
14 enforcement officers available to accomplish this  
15 responsibility, and

16 WHEREAS, the Florida Agricultural and Mechanical  
17 University Police Department, the Florida Gulf Coast  
18 University Campus Police and Safety, the Florida International  
19 University Public Safety Department, the Florida State  
20 University - University Police Department, the Pensacola  
21 Junior College Police Department, the Santa Fe Community  
22 College Police Department, the University of Florida  
23 University Police Department, the University of North Florida  
24 University Police Department, the University of South Florida  
25 Campus Police Department, and the University of West Florida  
26 Police Department provide an invaluable service for Florida by  
27 keeping from harm's way one of our most precious investments,  
28 over 5,000 students, with only 433 sworn law enforcement  
29 officers available to accomplish this responsibility, and

30 WHEREAS, in the best interest of the State of Florida,  
31 the combining of these 3,408 sworn law enforcement officers

1 with the 389 sworn law enforcement officers within the Florida  
2 Department of Law Enforcement will ensure and facilitate to  
3 the citizens and visitors of the State of Florida, Florida's  
4 commitment and determination to move forward with our  
5 day-to-day lives with the assurance that ALL safeguards have  
6 been taken for the safety and well-being of ALL our people,  
7 NOW, THEREFORE,

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Transfer of all sworn law enforcement  
12 officers to Florida Department of Law Enforcement.--

13 (1) All sworn law enforcement officer positions within  
14 the Department of Agriculture and Consumer Services; the  
15 Department of Environmental Protection; the Department of  
16 Business Regulation, Florida Alcohol Beverage and Tobacco; the  
17 Department of Highway Safety and Motor Vehicles; the  
18 Department of Insurance, Division of Insurance Fraud; the  
19 Department of Management Services, Florida Capitol Police; the  
20 Department of Transportation, Highway Safety and Motor Vehicle  
21 Carrier Compliance; the Florida Division of State Fire Marshal  
22 Fire Investigation; the Florida Fish and Wildlife Conservation  
23 Commission; the Florida Agricultural and Mechanical University  
24 Police; the Florida Atlantic University Police Department; the  
25 Florida Gulf Coast University Campus Police and Safety; the  
26 Florida International University Public Safety Department; the  
27 Florida State University - University Police Department; the  
28 Pensacola Junior College Police Department; the Santa Fe  
29 Community College Police Department; the University of Central  
30 Florida University Police Department; the University of  
31 Florida University Police Department; the University of North

1 Florida University Police Department; the University of South  
2 Florida Campus Police Department; the University of West  
3 Florida Police Department; the Division of Blind Services; the  
4 Parks Police; and all medical officer positions within the  
5 Agency for Health Care Administration that are sworn law  
6 enforcement officer positions are hereby transferred by a type  
7 two transfer as described in s. 20.06, Florida Statutes, to  
8 the Florida Department of Law Enforcement which shall be  
9 completed by July 1, 2003.

10 (2) No more than 10 percent of management level  
11 positions shall be transferred from the transferring agency to  
12 the Florida Department of Law Enforcement. Any management  
13 position in excess of the 10 percent cap shall be eliminated  
14 in the transfer to the Florida Department of Law Enforcement.

15 Section 2. Enforcement of laws.--Notwithstanding any  
16 other provision of law to the contrary, any law, rule,  
17 regulation, or ordinance, which was subject to enforcement on  
18 June 30, 2003, by a law enforcement officer transferred to the  
19 Florida Department of Law Enforcement by this act shall be  
20 enforced by a law enforcement officer within the Department of  
21 Law Enforcement.

22 Section 3. Reviser's bill to reflect transferred  
23 positions.--The Statutory Revision and Indexing Division shall  
24 prepare a reviser's bill for introduction in the 2004 Regular  
25 Session of the Florida Legislature reflecting the transfer of  
26 positions as described in section 1 of this act to refer to  
27 the Florida Department of Law Enforcement whenever necessary  
28 within the Florida Statutes. The division shall consult with  
29 committees in the House of Representatives and the Senate in  
30 preparing such a reviser's bill.

31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Section 4. This act shall take effect upon becoming a law.

\*\*\*\*\*

HOUSE SUMMARY

Provides for the consolidation of all sworn law enforcement officers within the Florida Department of Law Enforcement. See bill for details.