

This agreement must specify:

- the nature of the law enforcement assistance to be rendered;
- the agency or entity that shall bear any liability arising from acts undertaken under the agreement;
- the procedures for requesting and for authorizing assistance;
- the agency or entity that has command and supervisory responsibility;
- a time limit for the agreement;
- the amount of any compensation or reimbursement to the assisting agency or entity; and
- any other terms and conditions necessary to give it effect.

Examples of law enforcement activities that may be addressed in this voluntary cooperation written agreement include, but are not limited to:

- establishing a joint city-county task force on narcotics smuggling;
- authorizing school safety officers to enforce laws in an area within 1,000 feet of a school or school board property; or
- establishing a joint city-county traffic enforcement task force.

The second type of written agreement is a requested operational assistance written agreement between two or more law enforcement agencies, or between one or more law enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers in accordance with s. 1012.97, F.S., which agreement is for the rendering of assistance in a law enforcement emergency. The agreement must specify the same information that is required to be specified in a voluntary cooperation written agreement.

An example of the use of a requested operational assistance written agreement is to meet a request for assistance due to a civil disturbance or other emergency as defined in s. 252.34, F.S.

The third type of agreement is a combination of a voluntary cooperation written agreement and a requested operational assistance written agreement.

The section provides that a mutual aid agreement may allow for discretion by the parties as to when, whether, and to what extent assistance will be available.

A mutual aid agreement may be entered into by:

- a sheriff;
- a mayor or chief executive officer of a municipality or county on behalf of a law enforcement agency, if authorized by the governing body of the municipality or county;
- a school board that employs school safety officers; or
- a state university that employs or appoints university police officers in accordance with s. 1012.97, F.S.

A copy of a mutual aid agreement must be filed with the Department of Law Enforcement within 14 days after it is signed.

If a disaster or emergency results in the Governor declaring a state of emergency pursuant to ch. 252, F.S., the requirement that a requested operational assistance agreement be a written agreement for rendering of assistance in a law enforcement emergency may be waived by the participating agencies for a period of up to 90 days from the declaration of the disaster.

When a law enforcement agency, a school board employing school safety officers, or a state university employing or appointing university police officers in accordance with s. 1012.97, F.S., lends assistance pursuant to this state of emergency provision, all powers, privileges, and immunities listed in s. 23.127, F.S., except with regard to interstate mutual aid agreements, apply to the agency or entity, provided that the law enforcement, school board, or university employees rendering services are being requested and coordinated by the affected local law enforcement executive in charge of law enforcement operations.

The section requires, in regard to this state of emergency provision, that the agency or entity requesting such assistance must maintain a listing of such agencies or entities and the officers and employees of such agencies or entities rendering assistance, which must be filed at the end of the 90-day period with the Florida Department of Law Enforcement (FDLE).

A concern has been raised regarding the present wording of s. 23.1225, F.S. According to information provided by Department of Law Enforcement staff, earlier this year, Pensacola Community College Police Department (PCCPD) declined to enter into a Regional Domestic Security mutual aid agreement. The chief of the PCCPD indicated that his college's legal staff had advised him that there was no authority for a "college" to enter into a mutual aid agreement, since they were not specifically listed in the existing authorizing statute.

PCCPD is particularly important in Pensacola's domestic security plans because PCCPD is directly adjacent to the Pensacola Regional Airport and PCCPD would be called upon to assist, and would be a quick responder to, incidents at the airport (assuming they could sign on to the Regional Domestic Security plan).

The bill is designed to correct this omission of "colleges" from the existing authorizing statute by substituting a more generic description of those who can enter into mutual aid agreements. The correction will ensure such agreements can be entered into by any agency or entity employing certified law enforcement officers.

This issue was presented by FDLE's General Counsel to the Domestic Security Oversight Board at the Board's meeting on February 5, 2003, in Orlando. The Board agreed that the law should be clarified and, by unanimous vote, endorsed clarifying the law.

III. Effect of Proposed Changes:

The bill clarifies language in s. 23.1225, F.S., which authorizes law enforcement agencies to enter into mutual aid agreements. The bill defines "law enforcement agency" as "any agency or unit of government that has authority to employ or appoint law enforcement officers, as defined

in s. 943.10(1), F.S.” A “law enforcement officer,” as defined in s. 943.10(1), F.S., is any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

The bill provides that a law enforcement agency may enter into a mutual aid agreement through a written agreement executed by the chief executive officer of the agency, who is authorized to contractually bind the agency.

The bill takes effect July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
