

By Senator Dockery

15-1501-03

1                                   A bill to be entitled  
2           An act relating to mutual aid agreements;  
3           amending s. 23.1225, F.S.; providing  
4           clarification regarding agencies that may  
5           participate in such agreements; providing an  
6           effective date.

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

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10           Section 1. Section 23.1225, Florida Statutes, is  
11 amended to read:

12           23.1225 Mutual aid agreements.--

13           (1) The term "mutual aid agreement," as used in this  
14 part, refers to one of the following types of agreement:

15           (a) A voluntary cooperation written agreement between  
16 two or more law enforcement agencies, ~~or between one or more~~  
17 ~~law enforcement agencies and either a school board that~~  
18 ~~employs school safety officers or a state university that~~  
19 ~~employs or appoints university police officers in accordance~~  
20 ~~with s. 1012.97,~~ which agreement permits voluntary cooperation  
21 and assistance of a routine law enforcement nature across  
22 jurisdictional lines. The agreement must specify the nature  
23 of the law enforcement assistance to be rendered, the agency  
24 or entity that shall bear any liability arising from acts  
25 undertaken under the agreement, the procedures for requesting  
26 and for authorizing assistance, the agency or entity that has  
27 command and supervisory responsibility, a time limit for the  
28 agreement, the amount of any compensation or reimbursement to  
29 the assisting agency or entity, and any other terms and  
30 conditions necessary to give it effect. Examples of law  
31 enforcement activities that may be addressed in a voluntary

1 cooperation written agreement include, but are not limited to,  
2 establishing a joint city-county task force on narcotics  
3 smuggling, authorizing school safety officers to enforce laws  
4 in an area within 1,000 feet of a school or school board  
5 property, or establishing a joint city-county traffic  
6 enforcement task force.

7 (b) A requested operational assistance written  
8 agreement between two or more law enforcement agencies, ~~or~~  
9 ~~between one or more law enforcement agencies and either a~~  
10 ~~school board that employs school safety officers or a state~~  
11 ~~university that employs or appoints university police officers~~  
12 ~~in accordance with s. 1012.97,~~ which agreement is for the  
13 rendering of assistance in a law enforcement emergency. The  
14 agreement must specify the nature of the law enforcement  
15 assistance to be rendered, the agency or entity that shall  
16 bear any liability arising from acts undertaken under the  
17 agreement, the procedures for requesting and for authorizing  
18 assistance, the agency or entity that has command and  
19 supervisory responsibility, a time limit for the agreement,  
20 the amount of any compensation or reimbursement to the  
21 assisting agency or entity, and any other terms and conditions  
22 necessary to give it effect. An example of the use of a  
23 requested operational assistance written agreement is to meet  
24 a request for assistance due to a civil disturbance or other  
25 emergency as defined in s. 252.34.

26 (c) A combination of the agreements described in  
27 paragraphs (a) and (b).

28 (d) As used in this section, the term "law enforcement  
29 agency" means any agency or unit of government that has  
30 authority to employ or appoint law enforcement officers, as  
31 defined in s. 943.10(1).

1           (2) A mutual aid agreement may allow for discretion by  
2 the parties as to when, whether, and to what extent assistance  
3 will be available.

4           (3) A mutual aid agreement may be entered into by a  
5 law enforcement agency through a written agreement executed by  
6 the chief executive officer of the agency, who is authorized  
7 to contractually bind the agency.+

8           ~~(a) A sheriff;~~

9           ~~(b) A mayor or chief executive officer of a~~  
10 ~~municipality or county on behalf of a law enforcement agency,~~  
11 ~~if authorized by the governing body of the municipality or~~  
12 ~~county;~~

13           ~~(c) A school board that employs school safety~~  
14 ~~officers; or~~

15           ~~(d) A state university that employs or appoints~~  
16 ~~university police officers in accordance with s. 1012.97.~~

17           (4) A copy of a mutual aid agreement must be filed  
18 with the Department of Law Enforcement within 14 days after it  
19 is signed.

20           (5) In the event of a disaster or emergency such that  
21 a state of emergency is declared by the Governor pursuant to  
22 chapter 252, the requirement that a requested operational  
23 assistance agreement be a written agreement for rendering of  
24 assistance in a law enforcement emergency may be waived by the  
25 participating agencies for a period of up to 90 days from the  
26 declaration of the disaster.

27           (a) When a law enforcement agency, ~~a school board~~  
28 ~~employing school safety officers, or a state university~~  
29 ~~employing or appointing university police officers in~~  
30 ~~accordance with s. 1012.97~~ lends assistance pursuant to this  
31 subsection, all powers, privileges, and immunities listed in

1 s. 23.127, except with regard to interstate mutual aid  
2 agreements, apply to the agency or entity, if provided that  
3 the law enforcement, ~~school board, or university~~ employees  
4 rendering services are being requested and coordinated by the  
5 affected local law enforcement executive in charge of law  
6 enforcement operations.

7 (b) A listing of such agencies or entities and the  
8 officers and employees of such agencies or entities rendering  
9 assistance pursuant to this subsection must be maintained by  
10 the agency or entity requesting such assistance and filed at  
11 the end of the 90-day period with the Florida Department of  
12 Law Enforcement.

13 Section 2. This act shall take effect July 1, 2003.

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15 SENATE SUMMARY

16 Provides clarification regarding agencies that may enter  
17 into mutual aid agreements.

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