

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Criminal Justice Committee

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BILL: SB 1746

SPONSOR: Senator Wise

SUBJECT: FDLE/Capitol Police

DATE: March 17, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	<b>Favorable</b>
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

Senate Bill 1746 expands the powers and duties of FDLE and Capitol Police to include enforcement of Florida's traffic laws and clarifies certain protective services and transportation duties.

This bill substantially amends the following sections of the Florida Statutes: 316.640, 943.61, 943.611, 943.62, 943.64, and 943.68.

## II. Present Situation:

During the 2002 Session, legislation was passed which placed Capitol Police within the Florida Department of Law Enforcement (FDLE). Currently, Capitol Police employs 61 sworn law enforcement officers.

The Capitol Police is statutorily required to "serve the safety and security needs of both the legislative and executive branches of state government." According to s. 943.61, F.S., the primary responsibility of Capitol Police is to protect the security of the Governor, the Lieutenant Governor, the members of the Cabinet, the Senate, and the House of Representatives and their employees, and "to ensure their access to buildings and premises within the Capitol Complex, thereby providing for the continuous operation of the government of the State of Florida." The section also gives Capitol Police specified powers and duties including:

- Developing security plans for the Capitol Complex in consultation with the Governor, Cabinet officers, the President of the Senate and the Speaker of the House;
- Providing and maintaining security of all property located in the Capitol Complex;
- Developing emergency procedure plans;

- Employing certified law enforcement officers;
- Responding to complaints relating to criminal activity or security threats within the Capitol Complex;
- Providing protection for legislative members in certain circumstances; and
- Enforcing parking rules within the Capitol Complex.

The director of Capitol Police is nominated by the Executive Director of FDLE. The person nominated must be approved by the Governor, Senate, and the House of Representatives.

When authorized by Capitol Police, law enforcement officers of other state agencies, counties, and municipalities can act as ex officio agents to enforce rules and laws applicable to the powers and duties of the Capitol Police to provide and maintain security.

Section 943.68, F.S., provides that FDLE shall provide and maintain the security of the Governor, the Governor's immediate family, and the Governor's office and mansion. The section also provides that FDLE shall provide security or transportation services to other persons when requested by the Governor, Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court subject to certification by the agency head that such services are in the best interest of the state. The agency head must limit such services to persons:

- Who are visiting the state; for whom such services are requested by one of the above listed officials and for whom the primary purpose of the visit is for a public purpose and to promote the development of the state; or
- For whom the failure to provide security or transportation could result in a clear and present danger to the personal safety of such persons or could result in public embarrassment to the state.

The section provides that the Executive Director of FDLE must assign agents to perform these services, subject to continuing approval of the Governor. Upon request of the Governor, the executive director must reassign an agent from performing these duties. According to information provided by the agency, FDLE has restructured and moved its Protective Operations Section under the command of the director of Capitol Police.

FDLE is required to submit reports on July 15 and January 15 of each year to the President of the Senate, the Speaker of the House of Representatives, the Governor, and members of the Cabinet detailing the transportation and protective services provided in the preceding 6 months.

Currently, officers of the following state agencies have authority to enforce all of the traffic laws of this state on all the streets and highways of the state and wherever the public has the right to travel by motor vehicle:

- The Department of Highway Safety and Motor Vehicles, Division of Florida Highway Patrol;
- The Fish and Wildlife Conservation Commission, Division of Law Enforcement;
- The Department of Environmental Protection, Division of Law Enforcement; and

- The Department of Transportation, Office of Motor Carrier Compliance.

FDLE does not have traffic enforcement authority. Capitol Police is authorized to conduct traffic crash investigations and enforce traffic and parking rules established by the Department of Management Services, but has no authority to issue citations in conjunction with the investigations.

### **III. Effect of Proposed Changes:**

Senate Bill 1746 would expand the powers and duties of FDLE, and Capitol Police, by granting traffic enforcement authority to all agents, inspectors, and officers of FDLE.

Senate Bill 1746 amends s. 943.64, F.S., to provide that the Executive Director of the FDLE or his or her designee, rather than Capitol Police, must authorize officers of other agencies to perform duties as ex officio agents.

The bill amends s. 943.611, F.S., to provide that at the discretion of the Executive Director of FDLE, the director of Capitol Police may serve as the director of the unit within the FDLE providing transportation and protective services. It modifies s. 943.68, F.S., to provide that the Executive Director of FDLE may authorize the director of Capitol Police to assign agents for the performance of protective services, and reassign an agent upon request of the Governor. The bill amends the list of powers and duties of Capitol Police to require it to carry out transportation and protective services described in s. 943.68, F.S.

The bill also clarifies that the party requesting the protective services (the Governor, Lieutenant Governor, Speaker of the House of Representatives, President of the Senate, Chief Justice of the Supreme Court or cabinet member) must certify that the protective services would be in the best interest of the state. The requesting party is required to limit the services to people that meet the specified criteria. The bill modifies the criteria by providing that the protective services can be provided for a person who is visiting the state, only if the visit is for a significant public purpose. The bill also provides that protective services can be given if failure to provide security or transportation could endanger the safety of other persons or property within the state.

The bill modifies the current FDLE reporting requirement detailing the transportation and protective services provided, to an annual report, rather than every six months.

### **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:

Although FDLE will begin training its officers and agents in the enforcement of traffic laws if the bill becomes a law, the department has informed staff that the training will be incorporated into the existing in-service training and the cost will be absorbed by existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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## **VIII. Summary of Amendments:**

None.

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