

By Senator Wise

5-727A-05

See HB 345

1 A bill to be entitled

2 An act relating to the Florida Department of

3 Law Enforcement; amending s. 943.61, F.S.;

4 revising the powers and duties of the Capitol

5 Police; amending s. 943.611, F.S.; revising

6 duties of the director of the Capitol Police;

7 amending s. 943.62, F.S.; revising provisions

8 relating to investigations by the Capitol

9 Police; amending s. 943.64, F.S.; revising

10 provisions relating to designation of other law

11 enforcement officers as ex officio agents of

12 the Capitol Police; amending s. 943.68, F.S.;

13 revising provisions relating to transportation

14 and protective services of the Capitol Police;

15 amending s. 316.640, F.S.; revising provisions

16 relating to enforcement of traffic laws;

17 providing an effective date.

18

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

20

21 Section 1. Subsections (1) and (4) of section 943.61,

22 Florida Statutes, are amended to read:

23 943.61 Powers and duties of the Capitol Police.--

24 (1) There is created the Capitol Police within the

25 Department of Law Enforcement, to serve the safety and

26 security needs of both the legislative and executive branches

27 of state government. It is the intent of the Legislature that

28 the Capitol Police serve as a specially trained and highly

29 effective security and law enforcement agency serving the

30 Capitol Complex and the state. It shall be the primary

31 responsibility of the Capitol Police to protect the security

1 of the Governor, the Lieutenant Governor, the members of the
2 Cabinet, and the members of the Senate and of the House of
3 Representatives, and those employees assigned to assist such
4 state officials in the performance of their official duties,
5 and to ensure their access to buildings and premises within
6 the Capitol Complex, thereby providing for the continuous
7 operation of the government of the State of Florida. ~~The~~
8 ~~provision of other law enforcement services and protection of~~
9 ~~property shall be secondary responsibilities.~~

10 (4) The Capitol Police shall have the following
11 responsibilities, powers, and duties:

12 (a) To develop, in consultation with the Governor,
13 Cabinet officers, the President of the Senate, and the Speaker
14 of the House of Representatives, written operational plans for
15 basic and enhanced security measures and actions related to
16 the Capitol Complex. Such plans and any changes or amendments
17 thereto shall not be implemented unless presented in writing
18 in final form to the Governor, the President of the Senate,
19 and the Speaker of the House of Representatives and all three
20 grant their approval in writing. The approval of any officer
21 required herein shall expire 60 days after such officer
22 vacates his or her office, and the written approval of the
23 successor in office must be obtained prior to the continuation
24 of operations under such plans. Upon the request of the
25 Governor, a Cabinet officer, the President of the Senate, or
26 the Speaker of the House of Representatives, the Capitol
27 Police shall activate previously approved enhanced security
28 measures and actions in accordance with the approved
29 operational plans specific to the requesting officer's
30 responsibilities and to the facilities occupied by such
31 officer and employees responsible to such officer. Upon an

1 | emergency threatening the immediate safety and security of
2 | occupants of the Capitol Complex, so declared by the Governor,
3 | plans not approved as required by this paragraph may be
4 | implemented for a period not to exceed 15 days, provided such
5 | plans do not substantially interfere with the ability of the
6 | Senate and the House of Representatives to assemble for any
7 | constitutional purpose.

8 | (b) To provide and maintain the security of all
9 | property located in the Capitol Complex in a manner consistent
10 | with the security plans developed and approved under paragraph
11 | (a) and, in consultation with the State Fire Marshal, to
12 | provide for evacuations, information, and training required
13 | for firesafety on such property in a manner consistent with s.
14 | 633.085.

15 | (c) To develop plans for reporting incidents involving
16 | buildings and property within the Capitol Complex, emergency
17 | procedures and evacuation routes in the event of fire,
18 | security threats, incidents prompting a need for evacuation,
19 | acts of terrorism, or natural or manmade disaster and to make
20 | such procedures and routes known to those persons occupying
21 | such buildings.

22 | (d) To employ officers who hold certification as law
23 | enforcement officers in accordance with the minimum standards
24 | and qualifications as set forth in s. 943.13 and the
25 | provisions of chapter 110, and who have the authority to bear
26 | arms, make arrests, except as may be limited in the security
27 | plans established under paragraph (a), and apply for arrest
28 | warrants.

29 | (e) To hire guards and administrative, clerical,
30 | technical, and other personnel as may be required.

31 |

1 (f) To train all officers and other employees in fire
2 prevention, firesafety, emergency medical procedures, and
3 preventing and responding to acts of terrorism.

4 (g) To respond to all complaints relating to criminal
5 activity or security threats within the Capitol Complex, or
6 against the Governor, the Lieutenant Governor, a member of the
7 Cabinet, a member of the Senate or of the House of
8 Representatives, or an employee assisting such official.

9 (h) As provided by the security plans developed and
10 approved under paragraph (a), upon request of the presiding
11 officer of either house of the Legislature, the director may
12 assign one or more officers for the protection of a member of
13 the house served by such presiding officer. Per diem and
14 subsistence allowance for department employees traveling with
15 a member of the Legislature away from Tallahassee shall be
16 computed by payment of a sum up to the amounts permitted in s.
17 112.061 for meals, plus actual expenses for lodging to be
18 substantiated by paid bills therefor.

19 (i) To enforce rules of the Department of Management
20 Services governing the regulation of traffic and parking
21 within the Capitol Complex and to impound illegally or
22 wrongfully parked vehicles.

23 (j) To establish policies for the organizational
24 structure, principles of command, and internal operations of
25 the Capitol Police, provided that such policies are not
26 inconsistent with the provisions of ss. 943.61-943.68 or the
27 security plans developed and approved under paragraph (a).

28 (k) To carry out the transportation and protective
29 services functions described in s. 943.68.

30 Section 2. Subsection (6) is added to section 943.611,
31 Florida Statutes, to read:

1 943.611 Director of Capitol Police.--

2 (6) At the discretion of the executive director of the
3 department, the director may serve as the director of the unit
4 within the department providing transportation and protective
5 services as set forth in s. 943.68.

6 Section 3. Subsection (1) of section 943.62, Florida
7 Statutes, is amended to read:

8 943.62 Investigations by the Capitol Police.--

9 (1) In addition to, and in conjunction with, the other
10 powers and duties specified by law, the Capitol Police shall
11 conduct traffic accident investigations and investigations
12 relating to felonies and misdemeanors occurring within the
13 Capitol Complex. Any matters may be referred to the
14 department's special agents or inspectors or another
15 appropriate law enforcement agency for further investigation.
16 Such referrals shall include transmittal of records, reports,
17 statements, and all other information relating to such
18 matters.

19 Section 4. Section 943.64, Florida Statutes, is
20 amended to read:

21 943.64 Ex officio agents.--Law enforcement officers of
22 the Department of Highway Safety and Motor Vehicles, special
23 agents or inspectors of the Department of Law Enforcement, and
24 law enforcement officers of other state agencies, counties,
25 and municipalities are ex officio agents of the Capitol
26 Police, and may, when authorized by the executive director of
27 the department or the executive director's designee ~~Capitol~~
28 ~~Police~~, enforce rules and laws applicable to the powers and
29 duties of the Capitol Police to provide and maintain the
30 security required by ss. 943.61-943.68.

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1 Section 5. Subsections (3), (6), and (9) of section
2 943.68, Florida Statutes, are amended to read:

3 943.68 Transportation and protective services.--

4 (3) The executive director shall assign agents for the
5 performance of the duties prescribed in this section. The
6 assignment of such agents shall be subject to continuing
7 approval of the Governor. Upon request of the Governor, the
8 executive director shall reassign an agent from continued
9 performance of such duties. The executive director may
10 authorize the director of Capitol Police to exercise the
11 authority provided in this subsection.

12 (6) The department shall provide security or
13 transportation services to other persons when requested by the
14 Governor, the Lieutenant Governor, a member of the Cabinet,
15 the Speaker of the House of Representatives, the President of
16 the Senate, or the Chief Justice of the Supreme Court, subject
17 to certification by the requesting party ~~agency head~~ that such
18 services are in the best interest of the state. The requesting
19 party ~~agency head~~ may delegate certification authority to the
20 executive director of the department. The requesting party
21 ~~agency head~~ shall limit such services to persons:

22 (a) Who are visiting the state; for whom such services
23 are requested by the Governor, the Lieutenant Governor, a
24 member of the Cabinet, the Speaker of the House of
25 Representatives, the President of the Senate, or the Chief
26 Justice of the Supreme Court; and for whom the primary purpose
27 of the visit is for a significant public purpose ~~and to~~
28 ~~promote the development of the state;~~ or

29 (b) For whom the failure to provide security or
30 transportation could result in a clear and present danger to
31 the personal safety of such persons or to the safety of other

1 persons or property within this state, or could result in
2 public embarrassment to the state.

3 (9) The department shall submit a report each ~~reports~~
4 ~~on July 15 and January 15 of each year~~ to the President of the
5 Senate, Speaker of the House of Representatives, Governor, and
6 members of the Cabinet, detailing all transportation and
7 protective services provided under subsections (1), (5), and
8 (6) within the preceding fiscal year ~~6 months~~. Each report
9 shall include a detailed accounting of the cost of such
10 transportation and protective services, including the names of
11 persons provided such services and the nature of state
12 business performed.

13 Section 6. Paragraph (a) of subsection (1) of section
14 316.640, Florida Statutes, is amended to read:

15 316.640 Enforcement.--The enforcement of the traffic
16 laws of this state is vested as follows:

17 (1) STATE.--

18 (a)1.a. The Division of Florida Highway Patrol of the
19 Department of Highway Safety and Motor Vehicles;; the Division
20 of Law Enforcement of the Fish and Wildlife Conservation
21 Commission;; the Division of Law Enforcement of the Department
22 of Environmental Protection;; ~~and~~ law enforcement officers of
23 the Department of Transportation; and the agents, inspectors,
24 and officers of the Department of Law Enforcement each have
25 authority to enforce all of the traffic laws of this state on
26 all the streets and highways thereof and elsewhere throughout
27 the state wherever the public has a right to travel by motor
28 vehicle.

29 b. University police officers shall have authority to
30 enforce all of the traffic laws of this state when such
31 violations occur on or about any property or facilities that

1 are under the guidance, supervision, regulation, or control of
2 a state university, a direct-support organization of such
3 state university, or any other organization controlled by the
4 state university or a direct-support organization of the state
5 university, except that traffic laws may be enforced
6 off-campus when hot pursuit originates on or adjacent to any
7 such property or facilities.

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

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

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

28 (II) A parking enforcement specialist employed by an
29 airport authority is authorized to enforce all state, county,
30 and municipal laws and ordinances governing parking only when
31 such violations are on property or facilities owned or

1 operated by the airport authority employing the specialist, by
2 appropriate state, county, or municipal traffic citation.

3 e. The Office of Agricultural Law Enforcement of the
4 Department of Agriculture and Consumer Services shall have the
5 authority to enforce traffic laws of this state.

6 f. School safety officers shall have the authority to
7 enforce all of the traffic laws of this state when such
8 violations occur on or about any property or facilities which
9 are under the guidance, supervision, regulation, or control of
10 the district school board.

11 2. An agency of the state as described in subparagraph
12 1. is prohibited from establishing a traffic citation quota. A
13 violation of this subparagraph is not subject to the penalties
14 provided in chapter 318.

15 3. Any disciplinary action taken or performance
16 evaluation conducted by an agency of the state as described in
17 subparagraph 1. of a law enforcement officer's traffic
18 enforcement activity must be in accordance with written
19 work-performance standards. Such standards must be approved by
20 the agency and any collective bargaining unit representing
21 such law enforcement officer. A violation of this subparagraph
22 is not subject to the penalties provided in chapter 318.

23 4. The Division of the Florida Highway Patrol may
24 employ as a traffic accident investigation officer any
25 individual who successfully completes instruction in traffic
26 accident investigation and court presentation through the
27 Selective Traffic Enforcement Program as approved by the
28 Criminal Justice Standards and Training Commission and funded
29 through the National Highway Traffic Safety Administration or
30 a similar program approved by the commission, but who does not
31 necessarily meet the uniform minimum standards established by

1 | the commission for law enforcement officers or auxiliary law
2 | enforcement officers under chapter 943. Any such traffic
3 | accident investigation officer who makes an investigation at
4 | the scene of a traffic accident may issue traffic citations,
5 | based upon personal investigation, when he or she has
6 | reasonable and probable grounds to believe that a person who
7 | was involved in the accident committed an offense under this
8 | chapter, chapter 319, chapter 320, or chapter 322 in
9 | connection with the accident. This subparagraph does not
10 | permit the officer to carry firearms or other weapons, and
11 | such an officer does not have authority to make arrests.

12 | Section 7. This act shall take effect July 1, 2005.

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