

CHAMBER ACTION

1 The Justice Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida Department of Law
7 Enforcement; amending s. 943.61, F.S.; revising the powers
8 and duties of the Capitol Police; amending s. 943.611,
9 F.S.; revising duties of the director of the Capitol
10 Police; amending s. 943.62, F.S.; revising provisions
11 relating to investigations by the Capitol Police; amending
12 s. 943.64, F.S.; revising provisions relating to
13 designation of other law enforcement officers as ex
14 officio agents of the Capitol Police; amending s. 943.68,
15 F.S.; revising provisions relating to transportation and
16 protective services of the Capitol Police; amending s.
17 316.640, F.S.; revising provisions relating to enforcement
18 of traffic laws; amending s. 943.681, F.S.; revising
19 provisions relating to the safety and security needs of
20 the Historic Capitol and the R.A. Gray Building; providing
21 an effective date.

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

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Section 1. Subsections (1) and (4) of section 943.61, Florida Statutes, are amended to read:

943.61 Powers and duties of the Capitol Police.--

(1) There is created the Capitol Police within the Department of Law Enforcement, to serve the safety and security needs of both the legislative and executive branches of state government. It is the intent of the Legislature that the Capitol Police serve as a specially trained and highly effective security and law enforcement agency serving the Capitol Complex and the state. It shall be the primary responsibility of the Capitol Police to protect the security of the Governor, the Lieutenant Governor, the members of the Cabinet, and the members of the Senate and of the House of Representatives, and those employees assigned to assist such state officials in the performance of their official duties, 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 provision of other law enforcement services and protection of property shall be secondary responsibilities.~~

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

(a) To develop, in consultation with the Governor, Cabinet officers, the President of the Senate, and the Speaker of the House of Representatives, written operational plans for basic and enhanced security measures and actions related to the Capitol Complex. Such plans and any changes or amendments

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52 thereto shall not be implemented unless presented in writing in
53 final form to the Governor, the President of the Senate, and the
54 Speaker of the House of Representatives and all three grant
55 their approval in writing. The approval of any officer required
56 herein shall expire 60 days after such officer vacates his or
57 her office, and the written approval of the successor in office
58 must be obtained prior to the continuation of operations under
59 such plans. Upon the request of the Governor, a Cabinet officer,
60 the President of the Senate, or the Speaker of the House of
61 Representatives, the Capitol Police shall activate previously
62 approved enhanced security measures and actions in accordance
63 with the approved operational plans specific to the requesting
64 officer's responsibilities and to the facilities occupied by
65 such officer and employees responsible to such officer. Upon an
66 emergency threatening the immediate safety and security of
67 occupants of the Capitol Complex, so declared by the Governor,
68 plans not approved as required by this paragraph may be
69 implemented for a period not to exceed 15 days, provided such
70 plans do not substantially interfere with the ability of the
71 Senate and the House of Representatives to assemble for any
72 constitutional purpose.

73 (b) To provide and maintain the security of all property
74 located in the Capitol Complex in a manner consistent with the
75 security plans developed and approved under paragraph (a) and,
76 in consultation with the State Fire Marshal, to provide for
77 evacuations, information, and training required for firesafety
78 on such property in a manner consistent with s. 633.085.

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79 (c) To develop plans for reporting incidents involving
80 buildings and property within the Capitol Complex, emergency
81 procedures and evacuation routes in the event of fire, security
82 threats, incidents prompting a need for evacuation, acts of
83 terrorism, or natural or manmade disaster and to make such
84 procedures and routes known to those persons occupying such
85 buildings.

86 (d) To employ officers who hold certification as law
87 enforcement officers in accordance with the minimum standards
88 and qualifications as set forth in s. 943.13 and the provisions
89 of chapter 110, and who have the authority to bear arms, make
90 arrests, except as may be limited in the security plans
91 established under paragraph (a), and apply for arrest warrants.

92 (e) To hire guards and administrative, clerical,
93 technical, and other personnel as may be required.

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

97 (g) To respond to all complaints relating to criminal
98 activity or security threats within the Capitol Complex, or
99 against the Governor, the Lieutenant Governor, a member of the
100 Cabinet, a member of the Senate or of the House of
101 Representatives, or an employee assisting such official.

102 (h) As provided by the security plans developed and
103 approved under paragraph (a), upon request of the presiding
104 officer of either house of the Legislature, the director may
105 assign one or more officers for the protection of a member of
106 the house served by such presiding officer. Per diem and

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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107 subsistence allowance for department employees traveling with a
 108 member of the Legislature away from Tallahassee shall be
 109 computed by payment of a sum up to the amounts permitted in s.
 110 112.061 for meals, plus actual expenses for lodging to be
 111 substantiated by paid bills therefor.

112 (i) To enforce rules of the Department of Management
 113 Services governing the regulation of traffic and parking within
 114 the Capitol Complex and to impound illegally or wrongfully
 115 parked vehicles.

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

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

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

125 943.611 Director of Capitol Police.--

126 (6) At the discretion of the executive director of the
 127 department, the director may serve as the director of the unit
 128 within the department providing transportation and protective
 129 services as set forth in s. 943.68.

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

132 943.62 Investigations by the Capitol Police.--

133 (1) In addition to, and in conjunction with, the other
 134 powers and duties specified by law, the Capitol Police shall

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135 | conduct traffic accident investigations and investigations
 136 | relating to felonies and misdemeanors occurring within the
 137 | Capitol Complex. Any matters may be referred to the department's
 138 | special agents or inspectors or another appropriate law
 139 | enforcement agency for further investigation. Such referrals
 140 | shall include transmittal of records, reports, statements, and
 141 | all other information relating to such matters.

142 | Section 4. Section 943.64, Florida Statutes, is amended to
 143 | read:

144 | 943.64 Ex officio agents.--Law enforcement officers of the
 145 | Department of Highway Safety and Motor Vehicles, special agents
 146 | or inspectors of the Department of Law Enforcement, and law
 147 | enforcement officers of other state agencies, counties, and
 148 | municipalities are ex officio agents of the Capitol Police, and
 149 | may, when authorized by the executive director of the department
 150 | or the executive director's designee ~~Capitol Police~~, enforce
 151 | rules and laws applicable to the powers and duties of the
 152 | Capitol Police to provide and maintain the security required by
 153 | ss. 943.61-943.68.

154 | Section 5. Subsections (3), (6), and (9) of section
 155 | 943.68, Florida Statutes, are amended to read:

156 | 943.68 Transportation and protective services.--

157 | (3) The executive director shall assign agents for the
 158 | performance of the duties prescribed in this section. The
 159 | assignment of such agents shall be subject to continuing
 160 | approval of the Governor. Upon request of the Governor, the
 161 | executive director shall reassign an agent from continued
 162 | performance of such duties. The executive director may authorize

163 | the Director of Capitol Police to exercise the authority
 164 | provided in this subsection.

165 | (6) The department shall provide security or
 166 | transportation services to other persons when requested by the
 167 | Governor, the Lieutenant Governor, a member of the Cabinet, the
 168 | Speaker of the House of Representatives, the President of the
 169 | Senate, or the Chief Justice of the Supreme Court, subject to
 170 | certification by the requesting party ~~agency head~~ that such
 171 | services are in the best interest of the state. The requesting
 172 | party ~~agency head~~ may delegate certification authority to the
 173 | executive director of the department. The requesting party
 174 | ~~agency head~~ shall limit such services to persons:

175 | (a) Who are visiting the state; for whom such services are
 176 | requested by the Governor, the Lieutenant Governor, a member of
 177 | the Cabinet, the Speaker of the House of Representatives, the
 178 | President of the Senate, or the Chief Justice of the Supreme
 179 | Court; and for whom the primary purpose of the visit is for a
 180 | significant public purpose ~~and to promote the development of the~~
 181 | ~~state; or~~

182 | (b) For whom the failure to provide security or
 183 | transportation could result in a clear and present danger to the
 184 | personal safety of such persons or to the safety of other
 185 | persons or property within this state or could result in public
 186 | embarrassment to the state.

187 | (9) The department shall submit a report each ~~reports on~~
 188 | July 15 ~~and January 15 of each year~~ to the President of the
 189 | Senate, Speaker of the House of Representatives, Governor, and
 190 | members of the Cabinet, detailing all transportation and

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191 protective services provided under subsections (1), (5), and (6)
 192 within the preceding fiscal year ~~6 months~~. Each report shall
 193 include a detailed accounting of the cost of such transportation
 194 and protective services, including the names of persons provided
 195 such services and the nature of state business performed.

196 Section 6. Paragraph (a) of subsection (1) of section
 197 316.640, Florida Statutes, is amended to read:

198 316.640 Enforcement.--The enforcement of the traffic laws
 199 of this state is vested as follows:

200 (1) STATE.--

201 (a)1.a. The Division of Florida Highway Patrol of the
 202 Department of Highway Safety and Motor Vehicles; ~~the~~ the Division
 203 of Law Enforcement of the Fish and Wildlife Conservation
 204 Commission; ~~the~~ the Division of Law Enforcement of the Department
 205 of Environmental Protection; ~~and~~ and law enforcement officers of
 206 the Department of Transportation; and the agents, inspectors,
 207 and officers of the Department of Law Enforcement each have
 208 authority to enforce all of the traffic laws of this state on
 209 all the streets and highways thereof and elsewhere throughout
 210 the state wherever the public has a right to travel by motor
 211 vehicle.

212 b. University police officers shall have authority to
 213 enforce all of the traffic laws of this state when such
 214 violations occur on or about any property or facilities that are
 215 under the guidance, supervision, regulation, or control of a
 216 state university, a direct-support organization of such state
 217 university, or any other organization controlled by the state
 218 university or a direct-support organization of the state

219 university, except that traffic laws may be enforced off-campus
 220 when hot pursuit originates on or adjacent to any such property
 221 or facilities.

222 c. Community college police officers shall have the
 223 authority to enforce all the traffic laws of this state only
 224 when such violations occur on any property or facilities that
 225 are under the guidance, supervision, regulation, or control of
 226 the community college system.

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

231 (I) An airport authority may employ as a parking
 232 enforcement specialist any individual who successfully completes
 233 a training program established and approved by the Criminal
 234 Justice Standards and Training Commission for parking
 235 enforcement specialists but who does not otherwise meet the
 236 uniform minimum standards established by the commission for law
 237 enforcement officers or auxiliary or part-time officers under s.
 238 943.12. Nothing in this sub-sub-subparagraph shall be construed
 239 to permit the carrying of firearms or other weapons, nor shall
 240 such parking enforcement specialist have arrest authority.

241 (II) A parking enforcement specialist employed by an
 242 airport authority is authorized to enforce all state, county,
 243 and municipal laws and ordinances governing parking only when
 244 such violations are on property or facilities owned or operated
 245 by the airport authority employing the specialist, by
 246 appropriate state, county, or municipal traffic citation.

247 e. The Office of Agricultural Law Enforcement of the
248 Department of Agriculture and Consumer Services shall have the
249 authority to enforce traffic laws of this state.

250 f. School safety officers shall have the authority to
251 enforce all of the traffic laws of this state when such
252 violations occur on or about any property or facilities which
253 are under the guidance, supervision, regulation, or control of
254 the district school board.

255 2. An agency of the state as described in subparagraph 1.
256 is prohibited from establishing a traffic citation quota. A
257 violation of this subparagraph is not subject to the penalties
258 provided in chapter 318.

259 3. Any disciplinary action taken or performance evaluation
260 conducted by an agency of the state as described in subparagraph
261 1. of a law enforcement officer's traffic enforcement activity
262 must be in accordance with written work-performance standards.
263 Such standards must be approved by the agency and any collective
264 bargaining unit representing such law enforcement officer. A
265 violation of this subparagraph is not subject to the penalties
266 provided in chapter 318.

267 4. The Division of the Florida Highway Patrol may employ
268 as a traffic accident investigation officer any individual who
269 successfully completes instruction in traffic accident
270 investigation and court presentation through the Selective
271 Traffic Enforcement Program as approved by the Criminal Justice
272 Standards and Training Commission and funded through the
273 National Highway Traffic Safety Administration or a similar
274 program approved by the commission, but who does not necessarily

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275 meet the uniform minimum standards established by the commission
 276 for law enforcement officers or auxiliary law enforcement
 277 officers under chapter 943. Any such traffic accident
 278 investigation officer who makes an investigation at the scene of
 279 a traffic accident may issue traffic citations, based upon
 280 personal investigation, when he or she has reasonable and
 281 probable grounds to believe that a person who was involved in
 282 the accident committed an offense under this chapter, chapter
 283 319, chapter 320, or chapter 322 in connection with the
 284 accident. This subparagraph does not permit the officer to carry
 285 firearms or other weapons, and such an officer does not have
 286 authority to make arrests.

287 Section 7. Section 943.681, Florida Statutes, is amended
 288 to read:

289 943.681 Capitol Police program; funding.--Funds shall be
 290 transferred quarterly, beginning July 1, 2002, by the Department
 291 of Management Services, from the Supervision Trust Fund, to the
 292 Florida Department of Law Enforcement for the purpose of funding
 293 the Capitol Police program. Funds are provided from the office
 294 space rental receipts assessed to tenant agencies in the Florida
 295 Facilities Pool, based on the rental assessment mandated in s.
 296 255.51. Transfers shall be based on the existing rental rate on
 297 July 1, 2002, unless otherwise appropriated by the Legislature.
 298 Additionally, nothing herein shall limit the Capitol Police from
 299 providing for the safety and security needs of the
 300 archaeological, archival, and historic treasures and artifacts
 301 housed in the Historic Capitol or the R.A. Gray building, as the

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302 | official capitol repositories, from funds provided by the
303 | Department of State.

304 | Section 8. This act shall take effect July 1, 2005.