

1 A bill to be entitled

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

18
19 Be It Enacted by the Legislature of the State of Florida:

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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 security
26 needs of both the legislative and executive branches of state
27 government. It is the intent of the Legislature that the Capitol
28 Police serve as a specially trained and highly effective

29 security and law enforcement agency serving the Capitol Complex
30 and the state. It shall be the primary responsibility of the
31 Capitol Police to protect the security of the Governor, the
32 Lieutenant Governor, the members of the Cabinet, and the members
33 of the Senate and of the House of Representatives, and those
34 employees assigned to assist such state officials in the
35 performance of their official duties, and to ensure their access
36 to buildings and premises within the Capitol Complex, thereby
37 providing for the continuous operation of the government of the
38 State of Florida. ~~The provision of other law enforcement~~
39 ~~services and protection of property shall be secondary~~
40 ~~responsibilities.~~

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

43 (a) To develop, in consultation with the Governor, Cabinet
44 officers, the President of the Senate, and the Speaker of the
45 House of Representatives, written operational plans for basic
46 and enhanced security measures and actions related to the
47 Capitol Complex. Such plans and any changes or amendments
48 thereto shall not be implemented unless presented in writing in
49 final form to the Governor, the President of the Senate, and the
50 Speaker of the House of Representatives and all three grant
51 their approval in writing. The approval of any officer required
52 herein shall expire 60 days after such officer vacates his or
53 her office, and the written approval of the successor in office
54 must be obtained prior to the continuation of operations under
55 such plans. Upon the request of the Governor, a Cabinet officer,
56 the President of the Senate, or the Speaker of the House of

57 Representatives, the Capitol Police shall activate previously
58 approved enhanced security measures and actions in accordance
59 with the approved operational plans specific to the requesting
60 officer's responsibilities and to the facilities occupied by
61 such officer and employees responsible to such officer. Upon an
62 emergency threatening the immediate safety and security of
63 occupants of the Capitol Complex, so declared by the Governor,
64 plans not approved as required by this paragraph may be
65 implemented for a period not to exceed 15 days, provided such
66 plans do not substantially interfere with the ability of the
67 Senate and the House of Representatives to assemble for any
68 constitutional purpose.

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

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

82 (d) To employ officers who hold certification as law
83 enforcement officers in accordance with the minimum standards
84 and qualifications as set forth in s. 943.13 and the provisions

85 of chapter 110, and who have the authority to bear arms, make
86 arrests, except as may be limited in the security plans
87 established under paragraph (a), and apply for arrest warrants.

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

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

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

98 (h) As provided by the security plans developed and
99 approved under paragraph (a), upon request of the presiding
100 officer of either house of the Legislature, the director may
101 assign one or more officers for the protection of a member of
102 the house served by such presiding officer. Per diem and
103 subsistence allowance for department employees traveling with a
104 member of the Legislature away from Tallahassee shall be
105 computed by payment of a sum up to the amounts permitted in s.
106 112.061 for meals, plus actual expenses for lodging to be
107 substantiated by paid bills therefor.

108 (i) To enforce rules of the Department of Management
109 Services governing the regulation of traffic and parking within
110 the Capitol Complex and to impound illegally or wrongfully
111 parked vehicles.

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

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

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

121 943.611 Director of Capitol Police.--

122 (6) At the discretion of the executive director of the
 123 department, the director may serve as the director of the unit
 124 within the department providing transportation and protective
 125 services as set forth in s. 943.68.

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

128 943.62 Investigations by the Capitol Police.--

129 (1) In addition to, and in conjunction with, the other
 130 powers and duties specified by law, the Capitol Police shall
 131 conduct traffic accident investigations and investigations
 132 relating to felonies and misdemeanors occurring within the
 133 Capitol Complex. Any matters may be referred to the department's
 134 special agents or inspectors or another appropriate law
 135 enforcement agency for further investigation. Such referrals
 136 shall include transmittal of records, reports, statements, and
 137 all other information relating to such matters.

138 Section 4. Section 943.64, Florida Statutes, is amended to
 139 read:

140 943.64 Ex officio agents.--Law enforcement officers of the
 141 Department of Highway Safety and Motor Vehicles, special agents
 142 or inspectors of the Department of Law Enforcement, and law
 143 enforcement officers of other state agencies, counties, and
 144 municipalities are ex officio agents of the Capitol Police, and
 145 may, when authorized by the executive director of the department
 146 or the executive director's designee ~~Capitol Police~~, enforce
 147 rules and laws applicable to the powers and duties of the
 148 Capitol Police to provide and maintain the security required by
 149 ss. 943.61-943.68.

150 Section 5. Subsections (3), (6), and (9) of section
 151 943.68, Florida Statutes, are amended to read:

152 943.68 Transportation and protective services.--

153 (3) The executive director shall assign agents for the
 154 performance of the duties prescribed in this section. The
 155 assignment of such agents shall be subject to continuing
 156 approval of the Governor. Upon request of the Governor, the
 157 executive director shall reassign an agent from continued
 158 performance of such duties. The executive director may authorize
 159 the Director of Capitol Police to exercise the authority
 160 provided in this subsection.

161 (6) The department shall provide security or
 162 transportation services to other persons when requested by the
 163 Governor, the Lieutenant Governor, a member of the Cabinet, the
 164 Speaker of the House of Representatives, the President of the
 165 Senate, or the Chief Justice of the Supreme Court, subject to
 166 certification by the requesting party ~~agency head~~ that such
 167 services are in the best interest of the state. The requesting

168 ~~party agency head~~ may delegate certification authority to the
169 executive director of the department. The requesting party
170 ~~agency head~~ shall limit such services to persons:

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

178 (b) For whom the failure to provide security or
179 transportation could result in a clear and present danger to the
180 personal safety of such persons or to the safety of other
181 persons or property within this state or could result in public
182 embarrassment to the state.

183 (9) The department shall submit a report each ~~reports on~~
184 July 15 ~~and January 15 of each year~~ to the President of the
185 Senate, Speaker of the House of Representatives, Governor, and
186 members of the Cabinet, detailing all transportation and
187 protective services provided under subsections (1), (5), and (6)
188 within the preceding fiscal year ~~6 months~~. Each report shall
189 include a detailed accounting of the cost of such transportation
190 and protective services, including the names of persons provided
191 such services and the nature of state business performed.

192 Section 6. Paragraph (a) of subsection (1) of section
193 316.640, Florida Statutes, is amended to read:

194 316.640 Enforcement.--The enforcement of the traffic laws
195 of this state is vested as follows:

196 (1) STATE.--

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

208 b. University police officers shall have authority to
 209 enforce all of the traffic laws of this state when such
 210 violations occur on or about any property or facilities that are
 211 under the guidance, supervision, regulation, or control of a
 212 state university, a direct-support organization of such state
 213 university, or any other organization controlled by the state
 214 university or a direct-support organization of the state
 215 university, except that traffic laws may be enforced off-campus
 216 when hot pursuit originates on or adjacent to any such property
 217 or facilities.

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

223 | d. Police officers employed by an airport authority shall
224 | have the authority to enforce all of the traffic laws of this
225 | state only when such violations occur on any property or
226 | facilities that are owned or operated by an airport authority.

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

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

243 | e. The Office of Agricultural Law Enforcement of the
244 | Department of Agriculture and Consumer Services shall have the
245 | authority to enforce traffic laws of this state.

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

251 2. An agency of the state as described in subparagraph 1.
252 is prohibited from establishing a traffic citation quota. A
253 violation of this subparagraph is not subject to the penalties
254 provided in chapter 318.

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

263 4. The Division of the Florida Highway Patrol may employ
264 as a traffic accident investigation officer any individual who
265 successfully completes instruction in traffic accident
266 investigation and court presentation through the Selective
267 Traffic Enforcement Program as approved by the Criminal Justice
268 Standards and Training Commission and funded through the
269 National Highway Traffic Safety Administration or a similar
270 program approved by the commission, but who does not necessarily
271 meet the uniform minimum standards established by the commission
272 for law enforcement officers or auxiliary law enforcement
273 officers under chapter 943. Any such traffic accident
274 investigation officer who makes an investigation at the scene of
275 a traffic accident may issue traffic citations, based upon
276 personal investigation, when he or she has reasonable and
277 probable grounds to believe that a person who was involved in
278 the accident committed an offense under this chapter, chapter

279 319, chapter 320, or chapter 322 in connection with the
280 accident. This subparagraph does not permit the officer to carry
281 firearms or other weapons, and such an officer does not have
282 authority to make arrests.

283 Section 7. Section 943.681, Florida Statutes, is amended
284 to read:

285 943.681 Capitol Police program; funding.--Funds shall be
286 transferred quarterly, beginning July 1, 2002, by the Department
287 of Management Services, from the Supervision Trust Fund, to the
288 Florida Department of Law Enforcement for the purpose of funding
289 the Capitol Police program. Funds are provided from the office
290 space rental receipts assessed to tenant agencies in the Florida
291 Facilities Pool, based on the rental assessment mandated in s.
292 255.51. Transfers shall be based on the existing rental rate on
293 July 1, 2002, unless otherwise appropriated by the Legislature.
294 Additionally, nothing herein shall limit the Capitol Police from
295 providing for the safety and security needs of the
296 archaeological, archival, and historic treasures and artifacts
297 housed in the Historic Capitol or the R.A. Gray building, as the
298 official capitol repositories, from funds provided by the
299 Department of State.

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