

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Florida Statutes provide for disaster and emergency assistance across jurisdictional lines through a system of mutual aid agreements. Such mutual aid agreements allow municipalities and political subdivisions of the state to access additional resources in the event a disaster or emergency overwhelms local resources.

Part 1 of ch. 23, F.S., known as the Florida Mutual Aid Act, specifies procedures allowing a law enforcement agency to enter into a mutual aid agreement with another law enforcement agency. The act recognizes the “existing and continuing possibility of the occurrence of natural or manmade disasters or emergencies and other major law enforcement problems, including those that cross jurisdictional lines...” Further, the act provides for law enforcement mutual aid through the establishment of the Florida Mutual Aid Plan. The plan is coordinated by the executive director of the Department of Law Enforcement in order to prepare for the distribution and allocation of state resources, including the National Guard, in support of the overall law enforcement mission.

The act defines the term “mutual aid agreement” as:

- A voluntary cooperation written agreement between two or more law enforcement agencies, which agreement permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines;
- A requested operational assistance written agreement between two or more law enforcement agencies, which agreement is for the rendering of assistance in a law enforcement emergency; or
- A combination of these agreements.

Section 252.40, F.S., authorizes the governing body of each political subdivision of the state to develop and enter into mutual aid agreements with the state for reciprocal emergency aid and assistance in case of emergencies too extensive to be dealt with unassisted. Such agreements must be consistent with the state comprehensive emergency management plan. Further, it is the duty of each emergency management agency in time of emergency to render assistance in accordance with the provisions of such mutual aid agreements to the fullest extent possible.

The Division of Emergency Management administers the Statewide Mutual Aid Agreement pursuant to ch. 252, F.S. This agreement, made between the division and the local government signing the agreement, allows a participating party to request assistance from any other participating party or from the division. The agreement sets forth the responsibilities of parties requesting assistance as well as the responsibilities of parties rendering assistance. The division publishes an agreement document that provides the requirements, forms, and procedures necessary for a party to execute the agreement.

Currently, Florida Statutes do not provide for entities other than municipalities or political subdivisions of the state to enter into disaster and emergency mutual aid agreements with the state and other law enforcement agencies.¹ HB 1273 allows the Seminole Tribe of Florida the opportunity to become a party to any existing mutual aid plan, arrangement, or agreement including the Florida Mutual Aid Plan and the Statewide Mutual Aid Agreement if it so desires. The bill provides procedures to enter into such a plan or agreement. The bill requires that when the Seminole Tribe of Florida becomes a party to an existing mutual aid plan, arrangement, or agreement, the Division of Emergency Management and the Department of Law Enforcement shall abide by the terms of the plan, arrangement, or agreement and assist the tribe in the same manner as required to assist political subdivisions as provided by s. 252.35, F.S., and local law enforcement agencies as provided in the Florida Mutual Aid Act.

The bill allows the parties to amend the provisions of the mutual aid plan, arrangement, or agreement in order to comply with the provisions of Chapter 285, F.S., relating to Indian Reservations and Affairs.

The bill provides for an effective date of July 1, 2008.

C. SECTION DIRECTORY:

Section 1. Creates s. 285.21, F.S., authorizing the Seminole Tribe of Florida to become a party to any existing disaster and emergency mutual aid agreement with the state and other law enforcement agency.

Section 2. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

¹ Sections 23.1225 (1)(d) and 252.40.(1), F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Departments of Community Affairs and Law Enforcement do not believe the bill will have a fiscal impact on their departments.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

By stating that the Seminole Tribe of Florida “may become a party to any *existing* mutual aid plan, arrangement, or agreement” it leaves in question whether the tribe would be precluded from entering into any newly created agreements.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES