

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Military Affairs and Domestic Security Committee

BILL: SB 1700

INTRODUCER: Senator Bennett

SUBJECT: Seminole Tribe of Florida/Mutual Aid Agreements

DATE: March 7, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pardue	McElroy	MS	Favorable
2.			CJ	
3.			GO	
4.			TA	
5.				
6.				

I. Summary:

This bill allows the Seminole Tribe of Florida to enter into disaster and emergency mutual aid agreements with the state and other law enforcement agencies. Currently such opportunity is not available under Florida Statutes.

The bill does not appear to have a fiscal impact.

This bill creates section 285.185 of the Florida Statutes (F.S.).

II. Present Situation:

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 shall 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.

III. Effect of Proposed Changes:

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 This bill allows the Seminole Tribe of Florida the opportunity to enter into 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 if the Seminole Tribe of Florida enters into 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 according to the requirements of Florida Statutes.

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

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

The language of the bill is unclear on two points:

- By stating that the Seminole Tribe of Florida “may enter into 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; and
- The bill’s language is permissive with respect to entering into an existing mutual aid agreement. However, it is unclear as to the rights of all parties to freely negotiate an agreement particularly with respect to law enforcement mutual aid agreements found in s. 23.1225 (1), F.S.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
