

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Mutual aid agreements: Section 23.1225, F.S., authorizes law enforcement agencies to enter into mutual aid agreements. The term is defined, in part to mean:

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. The agreement must specify the nature of the law enforcement assistance to be rendered, the agency or entity that shall bear any liability arising from acts undertaken under the agreement, the procedures for requesting and for authorizing assistance, the agency or entity that has command and supervisory responsibility, a time limit for the agreement, the amount of any compensation or reimbursement to the assisting agency or entity, and any other terms and conditions necessary to give it effect. Examples of law enforcement activities that may be addressed in a voluntary cooperation written agreement include, but are not limited to, establishing a joint city-county task force on narcotics smuggling, authorizing school safety officers to enforce laws in an area within 1,000 feet of a school or school board property, or establishing a joint city-county traffic enforcement task force.

The term "law enforcement agency" is defined to mean "any agency or unit of government that has authority to employ or appoint law enforcement officers, as defined in s. 943.10(1)." A copy of a mutual aid agreement must be filed with the Florida Department of Law Enforcement (FDLE). According to FDLE, several universities have existing mutual aid agreements on file with the department. For example, the Florida State University police department has a mutual aid agreement with both the Leon County Sheriff's Office and the Tallahassee Police Department and the University of Florida Police Department has a mutual aid agreement with the Alachua County Sheriff's Office.

The bill adds to the examples within the definition of the term "mutual aid agreement" to include an agreement authorizing state university police officers to enforce laws within a specified jurisdictional area as agreed upon in the voluntary cooperation written agreement.

University police departments: Currently, section 1012.97, F.S., provides that each university is empowered and directed to provide police officers for the university.¹ The eleven state universities each have a police department.² University police officers are required to meet the minimum standards established by the Criminal Justice Standards and Training Commission.³ Currently, pursuant to s. 1012.97, F.S., university police have the right to arrest, in accordance with the laws of the state, any person for violation of state law or county or city ordinances when the violation occurs on any property or facilities that are under the guidance, supervision or control of the state university or a direct-support organization of the university. Arrests may be made off campus when “hot pursuit” originates on the property or facilities referenced above.

The bill expands the arrest authority of university police by amending this section of statute to:

- expand the places where they can make an arrest to include properties that are under the guidance, supervision, regulation or control of any other organization that is controlled by the state university and areas within 1000 feet of those same properties; such places might include, for example, Innovation park, a university-related research park that was established as a unique location for the technology industry and government scientists to work hand-in-hand with Florida A&M and Florida State Universities and other off-campus sites, such as sororities and fraternities.
- expand the area within which hot pursuit may originate to include areas within 1000 feet of those properties or as agreed upon in a mutual aid agreement.
- authorize university police to arrest for violations of law that occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1).

Traffic Enforcement: Section 316.640(1)(a)1.b., F.S., gives university police officers the authority to enforce all of the traffic laws of the state when violations occur *on or about* any property or facilities that are under the guidance, supervision or regulation, or control of a state university, a direct-support organization of a state university, or any other organization controlled by the state university or a direct-support organization of the state university. University police are also authorized to enforce traffic laws off-campus when “hot pursuit” originates on *or adjacent to* these properties or facilities.

¹ Section 1012.88, F.S., relates to community college police. This section of statute is not included in the bill and the jurisdiction and duties of community college police are not impacted by the bill.

² Section 1000.02(6), F.S., defines the term “state university” as follows:

Except as otherwise specifically provided [the term], includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

- (a) The University of Florida.
- (b) The Florida State University.
- (c) The Florida Agricultural and Mechanical University.
- (d) The University of South Florida.
- (e) The Florida Atlantic University.
- (f) The University of West Florida.
- (g) The University of Central Florida.
- (h) The University of North Florida.
- (i) The Florida International University.
- (j) The Florida Gulf Coast University.
- (k) New College of Florida.

³ See s. 943.13, F.S.,

The CS/CS expands and clarifies the arrest authority for traffic violations to specifically include areas within 1000 feet of the properties covered under current law and expands the area within which hot pursuit may originate to include areas within 1000 feet of those same properties, or as agreed upon in a mutual aid agreement.

The bill amends this section of statute to give university police the authority to enforce traffic laws when a violation occurs within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1), F.S.

B. SECTION DIRECTORY:

Section 1. Amends s. 23.1225, F.S.; relating to mutual aid agreements.

Section 2. Amends s. 316.640, F.S.; relating to enforcement.

Section 3. Amends s. 1012.97, F.S.; relating to university police.

Section 4. Provides effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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 an 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:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

The Public Safety & Domestic Security Committee adopted an amendment which removed the provisions of the original bill which would have authorized university police officers to enforce laws within 1,000 feet of the university.

The Committee Substitute adopted favorably by the Policy Council on April 14, 2009 differs from the Committee Substitute reported out of the Public Safety & Security Committee on April 1, 2009 as follows:

Traffic Violations

Campus Police Officers currently have the authority to arrest for traffic violations *on or about* properties controlled by the university or by other organizations that are controlled by the university, or to arrest at off-campus locations when hot pursuit originates on or *adjacent to* such properties.

The CS/CS expands the arrest authority for traffic violations to specifically include areas within 1000 feet of the properties covered under current law and expands the area within which hot pursuit may originate to include areas within 1000 feet of those same properties, or as agreed upon in a mutual aid agreement.

Non-Traffic State, County, or Municipal Violations

The CS/CS expands arrest authority for non-traffic violations beyond the actual, specified properties to include areas within 1000 feet of those properties and expands the area within which hot pursuit may originate to include areas within 1000 feet of those properties, or as agreed upon in a mutual aid agreement.