

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 399 Florida College System Institution Police Officers

SPONSOR(S): Criminal Justice Subcommittee; Eagle and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 454

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Jones	Cunningham
2) Higher Education & Workforce Subcommittee	12 Y, 0 N	Thomas	Sherry
3) Judiciary Committee	18 Y, 0 N	Jones	Havlicak

SUMMARY ANALYSIS

Prior to 2009, Florida College System (FCS) institution and State University System (SUS) institution police officers generally had the same arrest and traffic enforcement authority. This authority was limited to making arrests for violations of law that occurred on FCS institution or SUS institution property, and enforcing traffic laws when traffic violations occurred on FCS institution or SUS institution property.

In 2009, the legislature expanded the arrest and traffic enforcement authority for SUS police officers – the legislation did not apply to FCS police officers.

The bill provides FCS institution police officers the authority to:

- Make arrests for violations of state law or city or county ordinances that occur:
 - On any property or facility or within 1,000 feet of any property of the officer's employing FCS institution; or
 - Within a specified jurisdictional area as agreed upon in a mutual aid agreement.
- Make an off campus arrest for a violation committed on campus when hot pursuit begins on or within 1,000 feet of FCS institution property.

The bill provides FCS institution police officers the authority to enforce traffic laws:

- When a violation occurs:
 - On or within 1,000 feet of any property or facility that is under the guidance, supervision, regulation, or control of the FCS institution; or
 - Within a specified jurisdictional area as agreed upon in a mutual aid agreement.
- Off campus, when hot pursuit originates on or within 1,000 feet of FCS institution property, or in accordance with a mutual aid agreement.

The bill specifies that mutual aid agreements may authorize state university police officers and FCS institution police officers to enforce laws within a specified jurisdictional area.

The bill does not appear to have a fiscal impact.

The bill becomes effective on July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida College System Institution Police and University Police

Present Situation

The term Florida College System (FCS) institution refers to any public college, state college, or community college in the state of Florida.¹ Currently, FCS and SUS institutions² are allowed to employ police officers.³ Each police officer of an FCS or SUS institution is considered a law enforcement officer of the state and must meet the minimum standards established by ch. 943, F.S., and the Criminal Justice Standards and Training Commission.⁴

Current law authorizes FCS institution police officers to arrest any person for violations of state law or applicable county or city ordinances when the violation occurs on the property or facilities of the officer's employing FCS institution, or on the property or facilities of a direct-support organization of such FCS institution. FCS institution police officers may also arrest a person off campus for a violation that occurred on campus if hot pursuit began on the property or facilities referenced above.⁵ In terms of traffic violations, s. 316.640, F.S., currently authorizes FCS institution police officers to enforce traffic laws when such violations occur on any property or facility under the guidance, supervision, regulation, or control of an FCS institution.⁶

Prior to 2009, SUS police officers generally had the same arrest and traffic enforcement authority as that currently given to FCS institution police officers. However, in 2009, the Legislature passed Senate Bill 554, expanding this authority.⁷ Currently, SUS police officers are authorized to:

- Make arrests for violations of state law or city or county ordinances that occur:
 - On or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of the state university, a direct-support organization of such university, or any other organization controlled by the state university; or
 - 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, F.S.
- Make an off campus arrest when hot pursuit begins on or within 1,000 feet of university property or facilities described above;
- Enforce all of the traffic laws of this state when violations occur:
 - On or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of

¹ The term includes all of the following public postsecondary educational institutions in the Florida College System and any branch campuses, centers, or other affiliates of the institution: Brevard Community College; Broward College; College of Central Florida; Chipola College; Daytona State College; Edison State College; Florida State College at Jacksonville; Florida Keys Community College; Gulf Coast State College; Hillsborough Community College; Indian River State College; Florida Gateway College; Lake-Sumter Community College; State College of Florida, Manatee-Sarasota; Miami Dade College; North Florida Community College; Northwest Florida State College; Palm Beach State College; Pasco-Hernando Community College; Pensacola State College; Polk State College; St. Johns River State College; St. Petersburg College; Santa Fe College; Seminole State College of Florida; South Florida Community College; Tallahassee Community College; and Valencia College. Sections 1000.21(3) and 1004.66, F.S.

² The term "state university" includes the following institutions and any branch campuses, centers, or other affiliates of the institution: the University of Florida; Florida State University; Florida Agricultural and Mechanical University; the University of South Florida; Florida Atlantic University; the University of West Florida; the University of Central Florida; the University of North Florida; Florida International University; Florida Gulf Coast University; New College of Florida; and the Florida Polytechnic University. Section 1000.21(6), F.S.

³ Sections 1012.88 and 1012.97, F.S.

⁴ *Id.*

⁵ Section 1012.88(2), F.S.

⁶ Section 316.640(1)(a)c., F.S.

⁷ Chapter 2009-216, L.O.F.

- such state university, or any other organization controlled by the state university or a direct-support organization of the state university; or
 - 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, F.S.
- Enforce traffic laws off campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.⁸

Due to the 2009 legislation, SUS institution police officers currently have greater authority to make arrests and enforce traffic violations than FCS institution police officers.

Effect of Proposed Changes

The bill provides the same enforcement authority to FCS institution police officers that are currently afforded to SUS institution police officers by authorizing FCS institution police officers to:

- Make arrests for violations of state law or city or county ordinances that occur:
 - On or in any property or facility or within 1,000 feet of any property of the officer's employing FCS institution, or on the property or facilities of a direct-support organization of such FCS institution; or
 - Within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency.
- Make an off campus arrest for a violation committed on campus when hot pursuit begins on or within 1,000 feet of the FCS institution property or facilities described above.

The bill authorizes FCS institution police officers to enforce traffic laws:

- When a violation occurs:
 - On or within 1,000 feet of any property or facility that is under the guidance, supervision, regulation, or control of the FCS institution; or
 - Within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency.
- Off campus, when hot pursuit originates on or within 1,000 feet of such property or facility, or in accordance with a mutual aid agreement.

Mutual Aid Agreements

Present Situation

Current law authorizes law enforcement agencies to enter into mutual aid agreements. The term "mutual aid agreement" 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."⁹ The statute gives examples of the types of law enforcement activities that may be addressed in a voluntary cooperation written agreement.¹⁰ The 2009 legislation authorized state university police officers to enforce laws within a specified jurisdictional area as agreed upon in the voluntary cooperation written agreement.¹¹

Effect of Proposed Changes

⁸ See ss. 1012.97(2) and 316.640(1)(a)1.b., F.S.

⁹ Section 23.1225, F.S.

¹⁰ Section 23.1225(1)(a), F.S.

¹¹ Chapter 2009-216, L.O.F.; s. 23.1225(1)(a), F.S.

The bill amends s. 23.1225(1)(a), F.S., to add "Florida College System institution" officers to the example described above. As a result, voluntary cooperation written agreements may authorize both SUS institution police officers and FCS institution police officers to enforce laws within a specified jurisdictional area.

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. 1012.88, F.S., relating to Florida College System institution police.

Section 4. Provides an effective date of July 1, 2013.

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.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 12, 2013, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment changed the term "Florida College System," which is not defined in statute, to "Florida College System institution" which is defined in statute.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.