

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/HB 399	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Criminal Justice Subcommittee; Eagle and others	113 Y's	0 N's
<b>COMPANION BILLS:</b>	(CS/SB 454)	<b>GOVERNOR'S ACTION:</b>	Approved

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**SUMMARY ANALYSIS**

CS/HB 399 passed the House on April 30, 2013 as CS/SB 454.

The term "Florida College System institution" (FCSI) refers to Florida's tax-supported community and junior colleges. Currently, FCSIs and state universities are allowed to employ police officers.

Prior to 2009, FCSI and university 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 FCSI or university property, and enforcing traffic laws when traffic violations occurred on FCSI or university property.

In 2009, the Legislature passed Senate Bill 554, which expanded the arrest and traffic enforcement authority for university police officers – the legislation did not apply to FCSI police officers.

The bill gives FCSI police officers the same authority to make arrests and enforce traffic violations as university police officers. Specifically, the bill amends s. 1012.88, F.S., to authorize FCSI police officers 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 FCSI; or
  - Within a specified jurisdictional area as agreed upon in a mutual aid agreement; and
- Make an off campus arrest for a violation committed on campus when hot pursuit begins on or within 1,000 feet of FCSI property.

The bill also amends s. 316.640, F.S., to authorize FCSI 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 FCSI; or
  - Within a specified jurisdictional area as agreed upon in a mutual aid agreement; and
- Off campus, when hot pursuit originates on or within 1,000 feet of FCSI property, or in accordance with a mutual aid agreement.

The bill amends s. 23.1225, F.S., to specify that mutual aid agreements may authorize university police officers *and FCSI police officers* to enforce laws within a specified jurisdictional area.

The bill does not appear to have a fiscal impact on state or local governments.

The bill was approved by the Governor on June 14, 2013, ch. 2013-171, L.O.F., and will become effective on July 1, 2013.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Florida College System Institution Police and University Police**

The term “Florida College System institution” (FCSI) refers to any of the 28 tax-supported community and junior colleges in the state of Florida.<sup>1</sup> Currently, FCSIs and state universities<sup>2</sup> are allowed to employ police officers.<sup>3</sup> Each police officer of an FCSI or a state university 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.<sup>4</sup>

Section 1012.88, F.S., authorizes FCSI 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 FCSI, or on the property or facilities of a direct-support organization of such FCSI. FCSI 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.<sup>5</sup> In terms of traffic violations, s. 316.640, F.S., currently authorizes FCSI police officers to enforce traffic laws when such violations occur on any property or facility under the guidance, supervision, regulation, or control of an FCSI.<sup>6</sup>

Prior to 2009, university police officers generally had the same arrest and traffic enforcement authority as that currently given to FCSI police officers. However, in 2009, the Legislature passed Senate Bill 554, expanding this authority.<sup>7</sup> Currently, university 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 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.; and

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Sections 1012.88 and 1012.97, F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 1012.88(2), F.S.

<sup>6</sup> Section 316.640(1)(a)c., F.S.

<sup>7</sup> Chapter 2009-216, L.O.F.

- 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.<sup>8</sup>

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

*Effect of the Bill*

The bill gives FCSI police officers the same authority to make arrests and enforce traffic violations as university police officers. Specifically, the bill amends s. 1012.88, F.S., to authorize FCSI 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 FCSI, or on the property or facilities of a direct-support organization of such FCSI; 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.; and
- Make an off campus arrest for a violation committed on campus when hot pursuit begins on or within 1,000 feet of the FCSI property or facilities described above.

The bill also amends s. 316.640, F.S., to authorize FCSI 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 FCSI; 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.; and
- 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**

Section 23.1225(1)(a), 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.”<sup>9</sup> The statute gives examples of the types of law enforcement activities that may be addressed in a voluntary cooperation written agreement.<sup>10</sup> The 2009 legislation (referenced above) added the following example:

- “Authorizing *state university police officers* to enforce laws within a specified jurisdictional area as agreed upon in the voluntary cooperation written agreement.”<sup>11</sup>

*Effect of the Bill*

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 university police officers *and Florida College System institution officers* to enforce laws within a specified jurisdictional area.

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<sup>8</sup> See Sections 1012.97(2) and 316.640(1)(a)1.b., F.S.

<sup>9</sup> Section 23.1225, F.S.

<sup>10</sup> Section 23.1225(1)(a), F.S.

<sup>11</sup> Chapter 2009-216, L.O.F.; section 23.1225(1)(a), F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill does not appear to have any impact on state revenues

#### 2. Expenditures:

The bill does not appear to have any impact on state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill does not appear to have any impact on local government revenues.

#### 2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.