



college owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement.

The bill will take effect July 1, 2013.

The bill amends sections 23.1225, 316.640, and 1012.88, Florida Statutes.

## II. Present Situation:

### Florida College System Institution Police and University Police

“Florida College System” (FCS) institution refers to any public college, state college, or community college in the state of Florida.<sup>1</sup> Currently, FCS and “State University System” (SUS) institutions<sup>2</sup> are allowed to employ police officers.<sup>3</sup> 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.<sup>4</sup>

FCS institution police officers may arrest any person for a violation of state law or an applicable county or city ordinance 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 the 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 their property or facilities.<sup>5</sup> In regard to traffic violations, s. 316.640, F.S., authorizes FCS institution police officers to enforce traffic law violations when the violations occur on any property or facility under the guidance, supervision, regulation, or control of an FCS institution.<sup>6</sup>

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.<sup>7</sup> 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 the 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.<sup>8</sup>

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<sup>1</sup> The term includes public postsecondary educational institutions in the Florida College System and any branch campuses, centers, or other affiliates of the institutions. For a list of institutions, *see* ss. 1000.21(3) and 1004.66, F.S.

<sup>2</sup> The term includes institutions and any branch campuses, centers, or other affiliates of the institutions. For a list of institutions, *see* s. 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.

<sup>8</sup> *See* discussion of this statute in the analysis, *supra*.

- Make an off campus arrest when hot pursuit begins on or within 1,000 feet of university property or facilities;
- 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 the 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.<sup>9</sup>

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.

According to the Department of Education, as of February 4, 2013, there were five Florida College System institutions with a police force: Pensacola State College, Tallahassee Community College, Santa Fe College, Miami Dade College, and Edison State College.<sup>10</sup>

All state universities listed in s. 1000.21(6), F.S., have police departments, except for Florida Polytechnic University.<sup>11</sup>

### **Mutual Aid Agreements**

Section 23.1225, F.S., defines “mutual aid agreement,” as one of the following types of agreement:

- 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, authorizing state university police officers to enforce laws within a specified jurisdictional area as agreed upon in the voluntary cooperation written agreement, or establishing a joint city-county traffic enforcement task force.

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<sup>9</sup> See ss. 1012.97(2) and 316.640(1)(a)1.b., F.S.

<sup>10</sup> Florida Department of Education bill analysis for SB 454 (on file with the Senate Education Committee).

<sup>11</sup> Information provided by FDLE staff.

- 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. 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. An example of the use of a requested operational assistance written agreement is to meet a request for assistance due to a civil disturbance or other emergency as defined in s. 252.34, F.S.
- A combination of the agreements previously described.<sup>12</sup>

As used in s. 23.1225, F.S., “law enforcement agency” means any agency or unit of government that has authority to employ or appoint law enforcement officers, as defined in s. 943.10(1), F.S.<sup>13</sup>

Pursuant to s. 23.1225, F.S., a mutual aid agreement may allow for discretion by the parties as to when, whether, and to what extent assistance will be available.<sup>14</sup> The mutual aid agreement may be entered into by a law enforcement agency through a written agreement executed by the chief executive officer of the agency, who is authorized to contractually bind the agency.<sup>15</sup> A copy of a mutual aid agreement must be filed with the Florida Department of Law Enforcement (FDLE) within 14 days after it is signed.<sup>16</sup>

In the event of a disaster or emergency such that a state of emergency is declared by the Governor pursuant to ch. 252, F.S., the requirement that a requested operational assistance agreement be a written agreement for rendering of assistance in a law enforcement emergency may be waived by the participating agencies for a period of up to 90 days from the declaration of the disaster.<sup>17</sup> When a law enforcement agency lends assistance under the emergency provision of this section, all powers, privileges, and immunities listed in s. 23.127, F.S., except with regard to interstate mutual aid agreements, apply to the agency or entity, if the law enforcement employees rendering services are being requested and coordinated by the affected local law enforcement executive in charge of law enforcement operations.<sup>18</sup> A listing of such agencies or entities and the officers and employees of such agencies or entities rendering assistance pursuant to this emergency provision must be maintained by the agency or entity requesting such assistance and filed at the end of the 90-day period with the FDLE.<sup>19</sup>

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.<sup>20</sup>

<sup>12</sup> Section 23.1225(1)(a-c), F.S.

<sup>13</sup> Section 23.1225(1)(d), F.S.

<sup>14</sup> Section 23.1225(2), F.S.

<sup>15</sup> Section 23.1225(3), F.S.

<sup>16</sup> Section 23.1225(4), F.S.

<sup>17</sup> Section 23.1225(5), F.S.

<sup>18</sup> Section 23.1225(5)(a), F.S.

<sup>19</sup> Section 23.1225(5)(b), F.S.

<sup>20</sup> Chapter 2009-216, L.O.F.; s. 23.1225(1)(a), F.S.

**III. Effect of Proposed Changes:**

The bill aligns the jurisdictional authority of FCS institution police officers with the same statutory authorities established for SUS police. Specifically, the bill authorizes FCS institution police officers to:

- Enforce laws within defined jurisdictional areas as agreed upon in a mutual aid agreement with another law enforcement agency;
- Enforce traffic laws when the violations occur within 1,000 feet of any college owned or controlled property or facilities;
- Enforce traffic laws beyond the 1,000-foot threshold when hot pursuit originates on college property or within 1,000 feet of college owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement;
- Arrest persons for violations of state law or applicable county or city ordinances if the violation occurs on, or within 1,000 feet of, college owned or controlled property, and or facilities; and
- Arrest persons for violations of state law or applicable county or city ordinances beyond the 1,000-foot threshold when hot pursuit originates on college property or within 1,000 feet of college owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement.

**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 Board of Governors reviewed the original bill and did not find at the time of its analysis that the bill has an impact on the State University System.<sup>21</sup> At the time this analysis was completed no information was available regarding impact, if any, on the Florida College System.

VI. **Technical Deficiencies:**

None.

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.)

**CS by Education on March 12, 2013:**

The Committee Substitute provides consistent terminology to clarify that college police officers are employed by a Florida College System institution, not by the Florida College System.

B. **Amendments:**

None.

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

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<sup>21</sup> Senate Fiscal Note, Senate Bill 434 and 454, Board of Governors (January 25, 2013) (on file with the Committee on Criminal Justice).