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 HB 345, Engrossed 1

2005 Legislature

1                                   A bill to be entitled  
 2           An act relating to the Florida Department of Law  
 3           Enforcement; amending s. 943.61, F.S.; revising the powers  
 4           and duties of the Capitol Police; amending s. 943.611,  
 5           F.S.; revising duties of the director of the Capitol  
 6           Police; amending s. 943.62, F.S.; revising provisions  
 7           relating to investigations by the Capitol Police; amending  
 8           s. 943.64, F.S.; revising provisions relating to  
 9           designation of other law enforcement officers as ex  
 10          officio agents of the Capitol Police; amending s. 943.68,  
 11          F.S.; revising provisions relating to transportation and  
 12          protective services of the Capitol Police; amending s.  
 13          316.640, F.S.; revising provisions relating to enforcement  
 14          of traffic laws; amending s. 943.681, F.S.; revising  
 15          provisions relating to the safety and security needs of  
 16          the Historic Capitol and the R.A. Gray Building; providing  
 17          an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Subsections (1) and (4) of section 943.61,  
 22 Florida Statutes, are amended to read:

23           943.61 Powers and duties of the Capitol Police.--  
 24           (1) There is created the Capitol Police within the  
 25 Department of Law Enforcement, to serve the safety and security  
 26 needs of both the legislative and executive branches of state  
 27 government. It is the intent of the Legislature that the Capitol  
 28 Police serve as a specially trained and highly effective

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29 security and law enforcement agency serving the Capitol Complex  
30 and the state. It shall be the primary responsibility of the  
31 Capitol Police to protect the security of the Governor, the  
32 Lieutenant Governor, the members of the Cabinet, and the members  
33 of the Senate and of the House of Representatives, and those  
34 employees assigned to assist such state officials in the  
35 performance of their official duties, and to ensure their access  
36 to buildings and premises within the Capitol Complex, thereby  
37 providing for the continuous operation of the government of the  
38 State of Florida. ~~The provision of other law enforcement~~  
39 ~~services and protection of property shall be secondary~~  
40 ~~responsibilities.~~

41 (4) The Capitol Police shall have the following  
42 responsibilities, powers, and duties:

43 (a) To develop, in consultation with the Governor, Cabinet  
44 officers, the President of the Senate, and the Speaker of the  
45 House of Representatives, written operational plans for basic  
46 and enhanced security measures and actions related to the  
47 Capitol Complex. Such plans and any changes or amendments  
48 thereto shall not be implemented unless presented in writing in  
49 final form to the Governor, the President of the Senate, and the  
50 Speaker of the House of Representatives and all three grant  
51 their approval in writing. The approval of any officer required  
52 herein shall expire 60 days after such officer vacates his or  
53 her office, and the written approval of the successor in office  
54 must be obtained prior to the continuation of operations under  
55 such plans. Upon the request of the Governor, a Cabinet officer,  
56 the President of the Senate, or the Speaker of the House of

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57 | Representatives, the Capitol Police shall activate previously  
58 | approved enhanced security measures and actions in accordance  
59 | with the approved operational plans specific to the requesting  
60 | officer's responsibilities and to the facilities occupied by  
61 | such officer and employees responsible to such officer. Upon an  
62 | emergency threatening the immediate safety and security of  
63 | occupants of the Capitol Complex, so declared by the Governor,  
64 | plans not approved as required by this paragraph may be  
65 | implemented for a period not to exceed 15 days, provided such  
66 | plans do not substantially interfere with the ability of the  
67 | Senate and the House of Representatives to assemble for any  
68 | constitutional purpose.

69 |       (b) To provide and maintain the security of all property  
70 | located in the Capitol Complex in a manner consistent with the  
71 | security plans developed and approved under paragraph (a) and,  
72 | in consultation with the State Fire Marshal, to provide for  
73 | evacuations, information, and training required for firesafety  
74 | on such property in a manner consistent with s. 633.085.

75 |       (c) To develop plans for reporting incidents involving  
76 | buildings and property within the Capitol Complex, emergency  
77 | procedures and evacuation routes in the event of fire, security  
78 | threats, incidents prompting a need for evacuation, acts of  
79 | terrorism, or natural or manmade disaster and to make such  
80 | procedures and routes known to those persons occupying such  
81 | buildings.

82 |       (d) To employ officers who hold certification as law  
83 | enforcement officers in accordance with the minimum standards  
84 | and qualifications as set forth in s. 943.13 and the provisions

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85 | of chapter 110, and who have the authority to bear arms, make  
86 | arrests, except as may be limited in the security plans  
87 | established under paragraph (a), and apply for arrest warrants.

88 |       (e) To hire guards and administrative, clerical,  
89 | technical, and other personnel as may be required.

90 |       (f) To train all officers and other employees in fire  
91 | prevention, firesafety, emergency medical procedures, and  
92 | preventing and responding to acts of terrorism.

93 |       (g) To respond to all complaints relating to criminal  
94 | activity or security threats within the Capitol Complex, or  
95 | against the Governor, the Lieutenant Governor, a member of the  
96 | Cabinet, a member of the Senate or of the House of  
97 | Representatives, or an employee assisting such official.

98 |       (h) As provided by the security plans developed and  
99 | approved under paragraph (a), upon request of the presiding  
100 | officer of either house of the Legislature, the director may  
101 | assign one or more officers for the protection of a member of  
102 | the house served by such presiding officer. Per diem and  
103 | subsistence allowance for department employees traveling with a  
104 | member of the Legislature away from Tallahassee shall be  
105 | computed by payment of a sum up to the amounts permitted in s.  
106 | 112.061 for meals, plus actual expenses for lodging to be  
107 | substantiated by paid bills therefor.

108 |       (i) To enforce rules of the Department of Management  
109 | Services governing the regulation of traffic and parking within  
110 | the Capitol Complex and to impound illegally or wrongfully  
111 | parked vehicles.

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112 (j) To establish policies for the organizational  
 113 structure, principles of command, and internal operations of the  
 114 Capitol Police, provided that such policies are not inconsistent  
 115 with the provisions of ss. 943.61-943.68 or the security plans  
 116 developed and approved under paragraph (a).

117 (k) To carry out the transportation and protective  
 118 services functions described in s. 943.68.

119 Section 2. Subsection (6) is added to section 943.611,  
 120 Florida Statutes, to read:

121 943.611 Director of Capitol Police.--

122 (6) At the discretion of the executive director of the  
 123 department, the director may serve as the director of the unit  
 124 within the department providing transportation and protective  
 125 services as set forth in s. 943.68.

126 Section 3. Subsection (1) of section 943.62, Florida  
 127 Statutes, is amended to read:

128 943.62 Investigations by the Capitol Police.--

129 (1) In addition to, and in conjunction with, the other  
 130 powers and duties specified by law, the Capitol Police shall  
 131 conduct traffic accident investigations and investigations  
 132 relating to felonies and misdemeanors occurring within the  
 133 Capitol Complex. Any matters may be referred to the department's  
 134 special agents or inspectors or another appropriate law  
 135 enforcement agency for further investigation. Such referrals  
 136 shall include transmittal of records, reports, statements, and  
 137 all other information relating to such matters.

138 Section 4. Section 943.64, Florida Statutes, is amended to  
 139 read:

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140           943.64 Ex officio agents.--Law enforcement officers of the  
 141 Department of Highway Safety and Motor Vehicles, special agents  
 142 or inspectors of the Department of Law Enforcement, and law  
 143 enforcement officers of other state agencies, counties, and  
 144 municipalities are ex officio agents of the Capitol Police, and  
 145 may, when authorized by the executive director of the department  
 146 or the executive director's designee ~~Capitol Police~~, enforce  
 147 rules and laws applicable to the powers and duties of the  
 148 Capitol Police to provide and maintain the security required by  
 149 ss. 943.61-943.68.

150           Section 5. Subsections (3), (6), and (9) of section  
 151 943.68, Florida Statutes, are amended to read:

152           943.68 Transportation and protective services.--

153           (3) The executive director shall assign agents for the  
 154 performance of the duties prescribed in this section. The  
 155 assignment of such agents shall be subject to continuing  
 156 approval of the Governor. Upon request of the Governor, the  
 157 executive director shall reassign an agent from continued  
 158 performance of such duties. The executive director may authorize  
 159 the Director of Capitol Police to exercise the authority  
 160 provided in this subsection.

161           (6) The department shall provide security or  
 162 transportation services to other persons when requested by the  
 163 Governor, the Lieutenant Governor, a member of the Cabinet, the  
 164 Speaker of the House of Representatives, the President of the  
 165 Senate, or the Chief Justice of the Supreme Court, subject to  
 166 certification by the requesting party ~~agency head~~ that such  
 167 services are in the best interest of the state. The requesting

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168 ~~party agency head~~ may delegate certification authority to the  
 169 executive director of the department. The requesting party  
 170 ~~agency head~~ shall limit such services to persons:

171 (a) Who are visiting the state; for whom such services are  
 172 requested by the Governor, the Lieutenant Governor, a member of  
 173 the Cabinet, the Speaker of the House of Representatives, the  
 174 President of the Senate, or the Chief Justice of the Supreme  
 175 Court; and for whom the primary purpose of the visit is for a  
 176 significant public purpose ~~and to promote the development of the~~  
 177 ~~state; or~~

178 (b) For whom the failure to provide security or  
 179 transportation could result in a clear and present danger to the  
 180 personal safety of such persons or to the safety of other  
 181 persons or property within this state or could result in public  
 182 embarrassment to the state.

183 (9) The department shall submit a report each ~~reports on~~  
 184 July 15 ~~and January 15 of each year~~ to the President of the  
 185 Senate, Speaker of the House of Representatives, Governor, and  
 186 members of the Cabinet, detailing all transportation and  
 187 protective services provided under subsections (1), (5), and (6)  
 188 within the preceding fiscal year ~~6 months~~. Each report shall  
 189 include a detailed accounting of the cost of such transportation  
 190 and protective services, including the names of persons provided  
 191 such services and the nature of state business performed.

192 Section 6. Paragraph (a) of subsection (1) of section  
 193 316.640, Florida Statutes, is amended to read:

194 316.640 Enforcement.--The enforcement of the traffic laws  
 195 of this state is vested as follows:

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196 (1) STATE.--

197 (a)1.a. The Division of Florida Highway Patrol of the  
 198 Department of Highway Safety and Motor Vehicles;; the Division  
 199 of Law Enforcement of the Fish and Wildlife Conservation  
 200 Commission;; the Division of Law Enforcement of the Department  
 201 of Environmental Protection;;~~and~~ law enforcement officers of  
 202 the Department of Transportation; and the agents, inspectors,  
 203 and officers of the Department of Law Enforcement each have  
 204 authority to enforce all of the traffic laws of this state on  
 205 all the streets and highways thereof and elsewhere throughout  
 206 the state wherever the public has a right to travel by motor  
 207 vehicle.

208 b. University police officers shall have authority to  
 209 enforce all of the traffic laws of this state when such  
 210 violations occur on or about any property or facilities that are  
 211 under the guidance, supervision, regulation, or control of a  
 212 state university, a direct-support organization of such state  
 213 university, or any other organization controlled by the state  
 214 university or a direct-support organization of the state  
 215 university, except that traffic laws may be enforced off-campus  
 216 when hot pursuit originates on or adjacent to any such property  
 217 or facilities.

218 c. Community college police officers shall have the  
 219 authority to enforce all the traffic laws of this state only  
 220 when such violations occur on any property or facilities that  
 221 are under the guidance, supervision, regulation, or control of  
 222 the community college system.

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223 |           d. Police officers employed by an airport authority shall  
 224 | have the authority to enforce all of the traffic laws of this  
 225 | state only when such violations occur on any property or  
 226 | facilities that are owned or operated by an airport authority.

227 |           (I) An airport authority may employ as a parking  
 228 | enforcement specialist any individual who successfully completes  
 229 | a training program established and approved by the Criminal  
 230 | Justice Standards and Training Commission for parking  
 231 | enforcement specialists but who does not otherwise meet the  
 232 | uniform minimum standards established by the commission for law  
 233 | enforcement officers or auxiliary or part-time officers under s.  
 234 | 943.12. Nothing in this sub-sub-subparagraph shall be construed  
 235 | to permit the carrying of firearms or other weapons, nor shall  
 236 | such parking enforcement specialist have arrest authority.

237 |           (II) A parking enforcement specialist employed by an  
 238 | airport authority is authorized to enforce all state, county,  
 239 | and municipal laws and ordinances governing parking only when  
 240 | such violations are on property or facilities owned or operated  
 241 | by the airport authority employing the specialist, by  
 242 | appropriate state, county, or municipal traffic citation.

243 |           e. The Office of Agricultural Law Enforcement of the  
 244 | Department of Agriculture and Consumer Services shall have the  
 245 | authority to enforce traffic laws of this state.

246 |           f. School safety officers shall have the authority to  
 247 | enforce all of the traffic laws of this state when such  
 248 | violations occur on or about any property or facilities which  
 249 | are under the guidance, supervision, regulation, or control of  
 250 | the district school board.

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251           2. An agency of the state as described in subparagraph 1.  
252 is prohibited from establishing a traffic citation quota. A  
253 violation of this subparagraph is not subject to the penalties  
254 provided in chapter 318.

255           3. Any disciplinary action taken or performance evaluation  
256 conducted by an agency of the state as described in subparagraph  
257 1. of a law enforcement officer's traffic enforcement activity  
258 must be in accordance with written work-performance standards.  
259 Such standards must be approved by the agency and any collective  
260 bargaining unit representing such law enforcement officer. A  
261 violation of this subparagraph is not subject to the penalties  
262 provided in chapter 318.

263           4. The Division of the Florida Highway Patrol may employ  
264 as a traffic accident investigation officer any individual who  
265 successfully completes instruction in traffic accident  
266 investigation and court presentation through the Selective  
267 Traffic Enforcement Program as approved by the Criminal Justice  
268 Standards and Training Commission and funded through the  
269 National Highway Traffic Safety Administration or a similar  
270 program approved by the commission, but who does not necessarily  
271 meet the uniform minimum standards established by the commission  
272 for law enforcement officers or auxiliary law enforcement  
273 officers under chapter 943. Any such traffic accident  
274 investigation officer who makes an investigation at the scene of  
275 a traffic accident may issue traffic citations, based upon  
276 personal investigation, when he or she has reasonable and  
277 probable grounds to believe that a person who was involved in  
278 the accident committed an offense under this chapter, chapter

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279 319, chapter 320, or chapter 322 in connection with the  
280 accident. This subparagraph does not permit the officer to carry  
281 firearms or other weapons, and such an officer does not have  
282 authority to make arrests.

283 Section 7. Section 943.681, Florida Statutes, is amended  
284 to read:

285 943.681 Capitol Police program; funding.--Funds shall be  
286 transferred quarterly, beginning July 1, 2002, by the Department  
287 of Management Services, from the Supervision Trust Fund, to the  
288 Florida Department of Law Enforcement for the purpose of funding  
289 the Capitol Police program. Funds are provided from the office  
290 space rental receipts assessed to tenant agencies in the Florida  
291 Facilities Pool, based on the rental assessment mandated in s.  
292 255.51. Transfers shall be based on the existing rental rate on  
293 July 1, 2002, unless otherwise appropriated by the Legislature.  
294 Additionally, nothing herein shall limit the Capitol Police from  
295 providing for the safety and security needs of the  
296 archaeological, archival, and historic treasures and artifacts  
297 housed in the Historic Capitol or the R.A. Gray building, as the  
298 official capitol repositories, from funds provided by the  
299 Department of State.

300 Section 8. This act shall take effect July 1, 2005.