

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Appropriations Committee

BILL: CS/SB 554

INTRODUCER: Education Pre-K-12 Appropriations and Senator Dean

SUBJECT: Legal Jurisdiction of Campus Police

DATE: April 15, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>HE</u>	Favorable
2.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
3.	<u>Bryant</u>	<u>Hamon</u>	<u>HI</u>	Fav/CS
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill expands the jurisdiction of state university police officers to enforce the law. In particular, the bill authorizes state university 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 university owned or controlled property or facilities;
- Enforce traffic laws beyond the 1,000-foot threshold when hot pursuit originates on university property or within 1,000 feet of university 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 university owned or controlled property or facilities;
- Arrest persons for violations of state law or applicable county or city ordinances beyond the 1,000-foot threshold when hot pursuit originates on university property or within 1,000 feet of university owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement.

This bill amends sections 23.1225, 316.640, and 1012.97, Florida Statutes.

II. Present Situation:

The Florida Mutual Aid Act¹ establishes the state's policy for mutual aid agreements between law enforcement agencies in situations that cross jurisdictional lines. The law provides examples of law enforcement activities that may be addressed in a written agreement, including the authorization for school safety officers to enforce laws in an area within 1,000 feet of a school or school board property. According to the Board of Governors, that statutory example has been interpreted to apply to mutual aid agreements between university police and local law enforcement agencies to allow for enforcement of laws within 1,000 feet of university property.

University police officers may enforce all state traffic laws when violations occur on or about any property or facilities that are under the control of a state university, a university direct-support organization (DSO), or any other organization controlled by the university or DSO, except that traffic laws may be enforced off-campus when hot pursuit originates on or adjacent to any university or DSO property or facilities.² University police are law enforcement officers of the state and may arrest any person for a violation of state law or county or city ordinances when such violations occur on university or DSO property or in facilities that are under the control of a university or DSO, except that an arrest may be made off-campus when hot pursuit originates on such property or facilities.³

The statutes governing the jurisdiction of university police are not consistent concerning areas adjacent to university property. The extent of state university police officers' jurisdiction to enforce state laws appears to vary as follows:

- If a mutual aid agreement exists, their jurisdiction extends to "within 1000 feet" of university property;
- If they are enforcing a traffic law, their jurisdiction extends "on or about" any university property and off-campus if hot pursuit originates "on or adjacent to" any university property; and
- If they are arresting persons for violations of state laws, their jurisdiction is limited to violations that occur "on" university owned or controlled property or when hot pursuit began on such property.

III. Effect of Proposed Changes:

The bill clarifies the jurisdictional authority of university police officers by authorizing state university 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 university owned or controlled property or facilities;

¹ ch. 23, pt. I, F.S.

² s. 316.640(1)(a)b., F.S.

³ s. 1012.97(2), F.S.

- Enforce traffic laws beyond the 1,000-foot threshold when hot pursuit originates on university property or within 1,000 feet of university 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 university owned or controlled property or facilities;
- Arrest persons for violations of state law or applicable county or city ordinances beyond the 1,000-foot threshold when hot pursuit originates on university property or within 1,000 feet of university 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:

None.

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 Higher Education Appropriations on April 15, 2009:

The committee substitute would:

- Authorize university police to enforce traffic laws off campus when hot pursuit originates on university property or within 1,000 feet of university owned or controlled property or facilities, *or as agreed upon in accordance with a mutual aid agreement.*
- Authorize university police to enforce state laws or county or city ordinances off campus when hot pursuit originates on *or within 1000 feet* of university owned or controlled property or facilities, *or as agreed upon in accordance with a mutual aid agreement.*

- B. **Amendments:**

None.