

STORAGE NAME: h0767.ca

DATE: April 6, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 767

RELATING TO: Municipal Law Enforcement Officers

SPONSOR(S): Representative Edwards

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) LAW ENFORCEMENT AND CRIME PREVENTION YEAS 7 NAYS 0
 - (2) COMMUNITY AFFAIRS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill authorizes municipal law enforcement officers to patrol property and facilities leased by the municipality but located outside its territorial jurisdiction.

This bill also authorizes these city police officers to detain and take into custody, those who an officer has probable cause to believe have committed or are committing a crime on such property or facilities. A detained person may be held by a city law enforcement officer for a reasonable time until a law enforcement officer with jurisdiction over the property where the violation occurred arrives to make a lawful arrest.

This bill grants civil and criminal immunity to municipal law enforcement officers who detain a person based on probable cause that the person has committed or is in the process of committing a crime on property that is leased by their employing municipality.

Fiscal impact is expected to be minimal.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Generally, municipal police jurisdiction is contained within physical municipal boundaries. Article VIII, Section 2 (c) of the Florida Constitution provides that any extra-territorial powers are governed by general or special law. There are several situations where the Legislature has enabled law enforcement officers to exercise their powers out of jurisdiction.

Section 23.1225, Florida Statutes, addresses mutual aid agreements. This section authorizes two or more law enforcement agencies to enter into a written agreement to provide voluntary cooperation and assistance that is extra-jurisdictional. Typically, this assistance is of a routine nature. Examples include authorizing a city-county narcotics task force or granting school safety officers jurisdictional powers within a specified perimeter around a school. A joint effort following a Governor-declared state of emergency temporarily waives the writing requirement.

Section 901.25, F.S., authorizes law enforcement to make arrests out of jurisdiction when in fresh pursuit. Regarding felonies, for fresh pursuit to be legitimate, the officer can reasonably believe that the person has committed a felony. For misdemeanors, county and municipal ordinances, the person must have actually committed a violation.

Under Section 901.252 F.S., a law enforcement officer may patrol property owned by a municipality even if such property is outside the officer's territorial jurisdiction. Where the officer has probable cause to believe that a person has committed or is committing a state, county, or municipal violation, the officer may detain and take the person into custody in a reasonable time and manner. The municipal officer must then immediately call an officer with jurisdiction over the property or facility. This section exempts municipal law enforcement from civil and criminal liability where the officer acts under the authority granted in this section.

C. EFFECT OF PROPOSED CHANGES:

This bill extends current statutory authority for municipal law enforcement officers to patrol properties and facilities that are owned outside of their territorial jurisdiction to additionally apply to leased properties. Municipal officers are empowered to detain and arrest individuals on extra-territorial property leased by the municipality. Officers are required to

call law enforcement with jurisdiction over the property or facility after the arrestee has been detained.

This bill extends civil and criminal immunity to officers patrolling leased property where a person is detained.

This bill does not provide any extra-jurisdictional powers to municipal officers while traveling en route to facilities and properties.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends Section 901.252 (1), F.S.; authorizes municipal law enforcement to patrol property and facilities out of jurisdiction where the property or facilities are leased by the municipality.

Section 2 -- Provides that the act shall take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

NONE

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

There will be little fiscal impact related to this bill. Local municipalities may incur some cost related to the increased area of patrol, but this impact is expected to be minimal.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the amount of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

A representative from the Florida Department of Law Enforcement expresses that they do not oppose this bill.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

Allen Mortham Jr.

Kurt E. Ahrendt

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Cindy M. Brown, J.D.

Joan Highsmith-Smith