

STORAGE NAME: h0767.lec

DATE: March 10, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND CRIME PREVENTION
ANALYSIS**

BILL #: HB 767

RELATING TO: Municipal Law Enforcement Officers

SPONSOR(S): Representative Edwards

TIED BILL(S): SB 1270 (i)

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

- (1) LAW ENFORCEMENT AND CRIME PREVENTION
 - (2) COMMUNITY AFFAIRS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

House Bill 767 provides statutory authority to municipal law enforcement officers to patrol property and facilities leased by the municipality but located outside its territorial jurisdiction. The bill also authorizes these city police officers to detain and take into custody, person whom 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 amount of time until a law enforcement officer with jurisdiction over the property or facility where the violation occurred arrives to make a lawful arrest. A municipal law enforcement officer that detains 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 shall be immune from civil or criminal liability as a result of such official action.

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:

Currently under s. 901.252 F.S., a law enforcement officer may patrol property that is owned by a municipality even if such property is outside his territorial jurisdiction. The law enforcement officer also has the authority to arrest and detain an individual when he or she has probable cause to believe that a crime has been committed on said property. The law enforcement officer may enforce the ordinances of the municipality that owns the property even if it is outside their jurisdiction. If an arrest is made while a law enforcement officer patrols a property owned by his or her municipality, but is outside his or her jurisdiction, he must call a law enforcement officer with jurisdiction over the property or facility on which the violation occurred. A municipal law enforcement officer is protected from civil and criminal liability if he or she detains a person based on probable cause that a crime has been committed or is in the process of being committed on property owned by the municipality but outside his or her territorial jurisdiction.

C. EFFECT OF PROPOSED CHANGES:

House Bill 767 will allow a law enforcement officer to patrol properties and facilities that are leased by their employing municipality but are not within their territorial jurisdiction. Municipal officer will have the ability to arrest individuals on property leased by the municipality outside their jurisdiction as well. An officer will be required to call a law enforcement officer that does have jurisdiction over the property or facility after the arrestee has been detained.

For the purposes of this section, a crime is defined to include a violation of state law, or of a city or county ordinance.

An officer who acts within his or her official duties shall be immune to civil or criminal liability if he or she detains a person based on probable cause that the person committed a crime on property leased by the city, but outside the territorial jurisdiction of the municipality.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

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:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

Law enforcement officer shall have no jurisdiction while traveling en route to facilities and properties owned by their employing municipalities while outside their jurisdiction.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

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