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DATE: February 28, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME PREVENTION, CORRECTIONS & SAFETY (HCC)
ANALYSIS**

BILL #: HB 593
RELATING TO: Law Enforcement Officers
SPONSOR(S): Representative Bowen
TIED BILL(S):

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

- (1) CRIME PREVENTION, CORRECTIONS & SAFETY (HCC)
 - (2) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
 - (3) COUNCIL FOR HEALTHY COMMUNITIES
 - (4)
 - (5)
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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 leased properties 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:

Municipal police jurisdiction is generally contained within physical municipal boundaries. The exercise of any power extraterritorially by the city must be authorized by general or special law, as provided in Article VIII, Section 2(c), Florida Constitution, and Section 166.021(3)(a), F.S. There are several situations where the Legislature has enabled law enforcement officers to exercise their powers out of jurisdiction.

Part I, Chapter 23, Florida Statutes, "The Florida Mutual Aid Act" authorizes two or more law enforcement agencies to enter into a written agreement to provide assistance that is extra-jurisdictional. Pursuant to a mutual aid agreement, law enforcement officers may exercise their authority outside their jurisdictional boundaries. Typically, the assistance provided through a written mutual aid agreement is of a routine nature. Examples of agreements include authorizing a city-county narcotics task force, granting school safety officers jurisdictional powers within a specified perimeter around a school, or establishing a joint city-county traffic enforcement task force. In instances where operational assistance occurs following a Governor-declared state of emergency, the writing requirement is temporarily waived.

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 outside of their territorial jurisdiction. Municipal officers are empowered to detain and arrest individuals on extra-territorial property leased by the municipality.

Officers are required to immediately call law enforcement with jurisdiction over the leased property or facility after an 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., to authorize 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:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Fiscal impact is expected to be minimal.

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 take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON CRIME PREVENTION, CORRECTIONS & SAFETY (HCC):

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