

**STORAGE NAME:** h0113B.sec.doc  
**DATE:** October 28, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
SELECT COMMITTEE ON SECURITY  
ANALYSIS**

**BILL #:** HB 113-B  
**RELATING TO:** The Division of Florida Capitol Police  
**SPONSOR(S):** Representative Goodlette

**TIED BILL(S):**

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

- (1) SELECT COMMITTEE ON SECURITY
  - (2)
  - (3)
  - (4)
  - (5)
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I. SUMMARY:

The bill provides an intact, or Type One transfer, of the Division of Capitol Police in the Department of Management Services (DMS) to the Department of Law Enforcement (FDLE). The bill further provides for the development of basic and enhanced security plans for named buildings in the Capitol Complex.

The bill is effective upon becoming a law.

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:

The Department of Management Services (DMS) is the state agency that provides general infrastructure organization and central services for the more than two dozen executive departments and the three branches of state government. Its principal duties involve administration of employee personnel, health and retirement benefits; the functional ownership of many state buildings including all of those specified in the Florida Facilities Pool; centralized procurement and property management. The agency also oversees state parking vehicle management and facility security. The responsibility of facility security is discharged through Chapter 281, F.S., with asset protection and capitol-area employee security assigned to the Division of Capitol Police.

The division concentrates most of its patrol staffing in the state capital area by virtue of the requirements in Chapter 281, F.S., with a specific security presence in five named buildings: the Governor's Mansion, Capitol, Historic Capitol, Senate, and House of Representatives. It also has a staffing complement in multi-occupancy state office buildings in other cities outside the capital. About one-half of occupied state agency office space is in leased premises and division presence is not as intense in such situations. Chapter 281, F.S., provides that the division may procure, by contract, supplemental services in such circumstances. As a practical matter, state agencies procure supplemental security services as needed using their own budgeted funds. Even in the state capital area the actual deployment is concentrated more heavily in facilities in the Florida Facilities Pool, a bond funding mechanism for state agency office space. The Pool, however, contains no covenants requiring a security presence.

C. EFFECT OF PROPOSED CHANGES:

**Section 1:** Creates s. 943.51, F.S.; creates the Division of Florida Capitol Police in the Florida Department of Law Enforcement (FDLE). This section also provides for consultation between the DMS and FDLE on fire safety and security issues in the Capitol Complex. Security plans for reporting suspicious persons or incidents involving state-owned and state-leased buildings must be developed as well as emergency procedures and evacuation routes in the event of fire, security threats, incidents prompting a need for evacuation, acts of terrorism or natural or man-made disasters. The FDLE is given the authority to employ agents as well as officers, but whose duties and qualifications will be distinct.

**Section 2:** Creates s. 943.52, F.S.; provides for investigations by the Florida Capitol Police and distinguishes between agents and officers regarding investigations undertaken by the Division of Capitol Police.

**Section 3:** Creates s. 943.53, F.S.; provides for persons arrested by an officer of the Florida Capitol Police to be delivered to the sheriff of the county in which the arrest occurs.

**Section 4:** Creates s. 943.54, F.S.; provides for the designation of ex-officio agents.

**Section 5:** Creates s. 943.55, F.S.; provides for contracts with units of local law enforcement or private security agencies.

**Section 6:** Creates s. 943.56, F.S.; provides agency rulemaking authority for parking and traffic regulation.

**Section 7:** Creates s. 943.57, F.S.; authorizes the department to acquire and maintain all necessary equipment, uniforms, vehicles, communications systems, housing facilities and office space necessary for the proper administration of statutory duties of the Division of Florida Capitol Police. Provides a separate criminal penalty for unauthorized use of a Capitol police officer emblem or impersonation of such an officer.

**Section 8:** Creates. 943.58, F.S.; provides for the department to provide transportation and protective services to the Governor and his family, the Governor's office, mansion and grounds. Provides for security personnel traveling for these purposes to be reimbursed for travel expenses as provided in s. 112.061, F.S.. Provides for the department to provide security or transportation services to other government officials as specified, and the department must coordinate all protective services with the U.S. Department of State and the U.S. Secret Service when requested.

**Sections 9 and 10:** Renumbers s. 281.301, F.S., as s. 943.59, F.S.; transfers the Division of the Florida Capitol Police from the DMS to the FDLE by an intact, Type One transfer as provided in s. 20.06, F.S. Each transferred employee must meet the employment qualifications of the successor organization by January 1, 2002, or be subject to dismissal.

**Section 11:** Amends s. 20.201, F.S.; to place the Division of Florida Capitol Police within the Criminal Justice Investigations and Forensic Science Program of FDLE.

**Section 12:** Repeals ss. 281.02, 281.03, 281.04, 281.05, 281.06, 281.07, 281.08, and 281.20, Florida Statutes.

**Section 13:** Amends paragraph (c) of subsection (2) of s. 287.17, F.S.; to conform to the renumbering of s. 281.20, F.S., to s. 943.58, F.S.

**Section 15:** This act shall take effect upon becoming a law.

D. SECTION-BY-SECTION ANALYSIS:

See Effect of Proposed Changes.

II. 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:

The bill provides for an intact transfer of the current division along with its appropriations pursuant to s. 20.06, F.S. The successor organization retains the right to review each of the transferred employees for employment subject to adherence to its own employment criteria. Those not qualified would be subject to dismissal, or presumably, be afforded other employment opportunities outside of their current employment field.

The Division of Capitol Police has a force of 141.5 FTEs and an annual budget of \$6.2 million, about 95 percent of which is derived from state trust funds. Most of the trust amount is attributable to a square foot charge each agency pays in its lease payments for security services. Policing state facilities obligates 119.5 of the FTEs. Three positions are assigned to criminal investigations, 4 FTEs to criminal and fire prevention training, 7 FTEs to executive direction, and the remaining 8 FTEs to maintenance of the communications center.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

Chapter 281, F.S., gives the division the ability to negotiate enforcement agreements with units of local government. That authority will transfer to the successor organization upon passage of this legislation.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

None.

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

None.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill provides for the Department of Law Enforcement to adopt rules to administer the provisions contained in this bill.

C. OTHER COMMENTS:

The affected employees in the DMS are represented by different collective bargaining organizations. The officers are represented by the International Union of Police Associations while the remainder are represented by the American Federation of State, County, and Municipal Employees. Due to the fact that the DMS officer personnel are not considered "special agents" they will not be incorporated with the FDLE collective bargaining unit of that name which is now represented by the Police Benevolent Association. The FDLE will have to engage in impact bargaining following transfer to adhere to any contractual rights the officers may wish to assert under the labor agreement.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON SELECT COMMITTEE ON SECURITY:

Prepared by:

Staff Director:

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Lynn Dodson

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Tom Randle/Richard Hixson