

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 Committee on Judiciary

BILL: SB 496

INTRODUCER: Senator Dean

SUBJECT: Marshal of the Supreme Court

DATE: March 11, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shankle	Cibula	JU	Pre-meeting
2.			CJ	
3.			RC	
4.				
5.				
6.				

I. Summary:

SB 496 amends ss. 25.251 and 25.271, F.S., concerning the Office of the Marshal of the Supreme Court to:

- Require that the marshal and his or her assistants, redesignated as deputies under the bill, be law enforcement officers;
- Give the marshal and his or her deputies statewide authority to bear arms and perform official duties for the Supreme Court;
- Specify that the marshal and his or her deputies must comply with s. 943.13, F.S., relating to the qualifications of law enforcement officers and removes the requirement that they complete a minimum standards training program by the Criminal Justice Standards Training Commission.

This bill substantially amends sections 25.251 and 25.271 of the Florida Statutes:

II. Present Situation:

Article V, section 3 of the Florida Constitution directs the Florida Supreme Court to appoint a marshal. Section 25.251, F.S., codifies this requirement and creates Office of the Marshal of the Florida Supreme Court. The marshal's primary role, as laid out in s. 25.271, F.S., is to provide safety and security for the justices, employees, and facilities of the Supreme Court and be conservators of the peace in any building in which the Supreme Court is sitting.¹ In the course of carrying out those duties, a marshal, or his or her assistant, may apprehend any person disturbing

¹ Section 25.271, F.S.

the peace and deliver that person to the appropriate law enforcement officer.² The Office of the Marshal is concerned that s. 25.271(2), F.S., restricts him or her from keeping the peace and providing security for justices and other court personnel at off-site locations when the justices are not sitting as the Supreme Court.³ Section 25.271, F.S., also requires that the marshal keep the grounds of the Supreme Court Building clean and free of trespassers.⁴

A marshal, and his or her assistants, is required to attend and complete a minimum standards training program by the Criminal Justice Standards Training Commission (CJSTC), which is housed within the Florida Department of Law Enforcement (FDLE).⁵ From 1983 until 2002, marshals and their assistants received training from the United States Marshals service which was approved by the CJSTC.⁶ However, in 2002, the FDLE advised that they lacked statutory authority to approve training programs not developed by the FDLE. This left only the basic recruit training offered by the FDLE.⁷ The current practice of the Court is for the marshal to fill any vacancies among his or her assistants with certified law enforcement officers.⁸

III. Effect of Proposed Changes:

This bill requires that the marshal of the Supreme Court and his or her assistants be law enforcement officers. The specific provisions of the bill:

- Redesignates the marshal's assistants as deputies in s. 25.251, F.S.
- Amend s. 25.251, F.S., to give a marshal and his or her deputies' statewide authority to bear arms and perform official duties for the Supreme Court.
- Requires the marshal and his or her deputies to comply with s. 943.13, F.S., relating to the qualifications of law enforcement officers and removes the requirement that they complete a minimum standards training program by the Criminal Justice Standards Training Commission. This conforms to the current practice of the Supreme Court to fill any vacancies in the marshal's office with certified law enforcement officers.
- Amends s. 25.271, F.S. to remove subsection (2). This has the effect of consolidating provisions governing security and arrest authority of the marshal and his or her deputies along with the authority to create the office of the marshal s. 25.251, F.S. Section 25.271, F.S., now solely addresses the marshal's duty to maintain the Supreme Court Building and grounds.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

² *Id.*

³ Office of the State Courts Administrator, *Revised Proposed Legislative Issue, Supreme Court Marshal Requirements and Authority*, January 16, 2013 (on file with Senate Committee on Judiciary).

⁴ Section 25.271(1), F.S.

⁵ Section 25.251, F.S.

⁶ Office of the State Courts Administrator, *supra* note 4.

⁷ *Id.*

⁸ *Id.*

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.)

None.

B. Amendments:

None.