

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 the Office of the Marshal of the Florida Supreme Court. The marshal's primary role, as specified 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 the peace and deliver that person to the appropriate law enforcement officer.² Section 25.271, F.S., also requires that the marshal keep the grounds of the Supreme Court Building clean and free of trespassers.³

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).⁴ From 1983 until 2002, marshals and their assistants received training from the United States Marshals service which was approved by the CJSTC.⁵ 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.⁶

In addition to completion of the basic recruit training, s. 943.13, F.S., also requires that a person seeking certification as a law enforcement officer:

- (1) Be at least 19 years of age.
- (2) Be a citizen of the United States, notwithstanding any law of the state to the contrary.
- (3) Be a high school graduate or its "equivalent" as the commission has defined the term by rule.
- (4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.
- (5) Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections or the Criminal Justice Standards and Training

¹ Section 25.271, F.S.

² *Id.*; 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. 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).

³ Section 25.271(1), F.S.

⁴ Section 25.251, F.S.

⁵ Office of the State Courts Administrator, *supra* note 2.

⁶ The current practice of the Court is for the marshal to fill any vacancies among his or her assistants with certified law enforcement officers. *Id.*

Commission. ... The department shall search all arrest fingerprint cards received pursuant to s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system pursuant to this section and report to the employing agency any arrest records that are identified with the retained employee's fingerprints. ...

(6) Have passed a physical examination by a licensed physician, physician assistant, or certified advanced registered nurse practitioner, based on specifications established by the commission. ...

(7) Have a good moral character as determined by a background investigation under procedures established by the commission.

(8) Execute and submit to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity an affidavit-of-applicant form, adopted by the commission, attesting to his or her compliance with subsections (1)-(7). ...

(9) Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under this subsection. An applicant who has:

(a) Completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the Federal Government; and

(b) Served as a full-time sworn officer in another state or for the Federal Government for at least 1 year provided there is no more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption under this section,

is exempt in accordance with s. 943.131(2) from completing the commission-approved basic recruit training program.

(10) Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.

(11) Comply with the continuing training or education requirements of s. 943.135.

These statutory requirements are more extensive than current law requires of the Marshal and his or her assistants.

III. **Effect of Proposed Changes:**

This bill requires that the marshal of the Supreme Court and his or her assistants be law enforcement officers as defined under s. 943.10(1), F.S. The specific provisions of the bill:

- Redesignate 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 make arrests in connection with their official duties for the Supreme Court.
- Require the Marshal and his or her deputies to comply with s. 943.13, F.S., relating to the qualifications of law enforcement officers. This conforms to the current practice of the Supreme Court to fill any vacancies in the Marshal's office with certified law enforcement officers.
- Amend 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 in 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.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

The bill is not expected to have a fiscal impact on the Florida Supreme Court as the court is currently hiring certified law enforcement officers to serve in the Marshal's Office.⁷

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.)

CS by Judiciary on March 12, 2013:

⁷ 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).

The CS provides that the marshal and his or her deputies are law enforcement officers as defined under s. 943.10(1), F.S., and are authorized to make arrests in connection with their official duties for the Supreme Court.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
