

CHAPTER 281

SAFETY AND SECURITY SERVICES

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281.02 Powers and duties of the Division of Capitol Police.—The Division of Capitol Police of the Department of Management Services has the following powers and duties:

(1) To establish a comprehensive and ongoing plan for the firesafety and security of the Capitol, the Senate Office Building, the House Office Building, and the Historic Capitol, including, but not limited to, the institution of programs for the awareness and training in firesafety and security of members of the Legislature and their employees, and all other elected officials and their respective employees, who occupy such buildings. The division shall also ensure that adequate signs and personnel are in place to inform and assist the occupants of and visitors to such buildings.

(2) To provide and maintain the firesafety and security of all state-owned property leased from the Department of Management Services, excluding state universities and custodial institutions, the Governor's office, the Governor's mansion and the grounds thereof, and the Supreme Court.

(3) To develop emergency procedures and evacuation routes in the event of fire or disaster and to make such procedures and routes known to those persons occupying state-owned buildings leased from the Department of Management Services.

(4) To employ:

(a) Agents who hold certification as police officers in accordance with the minimum standards and qualifications as set forth in s. 943.13 and the provisions of chapter 110, who shall have the authority to bear arms, make arrests, and apply for arrest warrants; and

(b) Guards and administrative, clerical, technical, and other personnel as may be required.

(5) To train agents and guards in fire prevention, firesafety, and emergency medical procedures.

(6) To respond to all complaints relating to criminal activity within state-owned buildings or state-leased property.

(7) To enforce rules of the Department of Management Services governing the regulation of traffic and parking on state-owned or state-leased property, including, but not limited to, issuing citations for the violation of such rules or the traffic laws of the state or any

county or municipality and impounding illegally or wrongfully parked vehicles.

(8) To delegate its duties provided in this section to any state agency occupying such state-owned or state-leased property.

History.—s. 2, ch. 76-247; s. 1, ch. 77-174; s. 6, ch. 84-143; s. 4, ch. 84-274; s. 64, ch. 85-80; s. 2, ch. 91-54; s. 218, ch. 92-279; s. 55, ch. 92-326.

Note.—Former s. 287.35.

281.03 Investigations by division.—

(1) The Division of Capitol Police shall conduct traffic accident investigations and investigations relating to felonies and misdemeanors occurring on state-owned or state-leased property. Any matters which are deemed to involve a felony may be referred to the appropriate law enforcement agency for criminal investigation. Such referrals shall include transmittal of records, reports, statements, and all other information relating to such matters.

(2) The Division of Capitol Police shall retain copies of all reports relating to such criminal activity for use in the ongoing firesafety and security plan as required in s. 281.02.

History.—s. 2, ch. 76-247; s. 7, ch. 84-143; s. 5, ch. 84-274; s. 65, ch. 85-80; s. 3, ch. 91-54.

Note.—Former s. 287.36.

281.04 Arrests by agents of division.—A person arrested by an agent of the Division of Capitol Police shall be delivered to the sheriff of the county in which the arrest takes place.

History.—s. 2, ch. 76-247; s. 6, ch. 84-274; s. 4, ch. 91-54.

Note.—Former s. 287.37.

281.05 Ex officio agents.—The Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, and law enforcement officers of counties and municipalities are ex officio agents of the Division of Capitol Police and may, when authorized by the division, enforce rules and laws applicable to the powers and duties of the division to provide and maintain the security required by ss. 281.02-281.09.

History.—s. 2, ch. 76-247; s. 13, ch. 79-8; s. 7, ch. 84-274; s. 5, ch. 91-54.

Note.—Former s. 287.38.

281.06 Contracts with counties, municipalities, or licensed private security agencies.—

The Division of Capitol Police may contract with any county, municipality, or licensed private security agency to provide and maintain the security of state-owned or state-leased property required by ss. 281.02-281.09 upon such terms as the division may deem to be in the best interest of the state.

History.—s. 2, ch. 76-247; s. 8, ch. 84-274; s. 6, ch. 91-54.

Note.—Former s. 287.39.

281.07 Rules; Division of Capitol Police; traffic regulation.—

(1) The Department of Management Services shall adopt and promulgate rules to govern the administration, operation, and management of the Division of Capitol Police and to regulate traffic and parking on state-owned or state-leased property, which rules are not in

conflict with any state law or county or municipal ordinance, and to carry out the provisions of ss. 281.02–281.09.

(2) Political subdivisions and municipalities may enact and enforce ordinances on the violation of traffic and parking rules provided in subsection (1).

History.—s. 2, ch. 76-247, s. 1, ch. 81-26; s. 1, ch. 83-336; s. 9, ch. 84-274; s. 7, ch. 91-54; s. 219, ch. 92-279; s. 55, ch. 92-326.

Note.—Former s. 287.43.

281.08 Equipment.—

(1) The Division of Capitol Police is specifically authorized to purchase, sell, trade, rent, lease, and maintain all necessary equipment, uniforms, motor vehicles, communication systems, housing facilities, and office space, and perform any other acts necessary for the proper administration and enforcement of ss. 281.02–281.09, pursuant to part I of chapter 287. The division may prescribe a distinctive uniform to be worn by personnel in the performance of their duties pursuant to 1s. 281.02(3). The division may prescribe a distinctive emblem to be worn by all agents or guards.

(2) It is unlawful for any unauthorized person to wear a uniform or emblem prescribed by the division, or a similar uniform or emblem, or to impersonate, pretend, or represent himself or herself to be an agent or guard. Any person who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 2, ch. 76-247; s. 10, ch. 84-274; s. 8, ch. 91-54; s. 32, ch. 91-224; s. 195, ch. 95-148.

Note.—Redesignated as s. 281.02(7) by s. 6, ch. 84-143.

Note.—Former s. 287.40.

281.09 Bonding required of officers and agents.—

The Department of Management Services shall ensure that each officer and agent of the Division of Capitol Police is adequately bonded in accordance with its procedures relating to blanket bonding of public employees.

History.—s. 2, ch. 76-247; s. 11, ch. 84-274; s. 9, ch. 91-54; s. 331, ch. 92-279; s. 55, ch. 92-326.

Note.—Former s. 287.41.

281.20 Transportation and protective services.—

(1) The Department of Law Enforcement shall provide and maintain the security of the Governor, the Governor's immediate family, and the Governor's office and mansion and the grounds thereof.

(2) The department shall employ such personnel as may be necessary to carry out this responsibility, including uniformed and nonuniformed agents who shall have authority to bear arms and make arrests, with or without warrant, for violations of any of the criminal laws of the state, under the same terms and conditions as investigative personnel of the department, and who shall be considered peace officers for all purposes, including, but not limited to, the privileges, protections, and benefits of ss. 112.19, 121.051, 122.34, and 870.05.

(3) The executive director shall assign agents for the performance of the duties prescribed in this section. The assignment of such agents shall be subject to continuing approval of the Governor. Upon request of the Governor, the executive director shall reassign an agent from continued performance of such duties.

(4) Per diem and subsistence allowance for security personnel traveling with the Governor or the Governor's family away from Tallahassee shall be computed by payment of a sum up to the amounts permitted in 1s. 112.061(6)(d) for meals, plus actual expenses for lodging to be substantiated by paid bills therefor.

(5) The department is authorized to provide security or transportation to visiting governors and their families upon request by the Governor.

(6) The department shall provide security or transportation services to other persons when requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court, subject to certification by the agency head that such services are in the best interest of the state. The agency head may delegate certification authority to the executive director of the department. The agency head shall limit such services to persons:

(a) Who are visiting the state; for whom such services are requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court; and for whom the primary purpose of the visit is for a public purpose and to promote the development of the state; or

(b) For whom the failure to provide security or transportation could result in a clear and present danger to the personal safety of such persons or could result in public embarrassment to the state.

(7) The department is authorized to coordinate transportation and protective services provided under subsections (1), (5), and (6) with other law enforcement agencies and may request the assistance of other law enforcement agencies to carry out the duties required by subsections (1), (5), and (6). The other law enforcement agencies of the state are authorized to provide such assistance as may be requested by the department under this subsection.

(8) The department shall coordinate all protective services with the United States Department of State and the United States Secret Service when requested to do so by such agencies or by the Governor or a member of the Cabinet.

(9) The department shall submit reports on July 15 and January 15 of each year to the President of the Senate, Speaker of the House of Representatives, Governor, and members of the Cabinet, detailing all transportation and protective services provided under subsections (1), (5), and (6) within the preceding 6 months. Each report shall include a detailed accounting of the cost of such transportation and protective services, including the names of persons provided such services and the nature of state business performed.

History.—s. 4, ch. 74-386; s. 1, ch. 79-8; s. 1, ch. 81-52; s. 1, ch. 83-304; s. 196, ch. 95-148.

Note.—Deleted as a result of the substantial rewording of s. 112.061(6) by s. 1, ch. 81-207.

Note.—Former s. 14.071.

281.301 Security systems; records and meetings exempt from public access or disclosure.—Information relating to the security systems for any property owned by or leased to the state or any of its political subdivi-

sions, and information relating to the security systems for any privately owned or leased property which is in the possession of any agency as defined in s. 119.011(2), including all records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to or revealing such systems or information, and all meetings relating directly to or that would reveal such systems or information are confidential and exempt from ss. 119.07(1) and 286.011

and other laws and rules requiring public access or disclosure. This exemption is subject to the Open Government Sunset Review Act in accordance with ¹s. 119.14.

History.—s. 1, ch. 87-355; s. 1, ch. 89-47; s. 101, ch. 90-360.

Note.—

A. Repealed by s. 1, ch. 95-217.

B. Section 4, ch. 95-217, provides that "[n]otwithstanding any provision of law to the contrary, exemptions from chapter 119, Florida Statutes, or chapter 286, Florida Statutes, which are prescribed by law and are specifically made subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes, are not subject to review under that act, and are not abrogated by the operation of that act, after October 1, 1995."