

REVISED: May 20, 1981 *TKJ*  
DATE: May 18, 1981

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>MK Stengle</u>	<u>Overstreet</u>	1. <u>G.O.</u>	<u>Fav/5 amend.</u>
2. _____	_____	2. <u>App.</u>	_____
3. _____	_____	3. _____	_____

SUBJECT: Law Enforcement:  
Florida Mutual Aid Plan

BILL No. AND SPONSOR:  
SB 1104 by Senator Dunn

I. SUMMARY:

A. Present Situation:

Chapter 23, part IV, F.S., creates the Florida Mutual Aid Act to provide for an inventory of state law enforcement personnel and equipment, coordinating law enforcement planning and operations, dispatch of law enforcement personnel and equipment, and dissemination of information on statewide, regional, county, and city bases in the event of riots and civil disturbances.

The chapter creates a hierarchical organizational structure to implement the provisions of the act, but it has never been operational because the law does not place administrative responsibility within any executive department. Further, the law creates positions for which it assigns no functions, assigns functions to positions it does not create, and provides conflicting methods of selecting coordinators for the same levels in the hierarchical structure.

Chapter 252, F.S., relating to disaster preparedness, defines "disaster" as an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause. Section 252.40(1), F.S., provides that the governing body of each political subdivision may develop and enter into, through the Division of Public Safety Planning and Assistance, Department of Veteran and Community Affairs, mutual aid agreements with other public entities in case of disasters too great to be dealt with unassisted.

Chapter 119, F.S., requires persons having custody of public records to permit public inspection of those records.

B. Effect of Proposed Changes:

The provisions creating the hierarchical organizational structure under the Florida Mutual Aid Act would be repealed. Instead, the Florida Mutual Aid Plan would be created, and the director of the plan would be the executive director of the Department of Law Enforcement with administration through the Division of Local Law Enforcement of the department.

The director would coordinate and implement law enforcement planning and activities for the use of mutual aid among law enforcement agencies and state resources, maintain lists of law enforcement equipment and personnel within the state; gather information and intelligence relating to law enforcement mutual aid or assistance from state agencies to support local law enforcement in times of peril or disaster arising from civil disturbances; maintain liaison with the Governor, federal, and state departments and agencies, and local law enforcement officials for traffic control and law enforcement planning and operations; and maintain liaison with the Attorney General to keep him informed of law enforcement plans, mutual aid agreements, and relevant legal developments.

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## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

Analyst: Stengle  
 Staff Director: Overstreet  
 Subject: Law Enforcement:  
 Florida Mutual Aid Plan

Bill No. And Sponsor:  
 SB 1104 by Senator Dunn

The division would maintain an inventory of all state and local law enforcement resources as ordered by the director; provide technical assistance to state and local agencies in conducting inventories; and promulgate standards for mutual aid agreements. The agreements, which would be filed with the division within 7 days of their making, would be of 3 types: (1) a written voluntary cooperation agreement between two or more law enforcement agencies to provide routine assistance across jurisdictional lines which would specify the exact nature of the agreement, which agency would bear any liability arising thereunder, and which would not provide for reimbursement among the agencies; (2) a written requested operational assistance agreement between agencies to provide assistance in law enforcement intensive situations falling short of an emergency under chapter 252, F.S., which would specify the exact nature of the agreement, which agency would bear liability thereunder, the terms of reimbursement between agencies, and which would include a definite time limitation; and (3) an emergency assistance agreement entered into pursuant to s. 252.40(1) F.S.

The Florida Mutual Aid Plan and the inventory of law enforcement resources and personnel would be exempt from the provisions of chapter 119, F.S., except that the documents would be available for inspection by those with an official need for access to them.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None

B. Government:

The Governor has recommended a non-recurring expenditure from General Revenue of \$272,717 to conduct an inventory of law enforcement resources and personnel. The expenditure would include 6 positions.

III. COMMENTS:

The bill provides for agreements between law enforcement agencies that fall short of emergency under chapter 252, F.S. The chapter does not define "emergency;" it only defines "disaster." A corrective amendment has been prepared.

"Enforcement" is misspelled on page 5 of the bill. A technical amendment has been prepared.

The bill, as written, would authorize the director to promulgate standards for agreements entered into under s. 252.40(1), F.S. Standards for such agreements have already been promulgated by the Department of Veteran and Community Affairs. A corrective amendment has been prepared.

IV. AMENDMENTS:

#1 by Governmental Operations:  
 Technical amendment to conform bill language to chapter 252, F.S.

#2 by Governmental Operations:  
 Changes responsibilities of director of Florida Mutual Aid Plan from "organize, direct, and supervise" law enforcement services of the plan to "coordinate the organization and direction" of those services.

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#3 by Governmental Operations:  
Technical amendment to correct misspelling.

#4 by Governmental Operations:  
Includes Florida National Guard in inventory of law enforcement resources  
and personnel.

#5 by Governmental Operations:  
Authorizes director of the plan to promulgate standards for the filing only  
of those agreements entered into under s. 252.40(1), F.S.

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2. _____	_____	2. <u>App.</u>	<u>W/D</u>
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II. ECONOMIC IMPACT AND FISCAL NOTE:

## A. Public:

None

## B. Government:

The Governor has recommended a non-recurring expenditure from General Revenue of \$272,717 to conduct an inventory of law enforcement resources and personnel. The expenditure would include 6 positions.

III. COMMENTS:

This bill has passed the Legislature.

IV. AMENDMENTS:

None

BILL ACTION REPORT

(C3-75: File with Secretary of Senate)

(S) ~~(H)~~ BILL NO. 1104

COMMITTEE ON GOVERNMENTAL OPERATIONS

DATE May 20, 1981

Date Reported May 21, 1981

TIME 9:00 a.m. - 12:00 Noon

FINAL ACTION:

PLACE Room H, Senate Office Bldg.

X Favorably with 5 amendments

OTHER COMMITTEE REFERENCES:  
(In order shown)

         Favorably with Committee Substitute

         Unfavorably

         Appropriations

OTHER:          Temporarily Passed

         Reconsidered

THE VOTE WAS:

         Not Considered

FINAL BILL VOTE		SENATORS	Amendment #1 by Stuart		Amendment #2 by Stuart		Amendment #3 by Stuart		Amendment #4 by Stuart		Amendment #5 by Stuart	
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
X		HAIR, MATTOX										
X		HENDERSON, WARREN S.										
X		JENNINGS, TONI										
X		NEAL, PATRICK K.	WITHOUT OBJECTION		WITHOUT OBJECTION			WITHOUT OBJECTION			WITHOUT OBJECTION	
		STEINBERG, PAUL B.	WITHOUT OBJECTION		WITHOUT OBJECTION			WITHOUT OBJECTION			WITHOUT OBJECTION	
X		STUART, GEORGE, JR.	WITHOUT OBJECTION		WITHOUT OBJECTION			WITHOUT OBJECTION			WITHOUT OBJECTION	
X		WARE, JOHN T.	WITHOUT OBJECTION		WITHOUT OBJECTION			WITHOUT OBJECTION			WITHOUT OBJECTION	
		SKINNER, SHERRILL										
X		CARLUCCI, JOE, V. CHM.										
		WINN, SHERMAN S., CHM.										
7	0	TOTAL	X		X			X		X		X
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared ( X )  
 A Senator appeared ( )  
 Sponsor's aide appeared ( )  
 Other appearance ( )