

1989

## Session Law 89-003

Florida Senate & House of Representatives

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**H 142 GENERAL BILL by Silver (Identical S 108)**

Law Enforcement Dept./Divisions; transfers duty to investigate certain misconduct by public officials from Criminal Investigation Division to D.L.E.; empowers division to conduct other investigations; transfers Crimes Against Children Criminal Profiling T.F. from Local Law Enforcement Assistance Div. to dept. generally; renames Crime Laboratories Division & Staff Services as Staff Services Division, etc. Amends Ch. 943, 20.201, 316.193, 382.025. Effective Date: 05/09/89.

01/20/89 HOUSE Prefiled  
01/31/89 HOUSE Referred to Criminal Justice; Appropriations  
02/17/89 HOUSE Subreferred to Subcommittee on Prosecution and Punishment  
02/20/89 HOUSE On subcommittee agenda—Criminal Justice, 03/08/89, 8:00 am, 21-HOB  
03/09/89 HOUSE Subcommittee Recommendation: Favorable; On Committee agenda, pending subcommittee action—Criminal Justice, 03/08/89, 10:00 am, 21-HOB; Preliminary Committee Action by Criminal Justice: Favorable; On Committee agenda—Criminal Justice, 03/21/89, 3:00 pm, 217-HOB—  
For ratification of subreferral  
03/10/89 HOUSE Comm. Report: Favorable by Criminal Justice; Now in Appropriations  
04/04/89 HOUSE Introduced, referred to Criminal Justice; Appropriations -HJ 25; Subreferred to Subcommittee on Prosecution and Punishment; Comm. Report: Favorable by Criminal Justice -HJ 157; Now in Appropriations -HJ 157  
04/06/89 HOUSE Withdrawn from Appropriations -HJ 162; Placed on Calendar  
04/11/89 HOUSE Placed on Special Order Calendar  
04/12/89 HOUSE Read second time -HJ 209  
04/13/89 HOUSE Read third time; Passed; YEAS 112 NAYS 0 -HJ 217  
04/19/89 SENATE In Messages  
04/25/89 SENATE Received, referred to Judiciary-Criminal -SJ 203; Immediately withdrawn from Judiciary-Criminal; Substituted for SB 108; Passed; YEAS 38 NAYS 0 -SJ 205  
04/27/89 Ordered enrolled  
05/03/89 Signed by Officers and presented to Governor -HJ 371  
05/09/89 Approved by Governor; Chapter No. 89-3 -HJ 417

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h0142a.cj  
DATE: June 13, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON CRIMINAL JUSTICE  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 142

RELATING TO: Department of Law Enforcement Reorganization

SPONSOR(S): Representative Silver

EFFECTIVE DATE: Upon becoming a law.

DATE BECAME LAW: May 9, 1989

CHAPTER #: 89-3, Laws of Florida

COMPANION BILL(S): SB 108

OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2)

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I. SUMMARY:

A. PRESENT SITUATION:

Section 20.201, F. S., currently provides five divisions in the Department of Law Enforcement: Criminal Investigation; Local Law Enforcement Assistance; Criminal Justice Information Systems; Criminal Justice Standards and Training; Crime Laboratories and Staff Services. The Division of Criminal Investigation is responsible for conducting investigations into the misconduct of public officials and employees subject to suspension or removal by the Governor, pursuant to s. 943.03, F. S. The Division of Local Law Enforcement Assistance administers the Crimes Against Children Criminal Profiling Trust Fund which fund is used for investigative, intelligence, research and training activities relating to crimes against children, pursuant to s. 943.26, F. S. Section 316.193, F. S., provides that a portion of fines imposed for driving under the influence convictions be paid into the Division of Crime Laboratories and Staff Services in conducting the statewide criminal analysis laboratory system.

B. EFFECT OF PROPOSED CHANGES:

This bill reorganizes the Department of Law Enforcement, as follows:

The Division of Crime Laboratories and Staff Services would be renamed the Division of Staff Services and certain sections would be conformed to reflect that change.

The Division of Criminal Investigations currently investigates,

at the request of the Governor, misconduct of public officials and those subject to suspension or removal. This responsibility would be transferred to the department generally.

The Division of Criminal Investigations would be authorized to engage in other investigative activities as will aid local law enforcement officers in preventing or solving crimes and controlling criminal activity.

The Crimes Against Children Criminal Profiling Trust Fund would be moved from the Division of Local Law Enforcement Assistance to the department generally.

The Division of Local Law Enforcement Assistance, would be authorized to train and engage in activities to aid local law enforcement, and provide forensic services to state, local, and other law enforcement agencies and criminal justice agencies.

Trust fund monies due the Department of Law Enforcement from those convicted of driving under the influence would be deposited in the Division of Local Law Enforcement Assistance, for conducting the statewide criminal analysis laboratory system. This change reflects the change of responsibility for the criminal analysis laboratory from the Division of Crime Laboratories and Staff Services.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 provides that the department in general shall conduct investigations concerning misconduct of public officials and employees and those subject to suspension or removal by the Governor.

Section 2 deletes the responsibility of the Division of Criminal Investigation to conduct investigations relating to public officials and provides that the division may engage in investigative activities as will aid local law enforcement officers in controlling criminal activity.

Section 3 moves the Crimes Against Children Criminal Profiling Trust Fund to the Commissioner's Office.

Section 4 moves the forensic services to the Division of Local Law Enforcement Assistance.

Section 5 amends Section 20.201 to reflect the changes in the divisions.

Section 6 renumbers section 943.29 to section 943.381 and conforms the language to reflect the Division of Staff Services, rather than the Division of Crime Laboratories and Staff Services.

Section 7 provides that monies from driving under the influence convictions be placed in the Administrative Trust Fund of the

department to be used for operational expenses of the Division of Local Law Enforcement Assistance, rather than Crime Laboratories and Staff Services in conducting the criminal analysis laboratory system.

Section 8 conforms section numbers.

Section 9 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

The Department of Law Enforcement states that this bill does not give the department additional authority, but will more clearly align the functions of the department with the appropriate division. One of the primary areas of assistance to local law enforcement agencies is forensic services and this bill moves that responsibility to the Division of Local Law Enforcement Assistance. The bill also moves executive investigations to the Commissioners office to reflect the practice over the last eight years, according to the department.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Susan G. Bisbee  
Susan G. Bisbee

Staff Director:

Robin S. Hassler  
Robin S. Hassler

SECOND COMMITTEE OF REFERENCE:

Prepared by:

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Staff Director:

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APPROPRIATIONS:

Prepared by:

\_\_\_\_\_

Staff Director:

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>[Signature]</u>	<u>Liepshutz</u> <u>MM</u>	1. <u>JCR</u>	<u>Fav.</u>
2. _____	_____	2. <u>AP</u>	<u>Withdrawn</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Law Enforcement Dept./Divisions

BILL NO. AND SPONSOR:

SB 108 by  
Senator Grant

I. SUMMARY:

A. Present Situation:

Chapters 20 and 943, Florida Statutes, authorize the duties, responsibilities and organizational structure of the Florida Department of Law Enforcement (FDLE). The department is currently authorized, upon specific direction by the Governor, to investigate allegations of misconduct by public officials. These investigations are conducted by the Division of Criminal Investigation (DCI), as specified by s. 943.04(2)(b), F.S.

The Division of Local Law Enforcement Assistance (DLLEA) aids local law enforcement agencies by responding to their requests for consultation, research and planning, field technical or such other assistance as may be requested. Section 943.26(3), F.S., provides that the division administer the Crimes Against Children Criminal Profiling Trust Fund, a revenue source from which moneys are allocated for investigative, intelligence, research, and training activities specifically related to children.

Section 316.193(6), F.S., authorizes the imposition of fines for certain alcohol-related or drug-related traffic offense convictions. Portions of these fines are deposited in the Emergency Medical Services Trust Fund, the Florida Department of Law Enforcement Administrative Trust Fund, and the Impaired Drivers and Speeders Trust Fund.

B. Effect of Proposed Changes:

SB 108 moves the investigation of misconduct by public officials out of the DCI and back into the Office of the Executive Director, its location several years ago. According to FDLE, it conducts executive investigations of public officials pursuant to Executive Orders issued by the Governor. These investigations are extremely sensitive and require liaison with the Governor's legal staff and periodic briefings to the Governor. The responsibility for these investigations is currently assigned to the Office of the Executive Director. This alleviates circumstances in which a special agent in the DCI would be required to investigate a public official such as, but not limited to, a sheriff, chief of police, or state attorney and then attempt to maintain a relationship with that public official in other criminal investigations. This bill clarifies the Executive Director's authority relative to the management of these investigations.

SB 108 modifies existing language to define the cooperative working relationship with local law enforcement officials. Through this bill, training and such other services as may be required are provided by DLLEA. Additionally, section 4 of the bill authorizes DLLEA to provide forensic services to local agencies and to develop policies, procedures and standards for

state-operated crime labs. This transfer of crime lab functions to DLLEA requires a shift in the location of the FDLE Administrative Trust Fund, from which moneys are allocated for the operation of the state criminal analysis laboratory system. FDLE had initially created the trust fund to ensure the availability of revenue to fund certain Division of Crime Lab and Staff Services employees. The bill realigns these functions, both in structure and financing.

The bill creates a section within FDLE for the Crimes Against Children Criminal Profiling Trust Fund, formerly authorized under s. 943.26(3), the Division of Local Law Enforcement Assistance.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

The Florida Department of Law Enforcement recently assessed its operational structure and determined that it is appropriate to consolidate and transfer certain functions within the agency. In a report released by FDLE on October 10, 1988, "A Blueprint for Continued Success: FDLE'S Design for the Future," the agency recommended the following:

- \* Develop clear, concise mission statements for all entities and personnel.
- \* Consolidate all investigative functions within Division of Criminal Investigation.
- \* Relocate Crime Laboratory System and external training programs to Division of Local Law Enforcement Assistance.
- \* Develop singularly dedicated management for business and administrative functions of the Department. Evaluate all administrative functions and correct indentified deficiencies.
- \* Examine the responsibilities and classification of all positions and correct any inappropriate usage.

SB 108 provides the authority to implement these recommendations.

IV. AMENDMENTS:

None.