Law Enforcement, use of vehicles to provide escort

Number: INFORMAL

Date: October 09, 2009

Captain William G. Dixon
Patrol Division Commander
Manatee County Sheriff's Office
600 U.S. Highway 301 Boulevard West
Suite 202
Bradenton, Florida 34205

Dear Captain Dixon:

You state that you are aware of the provisions of section 316.1974, Florida Statutes, which concerns funeral processions and authorizes the use of law enforcement vehicle to provide an escort. You ask whether there are other statutes addressing the use of escort vehicles by local law enforcement for visiting dignitaries.

I would generally note that section 943.68, Florida Statutes, provides for security and transportation services by the Florida Department of Law Enforcement. Pursuant to subsections (1), (5), and (6) of the statute,

"(1) The department 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.

* * *

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

(6) The department [of Law Enforcement] 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 requesting party that such services are in the best interest of the state. The requesting party may delegate certification authority to the executive director of the department. The requesting party 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 significant public purpose; 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 to the safety of other persons or property within this state or could result in public embarrassment to the state."

Pursuant to subsection (7) of the statute,

"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."

Cf. section 250.06(5), Florida Statutes, which provides that the Governor may authorize all or any part of the Florida National Guard to participate in any parade, review, inspection, ceremony, or other public exercise; to serve for escort duty; to participate in training; to provide extraordinary support to law enforcement upon request; and to provide humanitarian relief in situations for which it is uniquely qualified.

You may wish to discuss this matter with the attorney who is responsible for advising the sheriff's department. Should the department wish to request a formal opinion as to the duties of the sheriff’s office, such a request should come from the sheriff accompanied by a memorandum of law prepared by the attorney for the department.

I hope that the above information may be of assistance. Thank you for contacting the Attorney General’s Office.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/t