

**GENERAL ORDER**

October 2016

Immediately

**I-03**

Distribution: All Employees

Subject: **LEGAL AUTHORITY OF POLICE OFFICERS**Index as: Arrest Authority  
Authority of Police OfficersFirearms, Authority to Carry  
Legal Authority

Accreditation Standards: 1.2.1, 1.2.2, 33.4.4 CFA 4.03

Cross Reference: St. Petersburg City Charter Article IV, Section 4.04  
St. Petersburg City Code Sections 2-49, 23-26, 26-31  
§166.021(1) and (2), §790.051 and .052, Chapter 901, §943.1(1), §943.10(1), §943.12,  
§943.13, §943.135, F.S.S.

Replaces: G.O. I-3, Legal Authority of Police Officers (March 12, 2019)

All Law Enforcement Officers must meet certain general qualifications in order to exercise the legal authority with which they are vested. This Order sets forth those general qualifications and the development of the City's authority to create a Police Department and vest legal authority in officers who qualify under state and local standards. This Order consists of the following sections:

- I. Legal Authority Vested in Police Officers of the City of St. Petersburg
- II. General Qualifications of Officers Established
- III. General Lawful Authority of City of St. Petersburg Police Officers to Carry Firearms and make Arrests

#### I. LEGAL AUTHORITY VESTED IN POLICE OFFICERS OF THE CITY OF ST. PETERSBURG

A. Under Chapter 15505, Special Laws of Florida. 1931, the Legislature of the State of Florida established a City Charter for the City of St. Petersburg which, among other things, provided governmental and police powers to the City of St. Petersburg. Under Section 10 of the 1931 Charter, the City Manager (now Mayor) was given specific powers and duties, including the duty to see that all laws and ordinances of the City are enforced, and to create and control all departments of the City, including the Police Department. Under Section 3(m) of the 1931 Charter, the City of St. Petersburg was specifically granted the power "to exercise full police powers...and to establish and maintain a department or division of police, and to erect necessary buildings and purchase all implements and apparatus therefore, "The 1931 Charter became effective on May 30, 1931, and various portions of the 1931 Charter remain in effect today.

B. In 1973, the Legislature of the State of Florida enacted the Municipal Home Rule Powers Act (Chapter 73-129, Laws of Florida, 1973). Under the Municipal Home Rule Powers Act, Florida Municipalities were given broad governmental, corporate, and proprietary powers to enable them to exercise any power for municipal purposes, except when expressly prohibited by law, §166.021(2), F.S.S. "Municipal purpose" was defined as "any activity or power which may be exercised by the state or its political subdivisions", §166.021(2), F.S.S. The Municipal Home Rule Powers Act of 1973 secured for Florida municipalities the broad home rule powers granted by the 1968 Florida Constitution.

C. Section 1.01 of the City of St. Petersburg Charter grants unto the City the general power to "perform municipal functions and render municipal services" which would include police service. This is consistent with the authority granted to municipalities by §166.021(1), F.S.S. Section 4.04 of the City of St. Petersburg Charter grants the Mayor authority to appoint city employees and appointive administrative officers, as well as create departments.

D. The City of St. Petersburg has created a Police Department. Section 2.01 of the City of St. Petersburg Administrative Regulations, General Organization, places the Police Department under the supervision of the Mayor through a City Administrator.

E. By Resolution #72-343, the City Council of the City of St. Petersburg certified that all currently employed police officers meet the qualifications established by the Police Standards Council of the State of Florida and further certified that police officers subsequently employed would meet those standards.

F. Section 23-48 of the St. Petersburg Code, vests authority in the Chief of Police and the Police Department to enforce the appropriate provisions of the City Code. Section 2-49 of the City Code authorizes the Chief of Police or police officers to serve subpoenas issued by the Mayor in conjunction with an investigation being conducted by the City. Further, Section 23-19 of the City Code vests authority in the Chief of Police to designate certain vehicles as "special use vehicles" which may be operated in or upon any city park or sidewalks by law enforcement officers. Chapter 26, Article II of the Code addresses the traffic and vehicle enforcement duties of the Police Department.

## II. GENERAL QUALIFICATION OF OFFICERS ESTABLISHED BY LAW AND BY POLICY RESOLUTION

A. For purposes of employment and training, §943.10(1), F.S.S. defines the term "law enforcement officer" as follows:

1. "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime and the enforcement of the penal, criminal, traffic, or highway laws of this state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, but does not include support personnel employed by the employing agency, §943.10(1), F.S.S.

2. All duly appointed and sworn full time police officers employed by the City of St. Petersburg are peace officers and law enforcement officers, vested with the authority to bear arms and to make lawful arrests within the jurisdictional boundaries of the City of St. Petersburg, Florida.

B. On June 15, 1972, the City Council of the City of St. Petersburg duly adopted Resolution 72-343, which provided and found, as a matter of local governmental policy:

1. That all law enforcement officers employed by the City on that date met the qualifications for employment established by the Police Standards Council of the State of Florida. Resolution 72-343 also established a local governmental policy which mandated that all enforcement officers employed by the City of St. Petersburg after June 15, 1972, be required to show that they meet the qualifications for employment established by the Police Standards Council of the State of Florida as set forth in §943.13, F.S.S.

2. In addition to other regulatory qualifications, a person serving as a Police Officer (full- or part-time) for the City of St. Petersburg is required by §943.13, F.S.S. to be at least 19 years of age, to be a citizen of the United States, to be a high school graduate or its equivalent, to not have been convicted of a felony or of a misdemeanor involving perjury or false statement; to not have been discharged under any other than honorable conditions from any of the United States Armed Forces, to have his fingerprints on file with the employing agency; to have passed a prescribed physical examination, to have good moral character as determined by a background investigation, to execute an affidavit under oath attesting to compliance with the above, to successfully complete the Florida basic recruit course or its equivalent, achieve an acceptable score on the officer certification examination prior to assignment in any capacity in which a sworn member is allowed to carry a firearm or is in any position to make an arrest, and to comply with the continuing training or education requirements of §943.135, F.S.S.

3. The City of St. Petersburg has the power, by virtue of Article VIII, Section 2(b) of the Constitution of the State of Florida, together with the Florida Home Rule Powers Act of 1973 (Chapter 73-129, Laws of Florida), to exercise within its jurisdiction all governmental activities and powers which may lawfully be exercised by the State or its political subdivisions, except when expressly prohibited by law.

III. GENERAL LAWFUL AUTHORITY OF CITY OF ST. PETERSBURG POLICE OFFICERS TO CARRY FIREARMS AND MAKE ARRESTS

A. Firearms – A municipal Police Officer, except in unusual situations such as appearances in federal and Pinellas County courts, is expressly exempted from the state prohibitions against the carrying of concealed firearms without a license, §790.051 and §790.052, F.S.S.

B. Arrests – A municipal Police Officer is a "Peace Officer" and a "Law Enforcement Officer," as those terms are used in Chapter 901, Florida Statutes, pertaining to the powers of officers to effect arrests with or without a warrant, stop and frisk, use force to enter a building for the purpose of making an arrest, and to search persons arrested.

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Anthony Holloway  
Chief of Police