

HB 1421

2006  
CS

## CHAMBER ACTION

---

1 The Governmental Operations Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Department of Public Safety;  
7 creating s. 20.60, F.S.; creating the Department of Public  
8 Safety; transferring the Florida Highway Patrol from the  
9 Department of Highway Safety and Motor Vehicles to the  
10 Department of Public Safety; transferring the Boating and  
11 Waterways Section of the Division of Law Enforcement of  
12 the Fish and Wildlife Conservation Commission to the  
13 Department of Public Safety; transferring certain law  
14 enforcement officers within the Fish and Wildlife  
15 Conservation Commission to the Department of Public  
16 Safety; providing a limit on the number of such sworn law  
17 enforcement positions transferred; amending ss. 20.24,  
18 20.331, 23.1231, 120.80, 282.1095, 316.003, 316.065,  
19 316.066, 316.068, 316.1905, 316.1906, 316.611, 316.614,  
20 and 316.640, F.S.; conforming provisions to the creation  
21 of the Department of Public Safety and the transfers of  
22 powers, duties, and personnel to the department; creating  
23 s. 321.011, F.S.; providing definitions; amending ss.

Page 1 of 38

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1421-01-c1

HB 1421

2006  
CS

24 | 321.02, 321.03, 321.04, 321.05, 321.051, 321.065, 321.23,  
 25 | and 321.25, F.S.; conforming provisions to the creation of  
 26 | the Department of Public Safety and the transfers of  
 27 | powers, duties, and personnel to the department; providing  
 28 | a directive to the Division of Statutory Revision;  
 29 | creating ss. 327.901, 327.902, 327.903, 327.904, 327.905,  
 30 | and 327.9065, F.S.; providing definitions; providing for  
 31 | duties, powers, and organization of the Florida Marine  
 32 | Patrol; providing for uniforms, emblems, and distinctive  
 33 | colors for the patrol; providing for rulemaking;  
 34 | prohibiting imitations; providing penalties; providing for  
 35 | boating accident investigators; amending ss. 337.406,  
 36 | 338.239, 339.281, 370.0603, 401.245, 403.413, 790.25,  
 37 | 843.08, and 870.04, F.S.; conforming provisions to the  
 38 | creation of the Department of Public Safety and the  
 39 | transfers of powers, duties, and personnel to the  
 40 | department; providing an effective date.

41 |  
 42 | Be It Enacted by the Legislature of the State of Florida:

43 |  
 44 | Section 1. Section 20.60, Florida Statutes, is created to  
 45 | read:

46 | 20.60 Department of Public Safety.--

47 | (1) There is created a Department of Public Safety.

48 | (2) The head of the Department of Public Safety is the  
 49 | Governor and Cabinet.

50 | (3) The following divisions of the Department of Public  
 51 | Safety are established:

HB 1421

2006  
CS

52        (a) Division of the Florida Highway Patrol.

53        (b) Division of the Florida Marine Patrol. The division  
54 shall have all powers, duties, responsibilities, and functions  
55 as are necessary to manage and promote the use of state  
56 waterways for safe and enjoyable boating. Duties and  
57 responsibilities of the division include enforcement of all laws  
58 relating to boating, oversight, and coordination of waterway  
59 markers on state waters; providing boating education and boating  
60 safety programs; improving boating access; coordinating the  
61 removal of derelict vessels from state waters; implementing  
62 economic development initiatives to promote boating in the  
63 state; and coordinating the submission of state comments on  
64 marine events.

65        (4) The department's officers also shall, when necessary,  
66 assist in the enforcement of all general laws, provide search-  
67 and-rescue and disaster response services, and coordinate with  
68 local, state, and federal entities on law enforcement issues.

69        Section 2. All statutory powers, duties, and functions of  
70 the Florida Highway Patrol within the Department of Highway  
71 Safety and Motor Vehicles are transferred from the Department of  
72 Highway Safety and Motor Vehicles to the Division of the Florida  
73 Highway Patrol within the Department of Public Safety by a type  
74 one transfer, as defined in s. 20.06, Florida Statutes.

75        Section 3. All statutory powers, duties, and functions of  
76 the Boating and Waterways Section within the Fish and Wildlife  
77 Conservation Commission are transferred from the Fish and  
78 Wildlife Conservation Commission to the Division of the Florida  
79 Marine Patrol within the Department of Public Safety by a type

HB 1421

2006  
CS

80 one transfer, as defined in s. 20.06, Florida Statutes. This  
 81 transfer shall include the transfer of all law enforcement  
 82 officers within the Fish and Wildlife Conservation Commission  
 83 whose primary duties are to enforce laws relating to boating.  
 84 The number of sworn law enforcement FTE positions transferred  
 85 under this section shall be one-half the number of such  
 86 positions in the Fish and Wildlife Conservation Commission.

87 Section 4. Subsection (2) of section 20.24, Florida  
 88 Statutes, is amended to read:

89 20.24 Department of Highway Safety and Motor  
 90 Vehicles.--There is created a Department of Highway Safety and  
 91 Motor Vehicles.

92 (2) The following divisions, and bureaus within the  
 93 divisions, of the Department of Highway Safety and Motor  
 94 Vehicles are established:

95 ~~(a) Division of the Florida Highway Patrol.~~

96 (a)~~(b)~~ Division of Driver Licenses.

97 (b)~~(e)~~ Division of Motor Vehicles.

98 1. Bureau of Motor Vehicle Inspection.

99 Section 5. Paragraph (a) of subsection (4) and paragraph  
 100 (e) of subsection (7) of section 20.331, Florida Statutes, are  
 101 amended to read:

102 20.331 Fish and Wildlife Conservation Commission.--

103 (4) PROGRAM AND RESEARCH SERVICES.--Within the Fish and  
 104 Wildlife Conservation Commission, the principal unit for program  
 105 services is a "division" headed by a "director." The principal  
 106 subunit of the division is a "section" headed by a "leader." The

HB 1421

2006  
CS

107 principal subunit of the section is a "subsection" headed by an  
108 "administrator."

109 (a) The following divisions and section are created within  
110 the commission:

111 1. Division of Freshwater Fisheries Management.

112 2. Division of Habitat and Species Conservation.

113 3. Division of Hunting and Game Management.

114 4. Division of Law Enforcement. ~~There is created within~~  
115 ~~the division the Boating and Waterways Section with duties and~~  
116 ~~responsibilities as provided in paragraph (7) (c).~~

117 5. Division of Marine Fisheries Management.

118 (7) ASSIGNMENT OF DUTIES AND RESPONSIBILITIES.--The  
119 commission, and the Legislature as provided in s. 9, Art. IV of  
120 the State Constitution, shall assign to the:

121 (e) Division of Law Enforcement such powers, duties,  
122 responsibilities, and functions as are necessary to ensure  
123 enforcement of laws and rules governing the management,  
124 protection, conservation, improvement, and expansion of wild  
125 animal life, freshwater aquatic life, and marine life resources.  
126 In performance of their duties as sworn law enforcement officers  
127 for the State of Florida, the division's officers also shall,  
128 ~~enforce all laws relating to boating, provide public safety~~  
129 ~~services for citizens on lands and waters of the state~~  
130 ~~particularly in remote areas, provide search and rescue and~~  
131 ~~disaster response services~~ when necessary, assist in the  
132 enforcement of all general laws, provide search-and-rescue and  
133 disaster response services, and coordinate with local, state,  
134 and federal entities on law enforcement issues.

HB 1421

2006  
CS

135           ~~1. The Boating and Waterways Section such powers, duties,~~  
 136 ~~responsibilities, and functions as are necessary to manage and~~  
 137 ~~promote the use of state waterways for safe and enjoyable~~  
 138 ~~boating. Duties and responsibilities of the section include~~  
 139 ~~oversight and coordination of waterway markers on state waters,~~  
 140 ~~providing boating education and boating safety programs,~~  
 141 ~~improving boating access, coordinating the removal of derelict~~  
 142 ~~vessels from state waters, implementing economic development~~  
 143 ~~initiatives to promote boating in the state, and coordinating~~  
 144 ~~the submission of state comments on marine events.~~

145           Section 6. Paragraph (e) of subsection (2) of section  
 146 23.1231, Florida Statutes, is amended to read:

147           23.1231 Florida Mutual Aid Plan; powers and duties.--

148           (2) The executive director of the Department of Law  
 149 Enforcement acting under the Governor as the state's chief law  
 150 enforcement officer is the director of the Florida Mutual Aid  
 151 Plan. The director of the Florida Mutual Aid Plan shall:

152           (e) Act as the liaison with the Division of the Florida  
 153 Highway Patrol of the Department of Public Highway Safety and  
 154 ~~Motor Vehicles~~ in order to coordinate and integrate plans for  
 155 traffic control and the participation of the department in the  
 156 law enforcement operation;

157           Section 7. Subsection (8) of section 120.80, Florida  
 158 Statutes, is amended, and paragraph (b) of that subsection is  
 159 renumbered as subsection (18) of that section, to read:

160           120.80 Exceptions and special requirements; agencies.--

161           (8) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.--

162           ~~(a) Drivers' licenses.--~~

HB 1421

2006  
CS

163        (a)1- Notwithstanding s. 120.57(1)(a), hearings regarding  
164 drivers' licensing pursuant to chapter 322 need not be conducted  
165 by an administrative law judge assigned by the division.

166        (b)2- Notwithstanding s. 120.60(5), cancellation,  
167 suspension, or revocation of a driver's license shall be by  
168 personal delivery to the licensee or by first-class mail as  
169 provided in s. 322.251.

170        (18)(b) DEPARTMENT OF PUBLIC SAFETY ~~Wrecker~~  
171 ~~operators~~.--Notwithstanding s. 120.57(1)(a), hearings held by  
172 the Division of the Florida Highway Patrol of the Department of  
173 Public Highway Safety and Motor Vehicles to deny, suspend, or  
174 remove a wrecker operator from participating in the wrecker  
175 rotation system established by s. 321.051 need not be conducted  
176 by an administrative law judge assigned by the division. These  
177 hearings shall be held by a hearing officer appointed by the  
178 director of the Division of the Florida Highway Patrol.

179        Section 8. Paragraph (a) of subsection (2) of section  
180 282.1095, Florida Statutes, is amended to read:

181        282.1095 State agency law enforcement radio system and  
182 interoperability network.--

183        (2) (a) The Joint Task Force on State Agency Law  
184 Enforcement Communications shall consist of nine ~~eight~~ members,  
185 as follows:

186        1. A representative of the Division of Alcoholic Beverages  
187 and Tobacco of the Department of Business and Professional  
188 Regulation who shall be appointed by the secretary of the  
189 department.

HB 1421

2006  
CS

190           2. A representative of the Division of the Florida Highway  
191 Patrol and a representative of the Division of the Florida  
192 Marine Patrol of the Department of Public Highway Safety ~~and~~  
193 ~~Motor Vehicles~~ who each shall be appointed by the executive  
194 director of the department.

195           3. A representative of the Department of Law Enforcement  
196 who shall be appointed by the executive director of the  
197 department.

198           4. A representative of the Fish and Wildlife Conservation  
199 Commission who shall be appointed by the executive director of  
200 the commission.

201           5. A representative of the Division of Law Enforcement of  
202 the Department of Environmental Protection who shall be  
203 appointed by the secretary of the department.

204           6. A representative of the Department of Corrections who  
205 shall be appointed by the secretary of the department.

206           7. A representative of the Division of State Fire Marshal  
207 of the Department of Financial Services who shall be appointed  
208 by the State Fire Marshal.

209           8. A representative of the Department of Transportation  
210 who shall be appointed by the secretary of the department.

211           Section 9. Subsection (9) of section 316.003, Florida  
212 Statutes, is amended to read:

213           316.003 Definitions.--The following words and phrases,  
214 when used in this chapter, shall have the meanings respectively  
215 ascribed to them in this section, except where the context  
216 otherwise requires:



HB 1421

2006  
CS

217 (9) DIRECTOR.--The Director of the Division of the Florida  
218 Highway Patrol of the Department of Public Highway Safety and  
219 ~~Motor Vehicles~~.

220 Section 10. Subsection (2) of section 316.065, Florida  
221 Statutes, is amended to read:

222 316.065 Crashes; reports; penalties.--

223 (2) Every coroner or other official performing like  
224 functions, upon learning of the death of a person in his or her  
225 jurisdiction as the result of a traffic crash, shall immediately  
226 notify the nearest office or station of the Department of Public  
227 Safety.

228 Section 11. Subsections (1) and (2) and paragraph (a) of  
229 subsection (3) of section 316.066, Florida Statutes, are amended  
230 to read:

231 316.066 Written reports of crashes.--

232 (1) The driver of a vehicle which is in any manner  
233 involved in a crash resulting in bodily injury to or death of  
234 any person or damage to any vehicle or other property in an  
235 apparent amount of at least \$500 shall, within 10 days after the  
236 crash, forward a written report of such crash to the Department  
237 of Public Safety or traffic records center. However, when the  
238 investigating officer has made a written report of the crash  
239 pursuant to paragraph (3) (a), no written report need be  
240 forwarded to the Department of Public Safety or traffic records  
241 center by the driver.

242 (2) The receiving entity may require any driver of a  
243 vehicle involved in a crash of which a written report must be  
244 made as provided in this section to file supplemental written

HB 1421

2006  
CS

245 reports whenever the original report is insufficient in the  
 246 opinion of the Department of Public Safety and may require  
 247 witnesses of crashes to render reports to the Department of  
 248 Public Safety.

249 (3) (a) Every law enforcement officer who in the regular  
 250 course of duty investigates a motor vehicle crash:

251 1. Which crash resulted in death or personal injury shall,  
 252 within 10 days after completing the investigation, forward a  
 253 written report of the crash to the Department of Public Safety  
 254 or traffic records center.

255 2. Which crash involved a violation of s. 316.061(1) or s.  
 256 316.193 shall, within 10 days after completing the  
 257 investigation, forward a written report of the crash to the  
 258 Department of Public Safety or traffic records center.

259 3. In which crash a vehicle was rendered inoperative to a  
 260 degree which required a wrecker to remove it from traffic may,  
 261 within 10 days after completing the investigation, forward a  
 262 written report of the crash to the Department of Public Safety  
 263 or traffic records center if such action is appropriate, in the  
 264 officer's discretion.

265  
 266 However, in every case in which a crash report is required by  
 267 this section and a written report to a law enforcement officer  
 268 is not prepared, the law enforcement officer shall provide each  
 269 party involved in the crash a short-form report, prescribed by  
 270 the state, to be completed by the party. The short-form report  
 271 must include, but is not limited to: the date, time, and  
 272 location of the crash; a description of the vehicles involved;

HB 1421

2006  
CS

273 | the names and addresses of the parties involved; the names and  
 274 | addresses of witnesses; the name, badge number, and law  
 275 | enforcement agency of the officer investigating the crash; and  
 276 | the names of the insurance companies for the respective parties  
 277 | involved in the crash. Each party to the crash shall provide the  
 278 | law enforcement officer with proof of insurance to be included  
 279 | in the crash report. If a law enforcement officer submits a  
 280 | report on the accident, proof of insurance must be provided to  
 281 | the officer by each party involved in the crash. Any party who  
 282 | fails to provide the required information commits ~~is guilty of~~  
 283 | an infraction for a nonmoving violation, punishable as provided  
 284 | in chapter 318 unless the officer determines that due to  
 285 | injuries or other special circumstances such insurance  
 286 | information cannot be provided immediately. If the person  
 287 | provides the law enforcement agency, within 24 hours after the  
 288 | crash, proof of insurance that was valid at the time of the  
 289 | crash, the law enforcement agency may void the citation.

290 |       Section 12. Section 316.068, Florida Statutes, is amended  
 291 | to read:

292 |       316.068 Crash report forms.--

293 |       (1) The Department of Public Safety shall prepare and,  
 294 | upon request, supply to police departments, sheriffs, and other  
 295 | appropriate agencies or individuals forms for crash reports as  
 296 | required in this chapter, suitable with respect to the persons  
 297 | required to make such reports and the purposes to be served. The  
 298 | form must call for sufficiently detailed information to  
 299 | disclose, with reference to a vehicle crash, the cause and  
 300 | conditions then existing and the persons and vehicles involved.

HB 1421

2006  
CS

301 Every crash report form must call for the policy numbers of  
302 liability insurance and the names of carriers covering any  
303 vehicle involved in a crash required to be reported by this  
304 chapter.

305 (2) Every crash report required to be made in writing must  
306 be made on the appropriate form approved by the Department of  
307 Public Safety and must contain all the information required  
308 therein unless not available. Notwithstanding any other  
309 provisions of this section, a crash report produced  
310 electronically by a law enforcement officer must, at a minimum,  
311 contain the same information as is called for on those forms  
312 approved by the Department of Public Safety.

313 Section 13. Subsection (1) and paragraph (a) of subsection  
314 (3) of section 316.1905, Florida Statutes, are amended to read:

315 316.1905 Electrical, mechanical, or other speed  
316 calculating devices; power of arrest; evidence.--

317 (1) Whenever any peace officer engaged in the enforcement  
318 of the motor vehicle laws of this state uses an electronic,  
319 electrical, mechanical, or other device used to determine the  
320 speed of a motor vehicle on any highway, road, street, or other  
321 public way, such device shall be of a type approved by the  
322 Department of Public Safety and shall have been tested to  
323 determine that it is operating accurately. Tests for this  
324 purpose shall be made not less than once each 6 months,  
325 according to procedures and at regular intervals of time  
326 prescribed by the Department of Public Safety.

327 (3) (a) A witness otherwise qualified to testify shall be  
328 competent to give testimony against an accused violator of the

HB 1421

2006  
CS

329 | motor vehicle laws of this state when such testimony is derived  
 330 | from the use of such an electronic, electrical, mechanical, or  
 331 | other device used in the calculation of speed, upon showing that  
 332 | the speed calculating device which was used had been tested.  
 333 | However, the operator of any visual average speed computer  
 334 | device shall first be certified as a competent operator of such  
 335 | device by the Department of Public Safety.

336 |       Section 14. Paragraph (f) of subsection (2) of section  
 337 | 316.1906, Florida Statutes, is amended to read:

338 |       316.1906 Radar speed-measuring devices; evidence,  
 339 | admissibility.--

340 |       (2) Evidence of the speed of a vehicle measured by any  
 341 | radar speed-measuring device shall be inadmissible in any  
 342 | proceeding with respect to an alleged violation of provisions of  
 343 | law regulating the lawful speed of vehicles, unless such  
 344 | evidence of speed is obtained by an officer who:

345 |       (f) Is using a radar unit that ~~which~~ meets the minimum  
 346 | design criteria for such units established by the Department of  
 347 | Public Highway Safety and Motor Vehicles.

348 |       Section 15. Section 316.611, Florida Statutes, is amended  
 349 | to read:

350 |       316.611 Tandem trailer equipment and use.--The Department  
 351 | of Transportation shall adopt rules to regulate tandem trailer  
 352 | truck equipment and use in the interest of safety, public  
 353 | convenience, and preservation of public road facilities. The  
 354 | rules shall apply according to their terms to all jurisdictions  
 355 | of the state except the Florida Turnpike. Such rules shall be

HB 1421

2006  
CS

356 | enforced by the Department of Transportation, the Department of  
357 | Public Highway Safety and Motor Vehicles, and local authorities.

358 |       Section 16. Subsection (9) of section 316.614, Florida  
359 | Statutes, is amended to read:

360 |           316.614 Safety belt usage.--

361 |       (9) By January 1, 2006, each law enforcement agency in  
362 | this state shall adopt departmental policies to prohibit the  
363 | practice of racial profiling. When a law enforcement officer  
364 | issues a citation for a violation of this section, the law  
365 | enforcement officer must record the race and ethnicity of the  
366 | violator. All law enforcement agencies must maintain such  
367 | information and forward the information to the Department of  
368 | Public Safety in a form and manner determined by that ~~the~~  
369 | department. The Department of Public Safety shall collect this  
370 | information by jurisdiction and annually report the data to the  
371 | Governor, the President of the Senate, and the Speaker of the  
372 | House of Representatives. The report must show separate  
373 | statewide totals for the state's county sheriffs and municipal  
374 | law enforcement agencies, state law enforcement agencies, and  
375 | state university law enforcement agencies.

376 |       Section 17. Paragraph (a) of subsection (1) of section  
377 | 316.640, Florida Statutes, is amended to read:

378 |           316.640 Enforcement.--The enforcement of the traffic laws  
379 | of this state is vested as follows:

380 |       (1) STATE.--

381 |       (a)1.a. The Division of the Florida Highway Patrol and the  
382 | Division of the Florida Marine Patrol of the Department of  
383 | Public Highway Safety and Motor Vehicles; the Division of Law

HB 1421

2006  
CS

384 Enforcement of the Fish and Wildlife Conservation Commission;  
385 the Division of Law Enforcement of the Department of  
386 Environmental Protection; law enforcement officers of the  
387 Department of Transportation; and the agents, inspectors, and  
388 officers of the Department of Law Enforcement each have  
389 authority to enforce all of the traffic laws of this state on  
390 all the streets and highways thereof and elsewhere throughout  
391 the state wherever the public has a right to travel by motor  
392 vehicle.

393       b. University police officers shall have authority to  
394 enforce all of the traffic laws of this state when such  
395 violations occur on or about any property or facilities that are  
396 under the guidance, supervision, regulation, or control of a  
397 state university, a direct-support organization of such state  
398 university, or any other organization controlled by the state  
399 university or a direct-support organization of the state  
400 university, except that traffic laws may be enforced off-campus  
401 when hot pursuit originates on or adjacent to any such property  
402 or facilities.

403       c. Community college police officers shall have the  
404 authority to enforce all the traffic laws of this state only  
405 when such violations occur on any property or facilities that  
406 are under the guidance, supervision, regulation, or control of  
407 the community college system.

408       d. Police officers employed by an airport authority shall  
409 have the authority to enforce all of the traffic laws of this  
410 state only when such violations occur on any property or  
411 facilities that are owned or operated by an airport authority.

HB 1421

2006  
CS

412 (I) An airport authority may employ as a parking  
413 enforcement specialist any individual who successfully completes  
414 a training program established and approved by the Criminal  
415 Justice Standards and Training Commission for parking  
416 enforcement specialists but who does not otherwise meet the  
417 uniform minimum standards established by the commission for law  
418 enforcement officers or auxiliary or part-time officers under s.  
419 943.12. Nothing in this sub-sub-paragraph shall be construed  
420 to permit the carrying of firearms or other weapons, nor shall  
421 such parking enforcement specialist have arrest authority.

422 (II) A parking enforcement specialist employed by an  
423 airport authority is authorized to enforce all state, county,  
424 and municipal laws and ordinances governing parking only when  
425 such violations are on property or facilities owned or operated  
426 by the airport authority employing the specialist, by  
427 appropriate state, county, or municipal traffic citation.

428 e. The Office of Agricultural Law Enforcement of the  
429 Department of Agriculture and Consumer Services shall have the  
430 authority to enforce traffic laws of this state.

431 f. School safety officers shall have the authority to  
432 enforce all of the traffic laws of this state when such  
433 violations occur on or about any property or facilities which  
434 are under the guidance, supervision, regulation, or control of  
435 the district school board.

436 2. An agency of the state as described in subparagraph 1.  
437 is prohibited from establishing a traffic citation quota. A  
438 violation of this subparagraph is not subject to the penalties  
439 provided in chapter 318.



HB 1421

2006  
CS

440           3. Any disciplinary action taken or performance evaluation  
441 conducted by an agency of the state as described in subparagraph  
442 1. of a law enforcement officer's traffic enforcement activity  
443 must be in accordance with written work-performance standards.  
444 Such standards must be approved by the agency and any collective  
445 bargaining unit representing such law enforcement officer. A  
446 violation of this subparagraph is not subject to the penalties  
447 provided in chapter 318.

448           4. The Division of the Florida Highway Patrol may employ  
449 as a traffic accident investigation officer any individual who  
450 successfully completes instruction in traffic accident  
451 investigation and court presentation through the Selective  
452 Traffic Enforcement Program as approved by the Criminal Justice  
453 Standards and Training Commission and funded through the  
454 National Highway Traffic Safety Administration or a similar  
455 program approved by the commission, but who does not necessarily  
456 meet the uniform minimum standards established by the commission  
457 for law enforcement officers or auxiliary law enforcement  
458 officers under chapter 943. Any such traffic accident  
459 investigation officer who makes an investigation at the scene of  
460 a traffic accident may issue traffic citations, based upon  
461 personal investigation, when he or she has reasonable and  
462 probable grounds to believe that a person who was involved in  
463 the accident committed an offense under this chapter, chapter  
464 319, chapter 320, or chapter 322 in connection with the  
465 accident. This subparagraph does not permit the officer to carry  
466 firearms or other weapons, and such an officer does not have  
467 authority to make arrests.

Page 17 of 38

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1421-01-c1

HB 1421

2006  
CS

468 Section 18. Section 321.011, Florida Statutes, is created  
469 to read:

470 321.011 Definitions.--As used in this chapter, the term:

471 (1) "Department" means the Department of Public Safety  
472 created in s. 20.60.

473 (2) "Director" means the executive director of the  
474 Department of Public Safety.

475 (3) "Division" means the Division of the Highway Patrol of  
476 the department.

477 Section 19. Section 321.02, Florida Statutes, is amended  
478 to read:

479 321.02 Powers and duties of department, ~~highway patrol~~.--

480 (1) ~~The director of the Division of Highway Patrol of the~~  
481 ~~Department of Highway Safety and Motor Vehicles~~ shall also be  
482 the commander of the Florida Highway Patrol. The ~~said~~ department  
483 shall adopt ~~set up and promulgate~~ rules and ~~regulations~~ by which  
484 ~~the personnel of the~~ Florida Highway Patrol officers shall be  
485 examined, employed, trained, located, suspended, reduced in  
486 rank, discharged, recruited, paid and pensioned, subject to  
487 civil service provisions hereafter set out.

488 (2) The department may enter into contracts or agreements,  
489 with or without competitive bidding or procurement, to make  
490 available, on a fair, reasonable, nonexclusive, and  
491 nondiscriminatory basis, property and other structures under  
492 division control for the placement of new facilities by any  
493 wireless provider of mobile service as defined in 47 U.S.C. s.  
494 153(n) or s. 332(d), and any telecommunications company as  
495 defined in s. 364.02 when it is determined to be practical and

HB 1421

2006  
CS

496 | feasible to make such property or other structures available.  
497 | The department may, without adopting a rule, charge a just,  
498 | reasonable, and nondiscriminatory fee for placement of the  
499 | facilities, payable annually, based on the fair market value of  
500 | space used by comparable communications facilities in the state.  
501 | The department and a wireless provider or telecommunications  
502 | company may negotiate the reduction or elimination of a fee in  
503 | consideration of services provided to the division by the  
504 | wireless provider or the telecommunications company. All such  
505 | fees collected by the department shall be deposited directly  
506 | into the State Agency Law Enforcement Radio System Trust Fund,  
507 | and may be used to construct, maintain, or support the system.

508 |       (3) The department is further specifically authorized to  
509 | purchase, sell, trade, rent, lease and maintain all necessary  
510 | equipment, uniforms, motor vehicles, communication systems,  
511 | housing facilities, and office space~~7~~, and perform any other acts  
512 | necessary for the proper administration and enforcement of this  
513 | chapter. However, all supplies and equipment consisting of  
514 | single items or in lots shall be purchased under the  
515 | requirements of s. 287.057. Purchases shall be made by accepting  
516 | the bid of the lowest responsive bidder, the right being  
517 | reserved to reject all bids.

518 |       (4) The department shall prescribe a distinctive uniform  
519 | and distinctive emblem to be worn by all officers of the Florida  
520 | Highway Patrol. It shall be unlawful for any other person or  
521 | persons to wear a similar uniform or emblem, or any part or  
522 | parts thereof. The department shall also prescribe distinctive  
523 | colors for use on motor vehicles and motorcycles operated by the

HB 1421

2006  
CS

524 Florida Highway Patrol. The prescribed colors shall be referred  
525 to as "Florida Highway Patrol black and tan."

526 Section 20. Section 321.03, Florida Statutes, is amended  
527 to read:

528 321.03 Imitations prohibited; penalty.--It shall be  
529 unlawful for any person or persons in the state to color or  
530 cause to be colored any motor vehicle or motorcycle the same or  
531 similar color as the color or colors so prescribed for the  
532 Florida Highway Patrol. Any person violating any of the  
533 provisions of this section or s. 321.02 with respect to  
534 uniforms, emblems, motor vehicles and motorcycles commits ~~shall~~  
535 ~~be guilty of~~ a misdemeanor of the first degree, punishable as  
536 provided in s. 775.082 or s. 775.083. The department ~~of Highway~~  
537 ~~Safety and Motor Vehicles~~ shall employ such clerical help and  
538 mechanics as may be necessary for its ~~the~~ economical and  
539 efficient operation ~~of such department~~.

540 Section 21. Subsections (1) and (3) of section 321.04,  
541 Florida Statutes, are amended to read:

542 321.04 Personnel ~~of the highway patrol~~; rank  
543 classifications; probationary status of new ~~patrol~~ officers;  
544 subsistence; special assignments.--

545 (1) The department ~~of Highway Safety and Motor Vehicles~~  
546 shall employ patrol officers, as authorized by the Legislature  
547 in appropriating funds for their salaries exclusive of those  
548 members of the patrol who are assigned to and paid by special  
549 departments, + and shall establish the necessary supervisory  
550 ranks within the Florida Highway Patrol to efficiently supervise  
551 and carry out its ~~the designated~~ functions ~~of the patrol~~ and

HB 1421

2006  
CS

552 those of the department in accordance with the regulations  
553 established by the Department of Management Services. Management  
554 positions shall not exceed 6 percent of the total workforce.

555 (3) The Governor shall select ~~department of Highway Safety~~  
556 ~~and Motor Vehicles shall assign~~ one patrol officer to be  
557 assigned by the department to the office of the Governor. ~~;~~ ~~said~~  
558 ~~patrol~~ The officer so assigned shall be selected by the Governor  
559 ~~and~~ shall have rank and pay not less than that of a lieutenant  
560 within the department of the Florida Highway Patrol, and ~~said~~  
561 ~~patrol officer so assigned~~ shall be paid by the ~~said~~ department  
562 from the department's appropriation, ~~made to said department,~~  
563 and ~~said patrol officer~~ shall have and receive all other  
564 benefits provided for officers of that rank in this chapter or  
565 ~~any other statute now in existence or hereinafter enacted.~~

566 Section 22. Section 321.05, Florida Statutes, is amended  
567 to read:

568 321.05 Duties, functions, and powers of patrol  
569 officers.--The members of the Florida Highway Patrol are hereby  
570 declared to be conservators of the peace and law enforcement  
571 officers of the state, with the common-law right to arrest a  
572 person who, in the presence of the arresting officer, commits a  
573 felony or commits an affray or breach of the peace constituting  
574 a misdemeanor, with full power to bear arms; and they shall  
575 apprehend, without warrant, any person in the unlawful  
576 commission of any of the acts over which the members of the  
577 Florida Highway Patrol are given jurisdiction as hereinafter set  
578 out and deliver him or her to the sheriff of the county that  
579 further proceedings may be had against him or her according to

HB 1421

2006  
CS

580 law. In the performance of any of the powers, duties, and  
581 functions authorized by law, members of the Florida Highway  
582 Patrol shall have the same protections and immunities afforded  
583 other peace officers, which shall be recognized by all courts  
584 having jurisdiction over offenses against the laws of this  
585 state, and shall have authority to apply for, serve, and execute  
586 search warrants, arrest warrants, capias, and other process of  
587 the court in those matters in which patrol officers have primary  
588 responsibility as set forth in subsection (1). The patrol  
589 officers under the direction and supervision of the department  
590 ~~of Highway Safety and Motor Vehicles~~ shall perform and exercise  
591 throughout the state the following duties, functions, and  
592 powers:

593 (1) To patrol the state highways and regulate, control,  
594 and direct the movement of traffic thereon; to maintain the  
595 public peace by preventing violence on highways; to apprehend  
596 fugitives from justice; to enforce all laws now in effect  
597 regulating and governing traffic, travel, and public safety upon  
598 the public highways and providing for the protection of the  
599 public highways and public property thereon; to make arrests  
600 without warrant for the violation of any state law committed in  
601 their presence in accordance with the laws of this state;  
602 providing that no search shall be made unless it is incident to  
603 a lawful arrest, to regulate and direct traffic concentrations  
604 and congestions; to enforce laws governing the operation,  
605 licensing, and taxing and limiting the size, weight, width,  
606 length, and speed of vehicles and licensing and controlling the  
607 operations of drivers and operators of vehicles; to cooperate

HB 1421

2006  
CS

608 | with officials designated by law to collect all state fees and  
609 | revenues levied as an incident to the use or right to use the  
610 | highways for any purpose; to require the drivers of vehicles to  
611 | stop and exhibit their driver's licenses, registration cards, or  
612 | documents required by law to be carried by such vehicles; to  
613 | investigate traffic accidents, secure testimony of witnesses and  
614 | of persons involved, and make report thereof with copy, when  
615 | requested in writing, to any person in interest or his or her  
616 | attorney; to investigate reported thefts of vehicles and to  
617 | seize contraband or stolen property on or being transported on  
618 | the highways.

619 |       (2) To assist other constituted law enforcement officers  
620 | of the state to quell mobs and riots, guard prisoners, and  
621 | police disaster areas.

622 |       (3) (a) To make arrests while in fresh pursuit of a person  
623 | believed to have violated the traffic and other laws.

624 |       (b) To make arrest of a person wanted for a felony or  
625 | against whom a warrant has been issued on any charge in  
626 | violation of federal, state, or county laws or municipal  
627 | ordinances.

628 |       (4) (a) All fines and costs and the proceeds of the  
629 | forfeiture of bail bonds and recognizances resulting from the  
630 | enforcement of this chapter by patrol officers shall be paid  
631 | into the fine and forfeiture fund established pursuant to s.  
632 | 142.01 of the county where the offense is committed. In all  
633 | cases of arrest by patrol officers, the person arrested shall be  
634 | delivered forthwith by said officer to the sheriff of the  
635 | county, or he or she shall obtain from such person arrested a

HB 1421

2006  
CS

636 | recognizance or, if deemed necessary, a cash bond or other  
637 | sufficient security conditioned for his or her appearance before  
638 | the proper tribunal of such county to answer the charge for  
639 | which he or she has been arrested; and all fees accruing shall  
640 | be taxed against the party arrested, which fees are hereby  
641 | declared to be part of the compensation of said sheriffs  
642 | authorized to be fixed by the Legislature under s. 5(c), Art. II  
643 | of the State Constitution, to be paid such sheriffs in the same  
644 | manner as fees are paid for like services in other criminal  
645 | cases. All patrol officers are hereby directed to deliver all  
646 | bonds accepted and approved by them to the sheriff of the county  
647 | in which the offense is alleged to have been committed. However,  
648 | no sheriff shall be paid any arrest fee for the arrest of a  
649 | person for violation of any section of chapter 316 when the  
650 | arresting officer was transported in a Florida Highway Patrol  
651 | car to the vicinity where the arrest was made; and no sheriff  
652 | shall be paid any fee for mileage for himself or herself or a  
653 | prisoner for miles traveled in a Florida Highway Patrol car. No  
654 | patrol officer shall be entitled to any fee or mileage cost  
655 | except when responding to a subpoena in a civil cause or except  
656 | when such patrol officer is appearing as an official witness to  
657 | testify at any hearing or law action in any court of this state  
658 | as a direct result of his or her employment as a patrol officer  
659 | during time not compensated as a part of his or her normal  
660 | duties. Nothing herein shall be construed as limiting the power  
661 | to locate and to take from any person under arrest or about to  
662 | be arrested deadly weapons. Nothing contained in this section



HB 1421

2006  
CS

663 shall be construed as a limitation upon existing powers and  
664 duties of sheriffs or police officers.

665 (b) Any person so arrested and released on his or her own  
666 recognizance by an officer and who shall fail to appear or  
667 respond to a notice to appear shall, in addition to the traffic  
668 violation charge, commits ~~be guilty of~~ a noncriminal traffic  
669 infraction subject to the penalty provided in s. 318.18(2).

670 (5) The department may employ or assign some fit and  
671 suitable person with experience in the field of public relations  
672 who shall have the duty to promote, coordinate, and publicize  
673 the traffic safety activities in the state and assign such  
674 person to the office of the Governor at a salary to be fixed by  
675 the department. The person so assigned or employed shall be a  
676 uniformed member of the ~~uniform division of the~~ Florida Highway  
677 Patrol, and he or she shall have the pay and rank of lieutenant  
678 while on such assignment.

679 (6) The department may adopt ~~division of Florida Highway~~  
680 ~~Patrol is authorized to promulgate~~ rules under ss. 120.536(1)  
681 and 120.54 ~~and regulations which may be~~ necessary to implement  
682 ~~the provisions of~~ chapter 316.

683 Section 23. Subsection (2) of section 321.051, Florida  
684 Statutes, is amended to read:

685 321.051 Florida Highway Patrol wrecker operator system;  
686 penalties for operation outside of system.--

687 (2) The ~~division of Florida Highway Patrol of the~~  
688 ~~Department of Highway Safety and Motor Vehicles~~ is authorized to  
689 establish within areas designated by the patrol a wrecker  
690 operator system using qualified, reputable wrecker operators for

HB 1421

2006  
CS

691 removal and storage of wrecked or disabled vehicles from a crash  
 692 scene or for removal and storage of abandoned vehicles, in the  
 693 event the owner or operator is incapacitated or unavailable or  
 694 leaves the procurement of wrecker service to the officer at the  
 695 scene. All reputable wrecker operators shall be eligible for use  
 696 in the system provided their equipment and drivers meet  
 697 recognized safety qualifications and mechanical standards set by  
 698 rules of the division ~~of Florida Highway Patrol~~ for the size of  
 699 vehicle it is designed to handle. The division is authorized to  
 700 limit the number of wrecker operators participating in the  
 701 wrecker operator system, which authority shall not affect  
 702 wrecker operators currently participating in the system  
 703 established by this section. The division is authorized to  
 704 establish maximum rates for the towing and storage of vehicles  
 705 removed at the division's request, where such rates have not  
 706 been set by a county or municipality pursuant to s. 125.0103 or  
 707 s. 166.043. Such rates shall not be considered rules for the  
 708 purpose of chapter 120; however, the department shall establish  
 709 by rule a procedure for setting such rates. Any provision in  
 710 chapter 120 to the contrary notwithstanding, a final order of  
 711 the department denying, suspending, or revoking a wrecker  
 712 operator's participation in the system shall be reviewable in  
 713 the manner and within the time provided by the Florida Rules of  
 714 Appellate Procedure only by a writ of certiorari issued by the  
 715 circuit court in the county wherein such wrecker operator  
 716 resides.

717 Section 24. Section 321.065, Florida Statutes, is amended  
 718 to read:

HB 1421

2006  
CS

719           321.065 Traffic accident investigation officers~~+~~  
720 ~~employment; standards.~~--The department may employ traffic  
721 accident investigation officers who must complete any applicable  
722 standards adopted by the division ~~Florida Highway Patrol~~,  
723 including, but not limited to: cognitive testing, drug testing,  
724 polygraph testing, psychological testing, and an extensive  
725 background check, including a credit check.

726           Section 25. Subsection (1) of section 321.23, Florida  
727 Statutes, is amended to read:

728           321.23 Public records; fees for copies; destruction of  
729 obsolete records; photographing records; effect as evidence.--

730           (1) The purpose of this section is to make available for  
731 the department's use ~~of the Department of Highway Safety and~~  
732 ~~Motor Vehicles~~ sufficient floor space to enable it to  
733 efficiently administer its ~~the~~ affairs ~~of the department~~ and to  
734 provide fees for copies of public records.

735           Section 26. Section 321.25, Florida Statutes, is amended  
736 to read:

737           321.25 Training provided at patrol schools.--The  
738 department ~~of Highway Safety and Motor Vehicles~~ is authorized to  
739 provide for the training of law enforcement officials and  
740 individuals in matters relating to the duties, functions, and  
741 powers of the Florida Highway Patrol and the Florida Marine  
742 Patrol in the schools established by the department for the  
743 training of highway patrol and marine patrol candidates and  
744 officers. The department ~~of Highway Safety and Motor Vehicles~~ is  
745 authorized to charge a fee for providing the training authorized  
746 by this section. The fee shall be charged to persons attending

HB 1421

2006  
CS

747 the training. The fee shall be based on the department's  
748 ~~Department of Highway Safety and Motor Vehicles~~ costs for  
749 providing the training, and such costs may include, but are not  
750 limited to, tuition, lodging, and meals. Revenues from the fees  
751 shall be used to offset the department's ~~Department of Highway~~  
752 ~~Safety and Motor Vehicles~~ costs for providing the training. The  
753 cost of training local enforcement officers shall be paid for by  
754 their respective offices, counties, or municipalities, as the  
755 case may be. Such cost shall be deemed a proper county or  
756 municipal expense or a proper expenditure of the office of  
757 sheriff.

758 Section 27. The Division of Statutory Revision is  
759 requested to designate ss. 327.01-327.804, Florida Statutes, as  
760 part I of chapter 327, Florida Statutes, entitled "Vessel  
761 Safety," and ss. 327.901-327.9065, Florida Statutes, as created  
762 by this act, as part II of that chapter, entitled "Florida  
763 Marine Patrol." The title of chapter 327, Florida Statutes,  
764 shall remain "Vessel Safety."

765 Section 28. Section 327.901, Florida Statutes, is created  
766 to read:

767 327.901 Definitions.--As used in this part, the term:

768 (1) "Department" means the Department of Public Safety  
769 created in s. 20.60.

770 (2) "Director" means the executive director of the  
771 Department of Public Safety.

772 (3) "Patrol" means the Florida Marine Patrol.

773 Section 29. Section 327.902, Florida Statutes, is created  
774 to read:

HB 1421

2006  
CS

775 327.902 Powers and duties of department.--

776 (1) The department shall adopt rules by which the officers  
 777 of the patrol shall be examined, employed, trained, located,  
 778 suspended, reduced in rank, discharged, recruited, paid, and  
 779 pensioned, subject to civil service provisions hereinafter set  
 780 out.

781 (2) The department shall have the same powers and duties  
 782 regarding supplies and equipment for the patrol as are provided  
 783 for the Florida Highway Patrol in s. 321.02(3).

784 (3) The department shall prescribe a distinctive uniform  
 785 and distinctive emblem to be worn by all patrol officers. It  
 786 shall be unlawful for any other person or persons to wear a  
 787 similar uniform or emblem or any part or parts thereof. The  
 788 department shall also prescribe distinctive colors for use on  
 789 motor vehicles and vessels operated by the patrol. The  
 790 prescribed colors for the patrol shall be referred to as  
 791 "Florida Marine Patrol black and gray."

792 (4) The department may adopt rules under ss. 120.536(1)  
 793 and 120.54 to implement the provisions of this part conferring  
 794 powers and duties upon the department.

795 Section 30. Section 327.903, Florida Statutes, is created  
 796 to read:

797 327.903 Imitations prohibited; penalty.--It shall be  
 798 unlawful for any person or persons in the state to color or  
 799 cause to be colored any motor vehicle, vessel, or motorcycle the  
 800 same or similar color as the color or colors so prescribed for  
 801 the patrol. Any person violating any of the provisions of this  
 802 section or s. 327.902 with respect to uniforms, emblems, motor

HB 1421

2006  
CS

803 vehicles, vessels, and motorcycles commits a misdemeanor of the  
804 first degree, punishable as provided in s. 775.082 or s.  
805 775.083.

806 Section 31. Section 327.904, Florida Statutes, is created  
807 to read:

808 327.904 Personnel.--

809 (1) The department shall employ patrol officers as  
810 authorized by legislative appropriation, exclusive of those who  
811 are assigned to and paid by special departments, and shall  
812 establish the necessary supervisory ranks within the patrol to  
813 efficiently supervise and carry out its functions and those of  
814 the department in accordance with the personnel regulations of  
815 the Department of Management Services. Management positions  
816 shall not exceed 6 percent of the total workforce.

817 (2) Each person who is employed as a patrol officer shall  
818 be carried on a probationary status for the period of 1 year  
819 from date of employment, during which period he or she may be  
820 dismissed without recourse. Patrol officers when sent on special  
821 detail or missions out of their regular assigned territories or  
822 headquarters shall be reimbursed for travel expenses as provided  
823 in s. 112.061.

824 Section 32. Section 327.905, Florida Statutes, is created  
825 to read:

826 327.905 Duties and powers of officers; rulemaking.--

827 (1) The patrol officers are declared to be conservators of  
828 the peace and law enforcement officers of the state, with the  
829 common-law right to arrest a person who, in the presence of the  
830 arresting officer, commits a felony or commits an affray or

HB 1421

2006  
CS

831 breach of the peace constituting a misdemeanor, with full power  
832 to bear arms; and they shall apprehend, without warrant, any  
833 person in the unlawful commission of any of the acts over which  
834 the officers of the patrol are given jurisdiction as hereinafter  
835 set out and deliver him or her to the sheriff of the county  
836 wherein such unlawful act occurred in order that further  
837 proceedings may be had against him or her according to law. In  
838 the performance of any of the powers, duties, and functions  
839 authorized by law, patrol officers shall have the same  
840 protections and immunities afforded other peace officers, which  
841 shall be recognized by all courts having jurisdiction over  
842 offenses against the laws of this state, and shall have  
843 authority to apply for, serve, and execute search warrants,  
844 arrest warrants, capias, and other process of the court in those  
845 matters in which patrol officers have primary responsibility as  
846 set forth in paragraph (2)(a).

847 (2)(a) Patrol officers shall perform and exercise  
848 throughout the state the duties, functions, and powers provided  
849 in s. 20.60(3)(b) as required by the director.

850 (b) In addition, patrol officers shall have all duties and  
851 powers as provided for the officers of the Florida Highway  
852 Patrol in s. 321.05(2) and (3).

853 Section 33. Section 327.9065, Florida Statutes, is created  
854 to read:

855 327.9065 Boating accident investigation officers.--The  
856 department may employ boating accident investigation officers  
857 who must complete any applicable standards adopted by the  
858 patrol, including, but not limited to: cognitive testing, drug

HB 1421

2006  
CS

859 | testing, polygraph testing, psychological testing, and an  
860 | extensive background check, including a credit check.

861 | Section 34. Subsection (3) of section 337.406, Florida  
862 | Statutes, is amended to read:

863 | 337.406 Unlawful use of state transportation facility  
864 | right-of-way; penalties.--

865 | (3) The Department of Public Highway Safety and Motor  
866 | ~~Vehicles~~ and other law enforcement agencies are authorized and  
867 | directed to enforce this statute.

868 | Section 35. Subsection (2) of section 338.239, Florida  
869 | Statutes, is amended to read:

870 | 338.239 Traffic control on the turnpike system.--

871 | (2) Members of the Florida Highway Patrol are vested with  
872 | the power, and charged with the duty, to enforce the rules of  
873 | the department. Approved expenditures incurred by the Florida  
874 | Highway Patrol in carrying out its powers and duties under ss.  
875 | 338.22-338.241 may be treated as a part of the cost of the  
876 | operation of the turnpike system, and the Department of Public  
877 | ~~Highway Safety and Motor Vehicles~~ shall be reimbursed by the  
878 | turnpike enterprise for such expenses incurred on the turnpike  
879 | system. Florida Highway Patrol Troop K shall be headquartered  
880 | with the turnpike enterprise and shall be the official and  
881 | preferred law enforcement troop for the turnpike system. The  
882 | Department of Public Highway Safety and Motor Vehicles may, upon  
883 | request of the executive director of the turnpike enterprise and  
884 | approval of the Legislature, increase the number of authorized  
885 | positions for Troop K, or the executive director of the turnpike  
886 | enterprise may contract with the Department of Public Highway



HB 1421

2006  
CS

887 | ~~Safety and Motor Vehicles~~ for additional troops to patrol the  
888 | turnpike system.

889 |       Section 36. Subsection (1) of section 339.281, Florida  
890 | Statutes, is amended to read:

891 |           339.281 Damage to transportation facility by vessel;  
892 | marine accident report; investigative authorities; penalties.--

893 |       (1) Whenever any vessel has caused damage to a  
894 | transportation facility, the managing owner, agent, or master of  
895 | such vessel shall immediately, or as soon thereafter as  
896 | possible, report the same to the nearest Fish and Wildlife  
897 | Conservation Commission officer, an officer of the Florida  
898 | Marine Patrol, the sheriff of the county wherein such accident  
899 | occurred, or the Florida Highway Patrol, who shall immediately  
900 | go to the scene of the accident and, if necessary, board the  
901 | vessel subsequent to the accident in pursuance of its  
902 | investigation. The law enforcement agency investigating the  
903 | accident shall submit a copy of its report to the department.

904 |       Section 37. Subsection (4) of section 370.0603, Florida  
905 | Statutes, is amended to read:

906 |           370.0603 Marine Resources Conservation Trust Fund;  
907 | purposes.--

908 |       (4) Funds transferred to the Marine Resources Conservation  
909 | Trust Fund from the Fuel Tax Collection Trust Fund pursuant to  
910 | s. 206.606 shall be used for the following purposes:

911 |       (a) To provide additional water-related law enforcement  
912 | positions within the Fish and Wildlife Conservation Commission  
913 | primarily for the purpose of enforcing laws designed to protect  
914 | manatee populations. Law enforcement positions funded under this

HB 1421

2006  
CS

915 provision shall be assigned to counties having the highest  
916 incidence of manatee deaths and injuries.

917 (b) For the placement of uniform waterway markers on state  
918 waters.

919 (c) To provide funding for construction and maintenance of  
920 publicly owned boat ramps, piers, and docks, directly and  
921 through grants to counties and municipalities.

922 (d) To implement and administer programs related to  
923 boating safety and education, manatee technical avoidance  
924 technology, and economic development initiatives to promote  
925 boating in the state, including competitive grants programs as  
926 provided in s. 327.47.

927 (e) For other activities of the Florida Marine Patrol  
928 ~~Boating and Waterways Section~~ such as coordinating the  
929 submission of state comments on boating-related events.

930  
931 Funds not used in one fiscal year must be carried over for use  
932 in subsequent years.

933 Section 38. Paragraph (b) of subsection (2) of section  
934 401.245, Florida Statutes, is amended to read:

935 401.245 Emergency Medical Services Advisory Council.--

936 (2)

937 (b) Representation on the Emergency Medical Services  
938 Advisory Council shall include: two licensed physicians who are  
939 "medical directors" as defined in s. 401.23(15) or whose medical  
940 practice is closely related to emergency medical services; two  
941 emergency medical service administrators, one of whom is  
942 employed by a fire service; two certified paramedics, one of

HB 1421

2006  
CS

943 | whom is employed by a fire service; two certified emergency  
 944 | medical technicians, one of whom is employed by a fire service;  
 945 | one emergency medical services educator; one emergency nurse;  
 946 | one hospital administrator; one representative of air ambulance  
 947 | services; one representative of a commercial ambulance operator;  
 948 | and two laypersons who are in no way connected with emergency  
 949 | medical services, one of whom is a representative of the  
 950 | elderly. Ex officio members of the advisory council from state  
 951 | agencies shall include, but shall not be limited to,  
 952 | representatives from the Department of Education, the Department  
 953 | of Management Services, the State Fire Marshal, the Department  
 954 | of Public Highway Safety and Motor Vehicles, the Department of  
 955 | Transportation, and the Department of Community Affairs.

956 |       Section 39. Paragraph (c) of subsection (2) of section  
 957 | 403.413, Florida Statutes, is amended to read:

958 |       403.413 Florida Litter Law.--

959 |       (2) DEFINITIONS.--As used in this section:

960 |       (c) "Law enforcement officer" means any officer of the  
 961 | Florida Highway Patrol, the Florida Marine Patrol, a county  
 962 | sheriff's department, a municipal law enforcement department, a  
 963 | law enforcement department of any other political subdivision,  
 964 | the department, or the Fish and Wildlife Conservation  
 965 | Commission. In addition, and solely for the purposes of this  
 966 | section, "law enforcement officer" means any employee of a  
 967 | county or municipal park or recreation department designated by  
 968 | the department head as a litter enforcement officer.

969 |       Section 40. Paragraph (d) of subsection (3) of section  
 970 | 790.25, Florida Statutes, is amended to read:

HB 1421

2006  
CS

971 790.25 Lawful ownership, possession, and use of firearms  
972 and other weapons.--

973 (3) LAWFUL USES.--The provisions of ss. 790.053 and 790.06  
974 do not apply in the following instances, and, despite such  
975 sections, it is lawful for the following persons to own,  
976 possess, and lawfully use firearms and other weapons,  
977 ammunition, and supplies for lawful purposes:

978 (d) Sheriffs, marshals, prison or jail wardens, police  
979 officers, Florida Highway Patrol officers, Florida Marine Patrol  
980 officers, game wardens, revenue officers, forest officials,  
981 special officers appointed under the provisions of chapter 354,  
982 and other peace and law enforcement officers and their deputies  
983 and assistants and full-time paid peace officers of other states  
984 and of the Federal Government who are carrying out official  
985 duties while in this state;

986 Section 41. Section 843.08, Florida Statutes, is amended  
987 to read:

988 843.08 Falsely personating officer, etc.--A person who  
989 falsely assumes or pretends to be a sheriff, officer of the  
990 Florida Highway Patrol, officer of the Florida Marine Patrol,  
991 officer of the Fish and Wildlife Conservation Commission,  
992 officer of the Department of Environmental Protection, officer  
993 of the Department of Transportation, officer of the Department  
994 of Corrections, correctional probation officer, deputy sheriff,  
995 state attorney or assistant state attorney, statewide prosecutor  
996 or assistant statewide prosecutor, state attorney investigator,  
997 coroner, police officer, lottery special agent or lottery  
998 investigator, beverage enforcement agent, or watchman, or any

HB 1421

2006  
CS

999 member of the Parole Commission and any administrative aide or  
 1000 supervisor employed by the commission, or any personnel or  
 1001 representative of the Department of Law Enforcement, and takes  
 1002 upon himself or herself to act as such, or to require any other  
 1003 person to aid or assist him or her in a matter pertaining to the  
 1004 duty of any such officer, commits a felony of the third degree,  
 1005 punishable as provided in s. 775.082, s. 775.083, or s. 775.084;  
 1006 however, a person who falsely personates any such officer during  
 1007 the course of the commission of a felony commits a felony of the  
 1008 second degree, punishable as provided in s. 775.082, s. 775.083,  
 1009 or s. 775.084; except that if the commission of the felony  
 1010 results in the death or personal injury of another human being,  
 1011 the person commits a felony of the first degree, punishable as  
 1012 provided in s. 775.082, s. 775.083, or s. 775.084.

1013 Section 42. Section 870.04, Florida Statutes, is amended  
 1014 to read:

1015 870.04 Specified officers to disperse riotous  
 1016 assembly.--If any number of persons, whether armed or not, are  
 1017 unlawfully, riotously or tumultuously assembled in any county,  
 1018 city or municipality, the sheriff or the sheriff's deputies, or  
 1019 the mayor, or any commissioner, council member, alderman or  
 1020 police officer of the said city or municipality, or any officer  
 1021 or member of the Florida Highway Patrol, any officer of the  
 1022 Florida Marine Patrol, or any officer or agent of the Fish and  
 1023 Wildlife Conservation Commission, Department of Environmental  
 1024 Protection, or beverage enforcement agent, any personnel or  
 1025 representatives of the Department of Law Enforcement or its  
 1026 successor, or any other peace officer, shall go among the

HB 1421

2006  
CS

1027 persons so assembled, or as near to them as may be with safety,  
1028 and shall in the name of the state command all the persons so  
1029 assembled immediately and peaceably to disperse; and if such  
1030 persons do not thereupon immediately and peaceably disperse,  
1031 said officers shall command the assistance of all such persons  
1032 in seizing, arresting and securing such persons in custody; and  
1033 if any person present being so commanded to aid and assist in  
1034 seizing and securing such rioter or persons so unlawfully  
1035 assembled, or in suppressing such riot or unlawful assembly,  
1036 refuses or neglects to obey such command, or, when required by  
1037 such officers to depart from the place, refuses and neglects to  
1038 do so, the person shall be deemed one of the rioters or persons  
1039 unlawfully assembled, and may be prosecuted and punished  
1040 accordingly.

1041 Section 43. This act shall take effect July 1, 2006.