

By Senator Wise

5-1355-06

See HB

1   A bill to be entitled

2           An act relating to the Department of Public

3           Safety; creating s. 20.60, F.S.; creating the

4           Department of Public Safety; transferring the

5           Florida Highway Patrol from the Department of

6           Highway Safety and Motor Vehicles to the

7           Department of Public Safety; transferring the

8           Boating and Waterways Section of the Division

9           of Law Enforcement of the Fish and Wildlife

10          Conservation Commission to the Department of

11          Public Safety; transferring certain law

12          enforcement officers within the Fish and

13          Wildlife Conservation Commission to the

14          Department of Public Safety; providing a limit

15          on the number of such sworn law enforcement

16          positions transferred; amending ss. 20.24,

17          20.331, 23.1231, 120.80, 282.1095, 316.003,

18          316.065, 316.066, 316.068, 316.1905, 316.1906,

19          316.611, 316.614, and 316.640, F.S.; conforming

20          provisions to the creation of the Department of

21          Public Safety and the transfers of powers,

22          duties, and personnel to the department;

23          creating s. 321.011, F.S.; providing

24          definitions; amending ss. 321.02, 321.03,

25          321.04, 321.05, 321.051, 321.065, 321.23, and

26          321.25, F.S.; conforming provisions to the

27          creation of the Department of Public Safety and

28          the transfers of powers, duties, and personnel

29          to the department; providing a directive to the

30          Division of Statutory Revision; creating ss.

31          327.901, 327.902, 327.903, 327.904, and

1           327.905, F.S.; providing definitions; providing  
2           for duties, powers, and organization of the  
3           Florida Marine Patrol; providing for uniforms,  
4           emblems, and distinctive colors for the patrol;  
5           prohibiting imitations; providing penalties;  
6           providing for rulemaking; amending ss. 337.406,  
7           338.239, 339.281, 370.0603, 401.245, 403.413,  
8           790.25, 843.08, and 870.04, F.S.; conforming  
9           provisions to the creation of the Department of  
10          Public Safety and the transfers of powers,  
11          duties, and personnel to the department;  
12          providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Section 20.60, Florida Statutes, is created  
17 to read:

18           20.60 Department of Public Safety.--

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

20           (2) The head of the Department of Public Safety is the  
21 Governor and Cabinet.

22           (3) The following divisions of the Department of  
23 Public Safety are established:

24           (a) Division of the Florida Highway Patrol.

25           (b) Division of the Florida Marine Patrol. The  
26 division shall have all powers, duties, responsibilities, and  
27 functions as are necessary to manage and promote the use of  
28 state waterways for safe and enjoyable boating. Duties and  
29 responsibilities of the division include enforcement of all  
30 laws relating to boating, oversight, and coordination of  
31 waterway markers on state waters; providing boating education

1 and boating safety programs; improving boating access;  
2 coordinating the removal of derelict vessels from state  
3 waters; implementing economic development initiatives to  
4 promote boating in the state; and coordinating the submission  
5 of state comments on marine events.

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

11 Section 2. All statutory powers, duties, and functions  
12 of the Florida Highway Patrol within the Department of Highway  
13 Safety and Motor Vehicles are transferred from the Department  
14 of Highway Safety and Motor Vehicles to the Division of the  
15 Florida Highway Patrol within the Department of Public Safety  
16 by a type one transfer, as defined in s. 20.06, Florida  
17 Statutes.

18 Section 3. All statutory powers, duties, and functions  
19 of the Boating and Waterways Section within the Fish and  
20 Wildlife Conservation Commission are transferred from the Fish  
21 and Wildlife Conservation Commission to the Division of the  
22 Florida Marine Patrol within the Department of Public Safety  
23 by a type one transfer, as defined in s. 20.06, Florida  
24 Statutes. This transfer shall include the transfer of all law  
25 enforcement officers within the Fish and Wildlife Conservation  
26 Commission whose primary duties are to enforce laws relating  
27 to boating. The number of sworn law enforcement FTE positions  
28 transferred under this section shall be one-half the number of  
29 such positions in the Fish and Wildlife Conservation  
30 Commission.

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

3           20.24 Department of Highway Safety and Motor  
4 Vehicles.--There is created a Department of Highway Safety and  
5 Motor Vehicles.

6           (2) The following divisions, and bureaus within the  
7 divisions, of the Department of Highway Safety and Motor  
8 Vehicles are established:

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

10           (a)(b) Division of Driver Licenses.

11           (b)(c) Division of Motor Vehicles.

12           1. Bureau of Motor Vehicle Inspection.

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

16           20.331 Fish and Wildlife Conservation Commission.--

17           (4) PROGRAM AND RESEARCH SERVICES.--Within the Fish  
18 and Wildlife Conservation Commission, the principal unit for  
19 program services is a "division" headed by a "director." The  
20 principal subunit of the division is a "section" headed by a  
21 "leader." The principal subunit of the section is a  
22 "subsection" headed by an "administrator."

23           (a) The following divisions and section are created  
24 within the commission:

25           1. Division of Freshwater Fisheries Management.

26           2. Division of Habitat and Species Conservation.

27           3. Division of Hunting and Game Management.

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

31           5. Division of Marine Fisheries Management.

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

4           (e) Division of Law Enforcement such powers, duties,  
5 responsibilities, and functions as are necessary to ensure  
6 enforcement of laws and rules governing the management,  
7 protection, conservation, improvement, and expansion of wild  
8 animal life, freshwater aquatic life, and marine life  
9 resources. In performance of their duties as sworn law  
10 enforcement officers for the State of Florida, the division's  
11 officers also shall, ~~enforce all laws relating to boating,~~  
12 ~~provide public safety services for citizens on lands and~~  
13 ~~waters of the state particularly in remote areas, provide~~  
14 ~~search and rescue and disaster response services~~ when  
15 necessary, assist in the enforcement of all general laws,  
16 provide search-and-rescue and disaster response services, and  
17 coordinate with local, state, and federal entities on law  
18 enforcement issues.

19           ~~1. The Boating and Waterways Section such powers,~~  
20 ~~duties, responsibilities, and functions as are necessary to~~  
21 ~~manage and promote the use of state waterways for safe and~~  
22 ~~enjoyable boating. Duties and responsibilities of the section~~  
23 ~~include oversight and coordination of waterway markers on~~  
24 ~~state waters, providing boating education and boating safety~~  
25 ~~programs, improving boating access, coordinating the removal~~  
26 ~~of derelict vessels from state waters, implementing economic~~  
27 ~~development initiatives to promote boating in the state, and~~  
28 ~~coordinating the submission of state comments on marine~~  
29 ~~events.~~

30           Section 6. Paragraph (e) of subsection (2) of section  
31 23.1231, Florida Statutes, is amended to read:

1 23.1231 Florida Mutual Aid Plan; powers and duties.--

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

6 (e) Act as the liaison with the Division of the  
7 Florida Highway Patrol of the Department of Public Highway  
8 ~~Safety and Motor Vehicles~~ in order to coordinate and integrate  
9 plans for traffic control and the participation of the  
10 department in the law enforcement operation;

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

14 120.80 Exceptions and special requirements;  
15 agencies.--

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

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

18 ~~(a)1-~~ Notwithstanding s. 120.57(1)(a), hearings  
19 regarding drivers' licensing pursuant to chapter 322 need not  
20 be conducted by an administrative law judge assigned by the  
21 division.

22 ~~(b)2-~~ Notwithstanding s. 120.60(5), cancellation,  
23 suspension, or revocation of a driver's license shall be by  
24 personal delivery to the licensee or by first-class mail as  
25 provided in s. 322.251.

26 ~~(18)(b)~~ DEPARTMENT OF PUBLIC SAFETY ~~Wrecker~~  
27 ~~operators.--~~Notwithstanding s. 120.57(1)(a), hearings held by  
28 the Division of the Florida Highway Patrol of the Department  
29 of Public Highway ~~Safety and Motor Vehicles~~ to deny, suspend,  
30 or remove a wrecker operator from participating in the wrecker  
31 rotation system established by s. 321.051 need not be

1 conducted by an administrative law judge assigned by the  
2 division. These hearings shall be held by a hearing officer  
3 appointed by the director of the Division of the Florida  
4 Highway Patrol.

5 Section 8. Paragraph (a) of subsection (2) of section  
6 282.1095, Florida Statutes, is amended to read:

7 282.1095 State agency law enforcement radio system and  
8 interoperability network.--

9 (2)(a) The Joint Task Force on State Agency Law  
10 Enforcement Communications shall consist of eight members, as  
11 follows:

12 1. A representative of the Division of Alcoholic  
13 Beverages and Tobacco of the Department of Business and  
14 Professional Regulation who shall be appointed by the  
15 secretary of the department.

16 2. A representative of the Division of the Florida  
17 Highway Patrol of the Department of Public Highway Safety ~~and~~  
18 ~~Motor Vehicles~~ who shall be appointed by the executive  
19 director of the department.

20 3. A representative of the Department of Law  
21 Enforcement who shall be appointed by the executive director  
22 of the department.

23 4. A representative of the Fish and Wildlife  
24 Conservation Commission who shall be appointed by the  
25 executive director of the commission.

26 5. A representative of the Division of Law Enforcement  
27 of the Department of Environmental Protection who shall be  
28 appointed by the secretary of the department.

29 6. A representative of the Department of Corrections  
30 who shall be appointed by the secretary of the department.

31

1           7. A representative of the Division of State Fire  
2 Marshal of the Department of Financial Services who shall be  
3 appointed by the State Fire Marshal.

4           8. A representative of the Department of  
5 Transportation who shall be appointed by the secretary of the  
6 department.

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

9           316.003 Definitions.--The following words and phrases,  
10 when used in this chapter, shall have the meanings  
11 respectively ascribed to them in this section, except where  
12 the context otherwise requires:

13           (9) DIRECTOR.--The Director of the Division of the  
14 Florida Highway Patrol of the Department of Public Highway  
15 Safety ~~and Motor Vehicles~~.

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

18           316.065 Crashes; reports; penalties.--

19           (2) Every coroner or other official performing like  
20 functions, upon learning of the death of a person in his or  
21 her jurisdiction as the result of a traffic crash, shall  
22 immediately notify the nearest office or station of the  
23 Department of Public Safety.

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

27           316.066 Written reports of crashes.--

28           (1) The driver of a vehicle which is in any manner  
29 involved in a crash resulting in bodily injury to or death of  
30 any person or damage to any vehicle or other property in an  
31 apparent amount of at least \$500 shall, within 10 days after



1 | the crash, forward a written report of such crash to the  
2 | Department of Public Safety or traffic records center.  
3 | However, when the investigating officer has made a written  
4 | report of the crash pursuant to paragraph (3)(a), no written  
5 | report need be forwarded to the Department of Public Safety or  
6 | traffic records center by the driver.

7 |         (2) The receiving entity may require any driver of a  
8 | vehicle involved in a crash of which a written report must be  
9 | made as provided in this section to file supplemental written  
10 | reports whenever the original report is insufficient in the  
11 | opinion of the Department of Public Safety and may require  
12 | witnesses of crashes to render reports to the Department of  
13 | Public Safety.

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

16 |             1. Which crash resulted in death or personal injury  
17 | shall, within 10 days after completing the investigation,  
18 | forward a written report of the crash to the Department of  
19 | Public Safety or traffic records center.

20 |             2. Which crash involved a violation of s. 316.061(1)  
21 | or s. 316.193 shall, within 10 days after completing the  
22 | investigation, forward a written report of the crash to the  
23 | Department of Public Safety or traffic records center.

24 |             3. In which crash a vehicle was rendered inoperative  
25 | to a degree which required a wrecker to remove it from traffic  
26 | may, within 10 days after completing the investigation,  
27 | forward a written report of the crash to the Department of  
28 | Public Safety or traffic records center if such action is  
29 | appropriate, in the officer's discretion.  
30 |  
31 |

1 | However, in every case in which a crash report is required by  
2 | this section and a written report to a law enforcement officer  
3 | is not prepared, the law enforcement officer shall provide  
4 | each party involved in the crash a short-form report,  
5 | prescribed by the state, to be completed by the party. The  
6 | short-form report must include, but is not limited to: the  
7 | date, time, and location of the crash; a description of the  
8 | vehicles involved; the names and addresses of the parties  
9 | involved; the names and addresses of witnesses; the name,  
10 | badge number, and law enforcement agency of the officer  
11 | investigating the crash; and the names of the insurance  
12 | companies for the respective parties involved in the crash.  
13 | Each party to the crash shall provide the law enforcement  
14 | officer with proof of insurance to be included in the crash  
15 | report. If a law enforcement officer submits a report on the  
16 | accident, proof of insurance must be provided to the officer  
17 | by each party involved in the crash. Any party who fails to  
18 | provide the required information commits ~~is guilty of~~ an  
19 | infraction for a nonmoving violation, punishable as provided  
20 | in chapter 318 unless the officer determines that due to  
21 | injuries or other special circumstances such insurance  
22 | information cannot be provided immediately. If the person  
23 | provides the law enforcement agency, within 24 hours after the  
24 | crash, proof of insurance that was valid at the time of the  
25 | crash, the law enforcement agency may void the citation.

26 |       Section 12. Section 316.068, Florida Statutes, is  
27 | amended to read:

28 |           316.068 Crash report forms.--

29 |           (1) The Department of Public Safety shall prepare and,  
30 | upon request, supply to police departments, sheriffs, and  
31 | other appropriate agencies or individuals forms for crash

1 reports as required in this chapter, suitable with respect to  
2 the persons required to make such reports and the purposes to  
3 be served. The form must call for sufficiently detailed  
4 information to disclose, with reference to a vehicle crash,  
5 the cause and conditions then existing and the persons and  
6 vehicles involved. Every crash report form must call for the  
7 policy numbers of liability insurance and the names of  
8 carriers covering any vehicle involved in a crash required to  
9 be reported by this chapter.

10 (2) Every crash report required to be made in writing  
11 must be made on the appropriate form approved by the  
12 Department of Public Safety and must contain all the  
13 information required therein unless not available.  
14 Notwithstanding any other provisions of this section, a crash  
15 report produced electronically by a law enforcement officer  
16 must, at a minimum, contain the same information as is called  
17 for on those forms approved by the Department of Public  
18 Safety.

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

22 316.1905 Electrical, mechanical, or other speed  
23 calculating devices; power of arrest; evidence.--

24 (1) Whenever any peace officer engaged in the  
25 enforcement of the motor vehicle laws of this state uses an  
26 electronic, electrical, mechanical, or other device used to  
27 determine the speed of a motor vehicle on any highway, road,  
28 street, or other public way, such device shall be of a type  
29 approved by the Department of Public Safety and shall have  
30 been tested to determine that it is operating accurately.  
31 Tests for this purpose shall be made not less than once each 6

1 months, according to procedures and at regular intervals of  
2 time prescribed by the Department of Public Safety.

3 (3)(a) A witness otherwise qualified to testify shall  
4 be competent to give testimony against an accused violator of  
5 the motor vehicle laws of this state when such testimony is  
6 derived from the use of such an electronic, electrical,  
7 mechanical, or other device used in the calculation of speed,  
8 upon showing that the speed calculating device which was used  
9 had been tested. However, the operator of any visual average  
10 speed computer device shall first be certified as a competent  
11 operator of such device by the Department of Public Safety.

12 Section 14. Paragraph (f) of subsection (2) of section  
13 316.1906, Florida Statutes, is amended to read:

14 316.1906 Radar speed-measuring devices; evidence,  
15 admissibility.--

16 (2) Evidence of the speed of a vehicle measured by any  
17 radar speed-measuring device shall be inadmissible in any  
18 proceeding with respect to an alleged violation of provisions  
19 of law regulating the lawful speed of vehicles, unless such  
20 evidence of speed is obtained by an officer who:

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

24 Section 15. Section 316.611, Florida Statutes, is  
25 amended to read:

26 316.611 Tandem trailer equipment and use.--The  
27 Department of Transportation shall adopt rules to regulate  
28 tandem trailer truck equipment and use in the interest of  
29 safety, public convenience, and preservation of public road  
30 facilities. The rules shall apply according to their terms to  
31 all jurisdictions of the state except the Florida Turnpike.

1 Such rules shall be enforced by the Department of  
2 Transportation, the Department of Public Highway Safety ~~and~~  
3 ~~Motor Vehicles~~, and local authorities.

4 Section 16. Subsection (9) of section 316.614, Florida  
5 Statutes, is amended to read:

6 316.614 Safety belt usage.--

7 (9) By January 1, 2006, each law enforcement agency in  
8 this state shall adopt departmental policies to prohibit the  
9 practice of racial profiling. When a law enforcement officer  
10 issues a citation for a violation of this section, the law  
11 enforcement officer must record the race and ethnicity of the  
12 violator. All law enforcement agencies must maintain such  
13 information and forward the information to the Department of  
14 Public Safety in a form and manner determined by that the  
15 department. The Department of Public Safety shall collect this  
16 information by jurisdiction and annually report the data to  
17 the Governor, the President of the Senate, and the Speaker of  
18 the House of Representatives. The report must show separate  
19 statewide totals for the state's county sheriffs and municipal  
20 law enforcement agencies, state law enforcement agencies, and  
21 state university law enforcement agencies.

22 Section 17. Paragraph (a) of subsection (1) of section  
23 316.640, Florida Statutes, is amended to read:

24 316.640 Enforcement.--The enforcement of the traffic  
25 laws of this state is vested as follows:

26 (1) STATE.--

27 (a)1.a. The Division of the Florida Highway Patrol of  
28 the Department of Public Highway Safety ~~and Motor Vehicles~~;  
29 the Division of Law Enforcement of the Fish and Wildlife  
30 Conservation Commission; the Division of Law Enforcement of  
31 the Department of Environmental Protection; law enforcement

1 officers of the Department of Transportation; and the agents,  
2 inspectors, and officers of the Department of Law Enforcement  
3 each have authority to enforce all of the traffic laws of this  
4 state on all the streets and highways thereof and elsewhere  
5 throughout the state wherever the public has a right to travel  
6 by motor vehicle.

7           b. University police officers shall have authority to  
8 enforce all of the traffic laws of this state when such  
9 violations occur on or about any property or facilities that  
10 are under the guidance, supervision, regulation, or control of  
11 a state university, a direct-support organization of such  
12 state university, or any other organization controlled by the  
13 state university or a direct-support organization of the state  
14 university, except that traffic laws may be enforced  
15 off-campus when hot pursuit originates on or adjacent to any  
16 such property or facilities.

17           c. Community college police officers shall have the  
18 authority to enforce all the traffic laws of this state only  
19 when such violations occur on any property or facilities that  
20 are under the guidance, supervision, regulation, or control of  
21 the community college system.

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

26           (I) An airport authority may employ as a parking  
27 enforcement specialist any individual who successfully  
28 completes a training program established and approved by the  
29 Criminal Justice Standards and Training Commission for parking  
30 enforcement specialists but who does not otherwise meet the  
31 uniform minimum standards established by the commission for

1 law enforcement officers or auxiliary or part-time officers  
2 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
3 construed to permit the carrying of firearms or other weapons,  
4 nor shall such parking enforcement specialist have arrest  
5 authority.

6 (II) A parking enforcement specialist employed by an  
7 airport authority is authorized to enforce all state, county,  
8 and municipal laws and ordinances governing parking only when  
9 such violations are on property or facilities owned or  
10 operated by the airport authority employing the specialist, by  
11 appropriate state, county, or municipal traffic citation.

12 e. The Office of Agricultural Law Enforcement of the  
13 Department of Agriculture and Consumer Services shall have the  
14 authority to enforce traffic laws of this state.

15 f. School safety officers shall have the authority to  
16 enforce all of the traffic laws of this state when such  
17 violations occur on or about any property or facilities which  
18 are under the guidance, supervision, regulation, or control of  
19 the district school board.

20 2. An agency of the state as described in subparagraph  
21 1. is prohibited from establishing a traffic citation quota. A  
22 violation of this subparagraph is not subject to the penalties  
23 provided in chapter 318.

24 3. Any disciplinary action taken or performance  
25 evaluation conducted by an agency of the state as described in  
26 subparagraph 1. of a law enforcement officer's traffic  
27 enforcement activity must be in accordance with written  
28 work-performance standards. Such standards must be approved by  
29 the agency and any collective bargaining unit representing  
30 such law enforcement officer. A violation of this subparagraph  
31 is not subject to the penalties provided in chapter 318.

1           4. The Division of the Florida Highway Patrol may  
2 employ as a traffic accident investigation officer any  
3 individual who successfully completes instruction in traffic  
4 accident investigation and court presentation through the  
5 Selective Traffic Enforcement Program as approved by the  
6 Criminal Justice Standards and Training Commission and funded  
7 through the National Highway Traffic Safety Administration or  
8 a similar program approved by the commission, but who does not  
9 necessarily meet the uniform minimum standards established by  
10 the commission for law enforcement officers or auxiliary law  
11 enforcement officers under chapter 943. Any such traffic  
12 accident investigation officer who makes an investigation at  
13 the scene of a traffic accident may issue traffic citations,  
14 based upon personal investigation, when he or she has  
15 reasonable and probable grounds to believe that a person who  
16 was involved in the accident committed an offense under this  
17 chapter, chapter 319, chapter 320, or chapter 322 in  
18 connection with the accident. This subparagraph does not  
19 permit the officer to carry firearms or other weapons, and  
20 such an officer does not have authority to make arrests.

21           Section 18. Section 321.011, Florida Statutes, is  
22 created to read:

23           321.011 Definitions.--As used in this chapter, the  
24 term:

25           (1) "Department" means the Department of Public Safety  
26 created in s. 20.60.

27           (2) "Director" means the executive director of the  
28 Department of Public Safety.

29           (3) "Division" means the Division of the Highway  
30 Patrol of the department.

31



1           Section 19. Section 321.02, Florida Statutes, is  
2 amended to read:

3           321.02 Powers and duties of department, ~~highway~~  
4 ~~patrol~~.--

5           (1) The director ~~of the Division of Highway Patrol of~~  
6 ~~the Department of Highway Safety and Motor Vehicles~~ shall also  
7 be the commander of the Florida Highway Patrol. The ~~said~~  
8 department shall adopt ~~set up and promulgate~~ rules ~~and~~  
9 ~~regulations~~ by which ~~the personnel of the~~ Florida Highway  
10 Patrol officers shall be examined, employed, trained, located,  
11 suspended, reduced in rank, discharged, recruited, paid and  
12 pensioned, subject to civil service provisions hereafter set  
13 out.

14           (2) The department may enter into contracts or  
15 agreements, with or without competitive bidding or  
16 procurement, to make available, on a fair, reasonable,  
17 nonexclusive, and nondiscriminatory basis, property and other  
18 structures under division control for the placement of new  
19 facilities by any wireless provider of mobile service as  
20 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any  
21 telecommunications company as defined in s. 364.02 when it is  
22 determined to be practical and feasible to make such property  
23 or other structures available. The department may, without  
24 adopting a rule, charge a just, reasonable, and  
25 nondiscriminatory fee for placement of the facilities, payable  
26 annually, based on the fair market value of space used by  
27 comparable communications facilities in the state. The  
28 department and a wireless provider or telecommunications  
29 company may negotiate the reduction or elimination of a fee in  
30 consideration of services provided to the division by the  
31 wireless provider or the telecommunications company. All such

1 fees collected by the department shall be deposited directly  
2 into the State Agency Law Enforcement Radio System Trust Fund,  
3 and may be used to construct, maintain, or support the system.

4 (3) The department is further specifically authorized  
5 to purchase, sell, trade, rent, lease and maintain all  
6 necessary equipment, uniforms, motor vehicles, communication  
7 systems, housing facilities, and office space, and perform any  
8 other acts necessary for the proper administration and  
9 enforcement of this chapter. However, all supplies and  
10 equipment consisting of single items or in lots shall be  
11 purchased under the requirements of s. 287.057. Purchases  
12 shall be made by accepting the bid of the lowest responsive  
13 bidder, the right being reserved to reject all bids.

14 (4) The department shall prescribe a distinctive  
15 uniform and distinctive emblem to be worn by all officers of  
16 the Florida Highway Patrol. It shall be unlawful for any other  
17 person or persons to wear a similar uniform or emblem, or any  
18 part or parts thereof. The department shall also prescribe  
19 distinctive colors for use on motor vehicles and motorcycles  
20 operated by the Florida Highway Patrol. The prescribed colors  
21 shall be referred to as "Florida Highway Patrol black and  
22 tan."

23 Section 20. Section 321.03, Florida Statutes, is  
24 amended to read:

25 321.03 Imitations prohibited; penalty.--It shall be  
26 unlawful for any person or persons in the state to color or  
27 cause to be colored any motor vehicle or motorcycle the same  
28 or similar color as the color or colors so prescribed for the  
29 Florida Highway Patrol. Any person violating any of the  
30 provisions of this section or s. 321.02 with respect to  
31 uniforms, emblems, motor vehicles and motorcycles commits

1 ~~shall be guilty of a misdemeanor of the first degree,~~  
2 punishable as provided in s. 775.082 or s. 775.083. The  
3 department ~~of Highway Safety and Motor Vehicles~~ shall employ  
4 such clerical help and mechanics as may be necessary for its  
5 ~~the~~ economical and efficient operation ~~of such department.~~

6 Section 21. Section 321.04, Florida Statutes, is  
7 amended to read:

8 321.04 Personnel ~~of the highway patrol~~; rank  
9 classifications; probationary status of new ~~patrol~~ officers;  
10 subsistence; special assignments.--

11 (1) The department ~~of Highway Safety and Motor~~  
12 ~~Vehicles~~ shall employ patrol officers, as authorized by the  
13 Legislature in appropriating funds for their salaries  
14 exclusive of those members of the patrol who are assigned to  
15 and paid by special departments,~~;~~ and shall establish the  
16 necessary supervisory ranks within the Florida Highway Patrol  
17 to efficiently supervise and carry out its ~~the designated~~  
18 functions ~~of the patrol~~ and those of the department in  
19 accordance with the regulations established by the Department  
20 of Management Services. Management positions shall not exceed  
21 6 percent of the total workforce.

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

29 (3) The Governor shall select ~~department of Highway~~  
30 ~~Safety and Motor Vehicles shall assign~~ one patrol officer to  
31 be assigned by the department to the office of the Governor.~~;~~

1 ~~said patrol~~ The officer ~~so assigned shall be selected by the~~  
2 ~~Governor and~~ shall have rank and pay not less than that of a  
3 lieutenant of the Florida Highway Patrol, ~~and said patrol~~  
4 ~~officer so assigned~~ shall be paid by the ~~said~~ department from  
5 the department's appropriation, ~~made to said department; and~~  
6 ~~said patrol officer~~ shall have and receive all other benefits  
7 provided for officers of that rank in this chapter or any  
8 ~~other statute now in existence or hereinafter enacted.~~

9           Section 22. Section 321.05, Florida Statutes, is  
10 amended to read:

11           321.05 Duties, functions, and powers of patrol  
12 officers.--The members of the Florida Highway Patrol are  
13 hereby declared to be conservators of the peace and law  
14 enforcement officers of the state, with the common-law right  
15 to arrest a person who, in the presence of the arresting  
16 officer, commits a felony or commits an affray or breach of  
17 the peace constituting a misdemeanor, with full power to bear  
18 arms; and they shall apprehend, without warrant, any person in  
19 the unlawful commission of any of the acts over which the  
20 members of the Florida Highway Patrol are given jurisdiction  
21 as hereinafter set out and deliver him or her to the sheriff  
22 of the county that further proceedings may be had against him  
23 or her according to law. In the performance of any of the  
24 powers, duties, and functions authorized by law, members of  
25 the Florida Highway Patrol shall have the same protections and  
26 immunities afforded other peace officers, which shall be  
27 recognized by all courts having jurisdiction over offenses  
28 against the laws of this state, and shall have authority to  
29 apply for, serve, and execute search warrants, arrest  
30 warrants, capias, and other process of the court in those  
31 matters in which patrol officers have primary responsibility

1 as set forth in subsection (1). The patrol officers under the  
2 direction and supervision of the department ~~of Highway Safety~~  
3 ~~and Motor Vehicles~~ shall perform and exercise throughout the  
4 state the following duties, functions, and powers:

5 (1) To patrol the state highways and regulate,  
6 control, and direct the movement of traffic thereon; to  
7 maintain the public peace by preventing violence on highways;  
8 to apprehend fugitives from justice; to enforce all laws now  
9 in effect regulating and governing traffic, travel, and public  
10 safety upon the public highways and providing for the  
11 protection of the public highways and public property thereon;  
12 to make arrests without warrant for the violation of any state  
13 law committed in their presence in accordance with the laws of  
14 this state; providing that no search shall be made unless it  
15 is incident to a lawful arrest, to regulate and direct traffic  
16 concentrations and congestions; to enforce laws governing the  
17 operation, licensing, and taxing and limiting the size,  
18 weight, width, length, and speed of vehicles and licensing and  
19 controlling the operations of drivers and operators of  
20 vehicles; to cooperate with officials designated by law to  
21 collect all state fees and revenues levied as an incident to  
22 the use or right to use the highways for any purpose; to  
23 require the drivers of vehicles to stop and exhibit their  
24 driver's licenses, registration cards, or documents required  
25 by law to be carried by such vehicles; to investigate traffic  
26 accidents, secure testimony of witnesses and of persons  
27 involved, and make report thereof with copy, when requested in  
28 writing, to any person in interest or his or her attorney; to  
29 investigate reported thefts of vehicles and to seize  
30 contraband or stolen property on or being transported on the  
31 highways.

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

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

6           (b) To make arrest of a person wanted for a felony or  
7 against whom a warrant has been issued on any charge in  
8 violation of federal, state, or county laws or municipal  
9 ordinances.

10           (4)(a) All fines and costs and the proceeds of the  
11 forfeiture of bail bonds and recognizances resulting from the  
12 enforcement of this chapter by patrol officers shall be paid  
13 into the fine and forfeiture fund established pursuant to s.  
14 142.01 of the county where the offense is committed. In all  
15 cases of arrest by patrol officers, the person arrested shall  
16 be delivered forthwith by said officer to the sheriff of the  
17 county, or he or she shall obtain from such person arrested a  
18 recognizance or, if deemed necessary, a cash bond or other  
19 sufficient security conditioned for his or her appearance  
20 before the proper tribunal of such county to answer the charge  
21 for which he or she has been arrested; and all fees accruing  
22 shall be taxed against the party arrested, which fees are  
23 hereby declared to be part of the compensation of said  
24 sheriffs authorized to be fixed by the Legislature under s.  
25 5(c), Art. II of the State Constitution, to be paid such  
26 sheriffs in the same manner as fees are paid for like services  
27 in other criminal cases. All patrol officers are hereby  
28 directed to deliver all bonds accepted and approved by them to  
29 the sheriff of the county in which the offense is alleged to  
30 have been committed. However, no sheriff shall be paid any  
31 arrest fee for the arrest of a person for violation of any

1 section of chapter 316 when the arresting officer was  
2 transported in a Florida Highway Patrol car to the vicinity  
3 where the arrest was made; and no sheriff shall be paid any  
4 fee for mileage for himself or herself or a prisoner for miles  
5 traveled in a Florida Highway Patrol car. No patrol officer  
6 shall be entitled to any fee or mileage cost except when  
7 responding to a subpoena in a civil cause or except when such  
8 patrol officer is appearing as an official witness to testify  
9 at any hearing or law action in any court of this state as a  
10 direct result of his or her employment as a patrol officer  
11 during time not compensated as a part of his or her normal  
12 duties. Nothing herein shall be construed as limiting the  
13 power to locate and to take from any person under arrest or  
14 about to be arrested deadly weapons. Nothing contained in this  
15 section shall be construed as a limitation upon existing  
16 powers and duties of sheriffs or police officers.

17 (b) Any person so arrested and released on his or her  
18 own recognizance by an officer and who shall fail to appear or  
19 respond to a notice to appear shall, in addition to the  
20 traffic violation charge, commits ~~be guilty of~~ a noncriminal  
21 traffic infraction subject to the penalty provided in s.  
22 318.18(2).

23 (5) The department may employ or assign some fit and  
24 suitable person with experience in the field of public  
25 relations who shall have the duty to promote, coordinate, and  
26 publicize the traffic safety activities in the state and  
27 assign such person to the office of the Governor at a salary  
28 to be fixed by the department. The person so assigned or  
29 employed shall be a member of the uniform division of the  
30 Florida Highway Patrol, and he or she shall have the pay and  
31 rank of lieutenant while on such assignment.

1           (6) The division may adopt ~~of Florida Highway Patrol~~  
2 ~~is authorized to promulgate~~ rules under ss. 120.536(1) and  
3 120.54 ~~and regulations which may be necessary to implement the~~  
4 ~~provisions of~~ chapter 316.

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

7           321.051 Florida Highway Patrol wrecker operator  
8 system; penalties for operation outside of system.--

9           (2) The Division of the Florida Highway Patrol ~~of the~~  
10 ~~Department of Highway Safety and Motor Vehicles~~ is authorized  
11 to establish within areas designated by the patrol a wrecker  
12 operator system using qualified, reputable wrecker operators  
13 for removal and storage of wrecked or disabled vehicles from a  
14 crash scene or for removal and storage of abandoned vehicles,  
15 in the event the owner or operator is incapacitated or  
16 unavailable or leaves the procurement of wrecker service to  
17 the officer at the scene. All reputable wrecker operators  
18 shall be eligible for use in the system provided their  
19 equipment and drivers meet recognized safety qualifications  
20 and mechanical standards set by rules of the division ~~of~~  
21 ~~Florida Highway Patrol~~ for the size of vehicle it is designed  
22 to handle. The division is authorized to limit the number of  
23 wrecker operators participating in the wrecker operator  
24 system, which authority shall not affect wrecker operators  
25 currently participating in the system established by this  
26 section. The division is authorized to establish maximum rates  
27 for the towing and storage of vehicles removed at the  
28 division's request, where such rates have not been set by a  
29 county or municipality pursuant to s. 125.0103 or s. 166.043.  
30 Such rates shall not be considered rules for the purpose of  
31 chapter 120; however, the department shall establish by rule a



1 | procedure for setting such rates. Any provision in chapter 120  
2 | to the contrary notwithstanding, a final order of the  
3 | department denying, suspending, or revoking a wrecker  
4 | operator's participation in the system shall be reviewable in  
5 | the manner and within the time provided by the Florida Rules  
6 | of Appellate Procedure only by a writ of certiorari issued by  
7 | the circuit court in the county wherein such wrecker operator  
8 | resides.

9 |         Section 24. Section 321.065, Florida Statutes, is  
10 | amended to read:

11 |             321.065 Traffic accident investigation officers;  
12 | employment; standards.--The Department of Highway Safety and  
13 | Motor Vehicles may employ traffic accident investigation  
14 | officers who must complete any applicable standards adopted by  
15 | the Florida Highway Patrol, including, but not limited to:  
16 | cognitive testing, drug testing, polygraph testing,  
17 | psychological testing, and an extensive background check,  
18 | including a credit check.

19 |         Section 25. Subsection (1) of section 321.23, Florida  
20 | Statutes, is amended to read:

21 |             321.23 Public records; fees for copies; destruction of  
22 | obsolete records; photographing records; effect as evidence.--

23 |             (1) The purpose of this section is to make available  
24 | for the department's use ~~of the Department of Highway Safety~~  
25 | ~~and Motor Vehicles~~ sufficient floor space to enable it to  
26 | efficiently administer its ~~the~~ affairs ~~of the department~~ and  
27 | to provide fees for copies of public records.

28 |         Section 26. Section 321.25, Florida Statutes, is  
29 | amended to read:

30 |             321.25 Training provided at patrol schools.--The  
31 | department ~~of Highway Safety and Motor Vehicles~~ is authorized

1 to provide for the training of law enforcement officials and  
2 individuals in matters relating to the duties, functions, and  
3 powers of the Florida Highway Patrol in the schools  
4 established by the department for the training of highway  
5 patrol candidates and officers. The department ~~of Highway~~  
6 ~~Safety and Motor Vehicles~~ is authorized to charge a fee for  
7 providing the training authorized by this section. The fee  
8 shall be charged to persons attending the training. The fee  
9 shall be based on the department's ~~Department of Highway~~  
10 ~~Safety and Motor Vehicles'~~ costs for providing the training,  
11 and such costs may include, but are not limited to, tuition,  
12 lodging, and meals. Revenues from the fees shall be used to  
13 offset the department's ~~Department of Highway Safety and Motor~~  
14 ~~Vehicles'~~ costs for providing the training. The cost of  
15 training local enforcement officers shall be paid for by their  
16 respective offices, counties, or municipalities, as the case  
17 may be. Such cost shall be deemed a proper county or municipal  
18 expense or a proper expenditure of the office of sheriff.

19 Section 27. The Division of Statutory Revision is  
20 requested to designate ss. 327.01-327.804, Florida Statutes,  
21 as part I of chapter 327, Florida Statutes, entitled "Vessel  
22 Safety," and ss. 327.901-327.905, Florida Statutes, as created  
23 by this act, as part II of that chapter, entitled "Florida  
24 Marine Patrol." The title of chapter 327, Florida Statutes,  
25 shall remain "Vessel Safety."

26 Section 28. Section 327.901, Florida Statutes, is  
27 created to read:

28 327.901 Definitions.--As used in this part, the term:  
29 (1) "Department" means the Department of Public Safety  
30 created in s. 20.60.  
31

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

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

4           Section 29. Section 327.902, Florida Statutes, is  
5 created to read:

6           327.902 Powers and duties of department.--

7           (1) The department shall adopt rules by which the  
8 officers of the patrol shall be examined, employed, trained,  
9 located, suspended, reduced in rank, discharged, recruited,  
10 paid, and pensioned, subject to civil service provisions  
11 hereinafter set out.

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

15           (3) The department shall prescribe a distinctive  
16 uniform and distinctive emblem to be worn by all patrol  
17 officers. It shall be unlawful for any other person or persons  
18 to wear a similar uniform or emblem or any part or parts  
19 thereof. The department shall also prescribe distinctive  
20 colors for use on motor vehicles and vessels operated by the  
21 patrol. The prescribed colors for the patrol shall be referred  
22 to as "Florida Marine Patrol black and gray."

23           Section 30. Section 327.903, Florida Statutes, is  
24 created to read:

25           327.903 Imitations prohibited; penalty.--It shall be  
26 unlawful for any person or persons in the state to color or  
27 cause to be colored any motor vehicle, vessel, or motorcycle  
28 the same or similar color as the color or colors so prescribed  
29 for the patrol. Any person violating any of the provisions of  
30 this section or s. 327.902 with respect to uniforms, emblems,  
31 motor vehicles, vessels, and motorcycles commits a misdemeanor

1 of the first degree, punishable as provided in s. 775.082 or  
2 s. 775.083.

3 Section 31. Section 327.904, Florida Statutes, is  
4 created to read:

5 327.904 Personnel.--

6 (1) The department shall employ patrol officers as  
7 authorized by legislative appropriation, exclusive of those  
8 who are assigned to and paid by special departments, and shall  
9 establish the necessary supervisory ranks within the patrol to  
10 efficiently supervise and carry out its functions and those of  
11 the department in accordance with the personnel regulations of  
12 the Department of Management Services. Management positions  
13 shall not exceed 6 percent of the total workforce.

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

21 Section 32. Section 327.905, Florida Statutes, is  
22 created to read:

23 327.905 Duties and powers of officers; rulemaking.--

24 (1) The patrol officers are declared to be  
25 conservators of the peace and law enforcement officers of the  
26 state, with the common-law right to arrest a person who, in  
27 the presence of the arresting officer, commits a felony or  
28 commits an affray or breach of the peace constituting a  
29 misdemeanor, with full power to bear arms; and they shall  
30 apprehend, without warrant, any person in the unlawful  
31 commission of any of the acts over which the officers of the

1 patrol are given jurisdiction as hereinafter set out and  
2 deliver him or her to the sheriff of the county wherein such  
3 unlawful act occurred in order that further proceedings may be  
4 had against him or her according to law. In the performance of  
5 any of the powers, duties, and functions authorized by law,  
6 patrol officers shall have the same protections and immunities  
7 afforded other peace officers, which shall be recognized by  
8 all courts having jurisdiction over offenses against the laws  
9 of this state, and shall have authority to apply for, serve,  
10 and execute search warrants, arrest warrants, capias, and  
11 other process of the court in those matters in which patrol  
12 officers have primary responsibility as set forth in paragraph  
13 (2)(a).

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

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

20 (3) The department may adopt rules under ss.  
21 120.536(1) and 120.54 to implement this part.

22 Section 33. Subsection (3) of section 337.406, Florida  
23 Statutes, is amended to read:

24 337.406 Unlawful use of state transportation facility  
25 right-of-way; penalties.--

26 (3) The Department of Public Highway Safety ~~and Motor~~  
27 ~~Vehicles~~ and other law enforcement agencies are authorized and  
28 directed to enforce this statute.

29 Section 34. Subsection (2) of section 338.239, Florida  
30 Statutes, is amended to read:

31 338.239 Traffic control on the turnpike system.--

1           (2) Members of the Florida Highway Patrol are vested  
2 with the power, and charged with the duty, to enforce the  
3 rules of the department. Approved expenditures incurred by the  
4 Florida Highway Patrol in carrying out its powers and duties  
5 under ss. 338.22-338.241 may be treated as a part of the cost  
6 of the operation of the turnpike system, and the Department of  
7 Public Highway Safety ~~and Motor Vehicles~~ shall be reimbursed  
8 by the turnpike enterprise for such expenses incurred on the  
9 turnpike system. Florida Highway Patrol Troop K shall be  
10 headquartered with the turnpike enterprise and shall be the  
11 official and preferred law enforcement troop for the turnpike  
12 system. The Department of Public Highway Safety ~~and Motor~~  
13 ~~Vehicles~~ may, upon request of the executive director of the  
14 turnpike enterprise and approval of the Legislature, increase  
15 the number of authorized positions for Troop K, or the  
16 executive director of the turnpike enterprise may contract  
17 with the Department of Public Highway Safety ~~and Motor~~  
18 ~~Vehicles~~ for additional troops to patrol the turnpike system.

19           Section 35. Subsection (1) of section 339.281, Florida  
20 Statutes, is amended to read:

21           339.281 Damage to transportation facility by vessel;  
22 marine accident report; investigative authorities;  
23 penalties.--

24           (1) Whenever any vessel has caused damage to a  
25 transportation facility, the managing owner, agent, or master  
26 of such vessel shall immediately, or as soon thereafter as  
27 possible, report the same to the nearest Fish and Wildlife  
28 Conservation Commission officer, an officer of the Florida  
29 Marine Patrol, the sheriff of the county wherein such accident  
30 occurred, or the Florida Highway Patrol, who shall immediately  
31 go to the scene of the accident and, if necessary, board the

1 vessel subsequent to the accident in pursuance of its  
2 investigation. The law enforcement agency investigating the  
3 accident shall submit a copy of its report to the department.

4 Section 36. Subsection (4) of section 370.0603,  
5 Florida Statutes, is amended to read:

6 370.0603 Marine Resources Conservation Trust Fund;  
7 purposes.--

8 (4) Funds transferred to the Marine Resources  
9 Conservation Trust Fund from the Fuel Tax Collection Trust  
10 Fund pursuant to s. 206.606 shall be used for the following  
11 purposes:

12 (a) To provide additional water-related law  
13 enforcement positions within the Fish and Wildlife  
14 Conservation Commission primarily for the purpose of enforcing  
15 laws designed to protect manatee populations. Law enforcement  
16 positions funded under this provision shall be assigned to  
17 counties having the highest incidence of manatee deaths and  
18 injuries.

19 (b) For the placement of uniform waterway markers on  
20 state waters.

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

24 (d) To implement and administer programs related to  
25 boating safety and education, manatee technical avoidance  
26 technology, and economic development initiatives to promote  
27 boating in the state, including competitive grants programs as  
28 provided in s. 327.47.

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

1  
2 Funds not used in one fiscal year must be carried over for use  
3 in subsequent years.

4 Section 37. Paragraph (b) of subsection (2) of section  
5 401.245, Florida Statutes, is amended to read:

6 401.245 Emergency Medical Services Advisory Council.--  
7 (2)

8 (b) Representation on the Emergency Medical Services  
9 Advisory Council shall include: two licensed physicians who  
10 are "medical directors" as defined in s. 401.23(15) or whose  
11 medical practice is closely related to emergency medical  
12 services; two emergency medical service administrators, one of  
13 whom is employed by a fire service; two certified paramedics,  
14 one of whom is employed by a fire service; two certified  
15 emergency medical technicians, one of whom is employed by a  
16 fire service; one emergency medical services educator; one  
17 emergency nurse; one hospital administrator; one  
18 representative of air ambulance services; one representative  
19 of a commercial ambulance operator; and two laypersons who are  
20 in no way connected with emergency medical services, one of  
21 whom is a representative of the elderly. Ex officio members of  
22 the advisory council from state agencies shall include, but  
23 shall not be limited to, representatives from the Department  
24 of Education, the Department of Management Services, the State  
25 Fire Marshal, the Department of Public Highway Safety and  
26 ~~Motor Vehicles~~, the Department of Transportation, and the  
27 Department of Community Affairs.

28 Section 38. Paragraph (c) of subsection (2) of section  
29 403.413, Florida Statutes, is amended to read:

30 403.413 Florida Litter Law.--

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



1 (c) "Law enforcement officer" means any officer of the  
2 Florida Highway Patrol, the Florida Marine Patrol, a county  
3 sheriff's department, a municipal law enforcement department,  
4 a law enforcement department of any other political  
5 subdivision, the department, or the Fish and Wildlife  
6 Conservation Commission. In addition, and solely for the  
7 purposes of this section, "law enforcement officer" means any  
8 employee of a county or municipal park or recreation  
9 department designated by the department head as a litter  
10 enforcement officer.

11 Section 39. Paragraph (d) of subsection (3) of section  
12 790.25, Florida Statutes, is amended to read:

13 790.25 Lawful ownership, possession, and use of  
14 firearms and other weapons.--

15 (3) LAWFUL USES.--The provisions of ss. 790.053 and  
16 790.06 do not apply in the following instances, and, despite  
17 such sections, it is lawful for the following persons to own,  
18 possess, and lawfully use firearms and other weapons,  
19 ammunition, and supplies for lawful purposes:

20 (d) Sheriffs, marshals, prison or jail wardens, police  
21 officers, Florida Highway Patrol officers, Florida Marine  
22 Patrol officers, game wardens, revenue officers, forest  
23 officials, special officers appointed under the provisions of  
24 chapter 354, and other peace and law enforcement officers and  
25 their deputies and assistants and full-time paid peace  
26 officers of other states and of the Federal Government who are  
27 carrying out official duties while in this state;

28 Section 40. Section 843.08, Florida Statutes, is  
29 amended to read:

30 843.08 Falsely personating officer, etc.--A person who  
31 falsely assumes or pretends to be a sheriff, officer of the

1 Florida Highway Patrol, officer of the Florida Marine Patrol,  
2 officer of the Fish and Wildlife Conservation Commission,  
3 officer of the Department of Environmental Protection, officer  
4 of the Department of Transportation, officer of the Department  
5 of Corrections, correctional probation officer, deputy  
6 sheriff, state attorney or assistant state attorney, statewide  
7 prosecutor or assistant statewide prosecutor, state attorney  
8 investigator, coroner, police officer, lottery special agent  
9 or lottery investigator, beverage enforcement agent, or  
10 watchman, or any member of the Parole Commission and any  
11 administrative aide or supervisor employed by the commission,  
12 or any personnel or representative of the Department of Law  
13 Enforcement, and takes upon himself or herself to act as such,  
14 or to require any other person to aid or assist him or her in  
15 a matter pertaining to the duty of any such officer, commits a  
16 felony of the third degree, punishable as provided in s.  
17 775.082, s. 775.083, or s. 775.084; however, a person who  
18 falsely personates any such officer during the course of the  
19 commission of a felony commits a felony of the second degree,  
20 punishable as provided in s. 775.082, s. 775.083, or s.  
21 775.084; except that if the commission of the felony results  
22 in the death or personal injury of another human being, the  
23 person commits a felony of the first degree, punishable as  
24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 Section 41. Section 870.04, Florida Statutes, is  
26 amended to read:

27 870.04 Specified officers to disperse riotous  
28 assembly.--If any number of persons, whether armed or not, are  
29 unlawfully, riotously or tumultuously assembled in any county,  
30 city or municipality, the sheriff or the sheriff's deputies,  
31 or the mayor, or any commissioner, council member, alderman or

1 | police officer of the said city or municipality, or any  
2 | officer or member of the Florida Highway Patrol, any officer  
3 | of the Florida Marine Patrol, or any officer or agent of the  
4 | Fish and Wildlife Conservation Commission, Department of  
5 | Environmental Protection, or beverage enforcement agent, any  
6 | personnel or representatives of the Department of Law  
7 | Enforcement or its successor, or any other peace officer,  
8 | shall go among the persons so assembled, or as near to them as  
9 | may be with safety, and shall in the name of the state command  
10 | all the persons so assembled immediately and peaceably to  
11 | disperse; and if such persons do not thereupon immediately and  
12 | peaceably disperse, said officers shall command the assistance  
13 | of all such persons in seizing, arresting and securing such  
14 | persons in custody; and if any person present being so  
15 | commanded to aid and assist in seizing and securing such  
16 | rioter or persons so unlawfully assembled, or in suppressing  
17 | such riot or unlawful assembly, refuses or neglects to obey  
18 | such command, or, when required by such officers to depart  
19 | from the place, refuses and neglects to do so, the person  
20 | shall be deemed one of the rioters or persons unlawfully  
21 | assembled, and may be prosecuted and punished accordingly.

22 |           Section 42. This act shall take effect July 1, 2006.  
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