



1 and 327.9065, F.S.; providing definitions;  
2 providing for duties, powers, and organization  
3 of the Florida Marine Patrol; providing for  
4 uniforms, emblems, and distinctive colors for  
5 the patrol; providing for rulemaking;  
6 prohibiting imitations; providing penalties;  
7 providing for boating accident investigators;  
8 amending ss. 337.406, 338.239, 339.281,  
9 370.0603, 401.245, 403.413, 790.25, 843.08, and  
10 870.04, F.S.; conforming provisions to the  
11 creation of the Department of Public Safety and  
12 the transfers of powers, duties, and personnel  
13 to the department; providing an effective date.  
14

15 Be It Enacted by the Legislature of the State of Florida:

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

19 20.60 Department of Public Safety.--

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

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

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

25 (a) Division of the Florida Highway Patrol.

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

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

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

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

19 Section 3. All statutory powers, duties, and functions  
20 of the Boating and Waterways Section within the Fish and  
21 Wildlife Conservation Commission are transferred from the Fish  
22 and Wildlife Conservation Commission to the Division of the  
23 Florida Marine Patrol within the Department of Public Safety  
24 by a type one transfer, as defined in s. 20.06, Florida  
25 Statutes. This transfer shall include the transfer of all law  
26 enforcement officers within the Fish and Wildlife Conservation  
27 Commission whose primary duties are to enforce laws relating  
28 to boating. The number of sworn law enforcement FTE positions  
29 transferred under this section shall be one-half the number of  
30 such positions in the Fish and Wildlife Conservation  
31 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. Subsection (2) of section 23.1231, Florida  
31 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           (a) Coordinate, integrate, and implement law  
7 enforcement planning and activities for the use of mutual aid  
8 and state resources;  
9           (b) Coordinate the organization and direction of the  
10 law enforcement services of the Florida Mutual Aid Plan;  
11           (c) Coordinate and implement the gathering and  
12 collection of information and intelligence relating to law  
13 enforcement mutual aid or assistance from state agencies to  
14 support local law enforcement agencies in any local disaster  
15 or emergency, and provide information to state and local law  
16 enforcement agencies;  
17           (d) During a state of emergency declared by the  
18 Governor under chapter 252, command, control, and coordinate  
19 all state law enforcement personnel and equipment to support  
20 local law enforcement agencies;  
21           (e) Act as the liaison with the Division of the  
22 Florida Highway Patrol of the Department of Public Highway  
23 ~~Safety and Motor Vehicles~~ in order to coordinate and integrate  
24 plans for traffic control and the participation of the  
25 department in the law enforcement operation;  
26           (f) Serve as liaison and guide the flow of requests  
27 from local law enforcement for requesting law enforcement  
28 services from the Florida National Guard;  
29           (g) Serve as liaison to the Governor, federal and  
30 state departments and agencies, and local law enforcement  
31

1 officials in order to achieve close coordination and  
2 cooperation in planning and operations in trouble areas;

3 (h) Guide the flow of law enforcement information from  
4 federal and state organizations to local law enforcement  
5 officials;

6 (i) Serve as liaison to the Attorney General in order  
7 to keep him or her informed of changes in law enforcement  
8 plans and regulations, mutual aid agreements, and current  
9 developments in all situations from a legal standpoint; and

10 (j) Do other things necessary for the implementation  
11 of this part.

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

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

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

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

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

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

27 (18)(b) DEPARTMENT OF PUBLIC SAFETY Wrecker  
28 operators.--Notwithstanding s. 120.57(1)(a), hearings held by  
29 the Division of the Florida Highway Patrol of the Department  
30 of Public Highway Safety and Motor Vehicles to deny, suspend,  
31 or remove a wrecker operator from participating in the wrecker

1 rotation system established by s. 321.051 need not be  
2 conducted by an administrative law judge assigned by the  
3 division. These hearings shall be held by a hearing officer  
4 appointed by the director of the Division of the Florida  
5 Highway Patrol.

6 Section 8. Paragraph (a) of subsection (2) of section  
7 282.1095, Florida Statutes, is amended to read:

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

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

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

17 2. A representative of the Division of the Florida  
18 Highway Patrol and a representative of the Division of the  
19 Florida Marine Patrol of the Department of Public Highway  
20 Safety and Motor Vehicles who shall each be appointed by the  
21 executive director of the department.

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

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

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

31



1           6. A representative of the Department of Corrections  
2 who shall be appointed by the secretary of the department.

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

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

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

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

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

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

20           316.065 Crashes; reports; penalties.--

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

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

29           316.066 Written reports of crashes.--

30           (1) The driver of a vehicle which is in any manner  
31 involved in a crash resulting in bodily injury to or death of

1 | any person or damage to any vehicle or other property in an  
2 | apparent amount of at least \$500 shall, within 10 days after  
3 | the crash, forward a written report of such crash to the  
4 | Department of Public Safety or traffic records center.  
5 | However, when the investigating officer has made a written  
6 | report of the crash pursuant to subsection (3), no written  
7 | report need be forwarded to the Department of Public Safety or  
8 | traffic records center by the driver.

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

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

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

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

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

1 Section 12. Section 316.068, Florida Statutes, is  
2 amended to read:

3 316.068 Crash report forms.--

4 (1) The Department of Public Safety shall prepare and,  
5 upon request, supply to police departments, sheriffs, and  
6 other appropriate agencies or individuals forms for crash  
7 reports as required in this chapter, suitable with respect to  
8 the persons required to make such reports and the purposes to  
9 be served. The form must call for sufficiently detailed  
10 information to disclose, with reference to a vehicle crash,  
11 the cause and conditions then existing and the persons and  
12 vehicles involved. Every crash report form must call for the  
13 policy numbers of liability insurance and the names of  
14 carriers covering any vehicle involved in a crash required to  
15 be reported by this chapter.

16 (2) Every crash report required to be made in writing  
17 must be made on the appropriate form approved by the  
18 Department of Public Safety and must contain all the  
19 information required therein, including:

- 20 (a) The date, time, and location of the crash;  
21 (b) A description of the vehicles involved;  
22 (c) The names and addresses of the parties involved;  
23 (d) The names and addresses of all drivers and  
24 passengers in the vehicles involved;  
25 (e) The names and addresses of witnesses;  
26 (f) The name, badge number, and law enforcement agency  
27 of the officer investigating the crash; and  
28 (g) The names of the insurance companies for the  
29 respective parties involved in the crash,  
30  
31

1 unless not available. The absence of information in such  
2 written crash reports regarding the existence of passengers in  
3 the vehicles involved in the crash creates ~~constitutes~~ a  
4 rebuttable presumption that no such passengers were involved  
5 in the reported crash. Notwithstanding any other provisions of  
6 this section, a crash report produced electronically by a law  
7 enforcement officer must, at a minimum, contain the same  
8 information as is called for on those forms approved by the  
9 Department of Public Safety.

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

13 316.1905 Electrical, mechanical, or other speed  
14 calculating devices; power of arrest; evidence.--

15 (1) Whenever any peace officer engaged in the  
16 enforcement of the motor vehicle laws of this state uses an  
17 electronic, electrical, mechanical, or other device used to  
18 determine the speed of a motor vehicle on any highway, road,  
19 street, or other public way, such device shall be of a type  
20 approved by the Department of Public Safety and shall have  
21 been tested to determine that it is operating accurately.  
22 Tests for this purpose shall be made not less than once each 6  
23 months, according to procedures and at regular intervals of  
24 time prescribed by the Department of Public Safety.

25 (3)(a) A witness otherwise qualified to testify shall  
26 be competent to give testimony against an accused violator of  
27 the motor vehicle laws of this state when such testimony is  
28 derived from the use of such an electronic, electrical,  
29 mechanical, or other device used in the calculation of speed,  
30 upon showing that the speed calculating device which was used  
31 had been tested. However, the operator of any visual average

1 speed computer device shall first be certified as a competent  
2 operator of such device by the Department of Public Safety.

3 Section 14. Paragraph (f) of subsection (2) of section  
4 316.1906, Florida Statutes, is amended to read:

5 316.1906 Radar speed-measuring devices; evidence,  
6 admissibility.--

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

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

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

17 316.611 Tandem trailer equipment and use.--The  
18 Department of Transportation shall adopt rules to regulate  
19 tandem trailer truck equipment and use in the interest of  
20 safety, public convenience, and preservation of public road  
21 facilities. The rules shall apply according to their terms to  
22 all jurisdictions of the state except the Florida Turnpike.  
23 Such rules shall be enforced by the Department of  
24 Transportation, the Department of Public Highway Safety ~~and~~  
25 ~~Motor Vehicles~~, and local authorities.

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

28 316.614 Safety belt usage.--

29 (9) By January 1, 2006, each law enforcement agency in  
30 this state shall adopt departmental policies to prohibit the  
31 practice of racial profiling. When a law enforcement officer

1 | issues a citation for a violation of this section, the law  
2 | enforcement officer must record the race and ethnicity of the  
3 | violator. All law enforcement agencies must maintain such  
4 | information and forward the information to the Department of  
5 | Public Safety in a form and manner determined by that ~~the~~  
6 | department. The Department of Public Safety shall collect this  
7 | information by jurisdiction and annually report the data to  
8 | the Governor, the President of the Senate, and the Speaker of  
9 | the House of Representatives. The report must show separate  
10 | statewide totals for the state's county sheriffs and municipal  
11 | law enforcement agencies, state law enforcement agencies, and  
12 | state university law enforcement agencies.

13 |       Section 17. Paragraph (a) of subsection (1) of section  
14 | 316.640, Florida Statutes, is amended to read:

15 |       316.640 Enforcement.--The enforcement of the traffic  
16 | laws of this state is vested as follows:

17 |       (1) STATE.--

18 |       (a)1.a. The Division of the Florida Highway Patrol and  
19 | the Division of the Florida Marine Patrol of the Department of  
20 | Public Highway Safety and Motor Vehicles; the Division of Law  
21 | Enforcement of the Fish and Wildlife Conservation Commission;  
22 | the Division of Law Enforcement of the Department of  
23 | Environmental Protection; law enforcement officers of the  
24 | Department of Transportation; and the agents, inspectors, and  
25 | officers of the Department of Law Enforcement each have  
26 | authority to enforce all of the traffic laws of this state on  
27 | all the streets and highways thereof and elsewhere throughout  
28 | the state wherever the public has a right to travel by motor  
29 | vehicle.

30 |       b. University police officers shall have authority to  
31 | enforce all of the traffic laws of this state when such

1 | violations occur on or about any property or facilities that  
2 | are under the guidance, supervision, regulation, or control of  
3 | a state university, a direct-support organization of such  
4 | state university, or any other organization controlled by the  
5 | state university or a direct-support organization of the state  
6 | university, except that traffic laws may be enforced  
7 | off-campus when hot pursuit originates on or adjacent to any  
8 | such property or facilities.

9 |         c. Community college police officers shall have the  
10 | authority to enforce all the traffic laws of this state only  
11 | when such violations occur on any property or facilities that  
12 | are under the guidance, supervision, regulation, or control of  
13 | the community college system.

14 |         d. Police officers employed by an airport authority  
15 | shall have the authority to enforce all of the traffic laws of  
16 | this state only when such violations occur on any property or  
17 | facilities that are owned or operated by an airport authority.

18 |         (I) An airport authority may employ as a parking  
19 | enforcement specialist any individual who successfully  
20 | completes a training program established and approved by the  
21 | Criminal Justice Standards and Training Commission for parking  
22 | enforcement specialists but who does not otherwise meet the  
23 | uniform minimum standards established by the commission for  
24 | law enforcement officers or auxiliary or part-time officers  
25 | under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
26 | construed to permit the carrying of firearms or other weapons,  
27 | nor shall such parking enforcement specialist have arrest  
28 | authority.

29 |         (II) A parking enforcement specialist employed by an  
30 | airport authority is authorized to enforce all state, county,  
31 | and municipal laws and ordinances governing parking only when

1 such violations are on property or facilities owned or  
2 operated by the airport authority employing the specialist, by  
3 appropriate state, county, or municipal traffic citation.

4 e. The Office of Agricultural Law Enforcement of the  
5 Department of Agriculture and Consumer Services shall have the  
6 authority to enforce traffic laws of this state.

7 f. School safety officers shall have the authority to  
8 enforce all of the traffic laws of this state when such  
9 violations occur on or about any property or facilities which  
10 are under the guidance, supervision, regulation, or control of  
11 the district school board.

12 2. An agency of the state as described in subparagraph  
13 1. is prohibited from establishing a traffic citation quota. A  
14 violation of this subparagraph is not subject to the penalties  
15 provided in chapter 318.

16 3. Any disciplinary action taken or performance  
17 evaluation conducted by an agency of the state as described in  
18 subparagraph 1. of a law enforcement officer's traffic  
19 enforcement activity must be in accordance with written  
20 work-performance standards. Such standards must be approved by  
21 the agency and any collective bargaining unit representing  
22 such law enforcement officer. A violation of this subparagraph  
23 is not subject to the penalties provided in chapter 318.

24 4. The Division of the Florida Highway Patrol may  
25 employ as a traffic accident investigation officer any  
26 individual who successfully completes instruction in traffic  
27 accident investigation and court presentation through the  
28 Selective Traffic Enforcement Program as approved by the  
29 Criminal Justice Standards and Training Commission and funded  
30 through the National Highway Traffic Safety Administration or  
31 a similar program approved by the commission, but who does not



1 necessarily meet the uniform minimum standards established by  
2 the commission for law enforcement officers or auxiliary law  
3 enforcement officers under chapter 943. Any such traffic  
4 accident investigation officer who makes an investigation at  
5 the scene of a traffic accident may issue traffic citations,  
6 based upon personal investigation, when he or she has  
7 reasonable and probable grounds to believe that a person who  
8 was involved in the accident committed an offense under this  
9 chapter, chapter 319, chapter 320, or chapter 322 in  
10 connection with the accident. This subparagraph does not  
11 permit the officer to carry firearms or other weapons, and  
12 such an officer does not have authority to make arrests.

13 Section 18. Section 321.011, Florida Statutes, is  
14 created to read:

15 321.011 Definitions.--As used in this chapter, the  
16 term:

17 (1) "Department" means the Department of Public Safety  
18 created in s. 20.60.

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

21 (3) "Division" means the Division of the Highway  
22 Patrol of the department.

23 Section 19. Section 321.02, Florida Statutes, is  
24 amended to read:

25 321.02 Powers and duties of department, ~~highway~~  
26 ~~patrol.~~--

27 (1) The director of the Division of Highway Patrol of  
28 the Department of Highway Safety and Motor Vehicles shall also  
29 be the commander of the Florida Highway Patrol. The said  
30 department shall adopt ~~set up~~ and ~~promulgate~~ rules and  
31 regulations by which the personnel of the Florida Highway

1 | Patrol officers shall be examined, employed, trained, located,  
2 | suspended, reduced in rank, discharged, recruited, paid and  
3 | pensioned, subject to civil service provisions hereafter set  
4 | out.

5 |       (2) The department may enter into contracts or  
6 | agreements, with or without competitive bidding or  
7 | procurement, to make available, on a fair, reasonable,  
8 | nonexclusive, and nondiscriminatory basis, property and other  
9 | structures under division control for the placement of new  
10 | facilities by any wireless provider of mobile service as  
11 | defined in 47 U.S.C. s. 153(n) or s. 332(d), and any  
12 | telecommunications company as defined in s. 364.02 when it is  
13 | determined to be practical and feasible to make such property  
14 | or other structures available. The department may, without  
15 | adopting a rule, charge a just, reasonable, and  
16 | nondiscriminatory fee for placement of the facilities, payable  
17 | annually, based on the fair market value of space used by  
18 | comparable communications facilities in the state. The  
19 | department and a wireless provider or telecommunications  
20 | company may negotiate the reduction or elimination of a fee in  
21 | consideration of services provided to the division by the  
22 | wireless provider or the telecommunications company. All such  
23 | fees collected by the department shall be deposited directly  
24 | into the State Agency Law Enforcement Radio System Trust Fund,  
25 | and may be used to construct, maintain, or support the system.

26 |       (3) The department is further specifically authorized  
27 | to purchase, sell, trade, rent, lease and maintain all  
28 | necessary equipment, uniforms, motor vehicles, communication  
29 | systems, housing facilities, and office space, ~~and~~ perform any  
30 | other acts necessary for the proper administration and  
31 | enforcement of this chapter. However, all supplies and

1 equipment consisting of single items or in lots shall be  
2 purchased under the requirements of s. 287.057. Purchases  
3 shall be made by accepting the bid of the lowest responsive  
4 bidder, the right being reserved to reject all bids.

5 (4) The department shall prescribe a distinctive  
6 uniform and distinctive emblem to be worn by all officers of  
7 the Florida Highway Patrol. It shall be unlawful for any other  
8 person or persons to wear a similar uniform or emblem, or any  
9 part or parts thereof. The department shall also prescribe  
10 distinctive colors for use on motor vehicles and motorcycles  
11 operated by the Florida Highway Patrol. The prescribed colors  
12 shall be referred to as "Florida Highway Patrol black and  
13 tan."

14 Section 20. Section 321.03, Florida Statutes, is  
15 amended to read:

16 321.03 Imitations prohibited; staffing ~~penalty~~.--

17 (1) It shall be unlawful for any person or persons in  
18 the state to color or cause to be colored any motor vehicle or  
19 motorcycle the same or similar color as the color or colors so  
20 prescribed for the Florida Highway Patrol. Any person  
21 violating any of the provisions of this section or s. 321.02  
22 with respect to uniforms, emblems, motor vehicles and  
23 motorcycles commits ~~shall be guilty of~~ a misdemeanor of the  
24 first degree, punishable as provided in s. 775.082 or s.  
25 775.083.

26 (2) The department ~~of Highway Safety and Motor~~  
27 ~~Vehicles~~ shall employ ~~such~~ clerical staff ~~help~~ and mechanics  
28 ~~as may be necessary for its the~~ economical and efficient  
29 operation ~~of such department~~.

30 Section 21. Section 321.04, Florida Statutes, is  
31 amended to read:

1           321.04 Personnel ~~of the highway patrol~~; rank  
2 classifications; probationary status of new ~~patrol~~ officers;  
3 subsistence; special assignments.--

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

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

22           (3) The Governor shall select ~~department of Highway~~  
23 ~~Safety and Motor Vehicles shall assign~~ one patrol officer to  
24 be assigned by the department to the office of the Governor. ~~and~~  
25 ~~said patrol~~ The officer so assigned shall be selected by the  
26 ~~Governor and~~ shall have rank and pay not less than that of a  
27 lieutenant within the department, ~~of the Florida Highway~~  
28 ~~Patrol,~~ and ~~said patrol officer so assigned~~ shall be paid by  
29 the said department from its ~~the~~ appropriation, and made to  
30 ~~said department;~~ ~~said patrol officer~~ shall have and receive  
31 all other benefits provided for officers of that rank in this

1 ~~chapter or any other statute now in existence or hereinafter~~  
2 ~~enacted.~~

3           Section 22. Section 321.05, Florida Statutes, is  
4 amended to read:

5           321.05 Duties, functions, and powers of patrol  
6 officers.--The members of the Florida Highway Patrol are  
7 hereby declared to be conservators of the peace and law  
8 enforcement officers of the state, with the common-law right  
9 to arrest a person who, in the presence of the arresting  
10 officer, commits a felony or commits an affray or breach of  
11 the peace constituting a misdemeanor, with full power to bear  
12 arms; and they shall apprehend, without warrant, any person in  
13 the unlawful commission of any of the acts over which the  
14 members of the Florida Highway Patrol are given jurisdiction  
15 as hereinafter set out and deliver him or her to the sheriff  
16 of the county that further proceedings may be had against him  
17 or her according to law. In the performance of any of the  
18 powers, duties, and functions authorized by law, members of  
19 the Florida Highway Patrol shall have the same protections and  
20 immunities afforded other peace officers, which shall be  
21 recognized by all courts having jurisdiction over offenses  
22 against the laws of this state, and shall have authority to  
23 apply for, serve, and execute search warrants, arrest  
24 warrants, capias, and other process of the court in those  
25 matters in which patrol officers have primary responsibility  
26 as set forth in subsection (1). The patrol officers under the  
27 direction and supervision of the department of ~~Highway Safety~~  
28 ~~and Motor Vehicles~~ shall perform and exercise throughout the  
29 state the following duties, functions, and powers:

30           (1) To patrol the state highways and regulate,  
31 control, and direct the movement of traffic thereon; to

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

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

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

31

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

5           (4)(a) All fines and costs and the proceeds of the  
6 forfeiture of bail bonds and recognizances resulting from the  
7 enforcement of this chapter by patrol officers shall be paid  
8 into the fine and forfeiture fund established pursuant to s.  
9 142.01 of the county where the offense is committed. In all  
10 cases of arrest by patrol officers, the person arrested shall  
11 be delivered forthwith by said officer to the sheriff of the  
12 county, or he or she shall obtain from such person arrested a  
13 recognizance or, if deemed necessary, a cash bond or other  
14 sufficient security conditioned for his or her appearance  
15 before the proper tribunal of such county to answer the charge  
16 for which he or she has been arrested; and all fees accruing  
17 shall be taxed against the party arrested, which fees are  
18 hereby declared to be part of the compensation of said  
19 sheriffs authorized to be fixed by the Legislature under s.  
20 5(c), Art. II of the State Constitution, to be paid such  
21 sheriffs in the same manner as fees are paid for like services  
22 in other criminal cases. All patrol officers are hereby  
23 directed to deliver all bonds accepted and approved by them to  
24 the sheriff of the county in which the offense is alleged to  
25 have been committed. However, no sheriff shall be paid any  
26 arrest fee for the arrest of a person for violation of any  
27 section of chapter 316 when the arresting officer was  
28 transported in a Florida Highway Patrol car to the vicinity  
29 where the arrest was made; and no sheriff shall be paid any  
30 fee for mileage for himself or herself or a prisoner for miles  
31 traveled in a Florida Highway Patrol car. No patrol officer

1 shall be entitled to any fee or mileage cost except when  
2 responding to a subpoena in a civil cause or except when such  
3 patrol officer is appearing as an official witness to testify  
4 at any hearing or law action in any court of this state as a  
5 direct result of his or her employment as a patrol officer  
6 during time not compensated as a part of his or her normal  
7 duties. Nothing herein shall be construed as limiting the  
8 power to locate and to take from any person under arrest or  
9 about to be arrested deadly weapons. Nothing contained in this  
10 section shall be construed as a limitation upon existing  
11 powers and duties of sheriffs or police officers.

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

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

27 (6) ~~The department may adopt division of Florida~~  
28 ~~Highway Patrol is authorized to promulgate rules under ss.~~  
29 120.536(1) and 120.54 ~~and regulations which may be necessary~~  
30 to implement the provisions of chapter 316.  
31



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

3           321.051 Florida Highway Patrol wrecker operator  
4 system; penalties for operation outside of system.--

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

1 the manner and within the time provided by the Florida Rules  
2 of Appellate Procedure only by a writ of certiorari issued by  
3 the circuit court in the county wherein such wrecker operator  
4 resides.

5 Section 24. Section 321.065, Florida Statutes, is  
6 amended to read:

7 321.065 Traffic accident investigation officers;  
8 ~~employment; standards.~~--The department may employ traffic  
9 accident investigation officers who must complete any  
10 applicable standards adopted by the division Florida Highway  
11 ~~Patrol~~, including, but not limited to: cognitive testing, drug  
12 testing, polygraph testing, psychological testing, and an  
13 extensive background check, including a credit check.

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

16 321.23 Public records; fees for copies; destruction of  
17 obsolete records; photographing records; effect as evidence.--

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

23 Section 26. Section 321.25, Florida Statutes, is  
24 amended to read:

25 321.25 Training provided at patrol schools.--The  
26 department ~~of Highway Safety and Motor Vehicles~~ is authorized  
27 to provide for the training of law enforcement officials and  
28 individuals in matters relating to the duties, functions, and  
29 powers of the Florida Highway Patrol and the Florida Marine  
30 Patrol in the schools established by the department for the  
31 training of highway patrol and marine patrol candidates and

1 | officers. The department ~~of Highway Safety and Motor Vehicles~~  
2 | is authorized to charge a fee for providing the training  
3 | authorized by this section. The fee shall be charged to  
4 | persons attending the training. The fee shall be based on the  
5 | department's ~~Department of Highway Safety and Motor Vehicles'~~  
6 | costs for providing the training, and such costs may include,  
7 | but are not limited to, tuition, lodging, and meals. Revenues  
8 | from the fees shall be used to offset the department's  
9 | ~~Department of Highway Safety and Motor Vehicles'~~ costs for  
10 | providing the training. The cost of training local enforcement  
11 | officers shall be paid for by their respective offices,  
12 | counties, or municipalities, as the case may be. Such cost  
13 | shall be deemed a proper county or municipal expense or a  
14 | proper expenditure of the office of sheriff.

15 |       Section 27. The Division of Statutory Revision is  
16 | requested to designate ss. 327.01-327.804, Florida Statutes,  
17 | as part I of chapter 327, Florida Statutes, entitled "Vessel  
18 | Safety," and ss. 327.901-327.9065, Florida Statutes, as  
19 | created by this act, as part II of that chapter, entitled  
20 | "Florida Marine Patrol." The title of chapter 327, Florida  
21 | Statutes, shall remain "Vessel Safety."

22 |       Section 28. Section 327.901, Florida Statutes, is  
23 | created to read:

24 |       327.901 Definitions.--As used in this part, the 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) "Patrol" means the Florida Marine Patrol.

30 |       Section 29. Section 327.902, Florida Statutes, is  
31 | created to read:

1           327.902 Powers and duties of department.--

2           (1) The department shall adopt rules by which the  
3 officers of the patrol shall be examined, employed, trained,  
4 located, suspended, reduced in rank, discharged, recruited,  
5 paid, and pensioned, subject to civil service provisions  
6 hereinafter set out.

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

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

18           (4) The department may adopt rules under ss.  
19 120.536(1) and 120.54 to implement the provisions of this part  
20 conferring powers and duties upon it.

21           Section 30. Section 327.903, Florida Statutes, is  
22 created to read:

23           327.903 Imitations prohibited; penalty.--It shall be  
24 unlawful for any person or persons in the state to color or  
25 cause to be colored any motor vehicle, vessel, or motorcycle  
26 the same or similar color as the color or colors so prescribed  
27 for the patrol. Any person violating any of the provisions of  
28 this section or s. 327.902 with respect to uniforms, emblems,  
29 motor vehicles, vessels, and motorcycles commits a misdemeanor  
30 of the first degree, punishable as provided in s. 775.082 or  
31 s. 775.083.

1           Section 31. Section 327.904, Florida Statutes, is  
2 created to read:

3           327.904 Personnel.--

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

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

19           Section 32. Section 327.905, Florida Statutes, is  
20 created to read:

21           327.905 Duties and powers of officers; rulemaking.--

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

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

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

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

18 Section 33. Section 327.9065, Florida Statutes, is  
19 created to read:

20 327.9065 Boating accident investigation officers.--The  
21 department may employ boating accident investigation officers  
22 who must complete any applicable standards adopted by the  
23 patrol, including, but not limited to, cognitive testing, drug  
24 testing, polygraph testing, psychological testing, and an  
25 extensive background check, including a credit check.

26 Section 34. Subsection (3) of section 337.406, Florida  
27 Statutes, is amended to read:

28 337.406 Unlawful use of state transportation facility  
29 right-of-way; penalties.--  
30  
31

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

4           Section 35. Subsection (2) of section 338.239, Florida  
5 Statutes, is amended to read:

6           338.239 Traffic control on the turnpike system.--

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

25           Section 36. Subsection (1) of section 339.281, Florida  
26 Statutes, is amended to read:

27           339.281 Damage to transportation facility by vessel;  
28 marine accident report; investigative authorities;  
29 penalties.--

30           (1) Whenever any vessel has caused damage to a  
31 transportation facility, the managing owner, agent, or master

1 of such vessel shall immediately, or as soon thereafter as  
2 possible, report the same to the nearest Fish and Wildlife  
3 Conservation Commission officer, an officer of the Florida  
4 Marine Patrol, the sheriff of the county wherein such accident  
5 occurred, or the Florida Highway Patrol, who shall immediately  
6 go to the scene of the accident and, if necessary, board the  
7 vessel subsequent to the accident in pursuance of its  
8 investigation. The law enforcement agency investigating the  
9 accident shall submit a copy of its report to the department.

10 Section 37. Subsection (4) of section 370.0603,  
11 Florida Statutes, is amended to read:

12 370.0603 Marine Resources Conservation Trust Fund;  
13 purposes.--

14 (4) Funds transferred to the Marine Resources  
15 Conservation Trust Fund from the Fuel Tax Collection Trust  
16 Fund pursuant to s. 206.606 shall be used for the following  
17 purposes:

18 (a) To provide additional water-related law  
19 enforcement positions within the Fish and Wildlife  
20 Conservation Commission primarily for the purpose of enforcing  
21 laws designed to protect manatee populations. Law enforcement  
22 positions funded under this provision shall be assigned to  
23 counties having the highest incidence of manatee deaths and  
24 injuries.

25 (b) For the placement of uniform waterway markers on  
26 state waters.

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

30 (d) To implement and administer programs related to  
31 boating safety and education, manatee technical avoidance



1 | technology, and economic development initiatives to promote  
2 | boating in the state, including competitive grants programs as  
3 | provided in s. 327.47.

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

7 |  
8 | Funds not used in one fiscal year must be carried over for use  
9 | in subsequent years.

10 |           Section 38. Paragraph (b) of subsection (2) of section  
11 | 401.245, Florida Statutes, is amended to read:

12 |           401.245 Emergency Medical Services Advisory Council.--

13 |           (2)

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

1 ~~Motor Vehicles~~, the Department of Transportation, and the  
2 Department of Community Affairs.

3 Section 39. Paragraph (c) of subsection (2) of section  
4 403.413, Florida Statutes, is amended to read:

5 403.413 Florida Litter Law.--

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

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

17 Section 40. Paragraph (d) of subsection (3) of section  
18 790.25, Florida Statutes, is amended to read:

19 790.25 Lawful ownership, possession, and use of  
20 firearms and other weapons.--

21 (3) LAWFUL USES.--The provisions of ss. 790.053 and  
22 790.06 do not apply in the following instances, and, despite  
23 such sections, it is lawful for the following persons to own,  
24 possess, and lawfully use firearms and other weapons,  
25 ammunition, and supplies for lawful purposes:

26 (d) Sheriffs, marshals, prison or jail wardens, police  
27 officers, Florida Highway Patrol officers, Florida Marine  
28 Patrol officers, game wardens, revenue officers, forest  
29 officials, special officers appointed under the provisions of  
30 chapter 354, and other peace and law enforcement officers and  
31 their deputies and assistants and full-time paid peace

1 officers of other states and of the Federal Government who are  
2 carrying out official duties while in this state;

3 Section 41. Section 843.08, Florida Statutes, is  
4 amended to read:

5 843.08 Falsely personating officer, etc.--A person who  
6 falsely assumes or pretends to be a sheriff, officer of the  
7 Florida Highway Patrol, officer of the Florida Marine Patrol,  
8 officer of the Fish and Wildlife Conservation Commission,  
9 officer of the Department of Environmental Protection, officer  
10 of the Department of Transportation, officer of the Department  
11 of Financial Services, officer of the Department of  
12 Corrections, correctional probation officer, deputy sheriff,  
13 state attorney or assistant state attorney, statewide  
14 prosecutor or assistant statewide prosecutor, state attorney  
15 investigator, coroner, police officer, lottery special agent  
16 or lottery investigator, beverage enforcement agent, or  
17 watchman, or any member of the Parole Commission and any  
18 administrative aide or supervisor employed by the commission,  
19 or any personnel or representative of the Department of Law  
20 Enforcement, and takes upon himself or herself to act as such,  
21 or to require any other person to aid or assist him or her in  
22 a matter pertaining to the duty of any such officer, commits a  
23 felony of the third degree, punishable as provided in s.  
24 775.082, s. 775.083, or s. 775.084; however, a person who  
25 falsely personates any such officer during the course of the  
26 commission of a felony commits a felony of the second degree,  
27 punishable as provided in s. 775.082, s. 775.083, or s.  
28 775.084; except that if the commission of the felony results  
29 in the death or personal injury of another human being, the  
30 person commits a felony of the first degree, punishable as  
31 provided in s. 775.082, s. 775.083, or s. 775.084.

1           Section 42. Section 870.04, Florida Statutes, is  
2 amended to read:

3           870.04 Specified officers to disperse riotous  
4 assembly.--If any number of persons, whether armed or not, are  
5 unlawfully, riotously or tumultuously assembled in any county,  
6 city or municipality, the sheriff or the sheriff's deputies,  
7 or the mayor, or any commissioner, council member, alderman or  
8 police officer of the said city or municipality, or any  
9 officer or member of the Florida Highway Patrol, any officer  
10 of the Florida Marine Patrol, or any officer or agent of the  
11 Fish and Wildlife Conservation Commission, Department of  
12 Environmental Protection, or beverage enforcement agent, any  
13 personnel or representatives of the Department of Law  
14 Enforcement or its successor, or any other peace officer,  
15 shall go among the persons so assembled, or as near to them as  
16 may be with safety, and shall in the name of the state command  
17 all the persons so assembled immediately and peaceably to  
18 disperse; and if such persons do not thereupon immediately and  
19 peaceably disperse, said officers shall command the assistance  
20 of all such persons in seizing, arresting and securing such  
21 persons in custody; and if any person present being so  
22 commanded to aid and assist in seizing and securing such  
23 rioter or persons so unlawfully assembled, or in suppressing  
24 such riot or unlawful assembly, refuses or neglects to obey  
25 such command, or, when required by such officers to depart  
26 from the place, refuses and neglects to do so, the person  
27 shall be deemed one of the rioters or persons unlawfully  
28 assembled, and may be prosecuted and punished accordingly.

29           Section 43. This act shall take effect July 1, 2007.  
30  
31