

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 1281 Police Vehicles

SPONSOR(S): Transportation & Infrastructure Subcommittee; McGhee

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 1508

FINAL HOUSE FLOOR ACTION: 116 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/HB 1281 passed the House on March 11, 2020, as CS/CS/SB 1508.

In order for a person to knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle, the Department of Highway Safety and Motor Vehicles must stamp, in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle.

While most law enforcement agencies have adopted policies relating to the removal of police markings before selling their vehicles to the public, there are no statutory requirements for the removal of police markings.

The bill requires that before a person knowingly sells, exchanges, or transfers a police vehicle, a person must remove any police markings from the vehicle and provide the purchaser, customer, or transferee with an official letter of notification from the law enforcement agency, seller, or auction house affirming that the vehicle has had all police markings removed.

The bill defines the term "police markings" to mean decals, stickers, distinctive paint schemes, or other markings attached or applied to a police vehicle that identify the vehicle as a police vehicle.

The bill provides that sales, exchanges, or transfers of police vehicles to members of the general public for the purpose of collection or display are exempt from these requirements; however, the seller, exchanger, or transferor must provide written notice that use of the vehicle for impersonation of a public officer or employee is a third degree felony. Sales, exchanges, or transfers of police vehicles between law enforcement agencies also are exempt from these requirements.

The bill will have an indeterminate but likely insignificant fiscal impact on state and local government expenditures.

The bill was approved by the Governor on June 20, 2020, ch. 2020-62, L.O.F., and will become effective on July 1, 2020.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

Once police vehicles reach a certain age or mile limit, many law enforcement agencies find it more cost effective to purchase new vehicles than continue to utilize older vehicles.¹ Law enforcement agencies sometimes transition older vehicles to become administrative or training vehicles,² or in many cases, they sell them.³ When the Florida Highway Patrol decommissions its vehicles, it removes all emergency vehicle equipment and the decals, and then paints over the tan portion of the marked vehicle using a protective enamel black paint that cannot be removed.⁴ While most law enforcement agencies have adopted policies relating to the removal of police markings before selling their vehicles to the public, there are no statutory requirements for the removal of police markings.

In order for a person to knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle,⁵ or short-term-lease vehicle, the Department of Highway Safety and Motor Vehicles must stamp, in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle.⁶ A person (including any officer, agent, or employee of a person) who knowingly sells, exchanges, or offers to sell or exchange a taxicab, police vehicle, or short-term-lease vehicle contrary to the law specified above commits a misdemeanor of the second degree.⁷

It is a first-degree misdemeanor for a person to falsely mislead or cause another person to believe that a vehicle is an official vehicle of a law enforcement or first responder agency.⁸ It is also a first-degree misdemeanor for any person to replicate a sheriff or sheriff deputy vehicle by using the color combination forest green and white or replicate an FHP vehicle by using the color combination black and tan in the same or similar color combination as law enforcement.⁹ Likewise, it is a third degree felony to deliberately impersonate or falsely act as a public officer or employee in connection with or relating to any legal process affecting persons and property, or otherwise take action under color of law against persons or property.¹⁰

Effect of the Bill

The bill requires that before a person knowingly sells, exchanges, or transfers a police vehicle, a person must remove any police markings from the vehicle and provide the purchaser, customer, or transferee with an official letter of notification from the law enforcement agency, seller, or auction house affirming that the vehicle has had all police markings removed.

The bill defines the term “police markings” to mean decals, stickers, distinctive paint schemes, or other markings attached or applied to a police vehicle that identify the vehicle as a police vehicle.

¹ Tom Kanewski, *What to do With Old Police Vehicles?*, Officer.com, (February 15, 2017), available at <https://www.officer.com/on-the-street/vehicles-equipment/article/12291284/what-to-do-with-old-police-vehicles> (last visited January 20, 2020).

² *Id.*

³ Thi Dao, *How to Remarket Patrol Vehicles*, Policemag.com (February 7, 2018), available at <https://www.policemag.com/342406/how-to-remarket-patrol-vehicles> (last visited January 20, 2020).

⁴ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: HB 1281 (January 21, 2020).

⁵ Section 319.14(1)(c)1., F.S., defines the term “police vehicle” to mean a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

⁶ Section 319.14(1)(a), F.S.

⁷ Section 319.14(5), F.S.

⁸ Section 843.085(2) and (5), F.S.

⁹ Sections 30.46 and 321.03, F.S.

¹⁰ Section 843.0855(2), F.S.

The bill provides that sales, exchanges, or transfers of police vehicles to members of the general public for the purpose of collection or display are exempt from these requirements; however, the seller, exchanger, or transferor must provide written notice that use of the vehicle for impersonation of a public officer or employee is a third degree felony. Sales, exchanges, or transfers of police vehicles between law enforcement agencies also are exempt from these requirements.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to impact state government revenues.

2. Expenditures:

The bill may increase expenditures of state law enforcement agencies that are not currently removing police markings from police vehicles. However, the impact is indeterminate and likely insignificant, as most law enforcement agencies have already adopted policies relating to the removal of police markings before selling their vehicles.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to impact local government revenues.

2. Expenditures:

The bill may increase expenditures of local law enforcement agencies that are not currently removing police markings from police vehicles. However, the impact is indeterminate and likely insignificant, as most law enforcement agencies have already adopted policies relating to the removal of police markings before selling their vehicles.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.