

1 A bill to be entitled
2 An act relating to transportation; providing for a
3 type one transfer of the duties and functions of the
4 Division of the Florida Highway Patrol and the Office
5 of Commercial Vehicle Enforcement from the Department
6 of Highway Safety and Motor Vehicles to the Department
7 of Law Enforcement; amending s. 20.24, F.S.; requiring
8 the executive director of the Department of Highway
9 Safety and Motor Vehicles to be appointed by the
10 Governor and subject to confirmation by the Senate;
11 amending s. 23.1231, F.S.; requiring the executive
12 director of the Department of Law Enforcement to act
13 as the liaison with the Department of Highway Safety
14 and Motor Vehicles rather than the Division of the
15 Florida Highway Patrol; amending s. 282.709, F.S.;
16 requiring the Joint Task Force on State Agency Law
17 Enforcement Communications to include a representative
18 of the Department of Highway Safety and Motor Vehicles
19 rather than the Division of Florida Highway Patrol;
20 creating s. 321.011, F.S.; defining the term
21 "department"; amending ss. 20.201, 110.205, 120.80,
22 316.003, 316.640, 321.02, 321.03, 321.04, 321.05,
23 321.051, 321.245, 321.25, 338.239, and 713.78, F.S.;
24 conforming provisions to changes made by the act;
25 providing an effective date.

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

Section 1. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other public funds relating to the Division of the Florida Highway Patrol and the Office of Commercial Vehicle Enforcement are transferred by a type one transfer, as described in s. 20.06(1), Florida Statutes, from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement.

Section 2. Section 20.24, Florida Statutes, is amended to read:

20.24 Department of Highway Safety and Motor Vehicles.—
There is created a Department of Highway Safety and Motor Vehicles.

(1) The head of the Department of Highway Safety and Motor Vehicles is the Governor and Cabinet. The executive director of the department shall be appointed by the Governor subject to a majority vote of the Governor and Cabinet, with the Governor on the prevailing side. The appointment is subject to confirmation by the Senate. The executive director shall serve at the pleasure of the Governor and Cabinet.

(2) The Division of Motorist Services is established within ~~following divisions, and bureaus within the divisions, of~~ the Department of Highway Safety and Motor Vehicles ~~are~~

51 ~~established:~~

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

53 ~~(b) Division of Motorist Services.~~

54 ~~(3) The Office of Commercial Vehicle Enforcement is~~
55 ~~established within the Division of the Florida Highway Patrol.~~

56 **Section 3. Paragraph (e) of subsection (2) of section**
57 **23.1231, Florida Statutes, is amended to read:**

58 23.1231 Florida Mutual Aid Plan; powers and duties.—

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

63 (e) Act as the liaison with ~~the Division of the Florida~~
64 ~~Highway Patrol of~~ the Department of Highway Safety and Motor
65 Vehicles in order to coordinate and integrate plans for traffic
66 control and the participation of the department in the law
67 enforcement operation;

68 **Section 4. Paragraph (a) of subsection (2) of section**
69 **282.709, Florida Statutes, is amended to read:**

70 282.709 State agency law enforcement radio system and
71 interoperability network.—

72 (2) The Joint Task Force on State Agency Law Enforcement
73 Communications is created adjunct to the department to advise
74 the department of member-agency needs relating to the planning,
75 designing, and establishment of the statewide communication

76 system.

77 (a) The Joint Task Force on State Agency Law Enforcement
78 Communications shall consist of the following members:

79 1. A representative of the Division of Alcoholic Beverages
80 and Tobacco of the Department of Business and Professional
81 Regulation who shall be appointed by the secretary of the
82 department.

83 2. A representative of ~~the Division of Florida Highway~~
84 ~~Patrol~~ of the Department of Highway Safety and Motor Vehicles
85 who shall be appointed by the executive director of the
86 department.

87 3. A representative of the Department of Law Enforcement
88 who shall be appointed by the executive director of the
89 department.

90 4. A representative of the Fish and Wildlife Conservation
91 Commission who shall be appointed by the executive director of
92 the commission.

93 5. A representative of the Division of Law Enforcement of
94 the Department of Environmental Protection who shall be
95 appointed by the secretary of the department.

96 6. A representative of the Department of Corrections who
97 shall be appointed by the secretary of the department.

98 7. A representative of the Department of Financial
99 Services who shall be appointed by the Chief Financial Officer.

100 8. A representative of the Department of Agriculture and

101 Consumer Services who shall be appointed by the Commissioner of
102 Agriculture.

103 9. A representative of the Florida Sheriffs Association
104 who shall be appointed by the president of the Florida Sheriffs
105 Association.

106 **Section 5. Section 321.011, Florida Statutes, is created**
107 **to read:**

108 321.011 Definition.—As used in this chapter, the term
109 "department" means the Department of Law Enforcement.

110 **Section 6. Subsection (3) is added to section 20.201,**
111 **Florida Statutes, to read:**

112 20.201 Department of Law Enforcement.—

113 (3) The following divisions, and bureaus within the
114 divisions, of the Department of Law Enforcement are established:

115 (a) The Division of the Florida Highway Patrol.

116 (b) The Office of Commercial Vehicle Enforcement within
117 the Division of the Florida Highway Patrol.

118 **Section 7. Paragraph (m) of subsection (2) of section**
119 **110.205, Florida Statutes, is amended to read:**

120 110.205 Career service; exemptions.—

121 (2) EXEMPT POSITIONS.—The exempt positions that are not
122 covered by this part include the following:

123 (m) All assistant division director, deputy division
124 director, and bureau chief positions in any department, and
125 those positions determined by the department to have managerial

responsibilities comparable to such positions, which include,
but are not limited to:

1. Positions in the Department of Health and the
Department of Children and Families which are assigned primary
duties of serving as the superintendent or assistant
superintendent of an institution.

2. Positions in the Department of Corrections which are
assigned primary duties of serving as the warden, assistant
warden, colonel, or major of an institution or that are assigned
primary duties of serving as the circuit administrator or deputy
circuit administrator.

3. Positions in the Department of Transportation which are
assigned primary duties of serving as regional toll managers and
managers of offices, as specified in s. 20.23(4)(b) and (5)(c).

4. Positions in the Department of Environmental Protection
which are assigned the duty of an Environmental Administrator or
program administrator.

5. Positions in the Department of Health which are
assigned the duties of Environmental Administrator, Assistant
County Health Department Director, and County Health Department
Financial Administrator.

6. Positions in the Department of Law Enforcement ~~Highway
Safety and Motor Vehicles~~ which are assigned primary duties of
serving as captains in the Florida Highway Patrol.

7. Positions in the Department of Agriculture and Consumer

Services which are assigned primary duties of serving as captains or majors in the Office of Agricultural Law Enforcement.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 8. Subsections (6) and (8) of section 120.80, Florida Statutes, are amended to read:

120.80 Exceptions and special requirements; agencies.—

(6) DEPARTMENT OF LAW ENFORCEMENT.—

(a) Law enforcement policies and procedures of the Department of Law Enforcement which relate to the following are not rules as defined by this chapter:

1.~~(a)~~ The collection, management, and dissemination of active criminal intelligence information and active criminal investigative information; management of criminal investigations; and management of undercover investigations and the selection, assignment, and fictitious identity of undercover personnel.

2.~~(b)~~ The recruitment, management, identity, and remuneration of confidential informants or sources.

3.~~(c)~~ Surveillance techniques, the selection of surveillance personnel, and electronic surveillance, including

176 court-ordered and consensual interceptions of communication
177 conducted pursuant to chapter 934.

178 ~~4.(d)~~ The safety and release of hostages.

179 ~~5.(e)~~ The provision of security and protection to public
180 figures.

181 ~~6.(f)~~ The protection of witnesses.

182 (b) Notwithstanding s. 120.57(1)(a), hearings held by the
183 Division of the Florida Highway Patrol to deny, suspend, or
184 remove a wrecker operator from participating in the wrecker
185 rotation system established by s. 321.051 need not be conducted
186 by an administrative law judge assigned by the division. These
187 hearings shall be held by a hearing officer appointed by the
188 director of the Division of the Florida Highway Patrol.

189 (8) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

190 ~~(a) Driver licenses.—~~

191 (a)1. Notwithstanding s. 120.57(1)(a), hearings regarding
192 driver licensing pursuant to chapter 322 need not be conducted
193 by an administrative law judge assigned by the division.

194 (b)2. Notwithstanding s. 120.60(5), cancellation,
195 suspension, or revocation of a driver license shall be by
196 personal delivery to the licensee or by first-class mail as
197 provided in s. 322.251.

198 ~~(b) Wrecker operators. Notwithstanding s. 120.57(1)(a),~~
199 ~~hearings held by the Division of the Florida Highway Patrol of~~
200 ~~the Department of Highway Safety and Motor Vehicles to deny,~~

201 ~~suspend, or remove a wrecker operator from participating in the~~
202 ~~wrecker rotation system established by s. 321.051 need not be~~
203 ~~conducted by an administrative law judge assigned by the~~
204 ~~division. These hearings shall be held by a hearing officer~~
205 ~~appointed by the director of the Division of the Florida Highway~~
206 ~~Patrol.~~

207 **Section 9. Subsection (20) of section 316.003, Florida**
208 **Statutes, is amended to read:**

209 316.003 Definitions.—The following words and phrases, when
210 used in this chapter, shall have the meanings respectively
211 ascribed to them in this section, except where the context
212 otherwise requires:

213 (20) DIRECTOR.—The director of the Division of the Florida
214 Highway Patrol of the Department of Law Enforcement ~~Highway~~
215 ~~Safety and Motor Vehicles.~~

216 **Section 10. Paragraph (a) of subsection (1) of section**
217 **316.640, Florida Statutes, is amended to read:**

218 316.640 Enforcement.—The enforcement of the traffic laws
219 of this state is vested as follows:

220 (1) STATE.—

221 (a)1.a. The Division of Florida Highway Patrol of the
222 Department of Law Enforcement ~~Highway Safety and Motor Vehicles;~~
223 the Division of Law Enforcement of the Fish and Wildlife
224 Conservation Commission; the Division of Law Enforcement of the
225 Department of Environmental Protection; and the agents,

inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

b. University police officers may enforce all of the traffic laws of this state when violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1). Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.

c. Florida College System institution police officers may enforce all the traffic laws of this state only when such violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of the Florida College System institution, or when such violations occur within a specified jurisdictional area as

251 agreed upon in a mutual aid agreement entered into with a law
252 enforcement agency pursuant to s. 23.1225. Traffic laws may also
253 be enforced off-campus when hot pursuit originates on or within
254 1,000 feet of any such property or facilities, or as agreed upon
255 in accordance with the mutual aid agreement.

256 d. Police officers employed by an airport authority may
257 enforce all of the traffic laws of this state only when such
258 violations occur on any property or facilities that are owned or
259 operated by an airport authority.

260 (I) An airport authority may employ as a parking
261 enforcement specialist any individual who successfully completes
262 a training program established and approved by the Criminal
263 Justice Standards and Training Commission for parking
264 enforcement specialists but who does not otherwise meet the
265 uniform minimum standards established by the commission for law
266 enforcement officers or auxiliary or part-time officers under s.
267 943.12. This sub-sub-subparagraph may not be construed to permit
268 the carrying of firearms or other weapons, nor shall such
269 parking enforcement specialist have arrest authority.

270 (II) A parking enforcement specialist employed by an
271 airport authority may enforce all state, county, and municipal
272 laws and ordinances governing parking only when such violations
273 are on property or facilities owned or operated by the airport
274 authority employing the specialist, by appropriate state,
275 county, or municipal traffic citation.

276 e. The Office of Agricultural Law Enforcement of the
277 Department of Agriculture and Consumer Services may enforce
278 traffic laws of this state.

279 f. School safety officers may enforce all of the traffic
280 laws of this state when such violations occur on or about any
281 property or facilities that are under the guidance, supervision,
282 regulation, or control of the district school board.

283 2. Any disciplinary action taken or performance evaluation
284 conducted by an agency of the state as described in subparagraph
285 1. of a law enforcement officer's traffic enforcement activity
286 must be in accordance with written work-performance standards.
287 Such standards must be approved by the agency and any collective
288 bargaining unit representing such law enforcement officer. A
289 violation of this subparagraph is not subject to the penalties
290 provided in chapter 318.

291 3. The Division of the Florida Highway Patrol may employ
292 as a traffic accident investigation officer any individual who
293 successfully completes instruction in traffic accident
294 investigation and court presentation through the Selective
295 Traffic Enforcement Program as approved by the Criminal Justice
296 Standards and Training Commission and funded through the
297 National Highway Traffic Safety Administration or a similar
298 program approved by the commission, but who does not necessarily
299 meet the uniform minimum standards established by the commission
300 for law enforcement officers or auxiliary law enforcement

officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This subparagraph does not permit the officer to carry firearms or other weapons, and such an officer does not have authority to make arrests.

Section 11. Section 321.02, Florida Statutes, is amended to read:

321.02 Powers and duties of department, highway patrol.—
The director of the Division of the Florida Highway Patrol ~~of the Department of Highway Safety and Motor Vehicles~~ shall also be the commander of the Florida Highway Patrol. The ~~said~~ department shall set up and adopt ~~promulgate~~ rules and regulations by which the personnel of the Florida Highway Patrol officers shall be examined, employed, trained, located, suspended, reduced in rank, discharged, recruited, paid, and pensioned, subject to civil service provisions hereafter set out. The department may enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, nonexclusive, and nondiscriminatory basis, property and other structures under

division control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(27) or s. 332(d), and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the division by the wireless provider or the telecommunications company. All such fees collected by the department shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund, and may be used to construct, maintain, or support the system. The department is further specifically authorized to purchase, sell, trade, rent, lease, and maintain all necessary equipment, uniforms, motor vehicles, communication systems, housing facilities, and office space, ~~and~~ and perform any other acts necessary for the proper administration and enforcement of this chapter. However, all supplies and equipment consisting of single items or in lots shall be purchased under the requirements of s. 287.057. Purchases shall be made by accepting the bid of the lowest responsive bidder, the right being

reserved to reject all bids. The department shall prescribe a distinctive uniform and distinctive emblem to be worn by all officers of the Florida Highway Patrol. It shall be unlawful for any other person or persons to wear a similar uniform or emblem, or any part or parts thereof. The department shall also prescribe distinctive colors for use on motor vehicles and motorcycles operated by the Florida Highway Patrol. The prescribed colors shall be referred to as "Florida Highway Patrol black and tan."

Section 12. Section 321.03, Florida Statutes, is amended to read:

321.03 Imitations prohibited; penalty.—Unless specifically authorized by the Florida Highway Patrol, a person in this ~~the~~ state may ~~shall~~ not color or cause to be colored any motor vehicle or motorcycle the same or similar color as the color or colors so prescribed for the Florida Highway Patrol. A person who violates this section or s. 321.02 with respect to uniforms, emblems, motor vehicles, and motorcycles commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department ~~of Highway Safety and Motor Vehicles~~ shall employ such clerical help and mechanics as may be necessary for the economical and efficient operation of the ~~such~~ department.

Section 13. Section 321.04, Florida Statutes, is amended to read:

376 321.04 Personnel of the highway patrol; rank
377 classifications; probationary status of new patrol officers;
378 subsistence; special assignments.—

379 (1) ~~The department of Highway Safety and Motor Vehicles~~
380 shall employ patrol officers, as authorized by the Legislature
381 in appropriating funds for their salaries exclusive of those
382 members of the patrol who are assigned to and paid by special
383 departments; and shall establish the necessary supervisory ranks
384 within the Florida Highway Patrol to efficiently supervise and
385 carry out the designated functions of the patrol and the
386 department in accordance with the regulations established by the
387 Department of Management Services.

388 (2) Each person who is employed as a patrol officer shall
389 be carried on a probationary status for ~~the period of~~ 1 year
390 after ~~from~~ date of employment, during which period he or she may
391 be dismissed without recourse. Patrol officers when sent on
392 special detail or missions out of their regular assigned
393 territories or headquarters shall be reimbursed for travel
394 expenses as provided in s. 112.061.

395 (3) ~~(a) The department of Highway Safety and Motor Vehicles~~
396 shall assign one patrol officer to the office of the Governor.
397 Such; ~~said~~ patrol officer ~~so assigned~~ shall be selected by the
398 Governor and shall have rank and pay not less than that of a
399 lieutenant of the Florida Highway Patrol; ~~and said patrol~~
400 ~~officer so assigned~~ shall be paid by the ~~said~~ department from

401 the appropriation made to the ~~said~~ department; and ~~said patrol~~
402 ~~officer~~ shall have and receive all other benefits provided for
403 in this chapter or any other statute now in existence or
404 hereinafter enacted.

405 ~~(b) For the 2024-2025 fiscal year only, upon the request~~
406 ~~of the Governor, the Department of Highway Safety and Motor~~
407 ~~Vehicles shall assign one or more patrol officers to the office~~
408 ~~of the Lieutenant Governor for security services. This paragraph~~
409 ~~expires July 1, 2025.~~

410 (4) Upon request of the Attorney General, the department
411 ~~of Highway Safety and Motor Vehicles~~ shall assign one or more
412 patrol officers to the Office of the Attorney General for
413 security services.

414 ~~(5) For the 2024-2025 fiscal year only, the assignment of~~
415 ~~a patrol officer by the department shall include a Cabinet~~
416 ~~member specified in s. 4, Art. IV of the State Constitution if~~
417 ~~deemed appropriate by the department or in response to a threat~~
418 ~~and upon written request of such Cabinet member. This subsection~~
419 ~~expires July 1, 2025.~~

420 **Section 14. Section 321.05, Florida Statutes, is amended**
421 **to read:**

422 321.05 Duties, functions, and powers of patrol officers.—
423 The members of the Florida Highway Patrol are ~~hereby~~ declared to
424 be conservators of the peace and law enforcement officers of
425 this ~~the~~ state, with the common-law right to arrest a person

426 | who, in the presence of the arresting officer, commits a felony
427 | or commits an affray or breach of the peace constituting a
428 | misdemeanor, with full power to bear arms; and they shall
429 | apprehend, without warrant, any person in the unlawful
430 | commission of any of the acts over which the members of the
431 | Florida Highway Patrol are given jurisdiction as hereinafter set
432 | out and deliver him or her to the sheriff of the county that
433 | further proceedings may be had against him or her according to
434 | law. In the performance of any of the powers, duties, and
435 | functions authorized by law, members of the Florida Highway
436 | Patrol have the same protections and immunities afforded other
437 | peace officers, which shall be recognized by all courts having
438 | jurisdiction over offenses against the laws of this state, and
439 | have authority to apply for, serve, and execute search warrants,
440 | arrest warrants, capias, and other process of the court. The
441 | patrol officers under the direction and supervision of the
442 | department ~~of Highway Safety and Motor Vehicles~~ shall perform
443 | and exercise throughout the state the following duties,
444 | functions, and powers:

445 | (1) To patrol the state highways and regulate, control,
446 | and direct the movement of traffic thereon; to maintain the
447 | public peace by preventing violence on highways; to apprehend
448 | fugitives from justice; to enforce all laws regulating and
449 | governing traffic, travel, and public safety upon the public
450 | highways and providing for the protection of the public highways

451 and public property thereon, including the security and safety
452 of this state's transportation infrastructure; to make arrests
453 without warrant for the violation of any state law committed in
454 their presence in accordance with state law; providing that no
455 search may be made unless it is incident to a lawful arrest, to
456 regulate and direct traffic concentrations and congestions; to
457 enforce laws governing the operation, licensing, and taxing and
458 limiting the size, weight, width, length, and speed of vehicles
459 and licensing and controlling the operations of drivers and
460 operators of vehicles, including the safety, size, and weight of
461 commercial motor vehicles; to collect all state fees and
462 revenues levied as an incident to the use or right to use the
463 highways for any purpose, including the taxing and registration
464 of commercial motor vehicles; to require the drivers of vehicles
465 to stop and exhibit their driver licenses, registration cards,
466 or documents required by law to be carried by such vehicles; to
467 investigate traffic accidents, secure testimony of witnesses and
468 of persons involved, and make report thereof with copy, if
469 requested in writing, to any person in interest or his or her
470 attorney; to investigate reported thefts of vehicles; and to
471 seize contraband or stolen property on or being transported on
472 the highways. Each patrol officer of the Florida Highway Patrol
473 is subject to and has the same arrest and other authority
474 provided for law enforcement officers generally in chapter 901
475 and has statewide jurisdiction. Each officer also has arrest

476 authority as provided for state law enforcement officers in s.
477 901.15. This section does not conflict with, but is supplemental
478 to, chapter 933.

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

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

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

488 (4) (a) All fines and costs and the proceeds of the
489 forfeiture of bail bonds and recognizances resulting from the
490 enforcement of this chapter by patrol officers shall be paid
491 into the fine and forfeiture fund established pursuant to s.
492 142.01 of the county where the offense is committed. In all
493 cases of arrest by patrol officers, the person arrested shall be
494 delivered forthwith by the officer to the sheriff of the county,
495 or he or she shall obtain from the person arrested a
496 recognizance or, if deemed necessary, a cash bond or other
497 sufficient security conditioned for his or her appearance before
498 the proper tribunal of the county to answer the charge for which
499 he or she has been arrested; and all fees accruing shall be
500 taxed against the party arrested, which fees are ~~hereby~~ declared

501 to be part of the compensation of the sheriffs authorized to be
502 fixed by the Legislature under s. 5(c), Art. II of the State
503 Constitution, to be paid such sheriffs in the same manner as
504 fees are paid for like services in other criminal cases. All
505 patrol officers are ~~hereby~~ directed to deliver all bonds
506 accepted and approved by them to the sheriff of the county in
507 which the offense is alleged to have been committed. However, a
508 sheriff shall not be paid any arrest fee for the arrest of a
509 person for violation of any section of chapter 316 when the
510 arresting officer was transported in a Florida Highway Patrol
511 car to the vicinity where the arrest was made; and a sheriff
512 shall not be paid any fee for mileage for himself or herself or
513 a prisoner for miles traveled in a Florida Highway Patrol car. A
514 patrol officer is not entitled to any fee or mileage cost except
515 when responding to a subpoena in a civil cause or except when
516 the patrol officer is appearing as an official witness to
517 testify at any hearing or law action in any court of this state
518 as a direct result of his or her employment as a patrol officer
519 during time not compensated as a part of his or her normal
520 duties. Nothing herein shall be construed as limiting the power
521 to locate and to take from any person under arrest or about to
522 be arrested deadly weapons. This section is not a limitation
523 upon existing powers and duties of sheriffs or police officers.

524 (b) Any person so arrested and released on his or her own
525 recognizance by an officer and who fails to appear or respond to

526 a notice to appear, in addition to the traffic violation charge,
527 commits a noncriminal traffic infraction subject to the penalty
528 provided in s. 318.18(2).

529 (5) The department may employ or assign some fit and
530 suitable person with experience in the field of public relations
531 who shall promote, coordinate, and publicize the traffic safety
532 activities in the state and assign such person to the office of
533 the Governor at a salary to be fixed by the department. The
534 person so assigned or employed shall be a member of the uniform
535 division of the Florida Highway Patrol, and he or she shall have
536 the pay and rank of lieutenant while on such assignment.

537 (6) The Division of Florida Highway Patrol may ~~is~~
538 ~~authorized to~~ adopt rules as ~~which may be~~ necessary to implement
539 ~~the provisions of~~ chapter 316.

540 **Section 15. Paragraph (a) of subsection (2) of section**
541 **321.051, Florida Statutes, is amended to read:**

542 321.051 Florida Highway Patrol wrecker operator system;
543 penalties for operation outside of system.—

544 (2)(a) The Division of Florida Highway Patrol may ~~of the~~
545 ~~Department of Highway Safety and Motor Vehicles is authorized to~~
546 establish within areas designated by the patrol a wrecker
547 operator system using qualified, reputable wrecker operators for
548 removal and storage of wrecked or disabled vehicles from a crash
549 scene or for removal and storage of abandoned vehicles, in the
550 event the owner or operator is incapacitated or unavailable or

leaves the procurement of wrecker service to the officer at the scene. All reputable wrecker operators are eligible for use in the system provided their equipment and drivers meet recognized safety qualifications and mechanical standards set by rules of the Division of Florida Highway Patrol for the size of vehicle it is designed to handle. The division may not exclude a wrecker operator from the wrecker operator system or fail to designate a wrecker operator as an authorized wrecker operator based solely on a prior felony conviction unless such conviction is for a forcible felony as defined in s. 776.08 or a felony listed in s. 812.014(2)(c)6. or s. 812.16(2). The division may ~~is authorized to~~ limit the number of wrecker operators participating in the wrecker operator system, which authority shall not affect wrecker operators currently participating in the system established by this section. The division must establish maximum rates for the towing and storage of vehicles removed at the division's request, where such rates have not been set by a county or municipality pursuant to s. 125.0103 or s. 166.043. Such rates may ~~shall~~ not be considered rules for the purpose of chapter 120; however, the department shall establish by rule a procedure for setting such rates.

Section 16. Section 321.245, Florida Statutes, is amended to read:

321.245 Disposition of certain funds ~~in the Highway Safety Operating Trust Fund.~~—The director of the Florida Highway

Patrol, after receiving recommendations from the commander of the auxiliary, may ~~is authorized to~~ purchase uniforms and equipment for auxiliary law enforcement officers as defined in s. 321.24 from funds in the Department of Law Enforcement Operating Trust Fund ~~described in s. 324.0221(3)~~. The amounts expended under this section shall not exceed \$50,000 in any one fiscal year.

Section 17. Section 321.25, Florida Statutes, is amended to read:

321.25 Training provided at patrol schools.—The Department of Law Enforcement may ~~Highway Safety and Motor Vehicles is authorized to~~ provide for the training of law enforcement officials and individuals in matters relating to the duties, functions, and powers of the Florida Highway Patrol in the schools established by the Department of Highway Safety and Motor Vehicles, or, on or after July 1, 2026, established by the Department of Law Enforcement, for the training of highway patrol candidates and officers. The Department of Law Enforcement may ~~Highway Safety and Motor Vehicles is authorized to~~ charge a fee for providing the training authorized by this section. The fee shall be charged to persons attending the training. The fee shall be based on the department's ~~Department of Highway Safety and Motor Vehicles'~~ costs for providing the training, and such costs may include, but are not limited to, tuition, lodging, and meals. Revenues from the fees shall be

used to offset the department's ~~Department of Highway Safety and Motor Vehicles'~~ costs for providing the training. The cost of training local enforcement officers shall be paid for by their respective offices, counties or municipalities, as the case may be. Such cost shall be deemed a proper county or municipal expense or a proper expenditure of the office of sheriff.

Section 18. Subsection (2) of section 338.239, Florida Statutes, is amended to read:

338.239 Traffic control on the turnpike system.—

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

the Department of Law Enforcement ~~Highway Safety and Motor Vehicles~~ for additional troops to patrol the turnpike system.

Section 19. Paragraph (a) of subsection (2) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2)(a) A towing-storage operator may charge the owner or operator of a vehicle or vessel only the following fees for, or incidental to, the recovery, removal, or storage of the vehicle or vessel:

1. Any reasonable fee for service specifically authorized under s. 125.0103 or s. 166.043 by ordinance, resolution, regulation, or rule of the county or municipality in which the service is performed.

2. Any reasonable fee for service specifically authorized by the Division of Florida Highway Patrol of the Department of Law Enforcement ~~Highway Safety and Motor Vehicles~~ under s. 321.051(2).

3. Any reasonable fee for service as agreed upon in writing between a towing-storage operator and the owner of a vehicle or vessel.

4. Any lien release administrative fee as set forth in paragraph (15)(a).

5. Any reasonable administrative fee or charge imposed by a county or municipality pursuant to s. 125.01047, s. 166.04465,

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651 or s. 323.002 upon the registered owner or other legally
652 authorized person in control of a vehicle or vessel.

653 **Section 20.** This act shall take effect July 1, 2026.