

By Senator Polsky

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A bill to be entitled

An act relating to transportation; providing for a type one transfer of the duties and functions of the Division of the Florida Highway Patrol and the Office of Commercial Vehicle Enforcement from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement; amending s. 20.24, F.S.; requiring the executive director of the Department of Highway Safety and Motor Vehicles to be appointed by the Governor and subject to confirmation by the Senate; conforming provisions to changes made by the act; amending s. 23.1231, F.S.; requiring the executive director of the Department of Law Enforcement to act as the liaison with the Department of Highway Safety and Motor Vehicles rather than the Division of the Florida Highway Patrol; amending s. 282.709, F.S.; requiring the Joint Task Force on State Agency Law Enforcement Communications to include a representative of the Department of Highway Safety and Motor Vehicles rather than the Division of the Florida Highway Patrol; creating s. 321.011, F.S.; defining the term "department"; amending ss. 20.201, 110.205, 120.80, 316.003, 316.640, 321.02, 321.03, 321.04, 321.05, 321.051, 321.245, 321.25, 338.239, and 713.78, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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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 established:~~

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

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

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

Section 3. Subsection (2) of section 23.1231, Florida Statutes, is amended to read:

23.1231 Florida Mutual Aid Plan; powers and duties.—

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

(a) Coordinate, integrate, and implement law enforcement planning and activities for the use of mutual aid and state resources;

(b) Coordinate the organization and direction of the law enforcement services of the Florida Mutual Aid Plan;

(c) Coordinate and implement the gathering and collection of information and intelligence relating to law enforcement mutual aid or assistance from state agencies to support local law enforcement agencies in any local disaster or emergency, and provide information to state and local law enforcement agencies;

(d) During a state of emergency declared by the Governor under chapter 252, command, control, and coordinate all state law enforcement personnel and equipment to support local law enforcement agencies;

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

(f) Serve as liaison and guide the flow of requests from local law enforcement for requesting law enforcement services from the Florida National Guard;

(g) Serve as liaison to the Governor, federal and state departments and agencies, and local law enforcement officials in order to achieve close coordination and cooperation in planning

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and operations in trouble areas;

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

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

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

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

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

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

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

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

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

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117 3. A representative of the Department of Law Enforcement
118 who shall be appointed by the executive director of the
119 department.

120 4. A representative of the Fish and Wildlife Conservation
121 Commission who shall be appointed by the executive director of
122 the commission.

123 5. A representative of the Division of Law Enforcement of
124 the Department of Environmental Protection who shall be
125 appointed by the secretary of the department.

126 6. A representative of the Department of Corrections who
127 shall be appointed by the secretary of the department.

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

130 8. A representative of the Department of Agriculture and
131 Consumer Services who shall be appointed by the Commissioner of
132 Agriculture.

133 9. A representative of the Florida Sheriffs Association who
134 shall be appointed by the president of the Florida Sheriffs
135 Association.

136 Section 5. Section 321.011, Florida Statutes, is created to
137 read:

138 321.011 Definition.—As used in this chapter, the term
139 “department” means the Department of Law Enforcement.

140 Section 6. Subsection (3) is added to section 20.201,
141 Florida Statutes, to read:

142 20.201 Department of Law Enforcement.—

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

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

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

148 Section 7. Paragraph (m) of subsection (2) of section
149 110.205, Florida Statutes, is amended to read:

150 110.205 Career service; exemptions.—

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

153 (m) All assistant division director, deputy division
154 director, and bureau chief positions in any department, and
155 those positions determined by the department to have managerial
156 responsibilities comparable to such positions, which include,
157 but are not limited to:

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

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

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

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

173 5. Positions in the Department of Health which are assigned
174 the duties of Environmental Administrator, Assistant County

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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.

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204 3.~~(e)~~ Surveillance techniques, the selection of
205 surveillance personnel, and electronic surveillance, including
206 court-ordered and consensual interceptions of communication
207 conducted pursuant to chapter 934.

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

209 5.~~(e)~~ The provision of security and protection to public
210 figures.

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

212 (b) Notwithstanding s. 120.57(1)(a), hearings held by the
213 Division of the Florida Highway Patrol to deny, suspend, or
214 remove a wrecker operator from participating in the wrecker
215 rotation system established by s. 321.051 need not be conducted
216 by an administrative law judge assigned by the division. These
217 hearings shall be held by a hearing officer appointed by the
218 director of the Division of the Florida Highway Patrol.

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

220 ~~(a) Driver licenses.—~~

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

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

228 ~~(b) Wrecker operators.—Notwithstanding s. 120.57(1)(a),~~
229 ~~hearings held by the Division of the Florida Highway Patrol of~~
230 ~~the Department of Highway Safety and Motor Vehicles to deny,~~
231 ~~suspend, or remove a wrecker operator from participating in the~~
232 ~~wrecker rotation system established by s. 321.051 need not be~~

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

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

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

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

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

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

(1) STATE.—

(a)1.a. The Division of the Florida Highway Patrol of the
Department of Law Enforcement ~~Highway Safety and Motor Vehicles~~;
the Division of Law Enforcement of the Fish and Wildlife
Conservation Commission; the Division of Law Enforcement of the
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

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262 traffic laws of this state when violations occur on or within
263 1,000 feet of any property or facilities that are under the
264 guidance, supervision, regulation, or control of a state
265 university, a direct-support organization of such state
266 university, or any other organization controlled by the state
267 university or a direct-support organization of the state
268 university, or when such violations occur within a specified
269 jurisdictional area as agreed upon in a mutual aid agreement
270 entered into with a law enforcement agency pursuant to s.
271 23.1225(1). Traffic laws may also be enforced off-campus when
272 hot pursuit originates on or within 1,000 feet of any such
273 property or facilities, or as agreed upon in accordance with the
274 mutual aid agreement.

275 c. Florida College System institution police officers may
276 enforce all the traffic laws of this state only when such
277 violations occur on or within 1,000 feet of any property or
278 facilities that are under the guidance, supervision, regulation,
279 or control of the Florida College System institution, or when
280 such violations occur within a specified jurisdictional area as
281 agreed upon in a mutual aid agreement entered into with a law
282 enforcement agency pursuant to s. 23.1225. Traffic laws may also
283 be enforced off-campus when hot pursuit originates on or within
284 1,000 feet of any such property or facilities, or as agreed upon
285 in accordance with the mutual aid agreement.

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

290 (I) An airport authority may employ as a parking

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enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. This sub-sub-subparagraph may not be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

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

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

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

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

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provided in chapter 318.

3. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission 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

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349 examined, employed, trained, located, suspended, reduced in
350 rank, discharged, recruited, paid, and pensioned, subject to
351 civil service provisions hereafter set out. The department may
352 enter into contracts or agreements, with or without competitive
353 bidding or procurement, to make available, on a fair,
354 reasonable, nonexclusive, and nondiscriminatory basis, property
355 and other structures under division control for the placement of
356 new facilities by any wireless provider of mobile service as
357 defined in 47 U.S.C. s. 153(27) or s. 332(d), and any
358 telecommunications company as defined in s. 364.02 when it is
359 determined to be practical and feasible to make such property or
360 other structures available. The department may, without adopting
361 a rule, charge a just, reasonable, and nondiscriminatory fee for
362 placement of the facilities, payable annually, based on the fair
363 market value of space used by comparable communications
364 facilities in the state. The department and a wireless provider
365 or telecommunications company may negotiate the reduction or
366 elimination of a fee in consideration of services provided to
367 the division by the wireless provider or the telecommunications
368 company. All such fees collected by the department shall be
369 deposited directly into the State Agency Law Enforcement Radio
370 System Trust Fund, and may be used to construct, maintain, or
371 support the system. The department is further specifically
372 authorized to purchase, sell, trade, rent, lease, and maintain
373 all necessary equipment, uniforms, motor vehicles, communication
374 systems, housing facilities, and office space, ~~and~~ perform any
375 other acts necessary for the proper administration and
376 enforcement of this chapter. However, all supplies and equipment
377 consisting of single items or in lots shall be purchased under

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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:

321.04 Personnel of the highway patrol; rank classifications; probationary status of new patrol officers;

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407 subsistence; special assignments.—

408 (1) The department ~~of Highway Safety and Motor Vehicles~~
409 shall employ patrol officers, as authorized by the Legislature
410 in appropriating funds for their salaries exclusive of those
411 members of the patrol who are assigned to and paid by special
412 departments; and shall establish the necessary supervisory ranks
413 within the Florida Highway Patrol to efficiently supervise and
414 carry out the designated functions of the patrol and the
415 department in accordance with the regulations established by the
416 Department of Management Services.

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

424 (3) ~~(a) The department of Highway Safety and Motor Vehicles~~
425 shall assign one patrol officer to the office of the Governor.
426 Such, ~~said~~ patrol officer ~~so assigned~~ shall be selected by the
427 Governor and shall have rank and pay not less than that of a
428 lieutenant of the Florida Highway Patrol; ~~and said patrol~~
429 ~~officer so assigned~~ shall be paid by the ~~said~~ department from
430 the appropriation made to the ~~said~~ department; and ~~said patrol~~
431 ~~officer~~ shall have and receive all other benefits provided for
432 in this chapter or any other statute now in existence or
433 hereinafter enacted.

434 ~~(b) For the 2024-2025 fiscal year only, upon the request of~~
435 ~~the Governor, the Department of Highway Safety and Motor~~

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~~Vehicles shall assign one or more patrol officers to the office of the Lieutenant Governor for security services. This paragraph expires July 1, 2025.~~

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

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

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

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

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Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the direction and supervision of the department ~~of Highway Safety and Motor Vehicles~~ shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, including the security and safety of this state's transportation infrastructure; to make arrests without warrant for the violation of any state law committed in their presence in accordance with state law; providing that no search may be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles, including the safety, size, and weight of commercial motor vehicles; to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose, including the taxing and registration of commercial motor vehicles; to require the drivers of vehicles

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to stop and exhibit their driver licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic accidents, secure testimony of witnesses and of persons involved, and make report thereof with copy, if requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles; and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section does not conflict with, but is supplemental to, chapter 933.

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

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

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

(4)(a) All fines and costs and the proceeds of the forfeiture of bail bonds and recognizances resulting from the enforcement of this chapter by patrol officers shall be paid into the fine and forfeiture fund established pursuant to s. 142.01 of the county where the offense is committed. In all cases of arrest by patrol officers, the person arrested shall be

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523 delivered forthwith by the officer to the sheriff of the county,
524 or he or she shall obtain from the person arrested a
525 recognizance or, if deemed necessary, a cash bond or other
526 sufficient security conditioned for his or her appearance before
527 the proper tribunal of the county to answer the charge for which
528 he or she has been arrested; and all fees accruing shall be
529 taxed against the party arrested, which fees are ~~hereby~~ declared
530 to be part of the compensation of the sheriffs authorized to be
531 fixed by the Legislature under s. 5(c), Art. II of the State
532 Constitution, to be paid such sheriffs in the same manner as
533 fees are paid for like services in other criminal cases. All
534 patrol officers are ~~hereby~~ directed to deliver all bonds
535 accepted and approved by them to the sheriff of the county in
536 which the offense is alleged to have been committed. However, a
537 sheriff shall not be paid any arrest fee for the arrest of a
538 person for violation of any section of chapter 316 when the
539 arresting officer was transported in a Florida Highway Patrol
540 car to the vicinity where the arrest was made; and a sheriff
541 shall not be paid any fee for mileage for himself or herself or
542 a prisoner for miles traveled in a Florida Highway Patrol car. A
543 patrol officer is not entitled to any fee or mileage cost except
544 when responding to a subpoena in a civil cause or except when
545 the patrol officer is appearing as an official witness to
546 testify at any hearing or law action in any court of this state
547 as a direct result of his or her employment as a patrol officer
548 during time not compensated as a part of his or her normal
549 duties. Nothing herein shall be construed as limiting the power
550 to locate and to take from any person under arrest or about to
551 be arrested deadly weapons. This section is not a limitation

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upon existing powers and duties of sheriffs or police officers.

(b) Any person so arrested and released on his or her own recognizance by an officer and who fails to appear or respond to a notice to appear, in addition to the traffic violation charge, commits a noncriminal traffic infraction subject to the penalty provided in s. 318.18(2).

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

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

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

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

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

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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 the 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

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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:

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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,

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

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