

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

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

39       20.24 Department of Highway Safety and Motor Vehicles.—  
40 There is created a Department of Highway Safety and Motor  
41 Vehicles.

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

49       (2) The Division of Motorist Services is established within  
50 following divisions, and bureaus within the divisions, of the  
51 Department of Highway Safety and Motor Vehicles are 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. Subsection (2) of section 23.1231, Florida  
57 Statutes, is amended to read:

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

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

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

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

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

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

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

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

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88 and operations in trouble areas;

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

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

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

98 Section 4. Paragraph (a) of subsection (2) of section  
99 282.709, Florida Statutes, is amended to read:

100 282.709 State agency law enforcement radio system and  
101 interoperability network.—

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

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

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

113 2. A representative of ~~the Division of Florida Highway~~  
114 ~~Patrol of~~ the Department of Highway Safety and Motor Vehicles  
115 who shall be appointed by the executive director of the  
116 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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175 Health Department Director, and County Health Department  
176 Financial Administrator.

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

180 7. Positions in the Department of Agriculture and Consumer  
181 Services which are assigned primary duties of serving as  
182 captains or majors in the Office of Agricultural Law  
183 Enforcement.

184

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

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

191 120.80 Exceptions and special requirements; agencies.—

192 (6) DEPARTMENT OF LAW ENFORCEMENT.—

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

196 1.(a) The collection, management, and dissemination of  
197 active criminal intelligence information and active criminal  
198 investigative information; management of criminal  
199 investigations; and management of undercover investigations and  
200 the selection, assignment, and fictitious identity of undercover  
201 personnel.

202 2.(b) The recruitment, management, identity, and  
203 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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233 ~~conducted by an administrative law judge assigned by the~~  
234 ~~division. These hearings shall be held by a hearing officer~~  
235 ~~appointed by the director of the Division of the Florida Highway~~  
236 ~~Patrol.~~

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

239 316.003 Definitions.—The following words and phrases, when  
240 used in this chapter, shall have the meanings respectively  
241 ascribed to them in this section, except where the context  
242 otherwise requires:

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

246 Section 10. Paragraph (a) of subsection (1) of section  
247 316.640, Florida Statutes, is amended to read:

248 316.640 Enforcement.—The enforcement of the traffic laws of  
249 this state is vested as follows:

250 (1) STATE.—

251 (a) 1.a. The Division of the Florida Highway Patrol of the  
252 Department of Law Enforcement Highway Safety and Motor Vehicles;  
253 the Division of Law Enforcement of the Fish and Wildlife  
254 Conservation Commission; the Division of Law Enforcement of the  
255 Department of Environmental Protection; and the agents,  
256 inspectors, and officers of the Department of Law Enforcement  
257 each have authority to enforce all of the traffic laws of this  
258 state on all the streets and highways thereof and elsewhere  
259 throughout the state wherever the public has a right to travel  
260 by motor vehicle.

261 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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291 enforcement specialist any individual who successfully completes  
292 a training program established and approved by the Criminal  
293 Justice Standards and Training Commission for parking  
294 enforcement specialists but who does not otherwise meet the  
295 uniform minimum standards established by the commission for law  
296 enforcement officers or auxiliary or part-time officers under s.  
297 943.12. This sub-sub-subparagraph may not be construed to permit  
298 the carrying of firearms or other weapons, nor shall such  
299 parking enforcement specialist have arrest authority.

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

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

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

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

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320 provided in chapter 318.

321       3. The Division of the Florida Highway Patrol may employ as  
322 a traffic accident investigation officer any individual who  
323 successfully completes instruction in traffic accident  
324 investigation and court presentation through the Selective  
325 Traffic Enforcement Program as approved by the Criminal Justice  
326 Standards and Training Commission and funded through the  
327 National Highway Traffic Safety Administration or a similar  
328 program approved by the commission, but who does not necessarily  
329 meet the uniform minimum standards established by the commission  
330 for law enforcement officers or auxiliary law enforcement  
331 officers under chapter 943. Any such traffic accident  
332 investigation officer who makes an investigation at the scene of  
333 a traffic accident may issue traffic citations, based upon  
334 personal investigation, when he or she has reasonable and  
335 probable grounds to believe that a person who was involved in  
336 the accident committed an offense under this chapter, chapter  
337 319, chapter 320, or chapter 322 in connection with the  
338 accident. This subparagraph does not permit the officer to carry  
339 firearms or other weapons, and such an officer does not have  
340 authority to make arrests.

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

343       321.02 Powers and duties of department, highway patrol.—The  
344 director of the Division of the Florida Highway Patrol ~~of the~~  
345 ~~Department of Highway Safety and Motor Vehicles~~ shall also be  
346 the commander of the Florida Highway Patrol. The ~~said~~ department  
347 shall set up and adopt ~~promulgate~~ rules and regulations by which  
348 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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378 the requirements of s. 287.057. Purchases shall be made by  
379 accepting the bid of the lowest responsive bidder, the right  
380 being reserved to reject all bids. The department shall  
381 prescribe a distinctive uniform and distinctive emblem to be  
382 worn by all officers of the Florida Highway Patrol. It shall be  
383 unlawful for any other person or persons to wear a similar  
384 uniform or emblem, or any part or parts thereof. The department  
385 shall also prescribe distinctive colors for use on motor  
386 vehicles and motorcycles operated by the Florida Highway Patrol.  
387 The prescribed colors shall be referred to as "Florida Highway  
388 Patrol black and tan."

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

391       321.03 Imitations prohibited; penalty.—Unless specifically  
392 authorized by the Florida Highway Patrol, a person in this the  
393 state may shall not color or cause to be colored any motor  
394 vehicle or motorcycle the same or similar color as the color or  
395 colors so prescribed for the Florida Highway Patrol. A person  
396 who violates this section or s. 321.02 with respect to uniforms,  
397 emblems, motor vehicles, and motorcycles commits a misdemeanor  
398 of the first degree, punishable as provided in s. 775.082 or s.  
399 775.083. The department ~~of Highway Safety and Motor Vehicles~~  
400 shall employ such clerical help and mechanics as may be  
401 necessary for the economical and efficient operation of the such  
402 department.

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

405       321.04 Personnel of the highway patrol; rank  
406 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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436 Vehicles shall assign one or more patrol officers to the office  
437 of the Lieutenant Governor for security services. This paragraph  
438 expires July 1, 2025.

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

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

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

451 321.05 Duties, functions, and powers of patrol officers.—  
452 The members of the Florida Highway Patrol are hereby declared to  
453 be conservators of the peace and law enforcement officers of  
454 this the state, with the common-law right to arrest a person  
455 who, in the presence of the arresting officer, commits a felony  
456 or commits an affray or breach of the peace constituting a  
457 misdemeanor, with full power to bear arms; and they shall  
458 apprehend, without warrant, any person in the unlawful  
459 commission of any of the acts over which the members of the  
460 Florida Highway Patrol are given jurisdiction as hereinafter set  
461 out and deliver him or her to the sheriff of the county that  
462 further proceedings may be had against him or her according to  
463 law. In the performance of any of the powers, duties, and  
464 functions authorized by law, members of the Florida Highway

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

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

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494 to stop and exhibit their driver licenses, registration cards,  
495 or documents required by law to be carried by such vehicles; to  
496 investigate traffic accidents, secure testimony of witnesses and  
497 of persons involved, and make report thereof with copy, if  
498 requested in writing, to any person in interest or his or her  
499 attorney; to investigate reported thefts of vehicles; and to  
500 seize contraband or stolen property on or being transported on  
501 the highways. Each patrol officer of the Florida Highway Patrol  
502 is subject to and has the same arrest and other authority  
503 provided for law enforcement officers generally in chapter 901  
504 and has statewide jurisdiction. Each officer also has arrest  
505 authority as provided for state law enforcement officers in s.  
506 901.15. This section does not conflict with, but is supplemental  
507 to, chapter 933.

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

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

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

517 (4) (a) All fines and costs and the proceeds of the  
518 forfeiture of bail bonds and recognizances resulting from the  
519 enforcement of this chapter by patrol officers shall be paid  
520 into the fine and forfeiture fund established pursuant to s.  
521 142.01 of the county where the offense is committed. In all  
522 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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552 upon existing powers and duties of sheriffs or police officers.

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

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

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

569 Section 15. Paragraph (a) of subsection (2) of section  
570 321.051, Florida Statutes, is amended to read:

571 321.051 Florida Highway Patrol wrecker operator system;  
572 penalties for operation outside of system.—

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

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581 wrecker service to the officer at the scene. All reputable  
582 wrecker operators are eligible for use in the system provided  
583 their equipment and drivers meet recognized safety  
584 qualifications and mechanical standards set by rules of the  
585 Division of the Florida Highway Patrol for the size of vehicle  
586 it is designed to handle. The division may not exclude a wrecker  
587 operator from the wrecker operator system or fail to designate a  
588 wrecker operator as an authorized wrecker operator based solely  
589 on a prior felony conviction unless such conviction is for a  
590 forcible felony as defined in s. 776.08 or a felony listed in s.  
591 812.014(2)(c)6. or s. 812.16(2). The division may is authorized  
592 ~~to~~ limit the number of wrecker operators participating in the  
593 wrecker operator system, which authority shall not affect  
594 wrecker operators currently participating in the system  
595 established by this section. The division must establish maximum  
596 rates for the towing and storage of vehicles removed at the  
597 division's request, where such rates have not been set by a  
598 county or municipality pursuant to s. 125.0103 or s. 166.043.  
599 Such rates may shall not be considered rules for the purpose of  
600 chapter 120; however, the department shall establish by rule a  
601 procedure for setting such rates.

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

604 321.245 Disposition of certain funds ~~in the Highway Safety~~  
605 ~~Operating Trust Fund.~~—The director of the Florida Highway  
606 Patrol, after receiving recommendations from the commander of  
607 the auxiliary, may is authorized~~to~~ purchase uniforms and  
608 equipment for auxiliary law enforcement officers as defined in  
609 s. 321.24 from funds in the Department of Law Enforcement

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610 Operating Trust Fund described in s. 324.0221(3). The amounts  
611 expended under this section shall not exceed \$50,000 in any one  
612 fiscal year.

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

615 321.25 Training provided at patrol schools.—The Department  
616 of Law Enforcement may ~~Highway Safety and Motor Vehicles~~ is  
617 authorized to provide for the training of law enforcement  
618 officials and individuals in matters relating to the duties,  
619 functions, and powers of the Florida Highway Patrol in the  
620 schools established by the Department of Highway Safety and  
621 Motor Vehicles, or, on or after July 1, 2026, established by the  
622 Department of Law Enforcement, for the training of highway  
623 patrol candidates and officers. The Department of Law  
624 Enforcement may ~~Highway Safety and Motor Vehicles~~ is authorized  
625 to charge a fee for providing the training authorized by this  
626 section. The fee shall be charged to persons attending the  
627 training. The fee shall be based on the department's ~~Department~~  
628 ~~of Highway Safety and Motor Vehicles'~~ costs for providing the  
629 training, and such costs may include, but are not limited to,  
630 tuition, lodging, and meals. Revenues from the fees shall be  
631 used to offset the department's ~~Department of Highway Safety and~~  
632 ~~Motor Vehicles'~~ costs for providing the training. The cost of  
633 training local enforcement officers shall be paid for by their  
634 respective offices, counties or municipalities, as the case may  
635 be. Such cost shall be deemed a proper county or municipal  
636 expense or a proper expenditure of the office of sheriff.

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

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639        338.239 Traffic control on the turnpike system.—  
640        (2) Members of the Florida Highway Patrol are vested with  
641 the power, and charged with the duty, to enforce the rules of  
642 the department. Approved expenditures incurred by the Florida  
643 Highway Patrol in carrying out its powers and duties under ss.  
644 338.22-338.241 may be treated as a part of the cost of the  
645 operation of the turnpike system, and the Department of Law  
646 Enforcement Highway Safety and Motor Vehicles shall be  
647 reimbursed by the turnpike enterprise for such expenses incurred  
648 on the turnpike system. Florida Highway Patrol Troop K shall be  
649 headquartered with the turnpike enterprise and shall be the  
650 official and preferred law enforcement troop for the turnpike  
651 system. The Department of Law Enforcement Highway Safety and  
652 Motor Vehicles may, upon request of the executive director of  
653 the turnpike enterprise and approval of the Legislature,  
654 increase the number of authorized positions for Troop K, or the  
655 executive director of the turnpike enterprise may contract with  
656 the Department of Law Enforcement Highway Safety and Motor  
657 Vehicles for additional troops to patrol the turnpike system.

658        Section 19. Paragraph (a) of subsection (2) of section  
659 713.78, Florida Statutes, is amended to read:

660        713.78 Liens for recovering, towing, or storing vehicles  
661 and vessels.—

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

666        1. Any reasonable fee for service specifically authorized  
667 under s. 125.0103 or s. 166.043 by ordinance, resolution,

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668 regulation, or rule of the county or municipality in which the  
669 service is performed.

670 2. Any reasonable fee for service specifically authorized  
671 by the Division of the Florida Highway Patrol of the Department  
672 of Law Enforcement Highway Safety and Motor Vehicles under s.  
673 321.051(2).

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

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

679 5. Any reasonable administrative fee or charge imposed by a  
680 county or municipality pursuant to s. 125.01047, s. 166.04465,  
681 or s. 323.002 upon the registered owner or other legally  
682 authorized person in control of a vehicle or vessel.

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