

1 A bill to be entitled
 2 An act relating to the Community Highway Safety Pilot
 3 Program; amending s. 321.02, F.S.; creating the
 4 Community Highway Safety Pilot Program; specifying the
 5 program's purpose; requiring the program to be
 6 conducted in certain counties and implemented through
 7 contract; specifying contract requirements and
 8 conditions; creating an appropriation category for the
 9 program; requiring the Department of Highway Safety
 10 and the Governor to recommend the approval of
 11 specified budget amendments for the transfer of funds
 12 for certain contracts under the program; specifying
 13 requirements for the amendments; providing an
 14 effective date.

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

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 18 Section 1. Section 321.02, Florida Statutes, is amended to
 19 read:

20 321.02 Powers and duties of department, highway patrol.—
 21 The director of the Division of Highway Patrol of the Department
 22 of Highway Safety and Motor Vehicles shall also be the commander
 23 of the Florida Highway Patrol. The ~~said~~ department shall adopt
 24 ~~set up and promulgate~~ rules and regulations by which the
 25 personnel of the Florida Highway Patrol officers shall be

26 examined, employed, trained, located, suspended, reduced in
 27 rank, discharged, recruited, paid and pensioned, subject to
 28 civil service provisions hereafter set out. The department may
 29 enter into contracts or agreements, with or without competitive
 30 bidding or procurement, to make available, on a fair,
 31 reasonable, nonexclusive, and nondiscriminatory basis, property
 32 and other structures under division control for the placement of
 33 new facilities by any wireless provider of mobile service as
 34 defined in 47 U.S.C. s. 153(27) or s. 332(d), and any
 35 telecommunications company as defined in s. 364.02 when it is
 36 determined to be practical and feasible to make such property or
 37 other structures available. The department may, without adopting
 38 a rule, charge a just, reasonable, and nondiscriminatory fee for
 39 placement of the facilities, payable annually, based on the fair
 40 market value of space used by comparable communications
 41 facilities in the state. The department and a wireless provider
 42 or telecommunications company may negotiate the reduction or
 43 elimination of a fee in consideration of services provided to
 44 the division by the wireless provider or the telecommunications
 45 company. All such fees collected by the department shall be
 46 deposited directly into the State Agency Law Enforcement Radio
 47 System Trust Fund, and may be used to construct, maintain, or
 48 support the system. The department is further specifically
 49 authorized to purchase, sell, trade, rent, lease and maintain
 50 all necessary equipment, uniforms, motor vehicles, communication

51 systems, housing facilities, office space, and perform any other
 52 acts necessary for the proper administration and enforcement of
 53 this chapter. However, all supplies and equipment consisting of
 54 single items or in lots shall be purchased under the
 55 requirements of s. 287.057. Purchases shall be made by accepting
 56 the bid of the lowest responsive bidder, the right being
 57 reserved to reject all bids. The department shall prescribe a
 58 distinctive uniform and distinctive emblem to be worn by all
 59 officers of the Florida Highway Patrol. It shall be unlawful for
 60 any other person or persons to wear a similar uniform or emblem,
 61 or any part or parts thereof. The department shall also
 62 prescribe distinctive colors for use on motor vehicles and
 63 motorcycles operated by the Florida Highway Patrol. The
 64 prescribed colors shall be referred to as "Florida Highway
 65 Patrol black and tan."

66 (2) (a) The Community Highway Safety Pilot Program is
 67 created for the purpose of assessing the viability and
 68 effectiveness of transferring duties from the Division of
 69 Highway Patrol to the sheriffs. The pilot program shall be
 70 conducted in Pinellas County and Polk County and implemented
 71 through contract as described in this subsection.

72 (b) If the sheriff of Pinellas County or the sheriff of
 73 Polk County seeks to contract with the department to assume law
 74 enforcement duties within the sheriffs' respective counties
 75 currently performed by personnel of the Division of Highway

76 | Patrol, the department must enter into such a contract subject
 77 | to the restrictions of this subsection. At a minimum, a contract
 78 | must specify the:

79 | 1. Duties to be performed by the sheriff within the
 80 | county's boundaries which are currently performed by the
 81 | Division of Highway Patrol. The duty to patrol roadways within
 82 | the county and investigate traffic crashes occurring within the
 83 | county shall be transferred from the Division of the Highway
 84 | Patrol to the sheriff of the county, but only within the
 85 | boundaries of the sheriff's respective county;

86 | 2. Amount to be paid by the department to the sheriff for
 87 | the performance of duties delineated in the contract.

88 | (c) As a condition of each contract:

89 | 1. A sheriff must agree to employ officers of the Division
 90 | of Highway Patrol who serve within the county unless, at an
 91 | officer's discretion, the officer chooses to relocate and remain
 92 | with the Division of Highway Patrol or chooses to pursue other
 93 | employment opportunities.

94 | 2. Payments to a sheriff must be less than the
 95 | department's cost to provide the same services. For Pinellas
 96 | County, the amount of the contract may not exceed \$2,800,117
 97 | annually. For Polk County, the amount of the contract may not
 98 | exceed \$3,167,447 annually.

99 | 3. Property and fixed capital outlay under the control of
 100 | the Division of Highway Patrol shall not be leased or otherwise

101 transferred to a sheriff.

102 (d) There is created an appropriation category entitled
 103 the "Community Highway Safety Pilot Program." Upon executing a
 104 contract under this subsection and notwithstanding the
 105 provisions of chapter 216, the department shall submit and the
 106 Governor shall recommend the approval of one or more budget
 107 amendments to transfer from the Salaries and Benefits
 108 appropriation categories in the Florida Highway Patrol Program
 109 the amount of funds obligated from the department to a county
 110 for any contract signed pursuant to this subsection into the
 111 Community Highway Safety Pilot Program appropriation category
 112 for the purposes provided in this subsection. An amendment that
 113 transfers appropriation from the Salaries and Benefits
 114 appropriation category shall also place a commensurate number of
 115 full-time equivalent positions in reserve. Such amendments shall
 116 be subject to the notice, review and objection provisions of s.
 117 216.177.

118 (e) The subsection expires on July 1, 2019, unless
 119 reenacted by the Legislature.

120 Section 2. This act shall take effect July 1, 2017.