

## CHAPTER 321

## HIGHWAY PATROL

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**321.02 Powers and duties of department, highway patrol.**—The director of the Division of 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 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 is further specifically authorized to purchase, sell, trade, rent, lease and maintain all necessary equipment, uniforms, motor vehicles, communication systems, housing facilities, office space, 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 a distinctive color or colors for all motor vehicles and motorcycles to be used by the Florida Highway Patrol.

**History.**—s. 3, ch. 19551, 1939; CGL 1940 Supp. 4151(617); s. 3, ch. 20451, 1941; s. 1, ch. 29756, 1955; s. 1, ch. 57-754; ss. 24, 35, ch. 69-106; s. 27, ch. 90-268.

**321.03 Imitations prohibited; penalty.**—It shall be unlawful for any person or persons in the state to 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. Any person violating any of the provisions of this section or s. 321.02 with respect to uniforms, emblems, motor vehicles and motorcycles shall be guilty of 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 such department.

**History.**—s. 3, ch. 19551, 1939; CGL 1940 Supp. 4151(617); s. 3, ch. 20451, 1941; ss. 24, 35, ch. 69-106; s. 206, ch. 71-136.

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

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

(2) Each person who is employed as a patrol officer shall be carried on a probationary status for the period of 1 year from date of employment, during which period he or she may be dismissed without recourse. Patrol offi-

cers when sent on special detail or missions out of their regular assigned territories or headquarters shall be reimbursed for travel expenses as provided in s. 112.061.

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

**History.**—s. 4, ch. 19551, 1939; CGL 1940 Supp. 4151(618); s. 4, ch. 20451, 1941; s. 1, ch. 24151, 1947; s. 2, ch. 26800, 1951; s. 2, ch. 28125, 1953; s. 1, ch. 29816, 1955; s. 1, ch. 31393, 1956; s. 1, ch. 57-286; s. 1, ch. 59-114; s. 1, ch. 61-253; s. 1, ch. 63-169; s. 19, ch. 63-400; s. 1, ch. 67-44; s. 1, ch. 67-183; ss. 1-3, ch. 69-194; s. 25, ch. 69-353; ss. 24, 31, 35, ch. 69-106; s. 1, ch. 72-33; s. 114, ch. 92-279; s. 55, ch. 92-326; s. 1, ch. 94-81; s. 919, ch. 95-148.

**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 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 Patrol shall 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 shall have authority to apply for, serve, and execute search warrants, arrest warrants, *apias*, and other process of the court in those matters in which patrol officers have primary responsibility as set forth in subsection (1). 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 now in effect 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; to make arrests without warrant for the violation of any state law committed in their presence in accordance with the laws of this state; providing that no search shall 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; to cooperate with officials designated

by law to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose; to require the drivers of vehicles to stop and exhibit their driver's 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, when 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.

(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 of the county where the offense is committed. In all cases of arrest by patrol officers, the person arrested shall be delivered forthwith by said officer to the sheriff of the county, or he or she shall obtain from such person arrested a recognizance or, if deemed necessary, a cash bond or other sufficient security conditioned for his or her appearance before the proper tribunal of such county to answer the charge for which he or she has been arrested; and all fees accruing shall be taxed against the party arrested, which fees are hereby declared to be part of the compensation of said sheriffs authorized to be fixed by the Legislature under s. 5(c), Art. II of the State Constitution, to be paid such sheriffs in the same manner as fees are paid for like services in other criminal cases. All patrol officers are hereby directed to deliver all bonds accepted and approved by them to the sheriff of the county in which the offense is alleged to have been committed. However, no sheriff shall be paid any arrest fee for the arrest of a person for violation of any section of chapter 316 when the arresting officer was transported in a Florida Highway Patrol car to the vicinity where the arrest was made; and no sheriff shall be paid any fee for mileage for himself or herself or a prisoner for miles traveled in a Florida Highway Patrol car. No patrol officer shall be entitled to any fee or mileage cost except when responding to a subpoena in a civil cause or except when such patrol officer is appearing as an official witness to testify at any hearing or law action in any court of this state as a direct result of his or her employment as a patrol officer during time not compensated as a part of his or her normal duties. Nothing herein shall be construed as limiting the power to locate and to take from any person under arrest or about to be arrested deadly weapons. Nothing contained in this section shall be construed as a limitation 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 shall fail to

appear or respond to a notice to appear shall, in addition to the traffic violation charge, be guilty of 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 have the duty to 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)(a) The Division of Florida Highway Patrol is authorized to promulgate rules and regulations which may be necessary to implement the provisions of chapter 316.

(b) The authority of the Florida Highway Patrol to adopt safety rules shall expire on July 1, 1982.

**History.**—s. 5, ch. 19551, 1939; CGL 1940 Supp. 4151(619); s. 5, ch. 20451, 1941; ss. 1, 2<sup>1</sup>/<sub>2</sub>, ch. 23724, 1947; s. 1, ch. 26709, 1951; s. 1, ch. 28081, s. 1, ch. 28119, 1953; s. 1, ch. 29774, s. 1, ch. 29970, 1955; s. 1, ch. 67-143; ss. 24, 35, ch. 69-106; s. 1, ch. 69-155; s. 9, ch. 69-216; s. 207, ch. 71-136; s. 1, ch. 71-275; ss. 4, 5, ch. 80-298; s. 16, ch. 86-185; s. 384, ch. 95-148.

**321.051 A wrecker operator system for removal and storage of wrecked, disabled, or abandoned vehicles.**

—The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles is authorized to establish within areas designated by the patrol a system utilizing qualified, reputable wrecker operators for removal and storage of wrecked or disabled vehicles from an accident 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 wrecker service to the officer at the scene. All reputable wrecker operators shall be 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 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 is authorized to 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 shall not be considered rules for the purpose of chapter 120; however, the department shall establish by rule a procedure for setting such rates. Any provision in chapter 120 to the contrary notwithstanding, a final order of the department denying, suspending, or revoking a wrecker operator's participation in the system shall be reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the circuit court in the county wherein such wrecker operator shall reside.

**History.**—s. 1, ch. 80-402; s. 6, ch. 90-283.

**321.06 Civil service.**—The Department of Highway Safety and Motor Vehicles is hereby empowered and

directed to make civil service rules governing the employment and tenure of the members of the highway patrol. All persons employed as said patrol officers shall be subject to said civil service rules and regulations, and any amendment thereto which may thereafter from time to time be adopted. The department may, for cause, discharge, suspend or reduce in rank or pay, any member of said highway patrol by presenting to such employee the reason or reasons therefor in writing, subject to the civil service rules and regulations of the department, and subject to the review of the Governor and Cabinet, as head of the department who shall serve as a court of inquiry in such cases and shall hear all complaints and defenses, if requested by such employee. Their decision shall be final and conclusive. Such civil service rules or regulations shall be subject to the revision of the Legislature in the event civil service rules adopted by the department are declared unlawful or unreasonable.

**History.**—s. 6, ch. 19551, 1939; CGL 1940 Supp. 4151(620); s. 6, ch. 20451, 1941; ss. 24, 35, ch. 69-106.

**321.07 Compensation of employees and officers.**

(1) The Department of Highway Safety and Motor Vehicles is authorized to promulgate such rules and regulations as may be necessary to properly effectuate an orderly schedule of salaries and compensation for the employees and officers of the department.

(2) Any salary plan so adopted and approved by the department shall be in accordance with the available funds appropriated by the Legislature and may contain recognition for longevity of service, promotional advancement, special service details and such other steps as may be provided elsewhere in this chapter or deemed advisable by the department.

**History.**—s. 7, ch. 19551, 1939; CGL 1940 Supp. 4151(621); s. 7, ch. 20451, 1941; s. 1, ch. 22865, 1945; s. 2, ch. 24151, 1947; s. 3, ch. 26800, 1951; ss. 1, 2, ch. 29962, 1955; s. 1, ch. 31394, 1956; s. 1, ch. 57-285; s. 1, ch. 61-232; s. 1, ch. 63-361; s. 1, ch. 65-268; ss. 24, 35, ch. 69-106; s. 1, ch. 72-142; s. 2, ch. 79-335.

**321.08 Bonds required of certain employees and officers.**

(1) The following officers and employees of said department shall give bond with good and sufficient surety in the following amounts, the form of which shall together with the sufficiency of the surety be approved by the Department of Banking and Finance, conditioned for the faithful performance of their respective duties and for the proper accounting and prompt payment over to the department, or the person lawfully entitled thereto, of any and all moneys received by them in the performance of their duties. Such bonds shall further be conditioned to save the department or any person harmless from any and all damage, claims or liability which may occur as a result of any act of such officer or employee done in the scope of his or her employment or under color of his or her authority or office:

(a) Director, Division of Florida Highway Patrol .....	\$25,000
(b) Deputy Director, Division of Florida Highway Patrol .....	25,000
(c) Major .....	10,000
(d) Captains .....	5,000
(e) Lieutenants .....	3,000

- (f) All sergeants .....2,000
- (g) Corporals and patrol officers .....1,000

(2) The bond premiums required under the provisions of this chapter shall be paid out of the funds of the department.

(3) In lieu of individual bonds, the department is authorized, with the approval of the Department of Banking and Finance, to purchase a schedule position bond to cover all employees specified in subsection (1).

**History.**—s. 8, ch. 19551, 1939; CGL 1940 Supp. 4151(622); s. 8, ch. 20451, 1941; s. 3, ch. 24151, 1947; ss. 12, 35, ch. 69-106; s. 97, ch. 77-104; s. 1, ch. 78-144; s. 385, ch. 95-148.

**321.09 Salaries and expenses to be paid from General Revenue Fund.**—The salaries and expenses of said Florida Highway Patrol shall be paid from the General Revenue Fund, and the necessary and regular expenses incident to carrying out the provisions of this chapter shall be appropriated from said fund, and the same shall be disbursed from the State Treasury in the manner and according to the same provisions of law as similar funds in the State Treasury are disbursed and expended.

**History.**—s. 9, ch. 19551, 1939; CGL 1940 Supp. 4151(623); s. 9, ch. 20451, 1941; s. 50, ch. 26869, 1951.

**321.12 Penalties.**—

(1) It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony.

(2) Unless another penalty is in this chapter, or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this chapter shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—s. 51, ch. 19551, 1939; CGL 1940 Supp. 8135(56); s. 51, ch. 20451, 1941; s. 208, ch. 71-136.

**321.14 Construction.**—This chapter shall be liberally construed to the end that the greatest force and effect may be given to its provisions for the promotion of public safety.

**History.**—s. 53, ch. 19551, 1939; CGL 1940 Supp. 4157(662); s. 54, ch. 20451, 1941.

**321.15 Highway patrol; pensions and pension trust fund.**—There is hereby created and established a continuing fund to be known as the "Highway Patrol Pension Trust Fund." Such fund shall be made up from contributions from members (employees) of the Department of Highway Safety and Motor Vehicles who have subscribed to the constitutional oath of office, and from a yearly sum to be paid into such fund from the appropriation of the department in such an amount as shall be sufficient to carry out the provisions of this law. Such state funds shall not be less than the yearly contribution paid by all members.

**History.**—s. 1, ch. 22863, 1945; s. 4, ch. 26800, 1951; s. 2, ch. 61-119; ss. 24, 35, ch. 69-106.

**321.17 Contributions; leaving patrol; leave of absence; transferees.**—

(1) Every member of the Department of Highway Safety and Motor Vehicles who has subscribed to the constitutional oath of office shall come under the provi-

sions of this law and, beginning July 1, 1965, shall contribute every month 7 percent of his or her monthly salary, to be deducted by the Comptroller and paid into the State Treasury to the credit of the Highway Patrol Pension Trust Fund. However, effective July 1, 1981, members shall make no contributions to the plan, and the Department of Highway Safety and Motor Vehicles shall henceforth make all contributions required under this subsection for the members. A member who ceases to be an employee after completing 10 or more years of service may elect to leave his or her contributions on deposit and be eligible to receive retirement benefits upon attaining normal retirement age.

(2) Such members as are eligible for service credit as set forth under s. 321.19(1) may pay to the Treasurer to the credit of the Highway Patrol Pension Trust Fund, the sum of \$5 for each month of such service credit. Satisfactory proof of former service must be furnished the Division of Retirement in the form of a sworn, written statement from the member's former employer or other reliable person, or other documents of proof as may be required by them. Such money as becomes due by reason of this clause shall be paid by said employee in equal monthly payments over a period not to exceed 60 months after October 1, 1945. Employees who fail to take advantage of the benefits offered under s. 321.19(1) within 90 days after October 1, 1945, shall forfeit such service credits forever. New members who may hereafter enter the service of division of the Florida Highway Patrol who fail to take advantage of the benefits offered under s. 321.19(1) within 90 days after time of employment shall forfeit such service credits forever.

(3) Should a member cease to be an employee of the Department of Highway Safety and Motor Vehicles because of death or by any other reason before attaining retirement or before becoming eligible for benefits for other reasons, the Comptroller shall pay to him or her or a designated beneficiary all of the contributions made by the member standing to his or her credit in the Highway Patrol Pension Trust Fund. Such request for refund shall be made by written requisition signed by the executive director of the department. Any member may file in writing a designation of beneficiary. The member shall, at any time, have the privilege of changing the designated beneficiary provided such change shall be in writing. If no such written designation has been made or if the designated beneficiary predeceases the member, the beneficiary shall be the estate of the member.

(4) Members who have served in the nation's armed services and return to service with the Florida Highway Patrol shall be given full service credit for such time provided a contribution is made for a period not to exceed 5 years into the Highway Patrol Pension Trust Fund in an amount equal to that which would have been contributed had such member remained in the service of the patrol.

(5) Any Florida highway patrol officer who was hired between November 1, 1939, and June 30, 1968, inclusive, and has service which was performed in a Florida Highway Patrol recruit training school or the Florida Highway Patrol Training Academy prior to taking the constitutional oath of office, for which no retirement contributions were paid, shall be given service credit under

this chapter for such time, provided the proper contributions are paid. The member shall contribute the total employee and employer contributions required under the highway patrol pension plan during the period claimed, plus 4-percent interest compounded annually from the first year of service until July 1, 1975, and 6.5-percent interest compounded annually thereafter, until full payment is made to the Highway Patrol Pension Trust Fund. Any governmental entity may elect to contribute on behalf of such member up to 50 percent of the amount required to purchase prior service credit under this subsection.

(6) Any Florida highway patrol officer who prior to becoming a Florida highway patrol officer was a member of the high hazard section of the State and County Retirement System as a law enforcement officer, and who is not receiving retirement benefits under said fund, may become a member of the highway patrol retirement plan. If such patrol officer has not received a refund from the State and County Retirement System, the amount he or she has paid into said fund, exclusive of amounts paid for social security coverage, plus the amount the state has paid into said fund to match the employee's payments shall be transferred from the State and County Retirement System to the Highway Patrol Pension Trust Fund. If such person has received a refund from the State and County Retirement System, he or she shall, within 2 years from the time of becoming a member of the Florida Highway Patrol, pay an amount equal to the amount refunded into the Florida Highway Patrol Pension Trust Fund. In either event, the Highway Patrol Pension Trust Fund shall give credit for time accrued and other benefits equivalent to the amount transferred or paid in.

**History.**—s. 3, ch. 22863, 1945; s. 6, ch. 26800, 1951; s. 2, ch. 28121, 1953; s. 2, ch. 61-119, s. 2, ch. 65-550; ss. 24, 31, 35, ch. 69-106; s. 1, ch. 69-120; s. 3, ch. 69-128; s. 1, ch. 69-1753; s. 2, ch. 71-181; s. 1, ch. 73-326; s. 93, ch. 73-333; s. 5, ch. 81-214; s. 10, ch. 83-76; s. 115, ch. 92-279; s. 55, ch. 92-326; s. 39, ch. 94-249; s. 920, ch. 95-148.

### 321.18 Age for retirement.—

(1) Every member of the Department of Highway Safety and Motor Vehicles who has subscribed, prior to July 1, 1953, to the constitutional oath of office and who has served 20 years, or has served both 10 years and attained age 60 years; and every member of said department who has subscribed, on or after July 1, 1953, but before July 1, 1963, to the constitutional oath of office and who has served both 20 years and has attained age 55; and every member of said department who has subscribed, on or after July 1, 1963, to the constitutional oath of office whose highest rank at any time during employment is first sergeant or higher who has served both 10 years and has attained age 60; and every member of said department who has subscribed, on or after July 1, 1963, to the constitutional oath of office whose highest rank at any time during employment is trooper, corporal or sergeant who has served both 10 years and has attained age 55; and every member of said department who has subscribed, at any time, to the constitutional oath of office who has been totally or partially disabled in line of duty, shall be entitled to be retired and to receive a pension as hereinafter provided. Every member who has reached the age of 65 shall, at the discretion of the Governor and Cabinet, as head of the department, be required to retire.

(2) Such retirement shall be on order of the Governor and Cabinet, as head of the department, and upon request of the member to be retired, or at the discretion of the executive director. In the event the Governor and Cabinet or the executive director orders the retirement of any member eligible to retirement, and such member shall consider himself or herself aggrieved by such order, the member so affected shall be entitled to a hearing pursuant to chapter 120. Any request for such hearing shall be in writing and filed with the Secretary of State within 30 days after receipt of such order of retirement. The Governor and Cabinet shall constitute the agency head for purposes of such hearing and shall issue a final order either continuing or revoking the order of retirement.

**History.**—s. 4, ch. 22863, 1945; s. 7, ch. 26800, 1951; s. 3, ch. 28121, 1953; s. 1, ch. 65-550; ss. 24, 35, ch. 69-106; s. 20, ch. 78-95; s. 386, ch. 95-148.

### 321.19 Computing length of service; definitions; examining committee.—

(1)(a) The computation of the length of service under this law shall include the total time spent with the Department of Public Safety since its creation in chapter 19551, Laws of Florida, 1939, and previous law enforcement service, not to exceed 10 years' credit, for members employed by the department prior to January 1, 1945, and previous law enforcement service shall mean service in the state on a regular monthly or annual salary basis.

(b) Members employed on or after January 1, 1945, may claim credit for 50 percent of the total time served by the individual as a law enforcement officer prior to becoming a member of the highway patrol.

(c) Members, claiming credit under paragraph (a) shall, within 90 days of the effective date of this law, pay to the department pension fund the sum of \$5 for each month of such previous law enforcement service credit claimed, and members employed after July 1, 1953, shall receive no credit for law enforcement service prior to becoming a member of the highway patrol.

(d) The surviving spouse or other dependent of any member whose employment is terminated by death shall, upon application to the director of the Division of Retirement, be permitted to pay the required contributions for any service performed by the member which could have been claimed by the member at the time of his or her death. Such service shall be added to the creditable service of the member and used in the calculation of any benefits which may be payable to the surviving spouse or other surviving dependent.

(2) The term "total disability" shall be construed to mean the loss of eyesight, speech, right arm, both legs, or other injury, as a result of occupation while in the performance of duty, which shall totally disable such person for the performance of manual labor.

(3) The term "partial disability" shall be construed to mean the loss of hearing, nose, one eye, one leg, left arm, fingers on either hand, or any other member of the body which comes within the common law of mayhem, or any other injury which shall partially disable such person for the performance of manual labor, as the result of occupation while in the performance of duty, which shall render such member temporarily incapable of performing his or her duties.

(4) The <sup>2</sup>director of the Division of Health of the Department of Health and Rehabilitative Services and two other reputable physicians, one to be appointed by the Department of Highway Safety and Motor Vehicles and one by the applicant, shall examine every applicant for a pension on the grounds of disability, and shall determine whether or not total or partial disability exists, and if partial, the extent thereof, and shall certify the results of their findings to the executive director of the department and to the Governor and Cabinet, as head of the department, which findings shall be binding upon the department.

(5) A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his or her employment while a member of any state retirement system shall be subject to the following provisions:

(a) If the member receives no salary payments for the period of time he or she receives workers' compensation payments, upon the member's return to active employment, he or she shall receive full retirement credit for the period for which workers' compensation payments were received. No employee or employer contributions shall be required in order for the member to receive retirement credit for such period. Such credit shall be based on the member's rate of monthly compensation immediately prior to his or her receiving workers' compensation payments; or

(b) If the member receives partial salary for the period of time he or she receives workers' compensation payments, the required employee contributions shall be deducted from his or her partial salary each pay period, and, upon the member's return to active employment, he or she shall receive full retirement credit for the period for which workers' compensation payments were received. Such credit shall be based on the member's rate of monthly compensation immediately prior to his or her receiving workers' compensation payments; or

(c) If the member is retained in full-pay status in lieu of receiving workers' compensation payments, the required employee contributions shall be deducted from his or her salary each pay period, and the member shall receive retirement credit for such period in the same manner he or she would have received credit had he or she not been injured or incapacitated.

**History.**—s. 5, ch. 22863, 1945; s. 8, ch. 26800, 1951; s. 1, ch. 28124, 1953; ss. 19, 24, 35, ch. 69-106; s. 5, ch. 72-334; s. 3, ch. 72-345; s. 6, ch. 72-347; s. 70, ch. 79-40; s. 116, ch. 92-279; s. 55, ch. 92-326; s. 40, ch. 94-249; s. 921, ch. 95-148.

**1Note.**—The Department of Public Safety was merged into the Department of Highway Safety and Motor Vehicles by s. 24, ch. 69-106.

**2Note.**—Section 3, ch. 75-48, abolished the Division of Health and assigned its functions to the Department of Health and Rehabilitative Services.

### **321.191 Non-service-connected disability retirement.—**

(1) A member who becomes totally and permanently disabled after completing 10 years of service shall be entitled to a disability benefit. The disability retirement date for such member shall be the first day of the month following the month during which the Division of Retirement approved payment of disability retirement benefits.

(2) A member shall be considered totally and permanently disabled if, in the opinion of the Division of Retirement,

he or she is prevented by physical or mental impairment from engaging in any gainful activity for which he or she is, or may reasonably become, fitted by education, training, or experience. The decision of the division shall be final and binding.

(3) A member shall not be entitled to receive any disability retirement income if his or her disability is a result of any of the following:

(a) Excessive and habitual use by the member of drugs, intoxicating liquors, or narcotics;

(b) Injury or disease sustained by the member while willfully participating in acts of violence, riot, or civil insurrections, or while committing a felony or serious misdemeanor;

(c) Injury or disease sustained by the member while serving in any armed forces or as the result of warfare;

(d) Injury or disease sustained by the member after his or her employment has terminated;

(e) Injury or disease sustained by the member while working for anyone other than the employer and arising out of such other employment; or

(f) Intentional, self-inflicted injury.

(4) The division, before approving payment of any disability retirement benefit, may require proof, in such form as it may decide, that the member is disabled as defined herein.

(5) Upon disability retirement, a member shall receive a monthly benefit which shall commence on his or her disability retirement date and be payable on the first day of each month thereafter during his or her lifetime and continued disability. The amount of each monthly retirement benefit shall be computed as prescribed by s. 321.20, but based on the average compensation and service as of the member's disability retirement date, subject to the following conditions:

(a) If the member's disability occurred in line of duty, his or her monthly benefit shall be in accordance with s. 321.20(2), with no period of completed service required.

(b) If the member's disability occurred other than in line of duty and he or she had completed 10 years of service as of the time of his or her disability, the member's monthly benefit shall not be less than 22.5 percent of average monthly compensation.

(c) If the member's disability occurred other than in line of duty and he or she had not completed 10 years of service as of the date of disability, the member shall be entitled to a return of his or her contributions without interest.

(6)(a) If the Division of Retirement finds that a member who is receiving disability benefits is, at any time prior to his or her normal retirement date, no longer disabled, it shall direct that the benefits be discontinued. The decision of the division on this question shall be final and binding.

(b) If the member described in paragraph (a) of this subsection does not reenter the employ of the Florida Highway Patrol and had not completed 10 years of service as of his or her disability retirement date, the member shall be entitled to the excess, if any, of his or her own contributions, without interest, over the total disability benefits received up to his or her date of recovery.

(c) If the member described in paragraph (a) of this subsection does not reenter the employ of the Florida

Highway Patrol but has completed 10 or more years of service as of his or her disability retirement date, the member may elect to receive:

1. The excess, if any, of his or her own contributions without interest over the total disability benefits received up to his or her date of recovery; or

2. A deferred benefit commencing on his or her normal retirement date which shall be payable on the first day of the month thereafter during his or her lifetime. The amount of each monthly benefit shall be computed in the same manner as for a normal retirement benefit, but based on average monthly compensation and service as of the member's disability retirement date.

(7) If the member recovers from disability and reenters the Florida Highway Patrol within 6 months after his or her recovery, his or her service will be deemed to have been continuous, but the period beginning with the first month for which the member received a disability benefit payment and ending with the date he or she reentered the patrol will not be considered as service for the purpose of computing benefits.

**History.**—s. 2, ch. 69-120; ss. 31, 35, ch. 69-106; s. 1, ch. 73-326; s. 117, ch. 92-279; s. 55, ch. 92-326; s. 41, ch. 94-249; s. 922, ch. 95-146.

### **321.20 Retirement pay; basis.—**

(1) Every member who has subscribed, prior to July 1, 1953, to the constitutional oath of office and who has been retired following 20 years of service shall receive an annual pension payable monthly, equal to 50 percent of the average annual salary for the last 5 years such member was in service; provided however, that such member may continue in service more than 20 years, and shall then receive an annual pension payable monthly, equal to 50 percent for 20 years of service plus 2 percent for each additional year of service based upon the average annual salary for the last 5 years such member was in service. Every member who has subscribed, on or after July 1, 1953, to the constitutional oath of office and who has been retired following the attainment of age 55 shall receive an annual pension payable monthly equal to 2 percent for each year of service based upon the average annual salary for the last 5 years such member was in service. Every member who has subscribed, prior to July 1, 1953, to the constitutional oath of office and who has been retired following the attainment of age 60 shall receive an annual pension payable monthly, equal to 25 percent of his or her average annual salary for the last 5 years such member was in service, plus 2.5 percent of such average annual salary for each year of service in excess of 10 years. Provided however, that each such member to be eligible to receive a pension shall have accumulated a minimum of 10 years of service within the contemplation of this law. The average annual salary of any member who has subscribed on or after July 1, 1959, to the constitutional oath of office shall be the average annual salary received by such member during the last 10 years such member was in service.

(2) Any member who has been retired because of total disability shall receive, in addition to the award made to him or her under the Workers' Compensation Law, an annual pension, payable monthly, of 45 percent of the annual salary of said member at the time of his or

her disability or 45 percent of \$6,000, whichever is greater; and he or she shall continue to receive the said pension payment so long as such total disability exists. Any member who has been retired because of partial disability shall receive, in addition to the award made to him or her under the Workers' Compensation Law, an annual pension, payable monthly, of 35 percent of the annual salary of said member at the time of his or her disability; and he or she shall continue to receive the said pension payment so long as such partial disability exists. The department may require such member to submit to a medical examination from time to time by a doctor selected by the department; and, if the examination discloses that such member is no longer disabled, such member may be ordered by the department to return to active duty with the same rank and salary that he or she had at the time of disability. Any such retired member who shall fail to return to duty following such order shall forfeit all rights and claims under this law.

(3) Every member who shall be entitled to retirement under the provisions of this law shall receive credit in computing his or her 20 years of service by taking into consideration his or her service in the Army, Navy, Marine Corps, Air Force, Coast Guard, or National Guard, (Federal Service) of the United States, provided said member of the Department of Highway Safety and Motor Vehicles was an employee of said department prior to entering the armed forces and received an honorable discharge from such forces and has become reemployed by the department since termination of active service with the armed forces.

(4) Every member shall have the right at any time prior to receipt of his or her first monthly pension payment to elect to receive a reduced pension with the provision that if such member dies after pension payments have commenced, the excess, if any, of his or her total contributions made to the pension fund, without interest, over the total pension payments received by him or her shall be paid in accordance with the beneficiary designation of s. 321.17(3). The amount of such reduced pension shall be the actuarial equivalent of the amount of such pension otherwise payable to the member in accordance with subsection (1).

(5) Every member shall have the right at any time prior to receipt of his or her first monthly pension payment to elect to receive a reduced pension during his or her lifetime with the provision that such reduced pension, or one-half thereof if so designated, shall be continued after the member's death to his or her spouse during the spouse's lifetime. The amount of such reduced pension shall be the actuarial equivalent of the amount of such pension otherwise payable to the member in accordance with subsection (1). A member who elects the option to receive such a reduced pension shall, on a form provided for that purpose, designate his or her spouse as beneficiary to receive the benefits which continue to be payable after the death of the member. After such reduced pension benefits have commenced, the retired member may change the designation of his or her spouse as beneficiary only twice. If such a retired member remarries and wishes to make such a change, he or she may do so by filing with the division a notarized change of spouse designation form

and shall notify the former spouse in writing of such change. Upon receipt of a completed change of spouse designation form, the division shall adjust the member's monthly benefit by the application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit. The consent of a retired member's formerly designated spouse as beneficiary to any such change shall not be required.

(6) Upon the death of a retired member or beneficiary receiving monthly benefits under this chapter, the monthly benefits shall be paid through the last day of the month of death and shall terminate, or be adjusted, if applicable, as of that date in accordance with the optional form of benefit selected at the time of retirement.

**History.**—s. 6, ch. 22863, 1945; s. 9, ch. 26800, 1951; ss. 4, 5, ch. 28121, 1953; s. 1, ch. 59-307; ss. 24, 35, ch. 69-106; s. 1, ch. 71-181; s. 71, ch. 79-40; s. 10, ch. 80-130; s. 11, ch. 85-246; s. 387, ch. 95-148.

**321.201 Early retirement benefit.**—Effective July 1, 1969, any member employed subsequent to July 1, 1953, may elect to retire on an early retirement date which shall be not more than 5 years prior to his or her normal retirement date. Such date shall be his or her early retirement date. Upon early retirement, the member shall receive an immediate monthly benefit which shall commence on his or her early retirement date and be payable on the first day of each month thereafter during the member's lifetime. The amount of each monthly payment shall be computed as prescribed by s. 321.20, but based on average compensation and service as of the member's early retirement date, and the benefits so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes his or her normal retirement date.

**History.**—s. 3, ch. 69-120; s. 388, ch. 95-148.

**321.202 Termination by death subsequent to normal retirement date but prior to actual retirement.**—If the employment of a member is terminated by reason of his or her death subsequent to the member's normal retirement date but prior to his or her actual retirement, it shall be assumed that the member retired as of his or her date of death and that the member had elected the optional form of payment most favorable to his or her legal spouse as determined by the Division of Retirement. The benefits so determined shall be payable monthly to the spouse until the death of the spouse.

**History.**—s. 3, ch. 69-120; ss. 31, 35, ch. 69-106; s. 1, ch. 73-326; s. 118, ch. 92-279; s. 55, ch. 92-326; s. 42, ch. 94-249; s. 923, ch. 95-148.

**321.203 Reemployment after retirement; conditions and limitations.**—

(1) Any person retired under this chapter, except under the disability provisions of s. 321.191, may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation from his or her employer without limitation, except that no person may receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of 12 months immediately subsequent to the date of retirement.

(2) Any person to whom the limitation in subsection (1) applies who violates such reemployment limitation and is reemployed with any agency participating in the Florida Retirement System prior to completion of the 12-month limitation period shall give timely notice of this fact in writing to his or her employer and to the division; and his or her retirement benefits shall be suspended for the balance of the 12-month limitation period. Any person employed in violation of this section and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by such person while he or she is reemployed during this reemployment limitation period shall be repaid to the trust fund, and his or her retirement benefits shall remain suspended until such repayment has been made. Any benefits suspended beyond the reemployment limitation period shall apply toward the repayment of benefits received in violation of the reemployment limitation.

(3) The employment by an employer of any retiree of a state-administered retirement system shall have no effect on the average final compensation or years of creditable service of such retiree. Prior to July 1, 1991, upon employment of any person, other than an elected officer as provided in s. 121.053, who has been retired under a state-administered retirement program, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for a regular member of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for renewed membership.

(4) The limitations of this section apply to reemployment in any capacity with an employer as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

**History.**—s. 23, ch. 84-266; s. 10, ch. 87-225; s. 22, ch. 90-274; s. 19, ch. 92-122; s. 389, ch. 95-148.

**321.21 Funeral expenses.**—Whenever an active or retired member of the Department of Highway Safety and Motor Vehicles shall be killed, or dies, from injuries, disease, or illness, contracted by reason of his or her occupation as a member of the department, there shall be provided a sum not to exceed \$500 from the Highway Patrol Pension Trust Fund for his or her funeral expenses. Such payment shall be in addition to return of contributions set forth in s. 321.17(3), and shall be in addition to pension payments set forth in s. 321.18.

**History.**—s. 7, ch. 22863, 1945; s. 10, ch. 26800, 1951; s. 6, ch. 28121, 1953; s. 2, ch. 61-119; ss. 24, 35, ch. 69-106; s. 390, ch. 95-148.

**321.22 Pensions exempt from process.**—No pension under the provisions of this law, either before or after its order of distribution, shall be held, seized, taken, retained, or levied on by virtue of any legal process issued out of any court against the beneficiary, but the



same shall be paid directly to the beneficiary thereof. The Highway Patrol Pension Trust Fund shall be expended only for the benefits as set forth in this law, and shall not be otherwise disposed. Should the name and/or duties of the 'Department of Public Safety be changed, and/or the name and/or duties of the 'Drivers' License Division of the State Department of Public Safety be changed, such change or changes shall in no way affect the validity of this law; such names shall be automatically substituted for the name or names now in effect, and such superseding agencies shall assume full responsibilities as provided by this law and continue benefits to eligible members. Necessary funds for the continuance of benefits to such members as may be eligible shall be provided, if necessary, from other revenue than heretofore set forth, which shall come from the state General Revenue Fund; the legislative intent being to establish a permanent fund for eligible members so long as it may be required.

**History.**—s. 8, ch. 22863, 1945; s. 11, ch. 26800, 1951; s. 2, ch. 61-119.

**Note.**—The Department of Public Safety was merged into the Department of Highway Safety and Motor Vehicles by s. 24, ch. 69-106.

### **321.2205 Surviving spouses' benefit options.**—

Notwithstanding any other provision in this chapter to the contrary, the following provisions shall apply to any member who has accumulated at least 10 years of service and dies:

(1) If the deceased member's surviving spouse has previously received a refund of the member's contributions made to the Highway Patrol Pension Trust Fund, such spouse may pay to the Division of Retirement an amount equal to the sum of the amount of the deceased member's contributions previously refunded and interest at 3 percent compounded annually on the amount of such refunded contributions from the date of refund to the date of payment to the Division of Retirement, and receive the monthly retirement benefit provided in subsection (3).

(2) If the deceased member's surviving spouse has not received a refund of the deceased member's contribution, such spouse shall, upon application to the Division of Retirement, receive the monthly retirement benefit provided in subsection (3).

(3) The monthly benefit payable to the spouse described in subsection (1) or subsection (2) shall be the amount which would have been payable to the deceased member's spouse, assuming that the member had retired on the date of his or her death and had selected the option in s. 321.20 which would afford the surviving spouse the greatest amount of benefits, such benefit to be based on the ages of the spouse and member as of the date of death of the member. Such benefit shall commence on the first day of the month following the payment of the aforesaid amount to the Division of Retirement, if subsection (1) is applicable, or on the first day of the month following the receipt of the spouse's application by the Division of Retirement, if subsection (2) is applicable.

**History.**—s. 1, ch. 69-130; ss. 31, 35, ch. 69-106; s. 1, ch. 72-336; s. 3, ch. 72-345; s. 119, ch. 92-279; s. 55, ch. 92-326; s. 43, ch. 94-249; s. 924, ch. 95-148.

### **321.221 Pensions, spouses of deceased patrol officers.**—

(1) The surviving spouse of any highway patrol officer heretofore or hereafter killed in the line of duty shall receive a monthly pension equal to one-half the monthly salary drawn by the deceased patrol officer at the time of his or her death for the rest of his or her life, unless the surviving spouse remarries, in which case the pension shall terminate at the date of his or her remarriage. In the event of the remarriage of the surviving spouse of a patrol officer killed in line of duty, who has legal children of the deceased patrol officer under 18 years of age that have not been formally adopted by the present spouse, any sums of money which would have accrued to the surviving spouse had he or she not remarried shall accrue to the children in the same manner as if the surviving spouse had died, as provided in subsection (2). These payments will cease as of the date of legal adoption of the children or upon their reaching the age of 18.

(2) In the event of the death of the surviving spouse, any sums of money which would have accrued to him or her had he or she lived until the 18th birthday of such patrol officer's youngest child shall accrue, share and share alike, for the use and benefit of such patrol officer's child or children under 18 years of age and unmarried during such minority. Such sums, as the same would have accrued to such surviving spouse, shall be paid to the legal guardian of the estate of such child or children, or either of them, during such minority to age 18 years.

(3) Any surviving spouse or children not now receiving a pension under this section shall be entitled to this pension retroactive to January 1, 1954.

(4) In determining the amount of pension to be received under this section, the benefits received in the form of workers' compensation and/or social security shall be considered, and the total monthly compensation shall not exceed one-half of the salary received by the deceased patrol officer at the time of his or her death. Should such total compensation exceed one-half of the monthly salary drawn by the deceased patrol officer at the time of his or her death, the pension herein provided for shall be reduced by the amount of such excess.

(5) The payments of this pension shall be made from any unappropriated funds of the General Revenue Fund.

**History.**—ss. 1-4, ch. 29969, 1955; s. 1, ch. 57-348; s. 4, ch. 69-120; s. 72, ch. 79-40; s. 391, ch. 95-148.

**321.222 Provisions for modification.**—Notwithstanding any provision contained herein to the contrary, the provisions relating to age for retirement under s. 321.18 shall be subject to amendment or modification by subsequent legislation at any time and all other provisions of this chapter relating to the administration of the system or to the duties, rights, privileges, requirements, and benefits of employees of the Department of Highway Safety and Motor Vehicles who become members of the Highway Patrol Pension System on or after July 1, 1963, shall be subject to amendment, modification, deletion, or substitution by act of the 1965 Legislature of the state and such legislation shall apply retroactively to July 1, 1963, with regard to such members; provided, however, that such legislation shall not set the age for retirement, as specified in s. 321.18, to exceed the age

of 60 years, nor shall such legislation affect any benefit which becomes payable to, or with respect to, such members prior to July 1, 1965.

**History.**—s. 1, ch. 63-390; ss. 24, 35, ch. 69-106.

**321.223 Statements of purpose and intent and other provisions required for qualification under the Internal Revenue Code of the United States.**—Any other provisions in this chapter to the contrary notwithstanding, it is specifically provided that:

(1) The purpose of ss. 321.15 through 321.222 is to provide pension benefits for the exclusive benefit of the member employees or their beneficiaries.

(2) No part of the principal or income of the trust fund created hereunder shall be used or diverted for purposes other than for the exclusive benefit of the member employees or their beneficiaries and for the payment of administrative cost.

(3) Forfeitures, if any, shall not be applied to increase the benefits any member employee would otherwise receive under ss. 321.15 through 321.222.

(4) Upon termination or partial termination, upon discontinuance of contributions, abandonment, or merger, or upon consolidation or amendment of ss. 321.15 through 321.222, the rights of all affected employees to benefits accrued as of the date of any of the foregoing events, or the amounts credited to the account of any member employee, shall be and continue thereafter to be nonforfeitable except as otherwise provided by law.

(5) No benefit hereunder shall exceed the maximum amount allowable by law for qualified pension plans under existing or hereafter-enacted provisions of the Internal Revenue Code of the United States.

(6) The provisions of this section are declaratory of the legislative intent upon the original enactment of ss. 321.15 through 321.222 and are hereby deemed to have been in effect from such date.

**History.**—s. 1, ch. 78-108.

**321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.**—

(1) The purpose of this section is to make available for the use of the Department of Highway Safety and Motor Vehicles sufficient floor space to enable it to efficiently administer the affairs of the department and to provide fees for copies of public records.

(2) Fees for copies of public records shall be charged and collected as follows:

- (a) For an accident report, a copy .....\$2
- (b) For a homicide report, a copy.....\$25
- (c) Photographs (accidents, etc.):

Enlargement Proof	Color	Black & White
1. 5" x 7"	\$1.00	\$0.75
2. 8" x 10"	\$1.50	\$1.00
3. 11" x 14"	Not Available	\$1.75
4. 16" x 20"	Not Available	\$2.75
5. 20" x 24"	Not Available	\$3.75

(d) The department shall furnish such information without charge to any local, state, or federal law enforce-

ment agency upon proof satisfactory to the department as to the purpose of the investigation.

(3) Fees collected under this section shall be deposited in the Highway Safety Operating Trust Fund.

(4) The department is authorized to destroy reports, records, documents, papers, and correspondence which are considered obsolete.

(5) The department is authorized to photograph, microphotograph, or reproduce on film such documents, records, and reports as it may select. The photographs or microphotographs in the form of film or print of any records made in compliance with the provisions of this section shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

**History.**—ss. 1, 2, 3, ch. 26978, 1951; s. 1, ch. 63-371; ss. 24, 35, ch. 69-106; s. 4, ch. 82-130; s. 70, ch. 93-120.

**321.24 Members of an auxiliary to Florida Highway Patrol.**—

(1) The director of the Florida Highway Patrol is hereby authorized to establish an auxiliary to the Florida Highway Patrol to be composed of such persons who may volunteer to serve as members of an auxiliary to the Florida Highway Patrol. Such service to be without compensation to the individual so volunteering.

(2) Members of an auxiliary serving with the Florida Highway Patrol shall at all times serve under the direction and supervision of the director and members of the Florida Highway Patrol. After approval by the director on an individual basis and after completion of a firearms course approved by the director, members of an auxiliary, while serving under the supervision and direction of the director, or a member of the Florida Highway Patrol, shall have the power to bear arms. Members of an auxiliary shall have the same protection and immunities afforded regularly employed highway patrol officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state.

(3) The director of the Florida Highway Patrol shall determine the fitness of persons to serve as members of an auxiliary, shall require their completion of a regularly prescribed course of study for members of an auxiliary as established and conducted by the Florida Highway Patrol. The total number of members of the auxiliary to the Florida Highway Patrol shall be limited to 5 times the total number of regularly employed highway patrol officers authorized by law.

(4) No member of the auxiliary shall be required to serve on any duty of and for said auxiliary without his or her consent thereto. The duties of the auxiliary shall be limited to assisting the Florida Highway Patrol in the performance of its regularly constituted duties. Nothing herein shall be construed to authorize any member of the auxiliary to make arrests.

**History.**—ss. 1-4, ch. 57-96; s. 1, ch. 71-15; s. 392, ch. 95-148.

**321.245 Disposition of certain funds in the Highway Safety Operating Trust Fund.**—Auxiliary law enforcement officers as defined in s. 321.24 are entitled to a

one-time payment of \$250 from funds described in s. 627.733(7) to reimburse them for expenses incurred in taking required courses, purchasing uniforms and weapons, and becoming auxiliary law enforcement officers. The \$250 payment is to be made to persons who have been auxiliary law enforcement officers for no more than 5 years prior to October 1, 1995, and who are law enforcement officers on October 1, 1995. Any person who becomes an auxiliary law enforcement officer after October 1, 1995, must serve a 1-year probationary period before being eligible for the \$250 payment. The total amount disbursed under this section may not exceed \$50,000 in any one fiscal year.

**History.**—s. 2, ch. 95-202.

**321.25 Training provided at patrol schools.**—The Department of 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 for the training of highway patrol candidates and officers. The Department of 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 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 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.

**History.**—s. 1, ch. 57-292; ss. 24, 35, ch. 69-106; s. 30, ch. 95-333.