

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representatives Cannon and Aubuchon offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (h) of subsection (2) of section
6 20.23, Florida Statutes, is amended to read:

7 20.23 Department of Transportation.--There is created a
8 Department of Transportation which shall be a decentralized
9 agency.

10 (2)

11 (h) The commission shall appoint an executive director and
12 assistant executive director, who shall serve under the
13 direction, supervision, and control of the commission. The
14 executive director, with the consent of the commission, shall
15 employ such staff as are necessary to perform adequately the
16 functions of the commission, within budgetary limitations. All

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17 employees of the commission are exempt from part II of chapter
18 110 and shall serve at the pleasure of the commission. The
19 salary and benefits of the executive director shall be set in
20 accordance with the Senior Management Service. The salaries and
21 benefits of all other employees of the commission shall be set
22 in accordance with the Selected Exempt Service; ~~provided,~~
23 however, ~~that~~ the commission has ~~shall have~~ complete authority
24 for fixing the salary of the executive director and assistant
25 executive director.

26 Section 2. Subsection (5) of section 125.42, Florida
27 Statutes, is amended to read:

28 125.42 Water, sewage, gas, power, telephone, other
29 utility, and television lines along county roads and highways.--

30 (5) In the event of widening, repair, or reconstruction of
31 any such road, the licensee shall move or remove such water,
32 sewage, gas, power, telephone, and other utility lines and
33 television lines at no cost to the county except as provided in
34 s. 337.403(1)(e).

35 Section 3. Paragraphs (a), (h), and (j) of subsection (6)
36 of section 163.3177, Florida Statutes, are amended to read:

37 163.3177 Required and optional elements of comprehensive
38 plan; studies and surveys.--

39 (6) In addition to the requirements of subsections (1)-(5)
40 and (12), the comprehensive plan shall include the following
41 elements:

42 (a) A future land use plan element designating proposed
43 future general distribution, location, and extent of the uses of
44 land for residential uses, commercial uses, industry,

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45 agriculture, recreation, conservation, education, public
46 buildings and grounds, other public facilities, and other
47 categories of the public and private uses of land. Counties are
48 encouraged to designate rural land stewardship areas, pursuant
49 to the provisions of paragraph (11)(d), as overlays on the
50 future land use map. Each future land use category must be
51 defined in terms of uses included, and must include standards to
52 be followed in the control and distribution of population
53 densities and building and structure intensities. The proposed
54 distribution, location, and extent of the various categories of
55 land use shall be shown on a land use map or map series which
56 shall be supplemented by goals, policies, and measurable
57 objectives. The future land use plan shall be based upon
58 surveys, studies, and data regarding the area, including the
59 amount of land required to accommodate anticipated growth; the
60 projected population of the area; the character of undeveloped
61 land; the availability of water supplies, public facilities, and
62 services; the need for redevelopment, including the renewal of
63 blighted areas and the elimination of nonconforming uses which
64 are inconsistent with the character of the community; the
65 compatibility of uses on lands adjacent to or closely proximate
66 to military installations; lands adjacent to an airport as
67 defined in s. 330.35 and consistent with provisions in s.
68 333.02; and, in rural communities, the need for job creation,
69 capital investment, and economic development that will
70 strengthen and diversify the community's economy. The future
71 land use plan may designate areas for future planned development
72 use involving combinations of types of uses for which special

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73 regulations may be necessary to ensure development in accord
74 with the principles and standards of the comprehensive plan and
75 this act. The future land use plan element shall include
76 criteria to be used to achieve the compatibility of adjacent or
77 closely proximate lands with military installations; lands
78 adjacent to an airport as defined in s. 330.35 and consistent
79 with provisions in s. 333.02. In addition, for rural
80 communities, the amount of land designated for future planned
81 industrial use shall be based upon surveys and studies that
82 reflect the need for job creation, capital investment, and the
83 necessity to strengthen and diversify the local economies, and
84 shall not be limited solely by the projected population of the
85 rural community. The future land use plan of a county may also
86 designate areas for possible future municipal incorporation. The
87 land use maps or map series shall generally identify and depict
88 historic district boundaries and shall designate historically
89 significant properties meriting protection. For coastal
90 counties, the future land use element must include, without
91 limitation, regulatory incentives and criteria that encourage
92 the preservation of recreational and commercial working
93 waterfronts as defined in s. 342.07. The future land use element
94 must clearly identify the land use categories in which public
95 schools are an allowable use. When delineating the land use
96 categories in which public schools are an allowable use, a local
97 government shall include in the categories sufficient land
98 proximate to residential development to meet the projected needs
99 for schools in coordination with public school boards and may
100 establish differing criteria for schools of different type or

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101 size. Each local government shall include lands contiguous to
102 existing school sites, to the maximum extent possible, within
103 the land use categories in which public schools are an allowable
104 use. The failure by a local government to comply with these
105 school siting requirements will result in the prohibition of the
106 local government's ability to amend the local comprehensive
107 plan, except for plan amendments described in s. 163.3187(1)(b),
108 until the school siting requirements are met. Amendments
109 proposed by a local government for purposes of identifying the
110 land use categories in which public schools are an allowable use
111 are exempt from the limitation on the frequency of plan
112 amendments contained in s. 163.3187. The future land use element
113 shall include criteria that encourage the location of schools
114 proximate to urban residential areas to the extent possible and
115 shall require that the local government seek to collocate public
116 facilities, such as parks, libraries, and community centers,
117 with schools to the extent possible and to encourage the use of
118 elementary schools as focal points for neighborhoods. For
119 schools serving predominantly rural counties, defined as a
120 county with a population of 100,000 or fewer, an agricultural
121 land use category shall be eligible for the location of public
122 school facilities if the local comprehensive plan contains
123 school siting criteria and the location is consistent with such
124 criteria. Local governments required to update or amend their
125 comprehensive plan to include criteria and address compatibility
126 of lands adjacent to an airport as defined in s. 330.35 and
127 consistent with provisions in s. 333.02 ~~adjacent or closely~~
128 ~~proximate lands with existing military installations~~ in their

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129 future land use plan element shall transmit the update or
130 amendment to the state land planning agency ~~department~~ by June
131 30, 2011 ~~2006~~.

132 (h)1. An intergovernmental coordination element showing
133 relationships and stating principles and guidelines to be used
134 in the accomplishment of coordination of the adopted
135 comprehensive plan with the plans of school boards, regional
136 water supply authorities, and other units of local government
137 providing services but not having regulatory authority over the
138 use of land, with the comprehensive plans of adjacent
139 municipalities, the county, adjacent counties, or the region,
140 with the state comprehensive plan and with the applicable
141 regional water supply plan approved pursuant to s. 373.0361, as
142 the case may require and as such adopted plans or plans in
143 preparation may exist. This element of the local comprehensive
144 plan shall demonstrate consideration of the particular effects
145 of the local plan, when adopted, upon the development of
146 adjacent municipalities, the county, adjacent counties, or the
147 region, or upon the state comprehensive plan, as the case may
148 require.

149 a. The intergovernmental coordination element shall
150 provide ~~for~~ procedures to identify and implement joint planning
151 areas, especially for the purpose of annexation, municipal
152 incorporation, and joint infrastructure service areas.

153 b. The intergovernmental coordination element shall
154 provide for recognition of campus master plans prepared pursuant
155 to s. 1013.30, and airport master plans pursuant to paragraph
156 (k).

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157 c. The intergovernmental coordination element may provide
158 for a voluntary dispute resolution process as established
159 pursuant to s. 186.509 for bringing to closure in a timely
160 manner intergovernmental disputes. A local government may
161 develop and use an alternative local dispute resolution process
162 for this purpose.

163 d. The intergovernmental coordination element shall
164 provide for interlocal agreements, as established pursuant to s.
165 333.03(1)(b).

166 2. The intergovernmental coordination element shall
167 further state principles and guidelines to be used in the
168 accomplishment of coordination of the adopted comprehensive plan
169 with the plans of school boards and other units of local
170 government providing facilities and services but not having
171 regulatory authority over the use of land. In addition, the
172 intergovernmental coordination element shall describe joint
173 processes for collaborative planning and decisionmaking on
174 population projections and public school siting, the location
175 and extension of public facilities subject to concurrency, and
176 siting facilities with countywide significance, including
177 locally unwanted land uses whose nature and identity are
178 established in an agreement. Within 1 year of adopting their
179 intergovernmental coordination elements, each county, all the
180 municipalities within that county, the district school board,
181 and any unit of local government service providers in that
182 county shall establish by interlocal or other formal agreement
183 executed by all affected entities, the joint processes described

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184 in this subparagraph consistent with their adopted
185 intergovernmental coordination elements.

186 3. To foster coordination between special districts and
187 local general-purpose governments as local general-purpose
188 governments implement local comprehensive plans, each
189 independent special district must submit a public facilities
190 report to the appropriate local government as required by s.
191 189.415.

192 4.a. Local governments must execute an interlocal
193 agreement with the district school board, the county, and
194 nonexempt municipalities pursuant to s. 163.31777. The local
195 government shall amend the intergovernmental coordination
196 element to provide that coordination between the local
197 government and school board is pursuant to the agreement and
198 shall state the obligations of the local government under the
199 agreement.

200 b. Plan amendments that comply with this subparagraph are
201 exempt from the provisions of s. 163.3187(1).

202 5. The state land planning agency shall establish a
203 schedule for phased completion and transmittal of plan
204 amendments to implement subparagraphs 1., 2., and 3. from all
205 jurisdictions so as to accomplish their adoption by December 31,
206 1999. A local government may complete and transmit its plan
207 amendments to carry out these provisions prior to the scheduled
208 date established by the state land planning agency. The plan
209 amendments are exempt from the provisions of s. 163.3187(1).

210 6. By January 1, 2004, any county having a population
211 greater than 100,000, and the municipalities and special

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212 districts within that county, shall submit a report to the
213 Department of Community Affairs which:

214 a. Identifies all existing or proposed interlocal service
215 delivery agreements regarding the following: education; sanitary
216 sewer; public safety; solid waste; drainage; potable water;
217 parks and recreation; and transportation facilities.

218 b. Identifies any deficits or duplication in the provision
219 of services within its jurisdiction, whether capital or
220 operational. Upon request, the Department of Community Affairs
221 shall provide technical assistance to the local governments in
222 identifying deficits or duplication.

223 7. Within 6 months after submission of the report, the
224 Department of Community Affairs shall, through the appropriate
225 regional planning council, coordinate a meeting of all local
226 governments within the regional planning area to discuss the
227 reports and potential strategies to remedy any identified
228 deficiencies or duplications.

229 8. Each local government shall update its
230 intergovernmental coordination element based upon the findings
231 in the report submitted pursuant to subparagraph 6. The report
232 may be used as supporting data and analysis for the
233 intergovernmental coordination element.

234 (j) For each unit of local government within an urbanized
235 area designated for purposes of s. 339.175, a transportation
236 element, which shall be prepared and adopted in lieu of the
237 requirements of paragraph (b) and paragraphs (7)(a), (b), (c),
238 and (d) and which shall address the following issues:

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239 1. Traffic circulation, including major thoroughfares and
240 other routes, including bicycle and pedestrian ways.

241 2. All alternative modes of travel, such as public
242 transportation, pedestrian, and bicycle travel.

243 3. Parking facilities.

244 4. Aviation, rail, seaport facilities, access to those
245 facilities, and intermodal terminals.

246 5. The availability of facilities and services to serve
247 existing land uses and the compatibility between future land use
248 and transportation elements.

249 6. The capability to evacuate the coastal population prior
250 to an impending natural disaster.

251 7. Airports, projected airport and aviation development,
252 and land use compatibility around airports that includes areas
253 defined in ss. 333.01 and 333.02.

254 8. An identification of land use densities, building
255 intensities, and transportation management programs to promote
256 public transportation systems in designated public
257 transportation corridors so as to encourage population densities
258 sufficient to support such systems.

259 9. May include transportation corridors, as defined in s.
260 334.03, intended for future transportation facilities designated
261 pursuant to s. 337.273. If transportation corridors are
262 designated, the local government may adopt a transportation
263 corridor management ordinance.

264 Section 4. Subsection (3) of section 163.3178, Florida
265 Statutes, is amended to read:

266 163.3178 Coastal management.--

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267 (3) Expansions to port harbors, spoil disposal sites,
268 navigation channels, turning basins, harbor berths, and other
269 related inwater harbor facilities of ports listed in s.
270 403.021(9); port transportation facilities and projects listed
271 in s. 311.07(3)(b); and intermodal transportation facilities
272 identified pursuant to s. 311.09(3) and facilities determined by
273 the Department of Community Affairs and applicable general
274 purpose local government to be port-related industrial or
275 commercial projects located within 3 miles of or in a port
276 master plan area which rely upon the utilization of port and
277 intermodal transportation facilities shall not be developments
278 of regional impact where such expansions, projects, or
279 facilities are consistent with comprehensive master plans that
280 are in compliance with this section.

281 Section 5. Paragraph (c) is added to subsection (2) of
282 section 163.3182, Florida Statutes, and paragraph (d) of
283 subsection (3), paragraph (a) of subsection (4), and subsections
284 (5) and (8) of that section are amended, to read:

285 163.3182 Transportation concurrency backlogs.--

286 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
287 AUTHORITIES.--

288 (c) The Legislature finds and declares that there exists
289 in many counties and municipalities areas with significant
290 transportation deficiencies and inadequate transportation
291 facilities; that many such insufficiencies and inadequacies
292 severely limit or prohibit the satisfaction of transportation
293 concurrency standards; that such transportation insufficiencies
294 and inadequacies affect the health, safety, and welfare of the

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295 residents of such counties and municipalities; that such
296 transportation insufficiencies and inadequacies adversely affect
297 economic development and growth of the tax base for the areas in
298 which such insufficiencies and inadequacies exist; and that the
299 elimination of transportation deficiencies and inadequacies and
300 the satisfaction of transportation concurrency standards are
301 paramount public purposes for the state and its counties and
302 municipalities.

303 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
304 AUTHORITY.--Each transportation concurrency backlog authority
305 has the powers necessary or convenient to carry out the purposes
306 of this section, including the following powers in addition to
307 others granted in this section:

308 (d) To borrow money, including, but not limited to,
309 issuing debt obligations, such as, but not limited to, bonds,
310 notes, certificates, and similar debt instruments; to apply for
311 and accept advances, loans, grants, contributions, and any other
312 forms of financial assistance from the Federal Government or the
313 state, county, or any other public body or from any sources,
314 public or private, for the purposes of this part; to give such
315 security as may be required; to enter into and carry out
316 contracts or agreements; and to include in any contracts for
317 financial assistance with the Federal Government for or with
318 respect to a transportation concurrency backlog project and
319 related activities such conditions imposed pursuant to federal
320 laws as the transportation concurrency backlog authority
321 considers reasonable and appropriate and which are not
322 inconsistent with the purposes of this section.

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323 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

324 (a) Each transportation concurrency backlog authority
325 shall adopt a transportation concurrency backlog plan as a part
326 of the local government comprehensive plan within 6 months after
327 the creation of the authority. The plan shall:

328 1. Identify all transportation facilities that have been
329 designated as deficient and require the expenditure of moneys to
330 upgrade, modify, or mitigate the deficiency.

331 2. Include a priority listing of all transportation
332 facilities that have been designated as deficient and do not
333 satisfy concurrency requirements pursuant to s. 163.3180, and
334 the applicable local government comprehensive plan.

335 3. Establish a schedule for financing and construction of
336 transportation concurrency backlog projects that will eliminate
337 transportation concurrency backlogs within the jurisdiction of
338 the authority within 10 years after the transportation
339 concurrency backlog plan adoption. The schedule shall be adopted
340 as part of the local government comprehensive plan.

341 Notwithstanding such schedule requirements, as long as the
342 schedule provides for the elimination of all transportation
343 concurrency backlogs within 10 years after the adoption of the
344 concurrency backlog plan, the final maturity date of any debt
345 incurred to finance or refinance the related projects may be no
346 later than 40 years after the date such debt is incurred and the
347 authority may continue operations and administer the trust fund
348 established as provided in subsection (5) for as long as such
349 debt remains outstanding.

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350 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
351 concurrency backlog authority shall establish a local
352 transportation concurrency backlog trust fund upon creation of
353 the authority. Each local trust fund shall be administered by
354 the transportation concurrency backlog authority within which a
355 transportation concurrency backlog has been identified. Each
356 local trust fund shall continue to be funded pursuant to this
357 section for as long as the projects set forth in the related
358 transportation concurrency backlog plan remain to be completed
359 or until any debt incurred to finance or refinance the related
360 projects are no longer outstanding, whichever occurs later.

361 Beginning in the first fiscal year after the creation of the
362 authority, each local trust fund shall be funded by the proceeds
363 of an ad valorem tax increment collected within each
364 transportation concurrency backlog area to be determined
365 annually and shall be a minimum of 25 percent of the difference
366 between the amounts set forth in paragraphs (a) and (b), except
367 that if all of the affected taxing authorities agree pursuant to
368 an interlocal agreement, a particular local trust fund may be
369 funded by the proceeds of an ad valorem tax increment greater
370 than 25 percent of the difference between the amounts set forth
371 in paragraphs (a) and (b):

372 (a) The amount of ad valorem tax levied each year by each
373 taxing authority, exclusive of any amount from any debt service
374 millage, on taxable real property contained within the
375 jurisdiction of the transportation concurrency backlog authority
376 and within the transportation backlog area; and

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377 (b) The amount of ad valorem taxes which would have been
378 produced by the rate upon which the tax is levied each year by
379 or for each taxing authority, exclusive of any debt service
380 millage, upon the total of the assessed value of the taxable
381 real property within the transportation concurrency backlog area
382 as shown on the most recent assessment roll used in connection
383 with the taxation of such property of each taxing authority
384 prior to the effective date of the ordinance funding the trust
385 fund.

386 (8) DISSOLUTION.--Upon completion of all transportation
387 concurrency backlog projects and repayment or defeasance of all
388 debt issued to finance or refinance such projects, a
389 transportation concurrency backlog authority shall be dissolved,
390 and its assets and liabilities shall be transferred to the
391 county or municipality within which the authority is located.
392 All remaining assets of the authority must be used for
393 implementation of transportation projects within the
394 jurisdiction of the authority. The local government
395 comprehensive plan shall be amended to remove the transportation
396 concurrency backlog plan.

397 Section 6. Paragraph (c) of subsection (9) of section
398 287.055, Florida Statutes, is amended to read:

399 287.055 Acquisition of professional architectural,
400 engineering, landscape architectural, or surveying and mapping
401 services; definitions; procedures; contingent fees prohibited;
402 penalties.--

403 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

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404 (c) Except as otherwise provided in s. 337.11~~(8)(7)~~, the
405 Department of Management Services shall adopt rules for the
406 award of design-build contracts to be followed by state
407 agencies. Each other agency must adopt rules or ordinances for
408 the award of design-build contracts. Municipalities, political
409 subdivisions, school districts, and school boards shall award
410 design-build contracts by the use of a competitive proposal
411 selection process as described in this subsection, or by the use
412 of a qualifications-based selection process pursuant to
413 subsections (3), (4), and (5) for entering into a contract
414 whereby the selected firm will, subsequent to competitive
415 negotiations, establish a guaranteed maximum price and
416 guaranteed completion date. If the procuring agency elects the
417 option of qualifications-based selection, during the selection
418 of the design-build firm the procuring agency shall employ or
419 retain a licensed design professional appropriate to the project
420 to serve as the agency's representative. Procedures for the use
421 of a competitive proposal selection process must include as a
422 minimum the following:

423 1. The preparation of a design criteria package for the
424 design and construction of the public construction project.

425 2. The qualification and selection of no fewer than three
426 design-build firms as the most qualified, based on the
427 qualifications, availability, and past work of the firms,
428 including the partners or members thereof.

429 3. The criteria, procedures, and standards for the
430 evaluation of design-build contract proposals or bids, based on

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431 price, technical, and design aspects of the public construction
432 project, weighted for the project.

433 4. The solicitation of competitive proposals, pursuant to
434 a design criteria package, from those qualified design-build
435 firms and the evaluation of the responses or bids submitted by
436 those firms based on the evaluation criteria and procedures
437 established prior to the solicitation of competitive proposals.

438 5. For consultation with the employed or retained design
439 criteria professional concerning the evaluation of the responses
440 or bids submitted by the design-build firms, the supervision or
441 approval by the agency of the detailed working drawings of the
442 project; and for evaluation of the compliance of the project
443 construction with the design criteria package by the design
444 criteria professional.

445 6. In the case of public emergencies, for the agency head
446 to declare an emergency and authorize negotiations with the best
447 qualified design-build firm available at that time.

448 Section 7. Section 316.0741, Florida Statutes, is amended
449 to read:

450 316.0741 High-occupancy-vehicle ~~High-occupancy-vehicle~~
451 lanes.--

452 (1) As used in this section, the term:

453 (a) "High-occupancy-vehicle ~~High-occupancy-vehicle~~ lane"
454 or "HOV lane" means a lane of a public roadway designated for
455 use by vehicles in which there is more than one occupant unless
456 otherwise authorized by federal law.

457 (b) "Hybrid vehicle" means a motor vehicle:

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458 1. That draws propulsion energy from onboard sources of
459 stored energy which are both an internal combustion or heat
460 engine using combustible fuel and a rechargeable energy-storage
461 system; and

462 2. That, in the case of a passenger automobile or light
463 truck, has received a certificate of conformity under the Clean
464 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
465 equivalent qualifying California standards for a low-emission
466 vehicle.

467 (2) The number of persons that must be in a vehicle to
468 qualify for legal use of the HOV lane and the hours during which
469 the lane will serve as an HOV lane, if it is not designated as
470 such on a full-time basis, must also be indicated on a traffic
471 control device.

472 (3) Except as provided in subsection (4), a vehicle may
473 not be driven in an HOV lane if the vehicle is occupied by fewer
474 than the number of occupants indicated by a traffic control
475 device. A driver who violates this section shall be cited for a
476 moving violation, punishable as provided in chapter 318.

477 (4) (a) Notwithstanding any other provision of this
478 section, an inherently low-emission vehicle (ILEV) that is
479 certified and labeled in accordance with federal regulations may
480 be driven in an HOV lane at any time, regardless of its
481 occupancy. In addition, upon the state's receipt of written
482 notice from the proper federal regulatory agency authorizing
483 such use, a vehicle defined as a hybrid vehicle under this
484 section may be driven in an HOV lane at any time, regardless of
485 its occupancy.

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486 (b) All eligible hybrid and all eligible other low-
487 emission and energy-efficient vehicles driven in an HOV lane
488 must comply with the minimum fuel economy standards in 23 U.S.C.
489 s. 166(f)(3)(B).

490 (c) Upon issuance of the applicable Environmental
491 Protection Agency final rule pursuant to 23 U.S.C. s. 166(e),
492 relating to the eligibility of hybrid and other low-emission and
493 energy-efficient vehicles for operation in an HOV lane
494 regardless of occupancy, the Department of Transportation shall
495 review the rule and recommend to the Legislature any statutory
496 changes necessary for compliance with the federal rule. The
497 department shall provide its recommendations no later than 30
498 days following issuance of the final rule.

499 (5) The department shall issue a decal and registration
500 certificate, to be renewed annually, reflecting the HOV lane
501 designation on ~~such~~ vehicles meeting the criteria in subsection
502 (4) authorizing driving in an HOV lane at any time ~~such~~ use. The
503 department may charge a fee for a decal, not to exceed the costs
504 of designing, producing, and distributing each decal, or \$5,
505 whichever is less. The proceeds from sale of the decals shall be
506 deposited in the Highway Safety Operating Trust Fund. The
507 department may, for reasons of operation and management of HOV
508 facilities, limit or discontinue issuance of decals for the use
509 of HOV facilities by hybrid and low-emission and energy-
510 efficient vehicles, regardless of occupancy, if it has been
511 determined by the Department of Transportation that the
512 facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

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513 (6) Vehicles having decals by virtue of compliance with
514 the minimum fuel economy standards under 23 U.S.C. s.
515 166(f) (3) (B), and which are registered for use in high-occupancy
516 toll lanes or express lanes in accordance with Department of
517 Transportation rule, shall be allowed to use any HOV lanes
518 redesignated as high-occupancy toll lanes or express lanes
519 without payment of a toll.

520 ~~(5) As used in this section, the term "hybrid vehicle"~~
521 ~~means a motor vehicle:~~

522 ~~(a) That draws propulsion energy from onboard sources of~~
523 ~~stored energy which are both:~~

524 ~~1. An internal combustion or heat engine using combustible~~
525 ~~fuel; and~~

526 ~~2. A rechargeable energy storage system; and~~

527 ~~(b) That, in the case of a passenger automobile or light~~
528 ~~truck:~~

529 ~~1. Has received a certificate of conformity under the~~
530 ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

531 ~~2. Meets or exceeds the equivalent qualifying California~~
532 ~~standards for a low emission vehicle.~~

533 (7)~~(6)~~ The department may adopt rules necessary to
534 administer this section.

535 Section 8. Subsection (4) of section 316.193, Florida
536 Statutes, is amended to read:

537 316.193 Driving under the influence; penalties.--

538 (4) (a) Any person who is convicted of a violation of
539 subsection (1) and who has a blood-alcohol level or breath-
540 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is

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541 convicted of a violation of subsection (1) and who at the time
542 of the offense was accompanied in the vehicle by a person under
543 the age of 18 years, shall be punished:

544 ~~1.(a)~~ By a fine of:

545 ~~a.1-~~ Not less than \$500 or more than \$1,000 for a first
546 conviction.

547 ~~b.2-~~ Not less than \$1,000 or more than \$2,000 for a second
548 conviction.

549 ~~c.3-~~ Not less than \$2,000 for a third or subsequent
550 conviction.

551 ~~2.(b)~~ By imprisonment for:

552 ~~a.1-~~ Not more than 9 months for a first conviction.

553 ~~b.2-~~ Not more than 12 months for a second conviction.

554 (b) For the purposes of this subsection, only the instant
555 offense is required to be a violation of subsection (1) by a
556 person who has a blood-alcohol level or breath-alcohol level of
557 0.15 ~~0.20~~ or higher.

558 (c) In addition to the penalties in subparagraphs (a)1.
559 and 2. ~~paragraphs (a) and (b)~~, the court shall order the
560 mandatory placement, at the convicted person's sole expense, of
561 an ignition interlock device approved by the department in
562 accordance with s. 316.1938 upon all vehicles that are
563 individually or jointly leased or owned and routinely operated
564 by the convicted person for not less than ~~up to~~ 6 continuous
565 months for the first offense and for not less than ~~at least~~ 2
566 continuous years for a second offense, when the convicted person
567 qualifies for a permanent or restricted license. ~~The~~
568 ~~installation of such device may not occur before July 1, 2003.~~

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569 Section 9. Effective October 1, 2008, paragraph (b) of
570 subsection (1) and subsections (6) and (8) of section 316.302,
571 Florida Statutes, are amended to read:

572 316.302 Commercial motor vehicles; safety regulations;
573 transporters and shippers of hazardous materials; enforcement.--

574 (1)

575 (b) Except as otherwise provided in this section, all
576 owners or drivers of commercial motor vehicles that are engaged
577 in intrastate commerce are subject to the rules and regulations
578 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
579 exception of 49 C.F.R. s. 390.5 as it relates to the definition
580 of bus, as such rules and regulations existed on October 1, 2007
581 2005.

582 (6) The state Department of Transportation shall perform
583 the duties that are assigned to the Field Administrator, Federal
584 Motor Carrier Safety Administration ~~Regional Federal Highway~~
585 ~~Administrator~~ under the federal rules, and an agent of that
586 department, as described in s. 316.545(9), may enforce those
587 rules.

588 (8) For the purpose of enforcing this section, any law
589 enforcement officer of the Department of Transportation or duly
590 appointed agent who holds a current safety inspector
591 certification from the Commercial Vehicle Safety Alliance may
592 require the driver of any commercial vehicle operated on the
593 highways of this state to stop and submit to an inspection of
594 the vehicle or the driver's records. If the vehicle or driver is
595 found to be operating in an unsafe condition, or if any required
596 part or equipment is not present or is not in proper repair or

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597 adjustment, and the continued operation would present an unduly
598 hazardous operating condition, the officer may require the
599 vehicle or the driver to be removed from service pursuant to the
600 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
601 corrected. However, if continuous operation would not present an
602 unduly hazardous operating condition, the officer may give
603 written notice requiring correction of the condition within 14
604 days.

605 (a) Any member of the Florida Highway Patrol or any law
606 enforcement officer employed by a sheriff's office or municipal
607 police department authorized to enforce the traffic laws of this
608 state pursuant to s. 316.640 who has reason to believe that a
609 vehicle or driver is operating in an unsafe condition may, as
610 provided in subsection (10), enforce the provisions of this
611 section.

612 (b) Any person who fails to comply with an officer's
613 request to submit to an inspection under this subsection commits
614 a violation of s. 843.02 if the person resists the officer
615 without violence or a violation of s. 843.01 if the person
616 resists the officer with violence.

617 Section 10. Subsection (2) of section 316.613, Florida
618 Statutes, is amended to read:

619 316.613 Child restraint requirements.--

620 (2) As used in this section, the term "motor vehicle"
621 means a motor vehicle as defined in s. 316.003 which ~~that~~ is
622 operated on the roadways, streets, and highways of the state.
623 The term does not include:

624 (a) A school bus as defined in s. 316.003(45).

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625 (b) A bus used for the transportation of persons for
626 compensation, other than a bus regularly used to transport
627 children to or from school, as defined in s. 316.615(1) (b), or
628 in conjunction with school activities.

629 (c) A farm tractor or implement of husbandry.

630 (d) A truck having a gross vehicle weight rating of more
631 than 26,000 ~~of net weight of more than 5,000~~ pounds.

632 (e) A motorcycle, moped, or bicycle.

633 Section 11. Paragraph (a) of subsection (3) of section
634 316.614, Florida Statutes, is amended to read:

635 316.614 Safety belt usage.--

636 (3) As used in this section:

637 (a) "Motor vehicle" means a motor vehicle as defined in s.
638 316.003 which ~~that~~ is operated on the roadways, streets, and
639 highways of this state. The term does not include:

640 1. A school bus.

641 2. A bus used for the transportation of persons for
642 compensation.

643 3. A farm tractor or implement of husbandry.

644 4. A truck having a gross vehicle weight rating of more
645 than 26,000 ~~of a net weight of more than 5,000~~ pounds.

646 5. A motorcycle, moped, or bicycle.

647 Section 12. Paragraph (a) of subsection (2) of section
648 316.656, Florida Statutes, is amended to read:

649 316.656 Mandatory adjudication; prohibition against
650 accepting plea to lesser included offense.--

651 (2) (a) No trial judge may accept a plea of guilty to a
652 lesser offense from a person charged under the provisions of

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653 | this act who has been given a breath or blood test to determine
654 | blood or breath alcohol content, the results of which show a
655 | blood or breath alcohol content by weight of 0.15 ~~0.20~~ percent
656 | or more.

657 | Section 13. Section 322.64, Florida Statutes, is amended
658 | to read:

659 | 322.64 Holder of commercial driver's license; persons
660 | operating a commercial motor vehicle; driving with unlawful
661 | blood-alcohol level; refusal to submit to breath, urine, or
662 | blood test.--

663 | (1) (a) A law enforcement officer or correctional officer
664 | shall, on behalf of the department, disqualify from operating
665 | any commercial motor vehicle a person who while operating or in
666 | actual physical control of a commercial motor vehicle is
667 | arrested for a violation of s. 316.193, relating to unlawful
668 | blood-alcohol level or breath-alcohol level, or a person who has
669 | refused to submit to a breath, urine, or blood test authorized
670 | by s. 322.63 arising out of the operation or actual physical
671 | control of a commercial motor vehicle. A law enforcement officer
672 | or correctional officer shall, on behalf of the department,
673 | disqualify the holder of a commercial driver's license from
674 | operating any commercial motor vehicle if the licenseholder,
675 | while operating or in actual physical control of a motor
676 | vehicle, is arrested for a violation of s. 316.193, relating to
677 | unlawful blood-alcohol level or breath-alcohol level, or refused
678 | to submit to a breath, urine, or blood test authorized by s.
679 | 322.63. Upon disqualification of the person, the officer shall
680 | take the person's driver's license and issue the person a 10-day

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681 temporary permit for the operation of noncommercial vehicles
682 only if the person is otherwise eligible for the driving
683 privilege and shall issue the person a notice of
684 disqualification. If the person has been given a blood, breath,
685 or urine test, the results of which are not available to the
686 officer at the time of the arrest, the agency employing the
687 officer shall transmit such results to the department within 5
688 days after receipt of the results. If the department then
689 determines that the person ~~was arrested for a violation of s.~~
690 ~~316.193 and that the person~~ had a blood-alcohol level or breath-
691 alcohol level of 0.08 or higher, the department shall disqualify
692 the person from operating a commercial motor vehicle pursuant to
693 subsection (3).

694 (b) The disqualification under paragraph (a) shall be
695 pursuant to, and the notice of disqualification shall inform the
696 driver of, the following:

697 1.a. The driver refused to submit to a lawful breath,
698 blood, or urine test and he or she is disqualified from
699 operating a commercial motor vehicle for a period of 1 year, for
700 a first refusal, or permanently, if he or she has previously
701 been disqualified as a result of a refusal to submit to such a
702 test; or

703 b. The driver was driving or in actual physical control of
704 a commercial motor vehicle, or any motor vehicle if the driver
705 holds a commercial driver's license, had an unlawful blood-
706 alcohol level or breath-alcohol level of 0.08 or higher, and his
707 or her driving privilege shall be disqualified for a period of 1
708 year for a first offense or permanently disqualified if his or

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709 her driving privilege has been previously disqualified under
710 this section. ~~violated s. 316.193 by driving with an unlawful~~
711 ~~blood alcohol level and he or she is disqualified from operating~~
712 ~~a commercial motor vehicle for a period of 6 months for a first~~
713 ~~offense or for a period of 1 year if he or she has previously~~
714 ~~been disqualified, or his or her driving privilege has been~~
715 ~~previously suspended, for a violation of s. 316.193.~~

716 2. The disqualification period for operating commercial
717 vehicles shall commence on the date of ~~arrest or~~ issuance of the
718 notice of disqualification, ~~whichever is later.~~

719 3. The driver may request a formal or informal review of
720 the disqualification by the department within 10 days after the
721 date of ~~arrest or~~ issuance of the notice of disqualification,
722 ~~whichever is later.~~

723 4. The temporary permit issued at the time of ~~arrest or~~
724 disqualification expires ~~will expire~~ at midnight of the 10th day
725 following the date of disqualification.

726 5. The driver may submit to the department any materials
727 relevant to the disqualification ~~arrest.~~

728 (2) Except as provided in paragraph (1)(a), the law
729 enforcement officer shall forward to the department, within 5
730 days after the date of the ~~arrest or the~~ issuance of the notice
731 of disqualification, ~~whichever is later,~~ a copy of the notice of
732 disqualification, the driver's license of the person
733 disqualified ~~arrested,~~ and ~~a report of the arrest, including, if~~
734 ~~applicable,~~ an affidavit stating the officer's grounds for
735 belief that the person disqualified ~~arrested~~ was operating or in
736 actual physical control of a commercial motor vehicle, or holds

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737 a commercial driver's license, and had an unlawful blood-alcohol
738 or breath-alcohol level in violation of s. 316.193; the results
739 of any breath or blood or urine test or an affidavit stating
740 that a breath, blood, or urine test was requested by a law
741 enforcement officer or correctional officer and that the person
742 arrested refused to submit; a copy of the notice of
743 disqualification citation issued to the person ~~arrested~~;
744 and the officer's description of the person's field sobriety test, if
745 any. The failure of the officer to submit materials within the
746 5-day period specified in this subsection or subsection (1) does
747 ~~shall~~ not affect the department's ability to consider any
748 evidence submitted at or prior to the hearing. The officer may
749 also submit a copy of a videotape of the field sobriety test or
750 the attempt to administer such test and a copy of the crash
751 report, if any.

752 (3) If the department determines that the person arrested
753 should be disqualified from operating a commercial motor vehicle
754 pursuant to this section and if the notice of disqualification
755 has not already been served upon the person by a law enforcement
756 officer or correctional officer as provided in subsection (1),
757 the department shall issue a notice of disqualification and,
758 unless the notice is mailed pursuant to s. 322.251, a temporary
759 permit which expires 10 days after the date of issuance if the
760 driver is otherwise eligible.

761 (4) If the person disqualified ~~arrested~~ requests an
762 informal review pursuant to subparagraph (1)(b)3., the
763 department shall conduct the informal review by a hearing
764 officer employed by the department. Such informal review hearing

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765 shall consist solely of an examination by the department of the
766 materials submitted by a law enforcement officer or correctional
767 officer and by the person disqualified ~~arrested~~, and the
768 presence of an officer or witness is not required.

769 (5) After completion of the informal review, notice of the
770 department's decision sustaining, amending, or invalidating the
771 disqualification must be provided to the person. Such notice
772 must be mailed to the person at the last known address shown on
773 the department's records, and to the address provided in the law
774 enforcement officer's report if such address differs from the
775 address of record, within 21 days after the expiration of the
776 temporary permit issued pursuant to subsection (1) or subsection
777 (3).

778 (6) (a) If the person disqualified ~~arrested~~ requests a
779 formal review, the department must schedule a hearing to be held
780 within 30 days after such request is received by the department
781 and must notify the person of the date, time, and place of the
782 hearing.

783 (b) Such formal review hearing shall be held before a
784 hearing officer employed by the department, and the hearing
785 officer shall be authorized to administer oaths, examine
786 witnesses and take testimony, receive relevant evidence, issue
787 subpoenas for the officers and witnesses identified in documents
788 as provided in subsection (2), regulate the course and conduct
789 of the hearing, and make a ruling on the disqualification. The
790 department and the person disqualified ~~arrested~~ may subpoena
791 witnesses, and the party requesting the presence of a witness
792 shall be responsible for the payment of any witness fees. If the

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793 person who requests a formal review hearing fails to appear and
794 the hearing officer finds such failure to be without just cause,
795 the right to a formal hearing is waived ~~and the department shall~~
796 ~~conduct an informal review of the disqualification under~~
797 ~~subsection (4).~~

798 (c) A party may seek enforcement of a subpoena under
799 paragraph (b) by filing a petition for enforcement in the
800 circuit court of the judicial circuit in which the person
801 failing to comply with the subpoena resides. A failure to comply
802 with an order of the court shall result in a finding of contempt
803 of court. However, a person shall not be in contempt while a
804 subpoena is being challenged.

805 (d) The department must, within 7 days after a formal
806 review hearing, send notice to the person of the hearing
807 officer's decision as to whether sufficient cause exists to
808 sustain, amend, or invalidate the disqualification.

809 (7) In a formal review hearing under subsection (6) or an
810 informal review hearing under subsection (4), the hearing
811 officer shall determine by a preponderance of the evidence
812 whether sufficient cause exists to sustain, amend, or invalidate
813 the disqualification. The scope of the review shall be limited
814 to the following issues:

815 (a) If the person was disqualified from operating a
816 commercial motor vehicle for driving with an unlawful blood-
817 alcohol level ~~in violation of s. 316.193:~~

818 1. Whether the arresting law enforcement officer had
819 probable cause to believe that the person was driving or in
820 actual physical control of a commercial motor vehicle, or any

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821 motor vehicle if the driver holds a commercial driver's license,
822 in this state while he or she had any alcohol, chemical
823 substances, or controlled substances in his or her body.

824 ~~2. Whether the person was placed under lawful arrest for a~~
825 ~~violation of s. 316.193.~~

826 ~~2.3. Whether the person had an unlawful blood-alcohol~~
827 ~~level or breath-alcohol level of 0.08 or higher as provided in~~
828 ~~s. 316.193.~~

829 (b) If the person was disqualified from operating a
830 commercial motor vehicle for refusal to submit to a breath,
831 blood, or urine test:

832 1. Whether the law enforcement officer had probable cause
833 to believe that the person was driving or in actual physical
834 control of a commercial motor vehicle, or any motor vehicle if
835 the driver holds a commercial driver's license, in this state
836 while he or she had any alcohol, chemical substances, or
837 controlled substances in his or her body.

838 2. Whether the person refused to submit to the test after
839 being requested to do so by a law enforcement officer or
840 correctional officer.

841 3. Whether the person was told that if he or she refused
842 to submit to such test he or she would be disqualified from
843 operating a commercial motor vehicle for a period of 1 year or,
844 in the case of a second refusal, permanently.

845 (8) Based on the determination of the hearing officer
846 pursuant to subsection (7) for both informal hearings under
847 subsection (4) and formal hearings under subsection (6), the
848 department shall:

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849 (a) Sustain the disqualification for a period of 1 year
850 for a first refusal, or permanently if such person has been
851 previously disqualified from operating a commercial motor
852 vehicle as a result of a refusal to submit to such tests. The
853 disqualification period commences on the date of the arrest or
854 issuance of the notice of disqualification, whichever is later.

855 (b) Sustain the disqualification:

856 1. For a period of 1 year if the person was driving or in
857 actual physical control of a commercial motor vehicle, or any
858 motor vehicle if the driver holds a commercial driver's license,
859 and had an unlawful blood-alcohol level or breath-alcohol level
860 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
861 for a period of 1 year

862 2. Permanently if the person has been previously
863 disqualified from operating a commercial motor vehicle or his or
864 her driving privilege has been previously suspended for driving
865 or being in actual physical control of a commercial motor
866 vehicle, or any motor vehicle if the driver holds a commercial
867 driver's license, and had an unlawful blood-alcohol level or
868 breath-alcohol level of 0.08 or higher as a result of a
869 violation of s. 316.193.

870
871 The disqualification period commences on the date of the arrest
872 or issuance of the notice of disqualification, ~~whichever is~~
873 ~~later.~~

874 (9) A request for a formal review hearing or an informal
875 review hearing shall not stay the disqualification. If the
876 department fails to schedule the formal review hearing to be

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877 held within 30 days after receipt of the request therefor, the
878 department shall invalidate the disqualification. If the
879 scheduled hearing is continued at the department's initiative,
880 the department shall issue a temporary driving permit limited to
881 noncommercial vehicles which is ~~shall be~~ valid until the hearing
882 is conducted if the person is otherwise eligible for the driving
883 privilege. Such permit shall not be issued to a person who
884 sought and obtained a continuance of the hearing. The permit
885 issued under this subsection shall authorize driving for
886 business purposes ~~or employment use~~ only.

887 (10) A person who is disqualified from operating a
888 commercial motor vehicle under subsection (1) or subsection (3)
889 is eligible for issuance of a license for business or employment
890 purposes only under s. 322.271 if the person is otherwise
891 eligible for the driving privilege. However, such business or
892 employment purposes license shall not authorize the driver to
893 operate a commercial motor vehicle.

894 (11) The formal review hearing may be conducted upon a
895 review of the reports of a law enforcement officer or a
896 correctional officer, including documents relating to the
897 administration of a breath test or blood test or the refusal to
898 take either test. However, as provided in subsection (6), the
899 driver may subpoena the officer or any person who administered
900 or analyzed a breath or blood test.

901 (12) The formal review hearing and the informal review
902 hearing are exempt from the provisions of chapter 120. The
903 department is authorized to adopt rules for the conduct of
904 reviews under this section.

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905 (13) A person may appeal any decision of the department
906 sustaining the disqualification from operating a commercial
907 motor vehicle by a petition for writ of certiorari to the
908 circuit court in the county wherein such person resides or
909 wherein a formal or informal review was conducted pursuant to s.
910 322.31. However, an appeal shall not stay the disqualification.
911 This subsection shall not be construed to provide for a de novo
912 appeal.

913 (14) The decision of the department under this section
914 shall not be considered in any trial for a violation of s.
915 316.193, s. 322.61, or s. 322.62, nor shall any written
916 statement submitted by a person in his or her request for
917 departmental review under this section be admissible into
918 evidence against him or her in any such trial. The disposition
919 of any related criminal proceedings shall not affect a
920 disqualification imposed pursuant to this section.

921 (15) This section does not preclude the suspension of the
922 driving privilege pursuant to s. 322.2615. The driving privilege
923 of a person who has been disqualified from operating a
924 commercial motor vehicle also may be suspended for a violation
925 of s. 316.193.

926 Section 14. Notwithstanding any law to the contrary, a
927 county, municipality, or special district may not own or operate
928 an asphalt plant or a portable or stationary concrete batch
929 plant having an independent mixer; however, this prohibition
930 does not apply to any county that owns or is under contract to
931 purchase an asphalt plant as of April 15, 2008, and that
932 furnishes its plant-generated asphalt solely for use by local

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933 governments or company's under contract with local governments
934 for projects within the boundaries of such county. Sale of plant
935 generated asphalt to private entities or local governments
936 outside the boundaries of such county is prohibited.

937 Section 15. Paragraph (g) of subsection (5) of section
938 337.0261, Florida Statutes, is amended to read:

939 337.0261 Construction aggregate materials.--

940 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

941 (g) The task force shall be dissolved on June 30, 2009
942 July 1, 2008.

943 Section 16. Paragraph (a) of subsection (7) of section
944 337.11, Florida Statutes, is amended to read:

945 337.11 Contracting authority of department; bids;
946 emergency repairs, supplemental agreements, and change orders;
947 combined design and construction contracts; progress payments;
948 records; requirements of vehicle registration.--

949 (7) (a) If the head of the department determines that it is
950 in the best interests of the public, the department may combine
951 the design and construction phases of a building, a major
952 bridge, a limited access facility, or a rail corridor project
953 into a single contract. Such contract is referred to as a
954 design-build contract. The department's goal shall be to procure
955 up to 25 percent of the construction contracts that add capacity
956 in the 5-year adopted work program as design-build contracts by
957 July 1, 2013. Design-build contracts may be advertised and
958 awarded notwithstanding the requirements of paragraph (3) (c).
959 However, construction activities may not begin on any portion of
960 such projects for which the department has not yet obtained

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961 title to the necessary rights-of-way and easements for the
962 construction of that portion of the project has vested in the
963 state or a local governmental entity and all railroad crossing
964 and utility agreements have been executed. Title to rights-of-
965 way shall be deemed to have vested in the state when the title
966 has been dedicated to the public or acquired by prescription.

967 Section 17. Subsection (7) of section 337.14, Florida
968 Statutes, is amended to read:

969 337.14 Application for qualification; certificate of
970 qualification; restrictions; request for hearing.--

971 (7) No "contractor" as defined in s. 337.165(1)(d) or his
972 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
973 the department under this section may also qualify under s.
974 287.055 or s. 337.105 to provide testing services, construction,
975 engineering, and inspection services to the department. This
976 limitation shall not apply to any design-build prequalification
977 under s. 337.11(8)~~(7)~~.

978 Section 18. Paragraph (a) of subsection (2) of section
979 337.16, Florida Statutes, is amended to read:

980 337.16 Disqualification of delinquent contractors from
981 bidding; determination of contractor nonresponsibility; denial,
982 suspension, and revocation of certificates of qualification;
983 grounds; hearing.--

984 (2) For reasons other than delinquency in progress, the
985 department, for good cause, may determine any contractor not
986 having a certificate of qualification nonresponsibile for a
987 specified period of time or may deny, suspend, or revoke any
988 certificate of qualification. Good cause includes, but is not

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989 limited to, circumstances in which a contractor or the
990 contractor's official representative:

991 (a) Makes or submits to the department false, deceptive,
992 or fraudulent statements or materials in any bid proposal to the
993 department, any application for a certificate of qualification,
994 any certification of payment pursuant to s. 337.11(11)~~(10)~~, or
995 any administrative or judicial proceeding;

996 Section 19. Paragraph (b) of subsection (1) of section
997 337.18 is amended to read:

998 337.18 Surety bonds for construction or maintenance
999 contracts; requirement with respect to contract award; bond
1000 requirements; defaults; damage assessments.--

1001 (1)

1002 (b) Prior to beginning any work under the contract, the
1003 contractor shall maintain a copy of the payment and performance
1004 bond required under this section at its principal place of
1005 business and at the jobsite office, if one is established, and
1006 the contractor shall provide a copy of the payment and
1007 performance bond within 5 days after receipt of any written
1008 request therefor. A copy of the payment and performance bond
1009 required under this section may also be obtained directly from
1010 the department via a request made pursuant to chapter 119. ~~Upon~~
1011 execution of the contract, and prior to beginning any work under
1012 the contract, the contractor shall record in the public records
1013 of the county where the improvement is located the payment and
1014 performance bond required under this section. A claimant shall
1015 have a right of action against the contractor and surety for the
1016 amount due him or her, including unpaid finance charges due

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1017 under the claimant's contract. Such action shall not involve the
1018 department in any expense.

1019 Section 20. Subsections (1), (2), and (7) of section
1020 337.185, Florida Statutes, are amended to read:

1021 337.185 State Arbitration Board.--

1022 (1) To facilitate the prompt settlement of claims for
1023 additional compensation arising out of construction and
1024 maintenance contracts between the department and the various
1025 contractors with whom it transacts business, the Legislature
1026 does hereby establish the State Arbitration Board, referred to
1027 in this section as the "board." For the purpose of this section,
1028 "claim" shall mean the aggregate of all outstanding claims by a
1029 party arising out of a construction or maintenance contract.
1030 Every contractual claim in an amount up to \$250,000 per contract
1031 or, at the claimant's option, up to \$500,000 per contract or,
1032 upon agreement of the parties, up to \$1 million per contract
1033 that cannot be resolved by negotiation between the department
1034 and the contractor shall be arbitrated by the board after
1035 acceptance of the project by the department. As an exception,
1036 either party to the dispute may request that the claim be
1037 submitted to binding private arbitration. A court of law may not
1038 consider the settlement of such a claim until the process
1039 established by this section has been exhausted.

1040 (2) The board shall be composed of three members. One
1041 member shall be appointed by the head of the department, and one
1042 member shall be elected by those construction or maintenance
1043 companies who are under contract with the department. The third
1044 member shall be chosen by agreement of the other two members.

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1045 Whenever the third member has a conflict of interest regarding
1046 affiliation with one of the parties, the other two members shall
1047 select an alternate member for that hearing. The head of the
1048 department may select an alternative or substitute to serve as
1049 the department member for any hearing or term. Each member shall
1050 serve a 2-year term. The board shall elect a chair, each term,
1051 who shall be the administrator of the board and custodian of its
1052 records.

1053 (7) The members of the board may receive compensation for
1054 the performance of their duties hereunder, from administrative
1055 fees received by the board, except that no employee of the
1056 department may receive compensation from the board. The
1057 compensation amount shall be determined by the board, but shall
1058 not exceed \$125 per hour, up to a maximum of \$1,000 per day for
1059 each member authorized to receive compensation. Nothing in this
1060 section shall prevent the member elected by construction or
1061 maintenance companies from being an employee of an association
1062 affiliated with the industry, even if the sole responsibility of
1063 that member is service on the board. Travel expenses for the
1064 industry member may be paid by an industry association, if
1065 necessary. The board may allocate funds annually for clerical
1066 and other administrative services.

1067 Section 21. Subsection (1) of section 337.403, Florida
1068 Statutes, is amended to read:

1069 337.403 Relocation of utility; expenses.--

1070 (1) Any utility heretofore or hereafter placed upon,
1071 under, over, or along any public road or publicly owned rail
1072 corridor that is found by the authority to be unreasonably

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1073 interfering in any way with the convenient, safe, or continuous
1074 use, or the maintenance, improvement, extension, or expansion,
1075 of such public road or publicly owned rail corridor shall, upon
1076 30 days' written notice to the utility or its agent by the
1077 authority, be removed or relocated by such utility at its own
1078 expense except as provided in paragraphs (a)-(f) ~~(a), (b), and~~
1079 ~~(e)~~.

1080 (a) If the relocation of utility facilities, as referred
1081 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
1082 627 of the 84th Congress, is necessitated by the construction of
1083 a project on the federal-aid interstate system, including
1084 extensions thereof within urban areas, and the cost of such
1085 project is eligible and approved for reimbursement by the
1086 Federal Government to the extent of 90 percent or more under the
1087 Federal Aid Highway Act, or any amendment thereof, then in that
1088 event the utility owning or operating such facilities shall
1089 relocate such facilities upon order of the department, and the
1090 state shall pay the entire expense properly attributable to such
1091 relocation after deducting therefrom any increase in the value
1092 of the new facility and any salvage value derived from the old
1093 facility.

1094 (b) When a joint agreement between the department and the
1095 utility is executed for utility improvement, relocation, or
1096 removal work to be accomplished as part of a contract for
1097 construction of a transportation facility, the department may
1098 participate in those utility improvement, relocation, or removal
1099 costs that exceed the department's official estimate of the cost
1100 of such work by more than 10 percent. The amount of such

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1101 participation shall be limited to the difference between the
1102 official estimate of all the work in the joint agreement plus 10
1103 percent and the amount awarded for this work in the construction
1104 contract for such work. The department may not participate in
1105 any utility improvement, relocation, or removal costs that occur
1106 as a result of changes or additions during the course of the
1107 contract.

1108 (c) When an agreement between the department and utility
1109 is executed for utility improvement, relocation, or removal work
1110 to be accomplished in advance of a contract for construction of
1111 a transportation facility, the department may participate in the
1112 cost of clearing and grubbing necessary to perform such work.

1113 (d) If the utility facility being removed or relocated was
1114 initially installed to exclusively serve the department, its
1115 tenants, or both the department and its tenants, the department
1116 shall bear the costs of removal or relocation of that utility
1117 facility. The department shall not be responsible, however, for
1118 bearing the cost of removal or relocation of any subsequent
1119 additions to that facility for the purpose of serving others.

1120 (e) If, pursuant to an agreement between a utility and the
1121 authority entered into after the effective date of this
1122 subsection, the utility conveys, subordinates, or relinquishes a
1123 compensable property right to the authority for the purpose of
1124 accommodating the acquisition or use of the right-of-way by the
1125 authority, without the agreement expressly addressing future
1126 responsibility for cost of removal or relocation of the utility,
1127 then the authority shall bear the cost of such removal or
1128 relocation. Nothing in this paragraph is intended to impair or

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1129 restrict, or be used to interpret, the terms of any such
1130 agreement entered into prior to the effective date of this
1131 paragraph.

1132 (f) If the utility is an electric facility being relocated
1133 underground in order to enhance vehicular, bicycle, and
1134 pedestrian safety and in which ownership of the electric
1135 facility to be placed underground has been transferred from a
1136 private to a public utility within the past 5 years, the
1137 department shall incur all costs of the relocation.

1138 Section 22. Subsections (4) and (5) of section 337.408,
1139 Florida Statutes, are amended, subsection (7) is renumbered as
1140 subsection (8), and a new subsection (7) is added to that
1141 section, to read:

1142 337.408 Regulation of benches, transit shelters, street
1143 light poles, waste disposal receptacles, and modular news racks
1144 within rights-of-way.--

1145 (4) The department has the authority to direct the
1146 immediate relocation or removal of any bench, transit shelter,
1147 waste disposal receptacle, public pay telephone, or modular news
1148 rack which endangers life or property, except that transit bus
1149 benches which have been placed in service prior to April 1,
1150 1992, are not required to comply with bench size and advertising
1151 display size requirements which have been established by the
1152 department prior to March 1, 1992. Any transit bus bench that
1153 was in service prior to April 1, 1992, may be replaced with a
1154 bus bench of the same size or smaller, if the bench is damaged
1155 or destroyed or otherwise becomes unusable. The department is
1156 authorized to adopt rules relating to the regulation of bench

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1157 size and advertising display size requirements. If a
1158 municipality or county within which a bench is to be located has
1159 adopted an ordinance or other applicable regulation that
1160 establishes bench size or advertising display sign requirements
1161 different from requirements specified in department rule, the
1162 local government requirement shall be applicable within the
1163 respective municipality or county. Placement of any bench or
1164 advertising display on the National Highway System under a local
1165 ordinance or regulation adopted pursuant to this subsection
1166 shall be subject to approval of the Federal Highway
1167 Administration.

1168 (5) No bench, transit shelter, waste disposal receptacle,
1169 public pay telephone, or modular news rack, or advertising
1170 thereon, shall be erected or so placed on the right-of-way of
1171 any road which conflicts with the requirements of federal law,
1172 regulations, or safety standards, thereby causing the state or
1173 any political subdivision the loss of federal funds. Competition
1174 among persons seeking to provide bench, transit shelter, waste
1175 disposal receptacle, or modular news rack services or
1176 advertising on such benches, shelters, receptacles, or news
1177 racks may be regulated, restricted, or denied by the appropriate
1178 local government entity consistent with the provisions of this
1179 section.

1180 (7) Public pay telephones, including advertising displayed
1181 thereon, may be installed within the right-of-way limits of any
1182 municipal, county, or state road, except on a limited access
1183 highway, provided that such pay telephones are installed by a
1184 provider duly authorized and regulated by the Public Service

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1185 Commission pursuant to s. 364.3375, that such pay telephones are
1186 operated in accordance with all applicable state and federal
1187 telecommunications regulations, and that written authorization
1188 has been given to a public pay telephone provider by the
1189 appropriate municipal or county government. Each advertisement
1190 shall be limited to a size no greater than 8 square feet and no
1191 public pay telephone booth shall display more than 3 such
1192 advertisements at any given time. No advertisements shall be
1193 allowed on public pay telephones located in rest areas, welcome
1194 centers, and other such facilities located on an interstate
1195 highway.

1196 Section 23. Subsection (6) is added to section 338.01,
1197 Florida Statutes, to read:

1198 338.01 Authority to establish and regulate limited access
1199 facilities.--

1200 (6) All new limited access facilities and existing
1201 transportation facilities on which new or replacement electronic
1202 toll collection systems are installed shall be interoperable
1203 with the department's electronic toll collection system.

1204 Section 24. Present subsections (7) and (8) of section
1205 338.165, Florida Statutes, are redesignated as subsections (8)
1206 and (9), respectively, and a new subsection (7) is added to that
1207 section, to read:

1208 338.165 Continuation of tolls.--

1209 (7) This section does not apply to high-occupancy toll
1210 lanes or express lanes.

1211 Section 25. Section 338.166, Florida Statutes, is created
1212 to read:

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1213 338.166 High-occupancy toll lanes or express lanes.--

1214 (1) Under s. 11, Art. VII of the State Constitution, the
1215 department may request the Division of Bond Finance to issue
1216 bonds secured by toll revenues collected on high-occupancy toll
1217 lanes or express lanes located on Interstate 95 in Miami-Dade
1218 and Broward Counties.

1219 (2) The department may continue to collect the toll on the
1220 high-occupancy toll lanes or express lanes after the discharge
1221 of any bond indebtedness related to such project. All tolls so
1222 collected shall first be used to pay the annual cost of the
1223 operation, maintenance, and improvement of the high-occupancy
1224 toll lanes or express lanes project or associated transportation
1225 system.

1226 (3) Any remaining toll revenue from the high-occupancy
1227 toll lanes or express lanes shall be used by the department for
1228 the construction, maintenance, or improvement of any road on the
1229 State Highway System.

1230 (4) The department is authorized to implement variable
1231 rate tolls on high-occupancy toll lanes or express lanes.

1232 (5) Except for high-occupancy toll lanes or express lanes,
1233 tolls may not be charged for use of an interstate highway where
1234 tolls were not charged as of July 1, 1997.

1235 (6) This section does not apply to the turnpike system as
1236 defined under the Florida Turnpike Enterprise Law.

1237 Section 26. Paragraphs (d) and (e) are added to subsection
1238 (1) of section 338.2216, Florida Statutes, to read:

1239 338.2216 Florida Turnpike Enterprise; powers and
1240 authority.--

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(1)

(d) The Florida Turnpike Enterprise is directed to pursue and implement new technologies and processes in its operations and collection of tolls and the collection of other amounts associated with road and infrastructure usage. Such technologies and processes shall include, without limitation, video billing and variable pricing.

(e)1. The Florida Turnpike Enterprise shall not under any circumstances contract with any vendor for the retail sale of fuel along the Florida Turnpike if such contract is negotiated or bid together with any other contract, including, but not limited to, the retail sale of food, maintenance services, or construction, with the exception that any contract for the retail sale of fuel along the Florida Turnpike shall be bid and contracted together with the retail sale of food at any convenience store attached to the fuel station.

2. All contracts related to service plazas, including, but not limited to, the sale of fuel, the retail sale of food, maintenance services, or construction, except for services provided as defined in s. 287.055(2)(a), awarded by the Florida Turnpike Enterprise shall be procured through individual competitive solicitations and awarded to the most cost-effective responder. This paragraph does not prohibit the award of more than one individual contract to a single vendor if he or she submits the most cost-effective response.

Section 27. Paragraph (b) of subsection (1) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.--

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1269 (1)
1270 (b) Any proposed turnpike project or improvement shall be
1271 developed in accordance with the Florida Transportation Plan and
1272 the work program pursuant to s. 339.135. Turnpike projects that
1273 add capacity, alter access, affect feeder roads, or affect the
1274 operation of the local transportation system shall be included
1275 in the transportation improvement plan of the affected
1276 metropolitan planning organization. If such turnpike project
1277 does not fall within the jurisdiction of a metropolitan planning
1278 organization, the department shall notify the affected county
1279 and provide for public hearings in accordance with s.
1280 339.155 (5) ~~(6)~~ (c).

1281 Section 28. Section 338.231, Florida Statutes, is amended
1282 to read:

1283 338.231 Turnpike tolls, fixing; pledge of tolls and other
1284 revenues.--The department shall at all times fix, adjust,
1285 charge, and collect such tolls and amounts for the use of the
1286 turnpike system as are required in order to provide a fund
1287 sufficient with other revenues of the turnpike system to pay the
1288 cost of maintaining, improving, repairing, and operating such
1289 turnpike system; to pay the principal of and interest on all
1290 bonds issued to finance or refinance any portion of the turnpike
1291 system as the same become due and payable; and to create
1292 reserves for all such purposes.

1293 ~~(1) In the process of effectuating toll rate increases~~
1294 ~~over the period 1988 through 1992, the department shall, to the~~
1295 ~~maximum extent feasible, equalize the toll structure, within~~
1296 ~~each vehicle classification, so that the per mile toll rate will~~

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1297 ~~be approximately the same throughout the turnpike system. New~~
1298 ~~turnpike projects may have toll rates higher than the uniform~~
1299 ~~system rate where such higher toll rates are necessary to~~
1300 ~~qualify the project in accordance with the financial criteria in~~
1301 ~~the turnpike law. Such higher rates may be reduced to the~~
1302 ~~uniform system rate when the project is generating sufficient~~
1303 ~~revenues to pay the full amount of debt service and operating~~
1304 ~~and maintenance costs at the uniform system rate. If, after 15~~
1305 ~~years of opening to traffic, the annual revenue of a turnpike~~
1306 ~~project does not meet or exceed the annual debt service~~
1307 ~~requirements and operating and maintenance costs attributable to~~
1308 ~~such project, the department shall, to the maximum extent~~
1309 ~~feasible, establish a toll rate for the project which is higher~~
1310 ~~than the uniform system rate as necessary to meet such annual~~
1311 ~~debt service requirements and operating and maintenance costs.~~
1312 ~~The department may, to the extent feasible, establish a~~
1313 ~~temporary toll rate at less than the uniform system rate for the~~
1314 ~~purpose of building patronage for the ultimate benefit of the~~
1315 ~~turnpike system. In no case shall the temporary rate be~~
1316 ~~established for more than 1 year. The requirements of this~~
1317 ~~subsection shall not apply when the application of such~~
1318 ~~requirements would violate any covenant established in a~~
1319 ~~resolution or trust indenture relating to the issuance of~~
1320 ~~turnpike bonds.~~

1321 (1)~~(2)~~ Notwithstanding any other provision of law, the
1322 department may defer the scheduled July 1, 1993, toll rate
1323 increase on the Homestead Extension of the Florida Turnpike
1324 until July 1, 1995. The department may also advance funds to the

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1325 Turnpike General Reserve Trust Fund to replace estimated lost
1326 revenues resulting from this deferral. The amount advanced must
1327 be repaid within 12 years from the date of advance; however, the
1328 repayment is subordinate to all other debt financing of the
1329 turnpike system outstanding at the time repayment is due.

1330 ~~(2)(3)~~ The department shall publish a proposed change in
1331 the toll rate for the use of an existing toll facility, in the
1332 manner provided for in s. 120.54, which will provide for public
1333 notice and the opportunity for a public hearing before the
1334 adoption of the proposed rate change. When the department is
1335 evaluating a proposed turnpike toll project under s. 338.223 and
1336 has determined that there is a high probability that the project
1337 will pass the test of economic feasibility predicated on
1338 proposed toll rates, the toll rate that is proposed to be
1339 charged after the project is constructed must be adopted during
1340 the planning and project development phase of the project, in
1341 the manner provided for in s. 120.54, including public notice
1342 and the opportunity for a public hearing. For such a new
1343 project, the toll rate becomes effective upon the opening of the
1344 project to traffic.

1345 ~~(3)(a)(4)~~ For the period July 1, 1998, through June 30,
1346 2017, the department shall, to the maximum extent feasible,
1347 program sufficient funds in the tentative work program such that
1348 the percentage of turnpike toll and bond financed commitments in
1349 Dade County, Broward County, and Palm Beach County as compared
1350 to total turnpike toll and bond financed commitments shall be at
1351 least 90 percent of the share of net toll collections
1352 attributable to users of the turnpike system in Dade County,

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1353 Broward County, and Palm Beach County as compared to total net
1354 toll collections attributable to users of the turnpike system.
1355 The requirements of this subsection do not apply when the
1356 application of such requirements would violate any covenant
1357 established in a resolution or trust indenture relating to the
1358 issuance of turnpike bonds. The department at any time for
1359 economic considerations may establish lower temporary toll rates
1360 for a new or existing toll facility for a period not to exceed 1
1361 year, after which the toll rates promulgated under s. 120.54
1362 shall become effective.

1363 (b) The department shall also fix, adjust, charge, and
1364 collect such amounts needed to cover the costs of administering
1365 the different toll collection and payment methods and types of
1366 accounts being offered and utilized, in the manner provided for
1367 in s. 120.54, which will provide for public notice and the
1368 opportunity for a public hearing before adoption. Such amounts
1369 may stand alone, or be incorporated in a toll rate structure, or
1370 be a combination thereof.

1371 (4)-(5) When bonds are outstanding which have been issued
1372 to finance or refinance any turnpike project, the tolls and all
1373 other revenues derived from the turnpike system and pledged to
1374 such bonds shall be set aside as may be provided in the
1375 resolution authorizing the issuance of such bonds or the trust
1376 agreement securing the same. The tolls or other revenues or
1377 other moneys so pledged and thereafter received by the
1378 department are immediately subject to the lien of such pledge
1379 without any physical delivery thereof or further act. The lien
1380 of any such pledge is valid and binding as against all parties

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1381 having claims of any kind in tort or contract or otherwise
1382 against the department irrespective of whether such parties have
1383 notice thereof. Neither the resolution nor any trust agreement
1384 by which a pledge is created need be filed or recorded except in
1385 the records of the department.

1386 (5)~~(6)~~ In each fiscal year while any of the bonds of the
1387 Broward County Expressway Authority series 1984 and series 1986-
1388 A remain outstanding, the department is authorized to pledge
1389 revenues from the turnpike system to the payment of principal
1390 and interest of such series of bonds and the operation and
1391 maintenance expenses of the Sawgrass Expressway, to the extent
1392 gross toll revenues of the Sawgrass Expressway are insufficient
1393 to make such payments. The terms of an agreement relative to the
1394 pledge of turnpike system revenue will be negotiated with the
1395 parties of the 1984 and 1986 Broward County Expressway Authority
1396 lease-purchase agreements, and subject to the covenants of those
1397 agreements. The agreement shall establish that the Sawgrass
1398 Expressway shall be subject to the planning, management, and
1399 operating control of the department limited only by the terms of
1400 the lease-purchase agreements. The department shall provide for
1401 the payment of operation and maintenance expenses of the
1402 Sawgrass Expressway until such agreement is in effect. This
1403 pledge of turnpike system revenues shall be subordinate to the
1404 debt service requirements of any future issue of turnpike bonds,
1405 the payment of turnpike system operation and maintenance
1406 expenses, and subject to provisions of any subsequent resolution
1407 or trust indenture relating to the issuance of such turnpike
1408 bonds.

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1409 ~~(6)~~(7) The use and disposition of revenues pledged to
1410 bonds are subject to the provisions of ss. 338.22-338.241 and
1411 such regulations as the resolution authorizing the issuance of
1412 such bonds or such trust agreement may provide.

1413 Section 29. Subsection (4) of section 339.12, Florida
1414 Statutes, is amended to read:

1415 339.12 Aid and contributions by governmental entities for
1416 department projects; federal aid.--

1417 (4) (a) Prior to accepting the contribution of road bond
1418 proceeds, time warrants, or cash for which reimbursement is
1419 sought, the department shall enter into agreements with the
1420 governing body of the governmental entity for the project or
1421 project phases in accordance with specifications agreed upon
1422 between the department and the governing body of the
1423 governmental entity. The department in no instance is to receive
1424 from such governmental entity an amount in excess of the actual
1425 cost of the project or project phase. By specific provision in
1426 the written agreement between the department and the governing
1427 body of the governmental entity, the department may agree to
1428 reimburse the governmental entity for the actual amount of the
1429 bond proceeds, time warrants, or cash used on a highway project
1430 or project phases that are not revenue producing and are
1431 contained in the department's adopted work program, or any
1432 public transportation project contained in the adopted work
1433 program. Subject to appropriation of funds by the Legislature,
1434 the department may commit state funds for reimbursement of such
1435 projects or project phases. Reimbursement to the governmental
1436 entity for such a project or project phase must be made from

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1437 funds appropriated by the Legislature, and reimbursement for the
1438 cost of the project or project phase is to begin in the year the
1439 project or project phase is scheduled in the work program as of
1440 the date of the agreement. Funds advanced pursuant to this
1441 section, which were originally designated for transportation
1442 purposes and so reimbursed to a county or municipality, shall be
1443 used by the county or municipality for any transportation
1444 expenditure authorized under s. 336.025(7). Also, cities and
1445 counties may receive funds from persons, and reimburse those
1446 persons, for the purposes of this section. Such persons may
1447 include, but are not limited to, those persons defined in s.
1448 607.01401(19).

1449 (b) Prior to entering an agreement to advance a project or
1450 project phase pursuant to this subsection and subsection (5),
1451 the department shall first update the estimated cost of the
1452 project or project phase and certify that the estimate is
1453 accurate and consistent with the amount estimated in the adopted
1454 work program. If the original estimate and the updated estimate
1455 vary, the department shall amend the adopted work program
1456 according to the amendatory procedures for the work program set
1457 forth in s. 339.135(7). The amendment shall reflect all
1458 corresponding increases and decreases to the affected projects
1459 within the adopted work program.

1460 (c) The department may enter into agreements under this
1461 subsection for a project or project phase not included in the
1462 adopted work program. As used in this paragraph, the term
1463 "project phase" means acquisition of rights-of-way,
1464 construction, construction inspection, and related support

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1465 phases. The project or project phase must be a high priority of
1466 the governmental entity. Reimbursement for a project or project
1467 phase must be made from funds appropriated by the Legislature
1468 pursuant to s. 339.135(5). All other provisions of this
1469 subsection apply to agreements entered into under this
1470 paragraph. The total amount of project agreements for projects
1471 or project phases not included in the adopted work program
1472 authorized by this paragraph may not at any time exceed \$250
1473 ~~\$100~~ million. However, notwithstanding such \$250 ~~\$100~~ million
1474 limit and any similar limit in s. 334.30, project advances for
1475 any inland county with a population greater than 500,000
1476 dedicating amounts equal to \$500 million or more of its Local
1477 Government Infrastructure Surtax pursuant to s. 212.055(2) for
1478 improvements to the State Highway System which are included in
1479 the local metropolitan planning organization's or the
1480 department's long-range transportation plans shall be excluded
1481 from the calculation of the statewide limit of project advances.

1482 (d) The department may enter into agreements under this
1483 subsection with any county that has a population of 150,000 or
1484 less as determined by the most recent official estimate pursuant
1485 to s. 186.901 for a project or project phase not included in the
1486 adopted work program. As used in this paragraph, the term
1487 "project phase" means acquisition of rights-of-way,
1488 construction, construction inspection, and related support
1489 phases. The project or project phase must be a high priority of
1490 the governmental entity. Reimbursement for a project or project
1491 phase must be made from funds appropriated by the Legislature
1492 pursuant to s. 339.135(5). All other provisions of this

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1493 subsection apply to agreements entered into under this
1494 paragraph. The total amount of project agreements for projects
1495 or project phases not included in the adopted work program
1496 authorized by this paragraph may not at any time exceed \$200
1497 million. The project must be included in the local government's
1498 adopted comprehensive plan. The department is authorized to
1499 enter into long-term repayment agreements of up to 30 years.

1500 Section 30. Paragraph (d) of subsection (7) of section
1501 339.135, Florida Statutes, is amended to read:

1502 339.135 Work program; legislative budget request;
1503 definitions; preparation, adoption, execution, and amendment.--

1504 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1505 (d)1. Whenever the department proposes any amendment to
1506 the adopted work program, as defined in subparagraph (c)1. or
1507 subparagraph (c)3., which deletes or defers a construction phase
1508 on a capacity project, it shall notify each county affected by
1509 the amendment and each municipality within the county. The
1510 notification shall be issued in writing to the chief elected
1511 official of each affected county, each municipality within the
1512 county, and the chair of each affected metropolitan planning
1513 organization. Each affected county and each municipality in the
1514 county, is encouraged to coordinate with each other to determine
1515 how the amendment effects local concurrency management and
1516 regional transportation planning efforts. Each affected county,
1517 and each municipality within the county, shall have 14 days to
1518 provide written comments to the department regarding how the
1519 amendment will effect its respective concurrency management
1520 systems, including whether any development permits were issued

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1521 contingent upon the capacity improvement, if applicable. After
1522 receipt of written comments from the affected local governments,
1523 the department shall include any written comments submitted by
1524 such local governments in its preparation of the proposed
1525 amendment.

1526 2. Following the 14-day comment period in subparagraph 1.,
1527 if applicable, whenever the department proposes any amendment to
1528 the adopted work program, which amendment is defined in
1529 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
1530 subparagraph (c)4., it shall submit the proposed amendment to
1531 the Governor for approval and shall immediately notify the
1532 chairs of the legislative appropriations committees, the chairs
1533 of the legislative transportation committees, and each member of
1534 the Legislature who represents a district affected by the
1535 proposed amendment. It shall also notify each metropolitan
1536 planning organization affected by the proposed amendment, and
1537 each unit of local government affected by the proposed
1538 amendment, unless it provided to each the notification required
1539 by subparagraph 1. Such proposed amendment shall provide a
1540 complete justification of the need for the proposed amendment.

1541 ~~3.2-~~ The Governor shall not approve a proposed amendment
1542 until 14 days following the notification required in
1543 subparagraph 2. ~~1-~~

1544 ~~4.3-~~ If either of the chairs of the legislative
1545 appropriations committees or the President of the Senate or the
1546 Speaker of the House of Representatives objects in writing to a
1547 proposed amendment within 14 days following notification and

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1548 specifies the reasons for such objection, the Governor shall
1549 disapprove the proposed amendment.

1550 Section 31. Section 339.155, Florida Statutes, is amended
1551 to read:

1552 339.155 Transportation planning.--

1553 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall
1554 develop ~~and annually update~~ a statewide transportation plan, to
1555 be known as the Florida Transportation Plan. The plan shall be
1556 designed so as to be easily read and understood by the general
1557 public. The purpose of the Florida Transportation Plan is to
1558 establish and define the state's long-range transportation goals
1559 and objectives to be accomplished over a period of at least 20
1560 years within the context of the State Comprehensive Plan, and
1561 any other statutory mandates and authorizations and based upon
1562 the prevailing principles of: preserving the existing
1563 transportation infrastructure; enhancing Florida's economic
1564 competitiveness; and improving travel choices to ensure
1565 mobility. The Florida Transportation Plan shall consider the
1566 needs of the entire state transportation system and examine the
1567 use of all modes of transportation to effectively and
1568 efficiently meet such needs.

1569 (2) SCOPE OF PLANNING PROCESS.--The department shall carry
1570 out a transportation planning process in conformance with s.
1571 334.046(1). ~~which provides for consideration of projects and~~
1572 ~~strategies that will:~~

1573 ~~(a) Support the economic vitality of the United States,~~
1574 ~~Florida, and the metropolitan areas, especially by enabling~~
1575 ~~global competitiveness, productivity, and efficiency,~~

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1576 ~~(b) Increase the safety and security of the transportation~~
1577 ~~system for motorized and nonmotorized users;~~

1578 ~~(c) Increase the accessibility and mobility options~~
1579 ~~available to people and for freight;~~

1580 ~~(d) Protect and enhance the environment, promote energy~~
1581 ~~conservation, and improve quality of life;~~

1582 ~~(e) Enhance the integration and connectivity of the~~
1583 ~~transportation system, across and between modes throughout~~
1584 ~~Florida, for people and freight;~~

1585 ~~(f) Promote efficient system management and operation; and~~

1586 ~~(g) Emphasize the preservation of the existing~~
1587 ~~transportation system.~~

1588 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
1589 Transportation Plan shall be a unified, concise planning
1590 document that clearly defines the state's long-range
1591 transportation goals and objectives ~~and documents the~~
1592 ~~department's short range objectives developed to further such~~
1593 ~~goals and objectives.~~ The plan shall:

1594 (a) Include a glossary that clearly and succinctly defines
1595 any and all phrases, words, or terms of art included in the
1596 plan, with which the general public may be unfamiliar, ~~and shall~~
1597 ~~consist of, at a minimum, the following components:~~

1598 (b) ~~(a) Document A long range component documenting the~~
1599 ~~goals and long-term objectives necessary to implement the~~
1600 ~~results of the department's findings from its examination of the~~
1601 ~~prevailing principles and criteria provided under listed in~~
1602 ~~subsection (2) and s. 334.046(1). The long range component must~~

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1603 (c) Be developed in cooperation with the metropolitan
1604 planning organizations and reconciled, to the maximum extent
1605 feasible, with the long-range plans developed by metropolitan
1606 planning organizations pursuant to s. 339.175. ~~The plan must~~
1607 ~~also~~

1608 (d) Be developed in consultation with affected local
1609 officials in nonmetropolitan areas and with any affected Indian
1610 tribal governments. ~~The plan must~~

1611 (e) Provide an examination of transportation issues likely
1612 to arise during at least a 20-year period. ~~The long-range~~
1613 ~~component shall~~

1614 (f) Be updated at least once every 5 years, or more often
1615 as necessary, to reflect substantive changes to federal or state
1616 law.

1617 ~~(b) A short range component documenting the short term~~
1618 ~~objectives and strategies necessary to implement the goals and~~
1619 ~~long term objectives contained in the long range component. The~~
1620 ~~short range component must define the relationship between the~~
1621 ~~long range goals and the short range objectives, specify those~~
1622 ~~objectives against which the department's achievement of such~~
1623 ~~goals will be measured, and identify transportation strategies~~
1624 ~~necessary to efficiently achieve the goals and objectives in the~~
1625 ~~plan. It must provide a policy framework within which the~~
1626 ~~department's legislative budget request, the strategic~~
1627 ~~information resource management plan, and the work program are~~
1628 ~~developed. The short range component shall serve as the~~
1629 ~~department's annual agency strategic plan pursuant to s.~~
1630 ~~186.021. The short range component shall be developed consistent~~

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1631 ~~with available and forecasted state and federal funds. The~~
1632 ~~short range component shall also be submitted to the Florida~~
1633 ~~Transportation Commission.~~

1634 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
1635 ~~develop an annual performance report evaluating the operation of~~
1636 ~~the department for the preceding fiscal year. The report shall~~
1637 ~~also include a summary of the financial operations of the~~
1638 ~~department and shall annually evaluate how well the adopted work~~
1639 ~~program meets the short term objectives contained in the short~~
1640 ~~range component of the Florida Transportation Plan. This~~
1641 ~~performance report shall be submitted to the Florida~~
1642 ~~Transportation Commission and the legislative appropriations and~~
1643 ~~transportation committees.~~

1644 ~~(4)~~(5) ADDITIONAL TRANSPORTATION PLANS.--

1645 (a) Upon request by local governmental entities, the
1646 department may in its discretion develop and design
1647 transportation corridors, arterial and collector streets,
1648 vehicular parking areas, and other support facilities which are
1649 consistent with the plans of the department for major
1650 transportation facilities. The department may render to local
1651 governmental entities or their planning agencies such technical
1652 assistance and services as are necessary so that local plans and
1653 facilities are coordinated with the plans and facilities of the
1654 department.

1655 (b) Each regional planning council, as provided for in s.
1656 186.504, or any successor agency thereto, shall develop, as an
1657 element of its strategic regional policy plan, transportation
1658 goals and policies. The transportation goals and policies must

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1659 be prioritized to comply with the prevailing principles provided
1660 in subsection (2) and s. 334.046(1). The transportation goals
1661 and policies shall be consistent, to the maximum extent
1662 feasible, with the goals and policies of the metropolitan
1663 planning organization and the Florida Transportation Plan. The
1664 transportation goals and policies of the regional planning
1665 council will be advisory only and shall be submitted to the
1666 department and any affected metropolitan planning organization
1667 for their consideration and comments. Metropolitan planning
1668 organization plans and other local transportation plans shall be
1669 developed consistent, to the maximum extent feasible, with the
1670 regional transportation goals and policies. The regional
1671 planning council shall review urbanized area transportation
1672 plans and any other planning products stipulated in s. 339.175
1673 and provide the department and respective metropolitan planning
1674 organizations with written recommendations which the department
1675 and the metropolitan planning organizations shall take under
1676 advisement. Further, the regional planning councils shall
1677 directly assist local governments which are not part of a
1678 metropolitan area transportation planning process in the
1679 development of the transportation element of their comprehensive
1680 plans as required by s. 163.3177.

1681 (c) Regional transportation plans may be developed in
1682 regional transportation areas in accordance with an interlocal
1683 agreement entered into pursuant to s. 163.01 by two or more
1684 contiguous metropolitan planning organizations; one or more
1685 metropolitan planning organizations and one or more contiguous
1686 counties, none of which is a member of a metropolitan planning

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1687 organization; a multicounty regional transportation authority
1688 created by or pursuant to law; two or more contiguous counties
1689 that are not members of a metropolitan planning organization; or
1690 metropolitan planning organizations comprised of three or more
1691 counties.

1692 (d) The interlocal agreement must, at a minimum, identify
1693 the entity that will coordinate the development of the regional
1694 transportation plan; delineate the boundaries of the regional
1695 transportation area; provide the duration of the agreement and
1696 specify how the agreement may be terminated, modified, or
1697 rescinded; describe the process by which the regional
1698 transportation plan will be developed; and provide how members
1699 of the entity will resolve disagreements regarding
1700 interpretation of the interlocal agreement or disputes relating
1701 to the development or content of the regional transportation
1702 plan. Such interlocal agreement shall become effective upon its
1703 recordation in the official public records of each county in the
1704 regional transportation area.

1705 (e) The regional transportation plan developed pursuant to
1706 this section must, at a minimum, identify regionally significant
1707 transportation facilities located within a regional
1708 transportation area and contain a prioritized list of regionally
1709 significant projects. The level-of-service standards for
1710 facilities to be funded under this subsection shall be adopted
1711 by the appropriate local government in accordance with s.
1712 163.3180(10). The projects shall be adopted into the capital
1713 improvements schedule of the local government comprehensive plan
1714 pursuant to s. 163.3177(3).

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1715 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
1716 TRANSPORTATION PLANNING.--

1717 (a) During the development of the ~~long range component of~~
1718 ~~the~~ Florida Transportation Plan and prior to substantive
1719 revisions, the department shall provide citizens, affected
1720 public agencies, representatives of transportation agency
1721 employees, other affected employee representatives, private
1722 providers of transportation, and other known interested parties
1723 with an opportunity to comment on the proposed plan or
1724 revisions. These opportunities shall include, at a minimum,
1725 publishing a notice in the Florida Administrative Weekly and
1726 within a newspaper of general circulation within the area of
1727 each department district office.

1728 (b) During development of major transportation
1729 improvements, such as those increasing the capacity of a
1730 facility through the addition of new lanes or providing new
1731 access to a limited or controlled access facility or
1732 construction of a facility in a new location, the department
1733 shall hold one or more hearings prior to the selection of the
1734 facility to be provided; prior to the selection of the site or
1735 corridor of the proposed facility; and prior to the selection of
1736 and commitment to a specific design proposal for the proposed
1737 facility. Such public hearings shall be conducted so as to
1738 provide an opportunity for effective participation by interested
1739 persons in the process of transportation planning and site and
1740 route selection and in the specific location and design of
1741 transportation facilities. The various factors involved in the
1742 decision or decisions and any alternative proposals shall be

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1743 clearly presented so that the persons attending the hearing may
1744 present their views relating to the decision or decisions which
1745 will be made.

1746 (c) Opportunity for design hearings:

1747 1. The department, prior to holding a design hearing,
1748 shall duly notify all affected property owners of record, as
1749 recorded in the property appraiser's office, by mail at least 20
1750 days prior to the date set for the hearing. The affected
1751 property owners shall be:

1752 a. Those whose property lies in whole or in part within
1753 300 feet on either side of the centerline of the proposed
1754 facility.

1755 b. Those whom the department determines will be
1756 substantially affected environmentally, economically, socially,
1757 or safetywise.

1758 2. For each subsequent hearing, the department shall
1759 publish notice prior to the hearing date in a newspaper of
1760 general circulation for the area affected. These notices must be
1761 published twice, with the first notice appearing at least 15
1762 days, but no later than 30 days, before the hearing.

1763 3. A copy of the notice of opportunity for the hearing
1764 must be furnished to the United States Department of
1765 Transportation and to the appropriate departments of the state
1766 government at the time of publication.

1767 4. The opportunity for another hearing shall be afforded
1768 in any case when proposed locations or designs are so changed
1769 from those presented in the notices specified above or at a

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1770 hearing as to have a substantially different social, economic,
1771 or environmental effect.

1772 5. The opportunity for a hearing shall be afforded in each
1773 case in which the department is in doubt as to whether a hearing
1774 is required.

1775 Section 32. Subsection (3) and paragraphs (b) and (c) of
1776 subsection (4) of section 339.2816, Florida Statutes, are
1777 amended to read:

1778 339.2816 Small County Road Assistance Program.--

1779 (3) Beginning with fiscal year 1999-2000 until fiscal year
1780 2009-2010, and beginning again with fiscal year 2012-2013, up to
1781 \$25 million annually from the State Transportation Trust Fund
1782 may be used for the purposes of funding the Small County Road
1783 Assistance Program as described in this section.

1784 (4)

1785 (b) In determining a county's eligibility for assistance
1786 under this program, the department may consider whether the
1787 county has attempted to keep county roads in satisfactory
1788 condition, including the amount of local option fuel tax ~~and ad~~
1789 ~~valorem millage rate~~ imposed by the county. The department may
1790 also consider the extent to which the county has offered to
1791 provide a match of local funds with state funds provided under
1792 the program. At a minimum, small counties shall be eligible only
1793 if+

1794 ~~1-~~ The county has enacted the maximum rate of the local
1795 option fuel tax authorized by s. 336.025(1)(a) ~~.7~~, ~~and has imposed~~
1796 ~~an ad valorem millage rate of at least 8 mills; or~~

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1797 2. ~~The county has imposed an ad valorem millage rate of 10~~
1798 ~~mills.~~

1799 (c) The following criteria shall be used to prioritize
1800 road projects for funding under the program:

1801 1. The primary criterion is the physical condition of the
1802 road as measured by the department.

1803 2. As secondary criteria the department may consider:

1804 a. Whether a road is used as an evacuation route.

1805 b. Whether a road has high levels of agricultural travel.

1806 c. Whether a road is considered a major arterial route.

1807 d. Whether a road is considered a feeder road.

1808 e. Whether a road is located in a fiscally constrained
1809 county, as defined in s. 218.67(1).

1810 ~~f.e.~~ Other criteria related to the impact of a project on
1811 the public road system or on the state or local economy as
1812 determined by the department.

1813 Section 33. Subsections (1) and (3) of section 339.2819,
1814 Florida Statutes, are amended to read:

1815 339.2819 Transportation Regional Incentive Program.--

1816 (1) There is created within the Department of
1817 Transportation a Transportation Regional Incentive Program for
1818 the purpose of providing funds to improve regionally significant
1819 transportation facilities in regional transportation areas
1820 created pursuant to s. 339.155(4) ~~(5)~~.

1821 (3) The department shall allocate funding available for
1822 the Transportation Regional Incentive Program to the districts
1823 based on a factor derived from equal parts of population and

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1824 motor fuel collections for eligible counties in regional
1825 transportation areas created pursuant to s. 339.155~~(4)-(5)~~.

1826 Section 34. Subsection (6) of section 339.285, Florida
1827 Statutes, is amended to read:

1828 339.285 Enhanced Bridge Program for Sustainable
1829 Transportation.--

1830 (6) Preference shall be given to bridge projects located
1831 on corridors that connect to the Strategic Intermodal System,
1832 created under s. 339.64, and that have been identified as
1833 regionally significant in accordance with s. 339.155~~(4)-(5)~~(c),
1834 (d), and (e).

1835 Section 35. Subsections (8) through (14) are added to
1836 section 341.301, Florida Statutes, to read:

1837 341.301 Definitions; ss. 341.302 and 341.303.--As used in
1838 ss. 341.302 and 341.303, the term:

1839 (8) "Commuter rail passenger or passengers" means and
1840 includes any and all persons, ticketed or unticketed, using the
1841 commuter rail service on a department owned rail corridor:

1842 (a) On board trains, locomotives, rail cars, or rail
1843 equipment employed in commuter rail service or entraining and
1844 detraining therefrom;

1845 (b) On or about the rail corridor for any purpose related
1846 to the commuter rail service, including, without limitation,
1847 parking, inquiring about commuter rail service or purchasing
1848 tickets therefor and coming to, waiting for, leaving from, or
1849 observing trains, locomotives, rail cars, or rail equipment; or

1850 (c) Meeting, assisting, or in the company of any person
1851 described in paragraph (a) or paragraph (b).

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1852 (9) "Commuter rail service" means the transportation of
1853 commuter rail passengers and other passengers by rail pursuant
1854 to a rail program provided by the department or any other
1855 governmental entities.

1856 (10) "Rail corridor invitee" means and includes any and
1857 all persons who are on or about a department-owned rail
1858 corridor:

1859 (a) For any purpose related to any ancillary development
1860 thereon; or

1861 (b) Meeting, assisting, or in the company of any person
1862 described in paragraph (a).

1863 (11) "Rail corridor" means a linear contiguous strip of
1864 real property that is used for rail service. The term includes
1865 the corridor and structures essential to the operation of a
1866 railroad, including the land, structures, improvements, rights-
1867 of-way, easements, rail lines, rail beds, guideway structures,
1868 switches, yards, parking facilities, power relays, switching
1869 houses, rail stations, ancillary development, and any other
1870 facilities or equipment used for the purposes of construction,
1871 operation, or maintenance of a railroad that provides rail
1872 service.

1873 (12) "Railroad operations" means the use of the rail
1874 corridor to conduct commuter rail service, intercity rail
1875 passenger service, or freight rail service.

1876 (13) "Ancillary development" includes any lessee or
1877 licensee of the department, including, but not limited to, other
1878 governmental entities, vendors, retailers, restaurateurs, or
1879 contract service providers, within a department-owned rail

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1880 corridor, except for providers of commuter rail service,
1881 intercity rail passenger service, or freight rail service.

1882 (14) "Governmental entity or entities" means as defined in
1883 s. 11.45, including a "public agency" as defined in s. 163.01.

1884 Section 36. Section 341.302, Florida Statutes, is amended
1885 to read:

1886 341.302 Rail program, duties and responsibilities of the
1887 department.--The department, in conjunction with other
1888 governmental entities ~~units~~ and the private sector, shall
1889 develop and implement a rail program of statewide application
1890 designed to ensure the proper maintenance, safety,
1891 revitalization, and expansion of the rail system to assure its
1892 continued and increased availability to respond to statewide
1893 mobility needs. Within the resources provided pursuant to
1894 chapter 216, and as authorized under federal law Title 49 C.F.R.
1895 ~~part 212~~, the department shall:

1896 (1) Provide the overall leadership, coordination, and
1897 financial and technical assistance necessary to assure the
1898 effective responses of the state's rail system to current and
1899 anticipated mobility needs.

1900 (2) Promote and facilitate the implementation of advanced
1901 rail systems, including high-speed rail and magnetic levitation
1902 systems.

1903 (3) Develop and periodically update the rail system plan,
1904 on the basis of an analysis of statewide transportation needs.
1905 The plan shall be consistent with the Florida Transportation
1906 Plan developed pursuant to s. 339.155. The rail system plan
1907 shall include an identification of priorities, programs, and

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1908 funding levels required to meet statewide needs. The rail system
1909 plan shall be developed in a manner that will assure the maximum
1910 use of existing facilities and the optimum integration and
1911 coordination of the various modes of transportation, public and
1912 private, in the most cost-effective manner possible. The rail
1913 system plan shall be updated at least every 2 years and include
1914 plans for both passenger rail service and freight rail service.

1915 (4) As part of the work program of the department,
1916 formulate a specific program of projects and financing to
1917 respond to identified railroad needs.

1918 (5) Provide technical and financial assistance to units of
1919 local government to address identified rail transportation
1920 needs.

1921 (6) Secure and administer federal grants, loans, and
1922 apportionments for rail projects within this state when
1923 necessary to further the statewide program.

1924 (7) Develop and administer state standards concerning the
1925 safety and performance of rail systems, hazardous material
1926 handling, and operations. Such standards shall be developed
1927 jointly with representatives of affected rail systems, with full
1928 consideration given to nationwide industry norms, and shall
1929 define the minimum acceptable standards for safety and
1930 performance.

1931 (8) Conduct, at a minimum, inspections of track and
1932 rolling stock; train signals and related equipment; hazardous
1933 materials transportation, including the loading, unloading, and
1934 labeling of hazardous materials at shippers', receivers', and
1935 transfer points; and train operating practices to determine

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1936 adherence to state and federal standards. Department personnel
1937 may enforce any safety regulation issued under the Federal
1938 Government's preemptive authority over interstate commerce.

1939 (9) Assess penalties, in accordance with the applicable
1940 federal regulations, for the failure to adhere to the state
1941 standards.

1942 (10) Administer rail operating and construction programs,
1943 which programs shall include the regulation of maximum train
1944 operating speeds, the opening and closing of public grade
1945 crossings, the construction and rehabilitation of public grade
1946 crossings, and the installation of traffic control devices at
1947 public grade crossings, the administering of the programs by the
1948 department including participation in the cost of the programs.

1949 (11) Coordinate and facilitate the relocation of railroads
1950 from congested urban areas to nonurban areas when relocation has
1951 been determined feasible and desirable from the standpoint of
1952 safety, operational efficiency, and economics.

1953 (12) Implement a program of branch line continuance
1954 projects when an analysis of the industrial and economic
1955 potential of the line indicates that public involvement is
1956 required to preserve essential rail service and facilities.

1957 (13) Provide new rail service and equipment when:

1958 (a) Pursuant to the transportation planning process, a
1959 public need has been determined to exist;

1960 (b) The cost of providing such service does not exceed the
1961 sum of revenues from fares charged to users, services purchased
1962 by other public agencies, local fund participation, and specific
1963 legislative appropriation for this purpose; and

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1964 (c) Service cannot be reasonably provided by other
1965 governmental or privately owned rail systems.

1966
1967 The department may own, lease, and otherwise encumber
1968 facilities, equipment, and appurtenances thereto, as necessary
1969 to provide new rail services; or the department may provide such
1970 service by contracts with privately owned service providers.

1971 (14) Furnish required emergency rail transportation
1972 service if no other private or public rail transportation
1973 operation is available to supply the required service and such
1974 service is clearly in the best interest of the people in the
1975 communities being served. Such emergency service may be
1976 furnished through contractual arrangement, actual operation of
1977 state-owned equipment and facilities, or any other means
1978 determined appropriate by the secretary.

1979 (15) Assist in the development and implementation of
1980 marketing programs for rail services and of information systems
1981 directed toward assisting rail systems users.

1982 (16) Conduct research into innovative or potentially
1983 effective rail technologies and methods and maintain expertise
1984 in state-of-the-art rail developments.

1985 (17) The department is authorized to purchase the required
1986 right-of-way, improvements, and appurtenances of the A-Line rail
1987 corridor from CSX Transportation, Inc., for a maximum purchase
1988 price of \$436 million, as supported by an appraisal, for the
1989 primary purpose of implementing commuter rail service in what is
1990 commonly identified as the Central Florida Rail Corridor, and
1991 consisting of an approximately 61.5-mile section of the existing

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1992 A-Line rail corridor running from a point at or near Deland,
1993 Florida to a point at or near Poinciana, Florida.

1994 (18) In conjunction with the acquisition, ownership,
1995 construction, operation, maintenance, and management of a rail
1996 corridor, have the authority to:

1997 (a) Assume the obligation by contract to forever protect,
1998 defend, and indemnify and hold harmless the freight rail
1999 operator, or its successors, from whom the department has
2000 acquired a real property interest in the rail corridor, and that
2001 freight rail operator's officers, agents, and employees, from
2002 and against any liability, cost, and expense including, but not
2003 limited to, commuter rail passengers, rail corridor invitees,
2004 and trespassers in the rail corridor, regardless of whether the
2005 loss, damage, destruction, injury, or death giving rise to any
2006 such liability, cost, or expense is caused in whole or in part
2007 and to whatever nature or degree by the fault, failure,
2008 negligence, misconduct, nonfeasance, or misfeasance of such
2009 freight rail operator, its successors, or its officers, agents,
2010 and employees, or any other person or persons whomsoever,
2011 provided that such assumption of liability of the department by
2012 contract shall not in any instance exceed the following
2013 parameters of allocation of risk:

2014 1. The department may be solely responsible for any loss,
2015 injury, or damage to commuter rail passengers, rail corridor
2016 invitees, or trespassers, regardless of circumstances or cause,
2017 subject to subparagraphs 2., 3., and 4.

2018 2. When only one train is involved in an incident, the
2019 department may be solely responsible for any loss, injury, or

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2020 damage if the train is a department train or other train
2021 pursuant to subparagraph 3., but only if in an instance when
2022 only a freight rail operator train is involved the freight rail
2023 operator is solely responsible for any loss, injury, or damage,
2024 except for commuter rail passengers, rail corridor invitees, and
2025 trespassers; and, the freight rail operator is solely
2026 responsible for its property and all of its people in any
2027 instance when its train is involved in an incident.

2028 3. For the purposes of this subsection, any train involved
2029 in an incident that is neither the department's train nor the
2030 freight rail operator's train, hereinafter referred to in this
2031 subsection as an "other train," may be treated as a department
2032 train, solely for purposes of any allocation of liability
2033 between the department and the freight rail operator only, but
2034 only if the department and the freight rail operator share
2035 responsibility equally as to third parties outside the rail
2036 corridor who incur loss, injury, or damage as a result of any
2037 incident involving both a department train and a freight rail
2038 operator train; and, the allocation as between the department
2039 and the freight rail operator, regardless of whether the other
2040 train is treated as a department train, shall remain one-half
2041 each as to third parties outside the rail corridor who incur
2042 loss, injury, or damage as a result of the incident, and the
2043 involvement of any other train shall not alter the sharing of
2044 equal responsibility as to third parties outside the rail
2045 corridor who incur loss, injury, or damage as a result of the
2046 incident.

2047 4. When more than one train is involved in an incident:

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2048 a. If only a department train and a freight rail
2049 operator's train, or only another train as described in
2050 subparagraph 3. and a freight rail operator's train, are
2051 involved in an incident, the department may be responsible for
2052 its property and all of its people, all commuter rail
2053 passengers, rail corridor invitees, and trespassers, but only if
2054 the freight rail operator is responsible for its property and
2055 all of its people; and the department and the freight rail
2056 operator share responsibility one-half each as to third parties
2057 outside the rail corridor who incur loss, injury, or damage as a
2058 result of the incident.

2059 b. If a department train, a freight rail operator train,
2060 and any other train are involved in an incident, the allocation
2061 of liability as between the department and the freight rail
2062 operator, regardless of whether the other train is treated as a
2063 department train, shall remain one-half each as to third parties
2064 outside the rail corridor who incur loss, injury, or damage as a
2065 result of the incident; the involvement of any other train shall
2066 not alter the sharing of equal responsibility as to third
2067 parties outside the rail corridor who incur loss, injury, or
2068 damage as a result of the incident; and, if the owner, operator,
2069 or insurer of the other train makes any payment to injured third
2070 parties outside the rail corridor who incur loss, injury, or
2071 damage as a result of the incident, the allocation of credit
2072 between the department and the freight rail operator as to such
2073 payment shall not in any case reduce the freight rail operator's
2074 third party sharing allocation of one-half under this paragraph
2075 to less than one-third of the total third party liability.

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2076 5. Any such contractual duty to protect, defend,
2077 indemnify, and hold harmless such a freight rail operator shall
2078 expressly: include a specific cap on the amount of the
2079 contractual duty, which amount shall not exceed \$200 million
2080 without prior legislative approval; require the department to
2081 purchase liability insurance and establish a self-insurance
2082 retention fund in the amount of the specific cap established
2083 under this paragraph; provide that no such contractual duty
2084 shall in any case be effective nor otherwise extend the
2085 department's liability in scope and effect beyond the
2086 contractual liability insurance and self-insurance retention
2087 fund required pursuant to this paragraph; and provide that the
2088 freight rail operator's compensation to the department for
2089 future use of the department's rail corridor shall include a
2090 monetary contribution to the cost of such liability coverage for
2091 the sole benefit of the freight rail operator.

2092 (b) Purchase liability insurance which amount shall not
2093 exceed \$200 million and establish a self-insurance retention
2094 fund for the purpose of paying the deductible limit established
2095 in the insurance policies it may obtain, including coverage for
2096 the department, any freight rail operator as described in
2097 paragraph (a), commuter rail service providers, governmental
2098 entities, or ancillary development; however, the insureds shall
2099 pay a reasonable monetary contribution to the cost of such
2100 liability coverage for the sole benefit of the insured. Such
2101 insurance and self-insurance retention fund may provide coverage
2102 for all damages, including, but not limited to, compensatory,
2103 special, and exemplary, and be maintained to provide an adequate

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2104 fund to cover claims and liabilities for loss, injury, or damage
2105 arising out of or connected with the ownership, operation,
2106 maintenance, and management of a rail corridor.

2107 (c) Incur expenses for the purchase of advertisements,
2108 marketing, and promotional items.

2109
2110 Neither the assumption by contract to protect, defend,
2111 indemnify, and hold harmless; the purchase of insurance; nor the
2112 establishment of a self-insurance retention fund shall be deemed
2113 to be a waiver of any defense of sovereign immunity for torts
2114 nor deemed to increase the limits of the department's or the
2115 governmental entity's liability for torts as provided in s.
2116 768.28. The requirements of s. 287.022(1) shall not apply to the
2117 purchase of any insurance hereunder. The provisions of this
2118 subsection shall apply and inure fully as to any other
2119 governmental entity providing commuter rail service and
2120 constructing, operating, maintaining, or managing a rail
2121 corridor on publicly owned right-of-way under contract by the
2122 governmental entity with the department or a governmental entity
2123 designated by the department.

2124 (19)~~(17)~~ Exercise such other functions, powers, and duties
2125 in connection with the rail system plan as are necessary to
2126 develop a safe, efficient, and effective statewide
2127 transportation system.

2128 Section 37. Section 341.3023, Florida Statutes, is created
2129 to read:

2130 341.3023 Commuter rail programs and intercity rail
2131 transportation system study.--

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2132 (1) The department shall undertake a comprehensive review
2133 and study of commuter railroad programs and intercity railroad
2134 transportation system plans and their impacts in the state
2135 through 2028.

2136 (2) The review and study shall encompass and include
2137 information concerning:

2138 (a) Commuter rail programs and intercity rail
2139 transportation system facility and improvement needs and plans,
2140 including those associated with connectivity to such facilities
2141 and improvements, outlined or contained in, without limitation
2142 thereto, the current Florida Transportation Plan developed
2143 pursuant to s. 339.155(1); regional transportation plans
2144 developed pursuant to s. 339.155(5); the Strategic Intermodal
2145 System Plan developed pursuant to s. 339.64; the adopted work
2146 plan developed pursuant to s. 339.135; long-range transportation
2147 plans developed pursuant to s. 339.175(7); transportation
2148 improvement plans of relevant metropolitan planning
2149 organizations developed pursuant to s. 339.175(8); plans,
2150 information, and studies prepared for or by the authorities
2151 created in parts I, II, III, and V of chapter 343; relevant
2152 studies and information previously prepared by the department
2153 and the Transportation Commission; and the transportation and
2154 capital improvement elements of relevant approved local
2155 government comprehensive plans.

2156 (b) A detailed review of funding in the state for commuter
2157 rail programs and intercity rail transportation system
2158 improvements, projects, facilities, equipment, rights-of-way,

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2159 operating costs, and other costs during the previous 20 years
2160 from state, federal, and local government sources.

2161 (c) An assessment of the impacts of commuter rail programs
2162 and intercity rail transportation system improvements, projects,
2163 and facilities that have been undertaken in the state during the
2164 previous 20 years and their impact on the state, regional, and
2165 local transportation system and Florida's economic development.

2166 (d) Proposed commuter rail programs and intercity rail
2167 transportation system improvements, projects, and facilities
2168 throughout the state to be undertaken during the next 20 years,
2169 including, based upon the best available, existing data, a
2170 detailed listing of specific projects with estimates of the
2171 costs of each specific project; projected timelines for such
2172 improvements, projects, and facilities; and the estimated
2173 priority of each such improvement, project, and facility.

2174 (e) A map of those proposed improvements, projects, and
2175 facilities.

2176 (f) A finance plan based upon reasonable projections of
2177 anticipated revenues available to the department and units of
2178 local government, including both 10-year and 20-year cost-
2179 feasible components, for such improvements, projects, and
2180 facilities that demonstrates how or what portion of such
2181 improvements, projects, and facilities can be implemented.

2182 (g) A feasibility study of the best alternatives for
2183 implementing intercity passenger railroad service between the
2184 Tampa Bay region and the greater Orlando area.

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2185 (h) A proposed prioritization process, including
2186 alternatives, for commuter railroad and intercity railroad
2187 improvements, projects, and facilities.

2188 (i) Funding alternatives for commuter rail programs and
2189 intercity rail transportation system improvements, projects, and
2190 facilities including specific resources, both public and
2191 private, that are reasonably expected to be available to
2192 accomplish such improvements, projects, and facilities and any
2193 innovative financing techniques that might be used to fund such
2194 improvements, projects, and facilities.

2195 (3) The report shall also include detailed information and
2196 findings about negative impacts caused by current, or projected
2197 to be caused by proposed, commuter rail programs and intercity
2198 rail transportation system projects or freight railroad traffic
2199 in urban areas of the state. For the purpose of this section,
2200 "negative impacts" means those caused by noise, vibration, and
2201 vehicular traffic congestion and delays occurring at rail and
2202 road intersections. "Urban areas" means those areas within or
2203 adjacent to a municipality generally characterized by high
2204 density development and building patterns, greater concentration
2205 of population, and a high level and concentration of public
2206 services and facilities. The Orlando commuter rail project means
2207 the Central Florida Rail Corridor, a line of railroad between
2208 Deland and Poinciana. The report shall include, without
2209 limitation:

2210 (a) Options and alternatives for eliminating negative
2211 impacts associated with increased freight railroad traffic and
2212 freight railroad congestions within urban areas resulting from

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2213 commuter rail programs or intercity rail transportation system
2214 improvements, projects, and facilities, including specifically
2215 those associated with the Orlando commuter railroad project.

2216 (b) Proposed freight railroad improvements, projects, and
2217 facilities to be undertaken in the next 20 years, including
2218 those associated with the Orlando commuter railroad project, to
2219 eliminate such negative impacts, including, based upon the best
2220 available, existing data, a detailed listing of specific
2221 projects with estimates of the costs of each specific
2222 improvement, project, and facility; projected timelines for such
2223 improvements, projects, and facilities; the estimated priority
2224 of each such improvement, project, and facility; and the
2225 benefits to public safety, economic development, and downtown
2226 development and redevelopment from such improvements, projects,
2227 and facilities.

2228 (c) A map of those proposed improvements, projects, and
2229 facilities.

2230 (d) A finance plan based upon reasonable projections of
2231 anticipated revenues available to the department and units of
2232 local government, including both 10-year and 20-year cost-
2233 feasible components, for such improvements, projects, and
2234 facilities that demonstrates how or what portion of such
2235 improvements, projects, and facilities can be implemented, as it
2236 is the intent of the Legislature and the public policy of the
2237 state that such negative impacts of commuter rail programs, and
2238 intercity rail transportation system projects funded by the
2239 state, including those associated with the Orlando commuter
2240 railroad project, be eliminated not later than 8 years after

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2241 commuter rail programs and intercity rail transportation system
2242 projects begin operation.

2243 (4) The report containing the information required
2244 pursuant to subsections (1), (2), and (3) shall be delivered to
2245 the Governor, the President of the Senate, the Speaker of the
2246 House of Representatives, and the leaders of the minority
2247 parties of the Senate and House of Representatives on or before
2248 January 15, 2009.

2249 Section 38. Part III of chapter 343, Florida Statutes,
2250 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
2251 343.76, and 343.77, is repealed.

2252 Section 39. Subsection (4) of section 348.0003, Florida
2253 Statutes, is amended to read:

2254 348.0003 Expressway authority; formation; membership.--

2255 (4) (a) An authority may employ an executive secretary, an
2256 executive director, its own counsel and legal staff, technical
2257 experts, and such engineers and employees, permanent or
2258 temporary, as it may require and shall determine the
2259 qualifications and fix the compensation of such persons, firms,
2260 or corporations. An authority may employ a fiscal agent or
2261 agents; however, the authority must solicit sealed proposals
2262 from at least three persons, firms, or corporations for the
2263 performance of any services as fiscal agents. An authority may
2264 delegate to one or more of its agents or employees such of its
2265 power as it deems necessary to carry out the purposes of the
2266 Florida Expressway Authority Act, subject always to the
2267 supervision and control of the authority. Members of an

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2268 authority may be removed from office by the Governor for
2269 misconduct, malfeasance, misfeasance, or nonfeasance in office.

2270 (b) Members of an authority are entitled to receive from
2271 the authority their travel and other necessary expenses incurred
2272 in connection with the business of the authority as provided in
2273 s. 112.061, but they may not draw salaries or other
2274 compensation.

2275 (c) Members of each expressway an authority,
2276 transportation authority, bridge authority, or toll authority,
2277 created pursuant to this chapter, chapter 343, or chapter 349,
2278 or pursuant to any other legislative enactment, shall be
2279 required to comply with the applicable financial disclosure
2280 requirements of s. 8, Art. II of the State Constitution. This
2281 subsection does not subject a statutorily created expressway
2282 authority, transportation authority, bridge authority, or toll
2283 authority, other than one created under this part, to any of the
2284 requirements of this part other than those contained in this
2285 subsection.

2286 Section 40. Paragraph (c) is added to subsection (1) of
2287 section 348.0004, Florida Statutes, to read:

2288 348.0004 Purposes and powers.--

2289 (1)

2290 (c) Notwithstanding any other provision of law, expressway
2291 authorities created under parts I-X of chapter 348 may index
2292 toll rates on toll facilities to the annual Consumer Price Index
2293 or similar inflation indicators. Once a toll rate index has been
2294 implemented pursuant to this paragraph, the toll rate index
2295 shall remain in place and may not be revoked. Toll rate index

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2296 for inflation under this subsection must be adopted and approved
2297 by the expressway authority board at a public meeting and may be
2298 made no more frequently than once a year and must be made no
2299 less frequently than once every 5 years as necessary to
2300 accommodate cash toll rate schedules. Toll rates may be
2301 increased beyond these limits as directed by bond documents,
2302 covenants, or governing body authorization or pursuant to
2303 department administrative rule.

2304 Section 41. Subsection (1) of section 479.01, Florida
2305 Statutes, is amended to read:

2306 479.01 Definitions.--As used in this chapter, the term:

2307 (1) "Automatic changeable facing" means a facing that
2308 ~~which through a mechanical system~~ is capable of delivering two
2309 or more advertising messages through an automated or remotely
2310 controlled process ~~and shall not rotate so rapidly as to cause~~
2311 ~~distraction to a motorist.~~

2312 Section 42. Subsections (1), (5), and (9) of section
2313 479.07, Florida Statutes, are amended to read:

2314 479.07 Sign permits.--

2315 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
2316 person may not erect, operate, use, or maintain, or cause to be
2317 erected, operated, used, or maintained, any sign on the State
2318 Highway System outside an urban incorporated area, as defined in
2319 s. 334.03(32), or on any portion of the interstate or federal-
2320 aid primary highway system without first obtaining a permit for
2321 the sign from the department and paying the annual fee as
2322 provided in this section. For purposes of this section, "on any
2323 portion of the State Highway System, interstate, or federal-aid

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2324 primary system" shall mean a sign located within the controlled
2325 area which is visible from any portion of the main-traveled way
2326 of such system.

2327 (5) (a) For each permit issued, the department shall
2328 furnish to the applicant a serially numbered permanent metal
2329 permit tag. The permittee is responsible for maintaining a valid
2330 permit tag on each permitted sign facing at all times. The tag
2331 shall be securely attached to the sign facing or, if there is no
2332 facing, on the pole nearest the highway; and it shall be
2333 attached in such a manner as to be plainly visible from the
2334 main-traveled way. Effective July 1, 2011, the tag shall be
2335 securely attached to the upper 50 percent of the pole nearest
2336 the highway and shall be attached in such a manner as to be
2337 plainly visible from the main-traveled way. The permit will
2338 become void unless the permit tag is properly and permanently
2339 displayed at the permitted site within 30 days after the date of
2340 permit issuance. If the permittee fails to erect a completed
2341 sign on the permitted site within 270 days after the date on
2342 which the permit was issued, the permit will be void, and the
2343 department may not issue a new permit to that permittee for the
2344 same location for 270 days after the date on which the permit
2345 became void.

2346 (b) If a permit tag is lost, stolen, or destroyed, the
2347 permittee to whom the tag was issued may ~~must~~ apply to the
2348 department for a replacement tag. The department shall establish
2349 by rule a service fee for replacement tags in an amount that
2350 will recover the actual cost of providing the replacement tag.
2351 Upon receipt of the application accompanied by the ~~a~~ service fee

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2352 ~~of \$3~~, the department shall issue a replacement permit tag.
2353 Alternatively, the permittee may provide its own replacement tag
2354 pursuant to department specifications which the department shall
2355 establish by rule at the time it establishes the service fee for
2356 replacement tags.

2357 (9) (a) A permit shall not be granted for any sign for
2358 which a permit had not been granted by the effective date of
2359 this act unless such sign is located at least:

2360 1. One thousand five hundred feet from any other permitted
2361 sign on the same side of the highway, if on an interstate
2362 highway.

2363 2. One thousand feet from any other permitted sign on the
2364 same side of the highway, if on a federal-aid primary highway.

2365
2366 The minimum spacing provided in this paragraph does not preclude
2367 the permitting of V-type, back-to-back, side-to-side, stacked,
2368 or double-faced signs at the permitted sign site. If a sign is
2369 visible from the controlled area of more than one highway
2370 subject to the jurisdiction of the department, the sign shall
2371 meet the permitting requirements of, and, if the sign meets the
2372 applicable permitting requirements, be permitted, the highway
2373 with the more stringent permitting requirements.

2374 (b) A permit shall not be granted for a sign pursuant to
2375 this chapter to locate such sign on any portion of the
2376 interstate or federal-aid primary highway system, which sign:

2377 1. Exceeds 50 feet in sign structure height above the
2378 crown of the main-traveled way, if outside an incorporated area;

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2379 2. Exceeds 65 feet in sign structure height above the
2380 crown of the main-traveled way, if inside an incorporated area;
2381 or

2382 3. Exceeds 950 square feet of sign facing including all
2383 embellishments.

2384 (c) Notwithstanding subparagraph (a)1., there is
2385 established a pilot program in Orange, Hillsborough, and Osceola
2386 Counties, and within the boundaries of the City of Miami, under
2387 which the distance between permitted signs on the same side of
2388 an interstate highway may be reduced to 1,000 feet if all other
2389 requirements of this chapter are met and if:

2390 1. The local government has adopted a plan, program,
2391 resolution, ordinance, or other policy encouraging the voluntary
2392 removal of signs in a downtown, historic, redevelopment, infill,
2393 or other designated area which also provides for a new or
2394 replacement sign to be erected on an interstate highway within
2395 that jurisdiction if a sign in the designated area is removed;

2396 2. The sign owner and the local government mutually agree
2397 to the terms of the removal and replacement; and

2398 3. The local government notifies the department of its
2399 intention to allow such removal and replacement as agreed upon
2400 pursuant to subparagraph 2.

2401
2402 The department shall maintain statistics tracking the use of the
2403 provisions of this pilot program based on the notifications
2404 received by the department from local governments under this
2405 paragraph.

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2406 Section 43. Section 479.08, Florida Statutes, is amended
2407 to read:

2408 479.08 Denial or revocation of permit.--The department has
2409 the authority to deny or revoke any permit requested or granted
2410 under this chapter in any case in which it determines that the
2411 application for the permit contains knowingly false or knowingly
2412 misleading information. The department has the authority to
2413 revoke any permit granted under this chapter in any case in
2414 which ~~or that~~ the permittee has violated any of the provisions
2415 of this chapter, unless such permittee, within 30 days after the
2416 receipt of notice by the department, ~~corrects such false or~~
2417 ~~misleading information and~~ complies with the provisions of this
2418 chapter. For the purpose of this section, the notice of
2419 violation issued by the department shall describe in detail the
2420 alleged violation. Any person aggrieved by any action of the
2421 department in denying or revoking a permit under this chapter
2422 may, within 30 days after receipt of the notice, apply to the
2423 department for an administrative hearing pursuant to chapter
2424 120. If a timely request for hearing has been filed and the
2425 department issues a final order revoking a permit, such
2426 revocation shall be effective 30 days after the date of
2427 rendition. Except for department action pursuant to s.
2428 479.107(1), the filing of a timely and proper notice of appeal
2429 shall operate to stay the revocation until the department's
2430 action is upheld.

2431 Section 45. Subsections (1), (3), (4), and (5) of section
2432 479.261, Florida Statutes, are amended to read:

2433 479.261 Logo sign program.--

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2434 (1) The department shall establish a logo sign program for
2435 the rights-of-way of the interstate highway system to provide
2436 information to motorists about available gas, food, lodging, and
2437 camping, attractions, and other services, as approved by the
2438 Federal Highway Administration, at interchanges, through the use
2439 of business logos, and may include additional interchanges under
2440 the program. ~~A logo sign for nearby attractions may be added to~~
2441 ~~this program if allowed by federal rules.~~

2442 (a) An attraction as used in this chapter is defined as an
2443 establishment, site, facility, or landmark that ~~which~~ is open a
2444 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~
2445 ~~an admission for entry;~~ ~~which~~ has as its principal focus family-
2446 oriented entertainment, cultural, educational, recreational,
2447 scientific, or historical activities; and that ~~which~~ is publicly
2448 recognized as a bona fide tourist attraction. ~~However, the~~
2449 ~~permits for businesses seeking to participate in the attractions~~
2450 ~~logo sign program shall be awarded by the department annually to~~
2451 ~~the highest bidders, notwithstanding the limitation on fees in~~
2452 ~~subsection (5), which are qualified for available space at each~~
2453 ~~qualified location, but the fees therefor may not be less than~~
2454 ~~the fees established for logo participants in other logo~~
2455 ~~categories.~~

2456 (b) The department shall incorporate the use of RV-
2457 friendly markers on specific information logo signs for
2458 establishments that cater to the needs of persons driving
2459 recreational vehicles. Establishments that qualify for
2460 participation in the specific information logo program and that
2461 also qualify as "RV-friendly" may request the RV-friendly marker

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2462 on their specific information logo sign. An RV-friendly marker
2463 must consist of a design approved by the Federal Highway
2464 Administration. The department shall adopt rules in accordance
2465 with chapter 120 to administer this paragraph, including rules
2466 setting forth the minimum requirements that establishments must
2467 meet in order to qualify as RV-friendly. These requirements
2468 shall include large parking spaces, entrances, and exits that
2469 can easily accommodate recreational vehicles and facilities
2470 having appropriate overhead clearances, if applicable.

2471 (c) The department may implement a 3-year rotation-based
2472 logo program providing for the removal and addition of
2473 participating businesses in the program.

2474 (3) Logo signs may be installed upon the issuance of an
2475 annual permit by the department or its agent and payment of a ~~an~~
2476 ~~application and~~ permit fee to the department or its agent.

2477 (4) The department may contract pursuant to s. 287.057 for
2478 the provision of services related to the logo sign program,
2479 including recruitment and qualification of businesses, review of
2480 applications, permit issuance, and fabrication, installation,
2481 and maintenance of logo signs. The department may reject all
2482 proposals and seek another request for proposals or otherwise
2483 perform the work. ~~If the department contracts for the provision~~
2484 ~~of services for the logo sign program, the contract must~~
2485 ~~require, unless the business owner declines, that businesses~~
2486 ~~that previously entered into agreements with the department to~~
2487 ~~privately fund logo sign construction and installation be~~
2488 ~~reimbursed by the contractor for the cost of the signs which has~~
2489 ~~not been recovered through a previously agreed upon waiver of~~

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2490 ~~fees.~~ The contract also may allow the contractor to retain a
2491 portion of the annual fees as compensation for its services.

2492 (5) Permit fees for businesses that participate in the
2493 program must be established in an amount sufficient to offset
2494 the total cost to the department for the program, including
2495 contract costs. The department shall provide the services in the
2496 most efficient and cost-effective manner through department
2497 staff or by contracting for some or all of the services. The
2498 department shall adopt rules that set reasonable rates based
2499 upon factors such as population, traffic volume, market demand,
2500 and costs for annual permit fees. However, annual permit fees
2501 for sign locations inside an urban area, as defined in s.
2502 334.03(32), may not exceed \$5,000 and annual permit fees for
2503 sign locations outside an urban area, as defined in s.
2504 334.03(32), may not exceed \$2,500. After recovering program
2505 costs, the proceeds from the logo program shall be deposited
2506 into the State Transportation Trust Fund and used for
2507 transportation purposes. ~~Such annual permit fee shall not exceed~~
2508 \$1,250.

2509 Section 47. Business partnerships; display of names.--

2510 (1) School districts are encouraged to partner with local
2511 businesses for the purposes of mentorship opportunities,
2512 development of employment options and additional funding
2513 sources, and other mutual benefits.

2514 (2) As a pilot program through June 30, 2011, the Palm
2515 Beach County School District may publicly display the names and
2516 recognitions of their business partners on school district
2517 property in unincorporated areas. Examples of appropriate

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2518 business partner recognition include "Project Graduation" and
2519 athletic sponsorships. The district shall make every effort to
2520 display business partner names in a manner that is consistent
2521 with the county standards for uniformity in size, color, and
2522 placement of the signs. Whenever the provisions of this section
2523 are inconsistent with the provisions of the county ordinances or
2524 regulations relating to signs or the provisions of chapter 125,
2525 chapter 166, or chapter 479, Florida Statutes, in the
2526 unincorporated areas, the provisions of this section shall
2527 prevail.

2528 Section 48. Paragraph (d) of subsection (10) of section
2529 768.28, Florida Statutes, is amended to read:

2530 768.28 Waiver of sovereign immunity in tort actions;
2531 recovery limits; limitation on attorney fees; statute of
2532 limitations; exclusions; indemnification; risk management
2533 programs.--

2534 (10)

2535 (d)1. For the purposes of this section, operators,
2536 dispatchers, and providers of security for rail services and
2537 rail facility maintenance providers in any rail corridor owned
2538 by the Department of Transportation ~~the South Florida Rail~~
2539 ~~Corridor~~, or any of their employees or agents, performing such
2540 services under contract with and on behalf of the ~~South Florida~~
2541 ~~Regional Transportation Authority~~ or the Department of
2542 Transportation, or a governmental entity that is under contract
2543 with the Department of Transportation to perform such services
2544 or a governmental entity designated by the Department of
2545 Transportation, shall be considered agents of the state while

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2546 acting within the scope of and pursuant to guidelines
2547 established in said contract or by rule. This subsection shall
2548 not be construed as designating persons providing contracted
2549 operator, dispatcher, security services, rail facility
2550 maintenance, or other services as employees or agents of the
2551 state for the purposes of the Federal Employers Liability Act,
2552 the Federal Railway Labor Act, or chapter 440.

2553 2. The Department of Transportation shall ensure that
2554 operators, dispatchers, and providers of security for rail
2555 services and rail facility maintenance providers in any rail
2556 corridor owned by the Department of Transportation meet
2557 requirements, as applicable to the service provided,
2558 demonstrating that, at a minimum, the provider:

2559 a. Has complete knowledge of railroad specific dispatch
2560 operating rules, physical characteristics of the rail line for
2561 which the provider is responsible, and overall railroad
2562 operations including responsibilities of various departments
2563 within the railroad organization.

2564 b. Has complete knowledge of railroad track maintenance
2565 standards and the Federal Railroad Administration Track Safety
2566 Standards, 49 C.F.R. part 213, and the Railroad Worker
2567 Protection, 49 C.F.R. part 214.

2568 c. Meets the requirements of 49 C.F.R. s. 213.7,
2569 specifying the minimum qualifications and abilities for those
2570 persons to supervise the restoration and renewal of railroad
2571 track and for those persons to inspect such track for compliance
2572 with railroad specific maintenance standards and Federal
2573 Railroad Administration track safety standards.

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2574 d. Has complete knowledge of railroad signal maintenance
2575 standards and Federal Railroad Administration Grade Crossing
2576 Signal System Safety Standards, 49 C.F.R. part 234, and the
2577 Railroad Worker Protection, 49 C.F.R. part 214.

2578 e. Has the ability to read and understand highly complex
2579 wiring diagrams and technical instruction manuals relating to
2580 railroad signals.

2581 f. Understands rail corridor operating and safety rules.

2582 g. Has the ability to develop and comply with Federal
2583 Transit Administration Management plans.

2584 h. Has the ability to develop and comply with Federal
2585 Railroad Administration Safety and Security Program plans.

2586 Section 49. The Department of Transportation, in
2587 consultation with the Department of Law Enforcement, the
2588 Division of Emergency Management of the Department of Community
2589 Affairs, and the Office of Tourism, Trade, and Economic
2590 Development, and metropolitan planning organizations and
2591 regional planning councils within whose jurisdictional area the
2592 I-95 corridor lies, shall complete a study of transportation
2593 alternatives for the travel corridor parallel to Interstate 95
2594 which takes into account the transportation, emergency
2595 management, homeland security, and economic development needs of
2596 the state. The report must include identification of cost-
2597 effective measures that may be implemented to alleviate
2598 congestion on Interstate 95, facilitate emergency and security
2599 responses, and foster economic development. The Department of
2600 Transportation shall send the report to the Governor, the
2601 President of the Senate, the Speaker of the House of

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2602 Representatives, and each affected metropolitan planning
2603 organization by June 30, 2009.

2604 Section 50. Notwithstanding any provision of chapter 74-
2605 400, Laws of Florida, public funds may be used for the
2606 alteration of Old Cutler Road, between Southwest 136th Street
2607 and Southwest 184th Street, in the Village of Palmetto Bay.

2608 (1) The alteration may include the installation of
2609 sidewalks, curbing, and landscaping to enhance pedestrian access
2610 to the road.

2611 (2) The official approval of the project by the Department
2612 of State must be obtained before any alteration is started.

2613 Section 51. For the purpose of incorporating the amendment
2614 made by this act to section 316.193, Florida Statutes, in a
2615 reference thereto, paragraph (a) of subsection (3) of section
2616 316.066, Florida Statutes, is reenacted to read:

2617 316.066 Written reports of crashes.--

2618 (3) (a) Every law enforcement officer who in the regular
2619 course of duty investigates a motor vehicle crash:

2620 1. Which crash resulted in death or personal injury shall,
2621 within 10 days after completing the investigation, forward a
2622 written report of the crash to the department or traffic records
2623 center.

2624 2. Which crash involved a violation of s. 316.061(1) or s.
2625 316.193 shall, within 10 days after completing the
2626 investigation, forward a written report of the crash to the
2627 department or traffic records center.

2628 3. In which crash a vehicle was rendered inoperative to a
2629 degree which required a wrecker to remove it from traffic may,
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2630 within 10 days after completing the investigation, forward a
2631 written report of the crash to the department or traffic records
2632 center if such action is appropriate, in the officer's
2633 discretion.

2634 Section 52. For the purpose of incorporating the amendment
2635 made by this act to section 316.193, Florida Statutes, in a
2636 reference thereto, paragraph (b) of subsection (4) of section
2637 316.072, Florida Statutes, is reenacted to read:

2638 316.072 Obedience to and effect of traffic laws.--

2639 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;
2640 EXCEPTIONS.--

2641 (b) Unless specifically made applicable, the provisions of
2642 this chapter, except those contained in ss. 316.192, 316.1925,
2643 and 316.193, shall not apply to persons, teams, or motor
2644 vehicles and other equipment while actually engaged in work upon
2645 the surface of a highway, but shall apply to such persons and
2646 vehicles when traveling to or from such work.

2647 Section 53. For the purpose of incorporating the amendment
2648 made by this act to section 316.193, Florida Statutes, in a
2649 reference thereto, subsection (3) of section 316.1932, Florida
2650 Statutes, is reenacted to read:

2651 316.1932 Tests for alcohol, chemical substances, or
2652 controlled substances; implied consent; refusal.--

2653 (3) Notwithstanding any provision of law pertaining to the
2654 confidentiality of hospital records or other medical records,
2655 information relating to the alcoholic content of the blood or
2656 breath or the presence of chemical substances or controlled
2657 substances in the blood obtained pursuant to this section shall

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2658 | be released to a court, prosecuting attorney, defense attorney,
2659 | or law enforcement officer in connection with an alleged
2660 | violation of s. 316.193 upon request for such information.

2661 | Section 54. For the purpose of incorporating the amendment
2662 | made by this act to section 316.193, Florida Statutes, in a
2663 | reference thereto, subsection (4) of section 316.1933, Florida
2664 | Statutes, is reenacted to read:

2665 | 316.1933 Blood test for impairment or intoxication in
2666 | cases of death or serious bodily injury; right to use reasonable
2667 | force.--

2668 | (4) Notwithstanding any provision of law pertaining to the
2669 | confidentiality of hospital records or other medical records,
2670 | information relating to the alcoholic content of the blood or
2671 | the presence of chemical substances or controlled substances in
2672 | the blood obtained pursuant to this section shall be released to
2673 | a court, prosecuting attorney, defense attorney, or law
2674 | enforcement officer in connection with an alleged violation of
2675 | s. 316.193 upon request for such information.

2676 | Section 55. For the purpose of incorporating the amendment
2677 | made by this act to section 316.193, Florida Statutes, in
2678 | references thereto, subsection (1) and paragraph (d) of
2679 | subsection (2) of section 316.1937, Florida Statutes, are
2680 | reenacted to read:

2681 | 316.1937 Ignition interlock devices, requiring; unlawful
2682 | acts.--

2683 | (1) In addition to any other authorized penalties, the
2684 | court may require that any person who is convicted of driving
2685 | under the influence in violation of s. 316.193 shall not operate

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2686 a motor vehicle unless that vehicle is equipped with a
2687 functioning ignition interlock device certified by the
2688 department as provided in s. 316.1938, and installed in such a
2689 manner that the vehicle will not start if the operator's blood
2690 alcohol level is in excess of 0.05 percent or as otherwise
2691 specified by the court. The court may require the use of an
2692 approved ignition interlock device for a period of not less than
2693 6 months, if the person is permitted to operate a motor vehicle,
2694 whether or not the privilege to operate a motor vehicle is
2695 restricted, as determined by the court. The court, however,
2696 shall order placement of an ignition interlock device in those
2697 circumstances required by s. 316.193.

2698 (2) If the court imposes the use of an ignition interlock
2699 device, the court shall:

2700 (d) Determine the person's ability to pay for installation
2701 of the device if the person claims inability to pay. If the
2702 court determines that the person is unable to pay for
2703 installation of the device, the court may order that any portion
2704 of a fine paid by the person for a violation of s. 316.193 shall
2705 be allocated to defray the costs of installing the device.

2706 Section 56. For the purpose of incorporating the amendment
2707 made by this act to section 316.193, Florida Statutes, in a
2708 reference thereto, paragraph (b) of subsection (1) of section
2709 316.1939, Florida Statutes, is reenacted to read:

2710 316.1939 Refusal to submit to testing; penalties.--

2711 (1) Any person who has refused to submit to a chemical or
2712 physical test of his or her breath, blood, or urine, as
2713 described in s. 316.1932, and whose driving privilege was

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2714 previously suspended for a prior refusal to submit to a lawful
2715 test of his or her breath, urine, or blood, and:

2716 (b) Who was placed under lawful arrest for a violation of
2717 s. 316.193 unless such test was requested pursuant to s.
2718 316.1932(1)(c);

2719
2720 commits a misdemeanor of the first degree and is subject to
2721 punishment as provided in s. 775.082 or s. 775.083.

2722 Section 57. For the purpose of incorporating the amendment
2723 made by this act to section 316.193, Florida Statutes, in a
2724 reference thereto, subsection (1) of section 316.656, Florida
2725 Statutes, is reenacted to read:

2726 316.656 Mandatory adjudication; prohibition against
2727 accepting plea to lesser included offense.--

2728 (1) Notwithstanding the provisions of s. 948.01, no court
2729 may suspend, defer, or withhold adjudication of guilt or
2730 imposition of sentence for any violation of s. 316.193, for
2731 manslaughter resulting from the operation of a motor vehicle, or
2732 for vehicular homicide.

2733 Section 58. For the purpose of incorporating the amendment
2734 made by this act to section 316.193, Florida Statutes, in
2735 references thereto, subsections (4) and (5) of section 318.143,
2736 Florida Statutes, are reenacted to read:

2737 318.143 Sanctions for infractions by minors.--

2738 (4) For the first conviction for a violation of s.
2739 316.193, the court may order the Department of Highway Safety
2740 and Motor Vehicles to revoke the minor's driver's license until
2741 the minor is 18 years of age. For a second or subsequent

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2742 conviction for such a violation, the court may order the
2743 Department of Highway Safety and Motor Vehicles to revoke the
2744 minor's driver's license until the minor is 21 years of age.

2745 (5) A minor who is arrested for a violation of s. 316.193
2746 may be released from custody as soon as:

2747 (a) The minor is no longer under the influence of
2748 alcoholic beverages, of any chemical substance set forth in s.
2749 877.111, or of any substance controlled under chapter 893, and
2750 is not affected to the extent that his or her normal faculties
2751 are impaired;

2752 (b) The minor's blood-alcohol level is less than 0.05
2753 percent; or

2754 (c) Six hours have elapsed after the minor's arrest.

2755 Section 59. For the purpose of incorporating the amendment
2756 made by this act to section 316.193, Florida Statutes, in a
2757 reference thereto, subsection (3) of section 318.17, Florida
2758 Statutes, is reenacted to read:

2759 318.17 Offenses excepted.--No provision of this chapter is
2760 available to a person who is charged with any of the following
2761 offenses:

2762 (3) Driving, or being in actual physical control of, any
2763 vehicle while under the influence of alcoholic beverages, any
2764 chemical substance set forth in s. 877.111, or any substance
2765 controlled under chapter 893, in violation of s. 316.193, or
2766 driving with an unlawful blood-alcohol level;

2767 Section 60. For the purpose of incorporating the amendment
2768 made by this act to section 316.193, Florida Statutes, in a

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2769 reference thereto, paragraph (c) of subsection (1) of section
2770 320.055, Florida Statutes, is reenacted to read:

2771 320.055 Registration periods; renewal periods.--The
2772 following registration periods and renewal periods are
2773 established:

2774 (1)

2775 (c) Notwithstanding the requirements of paragraph (a), the
2776 owner of a motor vehicle subject to paragraph (a) who has had
2777 his or her driver's license suspended pursuant to a violation of
2778 s. 316.193 or pursuant to s. 322.26(2) for driving under the
2779 influence must obtain a 6-month registration as a condition of
2780 reinstating the license, subject to renewal during the 3-year
2781 period that financial responsibility requirements apply. The
2782 registration period begins the first day of the birth month of
2783 the owner and ends the last day of the fifth month immediately
2784 following the owner's birth month. For such vehicles, the
2785 department shall issue a vehicle registration certificate that
2786 is valid for 6 months and shall issue a validation sticker that
2787 displays an expiration date of 6 months after the date of
2788 issuance. The license tax required by s. 320.08 and all other
2789 applicable license taxes shall be one-half of the amount
2790 otherwise required, except the service charge required by s.
2791 320.04 shall be paid in full for each 6-month registration. A
2792 vehicle required to be registered under this paragraph is not
2793 eligible for the extended registration period under paragraph
2794 (b).

2795 Section 61. For the purpose of incorporating the amendment
2796 made by this act to section 316.193, Florida Statutes, in a
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2797 reference thereto, subsection (2) of section 322.03, Florida
2798 Statutes, is reenacted to read:

2799 322.03 Drivers must be licensed; penalties.--

2800 (2) Prior to issuing a driver's license, the department
2801 shall require any person who has been convicted two or more
2802 times of a violation of s. 316.193 or of a substantially similar
2803 alcohol-related or drug-related offense outside this state
2804 within the preceding 5 years, or who has been convicted of three
2805 or more such offenses within the preceding 10 years, to present
2806 proof of successful completion of or enrollment in a department-
2807 approved substance abuse education course. If the person fails
2808 to complete such education course within 90 days after issuance,
2809 the department shall cancel the license. Further, prior to
2810 issuing the driver's license the department shall require such
2811 person to present proof of financial responsibility as provided
2812 in s. 324.031. For the purposes of this paragraph, a previous
2813 conviction for violation of former s. 316.028, former s.
2814 316.1931, or former s. 860.01 shall be considered a previous
2815 conviction for violation of s. 316.193.

2816 Section 62. For the purpose of incorporating the amendment
2817 made by this act to section 316.193, Florida Statutes, in a
2818 reference thereto, paragraph (a) of subsection (2) of section
2819 322.0602, Florida Statutes, is reenacted to read:

2820 322.0602 Youthful Drunk Driver Visitation Program.--

2821 (2) COURT-ORDERED PARTICIPATION IN PROGRAM; PREFERENCE FOR
2822 PARTICIPATION.--

2823 (a) If a person is convicted of a violation of s. 316.193,
2824 the court may order, as a term and condition of probation in

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2825 addition to any other term or condition required or authorized
2826 by law, that the probationer participate in the Youthful Drunk
2827 Driver Visitation Program.

2828 Section 63. For the purpose of incorporating the amendment
2829 made by this act to section 316.193, Florida Statutes, in a
2830 reference thereto, subsection (8) of section 322.21, Florida
2831 Statutes, is reenacted to read:

2832 322.21 License fees; procedure for handling and collecting
2833 fees.--

2834 (8) Any person who applies for reinstatement following the
2835 suspension or revocation of the person's driver's license shall
2836 pay a service fee of \$35 following a suspension, and \$60
2837 following a revocation, which is in addition to the fee for a
2838 license. Any person who applies for reinstatement of a
2839 commercial driver's license following the disqualification of
2840 the person's privilege to operate a commercial motor vehicle
2841 shall pay a service fee of \$60, which is in addition to the fee
2842 for a license. The department shall collect all of these fees at
2843 the time of reinstatement. The department shall issue proper
2844 receipts for such fees and shall promptly transmit all funds
2845 received by it as follows:

2846 (a) Of the \$35 fee received from a licensee for
2847 reinstatement following a suspension, the department shall
2848 deposit \$15 in the General Revenue Fund and \$20 in the Highway
2849 Safety Operating Trust Fund.

2850 (b) Of the \$60 fee received from a licensee for
2851 reinstatement following a revocation or disqualification, the

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2852 department shall deposit \$35 in the General Revenue Fund and \$25
2853 in the Highway Safety Operating Trust Fund.

2854
2855 If the revocation or suspension of the driver's license was for
2856 a violation of s. 316.193, or for refusal to submit to a lawful
2857 breath, blood, or urine test, an additional fee of \$115 must be
2858 charged. However, only one \$115 fee may be collected from one
2859 person convicted of violations arising out of the same incident.

2860 The department shall collect the \$115 fee and deposit the fee
2861 into the Highway Safety Operating Trust Fund at the time of
2862 reinstatement of the person's driver's license, but the fee may
2863 not be collected if the suspension or revocation is overturned.

2864 If the revocation or suspension of the driver's license was for
2865 a conviction for a violation of s. 817.234(8) or (9) or s.
2866 817.505, an additional fee of \$180 is imposed for each offense.

2867 The department shall collect and deposit the additional fee into
2868 the Highway Safety Operating Trust Fund at the time of
2869 reinstatement of the person's driver's license.

2870 Section 64. For the purpose of incorporating the amendment
2871 made by this act to section 316.193, Florida Statutes, in a
2872 reference thereto, subsection (5) of section 322.25, Florida
2873 Statutes, is reenacted to read:

2874 322.25 When court to forward license to department and
2875 report convictions; temporary reinstatement of driving
2876 privileges.--

2877 (5) For the purpose of this chapter, the entrance of a
2878 plea of nolo contendere by the defendant to a charge of driving
2879 while intoxicated, driving under the influence, driving with an

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2880 unlawful blood-alcohol level, or any other alcohol-related or
2881 drug-related traffic offense similar to the offenses specified
2882 in s. 316.193, accepted by the court and under which plea the
2883 court has entered a fine or sentence, whether in this state or
2884 any other state or country, shall be equivalent to a conviction.

2885 Section 65. For the purpose of incorporating the amendment
2886 made by this act to section 316.193, Florida Statutes, in a
2887 reference thereto, paragraph (a) of subsection (1) of section
2888 322.26, Florida Statutes, is reenacted to read:

2889 322.26 Mandatory revocation of license by department.--The
2890 department shall forthwith revoke the license or driving
2891 privilege of any person upon receiving a record of such person's
2892 conviction of any of the following offenses:

2893 (1) (a) Murder resulting from the operation of a motor
2894 vehicle, DUI manslaughter where the conviction represents a
2895 subsequent DUI-related conviction, or a fourth violation of s.
2896 316.193 or former s. 316.1931. For such cases, the revocation of
2897 the driver's license or driving privilege shall be permanent.

2898 Section 66. For the purpose of incorporating the amendment
2899 made by this act to section 316.193, Florida Statutes, in
2900 references thereto, paragraph (a) of subsection (14) and
2901 subsection (16) of section 322.2615, Florida Statutes, are
2902 reenacted to read:

2903 322.2615 Suspension of license; right to review.--

2904 (14) (a) The decision of the department under this section
2905 or any circuit court review thereof may not be considered in any
2906 trial for a violation of s. 316.193, and a written statement
2907 submitted by a person in his or her request for departmental

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2908 review under this section may not be admitted into evidence
2909 against him or her in any such trial.

2910 (16) The department shall invalidate a suspension for
2911 driving with an unlawful blood-alcohol level or breath-alcohol
2912 level imposed under this section if the suspended person is
2913 found not guilty at trial of an underlying violation of s.
2914 316.193.

2915 Section 67. For the purpose of incorporating the amendment
2916 made by this act to section 316.193, Florida Statutes, in
2917 references thereto, subsections (15) and (19) of section
2918 322.2616, Florida Statutes, are reenacted to read:

2919 322.2616 Suspension of license; persons under 21 years of
2920 age; right to review.--

2921 (15) The decision of the department under this section
2922 shall not be considered in any trial for a violation of s.
2923 316.193, nor shall any written statement submitted by a person
2924 in his or her request for departmental review under this section
2925 be admissible into evidence against him or her in any such
2926 trial. The disposition of any related criminal proceedings shall
2927 not affect a suspension imposed under this section.

2928 (19) A violation of this section is neither a traffic
2929 infraction nor a criminal offense, nor does being detained
2930 pursuant to this section constitute an arrest. A violation of
2931 this section is subject to the administrative action provisions
2932 of this section, which are administered by the department
2933 through its administrative processes. Administrative actions
2934 taken pursuant to this section shall be recorded in the motor
2935 vehicle records maintained by the department. This section does

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2936 not bar prosecution under s. 316.193. However, if the department
2937 suspends a person's license under s. 322.2615 for a violation of
2938 s. 316.193, it may not also suspend the person's license under
2939 this section for the same episode that was the basis for the
2940 suspension under s. 322.2615.

2941 Section 68. For the purpose of incorporating the amendment
2942 made by this act to section 316.193, Florida Statutes, in a
2943 reference thereto, paragraph (b) of subsection (1) of section
2944 322.264, Florida Statutes, is reenacted to read:

2945 322.264 "Habitual traffic offender" defined.--A "habitual
2946 traffic offender" is any person whose record, as maintained by
2947 the Department of Highway Safety and Motor Vehicles, shows that
2948 such person has accumulated the specified number of convictions
2949 for offenses described in subsection (1) or subsection (2)
2950 within a 5-year period:

2951 (1) Three or more convictions of any one or more of the
2952 following offenses arising out of separate acts:

2953 (b) Any violation of s. 316.193, former s. 316.1931, or
2954 former s. 860.01;

2955
2956 Any violation of any federal law, any law of another state or
2957 country, or any valid ordinance of a municipality or county of
2958 another state similar to a statutory prohibition specified in
2959 subsection (1) or subsection (2) shall be counted as a violation
2960 of such prohibition. In computing the number of convictions, all
2961 convictions during the 5 years previous to July 1, 1972, will be
2962 used, provided at least one conviction occurs after that date.

2963 The fact that previous convictions may have resulted in

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2964 suspension, revocation, or disqualification under another
2965 section does not exempt them from being used for suspension or
2966 revocation under this section as a habitual offender.

2967 Section 69. For the purpose of incorporating the amendment
2968 made by this act to section 316.193, Florida Statutes, in
2969 references thereto, paragraphs (a) and (c) of subsection (2) and
2970 subsection (4) of section 322.271, Florida Statutes, are
2971 reenacted to read:

2972 322.271 Authority to modify revocation, cancellation, or
2973 suspension order.--

2974 (2) (a) Upon such hearing, the person whose license has
2975 been suspended, canceled, or revoked may show that such
2976 suspension, cancellation, or revocation of his or her license
2977 causes a serious hardship and precludes the person's carrying
2978 out his or her normal business occupation, trade, or employment
2979 and that the use of the person's license in the normal course of
2980 his or her business is necessary to the proper support of the
2981 person or his or her family. Except as otherwise provided in
2982 this subsection, the department shall require proof of the
2983 successful completion of the applicable department-approved
2984 driver training course operating pursuant to s. 318.1451 or DUI
2985 program substance abuse education course and evaluation as
2986 provided in s. 316.193(5). Letters of recommendation from
2987 respected business persons in the community, law enforcement
2988 officers, or judicial officers may also be required to determine
2989 whether such person should be permitted to operate a motor
2990 vehicle on a restricted basis for business or employment use
2991 only and in determining whether such person can be trusted to so

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2992 operate a motor vehicle. If a driver's license has been
2993 suspended under the point system or pursuant to s. 322.2615, the
2994 department shall require proof of enrollment in the applicable
2995 department-approved driver training course or licensed DUI
2996 program substance abuse education course, including evaluation
2997 and treatment, if referred, and may require letters of
2998 recommendation described in this subsection to determine if the
2999 driver should be reinstated on a restricted basis. If such
3000 person fails to complete the approved course within 90 days
3001 after reinstatement or subsequently fails to complete treatment,
3002 if applicable, the department shall cancel his or her driver's
3003 license until the course and treatment, if applicable, is
3004 successfully completed, notwithstanding the terms of the court
3005 order or any suspension or revocation of the driving privilege.
3006 The department may temporarily reinstate the driving privilege
3007 on a restricted basis upon verification from the DUI program
3008 that the offender has reentered and is currently participating
3009 in treatment and has completed the DUI education course and
3010 evaluation requirement. If the DUI program notifies the
3011 department of the second failure to complete treatment, the
3012 department shall reinstate the driving privilege only after
3013 notice of completion of treatment from the DUI program. The
3014 privilege of driving on a limited or restricted basis for
3015 business or employment use shall not be granted to a person who
3016 has been convicted of a violation of s. 316.193 until completion
3017 of the DUI program substance abuse education course and
3018 evaluations as provided in s. 316.193(5). Except as provided in
3019 paragraph (b), the privilege of driving on a limited or

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3020 restricted basis for business or employment use shall not be
3021 granted to a person whose license is revoked pursuant to s.
3022 322.28 or suspended pursuant to s. 322.2615 and who has been
3023 convicted of a violation of s. 316.193 two or more times or
3024 whose license has been suspended two or more times for refusal
3025 to submit to a test pursuant to s. 322.2615 or former s.
3026 322.261.

3027 (c) For the purpose of this section, a previous conviction
3028 of driving under the influence, driving while intoxicated,
3029 driving with an unlawful blood-alcohol level, or any other
3030 similar alcohol-related or drug-related offense outside this
3031 state or a previous conviction of former s. 316.1931, former s.
3032 316.028, or former s. 860.01 shall be considered a previous
3033 conviction for violation of s. 316.193.

3034 (4) Notwithstanding the provisions of s. 322.28(2)(e), a
3035 person whose driving privilege has been permanently revoked
3036 because he or she has been convicted of DUI manslaughter in
3037 violation of s. 316.193 and has no prior convictions for DUI-
3038 related offenses may, upon the expiration of 5 years after the
3039 date of such revocation or the expiration of 5 years after the
3040 termination of any term of incarceration under s. 316.193 or
3041 former s. 316.1931, whichever date is later, petition the
3042 department for reinstatement of his or her driving privilege.

3043 (a) Within 30 days after the receipt of such a petition,
3044 the department shall afford the petitioner an opportunity for a
3045 hearing. At the hearing, the petitioner must demonstrate to the
3046 department that he or she:

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3047 1. Has not been arrested for a drug-related offense during
3048 the 5 years preceding the filing of the petition;

3049 2. Has not driven a motor vehicle without a license for at
3050 least 5 years prior to the hearing;

3051 3. Has been drug-free for at least 5 years prior to the
3052 hearing; and

3053 4. Has completed a DUI program licensed by the department.

3054 (b) At such hearing, the department shall determine the
3055 petitioner's qualification, fitness, and need to drive. Upon
3056 such determination, the department may, in its discretion,
3057 reinstate the driver's license of the petitioner. Such
3058 reinstatement must be made subject to the following
3059 qualifications:

3060 1. The license must be restricted for employment purposes
3061 for not less than 1 year; and

3062 2. Such person must be supervised by a DUI program
3063 licensed by the department and report to the program for such
3064 supervision and education at least four times a year or
3065 additionally as required by the program for the remainder of the
3066 revocation period. Such supervision shall include evaluation,
3067 education, referral into treatment, and other activities
3068 required by the department.

3069 (c) Such person must assume the reasonable costs of
3070 supervision. If such person fails to comply with the required
3071 supervision, the program shall report the failure to the
3072 department, and the department shall cancel such person's
3073 driving privilege.

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3074 (d) If, after reinstatement, such person is convicted of
3075 an offense for which mandatory revocation of his or her license
3076 is required, the department shall revoke his or her driving
3077 privilege.

3078 (e) The department shall adopt rules regulating the
3079 providing of services by DUI programs pursuant to this section.

3080 Section 70. For the purpose of incorporating the amendment
3081 made by this act to section 316.193, Florida Statutes, in
3082 references thereto, subsection (2), paragraphs (a) and (c) of
3083 subsection (3), and subsection (4) of section 322.2715, Florida
3084 Statutes, are reenacted to read:

3085 322.2715 Ignition interlock device.--

3086 (2) For purposes of this section, any conviction for a
3087 violation of s. 316.193, a previous conviction for a violation
3088 of former s. 316.1931, or a conviction outside this state for
3089 driving under the influence, driving while intoxicated, driving
3090 with an unlawful blood-alcohol level, or any other similar
3091 alcohol-related or drug-related traffic offense is a conviction
3092 of driving under the influence.

3093 (3) If the person is convicted of:

3094 (a) A first offense of driving under the influence under
3095 s. 316.193 and has an unlawful blood-alcohol level or breath-
3096 alcohol level as specified in s. 316.193(4), or if a person is
3097 convicted of a violation of s. 316.193 and was at the time of
3098 the offense accompanied in the vehicle by a person younger than
3099 18 years of age, the person shall have the ignition interlock
3100 device installed for 6 months for the first offense and for at
3101 least 2 years for a second offense.

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3102 (c) A third offense of driving under the influence which
3103 occurs within 10 years after a prior conviction for a violation
3104 of s. 316.193, the ignition interlock device shall be installed
3105 for a period of not less than 2 years.

3106 (4) If the court fails to order the mandatory placement of
3107 the ignition interlock device or fails to order for the
3108 applicable period the mandatory placement of an ignition
3109 interlock device under s. 316.193 or s. 316.1937 at the time of
3110 imposing sentence or within 30 days thereafter, the department
3111 shall immediately require that the ignition interlock device be
3112 installed as provided in this section, except that consideration
3113 may be given to those individuals having a documented medical
3114 condition that would prohibit the device from functioning
3115 normally. This subsection applies to the reinstatement of the
3116 driving privilege following a revocation, suspension, or
3117 cancellation that is based upon a conviction for the offense of
3118 driving under the influence which occurs on or after July 1,
3119 2005.

3120 Section 71. For the purpose of incorporating the amendment
3121 made by this act to section 316.193, Florida Statutes, in a
3122 reference thereto, subsection (2) of section 322.28, Florida
3123 Statutes, is reenacted to read:

3124 322.28 Period of suspension or revocation.--

3125 (2) In a prosecution for a violation of s. 316.193 or
3126 former s. 316.1931, the following provisions apply:

3127 (a) Upon conviction of the driver, the court, along with
3128 imposing sentence, shall revoke the driver's license or driving
3129 privilege of the person so convicted, effective on the date of

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3130 conviction, and shall prescribe the period of such revocation in
3131 accordance with the following provisions:

3132 1. Upon a first conviction for a violation of the
3133 provisions of s. 316.193, except a violation resulting in death,
3134 the driver's license or driving privilege shall be revoked for
3135 not less than 180 days or more than 1 year.

3136 2. Upon a second conviction for an offense that occurs
3137 within a period of 5 years after the date of a prior conviction
3138 for a violation of the provisions of s. 316.193 or former s.
3139 316.1931 or a combination of such sections, the driver's license
3140 or driving privilege shall be revoked for not less than 5 years.

3141 3. Upon a third conviction for an offense that occurs
3142 within a period of 10 years after the date of a prior conviction
3143 for the violation of the provisions of s. 316.193 or former s.
3144 316.1931 or a combination of such sections, the driver's license
3145 or driving privilege shall be revoked for not less than 10
3146 years.

3147
3148 For the purposes of this paragraph, a previous conviction
3149 outside this state for driving under the influence, driving
3150 while intoxicated, driving with an unlawful blood-alcohol level,
3151 or any other alcohol-related or drug-related traffic offense
3152 similar to the offense of driving under the influence as
3153 proscribed by s. 316.193 will be considered a previous
3154 conviction for violation of s. 316.193, and a conviction for
3155 violation of former s. 316.028, former s. 316.1931, or former s.
3156 860.01 is considered a conviction for violation of s. 316.193.

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3157 (b) If the period of revocation was not specified by the
3158 court at the time of imposing sentence or within 30 days
3159 thereafter, and is not otherwise specified by law, the
3160 department shall forthwith revoke the driver's license or
3161 driving privilege for the maximum period applicable under
3162 paragraph (a) for a first conviction and for the minimum period
3163 applicable under paragraph (a) for any subsequent convictions.
3164 The driver may, within 30 days after such revocation by the
3165 department, petition the court for further hearing on the period
3166 of revocation, and the court may reopen the case and determine
3167 the period of revocation within the limits specified in
3168 paragraph (a).

3169 (c) The forfeiture of bail bond, not vacated within 20
3170 days, in any prosecution for the offense of driving while under
3171 the influence of alcoholic beverages, chemical substances, or
3172 controlled substances to the extent of depriving the defendant
3173 of his or her normal faculties shall be deemed equivalent to a
3174 conviction for the purposes of this paragraph, and the
3175 department shall forthwith revoke the defendant's driver's
3176 license or driving privilege for the maximum period applicable
3177 under paragraph (a) for a first conviction and for the minimum
3178 period applicable under paragraph (a) for a second or subsequent
3179 conviction; however, if the defendant is later convicted of the
3180 charge, the period of revocation imposed by the department for
3181 such conviction shall not exceed the difference between the
3182 applicable maximum for a first conviction or minimum for a
3183 second or subsequent conviction and the revocation period under
3184 this subsection that has actually elapsed; upon conviction of

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3185 such charge, the court may impose revocation for a period of
3186 time as specified in paragraph (a). This paragraph does not
3187 apply if an appropriate motion contesting the forfeiture is
3188 filed within the 20-day period.

3189 (d) When any driver's license or driving privilege has
3190 been revoked pursuant to the provisions of this section, the
3191 department shall not grant a new license, except upon
3192 reexamination of the licensee after the expiration of the period
3193 of revocation so prescribed. However, the court may, in its
3194 sound discretion, issue an order of reinstatement on a form
3195 furnished by the department which the person may take to any
3196 driver's license examining office for reinstatement by the
3197 department pursuant to s. 322.282.

3198 (e) The court shall permanently revoke the driver's
3199 license or driving privilege of a person who has been convicted
3200 four times for violation of s. 316.193 or former s. 316.1931 or
3201 a combination of such sections. The court shall permanently
3202 revoke the driver's license or driving privilege of any person
3203 who has been convicted of DUI manslaughter in violation of s.
3204 316.193. If the court has not permanently revoked such driver's
3205 license or driving privilege within 30 days after imposing
3206 sentence, the department shall permanently revoke the driver's
3207 license or driving privilege pursuant to this paragraph. No
3208 driver's license or driving privilege may be issued or granted
3209 to any such person. This paragraph applies only if at least one
3210 of the convictions for violation of s. 316.193 or former s.
3211 316.1931 was for a violation that occurred after July 1, 1982.
3212 For the purposes of this paragraph, a conviction for violation

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3213 of former s. 316.028, former s. 316.1931, or former s. 860.01 is
3214 also considered a conviction for violation of s. 316.193. Also,
3215 a conviction of driving under the influence, driving while
3216 intoxicated, driving with an unlawful blood-alcohol level, or
3217 any other similar alcohol-related or drug-related traffic
3218 offense outside this state is considered a conviction for the
3219 purposes of this paragraph.

3220 Section 72. For the purpose of incorporating the amendment
3221 made by this act to section 316.193, Florida Statutes, in
3222 references thereto, paragraph (a) of subsection (2) of section
3223 322.282, Florida Statutes, is reenacted to read:

3224 322.282 Procedure when court revokes or suspends license
3225 or driving privilege and orders reinstatement.--When a court
3226 suspends or revokes a person's license or driving privilege and,
3227 in its discretion, orders reinstatement as provided by s.
3228 322.28(2)(d) or former s. 322.261(5):

3229 (2)(a) The court shall issue an order of reinstatement, on
3230 a form to be furnished by the department, which the person may
3231 take to any driver's license examining office. The department
3232 shall issue a temporary driver's permit to a licensee who
3233 presents the court's order of reinstatement, proof of completion
3234 of a department-approved driver training or substance abuse
3235 education course, and a written request for a hearing under s.
3236 322.271. The permit shall not be issued if a record check by the
3237 department shows that the person has previously been convicted
3238 for a violation of s. 316.193, former s. 316.1931, former s.
3239 316.028, former s. 860.01, or a previous conviction outside this
3240 state for driving under the influence, driving while

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3241 intoxicated, driving with an unlawful blood-alcohol level, or
3242 any similar alcohol-related or drug-related traffic offense;
3243 that the person's driving privilege has been previously
3244 suspended for refusal to submit to a lawful test of breath,
3245 blood, or urine; or that the person is otherwise not entitled to
3246 issuance of a driver's license. This paragraph shall not be
3247 construed to prevent the reinstatement of a license or driving
3248 privilege that is presently suspended for driving with an
3249 unlawful blood-alcohol level or a refusal to submit to a breath,
3250 urine, or blood test and is also revoked for a conviction for a
3251 violation of s. 316.193 or former s. 316.1931, if the suspension
3252 and revocation arise out of the same incident.

3253 Section 73. For the purpose of incorporating the amendment
3254 made by this act to section 316.193, Florida Statutes, in a
3255 reference thereto, paragraph (a) of subsection (1) of section
3256 322.291, Florida Statutes, is reenacted to read:

3257 322.291 Driver improvement schools or DUI programs;
3258 required in certain suspension and revocation cases.--Except as
3259 provided in s. 322.03(2), any person:

3260 (1) Whose driving privilege has been revoked:

3261 (a) Upon conviction for:

3262 1. Driving, or being in actual physical control of, any
3263 vehicle while under the influence of alcoholic beverages, any
3264 chemical substance set forth in s. 877.111, or any substance
3265 controlled under chapter 893, in violation of s. 316.193;

3266 2. Driving with an unlawful blood- or breath-alcohol
3267 level;

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- 3268 3. Manslaughter resulting from the operation of a motor
3269 vehicle;
- 3270 4. Failure to stop and render aid as required under the
3271 laws of this state in the event of a motor vehicle crash
3272 resulting in the death or personal injury of another;
- 3273 5. Reckless driving; or
3274
- 3275 shall, before the driving privilege may be reinstated, present
3276 to the department proof of enrollment in a department-approved
3277 advanced driver improvement course operating pursuant to s.
3278 318.1451 or a substance abuse education course conducted by a
3279 DUI program licensed pursuant to s. 322.292, which shall include
3280 a psychosocial evaluation and treatment, if referred. If the
3281 person fails to complete such course or evaluation within 90
3282 days after reinstatement, or subsequently fails to complete
3283 treatment, if referred, the DUI program shall notify the
3284 department of the failure. Upon receipt of the notice, the
3285 department shall cancel the offender's driving privilege,
3286 notwithstanding the expiration of the suspension or revocation
3287 of the driving privilege. The department may temporarily
3288 reinstate the driving privilege upon verification from the DUI
3289 program that the offender has completed the education course and
3290 evaluation requirement and has reentered and is currently
3291 participating in treatment. If the DUI program notifies the
3292 department of the second failure to complete treatment, the
3293 department shall reinstate the driving privilege only after
3294 notice of completion of treatment from the DUI program.

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3295 Section 74. For the purpose of incorporating the amendment
3296 made by this act to section 316.193, Florida Statutes, in a
3297 reference thereto, paragraph (a) of subsection (9) of section
3298 322.34, Florida Statutes, is reenacted to read:

3299 322.34 Driving while license suspended, revoked, canceled,
3300 or disqualified.--

3301 (9)(a) A motor vehicle that is driven by a person under
3302 the influence of alcohol or drugs in violation of s. 316.193 is
3303 subject to seizure and forfeiture under ss. 932.701-932.707 and
3304 is subject to liens for recovering, towing, or storing vehicles
3305 under s. 713.78 if, at the time of the offense, the person's
3306 driver's license is suspended, revoked, or canceled as a result
3307 of a prior conviction for driving under the influence.

3308 Section 75. For the purpose of incorporating the amendment
3309 made by this act to section 316.193, Florida Statutes, in a
3310 reference thereto, subsection (3) of section 322.62, Florida
3311 Statutes, is reenacted to read:

3312 322.62 Driving under the influence; commercial motor
3313 vehicle operators.--

3314 (3) This section does not supersede s. 316.193. Nothing in
3315 this section prohibits the prosecution of a person who drives a
3316 commercial motor vehicle for driving under the influence of
3317 alcohol or controlled substances whether or not such person is
3318 also prosecuted for a violation of this section.

3319 Section 76. For the purpose of incorporating the amendment
3320 made by this act to section 316.193, Florida Statutes, in
3321 references thereto, paragraph (d) of subsection (2) and

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3322 subsection (6) of section 322.63, Florida Statutes, are
3323 reenacted to read:

3324 322.63 Alcohol or drug testing; commercial motor vehicle
3325 operators.--

3326 (2) The chemical and physical tests authorized by this
3327 section shall only be required if a law enforcement officer has
3328 reasonable cause to believe that a person driving a commercial
3329 motor vehicle has any alcohol, chemical substance, or controlled
3330 substance in his or her body.

3331 (d) The administration of one test under paragraph (a),
3332 paragraph (b), or paragraph (c) shall not preclude the
3333 administration of a different test under paragraph (a),
3334 paragraph (b), or paragraph (c). However, a urine test may not
3335 be used to determine alcohol concentration and a breath test may
3336 not be used to determine the presence of controlled substances
3337 or chemical substances in a person's body. Notwithstanding the
3338 provisions of this paragraph, in the event a Florida licensee
3339 has been convicted in another state for an offense substantially
3340 similar to s. 316.193 or to s. 322.62, which conviction was
3341 based upon evidence of test results prohibited by this
3342 paragraph, that out-of-state conviction shall constitute a
3343 conviction for the purposes of this chapter.

3344 (6) Notwithstanding any provision of law pertaining to the
3345 confidentiality of hospital records or other medical records,
3346 information relating to the alcohol content of a person's blood
3347 or the presence of chemical substances or controlled substances
3348 in a person's blood obtained pursuant to this section shall be
3349 released to a court, prosecuting attorney, defense attorney, or

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3350 law enforcement officer in connection with an alleged violation
3351 of s. 316.193 or s. 322.62 upon request for such information.

3352 Section 77. For the purpose of incorporating the amendment
3353 made by this act to section 316.193, Florida Statutes, in
3354 references thereto, subsections (1) and (2), paragraph (a) of
3355 subsection (7), paragraph (b) of subsection (8), and subsections
3356 (14) and (15) of section 322.64, Florida Statutes, are reenacted
3357 to read:

3358 322.64 Holder of commercial driver's license; driving with
3359 unlawful blood-alcohol level; refusal to submit to breath,
3360 urine, or blood test.--

3361 (1)(a) A law enforcement officer or correctional officer
3362 shall, on behalf of the department, disqualify from operating
3363 any commercial motor vehicle a person who while operating or in
3364 actual physical control of a commercial motor vehicle is
3365 arrested for a violation of s. 316.193, relating to unlawful
3366 blood-alcohol level or breath-alcohol level, or a person who has
3367 refused to submit to a breath, urine, or blood test authorized
3368 by s. 322.63 arising out of the operation or actual physical
3369 control of a commercial motor vehicle. Upon disqualification of
3370 the person, the officer shall take the person's driver's license
3371 and issue the person a 10-day temporary permit for the operation
3372 of noncommercial vehicles only if the person is otherwise
3373 eligible for the driving privilege and shall issue the person a
3374 notice of disqualification. If the person has been given a
3375 blood, breath, or urine test, the results of which are not
3376 available to the officer at the time of the arrest, the agency
3377 employing the officer shall transmit such results to the

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3378 department within 5 days after receipt of the results. If the
3379 department then determines that the person was arrested for a
3380 violation of s. 316.193 and that the person had a blood-alcohol
3381 level or breath-alcohol level of 0.08 or higher, the department
3382 shall disqualify the person from operating a commercial motor
3383 vehicle pursuant to subsection (3).

3384 (b) The disqualification under paragraph (a) shall be
3385 pursuant to, and the notice of disqualification shall inform the
3386 driver of, the following:

3387 1.a. The driver refused to submit to a lawful breath,
3388 blood, or urine test and he or she is disqualified from
3389 operating a commercial motor vehicle for a period of 1 year, for
3390 a first refusal, or permanently, if he or she has previously
3391 been disqualified as a result of a refusal to submit to such a
3392 test; or

3393 b. The driver violated s. 316.193 by driving with an
3394 unlawful blood-alcohol level and he or she is disqualified from
3395 operating a commercial motor vehicle for a period of 6 months
3396 for a first offense or for a period of 1 year if he or she has
3397 previously been disqualified, or his or her driving privilege
3398 has been previously suspended, for a violation of s. 316.193.

3399 2. The disqualification period for operating commercial
3400 vehicles shall commence on the date of arrest or issuance of
3401 notice of disqualification, whichever is later.

3402 3. The driver may request a formal or informal review of
3403 the disqualification by the department within 10 days after the
3404 date of arrest or issuance of notice of disqualification,
3405 whichever is later.

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3406 4. The temporary permit issued at the time of arrest or
3407 disqualification will expire at midnight of the 10th day
3408 following the date of disqualification.

3409 5. The driver may submit to the department any materials
3410 relevant to the arrest.

3411 (2) Except as provided in paragraph (1)(a), the law
3412 enforcement officer shall forward to the department, within 5
3413 days after the date of the arrest or the issuance of the notice
3414 of disqualification, whichever is later, a copy of the notice of
3415 disqualification, the driver's license of the person arrested,
3416 and a report of the arrest, including, if applicable, an
3417 affidavit stating the officer's grounds for belief that the
3418 person arrested was in violation of s. 316.193; the results of
3419 any breath or blood test or an affidavit stating that a breath,
3420 blood, or urine test was requested by a law enforcement officer
3421 or correctional officer and that the person arrested refused to
3422 submit; a copy of the citation issued to the person arrested;
3423 and the officer's description of the person's field sobriety
3424 test, if any. The failure of the officer to submit materials
3425 within the 5-day period specified in this subsection or
3426 subsection (1) shall not affect the department's ability to
3427 consider any evidence submitted at or prior to the hearing. The
3428 officer may also submit a copy of a videotape of the field
3429 sobriety test or the attempt to administer such test.

3430 (7) In a formal review hearing under subsection (6) or an
3431 informal review hearing under subsection (4), the hearing
3432 officer shall determine by a preponderance of the evidence
3433 whether sufficient cause exists to sustain, amend, or invalidate

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3434 the disqualification. The scope of the review shall be limited
3435 to the following issues:

3436 (a) If the person was disqualified from operating a
3437 commercial motor vehicle for driving with an unlawful blood-
3438 alcohol level in violation of s. 316.193:

3439 1. Whether the arresting law enforcement officer had
3440 probable cause to believe that the person was driving or in
3441 actual physical control of a commercial motor vehicle in this
3442 state while he or she had any alcohol, chemical substances, or
3443 controlled substances in his or her body.

3444 2. Whether the person was placed under lawful arrest for a
3445 violation of s. 316.193.

3446 3. Whether the person had an unlawful blood-alcohol level
3447 as provided in s. 316.193.

3448 (8) Based on the determination of the hearing officer
3449 pursuant to subsection (7) for both informal hearings under
3450 subsection (4) and formal hearings under subsection (6), the
3451 department shall:

3452 (b) Sustain the disqualification for a period of 6 months
3453 for a violation of s. 316.193 or for a period of 1 year if the
3454 person has been previously disqualified from operating a
3455 commercial motor vehicle or his or her driving privilege has
3456 been previously suspended as a result of a violation of s.
3457 316.193. The disqualification period commences on the date of
3458 the arrest or issuance of the notice of disqualification,
3459 whichever is later.

3460 (14) The decision of the department under this section
3461 shall not be considered in any trial for a violation of s.

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3462 316.193, s. 322.61, or s. 322.62, nor shall any written
3463 statement submitted by a person in his or her request for
3464 departmental review under this section be admissible into
3465 evidence against him or her in any such trial. The disposition
3466 of any related criminal proceedings shall not affect a
3467 disqualification imposed pursuant to this section.

3468 (15) This section does not preclude the suspension of the
3469 driving privilege pursuant to s. 322.2615. The driving privilege
3470 of a person who has been disqualified from operating a
3471 commercial motor vehicle also may be suspended for a violation
3472 of s. 316.193.

3473 Section 78. For the purpose of incorporating the amendment
3474 made by this act to section 316.193, Florida Statutes, in a
3475 reference thereto, paragraph (f) of subsection (4) of section
3476 323.001, Florida Statutes, is reenacted to read:

3477 323.001 Wrecker operator storage facilities; vehicle
3478 holds.--

3479 (4) The requirements for a written hold apply when the
3480 following conditions are present:

3481 (f) The vehicle is impounded or immobilized pursuant to s.
3482 316.193 or s. 322.34; or

3483 Section 79. For the purpose of incorporating the amendment
3484 made by this act to section 316.193, Florida Statutes, in
3485 references thereto, section 324.023, Florida Statutes, is
3486 reenacted to read:

3487 324.023 Financial responsibility for bodily injury or
3488 death.--In addition to any other financial responsibility
3489 required by law, every owner or operator of a motor vehicle that

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3490 is required to be registered in this state, or that is located
3491 within this state, and who, regardless of adjudication of guilt,
3492 has been found guilty of or entered a plea of guilty or nolo
3493 contendere to a charge of driving under the influence under s.
3494 316.193 after October 1, 2007, shall, by one of the methods
3495 established in s. 324.031(1), (2), or (3), establish and
3496 maintain the ability to respond in damages for liability on
3497 account of accidents arising out of the use of a motor vehicle
3498 in the amount of \$100,000 because of bodily injury to, or death
3499 of, one person in any one crash and, subject to such limits for
3500 one person, in the amount of \$300,000 because of bodily injury
3501 to, or death of, two or more persons in any one crash and in the
3502 amount of \$50,000 because of property damage in any one crash.
3503 If the owner or operator chooses to establish and maintain such
3504 ability by posting a bond or furnishing a certificate of deposit
3505 pursuant to s. 324.031(2) or (3), such bond or certificate of
3506 deposit must be in an amount not less than \$350,000. Such higher
3507 limits must be carried for a minimum period of 3 years. If the
3508 owner or operator has not been convicted of driving under the
3509 influence or a felony traffic offense for a period of 3 years
3510 from the date of reinstatement of driving privileges for a
3511 violation of s. 316.193, the owner or operator shall be exempt
3512 from this section.

3513 Section 80. For the purpose of incorporating the amendment
3514 made by this act to section 316.193, Florida Statutes, in a
3515 reference thereto, section 324.131, Florida Statutes, is
3516 reenacted to read:

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3517 324.131 Period of suspension.--Such license, registration
3518 and nonresident's operating privilege shall remain so suspended
3519 and shall not be renewed, nor shall any such license or
3520 registration be thereafter issued in the name of such person,
3521 including any such person not previously licensed, unless and
3522 until every such judgment is stayed, satisfied in full or to the
3523 extent of the limits stated in s. 324.021(7) and until the said
3524 person gives proof of financial responsibility as provided in s.
3525 324.031, such proof to be maintained for 3 years. In addition,
3526 if the person's license or registration has been suspended or
3527 revoked due to a violation of s. 316.193 or pursuant to s.
3528 322.26(2), that person shall maintain noncancelable liability
3529 coverage for each motor vehicle registered in his or her name,
3530 as described in s. 627.7275(2), and must present proof that
3531 coverage is in force on a form adopted by the Department of
3532 Highway Safety and Motor Vehicles, such proof to be maintained
3533 for 3 years.

3534 Section 81. For the purpose of incorporating the amendment
3535 made by this act to section 316.193, Florida Statutes, in a
3536 reference thereto, subsection (6) of section 327.35, Florida
3537 Statutes, is reenacted to read:

3538 327.35 Boating under the influence; penalties; "designated
3539 drivers".--

3540 (6) With respect to any person convicted of a violation of
3541 subsection (1), regardless of any other penalty imposed:

3542 (a) For the first conviction, the court shall place the
3543 defendant on probation for a period not to exceed 1 year and, as
3544 a condition of such probation, shall order the defendant to

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3545 participate in public service or a community work project for a
3546 minimum of 50 hours. The court must also, as a condition of
3547 probation, order the impoundment or immobilization of the vessel
3548 that was operated by or in the actual control of the defendant
3549 or any one vehicle registered in the defendant's name at the
3550 time of impoundment or immobilization, for a period of 10 days
3551 or for the unexpired term of any lease or rental agreement that
3552 expires within 10 days. The impoundment or immobilization must
3553 not occur concurrently with the incarceration of the defendant.
3554 The impoundment or immobilization order may be dismissed in
3555 accordance with paragraph (e) or paragraph (f). The total period
3556 of probation and incarceration may not exceed 1 year.

3557 (b) For the second conviction for an offense that occurs
3558 within a period of 5 years after the date of a prior conviction
3559 for violation of this section, the court shall order
3560 imprisonment for not less than 10 days. The court must also, as
3561 a condition of probation, order the impoundment or
3562 immobilization of the vessel that was operated by or in the
3563 actual control of the defendant or any one vehicle registered in
3564 the defendant's name at the time of impoundment or
3565 immobilization, for a period of 30 days or for the unexpired
3566 term of any lease or rental agreement that expires within 30
3567 days. The impoundment or immobilization must not occur
3568 concurrently with the incarceration of the defendant. The
3569 impoundment or immobilization order may be dismissed in
3570 accordance with paragraph (e) or paragraph (f). At least 48
3571 hours of confinement must be consecutive.

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3572 (c) For the third or subsequent conviction for an offense
3573 that occurs within a period of 10 years after the date of a
3574 prior conviction for violation of this section, the court shall
3575 order imprisonment for not less than 30 days. The court must
3576 also, as a condition of probation, order the impoundment or
3577 immobilization of the vessel that was operated by or in the
3578 actual control of the defendant or any one vehicle registered in
3579 the defendant's name at the time of impoundment or
3580 immobilization, for a period of 90 days or for the unexpired
3581 term of any lease or rental agreement that expires within 90
3582 days. The impoundment or immobilization must not occur
3583 concurrently with the incarceration of the defendant. The
3584 impoundment or immobilization order may be dismissed in
3585 accordance with paragraph (e) or paragraph (f). At least 48
3586 hours of confinement must be consecutive.

3587 (d) The court must at the time of sentencing the defendant
3588 issue an order for the impoundment or immobilization of a
3589 vessel. Within 7 business days after the date that the court
3590 issues the order of impoundment, and once again 30 business days
3591 before the actual impoundment or immobilization of the vessel,
3592 the clerk of the court must send notice by certified mail,
3593 return receipt requested, to the registered owner of each
3594 vessel, if the registered owner is a person other than the
3595 defendant, and to each person of record claiming a lien against
3596 the vessel.

3597 (e) A person who owns but was not operating the vessel
3598 when the offense occurred may submit to the court a police
3599 report indicating that the vessel was stolen at the time of the

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3600 offense or documentation of having purchased the vessel after
3601 the offense was committed from an entity other than the
3602 defendant or the defendant's agent. If the court finds that the
3603 vessel was stolen or that the sale was not made to circumvent
3604 the order and allow the defendant continued access to the
3605 vessel, the order must be dismissed and the owner of the vessel
3606 will incur no costs. If the court denies the request to dismiss
3607 the order of impoundment or immobilization, the petitioner may
3608 request an evidentiary hearing.

3609 (f) A person who owns but was not operating the vessel
3610 when the offense occurred, and whose vessel was stolen or who
3611 purchased the vessel after the offense was committed directly
3612 from the defendant or the defendant's agent, may request an
3613 evidentiary hearing to determine whether the impoundment or
3614 immobilization should occur. If the court finds that either the
3615 vessel was stolen or the purchase was made without knowledge of
3616 the offense, that the purchaser had no relationship to the
3617 defendant other than through the transaction, and that such
3618 purchase would not circumvent the order and allow the defendant
3619 continued access to the vessel, the order must be dismissed and
3620 the owner of the vessel will incur no costs.

3621 (g) All costs and fees for the impoundment or
3622 immobilization, including the cost of notification, must be paid
3623 by the owner of the vessel or, if the vessel is leased or
3624 rented, by the person leasing or renting the vessel, unless the
3625 impoundment or immobilization order is dismissed.

3626 (h) The person who owns a vessel that is impounded or
3627 immobilized under this paragraph, or a person who has a lien of
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3628 record against such a vessel and who has not requested a review
3629 of the impoundment pursuant to paragraph (e) or paragraph (f),
3630 may, within 10 days after the date that person has knowledge of
3631 the location of the vessel, file a complaint in the county in
3632 which the owner resides to determine whether the vessel was
3633 wrongfully taken or withheld from the owner or lienholder. Upon
3634 the filing of a complaint, the owner or lienholder may have the
3635 vessel released by posting with the court a bond or other
3636 adequate security equal to the amount of the costs and fees for
3637 impoundment or immobilization, including towing or storage, to
3638 ensure the payment of the costs and fees if the owner or
3639 lienholder does not prevail. When the bond is posted and the fee
3640 is paid as set forth in s. 28.24, the clerk of the court shall
3641 issue a certificate releasing the vessel. At the time of
3642 release, after reasonable inspection, the owner or lienholder
3643 must give a receipt to the towing or storage company indicating
3644 any loss or damage to the vessel or to the contents of the
3645 vessel.

3646 (i) A defendant, in the court's discretion, may be
3647 required to serve all or any portion of a term of imprisonment
3648 to which the defendant has been sentenced pursuant to this
3649 section in a residential alcoholism treatment program or a
3650 residential drug abuse treatment program. Any time spent in such
3651 a program must be credited by the court toward the term of
3652 imprisonment.

3653
3654 For the purposes of this section, any conviction for a violation
3655 of s. 316.193, a previous conviction for the violation of former
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3656 s. 316.1931, former s. 860.01, or former s. 316.028, or a
3657 previous conviction outside this state for driving under the
3658 influence, driving while intoxicated, driving with an unlawful
3659 blood-alcohol level, driving with an unlawful breath-alcohol
3660 level, or any other similar alcohol-related or drug-related
3661 traffic offense, is also considered a previous conviction for
3662 violation of this section.

3663 Section 82. For the purpose of incorporating the amendment
3664 made by this act to section 316.193, Florida Statutes, in a
3665 reference thereto, subsection (1) of section 337.195, Florida
3666 Statutes, is reenacted to read:

3667 337.195 Limits on liability.--

3668 (1) In a civil action for the death of or injury to a
3669 person, or for damage to property, against the Department of
3670 Transportation or its agents, consultants, or contractors for
3671 work performed on a highway, road, street, bridge, or other
3672 transportation facility when the death, injury, or damage
3673 resulted from a motor vehicle crash within a construction zone
3674 in which the driver of one of the vehicles was under the
3675 influence of alcoholic beverages as set forth in s. 316.193,
3676 under the influence of any chemical substance as set forth in s.
3677 877.111, or illegally under the influence of any substance
3678 controlled under chapter 893 to the extent that her or his
3679 normal faculties were impaired or that she or he operated a
3680 vehicle recklessly as defined in s. 316.192, it is presumed that
3681 the driver's operation of the vehicle was the sole proximate
3682 cause of her or his own death, injury, or damage. This
3683 presumption can be overcome if the gross negligence or

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3684 intentional misconduct of the Department of Transportation, or
3685 of its agents, consultants, or contractors, was a proximate
3686 cause of the driver's death, injury, or damage.

3687 Section 83. For the purpose of incorporating the amendment
3688 made by this act to section 316.193, Florida Statutes, in a
3689 reference thereto, paragraph (c) of subsection (17) of section
3690 440.02, Florida Statutes, is reenacted to read:

3691 440.02 Definitions.--When used in this chapter, unless the
3692 context clearly requires otherwise, the following terms shall
3693 have the following meanings:

3694 (17)

3695 (c) "Employment" does not include service performed by or
3696 as:

3697 1. Domestic servants in private homes.

3698 2. Agricultural labor performed on a farm in the employ of
3699 a bona fide farmer, or association of farmers, that employs 5 or
3700 fewer regular employees and that employs fewer than 12 other
3701 employees at one time for seasonal agricultural labor that is
3702 completed in less than 30 days, provided such seasonal
3703 employment does not exceed 45 days in the same calendar year.

3704 The term "farm" includes stock, dairy, poultry, fruit, fur-
3705 bearing animals, fish, and truck farms, ranches, nurseries, and
3706 orchards. The term "agricultural labor" includes field foremen,
3707 timekeepers, checkers, and other farm labor supervisory
3708 personnel.

3709 3. Professional athletes, such as professional boxers,
3710 wrestlers, baseball, football, basketball, hockey, polo, tennis,

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3711 jai alai, and similar players, and motorsports teams competing
3712 in a motor racing event as defined in s. 549.08.

3713 4. Labor under a sentence of a court to perform community
3714 services as provided in s. 316.193.

3715 5. State prisoners or county inmates, except those
3716 performing services for private employers or those enumerated in
3717 s. 948.036(1).

3718 Section 84. For the purpose of incorporating the amendment
3719 made by this act to section 316.193, Florida Statutes, in a
3720 reference thereto, paragraph (b) of subsection (7) of section
3721 440.09, Florida Statutes, is reenacted to read:

3722 440.09 Coverage.--

3723 (7)

3724 (b) If the employee has, at the time of the injury, a
3725 blood alcohol level equal to or greater than the level specified
3726 in s. 316.193, or if the employee has a positive confirmation of
3727 a drug as defined in this act, it is presumed that the injury
3728 was occasioned primarily by the intoxication of, or by the
3729 influence of the drug upon, the employee. If the employer has
3730 implemented a drug-free workplace, this presumption may be
3731 rebutted only by evidence that there is no reasonable hypothesis
3732 that the intoxication or drug influence contributed to the
3733 injury. In the absence of a drug-free workplace program, this
3734 presumption may be rebutted by clear and convincing evidence
3735 that the intoxication or influence of the drug did not
3736 contribute to the injury. Percent by weight of alcohol in the
3737 blood must be based upon grams of alcohol per 100 milliliters of
3738 blood. If the results are positive, the testing facility must

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3739 maintain the specimen for a minimum of 90 days. Blood serum may
3740 be used for testing purposes under this chapter; however, if
3741 this test is used, the presumptions under this section do not
3742 arise unless the blood alcohol level is proved to be medically
3743 and scientifically equivalent to or greater than the comparable
3744 blood alcohol level that would have been obtained if the test
3745 were based on percent by weight of alcohol in the blood.
3746 However, if, before the accident, the employer had actual
3747 knowledge of and expressly acquiesced in the employee's presence
3748 at the workplace while under the influence of such alcohol or
3749 drug, the presumptions specified in this subsection do not
3750 apply.

3751 Section 85. For the purpose of incorporating the amendment
3752 made by this act to section 316.193, Florida Statutes, in a
3753 reference thereto, paragraph (d) of subsection (1) of section
3754 493.6106, Florida Statutes, is reenacted to read:

3755 493.6106 License requirements; posting.--

3756 (1) Each individual licensed by the department must:

3757 (d) Not be a chronic and habitual user of alcoholic
3758 beverages to the extent that her or his normal faculties are
3759 impaired; not have been committed under chapter 397, former
3760 chapter 396, or a similar law in any other state; not have been
3761 found to be a habitual offender under s. 856.011(3) or a similar
3762 law in any other state; and not have had two or more convictions
3763 under s. 316.193 or a similar law in any other state within the
3764 3-year period immediately preceding the date the application was
3765 filed, unless the individual establishes that she or he is not

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3766 currently impaired and has successfully completed a
3767 rehabilitation course.

3768 Section 86. For the purpose of incorporating the amendment
3769 made by this act to section 316.193, Florida Statutes, in a
3770 reference thereto, paragraph (a) of subsection (2) of section
3771 627.7275, Florida Statutes, is reenacted to read:

3772 627.7275 Motor vehicle liability.--

3773 (2) (a) Insurers writing motor vehicle insurance in this
3774 state shall make available, subject to the insurers' usual
3775 underwriting restrictions:

3776 1. Coverage under policies as described in subsection (1)
3777 to any applicant for private passenger motor vehicle insurance
3778 coverage who is seeking the coverage in order to reinstate the
3779 applicant's driving privileges in this state when the driving
3780 privileges were revoked or suspended pursuant to s. 316.646 or
3781 s. 324.0221 due to the failure of the applicant to maintain
3782 required security.

3783 2. Coverage under policies as described in subsection (1),
3784 which also provides liability coverage for bodily injury, death,
3785 and property damage arising out of the ownership, maintenance,
3786 or use of the motor vehicle in an amount not less than the
3787 limits described in s. 324.021(7) and conforms to the
3788 requirements of s. 324.151, to any applicant for private
3789 passenger motor vehicle insurance coverage who is seeking the
3790 coverage in order to reinstate the applicant's driving
3791 privileges in this state after such privileges were revoked or
3792 suspended under s. 316.193 or s. 322.26(2) for driving under the
3793 influence.

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3794 Section 87. For the purpose of incorporating the amendment
3795 made by this act to section 316.193, Florida Statutes, in a
3796 reference thereto, subsection (4) of section 627.758, Florida
3797 Statutes, is reenacted to read:

3798 627.758 Surety on auto club traffic arrest bond;
3799 conditions, limit; bail bond.--

3800 (4) Notwithstanding the provisions of s. 626.311 or
3801 chapter 648, any surety insurer identified in a guaranteed
3802 traffic arrest bond certificate or any licensed general lines
3803 agent of the surety insurer may execute a bail bond for the
3804 automobile club or association member identified in the
3805 guaranteed traffic arrest bond certificate in an amount not in
3806 excess of \$5,000 for any violation of chapter 316 or any similar
3807 traffic law or ordinance except for driving under the influence
3808 of alcoholic beverages, chemical substances, or controlled
3809 substances, as prohibited by s. 316.193.

3810 Section 88. For the purpose of incorporating the amendment
3811 made by this act to section 316.193, Florida Statutes, in
3812 references thereto, paragraph (f) of subsection (2) and
3813 paragraph (f) of subsection (10) of section 790.06, Florida
3814 Statutes, are reenacted to read:

3815 790.06 License to carry concealed weapon or firearm.--

3816 (2) The Department of Agriculture and Consumer Services
3817 shall issue a license if the applicant:

3818 (f) Does not chronically and habitually use alcoholic
3819 beverages or other substances to the extent that his or her
3820 normal faculties are impaired. It shall be presumed that an
3821 applicant chronically and habitually uses alcoholic beverages or

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3822 other substances to the extent that his or her normal faculties
3823 are impaired if the applicant has been committed under chapter
3824 397 or under the provisions of former chapter 396 or has been
3825 convicted under s. 790.151 or has been deemed a habitual
3826 offender under s. 856.011(3), or has had two or more convictions
3827 under s. 316.193 or similar laws of any other state, within the
3828 3-year period immediately preceding the date on which the
3829 application is submitted;

3830 (10) A license issued under this section shall be
3831 suspended or revoked pursuant to chapter 120 if the licensee:

3832 (f) Is convicted of a second violation of s. 316.193, or a
3833 similar law of another state, within 3 years of a previous
3834 conviction of such section, or similar law of another state,
3835 even though the first violation may have occurred prior to the
3836 date on which the application was submitted;

3837 Section 89. For the purpose of incorporating the amendment
3838 made by this act to section 316.193, Florida Statutes, in a
3839 reference thereto, subsection (2) of section 903.36, Florida
3840 Statutes, is reenacted to read:

3841 903.36 Guaranteed arrest bond certificates as cash bail.--

3842 (2) The execution of a bail bond by a licensed general
3843 lines agent of a surety insurer for the automobile club or
3844 association member identified in the guaranteed traffic arrest
3845 bond certificate, as provided in s. 627.758(4), shall be
3846 accepted as bail in an amount not to exceed \$5,000 for the
3847 appearance of the person named in the certificate in any court
3848 to answer for the violation of a provision of chapter 316 or a
3849 similar traffic law or ordinance, except driving under the

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3850 influence of alcoholic beverages, chemical substances, or
3851 controlled substances, as prohibited by s. 316.193. Presentation
3852 of the guaranteed traffic arrest bond certificate and a power of
3853 attorney from the surety insurer for its licensed general lines
3854 agents is authorization for such agent to execute the bail bond.

3855 Section 90. For the purpose of incorporating the amendment
3856 made by this act to section 316.193, Florida Statutes, in
3857 references thereto, paragraph (c) of subsection (4) of section
3858 907.041, Florida Statutes, is reenacted to read:

3859 907.041 Pretrial detention and release.--

3860 (4) PRETRIAL DETENTION.--

3861 (c) The court may order pretrial detention if it finds a
3862 substantial probability, based on a defendant's past and present
3863 patterns of behavior, the criteria in s. 903.046, and any other
3864 relevant facts, that any of the following circumstances exists:

3865 1. The defendant has previously violated conditions of
3866 release and that no further conditions of release are reasonably
3867 likely to assure the defendant's appearance at subsequent
3868 proceedings;

3869 2. The defendant, with the intent to obstruct the judicial
3870 process, has threatened, intimidated, or injured any victim,
3871 potential witness, juror, or judicial officer, or has attempted
3872 or conspired to do so, and that no condition of release will
3873 reasonably prevent the obstruction of the judicial process;

3874 3. The defendant is charged with trafficking in controlled
3875 substances as defined by s. 893.135, that there is a substantial
3876 probability that the defendant has committed the offense, and

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3877 that no conditions of release will reasonably assure the
3878 defendant's appearance at subsequent criminal proceedings; or

3879 4. The defendant is charged with DUI manslaughter, as
3880 defined by s. 316.193, and that there is a substantial
3881 probability that the defendant committed the crime and that the
3882 defendant poses a threat of harm to the community; conditions
3883 that would support a finding by the court pursuant to this
3884 subparagraph that the defendant poses a threat of harm to the
3885 community include, but are not limited to, any of the following:

3886 a. The defendant has previously been convicted of any
3887 crime under s. 316.193, or of any crime in any other state or
3888 territory of the United States that is substantially similar to
3889 any crime under s. 316.193;

3890 b. The defendant was driving with a suspended driver's
3891 license when the charged crime was committed; or

3892 c. The defendant has previously been found guilty of, or
3893 has had adjudication of guilt withheld for, driving while the
3894 defendant's driver's license was suspended or revoked in
3895 violation of s. 322.34;

3896 5. The defendant poses the threat of harm to the
3897 community. The court may so conclude, if it finds that the
3898 defendant is presently charged with a dangerous crime, that
3899 there is a substantial probability that the defendant committed
3900 such crime, that the factual circumstances of the crime indicate
3901 a disregard for the safety of the community, and that there are
3902 no conditions of release reasonably sufficient to protect the
3903 community from the risk of physical harm to persons.

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3904 6. The defendant was on probation, parole, or other
3905 release pending completion of sentence or on pretrial release
3906 for a dangerous crime at the time the current offense was
3907 committed; or

3908 7. The defendant has violated one or more conditions of
3909 pretrial release or bond for the offense currently before the
3910 court and the violation, in the discretion of the court,
3911 supports a finding that no conditions of release can reasonably
3912 protect the community from risk of physical harm to persons or
3913 assure the presence of the accused at trial.

3914 Section 91. Except as otherwise expressly provided in this
3915 act, this act shall take effect upon becoming a law.

3916
3917
3918 -----
3919 **T I T L E A M E N D M E N T**

3920 Remove the entire title and insert:

3921 A bill to be entitled

3922 An act relating to the Department of Transportation;
3923 amending s. 20.23, F.S.; providing for the salary and
3924 benefits of the executive director of the Florida
3925 Transportation Commission to be set in accordance with the
3926 Senior Management Service; amending s. 125.42, F.S.;
3927 providing for counties to incur certain costs related to
3928 relocation or removal of certain utility facilities under
3929 specified circumstances; amending s. 163.3177, F.S.;
3930 revising requirements for comprehensive plans; providing a
3931 timeframe for submission of certain information to the

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3932 state land planning agency; providing for airports, land
3933 adjacent to airports, and certain interlocal agreements
3934 relating thereto in certain elements of the plan; amending
3935 s. 163.3178, F.S.; providing that certain port-related
3936 facilities are not developments of regional impact under
3937 certain circumstances; amending s. 163.3182, F.S.,
3938 relating to transportation concurrency backlog
3939 authorities; providing legislative findings and
3940 declarations; expanding the power of authorities to borrow
3941 money to include issuing certain debt obligations;
3942 providing a maximum maturity date for certain debt
3943 incurred to finance or refinance certain transportation
3944 concurrency backlog projects; authorizing authorities to
3945 continue operations and administer certain trust funds for
3946 the period of the remaining outstanding debt; requiring
3947 local transportation concurrency backlog trust funds to
3948 continue to be funded for certain purposes; providing for
3949 increased ad valorem tax increment funding for such trust
3950 funds under certain circumstances; revising provisions for
3951 dissolution of an authority; amending s. 287.055, F.S.;
3952 conforming a cross-reference; amending s. 316.0741, F.S.;
3953 redefining the term "hybrid vehicle"; authorizing the
3954 driving of a hybrid, low-emission, or energy-efficient
3955 vehicle in a high-occupancy-vehicle lane regardless of
3956 occupancy; requiring certain vehicles to comply with
3957 specified federal standards to be driven in an HOV lane
3958 regardless of occupancy; revising provisions for issuance
3959 of a decal and certificate; providing for the Department

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3960 of Highway Safety and Motor Vehicles to limit or
3961 discontinue issuance of decals for the use of HOV
3962 facilities by hybrid and low-emission and energy-efficient
3963 vehicles under certain circumstances; directing the
3964 department to review a specified federal rule and make a
3965 report to the Legislature; exempting certain vehicles from
3966 the payment of certain tolls; amending s. 316.193, F.S.;
3967 revising the prohibition against driving under the
3968 influence of alcohol; revising the blood-alcohol or
3969 breath-alcohol level at which certain penalties apply;
3970 revising requirement for placement of an ignition
3971 interlock device; amending s. 316.302, F.S.; revising
3972 references to rules, regulations, and criteria governing
3973 commercial motor vehicles engaged in intrastate commerce;
3974 providing that the department performs duties assigned to
3975 the Field Administrator of the Federal Motor Carrier
3976 Safety Administration under the federal rules and may
3977 enforce those rules; amending ss. 316.613 and 316.614,
3978 F.S.; revising the definition of "motor vehicle" for
3979 purposes of child restraint and safety belt usage
3980 requirements; amending s. 316.656, F.S.; revising the
3981 prohibition against a judge accepting a plea to a lesser
3982 offense from a person charged under certain DUI
3983 provisions; revising the blood-alcohol or breath-alcohol
3984 level at which the prohibition applies; amending s.
3985 322.64, F.S.; providing that refusal to submit to a
3986 breath, urine, or blood test disqualifies a person from
3987 operating a commercial motor vehicle; providing a period

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3988 of disqualification if a person has an unlawful blood-
3989 alcohol or breath-alcohol level; providing for issuance of
3990 a notice of disqualification; revising the requirements
3991 for a formal review hearing following a person's
3992 disqualification from operating a commercial motor
3993 vehicle; providing that a county, municipality, or special
3994 district may not own or operate an asphalt plant or a
3995 portable or stationary concrete batch plant having an
3996 independent mixer; provides exemptions; amending s.
3997 337.0261, F.S.; revising the sunset date for the Strategic
3998 Aggregate Review Task Force; amending s. 337.11, F.S.;
3999 establishing a goal for the procurement of design-build
4000 contracts; amending ss. 337.14 and 337.16, F.S.;
4001 conforming cross-references; amending s. 337.18, F.S.;
4002 requiring the contractor to maintain a copy of the
4003 required payment and performance bond at certain locations
4004 and provide a copy upon request; providing that a copy may
4005 be obtained directly from the department; removing a
4006 provision requiring a copy be recorded in the public
4007 records of the county; amending s. 337.185, F.S.;
4008 providing for the State Arbitration Board to arbitrate
4009 certain claims relating to maintenance contracts;
4010 providing for a member of the board to be elected by
4011 maintenance companies as well as construction companies;
4012 amending s. 337.403, F.S.; providing for the department or
4013 local governmental entity to pay certain costs of removal
4014 or relocation of a utility facility that is found to be
4015 interfering with the use, maintenance, improvement,

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4016 extension, or expansion of a public road or publicly owned
4017 rail corridor under described circumstances; amending s.
4018 337.408, F.S.; providing for public pay telephones and
4019 advertising thereon to be installed within the right-of-
4020 way limits of any municipal, county, or state road;
4021 amending s. 338.01, F.S.; requiring new and replacement
4022 electronic toll collection systems to be interoperable
4023 with the department's system; amending s. 338.165, F.S.;
4024 providing that provisions requiring the continuation of
4025 tolls following the discharge of bond indebtedness does
4026 not apply to high-occupancy toll lanes or express lanes;
4027 creating s. 338.166, F.S.; authorizing the department to
4028 request that bonds be issued which are secured by toll
4029 revenues from high-occupancy toll or express lanes in a
4030 specified location; providing for the department to
4031 continue to collect tolls after discharge of indebtedness;
4032 authorizing the use of excess toll revenues for
4033 improvements to the State Highway System; authorizing the
4034 implementation of variable rate tolls on high-occupancy
4035 toll lanes or express lanes; amending s. 338.2216, F.S.;
4036 directing the Florida Turnpike Enterprise to implement new
4037 technologies and processes in its operations and
4038 collection of tolls and other amounts; providing contract
4039 bid requirements for fuel and food on the turnpike system;
4040 amending s. 338.223, F.S.; conforming a cross-reference;
4041 amending s. 338.231, F.S.; revising provisions for
4042 establishing and collecting tolls; authorizing collection
4043 of amounts to cover costs of toll collection and payment

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4044 methods; requiring public notice and hearing; amending s.
4045 339.12, F.S.; revising requirements for aid and
4046 contributions by governmental entities for transportation
4047 projects; revising limits under which the department may
4048 enter into an agreement with a county for a project or
4049 project phase not in the adopted work program; authorizing
4050 the department to enter into certain long-term repayment
4051 agreements; amending s. 339.135, F.S.; revising certain
4052 notice provisions that require the Department of
4053 Transportation to notify local governments regarding
4054 amendments to an adopted 5-year work program; amending s.
4055 339.155, F.S.; revising provisions for development of the
4056 Florida Transportation Plan; amending s. 339.2816, F.S.,
4057 relating to the small county road assistance program;
4058 providing for resumption of certain funding for the
4059 program; revising the criteria for counties eligible to
4060 participate in the program; amending ss. 339.2819 and
4061 339.285, F.S.; conforming cross-references; amending s.
4062 341.301, F.S.; providing definitions relating to commuter
4063 rail service, rail corridors, and railroad operation for
4064 purposes of the rail program within the department;
4065 amending s. 341.302, F.S.; authorizing the department to
4066 purchase specified property for the purpose of
4067 implementing commuter rail service; authorizing the
4068 department to assume certain liability on a rail corridor;
4069 authorizing the department to indemnify and hold harmless
4070 a railroad company when the department acquires a rail
4071 corridor from the company; providing allocation of risk;

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4072 providing a specific cap on the amount of the contractual
4073 duty for such indemnification; authorizing the department
4074 to purchase and provide insurance in relation to rail
4075 corridors; authorizing marketing and promotional expenses;
4076 extending provisions to other governmental entities
4077 providing commuter rail service on public right-of-way;
4078 creating s. 341.3023, F.S.; requiring the department to
4079 review and study commuter rail programs and intercity rail
4080 transportation systems; requiring a report to the Governor
4081 and the Legislature; repealing part III of ch. 343 F.S.;
4082 abolishing the Tampa Bay Commuter Transit Authority;
4083 amending s. 348.0003, F.S.; providing for financial
4084 disclosure for expressway, transportation, bridge, and
4085 toll authorities; amending s. 348.0004, F.S.; providing
4086 for certain expressway authorities to index toll rate
4087 increases; amending s. 479.01, F.S.; revising provisions
4088 for outdoor advertising; revising the definition of the
4089 term "automatic changeable facing"; amending s. 479.07,
4090 F.S.; revising a prohibition against signs on the State
4091 Highway System; revising requirements for display of the
4092 sign permit tag; directing the department to establish by
4093 rule a fee for furnishing a replacement permit tag;
4094 revising the pilot project for permitted signs to include
4095 Hillsborough County and areas within the boundaries of the
4096 City of Miami; amending s. 479.08, F.S.; revising
4097 provisions for denial or revocation of a sign permit;
4098 amending s. 479.261, F.S.; revising requirements for the
4099 logo sign program of the interstate highway system;

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4100 deleting provisions providing for permits to be awarded to
4101 the highest bidders; requiring the department to implement
4102 a rotation-based logo program; requiring the department to
4103 adopt rules that set reasonable rates based on certain
4104 factors for annual permit fees; requiring that such fees
4105 not exceed a certain amount for sign locations inside and
4106 outside an urban area; creating a business partnership
4107 pilot program; authorizing the Palm Beach County School
4108 District to display names of business partners on district
4109 property in unincorporated areas; exempting the program
4110 from specified provisions; amending s. 768.28, F.S. ;
4111 expanding the list of entities considered agents of the
4112 state; providing for construction in relation to certain
4113 federal laws; requiring the department to ensure certain
4114 providers of railroad related services meet certain
4115 requirements; requiring the department to conduct a study
4116 of transportation alternatives for the Interstate 95
4117 corridor; requiring a report to the Governor and the
4118 Legislature; authorizing the expenditure of public funds
4119 for certain alterations of Old Cutler Road in the Village
4120 of Palmetto Bay; requiring the official approval of the
4121 Department of State before any alterations may begin;
4122 reenacting ss. 316.066(3)(a), 316.072(4)(b), 316.1932(3),
4123 316.1933(4), 316.1937(1) and (2)(d), 316.1939(1)(b),
4124 316.656(1), 318.143(4) and (5), 318.17(3), 320.055(1)(c),
4125 322.03(2), 322.0602(2)(a), 322.21(8), 322.25(5),
4126 322.26(1)(a), 322.2615(14)(a) and (16), 322.2616(15) and
4127 (19), 322.264(1)(b), 322.271(2)(a), (c) and (4),

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4128 322.2715(2), (3)(a), (c), and (4), 322.28(2),
4129 322.282(2)(a), 322.291(1)(a), 322.34(9)(a), 322.62(3),
4130 322.63(2)(d) and (6), 322.64(1), (2), (7)(a), (8)(b),
4131 (14), and (15), 323.001(4)(f), 324.023, 324.131,
4132 327.35(6), 337.195(1), 440.02(17)(c), 440.09(7)(b),
4133 493.6106(1)(d), 627.7275(2)(a), 627.758(4), 790.06(2)(f)
4134 and (10)(f), 903.36(2), and 907.041(4)(c), F.S., relating
4135 to written reports of crashes, obedience to and effect of
4136 traffic laws, tests for alcohol, chemical substances, or
4137 controlled substances, implied consent, refusal, blood
4138 test for impairment or intoxication in cases of death or
4139 serious bodily injury, right to use reasonable force,
4140 ignition interlock devices, requiring, unlawful acts,
4141 refusal to submit to testing, penalties, mandatory
4142 adjudication, prohibition against accepting plea to lesser
4143 included offense, sanctions for infractions by minors,
4144 offenses excepted, registration periods, renewal periods,
4145 drivers must be licensed, penalties, youthful drunk driver
4146 visitation program, license fees, procedure for handling
4147 and collecting fees, when court to forward license to
4148 department and report convictions, temporary reinstatement
4149 of driving privileges, mandatory revocation of license by
4150 department, suspension of license, right to review,
4151 suspension of license, persons under 21 years of age,
4152 right to review, "habitual traffic offender" defined,
4153 authority to modify revocation, cancellation, or
4154 suspension order, ignition interlock device, period of
4155 suspension or revocation, procedure when court revokes or

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4156 suspends license or driving privilege and orders
4157 reinstatement, driver improvement schools or dui programs,
4158 required in certain suspension and revocation cases,
4159 driving while license suspended, revoked, canceled, or
4160 disqualified, driving under the influence, commercial
4161 motor vehicle operators, alcohol or drug testing,
4162 commercial motor vehicle operators, holder of commercial
4163 driver's license, driving with unlawful blood-alcohol
4164 level, refusal to submit to breath, urine, or blood test,
4165 wrecker operator storage facilities, vehicle holds,
4166 financial responsibility for bodily injury or death,
4167 period of suspension, boating under the influence,
4168 penalties, "designated drivers," limits on liability,
4169 definitions, coverage, license requirements, posting,
4170 motor vehicle liability, surety on auto club traffic
4171 arrest bond, conditions, limit, bail bond, license to
4172 carry concealed weapon or firearm, guaranteed arrest bond
4173 certificates as cash bail, and pretrial detention and
4174 release, to incorporate references in changes made by the
4175 act; providing effective dates.

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