



844108

CHAMBER ACTION

Senate

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House

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1 Senator Baker moved the following **amendment**:

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

4 Delete everything after the enacting clause  
5 and insert:

6  
7 Section 1. Paragraph (h) of subsection (2) of section  
8 20.23, Florida Statutes, is amended to read:

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

12 (2)

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



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

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

30 125.42 Water, sewage, gas, power, telephone, other utility,  
31 and television lines along county roads and highways.--

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

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

39 163.3177 Required and optional elements of comprehensive  
40 plan; studies and surveys.--

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

44 (a) A future land use plan element designating proposed  
45 future general distribution, location, and extent of the uses of  
46 land for residential uses, commercial uses, industry,  
47 agriculture, recreation, conservation, education, public



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



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78 | closely proximate lands with military installations; lands  
79 | adjacent to an airport as defined in s. 330.35 and consistent  
80 | with provisions in s. 333.02. In addition, for rural communities,  
81 | the amount of land designated for future planned industrial use  
82 | shall be based upon surveys and studies that reflect the need for  
83 | job creation, capital investment, and the necessity to strengthen  
84 | and diversify the local economies, and shall not be limited  
85 | solely by the projected population of the rural community. The  
86 | future land use plan of a county may also designate areas for  
87 | possible future municipal incorporation. The land use maps or map  
88 | series shall generally identify and depict historic district  
89 | boundaries and shall designate historically significant  
90 | properties meriting protection. For coastal counties, the future  
91 | land use element must include, without limitation, regulatory  
92 | incentives and criteria that encourage the preservation of  
93 | recreational and commercial working waterfronts as defined in s.  
94 | 342.07. The future land use element must clearly identify the  
95 | land use categories in which public schools are an allowable use.  
96 | When delineating the land use categories in which public schools  
97 | are an allowable use, a local government shall include in the  
98 | categories sufficient land proximate to residential development  
99 | to meet the projected needs for schools in coordination with  
100 | public school boards and may establish differing criteria for  
101 | schools of different type or size. Each local government shall  
102 | include lands contiguous to existing school sites, to the maximum  
103 | extent possible, within the land use categories in which public  
104 | schools are an allowable use. The failure by a local government  
105 | to comply with these school siting requirements will result in  
106 | the prohibition of the local government's ability to amend the  
107 | local comprehensive plan, except for plan amendments described in



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108 s. 163.3187(1) (b), until the school siting requirements are met.  
109 Amendments proposed by a local government for purposes of  
110 identifying the land use categories in which public schools are  
111 an allowable use are exempt from the limitation on the frequency  
112 of plan amendments contained in s. 163.3187. The future land use  
113 element shall include criteria that encourage the location of  
114 schools proximate to urban residential areas to the extent  
115 possible and shall require that the local government seek to  
116 collocate public facilities, such as parks, libraries, and  
117 community centers, with schools to the extent possible and to  
118 encourage the use of elementary schools as focal points for  
119 neighborhoods. For schools serving predominantly rural counties,  
120 defined as a county with a population of 100,000 or fewer, an  
121 agricultural land use category shall be eligible for the location  
122 of public school facilities if the local comprehensive plan  
123 contains school siting criteria and the location is consistent  
124 with such criteria. Local governments required to update or amend  
125 their comprehensive plan to include criteria and address  
126 compatibility of lands adjacent to an airport as defined in s.  
127 330.35 and consistent with provisions in s. 333.02 ~~adjacent or~~  
128 ~~closely proximate lands with existing military installations~~ in  
129 their 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 in  
134 the accomplishment of coordination of the adopted comprehensive  
135 plan with the plans of school boards, regional water supply  
136 authorities, and other units of local government providing  
137 services but not having regulatory authority over the use of



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138 land, with the comprehensive plans of adjacent municipalities,  
139 the county, adjacent counties, or the region, with the state  
140 comprehensive plan and with the applicable regional water supply  
141 plan approved pursuant to s. 373.0361, as the case may require  
142 and as such adopted plans or plans in preparation may exist. This  
143 element of the local comprehensive plan shall demonstrate  
144 consideration of the particular effects of the local plan, when  
145 adopted, upon the development of adjacent municipalities, the  
146 county, adjacent counties, or the region, or upon the state  
147 comprehensive plan, as the case may require.

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

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

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

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

164 2. The intergovernmental coordination element shall further  
165 state principles and guidelines to be used in the accomplishment  
166 of coordination of the adopted comprehensive plan with the plans  
167 of school boards and other units of local government providing



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

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

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

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



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

205           6. By January 1, 2004, any county having a population  
206 greater than 100,000, and the municipalities and special  
207 districts within that county, shall submit a report to the  
208 Department of Community Affairs which:

209           a. Identifies all existing or proposed interlocal service  
210 delivery agreements regarding the following: education; sanitary  
211 sewer; public safety; solid waste; drainage; potable water; parks  
212 and recreation; and transportation facilities.

213           b. Identifies any deficits or duplication in the provision  
214 of services within its jurisdiction, whether capital or  
215 operational. Upon request, the Department of Community Affairs  
216 shall provide technical assistance to the local governments in  
217 identifying deficits or duplication.

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

224           8. Each local government shall update its intergovernmental  
225 coordination element based upon the findings in the report  
226 submitted pursuant to subparagraph 6. The report may be used as



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227 supporting data and analysis for the intergovernmental  
228 coordination element.

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

234 1. Traffic circulation, including major thoroughfares and  
235 other routes, including bicycle and pedestrian ways.

236 2. All alternative modes of travel, such as public  
237 transportation, pedestrian, and bicycle travel.

238 3. Parking facilities.

239 4. Aviation, rail, seaport facilities, access to those  
240 facilities, and intermodal terminals.

241 5. The availability of facilities and services to serve  
242 existing land uses and the compatibility between future land use  
243 and transportation elements.

244 6. The capability to evacuate the coastal population prior  
245 to an impending natural disaster.

246 7. Airports, projected airport and aviation development,  
247 and land use compatibility around airports that includes areas  
248 defined in s. 333.01 and s. 333.02.

249 8. An identification of land use densities, building  
250 intensities, and transportation management programs to promote  
251 public transportation systems in designated public transportation  
252 corridors so as to encourage population densities sufficient to  
253 support such systems.

254 9. May include transportation corridors, as defined in s.  
255 334.03, intended for future transportation facilities designated  
256 pursuant to s. 337.273. If transportation corridors are



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257 | designated, the local government may adopt a transportation  
258 | corridor management ordinance.

259 |       Section 4. Subsection (3) of section 163.3178, Florida  
260 | Statutes, is amended to read:

261 |       163.3178 Coastal management.--

262 |       (3) Expansions to port harbors, spoil disposal sites,  
263 | navigation channels, turning basins, harbor berths, and other  
264 | related inwater harbor facilities of ports listed in s.  
265 | 403.021(9); port transportation facilities and projects listed in  
266 | s. 311.07(3)(b); ~~and~~ intermodal transportation facilities  
267 | identified pursuant to s. 311.09(3); and facilities determined by  
268 | the Department of Community Affairs and the applicable general-  
269 | purpose local government to be port-related industrial or  
270 | commercial projects located within 3 miles of or in the port  
271 | master plan area which rely upon the utilization of port and  
272 | intermodal transportation facilities shall not be developments of  
273 | regional impact where such expansions, projects, or facilities  
274 | are consistent with comprehensive master plans that are in  
275 | compliance with this section.

276 |       Section 5. Subsections (9) and (12) of section 163.3180,  
277 | Florida Statutes, are amended to read:

278 |       163.3180 Concurrency.--

279 |       (9) (a) Each local government may adopt as a part of its  
280 | plan, long-term transportation and school concurrency management  
281 | systems with a planning period of up to 10 years for specially  
282 | designated districts or areas where significant backlogs exist.  
283 | The plan may include interim level-of-service standards on  
284 | certain facilities and shall rely on the local government's  
285 | schedule of capital improvements for up to 10 years as a basis  
286 | for issuing development orders that authorize commencement of



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287 construction in these designated districts or areas. The  
288 concurrency management system must be designed to correct  
289 existing deficiencies and set priorities for addressing  
290 backlogged facilities. The concurrency management system must be  
291 financially feasible and consistent with other portions of the  
292 adopted local plan, including the future land use map.

293 (b) If a local government has a transportation or school  
294 facility backlog for existing development which cannot be  
295 adequately addressed in a 10-year plan, the state land planning  
296 agency may allow it to develop a plan and long-term schedule of  
297 capital improvements covering up to 15 years for good and  
298 sufficient cause, based on a general comparison between that  
299 local government and all other similarly situated local  
300 jurisdictions, using the following factors:

- 301 1. The extent of the backlog.
- 302 2. For roads, whether the backlog is on local or state  
303 roads.
- 304 3. The cost of eliminating the backlog.
- 305 4. The local government's tax and other revenue-raising  
306 efforts.

307 (c) The local government may issue approvals to commence  
308 construction notwithstanding this section, consistent with and in  
309 areas that are subject to a long-term concurrency management  
310 system.

311 (d) If the local government adopts a long-term concurrency  
312 management system, it must evaluate the system periodically. At a  
313 minimum, the local government must assess its progress toward  
314 improving levels of service within the long-term concurrency  
315 management district or area in the evaluation and appraisal



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316 report and determine any changes that are necessary to accelerate  
317 progress in meeting acceptable levels of service.

318 (e) The Department of Transportation shall establish an  
319 approved transportation methodology that recognizes that a  
320 planned, sustainable development of regional impact is likely to  
321 achieve an internal capture rate greater than 30 percent when  
322 fully developed. The transportation methodology must use a  
323 regional transportation model that incorporates professionally  
324 accepted modeling techniques applicable to well-planned,  
325 sustainable communities of the size, location, mix of uses, and  
326 design features consistent with such communities. The adopted  
327 transportation methodology shall serve as the basis for  
328 sustainable development traffic impact assessments by the  
329 department. The methodology review must be completed and in use  
330 by March 1, 2009.

331 (12) A development of regional impact may satisfy the  
332 transportation concurrency requirements of the local  
333 comprehensive plan, the local government's concurrency management  
334 system, and s. 380.06 by payment of a proportionate-share  
335 contribution for local and regionally significant traffic  
336 impacts, if:

337 (a) The development of regional impact which, based on its  
338 location or mix of land uses, is designed to encourage pedestrian  
339 or other nonautomotive modes of transportation;

340 (b) The proportionate-share contribution for local and  
341 regionally significant traffic impacts is sufficient to pay for  
342 one or more required mobility improvements that will benefit a  
343 regionally significant transportation facility;



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344 (c) The owner and developer of the development of regional  
345 impact pays or assures payment of the proportionate-share  
346 contribution; and

347 (d) If the regionally significant transportation facility  
348 to be constructed or improved is under the maintenance authority  
349 of a governmental entity, as defined by s. 334.03(12), other than  
350 the local government with jurisdiction over the development of  
351 regional impact, the developer is required to enter into a  
352 binding and legally enforceable commitment to transfer funds to  
353 the governmental entity having maintenance authority or to  
354 otherwise assure construction or improvement of the facility.  
355

356 The proportionate-share contribution may be applied to any  
357 transportation facility to satisfy the provisions of this  
358 subsection and the local comprehensive plan, but, for the  
359 purposes of this subsection, the amount of the proportionate-  
360 share contribution shall be calculated based upon the cumulative  
361 number of trips from the proposed development expected to reach  
362 roadways during the peak hour from the complete buildout of a  
363 stage or phase being approved, divided by the change in the peak  
364 hour maximum service volume of roadways resulting from  
365 construction of an improvement necessary to maintain the adopted  
366 level of service, multiplied by the construction cost, at the  
367 time of developer payment, of the improvement necessary to  
368 maintain the adopted level of service. The determination of  
369 mitigation for a subsequent phase or stage of development shall  
370 account for any mitigation required by the development order and  
371 provided by the developer for any earlier phase or stage,  
372 calculated at present value. For purposes of this subsection, the  
373 term "present value" means the fair market value of right-of-way



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374 at the time of contribution or the actual dollar value of the  
375 construction improvements contribution adjusted by the Consumer  
376 Price Index. For purposes of this subsection, "construction cost"  
377 includes all associated costs of the improvement. Proportionate-  
378 share mitigation shall be limited to ensure that a development of  
379 regional impact meeting the requirements of this subsection  
380 mitigates its impact on the transportation system but is not  
381 responsible for the additional cost of reducing or eliminating  
382 backlogs. For purposes of this subsection, "backlogged  
383 transportation facility" is defined as one on which the adopted  
384 level-of-service standard is exceeded by the existing trips plus  
385 committed trips. A developer may not be required to fund or  
386 construct proportionate share mitigation for any backlogged  
387 transportation facility which is more extensive than mitigation  
388 necessary to offset the impact of the development project in  
389 question. This subsection also applies to Florida Quality  
390 Developments pursuant to s. 380.061 and to detailed specific area  
391 plans implementing optional sector plans pursuant to s. 163.3245.

392 Section 6. Paragraph (c) is added to subsection (2) of  
393 section 163.3182, Florida Statutes, and paragraph (d) of  
394 subsection (3), paragraph (a) of subsection (4), and subsections  
395 (5) and (8) of that section are amended, to read:

396 163.3182 Transportation concurrency backlogs.--

397 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG  
398 AUTHORITIES.--

399 (c) The Legislature finds and declares that there exists in  
400 many counties and municipalities areas with significant  
401 transportation deficiencies and inadequate transportation  
402 facilities; that many such insufficiencies and inadequacies  
403 severely limit or prohibit the satisfaction of transportation



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404 concurrency standards; that such transportation insufficiencies  
405 and inadequacies affect the health, safety, and welfare of the  
406 residents of such counties and municipalities; that such  
407 transportation insufficiencies and inadequacies adversely affect  
408 economic development and growth of the tax base for the areas in  
409 which such insufficiencies and inadequacies exist; and that the  
410 elimination of transportation deficiencies and inadequacies and  
411 the satisfaction of transportation concurrency standards are  
412 paramount public purposes for the state and its counties and  
413 municipalities.

414 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG  
415 AUTHORITY.--Each transportation concurrency backlog authority has  
416 the powers necessary or convenient to carry out the purposes of  
417 this section, including the following powers in addition to  
418 others granted in this section:

419 (d) To borrow money, including, but not limited to, issuing  
420 debt obligations, such as, but not limited to, bonds, notes,  
421 certificates, and similar debt instruments; to apply for and  
422 accept advances, loans, grants, contributions, and any other  
423 forms of financial assistance from the Federal Government or the  
424 state, county, or any other public body or from any sources,  
425 public or private, for the purposes of this part; to give such  
426 security as may be required; to enter into and carry out  
427 contracts or agreements; and to include in any contracts for  
428 financial assistance with the Federal Government for or with  
429 respect to a transportation concurrency backlog project and  
430 related activities such conditions imposed pursuant to federal  
431 laws as the transportation concurrency backlog authority  
432 considers reasonable and appropriate and which are not  
433 inconsistent with the purposes of this section.



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434 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--  
435 (a) Each transportation concurrency backlog authority shall  
436 adopt a transportation concurrency backlog plan as a part of the  
437 local government comprehensive plan within 6 months after the  
438 creation of the authority. The plan shall:  
439 1. Identify all transportation facilities that have been  
440 designated as deficient and require the expenditure of moneys to  
441 upgrade, modify, or mitigate the deficiency.  
442 2. Include a priority listing of all transportation  
443 facilities that have been designated as deficient and do not  
444 satisfy concurrency requirements pursuant to s. 163.3180, and the  
445 applicable local government comprehensive plan.  
446 3. Establish a schedule for financing and construction of  
447 transportation concurrency backlog projects that will eliminate  
448 transportation concurrency backlogs within the jurisdiction of  
449 the authority within 10 years after the transportation  
450 concurrency backlog plan adoption. The schedule shall be adopted  
451 as part of the local government comprehensive plan.  
452 Notwithstanding such schedule requirements, as long as the  
453 schedule provides for the elimination of all transportation  
454 concurrency backlogs within 10 years after the adoption of the  
455 concurrency backlog plan, the final maturity date of any debt  
456 incurred to finance or refinance the related projects may be no  
457 later than 40 years after the date such debt is incurred and the  
458 authority may continue operations and administer the trust fund  
459 established as provided in subsection (5) for as long as such  
460 debt remains outstanding.  
461 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation  
462 concurrency backlog authority shall establish a local  
463 transportation concurrency backlog trust fund upon creation of



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464 the authority. Each local trust fund shall be administered by the  
465 transportation concurrency backlog authority within which a  
466 transportation concurrency backlog has been identified. Each  
467 local trust fund shall continue to be funded pursuant to this  
468 section for as long as the projects set forth in the related  
469 transportation concurrency backlog plan remain to be completed or  
470 until any debt incurred to finance or refinance the related  
471 projects are no longer outstanding, whichever occurs later.  
472 Beginning in the first fiscal year after the creation of the  
473 authority, each local trust fund shall be funded by the proceeds  
474 of an ad valorem tax increment collected within each  
475 transportation concurrency backlog area to be determined annually  
476 and shall be a minimum of 25 percent of the difference between  
477 the amounts set forth in paragraphs (a) and (b), except that if  
478 all of the affected taxing authorities agree pursuant to an  
479 interlocal agreement, a particular local trust fund may be funded  
480 by the proceeds of an ad valorem tax increment greater than 25  
481 percent of the difference between the amounts set forth in  
482 paragraphs (a) and (b):

483 (a) The amount of ad valorem tax levied each year by each  
484 taxing authority, exclusive of any amount from any debt service  
485 millage, on taxable real property contained within the  
486 jurisdiction of the transportation concurrency backlog authority  
487 and within the transportation backlog area; and

488 (b) The amount of ad valorem taxes which would have been  
489 produced by the rate upon which the tax is levied each year by or  
490 for each taxing authority, exclusive of any debt service millage,  
491 upon the total of the assessed value of the taxable real property  
492 within the transportation concurrency backlog area as shown on  
493 the most recent assessment roll used in connection with the



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494 taxation of such property of each taxing authority prior to the  
495 effective date of the ordinance funding the trust fund.

496 (8) DISSOLUTION.--Upon completion of all transportation  
497 concurrency backlog projects and repayment or defeasance of all  
498 debt issued to finance or refinance such projects, a  
499 transportation concurrency backlog authority shall be dissolved,  
500 and its assets and liabilities shall be transferred to the county  
501 or municipality within which the authority is located. All  
502 remaining assets of the authority must be used for implementation  
503 of transportation projects within the jurisdiction of the  
504 authority. The local government comprehensive plan shall be  
505 amended to remove the transportation concurrency backlog plan.

506 Section 7. The Legislature finds that prudent and sound  
507 infrastructure investments by the State Board of Administration  
508 of funds from the Lawton Chiles Endowment Fund in Florida  
509 infrastructure, specifically state-owned toll roads and toll  
510 facilities, which have potential to earn stable and competitive  
511 returns will serve the broad interests of the beneficiaries of  
512 the trust fund. The Legislature further finds that such  
513 infrastructure investments are being made by public investment  
514 funds worldwide and are being made or evaluated by public  
515 investment funds in many other states in this country. Therefore,  
516 it is a policy of this state that the State Board of  
517 Administration identify and invest in Florida infrastructure  
518 investments if such investments are consistent with and do not  
519 compromise or conflict with the obligations of the State Board of  
520 Administration.

521 Section 8. Subsection (5) of section 215.44, Florida  
522 Statutes, is amended to read:



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523 215.44 Board of Administration; powers and duties in  
524 relation to investment of trust funds.--

525 (5) On or before January 1 of each year, the board shall  
526 provide to the Legislature a report including the following items  
527 for each fund which, by law, has been entrusted to the board for  
528 investment:

529 (a) A schedule of the annual beginning and ending asset  
530 values and changes and sources of changes in the asset value of:

531 1. Each fund managed by the board; and

532 2. Each asset class and portfolio within the Florida  
533 Retirement System Trust Fund;

534 (b) A description of the investment policy for each fund,  
535 and changes in investment policy for each fund since the previous  
536 annual report;

537 (c) A description of compliance with investment strategy  
538 for each fund;

539 (d) A description of the risks inherent in investing in  
540 financial instruments of the major asset classes held in the  
541 fund; ~~and~~

542 (e) A summary of the type and amount of infrastructure  
543 investments held in the fund; and

544 (f)~~(e)~~ Other information deemed of interest by the  
545 executive director of the board.

546 Section 9. Subsection (14) of section 215.47, Florida  
547 Statutes, is amended to read:

548 215.47 Investments; authorized securities; loan of  
549 securities.--Subject to the limitations and conditions of the  
550 State Constitution or of the trust agreement relating to a trust  
551 fund, moneys available for investments under ss. 215.44-215.53  
552 may be invested as follows:



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553           (14) With no more in aggregate than 10 ~~5~~ percent of any  
554 fund in alternative investments, as defined in s.  
555 215.44(8)(c)1.a., through participation in the vehicles defined  
556 in s. 215.44(8)(c)1.b. or infrastructure investments or  
557 securities or investments that are not publicly traded and are  
558 not otherwise authorized by this section. As used in this  
559 subsection, the term "infrastructure investments" includes, but  
560 is not limited to, investments in transportation, communication,  
561 social, and utility infrastructure assets that have from time to  
562 time been owned and operated or funded by governments.  
563 Infrastructure assets include, but are not limited to, toll  
564 roads, toll facilities, tunnels, rail facilities, intermodal  
565 facilities, airports, seaports, water distribution, sewage and  
566 desalination treatment facilities, cell towers, cable networks,  
567 broadcast towers, and energy production and transmission  
568 facilities. Investments that are the subject of this subsection  
569 may be effected through separate accounts, commingled vehicles,  
570 including, but not limited to, limited partnerships or limited  
571 liability companies, and direct equity, debt, mezzanine, claims,  
572 leases, or other financial arrangements without reference to  
573 limitations within this section. Expenditures associated with the  
574 acquisition and operation of actual or potential infrastructure  
575 assets shall be included as part of the cost of infrastructure  
576 investment.

577           Section 10. Paragraph (f) is added to subsection (4) of  
578 section 215.5601, Florida Statutes, to read:

579           215.5601 Lawton Chiles Endowment Fund.--

580           (4) ADMINISTRATION.--

581           (f) Notwithstanding other provisions of law, the board,  
582 consistent with its fiduciary duties, shall lease, for up to 50



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583 years in whole or in part, the Alligator Alley from the  
584 Department of Transportation using funds in the endowment if such  
585 investments are determined to provide an adequate rate of return  
586 to the endowment considering all investment risks involved, and  
587 if the amount of such investments is not less than 20 percent and  
588 not more than 50 percent of the assets of the endowment at the  
589 time. The State Board of Administration shall make such  
590 investments prior to the end of the 2009-2010 fiscal year, and  
591 shall strive to make such investments prior to the end of the  
592 2008-2009 fiscal year, consistent with its fiduciary duties. The  
593 board shall make a progress report to the President of the Senate  
594 and the Speaker of the House of Representatives by March 1, 2009.  
595 The board may contract with the Department of Transportation,  
596 other governmental entities, public benefit corporations, or  
597 private-sector entities, as appropriate, to operate and maintain  
598 the toll facility consistent with applicable federal and state  
599 laws and rules.

600 Section 11. Section 334.305, Florida Statutes, is created  
601 to read:

602 334.305 Lease of transportation facilities.--The  
603 Legislature finds and declares that there is a public need for  
604 the lease of transportation facilities to assist in the funding  
605 of the rapid construction of other safe and efficient  
606 transportation facilities for the purpose of promoting the  
607 mobility of persons and goods within this state, and that it is  
608 in the public's interest to provide for such lease to advance the  
609 construction of additional safe, convenient, and economical  
610 transportation facilities. The Legislature further finds and  
611 declares that any lease agreement of transportation facilities by  
612 and between the State Board of Administration, acting on behalf



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613 of a trust fund, and the department, shall be and remain fair to  
614 the beneficiaries of such trust fund and that any such agreement  
615 and the resulting infrastructure investment shall not be impaired  
616 by any act of this state or of any local government of this  
617 state.

618 (1) (a) The department is authorized to enter into a lease  
619 agreement for up to 50 years with the State Board of  
620 Administration for Alligator Alley. Before approval, the  
621 department must determine that the proposed lease is in the  
622 public's best interest. The department and the State Board of  
623 Administration may separately engage the services of private  
624 consultants to assist in developing the lease agreement. In the  
625 terms and conditions of the lease agreement, the State Board of  
626 Administration, acting on behalf of trust fund participants and  
627 beneficiaries, shall not be disadvantaged relative to industry  
628 standard terms and conditions for institutional infrastructure  
629 investments. For the purpose of this section, the lease agreement  
630 may be maintained as an asset within a holding company  
631 established by the State Board of Administration and the holding  
632 company may sell noncontrolling divisible interests, units, or  
633 notes.

634 (b) The department shall deposit all funds received from a  
635 lease agreement pursuant to this section into the State  
636 Transportation Trust Fund.

637 (2) Agreements entered into pursuant to this section must  
638 provide for annual financial analysis of revenues and expenses  
639 required by the lease agreement and for any annual toll increases  
640 necessary to ensure that the terms of the lease agreement are  
641 met. The following provisions shall apply to such agreement:



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642       (a) The department shall lease, for up to 50 years and in  
643 whole or in part, Alligator Alley to the State Board of  
644 Administration. The lease agreement must ensure that the  
645 transportation facility is properly operated, maintained,  
646 reconstructed, and restored in accordance with state and federal  
647 laws and commercial standards applicable to other comparable  
648 infrastructure investments.

649       (b) Any toll revenues shall be regulated pursuant to this  
650 section and any provisions of s. 338.165(3) not in conflict with  
651 this section. The regulations governing the future increase of  
652 toll or fare revenues shall be included in the lease agreement,  
653 shall provide an adequate rate of return considering all risks  
654 involved, and may not subsequently be waived without prior  
655 express consent of the State Board of Administration.

656       (c) If any law or rule of the state or any local government  
657 or any state constitutional amendment is enacted which has the  
658 effect of materially impairing the lease agreement or the related  
659 infrastructure investment, directly or indirectly, the state,  
660 acting through the department or any other agency, shall  
661 immediately take action to remedy the situation by any means  
662 available, including taking back the leased infrastructure assets  
663 and making whole the effected trust fund. This provision may be  
664 enforced by legal or equitable action brought on behalf of the  
665 effected trust fund without regard to sovereign immunity.

666       (d) The department shall provide an independent analysis  
667 that demonstrates the cost-effectiveness and overall public  
668 benefit of the lease to the Legislature. Prior to completing the  
669 lease, in whole or in part, of Alligator Alley, the department  
670 shall submit pursuant to chapter 216 any budget amendments



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671 necessary for the expenditure of moneys received pursuant to the  
672 agreement for the operation and maintenance of the toll facility.

673 (e) Prior to the development of the lease agreement, the  
674 department, in consultation and concurrence with the State Board  
675 of Administration, shall provide an investment-grade traffic and  
676 revenue study prepared by a qualified and internationally  
677 recognized traffic and revenue expert which is accepted by the  
678 national bond rating agencies. The State Board of Administration  
679 may use independent experts to review or conduct such studies.

680 (f) The agreement between the department and the State  
681 Board of Administration shall contain a provision that the  
682 department shall expend any funds received under this agreement  
683 only on transportation projects. The department is accountable  
684 for funds from the endowment which have been paid by the board.  
685 The board is not responsible for the proper expenditure of or  
686 accountability concerning funds from the endowment after payment  
687 to the department.

688 (3) The agreement for each toll facility leased, in whole  
689 or in part, pursuant to this section shall specify the  
690 requirements of federal, state, and local laws; state, regional,  
691 and local comprehensive plans; and department specifications for  
692 construction and engineering of roads and bridges.

693 (4) The department may provide services to the State Board  
694 of Administration. Agreements for maintenance, law enforcement  
695 activities, and other services entered into pursuant to this  
696 section shall provide for full reimbursement for services  
697 rendered.

698 (5) Using funds received from such lease, the department  
699 may submit a plan for approval to the Legislative Budget  
700 Commission to advance projects programmed in the adopted 5-year



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701 work program or projects increasing transportation capacity and  
702 costing greater than \$500 million in the 10-year Strategic  
703 Intermodal Plan.

704 (6) Notwithstanding s. 338.165 or any other provision of  
705 law, any remaining toll revenue shall be used as established in  
706 the lease agreement and in s. 338.26.

707 Section 12. (1) This act does not prohibit the State Board  
708 of Administration from pursuing or making infrastructure  
709 investments, especially in government-owned infrastructure in  
710 this state.

711 (2) The State Board of Administration shall report to the  
712 Legislature, prior to the 2009 regular legislative session, on  
713 its ability to invest in infrastructure, including specifically  
714 addressing its ability to invest in government-owned  
715 infrastructure in this state.

716 Section 13. The Legislature finds that road rage and  
717 aggressive careless driving are a growing threat to the health,  
718 safety, and welfare of the public. The intent of the Legislature  
719 is to reduce road rage and aggressive careless driving, reduce  
720 the incidence of drivers' interfering with the movement of  
721 traffic, minimize crashes, and promote the orderly, free flow of  
722 traffic on the roads and highways of the state.

723 Section 14. Subsection (86) is added to section 316.003,  
724 Florida Statutes, to read:

725 316.003 Definitions.--The following words and phrases, when  
726 used in this chapter, shall have the meanings respectively  
727 ascribed to them in this section, except where the context  
728 otherwise requires:

729 (86) ROAD RAGE.--The act of a driver or passenger to  
730 intentionally injure or kill another driver, passenger, or



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731 pedestrian, or to attempt or threaten to injure or kill another  
732 driver, passenger, or pedestrian.

733 Section 15. Present subsection (3) of section 316.083,  
734 Florida Statutes, is redesignated as subsection (4), and a new  
735 subsection (3) is added to that section, to read:

736 316.083 Overtaking and passing a vehicle.--The following  
737 rules shall govern the overtaking and passing of vehicles  
738 proceeding in the same direction, subject to those limitations,  
739 exceptions, and special rules hereinafter stated:

740 (3) (a) On roads, streets, or highways having two or more  
741 lanes that allow movement in the same direction, a driver may not  
742 continue to operate a motor vehicle in the furthestmost left-hand  
743 lane if the driver knows, or reasonably should know, that he or  
744 she is being overtaken in that lane from the rear by a motor  
745 vehicle traveling at a higher rate of speed.

746 (b) Paragraph (a) does not apply to a driver operating a  
747 motor vehicle in the furthestmost left-hand lane if:

748 1. The driver is driving the legal speed limit and is not  
749 impeding the flow of traffic in the furthestmost left-hand lane;

750 2. The driver is in the process of overtaking a slower  
751 motor vehicle in the adjacent right-hand lane for the purpose of  
752 passing the slower moving vehicle so that the driver may move to  
753 the adjacent right-hand lane;

754 3. Conditions make the flow of traffic substantially the  
755 same in all lanes or preclude the driver from moving to the  
756 adjacent right-hand lane;

757 4. The driver's movement to the adjacent right-hand lane  
758 could endanger the driver or other drivers;



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759           5. The driver is directed by a law enforcement officer,  
760 road sign, or road crew to remain in the furthestmost left-hand  
761 lane; or

762           6. The driver is preparing to make a left turn.

763           Section 16. Section 316.1923, Florida Statutes, is amended  
764 to read:

765           316.1923 Aggressive careless driving.--

766           (1) "Aggressive careless driving" means committing three  
767 ~~two~~ or more of the following acts simultaneously or in  
768 succession:

769           (a) ~~(1)~~ Exceeding the posted speed as defined in s.  
770 322.27(3) (d) 5.b.

771           (b) ~~(2)~~ Unsafely or improperly changing lanes as defined in  
772 s. 316.085.

773           (c) ~~(3)~~ Following another vehicle too closely as defined in  
774 s. 316.0895(1).

775           (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.  
776 316.079, s. 316.0815, or s. 316.123.

777           (e) ~~(5)~~ Improperly passing or failing to yield to overtaking  
778 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

779           (f) ~~(6)~~ Violating traffic control and signal devices as  
780 defined in ss. 316.074 and 316.075.

781           (2) Any person convicted of aggressive careless driving  
782 shall be cited for a moving violation and punished as provided in  
783 chapter 318, and by the accumulation of points as provided in s.  
784 322.27, for each act of aggressive careless driving.

785           (3) In addition to any fine or points administered under  
786 subsection (2), a person convicted of aggressive careless driving  
787 shall also pay:

788           (a) Upon a first violation, a fine of \$100.



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789        (b) Upon a second or subsequent conviction, a fine of not  
790 less than \$250 but not more than \$500 and be subject to a  
791 mandatory hearing under s. 318.19.

792        (4) Moneys received from the increased fine imposed by  
793 subsection (3) shall be remitted to the Department of Revenue and  
794 deposited into the Department of Health Administrative Trust Fund  
795 to provide financial support to verified trauma centers to ensure  
796 the availability and accessibility of trauma services throughout  
797 the state. Funds deposited into the Administrative Trust Fund  
798 under this section shall be allocated as follows:

799        (a) Twenty-five percent shall be allocated equally among  
800 all Level I, Level II, and pediatric trauma centers in  
801 recognition of readiness costs for maintaining trauma services.

802        (b) Twenty-five percent shall be allocated among Level I,  
803 Level II, and pediatric trauma centers based on each center's  
804 relative volume of trauma cases as reported in the Department of  
805 Health Trauma Registry.

806        (c) Twenty-five percent shall be transferred to the  
807 Emergency Medical Services Trust Fund and used by the department  
808 for making matching grants to emergency medical services  
809 organizations as defined in s. 401.107(4).

810        (d) Twenty-five percent shall be transferred to the  
811 Emergency Medical Services Trust Fund and made available to rural  
812 emergency medical services as defined in s. 401.107(5), and shall  
813 be used solely to improve and expand prehospital emergency  
814 medical services in this state. Additionally, these moneys may be  
815 used for the improvement, expansion, or continuation of services  
816 provided.

817        Section 17. Section 318.19, Florida Statutes, is amended to  
818 read:



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819           318.19    Infractions requiring a mandatory hearing.--Any  
820 person cited for the infractions listed in this section shall not  
821 have the provisions of s. 318.14(2), (4), and (9) available to  
822 him or her but must appear before the designated official at the  
823 time and location of the scheduled hearing:

824           (1) Any infraction which results in a crash that causes the  
825 death of another;

826           (2) Any infraction which results in a crash that causes  
827 "serious bodily injury" of another as defined in s. 316.1933(1);

828           (3) Any infraction of s. 316.172(1)(b);

829           (4) Any infraction of s. 316.520(1) or (2); ~~or~~

830           (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
831 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

832           (6) A second or subsequent infraction of s. 316.1923(1).

833           Section 18. The Department of Highway Safety and Motor  
834 Vehicles shall provide information about road rage and aggressive  
835 careless driving in all newly printed driver's license  
836 educational materials after October 1, 2008.

837           Section 19. For the purpose of incorporating the amendments  
838 made by this act to section 316.1923, Florida Statutes, in a  
839 reference thereto, paragraph (a) of subsection (1) of section  
840 316.650, Florida Statutes, is reenacted to read:

841           316.650 Traffic citations.--

842           (1)(a) The department shall prepare, and supply to every  
843 traffic enforcement agency in this state, an appropriate form  
844 traffic citation containing a notice to appear (which shall be  
845 issued in prenumbered books with citations in quintuplicate) and  
846 meeting the requirements of this chapter or any laws of this  
847 state regulating traffic, which form shall be consistent with the  
848 state traffic court rules and the procedures established by the



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849 department. The form shall include a box which is to be checked  
850 by the law enforcement officer when the officer believes that the  
851 traffic violation or crash was due to aggressive careless driving  
852 as defined in s. 316.1923. The form shall also include a box  
853 which is to be checked by the law enforcement officer when the  
854 officer writes a uniform traffic citation for a violation of s.  
855 316.074(1) or s. 316.075(1)(c)1. as a result of the driver  
856 failing to stop at a traffic signal.

857 Section 20. Section 316.0741, Florida Statutes, is amended  
858 to read:

859 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~  
860 lanes.--

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

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

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

867 1. That draws propulsion energy from onboard sources of  
868 stored energy which are both an internal combustion or heat  
869 engine using combustible fuel and a rechargeable energy-storage  
870 system; and

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

876 (2) The number of persons that must be in a vehicle to  
877 qualify for legal use of the HOV lane and the hours during which  
878 the lane will serve as an HOV lane, if it is not designated as



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879 such on a full-time basis, must also be indicated on a traffic  
880 control device.

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

886 (4) (a) Notwithstanding any other provision of this section,  
887 an inherently low-emission vehicle (ILEV) that is certified and  
888 labeled in accordance with federal regulations may be driven in  
889 an HOV lane at any time, regardless of its occupancy. In  
890 addition, upon the state's receipt of written notice from the  
891 proper federal regulatory agency authorizing such use, a vehicle  
892 defined as a hybrid vehicle under this section may be driven in  
893 an HOV lane at any time, regardless of its occupancy.

894 (b) All eligible hybrid and all eligible other low-emission  
895 and energy-efficient vehicles driven in an HOV lane must comply  
896 with the minimum fuel economy standards in 23 U.S.C. s.  
897 166(f) (3) (B).

898 (c) Upon issuance of the applicable Environmental  
899 Protection Agency final rule pursuant to 23 U.S.C. s. 166(e),  
900 relating to the eligibility of hybrid and other low-emission and  
901 energy-efficient vehicles for operation in an HOV lane regardless  
902 of occupancy, the Department of Transportation shall review the  
903 rule and recommend to the Legislature any statutory changes  
904 necessary for compliance with the federal rule. The department  
905 shall provide its recommendations no later than 30 days following  
906 issuance of the final rule.

907 (5) The department shall issue a decal and registration  
908 certificate, to be renewed annually, reflecting the HOV lane



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909 designation on ~~such~~ vehicles meeting the criteria in subsection  
910 (4) authorizing driving in an HOV lane at any time ~~such use~~. The  
911 department may charge a fee for a decal, not to exceed the costs  
912 of designing, producing, and distributing each decal, or \$5,  
913 whichever is less. The proceeds from sale of the decals shall be  
914 deposited in the Highway Safety Operating Trust Fund. The  
915 department may, for reasons of operation and management of HOV  
916 facilities, limit or discontinue issuance of decals for the use  
917 of HOV facilities by hybrid and low-emission and energy-efficient  
918 vehicles, regardless of occupancy, if it has been determined by  
919 the Department of Transportation that the facilities are degraded  
920 as defined by 23 U.S.C. s. 166(d) (2).

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

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

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

931 ~~1. An internal combustion or heat engine using combustible~~  
932 ~~fuel; and~~

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

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

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



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938           ~~2. Meets or exceeds the equivalent qualifying California~~  
939 ~~standards for a low-emission vehicle.~~

940           ~~(7)-(6)~~ The department may adopt rules necessary to  
941 administer this section.

942           Section 21. Subsection (4) of section 316.193, Florida  
943 Statutes, is amended to read:

944           316.193 Driving under the influence; penalties.--

945           (4) Any person who is convicted of a violation of  
946 subsection (1) and who has a blood-alcohol level or breath-  
947 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is  
948 convicted of a violation of subsection (1) and who at the time of  
949 the offense was accompanied in the vehicle by a person under the  
950 age of 18 years, shall be punished:

951           (a) By a fine of:

952           1. Not less than \$500 or more than \$1,000 for a first  
953 conviction.

954           2. Not less than \$1,000 or more than \$2,000 for a second  
955 conviction.

956           3. Not less than \$2,000 for a third or subsequent  
957 conviction.

958           (b) By imprisonment for:

959           1. Not more than 9 months for a first conviction.

960           2. Not more than 12 months for a second conviction.

961  
962 For the purposes of this subsection, only the instant offense is  
963 required to be a violation of subsection (1) by a person who has  
964 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or  
965 higher.

966           (c) In addition to the penalties in paragraphs (a) and (b),  
967 the court shall order the mandatory placement, at the convicted



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968 person's sole expense, of an ignition interlock device approved  
969 by the department in accordance with s. 316.1938 upon all  
970 vehicles that are individually or jointly leased or owned and  
971 routinely operated by the convicted person for not less than ~~up~~  
972 ~~to~~ 6 continuous months for the first offense and for not less  
973 than ~~at least~~ 2 continuous years for a second offense, when the  
974 convicted person qualifies for a permanent or restricted license.  
975 ~~The installation of such device may not occur before July 1,~~  
976 ~~2003.~~

977 Section 22. Subsections (1), (6), and (8) of section  
978 316.302, Florida Statutes, are amended to read:

979 316.302 Commercial motor vehicles; safety regulations;  
980 transporters and shippers of hazardous materials; enforcement.--

981 (1) (a) All owners and drivers of commercial motor vehicles  
982 that are operated on the public highways of this state while  
983 engaged in interstate commerce are subject to the rules and  
984 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

985 (b) Except as otherwise provided in this section, all  
986 owners or drivers of commercial motor vehicles that are engaged  
987 in intrastate commerce are subject to the rules and regulations  
988 contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
989 exception of 49 C.F.R. s. 390.5 as it relates to the definition  
990 of bus, as such rules and regulations existed on October 1, 2007  
991 2005.

992 (c) Except as provided in s. 316.215(5), and except as  
993 provided in s. 316.228 for rear overhang lighting and flagging  
994 requirements for intrastate operations, the requirements of this  
995 section supersede all other safety requirements of this chapter  
996 for commercial motor vehicles.



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997           (6) The state Department of Transportation shall perform  
998 the duties that are assigned to the Field Administrator, Federal  
999 Motor Carrier Safety Administration ~~Regional Federal Highway~~  
1000 ~~Administrator~~ under the federal rules, and an agent of that  
1001 department, as described in s. 316.545(9), may enforce those  
1002 rules.

1003           (8) For the purpose of enforcing this section, any law  
1004 enforcement officer of the Department of Transportation or duly  
1005 appointed agent who holds a current safety inspector  
1006 certification from the Commercial Vehicle Safety Alliance may  
1007 require the driver of any commercial vehicle operated on the  
1008 highways of this state to stop and submit to an inspection of the  
1009 vehicle or the driver's records. If the vehicle or driver is  
1010 found to be operating in an unsafe condition, or if any required  
1011 part or equipment is not present or is not in proper repair or  
1012 adjustment, and the continued operation would present an unduly  
1013 hazardous operating condition, the officer may require the  
1014 vehicle or the driver to be removed from service pursuant to the  
1015 North American Standard ~~Uniform~~ Out-of-Service Criteria, until  
1016 corrected. However, if continuous operation would not present an  
1017 unduly hazardous operating condition, the officer may give  
1018 written notice requiring correction of the condition within 14  
1019 days.

1020           (a) Any member of the Florida Highway Patrol or any law  
1021 enforcement officer employed by a sheriff's office or municipal  
1022 police department authorized to enforce the traffic laws of this  
1023 state pursuant to s. 316.640 who has reason to believe that a  
1024 vehicle or driver is operating in an unsafe condition may, as  
1025 provided in subsection (10), enforce the provisions of this  
1026 section.



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1027 (b) Any person who fails to comply with an officer's  
1028 request to submit to an inspection under this subsection commits  
1029 a violation of s. 843.02 if the person resists the officer  
1030 without violence or a violation of s. 843.01 if the person  
1031 resists the officer with violence.

1032 Section 23. Subsection (2) of section 316.613, Florida  
1033 Statutes, is amended to read:

1034 316.613 Child restraint requirements.--

1035 (2) As used in this section, the term "motor vehicle" means  
1036 a motor vehicle as defined in s. 316.003 which ~~that~~ is operated  
1037 on the roadways, streets, and highways of the state. The term  
1038 does not include:

1039 (a) A school bus as defined in s. 316.003(45).

1040 (b) A bus used for the transportation of persons for  
1041 compensation, other than a bus regularly used to transport  
1042 children to or from school, as defined in s. 316.615(1) (b), or  
1043 in conjunction with school activities.

1044 (c) A farm tractor or implement of husbandry.

1045 (d) A truck having a gross vehicle weight rating of more  
1046 than 26,000 ~~of net weight of more than 5,000~~ pounds.

1047 (e) A motorcycle, moped, or bicycle.

1048 Section 24. Paragraph (a) of subsection (3) of section  
1049 316.614, Florida Statutes, is amended to read:

1050 316.614 Safety belt usage.--

1051 (3) As used in this section:

1052 (a) "Motor vehicle" means a motor vehicle as defined in s.  
1053 316.003 which ~~that~~ is operated on the roadways, streets, and  
1054 highways of this state. The term does not include:

1055 1. A school bus.



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1056           2. A bus used for the transportation of persons for  
1057 compensation.

1058           3. A farm tractor or implement of husbandry.

1059           4. A truck having a gross vehicle weight rating of more  
1060 than 26,000 ~~of a net weight of more than 5,000~~ pounds.

1061           5. A motorcycle, moped, or bicycle.

1062           Section 25. Paragraph (a) of subsection (2) of section  
1063 316.656, Florida Statutes, is amended to read:

1064           316.656 Mandatory adjudication; prohibition against  
1065 accepting plea to lesser included offense.--

1066           (2)(a) No trial judge may accept a plea of guilty to a  
1067 lesser offense from a person charged under the provisions of this  
1068 act who has been given a breath or blood test to determine blood  
1069 or breath alcohol content, the results of which show a blood or  
1070 breath alcohol content by weight of 0.15 ~~0.20~~ percent or more.

1071           Section 26. Subsection (9) of section 320.03, Florida  
1072 Statutes, is amended to read:

1073           320.03 Registration; duties of tax collectors;  
1074 International Registration Plan.--

1075           (9) A nonrefundable fee of \$3 ~~\$1.50~~ shall be charged on the  
1076 initial and renewal registration of each automobile for private  
1077 use, and on the initial and renewal registration of each truck  
1078 having a net weight of 5,000 pounds or less. Such fees shall be  
1079 deposited in the Transportation Disadvantaged Trust Fund created  
1080 in part I of chapter 427 and shall be used as provided therein,  
1081 except that priority shall be given to the transportation needs  
1082 of those who, because of age or physical and mental disability,  
1083 are unable to transport themselves and are dependent upon others  
1084 to obtain access to health care, employment, education, shopping,  
1085 or other life-sustaining activities.



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1086 Section 27. Section 322.64, Florida Statutes, is amended to  
1087 read:

1088 322.64 Holder of commercial driver's license; persons  
1089 operating a commercial motor vehicle; driving with unlawful  
1090 blood-alcohol level; refusal to submit to breath, urine, or blood  
1091 test.--

1092 (1)(a) A law enforcement officer or correctional officer  
1093 shall, on behalf of the department, disqualify from operating any  
1094 commercial motor vehicle a person who while operating or in  
1095 actual physical control of a commercial motor vehicle is arrested  
1096 for a violation of s. 316.193, relating to unlawful blood-alcohol  
1097 level or breath-alcohol level, or a person who has refused to  
1098 submit to a breath, urine, or blood test authorized by s. 322.63  
1099 arising out of the operation or actual physical control of a  
1100 commercial motor vehicle. A law enforcement officer or  
1101 correctional officer shall, on behalf of the department,  
1102 disqualify the holder of a commercial driver's license from  
1103 operating any commercial motor vehicle if the licenseholder,  
1104 while operating or in actual physical control of a motor vehicle,  
1105 is arrested for a violation of s. 316.193, relating to unlawful  
1106 blood-alcohol level or breath-alcohol level, or refused to submit  
1107 to a breath, urine, or blood test authorized by s. 322.63. Upon  
1108 disqualification of the person, the officer shall take the  
1109 person's driver's license and issue the person a 10-day temporary  
1110 permit for the operation of noncommercial vehicles only if the  
1111 person is otherwise eligible for the driving privilege and shall  
1112 issue the person a notice of disqualification. If the person has  
1113 been given a blood, breath, or urine test, the results of which  
1114 are not available to the officer at the time of the arrest, the  
1115 agency employing the officer shall transmit such results to the



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1116 department within 5 days after receipt of the results. If the  
1117 department then determines that the person ~~was arrested for a~~  
1118 ~~violation of s. 316.193 and that the person~~ had a blood-alcohol  
1119 level or breath-alcohol level of 0.08 or higher, the department  
1120 shall disqualify the person from operating a commercial motor  
1121 vehicle pursuant to subsection (3).

1122 (b) The disqualification under paragraph (a) shall be  
1123 pursuant to, and the notice of disqualification shall inform the  
1124 driver of, the following:

1125 1.a. The driver refused to submit to a lawful breath,  
1126 blood, or urine test and he or she is disqualified from operating  
1127 a commercial motor vehicle for a period of 1 year, for a first  
1128 refusal, or permanently, if he or she has previously been  
1129 disqualified as a result of a refusal to submit to such a test;  
1130 or

1131 b. The driver was driving or in actual physical control of  
1132 a commercial motor vehicle, or any motor vehicle if the driver  
1133 holds a commercial driver's license, had an unlawful blood-  
1134 alcohol level or breath-alcohol level of 0.08 or higher, and his  
1135 or her driving privilege shall be disqualified for a period of 1  
1136 year for a first offense or permanently if his or her driving  
1137 privilege has been previously disqualified under this section.  
1138 ~~violated s. 316.193 by driving with an unlawful blood-alcohol~~  
1139 ~~level and he or she is disqualified from operating a commercial~~  
1140 ~~motor vehicle for a period of 6 months for a first offense or for~~  
1141 ~~a period of 1 year if he or she has previously been disqualified,~~  
1142 ~~or his or her driving privilege has been previously suspended,~~  
1143 ~~for a violation of s. 316.193.~~



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1144           2. The disqualification period for operating commercial  
1145 vehicles shall commence on the date of ~~arrest or~~ issuance of the  
1146 notice of disqualification, ~~whichever is later.~~

1147           3. The driver may request a formal or informal review of  
1148 the disqualification by the department within 10 days after the  
1149 date of ~~arrest or~~ issuance of the notice of disqualification,  
1150 ~~whichever is later.~~

1151           4. The temporary permit issued at the time of ~~arrest or~~  
1152 disqualification expires ~~will expire~~ at midnight of the 10th day  
1153 following the date of disqualification.

1154           5. The driver may submit to the department any materials  
1155 relevant to the disqualification ~~arrest.~~

1156           (2) Except as provided in paragraph (1) (a), the law  
1157 enforcement officer shall forward to the department, within 5  
1158 days after the date of the ~~arrest or the~~ issuance of the notice  
1159 of disqualification, ~~whichever is later,~~ a copy of the notice of  
1160 disqualification, the driver's license of the person disqualified  
1161 ~~arrested,~~ and a ~~report of the arrest, including, if applicable,~~  
1162 an affidavit stating the officer's grounds for belief that the  
1163 person disqualified ~~arrested~~ was operating or in actual physical  
1164 control of a commercial motor vehicle, or holds a commercial  
1165 driver's license, and had an unlawful blood-alcohol or breath-  
1166 alcohol level in violation of s. 316.193; the results of any  
1167 breath or blood or urine test or an affidavit stating that a  
1168 breath, blood, or urine test was requested by a law enforcement  
1169 officer or correctional officer and that the person arrested  
1170 refused to submit; a copy of the notice of disqualification  
1171 ~~citation~~ issued to the person ~~arrested;~~ and the officer's  
1172 description of the person's field sobriety test, if any. The  
1173 failure of the officer to submit materials within the 5-day



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1174 period specified in this subsection or subsection (1) does ~~shall~~  
1175 not affect the department's ability to consider any evidence  
1176 submitted at or prior to the hearing. The officer may also submit  
1177 a copy of a videotape of the field sobriety test or the attempt  
1178 to administer such test and a copy of the crash report, if any.

1179 (3) If the department determines that the person arrested  
1180 should be disqualified from operating a commercial motor vehicle  
1181 pursuant to this section and if the notice of disqualification  
1182 has not already been served upon the person by a law enforcement  
1183 officer or correctional officer as provided in subsection (1),  
1184 the department shall issue a notice of disqualification and,  
1185 unless the notice is mailed pursuant to s. 322.251, a temporary  
1186 permit which expires 10 days after the date of issuance if the  
1187 driver is otherwise eligible.

1188 (4) If the person disqualified ~~arrested~~ requests an  
1189 informal review pursuant to subparagraph (1)(b)3., the department  
1190 shall conduct the informal review by a hearing officer employed  
1191 by the department. Such informal review hearing shall consist  
1192 solely of an examination by the department of the materials  
1193 submitted by a law enforcement officer or correctional officer  
1194 and by the person disqualified ~~arrested~~, and the presence of an  
1195 officer or witness is not required.

1196 (5) After completion of the informal review, notice of the  
1197 department's decision sustaining, amending, or invalidating the  
1198 disqualification must be provided to the person. Such notice must  
1199 be mailed to the person at the last known address shown on the  
1200 department's records, and to the address provided in the law  
1201 enforcement officer's report if such address differs from the  
1202 address of record, within 21 days after the expiration of the



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1203 temporary permit issued pursuant to subsection (1) or subsection  
1204 (3).

1205 (6) (a) If the person disqualified ~~arrested~~ requests a  
1206 formal review, the department must schedule a hearing to be held  
1207 within 30 days after such request is received by the department  
1208 and must notify the person of the date, time, and place of the  
1209 hearing.

1210 (b) Such formal review hearing shall be held before a  
1211 hearing officer employed by the department, and the hearing  
1212 officer shall be authorized to administer oaths, examine  
1213 witnesses and take testimony, receive relevant evidence, issue  
1214 subpoenas for the officers and witnesses identified in documents  
1215 as provided in subsection (2), regulate the course and conduct of  
1216 the hearing, and make a ruling on the disqualification. The  
1217 department and the person disqualified ~~arrested~~ may subpoena  
1218 witnesses, and the party requesting the presence of a witness  
1219 shall be responsible for the payment of any witness fees. If the  
1220 person who requests a formal review hearing fails to appear and  
1221 the hearing officer finds such failure to be without just cause,  
1222 the right to a formal hearing is waived ~~and the department shall~~  
1223 ~~conduct an informal review of the disqualification under~~  
1224 ~~subsection (4)~~.

1225 (c) A party may seek enforcement of a subpoena under  
1226 paragraph (b) by filing a petition for enforcement in the circuit  
1227 court of the judicial circuit in which the person failing to  
1228 comply with the subpoena resides. A failure to comply with an  
1229 order of the court shall result in a finding of contempt of  
1230 court. However, a person shall not be in contempt while a  
1231 subpoena is being challenged.



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1232 (d) The department must, within 7 days after a formal  
1233 review hearing, send notice to the person of the hearing  
1234 officer's decision as to whether sufficient cause exists to  
1235 sustain, amend, or invalidate the disqualification.

1236 (7) In a formal review hearing under subsection (6) or an  
1237 informal review hearing under subsection (4), the hearing officer  
1238 shall determine by a preponderance of the evidence whether  
1239 sufficient cause exists to sustain, amend, or invalidate the  
1240 disqualification. The scope of the review shall be limited to the  
1241 following issues:

1242 (a) If the person was disqualified from operating a  
1243 commercial motor vehicle for driving with an unlawful blood-  
1244 alcohol level ~~in violation of s. 316.193:~~

1245 1. Whether the arresting law enforcement officer had  
1246 probable cause to believe that the person was driving or in  
1247 actual physical control of a commercial motor vehicle, or any  
1248 motor vehicle if the driver holds a commercial driver's license,  
1249 in this state while he or she had any alcohol, chemical  
1250 substances, or controlled substances in his or her body.

1251 ~~2. Whether the person was placed under lawful arrest for a~~  
1252 ~~violation of s. 316.193.~~

1253 ~~2.3.~~ Whether the person had an unlawful blood-alcohol level  
1254 or breath-alcohol level of 0.08 or higher as provided in s.  
1255 ~~316.193.~~

1256 (b) If the person was disqualified from operating a  
1257 commercial motor vehicle for refusal to submit to a breath,  
1258 blood, or urine test:

1259 1. Whether the law enforcement officer had probable cause  
1260 to believe that the person was driving or in actual physical  
1261 control of a commercial motor vehicle, or any motor vehicle if



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1262 the driver holds a commercial driver's license, in this state  
1263 while he or she had any alcohol, chemical substances, or  
1264 controlled substances in his or her body.

1265 2. Whether the person refused to submit to the test after  
1266 being requested to do so by a law enforcement officer or  
1267 correctional officer.

1268 3. Whether the person was told that if he or she refused to  
1269 submit to such test he or she would be disqualified from  
1270 operating a commercial motor vehicle for a period of 1 year or,  
1271 in the case of a second refusal, permanently.

1272 (8) Based on the determination of the hearing officer  
1273 pursuant to subsection (7) for both informal hearings under  
1274 subsection (4) and formal hearings under subsection (6), the  
1275 department shall:

1276 (a) Sustain the disqualification for a period of 1 year for  
1277 a first refusal, or permanently if such person has been  
1278 previously disqualified from operating a commercial motor vehicle  
1279 as a result of a refusal to submit to such tests. The  
1280 disqualification period commences on the date of the arrest or  
1281 issuance of the notice of disqualification, whichever is later.

1282 (b) Sustain the disqualification:

1283 1. For a period of 1 year if the person was driving or in  
1284 actual physical control of a commercial motor vehicle, or any  
1285 motor vehicle if the driver holds a commercial driver's license,  
1286 and had an unlawful blood-alcohol level or breath-alcohol level  
1287 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~  
1288 ~~for a period of 1 year~~

1289 2. Permanently if the person has been previously  
1290 disqualified from operating a commercial motor vehicle or his or  
1291 her driving privilege has been previously suspended for driving



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1292 or being in actual physical control of a commercial motor  
1293 vehicle, or any motor vehicle if the driver holds a commercial  
1294 driver's license, and had an unlawful blood-alcohol level or  
1295 breath-alcohol level of 0.08 or higher ~~as a result of a~~  
1296 ~~violation of s. 316.193.~~

1297  
1298 The disqualification period commences on the date of the arrest  
1299 or issuance of the notice of disqualification, ~~whichever is~~  
1300 ~~later.~~

1301 (9) A request for a formal review hearing or an informal  
1302 review hearing shall not stay the disqualification. If the  
1303 department fails to schedule the formal review hearing to be held  
1304 within 30 days after receipt of the request therefor, the  
1305 department shall invalidate the disqualification. If the  
1306 scheduled hearing is continued at the department's initiative,  
1307 the department shall issue a temporary driving permit limited to  
1308 noncommercial vehicles which is ~~shall be~~ valid until the hearing  
1309 is conducted if the person is otherwise eligible for the driving  
1310 privilege. Such permit shall not be issued to a person who sought  
1311 and obtained a continuance of the hearing. The permit issued  
1312 under this subsection shall authorize driving for business  
1313 purposes ~~or employment use~~ only.

1314 (10) A person who is disqualified from operating a  
1315 commercial motor vehicle under subsection (1) or subsection (3)  
1316 is eligible for issuance of a license for business or employment  
1317 purposes only under s. 322.271 if the person is otherwise  
1318 eligible for the driving privilege. However, such business or  
1319 employment purposes license shall not authorize the driver to  
1320 operate a commercial motor vehicle.



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1321           (11) The formal review hearing may be conducted upon a  
1322 review of the reports of a law enforcement officer or a  
1323 correctional officer, including documents relating to the  
1324 administration of a breath test or blood test or the refusal to  
1325 take either test. However, as provided in subsection (6), the  
1326 driver may subpoena the officer or any person who administered or  
1327 analyzed a breath or blood test.

1328           (12) The formal review hearing and the informal review  
1329 hearing are exempt from the provisions of chapter 120. The  
1330 department is authorized to adopt rules for the conduct of  
1331 reviews under this section.

1332           (13) A person may appeal any decision of the department  
1333 sustaining the disqualification from operating a commercial motor  
1334 vehicle by a petition for writ of certiorari to the circuit court  
1335 in the county wherein such person resides or wherein a formal or  
1336 informal review was conducted pursuant to s. 322.31. However, an  
1337 appeal shall not stay the disqualification. This subsection shall  
1338 not be construed to provide for a de novo appeal.

1339           (14) The decision of the department under this section  
1340 shall not be considered in any trial for a violation of s.  
1341 316.193, s. 322.61, or s. 322.62, nor shall any written statement  
1342 submitted by a person in his or her request for departmental  
1343 review under this section be admissible into evidence against him  
1344 or her in any such trial. The disposition of any related criminal  
1345 proceedings shall not affect a disqualification imposed pursuant  
1346 to this section.

1347           (15) This section does not preclude the suspension of the  
1348 driving privilege pursuant to s. 322.2615. The driving privilege  
1349 of a person who has been disqualified from operating a commercial



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1350 motor vehicle also may be suspended for a violation of s.  
1351 316.193.

1352 Section 28. Subsections (3) and (4) of section 336.41,  
1353 Florida Statutes, are renumbered as subsections (4) and (5),  
1354 respectively, and a new subsection (3) is added to that section,  
1355 to read:

1356 336.41 Counties; employing labor and providing road  
1357 equipment; accounting; when competitive bidding required.--

1358 (3) Notwithstanding any law to the contrary, a county,  
1359 municipality, or special district may not own or operate an  
1360 asphalt plant or a portable or stationary concrete batch plant  
1361 that has an independent mixer; however, this prohibition does not  
1362 apply to any county that owns or is under contract to purchase an  
1363 asphalt plant as of April 15, 2008, and that furnishes its plant-  
1364 generated asphalt solely for use by local governments or  
1365 companies under contract with local governments for projects  
1366 within the boundaries of the county. Sale of plant-generated  
1367 asphalt to private entities or local governments outside the  
1368 boundaries of the county is prohibited.

1369 Section 29. Paragraph (a) of subsection (7) of section  
1370 337.11, Florida Statutes, is amended to read:

1371 337.11 Contracting authority of department; bids; emergency  
1372 repairs, supplemental agreements, and change orders; combined  
1373 design and construction contracts; progress payments; records;  
1374 requirements of vehicle registration.--

1375 (7) (a) If the head of the department determines that it is  
1376 in the best interests of the public, the department may combine  
1377 the design and construction phases of a building, a major bridge,  
1378 a limited access facility, or a rail corridor project into a  
1379 single contract. Such contract is referred to as a design-build



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1380 contract. The department's goal shall be to procure up to 25  
1381 percent of the construction contracts that add capacity in the 5-  
1382 year adopted work program as design-build contracts by July 1,  
1383 2013. Design-build contracts may be advertised and awarded  
1384 notwithstanding the requirements of paragraph (3) (c). However,  
1385 construction activities may not begin on any portion of such  
1386 projects for which the department has not yet obtained title to  
1387 the necessary rights-of-way and easements for the construction of  
1388 that portion of the project has vested in the state or a local  
1389 governmental entity and all railroad crossing and utility  
1390 agreements have been executed. Title to rights-of-way shall be  
1391 deemed to have vested in the state when the title has been  
1392 dedicated to the public or acquired by prescription.

1393 Section 30. Paragraph (b) of subsection (1) of section  
1394 337.18, Florida Statutes, is amended to read:

1395 337.18 Surety bonds for construction or maintenance  
1396 contracts; requirement with respect to contract award; bond  
1397 requirements; defaults; damage assessments.--

1398 (1)

1399 (b) Prior to beginning any work under the contract, the  
1400 contractor shall maintain a copy of the payment and performance  
1401 bond required under this section at its principal place of  
1402 business, and at the jobsite office if one is established, and  
1403 the contractor shall provide a copy of the payment and  
1404 performance bond within 5 days after receipt of any written  
1405 request therefore. A copy of the payment and performance bond  
1406 required under this section may also be obtained directly from  
1407 the department via a request made pursuant to chapter 119. ~~Upon~~  
1408 execution of the contract, and prior to beginning any work under  
1409 the contract, the contractor shall record in the public records



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1410 ~~of the county where the improvement is located the payment and~~  
1411 ~~performance bond required under this section.~~ A claimant shall  
1412 have a right of action against the contractor and surety for the  
1413 amount due him or her, including unpaid finance charges due under  
1414 the claimant's contract. Such action shall not involve the  
1415 department in any expense.

1416 Section 31. Subsections (1), (2), and (7) of section  
1417 337.185, Florida Statutes, are amended to read:

1418 337.185 State Arbitration Board.--

1419 (1) To facilitate the prompt settlement of claims for  
1420 additional compensation arising out of construction and  
1421 maintenance contracts between the department and the various  
1422 contractors with whom it transacts business, the Legislature does  
1423 hereby establish the State Arbitration Board, referred to in this  
1424 section as the "board." For the purpose of this section, "claim"  
1425 means ~~shall mean~~ the aggregate of all outstanding claims by a  
1426 party arising out of a construction or maintenance contract.  
1427 Every contractual claim in an amount up to \$250,000 per contract  
1428 or, at the claimant's option, up to \$500,000 per contract or,  
1429 upon agreement of the parties, up to \$1 million per contract  
1430 which ~~that~~ cannot be resolved by negotiation between the  
1431 department and the contractor shall be arbitrated by the board  
1432 after acceptance of the project by the department. As an  
1433 exception, either party to the dispute may request that the claim  
1434 be submitted to binding private arbitration. A court of law may  
1435 not consider the settlement of such a claim until the process  
1436 established by this section has been exhausted.

1437 (2) The board shall be composed of three members. One  
1438 member shall be appointed by the head of the department, and one  
1439 member shall be elected by those construction or maintenance



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1440 | companies who are under contract with the department. The third  
1441 | member shall be chosen by agreement of the other two members.  
1442 | Whenever the third member has a conflict of interest regarding  
1443 | affiliation with one of the parties, the other two members shall  
1444 | select an alternate member for that hearing. The head of the  
1445 | department may select an alternative or substitute to serve as  
1446 | the department member for any hearing or term. Each member shall  
1447 | serve a 2-year term. The board shall elect a chair, each term,  
1448 | who shall be the administrator of the board and custodian of its  
1449 | records.

1450 |         (7) The members of the board may receive compensation for  
1451 | the performance of their duties hereunder, from administrative  
1452 | fees received by the board, except that no employee of the  
1453 | department may receive compensation from the board. The  
1454 | compensation amount shall be determined by the board, but shall  
1455 | not exceed \$125 per hour, up to a maximum of \$1,000 per day for  
1456 | each member authorized to receive compensation. ~~Nothing in this~~  
1457 | section does not shall prevent the member elected by construction  
1458 | or maintenance companies from being an employee of an association  
1459 | affiliated with the industry, even if the sole responsibility of  
1460 | that member is service on the board. Travel expenses for the  
1461 | industry member may be paid by an industry association, if  
1462 | necessary. The board may allocate funds annually for clerical and  
1463 | other administrative services.

1464 |         Section 32. Subsection (1) of section 337.403, Florida  
1465 | Statutes, is amended to read:

1466 |         337.403 Relocation of utility; expenses.--

1467 |         (1) Any utility heretofore or hereafter placed upon, under,  
1468 | over, or along any public road or publicly owned rail corridor  
1469 | which that is found by the authority to be unreasonably



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1470 interfering in any way with the convenient, safe, or continuous  
1471 use, or the maintenance, improvement, extension, or expansion, of  
1472 such public road or publicly owned rail corridor shall, upon 30  
1473 days' written notice to the utility or its agent by the  
1474 authority, be removed or relocated by such utility at its own  
1475 expense except as provided in paragraphs (a), (b), ~~and~~ (c), (d),  
1476 and (e).

1477 (a) If the relocation of utility facilities, as referred to  
1478 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627  
1479 of the 84th Congress, is necessitated by the construction of a  
1480 project on the federal-aid interstate system, including  
1481 extensions thereof within urban areas, and the cost of such  
1482 project is eligible and approved for reimbursement by the Federal  
1483 Government to the extent of 90 percent or more under the Federal  
1484 Aid Highway Act, or any amendment thereof, then in that event the  
1485 utility owning or operating such facilities shall relocate such  
1486 facilities upon order of the department, and the state shall pay  
1487 the entire expense properly attributable to such relocation after  
1488 deducting therefrom any increase in the value of the new facility  
1489 and any salvage value derived from the old facility.

1490 (b) When a joint agreement between the department and the  
1491 utility is executed for utility improvement, relocation, or  
1492 removal work to be accomplished as part of a contract for  
1493 construction of a transportation facility, the department may  
1494 participate in those utility improvement, relocation, or removal  
1495 costs that exceed the department's official estimate of the cost  
1496 of such work by more than 10 percent. The amount of such  
1497 participation shall be limited to the difference between the  
1498 official estimate of all the work in the joint agreement plus 10  
1499 percent and the amount awarded for this work in the construction



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1500 contract for such work. The department may not participate in any  
1501 utility improvement, relocation, or removal costs that occur as a  
1502 result of changes or additions during the course of the contract.

1503 (c) When an agreement between the department and utility is  
1504 executed for utility improvement, relocation, or removal work to  
1505 be accomplished in advance of a contract for construction of a  
1506 transportation facility, the department may participate in the  
1507 cost of clearing and grubbing necessary to perform such work.

1508 (d) If the utility facility being removed or relocated was  
1509 initially installed exclusively to serve the department, its  
1510 tenants, or both the department and its tenants, the department  
1511 shall bear the costs of removal or relocation of that utility  
1512 facility. However, the department is not responsible for bearing  
1513 the cost of removal or relocation of any subsequent additions to  
1514 the utility facility for the purpose of serving others.

1515 (e) If pursuant to an agreement between a utility and the  
1516 authority entered into after July 1, 2008, the utility conveys,  
1517 subordinates, or relinquishes a compensable property right to the  
1518 authority for the purpose of accommodating the acquisition or use  
1519 of the right-of-way by the authority without the agreement  
1520 expressly addressing future responsibility for cost of removal or  
1521 relocation of the utility, the authority shall bear the cost of  
1522 such removal or relocation. Nothing herein is intended to impair  
1523 or restrict, or be used to interpret, the terms of any agreement  
1524 entered into prior to July 1, 2008.

1525 Section 33. Subsection (6) is added to section 338.01,  
1526 Florida Statutes, to read:

1527 338.01 Authority to establish and regulate limited access  
1528 facilities.--



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1529       (6) Notwithstanding any other provision of law, all new  
1530 limited access facilities and existing transportation facilities  
1531 on which new or replacement electronic toll collection systems  
1532 are installed shall be interoperable with the department's  
1533 electronic toll collection system.

1534       Section 34. Present subsections (7) and (8) of section  
1535 338.165, Florida Statutes, are redesignated as subsections (8)  
1536 and (9), respectively, and a new subsection (7) is added to that  
1537 section, to read:

1538       338.165 Continuation of tolls.--

1539       (7) This section does not apply to high-occupancy toll  
1540 lanes or express lanes.

1541       Section 35. Section 338.166, Florida Statutes, is created  
1542 to read:

1543       338.166 High-occupancy toll lanes or express lanes.--

1544       (1) Under s. 11, Art. VII of the State Constitution, the  
1545 department may request the Division of Bond Finance to issue  
1546 bonds secured by toll revenues collected on high-occupancy toll  
1547 lanes or express lanes located on Interstate 95 in Miami-Dade and  
1548 Broward Counties.

1549       (2) The department may continue to collect the toll on the  
1550 high-occupancy toll lanes or express lanes after the discharge of  
1551 any bond indebtedness related to such project. All tolls so  
1552 collected shall first be used to pay the annual cost of the  
1553 operation, maintenance, and improvement of the high-occupancy  
1554 toll lanes or express lanes project or associated transportation  
1555 system.

1556       (3) Any remaining toll revenue from the high-occupancy toll  
1557 lanes or express lanes shall be used by the department for the



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1558 construction, maintenance, or improvement of any road on the  
1559 State Highway System.

1560 (4) The department is authorized to implement variable rate  
1561 tolls on high-occupancy toll lanes or express lanes.

1562 (5) Except for high-occupancy toll lanes or express lanes,  
1563 tolls may not be charged for use of an interstate highway where  
1564 tolls were not charged as of July 1, 1997.

1565 (6) This section does not apply to the turnpike system as  
1566 defined under the Florida Turnpike Enterprise Law.

1567 Section 36. Paragraphs (d) and (e) are added to subsection  
1568 (1) of section 338.2216, Florida Statutes, to read:

1569 338.2216 Florida Turnpike Enterprise; powers and  
1570 authority.--

1571 (1)

1572 (d) The Florida Turnpike Enterprise is directed to pursue  
1573 and implement new technologies and processes in its operations  
1574 and collection of tolls and the collection of other amounts  
1575 associated with road and infrastructure usage. Such technologies  
1576 and processes shall include, without limitation, video billing  
1577 and variable pricing.

1578 (e)1. The Florida Turnpike Enterprise may not contract with  
1579 any vendor for the retail sale of fuel along the Florida Turnpike  
1580 if such contract is negotiated or bid together with any other  
1581 contract, including, but not limited to, the retail sale of food,  
1582 maintenance services, or construction, except that a contract for  
1583 the retail sale of fuel along the Florida Turnpike shall be bid  
1584 and contracted with the retail sale of food at any convenience  
1585 store attached to the fuel station.

1586 2. All contracts related to service plazas, including, but  
1587 not limited to, the sale of fuel, the retail sale of food,



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1588 maintenance services, or construction, awarded by the Florida  
1589 Turnpike Enterprise shall be procured through individual  
1590 competitive solicitations and awarded to the most cost-effective  
1591 responder. This subparagraph does not prohibit the award of more  
1592 than one individual contract to a single vendor who submits the  
1593 most cost-effective response.

1594 Section 37. Paragraph (b) of subsection (1) of section  
1595 338.223, Florida Statutes, is amended to read:

1596 338.223 Proposed turnpike projects.--

1597 (1)

1598 (b) Any proposed turnpike project or improvement shall be  
1599 developed in accordance with the Florida Transportation Plan and  
1600 the work program pursuant to s. 339.135. Turnpike projects that  
1601 add capacity, alter access, affect feeder roads, or affect the  
1602 operation of the local transportation system shall be included in  
1603 the transportation improvement plan of the affected metropolitan  
1604 planning organization. If such turnpike project does not fall  
1605 within the jurisdiction of a metropolitan planning organization,  
1606 the department shall notify the affected county and provide for  
1607 public hearings in accordance with s. 339.155(5)(c) ~~s.~~  
1608 ~~339.155(6)(c).~~

1609 Section 38. Section 338.231, Florida Statutes, is amended  
1610 to read:

1611 338.231 Turnpike tolls, fixing; pledge of tolls and other  
1612 revenues.--The department shall at all times fix, adjust, charge,  
1613 and collect such tolls for the use of the turnpike system as are  
1614 required in order to provide a fund sufficient with other  
1615 revenues of the turnpike system to pay the cost of maintaining,  
1616 improving, repairing, and operating such turnpike system; to pay  
1617 the principal of and interest on all bonds issued to finance or



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1618 | refinance any portion of the turnpike system as the same become  
1619 | due and payable; and to create reserves for all such purposes.  
1620 |       ~~(1) In the process of effectuating toll rate increases over~~  
1621 | ~~the period 1988 through 1992, the department shall, to the~~  
1622 | ~~maximum extent feasible, equalize the toll structure, within each~~  
1623 | ~~vehicle classification, so that the per mile toll rate will be~~  
1624 | ~~approximately the same throughout the turnpike system. New~~  
1625 | ~~turnpike projects may have toll rates higher than the uniform~~  
1626 | ~~system rate where such higher toll rates are necessary to qualify~~  
1627 | ~~the project in accordance with the financial criteria in the~~  
1628 | ~~turnpike law. Such higher rates may be reduced to the uniform~~  
1629 | ~~system rate when the project is generating sufficient revenues to~~  
1630 | ~~pay the full amount of debt service and operating and maintenance~~  
1631 | ~~costs at the uniform system rate. If, after 15 years of opening~~  
1632 | ~~to traffic, the annual revenue of a turnpike project does not~~  
1633 | ~~meet or exceed the annual debt service requirements and operating~~  
1634 | ~~and maintenance costs attributable to such project, the~~  
1635 | ~~department shall, to the maximum extent feasible, establish a~~  
1636 | ~~toll rate for the project which is higher than the uniform system~~  
1637 | ~~rate as necessary to meet such annual debt service requirements~~  
1638 | ~~and operating and maintenance costs. The department may, to the~~  
1639 | ~~extent feasible, establish a temporary toll rate at less than the~~  
1640 | ~~uniform system rate for the purpose of building patronage for the~~  
1641 | ~~ultimate benefit of the turnpike system. In no case shall the~~  
1642 | ~~temporary rate be established for more than 1 year. The~~  
1643 | ~~requirements of this subsection shall not apply when the~~  
1644 | ~~application of such requirements would violate any covenant~~  
1645 | ~~established in a resolution or trust indenture relating to the~~  
1646 | ~~issuance of turnpike bonds.~~



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1647 |        ~~(1)(2)~~ Notwithstanding any other provision of law, the  
1648 | department may defer the scheduled July 1, 1993, toll rate  
1649 | increase on the Homestead Extension of the Florida Turnpike until  
1650 | July 1, 1995. The department may also advance funds to the  
1651 | Turnpike General Reserve Trust Fund to replace estimated lost  
1652 | revenues resulting from this deferral. The amount advanced must  
1653 | be repaid within 12 years from the date of advance; however, the  
1654 | repayment is subordinate to all other debt financing of the  
1655 | turnpike system outstanding at the time repayment is due.

1656 |        ~~(2)(3)~~ The department shall publish a proposed change in  
1657 | the toll rate for the use of an existing toll facility, in the  
1658 | manner provided for in s. 120.54, which will provide for public  
1659 | notice and the opportunity for a public hearing before the  
1660 | adoption of the proposed rate change. When the department is  
1661 | evaluating a proposed turnpike toll project under s. 338.223 and  
1662 | has determined that there is a high probability that the project  
1663 | will pass the test of economic feasibility predicated on proposed  
1664 | toll rates, the toll rate that is proposed to be charged after  
1665 | the project is constructed must be adopted during the planning  
1666 | and project development phase of the project, in the manner  
1667 | provided for in s. 120.54, including public notice and the  
1668 | opportunity for a public hearing. For such a new project, the  
1669 | toll rate becomes effective upon the opening of the project to  
1670 | traffic.

1671 |        ~~(3)(a)(4)~~ For the period July 1, 1998, through June 30,  
1672 | 2017, the department shall, to the maximum extent feasible,  
1673 | program sufficient funds in the tentative work program such that  
1674 | the percentage of turnpike toll and bond financed commitments in  
1675 | Dade County, Broward County, and Palm Beach County as compared to  
1676 | total turnpike toll and bond financed commitments shall be at



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1677 | least 90 percent of the share of net toll collections  
1678 | attributable to users of the turnpike system in Dade County,  
1679 | Broward County, and Palm Beach County as compared to total net  
1680 | toll collections attributable to users of the turnpike system.  
1681 | The requirements of this subsection do not apply when the  
1682 | application of such requirements would violate any covenant  
1683 | established in a resolution or trust indenture relating to the  
1684 | issuance of turnpike bonds. The department may establish at any  
1685 | time for economic considerations lower temporary toll rates for a  
1686 | new or existing toll facility for a period not to exceed 1 year,  
1687 | after which period the toll rates adopted under s. 120.54 shall  
1688 | become effective.

1689 |       (b) The department shall also fix, adjust, charge, and  
1690 | collect such amounts needed to cover the costs of administering  
1691 | the different toll collection and payment methods and types of  
1692 | accounts being offered and used in the manner provided for in s.  
1693 | 120.54, which provides for public notice and the opportunity for  
1694 | a public hearing before adoption. Such amounts may stand alone,  
1695 | be incorporated into a toll rate structure, or be a combination  
1696 | thereof.

1697 |       (4)(5) When bonds are outstanding which have been issued to  
1698 | finance or refinance any turnpike project, the tolls and all  
1699 | other revenues derived from the turnpike system and pledged to  
1700 | such bonds shall be set aside as may be provided in the  
1701 | resolution authorizing the issuance of such bonds or the trust  
1702 | agreement securing the same. The tolls or other revenues or other  
1703 | moneys so pledged and thereafter received by the department are  
1704 | immediately subject to the lien of such pledge without any  
1705 | physical delivery thereof or further act. The lien of any such  
1706 | pledge is valid and binding as against all parties having claims



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1707 of any kind in tort or contract or otherwise against the  
1708 department irrespective of whether such parties have notice  
1709 thereof. Neither the resolution nor any trust agreement by which  
1710 a pledge is created need be filed or recorded except in the  
1711 records of the department.

1712 (5)~~(6)~~ In each fiscal year while any of the bonds of the  
1713 Broward County Expressway Authority series 1984 and series 1986-A  
1714 remain outstanding, the department is authorized to pledge  
1715 revenues from the turnpike system to the payment of principal and  
1716 interest of such series of bonds and the operation and  
1717 maintenance expenses of the Sawgrass Expressway, to the extent  
1718 gross toll revenues of the Sawgrass Expressway are insufficient  
1719 to make such payments. The terms of an agreement relative to the  
1720 pledge of turnpike system revenue will be negotiated with the  
1721 parties of the 1984 and 1986 Broward County Expressway Authority  
1722 lease-purchase agreements, and subject to the covenants of those  
1723 agreements. The agreement shall establish that the Sawgrass  
1724 Expressway shall be subject to the planning, management, and  
1725 operating control of the department limited only by the terms of  
1726 the lease-purchase agreements. The department shall provide for  
1727 the payment of operation and maintenance expenses of the Sawgrass  
1728 Expressway until such agreement is in effect. This pledge of  
1729 turnpike system revenues shall be subordinate to the debt service  
1730 requirements of any future issue of turnpike bonds, the payment  
1731 of turnpike system operation and maintenance expenses, and  
1732 subject to provisions of any subsequent resolution or trust  
1733 indenture relating to the issuance of such turnpike bonds.

1734 (6)~~(7)~~ The use and disposition of revenues pledged to bonds  
1735 are subject to the provisions of ss. 338.22-338.241 and such



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1736 regulations as the resolution authorizing the issuance of such  
1737 bonds or such trust agreement may provide.

1738 (7) Notwithstanding any other provision of law and  
1739 effective July 1, 2008, the turnpike enterprise shall increase  
1740 tolls on all existing toll facilities by 25 percent and, in  
1741 addition, shall index that increase to the annual Consumer Price  
1742 Index or similar inflation factors as established in s. 338.165.

1743 Section 39. Paragraph (c) of subsection (4) of section  
1744 339.12, Florida Statutes, is amended, and paragraph (d) is added  
1745 to that subsection, to read:

1746 339.12 Aid and contributions by governmental entities for  
1747 department projects; federal aid.--

1748 (4)

1749 (c) The department may enter into agreements under this  
1750 subsection for a project or project phase not included in the  
1751 adopted work program. As used in this paragraph, the term  
1752 "project phase" means acquisition of rights-of-way, construction,  
1753 construction inspection, and related support phases. The project  
1754 or project phase must be a high priority of the governmental  
1755 entity. Reimbursement for a project or project phase must be made  
1756 from funds appropriated by the Legislature pursuant to s.  
1757 339.135(5). All other provisions of this subsection apply to  
1758 agreements entered into under this paragraph. The total amount of  
1759 project agreements for projects or project phases not included in  
1760 the adopted work program authorized by this paragraph may not at  
1761 any time exceed \$100 million. However, notwithstanding such \$100  
1762 million limit and any similar limit in s. 334.30, project  
1763 advances for any inland county with a population greater than  
1764 500,000 dedicating amounts equal to \$500 million or more of its  
1765 Local Government Infrastructure Surtax pursuant to s. 212.055(2)



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1766 for improvements to the State Highway System which are included  
1767 in the local metropolitan planning organization's or the  
1768 department's long-range transportation plans shall be excluded  
1769 from the calculation of the statewide limit of project advances.

1770 (d) The department may enter into agreements under this  
1771 subsection with any county having a population of 150,000 or  
1772 fewer as determined by the most recent official estimate pursuant  
1773 to s. 186.901 for a project or project phase not included in the  
1774 adopted work program. As used in this paragraph, the term  
1775 "project phase" means acquisition of rights-of-way, construction,  
1776 construction inspection, and related support phases. The project  
1777 or project phase must be a high priority of the governmental  
1778 entity. Reimbursement for a project or project phase must be made  
1779 from funds appropriated by the Legislature pursuant to s.  
1780 339.135(5). All other provisions of this subsection apply to  
1781 agreements entered into under this paragraph. The total amount of  
1782 project agreements for projects or project phases not included in  
1783 the adopted work program authorized by this paragraph may not at  
1784 any time exceed \$200 million. The project must be included in the  
1785 local government's adopted comprehensive plan. The department is  
1786 authorized to enter into long-term repayment agreements of up to  
1787 30 years.

1788 Section 40. Paragraph (d) of subsection (7) of section  
1789 339.135, Florida Statutes, is amended to read:

1790 339.135 Work program; legislative budget request;  
1791 definitions; preparation, adoption, execution, and amendment.--

1792 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1793 (d)1. Whenever the department proposes any amendment to the  
1794 adopted work program, as defined in subparagraph (c)1. or  
1795 subparagraph (c)3., which deletes or defers a construction phase



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1796 on a capacity project, it shall notify each county affected by  
1797 the amendment and each municipality within the county. The  
1798 notification shall be issued in writing to the chief elected  
1799 official of each affected county, each municipality within the  
1800 county, and the chair of each affected metropolitan planning  
1801 organization. Each affected county and each municipality in the  
1802 county, is encouraged to coordinate with each other to determine  
1803 how the amendment effects local concurrency management and  
1804 regional transportation planning efforts. Each affected county,  
1805 and each municipality within the county, shall have 14 days to  
1806 provide written comments to the department regarding how the  
1807 amendment will effect its respective concurrency management  
1808 systems, including whether any development permits were issued  
1809 contingent upon the capacity improvement, if applicable. After  
1810 receipt of written comments from the affected local governments,  
1811 the department shall include any written comments submitted by  
1812 such local governments in its preparation of the proposed  
1813 amendment.

1814 2. Following the 14-day comment period in subparagraph 1.,  
1815 if applicable, whenever the department proposes any amendment to  
1816 the adopted work program, which amendment is defined in  
1817 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or  
1818 subparagraph (c)4., it shall submit the proposed amendment to the  
1819 Governor for approval and shall immediately notify the chairs of  
1820 the legislative appropriations committees, the chairs of the  
1821 legislative transportation committees, and each member of the  
1822 Legislature who represents a district affected by the proposed  
1823 amendment. It shall also notify each metropolitan planning  
1824 organization affected by the proposed amendment, and each unit of  
1825 local government affected by the proposed amendment, unless it



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1826 provided to each the notification required by subparagraph 1.  
1827 Such proposed amendment shall provide a complete justification of  
1828 the need for the proposed amendment.

1829 ~~3.2.~~ The Governor shall not approve a proposed amendment  
1830 until 14 days following the notification required in subparagraph  
1831 ~~2. 1.~~

1832 ~~4.3.~~ If either of the chairs of the legislative  
1833 appropriations committees or the President of the Senate or the  
1834 Speaker of the House of Representatives objects in writing to a  
1835 proposed amendment within 14 days following notification and  
1836 specifies the reasons for such objection, the Governor shall  
1837 disapprove the proposed amendment.

1838 Section 41. Section 339.155, Florida Statutes, is amended  
1839 to read:

1840 339.155 Transportation planning.--

1841 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall  
1842 develop ~~and annually update~~ a statewide transportation plan, to  
1843 be known as the Florida Transportation Plan. The plan shall be  
1844 designed so as to be easily read and understood by the general  
1845 public. The purpose of the Florida Transportation Plan is to  
1846 establish and define the state's long-range transportation goals  
1847 and objectives to be accomplished over a period of at least 20  
1848 years within the context of the State Comprehensive Plan, and any  
1849 other statutory mandates and authorizations and based upon the  
1850 prevailing principles of: preserving the existing transportation  
1851 infrastructure; enhancing Florida's economic competitiveness; and  
1852 improving travel choices to ensure mobility. The Florida  
1853 Transportation Plan shall consider the needs of the entire state  
1854 transportation system and examine the use of all modes of  
1855 transportation to effectively and efficiently meet such needs.



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1856 (2) SCOPE OF PLANNING PROCESS.--The department shall carry  
1857 out a transportation planning process in conformance with s.  
1858 334.046(1). ~~which provides for consideration of projects and~~  
1859 ~~strategies that will:~~

1860 ~~(a) Support the economic vitality of the United States,~~  
1861 ~~Florida, and the metropolitan areas, especially by enabling~~  
1862 ~~global competitiveness, productivity, and efficiency;~~

1863 ~~(b) Increase the safety and security of the transportation~~  
1864 ~~system for motorized and nonmotorized users;~~

1865 ~~(c) Increase the accessibility and mobility options~~  
1866 ~~available to people and for freight;~~

1867 ~~(d) Protect and enhance the environment, promote energy~~  
1868 ~~conservation, and improve quality of life;~~

1869 ~~(e) Enhance the integration and connectivity of the~~  
1870 ~~transportation system, across and between modes throughout~~  
1871 ~~Florida, for people and freight;~~

1872 ~~(f) Promote efficient system management and operation; and~~

1873 ~~(g) Emphasize the preservation of the existing~~  
1874 ~~transportation system.~~

1875 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida  
1876 Transportation Plan shall be a unified, concise planning document  
1877 that clearly defines the state's long-range transportation goals  
1878 and objectives ~~and documents the department's short-range~~  
1879 ~~objectives developed to further such goals and objectives.~~ The  
1880 plan shall:

1881 (a) Include a glossary that clearly and succinctly defines  
1882 any and all phrases, words, or terms of art included in the plan,  
1883 with which the general public may be unfamiliar. ~~and shall~~  
1884 ~~consist of, at a minimum, the following components:~~



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1885            (b) (a) ~~Document A long-range component~~ documenting the  
1886 goals and long-term objectives necessary to implement the results  
1887 of the department's findings from its examination of the  
1888 prevailing principles and criteria provided under ~~listed in~~  
1889 subsection (2) and s. 334.046(1). ~~The long-range component must~~  
1890            (c) Be developed in cooperation with the metropolitan  
1891 planning organizations and reconciled, to the maximum extent  
1892 feasible, with the long-range plans developed by metropolitan  
1893 planning organizations pursuant to s. 339.175. ~~The plan must also~~  
1894            (d) Be developed in consultation with affected local  
1895 officials in nonmetropolitan areas and with any affected Indian  
1896 tribal governments. ~~The plan must~~  
1897            (e) Provide an examination of transportation issues likely  
1898 to arise during at least a 20-year period. ~~The long-range~~  
1899 ~~component shall~~  
1900            (f) Be updated at least once every 5 years, or more often  
1901 as necessary, to reflect substantive changes to federal or state  
1902 law.  
1903            ~~(b) A short-range component documenting the short-term~~  
1904 ~~objectives and strategies necessary to implement the goals and~~  
1905 ~~long-term objectives contained in the long-range component. The~~  
1906 ~~short-range component must define the relationship between the~~  
1907 ~~long-range goals and the short-range objectives, specify those~~  
1908 ~~objectives against which the department's achievement of such~~  
1909 ~~goals will be measured, and identify transportation strategies~~  
1910 ~~necessary to efficiently achieve the goals and objectives in the~~  
1911 ~~plan. It must provide a policy framework within which the~~  
1912 ~~department's legislative budget request, the strategie~~  
1913 ~~information resource management plan, and the work program are~~  
1914 ~~developed. The short-range component shall serve as the~~



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1915 ~~department's annual agency strategic plan pursuant to s. 186.021.~~  
1916 ~~The short-range component shall be developed consistent with~~  
1917 ~~available and forecasted state and federal funds. The short-range~~  
1918 ~~component shall also be submitted to the Florida Transportation~~  
1919 ~~Commission.~~

1920 ~~(4) ANNUAL PERFORMANCE REPORT.--The department shall~~  
1921 ~~develop an annual performance report evaluating the operation of~~  
1922 ~~the department for the preceding fiscal year. The report shall~~  
1923 ~~also include a summary of the financial operations of the~~  
1924 ~~department and shall annually evaluate how well the adopted work~~  
1925 ~~program meets the short-term objectives contained in the short-~~  
1926 ~~range component of the Florida Transportation Plan. This~~  
1927 ~~performance report shall be submitted to the Florida~~  
1928 ~~Transportation Commission and the legislative appropriations and~~  
1929 ~~transportation committees.~~

1930 ~~(4)(5) ADDITIONAL TRANSPORTATION PLANS.--~~

1931 (a) Upon request by local governmental entities, the  
1932 department may in its discretion develop and design  
1933 transportation corridors, arterial and collector streets,  
1934 vehicular parking areas, and other support facilities which are  
1935 consistent with the plans of the department for major  
1936 transportation facilities. The department may render to local  
1937 governmental entities or their planning agencies such technical  
1938 assistance and services as are necessary so that local plans and  
1939 facilities are coordinated with the plans and facilities of the  
1940 department.

1941 (b) Each regional planning council, as provided for in s.  
1942 186.504, or any successor agency thereto, shall develop, as an  
1943 element of its strategic regional policy plan, transportation  
1944 goals and policies. The transportation goals and policies must be



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1945 prioritized to comply with the prevailing principles provided in  
1946 subsection (2) and s. 334.046(1). The transportation goals and  
1947 policies shall be consistent, to the maximum extent feasible,  
1948 with the goals and policies of the metropolitan planning  
1949 organization and the Florida Transportation Plan. The  
1950 transportation goals and policies of the regional planning  
1951 council will be advisory only and shall be submitted to the  
1952 department and any affected metropolitan planning organization  
1953 for their consideration and comments. Metropolitan planning  
1954 organization plans and other local transportation plans shall be  
1955 developed consistent, to the maximum extent feasible, with the  
1956 regional transportation goals and policies. The regional planning  
1957 council shall review urbanized area transportation plans and any  
1958 other planning products stipulated in s. 339.175 and provide the  
1959 department and respective metropolitan planning organizations  
1960 with written recommendations which the department and the  
1961 metropolitan planning organizations shall take under advisement.  
1962 Further, the regional planning councils shall directly assist  
1963 local governments which are not part of a metropolitan area  
1964 transportation planning process in the development of the  
1965 transportation element of their comprehensive plans as required  
1966 by s. 163.3177.

1967 (c) Regional transportation plans may be developed in  
1968 regional transportation areas in accordance with an interlocal  
1969 agreement entered into pursuant to s. 163.01 by two or more  
1970 contiguous metropolitan planning organizations; one or more  
1971 metropolitan planning organizations and one or more contiguous  
1972 counties, none of which is a member of a metropolitan planning  
1973 organization; a multicounty regional transportation authority  
1974 created by or pursuant to law; two or more contiguous counties



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1975 that are not members of a metropolitan planning organization; or  
1976 metropolitan planning organizations comprised of three or more  
1977 counties.

1978 (d) The interlocal agreement must, at a minimum, identify  
1979 the entity that will coordinate the development of the regional  
1980 transportation plan; delineate the boundaries of the regional  
1981 transportation area; provide the duration of the agreement and  
1982 specify how the agreement may be terminated, modified, or  
1983 rescinded; describe the process by which the regional  
1984 transportation plan will be developed; and provide how members of  
1985 the entity will resolve disagreements regarding interpretation of  
1986 the interlocal agreement or disputes relating to the development  
1987 or content of the regional transportation plan. Such interlocal  
1988 agreement shall become effective upon its recordation in the  
1989 official public records of each county in the regional  
1990 transportation area.

1991 (e) The regional transportation plan developed pursuant to  
1992 this section must, at a minimum, identify regionally significant  
1993 transportation facilities located within a regional  
1994 transportation area and contain a prioritized list of regionally  
1995 significant projects. The level-of-service standards for  
1996 facilities to be funded under this subsection shall be adopted by  
1997 the appropriate local government in accordance with s.  
1998 163.3180(10). The projects shall be adopted into the capital  
1999 improvements schedule of the local government comprehensive plan  
2000 pursuant to s. 163.3177(3).

2001 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
2002 TRANSPORTATION PLANNING.--

2003 (a) During the development of the ~~long range component of~~  
2004 ~~the~~ Florida Transportation Plan and prior to substantive



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2005 | revisions, the department shall provide citizens, affected public  
2006 | agencies, representatives of transportation agency employees,  
2007 | other affected employee representatives, private providers of  
2008 | transportation, and other known interested parties with an  
2009 | opportunity to comment on the proposed plan or revisions. These  
2010 | opportunities shall include, at a minimum, publishing a notice in  
2011 | the Florida Administrative Weekly and within a newspaper of  
2012 | general circulation within the area of each department district  
2013 | office.

2014 |         (b) During development of major transportation  
2015 | improvements, such as those increasing the capacity of a facility  
2016 | through the addition of new lanes or providing new access to a  
2017 | limited or controlled access facility or construction of a  
2018 | facility in a new location, the department shall hold one or more  
2019 | hearings prior to the selection of the facility to be provided;  
2020 | prior to the selection of the site or corridor of the proposed  
2021 | facility; and prior to the selection of and commitment to a  
2022 | specific design proposal for the proposed facility. Such public  
2023 | hearings shall be conducted so as to provide an opportunity for  
2024 | effective participation by interested persons in the process of  
2025 | transportation planning and site and route selection and in the  
2026 | specific location and design of transportation facilities. The  
2027 | various factors involved in the decision or decisions and any  
2028 | alternative proposals shall be clearly presented so that the  
2029 | persons attending the hearing may present their views relating to  
2030 | the decision or decisions which will be made.

2031 |         (c) Opportunity for design hearings:

2032 |             1. The department, prior to holding a design hearing, shall  
2033 | duly notify all affected property owners of record, as recorded  
2034 | in the property appraiser's office, by mail at least 20 days



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2035 prior to the date set for the hearing. The affected property  
2036 owners shall be:

2037       a. Those whose property lies in whole or in part within 300  
2038 feet on either side of the centerline of the proposed facility.

2039       b. Those whom the department determines will be  
2040 substantially affected environmentally, economically, socially,  
2041 or safetywise.

2042       2. For each subsequent hearing, the department shall  
2043 publish notice prior to the hearing date in a newspaper of  
2044 general circulation for the area affected. These notices must be  
2045 published twice, with the first notice appearing at least 15  
2046 days, but no later than 30 days, before the hearing.

2047       3. A copy of the notice of opportunity for the hearing must  
2048 be furnished to the United States Department of Transportation  
2049 and to the appropriate departments of the state government at the  
2050 time of publication.

2051       4. The opportunity for another hearing shall be afforded in  
2052 any case when proposed locations or designs are so changed from  
2053 those presented in the notices specified above or at a hearing as  
2054 to have a substantially different social, economic, or  
2055 environmental effect.

2056       5. The opportunity for a hearing shall be afforded in each  
2057 case in which the department is in doubt as to whether a hearing  
2058 is required.

2059       Section 42. Subsection (3) and paragraphs (b) and (c) of  
2060 subsection (4) of section 339.2816, Florida Statutes, are amended  
2061 to read:

2062       339.2816 Small County Road Assistance Program.--

2063       (3) Beginning with fiscal year 1999-2000 until fiscal year  
2064 2009-2010, and beginning again with fiscal year 2012-2013, up to



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2065 \$25 million annually from the State Transportation Trust Fund may  
2066 be used for the purposes of funding the Small County Road  
2067 Assistance Program as described in this section.

2068 (4)

2069 (b) In determining a county's eligibility for assistance  
2070 under this program, the department may consider whether the  
2071 county has attempted to keep county roads in satisfactory  
2072 condition, including the amount of local option fuel tax ~~and ad~~  
2073 ~~valorem millage rate~~ imposed by the county. The department may  
2074 also consider the extent to which the county has offered to  
2075 provide a match of local funds with state funds provided under  
2076 the program. At a minimum, small counties shall be eligible only  
2077 if:

2078 ~~1. The county has enacted the maximum rate of the local~~  
2079 ~~option fuel tax authorized by s. 336.025(1) (a), and has imposed~~  
2080 ~~an ad valorem millage rate of at least 8 mills; or~~

2081 ~~2. The county has imposed an ad valorem millage rate of 10~~  
2082 ~~mills.~~

2083 (c) The following criteria shall be used to prioritize road  
2084 projects for funding under the program:

2085 1. The primary criterion is the physical condition of the  
2086 road as measured by the department.

2087 2. As secondary criteria the department may consider:

2088 a. Whether a road is used as an evacuation route.

2089 b. Whether a road has high levels of agricultural travel.

2090 c. Whether a road is considered a major arterial route.

2091 d. Whether a road is considered a feeder road.

2092 e. Whether a road is located in a fiscally constrained  
2093 county, as defined in s. 218.67(1).



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2094 | ~~f.e.~~ Other criteria related to the impact of a project on  
2095 | the public road system or on the state or local economy as  
2096 | determined by the department.

2097 | Section 43. Subsections (1) and (3) of section 339.2819,  
2098 | Florida Statutes, are amended to read:

2099 | 339.2819 Transportation Regional Incentive Program.--

2100 | (1) There is created within the Department of  
2101 | Transportation a Transportation Regional Incentive Program for  
2102 | the purpose of providing funds to improve regionally significant  
2103 | transportation facilities in regional transportation areas  
2104 | created pursuant to s. 339.155(4)~~(5)~~.

2105 | (3) The department shall allocate funding available for the  
2106 | Transportation Regional Incentive Program to the districts based  
2107 | on a factor derived from equal parts of population and motor fuel  
2108 | collections for eligible counties in regional transportation  
2109 | areas created pursuant to s. 339.155(4)~~(5)~~.

2110 | Section 44. Subsection (6) of section 339.285, Florida  
2111 | Statutes, is amended to read:

2112 | 339.285 Enhanced Bridge Program for Sustainable  
2113 | Transportation.--

2114 | (6) Preference shall be given to bridge projects located on  
2115 | corridors that connect to the Strategic Intermodal System,  
2116 | created under s. 339.64, and that have been identified as  
2117 | regionally significant in accordance with s. 339.155(4)~~(5)~~(c),  
2118 | (d), and (e).

2119 | Section 45. Subsection (4) of section 348.0003, Florida  
2120 | Statutes, is amended to read:

2121 | 348.0003 Expressway authority; formation; membership.--

2122 | (4) (a) An authority may employ an executive secretary, an  
2123 | executive director, its own counsel and legal staff, technical



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2124 | experts, and such engineers and employees, permanent or  
2125 | temporary, as it may require and shall determine the  
2126 | qualifications and fix the compensation of such persons, firms,  
2127 | or corporations. An authority may employ a fiscal agent or  
2128 | agents; however, the authority must solicit sealed proposals from  
2129 | at least three persons, firms, or corporations for the  
2130 | performance of any services as fiscal agents. An authority may  
2131 | delegate to one or more of its agents or employees such of its  
2132 | power as it deems necessary to carry out the purposes of the  
2133 | Florida Expressway Authority Act, subject always to the  
2134 | supervision and control of the authority. Members of an authority  
2135 | may be removed from office by the Governor for misconduct,  
2136 | malfeasance, misfeasance, or nonfeasance in office.

2137 |         (b) Members of an authority are entitled to receive from  
2138 | the authority their travel and other necessary expenses incurred  
2139 | in connection with the business of the authority as provided in  
2140 | s. 112.061, but they may not draw salaries or other compensation.

2141 |         (c) Members of each expressway an authority, transportation  
2142 | authority, bridge authority, or toll authority, created pursuant  
2143 | to this chapter, chapter 343 or chapter 349, or pursuant to any  
2144 | other legislative enactment, shall be required to comply with the  
2145 | applicable financial disclosure requirements of s. 8, Art. II of  
2146 | the State Constitution. This subsection does not subject a  
2147 | statutorily created expressway authority, transportation  
2148 | authority, bridge authority, or toll authority, other than one  
2149 | created under this part, to any of the requirements of this part  
2150 | other than those contained in this subsection.

2151 |         Section 46. Paragraph (c) is added to subsection (1) of  
2152 | section 348.0004, Florida Statutes, to read:

2153 |         348.0004 Purposes and powers.--



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2154 (1)  
2155 (c) Notwithstanding any other provision of law, expressway  
2156 authorities as defined in chapter 348 shall index toll rates on  
2157 toll facilities to the annual Consumer Price Index or similar  
2158 inflation indicators. Toll rate index for inflation under this  
2159 subsection must be adopted and approved by the expressway  
2160 authority board at a public meeting and may be made no more  
2161 frequently than once a year and must be made no less frequently  
2162 than once every 5 years as necessary to accommodate cash toll  
2163 rate schedules. Toll rates may be increased beyond these limits  
2164 as directed by bond documents, covenants, or governing body  
2165 authorization or pursuant to department administrative rule.

2166 Section 47. Part III of chapter 343, Florida Statutes,  
2167 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,  
2168 343.76, and 343.77, is repealed.

2169 Section 48. The Department of Transportation, in  
2170 consultation with the Department of Law Enforcement, the Division  
2171 of Emergency Management of the Department of Community Affairs,  
2172 and the Office of Tourism, Trade, and Economic Development, and  
2173 metropolitan planning organizations and regional planning  
2174 councils within whose jurisdictional area the I-95 corridor lies,  
2175 shall complete a study of transportation alternatives for the  
2176 travel corridor parallel to Interstate 95 which takes into  
2177 account the transportation, emergency management, homeland  
2178 security, and economic development needs of the state. The report  
2179 must include identification of cost-effective measures that may  
2180 be implemented to alleviate congestion on Interstate 95,  
2181 facilitate emergency and security responses, and foster economic  
2182 development. The Department of Transportation shall send the  
2183 report to the Governor, the President of the Senate, the Speaker



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2184 of the House of Representatives, and each affected metropolitan  
2185 planning organization by June 30, 2009.

2186 Section 49. Subsection (18) of section 409.908, Florida  
2187 Statutes, is amended to read:

2188 409.908 Reimbursement of Medicaid providers.--Subject to  
2189 specific appropriations, the agency shall reimburse Medicaid  
2190 providers, in accordance with state and federal law, according to  
2191 methodologies set forth in the rules of the agency and in policy  
2192 manuals and handbooks incorporated by reference therein. These  
2193 methodologies may include fee schedules, reimbursement methods  
2194 based on cost reporting, negotiated fees, competitive bidding  
2195 pursuant to s. 287.057, and other mechanisms the agency considers  
2196 efficient and effective for purchasing services or goods on  
2197 behalf of recipients. If a provider is reimbursed based on cost  
2198 reporting and submits a cost report late and that cost report  
2199 would have been used to set a lower reimbursement rate for a rate  
2200 semester, then the provider's rate for that semester shall be  
2201 retroactively calculated using the new cost report, and full  
2202 payment at the recalculated rate shall be effected retroactively.  
2203 Medicare-granted extensions for filing cost reports, if  
2204 applicable, shall also apply to Medicaid cost reports. Payment  
2205 for Medicaid compensable services made on behalf of Medicaid  
2206 eligible persons is subject to the availability of moneys and any  
2207 limitations or directions provided for in the General  
2208 Appropriations Act or chapter 216. Further, nothing in this  
2209 section shall be construed to prevent or limit the agency from  
2210 adjusting fees, reimbursement rates, lengths of stay, number of  
2211 visits, or number of services, or making any other adjustments  
2212 necessary to comply with the availability of moneys and any  
2213 limitations or directions provided for in the General



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2214 Appropriations Act, provided the adjustment is consistent with  
2215 legislative intent.

2216 (18) Unless otherwise provided for in the General  
2217 Appropriations Act, a provider of transportation services shall  
2218 be reimbursed the lesser of the amount billed by the provider or  
2219 the Medicaid maximum allowable fee established by the agency,  
2220 except when the agency has entered into a direct contract with  
2221 the provider, or with a community transportation coordinator, for  
2222 the provision of an all-inclusive service, or when services are  
2223 provided pursuant to an agreement negotiated between the agency  
2224 and the provider. The agency, as provided for in s. 427.0135,  
2225 shall purchase transportation services through the community  
2226 coordinated transportation system, if available, unless the  
2227 agency, after consultation with the commission, determines that  
2228 it cannot reach mutually acceptable contract terms with the  
2229 commission. The agency may then contract for the same  
2230 transportation services provided in a more cost-effective manner  
2231 and of comparable or higher quality and standards ~~determines a~~  
2232 ~~more cost-effective method for Medicaid clients.~~ Nothing in this  
2233 subsection shall be construed to limit or preclude the agency  
2234 from contracting for services using a prepaid capitation rate or  
2235 from establishing maximum fee schedules, individualized  
2236 reimbursement policies by provider type, negotiated fees, prior  
2237 authorization, competitive bidding, increased use of mass  
2238 transit, or any other mechanism that the agency considers  
2239 efficient and effective for the purchase of services on behalf of  
2240 Medicaid clients, including implementing a transportation  
2241 eligibility process. The agency shall not be required to contract  
2242 with any community transportation coordinator or transportation  
2243 operator that has been determined by the agency, the Department



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2244 of Legal Affairs Medicaid Fraud Control Unit, or any other state  
2245 or federal agency to have engaged in any abusive or fraudulent  
2246 billing activities. The agency is authorized to competitively  
2247 procure transportation services or make other changes necessary  
2248 to secure approval of federal waivers needed to permit federal  
2249 financing of Medicaid transportation services at the service  
2250 matching rate rather than the administrative matching rate.  
2251 Notwithstanding chapter 427, the agency is authorized to continue  
2252 contracting for Medicaid nonemergency transportation services in  
2253 agency service area 11 with managed care plans that were under  
2254 contract for those services before July 1, 2004.

2255 Section 50. Subsections (8), (12), and (13) of section  
2256 427.011, Florida Statutes, are amended to read:

2257 427.011 Definitions.--For the purposes of ss. 427.011-  
2258 427.017:

2259 (8) "Purchasing agency" ~~"Member department"~~ means a  
2260 department or agency whose head is an ex officio, nonvoting  
2261 advisor to a member of the commission, or an agency that  
2262 purchases transportation services for the transportation  
2263 disadvantaged.

2264 ~~(12) "Annual budget estimate" means a budget estimate of~~  
2265 ~~funding resources available for providing transportation services~~  
2266 ~~to the transportation disadvantaged and which is prepared~~  
2267 ~~annually to cover a period of 1 state fiscal year.~~

2268 ~~(12)(13)~~ "Nonsponsored transportation disadvantaged  
2269 services" means transportation disadvantaged services that are  
2270 not sponsored or subsidized by any funding source other than the  
2271 Transportation Disadvantaged Trust Fund.

2272 Section 51. Subsection (4) of section 427.012, Florida  
2273 Statutes, is amended to read:



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2274 427.012 The Commission for the Transportation  
2275 Disadvantaged.--There is created the Commission for the  
2276 Transportation Disadvantaged in the Department of Transportation.

2277 (4) The commission shall meet at least quarterly, or more  
2278 frequently at the call of the chairperson. Four ~~Five~~ members of  
2279 the commission constitute a quorum, and a majority vote of the  
2280 members present is necessary for any action taken by the  
2281 commission.

2282 Section 52. Subsections (7), (8), (9), (14), and (26) of  
2283 section 427.013, Florida Statutes, are amended, and subsection  
2284 (29) is added to that section, to read:

2285 427.013 The Commission for the Transportation  
2286 Disadvantaged; purpose and responsibilities.--The purpose of the  
2287 commission is to accomplish the coordination of transportation  
2288 services provided to the transportation disadvantaged. The goal  
2289 of this coordination is ~~shall be~~ to assure the cost-effective  
2290 provision of transportation by qualified community transportation  
2291 coordinators or transportation operators for the transportation  
2292 disadvantaged without any bias or presumption in favor of  
2293 multioperator systems or not-for-profit transportation operators  
2294 over single operator systems or for-profit transportation  
2295 operators. In carrying out this purpose, the commission shall:

2296 (7) Unless otherwise provided by state or federal law,  
2297 ensure ~~Assure~~ that all procedures, guidelines, and directives  
2298 issued by purchasing agencies ~~member departments~~ are conducive to  
2299 the coordination of transportation services.

2300 (8) (a) Ensure ~~Assure~~ that purchasing agencies ~~member~~  
2301 ~~departments~~ purchase all trips within the coordinated system,  
2302 unless they have fulfilled the requirements of s. 427.0135(3) and



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2303 use a more cost-effective alternative provider that meets  
2304 comparable quality and standards.

2305 (b) Unless the purchasing agency has negotiated with the  
2306 commission pursuant to the requirements of s. 427.0135(3),  
2307 provide, by rule, criteria and procedures for purchasing agencies  
2308 member departments to use if they wish to use an alternative  
2309 provider. Agencies Departments must demonstrate either that the  
2310 proposed alternative provider can provide a trip of comparable  
2311 acceptable quality and standards for the clients at a lower cost  
2312 than that provided within the coordinated system, or that the  
2313 coordinated system cannot accommodate the agency's department's  
2314 clients.

2315 (9) Unless the purchasing agency has negotiated with the  
2316 commission pursuant to the requirements of s. 427.0135(3),  
2317 develop by rule standards for community transportation  
2318 coordinators and any transportation operator or coordination  
2319 contractor from whom service is purchased or arranged by the  
2320 community transportation coordinator covering coordination,  
2321 operation, safety, insurance, eligibility for service, costs, and  
2322 utilization of transportation disadvantaged services. These  
2323 standards and rules must include, but are not limited to:

2324 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~  
2325 ~~for the various modes and types of transportation services~~  
2326 ~~provided.~~

2327 ~~(a)~~ (b) Minimum performance standards for the delivery of  
2328 services. These standards must be included in coordinator  
2329 contracts and transportation operator contracts with clear  
2330 penalties for repeated or continuing violations.

2331 ~~(b)~~ (e) Minimum liability insurance requirements for all  
2332 transportation services purchased, provided, or coordinated for



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2333 the transportation disadvantaged through the community  
2334 transportation coordinator.

2335 (14) Consolidate, for each state agency, ~~the annual budget~~  
2336 ~~estimates for transportation disadvantaged services,~~ and the  
2337 amounts of each agency's actual expenditures, together with the  
2338 actual expenditures annual budget estimates of each official  
2339 ~~planning agency,~~ local government, and directly federally funded  
2340 agency and the amounts collected by each official planning agency  
2341 ~~issue a report.~~

2342 (26) Develop a quality assurance and management review  
2343 program to monitor, based upon approved commission standards,  
2344 services contracted for by an agency, and those provided by a  
2345 community transportation operator pursuant to s. 427.0155. ~~Staff~~  
2346 ~~of the quality assurance and management review program shall~~  
2347 ~~function independently and be directly responsible to the~~  
2348 ~~executive director.~~

2349 (29) Incur expenses for the purchase of advertisements,  
2350 marketing services, and promotional items.

2351 Section 53. Section 427.0135, Florida Statutes, is amended  
2352 to read:

2353 427.0135 Purchasing agencies ~~Member departments;~~ duties and  
2354 responsibilities.--Each purchasing agency ~~member department,~~ in  
2355 carrying out the policies and procedures of the commission,  
2356 shall:

2357 (1) ~~(a)~~ Use the coordinated transportation system for  
2358 provision of services to its clients, unless each department or  
2359 purchasing agency meets the criteria outlined in rule or statute  
2360 to use an alternative provider.

2361 ~~(b) Subject to the provisions of s. 409.908(18), the~~  
2362 ~~Medicaid agency shall purchase transportation services through~~



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2363 ~~the community coordinated transportation system unless a more~~  
2364 ~~cost-effective method is determined by the agency for Medicaid~~  
2365 ~~clients or unless otherwise limited or directed by the General~~  
2366 ~~Appropriations Act.~~

2367 (2) Pay the rates established in the service plan or  
2368 negotiated statewide contract, unless the purchasing agency has  
2369 completed the procedure for using an alternative provider and  
2370 demonstrated that a proposed alternative provider can provide a  
2371 more cost-effective transportation service of comparable quality  
2372 and standards or unless the agency has satisfied the requirements  
2373 of subsection (3).

2374 (3) Not procure transportation disadvantaged services  
2375 without initially negotiating with the commission, as provided in  
2376 s. 287.057(5)(f)13., or unless otherwise authorized by statute.  
2377 If the purchasing agency, after consultation with the commission,  
2378 determines that it cannot reach mutually acceptable contract  
2379 terms with the commission, the purchasing agency may contract for  
2380 the same transportation services provided in a more cost-  
2381 effective manner and of comparable or higher quality and  
2382 standards. The Medicaid agency shall implement this subsection in  
2383 a manner consistent with s. 409.908(18) and as otherwise limited  
2384 or directed by the General Appropriations Act.

2385 (4) Identify in the legislative budget request provided to  
2386 the Governor each year for the General Appropriations Act the  
2387 specific amount of money the purchasing agency will allocate to  
2388 provide transportation disadvantaged services.

2389 (5)~~(2)~~ Provide the commission, by September 15 of each  
2390 year, an accounting of all funds spent as well as how many trips  
2391 were purchased with agency funds.



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2392            (6)~~(3)~~ Assist communities in developing coordinated  
2393 transportation systems designed to serve the transportation  
2394 disadvantaged. However, a purchasing agency ~~member department~~ may  
2395 not serve as the community transportation coordinator in any  
2396 designated service area.

2397            (7)~~(4)~~ Ensure ~~Assure~~ that its rules, procedures,  
2398 guidelines, and directives are conducive to the coordination of  
2399 transportation funds and services for the transportation  
2400 disadvantaged.

2401            (8)~~(5)~~ Provide technical assistance, as needed, to  
2402 community transportation coordinators or transportation operators  
2403 or participating agencies.

2404            Section 54. Subsections (2) and (3) of section 427.015,  
2405 Florida Statutes, are amended to read:

2406            427.015 Function of the metropolitan planning organization  
2407 or designated official planning agency in coordinating  
2408 transportation for the transportation disadvantaged.--

2409            (2) Each metropolitan planning organization or designated  
2410 official planning agency shall recommend to the commission a  
2411 single community transportation coordinator. However, a  
2412 purchasing agency ~~member department~~ may not serve as the  
2413 community transportation coordinator in any designated service  
2414 area. The coordinator may provide all or a portion of needed  
2415 transportation services for the transportation disadvantaged but  
2416 shall be responsible for the provision of those coordinated  
2417 services. Based on approved commission evaluation criteria, the  
2418 coordinator shall subcontract or broker those services that are  
2419 more cost-effectively and efficiently provided by subcontracting  
2420 or brokering. The performance of the coordinator shall be  
2421 evaluated based on the commission's approved evaluation criteria



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2422 | by the coordinating board at least annually. A copy of the  
2423 | evaluation shall be submitted to the metropolitan planning  
2424 | organization or the designated official planning agency, and the  
2425 | commission. The recommendation or termination of any community  
2426 | transportation coordinator shall be subject to approval by the  
2427 | commission.

2428 |         (3) Each metropolitan planning organization or designated  
2429 | official planning agency shall request each local government in  
2430 | its jurisdiction to provide the actual expenditures ~~an estimate~~  
2431 | of all local and direct federal funds to be expended for  
2432 | transportation for the disadvantaged. The metropolitan planning  
2433 | organization or designated official planning agency shall  
2434 | consolidate this information into a single report and forward it,  
2435 | by September 15 ~~the beginning of each fiscal year~~, to the  
2436 | commission.

2437 |         Section 55. Subsection (7) of section 427.0155, Florida  
2438 | Statutes, is amended to read:

2439 |         427.0155 Community transportation coordinators; powers and  
2440 | duties.--Community transportation coordinators shall have the  
2441 | following powers and duties:

2442 |         (7) In cooperation with the coordinating board and pursuant  
2443 | to criteria developed by the Commission for the Transportation  
2444 | Disadvantaged, establish eligibility guidelines and priorities  
2445 | with regard to the recipients of nonsponsored transportation  
2446 | disadvantaged services that are purchased with Transportation  
2447 | Disadvantaged Trust Fund moneys.

2448 |         Section 56. Subsection (4) of section 427.0157, Florida  
2449 | Statutes, is amended to read:

2450 |         427.0157 Coordinating boards; powers and duties.--The  
2451 | purpose of each coordinating board is to develop local service



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2452 needs and to provide information, advice, and direction to the  
2453 community transportation coordinators on the coordination of  
2454 services to be provided to the transportation disadvantaged. The  
2455 commission shall, by rule, establish the membership of  
2456 coordinating boards. The members of each board shall be appointed  
2457 by the metropolitan planning organization or designated official  
2458 planning agency. The appointing authority shall provide each  
2459 board with sufficient staff support and resources to enable the  
2460 board to fulfill its responsibilities under this section. Each  
2461 board shall meet at least quarterly and shall:

2462 (4) Assist the community transportation coordinator in  
2463 establishing eligibility guidelines and priorities with regard to  
2464 the recipients of nonsponsored transportation disadvantaged  
2465 services that are purchased with Transportation Disadvantaged  
2466 Trust Fund moneys.

2467 Section 57. Subsections (2) and (3) of section 427.0158,  
2468 Florida Statutes, are amended to read:

2469 427.0158 School bus and public transportation.--

2470 (2) The school boards shall cooperate in the utilization of  
2471 their vehicles to enhance coordinated ~~disadvantaged~~  
2472 transportation disadvantaged services by providing ~~the~~  
2473 information as requested by the community transportation  
2474 coordinator ~~required by this section~~ and by allowing the use of  
2475 their vehicles at actual cost upon request when those vehicles  
2476 are available for such use and are not transporting students.  
2477 ~~Semiannually, no later than October 1 and April 30, a designee~~  
2478 ~~from the local school board shall provide the community~~  
2479 ~~transportation coordinator with copies to the coordinated~~  
2480 ~~transportation board, the following information for vehicles not~~  
2481 ~~scheduled 100 percent of the time for student transportation use:~~



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2482           ~~(a) The number and type of vehicles by adult capacity,~~  
2483 ~~including days and times, that the vehicles are available for~~  
2484 ~~coordinated transportation disadvantaged services;~~

2485           ~~(b) The actual cost per mile by vehicle type available;~~

2486           ~~(c) The actual driver cost per hour;~~

2487           ~~(d) Additional actual cost associated with vehicle use~~  
2488 ~~outside the established workday or workweek of the entity; and~~

2489           ~~(e) Notification of lead time required for vehicle use.~~

2490           (3) The public transit fixed route or fixed schedule system  
2491 shall cooperate in the utilization of its regular service to  
2492 enhance coordinated transportation disadvantaged services by  
2493 providing the information as requested by the community  
2494 transportation coordinator ~~required by this section. Annually, no~~  
2495 ~~later than October 1, a designee from the local public transit~~  
2496 ~~fixed route or fixed schedule system shall provide~~ The community  
2497 transportation coordinator may request, without limitation, ~~with~~  
2498 ~~copies to the coordinated transportation board,~~ the following  
2499 information:

2500           (a) A copy of all current schedules, route maps, system  
2501 map, and fare structure;

2502           (b) A copy of the current charter policy;

2503           (c) A copy of the current charter rates and hour  
2504 requirements; and

2505           (d) Required notification time to arrange for a charter.

2506           Section 58. Subsection (4) is added to section 427.0159,  
2507 Florida Statutes, to read:

2508           427.0159 Transportation Disadvantaged Trust Fund.--

2509           (4) A purchasing agency may deposit funds into the  
2510 Transportation Disadvantaged Trust Fund for the commission to



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2511 implement, manage, and administer the purchasing agency's  
2512 transportation disadvantaged funds, as defined in s. 427.011(10).

2513 Section 59. Paragraph (b) of subsection (1) and subsection  
2514 (2) of section 427.016, Florida Statutes, are amended to read:

2515 427.016 Expenditure of local government, state, and federal  
2516 funds for the transportation disadvantaged.--

2517 (1)

2518 (b) ~~Nothing in~~ This subsection ~~does not shall be construed~~  
2519 ~~to limit or~~ preclude a purchasing the Medicaid agency from  
2520 establishing maximum fee schedules, individualized reimbursement  
2521 policies by provider type, negotiated fees, ~~competitive bidding,~~  
2522 or any other mechanism, including contracting after initial  
2523 negotiation with the commission, which that the agency considers  
2524 more cost-effective and of comparable or higher quality and  
2525 standards than those of the commission efficient and effective  
2526 for the purchase of services on behalf of its Medicaid clients if  
2527 it has fulfilled the requirements of s. 427.0135(3) or the  
2528 procedure for using an alternative provider. State and local  
2529 agencies shall not contract for any transportation disadvantaged  
2530 services, including Medicaid reimbursable transportation  
2531 services, with any community transportation coordinator or  
2532 transportation operator that has been determined by the Agency  
2533 for Health Care Administration, the Department of Legal Affairs  
2534 Medicaid Fraud Control Unit, or any state or federal agency to  
2535 have engaged in any abusive or fraudulent billing activities.

2536 (2) Each year, each agency, whether or not it is an ex  
2537 officio, nonvoting advisor to a member of the Commission for the  
2538 Transportation Disadvantaged, shall identify in the legislative  
2539 budget request provided to the Governor for the General  
2540 Appropriations Act inform the commission in writing, before the



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2541 ~~beginning of each fiscal year,~~ of the specific amount of any  
2542 money the agency will allocate ~~allocated~~ for the provision of  
2543 transportation disadvantaged services. Additionally, each state  
2544 agency shall, by September 15 of each year, provide the  
2545 commission with an accounting of the actual amount of funds  
2546 expended and the total number of trips purchased.

2547 Section 60. Subsection (1) of section 479.01, Florida  
2548 Statutes, is amended to read:

2549 479.01 Definitions.--As used in this chapter, the term:

2550 (1) "Automatic changeable facing" means a facing that ~~which~~  
2551 ~~through a mechanical system~~ is capable of delivering two or more  
2552 advertising messages through an automated or remotely controlled  
2553 process and shall not rotate so rapidly as to cause distraction  
2554 ~~to a motorist.~~

2555 Section 61. Subsections (1) and (5) of section 479.07,  
2556 Florida Statutes, are amended to read:

2557 479.07 Sign permits.--

2558 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a  
2559 person may not erect, operate, use, or maintain, or cause to be  
2560 erected, operated, used, or maintained, any sign on the State  
2561 Highway System outside an urban incorporated area, as defined in  
2562 s. 334.03(32), or on any portion of the interstate or federal-aid  
2563 primary highway system without first obtaining a permit for the  
2564 sign from the department and paying the annual fee as provided in  
2565 this section. For purposes of this section, "on any portion of  
2566 the State Highway System, interstate, or federal-aid primary  
2567 system" shall mean a sign located within the controlled area  
2568 which is visible from any portion of the main-traveled way of  
2569 such system.



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2570 (5) (a) For each permit issued, the department shall furnish  
2571 to the applicant a serially numbered permanent metal permit tag.  
2572 The permittee is responsible for maintaining a valid permit tag  
2573 on each permitted sign facing at all times. The tag shall be  
2574 securely attached to the sign facing or, if there is no facing,  
2575 on the pole nearest the highway; and it shall be attached in such  
2576 a manner as to be plainly visible from the main-traveled way.  
2577 Effective July 1, 2011, the tag shall be securely attached to the  
2578 upper 50 percent of the pole nearest the highway in a manner as  
2579 to be plainly visible from the main-traveled way. The permit will  
2580 become void unless the permit tag is properly and permanently  
2581 displayed at the permitted site within 30 days after the date of  
2582 permit issuance. If the permittee fails to erect a completed sign  
2583 on the permitted site within 270 days after the date on which the  
2584 permit was issued, the permit will be void, and the department  
2585 may not issue a new permit to that permittee for the same  
2586 location for 270 days after the date on which the permit became  
2587 void.

2588 (b) If a permit tag is lost, stolen, or destroyed, the  
2589 permittee to whom the tag was issued may ~~must~~ apply to the  
2590 department for a replacement tag. The department shall establish  
2591 by rule a service fee for replacement tags in an amount that will  
2592 recover the actual cost of providing the replacement tag. Upon  
2593 receipt of the application accompanied by the ~~a~~ service fee ~~of~~  
2594 ~~\$3~~, the department shall issue a replacement permit tag.  
2595 Alternatively, the permittee may provide its own replacement tag  
2596 pursuant to department specifications which the department shall  
2597 establish by rule at the time it establishes the service fee for  
2598 replacement tags.



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2599 | Section 62. Section 479.08, Florida Statutes, is amended to  
2600 | read:

2601 | 479.08 Denial or revocation of permit.--The department has  
2602 | the authority to deny or revoke any permit requested or granted  
2603 | under this chapter in any case in which it determines that the  
2604 | application for the permit contains knowingly false or knowingly  
2605 | misleading information. The department may revoke any permit  
2606 | granted under this chapter in any case where ~~or that~~ the  
2607 | permittee has violated any of the provisions of this chapter,  
2608 | unless such permittee, within 30 days after the receipt of notice  
2609 | by the department, ~~corrects such false or misleading information~~  
2610 | and complies with the provisions of this chapter. For the purpose  
2611 | of this subsection, the notice of violation issued by the  
2612 | department shall describe in detail the alleged violation. Any  
2613 | person aggrieved by any action of the department in denying or  
2614 | revoking a permit under this chapter may, within 30 days after  
2615 | receipt of the notice, apply to the department for an  
2616 | administrative hearing pursuant to chapter 120. If a timely  
2617 | request for hearing has been filed and the department issues a  
2618 | final order revoking a permit, such revocation shall be effective  
2619 | 30 days after the date of rendition. Except for department action  
2620 | pursuant to s. 479.107(1), the filing of a timely and proper  
2621 | notice of appeal shall operate to stay the revocation until the  
2622 | department's action is upheld.

2623 | Section 63. Section 479.156, Florida Statutes, is amended  
2624 | to read:

2625 | 479.156 Wall murals.--Notwithstanding any other provision  
2626 | of this chapter, a municipality or county may permit and regulate  
2627 | wall murals within areas designated by such government. If a  
2628 | municipality or county permits wall murals, a wall mural that



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2629 displays a commercial message and is within 660 feet of the  
2630 nearest edge of the right-of-way within an area adjacent to the  
2631 interstate highway system or the federal-aid primary highway  
2632 system shall be located in an area that is zoned for industrial  
2633 or commercial use and the municipality or county shall establish  
2634 and enforce regulations for such areas that, at a minimum, set  
2635 forth criteria governing the size, lighting, and spacing of wall  
2636 murals consistent with the intent of the Highway Beautification  
2637 Act of 1965 and with customary use. Whenever a municipality or  
2638 county exercises such control and makes a determination of  
2639 customary use, pursuant to 23 U.S.C. s. 131(d), such  
2640 determination shall be accepted in lieu of controls in the  
2641 agreement between the state and the United States Department of  
2642 Transportation, and the Department of Transportation shall notify  
2643 the Federal Highway Administration pursuant to the agreement, 23  
2644 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that  
2645 is subject to municipal or county regulation and the Highway  
2646 Beautification Act of 1965 must be approved by the Department of  
2647 Transportation and the Federal Highway Administration where  
2648 required by federal law and federal regulation pursuant to ~~and~~  
2649 ~~may not violate~~ the agreement between the state and the United  
2650 States Department of Transportation and ~~or violate~~ federal  
2651 regulations enforced by the Department of Transportation under s.  
2652 479.02(1). The existence of a wall mural as defined in s.  
2653 479.01(27) shall not be considered in determining whether a sign  
2654 as defined in s. 479.01(17), either existing or new, is in  
2655 compliance with s. 479.07(9) (a).

2656 Section 64. Subsections (1), (3), (4), and (5) of section  
2657 479.261, Florida Statutes, are amended to read:

2658 479.261 Logo sign program.--



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2659 (1) The department shall establish a logo sign program for  
2660 the rights-of-way of the interstate highway system to provide  
2661 information to motorists about available gas, food, lodging, ~~and~~  
2662 camping, attractions, and other services, as approved by the  
2663 Federal Highway Administration, at interchanges, through the use  
2664 of business logos, and may include additional interchanges under  
2665 the program. ~~A logo sign for nearby attractions may be added to~~  
2666 ~~this program if allowed by federal rules.~~

2667 (a) An attraction as used in this chapter is defined as an  
2668 establishment, site, facility, or landmark that ~~which~~ is open a  
2669 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~  
2670 ~~an admission for entry;~~ ~~which~~ has as its principal focus family-  
2671 oriented entertainment, cultural, educational, recreational,  
2672 scientific, or historical activities; and that ~~which~~ is publicly  
2673 recognized as a bona fide tourist attraction. ~~However, the~~  
2674 ~~permits for businesses seeking to participate in the attractions~~  
2675 ~~logo sign program shall be awarded by the department annually to~~  
2676 ~~the highest bidders, notwithstanding the limitation on fees in~~  
2677 ~~subsection (5), which are qualified for available space at each~~  
2678 ~~qualified location, but the fees therefor may not be less than~~  
2679 ~~the fees established for logo participants in other logo~~  
2680 ~~categories.~~

2681 (b) The department shall incorporate the use of RV-friendly  
2682 markers on specific information logo signs for establishments  
2683 that cater to the needs of persons driving recreational vehicles.  
2684 Establishments that qualify for participation in the specific  
2685 information logo program and that also qualify as "RV-friendly"  
2686 may request the RV-friendly marker on their specific information  
2687 logo sign. An RV-friendly marker must consist of a design  
2688 approved by the Federal Highway Administration. The department



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2689 shall adopt rules in accordance with chapter 120 to administer  
2690 this paragraph, including rules setting forth the minimum  
2691 requirements that establishments must meet in order to qualify as  
2692 RV-friendly. These requirements shall include large parking  
2693 spaces, entrances, and exits that can easily accommodate  
2694 recreational vehicles and facilities having appropriate overhead  
2695 clearances, if applicable.

2696 (c) The department may implement a 3-year rotation-based  
2697 logo program providing for the removal and addition of  
2698 participating businesses in the program.

2699 (3) Logo signs may be installed upon the issuance of an  
2700 annual permit by the department or its agent and payment of a ~~an~~  
2701 ~~application and~~ permit fee to the department or its agent.

2702 (4) The department may contract pursuant to s. 287.057 for  
2703 the provision of services related to the logo sign program,  
2704 including recruitment and qualification of businesses, review of  
2705 applications, permit issuance, and fabrication, installation, and  
2706 maintenance of logo signs. The department may reject all  
2707 proposals and seek another request for proposals or otherwise  
2708 perform the work. ~~If the department contracts for the provision~~  
2709 ~~of services for the logo sign program, the contract must require,~~  
2710 ~~unless the business owner declines, that businesses that~~  
2711 ~~previously entered into agreements with the department to~~  
2712 ~~privately fund logo sign construction and installation be~~  
2713 ~~reimbursed by the contractor for the cost of the signs which has~~  
2714 ~~not been recovered through a previously agreed upon waiver of~~  
2715 ~~fees.~~ The contract also may allow the contractor to retain a  
2716 portion of the annual fees as compensation for its services.

2717 (5) Permit fees for businesses that participate in the  
2718 program must be established in an amount sufficient to offset the



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2719 total cost to the department for the program, including contract  
2720 costs. The department shall provide the services in the most  
2721 efficient and cost-effective manner through department staff or  
2722 by contracting for some or all of the services. The department  
2723 shall adopt rules that set reasonable rates based upon factors  
2724 such as population, traffic volume, market demand, and costs for  
2725 annual permit fees. However, annual permit fees for sign  
2726 locations inside an urban area, as defined in s. 334.03(32), may  
2727 not exceed \$5,000 and annual permit fees for sign locations  
2728 outside an urban area, as defined in s. 334.03(32), may not  
2729 exceed \$2,500. After recovering program costs, the proceeds from  
2730 the logo program shall be deposited into the State Transportation  
2731 Trust Fund and used for transportation purposes. ~~Such annual~~  
2732 ~~permit fee shall not exceed \$1,250.~~

2733 Section 65. Notwithstanding any provision of chapter 74-  
2734 400, Laws of Florida, public funds may be used for the alteration  
2735 of Old Cutler Road, between Southwest 136th Street and Southwest  
2736 184th Street, in the Village of Palmetto Bay.

2737 (1) The alteration may include the installation of  
2738 sidewalks, curbing, and landscaping to enhance pedestrian access  
2739 to the road.

2740 (2) The official approval of the project by the Department  
2741 of State must be obtained before any alteration is started.

2742 Section 66. This act shall take effect July 1, 2008.

2744 ===== T I T L E A M E N D M E N T =====

2745 And the title is amended as follows:

2746 Delete everything before the enacting clause  
2747 and insert:

2748 A bill to be entitled



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2749 | An act relating to the Department of Transportation;  
2750 | amending s. 20.23, F.S.; providing Senior Management  
2751 | Service status to the Executive Director of the Florida  
2752 | Transportation Commission; amending s. 125.42, F.S.;  
2753 | providing an exception to utility owners from the  
2754 | responsibility for relocating utilities along county roads  
2755 | and highways; amending s. 163.3177, F.S.; revising  
2756 | requirements for comprehensive plans; providing for  
2757 | airports, land adjacent to airports, and certain  
2758 | interlocal agreements relating thereto in certain elements  
2759 | of the plan; amending s. 163.3178, F.S.; providing that  
2760 | facilities determined by the Department of Community  
2761 | Affairs and the applicable general-purpose local  
2762 | government to be port-related industrial or commercial  
2763 | projects located within 3 miles of or in the port master  
2764 | plan area which rely upon the utilization of port and  
2765 | intermodal transportation facilities are not developments  
2766 | of regional impact under certain circumstances; amending  
2767 | s. 163.3180, F.S.; requiring the Department of  
2768 | Transportation to establish a transportation methodology  
2769 | to serve as the basis for sustainable development impact  
2770 | assessments; defining the terms "present value" and  
2771 | "backlogged transportation facility"; amending s.  
2772 | 163.3182, F.S., relating to transportation concurrency  
2773 | backlog authorities; providing legislative findings and  
2774 | declarations; expanding the power of authorities to borrow  
2775 | money to include issuing certain debt obligations;  
2776 | providing a maximum maturity date for certain debt  
2777 | incurred to finance or refinance certain transportation  
2778 | concurrency backlog projects; authorizing authorities to



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2779 | continue operations and administer certain trust funds for  
2780 | the period of the remaining outstanding debt; requiring  
2781 | local transportation concurrency backlog trust funds to  
2782 | continue to be funded for certain purposes; providing for  
2783 | increased ad valorem tax increment funding for such trust  
2784 | funds under certain circumstances; revising provisions for  
2785 | dissolution of an authority; providing legislative  
2786 | findings relating to investment of funds from the Lawton  
2787 | Chiles Endowment Fund in Florida infrastructure by the  
2788 | State Board of Administration; providing that such  
2789 | investment is the policy of the State Board of  
2790 | Administration; amending s. 215.44, F.S.; including  
2791 | infrastructure investments in annual reporting  
2792 | requirements of State Board of Administration; amending s.  
2793 | 215.47, F.S.; increasing the maximum allowable percent of  
2794 | any fund in alternative investments or infrastructure  
2795 | investments; defining infrastructure investments; amending  
2796 | s. 215.5601, F.S.; directing the State Board of  
2797 | Administration to lease Alligator Alley for up to 50 years  
2798 | from the Department of Transportation using funds from the  
2799 | Lawton Chiles Endowment; limiting the investment of funds  
2800 | to between 20 and 50 percent of the endowment's assets;  
2801 | requiring a report to the Legislature; authorizing the  
2802 | board to contract with other government, public, and  
2803 | private entities to operate and maintain the toll  
2804 | facility; creating s. 334.305, F.S.; providing a finding  
2805 | of public need for leasing transportation facilities to  
2806 | expedite provision of additional facilities; providing  
2807 | that infrastructure investment agreements may not be  
2808 | impaired by state or local act; authorizing a lease



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2809 | agreement of up to 50 years for Alligator Alley;  
2810 | authorizing the engagement of private consultants to  
2811 | develop the agreement; directing funds received by the  
2812 | department under such provisions to the State  
2813 | Transportation Trust Fund; providing requirements for the  
2814 | lease agreement; requiring adherence to state and federal  
2815 | laws and standards for the operation and maintenance of  
2816 | transportation facilities; requiring the regulation of  
2817 | toll increases; authorizing state action to remedy  
2818 | impairments to the lease agreement; requiring an  
2819 | independent cost-effectiveness analysis and traffic and  
2820 | revenue study; limiting the use of funds received under  
2821 | the act to transportation uses; requiring specifications  
2822 | for construction, engineering, maintenance, and law  
2823 | enforcement activities in lease agreements; allowing the  
2824 | department to submit to the Legislative Budget Commission  
2825 | a plan for advancing transportation projects using funds  
2826 | received from a lease; requiring remaining toll revenue to  
2827 | be used in accordance with the lease agreement and s.  
2828 | 338.26, F.S.; confirming the ability of the State Board of  
2829 | Administration to invest in government-owned  
2830 | infrastructure; providing legislative intent relating to  
2831 | road rage and aggressive careless driving; amending s.  
2832 | 316.003, F.S.; defining the term "road rage"; amending s.  
2833 | 316.083, F.S.; requiring an operator of a motor vehicle to  
2834 | yield the left lane when being overtaken on a multilane  
2835 | highway; providing exceptions; amending s. 316.1923, F.S.;  
2836 | revising the number of specified acts necessary to qualify  
2837 | as an aggressive careless driver; providing specified  
2838 | punishments for aggressive careless driving; specifying



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2839 | the allocation of moneys received from the increased fine  
2840 | imposed for aggressive careless driving; amending s.  
2841 | 318.19, F.S.; providing that a second or subsequent  
2842 | infraction as an aggressive careless driver requires  
2843 | attendance at a mandatory hearing; providing for the  
2844 | disposition of the increased penalties; requiring the  
2845 | Department of Highway Safety and Motor Vehicles to provide  
2846 | information about road rage and aggressive careless  
2847 | driving in driver's license educational materials;  
2848 | reenacting s. 316.650(1)(a), F.S., relating to traffic  
2849 | citations, to incorporate the amendments made to s.  
2850 | 316.1923, F.S., in a reference thereto; amending s.  
2851 | 316.0741, F.S.; redefining the term "hybrid vehicle";  
2852 | authorizing the driving of a hybrid, low-emission, or  
2853 | energy-efficient vehicle in a high-occupancy-vehicle lane  
2854 | regardless of occupancy; authorizing the department to  
2855 | limit or discontinue such driving under certain  
2856 | circumstances; exempting such vehicles from the payment of  
2857 | certain tolls; amending s. 316.193, F.S.; lowering the  
2858 | blood-alcohol or breath-alcohol level for which enhanced  
2859 | penalties are imposed against a person who was accompanied  
2860 | in the vehicle by a minor at the time of the offense;  
2861 | clarifying that an ignition interlock device is installed  
2862 | for a continuous period; amending s. 316.302, F.S.;  
2863 | revising the application of certain federal rules;  
2864 | providing for the department to perform certain duties  
2865 | assigned under federal rules; updating a reference to  
2866 | federal provisions governing out-of-service requirements  
2867 | for commercial vehicles; amending ss. 316.613 and 316.614,  
2868 | F.S.; revising the definition of "motor vehicle" for



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2869 | purposes of child restraint and safety belt usage  
2870 | requirements; amending s. 316.656, F.S.; lowering the  
2871 | percentage of blood or breath alcohol content relating to  
2872 | the prohibition against pleading guilty to a lesser  
2873 | offense of driving under the influence than the offense  
2874 | charged; amending s. 320.03, F.S.; revising the amount of  
2875 | a nonrefundable fee that is charged on the initial and  
2876 | renewal registration for certain automobiles and trucks;  
2877 | amending s. 322.64, F.S.; providing that refusal to submit  
2878 | to a breath, urine, or blood test disqualifies a person  
2879 | from operating a commercial motor vehicle; providing a  
2880 | period of disqualification if a person has an unlawful  
2881 | blood-alcohol or breath-alcohol level; providing for  
2882 | issuance of a notice of disqualification; revising the  
2883 | requirements for a formal review hearing following a  
2884 | person's disqualification from operating a commercial  
2885 | motor vehicle; amending s. 336.41, F.S.; providing that a  
2886 | county, municipality, or special district may not own or  
2887 | operate an asphalt plant or a portable or stationary  
2888 | concrete batch plant having an independent mixer; amending  
2889 | s. 337.11, F.S.; establishing a goal for the procurement  
2890 | of design-build contracts; amending s. 337.18, F.S.;  
2891 | revising the recording requirements of payment and  
2892 | performance bonds; amending s. 337.185, F.S.; providing  
2893 | for maintenance contracts to be included in the types of  
2894 | claims settled by the State Arbitration Board; amending s.  
2895 | 337.403, F.S.; providing for the department or a local  
2896 | governmental entity to pay the costs of removing or  
2897 | relocating a utility that is interfering with the use of a  
2898 | road or rail corridor; amending s. 338.01, F.S.; requiring



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2899 | that newly installed electronic toll collection systems be  
2900 | interoperable with the department's electronic toll  
2901 | collection system; amending s. 338.165, F.S.; providing  
2902 | that provisions requiring the continuation of tolls  
2903 | following the discharge of bond indebtedness does not  
2904 | apply to high-occupancy toll lanes or express lanes;  
2905 | creating s. 338.166, F.S.; authorizing the department to  
2906 | request that bonds be issued which are secured by toll  
2907 | revenues from high-occupancy toll or express lanes in a  
2908 | specified location; providing for the department to  
2909 | continue to collect tolls after discharge of indebtedness;  
2910 | authorizing the use of excess toll revenues for  
2911 | improvements to the State Highway System; authorizing the  
2912 | implementation of variable rate tolls on high-occupancy  
2913 | toll lanes or express lanes; amending s. 338.2216, F.S.;  
2914 | directing the turnpike enterprise to develop new  
2915 | technologies and processes for the collection of tolls and  
2916 | usage fees; prohibiting the enterprise from entering into  
2917 | certain joint contracts for the sale of fuel and other  
2918 | goods; providing an exception; providing restrictions on  
2919 | contracts pertaining to service plazas; amending s.  
2920 | 338.223, F.S.; conforming a cross-reference; amending s.  
2921 | 338.231, F.S.; eliminating reference to uniform toll rates  
2922 | on the Florida Turnpike System; authorizing the department  
2923 | to fix by rule and collect the amounts needed to cover  
2924 | toll collection costs; directing the turnpike enterprise  
2925 | to increase tolls; amending s. 339.12, F.S.; clarifying a  
2926 | provision specifying a maximum total amount of project  
2927 | agreements for certain projects; authorizing the  
2928 | department to enter into certain agreements with counties



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2929 | having a specified maximum population; defining the term  
2930 | "project phase"; requiring that a project or project phase  
2931 | be a high priority of a governmental entity; providing for  
2932 | reimbursement for a project or project phase; specifying a  
2933 | maximum total amount for certain projects and project  
2934 | phases; requiring that such project be included in the  
2935 | local government's adopted comprehensive plan; authorizing  
2936 | the department to enter into long-term repayment  
2937 | agreements up to a specified maximum length; amending s.  
2938 | 339.135, F.S.; revising certain notice provisions that  
2939 | require the Department of Transportation to notify local  
2940 | governments regarding amendments to an adopted 5-year work  
2941 | program; amending s. 339.155, F.S.; revising provisions  
2942 | for development of the Florida Transportation Plan;  
2943 | amending s. 339.2816, F.S., relating to the small county  
2944 | road assistance program; providing for resumption of  
2945 | certain funding for the program; revising the criteria for  
2946 | counties eligible to participate in the program; amending  
2947 | ss. 339.2819 and 339.285, F.S.; conforming cross-  
2948 | references; amending s. 348.0003, F.S.; providing for  
2949 | financial disclosure for expressway, transportation,  
2950 | bridge, and toll authorities; amending s. 348.0004, F.S.;  
2951 | providing for certain expressway authorities to index toll  
2952 | rate increases; repealing part III of ch. 343 F.S.;  
2953 | abolishing the Tampa Bay Commuter Transit Authority;  
2954 | requiring the department to conduct a study of  
2955 | transportation alternatives for the Interstate 95  
2956 | corridor; amending s. 409.908, F.S.; authorizing the  
2957 | Agency for Health Care Administration to continue to  
2958 | contract for Medicaid nonemergency transportation services



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2959 | in a specified agency service area with managed care plans  
2960 | under certain conditions; amending s. 427.011, F.S.;  
2961 | revising definitions; defining the term "purchasing  
2962 | agency"; amending s. 427.012, F.S.; revising the number of  
2963 | members required for a quorum at a meeting of the  
2964 | Commission for the Transportation Disadvantaged; amending  
2965 | s. 427.013, F.S.; revising responsibilities of the  
2966 | commission; deleting a requirement that the commission  
2967 | establish by rule acceptable ranges of trip costs;  
2968 | removing a provision for functioning and oversight of the  
2969 | quality assurance and management review program; requiring  
2970 | the commission to incur expenses for promotional services  
2971 | and items; amending s. 427.0135, F.S.; revising and  
2972 | creating duties and responsibilities for agencies that  
2973 | purchase transportation services for the transportation  
2974 | disadvantaged; providing requirements for the payment of  
2975 | rates; requiring an agency to negotiate with the  
2976 | commission before procuring transportation disadvantaged  
2977 | services; requiring an agency to identify its allocation  
2978 | for transportation disadvantaged services in its  
2979 | legislative budget request; amending s. 427.015, F.S.;  
2980 | revising provisions relating to the function of the  
2981 | metropolitan planning organization or designated official  
2982 | planning agency; amending s. 427.0155, F.S.; revising  
2983 | duties of community transportation coordinators; amending  
2984 | s. 427.0157, F.S.; revising duties of coordinating boards;  
2985 | amending s. 427.0158, F.S.; deleting provisions requiring  
2986 | the school board to provide information relating to school  
2987 | buses to the transportation coordinator; providing for the  
2988 | transportation coordinator to request certain information



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2989 | regarding public transportation; amending s. 427.0159,  
2990 | F.S.; revising provisions relating to the Transportation  
2991 | Disadvantaged Trust Fund; providing for the deposit of  
2992 | funds by an agency purchasing transportation services;  
2993 | amending s. 427.016, F.S.; providing for construction and  
2994 | application of specified provisions to certain acts of a  
2995 | purchasing agency in lieu of the Medicaid agency;  
2996 | requiring that an agency identify the allocation of funds  
2997 | for transportation disadvantaged services in its  
2998 | legislative budget request; amending s. 479.01, F.S.;  
2999 | redefining the term "automatic changeable facing" as used  
3000 | in provisions governing outdoor advertising; amending s.  
3001 | 479.07, F.S.; revising the locations within which signs  
3002 | require permitting; providing requirements for the  
3003 | placement of permit tags; requiring the department to  
3004 | establish by rule a service fee and specifications for  
3005 | replacement tags; amending s. 479.08, F.S.; deleting a  
3006 | provision allowing a sign permittee to correct false  
3007 | information that was knowingly provided to the department;  
3008 | requiring the department to include certain information in  
3009 | the notice of violation; amending s. 479.156, F.S.;  
3010 | modifying local government control of the regulation of  
3011 | wall murals adjacent to certain federal highways; amending  
3012 | s. 479.261, F.S.; revising requirements for the logo sign  
3013 | program of the interstate highway system; deleting  
3014 | provisions providing for permits to be awarded to the  
3015 | highest bidders; requiring the department to implement a  
3016 | rotation-based logo program; requiring the department to  
3017 | adopt rules that set reasonable rates based on certain  
3018 | factors for annual permit fees; requiring that such fees



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3019 | not exceed a certain amount for sign locations inside and  
3020 | outside an urban area; amending s. 212.0606, F.S.;  
3021 | providing for the imposition by countywide referendum of  
3022 | an additional surcharge on the lease or rental of a motor  
3023 | vehicle; providing the proceeds of the surcharge to be  
3024 | transferred to the Local Option Fuel Tax Trust Fund and  
3025 | used for the construction and maintenance of commuter rail  
3026 | service facilities; amending s. 341.301, F.S.; providing  
3027 | definitions relating to commuter rail service, rail  
3028 | corridors, and railroad operation for purposes of the rail  
3029 | program within the department; amending s. 341.302, F.S.;  
3030 | authorizing the department to purchase specified property  
3031 | for the purpose of implementing commuter rail service;  
3032 | authorizing the department to assume certain liability on  
3033 | a rail corridor; authorizing the department to indemnify  
3034 | and hold harmless a railroad company when the department  
3035 | acquires a rail corridor from the company; providing  
3036 | allocation of risk; providing a specific cap on the amount  
3037 | of the contractual duty for such indemnification;  
3038 | authorizing the department to purchase and provide  
3039 | insurance in relation to rail corridors; authorizing  
3040 | marketing and promotional expenses; extending provisions  
3041 | to other governmental entities providing commuter rail  
3042 | service on public right-of-way; amending s. 768.28, F.S.;  
3043 | expanding the list of entities considered agents of the  
3044 | state; providing for construction in relation to certain  
3045 | federal laws; authorizing the expenditure of public funds  
3046 | for certain alterations of Old Cutler Road in the Village  
3047 | of Palmetto Bay; requiring the official approval of the

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3048 | Department of State before any alterations may begin;  
3049 | providing an effective date.