

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Cannon offered the following:

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

4 Remove line 26 and insert:

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

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

10 (2)

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

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

26 Section 3. Subsection (5) of section 125.42, Florida  
27 Statutes, is amended to read:

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

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

35 Section 4. Paragraphs (a), (h), and (j) of subsection (6)  
36 of section 163.3177, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

243 3. Parking facilities.

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

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

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

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

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

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

264 Section 5. Subsection (3) of section 163.3178, Florida  
265 Statutes, is amended to read:

266 163.3178 Coastal management.--

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

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

285 163.3182 Transportation concurrency backlogs.--

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

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

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

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

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

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323 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

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

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

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

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

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

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

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

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

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

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

397 Section 7. Paragraph (c) of subsection (9) of section  
398 287.055, Florida Statutes, is amended to read:

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

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

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

- 423 1. The preparation of a design criteria package for the  
424 design and construction of the public construction project.
- 425 2. The qualification and selection of no fewer than three  
426 design-build firms as the most qualified, based on the  
427 qualifications, availability, and past work of the firms,  
428 including the partners or members thereof.
- 429 3. The criteria, procedures, and standards for the  
430 evaluation of design-build contract proposals or bids, based on

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

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

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

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

448 Section 8. Section 316.0741, Florida Statutes, is amended  
449 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

535 Section 9. Subsection (4) of section 316.193, Florida  
536 Statutes, is amended to read:

537 316.193 Driving under the influence; penalties.--

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

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

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

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

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

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

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

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

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

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

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

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569 Section 10. Effective October 1, 2008, paragraph (b) of  
570 subsection (1) and subsections (6) and (8) of section 316.302,  
571 Florida Statutes, are amended to read:

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

574 (1)

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

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

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

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

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

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

617 Section 11. Subsection (2) of section 316.613, Florida  
618 Statutes, is amended to read:

619 316.613 Child restraint requirements.--

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

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

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

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

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

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

633 Section 12. Paragraph (a) of subsection (3) of section  
634 316.614, Florida Statutes, is amended to read:

635 316.614 Safety belt usage.--

636 (3) As used in this section:

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

640 1. A school bus.

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

643 3. A farm tractor or implement of husbandry.

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

646 5. A motorcycle, moped, or bicycle.

647 Section 13. Paragraph (a) of subsection (2) of section  
648 316.656, Florida Statutes, is amended to read:

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

651 (2) (a) No trial judge may accept a plea of guilty to a  
652 lesser offense from a person charged under the provisions of  
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653 | this act who has been given a breath or blood test to determine  
654 | blood or breath alcohol content, the results of which show a  
655 | blood or breath alcohol content by weight of 0.15 ~~0.20~~ percent  
656 | or more.

657 |       Section 14. Section 322.64, Florida Statutes, is amended  
658 | to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

855 (b) Sustain the disqualification:

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

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

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

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

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

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

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

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

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

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

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

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

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

937 Section 16. Paragraph (g) of subsection (5) of section  
938 337.0261, Florida Statutes, is amended to read:

939 337.0261 Construction aggregate materials.--

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

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

943 Section 17. Subsection (7) of section 337.11, Florida  
944 Statutes, is amended to read:

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

949 (7) If the department determines that it is in the best  
950 interest of the public, the department may pay a stipend to  
951 unsuccessful firms who have submitted responsive proposals for  
952 construction or maintenance contracts. The decision and amount  
953 of a stipend will be based upon department analysis of the  
954 estimated proposal development costs and the anticipated degree  
955 of competition during the procurement process. Stipends shall be  
956 used to encourage competition and compensate unsuccessful firms  
957 for a portion of their proposal development costs. The  
958 department shall retain the right to use ideas from unsuccessful  
959 firms that accept a stipend.

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960        ~~(8)~~(7)(a) If the head of the department determines that it  
961 is in the best interests of the public, the department may  
962 combine the design and construction phases of a building, a  
963 major bridge, a limited access facility, or a rail corridor  
964 project into a single contract. Such contract is referred to as  
965 a design-build contract. The department's goal shall be to  
966 procure up to 25 percent of the construction contracts which add  
967 capacity in the 5-year adopted work program as design-build  
968 contracts by July 1, 2013. Design-build contracts may be  
969 advertised and awarded notwithstanding the requirements of  
970 paragraph (3)(c). However, construction activities may not begin  
971 on any portion of such projects for which the department has not  
972 yet obtained title to the necessary rights-of-way and easements  
973 for the construction of that portion of the project has vested  
974 in the state or a local governmental entity and all railroad  
975 crossing and utility agreements have been executed. Title to  
976 rights-of-way shall be deemed to have vested in the state when  
977 the title has been dedicated to the public or acquired by  
978 prescription.

979        (b) The department shall adopt by rule procedures for  
980 administering design-build contracts. Such procedures shall  
981 include, but not be limited to:

- 982            1. Prequalification requirements.
- 983            2. Public announcement procedures.
- 984            3. Scope of service requirements.
- 985            4. Letters of interest requirements.
- 986            5. Short-listing criteria and procedures.
- 987            6. Bid proposal requirements.

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- 988 7. Technical review committee.  
989 8. Selection and award processes.  
990 9. Stipend requirements.

991 Section 18. Subsection (7) of section 337.14, Florida  
992 Statutes, is amended to read:

993 337.14 Application for qualification; certificate of  
994 qualification; restrictions; request for hearing.--

995 (7) No "contractor" as defined in s. 337.165(1)(d) or his  
996 or her "affiliate" as defined in s. 337.165(1)(a) qualified with  
997 the department under this section may also qualify under s.  
998 287.055 or s. 337.105 to provide testing services, construction,  
999 engineering, and inspection services to the department. This  
1000 limitation shall not apply to any design-build prequalification  
1001 under s. 337.11(8)~~(7)~~.

1002 Section 19. Paragraph (a) of subsection (2) of section  
1003 337.16, Florida Statutes, is amended to read:

1004 337.16 Disqualification of delinquent contractors from  
1005 bidding; determination of contractor nonresponsibility; denial,  
1006 suspension, and revocation of certificates of qualification;  
1007 grounds; hearing.--

1008 (2) For reasons other than delinquency in progress, the  
1009 department, for good cause, may determine any contractor not  
1010 having a certificate of qualification nonresponsible for a  
1011 specified period of time or may deny, suspend, or revoke any  
1012 certificate of qualification. Good cause includes, but is not  
1013 limited to, circumstances in which a contractor or the  
1014 contractor's official representative:

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1015 (a) Makes or submits to the department false, deceptive,  
1016 or fraudulent statements or materials in any bid proposal to the  
1017 department, any application for a certificate of qualification,  
1018 any certification of payment pursuant to s. 337.11(11)-(10), or  
1019 any administrative or judicial proceeding;

1020 Section 20. Paragraph (b) of subsection (1) of section  
1021 337.18 is amended to read:

1022 337.18 Surety bonds for construction or maintenance  
1023 contracts; requirement with respect to contract award; bond  
1024 requirements; defaults; damage assessments.--

1025 (1)

1026 (b) Prior to beginning any work under the contract, the  
1027 contractor shall maintain a copy of the payment and performance  
1028 bond required under this section at its principal place of  
1029 business and at the jobsite office, if one is established, and  
1030 the contractor shall provide a copy of the payment and  
1031 performance bond within 5 days after receipt of any written  
1032 request therefor. A copy of the payment and performance bond  
1033 required under this section may also be obtained directly from  
1034 the department via a request made pursuant to chapter 119. ~~Upon~~  
1035 ~~execution of the contract, and prior to beginning any work under~~  
1036 ~~the contract, the contractor shall record in the public records~~  
1037 ~~of the county where the improvement is located the payment and~~  
1038 ~~performance bond required under this section. A claimant shall~~  
1039 have a right of action against the contractor and surety for the  
1040 amount due him or her, including unpaid finance charges due  
1041 under the claimant's contract. Such action shall not involve the  
1042 department in any expense.

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1043 Section 21. Subsections (1), (2), and (7) of section  
1044 337.185, Florida Statutes, are amended to read:

1045 337.185 State Arbitration Board.--

1046 (1) To facilitate the prompt settlement of claims for  
1047 additional compensation arising out of construction and  
1048 maintenance contracts between the department and the various  
1049 contractors with whom it transacts business, the Legislature  
1050 does hereby establish the State Arbitration Board, referred to  
1051 in this section as the "board." For the purpose of this section,  
1052 "claim" shall mean the aggregate of all outstanding claims by a  
1053 party arising out of a construction or maintenance contract.  
1054 Every contractual claim in an amount up to \$250,000 per contract  
1055 or, at the claimant's option, up to \$500,000 per contract or,  
1056 upon agreement of the parties, up to \$1 million per contract  
1057 that cannot be resolved by negotiation between the department  
1058 and the contractor shall be arbitrated by the board after  
1059 acceptance of the project by the department. As an exception,  
1060 either party to the dispute may request that the claim be  
1061 submitted to binding private arbitration. A court of law may not  
1062 consider the settlement of such a claim until the process  
1063 established by this section has been exhausted.

1064 (2) The board shall be composed of three members. One  
1065 member shall be appointed by the head of the department, and one  
1066 member shall be elected by those construction or maintenance  
1067 companies who are under contract with the department. The third  
1068 member shall be chosen by agreement of the other two members.  
1069 Whenever the third member has a conflict of interest regarding  
1070 affiliation with one of the parties, the other two members shall

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1071 select an alternate member for that hearing. The head of the  
1072 department may select an alternative or substitute to serve as  
1073 the department member for any hearing or term. Each member shall  
1074 serve a 2-year term. The board shall elect a chair, each term,  
1075 who shall be the administrator of the board and custodian of its  
1076 records.

1077 (7) The members of the board may receive compensation for  
1078 the performance of their duties hereunder, from administrative  
1079 fees received by the board, except that no employee of the  
1080 department may receive compensation from the board. The  
1081 compensation amount shall be determined by the board, but shall  
1082 not exceed \$125 per hour, up to a maximum of \$1,000 per day for  
1083 each member authorized to receive compensation. Nothing in this  
1084 section shall prevent the member elected by construction or  
1085 maintenance companies from being an employee of an association  
1086 affiliated with the industry, even if the sole responsibility of  
1087 that member is service on the board. Travel expenses for the  
1088 industry member may be paid by an industry association, if  
1089 necessary. The board may allocate funds annually for clerical  
1090 and other administrative services.

1091 Section 22. Subsection (1) of section 337.403, Florida  
1092 Statutes, is amended to read:

1093 337.403 Relocation of utility; expenses.--

1094 (1) Any utility heretofore or hereafter placed upon,  
1095 under, over, or along any public road or publicly owned rail  
1096 corridor that is found by the authority to be unreasonably  
1097 interfering in any way with the convenient, safe, or continuous  
1098 use, or the maintenance, improvement, extension, or expansion,

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1099 of such public road or publicly owned rail corridor shall, upon  
1100 30 days' written notice to the utility or its agent by the  
1101 authority, be removed or relocated by such utility at its own  
1102 expense except as provided in paragraphs (a) - (f) ~~(a), (b), and~~  
1103 ~~(e)~~.

1104 (a) If the relocation of utility facilities, as referred  
1105 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
1106 627 of the 84th Congress, is necessitated by the construction of  
1107 a project on the federal-aid interstate system, including  
1108 extensions thereof within urban areas, and the cost of such  
1109 project is eligible and approved for reimbursement by the  
1110 Federal Government to the extent of 90 percent or more under the  
1111 Federal Aid Highway Act, or any amendment thereof, then in that  
1112 event the utility owning or operating such facilities shall  
1113 relocate such facilities upon order of the department, and the  
1114 state shall pay the entire expense properly attributable to such  
1115 relocation after deducting therefrom any increase in the value  
1116 of the new facility and any salvage value derived from the old  
1117 facility.

1118 (b) When a joint agreement between the department and the  
1119 utility is executed for utility improvement, relocation, or  
1120 removal work to be accomplished as part of a contract for  
1121 construction of a transportation facility, the department may  
1122 participate in those utility improvement, relocation, or removal  
1123 costs that exceed the department's official estimate of the cost  
1124 of such work by more than 10 percent. The amount of such  
1125 participation shall be limited to the difference between the  
1126 official estimate of all the work in the joint agreement plus 10

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1127 percent and the amount awarded for this work in the construction  
1128 contract for such work. The department may not participate in  
1129 any utility improvement, relocation, or removal costs that occur  
1130 as a result of changes or additions during the course of the  
1131 contract.

1132 (c) When an agreement between the department and utility  
1133 is executed for utility improvement, relocation, or removal work  
1134 to be accomplished in advance of a contract for construction of  
1135 a transportation facility, the department may participate in the  
1136 cost of clearing and grubbing necessary to perform such work.

1137 (d) If the utility facility being removed or relocated was  
1138 initially installed to exclusively serve the department, its  
1139 tenants, or both the department and its tenants, the department  
1140 shall bear the costs of removal or relocation of that utility  
1141 facility. The department shall not be responsible, however, for  
1142 bearing the cost of removal or relocation of any subsequent  
1143 additions to that facility for the purpose of serving others.

1144 (e) If, pursuant to an agreement between a utility and the  
1145 authority entered into after the effective date of this  
1146 subsection, the utility conveys, subordinates, or relinquishes a  
1147 compensable property right to the authority for the purpose of  
1148 accommodating the acquisition or use of the right-of-way by the  
1149 authority, without the agreement expressly addressing future  
1150 responsibility for cost of removal or relocation of the utility,  
1151 then the authority shall bear the cost of such removal or  
1152 relocation. Nothing in this paragraph is intended to impair or  
1153 restrict, or be used to interpret, the terms of any such

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1154 agreement entered into prior to the effective date of this  
1155 paragraph.

1156 (f) If the utility is an electric facility being relocated  
1157 underground in order to enhance vehicular, bicycle, and  
1158 pedestrian safety and in which ownership of the electric  
1159 facility to be placed underground has been transferred from a  
1160 private to a public utility within the past 5 years, the  
1161 department shall incur all costs of the relocation.

1162 Section 23. Subsections (4) and (5) of section 337.408,  
1163 Florida Statutes, are amended, subsection (7) is renumbered as  
1164 subsection (8), and a new subsection (7) is added to that  
1165 section, to read:

1166 337.408 Regulation of benches, transit shelters, street  
1167 light poles, waste disposal receptacles, and modular news racks  
1168 within rights-of-way.--

1169 (4) The department has the authority to direct the  
1170 immediate relocation or removal of any bench, transit shelter,  
1171 waste disposal receptacle, public pay telephone, or modular news  
1172 rack which endangers life or property, except that transit bus  
1173 benches which have been placed in service prior to April 1,  
1174 1992, are not required to comply with bench size and advertising  
1175 display size requirements which have been established by the  
1176 department prior to March 1, 1992. Any transit bus bench that  
1177 was in service prior to April 1, 1992, may be replaced with a  
1178 bus bench of the same size or smaller, if the bench is damaged  
1179 or destroyed or otherwise becomes unusable. The department is  
1180 authorized to adopt rules relating to the regulation of bench  
1181 size and advertising display size requirements. If a

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1182 municipality or county within which a bench is to be located has  
1183 adopted an ordinance or other applicable regulation that  
1184 establishes bench size or advertising display sign requirements  
1185 different from requirements specified in department rule, the  
1186 local government requirement shall be applicable within the  
1187 respective municipality or county. Placement of any bench or  
1188 advertising display on the National Highway System under a local  
1189 ordinance or regulation adopted pursuant to this subsection  
1190 shall be subject to approval of the Federal Highway  
1191 Administration.

1192 (5) No bench, transit shelter, waste disposal receptacle,  
1193 public pay telephone, or modular news rack, or advertising  
1194 thereon, shall be erected or so placed on the right-of-way of  
1195 any road which conflicts with the requirements of federal law,  
1196 regulations, or safety standards, thereby causing the state or  
1197 any political subdivision the loss of federal funds. Competition  
1198 among persons seeking to provide bench, transit shelter, waste  
1199 disposal receptacle, or modular news rack services or  
1200 advertising on such benches, shelters, receptacles, or news  
1201 racks may be regulated, restricted, or denied by the appropriate  
1202 local government entity consistent with the provisions of this  
1203 section.

1204 (7) Public pay telephones, including advertising displayed  
1205 thereon, may be installed within the right-of-way limits of any  
1206 municipal, county, or state road, except on a limited access  
1207 highway, provided that such pay telephones are installed by a  
1208 provider duly authorized and regulated by the Public Service  
1209 Commission pursuant to s. 364.3375, that such pay telephones are

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1210 operated in accordance with all applicable state and federal  
1211 telecommunications regulations, and that written authorization  
1212 has been given to a public pay telephone provider by the  
1213 appropriate municipal or county government. Each advertisement  
1214 shall be limited to a size no greater than 8 square feet and no  
1215 public pay telephone booth shall display more than 3 such  
1216 advertisements at any given time. No advertisements shall be  
1217 allowed on public pay telephones located in rest areas, welcome  
1218 centers, and other such facilities located on an interstate  
1219 highway.

1220 Section 24. Subsection (6) is added to section 338.01,  
1221 Florida Statutes, to read:

1222 338.01 Authority to establish and regulate limited access  
1223 facilities.--

1224 (6) All new limited access facilities and existing  
1225 transportation facilities on which new or replacement electronic  
1226 toll collection systems are installed shall be interoperable  
1227 with the department's electronic toll collection system.

1228 Section 25. Present subsections (7) and (8) of section  
1229 338.165, Florida Statutes, are redesignated as subsections (8)  
1230 and (9), respectively, and a new subsection (7) is added to that  
1231 section, to read:

1232 338.165 Continuation of tolls.--

1233 (7) This section does not apply to high-occupancy toll  
1234 lanes or express lanes.

1235 Section 26. Section 338.166, Florida Statutes, is created  
1236 to read:

1237 338.166 High-occupancy toll lanes or express lanes.--

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1238       (1) Under s. 11, Art. VII of the State Constitution, the  
1239 department may request the Division of Bond Finance to issue  
1240 bonds secured by toll revenues collected on high-occupancy toll  
1241 lanes or express lanes located on Interstate 95 in Miami-Dade  
1242 and Broward Counties.

1243       (2) The department may continue to collect the toll on the  
1244 high-occupancy toll lanes or express lanes after the discharge  
1245 of any bond indebtedness related to such project. All tolls so  
1246 collected shall first be used to pay the annual cost of the  
1247 operation, maintenance, and improvement of the high-occupancy  
1248 toll lanes or express lanes project or associated transportation  
1249 system.

1250       (3) Any remaining toll revenue from the high-occupancy  
1251 toll lanes or express lanes shall be used by the department for  
1252 the construction, maintenance, or improvement of any road on the  
1253 State Highway System.

1254       (4) The department is authorized to implement variable  
1255 rate tolls on high-occupancy toll lanes or express lanes.

1256       (5) Except for high-occupancy toll lanes or express lanes,  
1257 tolls may not be charged for use of an interstate highway where  
1258 tolls were not charged as of July 1, 1997.

1259       (6) This section does not apply to the turnpike system as  
1260 defined under the Florida Turnpike Enterprise Law.

1261       Section 27. Paragraphs (d) and (e) are added to subsection  
1262 (1) of section 338.2216, Florida Statutes, to read:

1263       338.2216 Florida Turnpike Enterprise; powers and  
1264 authority.--

1265       (1)

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1266       (d) The Florida Turnpike Enterprise is directed to pursue  
1267 and implement new technologies and processes in its operations  
1268 and collection of tolls and the collection of other amounts  
1269 associated with road and infrastructure usage. Such technologies  
1270 and processes shall include, without limitation, video billing  
1271 and variable pricing.

1272       (e)1. The Florida Turnpike Enterprise shall not under any  
1273 circumstances contract with any vendor for the retail sale of  
1274 fuel along the Florida Turnpike if such contract is negotiated  
1275 or bid together with any other contract, including, but not  
1276 limited to, the retail sale of food, maintenance services, or  
1277 construction, with the exception that any contract for the  
1278 retail sale of fuel along the Florida Turnpike shall be bid and  
1279 contracted together with the retail sale of food at any  
1280 convenience store attached to the fuel station.

1281       2. All contracts related to service plazas, including, but  
1282 not limited to, the sale of fuel, the retail sale of food,  
1283 maintenance services, or construction, except for services  
1284 provided as defined in s. 287.055(2)(a), awarded by the Florida  
1285 Turnpike Enterprise shall be procured through individual  
1286 competitive solicitations and awarded to the most cost-effective  
1287 responder. This paragraph does not prohibit the award of more  
1288 than one individual contract to a single vendor if he or she  
1289 submits the most cost-effective response.

1290       Section 28. Paragraph (b) of subsection (1) of section  
1291 338.223, Florida Statutes, is amended to read:

1292       338.223 Proposed turnpike projects.--

1293       (1)

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1294 (b) Any proposed turnpike project or improvement shall be  
1295 developed in accordance with the Florida Transportation Plan and  
1296 the work program pursuant to s. 339.135. Turnpike projects that  
1297 add capacity, alter access, affect feeder roads, or affect the  
1298 operation of the local transportation system shall be included  
1299 in the transportation improvement plan of the affected  
1300 metropolitan planning organization. If such turnpike project  
1301 does not fall within the jurisdiction of a metropolitan planning  
1302 organization, the department shall notify the affected county  
1303 and provide for public hearings in accordance with s.  
1304 339.155 (5) ~~(6)~~ (c).

1305 Section 29. Section 338.231, Florida Statutes, is amended  
1306 to read:

1307 338.231 Turnpike tolls, fixing; pledge of tolls and other  
1308 revenues.--The department shall at all times fix, adjust,  
1309 charge, and collect such tolls and amounts for the use of the  
1310 turnpike system as are required in order to provide a fund  
1311 sufficient with other revenues of the turnpike system to pay the  
1312 cost of maintaining, improving, repairing, and operating such  
1313 turnpike system; to pay the principal of and interest on all  
1314 bonds issued to finance or refinance any portion of the turnpike  
1315 system as the same become due and payable; and to create  
1316 reserves for all such purposes.

1317 ~~(1) In the process of effectuating toll rate increases~~  
1318 ~~over the period 1988 through 1992, the department shall, to the~~  
1319 ~~maximum extent feasible, equalize the toll structure, within~~  
1320 ~~each vehicle classification, so that the per mile toll rate will~~  
1321 ~~be approximately the same throughout the turnpike system. New~~

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1322 ~~turnpike projects may have toll rates higher than the uniform~~  
1323 ~~system rate where such higher toll rates are necessary to~~  
1324 ~~qualify the project in accordance with the financial criteria in~~  
1325 ~~the turnpike law. Such higher rates may be reduced to the~~  
1326 ~~uniform system rate when the project is generating sufficient~~  
1327 ~~revenues to pay the full amount of debt service and operating~~  
1328 ~~and maintenance costs at the uniform system rate. If, after 15~~  
1329 ~~years of opening to traffic, the annual revenue of a turnpike~~  
1330 ~~project does not meet or exceed the annual debt service~~  
1331 ~~requirements and operating and maintenance costs attributable to~~  
1332 ~~such project, the department shall, to the maximum extent~~  
1333 ~~feasible, establish a toll rate for the project which is higher~~  
1334 ~~than the uniform system rate as necessary to meet such annual~~  
1335 ~~debt service requirements and operating and maintenance costs.~~  
1336 ~~The department may, to the extent feasible, establish a~~  
1337 ~~temporary toll rate at less than the uniform system rate for the~~  
1338 ~~purpose of building patronage for the ultimate benefit of the~~  
1339 ~~turnpike system. In no case shall the temporary rate be~~  
1340 ~~established for more than 1 year. The requirements of this~~  
1341 ~~subsection shall not apply when the application of such~~  
1342 ~~requirements would violate any covenant established in a~~  
1343 ~~resolution or trust indenture relating to the issuance of~~  
1344 ~~turnpike bonds.~~

1345 (1)~~(2)~~ Notwithstanding any other provision of law, the  
1346 department may defer the scheduled July 1, 1993, toll rate  
1347 increase on the Homestead Extension of the Florida Turnpike  
1348 until July 1, 1995. The department may also advance funds to the  
1349 Turnpike General Reserve Trust Fund to replace estimated lost

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1350 revenues resulting from this deferral. The amount advanced must  
1351 be repaid within 12 years from the date of advance; however, the  
1352 repayment is subordinate to all other debt financing of the  
1353 turnpike system outstanding at the time repayment is due.

1354 ~~(2)(3)~~ The department shall publish a proposed change in  
1355 the toll rate for the use of an existing toll facility, in the  
1356 manner provided for in s. 120.54, which will provide for public  
1357 notice and the opportunity for a public hearing before the  
1358 adoption of the proposed rate change. When the department is  
1359 evaluating a proposed turnpike toll project under s. 338.223 and  
1360 has determined that there is a high probability that the project  
1361 will pass the test of economic feasibility predicated on  
1362 proposed toll rates, the toll rate that is proposed to be  
1363 charged after the project is constructed must be adopted during  
1364 the planning and project development phase of the project, in  
1365 the manner provided for in s. 120.54, including public notice  
1366 and the opportunity for a public hearing. For such a new  
1367 project, the toll rate becomes effective upon the opening of the  
1368 project to traffic.

1369 ~~(3)(a)(4)~~ For the period July 1, 1998, through June 30,  
1370 2017, the department shall, to the maximum extent feasible,  
1371 program sufficient funds in the tentative work program such that  
1372 the percentage of turnpike toll and bond financed commitments in  
1373 Dade County, Broward County, and Palm Beach County as compared  
1374 to total turnpike toll and bond financed commitments shall be at  
1375 least 90 percent of the share of net toll collections  
1376 attributable to users of the turnpike system in Dade County,  
1377 Broward County, and Palm Beach County as compared to total net

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1378 toll collections attributable to users of the turnpike system.  
1379 The requirements of this subsection do not apply when the  
1380 application of such requirements would violate any covenant  
1381 established in a resolution or trust indenture relating to the  
1382 issuance of turnpike bonds. The department at any time for  
1383 economic considerations may establish lower temporary toll rates  
1384 for a new or existing toll facility for a period not to exceed 1  
1385 year, after which the toll rates promulgated under s. 120.54  
1386 shall become effective.

1387 (b) The department shall also fix, adjust, charge, and  
1388 collect such amounts needed to cover the costs of administering  
1389 the different toll collection and payment methods and types of  
1390 accounts being offered and utilized, in the manner provided for  
1391 in s. 120.54, which will provide for public notice and the  
1392 opportunity for a public hearing before adoption. Such amounts  
1393 may stand alone, or be incorporated in a toll rate structure, or  
1394 be a combination thereof.

1395 ~~(4)-(5)~~ When bonds are outstanding which have been issued  
1396 to finance or refinance any turnpike project, the tolls and all  
1397 other revenues derived from the turnpike system and pledged to  
1398 such bonds shall be set aside as may be provided in the  
1399 resolution authorizing the issuance of such bonds or the trust  
1400 agreement securing the same. The tolls or other revenues or  
1401 other moneys so pledged and thereafter received by the  
1402 department are immediately subject to the lien of such pledge  
1403 without any physical delivery thereof or further act. The lien  
1404 of any such pledge is valid and binding as against all parties  
1405 having claims of any kind in tort or contract or otherwise

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1406 against the department irrespective of whether such parties have  
1407 notice thereof. Neither the resolution nor any trust agreement  
1408 by which a pledge is created need be filed or recorded except in  
1409 the records of the department.

1410 (5)~~(6)~~ In each fiscal year while any of the bonds of the  
1411 Broward County Expressway Authority series 1984 and series 1986-  
1412 A remain outstanding, the department is authorized to pledge  
1413 revenues from the turnpike system to the payment of principal  
1414 and interest of such series of bonds and the operation and  
1415 maintenance expenses of the Sawgrass Expressway, to the extent  
1416 gross toll revenues of the Sawgrass Expressway are insufficient  
1417 to make such payments. The terms of an agreement relative to the  
1418 pledge of turnpike system revenue will be negotiated with the  
1419 parties of the 1984 and 1986 Broward County Expressway Authority  
1420 lease-purchase agreements, and subject to the covenants of those  
1421 agreements. The agreement shall establish that the Sawgrass  
1422 Expressway shall be subject to the planning, management, and  
1423 operating control of the department limited only by the terms of  
1424 the lease-purchase agreements. The department shall provide for  
1425 the payment of operation and maintenance expenses of the  
1426 Sawgrass Expressway until such agreement is in effect. This  
1427 pledge of turnpike system revenues shall be subordinate to the  
1428 debt service requirements of any future issue of turnpike bonds,  
1429 the payment of turnpike system operation and maintenance  
1430 expenses, and subject to provisions of any subsequent resolution  
1431 or trust indenture relating to the issuance of such turnpike  
1432 bonds.

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1433        ~~(6)~~(7) The use and disposition of revenues pledged to  
1434 bonds are subject to the provisions of ss. 338.22-338.241 and  
1435 such regulations as the resolution authorizing the issuance of  
1436 such bonds or such trust agreement may provide.

1437        Section 30. Subsection (4) of section 339.12, Florida  
1438 Statutes, is amended to read:

1439        339.12 Aid and contributions by governmental entities for  
1440 department projects; federal aid.--

1441        (4) (a) Prior to accepting the contribution of road bond  
1442 proceeds, time warrants, or cash for which reimbursement is  
1443 sought, the department shall enter into agreements with the  
1444 governing body of the governmental entity for the project or  
1445 project phases in accordance with specifications agreed upon  
1446 between the department and the governing body of the  
1447 governmental entity. The department in no instance is to receive  
1448 from such governmental entity an amount in excess of the actual  
1449 cost of the project or project phase. By specific provision in  
1450 the written agreement between the department and the governing  
1451 body of the governmental entity, the department may agree to  
1452 reimburse the governmental entity for the actual amount of the  
1453 bond proceeds, time warrants, or cash used on a highway project  
1454 or project phases that are not revenue producing and are  
1455 contained in the department's adopted work program, or any  
1456 public transportation project contained in the adopted work  
1457 program. Subject to appropriation of funds by the Legislature,  
1458 the department may commit state funds for reimbursement of such  
1459 projects or project phases. Reimbursement to the governmental  
1460 entity for such a project or project phase must be made from

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1461 funds appropriated by the Legislature, and reimbursement for the  
1462 cost of the project or project phase is to begin in the year the  
1463 project or project phase is scheduled in the work program as of  
1464 the date of the agreement. Funds advanced pursuant to this  
1465 section, which were originally designated for transportation  
1466 purposes and so reimbursed to a county or municipality, shall be  
1467 used by the county or municipality for any transportation  
1468 expenditure authorized under s. 336.025(7). Also, cities and  
1469 counties may receive funds from persons, and reimburse those  
1470 persons, for the purposes of this section. Such persons may  
1471 include, but are not limited to, those persons defined in s.  
1472 607.01401(19).

1473 (b) Prior to entering an agreement to advance a project or  
1474 project phase pursuant to this subsection and subsection (5),  
1475 the department shall first update the estimated cost of the  
1476 project or project phase and certify that the estimate is  
1477 accurate and consistent with the amount estimated in the adopted  
1478 work program. If the original estimate and the updated estimate  
1479 vary, the department shall amend the adopted work program  
1480 according to the amendatory procedures for the work program set  
1481 forth in s. 339.135(7). The amendment shall reflect all  
1482 corresponding increases and decreases to the affected projects  
1483 within the adopted work program.

1484 (c) The department may enter into agreements under this  
1485 subsection for a project or project phase not included in the  
1486 adopted work program. As used in this paragraph, the term  
1487 "project phase" means acquisition of rights-of-way,  
1488 construction, construction inspection, and related support

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1489 phases. The project or project phase must be a high priority of  
1490 the governmental entity. Reimbursement for a project or project  
1491 phase must be made from funds appropriated by the Legislature  
1492 pursuant to s. 339.135(5). All other provisions of this  
1493 subsection apply to agreements entered into under this  
1494 paragraph. The total amount of project agreements for projects  
1495 or project phases not included in the adopted work program  
1496 authorized by this paragraph may not at any time exceed \$250  
1497 ~~\$100~~ million. However, notwithstanding such \$250 ~~\$100~~ million  
1498 limit and any similar limit in s. 334.30, project advances for  
1499 any inland county with a population greater than 500,000  
1500 dedicating amounts equal to \$500 million or more of its Local  
1501 Government Infrastructure Surtax pursuant to s. 212.055(2) for  
1502 improvements to the State Highway System which are included in  
1503 the local metropolitan planning organization's or the  
1504 department's long-range transportation plans shall be excluded  
1505 from the calculation of the statewide limit of project advances.

1506 (d) The department may enter into agreements under this  
1507 subsection with any county that has a population of 150,000 or  
1508 less as determined by the most recent official estimate pursuant  
1509 to s. 186.901 for a project or project phase not included in the  
1510 adopted work program. As used in this paragraph, the term  
1511 "project phase" means acquisition of rights-of-way,  
1512 construction, construction inspection, and related support  
1513 phases. The project or project phase must be a high priority of  
1514 the governmental entity. Reimbursement for a project or project  
1515 phase must be made from funds appropriated by the Legislature  
1516 pursuant to s. 339.135(5). All other provisions of this

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1517 subsection apply to agreements entered into under this  
1518 paragraph. The total amount of project agreements for projects  
1519 or project phases not included in the adopted work program  
1520 authorized by this paragraph may not at any time exceed \$200  
1521 million. The project must be included in the local government's  
1522 adopted comprehensive plan. The department is authorized to  
1523 enter into long-term repayment agreements of up to 30 years.

1524 Section 31. Paragraph (d) of subsection (7) of section  
1525 339.135, Florida Statutes, is amended to read:

1526 339.135 Work program; legislative budget request;  
1527 definitions; preparation, adoption, execution, and amendment.--

1528 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1529 (d)1. Whenever the department proposes any amendment to  
1530 the adopted work program, as defined in subparagraph (c)1. or  
1531 subparagraph (c)3., which deletes or defers a construction phase  
1532 on a capacity project, it shall notify each county affected by  
1533 the amendment and each municipality within the county. The  
1534 notification shall be issued in writing to the chief elected  
1535 official of each affected county, each municipality within the  
1536 county, and the chair of each affected metropolitan planning  
1537 organization. Each affected county and each municipality in the  
1538 county, is encouraged to coordinate with each other to determine  
1539 how the amendment effects local concurrency management and  
1540 regional transportation planning efforts. Each affected county,  
1541 and each municipality within the county, shall have 14 days to  
1542 provide written comments to the department regarding how the  
1543 amendment will effect its respective concurrency management  
1544 systems, including whether any development permits were issued

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1545 contingent upon the capacity improvement, if applicable. After  
1546 receipt of written comments from the affected local governments,  
1547 the department shall include any written comments submitted by  
1548 such local governments in its preparation of the proposed  
1549 amendment.

1550 2. Following the 14-day comment period in subparagraph 1.,  
1551 if applicable, whenever the department proposes any amendment to  
1552 the adopted work program, which amendment is defined in  
1553 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or  
1554 subparagraph (c)4., it shall submit the proposed amendment to  
1555 the Governor for approval and shall immediately notify the  
1556 chairs of the legislative appropriations committees, the chairs  
1557 of the legislative transportation committees, and each member of  
1558 the Legislature who represents a district affected by the  
1559 proposed amendment. It shall also notify each metropolitan  
1560 planning organization affected by the proposed amendment, and  
1561 each unit of local government affected by the proposed  
1562 amendment, unless it provided to each the notification required  
1563 by subparagraph 1. Such proposed amendment shall provide a  
1564 complete justification of the need for the proposed amendment.

1565 ~~3.2-~~ The Governor shall not approve a proposed amendment  
1566 until 14 days following the notification required in  
1567 subparagraph 2. ~~1-~~

1568 ~~4.3-~~ If either of the chairs of the legislative  
1569 appropriations committees or the President of the Senate or the  
1570 Speaker of the House of Representatives objects in writing to a  
1571 proposed amendment within 14 days following notification and

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1572 specifies the reasons for such objection, the Governor shall  
1573 disapprove the proposed amendment.

1574 Section 32. Section 339.155, Florida Statutes, is amended  
1575 to read:

1576 339.155 Transportation planning.--

1577 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall  
1578 develop ~~and annually update~~ a statewide transportation plan, to  
1579 be known as the Florida Transportation Plan. The plan shall be  
1580 designed so as to be easily read and understood by the general  
1581 public. The purpose of the Florida Transportation Plan is to  
1582 establish and define the state's long-range transportation goals  
1583 and objectives to be accomplished over a period of at least 20  
1584 years within the context of the State Comprehensive Plan, and  
1585 any other statutory mandates and authorizations and based upon  
1586 the prevailing principles of: preserving the existing  
1587 transportation infrastructure; enhancing Florida's economic  
1588 competitiveness; and improving travel choices to ensure  
1589 mobility. The Florida Transportation Plan shall consider the  
1590 needs of the entire state transportation system and examine the  
1591 use of all modes of transportation to effectively and  
1592 efficiently meet such needs.

1593 (2) SCOPE OF PLANNING PROCESS.--The department shall carry  
1594 out a transportation planning process in conformance with s.  
1595 334.046(1). ~~which provides for consideration of projects and~~  
1596 ~~strategies that will:~~

1597 ~~(a) Support the economic vitality of the United States,~~  
1598 ~~Florida, and the metropolitan areas, especially by enabling~~  
1599 ~~global competitiveness, productivity, and efficiency,~~

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1600 ~~(b) Increase the safety and security of the transportation~~  
1601 ~~system for motorized and nonmotorized users;~~

1602 ~~(c) Increase the accessibility and mobility options~~  
1603 ~~available to people and for freight;~~

1604 ~~(d) Protect and enhance the environment, promote energy~~  
1605 ~~conservation, and improve quality of life;~~

1606 ~~(e) Enhance the integration and connectivity of the~~  
1607 ~~transportation system, across and between modes throughout~~  
1608 ~~Florida, for people and freight;~~

1609 ~~(f) Promote efficient system management and operation; and~~

1610 ~~(g) Emphasize the preservation of the existing~~  
1611 ~~transportation system.~~

1612 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida  
1613 Transportation Plan shall be a unified, concise planning  
1614 document that clearly defines the state's long-range  
1615 transportation goals and objectives ~~and documents the~~  
1616 ~~department's short range objectives developed to further such~~  
1617 ~~goals and objectives.~~ The plan shall:

1618 (a) Include a glossary that clearly and succinctly defines  
1619 any and all phrases, words, or terms of art included in the  
1620 plan, with which the general public may be unfamiliar, ~~and shall~~  
1621 ~~consist of, at a minimum, the following components:~~

1622 (b) ~~(a) Document A long range component documenting the~~  
1623 ~~goals and long-term objectives necessary to implement the~~  
1624 ~~results of the department's findings from its examination of the~~  
1625 ~~prevailing principles and criteria provided under listed in~~  
1626 ~~subsection (2) and s. 334.046(1). The long range component must~~

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1627        (c) Be developed in cooperation with the metropolitan  
1628 planning organizations and reconciled, to the maximum extent  
1629 feasible, with the long-range plans developed by metropolitan  
1630 planning organizations pursuant to s. 339.175. ~~The plan must~~  
1631 ~~also~~

1632        (d) Be developed in consultation with affected local  
1633 officials in nonmetropolitan areas and with any affected Indian  
1634 tribal governments. ~~The plan must~~

1635        (e) Provide an examination of transportation issues likely  
1636 to arise during at least a 20-year period. ~~The long-range~~  
1637 ~~component shall~~

1638        (f) Be updated at least once every 5 years, or more often  
1639 as necessary, to reflect substantive changes to federal or state  
1640 law.

1641        ~~(b) A short range component documenting the short term~~  
1642 ~~objectives and strategies necessary to implement the goals and~~  
1643 ~~long term objectives contained in the long range component. The~~  
1644 ~~short range component must define the relationship between the~~  
1645 ~~long range goals and the short range objectives, specify those~~  
1646 ~~objectives against which the department's achievement of such~~  
1647 ~~goals will be measured, and identify transportation strategies~~  
1648 ~~necessary to efficiently achieve the goals and objectives in the~~  
1649 ~~plan. It must provide a policy framework within which the~~  
1650 ~~department's legislative budget request, the strategic~~  
1651 ~~information resource management plan, and the work program are~~  
1652 ~~developed. The short range component shall serve as the~~  
1653 ~~department's annual agency strategic plan pursuant to s.~~  
1654 ~~186.021. The short range component shall be developed consistent~~

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1655 ~~with available and forecasted state and federal funds. The~~  
1656 ~~short range component shall also be submitted to the Florida~~  
1657 ~~Transportation Commission.~~

1658 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~  
1659 ~~develop an annual performance report evaluating the operation of~~  
1660 ~~the department for the preceding fiscal year. The report shall~~  
1661 ~~also include a summary of the financial operations of the~~  
1662 ~~department and shall annually evaluate how well the adopted work~~  
1663 ~~program meets the short term objectives contained in the short~~  
1664 ~~range component of the Florida Transportation Plan. This~~  
1665 ~~performance report shall be submitted to the Florida~~  
1666 ~~Transportation Commission and the legislative appropriations and~~  
1667 ~~transportation committees.~~

1668 ~~(4)(5) ADDITIONAL TRANSPORTATION PLANS.--~~

1669 (a) Upon request by local governmental entities, the  
1670 department may in its discretion develop and design  
1671 transportation corridors, arterial and collector streets,  
1672 vehicular parking areas, and other support facilities which are  
1673 consistent with the plans of the department for major  
1674 transportation facilities. The department may render to local  
1675 governmental entities or their planning agencies such technical  
1676 assistance and services as are necessary so that local plans and  
1677 facilities are coordinated with the plans and facilities of the  
1678 department.

1679 (b) Each regional planning council, as provided for in s.  
1680 186.504, or any successor agency thereto, shall develop, as an  
1681 element of its strategic regional policy plan, transportation  
1682 goals and policies. The transportation goals and policies must

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1683 be prioritized to comply with the prevailing principles provided  
1684 in subsection (2) and s. 334.046(1). The transportation goals  
1685 and policies shall be consistent, to the maximum extent  
1686 feasible, with the goals and policies of the metropolitan  
1687 planning organization and the Florida Transportation Plan. The  
1688 transportation goals and policies of the regional planning  
1689 council will be advisory only and shall be submitted to the  
1690 department and any affected metropolitan planning organization  
1691 for their consideration and comments. Metropolitan planning  
1692 organization plans and other local transportation plans shall be  
1693 developed consistent, to the maximum extent feasible, with the  
1694 regional transportation goals and policies. The regional  
1695 planning council shall review urbanized area transportation  
1696 plans and any other planning products stipulated in s. 339.175  
1697 and provide the department and respective metropolitan planning  
1698 organizations with written recommendations which the department  
1699 and the metropolitan planning organizations shall take under  
1700 advisement. Further, the regional planning councils shall  
1701 directly assist local governments which are not part of a  
1702 metropolitan area transportation planning process in the  
1703 development of the transportation element of their comprehensive  
1704 plans as required by s. 163.3177.

1705 (c) Regional transportation plans may be developed in  
1706 regional transportation areas in accordance with an interlocal  
1707 agreement entered into pursuant to s. 163.01 by two or more  
1708 contiguous metropolitan planning organizations; one or more  
1709 metropolitan planning organizations and one or more contiguous  
1710 counties, none of which is a member of a metropolitan planning

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1711 organization; a multicounty regional transportation authority  
1712 created by or pursuant to law; two or more contiguous counties  
1713 that are not members of a metropolitan planning organization; or  
1714 metropolitan planning organizations comprised of three or more  
1715 counties.

1716 (d) The interlocal agreement must, at a minimum, identify  
1717 the entity that will coordinate the development of the regional  
1718 transportation plan; delineate the boundaries of the regional  
1719 transportation area; provide the duration of the agreement and  
1720 specify how the agreement may be terminated, modified, or  
1721 rescinded; describe the process by which the regional  
1722 transportation plan will be developed; and provide how members  
1723 of the entity will resolve disagreements regarding  
1724 interpretation of the interlocal agreement or disputes relating  
1725 to the development or content of the regional transportation  
1726 plan. Such interlocal agreement shall become effective upon its  
1727 recordation in the official public records of each county in the  
1728 regional transportation area.

1729 (e) The regional transportation plan developed pursuant to  
1730 this section must, at a minimum, identify regionally significant  
1731 transportation facilities located within a regional  
1732 transportation area and contain a prioritized list of regionally  
1733 significant projects. The level-of-service standards for  
1734 facilities to be funded under this subsection shall be adopted  
1735 by the appropriate local government in accordance with s.  
1736 163.3180(10). The projects shall be adopted into the capital  
1737 improvements schedule of the local government comprehensive plan  
1738 pursuant to s. 163.3177(3).

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1739        (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
1740 TRANSPORTATION PLANNING.--

1741           (a) During the development of the ~~long range component of~~  
1742 ~~the~~ Florida Transportation Plan and prior to substantive  
1743 revisions, the department shall provide citizens, affected  
1744 public agencies, representatives of transportation agency  
1745 employees, other affected employee representatives, private  
1746 providers of transportation, and other known interested parties  
1747 with an opportunity to comment on the proposed plan or  
1748 revisions. These opportunities shall include, at a minimum,  
1749 publishing a notice in the Florida Administrative Weekly and  
1750 within a newspaper of general circulation within the area of  
1751 each department district office.

1752           (b) During development of major transportation  
1753 improvements, such as those increasing the capacity of a  
1754 facility through the addition of new lanes or providing new  
1755 access to a limited or controlled access facility or  
1756 construction of a facility in a new location, the department  
1757 shall hold one or more hearings prior to the selection of the  
1758 facility to be provided; prior to the selection of the site or  
1759 corridor of the proposed facility; and prior to the selection of  
1760 and commitment to a specific design proposal for the proposed  
1761 facility. Such public hearings shall be conducted so as to  
1762 provide an opportunity for effective participation by interested  
1763 persons in the process of transportation planning and site and  
1764 route selection and in the specific location and design of  
1765 transportation facilities. The various factors involved in the  
1766 decision or decisions and any alternative proposals shall be

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1767 clearly presented so that the persons attending the hearing may  
1768 present their views relating to the decision or decisions which  
1769 will be made.

1770 (c) Opportunity for design hearings:

1771 1. The department, prior to holding a design hearing,  
1772 shall duly notify all affected property owners of record, as  
1773 recorded in the property appraiser's office, by mail at least 20  
1774 days prior to the date set for the hearing. The affected  
1775 property owners shall be:

1776 a. Those whose property lies in whole or in part within  
1777 300 feet on either side of the centerline of the proposed  
1778 facility.

1779 b. Those whom the department determines will be  
1780 substantially affected environmentally, economically, socially,  
1781 or safetywise.

1782 2. For each subsequent hearing, the department shall  
1783 publish notice prior to the hearing date in a newspaper of  
1784 general circulation for the area affected. These notices must be  
1785 published twice, with the first notice appearing at least 15  
1786 days, but no later than 30 days, before the hearing.

1787 3. A copy of the notice of opportunity for the hearing  
1788 must be furnished to the United States Department of  
1789 Transportation and to the appropriate departments of the state  
1790 government at the time of publication.

1791 4. The opportunity for another hearing shall be afforded  
1792 in any case when proposed locations or designs are so changed  
1793 from those presented in the notices specified above or at a

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1794 hearing as to have a substantially different social, economic,  
1795 or environmental effect.

1796 5. The opportunity for a hearing shall be afforded in each  
1797 case in which the department is in doubt as to whether a hearing  
1798 is required.

1799 Section 33. Subsection (3) and paragraphs (b) and (c) of  
1800 subsection (4) of section 339.2816, Florida Statutes, are  
1801 amended to read:

1802 339.2816 Small County Road Assistance Program.--

1803 (3) Beginning with fiscal year 1999-2000 until fiscal year  
1804 2009-2010, and beginning again with fiscal year 2012-2013, up to  
1805 \$25 million annually from the State Transportation Trust Fund  
1806 may be used for the purposes of funding the Small County Road  
1807 Assistance Program as described in this section.

1808 (4)

1809 (b) In determining a county's eligibility for assistance  
1810 under this program, the department may consider whether the  
1811 county has attempted to keep county roads in satisfactory  
1812 condition, including the amount of local option fuel tax ~~and ad~~  
1813 ~~valorem millage rate~~ imposed by the county. The department may  
1814 also consider the extent to which the county has offered to  
1815 provide a match of local funds with state funds provided under  
1816 the program. At a minimum, small counties shall be eligible only  
1817 if+

1818 ~~1-~~ The county has enacted the maximum rate of the local  
1819 option fuel tax authorized by s. 336.025(1)(a) ~~.7~~, ~~and has imposed~~  
1820 ~~an ad valorem millage rate of at least 8 mills; or~~

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1821       2. ~~The county has imposed an ad valorem millage rate of 10~~  
1822 ~~mills.~~

1823       (c) The following criteria shall be used to prioritize  
1824 road projects for funding under the program:

1825       1. The primary criterion is the physical condition of the  
1826 road as measured by the department.

1827       2. As secondary criteria the department may consider:

1828       a. Whether a road is used as an evacuation route.

1829       b. Whether a road has high levels of agricultural travel.

1830       c. Whether a road is considered a major arterial route.

1831       d. Whether a road is considered a feeder road.

1832       e. Whether a road is located in a fiscally constrained  
1833 county, as defined in s. 218.67(1).

1834       ~~f.e.~~ Other criteria related to the impact of a project on  
1835 the public road system or on the state or local economy as  
1836 determined by the department.

1837       Section 34. Subsections (1) and (3) of section 339.2819,  
1838 Florida Statutes, are amended to read:

1839       339.2819 Transportation Regional Incentive Program.--

1840       (1) There is created within the Department of  
1841 Transportation a Transportation Regional Incentive Program for  
1842 the purpose of providing funds to improve regionally significant  
1843 transportation facilities in regional transportation areas  
1844 created pursuant to s. 339.155(4)~~(5)~~.

1845       (3) The department shall allocate funding available for  
1846 the Transportation Regional Incentive Program to the districts  
1847 based on a factor derived from equal parts of population and

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1848 motor fuel collections for eligible counties in regional  
1849 transportation areas created pursuant to s. 339.155(4)(5).

1850 Section 35. Subsection (6) of section 339.285, Florida  
1851 Statutes, is amended to read:

1852 339.285 Enhanced Bridge Program for Sustainable  
1853 Transportation.--

1854 (6) Preference shall be given to bridge projects located  
1855 on corridors that connect to the Strategic Intermodal System,  
1856 created under s. 339.64, and that have been identified as  
1857 regionally significant in accordance with s. 339.155(4)(5)(c),  
1858 (d), and (e).

1859 Section 36. Part III of chapter 343, Florida Statutes,  
1860 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,  
1861 343.76, and 343.77, is repealed.

1862 Section 37. Subsection (4) of section 348.0003, Florida  
1863 Statutes, is amended to read:

1864 348.0003 Expressway authority; formation; membership.--

1865 (4) (a) An authority may employ an executive secretary, an  
1866 executive director, its own counsel and legal staff, technical  
1867 experts, and such engineers and employees, permanent or  
1868 temporary, as it may require and shall determine the  
1869 qualifications and fix the compensation of such persons, firms,  
1870 or corporations. An authority may employ a fiscal agent or  
1871 agents; however, the authority must solicit sealed proposals  
1872 from at least three persons, firms, or corporations for the  
1873 performance of any services as fiscal agents. An authority may  
1874 delegate to one or more of its agents or employees such of its  
1875 power as it deems necessary to carry out the purposes of the

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1876 Florida Expressway Authority Act, subject always to the  
1877 supervision and control of the authority. Members of an  
1878 authority may be removed from office by the Governor for  
1879 misconduct, malfeasance, misfeasance, or nonfeasance in office.

1880 (b) Members of an authority are entitled to receive from  
1881 the authority their travel and other necessary expenses incurred  
1882 in connection with the business of the authority as provided in  
1883 s. 112.061, but they may not draw salaries or other  
1884 compensation.

1885 (c) Members of each expressway an authority,  
1886 transportation authority, bridge authority, or toll authority,  
1887 created pursuant to this chapter, chapter 343, or chapter 349,  
1888 or pursuant to any other legislative enactment, shall be  
1889 required to comply with the applicable financial disclosure  
1890 requirements of s. 8, Art. II of the State Constitution. This  
1891 subsection does not subject a statutorily created expressway  
1892 authority, transportation authority, bridge authority, or toll  
1893 authority, other than one created under this part, to any of the  
1894 requirements of this part other than those contained in this  
1895 subsection.

1896 Section 38. Paragraph (c) is added to subsection (1) of  
1897 section 348.0004, Florida Statutes, to read:

1898 348.0004 Purposes and powers.--

1899 (1)

1900 (c) Notwithstanding any other provision of law, expressway  
1901 authorities created under parts I-X of chapter 348 may index  
1902 toll rates on toll facilities to the annual Consumer Price Index  
1903 or similar inflation indicators. Once a toll rate index has been

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1904 implemented pursuant to this paragraph, the toll rate index  
1905 shall remain in place and may not be revoked. Toll rate index  
1906 for inflation under this subsection must be adopted and approved  
1907 by the expressway authority board at a public meeting and may be  
1908 made no more frequently than once a year and must be made no  
1909 less frequently than once every 5 years as necessary to  
1910 accommodate cash toll rate schedules. Toll rates may be  
1911 increased beyond these limits as directed by bond documents,  
1912 covenants, or governing body authorization or pursuant to  
1913 department administrative rule.

1914 Section 39. Subsection (1) of section 479.01, Florida  
1915 Statutes, is amended to read:

1916 479.01 Definitions.--As used in this chapter, the term:

1917 (1) "Automatic changeable facing" means a facing that  
1918 ~~which through a mechanical system~~ is capable of delivering two  
1919 or more advertising messages through an automated or remotely  
1920 controlled process and ~~shall not rotate so rapidly as to cause~~  
1921 ~~distraction to a motorist.~~

1922 Section 40. Subsections (1), (5), and (9) of section  
1923 479.07, Florida Statutes, are amended to read:

1924 479.07 Sign permits.--

1925 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a  
1926 person may not erect, operate, use, or maintain, or cause to be  
1927 erected, operated, used, or maintained, any sign on the State  
1928 Highway System outside an urban incorporated area, as defined in  
1929 s. 334.03(32), or on any portion of the interstate or federal-  
1930 aid primary highway system without first obtaining a permit for  
1931 the sign from the department and paying the annual fee as

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1932 provided in this section. For purposes of this section, "on any  
1933 portion of the State Highway System, interstate, or federal-aid  
1934 primary system" shall mean a sign located within the controlled  
1935 area which is visible from any portion of the main-traveled way  
1936 of such system.

1937 (5) (a) For each permit issued, the department shall  
1938 furnish to the applicant a serially numbered permanent metal  
1939 permit tag. The permittee is responsible for maintaining a valid  
1940 permit tag on each permitted sign facing at all times. The tag  
1941 shall be securely attached to the sign facing or, if there is no  
1942 facing, on the pole nearest the highway; and it shall be  
1943 attached in such a manner as to be plainly visible from the  
1944 main-traveled way. Effective July 1, 2011, the tag shall be  
1945 securely attached to the upper 50 percent of the pole nearest  
1946 the highway and shall be attached in such a manner as to be  
1947 plainly visible from the main-traveled way. The permit will  
1948 become void unless the permit tag is properly and permanently  
1949 displayed at the permitted site within 30 days after the date of  
1950 permit issuance. If the permittee fails to erect a completed  
1951 sign on the permitted site within 270 days after the date on  
1952 which the permit was issued, the permit will be void, and the  
1953 department may not issue a new permit to that permittee for the  
1954 same location for 270 days after the date on which the permit  
1955 became void.

1956 (b) If a permit tag is lost, stolen, or destroyed, the  
1957 permittee to whom the tag was issued may ~~must~~ apply to the  
1958 department for a replacement tag. The department shall establish  
1959 by rule a service fee for replacement tags in an amount that

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1960 will recover the actual cost of providing the replacement tag.  
1961 Upon receipt of the application accompanied by the a service fee  
1962 ~~of \$3~~, the department shall issue a replacement permit tag.  
1963 Alternatively, the permittee may provide its own replacement tag  
1964 pursuant to department specifications which the department shall  
1965 establish by rule at the time it establishes the service fee for  
1966 replacement tags.

1967 (9) (a) A permit shall not be granted for any sign for  
1968 which a permit had not been granted by the effective date of  
1969 this act unless such sign is located at least:

1970 1. One thousand five hundred feet from any other permitted  
1971 sign on the same side of the highway, if on an interstate  
1972 highway.

1973 2. One thousand feet from any other permitted sign on the  
1974 same side of the highway, if on a federal-aid primary highway.

1975  
1976 The minimum spacing provided in this paragraph does not preclude  
1977 the permitting of V-type, back-to-back, side-to-side, stacked,  
1978 or double-faced signs at the permitted sign site. If a sign is  
1979 visible from the controlled area of more than one highway  
1980 subject to the jurisdiction of the department, the sign shall  
1981 meet the permitting requirements of, and, if the sign meets the  
1982 applicable permitting requirements, be permitted to, the highway  
1983 with the more stringent permitting requirements.

1984 (b) A permit shall not be granted for a sign pursuant to  
1985 this chapter to locate such sign on any portion of the  
1986 interstate or federal-aid primary highway system, which sign:

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1987 1. Exceeds 50 feet in sign structure height above the  
1988 crown of the main-traveled way, if outside an incorporated area;

1989 2. Exceeds 65 feet in sign structure height above the  
1990 crown of the main-traveled way, if inside an incorporated area;  
1991 or

1992 3. Exceeds 950 square feet of sign facing including all  
1993 embellishments.

1994 (c) Notwithstanding subparagraph (a)1., there is  
1995 established a pilot program in Orange, Hillsborough, and Osceola  
1996 Counties, and within the boundaries of the City of Miami, under  
1997 which the distance between permitted signs on the same side of  
1998 an interstate highway may be reduced to 1,000 feet if all other  
1999 requirements of this chapter are met and if:

2000 1. The local government has adopted a plan, program,  
2001 resolution, ordinance, or other policy encouraging the voluntary  
2002 removal of signs in a downtown, historic, redevelopment, infill,  
2003 or other designated area which also provides for a new or  
2004 replacement sign to be erected on an interstate highway within  
2005 that jurisdiction if a sign in the designated area is removed;

2006 2. The sign owner and the local government mutually agree  
2007 to the terms of the removal and replacement; and

2008 3. The local government notifies the department of its  
2009 intention to allow such removal and replacement as agreed upon  
2010 pursuant to subparagraph 2.

2011  
2012 The department shall maintain statistics tracking the use of the  
2013 provisions of this pilot program based on the notifications

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2014 received by the department from local governments under this  
2015 paragraph.

2016 Section 41. Section 479.08, Florida Statutes, is amended  
2017 to read:

2018 479.08 Denial or revocation of permit.--The department has  
2019 the authority to deny or revoke any permit requested or granted  
2020 under this chapter in any case in which it determines that the  
2021 application for the permit contains knowingly false or knowingly  
2022 misleading information. The department has the authority to  
2023 revoke any permit granted under this chapter in any case in  
2024 which ~~or that~~ the permittee has violated any of the provisions  
2025 of this chapter, unless such permittee, within 30 days after the  
2026 receipt of notice by the department, ~~corrects such false or~~  
2027 ~~misleading information and~~ complies with the provisions of this  
2028 chapter. For the purpose of this section, the notice of  
2029 violation issued by the department shall describe in detail the  
2030 alleged violation. Any person aggrieved by any action of the  
2031 department in denying or revoking a permit under this chapter  
2032 may, within 30 days after receipt of the notice, apply to the  
2033 department for an administrative hearing pursuant to chapter  
2034 120. If a timely request for hearing has been filed and the  
2035 department issues a final order revoking a permit, such  
2036 revocation shall be effective 30 days after the date of  
2037 rendition. Except for department action pursuant to s.  
2038 479.107(1), the filing of a timely and proper notice of appeal  
2039 shall operate to stay the revocation until the department's  
2040 action is upheld.

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Amendment No.

2041 Section 42. Section 479.156, Florida Statutes, is amended  
2042 to read:

2043 479.156 Wall murals.--Notwithstanding any other provision  
2044 of this chapter, a municipality or county may permit and  
2045 regulate wall murals within areas designated by such government.  
2046 If a municipality or county permits wall murals, a wall mural  
2047 that displays a commercial message and is within 660 feet of the  
2048 nearest edge of the right-of-way within an area adjacent to the  
2049 interstate highway system or the federal-aid primary highway  
2050 system shall be located in an area that is zoned for industrial  
2051 or commercial use and the municipality or county shall establish  
2052 and enforce regulations for such areas that, at a minimum, set  
2053 forth criteria governing the size, lighting, and spacing of wall  
2054 murals consistent with the intent of the Highway Beautification  
2055 Act of 1965 and with customary use. Whenever a municipality or  
2056 county exercises such control and makes a determination of  
2057 customary use, pursuant to 23 U.S.C. s. 131(d), such  
2058 determination shall be accepted in lieu of controls in the  
2059 agreement between the state and the United States Department of  
2060 Transportation, and the Department of Transportation shall  
2061 notify the Federal Highway Administration pursuant to the  
2062 agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A  
2063 wall mural that is subject to municipal or county regulation and  
2064 the Highway Beautification Act of 1965 must be approved by the  
2065 Department of Transportation and the Federal Highway  
2066 Administration where required by federal law and federal  
2067 regulation pursuant to ~~and may not violate~~ the agreement between  
2068 the state and the United States Department of Transportation and  
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2069 ~~er violate~~ federal regulations enforced by the Department of  
2070 Transportation under s. 479.02(1). The existence of a wall mural  
2071 as defined in s. 479.01(27) shall not be considered in  
2072 determining whether a sign as defined in s. 479.01(17), either  
2073 existing or new, is in compliance with s. 479.07(9)(a).

2074 Section 43. Subsections (1), (3), (4), and (5) of section  
2075 479.261, Florida Statutes, are amended to read:

2076 479.261 Logo sign program.--

2077 (1) The department shall establish a logo sign program for  
2078 the rights-of-way of the interstate highway system to provide  
2079 information to motorists about available gas, food, lodging, ~~and~~  
2080 camping, attractions, and other services, as approved by the  
2081 Federal Highway Administration, at interchanges, through the use  
2082 of business logos, and may include additional interchanges under  
2083 the program. ~~A logo sign for nearby attractions may be added to~~  
2084 ~~this program if allowed by federal rules.~~

2085 (a) An attraction as used in this chapter is defined as an  
2086 establishment, site, facility, or landmark that ~~which~~ is open a  
2087 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~  
2088 ~~an admission for entry, which~~ has as its principal focus family-  
2089 oriented entertainment, cultural, educational, recreational,  
2090 scientific, or historical activities; and that ~~which~~ is publicly  
2091 recognized as a bona fide tourist attraction. ~~However, the~~  
2092 ~~permits for businesses seeking to participate in the attractions~~  
2093 ~~logo sign program shall be awarded by the department annually to~~  
2094 ~~the highest bidders, notwithstanding the limitation on fees in~~  
2095 ~~subsection (5), which are qualified for available space at each~~  
2096 ~~qualified location, but the fees therefor may not be less than~~

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2097 ~~the fees established for logo participants in other logo~~  
2098 ~~categories.~~

2099 (b) The department shall incorporate the use of RV-  
2100 friendly markers on specific information logo signs for  
2101 establishments that cater to the needs of persons driving  
2102 recreational vehicles. Establishments that qualify for  
2103 participation in the specific information logo program and that  
2104 also qualify as "RV-friendly" may request the RV-friendly marker  
2105 on their specific information logo sign. An RV-friendly marker  
2106 must consist of a design approved by the Federal Highway  
2107 Administration. The department shall adopt rules in accordance  
2108 with chapter 120 to administer this paragraph, including rules  
2109 setting forth the minimum requirements that establishments must  
2110 meet in order to qualify as RV-friendly. These requirements  
2111 shall include large parking spaces, entrances, and exits that  
2112 can easily accommodate recreational vehicles and facilities  
2113 having appropriate overhead clearances, if applicable.

2114 (c) The department may implement a 3-year rotation-based  
2115 logo program providing for the removal and addition of  
2116 participating businesses in the program.

2117 (3) Logo signs may be installed upon the issuance of an  
2118 annual permit by the department or its agent and payment of a ~~an~~  
2119 ~~application and~~ permit fee to the department or its agent.

2120 (4) The department may contract pursuant to s. 287.057 for  
2121 the provision of services related to the logo sign program,  
2122 including recruitment and qualification of businesses, review of  
2123 applications, permit issuance, and fabrication, installation,  
2124 and maintenance of logo signs. The department may reject all

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2125 proposals and seek another request for proposals or otherwise  
2126 perform the work. ~~If the department contracts for the provision~~  
2127 ~~of services for the logo sign program, the contract must~~  
2128 ~~require, unless the business owner declines, that businesses~~  
2129 ~~that previously entered into agreements with the department to~~  
2130 ~~privately fund logo sign construction and installation be~~  
2131 ~~reimbursed by the contractor for the cost of the signs which has~~  
2132 ~~not been recovered through a previously agreed upon waiver of~~  
2133 ~~fees.~~ The contract also may allow the contractor to retain a  
2134 portion of the annual fees as compensation for its services.

2135 (5) Permit fees for businesses that participate in the  
2136 program must be established in an amount sufficient to offset  
2137 the total cost to the department for the program, including  
2138 contract costs. The department shall provide the services in the  
2139 most efficient and cost-effective manner through department  
2140 staff or by contracting for some or all of the services. The  
2141 department shall adopt rules that set reasonable rates based  
2142 upon factors such as population, traffic volume, market demand,  
2143 and costs for annual permit fees. However, annual permit fees  
2144 for sign locations inside an urban area, as defined in s.  
2145 334.03(32), may not exceed \$5,000 and annual permit fees for  
2146 sign locations outside an urban area, as defined in s.  
2147 334.03(32), may not exceed \$2,500. After recovering program  
2148 costs, the proceeds from the logo program shall be deposited  
2149 into the State Transportation Trust Fund and used for  
2150 transportation purposes. Such annual permit fee shall not exceed  
2151 \$1,250.

2152 Section 44. Business partnerships; display of names.--

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2153       (1) School districts are encouraged to partner with local  
2154 businesses for the purposes of mentorship opportunities,  
2155 development of employment options and additional funding  
2156 sources, and other mutual benefits.

2157       (2) As a pilot program through June 30, 2011, the Palm  
2158 Beach County School District may publicly display the names and  
2159 recognitions of their business partners on school district  
2160 property in unincorporated areas. Examples of appropriate  
2161 business partner recognition include "Project Graduation" and  
2162 athletic sponsorships. The district shall make every effort to  
2163 display business partner names in a manner that is consistent  
2164 with the county standards for uniformity in size, color, and  
2165 placement of the signs. Whenever the provisions of this section  
2166 are inconsistent with the provisions of the county ordinances or  
2167 regulations relating to signs or the provisions of chapter 125,  
2168 chapter 166, or chapter 479, Florida Statutes, in the  
2169 unincorporated areas, the provisions of this section shall  
2170 prevail.

2171       Section 45. Notwithstanding any provision of chapter 74-  
2172 400, Laws of Florida, public funds may be used for the  
2173 alteration of Old Cutler Road, between Southwest 136th Street  
2174 and Southwest 184th Street, in the Village of Palmetto Bay.

2175       (1) The alteration may include the installation of  
2176 sidewalks, curbing, and landscaping to enhance pedestrian access  
2177 to the road.

2178       (2) The official approval of the project by the Department  
2179 of State must be obtained before any alteration is started.

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2180 Section 46. Subsection (1) of section 120.52, Florida  
2181 Statutes, is amended to read:

2182 120.52 Definitions.--As used in this act:

2183 (1) "Agency" means:

2184 (a) The Governor in the exercise of all executive powers  
2185 other than those derived from the constitution.

2186 (b) Each:

2187 1. State officer and state department, and each  
2188 departmental unit described in s. 20.04.

2189 2. Authority, including a regional water supply authority.

2190 3. Board, including the Board of Governors of the State  
2191 University System and a state university board of trustees when  
2192 acting pursuant to statutory authority derived from the  
2193 Legislature.

2194 4. Commission, including the Commission on Ethics and the  
2195 Fish and Wildlife Conservation Commission when acting pursuant  
2196 to statutory authority derived from the Legislature.

2197 5. Regional planning agency.

2198 6. Multicounty special district with a majority of its  
2199 governing board comprised of nonelected persons.

2200 7. Educational units.

2201 8. Entity described in chapters 163, 373, 380, and 582 and  
2202 s. 186.504.

2203 (c) Each other unit of government in the state, including  
2204 counties and municipalities, to the extent they are expressly  
2205 made subject to this act by general or special law or existing  
2206 judicial decisions.

2207

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2208 This definition does not include any legal entity or agency  
2209 created in whole or in part pursuant to chapter 361, part II,  
2210 any metropolitan planning organization created pursuant to s.  
2211 339.175, any separate legal or administrative entity created  
2212 pursuant to s. 339.175 of which a metropolitan planning  
2213 organization is a member, an expressway authority pursuant to  
2214 chapter 348 or any transportation authority under chapter 343 or  
2215 chapter 349, any legal or administrative entity created by an  
2216 interlocal agreement pursuant to s. 163.01(7), unless any party  
2217 to such agreement is otherwise an agency as defined in this  
2218 subsection, or any multicounty special district with a majority  
2219 of its governing board comprised of elected persons; however,  
2220 this definition shall include a regional water supply authority.

2221 Section 47. The Legislature directs the Department of  
2222 Transportation to establish an approved transportation  
2223 methodology which recognizes that a planned, sustainable  
2224 development of regional impact will likely achieve an internal  
2225 capture rate greater than 30 percent when fully developed. The  
2226 transportation methodology must use a regional transportation  
2227 model that incorporates professionally accepted modeling  
2228 techniques applicable to well-planned, sustainable communities  
2229 of the size, location, mix of uses, and design features  
2230 consistent with such communities. The adopted transportation  
2231 methodology shall serve as the basis for sustainable development  
2232 traffic impact assessments by the department. The methodology  
2233 review must be completed and in use by March 1, 2009.

2234 Section 48. Except as otherwise expressly provided in this  
2235 act, this act shall take effect upon becoming a law.

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**T I T L E   A M E N D M E N T**

Remove line 5 and insert:

corridor; amending s. 20.23, F.S.; providing for the salary and  
benefits of the executive director of the Florida Transportation  
Commission to be set in accordance with the Senior Management  
Service; amending s. 125.42, F.S.; providing for counties to  
incur certain costs related to relocation or removal of certain  
utility facilities under specified circumstances; amending s.  
163.3177, F.S.; revising requirements for comprehensive plans;  
providing a timeframe for submission of certain information to  
the state land planning agency; providing for airports, land  
adjacent to airports, and certain interlocal agreements relating  
thereto in certain elements of the plan; amending s. 163.3178,  
F.S.; providing that certain port-related facilities are not  
developments of regional impact under certain circumstances;  
amending s. 163.3182, F.S., relating to transportation  
concurrency backlog authorities; providing legislative findings  
and declarations; expanding the power of authorities to borrow  
money to include issuing certain debt obligations; providing a  
maximum maturity date for certain debt incurred to finance or  
refinance certain transportation concurrency backlog projects;  
authorizing authorities to continue operations and administer  
certain trust funds for the period of the remaining outstanding  
debt; requiring local transportation concurrency backlog trust  
funds to continue to be funded for certain purposes; providing

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2264 for increased ad valorem tax increment funding for such trust  
2265 funds under certain circumstances; revising provisions for  
2266 dissolution of an authority; amending s. 287.055, F.S.;  
2267 conforming a cross-reference; amending s. 316.0741, F.S.;  
2268 redefining the term "hybrid vehicle"; authorizing the driving of  
2269 a hybrid, low-emission, or energy-efficient vehicle in a high-  
2270 occupancy-vehicle lane regardless of occupancy; requiring  
2271 certain vehicles to comply with specified federal standards to  
2272 be driven in an HOV lane regardless of occupancy; revising  
2273 provisions for issuance of a decal and certificate; providing  
2274 for the Department of Highway Safety and Motor Vehicles to limit  
2275 or discontinue issuance of decals for the use of HOV facilities  
2276 by hybrid and low-emission and energy-efficient vehicles under  
2277 certain circumstances; directing the department to review a  
2278 specified federal rule and make a report to the Legislature;  
2279 exempting certain vehicles from the payment of certain tolls;  
2280 amending s. 316.193, F.S.; revising the prohibition against  
2281 driving under the influence of alcohol; revising the blood-  
2282 alcohol or breath-alcohol level at which certain penalties  
2283 apply; revising requirement for placement of an ignition  
2284 interlock device; amending s. 316.302, F.S.; revising references  
2285 to rules, regulations, and criteria governing commercial motor  
2286 vehicles engaged in intrastate commerce; providing that the  
2287 department performs duties assigned to the Field Administrator  
2288 of the Federal Motor Carrier Safety Administration under the  
2289 federal rules and may enforce those rules; amending ss. 316.613  
2290 and 316.614, F.S.; revising the definition of "motor vehicle"  
2291 for purposes of child restraint and safety belt usage

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2292 requirements; amending s. 316.656, F.S.; revising the  
2293 prohibition against a judge accepting a plea to a lesser offense  
2294 from a person charged under certain DUI provisions; revising the  
2295 blood-alcohol or breath-alcohol level at which the prohibition  
2296 applies; amending s. 322.64, F.S.; providing that refusal to  
2297 submit to a breath, urine, or blood test disqualifies a person  
2298 from operating a commercial motor vehicle; providing a period of  
2299 disqualification if a person has an unlawful blood-alcohol or  
2300 breath-alcohol level; providing for issuance of a notice of  
2301 disqualification; revising the requirements for a formal review  
2302 hearing following a person's disqualification from operating a  
2303 commercial motor vehicle; providing that a county, municipality,  
2304 or special district may not own or operate an asphalt plant or a  
2305 portable or stationary concrete batch plant having an  
2306 independent mixer; provides exemptions; amending s. 337.0261,  
2307 F.S.; revising the sunset date for the Strategic Aggregate  
2308 Review Task Force; amending s. 337.11, F.S.; providing for the  
2309 department to pay a portion of certain proposal development  
2310 costs; requiring the department to advertise certain contracts  
2311 as design-build contracts; amending ss. 337.14 and 337.16, F.S.;  
2312 conforming cross-references; amending s. 337.18, F.S.; requiring  
2313 the contractor to maintain a copy of the required payment and  
2314 performance bond at certain locations and provide a copy upon  
2315 request; providing that a copy may be obtained directly from the  
2316 department; removing a provision requiring a copy be recorded in  
2317 the public records of the county; amending s. 337.185, F.S.;  
2318 providing for the State Arbitration Board to arbitrate certain  
2319 claims relating to maintenance contracts; providing for a member

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2320 of the board to be elected by maintenance companies as well as  
2321 construction companies; amending s. 337.403, F.S.; providing for  
2322 the department or local governmental entity to pay certain costs  
2323 of removal or relocation of a utility facility that is found to  
2324 be interfering with the use, maintenance, improvement,  
2325 extension, or expansion of a public road or publicly owned rail  
2326 corridor under described circumstances; amending s. 337.408,  
2327 F.S.; providing for public pay telephones and advertising  
2328 thereon to be installed within the right-of-way limits of any  
2329 municipal, county, or state road; amending s. 338.01, F.S.;  
2330 requiring new and replacement electronic toll collection systems  
2331 to be interoperable with the department's system; amending s.  
2332 338.165, F.S.; providing that provisions requiring the  
2333 continuation of tolls following the discharge of bond  
2334 indebtedness does not apply to high-occupancy toll lanes or  
2335 express lanes; creating s. 338.166, F.S.; authorizing the  
2336 department to request that bonds be issued which are secured by  
2337 toll revenues from high-occupancy toll or express lanes in a  
2338 specified location; providing for the department to continue to  
2339 collect tolls after discharge of indebtedness; authorizing the  
2340 use of excess toll revenues for improvements to the State  
2341 Highway System; authorizing the implementation of variable rate  
2342 tolls on high-occupancy toll lanes or express lanes; amending s.  
2343 338.2216, F.S.; directing the Florida Turnpike Enterprise to  
2344 implement new technologies and processes in its operations and  
2345 collection of tolls and other amounts; providing contract bid  
2346 requirements for fuel and food on the turnpike system; amending  
2347 s. 338.223, F.S.; conforming a cross-reference; amending s.

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2348 338.231, F.S.; revising provisions for establishing and  
2349 collecting tolls; authorizing collection of amounts to cover  
2350 costs of toll collection and payment methods; requiring public  
2351 notice and hearing; amending s. 339.12, F.S.; revising  
2352 requirements for aid and contributions by governmental entities  
2353 for transportation projects; revising limits under which the  
2354 department may enter into an agreement with a county for a  
2355 project or project phase not in the adopted work program;  
2356 authorizing the department to enter into certain long-term  
2357 repayment agreements; amending s. 339.135, F.S.; revising  
2358 certain notice provisions that require the Department of  
2359 Transportation to notify local governments regarding amendments  
2360 to an adopted 5-year work program; amending s. 339.155, F.S.;  
2361 revising provisions for development of the Florida  
2362 Transportation Plan; amending s. 339.2816, F.S., relating to the  
2363 small county road assistance program; providing for resumption  
2364 of certain funding for the program; revising the criteria for  
2365 counties eligible to participate in the program; amending ss.  
2366 339.2819 and 339.285, F.S.; conforming cross-references;  
2367 repealing part III of ch. 343 F.S.; abolishing the Tampa Bay  
2368 Commuter Transit Authority; amending s. 348.0003, F.S.;  
2369 providing for financial disclosure for expressway,  
2370 transportation, bridge, and toll authorities; amending s.  
2371 348.0004, F.S.; providing for certain expressway authorities to  
2372 index toll rate increases; amending s. 479.01, F.S.; revising  
2373 provisions for outdoor advertising; revising the definition of  
2374 the term "automatic changeable facing"; amending s. 479.07,  
2375 F.S.; revising a prohibition against signs on the State Highway

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2376 System; revising requirements for display of the sign permit  
2377 tag; directing the department to establish by rule a fee for  
2378 furnishing a replacement permit tag; revising the pilot project  
2379 for permitted signs to include Hillsborough County and areas  
2380 within the boundaries of the City of Miami; amending s. 479.08,  
2381 F.S.; revising provisions for denial or revocation of a sign  
2382 permit; amending s. 479.156, F.S.; modifying local government  
2383 control of the regulation of wall murals adjacent to certain  
2384 federal highways; amending s. 479.261, F.S.; revising  
2385 requirements for the logo sign program of the interstate highway  
2386 system; deleting provisions providing for permits to be awarded  
2387 to the highest bidders; requiring the department to implement a  
2388 rotation-based logo program; requiring the department to adopt  
2389 rules that set reasonable rates based on certain factors for  
2390 annual permit fees; requiring that such fees not exceed a  
2391 certain amount for sign locations inside and outside an urban  
2392 area; creating a business partnership pilot program; authorizing  
2393 the Palm Beach County School District to display names of  
2394 business partners on district property in unincorporated areas;  
2395 exempting the program from specified provisions; authorizing the  
2396 expenditure of public funds for certain alterations of Old  
2397 Cutler Road in the Village of Palmetto Bay; requiring the  
2398 official approval of the Department of State before any  
2399 alterations may begin; amending s. 120.52, F.S.; revising a  
2400 definition; directing the Department of Transportation to  
2401 establish an approved transportation methodology for certain  
2402 purpose; providing requirements; providing effective dates.

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