

The Florida Senate  
**HOUSE MESSAGE SUMMARY**

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Prepared By: The Professional Staff of the Transportation Committee

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[2008s0682.hms]

BILL: CS/CS/HB 682

INTRODUCER: Transportation and Economic Development Appropriations Committee,  
Transportation Committee, Senator Bullard and others

SUBJECT: Department of Transportation

DATE: May 2, 2008

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**I. Amendments Contained in Message:**

**House Amendment 1 - 162105** (body and title)

**II. Summary of Amendments Contained in Message:**

Generally, House Amendment 1 (Barcode 162105) amends numerous sections of Florida Statutes and compares with the provisions of CS/CS/CS/SB 1978. A section-by-section summary follows below. However, the following notable issues are not included:

- Authorization to purchase of right-of-way from CSX;
- Central Florida Commuter Rail liability;
- Sovereign Immunity issues;
- Authorization for a \$2 rental car surcharge for commuter rail;
- Lease of Alligator Alley by the State Board of Administration; and
- A 25 percent increase in turnpike tolls.

Section-by-section summary:

Section 2 - Amends s. 20.23, F.S., to provide for the salary and benefits of the executive director of the Florida Transportation Commission to be established in accordance with the Senior Management Service.

Section 3 - Corrects a cross-reference to s. 337.403, F.S.

Section 4 - Amends s. 163.3177, F.S., to better integrate airport planning and adjacent land use in the local government comprehensive planning process.

Section 5 - Amends s. 163.3178, F.S., to exempt certain seaport-related projects from development-of-regional-impact (DRI) review if the project is within 3 miles of a seaport.

Section 6 - Amends s. 163.3182, F.S., to provide legislative findings relative to transportation concurrency backlogs and to authorize transportation concurrency backlog authorities to issue bonds. The 25 percent tax increment financing rate for ad valorem tax proceeds may be exceeded upon interlocal agreement of all affected taxing authorities.

Section 7 - Amends s. 287.055, F.S., to correct a cross-reference. **(This is not contained in CS/CS/CS/SB 1978.)**

Section 8 - Amends s. 316.0741, F.S., to redefine hybrid vehicles as it relates to their ability to use high-occupancy-vehicle (HOV) lanes. FDOT is authorized to limit or discontinue issuance of certifications which permit hybrids to use HOV lanes as a single-occupant-vehicle (SOV) if the HOV lane becomes congested.

Section 9 - Amends s. 316.193, F.S., to reduce the blood alcohol content (BAC) threshold at which enhanced DUI penalties are triggered from 0.20 to 0.15.

Section 10 - Amends s. 316.302, F.S. to update references to the most current federal rules, regulations, and criteria governing commercial motor vehicles engaged in intrastate commerce.

Section 11 and 12 - Amend ss. 316.613 and 316.614, F.S., relating to exemptions from child restraint and safety belt requirements. The revision raises the current 5,000 pound maximum to 26,000 pounds, effectively reducing the number of vehicles currently exempted from child restraint and safety belt requirements.

Section 13 - Amends s. 316.656, F.S., to update a reference to the blood alcohol content (BAC) threshold at which enhanced DUI penalties are triggered. The threshold is reduced to 0.15 percent from 0.20.

Section 14 - Amends s. 322.64, F.S., to revoke the commercial driver's license (CDL) of persons failing or refusing a DUI test. A first time offender's CDL is revoked for one year. A subsequent offense results in the permanent revocation of a CDL.

Section 15 - Prohibits a county, city, or special district from owning or operating an asphalt plant or concrete batch plant. Any unit operating a plant prior to April 15, 2008 is exempted from the prohibition.

Section 16 - Amends s. 337.0261, F.S., to extend the dissolution of the Strategic Aggregate Review Task Force from July 1, 2008 to June 30, 2009. **(This is not contained in CS/CS/CS/SB 1978.)**

Section 17 - Amends s. 337.11, F.S., to authorize FDOT to award a stipend to unsuccessful bidders for construction and maintenance contracts to compensate for proposal development costs. The revision also directs FDOT to establish a goal of procuring 25 percent of construction contracts as design-build contracts. **(This language differs from CS/CS/CS/SB 1978.)**

Sections 18 and 19 - Amend ss. 337.14 and 337.16, F.S., to correct cross-references relating to s. 337.11, F.S. **(This is not contained in CS/CS/CS/SB 1978.)**

Section 20 - Amends s. 337.18, F.S., to revise surety bond recording requirements. As amended, contractors would be required to maintain copies of surety bonds at their principal place of business and at the jobsite rather than in the county public records. Copies of the surety bonds would also remain available from FDOT.

Section 21 - Amends s. 337.185, F.S., to include maintenance contractors in the process used to arbitrate contract disputes.

Section 22 - Amends s. 337.403, F.S., providing additional exemptions to utility companies from utility relocation costs related to transportation projects. Utility companies are exempted from paying for relocation of a utility to accommodate a transportation project when the utility serves the transportation authority or its tenants exclusively. The revisions also require FDOT to bear the costs of the relocation of underground utilities under certain circumstances. **(This language differs from CS/CS/CS/SB 1978.)**

Section 23 - Amends s. 337.408, F.S., authorizing FDOT to direct the relocation or removal of public pay telephones if they present an endangerment to life or property. The revisions also allow public pay telephones, including advertising, to be installed within governmental right-of-way limits under certain circumstances. **(This is not contained in CS/CS/CS/SB 1978.)**

Section 24 - Amends s. 338.01, F.S., requiring all new or replacement electronic toll collection systems installed to be interoperable with FDOT's electronic toll collection system.

Section 25 - Amends s. 338.165, F.S., removing high-occupancy toll (HOT) lanes and express lanes from the applicability of the section.

Section 26 - Creates s. 338.166, F.S., to authorize FDOT to request the issuance of bonds secured by revenues collected on HOT/express lanes on I-95 in Broward and Miami-Dade Counties. Tolls may continue to be collected after the discharge of any bond indebtedness but must first be used for operation and maintenance of the HOT/express lane project or associated transportation project. Any remaining toll revenues may be used for the construction, maintenance, or improvement of any road on the State Highway System. FDOT is authorized to implement variable toll rates on the HOT/express lanes. Except for HOT/express lanes, no tolls may be charged on any interstate highway where tolls were not being charged on July 1, 1997.

Section 27 - Amends s. 338.2216, F.S., to provide for alternative tolling and payment methods including video billing and variable pricing. The revisions also provide service plaza contract bid requirements for fuel and other vendors on the turnpike system. Fuel contracts must be bid separate from food vendor services.

Section 28 - Amends s. 338.223, F.S., to correct a cross-reference relating to s. 339.155, F.S.

Section 29 - Amends s. 338.231, F.S., to eliminate the requirement to maintain a uniform toll rate structure on the turnpike system. **(This language differs from CS/CS/CS/SB 1978.)**

Section 30 - Amends s. 339.12, F.S., to increase the maximum amount of project agreements for projects or project phases not included in the adopted work program from \$100 million to \$250 million. The revisions also create a new reimbursement program for counties with a population of 150,000 or less. The program authorizes DOT to enter into agreements with governmental entities to advance a maximum of \$200 million in projects or project phases from outside the five-year adopted work program. Projects included in these agreements must also be included in the governmental entity's comprehensive plan. This new program authorizes FDOT to enter into long-term repayment agreements with these counties for up to 30 years. **(This language differs from CS/CS/CS/SB 1978.)**

Section 31 - Amends s. 339.135, F.S., to revise the notification process used by FDOT when amending the work program. Under the revisions, FDOT must notify each affected municipality, metropolitan planning organization, and county when deleting or deferring capacity-enhancing projects. FDOT must include comments received from affected bodies in its preparation of work program amendments.

Section 32 - Amends s. 339.155, F.S., to revise obsolete statutory requirements related to federal planning requirements.

Section 33 - Amends s. 339.2819, F.S., to reinstate the Small County Resurfacing Assistance Program in 2012.

Section 34 - Amends s. 339.2819, F.S., to correct a cross-reference relating to s. 339.155, F.S.

Section 35 - Amends s. 339.285, F.S., to correct a cross-reference relating to s. 339.155, F.S.

Section 36 - Repeals Part III of ch. 343, F.S., to abolish the non-functioning Tampa Bay Commuter Transit Authority.

Section 37 - Amends s. 348.0003, F.S., to require the members of each statutorily-created expressway authority, transportation authority, bridge authority, and toll authority to comply with constitutional financial disclosure requirements. The Miami-Dade Expressway Authority currently is required to comply.

Section 38 - Amends s. 348.0004, F.S., to authorize all expressway authorities to index toll rates to the Consumer Price Index.

Section 39 - Amends s. 479.01, F.S., to modernize the definition of 'automatic changeable facing' as it relates to outdoor advertising.

Section 40 - Amends s. 479.07, F.S., to prohibit un-permitted signs outside *urban* areas, rather than *incorporated* area. The revisions revise requirements for display of sign permit tags and directs FDOT to establish, by rule, a fee for furnishing a replacement permit tag in an

- amount that covers the actual cost of the tag. The amendment relegates the permitting of signs viewable from two or more roads in separate jurisdictions to the more stringent requirements. The amendment adds Hillsborough County and the City of Miami to a pilot program reducing the allowable minimum distance between signs to 1000 feet if all other requirements are met. **(This language differs from CS/CS/CS/SB 1978.)**
- Section 41 - Amends s. 479.08, F.S., to revise provisions for the denial or revocation of a sign permit for violations. Any notice of a violation must include a detailed description of the violation.
- Section 42 - Amends s. 479.156, F.S., to revise provisions relating to a municipality's or county's ability to permit and regulate wall murals as 'customary use' under federal law. The amendment allows a determination of customary use, the determination overrides the controls in the agreement between FDOT and the United States Department of Transportation.
- Section 43 - Amends s. 479.261, F.S., to expand the services for which the interstate highway logo sign program is applicable. FDOT is authorized to implement a three-year rotation system to provide for the removal or addition of participating businesses. Permit fees are to be established based on market demand, population, traffic volume, and costs but may not exceed \$5,000 in urban areas or \$2,500 in other areas.
- Section 44 - Creates a business partnership pilot program which authorizes the Palm Beach County School District to display names of business partners on district property in unincorporated areas. **(This is not contained in CS/CS/CS/SB 1978.)**
- Section 45 - Authorizes the use of, but does not appropriate, public funds for certain non-capacity improvements to Old Cutler Road in Miami-Dade County.
- Section 46 - Amends s. 120.52, F.S., to exclude transportation authorities created under ch. 343, F.S., from the definition of 'agency' for the purposes of ch. 120, F.S. **(This is not contained in CS/CS/CS/SB 1978.)**
- Section 47 - Directs FDOT to establish an approved methodology for calculating proportionate share exactions which recognizes that sustainable DRIs will likely achieve an internal capture rate greater than 30 percent. **(This language differs from CS/CS/CS/SB 1978.)**
- Section 48 - The bill shall take effect upon becoming law except where otherwise provided.