



244290

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/13/2010	.	
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The Committee on Transportation and Economic Development
Appropriations (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 621 - 651
and insert:
is achieved. Without limiting or conditioning the department's
jurisdiction or authority described in subsection (1)(a) above,
with respect to limited access right-of-way, such rules may
include, but need not be limited to, a requirement that the use
of the right-of-way for longitudinal placement of electric
utility transmission lines be reasonably based upon a
consideration of economic and environmental factors, including,
but not limited to, other practicable alternative alignments,



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13 utility corridors and easements, impacts on adjacent property
14 owners, and minimum clear zones and other safety standards. Such
15 rules may also require that placement of the electric utility
16 transmission lines within the department's right-of-way not
17 interfere with operational requirements of the transportation
18 facility or planned or potential future expansion of such
19 transportation facility. Compensation for the use of the right-
20 of-way must be provided if the department approves longitudinal
21 placement of electric utility transmission lines in limited
22 access facilities. Such consideration or compensation paid by
23 the electric utility in connection with the department's
24 issuance of a permit does not create any property right in the
25 department's property regardless of the amount of consideration
26 paid or the improvements constructed on the property by the
27 utility. Upon notice by the department that the property is
28 needed for expansion or improvement of the transportation
29 facility, the electric utility transmission line shall be
30 removed or relocated at the electric utility's sole expense. The
31 electric utility shall pay to the department reasonable damages
32 resulting from the utility's failure or refusal to timely remove
33 or relocate its transmission lines. The rules adopted by the
34 department may also address the compensation methodology and
35 removal or relocation. As used in this subsection, the term
36 "base-load generating facilities" means electric power plants
37 that are certified under part II of chapter 403.

38 Section 10. Subsection (1) of section 316.302, Florida
39 Statutes, is amended to read:

40 316.302 Commercial motor vehicles; safety regulations;
41 transporters and shippers of hazardous materials; enforcement.-



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

46 (b) Except as otherwise provided in this section, all
47 owners or drivers of commercial motor vehicles that are engaged
48 in intrastate commerce are subject to the rules and regulations
49 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
50 exception of 49 C.F.R. s. 390.5 as it relates to the definition
51 of bus, as such rules and regulations existed on October 1, 2009
52 2007.

53 (c) Except as provided in s. 316.215(5), and except as
54 provided in s. 316.228 for rear overhang lighting and flagging
55 requirements for intrastate operations, the requirements of this
56 section supersede all other safety requirements of this chapter
57 for commercial motor vehicles.

58 Section 11. Paragraph (b) of subsection (32) of section
59 320.08058, Florida Statutes, is amended to read:

60 320.08058 Specialty license plates.—

61 (32) UNITED WE STAND LICENSE PLATES.—

62 (b) The department shall retain all revenues from the sale
63 of such plates until all startup costs for developing and
64 issuing the plates have been recovered. Thereafter, 100 percent
65 of the annual use fee shall be distributed to the Department of
66 Transportation to fund security-related aviation projects
67 pursuant to chapter 332 ~~SAFE Council to fund a grant program to~~
68 ~~enhance security at airports throughout the state, pursuant to~~
69 ~~s. 332.14.~~

70 Section 12. Section 332.14, Florida Statutes, is repealed.



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71 Section 13. All funds accrued by the Secure Airports for
72 Florida's Economy Council prior to July 1, 2010, shall be
73 retained by the Department of Transportation. The Department of
74 Transportation is authorized to use these funds for statewide
75 training purposes relating to airport security and management.
76 The Department of Transportation is further authorized to use
77 these funds for security-related aviation projects pursuant to
78 chapter 332, Florida Statutes.

79 Section 14. Subsection (5) is added to section 337.195,
80 Florida Statutes, to read:

81 337.195 Limits on liability.-

82 (5) Notwithstanding any provision of law to the contrary, a
83 provision, clause, covenant, or agreement contained in,
84 collateral to, or affecting a motor carrier transportation
85 contract that purports to indemnify, defend, or hold harmless,
86 or has the effect of indemnifying, defending, or holding
87 harmless, the promisee from or against any liability for loss or
88 damage resulting from the negligence or intentional acts or
89 omissions of the promisee is against the public policy of this
90 state and is void and unenforceable. As used in this subsection,
91 the term "motor carrier transportation contract" means a
92 contract, agreement, or understanding covering:

93 (a) The transportation of property for compensation or hire
94 by the motor carrier;

95 (b) Entrance on property by the motor carrier for the
96 purpose of loading, unloading, or transporting property for
97 compensation or hire; or

98 (c) A service incidental to activity described in
99 subparagraph (a) or (b) of this subsection, including, but not



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100 limited to, storage of property.
101
102 Motor carrier transportation contract does not include the
103 Uniform Intermodal Interchange and Facilities Access Agreement
104 administered by the Intermodal Association of North America or
105 other agreements providing for the interchange, use, or
106 possession of intermodal chassis, containers, or other
107 intermodal equipment. "Promisee" means the contract's promisee
108 and any agents, employees, servants, or independent contractors
109 directly responsible to the contract's promise, but does not
110 include motor carriers party to a motor carrier transportation
111 contract with the contract's promisee including such motor
112 carrier's agents, employees, servants, or independent
113 contractors directly responsible to such motor carrier.

114
115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:
117 Between lines 51 and 52
118 insert:
119 amending s. 316.302, F.S., updating a reference to current
120 federal safety regulations for commercial motor vehicles,
121 amending s. 320.08058, F.S.; revising authorized uses of revenue
122 received from the sale of United We Stand license plates;
123 repealing s. 332.14, F.S., relating to the Secure Airports for
124 Florida's Economy Council; providing for the use of funds
125 accrued by the Secure Airports for Florida's Economy Council;
126 amending s. 337.195, F.S., declaring certain provisions in motor
127 carrier transportation contracts related to indemnification of
128 promisees void and unenforceable;