

Bill No. CS for SB 1426

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Hargrett moved the following amendment:

Senate Amendment (with title amendment)

On page 23, between lines 3 and 4,

insert:

Section 19. Subsection (82) is added to section 316.003, Florida Statutes, to read:

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

(82) "Neighborhood vehicle" means a type of golf cart that is a self-propelled, electrically powered motor vehicle, which is emission free, designed to be and is operated at speeds of 25 miles per hour or less, has at least four wheels in contact with the ground, has an unloaded weight of less than 1,800 pounds, and is equipped with efficient brakes, headlights, brakelights, turnsignals, windshield, rear view mirrors, and safety belts.

Section 20. Subsection (5) is added to section

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1 316.091, Florida Statutes, to read:

2 316.091 Limited access facilities; interstate
3 highways; use restricted.--

4 (5) A person may drive a commercial motor vehicle
5 having a gross vehicle weight of 26,001 pounds or more or 3
6 axles or more, or a combination of vehicles weighing 26,001
7 pounds or more, upon any limited access facility with six or
8 more lanes only in the two right through lanes, except when
9 exiting the facility. However, in congested urban areas the
10 Department of Transportation may allow commercial motor
11 vehicles to operate in additional lanes when necessary for the
12 safe flow of traffic.

13 Section 21. Subsection (6) of section 316.1967,
14 Florida Statutes, is amended to read:

15 (6) Any county or municipality may provide by
16 ordinance that the clerk of the court or traffic bureau shall
17 supply the department with a magnetically encoded computer
18 tape reel or cartridge or send by other electronic means data
19 which is machine readable by the installed computer system at
20 the department, listing persons who have two ~~three~~ or more
21 outstanding parking violations, including violations of s.
22 316.1955. Each county shall provide by ordinance that the
23 clerk of the court or the traffic violations bureau shall
24 supply the department with a magnetically encoded computer
25 tape reel or cartridge or send by other electronic means data
26 that is machine readable by the installed computer system at
27 the department, listing persons who have outstanding
28 violations of s. 316.1955 or similar ordinance that regulates
29 parking in spaces designated for use by persons who have
30 disabilities. The department shall mark the appropriate
31 registration record of persons who are so reported. Section

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1 320.03(8) applies to each person whose name appears on the
2 list.

3 Section 22. Subsection (42) is added to section
4 320.01, Florida Statutes, to read:

5 320.01 Definitions, general.--As used in the Florida
6 Statutes, except as otherwise provided, the term:

7 For purposes of this chapter, "agricultural products"
8 means any food product; any agricultural, horticultural, or
9 livestock product; any raw material used in plant food
10 formulation; or any plant food used to produce food and fiber.

11 Section 23. Paragraph (a) of subsection (1) of section
12 320.04, Florida Statutes, is amended to read:

13 320.04 Registration service charge.--

14 (1)(a) There shall be a service charge of \$2.50 for
15 each application which is handled in connection with original
16 issuance, duplicate issuance, or transfer of any license
17 plate, mobile home sticker, or validation sticker or with
18 transfer or duplicate issuance of any registration
19 certificate. There may also be a service charge of up to \$1
20 for the issuance of each license plate validation sticker and
21 mobile home sticker issued from an automated vending facility
22 or printer dispenser machine which shall be payable to and
23 retained by the department to provide for automated vending
24 facilities or printer dispenser machines used to dispense such
25 stickers by ~~in~~ each tax collector's or license tag agent's
26 employee office.

27 Section 24. Subsections (2) and (7) of section
28 320.055, Florida Statutes, are amended to read:

29 320.055 Registration periods; renewal periods.--The
30 following registration periods and renewal periods are
31 established:

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1 (2) For a vehicle subject to registration under s.
2 320.08(11), the registration period begins January 1 and ends
3 December 31. For a vehicle subject to this registration
4 period, the renewal period is the 31-day period prior to
5 expiration beginning January 1.

6 (7) For those vehicles subject to registration under
7 s. 320.0657, the department shall implement a system that
8 distributes the registration renewal process throughout the
9 year ~~For a vehicle subject to registration under s. 320.065,~~
10 ~~the registration period begins December 1 and ends November~~
11 ~~30. For a vehicle subject to this registration period, the~~
12 ~~renewal period is the 31-day period beginning December 1.~~

13 Section 25. Section 320.065, Florida Statutes, is
14 repealed.

15 Section 26. Section 320.0657, Florida Statutes, is
16 amended to read:

17 320.0657 Permanent registration; fleet license
18 plates.--

19 (1) For purposes of this section, the term "fleet"
20 means nonapportioned motor vehicles owned or leased by a
21 company and used for business purposes. Vehicle numbers
22 comprising a "fleet" shall be established by the Department of
23 Highway Safety and Motor Vehicles. Vehicles registered as
24 short-term rental vehicles are excluded from the provisions of
25 this section.

26 (2)(a) The owner or lessee of a fleet of motor
27 vehicles shall, upon application in the manner and at the time
28 prescribed and upon approval by the department and payment of
29 the license tax prescribed under s. 320.08(2), (3), (4),
30 (5)(a) and (b), (6)(a), (7), and (8), be issued permanent
31 fleet license plates. All vehicles with a fleet license plate

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1 shall have the company's name or logo and unit number
2 displayed so that they are readily identifiable. The
3 provisions of s. 320.0605 do not apply to vehicles registered
4 in accordance with this section, and no annual validation
5 sticker is required.

6 ~~(a) The owner or lessee of 250 or more nonapportioned~~
7 ~~commercial motor vehicles licensed under s. 320.08(2), (3),~~
8 ~~(4), (5)(a)1. and (b), and (7), who has posted a bond as~~
9 ~~prescribed by department rules, may apply via magnetically~~
10 ~~encoded computer tape reel or cartridge which is machine~~
11 ~~readable by the installed computer system at the department~~
12 ~~for permanent license plates. All vehicles with a fleet~~
13 ~~license plate shall have the company's name or logo and unit~~
14 ~~number displayed so that they are readily identifiable. The~~
15 ~~provisions of s. 320.0605 shall not apply to vehicles~~
16 ~~registered in accordance with this section, and no annual~~
17 ~~validation sticker is required.~~

18 (b) The plates, which shall be of a distinctive color,
19 shall have the word "Fleet" appearing at the bottom and the
20 word "Florida" appearing at the top. The plates shall conform
21 in all respects to the provisions of this chapter, except as
22 specified herein.

23 (c) In addition to the license tax prescribed by s.
24 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an
25 annual fleet management fee of \$2 shall be charged. A
26 one-time license plate manufacturing fee of \$1.50 shall be
27 charged for plates issued for the established number of
28 vehicles in the fleet. If the size of the fleet is increased,
29 a \$10-per-vehicle issuance fee will be charged to include the
30 license plate manufacturing fee. If the license plate
31 manufacturing cost increases, the department shall increase

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1 the license-plate manufacturing fee to recoup its cost. Fees
2 collected shall be deposited into the Highway Safety Operating
3 Trust Fund. Payment of registration license tax and fees
4 shall be made annually and be evidenced only by the issuance
5 of a single receipt by the department. The provisions of s.
6 320.0605 do not apply to vehicles registered in accordance
7 with this section, and no annual validation sticker is
8 required.

9 ~~(c) In addition to the license tax prescribed by s.~~
10 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee~~
11 ~~of \$6 shall be charged for each vehicle registered hereunder.~~
12 ~~Of this \$6 fee, \$2.50 shall be retained as a service charge by~~
13 ~~the tax collector, if the registration occurs at such office,~~
14 ~~or by the department, if the registration occurs at offices of~~
15 ~~the department. Receipts from the \$6 fee not retained by tax~~
16 ~~collectors shall be deposited into the Highway Safety~~
17 ~~Operating Trust Fund. Payment of registration license tax and~~
18 ~~fees shall be made annually and be evidenced only by the~~
19 ~~issuance of a single receipt by the department. Half-year~~
20 ~~registrations shall not be available for vehicles registered~~
21 ~~in accordance with the provisions of this section. The~~
22 ~~provision of s. 320.06(1)(b) shall not apply to the fleet~~
23 ~~renewal process.~~

24 ~~(2) All recipients of permanent license plates~~
25 ~~authorized by this section shall submit an annual audit as~~
26 ~~prescribed by rule of the department. Such audit shall include~~
27 ~~a percentage of the vehicles registered by each owner or~~
28 ~~lessee, not to exceed 10 percent. The department shall~~
29 ~~randomly select the vehicles to be audited and shall forward a~~
30 ~~listing of said vehicles only to the office of the auditor~~
31 ~~performing the audit. Every attempt shall be made to provide~~

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1 ~~for groupings of vehicles based in the same location; however,~~
2 ~~the location shall change from year to year. The audit shall~~
3 ~~be prepared by a certified public accountant licensed under~~
4 ~~chapter 473, at the recipient's expense, and shall be~~
5 ~~performed to standards prescribed by the department. Such~~
6 ~~audits shall be delivered to the department on or before~~
7 ~~February 15 of each calendar year. Any fees or taxes which the~~
8 ~~audit determines are due the department shall be submitted to~~
9 ~~the department along with such audit. In addition, any company~~
10 ~~found to be habitually abusing the privileges afforded by~~
11 ~~permanent licensure shall forfeit the bond required in~~
12 ~~subsection (1), and may be required by the department to~~
13 ~~relinquish all permanent license plates, and not be eligible~~
14 ~~to continue to participate in the program.~~

15 (3) The department is authorized to adopt such rules
16 as necessary to comply with this section.

17 (4) If a recipient of fleet license plates fails to
18 properly and timely renew or initially register vehicles in
19 its fleet, the department may impose a delinquency penalty of
20 \$50 or 10 percent of the delinquent taxes due, whichever is
21 greater, if the failure is for not more than 30 days, with an
22 additional 10 percent penalty for each additional 30 days, or
23 fraction thereof, during the time the failure continues, not
24 to exceed a total penalty of 100 percent in the aggregate.
25 However, the penalty may not be less than \$50.

26 (5) All recipients of fleet license plates authorized
27 by this section must provide the department with an annual
28 vehicle reconciliation and must annually surrender all
29 unassigned license plates. Failure to comply may result in
30 finest of up to \$1,000 for each occurrence or in suspension or
31 termination from the fleet program.

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1 Section 27. Section 331.304, Florida Statutes, is
2 amended to read:

3 331.304 Spaceport territory.--The following property
4 shall constitute spaceport territory:

5 (1) Certain real property located in Brevard County
6 that is included within the 1997 boundaries of Patrick Air
7 Force Base, Cape Canaveral Air Station, John F. Kennedy Space
8 Center with the following boundaries:

9 ~~(a) Northern boundary--Latitude 28°32'30" North.~~

10 ~~(b) Eastern boundary--The mean high water line of the~~
11 ~~shore along the Atlantic Ocean.~~

12 ~~(c) Western boundary--Cape Road (State Road 401).~~

13 ~~(d) Southern boundary--Latitude 28°26' North.~~

14 (2) Certain real property located in Gulf County with
15 the following boundaries:

16 (a) Northern boundary--Latitude 29°40'45" North from
17 longitude 85°20' West in a westerly direction to the mean high
18 water line of the Gulf of Mexico.

19 (b) Eastern boundary--Longitude 85°20' West.

20 (c) Western boundary--The mean high water line of the
21 shore along the Gulf of Mexico.

22 (d) Southern boundary--The mean high water line of the
23 shore along the Gulf of Mexico.

24 (3) Certain real property located in Santa Rosa,
25 Okaloosa, and Walton Counties that is included within the 1997
26 boundaries of Eglin Air Force Base.

27 Section 28. Subsection (6) of section 322.28, Florida
28 Statutes, is amended to read:

29 322.28 Period of suspension or revocation.--

30 (6) No court shall stay the administrative suspension
31 of a driving privilege under s. 322.2615 or s. 322.2616 shall

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1 ~~be stayed upon a request for~~ during judicial review of the
 2 departmental order that resulted in such suspension and,
 3 ~~except as provided in former s. 322.261,~~no suspension or
 4 revocation of a driving privilege shall be stayed upon an
 5 appeal of the conviction or order that resulted therein.

6 Section 29. Section 332.003, Florida Statutes, is
 7 amended to read:

8 332.003 Florida Airport Development and Assistance
 9 Act; short title.--Sections 332.003-332.009 ~~332.003-332.007~~
 10 may be cited as the "Florida Airport Development and
 11 Assistance Act."

12 Section 30. Subsection (1) of section 332.004, Florida
 13 Statutes, is amended to read:

14 332.004 Definitions of terms used in ss.
 15 332.003-332.007.--As used in ss. 332.003-332.007, the term:

16 (1) "Airport" means any area of land or water, or any
 17 manmade object or facility located therein, which is used, or
 18 intended for public use, for the landing and takeoff of
 19 aircraft, including reusable launch vehicles and other space
 20 transportation systems,and any appurtenant areas which are
 21 used, or intended for public use, for airport buildings or
 22 other airport facilities or rights-of-way.

23 Section 31. Section 332.009, Florida Statutes, is
 24 created to read:

25 332.009 Nothing in this chapter shall be construed to
 26 authorize expenditure of aviation fuel tax revenues on space
 27 transportation projects. Nothing in this chapter shall be
 28 construed to limit the department's authority under s.
 29 331.360.

30 Section 32. Present subsections (15) through (30) of
 31 section 334.044, Florida Statutes, are renumbered as

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1 subsections (16) through (31), respectively, and a new
2 subsection (15) is added to that section, to read:

3 334.044 Department; powers and duties.--The department
4 shall have the following general powers and duties:

5 (15) To regulate and prescribe conditions for the
6 transfer of stormwater to the state right-of-way as a result
7 of man-made changes to adjacent properties.

8 (a) Such regulation shall be through a permitting
9 process designed to ensure the safety and integrity of the
10 Department of Transportation facilities and to prevent an
11 unreasonable burden on lower properties.

12 (b) The department is specifically authorized to adopt
13 rules which set forth the purpose, necessary definitions,
14 permit exceptions, permit and assurance requirements, permit
15 application procedures, permit forms, general conditions for a
16 drainage permit, provisions for suspension or revocation of a
17 permit, and provisions for department recovery of fines,
18 penalties and costs incurred due to permittee actions. In
19 order to avoid duplication and overlap with other units of
20 government, the department shall accept a surface water
21 management permit issued by a water management district, the
22 Department of Environmental Protection, a surface water
23 management permit issued by a delegated local government or a
24 permit issued pursuant to an approved Stormwater Management
25 Plan or Master Drainage Plan; provided issuance is based on
26 requirements equal to or more stringent than those of the
27 department.

28 Section 33. Subsection (15) of section 334.044,
29 Florida Statutes, as created by section 1 of Committee
30 Substitute for Senate Bill 846 as enacted by the Legislature
31 during 1998 Regular Session is repealed.

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1 Section 34. Subsection (1) of section 14 of chapter
2 96-423, Laws of Florida, is amended to read:

3 Section 14. (1) Notwithstanding chapter 253, Florida
4 Statutes, or chapter 270, Florida Statutes, the Department of
5 Transportation, on behalf of the Board of Trustees of the
6 Internal Improvement Trust Fund, may sell the state real
7 property located at 5200 East Colonial Drive, Orlando,
8 Florida, which is utilized by the Department of Highway Safety
9 and Motor Vehicles. Any such sale shall be at fair market
10 value. Proceeds from the sale shall be deposited in the State
11 Transportation Trust Fund.~~or the existing lease between the~~
12 ~~Board of Trustees of the Internal Improvement Trust Fund and~~
13 ~~the Department of Business and Professional Regulation for use~~
14 ~~of the regional service center located at 133 South Semoran~~
15 ~~Boulevard, Orlando, Florida, the department, with the~~
16 ~~technical assistance and staff support of the Department of~~
17 ~~Management Services, may sell the regional service center.~~
18 ~~Proceeds from the sale shall be deposited in the Professional~~
19 ~~Regulation Trust Fund and distributed to the accounts of the~~
20 ~~professions, based on each profession's pro rata share of the~~
21 ~~costs of the original purchase and renovation of the real~~
22 ~~estate.~~The Board of Trustees of the Internal Improvement
23 Trust Fund shall execute and deliver a deed of conveyance for
24 the purpose of carrying into effect a contract or agreement of
25 sale.

26 Section 35. In the event additional federal funds are
27 received through reauthorization of the Federal Intermodal
28 Surface Transportation Efficiency Act, the department shall
29 apply \$4.6 million to the Winchester and Englewood Corridor
30 projects, provided such use of transportation funds is
31 endorsed by the Charlotte and Sarasota/Manatee Metropolitan

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1 Planning Organization. Prior to receiving any new federal
2 funds, the department shall allocate \$1 million to the
3 Winchester and Englewood Corridor projects as an advance on
4 the \$4.6 million of additional federal funds to be applied to
5 the projects.

6 Section 36. An amount not to exceed \$78,000 of the
7 funds included in appropriation item 1916C of chapter 94-357,
8 Laws of Florida may be used to purchase land at the Florida
9 Highway Patrol station in Cross City and Dixie County.

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11 (Redesignate subsequent sections.)

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13

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

15 And the title is amended as follows:

16 On page 3, line 5, after the semicolon

17

18 insert:

19 amending s. 316.003, F.S.; defining the term
20 "neighborhood vehicle"; amending s. 316.091,
21 F.S.; providing that on specified highways
22 certain commercial vehicles may drive only in
23 certain lanes; amending s. 316.1967, F.S.;
24 reduces the number of outstanding parking
25 violations which trigger the county clerk to
26 report to the Department of Highway Safety and
27 Motor Vehicles; amending s. 320.01, F.S.;
28 defining the term "agricultural products";
29 amending s. 320.04, F.S.; providing a service
30 charge for validation stickers issued by
31 printer dispenser machines; amending s.

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1 320.055, F.S.; revising registration renewal
2 period for certain vehicles; providing for
3 staggered fleet registration; repealing s.
4 320.065, F.S., relating to the registration of
5 certain rental trailers for hire and
6 semitrailers used to haul agricultural
7 products; amending s. 320.0657, F.S.; defining
8 the term "fleet"; providing registration fees;
9 providing penalties for late or improper
10 registration amending s. 322.1615, F.S.;
11 revising language with respect to nighttime
12 driving restrictions for persons with learner's
13 driver licenses; amending s. 331.304, F.S.;
14 revising the boundaries of spaceport territory;
15 adding certain property located in Santa Rosa,
16 Okaloosa, and Walton Counties to spaceport
17 territory; amending 322.28, F.S.; revising
18 language with respect to judicial stays on
19 administrative suspensions of driving
20 privileges; amending s. 332.003, F.S.;
21 correcting a reference; amending s. 332.004,
22 F.S.; redefining the terms "airport"; creating
23 s. 332.009, F.S.; providing for application;
24 amending s. 334.044, F.S.; providing specific
25 rule-making authority; repealing s.
26 334.044(15), F.S., relating to certain
27 rulemaking authority in Senate Bill 846;
28 providing for application; repealing s.
29 335.165, F.S., relating to welcome stations;
30 amending chapter 96-423, Laws of Florida;
31 authorizing the department to sell certain

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1 state property and directing the proceeds of
2 the sale to the State Transportation Trust
3 Fund; providing for transfer of funds;
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