

By the Committee on Transportation and Representatives
Fuller and Feeney

1 A bill to be entitled
2 An act relating to transportation
3 administration; amending s. 20.23, F.S.;
4 providing for the relocation of the turnpike
5 district to Orange County; amending s. 206.46,
6 F.S.; authorizing the use of State
7 Transportation Trust Fund moneys to pay for
8 operations and maintenance of certain toll
9 facilities; amending s. 316.215, F.S.;
10 providing an exemption to certain motor vehicle
11 requirements for front-end loading vehicles;
12 amending s. 316.302, F.S., relating to
13 commercial motor vehicle safety regulations;
14 updating reference to federal regulations;
15 providing exception to specified provisions for
16 public utility and authorized emergency
17 vehicles; revising language with respect to
18 requirements for intrastate transporting of
19 hazardous materials; providing for
20 applicability of alcohol and drug testing
21 programs to certain volunteer drivers;
22 providing an exemption to certain federal
23 commercial motor vehicle requirements for
24 certain vehicles operating intrastate; amending
25 s. 316.515, F.S.; providing exception to length
26 limitations for certain utility vehicles under
27 specified conditions; providing exceptions to
28 load extension limitation; amending s. 316.516,
29 F.S.; providing statutory penalties for
30 violation of maximum width, height, and length
31 limitations; amending s. 322.53, F.S.; deleting

1 an exemption to the requirement of having a
2 commercial driver's license; amending s.
3 334.27, F.S.; revising language with respect to
4 governmental transportation entities; creating
5 s. 334.351, F.S., relating to a youth work
6 experience program within the Department of
7 Transportation; providing for the awarding of
8 such program contracts; repealing s. 334.35,
9 F.S., relating to the Florida Youth
10 Conservation Corps; amending s. 335.0415, F.S.;
11 revising language with respect to jurisdiction
12 of public roads; amending s. 337.25, F.S.;
13 authorizing the department to use projected
14 maintenance costs over a period of time to
15 offset the market value of certain property to
16 establish a value for the disposal of the
17 property; creating s. 338.161, F.S.;
18 authorizing the Department of Transportation to
19 advertise and promote electronic toll
20 collection; amending s. 338.221, F.S.;
21 redefining the terms "turnpike improvement,"
22 "economically feasible," and "turnpike
23 project"; amending s. 338.223, F.S.;
24 authorizing the department to acquire lands and
25 property in advance of a final determination of
26 economic feasibility under certain
27 circumstances; revising language with respect
28 to use of funds for proposed turnpike projects;
29 amending s. 338.2275, F.S.; revising language
30 with respect to turnpike projects; amending s.
31 338.2276, F.S.; revising language with respect

1 to part C of the Western Beltway turnpike
2 project; amending s. 338.231, F.S.; providing
3 procedures for toll rate charges; amending s.
4 339.12, F.S.; revising language with respect to
5 aid and contributions by governmental entities
6 for department projects; amending s. 339.175,
7 F.S.; revising the membership of certain
8 metropolitan planning organizations; amending
9 s. 348.0003, F.S.; revising the membership of
10 certain expressway authorities; amending s.
11 348.0004, F.S.; revising language with respect
12 to the type of facilities under the
13 jurisdiction of certain expressway authorities;
14 amending s. 348.754, F.S.; providing for
15 additional powers of the Orlando-Orange County
16 Expressway Authority in certain counties;
17 revising language with respect to purposes and
18 powers of the Orlando-Orange County Expressway
19 Authority; amending ss. 348.7544 and 348.7545,
20 F.S.; conforming to the act; amending s.
21 348.755, F.S.; providing the authority with
22 supplemental bonding authority; amending s.
23 479.16, F.S.; allowing certain unpermitted
24 signs in rural areas; prohibiting the
25 implementation of this provision in certain
26 circumstances; amending s. 479.261, F.S.;
27 revising language with respect to the logo sign
28 program; revising requirements for placement of
29 such signs; amending s. 784.07, F.S.; providing
30 enhanced penalties for assault or battery of
31 public transit employees or agents; amending s.

1 812.015, F.S.; prohibiting transit fare
2 evasion; providing penalties; repealing s.
3 339.121, F.S., relating to aid and contribution
4 by local governmental entities for public
5 transportation projects; providing effective
6 dates.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Paragraph (a) of subsection (4) of section
11 20.23, Florida Statutes, is amended to read:

12 20.23 Department of Transportation.--There is created
13 a Department of Transportation which shall be a decentralized
14 agency.

15 (4)(a) The operations of the department shall be
16 organized into eight districts, including a turnpike district,
17 each headed by a district secretary. The district secretaries
18 shall report to the Assistant Secretary for District
19 Operations. The headquarters of the districts shall be located
20 in Polk, Columbia, Washington, Broward, Volusia, Dade,
21 Hillsborough, and Leon Counties. The turnpike district shall
22 relocate to Orange County in the year 2000.In order to
23 provide for efficient operations and to expedite the
24 decisionmaking process, the department shall provide for
25 maximum decentralization to the districts. However, prior to
26 making a decision to centralize or decentralize department
27 operations, the department must first determine if the
28 decision would be cost-effective and in the public's best
29 interest. The department shall periodically evaluate such
30 decisions to ensure that they are appropriate.

31

1 Section 2. Subsection (5) is added to section 206.46,
2 Florida Statutes, 1996 Supplement, to read:

3 206.46 State Transportation Trust Fund.--

4 (5) Notwithstanding any other provision of law, the
5 department may covenant to pay all or any part of the costs of
6 operation and maintenance of any existing or future
7 department-owned toll facility or system directly from moneys
8 in the State Transportation Trust Fund which will be
9 reimbursed from toll revenues after the payment of debt
10 service and other bond resolution accounts as needed to
11 protect the integrity of the toll facility or system. In the
12 event that such reimbursement is determined to adversely
13 impact the toll facility or system, the reimbursement
14 obligation shall become a debt payable to the State
15 Transportation Trust Fund to be reimbursed over an agreed-upon
16 period of time. The department shall take into account
17 projections of operation and maintenance reimbursements in the
18 financing of the tentative and adopted work programs. The
19 state does hereby covenant that it will not repeal or impair
20 or amend this section in any manner which will materially and
21 adversely affect the rights of bondholders so long as bonds
22 authorized pursuant to the provisions of this subsection are
23 outstanding.

24 Section 3. Subsection (5) is added to section 316.215,
25 Florida Statutes, to read:

26 316.215 Scope and effect of regulations.--

27 (5) The provisions of this chapter and 49 C.F.R. part
28 393, with respect to number, visibility, distribution of
29 light, and mounting height requirements for headlamps,
30 auxiliary lamps, and turn signals shall not apply to a
31 front-end loading collection vehicle, when:

1 (a) The front-end loading mechanism and container or
2 containers are in the lowered position;

3 (b) The vehicle is engaged in collecting solid waste
4 or recyclable or recovered materials; and

5 (c) The vehicle is being operated at speeds less than
6 20 miles per hour with the vehicular hazard-warning lights
7 activated.

8 Section 4. Paragraphs (b) and (c) of subsection (1)
9 and paragraphs (b) and (f) of subsection (2) and subsection
10 (4) of section 316.302, Florida Statutes, 1996 Supplement, are
11 amended, and paragraph (k) is added to subsection (2) of said
12 section, to read:

13 316.302 Commercial motor vehicles; safety regulations;
14 transporters and shippers of hazardous materials;
15 enforcement.--

16 (1)

17 (b) Except as otherwise provided in this section, all
18 owners or drivers of commercial motor vehicles that are
19 engaged in intrastate commerce are subject to the rules and
20 regulations contained in 49 C.F.R. parts 382, 385, and
21 390-397, with the exception of 49 C.F.R. s. 390.5 as it
22 relates to the definition of bus, as such rules and
23 regulations existed on March 1, 1997 ~~1995~~.

24 (c) Except as provided in s. 316.215(5), and except as
25 provided in s. 316.228 for rear overhang lighting and flagging
26 requirements for intrastate operations,the requirements of
27 this section supersede all other safety requirements of this
28 chapter for commercial motor vehicles.

29 (2)

30 (b) A person who operates a commercial motor vehicle
31 solely in intrastate commerce not transporting any hazardous

1 material is exempt from 49 C.F.R. s. 395.3(a) and (b) and may,
2 after 8 hours' rest, and following the required initial motor
3 vehicle inspection, be permitted to drive any part of the
4 first 15 on-duty hours in any 24-hour period, but may not be
5 permitted to operate a commercial motor vehicle after that
6 until the requirement of another 8 hours' rest has been
7 fulfilled. The provisions of this paragraph do not apply to
8 drivers of public utility vehicles or authorized emergency
9 vehicles during periods of severe weather or other
10 emergencies.

11 (f) A person who operates a commercial motor vehicle
12 having a declared gross vehicle weight of less than 26,000
13 pounds solely in intrastate commerce and who is not
14 transporting hazardous materials, or who is transporting
15 petroleum products as defined in s. 376.301(27), is exempt
16 from subsection (1). However, such person must comply with 49
17 C.F.R. parts 382, 392, 393, and 49 C.F.R. s. 396.9.

18 (k) A person holding a commercial driver's license who
19 is a regularly employed driver of a commercial motor vehicle
20 and is subject to an alcohol and controlled substance testing
21 program related to that employment shall not be required to be
22 part of a separate testing program for operating any bus owned
23 and operated by a church when the driver does not receive any
24 form of compensation for operating the bus and when the bus is
25 used to transport people to or from church-related activities
26 at no charge. The provisions of this paragraph may not be
27 implemented if the Federal Government notifies the department
28 that implementation will adversely affect the allocation of
29 federal funds to the state.

30 (4)(a) Except as provided in this subsection, all
31 commercial motor vehicles transporting any hazardous material

1 on any road, street, or highway open to the public, whether
2 engaged in interstate or intrastate commerce, and any person
3 who offers hazardous materials for such transportation, are
4 subject to the regulations contained in 49 C.F.R. parts 107,
5 subpart G, 171, 172, 173, 177, 178, and 180. Effective July 1,
6 1997, the exceptions for intrastate motor carriers provided in
7 49 C.F.R. 173.5 and 173.8 are hereby adopted.

8 ~~(a) A person who operates a commercial motor vehicle~~
9 ~~having a declared gross vehicle weight of less than 26,000~~
10 ~~pounds transporting, solely within intrastate commerce,~~
11 ~~quantities of petroleum products as defined in s. 376.301(27)~~
12 ~~is exempt from the requirements of subsection (1) and from the~~
13 ~~requirements of 49 C.F.R. parts 171, 172, 173, 177, 178, and~~
14 ~~180. However, such person must comply with 49 C.F.R. part 172,~~
15 ~~subpart F, 49 C.F.R. parts 392 and 393, and 49 C.F.R. s.~~
16 ~~396.9.~~

17 ~~(b) A person who operates a commercial motor vehicle~~
18 ~~with a declared gross vehicle weight of less than 26,000~~
19 ~~pounds transporting Table 2 commodities, as specified in 49~~
20 ~~C.F.R. s. 172.504, solely in intrastate commerce within a~~
21 ~~150-air-mile radius of the location where the vehicle is~~
22 ~~based, is subject only to the following federal regulations~~
23 ~~while transporting these commodities to be used in a support~~
24 ~~role for agricultural, horticultural, or forestry production:~~
25 ~~49 C.F.R. part 172, subpart F, 49 C.F.R. part 391, subpart H,~~
26 ~~and 49 C.F.R. parts 382, 392, 393, and 396.9.~~

27 ~~(b)(c)~~ In addition to the penalties provided in s.
28 316.3025(3)(b), (c), (d), and (e), any motor carrier or any of
29 its officers, drivers, agents, representatives, employees, or
30 shippers of hazardous materials that do not comply with this
31 subsection ~~paragraph~~ or any rule adopted by a state agency

1 that is consistent with the federal rules and regulations
2 regarding hazardous materials commits a misdemeanor of the
3 first degree, punishable as provided in s. 775.082 or s.
4 775.083. To ensure compliance with this subsection,
5 enforcement officers of the Motor Carrier Compliance Office
6 within the Department of Transportation and state highway
7 patrol officers may inspect shipping documents and cargo of
8 any vehicle known or suspected to be a transporter of
9 hazardous materials.

10 Section 5. Subsections (3) and (4) and paragraph (b)
11 of subsection (7) of section 316.515, Florida Statutes, are
12 amended to read:

13 316.515 Maximum width, height, length.--

14 (3) LENGTH LIMITATION.--Except as otherwise provided
15 in this section, length limitations apply solely to a
16 semitrailer or trailer, and not to a truck tractor or to the
17 overall length of a combination of vehicles. No combination
18 of commercial motor vehicles coupled together and operating on
19 the public roads may consist of more than one truck tractor
20 and two trailing units. Unless otherwise specifically provided
21 for in this section, a combination of vehicles not qualifying
22 as commercial motor vehicles may consist of no more than two
23 units coupled together; such nonqualifying combination of
24 vehicles may not exceed a total length of 65 feet, inclusive
25 of the load carried thereon, but exclusive of safety and
26 energy conservation devices approved by the department for use
27 on vehicles using public roads. Notwithstanding any other
28 provision of this section, a truck tractor-semitrailer
29 combination engaged in the transportation of automobiles or
30 boats may transport motor vehicles or boats on part of the
31 power unit; and, except as may otherwise be mandated under

1 federal law, an automobile or boat transporter semitrailer may
2 not exceed 50 feet in length, exclusive of the load; however,
3 the load may extend up to an additional 6 ~~4~~ feet beyond the
4 rear of the trailer. The 50-foot length limitation does not
5 apply to non-stinger-steered automobile or boat transporters
6 that are 65 feet or less in overall length, exclusive of the
7 load carried thereon, or to stinger-steered automobile or boat
8 transporters that are 75 feet or less in overall length,
9 exclusive of the load carried thereon. For purposes of this
10 subsection, a "stinger-steered automobile or boat transporter"
11 is an automobile or boat transporter configured as a
12 semitrailer combination wherein the fifth wheel is located on
13 a drop frame located behind and below the rearmost axle of the
14 power unit. Notwithstanding paragraphs (a) and (b), any
15 straight truck or truck tractor-semitrailer combination
16 engaged in the transportation of horticultural trees may allow
17 the load to extend up to an additional 10 feet beyond the rear
18 of the vehicle, provided said trees are resting against a
19 retaining bar mounted above the truck bed so that the root
20 balls of the trees rest on the floor and to the front of the
21 truck bed and the tops of the trees extend up over and to the
22 rear of the truck bed, and provided the overhanging portion of
23 the load is covered with protective fabric.

24 (a) Straight trucks.--No straight truck may exceed a
25 length of 40 feet in extreme overall dimension, exclusive of
26 safety and energy conservation devices approved by the
27 department for use on vehicles using public roads. ~~Any~~
28 ~~straight truck, excluding recreational vehicles, in excess of~~
29 ~~35 feet in length may have no fewer than three load-bearing~~
30 ~~axles.~~ A straight truck may tow no more than one trailer, and
31 such trailer may not exceed a length of 28 feet. However, such

1 trailer limitation does not apply if the overall length of the
2 truck-trailer combination is 65 feet or less, including the
3 load thereon. Notwithstanding any other provisions of this
4 section, a truck-trailer combination engaged in the
5 transportation of boats shall not exceed the length
6 limitations of this paragraph exclusive of the load; however,
7 the load may extend up to an additional 6 ~~4~~ feet beyond the
8 rear of the trailer.

9 (b) Semitrailers.--

10 1. A semitrailer operating in a truck
11 tractor-semitrailer combination may not exceed 48 feet in
12 extreme overall outside dimension, measured from the front of
13 the unit to the rear of the unit and the load carried thereon,
14 exclusive of safety and energy conservation devices approved
15 by the department for use on vehicles using public roads,
16 unless it complies with subparagraph 2. A semitrailer which
17 exceeds 48 feet in length and is used to transport divisible
18 loads may operate in this state only if issued a permit under
19 s. 316.550 and if such trailer meets the requirements of this
20 chapter relating to vehicle equipment and safety. Except for
21 highways on the tandem trailer truck highway network, public
22 roads deemed unsafe for longer semitrailer vehicles or those
23 roads on which such longer vehicles are determined not to be
24 in the interest of public convenience shall, in conformance
25 with s. 316.006, be restricted by the Department of
26 Transportation or by the local authority to use by
27 semitrailers not exceeding a length of 48 feet, inclusive of
28 the load carried thereon but exclusive of safety and energy
29 conservation devices approved by the department for use on
30 vehicles using public roads. Truck tractor-semitrailer
31 combinations shall be afforded reasonable access to terminals;

1 facilities for food, fuel, repairs, and rest; and points of
2 loading and unloading.

3 2. A semitrailer which is more than 48 feet but not
4 more than 53 feet in extreme overall outside dimension, as
5 measured pursuant to subparagraph 1., may operate on public
6 roads, except roads on the State Highway System which are
7 restricted by the Department of Transportation or other roads
8 restricted by local authorities, if:

9 a. The distance between the kingpin or other peg which
10 locks into the fifth wheel of a truck tractor and the center
11 of the rear axle or rear group of axles does not exceed 41
12 feet; and

13 b. It is equipped with a substantial rear-end
14 underride protection device meeting the requirements of 49
15 C.F.R. s. 393.86, "Rear End Protection."

16 (c) Tandem trailer trucks.--

17 1. Except for semitrailers and trailers of up to 28
18 1/2 feet in length which existed on December 1, 1982, and
19 which were actually and lawfully operating on that date, no
20 semitrailer or trailer operating in a truck
21 tractor-semitrailer-trailer combination may exceed a length of
22 28 feet in extreme overall outside dimension, measured from
23 the front of the unit to the rear of the unit and the load
24 carried thereon, exclusive of safety and energy conservation
25 devices approved by the Department of Transportation for use
26 on vehicles using public roads.

27 2. Tandem trailer trucks conforming to the weight and
28 size limitations of this chapter and in immediate transit to
29 or from a terminal facility as defined in this chapter may
30 operate on the public roads of this state except for
31 residential neighborhood streets restricted by the Department

1 of Transportation or local jurisdictions. In addition, the
2 Department of Transportation or local jurisdictions may
3 restrict these vehicles from using streets and roads under
4 their maintenance responsibility on the basis of safety and
5 engineering analyses, provided that the restrictions are
6 consistent with the provisions of this chapter. The
7 Department of Transportation shall develop safety and
8 engineering standards to be used by all jurisdictions when
9 identifying public roads and streets to be restricted from
10 tandem trailer truck operations.

11 3. Except as otherwise provided in this section,
12 within 5 miles of the Federal National Network for large
13 trucks, tandem trailer trucks shall be afforded access to
14 terminals; facilities for food, fuel, repairs, and rest; and
15 points of loading and unloading.

16 4. Notwithstanding the provisions of any general or
17 special law to the contrary, all local system tandem trailer
18 truck route review procedures must be consistent with those
19 adopted by the Department of Transportation.

20 5. Tandem trailer trucks employed as household goods
21 carriers and conforming to the weight and size limitations of
22 this chapter shall be afforded access to points of loading and
23 unloading on the public streets and roads of this state,
24 except for streets and roads that have been restricted from
25 use by such vehicles on the basis of safety and engineering
26 analyses by the jurisdiction responsible for maintenance of
27 the streets and roads.

28 (d) Maxi-cube vehicles.--Maxi-cube vehicles shall be
29 allowed to operate on routes open to tandem trailer trucks
30 under the same conditions applicable to tandem trailer trucks
31 as specified by this section.

1 (4) LOAD EXTENSION LIMITATION.--The load upon any
2 vehicle operated alone, or the load upon the front vehicle of
3 a combination of vehicles, may not extend more than 3 feet
4 beyond the front wheels of the vehicle or the front bumper of
5 the vehicle if it is equipped with a bumper.

6 (a) The limitations of this subsection do not apply to
7 bicycle racks carrying bicycles on public sector transit
8 vehicles.

9 (b) The provisions of this subsection shall not apply
10 to a front-end loading collection vehicle, when:

11 1. The front-end loading mechanism and container or
12 containers are in the lowered position;

13 2. The vehicle is engaged in collecting solid waste or
14 recyclable or recovered materials;

15 3. The vehicle is being operated at speeds less than
16 20 miles per hour with the vehicular hazard-warning lights
17 activated; and

18 4. The extension does not exceed 8 feet 6 inches.

19 (7) FIRE OR EMERGENCY VEHICLES, UTILITY VEHICLES, AND
20 OTHER VEHICLES TRANSPORTING NONDIVISIBLE LOADS.--The length
21 limitations imposed by this section do not apply to:

22 (b) Utility vehicles owned or operated by governmental
23 entities or public utility corporations, or operated under
24 contract with such entities or corporations:

25 1. When transporting poles during daytime, except on
26 weekends and holidays, as defined in the rules of the
27 Department of Transportation, and when the vehicle and load do
28 not exceed 120 feet in overall length, provided proper flags
29 are located at the rearmost end of the load. However, such
30 movements with an overall length in excess of 75 feet:

31

1 a. Shall be equipped with a working warning light
2 device.

3 b. Shall be accompanied by a company-provided
4 flasher-equipped escort vehicle when making turns within
5 corporate city limits.

6 2.a. When transporting poles during nighttime and when
7 the vehicle and load do not exceed 120 feet in overall length.
8 Such movements shall be equipped with a working warning light
9 device and shall be accompanied by one leading and one
10 trailing company-provided flasher-equipped escort vehicle.

11 b. The provisions of sub-subparagraph a.
12 notwithstanding, for vehicle and loads with overall lengths
13 not exceeding 85 feet and being transported under emergency
14 conditions, only a single trailing company-owned
15 flasher-equipped escort vehicle shall be required, provided
16 that the pole being transported shall be equipped with active
17 marker lights, visible from both sides, at a maximum of 6-foot
18 intervals mounted along the pole or trailer extending the
19 length of the trailer and at 36-inch intervals along the pole
20 extending beyond the rear of the trailer.

21 3. When transporting poles during emergencies or
22 required maintenance. Such movements may be made on all days
23 and at all hours, provided the respective daytime or nighttime
24 requirements are otherwise met.

25 4. When operating flasher-equipped straight truck
26 utility vehicles that have permanently mounted equipment that
27 extends up to 9 feet beyond the front bumper, provided:

28 a. Such equipment, when in the travel position, is
29 supported in such a manner that it has a minimum of 80 inches
30 clearance above the roadway;

31

1 b. Such equipment is illuminated on the forwardmost
2 sides with high visibility reflective tape;

3 c. The respective daytime and nighttime requirements
4 for operation are otherwise met;

5 d. Nighttime emergency or required maintenance
6 operation of such utility vehicles with overall lengths in
7 excess of 50 feet are led by a company-provided
8 flasher-equipped escort vehicle; and

9 e. Trailers are not pulled by utility vehicles over 50
10 feet in length.

11
12 A flasher-equipped escort vehicle is defined as an automobile
13 or truck that closely accompanies an over dimensional vehicle
14 or load carried thereon to alert approaching traffic of that
15 vehicle or load. Such escort vehicles shall be equipped with
16 a working warning light device, as defined in this subsection,
17 except that such device shall be located on top of the escort
18 vehicle. Warning light devices required in this subsection
19 shall be consistent with size, color, type, intensity, and
20 mounting requirements developed by the Department of
21 Transportation.

22 Section 6. Subsection (4) of section 316.516, Florida
23 Statutes, 1996 Supplement, is amended to read:

24 316.516 Width, height, and length; inspection;
25 penalties.--

26 (4) Notwithstanding other provisions of this chapter,
27 penalties for violation of the maximum limits for width,
28 height, and length provided for in s. 316.515 are as follows:

29 (a) Two hundred and fifty dollars per foot of
30 violation or any portion thereof for width and height limit
31 violations.

1 (b)1. Forty dollars for length limit violations not
2 exceeding 2 feet over the length limit;

3 2. One hundred dollars for length limit violations of
4 greater than 2 feet but not exceeding 10 feet over the length
5 limit; or

6 3. Two hundred and fifty dollars for length limit
7 violations of greater than 10 feet, plus \$250 for every
8 additional foot or any portion thereof that exceeds 11 feet
9 over the length limit.

10 (c) No individual penalty issued under the provisions
11 of this subsection shall exceed \$1,000 for each width, height,
12 or length violation.~~Penalties for violation of the width,~~
13 ~~height, and length limits contained in this chapter shall be~~
14 ~~as provided in the rules of the Department of Transportation,~~
15 ~~except that no such individual penalty shall exceed \$1,000 per~~
16 ~~width, height, or length violation.~~

17 Section 7. Paragraph (g) of subsection (2) and
18 subsection (5) of section 322.53, Florida Statutes, 1996
19 Supplement, are amended to read:

20 322.53 License required; exemptions.--

21 (2) The following persons are exempt from the
22 requirement to obtain a commercial driver's license:

23 ~~(g) A driver operating any bus owned and operated by a~~
24 ~~church, when the driver does not receive any form of~~
25 ~~compensation for operating the bus, and when the bus is used~~
26 ~~to transport people to or from church-related activities at no~~
27 ~~charge.~~

28 (5) A resident who is exempt from obtaining a
29 commercial driver's license pursuant to paragraph (2)(b),
30 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f), ~~or~~
31 ~~paragraph (2)(g)~~ may drive a commercial motor vehicle pursuant

1 to the exemption granted in paragraph (2)(b), paragraph
2 (2)(d), paragraph (2)(e), or paragraph (2)(f), ~~or paragraph~~
3 ~~(2)(g)~~ if he or she possesses a valid Class D or Class E
4 driver's license or a military license.

5 Section 8. Section 334.27, Florida Statutes, 1996
6 Supplement, is amended to read:

7 334.27 Governmental transportation entities; property
8 acquired for transportation purposes; limitation on soil or
9 groundwater contamination liability.--

10 (1) For the purposes of this section, the term
11 "governmental transportation entity" means the department; an
12 authority created pursuant to chapter 343, chapter 348, or
13 chapter 349; a port enumerated in s. 311.09(1); a county; or a
14 municipality.

15 (2) When a governmental transportation entity acquires
16 property for a transportation facility or in a transportation
17 corridor through the exercise of eminent domain authority, or
18 by purchase or donation, it is not subject to any liability
19 imposed by chapter 376 or chapter 403 for preexisting soil or
20 groundwater contamination due solely to its ownership. This
21 section does not affect the rights or liabilities of any past
22 or future owners of the acquired property nor does it affect
23 the liability of any governmental entity for the results of
24 its actions which create or exacerbate a pollution source. A
25 governmental transportation entity and the Department of
26 Environmental Protection may enter into interagency agreements
27 for the performance, funding, and reimbursement of the
28 investigative and remedial acts necessary for property
29 acquired by the governmental transportation entity ~~department~~.

30 Section 9. Section 334.351, Florida Statutes, is
31 created to read:

1 334.351 Youth work experience program; findings and
2 intent; authority to contract; limitation.--The Legislature
3 finds and declares that young men and women of the state
4 should be given an opportunity to obtain public service work
5 and training experience that protects and conserves the
6 valuable resources of the state and promotes participation in
7 other community enhancement projects. Notwithstanding the
8 requirements of chapters 287 and 337, the Department of
9 Transportation is authorized to contract with public agencies
10 and nonprofit organizations for the performance of work
11 related to the construction and maintenance of
12 transportation-related facilities by youths enrolled in youth
13 work experience programs. The total amount of contracts
14 entered into by the department under this section in any
15 fiscal year shall not exceed the amount specifically
16 appropriated by the Legislature for this program.

17 Section 10. Section 334.35, Florida Statutes, as
18 created by section 18 of chapter 96-423, Laws of Florida, is
19 hereby repealed.

20 Section 11. Subsection (1) of section 335.0415,
21 Florida Statutes, is amended to read:

22 335.0415 Public road jurisdiction and transfer
23 process.--

24 (1) The jurisdiction of public roads and the
25 responsibility for operation and maintenance within the
26 right-of-way of any road within the state, county, and
27 municipal road system shall be that which existed ~~exists~~ on
28 July 1, 1995.

29 Section 12. Paragraph (j) is added to subsection (4)
30 of section 337.25, Florida Statutes, 1996 Supplement, to read:

31

1 337.25 Acquisition, lease, and disposal of real and
2 personal property.--

3 (4) The department may sell, in the name of the state,
4 any land, building, or other property, real or personal, which
5 was acquired under the provisions of subsection (1) and which
6 the department has determined is not needed for the

7 construction, operation, and maintenance of a transportation
8 facility. With the exception of any parcel governed by

9 paragraph (c), paragraph (d), paragraph (f), paragraph (g), or
10 paragraph (i), the department shall afford first right of
11 refusal to the local government in the jurisdiction of which
12 the parcel is situated. When such a determination has been
13 made, property may be disposed of in the following manner:

14 (j) If the department determines that the property
15 will require significant costs to be incurred or that
16 continued ownership of the property exposes the department to
17 significant liability risks, the department may use the
18 projected maintenance costs over the next 5 years to offset
19 the market value in establishing a value for disposal of the
20 property, even if that value is zero.

21 Section 13. Section 338.161, Florida Statutes, is
22 created to read:

23 338.161 Authority of department to advertise and
24 promote electronic toll collection.--

25 (1) The department is authorized to incur expenses for
26 paid advertising, marketing, and promotion of electronic toll
27 collection products and services. Promotions may include
28 discounts and free products.

29 (2) The department is authorized to receive funds from
30 advertising placed on electronic toll collection products and
31

1 promotional materials to defray the costs of products and
2 services.

3 Section 14. Subsections (7), (8), and (9) of section
4 338.221, Florida Statutes, are amended to read:

5 338.221 Definitions of terms used in ss.

6 338.22-338.244.--As used in ss. 338.22-338.244, the following
7 words and terms have the following meanings, unless the
8 context indicates another or different meaning or intent:

9 (7) "Turnpike improvement" means any betterment
10 necessary or desirable for the operation of the turnpike
11 system, including, but not limited to, widenings, interchanges
12 added to the existing turnpike system, resurfacings, toll
13 plazas, machinery, and equipment.

14 (8) "Economically feasible" means:

15 (a) Prior to the issuance of ~~For~~ turnpike revenue
16 bonds for a proposed turnpike project, the department shall
17 determine that the estimated net revenue ~~projects financed~~
18 ~~from the proceeds of bonds pledging the revenues of the~~
19 proposed turnpike system:

20 ~~1. Such project, excluding feeder road and turnpike~~
21 improvements or such group of projects, shall be sufficient to
22 pay expected to have bonding capacity supported by project
23 revenues equal to at least 50 percent of debt service on such
24 bonds by the end of the 5th year of operations and at least
25 100 percent of the debt service on such bonds by the end of
26 the 15th year. In implementing this paragraph, up to 50
27 percent of the project's adopted work program costs may be
28 funded from turnpike revenues ~~project costs to be paid from~~
29 ~~department funds. However, the department is authorized, with~~
30 ~~the approval of the Legislature, to pay from the State~~
31 ~~Transportation Trust Fund a portion of the capital cost of a~~

1 ~~project as necessary to meet economic feasibility~~
2 ~~requirements.~~

3 ~~2. Within 15 years of opening to traffic, the annual~~
4 ~~total revenue from such project, or such group of projects,~~
5 ~~shall be expected to meet or exceed annual debt service~~
6 ~~requirements and operating and maintenance costs attributable~~
7 ~~to such project or such group of projects.~~

8 (b) For turnpike projects, except for feeder roads and
9 turnpike improvements, financed from revenues of the turnpike
10 system, such project, or such group of projects, originally
11 financed from revenues of the turnpike system, shall be
12 expected to generate sufficient revenues to amortize project
13 costs within 15 years of opening to traffic.

14
15 Nothing in this subsection shall be construed to prohibit the
16 pledging of revenues from the entire turnpike system to bonds
17 issued to finance or refinance a turnpike project, or group of
18 turnpike projects.

19 (9) "Turnpike project" means any extension to or
20 expansion of the existing turnpike system and new limited
21 access toll highways and associated feeder roads and other
22 structures, interchanges, appurtenances, or rights as may be
23 approved in accordance with the Florida Turnpike Law.

24 Section 15. Subsections (2) and (3) of section
25 338.223, Florida Statutes, 1996 Supplement, are amended to
26 read:

27 338.223 Proposed turnpike projects.--

28 (2)(a) Subject to the provisions of s. 338.228, the
29 department is authorized to expend, out of any funds available
30 for the purpose, such moneys as may be necessary for studies,
31 preliminary engineering, construction, right-of-way

1 acquisition, and construction engineering inspection of any
2 turnpike project and is authorized to use its engineering and
3 other resources for such purposes.

4 (b) Based upon the legislative intent within s.
5 337.273, the department may acquire lands and property in
6 advance of a final determination of economic feasibility of a
7 project. Advanced right-of-way acquisition may be paid from
8 s. 337.276 bond funds or turnpike revenues.

9 (3) All obligations and expenses incurred by the
10 department under this section shall be paid by the department
11 and charged to the appropriate turnpike project. The
12 department shall keep proper records and accounts showing each
13 amount that is so charged. All obligations and expenses so
14 incurred shall be treated as part of the cost of such project
15 and shall be reimbursed to the department out of turnpike
16 revenues or out of the bonds authorized under ss.
17 338.22-338.244 except when such reimbursement is prohibited by
18 state or federal law.

19 (4) ~~However,~~The department is authorized, with the
20 approval of the Legislature, to use federal and state
21 transportation funds to lend or pay a portion of the
22 operating, maintenance, and capital costs of turnpike toll
23 ~~projects as necessary to meet the requirements of paragraph~~
24 ~~(1)(a).~~ Federal and state transportation funds included in an
25 adopted work program, or the General Appropriations Act, for a
26 ~~proposed~~ turnpike project do not have to be reimbursed to the
27 State Transportation Trust Fund, or used in determining the
28 economic feasibility of the ~~proposed~~ project.

29 Section 16. Section 338.2275, Florida Statutes, is
30 amended to read:

31 338.2275 Approved turnpike projects.--

1 (1) The Legislature's approval of the department's
2 tentative work program containing the turnpike project will
3 also be approval to issue bonds as required by Pursuant to s.
4 11(e), Art. VII of the State Constitution., the Legislature
5 hereby approves:

6 ~~(1) The turnpike system as of July 1, 1988.~~

7 ~~(2) Subject to verification of economic feasibility by~~
8 ~~the department in accordance with s. 338.221(8), those~~
9 ~~projects listed in Alternative IV of the April 1987 report on~~
10 ~~the Future of Florida's Turnpike as recommended to the~~
11 ~~Legislature by the secretary to be financed by the issuance of~~
12 ~~revenue bonds in an amount not to exceed \$220 million.~~

13 ~~(3) Subject to verification of economic feasibility by~~
14 ~~the department, determination that such projects are~~
15 ~~consistent, to the maximum extent feasible, with approved~~
16 ~~local government comprehensive plans of the local government~~
17 ~~jurisdiction in which such projects are located, and~~
18 ~~completion of a statement of environmental feasibility in~~
19 ~~accordance with s. 338.221(8) and (10), respectively, the~~
20 ~~following projects are approved:~~

21 ~~(a) The Polk County Parkway; a 24.8-mile, two-lane and~~
22 ~~four-lane, limited access expressway in Polk County extending~~
23 ~~from the intersection of I-4 and Clark Road near the~~
24 ~~Hillsborough County Line through Lakeland near Drainfield Road~~
25 ~~eastward to State Road 540 and to U.S. 98 and then east and~~
26 ~~northward to near Polk City to intersect with I-4 near Mount~~
27 ~~Olive Road.~~

28 ~~(b) Branan Field/Chaffee Road Facility; an 11-mile~~
29 ~~limited access expressway extending north from State Road 21~~
30 ~~in Clay County to Chaffee Road in western Duval County.~~

31

1 ~~(c) Palmer Expressway; a 6.2-mile, four-lane, limited~~
2 ~~access expressway in St. Lucie County extending from Glades~~
3 ~~Cut-off Road to U.S. 1.~~

4 ~~(d) Seminole County Expressway, Project 1; a four-lane~~
5 ~~limited access expressway extending 12 miles from State Road~~
6 ~~426 near the Orange/Seminole County line in east Orlando to~~
7 ~~U.S. 17/92.~~

8 ~~(e) Northwest Hillsborough Expressway; a 14.9-mile,~~
9 ~~four-lane, limited access toll facility extending north from~~
10 ~~the Courtney Campbell Causeway near the Tampa International~~
11 ~~Airport to Dale Mabry Highway (State Road 597) just north of~~
12 ~~Van Dyke Road.~~

13 ~~(f) The Southern Connector Extension; a 6.0-mile,~~
14 ~~four-lane, limited access extension of the Southern Connector~~
15 ~~toll facility extending southwesterly from a point one mile~~
16 ~~east of State Road 535 to an interchange with I-4 south of~~
17 ~~U.S. 192.~~

18 ~~(g) Seminole County Expressway, Project 2; a 5.7-mile,~~
19 ~~four-lane, limited access highway extending from U.S. 17/92~~
20 ~~interchange to an interchange with C.R. 46A and I-4.~~

21 ~~(h) Suncoast Parkway, Project 1; a 44-mile, four-lane,~~
22 ~~limited access highway extending north from the Northwest~~
23 ~~Hillsborough Expressway to S.R. 700 (U.S. 98) in Hernando~~
24 ~~County.~~

25 ~~(i) Suncoast Parkway, Project 2; an approximately~~
26 ~~30-mile, four-lane, limited access highway extending north~~
27 ~~from State Road 700 (U.S. 98) in Hernando County to a point~~
28 ~~near the Citrus-Levy County line.~~

29 ~~(j) Western Beltway; a 55.0-mile, four-lane, limited~~
30 ~~access highway originating at I-4 in the vicinity of C.R. 46A~~
31 ~~in Seminole County and extending westerly and southerly~~

1 ~~through Orange and Osceola Counties to an interchange with I-4~~
2 ~~near the Osceola-Polk county line, excluding that portion~~
3 ~~known as the Northwest Beltway Part A, extending from~~
4 ~~Florida's Turnpike near Ocoee north to U.S. 441 near Apopka.~~

5 ~~(k) Northern Extension Project; a 49.0-mile,~~
6 ~~four-lane, limited access highway extending from the northern~~
7 ~~terminus of the Florida Turnpike in Sumter County to an~~
8 ~~interchange with U.S. 19 at Lebanon Station in Levy County.~~

9 ~~(l) Atlantic Boulevard Interchange in Broward County.~~

10 ~~(m) N.W. 37th Avenue Interchange in Broward County.~~

11 ~~(n) S.R. 80/Southern Boulevard Interchange in Palm~~
12 ~~Beach County.~~

13 ~~(o) Forest Hill Boulevard Interchange in Palm Beach~~
14 ~~County.~~

15 ~~(p) N.W. 45th Street Interchange in Palm Beach County.~~

16 ~~(q) Lake Worth Road Interchange in Palm Beach County.~~

17 ~~(r) East/West Expressway Interchange in Orange County.~~

18 ~~(s) Southern Connector Interchange in Orange County.~~

19 ~~(t) S.R. 50 Interchange in Orange County.~~

20 ~~(u) Dart Boulevard Interchange in Osceola County.~~

21 ~~(v) N.W. 74th Street Interchange in Dade County.~~

22 ~~(w) Allapattah Road Interchange in Dade County.~~

23 ~~(x) Tallahassee Road Interchange in Dade County.~~

24 ~~(y) Biscayne Drive Interchange in Dade County.~~

25 ~~(z) Campbell Drive Interchange in Dade County.~~

26
27 ~~A maximum of \$1.5 billion of bonds may be issued to fund the~~
28 ~~projects listed in this subsection.~~

29 (2) The department is authorized to use turnpike
30 revenues, the State Transportation Trust Fund moneys allocated
31 for turnpike projects pursuant to s. 338.001, federal funds,

1 and bond proceeds ~~for the projects listed in this subsection,~~
2 and shall use the most cost-efficient combination of such
3 funds in developing a financial plan for funding turnpike ~~the~~
4 projects. ~~Up to 10 percent of the total amount of the~~
5 ~~approved costs of all of the projects listed in this~~
6 ~~subsection may be set aside as a contingency amount, from~~
7 ~~which the department may allocate funds for a project that~~
8 ~~exceeds its anticipated cost, but in no event shall the funds~~
9 ~~allocated from this contingency amount exceed 15 percent of~~
10 ~~the project's anticipated cost.~~The department must submit a
11 report of the estimated cost for each ongoing turnpike project
12 and for each planned turnpike project to the Legislature 14
13 days before the convening of the regular legislative session.
14 Verification of economic feasibility and statements of
15 environmental feasibility for individual turnpike projects
16 must be based on the entire project as approved. Statements
17 of environmental feasibility are not required for those
18 projects listed in section 12 of chapter 90-136, Laws of
19 Florida,~~this subsection~~ for which the Project Development and
20 Environmental Reports were completed by July 1, 1990. All
21 required environmental permits must be obtained before the
22 department may advertise for bids for contracts for the
23 construction of any turnpike project.

24 (3)~~(4)~~ Subject to verification of economic feasibility
25 by the department in accordance with s. 338.221(8), the
26 department shall acquire the assets and assume the liabilities
27 of the Sawgrass Expressway as a candidate project from the
28 Broward County Expressway Authority. The agreement to acquire
29 the Sawgrass Expressway shall be subject to the terms and
30 covenants of the Broward County Expressway Authority Bond
31 Series 1984 and 1986A lease-purchase agreements and shall not

1 act to the detriment of the bondholders nor decrease the
2 quality of the bonds. The department shall provide for the
3 cost of operations and maintenance expenses and for the
4 replacement of future Broward County gasoline tax funds
5 pledged for the payment of principal and interest on such
6 bonds. The department shall repay, to the extent possible,
7 Broward County gasoline tax funds used since July 6, 1988, for
8 debt service on such bonds. For the purpose of calculating
9 the economic feasibility of this project, the department is
10 authorized to exclude operations and maintenance expenses
11 accumulated between July 6, 1988, and the date of the
12 agreement. Upon performance of all terms of the agreement
13 between the parties, the Sawgrass Expressway will become a
14 part of the turnpike system.

15 ~~(4)(5)~~ No bonds shall be issued to fund a turnpike
16 project until the department has made a final determination
17 that the project is economically feasible in accordance with
18 s. 338.221, based on the most current information available.

19 Section 17. Section 338.2276, Florida Statutes, is
20 amended to read:

21 338.2276 Western Beltway turnpike project;
22 financing.--Upon a determination of economic feasibility, as
23 defined in s. 338.221(8), for part C of the Western Beltway
24 turnpike project, which part extends from Florida's Turnpike
25 near Ocoee in Orange County southerly through Orange and
26 Osceola Counties to an interchange with I-4 near the
27 Osceola/Polk County line ~~as described in s. 338.2275, or any~~
28 ~~segment thereof~~, the Department of Transportation shall
29 include a request for the issuance of turnpike revenue bonds
30 to construct the project as part of its next legislative
31 budget request and tentative work program. In the event that

1 funding is insufficient to construct part C ~~the Western~~
2 ~~Beltway project, or any segment thereof~~, it is the intent of
3 the Legislature that such project be given priority as a
4 project financed from subsequent issuances of turnpike revenue
5 bonds approved by the Legislature; provided that such priority
6 consideration shall be contingent on the project meeting all
7 economic feasibility requirements, and being financed without
8 the use of capitalized interest.

9 Section 18. Subsection (6) is added to section
10 338.231, Florida Statutes, to read:

11 338.231 Turnpike tolls, fixing; pledge of tolls and
12 other revenues.--The department shall at all times fix,
13 adjust, charge, and collect such tolls for the use of the
14 turnpike system as are required in order to provide a fund
15 sufficient with other revenues of the turnpike system to pay
16 the cost of maintaining, improving, repairing, and operating
17 such turnpike system; to pay the principal of and interest on
18 all bonds issued to finance or refinance any portion of the
19 turnpike system as the same become due and payable; and to
20 create reserves for all such purposes.

21 (6) The department shall publish any toll rate change
22 proposed for use of an existing toll facility, in the manner
23 provided for in s. 120.54 relating to rulemaking, which will
24 provide for public notice and the opportunity for a public
25 hearing prior to adoption of changes in toll rates. When the
26 department is evaluating a proposed turnpike toll project
27 pursuant to s. 338.223, and has determined that there is a
28 high probability that the project will pass the test of
29 economic feasibility predicated on proposed toll rates, the
30 proposed toll rate planned to be charged when the project is
31 constructed shall be adopted during the planning and project

1 development phase of the project in the manner provided for in
2 s. 120.54, relating to rulemaking, including public notice and
3 the opportunity for a public hearing. For new toll projects,
4 the toll shall be effective upon the opening of the project to
5 traffic.

6 Section 19. Section 339.12, Florida Statutes, 1996
7 Supplement, is amended to read:

8 339.12 Aid and contributions by governmental entities
9 for department projects ~~rights-of-way, construction, or~~
10 ~~maintenance of roads in State Highway System; federal aid.--~~

11 (1) Any governmental entity may aid in any project or
12 project phase included in the adopted work program, ~~including,~~
13 ~~but not limited to, preliminary engineering, design,~~
14 ~~acquisition of rights-of-way, construction, or maintenance of~~
15 ~~any road on the State Highway System,~~ by contributions to the
16 department of cash, bond proceeds, time warrants, or other
17 goods or services of value.

18 (2) The department may accept and receive any such aid
19 and contributions and dispose of and use the same for any
20 project or project phase included in the adopted work program,
21 ~~including, but not limited to, preliminary engineering,~~
22 ~~design, acquisition of rights-of-way, construction, or~~
23 ~~maintenance of such state roads.~~ The Executive Office of the
24 Governor is authorized to amend the department's budget and
25 adopted work program in the appropriate categories to utilize
26 contributions received.

27 (3) In case any such aid or contribution is given or
28 made by any governmental entity, such aid or contribution
29 shall be used by the department only for the project or
30 project phase included in the adopted work program ~~or~~
31 ~~maintenance of such state roads~~ as are designated and agreed

1 upon by the department and the governing body of the
2 governmental entity.

3 (4)(a) Prior to accepting the contribution of road
4 bond proceeds, time warrants, or cash for which reimbursement
5 is sought, the department shall enter into agreements with the
6 governing body of the governmental entity for the project or
7 project phases ~~of the roads and bridges~~ in accordance with
8 specifications agreed upon between the department and the
9 governing body of the governmental entity. The department in
10 no instance is to receive from such governmental entity an
11 amount in excess of the actual cost of the project or project
12 phase ~~of such state roads~~. By specific provision in the
13 written agreement between the department and the governing
14 body of the governmental entity, the department may agree to
15 reimburse the governmental entity for the actual amount of the
16 bond proceeds, time warrants, or cash used on a highway
17 project or project phases ~~in the State Highway System~~ that are
18 not revenue producing and are contained in the department's
19 adopted work program, or any public transportation project
20 contained in the adopted work program. Subject to
21 appropriation of funds by the Legislature, the department may
22 commit state funds for reimbursement of such projects or
23 project phases ~~in the State Highway System~~. Reimbursement to
24 the governmental entity for such a project or project phase
25 must be made from funds appropriated by the Legislature, and
26 reimbursement for the cost of the project or project phase is
27 to begin in the year the project or project phase is scheduled
28 in the work program as of the date of the agreement. Funds
29 advanced pursuant to this section, which were originally
30 designated for transportation purposes and so reimbursed to a
31 county or municipality, shall be used by the county or

1 municipality for any transportation expenditure authorized
2 under s. 336.025(7). Also, cities and counties may receive
3 funds from persons, and reimburse those persons, for the
4 purposes of this section. Such persons may include, but are
5 not limited to, those persons defined in s. 607.01402(18) ~~s.~~
6 ~~607.108(1)(1)~~.

7 (b) Prior to entering an agreement to advance a
8 project or project phase pursuant to this subsection and
9 subsection (5), the department shall first update the
10 estimated cost of the project or project phase and certify
11 that the estimate is accurate and consistent with the amount
12 estimated in the adopted work program. If the original
13 estimate and the updated estimate vary, the department shall
14 amend the adopted work program according to the amendatory
15 procedures for the work program set forth in s. 339.135(7).
16 The amendment shall reflect all corresponding increases and
17 decreases to the affected projects within the adopted work
18 program.

19 (c) The department is authorized to enter into
20 agreements under this subsection for a project or project
21 phase not included in the adopted work program. For purposes
22 of this paragraph, "project phase" is defined as acquisition
23 of rights-of-way, construction, construction inspection, and
24 related support phases. The project or project phase must be
25 a high priority of the governmental entity. Reimbursement for
26 a project or project phase must be made from funds
27 appropriated by the Legislature pursuant to s. 339.135(5). All
28 other provisions of this subsection apply to agreements
29 entered into under this paragraph. At no time shall the total
30 amount of project agreements for projects or project phases
31 not included in the adopted work program exceed \$50 million.

1 (5) The department and the governing body of a
2 governmental entity may enter into an agreement by which the
3 governmental entity agrees to perform a highway project or
4 project phase in the department's adopted work program ~~for a~~
5 ~~road in the State Highway System~~ that is not revenue producing
6 or any public transportation project in the adopted work
7 program. By specific provision in the written agreement
8 between the department and the governing body of the
9 governmental entity, the department may agree to reimburse the
10 governmental entity the actual cost ~~of preliminary~~
11 ~~engineering, project design, acquisition of the right-of-way~~
12 ~~necessary for the project, construction engineering~~
13 ~~inspection, or the construction contract~~ for the project or
14 project phase contained in the adopted work program.
15 Reimbursement to the governmental entity for such project or
16 project phases must be made from funds appropriated by the
17 Legislature, and reimbursement for the cost of the project or
18 project phase is to begin in the year the project or project
19 phase is scheduled in the work program as of the date of the
20 agreement.

21 (6) The department may propose and obtain the
22 designation of any project or project phase ~~of the roads and~~
23 ~~bridges~~ to be constructed as a federal-aid project and obtain
24 reimbursement from the United States in accordance with
25 existing regulations. If federal-aid funds are used,
26 governmental entities other than the department are prohibited
27 from performing projects or project phases authorized in
28 subsection (5), unless the entity is qualified and authorized
29 by the Federal Highway Administration to perform the
30 appropriate project phase.

31

1 (7) The federal-aid money obtained under subsection
2 (6) shall first be applied to the completion of the project or
3 project phase ~~roads~~ for which the bonds have been voted, if
4 the money from the bonds is not sufficient therefor; and any
5 residue shall be expended in the acquisition of rights-of-way
6 or the construction of any project or project phase ~~state road~~
7 that the department and the governing body of the governmental
8 entity may agree upon.

9 (8) The financial provisions of any agreement that are
10 made in accordance with the provisions of this section shall
11 be approved by the department comptroller.

12 (9) Notwithstanding any other provision of law, prior
13 to commencement of the project or project phase, governmental
14 entities are authorized to release control of such
15 contributions to the department, pursuant to a written
16 agreement between the governmental entity and the department.

17 Section 20. Paragraph (b) of subsection (2) of section
18 339.175, Florida Statutes, 1996 Supplement, is amended to
19 read:

20 339.175 Metropolitan planning organization.--It is the
21 intent of the Legislature to encourage and promote the
22 development of transportation systems embracing various modes
23 of transportation in a manner that will maximize the mobility
24 of people and goods within and through urbanized areas of this
25 state and minimize, to the maximum extent feasible, and
26 together with applicable regulatory government agencies,
27 transportation-related fuel consumption and air pollution. To
28 accomplish these objectives, metropolitan planning
29 organizations, referred to in this section as M.P.O.'s, shall
30 develop, in cooperation with the state, transportation plans
31 and programs for metropolitan areas. Such plans and programs

1 must provide for the development of transportation facilities
2 that will function as an intermodal transportation system for
3 the metropolitan area. The process for developing such plans
4 and programs shall be continuing, cooperative, and
5 comprehensive, to the degree appropriate, based on the
6 complexity of the transportation problems.

7 (2) VOTING MEMBERSHIP.--

8 (b) Any other provision of this section to the
9 contrary notwithstanding, any county chartered under s. 6(e),
10 Art. VIII of the State Constitution may elect to have its
11 county commission serve as the M.P.O., if the M.P.O.
12 jurisdiction is wholly contained within the county. Any
13 charter county that elects to exercise the provisions of this
14 paragraph shall so notify the Governor in writing. Upon
15 receipt of such notification, the Governor must designate the
16 county commission as the M.P.O. The Governor must appoint
17 four ~~three~~ additional voting members to the M.P.O., one of
18 whom must be an elected official representing a municipality
19 within the county, one of whom must be a person who does not
20 hold elected public office and who resides in the
21 unincorporated portion of the county, one of whom must be an
22 expressway authority member, and one of whom must be a school
23 board member.

24 Section 21. Paragraph (d) of subsection (2) of section
25 348.0003, Florida Statutes, is amended to read:

26 348.0003 Expressway authority; formation;
27 membership.--

28 (2) The governing body of an authority shall consist
29 of not fewer than five nor more than nine voting members. The
30 district secretary of the affected department district shall
31 serve as a nonvoting member of the governing body of each

1 authority located within the district. Each member of the
2 governing body must at all times during his or her term of
3 office be a permanent resident of the county which he or she
4 is appointed to represent.

5 (d) Notwithstanding any provision to the contrary in
6 this subsection, in any county as defined in s. 125.011(1),
7 the governing body of an authority shall consist of up to 13
8 members, and the following provisions of this paragraph shall
9 apply specifically to such authority. Except for the district
10 secretary of the department, the members must be residents of
11 the county. Seven ~~Five~~ voting members shall be appointed by
12 the governing body of the county. At the discretion of the
13 governing body of the county, up to two of the members
14 appointed by the governing body of the county may be elected
15 officials residing in the county. Five ~~Three~~ voting members of
16 the authority shall be appointed by the Governor. One member
17 shall be the district secretary of the department serving in
18 the district that contains such county. This member shall be
19 an ex officio voting member of the authority. If the governing
20 board of an authority includes any member originally appointed
21 by the governing body of the county as a nonvoting member,
22 when the term of such member expires, that member shall be
23 replaced by a member appointed by the Governor until the
24 governing body of the authority is comprised of seven members
25 appointed by the governing body of the county and five members
26 appointed by the Governor.~~The appointment and qualifications~~
27 ~~of the remaining members, who shall be nonvoting members of~~
28 ~~the authority, and the terms of office, and the obligations~~
29 ~~and rights of members of the authority shall be determined by~~
30 ~~resolution of the governing body of the county in a manner~~
31 ~~that is consistent with subsections (3) and (4).~~

1 Section 22. Subsection (7) of section 348.0004,
2 Florida Statutes, 1996 Supplement, is amended to read:

3 348.0004 Purposes and powers.--

4 (7) In any county as defined in s. 125.011(1), an
5 expressway authority may finance or refinance the planning,
6 design, acquisition, construction, extension, rehabilitation,
7 equipping, preservation, maintenance, or improvement of a
8 public transportation facility or transportation facilities
9 owned or operated by such county, an intermodal facility or
10 facilities, multimodal corridor or corridors, including, but
11 not limited to, bicycle facilities or greenways that will
12 improve transportation services within the county, or any
13 programs or projects that will improve the levels of service
14 on an expressway system, subject to approval of the governing
15 body of such county after public hearing.

16 Section 23. Paragraph (g) of subsection (2) of section
17 348.754, Florida Statutes, is amended, and paragraph (n) is
18 added to subsection (2) of said section, to read:

19 348.754 Purposes and powers.--

20 (2) The authority is hereby granted, and shall have
21 and may exercise all powers necessary, appurtenant, convenient
22 or incidental to the carrying out of the aforesaid purposes,
23 including, but without being limited to, the following rights
24 and powers:

25 (g) To borrow money, make and issue negotiable notes,
26 bonds, refunding bonds, and other evidences of indebtedness or
27 obligations, either in temporary or definitive form,
28 hereinafter in this chapter sometimes called "bonds" of the
29 authority, for the purpose of financing all or part of the
30 improvement or extension of the Orlando-Orange County
31 Expressway System, and appurtenant facilities, including all

1 approaches, streets, roads, bridges and avenues of access for
2 said Orlando-Orange County Expressway System and for any other
3 purpose authorized by this part, said bonds to mature in not
4 exceeding 40 years from the date of the issuance thereof, and
5 to secure the payment of such bonds or any part thereof by a
6 pledge of any or all of its revenues, rates, fees, rentals or
7 other charges, including all or any portion of the Orange
8 County gasoline tax funds received by the authority pursuant
9 to the terms of any lease-purchase agreement between the
10 authority and the department; and in general to provide for
11 the security of said bonds and the rights and remedies of the
12 holders thereof. The authority may issue such bonds and other
13 evidence of indebtedness or obligations pursuant to the
14 provisions of the State Bond Act or the authority may issue
15 its own bonds pursuant to the provisions of s. 348.755.

16 Provided, however, that no portion of the Orange County
17 gasoline tax funds shall be pledged for the construction of
18 any project for which a toll is to be charged unless the
19 anticipated tolls are reasonably estimated by the board of
20 county commissioners, at the date of its resolution pledging
21 said funds, to be sufficient to cover the principal and
22 interest of such obligations during the period when said
23 pledge of funds shall be in effect.

24 1. The authority shall reimburse Orange County for any
25 sums expended from said gasoline tax funds used for the
26 payment of such obligations. Any gasoline tax funds so
27 disbursed shall be repaid when the authority deems it
28 practicable, together with interest at the highest rate
29 applicable to any obligations of the authority.

30 2. In the event the authority shall determine to fund
31 or refund any bonds theretofore issued by said authority, or

1 by said commission as aforesaid prior to the maturity thereof,
2 the proceeds of such funding or refunding bonds shall, pending
3 the prior redemption of the bonds to be funded or refunded, be
4 invested in direct obligations of the United States, and it is
5 the express intention of this part that such outstanding bonds
6 may be funded or refunded by the issuance of bonds pursuant to
7 this part.

8 (n) With the consent of the county within whose
9 jurisdiction the following activities occur, the authority
10 shall have the right to construct, operate, and maintain
11 roads, bridges, avenues of access, thoroughfares, and
12 boulevards outside the jurisdictional boundaries of Orange
13 County, together with the right to construct, repair, replace,
14 operate, install, and maintain electronic toll payment systems
15 thereon, with all necessary and incidental powers to
16 accomplish the foregoing.

17 Section 24. Section 348.7544, Florida Statutes, is
18 amended to read:

19 348.7544 Northwest Beltway Part A, construction
20 authorized; financing.--Notwithstanding s. 338.2275, the
21 Orlando-Orange County Expressway Authority is hereby
22 authorized to construct, finance, operate, own, and maintain
23 that portion of the Western Beltway known as the Northwest
24 Beltway Part A, extending from Florida's Turnpike near Ocoee
25 north to U.S. 441 near Apopka, as part of the authority's
26 20-year capital projects plan. This project may be financed
27 with any funds available to the authority for such purpose or
28 revenue bonds issued pursuant to the provisions of s. 348.755
29 or revenue bonds issued by the Division of Bond Finance of the
30 State Board of Administration on behalf of the authority
31

1 pursuant to s. 11, Art. VII of the State Constitution and the
2 State Bond Act, ss. 215.57-215.83.

3 Section 25. Section 348.7545, Florida Statutes, is
4 amended to read:

5 348.7545 Western Beltway Part C, construction
6 authorized; financing.--Notwithstanding s. 338.2275, the
7 Orlando-Orange County Expressway Authority is authorized to
8 exercise its condemnation powers, construct, finance, operate,
9 own, and maintain that portion of the Western Beltway known as
10 the Western Beltway Part C, extending from Florida's Turnpike
11 near Ocoee in Orange County southerly through Orange and
12 Osceola Counties to an interchange with I-4 near the
13 Osceola-Polk County line, as part of the authority's 20-year
14 capital projects plan. This project may be financed with any
15 funds available to the authority for such purpose or revenue
16 bonds issued pursuant to the provisions of s. 348.755 or
17 revenue bonds issued by the Division of Bond Finance of the
18 State Board of Administration on behalf of the authority
19 pursuant to s. 11, Art. VII of the State Constitution and the
20 State Bond Act, ss. 215.57-215.83.

21 Section 26. Section 348.755, Florida Statutes, is
22 amended to read:

23 348.755 Bonds of the authority.--

24 (1) The bonds of the authority may be issued on behalf
25 of the authority as provided by the State Bond Act.

26 (2) Alternatively, the authority may issue its own
27 bonds pursuant to this section in such principal amount as, in
28 the opinion of the authority, is necessary to provide
29 sufficient moneys for achieving its corporate purposes, so
30 long as such bonds do not pledge the full faith and credit of
31 the state.

1 (3)~~(1)~~(a) The bonds of the authority issued pursuant
2 to ~~the provisions of this section part~~, whether on original
3 issuance or on refunding, shall be authorized by resolution of
4 the members thereof and may be either term or serial bonds,
5 shall bear such date or dates, mature at such time or times,
6 not exceeding 40 years from their respective dates, bear
7 interest at such rate or rates, payable semiannually, be in
8 such denominations, be in such form, either coupon or fully
9 registered, shall carry such registration, exchangeability and
10 interchangeability privileges, be payable in such medium of
11 payment and at such place or places, be subject to such terms
12 of redemption and be entitled to such priorities on the
13 revenues, rates, fees, rentals or other charges or receipts of
14 the authority including the Orange County gasoline tax funds
15 received by the authority pursuant to the terms of any
16 lease-purchase agreement between the authority and the
17 department, as such resolution or any resolution subsequent
18 thereto may provide. The bonds shall be executed either by
19 manual or facsimile signature by such officers as the
20 authority shall determine, provided that such bonds shall bear
21 at least one signature which is manually executed thereon, and
22 the coupons attached to such bonds shall bear the facsimile
23 signature or signatures of such officer or officers as shall
24 be designated by the authority and shall have the seal of the
25 authority affixed, imprinted, reproduced or lithographed
26 thereon, all as may be prescribed in such resolution or
27 resolutions.

28 (b) Said bonds shall be sold at public sale in the
29 manner provided by the State Bond Act. However, if the
30 authority, after receipt of a written recommendation from a
31 financial advisor, shall determine, by official action at a

1 public meeting, ~~determine~~ that a negotiated sale of the bonds
2 is in the best interest of the authority, the authority may
3 negotiate for sale of the bonds with the underwriter or
4 underwriters designated by the authority and the Division of
5 Bond Finance of the State Board of Administration in the case
6 of bonds issued pursuant to subsection (1) or the authority in
7 the case of bonds issued pursuant to subsection (2). The
8 authority shall provide a specific finding in a resolution as
9 to the reason requiring the negotiated sale, which resolution
10 shall incorporate and have attached thereto the written
11 recommendation of the financial advisor required by this
12 paragraph. Pending the preparation of definitive bonds,
13 interim certificates may be issued to the purchaser or
14 purchasers of such bonds and may contain such terms and
15 conditions as the authority may determine.

16 (4)(2) Any such resolution or resolutions authorizing
17 any bonds hereunder may contain provisions which shall be part
18 of the contract with the holders of such bonds, as to:

19 (a) The pledging of all or any part of the revenues,
20 rates, fees, rentals (including all or any portion of the
21 Orange County gasoline tax funds received by the authority
22 pursuant to the terms of any lease-purchase agreement between
23 the authority and the department, or any part thereof), or
24 other charges or receipts of the authority, derived by the
25 authority, from the Orlando-Orange County Expressway System.

26 (b) The completion, improvement, operation, extension,
27 maintenance, repair, lease or lease-purchase agreement of said
28 system, and the duties of the authority and others, including
29 the department, with reference thereto.

30
31

1 (c) Limitations on the purposes to which the proceeds
2 of the bonds, then or thereafter to be issued, or of any loan
3 or grant by the United States or the state may be applied.

4 (d) The fixing, charging, establishing and collecting
5 of rates, fees, rentals or other charges for use of the
6 services and facilities of the Orlando-Orange County
7 Expressway System or any part thereof.

8 (e) The setting aside of reserves or sinking funds or
9 repair and replacement funds and the regulation and
10 disposition thereof.

11 (f) Limitations on the issuance of additional bonds.

12 (g) The terms and provisions of any lease-purchase
13 agreement, deed of trust or indenture securing the bonds, or
14 under which the same may be issued.

15 (h) Any other or additional agreements with the
16 holders of the bonds which the authority may deem desirable
17 and proper.

18 (5)~~(3)~~ The authority may employ fiscal agents as
19 provided by this part or the State Board of Administration of
20 Florida may upon request of the authority act as fiscal agent
21 for the authority in the issuance of any bonds which may be
22 issued pursuant to this part, and the State Board of
23 Administration may upon request of the authority take over the
24 management, control, administration, custody and payment of
25 any or all debt services or funds or assets now or hereafter
26 available for any bonds issued pursuant to this part. The
27 authority may enter into any deeds of trust, indentures or
28 other agreements with its fiscal agent, or with any bank or
29 trust company within or without the state, as security for
30 such bonds, and may, under such agreements, sign and pledge
31 all or any of the revenues, rates, fees, rentals or other

1 charges or receipts of the authority, including all or any
2 portion of the Orange County gasoline tax funds received by
3 the authority pursuant to the terms of any lease-purchase
4 agreement between the authority and the department,
5 thereunder. Such deed of trust, indenture or other agreement
6 may contain such provisions as are customary in such
7 instruments, or, as the authority may authorize, including but
8 without limitation, provisions as to:

9 (a) The completion, improvement, operation, extension,
10 maintenance, repair and lease of, or lease-purchase agreement
11 relating to the Orlando-Orange County Expressway System, and
12 the duties of the authority and others including the
13 department, with reference thereto.

14 (b) The application of funds and the safeguarding of
15 funds on hand or on deposit.

16 (c) The rights and remedies of the trustee and the
17 holders of the bonds.

18 (d) The terms and provisions of the bonds or the
19 resolutions authorizing the issuance of same.

20 (6)~~(4)~~ Any of the bonds issued pursuant to this part
21 are, and are hereby declared to be, negotiable instruments,
22 and shall have all the qualities and incidents of negotiable
23 instruments under the law merchant and the negotiable
24 instruments law of the state.

25 (7)~~(5)~~ Notwithstanding any of the provisions of this
26 part, each project, building, or facility which has been
27 financed by the issuance of bonds or other evidence of
28 indebtedness under this part and any refinancing thereof is
29 hereby approved as provided for in s. 11(e), Art. VII of the
30 State Constitution.

31

1 Section 27. Subsection (15) of section 479.16, Florida
2 Statutes, is amended to read:

3 479.16 Signs for which permits are not required.--The
4 following signs are exempt from the requirement that a permit
5 for a sign be obtained under the provisions of this chapter
6 but are required to comply with the provisions of s.
7 479.11(4)-(8):

8 (15) Signs not in excess of 8 square feet placed at a
9 road junction with the State Highway System denoting only the
10 distance or direction of a residence or farm operation, or, in
11 a rural area where a hardship is created because a small
12 business is not visible from the road junction with the State
13 Highway System, one sign not in excess of 16 square feet,
14 denoting only the name of the business and the distance and
15 direction to the business. The small business sign provision
16 of this subsection may not be implemented if the Federal
17 Government notifies the department that implementation will
18 adversely affect the allocation of federal funds to the
19 department.

20 Section 28. Subsection (7) of section 479.261, Florida
21 Statutes, 1996 Supplement, is amended to read:

22 479.261 Logosign program.--

23 (7) The department may adopt rules to establish
24 requirements for qualification and location of logo sign
25 sites, qualification and distance of businesses, permit
26 application and processing, and other criteria necessary to
27 implement this program and to provide for variances when
28 necessary to serve the interest of the traveling public or
29 when required to ensure equitable treatment of program
30 participants. However, the department or its agent may erect
31 logo signs only where spacing requirements allow at least one

1 ~~three~~ logo sign structure ~~structures~~ on the main road, one
2 ~~three~~ logo sign structure ~~structures~~ on the ramp, and all
3 necessary traffic control signs for each direction of travel.
4 Section 29. Effective October 1, 1997, section 784.07,
5 Florida Statutes, 1996 Supplement, is amended to read:
6 784.07 Assault or battery of law enforcement officers,
7 firefighters, emergency medical care providers, public transit
8 employees or agents, or other specified officers;
9 reclassification of offenses; minimum sentences.--
10 (1) As used in this section, the term:
11 (a) "Law enforcement officer" includes a law
12 enforcement officer, a correctional officer, a correctional
13 probation officer, a part-time law enforcement officer, a
14 part-time correctional officer, an auxiliary law enforcement
15 officer, and an auxiliary correctional officer, as those terms
16 are respectively defined in s. 943.10, and any county
17 probation officer; employee or agent of the Department of
18 Corrections who supervises or provides services to inmates;
19 officer of the Parole Commission; and law enforcement
20 personnel of the Game and Fresh Water Fish Commission, the
21 Department of Environmental Protection, or the Department of
22 Law Enforcement.
23 (b) "Firefighter" means any person employed by any
24 public employer of this state whose duty it is to extinguish
25 fires; to protect life or property; or to enforce municipal,
26 county, and state fire prevention codes, as well as any law
27 pertaining to the prevention and control of fires.
28 (c) "Emergency medical care provider" means an
29 ambulance driver, emergency medical technician, paramedic,
30 registered nurse, physician as defined in s. 401.23, medical
31

1 director as defined in s. 401.23, or any person authorized by
2 an emergency medical service licensed under chapter 401.

3 (d) "Public transit employees or agents" means bus
4 operators, train operators, revenue collectors, security
5 personnel, equipment maintenance personnel, or field
6 supervisors, who are employees or agents of a transit agency
7 as described in s. 812.015(1)(1).

8 (2) Whenever any person is charged with knowingly
9 committing an assault or battery upon a law enforcement
10 officer, a firefighter, an emergency medical care provider, a
11 traffic accident investigation officer as described in s.
12 316.640, a traffic infraction enforcement officer as described
13 in s. 318.141, a parking enforcement specialist as defined in
14 s. 316.640, or a security officer employed by the board of
15 trustees of a community college, while the officer,
16 firefighter, emergency medical care provider, intake officer,
17 traffic accident investigation officer, traffic infraction
18 enforcement officer, parking enforcement specialist, public
19 transit employee or agent, or security officer is engaged in
20 the lawful performance of his or her duties, the offense for
21 which the person is charged shall be reclassified as follows:

22 (a) In the case of assault, from a misdemeanor of the
23 second degree to a misdemeanor of the first degree.

24 (b) In the case of battery, from a misdemeanor of the
25 first degree to a felony of the third degree.

26 (c) In the case of aggravated assault, from a felony
27 of the third degree to a felony of the second degree.

28 (d) In the case of aggravated battery, from a felony
29 of the second degree to a felony of the first degree.

30
31

1 (3) Any person who is convicted of a battery under
2 paragraph (2)(b) and, during the commission of the offense,
3 such person possessed:

4 (a) A "firearm" or "destructive device" as those terms
5 are defined in s. 790.001, shall be sentenced to a minimum
6 term of imprisonment of 3 years.

7 (b) A semiautomatic firearm and its high-capacity
8 detachable box magazine, as defined in s. 775.087(3), or a
9 machine gun as defined in s. 790.001, shall be sentenced to a
10 minimum term of imprisonment of 8 years.

11

12 Notwithstanding the provisions of s. 948.01, adjudication of
13 guilt or imposition of sentence shall not be suspended,
14 deferred, or withheld, and the defendant is not eligible for
15 statutory gain-time under s. 944.275 or any form of
16 discretionary early release, other than pardon or executive
17 clemency, or conditional medical release under s. 947.149,
18 prior to serving the minimum sentence.

19 Section 30. Effective October 1, 1997, section
20 812.015, Florida Statutes, 1996 Supplement, is amended to
21 read:

22 812.015 Retail and farm theft; transit fare evasion;
23 mandatory fine; alternative punishment; detention and arrest;
24 exemption from liability for false arrest; resisting arrest;
25 penalties.--

26 (1) As used in this section:

27 (a) "Merchandise" means any personal property, capable
28 of manual delivery, displayed, held, or offered for retail
29 sale by a merchant.

30 (b) "Merchant" means an owner or operator, or the
31 agent, consignee, employee, lessee, or officer of an owner or

1 operator, of any premises or apparatus used for retail
2 purchase or sale of any merchandise.

3 (c) "Value of merchandise" means the sale price of the
4 merchandise at the time it was stolen or otherwise removed,
5 depriving the owner of his lawful right to ownership and sale
6 of said item.

7 (d) "Retail theft" means the taking possession of or
8 carrying away of merchandise, money, or negotiable documents;
9 altering or removing a label or price tag; transferring
10 merchandise from one container to another; or removing a
11 shopping cart, with intent to deprive the merchant of
12 possession, use, benefit, or full retail value.

13 (e) "Farm produce" means livestock or any item grown,
14 produced, or manufactured by a person owning, renting, or
15 leasing land for the purpose of growing, producing, or
16 manufacturing items for sale or personal use, either part time
17 or full time.

18 (f) "Farmer" means a person who is engaging in the
19 growing or producing of farm produce, milk products, eggs, or
20 meat, either part time or full time, for personal consumption
21 or for sale and who is the owner or lessee of the land or a
22 person designated in writing by the owner or lessee to act as
23 his agent. No person defined as a farm labor contractor
24 pursuant to s. 450.28 shall be designated to act as an agent
25 for purposes of this section.

26 (g) "Farm theft" means the unlawful taking possession
27 of any items that are grown or produced on land owned, rented,
28 or leased by another person.

29 (h) "Antishoplifting or inventory control device"
30 means a mechanism or other device designed and operated for
31 the purpose of detecting the removal from a mercantile

1 establishment or similar enclosure, or from a protected area
2 within such an enclosure, of specially marked or tagged
3 merchandise.

4 (i) "Antishoplifting or inventory control device
5 countermeasure" means any item or device which is designed,
6 manufactured, modified, or altered to defeat any
7 antishoplifting or inventory control device.

8 (j) "Transit fare evasion" means the unlawful refusal
9 to pay the appropriate fare for transportation upon a mass
10 transit vehicle, or to evade the payment of such fare, or to
11 enter any mass transit vehicle or facility by any door,
12 passageway, or gate, except as provided for the entry of fare
13 paying passengers, and shall constitute petit theft as
14 proscribed by this chapter.

15 (k) "Mass transit vehicle" means buses, rail cars, or
16 fixed-guideway mover systems operated by, or under contract
17 to, state agencies, political subdivisions of the state, or
18 municipalities for the transportation of fare paying
19 passengers.

20 (l) "Transit agency" means any state agency, political
21 subdivision of the state, or municipality which operates mass
22 transit vehicles.

23 (m) "Trespass" means the violation as described in s.
24 810.08.

25 (2) Upon a second or subsequent conviction for petit
26 theft from a merchant, or farmer, or transit agency, the
27 offender shall be punished as provided in s. 812.014(3),
28 except that the court shall impose a fine of not less than \$50
29 or more than \$1,000. However, in lieu of such fine, the court
30 may require the offender to perform public services designated
31 by the court. In no event shall any such offender be required

1 to perform fewer than the number of hours of public service
2 necessary to satisfy the fine assessed by the court, as
3 provided by this subsection, at the minimum wage prevailing in
4 the state at the time of sentencing.

5 (3)(a) A law enforcement officer, a merchant, ~~or~~ a
6 farmer, or a transit agency's employee or agent, who has
7 probable cause to believe that a retail theft, farm theft, a
8 transit fare evasion, or trespass, or unlawful use or
9 attempted use of any antishoplifting or inventory control
10 device countermeasure, has been committed by a person and, in
11 the case of retail or farm theft, that the property can be
12 recovered by taking the offender into custody may, for the
13 purpose of attempting to effect such recovery or for
14 prosecution, take the offender into custody and detain the
15 offender in a reasonable manner for a reasonable length of
16 time. In the case of a farmer, taking into custody shall be
17 effectuated only on property owned or leased by the farmer.
18 In the event the merchant, merchant's employee, ~~or~~ farmer, or
19 a transit agency's employee or agent takes the person into
20 custody, a law enforcement officer shall be called to the
21 scene immediately after the person has been taken into
22 custody.

23 (b) The activation of an antishoplifting or inventory
24 control device as a result of a person exiting an
25 establishment or a protected area within an establishment
26 shall constitute reasonable cause for the detention of the
27 person so exiting by the owner or operator of the
28 establishment or by an agent or employee of the owner or
29 operator, provided sufficient notice has been posted to advise
30 the patrons that such a device is being utilized. Each such
31 detention shall be made only in a reasonable manner and only

1 for a reasonable period of time sufficient for any inquiry
2 into the circumstances surrounding the activation of the
3 device.

4 (c) The taking into custody and detention by a law
5 enforcement officer, merchant, merchant's employee, ~~or~~ farmer,
6 or a transit agency's employee or agent, if done in compliance
7 with all the requirements of this subsection, shall not render
8 such law enforcement officer, merchant, merchant's employee,
9 ~~or~~ farmer, or a transit agency's employee or agent, criminally
10 or civilly liable for false arrest, false imprisonment, or
11 unlawful detention.

12 (4) Any law enforcement officer may arrest, either on
13 or off the premises and without warrant, any person the
14 officer has probable cause to believe unlawfully possesses, or
15 is unlawfully using or attempting to use or has used or
16 attempted to use, any antishoplifting or inventory control
17 device countermeasure or has committed theft in a retail or
18 wholesale establishment or on commercial or private farm lands
19 of a farmer or transit fare evasion or trespass.

20 (5) A merchant, merchant's employee, ~~or~~ farmer, or a
21 transit agency's employee or agent who takes a person into
22 custody, as provided in subsection (3), or who causes an
23 arrest, as provided in subsection (4), of a person for retail
24 theft, ~~or~~ farm theft, transit fare evasion, or trespass shall
25 not be criminally or civilly liable for false arrest or false
26 imprisonment when the merchant, merchant's employee, ~~or~~
27 farmer, or a transit agency's employee or agent has probable
28 cause to believe that the person committed retail theft, ~~or~~
29 farm theft, transit fare evasion, or trespass.

30 (6) An individual who, while committing or after
31 committing theft of property, transit fare evasion, or

1 trespass,resists the reasonable effort of a law enforcement
2 officer, merchant, merchant's employee, ~~or~~ farmer, or a
3 transit agency's employee or agent to recover the property or
4 cause the individual to pay the proper transit fare or vacate
5 the transit facility which the law enforcement officer,
6 merchant, merchant's employee, ~~or~~ farmer, or a transit
7 agency's employee or agent had probable cause to believe the
8 individual had concealed or removed from its place of display
9 or elsewhere or perpetrated a transit fare evasion or trespass
10 commits a misdemeanor of the first degree, punishable as
11 provided in s. 775.082 or s. 775.083, unless the individual
12 did not know, or did not have reason to know, that the person
13 seeking to recover the property was a law enforcement officer,
14 merchant, merchant's employee, ~~or~~ farmer, or a transit
15 agency's employee or agent. For purposes of this section the
16 charge of theft and the charge of resisting may be tried
17 concurrently.

18 (7) It is unlawful to possess, or use or attempt to
19 use, any antishoplifting or inventory control device
20 countermeasure within any premises used for the retail
21 purchase or sale of any merchandise. Any person who possesses
22 any antishoplifting or inventory control device countermeasure
23 within any premises used for the retail purchase or sale of
24 any merchandise commits a misdemeanor of the first degree,
25 punishable as provided in s. 775.082 or s. 775.083. Any
26 person who uses or attempts to use any antishoplifting or
27 inventory control device countermeasure within any premises
28 used for the retail purchase or sale of any merchandise
29 commits a felony of the third degree, punishable as provided
30 in s. 775.082, s. 775.083, or s. 775.084.

31

1 Section 31. Section 339.121, Florida Statutes, is
2 hereby repealed.
3 Section 32. Except as otherwise provided herein, this
4 act shall take effect upon becoming a law.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31