

hbd844-27

Bill No. CS for SB 844, 2nd Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Fuller offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

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

(4)(a) The operations of the department shall be organized into eight districts, including a turnpike district, each headed by a district secretary. The district secretaries shall report to the Assistant Secretary for District Operations. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, Hillsborough, and Leon Counties. The turnpike district must be relocated to Sumter ~~Orange~~ County in the year 2000. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for

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1 maximum decentralization to the districts. However, before
2 making a decision to centralize or decentralize department
3 operations or relocate the turnpike district, the department
4 must first determine if the decision would be cost-effective
5 and in the public's best interest. The department shall
6 periodically evaluate such decisions to ensure that they are
7 appropriate.

8 Section 2. Section 206.606, Florida Statutes, is
9 amended to read:

10 206.606 Distribution of certain proceeds.--

11 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
12 206.87(1)(e) shall be deposited in the Fuel Tax Collection
13 Trust Fund created by s. 206.875. Such moneys, exclusive of
14 the service charges imposed by s. 215.20, and exclusive of
15 refunds granted pursuant to s. 206.41, shall be distributed
16 monthly to the State Transportation Trust Fund, except that:

17 (a) \$7.55 million shall be transferred to the
18 Department of Environmental Protection in each fiscal year.
19 The transfers must be made in equal monthly amounts beginning
20 on July 1 of each fiscal year. \$1.25 million of the amount
21 transferred shall be deposited annually in the Marine
22 Resources Conservation Trust Fund and must be used by the
23 department to fund special projects to provide recreational
24 channel marking, public launching facilities, and other
25 boating-related activities. The department shall annually
26 determine where unmet needs exist for boating-related
27 activities, and may fund such activities in counties where,
28 due to the number of vessel registrations, insufficient
29 financial resources are available to meet total water resource
30 needs. The remaining proceeds of the annual transfer shall be
31 deposited in the Aquatic Plant Control Trust Fund and must be

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1 used for aquatic plant management, including nonchemical
2 control of aquatic weeds, research into nonchemical controls,
3 and enforcement activities. Beginning in fiscal year
4 1993-1994, the department shall allocate at least \$1 million
5 of such funds to the eradication of melaleuca.

6 (b) \$1.25 million shall be transferred to the State
7 Game Trust Fund in the Game and Fresh Water Fish Commission in
8 each fiscal year. The transfers must be made in equal monthly
9 amounts beginning on July 1 of each fiscal year, and must be
10 used for recreational boating activities of a type consistent
11 with projects eligible for funding under the Florida Boating
12 Improvement Program administered by the Department of
13 Environmental Protection, and freshwater fisheries management
14 and research.

15 ~~(c) \$1.5 million per year shall be transferred to the~~
16 ~~Board of Regents and shall be spent solely for purposes of s.~~
17 ~~334.065.~~

18 (2) Not less than 10 percent of the moneys deposited
19 in the State Transportation Trust Fund pursuant to this
20 section shall be allocated by the Department of Transportation
21 for public transit and rail capital projects, including
22 service development projects, as defined in s. 341.031(7) and
23 (8), unless otherwise provided in the General Appropriations
24 Act.

25 Section 3. Effective July 1, 2000, subsection (1) of
26 section 206.606, Florida Statutes, as amended by chapter
27 96-321, Laws of Florida, is amended to read:

28 206.606 Distribution of certain proceeds.--

29 ~~(1)~~ Moneys collected pursuant to ss. 206.41(1)(g) and
30 206.87(1)(e) shall be deposited in the Fuel Tax Collection
31 Trust Fund. Such moneys, after deducting the service charges

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1 imposed by s. 215.20, the refunds granted pursuant to s.
2 206.41, and the administrative costs incurred by the
3 department in collecting, administering, enforcing, and
4 distributing the tax, which administrative costs may not
5 exceed 2 percent of collections, shall be distributed monthly
6 to the State Transportation Trust Fund, except that:
7 ~~(a) \$7.55 million shall be transferred to the~~
8 ~~Department of Environmental Protection in each fiscal year.~~
9 ~~The transfers must be made in equal monthly amounts beginning~~
10 ~~on July 1 of each fiscal year. \$1.25 million of the amount~~
11 ~~transferred shall be deposited annually in the Marine~~
12 ~~Resources Conservation Trust Fund and must be used by the~~
13 ~~department to fund special projects to provide recreational~~
14 ~~channel marking, public launching facilities, and other~~
15 ~~boating-related activities. The department shall annually~~
16 ~~determine where unmet needs exist for boating-related~~
17 ~~activities, and may fund such activities in counties where,~~
18 ~~due to the number of vessel registrations, insufficient~~
19 ~~financial resources are available to meet total water resource~~
20 ~~needs. The remaining proceeds of the annual transfer shall be~~
21 ~~deposited in the Aquatic Plant Control Trust Fund and must be~~
22 ~~used for aquatic plant management, including nonchemical~~
23 ~~control of aquatic weeds, research into nonchemical controls,~~
24 ~~and enforcement activities. Beginning in fiscal year~~
25 ~~1993-1994, the department shall allocate at least \$1 million~~
26 ~~of such funds to the eradication of melaleuca.~~
27 (b) \$1.25 million shall be transferred to the State
28 Game Trust Fund in the Game and Fresh Water Fish Commission in
29 each fiscal year. The transfers must be made in equal monthly
30 amounts beginning on July 1 of each fiscal year, and must be
31 used for recreational boating activities of a type consistent

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1 with projects eligible for funding under the Florida Boating
2 Improvement Program administered by the Department of
3 Environmental Protection, and freshwater fisheries management
4 and research.

5 ~~(c) \$1.5 million per year shall be transferred to the~~
6 ~~Board of Regents and shall be spent solely for purposes of s.~~
7 ~~334.065.~~

8 Section 4. Effective July 1, 1998, paragraph (d) of
9 subsection (2) of section 212.055, Florida Statutes, is
10 amended to read:

11 212.055 Discretionary sales surtaxes; legislative
12 intent; authorization and use of proceeds.--It is the
13 legislative intent that any authorization for imposition of a
14 discretionary sales surtax shall be published in the Florida
15 Statutes as a subsection of this section, irrespective of the
16 duration of the levy. Each enactment shall specify the types
17 of counties authorized to levy; the rate or rates which may be
18 imposed; the maximum length of time the surtax may be imposed,
19 if any; the procedure which must be followed to secure voter
20 approval, if required; the purpose for which the proceeds may
21 be expended; and such other requirements as the Legislature
22 may provide. Taxable transactions and administrative
23 procedures shall be as provided in s. 212.054.

24 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

25 (d)1. The proceeds of the surtax authorized by this
26 subsection and any interest accrued thereto shall be expended
27 by the school district or within the county and municipalities
28 within the county, or, in the case of a negotiated joint
29 county agreement, within another county, to finance, plan, and
30 construct infrastructure and to acquire land for public
31 recreation or conservation or protection of natural resources

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1 and to finance the closure of county-owned or municipally
2 owned solid waste landfills that are already closed or are
3 required to close by order of the Department of Environmental
4 Protection. Any use of such proceeds or interest for purposes
5 of landfill closure prior to July 1, 1993, is ratified.
6 Neither the proceeds nor any interest accrued thereto shall be
7 used for operational expenses of any infrastructure, except
8 that any county with a population of less than 50,000 that is
9 required to close a landfill by order of the Department of
10 Environmental Protection may use the proceeds or any interest
11 accrued thereto for long-term maintenance costs associated
12 with landfill closure. Counties, as defined in s. 125.011(1),
13 and charter counties may, in addition, use the proceeds and
14 any interest accrued thereto to retire or service indebtedness
15 incurred for bonds issued prior to July 1, 1987, for
16 infrastructure purposes, and for bonds subsequently issued to
17 refund such bonds. Any use of such proceeds or interest for
18 purposes of retiring or servicing indebtedness incurred for
19 such refunding bonds prior to July 1, 1998, is ratified.

20 2. For the purposes of this paragraph,
21 "infrastructure" means:

22 a. Any fixed capital expenditure or fixed capital
23 outlay associated with the construction, reconstruction, or
24 improvement of public facilities which have a life expectancy
25 of 5 or more years and any land acquisition, land improvement,
26 design, and engineering costs related thereto.

27 b. A fire department vehicle, an emergency medical
28 service vehicle, a sheriff's office vehicle, a police
29 department vehicle, or any other vehicle, and such equipment
30 necessary to outfit the vehicle for its official use or
31 equipment that has a life expectancy of at least 5 years.

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1 Section 5. Section 335.166, Florida Statutes, is
2 renumbered as section 228.125, Florida Statutes, and amended
3 to read:

4 228.125 335.166 Welcome Centers Office.--

5 (1) Effective July 1, 1999, responsibility for tThe
6 Welcome Centers Office staff is assigned to the Florida
7 Commission on Tourism which shall contract with its
8 direct-support organization to employ all welcome center
9 staff, who shall no longer be state employees after June 30,
10 1999. All welcome center staff shall be offered employment
11 with the direct-support organization at the same salary they
12 received at the Department of Transportation, but with the
13 benefits provided by the direct-support organization to its
14 employees.

15 (2) The Florida Commission on Tourism shall provide
16 direction for the administration of the Welcome Centers Office
17 and direction for the operation of the welcome
18 centers. ~~Funding for the office shall be solely from the~~
19 ~~rental car surcharge provided to the Tourism Promotional Trust~~
20 ~~Fund pursuant to s. 212.0606(2), through a nonoperating~~
21 ~~transfer to the State Transportation Trust Fund or contract~~
22 ~~with the commission or the commission's direct support~~
23 ~~organization.~~

24 Section 6. The Florida Transportation Commission shall
25 review the role and effectiveness in meeting the state's
26 transportation needs of all state toll road agencies created
27 pursuant to chapter 348, Florida Statutes, and the Turnpike
28 District of the Florida Department of Transportation. As part
29 of its review, the commission shall identify current and
30 planned activities of existing state toll road agencies and
31 shall make findings as to each agency's present and planned

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1 contributions to increasing the capacity and
 2 interconnectedness of the state highway network. The study may
 3 also include an evaluation of the effectiveness and efficiency
 4 of the processes used in all phases of project development and
 5 toll road management. The study may also include an analysis
 6 of the ability of the agencies to forge partnerships with all
 7 levels of government and the private sector and the benefits,
 8 if any, of such partnerships. The commission shall report its
 9 findings and recommendations to the President of the Senate,
 10 the Speaker of the House of Representatives and the Governor
 11 on or before October 1, 1999. In developing its report, the
 12 commission shall hold at least three public hearings in areas
 13 of the state currently served by an agency identified in this
 14 section.

15 Section 7. Section 334.065, Florida Statutes, is
 16 renumbered as section 240.80, Florida Statutes, and amended to
 17 read:

18 240.80 ~~334.065~~ Center for Urban Transportation
 19 Research.--

20 (1) There is established at the University of South
 21 Florida the Florida Center for Urban Transportation Research,
 22 to be administered by the Board of Regents and the State
 23 University System. The responsibilities of the center
 24 include, but are not limited to, conducting and facilitating
 25 research on issues related to urban transportation problems in
 26 this state and serving as an information exchange and
 27 depository for the most current information pertaining to
 28 urban transportation and related issues.

29 (2) The center shall be a continuing resource for the
 30 Legislature, the Department of Transportation, local
 31 governments, the nation's metropolitan regions, and the

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1 private sector in the area of urban transportation and related
2 research and shall generate support in addition to any its
3 state-funded ~~base of support provided by s. 206.606~~. The
4 center shall promote intercampus transportation and related
5 research activities among Florida's universities in order to
6 enhance the ability of these universities to attract federal
7 and private sector funding for transportation and related
8 research.

9 (3) An advisory board shall be created to periodically
10 and objectively review and advise the center concerning its
11 research program. ~~Except for projects mandated by law,~~
12 ~~state-funded base projects shall not be undertaken without~~
13 ~~approval of the advisory board. The membership of the board~~
14 ~~shall consist of nine experts in transportation-related areas,~~
15 ~~including the secretaries of the Florida Departments of~~
16 ~~Transportation, Community Affairs, and Environmental~~
17 ~~Protection, or their designees, and a member of the Florida~~
18 ~~Transportation Commission.~~The nomination of the remaining
19 members of the board shall be made to the President of the
20 University of South Florida by the College of Engineering at
21 the University of South Florida, and the appointment of these
22 members must be reviewed ~~and approved by the Florida~~
23 ~~Transportation Commission~~ and confirmed by the Board of
24 Regents.

25 (4) The center shall develop a budget pursuant to
26 chapter 216. This budget shall be submitted to the Governor
27 along with the budget of the Board of Regents.

28 Section 8. Subsection (82) is added to section
29 316.003, Florida Statutes, to read:

30 316.003 Definitions.--The following words and phrases,
31 when used in this chapter, shall have the meanings

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1 respectively ascribed to them in this section, except where
2 the context otherwise requires:

3 (82) "Neighborhood vehicle" means a type of golf cart
4 that is a self-propelled, electrically powered motor vehicle,
5 which is emission free, designed to be and is operated at
6 speeds of 25 miles per hour or less, has at least four wheels
7 in contact with the ground, has an unloaded weight of less
8 than 1,800 pounds, and is equipped with efficient brakes,
9 headlights, brake lights, turn signals, windshield, rearview
10 mirrors, and safety belts.

11 Section 9. Section 316.063, Florida Statutes, is
12 amended to read:

13 316.063 Duty upon damaging unattended vehicle or other
14 property.--

15 (1) The driver of any vehicle which collides with, or
16 is involved in a crash ~~an accident~~ with, any vehicle or other
17 property which is unattended, resulting in any damage to such
18 other vehicle or property, shall immediately stop and shall
19 then and there either locate and notify the operator or owner
20 of the vehicle or other property of the driver's name and
21 address and the registration number of the vehicle he or she
22 is driving, or shall attach securely in a conspicuous place in
23 or on the vehicle or other property a written notice giving
24 the driver's name and address and the registration number of
25 the vehicle he or she is driving, and shall without
26 unnecessary delay notify the nearest office of a duly
27 authorized police authority. ~~Every such stop shall be made~~
28 ~~without obstructing traffic more than is necessary. If a~~
29 ~~damaged vehicle is obstructing traffic, the driver shall make~~
30 ~~every reasonable effort to move the vehicle or have it moved~~
31 ~~so as not to obstruct the regular flow of traffic.~~Any person

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1 who fails to comply with this subsection commits a misdemeanor
2 of the second degree, punishable as provided in s. 775.082 or
3 s. 775.083.

4 (2) Every such stop shall be made without obstructing
5 traffic more than is necessary. If a damaged vehicle is
6 obstructing traffic, the driver shall make every reasonable
7 effort to move the vehicle or have it moved so as not to
8 obstruct the regular flow of traffic. A violation of this
9 subsection is a noncriminal traffic infraction, punishable as
10 a nonmoving violation as provided in chapter 318.

11 (3) The law enforcement officer at the scene of a
12 crash ~~an accident~~ required to be reported in accordance with
13 the provisions of subsection (1) or the law enforcement
14 officer receiving a report by a driver as required by
15 subsection (1) shall, if part or any of the property damaged
16 is a fence or other structure used to house or contain
17 livestock, promptly make a reasonable effort to notify the
18 owner, occupant, or agent of this damage.

19 Section 10. Section 316.0815, Florida Statutes, is
20 created to read:

21 316.0815 Duty to yield to public transit vehicles.--

22 (1) The driver of a vehicle shall yield the
23 right-of-way to a publicly owned transit bus traveling in the
24 same direction which has signaled and is reentering the
25 traffic flow.

26 (2) This section does not relieve the driver of a
27 public transit vehicle from the duty to drive with due regard
28 for the safety of all persons using the roadway.

29 Section 11. Subsection (5) is added to section
30 316.091, Florida Statutes, to read:

31 316.091 Limited access facilities; interstate

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1 highways; use restricted.--

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

11 Section 12. Subsection (6) of section 316.1967,
12 Florida Statutes, is amended to read:

13 316.1967 Liability for payment of parking ticket
14 violations and other parking violations.--

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

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

3 Section 13. Section 316.2055, Florida Statutes, is
4 amended to read:

5 316.2055 Motor vehicles, throwing advertising
6 materials in.--It is unlawful for any person on a public
7 street, highway, or sidewalk in the state to throw into, or
8 attempt to throw into, any motor vehicle, or offer, or attempt
9 to offer, to any occupant of any motor vehicle, whether
10 standing or moving, or to place or throw into any motor
11 vehicle any advertising or soliciting materials or to cause or
12 secure any person or persons to do any one of such unlawful
13 acts. A violation of this section is a noncriminal traffic
14 infraction, punishable as a pedestrian violation as provided
15 in chapter 318.

16 Section 14. Section 316.555, Florida Statutes, is
17 amended to read:

18 316.555 Weight, load, speed limits may be lowered;
19 condition precedent.--Anything in this chapter to the contrary
20 notwithstanding, the Department of Transportation with respect
21 to state roads, and local authorities with respect to highways
22 under their jurisdiction, may prescribe, by notice hereinafter
23 provided for, loads and weights and speed limits lower than
24 the limits prescribed in this chapter and other laws, whenever
25 in its or their judgment any road or part thereof or any
26 bridge or culvert shall, by reason of its design,
27 deterioration, rain, or other climatic or natural causes be
28 liable to be damaged or destroyed by motor vehicles, trailers,
29 or semitrailers, if the gross weight or speed limit thereof
30 shall exceed the limits prescribed in said notice. The
31 Department of Transportation or local authority may, by like

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1 notice, regulate or prohibit, in whole or in part, the
2 operation of any specified class or size of motor vehicles,
3 trailers, or semitrailers on any highways or specified parts
4 thereof under its or their jurisdiction, whenever in its or
5 their judgment, such regulation or prohibition is necessary to
6 provide for the public safety and convenience on the highways,
7 or parts thereof, by reason of traffic density, intensive use
8 thereof by the traveling public, or other reasons of public
9 safety and convenience. The notice or the substance thereof
10 shall be posted at conspicuous places at terminals of all
11 intermediate crossroads and road junctions with the section of
12 highway to which the notice shall apply. After any such
13 notice has been posted, the operation of any motor vehicle or
14 combination contrary to its provisions shall constitute a
15 violation of this chapter. An exemption from any locally
16 imposed weight limit shall be granted by a local government to
17 vehicles transporting silvicultural and agricultural products
18 and to equipment used in connection with silvicultural and
19 agricultural site management when a county road offers the
20 only access into and out of the property. This exemption shall
21 not apply to any bridge or other structure which has weight
22 restrictions established for safety reasons. However, no
23 limitation shall be established by any county, municipal, or
24 other local authorities pursuant to the provisions of this
25 section that would interfere with or interrupt traffic as
26 authorized hereunder over state roads, including officially
27 established detours for such highways, including cases where
28 such traffic passes over roads, streets or thoroughfares
29 within the sole jurisdiction of the county, municipal or other
30 local authorities unless such limitations and further
31 restrictions have first been approved by the Department of

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1 Transportation. With respect to county roads, except such as
2 are in use as state road detours, the respective county road
3 authorities shall have full power and authority to further
4 limit the weights of vehicles upon bridges and culverts upon
5 such public notice as they deem sufficient, and existing laws
6 applicable thereto shall not be affected by the terms of this
7 chapter.

8 Section 15. Effective July 1, 1999, subsection (6) is
9 added to section 318.1451, Florida Statutes, to read:

10 318.1451 Driver improvement schools.--

11 (6) The department, courts, clerks of courts,
12 governmental entities, and law enforcement agencies that
13 distribute, provide, or maintain any information or
14 literature, whatsoever, regarding driver improvement schools
15 or course providers, shall only distribute, provide, or
16 maintain a pamphlet that is prepared and distributed by the
17 department which refers all inquiries to the local telephone
18 directory under the heading traffic schools and driving
19 instruction. The pamphlet shall list the benefits provided by
20 statute for completing a driver improvement course and shall
21 not refer to or contain any information, whatsoever, regarding
22 individual driver improvement schools or course providers.

23 Section 16. Subsection (2) of section 318.15, Florida
24 Statutes, is amended to read:

25 318.15 Failure to comply with civil penalty or to
26 appear; penalty.--

27 (2) After suspension of the driver's license and
28 privilege to drive of a person under subsection (1), the
29 license and privilege may not be reinstated until the person
30 complies with all obligations and penalties imposed on him or
31 her under s. 318.18 and presents to a driver license office a

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1 certificate of compliance issued by the court, together with
2 the \$25 nonrefundable service fee imposed under s. 322.29, or
3 pays the aforementioned \$25 service fee to the clerk of the
4 court or a tax collector clearing such suspension. Such
5 person shall also be in compliance with requirements of
6 chapter 322 prior to reinstatement.

7 Section 17. Paragraph (c) of subsection (3) of section
8 318.18, Florida Statutes, is amended to read:

9 318.18 Amount of civil penalties.--The penalties
10 required for a noncriminal disposition pursuant to s. 318.14
11 are as follows:

12 (3)

13 (b) For moving violations involving unlawful speed,
14 the fines are as follows:

16 For speed exceeding the limit by:	Fine:
17 1-9 m.p.h.....	\$ 25
18 10-14 m.p.h.....	\$100
19 15-19 m.p.h.....	\$125
20 20-29 m.p.h.....	\$150
21 30 m.p.h. and above.....	\$250

22
23 (c) A person cited for exceeding the speed limit in a
24 legally posted school zone or a posted construction zone will
25 be assessed a fine double the amount listed in paragraph (b).
26 The fine shall only be doubled for construction zone
27 violations if construction personnel are present or operating
28 equipment on the road or immediately adjacent to the road
29 under construction.

30 Section 18. Subsection (42) is added to section
31 320.01, Florida Statutes, to read:

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1 320.01 Definitions, general.--As used in the Florida
2 Statutes, except as otherwise provided, the term:

3 (42) For purposes of this chapter, "agricultural
4 products" means any food product; any agricultural,
5 horticultural, or livestock product; any raw material used in
6 plant food formulation; or any plant food used to produce food
7 and fiber.

8 Section 19. Paragraph (a) of subsection (1) of section
9 320.04, Florida Statutes, is amended to read:

10 320.04 Registration service charge.--

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

24 Section 20. Subsections (2) and (7) of section
25 320.055, Florida Statutes, are amended to read:

26 320.055 Registration periods; renewal periods.--The
27 following registration periods and renewal periods are
28 established:

29 (2) For a vehicle subject to registration under s.
30 320.08(11), the registration period begins January 1 and ends
31 December 31. For a vehicle subject to this registration

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1 period, the renewal period is the 31-day period prior to
2 expiration beginning January 1.

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

10 Section 21. Section 320.065, Florida Statutes, is
11 repealed.

12 Section 22. Section 320.0657, Florida Statutes, is
13 amended to read:

14 320.0657 Permanent registration; fleet license
15 plates.--

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

23 (2)(a) The owner or lessee of a fleet of motor
24 vehicles shall, upon application in the manner and at the time
25 prescribed and upon approval by the department and payment of
26 the license tax prescribed under s. 320.08(2), (3), (4),
27 (5)(a) and (b), (6)(a), (7), and (8), be issued permanent
28 fleet license plates. All vehicles with a fleet license plate
29 shall have the company's name or logo and unit number
30 displayed so that they are readily identifiable. The
31 provisions of s. 320.0605 do not apply to vehicles registered

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1 in accordance with this section, and no annual validation
2 sticker is required.

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

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

20 (c) In addition to the license tax prescribed by s.
21 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an
22 annual fleet management fee of \$2 shall be charged. A
23 one-time license plate manufacturing fee of \$1.50 shall be
24 charged for plates issued for the established number of
25 vehicles in the fleet. If the size of the fleet is increased,
26 a \$20-per-vehicle issuance fee will be charged to include the
27 license plate manufacturing fee. If the license plate
28 manufacturing cost increases, the department shall increase
29 the license-plate manufacturing fee to recoup its cost. Fees
30 collected shall be deposited into the Highway Safety Operating
31 Trust Fund. Payment of registration license tax and fees

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1 shall be made annually and be evidenced only by the issuance
2 of a single receipt by the department. The provisions of s.
3 320.0605 do not apply to vehicles registered in accordance
4 with this section, and no annual validation sticker is
5 required.

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

21 ~~(2) All recipients of permanent license plates~~
22 ~~authorized by this section shall submit an annual audit as~~
23 ~~prescribed by rule of the department. Such audit shall include~~
24 ~~a percentage of the vehicles registered by each owner or~~
25 ~~lessee, not to exceed 10 percent. The department shall~~
26 ~~randomly select the vehicles to be audited and shall forward a~~
27 ~~listing of said vehicles only to the office of the auditor~~
28 ~~performing the audit. Every attempt shall be made to provide~~
29 ~~for groupings of vehicles based in the same location; however,~~
30 ~~the location shall change from year to year. The audit shall~~
31 ~~be prepared by a certified public accountant licensed under~~

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~~1 chapter 473, at the recipient's expense, and shall be
2 performed to standards prescribed by the department. Such
3 audits shall be delivered to the department on or before
4 February 15 of each calendar year. Any fees or taxes which the
5 audit determines are due the department shall be submitted to
6 the department along with such audit. In addition, any company
7 found to be habitually abusing the privileges afforded by
8 permanent licensure shall forfeit the bond required in
9 subsection (1), and may be required by the department to
10 relinquish all permanent license plates, and not be eligible
11 to continue to participate in the program.~~

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

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

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

29 Section 23. Subsection (5) is added to section
30 320.0715, Florida Statutes, to read:

31 320.0715 International Registration Plan; motor

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1 carrier services; permits; retention of records.--

2 (5) The provisions of this section do not apply to any
3 commercial motor vehicle domiciled in a foreign state that
4 enters this state solely for the purpose of bringing a
5 commercial vehicle in for repairs, or picking up a newly
6 purchased commercial vehicle, so long as the commercial motor
7 vehicle is operated by its owner and is not hauling a load.

8 Section 24. Section 321.045, Florida Statutes, is
9 created to read:

10 321.045 Florida Highway Patrol program
11 objectives.--The mission of the Florida Highway Patrol is to
12 ensure public safety on Florida's State Highway System and to
13 minimize violations of Florida's traffic laws. In order to
14 accomplish this mission, the program objectives of the Florida
15 Highway Patrol are to:

16 (1) Reduce the statewide incidence rate for traffic
17 crashes, injuries, and deaths.

18 (2) Reduce the number of alcohol and drug-related
19 crashes.

20 (3) Reduce the statewide response time to calls for
21 services.

22 (4) Increase compliance with traffic laws.

23 (5) Increase motorist compliance with state motor
24 vehicle and driver's license insurance laws.

25 Section 25. Effective July 1, 1998, paragraph (d) is
26 added to subsection (2) of section 20.18, Florida Statutes,
27 and subsection (7) is added to said section, to read:

28 20.18 Department of Community Affairs.--There is
29 created a Department of Community Affairs.

30 (2) The following units of the Department of Community
31 Affairs are established:

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1 (d) Bureau of Factory-built Housing.
2 (7) The Department of Community Affairs shall be the
3 agency responsible for ensuring that there is adequate
4 affordable housing in this state through the use of
5 factory-built homes, that the federal code on mobile homes is
6 strictly observed by manufacturers, and that the state code
7 for manufactured buildings is an efficient method for
8 providing manufactured buildings to residents of this state.
9 The department shall also be the agency responsible for the
10 installation of mobile homes and manufactured buildings to
11 such an extent that residents of this state are as safe as
12 possible.

13 Section 26. Effective July 1, 1998:

14 (1) All statutory powers, duties, functions, records,
15 personnel, property, and unexpended balances of
16 appropriations, allocations, or other funds of the Bureau of
17 Mobile Home and Recreational Vehicle Construction of the
18 Department of Highway Safety and Motor Vehicles relating to
19 regulation and administration of mobile homes, and all
20 existing authority and actions of the bureau, including, but
21 not limited to, all pending and completed actions on orders
22 and rules, all enforcement matters, and delegations,
23 interagency agreements, and contracts with federal, state,
24 regional, and local governments and private entities relating
25 to regulation and administration of mobile homes, are hereby
26 transferred to the Bureau of Factory-built Housing of the
27 Department of Community Affairs.

28 (2) The Department of Community Affairs and the
29 Department of Highway Safety and Motor Vehicles shall have the
30 authority to enter into interagency agreements with each other
31 concerning any matter affected by the transfer of the Bureau

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1 of Mobile Home and Recreational Vehicle Construction to the
2 Department of Community Affairs to promote the efficient and
3 effective operation of both departments.

4 Section 27. (1) Effective July 1, 1998, the portion
5 of the Mobile Home and Recreational Vehicle Protection Trust
6 Fund created under s. 320.781, Florida Statutes, relating to
7 mobile homes is transferred to the Operating Trust Fund of the
8 Department of Community Affairs to be administered and managed
9 by the Bureau of Factory-built Housing of the Department of
10 Community Affairs pursuant to s. 553.433, Florida Statutes.

11 (2) Effective July 1, 1998, that portion of the
12 Highway Safety Operating Trust Fund, created under s. 318.39,
13 Florida Statutes, and into which fees and penalties relating
14 to mobile home regulation, manufacture, licensure, and
15 installation, are deposited, and all fees and penalties that
16 are deposited into the General Revenue Fund, are transferred
17 to the Operating Trust Fund of the Department of Community
18 Affairs to be administered and managed by the Bureau of
19 Factory-built Housing.

20 Section 28. Effective July 1, 1998, all statutory
21 powers, duties, and functions of the Department of Highway
22 Safety and Motor Vehicles relating to the regulation or
23 licensing of mobile home manufacturers, dealers or installers,
24 are transferred to the Bureau of Factory-built Housing of the
25 Department of Community Affairs.

26 Section 29. Subsection (2) of section 320.8235,
27 Florida Statutes, is amended to read:

28 320.8325 Mobile homes and park trailers; tie-down
29 requirements; ~~minimum~~ installation standards; injunctions;
30 penalty.--

31 (2) The Department of Community Affairs ~~department~~

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1 shall promulgate rules and regulations setting forth ~~minimum~~
2 standards for the manufacture and ~~or~~ installation of
3 manufactured housing installation systems, composed of
4 anchors, buckles, straps, stabilizer plates, and piers or
5 other requirements mandated by a manufacturer's installation
6 manual anchors, tie-downs, over-the-roof ties, or other
7 ~~reliable methods of securing mobile homes or park trailers~~
8 ~~when over-the-roof ties are not suitable due to factors such~~
9 ~~as unreasonable cost, design of the mobile home or park~~
10 ~~trailer, or potential damage to the mobile home or park~~
11 ~~trailer. Such systems devices required under this section,~~
12 ~~when properly installed, shall insure a manufactured home~~
13 ~~remains secured to the ground when subjected to winds equal to~~
14 ~~or less than their HUD code design criteria and shall cause~~
15 ~~the mobile home or park trailer to resist wind overturning and~~
16 ~~sliding. In promulgating such Such rules and regulations, ~~the~~~~
17 ~~Department of Community Affairs may make such discriminations~~
18 ~~regarding mobile home or park trailer tie-down requirements~~
19 ~~shall be reasonably related to the ~~as are reasonable when~~~~
20 ~~factors such as age, and windzone of the manufactured housing.~~
21 ~~location, and practicality of tying down a mobile home or park~~
22 ~~trailer are considered. The Department of Community Affairs~~
23 ~~shall also develop standards for installation and anchoring~~
24 ~~systems for park trailers. Fees and civil penalties collected~~
25 ~~by the Department of Community Affairs pursuant to s. 320.8325~~
26 ~~shall be deposited into a trust fund for the use by the~~
27 ~~Department of Community Affairs for the testing of~~
28 ~~manufactured housing installation systems and their individual~~
29 ~~components to insure that such products being delivered to~~
30 ~~consumers in this state meet the wind design criteria adopted~~
31 ~~by the Department of Community Affairs.~~

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1 Section 30. When mobile homeowners in a mobile home
 2 park obtain evaluations of the wind resistance of their mobile
 3 homes and make improvements in accordance thereto using funds
 4 from the General Appropriations Act pursuant to s. 627.0629,
 5 the applicable local, county, or municipal government may
 6 charge only one building permit or any other applicable fee or
 7 change, not to exceed the usual permit fee or charge that
 8 would have applied to a single mobile homeowner, for the
 9 entire mobile home park in which such evaluations are being
 10 performed.

11 Section 31. Subsection (3) of section 322.1615,
 12 Florida Statutes, is amended to read:

13 322.1615 Learner's driver's license.--

14 (3) A person who holds a learner's driver's license
 15 may operate a vehicle only during daytime ~~daylight~~ hours,
 16 except that the holder of a learner's driver's license may
 17 operate a vehicle during nighttime hours, but no later than 10
 18 p.m., between the hours of 7 p.m. and 10 p.m. 3 months after
 19 the issuance of the learner's driver's license.

20 Section 32. Section 331.304, Florida Statutes, is
 21 amended to read:

22 331.304 Spaceport territory.--The following property
 23 shall constitute spaceport territory:

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

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

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

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

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- 1 ~~(d) Southern boundary--Latitude 28°26' North.~~
- 2 (2) Certain real property located in Gulf County with
- 3 the following boundaries:
- 4 (a) Northern boundary--Latitude 29°40'45" North from
- 5 longitude 85°20' West in a westerly direction to the mean high
- 6 water line of the Gulf of Mexico.
- 7 (b) Eastern boundary--Longitude 85°20' West.
- 8 (c) Western boundary--The mean high water line of the
- 9 shore along the Gulf of Mexico.
- 10 (d) Southern boundary--The mean high water line of the
- 11 shore along the Gulf of Mexico.

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

15 Section 33. Subsection (6) of section 322.28, Florida
 16 Statutes, is amended to read:

17 322.28 Period of suspension or revocation.--

18 (6) No court shall stay the administrative suspension
 19 of a driving privilege under s. 322.2615 or s. 322.2616 shall
 20 ~~be stayed upon a request for~~ during judicial review of the
 21 departmental order that resulted in such suspension and,
 22 ~~except as provided in former s. 322.261,~~ no suspension or
 23 revocation of a driving privilege shall be stayed upon an
 24 appeal of the conviction or order that resulted therein.

25 Section 34. Present subsections (15) through (30) of
 26 section 334.044, Florida Statutes, are renumbered as
 27 subsections (16) through (31), respectively, and a new
 28 subsection (15) is added to that section, to read:

29 334.044 Department; powers and duties.--The department
 30 shall have the following general powers and duties:

31 (15) To regulate and prescribe conditions for the

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1 transfer of stormwater to the state right-of-way as a result
2 of man-made changes to adjacent properties.

3 (a) Such regulation shall be through a permitting
4 process designed to ensure the safety and integrity of the
5 Department of Transportation facilities and to prevent an
6 unreasonable burden on lower properties.

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

23 Section 35. Subsection (15) of section 334.044,
24 Florida Statutes, as created by section 1 of Committee
25 Substitute for Senate Bill 846 as enacted by the Legislature
26 during 1998 Regular Session is repealed.

27 Section 36. Subsection (1) of section 334.0445,
28 Florida Statutes, is amended to read:

29 334.0445 Model career service classification and
30 compensation plan.--

31 (1) Effective July 1, 1994, the Legislature grants to

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1 the Department of Transportation in consultation with the
2 Department of Management Services, the Executive Office of the
3 Governor, legislative appropriations committees, legislative
4 personnel committees, and the affected certified bargaining
5 unions, the authority on a pilot basis to develop and
6 implement a model career service classification and
7 compensation system. Such system shall be developed for use by
8 all state agencies. Authorization for this program will end
9 June 30, 2000 ~~be for 3 fiscal years beginning July 1, 1994,~~
10 ~~and ending June 30, 1997~~; however, the department may elect or
11 be directed by the Legislature to return to the current system
12 at anytime during this period if the model system does not
13 meet the stated goals and objectives.

14 Section 37. Subsection (1) of section 335.0415,
15 Florida Statutes, is amended to read:

16 335.0415 Public road jurisdiction and transfer
17 process.--

18 (1) The jurisdiction of public roads and the
19 responsibility for operation and maintenance within the
20 right-of-way of any road within the state, county, and
21 municipal road system shall be that which existed on June 10,
22 1995 ~~exists on July 1, 1995~~.

23 Section 38. Section 335.165, Florida Statutes, is
24 repealed.

25 Section 39. Paragraph (a) of subsection (8) of section
26 337.11, Florida Statutes, is amended to read:

27 337.11 Contracting authority of department; bids;
28 emergency repairs, supplemental agreements, and change orders;
29 combined design and construction contracts; progress payments;
30 records; requirements of vehicle registration.--

31 (8)(a) The department shall permit the use of written

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1 supplemental agreements and written change orders to any
 2 contract entered into by the department. Any supplemental
 3 agreement shall be reduced to written contract form, ~~approved~~
 4 ~~by the contractor's surety,~~ and executed by the contractor and
 5 the department. Any supplemental agreement modifying any item
 6 in the original contract must be approved by the head of the
 7 department, or his or her designee, and executed by the
 8 appropriate person designated by him or her.

9 Section 40. Section 337.185, Florida Statutes, is
 10 amended to read:

11 337.185 State Arbitration Board.--

12 (1) To facilitate the prompt settlement of claims for
 13 additional compensation arising out of construction contracts
 14 between the department and the various contractors with whom
 15 it transacts business, the Legislature does hereby establish
 16 the State Arbitration Board, referred to in this section as
 17 the "board." For the purpose of this section, "claim" shall
 18 mean the aggregate of all outstanding claims by a party
 19 arising out of a construction contract. Every contractual
 20 claim in an amount up to ~~\$100,000~~ \$250,000 per contract or, at
 21 the claimant's option, up to ~~\$250,000~~ \$500,000 per contract
 22 that cannot be resolved by negotiation between the department
 23 and the contractor shall be arbitrated by the board after
 24 acceptance of the project by the department. As an exception,
 25 either party to the dispute may request that the claim be
 26 submitted to binding private arbitration. A court of law may
 27 not consider the settlement of such a claim until the process
 28 established by this section has been exhausted.

29 (2) The board shall be composed of three members. One
 30 member shall be appointed by the head of the department, and
 31 one member shall be elected by those construction companies

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1 who are under contract with the department. The third member
2 shall be chosen by agreement of the other two members.
3 Whenever the third member has a conflict of interest regarding
4 affiliation with one of the parties, the other two members
5 shall select an alternate member for that hearing. The head of
6 the department may select an alternative or substitute to
7 serve as the department member for any hearing or term. Each
8 member shall serve a 2-year term. The board shall elect a
9 chair, each term, who shall be the administrator of the board
10 and custodian of its records.

11 (3) A hearing may be requested by the department or by
12 a contractor who has a dispute with the department which,
13 under the rules of the board, may be the subject of
14 arbitration. The board shall conduct the hearing within 45
15 days of the request. The party requesting the board's
16 consideration shall give notice of the hearing to each member.
17 If the board finds that a third party is necessary to resolve
18 the dispute, the board may vote to dismiss the claim, which
19 may thereafter be pursued in accordance with the laws of the
20 State of Florida ~~a court of law.~~

21 (4) All members shall be necessary to conduct a
22 meeting. Upon being called into session, the board shall
23 promptly proceed to a determination of the issue or issues in
24 dispute.

25 (5) When a valid contract is in effect defining the
26 rights, duties, and liabilities of the parties with respect to
27 any matter in dispute, the board shall have power only to
28 determine the proper interpretation and application of the
29 contract provisions which are involved. Any investigation
30 made by less than the whole membership of the board shall be
31 by authority of a written directive by the chair, and such

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1 investigation shall be summarized in writing and considered by
2 the board as part of the record of its proceedings.

3 (6) The board shall hand down its order within 60 days
4 after it is called into session. If all three members of the
5 board do not agree, the order of the majority will constitute
6 the order of the board.

7 (7) The members ~~member~~ of the board ~~elected by~~
8 ~~construction companies and the third member of the board~~ may
9 receive compensation for the performance of their duties
10 hereunder, from administrative fees received by the board,
11 except that no employee of the department may receive
12 compensation from the board. The compensation amount shall be
13 determined by the board, but shall not exceed \$125 per hour,
14 up to a maximum of \$1,000~~\$750~~ per day for each member
15 authorized to receive compensation. Nothing in this section
16 shall prevent the member elected by construction companies
17 from being an employee of an association affiliated with the
18 industry, even if the sole responsibility of that member is
19 service on the board. Travel expenses for the industry member
20 may be paid by an industry association, if necessary. The
21 board may allocate funds annually for clerical and other
22 administrative services.

23 (8) The party requesting arbitration shall pay a fee
24 to the board in accordance with a schedule established by it,
25 not to exceed \$500 per claim which is \$25,000 or less, not to
26 exceed \$1,000 per claim which is in excess of \$25,000 but not
27 exceeding \$50,000, not to exceed \$1,500 per claim which is in
28 excess of \$50,000 but not exceeding \$100,000, not to exceed
29 \$2,000 per claim which is in excess of \$100,000 but not
30 exceeding \$200,000, ~~and~~ not to exceed \$3,000~~\$2,500~~ per claim
31 which is in excess of \$200,000 but not exceeding \$300,000

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1 ~~\$250,000, not to exceed \$4,000 per claim which is in excess of~~
 2 ~~\$300,000 but not exceeding \$400,000, and not to exceed \$5,000~~
 3 ~~per claim which is in excess of \$400,000 but not exceeding~~
 4 ~~\$500,000, to cover the cost of administration and compensation~~
 5 ~~of the board.~~

6 (9) The board in its order may apportion the fee set
 7 out in subsection (8), and the cost of recording and preparing
 8 a transcript of the hearing, among the parties in accordance
 9 with the board's finding of liability.

10 Section 41. Subsection (1) of section 337.19, Florida
 11 Statutes, is amended to read:

12 337.19 Suits by and against department; limitation of
 13 actions; forum.--

14 (1) Suits at law and in equity may be brought and
 15 maintained by and against the department on any contract claim
 16 arising from the breach of an express provision or an implied
 17 covenant of a written agreement or a written directive issued
 18 by the department pursuant to the written agreement. In any
 19 such suit, the department and the contractor shall have all of
 20 the same rights, obligations, remedies, and defenses as a
 21 private person under a like contract, except that no liability
 22 may be based on an oral modification of the written contract
 23 or written directive. However, this section shall not be
 24 construed to in any way prohibit the department from limiting
 25 its liability or damages through provisions in its contracts.
 26 Notwithstanding anything to the contrary contained herein, no
 27 employee or agent of the department may be held personally
 28 liable to an extent greater than that under s. 768.28 under
 29 ~~contract for work done; provided, that no suit sounding in~~
 30 ~~tort shall be maintained against the department.~~

31 Section 42. Subsection (1) of section 337.403, Florida

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1 Statutes, is amended to read:

2 337.403 Relocation of utility; expenses.--

3 (1) Any utility heretofore or hereafter placed upon,
4 under, over, or along any public road or publicly owned rail
5 corridor that is found by the authority to be unreasonably
6 interfering in any way with the convenient, safe, or
7 continuous use, or the maintenance, improvement, extension, or
8 expansion, of such public road or publicly owned rail corridor
9 shall, upon 30 days' written notice to the utility or its
10 agent by the authority, be removed or relocated by such
11 utility at its own expense except as provided in paragraphs
12 (a), and (b), and (c).

13 (a) If the relocation of utility facilities, as
14 referred to in s. 111 of the Federal-Aid Highway Act of 1956,
15 Pub. L. No. 627 of the 84th Congress, is necessitated by the
16 construction of a project on the federal-aid interstate
17 system, including extensions thereof within urban areas, and
18 the cost of such project is eligible and approved for
19 reimbursement by the Federal Government to the extent of 90
20 percent or more under the Federal Aid Highway Act, or any
21 amendment thereof, then in that event the utility owning or
22 operating such facilities shall relocate such facilities upon
23 order of the department, and the state shall pay the entire
24 expense properly attributable to such relocation after
25 deducting therefrom any increase in the value of the new
26 facility and any salvage value derived from the old facility.

27 (b) When a joint agreement between the department and
28 the utility is executed for utility improvement, relocation,
29 or removal work to be accomplished as part of a contract for
30 construction of a transportation facility, the department may
31 participate in those utility improvement, relocation, or

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1 removal costs that exceed the department's official estimate
2 of the cost of such work by more than 10 percent. The amount
3 of such participation shall be limited to the difference
4 between the official estimate of all the work in the joint
5 agreement plus 10 percent and the amount awarded for this work
6 in the construction contract for such work. The department may
7 not participate in any utility improvement, relocation, or
8 removal costs that occur as a result of changes or additions
9 during the course of the contract.

10 (c) When an agreement between the department and
11 utility is executed for utility improvement, relocation, or
12 removal work to be accomplished in advance of a contract for
13 construction of a transportation facility, the department may
14 participate in the cost of clearing and grubbing necessary to
15 perform such work.

16 Section 43. Section 338.229, Florida Statutes, is
17 amended to read:

18 338.229 Pledge to bondholders not to restrict certain
19 rights of department.--The state does pledge to, and agree
20 with, the holders of the bonds issued pursuant to ss.
21 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or
22 restrict the rights vested in the department to construct,
23 reconstruct, maintain, and operate any turnpike project as
24 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish
25 and collect such tolls or other charges as may be convenient
26 or necessary to produce sufficient revenues to meet the
27 expenses of maintenance and operation of the turnpike system
28 and to fulfill the terms of any agreements made with the
29 holders of bonds authorized by this act and that the state
30 will not in any way impair the rights or remedies of the
31 holders of such bonds until the bonds, together with interest

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1 on the bonds, are fully paid and discharged. In implementing
 2 this section, the department is specifically authorized to
 3 provide for further restrictions on the sale, transfer, lease,
 4 or other disposition or operation of any portion of the
 5 turnpike system, which reduces the revenue available for
 6 payment to bondholders.

7 Section 44. Subsections (3) and (23) of section
 8 479.01, Florida Statutes, are amended to read:

9 479.01 Definitions.--As used in this chapter, the
 10 term:

11 (3) "Commercial or industrial zone" means a parcel of
 12 land ~~an area within 660 feet of the nearest edge of the~~
 13 ~~right-of-way of the interstate or federal-aid primary system~~
 14 ~~designated predominately for commercial or industrial use~~
 15 ~~under both the future land use map of the comprehensive plan~~
 16 ~~and the land use development regulations adopted pursuant to~~
 17 ~~chapter 163. Where a parcel is located in an area designated~~
 18 ~~for multiple uses on the future land use map of the~~
 19 ~~comprehensive plan, and the land development regulations do~~
 20 ~~not clearly designate the parcel for a specific use, the area~~
 21 ~~will be considered an unzoned commercial or industrial area if~~
 22 ~~it meets the criteria of subsection (23) where a local~~
 23 ~~governmental entity has not enacted a comprehensive plan by~~
 24 ~~local ordinance but has zoning regulations governing the area,~~
 25 ~~the zoning of an area shall determine whether the area is~~
 26 ~~designated predominately for commercial or industrial uses.~~

27 (23)(a) "Unzoned commercial or industrial area" means
 28 a parcel of land designated by the ~~an area within 660 feet of~~
 29 ~~the nearest edge of the right-of-way of the interstate or~~
 30 ~~federal-aid primary system where the land use is not covered~~
 31 ~~by a future land use map of the comprehensive plan for~~

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1 multiple uses, including commercial or industrial uses, but
2 not specifically designated for commercial or industrial uses
3 under the land development regulations or zoning regulation
4 pursuant to subsection (2), in which there are located three
5 or more separate and distinct conforming industrial or
6 commercial activities such that:

7 1. At least one of the commercial or industrial
8 activities is located on the same side of the highway and
9 within 800 feet of the sign location;

10 2. The commercial or industrial activities are within
11 660 feet from the nearest edge of the right-of-way; and

12 3. The commercial or industrial activities are within
13 1,600 feet of each other.

14
15 Distances shall be measured from the nearest outer edge of the
16 primary building or, when the individual units of a building
17 complex are connected by covered walkways, from the nearest
18 outer edge of the primary building complex. ~~uses located~~
19 ~~within a 1,600-foot radius of each other and generally~~
20 ~~recognized as commercial or industrial by zoning authorities~~
21 ~~in this state.~~

22 (b) Certain activities, including, but not limited to,
23 the following, may not be so recognized as commercial or
24 industrial:

25 1. ~~(a)~~ Signs.

26 2. ~~(b)~~ Communication towers.

27 3. ~~(c)~~ Agricultural, forestry, ranching, grazing,
28 farming, and related activities, including, but not limited
29 to, wayside fresh produce stands.

30 4. ~~(d)~~ Transient or temporary activities.

31 5. ~~(e)~~ Activities not visible from the main-traveled

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1 way.

2 ~~6.(e)~~ Activities conducted more than 660 feet from the
3 nearest edge of the right-of-way.

4 ~~7.(f)~~ Activities conducted in a building principally
5 used as a residence.

6 ~~8.(g)~~ Railroad tracks and minor sidings.

7 Section 45. Paragraph (b) of subsection (8) of section
8 479.07, Florida Statutes, is amended to read:

9 479.07 Sign permits.--

10 (8)

11 (b) If a permittee has not submitted his or her fee
12 payment by the expiration date of the licenses or permits, the
13 department shall send a notice of violation to the permittee
14 within 45 days after the expiration date, requiring the
15 payment of the permit fee within 30 days after the date of the
16 notice and payment of a delinquency fee equal to 10 percent of
17 the original amount due or, in the alternative to these
18 payments, requiring the filing of a request for an
19 administrative hearing to show cause why his or her sign
20 should not be subject to immediate removal due to expiration
21 of his or her license or permit. If the permittee submits
22 payment as required by the violation notice, his or her
23 license or permit will be automatically reinstated and such
24 reinstatement will be retroactive to the original expiration
25 date. If the permittee does not respond to the notice of
26 violation within the 30-day period, the department shall,
27 within 30 days, issue a final notice of sign removal and may,
28 following 90 days after the date of the department's final
29 notice of sign removal, remove the sign without incurring any
30 liability as a result of such removal. However, if at any time
31 prior to removal of the sign within 90 days after the date of

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1 ~~the department's final notice of sign removal~~, the permittee
2 demonstrates that a good faith error on the part of the
3 permittee resulted in cancellation or nonrenewal of the
4 permit, the department may reinstate the permit if:

5 ~~1. The sign has not yet been disassembled by the~~
6 ~~permittee;~~

7 ~~2. Conflicting applications have not been filed by~~
8 ~~other persons;~~

9 ~~1.3. A~~ The permit reinstatement fee of up to \$300 is
10 paid, based on the size of the sign;

11 ~~2.4.~~ All other permit renewal and delinquent permit
12 fees due as of the reinstatement date are paid; and

13 ~~3.5.~~ The permittee reimburses the department for all
14 actual costs resulting from the permit cancellation or
15 nonrenewal ~~and sign removal~~.

16
17 Conflicting applications filed by other persons for the same
18 or competing site covered by a permit subject to the
19 provisions of this paragraph shall not be approved until after
20 the sign subject to the expired permit has been removed.

21 Section 46. Subsection (15) of section 479.16, Florida
22 Statutes, is amended to read:

23 479.16 Signs for which permits are not required.--The
24 following signs are exempt from the requirement that a permit
25 for a sign be obtained under the provisions of this chapter
26 but are required to comply with the provisions of s.

27 479.11(4)-(8):

28 (15) Signs not in excess of 16 square feet placed at a
29 road junction with the State Highway System denoting only the
30 distance or direction of a residence or farm operation, or, in
31 a rural area where a hardship is created because a small

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1 business is not visible from the road junction with the State
 2 Highway System, one sign not in excess of 16 ~~8~~ square feet,
 3 denoting only the name of the business and the distance and
 4 direction to the business. The small-business-sign provision
 5 of this subsection does not apply to charter counties and may
 6 not be implemented if the Federal Government notifies the
 7 department that implementation will adversely affect the
 8 allocation of federal funds to the department.

9 Section 47. Subsection (1) of section 14 of chapter
 10 96-423, Laws of Florida, is amended to read:

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

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1 the purpose of carrying into effect a contract or agreement of
2 sale.

3 Section 48. When the Department of Transportation
4 receives federal funds through reauthorization of the Federal
5 Intermodal Surface Transportation Efficiency Act, the
6 department shall expend \$5,000,000 from the State
7 Transportation Trust fund for Orlando Area Metropolitan
8 Planning Organization project No. 5147232, for the
9 construction of an interchange on Interstate 4 at Conroy Road.

10 Section 49. Effective October 1, 1998, subsection (1)
11 of section 832.06, Florida Statutes, is amended to read:

12 832.06 Prosecution for worthless checks given tax
13 collector for licenses or taxes; refunds.--

14 (1) Whenever any person, firm, or corporation violates
15 the provisions of s. 832.05 by drawing, making, uttering,
16 issuing, or delivering to any county tax collector any check,
17 draft, or other written order on any bank or depository for
18 the payment of money or its equivalent for any tag, title,
19 lien, tax (except ad valorem taxes), penalty, or fee relative
20 to a boat, airplane, or motor vehicle; any occupational
21 license, beverage license, or sales or use tax; ~~or~~ any hunting
22 or fishing license; or any driver license or identification
23 card, the county tax collector, after the exercise of due
24 diligence to locate the person, firm, or corporation which
25 drew, made, uttered, issued, or delivered the check, draft, or
26 other written order for the payment of money, or to collect
27 the same by the exercise of due diligence and prudence, shall
28 swear out a complaint in the proper court against the person,
29 firm, or corporation for the issuance of the worthless check
30 or draft. If the state attorney cannot sign the information
31 due to lack of proof, as determined by the state attorney in

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1 good faith, for a prima facie case in court, he or she shall
2 issue a certificate so stating to the tax collector. If
3 payment of the dishonored check, draft, or other written
4 order, together with court costs expended, is not received in
5 full by the county tax collector within 30 days after service
6 of the warrant, 30 days after conviction, or 60 days after the
7 collector swears out the complaint or receives the certificate
8 of the state attorney, whichever is first, the county tax
9 collector shall make a written report to this effect to the
10 Department of Highway Safety and Motor Vehicles relative to
11 airplanes and motor vehicles, to the Department of
12 Environmental Protection relative to boats, to the Department
13 of Revenue relative to occupational licenses and the sales and
14 use tax, to the Division of Alcoholic Beverages and Tobacco of
15 the Department of Business and Professional Regulation
16 relative to beverage licenses, or to the Game and Fresh Water
17 Fish Commission relative to hunting and fishing licenses,
18 containing a statement of the amount remaining unpaid on the
19 worthless check or draft. If the information is not signed,
20 the certificate of the state attorney is issued, and the
21 written report of the amount remaining unpaid is made, the
22 county tax collector may request the sum be forthwith refunded
23 by the appropriate governmental entity, agency, or department.
24 If a warrant has been issued and served, he or she shall
25 certify to that effect, together with the court costs and
26 amount remaining unpaid on the check. The county tax collector
27 may request that the sum of money certified by him or her be
28 forthwith refunded by the Department of Highway Safety and
29 Motor Vehicles, the Department of Environmental Protection,
30 the Department of Revenue, the Division of Alcoholic Beverages
31 and Tobacco of the Department of Business and Professional

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1 Regulation, or the Game and Fresh Water Fish Commission to the
2 county tax collector. Within 30 days after receipt of the
3 request, the Department of Highway Safety and Motor Vehicles,
4 the Department of Environmental Protection, the Department of
5 Revenue, the Division of Alcoholic Beverages and Tobacco of
6 the Department of Business and Professional Regulation, or the
7 Game and Fresh Water Fish Commission, upon being satisfied as
8 to the correctness of the certificate of the tax collector, or
9 the report, shall refund to the county tax collector the sums
10 of money so certified or reported. If any officer of any court
11 issuing the warrant is unable to serve it within 60 days after
12 the issuance and delivery of it to the officer for service,
13 the officer shall make a written return to the county tax
14 collector to this effect. Thereafter, the county tax collector
15 may certify that the warrant has been issued and that service
16 has not been had upon the defendant and further certify the
17 amount of the worthless check or draft and the amount of court
18 costs expended by the county tax collector, and the county tax
19 collector may file the certificate with the Department of
20 Highway Safety and Motor Vehicles relative to motor vehicles
21 and airplanes, with the Department of Environmental Protection
22 relative to boats, with the Department of Revenue relative to
23 occupational licenses and the sales and use tax, with the
24 Division of Alcoholic Beverages and Tobacco of the Department
25 of Business and Professional Regulation relative to beverage
26 licenses, or with the Game and Fresh Water Fish Commission
27 relative to hunting and fishing licenses, together with a
28 request that the sums of money so certified be forthwith
29 refunded by the Department of Highway Safety and Motor
30 Vehicles, the Department of Environmental Protection, the
31 Department of Revenue, the Division of Alcoholic Beverages and

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1 Tobacco of the Department of Business and Professional
2 Regulation, or the Game and Fresh Water Fish Commission to the
3 county tax collector, and within 30 days after receipt of the
4 request, the Department of Highway Safety and Motor Vehicles,
5 the Department of Environmental Protection, the Department of
6 Revenue, the Division of Alcoholic Beverages and Tobacco of
7 the Department of Business and Professional Regulation, or the
8 Game and Fresh Water Fish Commission, upon being satisfied as
9 to the correctness of the certificate, shall refund the sums
10 of money so certified to the county tax collector.

11 Section 50. Paragraph (c) of subsection (3) of section
12 319.23, Florida Statutes, is amended to read:

13 319.23 Application for, and issuance of, certificate
14 of title.--

15 (3) If a certificate of title has not previously been
16 issued for a motor vehicle or mobile home in this state, the
17 application, unless otherwise provided for in this chapter,
18 shall be accompanied by a proper bill of sale or sworn
19 statement of ownership, or a duly certified copy thereof, or
20 by a certificate of title, bill of sale, or other evidence of
21 ownership required by the law of the state or county from
22 which the motor vehicle or mobile home was brought into this
23 state. The application shall also be accompanied by:

24 (c) If the vehicle is an ancient ~~or antique, or~~
25 ~~collectible~~ vehicle as defined in s. 320.086, the application
26 shall be accompanied either by a certificate of title; a
27 notarized bill of sale and a registration; or a notarized bill
28 of sale, an affidavit by the owner defending the title from
29 all claims. The bill of sale must contain a complete vehicle
30 description to include the vehicle identification or engine
31 number, year make, color, selling price, and signatures of the

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1 seller and purchaser.

2

3 Verification of the vehicle identification number shall not be
4 required for any new motor vehicle sold in this state by a
5 licensed motor vehicle dealer; any mobile home; any trailer or
6 semitrailer with a net weight of less than 2,000 pounds; or
7 any travel trailer, camping trailer, truck camper, or
8 fifth-wheel recreation trailer.

9 Section 51. Paragraph (e) of subsection (1), paragraph
10 (a) of subsection (2), and paragraph (e) of subsection (3) of
11 section 320.08, Florida Statutes, are amended to read:

12 320.08 License taxes.--Except as otherwise provided
13 herein, there are hereby levied and imposed annual license
14 taxes for the operation of motor vehicles, mopeds, motorized
15 bicycles as defined in s. 316.003(2), and mobile homes, as
16 defined in s. 320.01, which shall be paid to and collected by
17 the department or its agent upon the registration or renewal
18 of registration of the following:

19 (1) MOTORCYCLES, MOPEDS, MOTORIZED BICYCLES.--

20 (e) An ancient ~~or, antique, or collectible~~ motorcycle:
21 \$10 flat.

22 (2) AUTOMOBILES FOR PRIVATE USE.--

23 (a) An ancient ~~or, antique, or collectible~~ automobile
24 as defined in s. 320.086 or street rod as defined in s.
25 320.0863: \$7.50 flat.

26 (3) TRUCKS.--

27 (e) An ancient ~~or, antique, or collectible~~ truck as
28 defined in s. 320.086: \$7.50 flat.

29 Section 52. Section 320.086, Florida Statutes, is
30 amended to read:

31 320.086 Ancient ~~or, antique, or collectible~~ motor

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1 vehicles; "horseless carriage," antique, ~~collectible~~, or
2 historical license plates.--

3 (1) The owner of a motor vehicle for private use
4 manufactured in 1942 ~~1927~~ or earlier, equipped with an engine
5 manufactured in 1942 ~~1927~~ or earlier or manufactured to the
6 specifications of the original engine, and operated on the
7 streets and highways of this state shall, upon application in
8 the manner and at the time prescribed by the department and
9 upon payment of the license tax for an ancient motor vehicle
10 prescribed by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a
11 special license plate for such motor vehicle. The license
12 plate shall be permanent and valid for use without renewal so
13 long as the vehicle is in existence. In addition to the
14 payment of all other fees required by law, the applicant shall
15 pay such fee for the issuance of the special license plate as
16 may be prescribed by the department commensurate with the cost
17 of its manufacture. The registration numbers and special
18 license plates assigned to such motor vehicles shall run in a
19 separate numerical series, commencing with "Horseless Carriage
20 No. 1," and the plates shall be of a distinguishing color.

21 ~~(2) The owner of a motor vehicle for private use~~
22 ~~manufactured between 1928 and 1945, inclusive, with an engine~~
23 ~~manufactured between 1928 and 1945, inclusive, or manufactured~~
24 ~~to the specifications of the original engine and operated on~~
25 ~~the streets and highways of this state shall, upon application~~
26 ~~in the manner and at the time prescribed by the department and~~
27 ~~upon payment of the license tax prescribed by s. 320.08(1)(e),~~
28 ~~(2)(a), or (3)(e), be issued a special license plate for such~~
29 ~~motor vehicle. In addition to the payment of all other fees~~
30 ~~required by law, the applicant shall pay such fee for the~~
31 ~~issuance of the special license plate as may be prescribed by~~

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1 ~~the department commensurate with the cost of its manufacture.~~
2 ~~The registration numbers and special license plates assigned~~
3 ~~to such motor vehicles shall run in a separate numerical~~
4 ~~series, commencing with "Antique Vehicle No. 1," and the~~
5 ~~plates shall be of a distinguishing color.~~

6 (2)(3)(a) The owner of a motor vehicle for private use
7 manufactured after 1942 and of the age of 30 20 years or more
8 from the date of manufacture, equipped with an engine of the
9 age of 30 20 years or more from the date of manufacture, and
10 operated on the streets and highways of this state may shall,
11 upon application in the manner and at the time prescribed by
12 the department and upon payment of the license tax prescribed
13 by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a special
14 license plate for such motor vehicle. In addition to the
15 payment of all other fees required by law, the applicant shall
16 pay such fee for the issuance of the special license plate as
17 may be prescribed by the department commensurate with the cost
18 of its manufacture. The registration numbers and special
19 license plates assigned to such motor vehicles shall run in a
20 separate numerical series, commencing with "Antique
21 Collectible No. 1," and the plates shall be of a
22 distinguishing color. The owner of such motor vehicle may,
23 upon application and payment of the license tax prescribed by
24 s. 320.08, be issued a regular Florida graphic license plate
25 or specialty license plate in lieu of the special "Antique"
26 license plate.

27 (b) Motor vehicles currently licensed under this
28 section which have been issued a permanent license plate prior
29 to October 1, 1998, shall maintain such plate unless the
30 vehicle is transferred to a new owner. Motor vehicles
31 currently licensed under this section with a "Collectible"

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1 license plate may retain that license plate until the next
2 regularly scheduled replacement.

3 (3) The owner of an ancient or antique firefighting
4 apparatus or other motor vehicle 30 years old or older which
5 is only used in expositions or parades may, upon application
6 in the manner and at the time prescribed by the department and
7 upon payment of the license tax prescribed by s. 320.08(2)(a),
8 be issued a license plate as prescribed in subsection (1) or
9 subsection (2). License plates issued under this subsection
10 shall be permanent and valid for use without renewal as long
11 as the vehicle is in existence and its use is consistent with
12 this subsection.~~Motor vehicles with a model year of~~
13 ~~1928-1960, registered as ancient prior to July 1, 1996, shall~~
14 ~~be grandfathered to maintain a permanent license plate unless~~
15 ~~a vehicle with a model year of 1946-1960 is transferred to a~~
16 ~~new owner. Upon transfer of a vehicle with a model year of~~
17 ~~1946-1960, after July 1, 1996, the vehicle shall be registered~~
18 ~~as a collectible and required to renew annually as prescribed~~
19 ~~by s. 320.08.~~

20 (4) Any person who is the registered owner of a motor
21 vehicle that is at least 20 years old or the registered owner
22 of an ancient ~~or antique, or collectible~~ motor vehicle as
23 defined in this section may apply to the department for
24 permission to use a historical Florida license plate which
25 clearly represents the model year of the vehicle as a
26 personalized prestige license plate. This plate shall be
27 furnished by such person and shall be presented to the
28 department with a reasonable fee to be determined by the
29 department for approval and for authentication that the
30 historic license plate and any applicable decals were issued
31 by this state in the same year as the model year of the car or

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1 truck. The requirements of s. 320.0805(8)(b) do not apply to
2 historical plates authorized under this subsection.

3 Section 53. Funds included in appropriation Item
4 1916C of Chapter 94-357, Laws of Florida, may be used to
5 purchase land at the Florida Highway Patrol station in Cross
6 City, Dixie County.

7 Section 54. In the event additional federal funds are
8 received through reauthorization of the Federal Intermodal
9 Surface Transportation Efficiency Act, the department shall
10 apply \$4.6 million to the Winchester and Englewood Corridor
11 projects, provided such use of transportation funds is
12 endorsed by the Charlotte and Sarasota/Manatee Metropolitan
13 Planning Organization. Prior to receiving any new federal
14 funds, the department shall allocate \$1 million to the
15 Winchester and Englewood Corridor projects as an advance on
16 the \$4.6 million of additional federal funds to be applied to
17 the projects.

18 Section 55. Subsection (69) of section 316.003,
19 Florida Statutes, is reenacted to read:

20 316.003 Definitions.--The following words and phrases,
21 when used in this chapter, shall have the meanings
22 respectively ascribed to them in this section, except where
23 the context otherwise requires:

24 (69) HAZARDOUS MATERIAL.--Any substance or material
25 which has been determined by the secretary of the United
26 States Department of Transportation to be capable of imposing
27 an unreasonable risk to health, safety, and property. This
28 term includes hazardous waste as defined in s. 403.703(21).

29 Section 56. Subsection (6) of section 316.008, Florida
30 Statutes, is amended to read:

31 316.008 Powers of local authorities.--

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1 (6) A county or municipality may enact an ordinance
2 providing for the establishment of a "combat automobile theft"
3 program, and may charge a fee for the administration of the
4 program and the cost of the decal. Such a program shall
5 include:

6 (a) Consent forms for motor vehicle owners who wish to
7 enroll their vehicles.

8 (b) Decals indicating a vehicle's enrollment in the
9 "combat automobile theft" program. The Department of Law
10 Enforcement shall, ~~no later than October 1, 1993,~~ approve the
11 color, design, and other specifications of the program decal.

12 (c) A consent form signed by a motor vehicle owner
13 provides authorization for a law enforcement officer to stop
14 the vehicle when it is being driven between the hours of 1
15 a.m. and 5 a.m., provided that a decal is conspicuously
16 affixed to the bottom left corner of the back window of the
17 vehicle to provide notice of its enrollment in the "combat
18 automobile theft" program. The owner of the motor vehicle is
19 responsible for removing the decal when terminating
20 participation in the program, or when selling or otherwise
21 transferring ownership of the vehicle. No civil liabilities
22 will arise from the actions of a law enforcement officer when
23 stopping a vehicle with a yellow decal evidencing enrollment
24 in the program when the driver is not enrolled in the program
25 provided that the stop is made in accordance with the
26 requirements of the "combat automobile theft" program.

27 Section 57. Section 316.061, Florida Statutes, is
28 amended to read:

29 316.061 Crashes ~~Accidents~~ involving damage to vehicle
30 or property.--

31 (1) The driver of any vehicle involved in a crash ~~an~~

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1 ~~accident~~ resulting only in damage to a vehicle or other
 2 property which is driven or attended by any person shall
 3 immediately stop such vehicle at the scene of such crash
 4 ~~accident~~ or as close thereto as possible, and shall forthwith
 5 return to, and in every event shall remain at, the scene of
 6 the crash ~~accident~~ until he or she has fulfilled the
 7 requirements of s. 316.062. A person who violates this
 8 subsection commits a misdemeanor of the second degree,
 9 punishable as provided in s. 775.082 or s. 775.083. ~~Any person~~
 10 ~~failing to stop or comply with said requirements shall, upon~~
 11 ~~conviction, be punished by a fine of not more than \$500 or by~~
 12 ~~imprisonment for not more than 60 days or by both such fine~~
 13 ~~and imprisonment.~~ Notwithstanding any other provision of this
 14 section, \$5 shall be added to a fine imposed pursuant to this
 15 section, which \$5 shall be deposited in the Emergency Medical
 16 Services Trust Fund.

17 (2) Every stop must be made without obstructing
 18 traffic more than is necessary, and, if a damaged vehicle is
 19 obstructing traffic, the driver of such vehicle must make
 20 every reasonable effort to move the vehicle or have it moved
 21 so as not to block the regular flow of traffic. Any person
 22 failing to comply with this subsection shall be cited for a
 23 nonmoving violation, punishable as provided in chapter 318.

24 Section 58. Section 316.062, Florida Statutes, is
 25 amended to read:

26 316.062 Duty to give information and render aid.--

27 (1) The driver of any vehicle involved in a crash ~~an~~
 28 ~~accident~~ resulting in injury to or death of any person or
 29 damage to any vehicle or other property which is driven or
 30 attended by any person shall give his or her name, address,
 31 and the registration number of the vehicle he or she is

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1 driving, and shall upon request and if available exhibit his
2 or her license or permit to drive, to any person injured in
3 such crash ~~accident~~ or to the driver or occupant of or person
4 attending any vehicle or other property damaged in the crash
5 ~~accident~~ and shall give such information and, upon request,
6 exhibit such license or permit to any police officer at the
7 scene of the crash ~~accident~~ or who is investigating the crash
8 ~~accident~~ and shall render to any person injured in the crash
9 ~~accident~~ reasonable assistance, including the carrying, or the
10 making of arrangements for the carrying, of such person to a
11 physician, surgeon, or hospital for medical or surgical
12 treatment if it is apparent that treatment is necessary, or if
13 such carrying is requested by the injured person.

14 (2) In the event none of the persons specified are in
15 condition to receive the information to which they otherwise
16 would be entitled under subsection (1), and no police officer
17 is present, the driver of any vehicle involved in such crash
18 ~~accident~~, after fulfilling all other requirements of s.
19 316.027 and subsection (1), insofar as possible on his or her
20 part to be performed, shall forthwith report the crash
21 ~~accident~~ to the nearest office of a duly authorized police
22 authority and submit thereto the information specified in
23 subsection (1).

24 (3) The statutory duty of a person to make a report or
25 give information to a law enforcement officer making a written
26 report relating to a crash ~~an accident~~ shall not be construed
27 as extending to information which would violate the privilege
28 of such person against self-incrimination.

29 (4) A violation of this section is a noncriminal
30 traffic infraction, punishable as a nonmoving violation as
31 provided in chapter 318.

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1 Section 59. Section 316.063, Florida Statutes, is
2 amended to read:

3 316.063 Duty upon damaging unattended vehicle or other
4 property.--

5 (1) The driver of any vehicle which collides with, or
6 is involved in a crash ~~an accident~~ with, any vehicle or other
7 property which is unattended, resulting in any damage to such
8 other vehicle or property, shall immediately stop and shall
9 then and there either locate and notify the operator or owner
10 of the vehicle or other property of the driver's name and
11 address and the registration number of the vehicle he or she
12 is driving, or shall attach securely in a conspicuous place in
13 or on the vehicle or other property a written notice giving
14 the driver's name and address and the registration number of
15 the vehicle he or she is driving, and shall without
16 unnecessary delay notify the nearest office of a duly
17 authorized police authority. Every such stop shall be made
18 without obstructing traffic more than is necessary. If a
19 damaged vehicle is obstructing traffic, the driver shall make
20 every reasonable effort to move the vehicle or have it moved
21 so as not to obstruct the regular flow of traffic. Any person
22 who fails to comply with this subsection commits a misdemeanor
23 of the second degree, punishable as provided in s. 775.082 or
24 s. 775.083.

25 (2) The law enforcement officer at the scene of a
26 crash ~~an accident~~ required to be reported in accordance with
27 the provisions of subsection (1) or the law enforcement
28 officer receiving a report by a driver as required by
29 subsection (1) shall, if part or any of the property damaged
30 is a fence or other structure used to house or contain
31 livestock, promptly make a reasonable effort to notify the

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1 owner, occupant, or agent of this damage.

2 Section 60. Section 316.064, Florida Statutes, is
3 amended to read:

4 316.064 When driver unable to report.--

5 (1) A crash ~~An accident~~ report is not required under
6 this chapter from any person who is physically incapable of
7 making a report during the period of such incapacity.

8 (2) Whenever the driver of a vehicle is physically
9 incapable of making an immediate or a written report of a
10 crash ~~an accident~~, as required in ss. 316.065 and 316.066, and
11 there was another occupant in the vehicle at the time of the
12 crash ~~accident~~ capable of making a report, such occupant shall
13 make or cause to be made the report not made by the driver.

14 (3) Whenever the driver is physically incapable of
15 making a written report of a crash ~~an accident~~ as required in
16 this chapter, then the owner of the vehicle involved in the
17 crash ~~accident~~ shall, within 10 days after the crash ~~accident~~,
18 make such report not made by the driver.

19 (4) A violation of this section is a noncriminal
20 traffic infraction, punishable as a nonmoving violation as
21 provided in chapter 318.

22 Section 61. Section 316.065, Florida Statutes, is
23 amended to read:

24 316.065 Crashes ~~Accidents~~; reports; penalties.--

25 (1) The driver of a vehicle involved in a crash ~~an~~
26 ~~accident~~ resulting in injury to or death of any persons or
27 damage to any vehicle or other property in an apparent amount
28 of at least \$500 shall immediately by the quickest means of
29 communication give notice of the crash ~~accident~~ to the local
30 police department, if such crash ~~accident~~ occurs within a
31 municipality; otherwise, to the office of the county sheriff

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1 or the nearest office or station of the Florida Highway
2 Patrol. A violation of this subsection is a noncriminal
3 traffic infraction, punishable as a nonmoving violation as
4 provided in chapter 318.

5 (2) Every coroner or other official performing like
6 functions, upon learning of the death of a person in his or
7 her jurisdiction as the result of a traffic crash ~~accident~~,
8 shall immediately notify the nearest office or station of the
9 department.

10 (3) Any person in charge of any garage or repair shop
11 to which is brought any motor vehicle which shows evidence of
12 having been struck by a bullet, or any other person to whom is
13 brought for the purpose of repair a motor vehicle showing such
14 evidence, shall make a report, or cause a report to be made,
15 to the nearest local police station or Florida Highway Patrol
16 office within 24 hours after the motor vehicle is received and
17 before any repairs are made to the vehicle. The report shall
18 contain the year, license number, make, model, and color of
19 the vehicle and the name and address of the owner or person in
20 possession of the vehicle.

21 (4) Any person who knowingly repairs a motor vehicle
22 without having made a report as required by subsection (3) is
23 guilty of a misdemeanor of the first degree, punishable as
24 provided in s. 775.082 or s. 775.083. The owner and driver of
25 a vehicle involved in a crash ~~an accident~~ who makes a report
26 thereof in accordance with subsection (1) or s. 316.066(1) is
27 not liable under this section.

28 Section 62. Section 316.066, Florida Statutes, is
29 amended to read:

30 316.066 Written reports of crashes ~~accidents~~.--

31 (1) The driver of a vehicle which is in any manner

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1 involved in a crash ~~an accident~~ resulting in bodily injury to
2 or death of any person or damage to any vehicle or other
3 property in an apparent amount of at least \$500 shall, within
4 10 days after the crash ~~accident~~, forward a written report of
5 such crash ~~accident~~ to the department or traffic records
6 center. However, when the investigating officer has made a
7 written report of the crash ~~accident~~ pursuant to paragraph
8 (3)(a), no written report need be forwarded to the department
9 or traffic records center by the driver.

10 (2) The receiving entity may require any driver of a
11 vehicle involved in a crash ~~an accident~~ of which a written
12 report must be made as provided in this section to file
13 supplemental written reports whenever the original report is
14 insufficient in the opinion of the department and may require
15 witnesses of crashes ~~accidents~~ to render reports to the
16 department.

17 (3)(a) Every law enforcement officer who in the
18 regular course of duty investigates a motor vehicle crash
19 ~~accident~~:

20 1. Which crash ~~accident~~ resulted in death or personal
21 injury shall, within 10 days after completing the
22 investigation, forward a written report of the crash ~~accident~~
23 to the department or traffic records center.

24 2. Which crash ~~accident~~ involved a violation of s.
25 316.061(1) or s. 316.193 shall, within 10 days after
26 completing the investigation, forward a written report of the
27 crash ~~accident~~ to the department or traffic records center.

28 3. In which crash ~~accident~~ a vehicle was rendered
29 inoperative to a degree which required a wrecker to remove it
30 from traffic may, within 10 days after completing the
31 investigation, forward a written report of the crash ~~accident~~

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1 to the department or traffic records center if such action is
2 appropriate, in the officer's discretion.

3
4 However, in every case in which a crash ~~an accident~~ report is
5 required by this section and a written report to a law
6 enforcement officer is not prepared, the law enforcement
7 officer shall provide each party involved in the crash
8 ~~accident~~ a short-form report, prescribed by the state, to be
9 completed by the party. The short-form report must include,
10 but is not limited to: the date, time, and location of the
11 crash ~~accident~~; a description of the vehicles involved; the
12 names and addresses of the parties involved; the names and
13 addresses of witnesses; the name, badge number, and law
14 enforcement agency of the officer investigating the crash
15 ~~accident~~; and the names of the insurance companies for the
16 respective parties involved in the crash ~~accident~~. Each party
17 to the crash ~~accident~~ shall provide the law enforcement
18 officer with proof of insurance to be included in the crash
19 ~~accident~~ report. If a law enforcement officer submits a report
20 on the accident, proof of insurance must be provided to the
21 officer by each party involved in the crash ~~accident~~. Any
22 party who fails to provide the required information is guilty
23 of an infraction for a nonmoving violation, punishable as
24 provided in chapter 318 unless the officer determines that due
25 to injuries or other special circumstances such insurance
26 information cannot be provided immediately. If the person
27 provides the law enforcement agency, within 24 hours after the
28 crash ~~accident~~, proof of insurance that was valid at the time
29 of the crash ~~accident~~, the law enforcement agency may void the
30 citation.

31 (b) One or more counties may enter into an agreement

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1 with the appropriate state agency to be certified by the
 2 agency to have a traffic records center for the purpose of
 3 tabulating and analyzing countywide traffic crash ~~accident~~
 4 reports. The agreement must include: certification by the
 5 agency that the center has adequate auditing and monitoring
 6 mechanisms in place to ensure the quality and accuracy of the
 7 data; the time period in which the traffic records center must
 8 report crash ~~accident~~ data to the agency; and the medium in
 9 which the traffic records must be submitted to the agency. In
 10 the case of a county or multicounty area that has a certified
 11 central traffic records center, a law enforcement agency or
 12 driver must submit to the center within the time limit
 13 prescribed in this section a written report of the crash
 14 ~~accident~~. A driver who is required to file a crash ~~an accident~~
 15 report must be notified of the proper place to submit the
 16 completed report. Fees for copies of public records provided
 17 by a certified traffic records center shall be charged and
 18 collected as follows:

- 19 For a crash ~~an accident~~ report.....\$2 per copy.
- 20 For a homicide report.....\$25 per copy.
- 21 For a uniform traffic citation.....\$0.50 per copy.

22
 23 The fees collected for copies of the public records provided
 24 by a certified traffic records center shall be used to fund
 25 the center or otherwise as designated by the county or
 26 counties participating in the center.

27 (c) Crash ~~Accident~~ reports made by law enforcement
 28 officers shall not be used for commercial solicitation
 29 purposes; ~~provided, however, the that~~ use of a crash ~~an~~
 30 ~~accident~~ report for purposes of publication in a newspaper or
 31 other news periodical or a radio or television broadcast shall

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1 not be construed as "commercial purpose."

2 (4) Except as specified in this subsection, each crash
3 ~~accident~~ report made by a person involved in a crash ~~an~~
4 ~~accident~~ and any statement made by such person to a law
5 enforcement officer for the purpose of completing a crash ~~an~~
6 ~~accident~~ report required by this section shall be without
7 prejudice to the individual so reporting. No such report or
8 statement shall be used as evidence in any trial, civil or
9 criminal. However, subject to the applicable rules of
10 evidence, a law enforcement officer at a criminal trial may
11 testify as to any statement made to the officer by the person
12 involved in the crash ~~accident~~ if that person's privilege
13 against self-incrimination is not violated. The results of
14 breath, urine, and blood tests administered as provided in s.
15 316.1932 or s. 316.1933 are not confidential and shall be
16 admissible into evidence in accordance with the provisions of
17 s. 316.1934(2). Crash ~~Accident~~ reports made by persons
18 involved in crashes ~~accidents~~ shall not be used for commercial
19 solicitation purposes; ~~provided, however, the that~~ use of a
20 crash ~~an accident~~ report for purposes of publication in a
21 newspaper or other news periodical or a radio or television
22 broadcast shall not be construed as "commercial purpose."

23 (5) For purposes of this section, a written report
24 includes a report generated by a law enforcement agency
25 through the use of a computer.

26 (6) Any driver failing to file the written report
27 required under subsection (1) or subsection (2) commits a
28 noncriminal traffic infraction, punishable as a nonmoving
29 violation as provided in chapter 318 ~~is subject to the penalty~~
30 ~~provided in s. 318.18(2).~~

31 Section 63. Section 316.067, Florida Statutes, is

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1 amended to read:

2 316.067 False reports.--Any person who gives
3 information in oral, electronic, or written reports as
4 required in this chapter, knowing or having reason to believe
5 that such information is false, commits a misdemeanor of the
6 second degree, punishable as provided in s. 775.082 or s.
7 775.083 shall be punished by a fine of not more than \$500 or
8 by imprisonment for not more than 60 days or by both such fine
9 and imprisonment.

10 Section 64. Section 316.068, Florida Statutes, is
11 amended to read:

12 316.068 Crash Accident report forms.--

13 (1) The department shall prepare and, upon request,
14 supply to police departments, sheriffs, and other appropriate
15 agencies or individuals forms for crash accident reports as
16 required in this chapter, suitable with respect to the persons
17 required to make such reports and the purposes to be served.
18 The form must call for sufficiently detailed information to
19 disclose, with reference to a vehicle crash accident, the
20 cause and conditions then existing and the persons and
21 vehicles involved. Every crash accident report form must call
22 for the policy numbers of liability insurance and the names of
23 carriers covering any vehicle involved in a crash an accident
24 required to be reported by this chapter.

25 (2) Every crash accident report required to be made in
26 writing must be made on the appropriate form approved by the
27 department and must contain all the information required
28 therein unless not available. Notwithstanding any other
29 provisions of this section, a crash an accident report
30 produced electronically by a law enforcement officer must, at
31 a minimum, contain the same information as is called for on

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1 those forms approved by the department.

2 Section 65. Section 316.069, Florida Statutes, is
3 amended to read:

4 316.069 State to tabulate and analyze crash ~~accident~~
5 reports.--The state shall tabulate and may analyze all crash
6 ~~accident~~ reports and shall publish, annually, or at more
7 frequent intervals, statistical information based thereon as
8 to the number and circumstances of traffic crashes ~~accidents~~.
9 The state shall maintain separate statistics on the number and
10 location of crashes ~~accidents~~ involving tandem trailer trucks.

11 Section 66. Section 316.070, Florida Statutes, is
12 amended to read:

13 316.070 Exchange of information at scene of crash
14 ~~accident~~.--The law enforcement officer at the scene of a crash
15 ~~an accident~~ required to be reported in accordance with the
16 provisions of s. 316.066 shall instruct the driver of each
17 vehicle involved in the crash ~~accident~~ to report the following
18 to all other parties suffering injury or property damage as an
19 apparent result of the crash ~~accident~~:

20 (1) The name and address of the owner and the driver
21 of the vehicle.

22 (2) The license number of the vehicle.

23 (3) The name of the liability carrier for the vehicle.

24 Section 67. Subsections (2) and (3) of section
25 316.072, Florida Statutes, are amended to read:

26 316.072 Obedience to and effect of traffic laws.--

27 (2) REQUIRED OBEDIENCE TO TRAFFIC LAWS.--It is
28 unlawful for any person to do any act forbidden, or to fail to
29 perform any act required, in this chapter. It is unlawful for
30 the owner, or any other person employing or otherwise
31 directing the driver of any vehicle, to require or knowingly

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1 permit the operation of such vehicle upon a highway in any
2 manner contrary to law. A violation of this subsection is a
3 noncriminal traffic infraction, punishable as a moving
4 violation as provided in chapter 318.

5 (3) OBEDIENCE TO POLICE AND FIRE DEPARTMENT
6 OFFICIALS.--It is unlawful and a misdemeanor of the second
7 degree, punishable as provided in s. 775.082 or s. 775.083,
8 for any person willfully to fail or refuse to comply with any
9 lawful order or direction of any law enforcement officer,
10 traffic ~~crash~~ ~~accident~~ investigation officer as described in
11 s. 316.640, traffic infraction enforcement officer as
12 described in s. 316.640 ~~318.141~~, or member of the fire
13 department at the scene of a fire, rescue operation, or other
14 emergency. Notwithstanding the provisions of this subsection,
15 certified emergency medical technicians or paramedics may
16 respond to the scene of emergencies and may provide emergency
17 medical treatment on the scene and provide transport of
18 patients in the performance of their duties for an emergency
19 medical services provider licensed under chapter 401 and in
20 accordance with any local emergency medical response
21 protocols.

22 Section 68. Subsection (6) is added to section
23 316.074, Florida Statutes, to read:

24 316.074 Obedience to and required traffic control
25 devices.--

26 (6) A violation of this section is a noncriminal
27 traffic infraction, punishable as a moving violation as
28 provided in chapter 318.

29 Section 69. Subsection (3) of section 316.0745,
30 Florida Statutes, is amended to read:

31 316.0745 Uniform signals and devices.--

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1 (2) The Department of Transportation shall compile and
2 publish a manual of uniform traffic control devices which
3 defines the uniform system adopted pursuant to subsection (1),
4 and shall compile and publish minimum specifications for
5 traffic control signals and devices certified by it as
6 conforming with the uniform system.

7 (a) The department shall make copies of such manual
8 and specifications available to all counties, municipalities,
9 and other public bodies having jurisdiction of streets or
10 highways open to the public in this state.

11 (b) The manual shall provide for the use of regulatory
12 speed signs in work zone areas. The installation of such signs
13 is exempt from the provisions of s. 335.10.

14 (3) All official traffic control signals or official
15 traffic control devices purchased and installed in this state
16 by any public body or official shall conform with the manual
17 and specifications published by the Department of
18 Transportation pursuant to subsection (2). ~~All traffic control
19 devices other than traffic control signals purchased prior to
20 July 1, 1972, not conforming to said system may continue in
21 use until January 1, 1975, after which time such devices must
22 comply with the uniform system. All traffic control signals
23 purchased prior to January 1, 1972, not conforming to said
24 system may continue in use until January 1, 1980, after which
25 time such signals must comply with the uniform system.~~

26 Section 70. Section 316.0747, Florida Statutes, is
27 amended to read:

28 316.0747 Sale or purchase of traffic control devices
29 by nongovernmental entities; prohibitions.--

30 (1) It is unlawful for any nongovernmental entity to
31 use any traffic control device at any place where the general

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1 public is invited, unless such device conforms to the uniform
2 system of traffic control devices adopted by the Department of
3 Transportation pursuant to this chapter.

4 ~~(2) Any nonconforming traffic control device in use by~~
5 ~~a nongovernmental entity prior to January 1, 1980, may be used~~
6 ~~for the remainder of its useful life, but no longer than~~
7 ~~January 1, 1992, after which any replacement device shall~~
8 ~~conform to the uniform system of traffic control devices~~
9 ~~adopted by the Department of Transportation.~~

10 (2)~~(3)~~ Nongovernmental entities to which the general
11 public is invited to travel shall install and maintain uniform
12 traffic control devices at appropriate locations pursuant to
13 the standards set forth by the Manual on Uniform Traffic
14 Control Devices as adopted by the Department of Transportation
15 pursuant to s. 316.0745. Such traffic control devices shall
16 be installed no later than January 1, 1992. Businesses the
17 parking lots of which do not provide intersecting lanes of
18 traffic and businesses having fewer than 25 parking spaces are
19 exempt from the provisions of this subsection. The Department
20 of Transportation shall adopt rules to implement this section.

21 (3)~~(4)~~ A person who violates this section commits a
22 misdemeanor of the second degree, punishable as provided in s.
23 775.082 or s. 775.083.

24 Section 71. Section 316.075, Florida Statutes, is
25 amended to read:

26 316.075 Traffic control signal devices.--

27 (1) Except for automatic warning signal lights
28 installed or to be installed at railroad crossings, whenever
29 traffic, including municipal traffic, is controlled by traffic
30 control signals exhibiting different colored lights, or
31 colored lighted arrows, successively one at a time or in

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1 combination, only the colors green, red, and yellow shall be
2 used, except for special pedestrian signals carrying a word
3 legend, and the lights shall indicate and apply to drivers of
4 vehicles and pedestrians as follows:

5 (a)~~(1)~~ Green indication.--

6 1.~~(a)~~ Vehicular traffic facing a circular green signal
7 may proceed cautiously straight through or turn right or left
8 unless a sign at such place prohibits either such turn. But
9 vehicular traffic, including vehicles turning right or left,
10 shall yield the right-of-way to other vehicles and to
11 pedestrians lawfully within the intersection or an adjacent
12 crosswalk at the time such signal is exhibited.

13 2.~~(b)~~ Vehicular traffic facing a green arrow signal,
14 shown alone or in combination with another indication, as
15 directed by the manual, may cautiously enter the intersection
16 only to make the movement indicated by such arrow, or such
17 other movement as is permitted by other indications shown at
18 the same time, except the driver of any vehicle may U-turn, so
19 as to proceed in the opposite direction unless such movement
20 is prohibited by posted traffic control signs. Such vehicular
21 traffic shall yield the right-of-way to pedestrians lawfully
22 within an adjacent crosswalk and to other traffic lawfully
23 using the intersection.

24 3.~~(c)~~ Unless otherwise directed by a pedestrian
25 control signal as provided in s. 316.0755, pedestrians facing
26 any green signal, except when the sole green signal is a turn
27 arrow, may proceed across the roadway within any marked or
28 unmarked crosswalk.

29 (b)~~(2)~~ Steady yellow indication.--

30 1.~~(a)~~ Vehicular traffic facing a steady yellow signal
31 is thereby warned that the related green movement is being

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1 terminated or that a red indication will be exhibited
2 immediately thereafter when vehicular traffic shall not enter
3 the intersection.

4 ~~2.(b)~~ Pedestrians facing a steady yellow signal,
5 unless otherwise directed by a pedestrian control signal as
6 provided in s. 316.0755, are thereby advised that there is
7 insufficient time to cross the roadway before a red indication
8 is shown and no pedestrian shall start to cross the roadway.

9 ~~(c)(3)~~ Steady red indication.--

10 ~~1.(a)~~ Vehicular traffic facing a steady red signal
11 shall stop before entering the crosswalk on the near side of
12 the intersection or, if none, then before entering the
13 intersection and shall remain standing until a green
14 indication is shown; however:

15 ~~a.1.~~ The driver of a vehicle which is stopped at a
16 clearly marked stop line, but if none, before entering the
17 crosswalk on the near side of the intersection, or, if none
18 then at the point nearest the intersecting roadway where the
19 driver has a view of approaching traffic on the intersecting
20 roadway before entering the intersection in obedience to a
21 steady red signal may make a right turn, but shall yield the
22 right-of-way to pedestrians and other traffic proceeding as
23 directed by the signal at the intersection, except that
24 municipal and county authorities may prohibit any such right
25 turn against a steady red signal at any intersection, which
26 prohibition shall be effective when a sign giving notice
27 thereof is erected in a location visible to traffic
28 approaching the intersection.

29 ~~b.2.~~ The driver of a vehicle on a one-way street that
30 intersects another one-way street on which traffic moves to
31 the left shall stop in obedience to a steady red signal, but

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1 may then make a left turn into the one-way street, but shall
2 yield the right-of-way to pedestrians and other traffic
3 proceeding as directed by the signal at the intersection,
4 except that municipal and county authorities may prohibit any
5 such left turn as described, which prohibition shall be
6 effective when a sign giving notice thereof is attached to the
7 traffic control signal device at the intersection.

8 2.(b) Unless otherwise directed by a pedestrian
9 control signal as provided in s. 316.0755, pedestrians facing
10 a steady red signal shall not enter the roadway.

11 (2)(4) In the event an official traffic control signal
12 is erected and maintained at a place other than an
13 intersection, the provisions of this section shall be
14 applicable except as to those provisions which by their nature
15 can have no application. Any stop required shall be made at a
16 sign or marking on the pavement indicating where the stop
17 shall be made, but in the absence of any such sign or marking
18 the stop shall be made at the signal.

19 (3)(5)(a) No traffic control signal device shall be
20 used which does not exhibit a yellow or "caution" light
21 between the green or "go" signal and the red or "stop" signal.

22 (b) No traffic control signal device shall display
23 other than the color red at the top of the vertical signal,
24 nor shall it display other than the color red at the extreme
25 left of the horizontal signal.

26 (4) A violation of this section is a noncriminal
27 traffic infraction, punishable pursuant to chapter 318 as
28 either a pedestrian violation or, if the infraction resulted
29 from the operation of a vehicle, as a moving violation.

30 Section 72. Section 316.076, Florida Statutes, is
31 amended to read:

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1 316.076 Flashing signals.--

2 (1) Whenever an illuminated flashing red or yellow
3 signal is used in a traffic sign or signal it shall require
4 obedience by vehicular traffic as follows:

5 (a)~~(1)~~ Flashing red (stop signal).--When a red lens is
6 illuminated with rapid intermittent flashes, drivers of
7 vehicles shall stop at a clearly marked stop line, but if
8 none, before entering the crosswalk on the near side of the
9 intersection, or if none, then at the point nearest the
10 intersecting roadway where the driver has a view of
11 approaching traffic on the intersecting roadway before
12 entering the intersection, and the right to proceed shall be
13 subject to the rules applicable after making a stop at a stop
14 sign.

15 (b)~~(2)~~ Flashing yellow (caution signal).--When a
16 yellow lens is illuminated with rapid intermittent flashes,
17 drivers of vehicles may proceed through the intersection or
18 past such signal only with caution.

19 (2)~~(3)~~ This section does not apply at railroad-highway
20 grade crossings. Conduct of drivers of vehicles approaching
21 such crossings shall be governed by the rules as set forth in
22 ss. 316.1575 and 316.159.

23 (3) A violation of this section is a noncriminal
24 traffic infraction, punishable as a moving violation as
25 provided in chapter 318.

26 Section 73. Section 316.0765, Florida Statutes, is
27 amended to read:

28 316.0765 Lane direction control signals.--When lane
29 direction control signals are placed over the individual lanes
30 of a street or highway, vehicular traffic may travel in any
31 lane or lanes over which a green signal is shown, but shall

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1 not enter or travel in any lane or lanes over which a red
2 signal is shown. A violation of this section is a noncriminal
3 traffic infraction, punishable as a moving violation as
4 provided in chapter 318.

5 Section 74. Subsection (5) is added to section
6 316.077, Florida Statutes, to read:

7 316.077 Display of unauthorized signs, signals or
8 markings.--

9 (5) A violation of this section is a noncriminal
10 traffic infraction, punishable as a nonmoving violation as
11 provided in chapter 318.

12 Section 75. Section 316.0775, Florida Statutes, is
13 amended to read:

14 316.0775 Interference with official traffic control
15 devices or railroad signs or signals.--No person shall,
16 without lawful authority, attempt to or in fact alter, deface,
17 injure, knock down or remove any official traffic control
18 device or any railroad sign or signal or any inscription,
19 shield or insignia thereon, or any other part thereof. A
20 violation of this section is a noncriminal traffic infraction,
21 punishable as a nonmoving violation as provided in chapter
22 318.

23 Section 76. Section 316.078, Florida Statutes, is
24 amended to read:

25 316.078 Detour signs to be respected.--

26 (1) It is unlawful to tear down or deface any detour
27 sign or to break down or drive around any barricade erected
28 for the purpose of closing any section of a public street or
29 highway to traffic during the construction or repair thereof
30 or to drive over such section of public street or highway
31 until again thrown open to public traffic. However, such

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1 restriction shall not apply to the person in charge of the
2 construction or repairs.

3 (2) A violation of this section is a noncriminal
4 traffic infraction, punishable pursuant to chapter 318 as:

5 (a) A nonmoving violation for tearing, breaking down,
6 or defacing any detour sign.

7 (b) A moving violation for driving around any
8 barricade erected for the purpose of closing any section of a
9 public street or highway to traffic that is under construction
10 or repair or driving over such section of public street or
11 highway until open to public traffic.

12 Section 77. Subsection (3) is added to section
13 316.079, Florida Statutes, to read:

14 316.079 Duty to yield to highway construction
15 workers.--

16 (3) A violation of this section is a noncriminal
17 traffic infraction, punishable as a moving violation as
18 provided in chapter 318.

19 Section 78. Subsection (4) is added to section
20 316.081, Florida Statutes, to read:

21 316.081 Driving on right side of roadway;
22 exceptions.--

23 (4) A violation of this section is a noncriminal
24 traffic infraction, punishable as a moving violation as
25 provided in chapter 318.

26 Section 79. Subsection (3) is added to section
27 316.082, Florida Statutes, to read:

28 316.082 Passing vehicles proceeding in opposite
29 directions.--

30 (3) A violation of this section is a noncriminal
31 traffic infraction, punishable as a moving violation as

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1 provided in chapter 318.

2 Section 80. Section 316.0825, Florida Statutes, is
3 amended to read:

4 316.0825 Vehicle approaching an animal.--Every person
5 operating a motor vehicle shall use reasonable care when
6 approaching or passing a person who is riding or leading an
7 animal upon a roadway or the shoulder thereof, and shall not
8 intentionally startle or injure such an animal. A violation of
9 this section is a noncriminal traffic infraction, punishable
10 as a moving violation as provided in chapter 318.

11 Section 81. Subsection (3) is added to section
12 316.083, Florida Statutes, to read:

13 316.083 Overtaking and passing a vehicle.--The
14 following rules shall govern the overtaking and passing of
15 vehicles proceeding in the same direction, subject to those
16 limitations, exceptions, and special rules hereinafter stated:

17 (3) A violation of this section is a noncriminal
18 traffic infraction, punishable as a moving violation as
19 provided in chapter 318.

20 Section 82. Subsection (3) is added to section
21 316.084, Florida Statutes, to read:

22 316.084 When overtaking on the right is permitted.--

23 (3) A violation of this section is a noncriminal
24 traffic infraction, punishable as a moving violation as
25 provided in chapter 318.

26 Section 83. Subsection (3) is added to section
27 316.085, Florida Statutes, to read:

28 316.085 Limitations on overtaking, passing, changing
29 lanes and changing course.--

30 (3) A violation of this section is a noncriminal
31 traffic infraction, punishable as a moving violation as

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1 provided in chapter 318.

2 Section 84. Subsection (3) is added to section
3 316.087, Florida Statutes, to read:

4 316.087 Further limitations on driving to left of
5 center of roadway.--

6 (3) A violation of this section is a noncriminal
7 traffic infraction, punishable as a moving violation as
8 provided in chapter 318.

9 Section 85. Subsection (4) is added to section
10 316.0875, Florida Statutes, to read:

11 316.0875 No-passing zones.--

12 (4) A violation of this section is a noncriminal
13 traffic infraction, punishable as a moving violation as
14 provided in chapter 318.

15 Section 86. Subsection (4) is added to section
16 316.088, Florida Statutes, to read:

17 316.088 One-way roadways and rotary traffic islands.--

18 (4) A violation of this section is a noncriminal
19 traffic infraction, punishable as a moving violation as
20 provided in chapter 318.

21 Section 87. Subsection (5) is added to section
22 316.089, Florida Statutes, to read:

23 316.089 Driving on roadways laned for
24 traffic.--Whenever any roadway has been divided into two or
25 more clearly marked lanes for traffic, the following rules, in
26 addition to all others consistent herewith, shall apply:

27 (5) A violation of this section is a noncriminal
28 traffic infraction, punishable as a moving violation as
29 provided in chapter 318.

30 Section 88. Subsection (4) is added to section
31 316.0895, Florida Statutes, to read:

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1 316.0895 Following too closely.--

2 (4) A violation of this section is a noncriminal
3 traffic infraction, punishable as a moving violation as
4 provided in chapter 318.

5 Section 89. Subsection (3) is added to section
6 316.090, Florida Statutes, to read:

7 316.090 Driving on divided highways.--

8 (3) A violation of this section is a noncriminal
9 traffic infraction, punishable as a moving violation as
10 provided in chapter 318.

11 Section 90. Subsection (5) is added to section
12 316.091, Florida Statutes, to read:

13 316.091 Limited access facilities; interstate
14 highways; use restricted.--

15 (5) A violation of this section is a noncriminal
16 traffic infraction, punishable as a moving violation as
17 provided in chapter 318.

18 Section 91. Subsection (6) is added to section
19 316.121, Florida Statutes, to read:

20 316.121 Vehicles approaching or entering
21 intersections.--

22 (6) A violation of this section is a noncriminal
23 traffic infraction, punishable as a moving violation as
24 provided in chapter 318.

25 Section 92. Section 316.122, Florida Statutes, is
26 amended to read:

27 316.122 Vehicle turning left.--The driver of a vehicle
28 intending to turn to the left within an intersection or into
29 an alley, private road, or driveway shall yield the
30 right-of-way to any vehicle approaching from the opposite
31 direction which is within the intersection or so close thereto

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1 as to constitute an immediate hazard. A violation of this
2 section is a noncriminal traffic infraction, punishable as a
3 moving violation as provided in chapter 318.

4 Section 93. Subsection (4) is added to section
5 316.123, Florida Statutes, to read:

6 316.123 Vehicle entering stop or yield intersection.--
7 (4) A violation of this section is a noncriminal
8 traffic infraction, punishable as a moving violation as
9 provided in chapter 318.

10 Section 94. Section 316.1235, Florida Statutes, is
11 amended to read:

12 316.1235 Vehicle approaching intersection in which
13 traffic lights are inoperative.--The driver of a vehicle
14 approaching an intersection in which the traffic lights are
15 inoperative shall stop in the manner indicated in s.
16 316.123(2) for approaching a stop intersection. In the event
17 that only some of the traffic lights within an intersection
18 are inoperative, the driver of a vehicle approaching an
19 inoperative light shall stop in the above-prescribed manner. A
20 violation of this section is a noncriminal traffic infraction,
21 punishable as a moving violation as provided in chapter 318.

22 Section 95. Subsection (3) is added to section
23 316.125, Florida Statutes, to read:

24 316.125 Vehicle entering highway from private road or
25 driveway or emerging from alley, driveway or building.--

26 (3) A violation of this section is a noncriminal
27 traffic infraction, punishable as a moving violation as
28 provided in chapter 318.

29 Section 96. Subsection (6) is added to section
30 316.126, Florida Statutes, to read:

31 316.126 Operation of vehicles and actions of

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1 pedestrians on approach of authorized emergency vehicle.--

2 (6) A violation of this section is a noncriminal
3 traffic infraction, punishable pursuant to chapter 318 as
4 either a moving violation for infractions of subsection (1) or
5 subsection (3), or as a pedestrian violation for infractions
6 of subsection (2).

7 Section 97. Subsection (19) is added to section
8 316.130, Florida Statutes, to read:

9 316.130 Pedestrian obedience to traffic control
10 devices and traffic regulations.--

11 (19) A violation of this section is a noncriminal
12 traffic infraction, punishable pursuant to chapter 318 as
13 either a pedestrian violation or, if the infraction resulted
14 from the operation of a vehicle, as a moving violation.

15 Section 98. Section 316.1355, Florida Statutes, is
16 amended to read:

17 316.1355 Driving through safety zone prohibited.--No
18 vehicle shall at any time be driven through or within a safety
19 zone. A violation of this section is a noncriminal traffic
20 infraction, punishable as a moving violation as provided in
21 chapter 318.

22 Section 99. Subsection (3) is added to section
23 316.151, Florida Statutes, to read:

24 316.151 Required position and method of turning at
25 intersections.--

26 (3) A violation of this section is a noncriminal
27 traffic infraction, punishable as a moving violation as
28 provided in chapter 318.

29 Section 100. Section 316.1515, Florida Statutes, is
30 amended to read:

31 316.1515 Limitations on turning around.--The driver of

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1 any vehicle shall not turn the vehicle so as to proceed in the
2 opposite direction upon any street unless such movement can be
3 made in safety and without interfering with other traffic and
4 unless such movement is not prohibited by posted traffic
5 control signs. A violation of this section is a noncriminal
6 traffic infraction, punishable as a moving violation as
7 provided in chapter 318.

8 Section 101. Section 316.152, Florida Statutes, is
9 amended to read:

10 316.152 Turning on curve or crest of grade
11 prohibited.--No vehicle shall be turned so as to proceed in
12 the opposite direction upon any curve, or upon the approach
13 to, or near, the crest of a grade, where such vehicle cannot
14 be seen by the driver of any other vehicle approaching from
15 either direction within 500 feet. A violation of this section
16 is a noncriminal traffic infraction, punishable as a moving
17 violation as provided in chapter 318.

18 Section 102. Section 316.154, Florida Statutes, is
19 amended to read:

20 316.154 Starting parked vehicle.--No person shall
21 start a vehicle which is stopped, standing, or parked, unless
22 and until such movement can be made with reasonable safety. A
23 violation of this section is a noncriminal traffic infraction,
24 punishable as a moving violation as provided in chapter 318.

25 Section 103. Subsection (5) is added to section
26 316.155, Florida Statutes, to read:

27 316.155 When signal required.--

28 (5) A violation of this section is a noncriminal
29 traffic infraction, punishable as a moving violation as
30 provided in chapter 318.

31 Section 104. Subsection (3) is added to section

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1 316.156, Florida Statutes, to read:

2 316.156 Signals by hand and arm or signal lamps.--

3 (3) A violation of this section is a noncriminal
4 traffic infraction, punishable pursuant to chapter 318 as
5 either a moving violation for infractions of subsection (1) or
6 as a nonmoving violation for infractions of subsection (2).

7 Section 105. Section 316.157, Florida Statutes, is
8 amended to read:

9 316.157 Method of giving hand and arm signals.--

10 (1) All signals herein required to be given by hand
11 and arm shall be given from the left side of the vehicle in
12 the following manner and such signals shall indicate as
13 follows:

14 (a)~~(1)~~ Left turn.--Hand and arm extended horizontally.

15 (b)~~(2)~~ Right turn.--Hand and arm extended upward,
16 except that a bicyclist may extend the right hand and arm
17 horizontally to the right side of the bicycle.

18 (c)~~(3)~~ Stop or decrease speed.--Hand and arm extended
19 downward.

20 (2) A violation of this section is a noncriminal
21 traffic infraction, punishable as a moving violation as
22 provided in chapter 318.

23 Section 106. Subsection (3) is added to section
24 316.1575, Florida Statutes, to read:

25 316.1575 Obedience to traffic control devices at
26 railroad-highway grade crossings.--

27 (3) A violation of this section is a noncriminal
28 traffic infraction, punishable pursuant to chapter 318 as
29 either a pedestrian violation or, if the infraction resulted
30 from the operation of a vehicle, as a moving violation.

31 Section 107. Subsection (3) is added to section

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1 316.159, Florida Statutes, to read:

2 316.159 Certain vehicles to stop at all railroad grade
3 crossings.--

4 (3) A violation of this section is a noncriminal
5 traffic infraction, punishable as a moving violation as
6 provided in chapter 318.

7 Section 108. Subsection (5) is added to section
8 316.170, Florida Statutes, to read:

9 316.170 Moving heavy equipment at railroad grade
10 crossings.--

11 (5) A violation of this section is a noncriminal
12 traffic infraction, punishable as a moving violation as
13 provided in chapter 318.

14 Section 109. Subsection (7) is added to section
15 316.183, Florida Statutes, to read:

16 316.183 Unlawful speed.--

17 (7) A violation of this section is a noncriminal
18 traffic infraction, punishable as a moving violation as
19 provided in chapter 318.

20 Section 110. Section 316.185, Florida Statutes, is
21 amended to read:

22 316.185 Special hazards.--The fact that the speed of a
23 vehicle is lower than the prescribed limits shall not relieve
24 the driver from the duty to decrease speed when approaching
25 and crossing an intersection, when approaching and going
26 around a curve, when approaching a hill crest, when traveling
27 upon any narrow or winding roadway, or when special hazards
28 exist or may exist with respect to pedestrians or other
29 traffic or by reason of weather or other roadway conditions,
30 and speed shall be decreased as may be necessary to avoid
31 colliding with any person, vehicle, or other conveyance on or

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1 entering the street in compliance with legal requirements and
2 the duty of all persons to use due care. A violation of this
3 section is a noncriminal traffic infraction, punishable as a
4 moving violation as provided in chapter 318.

5 Section 111. Subsection (4) of section 316.1895,
6 Florida Statutes, is amended to read:

7 316.1895 Establishment of school speed zones,
8 enforcement; designation.--

9 (4) A school zone speed limit may not be less than 15
10 miles per hour except by local regulation. ~~After July 1,~~
11 ~~1992,~~No school zone speed limit shall be more than 20 miles
12 per hour in an urbanized area, as defined in s. 334.03. Such
13 speed limit may be in force only during those times 30 minutes
14 before, during, and 30 minutes after the periods of time when
15 pupils are arriving at a regularly scheduled breakfast program
16 or a regularly scheduled school session and leaving a
17 regularly scheduled school session.

18 Section 112. Subsection (5) is added to section
19 316.191, Florida Statutes, to read:

20 316.191 Racing on highways.--

21 (5) A violation of this section is a noncriminal
22 traffic infraction, punishable pursuant to chapter 318 as
23 either a pedestrian violation or, if the infraction resulted
24 from the operation of a vehicle, as a moving violation.

25 Section 113. Subsection (5) of section 316.193,
26 Florida Statutes, is amended to read:

27 316.193 Driving under the influence; penalties.--

28 (5) The court shall place any offender convicted of
29 violating this section on monthly reporting probation and
30 shall require attendance at a substance abuse course licensed
31 by the department; and the agency conducting the course may

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1 refer the offender to an authorized service provider for
2 substance abuse evaluation and treatment, in addition to any
3 sentence or fine imposed under this section. The offender
4 shall assume reasonable costs for such education, evaluation,
5 and treatment, with completion of all such education,
6 evaluation, and treatment being a condition of reporting
7 probation. Treatment resulting from a psychosocial evaluation
8 may not be waived without a supporting psychosocial evaluation
9 conducted by an agency appointed by the court and with access
10 to the original evaluation. The offender shall bear the cost
11 of this procedure. The term "substance abuse" means the abuse
12 of alcohol or any substance named or described in Schedules I
13 through V of s. 893.03. If an offender referred to treatment
14 under this subsection fails to report for or complete such
15 treatment or fails to complete the substance abuse education
16 course, the DUI program shall notify the court and the
17 department of the failure. Upon receipt of the notice, the
18 department shall cancel the offender's driving privilege. The
19 department shall reinstate the driving privilege when the
20 offender completes the substance abuse education course or
21 enters treatment required under this subsection. The
22 organization that conducts the substance abuse education and
23 evaluation may not provide required substance abuse treatment
24 unless a waiver has been granted to that organization by the
25 department. A waiver may be granted only if the department
26 determines, in accordance with its rules, that the service
27 provider that conducts the substance abuse education and
28 evaluation is the most appropriate service provider and is
29 licensed under chapter 397 or is exempt from such licensure.
30 ~~All DUI treatment programs providing treatment services on~~
31 ~~January 1, 1994, shall be allowed to continue to provide such~~

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1 ~~services until the department determines whether a waiver~~
2 ~~should be granted.~~A statistical referral report shall be
3 submitted quarterly to the department by each organization
4 authorized to provide services under this section.

5 Section 114. Subsection (1) of section 316.1935,
6 Florida Statutes, is amended to read:

7 316.1935 Fleeing or attempting to elude a law
8 enforcement officer; aggravated fleeing and eluding.--

9 (1) It is unlawful for the operator of any vehicle,
10 having knowledge that he or she has been directed to stop such
11 vehicle by a duly authorized law enforcement officer,
12 willfully to refuse or fail to stop the vehicle in compliance
13 with such directive or, having stopped in knowing compliance
14 with the directive, willfully to flee in an attempt to elude
15 the officer, and a person who violates this subsection commits
16 a misdemeanor of the first degree, punishable as provided in
17 s. 775.082 or s. 775.083 shall, upon conviction, be punished
18 by imprisonment in the county jail for a period not to exceed
19 1 year, or by fine not to exceed \$1,000, or by both such fine
20 and imprisonment.

21 Section 115. Subsection (8) is added to section
22 316.1937, Florida Statutes, to read:

23 316.1937 Ignition interlock devices, requiring;
24 unlawful acts.--

25 (8) In addition to the penalties provided in this
26 section, a violation of this section is a noncriminal traffic
27 infraction, punishable as a nonmoving violation as provided in
28 chapter 318.

29 Section 116. Subsection (4) is added to section
30 316.194, Florida Statutes, to read:

31 316.194 Stopping, standing or parking outside of

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1 municipalities.--

2 (4) A violation of this section is a noncriminal
3 traffic infraction, punishable as a moving violation as
4 provided in chapter 318.

5 Section 117. Subsection (4) is added to section
6 316.1945, Florida Statutes, to read:

7 316.1945 Stopping, standing, or parking prohibited in
8 specified places.--

9 (4) A violation of this section is a noncriminal
10 traffic infraction, punishable as a nonmoving violation as
11 provided in chapter 318.

12 Section 118. Subsection (4) is added to section
13 316.195, Florida Statutes, to read:

14 316.195 Additional parking regulations.--

15 (4) A violation of this section is a noncriminal
16 traffic infraction, punishable as a nonmoving violation as
17 provided in chapter 318.

18 Section 119. Subsection (7) is added to section
19 316.1951, Florida Statutes, to read:

20 316.1951 Parking for certain purposes prohibited.--

21 (7) A violation of this section is a noncriminal
22 traffic infraction, punishable as a nonmoving violation as
23 provided in chapter 318.

24 Section 120. Subsection (6) is added to section
25 316.1974, Florida Statutes, to read:

26 316.1974 Funeral procession right-of-way and
27 liability.--

28 (6) VIOLATIONS.--A violation of this section is a
29 noncriminal traffic infraction, punishable pursuant to chapter
30 318 as a nonmoving violation for infractions of subsection
31 (2), a pedestrian violation for infractions of subsection (3),

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1 or as a moving violation for infractions of subsection (3) or
2 subsection (4) if the infraction resulted from the operation
3 of a vehicle.

4 Section 121. Section 316.1975, Florida Statutes, is
5 amended to read:

6 316.1975 Unattended motor vehicle.--No person driving
7 or in charge of any motor vehicle except a licensed delivery
8 truck or other delivery vehicle while making deliveries, shall
9 permit it to stand unattended without first stopping the
10 engine, locking the ignition, and removing the key. No
11 vehicle shall be permitted to stand unattended upon any
12 perceptible grade without stopping the engine and effectively
13 setting the brake thereon and turning the front wheels to the
14 curb or side of the street. A violation of this section is a
15 noncriminal traffic infraction, punishable as a nonmoving
16 violation as provided in chapter 318.

17 Section 122. Subsection (3) is added to section
18 316.1985, Florida Statutes, to read:

19 316.1985 Limitations on backing.--

20 (3) A violation of this section is a noncriminal
21 traffic infraction, punishable as a moving violation as
22 provided in chapter 318.

23 Section 123. Section 316.1995, Florida Statutes, is
24 amended to read:

25 316.1995 Driving upon sidewalk or bicycle path.--No
26 person shall drive any vehicle other than by human power upon
27 a bicycle path, sidewalk, or sidewalk area, except upon a
28 permanent or duly authorized temporary driveway. A violation
29 of this section is a noncriminal traffic infraction,
30 punishable as a moving violation as provided in chapter 318.

31 Section 124. Subsection (3) is added to section

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1 316.2004, Florida Statutes, to read:

2 316.2004 Obstruction to driver's view or driving
3 mechanism.--

4 (3) A violation of this section is a noncriminal
5 traffic infraction, punishable as a nonmoving violation as
6 provided in chapter 318.

7 Section 125. Section 316.2005, Florida Statutes, is
8 amended to read:

9 316.2005 Opening and closing vehicle doors.--No person
10 shall open any door on a motor vehicle unless and until it is
11 reasonably safe to do so and can be done without interfering
12 with the movement of other traffic, nor shall any person leave
13 a door open on the side of a vehicle available to moving
14 traffic for a period of time longer than necessary to load or
15 unload passengers. A violation of this section is a
16 noncriminal traffic infraction, punishable as a nonmoving
17 violation as provided in chapter 318.

18 Section 126. Section 316.2014, Florida Statutes, is
19 amended to read:

20 316.2014 Riding in house trailers.--No person or
21 persons shall occupy a house trailer while it is being moved
22 upon a public street or highway. A violation of this section
23 is a noncriminal traffic infraction, punishable as a nonmoving
24 violation as provided in chapter 318.

25 Section 127. Section 316.2024, Florida Statutes, is
26 amended to read:

27 316.2024 Coasting prohibited.--The driver of any motor
28 vehicle, when traveling upon a downgrade, shall not coast with
29 the gears or transmission of such vehicle in neutral or the
30 clutch disengaged. A violation of this section is a
31 noncriminal traffic infraction, punishable as a moving

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1 violation as provided in chapter 318.

2 Section 128. Section 316.2025, Florida Statutes, is
3 amended to read:

4 316.2025 Following fire apparatus prohibited.--No
5 driver of any vehicle other than an authorized emergency
6 vehicle on official business shall follow any fire apparatus
7 traveling in response to a fire alarm closer than 500 feet or
8 drive into or park such vehicle within the block where fire
9 apparatus has stopped in answer to a fire alarm. A violation
10 of this section is a noncriminal traffic infraction,
11 punishable pursuant to chapter 318 as a moving violation for
12 following too close to a fire apparatus or as a nonmoving
13 violation for parking near a fire apparatus.

14 Section 129. Section 316.2034, Florida Statutes, is
15 amended to read:

16 316.2034 Crossing fire hose.--No vehicle shall be
17 driven over any unprotected hose of a fire department when
18 laid down on any street or highway, or private road or
19 driveway, to be used at any fire or alarm of fire, without the
20 consent of the fire department official in command. A
21 violation of this section is a noncriminal traffic infraction,
22 punishable as a moving violation as provided in chapter 318.

23 Section 130. Subsection (5) is added to section
24 316.2035, Florida Statutes, to read:

25 316.2035 Injurious substances prohibited; dragging
26 vehicle or load; obstructing, digging, etc.--

27 (5) A violation of this section is a noncriminal
28 traffic infraction, punishable pursuant to chapter 318 as
29 either a nonmoving violation for infractions of subsection (1)
30 or subsection (3) or as a moving violation for infractions of
31 subsection (2) or subsection (4).

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1 Section 131. Subsection (3) is added to section
2 316.2044, Florida Statutes, to read:

3 316.2044 Removal of injurious substances.--

4 (3) A violation of this section is a noncriminal
5 traffic infraction, punishable as a nonmoving violation as
6 provided in chapter 318.

7 Section 132. Section 316.2051, Florida Statutes, is
8 amended to read:

9 316.2051 Certain vehicles prohibited on hard-surfaced
10 roads.--It is unlawful to operate upon any hard-surfaced road
11 in this state any log cart, tractor, or well machine; any
12 steel-tired vehicle other than the ordinary farm wagon or
13 buggy; or any other vehicle or machine that is likely to
14 damage a hard-surfaced road except to cause ordinary wear and
15 tear on the same. A violation of this section is a noncriminal
16 traffic infraction, punishable as a moving violation as
17 provided in chapter 318.

18 Section 133. Section 316.2061, Florida Statutes, is
19 amended to read:

20 316.2061 Stop when traffic obstructed.--No driver
21 shall enter an intersection or a marked crosswalk unless there
22 is sufficient space on the other side of the intersection or
23 crosswalk to accommodate the vehicle the driver is operating
24 without obstructing the passage of other vehicles or
25 pedestrians, notwithstanding any traffic control signal
26 indication to proceed. A violation of this section is a
27 noncriminal traffic infraction, punishable as a moving
28 violation as provided in chapter 318.

29 Section 134. Paragraph (e) of subsection (3) and
30 subsection (20) of section 316.2065, Florida Statutes, are
31 amended to read:

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1 316.2065 Bicycle regulations.--

2 (3)

3 (e) Law enforcement officers and school crossing
4 guards may issue a bicycle safety brochure and a verbal
5 warning to a bicycle rider or passenger who violates this
6 subsection. ~~Effective January 1, 1998,~~A bicycle rider or
7 passenger who violates this subsection may be issued a
8 citation by a law enforcement officer and assessed a fine for
9 a pedestrian violation, as provided in s. 318.18. The court
10 shall dismiss the charge against a bicycle rider or passenger
11 for a first violation of paragraph (d) upon proof of purchase
12 of a bicycle helmet that complies with this subsection.

13 (20) Except as otherwise provided in this section, a
14 violation of this section is a noncriminal traffic infraction,
15 punishable as a pedestrian violation as provided in chapter
16 318. A ~~Effective January 1, 1998,~~law enforcement officer
17 ~~officers~~ may issue traffic citations for a violation of
18 subsection (3) or subsection (16) only if the violation occurs
19 on a bicycle path or road, as defined in s. 334.03. However,
20 they may not issue citations to persons on private property,
21 except any part thereof which is open to the use of the public
22 for purposes of vehicular traffic.

23 Section 135. Section 316.2074, Florida Statutes, is
24 amended to read:

25 316.2074 All-terrain vehicles.--

26 (1) ~~The Legislature hereby finds and declares that:~~

27 ~~(a) All-terrain vehicle use has doubled over the past~~
28 ~~several years;~~

29 ~~(b) Injuries associated with all-terrain vehicle use~~
30 ~~have more than tripled over the past several years;~~

31 ~~(c) On the national level, annual emergency room~~

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1 ~~treatments of injuries related to all-terrain vehicle use~~
2 ~~increased from 26,900 in 1983 to 63,900 in 1984 to 85,900 in~~
3 ~~1985.~~

4 ~~(d) Nearly one-half of all individuals injured in~~
5 ~~all-terrain vehicle accidents are under 16 years of age.~~

6 ~~(e) In the past 5 years, there have been more than 550~~
7 ~~deaths resulting from all-terrain vehicle accidents, with more~~
8 ~~than 40 percent of the dead being children 16 years of age or~~
9 ~~younger.~~

10 ~~(f) Over one-half of all individuals injured in~~
11 ~~all-terrain vehicle accidents do not wear any type of~~
12 ~~protective equipment.~~

13 ~~(2)~~ It is the intent of the Legislature, through the
14 adoption of this section to provide safety protection for
15 minors while operating an all-terrain vehicle in this state.

16 ~~(2)(3)~~ As used in this section "all-terrain vehicle"
17 means any motorized off-highway vehicle 50 inches (1270 mm) or
18 less in width, having a dry weight of 600 pounds (273 kg) or
19 less, traveling on three or more low-pressure tires, designed
20 for operator use only with no passengers, having a seat or
21 saddle designed to be straddled by the operator, and having
22 handlebars for steering control.

23 ~~(3)(4)~~ No person under 16 years of age shall operate,
24 ride, or be otherwise propelled on an all-terrain vehicle
25 unless the person wears a safety helmet meeting United States
26 Department of Transportation standards and eye protection.

27 ~~(4)(5)~~ If an accident results in the death of any
28 person or in the injury of any person which results in
29 treatment of the person by a physician, the operator of each
30 all-terrain vehicle involved in the accident shall give notice
31 of the accident pursuant to s. 316.066.

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1 (5)(6) An all-terrain vehicle having four wheels may
2 be used by police officers on public beaches designated as
3 public roadways for the purpose of enforcing the traffic laws
4 of the state. All-terrain vehicles may also be used by the
5 police to travel on public roadways within 5 miles of beach
6 access only when getting to and from the beach.

7 (6) A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 ~~(7) Any person who violates the provisions of this~~
11 ~~section shall be punished as provided in chapter 318.~~

12 Section 136. Subsection (5) is added to section
13 316.208, Florida Statutes, to read:

14 316.208 Motorcycles and mopeds.--

15 (5) A violation of this section is a noncriminal
16 traffic infraction, punishable as a moving violation as
17 provided in chapter 318.

18 Section 137. Subsection (6) is added to section
19 316.2085, Florida Statutes, to read:

20 316.2085 Riding on motorcycles or mopeds.--

21 (6) A violation of this section is a noncriminal
22 traffic infraction, punishable as a moving violation as
23 provided in chapter 318.

24 Section 138. Subsection (6) is added to section
25 316.209, Florida Statutes, to read:

26 316.209 Operating motorcycles on roadways laned for
27 traffic.--

28 (6) A violation of this section is a noncriminal
29 traffic infraction, punishable as a moving violation as
30 provided in chapter 318.

31 Section 139. Subsection (3) is added to section

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1 316.2095, Florida Statutes, to read:

2 316.2095 Footrests and handlebars.--

3 (3) A violation of this section is a noncriminal
4 traffic infraction, punishable as a nonmoving violation as
5 provided in chapter 318.

6 Section 140. Subsection (6) is added to section
7 316.211, Florida Statutes, to read:

8 316.211 Equipment for motorcycle and moped riders.--

9 (6) A violation of this section is a noncriminal
10 traffic infraction, punishable as a nonmoving violation as
11 provided in chapter 318.

12 Section 141. Subsection (6) is added to section
13 316.212, Florida Statutes, to read:

14 316.212 Operation of golf carts on certain
15 roadways.--The operation of a golf cart upon the public roads
16 or streets of this state is prohibited except as provided
17 herein:

18 (6) A violation of this section is a noncriminal
19 traffic infraction, punishable pursuant to chapter 318 as
20 either a moving violation for infractions of subsection (1),
21 subsection (2), subsection (3), or subsection (4), or as a
22 nonmoving violation for infractions of subsection (5).

23 Section 142. Subsection (2) of section 316.2126,
24 Florida Statutes, is amended to read:

25 316.2126 Use of golf carts by certain
26 municipalities.--In addition to the powers granted by ss.
27 316.212 and 316.2125, municipalities older than 400 years old
28 are hereby authorized to utilize golf carts, as defined in s.
29 320.01, upon any state, county, or municipal roads located
30 within the corporate limits of such municipalities, subject to
31 the following conditions:

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1 (2) In addition to the safety equipment required in s.
2 316.212~~(5)~~(6), such golf carts must be equipped with
3 sufficient lighting and turn signal equipment.

4 Section 143. Subsection (6) is added to section
5 316.215, Florida Statutes, to read:

6 316.215 Scope and effect of regulations.--

7 (6) A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 Section 144. Subsection (4) is added to section
11 316.217, Florida Statutes, to read:

12 316.217 When lighted lamps are required.--

13 (4) A violation of this section is a noncriminal
14 traffic infraction, punishable as a moving violation as
15 provided in chapter 318.

16 Section 145. Subsection (3) is added to section
17 316.220, Florida Statutes, to read:

18 316.220 Headlamps on motor vehicles.--

19 (3) A violation of this section is a noncriminal
20 traffic infraction, punishable as a nonmoving violation as
21 provided in chapter 318.

22 Section 146. Subsection (3) is added to section
23 316.221, Florida Statutes, to read:

24 316.221 Taillamps.--

25 (3) A violation of this section is a noncriminal
26 traffic infraction, punishable as a nonmoving violation as
27 provided in chapter 318.

28 Section 147. Subsection (4) is added to section
29 316.222, Florida Statutes, to read:

30 316.222 Stop lamps and turn signals.--

31 (4) A violation of this section is a noncriminal

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1 traffic infraction, punishable as a nonmoving violation as
2 provided in chapter 318.

3 Section 148. Subsection (8) is added to section
4 316.2225, Florida Statutes, to read:

5 316.2225 Additional equipment required on certain
6 vehicles.--In addition to other equipment required in this
7 chapter, the following vehicles shall be equipped as herein
8 stated under the conditions stated in s. 316.217.

9 (8) A violation of this section is a noncriminal
10 traffic infraction, punishable as a nonmoving violation as
11 provided in chapter 318.

12 Section 149. Subsection (4) is added to section
13 316.224, Florida Statutes, to read:

14 316.224 Color of clearance lamps, identification
15 lamps, side marker lamps, backup lamps, reflectors, and
16 deceleration lights.--

17 (4) A violation of this section is a noncriminal
18 traffic infraction, punishable as a nonmoving violation as
19 provided in chapter 318.

20 Section 150. Subsection (3) is added to section
21 316.225, Florida Statutes, to read:

22 316.225 Mounting of reflectors, clearance lamps and
23 side marker lamps.--

24 (3) A violation of this section is a noncriminal
25 traffic infraction, punishable as a nonmoving violation as
26 provided in chapter 318.

27 Section 151. Subsection (4) is added to section
28 316.226, Florida Statutes, to read:

29 316.226 Visibility requirements for reflectors,
30 clearance lamps, identification lamps and marker lamps.--

31 (4) A violation of this section is a noncriminal

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1 traffic infraction, punishable as a nonmoving violation as
2 provided in chapter 318.

3 Section 152. Section 316.228, Florida Statutes, is
4 amended to read:

5 316.228 Lamps or flags on projecting load.--Whenever
6 the load upon any vehicle extends to the rear 4 feet or more
7 beyond the bed or body of such vehicle, there shall be
8 displayed at the extreme rear end of the load, at the times
9 specified in s. 316.217, two red lamps visible from a distance
10 of at least 500 feet to the rear, two red reflectors visible
11 at night from all distances within 600 feet to 100 feet to the
12 rear when directly in front of lawful lower beams of headlamps
13 and located so as to indicate maximum width, and on each side
14 one red lamp visible from a distance of at least 500 feet to
15 the side and located so as to indicate maximum overhang.
16 There shall be displayed at all other times on any vehicle
17 having a load which extends beyond its sides or more than 4
18 feet beyond its rear, red flags, not less than 12 inches
19 square, marking the extremities of such load, at each point
20 where a lamp would otherwise be required by this section. A
21 violation of this section is a noncriminal traffic infraction,
22 punishable as a nonmoving violation as provided in chapter
23 318.

24 Section 153. Subsection (5) is added to section
25 316.229, Florida Statutes, to read:

26 316.229 Lamps on parked vehicles.--

27 (5) A violation of this section is a noncriminal
28 traffic infraction, punishable as a nonmoving violation as
29 provided in chapter 318.

30 Section 154. Subsection (8) is added to section
31 316.2295, Florida Statutes, to read:

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1 316.2295 Lamps, reflectors and emblems on farm
2 tractors, farm equipment and implements of husbandry.--

3 (8) A violation of this section is a noncriminal
4 traffic infraction, punishable as a nonmoving violation as
5 provided in chapter 318.

6 Section 155. Section 316.231, Florida Statutes, is
7 amended to read:

8 316.231 Lamps on other vehicles and equipment.--Every
9 vehicle, including animal-drawn vehicles and vehicles referred
10 to in s. 316.215(3), not specifically required by the
11 provisions of this section to be equipped with lamps or other
12 lighting devices shall at all times specified in s. 316.217 be
13 equipped with at least one lamp displaying a white light
14 visible from a distance of not less than 1,000 feet to the
15 front of said vehicle, and shall also be equipped with two
16 lamps displaying red light visible from a distance of not less
17 than 1,000 feet to the rear of the vehicle, or, as an
18 alternative, one lamp displaying a red light visible from a
19 distance of not less than 1,000 feet to the rear and two red
20 reflectors visible from all distances of 600 to 100 feet to
21 the rear when illuminated by the lawful lower beams of
22 headlamps. A violation of this section is a noncriminal
23 traffic infraction, punishable as a nonmoving violation as
24 provided in chapter 318.

25 Section 156. Subsection (5) is added to section
26 316.233, Florida Statutes, to read:

27 316.233 Spot lamps and auxiliary lamps.--

28 (5) VIOLATIONS.--A violation of this section is a
29 noncriminal traffic infraction, punishable as a nonmoving
30 violation as provided in chapter 318.

31 Section 157. Subsection (3) is added to section

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1 316.234, Florida Statutes, to read:

2 316.234 Signal lamps and signal devices.--

3 (3) A violation of this section is a noncriminal
4 traffic infraction, punishable as a nonmoving violation as
5 provided in chapter 318.

6 Section 158. Subsection (6) is added to section
7 316.235, Florida Statutes, to read:

8 316.235 Additional lighting equipment.--

9 (6) A violation of this section is a noncriminal
10 traffic infraction, punishable as a nonmoving violation as
11 provided in chapter 318.

12 Section 159. Subsection (3) is added to section
13 316.237, Florida Statutes, to read:

14 316.237 Multiple-beam road-lighting equipment.--

15 (3) A violation of this section is a noncriminal
16 traffic infraction, punishable as a nonmoving violation as
17 provided in chapter 318.

18 Section 160. Section 316.238, Florida Statutes, is
19 amended to read:

20 316.238 Use of multiple-beam road-lighting
21 equipment.--

22 (1) Whenever a motor vehicle is being operated on a
23 roadway or shoulder adjacent thereto during the times
24 specified in s. 316.217, the driver shall use a distribution
25 of light, or composite beam, directed high enough and of
26 sufficient intensity to reveal persons and vehicles at a safe
27 distance in advance of the vehicle, subject to the following
28 requirements and limitations:

29 (a)~~(1)~~ Whenever the driver of a vehicle approaches an
30 oncoming vehicle within 500 feet, such driver shall use a
31 distribution of light, or composite beam, so aimed that the

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1 glaring rays are not projected into the eyes of the oncoming
2 driver. The lowermost distribution of light, or composite
3 beam, specified in ss. 316.237(1)(b) and 316.430(2)(b) shall
4 be deemed to avoid glare at all times, regardless of road
5 contour and loading.

6 (b)(2) Whenever the driver of a vehicle approaches
7 another vehicle from the rear within 300 feet, such driver
8 shall use a distribution of light permissible under this
9 chapter other than the uppermost distribution of light
10 specified in ss. 316.237(1)(a) and 316.430(2)(a).

11 (2) A violation of this section is a noncriminal
12 traffic infraction, punishable as a moving violation as
13 provided in chapter 318.

14 Section 161. Section 316.2385, Florida Statutes, is
15 amended to read:

16 316.2385 Requirements for use of lower beam.--The
17 lower or passing beam shall be used at all times during the
18 twilight hours in the morning and the twilight hours in the
19 evening, and during fog, smoke and rain. Twilight shall mean
20 the time between sunset and full night or between full night
21 and sunrise. A violation of this section is a noncriminal
22 traffic infraction, punishable as a moving violation as
23 provided in chapter 318.

24 Section 162. Section 316.239, Florida Statutes, is
25 amended to read:

26 316.239 Single-beam road-lighting equipment.--
27 (1) Headlamp systems which provide only a single
28 distribution of light shall be permitted on all farm tractors
29 regardless of date of manufacture, and on other motor vehicles
30 manufactured and sold prior to January 1, 1972, in lieu of
31 multiple-beam road-lighting equipment herein specified if the

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1 single distribution of light complies with the following
2 requirements and limitations:

3 (a)~~(1)~~ The headlamps shall be so aimed that when the
4 vehicle is not loaded none of the high intensity portion of
5 the light shall, at a distance of 25 feet ahead, project
6 higher than a level of five inches below the level of the
7 center of the lamp from which it comes, and in no case higher
8 than 42 inches above the level on which the vehicle stands at
9 a distance of 75 feet ahead.

10 (b)~~(2)~~ The intensity shall be sufficient to reveal
11 persons and vehicles at a distance of at least 200 feet.

12 (2) A violation of this section is a noncriminal
13 traffic infraction, punishable as a nonmoving violation as
14 provided in chapter 318.

15 Section 163. Section 316.2395, Florida Statutes, is
16 amended to read:

17 316.2395 Motor vehicles; minimum headlamp
18 requirement.--Any motor vehicle may be operated at nighttime
19 under the conditions specified in ss. 316.237 and 316.239,
20 when equipped with two lighted lamps upon the front thereof
21 capable of revealing persons and objects 100 feet ahead in
22 lieu of lamps required in ss. 316.237 and 316.239. However,
23 at no time when lighted lamps are required shall such motor
24 vehicle be operated in excess of 20 miles per hour. A
25 violation of this section is a noncriminal traffic infraction,
26 punishable as a nonmoving violation as provided in chapter
27 318.

28 Section 164. Subsection (3) is added to section
29 316.2396, Florida Statutes, to read:

30 316.2396 Number of driving lamps required or
31 permitted.--

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1 (3) A violation of this section is a noncriminal
2 traffic infraction, punishable as a nonmoving violation as
3 provided in chapter 318.

4 Section 165. Subsection (10) is added to section
5 316.2397, Florida Statutes, to read:

6 316.2397 Certain lights prohibited; exceptions.--

7 (10) A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 Section 166. Section 316.2399, Florida Statutes, is
11 amended to read:

12 316.2399 Special warning lights for buses or
13 taxicabs.--The provisions of s. 316.2397(7) to the contrary
14 notwithstanding, a bus or taxicab may be equipped with two
15 flashing devices for the purpose of warning the operators of
16 other vehicles and law enforcement agents that an emergency
17 situation exists within the bus or taxicab. Such devices
18 shall be capable of activation by the operator of the bus or
19 taxicab and shall be of a type approved by the Department of
20 Highway Safety and Motor Vehicles. Such devices shall be
21 mounted one at the front and one at the rear of the bus or
22 taxicab and shall display flashing red lights which shine on
23 the roadway under the vehicle. A violation of this section is
24 a noncriminal traffic infraction, punishable as a nonmoving
25 violation as provided in chapter 318.

26 Section 167. Subsection (3) is added to section
27 316.240, Florida Statutes, to read:

28 316.240 Standards for lights on highway maintenance
29 and service equipment.--

30 (3) A violation of this section is a noncriminal
31 traffic infraction, punishable as a nonmoving violation as

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1 provided in chapter 318.

2 Section 168. Subsection (4) is added to section
3 316.241, Florida Statutes, to read:

4 316.241 Selling or using lamps or equipment.--

5 (4) A violation of this section is a noncriminal
6 traffic infraction, punishable as a nonmoving violation as
7 provided in chapter 318.

8 Section 169. Subsection (3) of section 316.251,
9 Florida Statutes, is amended to read:

10 316.251 Maximum bumper heights.--

11 (3) A violation of this section shall be defined as a
12 moving violation. A person charged with a violation of this
13 section is subject to the penalty provided in s. 318.18(3).

14 Section 170. Subsection (3) is added to section
15 316.252, Florida Statutes, to read:

16 316.252 Splash and spray suppressant devices.--

17 (3) A violation of this section is a noncriminal
18 traffic infraction, punishable as a nonmoving violation as
19 provided in chapter 318.

20 Section 171. Section 316.253, Florida Statutes, is
21 amended to read:

22 316.253 Vehicles used to sell ice cream and other
23 confections; display of warnings required.--Any person who
24 sells ice cream or other frozen confections at retail from a
25 motor vehicle shall display on each side of such motor
26 vehicle, in letters at least 3 inches high, a warning
27 containing the words "look out for children" or "caution:
28 children" or such similar words as are approved by the
29 department. A violation of this section is a noncriminal
30 traffic infraction, punishable as a nonmoving violation as
31 provided in chapter 318.

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1 Section 172. Subsection (11) is added to section
2 316.261, Florida Statutes, to read:

3 316.261 Brake equipment required.--Every motor
4 vehicle, trailer, semitrailer, and pole trailer, and any
5 combination of such vehicles, operating upon a highway within
6 this state shall be equipped with brakes in compliance with
7 the requirements of this chapter.

8 (11) A violation of this section is a noncriminal
9 traffic infraction, punishable as a nonmoving violation as
10 provided in chapter 318.

11 Section 173. Subsection (3) is added to section
12 316.262, Florida Statutes, to read:

13 316.262 Performance ability of motor vehicle brakes.--

14 (3) A violation of this section is a noncriminal
15 traffic infraction, punishable as a nonmoving violation as
16 provided in chapter 318.

17 Section 174. Section 316.263, Florida Statutes, is
18 amended to read:

19 316.263 Maintenance of brakes.--All brakes shall be
20 maintained in good working order and shall be so adjusted as
21 to operate as equally as practicable with respect to the
22 wheels on opposite sides of the vehicle. A violation of this
23 section is a noncriminal traffic infraction, punishable as a
24 nonmoving violation as provided in chapter 318.

25 Section 175. Section 316.267, Florida Statutes, is
26 amended to read:

27 316.267 Brakes on electric-powered vehicles.--When
28 operated on the public streets and roads, every
29 electric-powered vehicle with a rating of 3 to 6 horsepower
30 shall be equipped with hydraulic brakes on the two rear wheels
31 and at all times and under all conditions of loading, upon

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1 application of the service brake, shall be capable of:

2 (1) Developing a braking force that is not less than
3 43.5 percent of its gross weight.

4 (2) Decelerating to a stop from not more than 20 miles
5 per hour at not less than 17 feet per second.

6 (3) Stopping from a speed of 20 miles per hour in not
7 more than 25 feet, such distance to be measured from the point
8 at which movement of the service brake pedal or control
9 begins.

10

11 A violation of this section is a noncriminal traffic
12 infraction, punishable as a nonmoving violation as provided in
13 chapter 318.

14 Section 176. Subsection (8) is added to section
15 316.271, Florida Statutes, to read:

16 316.271 Horns and warning devices.--

17 (8) A violation of this section is a noncriminal
18 traffic infraction, punishable as a nonmoving violation as
19 provided in chapter 318.

20 Section 177. Subsection (3) is added to section
21 316.272, Florida Statutes, to read:

22 316.272 Exhaust systems, prevention of noise.--

23 (3) A violation of this section is a noncriminal
24 traffic infraction, punishable as a nonmoving violation as
25 provided in chapter 318.

26 Section 178. Subsection (7) is added to section
27 316.293, Florida Statutes, to read:

28 316.293 Motor vehicle noise.--

29 (7) VIOLATIONS.--A violation of this section is a
30 noncriminal traffic infraction, punishable as a nonmoving
31 violation as provided in chapter 318.

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1 Section 179. Subsections (1), (2), and (6) of section
2 316.2935, Florida Statutes, are amended to read:

3 316.2935 Air pollution control equipment; tampering
4 prohibited; penalty.--

5 (1)(a) ~~On and after July 1, 1990,~~It is unlawful for
6 any person or motor vehicle dealer as defined in s. 320.27 to
7 offer or display for retail sale or lease, sell, lease, or
8 transfer title to, a motor vehicle in Florida that has been
9 tampered with in violation of this section, as determined
10 pursuant to subsection (7). Tampering is defined as the
11 dismantling, removal, or rendering ineffective of any air
12 pollution control device or system which has been installed on
13 a motor vehicle by the vehicle manufacturer except to replace
14 such device or system with a device or system equivalent in
15 design and function to the part that was originally installed
16 on the motor vehicle. All motor vehicles sold, reassigned, or
17 traded to a licensed motor vehicle dealer are exempt from this
18 paragraph.

19 (b) ~~On and after January 1, 1991,~~At the time of sale,
20 lease, or transfer of title of a motor vehicle, the seller,
21 lessor, or transferor shall certify in writing to the
22 purchaser, lessee, or transferee that the air pollution
23 control equipment of the motor vehicle has not been tampered
24 with by the seller, lessor, or transferor or their agents,
25 employees, or other representatives. A licensed motor vehicle
26 dealer shall also visually observe those air pollution control
27 devices listed by department rule pursuant to subsection (7),
28 and certify that they are in place, and appear properly
29 connected and undamaged. Such certification shall not be
30 deemed or construed as a warranty that the pollution control
31 devices of the subject vehicle are in functional condition,

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1 nor does the execution or delivery of this certification
2 create by itself grounds for a cause of action between the
3 parties to this transaction.

4 (c) ~~On and after July 1, 1990,~~All motor vehicles
5 sold, reassigned, or traded by a licensed motor vehicle dealer
6 to a licensed motor vehicle dealer, all new motor vehicles
7 subject to certification under s. 207, Clean Air Act, 42
8 U.S.C. s. 7541, and all lease agreements for 30 days or less
9 are exempt from this subsection. Also exempt from this
10 subsection are sales of motor vehicles for salvage purposes
11 only.

12 (2) No person shall operate any gasoline-powered motor
13 vehicle, except a motorcycle, moped, or scooter ~~as defined in~~
14 ~~chapter 320~~, or an imported nonconforming motor vehicle which
15 has received a one-time exemption from federal emission
16 control requirements under 40 C.F.R. 85, subpart P, on the
17 public roads and streets of this state which emits visible
18 emissions from the exhaust pipe for more than a continuous
19 period of 5 seconds, and no person shall operate on the public
20 roads or streets of this state any motor vehicle that has been
21 tampered with in violation of this section, as determined
22 pursuant to subsection (7).

23 (6) Except as provided in subsection (5), any person
24 who violates subsection (1), subsection (2), or subsection (3)
25 shall be charged with a noncriminal traffic infraction,
26 punishable as a nonmoving violation as provided in chapter 318
27 ~~provided in s. 318.18(2)~~. However, the penalty may be reduced
28 if the person committing the violation corrects the violation
29 pursuant to the provisions of s. 316.6105.

30 Section 180. Section 316.294, Florida Statutes, is
31 amended to read:

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1 316.294 Mirrors.--Every vehicle, operated singly or
2 when towing any other vehicle, shall be equipped with a mirror
3 so located as to reflect to the driver a view of the highway
4 for a distance of at least 200 feet to the rear of the motor
5 vehicle. A violation of this section is a noncriminal traffic
6 infraction, punishable as a nonmoving violation as provided in
7 chapter 318.

8 Section 181. Subsection (6) is added to section
9 316.2952, Florida Statutes, to read:

10 316.2952 Windshields; requirements; restrictions.--

11 (6) A violation of this section is a noncriminal
12 traffic infraction, punishable as a nonmoving violation as
13 provided in chapter 318.

14 Section 182. Section 316.2953, Florida Statutes, is
15 amended to read:

16 316.2953 Side windows; restrictions on suncreening
17 material.--A person shall not operate any motor vehicle on any
18 public highway, road, or street on which vehicle the side
19 wings and side windows on either side forward of or adjacent
20 to the operator's seat are composed of, covered by, or treated
21 with any sunscreening material or other product or covering
22 which has the effect of making the window nontransparent or
23 which would alter the window's color, increase its
24 reflectivity, or reduce its light transmittance, except as
25 expressly permitted by this section. A sunscreening material
26 is authorized for such windows if, when applied to and tested
27 on the glass of such windows on the specific motor vehicle,
28 the material has a total solar reflectance of visible light of
29 not more than 25 percent as measured on the nonfilm side and a
30 light transmittance of at least 28 percent in the visible
31 light range. A violation of this section is a noncriminal

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1 traffic infraction, punishable as a nonmoving violation as
2 provided in chapter 318.

3 Section 183. Subsection (3) is added to section
4 316.2954, Florida Statutes, to read:

5 316.2954 Windows behind the driver; restrictions on
6 sunscreening material.--

7 (3) A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318.

10 Section 184. Subsections (1) and (3) of section
11 316.2956, Florida Statutes, are amended to read:

12 316.2956 Violation of provisions relating to
13 windshields, windows, and sunscreening material; penalties.--

14 (1) Any person who operates a motor vehicle on which,
15 after June 20, 1984, material was installed in violation of
16 ss. 316.2951-316.2954 commits ~~is guilty of~~ a noncriminal
17 traffic infraction, punishable as a nonmoving violation as
18 provided in chapter 318 ~~subject to the penalty provided in s.~~
19 ~~318.18(2).~~

20 (3) Any person who sells or installs sunscreening
21 material in violation of any provision of ss.
22 316.2951-316.2955 ~~after June 20, 1984,~~ is guilty of a
23 misdemeanor of the second degree, punishable as provided in s.
24 775.082 or s. 775.083.

25 Section 185. Section 316.299, Florida Statutes, is
26 amended to read:

27 316.299 Rough surfaced wheels prohibited.--No person
28 shall drive, propel, operate, or cause to be driven, propelled
29 or operated over any paved or graded public road of this state
30 any tractor engine, tractor or other vehicle or contrivance
31 having wheels provided with sharpened or roughened surfaces,

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1 other than roughened pneumatic rubber tires having studs
2 designed to improve traction without materially injuring the
3 surface of the highway, unless the rims or tires of the wheels
4 of such tractor engines, tractors, or other vehicles or
5 contrivances are provided with suitable filler blocks between
6 the cleats so as to form a smooth surface. This requirement
7 shall not apply to tractor engines, tractors, or other
8 vehicles or contrivances if the rims or tires of their wheels
9 are constructed in such manner as to prevent injury to such
10 roads. This restriction shall not apply to tractor engines,
11 tractors, and other vehicles or implements used by any county
12 or the Department of Transportation in the construction or
13 maintenance of roads or to farm implements weighing less than
14 1,000 pounds when provided with wheel surfaces of more than
15 1/2 inch in width. A violation of this section is a
16 noncriminal traffic infraction, punishable as a nonmoving
17 violation as provided in chapter 318.

18 Section 186. Subsection (4) is added to section
19 316.300, Florida Statutes, to read:

20 316.300 Certain vehicles to carry flares or other
21 devices.--

22 (4) A violation of this section is a noncriminal
23 traffic infraction, punishable as a nonmoving violation as
24 provided in chapter 318.

25 Section 187. Subsection (10) is added to section
26 316.301, Florida Statutes, to read:

27 316.301 Display of warning lights and devices when
28 vehicle is stopped or disabled.--

29 (10) A violation of this section is a noncriminal
30 traffic infraction, punishable as a nonmoving violation as
31 provided in chapter 318.

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1 Section 188. Paragraph (c) of subsection (3) of
2 section 316.3025, Florida Statutes, is amended to read:

3 316.3025 Penalties.--

4 (3)

5 (c) A civil penalty of \$250 may be assessed for:

6 1. A violation of the placarding requirements of 49
7 C.F.R. parts 171-179;

8 2. A violation of the shipping paper requirements of
9 49 C.F.R. parts 171-179;

10 3. A violation of 49 C.F.R. s. 392.10;

11 4. A violation of 49 C.F.R. s. 397.5 ~~395.5~~;

12 5. A violation of 49 C.F.R. s. 397.7;

13 6. A violation of 49 C.F.R. s. 397.13; or

14 7. A violation of 49 C.F.R. s. 397.15.

15 Section 189. Subsection (5) of section 316.3027,
16 Florida Statutes, is amended, and subsection (6) is added to
17 said section, to read:

18 316.3027 Identification required on commercial motor
19 vehicles.--

20 (5) Any vehicle which meets the vehicle identification
21 requirements of the United States Department of Transportation
22 ~~Interstate Commerce Commission~~ regulations shall be considered
23 in compliance with this section.

24 (6) A violation of this section is a noncriminal
25 traffic infraction, punishable as a nonmoving violation as
26 provided in chapter 318.

27 Section 190. Subsection (4) is added to section
28 316.303, Florida Statutes, to read:

29 316.303 Television receivers.--

30 (4) A violation of this section is a noncriminal
31 traffic infraction, punishable as a nonmoving violation as

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1 provided in chapter 318.

2 Section 191. Subsection (4) is added to section
3 316.304, Florida Statutes, to read:

4 316.304 Wearing of headsets.--

5 (4) A violation of this section is a noncriminal
6 traffic infraction, punishable as a nonmoving violation as
7 provided in chapter 318.

8 Section 192. Subsection (5) is added to section
9 316.3045, Florida Statutes, to read:

10 316.3045 Operation of radios or other mechanical
11 soundmaking devices or instruments in vehicles; exemptions.--

12 (5) A violation of this section is a noncriminal
13 traffic infraction, punishable as a nonmoving violation as
14 provided in chapter 318.

15 Section 193. Subsection (3) is added to section
16 316.400, Florida Statutes, to read:

17 316.400 Headlamps.--

18 (3) A violation of this section is a noncriminal
19 traffic infraction, punishable as a nonmoving violation as
20 provided in chapter 318.

21 Section 194. Subsection (3) is added to section
22 316.405, Florida Statutes, to read:

23 316.405 Motorcycle headlights to be turned on.--

24 (3) A violation of this section is a noncriminal
25 traffic infraction, punishable as a moving violation as
26 provided in chapter 318.

27 Section 195. Subsection (3) is added to section
28 316.410, Florida Statutes, to read:

29 316.410 Taillamps.--

30 (3) A violation of this section is a noncriminal
31 traffic infraction, punishable as a nonmoving violation as

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1 provided in chapter 318.

2 Section 196. Section 316.415, Florida Statutes, is
3 amended to read:

4 316.415 Reflectors.--Every motorcycle and motor-driven
5 cycle shall carry on the rear, either as part of the taillamp
6 or separately, at least one red reflector. A violation of this
7 section is a noncriminal traffic infraction, punishable as a
8 nonmoving violation as provided in chapter 318.

9 Section 197. Section 316.420, Florida Statutes, is
10 amended to read:

11 316.420 Stop lamps.--Every motorcycle and motor-driven
12 cycle shall be equipped with at least one stop lamp meeting
13 the requirements of s. 316.234(1). A violation of this section
14 is a noncriminal traffic infraction, punishable as a nonmoving
15 violation as provided in chapter 318.

16 Section 198. Subsection (3) is added to section
17 316.425, Florida Statutes, to read:

18 316.425 Lamps on parked motorcycles.--

19 (3) A violation of this section is a noncriminal
20 traffic infraction, punishable as a nonmoving violation as
21 provided in chapter 318.

22 Section 199. Subsection (3) is added to section
23 316.430, Florida Statutes, to read:

24 316.430 Multiple-beam road-lighting equipment.--

25 (3) A violation of this section is a noncriminal
26 traffic infraction, punishable as a nonmoving violation as
27 provided in chapter 318.

28 Section 200. Section 316.435, Florida Statutes, is
29 amended to read:

30 316.435 Lighting equipment for motor-driven
31 cycles.--The headlamp or headlamps upon every motor-driven

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1 cycle may be of the single-beam or multiple-beam type, but in
2 either event shall comply with the requirements and
3 limitations as follows:

4 (1) Every such headlamp or headlamps on a motor-driven
5 cycle shall be of sufficient intensity to reveal persons and
6 vehicles at a distance of not less than 100 feet when the
7 motor-driven cycle is operated at any speed less than 25 miles
8 per hour; at a distance of not less than 200 feet when the
9 motor-driven cycle is operated at a speed of 25 or more miles
10 per hour; and at a distance of not less than 300 feet when the
11 motor-driven cycle is operated at a speed of 35 or more miles
12 per hour.

13 (2) In the event the motor-driven cycle is equipped
14 with a multiple-beam headlamp or headlamps, such equipment
15 shall comply with the requirements of s. 316.430(2).

16
17 A violation of this section is a noncriminal traffic
18 infraction, punishable as a nonmoving violation as provided in
19 chapter 318.

20 Section 201. Section 316.440, Florida Statutes, is
21 amended to read:

22 316.440 Brake equipment required.--Every motor-driven
23 cycle must comply with the provisions of s. 316.261, except
24 that:

25 (1) Motorcycles and motor-driven cycles need not be
26 equipped with parking brakes.

27 (2) The wheel of a sidecar attached to a motorcycle or
28 to a motor-driven cycle, and the front wheel of a motor-driven
29 cycle, need not be equipped with brakes, provided that such
30 motorcycle or motor-driven cycle is capable of complying with
31 the performance requirements of this chapter.

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A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 202. Subsection (3) is added to section 316.445, Florida Statutes, to read:

316.445 Performance ability of motorcycle brakes.--

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 203. Subsection (4) is added to section 316.450, Florida Statutes, to read:

316.450 Brakes on motor-driven cycles.--

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 204. Section 316.455, Florida Statutes, is amended to read:

316.455 Other equipment.--Every motorcycle and every motor-driven cycle when operated upon a highway shall comply with the requirements and limitations of:

(1) Section 316.271(1) and (2) on the requirement for horns and warning devices.

(2) Section 316.271(3) on the requirement for the use of horns.

(3) Section 316.271(4) on the requirement for sirens, whistles, and bells.

(4) Section 316.271(5) on the requirement for theft alarms.

(5) Section 316.271(6) on the requirement for emergency vehicles.

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1 (6) Section 316.272 on the requirement for mufflers
2 and prevention of noise.

3 (7) Section 316.294 on the requirement for mirrors.

4
5 A violation of this section is a noncriminal traffic
6 infraction, punishable as a nonmoving violation as provided in
7 chapter 318.

8 Section 205. Section 316.46, Florida Statutes, is
9 amended to read:

10 316.46 Equipment regulations for mopeds.--No person
11 may operate a moped that does not conform to all applicable
12 federal motor vehicle safety standards relating to lights and
13 safety and other equipment contained in Title 49, Code of
14 Federal Regulations. A violation of this section is a
15 noncriminal traffic infraction, punishable as a nonmoving
16 violation as provided in chapter 318.

17 Section 206. Section 316.510, Florida Statutes, is
18 amended to read:

19 316.510 Projecting loads on passenger vehicles.--No
20 passenger type vehicle shall be operated on any highway with
21 any load carried thereon extending beyond the fenders on the
22 left side of the vehicle or extending more than 6 inches
23 beyond the line of the fenders on the right side thereof. A
24 violation of this section is a noncriminal traffic infraction,
25 punishable as a nonmoving violation as provided in chapter
26 318.

27 Section 207. Subsection (3) is added to section
28 316.520, Florida Statutes, to read:

29 316.520 Loads on vehicles.--

30 (3) A violation of this section is a noncriminal
31 traffic infraction, punishable as a nonmoving violation as

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1 provided in chapter 318.

2 Section 208. Subsection (3) is added to section
3 316.525, Florida Statutes, to read:

4 316.525 Requirements for vehicles hauling loads.--

5 (3) A violation of this section is a noncriminal
6 traffic infraction, punishable as a nonmoving violation as
7 provided in chapter 318.

8 Section 209. Subsection (4) is added to section
9 316.530, Florida Statutes, to read:

10 316.530 Towing requirements.--

11 (4) A violation of this section is a noncriminal
12 traffic infraction, punishable as a moving violation as
13 provided in chapter 318.

14 Section 210. Section 316.600, Florida Statutes, is
15 amended to read:

16 316.600 Health and sanitation hazards.--No motor
17 vehicle, trailer or semitrailer shall be equipped with an open
18 toilet or other device that may be a hazard from a health and
19 sanitation standpoint. A violation of this section is a
20 noncriminal traffic infraction, punishable as a nonmoving
21 violation as provided in chapter 318.

22 Section 211. Section 316.605, Florida Statutes, is
23 amended to read:

24 316.605 Licensing of vehicles.--

25 (1) Every vehicle, at all times while driven, stopped,
26 or parked upon any highways, roads, or streets of this state,
27 shall be licensed in the name of the owner thereof in
28 accordance with the laws of this state unless such vehicle is
29 not required by the laws of this state to be licensed in this
30 state and shall, except as otherwise provided in s. 320.0706
31 for front-end registration license plates on truck tractors,

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1 display the license plate or both of the license plates
2 assigned to it by the state, one on the rear and, if two, the
3 other on the front of the vehicle, each to be securely
4 fastened to the vehicle outside the main body of the vehicle
5 in such manner as to prevent the plates from swinging, with
6 all letters, numerals, printing, writing, and other
7 identification marks upon the plates clear and distinct and
8 free from defacement, mutilation, grease, and other obscuring
9 matter, so that they will be plainly visible and legible at
10 all times 100 feet from the rear or front. Nothing shall be
11 placed upon the face of a Florida plate except as permitted by
12 law or by rule or regulation of a governmental agency. No
13 license plates other than those furnished by the state shall
14 be used. However, if the vehicle is not required to be
15 licensed in this state, the license plates on such vehicle
16 issued by another state, by a territory, possession, or
17 district of the United States, or by a foreign country,
18 substantially complying with the provisions hereof, shall be
19 considered as complying with this chapter. A violation of this
20 subsection is a noncriminal traffic infraction, punishable as
21 a nonmoving violation as provided in chapter 318.

22 (2) Any commercial motor vehicle, as defined in s.
23 316.003(66), operating over the highways of this state with an
24 expired registration, with no registration from this or any
25 other jurisdiction, or with no registration under the
26 applicable provisions of chapter 320 shall be in violation of
27 s. 320.07(3) and shall subject the owner or operator of such
28 vehicle to the penalty provided in ~~s. 318.18~~. In addition, a
29 commercial motor vehicle found in violation of this section
30 may be detained by any law enforcement officer until the owner
31 or operator produces evidence that the vehicle has been

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1 properly registered and that any applicable delinquent
2 penalties have been paid.

3 Section 212. Subsection (5) of section 316.613,
4 Florida Statutes, is amended to read:

5 316.613 Child restraint requirements.--

6 (5) Any person who violates the provisions of this
7 section commits a moving violation, punishable as provided in
8 chapter 318 and shall have 3 points assessed against his or
9 her driver's license as set forth in s. 322.27. In lieu of the
10 penalty specified in s. 318.18 and the assessment of points, a
11 person who violates the provisions of this section may elect,
12 with the court's approval, to participate in a child restraint
13 safety program approved by the chief judge of the circuit in
14 which the violation occurs, and upon completing such program,
15 the penalty specified in chapter 318 and associated costs may
16 be waived at the court's discretion and the assessment of
17 points shall be waived. The child restraint safety program
18 must use a course approved by the Department of Transportation
19 ~~Health and Rehabilitative Services~~, and the fee for the course
20 must bear a reasonable relationship to the cost of providing
21 the course.

22 Section 213. Subsection (5) of section 316.6135,
23 Florida Statutes, is amended to read:

24 316.6135 Leaving children unattended or unsupervised
25 in motor vehicle; penalty; authority of law enforcement
26 officer.--

27 (5) The child shall be remanded to the custody of the
28 Department of Children and Family ~~Health and Rehabilitative~~
29 Services pursuant to chapter 39, unless the law enforcement
30 officer is able to locate the parents or legal guardian or
31 other person responsible for the child.

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1 Section 214. Subsection (6) is added to section
2 316.615, Florida Statutes, to read:

3 316.615 School buses; physical requirements of
4 drivers.--

5 (6) A violation of this section is a noncriminal
6 traffic infraction, punishable as a nonmoving violation as
7 provided in chapter 318.

8 Section 215. Subsection (7) is added to section
9 316.620, Florida Statutes, to read:

10 316.620 Transportation of migrant farm workers.--Every
11 carrier of migrant farm workers shall systematically inspect
12 and maintain, or cause to be systematically maintained, all
13 motor vehicles and their accessories subject to its control to
14 ensure that such motor vehicles and accessories are in safe
15 and proper operating condition in accordance with the
16 provisions of this chapter.

17 (7) VIOLATIONS.--A violation of this section is a
18 noncriminal traffic infraction, punishable as a nonmoving
19 violation as provided in chapter 318.

20 Section 216. Subsection (3) of section 316.635,
21 Florida Statutes, is amended to read:

22 316.635 Courts having jurisdiction over traffic
23 violations; powers relating to custody and detention of
24 minors.--

25 (3) If a minor is taken into custody for a criminal
26 traffic offense or a violation of chapter 322 and the minor
27 does not demand to be taken before a magistrate, the arresting
28 officer or booking officer shall immediately notify, or cause
29 to be notified, the minor's parents, guardian, or responsible
30 adult relative of the action taken. After making every
31 reasonable effort to give notice, the arresting officer or

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1 booking officer may:

2 (a) Issue a notice to appear pursuant to chapter 901
3 and release the minor to a parent, guardian, responsible adult
4 relative, or other responsible adult;

5 (b) Issue a notice to appear pursuant to chapter 901
6 and release the minor pursuant to s. 903.06;

7 (c) Issue a notice to appear pursuant to chapter 901
8 and deliver the minor to an appropriate substance abuse
9 treatment or rehabilitation facility or refer the minor to an
10 appropriate medical facility as provided in s. 901.29. If the
11 minor cannot be delivered to an appropriate substance abuse
12 treatment or rehabilitation facility or medical facility, the
13 arresting officer may deliver the minor to an appropriate
14 intake office of the Department of Children and Family Health
15 ~~and Rehabilitative~~ Services, which shall take custody of the
16 minor and make any appropriate referrals; or

17 (d) If the violation constitutes a felony and the
18 minor cannot be released pursuant to s. 903.03, transport and
19 deliver the minor to an appropriate Department of Children and
20 Family Health and Rehabilitative Services intake office. Upon
21 delivery of the minor to the intake office, the department
22 shall assume custody and proceed pursuant to chapter 39.

23
24 If action is not taken pursuant to paragraphs (a)-(d), the
25 minor shall be delivered to the Department of Children and
26 Family Health and Rehabilitative Services, and the department
27 shall make every reasonable effort to contact the parents,
28 guardian, or responsible adult relative to take custody of the
29 minor. If there is no parent, guardian, or responsible adult
30 relative available, the department may retain custody of the
31 minor for up to 24 hours.

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1 Section 217. Paragraph (b) of subsection (1) of
2 section 316.70, Florida Statutes, is amended to read:

3 316.70 Nonpublic sector buses; safety rules.--

4 (1) The Department of Transportation shall establish
5 and revise standards to assure the safe operation of nonpublic
6 sector buses, as defined in s. 316.003(78), which standards
7 shall be those contained in 49 C.F.R. parts 382, 385, and
8 390-397 and which shall be directed towards assuring that:

9 (b) Nonpublic sector buses are carrying the insurance
10 required by law and carrying liability insurance on the
11 checked baggage of passengers not to exceed the standard
12 adopted by the United States Department of Transportation
13 ~~Interstate Commerce Commission.~~

14 Section 218. Section 318.12, Florida Statutes, is
15 amended to read:

16 318.12 Purpose.--It is the legislative intent in the
17 adoption of this chapter to decriminalize certain violations
18 of chapter 316, the Florida Uniform Traffic Control Law;
19 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'
20 Licenses; ~~chapter 339, Florida Transportation Code, Sixth~~
21 ~~Part~~chapter 240, Postsecondary Education ~~239, Universities~~
22 ~~Scholarships, etc.;~~ and chapter 338, Florida Intrastate
23 Highway System and Toll Facilities ~~340, Turnpike Projects,~~
24 thereby facilitating the implementation of a more uniform and
25 expeditious system for the disposition of traffic infractions.

26 Section 219. Subsection (5) of section 318.13, Florida
27 Statutes, is amended to read:

28 318.13 Definitions.--The following words and phrases,
29 when used in this chapter, shall have the meanings
30 respectively ascribed to them in this section, except where
31 the context otherwise requires:

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1 (5) "Officer" means any law enforcement officer
2 charged with and acting under his or her authority to arrest
3 persons suspected of, or known to be, violating statutes or
4 ordinances regulating traffic or the operation or equipment of
5 vehicles. "Officer" includes any individual employed by a
6 sheriff's department or the police department of a chartered
7 municipality who is acting as a traffic infraction enforcement
8 officer as provided in s. 316.640 ~~318.141~~.

9 Section 220. Subsections (1), (4), (9), and (10) of
10 section 318.14, Florida Statutes, are amended to read:

11 318.14 Noncriminal traffic infractions; exception;
12 procedures.--

13 (1) Except as provided in ss. 318.17 and 320.07(3)(b),
14 any person cited for a violation of s. 240.265, chapter 316,
15 s. 320.0605~~(1)~~, s. 320.07(3)(a), s. 322.065, s. 322.15(1), s.
16 322.16(2) or (3), s. 322.1615 ~~s. 322.161(4)~~, or s. 322.19 is
17 charged with a noncriminal infraction and must be cited for
18 such an infraction and cited to appear before an official. If
19 another person dies as a result of the noncriminal infraction,
20 the person cited may be required to perform 120 community
21 service hours under s. 316.027(4), in addition to any other
22 penalties.

23 (4) Any person charged with a noncriminal infraction
24 under this section who does not elect to appear shall pay the
25 civil penalty and delinquent fee, if applicable, either by
26 mail or in person, within 30 days of the date of receiving the
27 citation. If the person cited follows the above procedure, he
28 or she shall be deemed to have admitted the infraction and to
29 have waived his or her right to a hearing on the issue of
30 commission of the infraction. Such admission shall not be
31 used as evidence in any other proceedings. Any person who is

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1 cited for a violation of s. 320.0605~~(1)~~ or s. 322.15(1), or
2 subject to a penalty under s. 320.07(3)(a) or s. 322.065, and
3 who makes an election under this subsection shall submit proof
4 of compliance with the applicable section to the clerk of the
5 court. For the purposes of this subsection, proof of
6 compliance consists of a valid driver's license or a valid
7 registration certificate.

8 (9) Any person who is cited for an infraction under
9 this section other than a violation of s. 320.0605~~(1)~~, s.
10 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.
11 322.62 may, in lieu of a court appearance, elect to attend in
12 the location of his or her choice within this state a basic
13 driver improvement course approved by the Department of
14 Highway Safety and Motor Vehicles. In such a case,
15 adjudication must be withheld; points, as provided by s.
16 322.27, may not be assessed; and the civil penalty that is
17 imposed by s. 318.18(3) must be reduced by 18 percent;
18 however, a person may not make an election under this
19 subsection if the person has made an election under this
20 subsection in the preceding 12 months. A person may make no
21 more than five elections under this subsection. The
22 requirement for community service under s. 318.18~~(8)~~~~(7)~~ is not
23 waived by a plea of nolo contendere or by the withholding of
24 adjudication of guilt by a court.

25 (10)(a) Any person cited for an offense listed under
26 this subsection may, in lieu of payment of fine or court
27 appearance, elect to enter a plea of nolo contendere and
28 provide proof of compliance to the clerk of the court or
29 authorized operator of a traffic violations bureau. In such
30 case, adjudication shall be withheld; however, no election
31 shall be made under this subsection if such person has made an

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1 election under this subsection in the 12 months preceding
2 election hereunder. No person may make more than three
3 elections under this subsection. This subsection applies to
4 the following offenses:

5 1. Operating a motor vehicle without a valid driver's
6 license in violation of the provisions of s. 322.03, s.
7 322.065, or s. 322.15(1), or operating a motor vehicle with a
8 license which has been suspended for failure to appear,
9 failure to pay civil penalty, or failure to attend a driver
10 improvement course pursuant to s. 322.291.

11 2. Operating a motor vehicle without a valid
12 registration in violation of s. 320.0605, or s. 320.07, or s.
13 320.131.

14 3. Operating a motor vehicle in violation of s.
15 316.646.

16 (b) Any person cited for an offense listed in this
17 subsection shall present proof of compliance prior to the
18 scheduled court appearance date. For the purposes of this
19 subsection, proof of compliance shall consist of a valid,
20 renewed, or reinstated driver's license or registration
21 certificate and proper proof of maintenance of security as
22 required by s. 316.646. Notwithstanding waiver of fine, any
23 person establishing proof of compliance shall be assessed
24 court costs of \$22, except that a person charged with
25 violation of s. 316.646(1)-(3) may be assessed court costs of
26 \$7. One dollar of such costs shall be distributed to the
27 Department of Children and Family ~~Health and Rehabilitative~~
28 Services for deposit into the Child Welfare Training Trust
29 Fund. One dollar of such costs shall be distributed to the
30 Department of Juvenile Justice for deposit into the Juvenile
31 Justice Training Trust Fund. Twelve dollars of such costs

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1 shall be distributed to the municipality and \$8 shall be
 2 retained by the county, if the offense was committed within
 3 the municipality. If the offense was committed in an
 4 unincorporated area of a county or if the citation was for a
 5 violation of s. 316.646(1)-(3), the county shall retain the
 6 entire amount, except for the moneys to be deposited into the
 7 Child Welfare Training Trust Fund and the Juvenile Justice
 8 Training Trust Fund. This subsection shall not be construed
 9 to authorize the operation of a vehicle without a valid
 10 driver's license, without a valid vehicle tag and
 11 registration, or without the maintenance of required security.

12 Section 221. Subsections (1), (6), and (11) of section
 13 318.18, Florida Statutes, are amended to read:

14 318.18 Amount of civil penalties.--The penalties
 15 required for a noncriminal disposition pursuant to s. 318.14
 16 are as follows:

17 (1) Fifteen dollars for:

18 (a) All infractions of pedestrian regulations,

19 (b) All infractions of s. 316.2065, unless otherwise
 20 specified, ~~and~~

21 (c) Other violations of chapter 316 by persons 14
 22 years of age or under who are operating bicycles, regardless
 23 of the noncriminal traffic infraction's classification.

24 (6) One hundred dollars for illegally parking in a
 25 parking space provided for disabled persons under s. 316.1955.
 26 If proof is provided ~~or s. 316.1956 or provide proof~~ to the
 27 clerk of the circuit court that the person committing the
 28 violation has a valid parking permit or license plate issued
 29 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.
 30 320.0845, or s. 320.0848 and a signed affidavit that the owner
 31 of the disabled parking permit was present at the time the

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1 violation occurred, and such parking permit or license plate
2 was valid at the time the violation occurred. Upon provision
3 of proof of such a valid parking permit or license plate and
4 payment of a \$5 dismissal fee to the clerk of the circuit
5 court, the clerk shall dismiss the citation.

6 (11)(a) Court costs which are to be in addition to the
7 stated fine shall be imposed by the court in an amount not
8 less than the following:

- 9
- 10 For pedestrian infractions.....\$ 3.
- 11 For nonmoving traffic infractions.....\$ 6.
- 12 For moving traffic infractions.....\$10.

13 (b) In addition to the court cost assessed under
14 paragraph (a), the court shall impose a \$3 court cost for each
15 infraction to be distributed as provided in s. 938.01(1)~~s.~~
16 ~~943.25(3)~~.

17
18 In no event may court costs imposed under this subsection
19 exceed \$30. A regional criminal justice assessment center or
20 other local criminal justice access and assessment center may
21 be funded from these court costs.

22 Section 222. Subsection (1) and paragraph (a) of
23 subsection (2) of section 318.21, Florida Statutes, are
24 amended to read:

25 318.21 Disposition of civil penalties by county
26 courts.--All civil penalties received by a county court
27 pursuant to the provisions of this chapter shall be
28 distributed and paid monthly as follows:

29 (1) One dollar from every civil penalty shall be paid
30 to the Department of Children and Family Health and
31 ~~Rehabilitative~~ Services for deposit into the Child Welfare

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1 Training Trust Fund for child welfare training purposes
2 pursuant to s. 402.40 ~~s. 404.40~~. One dollar from every civil
3 penalty shall be paid to the Department of Juvenile Justice
4 for deposit into the Juvenile Justice Training Trust Fund for
5 juvenile justice purposes pursuant to s. 985.406 ~~s. 39.024~~.

6 (2) Of the remainder:

7 (a) Twenty and six-tenths percent shall be paid to the
8 General Revenue Fund of the state, except that the first
9 \$300,000 shall be deposited into the Grants and Donations
10 Trust Fund in the Department of Children and Family Health and
11 ~~Rehabilitative~~ Services for administrative costs, training
12 costs, and costs associated with the implementation and
13 maintenance of Florida foster care citizen review panels as
14 provided for in s. 39.4531.

15 Section 223. Paragraph (b) of subsection (2) of
16 section 319.28, Florida Statutes, is amended to read:

17 319.28 Transfer of ownership by operation of law.--

18 (2)

19 (b) In case of repossession of a motor vehicle or
20 mobile home pursuant to the terms of a security agreement or
21 similar instrument, an affidavit by the party to whom
22 possession has passed stating that the vehicle or mobile home
23 was repossessed upon default in the terms of the security
24 agreement or other instrument shall be considered satisfactory
25 proof of ownership and right of possession. At least 5 days
26 prior to selling the repossessed vehicle, any subsequent
27 lienholder named in the last issued certificate of title shall
28 be sent notice of the repossession by certified mail, on a
29 form prescribed by the department. If such notice is given
30 and no written protest to the department is presented by a
31 subsequent lienholder within 15 days from the date on which

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1 the notice was mailed, the certificate of title or the
2 certificate of repossession shall be issued showing no liens.
3 If the former owner or any subsequent lienholder files a
4 written protest under oath within such 15-day period, the
5 department shall not issue the certificate of title or
6 certificate of repossession for 10 days thereafter. If within
7 the 10-day period no injunction or other order of a court of
8 competent jurisdiction has been served on the department
9 commanding it not to deliver the certificate of title or
10 certificate of repossession, the department shall deliver the
11 certificate of title or repossession to the applicant or as
12 may otherwise be directed in the application showing no other
13 liens than those shown in the application. Any lienholder who
14 has repossessed a vehicle in compliance with the provisions of
15 this section may apply to the tax collector's office or to the
16 department for a certificate of repossession or to the
17 department for a certificate of title pursuant to s. 319.323.
18 Proof of the required notice to subsequent lienholders shall
19 be submitted together with regular title fees. A lienholder
20 to whom a certificate of repossession has been issued may
21 assign the certificate of title to the subsequent owner. Any
22 person found guilty of violating any requirements of this
23 paragraph shall be guilty of a felony of the third degree,
24 punishable as provided in s. 775.082, s. 775.083, or s.
25 775.084.

26 Section 224. Paragraph (d) of subsection (1) of
27 section 319.33, Florida Statutes, is amended to read:

28 319.33 Offenses involving vehicle identification
29 numbers, applications, certificates, papers; penalty.--

30 (1) It is unlawful:

31 (d) To possess, sell or offer for sale, conceal, or

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1 dispose of in this state a motor vehicle or mobile home, or
2 major component part thereof, on which the motor number or
3 vehicle identification number has been destroyed, removed,
4 covered, altered, or defaced, with knowledge of such
5 destruction, removal, covering, alteration, or defacement,
6 except as provided in s. 319.30(4)(3).

7 Section 225. Subsection (12) of section 320.02,
8 Florida Statutes, is amended to read:

9 320.02 Registration required; application for
10 registration; forms.--

11 (12) The department is authorized to withhold
12 registration or reregistration of any motor vehicle if the
13 owner, or one of the coowners of the vehicle, has a driver's
14 license which is under suspension for the failure to remit
15 payment of any fines levied in this state pursuant to chapter
16 318 or chapter 322. ~~The department shall design and implement~~
17 ~~a program to accomplish this action by June 1, 1992. However,~~
18 ~~nothing in this subsection shall be construed to prohibit the~~
19 ~~department from withholding registration or renewal for a~~
20 ~~similar situation during the interim.~~

21 Section 226. Subsections (7) and (8) of section
22 320.03, Florida Statutes, are amended to read:

23 320.03 Registration; duties of tax collectors;
24 International Registration Plan.--

25 (7) The Department of Highway Safety and Motor
26 Vehicles shall register apportioned motor vehicles under the
27 provisions of the International Registration Plan.

28 ~~Implementation of the plan shall occur by July 1, 1986, for~~
29 ~~the 1986-1987 registration period.~~The department may adopt
30 rules to implement and enforce the provisions of the plan.

31 (8) If the applicant's name appears on the list

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1 referred to in s. 316.1001(4)+5) or s. 316.1967(6), a license
2 plate or revalidation sticker may not be issued until that
3 person's name no longer appears on the list or until the
4 person presents a receipt from the clerk showing that the
5 fines outstanding have been paid. The tax collector and the
6 clerk of the court are each entitled to receive monthly, as
7 costs for implementing and administering this subsection, 10
8 percent of the civil penalties and fines recovered from such
9 persons. If the tax collector has private tag agents, such tag
10 agents are entitled to receive a pro rata share of the amount
11 paid to the tax collector, based upon the percentage of
12 license plates and revalidation stickers issued by the tag
13 agent compared to the total issued within the county. The
14 authority of any private agent to issue license plates shall
15 be revoked, after notice and a hearing as provided in chapter
16 120, if he or she issues any license plate or revalidation
17 sticker contrary to the provisions of this subsection. This
18 section applies only to the annual renewal in the owner's
19 birth month of a motor vehicle registration and does not apply
20 to the transfer of a registration of a motor vehicle sold by a
21 motor vehicle dealer licensed under this chapter, except for
22 the transfer of registrations which is inclusive of the annual
23 renewals. This section does not affect the issuance of the
24 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

25 Section 227. Section 320.031, Florida Statutes, is
26 amended to read:

27 320.031 Mailing of registration certificates, license
28 plates, and validation stickers.--

29 (1) The department and the tax collectors of the
30 several counties of the state may at the request of the
31 applicant use United States mail service to deliver

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1 registration certificates and renewals thereof, license
2 plates, mobile home stickers, and validation stickers to
3 applicants.

4 (2) A mail service charge may be collected for each
5 registration certificate, license plate, mobile home sticker,
6 and validation sticker mailed by the department or any tax
7 collector. Each registration certificate, license plate,
8 mobile home sticker, and validation sticker shall be mailed by
9 first-class mail unless otherwise requested by the applicant.
10 The amount of the mail service charge shall be the actual
11 postage required, rounded to the nearest 5 cents, plus a
12 25-cent handling charge. The mail service charge is in
13 addition to the service charge provided by s. 320.04.

14 ~~(3) The department is authorized to reproduce such~~
15 ~~documents, records, and reports as required to meet the~~
16 ~~requirements of the law and the needs of the public, either by~~
17 ~~photographing, microphotographing, or reproducing on film the~~
18 ~~document, record, or report, or by using an electronic~~
19 ~~digitizing process capable of reproducing a true and correct~~
20 ~~image of the original source document. The photographs,~~
21 ~~microphotographs, or electronic digitized copy of any records~~
22 ~~made in compliance with the provisions of this section shall~~
23 ~~have the same force and effect as the originals thereof and~~
24 ~~shall be treated as originals for the purpose of their~~
25 ~~admissibility into evidence. Duly certified or authenticated~~
26 ~~reproductions of such photographs, microphotographs, or~~
27 ~~electronically digitized records shall be admitted into~~
28 ~~evidence equally with the original photographs,~~
29 ~~microphotographs, or electronically digitized records.~~

30 Section 228. Subsections (1) and (5) of section
31 320.055, Florida Statutes, are amended to read:

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1 320.055 Registration periods; renewal periods.--The
2 following registration periods and renewal periods are
3 established:

4 (1) For a motor vehicle subject to registration under
5 s. 320.08(1), (2), (3)~~(a), (b), (c), (d), or (e)~~, (5)(b), (c),
6 (d), or (f)~~(e)~~, (6)(a), (7), (8), (9), or (10) and owned by a
7 natural person, the registration period begins the first day
8 of the birth month of the owner and ends the last day of the
9 month immediately preceding the owner's birth month in the
10 succeeding year. If such vehicle is registered in the name of
11 more than one person, the birth month of the person whose name
12 first appears on the registration shall be used to determine
13 the registration period. For a vehicle subject to this
14 registration period, the renewal period is the 30-day period
15 ending at midnight on the vehicle owner's date of birth.

16 (5) For a vehicle subject to registration under s.
17 320.08(4), (5)(a)1., (e), ~~or~~ (14), the registration
18 period shall be a period of 12 months beginning in a month
19 designated by the department and ending on the last day of the
20 12th month. For a vehicle subject to this registration
21 period, the renewal period is the last month of the
22 registration period. The registration period may be shortened
23 or extended at the discretion of the department, on receipt of
24 the appropriate prorated fees, in order to evenly distribute
25 such registrations on a monthly basis.

26 Section 229. Paragraph (b) of subsection (1) and
27 paragraph (a) of subsection (3) of section 320.06, Florida
28 Statutes, are amended to read:

29 320.06 Registration certificates, license plates, and
30 validation stickers generally.--

31 (1)

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1 (b) Registration license plates bearing a graphic
2 symbol and the alphanumeric system of identification shall be
3 issued for a 5-year period. At the end of said 5-year period,
4 upon renewal, the plate shall be replaced ~~and the department~~
5 ~~shall determine the replacement date for plates issued prior~~
6 ~~to October 1, 1985.~~ The fee for such replacement shall be
7 \$10, \$2 of which shall be paid each year before the plate is
8 replaced, to be credited towards the next \$10 replacement fee.
9 The fees shall be deposited into the Highway Safety Operating
10 Trust Fund. A credit or refund shall not be given for any
11 prior years' payments of such prorated replacement fee when
12 the plate is replaced or surrendered before the end of the
13 5-year period. With each license plate, there shall be issued
14 a validation sticker showing the owner's birth month or the
15 appropriate renewal period if the owner is not a natural
16 person. This validation sticker shall be placed on the upper
17 left corner of the license plate and shall be issued one time
18 during the life of the license plate, or upon request when it
19 has been damaged or destroyed. There shall also be issued
20 with each license plate a serially numbered validation sticker
21 showing the year of expiration, which sticker shall be placed
22 on the upper right corner of the license plate. Such license
23 plate and validation stickers shall be issued based on the
24 applicant's appropriate renewal period. The registration
25 period shall be a period of 12 months, and all expirations
26 shall occur based on the applicant's appropriate registration
27 period. A vehicle with an apportioned registration shall be
28 issued an annual license plate and a cab card that denote the
29 declared gross vehicle weight for each apportioned
30 jurisdiction in which the vehicle is authorized to operate.

31 (3)(a) Registration license plates shall be of metal

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1 specially treated with a retroreflective material, as
2 specified by the department. The registration license plate is
3 designed to increase nighttime visibility and legibility and
4 shall be at least 6 inches wide and not less than 12 inches in
5 length, unless a plate with reduced dimensions is deemed
6 necessary by the department to accommodate motorcycles,
7 mopeds, or similar smaller vehicles. Validation stickers shall
8 be treated with a retroreflective material, shall be of such
9 size as specified by the department, and shall adhere to the
10 license plate. The registration license plate shall be
11 imprinted with a combination of bold letters and numerals or
12 numerals, not to exceed seven digits, to identify the
13 registration license plate number. The license plate shall
14 also be imprinted with the word "Florida" at the top and the
15 name of the county in which it is sold at the bottom, except
16 that apportioned license plates shall have the word
17 "Apportioned" at the bottom and license plates issued for
18 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
19 (c), ~~(12)~~, or (14) shall have the word "Restricted" at the
20 bottom. License plates issued for vehicles taxed under s.
21 320.08(12) must be imprinted with the word "Florida" at the
22 top and the word "Dealer" at the bottom, ~~except that~~
23 ~~gross-vehicle-weight vehicles owned by a licensed motor~~
24 ~~vehicle dealer may be issued a license plate with the word~~
25 ~~"Restricted."~~ License plates issued for vehicles taxed under
26 s. 320.08(5)(d) or (e) must be imprinted with the word
27 "Wrecker" at the bottom. Any county may, upon majority vote
28 of the county commission, elect to have the county name
29 removed from the license plates sold in that county. The words
30 "Sunshine State" shall be printed in lieu thereof. In those
31 counties where the county commission has not removed the

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1 county name from the license plate, the tax collector may, in
2 addition to issuing license plates with the county name
3 printed on the license plate, also issue license plates with
4 the words "Sunshine State" printed on the license plate
5 subject to the approval of the department and a legislative
6 appropriation for the additional license plates. A license
7 plate issued for a vehicle taxed under s. 320.08(6) may not be
8 assigned a registration license number, or be issued with any
9 other distinctive character or designation, that distinguishes
10 the motor vehicle as a for-hire motor vehicle.

11 Section 230. Subsection (1) of section 320.0601,
12 Florida Statutes, is amended to read:

13 320.0601 Rental car companies; identification of
14 vehicles as for-hire.--

15 (1) ~~Effective September 1, 1993,~~A rental car company
16 may not rent in this state any for-hire vehicle, other than
17 vehicles designed to transport cargo, that has affixed to its
18 exterior any bumper stickers, insignias, or advertising that
19 identifies the vehicle as a rental vehicle.

20 Section 231. Section 320.0605, Florida Statutes, is
21 amended to read:

22 320.0605 Certificate of registration; possession
23 required; exception.--The registration certificate or an
24 official copy thereof, a true copy of a rental or lease
25 agreement issued for a motor vehicle or issued for a
26 replacement vehicle in the same registration period, or a cab
27 card issued for a vehicle registered under the International
28 Registration Plan shall, at all times while the vehicle is
29 being used or operated on the roads of this state, be in the
30 possession of the operator thereof or be carried in the
31 vehicle for which issued and shall be exhibited upon demand of

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1 any authorized law enforcement officer or any agent of the
2 department. The provisions of this section do not apply during
3 the first 30 days after purchase of a replacement vehicle. A
4 violation of this section is a noncriminal traffic infraction,
5 punishable as a nonmoving violation as provided in chapter
6 318.

7 Section 232. Paragraph (a) of subsection (3) of
8 section 320.07, Florida Statutes, is amended to read:

9 320.07 Expiration of registration; annual renewal
10 required; penalties.--

11 (3) The operation of any motor vehicle without having
12 attached thereto a registration license plate and validation
13 stickers, or the use of any mobile home without having
14 attached thereto a mobile home sticker, for the current
15 registration period shall subject the owner thereof, if he or
16 she is present, or, if the owner is not present, the operator
17 thereof to the following penalty provisions:

18 (a) Any person whose motor vehicle or mobile home
19 registration has been expired for a period of 6 months or less
20 commits a noncriminal traffic infraction, punishable as a
21 nonmoving violation as provided in chapter 318 ~~shall be~~
22 ~~subject to the penalty provided in s. 318.14.~~

23 Section 233. Section 320.073, Florida Statutes, is
24 repealed.

25 Section 234. Section 320.0802, Florida Statutes, is
26 amended to read:

27 320.0802 Surcharge on license tax.--During the period
28 January 1, 1989, through December 31, 2003, there is hereby
29 levied and imposed on each license tax imposed under s.
30 320.08, except those set forth in s. 320.08(11), a surcharge
31 in the amount of \$1, which shall be collected in the same

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1 manner as the license tax and deposited into the State Agency
 2 Law Enforcement Radio System Trust Fund of the Department of
 3 Management Services. However, the surcharge shall be
 4 terminated on midnight December 31, 1994, unless the pilot
 5 project established in s. 282.1095 is deemed successful by the
 6 joint task force with the concurrence of the Governor and
 7 Cabinet as the head of the Department of Management Services
 8 ~~General Services~~.

9 Section 235. Paragraph (b) of subsection (7) of
 10 section 320.08058, Florida Statutes, is amended to read:

11 320.08058 Specialty license plates.--

12 (7) FLORIDA SPECIAL OLYMPICS LICENSE PLATES.--

13 (b) The license plate annual use fees are to be
 14 annually distributed as follows:

15 1. The first \$5 million collected annually must be
 16 forwarded to the private nonprofit corporation Florida
 17 ~~Developmental Disabilities Planning Council~~ as described in s.
 18 393.002 ~~s. 393.001~~ and must be used solely for Special
 19 Olympics purposes as approved by the private nonprofit
 20 corporation council.

21 2. Any additional fees must be deposited into the
 22 General Revenue Fund.

23 Section 236. The catchline to section 320.08062,
 24 Florida Statutes, is amended to read:

25 320.08062 Audits required; annual use fees of
 26 specialty ~~special~~ license plates.--

27 Section 237. Section 320.087, Florida Statutes, is
 28 amended to read:

29 320.087 Intercity buses operated in interstate
 30 commerce; tax.--All intercity motor buses owned or operated by
 31 residents or nonresidents of this state in interstate commerce

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1 or combined interstate and intrastate commerce as a result of
2 which operation such motor buses operate both within and
3 without this state under the authority of the United States
4 Department of Transportation Interstate Commerce Commission,
5 are subject to motor vehicle license taxes on a basis
6 commensurate with the use of Florida roads. The department
7 shall require the registration in this state of that
8 percentage of intercity motor buses operating in interstate
9 commerce or combined interstate-intrastate commerce, into or
10 through this state, which the actual mileage operated in this
11 state bears to the total mileage all such intercity motor
12 buses are operated both within and without this state. Such
13 percentage figure, so determined, is the "Florida mileage
14 factor." In determining the state license tax to be paid on
15 the buses actually operated in this state under the foregoing
16 method, the department shall first compute the amount that the
17 state license tax would be if all of such buses were in fact
18 subject to such tax, and then apply to that amount the Florida
19 mileage factor.

20 Section 238. Section 320.1325, Florida Statutes, is
21 amended to read:

22 320.1325 Registration required for the temporarily
23 employed.--Motor vehicles owned or leased by persons who are
24 temporarily employed within the state but are not residents
25 are required to be registered. The department shall provide a
26 temporary registration plate and a registration certificate
27 valid for 90 days to an applicant who is temporarily employed
28 in the state. The temporary registration plate may be renewed
29 one time for an additional 90-day period. At the end of the
30 180-day period of temporary registration, the applicant shall
31 apply for a permanent registration if there is a further need

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1 to remain in this state. A temporary license registration
 2 plate may not be issued for any commercial motor vehicle as
 3 defined in s. 320.01. The fee for the 90-day temporary
 4 registration plate shall be \$40 plus the applicable service
 5 charge required by s. 320.04. Subsequent permanent
 6 registration and titling of a vehicle registered hereunder
 7 shall subject the applicant to the fees required by ~~s. 319.231~~
 8 ~~319.231~~ and 320.072, in addition to all other taxes and fees
 9 required.

10 Section 239. Paragraph (b) of subsection (5) of
 11 section 320.20, Florida Statutes, is amended to read:

12 320.20 Disposition of license tax moneys.--The revenue
 13 derived from the registration of motor vehicles, including any
 14 delinquent fees and excluding those revenues collected and
 15 distributed under the provisions of s. 320.081, must be
 16 distributed monthly, as collected, as follows:

17 (5)

18 (b) ~~Beginning July 1, 1989,~~The State Comptroller each
 19 month shall deposit in the State Transportation Trust Fund an
 20 amount, drawn from other funds in the State Treasury which are
 21 not immediately needed or are otherwise in excess of the
 22 amount necessary to meet the requirements of the State
 23 Treasury, which when added to such remaining revenues each
 24 month will equal one-twelfth of the amount of the anticipated
 25 annual revenues to be deposited in the State Transportation
 26 Trust Fund under paragraph (a) as estimated by the most recent
 27 revenue estimating conference held pursuant to s. 216.136(3).
 28 The transfers required hereunder may be suspended by action of
 29 the Administration Commission in the event of a significant
 30 shortfall of state revenues.

31 Section 240. Subsection (4) of section 320.8255,

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1 Florida Statutes, is amended to read:

2 320.8255 Mobile home inspection.--

3 (4) The department shall determine fees for special
4 inspections and for the label seal authorized under s. 320.827
5 which are sufficient to cover the cost of inspection and
6 administration under this section. Fees collected shall be
7 deposited into the General Revenue Fund.

8 Section 241. Section 320.8256, Florida Statutes, is
9 repealed.

10 Section 242. Subsection (6) of section 321.05, Florida
11 Statutes, is amended to read:

12 321.05 Duties, functions, and powers of patrol
13 officers.--The members of the Florida Highway Patrol are
14 hereby declared to be conservators of the peace and law
15 enforcement officers of the state, with the common-law right
16 to arrest a person who, in the presence of the arresting
17 officer, commits a felony or commits an affray or breach of
18 the peace constituting a misdemeanor, with full power to bear
19 arms; and they shall apprehend, without warrant, any person in
20 the unlawful commission of any of the acts over which the
21 members of the Florida Highway Patrol are given jurisdiction
22 as hereinafter set out and deliver him or her to the sheriff
23 of the county that further proceedings may be had against him
24 or her according to law. In the performance of any of the
25 powers, duties, and functions authorized by law, members of
26 the Florida Highway Patrol shall have the same protections and
27 immunities afforded other peace officers, which shall be
28 recognized by all courts having jurisdiction over offenses
29 against the laws of this state, and shall have authority to
30 apply for, serve, and execute search warrants, arrest
31 warrants, capias, and other process of the court in those

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1 matters in which patrol officers have primary responsibility
2 as set forth in subsection (1). The patrol officers under the
3 direction and supervision of the Department of Highway Safety
4 and Motor Vehicles shall perform and exercise throughout the
5 state the following duties, functions, and powers:

6 (6)~~(a)~~ The Division of Florida Highway Patrol is
7 authorized to promulgate rules and regulations which may be
8 necessary to implement the provisions of chapter 316.

9 ~~(b) The authority of the Florida Highway Patrol to~~
10 ~~adopt safety rules shall expire on July 1, 1982.~~

11 Section 243. Sections 321.06, 321.07, 321.09, 321.12,
12 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201,
13 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222,
14 and 321.223, Florida Statutes, are repealed.

15 Section 244. Subsection (2) of section 322.055,
16 Florida Statutes, is amended to read:

17 322.055 Revocation or suspension of, or delay of
18 eligibility for, driver's license for persons 18 years of age
19 or older convicted of certain drug offenses.--

20 (2) If a person 18 years of age or older is convicted
21 for the possession or sale of, trafficking in, or conspiracy
22 to possess, sell, or traffic in a controlled substance and
23 such person is eligible by reason of age for a driver's
24 license or privilege, the court shall direct the department to
25 withhold issuance of such person's driver's license or driving
26 privilege for a period of 2 years after the date the person
27 was convicted or until the person is evaluated for and, if
28 deemed necessary by the evaluating agency, completes a drug
29 treatment and rehabilitation program approved or regulated by
30 the Department of Health ~~and Rehabilitative Services~~. However,
31 the court may, in its sound discretion, direct the department

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1 to issue a license for driving privileges restricted to
2 business or employment purposes only, as defined by s.
3 322.271, if the person is otherwise qualified for such a
4 license. A driver whose license or driving privilege has been
5 suspended or revoked under this section or s. 322.056 may,
6 upon the expiration of 6 months, petition the department for
7 restoration of the driving privilege on a restricted or
8 unrestricted basis depending on the length of suspension or
9 revocation. In no case shall a restricted license be available
10 until 6 months of the suspension or revocation period has
11 expired.

12 Section 245. Subsection (5) of section 322.08, Florida
13 Statutes, is amended to read:

14 322.08 Application for license.--

15 (5) ~~After December 31, 1989,~~The department may not
16 issue a driver's license to a person who has never been issued
17 a driver's license in any jurisdiction until he or she
18 successfully completes the traffic law and substance abuse
19 education course prescribed in s. 322.095.

20 Section 246. Subsection (2) of section 322.12, Florida
21 Statutes, is amended to read:

22 322.12 Examination of applicants.--

23 (2) The department shall examine every applicant for a
24 driver's license, including an applicant who is licensed in
25 another state or country, except as otherwise provided in this
26 chapter. A person who holds a learner's driver's license as
27 provided for in s. 322.1615 ~~s. 322.161~~ is not required to pay
28 a fee for successfully completing the examination showing his
29 or her ability to operate a motor vehicle as provided for
30 herein and need not pay the fee for a replacement license as
31 provided in s. 322.17(2). Any person who applies for

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1 reinstatement following the suspension or revocation of his or
2 her driver's license shall pay a service fee of \$25 following
3 a suspension, and \$50 following a revocation, which is in
4 addition to the fee for a license. Any person who applies for
5 reinstatement of a commercial driver's license following the
6 disqualification of his or her privilege to operate a
7 commercial motor vehicle shall pay a service fee of \$50, which
8 is in addition to the fee for a license. The department shall
9 collect all of these fees at the time of reinstatement. The
10 department shall issue proper receipts for such fees and shall
11 promptly transmit all funds received by it as follows:

12 (a) Of the \$25 fee received from a licensee for
13 reinstatement following a suspension, the department shall
14 deposit \$15 in the General Revenue Fund and the remaining \$10
15 in the Highway Safety Operating Trust Fund.

16 (b) Of the \$50 fee received from a licensee for
17 reinstatement following a revocation or disqualification, the
18 department shall deposit \$35 in the General Revenue Fund and
19 the remaining \$15 in the Highway Safety Operating Trust Fund.

20
21 If the revocation or suspension of the driver's license was
22 for a violation of s. 316.193, or for refusal to submit to a
23 lawful breath, blood, or urine test, an additional fee of \$105
24 must be charged. However, only one such \$105 fee is to be
25 collected from one person convicted of such violations arising
26 out of the same incident. The department shall collect the
27 \$105 fee and deposit it into the Highway Safety Operating
28 Trust Fund at the time of reinstatement of the person's
29 driver's license, but the fee must not be collected if the
30 suspension or revocation was overturned.

31 Section 247. Paragraph (a) of subsection (3) of

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1 section 322.121, Florida Statutes, is amended to read:

2 322.121 Periodic reexamination of all drivers.--

3 (3) For each licensee whose driving record does not
4 show any revocations, disqualifications, or suspensions for
5 the preceding 7 years or any convictions for the preceding 3
6 years except for convictions of the following nonmoving
7 violations:

8 (a) Failure to exhibit a vehicle registration
9 certificate, rental agreement, or cab card pursuant to s.
10 320.0605(1);

11

12 the department shall cause such licensee's license to be
13 prominently marked with the notation "Safe Driver."

14 Section 248. Paragraph (a) of subsection (2) of
15 section 322.141, Florida Statutes, is amended to read:

16 322.141 Color of licenses.--

17 (2)(a) ~~Effective January 1, 1990,~~All licenses for the
18 operation of motor vehicles originally issued or reissued by
19 the department to persons who have insulin-dependent diabetes
20 may, at the request of the applicant, have distinctive
21 markings separate and distinct from all other licenses issued
22 by the department.

23 Section 249. Subsection (4) is added to section
24 322.15, Florida Statutes, to read:

25 322.15 License to be carried and exhibited on demand;
26 fingerprint to be imprinted upon a citation.--

27 (4) A violation of this section is a noncriminal
28 traffic infraction, punishable as a nonmoving violation as
29 provided in chapter 318.

30 Section 250. Subsection (7) of section 322.20, Florida
31 Statutes, is amended to read:

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1 322.20 Records of the department; fees; destruction of
2 records.--

3 (7) The requirement for the department to keep records
4 shall terminate upon the death of an individual licensed by
5 the department upon notification by the Department of Health
6 ~~and Rehabilitative Services~~ of such death. The department
7 shall make such notification as is proper of the deletions
8 from their records to the court clerks of the state.

9 Section 251. Section 322.264, Florida Statutes, is
10 reenacted to read:

11 322.264 "Habitual traffic offender" defined.--A
12 "habitual traffic offender" is any person whose record, as
13 maintained by the Department of Highway Safety and Motor
14 Vehicles, shows that such person has accumulated the specified
15 number of convictions for offenses described in subsection (1)
16 or subsection (2) within a 5-year period:

17 (1) Three or more convictions of any one or more of
18 the following offenses arising out of separate acts:

19 (a) Voluntary or involuntary manslaughter resulting
20 from the operation of a motor vehicle;

21 (b) Any violation of s. 316.193, former s. 316.1931,
22 or former s. 860.01;

23 (c) Any felony in the commission of which a motor
24 vehicle is used;

25 (d) Driving a motor vehicle while his or her license
26 is suspended or revoked;

27 (e) Failing to stop and render aid as required under
28 the laws of this state in the event of a motor vehicle
29 accident resulting in the death or personal injury of another;
30 or

31 (f) Driving a commercial motor vehicle while his or

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1 her privilege is disqualified.

2 (2) Fifteen convictions for moving traffic offenses
3 for which points may be assessed as set forth in s. 322.27,
4 including those offenses in subsection (1).

5
6 Any violation of any federal law, any law of another state or
7 country, or any valid ordinance of a municipality or county of
8 another state similar to a statutory prohibition specified in
9 subsection (1) or subsection (2) shall be counted as a
10 violation of such prohibition. In computing the number of
11 convictions, all convictions during the 5 years previous to
12 July 1, 1972, will be used, provided at least one conviction
13 occurs after that date. The fact that previous convictions
14 may have resulted in suspension, revocation, or
15 disqualification under another section does not exempt them
16 from being used for suspension or revocation under this
17 section as a habitual offender.

18 Section 252. Subsection (3) of section 322.27, Florida
19 Statutes, is amended to read:

20 322.27 Authority of department to suspend or revoke
21 license.--

22 (3) There is established a point system for evaluation
23 of convictions of violations of motor vehicle laws or
24 ordinances, and violations of applicable provisions of s.
25 403.413(6)(b)~~(5)(b)~~ when such violations involve the use of
26 motor vehicles, for the determination of the continuing
27 qualification of any person to operate a motor vehicle. The
28 department is authorized to suspend the license of any person
29 upon showing of its records or other good and sufficient
30 evidence that the licensee has been convicted of violation of
31 motor vehicle laws or ordinances, or applicable provisions of

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1 s. 403.413(6)(b)~~(5)(b)~~, amounting to 12 or more points as
2 determined by the point system. The suspension shall be for a
3 period of not more than 1 year.

4 (a) When a licensee accumulates 12 points within a
5 12-month period, the period of suspension shall be for not
6 more than 30 days.

7 (b) When a licensee accumulates 18 points, including
8 points upon which suspension action is taken under paragraph
9 (a), within an 18-month period, the suspension shall be for a
10 period of not more than 3 months.

11 (c) When a licensee accumulates 24 points, including
12 points upon which suspension action is taken under paragraphs
13 (a) and (b), within a 36-month period, the suspension shall be
14 for a period of not more than 1 year.

15 (d) The point system shall have as its basic element a
16 graduated scale of points assigning relative values to
17 convictions of the following violations:

18 1. Reckless driving, willful and wanton--4 points.

19 2. Leaving the scene of an accident resulting in
20 property damage of more than \$50--6 points.

21 3. Unlawful speed resulting in an accident--6 points.

22 4. Passing a stopped school bus--4 points.

23 5. Unlawful speed:

24 a. Not in excess of 15 miles per hour of lawful or
25 posted speed--3 points.

26 b. In excess of 15 miles per hour of lawful or posted
27 speed--4 points.

28 6. All other moving violations (including parking on a
29 highway outside the limits of a municipality)--3 points.

30 However, no points shall be imposed for a violation of s.

31 316.0741 or s. 316.2065(12).

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1 7. Any moving violation covered above, excluding
2 unlawful speed, resulting in an accident--4 points.

3 8. Any conviction under s. 403.413(5)(b)--3 points.

4 (e) A conviction in another state of a violation
5 therein which, if committed in this state, would be a
6 violation of the traffic laws of this state, or a conviction
7 of an offense under any federal law substantially conforming
8 to the traffic laws of this state, except a violation of s.
9 322.26, may be recorded against a driver on the basis of the
10 same number of points received had the conviction been made in
11 a court of this state.

12 (f) In computing the total number of points, when the
13 licensee reaches the danger zone, the department is authorized
14 to send the licensee a warning letter advising that any
15 further convictions may result in suspension of his or her
16 driving privilege.

17 (g) The department shall administer and enforce the
18 provisions of this law and may make rules and regulations
19 necessary for its administration.

20 (h) Three points shall be deducted from the driver
21 history record of any person whose driving privilege has been
22 suspended only once pursuant to this subsection and has been
23 reinstated, if such person has complied with all other
24 requirements of this chapter.

25 (i) This subsection shall not apply to persons
26 operating a nonmotorized vehicle for which a driver's license
27 is not required.

28 Section 253. Section 322.292, Florida Statutes, is
29 amended to read:

30 322.292 DUI programs supervision; powers and duties of
31 the department.--

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1 (1) The Department of Highway Safety and Motor
2 Vehicles shall license and regulate all DUI programs, which
3 regulation shall include the certification of instructors,
4 evaluators, clinical supervisors, and evaluator supervisors.
5 The department shall, after consultation with the chief judge
6 of the affected judicial circuit, establish requirements
7 regarding the number of programs to be offered within a
8 judicial circuit. Such requirements shall address the number
9 of clients currently served in the circuit as well as
10 improvements in service that may be derived from operation of
11 an additional DUI program. DUI education and evaluation
12 services are exempt from licensure under chapter ~~chapters 396~~
13 ~~and~~ 397. However, treatment programs must continue to be
14 licensed under chapter ~~chapters 396 and~~ 397.

15 (2) The department shall adopt rules to implement its
16 supervisory authority over DUI programs in accordance with the
17 procedures of chapter 120, including the establishment of
18 uniform standards of operation for DUI programs and the method
19 for setting and approving fees, as follows:

20 (a) Establish rules ~~minimum standards~~ for statutorily
21 required education, evaluation, and supervision of DUI
22 offenders. Such rules ~~minimum standards~~ previously adopted by
23 the Traffic Court Review Committee of the Supreme Court of
24 Florida shall remain in effect unless modified by the
25 department.

26 (b) Establish rules ~~minimum standards~~ for the
27 administration and financial management of DUI programs,
28 including, but not limited to:

29 1. Rules ~~Standards~~ governing the types of expenditures
30 that may be made by DUI programs from funds paid by persons
31 attending such programs.

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1 2. Rules ~~Standards~~ for financial reporting that
2 require data on DUI programs expenditures in sufficient detail
3 to support reasonable and informed decisions concerning the
4 fees that are to be assessed those attending DUI programs.
5 The department shall perform financial audits of DUI programs
6 required under this section or require that financial audits
7 of the programs be performed by certified public accountants
8 at program expense and submitted directly from the auditor to
9 the department.

10 3. Rules for ~~Standards of~~ reciprocity in relation to
11 DUI programs in other states or countries that have programs
12 similar to the DUI programs licensed by the department.

13 4. Such other rules ~~standards~~ as the department deems
14 appropriate and necessary for the effective oversight of the
15 DUI programs.

16 (c) Implement procedures for the granting and revoking
17 of licenses for DUI programs.

18 (d) Establish a fee structure for the various programs
19 offered by the DUI programs, based only on the reasonable and
20 necessary costs for operating the programs throughout the
21 state. The department shall approve, modify, or reduce fees as
22 necessary. ~~The DUI programs fees that are in effect on January~~
23 ~~1, 1994, shall remain in effect until the department adopts a~~
24 ~~fee schedule for the DUI programs system. After the adoption~~
25 ~~of the schedule, the programs shall adjust their fees to~~
26 ~~conform with the established amounts.~~

27 (e) Establish policies and procedures for monitoring
28 DUI programs compliance with all rules ~~minimum standards~~
29 established by the department.

30 (f) The department shall oversee an ongoing evaluation
31 to assess the effectiveness of the DUI programs. This

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1 evaluation shall be performed by an independent group and
2 shall evaluate the curriculum, client treatment referrals,
3 recidivism rates, and any other relevant matters. ~~The~~
4 ~~department shall report to the Legislature by January 1, 1995,~~
5 ~~on the status of the evaluation, including its design and~~
6 ~~schedule for completion.~~The department may use funds received
7 under s. 322.293 to retain the services and reimburse expenses
8 of such private persons or professional consultants as are
9 required for monitoring and evaluating DUI programs.

10 (g) Investigate complaints about the DUI programs and
11 resolve problems in the provision of services to DUI
12 offenders, as needed.

13 (3) ~~All DUI programs and certified program personnel~~
14 ~~providing DUI programs services that meet the department's~~
15 ~~standards and that are operating on January 1, 1994, may~~
16 ~~remain in operation until the department's license procedures~~
17 ~~are in place. At that time the DUI programs and certified~~
18 ~~program personnel may apply for relicensure.~~

19 (4) DUI programs shall be either governmental programs
20 or not-for-profit corporations.

21 (5) ~~The department shall report to the Supreme Court~~
22 ~~by December 1, 1994, and by December 31 of each succeeding~~
23 ~~year through 1996, on the general status of the statewide~~
24 ~~program. This report must include programmatic and statistical~~
25 ~~information regarding the number of licensed programs,~~
26 ~~enrollment and referral figures, program monitoring and~~
27 ~~evaluation activities, and findings, and the general steps~~
28 ~~taken by the department to implement the provisions of this~~
29 ~~section.~~

30 Section 254. Section 322.293, Florida Statutes, is
31 amended to read:

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1 322.293 DUI Programs Coordination Trust Fund;
2 assessment; disposition.--

3 ~~(1) The DUI Programs Coordination Trust Fund, created~~
4 ~~pursuant to chapter 81-208, Laws of Florida, shall be~~
5 ~~transferred to the department with all funds therein on~~
6 ~~January 1, 1994. The DUI Programs Coordination Office shall~~
7 ~~be transferred from the budget of the Supreme Court to the~~
8 ~~Department of Highway Safety and Motor Vehicles Division of~~
9 ~~Driver Licenses. The transfer shall include all of the~~
10 ~~statutory powers, duties and functions, records, personnel,~~
11 ~~property, and unexpended balances of appropriations,~~
12 ~~allocations, and other funds. All personnel shall be~~
13 ~~transferred at their current classifications and levels of~~
14 ~~compensation. Any legal commitments, contracts, and other~~
15 ~~obligations heretofore entered into on behalf of or assumed by~~
16 ~~the DUI Programs Coordination Office in connection with the~~
17 ~~performance of its functions and duties are charged to and~~
18 ~~shall be performed by the department.~~

19 ~~(2)~~ The DUI Programs Coordination Trust Fund shall be
20 administered by the department, and the costs of
21 administration shall be borne by the fund. All funds received
22 by the DUI Programs Coordination Trust Fund shall be used
23 solely for the purposes set forth in this section and s.
24 322.292. However, if the Legislature passes legislation
25 consolidating existing trust funds assigned to the department,
26 all funds remaining in and deposited to the DUI Programs
27 Coordination Trust Fund shall be transferred to the
28 consolidated trust funds, subject to their being earmarked for
29 use solely for the purposes set forth in this section and s.
30 322.292.

31 ~~(2)~~~~(3)~~ Each DUI program shall assess \$12 against each

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1 person enrolling in a DUI program at the time of enrollment,
2 including persons who transfer to or from a program in another
3 state. In addition, second and third offenders and those
4 offenders under permanent driver's-license revocation who are
5 evaluated for eligibility for license restrictions under s.
6 322.271(2)(b) and (4) shall be assessed \$12 upon enrollment in
7 the program and upon each subsequent anniversary date while
8 they are in the program, for the duration of the license
9 period.

10 ~~(3)(4)~~ All assessments collected under this section
11 shall be forwarded to the DUI Programs Coordination Trust Fund
12 within 30 days after the last day of the month in which the
13 assessment was received.

14 Section 255. Paragraph (b) of subsection (1) of
15 section 322.57, Florida Statutes, is amended to read:

16 322.57 Tests of knowledge concerning specified
17 vehicles; endorsement; nonresidents; violations.--

18 (1) In addition to fulfilling any other driver's
19 licensing requirements of this chapter, a person who:

20 (b) Drives a passenger vehicle must successfully
21 complete a test of his or her knowledge concerning the safe
22 operation of such vehicles and a test of his or her driving
23 skill in such a vehicle. ~~However, if such a person satisfies~~
24 ~~the requirements of s. 322.55(1)-(3), he or she is exempt from~~
25 ~~the test of his or her driving skills.~~

26 Section 256. Subsection (1) of section 324.202,
27 Florida Statutes, is amended to read:

28 324.202 Seizure of motor vehicle license plates by
29 recovery agents.--

30 (1) The Department of Highway Safety and Motor
31 Vehicles shall implement a pilot project in Broward County,

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1 Dade County, and Hillsborough County to determine the
2 effectiveness of using recovery agents for the seizure of
3 license plates. ~~On October 1, 1996, the department shall~~
4 ~~provide a report to the President of the Senate, the Speaker~~
5 ~~of the House of Representatives, the chair of the Senate~~
6 ~~Commerce Committee, the chair of the House Insurance~~
7 ~~Committee, and the Majority and Minority Leaders of the Senate~~
8 ~~and the House of Representatives, on the results of the pilot~~
9 ~~project.~~ Licensed recovery agents and recovery agencies as
10 described in s. 493.6101(20) and (21) may seize license plates
11 of motor vehicles whose registrations have been suspended
12 pursuant to s. 316.646 or s. 627.733 in such counties upon
13 compliance with this section and rules of the Department of
14 Highway Safety and Motor Vehicles.

15 Section 257. Sections 325.01, 325.02, 325.03, 325.04,
16 325.05, 325.06, 325.07, 325.08, 325.09, and 325.10, Florida
17 Statutes, are repealed.

18 Section 258. Paragraph (c) of subsection (2) of
19 section 325.209, Florida Statutes, is amended to read:

20 325.209 Waivers.--

21 (2) Before a waiver may be issued, the following
22 criteria must be met:

23 (c) The owner must have spent the required minimum
24 amount for emissions-related repairs on the vehicle within the
25 180-day ~~90-day~~ period prescribed in s. 325.203(1), not
26 including the amount spent to repair or replace air pollution
27 control equipment that has been tampered with.

28 Emissions-related repairs performed within 30 days prior to
29 inspection may also be considered under this provision. For
30 any vehicle the registration period for which is established
31 under s. 320.055(4) or (5), the required minimum amount for

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1 emissions-related repairs must be spent by the owner within
2 180 ~~90~~ days before the expiration of the registration period.
3 The required minimum amount that must have been spent on
4 related repairs is:

- 5 1. For motor vehicles designated as model years 1975
6 through 1979: \$100; and
- 7 2. For motor vehicles designated as model year 1980
8 and thereafter: \$200;

9 Section 259. Subsection (2) of section 325.212,
10 Florida Statutes, is reenacted to read:

11 325.212 Reinspections; reinspection facilities; rules;
12 minority business participation.--

13 (2) Any motor vehicle repair shop, as defined in s.
14 559.903(7), may apply to the department, on a form approved by
15 the department, to be licensed as a reinspection facility to
16 reinspect motor vehicles which fail to pass inspections
17 required by this act.

18 Section 260. Paragraph (c) of subsection (12) of
19 section 327.25, Florida Statutes, is amended to read:

20 327.25 Classification; registration; fees and charges;
21 surcharge; disposition of fees; fines; marine turtle
22 stickers.--

23 (12) REGISTRATION.--

24 (c) ~~Effective July 1, 1996,~~The following registration
25 periods and renewal periods are established:

- 26 1. For vessels owned by individuals, the registration
27 period begins the first day of the birth month of the owner
28 and ends the last day of the month immediately preceding the
29 owner's birth month in the succeeding year. If the vessel is
30 registered in the name of more than one person, the birth
31 month of the person whose name first appears on the

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1 registration shall be used to determine the registration
2 period. For a vessel subject to this registration period, the
3 renewal period is the 30-day period ending at midnight on the
4 vessel owner's date of birth.

5 2. For vessels owned by companies, corporations,
6 governmental entities, those entities listed under subsection
7 ~~(15)(11)~~, and registrations issued to dealers and
8 manufacturers, the registration period begins July 1 and ends
9 June 30. The renewal period is the 30-day period beginning
10 June 1.

11 Section 261. Subsection (1) of section 328.17, Florida
12 Statutes, is reenacted to read:

13 328.17 Nonjudicial sale of vessels.--

14 (1) It is the intent of the Legislature that any
15 nonjudicial sale of any unclaimed vessel held for unpaid costs
16 of repairs, improvements, or other work and related storage
17 charges, or any vessel held for failure to pay removal costs
18 pursuant to s. 327.53(7), or any undocumented vessel in
19 default of marina storage fees be disposed of pursuant to the
20 provisions of this section.

21 Section 262. Section 627.7415, Florida Statutes, is
22 amended to read:

23 627.7415 Commercial motor vehicles; additional
24 liability insurance coverage.--Commercial motor vehicles, as
25 defined in s. 207.002(2) or s. 320.01, operated upon the roads
26 and highways of this state shall be insured with the following
27 minimum levels of combined bodily liability insurance and
28 property damage liability insurance in addition to any other
29 insurance requirements:

30 (1) Fifty thousand dollars per occurrence for a
31 commercial motor vehicle with a gross vehicle weight of 26,000

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1 pounds or more, but less than 35,000 pounds.

2 (2) One hundred thousand dollars per occurrence for a
3 commercial motor vehicle with a gross vehicle weight of 35,000
4 pounds or more, but less than 44,000 pounds.

5 (3) Three hundred thousand dollars per occurrence for
6 a commercial motor vehicle with a gross vehicle weight of
7 44,000 pounds or more.

8 (4) All commercial motor vehicles subject to
9 regulations of the United States Department of Transportation,
10 Title 49 C.F.R. part 387, subpart A, and as may be hereinafter
11 amended, shall be insured in an amount equivalent to the
12 minimum levels of financial responsibility as set forth in
13 such regulations.

14
15 A violation of this section is a noncriminal traffic
16 infraction, punishable as a nonmoving violation as provided in
17 chapter 318..

18 Section 263. Subsection (3) is added to section
19 627.742, Florida Statutes, to read:

20 627.742 Nonpublic sector buses; additional liability
21 insurance coverage.--

22 (3) A violation of this section is a noncriminal
23 traffic infraction, punishable as a nonmoving violation as
24 provided in chapter 318.

25 Section 264. Effective July 1, 1998, paragraph (d) of
26 subsection (3) of section 20.23, Florida Statutes, is amended
27 to read:

28 20.23 Department of Transportation.--There is created
29 a Department of Transportation which shall be a decentralized
30 agency.

31 (3)

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- 1 (d)1. Policy, program, or operations offices shall be
2 established within the central office for the purposes of:
3 a. Developing policy and procedures and monitoring
4 performance to ensure compliance with these policies and
5 procedures;
6 b. Performing statewide activities which it is more
7 cost-effective to perform in a central location;
8 c. Assessing and ensuring the accuracy of information
9 within the department's financial management information
10 systems; and
11 d. Performing other activities of a statewide nature.
12 2. The following offices are established and shall be
13 headed by a manager, each of whom shall be appointed by and
14 serve at the pleasure of the secretary. The positions shall be
15 classified at a level equal to a division director:
16 a. The Office of Administration;
17 b. The Office of Policy Planning;
18 c. The Office of Design;
19 d. The Office of Construction;
20 e. The Office of Right-of-Way;
21 f. The Office of Toll Operations; and
22 g. The Office of Information Systems.
23 3. Other offices may be established in accordance with
24 s. 20.04(7)~~20.04(6)~~. The heads of such offices are exempt
25 from part II of chapter 110. No office or organization shall
26 be created at a level equal to or higher than a division
27 without specific legislative authority.
28 Section 265. Effective July 1, 1998, subsection (4) of
29 section 206.46, Florida Statutes, is amended to read:
30 206.46 State Transportation Trust Fund.--
31 (4) The department may authorize the investment of the

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1 earnings accrued and collected upon the investment of the
2 minimum balance of funds required to be maintained in the
3 State Transportation Trust Fund pursuant to s. 339.135(6)(b)
4 ~~339.135(7)(b)~~. Such investment shall be limited as provided
5 in s. 288.9607(7).

6 Section 266. Effective July 1, 1998, subsection (13)
7 of section 215.47, Florida Statutes, is amended to read:

8 215.47 Investments; authorized securities.--Subject to
9 the limitations and conditions of the State Constitution or of
10 the trust agreement relating to a trust fund, moneys available
11 for investments under ss. 215.44-215.53 may be invested as
12 follows:

13 (13) The State Board of Administration, consistent
14 with sound investment policy, may invest the earnings accrued
15 and collected upon the investment of the minimum balance of
16 funds required to be maintained in the State Transportation
17 Trust Fund pursuant to s. 339.135(6)(b)~~339.135(7)(b)~~. Such
18 investment shall be limited as provided in s. 288.9607(7).

19 Section 267. Effective July 1, 1998, section 234.112,
20 Florida Statutes, is repealed.

21 Section 268. Effective July 1, 1998, paragraph (a) of
22 subsection (7) of section 288.9607, Florida Statutes, is
23 amended to read:

24 288.9607 Guaranty of bond issues.--

25 (7)(a) The corporation is authorized to enter into an
26 investment agreement with the Department of Transportation and
27 the State Board of Administration concerning the investment of
28 the earnings accrued and collected upon the investment of the
29 minimum balance of funds required to be maintained in the
30 State Transportation Trust Fund pursuant to s. 339.135(6)(b)
31 ~~339.135(7)(b)~~. Such investment shall be limited as follows:

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1 1. Not more than \$4 million of the investment earnings
2 earned on the investment of the minimum balance of the State
3 Transportation Trust Fund in a fiscal year shall be at risk at
4 any time on one or more bonds or series of bonds issued by the
5 corporation.

6 2. The investment earnings shall not be used to
7 guarantee any bonds issued after June 30, 1998, and in no
8 event shall the investment earnings be used to guarantee any
9 bond issued for a maturity longer than 15 years.

10 3. The corporation shall pay a reasonable fee, set by
11 the State Board of Administration, in return for the
12 investment of such funds. The fee shall not be less than the
13 comparable rate for similar investments in terms of size and
14 risk.

15 4. The proceeds of bonds, or portions thereof, issued
16 by the corporation for which a guaranty has been or will be
17 issued pursuant to s. 288.9606, s. 288.9608, or this section
18 used to make loans to any one person, including any related
19 interests, as defined in s. 658.48, of such person, shall not
20 exceed 20 percent of the principal of all such outstanding
21 bonds of the corporation issued prior to the first composite
22 bond issue of the corporation, or December 31, 1995, whichever
23 comes first, and shall not exceed 15 percent of the principal
24 of all such outstanding bonds of the corporation issued
25 thereafter, in each case determined as of the date of issuance
26 of the bonds for which such determination is being made and
27 taking into account the principal amount of such bonds to be
28 issued. The provisions of this subparagraph shall not apply
29 when the total amount of all such outstanding bonds issued by
30 the corporation is less than \$10 million. For the purpose of
31 calculating the limits imposed by the provisions of this

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1 subparagraph, the first \$10 million of bonds issued by the
2 corporation shall be taken into account.

3 5. The corporation shall establish a debt service
4 reserve account which contains not less than 6 months' debt
5 service reserves from the proceeds of the sale of any bonds,
6 or portions thereof, guaranteed by the corporation.

7 6. The corporation shall establish an account known as
8 the Revenue Bond Guaranty Reserve Account, the Guaranty Fund.
9 The corporation shall deposit a sum of money or other cash
10 equivalents into this fund and maintain a balance of money or
11 cash equivalents in this fund, from sources other than the
12 investment of earnings accrued and collected upon the
13 investment of the minimum balance of funds required to be
14 maintained in the State Transportation Trust Fund, not less
15 than a sum equal to 1 year of maximum debt service on all
16 outstanding bonds, or portions thereof, of the corporation for
17 which a guaranty has been issued pursuant to ss. 288.9606,
18 288.9607, and 288.9608. In the event the corporation fails to
19 maintain the balance required pursuant to this subparagraph
20 for any reason other than a default on a bond issue of the
21 corporation guaranteed pursuant to this section or because of
22 the use by the corporation of any such funds to pay insurance,
23 maintenance, or other costs which may be required for the
24 preservation of any project or other collateral security for
25 any bond issued by the corporation, or to otherwise protect
26 the Revenue Bond Guaranty Reserve Account from loss while the
27 applicant is in default on amortization payments, or to
28 minimize losses to the reserve account in each case in such
29 manner as may be deemed necessary or advisable by the
30 corporation, the corporation shall immediately notify the
31 Department of Transportation of such deficiency. Any

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1 supplemental funding authorized by an investment agreement
2 entered into with the Department of Transportation and the
3 State Board of Administration concerning the use of investment
4 earnings of the minimum balance of funds is void unless such
5 deficiency of funds is cured by the corporation within 90 days
6 after the corporation has notified the Department of
7 Transportation of such deficiency.

8 Section 269. Effective July 1, 1998, subsection (3) of
9 section 311.09, Florida Statutes, is amended to read:

10 311.09 Florida Seaport Transportation and Economic
11 Development Council.--

12 (3) The council shall prepare a 5-year Florida Seaport
13 Mission Plan defining the goals and objectives of the council
14 concerning the development of port facilities and an
15 intermodal transportation system consistent with the goals of
16 the Florida Transportation Plan developed pursuant to s.
17 339.155. The Florida Seaport Mission Plan shall include
18 specific recommendations for the construction of
19 transportation facilities connecting any port to another
20 transportation mode and for the efficient, cost-effective
21 development of transportation facilities or port facilities
22 for the purpose of enhancing international trade, promoting
23 cargo flow, increasing cruise passenger movements, increasing
24 port revenues, and providing economic benefits to the state.
25 The council shall update the 5-year Florida Seaport Mission
26 Plan annually and shall submit the plan no later than February
27 1 of each year to the President of the Senate; the Speaker of
28 the House of Representatives; the Office of Tourism, Trade,
29 and Economic Development; the Department of Transportation;
30 and the Department of Community Affairs. The council shall
31 develop programs, based on an examination of existing programs

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1 in Florida and other states, for the training of minorities
2 and secondary school students in job skills associated with
3 employment opportunities in the maritime industry, and report
4 on progress and recommendations for further action to the
5 President of the Senate and the Speaker of the House of
6 Representatives annually, ~~beginning no later than February 1,~~
7 ~~1991.~~

8 Section 270. Effective July 1, 1998, subsection (16)
9 of section 331.303, Florida Statutes, is amended to read:

10 331.303 Definitions.--

11 (16) "Project" means any development, improvement,
12 property, launch, utility, facility, system, works, road,
13 sidewalk, enterprise, service, or convenience, which may
14 include coordination with Enterprise Florida, Inc. ~~the Florida~~
15 ~~High Technology and Industry Council~~, the Board of Regents,
16 and the Space Research Foundation; any rocket, capsule,
17 module, launch facility, assembly facility, operations or
18 control facility, tracking facility, administrative facility,
19 or any other type of space-related transportation vehicle,
20 station, or facility; any type of equipment or instrument to
21 be used or useful in connection with any of the foregoing; any
22 type of intellectual property and intellectual property
23 protection in connection with any of the foregoing including,
24 without limitation, any patent, copyright, trademark, and
25 service mark for, among other things, computer software; any
26 water, wastewater, gas, or electric utility system, plant, or
27 distribution or collection system; any small business
28 incubator initiative, including any startup aerospace company,
29 research and development company, research and development
30 facility, storage facility, and consulting service; or any
31 tourism initiative, including any space experience attraction,

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1 space-launch-related activity, and space museum sponsored or
2 promoted by the authority.

3 Section 271. Effective July 1, 1998, subsections (1),
4 (4), and (21) of section 331.305, Florida Statutes, are
5 amended to read:

6 331.305 Powers of the authority.--The authority shall
7 have the power to:

8 (1) Exercise all powers granted to corporations under
9 the Florida Business General Corporation Act, chapter 607.

10 (4) Review and make recommendations with respect to a
11 strategy to guide and facilitate the future of space-related
12 educational and commercial development. The authority shall
13 in coordination with the Federal Government, private industry,
14 and Florida universities develop a business plan which shall
15 address the expansion of Spaceport Florida locations, space
16 launch capacity, spaceport projects, and complementary
17 activities, which shall include, but not be limited to, a
18 detailed analysis of:

19 (a) The authority and the commercial space industry.

20 (b) Products, services description--potential,
21 technologies, skills.

22 (c) Market research and evaluation--customers,
23 competition, economics.

24 (d) Marketing plan and strategy.

25 (e) Design and development plan--tasks, difficulties,
26 costs.

27 (f) Manufacturing locations, facilities, and
28 operations plan.

29 (g) Management organization--roles and
30 responsibilities.

31 (h) Overall schedule (monthly).

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- 1 (i) Important risks, assumptions, and problems.
- 2 (j) Community impact--economic, human development,
3 community development.
- 4 (k) Financial plan (monthly for first year; quarterly
5 for next 3 years).
- 6 (l) Proposed authority offering--financing,
7 capitalization, use of funds.
- 8
- 9 ~~A final report containing the recommendations and business~~
10 ~~plan of the authority shall be completed and submitted prior~~
11 ~~to the 1990 Regular Session of the Legislature, along with any~~
12 ~~proposed statutory changes and related legislative budget~~
13 ~~requests required to implement the business plan, to the~~
14 ~~Governor, the President of the Senate, the Speaker of the~~
15 ~~House of Representatives, the minority leader of the Senate,~~
16 ~~and the minority leader of the House of Representatives.~~
- 17 (21) Issue revenue bonds, assessment bonds, or any
18 other bonds or obligations authorized by the provisions of
19 this act or any other law, or any combination of the
20 foregoing, and pay all or part of the cost of the acquisition,
21 construction, reconstruction, extension, repair, improvement,
22 or maintenance of any project or combination of projects,
23 including payloads and space flight hardware, and equipment
24 for research, development, and educational activities, to
25 provide for any facility, service, or other activity of the
26 authority, and provide for the retirement or refunding of any
27 bonds or obligations of the authority, or for any combination
28 of the foregoing purposes. ~~Until December 31, 1994, bonds,~~
29 ~~other than conduit bonds, issued under the authority contained~~
30 ~~in this act shall not exceed a total of \$500 million and must~~
31 ~~first be approved by a majority of the members of the Governor~~

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1 ~~and Cabinet.~~ The authority must provide 14 days' notice to
2 the presiding officers and appropriations chairs of both
3 houses of the Legislature prior to presenting a bond proposal
4 to the Governor and Cabinet. If either presiding officer or
5 appropriations chair objects to the bonding proposal within
6 the 14-day-notice period, the bond issuance may be approved
7 only by a vote of two-thirds of the members of the Governor
8 and Cabinet.

9 Section 272. Effective July 1, 1998, subsection (2) of
10 section 331.308, Florida Statutes, is amended to read:

11 331.308 Board of supervisors.--

12 (2) Initially, the Governor shall appoint four regular
13 members for terms of 3 years or until successors are appointed
14 and qualified and three regular members for terms of 4 years
15 or until successors are appointed and qualified. Thereafter,
16 each such member shall serve a term of 4 years or until a
17 successor is appointed and qualified. The term of each such
18 member shall be construed to commence on the date of
19 appointment and to terminate on June 30 of the year of the end
20 of the term. ~~The terms for such members initially appointed~~
21 ~~shall be construed to include the time between initial~~
22 ~~appointment and June 30, 1992, for those appointed for 3-year~~
23 ~~terms, and June 30, 1993, for those appointed for 4-year~~
24 ~~terms. No such member shall be allowed to serve an initial~~
25 ~~3-year term or fill any vacancy for the remainder of a term~~
26 ~~for less than 4 years.~~ Appointment to the board shall not
27 preclude any such member from holding any other private or
28 public position.

29 Section 273. Effective July 1, 1998, subsection (1) of
30 section 331.331, Florida Statutes, is amended to read:

31 331.331 Revenue bonds.--

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1 (1) Revenue bonds issued by the authority shall not be
2 deemed revenue bonds issued by the state or its agencies for
3 purposes of s. 11, Art. VII of the State Constitution and ss.
4 215.57-215.83. ~~However, until December 31, 1994, the power of~~
5 ~~the authority to issue revenue bonds shall be limited as~~
6 ~~provided in s. 331.305.~~ The authority shall include in its
7 annual report to the Governor and Legislature, as provided in
8 s. 331.310, a summary of the status of existing and proposed
9 bonding projects.

10 Section 274. Effective July 1, 1998, paragraph (d) of
11 subsection (25) of section 334.03, Florida Statutes, is
12 amended to read:

13 334.03 Definitions.--When used in the Florida
14 Transportation Code, the term:

15 (25) "State Highway System" means the following, which
16 shall be facilities to which access is regulated:

17 (d) The urban minor arterial mileage on the existing
18 State Highway System as of July 1, 1987, plus additional
19 mileage to comply with the 2-percent requirement as described
20 below. ~~These urban minor arterial routes shall be selected in~~
21 ~~accordance with s. 335.04(1)(a) and (b).~~

22
23 However, not less than 2 percent of the public road mileage of
24 each urbanized area on record as of June 30, 1986, shall be
25 included as minor arterials in the State Highway System.
26 Urbanized areas not meeting the foregoing minimum requirement
27 shall have transferred to the State Highway System additional
28 minor arterials of the highest significance in which case the
29 total minor arterials in the State Highway System from any
30 urbanized area shall not exceed 2.5 percent of that area's
31 total public urban road mileage.

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1 Section 275. Effective July 1, 1998, subsection (1) of
2 section 334.0445, Florida Statutes, is amended to read:

3 334.0445 Model career service classification and
4 compensation plan.--

5 (1) Effective July 1, 1994, the Legislature grants to
6 the Department of Transportation in consultation with the
7 Department of Management Services, the Executive Office of the
8 Governor, legislative appropriations committees, legislative
9 personnel committees, and the affected certified bargaining
10 unions, the authority on a pilot basis to develop and
11 implement a model career service classification and
12 compensation system. Such system shall be developed for use by
13 all state agencies. Authorization for this program will be for
14 5 ~~3~~ fiscal years beginning July 1, 1994, and ending June 30,
15 1999 ~~1997~~; however, the department may elect or be directed by
16 the Legislature to return to the current system at anytime
17 during this period if the model system does not meet the
18 stated goals and objectives.

19 Section 276. Effective July 1, 1998, subsection (5) of
20 section 335.074, Florida Statutes, is amended to read:

21 335.074 Safety inspection of bridges.--

22 ~~(5) The department shall prepare a report of its
23 findings with respect to each such bridge or other structure
24 whereon significant structural deficiencies were discovered
25 and transmit a summary of the findings as part of the report
26 required in s. 334.046(3).~~

27 Section 277. Effective July 1, 1998, section 335.165,
28 Florida Statutes, is repealed.

29 Section 278. Effective July 1, 1998, subsection (2) of
30 section 335.182, Florida Statutes, is amended to read:

31 335.182 Regulation of connections to roads on State

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1 Highway System; definitions.--

2 (2) The department shall, ~~no later than July 1, 1989,~~
3 adopt, by rule, administrative procedures for its issuance and
4 modification of access permits, closing of unpermitted
5 connections, and revocation of permits in accordance with this
6 act.

7 Section 279. Effective July 1, 1998, paragraphs (a)
8 and (e) of subsection (3) of section 335.188, Florida
9 Statutes, are amended to read:

10 335.188 Access management standards; access control
11 classification system; criteria.--

12 (3) The control classification system shall be
13 developed consistent with the following:

14 (a) The department shall, ~~no later than July 1, 1990,~~
15 adopt rules setting forth procedures governing the
16 implementation of the access control classification system
17 required by this act. The rule shall provide for input from
18 the entities described in paragraph (b) as well as for public
19 meetings to discuss the access control classification system.
20 Nothing in this act affects the validity of the department's
21 existing or subsequently adopted rules concerning access to
22 the State Highway System. Such rules shall remain in effect
23 until repealed or replaced by the rules required by this act.

24 (e) An access control category shall be assigned to
25 each segment of the State Highway System ~~by July 1, 1993.~~

26 Section 280. Effective July 1, 1998, section 336.01,
27 Florida Statutes, is reenacted to read:

28 336.01 Designation of county road system.--The county
29 road system shall be as defined in s. 334.03(8).

30 Section 281. Effective July 1, 1998, subsection (2) of
31 section 336.044, Florida Statutes, is amended to read:

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1 336.044 Use of recyclable materials in construction.--

2 (2) The Legislature declares it to be in the public
3 interest to find alternative ways to use certain recyclable
4 materials that currently are part of the solid waste stream
5 and that contribute to problems of declining space in
6 landfills. To determine the feasibility of using certain
7 recyclable materials for paving materials, the department may
8 ~~shall before January 1, 1990, undertake, as part of its~~
9 ~~currently scheduled projects, demonstration projects using the~~
10 following materials in road construction:

11 (a) Ground rubber from automobile tires in road
12 resurfacing or subbase materials for roads;

13 (b) Ash residue from coal combustion byproducts for
14 concrete and ash residue from waste incineration facilities
15 and oil combustion byproducts for subbase material;

16 (c) Recycled mixed-plastic material for guardrail
17 posts or right-of-way fence posts;

18 (d) Construction steel, including reinforcing rods and
19 I-beams, manufactured from scrap metals disposed of in the
20 state; and

21 (e) Glass, and glass aggregates.

22

23 ~~Within 1 year after the conclusion of the demonstration~~
24 ~~projects the department shall report to the Governor and the~~
25 ~~Legislature on the maximum percentage of each recyclable~~
26 ~~material that can be effectively utilized in road construction~~
27 ~~projects. Concurrent with the submission of the report the~~
28 ~~department shall review and modify its standard road and~~
29 ~~bridge construction specifications to allow and encourage the~~
30 ~~use of recyclable materials consistent with the findings of~~
31 ~~the demonstration projects.~~

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1 Section 282. Effective July 1, 1998, subsection (7) of
2 section 337.015, Florida Statutes, is amended to read:

3 337.015 Administration of public
4 contracts.--Recognizing that the inefficient and ineffective
5 administration of public contracts inconveniences the
6 traveling public, increases costs to taxpayers, and interferes
7 with commerce, the Legislature hereby determines and declares
8 that:

9 ~~(7) The department in its annual report required in s.~~
10 ~~334.22(2) shall report how the department complied with this~~
11 ~~section for the preceding fiscal year.~~

12 Section 283. Effective July 1, 1998, section 337.139,
13 Florida Statutes, is amended to read:

14 337.139 Efforts to encourage awarding contracts to
15 disadvantaged business enterprises.--In implementing chapter
16 90-136, Laws of Florida, the Department of Transportation
17 shall institute procedures to encourage the awarding of
18 contracts for professional services and construction to
19 disadvantaged business enterprises. For the purposes of this
20 section, the term "disadvantaged business enterprise" means a
21 small business concern certified by the Department of
22 Transportation to be owned and controlled by socially and
23 economically disadvantaged individuals as defined by the
24 Surface Transportation and Uniform Relocation Act of 1987.
25 The Department of Transportation shall develop and implement
26 activities to encourage the participation of disadvantaged
27 business enterprises in the contracting process ~~and shall~~
28 ~~report to the Legislature prior to January 1, 1991, on its~~
29 ~~efforts to increase disadvantaged business participation.~~

30 Such efforts may include:

- 31 (1) Presolicitation or prebid meetings for the purpose

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1 of informing disadvantaged business enterprises of contracting
2 opportunities.

3 (2) Written notice to disadvantaged business
4 enterprises of contract opportunities for commodities or
5 contractual and construction services which the disadvantaged
6 business provides.

7 (3) Provision of adequate information to disadvantaged
8 business enterprises about the plans, specifications, and
9 requirements of contracts or the availability of jobs.

10 (4) Breaking large contracts into several
11 single-purpose contracts of a size which may be obtained by
12 certified disadvantaged business enterprises.

13 Section 284. Effective July 1, 1998, subsection (3) of
14 section 337.29, Florida Statutes, is amended to read:

15 337.29 Vesting of title to roads; liability for
16 torts.--

17 (3) Title to all roads transferred in accordance with
18 the provisions of s. 335.0415 ~~335.04~~ shall be in the
19 governmental entity to which such roads have been transferred,
20 upon the recording of a right-of-way map by the appropriate
21 governmental entity in the public land records of the county
22 or counties in which such rights-of-way are located. To the
23 extent that sovereign immunity has been waived, liability for
24 torts shall be in the governmental entity having operation and
25 maintenance responsibility as provided in s. 335.0415
26 ~~335.04(2)~~. Except as otherwise provided by law, a
27 municipality shall have the same governmental, corporate, and
28 proprietary powers with relation to any public road or
29 right-of-way within the municipality which has been
30 transferred to another governmental entity pursuant to s.
31 335.0415 ~~335.04~~ that the municipality has with relation to

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1 other public roads and rights-of-way within the municipality.

2 Section 285. Effective July 1, 1998, section 137 of
3 chapter 96-320, Laws of Florida, is repealed.

4 Section 286. Effective July 1, 1998, subsection (2) of
5 section 337.407, Florida Statutes, is amended to read:

6 337.407 Regulation of signs and lights within
7 rights-of-way.--

8 (2) The department has the authority to direct removal
9 of any sign erected in violation of subsection (1) paragraph
10 (a), in accordance with the provisions of chapter 479.

11 Section 287. Effective July 1, 1998, section 338.22,
12 Florida Statutes, is amended to read:

13 338.22 Florida Turnpike Law; short title.--Sections
14 338.22-338.241 ~~338.22-338.244~~ may be cited as the "Florida
15 Turnpike Law."

16 Section 288. Effective July 1, 1998, section 338.221,
17 Florida Statutes, is amended to read:

18 338.221 Definitions of terms used in ss.
19 338.22-338.241 ~~338.22-338.244~~.--As used in ss. 338.22-338.241
20 ~~338.22-338.244~~, the following words and terms have the
21 following meanings, unless the context indicates another or
22 different meaning or intent:

23 (1) "Bonds" or "revenue bonds" means notes, bonds,
24 refunding bonds or other evidences of indebtedness or
25 obligations, in either temporary or definitive form, issued by
26 the Division of Bond Finance on behalf of the department and
27 authorized under the provisions of ss. 338.22-338.241
28 ~~338.22-338.244~~ and the State Bond Act.

29 (2) "Cost," as applied to a turnpike project, includes
30 the cost of acquisition of all land, rights-of-way, property,
31 easements, and interests acquired by the department for

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1 turnpike project construction; the cost of such construction;
2 the cost of all machinery and equipment, financing charges,
3 fees, and expenses related to the financing; establishment of
4 reserves to secure bonds; interest prior to and during
5 construction and for such period after completion of
6 construction as shall be determined by the department; the
7 cost of traffic estimates and of engineering and legal
8 expenses, plans, specifications, surveys, estimates of cost
9 and revenues; other expenses necessary or incident to
10 determining the feasibility or practicability of acquiring or
11 constructing any such turnpike project; administrative
12 expenses; and such other expenses as may be necessary or
13 incident to the acquisition or construction of a turnpike
14 project, the financing of such acquisition or construction,
15 and the placing of the turnpike project in operation.

16 (3) "Feeder road" means any road no more than 5 miles
17 in length, connecting to the turnpike system which the
18 department determines is necessary to create or facilitate
19 access to a turnpike project.

20 (4) "Owner" includes any person or any governmental
21 entity that has title to, or an interest in, any property,
22 right, easement, or interest authorized to be acquired
23 pursuant to ss. 338.22-338.241 ~~338.22-338.244~~.

24 (5) "Revenues" means all tolls, charges, rentals,
25 gifts, grants, moneys, and other funds coming into the
26 possession, or under the control, of the department by virtue
27 of the provisions hereof, except the proceeds from the sale of
28 bonds issued under ss. 338.22-338.241 ~~338.22-338.244~~.

29 (6) "Turnpike system" means those limited access toll
30 highways and associated feeder roads and other structures,
31 appurtenances, or rights previously designated, acquired, or

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1 constructed pursuant to the Florida Turnpike Law and such
2 other additional turnpike projects as may be acquired or
3 constructed as approved by the Legislature.

4 (7) "Turnpike improvement" means any betterment
5 necessary or desirable for the operation of the turnpike
6 system, including, but not limited to, widenings, the addition
7 of interchanges to the existing turnpike system, resurfacings,
8 toll plazas, machinery, and equipment.

9 (8) "Economically feasible" means:

10 (a) For a proposed turnpike project, that, as
11 determined by the department before the issuance of revenue
12 bonds for the project, the estimated net revenues of the
13 proposed turnpike project, excluding feeder roads and turnpike
14 improvements, will be sufficient to pay at least 50 percent of
15 the debt service on the bonds by the end of the 5th year of
16 operation and to pay at least 100 percent of the debt service
17 on the bonds by the end of the 15th year of operation. In
18 implementing this paragraph, up to 50 percent of the adopted
19 work program costs of the project may be funded from turnpike
20 revenues.

21 (b) For turnpike projects, except for feeder roads and
22 turnpike improvements, financed from revenues of the turnpike
23 system, such project, or such group of projects, originally
24 financed from revenues of the turnpike system, that the
25 project is expected to generate sufficient revenues to
26 amortize project costs within 15 years of opening to traffic.

27
28 This subsection does not prohibit the pledging of revenues
29 from the entire turnpike system to bonds issued to finance or
30 refinance a turnpike project or group of turnpike projects.

31 (9) "Turnpike project" means any extension to or

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1 expansion of the existing turnpike system and new limited
2 access toll highways and associated feeder roads and other
3 structures, interchanges, appurtenances, or rights as may be
4 approved in accordance with the Florida Turnpike Law.

5 (10) "Statement of environmental feasibility" means a
6 statement by the Department of Environmental Protection of the
7 project's significant environmental impacts.

8 Section 289. Effective July 1, 1998, section 338.222,
9 Florida Statutes, is reenacted to read:

10 338.222 Department of Transportation sole governmental
11 entity to acquire, construct, or operate turnpike projects;
12 exception.--

13 (1) No governmental entity other than the department
14 may acquire, construct, maintain, or operate the turnpike
15 system subsequent to the enactment of this law, except upon
16 specific authorization of the Legislature.

17 (2) The department may contract with any local
18 governmental entity as defined in s. 334.03(14) for the
19 design, right-of-way acquisition, or construction of any
20 turnpike project which the Legislature has approved. Local
21 governmental entities may negotiate with the department for
22 the design, right-of-way acquisition, and construction of any
23 section of the turnpike project within areas of their
24 respective jurisdictions or within counties with which they
25 have interlocal agreements.

26 Section 290. Effective July 1, 1998, section 338.223,
27 Florida Statutes, is reenacted and amended to read:

28 338.223 Proposed turnpike projects.--

29 (1)(a) Any proposed project to be constructed or
30 acquired as part of the turnpike system and any turnpike
31 improvement shall be included in the tentative work program.

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1 No proposed project or group of proposed projects shall be
2 added to the turnpike system unless such project or projects
3 are determined to be economically feasible and a statement of
4 environmental feasibility has been completed for such project
5 or projects and such projects are determined to be consistent,
6 to the maximum extent feasible, with approved local government
7 comprehensive plans of the local governments in which such
8 projects are located. The department may authorize engineering
9 studies, traffic studies, environmental studies, and other
10 expert studies of the location, costs, economic feasibility,
11 and practicality of proposed turnpike projects throughout the
12 state and may proceed with the design phase of such projects.
13 The department shall not request legislative approval of a
14 proposed turnpike project until the design phase of that
15 project is at least 60 percent complete. If a proposed
16 project or group of proposed projects is found to be
17 economically feasible, consistent, to the maximum extent
18 feasible, with approved local government comprehensive plans
19 of the local governments in which such projects are located,
20 and a favorable statement of environmental feasibility has
21 been completed, the department, with the approval of the
22 Legislature, shall, after the receipt of all necessary
23 permits, construct, maintain, and operate such turnpike
24 projects.

25 (b) Any proposed turnpike project or improvement shall
26 be developed in accordance with the Florida Transportation
27 Plan and the work program pursuant to s. 339.135. Turnpike
28 projects that add capacity, alter access, affect feeder roads,
29 or affect the operation of the local transportation system
30 shall be included in the transportation improvement plan of
31 the affected metropolitan planning organization. If such

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1 turnpike project does not fall within the jurisdiction of a
2 metropolitan planning organization, the department shall
3 notify the affected county and provide for public hearings in
4 accordance with s. 339.155(6)(c).

5 (c) Prior to requesting legislative approval of a
6 proposed turnpike project, the environmental feasibility of
7 the proposed project shall be reviewed by the Department of
8 Environmental Protection. The department shall submit its
9 Project Development and Environmental Report to the Department
10 of Environmental Protection, along with a draft copy of a
11 public notice. Within 14 days of receipt of the draft public
12 notice, the Department of Environmental Protection shall
13 return the draft public notice to the Department of
14 Transportation with an approval of the language or
15 modifications to the language. Upon receipt of the approved or
16 modified draft, or if no comments are provided within 14 days,
17 the Department of Transportation shall publish the notice in a
18 newspaper to provide a 30-day public comment period. The
19 headline of the required notice shall be in a type no smaller
20 than 18 point. The notice shall be placed in that portion of
21 the newspaper where legal notices appear. The notice shall be
22 published in a newspaper of general circulation in the county
23 or counties of general interest and readership in the
24 community as provided in s. 50.031, not one of limited subject
25 matter. Whenever possible, the notice shall appear in a
26 newspaper that is published at least 5 days a week. The notice
27 shall include, but is not limited to, the following
28 information:

29 1. The purpose of the notice is to provide for a
30 30-day period for written public comments on the environmental
31 impacts of a proposed turnpike project.

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1 2. The name and description of the project, along with
2 a geographic location map clearly indicating the area where
3 the proposed project will be located.

4 3. The address where such comments must be sent and
5 the date such comments are due.

6
7 After a review of the department's report and any public
8 comments, the Department of Environmental Protection shall
9 submit a statement of environmental feasibility to the
10 department within 30 days after the date on which public
11 comments are due. The notice and the statement of
12 environmental feasibility shall not give rise to any rights to
13 a hearing or other rights or remedies provided pursuant to
14 chapter 120 or chapter 403, and shall not bind the Department
15 of Environmental Protection in any subsequent environmental
16 permit review.

17 (2)(a) Subject to the provisions of s. 338.228, the
18 department is authorized to expend, out of any funds available
19 for the purpose, such moneys as may be necessary for studies,
20 preliminary engineering, construction, right-of-way
21 acquisition, and construction engineering inspection of any
22 turnpike project and is authorized to use its engineering and
23 other resources for such purposes.

24 (b) In accordance with the legislative intent
25 expressed in s. 337.273, the department may acquire lands and
26 property before making a final determination of the economic
27 feasibility of a project. The cost of advance acquisition of
28 right-of-way may be paid from bonds issued under s. 337.276 or
29 from turnpike revenues.

30 (3) All obligations and expenses incurred by the
31 department under this section shall be paid by the department

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1 and charged to the appropriate turnpike project. The
 2 department shall keep proper records and accounts showing each
 3 amount that is so charged. All obligations and expenses so
 4 incurred shall be treated as part of the cost of such project
 5 and shall be reimbursed to the department out of turnpike
 6 revenues or out of the bonds authorized under ss.
 7 338.22-338.241 ~~338.22-338.244~~ except when such reimbursement
 8 is prohibited by state or federal law.

9 (4) The department is authorized, with the approval of
 10 the Legislature, to use federal and state transportation funds
 11 to lend or pay a portion of the operating, maintenance, and
 12 capital costs of turnpike projects. Federal and state
 13 transportation funds included in an adopted work program, or
 14 the General Appropriations Act, for a turnpike project do not
 15 have to be reimbursed to the State Transportation Trust Fund,
 16 or used in determining the economic feasibility of the
 17 proposed project. For operating and maintenance loans, the
 18 maximum net loan amount in any fiscal year shall not exceed
 19 0.5 percent of state transportation tax revenues for that
 20 fiscal year.

21 Section 291. Effective July 1, 1998, section 338.225,
 22 Florida Statutes, is amended to read:

23 338.225 Taking of public road for feeder road.--Before
 24 taking over any existing public road for maintenance and
 25 operation as a feeder road, the department shall obtain the
 26 consent of the governmental entity then exercising
 27 jurisdiction over the road, which governmental entity is
 28 authorized to give such consent by resolution. Each feeder
 29 road or portion of a feeder road acquired, constructed, or
 30 taken over under this section for maintenance and operation
 31 shall, for all purposes of ss. 338.22-338.241 ~~338.22-338.244~~,

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1 be deemed to constitute a part of the turnpike system, except
 2 that no toll shall be charged for transit between points on
 3 such feeder road.

4 Section 292. Effective July 1, 1998, subsection (2) of
 5 section 338.227, Florida Statutes, is amended to read:

6 338.227 Turnpike revenue bonds.--

7 (2) The proceeds of the bonds of each issue shall be
 8 used solely for the payment of the cost of the turnpike
 9 projects for which such bonds shall have been issued, except
 10 as provided in the State Bond Act. Such proceeds shall be
 11 disbursed and used as provided by ss. 338.22-338.241
 12 ~~338.22-338.244~~ and in such manner and under such restrictions,
 13 if any, as the Division of Bond Finance may provide in the
 14 resolution authorizing the issuance of such bonds or in the
 15 trust agreement hereinafter mentioned securing the same. All
 16 revenues and bond proceeds from the turnpike system received
 17 by the department pursuant to ss. 338.22-338.241
 18 ~~338.22-338.244~~, the Florida Turnpike Law, shall be used only
 19 for the cost of turnpike projects and turnpike improvements
 20 and for the administration, operation, maintenance, and
 21 financing of the turnpike system. No revenues or bond proceeds
 22 from the turnpike system shall be spent for the operation,
 23 maintenance, construction, or financing of any project which
 24 is not part of the turnpike system.

25 Section 293. Effective July 1, 1998, section 338.228,
 26 Florida Statutes, is amended to read:

27 338.228 Bonds not debts or pledges of credit of
 28 state.--Turnpike revenue bonds issued under the provisions of
 29 ss. 338.22-338.241 ~~338.22-338.244~~ are not debts of the state
 30 or pledges of the faith and credit of the state. Such bonds
 31 are payable exclusively from revenues pledged for their

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1 payment. All such bonds shall contain a statement on their
2 face that the state is not obligated to pay the same or the
3 interest thereon, except from the revenues pledged for their
4 payment, and that the faith and credit of the state is not
5 pledged to the payment of the principal or interest of such
6 bonds. The issuance of turnpike revenue bonds under the
7 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ does not
8 directly, indirectly, or contingently obligate the state to
9 levy or to pledge any form of taxation whatsoever, or to make
10 any appropriation for their payment. Except as provided in
11 ss. 338.001, 338.223, and 338.2275, no state funds shall be
12 used on any turnpike project or to pay the principal or
13 interest of any bonds issued to finance or refinance any
14 portion of the turnpike system, and all such bonds shall
15 contain a statement on their face to this effect.

16 Section 294. Effective July 1, 1998, section 338.229,
17 Florida Statutes, is amended to read:

18 338.229 Pledge to bondholders not to restrict certain
19 rights of department.--The state does pledge to, and agree
20 with, the holders of the bonds issued pursuant to ss.
21 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or
22 restrict the rights vested in the department to construct,
23 reconstruct, maintain, and operate any turnpike project as
24 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish
25 and collect such tolls or other charges as may be convenient
26 or necessary to produce sufficient revenues to meet the
27 expenses of maintenance and operation of the turnpike system
28 and to fulfill the terms of any agreements made with the
29 holders of bonds authorized by this act and that the state
30 will not in any way impair the rights or remedies of the
31 holders of such bonds until the bonds, together with interest

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1 on the bonds, are fully paid and discharged.

2 Section 295. Effective July 1, 1998, subsections (6)
3 and (7) of section 338.231, Florida Statutes, are amended to
4 read:

5 338.231 Turnpike tolls, fixing; pledge of tolls and
6 other revenues.--The department shall at all times fix,
7 adjust, charge, and collect such tolls for the use of the
8 turnpike system as are required in order to provide a fund
9 sufficient with other revenues of the turnpike system to pay
10 the cost of maintaining, improving, repairing, and operating
11 such turnpike system; to pay the principal of and interest on
12 all bonds issued to finance or refinance any portion of the
13 turnpike system as the same become due and payable; and to
14 create reserves for all such purposes.

15 (6) In each fiscal year while any of the bonds of the
16 Broward County Expressway Authority series 1984 and series
17 1986-A remain outstanding, the department is authorized to
18 pledge revenues from the turnpike system to the payment of
19 principal and interest of such series of bonds, the repayment
20 of Broward County gasoline tax funds as provided in s.
21 338.2275(3)(4), and the operation and maintenance expenses of
22 the Sawgrass Expressway, to the extent gross toll revenues of
23 the Sawgrass Expressway are insufficient to make such
24 payments. The terms of an agreement relative to the pledge of
25 turnpike system revenue will be negotiated with the parties of
26 the 1984 and 1986 Broward County Expressway Authority
27 lease-purchase agreements, and subject to the covenants of
28 those agreements. The agreement shall establish that the
29 Sawgrass Expressway shall be subject to the planning,
30 management, and operating control of the department limited
31 only by the terms of the lease-purchase agreements. The

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1 department shall provide for the payment of operation and
2 maintenance expenses of the Sawgrass Expressway until such
3 agreement is in effect. This pledge of turnpike system
4 revenues shall be subordinate to the debt service requirements
5 of any future issue of turnpike bonds, the payment of turnpike
6 system operation and maintenance expenses, and subject to
7 provisions of any subsequent resolution or trust indenture
8 relating to the issuance of such turnpike bonds.

9 (7) The use and disposition of revenues pledged to
10 bonds are subject to the provisions of ss. 338.22-338.241
11 ~~338.22-338.244~~ and such regulations as the resolution
12 authorizing the issuance of such bonds or such trust agreement
13 may provide.

14 Section 296. Effective July 1, 1998, section 338.232,
15 Florida Statutes, is amended to read:

16 338.232 Continuation of tolls upon provision for
17 payment of bondholders and assumption of maintenance by
18 department.--When all revenue bonds issued under the
19 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ in connection
20 with the turnpike system and the interest on the bonds have
21 been paid, or an amount sufficient to provide for the payment
22 of all such bonds and the interest on the bonds to the
23 maturity of the bonds, or such earlier date on which the bonds
24 may be called, has been set aside in trust for the benefit of
25 the bondholders, the department may assume the maintenance of
26 the turnpike system as part of the State Highway System,
27 except that the turnpike system shall remain subject to
28 sufficient tolls to pay the cost of the maintenance, repair,
29 improvement, and operation of the system and the construction
30 of turnpike projects.

31 Section 297. Effective July 1, 1998, section 338.239,

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1 Florida Statutes, is amended to read:

2 338.239 Traffic control on the turnpike system.--

3 (1) The department is authorized to adopt rules with
4 respect to the use of the turnpike system, which rules must
5 relate to vehicular speeds, loads and dimensions, safety
6 devices, rules of the road, and other matters necessary to
7 carry out the purposes of ss. 338.22-338.241 ~~338.22-338.244~~.
8 Insofar as these rules may be inconsistent with the provisions
9 of chapter 316, the rules control. A violation of these rules
10 must be punished pursuant to chapters 316 and 318.

11 (2) Members of the Florida Highway Patrol are vested
12 with the power, and charged with the duty, to enforce the
13 rules of the department. Expenses incurred by the Florida
14 Highway Patrol in carrying out its powers and duties under ss.
15 338.22-338.241 ~~338.22-338.244~~ may be treated as a part of the
16 cost of the operation of the turnpike system, and the
17 Department of Highway Safety and Motor Vehicles shall be
18 reimbursed by the Department of Transportation for such
19 expenses incurred on the turnpike mainline, which is that part
20 of the turnpike system extending from the southern terminus in
21 Florida City to the northern terminus in Wildwood including
22 all contiguous sections.

23 Section 298. Effective July 1, 1998, subsection (1) of
24 section 338.251, Florida Statutes, is amended to read:

25 338.251 Toll Facilities Revolving Trust Fund.--The
26 Toll Facilities Revolving Trust Fund is hereby created for the
27 purpose of encouraging the development and enhancing the
28 financial feasibility of revenue-producing road projects
29 undertaken by local governmental entities in a county or
30 combination of contiguous counties.

31 (1)~~(a)~~ The department is authorized to advance funds

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1 for preliminary engineering, traffic and revenue studies,
 2 environmental impact studies, financial advisory services,
 3 engineering design, right-of-way map preparation, other
 4 appropriate project-related professional services, and
 5 advanced right-of-way acquisition to expressway authorities,
 6 counties, or other local governmental entities that desire to
 7 undertake revenue-producing road projects.

8 ~~(b) For the 1997-1998 fiscal year only, up to \$500,000~~
 9 ~~may be loaned by the department to the St. Lucie County~~
 10 ~~Expressway Authority for purposes described in paragraph (a).~~
 11 ~~This paragraph is repealed on July 1, 1998.~~

12 Section 299. Effective July 1, 1998, subsection (4) of
 13 section 339.08, Florida Statutes, is amended to read:

14 339.08 Use of moneys in State Transportation Trust
 15 Fund.--

16 (4) The department may authorize the investment of the
 17 earnings accrued and collected upon the investment of the
 18 minimum balance of funds required to be maintained in the
 19 State Transportation Trust Fund pursuant to s. 339.135(6)(b)
 20 ~~(7)(b)~~. Such investment shall be limited as provided in s.
 21 288.9607(7).

22 Section 300. Effective July 1, 1998, section 339.091,
 23 Florida Statutes, is repealed.

24 Section 301. Effective July 1, 1998, paragraph (e) of
 25 subsection (7) of section 339.135, Florida Statutes, is
 26 reenacted to read:

27 339.135 Work program; legislative budget request;
 28 definitions; preparation, adoption, execution, and
 29 amendment.--

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

31 (e) Notwithstanding the requirements in paragraph (d)

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1 and ss. 216.177(2) and 216.351, the secretary may request the
2 Executive Office of the Governor to amend the adopted work
3 program when an emergency exists, as defined in s. 252.34(3),
4 and the emergency relates to the repair or rehabilitation of
5 any state transportation facility. The Executive Office of
6 the Governor may approve the amendment to the adopted work
7 program and amend that portion of the department's approved
8 budget in the event that the delay incident to the
9 notification requirements in paragraph (d) would be
10 detrimental to the interests of the state. However, the
11 department shall immediately notify the parties specified in
12 paragraph (d) and shall provide such parties written
13 justification for the emergency action within 7 days of the
14 approval by the Executive Office of the Governor of the
15 amendment to the adopted work program and the department's
16 budget. In no event may the adopted work program be amended
17 under the provisions of this subsection without the
18 certification by the comptroller of the department that there
19 are sufficient funds available pursuant to the 36-month cash
20 forecast and applicable statutes.

21 Section 302. Effective July 1, 1998, sections 339.145
22 and 339.147, Florida Statutes, are repealed.

23 Section 303. Effective July 1, 1998, paragraph (a) of
24 subsection (10) of section 339.175, Florida Statutes, is
25 amended to read:

26 339.175 Metropolitan planning organization.--It is the
27 intent of the Legislature to encourage and promote the
28 development of transportation systems embracing various modes
29 of transportation in a manner that will maximize the mobility
30 of people and goods within and through urbanized areas of this
31 state and minimize, to the maximum extent feasible, and

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1 together with applicable regulatory government agencies,
2 transportation-related fuel consumption and air pollution. To
3 accomplish these objectives, metropolitan planning
4 organizations, referred to in this section as M.P.O.'s, shall
5 develop, in cooperation with the state, transportation plans
6 and programs for metropolitan areas. Such plans and programs
7 must provide for the development of transportation facilities
8 that will function as an intermodal transportation system for
9 the metropolitan area. The process for developing such plans
10 and programs shall be continuing, cooperative, and
11 comprehensive, to the degree appropriate, based on the
12 complexity of the transportation problems.

13 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
14 COUNCIL.--

15 (a) A Metropolitan Planning Organization Advisory
16 Council is created to augment, and not supplant, the role of
17 the individual M.P.O.'s in the cooperative transportation
18 planning process described in this section ~~s. 339.155(5)~~.

19 Section 304. Effective July 1, 1998, paragraph (a) of
20 subsection (7) of section 339.2405, Florida Statutes, is
21 amended to read:

22 339.2405 Florida Highway Beautification Council.--

23 (7)(a) The duties of the council shall be to:

24 1. Provide information to local governments and local
25 highway beautification councils regarding the state highway
26 beautification grants program.

27 2. Accept grant requests from local governments.

28 3. Review grant requests for compliance with council
29 rules.

30 4. Establish rules for evaluating and prioritizing the
31 grant requests. The rules must include, but are not limited

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1 to, an examination of each grant's aesthetic value,
2 cost-effectiveness, level of local support, feasibility of
3 installation and maintenance, and compliance with state and
4 federal regulations. Rules adopted by the council which it
5 uses to evaluate grant applications must take into
6 consideration the contributions made by the highway
7 beautification project in preventing litter.

8 5. Maintain a prioritized list of approved grant
9 requests. The list must include recommended funding levels
10 for each request and, if staged implementation is appropriate,
11 funding requirements for each stage shall be provided.

12 6. Assess the feasibility of planting and maintaining
13 indigenous wildflowers and plants, instead of sod
14 groundcovers, along the rights-of-way of state roads and
15 highways. In making such assessment, the council shall
16 utilize data from other states which include indigenous
17 wildflower and plant species in their highway vegetative
18 management systems. ~~The council shall complete its assessment~~
19 ~~and present a report to the head of the department by July 1,~~
20 ~~1988.~~

21 Section 305. Effective July 1, 1998, paragraph (g) of
22 subsection (2) of section 339.241, Florida Statutes, is
23 amended to read:

24 339.241 Florida Junkyard Control Law.--

25 (2) DEFINITIONS.--Wherever used or referred to in this
26 section, unless a different meaning clearly appears from the
27 context, the term:

28 (g) "Junk," "junkyard," and "scrap metal processing
29 facility" mean the same as defined in 23 U.S.C. s. 136
30 ~~described in s. 205.371(1)(a), (b), and (e).~~

31 Section 306. Effective July 1, 1998, section 341.051,

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1 Florida Statutes, is amended to read:

2 341.051 Administration and financing of public transit
3 programs and projects.--

4 (1) FEDERAL AID.--

5 (a) The department is authorized to receive federal
6 grants or apportionments for public transit projects in this
7 state.

8 (b) Local governmental entities are authorized to
9 receive federal grants or apportionments for public transit
10 and commuter assistance projects. In addition, the provisions
11 of s. 337.403 notwithstanding, if the relocation of utility
12 facilities is necessitated by the construction of a
13 fixed-guideway public transit project and the utilities
14 relocation is approved as a part of the project by a
15 participating federal agency (if eligible for federal matching
16 reimbursement), then any county chartered under s. 6(e), Art.
17 VIII of the State Constitution shall pay at least 50 percent
18 of the nonfederal share of the cost attributable to such
19 relocation after deducting therefrom any increase in the value
20 of the new facility and any salvage value derived from the old
21 facility. The balance of the nonfederal share shall be paid
22 by the utility.

23 (2) PUBLIC TRANSIT PLAN.--

24 (a) The department shall prepare a public transit plan
25 which shall be included in the tentative work program of the
26 department prepared pursuant to s. 339.135(4). The provisions
27 of s. 339.135 apply to public transit projects in the same
28 manner that they apply to other transportation facility
29 construction projects. Any planned department participation
30 shall be in accordance with subsection (5).

31 (b) The public transit plan shall be consistent with

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1 the local plans developed in accordance with the comprehensive
2 transportation planning process. Projects that involve funds
3 administered by the department, and that will be undertaken
4 and implemented by another public agency, shall be included in
5 the public transit plan upon the request of that public
6 agency, providing such project is eligible under the
7 requirements established herein and subject to estimated
8 availability of funds. Projects so included in the plan shall
9 not be altered or removed from priority status without notice
10 to the public agency or local governmental entities involved.

11 (3) APPROPRIATION REQUESTS.--

12 (a) Public transit funds shall be requested on the
13 basis of the funding required for the public transit plan.
14 Appropriation requests shall identify each public transit
15 project calling for a state expenditure of \$500,000 or more.

16 (b) Public transit service development projects and
17 transit corridor projects shall be individually identified in
18 the appropriation request by the department. Such request
19 shall show a breakdown of funds showing capital and operating
20 expense.

21 (c) Unless otherwise authorized by the Legislature,
22 the department is prohibited from entering into any agreement
23 or contract for a public transit project which would result in
24 the ultimate expenditure or commitment of state funds in
25 excess of \$5 million.

26 (4) PROJECT ELIGIBILITY.--

27 (a) Any project that is necessary to meet the program
28 objectives enumerated in s. 341.041, that conforms to the
29 provisions of this section, and that is contained in the local
30 transportation improvement program and the adopted work
31 program of the department is eligible for the expenditure of

1 state funds for transit purposes.

2 1. The project shall be a project for service or
3 transportation facilities provided by the department under the
4 provisions of this act, a public transit capital project, a
5 commuter assistance project, a public transit service
6 development project, or a transit corridor project.

7 2. The project must be approved by the department as
8 being consistent with the criteria established pursuant to the
9 provisions of this act.

10 (b) Such expenditures shall be in accordance with the
11 fund participation rates and the criteria established in this
12 section for project development and implementation, and are
13 subject to approval by the department as being consistent with
14 the Florida Transportation Plan and regional transportation
15 goals and objectives.

16 (c) Unless otherwise authorized by the Legislature,
17 the department is prohibited from entering into any agreement
18 or contract for a public transit project which would result in
19 the ultimate expenditure or commitment of state funds in
20 excess of \$5 million.

21 (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

22 (a) The department may fund up to 50 percent of the
23 nonfederal share of the costs, not to exceed the local share,
24 of any eligible public transit capital project or commuter
25 assistance project that is local in scope; except, however,
26 that departmental participation in the final design,
27 right-of-way acquisition, and construction phases of an
28 individual fixed-guideway project which is not approved for
29 federal funding shall not exceed an amount equal to 12.5
30 percent of the total cost of each phase.

31 (b) The Department of Transportation shall develop a

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1 major capital investment policy which shall include policy
2 criteria and guidelines for the expenditure or commitment of
3 state funds for public transit capital projects. The policy
4 shall include the following:

5 1. Methods to be used to determine consistency of a
6 transit project with the approved local government
7 comprehensive plans of the units of local government in which
8 the project is located.

9 2. Methods for evaluating the level of local
10 commitment to a transit project, which is to be demonstrated
11 through system planning and the development of a feasible plan
12 to fund operating cost through fares, value capture techniques
13 such as joint development and special districts, or other
14 local funding mechanisms.

15 3. Methods for evaluating alternative transit systems
16 including an analysis of technology and alternative methods
17 for providing transit services in the corridor.

18
19 ~~The department shall present such investment policy to both~~
20 ~~the Senate Transportation Committee and the House Public~~
21 ~~Transportation Committee along with recommended legislation by~~
22 ~~March 1, 1991.~~

23 (c) The department is authorized to fund up to 100
24 percent of the cost of any eligible transit capital project or
25 commuter assistance project that is statewide in scope or
26 involves more than one county where no other governmental
27 entity or appropriate jurisdiction exists.

28 (d) The department is authorized to advance up to 80
29 percent of the capital cost of any eligible project that will
30 assist Florida's transit systems in becoming fiscally
31 self-sufficient. Such advances shall be reimbursed to the

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1 department on an appropriate schedule not to exceed 5 years
2 after the date of provision of the advances.

3 (e) The department is authorized to fund up to 100
4 percent of the capital and net operating costs of statewide
5 transit service development projects or transit corridor
6 projects. All transit service development projects shall be
7 specifically identified by way of a departmental appropriation
8 request, and transit corridor projects shall be identified as
9 part of the planned improvements on each transportation
10 corridor designated by the department. The project
11 objectives, the assigned operational and financial
12 responsibilities, the timeframe required to develop the
13 required service, and the criteria by which the success of the
14 project will be judged shall be documented by the department
15 for each such transit service development project or transit
16 corridor project.

17 (f) The department is authorized to fund up to 50
18 percent of the capital and net operating costs of transit
19 service development projects that are local in scope and that
20 will improve system efficiencies, ridership, or revenues. All
21 such projects shall be identified in the appropriation request
22 of the department through a specific program of projects, as
23 provided for in s. 341.041, that is selectively applied in the
24 following functional areas and is subject to the specified
25 times of duration:

26 1. Improving system operations, including, but not
27 limited to, realigning route structures, increasing system
28 average speed, decreasing deadhead mileage, expanding area
29 coverage, and improving schedule adherence, for a period of up
30 to 3 years;

31 2. Improving system maintenance procedures, including,

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1 but not limited to, effective preventive maintenance programs,
2 improved mechanics training programs, decreasing service
3 repair calls, decreasing parts inventory requirements, and
4 decreasing equipment downtime, for a period of up to 3 years;

5 3. Improving marketing and consumer information
6 programs, including, but not limited to, automated information
7 services, organized advertising and promotion programs, and
8 signing of designated stops, for a period of up to 2 years;
9 and

10 4. Improving technology involved in overall
11 operations, including, but not limited to, transit equipment,
12 fare collection techniques, electronic data processing
13 applications, and bus locators, for a period of up to 2 years.

14
15 For purposes of this section, the term "net operating costs"
16 means all operating costs of a project less any federal funds,
17 fares, or other sources of income to the project.

18 Section 307. Effective July 1, 1998, subsection (2) of
19 section 341.052, Florida Statutes, is amended to read:

20 341.052 Public transit block grant program;
21 administration; eligible projects; limitation.--

22 (2) Costs for which public transit block grant program
23 funds may be expended include:

24 (a) Costs of public bus transit and local public fixed
25 guideway capital projects.

26 (b) Costs of public bus transit service development
27 and transit corridor projects. Whenever block grant funds are
28 used for a service development project or a transit corridor
29 project, the use of such funds is governed by s. 341.051.

30 Local transit service development projects and transit
31 corridor projects currently operating under contract with the

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1 department shall continue to receive state funds according to
2 the contract until such time as the contract expires. Transit
3 corridor projects, wholly within one county, meeting or
4 exceeding performance criteria as described in the contract
5 shall be continued by the transit provider at the same or a
6 higher level of service until such time as the department, the
7 M.P.O., and the service provider, agree to discontinue the
8 service. The provider may not increase fares for services in
9 transit corridor projects wholly within one county without the
10 consent of the department.

11 (c) Costs of public bus transit operations.

12

13 All projects shall be consistent, to the maximum extent
14 feasible, with the approved local government comprehensive
15 plans of the units of local government ~~comprehensive plans of~~
16 ~~local government~~ in which the project is located.

17 Section 308. Effective July 1, 1998, subsection (1) of
18 section 341.321, Florida Statutes, is reenacted to read:

19 341.321 Development of high-speed rail transportation
20 system; legislative findings, policy, purpose, and intent.--

21 (1) The intent of ss. 341.3201-341.386 is to further
22 and advance the goals and purposes of the 1984 High Speed Rail
23 Transportation Commission Act; to ensure a harmonious
24 relationship between that act and the various growth
25 management laws enacted by the Legislature including the Local
26 Government Comprehensive Planning and Land Development
27 Regulation Act, ss. 163.3161-163.3215, the Florida State
28 Comprehensive Planning Act of 1972, as amended, ss.
29 186.001-186.031, the Florida Regional Planning Council Act,
30 ss. 186.501-186.513, and the State Comprehensive Plan, chapter
31 187; to promote the implementation of these acts in an

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1 effective manner; and to encourage and enhance the
2 establishment of a high-speed rail transportation system
3 connecting the major urban areas of the state as expeditiously
4 as is economically feasible. Furthermore, it is the intent of
5 the Legislature that any high-speed rail line and transit
6 station be consistent to the maximum extent feasible with
7 local comprehensive plans, and that any other development
8 associated with the rail line and transit station shall
9 ultimately be consistent with comprehensive plans. The
10 Legislature therefore reaffirms these enactments and further
11 finds:

12 (a) That the implementation of a high-speed rail
13 transportation system in the state will result in overall
14 social and environmental benefits, improvements in ambient air
15 quality, better protection of water quality, greater
16 preservation of wildlife habitat, less use of open space, and
17 enhanced conservation of natural resources and energy.

18 (b) That a high-speed rail transportation system, when
19 used in conjunction with sound land use planning, becomes a
20 vigorous force in achieving growth management goals and in
21 encouraging the use of public transportation to augment and
22 implement land use and growth management goals and objectives.

23 (c) That urban and social benefits include
24 revitalization of blighted or economically depressed areas,
25 the redirection of growth in a carefully and comprehensively
26 planned manner, and the creation of numerous employment
27 opportunities within inner-city areas.

28 (d) That transportation benefits include improved
29 travel times and more reliable travel, hence increased
30 productivity. High-speed rail is far safer than other modes of
31 transportation and, therefore, travel-related deaths and

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1 injuries can be reduced, and millions of dollars can be saved
2 from avoided accidents.

3 Section 309. Effective July 1, 1998, subsection (2) of
4 section 341.3333, Florida Statutes, is amended to read:

5 341.3333 Application for franchise; confidentiality of
6 application and trade secrets.--

7 (2) Each applicant, in response to the request for
8 proposals, shall file its application with the department at
9 the location and within the time and date limitations
10 specified in the request for proposals. Applications filed
11 before the deadline shall be kept sealed by the department
12 until the time and date specified for opening. Such sealed
13 applications shall be confidential and exempt from the
14 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
15 Constitution until such time as the department provides notice
16 of a decision or intended decision pursuant to s. 120.57(3)(a)
17 or until 10 days after application opening, whichever is
18 earlier. Thereafter, the applications are public. However,
19 the applicant may segregate the trade secret portions of the
20 application and request that the department maintain those
21 portions as confidential and exempt from the provisions of s.
22 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon
23 award of a franchise, the franchisee may segregate portions of
24 materials required to be submitted by the department and
25 request that the department maintain those portions as
26 confidential and exempt from the provisions of s. 119.07(1)
27 and s. 24(a), Art. I of the State Constitution. Such portions
28 designated by an applicant or by the franchisee shall remain
29 confidential and exempt from the provisions of s. 119.07(1)
30 only if the department finds that the information satisfies
31 the criteria established in s. 119.15(4)(b)3.~~119.14(4)(b)3.~~

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1 Section 310. Effective July 1, 1998, paragraphs (a)
2 and (c) of subsection (2) of section 341.352, Florida
3 Statutes, are amended to read:

4 341.352 Certification hearing.--

5 (2)(a) The parties to the certification proceeding
6 are:

7 1. The franchisee.

8 ~~2. The Department of Commerce.~~

9 2.3. The Department of Environmental Protection.

10 ~~3.4.~~ The Department of Transportation.

11 ~~4.5.~~ The Department of Community Affairs.

12 ~~5.6.~~ The Game and Fresh Water Fish Commission.

13 ~~6.7.~~ Each water management district.

14 ~~7.8.~~ Each local government.

15 ~~8.9.~~ Each regional planning council.

16 ~~9.10.~~ Each metropolitan planning organization.

17 (c) Notwithstanding the provisions of chapter 120 to
18 the contrary, after the filing with the administrative law
19 judge of a notice of intent to be a party by an agency or
20 corporation or association described in subparagraph 1. or
21 subparagraph 2., or a petition for intervention by a person
22 described in subparagraph 3., no later than 30 days prior to
23 the date set for the certification hearing, any of the
24 following entities also shall be a party to the proceeding:

25 1. Any state agency not listed in paragraph (a), as to
26 matters within its jurisdiction.

27 2. Any domestic nonprofit corporation or association
28 that is formed, in whole or in part, to promote conservation
29 of natural beauty; to protect the environment, personal
30 health, or other biological values; to preserve historical
31 sites; to promote consumer interests; to represent labor,

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1 commercial, or industrial groups; to promote economic
2 development; or to promote the orderly development, or
3 maintain the residential integrity, of the area in which the
4 proposed high-speed rail transportation system is to be
5 located.

6 3. Any person whose substantial interests are affected
7 and being determined by the proceeding.

8 Section 311. Effective July 1, 1998, subsection (3) of
9 section 343.64, Florida Statutes, is amended to read:

10 343.64 Powers and duties.--

11 (3) The authority shall, ~~by February 1, 1993,~~ develop
12 and adopt a plan for the development of the Central Florida
13 Commuter Rail. Such plan shall address the authority's plan
14 for the development of public and private revenue sources,
15 funding of capital and operating costs, the service to be
16 provided, and the extent to which counties within the area of
17 operation of the authority are to be served. The plan shall
18 be reviewed and updated annually. The plan shall be
19 consistent, to the maximum extent feasible, with the approved
20 local government comprehensive plans of the units of local
21 government served by the authority.

22 Section 312. Effective July 1, 1998, subsection (3) of
23 section 343.74, Florida Statutes, is amended to read:

24 343.74 Powers and duties.--

25 (3) The authority shall, ~~by February 1, 1992,~~ develop
26 and adopt a plan for the development of the Tampa Bay Commuter
27 Rail or Commuter Ferry Service. Such plan shall address the
28 authority's plan for the development of public and private
29 revenue sources, funding of operating and capital costs, the
30 service to be provided and the extent to which counties within
31 the authority are to be served. The plan shall be reviewed and

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1 updated annually. Such plan shall be consistent, to the
2 maximum extent feasible, with the approved local government
3 comprehensive plan of the units of local government served by
4 the authority.

5 Section 313. Effective July 1, 1998, paragraph (c) of
6 subsection (2) of section 348.0005, Florida Statutes, is
7 amended to read:

8 348.0005 Bonds.--

9 (2)

10 (c) Said bonds shall be sold by the authority at
11 public sale by competitive bid. However, if the authority,
12 after receipt of a written recommendation from a financial
13 adviser, shall determine by official action after public
14 hearing by a two-thirds vote of all voting members of the
15 authority that a negotiated sale of the bonds is in the best
16 interest of the authority, the authority may negotiate for
17 sale of the bonds with the underwriter or underwriters
18 designated by the authority and the county in which the
19 authority exists. The authority shall provide specific
20 findings in a resolution as to the reasons requiring the
21 negotiated sale, which resolution shall incorporate and have
22 attached thereto the written recommendation of the financial
23 adviser required by this subsection~~(4)~~.

24 Section 314. Effective July 1, 1998, section 348.0009,
25 Florida Statutes, is amended to read:

26 348.0009 Cooperation with other units, boards,
27 agencies, and individuals.--Express authority and power is
28 given and granted to any county, municipality, drainage
29 district, road and bridge district, school district, or other
30 political subdivision, board, commission, or individual in or
31 of this state to enter into contracts, leases, conveyances, or

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1 other agreements within the provisions and purposes of the
2 Florida Expressway Authority Act with an authority. An
3 authority may enter into contracts, leases, conveyances, and
4 other agreements, to the extent consistent with chapters 334,
5 335, 338, and 339, ~~and 340~~, and other provisions of the laws
6 of the state and with 23 U.S.C. ss. 101 et seq., with any
7 political subdivision, agency, or instrumentality of the state
8 and any and all federal agencies, corporations, and
9 individuals, for the purpose of carrying out the provisions of
10 the Florida Expressway Authority Act.

11 Section 315. Effective July 1, 1998, section 348.248,
12 Florida Statutes, is amended to read:

13 348.248 Cooperation with other units, boards,
14 agencies, and individuals.--Express authority and power is
15 given and granted to any county, municipality, drainage
16 district, road and bridge district, school district, or other
17 political subdivision, board, commission, or individual in or
18 of this state to make and enter into contracts, leases,
19 conveyances, or other agreements within the provisions and
20 purposes of this part with the authority. The authority is
21 expressly authorized to make and enter into contracts, leases,
22 conveyances, and other agreements, to the extent consistent
23 with chapters 334, 335, 338, and 339, ~~and 340~~ and other
24 provisions of the laws of this state and with 23 U.S.C. ss.
25 101 et seq., with any political subdivision, agency, or
26 instrumentality of this state and any and all federal
27 agencies, corporations, and individuals, for the purpose of
28 carrying out the provisions of this part.

29 Section 316. Effective July 1, 1998, section 348.948,
30 Florida Statutes, is amended to read:

31 348.948 Cooperation with other units, boards,

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1 agencies, and individuals.--Express authority and power is
2 given and granted to any county, municipality, drainage
3 district, road and bridge district, school district, or other
4 political subdivision, board, commission, or individual in or
5 of this state to make and enter into contracts, leases,
6 conveyances, or other agreements within the provisions and
7 purposes of this part with the authority. The authority is
8 expressly authorized to make and enter into contracts, leases,
9 conveyances, and other agreements, to the extent consistent
10 with chapters 334, 335, 338, and 339, ~~and 340~~ and other
11 provisions of the laws of this state and with 23 U.S.C. ss.
12 101 et seq., with any political subdivision, agency, or
13 instrumentality of this state and any and all federal
14 agencies, corporations, and individuals, for the purpose of
15 carrying out the provisions of this part.

16 Section 317. Effective July 1, 1998, subsection (3) of
17 section 349.05, Florida Statutes, is amended to read:

18 349.05 Bonds of the authority.--

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

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

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

15 (b) The application of funds and the safeguarding of
16 funds on hand or on deposit;

17 (c) The rights and remedies of the trustee and the
18 holders of the bonds; and

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

21 Section 318. Effective July 1, 1998, section 378.411,
22 Florida Statutes, is amended to read:

23 378.411 Certification to receive notices of intent to
24 mine, to review and to inspect for compliance.--

25 (1) By petition to the secretary, a local government
26 ~~or the Department of Transportation~~ may request certification
27 to receive notices of intent to mine, to review, and to
28 conduct compliance inspections.

29 (2) In deciding whether to grant certification to a
30 local government, the secretary shall determine whether the
31 following criteria are being met:

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1 (a) The petitioning local government has adopted and
2 effectively implemented a local government comprehensive plan.

3 (b) The local government has adequate review
4 procedures and the financial and staffing resources necessary
5 to assume responsibility for adequate review and inspection.

6 (c) The local government has a record of effectively
7 reviewing, inspecting, and enforcing compliance with local
8 ordinances and state laws.

9 ~~(3) In deciding whether to grant certification to the
10 Department of Transportation, the secretary shall request all
11 information necessary to determine the capability of the
12 Department of Transportation to meet the requirements of this
13 part.~~

14 (3)~~(4)~~ In making his or her determination, the
15 secretary shall consult with the Department of Community
16 Affairs, the appropriate regional planning council, and the
17 appropriate water management district.

18 (4)~~(5)~~ The secretary shall evaluate the performance of
19 a local government ~~or the Department of Transportation~~ on a
20 regular basis to ensure compliance with this section. All or
21 part of the certification may be rescinded if the secretary
22 determines that the certification is not being carried out
23 pursuant to the requirements of this part.

24 (5)~~(6)~~ The department shall establish the
25 certification procedure by rule.

26 Section 319. Effective July 1, 1998, paragraph (b) of
27 subsection (1) of section 427.012, Florida Statutes, is
28 amended to read:

29 427.012 The Commission for the Transportation
30 Disadvantaged.--There is created the Commission for the
31 Transportation Disadvantaged in the Department of

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1 Transportation.

2 (1) The commission shall consist of the following
3 members:

4 (b) The secretary of the Department of Children and
5 Family Health and Rehabilitative Services or the secretary's
6 designee.

7 Section 320. Effective July 1, 1998, subsection (16)
8 of section 427.013, Florida Statutes, is amended to read:

9 427.013 The Commission for the Transportation
10 Disadvantaged; purpose and responsibilities.--The purpose of
11 the commission is to accomplish the coordination of
12 transportation services provided to the transportation
13 disadvantaged. The goal of this coordination shall be to
14 assure the cost-effective provision of transportation by
15 qualified community transportation coordinators or
16 transportation operators for the transportation disadvantaged
17 without any bias or presumption in favor of multioperator
18 systems or not-for-profit transportation operators over single
19 operator systems or for-profit transportation operators. In
20 carrying out this purpose, the commission shall:

21 (16) Review and approve memorandums of agreement for
22 the provision ~~provisions~~ of coordinated transportation
23 services.

24 Section 321. Effective July 1, 1998, subsection (23)
25 of section 479.01, Florida Statutes, is amended, and
26 subsection (24) of said section is reenacted, to read:

27 479.01 Definitions.--As used in this chapter, the
28 term:

29 (23) "Unzoned commercial or industrial area" means an
30 area within 660 feet of the nearest edge of the right-of-way
31 of the interstate or federal-aid primary system where the land

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1 use is not covered by a future land use map or zoning
2 regulation pursuant to subsection~~(3)~~(2), in which there are
3 located three or more separate and distinct industrial or
4 commercial uses located within a 1,600-foot radius of each
5 other and generally recognized as commercial or industrial by
6 zoning authorities in this state. Certain activities,
7 including, but not limited to, the following, may not be so
8 recognized:

9 (a) Signs.

10 (b) Agricultural, forestry, ranching, grazing,
11 farming, and related activities, including, but not limited
12 to, wayside fresh produce stands.

13 (c) Transient or temporary activities.

14 (d) Activities not visible from the main-traveled way.

15 (e) Activities conducted more than 660 feet from the
16 nearest edge of the right-of-way.

17 (f) Activities conducted in a building principally
18 used as a residence.

19 (g) Railroad tracks and minor sidings.

20 (24) "Urban area" has the same meaning as defined in
21 s. 334.03(32).

22 Section 322. Effective July 1, 1998, section 951.05,
23 Florida Statutes, is amended to read:

24 951.05 Working county prisoners on roads and bridges
25 or other public works of the county; hiring out to another
26 county.--The board of county commissioners of the several
27 counties may require all county prisoners under sentence
28 confined in the jail of their respective counties for any
29 offense to labor upon the public roads, bridges, farms, or
30 other public works owned and operated by the county, or on
31 other projects for which the governing body of the county

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1 could otherwise lawfully expend public funds and which it
2 determines to be necessary for the health, safety, and welfare
3 of the county, or in the event the county commissioners of any
4 county deem it to the best interest of their county, they may
5 hire out their prisoners to any other county in the state to
6 be worked upon the public roads, bridges, or other public
7 works of that county, or on other projects for which the
8 governing body of that county could otherwise lawfully expend
9 public funds and which it determines to be necessary for the
10 health, safety, and welfare of that county, or they may, upon
11 such terms as may be agreed upon between themselves and ~~the~~
12 ~~Division of Road Operations~~ of the Department of
13 Transportation, lease or let said prisoners to the department
14 ~~division~~ instead of keeping them in the county jail where they
15 are sentenced. The money derived from the hire of such
16 prisoners shall be paid to the county hiring out such
17 prisoners and placed to the credit of the fine and forfeiture
18 fund of the county.

19 Section 323. Except as otherwise provided herein, this
20 act shall take effect upon becoming a law.

21
22

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

24 And the title is amended as follows:

25 remove from the title of the bill: the entire title

26

27 and insert:

28 A bill to be entitled
29 An act relating to transportation; amending s.
30 20.23, F.S.; requiring the Turnpike District to
31 relocate to Sumter County in fiscal year 2000;

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1 amending s. 206.606, F.S.; revising the
2 distribution of certain fuel tax proceeds;
3 amending s. 212.055, F.S.; revising provisions
4 which authorize certain counties to use tax
5 proceeds to retire or service indebtedness for
6 bonds issued before July 1, 1987, for
7 infrastructure purposes; including charter
8 counties within such authorization; authorizing
9 use of interest accrued on tax proceeds for
10 such purpose; extending such authorization to
11 bonds subsequently issued to refund such bonds;
12 ratifying prior use of tax proceeds and
13 interest for such refunding bonds; renumbering
14 and amending s. 335.166, F.S.; transferring
15 responsibility for welcome centers' staff to
16 the Florida Commission on Tourism; requiring a
17 study of toll road agencies and the Turnpike
18 District by the Florida Transportation
19 Commission; renumbering and amending s.
20 334.065, F.S.; revising provisions related to
21 the funding source and the advisory board of
22 the Center for Urban Transportation Research;
23 amending s. 316.003, F.S.; defining the term
24 "neighborhood vehicle"; amending s. 316.063,
25 F.S.; changing the term "accident" to "crash";
26 revising the penalty for obstructing traffic
27 upon damaging an unattended vehicle or other
28 property; creating s. 316.0815, F.S.; giving
29 public transit buses the right-of-way when
30 reentering the traffic flow; amending s.
31 316.091, F.S.; providing that on specified

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1 highways certain commercial vehicles may drive
2 only in certain lanes; amending s. 316.1967,
3 F.S.; reduces the number of outstanding parking
4 violations which trigger the county clerk to
5 report to the Department of Highway Safety and
6 Motor Vehicles; amending s. 316.2055, F.S.;
7 providing a uniform reference to the penalty
8 for a pedestrian noncriminal traffic offense
9 punishable under chapter 318, F.S.; amending s.
10 316.555, F.S.; exempting certain silvicultural
11 and agricultural vehicles and equipment from
12 weight restrictions on county roads; amending
13 s. 318.1451, F.S.; revising language relating
14 to driver improvement schools; amending s.
15 318.15, F.S.; providing for payment of a
16 certain service fee to tax collector; amending
17 s. 318.18, F.S.; providing that fines for
18 construction zone speed violations shall only
19 be doubled under certain circumstances;
20 amending s. 320.01, F.S.; defining the term
21 "agricultural products"; amending s. 320.04,
22 F.S.; providing a service charge for validation
23 stickers issued by printer dispenser machines;
24 amending s. 320.055, F.S.; revising
25 registration renewal period for certain
26 vehicles; providing for staggered fleet
27 registration; repealing s. 320.065, F.S.,
28 relating to the registration of certain rental
29 trailers for hire and semitrailers used to haul
30 agricultural products; amending s. 320.0657,
31 F.S.; defining the term "fleet"; providing

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1 registration fees; providing penalties for late
2 or improper registration; amending s. 320.0715,
3 F.S.; exempting certain commercial motor
4 vehicles from the International Registration
5 Plan; creating s. 321.045, F.S.; establishing
6 the mission and program objectives of the
7 Florida Highway Patrol; amending s. 20.18,
8 F.S.; creating the Bureau of Factory-built
9 Housing in the Department of Community Affairs;
10 providing powers and duties of the bureau;
11 transferring certain powers, duties, and
12 assets, of the Bureau of Mobile Home and
13 Recreational Vehicle Construction of the
14 Department of Highway Safety and Motor Vehicles
15 to the Bureau of Factory-built Housing;
16 authorizing interagency agreements;
17 transferring certain portions of the Mobile
18 Home and Recreational Vehicle Protection Trust
19 Fund to the Operating Trust Fund of the
20 Department of Community Affairs; transferring
21 certain portions of the Highway Safety
22 Operating Trust Fund and certain other fees and
23 penalties to the Operating Trust Fund of the
24 Department of Community Affairs; transferring
25 certain statutory powers, duties, and functions
26 of the Department of Highway Safety and Motor
27 Vehicles to the Bureau of Factory-built Housing
28 of the Department of Community Affairs;
29 amending s. 320.8325, F.S.; providing for the
30 adoption of rules relating to manufactured
31 housing installation systems, and for the

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1 development of standards for park trailers;
2 limiting the power of certain local governments
3 to charge certain permit fees relating to
4 mobile home parks; amending s. 322.1615, F.S.;
5 revising language with respect to nighttime
6 driving restrictions for persons with learner's
7 driver licenses; amending s. 331.304, F.S.;
8 revising the boundaries of spaceport territory;
9 adding certain property located in Santa Rosa,
10 Okaloosa, and Walton Counties to spaceport
11 territory; amending 322.28, F.S.; revising
12 language with respect to judicial stays on
13 administrative suspensions of driving
14 privileges; amending s. 334.044, F.S.;
15 providing specific rule-making authority;
16 repealing s. 334.044(15), F.S., relating to
17 certain rulemaking authority; providing for
18 application; amending s. 334.0445, F.S.;
19 extending the time period for the model career
20 service classification plan in the Department
21 of Transportation; amending s. 335.0415, F.S.;
22 modifying the date on which jurisdiction and
23 responsibility for public roads is determined;
24 repealing s. 335.165, F.S., relating to welcome
25 stations; amending s. 337.11, F.S.; deleting a
26 requirement for contract approval by a
27 contractor's surety; amending s. 337.185, F.S.;
28 revising the State Arbitration Board contract
29 claim program; amending s. 337.19, F.S.;
30 revising provisions relating to suits by and
31 against the Department of Transportation and

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1 the liability of the department; amending s.
2 337.403, F.S.; authorizing the department to
3 participate in the cost of clearing and
4 grubbing necessary to perform utility
5 improvement, relocation, or removal work under
6 certain circumstances; amending s. 338.229,
7 F.S.; authorizing the department to provide
8 restrictions on the sale, transfer, lease, or
9 other disposition or operation of any portion
10 of the turnpike system which reduces the
11 revenue available for the payment of
12 bondholders; amending s. 479.01, F.S.;
13 redefining the terms "commercial or industrial
14 zone" and "unzoned commercial or industrial
15 area"; amending s. 479.07, F.S.; revising
16 provisions relating to reinstatement of expired
17 outdoor advertising permits; amending s.
18 479.16, F.S.; increasing the square footage
19 allowable on certain signs; amending chapter
20 96-423, Laws of Florida; authorizing the
21 department to sell certain state property and
22 directing the proceeds of the sale to the State
23 Transportation Trust Fund; providing
24 appropriations; amending s. 832.06, F.S.;
25 providing procedures for receipt by tax
26 collector of worthless check or draft for
27 driver license or identification card; amending
28 ss. 319.23, 320.08, and 320.086, F.S.; deleting
29 reference to collectible vehicles; revising
30 dates with respect to certain ancient or
31 antique motor vehicles; exempting certain

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1 vehicles from the act; providing for the
2 issuance of license plates to certain ancient
3 or antique firefighting apparatus or motor
4 vehicles; providing an appropriation;
5 reenacting s. 316.003, F.S.; relating to the
6 definition of hazardous material; amending s.
7 316.008, F.S.; deleting obsolete language;
8 amending ss. 316.061, 316.062, 316.063,
9 316.064, 316.065, 316.066, 316.068, 316.069,
10 316.070, and 316.072, F.S.; changing the term
11 "accident" to "crash"; amending s. 316.067,
12 F.S.; providing a second degree misdemeanor
13 penalty for certain false reports; amending ss.
14 316.0745, 316.0747, 316.1895, 316.193, and
15 316.2065, F.S.; deleting obsolete language;
16 amending s. 316.1935, F.S.; providing a first
17 degree misdemeanor penalty for certain
18 violations with respect to fleeing or
19 attempting to elude a law enforcement officer;
20 amending s. 316.2074, F.S.; deleting certain
21 findings of the Legislature with respect to
22 all-terrain vehicles; amending ss. 316.3027 and
23 316.70, F.S.; providing reference to the United
24 States Department of Transportation; amending
25 s. 316.615, F.S., relating to school buses;
26 amending ss. 316.613, 316.6135, and 316.635,
27 F.S.; correcting reference to the Department of
28 Children and Family Services; revising various
29 provisions in chapter 316, F.S., to correct
30 cross references, delete obsolete language, and
31 to provide uniform references to penalties for

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1 moving and nonmoving noncriminal traffic
2 offenses punishable under chapter 318, F.S.;
3 amending s. 318.12, F.S.; revising references;
4 amending ss. 318.13 and 318.14, F.S.;
5 correcting cross references; amending s.
6 318.18, F.S.; revising language with respect to
7 civil penalties; amending s. 318.21, F.S.;
8 correcting cross references and obsolete
9 language; amending s. 319.28, F.S.; revising
10 language with respect to repossession; amending
11 s. 319.33, F.S.; correcting cross references;
12 amending ss. 320.02 and 320.03, F.S.; deleting
13 obsolete language; amending s. 320.031, F.S.;
14 revising language with respect to the mailing
15 of registration certificates, license plates,
16 and validation stickers; amending s. 320.055,
17 F.S.; correcting cross references; amending ss.
18 320.06 and 320.061, F.S.; deleting obsolete
19 language; amending ss. 320.0605 and 320.07,
20 F.S.; providing uniform reference to
21 noncriminal traffic infractions; repealing s.
22 320.073, F.S., relating to refund of impact
23 fees; amending s. 320.0802, F.S.; providing
24 reference to the Department of Management
25 Services; amending s. 320.08058, F.S.; revising
26 language with respect to Florida Special
27 Olympics license plates; amending s. 320.087,
28 F.S.; providing reference to the United States
29 Department of Transportation; amending s.
30 320.1325, F.S.; deleting a cross reference;
31 amending s. 320.20, F.S.; deleting obsolete

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1 language; amending s. 320.8255, F.S.; providing
2 reference to labels rather than seals with
3 respect to certain mobile home inspections;
4 repealing s. 320.8256, F.S., relating to
5 recreational vehicle inspection; amending s.
6 321.05, F.S.; deleting obsolete language;
7 repealing ss. 321.06, 321.07, 321.09, 321.15,
8 321.17, 321.18, 321.19, 321.191, 321.20,
9 321.201, 321.202, 321.203, 321.21, 321.22,
10 321.2205, 321.221, 321.222, and 321.223, F.S.,
11 relating to the Florida Highway Patrol and the
12 pension system therefor; amending s. 322.055,
13 F.S.; providing reference to the Department of
14 Health; amending s. 322.08, F.S.; deleting
15 obsolete language; amending ss. 322.12 and
16 322.121, F.S.; correcting cross references;
17 amending s. 322.141, F.S.; deleting obsolete
18 language; amending s. 322.15, F.S.; providing
19 reference to noncriminal traffic infractions;
20 amending s. 322.20, F.S.; providing reference
21 to the Department of Health; reenacting s.
22 322.264, F.S., relating to habitual traffic
23 offenders; amending s. 322.27, F.S.; correcting
24 cross references; amending s. 322.292, F.S.;
25 revising language with respect to DUI programs
26 supervision; amending s. 322.293, F.S.;
27 deleting obsolete language; amending s. 322.57,
28 F.S.; revising language with respect to driving
29 tests; amending s. 324.202, F.S.; deleting
30 obsolete language; repealing ss. 325.01,
31 325.02, 325.03, 325.04, 325.05, 325.06, 325.07,

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1 325.08, 325.09, and 325.10, F.S., relating to
2 vehicle safety equipment and inspections;
3 amending s. 325.209, F.S.; revising language
4 with respect to waivers; reenacting s.
5 325.212(2), F.S., relating to reinspections;
6 amending s. 327.25, F.S.; correcting a cross
7 reference; reenacting s. 328.17(1), F.S.,
8 relating to nonjudicial sale of vessels;
9 amending s. 627.7415, F.S., relating to
10 commercial motor vehicles, to include reference
11 to noncriminal traffic infractions; amending s.
12 627.742, F.S.; providing reference to
13 noncriminal traffic infractions with respect to
14 certain violations with respect to nonpublic
15 sector buses; amending ss. 20.23, 206.46,
16 215.47, 288.9607, 337.29, 337.407, 338.22,
17 338.221, 338.223, 338.225, 338.227, 338.228,
18 338.229, 338.231, 338.232, 338.239, 339.08,
19 339.175, 339.241, 341.3333, 348.0005, 348.0009,
20 348.248, 348.948, 349.05, and 479.01, F.S.;
21 correcting cross-references; repealing s.
22 234.112, F.S., relating to school bus stops;
23 repealing s. 335.165, F.S., relating to welcome
24 stations; repealing section 137 of chapter
25 96-320, Laws of Florida, relating to certain
26 uncollectible debts owned by a local government
27 for utility relocation cost reimbursements;
28 repealing s. 339.091, F.S., relating to a
29 declaration of legislative intent; repealing s.
30 339.145, F.S., relating to certain expenditures
31 in the Working Capital Trust Fund; repealing s.

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1 339.147, F.S., relating to certain audits by
2 the Auditor General; amending ss. 311.09,
3 331.303, 331.305, 331.308, 331.331, 334.03,
4 334.0445, 335.074, 335.182, 335.188, 336.044,
5 337.015, 337.139, 338.251, 339.2405, 341.051,
6 341.052, 341.352, 343.64, 343.74, 378.411,
7 427.012, 427.013, and 951.05, F.S.; deleting
8 obsolete language, and, where appropriate,
9 replacing such language with updated text;
10 reenacting ss. 336.01, 338.222, 339.175(7)(e),
11 and 341.321(1), F.S., relating to designation
12 of county road system, acquisition or
13 construction or operation of turnpike projects,
14 amendment of the adopted work program, and
15 legislative findings and intent regarding
16 development of high-speed rail transportation
17 system; providing effective dates.

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