

1  
2 An act relating to Transportation Department;  
3 amending s. 20.23, F.S.; revising language with  
4 respect to the organization of the department;  
5 deleting responsibilities assigned to the  
6 secretary; providing that the secretary or his  
7 or her designee shall submit a report on major  
8 actions at each meeting of the Florida  
9 Transportation Commission; revising language  
10 with respect to assistant secretaries; creating  
11 the Office of Comptroller; deleting language  
12 with respect to the inspector general and  
13 comptroller; changing the Turnpike District  
14 into a turnpike enterprise; exempting the  
15 turnpike enterprise from department policies,  
16 procedures, and standards, subject to the  
17 Secretary of Transportation's decision to apply  
18 such requirements; giving the secretary  
19 authority to promulgate rules that will assist  
20 the turnpike enterprise in using best business  
21 practices; amending s. 110.205, F.S.;  
22 correcting cross references, to conform;  
23 amending s. 163.3177(6); providing for  
24 incorporation of an airport master plan into  
25 the local government comprehensive plan and  
26 providing requirements with respect thereto;  
27 providing that development that is consistent  
28 with an approved plan is not a development of  
29 regional impact; amending s. 163.3180, F.S.;  
30 extending a deadline for development on certain  
31 roads; amending s. 189.441, F.S.; removing an

1 exemption to s. 287.055, F.S.; amending s.  
2 73.092, F.S., specifying the award of  
3 attorney's fees and costs in eminent domain  
4 proceedings; amending s. 206.46, F.S.; revising  
5 language with respect to the State  
6 Transportation Trust Fund; increasing the debt  
7 service cap; amending s. 255.20, F.S.;  
8 exempting certain transportation projects for  
9 certain competitive bidding requirements;  
10 amending s. 287.005, F.S.; increasing the  
11 amount defining a continuing contract;  
12 amending s. 311.09, F.S.; directing seaports to  
13 abide by the provisions of s. 287.055, F.S.,  
14 related to competitive negotiation; amending s.  
15 311.07, F.S.; providing an exemption from  
16 matching funds for seaport security projects;  
17 amending s. 315.031, F.S.; authorizing certain  
18 entertainment expenditures for seaports;  
19 amending s. 316.302, F.S.; revising a date  
20 concerning commercial motor vehicles to conform  
21 to federal regulations; amending s. 316.3025,  
22 F.S.; updating a cross reference to federal  
23 trucking regulations; amending s. 316.515,  
24 F.S.; deleting a requirement for a department  
25 permit with respect to the height of automobile  
26 transporters; amending s. 316.535, F.S.; adding  
27 weight requirements for certain commercial  
28 trucks; amending s. 316.545, F.S.; correcting a  
29 cross reference; amending s. 330.27, F.S.;  
30 revising definitions relating to aviation;  
31 providing definitions; amending s. 330.29,

1 F.S.; clarifying the department's rulemaking  
2 authority with respect to airports; amending s.  
3 330.30, F.S.; eliminating airport license fees;  
4 revising language with respect to the  
5 department's site approval process; eliminating  
6 on-site inspections of private airports;  
7 creating a registration process for private  
8 airports; providing conditions; deleting  
9 obsolete language; providing exceptions;  
10 amending s. 330.35, F.S.; deleting obsolete  
11 language with respect to airport zoning;  
12 amending s. 330.36, F.S.; providing conditions  
13 under which municipalities may prohibit or  
14 otherwise regulate seaplanes; amending s.  
15 331.308, F.S.; revising membership of the board  
16 of supervisors of the Spaceport Florida  
17 Authority; amending s.332.004, F.S.; adding  
18 off-airport noise mitigation projects to the  
19 projects eligible for federal and state  
20 matching funds; amending s. 334.044, F.S.;  
21 authorizing the department to expend  
22 promotional money on scenic highway projects;  
23 authorizing the department to delegate its  
24 drainage permitting responsibilities to other  
25 governmental entities under certain  
26 circumstances; amending s. 334.193, F.S.;  
27 providing for employee bidding by department  
28 employees; amending s. 334.30, F.S.; clarifying  
29 existing program for public-private  
30 transportation projects; specifying legislative  
31 approval for certain projects; specifying

1 notice and selection requirements for projects  
2 under this section; allowing Internal Revenue  
3 Service Code chapter 63-20 corporations to  
4 participate in these public-private  
5 transportation projects; providing conditions  
6 for using loans from Toll Facilities Revolving  
7 Trust Fund; deleting obsolete language;  
8 creating s. 335.066, F.S.; creating the Safe  
9 Paths to Schools Program; directing the  
10 department to establish the program and to  
11 authorize establishment of a grant program for  
12 purposes of funding the program; authorizing  
13 the department to adopt rules to administer the  
14 program; amending s. 335.141, F.S.; eliminating  
15 the requirement that the department regulate  
16 all train speeds; amending s. 336.12, F.S.;  
17 creating a process for homeowners' associations  
18 to be conveyed roads and rights-of-way  
19 abandoned by a county governing board for the  
20 purpose of converting subdivisions into gated  
21 neighborhoods; amending s. 336.41, F.S.;  
22 clarifying that a contract already qualified by  
23 the Department of Transportation is presumed  
24 qualified to bid on county road projects;  
25 amending s. 336.44, F.S.; replacing the term  
26 "competent" with "responsible bidder"; amending  
27 s. 337.107, F.S.; authorizing the department to  
28 enter into design-build contracts that include  
29 right-of-acquisition services; amending s.  
30 337.11, F.S.; raising the cap on certain  
31 contracts into which the department can enter

1 without first obtaining bids; adding  
2 enhancement projects to the types of projects  
3 that can be combined into a design-build  
4 contract; specifying that construction on  
5 design-build projects may not begin until  
6 certain conditions have been met; amending s.  
7 337.14, F.S.; clarifying that contractors  
8 qualified by the Department of Transportation  
9 are presumed qualified to bid on projects for  
10 expressway authorities; amending s. 337.401,  
11 F.S.; providing that for projects on public  
12 roads or rail corridors under the department's  
13 jurisdiction, a utility relocation schedule and  
14 relocation agreement may be executed in lieu of  
15 a written permit; amending s. 339.08, F.S.;  
16 clarifying language with respect to the use of  
17 moneys in the State Transportation Trust Fund;  
18 amending s. 339.12, F.S.; raising the cap on  
19 the amount of money that a local government can  
20 advance the department for state road projects;  
21 providing that local governments which perform  
22 projects for the department are compensated  
23 promptly; amending s. 339.135, F.S.; conforming  
24 language with respect to the tentative work  
25 program; extending the concurrency deadline for  
26 certain department road projects; conforming a  
27 reference to the turnpike district; amending s.  
28 339.137, F.S.; revising definitions; amending  
29 criteria for program eligibility; directing the  
30 advisory council to develop methodology for  
31 ranking and prioritizing project proposals;

1 directing the Florida Transportation Commission  
2 to review the proposed project list before  
3 submittal to the Legislature; amending s.  
4 341.051, F.S.; deleting obsolete language;  
5 amending s. 341.302, F.S.; deleting obsolete  
6 language; amending s. 348.0003, F.S.; giving a  
7 county governing body authority to set  
8 qualifications, terms of office, and  
9 obligations for the members of expressway  
10 authorities within their jurisdictions;  
11 amending ss. 348.0012, 348.754, 348.7543,  
12 348.7544, 348.7545, 348.755, and 348.765, F.S.;  
13 giving the Orlando-Orange County Expressway  
14 Authority the ability to issue bonds, rather  
15 than issuance through the state Division of  
16 Bond Finance; amending s. 348.565, F.S.; adding  
17 the Leroy Selmon Crosstown Expressway connector  
18 to the legislatively approved list of  
19 expressway projects; amending s. 373.4137,  
20 F.S.; allowing transportation authorities  
21 created pursuant to chs. 348 and 349, F.S., to  
22 create environmental impact inventories and  
23 participate in a mitigation program to offset  
24 adverse impacts caused by their transportation  
25 projects; amending s. 373.414, F.S.; providing  
26 for legislative review of the uniform wetland  
27 mitigation assessment method rule; amending s.  
28 479.15, F.S.; revising language with respect to  
29 harmony of regulations concerning lawfully  
30 erected signs; creating s. 479.25, F.S.;  
31 authorizing local governments to enter into

1           agreements which allow outdoor signs to be  
2           erected above sound barriers; creating s.  
3           70.20, F.S.; creating process for governmental  
4           entities and sign owners to enter into  
5           relocation and reconstruction agreements  
6           related to outdoor advertising signs; providing  
7           for just compensation to sign owners under  
8           certain conditions; amending s. 496.425, F.S.;  
9           redefining the term "facility"; creating s.  
10          496.4256, F.S.; providing that a governmental  
11          entity or authority that owns or operates  
12          welcome centers, wayside parks, service plazas,  
13          or rest areas on the state highway system are  
14          not required to issue a permit to, or grant  
15          access to, any person for the purpose of  
16          soliciting funds; repealing s. 316.3027, F.S.;  
17          relating to identification requirements on  
18          certain commercial motor vehicles; amending s.  
19          337.408, F.S.; revising language with respect  
20          to the regulation of benches, transit shelters,  
21          and waste disposal receptacles within  
22          rights-of-way; providing for regulation of  
23          street light poles; amending s. 380.0651, F.S.;  
24          excluding certain wholesaling facilities from  
25          development-of-regional-impact review; amending  
26          s. 768.28, F.S.; providing that certain  
27          operators of rail services and providers of  
28          security for rail services are agents of the  
29          state for certain purposes; providing for  
30          indemnification; repealing s. 316.610(3), F.S.;  
31          relating to certain inspections of certain

1 commercial motor vehicles; amending s. 337.025,  
2 F.S.; eliminating cap on innovative highway  
3 projects for the turnpike enterprise; amending  
4 s. 337.11, F.S.; providing an exemption for a  
5 turnpike enterprise project; amending s.  
6 338.22, F.S.; redesignating the Florida  
7 Turnpike Law as the Florida Turnpike Enterprise  
8 Law; amending s. 338.221, F.S.; redefining the  
9 term "economically feasible" as used with  
10 respect to turnpike projects; creating s.  
11 338.2215, F.S.; providing legislative findings,  
12 policy, purpose, and intent for the Florida  
13 Turnpike Enterprise; creating s. 338.2216,  
14 F.S.; prescribing the power and authority of  
15 the turnpike enterprise; amending s. 338.223,  
16 F.S.; increasing the maximum loan amount for  
17 the turnpike enterprise; amending ss. 338.165  
18 and 338.227, F.S.; conforming provisions;  
19 amending s. 338.2275, F.S.; authorizing the  
20 turnpike enterprise to advertise for bids for  
21 contracts prior to obtaining environmental  
22 permits; amending s. 338.234, F.S.; authorizing  
23 the turnpike enterprise to expand business  
24 opportunities; amending s. 338.235, F.S.;  
25 authorizing the consideration of goods instead  
26 of fees; amending s. 338.239, F.S.; providing  
27 that approved expenditure to the Florida  
28 Highway Patrol be paid by the turnpike  
29 enterprise; amending s. 338.241, F.S.; lowering  
30 the required cash reserve for the turnpike  
31 enterprise; amending s. 338.251, F.S.;



1 conforming provisions; amending s. 553.80,  
2 F.S.; providing for self-regulation; amending  
3 s. 333.06, F.S.; requiring each licensed  
4 publicly owned and operated airport to prepare  
5 an airport master plan; providing notice to  
6 affected local governments with respect  
7 thereto; amending s. 373.414, F.S.; providing  
8 for legislative review of the uniform wetland  
9 mitigation assessment method rule; amending s.  
10 380.06, F.S., relating to developments of  
11 regional impact; removing provisions which  
12 specify that certain changes or increases in  
13 the storage capacity for chemical or petroleum  
14 storage facilities constitute a substantial  
15 deviation and require further  
16 development-of-regional-impact review;  
17 exempting certain proposed facilities for the  
18 storage of any petroleum product from  
19 development-of-regional-impact requirements;  
20 amending ss. 163.3180 and 331.303, F.S.;  
21 correcting references; providing application  
22 with respect to airports and petroleum storage  
23 facilities which have received a  
24 development-of-regional-impact development  
25 order, or which have an application for  
26 development approval or notification of  
27 proposed change pending, on the effective date  
28 of the act; providing for severability;  
29 authorizing a board of county commissioners to  
30 require by ordinance that an additional amount  
31 be collected with each civil fine and used to

1 fund traffic education and awareness programs;  
2 designating a number of roads and bridges in  
3 honor of certain individuals; providing that  
4 certain funds may be used for arterial highway  
5 construction whether or not certain  
6 contingencies are met; amending s. 316.003,  
7 F.S.; defining the term "motorized scooter";  
8 amending s. 316.2065, F.S.; providing motorized  
9 scooter operating regulations; amending ss.  
10 320.08056 and 320.08058, F.S.; providing for a  
11 Florida Golf license plate; providing for a use  
12 fee; directing the Department of Highway Safety  
13 and Motor Vehicles to develop a Florida Golf  
14 license plate; providing for the distribution  
15 and use of fees; requiring the Florida Sports  
16 Foundation to establish a youth golf program;  
17 providing for an advisory committee; requiring  
18 multicounty airport authorities with  
19 development-of-regional-impact development  
20 orders to establish a noise-mitigation-project  
21 fund; providing for the expenditure of such  
22 funds; preventing the airport authority from  
23 amending its development order or commencing  
24 development until such funds are expended;  
25 amending s. 331.367, F.S.; revising the  
26 membership and functions of entities under the  
27 Spaceport Management Council; amending s.  
28 331.368, F.S.; revising provisions relating to  
29 the authority of the Florida Space Research  
30 Institute; amending s. 338.165, F.S.; providing  
31 for the use of remaining title revenues in

1 certain counties; amending s. 943.1758, F.S.;  
2 providing that instruction in interpersonal  
3 skills relating to diverse populations shall  
4 consist of a module developed by the Criminal  
5 Justice Standards and Training Commission on  
6 the topic of discriminatory profiling; amending  
7 ss. 30.15 and 166.0493, F.S.; requiring  
8 sheriffs and municipal law enforcement agencies  
9 to incorporate antiracial or other  
10 antidiscriminatory profiling policies into  
11 their policies and practices; providing  
12 guidelines and requirements for such policies;  
13 creating ss. 332.201, 332.202, 332.203,  
14 332.204, 332.205, 332.206, 332.207, 332.208,  
15 332.209, 332.210, and 332.211, F.S.; creating  
16 the Florida Airport Authority Act; providing  
17 definitions; providing that certain counties  
18 shall form an airport authority; providing that  
19 certain former military facilities redeveloped  
20 and operated as an airport shall be redeveloped  
21 and operated by an authority under the act, and  
22 providing for membership of the governing body  
23 of such authorities; providing for appointment  
24 of members of the governing body of an  
25 authority; providing for officers, employees,  
26 expenses, removal from office, and application  
27 of financial disclosure provisions; providing  
28 purposes and powers of an authority; providing  
29 restrictions on authority powers; providing for  
30 issuance of bonds; providing that the county  
31 may be appointed as an authority's agent for

1 construction; providing for acquisition of  
2 lands and property; providing for cooperation  
3 with other units, boards, agencies, and  
4 individuals; providing a covenant of the state  
5 with respect to bond issuance and agreements  
6 with federal agencies; providing an exemption  
7 from taxation; providing for applicability;  
8 requiring members of the authority to file  
9 financial disclosure; providing appropriations;  
10 providing funding to the Florida Commercial  
11 Space Financing Corporation and the Spaceport  
12 Florida Authority and used for funding  
13 aerospace infrastructure; providing duties of  
14 the corporation, the authority, the Office of  
15 Tourism, Trade, and Economic Development, and  
16 the Space Industry Committee; providing a  
17 definition; providing an appropriation;  
18 amending s. 316.003, F.S.; providing that  
19 certain vehicles of the Department of Health  
20 are authorized emergency vehicles; providing  
21 that a motorized scooter is not a motor vehicle  
22 for traffic control purposes; creating a  
23 definition of the term motorized scooter;  
24 amending s. 316.006, F.S.; authorizing the  
25 installation of multiparty stop signs on  
26 certain roads; providing guidelines for the  
27 installation of such signage; amending s.  
28 316.1951, F.S.; amending 316.1967, F.S.;  
29 allowing a fine designated by county ordinance;  
30 revising provisions related to parking vehicles  
31 to display for sale; amending s. 316.1975,

1 F.S.; exempting operators of solid waste and  
2 recovered materials vehicles from provisions  
3 regarding unattended motor vehicles; amending  
4 s. 316.2065, F.S.; providing motorized scooter  
5 operating regulations; amending s. 316.228,  
6 F.S.; requiring strobe lights to be placed on  
7 the exterior of a commercial vehicle  
8 transporting unprocessed forest products  
9 extending more than 4 feet beyond the rear of  
10 the vehicle; providing an alternate method for  
11 placing strobe lights in certain instances;  
12 requiring the use of a red flag on the load;  
13 amending s. 316.2397, F.S.; authorizing the  
14 emergency response vehicles of the Department  
15 of Health to use red flashing lights; amending  
16 s. 316.520, F.S.; clarifying that a violation  
17 of a provision governing loads on vehicles is a  
18 moving rather than a nonmoving violation;  
19 exempting certain vehicles carrying  
20 agricultural products; amending s. 316.640,  
21 F.S.; revising the powers and duties of traffic  
22 crash investigation officers; authorizing  
23 university police officers to enforce state  
24 traffic laws violated on or adjacent to  
25 property under control of the university or its  
26 agents; amending s. 316.650, F.S.; requiring  
27 the issuance of a copy of the traffic school  
28 reference guide with traffic citations under  
29 certain circumstances; amending s. 318.14,  
30 F.S.; deleting reference to a restriction on  
31 the number of elections a person may make to

1 attend a basic driver improvement course;  
2 amending s. 318.1451, F.S.; providing traffic  
3 school reference guide requirements; amending  
4 s. 318.18, F.S.; allowing fine amount  
5 designated by county ordinance plus court  
6 costs; amending the date by which court clerks  
7 must electronically transmit to the department  
8 specified information; amending s. 322.0261,  
9 F.S.; deleting reference to a time period and  
10 increasing the amount of damage required with  
11 respect to a crash for the screening of certain  
12 crash reports; requiring the Department of  
13 Highway Safety and Motor Vehicles to approve  
14 and regulate certain courses for driver  
15 improvement schools; amending s. 322.161, F.S.;  
16 increasing the number of points that a driver  
17 under a specified age may accumulate before the  
18 department is required to issue that driver a  
19 restricted license; creating s. 322.02615,  
20 F.S.; providing for mandatory driver  
21 improvement courses for certain violations;  
22 amending s. 319.001, F.S.; providing  
23 definitions; amending s. 319.14, F.S.;  
24 authorizing the Department of Highway Safety  
25 and Motor Vehicles to place a decal on a  
26 rebuilt vehicle so as to clarify its identity;  
27 providing a penalty for the removal of the  
28 decal; amending s. 319.23, F.S.; conforming the  
29 requirements for the transfer of ownership on  
30 an antique vehicle to that of any other motor  
31 vehicle; revising provisions relating to motor

1 vehicle titles; amending s. 319.28, F.S.;  
2 deleting the requirement that a copy of a  
3 contract for processing an application for  
4 title based on a contractual default be  
5 provided; amending s. 319.30, F.S.; clarifying  
6 the major component parts of a motor vehicle;  
7 amending s. 320.01, F.S.; conforming the length  
8 limitation for a motor home to that established  
9 in ch. 316, F.S.; providing that a motorized  
10 scooter is not a motor vehicle for registration  
11 purposes; amending s. 320.02, F.S.; requiring  
12 application forms for motor vehicle  
13 registration and renewal of registration to  
14 include language permitting a voluntary  
15 contribution to certain organizations; amending  
16 s. 320.023, F.S.; requiring certain  
17 organizations receiving voluntary check-off  
18 contributions to notify the department under  
19 certain circumstances and to meet specified  
20 requirements; conforming the section to the  
21 Florida Single Audit Act; requiring  
22 organizations seeking authorization to  
23 establish a voluntary check-off contribution on  
24 a motor vehicle registration application to  
25 conform to the requirements of ch. 496, F.S.;  
26 conforming this section to the Florida Single  
27 Audit Act; amending s. 320.025, Florida  
28 Statutes, conforming the vessel registration  
29 law to the motor vehicle registration law;  
30 requiring a decal to be affixed to a vessel  
31 that is registered under a fictitious name and

1 operated by any law enforcement agency;  
2 amending s. 320.05, F.S.; conforming the vessel  
3 registration law to the motor vehicle  
4 registration law; providing instructions for  
5 the release of information regarding a vessel  
6 to the public; amending s. 320.055, F.S.;  
7 correcting the registration period for  
8 nonapportioned vehicles; amending s. 320.06,  
9 F.S.; providing for the placement of only one  
10 decal rather than two on a license plate;  
11 amending s. 320.072, F.S.; reducing the  
12 timeframe a registrant can use a previous  
13 license plate for the initial registration fee  
14 exemption; amending s. 320.0805, F.S.; reducing  
15 the timeframe for a personalized license plate  
16 to remain out of circulation prior to  
17 reassignment; amending s. 320.08056, F.S.;  
18 requiring the department to count annual  
19 renewals when determining whether to  
20 discontinue a speciality license plate;  
21 requiring certain organizations to notify the  
22 department under certain circumstances;  
23 including two more colleges to the  
24 discontinuance exemptions provided for  
25 collegiate specialty license plates; providing  
26 for a Florida Golf license plate; amending s.  
27 320.08058, F.S.; requiring the department to  
28 develop the Florida Golf license plate;  
29 providing for distribution of proceeds of the  
30 annual use fees; requiring the Florida Sports  
31 Foundation to establish a youth golf program;



1 providing for an advisory committee; amending  
2 s. 320.08062, F.S.; conforming this section to  
3 the Florida Single Audit Act; amending s.  
4 320.083, F.S.; increasing the weight  
5 restriction for a private-use vehicle so as to  
6 be eligible to apply for the Amateur Radio  
7 Operator specialty license plate; amending s.  
8 320.089, F.S.; providing for the issuance of  
9 Pearl Harbor Survivor and Purple Heart license  
10 plates without payment to a disabled veteran;  
11 increasing the weight restriction for a  
12 private-use vehicle so as to be eligible to  
13 apply for the EX-POW or Purple Heart specialty  
14 license plate; amending s. 320.18, F.S.;  
15 providing for cancellation of license plates  
16 and fuel use tax decals for failure to pay  
17 motor carrier weight and safety violation  
18 penalties; amending s. 320.27, F.S.; redefining  
19 the term "motor vehicle auction"; deleting the  
20 requirement for a licensee to have the  
21 certificate of title or ownership indicia in  
22 his or her possession at an auction; deleting a  
23 requirement for establishing a pattern of  
24 wrongdoing; revising requirements for denial,  
25 suspension, or revocation of a motor vehicle  
26 dealer license; amending s. 320.691 F.S.;  
27 creating the Automobile Dealers Industry  
28 Advisory Board; amending s. 322.01, F.S.;  
29 providing that a motorized scooter is not a  
30 motor vehicle for drivers' licensing purposes;  
31 amending s. 322.05, F.S.; correcting a

1 statutory reference regarding the requirements  
2 for an individual under 18 years of age to  
3 apply for a driver's license; amending s.  
4 322.081, F.S.; requiring certain organizations  
5 receiving voluntary check-off contributions to  
6 notify the department under certain  
7 circumstances and to meet specified  
8 requirements; conforming the section to the  
9 Florida Single Audit Act; requiring  
10 organizations seeking authorization to  
11 establish a voluntary contribution on a motor  
12 vehicle registration to register with the  
13 Department of Agriculture and Consumer  
14 Services; amending s. 322.095, F.S.; requiring  
15 the Department of Highway Safety and Motor  
16 Vehicles to approve and regulate certain  
17 courses for driver improvement schools;  
18 creating s. 322.222, F.S.; authorizing the  
19 Department of Highway Safety and Motor Vehicles  
20 to hold a hearing when an individual's driver's  
21 license has been suspended or revoked due to  
22 medical reasons; amending s. 322.25, F.S.;  
23 correcting a cross reference; amending s.  
24 322.2615, F.S.; complying with the USDOT's  
25 drunk driving prevention incentive program;  
26 reducing the timeframe for a temporary permit  
27 that is allotted when an individual is charged  
28 with driving with an unlawful blood-alcohol  
29 level; amending s. 322.27, F.S.; clarifying the  
30 time period for a driver's license revocation  
31 of a habitual traffic offender; amending s.

1           322.28, F.S.; deleting obsolete language  
2           regarding the revocation of a driver's license;  
3           repealing s. 322.282, F.S., relating to the  
4           procedure when the court revokes or suspends  
5           license or driving privilege and orders  
6           reinstatement; amending s. 322.292, F.S.;  
7           adding the requirement that DUI programs must  
8           be governmental programs or not-for-profit  
9           corporations; amending s. 322.61, F.S.;  
10          complying with the Federal Motor Carrier Safety  
11          Regulations; adding two more violations for  
12          which a commercial motor vehicle may be  
13          disqualified of driving privileges; amending s.  
14          322.64, F.S.; reducing the timeframe for a  
15          temporary permit allotted when an individual  
16          holding a commercial driver's license is  
17          charged with an unlawful blood-alcohol level;  
18          repealing s. 322.331, F.S., relating to the  
19          reinstatement of a license of a habitual  
20          traffic offender; amending s. 324.091, F.S.;  
21          providing for electronic access to vehicle  
22          insurance information; amending s. 328.01,  
23          F.S.; deleting the requirement for a copy of a  
24          contract upon which a claim of ownership of a  
25          vessel is made on a contractual default;  
26          amending s. 328.42, F.S.; authorizing the  
27          department to deny or cancel any vessel  
28          registration, license plate, or fuel use decal  
29          when given a dishonored check by the customer;  
30          amending s. 328.56, F.S.; deleting the terms  
31          "commercial" and "recreational" when referring

1 to vessels operated on the waters of this  
2 state; amending s. 328.72, F.S.; deleting the  
3 requirements for the transfer of ownership of  
4 an antique vessel; amending s. 328.76, F.S.;  
5 providing for the appropriation allotted for  
6 fiscal year 2000-2001 to be deposited into the  
7 Highway Safety Operating Trust Fund; amending  
8 s. 713.78, F.S.; adding the insurance company  
9 to the list of individuals to be contacted when  
10 a vehicle has been towed; providing storage  
11 periods before the expiration of which certain  
12 salvaged vehicles may not be sold; repealing s.  
13 715.05, F.S., relating to the reporting of  
14 unclaimed motor vehicles; amending ss. 681.1096  
15 and 681.1097, F.S.; revising program  
16 requirements for the Pilot RV Mediation and  
17 Arbitration program; amending s. 681.115, F.S.;  
18 providing that a motor vehicle sales agreement  
19 which prohibits disclosure of its terms is  
20 void; amending s. 715.07, F.S.; conforming the  
21 vessel registration law to the motor vehicle  
22 registration law; defining the term "vessel";  
23 authorizing the removal of an undocumented  
24 vessel parked on private property; amending s.  
25 832.09, F.S.; authorizing the department to  
26 create a standardized form to be used for  
27 notification of satisfaction of a worthless  
28 check; amending s. 322.056, F.S.; authorizing  
29 the court to direct the Department of Highway  
30 Safety and Motor Vehicles to issue a driver's  
31 license restricted to business or employment

1           purposes only to certain persons under age 18  
2           found guilty of certain alcohol, drug, or  
3           tobacco offenses; providing effective dates.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7           Section 1. Section 20.23, Florida Statutes, is amended  
8 to read:

9           20.23 Department of Transportation.--There is created  
10 a Department of Transportation which shall be a decentralized  
11 agency.

12           (1)(a)~~1~~. The head of the Department of Transportation  
13 is the Secretary of Transportation. The secretary shall be  
14 appointed by the Governor from among three persons nominated  
15 by the Florida Transportation Commission and shall be subject  
16 to confirmation by the Senate. The secretary shall serve at  
17 the pleasure of the Governor.

18           **(b)2**. The secretary shall be a proven, effective  
19 administrator who by a combination of education and experience  
20 shall clearly possess a broad knowledge of the administrative,  
21 financial, and technical aspects of the development,  
22 operation, and regulation of transportation systems and  
23 facilities or comparable systems and facilities.

24           ~~(b)1. The secretary shall employ all personnel of the~~  
25 ~~department. He or she shall implement all laws, rules,~~  
26 ~~policies, and procedures applicable to the operation of the~~  
27 ~~department and may not by his or her actions disregard or act~~  
28 ~~in a manner contrary to any such policy. The secretary shall~~  
29 ~~represent the department in its dealings with other state~~  
30 ~~agencies, local governments, special districts, and the~~  
31 ~~Federal Government. He or she shall have authority to sign~~

1 ~~and execute all documents and papers necessary to carry out~~  
2 ~~his or her duties and the operations of the department. At~~  
3 ~~each meeting of the Florida Transportation Commission, the~~  
4 ~~secretary shall submit a report of major actions taken by him~~  
5 ~~or her as official representative of the department.~~

6 ~~2. The secretary shall cause the annual department~~  
7 ~~budget request, the Florida Transportation Plan, and the~~  
8 ~~tentative work program to be prepared in accordance with all~~  
9 ~~applicable laws and departmental policies and shall submit the~~  
10 ~~budget, plan, and program to the Florida Transportation~~  
11 ~~Commission. The commission shall perform an in-depth~~  
12 ~~evaluation of the budget, plan, and program for compliance~~  
13 ~~with all applicable laws and departmental policies. If the~~  
14 ~~commission determines that the budget, plan, or program is not~~  
15 ~~in compliance with all applicable laws and departmental~~  
16 ~~policies, it shall report its findings and recommendations~~  
17 ~~regarding such noncompliance to the Legislature and the~~  
18 ~~Governor.~~

19 ~~(c)3.~~ (c)3. The secretary shall provide to the Florida  
20 Transportation Commission or its staff, such assistance,  
21 information, and documents as are requested by the commission  
22 or its staff to enable the commission to fulfill its duties  
23 and responsibilities.

24 ~~(d)(c)~~ (d)(c) The secretary shall appoint two ~~three~~ assistant  
25 secretaries who shall be directly responsible to the secretary  
26 and who shall perform such duties as are specified in this  
27 section and such other duties as are assigned by the  
28 secretary. ~~The secretary may delegate to any assistant~~  
29 ~~secretary the authority to act in the absence of the~~  
30 ~~secretary. The department has the authority to adopt rules~~  
31 ~~necessary for the delegation of authority beyond the assistant~~

1 ~~secretaries. The assistant secretaries shall serve at the~~  
2 ~~pleasure of the secretary.~~

3       (e)~~(d)~~ Any secretary appointed after July 5, 1989, and  
4 the assistant secretaries shall be exempt from the provisions  
5 of part III of chapter 110 and shall receive compensation  
6 commensurate with their qualifications and competitive with  
7 compensation for comparable responsibility in the private  
8 sector. When the salary of any assistant secretary exceeds  
9 the limits established in part III of chapter 110, the  
10 Governor shall approve said salary.

11       (2)(a)1. The Florida Transportation Commission is  
12 hereby created and shall consist of nine members appointed by  
13 the Governor subject to confirmation by the Senate. Members  
14 of the commission shall serve terms of 4 years each.

15       2. Members shall be appointed in such a manner as to  
16 equitably represent all geographic areas of the state. Each  
17 member must be a registered voter and a citizen of the state.  
18 Each member of the commission must also possess business  
19 managerial experience in the private sector.

20       3. A member of the commission shall represent the  
21 transportation needs of the state as a whole and may not  
22 subordinate the needs of the state to those of any particular  
23 area of the state.

24       4. The commission is assigned to the Office of the  
25 Secretary of the Department of Transportation for  
26 administrative and fiscal accountability purposes, but it  
27 shall otherwise function independently of the control and  
28 direction of the department.

29       (b) The commission shall have the primary functions  
30 to:

31

1           1. Recommend major transportation policies for the  
2 Governor's approval, and assure that approved policies and any  
3 revisions thereto are properly executed.

4           2. Periodically review the status of the state  
5 transportation system including highway, transit, rail,  
6 seaport, intermodal development, and aviation components of  
7 the system and recommend improvements therein to the Governor  
8 and the Legislature.

9           3. Perform an in-depth evaluation of the annual  
10 department budget request, the Florida Transportation Plan,  
11 and the tentative work program for compliance with all  
12 applicable laws and established departmental policies. Except  
13 as specifically provided in s. 339.135(4)(c)2., (d), and (f),  
14 the commission may not consider individual construction  
15 projects, but shall consider methods of accomplishing the  
16 goals of the department in the most effective, efficient, and  
17 businesslike manner.

18           4. Monitor the financial status of the department on a  
19 regular basis to assure that the department is managing  
20 revenue and bond proceeds responsibly and in accordance with  
21 law and established policy.

22           5. Monitor on at least a quarterly basis, the  
23 efficiency, productivity, and management of the department,  
24 using performance and production standards developed by the  
25 commission pursuant to s. 334.045.

26           6. Perform an in-depth evaluation of the factors  
27 causing disruption of project schedules in the adopted work  
28 program and recommend to the Legislature and the Governor  
29 methods to eliminate or reduce the disruptive effects of these  
30 factors.

31



1           7. Recommend to the Governor and the Legislature  
2 improvements to the department's organization in order to  
3 streamline and optimize the efficiency of the department. In  
4 reviewing the department's organization, the commission shall  
5 determine if the current district organizational structure is  
6 responsive to Florida's changing economic and demographic  
7 development patterns. The initial report by the commission  
8 must be delivered to the Governor and Legislature by December  
9 15, 2000, and each year thereafter, as appropriate. The  
10 commission may retain such experts as are reasonably necessary  
11 to effectuate this subparagraph, and the department shall pay  
12 the expenses of such experts.

13           (c) The commission or a member thereof may not enter  
14 into the day-to-day operation of the department and is  
15 specifically prohibited from taking part in:

16           1. The awarding of contracts.

17           2. The selection of a consultant or contractor or the  
18 prequalification of any individual consultant or contractor.  
19 However, the commission may recommend to the secretary  
20 standards and policies governing the procedure for selection  
21 and prequalification of consultants and contractors.

22           3. The selection of a route for a specific project.

23           4. The specific location of a transportation facility.

24           5. The acquisition of rights-of-way.

25           6. The employment, promotion, demotion, suspension,  
26 transfer, or discharge of any department personnel.

27           7. The granting, denial, suspension, or revocation of  
28 any license or permit issued by the department.

29           (d)1. The chair of the commission shall be selected by  
30 the commission members and shall serve a 1-year term.

31

1           2. The commission shall hold a minimum of 4 regular  
2 meetings annually, and other meetings may be called by the  
3 chair upon giving at least 1 week's notice to all members and  
4 the public pursuant to chapter 120. Other meetings may also be  
5 held upon the written request of at least four other members  
6 of the commission, with at least 1 week's notice of such  
7 meeting being given to all members and the public by the chair  
8 pursuant to chapter 120. Emergency meetings may be held  
9 without notice upon the request of all members of the  
10 commission. At each meeting of the commission, the secretary  
11 or his or her designee shall submit a report of major actions  
12 taken by him or her as official representative of the  
13 department.

14           3. A majority of the membership of the commission  
15 constitutes a quorum at any meeting of the commission. An  
16 action of the commission is not binding unless the action is  
17 taken pursuant to an affirmative vote of a majority of the  
18 members present, but not fewer than four members of the  
19 commission at a meeting held pursuant to subparagraph 2., and  
20 the vote is recorded in the minutes of that meeting.

21           4. The chair shall cause to be made a complete record  
22 of the proceedings of the commission, which record shall be  
23 open for public inspection.

24           (e) The meetings of the commission shall be held in  
25 the central office of the department in Tallahassee unless the  
26 chair determines that special circumstances warrant meeting at  
27 another location.

28           (f) Members of the commission are entitled to per diem  
29 and travel expenses pursuant to s. 112.061.

30           (g) A member of the commission may not have any  
31 interest, direct or indirect, in any contract, franchise,

1 privilege, or other benefit granted or awarded by the  
2 department during the term of his or her appointment and for 2  
3 years after the termination of such appointment.

4 (h) The commission shall appoint an executive director  
5 and assistant executive director, who shall serve under the  
6 direction, supervision, and control of the commission. The  
7 executive director, with the consent of the commission, shall  
8 employ such staff as are necessary to perform adequately the  
9 functions of the commission, within budgetary limitations.  
10 All employees of the commission are exempt from part II of  
11 chapter 110 and shall serve at the pleasure of the commission.  
12 The salaries and benefits of all employees of the commission  
13 shall be set in accordance with the Selected Exempt Service;  
14 provided, however, that the commission shall have complete  
15 authority for fixing the salary of the executive director and  
16 assistant executive director.

17 (i) The commission shall develop a budget pursuant to  
18 chapter 216. The budget is not subject to change by the  
19 department, but such budget shall be submitted to the Governor  
20 along with the budget of the department.

21 (3)(a) The central office shall establish departmental  
22 policies, rules, procedures, and standards and shall monitor  
23 the implementation of such policies, rules, procedures, and  
24 standards in order to ensure uniform compliance and quality  
25 performance by the districts and central office units that  
26 implement transportation programs. Major transportation  
27 policy initiatives or revisions shall be submitted to the  
28 commission for review. ~~The central office monitoring function  
29 shall be based on a plan that clearly specifies what areas  
30 will be monitored, activities and criteria used to measure  
31 compliance, and a feedback process that assures monitoring~~

1 ~~findings are reported and deficiencies corrected. The~~  
2 ~~secretary is responsible for ensuring that a central office~~  
3 ~~monitoring function is implemented, and that it functions~~  
4 ~~properly. In conjunction with its monitoring function, the~~  
5 ~~central office shall provide such training and administrative~~  
6 ~~support to the districts as the department determines to be~~  
7 ~~necessary to ensure that the department's programs are carried~~  
8 ~~out in the most efficient and effective manner.~~

9 ~~(b) The resources necessary to ensure the efficiency,~~  
10 ~~effectiveness, and quality of performance by the department of~~  
11 ~~its statutory responsibilities shall be allocated to the~~  
12 ~~central office.~~

13 ~~(b)(c)~~ The secretary shall appoint an Assistant  
14 Secretary for Transportation Policy and an Assistant  
15 Secretary for Finance and Administration, ~~and an Assistant~~  
16 ~~Secretary for District Operations~~, each of whom shall serve at  
17 the pleasure of the secretary. ~~The positions are responsible~~  
18 ~~for developing, monitoring, and enforcing policy and managing~~  
19 ~~major technical programs. The responsibilities and duties of~~  
20 ~~these positions include, but are not limited to, the following~~  
21 ~~functional areas:~~

22 1. ~~Assistant Secretary for Transportation Policy.~~

23 a. ~~Development of the Florida Transportation Plan and~~  
24 ~~other policy planning;~~

25 b. ~~Development of statewide modal systems plans,~~  
26 ~~including public transportation systems;~~

27 c. ~~Design of transportation facilities;~~

28 d. ~~Construction of transportation facilities;~~

29 e. ~~Acquisition and management of transportation~~  
30 ~~rights-of-way; and~~

31

- 1           ~~f. Administration of motor carrier compliance and~~  
2 ~~safety.~~
- 3           ~~2. Assistant Secretary for District Operations.--~~
- 4           ~~a. Administration of the eight districts; and~~
- 5           ~~b. Implementation of the decentralization of the~~  
6 ~~department.~~
- 7           ~~3. Assistant Secretary for Finance and~~  
8 ~~Administration.--~~
- 9           ~~a. Financial planning and management;~~
- 10          ~~b. Information systems;~~
- 11          ~~c. Accounting systems;~~
- 12          ~~d. Administrative functions; and~~
- 13          ~~e. Administration of toll operations.~~
- 14          ~~(d)1. Policy, program, or operations offices shall be~~  
15 ~~established within the central office for the purposes of:~~
- 16           ~~a. Developing policy and procedures and monitoring~~  
17 ~~performance to ensure compliance with these policies and~~  
18 ~~procedures;~~
- 19           ~~b. Performing statewide activities which it is more~~  
20 ~~cost-effective to perform in a central location;~~
- 21           ~~c. Assessing and ensuring the accuracy of information~~  
22 ~~within the department's financial management information~~  
23 ~~systems; and~~
- 24           ~~d. Performing other activities of a statewide nature.~~
- 25          1.2. The following offices are established and shall  
26 be headed by a manager, each of whom shall be appointed by and  
27 serve at the pleasure of the secretary. The positions shall be  
28 classified at a level equal to a division director:
- 29           a. The Office of Administration;
- 30           b. The Office of Policy Planning;
- 31           c. The Office of Design;

- 1 d. The Office of Highway Operations;  
2 e. The Office of Right-of-Way;  
3 f. The Office of Toll Operations;  
4 g. The Office of Information Systems; ~~and~~  
5 h. The Office of Motor Carrier Compliance;  
6 i. The Office of Management and Budget; and  
7 j. The Office of Comptroller.

8 ~~2.3.~~ Other offices may be established in accordance  
9 with s. 20.04(7). The heads of such offices are exempt from  
10 part II of chapter 110. No office or organization shall be  
11 created at a level equal to or higher than a division without  
12 specific legislative authority.

13 ~~3.4.~~ During the construction of a major transportation  
14 improvement project or as determined by the district  
15 secretary, the department may provide assistance to a business  
16 entity significantly impacted by the project if the entity is  
17 a for-profit entity that has been in business for 3 years  
18 prior to the beginning of construction and has direct or  
19 shared access to the transportation project being constructed.  
20 The assistance program shall be in the form of additional  
21 guarantees to assist the impacted business entity in receiving  
22 loans pursuant to Title 13 C.F.R. part 120. However, in no  
23 instance shall the combined guarantees be greater than 90  
24 percent of the loan. The department shall adopt rules to  
25 implement this subparagraph.

26 ~~(e) The Assistant Secretary for Finance and~~  
27 ~~Administration must possess a broad knowledge of the~~  
28 ~~administrative, financial, and technical aspects of a complete~~  
29 ~~cost-accounting system, budget preparation and management, and~~  
30 ~~management information systems. The Assistant Secretary for~~  
31 ~~Finance and Administration must be a proven, effective manager~~

1 ~~with specialized skills in financial planning and management.~~  
2 ~~The Assistant Secretary for Finance and Administration shall~~  
3 ~~ensure that financial information is processed in a timely,~~  
4 ~~accurate, and complete manner.~~

5 ~~(f)1. Within the central office there is created an~~  
6 ~~Office of Management and Budget. The head of the Office of~~  
7 ~~Management and Budget is responsible to the Assistant~~  
8 ~~Secretary for Finance and Administration and is exempt from~~  
9 ~~part II of chapter 110.~~

10 ~~2. The functions of the Office of Management and~~  
11 ~~Budget include, but are not limited to:~~

12 ~~a. Preparation of the work program;~~

13 ~~b. Preparation of the departmental budget; and~~

14 ~~c. Coordination of related policies and procedures.~~

15 ~~3. The Office of Management and Budget shall also be~~  
16 ~~responsible for developing uniform implementation and~~  
17 ~~monitoring procedures for all activities performed at the~~  
18 ~~district level involving the budget and the work program.~~

19 ~~(c)(g)~~ The secretary shall may appoint an inspector  
20 general pursuant to s. 20.055 who shall be directly  
21 responsible to the secretary and shall serve at the pleasure  
22 of the secretary.

23 ~~(h)1. The secretary shall appoint an inspector general~~  
24 ~~pursuant to s. 20.055. To comply with recommended professional~~  
25 ~~auditing standards related to independence and objectivity,~~  
26 ~~the inspector general shall be appointed to a position within~~  
27 ~~the Career Service System and may be removed by the secretary~~  
28 ~~with the concurrence of the Transportation Commission. In~~  
29 ~~order to attract and retain an individual who has the proven~~  
30 ~~technical and administrative skills necessary to comply with~~  
31 ~~the requirements of this section, the agency head may appoint~~

1 ~~the inspector general to a classification level within the~~  
2 ~~Career Service System that is equivalent to that provided for~~  
3 ~~in part III of chapter 110. The inspector general may be~~  
4 ~~organizationally located within another unit of the department~~  
5 ~~for administrative purposes, but shall function independently~~  
6 ~~and be directly responsible to the secretary pursuant to s.~~  
7 ~~20.055. The duties of the inspector general shall include, but~~  
8 ~~are not restricted to, reviewing, evaluating, and reporting on~~  
9 ~~the policies, plans, procedures, and accounting, financial,~~  
10 ~~and other operations of the department and recommending~~  
11 ~~changes for the improvement thereof, as well as performing~~  
12 ~~audits of contracts and agreements between the department and~~  
13 ~~private entities or other governmental entities. The inspector~~  
14 ~~general shall give priority to reviewing major parts of the~~  
15 ~~department's accounting system and central office monitoring~~  
16 ~~function to determine whether such systems effectively ensure~~  
17 ~~accountability and compliance with all laws, rules, policies,~~  
18 ~~and procedures applicable to the operation of the department.~~  
19 ~~The inspector general shall also give priority to assessing~~  
20 ~~the department's management information systems as required by~~  
21 ~~s. 282.318. The internal audit function shall use the~~  
22 ~~necessary expertise, in particular, engineering, financial,~~  
23 ~~and property appraising expertise, to independently evaluate~~  
24 ~~the technical aspects of the department's operations. The~~  
25 ~~inspector general shall have access at all times to any~~  
26 ~~personnel, records, data, or other information of the~~  
27 ~~department and shall determine the methods and procedures~~  
28 ~~necessary to carry out his or her duties. The inspector~~  
29 ~~general is responsible for audits of departmental operations~~  
30 ~~and for audits of consultant contracts and agreements, and~~  
31 ~~such audits shall be conducted in accordance with generally~~



1 ~~accepted governmental auditing standards. The inspector~~  
2 ~~general shall annually perform a sufficient number of audits~~  
3 ~~to determine the efficiency and effectiveness, as well as~~  
4 ~~verify the accuracy of estimates and charges, of contracts~~  
5 ~~executed by the department with private entities and other~~  
6 ~~governmental entities. The inspector general has the sole~~  
7 ~~responsibility for the contents of his or her reports, and a~~  
8 ~~copy of each report containing his or her findings and~~  
9 ~~recommendations shall be furnished directly to the secretary~~  
10 ~~and the commission.~~

11         2. ~~In addition to the authority and responsibilities~~  
12 ~~herein provided, the inspector general is required to report~~  
13 ~~to the:~~

14         a. ~~Secretary whenever the inspector general makes a~~  
15 ~~preliminary determination that particularly serious or~~  
16 ~~flagrant problems, abuses, or deficiencies relating to the~~  
17 ~~administration of programs and operations of the department~~  
18 ~~have occurred. The secretary shall review and assess the~~  
19 ~~correctness of the preliminary determination by the inspector~~  
20 ~~general. If the preliminary determination is substantiated,~~  
21 ~~the secretary shall submit such report to the appropriate~~  
22 ~~committees of the Legislature within 7 calendar days, together~~  
23 ~~with a report by the secretary containing any comments deemed~~  
24 ~~appropriate. Nothing in this section shall be construed to~~  
25 ~~authorize the public disclosure of information which is~~  
26 ~~specifically prohibited from disclosure by any other provision~~  
27 ~~of law.~~

28         b. ~~Transportation Commission and the Legislature any~~  
29 ~~actions by the secretary that prohibit the inspector general~~  
30 ~~from initiating, carrying out, or completing any audit after~~  
31 ~~the inspector general has decided to initiate, carry out, or~~

1 ~~complete such audit. The secretary shall, within 30 days~~  
2 ~~after transmission of the report, set forth in a statement to~~  
3 ~~the Transportation Commission and the Legislature the reasons~~  
4 ~~for his or her actions.~~

5 ~~(i)1. The secretary shall appoint a comptroller who is~~  
6 ~~responsible to the Assistant Secretary for Finance and~~  
7 ~~Administration. This position is exempt from part II of~~  
8 ~~chapter 110.~~

9 ~~2. The comptroller is the chief financial officer of~~  
10 ~~the department and must be a proven, effective administrator~~  
11 ~~who by a combination of education and experience clearly~~  
12 ~~possesses a broad knowledge of the administrative, financial,~~  
13 ~~and technical aspects of a complex cost-accounting system.~~  
14 ~~The comptroller must also have a working knowledge of~~  
15 ~~generally accepted accounting principles. At a minimum, the~~  
16 ~~comptroller must hold an active license to practice public~~  
17 ~~accounting in Florida pursuant to chapter 473 or an active~~  
18 ~~license to practice public accounting in any other state. In~~  
19 ~~addition to the requirements of the Florida Fiscal Accounting~~  
20 ~~Management Information System Act, the comptroller is~~  
21 ~~responsible for the development, maintenance, and modification~~  
22 ~~of an accounting system that will in a timely manner~~  
23 ~~accurately reflect the revenues and expenditures of the~~  
24 ~~department and that includes a cost-accounting system to~~  
25 ~~properly identify, segregate, allocate, and report department~~  
26 ~~costs. The comptroller shall supervise and direct preparation~~  
27 ~~of a detailed 36-month forecast of cash and expenditures and~~  
28 ~~is responsible for managing cash and determining cash~~  
29 ~~requirements. The comptroller shall review all comparative~~  
30 ~~cost studies that examine the cost-effectiveness and~~  
31 ~~feasibility of contracting for services and operations~~

1 ~~performed by the department. The review must state that the~~  
2 ~~study was prepared in accordance with generally accepted~~  
3 ~~cost-accounting standards applied in a consistent manner using~~  
4 ~~valid and accurate cost data.~~

5 ~~3. The department shall by rule or internal management~~  
6 ~~memoranda as required by chapter 120 provide for the~~  
7 ~~maintenance by the comptroller of financial records and~~  
8 ~~accounts of the department as will afford a full and complete~~  
9 ~~check against the improper payment of bills and provide a~~  
10 ~~system for the prompt payment of the just obligations of the~~  
11 ~~department, which records must at all times disclose:~~

12 ~~a. The several appropriations available for the use of~~  
13 ~~the department;~~

14 ~~b. The specific amounts of each such appropriation~~  
15 ~~budgeted by the department for each improvement or purpose;~~

16 ~~c. The apportionment or division of all such~~  
17 ~~appropriations among the several counties and districts, when~~  
18 ~~such apportionment or division is made;~~

19 ~~d. The amount or portion of each such apportionment~~  
20 ~~against general contractual and other liabilities then~~  
21 ~~created;~~

22 ~~e. The amount expended and still to be expended in~~  
23 ~~connection with each contractual and other obligation of the~~  
24 ~~department;~~

25 ~~f. The expense and operating costs of the various~~  
26 ~~activities of the department;~~

27 ~~g. The receipts accruing to the department and the~~  
28 ~~distribution thereof;~~

29 ~~h. The assets, investments, and liabilities of the~~  
30 ~~department; and~~

31

1 ~~i. The cash requirements of the department for a~~  
2 ~~36-month period.~~

3 ~~4. The comptroller shall maintain a separate account~~  
4 ~~for each fund administered by the department.~~

5 ~~5. The comptroller shall perform such other related~~  
6 ~~duties as designated by the department.~~

7 (d)(j) The secretary shall appoint a general counsel  
8 who shall be ~~employed full time and shall be~~ directly  
9 responsible to the secretary and shall serve at the pleasure  
10 of the secretary. The general counsel is responsible for all  
11 legal matters of the department. The department may employ as  
12 many attorneys as it deems necessary to advise and represent  
13 the department in all transportation matters.

14 (e)(k) The secretary shall appoint a state  
15 transportation planner ~~who shall report to the Assistant~~  
16 ~~Secretary for Transportation Policy.~~ The state transportation  
17 ~~planner's responsibilities shall include, but are not limited~~  
18 ~~to, policy planning, systems planning, and transportation~~  
19 ~~statistics.~~ This position shall be classified at a level  
20 equal to a deputy assistant secretary.

21 (f)(l) The secretary shall appoint a state highway  
22 engineer ~~who shall report to the Assistant Secretary for~~  
23 ~~Transportation Policy.~~ The state highway engineer's  
24 ~~responsibilities shall include, but are not limited to,~~  
25 ~~design, construction, and maintenance of highway facilities;~~  
26 ~~acquisition and management of transportation rights-of-way;~~  
27 ~~traffic engineering; and materials testing.~~ This position  
28 shall be classified at a level equal to a deputy assistant  
29 secretary.

30 (g)(m) The secretary shall appoint a state public  
31 transportation administrator ~~who shall report to the Assistant~~

1 ~~Secretary for Transportation Policy. The state public~~  
2 ~~transportation administrator's responsibilities shall include,~~  
3 ~~but are not limited to, the administration of statewide~~  
4 ~~transit, rail, intermodal development, and aviation programs.~~  
5 This position shall be classified at a level equal to a deputy  
6 assistant secretary. ~~The department shall also assign to the~~  
7 ~~public transportation administrator an organizational unit the~~  
8 ~~primary function of which is to administer the high-speed rail~~  
9 ~~program.~~

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

29 (b) The primary responsibility for the implementation  
30 of the department's transportation programs shall be delegated  
31 by the secretary to the district secretaries, and sufficient

1 authority shall be vested in each district to ensure adequate  
2 control of the resources commensurate with the delegated  
3 responsibility. Each district secretary shall also be  
4 accountable for ensuring their district's quality of  
5 performance and compliance with all laws, rules, policies, and  
6 procedures related to the operation of the department.

7 (c) Each district secretary may appoint a district  
8 director for planning and programming, a district director for  
9 production, and a district director for operations. These  
10 positions are exempt from part II of chapter 110.

11 (d) Within each district, offices shall be established  
12 for managing major functional responsibilities of the  
13 department. ~~The offices may include planning, design,~~  
14 ~~construction, right-of-way, maintenance, and public~~  
15 ~~transportation.~~ The heads of these offices shall be exempt  
16 from part II of chapter 110.

17 (e) The district director for the Fort Myers Urban  
18 Office of the Department of Transportation is responsible for  
19 developing the 5-year Transportation Plan for Charlotte,  
20 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort  
21 Myers Urban Office also is responsible for providing policy,  
22 direction, local government coordination, and planning for  
23 those counties.

24 (f)1. The responsibility for the turnpike system shall  
25 be delegated by the secretary to the executive director of the  
26 turnpike enterprise, who shall serve at the pleasure of the  
27 secretary. The executive director shall report directly to the  
28 secretary, and the turnpike enterprise shall operate pursuant  
29 to ss. 338.22-338.241.

30 2. To facilitate the most efficient and effective  
31 management of the turnpike enterprise, including the use of

1 best business practices employed by the private sector, the  
2 turnpike enterprise shall be exempt from departmental  
3 policies, procedures, and standards, subject to the Secretary  
4 having the authority to apply any such policies, procedures,  
5 and standards to the turnpike enterprise from time to time as  
6 deemed appropriate.

7 3. To enhance the ability of the turnpike enterprise  
8 to use best business practices employed by the private sector,  
9 the Secretary shall promulgate rules which exempt the turnpike  
10 enterprise from department rules and authorize the turnpike  
11 enterprise to employ procurement methods available to the  
12 private sector.

13 (5) Notwithstanding the provisions of s. 110.205, the  
14 Department of Management Services is authorized to exempt  
15 positions within the Department of Transportation which are  
16 comparable to positions within the Senior Management Service  
17 pursuant to s. 110.205(2)(i) or positions which are comparable  
18 to positions in the Selected Exempt Service under s.  
19 110.205(2)(1).

20 ~~(6) To facilitate the efficient and effective~~  
21 ~~management of the department in a businesslike manner, the~~  
22 ~~department shall develop a system for the submission of~~  
23 ~~monthly management reports to the Florida Transportation~~  
24 ~~Commission and secretary from the district secretaries. The~~  
25 ~~commission and the secretary shall determine which reports are~~  
26 ~~required to fulfill their respective responsibilities under~~  
27 ~~this section. A copy of each such report shall be submitted~~  
28 ~~monthly to the appropriations and transportation committees of~~  
29 ~~the Senate and the House of Representatives. Recommendations~~  
30 ~~made by the Auditor General in his or her audits of the~~  
31 ~~department that relate to management practices, systems, or~~

1 ~~reports shall be implemented in a timely manner. However, if~~  
2 ~~the department determines that one or more of the~~  
3 ~~recommendations should be altered or should not be~~  
4 ~~implemented, it shall provide a written explanation of such~~  
5 ~~determination to the Legislative Auditing Committee within 6~~  
6 ~~months after the date the recommendations were published.~~

7 (6)~~(7)~~ The department is authorized to contract with  
8 local governmental entities and with the private sector if the  
9 department first determines that:

10 (a) Consultants can do the work at less cost than  
11 state employees;

12 (b) State employees can do the work at less cost, but  
13 sufficient positions have not been approved by the Legislature  
14 as requested in the department's most recent legislative  
15 budget request;

16 (c) The work requires specialized expertise, and it  
17 would not be economical for the state to acquire, and then  
18 maintain, the expertise after the work is done;

19 (d) The workload is at a peak level, and it would not  
20 be economical to acquire, and then keep, extra personnel after  
21 the workload decreases; or

22 (e) The use of such entities is clearly in the  
23 public's best interest.

24  
25 Such contracts shall require compliance with applicable  
26 federal and state laws, and clearly specify the product or  
27 service to be provided.

28 Section 2. Paragraphs (i) and (l) of subsection (2) of  
29 section 110.205, Florida Statutes, are amended to read:

30 110.205 Career service; exemptions.--  
31



1           (2) EXEMPT POSITIONS.--The exempt positions which are  
2 not covered by this part include the following, provided that  
3 no position, except for positions established for a limited  
4 period of time pursuant to paragraph (h), shall be exempted if  
5 the position reports to a position in the career service:

6           (i) The appointed secretaries, assistant secretaries,  
7 deputy secretaries, and deputy assistant secretaries of all  
8 departments; the executive directors, assistant executive  
9 directors, deputy executive directors, and deputy assistant  
10 executive directors of all departments; and the directors of  
11 all divisions and those positions determined by the department  
12 to have managerial responsibilities comparable to such  
13 positions, which positions include, but are not limited to,  
14 program directors, assistant program directors, district  
15 administrators, deputy district administrators, the Director  
16 of Central Operations Services of the Department of Children  
17 and Family Services, and the State Transportation Planner,  
18 State Highway Engineer, State Public Transportation  
19 Administrator, district secretaries, district directors of  
20 planning and programming, production, and operations, and the  
21 managers of the offices specified in s. 20.23(3)(b)1.~~(d)2.~~, of  
22 the Department of Transportation. Unless otherwise fixed by  
23 law, the department shall set the salary and benefits of these  
24 positions in accordance with the rules of the Senior  
25 Management Service.

26           (1) All assistant division director, deputy division  
27 director, and bureau chief positions in any department, and  
28 those positions determined by the department to have  
29 managerial responsibilities comparable to such positions,  
30 which positions include, but are not limited to, positions in  
31 the Department of Health, the Department of Children and

1 Family Services, and the Department of Corrections that are  
2 assigned primary duties of serving as the superintendent or  
3 assistant superintendent, or warden or assistant warden, of an  
4 institution; positions in the Department of Corrections that  
5 are assigned primary duties of serving as the circuit  
6 administrator or deputy circuit administrator; positions in  
7 the Department of Transportation that are assigned primary  
8 duties of serving as regional toll managers and managers of  
9 offices as defined in s. 20.23(3)(b)2.~~(d)3.~~ and (4)(d);  
10 positions in the Department of Environmental Protection that  
11 are assigned the duty of an Environmental Administrator or  
12 program administrator; those positions described in s. 20.171  
13 as included in the Senior Management Service; and positions in  
14 the Department of Health that are assigned the duties of  
15 Environmental Administrator, Assistant County Health  
16 Department Director, and County Health Department Financial  
17 Administrator. Unless otherwise fixed by law, the department  
18 shall set the salary and benefits of these positions in  
19 accordance with the rules established for the Selected Exempt  
20 Service.

21 Section 3. Paragraph (k) is added to subsection (6) of  
22 section 163.3177, Florida Statutes, to read:

23 163.3177 Required and optional elements of  
24 comprehensive plan; studies and surveys.--

25 (6) In addition to the requirements of subsections  
26 (1)-(5), the comprehensive plan shall include the following  
27 elements:

28 (a) A future land use plan element designating  
29 proposed future general distribution, location, and extent of  
30 the uses of land for residential uses, commercial uses,  
31 industry, agriculture, recreation, conservation, education,

1 public buildings and grounds, other public facilities, and  
2 other categories of the public and private uses of land. The  
3 future land use plan shall include standards to be followed in  
4 the control and distribution of population densities and  
5 building and structure intensities. The proposed  
6 distribution, location, and extent of the various categories  
7 of land use shall be shown on a land use map or map series  
8 which shall be supplemented by goals, policies, and measurable  
9 objectives. Each land use category shall be defined in terms  
10 of the types of uses included and specific standards for the  
11 density or intensity of use. The future land use plan shall  
12 be based upon surveys, studies, and data regarding the area,  
13 including the amount of land required to accommodate  
14 anticipated growth; the projected population of the area; the  
15 character of undeveloped land; the availability of public  
16 services; the need for redevelopment, including the renewal of  
17 blighted areas and the elimination of nonconforming uses which  
18 are inconsistent with the character of the community; and, in  
19 rural communities, the need for job creation, capital  
20 investment, and economic development that will strengthen and  
21 diversify the community's economy. The future land use plan  
22 may designate areas for future planned development use  
23 involving combinations of types of uses for which special  
24 regulations may be necessary to ensure development in accord  
25 with the principles and standards of the comprehensive plan  
26 and this act. In addition, for rural communities, the amount  
27 of land designated for future planned industrial use shall be  
28 based upon surveys and studies that reflect the need for job  
29 creation, capital investment, and the necessity to strengthen  
30 and diversify the local economies, and shall not be limited  
31 solely by the projected population of the rural community. The

1 future land use plan of a county may also designate areas for  
2 possible future municipal incorporation. The land use maps or  
3 map series shall generally identify and depict historic  
4 district boundaries and shall designate historically  
5 significant properties meriting protection. The future land  
6 use element must clearly identify the land use categories in  
7 which public schools are an allowable use. When delineating  
8 the land use categories in which public schools are an  
9 allowable use, a local government shall include in the  
10 categories sufficient land proximate to residential  
11 development to meet the projected needs for schools in  
12 coordination with public school boards and may establish  
13 differing criteria for schools of different type or size.  
14 Each local government shall include lands contiguous to  
15 existing school sites, to the maximum extent possible, within  
16 the land use categories in which public schools are an  
17 allowable use. All comprehensive plans must comply with the  
18 school siting requirements of this paragraph no later than  
19 October 1, 1999. The failure by a local government to comply  
20 with these school siting requirements by October 1, 1999, will  
21 result in the prohibition of the local government's ability to  
22 amend the local comprehensive plan, except for plan amendments  
23 described in s. 163.3187(1)(b), until the school siting  
24 requirements are met. An amendment proposed by a local  
25 government for purposes of identifying the land use categories  
26 in which public schools are an allowable use is exempt from  
27 the limitation on the frequency of plan amendments contained  
28 in s. 163.3187. The future land use element shall include  
29 criteria which encourage the location of schools proximate to  
30 urban residential areas to the extent possible and shall  
31 require that the local government seek to collocate public

1 facilities, such as parks, libraries, and community centers,  
2 with schools to the extent possible.

3 (b) A traffic circulation element consisting of the  
4 types, locations, and extent of existing and proposed major  
5 thoroughfares and transportation routes, including bicycle and  
6 pedestrian ways. Transportation corridors, as defined in s.  
7 334.03, may be designated in the traffic circulation element  
8 pursuant to s. 337.273. If the transportation corridors are  
9 designated, the local government may adopt a transportation  
10 corridor management ordinance.

11 (c) A general sanitary sewer, solid waste, drainage,  
12 potable water, and natural groundwater aquifer recharge  
13 element correlated to principles and guidelines for future  
14 land use, indicating ways to provide for future potable water,  
15 drainage, sanitary sewer, solid waste, and aquifer recharge  
16 protection requirements for the area. The element may be a  
17 detailed engineering plan including a topographic map  
18 depicting areas of prime groundwater recharge. The element  
19 shall describe the problems and needs and the general  
20 facilities that will be required for solution of the problems  
21 and needs. The element shall also include a topographic map  
22 depicting any areas adopted by a regional water management  
23 district as prime groundwater recharge areas for the Floridan  
24 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
25 shall be given special consideration when the local government  
26 is engaged in zoning or considering future land use for said  
27 designated areas. For areas served by septic tanks, soil  
28 surveys shall be provided which indicate the suitability of  
29 soils for septic tanks.

30 (d) A conservation element for the conservation, use,  
31 and protection of natural resources in the area, including

1 air, water, water recharge areas, wetlands, waterwells,  
2 estuarine marshes, soils, beaches, shores, flood plains,  
3 rivers, bays, lakes, harbors, forests, fisheries and wildlife,  
4 marine habitat, minerals, and other natural and environmental  
5 resources. Local governments shall assess their current, as  
6 well as projected, water needs and sources for a 10-year  
7 period. This information shall be submitted to the  
8 appropriate agencies. The land use map or map series  
9 contained in the future land use element shall generally  
10 identify and depict the following:

- 11 1. Existing and planned waterwells and cones of  
12 influence where applicable.
- 13 2. Beaches and shores, including estuarine systems.
- 14 3. Rivers, bays, lakes, flood plains, and harbors.
- 15 4. Wetlands.
- 16 5. Minerals and soils.

17

18 The land uses identified on such maps shall be consistent with  
19 applicable state law and rules.

20 (e) A recreation and open space element indicating a  
21 comprehensive system of public and private sites for  
22 recreation, including, but not limited to, natural  
23 reservations, parks and playgrounds, parkways, beaches and  
24 public access to beaches, open spaces, and other recreational  
25 facilities.

26 (f)1. A housing element consisting of standards,  
27 plans, and principles to be followed in:

- 28 a. The provision of housing for all current and  
29 anticipated future residents of the jurisdiction.
- 30 b. The elimination of substandard dwelling conditions.

31

1           c. The structural and aesthetic improvement of  
2 existing housing.

3           d. The provision of adequate sites for future housing,  
4 including housing for low-income, very low-income, and  
5 moderate-income families, mobile homes, and group home  
6 facilities and foster care facilities, with supporting  
7 infrastructure and public facilities.

8           e. Provision for relocation housing and identification  
9 of historically significant and other housing for purposes of  
10 conservation, rehabilitation, or replacement.

11           f. The formulation of housing implementation programs.

12           g. The creation or preservation of affordable housing  
13 to minimize the need for additional local services and avoid  
14 the concentration of affordable housing units only in specific  
15 areas of the jurisdiction.

16

17 The goals, objectives, and policies of the housing element  
18 must be based on the data and analysis prepared on housing  
19 needs, including the affordable housing needs assessment.  
20 State and federal housing plans prepared on behalf of the  
21 local government must be consistent with the goals,  
22 objectives, and policies of the housing element. Local  
23 governments are encouraged to utilize job training, job  
24 creation, and economic solutions to address a portion of their  
25 affordable housing concerns.

26           2. To assist local governments in housing data  
27 collection and analysis and assure uniform and consistent  
28 information regarding the state's housing needs, the state  
29 land planning agency shall conduct an affordable housing needs  
30 assessment for all local jurisdictions on a schedule that  
31 coordinates the implementation of the needs assessment with

1 the evaluation and appraisal reports required by s. 163.3191.  
2 Each local government shall utilize the data and analysis from  
3 the needs assessment as one basis for the housing element of  
4 its local comprehensive plan. The agency shall allow a local  
5 government the option to perform its own needs assessment, if  
6 it uses the methodology established by the agency by rule.

7 (g) For those units of local government identified in  
8 s. 380.24, a coastal management element, appropriately related  
9 to the particular requirements of paragraphs (d) and (e) and  
10 meeting the requirements of s. 163.3178(2) and (3). The  
11 coastal management element shall set forth the policies that  
12 shall guide the local government's decisions and program  
13 implementation with respect to the following objectives:

14 1. Maintenance, restoration, and enhancement of the  
15 overall quality of the coastal zone environment, including,  
16 but not limited to, its amenities and aesthetic values.

17 2. Continued existence of viable populations of all  
18 species of wildlife and marine life.

19 3. The orderly and balanced utilization and  
20 preservation, consistent with sound conservation principles,  
21 of all living and nonliving coastal zone resources.

22 4. Avoidance of irreversible and irretrievable loss of  
23 coastal zone resources.

24 5. Ecological planning principles and assumptions to  
25 be used in the determination of suitability and extent of  
26 permitted development.

27 6. Proposed management and regulatory techniques.

28 7. Limitation of public expenditures that subsidize  
29 development in high-hazard coastal areas.

30 8. Protection of human life against the effects of  
31 natural disasters.



1           9. The orderly development, maintenance, and use of  
2 ports identified in s. 403.021(9) to facilitate deepwater  
3 commercial navigation and other related activities.

4           10. Preservation, including sensitive adaptive use of  
5 historic and archaeological resources.

6           (h)1. An intergovernmental coordination element  
7 showing relationships and stating principles and guidelines to  
8 be used in the accomplishment of coordination of the adopted  
9 comprehensive plan with the plans of school boards and other  
10 units of local government providing services but not having  
11 regulatory authority over the use of land, with the  
12 comprehensive plans of adjacent municipalities, the county,  
13 adjacent counties, or the region, and with the state  
14 comprehensive plan, as the case may require and as such  
15 adopted plans or plans in preparation may exist. This element  
16 of the local comprehensive plan shall demonstrate  
17 consideration of the particular effects of the local plan,  
18 when adopted, upon the development of adjacent municipalities,  
19 the county, adjacent counties, or the region, or upon the  
20 state comprehensive plan, as the case may require.

21           a. The intergovernmental coordination element shall  
22 provide for procedures to identify and implement joint  
23 planning areas, especially for the purpose of annexation,  
24 municipal incorporation, and joint infrastructure service  
25 areas.

26           b. The intergovernmental coordination element shall  
27 provide for recognition of campus master plans prepared  
28 pursuant to s. 240.155.

29           c. The intergovernmental coordination element may  
30 provide for a voluntary dispute resolution process as  
31 established pursuant to s. 186.509 for bringing to closure in

1 a timely manner intergovernmental disputes. A local  
2 government may develop and use an alternative local dispute  
3 resolution process for this purpose.

4         2. The intergovernmental coordination element shall  
5 further state principles and guidelines to be used in the  
6 accomplishment of coordination of the adopted comprehensive  
7 plan with the plans of school boards and other units of local  
8 government providing facilities and services but not having  
9 regulatory authority over the use of land. In addition, the  
10 intergovernmental coordination element shall describe joint  
11 processes for collaborative planning and decisionmaking on  
12 population projections and public school siting, the location  
13 and extension of public facilities subject to concurrency, and  
14 siting facilities with countywide significance, including  
15 locally unwanted land uses whose nature and identity are  
16 established in an agreement. Within 1 year of adopting their  
17 intergovernmental coordination elements, each county, all the  
18 municipalities within that county, the district school board,  
19 and any unit of local government service providers in that  
20 county shall establish by interlocal or other formal agreement  
21 executed by all affected entities, the joint processes  
22 described in this subparagraph consistent with their adopted  
23 intergovernmental coordination elements.

24         3. To foster coordination between special districts  
25 and local general-purpose governments as local general-purpose  
26 governments implement local comprehensive plans, each  
27 independent special district must submit a public facilities  
28 report to the appropriate local government as required by s.  
29 189.415.

30         4. The state land planning agency shall establish a  
31 schedule for phased completion and transmittal of plan

1 amendments to implement subparagraphs 1., 2., and 3. from all  
2 jurisdictions so as to accomplish their adoption by December  
3 31, 1999. A local government may complete and transmit its  
4 plan amendments to carry out these provisions prior to the  
5 scheduled date established by the state land planning agency.  
6 The plan amendments are exempt from the provisions of s.  
7 163.3187(1).

8 (i) The optional elements of the comprehensive plan in  
9 paragraphs (7)(a) and (b) are required elements for those  
10 municipalities having populations greater than 50,000, and  
11 those counties having populations greater than 75,000, as  
12 determined under s. 186.901.

13 (j) For each unit of local government within an  
14 urbanized area designated for purposes of s. 339.175, a  
15 transportation element, which shall be prepared and adopted in  
16 lieu of the requirements of paragraph (b) and paragraphs  
17 (7)(a), (b), (c), and (d) and which shall address the  
18 following issues:

19 1. Traffic circulation, including major thoroughfares  
20 and other routes, including bicycle and pedestrian ways.

21 2. All alternative modes of travel, such as public  
22 transportation, pedestrian, and bicycle travel.

23 3. Parking facilities.

24 4. Aviation, rail, seaport facilities, access to those  
25 facilities, and intermodal terminals.

26 5. The availability of facilities and services to  
27 serve existing land uses and the compatibility between future  
28 land use and transportation elements.

29 6. The capability to evacuate the coastal population  
30 prior to an impending natural disaster.

31

1           7. Airports, projected airport and aviation  
2 development, and land use compatibility around airports.

3           8. An identification of land use densities, building  
4 intensities, and transportation management programs to promote  
5 public transportation systems in designated public  
6 transportation corridors so as to encourage population  
7 densities sufficient to support such systems.

8           9. May include transportation corridors, as defined in  
9 s. 334.03, intended for future transportation facilities  
10 designated pursuant to s. 337.273. If transportation corridors  
11 are designated, the local government may adopt a  
12 transportation corridor management ordinance.

13           (k) An airport master plan, and any subsequent  
14 amendments to the airport master plan, prepared by a licensed  
15 publicly owned and operated airport under section 333.06 may  
16 be incorporated into the local government comprehensive plan  
17 by the local government having jurisdiction under this act for  
18 the area in which the airport or projected airport development  
19 is located by the adoption of a comprehensive plan amendment.  
20 In the amendment to the local comprehensive plan that  
21 integrates the airport master plan, the comprehensive plan  
22 amendment shall address land use compatibility consistent with  
23 chapter 333 regarding airport zoning; the provision of  
24 regional transportation facilities for the efficient use and  
25 operation of the transportation system and airport;  
26 consistency with the local government transportation  
27 circulation element and applicable metropolitan planning  
28 organization long-range transportation plan; the execution of  
29 any necessary interlocal agreements for the purposes of the  
30 provision of public facilities and services to maintain the  
31 adopted level of service standards for facilities subject to

1 concurrency; and may address airport-related or  
2 aviation-related development. Development or expansion of an  
3 airport consistent with the adopted airport master plan that  
4 has been incorporated into the local comprehensive plan in  
5 compliance with this part, and airport-related or  
6 aviation-related development that has been addressed in the  
7 comprehensive plan amendment that incorporates the airport  
8 master plan shall not be a development of regional impact.

9 Section 4. Paragraph (c) of subsection (2) of section  
10 163.3180, Florida Statutes, is amended to read:

11 163.3180 Concurrency.--

12 (2)

13 (c) Consistent with the public welfare, and except as  
14 otherwise provided in this section, transportation facilities  
15 designated as part of the Florida Intrastate Highway System  
16 needed to serve new development shall be in place or under  
17 actual construction no more than 5 years after issuance by the  
18 local government of a certificate of occupancy or its  
19 functional equivalent. Other transportation facilities needed  
20 to serve new development shall be in place or under actual  
21 construction no more than 3 years after issuance by the local  
22 government of a certificate of occupancy or its functional  
23 equivalent.

24 Section 5. Section 189.441, Florida Statutes, is  
25 amended to read:

26 189.441 Contracts.--Contracts for the construction of  
27 projects and for any other purpose of the authority may be  
28 awarded by the authority in a manner that will best promote  
29 free and open competition, including advertisement for  
30 competitive bids; however, if the authority determines that  
31 the purposes of this act will be more effectively served

1 thereby, the authority may award or cause to be awarded  
2 contracts for the construction of any project, including  
3 design-build contracts, or any part thereof, or for any other  
4 purpose of the authority upon a negotiated basis as determined  
5 by the authority. Each contractor doing business with the  
6 authority and required to be licensed by the state or local  
7 general-purpose governments must maintain the license during  
8 the term of the contract with the authority. The authority  
9 may prescribe bid security requirements and other procedures  
10 in connection with the award of contracts which protect the  
11 public interest. ~~Section 287.055 does not apply to the~~  
12 ~~selection of professional architectural, engineering,~~  
13 ~~landscape architectural, or land surveying services by the~~  
14 ~~authority or to the procurement of design-build contracts.~~The  
15 authority may, and in the case of a new professional sports  
16 franchise must, by written contract engage the services of the  
17 operator, lessee, sublessee, or purchaser, or prospective  
18 operator, lessee, sublessee, or purchaser, of any project in  
19 the construction of the project and may, and in the case of a  
20 new professional sports franchise must, provide in the  
21 contract that the lessee, sublessee, purchaser, or prospective  
22 lessee, sublessee, or purchaser, may act as an agent of, or an  
23 independent contractor for, the authority for the performance  
24 of the functions described therein, subject to the conditions  
25 and requirements prescribed in the contract, including  
26 functions such as the acquisition of the site and other real  
27 property for the project; the preparation of plans,  
28 specifications, financing, and contract documents; the award  
29 of construction and other contracts upon a competitive or  
30 negotiated basis; the construction of the project, or any part  
31 thereof, directly by the lessee, purchaser, or prospective

1 lessee or purchaser; the inspection and supervision of  
2 construction; the employment of engineers, architects,  
3 builders, and other contractors; and the provision of money to  
4 pay the cost thereof pending reimbursement by the authority.  
5 Any such contract may, and in the case of a new professional  
6 sports franchise must, allow the authority to make advances to  
7 or reimburse the lessee, sublessee, or purchaser, or  
8 prospective lessee, sublessee, or purchaser for its costs  
9 incurred in the performance of those functions, and must set  
10 forth the supporting documents required to be submitted to the  
11 authority and the reviews, examinations, and audits that are  
12 required in connection therewith to assure compliance with the  
13 contract.

14 Section 6. Subsection (6) is added to section 73.092,  
15 Florida Statutes, to read:

16 73.092 Attorney's fees.--

17 (6) If a defendant does not accept the last written  
18 settlement offer by the condemning authority before the final  
19 judgment, and the final judgment obtained by the defendant,  
20 exclusive of any interest accumulated after the written  
21 settlement offer was initially made, is equal to or less than  
22 the written settlement offer, then the court shall not award  
23 any attorney fees or costs incurred by the defendant after the  
24 date the written settlement offer was received. This  
25 subsection shall not apply to s. 73.032.

26 Section 7. Subsection (2) of section 206.46, Florida  
27 Statutes, is amended to read:

28 206.46 State Transportation Trust Fund.--

29 (2) Notwithstanding any other provisions of law, from  
30 the revenues deposited into the State Transportation Trust  
31 Fund a maximum of 7 percent in each fiscal year shall be

1 transferred into the Right-of-Way Acquisition and Bridge  
2 Construction Trust Fund created in s. 215.605, as needed to  
3 meet the requirements of the documents authorizing the bonds  
4 issued or proposed to be issued under ss. 215.605 and 337.276  
5 or at a minimum amount sufficient to pay for the debt service  
6 coverage requirements of outstanding bonds. Notwithstanding  
7 the 7 percent annual transfer authorized in this subsection,  
8 the annual amount transferred under this subsection shall not  
9 exceed an amount necessary to provide the required debt  
10 service coverage levels for a maximum debt service not to  
11 exceed \$200~~\$135~~ million. Such transfer shall be payable  
12 primarily from the motor and diesel fuel taxes transferred to  
13 the State Transportation Trust Fund from the Fuel Tax  
14 Collection Trust Fund.

15 Section 8. Paragraph (a) of subsection (1) of section  
16 255.20, Florida Statutes, is amended to read:

17 255.20 Local bids and contracts for public  
18 construction works; specification of state-produced lumber.--

19 (1) A county, municipality, special district as  
20 defined in chapter 189, or other political subdivision of the  
21 state seeking to construct or improve a public building,  
22 structure, or other public construction works must  
23 competitively award to an appropriately licensed contractor  
24 each project that is estimated in accordance with generally  
25 accepted cost-accounting principles to have total construction  
26 project costs of more than \$200,000. For electrical work,  
27 local government must competitively award to an appropriately  
28 licensed contractor each project that is estimated in  
29 accordance with generally accepted cost-accounting principles  
30 to have a cost of more than \$50,000. As used in this section,  
31 the term "competitively award" means to award contracts based



1 on the submission of sealed bids, proposals submitted in  
2 response to a request for proposal, proposals submitted in  
3 response to a request for qualifications, or proposals  
4 submitted for competitive negotiation. This subsection  
5 expressly allows contracts for construction management  
6 services, design/build contracts, continuation contracts based  
7 on unit prices, and any other contract arrangement with a  
8 private sector contractor permitted by any applicable  
9 municipal or county ordinance, by district resolution, or by  
10 state law. For purposes of this section, construction costs  
11 include the cost of all labor, except inmate labor, and  
12 include the cost of equipment and materials to be used in the  
13 construction of the project. Subject to the provisions of  
14 subsection (3), the county, municipality, special district, or  
15 other political subdivision may establish, by municipal or  
16 county ordinance or special district resolution, procedures  
17 for conducting the bidding process.

18 (a) The provisions of this subsection do not apply:

19 1. When the project is undertaken to replace,  
20 reconstruct, or repair an existing facility damaged or  
21 destroyed by a sudden unexpected turn of events, such as an  
22 act of God, riot, fire, flood, accident, or other urgent  
23 circumstances, and such damage or destruction creates:

24 a. An immediate danger to the public health or safety;

25 b. Other loss to public or private property which  
26 requires emergency government action; or

27 c. An interruption of an essential governmental  
28 service.

29 2. When, after notice by publication in accordance  
30 with the applicable ordinance or resolution, the governmental  
31 entity does not receive any responsive bids or responses.

1           3. To construction, remodeling, repair, or improvement  
2 to a public electric or gas utility system when such work on  
3 the public utility system is performed by personnel of the  
4 system.

5           4. To construction, remodeling, repair, or improvement  
6 by a utility commission whose major contracts are to construct  
7 and operate a public electric utility system.

8           5. When the project is undertaken as repair or  
9 maintenance of an existing public facility.

10          6. When the project is undertaken exclusively as part  
11 of a public educational program.

12          7. When the funding source of the project will be  
13 diminished or lost because the time required to competitively  
14 award the project after the funds become available exceeds the  
15 time within which the funding source must be spent.

16          8. When the local government has competitively awarded  
17 a project to a private sector contractor and the contractor  
18 has abandoned the project before completion or the local  
19 government has terminated the contract.

20          9. When the governing board of the local government,  
21 after public notice, conducts a public meeting under s.  
22 286.011 and finds by a majority vote of the governing board  
23 that it is in the public's best interest to perform the  
24 project using its own services, employees, and equipment. The  
25 public notice must be published at least 14 days prior to the  
26 date of the public meeting at which the governing board takes  
27 final action to apply this subparagraph. The notice must  
28 identify the project, the estimated cost of the project, and  
29 specify that the purpose for the public meeting is to consider  
30 whether it is in the public's best interest to perform the  
31 project using the local government's own services, employees,

1 and equipment. In deciding whether it is in the public's best  
2 interest for local government to perform a project using its  
3 own services, employees, and equipment, the governing board  
4 may consider the cost of the project, whether the project  
5 requires an increase in the number of government employees, an  
6 increase in capital expenditures for public facilities,  
7 equipment or other capital assets, the impact on local  
8 economic development, the impact on small and minority  
9 business owners, the impact on state and local tax revenues,  
10 whether the private sector contractors provide health  
11 insurance and other benefits equivalent to those provided by  
12 the local government, and any other factor relevant to what is  
13 in the public's best interest.

14         10. When the governing board of the local government  
15 determines upon consideration of specific substantive criteria  
16 and administrative procedures that it is in the best interest  
17 of the local government to award the project to an  
18 appropriately licensed private sector contractor according to  
19 procedures established by and expressly set forth in a  
20 charter, ordinance, or resolution of the local government  
21 adopted prior to July 1, 1994. The criteria and procedures  
22 must be set out in the charter, ordinance, or resolution and  
23 must be applied uniformly by the local government to avoid  
24 award of any project in an arbitrary or capricious manner.  
25 This exception shall apply when all of the following occur:

26         a. When the governing board of the local government,  
27 after public notice, conducts a public meeting under s.  
28 286.011 and finds by a two-thirds vote of the governing board  
29 that it is in the public's best interest to award the project  
30 according to the criteria and procedures established by  
31 charter, ordinance, or resolution. The public notice must be

1 published at least 14 days prior to the date of the public  
2 meeting at which the governing board takes final action to  
3 apply this subparagraph. The notice must identify the  
4 project, the estimated cost of the project, and specify that  
5 the purpose for the public meeting is to consider whether it  
6 is in the public's best interest to award the project using  
7 the criteria and procedures permitted by the preexisting  
8 ordinance.

9           b. In the event the project is to be awarded by any  
10 method other than a competitive selection process, the  
11 governing board must find evidence that:

12           (I) There is one appropriately licensed contractor who  
13 is uniquely qualified to undertake the project because that  
14 contractor is currently under contract to perform work that is  
15 affiliated with the project; or

16           (II) The time to competitively award the project will  
17 jeopardize the funding for the project, or will materially  
18 increase the cost of the project or will create an undue  
19 hardship on the public health, safety, or welfare.

20           c. In the event the project is to be awarded by any  
21 method other than a competitive selection process, the  
22 published notice must clearly specify the ordinance or  
23 resolution by which the private sector contractor will be  
24 selected and the criteria to be considered.

25           d. In the event the project is to be awarded by a  
26 method other than a competitive selection process, the  
27 architect or engineer of record has provided a written  
28 recommendation that the project be awarded to the private  
29 sector contractor without competitive selection; and the  
30 consideration by, and the justification of, the government  
31 body are documented, in writing, in the project file and are

1 presented to the governing board prior to the approval  
2 required in this paragraph.

3 11. To projects subject to chapter 336.

4 Section 9. Paragraph (g) of subsection (2) of section  
5 287.055, Florida Statutes, is amended to read:

6 287.055 Acquisition of professional architectural,  
7 engineering, landscape architectural, or surveying and mapping  
8 services; definitions; procedures; contingent fees prohibited;  
9 penalties.--

10 (2) DEFINITIONS.--For purposes of this section:

11 (g) A "continuing contract" is a contract for  
12 professional services entered into in accordance with all the  
13 procedures of this act between an agency and a firm whereby  
14 the firm provides professional services to the agency for  
15 projects in which construction costs do not exceed \$1 million  
16 ~~\$500,000~~, for study activity when the fee for such  
17 professional service does not exceed \$50,000 ~~\$25,000~~, or for  
18 work of a specified nature as outlined in the contract  
19 required by the agency, with no time limitation except that  
20 the contract must provide a termination clause.

21 Section 10. Paragraphs (a) and (b) of subsection (3)  
22 of section 311.07, Florida Statutes, is amended to read:

23 311.07 Florida seaport transportation and economic  
24 development funding.--

25 (3)(a) Program funds shall be used to fund approved  
26 projects on a 50-50 matching basis with any of the deepwater  
27 ports, as listed in s. 403.021(9)(b), which is governed by a  
28 public body or any other deepwater port which is governed by a  
29 public body and which complies with the water quality  
30 provisions of s. 403.061, the comprehensive master plan  
31 requirements of s. 163.3178(2)(k), the local financial

1 management and reporting provisions of part III of chapter  
2 218, and the auditing provisions of s. 11.45(3)(a)5. Program  
3 funds also may be used by the Seaport Transportation and  
4 Economic Development Council to develop ~~with the Florida Trade~~  
5 ~~Data Center~~ such trade data information products which will  
6 assist Florida's seaports and international trade.

7 (b) Projects eligible for funding by grants under the  
8 program are limited to the following port facilities or port  
9 transportation projects:

10 1. Transportation facilities within the jurisdiction  
11 of the port.

12 2. The dredging or deepening of channels, turning  
13 basins, or harbors.

14 3. The construction or rehabilitation of wharves,  
15 docks, structures, jetties, piers, storage facilities, cruise  
16 terminals, automated people mover systems, or any facilities  
17 necessary or useful in connection with any of the foregoing.

18 4. The acquisition of container cranes or other  
19 mechanized equipment used in the movement of cargo or  
20 passengers in international commerce.

21 5. The acquisition of land to be used for port  
22 purposes.

23 6. The acquisition, improvement, enlargement, or  
24 extension of existing port facilities.

25 7. Environmental protection projects which are  
26 necessary because of requirements imposed by a state agency as  
27 a condition of a permit or other form of state approval; which  
28 are necessary for environmental mitigation required as a  
29 condition of a state, federal, or local environmental permit;  
30 which are necessary for the acquisition of spoil disposal  
31 sites and improvements to existing and future spoil sites; or

1 which result from the funding of eligible projects listed  
2 herein.

3 8. Transportation facilities as defined in s.  
4 334.03(31) which are not otherwise part of the Department of  
5 Transportation's adopted work program.

6 9. Seaport intermodal access projects identified in  
7 the 5-year Florida Seaport Mission Plan as provided in s.  
8 311.09(3).

9 10. Construction or rehabilitation of port facilities  
10 as defined in s. 315.02, excluding any park or recreational  
11 facilities, in ports listed in s. 311.09(1) with operating  
12 revenues of \$5 million or less, provided that such projects  
13 create economic development opportunities, capital  
14 improvements, and positive financial returns to such ports.

15 11. Seaport security projects identified pursuant to  
16 s. 311.12. Seaport security projects are not subject to the  
17 matching fund requirements of paragraph (a).

18 Section 11. Subsection (1) of Section 315.031, Florida  
19 Statutes is amended to read:

20 315.031 Promoting and advertising port facilities.--

21 (1) Each unit is authorized and empowered:

22 (a) To publicize, advertise and promote the activities  
23 and port facilities herein authorized;

24 (b) To make known the advantages, facilities,  
25 resources, products, attractions and attributes of the  
26 activities and port facilities herein authorized;

27 (c) To create a favorable climate of opinion  
28 concerning the activities and port facilities herein  
29 authorized;

30 (d) To cooperate with other agencies, public and  
31 private, in accomplishing these purposes;

1           (e) To enter into agreements with the purchaser or  
2 purchasers of port facilities bonds issued under the  
3 provisions of this law to establish a special fund to be set  
4 aside from the proceeds of the revenues collected under the  
5 provisions of s. 315.03(13), during any fiscal year, for the  
6 promotional activities authorized herein.

7           (f) To authorize expenditures for promotional  
8 activities authorized by this section, including meals,  
9 hospitality, and entertainment of persons in the interest of  
10 promoting and engendering goodwill toward its port facilities.

11  
12 ~~Nothing herein shall be construed to authorize any unit to~~  
13 ~~expend funds for meals, hospitality, amusement or any other~~  
14 ~~purpose of an entertainment nature.~~

15           Section 12. Subsection (12) of section 311.09, Florida  
16 Statutes, is amended to read:

17           311.09 Florida Seaport Transportation and Economic  
18 Development Council.--

19           (12) Members of the council shall serve without  
20 compensation but are entitled to receive reimbursement for per  
21 diem and travel expenses as provided in s. 112.061. The  
22 council may elect to provide an administrative staff to  
23 provide services to the council on matters relating to the  
24 Florida Seaport Transportation and Economic Development  
25 Program and the council. The cost for such administrative  
26 services shall be paid by all ports that receive funding from  
27 the Florida Seaport Transportation and Economic Development  
28 Program, based upon a pro rata formula measured by each  
29 recipient's share of the funds as compared to the total funds  
30 disbursed to all recipients during the year. The share of  
31 costs for administrative services shall be paid in its total



1 amount by the recipient port upon execution by the port and  
2 the Department of Transportation of a joint participation  
3 agreement for each council-approved project, and such payment  
4 is in addition to the matching funds required to be paid by  
5 the recipient port. Except as otherwise exempted by law, all  
6 moneys derived from the Florida Seaport Transportation and  
7 Economic Development Program shall be expended in accordance  
8 with the provisions of s. 287.057. Seaports subject to  
9 competitive negotiation requirements of a local governing body  
10 shall abide by the provisions of s. 287.055 ~~be exempt from~~  
11 ~~this requirement.~~

12 Section 13. Paragraph (b) of subsection (1) of section  
13 316.302, Florida Statutes, is amended to read:

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

17 (1)

18 (b) Except as otherwise provided in this section, all  
19 owners or drivers of commercial motor vehicles that are  
20 engaged in intrastate commerce are subject to the rules and  
21 regulations contained in 49 C.F.R. parts 382, 385, and  
22 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
23 relates to the definition of bus, as such rules and  
24 regulations existed on October 1, 2000 ~~March 1, 1999~~.

25 Section 14. Paragraph (a) of subsection (3) of section  
26 316.3025, Florida Statutes, is amended to read:

27 316.3025 Penalties.--

28 (3)(a) A civil penalty of \$50 may be assessed for a  
29 violation of 49 C.F.R. s. 390.21 ~~s. 316.3027~~.

30 Section 15. Subsection (2) of section 316.515, Florida  
31 Statutes, is amended to read:

1           316.515 Maximum width, height, length.--

2           (2) HEIGHT LIMITATION.--No vehicle may exceed a height  
3 of 13 feet 6 inches, inclusive of load carried thereon.

4 However, an automobile transporter may, ~~with a permit from the~~  
5 ~~Department of Transportation,~~ measure a height not to exceed  
6 14 feet, inclusive of the load carried thereon.

7           Section 16. Subsection (6) of section 316.535, Florida  
8 Statutes, is renumbered as subsection (7), present subsection  
9 (7) is renumbered as subsection (8) and amended, and a new  
10 subsection (6) is added to said section to read:

11           316.535 Maximum weights.--

12           (6) Dump trucks, concrete mixing trucks, trucks  
13 engaged in waste collection and disposal, and fuel oil and  
14 gasoline trucks designed and constructed for special type work  
15 or use, when operated as a single unit, shall be subject to  
16 all safety and operational requirements of law, except that  
17 any such vehicle need not conform to the axle spacing  
18 requirements of this section provided that such vehicle shall  
19 be limited to a total gross load, including the weight of the  
20 vehicle, of 20,000 pounds per axle plus scale tolerances and  
21 shall not exceed 550 pounds per inch width tire surface plus  
22 scale tolerances. No vehicle operating pursuant to this  
23 section shall exceed a gross weight, including the weight of  
24 the vehicle and scale tolerances, of 70,000 pounds. Any  
25 vehicle violating the weight provisions of this section shall  
26 be penalized as provided in s. 316.545.

27           ~~(7)(6)~~ The Department of Transportation shall adopt  
28 rules to implement this section, shall enforce this section  
29 and the rules adopted hereunder, and shall publish and  
30 distribute tables and other publications as deemed necessary  
31 to inform the public.

1        (8)~~(7)~~ Except as hereinafter provided, no vehicle or  
2 combination of vehicles exceeding the gross weights specified  
3 in subsections (3), (4), ~~and (5)~~, and (6) shall be permitted  
4 to travel on the public highways within the state.

5        Section 17. Paragraph (a) of subsection (2) of section  
6 316.545, Florida Statutes, is amended to read:

7            316.545 Weight and load unlawful; special fuel and  
8 motor fuel tax enforcement; inspection; penalty; review.--

9            (2)(a) Whenever an officer, upon weighing a vehicle or  
10 combination of vehicles with load, determines that the axle  
11 weight or gross weight is unlawful, the officer may require  
12 the driver to stop the vehicle in a suitable place and remain  
13 standing until a determination can be made as to the amount of  
14 weight thereon and, if overloaded, the amount of penalty to be  
15 assessed as provided herein. However, any gross weight over  
16 and beyond 6,000 pounds beyond the maximum herein set shall be  
17 unloaded and all material so unloaded shall be cared for by  
18 the owner or operator of the vehicle at the risk of such owner  
19 or operator. Except as otherwise provided in this chapter, to  
20 facilitate compliance with and enforcement of the weight  
21 limits established in s. 316.535, weight tables published  
22 pursuant to s. 316.535~~(7)~~~~(6)~~ shall include a 10-percent scale  
23 tolerance and shall thereby reflect the maximum scaled weights  
24 allowed any vehicle or combination of vehicles. As used in  
25 this section, scale tolerance means the allowable deviation  
26 from legal weights established in s. 316.535. Notwithstanding  
27 any other provision of the weight law, if a vehicle or  
28 combination of vehicles does not exceed the gross, external  
29 bridge, or internal bridge weight limits imposed in s. 316.535  
30 and the driver of such vehicle or combination of vehicles can  
31 comply with the requirements of this chapter by shifting or

1 equalizing the load on all wheels or axles and does so when  
2 requested by the proper authority, the driver shall not be  
3 held to be operating in violation of said weight limits.

4 Section 18. Section 330.27, Florida Statutes, is  
5 amended to read:

6 330.27 Definitions, when used in ss. 330.29-330.36,  
7 330.38, 330.39.--

8 (1) "Aircraft" means a powered or unpowered machine or  
9 device capable of atmosphere flight ~~any motor vehicle or~~  
10 ~~contrivance now known, or hereafter invented, which is used or~~  
11 ~~designed for navigation of or flight in the air, except a~~  
12 ~~parachute or other such device contrivance designed for such~~  
13 ~~navigation but used primarily as safety equipment.~~

14 (2) "Airport" means an ~~any~~ area of land or water, ~~or~~  
15 ~~any manmade object or facility located thereon, which is used~~  
16 for, or intended to be used for, use, for the landing and  
17 takeoff of aircraft, including and any appurtenant areas,  
18 ~~which are used, or intended for use, for airport buildings, or~~  
19 ~~other airport facilities, or rights-of-way necessary to~~  
20 facilitate such use or intended use, together with all airport  
21 ~~buildings and facilities located thereon.~~

22 (3) ~~"Airport hazard" means any structure, object of~~  
23 ~~natural growth, or use of land which obstructs the airspace~~  
24 ~~required for the flight of aircraft in landing or taking off~~  
25 ~~at an airport or which is otherwise hazardous to such landing~~  
26 ~~or taking off.~~

27 (4) ~~"Aviation" means the science and art of flight and~~  
28 ~~includes, but is not limited to, transportation by aircraft;~~  
29 ~~the operation, construction, repair, or maintenance of~~  
30 ~~aircraft, aircraft power plants, and accessories, including~~  
31 ~~the repair, packing, and maintenance of parachutes; the~~

1 ~~design, establishment, construction, extension, operation,~~  
2 ~~improvement, repair, or maintenance of airports or other air~~  
3 ~~navigation facilities; and instruction in flying or ground~~  
4 ~~subjects pertaining thereto.~~

5 (3)~~(5)~~ "Department" means the Department of  
6 Transportation.

7 (4)~~(6)~~ "Limited airport" means any ~~an~~ airport,  
8 ~~publicly or privately owned,~~ limited exclusively to the  
9 specific conditions stated on the site approval order or  
10 license.

11 ~~(7)~~ "Operation of aircraft" or "operate aircraft"  
12 ~~means the use, navigation, or piloting of aircraft in the~~  
13 ~~airspace over this state or upon any airport within this~~  
14 ~~state.~~

15 ~~(8)~~ "Political subdivision" means ~~any county,~~  
16 ~~municipality, district, port or aviation commission or~~  
17 ~~authority, or similar entity authorized to establish or~~  
18 ~~operate an airport in this state.~~

19 (5)~~(9)~~ "Private airport" means an airport, publicly or  
20 privately owned, which is not open or available for use by the  
21 public. A private airport is registered with the department  
22 for use of the person or persons registering the facility used  
23 primarily by the licensee but may be made which is available  
24 to others for use by invitation of the registrant licensee.  
25 ~~Services may be provided if authorized by the department.~~

26 (6)~~(10)~~ "Public airport" means an airport, publicly or  
27 privately owned, which ~~meets minimum safety and service~~  
28 ~~standards and is open for use by the public as listed in the~~  
29 current United States Government Flight Information  
30 Publication, Airport Facility Directory. A public airport is  
31

1 licensed by the department as meeting minimum safety  
2 standards.

3 (7)(11) "Temporary airport" means any ~~an~~ airport,  
4 ~~publicly or privately owned,~~ that will be used for a period of  
5 less than 30 ~~90~~ days with no more than 10 operations per day.

6 (8)(12) "Ultralight aircraft" means any  
7 ~~heavier than air, motorized~~ aircraft meeting ~~which meets~~ the  
8 criteria ~~for maximum weight, fuel capacity, and airspeed~~  
9 established ~~for such aircraft~~ by the Federal Aviation  
10 Regulation Administration under Part 103 of the Federal  
11 Aviation Regulations.

12 Section 19. Section 330.29, Florida Statutes, is  
13 amended to read:

14 330.29 Administration and enforcement; rules;  
15 standards for airport sites and airports.--It is the duty of  
16 the department to:

17 (1) Administer and enforce the provisions of this  
18 chapter.

19 (2) Establish minimum standards for airport sites and  
20 airports under its licensing and registration jurisdiction.

21 (3) Establish and maintain a state aviation data  
22 system to facilitate licensing and registration of all  
23 airports.

24 (4)(3) Adopt rules pursuant to ss. 120.536(1) and  
25 120.54 to implement the provisions of this chapter.

26 Section 20. Section 330.30, Florida Statutes, is  
27 amended to read:

28 330.30 Approval of airport sites and licensing of  
29 airports ~~fees~~.--

30 (1) SITE APPROVALS; REQUIREMENTS, ~~FEES~~, EFFECTIVE  
31 PERIOD, REVOCATION.--

1           (a) Except as provided in subsection (3), the owner or  
2 lessee of any proposed airport shall, prior to site ~~the~~  
3 ~~acquisition of the site or prior to the~~ construction or  
4 establishment of the proposed airport, obtain approval of the  
5 airport site from the department. Applications for approval  
6 of a site ~~and for an original license~~ shall be ~~jointly~~ made on  
7 a form prescribed by the department ~~and shall be accompanied~~  
8 ~~by a site approval fee of \$100.~~ The department, ~~after~~  
9 ~~inspection of the airport site,~~ shall grant the site approval  
10 if it is satisfied:

11           1. That the site is suitable ~~adequate~~ for the airport  
12 as proposed airport;

13           2. That the airport as proposed ~~airport, if~~  
14 ~~constructed or established,~~ will conform to minimum standards  
15 ~~of safety~~ and will comply with the applicable local government  
16 land development regulation or county or municipal zoning  
17 requirements;

18           3. That all nearby airports, local governments  
19 ~~municipalities~~, and property owners have been notified and any  
20 comments submitted by them have been given adequate  
21 consideration; and

22           4. That safe air-traffic patterns can be established  
23 ~~worked out~~ for the proposed airport with ~~and for~~ all existing  
24 airports and approved airport sites in its vicinity.

25           (b) Site approval shall be granted for public airports  
26 only after a favorable department inspection of the proposed  
27 site.

28           (c) Site approval shall be granted for private  
29 airports only after receipt of documentation the department  
30 deems necessary to satisfy the conditions in paragraph (a).  
31

1           ~~(d)(b)~~ Site approval may be granted subject to any  
2 reasonable conditions ~~which~~ the department deems ~~may deem~~  
3 necessary to protect the public health, safety, or welfare.

4           ~~(e)~~ Such Approval shall remain valid ~~in effect~~ for a  
5 ~~period of 2 years after the date of issue issuance of the site~~  
6 ~~approval order, unless sooner~~ revoked by the department or  
7 ~~unless, prior to the expiration of the 2-year period,~~ a public  
8 airport license is issued or private airport registration  
9 granted for an airport located on the approved site has been  
10 issued pursuant to subsection (2) prior to the expiration  
11 date.

12           ~~(f)~~ The department may extend a site approval ~~may be~~  
13 ~~extended for up to a maximum of 2 years for upon~~ good cause  
14 ~~shown by the owner or lessee of the airport site.~~

15           ~~(g)(c)~~ The department may revoke a site ~~such~~ approval  
16 if it determines:

17           1. That ~~there has been an abandonment of the site has~~  
18 been abandoned as an airport ~~site;~~

19           2. That ~~there has been a failure within a reasonable~~  
20 ~~time to develop~~ the site has not been developed as an airport  
21 within a reasonable time period or development does not to  
22 comply with the conditions of the site approval;

23           3. That except as required for in-flight emergencies  
24 ~~the operation of aircraft have operated of a nonemergency~~  
25 ~~nature has occurred~~ on the site; or

26           4. That, ~~because of changed physical or legal~~  
27 ~~conditions or circumstances,~~ the site is no longer usable for  
28 the aviation purposes due to physical or legal changes in  
29 conditions that were the subject of for which the approval was  
30 granted.

31



1           (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,  
2 RENEWAL, REVOCATION.--

3           (a) Except as provided in subsection (3), the owner or  
4 lessee of any an airport in this state must have either a  
5 public airport obtain a license or private airport  
6 registration prior to the operation of aircraft to or from the  
7 facility on the airport. ~~An Application for a such license or~~  
8 ~~registration shall be made on a form prescribed by the~~  
9 ~~department and shall be accomplished jointly with an~~  
10 ~~application for site approval.~~ Upon granting site approval;  
11 ~~making a favorable final airport inspection report indicating~~  
12 ~~compliance with all license requirements, and receiving the~~  
13 ~~appropriate license fee, the department shall issue a license~~  
14 ~~to the applicant, subject to any reasonable conditions that~~  
15 ~~the department may deem necessary to protect the public~~  
16 ~~health, safety, or welfare.~~

17           1. For a public airport, the department shall issue a  
18 license after a final airport inspection finds the facility to  
19 be in compliance with all requirements for the license. The  
20 license may be subject to any reasonable conditions that the  
21 department may deem necessary to protect the public health,  
22 safety, or welfare.

23           2. For a private airport, the department shall provide  
24 controlled electronic access to the state aviation facility  
25 data system to permit the applicant to complete the  
26 registration process. Registration shall be completed upon  
27 self-certification by the registrant of operational and  
28 configuration data deemed necessary by the department.

29           (b) The department is authorized to license a public  
30 ~~an~~ airport that does not meet all of the minimum standards  
31 only if it determines that such exception is justified by

1 unusual circumstances or is in the interest of public  
2 convenience and does not endanger the public health, safety,  
3 or welfare. Such a license shall bear the designation  
4 "special" and shall state the conditions subject to which the  
5 license is granted.

6 (c) The department may authorize a site to be used as  
7 a temporary airport if it finds, after inspection of the site,  
8 that the airport will not endanger the public health, safety,  
9 or welfare. A temporary airport will not require a license or  
10 registration. Such Authorization to use a site for a temporary  
11 airport will be valid for ~~shall expire~~ not more later than 30  
12 ~~90~~ days ~~after issuance~~ and is not renewable.

13 ~~(d) The license fees for the four categories of~~  
14 ~~airport licenses are:~~

- 15 1. ~~Public airport: \$100.~~
- 16 2. ~~Private airport: \$70.~~
- 17 3. ~~Limited airport: \$50.~~
- 18 4. ~~Temporary airport: \$25.~~

19  
20 ~~Airports owned or operated by the state, a county, or a~~  
21 ~~municipality and emergency helistops operated by licensed~~  
22 ~~hospitals are required to be licensed but are exempt from the~~  
23 ~~payment of site approval fees and annual license fees.~~

24 (d)(e)1. Each public airport license will expire no  
25 later than 1 year after the effective date of the license,  
26 except that the expiration date of a license may be adjusted  
27 to provide a maximum license period of 18 months to facilitate  
28 airport inspections, recognize seasonal airport operations, or  
29 improve administrative efficiency. ~~If the expiration date for~~  
30 ~~a public airport is adjusted, the appropriate license fee~~

31

1 ~~shall be determined by prorating the annual fee based on the~~  
2 ~~length of the adjusted license period.~~

3       2. Registration ~~The license period for private all~~  
4 ~~airports other than public airports will remain valid provided~~  
5 ~~specific elements of airport data, established by the~~  
6 ~~department, are periodically recertified by the airport~~  
7 ~~registrant. The ability to recertify private airport~~  
8 ~~registration data shall be available at all times by~~  
9 ~~electronic submittal. Recertification shall be required each~~  
10 ~~12 months. A private airport registration that has not been~~  
11 ~~recertified in the 12-month period following the last~~  
12 ~~certification shall expire. The expiration date of the current~~  
13 ~~registration period will be clearly identifiable from the~~  
14 ~~state aviation facility data system.~~~~be set by the department,~~  
15 ~~but shall not exceed a period of 5 years. In determining the~~  
16 ~~license period for such airports, the department shall~~  
17 ~~consider the number of based aircraft, the airport location~~  
18 ~~relative to adjacent land uses and other airports, and any~~  
19 ~~other factors deemed by the department to be critical to~~  
20 ~~airport operation and safety.~~

21       3. The effective date and expiration date shall be  
22 shown on public airport licenses ~~stated on the face of the~~  
23 ~~license.~~ Upon receiving an application for renewal of a public  
24 airport license on a form prescribed by the department and,  
25 making a favorable inspection report indicating compliance  
26 with all applicable requirements and conditions, ~~and receiving~~  
27 ~~the appropriate annual license fee,~~ the department shall renew  
28 the license, subject to any conditions deemed necessary to  
29 protect the public health, safety, or welfare.

30  
31

1           4. The department may require a new site approval for  
2 any an airport if the license or registration of the airport  
3 has expired not been renewed by the expiration date.

4           5. If the renewal application for a public airport  
5 license has and fees have not been received by the department  
6 or no private airport registration recertification has been  
7 accomplished within 15 days after the date of expiration of  
8 the license, the department may close the airport.

9           (e)(f) The department may revoke any airport  
10 registration, license, or license renewal thereof, or refuse  
11 to allow registration or issue a registration or license  
12 renewal, if it determines:

13           1. That the site there has been abandoned as an an  
14 abandonment of the airport as such;

15           2. That the airport does not there has been a failure  
16 to comply with the registration, license, license renewal, or  
17 site conditions of the license or renewal thereof; or

18           3. That, ~~because of changed physical or legal~~  
19 ~~conditions or circumstances~~, the airport has become either  
20 unsafe or unusable for flight operation due to physical or  
21 legal changes in conditions that were the subject of approval  
22 ~~the aeronautical purposes for which the license or renewal was~~  
23 ~~issued.~~

24           (3) EXEMPTIONS.--The provisions of this section do not  
25 apply to:

26           (a) An airport owned or operated by the United States.

27           (b) An ultralight aircraft landing area, ~~except that~~  
28 ~~any public ultralight airport~~ located more than within 5  
29 nautical miles from a of another public airport or military  
30 airport, except or any ultralight landing area with more than  
31

1 10 ultralight aircraft operating from the site ~~is subject to~~  
2 ~~the provisions of this section.~~

3 (c) A helistop used solely in conjunction with a  
4 construction project undertaken pursuant to the performance of  
5 a state contract if the purpose of the helicopter operations  
6 at the site is to expedite construction.

7 ~~(d) An airport under the jurisdiction or control of a~~  
8 ~~county or municipal aviation authority or a county or~~  
9 ~~municipal port authority or the Spaceport Florida Authority;~~  
10 ~~however, the department shall license any such airport if such~~  
11 ~~authority does not elect to exercise its exemption under this~~  
12 ~~subsection.~~

13 (d)(e) A helistop used by mosquito control or  
14 emergency services, not to include areas where permanent  
15 facilities are installed, such as hospital landing sites.

16 (e)(f) An airport which meets the criteria of s.  
17 330.27(11) used exclusively for aerial application or spraying  
18 of crops on a seasonal basis, not to include any licensed  
19 airport where permanent crop aerial application or spraying  
20 facilities are installed, if the period of operation does not  
21 exceed 30 days per calendar year. Such proposed airports,  
22 which will be located within 3 miles of existing airports or  
23 approved airport sites, shall work out safe air-traffic  
24 patterns with such existing airports or approved airport  
25 sites, by memorandums of understanding, or by letters of  
26 agreement between the parties representing the airports or  
27 sites.

28 (4) EXCEPTIONS.--Private airports with ten or more  
29 based aircraft may request to be inspected and licensed by the  
30 department. Private airports licensed according to this

31

1 subsection shall be considered private airports as defined in  
2 s. 330.27(5) in all other respects.

3 Section 21. Subsection (2) of section 330.35, Florida  
4 Statutes, is amended to read:

5 330.35 Airport zoning, ~~approach zone~~ protection.--

6 (2) Airports licensed for ~~general~~ public use under the  
7 provisions of s. 330.30 are eligible for airport zoning  
8 ~~approach zone~~ protection, ~~and the procedure shall be the same~~  
9 as ~~is~~ prescribed in chapter 333.

10 Section 22. Subsection (2) of section 330.36, Florida  
11 Statutes, is amended to read:

12 330.36 Prohibition against county or municipal  
13 licensing of airports; regulation of seaplane landings.--

14 (2) A municipality may prohibit or otherwise regulate,  
15 for specified public health and safety purposes, the landing  
16 of seaplanes in and upon any public waters of the state which  
17 are located within the limits or jurisdiction of, or bordering  
18 on, the municipality upon adoption of zoning requirements in  
19 compliance with the provisions of subsection (1).

20 Section 23. Subsection (4) of section 332.004, Florida  
21 Statutes, is amended to read:

22 332.004 Definitions of terms used in ss.

23 332.003-332.007.--As used in ss. 332.003-332.007, the term:

24 (4) "Airport or aviation development project" or  
25 "development project" means any activity associated with the  
26 design, construction, purchase, improvement, or repair of a  
27 public-use airport or portion thereof, including, but not  
28 limited to: the purchase of equipment; the acquisition of  
29 land, including land required as a condition of a federal,  
30 state, or local permit or agreement for environmental  
31 mitigation; off-airport noise mitigation projects;the

1 removal, lowering, relocation, marking, and lighting of  
2 airport hazards; the installation of navigation aids used by  
3 aircraft in landing at or taking off from a public airport;  
4 the installation of safety equipment required by rule or  
5 regulation for certification of the airport under s. 612 of  
6 the Federal Aviation Act of 1958, and amendments thereto; and  
7 the improvement of access to the airport by road or rail  
8 system which is on airport property and which is consistent,  
9 to the maximum extent feasible, with the approved local  
10 government comprehensive plan of the units of local government  
11 in which the airport is located.

12 Section 24. Subsection (4) is added to section 333.06,  
13 Florida Statutes, to read:

14 333.06 Airport zoning requirements.--

15 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO  
16 AFFECTED LOCAL GOVERNMENTS.--An airport master plan shall be  
17 prepared by each publicly owned and operated airport licensed  
18 by the Department of Transportation under chapter 330. The  
19 authorized entity having responsibility for governing the  
20 operation of the airport, when either requesting from or  
21 submitting to a state or federal governmental agency with  
22 funding or approval jurisdiction a "finding of no significant  
23 impact," an environmental assessment, a site-selection study,  
24 an airport master plan, or any amendment to an airport master  
25 plan, shall submit simultaneously a copy of said request,  
26 submittal, assessment, study, plan, or amendments by certified  
27 mail to all affected local governments. For the purposes of  
28 this subsection, "affected local government" is defined as any  
29 city or county having jurisdiction over the airport and any  
30 city or county located within 2 miles of the boundaries of the  
31 land subject to the airport master plan.

1           Section 25. Subsection (5) and paragraph (b) of  
2 subsection (15) of section 334.044, Florida Statutes, are  
3 amended to read:

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

6           (5) To purchase, lease, or otherwise acquire property  
7 and materials, including the purchase of promotional items as  
8 part of public information and education campaigns for the  
9 promotion of scenic highways, traffic and train safety  
10 awareness, alternatives to single-occupant vehicle travel, and  
11 commercial motor vehicle safety; to purchase, lease, or  
12 otherwise acquire equipment and supplies; and to sell,  
13 exchange, or otherwise dispose of any property that is no  
14 longer needed by the department.

15           (15) To regulate and prescribe conditions for the  
16 transfer of stormwater to the state right-of-way as a result  
17 of manmade changes to adjacent properties.

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



1 requirements equal to or more stringent than those of the  
2 department. The department may enter into a permit delegation  
3 agreement with a governmental entity provided issuance is  
4 based on requirements that the department determines will  
5 ensure the safety and integrity of the Department of  
6 Transportation facilities.

7 Section 26. Section 334.193, Florida Statutes, is  
8 amended to read:

9 334.193 Unlawful for certain persons to be financially  
10 interested in purchases, sales, and certain contracts;  
11 penalties.--

12 (1) It is unlawful for a state officer, or an employee  
13 or agent of the department, or for any company, corporation,  
14 or firm in which a state officer, or an employee or agent of  
15 the department has a financial interest, to bid on, enter  
16 into, or be personally interested in:

17 (a) The purchase or the furnishing of any materials or  
18 supplies to be used in the work of the state.

19 (b) A contract for the construction of any state road,  
20 the sale of any property, or the performance of any other work  
21 for which the department is responsible.

22 (2) Notwithstanding the provisions of subsection (1):

23 (a) The department may consider competitive bids or  
24 proposals by employees or employee work groups who have a  
25 financial interest in matters referenced in paragraphs (1)(a)  
26 and (b) when the subject matter of a request for bids or  
27 proposals by the department includes functions performed by  
28 the employees or employee work groups of the department before  
29 the request for bids or proposals. However, if the employees,  
30 employee work groups, or entity in which an employee of the  
31 department has an interest is the successful bidder or

1 proposer, such employee or employees must resign from  
2 department employment upon executing an agreement to perform  
3 the matter bid upon.

4 (b) The department may consider competitive bids or  
5 proposals of employees or employee work groups submitted on  
6 behalf of the department to perform the subject matter of  
7 requests for bids or proposals. The department may select  
8 such bid or proposal for performance of the work by the  
9 department.

10  
11 The department may update existing rules or adopt new rules  
12 pertaining to employee usage of department equipment,  
13 facilities, and supplies during business hours for  
14 nondepartment activities in order to implement this  
15 subsection.

16 (3) Any person who is convicted of a violation of this  
17 section is guilty of a misdemeanor of the first degree,  
18 punishable as provided in s. 775.082 or s. 775.083, and shall  
19 be removed from his or her office or employment.

20 Section 27. Section 334.30, Florida Statutes, is  
21 amended to read:

22 334.30 Public-private ~~Private~~ transportation  
23 facilities.--The Legislature hereby finds and declares that  
24 there is a public need for rapid construction of safe and  
25 efficient transportation facilities for the purpose of travel  
26 within the state, and that it is in the public's interest to  
27 provide for public-private partnership agreements to  
28 effectuate the construction of additional safe, convenient,  
29 and economical transportation facilities.

30 (1) The department may receive or solicit proposals  
31 and, ~~with legislative approval by a separate bill for each~~

1 ~~facility,~~ enter into agreements with private entities, or  
2 consortia thereof, for the building, operation, ownership, or  
3 financing of transportation facilities. The department is  
4 authorized to adopt rules to implement this section and shall  
5 by rule establish an application fee for the submission of  
6 proposals under this section. The fee must be sufficient to  
7 pay the costs of evaluating the proposals. The department may  
8 engage the services of private consultants to assist in the  
9 evaluation. Before ~~seeking legislative~~ approval, the  
10 department must determine that the proposed project:

- 11 (a) Is in the public's best interest. ~~†~~  
12 (b) Would not require state funds to be used unless  
13 there is an overriding state interest. However, the department  
14 may use state resources for a transportation facility project  
15 that is on the State Highway System or that provides for  
16 increased mobility on the state's transportation system.† ~~and~~  
17 (c) Would have adequate safeguards in place to ensure  
18 that no additional costs or service disruptions would be  
19 realized by the traveling public and citizens of the state in  
20 the event of default or cancellation of the agreement by the  
21 department.

22  
23 The department shall ensure that all reasonable costs to the  
24 state and substantially affected local governments and  
25 utilities, related to the private transportation facility, are  
26 borne by the private entity.

- 27 (2) The use of funds from the State Transportation  
28 Trust Fund is limited to advancing projects already programmed  
29 in the adopted 5-year work program or to no more than a  
30 statewide total of \$50 million in capital costs for all  
31 projects not programmed in the adopted 5-year work program.

1           (3) The department may request proposals for  
2 public-private transportation proposals or, if the department  
3 receives a proposal, shall publish a notice in the Florida  
4 Administrative Weekly and a newspaper of general circulation  
5 at least once a week for 2 weeks, stating that the department  
6 has received the proposal and will accept, for 60 days after  
7 the initial date of publication, other proposals for the same  
8 project purpose. A copy of the notice must be mailed to each  
9 local government in the affected area.

10           (4) The department shall not commit funds in excess of  
11 the limitation in subsection (2) without specific project  
12 approval by the legislature.

13           ~~(5)(2)~~ Agreements entered into pursuant to this  
14 section may authorize the private entity to impose tolls or  
15 fares for the use of the facility. However, the amount and  
16 use of toll or fare revenues may be regulated by the  
17 department to avoid unreasonable costs to users of the  
18 facility.

19           ~~(6)(3)~~ Each ~~private~~ transportation facility  
20 constructed pursuant to this section shall comply with all  
21 requirements of federal, state, and local laws; state,  
22 regional, and local comprehensive plans; department rules,  
23 policies, procedures, and standards for transportation  
24 facilities; and any other conditions which the department  
25 determines to be in the public's best interest.

26           ~~(7)(4)~~ The department may exercise any power possessed  
27 by it, including eminent domain, with respect to the  
28 development and construction of state transportation projects  
29 to facilitate the development and construction of  
30 transportation projects pursuant to this section. For  
31 public-private facilities located on the State Highway System,

1 the department may pay all or part of the cost of operating  
2 and maintaining the facility. For facilities not located on  
3 the State Highway System,the department may provide services  
4 to the private entity and agreements for maintenance, law  
5 enforcement, and other services ~~entered into pursuant to this~~  
6 ~~section~~ shall provide for full reimbursement for services  
7 rendered.

8 ~~(8)(5)~~ Except as herein provided, the provisions of  
9 this section are not intended to amend existing laws by  
10 granting additional powers to, or further restricting, local  
11 governmental entities from regulating and entering into  
12 cooperative arrangements with the private sector for the  
13 planning, construction, and operation of transportation  
14 facilities.

15 (9) The department shall have the authority to create,  
16 or assist in the creation of, tax-exempt, public-purpose  
17 chapter 63-20 corporations as provided for under the Internal  
18 Revenue Code, for the purpose of shielding the state from  
19 possible financing risks for projects under this section.  
20 Chapter 63-20 corporations may receive State Transportation  
21 Trust Fund grants from the department. The department shall be  
22 empowered to enter into public-private partnership agreements  
23 with chapter 63-20 corporations for projects under this  
24 section.

25 (10) The department may lend funds from the Toll  
26 Facilities Revolving Trust Fund, as outlined in s. 338.251, to  
27 chapter 63-20 corporations that propose projects containing  
28 toll facilities. To be eligible, the chapter 63-20 corporation  
29 must meet the provisions of s. 338.251 and must also provide  
30 credit support, such as a letter of credit or other means  
31

1 acceptable to the department, to ensure the loans will be  
2 repaid as required by law.

3 (11)(6) Notwithstanding s. 341.327, a fixed-guideway  
4 transportation system authorized by the department to be  
5 wholly or partially within the department's right-of-way  
6 pursuant to a lease granted under s. 337.251 may operate at  
7 any safe speed.

8 Section 28. Section 335.066, Florida Statutes, is  
9 created to read:

10 335.066 Safe Paths to Schools Program.--

11 (1) There is hereby established within the Department  
12 of Transportation the Safe Paths to Schools Program to  
13 consider the planning and construction of bicycle and  
14 pedestrian ways to provide safe transportation for children  
15 from neighborhoods to schools, parks, and the state's  
16 greenways and trails system.

17 (2) As part of the Safe Paths to Schools Program, the  
18 department may establish a grant program to fund local,  
19 regional, and state bicycle and pedestrian projects that  
20 support the program.

21 (3) The department may adopt appropriate rules for the  
22 administration of the Safe Paths to Schools Program.

23 Section 29. Subsections (3), (4), and (5) of section  
24 335.141, Florida Statutes, are amended to read:

25 335.141 Regulation of public railroad-highway grade  
26 crossings; reduction of hazards.--

27 ~~(3) The department is authorized to regulate the speed~~  
28 ~~limits of railroad traffic on a municipal, county, regional,~~  
29 ~~or statewide basis. Such speed limits shall be established by~~  
30 ~~order of the department, which order is subject to the~~  
31 ~~provisions of chapter 120. The department shall have the~~

1 ~~authority to adopt reasonable rules to carry out the~~  
2 ~~provisions of this subsection. Such rules shall, at a minimum,~~  
3 ~~provide for public input prior to the issuance of any such~~  
4 ~~order.~~

5 ~~(4) Jurisdiction to enforce such orders shall be as~~  
6 ~~provided in s. 316.640, and any penalty for violation thereof~~  
7 ~~shall be imposed upon the railroad company guilty of such~~  
8 ~~violation.~~ Nothing herein shall prevent a local governmental  
9 entity from enacting ordinances relating to the blocking of  
10 streets by railroad engines and cars.

11 (4)(5) Any local governmental entity or other public  
12 or private agency planning a public event, such as a parade or  
13 race, that involves the crossing of a railroad track shall  
14 notify the railroad as far in advance of the event as possible  
15 and in no case less than 72 hours in advance of the event so  
16 that the coordination of the crossing may be arranged by the  
17 agency and railroad to assure the safety of the railroad  
18 trains and the participants in the event.

19 Section 30. Section 336.12, Florida Statutes, is  
20 amended to read:

21 336.12 Closing and abandonment of roads; termination  
22 of easement; conveyance of fee; optional conveyance for gated  
23 communities.--

24 (1) Except as otherwise provided in subsection (2),  
25 the act of any commissioners in closing or abandoning any such  
26 road, or in renouncing or disclaiming any rights in any land  
27 delineated on any recorded map as a road, shall abrogate the  
28 easement theretofore owned, held, claimed or used by or on  
29 behalf of the public and the title of fee owners shall be  
30 freed and released therefrom; and if the fee of road space has  
31 been vested in the county, same will be thereby surrendered

1 and will vest in the abutting fee owners to the extent and in  
2 the same manner as in case of termination of an easement for  
3 road purposes.

4 (2) The governing body of the county may abandon the  
5 roads and rights-of-way dedicated in a recorded residential  
6 subdivision plat and simultaneously convey the county's  
7 interest in such roads, rights-of-way, and appurtenant  
8 drainage facilities to a homeowners' association for the  
9 subdivision, if the following conditions have been met:

10 (a) The homeowners' association has requested the  
11 abandonment and conveyance in writing for the purpose of  
12 converting the subdivision to a gated neighborhood with  
13 restricted public access.

14 (b) No fewer than four-fifths of the owners of record  
15 of property located in the subdivision have consented in  
16 writing to the abandonment and simultaneous conveyance to the  
17 homeowners' association.

18 (c) The homeowners' association is both a corporation  
19 not for profit organized and in good standing under chapter  
20 617, and a "homeowners' association" as defined in s.  
21 720.301(7) with the power to levy and collect assessments for  
22 routine and periodic major maintenance and operation of street  
23 lighting, drainage, sidewalks, and pavement in the  
24 subdivision.

25 (d) The homeowners' association has entered into and  
26 executed such agreements, covenants, warranties, and other  
27 instruments; has provided, or has provided assurance of, such  
28 funds, reserve funds, and funding sources; and has satisfied  
29 such other requirements and conditions as may be established  
30 or imposed by the county with respect to the ongoing  
31 operation, maintenance, and repair and the periodic



1 reconstruction or replacement of the roads, drainage, street  
2 lighting, and sidewalks in the subdivision after the  
3 abandonment by the county.

4  
5 Upon abandonment of the roads and rights-of-way and the  
6 conveyance thereof to the homeowners' association, the  
7 homeowners' association shall have all the rights, title, and  
8 interests in the roads and rights-of-way, including all  
9 appurtenant drainage facilities, as were previously vested in  
10 the county. Thereafter, the homeowners' association shall  
11 hold the roads and rights-of-way in trust for the benefit of  
12 the owners of the property in the subdivision, and shall  
13 operate, maintain, repair, and, from time to time, replace and  
14 reconstruct the roads, street lighting, sidewalks, and  
15 drainage facilities as necessary to ensure their use and  
16 enjoyment by the property owners, tenants, and residents of  
17 the subdivision and their guests and invitees.

18 Section 31. Subsection (4) is added to section 336.41,  
19 Florida Statutes, to read:

20 336.41 Counties; employing labor and providing road  
21 equipment; definitions.--

22 (4)(a) For contracts in excess of \$250,000, any county  
23 may require that persons interested in performing work under  
24 the contract first be certified or qualified to do the work.  
25 Any contractor prequalified and considered eligible to bid by  
26 the department to perform the type of work described under the  
27 contract shall be presumed to be qualified to perform the work  
28 so described. Any contractor may be considered ineligible to  
29 bid by the county if the contractor is behind an approved  
30 progress schedule by 10 percent or more on another project for  
31 that county at the time of the advertisement of the work. The

1 county may provide an appeal process to overcome such  
2 consideration with de novo review based on the record below to  
3 the circuit court.

4 (b) The county shall publish prequalification criteria  
5 and procedures prior to advertisement or notice of  
6 solicitation. Such publications shall include notice of a  
7 public hearing for comment on such criteria and procedures  
8 prior to adoption. The procedures shall provide for an appeal  
9 process within the county for objections to the  
10 prequalification process with de novo review based on the  
11 record below to the circuit court.

12 (c) The county shall also publish for comment, prior  
13 to adoption, the selection criteria and procedures to be used  
14 by the county if such procedures would allow selection of  
15 other than the lowest responsible bidder. The selection  
16 criteria shall include an appeal process within the county  
17 with de novo review based on the record below to the circuit  
18 court.

19 Section 32. Subsection (2) of section 336.44, Florida  
20 Statutes, is amended to read:

21 336.44 Counties; contracts for construction of roads;  
22 procedure; contractor's bond.--

23 (2) Such contracts shall be let to the lowest  
24 responsible ~~competent~~ bidder, after publication of notice for  
25 bids containing specifications furnished by the commissioners  
26 in a newspaper published in the county where such contract is  
27 made, at least once each week for 2 consecutive weeks prior to  
28 the making of such contract.

29 Section 33. Section 337.107, Florida Statutes, is  
30 amended to read:

31

1           337.107 Contracts for right-of-way services.--The  
2 department may enter into contracts pursuant to s. 287.055 or  
3 s. 337.025 for right-of-way services on transportation  
4 corridors and transportation facilities or the department may  
5 include right-of-way services as part of design-build  
6 contracts awarded pursuant to s. 337.11. Right-of-way  
7 services include negotiation and acquisition services,  
8 appraisal services, demolition and removal of improvements,  
9 and asbestos-abatement services.

10           Section 34. Paragraph (c) of subsection (6) and  
11 paragraph (a) of subsection (7) of section 337.11, Florida  
12 Statutes, are amended to read:

13           337.11 Contracting authority of department; bids;  
14 emergency repairs, supplemental agreements, and change orders;  
15 combined design and construction contracts; progress payments;  
16 records; requirements of vehicle registration.--

17           (6)

18           (c) When the department determines that it is in the  
19 best interest of the public for reasons of public concern,  
20 economy, improved operations or safety, and only when  
21 circumstances dictate rapid completion of the work, the  
22 department may, up to the ~~threshold~~ amount of \$120,000  
23 ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts  
24 for construction and maintenance without advertising and  
25 receiving competitive bids. ~~However, if legislation is enacted~~  
26 ~~by the Legislature which changes the category thresholds, the~~  
27 ~~threshold amount shall remain at \$60,000.~~The department may  
28 enter into such contracts only upon a determination that the  
29 work is necessary for one of the following reasons:

30           1. To ensure timely completion of projects or  
31 avoidance of undue delay for other projects;

1           2. To accomplish minor repairs or construction and  
2 maintenance activities for which time is of the essence and  
3 for which significant cost savings would occur; or

4           3. To accomplish nonemergency work necessary to ensure  
5 avoidance of adverse conditions that affect the safe and  
6 efficient flow of traffic.

7  
8 The department shall make a good faith effort to obtain two or  
9 more quotes, if available, from qualified contractors before  
10 entering into any contract. The department shall give  
11 consideration to disadvantaged business enterprise  
12 participation. However, when the work exists within the limits  
13 of an existing contract, the department shall make a good  
14 faith effort to negotiate and enter into a contract with the  
15 prime contractor on the existing contract.

16           (7)(a) If the head of the department determines that  
17 it is in the best interests of the public, the department may  
18 combine the design and construction phases of a building, a  
19 major bridge, an enhancement project, or a rail corridor  
20 project into a single contract. Such contract is referred to  
21 as a design-build contract. Design-build contracts may be  
22 advertised and awarded notwithstanding the requirements of  
23 paragraph (c) of subsection (3). However, construction  
24 activities may not begin on any portion of such projects until  
25 title to the necessary rights-of-way and easements for the  
26 construction of such portion of the project has vested in the  
27 state or a local governmental entity and all railroad crossing  
28 and utility agreements have been executed. Title to  
29 rights-of-way vests in the state when the title has been  
30 dedicated to the public or acquired by prescription.

31

1           Section 35. Subsection (4) of section 337.14, Florida  
2 Statutes, is amended, and subsection (9) is added to said  
3 section, to read:

4           337.14 Application for qualification; certificate of  
5 qualification; restrictions; request for hearing.--

6           (4) If the applicant is found to possess the  
7 prescribed qualifications, the department shall issue to him  
8 or her a certificate of qualification ~~that which~~, unless  
9 thereafter revoked by the department for good cause, will be  
10 valid for a period of 18 ~~16~~ months after ~~from~~ the date of the  
11 applicant's financial statement or such shorter period as the  
12 department prescribes ~~may prescribe~~. ~~If in the event~~ the  
13 department finds that an application is incomplete or contains  
14 inadequate information or information ~~that which~~ cannot be  
15 verified, the department may request in writing that the  
16 applicant provide the necessary information to complete the  
17 application or provide the source from which any information  
18 in the application may be verified. If the applicant fails to  
19 comply with the initial written request within a reasonable  
20 period of time as specified therein, the department shall  
21 request the information a second time. If the applicant fails  
22 to comply with the second request within a reasonable period  
23 of time as specified therein, the application shall be denied.

24           (9)(a) Notwithstanding any other law to the contrary,  
25 for contracts in excess of \$250,000, an authority created  
26 pursuant to chapter 348 or chapter 349 may require that  
27 persons interested in performing work under contract first be  
28 certified or qualified to do the work. Any contractor may be  
29 considered ineligible to bid by the governmental entity or  
30 authority if the contractor is behind an approved progress  
31 schedule for the governmental entity or authority by 10

1 percent or more at the time of advertisement of the work. Any  
2 contractor prequalified and considered eligible by the  
3 department to bid to perform the type of work described under  
4 the contract shall be presumed to be qualified to perform the  
5 work so described. The governmental entity or authority may  
6 provide an appeal process to overcome that presumption with de  
7 novo review based on the record below to the circuit court.

8 (b) With respect to contractors not prequalified with  
9 the department, the authority shall publish prequalification  
10 criteria and procedures prior to advertisement or notice of  
11 solicitation. Such publications shall include notice of a  
12 public hearing for comment on such criteria and procedures  
13 prior to adoption. The procedures shall provide for an appeal  
14 process within the authority for objections to the  
15 prequalification process with de novo review based on the  
16 record below to the circuit court within 30 days.

17 (c) An authority may establish criteria and procedures  
18 whereunder contractor selection may occur on a basis other  
19 than the lowest responsible bidder. Prior to adoption, the  
20 authority shall publish for comment the proposed criteria and  
21 procedures. Review of the adopted criteria and procedures  
22 shall be to the circuit court, within 30 days after adoption,  
23 with de novo review based on the record below.

24 Section 36. Subsection (2) of section 337.401, Florida  
25 Statutes, is amended to read:

26 337.401 Use of right-of-way for utilities subject to  
27 regulation; permit; fees.--

28 (2) The authority may grant to any person who is a  
29 resident of this state, or to any corporation which is  
30 organized under the laws of this state or licensed to do  
31 business within this state, the use of a right-of-way for the

1 utility in accordance with such rules or regulations as the  
2 authority may adopt. No utility shall be installed, located,  
3 or relocated unless authorized by a written permit issued by  
4 the authority. However, for public roads or publicly owned  
5 rail corridors under the jurisdiction of the department, a  
6 utility relocation schedule and relocation agreement may be  
7 executed in lieu of a written permit.The permit shall require  
8 the permitholder to be responsible for any damage resulting  
9 from the issuance of such permit. The authority may initiate  
10 injunctive proceedings as provided in s. 120.69 to enforce  
11 provisions of this subsection or any rule or order issued or  
12 entered into pursuant thereto.

13 Section 37. Subsections (1) and (2) of section 339.08,  
14 Florida Statutes, are amended to read:

15 339.08 Use of moneys in State Transportation Trust  
16 Fund.--

17 (1) The department shall expend ~~by rule provide for~~  
18 ~~the expenditure of the~~ moneys in the State Transportation  
19 Trust Fund accruing to the department, in accordance with its  
20 annual budget.

21 (2) ~~These rules must restrict~~ The use of such moneys  
22 shall be restricted to the following purposes:

23 (a) To pay administrative expenses of the department,  
24 including administrative expenses incurred by the several  
25 state transportation districts, but excluding administrative  
26 expenses of commuter rail authorities that do not operate rail  
27 service.

28 (b) To pay the cost of construction of the State  
29 Highway System.

30 (c) To pay the cost of maintaining the State Highway  
31 System.

1 (d) To pay the cost of public transportation projects  
2 in accordance with chapter 341 and ss. 332.003-332.007.

3 (e) To reimburse counties or municipalities for  
4 expenditures made on projects in the State Highway System as  
5 authorized by s. 339.12(4) upon legislative approval.

6 (f) To pay the cost of economic development  
7 transportation projects in accordance with s. 288.063.

8 (g) To lend or pay a portion of the operating,  
9 maintenance, and capital costs of a revenue-producing  
10 transportation project that is located on the State Highway  
11 System or that is demonstrated to relieve traffic congestion  
12 on the State Highway System.

13 (h) To match any federal-aid funds allocated for any  
14 other transportation purpose, including funds allocated to  
15 projects not located in the State Highway System.

16 (i) To pay the cost of county road projects selected  
17 in accordance with the Small County Road Assistance Program  
18 created in s. 339.2816.

19 (j) To pay the cost of county or municipal road  
20 projects selected in accordance with the County Incentive  
21 Grant Program created in s. 339.2817 and the Small County  
22 Outreach Program created in s. 339.2818.

23 (k) To provide loans and credit enhancements for use  
24 in constructing and improving highway transportation  
25 facilities selected in accordance with the state-funded  
26 infrastructure bank created in s. 339.55.

27 (l) To fund the Transportation Outreach Program  
28 created in s. 339.137.

29 (m) To pay other lawful expenditures of the  
30 department.

31



1           Section 38. Paragraph (c) of subsection (4) and  
2 subsection (5) of section 339.12, Florida Statutes, are  
3 amended, to read:

4           339.12 Aid and contributions by governmental entities  
5 for department projects; federal aid.--

6           (4)

7           (c) The department may enter into agreements under  
8 this subsection for a project or project phase not included in  
9 the adopted work program. As used in this paragraph, the term  
10 "project phase" means acquisition of rights-of-way,  
11 construction, construction inspection, and related support  
12 phases. The project or project phase must be a high priority  
13 of the governmental entity. Reimbursement for a project or  
14 project phase must be made from funds appropriated by the  
15 Legislature pursuant to s. 339.135(5). All other provisions of  
16 this subsection apply to agreements entered into under this  
17 paragraph. The total amount of project agreements for projects  
18 or project phases not included in the adopted work program may  
19 not at any time exceed ~~\$150~~\$100 million.

20           (5) The department and the governing body of a  
21 governmental entity may enter into an agreement by which the  
22 governmental entity agrees to perform a highway project or  
23 project phase in the department's adopted work program that is  
24 not revenue producing or any public transportation project in  
25 the adopted work program. By specific provision in the  
26 written agreement between the department and the governing  
27 body of the governmental entity, the department may agree to  
28 compensate ~~reimburse~~ the governmental entity the actual cost  
29 of ~~for~~ the project or project phase contained in the adopted  
30 work program. Compensation ~~Reimbursement~~ to the governmental  
31 entity for such project or project phases must be made from

1 funds appropriated by the Legislature, and compensation  
2 ~~reimbursement~~ for the cost of the project or project phase is  
3 to begin in the year the project or project phase is scheduled  
4 in the work program as of the date of the agreement.

5 Section 39. Paragraphs (a), (b), (f), and (g) of  
6 subsection (4) of section 339.135, Florida Statutes, are  
7 amended to read:

8 339.135 Work program; legislative budget request;  
9 definitions; preparation, adoption, execution, and  
10 amendment.--

11 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

12 (a)1. To assure that no district or county is  
13 penalized for local efforts to improve the State Highway  
14 System, the department shall, for the purpose of developing a  
15 tentative work program, allocate funds for new construction to  
16 the districts, except for the turnpike enterprise district,  
17 based on equal parts of population and motor fuel tax  
18 collections. Funds for resurfacing, bridge repair and  
19 rehabilitation, bridge fender system construction or repair,  
20 public transit projects except public transit block grants as  
21 provided in s. 341.052, and other programs with quantitative  
22 needs assessments shall be allocated based on the results of  
23 these assessments. The department may not transfer any funds  
24 allocated to a district under this paragraph to any other  
25 district except as provided in subsection (7). Funds for  
26 public transit block grants shall be allocated to the  
27 districts pursuant to s. 341.052.

28 2. Notwithstanding the provisions of subparagraph 1.,  
29 the department shall allocate at least 50 percent of any new  
30 discretionary highway capacity funds to the Florida Intrastate  
31 Highway System established pursuant to s. 338.001. Any

1 remaining new discretionary highway capacity funds shall be  
2 allocated to the districts for new construction as provided in  
3 subparagraph 1. For the purposes of this subparagraph, the  
4 term "new discretionary highway capacity funds" means any  
5 funds available to the department above the prior year funding  
6 level for capacity improvements, which the department has the  
7 discretion to allocate to highway projects.

8 (b)1. A tentative work program, including the ensuing  
9 fiscal year and the successive 4 fiscal years, shall be  
10 prepared for the State Transportation Trust Fund and other  
11 funds managed by the department, unless otherwise provided by  
12 law. The tentative work program shall be based on the  
13 district work programs and shall set forth all projects by  
14 phase to be undertaken during the ensuing fiscal year and  
15 planned for the successive 4 fiscal years. The total amount of  
16 the liabilities accruing in each fiscal year of the tentative  
17 work program may not exceed the revenues available for  
18 expenditure during the respective fiscal year based on the  
19 cash forecast for that respective fiscal year.

20 2. The tentative work program shall be developed in  
21 accordance with the Florida Transportation Plan required in s.  
22 339.155 and must comply with the program funding levels  
23 contained in the program and resource plan.

24 3. The department may include in the tentative work  
25 program proposed changes to the programs contained in the  
26 previous work program adopted pursuant to subsection (5);  
27 however, the department shall minimize changes and adjustments  
28 that affect the scheduling of project phases in the 4 common  
29 fiscal years contained in the previous adopted work program  
30 and the tentative work program. The department, in the  
31 development of the tentative work program, shall advance by 1

1 fiscal year all projects included in the second year of the  
2 previous year's adopted work program, unless the secretary  
3 specifically determines that it is necessary, for specific  
4 reasons, to reschedule or delete one or more projects from  
5 that year. Such changes and adjustments shall be clearly  
6 identified, and the effect on the 4 common fiscal years  
7 contained in the previous adopted work program and the  
8 tentative work program shall be shown. It is the intent of  
9 the Legislature that the first 5 years of the adopted work  
10 program for facilities designated as part of the Florida  
11 Intrastate Highway System and the first 3 years of the adopted  
12 work program stand as the commitment of the state to undertake  
13 transportation projects that local governments may rely on for  
14 planning purposes and in the development and amendment of the  
15 capital improvements elements of their local government  
16 comprehensive plans. (f) The central office shall submit a  
17 preliminary copy of the tentative work program to the  
18 Executive Office of the Governor, the legislative  
19 appropriations committees, the Florida Transportation  
20 Commission, and the Department of Community Affairs at least  
21 14 days prior to the convening of the regular legislative  
22 session. Prior to the statewide public hearing required by  
23 paragraph (g), the Department of Community Affairs shall  
24 transmit to the Florida Transportation Commission a list of  
25 those projects and project phases contained in the tentative  
26 work program which are identified as being inconsistent with  
27 approved local government comprehensive plans. For urbanized  
28 areas of metropolitan planning organizations, the list may not  
29 contain any project or project phase that is scheduled in a  
30 transportation improvement program unless such inconsistency  
31 has been previously reported to the affected metropolitan

1 planning organization. ~~The commission shall consider the list~~  
2 ~~as part of its evaluation of the tentative work program~~  
3 ~~conducted pursuant to s. 20.23.~~

4 (g) The Florida Transportation Commission shall  
5 conduct a statewide public hearing on the tentative work  
6 program and shall advertise the time, place, and purpose of  
7 the hearing in the Florida Administrative Weekly at least 7  
8 days prior to the hearing. As part of the statewide public  
9 hearing, the commission shall, at a minimum:

10 1. Conduct an in-depth evaluation of the tentative  
11 work program ~~as required in s. 20.23~~ for compliance with  
12 applicable laws and departmental policies; and

13 2. Hear all questions, suggestions, or other comments  
14 offered by the public.

15

16 By no later than 14 days after the regular legislative session  
17 begins, the commission shall submit to the Executive Office of  
18 the Governor and the legislative appropriations committees a  
19 report that evaluates the tentative work program for:

20 a. Financial soundness;

21 b. Stability;

22 c. Production capacity;

23 d. Accomplishments, including compliance with program  
24 objectives in s. 334.046;

25 e. Compliance with approved local government  
26 comprehensive plans;

27 f. Objections and requests by metropolitan planning  
28 organizations;

29 g. Policy changes and effects thereof;

30 h. Identification of statewide or regional projects;

31 and

1 i. Compliance with all other applicable laws.

2 Section 40. Section 339.137, Florida Statutes, is  
3 amended to read:

4 339.137 Transportation Outreach Program (TOP)  
5 supporting economic development; administration; definitions;  
6 eligible projects; Transportation Outreach Program (TOP)  
7 advisory council created; limitations; funding.--

8 (1) There is created within the Department of  
9 Transportation, a Transportation Outreach Program (TOP)  
10 dedicated to funding transportation projects of a high  
11 priority based on the ~~prevailing~~ principles of ~~preserving the~~  
12 ~~existing transportation infrastructure~~; enhancing Florida's  
13 economic growth and competitiveness in national and  
14 international markets; promoting intermodal transportation  
15 linkages for passengers and freight; and improving travel  
16 choices to ensure efficient and cost-competitive mobility for  
17 Florida citizens, visitors, services, and goods.

18 (2) For purposes of this section, words and phrases  
19 shall have the following meanings:

20 (a) ~~Preservation.--Protecting the state's~~  
21 ~~transportation infrastructure investment.~~ Preservation  
22 includes:

23 1. ~~Ensuring that 80 percent of the pavement on the~~  
24 ~~State Highway System meets department standards;~~

25 2. ~~Ensuring that 90 percent of department-maintained~~  
26 ~~bridges meet department standards; and~~

27 3. ~~Ensuring that the department achieves 100 percent~~  
28 ~~of acceptable maintenance standards on the State Highway~~  
29 ~~System.~~

30 (b) Economic growth and competitiveness.--Ensuring  
31 that state transportation investments promote economic

1 activities which result in development or retention of income  
2 generative industries which increase per capita earned income  
3 in the state, and that such investments improve the state's  
4 economic competitiveness.

5 (b)~~(c)~~ Mobility.--Ensuring a cost-effective,  
6 statewide, interconnected transportation system.

7 (c)~~(d)~~ The term "regionally significant transportation  
8 project ~~of critical concern~~" means a transportation facility  
9 improvement project located in one or more counties ~~county~~  
10 which provides significant enhancement of economic development  
11 opportunities in that region ~~an adjoining county or counties~~  
12 ~~and which provides improvements to a hurricane evacuation~~  
13 ~~route~~.

14 (3) Transportation Outreach Program projects may be  
15 proposed by any local government, regional organization,  
16 economic development board, public or private partnership,  
17 metropolitan planning organization, state agency, or other  
18 entity engaged in economic development activities.

19 (4)~~(3)~~ Proposed Eligible projects that meet the  
20 minimum eligibility threshold include those for planning,  
21 designing, acquiring rights-of-way for, or constructing the  
22 following:

23 (a) Major highway improvements to:-

24 1. The Florida Intrastate Highway System.

25 2. Major roads and feeder roads which provide linkages  
26 to the Florida Intrastate Highway System ~~major highways~~.

27 3. Bridges of statewide or regional significance.

28 4. Trade and economic development corridors.

29 5. Access projects for freight and passengers.

30 6. Hurricane evacuation routes.

31 (b) Major public transportation projects:-

1           1. Seaport projects which improve cargo and passenger  
2 movements or connect the seaports to other modes of  
3 transportation.

4           2. Aviation projects which increase passenger  
5 enplanements and cargo activity or connect airports to other  
6 modes of transportation.

7           3. Transit projects which improve mobility on  
8 interstate highways, ~~or which~~ improve regional or localized  
9 travel, or connect to other modes of transportation.

10          4. Rail projects that facilitate the movement of  
11 passengers and cargo, including ancillary pedestrian  
12 facilities, or connect rail facilities to other modes of  
13 transportation.

14          5. Spaceport Florida Authority projects which improve  
15 space transportation capacity and facilities consistent with  
16 the provisions of s. 331.360.

17          ~~6. Bicycle and pedestrian facilities that add to or~~  
18 ~~enhance a statewide system of public trails.~~

19          (c) Highway and bridge projects that facilitate  
20 retention and expansion of military installations, or that  
21 facilitate reuse and development of any military base  
22 designated for closure by the Federal Government.

23  
24 Each proposed project must be able to document that it  
25 promotes economic growth and competitiveness, as defined in  
26 paragraph (2)(a).

27          (5) In addition to the above minimum eligibility  
28 requirements, each proposed project must comply with the  
29 following eligibility criteria:

30  
31



1           (a) The project or project phase selected can be made  
2 production-ready within a 5-year period following the end of  
3 the current fiscal year.

4           (b) The project is consistent with a current  
5 transportation system plan such as the Florida Intrastate  
6 Highway System, aviation, intermodal/rail, seaport, spaceport,  
7 or transit system plans.

8           (c) The project is not inconsistent with an approved  
9 local comprehensive plan of any local government within whose  
10 boundaries the project is located in whole or in part, or, if  
11 inconsistent, is accompanied by an explanation of why the  
12 project should be undertaken.

13  
14 One or more of the minimum criteria listed in paragraphs  
15 (a)-(c) may be waived for a regionally significant  
16 transportation project.

17           ~~(4) Transportation Outreach projects may be proposed~~  
18 ~~by any local government, regional organization, economic~~  
19 ~~development board, public or private partnership, metropolitan~~  
20 ~~planning organization, state agency, or other entity engaged~~  
21 ~~in economic development activities.~~

22           (6)(5) The following criteria shall be used  
23 Transportation funding under this section shall use the  
24 following mechanisms to prioritize the eligible proposed  
25 projects:

26           (a) The project must promote economic growth and  
27 competitiveness. ~~Economic development-related transportation~~  
28 ~~projects may compete for funding under the program. Projects~~  
29 ~~funded under this program should provide for increased~~  
30 ~~mobility on the state's transportation system. Projects which~~

31

1 ~~have local or private matching funds may be given priority~~  
2 ~~over other projects.~~

3       (b) The project must promote intermodal transportation  
4 linkages for passengers and freight.~~Establishment of a~~  
5 ~~funding allocation under this program reserved to quickly~~  
6 ~~respond to transportation needs of emergent economic~~  
7 ~~competitiveness development projects that may be outside of~~  
8 ~~the routine project selection process. This funding may be~~  
9 ~~used to match local or private contributions for~~  
10 ~~transportation projects which meet the definition of economic~~  
11 ~~competitiveness contained in this section.~~

12       (c) The project must broaden transportation choices  
13 for Florida residents, visitors, and commercial interests in  
14 order to ensure efficient and cost-competitive mobility of  
15 people, services, and goods.~~Establish innovative financing~~  
16 ~~methods to enable the state to respond in a timely manner to~~  
17 ~~major or emergent economic development-related transportation~~  
18 ~~needs that require timely commitments. These innovative~~  
19 ~~financing methods include, but are not limited to, the state~~  
20 ~~infrastructure bank, state bonds for right-of-way acquisition~~  
21 ~~and bridge construction, state bonds for fixed guideway~~  
22 ~~transportation systems, state bonds for federal aid highway~~  
23 ~~construction, funds previously programmed by the department~~  
24 ~~for high-speed rail development, and any other local, state,~~  
25 ~~or federal funds made available to the department.~~

26       (d) Projects that have local, federal, or private  
27 matching funds shall be given priority over projects that meet  
28 all the other criteria.

29       (7) Eligible projects shall also utilize innovative  
30 financing methods that enable the state to respond in a timely  
31 manner to major or emergent economic development-related

1 transportation needs that require timely commitments. These  
2 innovative financing methods include, but are not limited to,  
3 private investment strategies, use of the state infrastructure  
4 bank, state bonds for right-of-way acquisition and bridge  
5 construction, state bonds for fixed guideway transportation  
6 systems, state bonds for federal aid highway construction,  
7 funds previously programmed by the department for high-speed  
8 rail development, and any other local, state, or federal funds  
9 made available to the department.

10 ~~(6) In addition to complying with the prevailing~~  
11 ~~principles provided in subsection (1), to be eligible for~~  
12 ~~funding under the program, projects must also meet the~~  
13 ~~following minimum criteria:~~

14 ~~(a) The project or project phase selected can be made~~  
15 ~~production-ready within a 5-year period following the end of~~  
16 ~~the current fiscal year.~~

17 ~~(b) The project is listed in an outer year of the~~  
18 ~~5-year work program and can be made production-ready and~~  
19 ~~advanced to an earlier year of the 5-year work program.~~

20 ~~(c) The project is consistent with a current~~  
21 ~~transportation system plan including, but not limited to, the~~  
22 ~~Florida Intrastate Highway System, aviation, intermodal/rail,~~  
23 ~~seaport, spaceport, or transit system plans.~~

24 ~~(d) The project is not inconsistent with an approved~~  
25 ~~local comprehensive plan of any local government within whose~~  
26 ~~boundaries the project is located in whole or in part or, if~~  
27 ~~inconsistent, is accompanied by an explanation of why the~~  
28 ~~project should be undertaken.~~

29 ~~(e) One or more of the minimum criteria listed in~~  
30 ~~paragraphs (a)-(d) may be waived for a statewide or regionally~~  
31 ~~significant transportation project of critical concern.~~

1           (8)~~(7)~~ The Transportation Outreach Program (TOP)  
2 advisory council is created to annually make recommendations  
3 to the Legislature on prioritization and selection of economic  
4 growth projects as provided in this section.

5           (a) The council shall consist of:

6           1. Two representatives of private interests who are  
7 directly involved in or affected by any mode of transportation  
8 or tourism chosen by the Speaker of the House of  
9 Representatives.

10           2. Two representatives of private interests who are  
11 directly involved in or affected by any mode of transportation  
12 or tourism chosen by the President of the Senate.

13           3. Three representatives of private or governmental  
14 interests who are directly involved in or affected by any mode  
15 of transportation or tourism chosen by the Governor.

16           (b) Terms for council members shall be 2 years, and  
17 each member shall be allowed one vote.

18           (c) Initial appointments must be made no later than 60  
19 days after this act takes effect. Vacancies in the council  
20 shall be filled in the same manner as the initial  
21 appointments.

22           ~~(d) The council shall hold its initial meeting no  
23 later than 30 days after the members have been appointed in  
24 order to organize and select a chair and vice chair from the  
25 council membership. Meetings shall be held at the call of the  
26 chair, but not less frequently than quarterly.~~

27           (e) The members of the council shall serve without  
28 compensation, but shall be reimbursed for per diem and travel  
29 expenses as provided in s. 112.061.

30           (f) The department shall provide administrative staff  
31 support, ensuring that council meetings are electronically

1 recorded. Such recordings and all documents received, prepared  
2 for, or used by the council in conducting its business shall  
3 be preserved pursuant to chapters 119 and 257. In addition,  
4 the department shall provide in its annual budget for travel  
5 and per diem expenses for the council.

6 (g) The council shall develop a methodology for  
7 scoring and ranking project proposals, based on the  
8 prioritization criteria in subsection (6). The council may  
9 change a project's ranking based on other factors as  
10 determined by the council. However, such other factors must be  
11 fully documented in writing by the council.

12 (h) The council is encouraged to seek input from  
13 transportation or economic-development entities and to  
14 consider the reports and recommendations of task forces, study  
15 commissions, or similar entities charged with reviewing issues  
16 relevant to the council's mission.

17 (9)~~(8)~~ Because transportation investment plays a key  
18 role in economic development, the council and the department  
19 shall actively participate in state and local economic  
20 development programs, including:

21 (a) Working in partnership with other state and local  
22 agencies in business recruitment, expansion, and retention  
23 activities to ensure early transportation input into these  
24 activities.

25 (b) Providing expertise and rapid response in  
26 analyzing the transportation needs of emergent economic  
27 development projects.

28 (c) Developing ~~The council and department must develop~~  
29 a macroeconomic analysis of the linkages between  
30 transportation investment and economic performance, as well as  
31

1 a method to quantifiably measure the economic benefits of the  
2 investments.

3 (d) Identifying long-term strategic transportation  
4 projects that will promote the principles listed in subsection  
5 (1).

6 (10)(9) The council shall review and prioritize  
7 projects submitted for funding under the program ~~with priority~~  
8 ~~given to projects which comply with the prevailing principles~~  
9 ~~provided in subsection (1),~~ and shall recommend to the  
10 Legislature a transportation outreach program. The department  
11 shall provide technical expertise and support as requested by  
12 the council, and shall develop financial plans, cash forecast  
13 plans, and program and resource plans necessary to implement  
14 this program. These supporting documents shall be submitted  
15 with the Transportation Outreach Program.

16 (11)(a)(10) Projects recommended for funding under the  
17 Transportation Outreach Program shall be submitted to the  
18 Florida Transportation Commission at least 30 days before the  
19 start of the regular legislative session. The Florida  
20 Transportation Commission shall review the projects to  
21 determine whether they are in compliance with this section and  
22 prepare a report detailing its findings.

23 (b) The council shall submit its list of recommended  
24 projects to the Governor and the Legislature as a separate  
25 budget request submitted at the same time as ~~section of the~~  
26 department's tentative work program, which is 14 days before  
27 the start of the regular session. The Florida Transportation  
28 Commission shall submit its written report at the same time to  
29 the Governor and the Legislature. Final approval of the  
30 Transportation Outreach Program project list shall be made by  
31 the Legislature through the General Appropriations Act.

1 Program projects approved by the Legislature must be included  
2 in the department's adopted work program.

3 (12)~~(11)~~ For purposes of funding projects under the  
4 Transportation Outreach Program, the department shall allocate  
5 from the State Transportation Trust Fund in its program and  
6 resource plan a minimum of \$60 million each year beginning in  
7 fiscal year 2001-2002 ~~for a transportation outreach program.~~  
8 This funding is to be reserved for projects to be funded  
9 pursuant to this section ~~under the Transportation Outreach~~  
10 ~~Program~~. This allocation of funds is in addition to any  
11 funding provided to this program by any other provision of  
12 law.

13 (13)~~(12)~~ Notwithstanding any other law to the contrary  
14 the requirements of ss. 206.46(3), 206.606(2), 339.135,  
15 339.155, and 339.175 shall not apply to the Transportation  
16 Outreach Program.

17 (14)~~(13)~~ The department is authorized to adopt rules  
18 to implement the Transportation Outreach Program supporting  
19 economic development.

20 Section 41. Subsection (5) of section 341.051, Florida  
21 Statutes, is amended to read:

22 341.051 Administration and financing of public transit  
23 programs and projects.--

24 (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

25 (a) The department may fund up to 50 percent of the  
26 nonfederal share of the costs, not to exceed the local share,  
27 of any eligible public transit capital project or commuter  
28 assistance project that is local in scope; except, however,  
29 that departmental participation in the final design,  
30 right-of-way acquisition, and construction phases of an  
31 individual fixed-guideway project which is not approved for

1 federal funding shall not exceed an amount equal to 12.5  
2 percent of the total cost of each phase.

3 ~~(b) The Department of Transportation shall develop a~~  
4 ~~major capital investment policy which shall include policy~~  
5 ~~criteria and guidelines for the expenditure or commitment of~~  
6 ~~state funds for public transit capital projects. The policy~~  
7 ~~shall include the following:~~

8 ~~1. Methods to be used to determine consistency of a~~  
9 ~~transit project with the approved local government~~  
10 ~~comprehensive plans of the units of local government in which~~  
11 ~~the project is located.~~

12 ~~2. Methods for evaluating the level of local~~  
13 ~~commitment to a transit project, which is to be demonstrated~~  
14 ~~through system planning and the development of a feasible plan~~  
15 ~~to fund operating cost through fares, value capture techniques~~  
16 ~~such as joint development and special districts, or other~~  
17 ~~local funding mechanisms.~~

18 ~~3. Methods for evaluating alternative transit systems~~  
19 ~~including an analysis of technology and alternative methods~~  
20 ~~for providing transit services in the corridor.~~

21 (b)(c) The department is authorized to fund up to 100  
22 percent of the cost of any eligible transit capital project or  
23 commuter assistance project that is statewide in scope or  
24 involves more than one county where no other governmental  
25 entity or appropriate jurisdiction exists.

26 (c)(d) The department is authorized to advance up to  
27 80 percent of the capital cost of any eligible project that  
28 will assist Florida's transit systems in becoming fiscally  
29 self-sufficient. Such advances shall be reimbursed to the  
30 department on an appropriate schedule not to exceed 5 years  
31 after the date of provision of the advances.



1            (d)~~(e)~~ The department is authorized to fund up to 100  
2 percent of the capital and net operating costs of statewide  
3 transit service development projects or transit corridor  
4 projects. All transit service development projects shall be  
5 specifically identified by way of a departmental appropriation  
6 request, and transit corridor projects shall be identified as  
7 part of the planned improvements on each transportation  
8 corridor designated by the department. The project  
9 objectives, the assigned operational and financial  
10 responsibilities, the timeframe required to develop the  
11 required service, and the criteria by which the success of the  
12 project will be judged shall be documented by the department  
13 for each such transit service development project or transit  
14 corridor project.

15            (e)~~(f)~~ The department is authorized to fund up to 50  
16 percent of the capital and net operating costs of transit  
17 service development projects that are local in scope and that  
18 will improve system efficiencies, ridership, or revenues. All  
19 such projects shall be identified in the appropriation request  
20 of the department through a specific program of projects, as  
21 provided for in s. 341.041, that is selectively applied in the  
22 following functional areas and is subject to the specified  
23 times of duration:

24            1. Improving system operations, including, but not  
25 limited to, realigning route structures, increasing system  
26 average speed, decreasing deadhead mileage, expanding area  
27 coverage, and improving schedule adherence, for a period of up  
28 to 3 years;

29            2. Improving system maintenance procedures, including,  
30 but not limited to, effective preventive maintenance programs,  
31 improved mechanics training programs, decreasing service

1 repair calls, decreasing parts inventory requirements, and  
2 decreasing equipment downtime, for a period of up to 3 years;

3         3. Improving marketing and consumer information  
4 programs, including, but not limited to, automated information  
5 services, organized advertising and promotion programs, and  
6 signing of designated stops, for a period of up to 2 years;  
7 and

8         4. Improving technology involved in overall  
9 operations, including, but not limited to, transit equipment,  
10 fare collection techniques, electronic data processing  
11 applications, and bus locators, for a period of up to 2 years.

12

13 For purposes of this section, the term "net operating costs"  
14 means all operating costs of a project less any federal funds,  
15 fares, or other sources of income to the project.

16         Section 42. Subsection (10) of section 341.302,  
17 Florida Statutes, is amended to read:

18         341.302 Rail program, duties and responsibilities of  
19 the department.--The department, in conjunction with other  
20 governmental units and the private sector, shall develop and  
21 implement a rail program of statewide application designed to  
22 ensure the proper maintenance, safety, revitalization, and  
23 expansion of the rail system to assure its continued and  
24 increased availability to respond to statewide mobility needs.  
25 Within the resources provided pursuant to chapter 216, and as  
26 authorized under Title 49 C.F.R. part 212, the department  
27 shall:

28         (10) Administer rail operating and construction  
29 programs, which programs shall include ~~the regulation of~~  
30 ~~maximum train operating speeds~~, the opening and closing of  
31 public grade crossings, the construction and rehabilitation of

1 public grade crossings, and the installation of traffic  
2 control devices at public grade crossings, ~~the administering~~  
3 ~~of the programs by the department~~ including participation in  
4 the cost of the programs.

5 Section 43. Paragraph (d) of subsection (2) of section  
6 348.0003, Florida Statutes, is amended to read:

7 348.0003 Expressway authority; formation;  
8 membership.--

9 (2) The governing body of an authority shall consist  
10 of not fewer than five nor more than nine voting members. The  
11 district secretary of the affected department district shall  
12 serve as a nonvoting member of the governing body of each  
13 authority located within the district. Each member of the  
14 governing body must at all times during his or her term of  
15 office be a permanent resident of the county which he or she  
16 is appointed to represent.

17 (d) Notwithstanding any provision to the contrary in  
18 this subsection, in any county as defined in s. 125.011(1),  
19 the governing body of an authority shall consist of up to 13  
20 members, and the following provisions of this paragraph shall  
21 apply specifically to such authority. Except for the district  
22 secretary of the department, the members must be residents of  
23 the county. Seven voting members shall be appointed by the  
24 governing body of the county. At the discretion of the  
25 governing body of the county, up to two of the members  
26 appointed by the governing body of the county may be elected  
27 officials residing in the county. Five voting members of the  
28 authority shall be appointed by the Governor. One member shall  
29 be the district secretary of the department serving in the  
30 district that contains such county. This member shall be an  
31 ex officio voting member of the authority. If the governing

1 board of an authority includes any member originally appointed  
2 by the governing body of the county as a nonvoting member,  
3 when the term of such member expires, that member shall be  
4 replaced by a member appointed by the Governor until the  
5 governing body of the authority is composed of seven members  
6 appointed by the governing body of the county and five members  
7 appointed by the Governor. The qualifications, the terms of  
8 office, and the obligations and rights of members of the  
9 authority shall be determined by resolution or ordinance of  
10 the governing body of the county in a manner that is  
11 consistent with subsections (3) and (4).

12 Section 44. Section 348.0012, Florida Statutes, is  
13 amended to read:

14 348.0012 Exemptions from applicability.--The Florida  
15 Expressway Authority Act does not apply:

16 (1) To ~~In a county in which~~ an expressway authority  
17 which has been created pursuant to parts II-IX of this  
18 chapter; or

19 (2) To a transportation authority created pursuant to  
20 chapter 349.

21 Section 45. Section 348.565, Florida Statutes, is  
22 amended to read:

23 348.565 Revenue bonds for specified projects.--The  
24 existing facilities that constitute the Tampa-Hillsborough  
25 County Expressway System are hereby approved to be refinanced  
26 by the issuance of revenue bonds by the Division of Bond  
27 Finance of the State Board of Administration pursuant to s.  
28 11(f), Art. VII of the State Constitution. In addition, the  
29 following projects of the Tampa-Hillsborough County Expressway  
30 Authority are approved to be financed or refinanced by the  
31

1 issuance of revenue bonds pursuant to s. 11(f), Art. VII of  
2 the State Constitution:

3 (1) Brandon area feeder roads;

4 (2) Capital improvements to the expressway system,  
5 including safety and operational improvements and toll  
6 collection equipment; ~~and~~

7 (3) Lee Roy Selmon Crosstown Expressway System  
8 widening; ~~and-~~

9 (4) The connector highway linking the Lee Roy Selmon  
10 Crosstown Expressway to Interstate 4.

11 Section 46. Paragraph (b) of subsection (1) of section  
12 348.754, Florida Statutes, is amended to read:

13 348.754 Purposes and powers.--

14 (1)

15 (b) It is the express intention of this part that said  
16 authority, in the construction of said Orlando-Orange County  
17 Expressway System, shall be authorized to acquire, finance,  
18 construct, and equip any extensions, additions, or  
19 improvements to said system, or appurtenant facilities,  
20 including all necessary approaches, roads, bridges, and  
21 avenues of access as the authority shall deem desirable and  
22 proper, together with such changes, modifications, or  
23 revisions to of said system or appurtenant facilities project  
24 as the authority shall deem ~~be deemed~~ desirable and proper.

25 Section 47. Section 348.7543, Florida Statutes, is  
26 amended to read:

27 348.7543 Improvements, bond financing authority  
28 for.--Pursuant to s. 11(e), Art. VII of the State  
29 Constitution, the Legislature hereby approves for bond  
30 financing by the Orlando-Orange County Expressway Authority  
31 the cost of acquiring, constructing, equipping, improving, or

1 refurbishing any expressway system, including improvements to  
2 toll collection facilities, interchanges, future extensions  
3 and additions, necessary approaches, roads, bridges, and  
4 avenues of access to the legislatively approved expressway  
5 system, and any other facility appurtenant, necessary, or  
6 incidental to the approved system, all as deemed desirable and  
7 proper by the authority pursuant to s. 348.754(1)(b). Subject  
8 to terms and conditions of applicable revenue bond resolutions  
9 and covenants, such costs ~~financing~~ may be financed in whole  
10 or in part by revenue bonds issued pursuant to s.  
11 348.755(1)(a) or (b) whether currently issued, issued in the  
12 future, or by a combination of such bonds.

13 Section 48. Section 348.7544, Florida Statutes, is  
14 amended to read:

15 348.7544 Northwest Beltway Part A, construction  
16 authorized; financing.--Notwithstanding s. 338.2275, the  
17 Orlando-Orange County Expressway Authority is hereby  
18 authorized to construct, finance, operate, own, and maintain  
19 that portion of the Western Beltway known as the Northwest  
20 Beltway Part A, extending from Florida's Turnpike near Ocoee  
21 north to U.S. 441 near Apopka, as part of the authority's  
22 20-year capital projects plan. This project may be financed  
23 with any funds available to the authority for such purpose or  
24 revenue bonds issued by the Division of Bond Finance of the  
25 State Board of Administration on behalf of the authority  
26 pursuant to s. 11, Art. VII of the State Constitution and the  
27 State Bond Act, ss. 215.57-215.83. This project may be  
28 refinanced with bonds issued by the authority pursuant to s.  
29 348.755(1)(d).

30 Section 49. Section 348.7545, Florida Statutes, is  
31 amended to read:

1           348.7545 Western Beltway Part C, construction  
2 authorized; financing.--Notwithstanding s. 338.2275, the  
3 Orlando-Orange County Expressway Authority is authorized to  
4 exercise its condemnation powers, construct, finance, operate,  
5 own, and maintain that portion of the Western Beltway known as  
6 the Western Beltway Part C, extending from Florida's Turnpike  
7 near Ocoee in Orange County southerly through Orange and  
8 Osceola Counties to an interchange with I-4 near the  
9 Osceola-Polk County line, as part of the authority's 20-year  
10 capital projects plan. This project may be financed with any  
11 funds available to the authority for such purpose or revenue  
12 bonds issued by the Division of Bond Finance of the State  
13 Board of Administration on behalf of the authority pursuant to  
14 s. 11, Art. VII of the State Constitution and the State Bond  
15 Act, ss. 215.57-215.83. This project may be refinanced with  
16 bonds issued by the authority pursuant to s. 348.755(1)(d).

17           Section 50. Subsection (1) of section 348.755, Florida  
18 Statutes, is amended to read:

19           348.755 Bonds of the authority.--

20           (1)(a) Bonds may be issued on behalf of the authority  
21 pursuant to the State Bond Act.

22           (b) Alternatively, the authority may issue its own  
23 bonds pursuant to the provisions of this part at such times  
24 and in such principal amount as, in the opinion of the  
25 authority, is necessary to provide sufficient moneys for  
26 achieving its purposes; however, such bonds shall not pledge  
27 the full faith and credit of the state. Bonds issued by the  
28 authority pursuant to paragraphs (a) or (b)~~The bonds of the~~  
29 ~~authority issued pursuant to the provisions of this part,~~  
30 whether on original issuance or on refunding, shall be  
31 authorized by resolution of the members thereof and may be

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

24 (c)~~(b)~~ Said Bonds issued pursuant to paragraphs (a)  
25 and (b) shall be sold at public sale in the same manner  
26 provided by the State Bond Act. However, if the authority  
27 shall, by official action at a public meeting, determine that  
28 a negotiated sale of such ~~the~~ bonds is in the best interest of  
29 the authority, the authority may negotiate for sale of the  
30 bonds with the underwriter or underwriters designated by the  
31 authority and the Division of Bond Finance of the State Board



1 of Administration with respect to bonds issued pursuant to  
2 paragraph (a) or the authority with respect to bonds issued  
3 pursuant to paragraph (b). The authoritys determination to  
4 negotiate the sale of such bonds may be based in part upon the  
5 written advice of its financial advisor. Pending the  
6 preparation of definitive bonds, interim certificates may be  
7 issued to the purchaser or purchasers of such bonds and may  
8 contain such terms and conditions as the authority may  
9 determine.

10 (d) The authority may issue bonds pursuant to  
11 paragraph (b) to refund any bonds previously issued regardless  
12 of whether the bonds being refunded were issued by the  
13 authority pursuant to this chapter or on behalf of the  
14 authority pursuant to the State Bond Act.

15 Section 51. Section 348.765, Florida Statutes, is  
16 amended to read:

17 348.765 This part complete and additional authority.--

18 (1) The powers conferred by this part shall be in  
19 addition and supplemental to the existing powers of said board  
20 and the department, and this part shall not be construed as  
21 repealing any of the provisions, of any other law, general,  
22 special or local, but to supersede such other laws in the  
23 exercise of the powers provided in this part, and to provide a  
24 complete method for the exercise of the powers granted in this  
25 part. The extension and improvement of said Orlando-Orange  
26 County Expressway System, and the issuance of bonds hereunder  
27 to finance all or part of the cost thereof, may be  
28 accomplished upon compliance with the provisions of this part  
29 without regard to or necessity for compliance with the  
30 provisions, limitations, or restrictions contained in any  
31 other general, special or local law, including, but not

1 limited to, s. 215.821,and no approval of any bonds issued  
2 under this part by the qualified electors or qualified  
3 electors who are freeholders in the state or in said County of  
4 Orange, or in said City of Orlando, or in any other political  
5 subdivision of the state, shall be required for the issuance  
6 of such bonds pursuant to this part.

7 (2) This part shall not be deemed to repeal, rescind,  
8 or modify any other law or laws relating to said State Board  
9 of Administration, said Department of Transportation, or the  
10 Division of Bond Finance of the State Board of Administration,  
11 but shall be deemed to and shall supersede such other law or  
12 laws as are inconsistent with the provisions of this part,  
13 including, but not limited to, s. 215.821.

14 Section 52. Subsections (1) through (6) and subsection  
15 (8) of section 373.4137, Florida Statutes, are amended, and  
16 subsection (9) is added to said section, to read:

17 373.4137 Mitigation requirements.--

18 (1) The Legislature finds that environmental  
19 mitigation for the impact of transportation projects proposed  
20 by the Department of Transportation or a transportation  
21 authority established pursuant to chapter 348 or chapter 349  
22 can be more effectively achieved by regional, long-range  
23 mitigation planning rather than on a project-by-project basis.  
24 It is the intent of the Legislature that mitigation to offset  
25 the adverse effects of these transportation projects be funded  
26 by the Department of Transportation and be carried out by the  
27 Department of Environmental Protection and the water  
28 management districts, including the use of mitigation banks  
29 established pursuant to this part.

30 (2) Environmental impact inventories for  
31 transportation projects proposed by the Department of

1 Transportation or a transportation authority established  
2 pursuant to chapter 348 or chapter 349 shall be developed as  
3 follows:

4 (a) By May 1 of each year, the Department of  
5 Transportation or a transportation authority established  
6 pursuant to chapter 348 or chapter 349 shall submit to the  
7 Department of Environmental Protection and the water  
8 management districts a copy of its adopted work program and an  
9 inventory of habitats addressed in the rules tentatively,  
10 pursuant to this part and s. 404 of the Clean Water Act, 33  
11 U.S.C. s. 1344, which may be impacted by its plan of  
12 construction for transportation projects in the next 3 years  
13 of the tentative work program. The Department of  
14 Transportation or a transportation authority established  
15 pursuant to chapter 348 or chapter 349 may also include in its  
16 inventory the habitat impacts of any future transportation  
17 project identified in the tentative work program.

18 (b) The environmental impact inventory shall include a  
19 description of these habitat impacts, including their  
20 location, acreage, and type; state water quality  
21 classification of impacted wetlands and other surface waters;  
22 any other state or regional designations for these habitats;  
23 and a survey of threatened species, endangered species, and  
24 species of special concern affected by the proposed project.

25 (3)(a) To fund the mitigation plan for the projected  
26 impacts identified in the inventory described in subsection  
27 (2), the Department of Transportation shall identify funds  
28 quarterly in an escrow account within the State Transportation  
29 Trust Fund for the environmental mitigation phase of projects  
30 budgeted by the Department of Transportation for the current  
31 fiscal year. The escrow account will be maintained by the

1 Department of Transportation for the benefit of the Department  
2 of Environmental Protection and the water management  
3 districts. Any interest earnings from the escrow account  
4 shall remain with the Department of Transportation.

5 (b) Each transportation authority established pursuant  
6 to chapter 348 or chapter 349 that chooses to participate in  
7 this program shall create an escrow account within its  
8 financial structure and deposit funds in the account to pay  
9 for the environmental mitigation phase of projects budgeted  
10 for the current fiscal year. The escrow account will be  
11 maintained by the authority for the benefit of the Department  
12 of Environmental Protection and the water management  
13 districts. Any interest earnings from the escrow account shall  
14 remain with the authority.

15 (c) The Department of Environmental Protection or  
16 water management districts may request a transfer of funds  
17 from ~~an~~ ~~the~~ escrow account no sooner than 30 days prior to the  
18 date the funds are needed to pay for activities associated  
19 with development or implementation of the approved mitigation  
20 plan described in subsection (4) for the current fiscal year,  
21 including, but not limited to, design, engineering,  
22 production, and staff support. Actual conceptual plan  
23 preparation costs incurred before plan approval may be  
24 submitted to the Department of Transportation or the  
25 appropriate transportation authority and the Department of  
26 Environmental Protection by November 1 of each year with the  
27 plan. The conceptual plan preparation costs of each water  
28 management district will be paid based on the amount approved  
29 on the mitigation plan and allocated to the current fiscal  
30 year projects identified by the water management district.  
31 The amount transferred to the escrow accounts ~~account~~ each

1 year by the Department of Transportation and participating  
2 transportation authorities established pursuant to chapter 348  
3 or chapter 349 shall correspond to a cost per acre of \$75,000  
4 multiplied by the projected acres of impact identified in the  
5 inventory described in subsection (2). However, the \$75,000  
6 cost per acre does not constitute an admission against  
7 interest by the state or its subdivisions nor is the cost  
8 admissible as evidence of full compensation for any property  
9 acquired by eminent domain or through inverse condemnation.  
10 Each July 1, the cost per acre shall be adjusted by the  
11 percentage change in the average of the Consumer Price Index  
12 issued by the United States Department of Labor for the most  
13 recent 12-month period ending September 30, compared to the  
14 base year average, which is the average for the 12-month  
15 period ending September 30, 1996. At the end of each year,  
16 the projected acreage of impact shall be reconciled with the  
17 acreage of impact of projects as permitted, including permit  
18 modifications, pursuant to this part and s. 404 of the Clean  
19 Water Act, 33 U.S.C. s. 1344. The subject year's transfer of  
20 funds shall be adjusted accordingly to reflect the  
21 overtransfer or undertransfer of funds from the preceding  
22 year. The Department of Transportation and participating  
23 transportation authorities established pursuant to chapter 348  
24 or chapter 349 are ~~is~~ authorized to transfer such funds from  
25 the escrow accounts ~~account~~ to the Department of Environmental  
26 Protection and the water management districts to carry out the  
27 mitigation programs.

28 (4) Prior to December 1 of each year, each water  
29 management district, in consultation with the Department of  
30 Environmental Protection, the United States Army Corps of  
31 Engineers, the Department of Transportation, transportation

1 authorities established pursuant to chapter 348 or chapter  
2 349,and other appropriate federal, state, and local  
3 governments, and other interested parties, including entities  
4 operating mitigation banks, shall develop a plan for the  
5 primary purpose of complying with the mitigation requirements  
6 adopted pursuant to this part and 33 U.S.C. s. 1344. This  
7 plan shall also address significant invasive plant problems  
8 within wetlands and other surface waters. In developing such  
9 plans, the districts shall utilize sound ecosystem management  
10 practices to address significant water resource needs and  
11 shall focus on activities of the Department of Environmental  
12 Protection and the water management districts, such as surface  
13 water improvement and management (SWIM) waterbodies and lands  
14 identified for potential acquisition for preservation,  
15 restoration, and enhancement, to the extent that such  
16 activities comply with the mitigation requirements adopted  
17 under this part and 33 U.S.C. s. 1344. In determining the  
18 activities to be included in such plans, the districts shall  
19 also consider the purchase of credits from public or private  
20 mitigation banks permitted under s. 373.4136 and associated  
21 federal authorization and shall include such purchase as a  
22 part of the mitigation plan when such purchase would offset  
23 the impact of the transportation project, provide equal  
24 benefits to the water resources than other mitigation options  
25 being considered, and provide the most cost-effective  
26 mitigation option. The mitigation plan shall be preliminarily  
27 approved by the water management district governing board and  
28 shall be submitted to the secretary of the Department of  
29 Environmental Protection for review and final approval. The  
30 preliminary approval by the water management district  
31 governing board does not constitute a decision that affects

1 substantial interests as provided by s. 120.569. At least 30  
2 days prior to preliminary approval, the water management  
3 district shall provide a copy of the draft mitigation plan to  
4 any person who has requested a copy.

5 (a) For each transportation project with a funding  
6 request for the next fiscal year, the mitigation plan must  
7 include a brief explanation of why a mitigation bank was or  
8 was not chosen as a mitigation option, including an estimation  
9 of identifiable costs of the mitigation bank and nonbank  
10 options to the extent practicable.

11 (b) Specific projects may be excluded from the  
12 mitigation plan and shall not be subject to this section upon  
13 the agreement of the Department of Transportation, a  
14 transportation authority if applicable, the Department of  
15 Environmental Protection, and the appropriate water management  
16 district that the inclusion of such projects would hamper the  
17 efficiency or timeliness of the mitigation planning and  
18 permitting process, or the Department of Environmental  
19 Protection and the water management district are unable to  
20 identify mitigation that would offset the impacts of the  
21 project.

22 (c) Surface water improvement and management or  
23 invasive plant control projects undertaken using the \$12  
24 million advance transferred from the Department of  
25 Transportation to the Department of Environmental Protection  
26 in fiscal year 1996-1997 which meet the requirements for  
27 mitigation under this part and 33 U.S.C. s. 1344 shall remain  
28 available for mitigation until the \$12 million is fully  
29 credited up to and including fiscal year 2004-2005. When these  
30 projects are used as mitigation, the \$12 million advance shall  
31 be reduced by \$75,000 per acre of impact mitigated. For any

1 fiscal year through and including fiscal year 2004-2005, to  
2 the extent the cost of developing and implementing the  
3 mitigation plans is less than the amount transferred pursuant  
4 to subsection (3), the difference shall be credited towards  
5 the \$12 million advance. Except as provided in this paragraph,  
6 any funds not directed to implement the mitigation plan  
7 should, to the greatest extent possible, be directed to fund  
8 invasive plant control within wetlands and other surface  
9 waters.

10 (5) The water management district shall be responsible  
11 for ensuring that mitigation requirements pursuant to 33  
12 U.S.C. s. 1344 are met for the impacts identified in the  
13 inventory described in subsection (2), by implementation of  
14 the approved plan described in subsection (4) to the extent  
15 funding is provided by the Department of Transportation, or a  
16 transportation authority established pursuant to chapter 348  
17 or chapter 349 if applicable. During the federal permitting  
18 process, the water management district may deviate from the  
19 approved mitigation plan in order to comply with federal  
20 permitting requirements.

21 (6) The mitigation plans ~~plan~~ shall be updated  
22 annually to reflect the most current Department of  
23 Transportation work program and project list of a  
24 transportation authority established pursuant to chapter 348  
25 or chapter 349 if applicable and may be amended throughout the  
26 year to anticipate schedule changes or additional projects  
27 which may arise. Each update and amendment of the mitigation  
28 plan shall be submitted to the secretary of the Department of  
29 Environmental Protection for approval. However, such approval  
30 shall not be applicable to a deviation as described in  
31 subsection (5).



1           (8) This section shall not be construed to eliminate  
2 the need for the Department of Transportation or a  
3 transportation authority established pursuant to chapter 348  
4 or chapter 349 to comply with the requirement to implement  
5 practicable design modifications, including realignment of  
6 transportation projects, to reduce or eliminate the impacts of  
7 its transportation projects on wetlands and other surface  
8 waters as required by rules adopted pursuant to this part, or  
9 to diminish the authority under this part to regulate other  
10 impacts, including water quantity or water quality impacts, or  
11 impacts regulated under this part that are not identified in  
12 the inventory described in subsection (2).

13           (9) The process for environmental mitigation for the  
14 impact of transportation projects under this section shall be  
15 available to an expressway, bridge, or transportation  
16 authority established under chapters 348 and 349. Use of this  
17 process may be initiated by an authority depositing the  
18 requisite funds into an escrow account set up by the authority  
19 and filing an environmental impact inventory with the  
20 appropriate water management district. An authority that  
21 initiates the environmental mitigation process established by  
22 this section shall comply with subsection (6) by timely  
23 providing the appropriate water management district and the  
24 Department of Environmental Protection with the requisite work  
25 program information. A water management district may draw down  
26 funds from the escrow account as provided in this section.

27           Section 53. Paragraphs (b) and (e) of subsection (19)  
28 of section 380.06, Florida Statutes, are amended, and  
29 paragraphs (i) and (j) are added to subsection (24) of said  
30 section, to read:

31           380.06 Developments of regional impact.--

1 (19) SUBSTANTIAL DEVIATIONS.--

2 (b) Any proposed change to a previously approved  
3 development of regional impact or development order condition  
4 which, either individually or cumulatively with other changes,  
5 exceeds any of the following criteria shall constitute a  
6 substantial deviation and shall cause the development to be  
7 subject to further development-of-regional-impact review  
8 without the necessity for a finding of same by the local  
9 government:

10 1. An increase in the number of parking spaces at an  
11 attraction or recreational facility by 5 percent or 300  
12 spaces, whichever is greater, or an increase in the number of  
13 spectators that may be accommodated at such a facility by 5  
14 percent or 1,000 spectators, whichever is greater. 3. An  
15 increase in the number of hospital beds by 5 percent or 60  
16 beds, whichever is greater.

17 2. A new runway, a new terminal facility, a 25-percent  
18 lengthening of an existing runway, or a 25-percent increase in  
19 the number of gates of an existing terminal, but only if the  
20 increase adds at least three additional gates. However, if an  
21 airport is located in two counties, a 10-percent lengthening  
22 of an existing runway or a 20-percent increase in the number  
23 of gates of an existing terminal is the applicable criteria.

24 3. An increase in the number of hospital beds by 5  
25 percent or 60 beds, whichever is greater.

26 4. An increase in industrial development area by 5  
27 percent or 32 acres, whichever is greater.

28 5. An increase in the average annual acreage mined by  
29 5 percent or 10 acres, whichever is greater, or an increase in  
30 the average daily water consumption by a mining operation by 5  
31 percent or 300,000 gallons, whichever is greater. An increase

1 in the size of the mine by 5 percent or 750 acres, whichever  
2 is less.

3           6. An increase in land area for office development by  
4 5 percent or 6 acres, whichever is greater, or an increase of  
5 gross floor area of office development by 5 percent or 60,000  
6 gross square feet, whichever is greater.

7           ~~7. An increase in the storage capacity for chemical or~~  
8 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~  
9 ~~7 million pounds, whichever is greater.~~

10           7.8. An increase of development at a waterport of wet  
11 storage for 20 watercraft, dry storage for 30 watercraft, or  
12 wet/dry storage for 60 watercraft in an area identified in the  
13 state marina siting plan as an appropriate site for additional  
14 waterport development or a 5-percent increase in watercraft  
15 storage capacity, whichever is greater.

16           ~~8.9.~~ An increase in the number of dwelling units by 5  
17 percent or 50 dwelling units, whichever is greater.

18           ~~9.10.~~ An increase in commercial development by 6 acres  
19 of land area or by 50,000 square feet of gross floor area, or  
20 of parking spaces provided for customers for 300 cars or a  
21 5-percent increase of any of these, whichever is greater.

22           ~~10.11.~~ An increase in hotel or motel facility units by  
23 5 percent or 75 units, whichever is greater.

24           ~~11.12.~~ An increase in a recreational vehicle park area  
25 by 5 percent or 100 vehicle spaces, whichever is less.

26           ~~12.13.~~ A decrease in the area set aside for open space  
27 of 5 percent or 20 acres, whichever is less.

28           ~~13.14.~~ A proposed increase to an approved multiuse  
29 development of regional impact where the sum of the increases  
30 of each land use as a percentage of the applicable substantial  
31 deviation criteria is equal to or exceeds 100 percent. The

1 percentage of any decrease in the amount of open space shall  
2 be treated as an increase for purposes of determining when 100  
3 percent has been reached or exceeded.

4 ~~14.15.~~ A 15-percent increase in the number of external  
5 vehicle trips generated by the development above that which  
6 was projected during the original  
7 development-of-regional-impact review.

8 ~~15.16.~~ Any change which would result in development of  
9 any area which was specifically set aside in the application  
10 for development approval or in the development order for  
11 preservation or special protection of endangered or threatened  
12 plants or animals designated as endangered, threatened, or  
13 species of special concern and their habitat, primary dunes,  
14 or archaeological and historical sites designated as  
15 significant by the Division of Historical Resources of the  
16 Department of State. The further refinement of such areas by  
17 survey shall be considered under sub-subparagraph (e)5.b.

18  
19 The substantial deviation numerical standards in subparagraphs  
20 4., 6., ~~9.10.~~, ~~13.14.~~, excluding residential uses, and ~~14.15.~~,  
21 are increased by 100 percent for a project certified under s.  
22 403.973 which creates jobs and meets criteria established by  
23 the Office of Tourism, Trade, and Economic Development as to  
24 its impact on an area's economy, employment, and prevailing  
25 wage and skill levels. The substantial deviation numerical  
26 standards in subparagraphs 4., 6., ~~8.9.~~, ~~9.10.~~, ~~10.11.~~, and  
27 ~~13.14.~~ are increased by 50 percent for a project located  
28 wholly within an urban infill and redevelopment area  
29 designated on the applicable adopted local comprehensive plan  
30 future land use map and not located within the coastal high  
31 hazard area.

1           (e)1. A proposed change which, either individually or,  
2 if there were previous changes, cumulatively with those  
3 changes, is equal to or exceeds 40 percent of any numerical  
4 criterion in subparagraphs (b)1.-14.1.-15., but which does not  
5 exceed such criterion, shall be presumed not to create a  
6 substantial deviation subject to further  
7 development-of-regional-impact review. The presumption may be  
8 rebutted by clear and convincing evidence at the public  
9 hearing held by the local government pursuant to subparagraph  
10 (f)5.

11           2. Except for a development order rendered pursuant to  
12 subsection (22) or subsection (25), a proposed change to a  
13 development order that individually or cumulatively with any  
14 previous change is less than 40 percent of any numerical  
15 criterion contained in subparagraphs (b)1.-14.1.-15.and does  
16 not exceed any other criterion, or that involves an extension  
17 of the buildout date of a development, or any phase thereof,  
18 of less than 5 years is not subject to the public hearing  
19 requirements of subparagraph (f)3., and is not subject to a  
20 determination pursuant to subparagraph (f)5. Notice of the  
21 proposed change shall be made to the regional planning council  
22 and the state land planning agency. Such notice shall include  
23 a description of previous individual changes made to the  
24 development, including changes previously approved by the  
25 local government, and shall include appropriate amendments to  
26 the development order. The following changes, individually or  
27 cumulatively with any previous changes, are not substantial  
28 deviations:

29           a. Changes in the name of the project, developer,  
30 owner, or monitoring official.

31

1           b. Changes to a setback that do not affect noise  
2 buffers, environmental protection or mitigation areas, or  
3 archaeological or historical resources.

4           c. Changes to minimum lot sizes.

5           d. Changes in the configuration of internal roads that  
6 do not affect external access points.

7           e. Changes to the building design or orientation that  
8 stay approximately within the approved area designated for  
9 such building and parking lot, and which do not affect  
10 historical buildings designated as significant by the Division  
11 of Historical Resources of the Department of State.

12           f. Changes to increase the acreage in the development,  
13 provided that no development is proposed on the acreage to be  
14 added.

15           g. Changes to eliminate an approved land use, provided  
16 that there are no additional regional impacts.

17           h. Changes required to conform to permits approved by  
18 any federal, state, or regional permitting agency, provided  
19 that these changes do not create additional regional impacts.

20           i. Any other change which the state land planning  
21 agency agrees in writing is similar in nature, impact, or  
22 character to the changes enumerated in sub-subparagraphs a.-h.  
23 and which does not create the likelihood of any additional  
24 regional impact.

25

26 This subsection does not require a development order amendment  
27 for any change listed in sub-subparagraphs a.-i. unless such  
28 issue is addressed either in the existing development order or  
29 in the application for development approval, but, in the case  
30 of the application, only if, and in the manner in which, the  
31 application is incorporated in the development order.

1           3. Except for the change authorized by  
2 sub-subparagraph 2.f., any addition of land not previously  
3 reviewed or any change not specified in paragraph (b) or  
4 paragraph (c) shall be presumed to create a substantial  
5 deviation. This presumption may be rebutted by clear and  
6 convincing evidence.

7           4. Any submittal of a proposed change to a previously  
8 approved development shall include a description of individual  
9 changes previously made to the development, including changes  
10 previously approved by the local government. The local  
11 government shall consider the previous and current proposed  
12 changes in deciding whether such changes cumulatively  
13 constitute a substantial deviation requiring further  
14 development-of-regional-impact review.

15           5. The following changes to an approved development of  
16 regional impact shall be presumed to create a substantial  
17 deviation. Such presumption may be rebutted by clear and  
18 convincing evidence.

19           a. A change proposed for 15 percent or more of the  
20 acreage to a land use not previously approved in the  
21 development order. Changes of less than 15 percent shall be  
22 presumed not to create a substantial deviation.

23           b. Except for the types of uses listed in subparagraph  
24 (b)~~15.16~~, any change which would result in the development of  
25 any area which was specifically set aside in the application  
26 for development approval or in the development order for  
27 preservation, buffers, or special protection, including  
28 habitat for plant and animal species, archaeological and  
29 historical sites, dunes, and other special areas.

30           c. Notwithstanding any provision of paragraph (b) to  
31 the contrary, a proposed change consisting of simultaneous

1 increases and decreases of at least two of the uses within an  
2 authorized multiuse development of regional impact which was  
3 originally approved with three or more uses specified in s.  
4 380.0651(3)~~(b)(c)~~,~~(c)(d)~~,~~(e)(f)~~, and~~(f)(g)~~and residential  
5 use.

6 (24) STATUTORY EXEMPTIONS.--

7 (i) Any proposed facility for the storage of any  
8 petroleum product is exempt from the provisions of this  
9 section, if such facility is consistent with a local  
10 comprehensive plan that is in compliance with s. 163.3177 or  
11 is consistent with a comprehensive port master plan that is in  
12 compliance with s. 163.3178.

13 (j) Any development or expansion of an airport  
14 consistent with the adopted airport master plan that has been  
15 incorporated into the local comprehensive plan under section  
16 163.3177(6)(k), and airport-related or aviation-related  
17 development that has been addressed in the comprehensive plan  
18 amendment that incorporates the airport master plan, is exempt  
19 from the provisions of this section.

20 Section 54. Subsection (3) of section 380.0651,  
21 Florida Statutes, is amended to read:

22 380.0651 Statewide guidelines and standards.--

23 (3) The following statewide guidelines and standards  
24 shall be applied in the manner described in s. 380.06(2) to  
25 determine whether the following developments shall be required  
26 to undergo development-of-regional-impact review:

27 (a) Airports.--

28 1. Any of the following airport construction projects  
29 shall be a development of regional impact:

30 a. A new commercial service or general aviation  
31 airport with paved runways.



1           b. A new commercial service or general aviation paved  
2 runway.

3           c. A new passenger terminal facility.

4           2. Lengthening of an existing runway by 25 percent or  
5 an increase in the number of gates by 25 percent or three  
6 gates, whichever is greater, on a commercial service airport  
7 or a general aviation airport with regularly scheduled flights  
8 is a development of regional impact. However, expansion of  
9 existing terminal facilities at a nonhub or small hub  
10 commercial service airport shall not be a development of  
11 regional impact.

12           3. Any airport development project which is proposed  
13 for safety, repair, or maintenance reasons alone and would not  
14 have the potential to increase or change existing types of  
15 aircraft activity is not a development of regional impact.  
16 Notwithstanding subparagraphs 1. and 2., renovation,  
17 modernization, or replacement of airport airside or terminal  
18 facilities that may include increases in square footage of  
19 such facilities but does not increase the number of gates or  
20 change the existing types of aircraft activity is not a  
21 development of regional impact.

22           (b) Attractions and recreation facilities.--Any  
23 sports, entertainment, amusement, or recreation facility,  
24 including, but not limited to, a sports arena, stadium,  
25 racetrack, tourist attraction, amusement park, or pari-mutuel  
26 facility, the construction or expansion of which:

27           1. For single performance facilities:

28           a. Provides parking spaces for more than 2,500 cars;  
29 or

30           b. Provides more than 10,000 permanent seats for  
31 spectators.

- 1           2. For serial performance facilities:  
2           a. Provides parking spaces for more than 1,000 cars;  
3 or  
4           b. Provides more than 4,000 permanent seats for  
5 spectators.

6  
7 For purposes of this subsection, "serial performance  
8 facilities" means those using their parking areas or permanent  
9 seating more than one time per day on a regular or continuous  
10 basis.

- 11           3. For multiscreen movie theaters of at least 8  
12 screens and 2,500 seats:  
13           a. Provides parking spaces for more than 1,500 cars;  
14 or  
15           b. Provides more than 6,000 permanent seats for  
16 spectators.

17           ~~(b)(c)~~ Industrial plants, industrial parks, and  
18 distribution, warehousing or wholesaling facilities.--Any  
19 proposed industrial, manufacturing, or processing plant, or  
20 distribution, warehousing, or wholesaling facility, excluding  
21 wholesaling developments which deal primarily with the general  
22 public onsite, under common ownership, or any proposed  
23 industrial, manufacturing, or processing activity or  
24 distribution, warehousing, or wholesaling activity, excluding  
25 wholesaling activities which deal primarily with the general  
26 public onsite, which:

- 27           1. Provides parking for more than 2,500 motor  
28 vehicles, excluding those vehicles which may be included in  
29 wholesaling facilities' inventory; or  
30           2. Occupies a site greater than 320 acres, or for  
31 motor vehicle wholesaling facilities that conduct wholesaling

1 sales activity no more frequently than an average each year of  
2 3 days per week, occupies a site greater than 500 acres.

3 (c)~~(d)~~ Office development.--Any proposed office  
4 building or park operated under common ownership, development  
5 plan, or management that:

6 1. Encompasses 300,000 or more square feet of gross  
7 floor area; or

8 2. Has a total site size of 30 or more acres; or

9 3. Encompasses more than 600,000 square feet of gross  
10 floor area in a county with a population greater than 500,000  
11 and only in a geographic area specifically designated as  
12 highly suitable for increased threshold intensity in the  
13 approved local comprehensive plan and in the strategic  
14 regional policy plan.

15 (d)~~(e)~~ Port facilities.--The proposed construction of  
16 any waterport or marina is required to undergo  
17 development-of-regional-impact review, except one designed  
18 for:

19 1.a. The wet storage or mooring of fewer than 150  
20 watercraft used exclusively for sport, pleasure, or commercial  
21 fishing, or

22 b. The dry storage of fewer than 200 watercraft used  
23 exclusively for sport, pleasure, or commercial fishing, or

24 c. The wet or dry storage or mooring of fewer than 150  
25 watercraft on or adjacent to an inland freshwater lake except  
26 Lake Okeechobee or any lake which has been designated an  
27 Outstanding Florida Water, or

28 d. The wet or dry storage or mooring of fewer than 50  
29 watercraft of 40 feet in length or less of any type or  
30 purpose. The exceptions to this paragraph's requirements for  
31 development-of-regional-impact review shall not apply to any

1 waterport or marina facility located within or which serves  
2 physical development located within a coastal barrier resource  
3 unit on an unbridged barrier island designated pursuant to 16  
4 U.S.C. s. 3501.

5  
6 In addition to the foregoing, for projects for which no  
7 environmental resource permit or sovereign submerged land  
8 lease is required, the Department of Environmental Protection  
9 must determine in writing that a proposed marina in excess of  
10 10 slips or storage spaces or a combination of the two is  
11 located so that it will not adversely impact Outstanding  
12 Florida Waters or Class II waters and will not contribute boat  
13 traffic in a manner that will have an adverse impact on an  
14 area known to be, or likely to be, frequented by manatees. If  
15 the Department of Environmental Protection fails to issue its  
16 determination within 45 days of receipt of a formal written  
17 request, it has waived its authority to make such  
18 determination. The Department of Environmental Protection  
19 determination shall constitute final agency action pursuant to  
20 chapter 120.

21           2. The dry storage of fewer than 300 watercraft used  
22 exclusively for sport, pleasure, or commercial fishing at a  
23 marina constructed and in operation prior to July 1, 1985.

24           3. Any proposed marina development with both wet and  
25 dry mooring or storage used exclusively for sport, pleasure,  
26 or commercial fishing, where the sum of percentages of the  
27 applicable wet and dry mooring or storage thresholds equals  
28 100 percent. This threshold is in addition to, and does not  
29 preclude, a development from being required to undergo  
30 development-of-regional-impact review under sub-subparagraphs  
31 1.a. and b. and subparagraph 2.

1           ~~(e)(f)~~ Retail and service development.--Any proposed  
2 retail, service, or wholesale business establishment or group  
3 of establishments which deals primarily with the general  
4 public onsite, operated under one common property ownership,  
5 development plan, or management that:

6           1. Encompasses more than 400,000 square feet of gross  
7 area;

8           2. Occupies more than 40 acres of land; or

9           3. Provides parking spaces for more than 2,500 cars.

10          ~~(f)(g)~~ Hotel or motel development.--

11           1. Any proposed hotel or motel development that is  
12 planned to create or accommodate 350 or more units; or

13           2. Any proposed hotel or motel development that is  
14 planned to create or accommodate 750 or more units, in a  
15 county with a population greater than 500,000, and only in a  
16 geographic area specifically designated as highly suitable for  
17 increased threshold intensity in the approved local  
18 comprehensive plan and in the strategic regional policy plan.

19          ~~(g)(h)~~ Recreational vehicle development.--Any proposed  
20 recreational vehicle development planned to create or  
21 accommodate 500 or more spaces.

22          ~~(h)(i)~~ Multiuse development.--Any proposed development  
23 with two or more land uses where the sum of the percentages of  
24 the appropriate thresholds identified in chapter 28-24,  
25 Florida Administrative Code, or this section for each land use  
26 in the development is equal to or greater than 145 percent.  
27 Any proposed development with three or more land uses, one of  
28 which is residential and contains at least 100 dwelling units  
29 or 15 percent of the applicable residential threshold,  
30 whichever is greater, where the sum of the percentages of the  
31 appropriate thresholds identified in chapter 28-24, Florida

1 Administrative Code, or this section for each land use in the  
2 development is equal to or greater than 160 percent. This  
3 threshold is in addition to, and does not preclude, a  
4 development from being required to undergo  
5 development-of-regional-impact review under any other  
6 threshold.

7 (i)~~(j)~~ Residential development.--No rule may be  
8 adopted concerning residential developments which treats a  
9 residential development in one county as being located in a  
10 less populated adjacent county unless more than 25 percent of  
11 the development is located within 2 or less miles of the less  
12 populated adjacent county.

13 (j)~~(k)~~ Schools.--

14 1. The proposed construction of any public, private,  
15 or proprietary postsecondary educational campus which provides  
16 for a design population of more than 5,000 full-time  
17 equivalent students, or the proposed physical expansion of any  
18 public, private, or proprietary postsecondary educational  
19 campus having such a design population that would increase the  
20 population by at least 20 percent of the design population.

21 2. As used in this paragraph, "full-time equivalent  
22 student" means enrollment for 15 or more quarter hours during  
23 a single academic semester. In area vocational schools or  
24 other institutions which do not employ semester hours or  
25 quarter hours in accounting for student participation,  
26 enrollment for 18 contact hours shall be considered equivalent  
27 to one quarter hour, and enrollment for 27 contact hours shall  
28 be considered equivalent to one semester hour.

29 3. This paragraph does not apply to institutions which  
30 are the subject of a campus master plan adopted by the Board  
31 of Regents pursuant to s. 240.155.

1           Section 55. Paragraph (a) of subsection (12) of  
2 section 163.3180, Florida Statutes, is amended to read:

3           163.3180 Concurrency.--

4           (12) When authorized by a local comprehensive plan, a  
5 multiuse development of regional impact may satisfy the  
6 transportation concurrency requirements of the local  
7 comprehensive plan, the local government's concurrency  
8 management system, and s. 380.06 by payment of a  
9 proportionate-share contribution for local and regionally  
10 significant traffic impacts, if:

11           (a) The development of regional impact meets or  
12 exceeds the guidelines and standards of s. 380.0651(3)(h)~~(i)~~  
13 and rule 28-24.032(2), Florida Administrative Code, and  
14 includes a residential component that contains at least 100  
15 residential dwelling units or 15 percent of the applicable  
16 residential guideline and standard, whichever is greater;

17  
18 The proportionate-share contribution may be applied to any  
19 transportation facility to satisfy the provisions of this  
20 subsection and the local comprehensive plan, but, for the  
21 purposes of this subsection, the amount of the  
22 proportionate-share contribution shall be calculated based  
23 upon the cumulative number of trips from the proposed  
24 development expected to reach roadways during the peak hour  
25 from the complete buildout of a stage or phase being approved,  
26 divided by the change in the peak hour maximum service volume  
27 of roadways resulting from construction of an improvement  
28 necessary to maintain the adopted level of service, multiplied  
29 by the construction cost, at the time of developer payment, of  
30 the improvement necessary to maintain the adopted level of

31

1 service. For purposes of this subsection, "construction cost"  
2 includes all associated costs of the improvement.

3 Section 56. Subsection (20) of section 331.303,  
4 Florida Statutes, is amended to read:

5 331.303 Definitions.--

6 (20) "Spaceport launch facilities" shall be defined as  
7 industrial facilities in accordance with s. 380.0651(3)(b)~~(c)~~  
8 and include any launch pad, launch control center, and fixed  
9 launch-support equipment.

10 Section 57. Section 331.308, Florida Statutes, is  
11 amended to read:

12 331.308 Board of supervisors.--

13 (1) There is created within the Spaceport Florida  
14 Authority a board of supervisors consisting of

15 (a) The Lieutenant Governor, serving as the chair;

16 (b) Six ~~seven~~ regular members, who shall be appointed  
17 by the Governor; and

18 (c) Two ex officio nonvoting members who are members  
19 of the Legislature, ~~one of whom shall be~~ a state senator  
20 selected by the President of the Senate and ~~one of whom shall~~  
21 be a state representative selected by the Speaker of the House  
22 of Representatives; and

23 (d) The director of the Office of Tourism, Trade, and  
24 Economic Development as an ex officio nonvoting member.

25  
26 Regular members are, ~~all of whom shall be~~ subject to  
27 confirmation by the Senate at the next regular session of the  
28 Legislature, and ~~each of them the regular board members~~ must  
29 be a resident of the state and must have experience in the  
30 aerospace or commercial space industry or in finance or have  
31 other significant relevant experience. One regular member



1 shall represent organized labor interests and one regular  
2 member shall represent minority interests.

3 (2) Each regular member shall serve a term of 4 years  
4 or until a successor is appointed and qualified. The term of  
5 each such member shall be construed to commence on the date of  
6 appointment and to terminate on June 30 of the year of the end  
7 of the term. Appointment to the board shall not preclude any  
8 such member from holding any other private or public position.

9 (3) The ex officio nonvoting legislative members shall  
10 serve on the board for 2-year terms.

11 (4) Any vacancy on the board shall be filled for the  
12 balance of the unexpired term.

13 (5) The Lieutenant Governor is the state's space  
14 policy leader. The Lieutenant Governor may designate a regular  
15 member to serve as vice-chair and preside over board meetings  
16 in the absence of the chair and may assign proxy voting power  
17 to the director of the Office of Tourism, Trade, and Economic  
18 Development.~~Initial appointments shall be made no later than~~  
19 ~~60 days after this act takes effect.~~

20 (6) ~~The board shall hold its initial meeting no later~~  
21 ~~than 20 days after the members have been appointed. At its~~  
22 ~~initial meeting, or as soon thereafter as is practicable, The~~  
23 board shall appoint an executive director. Meetings shall be  
24 held quarterly or more frequently at the call of the chair. A  
25 majority of the regular members of the board shall constitute  
26 a quorum, and a majority vote of such members present is  
27 necessary for any action taken by the board.

28 (7) The Governor may ~~has the authority to~~ remove from  
29 the board any regular member in the manner and for cause as  
30 defined by the laws of this state and applicable to situations  
31 that ~~which may~~ arise before the board. Unless excused by the

1 chair of the board, a regular member's absence from two or  
2 more consecutive board meetings creates a vacancy in the  
3 office to which the member was appointed.

4       Section 58. (1) Nothing contained in this act  
5 abridges or modifies any vested or other right or any duty or  
6 obligation pursuant to any development order or agreement  
7 which is applicable to a development of regional impact on the  
8 effective date of this act. An airport or petroleum storage  
9 facility which has received a development-of-regional-impact  
10 development order pursuant to s. 380.06, Florida Statutes  
11 2000, but is no longer required to undergo  
12 development-of-regional-impact review by operation of this  
13 act, shall be governed by the following procedures:

14       (a) The development shall continue to be governed by  
15 the development-of-regional-impact development order, and may  
16 be completed in reliance upon and pursuant to the development  
17 order. The development-of-regional-impact development order  
18 may be enforced by the local government as provided by ss.  
19 380.06(17) and 380.11, Florida Statutes 2000.

20       (b) If requested by the developer or landowner, the  
21 development-of-regional-impact development order may be  
22 amended or rescinded by the local government consistent with  
23 the local comprehensive plan and land development regulations  
24 and pursuant to the local government procedures governing  
25 local development orders.

26       (2) An airport or petroleum storage facility with an  
27 application for development approval pending on the effective  
28 date of this act, or a notification of proposed change pending  
29 on the effective date of this act, may elect to continue such  
30 review pursuant to s. 380.06, Florida Statutes 2000. At the  
31 conclusion of the pending review, including any appeals

1 pursuant to s. 380.07, Florida Statutes 2000, the resulting  
2 development order shall be governed by the provisions of  
3 subsection (1).

4           Section 59. If any provision of this act or the  
5 application thereof to any person or circumstance is held  
6 invalid, the invalidity shall not affect other provisions or  
7 applications of the act which can be given effect without the  
8 invalid provision or application, and to this end the  
9 provisions of this act are declared severable.

10           Section 60. Subsection (2) of section 479.15, Florida  
11 Statutes, is amended to read:

12           479.15 Harmony of regulations.--

13           (2) A municipality, county, local zoning authority, or  
14 other local governmental entity may not remove, or cause to be  
15 removed, any lawfully erected sign along any portion of the  
16 interstate or federal-aid primary highway system without first  
17 paying just compensation for such removal. A local  
18 governmental entity may not cause in any way the alteration of  
19 any lawfully erected sign located along any portion of the  
20 interstate or federal-aid primary highway system without  
21 payment of just compensation if such alteration constitutes a  
22 taking under state law. The municipality, county, local zoning  
23 authority, or other local government entity promulgating  
24 requirements for such alteration must be responsible for  
25 payment of just compensation to the sign owner if such  
26 alteration constitutes a taking under state law. This  
27 subsection applies only to a lawfully erected sign the subject  
28 matter of which relates to premises other than the premises on  
29 which it is located or to merchandise, services, activities,  
30 or entertainment not sold, produced, manufactured, or  
31 furnished on the premises on which the sign is located. For

1 the purposes of this subsection, the term "federal-aid primary  
2 highway system" means the federal-aid primary highway system  
3 in existence on June 1, 1991, and any highway which was not on  
4 such system but which is, or hereafter becomes, a part of the  
5 National Highway System. This subsection shall not be  
6 interpreted as explicit or implicit legislative recognition  
7 that alterations do or do not constitute a taking under state  
8 law.

9           Section 61. Section 479.25, Florida Statutes, is  
10 created to read:

11           479.25 Application of chapter.--Nothing in this  
12 chapter shall prevent a governmental entity from entering into  
13 an agreement allowing the height above ground level of a  
14 lawfully erected sign to be increased at its permitted  
15 location if a noise attenuation barrier, visibility screen, or  
16 other highway improvement has been erected in such a way as to  
17 screen or block visibility of such a sign; provided, however,  
18 that for nonconforming signs located on the federal-aid  
19 primary highway system, as such system existed on June 1,  
20 1991, and any highway which was not on such system but which  
21 is, or hereinafter becomes, a part of the National Highway  
22 System, such agreement must be approved by the Federal Highway  
23 Administration. Any increase in height permitted under this  
24 provision shall only be that which is required to achieve the  
25 same degree of visibility from the right-of-way that the sign  
26 had prior to the construction of the noise attenuation  
27 barrier, visibility screen, or other highway improvement.

28           Section 62. Section 70.20, Florida Statutes, is  
29 created to read:

30           70.20 Balancing of interests.--It is a policy of this  
31 state to encourage municipalities, counties, and other

1 governmental entities and sign owners to enter into relocation  
2 and reconstruction agreements that allow governmental entities  
3 to undertake public projects and accomplish public goals  
4 without the expenditure of public funds, while allowing the  
5 continued maintenance of private investment in signage as a  
6 medium of commercial and noncommercial communication.

7 (1) Municipalities, counties, and all other  
8 governmental entities are specifically empowered to enter into  
9 relocation and reconstruction agreements on whatever terms are  
10 agreeable to the sign owner and the municipality, county, or  
11 other governmental entity involved and to provide for  
12 relocation and reconstruction of signs by agreement,  
13 ordinance, or resolution. As used in this section, a  
14 "relocation and reconstruction agreement" means a consensual,  
15 contractual agreement between a sign owner and municipality,  
16 county, or other governmental entity for either the  
17 reconstruction of an existing sign or removal of a sign and  
18 the construction of a new sign to substitute for the sign  
19 removed.

20 (2) Except as otherwise provided in this section, no  
21 municipality, county, or other governmental entity may remove,  
22 or cause to be removed, any lawfully erected sign along any  
23 portion of the interstate, federal-aid primary or other  
24 highway system, or any other road, without first paying just  
25 compensation for such removal as determined by agreement  
26 between the parties or through eminent domain proceedings.  
27 Except as otherwise provided in this section, no municipality,  
28 county, or other governmental entity may cause in any way the  
29 alteration of any lawfully erected sign located along any  
30 portion of the interstate, federal-aid primary or other  
31 highway system, or any other road, without first paying just

1 compensation for such alteration as determined by agreement  
2 between the parties or through eminent domain proceedings. The  
3 provisions of this act shall not apply to any ordinance, the  
4 validity, constitutionality, and enforceability of which the  
5 owner has by written agreement waived all right to challenge.

6 (3) In the event that a municipality, county, or other  
7 governmental entity shall undertake a public project or public  
8 goal requiring alteration or removal of any lawfully erected  
9 sign, the municipality, county, or other governmental entity  
10 shall notify the owner of the affected sign in writing of the  
11 public project or goal and of the intention of the  
12 municipality, county, or other governmental entity to seek  
13 such removal. Within 30 days after receipt of the notice, the  
14 owner of the sign and the municipality, county, or other  
15 governmental entity shall attempt to meet for purposes of  
16 negotiating and executing a relocation and reconstruction  
17 agreement provided for in subsection (1).

18 (4) If the parties fail to enter into a relocation and  
19 reconstruction agreement within 120 days after the initial  
20 notification by the municipality, county, or other  
21 governmental entity, either party may request mandatory  
22 nonbinding arbitration to resolve the disagreements among the  
23 parties. Each party shall select an arbitrator, and the  
24 individuals so selected shall choose a third arbitrator. The  
25 three arbitrators shall constitute the panel that shall  
26 arbitrate the dispute between the parties and at the  
27 conclusion of the proceedings shall present to the parties a  
28 proposed relocation and reconstruction agreement that the  
29 panel believes equitably balances the rights, interests,  
30 obligations, and reasonable expectations of the parties. If  
31 the municipality, county, or other governmental entity and the

1 sign owner accept the proposed relocation and reconstruction  
2 agreement, the municipality, county, or other governmental  
3 entity and sign owner shall each pay its respective costs of  
4 arbitration and shall pay one-half of the costs of the  
5 arbitration panel, unless the parties otherwise agree.

6 (5) If the parties do not enter into a relocation and  
7 reconstruction agreement, the municipality, county, or other  
8 governmental entity may proceed with the public project or  
9 purpose and the alteration or removal of the sign only after  
10 first paying just compensation for such alteration or removal  
11 as determined by agreement between the parties or through  
12 eminent domain proceedings.

13 (6) The requirement by a municipality, county, or  
14 other governmental entity that a lawfully erected sign be  
15 removed or altered as a condition precedent to the issuance or  
16 continued effectiveness of a development order constitutes a  
17 compelled removal that is prohibited without prior payment of  
18 just compensation under subsection (2). This subsection does  
19 not apply when the owner of the land on which the sign is  
20 located is seeking to have the property redesignated on the  
21 future land use map of the applicable comprehensive plan for  
22 exclusively single-family residential use.

23 (7) The requirement by a municipality, county, or  
24 other governmental entity that a lawfully erected sign be  
25 altered or removed from the premises upon which it is located  
26 incident to the voluntary acquisition of such property by a  
27 municipality, county, or other governmental entity constitutes  
28 a compelled removal which is prohibited without payment of  
29 just compensation under subsection (2).

30 (8) Nothing in this section shall prevent a  
31 municipality, county, or other governmental entity from

1 acquiring a lawfully erected sign through eminent domain or  
2 from prospectively regulating the placement, size, height, or  
3 other aspects of new signs within such entity's jurisdiction,  
4 including the prohibition of new signs, unless otherwise  
5 authorized pursuant to this section. Nothing in this section  
6 shall impair any ordinance or provision of any ordinance not  
7 inconsistent with this section, nor shall this section create  
8 any new rights for any party other than the owner of a sign,  
9 the owner of the land upon which it is located, or a  
10 municipality, county, or other governmental entity as  
11 expressed in this section.

12 (9) This section applies only to a lawfully erected  
13 sign the subject matter of which relates to premises other  
14 than the premises on which it is located or to merchandise,  
15 services, activities, or entertainment not sold, produced,  
16 manufactured, or furnished on the premises on which the sign  
17 is located.

18 (10) This section does not apply to any actions taken  
19 by the Florida Department of Transportation which relate to  
20 the operation, maintenance, or expansion of transportation  
21 facilities, and this section does not affect existing law  
22 regarding eminent domain relating to the Florida Department of  
23 Transportation.

24 (11) Nothing in this act shall impair or affect any  
25 written agreement existing prior to the effective date of this  
26 act, including, but not limited to, any settlement agreements  
27 reliant upon the legality or enforceability of local  
28 ordinances. The provisions of this act shall not apply to any  
29 signs that are required to be removed by a date certain in  
30 areas designated by local ordinance as view corridors if the  
31 local ordinance creating the view corridors was enacted in



1 part to effectuate a consensual agreement between the local  
2 government and two or more sign owners prior to the effective  
3 date of this act, nor shall the provisions of this act apply  
4 to any signs that are the subject of an ordinance providing an  
5 amortization period, which period has expired, and which  
6 ordinance is the subject of judicial proceedings which were  
7 commenced on or before January 1, 2001, nor shall this act  
8 apply to any municipality with an ordinance that prohibits  
9 billboards and has two or fewer billboards located within its  
10 current boundaries or its future annexed properties.

11 (12) Subsection (6) hereof does not apply when the  
12 development order permits construction of a replacement sign  
13 that cannot be erected without the removal of the lawfully  
14 erected sign being replaced. Effective upon this section  
15 becoming a law, the Office of Program Analysis and  
16 Governmental Accountability, in consultation with the property  
17 appraisers and the private sector affected parties, shall  
18 conduct a study of the value of offsite signs in relation to,  
19 and in comparison with, the valuation of other commercial  
20 properties for ad valorem tax purposes, including a comparison  
21 of tax valuations from other states. OPPAGA shall complete  
22 the study by December 31, 2001, and shall report the results  
23 of the study to the Legislature.

24 Section 63. Paragraph (b) of subsection (1) of section  
25 496.425, Florida Statutes, is amended to read:

26 496.425 Solicitation of funds within public  
27 transportation facilities.--

28 (1) As used in this section:

29 (b) "Facility" means any public transportation  
30 facility, including, but not limited to, railroad stations,  
31 bus stations, ship ports, ferry terminals, or ~~roadside welcome~~

1 ~~stations, highway service plazas, airports served by scheduled~~  
2 ~~passenger service, or highway rest stations.~~

3 Section 64. Section 496.4256, Florida Statutes, is  
4 created to read:

5 496.4256 Public transportation facilities not required  
6 to grant permit or access.--A governmental entity or authority  
7 that owns or operates welcome centers, wayside parks, service  
8 plazas, or rest areas on the state highway system as defined  
9 in chapter 335 may not be required to issue a permit or grant  
10 any person access to such public transportation facilities for  
11 the purpose of soliciting funds.

12 Section 65. Section 337.408, Florida Statutes, is  
13 amended to read:

14 337.408 Regulation of benches, transit shelters,  
15 street light poles, and waste disposal receptacles within  
16 rights-of-way.--

17 (1) Benches or transit shelters, including advertising  
18 displayed on benches or transit shelters, may be installed  
19 within the right-of-way limits of any municipal, county, or  
20 state road, except a limited access highway; provided that  
21 such benches or transit shelters are for the comfort or  
22 convenience of the general public, or at designated stops on  
23 official bus routes; and, provided further, that written  
24 authorization has been given to a qualified private supplier  
25 of such service by the municipal government within whose  
26 incorporated limits such benches or transit shelters are  
27 installed, or by the county government within whose  
28 unincorporated limits such benches or transit shelters are  
29 installed. A municipality or county may authorize the  
30 installation, with or without public bid, of benches and  
31 transit shelters together with advertising displayed thereon,

1 within the right-of-way limits of such roads. Any contract for  
2 the installation of benches or transit shelters or advertising  
3 on benches or transit shelters which was entered into before  
4 April 8, 1992, without public bidding, is ratified and  
5 affirmed. Such benches or transit shelters may not interfere  
6 with right-of-way preservation and maintenance. Any bench or  
7 transit shelter located on a sidewalk within the right-of-way  
8 limits of any road on the State Highway System or the county  
9 road system shall be located so as to leave at least 36 inches  
10 clearance for pedestrians and persons in wheelchairs. Such  
11 clearance shall be measured in a direction perpendicular to  
12 the centerline of the road.

13 (2) Waste disposal receptacles the interior collection  
14 container volume of which is less than 110 gallons in  
15 capacity, including advertising displayed on such waste  
16 disposal receptacles, may be installed within the right-of-way  
17 limits of any municipal, county, or state road, except a  
18 limited access highway; provided that written authorization  
19 has been given to a qualified private supplier of such service  
20 by the appropriate municipal or county government. A  
21 municipality or county may authorize the installation, with or  
22 without public bid, of waste disposal receptacles together  
23 with advertising displayed thereon within the right-of-way  
24 limits of such roads. Such waste disposal receptacles may not  
25 interfere with right-of-way preservation and maintenance.

26 (3) The department has the authority to direct the  
27 immediate relocation or removal of any bench, transit shelter,  
28 or waste disposal receptacle which endangers life or property,  
29 except that transit bus benches which have been placed in  
30 service prior to April 1, 1992, do not have to comply with  
31 bench size and advertising display size requirements which

1 have been established by the department prior to March 1,  
2 1992. Any transit bus bench that was in service prior to  
3 April 1, 1992, may be replaced with a bus bench ~~of the same~~  
4 ~~size or smaller~~, if the bench is damaged or destroyed or  
5 otherwise becomes unusable. As of July 1, 2001, the  
6 department, municipality, or county may direct the removal of  
7 any bench, transit shelter, or waste disposal receptacle, or  
8 advertisement thereon, if the department, municipality, or  
9 county determines that the bench, transit shelter, or waste  
10 disposal receptacle is structurally unsound or in visible  
11 disrepair.

12 (4) No bench, transit shelter, or waste disposal  
13 receptacle, or advertising thereon, shall be erected or so  
14 placed on the right-of-way of any road which conflicts with  
15 the requirements of federal law, regulations, or safety  
16 standards, thereby causing the state or any political  
17 subdivision the loss of federal funds. Competition among  
18 persons seeking to provide bench, transit shelter, or waste  
19 disposal receptacle services or advertising on such benches,  
20 shelters, or receptacles may be regulated, restricted, or  
21 denied by the appropriate local government entity consistent  
22 with the provisions of this section.

23 (5) Street light poles, including attached public  
24 service messages and advertisements, may be located within the  
25 right-of-way limits of municipal and county roads in the same  
26 manner as benches, transit shelters, and waste receptacles, as  
27 provided in this section and in accordance with municipal and  
28 county ordinances. Public service messages and advertising may  
29 be installed on street light poles on roads on the State  
30 Highway System in accordance with height, size, setback,  
31 spacing distance, duration of display, safety, traffic

1 control, and permitting requirements established by  
2 administrative rule of the Department of Transportation.  
3 Public service messages and advertisements shall be subject to  
4 bilateral agreements, where applicable, to be negotiated with  
5 the owner of the street light poles which shall consider,  
6 among other things, power source rates, design, safety,  
7 operational and maintenance concerns and other matters of  
8 public importance. For the purposes of this section, "street  
9 light poles" does not include electric transmission or  
10 distribution poles. The department shall have authority to  
11 establish administrative rules to implement this subsection.  
12 No advertising on light poles shall be permitted on the  
13 Interstate Highway System. No permanent structures carrying  
14 advertisements attached to light poles shall be permitted on  
15 the National Highway System.

16 (6)~~(5)~~ Wherever the provisions of this section are  
17 inconsistent with other provisions of this chapter or with the  
18 provisions of chapter 125, chapter 335, chapter 336, or  
19 chapter 479, the provisions of this section shall prevail.

20 Section 66. Subsection (10) of section 768.28, Florida  
21 Statutes, is amended to read:

22 768.28 Waiver of sovereign immunity in tort actions;  
23 recovery limits; limitation on attorney fees; statute of  
24 limitations; exclusions; indemnification; risk management  
25 programs.--

26 (10)(a) Health care providers or vendors, or any of  
27 their employees or agents, that have contractually agreed to  
28 act as agents of the Department of Corrections to provide  
29 health care services to inmates of the state correctional  
30 system shall be considered agents of the State of Florida,  
31 Department of Corrections, for the purposes of this section,

1 while acting within the scope of and pursuant to guidelines  
2 established in said contract or by rule. The contracts shall  
3 provide for the indemnification of the state by the agent for  
4 any liabilities incurred up to the limits set out in this  
5 chapter.

6 (b) This subsection shall not be construed as  
7 designating persons providing contracted health care services  
8 to inmates as employees or agents of the state for the  
9 purposes of chapter 440.

10 (c) For purposes of this section, regional poison  
11 control centers created in accordance with s. 395.1027 and  
12 coordinated and supervised under the Division of Children's  
13 Medical Services Prevention and Intervention of the Department  
14 of Health, or any of their employees or agents, shall be  
15 considered agents of the State of Florida, Department of  
16 Health. Any contracts with poison control centers must  
17 provide, to the extent permitted by law, for the  
18 indemnification of the state by the agency for any liabilities  
19 incurred up to the limits set out in this chapter.

20 (d) For the purposes of this section, operators of  
21 rail services and providers of security for rail services, or  
22 any of their employees or agents, that have contractually  
23 agreed to act as agents of the Tri-County Commuter Rail  
24 Authority to operate rail services or provide security for  
25 rail services, shall be considered agents of the State of  
26 Florida while acting within the scope of and pursuant to  
27 guidelines established in said contract or by rule. The  
28 contract shall provide for the indemnification of the state by  
29 the agent for any liability incurred up to the limits set out  
30 in this chapter.

31

1           Section 67. Section 337.025, Florida Statutes, is  
2 amended to read:

3           337.025 Innovative highway projects; department to  
4 establish program.--The department is authorized to establish  
5 a program for highway projects demonstrating innovative  
6 techniques of highway construction, maintenance, and finance  
7 which have the intended effect of controlling time and cost  
8 increases on construction projects. Such techniques may  
9 include, but are not limited to, state-of-the-art technology  
10 for pavement, safety, and other aspects of highway  
11 construction and maintenance; innovative bidding and financing  
12 techniques; accelerated construction procedures; and those  
13 techniques that have the potential to reduce project life  
14 cycle costs. To the maximum extent practical, the department  
15 must use the existing process to award and administer  
16 construction and maintenance contracts. When specific  
17 innovative techniques are to be used, the department is not  
18 required to adhere to those provisions of law that would  
19 prevent, preclude, or in any way prohibit the department from  
20 using the innovative technique. However, prior to using an  
21 innovative technique that is inconsistent with another  
22 provision of law, the department must document in writing the  
23 need for the exception and identify what benefits the  
24 traveling public and the affected community are anticipated to  
25 receive. The department may enter into no more than \$120  
26 million in contracts annually for the purposes authorized by  
27 this section. However, the annual cap on contracts provided in  
28 this section shall not apply to turnpike enterprise projects  
29 nor shall turnpike enterprise projects be counted toward the  
30 department's annual cap.

31

1           Section 68. Paragraph (c) of subsection (3) of section  
2 337.11, Florida Statutes, is amended to read:

3           337.11 Contracting authority of department; bids;  
4 emergency repairs, supplemental agreements, and change orders;  
5 combined design and construction contracts; progress payments;  
6 records; requirements of vehicle registration.--

7           (3)

8           (c) No advertisement for bids shall be published and  
9 no bid solicitation notice shall be provided until title to  
10 all necessary rights-of-way and easements for the construction  
11 of the project covered by such advertisement or notice has  
12 vested in the state or a local governmental entity, and all  
13 railroad crossing and utility agreements have been executed.  
14 The turnpike enterprise is exempt from this paragraph for a  
15 turnpike enterprise project.Title to all necessary  
16 rights-of-way shall be deemed to have been vested in the State  
17 of Florida when such title has been dedicated to the public or  
18 acquired by prescription.

19           Section 69. Subsection (7) of section 338.165, Florida  
20 Statutes, is amended to read:

21           338.165 Continuation of tolls.--

22           (7) This section does not apply to the turnpike system  
23 as defined under the Florida Turnpike Enterprise Law.

24           Section 70. Section 338.22, Florida Statutes, is  
25 amended to read:

26           338.22 Florida Turnpike Enterprise Law; short  
27 title.--Sections 338.22-338.241 may be cited as the "Florida  
28 Turnpike Enterprise Law."

29           Section 71. Section 338.221, Florida Statutes, is  
30 amended to read:

31



1           338.221 Definitions of terms used in ss.  
2 338.22-338.241.--As used in ss. 338.22-338.241, the following  
3 words and terms have the following meanings, unless the  
4 context indicates another or different meaning or intent:

5           (1) "Bonds" or "revenue bonds" means notes, bonds,  
6 refunding bonds or other evidences of indebtedness or  
7 obligations, in either temporary or definitive form, issued by  
8 the Division of Bond Finance on behalf of the department and  
9 authorized under the provisions of ss. 338.22-338.241 and the  
10 State Bond Act.

11           (2) "Cost," as applied to a turnpike project, includes  
12 the cost of acquisition of all land, rights-of-way, property,  
13 easements, and interests acquired by the department for  
14 turnpike project construction; the cost of such construction;  
15 the cost of all machinery and equipment, financing charges,  
16 fees, and expenses related to the financing; establishment of  
17 reserves to secure bonds; interest prior to and during  
18 construction and for such period after completion of  
19 construction as shall be determined by the department; the  
20 cost of traffic estimates and of engineering and legal  
21 expenses, plans, specifications, surveys, estimates of cost  
22 and revenues; other expenses necessary or incident to  
23 determining the feasibility or practicability of acquiring or  
24 constructing any such turnpike project; administrative  
25 expenses; and such other expenses as may be necessary or  
26 incident to the acquisition or construction of a turnpike  
27 project, the financing of such acquisition or construction,  
28 and the placing of the turnpike project in operation.

29           (3) "Feeder road" means any road no more than 5 miles  
30 in length, connecting to the turnpike system which the  
31

1 department determines is necessary to create or facilitate  
2 access to a turnpike project.

3 (4) "Owner" includes any person or any governmental  
4 entity that has title to, or an interest in, any property,  
5 right, easement, or interest authorized to be acquired  
6 pursuant to ss. 338.22-338.241.

7 (5) "Revenues" means all tolls, charges, rentals,  
8 gifts, grants, moneys, and other funds coming into the  
9 possession, or under the control, of the department by virtue  
10 of the provisions hereof, except the proceeds from the sale of  
11 bonds issued under ss. 338.22-338.241.

12 (6) "Turnpike system" means those limited access toll  
13 highways and associated feeder roads and other structures,  
14 appurtenances, or rights previously designated, acquired, or  
15 constructed pursuant to the Florida Turnpike Enterprise Law  
16 and such other additional turnpike projects as may be acquired  
17 or constructed as approved by the Legislature.

18 (7) "Turnpike improvement" means any betterment  
19 necessary or desirable for the operation of the turnpike  
20 system, including, but not limited to, widenings, the addition  
21 of interchanges to the existing turnpike system, resurfacings,  
22 toll plazas, machinery, and equipment.

23 (8) "Economically feasible" for a proposed turnpike  
24 project means that the revenues of the project in combination  
25 with those of the existing turnpike system are sufficient to  
26 service the debt of the outstanding turnpike bonds to  
27 safeguard investors.+

28 ~~(a) For a proposed turnpike project, that, as~~  
29 ~~determined by the department before the issuance of revenue~~  
30 ~~bonds for the project, the estimated net revenues of the~~  
31 ~~proposed turnpike project, excluding feeder roads and turnpike~~

1 ~~improvements, will be sufficient to pay at least 50 percent of~~  
2 ~~the debt service on the bonds by the end of the 5th year of~~  
3 ~~operation and to pay at least 100 percent of the debt service~~  
4 ~~on the bonds by the end of the 15th year of operation. In~~  
5 ~~implementing this paragraph, up to 50 percent of the adopted~~  
6 ~~work program costs of the project may be funded from turnpike~~  
7 ~~revenues.~~

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

14  
15 This subsection does not prohibit the pledging of revenues  
16 from the entire turnpike system to bonds issued to finance or  
17 refinance a turnpike project or group of turnpike projects.

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

24 (10) "Statement of environmental feasibility" means a  
25 statement by the Department of Environmental Protection of the  
26 project's significant environmental impacts.

27 Section 72. Section 338.2215, Florida Statutes, is  
28 created to read:

29 338.2215 Florida Turnpike Enterprise; legislative  
30 findings, policy, purpose, and intent.--It is the intent of  
31 the Legislature that the turnpike enterprise be provided

1 additional powers and authority in order to maximize the  
2 advantages obtainable through fully leveraging the Florida  
3 Turnpike System asset. The additional powers and authority  
4 will provide the turnpike enterprise with the autonomy and  
5 flexibility to enable it to more easily pursue innovations as  
6 well as best practices found in the private sector in  
7 management, finance, organization, and operations. The  
8 additional powers and authority are intended to improve  
9 cost-effectiveness and timeliness of project delivery,  
10 increase revenues, expand the turnpike system's capital  
11 program capability, and improve the quality of service to its  
12 patrons, while continuing to protect the turnpike system's  
13 bondholders and further preserve, expand, and improve the  
14 Florida Turnpike System.

15 Section 73. Section 338.2216, Florida Statutes, is  
16 created to read:

17 338.2216 Florida Turnpike Enterprise; powers and  
18 authority.--

19 (1)(a) In addition to the powers granted to the  
20 department, the Florida Turnpike Enterprise has full authority  
21 to exercise all powers granted to it under this chapter.  
22 Powers shall include, but are not limited to, the ability to  
23 plan, construct, maintain, repair, and operate the Florida  
24 Turnpike System.

25 (b) It is the express intention of this part that the  
26 Florida Turnpike Enterprise be authorized to plan, develop,  
27 own, purchase, lease, or otherwise acquire, demolish,  
28 construct, improve, relocate, equip, repair, maintain,  
29 operate, and manage the Florida Turnpike System; to expend  
30 funds to publicize, advertise, and promote the advantages of  
31 using the turnpike system and its facilities; and to

1 cooperate, coordinate, partner, and contract with other  
2 entities, public and private, to accomplish these purposes.

3 (c) The executive director of the turnpike enterprise  
4 shall appoint a staff, which shall be exempt from part II of  
5 chapter 110. The fiscal functions of the turnpike enterprise,  
6 including those arising under chapters 216, 334, and 339,  
7 shall be managed by the turnpike enterprise chief financial  
8 officer, who shall possess qualifications similar to those of  
9 the department comptroller.

10 (2)(a) The department shall have the authority to  
11 employ procurement methods available to the Department of  
12 Management Services under chapters 255 and 287 and under any  
13 rule adopted under such chapters solely for the benefit of the  
14 turnpike enterprise. In order to enhance the effective and  
15 efficient operation of the turnpike enterprise, the department  
16 may adopt rules for procurement procedures alternative to  
17 chapters 255, 287, and 337.

18 (3)(a) The turnpike enterprise shall be a single  
19 budget entity and shall develop a budget pursuant to chapter  
20 216. The turnpike enterprise's budget shall be submitted to  
21 the Legislature along with the department's budget.

22 (b) Notwithstanding the provisions of s. 216.301 to  
23 the contrary and in accordance with s. 216.351, the Executive  
24 Office of the Governor shall, on July 1 of each year, certify  
25 forward all unexpended funds appropriated or provided pursuant  
26 to this section for the turnpike enterprise. Of the  
27 unexpended funds certified forward, any unencumbered amounts  
28 shall be carried forward. Such funds carried forward shall  
29 not exceed 5 percent of the total operating budget of the  
30 turnpike enterprise. Funds carried forward pursuant to this  
31 section may be used for any lawful purpose, including, but not

1 limited to, promotional and market activities, technology, and  
2 training. Any certified forward funds remaining undisbursed  
3 on December 31 of each year shall be carried forward.

4 (4) The powers conferred upon the turnpike enterprise  
5 under ss. 338.22-338.241 shall be in addition and supplemental  
6 to the existing powers of the department and the turnpike  
7 enterprise, and these powers shall not be construed as  
8 repealing any provision of any other law, general or local,  
9 but shall supersede such other laws that are inconsistent with  
10 the exercise of the powers provided under ss. 338.22-338.241  
11 and provide a complete method for the exercise of such powers  
12 granted.

13 Section 74. Subsection (4) of section 338.223, Florida  
14 Statutes, is amended to read:

15 338.223 Proposed turnpike projects.--

16 (4) The department is authorized, with the approval of  
17 the Legislature, to use federal and state transportation funds  
18 to lend or pay a portion of the operating, maintenance, and  
19 capital costs of turnpike projects. ~~Federal and state~~  
20 ~~transportation funds included in an adopted work program, or~~  
21 ~~the General Appropriations Act, for a turnpike project do not~~  
22 ~~have to be reimbursed to the State Transportation Trust Fund,~~  
23 ~~or used in determining the economic feasibility of the~~  
24 ~~proposed project.~~ For operating and maintenance loans, the  
25 maximum net loan amount in any fiscal year shall not exceed  
26 1.5 ~~0.5~~ percent of state transportation tax revenues for that  
27 fiscal year.

28 Section 75. Subsection (2) of section 338.227, Florida  
29 Statutes, is amended to read:

30 338.227 Turnpike revenue bonds.--

31

1           (2) The proceeds of the bonds of each issue shall be  
2 used solely for the payment of the cost of the turnpike  
3 projects for which such bonds shall have been issued, except  
4 as provided in the State Bond Act. Such proceeds shall be  
5 disbursed and used as provided by ss. 338.22-338.241 and in  
6 such manner and under such restrictions, if any, as the  
7 Division of Bond Finance may provide in the resolution  
8 authorizing the issuance of such bonds or in the trust  
9 agreement hereinafter mentioned securing the same. All  
10 revenues and bond proceeds from the turnpike system received  
11 by the department pursuant to ss. 338.22-338.241, the Florida  
12 Turnpike Enterprise Law, shall be used only for the cost of  
13 turnpike projects and turnpike improvements and for the  
14 administration, operation, maintenance, and financing of the  
15 turnpike system. No revenues or bond proceeds from the  
16 turnpike system shall be spent for the operation, maintenance,  
17 construction, or financing of any project which is not part of  
18 the turnpike system.

19           Section 76. Subsection (2) of section 338.2275,  
20 Florida Statutes, is amended to read:

21           338.2275 Approved turnpike projects.--

22           (2) The department is authorized to use turnpike  
23 revenues, the State Transportation Trust Fund moneys allocated  
24 for turnpike projects pursuant to s. 338.001, federal funds,  
25 and bond proceeds, and shall use the most cost-efficient  
26 combination of such funds, in developing a financial plan for  
27 funding turnpike projects. The department must submit a  
28 report of the estimated cost for each ongoing turnpike project  
29 and for each planned project to the Legislature 14 days before  
30 the convening of the regular legislative session. Verification  
31 of economic feasibility and statements of environmental

1 feasibility for individual turnpike projects must be based on  
2 the entire project as approved. Statements of environmental  
3 feasibility are not required for those projects listed in s.  
4 12, chapter 90-136, Laws of Florida, for which the Project  
5 Development and Environmental Reports were completed by July  
6 1, 1990. ~~All required environmental permits must be obtained~~  
7 ~~before~~ The department may advertise for bids for contracts for  
8 the construction of any turnpike project prior to obtaining  
9 required environmental permits.

10 Section 77. Section 338.234, Florida Statutes, is  
11 amended to read:

12 338.234 Granting concessions or selling along the  
13 turnpike system.--

14 ~~(1)~~ The department may enter into contracts or  
15 licenses with any person for the sale of grant concessions or  
16 sell services or products or business opportunities on along  
17 the turnpike system, or the turnpike enterprise may sell  
18 services, products, or business opportunities on the turnpike  
19 system, which benefit the traveling public or provide  
20 additional revenue to the turnpike system. Services, business  
21 opportunities, and products authorized to be sold include, but  
22 are not limited to, ~~the sale of~~ motor fuel, vehicle towing,  
23 and vehicle maintenance services; ~~the sale of~~ food with  
24 attendant nonalcoholic beverages; lodging, meeting rooms, and  
25 other business services opportunities; advertising and other  
26 promotional opportunities, which advertising and promotions  
27 must be consistent with the dignity and integrity of the  
28 state; ~~the sale of~~ state lottery tickets sold by authorized  
29 retailers; games and amusements that ~~the granting of~~  
30 concessions for amusement devices which operate by the  
31 application of skill, not including games of chance as defined



1 in s. 849.16 or other illegal gambling games; ~~the sale of~~  
2 Florida citrus, goods promoting the state, or handmade goods  
3 produced within the state; and ~~the granting of concessions for~~  
4 ~~equipment which provides~~ travel information, or tickets,  
5 reservations, or other related services; ~~and the granting of~~  
6 ~~concessions which provide banking and other business services.~~  
7 ~~The department may also provide information centers on the~~  
8 ~~plazas for the benefit of the public.~~

9 ~~(2) The department may provide an opportunity for~~  
10 ~~governmental agencies to hold public events at turnpike plazas~~  
11 ~~which educate the traveling public as to safety, travel, and~~  
12 ~~tourism.~~

13 Section 78. Subsection (3) of section 338.235, Florida  
14 Statutes, is amended to read:

15 338.235 Contracts with department for provision of  
16 services on the turnpike system.--

17 (3) The department may enter into contracts or  
18 agreements, with or without competitive bidding or  
19 procurement, to make available, on a fair, reasonable,  
20 nonexclusive, and nondiscriminatory basis, turnpike property  
21 and other turnpike structures, for the placement of wireless  
22 facilities by any wireless provider of mobile services as  
23 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any  
24 telecommunications company as defined in s. 364.02 when it is  
25 determined to be practical and feasible to make such property  
26 or structures available. The department may, without adopting  
27 a rule, charge a just, reasonable, and nondiscriminatory fee  
28 for placement of the facilities, payable annually, based on  
29 the fair market value of space used by comparable  
30 communications facilities in the state. The department and a  
31 wireless provider may negotiate the reduction or elimination

1 of a fee in consideration of goods or services ~~service~~  
2 provided to the department by the wireless provider. All such  
3 fees collected by the department shall be deposited directly  
4 into the State Agency Law Enforcement Radio System Trust Fund  
5 and may be used to construct, maintain, or support the system.

6 Section 79. Subsection (2) of section 338.239, Florida  
7 Statutes, is amended to read:

8 338.239 Traffic control on the turnpike system.--

9 (2) Members of the Florida Highway Patrol are vested  
10 with the power, and charged with the duty, to enforce the  
11 rules of the department. Approved expenditures ~~Expenses~~  
12 incurred by the Florida Highway Patrol in carrying out its  
13 powers and duties under ss. 338.22-338.241 may be treated as a  
14 part of the cost of the operation of the turnpike system, and  
15 the Department of Highway Safety and Motor Vehicles shall be  
16 reimbursed by the turnpike enterprise ~~Department of~~  
17 ~~Transportation~~ for such expenses incurred on the turnpike  
18 ~~system mainline, which is that part of the turnpike system~~  
19 ~~extending from the southern terminus in Florida City to the~~  
20 ~~northern terminus in Wildwood including all contiguous~~  
21 ~~sections.~~ Florida Highway Patrol Troop K shall be  
22 headquartered with the turnpike enterprise and shall be the  
23 official and preferred law enforcement troop for the turnpike  
24 system. The Department of Highway Safety and Motor Vehicles  
25 may, upon request of the executive director of the turnpike  
26 enterprise and approval of the Legislature, increase the  
27 number of authorized positions for Troop K, or the executive  
28 director of the turnpike enterprise may contract with the  
29 Department of Highway Safety and Motor Vehicles for additional  
30 troops to patrol the turnpike system.

31

1           Section 80. Section 338.241, Florida Statutes, is  
2 amended to read:

3           338.241 Cash reserve requirement.--The budget for the  
4 turnpike system shall be so planned as to provide for a cash  
5 reserve at the end of each fiscal year of not less than 5 ~~10~~  
6 percent of the unpaid balance of all turnpike system  
7 contractual obligations, excluding bond obligations, to be  
8 paid from revenues.

9           Section 81. Section 338.251, Florida Statutes, is  
10 amended to read:

11           338.251 Toll Facilities Revolving Trust Fund.--The  
12 Toll Facilities Revolving Trust Fund is hereby created for the  
13 purpose of encouraging the development and enhancing the  
14 financial feasibility of revenue-producing road projects  
15 undertaken by local governmental entities in a county or  
16 combination of contiguous counties and the turnpike  
17 enterprise.

18           (1) The department is authorized to advance funds for  
19 preliminary engineering, traffic and revenue studies,  
20 environmental impact studies, financial advisory services,  
21 engineering design, right-of-way map preparation, other  
22 appropriate project-related professional services, and  
23 advanced right-of-way acquisition to expressway authorities,  
24 the turnpike enterprise, counties, or other local governmental  
25 entities that desire to undertake revenue-producing road  
26 projects.

27           (2) No funds shall be advanced pursuant to this  
28 section unless the following is documented to the department:

29           (a) The proposed facility is consistent with the  
30 adopted transportation plan of the appropriate metropolitan  
31 planning organization and the Florida Transportation Plan.

1 (b) A proposed 2-year budget detailing the use of the  
2 cash advance and a project schedule consistent with the  
3 budget.

4 (3) Prior to receiving any moneys for advance  
5 right-of-way acquisition, it shall be shown that such  
6 right-of-way will substantially appreciate prior to  
7 construction and that savings will result from its advance  
8 purchase. Any such request for moneys for advance  
9 right-of-way acquisition shall be accompanied by a preliminary  
10 engineering study, environmental impact study, traffic and  
11 revenue study, and right-of-way maps along with either a  
12 negotiated contract for purchase of the right-of-way, such  
13 contract to include a clause stating that it is subject to  
14 funding by the department or the Legislature, or an appraisal  
15 of the subject property for purpose of condemnation  
16 proceedings.

17 (4) Each advance pursuant to this section shall  
18 require repayment out of the initial bond issue revenue or, at  
19 the discretion of the governmental entity or the turnpike  
20 enterprise ~~of the facility~~, repayment shall begin no later  
21 than 7 years after the date of the advance, provided repayment  
22 shall be completed no later than 12 years after the date of  
23 the advance. However, such election shall be made at the time  
24 of the initial bond issue, and, if repayment is to be made  
25 during the time period referred to above, a schedule of such  
26 repayment shall be submitted to the department.

27 (5) No amount in excess of \$1.5 million annually shall  
28 be advanced to any one governmental entity or the turnpike  
29 enterprise pursuant to this section without specific  
30 appropriation by the Legislature.

31

1           (6) Funds may not be advanced for funding final design  
2 costs beyond 60 percent completion until an acceptable plan to  
3 finance all project costs, including the reimbursement of  
4 outstanding trust fund advances, is approved by the  
5 department.

6           (7) The department may advance funds sufficient to  
7 defray shortages in toll revenues of facilities receiving  
8 funds pursuant to this section for the first 5 years of  
9 operation, up to a maximum of \$5 million per year, to be  
10 reimbursed to this fund within 5 years of the last advance  
11 hereunder. Any advance under this provision shall require  
12 specific appropriation by the Legislature.

13           (8) No expressway authority, county, or other local  
14 governmental entity, or the turnpike enterprise, shall be  
15 eligible to receive any advance under this section if the  
16 expressway authority, county, or other local governmental  
17 entity or the turnpike enterprise has failed to repay any  
18 previous advances as required by law or by agreement with the  
19 department.

20           (9) Repayment of funds advanced, including advances  
21 made prior to January 1, 1994, shall not include interest.  
22 However, interest accruing to local governmental entities and  
23 the turnpike enterprise from the investment of advances shall  
24 be paid to the department.

25           Section 82. Subsection (1) of section 553.80, Florida  
26 Statutes, as amended by section 86 of chapter 2000-141, Laws  
27 of Florida, is amended to read:

28           553.80 Enforcement.--

29           (1) Except as provided in paragraphs (a)-(f) ~~(a)-(e)~~,  
30 each local government and each legally constituted enforcement  
31 district with statutory authority shall regulate building

1 construction and, where authorized in the state agency's  
2 enabling legislation, each state agency shall enforce the  
3 Florida Building Code required by this part on all public or  
4 private buildings, structures, and facilities, unless such  
5 responsibility has been delegated to another unit of  
6 government pursuant to s. 553.79(9).

7 (a) Construction regulations relating to correctional  
8 facilities under the jurisdiction of the Department of  
9 Corrections and the Department of Juvenile Justice are to be  
10 enforced exclusively by those departments.

11 (b) Construction regulations relating to elevator  
12 equipment under the jurisdiction of the Bureau of Elevators of  
13 the Department of Business and Professional Regulation shall  
14 be enforced exclusively by that department.

15 (c) In addition to the requirements of s. 553.79 and  
16 this section, facilities subject to the provisions of chapter  
17 395 and part II of chapter 400 shall have facility plans  
18 reviewed and construction surveyed by the state agency  
19 authorized to do so under the requirements of chapter 395 and  
20 part II of chapter 400 and the certification requirements of  
21 the Federal Government.

22 (d) Building plans approved pursuant to s. 553.77(6)  
23 and state-approved manufactured buildings, including buildings  
24 manufactured and assembled offsite and not intended for  
25 habitation, such as lawn storage buildings and storage sheds,  
26 are exempt from local code enforcing agency plan reviews  
27 except for provisions of the code relating to erection,  
28 assembly, or construction at the site. Erection, assembly, and  
29 construction at the site are subject to local permitting and  
30 inspections.

31

1 (e) Construction regulations governing public schools,  
2 state universities, and community colleges shall be enforced  
3 as provided in subsection (6).

4 (f) Construction regulations relating to  
5 transportation facilities under the jurisdiction of the  
6 turnpike enterprise of the Department of Transportation shall  
7 be enforced exclusively by the turnpike enterprise.

8  
9 The governing bodies of local governments may provide a  
10 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
11 and this section, for the enforcement of the provisions of  
12 this part. Such fees shall be used solely for carrying out  
13 the local government's responsibilities in enforcing the  
14 Florida Building Code. The authority of state enforcing  
15 agencies to set fees for enforcement shall be derived from  
16 authority existing on July 1, 1998. However, nothing contained  
17 in this subsection shall operate to limit such agencies from  
18 adjusting their fee schedule in conformance with existing  
19 authority.

20 Section 83. (1) This shall be known as the "Dori  
21 Slosberg Act of 2001."

22 (2) Notwithstanding the provisions of s. 318.121,  
23 Florida Statutes, a board of county commissioners may require,  
24 by ordinance, that the clerk of the court collect an  
25 additional \$3 with each civil traffic penalty, which shall be  
26 used to fund driver education programs in public and nonpublic  
27 schools. The ordinance shall provide for the board of county  
28 commissioners to administer the funds. The funds shall be used  
29 for direct educational expenses and shall not be used for  
30 administration.

31

1           Section 84. Small Aircraft Transportation System;  
2 legislative intent.--

3           (1) The Legislature recognizes that the State of  
4 Florida has an opportunity to participate with the National  
5 Aeronautics and Space Administration, the Federal Aviation  
6 Administration, the aircraft industry, and various  
7 universities as partners to provide Florida with improved  
8 transportation access and mobility for all of its communities,  
9 rural and urban alike, by participating in NASA's Small  
10 Aircraft Transportation System. The Legislature recognizes  
11 that state support can be leveraged with current federal and  
12 industry resources to provide an infrastructure that utilizes  
13 the state's network of 129 public-use airports and provides a  
14 transportation system capable of competing with the automobile  
15 in both convenience and affordability.

16           (2) The Legislature hereby expresses its commitment,  
17 through participation in the Small Aircraft Transportation  
18 System, to:

19           (a) Improve travel choices, mobility, and  
20 accessibility for the citizens of the state.

21           (b) Enhance economic growth and competitiveness for  
22 the rural and remote communities of the state through improved  
23 transportation choices.

24           (c) Maintain the state's leadership and proactive role  
25 in aviation and aerospace through active involvement in  
26 advancing aviation technology infrastructure and capabilities.

27           (d) Take advantage of federal programs that can bring  
28 investments in technology, research, and infrastructure  
29 capable of enhancing competitiveness and opportunities for  
30 industry and workforce development.

31



1           (e) Participate in opportunities that can place the  
2 state's industries and communities in a first-to-market  
3 advantage when developing, implementing, and proving new  
4 technologies which have the potential to satisfy requirements  
5 for the public good.

6           (f) Participate as partners with the National  
7 Aeronautics and Space Administration, the Federal Aviation  
8 Administration, the aircraft industry, local governments, and  
9 those universities which comprise the Southeast SATSLab  
10 Consortium to implement a Small Aircraft Transportation System  
11 infrastructure as a statewide network of airports to support  
12 the commitments described in paragraphs (a)-(e).

13           Section 85. (1) That portion of I-275 which begins at  
14 the Pinellas County end of the Howard Franklin Bridge and,  
15 proceeding south, ends at the beginning of the Sunshine Skyway  
16 Bridge is designated as the "St. Petersburg Parkway."

17           (2) The Department of Transportation is directed to  
18 erect suitable markers designating the "St. Petersburg  
19 Parkway" as described in subsection (1).

20           Section 86. George Crady Bridge designation;  
21 markers.--

22           (1) The old Nassau Sound Bridge (bridge number 750055)  
23 on State Road 105 in Nassau and Duval Counties is hereby  
24 redesignated as the "George Crady Bridge."

25           (2) The Department of Transportation is directed to  
26 erect suitable markers designating the "George Crady Bridge"  
27 as described in subsection (1).

28           Section 87. Doyle Parker Memorial Highway designation;  
29 markers.--

30           (1) U.S. Highway 17 from Wauchula to Bowling Green is  
31 hereby designated as the "Doyle Parker Memorial Highway."

1           (2) The Department of Transportation is directed to  
2 erect suitable markers designating the "Doyle Parker Memorial  
3 Highway" as described in subsection (1).

4           Section 88. Lynn Haven Parkway designation; markers.--

5           (1) That portion of State Road 77 between Baldwin Road  
6 and Mowat School Road in the City of Lynn Haven, Bay County,  
7 is hereby designated as the "Lynn Haven Parkway."

8           (2) The Department of Transportation is directed to  
9 erect suitable markers designating the "Lynn Haven Parkway" as  
10 described in subsection (1).

11           Section 89. Bennett C. Russell Florida/Alabama Parkway  
12 designation; markers.--

13           (1) State Road 87 from the Florida/Alabama border to  
14 U.S. Highway 98 in Santa Rosa County is hereby designated as  
15 the "Bennett C. Russell Florida/Alabama Parkway."

16           (2) The Department of Transportation is directed to  
17 erect suitable markers designating the "Bennett C. Russell  
18 Florida/Alabama Parkway" as described in subsection (1).

19           Section 90. Mamie Langdale Memorial Bridge  
20 designation; markers.--

21           (1) The new U.S. Highway 27 bridge in the City of  
22 Moore Haven in Glades County is hereby designated as the  
23 "Mamie Langdale Memorial Bridge."

24           (2) The Department of Transportation is directed to  
25 erect suitable markers designating the "Mamie Langdale  
26 Memorial Bridge" as described in subsection (1).

27           Section 91. Martin Luther King, Jr., Memorial Highway  
28 designation; markers.--

29           (1) That portion of Highway 41 located in White  
30 Springs is hereby designated as the "Martin Luther King, Jr.,  
31 Memorial Highway."

1           (2) The Department of Transportation is directed to  
2 erect suitable markers designating the "Martin Luther King,  
3 Jr., Memorial Highway" as described in subsection (1).

4           Section 92. Purple Heart Highway designation;  
5 markers.--

6           (1) Interstate 75 from the Georgia state line to the  
7 city limits of Ocala is hereby designated as the "Purple Heart  
8 Highway."

9           (2) The Department of Transportation is directed to  
10 erect suitable markers designating the "Purple Heart Highway"  
11 as described in subsection (1).

12           Section 93. Jean-Jacques Dessalines Boulevard  
13 designation; markers.--

14           (1) State Road 944 on N.W. 54th Street in Miami-Dade  
15 County, from the west boundary of State House District 108  
16 approaching U.S. 1, is hereby designated as "Jean-Jacques  
17 Dessalines Boulevard."

18           (2) The Department of Transportation is directed to  
19 erect suitable markers designating the "Jean-Jacques  
20 Dessalines Boulevard" as described in subsection (1).

21           Section 94. Florida Highway Patrol Memorial Highway  
22 designation; markers.--

23           (1) I-75 from Tampa to the Georgia State Line is  
24 hereby designated as the "Florida Highway Patrol Memorial  
25 Highway."

26           (2) The Department of Transportation is directed to  
27 erect suitable markers designating the "Florida Highway Patrol  
28 Memorial Highway" as described in subsection (1).

29           Section 95. Jerome A. Williams Memorial Highway  
30 designation; markers.--

31

1           (1) That portion of U.S. Highway 17 from Crescent City  
2 south to the Putnam/Volusia County boundary is hereby  
3 designated as the "Jerome A. Williams Memorial Highway."

4           (2) The Department of Transportation is directed to  
5 erect suitable markers designating the "Jerome A. Williams  
6 Memorial Highway" as described in subsection (1).

7           Section 96. Borinquen Boulevard designation;  
8 markers.--

9           (1) That portion of North 36th Street (State Road 25)  
10 from Biscayne Boulevard to N.W. 7th Avenue is hereby  
11 designated "Borinquen Boulevard" in honor of Miami-Dade  
12 County's Puerto Rican community.

13           (2) The Department of Transportation is directed to  
14 erect suitable markers designating the "Borinquen Boulevard"  
15 as described in subsection (1).

16           Section 97. Korean War Veterans Memorial Highway  
17 designation; markers.--

18           (1) Highway 417 in Seminole County is hereby  
19 designated as the "Korean War Veterans Memorial Highway."

20           (2) The Department of Transportation is directed to  
21 erect suitable markers designating the "Korean War Veterans  
22 Memorial Highway" as described in subsection (1).

23           Section 98. Veterans Memorial Highway designation;  
24 markers.--

25           (1) That portion of State Road 100, beginning at  
26 Highway A1A in Flagler County and continuing east to U.S. 1 in  
27 Bunnell, is hereby designated as the "Veterans Memorial  
28 Highway."

29           (2) The Department of Transportation is directed to  
30 erect suitable markers designating the "Veterans Memorial  
31 Highway" as described in subsection (1).

1           Section 99. Toni Jennings Boulevard designated;  
2 Department of Transportation to erect suitable markers.--

3           (1) That portion of Semoran Boulevard in the City of  
4 Orlando in Orange County beginning at the Bee Line Expressway  
5 (State Road 528) on the South to Curry Ford Road on the North  
6 is hereby designated as "Toni Jennings Boulevard."

7           (2) The Department of Transportation is directed to  
8 erect suitable markers designating Toni Jennings Boulevard as  
9 described in subsection (1).

10          Section 100. Ed Fraser Memorial Highway designation;  
11 markers.--

12          (1) State Road 121, from the Georgia-Florida line in  
13 Baker County to the city limits of Lake Butler in Union County  
14 is hereby designated as the Ed Fraser Memorial Highway.

15          (2) The Department of Transportation is hereby directed  
16 to erect suitable markers designating the Ed Fraser Memorial  
17 Highway as described in subsection (1).

18          Section 101. Correctional Officers Memorial Highway  
19 designated; markers.--

20          (1) That portion of State Road 16 from the  
21 northwestern Starke city limits in Bradford County to State  
22 Road 121 in Union County is hereby designated as the  
23 "Correctional Officers Memorial Highway."

24          (2) The Department of Transportation is directed to  
25 erect suitable markers designating the Correctional Officers  
26 Memorial Highway as described in subsection (1).

27          Section 102. "Steven Cranman Boulevard" and "Ethel  
28 Beckford Boulevard" designated; Department of Transportation  
29 to erect suitable markers.--

30          (1) That portion of U.S. 1, between S.W. 136th Street  
31 and S.W. 186th Street in Miami-Dade County is hereby

1 designated as Steven Cranman Boulevard. The Department of  
2 Transportation is directed to erect suitable markers  
3 designating Steven Cranman Boulevard as described in this  
4 subsection.

5 (2) That portion of S.W. 186th Street between U.S. 1  
6 and S.W. 107th Avenue in Miami-Dade County is hereby  
7 designated as Ethel Beckford Boulevard. The Department of  
8 Transportation is directed to erect suitable markers  
9 designating Ethel Beckford Boulevard as described in this  
10 subsection.

11 Section 103. "Phicol Williams Boulevard" designated;  
12 Department of Transportation to erect suitable markers.--

13 (1) That portion of State Road 5 (U.S. 1) between S.W.  
14 312th Street and S.W. 328th Street in Miami-Dade County is  
15 hereby designated as Phicol Williams Boulevard.

16 (2) The Department of Transportation is directed to  
17 erect suitable markers designating Phicol Williams Boulevard  
18 as described in subsection (1).

19 Section 104. (1) The portion of New Kings Road (S.R.  
20 15) in Duval County between Moncrief Road and Redpoll Avenue  
21 is hereby designated as "Johnnie Mae Chappell Memorial  
22 Highway."

23 (2) The Department of Transportation is directed to  
24 erect suitable markers designating "Johnnie Mae Chappell  
25 Memorial Highway as described in subsection (1).

26 Section 105. Section 316.3027 and subsection (3) of  
27 section 316.610, Florida Statutes, are repealed.

28 Section 106. Notwithstanding the proviso contained in  
29 Specific Appropriation 2022 of the 2001-2002 General  
30 Appropriations Act, the Department of Transportation may use  
31 funds for arterial highway construction as appropriated in

1 Specific Appropriation 2022 for all projects including Leon  
2 County, whether or not the contingency provided in that  
3 specific appropriation is met.

4 Section 107. Subsection (21) of section 316.003,  
5 Florida Statutes, is amended and subsection (82) is added to  
6 that section to read:

7 316.003 Definitions.--The following words and phrases,  
8 when used in this chapter, shall have the meanings  
9 respectively ascribed to them in this section, except where  
10 the context otherwise requires:

11 (21) MOTOR VEHICLE.--Any self-propelled vehicle not  
12 operated upon rails or guideway, but not including any  
13 bicycle, motorized scooter, or moped.

14 (82) MOTORIZED SCOOTER.--Any vehicle not having a seat  
15 or saddle for the use of the rider and designed to travel on  
16 not more than three wheels, and not capable of propelling the  
17 vehicle of a speed greater than 30 miles per hour on level  
18 ground.

19 Section 108. Section 316.2065, Florida Statutes, is  
20 amended to read:

21 316.2065 Bicycle and motorized scooter regulations.--

22 (1) Every person propelling a vehicle by human power,  
23 or operating a motorized scooter as defined in s. 316.003, has  
24 all of the rights and all of the duties applicable to the  
25 driver of any other vehicle under this chapter, except as to  
26 special regulations in this chapter, and except as to  
27 provisions of this chapter which by their nature can have no  
28 application.

29 (2) A person operating a bicycle may not ride other  
30 than upon or astride a permanent and regular seat attached  
31 thereto.

1           (3)(a) A bicycle may not be used to carry more persons  
2 at one time than the number for which it is designed or  
3 equipped, except that an adult rider may carry a child  
4 securely attached to his or her person in a backpack or sling.

5           (b) Except as provided in paragraph (a), a bicycle  
6 rider must carry any passenger who is a child under 4 years of  
7 age, or who weighs 40 pounds or less, in a seat or carrier  
8 that is designed to carry a child of that age or size and that  
9 secures and protects the child from the moving parts of the  
10 bicycle.

11           (c) A bicycle rider may not allow a passenger to  
12 remain in a child seat or carrier on a bicycle when the rider  
13 is not in immediate control of the bicycle.

14           (d) A bicycle rider or passenger or motorized scooter  
15 rider who is under 16 years of age must wear a bicycle helmet  
16 that is properly fitted and is fastened securely upon the  
17 rider's or passenger's head by a strap, and that meets the  
18 standards of the American National Standards Institute (ANSI Z  
19 90.4 Bicycle Helmet Standards), the standards of the Snell  
20 Memorial Foundation (1984 Standard for Protective Headgear for  
21 Use in Bicycling), or any other nationally recognized  
22 standards for bicycle helmets adopted by the department. As  
23 used in this subsection, the term "passenger" includes a child  
24 who is riding in a trailer or semitrailer attached to a  
25 bicycle.

26           (e) Law enforcement officers and school crossing  
27 guards may issue a bicycle safety brochure and a verbal  
28 warning to a bicycle rider or passenger or a motorized scooter  
29 rider who violates this subsection. A bicycle rider or  
30 passenger or a motorized scooter rider who violates this  
31 subsection may be issued a citation by a law enforcement



1 officer and assessed a fine for a pedestrian violation, as  
2 provided in s. 318.18. The court shall dismiss the charge  
3 against a bicycle rider or passenger or a motorized scooter  
4 rider for a first violation of paragraph (d) upon proof of  
5 purchase of a bicycle helmet that complies with this  
6 subsection.

7 (f) A person operating a motorized scooter may not  
8 carry passengers.

9 (4) No person riding upon any bicycle, coaster, roller  
10 skates, sled, or motorized scooter, or toy vehicle may attach  
11 the same or himself or herself to any vehicle upon a roadway.  
12 This subsection does not prohibit attaching a bicycle trailer  
13 or bicycle semitrailer to a bicycle if that trailer or  
14 semitrailer is commercially available and has been designed  
15 for such attachment.

16 (5)(a) Any person operating a bicycle upon a roadway  
17 at less than the normal speed of traffic at the time and place  
18 and under the conditions then existing shall ride as close as  
19 practicable to the right-hand curb or edge of the roadway  
20 except under any of the following situations:

- 21 1. When overtaking and passing another bicycle or  
22 vehicle proceeding in the same direction.
- 23 2. When preparing for a left turn at an intersection  
24 or into a private road or driveway.
- 25 3. When reasonably necessary to avoid any condition,  
26 including, but not limited to, a fixed or moving object,  
27 parked or moving vehicle, bicycle, pedestrian, animal, surface  
28 hazard, or substandard-width lane, that makes it unsafe to  
29 continue along the right-hand curb or edge. For the purposes  
30 of this subsection, a "substandard-width lane" is a lane that  
31

1 is too narrow for a bicycle and another vehicle to travel  
2 safely side by side within the lane.

3 (b) Any person operating a bicycle upon a one-way  
4 highway with two or more marked traffic lanes may ride as near  
5 the left-hand curb or edge of such roadway as practicable.

6 (6) Persons riding bicycles upon a roadway may not  
7 ride more than two abreast except on paths or parts of  
8 roadways set aside for the exclusive use of bicycles. Persons  
9 riding two abreast may not impede traffic when traveling at  
10 less than the normal speed of traffic at the time and place  
11 and under the conditions then existing and shall ride within a  
12 single lane.

13 (7) Any person operating a bicycle or motorized  
14 scooter shall keep at least one hand upon the handlebars.

15 (8) Every bicycle or motorized scooter in use between  
16 sunset and sunrise shall be equipped with a lamp on the front  
17 exhibiting a white light visible from a distance of at least  
18 500 feet to the front and a lamp and reflector on the rear  
19 each exhibiting a red light visible from a distance of 600  
20 feet to the rear. A bicycle or motorized scooter ~~its~~ rider  
21 may be equipped with lights or reflectors in addition to those  
22 required by this section.

23 (9) No parent of any minor child and no guardian of  
24 any minor ward may authorize or knowingly permit any such  
25 minor child or ward to violate any of the provisions of this  
26 section.

27 (10) A person propelling a vehicle by human power upon  
28 and along a sidewalk, or across a roadway upon and along a  
29 crosswalk, has all the rights and duties applicable to a  
30 pedestrian under the same circumstances.

31

1           (11)(a) A person propelling a bicycle upon and along a  
2 sidewalk, or across a roadway upon and along a crosswalk,  
3 shall yield the right-of-way to any pedestrian and shall give  
4 an audible signal before overtaking and passing such  
5 pedestrian.

6           (b) A motorized scooter may not be operated upon or  
7 along a sidewalk. However, an electric personal assistive  
8 mobility device that is designed to transport only one person  
9 and that has an electric propulsion system that limits the  
10 maximum speed of the device to 15 miles per hour or less may  
11 be operated upon or along a sidewalk.

12           (12) No person upon roller skates, or riding in or by  
13 means of any motorized scooter,coaster, toy vehicle, or  
14 similar device, may go upon any roadway except while crossing  
15 a street on a crosswalk; and, when so crossing, such person  
16 shall be granted all rights and shall be subject to all of the  
17 duties applicable to pedestrians.

18           (13) This section shall not apply upon any street  
19 while set aside as a play street authorized herein or as  
20 designated by state, county, or municipal authority.

21           (14) Every bicycle or motorized scooter,shall be  
22 equipped with a brake or brakes which will enable its rider to  
23 stop the bicycle within 25 feet from a speed of 10 miles per  
24 hour on dry, level, clean pavement.

25           (15) A person engaged in the business of selling  
26 bicycles at retail shall not sell any bicycle unless the  
27 bicycle has an identifying number permanently stamped or cast  
28 on its frame.

29           (16)(a) A person may not knowingly rent or lease any  
30 bicycle or motorized scooter to be ridden by a child who is  
31 under the age of 16 years unless:

- 1           1. The child possesses a bicycle helmet; or  
2           2. The lessor provides a bicycle helmet for the child  
3 to wear.

4           (b) A violation of this subsection is a nonmoving  
5 violation, punishable as provided in s. 318.18.

6           (17) The court may waive, reduce, or suspend payment  
7 of any fine imposed under subsection (3) or subsection (16)  
8 and may impose any other conditions on the waiver, reduction,  
9 or suspension. If the court finds that a person does not have  
10 sufficient funds to pay the fine, the court may require the  
11 performance of a specified number of hours of community  
12 service or attendance at a safety seminar.

13           (18) Notwithstanding s. 318.21, all proceeds collected  
14 pursuant to s. 318.18 for violations under paragraphs (3)(e)  
15 and (16)(b) shall be deposited into the State Transportation  
16 Trust Fund.

17           (19) The failure of a person to wear a required  
18 ~~bicycle~~ helmet or the failure of a parent or guardian to  
19 prevent a child from riding a bicycle or motorized scooter  
20 without a required ~~bicycle~~ helmet may not be considered  
21 evidence of negligence or contributory negligence.

22           (20) Except as otherwise provided in this section, a  
23 violation of this section is a noncriminal traffic infraction,  
24 punishable as a pedestrian violation as provided in chapter  
25 318. A law enforcement officer may issue traffic citations for  
26 a violation of subsection (3) or subsection (16) only if the  
27 violation occurs on a bicycle path or road, as defined in s.  
28 334.03. However, they may not issue citations to persons on  
29 private property, except any part thereof which is open to the  
30 use of the public for purposes of vehicular traffic.

31

1           (21) A county or municipality may adopt an ordinance  
2 that authorizes persons to operate a motorized scooter on a  
3 roadway or sidewalk, notwithstanding any prohibitions in this  
4 section.

5           Section 109. Paragraph (ff) is added to subsection (4)  
6 of section 320.08056, Florida Statutes, to read:

7           320.08056 Specialty license plates.--

8           (4) The following license plate annual use fees shall  
9 be collected for the appropriate specialty license plates:

10           (ff) Florida Golf license plate, \$25.

11           Section 110. Subsection (32) is added to section  
12 320.08058, Florida Statutes, to read:

13           320.08058 Specialty license plates.--

14           (32) FLORIDA GOLF LICENSE PLATES:--

15           (a) The Department of Highway Safety and Motor  
16 Vehicles shall develop a Florida Golf License plate as  
17 provided in this section. The word "Florida" must appear at  
18 the bottom of the plate. The Dade Amateur Golf Association,  
19 following consultation with the PGA TOUR, the Florida Sports  
20 Foundation, the LPGA and the PGA of America may submit a  
21 revised sample plate for consideration by the department.

22           (b) The department shall distribute the Florida Golf  
23 License Plate annual use fee to the Florida Sports Foundation,  
24 a direct support organization of the Office of Tourism, Trade,  
25 and Economic Development. The license plate annual use fees  
26 are to be annually allocated as follows:

27           1. Up to 5 percent of the proceeds from the annual use  
28 fees may be used by the Florida Sports Foundation for the  
29 administration of the Florida Youth Golf Program.

30           2. The Dade Amateur Golf Association shall receive the  
31 first \$80,000 in proceeds from the annual use fees for the

1 operation of youth golf programs in Miami-Dade County.  
2 Thereafter, 15 percent of the proceeds from the annual use fee  
3 shall be provided to the Dade Amateur Golf Association for the  
4 operation of youth golf programs in Miami-Dade County.

5 3. The remaining proceeds from the annual use fee  
6 shall be available for grants to nonprofit organizations to  
7 operate youth golf programs and for the purpose of marketing  
8 the Florida Golf License Plates. All grant recipients,  
9 including the Dade Amateur Golf Association, shall be required  
10 to provide to the Florida Sports Foundation an annual program  
11 and financial report regarding the use of grant funds. Such  
12 reports shall be made available to the public.

13 (c) The Florida Sports Foundation shall establish a  
14 Florida Youth Golf Program. The Florida Youth Golf Program  
15 shall assist organizations for the benefit of youth, introduce  
16 young people to golf, instruct young people in golf, teach the  
17 values of golf and stress life skills, fair play, courtesy,  
18 self-discipline.

19 (d) The Florida Sports Foundation shall establish a  
20 five-member committee to offer advice regarding the  
21 distribution of the annual use fees for grants to nonprofit  
22 organizations. The advisory committee shall consist of one  
23 member from a group serving youth, one member from a group  
24 serving disabled youth, and three members at large.

25 Section 111. Any multicounty airport authority created  
26 as an independent special district which is subject to a  
27 development-of-regional-impact development order and which has  
28 conducted a noise study in accordance with 14 C.F.R. Part 150  
29 shall, in fiscal year 2002, establish a  
30 noise-mitigation-project fund in an amount of \$7.5 million,  
31 which shall be increased by another \$2.5 million in fiscal

1 year 2004. The moneys in the project fund shall be segregated  
2 and expended by the airport authority by December 31, 2006, to  
3 the extent necessary to comply with development-order  
4 commitments to acquire property from or otherwise mitigate  
5 property owners adversely affected by the development of  
6 regional impact. If moneys are not expended for such purposes  
7 by December 31, 2006, the airport authority shall not  
8 thereafter amend its development-of-regional-impact  
9 development order or commence development of airport  
10 infrastructure improvements authorized by such development  
11 order until such funds are fully expended for such purposes.

12 Section 112. Section 331.367, Florida Statutes, is  
13 amended to read:

14 331.367 Spaceport Management Council.--

15 (1) The Spaceport Management Council is created within  
16 the Spaceport Florida Authority to provide coordination  
17 between government agencies and commercial operators for the  
18 purpose of developing and recommendations on projects and  
19 activities to that will increase the operability and  
20 capabilities of Florida's space launch facilities, increase  
21 statewide space-related industry and opportunities, and  
22 promote space education, and research, and technology  
23 development within the state. The council shall work to create  
24 ~~develop~~ integrated facility and programmatic development plans  
25 to address commercial, state, and federal requirements and to  
26 identify appropriate private, state, and federal resources to  
27 implement these plans.

28 (2) The council shall make recommendations regarding:

29 (a) The development of a spaceport master plan.  
30  
31

1 (b) The projects and levels of commercial financing  
2 required from the Florida Commercial Space Financing  
3 Corporation created by s. 331.407.

4 (c) Development and expansion of space-related  
5 education and research facilities and programs within Florida  
6 in consultation with the Florida Space Research Institute,  
7 including recommendations to be provided to the State  
8 University System, the Division of Community Colleges, and the  
9 Department of Education.

10 (d) The regulation of spaceports and federal and state  
11 policy.

12 (e) Appropriate levels of governmental and private  
13 funding for sustainable Florida's approach to the Federal  
14 Government regarding requests for funding of space  
15 development.

16 (3) The council shall submit its recommendations to  
17 the Governor and Lieutenant Governor and provide copies to the  
18 Secretary of Transportation, the director of the Office of  
19 Tourism, Trade and Economic Development, the associate  
20 administrator for Space Transportation in the United States  
21 Department of Transportation, the administrator of the  
22 National Aeronautics and Space Administration, the Deputy  
23 Assistant Secretary of the Air Force for Space Plans and  
24 Policy, and the ex officio nonvoting council members of the  
25 Senate and the House of Representatives.

26 (4)(3)(a) The council shall consist of an executive  
27 board consisting, ~~which shall consist~~ of representatives of  
28 governmental organizations having ~~with~~ responsibilities for  
29 developing or operating space transportation facilities, and a  
30 Space Industry Committee, which shall consist of  
31 representatives of Florida's space industry.



1           (b) The executive board consists of the following  
2 individuals ~~shall serve on the executive board:~~

3           1. The executive director of the Spaceport Florida  
4 Authority or his or her designee.

5           ~~2. The director of the John F. Kennedy Space Center or~~  
6 ~~his or her designee.~~

7           ~~3. The Commander of the United States Air Force 45th~~  
8 ~~Space Wing or his or her designee.~~

9           ~~4. The Commander of the Naval Ordnance Test Unit or~~  
10 ~~his or her designee.~~

11           ~~2.5.~~ The Secretary of Transportation or his or her  
12 designee.

13           ~~3.6.~~ The president of Enterprise Florida, Inc., or his  
14 or her designee, as an ex officio nonvoting member.

15           ~~4.7.~~ The director of the Office of Tourism, Trade, and  
16 Economic Development or his or her designee, ~~as an ex officio~~  
17 ~~nonvoting member.~~

18           5. The chairperson of the Space Industry Committee, or  
19 his or her deignee.

20           6. The members of the Senate and House of  
21 Representatives who serve on the board of supervisors of the  
22 Spaceport Florida Authority, who shall be ex officio nonvoting  
23 members of the executive board.

24           (c)1. Participation by the federal agencies having  
25 space-related missions in the state will contribute to council  
26 effectiveness, and the following installation heads or their  
27 designees may serve as official liaisons to the council: the  
28 director of the John F. Kennedy Space Center, the Commander of  
29 the 45th Space Wing, and the Commander of the Naval Ordnance  
30 Test Unit.

31

1           2. Federal liaison officials may attend and  
2 participate in council meetings and deliberations, provide  
3 federal-agency views on issues before the council, and present  
4 issues of concern and make recommendations to the council.

5           3. The role of federal liaison officials is limited by  
6 federal statutes and other constraints, but the determination  
7 of this limitation is a federal function.

8           4. The fiduciary responsibility of the official  
9 liaisons shall remain at all times with their respective  
10 agencies.

11           5. To the extent that the advice or recommendations of  
12 the official liaisons are not adopted or incorporated into the  
13 final recommendations of the council, the official liaisons  
14 may append to such final recommendations their advice,  
15 recommendations, or opinions.

16           ~~(4) Each member shall be appointed to serve for a~~  
17 ~~3-year term, beginning July 1. Initial appointments shall be~~  
18 ~~made no later than 60 days after the effective date of this~~  
19 ~~act.~~

20           ~~(5) The executive board shall hold its initial meeting~~  
21 ~~no later than 30 days after the members have been appointed.~~  
22 ~~The Space Industry Committee shall hold its initial meeting no~~  
23 ~~later than 60 days after the members have been appointed.~~

24           ~~(6) All council members must be residents of the~~  
25 ~~state.~~

26           (5)(7) The executive board council shall adopt bylaws  
27 governing the manner in which the business of the council  
28 shall be conducted. The bylaws shall specify the procedure by  
29 which the chairperson of the council is elected.

30           (6)(8) The council shall provide infrastructure and  
31 program requirements and develop other information to be

1 utilized in a 5-year spaceport master plan. The council shall  
2 define goals and objectives concerning the development of  
3 spaceport facilities and an intermodal transportation system  
4 consistent with the goals of the Florida Transportation Plan  
5 developed pursuant to s. 339.155.

6 ~~(7)(9)~~ The council shall provide requirements and  
7 other information to be utilized in the development of a  
8 5-year Spaceport Economic Development Plan, defining the goals  
9 and objectives of the council concerning the development of  
10 facilities for space manufacturing, research, technology and  
11 development, and education ~~educational facilities.~~

12 ~~(8)(10)~~ The council shall meet at the call of its  
13 chairperson, at the request of two or more members of the  
14 executive board ~~a majority of its membership~~, or at such times  
15 as may be prescribed in its bylaws. However, the council must  
16 meet at least semiannually. ~~A majority of voting members of~~  
17 ~~the council constitutes a quorum for the purpose of~~  
18 ~~transacting the business of the council.~~ A majority vote of  
19 ~~the majority~~ of the voting members present is sufficient for  
20 any action of the council, unless the bylaws of the council  
21 require a greater vote for a particular action.

22 Section 113. Section 331.368, Florida Statutes, is  
23 amended to read:

24 331.368 Florida Space Research Institute.--

25 (1) There is created the Florida Space Research  
26 Institute, the purpose of which is to serve as an  
27 industry-driven center for research, leveraging the state's  
28 resources in a collaborative effort to support Florida's space  
29 industry and its expansion, diversification, and transition to  
30 commercialization.

31

- 1           (2) The institute shall operate as a public/private  
2 partnership under the direction of a board composed of:
- 3           (a) A representative of the Spaceport Florida  
4 Authority.
- 5           (b) A representative of Enterprise Florida, Inc.
- 6           (c) A representative of the Florida Aviation Aerospace  
7 Alliance.
- 8           (d) A representative of the Florida Space Business  
9 Roundtable.
- 10           (e) Additional private-sector representatives from the  
11 space industry selected collaboratively by the core members  
12 specified in paragraphs (a)-(d). The additional space industry  
13 representatives under this paragraph must comprise the  
14 majority of members of the board and must be from geographic  
15 regions throughout the state. Each private-sector  
16 representative shall serve a term of 3 years.
- 17           (f) Two representatives from the educational community  
18 who are selected collaboratively by the core members specified  
19 in paragraphs (a)-(d) and who are engaged in research or  
20 instruction related to the space industry. One representative  
21 must be from a community college, and one representative must  
22 be from a public or private university. Each educational  
23 representative shall serve a term of 2 years.
- 24           (g) Annually, the members of the board shall select  
25 one of the members to serve as chair, who shall be responsible  
26 for convening and leading meetings of the board.
- 27           (h) The board members are considered to be volunteers  
28 as defined in s. 110.501, and shall serve with all protections  
29 provided to volunteers of state agencies under s. 768.1355.
- 30           (3) The Florida Space Research Institute may:  
31

1           (a) Acquire property under such conditions as the  
2 board considers necessary, and sell or otherwise dispose of  
3 the property.

4           (b) Serve as a coordinating organization among public  
5 and private academic institutions, the State University  
6 System, industry, and government agencies to support the  
7 expansion and diversification of the state's space industry  
8 and to support research and education programs.

9           (c) Execute contracts and other documents, adopt  
10 proceedings, and perform any acts determined by the board to  
11 be necessary to carry out the purposes of this section.

12           (d) Establish a personnel-management system and  
13 procedures, rules, and rates governing administrative and  
14 financial operations of the institute.

15           (e) Acquire, accept, or administer grants, contracts,  
16 and fees from other organizations to perform activities that  
17 are consistent with the purposes of this section.

18           (f) Work in partnership with the Spaceport Florida  
19 Authority, Enterprise Florida, Inc., and other organizations  
20 to support their programs to promote the state as a center for  
21 space enterprise, research, and technology development.

22           ~~(4)(3)~~ The board of the Florida Space Research  
23 Institute shall:

24           (a) Set the strategic direction for the space-related  
25 research priorities of the state and its space-related  
26 businesses, the scope of research projects for the institute,  
27 and the timeframes for completion.

28           (b) Invite the participation of public and private  
29 academic institutions ~~universities~~, including, but not limited  
30 to, the University of Central Florida, the University of  
31 Florida, the University of South Florida, Florida State

1 University, Florida Institute of Technology, and the  
2 University of Miami.

3 (c) Select a lead university to:

- 4 1. Serve as coordinator of research for ~~and as the~~  
5 ~~administrative entity of~~ the institute;
- 6 2. Support the institute's development of a statewide  
7 space research agenda and programs; and
- 8 3. Develop, and update as necessary, a report  
9 recommending ways that the state's public and private  
10 universities can work in partnership to support the state's  
11 space-industry requirements, which report must be completed by  
12 December 15, 2000.

13 (d) Establish a partnership with the state Workforce  
14 Development Board, or its successor entity, under which the  
15 institute coordinates the workforce-training requirements  
16 identified by the space industry and supports development of  
17 workforce-training initiatives to meet such requirements,  
18 using training providers approved by the board or its  
19 successor entity.

20 (e) Comanage, with the National Aeronautics and Space  
21 Administration and subject to the terms of an agreement with  
22 NASA, operation of a Space Experiment Research and Processing  
23 Laboratory, if such a facility is constructed on land of the  
24 John F. Kennedy Space Center. The institute shall carry out  
25 such responsibility through a consortium of public and private  
26 universities in the state led by the University of Florida.

27 (f) Develop initiatives to foster the participation of  
28 the state's space industry in the International Space Station  
29 and to help the state maintain and enhance its competitive  
30 position in the commercial space-transportation industry.

31

1 (g) Pursue partnerships with the National Aeronautics  
2 and Space Administration to coordinate and conduct research in  
3 fields including, but not limited to, environmental  
4 monitoring; agriculture; aquatics; resource reutilization  
5 technologies for long-duration space missions; and spaceport  
6 technologies which support current or next-generation launch  
7 vehicles and range systems.

8 (h) Pursue partnerships with the National Aeronautics  
9 and Space Administration for the conduct of space-related  
10 research using computer technology to connect experts in a  
11 given field of science who are in disparate locations and to  
12 perform research experiments in a real-time, virtual  
13 environment.

14 (i) Appoint or dismiss, as considered necessary by the  
15 board, a person to act as executive director of the institute,  
16 who shall have such title, functions, duties, powers, and  
17 salary as the board prescribes.

18 ~~(5)(4)~~ By December 15 of each year, the institute  
19 shall submit a report of its activities and accomplishments  
20 for the year to the Governor, the President of the Senate, and  
21 the Speaker of the House of Representatives. The report shall  
22 also include recommendations regarding actions the state  
23 should take to enhance the development of space-related  
24 businesses, including:

25 (a) Future research activities.

26 (b) The development of capital and technology  
27 assistance to new and expanding industries.

28 (c) The removal of regulatory impediments.

29 (d) The establishment of business development  
30 incentives.

31

1 (e) The initiation of education and training programs  
2 to ensure a skilled workforce.

3 Section 114. Subsection (4) of the section 338.165,  
4 Florida Statutes, is amended to read:

5 338.165 Continuation of tolls.--

6 (4) If the revenue-producing project is on the county  
7 road system, any remaining toll revenue shall be used for the  
8 construction, maintenance, or improvement of any other state  
9 or county road within the county or counties in which the  
10 revenue-producing project is located, except as provided in s.  
11 348.0004. Additionally, if the revenue-producing project is on  
12 the county road system in a county as defined in s. 125.011,  
13 any remaining toll revenue may be used for the public  
14 facilities capitol improvements in sanitary sewer, solid  
15 waste, drainage, potable water, parks, or construction,  
16 maintenance, or improvement of any other state or county road  
17 within the county or counties in which the revenue producing  
18 project is located, except as provided in s. 348.0004.

19 Section 115. Section 943.1758, Florida Statutes, is  
20 amended to read:

21 943.1758 Curriculum revision for diverse populations;  
22 skills training.--

23 (1) The Criminal Justice Standards and Training  
24 Commission shall revise its standards and training for basic  
25 recruits and its requirements for continued employment by  
26 integrating instructions on interpersonal skills relating to  
27 diverse populations into the criminal justice standards and  
28 training curriculum. The curriculum shall include standardized  
29 proficiency instruction relating to high-risk and critical  
30 tasks which include, but are not limited to, stops, use of  
31



1 force and domination, and other areas of interaction between  
2 officers and members of diverse populations.

3 (2) The commission shall develop and implement, as  
4 part of its instructor training programs, standardized  
5 instruction in the subject of interpersonal skills relating to  
6 diverse populations.

7 (3) Culturally sensitive lesson plans, up-to-date  
8 videotapes, and other demonstrative aids developed for use in  
9 diverse population-related training shall be used as  
10 instructional materials.

11 (4) By October 1, 2001, the instruction in the subject  
12 of interpersonal skills relating to diverse populations shall  
13 consist of a module developed by the commission on the topic  
14 of discriminatory profiling.

15 Section 116. Subsection (3) is added to section 30.15,  
16 Florida Statutes, to read:

17 30.15 Powers, duties, and obligations.--

18 (3) On or before January 1, 2002, every sheriff shall  
19 incorporate an antiracial or other antidiscriminatory  
20 profiling policy into the sheriff's policies and practices,  
21 utilizing the Florida Police Chiefs Association Model Policy  
22 as a guide. Antiprofiling policies shall include the elements  
23 of definitions, traffic stop procedures, community education  
24 and awareness efforts, and policies for the handling of  
25 complaints from the public.

26 Section 117. Section 166.0493, Florida Statutes, is  
27 created to read:

28 166.0493 Powers, duties, and obligations of municipal  
29 law enforcement agencies.--On or before January 1, 2002, every  
30 municipal law enforcement agency shall incorporate an  
31 antiracial or other antidiscriminatory profiling policy into

1 the agency's policies and practices, utilizing the Florida  
2 Police Chiefs Association Model Policy as a guide.  
3 Antiprofiling policies shall include the elements of  
4 definitions, traffic stop procedures, community education and  
5 awareness efforts, and policies for the handling of complaints  
6 from the public.

7 Section 118. Effective July 1, 2002, sections 332.201,  
8 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208,  
9 332.209, 332.210, and 332.211, Florida Statutes, are created  
10 to read:

11 332.201 Short title.--Sections 332.201-332.211 may be  
12 cited as the "Florida Airport Authority Act."

13 332.202 Definitions.--As used in this act:

14 (1) "Agency of the state" means and includes the state  
15 and any department of, or corporation, agency, or  
16 instrumentality created, designated, or established by, the  
17 state.

18 (2) "Airport" means any area of land or water, or any  
19 manmade object or facility located therein, which is used, or  
20 intended for public use, for the landing and takeoff of  
21 aircraft, and any appurtenant areas which are used, or  
22 intended for public use, for airport buildings or other  
23 airport facilities or rights-of-way.

24 (3) "Airport system" means any and all airports within  
25 the geographic boundaries of an airport authority established  
26 pursuant to this act and appurtenant facilities thereto,  
27 including, but not limited to, all approaches, roads, bridges,  
28 and avenues of access for such airport.

29 (4) "Authority" means an airport authority established  
30 pursuant to this act which is a body politic and corporate and  
31 a public instrumentality.

1           (5) "Bonds" means and includes the notes, bonds,  
2 refunding bonds, or other evidences of indebtedness or  
3 obligations, in either temporary or definitive form, which an  
4 authority issues pursuant to this act.

5           (6) "Department" means the Department of  
6 Transportation.

7           (7) "Division" means the Division of Bond Finance of  
8 the State Board of Administration.

9           (8) "Express written consent" means prior express  
10 written consent given in the form of a resolution adopted by a  
11 board of county commissioners.

12           (9) "Federal agency" means and includes the United  
13 States, the President of the United States, and any department  
14 of, or corporation, agency, or instrumentality created,  
15 designated, or established by, the United States.

16           332.203 Airport authority; formation; membership.--

17           (1) Any county which has a population of more than 2.1  
18 million people shall at the countywide election hold a  
19 referendum in which the electors shall decide whether to form  
20 an airport authority, which shall be an agency of the state,  
21 pursuant to this act.

22           (2) The governing body of the authority shall consist  
23 of seven voting members, two of whom shall be appointed by the  
24 Governor subject to confirmation by the Senate. Each member of  
25 the governing body must at all times during his or her term of  
26 office be a permanent resident of the county which he or she  
27 is appointed to represent.

28           (a) The two members of the governing body appointed by  
29 the Governor, subject to confirmation by the Senate, shall  
30 serve terms of 4 years. Such persons may not hold elective  
31 office during their terms of office.

1           **(b) Two members shall be appointed by the County**  
2 **Ethics Commission.**

3           **(c) One member shall be appointed by the County Mayor.**

4           **(d) Two members shall be appointed by the County**  
5 **Commission.**

6           **(3)(a) The governing body of each authority shall**  
7 **elect one of its members as its chair and shall elect a**  
8 **secretary and a treasurer, who need not be members of the**  
9 **authority. The chair, secretary, and treasurer shall hold**  
10 **their offices at the will of the governing body. A simple**  
11 **majority of the governing body constitutes a quorum, and the**  
12 **vote of a majority of those members present is necessary for**  
13 **the governing body to take any action. A vacancy on a**  
14 **governing body shall not impair the right of a quorum of the**  
15 **governing body to exercise all of the rights and perform all**  
16 **of the duties of the authority.**

17           **(b) Upon the effective date of his or her appointment,**  
18 **or as soon thereafter as practicable, each appointed member of**  
19 **a governing body shall enter upon his or her duties.**

20           **(4)(a) An authority may employ an executive secretary,**  
21 **an executive director, its own counsel and legal staff,**  
22 **technical experts, and such engineers and employees, permanent**  
23 **or temporary, as it may require and shall determine the**  
24 **qualifications and fix the compensation of such persons,**  
25 **firms, or corporations. An authority may employ a fiscal agent**  
26 **or agents; however, the authority must solicit sealed**  
27 **proposals from at least three persons, firms, or corporations**  
28 **for the performance of any services as fiscal agent. An**  
29 **authority may delegate to one or more of its agents or**  
30 **employees such of its power as it deems necessary to carry out**

31

1 the purposes of this act, subject always to the supervision  
2 and control of the authority.

3 (b) Members of the governing body of an authority may  
4 be removed from office by the Governor for misconduct,  
5 malfeasance, misfeasance, or nonfeasance in office.

6 (c) Members of the governing body of an authority are  
7 entitled to receive from the authority their travel and other  
8 necessary expenses incurred in connection with the business of  
9 the authority as provided in s. 112.061, but they may not draw  
10 salaries or other compensation.

11 (d) Members of the governing body of an authority  
12 shall be required to comply with the applicable financial  
13 disclosure requirements of ss. 112.3144, 112.3148, and  
14 112.3149.

15 (5) No member or spouse shall be the holder of the  
16 stocks or bonds of any company, other than through ownership  
17 of shares in a mutual fund, regulated by the authority, or any  
18 affiliated company of any company regulated by the authority,  
19 or be an agent or employee of, or have any interest in, any  
20 company regulated by the authority or any affiliated company  
21 of any company regulated by the authority, or in any firm  
22 which represents in any capacity either companies which are  
23 regulated by the authority or affiliates of companies  
24 regulated by the authority. As a condition of appointment to  
25 the council, each appointee shall affirm to the Speaker and  
26 the President his or her qualification by the following  
27 certification: "I hereby certify that I am not a stockholder,  
28 other than through ownership of shares in a mutual fund, in  
29 any company regulated by the authority or in any affiliate of  
30 a company regulated by the authority, nor in any way, directly  
31 or indirectly, in the employment of, or engaged in the

1 management of any company regulated by the authority or any  
2 affiliate of a company regulated by the authority, or in any  
3 firm which represents in any capacity either companies which  
4 are regulated by the authority or affiliates of companies  
5 regulated by the authority." A member of the authority shall  
6 not contribute to the campaign account of any elected  
7 official, nor solicit any campaign contributions for any  
8 elected official.

9 332.204 Purposes and powers.--

10 (1)(a) An authority created and established pursuant  
11 to this act may acquire, hold, construct, improve, maintain,  
12 operate, own, and lease an airport system.

13 (b) Construction of an airport system may be completed  
14 by an authority in segments, phases, or stages, in a manner  
15 which will permit the expansion of these segments, phases, or  
16 stages to the desired airport configuration. Each authority,  
17 in the construction of an airport system, may construct any  
18 extensions of, additions to, or improvements to, the airport  
19 system or appurtenant facilities, including all necessary  
20 approaches, roads, bridges, and avenues of access, with such  
21 changes, modifications, or revisions of the project that are  
22 deemed desirable and proper. An authority may only add  
23 additional airports to an airport system, under the terms and  
24 conditions set forth in this act, with the prior express  
25 written consent of the board of county commissioners of each  
26 county located within the geographic boundaries of the  
27 authority, and only if such additional airports are  
28 financially feasible, and are compatible with the existing  
29 plans, projects, and programs of the authority.

30 (2) Each authority may exercise all powers necessary,  
31 appurtenant, convenient, or incidental to the carrying out of

1 its purposes, including, but not limited to, the following  
2 rights and powers:

3 (a) To sue and be sued, implead and be impleaded, and  
4 complain and defend in all courts.

5 (b) To adopt, use, and alter at will a corporate seal.

6 (c) To acquire, purchase, hold, lease as lessee, and  
7 use any franchise or property, real, personal, or mixed,  
8 tangible or intangible, or any interest therein necessary or  
9 desirable for carrying out the purposes of the authority and  
10 to sell, lease as lessor, transfer, and dispose of any  
11 property or interest therein at any time acquired by it.

12 (d) To enter into and make leases, either as lessee or  
13 as lessor, in order to carry out the right to lease as set  
14 forth in this act.

15 (e) To fix, alter, charge, establish, and collect  
16 rates, fees, rentals, and other charges for the services and  
17 facilities of the airport system, which rates, fees, rentals,  
18 and other charges must always be sufficient to comply with any  
19 covenants made with the holders of any bonds issued pursuant  
20 to this act.

21 (f) To borrow money, make and issue negotiable notes,  
22 bonds, refund bonds and other evidence of indebtedness, either  
23 in temporary or definitive form, of the authority, which bonds  
24 or other evidence of indebtedness may be issued pursuant to  
25 the State Bond Act, to finance an airport system within the  
26 geographic boundaries of the authority, and to provide for the  
27 security of the bonds or other evidence of indebtedness and  
28 the rights and remedies of the holders of the bonds or other  
29 evidence of indebtedness. Any bonds or other evidence of  
30 indebtedness pledging the full faith and credit of the state  
31 shall only be issued pursuant to the State Bond Act.

1       (g) To enter into contracts and to execute all  
2 instruments necessary or convenient for the carrying on of its  
3 business.

4       (h) Without limitation of the foregoing, to borrow  
5 money and accept grants from, and to enter into contracts,  
6 leases, or other transactions with, any federal agency, the  
7 state, any agency of the state or county, or any other public  
8 body of the state.

9       (i) To have the power of eminent domain, including the  
10 procedural powers granted under chapters 73 and 74.

11       (j) To pledge, hypothecate, or otherwise encumber all  
12 or any part of the revenues, rates, fees, rentals, or other  
13 charges or receipts of the authority, as security for all or  
14 any of the obligations of the authority.

15       (k) To do all acts and things necessary or convenient  
16 for the conduct of its business and the general welfare of the  
17 authority in order to carry out the powers granted to it by  
18 law.

19       (l) An airport authority may consider any unsolicited  
20 proposals from private entities and all factors it deems  
21 important in evaluating such proposals. The airport authority  
22 shall adopt rules or policies in compliance with s. 334.30 for  
23 the receipt, evaluation, and consideration of such proposals  
24 in order to enter into agreements for the planning design,  
25 engineering, construction, operation, ownership, or financing  
26 of its airport system. Such rules must require substantially  
27 similar technical information as is required by Rule  
28 14-107.0011(3)(a)-(e), Florida Administrative Code. In  
29 accepting a proposal and entering into such an agreement, the  
30 airport authority and the private entity shall for all  
31 purposes be deemed to have complied with chapters 255 and 287.



1 Similar proposals shall be reviewed and acted on by the  
2 authority in the order in which they were received. An  
3 additional airport may only be constructed under this  
4 paragraph with state and federal approval, and with the prior  
5 express written consent of the board of county commissioners  
6 of each county located within the geographical boundaries of  
7 the authority.

8 (3) The use or pledge of any portion of county tax  
9 funds may not be made without the prior express written  
10 consent of the board of county commissioners of each county  
11 located within the geographic boundaries of the authority.

12 (4) Any authority formed pursuant to this act shall  
13 comply with all statutory requirements of general application  
14 which relate to the filing of any report or documentation  
15 required by law, including the requirements of ss. 189.4085,  
16 189.415, 189.417, and 189.418.

17 (5) No airport authority shall undertake any  
18 construction that is not consistent with federal aviation  
19 requirements, the statewide aviation system plan, and the  
20 county's comprehensive plan.

21 (6) The governing body of the county may enter into an  
22 interlocal agreement with an authority pursuant to chapter 163  
23 for the joint performance or performance by either  
24 governmental entity of any corporate function of the county or  
25 authority necessary or appropriate to enable the authority to  
26 fulfill the powers and purposes of this act and promote the  
27 efficient and effective transportation of persons and goods in  
28 such county.

29 332.205 Bonds.--With the prior express written consent  
30 of the board of county commissioners of each county located  
31 within the geographic boundaries of an authority, bonds may be

1 issued on behalf of an authority as provided by the State Bond  
2 Act.

3 332.206 County may be appointed agent of authority for  
4 construction.--The county may be appointed by the authority as  
5 its agent for the purpose of constructing improvements to an  
6 airport system and for the completion thereof. In such event,  
7 the authority shall provide the county with complete copies of  
8 all documents, agreements, resolutions, contracts, and  
9 instruments relating thereto; shall request the county to do  
10 such construction work, including the planning, surveying, and  
11 actual construction of the completion and improvements to the  
12 airport system; and shall transfer to the credit of an account  
13 of the county the necessary funds therefor.

14 332.207 Acquisition of lands and property.--

15 (1) For the purposes of this act, an airport authority  
16 may acquire private or public property and property rights,  
17 including rights of access, air, view, and light, by gift,  
18 devise, purchase, or condemnation by eminent domain  
19 proceedings, as the authority may deem necessary for any of  
20 the purposes of this act, including, but not limited to, any  
21 lands reasonably necessary for securing applicable permits,  
22 areas necessary for management of access, borrow pits,  
23 drainage ditches, water retention areas, replacement access  
24 for landowners whose access is impaired due to the improvement  
25 of an airport system, and replacement rights-of-way for  
26 relocated rail and utility facilities; or for existing,  
27 proposed, or anticipated transportation facilities within the  
28 airport system. The authority may also condemn any material  
29 and property necessary for such purposes.

30  
31

1           (2) The right of eminent domain conferred by this act  
2 must be exercised by an authority in the manner provided by  
3 law.

4           332.208 Cooperation with other units, boards,  
5 agencies, and individuals.--Express authority and power is  
6 given and granted to any county, municipality, drainage  
7 district, road and bridge district, school district, or other  
8 political subdivision, board, commission, or individual in or  
9 of this state to enter into contracts, leases, conveyances, or  
10 other agreements within the provisions and purposes of this  
11 act with an authority. An authority may enter into contracts,  
12 leases, conveyances, and other agreements, to the extent  
13 consistent with this chapter and chapters 330, 331, and 333  
14 and other provisions of the laws of the state, with any  
15 political subdivision, agency, or instrumentality of the state  
16 and any federal agency, corporation, and individual, for the  
17 purpose of carrying out the provisions of this act.

18           332.209 Covenant of the state.--The state does hereby  
19 pledge to, and agrees with, any person, firm, corporation, or  
20 federal or state agency subscribing to or acquiring the bonds  
21 to be issued by an authority for the purposes of this act that  
22 the state will not limit or alter the rights hereby vested in  
23 an authority and the department until all bonds at any time  
24 issued, together with the interest thereon, are fully paid and  
25 discharged, insofar as the same affects the rights of the  
26 holders of bonds issued hereunder. The state does further  
27 pledge to, and agrees with, the United States that, in the  
28 event any federal agency constructs, or contributes any funds  
29 for the completion, extension, or improvement of, an airport  
30 system or any part or portion thereof, the state will not  
31 alter or limit the rights and powers of an authority and the

1 department in any manner which would be inconsistent with the  
2 continued maintenance and operation of the airport system or  
3 the completion, extension, or improvement thereof or which  
4 would be inconsistent with the due performance of any  
5 agreement between the authority and any such federal agency,  
6 and the authority and the department shall continue to have  
7 and may exercise all powers granted so long as the same shall  
8 be necessary or desirable for carrying out the purposes of  
9 this act and the purposes of the United States in the  
10 completion, extension, or improvement of the airport system or  
11 any part or portion thereof.

12 332.210 Exemption from taxation.--The effectuation of  
13 the authorized purposes of an airport authority is in all  
14 respects for the benefit of the people of the state, for the  
15 increase of their commerce and prosperity, and for the  
16 improvement of their health and living conditions. For this  
17 reason, an authority is not required to pay any taxes or  
18 assessments of any kind or nature whatsoever upon any property  
19 acquired by it or used by it for such purposes or upon any  
20 revenues at any time received by it. The bonds issued by or on  
21 behalf of an authority, their transfer, and the income  
22 therefrom, including any profits made on the sale thereof, are  
23 exempt from taxation of any kind by the state or by any  
24 political subdivision or other taxing agency or  
25 instrumentality thereof. The exemption granted by this section  
26 does not apply to any tax imposed under chapter 220 on  
27 interest, income, or profits on debt obligations owned by  
28 corporations.

29 332.211 Exemption from applicability.--This act does  
30 not apply in a county in which an authority has been created  
31

1 pursuant to a general or special act of the Legislature for  
2 the purpose of owning, building, or operating an airport.

3 Section 119. The provisions of the Florida Airport  
4 Authority Act, sections 332.201-332.211, Florida Statutes,  
5 shall not apply to any county which has created its own  
6 airport authority.

7 Section 120. Members of the authority created pursuant  
8 to the Florida Airport Authority Act, sections  
9 332.201-332.211, Florida Statutes, are required to file full  
10 and public disclosure of financial interests pursuant to  
11 section 112.3144, Florida Statutes.

12 Section 121. The sum of \$650,000 is appropriated to  
13 the Florida Commercial Space Financing Corporation from  
14 nonrecurring General Revenue for fiscal year 2001-2002, and  
15 the sum of \$650,000 is appropriated to the Spaceport Florida  
16 Authority from nonrecurring General Revenue for fiscal year  
17 2001-2002. The funds distributed to the Florida Commercial  
18 Space Financing Corporation pursuant to this section shall be  
19 used solely for funding aerospace infrastructure as defined in  
20 this section. These funds distributed to the Spaceport Florida  
21 Authority shall be used solely for aerospace infrastructure  
22 funding purposes based on recommendations made to the  
23 authority by the director of the Office of Tourism, Trade, and  
24 Economic Development. Proposals for aerospace infrastructure  
25 funding through the authority shall be submitted to the Space  
26 Industry Committee created pursuant to s. 331.367, Florida  
27 Statutes, or any successor organization, and the committee  
28 shall, at least once each quarter, submit a written report to  
29 the director of the Office of Tourism, Trade, and Economic  
30 Development delineating the committee's recommendation for  
31 prioritizing those proposals that it has reviewed. The

1 director of the Office of Tourism, Trade, and Economic  
2 Development shall take into consideration the prioritization  
3 reports of the Space Industry Committee. For purposes of this  
4 section, "aerospace infrastructure" means land, buildings and  
5 other improvements, fixtures, machinery, equipment,  
6 instruments, and software that will improve the state's  
7 capability to support, expand, or attract the launch,  
8 construction, processing, refurbishment, or manufacturing of  
9 rockets, missiles, capsules, spacecraft, satellites, satellite  
10 control facilities, ground support equipment and related  
11 tangible personal property, launch vehicles, modules, space  
12 stations or components destined for space station operation,  
13 and space flight research and development facilities,  
14 instruments, and equipment, together with any engineering,  
15 permitting, and other expenses directly related to such land,  
16 buildings, improvements, fixtures, machinery, equipment,  
17 instruments, or software. The funds distributed to the Florida  
18 Commercial Space Financing Corporation shall be used solely  
19 for funding aerospace infrastructure as defined in this  
20 section. The funds distributed to the Spaceport Florida  
21 Authority pursuant to this section shall be used solely for  
22 aerospace infrastructure funding purposes based on  
23 recommendations made to the authority by the director of the  
24 Office of Tourism, Trade, and Economic Development. Proposals  
25 for aerospace infrastructure funding through the authority  
26 shall be submitted to the Space Industry Committee created  
27 pursuant to s. 331.367, Florida Statutes, or any successor  
28 organization, and the committee shall, at least once each  
29 quarter, submit a written report to the director of the Office  
30 of Tourism, Trade, and Economic Development delineating the  
31 committee's recommendation for prioritizing those proposals

1 that it has reviewed. The director of the Office of Tourism,  
2 Trade, and Economic Development shall take into consideration  
3 the prioritization reports of the Space Industry Committee.  
4 For purposes of this section, "aerospace infrastructure" means  
5 land, buildings and other improvements, fixtures, machinery,  
6 equipment, instruments, and software that will improve the  
7 state's capability to support, expand, or attract the launch,  
8 construction, processing, refurbishment, or manufacturing of  
9 rockets, missiles, capsules, spacecraft, satellites, satellite  
10 control facilities, ground support equipment and related  
11 tangible personal property, launch vehicles, modules, space  
12 stations or components destined for space station operation,  
13 and space flight research and development facilities,  
14 instruments, and equipment, together with any engineering,  
15 permitting, and other expenses directly related to such land,  
16 buildings, improvements, fixtures, machinery, equipment,  
17 instruments, or software.

18 Section 122. Subsections (1) and (21) of section  
19 316.003, Florida Statutes, are amended, and subsection (82) is  
20 added to said section, to read:

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

25 (1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the  
26 fire department (fire patrol), police vehicles, and such  
27 ambulances and emergency vehicles of municipal departments,  
28 public service corporations operated by private corporations,  
29 the Department of Environmental Protection, the Department of  
30 Health, and the Department of Transportation as are designated  
31 or authorized by their respective department or the chief of

1 police of an incorporated city or any sheriff of any of the  
2 various counties.

3 (21) MOTOR VEHICLE.--Any self-propelled vehicle not  
4 operated upon rails or guideway, but not including any  
5 bicycle, motorized scooter, or moped.

6 (82) MOTORIZED SCOOTER.--Any vehicle not having a seat  
7 or saddle for the use of the rider, designed to travel on not  
8 more than three wheels, and not capable of propelling the  
9 vehicle at a speed greater than 30 miles per hour on level  
10 ground.

11 Section 123. Subsections (2) and (3) of section  
12 316.006, Florida Statutes, are amended to read:

13 316.006 Jurisdiction.--Jurisdiction to control traffic  
14 is vested as follows:

15 (2) MUNICIPALITIES.--

16 (a) Chartered municipalities shall have original  
17 jurisdiction over all streets and highways located within  
18 their boundaries, except state roads, and may place and  
19 maintain such traffic control devices which conform to the  
20 manual and specifications of the Department of Transportation  
21 upon all streets and highways under their original  
22 jurisdiction as they shall deem necessary to indicate and to  
23 carry out the provisions of this chapter or to regulate, warn,  
24 or guide traffic.

25 (b) A municipality may exercise jurisdiction over any  
26 private road or roads, or over any limited access road or  
27 roads owned or controlled by a special district, located  
28 within its boundaries if the municipality and party or parties  
29 owning or controlling such road or roads provide, by written  
30 agreement approved by the governing body of the municipality,  
31



1 for municipal traffic control jurisdiction over the road or  
2 roads encompassed by such agreement. Pursuant thereto:

3 1. Provision for reimbursement for actual costs of  
4 traffic control and enforcement and for liability insurance  
5 and indemnification by the party or parties, and such other  
6 terms as are mutually agreeable, may be included in such an  
7 agreement.

8 2. The exercise of jurisdiction provided for herein  
9 shall be in addition to jurisdictional authority presently  
10 exercised by municipalities under law, and nothing in this  
11 paragraph shall be construed to limit or remove any such  
12 jurisdictional authority. Such jurisdiction includes  
13 regulation of access to such road or roads by security devices  
14 or personnel.

15 3. Any such agreement may provide for the installation  
16 of multiparty stop signs by the parties controlling the roads  
17 covered by the agreement, if a determination is made by such  
18 parties that the signage will enhance traffic safety.  
19 Multiparty stop signs must conform to the manual and  
20 specifications of the Department of Transportation. However,  
21 minimum traffic volumes may not be required for the  
22 installation of such signage. Enforcement for the signs shall  
23 be as provided in s. 316.123.

24  
25 This subsection shall not limit those counties which have the  
26 charter powers to provide and regulate arterial, toll, and  
27 other roads, bridges, tunnels, and related facilities from the  
28 proper exercise of those powers by the placement and  
29 maintenance of traffic control devices which conform to the  
30 manual and specifications of the Department of Transportation  
31 on streets and highways located within municipal boundaries.

1           (3) COUNTIES.--

2           (a) Counties shall have original jurisdiction over all  
3 streets and highways located within their boundaries, except  
4 all state roads and those streets and highways specified in  
5 subsection (2), and may place and maintain such traffic  
6 control devices which conform to the manual and specifications  
7 of the Department of Transportation upon all streets and  
8 highways under their original jurisdiction as they shall deem  
9 necessary to indicate and to carry out the provisions of this  
10 chapter or to regulate, warn, or guide traffic.

11           (b) A county may exercise jurisdiction over any  
12 private road or roads, or over any limited access road or  
13 roads owned or controlled by a special district, located in  
14 the unincorporated area within its boundaries if the county  
15 and party or parties owning or controlling such road or roads  
16 provide, by written agreement approved by the governing body  
17 of the county, for county traffic control jurisdiction over  
18 the road or roads encompassed by such agreement. Pursuant  
19 thereto:

20           1. Provision for reimbursement for actual costs of  
21 traffic control and enforcement and for liability insurance  
22 and indemnification by the party or parties, and such other  
23 terms as are mutually agreeable, may be included in such an  
24 agreement.

25           2. Prior to entering into an agreement which provides  
26 for enforcement of the traffic laws of the state over a  
27 private road or roads, or over any limited access road or  
28 roads owned or controlled by a special district, the governing  
29 body of the county shall consult with the sheriff. No such  
30 agreement shall take effect prior to October 1, the beginning  
31

1 of the county fiscal year, unless this requirement is waived  
2 in writing by the sheriff.

3           3. The exercise of jurisdiction provided for herein  
4 shall be in addition to jurisdictional authority presently  
5 exercised by counties under law, and nothing in this paragraph  
6 shall be construed to limit or remove any such jurisdictional  
7 authority.

8           4. Any such agreement may provide for the installation  
9 of multiparty stop signs by the parties controlling the roads  
10 covered by the agreement, if a determination is made by such  
11 parties that the signage will enhance traffic safety.  
12 Multiparty stop signs must conform to the manual and  
13 specifications of the Department of Transportation. However,  
14 minimum traffic volumes may not be required for the  
15 installation of such signage. Enforcement for the signs shall  
16 be as provided in s. 316.123.

17  
18 Notwithstanding the provisions of subsection (2), each county  
19 shall have original jurisdiction to regulate parking, by  
20 resolution of the board of county commissioners and the  
21 erection of signs conforming to the manual and specifications  
22 of the Department of Transportation, in parking areas located  
23 on property owned or leased by the county, whether or not such  
24 areas are located within the boundaries of chartered  
25 municipalities.

26           Section 124. Effective July 1, 2001, subsection (4) of  
27 section 316.1951, Florida Statutes, is amended to read:

28           316.1951 Parking for certain purposes prohibited.--

29           (4) A law enforcement officer, compliance examiner, or  
30 license inspector, or supervisor of the department, ~~as~~  
31 ~~authorized in s. 320.58(1)(a),~~ may cause to be removed at the

1 owner's expense any motor vehicle found upon a public street,  
2 public parking lot, other public property, or private  
3 property, where the public has the right to travel by motor  
4 vehicle, which is in violation of subsection (1). Every  
5 written notice issued pursuant to this section shall be  
6 affixed in a conspicuous place upon a vehicle by a law  
7 enforcement officer, compliance examiner, ~~or~~ license  
8 inspector, or supervisor of the department. Any vehicle found  
9 in violation of subsection (1) within 10 days after a previous  
10 violation and written notice shall be subject to immediate  
11 removal without an additional waiting period.

12 Section 125. Subsection (4) of section 316.1967,  
13 Florida Statutes, is amended to read:

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

16 (4) Any person who elects to appear before a  
17 designated official to present evidence waives his or her  
18 right to pay the civil penalty provisions of the ticket. The  
19 official, after a hearing, shall make a determination as to  
20 whether a parking violation has been committed and may impose  
21 a civil penalty not to exceed \$100 or the fine amount  
22 designated by county ordinance, plus court costs. Any person  
23 who fails to pay the civil penalty within the time allowed by  
24 the court is deemed to have been convicted of a parking ticket  
25 violation, and the court shall take appropriate measures to  
26 enforce collection of the fine.

27 Section 126. Subsection (2) of section 316.1975,  
28 Florida Statutes, is amended to read:

29 316.1975 Unattended motor vehicle.--

30 (2) This section does not apply to the operator of:  
31

1 (a) An authorized emergency vehicle while in the  
2 performance of official duties and the vehicle is equipped  
3 with an activated antitheft device that prohibits the vehicle  
4 from being driven; ~~or~~

5 (b) A licensed delivery truck or other delivery  
6 vehicle while making deliveries; ~~or~~

7 (c) A solid waste or recovered materials vehicle while  
8 collecting such items.

9 Section 127. Section 316.2065, Florida Statutes, is  
10 amended to read:

11 316.2065 Bicycle and motorized scooter regulations.--

12 (1) Every person propelling a vehicle by human power,  
13 or operating a motorized scooter as defined in s. 316.003, has  
14 all of the rights and all of the duties applicable to the  
15 driver of any other vehicle under this chapter, except as to  
16 special regulations in this chapter, and except as to  
17 provisions of this chapter which by their nature can have no  
18 application.

19 (2) A person operating a bicycle may not ride other  
20 than upon or astride a permanent and regular seat attached  
21 thereto.

22 (3)(a) A bicycle may not be used to carry more persons  
23 at one time than the number for which it is designed or  
24 equipped, except that an adult rider may carry a child  
25 securely attached to his or her person in a backpack or sling.

26 (b) Except as provided in paragraph (a), a bicycle  
27 rider must carry any passenger who is a child under 4 years of  
28 age, or who weighs 40 pounds or less, in a seat or carrier  
29 that is designed to carry a child of that age or size and that  
30 secures and protects the child from the moving parts of the  
31 bicycle.

1 (c) A bicycle rider may not allow a passenger to  
2 remain in a child seat or carrier on a bicycle when the rider  
3 is not in immediate control of the bicycle.

4 (d) A bicycle rider or passenger who is under 16 years  
5 of age must wear a bicycle helmet that is properly fitted and  
6 is fastened securely upon the passenger's head by a strap, and  
7 that meets the standards of the American National Standards  
8 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the  
9 standards of the Snell Memorial Foundation (1984 Standard for  
10 Protective Headgear for Use in Bicycling), or any other  
11 nationally recognized standards for bicycle helmets adopted by  
12 the department. As used in this subsection, the term  
13 "passenger" includes a child who is riding in a trailer or  
14 semitrailer attached to a bicycle.

15 (e) Law enforcement officers and school crossing  
16 guards may issue a bicycle safety brochure and a verbal  
17 warning to a bicycle rider or passenger who violates this  
18 subsection. A bicycle rider or passenger who violates this  
19 subsection may be issued a citation by a law enforcement  
20 officer and assessed a fine for a pedestrian violation, as  
21 provided in s. 318.18. The court shall dismiss the charge  
22 against a bicycle rider or passenger for a first violation of  
23 paragraph (d) upon proof of purchase of a bicycle helmet that  
24 complies with this subsection.

25 (f) A person operating a motorized scooter may not  
26 carry passengers.

27 (4) No person riding upon any bicycle, coaster, roller  
28 skates, sled, motorized scooter, or toy vehicle may attach the  
29 same or himself or herself to any vehicle upon a roadway. This  
30 subsection does not prohibit attaching a bicycle trailer or  
31 bicycle semitrailer to a bicycle if that trailer or

1 semitrailer is commercially available and has been designed  
2 for such attachment.

3 (5)(a) Any person operating a bicycle upon a roadway  
4 at less than the normal speed of traffic at the time and place  
5 and under the conditions then existing shall ride as close as  
6 practicable to the right-hand curb or edge of the roadway  
7 except under any of the following situations:

8 1. When overtaking and passing another bicycle,  
9 motorized scooter, or vehicle proceeding in the same  
10 direction.

11 2. When preparing for a left turn at an intersection  
12 or into a private road or driveway.

13 3. When reasonably necessary to avoid any condition,  
14 including, but not limited to, a fixed or moving object,  
15 parked or moving vehicle, bicycle, motorized scooter,  
16 pedestrian, animal, surface hazard, or substandard-width lane,  
17 that makes it unsafe to continue along the right-hand curb or  
18 edge. For the purposes of this subsection, a  
19 "substandard-width lane" is a lane that is too narrow for a  
20 bicycle or motorized scooter and another vehicle to travel  
21 safely side by side within the lane.

22 (b) Any person operating a bicycle or motorized  
23 scooter upon a one-way highway with two or more marked traffic  
24 lanes may ride as near the left-hand curb or edge of such  
25 roadway as practicable.

26 (6) Persons riding bicycles or motorized scooters upon  
27 a roadway may not ride more than two abreast except on paths  
28 or parts of roadways set aside for the exclusive use of  
29 bicycles. Persons riding two abreast may not impede traffic  
30 when traveling at less than the normal speed of traffic at the  
31

1 time and place and under the conditions then existing and  
2 shall ride within a single lane.

3 (7) Any person operating a bicycle or motorized  
4 scooter shall keep at least one hand upon the handlebars.

5 (8) Every bicycle or motorized scooter in use between  
6 sunset and sunrise shall be equipped with a lamp on the front  
7 exhibiting a white light visible from a distance of at least  
8 500 feet to the front and a lamp and reflector on the rear  
9 each exhibiting a red light visible from a distance of 600  
10 feet to the rear. A bicycle or motorized scooter ~~its~~ rider  
11 may be equipped with lights or reflectors in addition to those  
12 required by this section.

13 (9) No parent of any minor child and no guardian of  
14 any minor ward may authorize or knowingly permit any such  
15 minor child or ward to violate any of the provisions of this  
16 section.

17 (10) A person propelling a vehicle by human power or  
18 operating a motorized scooter, upon and along a sidewalk, or  
19 across a roadway upon and along a crosswalk, has all the  
20 rights and duties applicable to a pedestrian under the same  
21 circumstances.

22 (11) A person propelling a bicycle upon and along a  
23 sidewalk, or across a roadway upon and along a crosswalk,  
24 shall yield the right-of-way to any pedestrian and shall give  
25 an audible signal before overtaking and passing such  
26 pedestrian.

27 (12) No person upon roller skates, or riding in or by  
28 means of any coaster, toy vehicle, or similar device, may go  
29 upon any roadway except while crossing a street on a  
30 crosswalk; and, when so crossing, such person shall be granted  
31



1 all rights and shall be subject to all of the duties  
2 applicable to pedestrians.

3 (13) This section shall not apply upon any street  
4 while set aside as a play street authorized herein or as  
5 designated by state, county, or municipal authority.

6 (14) Every bicycle and motorized scooter shall be  
7 equipped with a brake or brakes which will enable its rider to  
8 stop the bicycle or motorized scooter within 25 feet from a  
9 speed of 10 miles per hour on dry, level, clean pavement.

10 (15) A person engaged in the business of selling  
11 bicycles or motorized scooters at retail shall not sell such  
12 ~~any~~ bicycle or motorized scooter unless it ~~the~~ bicycle has an  
13 identifying number permanently stamped or cast on its frame.

14 (16)(a) A person may not knowingly rent or lease any  
15 bicycle to be ridden by a child who is under the age of 16  
16 years unless:

- 17 1. The child possesses a bicycle helmet; or
- 18 2. The lessor provides a bicycle helmet for the child  
19 to wear.

20 (b) A violation of this subsection is a nonmoving  
21 violation, punishable as provided in s. 318.18.

22 (17) The court may waive, reduce, or suspend payment  
23 of any fine imposed under subsection (3) or subsection (16)  
24 and may impose any other conditions on the waiver, reduction,  
25 or suspension. If the court finds that a person does not have  
26 sufficient funds to pay the fine, the court may require the  
27 performance of a specified number of hours of community  
28 service or attendance at a safety seminar.

29 (18) Notwithstanding s. 318.21, all proceeds collected  
30 pursuant to s. 318.18 for violations under paragraphs (3)(e)

31

1 and (16)(b) shall be deposited into the State Transportation  
2 Trust Fund.

3 (19) The failure of a person to wear a bicycle helmet  
4 or the failure of a parent or guardian to prevent a child from  
5 riding a bicycle without a bicycle helmet may not be  
6 considered evidence of negligence or contributory negligence.

7 (20) Except as otherwise provided in this section, a  
8 violation of this section is a noncriminal traffic infraction,  
9 punishable as a pedestrian violation as provided in chapter  
10 318. A law enforcement officer may issue traffic citations for  
11 a violation of subsection (3) or subsection (16) only if the  
12 violation occurs on a bicycle path or road, as defined in s.  
13 334.03. However, they may not issue citations to persons on  
14 private property, except any part thereof which is open to the  
15 use of the public for purposes of vehicular traffic.

16 Section 128. Subsection (2) of section 316.228,  
17 Florida Statutes, is amended to read:

18 316.228 Lamps or flags on projecting load.--

19 (2) Any commercial motor vehicle or trailer, ~~except as~~  
20 ~~stated in s. 316.515(7)~~, transporting a load of unprocessed  
21 logs or, long pulpwood, poles, or posts which load extends  
22 ~~extend~~ more than 4 feet beyond the rear of the body or bed of  
23 such vehicle, must have securely fixed as close as practical  
24 to the end of any such projection one amber strobe-type lamp  
25 equipped with a multidirectional type lens so mounted as to be  
26 visible from the rear and both sides of the projecting load.  
27 If the mounting of one strobe lamp cannot be accomplished so  
28 that it is visible from the rear and both sides of the  
29 projecting load, multiple strobe lights shall be utilized so  
30 as to meet the visibility requirements of this subsection.The  
31 strobe lamp must flash at a rate of at least 60 flashes per

1 minute and must be plainly visible from a distance of at least  
2 500 feet to the rear and sides of the projecting load at any  
3 time of the day or night. The lamp must be operating at any  
4 time of the day or night when the vehicle is operated on any  
5 highway or parked on the shoulder or immediately adjacent to  
6 the traveled portion of any public roadway. The projecting  
7 load shall also be marked with a red flag as described in  
8 subsection (1).

9 Section 129. Subsection (9) of section 316.2397,  
10 Florida Statutes, is amended to read:

11 316.2397 Certain lights prohibited; exceptions.--

12 (9) Flashing red lights may be used by emergency  
13 response vehicles of the Department of Environmental  
14 Protection and the Department of Health when responding to an  
15 emergency in the line of duty.

16 Section 130. Section 316.520, Florida Statutes, is  
17 amended to read:

18 316.520 Loads on vehicles.--

19 (1) A vehicle may not be driven or moved on any  
20 highway unless the vehicle is so constructed or loaded as to  
21 prevent any of its load from dropping, shifting, leaking,  
22 blowing, or otherwise escaping therefrom, except that sand may  
23 be dropped only for the purpose of securing traction or water  
24 or other substance may be sprinkled on a roadway in cleaning  
25 or maintaining the roadway.

26 (2) It is the duty of every owner and driver,  
27 severally, of any vehicle hauling, upon any public road or  
28 highway open to the public, dirt, sand, lime rock, gravel,  
29 silica, or other similar aggregate or trash, garbage, or any  
30 similar material that could fall or blow from such vehicle, to  
31 prevent such materials from falling, blowing, or in any way

1 escaping from such vehicle. Covering and securing the load  
2 with a close-fitting tarpaulin or other appropriate cover is  
3 required.

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

7 (4) This section does not apply to vehicles carrying  
8 agricultural products locally from a field harvest site to a  
9 farm storage site or to a farm feed lot on roads where the  
10 posted speed limit is 60 miles per hour or less and the  
11 distance driven on public roads is less than 20 miles.

12 Section 131. Subsections (1), (2), and (3) of section  
13 316.640, Florida Statutes, are amended to read:

14 316.640 Enforcement.--The enforcement of the traffic  
15 laws of this state is vested as follows:

16 (1) STATE.--

17 (a)1.a. The Division of Florida Highway Patrol of the  
18 Department of Highway Safety and Motor Vehicles, the Division  
19 of Law Enforcement of the Fish and Wildlife Conservation  
20 Commission, the Division of Law Enforcement of the Department  
21 of Environmental Protection, and law enforcement officers of  
22 the Department of Transportation each have authority to  
23 enforce all of the traffic laws of this state on all the  
24 streets and highways thereof and elsewhere throughout the  
25 state wherever the public has a right to travel by motor  
26 vehicle. The Division of the Florida Highway Patrol may employ  
27 as a traffic accident investigation officer any individual who  
28 successfully completes at least 200 hours of instruction in  
29 traffic accident investigation and court presentation through  
30 the Selective Traffic Enforcement Program as approved by the  
31 Criminal Justice Standards and Training Commission and funded

1 through the National Highway Traffic Safety Administration or  
2 a similar program approved by the commission, but who does not  
3 necessarily meet the uniform minimum standards established by  
4 the commission for law enforcement officers or auxiliary law  
5 enforcement officers under chapter 943. Any such traffic  
6 accident investigation officer who makes an investigation at  
7 the scene of a traffic accident may issue traffic citations,  
8 based upon personal investigation, when he or she has  
9 reasonable and probable grounds to believe that a person who  
10 was involved in the accident committed an offense under this  
11 chapter, chapter 319, chapter 320, or chapter 322 in  
12 connection with the accident. This paragraph does not permit  
13 the carrying of firearms or other weapons, nor do such  
14 officers have arrest authority ~~other than for the issuance of~~  
15 ~~a traffic citation as authorized in this paragraph.~~

16 b. University police officers shall have authority to  
17 enforce all of the traffic laws of this state when such  
18 violations occur on or about any property or facilities that  
19 are under the guidance, supervision, regulation, or control of  
20 a state university, a direct support organization of such  
21 state university, or any other organization controlled by the  
22 state university or a direct support organization of the state  
23 university ~~the State University System~~, except that traffic  
24 laws may be enforced off-campus when hot pursuit originates  
25 ~~on-campus~~ on or adjacent to any such property or facilities.

26 c. Community college police officers shall have the  
27 authority to enforce all the traffic laws of this state only  
28 when such violations occur on any property or facilities that  
29 are under the guidance, supervision, regulation, or control of  
30 the community college system.

31

1           d. Police officers employed by an airport authority  
2 shall have the authority to enforce all of the traffic laws of  
3 this state only when such violations occur on any property or  
4 facilities that are owned or operated by an airport authority.

5           (I) An airport authority may employ as a parking  
6 enforcement specialist any individual who successfully  
7 completes a training program established and approved by the  
8 Criminal Justice Standards and Training Commission for parking  
9 enforcement specialists but who does not otherwise meet the  
10 uniform minimum standards established by the commission for  
11 law enforcement officers or auxiliary or part-time officers  
12 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
13 construed to permit the carrying of firearms or other weapons,  
14 nor shall such parking enforcement specialist have arrest  
15 authority.

16           (II) A parking enforcement specialist employed by an  
17 airport authority is authorized to enforce all state, county,  
18 and municipal laws and ordinances governing parking only when  
19 such violations are on property or facilities owned or  
20 operated by the airport authority employing the specialist, by  
21 appropriate state, county, or municipal traffic citation.

22           e. The Office of Agricultural Law Enforcement of the  
23 Department of Agriculture and Consumer Services shall have the  
24 authority to enforce traffic laws of this state only as  
25 authorized by the provisions of chapter 570. However, nothing  
26 in this section shall expand the authority of the Office of  
27 Agricultural Law Enforcement at its agricultural inspection  
28 stations to issue any traffic tickets except those traffic  
29 tickets for vehicles illegally passing the inspection station.

30           f. School safety officers shall have the authority to  
31 enforce all of the traffic laws of this state when such

1 violations occur on or about any property or facilities which  
2 are under the guidance, supervision, regulation, or control of  
3 the district school board.

4         2. An agency of the state as described in subparagraph  
5 1. is prohibited from establishing a traffic citation quota. A  
6 violation of this subparagraph is not subject to the penalties  
7 provided in chapter 318.

8         3. Any disciplinary action taken or performance  
9 evaluation conducted by an agency of the state as described in  
10 subparagraph 1. of a law enforcement officer's traffic  
11 enforcement activity must be in accordance with written  
12 work-performance standards. Such standards must be approved by  
13 the agency and any collective bargaining unit representing  
14 such law enforcement officer. A violation of this subparagraph  
15 is not subject to the penalties provided in chapter 318.

16         (b)1. The Department of Transportation has authority  
17 to enforce on all the streets and highways of this state all  
18 laws applicable within its authority.

19         2.a. The Department of Transportation shall develop  
20 training and qualifications standards for toll enforcement  
21 officers whose sole authority is to enforce the payment of  
22 tolls pursuant to s. 316.1001. Nothing in this subparagraph  
23 shall be construed to permit the carrying of firearms or other  
24 weapons, nor shall a toll enforcement officer have arrest  
25 authority.

26         b. For the purpose of enforcing s. 316.1001,  
27 governmental entities, as defined in s. 334.03, which own or  
28 operate a toll facility may employ independent contractors or  
29 designate employees as toll enforcement officers; however, any  
30 such toll enforcement officer must successfully meet the

31

1 training and qualifications standards for toll enforcement  
2 officers established by the Department of Transportation.

3 (2) COUNTIES.--

4 (a) The sheriff's office of each of the several  
5 counties of this state shall enforce all of the traffic laws  
6 of this state on all the streets and highways thereof and  
7 elsewhere throughout the county wherever the public has the  
8 right to travel by motor vehicle. In addition, the sheriff's  
9 office may be required by the county to enforce the traffic  
10 laws of this state on any private or limited access road or  
11 roads over which the county has jurisdiction pursuant to a  
12 written agreement entered into under s. 316.006(3)(b).

13 (b) The sheriff's office of each county may employ as  
14 a traffic crash investigation officer any individual who  
15 successfully completes at least 200 hours of instruction in  
16 traffic crash investigation and court presentation through the  
17 Selective Traffic Enforcement Program (STEP) as approved by  
18 the Criminal Justice Standards and Training Commission and  
19 funded through the National Highway Traffic Safety  
20 Administration (NHTSA) or a similar program approved by the  
21 commission, but who does not necessarily otherwise meet the  
22 uniform minimum standards established by the commission for  
23 law enforcement officers or auxiliary law enforcement officers  
24 under chapter 943. Any such traffic crash investigation  
25 officer who makes an investigation at the scene of a traffic  
26 crash may issue traffic citations when, based upon personal  
27 investigation, he or she has reasonable and probable grounds  
28 to believe that a person who was involved in the crash has  
29 committed an offense under this chapter, chapter 319, chapter  
30 320, or chapter 322 in connection with the crash ~~accident~~.  
31 This paragraph does not permit the carrying of firearms or



1 other weapons, nor do such officers have arrest authority  
2 ~~other than for the issuance of a traffic citation as~~  
3 ~~authorized in this paragraph.~~

4 (c) The sheriff's office of each of the several  
5 counties of this state may employ as a parking enforcement  
6 specialist any individual who successfully completes a  
7 training program established and approved by the Criminal  
8 Justice Standards and Training Commission for parking  
9 enforcement specialists, but who does not necessarily  
10 otherwise meet the uniform minimum standards established by  
11 the commission for law enforcement officers or auxiliary or  
12 part-time officers under s. 943.12.

13 1. A parking enforcement specialist employed by the  
14 sheriff's office of each of the several counties of this state  
15 is authorized to enforce all state and county laws,  
16 ordinances, regulations, and official signs governing parking  
17 within the unincorporated areas of the county by appropriate  
18 state or county citation and may issue such citations for  
19 parking in violation of signs erected pursuant to s.  
20 316.006(3) at parking areas located on property owned or  
21 leased by a county, whether or not such areas are within the  
22 boundaries of a chartered municipality.

23 2. A parking enforcement specialist employed pursuant  
24 to this subsection shall not carry firearms or other weapons  
25 or have arrest authority.

26 (3) MUNICIPALITIES.--

27 (a) The police department of each chartered  
28 municipality shall enforce the traffic laws of this state on  
29 all the streets and highways thereof and elsewhere throughout  
30 the municipality wherever the public has the right to travel  
31 by motor vehicle. In addition, the police department may be

1 required by a municipality to enforce the traffic laws of this  
2 state on any private or limited access road or roads over  
3 which the municipality has jurisdiction pursuant to a written  
4 agreement entered into under s. 316.006(2)(b). However,  
5 nothing in this chapter shall affect any law, general,  
6 special, or otherwise, in effect on January 1, 1972, relating  
7 to "hot pursuit" without the boundaries of the municipality.

8 (b) The police department of a chartered municipality  
9 may employ as a traffic crash investigation officer any  
10 individual who successfully completes at least 200 hours of  
11 instruction in traffic crash investigation and court  
12 presentation through the Selective Traffic Enforcement Program  
13 (STEP) as approved by the Criminal Justice Standards and  
14 Training Commission and funded through the National Highway  
15 Traffic Safety Administration (NHTSA) or a similar program  
16 approved by the commission, but who does not otherwise meet  
17 the uniform minimum standards established by the commission  
18 for law enforcement officers or auxiliary law enforcement  
19 officers under chapter 943. Any such traffic crash  
20 investigation officer who makes an investigation at the scene  
21 of a traffic crash is authorized to issue traffic citations  
22 when, based upon personal investigation, he or she has  
23 reasonable and probable grounds to believe that a person  
24 involved in the crash has committed an offense under the  
25 provisions of this chapter, chapter 319, chapter 320, or  
26 chapter 322 in connection with the crash. ~~Nothing in This~~  
27 ~~paragraph does not shall be construed to permit the carrying~~  
28 ~~of firearms or other weapons, nor do shall such officers have~~  
29 ~~arrest authority other than for the issuance of a traffic~~  
30 ~~citation as authorized above.~~

31

1 (c)1. A chartered municipality or its authorized  
2 agency or instrumentality may employ as a parking enforcement  
3 specialist any individual who successfully completes a  
4 training program established and approved by the Criminal  
5 Justice Standards and Training Commission for parking  
6 enforcement specialists, but who does not otherwise meet the  
7 uniform minimum standards established by the commission for  
8 law enforcement officers or auxiliary or part-time officers  
9 under s. 943.12.

10 2. A parking enforcement specialist employed by a  
11 chartered municipality or its authorized agency or  
12 instrumentality is authorized to enforce all state, county,  
13 and municipal laws and ordinances governing parking within the  
14 boundaries of the municipality employing the specialist, by  
15 appropriate state, county, or municipal traffic citation.  
16 ~~Nothing in this paragraph shall be construed to permit the~~  
17 ~~carrying of firearms or other weapons, nor shall such a~~  
18 ~~parking enforcement specialist have arrest authority.~~

19 3. A parking enforcement specialist employed pursuant  
20 to this subsection may not carry firearms or other weapons or  
21 have arrest authority.

22 Section 132. Subsection (3) of section 316.650,  
23 Florida Statutes, is amended to read:

24 316.650 Traffic citations.--

25 (3) Every traffic enforcement officer, upon issuing a  
26 traffic citation to an alleged violator of any provision of  
27 the motor vehicle laws of this state or of any traffic  
28 ordinance of any city or town, shall deposit the original and  
29 one copy of such traffic citation or, in the case of a traffic  
30 enforcement agency which has an automated citation issuance  
31 system, shall provide an electronic facsimile with a court

1 having jurisdiction over the alleged offense or with its  
2 traffic violations bureau within 5 days after issuance to the  
3 violator. If a law enforcement officer distributes additional  
4 information, such information shall be a copy of the traffic  
5 school reference guide.

6 Section 133. Subsection (9) of section 318.14, Florida  
7 Statutes, is amended to read:

8 318.14 Noncriminal traffic infractions; exception;  
9 procedures.--

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

27 Section 134. Subsection (6) and paragraph (a) of  
28 subsection (8) of section 318.18, Florida Statutes, are  
29 amended to read:  
30  
31

1           318.18 Amount of civil penalties.--The penalties  
2 required for a noncriminal disposition pursuant to s. 318.14  
3 are as follows:

4           (6) One hundred dollars or the fine amount designated  
5 by county ordinance, plus court costs for illegally parking,  
6 under s. 316.1955, in a parking space provided for people who  
7 have disabilities. However, this fine will be waived if a  
8 person provides to the law enforcement agency that issued the  
9 citation for such a violation proof that the person committing  
10 the violation has a valid parking permit or license plate  
11 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.  
12 320.0845, or s. 320.0848 or a signed affidavit that the owner  
13 of the disabled parking permit or license plate was present at  
14 the time the violation occurred, and that such a parking  
15 permit or license plate was valid at the time the violation  
16 occurred. The law enforcement officer, upon determining that  
17 all required documentation has been submitted verifying that  
18 the required parking permit or license plate was valid at the  
19 time of the violation, must sign an affidavit of compliance.  
20 Upon provision of the affidavit of compliance and payment of a  
21 \$5 dismissal fee to the clerk of the circuit court, the clerk  
22 shall dismiss the citation.

23           (8)(a) Any person who fails to comply with the court's  
24 requirements or who fails to pay the civil penalties specified  
25 in this section within the 30-day period provided for in s.  
26 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
27 which must be deposited into the General Revenue Fund, and  
28 \$9.50 of which must be deposited in the Highway Safety  
29 Operating Trust Fund. There is hereby appropriated from the  
30 Highway Safety Operating Trust Fund for fiscal year 1996-1997  
31 the amount of \$4 million. From this appropriation the

1 department shall contract with the Florida Association of  
2 Court Clerks, Inc., to design, establish, operate, upgrade,  
3 and maintain an automated statewide Uniform Traffic Citation  
4 Accounting System to be operated by the clerks of the court  
5 which shall include, but not be limited to, the accounting for  
6 traffic infractions by type, a record of the disposition of  
7 the citations, and an accounting system for the fines assessed  
8 and the subsequent fine amounts paid to the clerks of the  
9 court. On or before December 1, 2002 ~~2001~~, the clerks of the  
10 court must provide the information required by this chapter to  
11 be transmitted to the department by electronic transmission  
12 pursuant to the contract.

13 (b) Any person who fails to comply with the court's  
14 requirements as to civil penalties specified in this section  
15 due to demonstrable financial hardship shall be authorized to  
16 satisfy such civil penalties by public works or community  
17 service. Each hour of such service shall be applied, at the  
18 rate of the minimum wage, toward payment of the person's civil  
19 penalties; provided, however, that if the person has a trade  
20 or profession for which there is a community service need and  
21 application, the rate for each hour of such service shall be  
22 the average standard wage for such trade or profession. Any  
23 person who fails to comply with the court's requirements as to  
24 such civil penalties who does not demonstrate financial  
25 hardship may also, at the discretion of the court, be  
26 authorized to satisfy such civil penalties by public works or  
27 community service in the same manner.

28 (c) If the noncriminal infraction has caused or  
29 resulted in the death of another, the person who committed the  
30 infraction may perform 120 community service hours under s.  
31 316.027(4), in addition to any other penalties.

1           Section 135. Paragraph (b) of subsection (1) and  
2 subsection (2) of section 322.0261, Florida Statutes, are  
3 amended to read:

4           322.0261 Mandatory driver improvement course; certain  
5 crashes.--

6           (1) The department shall screen crash reports received  
7 under s. 316.066 or s. 324.051 to identify crashes involving  
8 the following:

9           (b) A ~~second crash by the same operator within the~~  
10 ~~previous 2-year period~~ involving property damage in an  
11 apparent amount of at least \$2,500~~\$500~~.

12           (2) With respect to an operator convicted of, or who  
13 pleaded nolo contendere to, a traffic offense giving rise to a  
14 crash identified pursuant to subsection (1), the department  
15 shall require that the operator, in addition to other  
16 applicable penalties, attend a departmentally approved basic  
17 driver improvement course in order to maintain driving  
18 privileges. If the operator fails to complete the course  
19 within 90 days of receiving notice from the department, the  
20 operator's driver's license shall be canceled by the  
21 department until the course is successfully completed.

22           Section 136. Section 322.02615, Florida Statutes, is  
23 created to read:

24           322.02615 Mandatory driver improvement course; certain  
25 violations.--

26           (1) The department shall screen reports of convictions  
27 for violations of chapter 316 to identify operators who:

28           (a) Are less than 21 years of age and have been  
29 convicted of, or pleaded nolo contendere to, a noncriminal  
30 moving infraction and have also been convicted of, or pleaded  
31

1 nolo contendere to, another noncriminal moving infraction  
2 since initial license issuance.

3 (b) Have been convicted of, or pleaded nolo contendere  
4 to, more than one noncriminal moving infraction in a 12-month  
5 period.

6 (2) With respect to an operator convicted of, or who  
7 has pleaded nolo contendere to, a noncriminal traffic offense  
8 identified under subsection (1), the department shall require  
9 that the operator, in addition to other applicable penalties,  
10 attend a departmentally approved basic driver improvement  
11 course in order to maintain driving privileges. If the  
12 operator fails to complete the course within 90 days after  
13 receiving notice from the department, the operator's driver's  
14 license shall be suspended by the department until the course  
15 is successfully completed.

16 (3) Attendance of a course approved by the department  
17 as a driver improvement course for purposes of s. 318.14(9)  
18 shall satisfy the requirements of this section. However,  
19 attendance of a course as required by this section is not  
20 included in the limitation on course elections under s.  
21 318.14(9).

22 Section 137. Subsection (5) of section 318.1451,  
23 Florida Statutes, is amended to read:

24 318.1451 Driver improvement schools.--

25 (5)(a) No governmental entity or court shall provide,  
26 issue, or maintain any information or orders regarding driver  
27 improvement schools or course providers, with the exception of  
28 the traffic school reference guide or course provider list  
29 referred to in paragraph (b)~~directing inquiries or requests~~  
30 ~~to the local telephone directory heading of driving~~  
31 ~~instruction or the traffic school reference guide.~~ However,



1 the department is authorized to maintain the information and  
2 records necessary to administer its duties and  
3 responsibilities for driver improvement courses. Where such  
4 information is a public record as defined in chapter 119, it  
5 shall be made available to the public upon request pursuant to  
6 s. 119.07(1). Course providers receiving requests for  
7 information about traffic schools from geographic areas that  
8 they do not serve shall provide a telephone number for a  
9 course provider that they believe services such geographic  
10 area.

11 (b) The department shall prepare for any governmental  
12 entity or court ~~to distribute~~ a traffic school reference guide  
13 which shall list the benefits of attending a driver  
14 improvement school and contain the names of the fully approved  
15 course providers with a single telephone number for each such  
16 provider, as furnished by the provider. The cost of producing  
17 the traffic school reference guide must be assumed equally by  
18 providers electing to have their course included in the guide.  
19 Clerks of court may reproduce the traffic school reference  
20 guide course provider list, provided that each name is rotated  
21 on each reproduction so that each provider occupies each  
22 position on the list in a equitable manner, ~~but under no~~  
23 ~~circumstance may any list of course providers or schools be~~  
24 ~~included, and shall refer further inquiries to the telephone~~  
25 ~~directory under driving instruction.~~

26 Section 138. Section 319.001, Florida Statutes, is  
27 amended to read:

28 319.001 Definitions.--As used in this chapter, the  
29 term:

30 (1) "Department" means the Department of Highway  
31 Safety and Motor Vehicles.

1           (2) "Front-end assembly" means fenders, hood, grill,  
2 and bumper.

3           ~~(3)(2)~~ "Licensed dealer," unless otherwise  
4 specifically provided, means a motor vehicle dealer licensed  
5 under s. 320.27, a mobile home dealer licensed under s.  
6 320.77, or a recreational vehicle dealer licensed under s.  
7 320.771.

8           (4) "Motorcycle body assembly" means frame, fenders,  
9 and gas tanks.

10           (5) "Motorcycle engine" means cylinder block, heads,  
11 engine case, and crank case.

12           (6) "Motorcycle transmission" means drive train.

13           ~~(7)(3)~~ "New mobile home" means a mobile home the  
14 equitable or legal title to which has never been transferred  
15 by a manufacturer, distributor, importer, or dealer to an  
16 ultimate purchaser.

17           ~~(8)(4)~~ "New motor vehicle" means a motor vehicle the  
18 equitable or legal title to which has never been transferred  
19 by a manufacturer, distributor, importer, or dealer to an  
20 ultimate purchaser; however, when legal title is not  
21 transferred but possession of a motor vehicle is transferred  
22 pursuant to a conditional sales contract or lease and the  
23 conditions are not satisfied and the vehicle is returned to  
24 the motor vehicle dealer, the motor vehicle may be resold by  
25 the motor vehicle dealer as a new motor vehicle, provided the  
26 selling motor vehicle dealer gives the following written  
27 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A  
28 PREVIOUS PURCHASER." The purchaser shall sign an  
29 acknowledgment, a copy of which is kept in the selling  
30 dealer's file.

31

1           (9) "Rear body section" means both quarter panels,  
2 decklid, bumper, and floor pan.

3           ~~(10)(5)~~ "Satisfaction of lien" means full payment of a  
4 debt or release of a debtor from a lien by the lienholder.

5           ~~(11)(6)~~ "Used motor vehicle" means any motor vehicle  
6 that is not a "new motor vehicle" as defined in subsection  
7 ~~(8)(4)~~.

8           Section 139. Subsections (1), (2), and (3) of section  
9 319.14, Florida Statutes, are amended, subsections (6), (7),  
10 and (8) are renumbered as subsections (7), (8), and (9),  
11 respectively, and a new subsection (6) is added to said  
12 section, to read:

13           319.14 Sale of motor vehicles registered or used as  
14 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles  
15 and nonconforming vehicles.--

16           (1)(a) No person shall knowingly offer for sale, sell,  
17 or exchange any vehicle that has been licensed, registered, or  
18 used as a taxicab, police vehicle, or short-term-lease  
19 vehicle, or a vehicle that has been repurchased by a  
20 manufacturer pursuant to a settlement, determination, or  
21 decision under chapter 681, until the department has stamped  
22 in a conspicuous place on the certificate of title of the  
23 vehicle, or its duplicate, words stating the nature of the  
24 previous use of the vehicle or the title has been stamped  
25 "Manufacturer's Buy Back" to reflect that the vehicle is a  
26 nonconforming vehicle. If the certificate of title or  
27 duplicate was not so stamped upon initial issuance thereof or  
28 if, subsequent to initial issuance of the title, the use of  
29 the vehicle is changed to a use requiring the notation  
30 provided for in this section, the owner or lienholder of the  
31 vehicle shall surrender the certificate of title or duplicate

1 to the department prior to offering the vehicle for sale, and  
2 the department shall stamp the certificate or duplicate as  
3 required herein. When a vehicle has been repurchased by a  
4 manufacturer pursuant to a settlement, determination, or  
5 decision under chapter 681, the title shall be stamped  
6 "Manufacturer's Buy Back" to reflect that the vehicle is a  
7 nonconforming vehicle.

8 (b) No person shall knowingly offer for sale, sell, or  
9 exchange a rebuilt vehicle until the department has stamped in  
10 a conspicuous place on the certificate of title for the  
11 vehicle words stating that the vehicle has been rebuilt or,  
12 assembled from parts, ~~or combined~~, or is a kit car, glider  
13 kit, replica, or flood vehicle unless proper application for a  
14 certificate of title for a vehicle that is rebuilt or,  
15 assembled from parts, ~~or combined~~, or is a kit car, glider  
16 kit, replica, or flood vehicle has been made to the department  
17 in accordance with this chapter and the department or its  
18 agent has conducted the physical examination of the vehicle to  
19 assure the identity of the vehicle and all major component  
20 parts, as defined in s. 319.30(1)(e), which have been repaired  
21 or replaced. Thereafter, the department shall affix a decal to  
22 the vehicle, in the manner prescribed by the department,  
23 showing the vehicle to be rebuilt.

24 (c) As used in this section:

25 1. "Police vehicle" means a motor vehicle owned or  
26 leased by the state or a county or municipality and used in  
27 law enforcement.

28 2.a. "Short-term-lease vehicle" means a motor vehicle  
29 leased without a driver and under a written agreement to one  
30 or more persons from time to time for a period of less than 12  
31 months.

1           b. "Long-term-lease vehicle" means a motor vehicle  
2 leased without a driver and under a written agreement to one  
3 person for a period of 12 months or longer.

4           c. "Lease vehicle" includes both short-term-lease  
5 vehicles and long-term-lease vehicles.

6           3. "Rebuilt vehicle" means a motor vehicle or mobile  
7 home built from salvage or junk, as defined in s. 319.30(1).

8           4. "Assembled from parts" means a motor vehicle or  
9 mobile home assembled from parts or combined from parts of  
10 motor vehicles or mobile homes, new or used. "Assembled from  
11 parts" does not mean a motor vehicle defined as a "rebuilt  
12 vehicle" in subparagraph 3., which has been declared a total  
13 loss pursuant to s. 319.30.

14           ~~5. "Combined" means assembled by combining two motor~~  
15 ~~vehicles neither of which has been titled and branded as~~  
16 ~~"Salvage Unrebuildable."~~

17           ~~5.6.~~ "Kit car" means a motor vehicle assembled with a  
18 kit supplied by a manufacturer to rebuild a wrecked or  
19 outdated motor vehicle with a new body kit.

20           ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit  
21 supplied by a manufacturer to rebuild a wrecked or outdated  
22 truck or truck tractor.

23           ~~7.8.~~ "Replica" means a complete new motor vehicle  
24 manufactured to look like an old vehicle.

25           ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile  
26 home that has been declared to be a total loss pursuant to s.  
27 319.30(3)(a) resulting from damage caused by water.

28           ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle  
29 which has been purchased by a manufacturer pursuant to a  
30 settlement, determination, or decision under chapter 681.

31

1           ~~10.11.~~ "Settlement" means an agreement entered into  
2 between a manufacturer and a consumer that occurs after a  
3 dispute is submitted to a program, or an informal dispute  
4 settlement procedure established by a manufacturer or is  
5 approved for arbitration before the New Motor Vehicle  
6 Arbitration Board as defined in s. 681.102.

7           (2) No person shall knowingly sell, exchange, or  
8 transfer a vehicle referred to in subsection (1) without,  
9 prior to consummating the sale, exchange, or transfer,  
10 disclosing in writing to the purchaser, customer, or  
11 transferee the fact that the vehicle has previously been  
12 titled, registered, or used as a taxicab, police vehicle, or  
13 short-term-lease vehicle or is a vehicle that is rebuilt or,  
14 assembled from parts, ~~or combined~~, or is a kit car, glider  
15 kit, replica, or flood vehicle, or is a nonconforming vehicle,  
16 as the case may be.

17           (3) Any person who, with intent to offer for sale or  
18 exchange any vehicle referred to in subsection (1), knowingly  
19 or intentionally advertises, publishes, disseminates,  
20 circulates, or places before the public in any communications  
21 medium, whether directly or indirectly, any offer to sell or  
22 exchange the vehicle shall clearly and precisely state in each  
23 such offer that the vehicle has previously been titled,  
24 registered, or used as a taxicab, police vehicle, or  
25 short-term-lease vehicle or that the vehicle or mobile home is  
26 a vehicle that is rebuilt or assembled from parts, ~~or~~  
27 ~~combined~~, or is a kit car, glider kit, replica, or flood  
28 vehicle, or a nonconforming vehicle, as the case may be. Any  
29 person who violates this subsection is guilty of a misdemeanor  
30 of the second degree, punishable as provided in s. 775.082 or  
31 s. 775.083.

1           (6) Any person who removes a rebuilt decal from a  
2 rebuilt vehicle or who knowingly possesses a rebuilt vehicle  
3 from which a rebuilt decal has been removed is guilty of a  
4 felony of the third degree punishable as provided in s.  
5 775.082, s. 775.083, or s. 775.084.

6           Section 140. Paragraph (c) of subsection (3) and  
7 subsection (5) of section 319.23, Florida Statutes, is amended  
8 and a new subsection (11) is added to that section to read:

9           319.23 Application for, and issuance of, certificate  
10 of title.--

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

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

28  
29 Verification of the vehicle identification number is not  
30 required for any new motor vehicle; any mobile home; any  
31 trailer or semitrailer with a net weight of less than 2,000

1 pounds; or any travel trailer, camping trailer, truck camper,  
2 or fifth-wheel recreation trailer.

3 (5) The certificate of title issued by the department  
4 for a motor vehicle or mobile home previously registered  
5 outside this state shall give the name of the state or country  
6 in which the vehicle was last registered outside this state.  
7 ~~The department shall retain the evidence of title presented by~~  
8 ~~the applicant and based on which the certificate of title is~~  
9 ~~issued.~~The department shall use reasonable diligence in  
10 ascertaining whether or not the facts in the application are  
11 true; and, if satisfied that the applicant is the owner of the  
12 motor vehicle or mobile home and that the application is in  
13 the proper form, it shall issue a certificate of title.

14 (11) The department is not required to retain any  
15 evidence of title presented by the applicant and based on  
16 which the certificate of title issued.

17 Section 141. Paragraph (a) of subsection (1) of  
18 section 319.28, Florida Statutes, is amended to read:

19 319.28 Transfer of ownership by operation of law.--

20 (1)(a) In the event of the transfer of ownership of a  
21 motor vehicle or mobile home by operation of law as upon  
22 inheritance, devise or bequest, order in bankruptcy,  
23 insolvency, replevin, attachment, execution or other judicial  
24 sale or whenever the engine of a motor vehicle is replaced by  
25 another engine or whenever a motor vehicle is sold to satisfy  
26 storage or repair charges or repossession is had upon default  
27 in performance of the terms of a security agreement, chattel  
28 mortgage, conditional sales contract, trust receipt, or other  
29 like agreement, and upon the surrender of the prior  
30 certificate of title or, when that is not possible,  
31 presentation of satisfactory proof to the department of



1 ownership and right of possession to such motor vehicle or  
2 mobile home, and upon payment of the fee prescribed by law and  
3 presentation of an application for certificate of title, the  
4 department may issue to the applicant a certificate of title  
5 thereto. ~~If the application is predicated upon a security  
6 agreement, chattel mortgage, conditional sales contract, trust  
7 receipt, or other like agreement, the original instrument or a  
8 certified copy thereof shall accompany the application;  
9 however, if an owner under a chattel mortgage voluntarily  
10 surrenders possession of the motor vehicle or mobile home, the  
11 original or a certified copy of the chattel mortgage shall  
12 accompany the application for a certificate of title and it  
13 shall not be necessary to institute proceedings in any court  
14 to foreclose such mortgage.~~

15 Section 142. Paragraphs (e) and (f) of subsection (1)  
16 and paragraph (b) of subsection (3) of section 319.30, Florida  
17 Statutes, are amended to read:

18 319.30 Definitions; dismantling, destruction, change  
19 of identity of motor vehicle or mobile home; salvage.--

20 (1) As used in this section, the term:

21 (e) "Major component parts" means:

22 1. For motor vehicles other than motorcycles: the  
23 front-end assembly (fenders, hood, grill, bumper), cowl  
24 assembly, rear body section (both quarter panels, decklid,  
25 bumper), floor pan, door assemblies, engine, frame,  
26 transmission, and airbag.

27 2. For trucks, in addition to 1. above: the truck  
28 bed.

29 3. For motorcycles: body assembly, frame, fenders,  
30 gas tanks, engine, cylinder block, heads, engine case, crank  
31

1 case, transmission, drive train, front fork assembly, and  
2 wheels.

3 4. For mobile homes: the frame.~~the front-end~~  
4 ~~assembly (fenders, hood, grill, and bumper); cowl assembly;~~  
5 ~~rear body section (both quarter panels, decklid, bumper, and~~  
6 ~~floor pan); door assemblies; engine; frame; or transmission.~~

7 (f) "Major part" means the front-end assembly  
8 ~~(fenders, hood, grill, and bumper); cowl assembly; or rear~~  
9 ~~body section (both quarter panels, decklid, bumper, and floor~~  
10 ~~pan).~~

11 (3)

12 (b) The owner of any motor vehicle or mobile home  
13 which is considered to be salvage shall, within 72 hours after  
14 the motor vehicle or mobile home becomes salvage, forward the  
15 title to the motor vehicle or mobile home to the department  
16 for processing. However, an insurance company which pays money  
17 as compensation for total loss of a motor vehicle or mobile  
18 home shall obtain the certificate of title for the motor  
19 vehicle or mobile home and, within 72 hours after receiving  
20 such certificate of title, shall forward such title to the  
21 department for processing. The owner or insurance company, as  
22 the case may be, may not dispose of a vehicle or mobile home  
23 that is a total loss before it has obtained a salvage  
24 certificate of title or certificate of destruction from the  
25 department. When applying for a salvage certificate of title  
26 or certificate of destruction, the owner or insurance company  
27 must provide the department with an estimate of the costs of  
28 repairing the physical and mechanical damage suffered by the  
29 vehicle for which a salvage certificate of title or  
30 certificate of destruction is sought. If the estimated costs  
31 of repairing the physical and mechanical damage to the vehicle

1 are equal to 80 percent or more of the current retail cost of  
2 the vehicle, as established in any official used car or used  
3 mobile home guide, the department shall declare the vehicle  
4 unrebuildable and print a certificate of destruction, which  
5 authorizes the dismantling or destruction of the motor vehicle  
6 or mobile home described therein. This certificate of  
7 destruction shall be reassignable a maximum of two times  
8 before dismantling or destruction of the vehicle shall be  
9 required, and shall accompany the motor vehicle or mobile home  
10 for which it is issued, when such motor vehicle or mobile home  
11 is sold for such purposes, in lieu of a certificate of title,  
12 and, thereafter, the department shall refuse issuance of any  
13 certificate of title for that vehicle. Nothing in this  
14 subsection shall be applicable when a vehicle is worth less  
15 than \$1,500 retail in undamaged condition in any official used  
16 motor vehicle guide or used mobile home guide. An insurer  
17 paying a total loss claim may obtain a certificate of  
18 destruction for such vehicle. ~~or~~ When a stolen motor vehicle  
19 or mobile home is recovered in substantially intact condition  
20 and is readily resalable without extensive repairs to or  
21 replacement of the frame or engine, the insurer shall obtain a  
22 certificate of title in its own name before the vehicle may be  
23 sold or transferred. Any person who willfully and deliberately  
24 violates this paragraph or falsifies any document to avoid the  
25 requirements of this paragraph commits a misdemeanor of the  
26 first degree, punishable as provided in s. 775.082 or s.  
27 775.083.

28 Section 143. Subsection (1) of section 320.01, Florida  
29 Statutes, is amended to read:

30 320.01 Definitions, general.--As used in the Florida  
31 Statutes, except as otherwise provided, the term:

1 (1) "Motor vehicle" means:

2 (a) An automobile, motorcycle, truck, trailer,  
3 semitrailer, truck tractor and semitrailer combination, or any  
4 other vehicle operated on the roads of this state, used to  
5 transport persons or property, and propelled by power other  
6 than muscular power, but the term does not include traction  
7 engines, road rollers, such vehicles as run only upon a track,  
8 bicycles, motorized scooters, or mopeds.

9 (b) A recreational vehicle-type unit primarily  
10 designed as temporary living quarters for recreational,  
11 camping, or travel use, which either has its own motive power  
12 or is mounted on or drawn by another vehicle. Recreational  
13 vehicle-type units, when traveling on the public roadways of  
14 this state, must comply with the length and width provisions  
15 of s. 316.515, as that section may hereafter be amended. As  
16 defined below, the basic entities are:

17 1. The "travel trailer," which is a vehicular portable  
18 unit, mounted on wheels, of such a size or weight as not to  
19 require special highway movement permits when drawn by a  
20 motorized vehicle. It is primarily designed and constructed to  
21 provide temporary living quarters for recreational, camping,  
22 or travel use. It has a body width of no more than 8 1/2 feet  
23 and an overall body length of no more than 40 feet when  
24 factory-equipped for the road.

25 2. The "camping trailer," which is a vehicular  
26 portable unit mounted on wheels and constructed with  
27 collapsible partial sidewalls which fold for towing by another  
28 vehicle and unfold at the campsite to provide temporary living  
29 quarters for recreational, camping, or travel use.

30 3. The "truck camper," which is a truck equipped with  
31 a portable unit designed to be loaded onto, or affixed to, the

1 bed or chassis of the truck and constructed to provide  
2 temporary living quarters for recreational, camping, or travel  
3 use.

4           4. The "motor home," which is a vehicular unit which  
5 does not exceed the ~~40 feet in length, and the height, and the~~  
6 width limitations provided in s. 316.515, is a self-propelled  
7 motor vehicle, and is primarily designed to provide temporary  
8 living quarters for recreational, camping, or travel use.

9           5. The "private motor coach," which is a vehicular  
10 unit which does not exceed the length, width, and height  
11 limitations provided in s. 316.515(9), is built on a  
12 self-propelled bus type chassis having no fewer than three  
13 load-bearing axles, and is primarily designed to provide  
14 temporary living quarters for recreational, camping, or travel  
15 use.

16           6. The "van conversion," which is a vehicular unit  
17 which does not exceed the length and width limitations  
18 provided in s. 316.515, is built on a self-propelled motor  
19 vehicle chassis, and is designed for recreation, camping, and  
20 travel use.

21           7. The "park trailer," which is a transportable unit  
22 which has a body width not exceeding 14 feet and which is  
23 built on a single chassis and is designed to provide seasonal  
24 or temporary living quarters when connected to utilities  
25 necessary for operation of installed fixtures and appliances.  
26 The total area of the unit in a setup mode, when measured from  
27 the exterior surface of the exterior stud walls at the level  
28 of maximum dimensions, not including any bay window, does not  
29 exceed 400 square feet when constructed to ANSI A-119.5  
30 standards, and 500 square feet when constructed to United  
31 States Department of Housing and Urban Development Standards.

1 The length of a park trailer means the distance from the  
2 exterior of the front of the body (nearest to the drawbar and  
3 coupling mechanism) to the exterior of the rear of the body  
4 (at the opposite end of the body), including any protrusions.

5 8. The "fifth-wheel trailer," which is a vehicular  
6 unit mounted on wheels, designed to provide temporary living  
7 quarters for recreational, camping, or travel use, of such  
8 size or weight as not to require a special highway movement  
9 permit, of gross trailer area not to exceed 400 square feet in  
10 the setup mode, and designed to be towed by a motorized  
11 vehicle that contains a towing mechanism that is mounted above  
12 or forward of the tow vehicle's rear axle.

13 Section 144. Subsections (18) and (19) are added to  
14 section 320.02, Florida Statutes, to read:

15 320.02 Registration required; application for  
16 registration; forms.--

17 (18) The application form for motor vehicle  
18 registration and renewal of registration must include language  
19 permitting a voluntary contribution of \$2 per applicant, which  
20 shall be distributed to the Hearing Research Institute,  
21 Incorporated, for the purpose of infant hearing screening in  
22 Florida.

23 (19) The application form for motor vehicle  
24 registration and renewal of registration must include language  
25 permitting a voluntary contribution of \$1 per applicant, which  
26 shall be distributed to the Juvenile Diabetes Foundation  
27 International.

28 Section 145. Paragraph (b) of subsection (4) and  
29 subsections (5), (6), and (7) of section 320.023, Florida  
30 Statutes, are amended, and subsection (8) is added to said  
31 section, to read:

1           320.023 Requests to establish voluntary checkoff on  
2 motor vehicle registration application.--

3           (4)

4           (b) The department is authorized to discontinue the  
5 voluntary contribution and distribution of associated proceeds  
6 if the organization no longer exists, if the organization has  
7 stopped providing services that are authorized to be funded  
8 from the voluntary contributions, or pursuant to an  
9 organizational recipient's request. Organizations are required  
10 to notify the department immediately to stop warrants for  
11 voluntary check-off contributions if any of the conditions in  
12 this subsection exist, and must meet the requirements of  
13 paragraph (5)(b) or paragraph (5)(c), if applicable, for any  
14 period of operation during the fiscal year.

15           (5) A voluntary contribution collected and distributed  
16 under this chapter, or any interest earned from those  
17 contributions, may not be used for commercial or for-profit  
18 activities nor for general or administrative expenses, except  
19 as authorized by law, ~~or to pay the cost of the audit or~~  
20 ~~report required by law.~~

21           (a) All organizations that receive annual use fee  
22 proceeds from the department are responsible for ensuring that  
23 proceeds are used in accordance with law.

24           ~~(b) All organizational recipients of any voluntary~~  
25 ~~contributions in excess of \$15,000, not otherwise subject to~~  
26 ~~annual audit by the Office of the Auditor General, shall~~  
27 ~~submit an annual audit of the expenditures of these~~  
28 ~~contributions and interest earned from these contributions, to~~  
29 ~~determine if expenditures are being made in accordance with~~  
30 ~~the specifications outlined by law. The audit shall be~~  
31 ~~prepared by a certified public accountant licensed under~~

1 ~~chapter 473 at that organizational recipient's expense. The~~  
2 ~~notes to the financial statements should state whether~~  
3 ~~expenditures were made in accordance with law.~~

4 ~~(b)(c) Any organization not subject to~~ In lieu of an  
5 annual audit pursuant to s. 215.97 shall, ~~any organization~~  
6 ~~receiving less than \$15,000 in voluntary contributions~~  
7 ~~directly from the department may annually attest report,~~ under  
8 penalties of perjury, that such proceeds were used in  
9 compliance with law. The attestation shall be made annually in  
10 a form and format determined by the department.

11 ~~(c)(d) Any voluntary contributions authorized by law~~  
12 ~~shall only be distributed to an organization under an~~  
13 ~~appropriation by the Legislature.~~

14 ~~(d)(e) Any organization subject to audit pursuant to~~  
15 s. 215.97 shall submit an audit report in accordance with  
16 rules promulgated by the Auditor General. ~~The annual~~  
17 attestation ~~audit or report~~ shall be submitted to the  
18 department for review within 9 months ~~180 days~~ after the end  
19 of the organization's fiscal year.

20 (6) Within 90 days after receiving an organization's  
21 audit or attestation report, the department shall determine  
22 which recipients have not complied with subsection (5). If  
23 the department determines that an organization has not  
24 complied or has failed to use the revenues in accordance with  
25 law, the department must discontinue the distribution of the  
26 revenues to the organization until the department determines  
27 that the organization has complied. If an organization fails  
28 to comply within 12 months after the voluntary contributions  
29 are withheld by the department, the proceeds shall be  
30 deposited into the Highway Safety Operating Trust Fund to  
31 offset department costs.



1           (7) The ~~Auditor General and the~~ department has ~~have~~  
2 the authority to examine all records pertaining to the use of  
3 funds from the voluntary contributions authorized.

4           (8) All organizations seeking to establish a voluntary  
5 contribution on a motor vehicle registration application that  
6 are required to operate under the Solicitation of  
7 Contributions Act, as provided in chapter 496, must do so  
8 before funds may be distributed.

9           Section 146. Subsections (1) and (2) of section  
10 320.025, Florida Statutes, are amended to read:

11           320.025 Registration certificate and license plate  
12 issued under fictitious name; application.--

13           (1) A confidential registration certificate and  
14 registration license plate or decal shall be issued under a  
15 fictitious name only for a motor vehicle or vessel owned or  
16 operated by a law enforcement agency of state, county,  
17 municipal, or federal government, the Attorney General's  
18 Medicaid Fraud Control Unit, or any state public defender's  
19 office. The requesting agency shall file a written application  
20 with the department on forms furnished by the department,  
21 which includes a statement that the license plate will be used  
22 for the Attorney General's Medicaid Fraud Control Unit, or law  
23 enforcement or any state public defender's office activities  
24 requiring concealment of publicly leased or owned motor  
25 vehicles or vessels and a statement of the position  
26 classifications of the individuals who are authorized to use  
27 the license plate. The department may modify its records to  
28 reflect the fictitious identity of the owner or lessee until  
29 such time as the license plate and registration certificate  
30 are surrendered to it.

31

1           (2) Except as provided in subsection (1), any motor  
2 vehicle owned or exclusively operated by the state or any  
3 county, municipality, or other governmental entity must at all  
4 times display a license plate of the type prescribed in s.  
5 320.0655. Any vessel owned or exclusively operated by the  
6 state or any county, municipality, or other governmental  
7 entity must at all times display a registration number as  
8 required in s. 328.56 and a vessel decal as required in s.  
9 328.48(5).

10           Section 147. Subsections (1) and (2) of section  
11 320.05, Florida Statutes, are amended read:

12           320.05 Records of the department; inspection  
13 procedure; lists and searches; fees.--

14           (1) Except as provided in ~~ss.s-119.07(3)~~ and  
15 320.025(3), the department may release records as provided in  
16 this section.

17           (2) Upon receipt of an application for the  
18 registration of a motor vehicle, vessel, or mobile home, as  
19 herein provided for, the department shall register the motor  
20 vehicle, vessel, or mobile home under the distinctive number  
21 assigned to such motor vehicle, vessel, or mobile home by the  
22 department. Electronic registration records shall be open to  
23 the inspection of the public during business hours.  
24 Information on a motor vehicle or vessel registration may not  
25 be made available to a person unless the person requesting the  
26 information furnishes positive proof of identification. The  
27 agency that furnishes a motor vehicle or vessel registration  
28 record shall record the name and address of any person other  
29 than a representative of a law enforcement agency who requests  
30 and receives information from a motor vehicle or vessel  
31 registration record and shall also record the name and address

1 of the person who is the subject of the inquiry or other  
2 information identifying the entity about which information is  
3 requested. A record of each such inquiry must be maintained  
4 for a period of 6 months from the date upon which the  
5 information was released to the inquirer. Nothing in this  
6 section shall prohibit any financial institution, insurance  
7 company, motor vehicle dealer, licensee under chapter 493,  
8 attorney, or other agency which the department determines has  
9 the right to know from obtaining, for professional or business  
10 use only, information in such records from the department  
11 through any means of telecommunication pursuant to a code  
12 developed by the department providing all fees specified in  
13 subsection (3) have been paid. The department shall disclose  
14 records or information to the child support enforcement agency  
15 to assist in the location of individuals who owe or  
16 potentially owe child support or to whom such an obligation is  
17 owed pursuant to Title IV-D of the Social Security Act.

18 Section 148. Subsection (5) of section 320.055,  
19 Florida Statutes, is amended to read:

20 320.055 Registration periods; renewal periods.--The  
21 following registration periods and renewal periods are  
22 established:

23 (5) For a vehicle subject to apportioned registration  
24 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the  
25 registration period shall be a period of 12 months beginning  
26 in a month designated by the department and ending on the last  
27 day of the 12th month. For a vehicle subject to this  
28 registration period, the renewal period is the last month of  
29 the registration period. The registration period may be  
30 shortened or extended at the discretion of the department, on  
31 receipt of the appropriate prorated fees, in order to evenly

1 distribute such registrations on a monthly basis. For vehicles  
2 subject to registration other than apportioned under s.  
3 320.08(4), (5)(a)1., (6)(b), or (14), the registration period  
4 begins December 1 and ends November 30. The renewal period is  
5 the 31-day period beginning December 1.

6 Section 149. Paragraphs (b) and (c) of subsection (1)  
7 of section 320.06, Florida Statutes, are amended to read:

8 320.06 Registration certificates, license plates, and  
9 validation stickers generally.--

10 (1)

11 (b) Registration license plates bearing a graphic  
12 symbol and the alphanumeric system of identification shall be  
13 issued for a 5-year period. At the end of said 5-year period,  
14 upon renewal, the plate shall be replaced. The fee for such  
15 replacement shall be \$10, \$2 of which shall be paid each year  
16 before the plate is replaced, to be credited towards the next  
17 \$10 replacement fee. The fees shall be deposited into the  
18 Highway Safety Operating Trust Fund. A credit or refund shall  
19 not be given for any prior years' payments of such prorated  
20 replacement fee when the plate is replaced or surrendered  
21 before the end of the 5-year period. With each license plate,  
22 there shall be issued a validation sticker showing the owner's  
23 birth month, license plate number, and the year of expiration  
24 or the appropriate renewal period if the owner is not a  
25 natural person. The validation sticker is to be placed on the  
26 upper right corner of the license plate.~~This validation~~  
27 ~~sticker shall be placed on the upper left corner of the~~  
28 ~~license plate and shall be issued one time during the life of~~  
29 ~~the license plate, or upon request when it has been damaged or~~  
30 ~~destroyed. There shall also be issued with each license plate~~  
31 ~~a serially numbered validation sticker showing the year of~~

1 ~~expiration, which sticker shall be placed on the upper right~~  
2 ~~corner of the license plate.~~Such license plate and validation  
3 stickers shall be issued based on the applicant's appropriate  
4 renewal period. The registration period shall be a period of  
5 12 months, and all expirations shall occur based on the  
6 applicant's appropriate registration period. A vehicle with  
7 an apportioned registration shall be issued an annual license  
8 plate and a cab card that denote the declared gross vehicle  
9 weight for each apportioned jurisdiction in which the vehicle  
10 is authorized to operate.

11 (c) Registration license plates equipped with  
12 validation stickers shall be valid for not more than 12 months  
13 and shall expire at midnight on the last day of the  
14 registration period. For each registration period after the  
15 one in which the metal registration license plate is issued,  
16 and until the license plate is required to be replaced, a  
17 validation sticker showing the month and year of expiration  
18 shall be issued upon payment of the proper license tax amount  
19 and fees and shall be valid for not more than 12 months. When  
20 license plates equipped with validation stickers are issued in  
21 any month other than the owner's birth month or the designated  
22 registration period for any other motor vehicle, the effective  
23 date shall reflect the birth month or month and the year of  
24 renewal. However, when a license plate or validation sticker  
25 is issued for a period of less than 12 months, the applicant  
26 shall pay the appropriate amount of license tax and the  
27 applicable fee under the provisions of s. 320.14 in addition  
28 to all other fees. Validation stickers issued for vehicles  
29 taxed under the provisions of s. 320.08(6)(a), for any company  
30 which owns 250 vehicles or more, or for semitrailers taxed  
31 under the provisions of s. 320.08(5)(a), for any company which

1 owns 50 vehicles or more, may be placed on any vehicle in the  
2 fleet so long as the vehicle receiving the validation sticker  
3 has the same owner's name and address as the vehicle to which  
4 the validation sticker was originally assigned.

5 Section 150. Paragraphs (h) and (i) are added to  
6 subsection (2) of section 320.072, Florida Statutes, to read:

7 320.072 Additional fee imposed on certain motor  
8 vehicle registration transactions.--

9 (1) A fee of \$100 is imposed upon the initial  
10 application for registration pursuant to s. 320.06 of every  
11 motor vehicle classified in s. 320.08(2), (3), and (9)(c) and  
12 (d).

13 (2) The fee imposed by subsection (1) shall not apply  
14 to:

15 (h) Any license plate issued in the previous 10-year  
16 period from the date the transaction is being processed.

17 (i) Any license plate issued to a vehicle taxed under  
18 s. 320.08(2), (3), and (9)(c) or (d) at any time during the  
19 previous 10-year period.

20 Section 151. Subsection (6) of section 320.0805,  
21 Florida Statutes, is amended to read:

22 320.0805 Personalized prestige license plates.--

23 (6) A personalized prestige license plate shall be  
24 issued for the exclusive continuing use of the applicant. An  
25 exact duplicate of any plate may not be issued to any other  
26 applicant during the same registration period. An exact  
27 duplicate may not be issued for any succeeding year unless the  
28 previous owner of a specific plate relinquishes it by failure  
29 to apply for renewal or reissuance for 1 year following the  
30 last year of issuance ~~three consecutive annual registration~~  
31 ~~periods following the original year of issuance.~~

1           Section 152. Paragraph (h) of subsection (4) of  
2 section 320.08056, Florida Statutes, is amended to read:

3           320.08056 Specialty license plates.--

4           (4) The following license plate annual use fees shall  
5 be collected for the appropriate specialty license plates:

6           (h) Florida educational license plate, ~~\$25~~\$15.

7           Section 153. Paragraph (ff) is added to subsection (4)  
8 of section 320.08056, Florida Statutes, and paragraphs (a),  
9 (b), and (c) of subsection (8) of that section, are amended to  
10 read:

11           320.08056 Specialty license plates.--

12           (4) The following license plate annual use fees shall  
13 be collected for the appropriate specialty license plates:

14           (ff) Florida Golf license plate, \$25.

15           (8)(a) The department must discontinue the issuance of  
16 an approved specialty license plate if:

17           1. Less than 8,000 plates, including annual renewals,  
18 are issued for that specialty license plate by the end of the  
19 5th year of sales.

20           2. Less than 8,000 plates, including annual renewals,  
21 are issued for that specialty license plate during any  
22 subsequent 5-year period.

23           (b) The department is authorized to discontinue the  
24 issuance of a specialty license plate and distribution of  
25 associated annual use fee proceeds if the organization no  
26 longer exists, if the organization has stopped providing  
27 services that are authorized to be funded from the annual use  
28 fee proceeds, or pursuant to an organizational recipient's  
29 request. An organization is required to notify the department  
30 immediately to stop all warrants for plate sales if any of the  
31 conditions in this section exist, and the organization must

1 comply with s. 320.08062 for any period of operation during a  
2 fiscal year.

3 (c) The requirements of paragraph (a) shall not apply  
4 to collegiate specialty license plates authorized in s.  
5 320.08058(3), ~~and~~ (13), (21), and (26).

6 Section 154. Subsection (32) is added to section  
7 320.08058, Florida Statutes to read:

8 320.08058 Specialty license plates.--

9 (32) FLORIDA GOLF LICENSE PLATES.--

10 (a) The Department of Highway Safety and Motor  
11 Vehicles shall develop a Florida Golf license plate as  
12 provided in this section. The word "Florida" must appear at  
13 the bottom of the plate. The Dade Amateur Golf Association,  
14 following consultation with the PGA TOUR, the Florida Sports  
15 Foundation, the LPGA and the PGA of America may submit a  
16 revised sample plate for consideration by the department.

17 (b) The department shall distribute the Florida Golf  
18 license plate annual use fee to the Florida Sports Foundation,  
19 a direct support organization of the Office of Tourism, Trade,  
20 and Economic Development. The license plate annual use fees  
21 are to be annually allocated as follows:

22 1. Up to five percent of the proceeds from the annual  
23 use fees may be used by the Florida Sports Foundation for the  
24 administration of the Florida Youth Golf Program.

25 2. The Dade Amateur Golf Association shall receive the  
26 first \$80,000 in proceeds from the annual use fees for the  
27 operation of youth golf programs in Miami-Dade County.

28 Thereafter, 15 percent of the proceeds from the annual use fee  
29 shall be provided to the Dade Amateur Golf Association for the  
30 operation of youth golf programs in Miami-Dade County.

31



1           3. The remaining proceeds from the annual use fee  
2 shall be available for grants to nonprofit organizations to  
3 operate youth golf programs and for the purpose of marketing  
4 the Florida Golf License Plates. All grant recipients,  
5 including the Dade Amateur Golf Association, shall be required  
6 to provide to the Florida Sports Foundation an annual program  
7 and financial report regarding the use of grant funds. Such  
8 reports shall be made available to the public.

9           (c) The Florida Sports Foundation shall establish a  
10 Florida Youth Golf Program. The Florida Youth Golf Program  
11 shall assist organizations for the benefit of youth, introduce  
12 young people to golf, instruct young people in golf, teach the  
13 values of golf, and stress life skills, fair play, courtesy,  
14 and self-discipline.

15           (d) The Florida Sports Foundation shall establish a  
16 five-member committee to offer advice regarding the  
17 distribution of the annual use fees for grants to nonprofit  
18 organizations. The advisory committee shall consist of one  
19 member from a group serving youth, one member from a group  
20 serving disabled youth, and three members at large.

21           Section 155. Section 320.08062, Florida Statutes, is  
22 amended to read:

23           320.08062 Audits and attestation required; annual use  
24 fees of specialty license plates.--

25           (1)(a) All organizations that receive annual use fee  
26 proceeds from the department are responsible for ensuring that  
27 proceeds are used in accordance with ss. 320.08056 and  
28 320.08058.

29           ~~(b) All organizational recipients of any specialty~~  
30 ~~license plate annual use fee authorized in this chapter, not~~  
31 ~~otherwise subject to annual audit by the Office of the Auditor~~

1 ~~General, shall submit an annual audit of the expenditures of~~  
2 ~~annual use fees and interest earned from these fees, to~~  
3 ~~determine if expenditures are being made in accordance with~~  
4 ~~the specifications outlined by law. The audit shall be~~  
5 ~~prepared by a certified public accountant licensed under~~  
6 ~~chapter 473 at that organizational recipient's expense. The~~  
7 ~~notes to the financial statements should state whether~~  
8 ~~expenditures were made in accordance with ss. 320.08056 and~~  
9 ~~320.08058.~~

10 (b)(c) Any organization not subject to ~~in lieu of an~~  
11 ~~annual audit pursuant to s. 215.97 shall,~~ any organization  
12 ~~receiving less than \$25,000 in annual use fee proceeds~~  
13 ~~directly from the department, or from another state agency,~~  
14 ~~may~~ annually attest report, under penalties of perjury, that  
15 such proceeds were used in compliance with ss. 320.08056 and  
16 320.08058. The attestation shall be made annually in a form  
17 and format determined by the department.

18 (c)(d) Any organization subject to audit pursuant to  
19 s. 215.97 shall submit an audit report in accordance with  
20 rules promulgated by the Auditor General.The annual  
21 attestation ~~audit~~ or report shall be submitted to the  
22 department for review within 9 months ~~180 days~~ after the end  
23 of the organization's fiscal year.

24 (2) Within 90 days after receiving an organization's  
25 audit or attestation report, the department shall determine  
26 which recipients of revenues from specialty license plate  
27 annual use fees have not complied with subsection (1). If the  
28 department determines that an organization has not complied or  
29 has failed to use the revenues in accordance with ss.  
30 320.08056 and 320.08058, the department must discontinue the  
31 distribution of the revenues to the organization until the

1 department determines that the organization has complied. If  
2 an organization fails to comply within 12 months after the  
3 annual use fee proceeds are withheld by the department, the  
4 proceeds shall be deposited into the Highway Safety Operating  
5 Trust Fund to offset department costs related to the issuance  
6 of specialty license plates.

7 (3) The ~~Auditor General and the~~ department has ~~have~~  
8 the authority to examine all records pertaining to the use of  
9 funds from the sale of specialty license plates.

10 Section 156. Subsection (1) of section 320.083,  
11 Florida Statutes, is amended to read:

12 320.083 Amateur radio operators; special license  
13 plates; fees.--

14 (1) A person who is the owner or lessee of an  
15 automobile or truck for private use, a truck weighing not more  
16 than 7,999 ~~5,000~~ pounds, or a recreational vehicle as  
17 specified in s. 320.08(9)(c) or (d), which is not used for  
18 hire or commercial use; who is a resident of the state; and  
19 who holds a valid official amateur radio station license  
20 issued by the Federal Communications Commission shall be  
21 issued a special license plate upon application, accompanied  
22 by proof of ownership of such radio station license, and  
23 payment of the following tax and fees:

24 (a) The license tax required for the vehicle, as  
25 prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b),  
26 (c), (d), (e), or (f), or (9); and

27 (b) An initial additional fee of \$5, and an additional  
28 fee of \$1.50 thereafter.

29 Section 157. Subsections (1), (2), and (3) of section  
30 320.089, Florida Statutes, are amended to read:

31

1           320.089 Members of National Guard and active United  
2 States Armed Forces reservists; former prisoners of war;  
3 survivors of Pearl Harbor; Purple Heart medal recipients;  
4 special license plates; fee.--

5           (1)(a) Each owner or lessee of an automobile or truck  
6 for private use or recreational vehicle as specified in s.  
7 320.08(9)(c) or (d), which is not used for hire or commercial  
8 use, who is a resident of the state and an active or retired  
9 member of the Florida National Guard, a survivor of the attack  
10 on Pearl Harbor, a recipient of the Purple Heart medal, or an  
11 active member of any branch of the United States Armed Forces  
12 Reserve shall, upon application to the department, accompanied  
13 by proof of active membership or retired status in the Florida  
14 National Guard, proof of membership in the Pearl Harbor  
15 Survivors Association or proof of active military duty in  
16 Pearl Harbor on December 7, 1941, proof of being a Purple  
17 Heart medal recipient, or proof of active membership in any  
18 branch of the Armed Forces Reserve, and upon payment of the  
19 license tax for the vehicle as provided in s. 320.08, be  
20 issued a license plate as provided by s. 320.06, upon which,  
21 in lieu of the serial numbers prescribed by s. 320.06, shall  
22 be stamped the words "National Guard," "Pearl Harbor  
23 Survivor," "Combat-wounded veteran," or "U.S. Reserve," as  
24 appropriate, followed by the serial number of the license  
25 plate. Additionally, the Purple Heart plate may have the words  
26 "Purple Heart" stamped on the plate and the likeness of the  
27 Purple Heart medal appearing on the plate.

28           (b) Notwithstanding any other provision of law to the  
29 contrary beginning with fiscal year 2000-2001 and annually  
30 thereafter, the first \$50,000 in general revenue generated  
31 from the sale of license plates issued under this section

1 which are stamped with the words "National Guard," "Pearl  
2 Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve"  
3 shall be deposited into the Grants and Donations Trust Fund,  
4 as described in s. 296.38(2), to be used for the purposes  
5 established by law for that trust fund.

6 (c) Notwithstanding any provisions of law to the  
7 contrary, an applicant for a Pearl Harbor Survivor license  
8 plate or a Purple Heart license plate who also qualifies for a  
9 disabled veteran's license plate under s. 320.084 shall be  
10 issued one appropriate special license plate without payment  
11 of the license tax imposed by s. 320.08.

12 (2) Each owner or lessee of an automobile or truck for  
13 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
14 or recreational vehicle as specified in s. 320.08(9)(c) or  
15 (d), which is not used for hire or commercial use, who is a  
16 resident of the state and who is a former prisoner of war, or  
17 their unremarried surviving spouse, shall, upon application  
18 therefor to the department, be issued a license plate as  
19 provided in s. 320.06, on which license plate are stamped the  
20 words "Ex-POW" followed by the serial number. Each application  
21 shall be accompanied by proof that the applicant meets the  
22 qualifications specified in paragraph (a) or paragraph (b).

23 (a) A citizen of the United States who served as a  
24 member of the Armed Forces of the United States or the armed  
25 forces of a nation allied with the United States who was held  
26 as a prisoner of war at such time as the Armed Forces of the  
27 United States were engaged in combat, or their unremarried  
28 surviving spouse, may be issued the special license plate  
29 provided for in this subsection without payment of the license  
30 tax imposed by s. 320.08.

31

1 (b) A person who was serving as a civilian with the  
2 consent of the United States Government, or a person who was a  
3 member of the Armed Forces of the United States who was not a  
4 United States citizen and was held as a prisoner of war when  
5 the Armed Forces of the United States were engaged in combat,  
6 or their unremarried surviving spouse, may be issued the  
7 special license plate provided for in this subsection upon  
8 payment of the license tax imposed by s. 320.08.

9 (3) Each owner or lessee of an automobile or truck for  
10 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
11 or recreational vehicle as specified in s. 320.08(9)(c) or  
12 (d), which is not used for hire or commercial use, who is a  
13 resident of this state and who is the unremarried surviving  
14 spouse of a recipient of the Purple Heart medal shall, upon  
15 application therefor to the department, with the payment of  
16 the required fees, be issued a license plate as provided in s.  
17 320.06, on which license plate are stamped the words "Purple  
18 Heart" and the likeness of the Purple Heart medal followed by  
19 the serial number. Each application shall be accompanied by  
20 proof that the applicant is the unremarried surviving spouse  
21 of a recipient of the Purple Heart medal.

22 Section 158. Subsection (1) of section 320.18, Florida  
23 Statutes, is amended to read:

24 320.18 Withholding registration.--

25 (1) The department may withhold the registration of  
26 any motor vehicle or mobile home the owner of which has failed  
27 to register it under the provisions of law for any previous  
28 period or periods for which it appears registration should  
29 have been made in this state, until the tax for such period or  
30 periods is paid. The department may cancel any license plate  
31 or fuel-use tax decal if the owner pays for the license plate,

1 fuel-use tax decal, or any tax liability, penalty, or interest  
2 specified in chapter 207 by a dishonored check, or if the  
3 vehicle owner or motor carrier has failed to pay a penalty for  
4 a weight or safety violation issued by the Department of  
5 Transportation Motor Carrier Compliance Office.. The  
6 Department of Transportation and the Department of Highway  
7 Safety and Motor Vehicles may impound any commercial motor  
8 vehicle that has a canceled license plate or fuel-use tax  
9 decal until the tax liability, penalty, and interest specified  
10 in chapter 207, the license tax, or the fuel-use decal fee,  
11 and applicable administrative fees have been paid for by  
12 certified funds.

13 Section 159. Paragraph (c) of subsection (1) of  
14 section 320.27, Florida Statutes, is amended, paragraph (f) is  
15 added to said subsection, and subsections (7) and (9) of said  
16 section are amended, to read:

17 320.27 Motor vehicle dealers.--

18 (1) DEFINITIONS.--The following words, terms, and  
19 phrases when used in this section have the meanings  
20 respectively ascribed to them in this subsection, except where  
21 the context clearly indicates a different meaning:

22 (c) "Motor vehicle dealer" means any person engaged in  
23 the business of buying, selling, or dealing in motor vehicles  
24 or offering or displaying motor vehicles for sale at wholesale  
25 or retail, or who may service and repair motor vehicles  
26 pursuant to an agreement as defined in s. 320.60(1). Any  
27 person who buys, sells, or deals in three or more motor  
28 vehicles in any 12-month period or who offers or displays for  
29 sale three or more motor vehicles in any 12-month period shall  
30 be prima facie presumed to be engaged in such business. The  
31 terms "selling" and "sale" include lease-purchase

1 transactions. A motor vehicle dealer may, at retail or  
2 wholesale, sell a recreational vehicle as described in s.  
3 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of  
4 a motor vehicle, provided such acquisition is incidental to  
5 the principal business of being a motor vehicle dealer.  
6 However, a motor vehicle dealer may not buy a recreational  
7 vehicle for the purpose of resale unless licensed as a  
8 recreational vehicle dealer pursuant to s. 320.771. A motor  
9 vehicle dealer may apply for a certificate of title to a motor  
10 vehicle required to be registered under s. 320.08(2)(b), (c),  
11 and (d), using a manufacturer's statement of origin as  
12 permitted by s. 319.23(1), only if such dealer is authorized  
13 by a franchised agreement as defined in s. 320.60(1), to buy,  
14 sell, or deal in such vehicle and is authorized by such  
15 agreement to perform delivery and preparation obligations and  
16 warranty defect adjustments on the motor vehicle; provided  
17 this limitation shall not apply to recreational vehicles, van  
18 conversions, or any other motor vehicle manufactured on a  
19 truck chassis. The transfer of a motor vehicle by a dealer not  
20 meeting these qualifications shall be titled as a used  
21 vehicle. The classifications of motor vehicle dealers are  
22 defined as follows:

23         1. "Franchised motor vehicle dealer" means any person  
24 who engages in the business of repairing, servicing, buying,  
25 selling, or dealing in motor vehicles pursuant to an agreement  
26 as defined in s. 320.60(1).

27         2. "Independent motor vehicle dealer" means any person  
28 other than a franchised or wholesale motor vehicle dealer who  
29 engages in the business of buying, selling, or dealing in  
30 motor vehicles, and who may service and repair motor vehicles.  
31



1           3. "Wholesale motor vehicle dealer" means any person  
2 who engages exclusively in the business of buying, selling, or  
3 dealing in motor vehicles at wholesale or with motor vehicle  
4 auctions. Such person shall be licensed to do business in this  
5 state, shall not sell or auction a vehicle to any person who  
6 is not a licensed dealer, and shall not have the privilege of  
7 the use of dealer license plates. Any person who buys, sells,  
8 or deals in motor vehicles at wholesale or with motor vehicle  
9 auctions on behalf of a licensed motor vehicle dealer and as a  
10 bona fide employee of such licensed motor vehicle dealer is  
11 not required to be licensed as a wholesale motor vehicle  
12 dealer. In such cases it shall be prima facie presumed that a  
13 bona fide employer-employee relationship exists. A wholesale  
14 motor vehicle dealer shall be exempt from the display  
15 provisions of this section but shall maintain an office  
16 wherein records are kept in order that those records may be  
17 inspected.

18           4. "Motor vehicle auction" means any person offering  
19 motor vehicles or recreational vehicles for sale to the  
20 highest bidder where ~~both sellers and~~ buyers are licensed  
21 motor vehicle dealers. Such person shall not sell a vehicle to  
22 anyone other than a licensed motor vehicle dealer.

23           5. "Salvage motor vehicle dealer" means any person who  
24 engages in the business of acquiring salvaged or wrecked motor  
25 vehicles for the purpose of reselling them and their parts.

26  
27 The term "motor vehicle dealer" does not include persons not  
28 engaged in the purchase or sale of motor vehicles as a  
29 business who are disposing of vehicles acquired for their own  
30 use or for use in their business or acquired by foreclosure or  
31 by operation of law, provided such vehicles are acquired and

1 sold in good faith and not for the purpose of avoiding the  
2 provisions of this law; persons engaged in the business of  
3 manufacturing, selling, or offering or displaying for sale at  
4 wholesale or retail no more than 25 trailers in a 12-month  
5 period; public officers while performing their official  
6 duties; receivers; trustees, administrators, executors,  
7 guardians, or other persons appointed by, or acting under the  
8 judgment or order of, any court; banks, finance companies, or  
9 other loan agencies that acquire motor vehicles as an incident  
10 to their regular business; motor vehicle brokers; and motor  
11 vehicle rental and leasing companies that sell motor vehicles  
12 to motor vehicle dealers licensed under this section. Vehicles  
13 owned under circumstances described in this paragraph may be  
14 disposed of at retail, wholesale, or auction, unless otherwise  
15 restricted. A manufacturer of fire trucks, ambulances, or  
16 school buses may sell such vehicles directly to governmental  
17 agencies or to persons who contract to perform or provide  
18 firefighting, ambulance, or school transportation services  
19 exclusively to governmental agencies without processing such  
20 sales through dealers if such fire trucks, ambulances, school  
21 buses, or similar vehicles are not presently available through  
22 motor vehicle dealers licensed by the department.

23 (f) "Bona fide employee" means a person who is  
24 employed by a licensed motor vehicle dealer and receives  
25 annually an Internal Revenue Service Form W-2, or an  
26 independent contractor who has a written contract with a  
27 licensed motor vehicle dealer and receives annually an  
28 Internal Revenue Service Form 1099, for the purpose of acting  
29 in the capacity of or conducting motor vehicle sales  
30 transactions as a motor vehicle dealer.

31

1           (7) CERTIFICATE OF TITLE REQUIRED.--For each used  
2 motor vehicle in the possession of a licensee and offered for  
3 sale by him or her, the licensee either shall have in his or  
4 her possession or control a duly assigned certificate of title  
5 from the owner in accordance with the provisions of chapter  
6 319, from the time when the motor vehicle is delivered to the  
7 licensee and offered for sale by him or her until it has been  
8 disposed of by the licensee, or shall have reasonable indicia  
9 of ownership or right of possession, or shall have made proper  
10 application for a certificate of title or duplicate  
11 certificate of title in accordance with the provisions of  
12 chapter 319. A motor vehicle dealer may not sell or offer for  
13 sale a vehicle in his or her possession unless the dealer  
14 satisfies the requirements of this subsection. Reasonable  
15 indicia of ownership shall include a duly assigned certificate  
16 of title; in the case of a new motor vehicle, a manufacturer's  
17 certificate of origin issued to or reassigned to the dealer; a  
18 consignment contract between the owner and the dealer along  
19 with a secure power of attorney from the owner to the dealer  
20 authorizing the dealer to apply for a duplicate certificate of  
21 title and assign the title on behalf of the owner; a court  
22 order awarding title to the vehicle to the dealer; a salvage  
23 certificate of title; a photocopy of a duly assigned  
24 certificate of title being held by a financial institution as  
25 collateral for a business loan of money to the dealer ("floor  
26 plan"); a copy of a canceled check or other documentation  
27 evidencing that an outstanding lien on a vehicle taken in  
28 trade by a licensed dealer has been satisfied and that the  
29 certificate of title will be, but has not yet been, received  
30 by the dealer; a vehicle purchase order or installment  
31 contract for a specific vehicle identifying that vehicle as a

1 trade-in on a replacement vehicle; or a duly executed odometer  
2 disclosure statement as required by Title IV of the Motor  
3 Vehicle Information and Cost Savings Act of 1972 (Pub. L. No.  
4 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No.  
5 100-561) and by 49 C.F.R. part 580 bearing the signatures of  
6 the titled owners of a traded-in vehicle.

7 (9) DENIAL, SUSPENSION, OR REVOCATION.--The department  
8 may deny, suspend, or revoke any license issued hereunder or  
9 under the provisions of s. 320.77 or s. 320.771, upon proof  
10 that a licensee has failed to comply with any of the following  
11 provisions ~~with sufficient frequency so as to establish a~~  
12 ~~pattern of wrongdoing on the part of the licensee:~~

13 (a) Willful violation of any other law of this state,  
14 including chapter 319, this chapter, or ss. 559.901-559.9221,  
15 which has to do with dealing in or repairing motor vehicles or  
16 mobile homes or willful failure to comply with any  
17 administrative rule promulgated by the department.  
18 Additionally, in the case of used motor vehicles, the willful  
19 violation of the federal law and rule in 15 U.S.C. s. 2304, 16  
20 C.F.R. part 455, pertaining to the consumer sales window form.

21 (b) Commission of fraud or willful misrepresentation  
22 in application for or in obtaining a license.

23 (c) Perpetration of a fraud upon any person as a  
24 result of dealing in motor vehicles, including, without  
25 limitation, the misrepresentation to any person by the  
26 licensee of the licensee's relationship to any manufacturer,  
27 importer, or distributor.

28 (d) Representation that a demonstrator is a new motor  
29 vehicle, or the attempt to sell or the sale of a demonstrator  
30 as a new motor vehicle without written notice to the purchaser  
31 that the vehicle is a demonstrator. For the purposes of this

1 section, a "demonstrator," a "new motor vehicle," and a "used  
2 motor vehicle" shall be defined as under s. 320.60.

3 (e) Unjustifiable refusal to comply with a licensee's  
4 responsibility under the terms of the new motor vehicle  
5 warranty issued by its respective manufacturer, distributor,  
6 or importer. However, if such refusal is at the direction of  
7 the manufacturer, distributor, or importer, such refusal shall  
8 not be a ground under this section.

9 (f) Misrepresentation or false, deceptive, or  
10 misleading statements with regard to the sale or financing of  
11 motor vehicles which any motor vehicle dealer has, or causes  
12 to have, advertised, printed, displayed, published,  
13 distributed, broadcast, televised, or made in any manner with  
14 regard to the sale or financing of motor vehicles.

15 (g) Requirement by any motor vehicle dealer that a  
16 customer or purchaser accept equipment on his or her motor  
17 vehicle which was not ordered by the customer or purchaser.

18 (h) Requirement by any motor vehicle dealer that any  
19 customer or purchaser finance a motor vehicle with a specific  
20 financial institution or company.

21 (i) Failure by any motor vehicle dealer to provide a  
22 customer or purchaser with an odometer disclosure statement  
23 and a copy of any bona fide written, executed sales contract  
24 or agreement of purchase connected with the purchase of the  
25 motor vehicle purchased by the customer or purchaser.

26 (j) Failure of any motor vehicle dealer to comply with  
27 the terms of any bona fide written, executed agreement,  
28 pursuant to the sale of a motor vehicle.

29 (k) Requirement by the motor vehicle dealer that the  
30 purchaser of a motor vehicle contract with the dealer for  
31 physical damage insurance.

1           (1) Violation of any of the provisions of s. 319.35 by  
2 any motor vehicle dealer.

3           (m) Either a history of bad credit or an unfavorable  
4 credit rating as revealed by the applicant's official credit  
5 report or by investigation by the department.

6           (n) Failure to disclose damage to a new motor vehicle  
7 as defined in s. 320.60(10) of which the dealer had actual  
8 knowledge if the dealer's actual cost of repair, excluding  
9 tires, bumpers, and glass, exceeds 3 percent of the  
10 manufacturer's suggested retail price; provided, however, if  
11 only the application of exterior paint is involved, disclosure  
12 shall be made if such touch-up paint application exceeds \$100.

13           (o) Failure to apply for transfer of a title as  
14 prescribed in s. 319.23(6).

15           (p) Use of the dealer license identification number by  
16 any person other than the licensed dealer or his or her  
17 designee.

18           (q) Conviction of a felony.

19           (r) Failure to continually meet the requirements of  
20 the licensure law.

21           (s) A person who has been ~~When a motor vehicle dealer~~  
22 ~~is~~ convicted of a crime, infraction, or violation as set forth  
23 in paragraph (g) which results in his or her being prohibited  
24 ~~from continuing in that capacity, the dealer~~ may not serve  
25 ~~continue~~ in any capacity within the industry. Such person ~~The~~  
26 ~~offender~~ shall have no financial interest, management, sales,  
27 or other role in the operation of a dealership. Further, the  
28 person ~~offender~~ may not derive income from the dealership  
29 beyond reasonable compensation for the sale of his or her  
30 ownership interest in the business. The license or application  
31 of any dealership in which such person has an interest or

1 plays a role in violation of this subsection shall be denied  
2 or revoked, as the case may be.

3 (t) Representation to a customer or any advertisement  
4 to the general public representing or suggesting that a motor  
5 vehicle is a new motor vehicle if such vehicle lawfully cannot  
6 be titled in the name of the customer or other member of the  
7 general public by the seller using a manufacturer's statement  
8 of origin as permitted in s. 319.23(1).

9 (u) Failure to honor a bank draft or check given to a  
10 motor vehicle dealer for the purchase of a motor vehicle by  
11 another motor vehicle dealer within 10 days after notification  
12 that the bank draft or check has been dishonored. A single  
13 violation of this paragraph is sufficient for revocation or  
14 suspension. If the transaction is disputed, the maker of the  
15 bank draft or check shall post a bond in accordance with the  
16 provisions of s. 559.917, and no proceeding for revocation or  
17 suspension shall be commenced until the dispute is resolved.

18 (v) Sale by a motor vehicle dealer of a vehicle  
19 offered in trade by a customer prior to consummation of the  
20 sale, exchange, or transfer of a newly acquired vehicle to the  
21 customer, unless the customer provides written authorization  
22 for the sale of the trade-in vehicle prior to delivery of the  
23 newly acquired vehicle.

24 Section 160. Section 320.691, Florida Statutes, is  
25 created to read:

26 320.691 Automobile Dealers Industry Advisory Board.--

27 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.--The  
28 Automobile Dealers Industry Advisory Board is created within  
29 the Department of Highway Safety and Motor Vehicles. The board  
30 shall make recommendations on proposed legislation, make  
31 recommendations on proposed rules and procedures, present

1 licensed motor vehicle dealer industry issues to the  
2 department for its consideration, consider any matters  
3 relating to the motor vehicle industry presented to it by the  
4 department, and submit an annual report to the Executive  
5 Director of the department and file copies with the Governor,  
6 President of the Senate, and the Speaker of the House of  
7 Representatives.

8 (2) MEMBERSHIP, TERMS, MEETINGS.--

9 (a) The board shall be composed of 12 members. The  
10 Executive Director of the Department of Highway Safety and  
11 Motor Vehicles shall appoint the members from names submitted  
12 by the entities for the designated categories the member will  
13 represent. The Executive Director shall appoint one  
14 representative of the Department of Highway Safety and Motor  
15 Vehicles, who must represent the Division of Motor Vehicles;  
16 two representatives of the independent motor vehicle industry  
17 as recommended by the Florida Independent Automobile Dealers  
18 Association; two representatives of the franchise motor  
19 vehicle industry as recommended by the Florida Automobile  
20 Dealers Association; one representative of the auction motor  
21 vehicle industry who is from an auction chain and is  
22 recommended by a group affiliated with the National Auto  
23 Auction Association; one representative of the auction motor  
24 vehicle industry who is from an independent auction and is  
25 recommended by a group affiliated with the National Auto  
26 Auction Association; one representative from the Department of  
27 Revenue; a Florida Tax Collector representative recommended by  
28 the Florida Tax Collectors Association; one representative  
29 from the Better Business Bureau; one representative from the  
30 Department of Agriculture and Consumer Services, who must  
31 represent the Division of Consumer Services; and one



1 representative of the insurance industry who writes motor  
2 vehicle dealer surety bonds.

3 (b)1. The Executive Director shall appoint the  
4 following initial members to 1-year terms: one representative  
5 from the motor vehicle auction industry who represents an  
6 auction chain, one representative from the independent motor  
7 vehicle industry, one representative from the franchise motor  
8 vehicle industry, one representative from the Department of  
9 Revenue, one Florida Tax Collector, and one representative  
10 from the Better Business Bureau.

11 2. The Executive Director shall appoint the following  
12 initial members to 2-year terms: one representative from the  
13 motor vehicle auction industry who represents an independent  
14 auction, one representative from the independent motor vehicle  
15 industry, one representative from the franchise motor vehicle  
16 industry, one representative from the Division of Consumer  
17 Services, one representative from the insurance industry, and  
18 one representative from the Division of Motor Vehicles.

19 3. As the initial terms expire, the Executive Director  
20 shall appoint successors from the same designated category for  
21 terms of 2 years. If renominated, a member may succeed himself  
22 or herself.

23 4. The board shall appoint a chair and vice chair at  
24 its initial meeting and every 2 years thereafter.

25 (c) The board shall meet at least two times per year.  
26 Meetings may be called by the chair of the board or by the  
27 Executive Director of the department. One meeting shall be  
28 held in the fall of the year to review legislative proposals.

29 The board shall conduct all meetings in accordance with  
30 applicable Florida Statutes and shall keep minutes of all  
31

1 meetings. Meetings may be held in locations around the state  
2 in department facilities or in other appropriate locations.

3 (3) PER DIEM, TRAVEL, AND STAFFING.--Members of the  
4 board from the private sector are not entitled to per diem or  
5 reimbursement for travel expenses. However, members of the  
6 board from the public sector are entitled to reimbursement, if  
7 any, from their respective agency. Members of the board may  
8 request assistance from the Department of Highway Safety and  
9 Motor Vehicles as necessary.

10 Section 161. Subsection (26) of section 322.01,  
11 Florida Statutes, is amended to read:

12 322.01 Definitions.--As used in this chapter:

13 (26) "Motor vehicle" means any self-propelled vehicle,  
14 including a motor vehicle combination, not operated upon rails  
15 or guideway, excluding vehicles moved solely by human power,  
16 motorized wheelchairs, motorized scooters,and motorized  
17 bicycles as defined in s. 316.003.

18 Section 162. Subsections (4) and (5) are added to  
19 section 322.0261, Florida Statutes, to read:

20 322.0261 Mandatory driver improvement course; certain  
21 crashes.--

22 (4) The Department of Highway Safety and Motor  
23 Vehicles shall approve and regulate courses that use  
24 technology as the delivery method of all driver improvement  
25 schools as the courses relate to this section.

26 (5) In determining whether to approve courses of  
27 driver improvement schools that use technology as the delivery  
28 method as the courses relate to this section, the department  
29 shall consider only those courses submitted by a person,  
30 business, or entity which receive:

31 (a) Approval for statewide delivery.

1           (b) Independent scientific research evidence of course  
2 effectiveness.

3           Section 163. Section 322.161, Florida Statutes, is  
4 amended to read:

5           322.161 High-risk drivers; restricted licenses.--

6           (1)(a) Notwithstanding any provision of law to the  
7 contrary, the department shall restrict the driving privilege  
8 of any Class D or Class E licensee who is age 15 through 17  
9 and who has accumulated six ~~four~~ or more points pursuant to s.  
10 318.14, excluding parking violations, within a 12-month  
11 period.

12           (b) Upon determination that any person has accumulated  
13 six ~~four~~ or more points, the department shall notify the  
14 licensee and issue the licensee a restricted license for  
15 business purposes only. The licensee must appear before the  
16 department within 10 days after notification to have this  
17 restriction applied. The period of restriction shall be for a  
18 period of no less than 1 year beginning on the date it is  
19 applied by the department.

20           (c) The restriction shall be automatically withdrawn  
21 by the department after 1 year if the licensee does not  
22 accumulate any additional points. If the licensee accumulates  
23 any additional points, then the period of restriction shall be  
24 extended 90 days for each point. The restriction shall also  
25 be automatically withdrawn upon the licensee's 18th birthday  
26 if no other grounds for restriction exist. The licensee must  
27 appear before the department to have the restriction removed  
28 and a duplicate license issued.

29           (2)(a) Any Class E licensee who is age 15 through 17  
30 and who has accumulated six ~~four~~ or more points pursuant to s.  
31 318.14, excluding parking violations, within a 12-month period

1 shall not be eligible to obtain a Class D license for a period  
2 of no less than 1 year. The period of ineligibility shall  
3 begin on the date of conviction for the violation that results  
4 in the licensee's accumulation of six ~~four~~ or more points.

5 (b) The period of ineligibility shall automatically  
6 expire after 1 year if the licensee does not accumulate any  
7 additional points. If the licensee accumulates any additional  
8 points, then the period of ineligibility shall be extended 90  
9 days for each point. The period of ineligibility shall also  
10 automatically expire upon the licensee's 18th birthday if no  
11 other grounds for ineligibility exist.

12 (3) Any action taken by the department pursuant to  
13 this section shall not be subject to any formal or informal  
14 administrative hearing or similar administrative procedure.

15 (4) The department shall adopt rules to carry out the  
16 purposes of this section.

17 Section 164. Subsection (4) of section 322.05, Florida  
18 Statutes, is amended to read:

19 322.05 Persons not to be licensed.--The department may  
20 not issue a license:

21 (4) Except as provided by this subsection, to any  
22 person, as a Class A licensee, Class B licensee, Class C  
23 licensee, or Class D licensee, who is under the age of 18  
24 years. A person age 16 or 17 years who applies for a Class D  
25 driver's license is subject to all the requirements and  
26 provisions of ss. 322.05(2)(a) and (b), 322.09, and 322.16(2)  
27 ~~and (3). Any person who applies for a Class D driver's license~~  
28 ~~who is age 16 or 17 years must have had a learner's driver's~~  
29 ~~license or a driver's license for at least 90 days before he~~  
30 ~~or she is eligible to receive a Class D driver's license.~~The  
31 department may require of any such applicant for a Class D

1 driver's license such examination of the qualifications of the  
2 applicant as the department considers proper, and the  
3 department may limit the use of any license granted as it  
4 considers proper.

5 Section 165. Paragraph (b) of subsection (4) and  
6 subsections (5), (6), and (7) of section 322.081, Florida  
7 Statutes, are amended, and subsection (8) is added to said  
8 section, to read:

9 322.081 Requests to establish voluntary check-off  
10 ~~checkoff~~ on driver's license application.--

11 (4)

12 (b) The department is authorized to discontinue the  
13 voluntary contribution and distribution of associated proceeds  
14 if the organization no longer exists, if the organization has  
15 stopped providing services that are authorized to be funded  
16 from the voluntary contributions, or pursuant to an  
17 organizational recipient's request. Organizations are required  
18 to notify the department immediately to stop warrants for  
19 voluntary check-off contribution, if any of the conditions in  
20 this subsection exist, and must meet the requirements of  
21 paragraph (5)(b) or paragraph (5)(c), if applicable, for any  
22 period of operation during the fiscal year.

23 (5) A voluntary contribution collected and distributed  
24 under this chapter, or any interest earned from those  
25 contributions, may not be used for commercial or for-profit  
26 activities nor for general or administrative expenses, except  
27 as authorized by law, ~~or to pay the cost of the audit or~~  
28 ~~report required by law.~~

29 (a) All organizations that receive annual use fee  
30 proceeds from the department are responsible for ensuring that  
31 proceeds are used in accordance with law.

1       ~~(b) All organizational recipients of any voluntary~~  
2 ~~contributions in excess of \$15,000, not otherwise subject to~~  
3 ~~annual audit by the Office of the Auditor General, shall~~  
4 ~~submit an annual audit of the expenditures of these~~  
5 ~~contributions and interest earned from these contributions, to~~  
6 ~~determine if expenditures are being made in accordance with~~  
7 ~~the specifications outlined by law. The audit shall be~~  
8 ~~prepared by a certified public accountant licensed under~~  
9 ~~chapter 473 at that organizational recipient's expense. The~~  
10 ~~notes to the financial statements should state whether~~  
11 ~~expenditures were made in accordance with law.~~

12       (b)(c) Any organization not subject to ~~in lieu of an~~  
13 ~~annual audit pursuant to s. 215.97 shall, any organization~~  
14 ~~receiving less than \$15,000 in voluntary contributions~~  
15 ~~directly from the department may annually attest report, under~~  
16 ~~penalties of perjury, that such proceeds were used in~~  
17 ~~compliance with law. The attestation shall be made annually in~~  
18 ~~a form and format determined by the department.~~

19       (c)(d) Any voluntary contributions authorized by law  
20 ~~shall only be distributed to an organization under an~~  
21 ~~appropriation by the Legislature.~~

22       (d)(e) Any organization subject to audit pursuant to  
23 s. 215.97 shall submit an audit report in accordance with  
24 rules promulgated by the Auditor General. ~~The annual~~  
25 ~~attestation audit or report~~ must be submitted to the  
26 department for review within 9 months ~~180 days~~ after the end  
27 of the organization's fiscal year.

28       (6) Within 90 days after receiving an organization's  
29 audit or attestation report, the department shall determine  
30 which recipients have not complied with subsection (5). If  
31 the department determines that an organization has not

1 complied or has failed to use the revenues in accordance with  
2 law, the department must discontinue the distribution of the  
3 revenues to the organization until the department determines  
4 that the organization has complied. If an organization fails  
5 to comply within 12 months after the voluntary contributions  
6 are withheld by the department, the proceeds shall be  
7 deposited into the Highway Safety Operating Trust Fund to  
8 offset department costs.

9 (7) The ~~Auditor General and the~~ department has ~~have~~  
10 the authority to examine all records pertaining to the use of  
11 funds from the voluntary contributions authorized.

12 (8) All organizations seeking to establish a voluntary  
13 contribution on a driver's license application that are  
14 required to operate under the Solicitation of Contributions  
15 Act, as provided in chapter 496, must do so before funds may  
16 be distributed.

17 Section 166. Present subsections (2) through (7) of  
18 section 322.095, Florida Statutes, are renumbered as  
19 subsections (4) through (9), respectively, and new subsections  
20 (2) and (3) are added to said section, to read:

21 322.095 Traffic law and substance abuse education  
22 program for driver's license applicants.--

23 (2) The Department of Highway Safety and Motor  
24 Vehicles shall approve and regulate courses that use  
25 technology as the delivery method of all driver improvement  
26 schools as the courses relate to this section.

27 (3) In determining whether to approve courses of  
28 driver improvement schools that use technology as the delivery  
29 method as the courses relate to this section, for courses  
30 submitted on or after July 1, 2001, the department shall  
31

1 consider only those courses submitted by a person, business,  
2 or entity which receive:

3 (a) Approval for statewide delivery.

4 (b) Independent scientific research evidence of course  
5 effectiveness.

6 Section 167. Section 322.222, Florida Statutes, is  
7 created to read:

8 322.222 Right to review.--A driver may request an  
9 administrative hearing to review a revocation pursuant to s.  
10 322.221(3). The hearing shall be held in accordance with the  
11 department's administrative rules that the department shall  
12 have promulgated pursuant to chapter 120.

13 Section 168. Subsection (7) of section 322.25, Florida  
14 Statutes, is amended to read:

15 322.25 When court to forward license to department and  
16 report convictions; temporary reinstatement of driving  
17 privileges.--

18 (7) Any licensed driver convicted of driving, or being  
19 in the actual physical control of, a vehicle within this state  
20 while under the influence of alcoholic beverages, any chemical  
21 substance set forth in s. 877.111, or any substance controlled  
22 under chapter 893, when affected to the extent that his or her  
23 normal faculties are impaired, and whose license and driving  
24 privilege have been revoked as provided in subsection (1) may  
25 be issued a court order for reinstatement of a driving  
26 privilege on a temporary basis; provided that, as a part of  
27 the penalty, upon conviction, the defendant is required to  
28 enroll in and complete a driver improvement course for the  
29 rehabilitation of drinking drivers and the driver is otherwise  
30 eligible for reinstatement of the driving privilege ~~as~~  
31 ~~provided by s. 322.282.~~ The court order for reinstatement



1 shall be on a form provided by the department and must be  
2 taken by the person convicted to a Florida driver's license  
3 examining office, where a temporary driving permit may be  
4 issued. The period of time for which a temporary permit issued  
5 in accordance with this subsection is valid shall be deemed to  
6 be part of the period of revocation imposed by the court.

7 Section 169. Subsections (1), (3), and (10) of section  
8 322.2615, Florida Statutes, are amended to read:

9 322.2615 Suspension of license; right to review.--

10 (1)(a) A law enforcement officer or correctional  
11 officer shall, on behalf of the department, suspend the  
12 driving privilege of a person who has been arrested by a law  
13 enforcement officer for a violation of s. 316.193, relating to  
14 unlawful blood-alcohol level or breath-alcohol level, or of a  
15 person who has refused to submit to a breath, urine, or blood  
16 test authorized by s. 316.1932. The officer shall take the  
17 person's driver's license and issue the person a 10-day ~~30-day~~  
18 temporary permit if the person is otherwise eligible for the  
19 driving privilege and shall issue the person a notice of  
20 suspension. If a blood test has been administered, the results  
21 of which are not available to the officer at the time of the  
22 arrest, the agency employing the officer shall transmit such  
23 results to the department within 5 days after receipt of the  
24 results. If the department then determines that the person  
25 was arrested for a violation of s. 316.193 and that the person  
26 had a blood-alcohol level or breath-alcohol level of 0.08 or  
27 higher, the department shall suspend the person's driver's  
28 license pursuant to subsection (3).

29 (b) The suspension under paragraph (a) shall be  
30 pursuant to, and the notice of suspension shall inform the  
31 driver of, the following:

1           1.a. The driver refused to submit to a lawful breath,  
2 blood, or urine test and his or her driving privilege is  
3 suspended for a period of 1 year for a first refusal or for a  
4 period of 18 months if his or her driving privilege has been  
5 previously suspended as a result of a refusal to submit to  
6 such a test; or

7           b. The driver violated s. 316.193 by driving with an  
8 unlawful blood-alcohol level as provided in that section and  
9 his or her driving privilege is suspended for a period of 6  
10 months for a first offense or for a period of 1 year if his or  
11 her driving privilege has been previously suspended for a  
12 violation of s. 316.193.

13           2. The suspension period shall commence on the date of  
14 arrest or issuance of the notice of suspension, whichever is  
15 later.

16           3. The driver may request a formal or informal review  
17 of the suspension by the department within 10 days after the  
18 date of arrest or issuance of the notice of suspension,  
19 whichever is later.

20           4. The temporary permit issued at the time of arrest  
21 will expire at midnight of the 10th ~~30th~~ day following the  
22 date of arrest or issuance of the notice of suspension,  
23 whichever is later.

24           5. The driver may submit to the department any  
25 materials relevant to the arrest.

26           (3) If the department determines that the license of  
27 the person arrested should be suspended pursuant to this  
28 section and if the notice of suspension has not already been  
29 served upon the person by a law enforcement officer or  
30 correctional officer as provided in subsection (1), the  
31 department shall issue a notice of suspension and, unless the

1 notice is mailed pursuant to s. 322.251, a temporary permit  
2 which expires 10 ~~30~~ days after the date of issuance if the  
3 driver is otherwise eligible.

4 (10) A person whose driver's license is suspended  
5 under subsection (1) or subsection (3) may apply for issuance  
6 of a license for business or employment purposes only if the  
7 person is otherwise eligible for the driving privilege  
8 pursuant to s. 322.271.

9 (a) If the suspension of the driver's license of the  
10 person for failure to submit to a breath, urine, or blood test  
11 is sustained, the person is not eligible to receive a license  
12 for business or employment purposes only, pursuant to s.  
13 322.271, until 90 days have elapsed after the expiration of  
14 the last temporary permit issued. If the driver is not issued  
15 a 10-day ~~30-day~~ permit pursuant to this section or s. 322.64  
16 because he or she is ineligible for the permit and the  
17 suspension for failure to submit to a breath, urine, or blood  
18 test is not invalidated by the department, the driver is not  
19 eligible to receive a business or employment license pursuant  
20 to s. 322.271 until 90 days have elapsed from the date of the  
21 suspension.

22 (b) If the suspension of the driver's license of the  
23 person arrested for a violation of s. 316.193, relating to  
24 unlawful blood-alcohol level, is sustained, the person is not  
25 eligible to receive a license for business or employment  
26 purposes only pursuant to s. 322.271 until 30 days have  
27 elapsed after the expiration of the last temporary permit  
28 issued. If the driver is not issued a 10-day ~~30-day~~ permit  
29 pursuant to this section or s. 322.64 because he or she is  
30 ineligible for the permit and the suspension for a violation  
31 of s. 316.193, relating to unlawful blood-alcohol level, is

1 not invalidated by the department, the driver is not eligible  
2 to receive a business or employment license pursuant to s.  
3 322.271 until 30 days have elapsed from the date of the  
4 arrest.

5 Section 170. Subsection (5) of section 322.27, Florida  
6 Statutes, is amended to read:

7 322.27 Authority of department to suspend or revoke  
8 license.--

9 (5) The department shall revoke the license of any  
10 person designated a habitual offender, as set forth in s.  
11 322.264, and such person shall not be eligible to be  
12 relicensed for ~~a minimum of~~ 5 years from the date of  
13 revocation, except as provided for in s. 322.271. Any person  
14 whose license is revoked may, by petition to the department,  
15 show cause why his or her license should not be revoked.

16 Section 171. Subsection (2) of section 322.28, Florida  
17 Statutes, is amended to read:

18 322.28 Period of suspension or revocation.--

19 (2) In a prosecution for a violation of s. 316.193 or  
20 former s. 316.1931, the following provisions apply:

21 (a) Upon conviction of the driver, the court, along  
22 with imposing sentence, shall revoke the driver's license or  
23 driving privilege of the person so convicted, effective on the  
24 date of conviction, and shall prescribe the period of such  
25 revocation in accordance with the following provisions:

26 1. Upon a first conviction for a violation of the  
27 provisions of s. 316.193, except a violation resulting in  
28 death, the driver's license or driving privilege shall be  
29 revoked for not less than 180 days or more than 1 year.

30 2. Upon a second conviction within a period of 5 years  
31 from the date of a prior conviction for a violation of the

1 provisions of s. 316.193 or former s. 316.1931 or a  
2 combination of such sections, the driver's license or driving  
3 privilege shall be revoked for not less than 5 years.

4         3. Upon a third conviction within a period of 10 years  
5 from the date of conviction of the first of three or more  
6 convictions for the violation of the provisions of s. 316.193  
7 or former s. 316.1931 or a combination of such sections, the  
8 driver's license or driving privilege shall be revoked for not  
9 less than 10 years.

10

11 For the purposes of this paragraph, a previous conviction  
12 outside this state for driving under the influence, driving  
13 while intoxicated, driving with an unlawful blood-alcohol  
14 level, or any other alcohol-related or drug-related traffic  
15 offense similar to the offense of driving under the influence  
16 as proscribed by s. 316.193 will be considered a previous  
17 conviction for violation of s. 316.193, and a conviction for  
18 violation of former s. 316.028, former s. 316.1931, or former  
19 s. 860.01 is considered a conviction for violation of s.  
20 316.193.

21         (b) If the period of revocation was not specified by  
22 the court at the time of imposing sentence or within 30 days  
23 thereafter, and is not otherwise specified by law, the  
24 department shall forthwith revoke the driver's license or  
25 driving privilege for the maximum period applicable under  
26 paragraph (a) for a first conviction and for the minimum  
27 period applicable under paragraph (a) for any subsequent  
28 convictions. The driver may, within 30 days after such  
29 revocation by the department, petition the court for further  
30 hearing on the period of revocation, and the court may reopen  
31

1 the case and determine the period of revocation within the  
2 limits specified in paragraph (a).

3 (c) The forfeiture of bail bond, not vacated within 20  
4 days, in any prosecution for the offense of driving while  
5 under the influence of alcoholic beverages, chemical  
6 substances, or controlled substances to the extent of  
7 depriving the defendant of his or her normal faculties shall  
8 be deemed equivalent to a conviction for the purposes of this  
9 paragraph, and the department shall forthwith revoke the  
10 defendant's driver's license or driving privilege for the  
11 maximum period applicable under paragraph (a) for a first  
12 conviction and for the minimum period applicable under  
13 paragraph (a) for a second or subsequent conviction; however,  
14 if the defendant is later convicted of the charge, the period  
15 of revocation imposed by the department for such conviction  
16 shall not exceed the difference between the applicable maximum  
17 for a first conviction or minimum for a second or subsequent  
18 conviction and the revocation period under this subsection  
19 that has actually elapsed; upon conviction of such charge, the  
20 court may impose revocation for a period of time as specified  
21 in paragraph (a). This paragraph does not apply if an  
22 appropriate motion contesting the forfeiture is filed within  
23 the 20-day period.

24 ~~(d) When any driver's license or driving privilege has~~  
25 ~~been revoked pursuant to the provisions of this section, the~~  
26 ~~department shall not grant a new license, except upon~~  
27 ~~reexamination of the licensee after the expiration of the~~  
28 ~~period of revocation so prescribed. However, the court may,~~  
29 ~~in its sound discretion, issue an order of reinstatement on a~~  
30 ~~form furnished by the department which the person may take to~~  
31

1 ~~any driver's license examining office for reinstatement by the~~  
2 ~~department pursuant to s. 322.282.~~

3       (d)(e) The court shall permanently revoke the driver's  
4 license or driving privilege of a person who has been  
5 convicted four times for violation of s. 316.193 or former s.  
6 316.1931 or a combination of such sections. The court shall  
7 permanently revoke the driver's license or driving privilege  
8 of any person who has been convicted of DUI manslaughter in  
9 violation of s. 316.193. If the court has not permanently  
10 revoked such driver's license or driving privilege within 30  
11 days after imposing sentence, the department shall permanently  
12 revoke the driver's license or driving privilege pursuant to  
13 this paragraph. No driver's license or driving privilege may  
14 be issued or granted to any such person. This paragraph  
15 applies only if at least one of the convictions for violation  
16 of s. 316.193 or former s. 316.1931 was for a violation that  
17 occurred after July 1, 1982. For the purposes of this  
18 paragraph, a conviction for violation of former s. 316.028,  
19 former s. 316.1931, or former s. 860.01 is also considered a  
20 conviction for violation of s. 316.193. Also, a conviction of  
21 driving under the influence, driving while intoxicated,  
22 driving with an unlawful blood-alcohol level, or any other  
23 similar alcohol-related or drug-related traffic offense  
24 outside this state is considered a conviction for the purposes  
25 of this paragraph.

26       Section 172. Section 322.282, Florida Statutes, is  
27 repealed.

28       Section 173. Subsection (3) is added to section  
29 322.292, Florida Statutes, to read:

30       322.292 DUI programs supervision; powers and duties of  
31 the department.--

1           (3) DUI programs shall be either governmental programs  
2 or not-for-profit corporations.

3           Section 174. Section 322.331, Florida Statutes, is  
4 repealed.

5           Section 175. Subsections (8), (9), and (10) are added  
6 to section 322.61, Florida Statutes, to read:

7           322.61 Disqualification from operating a commercial  
8 motor vehicle.--

9           (8) A driver who is convicted of or otherwise found to  
10 have committed a violation of an out-of-service order while  
11 driving a commercial motor vehicle is disqualified as follows:

12           (a) Not less than 90 days nor more than 1 year if the  
13 driver is convicted of or otherwise found to have committed a  
14 first violation of an out-of-service order.

15           (b) Not less than 1 year nor more than 5 years if,  
16 during any 10-year period, the driver is convicted of or  
17 otherwise found to have committed two violations of  
18 out-of-service orders in separate incidents.

19           (c) Not less than 3 years nor more than 5 years if,  
20 during any 10-year period, the driver is convicted of or  
21 otherwise found to have committed three or more violations of  
22 out-of-service orders in separate incidents.

23           (d) Not less than 180 days nor more than 2 years if  
24 the driver is convicted of or otherwise found to have  
25 committed a first violation of an out-of-service order while  
26 transporting hazardous materials required to be placarded  
27 under the Hazardous Materials Transportation Act, 49 U.S.C.  
28 5101 et seq., or while operating motor vehicles designed to  
29 transport more than 15 passengers, including the driver. A  
30 driver is disqualified for a period of not less than 3 years  
31 nor more than 5 years if, during any 10-year period, the



1 driver is convicted of or otherwise found to have committed  
2 any subsequent violations of out-of-service orders, in  
3 separate incidents, while transporting hazardous materials  
4 required to be placarded under the Hazardous Materials  
5 Transportation Act 49 U.S.C. 5101 et seq., or while operating  
6 motor vehicles designed to transport more than 15 passengers,  
7 including the driver.

8 (9) A driver who is convicted of or otherwise found to  
9 have committed an offense of operating a CMV in violation of  
10 federal, state, or local law or regulation pertaining to one  
11 of the following six offenses at a railroad-highway grade  
12 crossing must be disqualified for the period of time specified  
13 in subsection (10):

14 (a) For drivers who are not always required to stop,  
15 failing to slow down and check that the tracks are clear of  
16 approaching trains.

17 (b) For drivers who are not always required to stop,  
18 failing to stop before reaching the crossing if the tracks are  
19 not clear.

20 (c) For drivers who are always required to stop,  
21 failing to stop before driving onto the crossing.

22 (d) For all drivers, failing to have sufficient space  
23 to drive completely through the crossing without stopping.

24 (e) For all drivers, failing to obey a traffic control  
25 device or all directions of an enforcement official at the  
26 crossing.

27 (f) For all drivers, failing to negotiate a crossing  
28 because of insufficient undercarriage clearance.

29 (10)(a) A driver must be disqualified for not less  
30 than 60 days if the driver is convicted of or otherwise found  
31

1 to have committed a first violation of a railroad-highway  
2 grade crossing violation.

3 (b) A driver must be disqualified for not less than  
4 120 days if, during any 3-year period, the driver is convicted  
5 of or otherwise found to have committed a second  
6 railroad-highway grade crossing violation in separate  
7 incidents.

8 (c) A driver must be disqualified for not less than 1  
9 year if, during any 3-year period, the driver is convicted of  
10 or otherwise found to have committed a third or subsequent  
11 railroad-highway grade crossing violation in separate  
12 incidents.

13 Section 176. Subsections (1) and (3) of section  
14 322.64, Florida Statutes, are amended to read:

15 322.64 Holder of commercial driver's license; driving  
16 with unlawful blood-alcohol level; refusal to submit to  
17 breath, urine, or blood test.--

18 (1)(a) A law enforcement officer or correctional  
19 officer shall, on behalf of the department, disqualify from  
20 operating any commercial motor vehicle a person who while  
21 operating or in actual physical control of a commercial motor  
22 vehicle is arrested for a violation of s. 316.193, relating to  
23 unlawful blood-alcohol level or breath-alcohol level, or a  
24 person who has refused to submit to a breath, urine, or blood  
25 test authorized by s. 322.63 arising out of the operation or  
26 actual physical control of a commercial motor vehicle. Upon  
27 disqualification of the person, the officer shall take the  
28 person's driver's license and issue the person a 10-day ~~30-day~~  
29 temporary permit if the person is otherwise eligible for the  
30 driving privilege and shall issue the person a notice of  
31 disqualification. If the person has been given a blood,

1 breath, or urine test, the results of which are not available  
2 to the officer at the time of the arrest, the agency employing  
3 the officer shall transmit such results to the department  
4 within 5 days after receipt of the results. If the department  
5 then determines that the person was arrested for a violation  
6 of s. 316.193 and that the person had a blood-alcohol level or  
7 breath-alcohol level of 0.08 or higher, the department shall  
8 disqualify the person from operating a commercial motor  
9 vehicle pursuant to subsection (3).

10 (b) The disqualification under paragraph (a) shall be  
11 pursuant to, and the notice of disqualification shall inform  
12 the driver of, the following:

13 1.a. The driver refused to submit to a lawful breath,  
14 blood, or urine test and he or she is disqualified from  
15 operating a commercial motor vehicle for a period of 1 year,  
16 for a first refusal, or permanently, if he or she has  
17 previously been disqualified as a result of a refusal to  
18 submit to such a test; or

19 b. The driver violated s. 316.193 by driving with an  
20 unlawful blood-alcohol level and he or she is disqualified  
21 from operating a commercial motor vehicle for a period of 6  
22 months for a first offense or for a period of 1 year if he or  
23 she has previously been disqualified, or his or her driving  
24 privilege has been previously suspended, for a violation of s.  
25 316.193.

26 2. The disqualification period shall commence on the  
27 date of arrest or issuance of notice of disqualification,  
28 whichever is later.

29 3. The driver may request a formal or informal review  
30 of the disqualification by the department within 10 days after  
31

1 the date of arrest or issuance of notice of disqualification,  
2 whichever is later.

3 4. The temporary permit issued at the time of arrest  
4 or disqualification will expire at midnight of the 10th ~~30th~~  
5 day following the date of disqualification.

6 5. The driver may submit to the department any  
7 materials relevant to the arrest.

8 (3) If the department determines that the person  
9 arrested should be disqualified from operating a commercial  
10 motor vehicle pursuant to this section and if the notice of  
11 disqualification has not already been served upon the person  
12 by a law enforcement officer or correctional officer as  
13 provided in subsection (1), the department shall issue a  
14 notice of disqualification and, unless the notice is mailed  
15 pursuant to s. 322.251, a temporary permit which expires 10 ~~30~~  
16 days after the date of issuance if the driver is otherwise  
17 eligible.

18 Section 177. Section 324.091, Florida Statutes, is  
19 amended to read:

20 324.091 Notice to department; notice to insurer.--

21 (1) Each owner and operator involved in a crash or  
22 conviction case within the purview of this chapter shall  
23 furnish evidence of automobile liability insurance, motor  
24 vehicle liability insurance, or surety bond within 30 days  
25 from the date of the mailing of notice of crash by the  
26 department in such form and manner as it may designate. Upon  
27 receipt of evidence that an automobile liability policy, motor  
28 vehicle liability policy, or surety bond was in effect at the  
29 time of the crash or conviction case, the department shall  
30 forward by United States mail, postage prepaid, to the insurer  
31 or surety insurer a copy of such information and shall assume

1 that such policy or bond was in effect unless the insurer or  
2 surety insurer shall notify the department otherwise within 20  
3 days from the mailing of the notice to the insurer or surety  
4 insurer; provided that if the department shall later ascertain  
5 that an automobile liability policy, motor vehicle liability  
6 policy, or surety bond was not in effect and did not provide  
7 coverage for both the owner and the operator, it shall at such  
8 time take such action as it is otherwise authorized to do  
9 under this chapter. Proof of mailing to the insurer or surety  
10 insurer may be made by the department by naming the insurer or  
11 surety insurer to whom such mailing was made and specifying  
12 the time, place and manner of mailing.

13 (2) Each insurer doing business in this state shall  
14 immediately give notice to the department of each motor  
15 vehicle liability policy when issued to effect the return of a  
16 license which has been suspended under s. 324.051(2); and said  
17 notice shall be upon such form and in such manner as the  
18 department may designate.

19 (3) Electronic access to the vehicle insurer  
20 information maintained in the department's vehicle database  
21 may be provided by an approved third-party provider to  
22 insurers, lawyers, and financial institutions in compliance  
23 with s. 627.736(9)(a) and for subrogation and claims purposes  
24 only. The compilation and retention of this information is  
25 strictly prohibited.

26 Section 178. Paragraph (b) of subsection (3) of  
27 section 328.01, Florida Statutes, is amended to read:

28 328.01 Application for certificate of title.--

29 (3)

30 (b) If the application for transfer of title is based  
31 upon a contractual default, the recorded lienholder shall

1 establish proof of right to ownership by submitting with the  
2 application the original certificate of title ~~and a copy of~~  
3 ~~the applicable contract upon which the claim of ownership is~~  
4 ~~made~~. If the claim is based upon a court order or judgment, a  
5 copy of such document shall accompany the application for  
6 transfer of title. If, on the basis of departmental records,  
7 there appears to be any other lien on the vessel, the  
8 certificate of title must contain a statement of such a lien,  
9 unless the application for a certificate of title is either  
10 accompanied by proper evidence of the satisfaction or  
11 extinction of the lien or contains a statement certifying that  
12 any lienholder named on the last-issued certificate of title  
13 has been sent notice by certified mail, at least 5 days before  
14 the application was filed, of the applicant's intention to  
15 seek a repossessed title. If such notice is given and no  
16 written protest to the department is presented by a subsequent  
17 lienholder within 15 days after the date on which the notice  
18 was mailed, the certificate of title shall be issued showing  
19 no liens. If the former owner or any subsequent lienholder  
20 files a written protest under oath within the 15-day period,  
21 the department shall not issue the repossessed certificate for  
22 10 days thereafter. If, within the 10-day period, no  
23 injunction or other order of a court of competent jurisdiction  
24 has been served on the department commanding it not to deliver  
25 the certificate, the department shall deliver the repossessed  
26 certificate to the applicant, or as is otherwise directed in  
27 the application, showing no other liens than those shown in  
28 the application.

29  
30  
31

1 The department shall adopt suitable language that must appear  
2 upon the certificate of title to effectuate the manner in  
3 which the interest in or title to the vessel is held.

4 Section 179. Subsection (2) of section 328.42, Florida  
5 Statutes, is amended to read:

6 328.42 Suspension or denial of a vessel registration  
7 due to child support delinquency; dishonored checks.--

8 (2) The department may deny or cancel any vessel  
9 registration, license plate, or fuel-use tax decal if the  
10 owner pays for the registration, license plate, fuel-use tax  
11 decal, or any tax liability, penalty, or interest specified in  
12 chapter 207 by a dishonored check if the owner pays for the  
13 registration by a dishonored check.

14 Section 180. Section 328.56, Florida Statutes, is  
15 amended to read:

16 328.56 Vessel registration number.--Each vessel that  
17 is used on the waters of the state must display a ~~commercial~~  
18 ~~or recreational~~ Florida registration number, unless it is:

19 (1) A vessel used exclusively on private lakes and  
20 ponds.

21 (2) A vessel owned by the United States Government.

22 (3) A vessel used exclusively as a ship's lifeboat.

23 (4) A non-motor-powered vessel.

24 (5) A federally documented vessel.

25 (6) A vessel already covered by a registration number  
26 in full force and effect which has been awarded to it pursuant  
27 to a federally approved numbering system of another state or  
28 by the United States Coast Guard in a state without a  
29 federally approved numbering system, if the vessel has not  
30 been within this state for a period in excess of 90  
31 consecutive days.

1           (7) A vessel operating under a valid temporary  
2 certificate of number.

3           (8) A vessel from a country other than the United  
4 States temporarily using the waters of this state.

5           (9) An undocumented vessel used exclusively for  
6 racing.

7           Section 181. Subsection (4) of section 328.72, Florida  
8 Statutes, is amended to read:

9           328.72 Classification; registration; fees and charges;  
10 surcharge; disposition of fees; fines; marine turtle  
11 stickers.--

12           (4) TRANSFER OF OWNERSHIP.--

13           ~~(a)~~ When the ownership of a registered vessel changes,  
14 an application for transfer of registration shall be filed  
15 with the county tax collector by the new owner within 30 days  
16 with a fee of \$3.25. The county tax collector shall retain  
17 \$2.25 of the fee and shall remit \$1 to the department. A  
18 refund may not be made for any unused portion of a  
19 registration period.

20           ~~(b) If a vessel is an antique as defined in subsection~~  
21 ~~(2), the application shall be accompanied by either a~~  
22 ~~certificate of title, a bill of sale and a registration, or a~~  
23 ~~bill of sale and an affidavit by the owner defending the title~~  
24 ~~from all claims. The bill of sale must contain a complete~~  
25 ~~vessel description to include the hull identification number~~  
26 ~~and engine number, if appropriate; the year, make, and color~~  
27 ~~of the vessel; the selling price; and the signatures of the~~  
28 ~~seller and purchaser.~~

29           Section 182. Effective July 1, 2001, subsection (1) of  
30 section 328.76, Florida Statutes, is amended to read:

31



1           328.76 Marine Resources Conservation Trust Fund;  
2 vessel registration funds; appropriation and distribution.--

3           (1) Except as otherwise specified and less \$1.4  
4 million for any administrative costs which shall be deposited  
5 in the Highway Safety Operating Trust Fund, in each fiscal  
6 year beginning on or after July 1, 2001, all funds collected  
7 from the registration of vessels through the Department of  
8 Highway Safety and Motor Vehicles and the tax collectors of  
9 the state, except for those funds designated for the use of  
10 the counties pursuant to s. 328.72(1), shall be deposited in  
11 the Marine Resources Conservation Trust Fund for recreational  
12 channel marking; public launching facilities; law enforcement  
13 and quality control programs; aquatic weed control; manatee  
14 protection, recovery, rescue, rehabilitation, and release; and  
15 marine mammal protection and recovery. The funds collected  
16 pursuant to s. 328.72(1) shall be transferred as follows:

17           (a) In each fiscal year, an amount equal to \$1.50 for  
18 each vessel registered in this state shall be transferred to  
19 the Save the Manatee Trust Fund and shall be used only for the  
20 purposes specified in s. 370.12(4).

21           (b) Two dollars from each noncommercial vessel  
22 registration fee, except that for class A-1 vessels, shall be  
23 transferred to the Invasive Plant Control Trust Fund for  
24 aquatic weed research and control.

25           (c) Forty percent of the registration fees from  
26 commercial vessels shall be transferred to the Invasive Plant  
27 Control Trust Fund for aquatic plant research and control.

28           (d) Forty percent of the registration fees from  
29 commercial vessels shall be transferred by the Department of  
30 Highway Safety and Motor Vehicles, on a monthly basis, to the  
31 General Inspection Trust Fund of the Department of Agriculture

1 and Consumer Services. These funds shall be used for shellfish  
2 and aquaculture law enforcement and quality control programs.

3 Section 183. Subsections (4) and (6) of section  
4 713.78, Florida Statutes, are amended to read:

5 713.78 Liens for recovering, towing, or storing  
6 vehicles and ~~documented~~ vessels.--

7 (4)(a) Any person regularly engaged in the business of  
8 recovering, towing, or storing vehicles or vessels who comes  
9 into possession of a vehicle or vessel pursuant to subsection  
10 (2), and who claims a lien for recovery, towing, or storage  
11 services, shall give notice to the registered owner, the  
12 insurance company insuring the vehicle notwithstanding the  
13 provisions of s. 627.736, and to all persons claiming a lien  
14 thereon, as disclosed by the records in the Department of  
15 Highway Safety and Motor Vehicles or of a corresponding agency  
16 in any other state.

17 (b) Whenever any law enforcement agency authorizes the  
18 removal of a vehicle or whenever any towing service, garage,  
19 repair shop, or automotive service, storage, or parking place  
20 notifies the law enforcement agency of possession of a vehicle  
21 pursuant to s. 715.07(2)(a)2., the applicable law enforcement  
22 agency shall contact the Department of Highway Safety and  
23 Motor Vehicles, or the appropriate agency of the state of  
24 registration, if known, within 24 hours through the medium of  
25 electronic communications, giving the full description of the  
26 vehicle. Upon receipt of the full description of the vehicle,  
27 the department shall search its files to determine the owner's  
28 name, the insurance company insuring the vehicle, and whether  
29 any person has filed a lien upon the vehicle as provided in s.  
30 319.27(2) and (3) and notify the applicable law enforcement  
31 agency within 72 hours. The person in charge of the towing

1 service, garage, repair shop, or automotive service, storage,  
2 or parking place shall obtain such information from the  
3 applicable law enforcement agency within 5 days from the date  
4 of storage and shall give notice pursuant to paragraph (a).  
5 The department may release the insurance company information  
6 to the requestor notwithstanding the provisions of s. 627.736.

7 (c)~~(b)~~ Notice by certified mail, return receipt  
8 requested, shall be sent within 7 business days after the date  
9 of storage of the vehicle or vessel to the registered owner,  
10 the insurance company insuring the vehicle notwithstanding the  
11 provisions of s. 627.736, and to all persons of record  
12 claiming a lien against the vehicle or vessel. It shall state  
13 the fact of possession of the vehicle or vessel, that a lien  
14 as provided in subsection (2) is claimed, that charges have  
15 accrued and the amount thereof, that the lien is subject to  
16 enforcement pursuant to law, and that the owner or lienholder,  
17 if any, has the right to a hearing as set forth in subsection  
18 (5), and that any vehicle or vessel which remains unclaimed,  
19 or for which the charges for recovery, towing, or storage  
20 services remain unpaid, may be sold ~~after 35 days~~ free of all  
21 prior liens after 35 days if the vehicle or vessel is more  
22 than 3 years of age and after 50 days if the vehicle or vessel  
23 is 3 years of age or less.

24 (d)~~(c)~~ If attempts to locate the owner or lienholder  
25 prove unsuccessful, the towing-storage operator shall, after 7  
26 working days, excluding Saturday and Sunday, of the initial  
27 tow or storage, notify the public agency of jurisdiction in  
28 writing by certified mail or acknowledged hand delivery that  
29 the towing-storage company has been unable to locate the owner  
30 or lienholder and a physical search of the vehicle or vessel  
31 has disclosed no ownership information and a good faith effort

1 has been made. For purposes of this paragraph and subsection  
2 (9), ~~and s. 715.05~~, "good faith effort" means that the  
3 following checks have been performed by the company to  
4 establish prior state of registration and for title:

- 5 1. Check of vehicle or vessel for any type of tag, tag  
6 record, temporary tag, or regular tag.
- 7 2. Check of law enforcement report for tag number or  
8 other information identifying the vehicle or vessel, if the  
9 vehicle or vessel was towed at the request of a law  
10 enforcement officer.
- 11 3. Check of trip sheet or tow ticket of tow truck  
12 operator to see if a tag was on vehicle at beginning of tow,  
13 if private tow.
- 14 4. If there is no address of the owner on the impound  
15 report, check of law enforcement report to see if an  
16 out-of-state address is indicated from driver license  
17 information.
- 18 5. Check of vehicle or vessel for inspection sticker  
19 or other stickers and decals that may indicate a state of  
20 possible registration.
- 21 6. Check of the interior of the vehicle or vessel for  
22 any papers that may be in the glove box, trunk, or other areas  
23 for a state of registration.
- 24 7. Check of vehicle for vehicle identification number.
- 25 8. Check of vessel for vessel registration number.
- 26 9. Check of vessel hull for a hull identification  
27 number which should be carved, burned, stamped, embossed, or  
28 otherwise permanently affixed to the outboard side of the  
29 transom or, if there is no transom, to the outmost seaboard  
30 side at the end of the hull that bears the rudder or other  
31 steering mechanism.

1           (6) Any vehicle or vessel which is stored pursuant to  
2 subsection (2) and which remains unclaimed, or for which  
3 reasonable charges for recovery, towing, or storing remain  
4 unpaid or for which a lot rental amount is due and owing to  
5 the mobile home park owner, as evidenced by a judgment for  
6 unpaid rent, and any contents not released pursuant to  
7 subsection (10), may be sold by the owner or operator of the  
8 storage space for such towing or storage charge or unpaid lot  
9 rental amount after 35 days from the time the vehicle or  
10 vessel is stored therein if the vehicle or vessel is more than  
11 3 years of age and after 50 days from the time the vehicle or  
12 vessel is stored therein if the vehicle or vessel is 3 years  
13 of age or less. The sale shall be at public auction for cash.  
14 If the date of the sale was not included in the notice  
15 required in subsection (4), notice of the sale shall be given  
16 to the person in whose name the vehicle, vessel, or mobile  
17 home is registered, to the mobile home park owner, and to all  
18 persons claiming a lien on the vehicle or vessel as shown on  
19 the records of the Department of Highway Safety and Motor  
20 Vehicles or of the corresponding agency in any other state.  
21 Notice shall be sent by certified mail, return receipt  
22 requested, to the owner of the vehicle or vessel and the  
23 person having the recorded lien on the vehicle or vessel at  
24 the address shown on the records of the registering agency and  
25 shall be mailed not less than 15 days before the date of the  
26 sale. After diligent search and inquiry, if the name and  
27 address of the registered owner or the owner of the recorded  
28 lien cannot be ascertained, the requirements of notice by mail  
29 may be dispensed with. In addition to the notice by mail,  
30 public notice of the time and place of sale shall be made by  
31 publishing a notice thereof one time, at least 10 days prior

1 to the date of the sale, in a newspaper of general circulation  
2 in the county in which the sale is to be held. The proceeds  
3 of the sale, after payment of reasonable towing and storage  
4 charges, costs of the sale, and the unpaid lot rental amount,  
5 in that order of priority, shall be deposited with the clerk  
6 of the circuit court for the county if the owner is absent,  
7 and the clerk shall hold such proceeds subject to the claim of  
8 the person legally entitled thereto. The clerk shall be  
9 entitled to receive 5 percent of such proceeds for the care  
10 and disbursement thereof. The certificate of title issued  
11 under this law shall be discharged of all liens unless  
12 otherwise provided by court order.

13 Section 184. Section 715.05, Florida Statutes, is  
14 repealed.

15 Section 185. Subsection (1) of section 681.1096,  
16 Florida Statutes, is amended to read:

17 681.1096 Pilot RV Mediation and Arbitration Program;  
18 creation and qualifications.--

19 (1) This section and s. 681.1097 shall apply to  
20 disputes determined eligible under this chapter involving  
21 recreational vehicles acquired on or after October 1, 1997,  
22 and shall remain in effect until September 30, 2002 ~~2001~~, at  
23 which time recreational vehicle disputes shall be subject to  
24 the provisions of ss. 681.109 and 681.1095. The Attorney  
25 General shall report ~~annually~~ to the President of the Senate,  
26 the Speaker of the House of Representatives, the Minority  
27 Leader of each house of the Legislature, and appropriate  
28 legislative committees regarding the effectiveness ~~efficiency~~  
29 ~~and cost-effectiveness~~ of the pilot program.

30 Section 186. Subsections (5) and (7) of section  
31 681.1097, Florida Statutes, are amended to read:

1           681.1097 Pilot RV Mediation and Arbitration Program;  
2 dispute eligibility and program function.--

3           (5) If the mediation ends in an impasse, or if a  
4 manufacturer fails to comply with the settlement entered into  
5 between the parties, the program administrator shall schedule  
6 the dispute for an arbitration hearing. Arbitration  
7 proceedings shall be open to the public on reasonable and  
8 nondiscriminatory terms.

9           (a) The arbitration hearing shall be conducted by a  
10 single arbitrator assigned by the program administrator. The  
11 arbitrator shall not be the same person as the mediator who  
12 conducted the prior mediation conference in the dispute. The  
13 parties may factually object to an arbitrator based on the  
14 arbitrator's past or present relationship with a party or a  
15 party's attorney, direct or indirect, whether financial,  
16 professional, social, or of any other kind. The program  
17 administrator shall consider any such objection, determine its  
18 validity, and notify the parties of any determination. If the  
19 objection is determined valid, the program administrator shall  
20 assign another arbitrator to the case.

21           (b) The arbitrator may issue subpoenas for the  
22 attendance of witnesses and for the production of records,  
23 documents, and other evidence. Subpoenas so issued shall be  
24 served and, upon application to the court by a party to the  
25 arbitration, enforced in the manner provided by law for the  
26 service and enforcement of subpoenas in civil actions. Fees  
27 for attendance as a witness shall be the same as for a witness  
28 in the circuit court.

29           (c) At all program arbitration proceedings, the  
30 parties may present oral and written testimony, present  
31 witnesses and evidence relevant to the dispute, cross-examine

1 witnesses, and be represented by counsel. The arbitrator  
2 shall record the arbitration hearing and shall have the power  
3 to administer oaths. The arbitrator may inspect the vehicle  
4 if requested by a party or if the arbitrator considers such  
5 inspection appropriate.

6 (d) The program arbitrator may continue a hearing on  
7 his or her own motion or upon the request of a party for good  
8 cause shown. A request for continuance by the consumer  
9 constitutes a waiver of the time period set forth in s.  
10 681.1096(3)(k) for completion of all proceedings under the  
11 program.

12 (e) Where the arbitration is the result of a  
13 manufacturer's failure to perform in accordance with a  
14 settlement ~~mediation~~ agreement, any relief to the consumer  
15 granted by the arbitration will be no less than the relief  
16 agreed to by the manufacturer in the settlement agreement.

17 (f) The arbitrator shall grant relief if a reasonable  
18 number of attempts have been undertaken to correct a  
19 nonconformity or nonconformities.

20 (g) The program arbitrator shall render a decision  
21 within 10 days of the closing of the hearing. The decision  
22 shall be in writing on a form prescribed or approved by the  
23 department. The program administrator shall send a copy of the  
24 decision to the consumer and each involved manufacturer by  
25 registered mail. The program administrator shall also send a  
26 copy of the decision to the department within 5 days of  
27 mailing to the parties.

28 (h) A manufacturer shall comply with an arbitration  
29 decision within 40 days of the date the manufacturer receives  
30 the written decision. Compliance occurs on the date the  
31 consumer receives delivery of an acceptable replacement motor



1 vehicle or the refund specified in the arbitration award. If a  
2 manufacturer fails to comply within the time required, the  
3 consumer must notify the program administrator in writing  
4 within 10 days. The program administrator shall notify the  
5 department of a manufacturer's failure to comply. The  
6 department shall have the authority to enforce compliance with  
7 arbitration decisions under this section in the same manner as  
8 is provided for enforcement of compliance with board decisions  
9 under s. 681.1095(10). In any civil action arising under this  
10 chapter and relating to a dispute arbitrated pursuant to this  
11 section, the decision of the arbitrator is admissible in  
12 evidence.

13 (i) Either party may request that the program  
14 arbitrator make a technical correction to the decision by  
15 filing a written request with the program administrator within  
16 10 days after receipt of the written decision. Technical  
17 corrections shall be limited to computational errors,  
18 correction of a party's name or information regarding the  
19 recreational vehicle, and typographical or spelling errors.  
20 Technical correction of a decision shall not toll the time for  
21 filing an appeal or for manufacturer compliance.

22 (7) A decision of the arbitrator is binding unless  
23 appealed by either party by filing a petition with the circuit  
24 court within the time and in the manner prescribed by s.  
25 681.1095(10) and (12). Section 681.1095(13) and (14) apply to  
26 appeals filed under this section.~~Either party may make~~  
27 ~~application to the circuit court for the county in which one~~  
28 ~~of the parties resides or has a place of business or, if~~  
29 ~~neither party resides or has a place of business in this~~  
30 ~~state, the county where the arbitration hearing was held, for~~  
31 ~~an order confirming, vacating, modifying, or correcting any~~

1 ~~award, in accordance with the provisions of this section and~~  
2 ~~ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such~~  
3 ~~application must be filed within 30 days of the moving party's~~  
4 ~~receipt of the written decision or the decision becomes final.~~  
5 ~~Upon filing such application, the moving party shall mail a~~  
6 ~~copy to the department and, upon entry of any judgment or~~  
7 ~~decree, shall mail a copy of such judgment or decree to the~~  
8 ~~department. A review of such application by the circuit court~~  
9 ~~shall be confined to the record of the proceedings before the~~  
10 ~~program arbitrator. The court shall conduct a de novo review~~  
11 ~~of the questions of law raised in the application. In addition~~  
12 ~~to the grounds set forth in ss. 682.13 and 682.14, the court~~  
13 ~~shall consider questions of fact raised in the application. In~~  
14 ~~reviewing questions of fact, the court shall uphold the award~~  
15 ~~unless it determines that the factual findings of the~~  
16 ~~arbitrator are not supported by substantial evidence in the~~  
17 ~~record and that the substantial rights of the moving party~~  
18 ~~have been prejudiced. If the arbitrator fails to state~~  
19 ~~findings or reasons for the stated award, or the findings or~~  
20 ~~reasons are inadequate, the court shall search the record to~~  
21 ~~determine whether a basis exists to uphold the award. The~~  
22 ~~court shall expedite consideration of any application filed~~  
23 ~~under this section on the calendar.~~

24       (a) If a decision of a program arbitrator in favor of  
25 a consumer is confirmed by the court, recovery by the consumer  
26 shall include the pecuniary value of the award, attorney's  
27 fees incurred in obtaining confirmation of the award, and all  
28 costs and continuing damages in the amount of \$25 per day for  
29 each day beyond the 40-day period following a manufacturer's  
30 receipt of the arbitrator's decision. If a court determines  
31 the manufacturer acted in bad faith in bringing the appeal or

1 brought the appeal solely for the purpose of harassment, or in  
2 complete absence of a justiciable issue of law or fact, the  
3 court shall double, and may triple, the amount of the total  
4 award.

5 ~~(b) An appeal of a judgment or order by the court~~  
6 ~~confirming, denying confirmation, modifying or correcting, or~~  
7 ~~vacating the award may be taken in the manner and to the same~~  
8 ~~extent as from orders or judgments in a civil action.~~

9 Section 187. Section 681.115, Florida Statutes, is  
10 amended to read:

11 681.115 Certain agreements void.--Any agreement  
12 entered into by a consumer that waives, limits, or disclaims  
13 the rights set forth in this chapter, or that requires a  
14 consumer not to disclose the terms of such agreement as a  
15 condition thereof, is void as contrary to public policy. The  
16 rights set forth in this chapter shall extend to a subsequent  
17 transferee of such motor vehicle.

18 Section 188. Section 715.07, Florida Statutes, is  
19 amended to read:

20 715.07 Vehicles and vessels parked on private  
21 property; towing.--

22 (1) As used in this section, the terms:

23 (a) term "Vehicle" means any mobile item which  
24 normally uses wheels, whether motorized or not.

25 (b) "Vessel" means every description of watercraft,  
26 barge, and air boat used or capable of being used as a means  
27 of transportation on water, other than a seaplane or a  
28 documented vessel, as defined in s. 327.02(8).

29 (2) The owner or lessee of real property, or any  
30 person authorized by the owner or lessee, which person may be  
31 the designated representative of the condominium association

1 if the real property is a condominium, may cause any vehicle  
2 or vessel parked on such property without her or his  
3 permission to be removed by a person regularly engaged in the  
4 business of towing vehicles or vessels, without liability for  
5 the costs of removal, transportation, or storage or damages  
6 caused by such removal, transportation, or storage, under any  
7 of the following circumstances:

8 (a) The towing or removal of any vehicle or vessel  
9 from private property without the consent of the registered  
10 owner or other legally authorized person in control of that  
11 vehicle or vessel is subject to strict compliance with the  
12 following conditions and restrictions:

13 1.a. Any towed or removed vehicle or vessel must be  
14 stored at a site within 10 miles of the point of removal in  
15 any county of 500,000 population or more, and within 15 miles  
16 of the point of removal in any county of less than 500,000  
17 population. That site must be open for the purpose of  
18 redemption of vehicles or vessels on any day that the person  
19 or firm towing such vehicle or vessel is open for towing  
20 purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall  
21 have prominently posted a sign indicating a telephone number  
22 where the operator of the site can be reached at all times.  
23 Upon receipt of a telephoned request to open the site to  
24 redeem a vehicle or vessel, the operator shall return to the  
25 site within 1 hour or she or he will be in violation of this  
26 section.

27 b. If no towing business providing such service is  
28 located within the area of towing limitations set forth in  
29 sub-subparagraph a., the following limitations apply: any  
30 towed or removed vehicle or vessel must be stored at a site  
31 within 20 miles of the point of removal in any county of

1 500,000 population or more, and within 30 miles of the point  
2 of removal in any county of less than 500,000 population.

3         2. The person or firm towing or removing the vehicle  
4 or vessel shall, within 30 minutes of completion of such  
5 towing or removal, notify the municipal police department or,  
6 in an unincorporated area, the sheriff of such towing or  
7 removal, the storage site, the time the vehicle or vessel was  
8 towed or removed, and the make, model, color, and license  
9 plate number of the vehicle or the make, model, color, and  
10 registration number of the vessel and shall obtain the name of  
11 the person at that department to whom such information was  
12 reported and note that name on the trip record.

13         3. If the registered owner or other legally authorized  
14 person in control of the vehicle or vessel arrives at the  
15 scene prior to removal or towing of the vehicle or vessel, the  
16 vehicle or vessel shall be disconnected from the towing or  
17 removal apparatus, and that person shall be allowed to remove  
18 the vehicle or vessel without interference upon the payment of  
19 a reasonable service fee of not more than one-half of the  
20 posted rate for such towing service as provided in  
21 subparagraph 6., for which a receipt shall be given, unless  
22 that person refuses to remove the vehicle or vessel which is  
23 otherwise unlawfully parked or located.

24         4. The rebate or payment of money or any other  
25 valuable consideration from the individual or firm towing or  
26 removing vehicles or vessels to the owners or operators of the  
27 premises from which the vehicles are towed or removed, for the  
28 privilege of removing or towing those vehicles or vessels, is  
29 prohibited.

30         5. Except for property appurtenant to and obviously a  
31 part of a single-family residence, and except for instances

1 when notice is personally given to the owner or other legally  
2 authorized person in control of the vehicle or vessel that the  
3 area in which that vehicle or vessel is parked is reserved or  
4 otherwise unavailable for unauthorized vehicles or vessels and  
5 subject to being removed at the owner's or operator's expense,  
6 any property owner or lessee, or person authorized by the  
7 property owner or lessee, prior to towing or removing any  
8 vehicle or vessel from private property without the consent of  
9 the owner or other legally authorized person in control of  
10 that vehicle or vessel, must post a notice meeting the  
11 following requirements:

12 a. The notice must be prominently placed at each  
13 driveway access or curb cut allowing vehicular access to the  
14 property, within 5 feet from the public right-of-way line. If  
15 there are no curbs or access barriers, the signs must be  
16 posted not less than one sign for each 25 feet of lot  
17 frontage.

18 b. The notice must clearly indicate, in not less than  
19 2-inch high, light-reflective letters on a contrasting  
20 background, that unauthorized vehicles will be towed away at  
21 the owner's expense. Owners or lessees that remove vessels  
22 from their properties shall post notice, consistent with the  
23 requirements of this subparagraph, that unauthorized vehicles  
24 or vessels will be towed at the owner's expense. The words  
25 "tow-away zone" must be included on the sign in not less than  
26 4-inch high letters.

27 c. The notice must also provide the name and current  
28 telephone number of the person or firm towing or removing the  
29 vehicles or vessels, if the property owner, lessee, or person  
30 in control of the property has a written contract with the  
31 towing company.

1           d. The sign structure containing the required notices  
2 must be permanently installed with the words "tow-away zone"  
3 not less than 3 feet and not more than 6 feet above ground  
4 level and must be continuously maintained on the property for  
5 not less than 24 hours prior to the towing or removal of any  
6 vehicles or vessels.

7           e. The local government may require permitting and  
8 inspection of these signs prior to any towing or removal of  
9 vehicles or vessels being authorized.

10           f. A business with 20 or fewer parking spaces  
11 satisfies the notice requirements of this subparagraph by  
12 prominently displaying a sign stating "Reserved Parking for  
13 Customers Only Unauthorized Vehicles or Vessels Will be Towed  
14 Away At the Owner's Expense" in not less than 4-inch high,  
15 light-reflective letters on a contrasting background.

16  
17 A business owner or lessee may authorize the removal of a  
18 vehicle or vessel by a towing company when the vehicle is  
19 parked in such a manner that restricts the normal operation of  
20 business; and if a vehicle or vessel parked on a public  
21 right-of-way obstructs access to a private driveway the owner,  
22 lessee, or agent may have the vehicle or vessel removed by a  
23 towing company upon signing an order that the vehicle or  
24 vessel be removed without a posted tow-away zone sign.

25           6. Any person or firm that tows or removes vehicles or  
26 vessels and proposes to require an owner, operator, or person  
27 in control of a vehicle or vessel to pay the costs of towing  
28 and storage prior to redemption of the vehicle or vessel must  
29 file and keep on record with the local law enforcement agency  
30 a complete copy of the current rates to be charged for such  
31 services and post at the storage site an identical rate

1 schedule and any written contracts with property owners,  
2 lessees, or persons in control of property which authorize  
3 such person or firm to remove vehicles or vessels as provided  
4 in this section.

5           7. Any person or firm towing or removing any vehicles  
6 or vessels from private property without the consent of the  
7 owner or other legally authorized person in control of the  
8 vehicles or vessels shall, on any trucks, wreckers as defined  
9 in s. 713.78(1)(b), or other vehicles used in the towing or  
10 removal, have the name, address, and telephone number of the  
11 company performing such service clearly printed in contrasting  
12 colors on the driver and passenger sides of the vehicle. The  
13 name shall be in at least 3-inch permanently affixed letters,  
14 and the address and telephone number shall be in at least  
15 1-inch permanently affixed letters.

16           8. Vehicle entry for the purpose of removing the  
17 vehicle or vessel shall be allowed with reasonable care on the  
18 part of the person or firm towing the vehicle or vessel. Such  
19 person or firm shall be liable for any damage occasioned to  
20 the vehicle or vessel if such entry is not in accordance with  
21 the standard of reasonable care.

22           9. When a vehicle or vessel has been towed or removed  
23 pursuant to this section, it must be released to its owner or  
24 custodian within one hour after requested. Any vehicle or  
25 vessel owner, custodian, or agent shall have the right to  
26 inspect the vehicle or vessel before accepting its return, and  
27 no release or waiver of any kind which would release the  
28 person or firm towing the vehicle or vessel from liability for  
29 damages noted by the owner or other legally authorized person  
30 at the time of the redemption may be required from any vehicle  
31 or vessel owner, custodian, or agent as a condition of release



1 of the vehicle or vessel to its owner. A detailed, signed  
2 receipt showing the legal name of the company or person towing  
3 or removing the vehicle or vessel must be given to the person  
4 paying towing or storage charges at the time of payment,  
5 whether requested or not.

6 (b) These requirements shall be the minimum standards  
7 and shall not preclude enactment of additional regulations by  
8 any municipality or county including the right to regulate  
9 rates when vehicles or vessels are towed from private  
10 property.

11 (3) This section does not apply to law enforcement,  
12 firefighting, rescue squad, ambulance, or other emergency  
13 vehicles or vessels which are marked as such or to property  
14 owned by any governmental entity.

15 (4) When a person improperly causes a vehicle or  
16 vessel to be removed, such person shall be liable to the owner  
17 or lessee of the vehicle or vessel for the cost of removal,  
18 transportation, and storage; any damages resulting from the  
19 removal, transportation, or storage of the vehicle; attorneys'  
20 fees; and court costs.

21 (5) Failure to make good faith best efforts to comply  
22 with the notice requirement of this section, as appropriate,  
23 shall preclude the imposition of any towing or storage charges  
24 against such vehicle or vessel.

25 ~~(6)(5)(a)~~ Any person who violates the provisions of  
26 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is  
27 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
28 provided in s. 775.082 or s. 775.083.

29 (b) Any person who violates the provisions of  
30 subparagraph (2)(a)7. commits is guilty of a felony of the  
31

1 third degree, punishable as provided in s. 775.082, s.  
2 775.083, or s. 775.084.

3 Section 189. Subsection (3) is added to section  
4 832.09, Florida Statutes, to read:

5 832.09 Suspension of driver license after warrant or  
6 *capias* is issued in worthless check case.--

7 (3) The Department of Highway Safety and Motor  
8 Vehicles shall create a standardized form to be distributed to  
9 the clerks of the court in each county for the purpose of  
10 notifying the department that a person has satisfied the  
11 requirements of the court. Notices of compliance with the  
12 court's requirements shall be on the standardized form  
13 provided by the department.

14 Section 190. Subsection (1) of section 322.056,  
15 Florida Statutes, is amended to read:

16 322.056 Mandatory revocation or suspension of, or  
17 delay of eligibility for, driver's license for persons under  
18 age 18 found guilty of certain alcohol, drug, or tobacco  
19 offenses; prohibition.--

20 (1) Notwithstanding the provisions of s. 322.055, if a  
21 person under 18 years of age is found guilty of or delinquent  
22 for a violation of s. 562.11(2), s. 562.111, or chapter 893,  
23 and:

24 (a) The person is eligible by reason of age for a  
25 driver's license or driving privilege, the court shall direct  
26 the department to revoke or to withhold issuance of his or her  
27 driver's license or driving privilege for a period of:

28 1. Not less than 6 months and not more than 1 year for  
29 the first violation.

30 2. Two years, for a subsequent violation.

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1           (b) The person's driver's license or driving privilege  
2 is under suspension or revocation for any reason, the court  
3 shall direct the department to extend the period of suspension  
4 or revocation by an additional period of:

5           1. Not less than 6 months and not more than 1 year for  
6 the first violation.

7           2. Two years, for a subsequent violation.

8           (c) The person is ineligible by reason of age for a  
9 driver's license or driving privilege, the court shall direct  
10 the department to withhold issuance of his or her driver's  
11 license or driving privilege for a period of:

12           1. Not less than 6 months and not more than 1 year  
13 after the date on which he or she would otherwise have become  
14 eligible, for the first violation.

15           2. Two years after the date on which he or she would  
16 otherwise have become eligible, for a subsequent violation.

17

18 However, the court may, in its sound discretion, direct the  
19 department to issue a license for driving privileges  
20 restricted to business or employment purposes only, as defined  
21 in s. 322.271, if the person is otherwise qualified for such a  
22 license.

23           Section 191. Except as otherwise expressly provided in  
24 this act, this act shall take effect July 1, 2001.

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