

Bill No. CS/HB 1839, 1st Eng.

Amendment No. Barcode 323378

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (14) is added to section 339.137, Florida Statutes, to read:

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

(14) Notwithstanding this section, project applications may not be accepted by the department for fiscal year 2003-2004, new council members may not be selected until July 1, 2003, and funds designated for the Transportation Outreach Program for fiscal year 2003-2004, shall be allocated by the department to its districts in accordance with section 339.135(4).

Section 2. Subsections (2), (3), and (6), of section 339.2817, Florida Statutes, are amended to read:

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- 1 339.2817 County Incentive Grant Program.--
- 2 (2) To be eligible for consideration, projects must be
- 3 consistent with applicable local government comprehensive
- 4 plans and, to the maximum extent feasible, with local
- 5 metropolitan planning organization plans ~~and local government~~
- 6 ~~comprehensive plans.~~
- 7 (3) The department must consider, but is not limited
- 8 to, the following criteria for evaluation of projects for
- 9 County Incentive Grant Program assistance:
- 10 (a) The extent to which the project will encourage,
- 11 enhance, or create economic benefits;
- 12 (b) The likelihood that assistance would enable the
- 13 project to proceed at an earlier date than the project could
- 14 otherwise proceed;
- 15 (c) The extent to which assistance would foster
- 16 innovative public-private partnerships and attract private
- 17 debt or equity investment;
- 18 (d) The extent to which the project uses new
- 19 technologies, including intelligent transportation systems,
- 20 which enhance the efficiency of the project;
- 21 (e) The extent to which the project helps to maintain
- 22 or protect the environment; ~~and~~
- 23 (f) The extent to which the project includes
- 24 transportation benefits for improving intermodalism and
- 25 safety;~~;~~
- 26 (g) The extent to which the county has enacted local
- 27 option fuel taxes and other dedicated local revenue sources or
- 28 adopted the 1-percent infrastructure sales surtax or the small
- 29 county surtax, with priority spending dedicated to
- 30 transportation improvements; and
- 31 (h) The extent to which the project incorporates

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1 corridor management techniques, including access management
2 strategies, right-of-way acquisition or protection measures,
3 and appropriate zoning and setback controls.

4 (6) A municipality may apply to the county in which
5 the municipality is located for consideration by the county
6 for funding under this section of any project or project phase
7 of a transportation facility which is located on the State
8 Highway System or which is demonstrated to relieve congestion
9 on the State Highway System. The county must evaluate all
10 municipal applications as provided in subsection (3). If the
11 proposed project is determined by the county to meet the
12 criteria in subsection (3), the county shall send the
13 application to the department on behalf of the municipality.
14 If the proposed project is approved by the department, the
15 county may retain project oversight authority and
16 responsibility for the project on behalf of the municipality.
17 If a municipality's proposed project is rejected by the county
18 for funding under this section, or if the county's proposed
19 project adversely affects a municipality within the county,
20 the municipality may request mediation to resolve any concerns
21 of the municipality and the county.

22 Section 3. For fiscal years 2003-2004 and 2004-2005,
23 the department shall allocate a maximum of \$30 million to
24 projects seeking County Incentive Grant Program grants and
25 Small County Outreach Program grants. Up to 20 percent of such
26 funds shall be used for the purpose of implementing the Small
27 County Outreach Program. For fiscal year 2005-2006 the
28 department shall allocate a maximum of \$4 million to projects
29 seeking County Incentive Program Grants and Small County
30 Outreach Program Grants. Up to 20 percent of such funds shall
31 be used for the purpose of implementing the Small County

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1 Outreach Program.

2 Section 4. Paragraphs (a) and (d) of subsection (2)
3 and subsection (6) of section 212.055, Florida Statutes, are
4 amended to read:

5 212.055 Discretionary sales surtaxes; legislative
6 intent; authorization and use of proceeds.--It is the
7 legislative intent that any authorization for imposition of a
8 discretionary sales surtax shall be published in the Florida
9 Statutes as a subsection of this section, irrespective of the
10 duration of the levy. Each enactment shall specify the types
11 of counties authorized to levy; the rate or rates which may be
12 imposed; the maximum length of time the surtax may be imposed,
13 if any; the procedure which must be followed to secure voter
14 approval, if required; the purpose for which the proceeds may
15 be expended; and such other requirements as the Legislature
16 may provide. Taxable transactions and administrative
17 procedures shall be as provided in s. 212.054.

18 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

19 (a)1. The governing authority in each county may levy
20 a discretionary sales surtax of 0.5 percent or 1 percent. The
21 levy of the surtax shall be pursuant to ordinance enacted by a
22 two-thirds vote majority of the members of the county
23 governing authority or pursuant to ordinance enacted by a
24 majority of the members of the county governing authority and
25 approved by a majority of the electors of the county voting in
26 a referendum on the surtax. If the governing bodies of the
27 municipalities representing a majority of the county's
28 population adopt uniform resolutions establishing the rate of
29 the surtax and calling for a referendum on the surtax, the
30 levy of the surtax shall be placed on the ballot and shall
31 take effect if approved by a majority of the electors of the

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1 county voting in the referendum on the surtax.

2 2. If the surtax was levied pursuant to a referendum
3 held before July 1, 1993, the surtax may not be levied beyond
4 the time established in the ordinance, or, if the ordinance
5 did not limit the period of the levy, the surtax may not be
6 levied for more than 15 years. The levy of such surtax may be
7 extended only by approval of a majority of the electors of the
8 county voting in a referendum on the surtax or pursuant to
9 ordinance enacted by a two-thirds vote of the members of the
10 county governing authority.

11 (d)1. The proceeds of the surtax authorized by this
12 subsection and approved by referendum and any interest accrued
13 thereto shall be expended by the school district or within the
14 county and municipalities within the county, or, in the case
15 of a negotiated joint county agreement, within another county,
16 to finance, plan, and construct infrastructure and to acquire
17 land for public recreation or conservation or protection of
18 natural resources and to finance the closure of county-owned
19 or municipally owned solid waste landfills that are already
20 closed or are required to close by order of the Department of
21 Environmental Protection. Any use of such proceeds or interest
22 for purposes of landfill closure prior to July 1, 1993, is
23 ratified. Neither the proceeds nor any interest accrued
24 thereto shall be used for operational expenses of any
25 infrastructure, except that any county with a population of
26 less than 75,000 that is required to close a landfill by order
27 of the Department of Environmental Protection may use the
28 proceeds or any interest accrued thereto for long-term
29 maintenance costs associated with landfill closure. Counties,
30 as defined in s. 125.011(1), and charter counties may, in
31 addition, use the proceeds and any interest accrued thereto to

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1 retire or service indebtedness incurred for bonds issued prior
2 to July 1, 1987, for infrastructure purposes, and for bonds
3 subsequently issued to refund such bonds. Any use of such
4 proceeds or interest for purposes of retiring or servicing
5 indebtedness incurred for such refunding bonds prior to July
6 1, 1999, is ratified.

7 2. The proceeds of the surtax where the surtax is
8 levied by a two-thirds vote of the governing body of the
9 county and any interest accrued thereto shall be expended by
10 the school district or within the county and municipalities
11 within the county for infrastructure located within the urban
12 service area that is identified in the local government
13 comprehensive plan of the county or municipality and is
14 identified in that local government's capital improvements
15 element adopted pursuant to s. 163.3177(3) or that is
16 identified in the school district's educational facilities
17 plan adopted pursuant to s. 235.185.

18 3.2. For the purposes of this paragraph,
19 "infrastructure" means:

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

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

30 4.3. Notwithstanding any other provision of this
31 subsection, a discretionary sales surtax imposed or extended

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1 after the effective date of this act may provide for an amount
2 not to exceed 15 percent of the local option sales surtax
3 proceeds to be allocated for deposit to a trust fund within
4 the county's accounts created for the purpose of funding
5 economic development projects of a general public purpose
6 targeted to improve local economies, including the funding of
7 operational costs and incentives related to such economic
8 development. If applicable,the ballot statement must indicate
9 the intention to make an allocation under the authority of
10 this subparagraph.

11 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

12 (a) The school board in each county may levy, pursuant
13 to resolution conditioned to take effect only upon approval by
14 a majority vote of the electors of the county voting in a
15 referendum, a discretionary sales surtax at a rate that may
16 not exceed 0.5 percent.

17 (b) The resolution shall include a statement that
18 provides a brief and general description of the school capital
19 outlay projects to be funded by the surtax. If applicable, the
20 resolution must state that the district school board has been
21 recognized by the State Board of Education as having a Florida
22 Frugal Schools Program. The statement shall conform to the
23 requirements of s. 101.161 and shall be placed on the ballot
24 by the governing body of the county. The following question
25 shall be placed on the ballot:

26
27 FOR THE CENTS TAX
28 AGAINST THE CENTS TAX
29

30 (c) As an alternative method of levying the
31 discretionary sales surtax, the district school board may

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1 levy, pursuant to resolution adopted by a two-thirds vote of
2 the members of the school board, a discretionary sales surtax
3 at a rate not to exceed 0.5 percent when the following
4 conditions are met:

5 1. The district school board and local governments in
6 the county where the school district is located have adopted
7 an interlocal agreement and public educational facilities
8 element as required by chapter 163;

9 2. The district school board has adopted a district
10 educational facilities plan pursuant to s. 235.185; and

11 3. The district's use of surtax proceeds for new
12 construction must not exceed the cost-per-student criteria
13 established for the SIT Program in s. 235.216(2).

14 (d)(c) The resolution providing for the imposition of
15 the surtax shall set forth a plan for use of the surtax
16 proceeds for fixed capital expenditures or fixed capital costs
17 associated with the construction, reconstruction, or
18 improvement of school facilities and campuses which have a
19 useful life expectancy of 5 or more years, and any land
20 acquisition, land improvement, design, and engineering costs
21 related thereto. Additionally, the plan shall include the
22 costs of retrofitting and providing for technology
23 implementation, including hardware and software, for the
24 various sites within the school district. Surtax revenues may
25 be used for the purpose of servicing bond indebtedness to
26 finance projects authorized by this subsection, and any
27 interest accrued thereto may be held in trust to finance such
28 projects. Neither the proceeds of the surtax nor any interest
29 accrued thereto shall be used for operational expenses. If the
30 district school board has been recognized by the State Board
31 of Education as having a Florida Frugal Schools Program, the

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1 district's plan for use of the surtax proceeds must be
2 consistent with this subsection and with uses assured under
3 the Florida Frugal Schools Program.

4 (e)~~(d)~~ Any school board imposing the surtax shall
5 implement a freeze on noncapital local school property taxes,
6 at the millage rate imposed in the year prior to the
7 implementation of the surtax, for a period of at least 3 years
8 from the date of imposition of the surtax. This provision
9 shall not apply to existing debt service or required state
10 taxes.

11 (f)~~(e)~~ Surtax revenues collected by the Department of
12 Revenue pursuant to this subsection shall be distributed to
13 the school board imposing the surtax in accordance with law.

14 Section 5. Section 341.8201, Florida Statutes, is
15 created to read:

16 341.8201 Short title.--Sections 341.8201-341.843 may
17 be cited as the "Florida High-Speed Rail Authority Act."

18 Section 6. Section 341.8202, Florida Statutes, is
19 created to read:

20 341.8202 Legislative findings, policy, purpose, and
21 intent.--

22 (1) The intent of this act is to implement the purpose
23 of s. 19, Art. X of the State Constitution, which directs the
24 Legislature, the Cabinet and the Governor to proceed with the
25 development, either by the state or an approved private
26 entity, of a high-speed monorail, fixed guideway, or magnetic
27 levitation system, capable of speeds in excess of 120 miles
28 per hour. The development of such a system, which will link
29 Florida's five largest urban areas as defined in this act,
30 includes acquisition of right-of-way and the financing of
31 design and construction with construction beginning on or

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1 before November 1, 2003. Further, this act promotes the
2 various growth management and environmental protection laws
3 enacted by the Legislature and encourages and enhances the
4 establishment of a high-speed rail system. The Legislature
5 further finds that:

6 (a) The implementation of a high-speed rail system in
7 the state will result in overall social and environmental
8 benefits, improvements in ambient air quality, better
9 protection of water quality, greater preservation of wildlife
10 habitat, less use of open space, and enhanced conservation of
11 natural resources and energy.

12 (b) A high-speed rail system, when developed in
13 conjunction with sound land use planning, becomes an integral
14 part in achieving growth management goals and encourages the
15 use of public transportation to augment and implement land use
16 and growth management goals and objectives.

17 (c) Development and utilization of a properly
18 designed, constructed, and financed high-speed rail system and
19 associated development can act as a catalyst for economic
20 growth and development, mitigate unduly long and
21 traffic-congested commutes for day-to-day commuters, create
22 new employment opportunities, serve as a positive growth
23 management system for building a better and more
24 environmentally secure state, and serve a paramount public
25 purpose by promoting the health, safety, and welfare of the
26 citizens of the state.

27 (d) Transportation benefits of a high-speed rail
28 system include improved travel times and more reliable travel,
29 which will increase productivity and energy efficiency in the
30 state.

31 (2) The Legislature further finds that:

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1 (a) Access to timely and efficient modes of passenger
2 transportation is necessary for travelers, visitors, and
3 day-to-day commuters, to the quality of life in the state, and
4 to the economy of the state.

5 (b) Technological advances in the state's
6 transportation system can significantly and positively affect
7 the ability of the state to attract and provide efficient
8 services for domestic and international tourists and therefore
9 increase revenue of the state.

10 (c) The geography of the state is suitable for the
11 construction and efficient operation of a high-speed rail
12 system.

13 (d) The public use of the high-speed rail system must
14 be encouraged and assured in order to achieve the public
15 purpose and objectives set forth in this act. In order to
16 encourage the public use of the high-speed rail system and to
17 protect the public investment in the system, it is necessary
18 to provide an environment surrounding each high-speed rail
19 station which will allow the development of associated
20 development for the purpose of creating revenue in support of
21 and for the high-speed rail system, enhance the safe movement
22 of pedestrians and traffic into and out of the area, ensure
23 the personal safety of high-speed rail system and related
24 facility users and their personal property while the users are
25 in the area of each station, and eliminate all conditions in
26 the vicinity which constitute economic and social impediments
27 and barriers to the use of the high-speed rail system and
28 associated development.

29 (e) Areas surrounding certain proposed high-speed rail
30 stations can, as a result of existing conditions, crime, and
31 traffic congestion, pose a serious threat to the use of the

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1 high-speed rail system, reduce revenue from users, discourage
2 pedestrian and traffic ingress and egress, retard sound growth
3 and development, impair public investment, and consume an
4 excessive amount of public revenues in the employment of
5 police and other forms of public protection to adequately
6 safeguard the high-speed rail system and its users. Such areas
7 may require redevelopment, acquisition, clearance, or
8 disposition, or joint public and private development to
9 provide parking facilities, retail establishments,
10 restaurants, hotels, or office facilities associated with or
11 ancillary to the high-speed rail system and rail stations and
12 to otherwise provide for an environment that will encourage
13 the use of, and safeguard, the system.

14 (f) The powers conferred by this act are for public
15 uses and purposes as established by s. 19, Art. X of the State
16 Constitution for which public funds may be expended, and the
17 necessity in the public interest for the provisions herein
18 enacted is hereby declared as a matter of legislative
19 determination to implement the intent of s. 19, Art. X of the
20 State Constitution.

21 (g) Urban and social benefits include revitalization
22 of economically depressed areas, the redirection of growth in
23 a carefully and comprehensively planned manner, and the
24 creation of numerous employment opportunities within
25 inner-city areas.

26 (h) The provisions contained in this act are a
27 declaration of legislative intent that the state develop a
28 high-speed rail system to help solve transportation problems
29 and eliminate their negative effect on the citizens of this
30 state, and therefore serves a public purpose.

31 (i) Joint development is a necessary planning,

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1 financing, management, operation, and construction mechanism
2 to ensure the continued future development of an efficient and
3 economically viable high-speed rail system in this state.

4 (3) It is the intent of the Legislature to authorize
5 the authority to implement innovative mechanisms required to
6 effect the joint public-private venture approach to planning,
7 locating, permitting, managing, financing, constructing,
8 operating, and maintaining a high-speed rail system for the
9 state, including providing incentives for revenue generation,
10 operation, construction, and management by the private sector.

11 Section 7. Section 341.8203, Florida Statutes, is
12 created to read:

13 341.8203 Definitions.--As used in this act, unless the
14 context clearly indicates otherwise, the term:

15 (1) "Associated development" means property,
16 equipment, buildings, or other ancillary facilities which are
17 built, installed, or established to provide financing,
18 funding, or revenues for the planning, building, managing, and
19 operation of a high-speed rail system and which are associated
20 with or part of the rail stations. The term includes property,
21 including air rights, necessary for joint development, such as
22 parking facilities, retail establishments, restaurants,
23 hotels, offices, or other commercial, civic, residential, or
24 support facilities, and may also include property necessary to
25 protect or preserve the rail station area by reducing urban
26 blight or traffic congestion or property necessary to
27 accomplish any of the purposes set forth in this subsection
28 which are reasonably anticipated or necessary.

29 (2) "Authority" means the Florida High-Speed Rail
30 Authority and its agents.

31 (3) "Central Florida" means the counties of Lake,

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1 Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard,
2 Hernando, Pasco, Hillsborough, Pinellas, and Polk.

3 (4) "DBOM contract" means the document and all
4 concomitant rights approved by the authority providing the
5 selected person or entity the exclusive right to design,
6 build, operate, and maintain a high-speed rail system.

7 (5) "DBOM & F contract" means the document and all
8 concomitant rights approved by the authority providing the
9 selected person or entity the exclusive right to design,
10 build, operate, maintain, and finance a high-speed rail
11 system.

12 (6) "High-speed rail system" means any high-speed
13 fixed guideway system for transporting people or goods, which
14 system is capable of operating at speeds in excess of 120
15 miles per hour, including, but not limited to, a monorail
16 system, dual track rail system, suspended rail system,
17 magnetic levitation system, pneumatic repulsion system, or
18 other system approved by the authority. The term includes a
19 corridor and structures essential to the operation of the
20 line, including the land, structures, improvements,
21 rights-of-way, easements, rail lines, rail beds, guideway
22 structures, stations, platforms, switches, yards, parking
23 facilities, power relays, switching houses, rail stations,
24 associated development, and any other facilities or equipment
25 used or useful for the purposes of high-speed rail system
26 design, construction, operation, maintenance, or the financing
27 of the high-speed rail system.

28 (7) "Joint development" means the planning, managing,
29 financing, or constructing of projects adjacent to,
30 functionally related to, or otherwise related to a high-speed
31 rail system pursuant to agreements between any person, firm,

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1 corporation, association, organization, agency, or other
2 entity, public or private.

3 (8) "Northeast Florida" means the counties of Nassau,
4 Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.

5 (9) "Northwest Florida" means the counties of
6 Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington,
7 Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon,
8 Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee,
9 Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford,
10 and Levy.

11 (10) "Rail station," "station," or "high-speed rail
12 station" means any structure or transportation facility that
13 is part of a high-speed rail system designed to accommodate
14 the movement of passengers from one mode of transportation to
15 another at which passengers board or disembark from
16 transportation conveyances and transfer from one mode of
17 transportation to another.

18 (11) "Selected person or entity" means the person or
19 entity to whom the authority awards a contract under s.
20 341.834 to establish a high-speed rail system pursuant to this
21 act.

22 (12) "Southeast Florida" means the counties of
23 Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin,
24 Okeechobee, and Palm Beach.

25 (13) "Southwest Florida" means the counties of
26 Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte,
27 Glades, Lee, Hendry, and Collier.

28 (14) "Urban areas" means Central Florida, Northeast
29 Florida, Northwest Florida, Southeast Florida, and Southwest
30 Florida.

31 Section 8. Section 341.821, Florida Statutes, is

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1 amended to read:

2 341.821 Florida High-Speed Rail Authority.--

3 (1) There is created and established a body politic
4 and corporate, an agency of the state, to be known as the
5 "Florida High-Speed Rail Authority," hereinafter referred to
6 as the "authority."

7 (2)(a) The governing board of the authority shall
8 consist of nine voting members appointed as follows:

9 1. Three members shall be appointed by the Governor,
10 one of whom must have a background in the area of
11 environmental concerns, one of whom must have a legislative
12 background, and one of whom must have a general business
13 background.

14 2. Three members shall be appointed by the President
15 of the Senate, one of whom must have a background in civil
16 engineering, one of whom must have a background in
17 transportation construction, and one of whom must have a
18 general business background.

19 3. Three members shall be appointed by the Speaker of
20 the House of Representatives, one of whom must have a legal
21 background, one of whom must have a background in financial
22 matters, and one of whom must have a general business
23 background.

24 (b) The appointed members shall not be subject to
25 confirmation by the Senate. The initial term of each member
26 appointed by the Governor shall be for 4 years. The initial
27 term of each member appointed by the President of the Senate
28 shall be for 3 years. The initial term of each member
29 appointed by the Speaker of the House of Representatives shall
30 be for 2 years. Succeeding terms for all members shall be for
31 terms of 4 years. ~~Initial appointments must be made within 30~~

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1 ~~days after the effective date of this act.~~

2 (c) A vacancy occurring during a term shall be filled
3 by the respective appointing authority in the same manner as
4 the original appointment and only for the balance of the
5 unexpired term. An appointment to fill a vacancy shall be made
6 within 60 days after the occurrence of the vacancy.

7 (d) The Secretary of Transportation shall be a
8 nonvoting ex officio member of the board.

9 (e) The board shall elect one of its members as chair
10 of the authority. The chair shall hold office at the will of
11 the board. Five members of the board shall constitute a
12 quorum, and the vote of five members shall be necessary for
13 any action taken by the authority. The authority may meet upon
14 the constitution of a quorum. No vacancy in the authority
15 shall impair the right of a quorum of the board to exercise
16 all rights and perform all duties of the authority.

17 (f) The members of the board shall not be entitled to
18 compensation but shall be entitled to receive their travel and
19 other necessary expenses as provided in s. 112.061.

20 (3) Notwithstanding any other law to the contrary, it
21 shall not be or constitute a conflict of interest for a person
22 having a background specified in this section to serve as a
23 member of the authority. However, in each official decision to
24 which this act is applicable, such member's firm or related
25 entity may not have a financial or economic interest nor shall
26 the authority contract with or conduct any business with a
27 member or such member's firm or directly related business
28 entity.

29 (4) The authority shall be assigned to the Department
30 of Transportation for administrative purposes. The authority
31 shall be a separate budget entity. The Department of

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1 Transportation shall provide administrative support and
2 service to the authority to the extent requested by the chair
3 of the authority. The authority shall not be subject to
4 control, supervision, or direction by the Department of
5 Transportation in any manner, including, but not limited to,
6 personnel, purchasing, transactions involving real or personal
7 property, and budgetary matters.

8 Section 9. Section 341.822, Florida Statutes, is
9 amended to read:

10 341.822 Powers and duties.--

11 (1) The authority created and established by this act
12 shall locate, plan, design, finance, construct, maintain, own,
13 operate, administer, and manage the preliminary engineering
14 and preliminary environmental assessment of the intrastate
15 high-speed rail system in the state., ~~hereinafter referred to~~
16 ~~as "intrastate high-speed rail."~~

17 (2) The authority may exercise all powers granted to
18 corporations under the Florida Business Corporation Act,
19 chapter 607, except the authority may only not incur debt in
20 accordance with levels authorized by the Legislature.

21 (3) The authority shall have perpetual succession as a
22 body politic and corporate.

23 (4) The authority is authorized to seek and obtain
24 federal matching funds or any other funds to fulfill the
25 requirements of this act either directly or through the
26 Department of Transportation.

27 (5) The authority may employ an executive director,
28 ~~permanent or temporary,~~ as it may require and shall determine
29 the qualifications and fix the compensation. The authority may
30 delegate to one or more of its agents or employees such of its
31 power as it deems necessary to carry out the purposes of this

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1 act, subject always to the supervision and control of the
2 authority.

3 Section 10. Section 341.823, Florida Statutes, is
4 amended to read:

5 341.823 Criteria for assessment and recommendations.--

6 (1) The following criteria shall apply to the
7 establishment of the high-speed rail system ~~in developing the~~
8 ~~preliminary engineering, preliminary environmental assessment,~~
9 ~~and recommendations~~ required by this act:

10 (a) The system shall be capable of traveling speeds in
11 excess of 120 miles per hour consisting of dedicated rails or
12 guideways separated from motor vehicle traffic;

13 (b) The initial segments of the system will be
14 developed and operated between the St. Petersburg area, the
15 Tampa area, and the Orlando area, with future service to the
16 Miami area;

17 (c) The authority is to develop a program model that
18 uses, to the maximum extent feasible, nongovernmental sources
19 of funding for the design, construction, maintenance, ~~and~~
20 operation, and financing of the system;

21 (2) The authority shall establish requirements ~~make~~
22 ~~recommendations~~ concerning:

23 (a) The format and types of information that must be
24 included in a financial or business plan for the high-speed
25 rail system, and the authority may develop that financial or
26 business plan;

27 (b) The preferred routes between the cities and urban
28 areas designated in accordance with s. 341.8203 ~~in paragraph~~
29 ~~(1)(b)~~;

30 (c) The preferred locations for the stations in the
31 cities and urban areas designated in accordance with s.

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1 ~~341.8203 in paragraph (1)(b);~~

2 (d) The preferred locomotion technology to be employed
3 ~~from constitutional choices of monorail, fixed guideway, or~~
4 ~~magnetic levitation; and~~

5 (e) ~~Any changes that may be needed in state statutes~~
6 ~~or federal laws which would make the proposed system eligible~~
7 ~~for available federal funding; and~~

8 (e)(f) Any other issues the authority deems relevant
9 to the development of a high-speed rail system.

10 (3) The authority shall develop a marketing plan, a
11 detailed planning-level ridership study, and an estimate of
12 the annual operating and maintenance cost for the system and
13 all other associate expenses.

14 (3) ~~When preparing the operating plan, the authority~~
15 ~~shall include:~~

16 (a) ~~The frequency of service between the cities~~
17 ~~designated in paragraph (1)(b);~~

18 (b) ~~The proposed fare structure for passenger and~~
19 ~~freight service;~~

20 (c) ~~Proposed trip times, system capacity, passenger~~
21 ~~accommodations, and amenities;~~

22 (d) ~~Methods to ensure compliance with applicable~~
23 ~~environmental standards and regulations;~~

24 (e) ~~A marketing plan, including strategies that can be~~
25 ~~employed to enhance the utilization of the system;~~

26 (f) ~~A detailed planning-level ridership study;~~

27 (g) ~~Consideration of nonfare revenues that may be~~
28 ~~derived from:~~

29 1. ~~The sale of development rights at the stations;~~

30 2. ~~License, franchise, and lease fees;~~

31 3. ~~Sale of advertising space on the trains or in the~~

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1 ~~stations; and~~
2 ~~4. Any other potential sources deemed appropriate.~~
3 ~~(h) An estimate of the total cost of the entire~~
4 ~~system, including, but not limited to, the costs to:~~
5 ~~1. Design and build the stations and monorail, fixed~~
6 ~~guideway, or magnetic levitation system;~~
7 ~~2. Acquire any necessary rights-of-way;~~
8 ~~3. Purchase or lease rolling stock and other equipment~~
9 ~~necessary to build, operate, and maintain the system.~~
10 ~~(i) An estimate of the annual operating and~~
11 ~~maintenance costs for the system and all other associated~~
12 ~~expenses.~~
13 ~~(j) An estimate of the value of assets the state or~~
14 ~~its political subdivisions may provide as in-kind~~
15 ~~contributions for the system, including rights-of-way,~~
16 ~~engineering studies performed for previous high-speed rail~~
17 ~~initiatives, land for rail stations and necessary maintenance~~
18 ~~facilities, and any expenses that may be incurred by the state~~
19 ~~or its political subdivisions to accommodate the installation~~
20 ~~of the system.~~
21 ~~(k) An estimate of the funding required per year from~~
22 ~~state funds for the next 30 years for operating the preferred~~
23 ~~routes between the cities designated in paragraph (1)(b).~~
24
25 ~~Whenever applicable and appropriate, the authority will base~~
26 ~~estimates of projected costs, expenses, and revenues on~~
27 ~~documented expenditures or experience derived from similar~~
28 ~~projects.~~
29 Section 11. Section 341.824, Florida Statutes, is
30 amended to read:
31 341.824 Technical, scientific, or other assistance.--

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1 (1) The Florida Transportation Commission, the
2 Department of Community Affairs, and the Department of
3 Environmental Protection shall, at the authority's request,
4 provide technical, scientific, or other assistance.

5 (2) The Department of Community Affairs shall, if
6 requested, provide assistance to local governments in
7 analyzing the land use and comprehensive planning aspects of
8 the high-speed rail system. The Department of Community
9 Affairs shall assist the authority with the resolution of any
10 conflicts between the system and adopted local comprehensive
11 plans.

12 (3) The Department of Environmental Protection shall,
13 if requested, provide assistance to local governments and
14 other permitting agencies in analyzing the environmental
15 aspects of the high-speed rail system. The Department of
16 Environmental Protection shall assist the authority and the
17 contractor in expediting the approval of the necessary
18 environmental permits for the system.

19 Section 12. Section 341.827, Florida Statutes, is
20 created to read:

21 341.827 Service areas; segment designation.--

22 (1) The authority shall determine in which order the
23 service areas, as designated by the Legislature, will be
24 served by the high-speed rail system.

25 (2) The authority shall plan and develop the
26 high-speed rail system so that construction proceeds as
27 follows:

28 (a) The initial segments of the system shall be
29 developed and operated between the St. Petersburg area, the
30 Tampa area, the Lakeland/Winter Haven area, and the Orlando
31 area, with future service to the Miami area.

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1 (b) Construction of subsequent segments of the
2 high-speed rail system shall connect the metropolitan areas of
3 Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft.
4 Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft.
5 Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala,
6 Tallahassee, and Pensacola.

7 (c) Selection of segments of the high-speed rail
8 system to be constructed subsequent to the initial segments of
9 the system shall be prioritized by the authority, giving
10 consideration to the demand for service, financial
11 participation by local governments, financial participation by
12 the private sector, and the available financial resources of
13 the authority.

14 Section 13. Section 341.828, Florida Statutes, is
15 created to read:

16 341.828 Permitting.--

17 (1) The authority, for the purposes of permitting, may
18 utilize one or more permitting processes provided for in
19 statute, including, but not limited to, the metropolitan
20 planning organization long-range transportation planning
21 process as defined in s. 339.175 (6) and (7), in conjunction
22 with the Department of Transportation's work program process
23 as defined in s. 339.135, or any permitting process now in
24 effect or that may be in effect at the time of permitting and
25 will provide the most timely and cost-effective permitting
26 process.

27 (2) The authority shall work in cooperation with
28 metropolitan planning organizations in areas where the
29 high-speed rail system will be located. The metropolitan
30 planning organizations shall cooperate with the authority and
31 include the high-speed rail system alignment within their

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1 adopted long-range transportation plans and transportation
2 improvement programs for the purposes of providing public
3 information, consistency with the plans, and receipt of
4 federal and state funds by the authority to support the
5 high-speed rail system.

6 (3) For purposes of selecting a route alignment, the
7 authority may use the project development and environment
8 study process, including the efficient transportation
9 decisionmaking system process as adopted by the Department of
10 Transportation.

11 Section 14. Section 341.829, Florida Statutes, is
12 created to read:

13 341.829 Conflict prevention, mitigation, and
14 resolution.--

15 (1) The authority, in conjunction with the Executive
16 Office of the Governor, the Department of Community Affairs,
17 and the Department of Environmental Protection, shall develop
18 and implement, within 180 days after the effective date of
19 this act, a process to prevent, mitigate, and resolve, to the
20 maximum extent feasible, any conflicts or potential conflicts
21 of a high-speed rail system with growth management
22 requirements and environmental standards.

23 (2) Any person who disagrees with the alignment
24 decision must file a complaint with the authority within 20
25 days after the authority's final adoption of the alignment.

26 (3) The authority must respond to any timely filed
27 complaint within 60 days after the complaint is filed with the
28 authority.

29 Section 15. Section 341.830, Florida Statutes, is
30 created to read:

31 341.830 Procurement.--

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1 (1) The authority may employ procurement methods under
2 chapters 255, 287, and 337 and under any rule adopted under
3 such chapters. To enhance the effective and efficient
4 operation of the authority, and to enhance the ability of the
5 authority to use best business practices, the authority may,
6 pursuant to ss. 120.536(1) and 120.54, adopt rules for and
7 employ procurement methods available to the private sector.

8 (2) The authority is authorized to procure commodities
9 and the services of a qualified person or entity to design,
10 build, finance, operate, maintain, and implement a high-speed
11 rail system, including the use of a DBOM or DBOM & F method
12 using a request for proposal, a request for qualifications, or
13 an invitation to negotiate.

14 Section 16. Section 341.831, Florida Statutes, is
15 created to read:

16 341.831 Prequalification.--

17 (1) The authority may prequalify interested persons or
18 entities prior to seeking proposals for the design,
19 construction, operation, maintenance, and financing of the
20 high-speed rail system. The authority may establish qualifying
21 criteria that may include, but not be limited to, experience,
22 financial resources, organization and personnel, equipment,
23 past record or history of the person or entity, ability to
24 finance or issue bonds, and ability to post a construction or
25 performance bond.

26 (2) The authority may establish the qualifying
27 criteria in a request for qualification without adopting the
28 qualifying criteria as rules.

29 Section 17. Section 341.832, Florida Statutes, is
30 created to read:

31 341.832 Request for qualifications.--

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1 (1) The authority is authorized to develop and execute
2 a request for qualifications process to seek a person or
3 entity to design, build, operate, maintain, and finance a
4 high-speed rail system. The authority may issue multiple
5 requests for qualifications. The authority shall develop
6 criteria for selection of a person or entity that shall be
7 included in any request for qualifications.

8 (2) The authority may issue a request for
9 qualifications without adopting a rule.

10 Section 18. Section 341.833, Florida Statutes, is
11 created to read:

12 341.833 Request for proposals.--

13 (1) The authority is authorized to develop and execute
14 a request for proposals process to seek a person or entity to
15 design, build, operate, maintain, and finance a high-speed
16 rail system. The authority may issue multiple requests for
17 proposals. The authority shall develop criteria for selection
18 of a person or entity that shall be included in any request
19 for proposals.

20 (2) In the request for proposals, the authority shall
21 specify the minimum period of time for the contract duration.
22 A person or entity may propose a longer period of time for the
23 contract and provide justification of the need for an extended
24 contract period. If the authority extends the time period for
25 the contract, such time period shall be extended for all
26 persons or entities if so requested.

27 Section 19. Section 341.834, Florida Statutes, is
28 created to read:

29 341.834 Award of contract.--

30 (1) The authority may award a contract subject to such
31 terms and conditions, including, but not limited to,

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1 compliance with any applicable permitting requirements, and
2 any other terms and conditions the authority considers
3 appropriate.

4 (2) The contract shall authorize the contractor to
5 provide service between stations as established by the
6 contract. The contractor shall coordinate its facilities and
7 services with passenger rail providers, commuter rail
8 authorities, and public transit providers to provide access to
9 and from the high-speed rail system.

10 (3) The contractor shall not convey, lease, or
11 otherwise transfer any high-speed rail system property, any
12 interest in such property, or any improvement constructed upon
13 such property without written approval of the authority.

14 Section 20. Section 341.835, Florida Statutes, is
15 created to read:

16 341.835 Acquisition of property; rights-of-way;
17 disposal of land.--

18 (1) The authority may purchase, lease, exchange, or
19 otherwise acquire any land, property interests, or buildings
20 or other improvements, including personal property within such
21 buildings or on such lands, necessary to secure or utilize
22 rights-of-way for existing, proposed, or anticipated
23 high-speed rail system facilities.

24 (2) Title to any property acquired in the name of the
25 authority shall be administered by the authority under such
26 terms and conditions as the authority may require.

27 (3) When the authority acquires property for a
28 high-speed rail system, or any related or ancillary
29 facilities, by purchase or donation, it is not subject to any
30 liability imposed by chapter 376 or chapter 403 for
31 preexisting soil or groundwater contamination due solely to

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1 its ownership. This section does not affect the rights or
2 liabilities of any past or future owners of the acquired
3 property, nor does it affect the liability of any governmental
4 entity for the results of its actions which create or
5 exacerbate a pollution source. The authority and the
6 Department of Environmental Protection may enter into
7 interagency agreements for the performance, funding, and
8 reimbursement of the investigative and remedial acts necessary
9 for property acquired by the authority.

10 (4) In acquiring property or property rights for any
11 high-speed rail system or related or ancillary facilities, the
12 authority may acquire an entire lot, block, or tract of land
13 if the interests of the public will be best served by such
14 acquisition, even though the entire lot, block, or tract is
15 not immediately needed for the right-of-way proper or for the
16 specific related or ancillary facilities.

17 (5) The authority, by resolution, may dispose of any
18 interest in property acquired pursuant to this section on
19 terms and conditions the authority deems appropriate.

20 (6) The authority and its employees and agents shall
21 have the right to enter upon properties which may be
22 determined to be necessary for the construction,
23 reconstruction, relocation, maintenance, and operation of a
24 proposed high-speed rail system and associated development and
25 related or ancillary facilities as described in subsection (1)
26 for the purposes of surveying and soil and environmental
27 testing.

28 (7) The authority is authorized to accept donations of
29 real property from public or private entities for the purposes
30 of implementing a high-speed rail system.

31 Section 21. Section 341.836, Florida Statutes, is

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1 created to read:

2 341.836 Associated development.--

3 (1) The authority, alone or as part of a joint
4 development, may undertake development of associated
5 developments to be a source of revenue for the establishment,
6 construction, operation, or maintenance of the high-speed rail
7 system. Such associated developments must be associated with
8 a rail station and have pedestrian ingress to and egress from
9 the rail station; be consistent, to the extent feasible, with
10 applicable local government comprehensive plans and local land
11 development regulations; and otherwise be in compliance with
12 the provisions of this act.

13 (2) This act does not prohibit the authority, the
14 selected person or entity, or a party to a joint venture with
15 the authority or its selected person or entity from obtaining
16 approval, pursuant to any other law, for any associated
17 development that is reasonably related to the high-speed rail
18 system.

19 Section 22. Section 341.837, Florida Statutes, is
20 created to read:

21 341.837 Payment of expenses.--All expenses incurred in
22 carrying out the provisions of this act shall be payable
23 solely from funds provided under the authority of this act, or
24 from other legally available sources.

25 Section 23. Section 341.838, Florida Statutes, is
26 created to read:

27 341.838 Rates, rents, fees, and charges.--

28 (1) The authority is authorized to fix, revise,
29 charge, and collect rates, rents, fees, charges, and revenues
30 for the use of and for the services furnished, or to be
31 furnished, by the system and to contract with any person,

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1 partnership, association, corporation, or other body, public
2 or private, in respect thereof. Such rates, rents, fees, and
3 charges shall be reviewed annually by the authority and may be
4 adjusted as set forth in the contract setting such rates,
5 rents, fees, or charges. The funds collected hereunder shall,
6 with any other funds available, be used to pay the cost of all
7 administrative expenses of the authority, and the cost of
8 designing, building, operating, and maintaining the system and
9 each and every portion thereof, to the extent that the payment
10 of such cost has not otherwise been adequately provided for.

11 (2) Rates, rents, fees, and charges fixed, revised,
12 charged, and collected pursuant to this section shall not be
13 subject to supervision or regulation by any department,
14 commission, board, body, bureau, or agency of this state other
15 than the authority.

16 Section 24. Section 341.839, Florida Statutes, is
17 created to read:

18 341.839 Alternate means.--The foregoing sections of
19 this act shall be deemed to provide an additional and
20 alternative method for accomplishing the purposes authorized
21 therein, and shall be regarded as supplemental and additional
22 to powers conferred by other laws. Except as otherwise
23 expressly provided in this act, none of the powers granted to
24 the authority under the provisions of this act shall be
25 subject to the supervision or require the approval or consent
26 of any municipality or political subdivision or any
27 commission, board, body, bureau, or official.

28 Section 25. Section 341.840, Florida Statutes, is
29 created to read:

30 341.840 Tax exemption.--The exercise of the powers
31 granted by this act will be in all respects for the benefit of

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1 the people of this state, for the increase of their commerce,
2 welfare, and prosperity, and for the improvement of their
3 health and living conditions, and as the design, building,
4 operation, maintenance, and financing of a system by the
5 authority or its agent or the owner or lessee thereof, as
6 herein authorized, constitutes the performance of an essential
7 public function, neither the authority, its agent, nor the
8 owner of such system shall be required to pay any taxes or
9 assessments upon or in respect to the system or any property
10 acquired or used by the authority, its agent, or such owner
11 under the provisions of this act or upon the income therefrom,
12 any security therefor, their transfer, and the income
13 therefrom, including any profit made on the sale thereof,
14 shall at all times be free from taxation of every kind by the
15 state, the counties, and the municipalities and other
16 political subdivisions in the state.

17 Section 26. Section 341.841, Florida Statutes, is
18 created to read:

19 341.841 Report; audit.--The authority shall prepare an
20 annual report of its actions, findings, and recommendations
21 and submit the report to the Governor, the President of the
22 Senate, and the Speaker of the House of Representatives on or
23 before January 1. The authority shall provide for an annual
24 financial audit, as defined in s. 11.45, of its accounts and
25 records conducted by an independent certified public
26 accountant. The audit report shall include a management letter
27 as defined in s. 11.45. The cost of the audit shall be paid
28 from funds available to the authority pursuant to this act.

29 Section 27. Section 341.842, Florida Statutes, is
30 created to read:

31 341.842 Liberal construction.--This act, being

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1 necessary for the welfare of the state and its inhabitants,
2 shall be liberally construed to effect the purposes hereof.

3 Section 28. Subsection (10) of section 288.109,
4 Florida Statutes, is amended to read:

5 288.109 One-Stop Permitting System.--

6 (10) Notwithstanding any other provision of law or
7 administrative rule to the contrary, the fee imposed by a
8 state agency or water management district for issuing a
9 development permit shall be waived for a 6-month period
10 beginning on the date the state agency or water management
11 district begins accepting development permit applications over
12 the Internet and the applicant submits the development permit
13 to the agency or district using the One-Stop Permitting
14 System. The 6-month fee waiver shall not apply to development
15 permit fees assessed by the Electrical Power Plant Siting Act,
16 ss. 403.501-403.519; the Transmission Line Siting Act, ss.
17 403.52-403.5365; the statewide Multi-purpose Hazardous Waste
18 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas
19 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed
20 Rail Transportation Siting Act, ss. 341.3201-341.386.~~

21 Section 29. Subsection (6) of section 334.30, Florida
22 Statutes, is amended to read:

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

30 (6) ~~Notwithstanding s. 341.327,~~A fixed-guideway
31 transportation system authorized by the department to be

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1 wholly or partially within the department's right-of-way
 2 pursuant to a lease granted under s. 337.251 may operate at
 3 any safe speed.

4 Section 30. Subsection (9) of section 337.251, Florida
 5 Statutes, is amended to read:

6 337.251 Lease of property for joint public-private
 7 development and areas above or below department property.--

8 (9) ~~Notwithstanding s. 341.327,~~A fixed-guideway
 9 transportation system authorized by the department to be
 10 wholly or partially within the department's right-of-way
 11 pursuant to a lease granted under this section may operate at
 12 any safe speed.

13 Section 31. Section 341.501, Florida Statutes, is
 14 amended to read:

15 341.501 High-technology transportation systems; joint
 16 project agreement or assistance.--Notwithstanding any other
 17 provision of law, the Department of Transportation may enter
 18 into a joint project agreement with, or otherwise assist,
 19 private or public entities, or consortia thereof, to
 20 facilitate the research, development, and demonstration of
 21 high-technology transportation systems, including, but not
 22 limited to, systems using magnetic levitation technology. ~~The~~
 23 ~~provisions of the Florida High-Speed Rail Transportation Act,~~
 24 ~~ss. 341.3201-341.386, do not apply to actions taken under this~~
 25 ~~section,~~ and The department may, subject to s. 339.135,
 26 provide funds to match any available federal aid for
 27 effectuating the research, development, and demonstration of
 28 high-technology transportation systems.

29 Section 32. Sections 341.3201, 341.321, 341.322,
 30 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,
 31 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,

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1 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,
 2 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,
 3 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,
 4 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,
 5 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are
 6 repealed.

7 Section 33. Paragraph (a) of subsection (1) of section
 8 212.055, Florida Statutes, is amended to read:

9 212.055 Discretionary sales surtaxes; legislative
 10 intent; authorization and use of proceeds.--It is the
 11 legislative intent that any authorization for imposition of a
 12 discretionary sales surtax shall be published in the Florida
 13 Statutes as a subsection of this section, irrespective of the
 14 duration of the levy. Each enactment shall specify the types
 15 of counties authorized to levy; the rate or rates which may be
 16 imposed; the maximum length of time the surtax may be imposed,
 17 if any; the procedure which must be followed to secure voter
 18 approval, if required; the purpose for which the proceeds may
 19 be expended; and such other requirements as the Legislature
 20 may provide. Taxable transactions and administrative
 21 procedures shall be as provided in s. 212.054.

22 (1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.--

23 (a) Each charter county which adopted a charter prior
 24 to January 1, 1984 ~~June 1, 1976~~, and each county the
 25 government of which is consolidated with that of one or more
 26 municipalities, may levy a discretionary sales surtax, subject
 27 to approval by a majority vote of the electorate of the county
 28 or by a charter amendment approved by a majority vote of the
 29 electorate of the county.

30 Section 34. Paragraph (c) of subsection (1) of section
 31 163.3187, Florida Statutes, is amended, and paragraph (k) is

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1 added to that subsection, to read:

2 163.3187 Amendment of adopted comprehensive plan.--

3 (1) Amendments to comprehensive plans adopted pursuant
4 to this part may be made not more than two times during any
5 calendar year, except:

6 (c) Any local government comprehensive plan amendments
7 directly related to proposed small scale development
8 activities may be approved without regard to statutory limits
9 on the frequency of consideration of amendments to the local
10 comprehensive plan. A small scale development amendment may be
11 adopted only under the following conditions:

12 1. The proposed amendment involves a use of 10 acres
13 or fewer and:

14 a. The cumulative annual effect of the acreage for all
15 small scale development amendments adopted by the local
16 government shall not exceed:

17 (I) A maximum of 120 acres in a local government that
18 contains areas specifically designated in the local
19 comprehensive plan for urban infill, urban redevelopment, or
20 downtown revitalization as defined in s. 163.3164, urban
21 infill and redevelopment areas designated under s. 163.2517,
22 transportation concurrency exception areas approved pursuant
23 to s. 163.3180(5), or regional activity centers and urban
24 central business districts approved pursuant to s.

25 380.06(2)(e); however, amendments under this paragraph may be
26 applied to no more than 60 acres annually of property outside
27 the designated areas listed in this sub-sub-subparagraph.

28 Amendments adopted pursuant to paragraph (k) shall not be
29 counted toward the acreage limitations for small scale
30 amendments under this paragraph.

31 (II) A maximum of 80 acres in a local government that

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1 does not contain any of the designated areas set forth in
2 sub-sub-subparagraph (I).

3 (III) A maximum of 120 acres in a county established
4 pursuant to s. 9, Art. VIII of the State Constitution.

5 b. The proposed amendment does not involve the same
6 property granted a change within the prior 12 months.

7 c. The proposed amendment does not involve the same
8 owner's property within 200 feet of property granted a change
9 within the prior 12 months.

10 d. The proposed amendment does not involve a text
11 change to the goals, policies, and objectives of the local
12 government's comprehensive plan, but only proposes a land use
13 change to the future land use map for a site-specific small
14 scale development activity.

15 e. The property that is the subject of the proposed
16 amendment is not located within an area of critical state
17 concern, unless the project subject to the proposed amendment
18 involves the construction of affordable housing units meeting
19 the criteria of s. 420.0004(3), and is located within an area
20 of critical state concern designated by s. 380.0552 or by the
21 Administration Commission pursuant to s. 380.05(1). Such
22 amendment is not subject to the density limitations of
23 sub-subparagraph f., and shall be reviewed by the state land
24 planning agency for consistency with the principles for
25 guiding development applicable to the area of critical state
26 concern where the amendment is located and shall not become
27 effective until a final order is issued under s. 380.05(6).

28 f. If the proposed amendment involves a residential
29 land use, the residential land use has a density of 10 units
30 or less per acre, except that this limitation does not apply
31 to small scale amendments described in sub-sub-subparagraph

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1 a.(I) that are designated in the local comprehensive plan for
2 urban infill, urban redevelopment, or downtown revitalization
3 as defined in s. 163.3164, urban infill and redevelopment
4 areas designated under s. 163.2517, transportation concurrency
5 exception areas approved pursuant to s. 163.3180(5), or
6 regional activity centers and urban central business districts
7 approved pursuant to s. 380.06(2)(e).

8 2.a. A local government that proposes to consider a
9 plan amendment pursuant to this paragraph is not required to
10 comply with the procedures and public notice requirements of
11 s. 163.3184(15)(c) for such plan amendments if the local
12 government complies with the provisions in s. 125.66(4)(a) for
13 a county or in s. 166.041(3)(c) for a municipality. If a
14 request for a plan amendment under this paragraph is initiated
15 by other than the local government, public notice is required.

16 b. The local government shall send copies of the
17 notice and amendment to the state land planning agency, the
18 regional planning council, and any other person or entity
19 requesting a copy. This information shall also include a
20 statement identifying any property subject to the amendment
21 that is located within a coastal high hazard area as
22 identified in the local comprehensive plan.

23 3. Small scale development amendments adopted pursuant
24 to this paragraph require only one public hearing before the
25 governing board, which shall be an adoption hearing as
26 described in s. 163.3184(7), and are not subject to the
27 requirements of s. 163.3184(3)-(6) unless the local government
28 elects to have them subject to those requirements.

29 (k) A local comprehensive plan amendment directly
30 related to providing transportation improvements to enhance
31 life safety on Controlled Access Major Arterial Highways

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1 identified in the Florida Intrastate Highway System, in
2 counties as defined in s. 125.011, where such roadways have a
3 high incidence of traffic accidents resulting in serious
4 injury or death. Any such amendment shall not include any
5 amendment modifying the designation on a comprehensive
6 development plan land use map nor any amendment modifying the
7 allowable densities or intensities of any land.

8 Section 35. Chapter 261, Florida Statutes, consisting
9 of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06,
10 261.07, 261.08, 261.09, 261.10, 261.11, and 261.12, Florida
11 Statutes, is created to read:

12 261.01 Short title.--This chapter may be cited as the
13 "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation
14 Act."

15 261.02 Legislative findings and intent.--

16 (1) The Legislature finds that off-highway vehicles
17 are becoming increasingly popular in this state and that the
18 use of these vehicles should be controlled and managed to
19 minimize negative effects on the environment, wildlife
20 habitats, native wildlife, and native flora and fauna.

21 (2) The Legislature declares that effectively managed
22 areas and adequate facilities for the use of off-highway
23 vehicles are compatible with this state's overall recreation
24 plan and the underlying goal of multiple use.

25 (3) It is the intent of the Legislature that:

26 (a) Existing off-highway vehicle recreational areas,
27 facilities, and opportunities be improved and appropriately
28 expanded and be managed in a manner consistent with this
29 chapter, in particular to maintain natural resources and
30 sustained long-term use of off-highway vehicle trails and
31 areas.

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1 (b) New off-highway vehicle recreational areas,
2 facilities, and opportunities be provided and managed pursuant
3 to this chapter in a manner that will sustain both long-term
4 use and the environment.

5 (4) Nothing contained within this chapter shall be
6 construed to require the construction or maintenance of
7 off-highway vehicle recreation areas, facilities, or trails on
8 public lands where such construction or maintenance would be
9 inconsistent with the property's management objectives or land
10 management plan.

11 261.03 Definitions.--As used in this chapter, the
12 term:

13 (1) "Advisory committee" means the Off-Highway Vehicle
14 Recreation Advisory Committee created by s. 261.04.

15 (2) "ATV" means any motorized off-highway or
16 all-terrain vehicle 50 inches or less in width, having a dry
17 weight of 900 pounds or less, designed to travel on three or
18 more low-pressure tires, having a seat designed to be
19 straddled by the operator and handlebars for steering control,
20 and intended for use by a single operator with no passenger.

21 (3) "Department" means the Department of Agriculture
22 and Consumer Services.

23 (4) "Division" means the Division of Forestry of the
24 Department of Agriculture and Consumer Services.

25 (5) "OHM" or "off-highway motorcycle" means any motor
26 vehicle used off the roads or highways of this state that has
27 a seat or saddle for the use of the rider and is designed to
28 travel with not more than two wheels in contact with the
29 ground, but excludes a tractor or a moped.

30 (6) "Off-highway vehicle" means any ATV or OHM that is
31 used off the roads or highways of this state for recreational

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1 purposes and that is not registered and licensed for highway
2 use under chapter 320.

3 (7) "Program" means the Off-Highway Vehicle Recreation
4 Program.

5 (8) "Public lands" means lands within the state that
6 are available for public use and that are owned, operated, or
7 managed by a federal, state, county, or municipal governmental
8 entity.

9 (9) "System" means the off-highway vehicle recreation
10 areas and trails on public lands within the state.

11 (10) "Trust fund" means the Incidental Trust Fund of
12 the Division of Forestry of the Department of Agriculture and
13 Consumer Services.

14 261.04 Off-Highway Vehicle Recreation Advisory
15 Committee; members; appointment.--

16 (1) Effective July 1, 2003, the Off-Highway Vehicle
17 Recreation Advisory Committee is created within the Division
18 of Forestry and consists of nine members, all of whom are
19 appointed by the Commissioner of Agriculture. The appointees
20 shall include one representative of the Department of
21 Agriculture and Consumer Services, one representative of the
22 Department of Highway Safety and Motor Vehicles, one
23 representative of the Department of Environmental Protection's
24 Office of Greenways and Trails, one representative of the Fish
25 and Wildlife Conservation Commission, one citizen with
26 scientific expertise in disciplines relating to ecology,
27 wildlife biology, or other environmental sciences, one
28 representative of a licensed off-highway vehicle dealer, and
29 three representatives of off-highway vehicle recreation
30 groups. In making these appointments, the commissioner shall
31 consider the places of residence of the members to ensure

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1 statewide representation.

2 (2) The term of office of each member of the advisory
3 committee is 2 years. The members first appointed shall
4 classify themselves by lot so that the terms of four members
5 expire June 30, 2005, and the terms of five members expire
6 June 30, 2006.

7 (3) In case of a vacancy on the advisory committee,
8 the commissioner shall appoint a successor member for the
9 unexpired portion of the term.

10 (4) The members shall elect a chair among themselves
11 who shall serve for 1 year or until a successor is elected.

12 (5) The members of the advisory committee shall serve
13 without compensation, but shall be reimbursed for travel and
14 per diem expenses as provided in s. 112.061, while in the
15 performance of their official duties.

16 261.05 Duties and responsibilities of the Off-Highway
17 Vehicle Recreation Advisory Committee.--

18 (1) The advisory committee shall establish policies to
19 guide the department regarding the Off-Highway Vehicle
20 Recreation Program and the system of off-highway vehicle
21 recreation areas and trails.

22 (2) The advisory committee shall make recommendations
23 to the department regarding off-highway vehicle safety and
24 training and education programs in the operation of such
25 vehicles.

26 (3) The advisory committee must be informed regarding
27 all governmental activities affecting the program.

28 (4) The advisory committee must be informed regarding
29 off-highway vehicle impacts and effects on the environment,
30 wildlife habitats, and native flora and fauna and shall make
31 recommendations to avoid or minimize adverse environmental

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1 impacts and promote sustained long-term use.

2 (5) The advisory committee must be fully informed
3 regarding the inventory of off-highway vehicle access and
4 opportunities.

5 (6) The advisory committee shall meet at various times
6 and locations throughout the state to receive public comments
7 on the implementation of the program and shall take these
8 public comments into consideration when making its
9 recommendations.

10 (7) The advisory committee shall review and make
11 recommendations annually regarding the department's proposed
12 budget of expenditures from the designated off-highway vehicle
13 funds in the trust fund, which may include providing funds to
14 match grant funds available from other sources.

15 (8) The advisory committee shall make recommendations
16 regarding all capital outlay expenditures from the trust fund
17 proposed for inclusion in the budget and shall identify
18 additional funding sources for management, enforcement,
19 education, rehabilitation, and other duties of the land
20 management agencies related to the system.

21 (9) The advisory committee shall review grant
22 applications submitted by any governmental agency or entity or
23 nongovernmental entity requesting moneys from the trust fund
24 to create, operate, manage, or improve off-highway vehicle
25 recreation areas or trails within the state, protect and
26 restore affected natural areas in the system, or provide
27 off-highway vehicle driver education. The advisory committee
28 shall recommend to the department approval or denial of such
29 grant applications based upon criteria established by the
30 advisory committee.

31 261.06 Functions, duties, and responsibilities of the

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- 1 department.--The following are functions, duties, and
2 responsibilities of the department through the division:
3 (1) Coordination of the planning, development,
4 conservation, and rehabilitation of state lands in and for the
5 system.
6 (2) Coordination of the management, maintenance,
7 administration, and operation of state lands in the system and
8 the provision of law enforcement and appropriate public safety
9 activities.
10 (3) Management of the trust fund and approval of the
11 advisory committee's budget recommendations.
12 (4) Implementation of the program, including the
13 ultimate approval of grant applications submitted by
14 governmental agencies or entities or nongovernmental entities.
15 (5) Coordination to help ensure compliance with
16 environmental laws and regulations of the program and lands in
17 the system.
18 (6) Implementation of the policies established by the
19 advisory committee.
20 (7) Provision of staff assistance to the advisory
21 committee.
22 (8) Preparation of plans for lands in, or proposed to
23 be included in, the system.
24 (9) Conducting surveys and the preparation of studies
25 as are necessary or desirable for implementing the program.
26 (10) Recruitment and utilization of volunteers to
27 further the program.
28 (11) Rulemaking authority to implement the provisions
29 of ss. 261.01-261.10.
30 (12) In consultation with the Department of
31 Environmental Protection, the Fish and Wildlife Conservation

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1 Commission, the environmental community, and the off-highway
2 vehicle industry and user groups, review of the inventory of
3 public lands to determine the feasibility of providing public
4 access for off-highway vehicle recreation and trails. The
5 department shall provide a report to the Governor and the
6 presiding officers of the Legislature by January 1, 2003. The
7 report must include at least two appropriate locations for
8 public access for off-highway vehicle recreational use and the
9 applicable cost of providing each facility. The cost section
10 of the report shall fully explain the fiscal approach of
11 renovating, maintaining, and operating each site and include a
12 recommended fee structure to support the ongoing maintenance
13 and operation of the program. The report shall also include
14 the benefits and risks of offering each site for off-highway
15 vehicle recreational use. The recommendations contained within
16 the report shall be implemented to the extent enacted or
17 appropriated by the Legislature. This subsection shall expire
18 July 1, 2003.

19 261.07 Publication and distribution of guidebook;
20 contents.--In consultation with the advisory committee, the
21 department shall publish a guidebook that includes the text of
22 this chapter, other laws and regulations relating to the
23 program, and maps of areas and trails of the system. The
24 guidebook may include other public areas, trails, and
25 facilities for the use of off-highway vehicles. The guidebook
26 must include information regarding the responsibilities of
27 users of the system and must set forth pertinent laws, rules,
28 and regulations including particular provisions and other
29 information intended to prevent trespass and damage to public
30 or private property. The guidebook must be prepared at minimal
31 cost to facilitate the broadest possible distribution and must

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1 be available for distribution no later than October 1, 2003.

2 261.08 Repair, maintenance, and rehabilitation of
3 areas, trails, and lands.--

4 (1) The protection of public safety, the appropriate
5 use of lands in the system, and the conservation of the
6 environment, wildlife habitats, native wildlife, and native
7 flora and fauna in the system are of the highest priority in
8 the management of the system. Accordingly, the public land
9 managing agency shall avoid or minimize adverse impacts to the
10 environment, promptly repair and continuously maintain areas
11 and trails, anticipate and prevent accelerated erosion, and
12 rehabilitate lands to the extent damaged by off-highway
13 vehicle use in accordance with the management plans of the
14 public land managing agency.

15 (2) The public land managing agency shall monitor the
16 condition of soils and wildlife habitat in each area of the
17 system to determine whether there is compliance with
18 applicable environmental laws and regulations and shall take
19 appropriate action as necessary.

20 (3) The public land managing agency may regulate or
21 prohibit, when necessary, the use of off-highway vehicles on
22 the public lands of the state in order to prevent damage or
23 destruction to said lands.

24 261.09 Contracts and agreements.--The public land
25 managing agency may contract with private persons or entities
26 and enter into cooperative agreements with other public
27 agencies for the care and maintenance of lands in the system,
28 including contracts for law enforcement services with public
29 agencies having law enforcement powers.

30 261.10 Criteria for recreation areas and
31 trails.--Publicly owned or operated off-highway vehicle

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1 recreation areas and trails shall be designated and maintained
2 for recreational travel by off-highway vehicles. These areas
3 and trails need not be generally suitable or maintained for
4 normal travel by conventional two-wheel-drive vehicles and
5 should not be designated as recreational footpaths. State
6 off-highway vehicle recreation areas and trails must be
7 selected and managed in accordance with this chapter.

8 261.11 Penalties.--No off-highway vehicle may be
9 operated upon the public roads, streets, or highways of this
10 state, except as otherwise permitted by the managing local,
11 state, or federal agency. A violation of this section is a
12 noncriminal traffic infraction, punishable as provided in
13 chapter 318.

14 261.12 Designated off-highway vehicle funds within the
15 Incidental Trust Fund of the Division of Forestry of the
16 Department of Agriculture and Consumer Services.--

17 (1) The designated off-highway vehicle funds of the
18 trust fund shall consist of deposits from the following
19 sources:

20 (a) Fees paid to the Department of Highway Safety and
21 Motor Vehicles for the titling of off-highway vehicles.

22 (b) Revenues and income from any other sources
23 required by law or as appropriated by the Legislature to be
24 deposited into the trust fund as designated off-highway
25 vehicle funds.

26 (c) Donations from private sources that are designated
27 as off-highway vehicle funds.

28 (d) Interest earned on designated off-highway vehicle
29 funds on deposit in the trust fund.

30 (2) Designated off-highway vehicle funds in the trust
31 fund shall be available for recommended allocation by the

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1 Off-Highway Vehicle Recreation Advisory Committee and the
2 Department of Agriculture and Consumer Services and upon
3 annual appropriation by the Legislature, exclusively for the
4 following:

5 (a) Implementation of the Off-Highway Vehicle
6 Recreation Program by the Department of Agriculture and
7 Consumer Services, which includes personnel and other related
8 expenses; administrative and operating expenses; expenses
9 related to safety, training, rider education programs,
10 management, maintenance, and rehabilitation of lands in the
11 Off-Highway Vehicle Recreation Program's system of lands and
12 trails; and, if funds are available, acquisition of lands to
13 be included in the system and the management, maintenance, and
14 rehabilitation of such lands.

15 (b) Approved grants to governmental agencies or
16 entities or nongovernmental entities that wish to provide or
17 improve off-highway vehicle recreation areas or trails for
18 public use on public lands, provide environmental protection
19 and restoration to affected natural areas in the system,
20 provide enforcement of applicable regulations related to the
21 system and off-highway vehicle activities, or provide
22 education in the operation of off-highway vehicles.

23 (c) Matching funds to be used to match grant funds
24 available from other sources.

25 (3) Notwithstanding s. 216.301 and pursuant to s.
26 216.351, any balance of designated off-highway vehicle funds
27 in the trust fund at the end of any fiscal year shall remain
28 therein and shall be available for the purposes set out in
29 this section and as otherwise provided by law.

30 Section 36. Section 316.2074, Florida Statutes, is
31 amended to read:

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1 316.2074 All-terrain vehicles.--

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

5 (2) As used in this section, the term "all-terrain
6 vehicle" means any motorized off-highway vehicle 50 inches
7 ~~(1270 mm)~~ or less in width, having a dry weight of 900 ~~600~~
8 ~~pounds(273 kg)~~ or less, designed to travel ~~traveling~~ on three
9 or more low-pressure tires, ~~designed for operator use only~~
10 ~~with no passengers~~, having a seat ~~or saddle~~ designed to be
11 straddled by the operator, and ~~having~~ handlebars for steering
12 control, and intended for use by a single operator with no
13 passenger.

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

18 (4) If a crash results in the death of any person or
19 in the injury of any person which results in treatment of the
20 person by a physician, the operator of each all-terrain
21 vehicle involved in the crash shall give notice of the crash
22 pursuant to s. 316.066.

23 (5) Except as provided in this section, an all-terrain
24 vehicle may not be operated upon the public roads, streets, or
25 highways of this state, except as otherwise permitted by the
26 managing state or federal agency.

27 (6)(5) An all-terrain vehicle having four wheels may
28 be used by police officers on public beaches designated as
29 public roadways for the purpose of enforcing the traffic laws
30 of the state. All-terrain vehicles may also be used by the
31 police to travel on public roadways within 5 miles of beach

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1 access only when getting to and from the beach.

2 (7) An all-terrain vehicle having four wheels may be
3 used by law enforcement officers on public roads within public
4 lands while in the course and scope of their duties.

5 (8)(6) A violation of this section is a noncriminal
6 traffic infraction, punishable as a nonmoving violation as
7 provided in chapter 318.

8 Section 37. Short title.--Sections 3 through 15 of
9 this act may be cited as the "Florida Off-Highway Vehicle
10 Titling Act."

11 Section 38. Legislative intent.--It is the intent of
12 the Legislature that all off-highway vehicles purchased after
13 the effective date of this act and all off-highway vehicles
14 operated on public lands be titled and issued a certificate of
15 title to allow for easy determination of ownership.

16 Section 39. Definitions.--As used in sections 3
17 through 15, the term:

18 (1) "ATV" means any motorized off-highway or
19 all-terrain vehicle 50 inches or less in width, having a dry
20 weight of 900 pounds or less, designed to travel on three or
21 more low-pressure tires, having a seat designed to be
22 straddled by the operator and handlebars for steering control,
23 and intended for use by a single operator and with no
24 passenger.

25 (2) "Dealer" means any person authorized by the
26 Department of Revenue to buy, sell, resell, or otherwise
27 distribute off-highway vehicles. Such person must have a valid
28 sales tax certificate of registration issued by the Department
29 of Revenue and a valid commercial or occupational license
30 required by any county, municipality, or political subdivision
31 of the state in which the person operates.

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1 (3) "Department" means the Department of Highway
2 Safety and Motor Vehicles.

3 (4) "Florida resident" means a person who has had a
4 principal place of domicile in this state for a period of more
5 than 6 consecutive months, who has registered to vote in this
6 state, who has made a statement of domicile pursuant to s.
7 222.17, Florida Statutes, or who has filed for homestead tax
8 exemption on property in this state.

9 (5) "OHM" or "off-highway motorcycle" means any motor
10 vehicle used off the roads or highways of this state that has
11 a seat or saddle for the use of the rider and is designed to
12 travel with not more than two wheels in contact with the
13 ground, but excludes a tractor or a moped.

14 (6) "Off-highway vehicle" means any ATV or OHM that is
15 used off the roads or highways of this state for recreational
16 purposes and that is not registered and licensed for highway
17 use pursuant to chapter 320.

18 (7) "Owner" means a person, other than a lienholder,
19 having the property in or title to an off-highway vehicle,
20 including a person entitled to the use or possession of an
21 off-highway vehicle subject to an interest held by another
22 person, reserved or created by agreement and securing payment
23 of performance of an obligation, but the term excludes a
24 lessee under a lease not intended as security.

25 (8) "Public lands" means lands within the state that
26 are available for public use and that are owned, operated, or
27 managed by a federal, state, county, or municipal governmental
28 entity.

29 Section 40. Administration of off-highway vehicle
30 titling laws; records.--

31 (1) The administration of off-highway vehicle titling

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1 laws in sections 3 through 15 is under the Department of
2 Highway Safety and Motor Vehicles, which shall provide for the
3 issuing, handling, and recording of all off-highway vehicle
4 titling applications and certificates, including the receipt
5 and accounting of off-highway vehicle titling fees.

6 (2) The department shall keep records and perform
7 other clerical duties pertaining to off-highway vehicle
8 titling as required.

9 Section 41. Rules, forms, and notices.--

10 (1) The department may adopt rules pursuant to ss.
11 120.536(1) and 120.54, Florida Statutes, which pertain to
12 off-highway vehicle titling, in order to implement the
13 provisions of sections 3 through 15 conferring duties upon it.

14 (2) The department shall prescribe and provide
15 suitable forms for applications and other notices and forms
16 necessary to administer the provisions of sections 3 through
17 15.

18 Section 42. Certificate of title required.--

19 (1) Any off-highway vehicle that is purchased by a
20 resident of this state after the effective date of this act or
21 that is owned by a resident and is operated on the public
22 lands of this state must be titled pursuant to sections 3
23 through 15.

24 (2) A person may not sell, assign, or transfer an
25 off-highway vehicle titled by the state without delivering to
26 the purchaser or transferee a valid certificate of title with
27 an assignment on it showing the transfer of title to the
28 purchaser or transferee. A person may not purchase or
29 otherwise acquire an off-highway vehicle required to be titled
30 without obtaining a certificate of title for the vehicle in
31 his or her name. The purchaser or transferee shall, within 30

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1 days after a change in off-highway vehicle ownership, file an
2 application for a title transfer with the county tax
3 collector. An additional \$10 fee shall be charged against a
4 purchaser or transferee who files a title transfer application
5 after the 30-day period. The county tax collector may retain
6 \$5 of the additional amount.

7 (3) A certificate of title is prima facie evidence of
8 the ownership of the off-highway vehicle and is good for the
9 life of the off-highway vehicle so long as the certificate is
10 owned or held by the legal holder. If a titled off-highway
11 vehicle is destroyed or abandoned, the owner, with the consent
12 of any recorded lienholders, shall, within 30 days after the
13 destruction or abandonment, surrender to the department all
14 title documents for cancellation.

15 (4) The department shall provide labeled places on the
16 title where the seller's price shall be indicated when an
17 off-highway vehicle is sold and where a selling dealer shall
18 record his or her valid sales tax certificate of registration
19 number.

20 (5)(a) There shall be a service charge of \$4.25 for
21 each application that is handled in connection with the
22 issuance, duplication, or transfer of any certificate of
23 title. There shall be a service charge of \$1.25 for each
24 application that is handled in connection with the recording
25 or notation of a lien on an off-highway vehicle that is not in
26 connection with the purchase of such vehicle.

27 (b) The service charges specified in paragraph (a)
28 shall be collected by the department on any application
29 handled directly from its office. Otherwise, these service
30 charges shall be collected and retained by the tax collector
31 who handles the application.

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1 (c) In addition to the fees provided in paragraph (a),
2 any tax collector may impose an additional service charge of
3 not more than 50 cents on any transaction specified in
4 paragraph (a) when such transaction occurs at any tax
5 collector's branch office.

6 Section 43. Application for and issuance of
7 certificate of title.--

8 (1) The owner of an off-highway vehicle that is
9 required to be titled must apply to the county tax collector
10 for a certificate of title. The application must include the
11 true name of the owner, the residence or business address of
12 the owner, and a complete description of the off-highway
13 vehicle. The application must be signed by the owner and must
14 be accompanied by a fee of \$29.

15 (2) The owner must establish proof of ownership by
16 submitting with the application an executed bill of sale, a
17 manufacturer's statement of origin, an affidavit of ownership
18 for off-highway vehicles purchased before the effective date
19 of this act, or any other document acceptable to the
20 department.

21 (3) To apply for a certificate of title upon transfer
22 of ownership of an off-highway vehicle, the new owner must
23 surrender to the department the last title document issued for
24 that vehicle. The document must be properly executed. Proper
25 execution includes the previous owner's signature and
26 certification that the off-highway vehicle to be transferred
27 is debt-free or is subject to a lien. If a lien exists, the
28 previous owner must furnish the new owner, on forms supplied
29 by the department, the names and addresses of all lienholders
30 and the dates of all liens, with a statement from each
31 lienholder that the lienholder has knowledge of and consents

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1 to the transfer of title to the new owner.

2 (4) An application for an initial certificate of title
3 or a title transfer must include payment of the applicable
4 state sales tax or proof of payment of such tax, except for
5 off-highway vehicles purchased or transferred before the
6 effective date of this act.

7 (5) If the owner submits a complete application and
8 complies with all other requirements of this section, the
9 department shall issue a certificate of title that states that
10 the title is for an off-highway vehicle that is not suitable
11 for highway use. After October 1, 2003, the department shall
12 also issue a copy of the guidebook prepared by the Department
13 of Agriculture and Consumer Services pursuant to s. 261.07,
14 Florida Statutes.

15 Section 44. Duplicate certificate of title.--

16 (1) The department may issue a duplicate certificate
17 of title upon application by the person entitled to hold such
18 a certificate if the department is satisfied that the original
19 certificate has been lost, destroyed, or mutilated. A fee of
20 \$15 shall be charged for issuing a duplicate certificate.

21 (2) In addition to the fee imposed by subsection (1),
22 a fee of \$7 shall be charged for expedited service in issuing
23 a duplicate certificate of title. Application for such
24 expedited service may be made by mail or in person. The
25 department shall issue each certificate of title applied for
26 under this subsection within 5 working days after receipt of a
27 proper application or shall refund the additional \$7 fee upon
28 written request by the applicant.

29 (3) If, following the issuance of an original,
30 duplicate, or corrected certificate of title by the
31 department, the certificate is lost in transit and is not

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1 delivered to the addressee, the owner of the off-highway
2 vehicle or the holder of a lien thereon may, within 180 days
3 after the date of issuance of the certificate, apply to the
4 department for reissuance of the certificate. An additional
5 fee may not be charged for reissuance under this subsection.

6 (4) The department shall implement a system to verify
7 that the application is signed by a person authorized to
8 receive a duplicate certificate of title under this section if
9 the address shown on the application is different from the
10 address shown for the applicant on the records of the
11 department.

12 Section 45. Manufacturer's statement of origin to be
13 furnished.--

14 (1) Any person selling a new off-highway vehicle in
15 this state must furnish a manufacturer's statement of origin
16 to the purchaser. The statement, which must be in English or
17 accompanied by an English translation if the vehicle was
18 purchased outside the United States, must be signed and dated
19 by an authorized representative of the manufacturer, indicate
20 the complete name and address of the purchaser, include a
21 complete description of the vehicle, and contain as many
22 assignments as necessary to show title in the name of the
23 purchaser.

24 (2) It is unlawful for an off-highway vehicle
25 manufacturer, manufacturer's representative, or dealer to
26 issue a manufacturer's certificate of origin describing an
27 off-highway vehicle with the knowledge that the description is
28 false or that the off-highway vehicle described does not
29 exist. It is unlawful for any person to obtain or attempt to
30 obtain a certificate of origin with the knowledge that the
31 description is false or that the off-highway vehicle does not

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1 exist. Any person who violates this subsection commits a
2 felony of the third degree, punishable as provided in s.
3 775.082, s. 775.083, or s. 775.084, Florida Statutes.

4 Section 46. Disposition of fees.--The department shall
5 deposit all funds received under sections 3 through 15, less
6 administrative costs of \$2 per title transaction, into the
7 Incidental Trust Fund of the Division of Forestry of the
8 Department of Agriculture and Consumer Services.

9 Section 47. Refusal to issue and authority to cancel a
10 certificate of title.--

11 (1) If the department finds that an applicant for an
12 off-highway vehicle certificate of title has given a false
13 statement or false or incomplete information in applying for
14 the certificate or has otherwise failed to comply with the
15 applicable provisions pertaining to the application for a
16 certificate, it may refuse to issue the certificate.

17 (2) If the department finds that an owner or dealer
18 named in an off-highway vehicle certificate of title has given
19 a false statement or false or incomplete information in
20 applying for the certificate or has otherwise failed to comply
21 with the applicable provisions pertaining to the application
22 for a certificate, it may cancel the certificate.

23 (3) The department may cancel any pending application
24 or any certificate if it finds that any title fee or sales tax
25 pertaining to such application or certificate has not been
26 paid, unless the fee or tax is paid within a reasonable time
27 after the department has given notice.

28 Section 48. Crimes relating to certificates of title;
29 penalties.--

30 (1) It is unlawful for any person to procure or
31 attempt to procure a certificate of title or duplicate

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1 certificate of title to an off-highway vehicle, or to pass or
2 attempt to pass a certificate of title or duplicate
3 certificate of title to an off-highway vehicle or any
4 assignment thereof, if such person knows or has reason to
5 believe that the vehicle has been stolen. Any person who
6 violates this subsection commits a felony of the third degree,
7 punishable as provided in s. 775.082, s. 775.083, or s.
8 775.084, Florida Statutes.

9 (2) It is unlawful for any person, knowingly and with
10 intent to defraud, to have in his or her possession, sell,
11 offer to sell, counterfeit, or supply a blank, forged,
12 fictitious, counterfeit, stolen, or fraudulently or unlawfully
13 obtained certificate of title, duplicate certificate of title,
14 bill of sale, or other indicia of ownership of an off-highway
15 vehicle or to conspire to do any of the foregoing. Any person
16 who violates this subsection commits a felony of the third
17 degree, punishable as provided in s. 775.082, s. 775.083, or
18 s. 775.084, Florida Statutes.

19 (3) It is unlawful to:

20 (a) Alter or forge any certificate of title to an
21 off-highway vehicle or any assignment thereof or any
22 cancellation of any lien on an off-highway vehicle.

23 (b) Retain or use such certificate, assignment, or
24 cancellation knowing that it has been altered or forged.

25 (c) Use a false or fictitious name, give a false or
26 fictitious address, or make any false statement in any
27 application or affidavit required by sections 3 through 15 or
28 in a bill of sale or sworn statement of ownership or otherwise
29 commit a fraud in any application.

30 (d) Knowingly obtain goods, services, credit, or money
31 by means of an invalid, duplicate, fictitious, forged,

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1 counterfeit, stolen, or unlawfully obtained certificate of
2 title, bill of sale, or other indicia of ownership of an
3 off-highway vehicle.

4 (e) Knowingly obtain goods, services, credit, or money
5 by means of a certificate of title to an off-highway vehicle
6 which certificate is required by law to be surrendered to the
7 department.

8
9 Any person who violates this subsection commits a felony of
10 the third degree, punishable as provided in s. 775.082, s.
11 775.083, or s. 775.084, Florida Statutes. A violation of this
12 subsection with respect to any off-highway vehicle makes such
13 off-highway vehicle contraband which may be seized by a law
14 enforcement agency and forfeited under ss. 932.701-932.704,
15 Florida Statutes.

16 Section 49. Nonmoving traffic violations.--Any person
17 who fails to comply with any provision of sections 3 through
18 14 for which a penalty is not otherwise provided commits a
19 nonmoving traffic violation, punishable as provided in s.
20 318.18, Florida Statutes.

21 Section 50. Section 375.313, Florida Statutes, is
22 amended to read:

23 375.313 Commission powers and duties.--The commission
24 shall:

25 (1) Regulate or prohibit, when necessary, the use of
26 motor vehicles on the public lands of the state in order to
27 prevent damage or destruction to said lands.

28 ~~(2) Collect any registration fees imposed by s.~~
29 ~~375.315 and deposit said fees in the State Game Trust Fund.~~
30 ~~The revenue resulting from said registration shall be expended~~
31 ~~for the funding and administration of ss. 375.311-375.315.~~

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1 ~~(2)~~~~(3)~~ Adopt and promulgate such reasonable rules as
2 deemed necessary to administer the provisions of ss.
3 375.311-375.315, except that, before any such rules are
4 adopted, the commission shall obtain the consent and
5 agreement, in writing, of the owner, in the case of privately
6 owned lands, or the owner or primary custodian, in the case of
7 publicly owned lands.

8 Section 51. Section 375.315, Florida Statutes, is
9 repealed.

10

11 (Redesignate subsequent sections.)

12 Section 52. Subsection (21) of section 316.003,
13 Florida Statutes, is amended, and subsection (82) is added to
14 that section, to read:

15 316.003 Definitions.--The following words and phrases,
16 when used in this chapter, shall have the meanings
17 respectively ascribed to them in this section, except where
18 the context otherwise requires:

19 (21) MOTOR VEHICLE.--Any self-propelled vehicle not
20 operated upon rails or guideway, but not including any
21 bicycle, electric personal assistive mobility device, or
22 moped.

23 (82) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.--Any
24 self-balancing, two non-tandem wheeled device, designed to
25 transport only one person, with an electric propulsion system
26 with average power of 750 watts (1 h.p.), the maximum speed of
27 which, on a paved level surface when powered solely by such a
28 propulsion system while being ridden by an operator who weighs
29 170 pounds, is less than 20 mph. Electric personal assistive
30 mobility devices are not vehicles as defined in this section.

31 Section 53. Section 316.2068, Florida Statutes, is

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1 created to read:

2 316.2068 Electric personal assistive mobility devices;
3 regulations.--

4 (1) An electric personal assistive mobility device, as
5 defined in s. 316.003, may be operated:

6 (a) On a road or street where the posted speed limit
7 is 25 miles per hour or less.

8 (b) On a marked bicycle path.

9 (c) On any street or road where bicycles are
10 permitted.

11 (d) At an intersection, to cross a road or street even
12 if the road or street has a posted speed limit of more than 25
13 miles per hour.

14 (d) On a sidewalk if the person operating the device
15 yields the right-of-way to pedestrians and gives an audible
16 signal before overtaking and passing a pedestrian.

17 (2) A valid driver's license is not a prerequisite to
18 operating an electric personal assistive mobility device.

19 (3) Electric personal assistive mobility devices need
20 not be registered and insured in accordance with s. 320.02.

21 (4) A person who is under the age of 16 years may not
22 operate, ride, or otherwise be propelled on an electric
23 personal assistive mobility device unless the person wears a
24 bicycle helmet that is properly fitted, that is fastened
25 securely upon his or her head by a strap, and that meets the
26 standards of the American National Standards Institute (ANSI Z
27 Bicycle Helmet Standards), the standards of the Snell Memorial
28 Foundation (1984 Standard for Protective Headgear for Use in
29 Bicycling), or any other nationally recognized standards for
30 bicycle helmets which are adopted by the department.

31 (7) A county or municipality may prohibit the

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1 operation of electric personal assistive mobility devices on
2 any road, street, or bicycle path under its jurisdiction if
3 the governing body of the county or municipality determines
4 that such a prohibition is necessary in the interest of
5 safety.

6 (8) The Department of Transportation may prohibit the
7 operation of electric personal assistive mobility devices on
8 any road under its jurisdiction if it determines that such a
9 prohibition is necessary in the interest of safety.

10 Section 54. Subsection (5) of section 337.408, Florida
11 Statutes, is renumbered as subsection (6), and a new
12 subsection (5) is added to said section to read:

13 337.408 Regulation of benches, transit shelters,
14 street light poles, and waste disposal receptacles within
15 rights-of-way.--

16 (5) Street light poles, including attached public
17 service messages and advertisements, may be located within the
18 right-of-way limits of municipal and county roads in the same
19 manner as benches, transit shelters, and waste disposal
20 receptacles as provided in this section and in accordance with
21 municipal and county ordinances. Public service messages and
22 advertisements may be installed on street light poles on roads
23 on the State Highway System in accordance with height, size,
24 setback, spacing distance, duration of display, safety,
25 traffic control, and permitting requirements established by
26 administrative rule of the Department of Transportation.
27 Public service messages and advertisements shall be subject to
28 bilateral agreements, where applicable, to be negotiated with
29 the owner of the street light poles, which shall consider,
30 among other things, power source rates, design, safety,
31 operational and maintenance concerns, and other matters of

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1 public importance. For the purposes of this section, the term
2 "street light poles" does not include electric transmission or
3 distribution poles. The department shall have authority to
4 establish administrative rules to implement this subsection.
5 No advertising on light poles shall be permitted on the
6 Interstate Highway System. No permanent structures carrying
7 advertisements attached to light poles shall be permitted on
8 the National Highway System.

9 Section 55. Paragraph (d) of subsection (2) of section
10 348.0003, Florida Statutes, is amended to read:

11 348.0003 Expressway authority; formation;
12 membership.--

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

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

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

15 Section 56. Section 348.0008, Florida Statutes, is
16 amended to read:

17 348.0008 Acquisition of lands and property.--

18 (1) For the purposes of the Florida Expressway
19 Authority Act, an expressway authority may acquire such
20 rights, title, or interest in private or public property and
21 such property rights, including easements, rights of access,
22 air, view, and light, by gift, devise, purchase, or
23 condemnation by eminent domain proceedings, as the authority
24 may deem necessary for any of the purposes of the Florida
25 Expressway Authority Act, including, but not limited to, any
26 lands reasonably necessary for securing applicable permits,
27 areas necessary for management of access, borrow pits,
28 drainage ditches, water retention areas, rest areas,
29 replacement access for landowners whose access is impaired due
30 to the construction of an expressway system, and replacement
31 rights-of-way for relocated rail and utility facilities; for

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1 existing, proposed, or anticipated transportation facilities
2 on the expressway system or in a transportation corridor
3 designated by the authority; or for the purposes of screening,
4 relocation, removal, or disposal of junkyards and scrap metal
5 processing facilities. The authority may also condemn any
6 material and property necessary for such purposes.

7 (2) An authority and its authorized agents,
8 contractors, and employees are authorized to enter upon any
9 lands, waters, and premises, upon giving reasonable notice to
10 the landowner, for the purpose of making surveys, soundings,
11 drillings, appraisals, environmental assessments including
12 phase I and phase II environmental surveys, archaeological
13 assessments, and such other examinations as are necessary for
14 the acquisition of private or public property and property
15 rights, including rights of access, air, view, and light, by
16 gift, devise, purchase, or condemnation by eminent domain
17 proceedings or as are necessary for the authority to perform
18 its duties and functions; and any such entry shall not be
19 deemed a trespass or an entry that would constitute a taking
20 in an eminent domain proceeding. An expressway authority shall
21 make reimbursement for any actual damage to such lands, water,
22 and premises as a result of such activities.

23 (3)(2) The right of eminent domain conferred by the
24 Florida Expressway Authority Act must be exercised by each
25 authority in the manner provided by law.

26 (4)(3) When an authority acquires property for an
27 expressway system or in a transportation corridor as defined
28 in s. 334.03, it is not subject to any liability imposed by
29 chapter 376 or chapter 403 for preexisting soil or groundwater
30 contamination due solely to its ownership. This subsection
31 does not affect the rights or liabilities of any past or

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1 future owners of the acquired property nor does it affect the
2 liability of any governmental entity for the results of its
3 actions which create or exacerbate a pollution source. An
4 authority and the Department of Environmental Protection may
5 enter into interagency agreements for the performance,
6 funding, and reimbursement of the investigative and remedial
7 acts necessary for property acquired by the authority.

8 Section 57. Paragraph (b) of subsection (19) of
9 section 320.08058, Florida Statutes, as amended by chapter
10 2001-355, Laws of Florida, is amended to read:

11 320.08058 Specialty license plates.--

12 (19) SEA TURTLE LICENSE PLATES.--

13 (b) The first \$500,000 in annual use fees shall be
14 deposited in the Marine Resources Conservation Trust Fund in
15 the Fish and Wildlife Conservation Commission and. ~~The first~~
16 ~~\$500,000 in annual revenue~~ shall be used by the Florida Marine
17 Turtle Protection Program to conduct sea turtle protection,
18 research, and recovery programs. The next \$215,000 in annual
19 use fees shall be distributed to the Caribbean Conservation
20 Corporation, located in Gainesville, to fund sea turtle
21 research and education programs that benefit Florida sea
22 turtles. The Caribbean Conservation Corporation shall annually
23 distribute assigned funds through a Sea Turtle Grants Program
24 that supports sea turtle research and education activities of
25 Florida-based nonprofit groups, educational institutions, and
26 Florida coastal counties. The Caribbean Conservation
27 Corporation shall write and publish procedures for submitting
28 grant applications and criteria for allocating available
29 funds, and shall appoint a technical advisory committee,
30 composed of at least five members, including two
31 representatives from the Fish and Wildlife Conservation

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1 Commission, to select grant recipients from proposals
2 submitted by eligible entities. Any additional annual revenue
3 shall be distributed as follows: 70 percent shall be deposited
4 in the Marine Resources Conservation Trust Fund and used by
5 the Florida Marine Turtle Protection Program for sea turtle
6 conservation activities; and 30 percent shall be assigned to
7 the Caribbean Conservation Corporation for distribution
8 through the Sea Turtle Grants Program. Up to 15 percent of the
9 funds distributed to the Caribbean Conservation Corporation
10 may be expended for administrative costs directly associated
11 with the grants program. Up to 10 percent of the funds
12 distributed to the Caribbean Conservation Corporation may be
13 used to promote and market the Sea Turtle license plate. None
14 of the funds received by the Caribbean Conservation
15 Corporation from the Sea Turtle license plate or the Sea
16 Turtle Grants Program, nor funds received by any grant
17 recipients of the Sea Turtle Grants Program, may be used for
18 purposes of litigation.~~Additional license plate revenue, up~~
19 ~~to an amount not exceeding 30 percent of the total annual~~
20 ~~revenue, shall be dispersed annually through the marine turtle~~
21 ~~grants program as provided in s. 370.12(1)(h). The remaining~~
22 ~~annual use proceeds shall be used by the Florida Marine Turtle~~
23 ~~Protection Program for sea turtle conservation activities.~~

24 Section 58. This act shall take effect July 1, 2002.

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

28 And the title is amended as follows:

29 Delete everything before the enacting clause

31 and insert:

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 339.137, F.S.; providing that applications may
4 not be accepted by the department and council
5 members may not be appointed in fiscal year
6 2003-2004; amending s. 339.2817; providing
7 additional criteria that the department must
8 consider when evaluating grant applications;
9 authorizing counties to retain or delegate
10 oversight with respect to certain projects
11 under the County Incentive Grant Program;
12 providing appropriations; amending s. 212.055,
13 F.S.; providing for the levy of the
14 infrastructure sales surtax and the school
15 capital outlay surtax by a two-thirds vote and
16 requiring certain educational facility planning
17 prior to the levy of the school capital outlay
18 surtax; providing for the uses of the surtax
19 proceeds; creating the "Florida High-Speed Rail
20 Authority Act"; creating s. 341.8201, F.S.;
21 providing a short title; creating s. 341.8202,
22 F.S.; providing legislative findings, policy,
23 purpose, and intent with respect to the
24 development, design, financing, construction,
25 and operation of a high-speed rail system in
26 the state; creating s. 341.8203, F.S.;
27 providing definitions; amending s. 341.821,
28 F.S., relating to the creation of the Florida
29 High-Speed Rail Authority; removing obsolete
30 provisions; amending s. 341.822, F.S.; revising
31 and providing additional powers and duties of

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1 the authority; amending s. 341.823, F.S.;

2 revising the criteria for assessment and

3 recommendations with respect to the

4 establishment of the high-speed rail system;

5 requiring the authority to establish specified

6 requirements; requiring the authority to

7 develop a specified plan, study, and estimates;

8 amending s. 341.824, F.S.; specifying types of

9 technical, scientific, or other assistance to

10 be provided by the Department of Community

11 Affairs and the Department of Environmental

12 Protection; creating s. 341.827, F.S.;

13 providing for determination of service areas

14 and the order of system segment construction;

15 creating s. 341.828, F.S.; authorizing the

16 authority to utilize existing permitting

17 processes; requiring cooperation between the

18 authority and metropolitan planning

19 organizations; creating s. 341.829, F.S.;

20 requiring the authority, in conjunction with

21 the Executive Office of the Governor, the

22 Department of Community Affairs, and the

23 Department of Environmental Protection, to

24 develop and implement a process to mitigate and

25 resolve conflicts between the system and growth

26 management requirements and environmental

27 standards; providing time limits for the filing

28 of and response to specified complaints;

29 creating s. 341.830, F.S.; authorizing the

30 authority to employ specified procurement

31 methods; providing for the adoption of rules;

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1 authorizing the authority to procure
2 commodities and services for the designing,
3 building, financing, maintenance, operation,
4 and implementation of a high-speed rail system;
5 creating s. 341.831, F.S.; authorizing the
6 authority to prequalify interested persons or
7 entities prior to seeking proposals for the
8 design, construction, operation, maintenance,
9 and financing of the high-speed rail system;
10 providing for the establishment of qualifying
11 criteria; creating s. 341.832, F.S. ;
12 authorizing the authority to develop and
13 execute a request for qualifications process;
14 creating s. 341.833, F.S.; authorizing the
15 authority to develop and execute a request for
16 proposals process to seek a person or entity to
17 design, build, operate, maintain, and finance a
18 high-speed rail system; creating s. 341.834,
19 F.S.; providing for award of a conditional
20 contract; providing contract requirements;
21 prohibiting transfer of system property without
22 written approval; creating s. 341.835, F.S. ;
23 authorizing the authority to purchase, lease,
24 exchange, or acquire land, property, or
25 buildings necessary to secure or utilize
26 rights-of-way for high-speed rail system
27 facilities; providing that the authority is not
28 subject to specified liability; authorizing the
29 authority and the Department of Environmental
30 Protection to enter into certain interagency
31 agreements; providing for the disposal of

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1 interest in property; authorizing agents and
2 employees of the authority to enter upon
3 certain property; authorizing the authority to
4 accept donations of real property; creating s.
5 341.836, F.S.; authorizing the authority to
6 undertake the development of associated
7 developments; providing requirements of
8 associated developments; creating s. 341.837,
9 F.S.; providing for payment of expenses
10 incurred in carrying out the act; creating s.
11 341.838, F.S.; authorizing the authority to
12 fix, revise, charge, collect, and adjust rates,
13 rents, fees, charges, and revenues, and to
14 enter into contracts; providing for annual
15 review by the authority of rates, rents, fees,
16 and charges; providing for uses of revenues;
17 creating s. 341.839, F.S.; providing that the
18 act is supplemental and additional to powers
19 conferred by other laws; exempting powers of
20 the authority from specified supervision,
21 approval, or consent; creating s. 341.840,
22 F.S.; providing tax exemptions for property
23 acquired or used by the authority or specified
24 income; creating s. 341.841, F.S.; requiring
25 the authority to prepare and submit a report;
26 providing for an annual audit; creating s.
27 341.842, F.S.; providing construction of the
28 act; amending s. 288.109, F.S.; removing a
29 cross reference; amending s. 334.30, F.S.;
30 removing a cross reference; amending s.
31 337.251, F.S.; removing a cross reference;

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1 amending s. 341.501, F.S.; providing that
2 specified actions do not apply to the Florida
3 High-Speed Rail Authority Act; repealing s.
4 341.3201, F.S., relating to the short title for
5 ss. 341.3201-341.386, F.S., the "Florida
6 High-Speed Rail Transportation Act"; repealing
7 s. 341.321, F.S., relating to legislative
8 findings, policy, purpose, and intent with
9 respect to the development of a high-speed rail
10 transportation system connecting the major
11 urban areas of the state; repealing s. 341.322,
12 F.S., relating to definitions of terms;
13 repealing s. 341.325, F.S., relating to special
14 powers and duties of the Department of
15 Transportation; repealing s. 341.327, F.S.,
16 which provides that the Florida High-Speed Rail
17 Transportation Act is the sole and exclusive
18 determination of need for any high-speed rail
19 transportation system established under the
20 act, thereby preempting specified
21 determinations of need; repealing s. 341.329,
22 F.S., relating to the issuance of bonds to
23 finance a high-speed rail transportation
24 system; repealing s. 341.331, F.S., relating to
25 designation of the areas of the state to be
26 served by the high-speed rail transportation
27 system and designation of termini; repealing s.
28 341.332, F.S., relating to the award of
29 franchises by the Department of Transportation
30 to establish a high-speed rail transportation
31 system; repealing s. 341.3331, F.S., relating

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1 to request for proposals; repealing s.
2 341.3332, F.S., relating to notice of issuance
3 of request for proposals; repealing s.
4 341.3333, F.S., relating to requirements with
5 respect to an application for franchise, and
6 confidentiality of the application and portions
7 of the application relating to trade secrets;
8 repealing s. 341.3334, F.S., relating to the
9 departmental review process of application for
10 franchise; repealing s. 341.3335, F.S.,
11 relating to interagency coordination of
12 franchise application review; repealing s.
13 341.3336, F.S., relating to public meetings on
14 franchise applications; repealing s. 341.3337,
15 F.S., relating to determination and award of
16 franchise; repealing s. 341.3338, F.S.,
17 relating to effect of franchise; repealing s.
18 341.3339, F.S., relating to postfranchise
19 agreements; repealing s. 341.334, F.S.,
20 relating to the powers and duties of the
21 Department of Transportation with respect to
22 the act; repealing s. 341.335, F.S., relating
23 to the powers and duties of the Florida Land
24 and Water Adjudicatory Commission sitting as
25 the board; repealing s. 341.336, F.S., relating
26 to the powers and duties of the Department of
27 Environmental Protection, the Department of
28 Community Affairs, and other affected agencies;
29 repealing s. 341.3365, F.S., relating to
30 certification procedures; repealing s. 341.342,
31 F.S., relating to agreements concerning

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1 contents of certification application and
2 supporting documentation; repealing s. 341.343,
3 F.S., relating to review of certification
4 applications; repealing s. 341.344, F.S.,
5 relating to the establishment, composition,
6 organization, and duties of the Citizens'
7 Planning and Environmental Advisory Committee;
8 repealing s. 341.345, F.S., relating to
9 alternate corridors or transit station
10 locations; repealing s. 341.346, F.S., relating
11 to the powers and duties of an administrative
12 law judge appointed to conduct hearings under
13 the act; repealing s. 341.3465, F.S., relating
14 to alteration of time limitations specified by
15 the act; repealing s. 341.347, F.S., relating
16 to required combined public meetings and land
17 use and zoning hearings to be conducted by
18 local governments; repealing s. 341.348, F.S.,
19 relating to reports and studies required of
20 various agencies by the act; repealing s.
21 341.351, F.S., relating to publication and
22 contents of notice of certification application
23 and proceedings; repealing s. 341.352, F.S.,
24 relating to certification hearings; repealing
25 s. 341.353, F.S., relating to final disposition
26 of certification applications; repealing s.
27 341.363, F.S., relating to the effect of
28 certification; repealing s. 341.364, F.S.,
29 relating to a franchisee's right to appeal to
30 the Florida Land and Water Adjudicatory
31 Commission under specified circumstances;

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1 repealing s. 341.365, F.S., relating to
2 associated development; repealing s. 341.366,
3 F.S., relating to recording of notice of
4 certified corridor route; repealing s. 341.368,
5 F.S., relating to modification of certification
6 or franchise; repealing s. 341.369, F.S.,
7 relating to fees imposed by the department and
8 the disposition of such fees; repealing s.
9 341.371, F.S., relating to revocation or
10 suspension of franchise or certification;
11 repealing s. 341.372, F.S., relating to
12 imposition by the department of specified
13 administrative fines in lieu of revocation or
14 suspension of franchise; repealing s. 341.375,
15 F.S., relating to the required participation by
16 women, minorities, and economically
17 disadvantaged individuals in all phases of the
18 design, construction, maintenance, and
19 operation of a high-speed rail transportation
20 system developed under the act, and required
21 plans for compliance by franchisees; repealing
22 s. 341.381, F.S., relating to applicability of
23 the act; repealing s. 341.382, F.S., relating
24 to laws and regulations superseded by the act;
25 repealing s. 341.383, F.S., relating to the
26 authority of local governments to assess
27 specified fees; repealing s. 341.386, F.S.,
28 relating to the admissibility of the award of a
29 franchise and of a certification under the act
30 in eminent domain proceedings; amending s.
31 212.055, F.S.; removing a limitation on which

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1 charter counties may levy a charter county
2 transit surtax; amending s. 163.3187, F.S.;
3 providing for plan amendment relating to
4 certain roadways in specified counties under
5 certain conditions; creating ch. 261, F.S.;
6 creating the T. Mark Schmidt Off-Highway
7 Vehicle Safety and Recreation Act; providing
8 legislative findings and intent; providing
9 definitions; creating the Off-Highway Vehicle
10 Recreation Advisory Committee effective July 1,
11 2003; providing membership, duties, and
12 responsibilities of the committee; providing
13 functions, duties, and responsibilities of the
14 Department of Agriculture and Consumer
15 Services; requiring the department to review
16 certain public lands and make a report to the
17 Governor and the Legislature; providing
18 rulemaking authority; providing for the
19 publication and distribution of a guidebook;
20 providing for the repair, maintenance, and
21 rehabilitation of areas, trails, and lands;
22 providing for contracts and agreements;
23 providing criteria for recreation areas and
24 trails; providing a penalty; providing for the
25 use of designated off-highway vehicle funds
26 within the Incidental Trust Fund of the
27 Division of Forestry of the department;
28 amending s. 316.2074, F.S.; revising the
29 definition of the term "all-terrain vehicle";
30 prohibiting the use of all-terrain vehicles on
31 public roadways in the state; providing

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1 exceptions; creating the Florida Off-Highway
2 Vehicle Titling Act; providing legislative
3 intent; providing definitions; providing for
4 administration by the Department of Highway
5 Safety and Motor Vehicles; providing for rules,
6 forms, and notices; requiring certificates of
7 title; providing for application for and
8 issuance of certificates of title; providing
9 for duplicate certificates of title; requiring
10 the furnishing of a manufacturer's statement of
11 origin; providing for fees; providing for
12 disposition of fees; providing authority to
13 refuse to issue and to cancel a certificate of
14 title; providing crimes relating to
15 certificates of title; providing penalties;
16 providing noncriminal infractions; providing
17 penalties; amending s. 375.313, F.S.; deleting
18 fee collection responsibility of the Fish and
19 Wildlife Conservation Commission for
20 registration of off-road vehicles; repealing s.
21 375.315, F.S., relating to the registration of
22 off-road vehicles by the commission; amending
23 s. 316.003, F.S.; defining the term "electric
24 personal assistive mobility device"; creating
25 s. 316.2068, F.S.; providing regulations for
26 electric personal assistive mobility devices;
27 amending s. 337.408, F.S.; providing for
28 regulation of street light poles; amending s.
29 348.0003, F.S.; authorizing a county governing
30 body to set qualifications, terms of office,
31 and obligations and rights for the members of

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1 expressway authorities their jurisdictions;
2 amending s. 348.0008, F.S.; allowing expressway
3 authorities to acquire certain interests in
4 land; providing for expressway authorities and
5 their agents or employees to access public or
6 private property for certain purposes; amending
7 s. 320.08058, F.S.; providing for a portion of
8 the annual use fees to be distributed to the
9 Caribbean Conservation Corporation; providing
10 guidelines for the distribution of such funds
11 by the corporation; prohibiting funds from
12 being used for litigation; providing an
13 effective date.

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