

Amendment No. ff2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1  
2  
3  
4  
5  
6  
7  
8  
9

10

11 Representative(s) Russell and Gardiner offered the following:

12

13 **Amendment to Senate Amendment (531090) (with title**  
14 **amendment)**

15 On page 1, line 17, through page 71, line 29,  
16 remove: all of said lines,

17

18 and insert:

19 Section 1. Subsection (4) of section 20.23, Florida  
20 Statutes, is amended to read:

21 20.23 Department of Transportation.--There is created  
22 a Department of Transportation which shall be a decentralized  
23 agency.

24 (4)(a) The operations of the department shall be  
25 organized into seven ~~eight~~ districts, ~~including a turnpike~~  
26 ~~district,~~ each headed by a district secretary and a turnpike  
27 enterprise, headed by an executive director. The district  
28 secretaries shall report to the Assistant Secretary for  
29 District Operations. The headquarters of the districts shall  
30 be located in Polk, Columbia, Washington, Broward, Volusia,  
31 Dade, and Hillsborough, ~~and Leon~~ Counties. The headquarters of

Amendment No. ff2 (for drafter's use only)

1 the turnpike enterprise shall be located in Orange County.~~The~~  
2 ~~turnpike district must be relocated to Orange County in the~~  
3 ~~year 2000.~~In order to provide for efficient operations and to  
4 expedite the decisionmaking process, the department shall  
5 provide for maximum decentralization to the districts.  
6 However, before making a decision to centralize or  
7 decentralize department operations ~~or relocate the turnpike~~  
8 ~~district~~, the department must first determine if the decision  
9 would be cost-effective and in the public's best interest. The  
10 department shall periodically evaluate such decisions to  
11 ensure that they are appropriate.

12 (b) The primary responsibility for the implementation  
13 of the department's transportation programs shall be delegated  
14 by the secretary to the district secretaries, and sufficient  
15 authority shall be vested in each district to ensure adequate  
16 control of the resources commensurate with the delegated  
17 responsibility. Each district secretary shall also be  
18 accountable for ensuring their district's quality of  
19 performance and compliance with all laws, rules, policies, and  
20 procedures related to the operation of the department.

21 (c) Each district secretary may appoint a district  
22 director for planning and programming, a district director for  
23 production, and a district director for operations. These  
24 positions are exempt from part II of chapter 110.

25 (d) Within each district, offices shall be established  
26 for managing major functional responsibilities of the  
27 department. The offices may include planning, design,  
28 construction, right-of-way, maintenance, and public  
29 transportation. The heads of these offices shall be exempt  
30 from part II of chapter 110.

31 (e) The district director for the Fort Myers Urban

1 Office of the Department of Transportation is responsible for  
2 developing the 5-year Transportation Plan for Charlotte,  
3 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort  
4 Myers Urban Office also is responsible for providing policy,  
5 direction, local government coordination, and planning for  
6 those counties.

7 (f)1. The responsibility for the turnpike system shall  
8 be delegated by the secretary to the executive director of the  
9 turnpike enterprise, who shall serve at the pleasure of the  
10 secretary. The executive director shall report directly to the  
11 secretary, and the turnpike enterprise shall operate pursuant  
12 to ss. 338.22-338.241.

13 2. To facilitate the most efficient and effective  
14 management of the turnpike enterprise, including the use of  
15 best business practices employed by the private sector, the  
16 turnpike enterprise, except as provided in s. 287.055, shall  
17 be exempt from departmental policies, procedures, and  
18 standards, subject to the secretary having the authority to  
19 apply any such policies, procedures, and standards to the  
20 turnpike enterprise from time to time as deemed appropriate.

21 Section 2. Subsection (2) of section 206.46, Florida  
22 Statutes, is amended to read:

23 206.46 State Transportation Trust Fund.--

24 (2) Notwithstanding any other provisions of law, from  
25 the revenues deposited into the State Transportation Trust  
26 Fund a maximum of 7 percent in each fiscal year shall be  
27 transferred into the Right-of-Way Acquisition and Bridge  
28 Construction Trust Fund created in s. 215.605, as needed to  
29 meet the requirements of the documents authorizing the bonds  
30 issued or proposed to be issued under ss. 215.605 and 337.276  
31 or at a minimum amount sufficient to pay for the debt service

1 coverage requirements of outstanding bonds. Notwithstanding  
2 the 7 percent annual transfer authorized in this subsection,  
3 the annual amount transferred under this subsection shall not  
4 exceed an amount necessary to provide the required debt  
5 service coverage levels for a maximum debt service not to  
6 exceed ~~\$200~~<sup>\$135</sup> million. Such transfer shall be payable  
7 primarily from the motor and diesel fuel taxes transferred to  
8 the State Transportation Trust Fund from the Fuel Tax  
9 Collection Trust Fund.

10 Section 3. Paragraph (b) of subsection (1) and  
11 subsection (8) of section 316.302, Florida Statutes, are  
12 amended to read:

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

16 (1)

17 (b) Except as otherwise provided in this section, all  
18 owners or drivers of commercial motor vehicles that are  
19 engaged in intrastate commerce are subject to the rules and  
20 regulations contained in 49 C.F.R. parts 382, 385, and  
21 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
22 relates to the definition of bus, as such rules and  
23 regulations existed on October 1, 2001 ~~March 1, 1999~~.

24 (8) For the purpose of enforcing this section, any law  
25 enforcement officer agent of the Department of Transportation  
26 or duly appointed agent who holds a current safety inspector  
27 certification from the Commercial Vehicle Safety Alliance may  
28 require the driver of any commercial vehicle operated on the  
29 highways of this state to stop and submit to an inspection of  
30 the vehicle or the driver's records ~~described in s.~~  
31 ~~316.545(9), any member of the Florida Highway Patrol, or any~~

Amendment No. ff2 (for drafter's use only)

1 ~~person employed by a sheriff's office or municipal police~~  
2 ~~department who is authorized to enforce the traffic laws of~~  
3 ~~this state pursuant to s. 316.640 may enforce the provisions~~  
4 ~~of this section. Any officer of the Department of~~  
5 ~~Transportation described in s. 316.545(9), any member of the~~  
6 ~~Florida Highway Patrol, or any law enforcement officer~~  
7 ~~employed by a sheriff's office or municipal police department~~  
8 ~~authorized to enforce the traffic laws of this state pursuant~~  
9 ~~to s. 316.640, who has reason to believe that a vehicle or~~  
10 ~~driver is operating in an unsafe condition, may require the~~  
11 ~~driver to stop and submit to an inspection of the vehicle or~~  
12 ~~the driver's records. Any person who fails to comply with an~~  
13 ~~officer's request to submit to an inspection under this~~  
14 ~~subsection is guilty of a violation of s. 843.02 if the driver~~  
15 ~~resists the officer without violence or a violation of s.~~  
16 ~~843.01 if the driver resists the officer with violence. If~~  
17 ~~the vehicle or driver is found to be operating in an unsafe~~  
18 ~~condition, or if any required part or equipment is not present~~  
19 ~~or is not in proper repair or adjustment, and the continued~~  
20 ~~operation would probably present an unduly hazardous operating~~  
21 ~~condition, the officer may require the vehicle or the driver~~  
22 ~~to be removed from service pursuant to the North American~~  
23 ~~Uniform Out-of-Service Criteria, until corrected. However, if~~  
24 ~~continuous operation would not present an unduly hazardous~~  
25 ~~operating condition, the officer may give written notice~~  
26 ~~requiring correction of the condition to require proper repair~~  
27 ~~and adjustment of the vehicle within 14 days.~~

28 (a) Any member of the Florida Highway Patrol or any  
29 law enforcement officer employed by a sheriff's office or  
30 municipal police department authorized to enforce the traffic  
31 laws of this state pursuant to s. 316.640 who has reason to

1 believe that a vehicle or driver is operating in an unsafe  
2 condition may, as provided in subsection (10), enforce the  
3 provisions of this section.

4 (b) Any person who fails to comply with an officer's  
5 request to submit to an inspection under this subsection  
6 commits a violation of s. 843.02 if the person resists the  
7 officer without violence or a violation of s. 843.01 if the  
8 person resists the officer with violence.

9 Section 4. Paragraph (a) of subsection (3) of section  
10 316.3025, Florida Statutes, is amended to read:

11 316.3025 Penalties.--

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

14 Section 5. Subsection (2) of section 316.515, Florida  
15 Statutes, is amended to read:

16 316.515 Maximum width, height, length.--

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

19 However, an automobile transporter may, ~~with a permit from the~~  
20 ~~Department of Transportation,~~ measure a height not to exceed  
21 14 feet, inclusive of the load carried thereon.

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

26 316.535 Maximum weights.--

27 (6) Dump trucks, concrete mixing trucks, trucks  
28 engaged in waste collection and disposal, and fuel oil and  
29 gasoline trucks designed and constructed for special type work  
30 or use, when operated as a single unit, shall be subject to  
31 all safety and operational requirements of law, except that

1 any such vehicle need not conform to the axle spacing  
2 requirements of this section provided that such vehicle shall  
3 be limited to a total gross load, including the weight of the  
4 vehicle, of 20,000 pounds per axle plus scale tolerances and  
5 shall not exceed 550 pounds per inch width tire surface plus  
6 scale tolerances. No vehicle operating pursuant to this  
7 section shall exceed a gross weight, including the weight of  
8 the vehicle and scale tolerances, of 70,000 pounds. Any  
9 vehicle violating the weight provisions of this section shall  
10 be penalized as provided in s. 316.545.

11 ~~(7)(6)~~ The Department of Transportation shall adopt  
12 rules to implement this section, shall enforce this section  
13 and the rules adopted hereunder, and shall publish and  
14 distribute tables and other publications as deemed necessary  
15 to inform the public.

16 ~~(8)(7)~~ Except as hereinafter provided, no vehicle or  
17 combination of vehicles exceeding the gross weights specified  
18 in subsections (3), (4), ~~and~~ (5), and (6) shall be permitted  
19 to travel on the public highways within the state.

20 Section 7. Paragraph (a) of subsection (2) and  
21 paragraph (a) of subsection (4) of section 316.545, Florida  
22 Statutes, are amended to read:

23 316.545 Weight and load unlawful; special fuel and  
24 motor fuel tax enforcement; inspection; penalty; review.--

25 (2)(a) Whenever an officer, upon weighing a vehicle or  
26 combination of vehicles with load, determines that the axle  
27 weight or gross weight is unlawful, the officer may require  
28 the driver to stop the vehicle in a suitable place and remain  
29 standing until a determination can be made as to the amount of  
30 weight thereon and, if overloaded, the amount of penalty to be  
31 assessed as provided herein. However, any gross weight over

1 and beyond 6,000 pounds beyond the maximum herein set shall be  
2 unloaded and all material so unloaded shall be cared for by  
3 the owner or operator of the vehicle at the risk of such owner  
4 or operator. Except as otherwise provided in this chapter, to  
5 facilitate compliance with and enforcement of the weight  
6 limits established in s. 316.535, weight tables published  
7 pursuant to s. 316.535(7)(6) shall include a 10-percent scale  
8 tolerance and shall thereby reflect the maximum scaled weights  
9 allowed any vehicle or combination of vehicles. As used in  
10 this section, scale tolerance means the allowable deviation  
11 from legal weights established in s. 316.535. Notwithstanding  
12 any other provision of the weight law, if a vehicle or  
13 combination of vehicles does not exceed the gross, external  
14 bridge, or internal bridge weight limits imposed in s. 316.535  
15 and the driver of such vehicle or combination of vehicles can  
16 comply with the requirements of this chapter by shifting or  
17 equalizing the load on all wheels or axles and does so when  
18 requested by the proper authority, the driver shall not be  
19 held to be operating in violation of said weight limits.

20 (4)(a) No commercial vehicle, as defined in s.  
21 316.003(66), shall be operated over the highways of this state  
22 unless it has been properly registered under the provisions of  
23 s. 207.004. Whenever any law enforcement officer identified in  
24 s. 207.023(1), upon inspecting the vehicle or combination of  
25 vehicles, determines that the vehicle is in violation of s.  
26 207.004, a penalty in the amount of \$50 shall be assessed, and  
27 the vehicle may ~~shall~~ be detained until payment is collected  
28 by the law enforcement officer.

29 Section 8. Subsection (31) is added to section  
30 334.044, Florida Statutes, to read:

31 334.044 Department; powers and duties.--The department



1 shall have the following general powers and duties:

2       (31) In order to fulfill the department's mission to  
3 provide a safe and efficient transportation system, the  
4 department's Office of Motor Carrier Compliance may employ  
5 sworn law enforcement officers, certified in accordance with  
6 chapter 943, to enforce the traffic and criminal laws of this  
7 state. Such officers shall have full law enforcement powers  
8 granted to other peace officers of this state, including  
9 making arrests, carrying firearms, serving court process, and  
10 seizing vehicles defined as contraband under s. 319.33,  
11 illegal drugs, stolen property, and the proceeds of illegal  
12 activities. Officers appointed under this section have the  
13 primary responsibility for enforcing laws relating to size and  
14 weight of commercial motor vehicles; safety, traffic, tax, and  
15 registration of commercial motor vehicles; interdiction of  
16 vehicles defined as contraband under s. 319.33, illegal drugs,  
17 and stolen property; and violations that threaten the overall  
18 security and safety of Florida's transportation infrastructure  
19 and the motoring public. The office is also authorized to  
20 appoint part-time or auxiliary law enforcement officers  
21 pursuant to chapter 943 and to provide compensation in  
22 accordance with law.

23       Section 9. Section 337.025, Florida Statutes, is  
24 amended to read:

25       337.025 Innovative highway projects; department to  
26 establish program.--The department is authorized to establish  
27 a program for highway projects demonstrating innovative  
28 techniques of highway construction, maintenance, and finance  
29 which have the intended effect of controlling time and cost  
30 increases on construction projects. Such techniques may  
31 include, but are not limited to, state-of-the-art technology

Amendment No. ff2 (for drafter's use only)

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

22 Section 10. Paragraph (c) of subsection (3) and  
23 paragraph (c) of subsection (6) of section 337.11, Florida  
24 Statutes, are amended to read:

25 337.11 Contracting authority of department; bids;  
26 emergency repairs, supplemental agreements, and change orders;  
27 combined design and construction contracts; progress payments;  
28 records; requirements of vehicle registration.--

29 (3)

30 (c) No advertisement for bids shall be published and  
31 no bid solicitation notice shall be provided until title to

1 all necessary rights-of-way and easements for the construction  
2 of the project covered by such advertisement or notice has  
3 vested in the state or a local governmental entity, and all  
4 railroad crossing and utility agreements have been executed.  
5 The turnpike enterprise is exempt from this paragraph for a  
6 turnpike enterprise project.Title to all necessary  
7 rights-of-way shall be deemed to have been vested in the State  
8 of Florida when such title has been dedicated to the public or  
9 acquired by prescription.

10 (6)

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

23 1. To ensure timely completion of projects or  
24 avoidance of undue delay for other projects;

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

28 3. To accomplish nonemergency work necessary to ensure  
29 avoidance of adverse conditions that affect the safe and  
30 efficient flow of traffic.

31

1 The department shall make a good faith effort to obtain two or  
2 more quotes, if available, from qualified contractors before  
3 entering into any contract. The department shall give  
4 consideration to disadvantaged business enterprise  
5 participation. However, when the work exists within the limits  
6 of an existing contract, the department shall make a good  
7 faith effort to negotiate and enter into a contract with the  
8 prime contractor on the existing contract.

9 Section 11. Effective July 1, 2003, paragraph (a) of  
10 subsection (7) of section 337.11, Florida Statutes, as amended  
11 by section 4 of chapter 2001-350, Laws of Florida, is amended  
12 to read:

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

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

1           Section 12. Effective July 1, 2005, paragraph (a) of  
2 subsection (7) of section 337.11, Florida Statutes, as amended  
3 by this act, is amended to read:

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

8           (7)(a) If the head of the department determines that  
9 it is in the best interests of the public, the department may  
10 combine the ~~right-of-way services~~ and design and construction  
11 phases of a building, a major bridge, a limited access  
12 facility, or a rail corridor project into a single contract.  
13 Such contract is referred to as a design-build contract.  
14 Design-build contracts may be advertised and awarded  
15 notwithstanding the requirements of paragraph (3)(c). However,  
16 construction activities may not begin on any portion of such  
17 projects until title to the necessary rights-of-way and  
18 easements for the construction of that portion of the project  
19 has vested in the state or a local governmental entity and all  
20 railroad crossing and utility agreements have been executed.  
21 Title to rights-of-way vests in the state when the title has  
22 been dedicated to the public or acquired by prescription.

23           Section 13. Subsection (3) of section 337.185, Florida  
24 Statutes, is amended to read:

25           337.185 State Arbitration Board.--

26           (3) A hearing may be requested by the department or by  
27 a contractor who has a dispute with the department which,  
28 under the rules of the board, may be the subject of  
29 arbitration. The request is to be made to the board within  
30 820 days after the final acceptance of the work for all  
31 contracts entered into after June 30, 1993.The board shall

1 conduct the hearing within 45 days of the request. The party  
2 requesting the board's consideration shall give notice of the  
3 hearing to each member. If the board finds that a third party  
4 is necessary to resolve the dispute, the board may vote to  
5 dismiss the claim, which may thereafter be pursued in  
6 accordance with the laws of the State of Florida.

7 Section 14. Subsection (7) of section 338.165, Florida  
8 Statutes, is amended to read:

9 338.165 Continuation of tolls.--

10 (7) This section does not apply to the turnpike system  
11 as defined under the Florida Turnpike Enterprise Law.

12 Section 15. Section 338.22, Florida Statutes, is  
13 amended to read:

14 338.22 Florida Turnpike Enterprise Law; short  
15 title.--Sections 338.22-338.241 may be cited as the "Florida  
16 Turnpike Enterprise Law."

17 Section 16. Section 338.221, Florida Statutes, is  
18 amended to read:

19 338.221 Definitions of terms used in ss.

20 338.22-338.241.--As used in ss. 338.22-338.241, the following  
21 words and terms have the following meanings, unless the  
22 context indicates another or different meaning or intent:

23 (1) "Bonds" or "revenue bonds" means notes, bonds,  
24 refunding bonds or other evidences of indebtedness or  
25 obligations, in either temporary or definitive form, issued by  
26 the Division of Bond Finance on behalf of the department and  
27 authorized under the provisions of ss. 338.22-338.241 and the  
28 State Bond Act.

29 (2) "Cost," as applied to a turnpike project, includes  
30 the cost of acquisition of all land, rights-of-way, property,  
31 easements, and interests acquired by the department for

1 turnpike project construction; the cost of such construction;  
2 the cost of all machinery and equipment, financing charges,  
3 fees, and expenses related to the financing; establishment of  
4 reserves to secure bonds; interest prior to and during  
5 construction and for such period after completion of  
6 construction as shall be determined by the department; the  
7 cost of traffic estimates and of engineering and legal  
8 expenses, plans, specifications, surveys, estimates of cost  
9 and revenues; other expenses necessary or incident to  
10 determining the feasibility or practicability of acquiring or  
11 constructing any such turnpike project; administrative  
12 expenses; and such other expenses as may be necessary or  
13 incident to the acquisition or construction of a turnpike  
14 project, the financing of such acquisition or construction,  
15 and the placing of the turnpike project in operation.

16 (3) "Feeder road" means any road no more than 5 miles  
17 in length, connecting to the turnpike system which the  
18 department determines is necessary to create or facilitate  
19 access to a turnpike project.

20 (4) "Owner" includes any person or any governmental  
21 entity that has title to, or an interest in, any property,  
22 right, easement, or interest authorized to be acquired  
23 pursuant to ss. 338.22-338.241.

24 (5) "Revenues" means all tolls, charges, rentals,  
25 gifts, grants, moneys, and other funds coming into the  
26 possession, or under the control, of the department by virtue  
27 of the provisions hereof, except the proceeds from the sale of  
28 bonds issued under ss. 338.22-338.241.

29 (6) "Turnpike system" means those limited access toll  
30 highways and associated feeder roads and other structures,  
31 appurtenances, or rights previously designated, acquired, or

1 constructed pursuant to the Florida Turnpike Enterprise Law  
2 and such other additional turnpike projects as may be acquired  
3 or constructed as approved by the Legislature.

4 (7) "Turnpike improvement" means any betterment  
5 necessary or desirable for the operation of the turnpike  
6 system, including, but not limited to, widenings, the addition  
7 of interchanges to the existing turnpike system, resurfacings,  
8 toll plazas, machinery, and equipment.

9 (8) "Economically feasible" means:

10 (a) For a proposed turnpike project, that, as  
11 determined by the department before the issuance of revenue  
12 bonds for the project, the estimated net revenues of the  
13 proposed turnpike project, excluding feeder roads and turnpike  
14 improvements, will be sufficient to pay at least 50 percent of  
15 the debt service on the bonds by the end of the 12th ~~5th~~ year  
16 of operation and to pay at least 100 percent of the debt  
17 service on the bonds by the end of the 22nd ~~15th~~ year of  
18 operation. In implementing this paragraph, up to 50 percent  
19 of the adopted work program costs of the project may be funded  
20 from turnpike revenues.

21 (b) For turnpike projects, except for feeder roads and  
22 turnpike improvements, financed from revenues of the turnpike  
23 system, such project, or such group of projects, originally  
24 financed from revenues of the turnpike system, that the  
25 project is expected to generate sufficient revenues to  
26 amortize project costs within 15 years of opening to traffic.

27  
28 This subsection does not prohibit the pledging of revenues  
29 from the entire turnpike system to bonds issued to finance or  
30 refinance a turnpike project or group of turnpike projects.

31 (9) "Turnpike project" means any extension to or



1 expansion of the existing turnpike system and new limited  
2 access toll highways and associated feeder roads and other  
3 structures, interchanges, appurtenances, or rights as may be  
4 approved in accordance with the Florida Turnpike Enterprise  
5 Law.

6 (10) "Statement of environmental feasibility" means a  
7 statement by the Department of Environmental Protection of the  
8 project's significant environmental impacts.

9 Section 17. Section 338.2215, Florida Statutes, is  
10 created to read:

11 338.2215 Florida Turnpike Enterprise; legislative  
12 findings, policy, purpose, and intent.--It is the intent of  
13 the Legislature that the turnpike enterprise be provided  
14 additional powers and authority in order to maximize the  
15 advantages obtainable through fully leveraging the Florida  
16 Turnpike System asset. The additional powers and authority  
17 will provide the turnpike enterprise with the autonomy and  
18 flexibility to enable it to more easily pursue innovations as  
19 well as best practices found in the private sector in  
20 management, finance, organization, and operations. The  
21 additional powers and authority are intended to improve  
22 cost-effectiveness and timeliness of project delivery,  
23 increase revenues, expand the turnpike system's capital  
24 program capability, and improve the quality of service to its  
25 patrons, while continuing to protect the turnpike system's  
26 bondholders and further preserve, expand, and improve the  
27 Florida Turnpike System.

28 Section 18. Section 338.2216, Florida Statutes, is  
29 created to read:

30 338.2216 Florida Turnpike Enterprise; powers and  
31 authority.--

1           (1)(a) In addition to the powers granted to the  
2 department, the Florida Turnpike Enterprise has full authority  
3 to exercise all powers granted to it under this chapter.  
4 Powers shall include, but are not limited to, the ability to  
5 plan, construct, maintain, repair, and operate the Florida  
6 Turnpike System.

7           (b) It is the express intention of this part that the  
8 Florida Turnpike Enterprise be authorized to plan, develop,  
9 own, purchase, lease, or otherwise acquire, demolish,  
10 construct, improve, relocate, equip, repair, maintain,  
11 operate, and manage the Florida Turnpike System; to expend  
12 funds to publicize, advertise, and promote the advantages of  
13 using the turnpike system and its facilities; and to  
14 cooperate, coordinate, partner, and contract with other  
15 entities, public and private, to accomplish these purposes.

16           (c) The executive director of the turnpike enterprise  
17 shall appoint a staff, which shall be exempt from part II of  
18 chapter 110. Among the staff shall be chief financial officer,  
19 who must be a proven, effective administrator with  
20 demonstrated experience in financial management of a large  
21 bonded capital program and must hold an active license to  
22 practice public accounting in Florida pursuant to chapter  
23 473. The turnpike enterprise staff shall also include the  
24 Office of Toll Operations.

25           (2) The department shall have the authority to employ  
26 procurement methods available to the Department of Management  
27 Services under chapters 255 and 287 and under any rule adopted  
28 under such chapters solely for the benefit of the turnpike  
29 enterprise.

30           (3)(a) The turnpike enterprise shall be a single  
31 budget entity and shall develop a budget pursuant to chapter

1 216. The turnpike enterprise's budget shall be submitted to  
2 the Legislature along with the department's budget.

3 (b) Notwithstanding the provisions of s. 216.301 to  
4 the contrary and in accordance with s. 216.351, the Executive  
5 Office of the Governor shall, on July 1 of each year, certify  
6 forward all unexpended funds appropriated or provided pursuant  
7 to this section for the turnpike enterprise. Of the  
8 unexpended funds certified forward, any unencumbered amounts  
9 shall be carried forward. Such funds carried forward shall  
10 not exceed 5 percent of the total operating budget of the  
11 turnpike enterprise. Funds carried forward pursuant to this  
12 section may be used for any lawful purpose, including, but not  
13 limited to, promotional and market activities, technology, and  
14 training. Any certified forward funds remaining undisbursed  
15 on December 31 of each year shall be carried forward.

16 (4) The powers conferred upon the turnpike enterprise  
17 under ss. 338.22-338.241 shall be in addition and supplemental  
18 to the existing powers of the department and the turnpike  
19 enterprise, and these powers shall not be construed as  
20 repealing any provision of any other law, general or local,  
21 but shall supersede such other laws that are inconsistent with  
22 the exercise of the powers provided under ss. 338.22-338.241  
23 and provide a complete method for the exercise of such powers  
24 granted.

25 Section 19. Subsection (4) of section 338.223, Florida  
26 Statutes, is amended to read:

27 338.223 Proposed turnpike projects.--

28 (4) The department is authorized, with the approval of  
29 the Legislature, to use federal and state transportation funds  
30 to lend or pay a portion of the operating, maintenance, and  
31 capital costs of turnpike projects. ~~Federal and state~~

1 ~~transportation funds included in an adopted work program, or~~  
2 ~~the General Appropriations Act, for a turnpike project do not~~  
3 ~~have to be reimbursed to the State Transportation Trust Fund,~~  
4 ~~or used in determining the economic feasibility of the~~  
5 ~~proposed project.~~ For operating and maintenance loans, the  
6 maximum net loan amount in any fiscal year shall not exceed  
7 1.5 ~~0.5~~ percent of state transportation tax revenues for that  
8 fiscal year.

9 Section 20. Subsection (2) of section 338.227, Florida  
10 Statutes, is amended to read:

11 338.227 Turnpike revenue bonds.--

12 (2) The proceeds of the bonds of each issue shall be  
13 used solely for the payment of the cost of the turnpike  
14 projects for which such bonds shall have been issued, except  
15 as provided in the State Bond Act. Such proceeds shall be  
16 disbursed and used as provided by ss. 338.22-338.241 and in  
17 such manner and under such restrictions, if any, as the  
18 Division of Bond Finance may provide in the resolution  
19 authorizing the issuance of such bonds or in the trust  
20 agreement hereinafter mentioned securing the same. All  
21 revenues and bond proceeds from the turnpike system received  
22 by the department pursuant to ss. 338.22-338.241, the Florida  
23 Turnpike Enterprise Law, shall be used only for the cost of  
24 turnpike projects and turnpike improvements and for the  
25 administration, operation, maintenance, and financing of the  
26 turnpike system. No revenues or bond proceeds from the  
27 turnpike system shall be spent for the operation, maintenance,  
28 construction, or financing of any project which is not part of  
29 the turnpike system.

30 Section 21. Section 338.234, Florida Statutes, is  
31 amended to read:

Amendment No. ff2 (for drafter's use only)

1           338.234 Granting concessions or selling along the  
2 turnpike system.--  
3           ~~(1)~~ The department may enter into contracts or  
4 licenses with any person for the sale of ~~grant concessions or~~  
5 ~~sell~~ services or products or business opportunities on ~~along~~  
6 the turnpike system, or the turnpike enterprise may sell  
7 services, products, or business opportunities on the turnpike  
8 system, which benefit the traveling public or provide  
9 additional revenue to the turnpike system. Services, business  
10 opportunities, and products authorized to be sold include, but  
11 are not limited to, ~~the sale of~~ motor fuel, vehicle towing,  
12 and vehicle maintenance services; ~~the sale of~~ food with  
13 attendant nonalcoholic beverages; lodging, meeting rooms, and  
14 other business services opportunities; advertising and other  
15 promotional opportunities, which advertising and promotions  
16 must be consistent with the dignity and integrity of the  
17 state; the sale of state lottery tickets sold by authorized  
18 retailers; games and amusements that ~~the granting of~~  
19 ~~concessions for amusement devices which~~ operate by the  
20 application of skill, not including games of chance as defined  
21 in s. 849.16 or other illegal gambling games; ~~the sale of~~  
22 Florida citrus, goods promoting the state, or handmade goods  
23 produced within the state; and the granting of concessions for  
24 ~~equipment which provides~~ travel information, or tickets,  
25 reservations, or other related services; ~~and the granting of~~  
26 ~~concessions which provide banking and other business services.~~  
27 However, the department, pursuant to the grants of authority  
28 to the Turnpike Enterprise under this section, shall not  
29 exercise the power of eminent domain solely for the purpose of  
30 acquiring real property in order to provide business services  
31 or opportunities, such as lodging and meeting-room space on

1 ~~the turnpike system. The department may also provide~~  
2 ~~information centers on the plazas for the benefit of the~~  
3 ~~public.~~

4 ~~(2) The department may provide an opportunity for~~  
5 ~~governmental agencies to hold public events at turnpike plazas~~  
6 ~~which educate the traveling public as to safety, travel, and~~  
7 ~~tourism.~~

8 Section 22. Subsection (3) of section 338.235, Florida  
9 Statutes, is amended to read:

10 338.235 Contracts with department for provision of  
11 services on the turnpike system.--

12 (3) The department may enter into contracts or  
13 agreements, with or without competitive bidding or  
14 procurement, to make available, on a fair, reasonable,  
15 nonexclusive, and nondiscriminatory basis, turnpike property  
16 and other turnpike structures, for the placement of wireless  
17 facilities by any wireless provider of mobile services as  
18 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any  
19 telecommunications company as defined in s. 364.02 when it is  
20 determined to be practical and feasible to make such property  
21 or structures available. The department may, without adopting  
22 a rule, charge a just, reasonable, and nondiscriminatory fee  
23 for placement of the facilities, payable annually, based on  
24 the fair market value of space used by comparable  
25 communications facilities in the state. The department and a  
26 wireless provider may negotiate the reduction or elimination  
27 of a fee in consideration of goods or services ~~service~~  
28 provided to the department by the wireless provider. All such  
29 fees collected by the department shall be deposited directly  
30 into the State Agency Law Enforcement Radio System Trust Fund  
31 and may be used to construct, maintain, or support the system.

1           Section 23. Subsection (2) of section 338.239, Florida  
2 Statutes, is amended to read:

3           338.239 Traffic control on the turnpike system.--

4           (2) Members of the Florida Highway Patrol are vested  
5 with the power, and charged with the duty, to enforce the  
6 rules of the department. Approved expenditures ~~Expenses~~  
7 incurred by the Florida Highway Patrol in carrying out its  
8 powers and duties under ss. 338.22-338.241 may be treated as a  
9 part of the cost of the operation of the turnpike system, and  
10 the Department of Highway Safety and Motor Vehicles shall be  
11 reimbursed by the turnpike enterprise ~~Department of~~  
12 ~~Transportation~~ for such expenses incurred on the turnpike  
13 ~~system mainline, which is that part of the turnpike system~~  
14 ~~extending from the southern terminus in Florida City to the~~  
15 ~~northern terminus in Wildwood including all contiguous~~  
16 ~~sections.~~ Florida Highway Patrol Troop K shall be  
17 headquartered with the turnpike enterprise and shall be the  
18 official and preferred law enforcement troop for the turnpike  
19 system. The Department of Highway Safety and Motor Vehicles  
20 may, upon request of the executive director of the turnpike  
21 enterprise and approval of the Legislature, increase the  
22 number of authorized positions for Troop K, or the executive  
23 director of the turnpike enterprise may contract with the  
24 Department of Highway Safety and Motor Vehicles for additional  
25 troops to patrol the turnpike system.

26           Section 24. Section 338.241, Florida Statutes, is  
27 amended to read:

28           338.241 Cash reserve requirement.--The budget for the  
29 turnpike system shall be so planned as to provide for a cash  
30 reserve at the end of each fiscal year of not less than 5 ~~10~~  
31 percent of the unpaid balance of all turnpike system

1 contractual obligations, excluding bond obligations, to be  
2 paid from revenues.

3 Section 25. Section 338.251, Florida Statutes, is  
4 amended to read:

5 338.251 Toll Facilities Revolving Trust Fund.--The  
6 Toll Facilities Revolving Trust Fund is hereby created for the  
7 purpose of encouraging the development and enhancing the  
8 financial feasibility of revenue-producing road projects  
9 undertaken by local governmental entities in a county or  
10 combination of contiguous counties and the turnpike  
11 enterprise.

12 (1) The department is authorized to advance funds for  
13 preliminary engineering, traffic and revenue studies,  
14 environmental impact studies, financial advisory services,  
15 engineering design, right-of-way map preparation, other  
16 appropriate project-related professional services, and  
17 advanced right-of-way acquisition to expressway authorities,  
18 the turnpike enterprise, counties, or other local governmental  
19 entities that desire to undertake revenue-producing road  
20 projects.

21 (2) No funds shall be advanced pursuant to this  
22 section unless the following is documented to the department:

23 (a) The proposed facility is consistent with the  
24 adopted transportation plan of the appropriate metropolitan  
25 planning organization and the Florida Transportation Plan.

26 (b) A proposed 2-year budget detailing the use of the  
27 cash advance and a project schedule consistent with the  
28 budget.

29 (3) Prior to receiving any moneys for advance  
30 right-of-way acquisition, it shall be shown that such  
31 right-of-way will substantially appreciate prior to



1 construction and that savings will result from its advance  
2 purchase. Any such request for moneys for advance  
3 right-of-way acquisition shall be accompanied by a preliminary  
4 engineering study, environmental impact study, traffic and  
5 revenue study, and right-of-way maps along with either a  
6 negotiated contract for purchase of the right-of-way, such  
7 contract to include a clause stating that it is subject to  
8 funding by the department or the Legislature, or an appraisal  
9 of the subject property for purpose of condemnation  
10 proceedings.

11 (4) Each advance pursuant to this section shall  
12 require repayment out of the initial bond issue revenue or, at  
13 the discretion of the governmental entity or the turnpike  
14 enterprise of the facility, repayment shall begin no later  
15 than 7 years after the date of the advance, provided repayment  
16 shall be completed no later than 12 years after the date of  
17 the advance. However, such election shall be made at the time  
18 of the initial bond issue, and, if repayment is to be made  
19 during the time period referred to above, a schedule of such  
20 repayment shall be submitted to the department.

21 (5) No amount in excess of \$1.5 million annually shall  
22 be advanced to any one governmental entity or the turnpike  
23 enterprise pursuant to this section without specific  
24 appropriation by the Legislature.

25 (6) Funds may not be advanced for funding final design  
26 costs beyond 60 percent completion until an acceptable plan to  
27 finance all project costs, including the reimbursement of  
28 outstanding trust fund advances, is approved by the  
29 department.

30 (7) The department may advance funds sufficient to  
31 defray shortages in toll revenues of facilities receiving

Amendment No. ff2 (for drafter's use only)

1 funds pursuant to this section for the first 5 years of  
2 operation, up to a maximum of \$5 million per year, to be  
3 reimbursed to this fund within 5 years of the last advance  
4 hereunder. Any advance under this provision shall require  
5 specific appropriation by the Legislature.

6 (8) No expressway authority, county, or other local  
7 governmental entity, or the turnpike enterprise, shall be  
8 eligible to receive any advance under this section if the  
9 expressway authority, county, or other local governmental  
10 entity or the turnpike enterprise has failed to repay any  
11 previous advances as required by law or by agreement with the  
12 department.

13 (9) Repayment of funds advanced, including advances  
14 made prior to January 1, 1994, shall not include interest.  
15 However, interest accruing to local governmental entities and  
16 the turnpike enterprise from the investment of advances shall  
17 be paid to the department.

18 (10) Any repayment of prior or future advances made  
19 from the State Transportation Trust Fund which were used to  
20 fund any project phase of a toll facility, shall be deposited  
21 in the Toll Facilities Revolving Trust Fund. However, when  
22 funds advanced to the Seminole County Expressway Authority  
23 pursuant to this section are repaid to the Toll Facilities  
24 Revolving Trust Fund by or on behalf of the Seminole County  
25 Expressway Authority, those funds shall thereupon and  
26 forthwith be appropriated for and advanced to the Seminole  
27 County Expressway Authority for funding the design of and the  
28 advanced right-of-way acquisition for that segment of the  
29 Seminole County Expressway extending from U.S. Highway 17/92  
30 to Interstate Highway 4. Notwithstanding subsection (6), when  
31 funds previously advanced to the Orlando-Orange County

1 Expressway Authority are repaid to the Toll Facilities  
2 Revolving Trust Fund by or on behalf of the Orlando-Orange  
3 County Expressway Authority, those funds may thereupon and  
4 forthwith be appropriated for and advanced to the Seminole  
5 County Expressway Authority for funding that segment of the  
6 Seminole County Expressway extending from U.S. Highway 17/92  
7 to Interstate Highway 4. Any funds advanced to the  
8 Tampa-Hillsborough County Expressway Authority pursuant to  
9 this section which have been or will be repaid on or after  
10 July 1, 1998, to the Toll Facilities Revolving Trust Fund on  
11 behalf of the Tampa-Hillsborough County Expressway Authority  
12 shall thereupon and forthwith be appropriated for and advanced  
13 to the Tampa-Hillsborough County Expressway Authority for  
14 funding the design of and the advanced right-of-way  
15 acquisition for the Brandon area feeder roads, capital  
16 improvements to increase capacity to the expressway system,  
17 and Lee Roy Selmon Crosstown Expressway System Widening as  
18 authorized under s. 348.565.

19 (11) The department shall adopt rules necessary for  
20 the implementation of this section, including rules for  
21 project selection and funding.

22 Section 26. Paragraphs (a), (f), and (g) of subsection  
23 (4) of section 339.135, Florida Statutes, are amended to read:

24 339.135 Work program; legislative budget request;  
25 definitions; preparation, adoption, execution, and  
26 amendment.--

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

28 (a)1. To assure that no district or county is  
29 penalized for local efforts to improve the State Highway  
30 System, the department shall, for the purpose of developing a  
31 tentative work program, allocate funds for new construction to

Amendment No. ff2 (for drafter's use only)

1 the districts, except for the turnpike enterprise district,  
2 based on equal parts of population and motor fuel tax  
3 collections. Funds for resurfacing, bridge repair and  
4 rehabilitation, bridge fender system construction or repair,  
5 public transit projects except public transit block grants as  
6 provided in s. 341.052, and other programs with quantitative  
7 needs assessments shall be allocated based on the results of  
8 these assessments. The department may not transfer any funds  
9 allocated to a district under this paragraph to any other  
10 district except as provided in subsection (7). Funds for  
11 public transit block grants shall be allocated to the  
12 districts pursuant to s. 341.052.

13         2. Notwithstanding the provisions of subparagraph 1.,  
14 the department shall allocate at least 50 percent of any new  
15 discretionary highway capacity funds to the Florida Intrastate  
16 Highway System established pursuant to s. 338.001. Any  
17 remaining new discretionary highway capacity funds shall be  
18 allocated to the districts for new construction as provided in  
19 subparagraph 1. For the purposes of this subparagraph, the  
20 term "new discretionary highway capacity funds" means any  
21 funds available to the department above the prior year funding  
22 level for capacity improvements, which the department has the  
23 discretion to allocate to highway projects.

24         (f) The central office shall submit a preliminary copy  
25 of the tentative work program to the Executive Office of the  
26 Governor, the legislative appropriations committees, the  
27 Florida Transportation Commission, and the Department of  
28 Community Affairs at least 14 days prior to the convening of  
29 the regular legislative session. Prior to the statewide  
30 public hearing required by paragraph (g), the Department of  
31 Community Affairs shall transmit to the Florida Transportation

Amendment No. ff2 (for drafter's use only)

1 Commission a list of those projects and project phases  
2 contained in the tentative work program which are identified  
3 as being inconsistent with approved local government  
4 comprehensive plans. For urbanized areas of metropolitan  
5 planning organizations, the list may not contain any project  
6 or project phase that is scheduled in a transportation  
7 improvement program unless such inconsistency has been  
8 previously reported to the affected metropolitan planning  
9 organization. ~~The commission shall consider the list as part  
10 of its evaluation of the tentative work program conducted  
11 pursuant to s. 20.23.~~

12 (g)1. The Florida Transportation Commission shall  
13 conduct a statewide public hearing on the tentative work  
14 program and shall advertise the time, place, and purpose of  
15 the hearing in the Florida Administrative Weekly at least 7  
16 days prior to the hearing. As part of the statewide public  
17 hearing, the commission shall, at a minimum:

18 a.1. Conduct an in-depth evaluation of the tentative  
19 work program ~~as required in s. 20.23~~ for compliance with  
20 applicable laws and departmental policies; and

21 b.2. Hear all questions, suggestions, or other  
22 comments offered by the public.

23 2. By no later than 14 days after the regular  
24 legislative session begins, the commission shall submit to the  
25 Executive Office of the Governor and the legislative  
26 appropriations committees a report that evaluates the  
27 tentative work program for:

28 a. Financial soundness;

29 b. Stability;

30 c. Production capacity;

31 d. Accomplishments, including compliance with program

1 objectives in s. 334.046;

2 e. Compliance with approved local government  
3 comprehensive plans;

4 f. Objections and requests by metropolitan planning  
5 organizations;

6 g. Policy changes and effects thereof;

7 h. Identification of statewide or regional projects;

8 and

9 i. Compliance with all other applicable laws.

10 Section 27. Subsection (1) of section 553.80, Florida  
11 Statutes, is amended to read:

12 553.80 Enforcement.--

13 (1) Except as provided in paragraphs ~~(a)-(f)~~~~(a)-(e)~~,  
14 each local government and each legally constituted enforcement  
15 district with statutory authority shall regulate building  
16 construction and, where authorized in the state agency's  
17 enabling legislation, each state agency shall enforce the  
18 Florida Building Code required by this part on all public or  
19 private buildings, structures, and facilities, unless such  
20 responsibility has been delegated to another unit of  
21 government pursuant to s. 553.79(9).

22 (a) Construction regulations relating to correctional  
23 facilities under the jurisdiction of the Department of  
24 Corrections and the Department of Juvenile Justice are to be  
25 enforced exclusively by those departments.

26 (b) Construction regulations relating to elevator  
27 equipment under the jurisdiction of the Bureau of Elevators of  
28 the Department of Business and Professional Regulation shall  
29 be enforced exclusively by that department.

30 (c) In addition to the requirements of s. 553.79 and  
31 this section, facilities subject to the provisions of chapter

1 395 and part II of chapter 400 shall have facility plans  
2 reviewed and construction surveyed by the state agency  
3 authorized to do so under the requirements of chapter 395 and  
4 part II of chapter 400 and the certification requirements of  
5 the Federal Government.

6 (d) Building plans approved pursuant to s. 553.77(6)  
7 and state-approved manufactured buildings, including buildings  
8 manufactured and assembled offsite and not intended for  
9 habitation, such as lawn storage buildings and storage sheds,  
10 are exempt from local code enforcing agency plan reviews  
11 except for provisions of the code relating to erection,  
12 assembly, or construction at the site. Erection, assembly, and  
13 construction at the site are subject to local permitting and  
14 inspections.

15 (e) Construction regulations governing public schools,  
16 state universities, and community colleges shall be enforced  
17 as provided in subsection (6).

18 (f) The Florida Building Code as it pertains to toll  
19 collection facilities under the jurisdiction of the turnpike  
20 enterprise of the Department of Transportation shall be  
21 enforced exclusively by the turnpike enterprise.

22  
23 The governing bodies of local governments may provide a  
24 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
25 and this section, for the enforcement of the provisions of  
26 this part. Such fees shall be used solely for carrying out  
27 the local government's responsibilities in enforcing the  
28 Florida Building Code. The authority of state enforcing  
29 agencies to set fees for enforcement shall be derived from  
30 authority existing on July 1, 1998. However, nothing contained  
31 in this subsection shall operate to limit such agencies from

1 adjusting their fee schedule in conformance with existing  
2 authority.

3 Section 28. Section 341.8201, Florida Statutes, is  
4 created to read:

5 341.8201 Short title.--Sections 341.8201-341.843 may  
6 be cited as the "Florida High-Speed Rail Authority Act."

7 Section 29. Section 341.8202, Florida Statutes, is  
8 created to read:

9 341.8202 Legislative findings, policy, purpose, and  
10 intent.--

11 (1) The intent of this act is to implement the purpose  
12 of s. 19, Art. X of the State Constitution, which directs the  
13 Legislature, the Cabinet and the Governor to proceed with the  
14 development, either by the state or an approved private  
15 entity, of a high-speed monorail, fixed guideway, or magnetic  
16 levitation system, capable of speeds in excess of 120 miles  
17 per hour. The development of such a system, which will link  
18 Florida's five largest urban areas as defined in this act,  
19 includes acquisition of right-of-way and the financing of  
20 design and construction with construction beginning on or  
21 before November 1, 2003. Further, this act promotes the  
22 various growth management and environmental protection laws  
23 enacted by the Legislature and encourages and enhances the  
24 establishment of a high-speed rail system. The Legislature  
25 further finds that:

26 (a) The implementation of a high-speed rail system in  
27 the state will result in overall social and environmental  
28 benefits, improvements in ambient air quality, better  
29 protection of water quality, greater preservation of wildlife  
30 habitat, less use of open space, and enhanced conservation of  
31 natural resources and energy.



1           (b) A high-speed rail system, when developed in  
2 conjunction with sound land use planning, becomes an integral  
3 part in achieving growth management goals and encourages the  
4 use of public transportation to augment and implement land use  
5 and growth management goals and objectives.

6           (c) Development and utilization of a properly  
7 designed, constructed, and financed high-speed rail system and  
8 associated development can act as a catalyst for economic  
9 growth and development, mitigate unduly long and  
10 traffic-congested commutes for day-to-day commuters, create  
11 new employment opportunities, serve as a positive growth  
12 management system for building a better and more  
13 environmentally secure state, and serve a paramount public  
14 purpose by promoting the health, safety, and welfare of the  
15 citizens of the state.

16           (d) Transportation benefits of a high-speed rail  
17 system include improved travel times and more reliable travel,  
18 which will increase productivity and energy efficiency in the  
19 state.

20           (2) The Legislature further finds that:

21           (a) Access to timely and efficient modes of passenger  
22 transportation is necessary for travelers, visitors, and  
23 day-to-day commuters, to the quality of life in the state, and  
24 to the economy of the state.

25           (b) Technological advances in the state's  
26 transportation system can significantly and positively affect  
27 the ability of the state to attract and provide efficient  
28 services for domestic and international tourists and therefore  
29 increase revenue of the state.

30           (c) The geography of the state is suitable for the  
31 construction and efficient operation of a high-speed rail

1 system.

2 (d) The public use of the high-speed rail system must  
3 be encouraged and assured in order to achieve the public  
4 purpose and objectives set forth in this act. In order to  
5 encourage the public use of the high-speed rail system and to  
6 protect the public investment in the system, it is necessary  
7 to provide an environment surrounding each high-speed rail  
8 station which will allow the development of associated  
9 development for the purpose of creating revenue in support of  
10 and for the high-speed rail system, enhance the safe movement  
11 of pedestrians and traffic into and out of the area, ensure  
12 the personal safety of high-speed rail system and related  
13 facility users and their personal property while the users are  
14 in the area of each station, and eliminate all conditions in  
15 the vicinity which constitute economic and social impediments  
16 and barriers to the use of the high-speed rail system and  
17 associated development.

18 (e) Areas surrounding certain proposed high-speed rail  
19 stations can, as a result of existing conditions, crime, and  
20 traffic congestion, pose a serious threat to the use of the  
21 high-speed rail system, reduce revenue from users, discourage  
22 pedestrian and traffic ingress and egress, retard sound growth  
23 and development, impair public investment, and consume an  
24 excessive amount of public revenues in the employment of  
25 police and other forms of public protection to adequately  
26 safeguard the high-speed rail system and its users. Such areas  
27 may require redevelopment, acquisition, clearance, or  
28 disposition, or joint public and private development to  
29 provide parking facilities, retail establishments,  
30 restaurants, hotels, or office facilities associated with or  
31 ancillary to the high-speed rail system and rail stations and

1 to otherwise provide for an environment that will encourage  
2 the use of, and safeguard, the system.

3 (f) The powers conferred by this act are for public  
4 uses and purposes as established by s. 19, Art. X of the State  
5 Constitution for which public funds may be expended, and the  
6 necessity in the public interest for the provisions herein  
7 enacted is hereby declared as a matter of legislative  
8 determination to implement the intent of s. 19, Art. X of the  
9 State Constitution.

10 (g) Urban and social benefits include revitalization  
11 of economically depressed areas, the redirection of growth in  
12 a carefully and comprehensively planned manner, and the  
13 creation of numerous employment opportunities within  
14 inner-city areas.

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

20 (i) Joint development is a necessary planning,  
21 financing, management, operation, and construction mechanism  
22 to ensure the continued future development of an efficient and  
23 economically viable high-speed rail system in this state.

24 (3) It is the intent of the Legislature to authorize  
25 the authority to implement innovative mechanisms required to  
26 effect the joint public-private venture approach to planning,  
27 locating, permitting, managing, financing, constructing,  
28 operating, and maintaining a high-speed rail system for the  
29 state, including providing incentives for revenue generation,  
30 operation, construction, and management by the private sector.

31 Section 30. Section 341.8203, Florida Statutes, is

1 created to read:

2 341.8203 Definitions.--As used in this act, unless the  
3 context clearly indicates otherwise, the term:

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

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

20 (3) "Central Florida" means the counties of Lake,  
21 Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard,  
22 Hernando, Pasco, Hillsborough, Pinellas, and Polk.

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

27 (5) "DBOM & F contract" means the document and all  
28 concomitant rights approved by the authority providing the  
29 selected person or entity the exclusive right to design,  
30 build, operate, maintain, and finance a high-speed rail  
31 system.

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

17           (7) "Joint development" means the planning, managing,  
18 financing, or constructing of projects adjacent to,  
19 functionally related to, or otherwise related to a high-speed  
20 rail system pursuant to agreements between any person, firm,  
21 corporation, association, organization, agency, or other  
22 entity, public or private.

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

25           (9) "Northwest Florida" means the counties of  
26 Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington,  
27 Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon,  
28 Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee,  
29 Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford,  
30 and Levy.

31           (10) "Rail station," "station," or "high-speed rail

1 station" means any structure or transportation facility that  
2 is part of a high-speed rail system designed to accommodate  
3 the movement of passengers from one mode of transportation to  
4 another at which passengers board or disembark from  
5 transportation conveyances and transfer from one mode of  
6 transportation to another.

7 (11) "Selected person or entity" means the person or  
8 entity to whom the authority awards a contract under s.  
9 341.834 to establish a high-speed rail system pursuant to this  
10 act.

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

14 (13) "Southwest Florida" means the counties of  
15 Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte,  
16 Glades, Lee, Hendry, and Collier.

17 (14) "Urban areas" means Central Florida, Northeast  
18 Florida, Northwest Florida, Southeast Florida, and Southwest  
19 Florida.

20 Section 31. Section 341.821, Florida Statutes, is  
21 amended to read:

22 341.821 Florida High-Speed Rail Authority.--

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

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

29 1. Three members shall be appointed by the Governor,  
30 one of whom must have a background in the area of  
31 environmental concerns, one of whom must have a legislative

1 background, and one of whom must have a general business  
2 background.

3           2. Three members shall be appointed by the President  
4 of the Senate, one of whom must have a background in civil  
5 engineering, one of whom must have a background in  
6 transportation construction, and one of whom must have a  
7 general business background.

8           3. Three members shall be appointed by the Speaker of  
9 the House of Representatives, one of whom must have a legal  
10 background, one of whom must have a background in financial  
11 matters, and one of whom must have a general business  
12 background.

13           (b) The appointed members shall not be subject to  
14 confirmation by the Senate. The initial term of each member  
15 appointed by the Governor shall be for 4 years. The initial  
16 term of each member appointed by the President of the Senate  
17 shall be for 3 years. The initial term of each member  
18 appointed by the Speaker of the House of Representatives shall  
19 be for 2 years. Succeeding terms for all members shall be for  
20 terms of 4 years. ~~Initial appointments must be made within 30~~  
21 ~~days after the effective date of this act.~~

22           (c) A vacancy occurring during a term shall be filled  
23 by the respective appointing authority in the same manner as  
24 the original appointment and only for the balance of the  
25 unexpired term. An appointment to fill a vacancy shall be made  
26 within 60 days after the occurrence of the vacancy.

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

29           (e) The board shall elect one of its members as chair  
30 of the authority. The chair shall hold office at the will of  
31 the board. Five members of the board shall constitute a

1 quorum, and the vote of five members shall be necessary for  
2 any action taken by the authority. The authority may meet upon  
3 the constitution of a quorum. No vacancy in the authority  
4 shall impair the right of a quorum of the board to exercise  
5 all rights and perform all duties of the authority.

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

9 (3) Notwithstanding any other law to the contrary, it  
10 shall not be or constitute a conflict of interest for a person  
11 having a background specified in this section to serve as a  
12 member of the authority. However, in each official decision to  
13 which this act is applicable, such member's firm or related  
14 entity may not have a financial or economic interest nor shall  
15 the authority contract with or conduct any business with a  
16 member or such member's firm or directly related business  
17 entity.

18 (4) The authority shall be assigned to the Department  
19 of Transportation for administrative purposes. The authority  
20 shall be a separate budget entity. The Department of  
21 Transportation shall provide administrative support and  
22 service to the authority to the extent requested by the chair  
23 of the authority. The authority shall not be subject to  
24 control, supervision, or direction by the Department of  
25 Transportation in any manner, including, but not limited to,  
26 personnel, purchasing, transactions involving real or personal  
27 property, and budgetary matters.

28 Section 32. Section 341.822, Florida Statutes, is  
29 amended to read:

30 341.822 Powers and duties.--

31 (1) The authority created and established by this act



1 shall locate, plan, design, finance, construct, maintain, own,  
2 operate, administer, and manage the preliminary engineering  
3 and preliminary environmental assessment of the intrastate  
4 high-speed rail system in the state., hereinafter referred to  
5 as "intrastate high-speed rail."

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

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

12 (4) The authority is authorized to seek and obtain  
13 federal matching funds or any other funds to fulfill the  
14 requirements of this act either directly or through the  
15 Department of Transportation.

16 (5) The authority may employ an executive director,  
17 ~~permanent or temporary,~~ as it may require and shall determine  
18 the qualifications and fix the compensation. The authority may  
19 delegate to one or more of its agents or employees such of its  
20 power as it deems necessary to carry out the purposes of this  
21 act, subject always to the supervision and control of the  
22 authority.

23 Section 33. Section 341.823, Florida Statutes, is  
24 amended to read:

25 341.823 Criteria for assessment and recommendations.--

26 (1) The following criteria shall apply to the  
27 establishment of the high-speed rail system in developing the  
28 preliminary engineering, preliminary environmental assessment,  
29 and recommendations required by this act:

30 (a) The system shall be capable of traveling speeds in  
31 excess of 120 miles per hour consisting of dedicated rails or

1 guideways separated from motor vehicle traffic;

2 (b) The initial segments of the system will be  
3 developed and operated between the St. Petersburg area, the  
4 Tampa area, and the Orlando area, with future service to the  
5 Miami area;

6 (c) The authority is to develop a program model that  
7 uses, to the maximum extent feasible, nongovernmental sources  
8 of funding for the design, construction, maintenance, and  
9 operation, and financing of the system;

10 (2) The authority shall establish requirements ~~make~~  
11 ~~recommendations~~ concerning:

12 (a) The format and types of information that must be  
13 included in a financial or business plan for the high-speed  
14 rail system, and the authority may develop that financial or  
15 business plan;

16 (b) The preferred routes between the cities and urban  
17 areas designated in accordance with s. 341.8203 in paragraph  
18 ~~(1)(b)~~;

19 (c) The preferred locations for the stations in the  
20 cities and urban areas designated in accordance with s.  
21 341.8203 in paragraph (1)(b);

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

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

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

30 (3) The authority shall develop a marketing plan, a  
31 detailed planning-level ridership study, and an estimate of

1 the annual operating and maintenance cost for the system and  
2 all other associate expenses.  
3 ~~(3) When preparing the operating plan, the authority~~  
4 ~~shall include:~~  
5 ~~(a) The frequency of service between the cities~~  
6 ~~designated in paragraph (1)(b):~~  
7 ~~(b) The proposed fare structure for passenger and~~  
8 ~~freight service:~~  
9 ~~(c) Proposed trip times, system capacity, passenger~~  
10 ~~accommodations, and amenities:~~  
11 ~~(d) Methods to ensure compliance with applicable~~  
12 ~~environmental standards and regulations:~~  
13 ~~(e) A marketing plan, including strategies that can be~~  
14 ~~employed to enhance the utilization of the system:~~  
15 ~~(f) A detailed planning-level ridership study:~~  
16 ~~(g) Consideration of nonfare revenues that may be~~  
17 ~~derived from:~~  
18 ~~1. The sale of development rights at the stations;~~  
19 ~~2. License, franchise, and lease fees;~~  
20 ~~3. Sale of advertising space on the trains or in the~~  
21 ~~stations; and~~  
22 ~~4. Any other potential sources deemed appropriate.~~  
23 ~~(h) An estimate of the total cost of the entire~~  
24 ~~system, including, but not limited to, the costs to:~~  
25 ~~1. Design and build the stations and monorail, fixed~~  
26 ~~guideway, or magnetic levitation system;~~  
27 ~~2. Acquire any necessary rights-of-way;~~  
28 ~~3. Purchase or lease rolling stock and other equipment~~  
29 ~~necessary to build, operate, and maintain the system.~~  
30 ~~(i) An estimate of the annual operating and~~  
31 ~~maintenance costs for the system and all other associated~~

1 ~~expenses.~~

2 ~~(j) An estimate of the value of assets the state or~~  
3 ~~its political subdivisions may provide as in-kind~~  
4 ~~contributions for the system, including rights-of-way,~~  
5 ~~engineering studies performed for previous high-speed rail~~  
6 ~~initiatives, land for rail stations and necessary maintenance~~  
7 ~~facilities, and any expenses that may be incurred by the state~~  
8 ~~or its political subdivisions to accommodate the installation~~  
9 ~~of the system.~~

10 ~~(k) An estimate of the funding required per year from~~  
11 ~~state funds for the next 30 years for operating the preferred~~  
12 ~~routes between the cities designated in paragraph (1)(b).~~

13  
14 ~~Whenever applicable and appropriate, the authority will base~~  
15 ~~estimates of projected costs, expenses, and revenues on~~  
16 ~~documented expenditures or experience derived from similar~~  
17 ~~projects.~~

18 Section 34. Section 341.824, Florida Statutes, is  
19 amended to read:

20 341.824 Technical, scientific, or other assistance.--

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

25 (2) The Department of Community Affairs shall, if  
26 requested, provide assistance to local governments in  
27 analyzing the land use and comprehensive planning aspects of  
28 the high-speed rail system. The Department of Community  
29 Affairs shall assist the authority with the resolution of any  
30 conflicts between the system and adopted local comprehensive  
31 plans.

1           (3) The Department of Environmental Protection shall,  
2 if requested, provide assistance to local governments and  
3 other permitting agencies in analyzing the environmental  
4 aspects of the high-speed rail system. The Department of  
5 Environmental Protection shall assist the authority and the  
6 contractor in expediting the approval of the necessary  
7 environmental permits for the system.

8           Section 35. Section 341.827, Florida Statutes, is  
9 created to read:

10           341.827 Service areas; segment designation.--

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

14           (2) The authority shall plan and develop the  
15 high-speed rail system so that construction proceeds as  
16 follows:

17           (a) The initial segments of the system shall be  
18 developed and operated between the St. Petersburg area, the  
19 Tampa area, the Lakeland/Winter Haven area, and the Orlando  
20 area, with future service to the Miami area.

21           (b) Construction of subsequent segments of the  
22 high-speed rail system shall connect the metropolitan areas of  
23 Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft.  
24 Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft.  
25 Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala,  
26 Tallahassee, and Pensacola.

27           (c) Selection of segments of the high-speed rail  
28 system to be constructed subsequent to the initial segments of  
29 the system shall be prioritized by the authority, giving  
30 consideration to the demand for service, financial  
31 participation by local governments, financial participation by

1 the private sector, and the available financial resources of  
2 the authority.

3 Section 36. Section 341.828, Florida Statutes, is  
4 created to read:

5 341.828 Permitting.--

6 (1) The authority, for the purposes of permitting, may  
7 utilize one or more permitting processes provided for in  
8 statute, including, but not limited to, the metropolitan  
9 planning organization long-range transportation planning  
10 process as defined in s. 339.175 (6) and (7), in conjunction  
11 with the Department of Transportation's work program process  
12 as defined in s. 339.135, or any permitting process now in  
13 effect or that may be in effect at the time of permitting and  
14 will provide the most timely and cost-effective permitting  
15 process.

16 (2) The authority shall work in cooperation with  
17 metropolitan planning organizations in areas where the  
18 high-speed rail system will be located. The metropolitan  
19 planning organizations shall cooperate with the authority and  
20 include the high-speed rail system alignment within their  
21 adopted long-range transportation plans and transportation  
22 improvement programs for the purposes of providing public  
23 information, consistency with the plans, and receipt of  
24 federal and state funds by the authority to support the  
25 high-speed rail system.

26 (3) For purposes of selecting a route alignment, the  
27 authority may use the project development and environment  
28 study process, including the efficient transportation  
29 decisionmaking system process as adopted by the Department of  
30 Transportation.

31 Section 37. Section 341.829, Florida Statutes, is

1 created to read:

2 341.829 Conflict prevention, mitigation, and  
3 resolution.--

4 (1) The authority, in conjunction with the Executive  
5 Office of the Governor, the Department of Community Affairs,  
6 and the Department of Environmental Protection, shall develop  
7 and implement, within 180 days after the effective date of  
8 this act, a process to prevent, mitigate, and resolve, to the  
9 maximum extent feasible, any conflicts or potential conflicts  
10 of a high-speed rail system with growth management  
11 requirements and environmental standards.

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

15 (3) The authority must respond to any timely filed  
16 complaint within 60 days after the complaint is filed with the  
17 authority.

18 Section 38. Section 341.830, Florida Statutes, is  
19 created to read:

20 341.830 Procurement.--

21 (1) The authority may employ procurement methods under  
22 chapters 255, 287, and 337 and under any rule adopted under  
23 such chapters. To enhance the effective and efficient  
24 operation of the authority, and to enhance the ability of the  
25 authority to use best business practices, the authority may,  
26 pursuant to ss. 120.536(1) and 120.54, adopt rules for and  
27 employ procurement methods available to the private sector.

28 (2) The authority is authorized to procure commodities  
29 and the services of a qualified person or entity to design,  
30 build, finance, operate, maintain, and implement a high-speed  
31 rail system, including the use of a DBOM or DBOM & F method

1 using a request for proposal, a request for qualifications, or  
2 an invitation to negotiate.

3 Section 39. Section 341.831, Florida Statutes, is  
4 created to read:

5 341.831 Prequalification.--

6 (1) The authority may prequalify interested persons or  
7 entities prior to seeking proposals for the design,  
8 construction, operation, maintenance, and financing of the  
9 high-speed rail system. The authority may establish qualifying  
10 criteria that may include, but not be limited to, experience,  
11 financial resources, organization and personnel, equipment,  
12 past record or history of the person or entity, ability to  
13 finance or issue bonds, and ability to post a construction or  
14 performance bond.

15 (2) The authority may establish the qualifying  
16 criteria in a request for qualification without adopting the  
17 qualifying criteria as rules.

18 Section 40. Section 341.832, Florida Statutes, is  
19 created to read:

20 341.832 Request for qualifications.--

21 (1) The authority is authorized to develop and execute  
22 a request for qualifications process to seek a person or  
23 entity to design, build, operate, maintain, and finance a  
24 high-speed rail system. The authority may issue multiple  
25 requests for qualifications. The authority shall develop  
26 criteria for selection of a person or entity that shall be  
27 included in any request for qualifications.

28 (2) The authority may issue a request for  
29 qualifications without adopting a rule.

30 Section 41. Section 341.833, Florida Statutes, is  
31 created to read:



1           341.833 Request for proposals.--

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

9           (2) In the request for proposals, the authority shall  
10 specify the minimum period of time for the contract duration.  
11 A person or entity may propose a longer period of time for the  
12 contract and provide justification of the need for an extended  
13 contract period. If the authority extends the time period for  
14 the contract, such time period shall be extended for all  
15 persons or entities if so requested.

16           Section 42. Section 341.834, Florida Statutes, is  
17 created to read:

18           341.834 Award of contract.--

19           (1) The authority may award a contract subject to such  
20 terms and conditions, including, but not limited to,  
21 compliance with any applicable permitting requirements, and  
22 any other terms and conditions the authority considers  
23 appropriate.

24           (2) The contract shall authorize the contractor to  
25 provide service between stations as established by the  
26 contract. The contractor shall coordinate its facilities and  
27 services with passenger rail providers, commuter rail  
28 authorities, and public transit providers to provide access to  
29 and from the high-speed rail system.

30           (3) The contractor shall not convey, lease, or  
31 otherwise transfer any high-speed rail system property, any

1 interest in such property, or any improvement constructed upon  
2 such property without written approval of the authority.

3 Section 43. Section 341.835, Florida Statutes, is  
4 created to read:

5 341.835 Acquisition of property; rights-of-way;  
6 disposal of land.--

7 (1) The authority may purchase, lease, exchange, or  
8 otherwise acquire any land, property interests, or buildings  
9 or other improvements, including personal property within such  
10 buildings or on such lands, necessary to secure or utilize  
11 rights-of-way for existing, proposed, or anticipated  
12 high-speed rail system facilities.

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

16 (3) When the authority acquires property for a  
17 high-speed rail system, or any related or ancillary  
18 facilities, by purchase or donation, it is not subject to any  
19 liability imposed by chapter 376 or chapter 403 for  
20 preexisting soil or groundwater contamination due solely to  
21 its ownership. This section does not affect the rights or  
22 liabilities of any past or future owners of the acquired  
23 property, nor does it affect the liability of any governmental  
24 entity for the results of its actions which create or  
25 exacerbate a pollution source. The authority and the  
26 Department of Environmental Protection may enter into  
27 interagency agreements for the performance, funding, and  
28 reimbursement of the investigative and remedial acts necessary  
29 for property acquired by the authority.

30 (4) In acquiring property or property rights for any  
31 high-speed rail system or related or ancillary facilities, the

1 authority may acquire an entire lot, block, or tract of land  
2 if the interests of the public will be best served by such  
3 acquisition, even though the entire lot, block, or tract is  
4 not immediately needed for the right-of-way proper or for the  
5 specific related or ancillary facilities.

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

9 (6) The authority and its employees and agents shall  
10 have the right to enter upon properties which may be  
11 determined to be necessary for the construction,  
12 reconstruction, relocation, maintenance, and operation of a  
13 proposed high-speed rail system and associated development and  
14 related or ancillary facilities as described in subsection (1)  
15 for the purposes of surveying and soil and environmental  
16 testing.

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

20 Section 44. Section 341.836, Florida Statutes, is  
21 created to read:

22 341.836 Associated development.--

23 (1) The authority, alone or as part of a joint  
24 development, may undertake development of associated  
25 developments to be a source of revenue for the establishment,  
26 construction, operation, or maintenance of the high-speed rail  
27 system. Such associated developments must be associated with  
28 a rail station and have pedestrian ingress to and egress from  
29 the rail station; be consistent, to the extent feasible, with  
30 applicable local government comprehensive plans and local land  
31 development regulations; and otherwise be in compliance with

1 the provisions of this act.

2 (2) This act does not prohibit the authority, the  
3 selected person or entity, or a party to a joint venture with  
4 the authority or its selected person or entity from obtaining  
5 approval, pursuant to any other law, for any associated  
6 development that is reasonably related to the high-speed rail  
7 system.

8 Section 45. Section 341.837, Florida Statutes, is  
9 created to read:

10 341.837 Payment of expenses.--All expenses incurred in  
11 carrying out the provisions of this act shall be payable  
12 solely from funds provided under the authority of this act, or  
13 from other legally available sources.

14 Section 46. Section 341.838, Florida Statutes, is  
15 created to read:

16 341.838 Rates, rents, fees, and charges.--

17 (1) The authority is authorized to fix, revise,  
18 charge, and collect rates, rents, fees, charges, and revenues  
19 for the use of and for the services furnished, or to be  
20 furnished, by the system and to contract with any person,  
21 partnership, association, corporation, or other body, public  
22 or private, in respect thereof. Such rates, rents, fees, and  
23 charges shall be reviewed annually by the authority and may be  
24 adjusted as set forth in the contract setting such rates,  
25 rents, fees, or charges. The funds collected hereunder shall,  
26 with any other funds available, be used to pay the cost of all  
27 administrative expenses of the authority, and the cost of  
28 designing, building, operating, and maintaining the system and  
29 each and every portion thereof, to the extent that the payment  
30 of such cost has not otherwise been adequately provided for.

31 (2) Rates, rents, fees, and charges fixed, revised,

1 charged, and collected pursuant to this section shall not be  
2 subject to supervision or regulation by any department,  
3 commission, board, body, bureau, or agency of this state other  
4 than the authority.

5 Section 47. Section 341.839, Florida Statutes, is  
6 created to read:

7 341.839 Alternate means.--The foregoing sections of  
8 this act shall be deemed to provide an additional and  
9 alternative method for accomplishing the purposes authorized  
10 therein, and shall be regarded as supplemental and additional  
11 to powers conferred by other laws. Except as otherwise  
12 expressly provided in this act, none of the powers granted to  
13 the authority under the provisions of this act shall be  
14 subject to the supervision or require the approval or consent  
15 of any municipality or political subdivision or any  
16 commission, board, body, bureau, or official.

17 Section 48. Section 341.840, Florida Statutes, is  
18 created to read:

19 341.840 Tax exemption.--The exercise of the powers  
20 granted by this act will be in all respects for the benefit of  
21 the people of this state, for the increase of their commerce,  
22 welfare, and prosperity, and for the improvement of their  
23 health and living conditions, and as the design, building,  
24 operation, maintenance, and financing of a system by the  
25 authority or its agent or the owner or lessee thereof, as  
26 herein authorized, constitutes the performance of an essential  
27 public function, neither the authority, its agent, nor the  
28 owner of such system shall be required to pay any taxes or  
29 assessments upon or in respect to the system or any property  
30 acquired or used by the authority, its agent, or such owner  
31 under the provisions of this act or upon the income therefrom,

1 any security therefor, their transfer, and the income  
2 therefrom, including any profit made on the sale thereof,  
3 shall at all times be free from taxation of every kind by the  
4 state, the counties, and the municipalities and other  
5 political subdivisions in the state.

6 Section 49. Section 341.841, Florida Statutes, is  
7 created to read:

8 341.841 Report; audit.--The authority shall prepare an  
9 annual report of its actions, findings, and recommendations  
10 and submit the report to the Governor, the President of the  
11 Senate, and the Speaker of the House of Representatives on or  
12 before January 1. The authority shall provide for an annual  
13 financial audit, as defined in s. 11.45, of its accounts and  
14 records conducted by an independent certified public  
15 accountant. The audit report shall include a management letter  
16 as defined in s. 11.45. The cost of the audit shall be paid  
17 from funds available to the authority pursuant to this act.

18 Section 50. Section 341.842, Florida Statutes, is  
19 created to read:

20 341.842 Liberal construction.--This act, being  
21 necessary for the welfare of the state and its inhabitants,  
22 shall be liberally construed to effect the purposes hereof.

23 Section 51. Subsection (10) of section 288.109,  
24 Florida Statutes, is amended to read:

25 288.109 One-Stop Permitting System.--

26 (10) Notwithstanding any other provision of law or  
27 administrative rule to the contrary, the fee imposed by a  
28 state agency or water management district for issuing a  
29 development permit shall be waived for a 6-month period  
30 beginning on the date the state agency or water management  
31 district begins accepting development permit applications over

1 the Internet and the applicant submits the development permit  
2 to the agency or district using the One-Stop Permitting  
3 System. The 6-month fee waiver shall not apply to development  
4 permit fees assessed by the Electrical Power Plant Siting Act,  
5 ss. 403.501-403.519; the Transmission Line Siting Act, ss.  
6 403.52-403.5365; the statewide Multi-purpose Hazardous Waste  
7 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas  
8 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed~~  
9 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

10 Section 52. Subsection (6) of section 334.30, Florida  
11 Statutes, is amended to read:

12 334.30 Private transportation facilities.--The  
13 Legislature hereby finds and declares that there is a public  
14 need for rapid construction of safe and efficient  
15 transportation facilities for the purpose of travel within the  
16 state, and that it is in the public's interest to provide for  
17 the construction of additional safe, convenient, and  
18 economical transportation facilities.

19 (6) ~~Notwithstanding s. 341.327,~~A fixed-guideway  
20 transportation system authorized by the department to be  
21 wholly or partially within the department's right-of-way  
22 pursuant to a lease granted under s. 337.251 may operate at  
23 any safe speed.

24 Section 53. Subsection (9) of section 337.251, Florida  
25 Statutes, is amended to read:

26 337.251 Lease of property for joint public-private  
27 development and areas above or below department property.--

28 (9) ~~Notwithstanding s. 341.327,~~A fixed-guideway  
29 transportation system authorized by the department to be  
30 wholly or partially within the department's right-of-way  
31 pursuant to a lease granted under this section may operate at

1 any safe speed.

2 Section 54. Section 341.501, Florida Statutes, is  
3 amended to read:

4 341.501 High-technology transportation systems; joint  
5 project agreement or assistance.--Notwithstanding any other  
6 provision of law, the Department of Transportation may enter  
7 into a joint project agreement with, or otherwise assist,  
8 private or public entities, or consortia thereof, to  
9 facilitate the research, development, and demonstration of  
10 high-technology transportation systems, including, but not  
11 limited to, systems using magnetic levitation technology. ~~The~~  
12 ~~provisions of the Florida High-Speed Rail Transportation Act,~~  
13 ~~ss. 341.3201-341.386, do not apply to actions taken under this~~  
14 ~~section, and~~ The department may, subject to s. 339.135,  
15 provide funds to match any available federal aid for  
16 effectuating the research, development, and demonstration of  
17 high-technology transportation systems.

18 Section 55. Sections 341.3201, 341.321, 341.322,  
19 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,  
20 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,  
21 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,  
22 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,  
23 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,  
24 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,  
25 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are  
26 repealed.

27 Section 56. Section 59 of chapter 99-385, Laws of  
28 Florida, is repealed.

29 Section 57. Paragraph (b) of subsection (3) of section  
30 73.071, Florida Statutes, is amended to read:

31 73.071 Jury trial; compensation; severance damages;



1 business damages.--

2 (3) The jury shall determine solely the amount of  
3 compensation to be paid, which compensation shall include:

4 (b) Where less than the entire property is sought to  
5 be appropriated, any damages to the remainder caused by the  
6 taking, including, when the action is by the Department of  
7 Transportation, county, municipality, board, district or other  
8 public body for the condemnation of a right-of-way, and the  
9 effect of the taking of the property involved may damage or  
10 destroy an established business of more than 4 years' standing  
11 before January 1, 2005, or the effect of the taking of the  
12 property involved may damage or destroy an established  
13 business of more than 5 years' standing on or after January 1,  
14 2005, owned by the party whose lands are being so taken,  
15 located upon adjoining lands owned or held by such party, the  
16 probable damages to such business which the denial of the use  
17 of the property so taken may reasonably cause; any person  
18 claiming the right to recover such special damages shall set  
19 forth in his or her written defenses the nature and extent of  
20 such damages; and

21 Section 58. Paragraph (k) is added to subsection (6)  
22 of section 163.3177, Florida Statutes, to read:

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

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

28 (k) An airport master plan, and any subsequent  
29 amendments to the airport master plan, prepared by a licensed  
30 publicly owned and operated airport under s. 333.06 may be  
31 incorporated into the local government comprehensive plan by

1 the local government having jurisdiction under this act for  
2 the area in which the airport or projected airport development  
3 is located by the adoption of a comprehensive plan amendment.  
4 In the amendment to the local comprehensive plan that  
5 integrates the airport master plan, the comprehensive plan  
6 amendment shall address land use compatibility consistent with  
7 chapter 333 regarding airport zoning; the provision of  
8 regional transportation facilities for the efficient use and  
9 operation of the transportation system and airport;  
10 consistency with the local government transportation  
11 circulation element and applicable metropolitan planning  
12 organization long-range transportation plans; and the  
13 execution of any necessary interlocal agreements for the  
14 purposes of the provision of public facilities and services to  
15 maintain the adopted level of service standards for facilities  
16 subject to concurrency; and may address airport-related or  
17 aviation-related development. Development or expansion of an  
18 airport consistent with the adopted airport master plan that  
19 has been incorporated into the local comprehensive plan in  
20 compliance with this part, and airport-related or  
21 aviation-related development that has been addressed in the  
22 comprehensive plan amendment that incorporates the airport  
23 master plan, shall not be a development of regional impact.

24           Section 59. Section 189.441, Florida Statutes, is  
25 amended to read:

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

Amendment No. ff2 (for drafter's use only)

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

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

14 Section 60. Subsection (2) of section 212.0606,  
15 Florida Statutes, is amended to read:

16 212.0606 Rental car surcharge.--

17 (2)(a) Notwithstanding the provisions of section  
18 212.20, and less costs of administration, 80 percent of the  
19 proceeds of this surcharge shall be deposited in the State  
20 Transportation Trust Fund, 15.75 percent of the proceeds of  
21 this surcharge shall be deposited in the Tourism Promotional  
22 Trust Fund created in s. 288.122, and 4.25 percent of the  
23 proceeds of this surcharge shall be deposited in the Florida  
24 International Trade and Promotion Trust Fund. For the purposes  
25 of this subsection, "proceeds" of the surcharge means all  
26 funds collected and received by the department under this  
27 section, including interest and penalties on delinquent  
28 surcharges.

29 (b) Notwithstanding any other provision of law, in  
30 fiscal year 2007-2008 and each year thereafter, the proceeds  
31 deposited in the State Transportation Trust Fund shall be

1 allocated on an annual basis in the Department of  
2 Transportation's work program to each department district,  
3 except the Turnpike District. The amount allocated for each  
4 district shall be based upon the amount of proceeds collected  
5 in the counties within each respective district.

6 Section 61. Subsection (2) of section 215.615, Florida  
7 Statutes, is amended to read:

8 215.615 Fixed-guideway transportation systems  
9 funding.--

10 (2) To be eligible for participation, fixed-guideway  
11 transportation system projects must ~~comply with the major~~  
12 ~~capital investment policy guidelines and criteria established~~  
13 ~~by the Department of Transportation under chapter 341;~~ must be  
14 found to be consistent, to the maximum extent feasible, with  
15 approved local government comprehensive plans of the local  
16 governments in which such projects are located and must be  
17 included in the work program of the Department of  
18 Transportation pursuant to the provisions under s. 339.135.  
19 The department shall certify that the expected useful life of  
20 the transportation improvements will equal or exceed the  
21 maturity date of the debt to be issued.

22 Section 62. Paragraph (a) of subsection (1) of section  
23 255.20, Florida Statutes, is amended to read:

24 255.20 Local bids and contracts for public  
25 construction works; specification of state-produced lumber.--

26 (1) A county, municipality, special district as  
27 defined in chapter 189, or other political subdivision of the  
28 state seeking to construct or improve a public building,  
29 structure, or other public construction works must  
30 competitively award to an appropriately licensed contractor  
31 each project that is estimated in accordance with generally

1 accepted cost-accounting principles to have total construction  
2 project costs of more than \$200,000. For electrical work,  
3 local government must competitively award to an appropriately  
4 licensed contractor each project that is estimated in  
5 accordance with generally accepted cost-accounting principles  
6 to have a cost of more than \$50,000. As used in this section,  
7 the term "competitively award" means to award contracts based  
8 on the submission of sealed bids, proposals submitted in  
9 response to a request for proposal, proposals submitted in  
10 response to a request for qualifications, or proposals  
11 submitted for competitive negotiation. This subsection  
12 expressly allows contracts for construction management  
13 services, design/build contracts, continuation contracts based  
14 on unit prices, and any other contract arrangement with a  
15 private sector contractor permitted by any applicable  
16 municipal or county ordinance, by district resolution, or by  
17 state law. For purposes of this section, construction costs  
18 include the cost of all labor, except inmate labor, and  
19 include the cost of equipment and materials to be used in the  
20 construction of the project. Subject to the provisions of  
21 subsection (3), the county, municipality, special district, or  
22 other political subdivision may establish, by municipal or  
23 county ordinance or special district resolution, procedures  
24 for conducting the bidding process.

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

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

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

- 1           b. Other loss to public or private property which  
2 requires emergency government action; or
- 3           c. An interruption of an essential governmental  
4 service.
- 5           2. When, after notice by publication in accordance  
6 with the applicable ordinance or resolution, the governmental  
7 entity does not receive any responsive bids or responses.
- 8           3. To construction, remodeling, repair, or improvement  
9 to a public electric or gas utility system when such work on  
10 the public utility system is performed by personnel of the  
11 system.
- 12           4. To construction, remodeling, repair, or improvement  
13 by a utility commission whose major contracts are to construct  
14 and operate a public electric utility system.
- 15           5. When the project is undertaken as repair or  
16 maintenance of an existing public facility.
- 17           6. When the project is undertaken exclusively as part  
18 of a public educational program.
- 19           7. When the funding source of the project will be  
20 diminished or lost because the time required to competitively  
21 award the project after the funds become available exceeds the  
22 time within which the funding source must be spent.
- 23           8. When the local government has competitively awarded  
24 a project to a private sector contractor and the contractor  
25 has abandoned the project before completion or the local  
26 government has terminated the contract.
- 27           9. When the governing board of the local government,  
28 after public notice, conducts a public meeting under s.  
29 286.011 and finds by a majority vote of the governing board  
30 that it is in the public's best interest to perform the  
31 project using its own services, employees, and equipment. The

1 public notice must be published at least 14 days prior to the  
2 date of the public meeting at which the governing board takes  
3 final action to apply this subparagraph. The notice must  
4 identify the project, the estimated cost of the project, and  
5 specify that the purpose for the public meeting is to consider  
6 whether it is in the public's best interest to perform the  
7 project using the local government's own services, employees,  
8 and equipment. In deciding whether it is in the public's best  
9 interest for local government to perform a project using its  
10 own services, employees, and equipment, the governing board  
11 may consider the cost of the project, whether the project  
12 requires an increase in the number of government employees, an  
13 increase in capital expenditures for public facilities,  
14 equipment or other capital assets, the impact on local  
15 economic development, the impact on small and minority  
16 business owners, the impact on state and local tax revenues,  
17 whether the private sector contractors provide health  
18 insurance and other benefits equivalent to those provided by  
19 the local government, and any other factor relevant to what is  
20 in the public's best interest.

21           10. When the governing board of the local government  
22 determines upon consideration of specific substantive criteria  
23 and administrative procedures that it is in the best interest  
24 of the local government to award the project to an  
25 appropriately licensed private sector contractor according to  
26 procedures established by and expressly set forth in a  
27 charter, ordinance, or resolution of the local government  
28 adopted prior to July 1, 1994. The criteria and procedures  
29 must be set out in the charter, ordinance, or resolution and  
30 must be applied uniformly by the local government to avoid  
31 award of any project in an arbitrary or capricious manner.



1 This exception shall apply when all of the following occur:

2       a. When the governing board of the local government,  
3 after public notice, conducts a public meeting under s.  
4 286.011 and finds by a two-thirds vote of the governing board  
5 that it is in the public's best interest to award the project  
6 according to the criteria and procedures established by  
7 charter, ordinance, or resolution. The public notice must be  
8 published at least 14 days prior to the date of the public  
9 meeting at which the governing board takes final action to  
10 apply this subparagraph. The notice must identify the project,  
11 the estimated cost of the project, and specify that the  
12 purpose for the public meeting is to consider whether it is in  
13 the public's best interest to award the project using the  
14 criteria and procedures permitted by the preexisting  
15 ordinance.

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

19           (I) There is one appropriately licensed contractor who  
20 is uniquely qualified to undertake the project because that  
21 contractor is currently under contract to perform work that is  
22 affiliated with the project; or

23           (II) The time to competitively award the project will  
24 jeopardize the funding for the project, or will materially  
25 increase the cost of the project or will create an undue  
26 hardship on the public health, safety, or welfare.

27       c. In the event the project is to be awarded by any  
28 method other than a competitive selection process, the  
29 published notice must clearly specify the ordinance or  
30 resolution by which the private sector contractor will be  
31 selected and the criteria to be considered.

1           d. In the event the project is to be awarded by a  
2 method other than a competitive selection process, the  
3 architect or engineer of record has provided a written  
4 recommendation that the project be awarded to the private  
5 sector contractor without competitive selection; and the  
6 consideration by, and the justification of, the government  
7 body are documented, in writing, in the project file and are  
8 presented to the governing board prior to the approval  
9 required in this paragraph.

10           11. To projects subject to chapter 336.

11           Section 63. Paragraph (g) of subsection (2) of section  
12 287.055, Florida Statutes, is amended to read:

13           287.055 Acquisition of professional architectural,  
14 engineering, landscape architectural, or surveying and mapping  
15 services; definitions; procedures; contingent fees prohibited;  
16 penalties.--

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

18           (g) A "continuing contract" is a contract for  
19 professional services entered into in accordance with all the  
20 procedures of this act between an agency and a firm whereby  
21 the firm provides professional services to the agency for  
22 projects in which construction costs do not exceed\$1 million  
23 ~~\$500,000~~, for study activity when the fee for such  
24 professional service does not exceed\$50,000~~\$25,000~~, or for  
25 work of a specified nature as outlined in the contract  
26 required by the agency, with no time limitation except that  
27 the contract must provide a termination clause.

28           Section 64. Subsection (12) of section 311.09, Florida  
29 Statutes, is amended to read:

30           311.09 Florida Seaport Transportation and Economic  
31 Development Council.--

1           (12) Members of the council shall serve without  
2 compensation but are entitled to receive reimbursement for per  
3 diem and travel expenses as provided in s. 112.061. The  
4 council may elect to provide an administrative staff to  
5 provide services to the council on matters relating to the  
6 Florida Seaport Transportation and Economic Development  
7 Program and the council. The cost for such administrative  
8 services shall be paid by all ports that receive funding from  
9 the Florida Seaport Transportation and Economic Development  
10 Program, based upon a pro rata formula measured by each  
11 recipient's share of the funds as compared to the total funds  
12 disbursed to all recipients during the year. The share of  
13 costs for administrative services shall be paid in its total  
14 amount by the recipient port upon execution by the port and  
15 the Department of Transportation of a joint participation  
16 agreement for each council-approved project, and such payment  
17 is in addition to the matching funds required to be paid by  
18 the recipient port. Except as otherwise exempted by law, all  
19 moneys derived from the Florida Seaport Transportation and  
20 Economic Development Program shall be expended in accordance  
21 with the provisions of s. 287.057. Seaports subject to  
22 competitive negotiation requirements of a local governing body  
23 shall abide by the provisions of s. 287.055 ~~be exempt from~~  
24 ~~this requirement.~~

25           Section 65. Subsections (4) and (6) of section 315.02,  
26 Florida Statutes, are amended to read:

27           315.02 Definitions.--As used in this law, the  
28 following words and terms shall have the following meanings:

29           (4) The word "unit" shall mean any county, port  
30 district, port authority, or municipality or any governmental  
31 unit created pursuant to s. 163.01(7)(d) that includes at

1 least one deepwater port as listed in s. 403.021(9)(b).

2 (6) The term "port facilities" shall mean and shall  
3 include harbor, shipping, and port facilities, and  
4 improvements of every kind, nature, and description,  
5 including, but without limitation, channels, turning basins,  
6 jetties, breakwaters, public landings, wharves, docks,  
7 markets, parks, recreational facilities, structures,  
8 buildings, piers, storage facilities, including facilities  
9 that may be used for warehouse, storage, and distribution of  
10 cargo transported or to be transported through an airport or  
11 port facility, security measures identified pursuant to s.  
12 311.12,public buildings and plazas, anchorages, utilities,  
13 bridges, tunnels, roads, causeways, and any and all property  
14 and facilities necessary or useful in connection with the  
15 foregoing, and any one or more or any combination thereof and  
16 any extension, addition, betterment, or improvement of any  
17 thereof.

18 Section 66. Subsection (11) of section 315.03, Florida  
19 Statutes, is amended, subsections (12) through (21) of said  
20 section are renumbered as subsections (13) through (22),  
21 respectively, and a new subsection (12) is added to said  
22 section, to read:

23 315.03 Grant of powers.--Each unit is hereby  
24 authorized and empowered:

25 (11) To accept loans or grants of money or materials  
26 or property at any time from the United States or the State of  
27 Florida or any agency, instrumentality, or subdivision  
28 thereof, or to participate in loan guarantees or lines of  
29 credit provided by the United States, upon such terms and  
30 conditions as the United States, the State of Florida, or such  
31 agency, instrumentality, or subdivision may impose. Any entity

1 created pursuant to s. 163.01(7)(d) that involves at least one  
2 deepwater port may participate in the provisions of this  
3 subsection, with oversight by the Florida Seaport  
4 Transportation and Economic Development Council.

5 (12)(a) To pay interest or other financing-related  
6 costs on federal loan guarantees, lines of credit, or secured  
7 direct loans issued to finance eligible projects. Any entity  
8 created pursuant to s. 163.01(7)(d) that involves at least one  
9 deepwater port may participate in the provisions of this  
10 subsection, with oversight by the Florida Seaport  
11 Transportation and Economic Development Council, and may  
12 establish a loan program that would provide for the reuse of  
13 loan proceeds for similar program purposes.

14 (b) The Florida Seaport Transportation and Economic  
15 Development Council shall prepare an annual report detailing  
16 the amounts loaned, the projects financed by the loans, any  
17 interest earned, and loans outstanding. The report shall be  
18 submitted to the Governor, the President of the Senate, and  
19 the Speaker of the House of Representatives by January 1 of  
20 each year, beginning in 2004.

21 (c) The Legislature shall review the loan program  
22 established pursuant to this subsection during the 2004  
23 Regular Session of the Legislature.

24 Section 67. Subsection (21) of section 316.003,  
25 Florida Statutes, is amended, and subsections (82) and (83)  
26 are added to said section, to read:

27 316.003 Definitions.--The following words and phrases,  
28 when used in this chapter, shall have the meanings  
29 respectively ascribed to them in this section, except where  
30 the context otherwise requires:

31 (21) MOTOR VEHICLE.--Any self-propelled vehicle not

1 operated upon rails or guideway, but not including any  
2 bicycle, motorized scooter, electric personal assistive  
3 mobility device, or moped.

4 (82) MOTORIZED SCOOTER.--Any vehicle not having a seat  
5 or saddle for the use of the rider, designed to travel on not  
6 more than three wheels, and not capable of propelling the  
7 vehicle at a speed greater than 30 miles per hour on level  
8 ground.

9 (83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.--Any  
10 self-balancing, two-nontandem-wheeled device, designed to  
11 transport only one person, with an electric propulsion system  
12 with average power of 750 watts (1 horsepower), the maximum  
13 speed of which, on a paved level surface when powered solely  
14 by such a propulsion system while being ridden by an operator  
15 who weighs 170 pounds, is less than 20 miles per hour.  
16 Electric personal assistive mobility devices are not vehicles  
17 as defined in this section.

18 Section 68. Section 316.2068, Florida Statutes, is  
19 created to read:

20 316.2068 Electric personal assistive mobility devices;  
21 regulations.--

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

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

26 (b) On a marked bicycle path.

27 (c) On any street or road where bicycles are  
28 permitted.

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

1       (e) On a sidewalk, if the person operating the device  
2 yields the right-of-way to pedestrians and gives an audible  
3 signal before overtaking and passing a pedestrian.

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

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

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

18       (5) A county or municipality may prohibit the  
19 operation of electric personal assistive mobility devices on  
20 any road, street, or bicycle path under its jurisdiction if  
21 the governing body of the county or municipality determines  
22 that such a prohibition is necessary in the interest of  
23 safety.

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

28       Section 69. Subsection (5) of section 316.515, Florida  
29 Statutes, is amended to read:

30       316.515 Maximum width, height, length.--

31       (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,

1 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of  
2 law, straight trucks and cotton module movers, not exceeding  
3 50 feet in length, or any combination of up to and including  
4 three implements of husbandry including the towing power unit,  
5 and any single agricultural trailer, with a load thereon not  
6 exceeding 130 inches in width, is authorized for the purpose  
7 of transporting peanuts, grains, soybeans, cotton, hay, straw,  
8 or other perishable farm products from their point of  
9 production to the first point of change of custody or of  
10 long-term storage, and for the purpose of returning to such  
11 point of production, by a person engaged in the production of  
12 any such product or custom hauler, if such vehicle or  
13 combination of vehicles otherwise complies with this section.  
14 Such vehicles shall be operated in accordance with all safety  
15 requirements prescribed by law and Department of  
16 Transportation rules. The Department of Transportation may  
17 issue overlength permits for cotton module movers greater than  
18 50 feet but not more than 55 feet in overall length.

19 Section 70. Subsection (4) is added to section  
20 316.520, Florida Statutes, to read:

21 316.520 Loads on vehicles.--

22 (4) The provision of subsection (2) requiring covering  
23 and securing the load with a close-fitting tarpaulin or other  
24 appropriate cover does not apply to vehicles carrying  
25 agricultural products locally from a harvest site or to or  
26 from a farm on roads where the posted speed limit is 65 miles  
27 per hour or less and the distance driven on public roads is  
28 less than 20 miles.

29 Section 71. Section 316.80, Florida Statutes, is  
30 created to read:

31 316.80 Unlawful conveyance of fuel; obtaining fuel



1 fraudulently.--

2 (1) It is unlawful for any person to maintain, or  
3 possess any conveyance or vehicle that is equipped with, fuel  
4 tanks, bladders, drums, or other containers that do not  
5 conform to 49 C.F.R. or have not been approved by the United  
6 States Department of Transportation for the purpose of  
7 hauling, transporting, or conveying motor or diesel fuel over  
8 any public highway. Any person who violates any provision of  
9 this subsection commits a felony of the third degree,  
10 punishable as provided in s. 775.082, s. 775.083, or s.  
11 775.084, and, in addition, is subject to the revocation of  
12 driver license privileges as provided in s. 322.26.

13 (2) Any person who violates subsection (1) commits a  
14 felony of the third degree, punishable as provided in s.  
15 775.082, s. 775.083, or s. 775.084, if he or she has attempted  
16 to or has fraudulently obtained motor or diesel fuel by:

17 (a) Presenting a credit card or a credit card account  
18 number in violation of ss. 817.57-817.685;

19 (b) Using unauthorized access to any computer network  
20 in violation of s. 815.06; or

21 (c) Using a fraudulently scanned or lost or stolen  
22 payment access device, whether credit card or contactless  
23 device.

24 (3) All conveyances or vehicles, fuel tanks, related  
25 fuel, and other equipment described in subsection (1) shall be  
26 subject to seizure and forfeiture as provided by the Florida  
27 Contraband Forfeiture Act.

28 (4) The law enforcement agency that seizes the motor  
29 or diesel fuel under this section shall remove and reclaim,  
30 recycle, or dispose of all associated motor or diesel fuel as  
31 soon as practicable in a safe and proper manner from the

1 illegal containers.

2 (5) Upon conviction of the person arrested for the  
3 violation of any of the provisions of this section, the judge  
4 shall issue an order adjudging and declaring that all fuel  
5 tanks and other equipment used in violation of this section  
6 shall be forfeited and directing their destruction, with the  
7 exception of the conveyance or vehicle.

8 (6) Any person convicted of a violation of this  
9 section shall be responsible for:

10 (a) All reasonable costs incurred by the investigating  
11 law enforcement agency, including costs for the towing and  
12 storage of the conveyance or vehicle, the removal and disposal  
13 of the motor or diesel fuel, and the storage and destruction  
14 of all fuel tanks and other equipment described and used in  
15 violation of subsection (1); and

16 (b) Payment for the fuel to the party from whom any  
17 associated motor or diesel fuel was fraudulently obtained.

18 (7) This section does not apply to containers of 8  
19 gallons or less.

20 Section 72. Paragraphs (hh) and (ii) are added to  
21 subsection (4) of section 320.08056, Florida Statutes, as  
22 amended by section 1 of chapter 2001-355, Laws of Florida, to  
23 read:

24 320.08056 Specialty license plates.--

25 (4) The following license plate annual use fees shall  
26 be collected for the appropriate specialty license plates:

27 (hh) Florida Firefighters license plate, \$20.

28 (ii) Police Benevolent Association license plate, \$20.

29 Section 73. Subsections (34) and (35) are added to  
30 section 320.08058, Florida Statutes, as amended by section 2  
31 of chapter 2001-355, Laws of Florida, to read:

1           320.08058 Specialty license plates.--

2           (34) FLORIDA FIREFIGHTERS LICENSE PLATE.--

3           (a) Notwithstanding the provisions of s. 320.08053,  
4 the department shall develop a Florida Firefighters license  
5 plate as provided in this section. Florida Firefighters  
6 license plates must bear the colors and design approved by the  
7 department. The word "Florida" must appear at the top of the  
8 plate, and the words "Salutes Firefighters" must appear at the  
9 bottom of the plate.

10           (b) The requirements of s. 320.08053 must be met prior  
11 to the issuance of the plate. Thereafter, the proceeds of the  
12 annual use fee shall be distributed to Florida Firefighters  
13 Charities, a 501(c)(3) nonprofit corporation. Florida  
14 Firefighters Charities shall distribute the moneys according  
15 to its articles of incorporation.

16           (35) POLICE BENEVOLENT ASSOCIATION LICENSE PLATE.--

17           (a) Notwithstanding the provisions of s. 320.08053,  
18 the department shall develop a Police Benevolent Association  
19 license plate as provided in this section. The word "Florida"  
20 must appear at the top of the plate, the words "Support Law  
21 Enforcement" must appear at the bottom of the plate, and a  
22 shield with the Police Benevolent Association logo must appear  
23 to the left of the numerals.

24           (b) The requirements of s. 320.08053 must be met prior  
25 to the issuance of the plate. Thereafter, the proceeds of the  
26 annual use fee shall be distributed to the Florida Police  
27 Benevolent Association Heart Fund, Incorporated, a 501(c)(3)  
28 nonprofit corporation. The Florida Police Benevolent  
29 Association Heart Fund, Incorporated, shall distribute moneys  
30 according to its articles of incorporation.

31           Section 74. Subsection (4) of section 332.004, Florida

1 Statutes, is amended to read:

2           332.004 Definitions of terms used in ss.  
3 332.003-332.007.--As used in ss. 332.003-332.007, the term:  
4           (4) "Airport or aviation development project" or  
5 "development project" means any activity associated with the  
6 design, construction, purchase, improvement, or repair of a  
7 public-use airport or portion thereof, including, but not  
8 limited to: the purchase of equipment; the acquisition of  
9 land, including land required as a condition of a federal,  
10 state, or local permit or agreement for environmental  
11 mitigation; off-airport noise mitigation projects; the  
12 removal, lowering, relocation, marking, and lighting of  
13 airport hazards; the installation of navigation aids used by  
14 aircraft in landing at or taking off from a public airport;  
15 the installation of safety equipment required by rule or  
16 regulation for certification of the airport under s. 612 of  
17 the Federal Aviation Act of 1958, and amendments thereto; and  
18 the improvement of access to the airport by road or rail  
19 system which is on airport property and which is consistent,  
20 to the maximum extent feasible, with the approved local  
21 government comprehensive plan of the units of local government  
22 in which the airport is located.

23           Section 75. Subsection (8) of section 332.007, Florida  
24 Statutes, as created by chapter 2001-349, Laws of Florida, is  
25 amended, and subsection (9) is added to said section, to read:

26           332.007 Administration and financing of aviation and  
27 airport programs and projects; state plan.--

28           (8) Notwithstanding any other provision of law to the  
29 contrary, the department is authorized to provide operational  
30 and maintenance assistance to publicly owned public-use  
31 airports. Such assistance shall be to comply with enhanced

1 federal security requirements or to address related economic  
2 impacts from the events of September 11, 2001. For projects in  
3 the current adopted work program, or projects added using the  
4 available budget of the department, airports may request the  
5 department change the project purpose in accordance with this  
6 provision notwithstanding the provisions of s. 339.135(7). For  
7 purposes of this subsection, the department may fund up to 100  
8 percent of eligible project costs that are not funded by the  
9 Federal Government. Prior to releasing any funds under this  
10 section, the department shall review and approve the  
11 expenditure plans submitted by the airport. The department  
12 shall inform the Legislature of any change that it approves  
13 under this subsection. This subsection shall expire on June  
14 30, 2004 ~~2003~~.

15 (9) Notwithstanding any other law to the contrary,  
16 any airport with direct intercontinental passenger service  
17 that is located in a county with a population under 400,000 as  
18 of July 1, 2002, and that has a loan from the Department of  
19 Transportation due in August of 2002 shall have such loan  
20 extended until September 18, 2008.

21 Section 76. Subsection (4) is added to section 333.06,  
22 Florida Statutes, to read:

23 333.06 Airport zoning requirements.--

24 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO  
25 AFFECTED LOCAL GOVERNMENTS.--An airport master plan shall be  
26 prepared by each publicly owned and operated airport licensed  
27 by the Department of Transportation under chapter 330. The  
28 authorized entity having responsibility for governing the  
29 operation of the airport, when either requesting from or  
30 submitting to a state or federal governmental agency with  
31 funding or approval jurisdiction a "finding of no significant

1 impact," an environmental assessment, a site-selection study,  
2 an airport master plan, or any amendment to an airport master  
3 plan, shall submit simultaneously a copy of said request,  
4 submittal, assessment, study, plan, or amendments by certified  
5 mail to all affected local governments. For the purposes of  
6 this subsection, "affected local government" is defined as any  
7 city or county having jurisdiction over the airport and any  
8 city or county located within 2 miles of the boundaries of the  
9 land subject to the airport master plan.

10 Section 77. Section 334.175, Florida Statutes, is  
11 amended to read:

12 334.175 Certification of project design plans and  
13 surveys.--All design plans and surveys prepared by or for the  
14 department shall be signed, sealed, and certified by the  
15 professional engineer or surveyor or architect or landscape  
16 architect in responsible charge of the project work. Such  
17 professional engineer, surveyor, ~~or~~ architect, or landscape  
18 architect must be duly registered in this state.

19 Section 78. Subsection (4) is added to section 336.41,  
20 Florida Statutes, to read:

21 336.41 Counties; employing labor and providing road  
22 equipment; accounting; when competitive bidding required.--

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

1 that county at the time of the advertisement of the work. The  
2 county may provide an appeal process to overcome such  
3 consideration with de novo review based on the record below to  
4 the circuit court.

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

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

20 Section 79. Subsection (2) of section 336.44, Florida  
21 Statutes, is amended to read:

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

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

30 Section 80. Subsection (4) of section 337.14, Florida  
31 Statutes, is amended, and subsection (9) is added to said

Amendment No. ff2 (for drafter's use only)

1 section, to read:

2 337.14 Application for qualification; certificate of  
3 qualification; restrictions; request for hearing.--

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

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



1 department to bid to perform the type of work described under  
2 the contract shall be presumed to be qualified to perform the  
3 work so described. The governmental entity or authority may  
4 provide an appeal process to overcome that presumption with de  
5 novo review based on the record below to the circuit court.

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

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

22 Section 81. Subsection (2) of section 337.401, Florida  
23 Statutes, is amended to read:

24 337.401 Use of right-of-way for utilities subject to  
25 regulation; permit; fees.--

26 (2) The authority may grant to any person who is a  
27 resident of this state, or to any corporation which is  
28 organized under the laws of this state or licensed to do  
29 business within this state, the use of a right-of-way for the  
30 utility in accordance with such rules or regulations as the  
31 authority may adopt. No utility shall be installed, located,

1 or relocated unless authorized by a written permit issued by  
2 the authority. However, for public roads or publicly owned  
3 rail corridors under the jurisdiction of the department, a  
4 utility relocation schedule and relocation agreement may be  
5 executed in lieu of a written permit.The permit shall require  
6 the permitholder to be responsible for any damage resulting  
7 from the issuance of such permit. The authority may initiate  
8 injunctive proceedings as provided in s. 120.69 to enforce  
9 provisions of this subsection or any rule or order issued or  
10 entered into pursuant thereto.

11 Section 82. Subsection (3) of section 337.408, Florida  
12 Statutes, is amended, subsection (5) is renumbered as  
13 subsection (6), and a new subsection (5) is added to said  
14 section to read:

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

18 (3) The department has the authority to direct the  
19 immediate relocation or removal of any bench, transit shelter,  
20 or waste disposal receptacle which endangers life or property,  
21 except that transit bus benches which have been placed in  
22 service prior to April 1, 1992, do not have to comply with  
23 bench size and advertising display size requirements which  
24 have been established by the department prior to March 1,  
25 1992. Any transit bus bench that was in service prior to  
26 April 1, 1992, may be replaced with a bus bench of the same  
27 size or smaller, if the bench is damaged or destroyed or  
28 otherwise becomes unusable. The Department is authorized to  
29 promulgate rules relating to the regulation of bench size and  
30 advertising display size requirements. However, if a  
31 municipality or county within which a bench is to be located

1 has adopted an ordinance or other applicable regulation that  
2 establishes bench size or advertising display sign  
3 requirements different from requirements specified in  
4 department rule, then the local government requirement shall  
5 be applicable within the respective municipality or county.  
6 Placement of any bench or advertising display on the National  
7 Highway System under a local ordinance or regulation adopted  
8 pursuant to this subsection shall be subject to approval of  
9 the Federal Highway Administration.

10 (5) Street light poles, including attached public  
11 service messages and advertisements, may be located within the  
12 right-of-way limits of municipal and county roads in the same  
13 manner as benches, transit shelters, and waste disposal  
14 receptacles as provided in this section and in accordance with  
15 municipal and county ordinances. Public service messages and  
16 advertisements may be installed on street light poles on roads  
17 on the State Highway System in accordance with height, size,  
18 setback, spacing distance, duration of display, safety,  
19 traffic control, and permitting requirements established by  
20 administrative rule of the Department of Transportation.  
21 Public service messages and advertisements shall be subject to  
22 bilateral agreements, where applicable, to be negotiated with  
23 the owner of the street light poles, which shall consider,  
24 among other things, power source rates, design, safety,  
25 operational and maintenance concerns, and other matters of  
26 public importance. For the purposes of this section, the term  
27 "street light poles" does not include electric transmission or  
28 distribution poles. The department shall have authority to  
29 establish administrative rules to implement this subsection.  
30 No advertising on light poles shall be permitted on the  
31 Interstate Highway System. No permanent structures carrying

1 advertisements attached to light poles shall be permitted on  
2 the National Highway System.

3 Section 83. Subsection (10) of section 339.12, Florida  
4 Statutes, is added, to read:

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

7 (10) Any county with a population greater than 50,000  
8 that levies the full 6 cents of local option fuel tax pursuant  
9 to ss. 206.41(1)(e) and 206.87(1)(c), or that dedicates 35  
10 percent or more of its discretionary sales surtax, pursuant to  
11 s. 212.055, for improvements to the state transportation  
12 system or to local projects directly upgrading the state  
13 transportation system within the county's boundaries shall  
14 receive preference for receipt of any transportation grant for  
15 which the county applies. This subsection shall not apply to  
16 loans or nonhighway grant programs.

17 Section 84. Subsections (2) and (5) of section 339.55,  
18 Florida Statutes, are amended to read:

19 339.55 State-funded infrastructure bank.--

20 (2) The bank may lend capital costs or provide credit  
21 enhancements for a transportation facility project that is on  
22 the State Highway System or that provides for increased  
23 mobility on the state's transportation system or provides  
24 intermodal connectivity with airports, seaports, rail  
25 facilities, and other transportation terminals, pursuant to s.  
26 341.053, for the movement of people and goods. Loans from the  
27 bank may be subordinated to senior project debt that has an  
28 investment grade rating of "BBB" or higher.

29 (5) The department may consider, but is not limited  
30 to, the following criteria for evaluation of projects for  
31 assistance from the bank:

- 1 (a) The credit worthiness of the project.
- 2 (b) A demonstration that the project will encourage,  
3 enhance, or create economic benefits.
- 4 (c) The likelihood that assistance would enable the  
5 project to proceed at an earlier date than would otherwise be  
6 possible.
- 7 (d) The extent to which assistance would foster  
8 innovative public-private partnerships and attract private  
9 debt or equity investment.
- 10 (e) The extent to which the project would use new  
11 technologies, including intelligent transportation systems,  
12 that would enhance the efficient operation of the project.
- 13 (f) The extent to which the project would maintain or  
14 protect the environment.
- 15 (g) A demonstration that the project includes  
16 transportation benefits for improving intermodalism, cargo and  
17 freight movement, and safety.
- 18 (h) The amount of the proposed assistance as a  
19 percentage of the overall project costs with emphasis on local  
20 and private participation.
- 21 (i) The extent to which the project will provide for  
22 connectivity between the State Highway System and airports,  
23 seaports, rail facilities, and other transportation terminals  
24 and intermodal options pursuant to s. 341.053 for the  
25 increased accessibility and movement of people and goods.

26 Section 85. Subsections (8) and (10) of section  
27 341.031, Florida Statutes, are amended to read:

28 341.031 Definitions relating to Florida Public Transit  
29 Act.--As used in ss. 341.011-341.061, the term:

30 (8) "Public transit service development project" means  
31 a project undertaken by a public agency to determine whether a

Amendment No. ff2 (for drafter's use only)

1 new or innovative technique or measure can be utilized to  
2 improve or expand public transit services to its constituency.  
3 The duration of the project shall be limited according to the  
4 type of the project in conformance with the provisions of s.  
5 341.051(5)(~~e~~)(~~f~~), but in no case shall exceed a period of 3  
6 years. Public transit service development projects  
7 specifically include projects involving the utilization of new  
8 technologies, services, routes, or vehicle frequencies; the  
9 purchase of special transportation services; and other such  
10 techniques for increasing service to the riding public as are  
11 applicable to specific localities and transit user groups.

12 (10) "Transit corridor project" means a project that  
13 is undertaken by a public agency and designed to relieve  
14 congestion and improve capacity within an identified  
15 transportation corridor by increasing people-carrying capacity  
16 of the system through the use and facilitated movement of  
17 high-occupancy conveyances. Each transit corridor project  
18 must meet the requirements established in s. 341.051(5)(~~d~~)(~~e~~)  
19 ~~and, if applicable, the requirements of the department's major~~  
20 ~~capital investment policy developed pursuant to s.~~  
21 ~~341.051(5)(b)~~. Initial project duration shall not exceed a  
22 period of 2 years unless the project is reauthorized by the  
23 Legislature. Such reauthorization shall be based upon a  
24 determination that the project is meeting or exceeding the  
25 criteria, developed pursuant to s. 341.051(5)(~~d~~)(~~e~~), by which  
26 the success of the project is being judged and by inclusion of  
27 the project in a departmental appropriation request.

28 Section 86. Subsection (5) of section 341.051, Florida  
29 Statutes, is amended to read:

30 341.051 Administration and financing of public transit  
31 programs and projects.--

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

2 (a) The department may fund up to 50 percent of the  
3 nonfederal share of the costs, not to exceed the local share,  
4 of any eligible public transit capital project or commuter  
5 assistance project that is local in scope; except, however,  
6 that departmental participation in the final design,  
7 right-of-way acquisition, and construction phases of an  
8 individual fixed-guideway project which is not approved for  
9 federal funding shall not exceed an amount equal to 12.5  
10 percent of the total cost of each phase.

11 ~~(b) The Department of Transportation shall develop a~~  
12 ~~major capital investment policy which shall include policy~~  
13 ~~criteria and guidelines for the expenditure or commitment of~~  
14 ~~state funds for public transit capital projects. The policy~~  
15 ~~shall include the following:~~

16 1. ~~Methods to be used to determine consistency of a~~  
17 ~~transit project with the approved local government~~  
18 ~~comprehensive plans of the units of local government in which~~  
19 ~~the project is located.~~

20 2. ~~Methods for evaluating the level of local~~  
21 ~~commitment to a transit project, which is to be demonstrated~~  
22 ~~through system planning and the development of a feasible plan~~  
23 ~~to fund operating cost through fares, value capture techniques~~  
24 ~~such as joint development and special districts, or other~~  
25 ~~local funding mechanisms.~~

26 3. ~~Methods for evaluating alternative transit systems~~  
27 ~~including an analysis of technology and alternative methods~~  
28 ~~for providing transit services in the corridor.~~

29 (b)(c) The department is authorized to fund up to 100  
30 percent of the cost of any eligible transit capital project or  
31 commuter assistance project that is statewide in scope or

1 involves more than one county where no other governmental  
2 entity or appropriate jurisdiction exists.

3 (c)~~(d)~~ The department is authorized to advance up to  
4 80 percent of the capital cost of any eligible project that  
5 will assist Florida's transit systems in becoming fiscally  
6 self-sufficient. Such advances shall be reimbursed to the  
7 department on an appropriate schedule not to exceed 5 years  
8 after the date of provision of the advances.

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

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

31 1. Improving system operations, including, but not



1 limited to, realigning route structures, increasing system  
2 average speed, decreasing deadhead mileage, expanding area  
3 coverage, and improving schedule adherence, for a period of up  
4 to 3 years;

5         2. Improving system maintenance procedures, including,  
6 but not limited to, effective preventive maintenance programs,  
7 improved mechanics training programs, decreasing service  
8 repair calls, decreasing parts inventory requirements, and  
9 decreasing equipment downtime, for a period of up to 3 years;

10         3. Improving marketing and consumer information  
11 programs, including, but not limited to, automated information  
12 services, organized advertising and promotion programs, and  
13 signing of designated stops, for a period of up to 2 years;  
14 and

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

19  
20 For purposes of this section, the term "net operating costs"  
21 means all operating costs of a project less any federal funds,  
22 fares, or other sources of income to the project.

23         Section 87. Subsection (6) of section 341.053, Florida  
24 Statutes, is amended to read:

25         341.053 Intermodal Development Program;  
26 administration; eligible projects; limitations.--

27         (6) The department is authorized to fund projects  
28 within the Intermodal Development Program, which are  
29 consistent, to the maximum extent feasible, with approved  
30 local government comprehensive plans of the units of local  
31 government in which the project is located. Projects that are

Amendment No. ff2 (for drafter's use only)

1 eligible for funding under this program include major capital  
2 investments in public rail and fixed-guideway transportation  
3 facilities and systems which provide intermodal access ~~and~~  
4 ~~which, if approved after July 1, 1991, have complied with the~~  
5 ~~requirement of the department's major capital investment~~  
6 ~~policy~~; road, rail, or fixed-guideway access to, from, or  
7 between seaports, airports, and other transportation  
8 terminals; construction of intermodal or multimodal terminals;  
9 development and construction of dedicated bus lanes; and  
10 projects which otherwise facilitate the intermodal or  
11 multimodal movement of people and goods.

12 Section 88. Section 341.501, Florida Statutes, is  
13 amended to read:

14 341.501 High-technology transportation systems; joint  
15 project agreement or assistance.--Notwithstanding any other  
16 provision of law, the Department of Transportation may enter  
17 into a joint project agreement with, or otherwise assist,  
18 private or public entities, or consortia thereof, to  
19 facilitate the research, development, and demonstration of  
20 high-technology transportation systems, including, but not  
21 limited to, systems using magnetic levitation technology. The  
22 provisions of the Florida High-Speed Rail Transportation Act,  
23 ss. 341.3201-341.386, do not apply to actions taken under this  
24 section, and the department may, subject to s. 339.135,  
25 provide funds to match any available federal aid or aid from  
26 other states or jurisdictions for effectuating the research,  
27 development, and demonstration of high-technology  
28 transportation systems. To be eligible for funding under this  
29 section, the project must be located in Florida.

30 Section 89. Paragraph (d) of subsection (2) of section  
31 348.0003, Florida Statutes, is amended to read:

1           348.0003 Expressway authority; formation;  
2 membership.--

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

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

1 Governor. The qualifications, terms of office, and obligations  
2 and rights of members of the authority shall be determined by  
3 resolution or ordinance of the governing body of the county in  
4 a manner that is consistent with subsections (3) and (4).

5 Section 90. Section 348.0008, Florida Statutes, is  
6 amended to read:

7 348.0008 Acquisition of lands and property.--

8 (1) For the purposes of the Florida Expressway  
9 Authority Act, an expressway authority may acquire such  
10 rights, title, or interest in private or public property and  
11 such property rights, including easements, rights of access,  
12 air, view, and light, by gift, devise, purchase, or  
13 condemnation by eminent domain proceedings, as the authority  
14 may deem necessary for any of the purposes of the Florida  
15 Expressway Authority Act, including, but not limited to, any  
16 lands reasonably necessary for securing applicable permits,  
17 areas necessary for management of access, borrow pits,  
18 drainage ditches, water retention areas, rest areas,  
19 replacement access for landowners whose access is impaired due  
20 to the construction of an expressway system, and replacement  
21 rights-of-way for relocated rail and utility facilities; for  
22 existing, proposed, or anticipated transportation facilities  
23 on the expressway system or in a transportation corridor  
24 designated by the authority; or for the purposes of screening,  
25 relocation, removal, or disposal of junkyards and scrap metal  
26 processing facilities. The authority may also condemn any  
27 material and property necessary for such purposes.

28 (2) An authority and its authorized agents,  
29 contractors, and employees are authorized to enter upon any  
30 lands, waters, and premises, upon giving reasonable notice to  
31 the landowner, for the purpose of making surveys, soundings,

Amendment No. ff2 (for drafter's use only)

1 drillings, appraisals, environmental assessments including  
2 phase I and phase II environmental surveys, archaeological  
3 assessments, and such other examinations as are necessary for  
4 the acquisition of private or public property and property  
5 rights, including rights of access, air, view, and light, by  
6 gift, devise, purchase, or condemnation by eminent domain  
7 proceedings or as are necessary for the authority to perform  
8 its duties and functions; and any such entry shall not be  
9 deemed a trespass or an entry that would constitute a taking  
10 in an eminent domain proceeding. An expressway authority shall  
11 make reimbursement for any actual damage to such lands, water,  
12 and premises as a result of such activities. Any entry  
13 authorized by this subsection shall be in compliance with the  
14 premises protections and landowner liability provisions  
15 contained in s. 581.184 and s. 472.029.

16 ~~(3)(2)~~ The right of eminent domain conferred by the  
17 Florida Expressway Authority Act must be exercised by each  
18 authority in the manner provided by law.

19 ~~(4)(3)~~ When an authority acquires property for an  
20 expressway system or in a transportation corridor as defined  
21 in s. 334.03, it is not subject to any liability imposed by  
22 chapter 376 or chapter 403 for preexisting soil or groundwater  
23 contamination due solely to its ownership. This subsection  
24 does not affect the rights or liabilities of any past or  
25 future owners of the acquired property nor does it affect the  
26 liability of any governmental entity for the results of its  
27 actions which create or exacerbate a pollution source. An  
28 authority and the Department of Environmental Protection may  
29 enter into interagency agreements for the performance,  
30 funding, and reimbursement of the investigative and remedial  
31 acts necessary for property acquired by the authority.

1           Section 91. Section 348.545, Florida Statutes, is  
2 created to read:

3           348.545 Facility improvement; bond financing  
4 authority.--Pursuant to s. 11(f), Art. VII of the State  
5 Constitution, the Legislature hereby approves for bond  
6 financing by the Tampa-Hillsborough County Expressway  
7 Authority improvements to toll collection facilities,  
8 interchanges to the legislatively approved expressway system,  
9 and any other facility appurtenant, necessary, or incidental  
10 to the approved system. Subject to terms and conditions of  
11 applicable revenue bond resolutions and covenants, such  
12 financing may be in whole or in part by revenue bonds  
13 currently issued or issued in the future, or by a combination  
14 of such bonds.

15           Section 92. Section 348.565, Florida Statutes, is  
16 amended to read:

17           348.565 Revenue bonds for specified projects.--The  
18 existing facilities that constitute the Tampa-Hillsborough  
19 County Expressway System are hereby approved to be refinanced  
20 by the issuance of revenue bonds by the Division of Bond  
21 Finance of the State Board of Administration pursuant to s.  
22 11(f), Art. VII of the State Constitution. In addition, the  
23 following projects of the Tampa-Hillsborough County Expressway  
24 Authority are approved to be financed or refinanced by the  
25 issuance of revenue bonds pursuant to s. 11(f), Art. VII of  
26 the State Constitution:

27           (1) Brandon area feeder roads.~~†~~

28           (2) Capital improvements to the expressway system,  
29 including safety and operational improvements and toll  
30 collection equipment.~~† and~~

31           (3) Lee Roy Selmon Crosstown Expressway System

1 widening.

2       (4) The connector highway linking Lee Roy Selmon  
3 Crosstown Expressway to Interstate 4.

4           Section 93. Section 373.4137, Florida Statutes, is  
5 amended to read:

6           373.4137 Mitigation requirements.--

7           (1) The Legislature finds that environmental  
8 mitigation for the impact of transportation projects proposed  
9 by the Department of Transportation or a transportation  
10 authority established pursuant to chapter 348 or chapter 349  
11 can be more effectively achieved by regional, long-range  
12 mitigation planning rather than on a project-by-project basis.  
13 It is the intent of the Legislature that mitigation to offset  
14 the adverse effects of these transportation projects be funded  
15 by the Department of Transportation and be carried out by the  
16 Department of Environmental Protection and the water  
17 management districts, including the use of mitigation banks  
18 established pursuant to this part.

19           (2) Environmental impact inventories for  
20 transportation projects proposed by the Department of  
21 Transportation or a transportation authority established  
22 pursuant to chapter 348 or chapter 349 shall be developed as  
23 follows:

24           (a) By May 1 of each year, the Department of  
25 Transportation or a transportation authority established  
26 pursuant to chapter 348 or chapter 349 shall submit to the  
27 Department of Environmental Protection and the water  
28 management districts a copy of its adopted work program and an  
29 inventory of habitats addressed in the rules tentatively,  
30 pursuant to this part and s. 404 of the Clean Water Act, 33  
31 U.S.C. s. 1344, which may be impacted by its plan of

Amendment No. ff2 (for drafter's use only)

1 construction for transportation projects in the next 3 years  
2 of the tentative work program. The Department of  
3 Transportation or a transportation authority established  
4 pursuant to chapter 348 or chapter 349 may also include in its  
5 inventory the habitat impacts of any future transportation  
6 project identified in the tentative work program.

7 (b) The environmental impact inventory shall include a  
8 description of these habitat impacts, including their  
9 location, acreage, and type; state water quality  
10 classification of impacted wetlands and other surface waters;  
11 any other state or regional designations for these habitats;  
12 and a survey of threatened species, endangered species, and  
13 species of special concern affected by the proposed project.

14 (3)(a) To fund the mitigation plan for the projected  
15 impacts identified in the inventory described in subsection  
16 (2), the Department of Transportation shall identify funds  
17 quarterly in an escrow account within the State Transportation  
18 Trust Fund for the environmental mitigation phase of projects  
19 budgeted by the Department of Transportation for the current  
20 fiscal year. The escrow account shall be maintained by the  
21 Department of Transportation for the benefit of the Department  
22 of Environmental Protection and the water management  
23 districts. Any interest earnings from the escrow account shall  
24 remain with the Department of Transportation.

25 (b) Each transportation authority established pursuant  
26 to chapter 348 or chapter 349 that chooses to participate in  
27 this program shall create an escrow account within its  
28 financial structure and deposit funds in the account to pay  
29 for the environmental mitigation phase of projects budgeted  
30 for the current fiscal year. The escrow account shall be  
31 maintained by the authority for the benefit of the Department



1 of Environmental Protection and the water management  
2 districts. Any interest earnings from the escrow account shall  
3 remain with the authority.

4 (c) The Department of Environmental Protection or  
5 water management districts may request a transfer of funds  
6 from an ~~the~~ escrow account no sooner than 30 days prior to the  
7 date the funds are needed to pay for activities associated  
8 with development or implementation of the approved mitigation  
9 plan described in subsection (4) for the current fiscal year,  
10 including, but not limited to, design, engineering,  
11 production, and staff support. Actual conceptual plan  
12 preparation costs incurred before plan approval may be  
13 submitted to the Department of Transportation or the  
14 appropriate transportation authority and the Department of  
15 Environmental Protection by November 1 of each year with the  
16 plan. The conceptual plan preparation costs of each water  
17 management district will be paid based on the amount approved  
18 on the mitigation plan and allocated to the current fiscal  
19 year projects identified by the water management district. The  
20 amount transferred to the escrow accounts ~~account~~ each year by  
21 the Department of Transportation and participating  
22 transportation authorities established pursuant to chapter 348  
23 or chapter 349 shall correspond to a cost per acre of \$75,000  
24 multiplied by the projected acres of impact identified in the  
25 inventory described in subsection (2). However, the \$75,000  
26 cost per acre does not constitute an admission against  
27 interest by the state or its subdivisions nor is the cost  
28 admissible as evidence of full compensation for any property  
29 acquired by eminent domain or through inverse condemnation.  
30 Each July 1, the cost per acre shall be adjusted by the  
31 percentage change in the average of the Consumer Price Index

Amendment No. ff2 (for drafter's use only)

1 issued by the United States Department of Labor for the most  
2 recent 12-month period ending September 30, compared to the  
3 base year average, which is the average for the 12-month  
4 period ending September 30, 1996. At the end of each year, the  
5 projected acreage of impact shall be reconciled with the  
6 acreage of impact of projects as permitted, including permit  
7 modifications, pursuant to this part and s. 404 of the Clean  
8 Water Act, 33 U.S.C. s. 1344. The subject year's transfer of  
9 funds shall be adjusted accordingly to reflect the  
10 overtransfer or undertransfer of funds from the preceding  
11 year. The Department of Transportation and participating  
12 transportation authorities established pursuant to chapter 348  
13 or chapter 349 are ~~is~~ authorized to transfer such funds from  
14 the escrow accounts ~~account~~ to the Department of Environmental  
15 Protection and the water management districts to carry out the  
16 mitigation programs.

17 (4) Prior to December 1 of each year, each water  
18 management district, in consultation with the Department of  
19 Environmental Protection, the United States Army Corps of  
20 Engineers, the Department of Transportation, transportation  
21 authorities established pursuant to chapter 348 or chapter  
22 349,and other appropriate federal, state, and local  
23 governments, and other interested parties, including entities  
24 operating mitigation banks, shall develop a plan for the  
25 primary purpose of complying with the mitigation requirements  
26 adopted pursuant to this part and 33 U.S.C. s. 1344. This plan  
27 shall also address significant invasive plant problems within  
28 wetlands and other surface waters. In developing such plans,  
29 the districts shall utilize sound ecosystem management  
30 practices to address significant water resource needs and  
31 shall focus on activities of the Department of Environmental

1 Protection and the water management districts, such as surface  
2 water improvement and management (SWIM) waterbodies and lands  
3 identified for potential acquisition for preservation,  
4 restoration, and enhancement, to the extent that such  
5 activities comply with the mitigation requirements adopted  
6 under this part and 33 U.S.C. s. 1344. In determining the  
7 activities to be included in such plans, the districts shall  
8 also consider the purchase of credits from public or private  
9 mitigation banks permitted under s. 373.4136 and associated  
10 federal authorization and shall include such purchase as a  
11 part of the mitigation plan when such purchase would offset  
12 the impact of the transportation project, provide equal  
13 benefits to the water resources than other mitigation options  
14 being considered, and provide the most cost-effective  
15 mitigation option. The mitigation plan shall be preliminarily  
16 approved by the water management district governing board and  
17 shall be submitted to the secretary of the Department of  
18 Environmental Protection for review and final approval. The  
19 preliminary approval by the water management district  
20 governing board does not constitute a decision that affects  
21 substantial interests as provided by s. 120.569. At least 30  
22 days prior to preliminary approval, the water management  
23 district shall provide a copy of the draft mitigation plan to  
24 any person who has requested a copy.

25 (a) For each transportation project with a funding  
26 request for the next fiscal year, the mitigation plan must  
27 include a brief explanation of why a mitigation bank was or  
28 was not chosen as a mitigation option, including an estimation  
29 of identifiable costs of the mitigation bank and nonbank  
30 options to the extent practicable.

31 (b) Specific projects may be excluded from the

1 mitigation plan and shall not be subject to this section upon  
2 the agreement of the Department of Transportation, a  
3 transportation authority if applicable, the Department of  
4 Environmental Protection, and the appropriate water management  
5 district that the inclusion of such projects would hamper the  
6 efficiency or timeliness of the mitigation planning and  
7 permitting process, or the Department of Environmental  
8 Protection and the water management district are unable to  
9 identify mitigation that would offset the impacts of the  
10 project.

11 (c) Surface water improvement and management or  
12 invasive plant control projects undertaken using the \$12  
13 million advance transferred from the Department of  
14 Transportation to the Department of Environmental Protection  
15 in fiscal year 1996-1997 which meet the requirements for  
16 mitigation under this part and 33 U.S.C. s. 1344 shall remain  
17 available for mitigation until the \$12 million is fully  
18 credited up to and including fiscal year 2004-2005. When these  
19 projects are used as mitigation, the \$12 million advance shall  
20 be reduced by \$75,000 per acre of impact mitigated. For any  
21 fiscal year through and including fiscal year 2004-2005, to  
22 the extent the cost of developing and implementing the  
23 mitigation plans is less than the amount transferred pursuant  
24 to subsection (3), the difference shall be credited towards  
25 the \$12 million advance. Except as provided in this paragraph,  
26 any funds not directed to implement the mitigation plan  
27 should, to the greatest extent possible, be directed to fund  
28 invasive plant control within wetlands and other surface  
29 waters.

30 (5) The water management district shall be responsible  
31 for ensuring that mitigation requirements pursuant to 33

1 U.S.C. s. 1344 are met for the impacts identified in the  
2 inventory described in subsection (2), by implementation of  
3 the approved plan described in subsection (4) to the extent  
4 funding is provided by the Department of Transportation, or a  
5 transportation authority established pursuant to chapter 348  
6 or chapter 349, if applicable. During the federal permitting  
7 process, the water management district may deviate from the  
8 approved mitigation plan in order to comply with federal  
9 permitting requirements.

10 (6) The mitigation plans ~~plan~~ shall be updated  
11 annually to reflect the most current Department of  
12 Transportation work program and project list of a  
13 transportation authority established pursuant to chapter 348  
14 or chapter 349, if applicable, and may be amended throughout  
15 the year to anticipate schedule changes or additional projects  
16 which may arise. Each update and amendment of the mitigation  
17 plan shall be submitted to the secretary of the Department of  
18 Environmental Protection for approval. However, such approval  
19 shall not be applicable to a deviation as described in  
20 subsection (5).

21 (7) Upon approval by the secretary of the Department  
22 of Environmental Protection, the mitigation plan shall be  
23 deemed to satisfy the mitigation requirements under this part  
24 and any other mitigation requirements imposed by local,  
25 regional, and state agencies for impacts identified in the  
26 inventory described in subsection (2). The approval of the  
27 secretary shall authorize the activities proposed in the  
28 mitigation plan, and no other state, regional, or local permit  
29 or approval shall be necessary.

30 (8) This section shall not be construed to eliminate  
31 the need for the Department of Transportation or a

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

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

25 Section 94. Paragraph (b) of subsection (3) of section  
26 380.04, Florida Statutes, is amended to read:

27 380.04 Definition of development.--

28 (3) The following operations or uses shall not be  
29 taken for the purpose of this chapter to involve "development"  
30 as defined in this section:

31 (b) Work by any utility and other persons engaged in

1 the distribution or transmission of gas, electricity, or  
2 water, for the purpose of inspecting, repairing, renewing, or  
3 constructing on established rights-of-way any sewers, mains,  
4 pipes, cables, utility tunnels, power lines, towers, poles,  
5 tracks, or the like. This provision conveys no property  
6 interest and does not eliminate any applicable notice  
7 requirements to affected land owners.

8 Section 95. Paragraph (d) of subsection (2), paragraph  
9 (b) of subsection (4), and paragraph (a) of subsection (8) of  
10 section 380.06, Florida Statutes, are amended to read:

11 380.06 Developments of regional impact.--

12 (2) STATEWIDE GUIDELINES AND STANDARDS.--

13 (d) The guidelines and standards shall be applied as  
14 follows:

15 1. Fixed thresholds.--

16 a. A development that is ~~at or~~ below 100 ~~80~~ percent of  
17 all numerical thresholds in the guidelines and standards shall  
18 not be required to undergo development-of-regional-impact  
19 review.

20 b. A development that is at or above 120 percent of  
21 any numerical threshold shall be required to undergo  
22 development-of-regional-impact review.

23 c. Projects certified under s. 403.973 which create at  
24 least 100 jobs and meet the criteria of the Office of Tourism,  
25 Trade, and Economic Development as to their impact on an  
26 area's economy, employment, and prevailing wage and skill  
27 levels that are at or below 100 percent of the numerical  
28 thresholds for industrial plants, industrial parks,  
29 distribution, warehousing or wholesaling facilities, office  
30 development or multiuse projects other than residential, as  
31 described in s. 380.0651(3)(c), (d), and (i), are not required

1 to undergo development-of-regional-impact review.

2 2. Rebuttable presumption ~~presumptions~~.--

3 ~~a. It shall be presumed that a development that is~~  
4 ~~between 80 and 100 percent of a numerical threshold shall not~~  
5 ~~be required to undergo development-of-regional-impact review.~~

6 ~~b.~~ It shall be presumed that a development that is at  
7 100 percent or between 100 and 120 percent of a numerical  
8 threshold shall be required to undergo  
9 development-of-regional-impact review.

10 (4) BINDING LETTER.--

11 (b) Unless a developer waives the requirements of this  
12 paragraph by agreeing to undergo  
13 development-of-regional-impact review pursuant to this  
14 section, the state land planning agency or local government  
15 with jurisdiction over the land on which a development is  
16 proposed may require a developer to obtain a binding letter  
17 if+

18 ~~1.~~ the development is at a presumptive numerical  
19 threshold or up to 20 percent above a numerical threshold in  
20 the guidelines and standards, ~~7~~ or

21 ~~2.~~ The development is between a presumptive numerical  
22 threshold and 20 percent below the numerical threshold and the  
23 local government or the state land planning agency is in doubt  
24 as to whether the character or magnitude of the development at  
25 the proposed location creates a likelihood that the  
26 development will have a substantial effect on the health,  
27 safety, or welfare of citizens of more than one county.

28 (8) PRELIMINARY DEVELOPMENT AGREEMENTS.--

29 (a) A developer may enter into a written preliminary  
30 development agreement with the state land planning agency to  
31 allow a developer to proceed with a limited amount of the



1 total proposed development, subject to all other governmental  
2 approvals and solely at the developer's own risk, prior to  
3 issuance of a final development order. All owners of the land  
4 in the total proposed development shall join the developer as  
5 parties to the agreement. Each agreement shall include and be  
6 subject to the following conditions:

7 1. The developer shall comply with the preapplication  
8 conference requirements pursuant to subsection (7) within 45  
9 days after the execution of the agreement.

10 2. The developer shall file an application for  
11 development approval for the total proposed development within  
12 3 months after execution of the agreement, unless the state  
13 land planning agency agrees to a different time for good cause  
14 shown. Failure to timely file an application and to otherwise  
15 diligently proceed in good faith to obtain a final development  
16 order shall constitute a breach of the preliminary development  
17 agreement.

18 3. The agreement shall include maps and legal  
19 descriptions of both the preliminary development area and the  
20 total proposed development area and shall specifically  
21 describe the preliminary development in terms of magnitude and  
22 location. The area approved for preliminary development must  
23 be included in the application for development approval and  
24 shall be subject to the terms and conditions of the final  
25 development order.

26 4. The preliminary development shall be limited to  
27 lands that the state land planning agency agrees are suitable  
28 for development and shall only be allowed in areas where  
29 adequate public infrastructure exists to accommodate the  
30 preliminary development, when such development will utilize  
31 public infrastructure. The developer must also demonstrate

1 that the preliminary development will not result in material  
2 adverse impacts to existing resources or existing or planned  
3 facilities.

4 5. The preliminary development agreement may allow  
5 development which is:

6 a. Less than ~~or equal to~~ 100 ~~80~~ percent of any  
7 applicable threshold if the developer demonstrates that such  
8 development is consistent with subparagraph 4.; or

9 b. Less than 120 percent of any applicable threshold  
10 if the developer demonstrates that such development is part of  
11 a proposed downtown development of regional impact specified  
12 in subsection (22) or part of any areawide development of  
13 regional impact specified in subsection (25) and that the  
14 development is consistent with subparagraph 4.

15 6. The developer and owners of the land may not claim  
16 vested rights, or assert equitable estoppel, arising from the  
17 agreement or any expenditures or actions taken in reliance on  
18 the agreement to continue with the total proposed development  
19 beyond the preliminary development. The agreement shall not  
20 entitle the developer to a final development order approving  
21 the total proposed development or to particular conditions in  
22 a final development order.

23 7. The agreement shall not prohibit the regional  
24 planning agency from reviewing or commenting on any regional  
25 issue that the regional agency determines should be included  
26 in the regional agency's report on the application for  
27 development approval.

28 8. The agreement shall include a disclosure by the  
29 developer and all the owners of the land in the total proposed  
30 development of all land or development within 5 miles of the  
31 total proposed development in which they have an interest and

1 shall describe such interest.

2           9. In the event of a breach of the agreement or  
3 failure to comply with any condition of the agreement, or if  
4 the agreement was based on materially inaccurate information,  
5 the state land planning agency may terminate the agreement or  
6 file suit to enforce the agreement as provided in this section  
7 and s. 380.11, including a suit to enjoin all development.

8           10. A notice of the preliminary development agreement  
9 shall be recorded by the developer in accordance with s.  
10 28.222 with the clerk of the circuit court for each county in  
11 which land covered by the terms of the agreement is located.  
12 The notice shall include a legal description of the land  
13 covered by the agreement and shall state the parties to the  
14 agreement, the date of adoption of the agreement and any  
15 subsequent amendments, the location where the agreement may be  
16 examined, and that the agreement constitutes a land  
17 development regulation applicable to portions of the land  
18 covered by the agreement. The provisions of the agreement  
19 shall inure to the benefit of and be binding upon successors  
20 and assigns of the parties in the agreement.

21           11. Except for those agreements which authorize  
22 preliminary development for substantial deviations pursuant to  
23 subsection (19), a developer who no longer wishes to pursue a  
24 development of regional impact may propose to abandon any  
25 preliminary development agreement executed after January 1,  
26 1985, including those pursuant to s. 380.032(3), provided at  
27 the time of abandonment:

28           a. A final development order under this section has  
29 been rendered that approves all of the development actually  
30 constructed; or

31           b. The amount of development is less than 100 ~~80~~

1 percent of all numerical thresholds of the guidelines and  
2 standards, and the state land planning agency determines in  
3 writing that the development to date is in compliance with all  
4 applicable local regulations and the terms and conditions of  
5 the preliminary development agreement and otherwise adequately  
6 mitigates for the impacts of the development to date.

7  
8 In either event, when a developer proposes to abandon said  
9 agreement, the developer shall give written notice and state  
10 that he or she is no longer proposing a development of  
11 regional impact and provide adequate documentation that he or  
12 she has met the criteria for abandonment of the agreement to  
13 the state land planning agency. Within 30 days of receipt of  
14 adequate documentation of such notice, the state land planning  
15 agency shall make its determination as to whether or not the  
16 developer meets the criteria for abandonment. Once the state  
17 land planning agency determines that the developer meets the  
18 criteria for abandonment, the state land planning agency shall  
19 issue a notice of abandonment which shall be recorded by the  
20 developer in accordance with s. 28.222 with the clerk of the  
21 circuit court for each county in which land covered by the  
22 terms of the agreement is located.

23       Section 96. (1) Nothing contained in this act  
24 abridges or modifies any vested or other right or any duty or  
25 obligation pursuant to any development order or agreement that  
26 is applicable to a development of regional impact on the  
27 effective date of this act. A development that has received a  
28 development-of-regional-impact development order pursuant to  
29 s. 380.06, Florida Statutes 2001, but is no longer required to  
30 undergo development-of-regional-impact review by operation of  
31 this act, shall be governed by the following procedures:

1           (a) The development shall continue to be governed by  
2 the development-of-regional-impact development order and may  
3 be completed in reliance upon and pursuant to the development  
4 order. The development-of-regional-impact development order  
5 may be enforced by the local government as provided by ss.  
6 380.06(17) and 380.11, Florida Statutes 2001.

7           (b) If requested by the developer or landowner, the  
8 development-of-regional-impact development order may be  
9 abandoned pursuant to the process in subsection 380.06(26).

10           (2) A development with an application for development  
11 approval pending on the effective date of this act, or a  
12 notification of proposed change pending on the effective date  
13 of this act, may elect to continue such review pursuant to s.  
14 380.06, Florida Statutes 2001. At the conclusion of the  
15 pending review, including any appeals pursuant to s. 380.07,  
16 Florida Statutes 2001, the resulting development order shall  
17 be governed by the provisions of subsection (1).

18           Section 97. Paragraph (d) is added to subsection (10)  
19 of section 768.28, Florida Statutes, to read:

20           768.28 Waiver of sovereign immunity in tort actions;  
21 recovery limits; limitation on attorney fees; statute of  
22 limitations; exclusions; indemnification; risk management  
23 programs.--

24           (10)

25           (d) For the purposes of this section, operators,  
26 dispatchers, and providers of security for rail services and  
27 rail facility maintenance providers in the South Florida Rail  
28 Corridor, or any of their employees or agents, performing such  
29 services under contract with and on behalf of the Tri-County  
30 Commuter Rail Authority or the Department of Transportation  
31 shall be considered agents of the state while acting within

1 the scope of and pursuant to guidelines established in said  
2 contract or by rule.

3           Section 98. Dori Slosberg Driver Education Safety  
4 Act.--Effective October 1, 2002, notwithstanding the  
5 provisions of s. 318.121, Florida Statutes, a board of county  
6 commissioners may require, by ordinance, that the clerk of the  
7 court collect an additional \$3 with each civil traffic  
8 penalty, which shall be used to fund traffic education  
9 programs in public and nonpublic schools. The ordinance shall  
10 provide for the board of county commissioners to administer  
11 the funds. The funds shall be used for direct educational  
12 expenses and shall not be used for administration. This  
13 section may be cited as the "Dori Slosberg Driver Education  
14 Safety Act."

15           Section 99. Subsection (2) of section 2 of chapter  
16 88-418, Laws of Florida, is amended to read:

17           Section 2. Crandon Boulevard is hereby designated as a  
18 state historic highway. No public funds shall be expended  
19 for:

20           (2) The alteration of the physical dimensions or  
21 location of Crandon Boulevard, the median strip thereof, or  
22 the land adjacent thereto, except for:

23           (a) The routine or emergency utilities maintenance  
24 activities necessitated to maintain the road as a utility  
25 corridor serving the village of Key Biscayne; or

26           (b) The modification or improvements made to provide  
27 for vehicular ingress and egress of governmental public safety  
28 vehicles.

29           Section 100. Paragraph (a) of subsection (1) of  
30 section 212.055, Florida Statutes, is amended to read:

31           212.055 Discretionary sales surtaxes; legislative

Amendment No. ff2 (for drafter's use only)

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

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

14 (a) Each charter county which adopted a charter prior  
15 to January 1, 1984 ~~which adopted a charter prior to June 1,~~  
16 ~~1976~~, and each county the government of which is consolidated  
17 with that of one or more municipalities, may levy a  
18 discretionary sales surtax, subject to approval by a majority  
19 vote of the electorate of the county or by a charter amendment  
20 approved by a majority vote of the electorate of the county.

21 Section 101. Paragraph (b) of subsection (2) and  
22 paragraph (b) of subsection (3) of section 316.006, Florida  
23 Statutes, are amended to read:

24 316.006 Jurisdiction.--Jurisdiction to control traffic  
25 is vested as follows:

26 (2) MUNICIPALITIES.--

27 (b) A municipality may exercise jurisdiction over any  
28 private road or roads, or over any limited access road or  
29 roads owned or controlled by a special district, located  
30 within its boundaries if the municipality and party or parties  
31 owning or controlling such road or roads provide, by written

1 agreement approved by the governing body of the municipality,  
2 for municipal traffic control jurisdiction over the road or  
3 roads encompassed by such agreement. Pursuant thereto:

4 1. Provision for reimbursement for actual costs of  
5 traffic control and enforcement and for liability insurance  
6 and indemnification by the party or parties, and such other  
7 terms as are mutually agreeable, may be included in such an  
8 agreement.

9 2. The exercise of jurisdiction provided for herein  
10 shall be in addition to jurisdictional authority presently  
11 exercised by municipalities under law, and nothing in this  
12 paragraph shall be construed to limit or remove any such  
13 jurisdictional authority. Such jurisdiction includes  
14 regulation of access to such road or roads by security devices  
15 or personnel.

16 3. Any such agreement may provide for the installation  
17 of multiparty stop signs by the parties controlling the roads  
18 covered by the agreement if a determination is made by such  
19 parties that the signage will enhance traffic safety.  
20 Multiparty stop signs must conform to the manual and  
21 specifications of the Department of Transportation; however,  
22 minimum traffic volumes may not be required for the  
23 installation of such signage. Enforcement for the signs shall  
24 be as provided in s. 316.123.

25  
26 This subsection shall not limit those counties which have the  
27 charter powers to provide and regulate arterial, toll, and  
28 other roads, bridges, tunnels, and related facilities from the  
29 proper exercise of those powers by the placement and  
30 maintenance of traffic control devices which conform to the  
31 manual and specifications of the Department of Transportation



1 on streets and highways located within municipal boundaries.

2 (3) COUNTIES.--

3 (b) A county may exercise jurisdiction over any  
4 private road or roads, or over any limited access road or  
5 roads owned or controlled by a special district, located in  
6 the unincorporated area within its boundaries if the county  
7 and party or parties owning or controlling such road or roads  
8 provide, by written agreement approved by the governing body  
9 of the county, for county traffic control jurisdiction over  
10 the road or roads encompassed by such agreement. Pursuant  
11 thereto:

12 1. Provision for reimbursement for actual costs of  
13 traffic control and enforcement and for liability insurance  
14 and indemnification by the party or parties, and such other  
15 terms as are mutually agreeable, may be included in such an  
16 agreement.

17 2. Prior to entering into an agreement which provides  
18 for enforcement of the traffic laws of the state over a  
19 private road or roads, or over any limited access road or  
20 roads owned or controlled by a special district, the governing  
21 body of the county shall consult with the sheriff. No such  
22 agreement shall take effect prior to October 1, the beginning  
23 of the county fiscal year, unless this requirement is waived  
24 in writing by the sheriff.

25 3. The exercise of jurisdiction provided for herein  
26 shall be in addition to jurisdictional authority presently  
27 exercised by counties under law, and nothing in this paragraph  
28 shall be construed to limit or remove any such jurisdictional  
29 authority.

30 4. Any such agreement may provide for the installation  
31 of multiparty stop signs by the parties controlling the roads

1 covered by the agreement if a determination is made by such  
2 parties that the signage will enhance traffic safety.  
3 Multiparty stop signs must conform to the manual and  
4 specifications of the Department of Transportation; however,  
5 minimum traffic volumes may not be required for the  
6 installation of such signage. Enforcement for the signs shall  
7 be as provided in s. 316.123.

8  
9 Notwithstanding the provisions of subsection (2), each county  
10 shall have original jurisdiction to regulate parking, by  
11 resolution of the board of county commissioners and the  
12 erection of signs conforming to the manual and specifications  
13 of the Department of Transportation, in parking areas located  
14 on property owned or leased by the county, whether or not such  
15 areas are located within the boundaries of chartered  
16 municipalities.

17 Section 102. Paragraph (c) of subsection (3) of  
18 section 316.066, Florida Statutes, is amended to read:

19 316.066 Written reports of crashes.--

20 (3)

21 (c) Crash reports required by this section which  
22 reveal the identity, home or employment telephone number or  
23 home or employment address of, or other personal information  
24 concerning the parties involved in the crash and which are  
25 received or prepared by any agency that regularly receives or  
26 prepares information from or concerning the parties to motor  
27 vehicle crashes are confidential and exempt from s. 119.07(1)  
28 and s. 24(a), Art. I of the State Constitution for a period of  
29 60 days after the date the report is filed. However, such  
30 reports may be made immediately available to the parties  
31 involved in the crash, their legal representatives, their

1 licensed insurance agents, their insurers or insurers to which  
2 they have applied for coverage, persons under contract with  
3 such insurers to provide claims or underwriting information,  
4 prosecutorial authorities, radio and television stations  
5 licensed by the Federal Communications Commission, newspapers  
6 qualified to publish legal notices under ss. 50.011 and  
7 50.031, and free newspapers of general circulation, published  
8 once a week or more often, available and of interest to the  
9 public generally for the dissemination of news. For the  
10 purposes of this section, the following products or  
11 publications are not newspapers as referred to in this  
12 section: those intended primarily for members of a particular  
13 profession or occupational group; those with the primary  
14 purpose of distributing advertising; and those with the  
15 primary purpose of publishing names and other personally  
16 identifying information concerning parties to motor vehicle  
17 crashes. Any local, state, or federal agency, agent, or  
18 employee that is authorized to have access to such reports by  
19 any provision of law shall be granted such access in the  
20 furtherance of the agency's statutory duties notwithstanding  
21 the provisions of this paragraph. Any local, state, or federal  
22 agency, agent, or employee receiving such crash reports shall  
23 maintain the confidential and exempt status of those reports  
24 and shall not disclose such crash reports to any person or  
25 entity. Any person attempting to access crash reports within  
26 60 days after the date the report is filed must present  
27 legitimate credentials or identification that demonstrates his  
28 or her qualifications to access that information. This  
29 exemption is subject to the Open Government Sunset Review Act  
30 of 1995 in accordance with s. 119.15, and shall stand repealed  
31 on October 2, 2006, unless reviewed and saved from repeal

1 through reenactment by the Legislature.

2 Section 103. Subsection (2) of section 316.1975,  
3 Florida Statutes, is amended to read:

4 316.1975 Unattended motor vehicle.--

5 (2) This section does not apply to the operator of:

6 (a) An authorized emergency vehicle while in the  
7 performance of official duties and the vehicle is equipped  
8 with an activated antitheft device that prohibits the vehicle  
9 from being driven; ~~or~~

10 (b) A licensed delivery truck or other delivery  
11 vehicle while making deliveries; or

12 (c) A solid waste or recovered materials vehicle while  
13 collecting such items.

14 Section 104. Section 316.2127, Florida Statutes, is  
15 created to read:

16 316.2127 Operation of utility vehicles on certain  
17 roadways by homeowners' associations.--The operation of a  
18 utility vehicle, as defined in s. 320.01, upon the public  
19 roads or streets of this state by a homeowners' association,  
20 as defined in s. 720.301, or its agents is prohibited except  
21 as provided herein:

22 (1) A utility vehicle may be operated by a homeowners'  
23 association or its agents only upon a county road that has  
24 been designated by a county, or a city street that has been  
25 designated by a city, for use by a utility vehicle for general  
26 maintenance, security, and landscaping purposes. Prior to  
27 making such a designation, the responsible local governmental  
28 entity must first determine that utility vehicles may safely  
29 travel on or cross the public road or street, considering  
30 factors including the speed, volume, and character of motor  
31 vehicle traffic on the road or street. Upon a determination

1 that utility vehicles may be safely operated on a designated  
2 road or street, the responsible governmental entity shall post  
3 appropriate signs to indicate that such operation is allowed.

4 (2) A utility vehicle may be operated by a homeowners'  
5 association or its agents on a portion of the State Highway  
6 System only under the following conditions:

7 (a) To cross a portion of the State Highway System  
8 which intersects a county road or a city street that has been  
9 designated for use by utility vehicles if the Department of  
10 Transportation has reviewed and approved the location and  
11 design of the crossing and any traffic control devices needed  
12 for safety purposes.

13 (b) To cross, at midblock, a portion of the State  
14 Highway System where the highway bisects property controlled  
15 or maintained by a homeowners' association if the Department  
16 of Transportation has reviewed and approved the location and  
17 design of the crossing and any traffic control devices needed  
18 for safety purposes.

19 (c) To travel on a state road that has been designated  
20 for transfer to a local government unit pursuant to s.  
21 335.0415 if the Department of Transportation determines that  
22 the operation of a utility vehicle within the right-of-way of  
23 the road will not impede the safe and efficient flow of motor  
24 vehicle traffic. The department may authorize the operation of  
25 utility vehicles on such a road if:

26 1. The road is the only available public road on which  
27 utility vehicles may travel or cross or the road provides the  
28 safest travel route among alternative routes available; and

29 2. The speed, volume, and character of motor vehicle  
30 traffic on the road is considered in making such a  
31 determination.

1  
2 Upon its determination that utility vehicles may be operated  
3 on a given road, the department shall post appropriate signs  
4 on the road to indicate that such operation is allowed.

5 (3) A utility vehicle may be operated by a homeowners'  
6 association or its agents only during the hours between  
7 sunrise and sunset, unless the responsible governmental entity  
8 has determined that a utility vehicle may be operated during  
9 the hours between sunset and sunrise and the utility vehicle  
10 is equipped with headlights, brake lights, turn signals, and a  
11 windshield.

12 (4) A utility vehicle must be equipped with efficient  
13 brakes, a reliable steering apparatus, safe tires, a rearview  
14 mirror, and red reflectorized warning devices in both the  
15 front and the rear.

16 (5) A utility vehicle may not be operated on public  
17 roads or streets by any person under the age of 14.

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

24 Section 105. Subsection (2) of section 316.304,  
25 Florida Statutes, is amended to read:

26 316.304 Wearing of headsets.--

27 (2) This section does not apply to:

28 (a) Any law enforcement officer equipped with any  
29 communication device necessary in performing his or her  
30 assigned duties or to any emergency vehicle operator equipped  
31 with any ear protection device.

1 (b) Any applicant for a license to operate a  
2 motorcycle while taking the examination required by s.  
3 322.12(5).

4 (c) Any person operating a motorcycle who is using a  
5 headset that is installed in a helmet and worn so as to  
6 prevent the speakers from making direct contact with the  
7 user's ears so that the user can hear surrounding sounds.

8 (d) Any person using a headset in conjunction with a  
9 cellular telephone that only provides sound through one ear  
10 and allows surrounding sounds to be hear with the other ear.

11 (e) Any person using a headset in conjunction with  
12 communicating with the central base operation that only  
13 provides sound through one ear and allows surrounding sounds  
14 to be heard with the other ear.

15 Section 106. Section 316.520, Florida Statutes, is  
16 amended to read:

17 316.520 Loads on vehicles.--

18 (1) A vehicle may not be driven or moved on any  
19 highway unless the vehicle is so constructed or loaded as to  
20 prevent any of its load from dropping, shifting, leaking,  
21 blowing, or otherwise escaping therefrom, except that sand may  
22 be dropped only for the purpose of securing traction or water  
23 or other substance may be sprinkled on a roadway in cleaning  
24 or maintaining the roadway.

25 (2) It is the duty of every owner and driver,  
26 severally, of any vehicle hauling, upon any public road or  
27 highway open to the public, dirt, sand, lime rock, gravel,  
28 silica, or other similar aggregate or trash, garbage, any  
29 inanimate object or objects, or any similar material that  
30 could fall or blow from such vehicle, to prevent such  
31 materials from falling, blowing, or in any way escaping from

1 such vehicle. Covering and securing the load with a  
2 close-fitting tarpaulin or other appropriate cover or a load  
3 securing device meeting the requirements of 49 C.F.R. s.  
4 393.100 or a device designed to reasonably ensure that cargo  
5 will not shift upon or fall from the vehicle is required and  
6 shall constitute compliance with this section.

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

11 (b) Any person who willfully violates the provisions  
12 of this section which offense results in serious bodily injury  
13 or death to an individual and which offense occurs as a result  
14 of failing to comply with subsections (1) and (2) commits a  
15 criminal traffic offense and a misdemeanor of the second  
16 degree, punishable as provided in s. 775.082 or s. 775.083.

17 (4) The provisions of subsection (2) requiring  
18 covering and securing the load with a close-fitting tarpaulin  
19 or other appropriate cover does not apply to vehicles carrying  
20 agricultural products locally from a harvest site or to or  
21 from a farm on roads where the posted speed limit is 65 miles  
22 per hour or less and the distance driven on public roads is  
23 less than 20 miles.

24 Section 107. Paragraph (f) is added to subsection (3)  
25 of section 318.18, Florida Statutes, and subsection (12) is  
26 added to said section, to read:

27 318.18 Amount of civil penalties.--The penalties  
28 required for a noncriminal disposition pursuant to s. 318.14  
29 are as follows:

30 (3)

31 (b) For moving violations involving unlawful speed,



1 the fines are as follows:

2

3 For speed exceeding the limit by:	Fine:
4 1-5 m.p.h.....	Warning
5 6-9 m.p.h.....	\$ 25
6 10-14 m.p.h.....	\$100
7 15-19 m.p.h.....	\$125
8 20-29 m.p.h.....	\$150
9 30 m.p.h. and above.....	\$250

10

11 (f) A person cited for exceeding the speed limit  
 12 within a zone posted for any electronic or manual toll  
 13 collection facility will be assessed a fine double the amount  
 14 listed in paragraph (b). However, no person cited for  
 15 exceeding the speed limit in any toll collection zone shall be  
 16 subject to a doubled fine unless the governmental entity or  
 17 authority controlling the toll collection zone first installs  
 18 a traffic control device providing warning that speeding fines  
 19 are doubled. Any such traffic control device must meet the  
 20 requirements of the uniform system of traffic control devices.

21 (12) One hundred dollars for a violation of s.  
 22 316.520(1) or (2). If, at a hearing, the alleged offender is  
 23 found to have committed this offense, the court shall impose a  
 24 minimum civil penalty of \$100. For a second or subsequent  
 25 adjudication within a period of 5 years, the department shall  
 26 suspend the driver's license of the person for not less than  
 27 180 days and not more than 1 year.

28 Section 108. Section 318.19, Florida Statutes, is  
 29 amended to read:

30 318.19 Infractions requiring a mandatory hearing.--Any  
 31 person cited for the infractions listed in this section shall

1 not have the provisions of s. 318.14(2), (4), and (9)  
2 available to him or her but must appear before the designated  
3 official at the time and location of the scheduled hearing:

4 (1) Any infraction which results in a crash that  
5 causes the death of another; ~~or~~

6 (2) Any infraction which results in a crash that  
7 causes "serious bodily injury" of another as defined in s.  
8 316.1933(1); ~~or~~

9 (3) Any infraction of s. 316.172(1)(b); or

10 (4) Any infraction of s. 316.520(1) or (2).

11 Section 109. Subsection (1), paragraph (b) of  
12 subsection (2), and paragraphs (b) and (c) of subsection (3)  
13 of section 316.640, Florida Statutes, are amended to read:

14 316.640 Enforcement.--The enforcement of the traffic  
15 laws of this state is vested as follows:

16 (1) STATE.--

17 (a)1.a. The Division of Florida Highway Patrol of the  
18 Department of Highway Safety and Motor Vehicles, the Division  
19 of Law Enforcement of the Fish and Wildlife Conservation  
20 Commission, the Division of Law Enforcement of the Department  
21 of Environmental Protection, and law enforcement officers of  
22 the Department of Transportation each have authority to  
23 enforce all of the traffic laws of this state on all the  
24 streets and highways thereof and elsewhere throughout the  
25 state wherever the public has a right to travel by motor  
26 vehicle. The Division of the Florida Highway Patrol may employ  
27 as a traffic accident investigation officer any individual who  
28 successfully completes at least 200 hours of instruction in  
29 traffic accident investigation and court presentation through  
30 the Selective Traffic Enforcement Program as approved by the  
31 Criminal Justice Standards and Training Commission and funded

1 through the National Highway Traffic Safety Administration or  
2 a similar program approved by the commission, but who does not  
3 necessarily meet the uniform minimum standards established by  
4 the commission for law enforcement officers or auxiliary law  
5 enforcement officers under chapter 943. Any such traffic  
6 accident investigation officer who makes an investigation at  
7 the scene of a traffic accident may issue traffic citations,  
8 based upon personal investigation, when he or she has  
9 reasonable and probable grounds to believe that a person who  
10 was involved in the accident committed an offense under this  
11 chapter, chapter 319, chapter 320, or chapter 322 in  
12 connection with the accident. This paragraph does not permit  
13 the carrying of firearms or other weapons, nor do such  
14 officers have arrest authority ~~other than for the issuance of~~  
15 ~~a traffic citation as authorized in this paragraph.~~

16       b. University police officers shall have authority to  
17 enforce all of the traffic laws of this state when such  
18 violations occur on or about any property or facilities that  
19 are under the guidance, supervision, regulation, or control of  
20 a state university, a direct-support organization of such  
21 state university, or any other organization controlled by the  
22 state university or a direct-support organization of the state  
23 university system, except that traffic laws may be enforced  
24 off-campus when hot pursuit originates on or adjacent to any  
25 such property or facilities on-campus.

26       c. Community college police officers shall have the  
27 authority to enforce all the traffic laws of this state only  
28 when such violations occur on any property or facilities that  
29 are under the guidance, supervision, regulation, or control of  
30 the community college system.

31       d. Police officers employed by an airport authority

1 shall have the authority to enforce all of the traffic laws of  
2 this state only when such violations occur on any property or  
3 facilities that are owned or operated by an airport authority.

4 (I) An airport authority may employ as a parking  
5 enforcement specialist any individual who successfully  
6 completes a training program established and approved by the  
7 Criminal Justice Standards and Training Commission for parking  
8 enforcement specialists but who does not otherwise meet the  
9 uniform minimum standards established by the commission for  
10 law enforcement officers or auxiliary or part-time officers  
11 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
12 construed to permit the carrying of firearms or other weapons,  
13 nor shall such parking enforcement specialist have arrest  
14 authority.

15 (II) A parking enforcement specialist employed by an  
16 airport authority is authorized to enforce all state, county,  
17 and municipal laws and ordinances governing parking only when  
18 such violations are on property or facilities owned or  
19 operated by the airport authority employing the specialist, by  
20 appropriate state, county, or municipal traffic citation.

21 e. The Office of Agricultural Law Enforcement of the  
22 Department of Agriculture and Consumer Services shall have the  
23 authority to enforce traffic laws of this state ~~only as~~  
24 ~~authorized by the provisions of chapter 570. However, nothing~~  
25 ~~in this section shall expand the authority of the Office of~~  
26 ~~Agricultural Law Enforcement at its agricultural inspection~~  
27 ~~stations to issue any traffic tickets except those traffic~~  
28 ~~tickets for vehicles illegally passing the inspection station.~~

29 f. School safety officers shall have the authority to  
30 enforce all of the traffic laws of this state when such  
31 violations occur on or about any property or facilities which

1 are under the guidance, supervision, regulation, or control of  
2 the district school board.

3           2. An agency of the state as described in subparagraph  
4 1. is prohibited from establishing a traffic citation quota. A  
5 violation of this subparagraph is not subject to the penalties  
6 provided in chapter 318.

7           3. Any disciplinary action taken or performance  
8 evaluation conducted by an agency of the state as described in  
9 subparagraph 1. of a law enforcement officer's traffic  
10 enforcement activity must be in accordance with written  
11 work-performance standards. Such standards must be approved by  
12 the agency and any collective bargaining unit representing  
13 such law enforcement officer. A violation of this subparagraph  
14 is not subject to the penalties provided in chapter 318.

15           (2) COUNTIES.--

16           (b) The sheriff's office of each county may employ as  
17 a traffic crash investigation officer any individual who  
18 successfully completes at least 200 hours of instruction in  
19 traffic crash investigation and court presentation through the  
20 Selective Traffic Enforcement Program (STEP) as approved by  
21 the Criminal Justice Standards and Training Commission and  
22 funded through the National Highway Traffic Safety  
23 Administration (NHTSA) or a similar program approved by the  
24 commission, but who does not necessarily otherwise meet the  
25 uniform minimum standards established by the commission for  
26 law enforcement officers or auxiliary law enforcement officers  
27 under chapter 943. Any such traffic crash investigation  
28 officer who makes an investigation at the scene of a traffic  
29 crash may issue traffic citations when, based upon personal  
30 investigation, he or she has reasonable and probable grounds  
31 to believe that a person who was involved in the crash has

1 committed an offense under this chapter, chapter 319, chapter  
2 320, or chapter 322 in connection with the crash. This  
3 paragraph does not permit the carrying of firearms or other  
4 weapons, nor do such officers have arrest authority ~~other than~~  
5 ~~for the issuance of a traffic citation as authorized in this~~  
6 ~~paragraph.~~

7 (3) MUNICIPALITIES.--

8 (b) The police department of a chartered municipality  
9 may employ as a traffic crash investigation officer any  
10 individual who successfully completes at least 200 hours of  
11 instruction in traffic crash investigation and court  
12 presentation through the Selective Traffic Enforcement Program  
13 (STEP) as approved by the Criminal Justice Standards and  
14 Training Commission and funded through the National Highway  
15 Traffic Safety Administration (NHTSA) or a similar program  
16 approved by the commission, but who does not otherwise meet  
17 the uniform minimum standards established by the commission  
18 for law enforcement officers or auxiliary law enforcement  
19 officers under chapter 943. Any such traffic crash  
20 investigation officer who makes an investigation at the scene  
21 of a traffic crash is authorized to issue traffic citations  
22 when, based upon personal investigation, he or she has  
23 reasonable and probable grounds to believe that a person  
24 involved in the crash has committed an offense under the  
25 provisions of this chapter, chapter 319, chapter 320, or  
26 chapter 322 in connection with the crash. ~~Nothing in This~~  
27 ~~paragraph does not shall be construed to~~ permit the carrying  
28 of firearms or other weapons, nor do shall such officers have  
29 arrest authority ~~other than for the issuance of a traffic~~  
30 ~~citation as authorized above.~~

31 (c)1. A chartered municipality or its authorized

1 agency or instrumentality may employ as a parking enforcement  
2 specialist any individual who successfully completes a  
3 training program established and approved by the Criminal  
4 Justice Standards and Training Commission for parking  
5 enforcement specialists, but who does not otherwise meet the  
6 uniform minimum standards established by the commission for  
7 law enforcement officers or auxiliary or part-time officers  
8 under s. 943.12.

9       2. A parking enforcement specialist employed by a  
10 chartered municipality or its authorized agency or  
11 instrumentality is authorized to enforce all state, county,  
12 and municipal laws and ordinances governing parking within the  
13 boundaries of the municipality employing the specialist, by  
14 appropriate state, county, or municipal traffic citation.  
15 ~~Nothing in this paragraph shall be construed to permit the~~  
16 ~~carrying of firearms or other weapons, nor shall such a~~  
17 ~~parking enforcement specialist have arrest authority.~~

18       3. A parking enforcement specialist employed pursuant  
19 to this subsection may not carry firearms or other weapons or  
20 have arrest authority.

21       Section 110. Subsection (1) of section 322.056,  
22 Florida Statutes, is amended to read:

23       322.056 Mandatory revocation or suspension of, or  
24 delay of eligibility for, driver's license for persons under  
25 age 18 found guilty of certain alcohol, drug, or tobacco  
26 offenses; prohibition.--

27       (1) Notwithstanding the provisions of s. 322.055, if a  
28 person under 18 years of age is found guilty of or delinquent  
29 for a violation of s. 562.11(2), s. 562.111, or chapter 893,  
30 and:

31       (a) The person is eligible by reason of age for a

1 driver's license or driving privilege, the court shall direct  
2 the department to revoke or to withhold issuance of his or her  
3 driver's license or driving privilege for a period of:

4 1. Not less than 6 months and not more than 1 year for  
5 the first violation.

6 2. Two years, for a subsequent violation.

7 (b) The person's driver's license or driving privilege  
8 is under suspension or revocation for any reason, the court  
9 shall direct the department to extend the period of suspension  
10 or revocation by an additional period of:

11 1. Not less than 6 months and not more than 1 year for  
12 the first violation.

13 2. Two years, for a subsequent violation.

14 (c) The person is ineligible by reason of age for a  
15 driver's license or driving privilege, the court shall direct  
16 the department to withhold issuance of his or her driver's  
17 license or driving privilege for a period of:

18 1. Not less than 6 months and not more than 1 year  
19 after the date on which he or she would otherwise have become  
20 eligible, for the first violation.

21 2. Two years after the date on which he or she would  
22 otherwise have become eligible, for a subsequent violation.

23

24 However, the court may, in its sound discretion, direct the  
25 department to issue a license for driving privileges  
26 restricted to business or employment purposes only, as defined  
27 in s. 322.271, if the person is otherwise qualified for such a  
28 license.

29 Section 111. Section 570.073, Florida Statutes, is  
30 amended to read:

31 570.073 Department of Agriculture and Consumer



1 Services, law enforcement officers.--

2 (1) The commissioner may create an Office of  
3 Agricultural Law Enforcement under the supervision of a senior  
4 manager exempt under s. 110.205 in the Senior Management  
5 Service. The commissioner may designate law enforcement  
6 officers, as necessary, to enforce any criminal law or conduct  
7 any criminal investigation or to enforce the provisions of any  
8 statute or any other laws of this state relating to any matter  
9 ~~over which the department has jurisdiction or which occurs on~~  
10 ~~property owned, managed, or occupied by the department.~~

11 Officers appointed under this section have the primary  
12 responsibility for enforcing laws relating to agriculture and  
13 consumer services as outlined below and violations of law that  
14 threaten the overall security and safety of this state's  
15 agriculture and consumer services.~~Those matters include~~ The  
16 primary responsibilities include the enforcement of laws  
17 relating to:

18 (a) Domesticated animals, including livestock,  
19 poultry, aquaculture products, and other wild or domesticated  
20 animals or animal products.

21 (b) Farms, farm equipment, livery tack, citrus or  
22 citrus products, or horticultural products.

23 (c) Trespass, littering, forests, forest fires, and  
24 open burning.

25 (d) Damage to or theft of forest products.

26 (e) Enforcement of a marketing order.

27 (f) Protection of consumers.

28 (g) Civil traffic offenses as outlined under Florida  
29 law provided for in chapters 316, 320, and 322, subject to the  
30 ~~provisions of chapter 318, relating to any matter over which~~  
31 ~~the department has jurisdiction or committed on property~~

1 ~~owned, managed, or occupied by the department.~~

2 (h) The use of alcohol or drugs which occurs on  
3 property owned, managed, or occupied by the department.

4 (i) Any emergency situation in which the life, limb,  
5 or property of any person is placed in immediate and serious  
6 danger.

7 (j) Any crime incidental to or related to paragraphs  
8 (a)-(i).

9 (k) Any law over which the Commissioner of Agriculture  
10 has responsibility.

11 (2) Each law enforcement officer shall meet the  
12 qualifications of law enforcement officers under s. 943.13 and  
13 shall be certified as a law enforcement officer by the  
14 Department of Law Enforcement under the provisions of chapter  
15 943. Upon certification, each law enforcement officer is  
16 subject to and shall have the same arrest and other authority  
17 provided for law enforcement officers generally in chapter 901  
18 and shall have statewide jurisdiction as provided in  
19 ~~subsection (1)~~. Each officer shall also have arrest authority  
20 as provided for state law enforcement officers in s.  
21 901.15~~(11)~~. Such officers have full law enforcement powers  
22 granted to other peace officers of this state, including the  
23 power to make arrests, carry firearms, serve court process,  
24 and seize contraband and the proceeds of illegal activities.

25 (3) The Commissioner may also appoint part-time,  
26 reserve or auxiliary law enforcement officers under chapter  
27 943.

28 ~~(4)(3)~~ All department law enforcement officers, upon  
29 certification under s. 943.1395, shall have the same right and  
30 authority to carry arms as do the sheriffs of this state.

31 ~~(5)(4)~~ Each law enforcement officer in the state who

1 is certified pursuant to chapter 943 has the same authority as  
2 law enforcement officers designated in this section to enforce  
3 the laws of this state as described in subsection (1).

4 Section 112. Subsections (5) and (11) of section  
5 319.23, Florida Statutes, are amended to read:

6 319.23 Application for, and issuance of, certificate  
7 of title.--

8 (5) The certificate of title issued by the department  
9 for a motor vehicle or mobile home previously registered  
10 outside this state shall give the name of the state or country  
11 in which the vehicle was last registered outside this state.  
12 The department shall retain the evidence of title presented by  
13 the applicant upon which the certificate of title is issued.

14 The department shall use reasonable diligence in ascertaining  
15 whether or not the facts in the application are true; and, if  
16 satisfied that the applicant is the owner of the motor vehicle  
17 or mobile home and that the application is in the proper form,  
18 it shall issue a certificate of title.

19 ~~(11) The department is not required to retain any~~  
20 ~~evidence of title presented by the applicant and based on~~  
21 ~~which the certificate of title is issued.~~

22 Section 113. Paragraph (a) of subsection (1) of  
23 section 319.28, Florida Statutes, is amended to read:

24 319.28 Transfer of ownership by operation of law.--

25 (1)(a) In the event of the transfer of ownership of a  
26 motor vehicle or mobile home by operation of law as upon  
27 inheritance, devise or bequest, order in bankruptcy,  
28 insolvency, replevin, attachment, execution, or other judicial  
29 sale or whenever the engine of a motor vehicle is replaced by  
30 another engine or whenever a motor vehicle is sold to satisfy  
31 storage or repair charges or repossession is had upon default

1 in performance of the terms of a security agreement, chattel  
2 mortgage, conditional sales contract, trust receipt, or other  
3 like agreement, and upon the surrender of the prior  
4 certificate of title or, when that is not possible,  
5 presentation of satisfactory proof to the department of  
6 ownership and right of possession to such motor vehicle or  
7 mobile home, and upon payment of the fee prescribed by law and  
8 presentation of an application for certificate of title, the  
9 department may issue to the applicant a certificate of title  
10 thereto. ~~If the application is predicated upon a security  
11 agreement, chattel mortgage, conditional sales contract, trust  
12 receipt, or other like agreement, the original instrument or a  
13 certified copy thereof shall accompany the application;  
14 however, if an owner under a chattel mortgage voluntarily  
15 surrenders possession of the motor vehicle or mobile home, the  
16 original or a certified copy of the chattel mortgage shall  
17 accompany the application for a certificate of title and it  
18 shall not be necessary to institute proceedings in any court  
19 to foreclose such mortgage.~~

20 Section 114. Paragraph (d) of subsection (1) of  
21 section 319.33, Florida Statutes, is amended, and subsection  
22 (6) of said section is reenacted, to read:

23 319.33 Offenses involving vehicle identification  
24 numbers, applications, certificates, papers; penalty.--

25 (1) It is unlawful:

26 (d) To possess, sell or offer for sale, conceal, or  
27 dispose of in this state a motor vehicle or mobile home, or  
28 major component part thereof, on which any ~~the~~ motor number or  
29 vehicle identification number that has been affixed by the  
30 manufacturer or by a state agency, such as the Department of  
31 Highway Safety and Motor Vehicles, which regulates motor

1 vehicles has been destroyed, removed, covered, altered, or  
2 defaced, with knowledge of such destruction, removal,  
3 covering, alteration, or defacement, except as provided in s.  
4 319.30(4).

5 (6) Any person who violates any provision of this  
6 section is guilty of a felony of the third degree, punishable  
7 as provided in s. 775.082, s. 775.083, or s. 775.084. Any  
8 motor vehicle used in violation of this section shall  
9 constitute contraband which may be seized by a law enforcement  
10 agency and shall be subject to forfeiture proceedings pursuant  
11 to ss. 932.701-932.704. This section is not exclusive of any  
12 other penalties prescribed by any existing or future laws for  
13 the larceny or unauthorized taking of motor vehicles or mobile  
14 homes, but is supplementary thereto.

15 Section 115. Section 320.025, Florida Statutes, is  
16 amended to read:

17 320.025 Registration certificate and license plate or  
18 decal issued under fictitious name; application.--

19 (1) A confidential registration certificate and  
20 registration license plate or decal shall be issued under a  
21 fictitious name only for a motor vehicle or vessel owned or  
22 operated by a law enforcement agency of state, county,  
23 municipal, or federal government, the Attorney General's  
24 Medicaid Fraud Control Unit, or any state public defender's  
25 office. The requesting agency shall file a written application  
26 with the department on forms furnished by the department,  
27 which includes a statement that the license plate or decal  
28 will be used for the Attorney General's Medicaid Fraud Control  
29 Unit, or law enforcement or any state public defender's office  
30 activities requiring concealment of publicly leased or owned  
31 motor vehicles or vessels and a statement of the position

Amendment No. ff2 (for drafter's use only)

1 classifications of the individuals who are authorized to use  
2 the license plate or decal. The department may modify its  
3 records to reflect the fictitious identity of the owner or  
4 lessee until such time as the license plate or decal and  
5 registration certificate are surrendered to it.

6 (2) Except as provided in subsection (1), any motor  
7 vehicle owned or exclusively operated by the state or any  
8 county, municipality, or other governmental entity must at all  
9 times display a license plate of the type prescribed in s.  
10 320.0655. Any vessel owned or exclusively operated by the  
11 state or any county, municipality, or other governmental  
12 entity must at all times display a registration number as  
13 required in s. 328.56 and a vessel decal as required in s.  
14 328.48(5).

15 (3) This section constitutes an exception to other  
16 statutes relating to falsification of public records, false  
17 swearing, and similar matters. All records relating to the  
18 registration application of the Attorney General's Medicaid  
19 Fraud Control Unit, a law enforcement agency, or any state  
20 public defender's office, and records necessary to carry out  
21 the intended purpose of this section, are exempt from the  
22 provisions of s. 119.07(1), and s. 24(a), Art. I of the State  
23 Constitution as long as the information is retained by the  
24 department. This section does not prohibit other personations,  
25 fabrications, or creations of false identifications by the  
26 Attorney General's Medicaid Fraud Control Unit, or law  
27 enforcement or public defender's officers in the official  
28 performance of covert operations.

29 Section 116. Subsections (1) and (2) of section  
30 320.05, Florida Statutes, are amended to read:

31 320.05 Records of the department; inspection

1 procedure; lists and searches; fees.--

2 (1) Except as provided in ss. ~~s~~119.07(3) and  
3 320.025(3), the department may release records as provided in  
4 this section.

5 (2) Upon receipt of an application for the  
6 registration of a motor vehicle, vessel, or mobile home, as  
7 herein provided for, the department shall register the motor  
8 vehicle, vessel, or mobile home under the distinctive number  
9 assigned to such motor vehicle, vessel, or mobile home by the  
10 department. Electronic registration records shall be open to  
11 the inspection of the public during business hours.  
12 Information on a motor vehicle or vessel registration may not  
13 be made available to a person unless the person requesting the  
14 information furnishes positive proof of identification. The  
15 agency that furnishes a motor vehicle or vessel registration  
16 record shall record the name and address of any person other  
17 than a representative of a law enforcement agency who requests  
18 and receives information from a motor vehicle or vessel  
19 registration record and shall also record the name and address  
20 of the person who is the subject of the inquiry or other  
21 information identifying the entity about which information is  
22 requested. A record of each such inquiry must be maintained  
23 for a period of 6 months from the date upon which the  
24 information was released to the inquirer. Nothing in this  
25 section shall prohibit any financial institution, insurance  
26 company, motor vehicle dealer, licensee under chapter 493,  
27 attorney, or other agency which the department determines has  
28 the right to know from obtaining, for professional or business  
29 use only, information in such records from the department  
30 through any means of telecommunication pursuant to a code  
31 developed by the department providing all fees specified in

1 subsection (3) have been paid. The department shall disclose  
2 records or information to the child support enforcement agency  
3 to assist in the location of individuals who owe or  
4 potentially owe support, as defined in s. 409.2554, or to whom  
5 such an obligation is owed pursuant to Title IV-D of the  
6 Social Security Act.

7 Section 117. Subsection (5) of section 320.055,  
8 Florida Statutes, is amended to read:

9 320.055 Registration periods; renewal periods.--The  
10 following registration periods and renewal periods are  
11 established:

12 (5) For a vehicle subject to apportioned registration  
13 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the  
14 registration period shall be a period of 12 months beginning  
15 in a month designated by the department and ending on the last  
16 day of the 12th month. For a vehicle subject to this  
17 registration period, the renewal period is the last month of  
18 the registration period. The registration period may be  
19 shortened or extended at the discretion of the department, on  
20 receipt of the appropriate prorated fees, in order to evenly  
21 distribute such registrations on a monthly basis. For a  
22 vehicle subject to nonapportioned registration under s.  
23 320.08(4), (5)(a)1., (6)(b), or (14), the registration period  
24 begins December 1 and ends November 30. The renewal period is  
25 the 31-day period beginning December 1.

26 Section 118. Paragraphs (b) and (c) of subsection (1)  
27 of section 320.06, Florida Statutes, are amended to read:

28 320.06 Registration certificates, license plates, and  
29 validation stickers generally.--

30 (1)

31 (b) Registration license plates bearing a graphic



1 symbol and the alphanumeric system of identification shall be  
2 issued for a 5-year period. At the end of said 5-year period,  
3 upon renewal, the plate shall be replaced. The fee for such  
4 replacement shall be \$10, \$2 of which shall be paid each year  
5 before the plate is replaced, to be credited towards the next  
6 \$10 replacement fee. The fees shall be deposited into the  
7 Highway Safety Operating Trust Fund. A credit or refund shall  
8 not be given for any prior years' payments of such prorated  
9 replacement fee when the plate is replaced or surrendered  
10 before the end of the 5-year period. With each license plate,  
11 there shall be issued a validation sticker showing the owner's  
12 birth month, license plate number, and the year of expiration  
13 or the appropriate renewal period if the owner is not a  
14 natural person. The ~~This~~ validation sticker is to ~~shall~~ be  
15 placed on the upper right ~~left~~ corner of the license plate ~~and~~  
16 ~~shall be issued one time during the life of the license plate,~~  
17 ~~or upon request when it has been damaged or destroyed. There~~  
18 ~~shall also be issued with each license plate a serially~~  
19 ~~numbered validation sticker showing the year of expiration,~~  
20 ~~which sticker shall be placed on the upper right corner of the~~  
21 ~~license plate. Such license plate and validation~~ sticker  
22 ~~stickers~~ shall be issued based on the applicant's appropriate  
23 renewal period. The registration period shall be a period of  
24 12 months, and all expirations shall occur based on the  
25 applicant's appropriate registration period. A vehicle with an  
26 apportioned registration shall be issued an annual license  
27 plate and a cab card that denote the declared gross vehicle  
28 weight for each apportioned jurisdiction in which the vehicle  
29 is authorized to operate.

30 (c) Registration license plates equipped with  
31 validation stickers shall be valid for not more than 12 months

1 and shall expire at midnight on the last day of the  
2 registration period. For each registration period after the  
3 one in which the metal registration license plate is issued,  
4 and until the license plate is required to be replaced, a  
5 validation sticker showing the month and year of expiration  
6 shall be issued upon payment of the proper license tax amount  
7 and fees and shall be valid for not more than 12 months. When  
8 license plates equipped with validation stickers are issued in  
9 any month other than the owner's birth month or the designated  
10 registration period for any other motor vehicle, the effective  
11 date shall reflect the birth month or month and the year of  
12 renewal. However, when a license plate or validation sticker  
13 is issued for a period of less than 12 months, the applicant  
14 shall pay the appropriate amount of license tax and the  
15 applicable fee under the provisions of s. 320.14 in addition  
16 to all other fees. Validation stickers issued for vehicles  
17 taxed under the provisions of s. 320.08(6)(a), for any company  
18 which owns 250 vehicles or more, or for semitrailers taxed  
19 under the provisions of s. 320.08(5)(a), for any company which  
20 owns 50 vehicles or more, may be placed on any vehicle in the  
21 fleet so long as the vehicle receiving the validation sticker  
22 has the same owner's name and address as the vehicle to which  
23 the validation sticker was originally assigned.

24 Section 119. Subsection (6) of section 320.0805,  
25 Florida Statutes, is amended to read:

26 320.0805 Personalized prestige license plates.--

27 (6) A personalized prestige license plate shall be  
28 issued for the exclusive continuing use of the applicant. An  
29 exact duplicate of any plate may not be issued to any other  
30 applicant during the same registration period. An exact  
31 duplicate may not be issued for any succeeding year unless the

1 previous owner of a specific plate relinquishes it by failure  
2 to apply for renewal or reissuance for 1 year ~~three~~  
3 ~~consecutive annual registration periods~~ following the last  
4 ~~original~~ year of issuance.

5 Section 120. Subsection (1) of section 320.083,  
6 Florida Statutes, is amended to read:

7 320.083 Amateur radio operators; special license  
8 plates; fees.--

9 (1) A person who is the owner or lessee of an  
10 automobile or truck for private use, a truck weighing not more  
11 than 7,999 ~~5,000~~ pounds, or a recreational vehicle as  
12 specified in s. 320.08(9)(c) or (d), which is not used for  
13 hire or commercial use; who is a resident of the state; and  
14 who holds a valid official amateur radio station license  
15 issued by the Federal Communications Commission shall be  
16 issued a special license plate upon application, accompanied  
17 by proof of ownership of such radio station license, and  
18 payment of the following tax and fees:

19 (a) The license tax required for the vehicle, as  
20 prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b),  
21 (c), (d), (e), or (f), or (9); and

22 (b) An initial additional fee of \$5, and an additional  
23 fee of \$1.50 thereafter.

24 Section 121. Subsection (2) of section 320.0848,  
25 Florida Statutes, is amended to read:

26 320.0848 Persons who have disabilities; issuance of  
27 disabled parking permits; temporary permits; permits for  
28 certain providers of transportation services to persons who  
29 have disabilities.--

30 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
31 MOBILITY PROBLEMS.--

1 (a) The disabled parking permit is a placard that can  
2 be placed in a motor vehicle so as to be visible from the  
3 front and rear of the vehicle. Each side of the placard must  
4 have the international symbol of accessibility in a  
5 contrasting color in the center so as to be visible. One side  
6 of the placard must display the applicant's driver's license  
7 number or state identification card number along with a  
8 warning that the applicant must have such identification at  
9 all times while using the parking permit. A validation sticker  
10 must also be issued with each disabled parking permit, showing  
11 the month and year of expiration on each side of the placard.  
12 Validation stickers must be of the size specified by the  
13 Department of Highway Safety and Motor Vehicles and must be  
14 affixed to the disabled parking permits. The disabled parking  
15 permits must use the same colors as license plate validations.

16 (b) License plates issued under ss. 320.084, 320.0842,  
17 320.0843, and 320.0845 are valid for the same parking  
18 privileges and other privileges provided under ss. 316.1955,  
19 316.1964, and 526.141(5)(a).

20 (c) The administrative processing fee for each initial  
21 4-year disabled parking permit or renewal permit shall be  
22 \$1.50, and all proceeds of that fee shall be retained by the  
23 tax collector of the county in which the fee was collected.

24 ~~(c)1. Except as provided in subparagraph 2., the fee~~  
25 ~~for a disabled parking permit shall be:~~

26 ~~a. Fifteen dollars for each initial 4-year permit or~~  
27 ~~renewal permit, of which the State Transportation Trust Fund~~  
28 ~~shall receive \$13.50 and the tax collector of the county in~~  
29 ~~which the fee was collected shall receive \$1.50.~~

30 ~~b. One dollar for each additional or additional~~  
31 ~~renewal 4-year permit, of which the State Transportation Trust~~

1 ~~Fund shall receive all funds collected.~~

2       (d) The department shall not issue an additional  
3 disabled parking permit unless the applicant states that he or  
4 she is ~~they are~~ a frequent traveler or a quadriplegic. The  
5 department may not issue to any one eligible applicant more  
6 than two disabled parking permits except to an organization in  
7 accordance with paragraph (1)(e). Subsections (1), (5), (6),  
8 and (7) apply to this subsection.

9       (e)2. ~~If an applicant who is a disabled veteran, is a~~  
10 ~~resident of this state, has been honorably discharged, and~~  
11 ~~either has been determined by the Department of Defense or the~~  
12 ~~United States Department of Veterans Affairs or its~~  
13 ~~predecessor to have a service-connected disability rating for~~  
14 ~~compensation of 50 percent or greater or has been determined~~  
15 ~~to have a service-connected disability rating of 50 percent or~~  
16 ~~greater and is in receipt of both disability retirement pay~~  
17 ~~from the United States Department of Veterans Affairs, he or~~  
18 ~~she must still provide and ~~has~~ a signed physician's statement~~  
19 ~~of qualification for the disabled parking permits., ~~the fee~~~~  
20 ~~for a disabled parking permit shall be:~~

21           ~~a. One dollar and fifty cents for the initial 4-year~~  
22 ~~permit or renewal permit.~~

23           ~~b. One dollar for each additional or additional~~  
24 ~~renewal 4-year permit.~~

25  
26 ~~The tax collector of the county in which the fee was collected~~  
27 ~~shall retain all funds received pursuant to this subparagraph.~~

28       ~~3. If an applicant presents to the department a~~  
29 ~~statement from the Federal Government or the State of Florida~~  
30 ~~indicating the applicant is a recipient of supplemental~~  
31 ~~security income, the fee for the disabled parking permit shall~~

1 ~~be \$9 for the initial 4-year permit or renewal permit, of~~  
2 ~~which the State Transportation Trust Fund shall receive \$6.75~~  
3 ~~and the tax collector of the county in which the fee was~~  
4 ~~collected shall receive \$2.25.~~

5       (f)(d) To obtain a replacement for a disabled parking  
6 permit that has been lost or stolen, a person must submit an  
7 application on a form prescribed by the department and must  
8 pay a replacement fee in the amount of \$1.00, to be retained  
9 by the issuing agency. If the person submits with the  
10 application a police report documenting that the permit was  
11 stolen, there is no replacement fee.

12       (g)(e) A person who qualifies for a disabled parking  
13 permit under this section may be issued an international  
14 wheelchair user symbol license plate under s. 320.0843 in lieu  
15 of the disabled parking permit; or, if the person qualifies  
16 for a "DV" license plate under s. 320.084, such a license  
17 plate may be issued to him or her in lieu of a disabled  
18 parking permit.

19       Section 122. Subsections (2) and (3) of section  
20 320.089, Florida Statutes, are amended to read:

21       320.089 Members of National Guard and active United  
22 States Armed Forces reservists; former prisoners of war;  
23 survivors of Pearl Harbor; Purple Heart medal recipients;  
24 special license plates; fee.--

25       (2) Each owner or lessee of an automobile or truck for  
26 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
27 or recreational vehicle as specified in s. 320.08(9)(c) or  
28 (d), which is not used for hire or commercial use, who is a  
29 resident of the state and who is a former prisoner of war, or  
30 their unremarried surviving spouse, shall, upon application  
31 therefor to the department, be issued a license plate as

1 provided in s. 320.06, on which license plate are stamped the  
2 words "Ex-POW" followed by the serial number. Each application  
3 shall be accompanied by proof that the applicant meets the  
4 qualifications specified in paragraph (a) or paragraph (b).

5 (a) A citizen of the United States who served as a  
6 member of the Armed Forces of the United States or the armed  
7 forces of a nation allied with the United States who was held  
8 as a prisoner of war at such time as the Armed Forces of the  
9 United States were engaged in combat, or their unremarried  
10 surviving spouse, may be issued the special license plate  
11 provided for in this subsection without payment of the license  
12 tax imposed by s. 320.08.

13 (b) A person who was serving as a civilian with the  
14 consent of the United States Government, or a person who was a  
15 member of the Armed Forces of the United States who was not a  
16 United States citizen and was held as a prisoner of war when  
17 the Armed Forces of the United States were engaged in combat,  
18 or their unremarried surviving spouse, may be issued the  
19 special license plate provided for in this subsection upon  
20 payment of the license tax imposed by s. 320.08.

21 (3) Each owner or lessee of an automobile or truck for  
22 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
23 or recreational vehicle as specified in s. 320.08(9)(c) or  
24 (d), which is not used for hire or commercial use, who is a  
25 resident of this state and who is the unremarried surviving  
26 spouse of a recipient of the Purple Heart medal shall, upon  
27 application therefor to the department, with the payment of  
28 the required fees, be issued a license plate as provided in s.  
29 320.06, on which license plate are stamped the words "Purple  
30 Heart" and the likeness of the Purple Heart medal followed by  
31 the serial number. Each application shall be accompanied by

1 proof that the applicant is the unremarried surviving spouse  
2 of a recipient of the Purple Heart medal.

3 Section 123. Section 321.02, Florida Statutes, is  
4 amended to read:

5 321.02 Powers and duties of department, highway  
6 patrol.--The director of the Division of Highway Patrol of the  
7 Department of Highway Safety and Motor Vehicles shall also be  
8 the commander of the Florida Highway Patrol. The said  
9 department shall set up and promulgate rules and regulations  
10 by which the personnel of the Florida Highway Patrol officers  
11 shall be examined, employed, trained, located, suspended,  
12 reduced in rank, discharged, recruited, paid and pensioned,  
13 subject to civil service provisions hereafter set out. The  
14 department may enter into contracts or agreements, with or  
15 without competitive bidding or procurement, to make available,  
16 on a fair, reasonable, nonexclusive, and nondiscriminatory  
17 basis, property and other structures under division control  
18 for the placement of new facilities by any wireless provider  
19 of mobile service as defined in 47 U.S.C. s. 153(n) or s.  
20 332(d), and any telecommunications company as defined in s.  
21 364.02 when it is determined to be practical and feasible to  
22 make such property or other structures available. The  
23 department may, without adopting a rule, charge a just,  
24 reasonable, and nondiscriminatory fee for placement of the  
25 facilities, payable annually, based on the fair market value  
26 of space used by comparable communications facilities in the  
27 state. The department and a wireless provider or  
28 telecommunications company may negotiate the reduction or  
29 elimination of a fee in consideration of services provided to  
30 the division by the wireless provider or the  
31 telecommunications company. All such fees collected by the



1 department shall be deposited directly into the State Agency  
2 Law Enforcement Radio System Trust Fund, and may be used to  
3 construct, maintain, or support the system. The department is  
4 further specifically authorized to purchase, sell, trade,  
5 rent, lease and maintain all necessary equipment, uniforms,  
6 motor vehicles, communication systems, housing facilities,  
7 office space, and perform any other acts necessary for the  
8 proper administration and enforcement of this chapter.  
9 However, all supplies and equipment consisting of single items  
10 or in lots shall be purchased under the requirements of s.  
11 287.057. Purchases shall be made by accepting the bid of the  
12 lowest responsive bidder, the right being reserved to reject  
13 all bids. The department shall prescribe a distinctive uniform  
14 and distinctive emblem to be worn by all officers of the  
15 Florida Highway Patrol. It shall be unlawful for any other  
16 person or persons to wear a similar uniform or emblem, or any  
17 part or parts thereof. The department shall also prescribe a  
18 distinctive ~~color or~~ colors for use on ~~all~~ motor vehicles and  
19 motorcycles operated to be used by the Florida Highway Patrol.  
20 The prescribed colors shall be referred to as "Florida Highway  
21 Patrol black and tan."

22 Section 124. Subsection (7) is added to section  
23 322.051, Florida Statutes, to read:

24 322.051 Identification cards.--

25 (7) Any person accepting the Florida driver license as  
26 proof of identification must accept a Florida identification  
27 card as proof of identification when the bearer of the  
28 identification card does not also have a driver license.

29 Section 125. Subsections (1) and (3) of section  
30 860.20, Florida Statutes, are amended to read:

31 860.20 Outboard motors; identification numbers.--

1           (1)(a) The Department of Highway Safety and Motor  
2 Vehicles ~~Environmental Protection~~ shall adopt rules specifying  
3 the locations and manner in which serial numbers for outboard  
4 motors shall be affixed. In adopting such rules, the  
5 department shall consider the adequacy of voluntary industry  
6 standards, the current state of technology, and the overall  
7 purpose of reducing vessel and motor thefts in the state.

8           (b) Any outboard motor manufactured after October 1,  
9 1985, which is for sale in the state shall comply with the  
10 serial number rules promulgated by the department. Any  
11 person, firm, or corporation which sells or offers for sale  
12 any outboard boat motor manufactured after October 1, 1985,  
13 which does not comply with this section is guilty of a  
14 misdemeanor of the first degree, punishable as provided in s.  
15 775.082 or s. 775.083.

16           (3) If any of the serial numbers required by this  
17 section to identify ownership of an outboard motor do not  
18 exist or have been removed, erased, defaced, or otherwise  
19 altered to prevent identification and its true identity cannot  
20 be determined, the outboard motor may be seized as contraband  
21 property by a law enforcement agency and shall be subject to  
22 forfeiture pursuant to ss. 932.701-932.704. Such outboard  
23 motor may not be sold or used to propel a vessel on the waters  
24 of the state unless the department ~~Division of Law Enforcement~~  
25 ~~of the Department of Environmental Protection~~ is directed by  
26 written order of a court of competent jurisdiction to issue to  
27 the outboard motor a replacement identifying number which  
28 shall be affixed to the outboard motor and shall thereafter be  
29 used for identification purposes.

30           Section 126. All automotive service technology  
31 education programs shall be industry certified by 2007.

1           Section 127. Paragraph (n) of subsection (1) of  
2 section 319.30, Florida Statutes, is reenacted, and subsection  
3 (3) of said section is amended, to read:

4           319.30 Definitions; dismantling, destruction, change  
5 of identity of motor vehicle or mobile home; salvage.--

6           (1) As used in this section, the term:

7           (n) "Salvage" means a motor vehicle or mobile home  
8 which is a total loss as defined in paragraph (3)(a).

9           (3)(a)1. As used in this section, a motor vehicle or  
10 mobile home is a "total loss":

11           a.1. When an insurance company pays the vehicle owner  
12 to replace the wrecked or damaged vehicle with one of like  
13 kind and quality or when an insurance company pays the owner  
14 upon the theft of the motor vehicle or mobile home; ~~a motor~~  
15 ~~vehicle or mobile home shall not be considered a "total loss"~~  
16 ~~if the insurance company and the owner agree to repair, rather~~  
17 ~~than to replace, the motor vehicle or mobile home; or~~

18           b.2. When an uninsured motor vehicle or mobile home is  
19 wrecked or damaged and the cost, at the time of loss, of  
20 repairing or rebuilding the vehicle is 80 percent or more of  
21 the cost to the owner of replacing the wrecked or damaged  
22 motor vehicle or mobile home with one of like kind and  
23 quality.

24           2. A motor vehicle or mobile home shall not be  
25 considered a "total loss" if the insurance company and owner  
26 of a motor vehicle or mobile home agree to repair, rather than  
27 to replace, the motor vehicle or mobile home. However, if the  
28 actual cost to repair the motor vehicle or mobile home to the  
29 insurance company exceeds 100 percent of the cost of replacing  
30 the wrecked or damaged motor vehicle or mobile home with one  
31 of like kind and quality, the owner shall forward to the

1 department, within 72 hours after the agreement, a request to  
2 brand the certificate of title with the words "Total Loss  
3 Vehicle." Such a brand shall become a part of the vehicle's  
4 title history.

5 (b) The owner, including persons who are self-insured,  
6 of any motor vehicle or mobile home which is considered to be  
7 salvage shall, within 72 hours after the motor vehicle or  
8 mobile home becomes salvage, forward the title to the motor  
9 vehicle or mobile home to the department for processing.

10 However, an insurance company which pays money as compensation  
11 for total loss of a motor vehicle or mobile home shall obtain  
12 the certificate of title for the motor vehicle or mobile home  
13 and, within 72 hours after receiving such certificate of  
14 title, shall forward such title to the department for  
15 processing. The owner or insurance company, as the case may  
16 be, may not dispose of a vehicle or mobile home that is a  
17 total loss before it has obtained a salvage certificate of  
18 title or certificate of destruction from the department. When  
19 applying for a salvage certificate of title or certificate of  
20 destruction, the owner or insurance company must provide the  
21 department with an estimate of the costs of repairing the  
22 physical and mechanical damage suffered by the vehicle for  
23 which a salvage certificate of title or certificate of  
24 destruction is sought. If the estimated costs of repairing the  
25 physical and mechanical damage to the vehicle are equal to 80  
26 percent or more of the current retail cost of the vehicle, as  
27 established in any official used car or used mobile home  
28 guide, the department shall declare the vehicle unrebuildable  
29 and print a certificate of destruction, which authorizes the  
30 dismantling or destruction of the motor vehicle or mobile home  
31 described therein. This certificate of destruction shall be

Amendment No. ff2 (for drafter's use only)

1 reassignable a maximum of two times before dismantling or  
2 destruction of the vehicle shall be required, and shall  
3 accompany the motor vehicle or mobile home for which it is  
4 issued, when such motor vehicle or mobile home is sold for  
5 such purposes, in lieu of a certificate of title, and,  
6 thereafter, the department shall refuse issuance of any  
7 certificate of title for that vehicle. Nothing in this  
8 subsection shall be applicable when a vehicle is worth less  
9 than \$1,500 retail in undamaged condition in any official used  
10 motor vehicle guide or used mobile home guide or when a stolen  
11 motor vehicle or mobile home is recovered in substantially  
12 intact condition and is readily resalable without extensive  
13 repairs to or replacement of the frame or engine. Any person  
14 who willfully and deliberately violates this paragraph or  
15 falsifies any document to avoid the requirements of this  
16 paragraph commits a misdemeanor of the first degree,  
17 punishable as provided in s. 775.082 or s. 775.083.

18 Section 128. Effective July 1, 2003, section 319.41,  
19 Florida Statutes, is created to read:

20 319.41 Title history database.--The department shall  
21 make available on the Internet a database of title  
22 transactions searchable by vehicle identification number. In  
23 the Internet database, the department shall only provide  
24 access to information relating to the year, make, model, and  
25 mileage of the vehicle, along with the date of sales and any  
26 brands or outstanding liens on the title.

27 Section 129. Section 348.7521, Florida Statutes, is  
28 created to read:

29 348.7521 Jurisdiction of the Orlando-Orange County  
30 Expressway Authority System.-- The jurisdictional area of the  
31 Orlando-Orange County Expressway Authority System is limited

1 to the City of Orlando, Orange County, and adjacent counties.  
2 The exercise by the Authority of the powers granted pursuant  
3 to this part shall be limited to the geographic boundaries  
4 established for the Authority pursuant to this part and does  
5 not expand the current powers or duties of the Authority.  
6 Exercise by the Authority of its right to issue bonds shall be  
7 subject to the terms and provisions of this part, and s.11(f),  
8 Art. VII of the State Constitution.

9           Section 130. Paragraph (n) of subsection (2) and  
10 subsection (4) of section 348.754, Florida Statutes, are  
11 amended, and subsection (6) is added to that section, to read:

12           348.754 Purposes and powers.--

13           (2) The authority is hereby granted, and shall have  
14 and may exercise all powers necessary, appurtenant, convenient  
15 or incidental to the carrying out of the aforesaid purposes,  
16 including, but without being limited to, the following rights  
17 and powers:

18           (n) With the consent of the county within whose  
19 jurisdiction the following activities occur, the authority  
20 shall have the right to construct, operate, and maintain  
21 roads, bridges, avenues of access, thoroughfares, and  
22 boulevards outside the jurisdictional boundaries of Orange  
23 County, together with the right to construct, repair, replace,  
24 operate, install, and maintain electronic toll payment systems  
25 thereon, with all necessary and incidental powers to  
26 accomplish the foregoing. County consent shall constitute  
27 approval by the governing body of the affected county at the  
28 conclusion of a public hearing to consider this action.

29           (4) Anything in this part to the contrary  
30 notwithstanding, acquisition of right-of-way for a project of  
31 the authority which is within the boundaries of any

1 municipality in Orange County shall not be begun unless and  
2 until the route of said project within said municipality has  
3 been given prior approval by the governing body of said  
4 municipality at the conclusion of a public hearing to consider  
5 this action.

6 (6) After July 1, 2002, the authority may not approve  
7 any acquisition of right-of-way or construction of any new  
8 additions, extensions, or appurtenant facilities without prior  
9 legislative authorization if the new additions, extensions, or  
10 appurtenant facilities are proposed to be located within the  
11 Wekiva River Protection Area designated in s. 369.303(9) or  
12 within the Green Swamp Area of Critical Concern designated in  
13 s. 380.0551.

14 Section 131. Section 748.7543, Florida Statutes, is  
15 amended to read:

16 348.7543 Improvements, bond financing authority  
17 for.--Pursuant to s. 11(f), Art. VII of the State  
18 Constitution, the Legislature hereby approves for bond  
19 financing by the Orlando-Orange County Expressway Authority  
20 improvements to toll collection facilities, interchanges to  
21 the legislatively approved expressway system, and any other  
22 facility appurtenant, necessary, or incidental to the approved  
23 system. Subject to terms and conditions of applicable revenue  
24 bond resolutions and covenants, such costs financing may be  
25 financed in whole or in part by revenue bonds issued pursuant  
26 to s. 348.755(1)(a) or (b) whether currently issued or, issued  
27 in the future, or by a combination of such bonds.

28 Section 132. Section 348.7544, Florida Statutes, is  
29 amended to read:

30 348.7544 Northwest Beltway Part A, construction  
31 authorized; financing.--Notwithstanding s. 338.2275, the

1 Orlando-Orange County Expressway Authority is ~~hereby~~  
2 authorized to construct, finance, operate, own, and maintain  
3 that portion of the Western Beltway known as the Northwest  
4 Beltway Part A, extending from Florida's Turnpike near Ocoee  
5 north to U.S. 441 near Apopka, as part of the authority's  
6 20-year capital projects plan. This project may be financed  
7 with any funds available to the authority for such purpose or  
8 revenue bonds issued by the Division of Bond Finance of the  
9 State Board of Administration on behalf of the authority  
10 pursuant to s. 11, Art. VII of the State Constitution and the  
11 State Bond Act, ss. 215.57-215.83. This project may be  
12 refinanced with bonds issued by the authority pursuant to s.  
13 348.755(1)(d). The Orlando-Orange County Expressway Authority  
14 may not design, finance, acquire, or construct any new  
15 extension, addition, or appurtenant facilities to the  
16 Northwest Beltway, Part A, extending northeasterly of its  
17 current terminus at U.S. 441 near Apopka without prior  
18 legislative approval.

19 Section 133. Section 348.7545, Florida Statutes, is  
20 amended to read:

21 348.7545 Western Beltway Part C, construction  
22 authorized; financing.--Notwithstanding s. 338.2275, the  
23 Orlando-Orange County Expressway Authority is authorized to  
24 exercise its condemnation powers, construct, finance, operate,  
25 own, and maintain that portion of the Western Beltway known as  
26 the Western Beltway Part C, extending from Florida's Turnpike  
27 near Ocoee in Orange County southerly through Orange and  
28 Osceola Counties to an interchange with I-4 near the  
29 Osceola-Polk County line, as part of the authority's 20-year  
30 capital projects plan. This project may be financed with any  
31 funds available to the authority for such purpose or revenue



1 bonds issued by the Division of Bond Finance of the State  
2 Board of Administration on behalf of the authority pursuant to  
3 s. 11, Art. VII of the State Constitution and the State Bond  
4 Act, ss. 215.57-215.83. This project may be refinanced with  
5 bonds issued by the authority pursuant to s. 348.755(1)(d).

6 Section 134. Subsection (1) of section 348.755,  
7 Florida Statutes, is amended to read:

8 348.755 Bonds of the authority.--

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

11 (b) Alternatively, the authority may issue its own  
12 bonds pursuant to this part at such times and in such  
13 principal amount as, in the opinion of the authority, is  
14 necessary to provide sufficient moneys for achieving its  
15 purposes; however, such bonds may not pledge the full faith  
16 and credit of the state. Bonds issued by the authority  
17 pursuant to this paragraph or paragraph (a)~~The bonds of the~~  
18 ~~authority issued pursuant to the provisions of this part,~~  
19 whether on original issuance or on refunding, shall be  
20 authorized by resolution of the members thereof and may be  
21 either term or serial bonds, shall bear such date or dates,  
22 mature at such time or times, not exceeding 40 years from  
23 their respective dates, bear interest at such rate or rates,  
24 payable semiannually, be in such denominations, be in such  
25 form, either coupon or fully registered, shall carry such  
26 registration, exchangeability and interchangeability  
27 privileges, be payable in such medium of payment and at such  
28 place or places, be subject to such terms of redemption and be  
29 entitled to such priorities on the revenues, rates, fees,  
30 rentals or other charges or receipts of the authority  
31 including the Orange County gasoline tax funds received by the

1 authority pursuant to the terms of any lease-purchase  
2 agreement between the authority and the department, as such  
3 resolution or any resolution subsequent thereto may provide.  
4 The bonds shall be executed either by manual or facsimile  
5 signature by such officers as the authority shall determine,  
6 provided that such bonds shall bear at least one signature  
7 which is manually executed thereon, and the coupons attached  
8 to such bonds shall bear the facsimile signature or signatures  
9 of such officer or officers as shall be designated by the  
10 authority and shall have the seal of the authority affixed,  
11 imprinted, reproduced or lithographed thereon, all as may be  
12 prescribed in such resolution or resolutions.

13 (c)(b) Said Bonds issued pursuant to paragraph (a) or  
14 paragraph (b) shall be sold at public sale in the same manner  
15 provided by the State Bond Act. However, if the authority  
16 shall, by official action at a public meeting, determine that  
17 a negotiated sale of such the bonds is in the best interest of  
18 the authority, the authority may negotiate the for sale of  
19 such the bonds with the underwriter or underwriters designated  
20 by the authority and the Division of Bond Finance of the State  
21 Board of Administration with respect to bonds issued pursuant  
22 to paragraph (a) or solely the authority with respect to bonds  
23 issued pursuant to paragraph (b). The authority's  
24 determination to negotiate the sale of such bonds may be  
25 based, in part, upon the written advice of the authority's  
26 financial advisor. Pending the preparation of definitive  
27 bonds, interim certificates may be issued to the purchaser or  
28 purchasers of such bonds and may contain such terms and  
29 conditions as the authority may determine.

30 (d) The authority may issue bonds pursuant to  
31 paragraph (b) to refund any bonds previously issued regardless

1 of whether the bonds being refunded were issued by the  
2 authority pursuant to this chapter or on behalf of the  
3 authority pursuant to the State Bond Act.

4 Section 135. Section 348.765, Florida Statutes, is  
5 amended to read:

6 348.765 This part complete and additional authority.--

7 (1) The powers conferred by this part shall be in  
8 addition and supplemental to the existing powers of said board  
9 and the department, and this part shall not be construed as  
10 repealing any of the provisions, of any other law, general,  
11 special or local, but to supersede such other laws in the  
12 exercise of the powers provided in this part, and to provide a  
13 complete method for the exercise of the powers granted in this  
14 part. The extension and improvement of said Orlando-Orange  
15 County Expressway System, and the issuance of bonds hereunder  
16 to finance all or part of the cost thereof, may be  
17 accomplished upon compliance with the provisions of this part  
18 without regard to or necessity for compliance with the  
19 provisions, limitations, or restrictions contained in any  
20 other general, special or local law, including, but not  
21 limited to, s. 215.821,and no approval of any bonds issued  
22 under this part by the qualified electors or qualified  
23 electors who are freeholders in the state or in said County of  
24 Orange, or in said City of Orlando, or in any other political  
25 subdivision of the state, shall be required for the issuance  
26 of such bonds pursuant to this part.

27 (2) This part shall not be deemed to repeal, rescind,  
28 or modify any other law or laws relating to said State Board  
29 of Administration, said Department of Transportation, or the  
30 Division of Bond Finance of the State Board of Administration,  
31 but shall be deemed to and shall supersede such other law or

1 laws as are inconsistent with the provisions of this part,  
2 including, but not limited to, s. 215.821.

3 Section 136. Subsection (1) of section 316.003,  
4 Florida Statutes, is amended to read:

5 316.003 Definitions.--The following words and phrases,  
6 when used in this chapter, shall have the meanings  
7 respectively ascribed to them in this section, except where  
8 the context otherwise requires:

9 (1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the  
10 fire department (fire patrol), police vehicles, and such  
11 ambulances and emergency vehicles of municipal departments,  
12 public service corporations operated by private corporations,  
13 the Department of Environmental Protection, the Department of  
14 Health, and the Department of Transportation as are designated  
15 or authorized by their respective department or the chief of  
16 police of an incorporated city or any sheriff of any of the  
17 various counties.

18 Section 137. Subsection (9) of section 316.2397,  
19 Florida Statutes, is amended to read:

20 316.2397 Certain lights prohibited; exceptions.--

21 (9) Flashing red lights may be used by emergency  
22 response vehicles of the Department of Environmental  
23 Protection and the Department of Health when responding to an  
24 emergency in the line of duty.

25 Section 138. Notwithstanding section 18 of CS/CS/SB  
26 1360, 2002 Regular Session, section 197.1722, Florida  
27 Statutes, as created by section 16 of that bill, shall not  
28 take effect January 1, 2003, but shall take effect on the date  
29 CS/CS/SB 1360, Regular Session, becomes a law and shall apply  
30 retroactively to January 1, 2002.

31 Section 139. Except as otherwise provided, this act

1 shall take effect July 1, 2002.

2

3

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

5 And the title is amended as follows:

6 On page 72, line 8, of the amendment, through page 82,  
7 line 15, of the amendment

8

9 insert:

10 20.23, F.S.; revising language with respect to  
11 the organization of the department; changing  
12 the turnpike district into a turnpike  
13 enterprise; exempting the turnpike enterprise  
14 from department policies, procedures, and  
15 standards, subject to the Secretary of  
16 Transportation's decision to apply such  
17 requirements; providing exceptions to said  
18 exemptions; giving the secretary authority to  
19 promulgate rules under certain conditions that  
20 will assist the turnpike enterprise in using  
21 best business practices; amending s. 206.46,  
22 F.S.; increasing the debt service cap with  
23 respect to the State Transportation Trust Fund;  
24 amending s. 316.302, F.S.; revising a date  
25 concerning commercial motor vehicles to conform  
26 to federal regulations; authorizing the  
27 department's Motor Carrier Compliance officers,  
28 and duly appointed agents holding a safety  
29 inspector certification from the Commercial  
30 Vehicle Safety Alliance, to stop commercial  
31 motor vehicles for inspection of the vehicle

Amendment No. ff2 (for drafter's use only)

1 and driver's records; providing that other law  
2 enforcement officers may enforce commercial  
3 motor vehicle regulations under certain  
4 conditions; requiring that unsafe vehicles and  
5 drivers be removed from service under certain  
6 conditions; amending s. 316.3025, F.S.;  
7 updating a cross reference to federal trucking  
8 regulations; amending s. 316.515, F.S.;  
9 deleting a requirement for a department permit  
10 with respect to the height of automobile  
11 transporters; amending s. 316.535, F.S.; adding  
12 weight requirements for certain commercial  
13 trucks; amending s. 316.545, F.S.; correcting a  
14 cross reference; providing for the discretion  
15 of the department to detain commercial vehicles  
16 until certain penalties are paid; amending s.  
17 334.044, F.S.; providing for officers employed  
18 by the department's Office of Motor Carrier  
19 Compliance and specifying duties and  
20 responsibilities of said officers; authorizing  
21 appointment of part-time and auxiliary  
22 officers; amending s. 337.025, F.S.;  
23 eliminating cap on innovative highway projects  
24 for the turnpike enterprise; amending s.  
25 337.11, F.S.; raising the cap on certain  
26 contracts into which the department can enter  
27 without first obtaining bids; providing an  
28 exemption for a turnpike enterprise project;  
29 revising provisions for design-build contracts;  
30 amending s. 337.185, F.S.; clarifying  
31 application of limitation on certain claims

Amendment No. ff2 (for drafter's use only)

1 brought before the State Arbitration Board;  
2 amending s. 338.22, F.S.; redesignating the  
3 Florida Turnpike Law as the Florida Turnpike  
4 Enterprise Law; amending s. 338.221, F.S.;  
5 amending the term "economically feasible" as  
6 used with respect to turnpike projects;  
7 creating s. 338.2215, F.S.; providing  
8 legislative findings, policy, purpose, and  
9 intent for the Florida Turnpike Enterprise;  
10 creating s. 338.2216, F.S.; prescribing the  
11 power and authority of the turnpike enterprise;  
12 amending s. 338.223, F.S.; increasing the  
13 maximum loan amount for the turnpike  
14 enterprise; amending ss. 338.165 and 338.227,  
15 F.S.; conforming provisions; amending s.  
16 338.234, F.S.; authorizing the turnpike  
17 enterprise to expand business opportunities;  
18 prohibiting the department from exercising its  
19 powers of eminent domain solely to acquire  
20 property for business opportunities on the  
21 Florida Turnpike; deleting obsolete language;  
22 amending s. 338.235, F.S.; authorizing the  
23 consideration of goods instead of fees;  
24 amending s. 338.239, F.S.; providing that  
25 approved expenditure to the Florida Highway  
26 Patrol be paid by the turnpike enterprise;  
27 amending s. 338.241, F.S.; lowering the  
28 required cash reserve for the turnpike  
29 enterprise; amending s. 338.251, F.S.;  
30 conforming provisions; amending s. 339.135,  
31 F.S.; including reference to turnpike

Amendment No. ff2 (for drafter's use only)

1           enterprise with respect to the tentative work  
2           program; revising language with respect to the  
3           tentative work program; amending s. 553.80,  
4           F.S.; providing for self-regulation of certain  
5           construction; creating the "Florida High-Speed  
6           Rail Authority Act"; creating s. 341.8201,  
7           F.S.; providing a short title; creating s.  
8           341.8202, F.S.; providing legislative findings,  
9           policy, purpose, and intent with respect to the  
10          development, design, financing, construction,  
11          and operation of a high-speed rail system in  
12          the state; creating s. 341.8203, F.S.;  
13          providing definitions; amending s. 341.821,  
14          F.S., relating to the creation of the Florida  
15          High-Speed Rail Authority; removing obsolete  
16          provisions; amending s. 341.822, F.S.; revising  
17          and providing additional powers and duties of  
18          the authority; amending s. 341.823, F.S.;  
19          revising the criteria for assessment and  
20          recommendations with respect to the  
21          establishment of the high-speed rail system;  
22          requiring the authority to establish specified  
23          requirements; requiring the authority to  
24          develop a specified plan, study, and estimates;  
25          amending s. 341.824, F.S.; specifying types of  
26          technical, scientific, or other assistance to  
27          be provided by the Department of Community  
28          Affairs and the Department of Environmental  
29          Protection; creating s. 341.827, F.S.;  
30          providing for determination of service areas  
31          and the order of system segment construction;



Amendment No. ff2 (for drafter's use only)

1           creating s. 341.828, F.S.; authorizing the  
2           authority to utilize existing permitting  
3           processes; requiring cooperation between the  
4           authority and metropolitan planning  
5           organizations; creating s. 341.829, F.S.;  
6           requiring the authority, in conjunction with  
7           the Executive Office of the Governor, the  
8           Department of Community Affairs, and the  
9           Department of Environmental Protection, to  
10          develop and implement a process to mitigate and  
11          resolve conflicts between the system and growth  
12          management requirements and environmental  
13          standards; providing time limits for the filing  
14          of and response to specified complaints;  
15          creating s. 341.830, F.S.; authorizing the  
16          authority to employ specified procurement  
17          methods; providing for the adoption of rules;  
18          authorizing the authority to procure  
19          commodities and services for the designing,  
20          building, financing, maintenance, operation,  
21          and implementation of a high-speed rail system;  
22          creating s. 341.831, F.S.; authorizing the  
23          authority to prequalify interested persons or  
24          entities prior to seeking proposals for the  
25          design, construction, operation, maintenance,  
26          and financing of the high-speed rail system;  
27          providing for the establishment of qualifying  
28          criteria; creating s. 341.832, F.S.;  
29          authorizing the authority to develop and  
30          execute a request for qualifications process;  
31          creating s. 341.833, F.S.; authorizing the

Amendment No. ff2 (for drafter's use only)

1 authority to develop and execute a request for  
2 proposals process to seek a person or entity to  
3 design, build, operate, maintain, and finance a  
4 high-speed rail system; creating s. 341.834,  
5 F.S.; providing for award of a conditional  
6 contract; providing contract requirements;  
7 prohibiting transfer of system property without  
8 written approval; creating s. 341.835, F.S.;  
9 authorizing the authority to purchase, lease,  
10 exchange, or acquire land, property, or  
11 buildings necessary to secure or utilize  
12 rights-of-way for high-speed rail system  
13 facilities; providing that the authority is not  
14 subject to specified liability; authorizing the  
15 authority and the Department of Environmental  
16 Protection to enter into certain interagency  
17 agreements; providing for the disposal of  
18 interest in property; authorizing agents and  
19 employees of the authority to enter upon  
20 certain property; authorizing the authority to  
21 accept donations of real property; creating s.  
22 341.836, F.S.; authorizing the authority to  
23 undertake the development of associated  
24 developments; providing requirements of  
25 associated developments; creating s. 341.837,  
26 F.S.; providing for payment of expenses  
27 incurred in carrying out the act; creating s.  
28 341.838, F.S.; authorizing the authority to  
29 fix, revise, charge, collect, and adjust rates,  
30 rents, fees, charges, and revenues, and to  
31 enter into contracts; providing for annual

Amendment No. ff2 (for drafter's use only)

1 review by the authority of rates, rents, fees,  
2 and charges; providing for uses of revenues;  
3 creating s. 341.839, F.S.; providing that the  
4 act is supplemental and additional to powers  
5 conferred by other laws; exempting powers of  
6 the authority from specified supervision,  
7 approval, or consent; creating s. 341.840,  
8 F.S.; providing tax exemptions for property  
9 acquired or used by the authority or specified  
10 income; creating s. 341.841, F.S.; requiring  
11 the authority to prepare and submit a report;  
12 providing for an annual audit; creating s.  
13 341.842, F.S.; providing construction of the  
14 act; amending s. 288.109, F.S.; removing a  
15 cross reference; amending s. 334.30, F.S.;  
16 removing a cross reference; amending s.  
17 337.251, F.S.; removing a cross reference;  
18 amending s. 341.501, F.S.; providing that  
19 specified actions do not apply to the Florida  
20 High-Speed Rail Authority Act; repealing s.  
21 341.3201, F.S., relating to the short title for  
22 ss. 341.3201-341.386, F.S., the "Florida  
23 High-Speed Rail Transportation Act"; repealing  
24 s. 341.321, F.S., relating to legislative  
25 findings, policy, purpose, and intent with  
26 respect to the development of a high-speed rail  
27 transportation system connecting the major  
28 urban areas of the state; repealing s. 341.322,  
29 F.S., relating to definitions of terms;  
30 repealing s. 341.325, F.S., relating to special  
31 powers and duties of the Department of

Amendment No. ff2 (for drafter's use only)

1           Transportation; repealing s. 341.327, F.S.,  
2           which provides that the Florida High-Speed Rail  
3           Transportation Act is the sole and exclusive  
4           determination of need for any high-speed rail  
5           transportation system established under the  
6           act, thereby preempting specified  
7           determinations of need; repealing s. 341.329,  
8           F.S., relating to the issuance of bonds to  
9           finance a high-speed rail transportation  
10          system; repealing s. 341.331, F.S., relating to  
11          designation of the areas of the state to be  
12          served by the high-speed rail transportation  
13          system and designation of termini; repealing s.  
14          341.332, F.S., relating to the award of  
15          franchises by the Department of Transportation  
16          to establish a high-speed rail transportation  
17          system; repealing s. 341.3331, F.S., relating  
18          to request for proposals; repealing s.  
19          341.3332, F.S., relating to notice of issuance  
20          of request for proposals; repealing s.  
21          341.3333, F.S., relating to requirements with  
22          respect to an application for franchise, and  
23          confidentiality of the application and portions  
24          of the application relating to trade secrets;  
25          repealing s. 341.3334, F.S., relating to the  
26          departmental review process of application for  
27          franchise; repealing s. 341.3335, F.S.,  
28          relating to interagency coordination of  
29          franchise application review; repealing s.  
30          341.3336, F.S., relating to public meetings on  
31          franchise applications; repealing s. 341.3337,

Amendment No. ff2 (for drafter's use only)

1 F.S., relating to determination and award of  
2 franchise; repealing s. 341.3338, F.S.,  
3 relating to effect of franchise; repealing s.  
4 341.3339, F.S., relating to postfranchise  
5 agreements; repealing s. 341.334, F.S.,  
6 relating to the powers and duties of the  
7 Department of Transportation with respect to  
8 the act; repealing s. 341.335, F.S., relating  
9 to the powers and duties of the Florida Land  
10 and Water Adjudicatory Commission sitting as  
11 the board; repealing s. 341.336, F.S., relating  
12 to the powers and duties of the Department of  
13 Environmental Protection, the Department of  
14 Community Affairs, and other affected agencies;  
15 repealing s. 341.3365, F.S., relating to  
16 certification procedures; repealing s. 341.342,  
17 F.S., relating to agreements concerning  
18 contents of certification application and  
19 supporting documentation; repealing s. 341.343,  
20 F.S., relating to review of certification  
21 applications; repealing s. 341.344, F.S.,  
22 relating to the establishment, composition,  
23 organization, and duties of the Citizens'  
24 Planning and Environmental Advisory Committee;  
25 repealing s. 341.345, F.S., relating to  
26 alternate corridors or transit station  
27 locations; repealing s. 341.346, F.S., relating  
28 to the powers and duties of an administrative  
29 law judge appointed to conduct hearings under  
30 the act; repealing s. 341.3465, F.S., relating  
31 to alteration of time limitations specified by

Amendment No. ff2 (for drafter's use only)

1 the act; repealing s. 341.347, F.S., relating  
2 to required combined public meetings and land  
3 use and zoning hearings to be conducted by  
4 local governments; repealing s. 341.348, F.S.,  
5 relating to reports and studies required of  
6 various agencies by the act; repealing s.  
7 341.351, F.S., relating to publication and  
8 contents of notice of certification application  
9 and proceedings; repealing s. 341.352, F.S.,  
10 relating to certification hearings; repealing  
11 s. 341.353, F.S., relating to final disposition  
12 of certification applications; repealing s.  
13 341.363, F.S., relating to the effect of  
14 certification; repealing s. 341.364, F.S.,  
15 relating to a franchisee's right to appeal to  
16 the Florida Land and Water Adjudicatory  
17 Commission under specified circumstances;  
18 repealing s. 341.365, F.S., relating to  
19 associated development; repealing s. 341.366,  
20 F.S., relating to recording of notice of  
21 certified corridor route; repealing s. 341.368,  
22 F.S., relating to modification of certification  
23 or franchise; repealing s. 341.369, F.S.,  
24 relating to fees imposed by the department and  
25 the disposition of such fees; repealing s.  
26 341.371, F.S., relating to revocation or  
27 suspension of franchise or certification;  
28 repealing s. 341.372, F.S., relating to  
29 imposition by the department of specified  
30 administrative fines in lieu of revocation or  
31 suspension of franchise; repealing s. 341.375,

1 F.S., relating to the required participation by  
2 women, minorities, and economically  
3 disadvantaged individuals in all phases of the  
4 design, construction, maintenance, and  
5 operation of a high-speed rail transportation  
6 system developed under the act, and required  
7 plans for compliance by franchisees; repealing  
8 s. 341.381, F.S., relating to applicability of  
9 the act; repealing s. 341.382, F.S., relating  
10 to laws and regulations superseded by the act;  
11 repealing s. 341.383, F.S., relating to the  
12 authority of local governments to assess  
13 specified fees; repealing s. 341.386, F.S.,  
14 relating to the admissibility of the award of a  
15 franchise and of a certification under the act  
16 in eminent domain proceedings; repealing s. 59,  
17 ch. 99-385, Laws of Florida; abrogating the  
18 repeal of provisions governing business damages  
19 in eminent domain actions; amending s. 73.071,  
20 F.S.; providing for the age required of a  
21 standing business in order to qualify for  
22 business damages; amending s. 163.3177, F.S.;  
23 adding airport master plans that have specified  
24 components to comprehensive plans; creating  
25 exemption to development of regional impact  
26 review if certain conditions are met; amending  
27 s. 189.441, F.S., relating to contracts with an  
28 authority under the Community Improvement  
29 Authority Act; removing an exemption from s.  
30 287.055, F.S., related to procurement of  
31 specified services; amending s. 212.0606, F.S.;

Amendment No. ff2 (for drafter's use only)

1 requiring proceeds from surcharge in the State  
2 Transportation Trust Fund be used to fund  
3 district projects; amending s. 215.615, F.S.,  
4 relating to funding of fixed-guideway  
5 transportation systems; deleting obsolete  
6 language; amending s. 255.20, F.S.; exempting  
7 certain transportation projects from certain  
8 competitive bidding requirements; amending s.  
9 287.055, F.S.; increasing the amount defining a  
10 continuing contract; amending s. 311.09, F.S.;  
11 providing for application of s. 287.055, F.S.,  
12 the Consultants' Competitive Negotiation Act,  
13 to seaports; amending s. 315.02, F.S.;  
14 redefining the terms "unit" and "port  
15 facilities" for purposes of port facilities  
16 financing; including seaport security projects  
17 within the meaning of "port facility"; amending  
18 s. 315.03, F.S.; authorizing certain entities  
19 to participate in certain federal loan  
20 programs; providing for oversight by the  
21 Florida Seaport Transportation and Economic  
22 Development Council; requiring annual reports;  
23 requiring legislative review; amending s.  
24 316.003, F.S.; revising definition of "motor  
25 vehicle"; defining the terms "electric personal  
26 assistive mobility device" and "motorized  
27 scooter"; creating s. 316.2068, F.S.; providing  
28 regulations for electric personal assistive  
29 mobility devices; amending s. 316.515, F.S.;  
30 revising size requirement provisions for  
31 vehicles transporting certain agricultural



1 products; allowing the Department of  
2 Transportation to issue permits for certain  
3 vehicles; amending s. 316.520, F.S.; exempting  
4 certain vehicles from covering requirements;  
5 creating s. 316.80, F.S.; establishing  
6 penalties for persons who transport motor or  
7 diesel fuel in unlawful containers;  
8 establishing penalties for use of stolen or  
9 illegal payment access devices; providing for  
10 forfeiture; providing for costs; amending s.  
11 320.08056, F.S.; providing use fees for the  
12 Florida Firefighters license plate and the  
13 Police Benevolent Association license plate;  
14 amending s. 320.08058, F.S.; providing for  
15 creation of the Florida Firefighters license  
16 plate and the Police Benevolent Association  
17 license plate; providing for the distribution  
18 of use fees received from the sale of such  
19 plates; amending s. 332.004, F.S.; revising the  
20 definition of "airport or aviation development  
21 project" for purposes of the Florida Airport  
22 Development and Assistance Act to add certain  
23 noise mitigation projects; amending s. 332.007,  
24 F.S.; extending expiration date of provisions  
25 relating to economic assistance to airports for  
26 certain projects; extending due date of certain  
27 loans for certain airports; amending s. 333.06,  
28 F.S.; adding requirements for an airport master  
29 plan; amending s. 334.044, F.S.; authorizing  
30 the department to expend money on items that  
31 promote scenic highway projects; authorizing

Amendment No. ff2 (for drafter's use only)

1 the department to delegate its drainage  
2 permitting responsibilities to other  
3 governmental entities under certain  
4 circumstances; amending s. 334.175, F.S.;  
5 adding state-registered landscape architects to  
6 the list of design professionals who sign,  
7 seal, and certify certain Department of  
8 Transportation project plans; amending s.  
9 336.41, F.S.; providing for counties to certify  
10 or qualify persons to perform work under  
11 certain contracts; clarifying that a contractor  
12 already qualified by the department is presumed  
13 qualified to perform work described under  
14 contract on county road projects; amending s.  
15 336.44, F.S.; providing that certain contracts  
16 shall be let to the lowest responsible bidder;  
17 amending s. 337.14, F.S.; revising provisions  
18 for qualifying persons to bid on certain  
19 construction contracts; providing for  
20 expressway authorities to certify or qualify  
21 persons to perform work under certain  
22 contracts; clarifying that a contractor  
23 qualified by the department is presumed  
24 qualified to perform work described under  
25 contract on projects for expressway  
26 authorities; amending s. 337.401, F.S.;  
27 providing that for certain projects under the  
28 department's jurisdiction, a utility relocation  
29 schedule and relocation agreement may be  
30 executed in lieu of a written permit; amending  
31 s. 337.408, F.S.; revising language with

Amendment No. ff2 (for drafter's use only)

1        respect to the regulation of benches, transit  
2        shelters, and waste disposal receptacles within  
3        rights-of-way; restating the Department of  
4        Transportation's rulemaking authority regarding  
5        regulation of bus benches; providing for local  
6        government regulation of dimensions of bus  
7        benches and advertising displays to supersede  
8        the department's regulations, in certain  
9        circumstances; requiring approval of Federal  
10       Highway Administration for bus benches and  
11       advertising displays on the National Highway  
12       System; providing for regulation of street  
13       light poles; amending s. 339.12, F.S.;  
14       providing for preference to certain counties  
15       for transportation grants under specified  
16       circumstances; amending s. 339.55, F.S.;  
17       providing for state infrastructure bank funds  
18       to be spent on intermodal projects; revising  
19       criteria for evaluation of projects; amending  
20       s. 341.031, F.S.; correcting cross references;  
21       amending s. 341.051, F.S., relating to  
22       financing of public transit capital projects,  
23       and s. 341.053, F.S., relating to projects  
24       eligible for funding under the Intermodal  
25       Development Program; deleting obsolete  
26       language; amending s. 341.501, F.S., relating  
27       to high-technology transportation systems;  
28       authorizing the department to match funds from  
29       other states or jurisdictions for certain  
30       purposes; providing criteria; amending s.  
31       348.0003, F.S.; authorizing a county governing

Amendment No. ff2 (for drafter's use only)

1 body to set qualifications, terms of office,  
2 and obligations and rights for the members of  
3 expressway authorities within their  
4 jurisdictions; amending s. 348.0008, F.S.;  
5 allowing expressway authorities to acquire  
6 certain interests in land; providing for  
7 expressway authorities and their agents or  
8 employees to access public or private property  
9 for certain purposes; creating s. 348.545,  
10 F.S.; clarifying that the Tampa-Hillsborough  
11 County Expressway Authority may use bond  
12 revenues to finance improvements to toll  
13 facilities, interchanges, and other facilities  
14 related to the expressway system; amending s.  
15 348.565, F.S.; adding the connector highway  
16 linking Lee Roy Selmon Crosstown Expressway to  
17 Interstate 4 as an approved project; amending  
18 s. 373.4137, F.S.; providing for certain  
19 expressway, bridge, or transportation  
20 authorities to create environmental impact  
21 inventories and participate in a mitigation  
22 program to offset adverse impacts caused by  
23 their transportation projects; amending s.  
24 380.04, F.S.; adding work on rights-of-way  
25 pertaining to electricity facilities to the  
26 list of activities not defined as "development"  
27 for purposes of the Florida Environmental Land  
28 and Water Management Act; amending s. 380.06,  
29 F.S., relating to development of regional  
30 impact; removing a rebuttable presumption with  
31 respect to application of the statewide

Amendment No. ff2 (for drafter's use only)

1 guidelines and standards and revising the fixed  
2 thresholds; providing application with respect  
3 to developments that have received a  
4 development-of-regional-impact development  
5 order or that have an application for  
6 development approval or notification of  
7 proposed change pending; amending s. 768.28,  
8 F.S.; providing that certain operators,  
9 dispatchers, and security providers for rail  
10 services and certain rail facility maintenance  
11 providers in a specified area or for the  
12 Tri-County Commuter Rail Authority or the  
13 Department of Transportation are agents of the  
14 state under specified circumstances; creating  
15 the Dori Slosberg Driver Education Safety Act;  
16 authorizing a board of county commissioners to  
17 require an additional amount to be collected  
18 with each civil traffic penalty to be used to  
19 fund traffic education programs in public and  
20 nonpublic schools; providing for administration  
21 of funds collected; restricting use of said  
22 funds; amending s. 2 of chapter 88-418, Laws of  
23 Florida, relating to Crandon Boulevard;  
24 allowing expenditure of public funds for  
25 modifications to provide access for  
26 governmental public safety vehicles; amending  
27 s. 212.055, F.S.; removing a limitation on  
28 which charter counties may levy a charter  
29 county transit surtax; amending s. 316.006,  
30 F.S.; authorizing the installation of  
31 multiparty stop signs on certain roads;

Amendment No. ff2 (for drafter's use only)

1 providing guidelines for the installation of  
2 such signage; amending s. 316.066, F.S.;  
3 providing for access to vehicle crash reports  
4 by local, state, and federal entities under  
5 certain circumstances; requiring said entities  
6 to maintain confidential status of such  
7 reports; amending s. 316.1975, F.S.; exempting  
8 operators of solid waste and recovered  
9 materials vehicles from provisions regarding  
10 unattended motor vehicles under certain  
11 circumstances; creating s. 316.2127, F.S.;  
12 providing for operation of utility vehicles on  
13 city streets, county roads, or the State  
14 Highway System under certain circumstances;  
15 amending s. 316.304, F.S.; revising  
16 requirements regarding the wearing of headsets  
17 while operating a vehicle; amending s. 316.520,  
18 F.S.; exempting certain vehicles carrying  
19 agricultural products; providing for criminal  
20 penalties for failure to secure loads on  
21 vehicles under certain circumstances; amending  
22 s. 316.640, F.S.; revising traffic law  
23 enforcement authority of university police  
24 officers; revising traffic law enforcement  
25 authority of officers of the office of  
26 agricultural law enforcement revising the  
27 powers and duties of traffic crash  
28 investigation officers; amending s. 318.18,  
29 F.S.; providing for assessment of doubled fines  
30 for speeding in toll collection zones;  
31 providing a minimum penalty for violations of

Amendment No. ff2 (for drafter's use only)

1 s. 316.520, F.S.; amending s. 318.19, F.S.;

2 providing a mandatory hearing for violations of

3 s. 316.520, F.S.; revising traffic law

4 enforcement authority of the Office of

5 Agricultural Law Enforcement; amending s.

6 322.056, F.S.; authorizing the court to direct

7 the Department of Highway Safety and Motor

8 Vehicles to issue a driver's license restricted

9 to business or employment purposes only to

10 certain persons under age 18 found guilty of

11 certain alcohol, drug, or tobacco offenses;

12 amending s. 570.073, F.S.; revising the powers

13 and duties of the Office of Agricultural Law

14 Enforcement; amending s. 319.23, F.S.;

15 requiring the Department of Highway Safety and

16 Motor Vehicles to retain certain evidence of

17 title; amending s. 319.28, F.S.; revising

18 requirements for processing an application for

19 title based on a contractual default; amending

20 s. 319.33, F.S.; revising the elements of the

21 offense of possessing, selling or offering for

22 sale, concealing, or disposing of a motor

23 vehicle or mobile home, or major component part

24 thereof, on which the motor number or vehicle

25 identification number has been destroyed,

26 removed, covered, altered, or defaced;

27 providing penalties; amending s. 320.025, F.S.;

28 providing for confidential registration and

29 issuance under fictitious name of decals for

30 vessels operated by a law enforcement agency;

31 requiring registration number and decal to be

Amendment No. ff2 (for drafter's use only)

1 affixed to such vessel; amending s. 320.05,  
2 F.S.; providing for release of vessel  
3 registration information; providing exceptions;  
4 amending s. 320.055, F.S.; providing  
5 registration period for certain nonapportioned  
6 vehicles; amending s. 320.06, F.S.; revising  
7 form of license plate validation stickers;  
8 reducing the number of required validation  
9 stickers per plate; amending s. 320.0805, F.S.;  
10 reducing the timeframe for a personalized  
11 license plate to remain out of circulation  
12 prior to reassignment; amending s. 320.083,  
13 F.S.; revising requirements for the Amateur  
14 Radio Operator specialty license plate;  
15 amending s. 320.0848, F.S.; revising fees for  
16 the 4-year disabled parking permit and renewal  
17 permit; amending s. 320.089, F.S.; revising  
18 weight restriction for the Ex-POW and Purple  
19 Heart license plates; amending s. 321.02, F.S.;  
20 providing for colors for use on Florida Highway  
21 Patrol motor vehicles and motorcycles; amending  
22 s. 322.051, F.S.; requiring acceptance of the  
23 Florida identification card as proof of  
24 identification by persons accepting the Florida  
25 driver license as proof of identification;  
26 amending s. 860.20, F.S.; revising provisions  
27 relating to the issuance of serial numbers on  
28 certain vessel motors; providing a date by  
29 which automotive service technology education  
30 programs must be industry certified; amending  
31 s. 319.30, F.S.; redefining the term "total



Amendment No. ff2 (for drafter's use only)

1 loss"; creating s. 319.41, F.S.; providing for  
2 a searchable database of title history;  
3 amending s. 316.003, F.S.; providing that  
4 certain vehicles of the Department of Health  
5 are authorized emergency vehicles; amending s.  
6 316.2397, F.S.; authorizing emergency response  
7 vehicles of the Department of Health to use red  
8 flashing lights; creating s. 348.7521, F.S.;  
9 clarifying expressway authority's jurisdiction;  
10 clarifying bonding requirements; amending s.  
11 348.754, F.S.; providing that certain  
12 activities of an expressway authority may be  
13 approved by the governing body of the affected  
14 county at the conclusion of a public hearing on  
15 the matter; restricting certain activities  
16 affecting the Wekiva River or Green Swamp Area  
17 by the Orlando-Orange County Expressway  
18 Authority; amending s. 348.7543, F.S.;  
19 specifying the revenue bonds that may be used  
20 to finance certain improvements to the  
21 Orlando-Orange County Expressway Authority;  
22 amending s. 348.7544, F.S.; authorizing the  
23 authority to refinance the Northwest Beltway  
24 Part A; prohibiting the authority from  
25 financing or constructing new facilities to the  
26 Northwest Beltway Part A without prior  
27 legislative approval unless on behalf of the  
28 Department of Transportation; amending s.  
29 348.7545, F.S.; authorizing the authority to  
30 refinance the Western Beltway Part C; amending  
31 s. 348.755, F.S.; prescribing additional

1 authority to issue bonds by or on behalf of the  
2 authority; prescribing a condition on issuance  
3 of bonds by the authority; amending s. 348.765,  
4 F.S.; restating the authority's exemption from  
5 certain provisions relating to issuance of  
6 bonds by state agencies; providing for  
7 earlier effect and retroactive application of  
8 s. 197.1722, F.S.; relating to a limited waiver  
9 of certain mandatory charges and interest on  
10 certain real property taxes; providing an  
11 effective date.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31