

1                   A bill to be entitled  
2                   An act relating to transportation; amending s.  
3                   20.23, F.S.; revising language with respect to  
4                   the organization of the department; changing  
5                   the turnpike district into a turnpike  
6                   enterprise; exempting the turnpike enterprise  
7                   from department policies, procedures, and  
8                   standards, subject to the Secretary of  
9                   Transportation's decision to apply such  
10                  requirements; providing exceptions to said  
11                  exemptions; giving the secretary authority to  
12                  promulgate rules under certain conditions that  
13                  will assist the turnpike enterprise in using  
14                  best business practices; amending s. 206.46,  
15                  F.S.; increasing the debt service cap with  
16                  respect to the State Transportation Trust Fund;  
17                  amending s. 316.302, F.S.; revising a date  
18                  concerning commercial motor vehicles to conform  
19                  to federal regulations; authorizing the  
20                  department's Motor Carrier Compliance officers,  
21                  and duly appointed agents holding a safety  
22                  inspector certification from the Commercial  
23                  Vehicle Safety Alliance, to stop commercial  
24                  motor vehicles for inspection of the vehicle  
25                  and driver's records; providing that other law  
26                  enforcement officers may enforce commercial  
27                  motor vehicle regulations under certain  
28                  conditions; requiring that unsafe vehicles and  
29                  drivers be removed from service under certain  
30                  conditions; amending s. 316.3025, F.S.;  
31                  updating a cross reference to federal trucking

1 regulations; amending s. 316.515, F.S.;

2 deleting a requirement for a department permit

3 with respect to the height of automobile

4 transporters; amending s. 316.535, F.S.; adding

5 weight requirements for certain commercial

6 trucks; amending s. 316.545, F.S.; correcting a

7 cross reference; providing for the discretion

8 of the department to detain commercial vehicles

9 until certain penalties are paid; amending s.

10 334.044, F.S.; providing for officers employed

11 by the department's Office of Motor Carrier

12 Compliance and specifying duties and

13 responsibilities of said officers; authorizing

14 appointment of part-time and auxiliary

15 officers; amending s. 337.025, F.S.;

16 eliminating cap on innovative highway projects

17 for the turnpike enterprise; amending s.

18 337.11, F.S.; raising the cap on certain

19 contracts into which the department can enter

20 without first obtaining bids; providing an

21 exemption for a turnpike enterprise project;

22 revising provisions for design-build contracts;

23 amending s. 337.185, F.S.; clarifying

24 application of limitation on certain claims

25 brought before the State Arbitration Board;

26 amending s. 338.22, F.S.; redesignating the

27 Florida Turnpike Law as the Florida Turnpike

28 Enterprise Law; amending s. 338.221, F.S.;

29 amending the term "economically feasible" as

30 used with respect to turnpike projects;

31 creating s. 338.2215, F.S.; providing

1 legislative findings, policy, purpose, and  
2 intent for the Florida Turnpike Enterprise;  
3 creating s. 338.2216, F.S.; prescribing the  
4 power and authority of the turnpike enterprise;  
5 amending s. 338.223, F.S.; increasing the  
6 maximum loan amount for the turnpike  
7 enterprise; amending ss. 338.165 and 338.227,  
8 F.S.; conforming provisions; amending s.  
9 338.234, F.S.; authorizing the turnpike  
10 enterprise to expand business opportunities;  
11 prohibiting the department from exercising its  
12 powers of eminent domain solely to acquire  
13 property for business opportunities on the  
14 Florida Turnpike; deleting obsolete language;  
15 amending s. 338.235, F.S.; authorizing the  
16 consideration of goods instead of fees;  
17 amending s. 338.239, F.S.; providing that  
18 approved expenditure to the Florida Highway  
19 Patrol be paid by the turnpike enterprise;  
20 amending s. 338.241, F.S.; lowering the  
21 required cash reserve for the turnpike  
22 enterprise; amending s. 338.251, F.S.;  
23 conforming provisions; amending s. 339.135,  
24 F.S.; including reference to turnpike  
25 enterprise with respect to the tentative work  
26 program; revising language with respect to the  
27 tentative work program; amending s. 553.80,  
28 F.S.; providing for self-regulation of certain  
29 construction; creating the "Florida High-Speed  
30 Rail Authority Act"; creating s. 341.8201,  
31 F.S.; providing a short title; creating s.

1 341.8202, F.S.; providing legislative findings,  
2 policy, purpose, and intent with respect to the  
3 development, design, financing, construction,  
4 and operation of a high-speed rail system in  
5 the state; creating s. 341.8203, F.S.;  
6 providing definitions; amending s. 341.821,  
7 F.S., relating to the creation of the Florida  
8 High-Speed Rail Authority; removing obsolete  
9 provisions; amending s. 341.822, F.S.; revising  
10 and providing additional powers and duties of  
11 the authority; amending s. 341.823, F.S.;  
12 revising the criteria for assessment and  
13 recommendations with respect to the  
14 establishment of the high-speed rail system;  
15 requiring the authority to establish specified  
16 requirements; requiring the authority to  
17 develop a specified plan, study, and estimates;  
18 amending s. 341.824, F.S.; specifying types of  
19 technical, scientific, or other assistance to  
20 be provided by the Department of Community  
21 Affairs and the Department of Environmental  
22 Protection; creating s. 341.827, F.S.;  
23 providing for determination of service areas  
24 and the order of system segment construction;  
25 creating s. 341.828, F.S.; authorizing the  
26 authority to utilize existing permitting  
27 processes; requiring cooperation between the  
28 authority and metropolitan planning  
29 organizations; creating s. 341.829, F.S.;  
30 requiring the authority, in conjunction with  
31 the Executive Office of the Governor, the

1 Department of Community Affairs, and the  
2 Department of Environmental Protection, to  
3 develop and implement a process to mitigate and  
4 resolve conflicts between the system and growth  
5 management requirements and environmental  
6 standards; providing time limits for the filing  
7 of and response to specified complaints;  
8 creating s. 341.830, F.S.; authorizing the  
9 authority to employ specified procurement  
10 methods; providing for the adoption of rules;  
11 authorizing the authority to procure  
12 commodities and services for the designing,  
13 building, financing, maintenance, operation,  
14 and implementation of a high-speed rail system;  
15 creating s. 341.831, F.S.; authorizing the  
16 authority to prequalify interested persons or  
17 entities prior to seeking proposals for the  
18 design, construction, operation, maintenance,  
19 and financing of the high-speed rail system;  
20 providing for the establishment of qualifying  
21 criteria; creating s. 341.832, F.S.;  
22 authorizing the authority to develop and  
23 execute a request for qualifications process;  
24 creating s. 341.833, F.S.; authorizing the  
25 authority to develop and execute a request for  
26 proposals process to seek a person or entity to  
27 design, build, operate, maintain, and finance a  
28 high-speed rail system; creating s. 341.834,  
29 F.S.; providing for award of a conditional  
30 contract; providing contract requirements;  
31 prohibiting transfer of system property without

1 written approval; creating s. 341.835, F.S.;  
2 authorizing the authority to purchase, lease,  
3 exchange, or acquire land, property, or  
4 buildings necessary to secure or utilize  
5 rights-of-way for high-speed rail system  
6 facilities; providing that the authority is not  
7 subject to specified liability; authorizing the  
8 authority and the Department of Environmental  
9 Protection to enter into certain interagency  
10 agreements; providing for the disposal of  
11 interest in property; authorizing agents and  
12 employees of the authority to enter upon  
13 certain property; authorizing the authority to  
14 accept donations of real property; creating s.  
15 341.836, F.S.; authorizing the authority to  
16 undertake the development of associated  
17 developments; providing requirements of  
18 associated developments; creating s. 341.837,  
19 F.S.; providing for payment of expenses  
20 incurred in carrying out the act; creating s.  
21 341.838, F.S.; authorizing the authority to  
22 fix, revise, charge, collect, and adjust rates,  
23 rents, fees, charges, and revenues, and to  
24 enter into contracts; providing for annual  
25 review by the authority of rates, rents, fees,  
26 and charges; providing for uses of revenues;  
27 creating s. 341.839, F.S.; providing that the  
28 act is supplemental and additional to powers  
29 conferred by other laws; exempting powers of  
30 the authority from specified supervision,  
31 approval, or consent; creating s. 341.840,

1 F.S.; providing tax exemptions for property  
2 acquired or used by the authority or specified  
3 income; creating s. 341.841, F.S.; requiring  
4 the authority to prepare and submit a report;  
5 providing for an annual audit; creating s.  
6 341.842, F.S.; providing construction of the  
7 act; amending s. 288.109, F.S.; removing a  
8 cross reference; amending s. 334.30, F.S.;  
9 removing a cross reference; amending s.  
10 337.251, F.S.; removing a cross reference;  
11 amending s. 341.501, F.S.; providing that  
12 specified actions do not apply to the Florida  
13 High-Speed Rail Authority Act; repealing s.  
14 341.3201, F.S., relating to the short title for  
15 ss. 341.3201-341.386, F.S., the "Florida  
16 High-Speed Rail Transportation Act"; repealing  
17 s. 341.321, F.S., relating to legislative  
18 findings, policy, purpose, and intent with  
19 respect to the development of a high-speed rail  
20 transportation system connecting the major  
21 urban areas of the state; repealing s. 341.322,  
22 F.S., relating to definitions of terms;  
23 repealing s. 341.325, F.S., relating to special  
24 powers and duties of the Department of  
25 Transportation; repealing s. 341.327, F.S.,  
26 which provides that the Florida High-Speed Rail  
27 Transportation Act is the sole and exclusive  
28 determination of need for any high-speed rail  
29 transportation system established under the  
30 act, thereby preempting specified  
31 determinations of need; repealing s. 341.329,

1 F.S., relating to the issuance of bonds to  
2 finance a high-speed rail transportation  
3 system; repealing s. 341.331, F.S., relating to  
4 designation of the areas of the state to be  
5 served by the high-speed rail transportation  
6 system and designation of termini; repealing s.  
7 341.332, F.S., relating to the award of  
8 franchises by the Department of Transportation  
9 to establish a high-speed rail transportation  
10 system; repealing s. 341.3331, F.S., relating  
11 to request for proposals; repealing s.  
12 341.3332, F.S., relating to notice of issuance  
13 of request for proposals; repealing s.  
14 341.3333, F.S., relating to requirements with  
15 respect to an application for franchise, and  
16 confidentiality of the application and portions  
17 of the application relating to trade secrets;  
18 repealing s. 341.3334, F.S., relating to the  
19 departmental review process of application for  
20 franchise; repealing s. 341.3335, F.S.,  
21 relating to interagency coordination of  
22 franchise application review; repealing s.  
23 341.3336, F.S., relating to public meetings on  
24 franchise applications; repealing s. 341.3337,  
25 F.S., relating to determination and award of  
26 franchise; repealing s. 341.3338, F.S.,  
27 relating to effect of franchise; repealing s.  
28 341.3339, F.S., relating to postfranchise  
29 agreements; repealing s. 341.334, F.S.,  
30 relating to the powers and duties of the  
31 Department of Transportation with respect to



1 the act; repealing s. 341.335, F.S., relating  
2 to the powers and duties of the Florida Land  
3 and Water Adjudicatory Commission sitting as  
4 the board; repealing s. 341.336, F.S., relating  
5 to the powers and duties of the Department of  
6 Environmental Protection, the Department of  
7 Community Affairs, and other affected agencies;  
8 repealing s. 341.3365, F.S., relating to  
9 certification procedures; repealing s. 341.342,  
10 F.S., relating to agreements concerning  
11 contents of certification application and  
12 supporting documentation; repealing s. 341.343,  
13 F.S., relating to review of certification  
14 applications; repealing s. 341.344, F.S.,  
15 relating to the establishment, composition,  
16 organization, and duties of the Citizens'  
17 Planning and Environmental Advisory Committee;  
18 repealing s. 341.345, F.S., relating to  
19 alternate corridors or transit station  
20 locations; repealing s. 341.346, F.S., relating  
21 to the powers and duties of an administrative  
22 law judge appointed to conduct hearings under  
23 the act; repealing s. 341.3465, F.S., relating  
24 to alteration of time limitations specified by  
25 the act; repealing s. 341.347, F.S., relating  
26 to required combined public meetings and land  
27 use and zoning hearings to be conducted by  
28 local governments; repealing s. 341.348, F.S.,  
29 relating to reports and studies required of  
30 various agencies by the act; repealing s.  
31 341.351, F.S., relating to publication and

1 contents of notice of certification application  
2 and proceedings; repealing s. 341.352, F.S.,  
3 relating to certification hearings; repealing  
4 s. 341.353, F.S., relating to final disposition  
5 of certification applications; repealing s.  
6 341.363, F.S., relating to the effect of  
7 certification; repealing s. 341.364, F.S.,  
8 relating to a franchisee's right to appeal to  
9 the Florida Land and Water Adjudicatory  
10 Commission under specified circumstances;  
11 repealing s. 341.365, F.S., relating to  
12 associated development; repealing s. 341.366,  
13 F.S., relating to recording of notice of  
14 certified corridor route; repealing s. 341.368,  
15 F.S., relating to modification of certification  
16 or franchise; repealing s. 341.369, F.S.,  
17 relating to fees imposed by the department and  
18 the disposition of such fees; repealing s.  
19 341.371, F.S., relating to revocation or  
20 suspension of franchise or certification;  
21 repealing s. 341.372, F.S., relating to  
22 imposition by the department of specified  
23 administrative fines in lieu of revocation or  
24 suspension of franchise; repealing s. 341.375,  
25 F.S., relating to the required participation by  
26 women, minorities, and economically  
27 disadvantaged individuals in all phases of the  
28 design, construction, maintenance, and  
29 operation of a high-speed rail transportation  
30 system developed under the act, and required  
31 plans for compliance by franchisees; repealing

1 s. 341.381, F.S., relating to applicability of  
2 the act; repealing s. 341.382, F.S., relating  
3 to laws and regulations superseded by the act;  
4 repealing s. 341.383, F.S., relating to the  
5 authority of local governments to assess  
6 specified fees; repealing s. 341.386, F.S.,  
7 relating to the admissibility of the award of a  
8 franchise and of a certification under the act  
9 in eminent domain proceedings; repealing s. 59,  
10 ch. 99-385, Laws of Florida; abrogating the  
11 repeal of provisions governing business damages  
12 in eminent domain actions; amending s. 73.071,  
13 F.S.; providing for the age required of a  
14 standing business in order to qualify for  
15 business damages; amending s. 163.3177, F.S.;  
16 adding airport master plans that have specified  
17 components to comprehensive plans; creating  
18 exemption to development of regional impact  
19 review if certain conditions are met; amending  
20 s. 189.441, F.S., relating to contracts with an  
21 authority under the Community Improvement  
22 Authority Act; removing an exemption from s.  
23 287.055, F.S., related to procurement of  
24 specified services; amending s. 212.0606, F.S.;  
25 requiring proceeds from surcharge in the State  
26 Transportation Trust Fund be used to fund  
27 district projects; amending s. 215.615, F.S.,  
28 relating to funding of fixed-guideway  
29 transportation systems; deleting obsolete  
30 language; amending s. 255.20, F.S.; exempting  
31 certain transportation projects from certain

1 competitive bidding requirements; amending s.  
2 287.055, F.S.; increasing the amount defining a  
3 continuing contract; amending s. 311.09, F.S.;  
4 providing for application of s. 287.055, F.S.,  
5 the Consultants' Competitive Negotiation Act,  
6 to seaports; amending s. 315.02, F.S.;  
7 redefining the terms "unit" and "port  
8 facilities" for purposes of port facilities  
9 financing; including seaport security projects  
10 within the meaning of "port facility"; amending  
11 s. 315.03, F.S.; authorizing certain entities  
12 to participate in certain federal loan  
13 programs; providing for oversight by the  
14 Florida Seaport Transportation and Economic  
15 Development Council; requiring annual reports;  
16 requiring legislative review; amending s.  
17 316.003, F.S.; revising definition of "motor  
18 vehicle"; defining the terms "electric personal  
19 assistive mobility device" and "motorized  
20 scooter"; creating s. 316.2068, F.S.; providing  
21 regulations for electric personal assistive  
22 mobility devices; amending s. 316.515, F.S.;  
23 revising size requirement provisions for  
24 vehicles transporting certain agricultural  
25 products; allowing the Department of  
26 Transportation to issue permits for certain  
27 vehicles; amending s. 316.520, F.S.; exempting  
28 certain vehicles from covering requirements;  
29 creating s. 316.80, F.S.; establishing  
30 penalties for persons who transport motor or  
31 diesel fuel in unlawful containers;

1 establishing penalties for use of stolen or  
2 illegal payment access devices; providing for  
3 forfeiture; providing for costs; amending s.  
4 320.08056, F.S.; providing use fees for the  
5 Florida Firefighters license plate and the  
6 Police Benevolent Association license plate;  
7 amending s. 320.08058, F.S.; providing for  
8 creation of the Florida Firefighters license  
9 plate and the Police Benevolent Association  
10 license plate; providing for the distribution  
11 of use fees received from the sale of such  
12 plates; amending s. 332.004, F.S.; revising the  
13 definition of "airport or aviation development  
14 project" for purposes of the Florida Airport  
15 Development and Assistance Act to add certain  
16 noise mitigation projects; amending s. 332.007,  
17 F.S.; extending expiration date of provisions  
18 relating to economic assistance to airports for  
19 certain projects; extending due date of certain  
20 loans for certain airports; amending s. 333.06,  
21 F.S.; adding requirements for an airport master  
22 plan; amending s. 334.044, F.S.; authorizing  
23 the department to expend money on items that  
24 promote scenic highway projects; authorizing  
25 the department to delegate its drainage  
26 permitting responsibilities to other  
27 governmental entities under certain  
28 circumstances; amending s. 334.175, F.S.;  
29 adding state-registered landscape architects to  
30 the list of design professionals who sign,  
31 seal, and certify certain Department of

1           Transportation project plans; amending s.  
2           336.41, F.S.; providing for counties to certify  
3           or qualify persons to perform work under  
4           certain contracts; clarifying that a contractor  
5           already qualified by the department is presumed  
6           qualified to perform work described under  
7           contract on county road projects; amending s.  
8           336.44, F.S.; providing that certain contracts  
9           shall be let to the lowest responsible bidder;  
10          amending s. 337.14, F.S.; revising provisions  
11          for qualifying persons to bid on certain  
12          construction contracts; providing for  
13          expressway authorities to certify or qualify  
14          persons to perform work under certain  
15          contracts; clarifying that a contractor  
16          qualified by the department is presumed  
17          qualified to perform work described under  
18          contract on projects for expressway  
19          authorities; amending s. 337.401, F.S.;  
20          providing that for certain projects under the  
21          department's jurisdiction, a utility relocation  
22          schedule and relocation agreement may be  
23          executed in lieu of a written permit; amending  
24          s. 337.408, F.S.; revising language with  
25          respect to the regulation of benches, transit  
26          shelters, and waste disposal receptacles within  
27          rights-of-way; restating the Department of  
28          Transportation's rulemaking authority regarding  
29          regulation of bus benches; providing for local  
30          government regulation of dimensions of bus  
31          benches and advertising displays to supersede

1 the department's regulations, in certain  
2 circumstances; requiring approval of Federal  
3 Highway Administration for bus benches and  
4 advertising displays on the National Highway  
5 System; providing for regulation of street  
6 light poles; amending s. 339.12, F.S.;  
7 providing for preference to certain counties  
8 for transportation grants under specified  
9 circumstances; amending s. 339.55, F.S.;  
10 providing for state infrastructure bank funds  
11 to be spent on intermodal projects; revising  
12 criteria for evaluation of projects; amending  
13 s. 341.031, F.S.; correcting cross references;  
14 amending s. 341.051, F.S., relating to  
15 financing of public transit capital projects,  
16 and s. 341.053, F.S., relating to projects  
17 eligible for funding under the Intermodal  
18 Development Program; deleting obsolete  
19 language; amending s. 341.501, F.S., relating  
20 to high-technology transportation systems;  
21 authorizing the department to match funds from  
22 other states or jurisdictions for certain  
23 purposes; providing criteria; amending s.  
24 348.0003, F.S.; authorizing a county governing  
25 body to set qualifications, terms of office,  
26 and obligations and rights for the members of  
27 expressway authorities within their  
28 jurisdictions; amending s. 348.0008, F.S.;  
29 allowing expressway authorities to acquire  
30 certain interests in land; providing for  
31 expressway authorities and their agents or

1 employees to access public or private property  
2 for certain purposes; creating s. 348.545,  
3 F.S.; clarifying that the Tampa-Hillsborough  
4 County Expressway Authority may use bond  
5 revenues to finance improvements to toll  
6 facilities, interchanges, and other facilities  
7 related to the expressway system; amending s.  
8 348.565, F.S.; adding the connector highway  
9 linking Lee Roy Selmon Crosstown Expressway to  
10 Interstate 4 as an approved project; amending  
11 s. 373.4137, F.S.; providing for certain  
12 expressway, bridge, or transportation  
13 authorities to create environmental impact  
14 inventories and participate in a mitigation  
15 program to offset adverse impacts caused by  
16 their transportation projects; amending s.  
17 380.04, F.S.; adding work on rights-of-way  
18 pertaining to electricity facilities to the  
19 list of activities not defined as "development"  
20 for purposes of the Florida Environmental Land  
21 and Water Management Act; amending s. 380.06,  
22 F.S., relating to development of regional  
23 impact; removing a rebuttable presumption with  
24 respect to application of the statewide  
25 guidelines and standards and revising the fixed  
26 thresholds; providing application with respect  
27 to developments that have received a  
28 development-of-regional-impact development  
29 order or that have an application for  
30 development approval or notification of  
31 proposed change pending; amending s. 768.28,



1 F.S.; providing that certain operators,  
2 dispatchers, and security providers for rail  
3 services and certain rail facility maintenance  
4 providers in a specified area or for the  
5 Tri-County Commuter Rail Authority or the  
6 Department of Transportation are agents of the  
7 state under specified circumstances; creating  
8 the Dori Slosberg Driver Education Safety Act;  
9 authorizing a board of county commissioners to  
10 require an additional amount to be collected  
11 with each civil traffic penalty to be used to  
12 fund traffic education programs in public and  
13 nonpublic schools; providing for administration  
14 of funds collected; restricting use of said  
15 funds; amending s. 2 of chapter 88-418, Laws of  
16 Florida, relating to Crandon Boulevard;  
17 allowing expenditure of public funds for  
18 modifications to provide access for  
19 governmental public safety vehicles; amending  
20 s. 212.055, F.S.; removing a limitation on  
21 which charter counties may levy a charter  
22 county transit surtax; amending s. 316.006,  
23 F.S.; authorizing the installation of  
24 multiparty stop signs on certain roads;  
25 providing guidelines for the installation of  
26 such signage; amending s. 316.066, F.S.;  
27 providing for access to vehicle crash reports  
28 by local, state, and federal entities under  
29 certain circumstances; requiring said entities  
30 to maintain confidential status of such  
31 reports; amending s. 316.1975, F.S.; exempting

1 operators of solid waste and recovered  
 2 materials vehicles from provisions regarding  
 3 unattended motor vehicles under certain  
 4 circumstances; creating s. 316.2127, F.S.;  
 5 providing for operation of utility vehicles on  
 6 city streets, county roads, or the State  
 7 Highway System under certain circumstances;  
 8 amending s. 316.304, F.S.; revising  
 9 requirements regarding the wearing of headsets  
 10 while operating a vehicle; amending s. 316.520,  
 11 F.S.; exempting certain vehicles carrying  
 12 agricultural products; providing for criminal  
 13 penalties for failure to secure loads on  
 14 vehicles under certain circumstances; amending  
 15 s. 316.640, F.S.; revising traffic law  
 16 enforcement authority of university police  
 17 officers; revising traffic law enforcement  
 18 authority of officers of the office of  
 19 agricultural law enforcement revising the  
 20 powers and duties of traffic crash  
 21 investigation officers; amending s. 318.18,  
 22 F.S.; providing for assessment of doubled fines  
 23 for speeding in toll collection zones;  
 24 providing a minimum penalty for violations of  
 25 s. 316.520, F.S.; amending s. 318.19, F.S.;  
 26 providing a mandatory hearing for violations of  
 27 s. 316.520, F.S.; revising traffic law  
 28 enforcement authority of the Office of  
 29 Agricultural Law Enforcement; amending s.  
 30 322.056, F.S.; authorizing the court to direct  
 31 the Department of Highway Safety and Motor

1 Vehicles to issue a driver's license restricted  
2 to business or employment purposes only to  
3 certain persons under age 18 found guilty of  
4 certain alcohol, drug, or tobacco offenses;  
5 amending s. 570.073, F.S.; revising the powers  
6 and duties of the Office of Agricultural Law  
7 Enforcement; amending s. 319.23, F.S.;  
8 requiring the Department of Highway Safety and  
9 Motor Vehicles to retain certain evidence of  
10 title; amending s. 319.28, F.S.; revising  
11 requirements for processing an application for  
12 title based on a contractual default; amending  
13 s. 319.33, F.S.; revising the elements of the  
14 offense of possessing, selling or offering for  
15 sale, concealing, or disposing of a motor  
16 vehicle or mobile home, or major component part  
17 thereof, on which the motor number or vehicle  
18 identification number has been destroyed,  
19 removed, covered, altered, or defaced;  
20 providing penalties; amending s. 320.025, F.S.;  
21 providing for confidential registration and  
22 issuance under fictitious name of decals for  
23 vessels operated by a law enforcement agency;  
24 requiring registration number and decal to be  
25 affixed to such vessel; amending s. 320.05,  
26 F.S.; providing for release of vessel  
27 registration information; providing exceptions;  
28 amending s. 320.055, F.S.; providing  
29 registration period for certain nonapportioned  
30 vehicles; amending s. 320.06, F.S.; revising  
31 form of license plate validation stickers;

1 reducing the number of required validation  
2 stickers per plate; amending s. 320.0805, F.S.;  
3 reducing the timeframe for a personalized  
4 license plate to remain out of circulation  
5 prior to reassignment; amending s. 320.083,  
6 F.S.; revising requirements for the Amateur  
7 Radio Operator specialty license plate;  
8 amending s. 320.0848, F.S.; revising fees for  
9 the 4-year disabled parking permit and renewal  
10 permit; amending s. 320.089, F.S.; revising  
11 weight restriction for the Ex-POW and Purple  
12 Heart license plates; amending s. 321.02, F.S.;  
13 providing for colors for use on Florida Highway  
14 Patrol motor vehicles and motorcycles; amending  
15 s. 322.051, F.S.; requiring acceptance of the  
16 Florida identification card as proof of  
17 identification by persons accepting the Florida  
18 driver license as proof of identification;  
19 amending s. 860.20, F.S.; revising provisions  
20 relating to the issuance of serial numbers on  
21 certain vessel motors; providing a date by  
22 which automotive service technology education  
23 programs must be industry certified; amending  
24 s. 319.30, F.S.; redefining the term "total  
25 loss"; creating s. 319.41, F.S.; providing for  
26 a searchable database of title history;  
27 amending s. 316.003, F.S.; providing that  
28 certain vehicles of the Department of Health  
29 are authorized emergency vehicles; amending s.  
30 316.2397, F.S.; authorizing emergency response  
31 vehicles of the Department of Health to use red

1 flashing lights; amending s. 348.7543, F.S.;  
2 specifying the revenue bonds that may be used  
3 to finance certain improvements to the  
4 Orlando-Orange County Expressway Authority;  
5 amending s. 348.7545, F.S.; authorizing the  
6 authority to refinance the Western Beltway Part  
7 C; amending s. 348.755, F.S.; prescribing  
8 additional authority to issue bonds by or on  
9 behalf of the authority; prescribing a  
10 condition on issuance of bonds by the  
11 authority; amending s. 348.765, F.S.; restating  
12 the authority's exemption from certain  
13 provisions relating to issuance of bonds by  
14 state agencies; providing for earlier effect  
15 and retroactive application of s. 197.1722,  
16 F.S.; relating to a limited waiver of certain  
17 mandatory charges and interest on certain real  
18 property taxes; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsection (4) of section 20.23, Florida  
23 Statutes, is amended to read:

24 20.23 Department of Transportation.--There is created  
25 a Department of Transportation which shall be a decentralized  
26 agency.

27 (4)(a) The operations of the department shall be  
28 organized into seven ~~eight~~ districts, ~~including a turnpike~~  
29 ~~district,~~ each headed by a district secretary and a turnpike  
30 enterprise, headed by an executive director. The district  
31 secretaries shall report to the Assistant Secretary for

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

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

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

28 (d) Within each district, offices shall be established  
29 for managing major functional responsibilities of the  
30 department. The offices may include planning, design,  
31 construction, right-of-way, maintenance, and public

1 transportation. The heads of these offices shall be exempt  
2 from part II of chapter 110.

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

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

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

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

26 206.46 State Transportation Trust Fund.--

27 (2) Notwithstanding any other provisions of law, from  
28 the revenues deposited into the State Transportation Trust  
29 Fund a maximum of 7 percent in each fiscal year shall be  
30 transferred into the Right-of-Way Acquisition and Bridge  
31 Construction Trust Fund created in s. 215.605, as needed to

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

13 Section 3. Paragraph (b) of subsection (1) and  
 14 subsection (8) of section 316.302, Florida Statutes, are  
 15 amended to read:

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

19 (1)

20 (b) Except as otherwise provided in this section, all  
 21 owners or drivers of commercial motor vehicles that are  
 22 engaged in intrastate commerce are subject to the rules and  
 23 regulations contained in 49 C.F.R. parts 382, 385, and  
 24 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
 25 relates to the definition of bus, as such rules and  
 26 regulations existed on October 1, 2001 ~~March 1, 1999~~.

27 (8) For the purpose of enforcing this section, any law  
 28 enforcement officer ~~agent~~ of the Department of Transportation  
 29 or duly appointed agent who holds a current safety inspector  
 30 certification from the Commercial Vehicle Safety Alliance may  
 31 require the driver of any commercial vehicle operated on the



1 highways of this state to stop and submit to an inspection of  
2 the vehicle or the driver's records described in s.  
3 ~~316.545(9), any member of the Florida Highway Patrol, or any~~  
4 ~~person employed by a sheriff's office or municipal police~~  
5 ~~department who is authorized to enforce the traffic laws of~~  
6 ~~this state pursuant to s. 316.640 may enforce the provisions~~  
7 ~~of this section. Any officer of the Department of~~  
8 ~~Transportation described in s. 316.545(9), any member of the~~  
9 ~~Florida Highway Patrol, or any law enforcement officer~~  
10 ~~employed by a sheriff's office or municipal police department~~  
11 ~~authorized to enforce the traffic laws of this state pursuant~~  
12 ~~to s. 316.640, who has reason to believe that a vehicle or~~  
13 ~~driver is operating in an unsafe condition, may require the~~  
14 ~~driver to stop and submit to an inspection of the vehicle or~~  
15 ~~the driver's records. Any person who fails to comply with an~~  
16 ~~officer's request to submit to an inspection under this~~  
17 ~~subsection is guilty of a violation of s. 843.02 if the driver~~  
18 ~~resists the officer without violence or a violation of s.~~  
19 ~~843.01 if the driver resists the officer with violence. If~~  
20 the vehicle or driver is found to be operating in an unsafe  
21 condition, or if any required part or equipment is not present  
22 or is not in proper repair or adjustment, and the continued  
23 operation would probably present an unduly hazardous operating  
24 condition, the officer may require the vehicle or the driver  
25 to be removed from service pursuant to the North American  
26 Uniform Out-of-Service Criteria, until corrected. However, if  
27 continuous operation would not present an unduly hazardous  
28 operating condition, the officer may give written notice  
29 requiring correction of the condition ~~to require proper repair~~  
30 ~~and adjustment of the vehicle within 14 days.~~  
31

1           (a) Any member of the Florida Highway Patrol or any  
2 law enforcement officer employed by a sheriff's office or  
3 municipal police department authorized to enforce the traffic  
4 laws of this state pursuant to s. 316.640 who has reason to  
5 believe that a vehicle or driver is operating in an unsafe  
6 condition may, as provided in subsection (10), enforce the  
7 provisions of this section.

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

13           Section 4. Paragraph (a) of subsection (3) of section  
14 316.3025, Florida Statutes, is amended to read:

15           316.3025 Penalties.--

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

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

20           316.515 Maximum width, height, length.--

21           (2) HEIGHT LIMITATION.--No vehicle may exceed a height  
22 of 13 feet 6 inches, inclusive of load carried thereon.  
23 However, an automobile transporter may, ~~with a permit from the~~  
24 ~~Department of Transportation,~~ measure a height not to exceed  
25 14 feet, inclusive of the load carried thereon.

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

30           316.535 Maximum weights.--

31

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

16           ~~(7)(6)~~ The Department of Transportation shall adopt  
17 rules to implement this section, shall enforce this section  
18 and the rules adopted hereunder, and shall publish and  
19 distribute tables and other publications as deemed necessary  
20 to inform the public.

21           ~~(8)(7)~~ Except as hereinafter provided, no vehicle or  
22 combination of vehicles exceeding the gross weights specified  
23 in subsections (3), (4), ~~and~~ (5), ~~and~~ (6) shall be permitted  
24 to travel on the public highways within the state.

25           Section 7. Paragraph (a) of subsection (2) and  
26 paragraph (a) of subsection (4) of section 316.545, Florida  
27 Statutes, are amended to read:

28           316.545 Weight and load unlawful; special fuel and  
29 motor fuel tax enforcement; inspection; penalty; review.--

30           (2)(a) Whenever an officer, upon weighing a vehicle or  
31 combination of vehicles with load, determines that the axle

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

25 (4)(a) No commercial vehicle, as defined in s.  
26 316.003(66), shall be operated over the highways of this state  
27 unless it has been properly registered under the provisions of  
28 s. 207.004. Whenever any law enforcement officer identified in  
29 s. 207.023(1), upon inspecting the vehicle or combination of  
30 vehicles, determines that the vehicle is in violation of s.  
31 207.004, a penalty in the amount of \$50 shall be assessed, and

1 the vehicle may ~~shall~~ be detained until payment is collected  
2 by the law enforcement officer.

3 Section 8. Subsection (31) is added to section  
4 334.044, Florida Statutes, to read:

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

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

28 Section 9. Section 337.025, Florida Statutes, is  
29 amended to read:

30 337.025 Innovative highway projects; department to  
31 establish program.--The department is authorized to establish

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

27 Section 10. Paragraph (c) of subsection (3) and  
28 paragraph (c) of subsection (6) of section 337.11, Florida  
29 Statutes, are amended to read:

30 337.11 Contracting authority of department; bids;  
31 emergency repairs, supplemental agreements, and change orders;

1 combined design and construction contracts; progress payments;  
2 records; requirements of vehicle registration.--

3 (3)

4 (c) No advertisement for bids shall be published and  
5 no bid solicitation notice shall be provided until title to  
6 all necessary rights-of-way and easements for the construction  
7 of the project covered by such advertisement or notice has  
8 vested in the state or a local governmental entity, and all  
9 railroad crossing and utility agreements have been executed.

10 The turnpike enterprise is exempt from this paragraph for a  
11 turnpike enterprise project.Title to all necessary

12 rights-of-way shall be deemed to have been vested in the State  
13 of Florida when such title has been dedicated to the public or  
14 acquired by prescription.

15 (6)

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

28 1. To ensure timely completion of projects or  
29 avoidance of undue delay for other projects;

30  
31

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

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

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

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

20           337.11 Contracting authority of department; bids;  
21 emergency repairs, supplemental agreements, and change orders;  
22 combined design and construction contracts; progress payments;  
23 records; requirements of vehicle registration.--

24           (7)(a) If the head of the department determines that  
25 it is in the best interests of the public, the department may  
26 combine the right-of-way services and design and construction  
27 phases of a building, a major bridge, a limited access  
28 facility, or a rail corridor project into a single contract.  
29 Such contract is referred to as a design-build contract.  
30 Design-build contracts may be advertised and awarded  
31 notwithstanding the requirements of paragraph (3)(c). However,



1 construction activities may not begin on any portion of such  
2 projects until title to the necessary rights-of-way and  
3 easements for the construction of that portion of the project  
4 has vested in the state or a local governmental entity and all  
5 railroad crossing and utility agreements have been executed.  
6 Title to rights-of-way vests in the state when the title has  
7 been dedicated to the public or acquired by prescription.

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

11           337.11 Contracting authority of department; bids;  
12 emergency repairs, supplemental agreements, and change orders;  
13 combined design and construction contracts; progress payments;  
14 records; requirements of vehicle registration.--

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

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

1           337.185 State Arbitration Board.--

2           (3) A hearing may be requested by the department or by  
3 a contractor who has a dispute with the department which,  
4 under the rules of the board, may be the subject of  
5 arbitration. The request is to be made to the board within  
6 820 days after the final acceptance of the work for all  
7 contracts entered into after June 30, 1993.The board shall  
8 conduct the hearing within 45 days of the request. The party  
9 requesting the board's consideration shall give notice of the  
10 hearing to each member. If the board finds that a third party  
11 is necessary to resolve the dispute, the board may vote to  
12 dismiss the claim, which may thereafter be pursued in  
13 accordance with the laws of the State of Florida.

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

16           338.165 Continuation of tolls.--

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

19           Section 15. Section 338.22, Florida Statutes, is  
20 amended to read:

21           338.22 Florida Turnpike Enterprise Law; short  
22 title.--Sections 338.22-338.241 may be cited as the "Florida  
23 Turnpike Enterprise Law."

24           Section 16. Section 338.221, Florida Statutes, is  
25 amended to read:

26           338.221 Definitions of terms used in ss.

27 338.22-338.241.--As used in ss. 338.22-338.241, the following  
28 words and terms have the following meanings, unless the  
29 context indicates another or different meaning or intent:

30           (1) "Bonds" or "revenue bonds" means notes, bonds,  
31 refunding bonds or other evidences of indebtedness or

1 obligations, in either temporary or definitive form, issued by  
2 the Division of Bond Finance on behalf of the department and  
3 authorized under the provisions of ss. 338.22-338.241 and the  
4 State Bond Act.

5 (2) "Cost," as applied to a turnpike project, includes  
6 the cost of acquisition of all land, rights-of-way, property,  
7 easements, and interests acquired by the department for  
8 turnpike project construction; the cost of such construction;  
9 the cost of all machinery and equipment, financing charges,  
10 fees, and expenses related to the financing; establishment of  
11 reserves to secure bonds; interest prior to and during  
12 construction and for such period after completion of  
13 construction as shall be determined by the department; the  
14 cost of traffic estimates and of engineering and legal  
15 expenses, plans, specifications, surveys, estimates of cost  
16 and revenues; other expenses necessary or incident to  
17 determining the feasibility or practicability of acquiring or  
18 constructing any such turnpike project; administrative  
19 expenses; and such other expenses as may be necessary or  
20 incident to the acquisition or construction of a turnpike  
21 project, the financing of such acquisition or construction,  
22 and the placing of the turnpike project in operation.

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

27 (4) "Owner" includes any person or any governmental  
28 entity that has title to, or an interest in, any property,  
29 right, easement, or interest authorized to be acquired  
30 pursuant to ss. 338.22-338.241.

31

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

6           (6) "Turnpike system" means those limited access toll  
7 highways and associated feeder roads and other structures,  
8 appurtenances, or rights previously designated, acquired, or  
9 constructed pursuant to the Florida Turnpike Enterprise Law  
10 and such other additional turnpike projects as may be acquired  
11 or constructed as approved by the Legislature.

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

17           (8) "Economically feasible" means:

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

29           (b) For turnpike projects, except for feeder roads and  
30 turnpike improvements, financed from revenues of the turnpike  
31 system, such project, or such group of projects, originally

1 financed from revenues of the turnpike system, that the  
2 project is expected to generate sufficient revenues to  
3 amortize project costs within 15 years of opening to traffic.  
4

5 This subsection does not prohibit the pledging of revenues  
6 from the entire turnpike system to bonds issued to finance or  
7 refinance a turnpike project or group of turnpike projects.

8 (9) "Turnpike project" means any extension to or  
9 expansion of the existing turnpike system and new limited  
10 access toll highways and associated feeder roads and other  
11 structures, interchanges, appurtenances, or rights as may be  
12 approved in accordance with the Florida Turnpike Enterprise  
13 Law.

14 (10) "Statement of environmental feasibility" means a  
15 statement by the Department of Environmental Protection of the  
16 project's significant environmental impacts.

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

19 338.2215 Florida Turnpike Enterprise; legislative  
20 findings, policy, purpose, and intent.--It is the intent of  
21 the Legislature that the turnpike enterprise be provided  
22 additional powers and authority in order to maximize the  
23 advantages obtainable through fully leveraging the Florida  
24 Turnpike System asset. The additional powers and authority  
25 will provide the turnpike enterprise with the autonomy and  
26 flexibility to enable it to more easily pursue innovations as  
27 well as best practices found in the private sector in  
28 management, finance, organization, and operations. The  
29 additional powers and authority are intended to improve  
30 cost-effectiveness and timeliness of project delivery,  
31 increase revenues, expand the turnpike system's capital

1 program capability, and improve the quality of service to its  
2 patrons, while continuing to protect the turnpike system's  
3 bondholders and further preserve, expand, and improve the  
4 Florida Turnpike System.

5 Section 18. Section 338.2216, Florida Statutes, is  
6 created to read:

7 338.2216 Florida Turnpike Enterprise; powers and  
8 authority.--

9 (1)(a) In addition to the powers granted to the  
10 department, the Florida Turnpike Enterprise has full authority  
11 to exercise all powers granted to it under this chapter.  
12 Powers shall include, but are not limited to, the ability to  
13 plan, construct, maintain, repair, and operate the Florida  
14 Turnpike System.

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

24 (c) The executive director of the turnpike enterprise  
25 shall appoint a staff, which shall be exempt from part II of  
26 chapter 110. Among the staff shall be chief financial officer,  
27 who must be a proven, effective administrator with  
28 demonstrated experience in financial management of a large  
29 bonded capital program and must hold an active license to  
30 practice public accounting in Florida pursuant to chapter  
31

1 473. The turnpike enterprise staff shall also include the  
2 Office of Toll Operations.

3 (2) The department shall have the authority to employ  
4 procurement methods available to the Department of Management  
5 Services under chapters 255 and 287 and under any rule adopted  
6 under such chapters solely for the benefit of the turnpike  
7 enterprise.

8 (3)(a) The turnpike enterprise shall be a single  
9 budget entity and shall develop a budget pursuant to chapter  
10 216. The turnpike enterprise's budget shall be submitted to  
11 the Legislature along with the department's budget.

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

25 (4) The powers conferred upon the turnpike enterprise  
26 under ss. 338.22-338.241 shall be in addition and supplemental  
27 to the existing powers of the department and the turnpike  
28 enterprise, and these powers shall not be construed as  
29 repealing any provision of any other law, general or local,  
30 but shall supersede such other laws that are inconsistent with  
31 the exercise of the powers provided under ss. 338.22-338.241

1 and provide a complete method for the exercise of such powers  
2 granted.

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

5 338.223 Proposed turnpike projects.--

6 (4) The department is authorized, with the approval of  
7 the Legislature, to use federal and state transportation funds  
8 to lend or pay a portion of the operating, maintenance, and  
9 capital costs of turnpike projects. ~~Federal and state~~  
10 ~~transportation funds included in an adopted work program, or~~  
11 ~~the General Appropriations Act, for a turnpike project do not~~  
12 ~~have to be reimbursed to the State Transportation Trust Fund,~~  
13 ~~or used in determining the economic feasibility of the~~  
14 ~~proposed project.~~ For operating and maintenance loans, the  
15 maximum net loan amount in any fiscal year shall not exceed  
16 1.5 ~~0.5~~ percent of state transportation tax revenues for that  
17 fiscal year.

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

20 338.227 Turnpike revenue bonds.--

21 (2) The proceeds of the bonds of each issue shall be  
22 used solely for the payment of the cost of the turnpike  
23 projects for which such bonds shall have been issued, except  
24 as provided in the State Bond Act. Such proceeds shall be  
25 disbursed and used as provided by ss. 338.22-338.241 and in  
26 such manner and under such restrictions, if any, as the  
27 Division of Bond Finance may provide in the resolution  
28 authorizing the issuance of such bonds or in the trust  
29 agreement hereinafter mentioned securing the same. All  
30 revenues and bond proceeds from the turnpike system received  
31 by the department pursuant to ss. 338.22-338.241, the Florida



1 Turnpike Enterprise Law, shall be used only for the cost of  
 2 turnpike projects and turnpike improvements and for the  
 3 administration, operation, maintenance, and financing of the  
 4 turnpike system. No revenues or bond proceeds from the  
 5 turnpike system shall be spent for the operation, maintenance,  
 6 construction, or financing of any project which is not part of  
 7 the turnpike system.

8 Section 21. Section 338.234, Florida Statutes, is  
 9 amended to read:

10 338.234 Granting concessions or selling along the  
 11 turnpike system.--

12 ~~(1)~~ The department may enter into contracts or  
 13 licenses with any person for the sale of ~~grant concessions or~~  
 14 ~~sell~~ services or products or business opportunities on along  
 15 the turnpike system, or the turnpike enterprise may sell  
 16 services, products, or business opportunities on the turnpike  
 17 system, which benefit the traveling public or provide  
 18 additional revenue to the turnpike system. Services, business  
 19 opportunities, and products authorized to be sold include, but  
 20 are not limited to, the sale of motor fuel, vehicle towing,  
 21 and vehicle maintenance services; the sale of food with  
 22 attendant nonalcoholic beverages; lodging, meeting rooms, and  
 23 other business services opportunities; advertising and other  
 24 promotional opportunities, which advertising and promotions  
 25 must be consistent with the dignity and integrity of the  
 26 state; the sale of state lottery tickets sold by authorized  
 27 retailers; games and amusements that the granting of  
 28 concessions for amusement devices which operate by the  
 29 application of skill, not including games of chance as defined  
 30 in s. 849.16 or other illegal gambling games; the sale of  
 31 Florida citrus, goods promoting the state, or handmade goods

1 produced within the state; and ~~the granting of concessions for~~  
2 ~~equipment which provides~~ travel information, or tickets,  
3 reservations, or other related services; ~~and the granting of~~  
4 ~~concessions which provide banking and other business services.~~  
5 However, the department, pursuant to the grants of authority  
6 to the Turnpike Enterprise under this section, shall not  
7 exercise the power of eminent domain solely for the purpose of  
8 acquiring real property in order to provide business services  
9 or opportunities, such as lodging and meeting-room space on  
10 the turnpike system. ~~The department may also provide~~  
11 ~~information centers on the plazas for the benefit of the~~  
12 ~~public.~~

13 ~~(2) The department may provide an opportunity for~~  
14 ~~governmental agencies to hold public events at turnpike plazas~~  
15 ~~which educate the traveling public as to safety, travel, and~~  
16 ~~tourism.~~

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

19 338.235 Contracts with department for provision of  
20 services on the turnpike system.--

21 (3) The department may enter into contracts or  
22 agreements, with or without competitive bidding or  
23 procurement, to make available, on a fair, reasonable,  
24 nonexclusive, and nondiscriminatory basis, turnpike property  
25 and other turnpike structures, for the placement of wireless  
26 facilities by any wireless provider of mobile services as  
27 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any  
28 telecommunications company as defined in s. 364.02 when it is  
29 determined to be practical and feasible to make such property  
30 or structures available. The department may, without adopting  
31 a rule, charge a just, reasonable, and nondiscriminatory fee

1 for placement of the facilities, payable annually, based on  
2 the fair market value of space used by comparable  
3 communications facilities in the state. The department and a  
4 wireless provider may negotiate the reduction or elimination  
5 of a fee in consideration of goods or services ~~service~~  
6 provided to the department by the wireless provider. All such  
7 fees collected by the department shall be deposited directly  
8 into the State Agency Law Enforcement Radio System Trust Fund  
9 and may be used to construct, maintain, or support the system.

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

12 338.239 Traffic control on the turnpike system.--

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

1 director of the turnpike enterprise may contract with the  
2 Department of Highway Safety and Motor Vehicles for additional  
3 troops to patrol the turnpike system.

4 Section 24. Section 338.241, Florida Statutes, is  
5 amended to read:

6 338.241 Cash reserve requirement.--The budget for the  
7 turnpike system shall be so planned as to provide for a cash  
8 reserve at the end of each fiscal year of not less than 5 ~~10~~  
9 percent of the unpaid balance of all turnpike system  
10 contractual obligations, excluding bond obligations, to be  
11 paid from revenues.

12 Section 25. Section 338.251, Florida Statutes, is  
13 amended to read:

14 338.251 Toll Facilities Revolving Trust Fund.--The  
15 Toll Facilities Revolving Trust Fund is hereby created for the  
16 purpose of encouraging the development and enhancing the  
17 financial feasibility of revenue-producing road projects  
18 undertaken by local governmental entities in a county or  
19 combination of contiguous counties and the turnpike  
20 enterprise.

21 (1) The department is authorized to advance funds for  
22 preliminary engineering, traffic and revenue studies,  
23 environmental impact studies, financial advisory services,  
24 engineering design, right-of-way map preparation, other  
25 appropriate project-related professional services, and  
26 advanced right-of-way acquisition to expressway authorities,  
27 the turnpike enterprise, counties, or other local governmental  
28 entities that desire to undertake revenue-producing road  
29 projects.

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

1 (a) The proposed facility is consistent with the  
2 adopted transportation plan of the appropriate metropolitan  
3 planning organization and the Florida Transportation Plan.

4 (b) A proposed 2-year budget detailing the use of the  
5 cash advance and a project schedule consistent with the  
6 budget.

7 (3) Prior to receiving any moneys for advance  
8 right-of-way acquisition, it shall be shown that such  
9 right-of-way will substantially appreciate prior to  
10 construction and that savings will result from its advance  
11 purchase. Any such request for moneys for advance  
12 right-of-way acquisition shall be accompanied by a preliminary  
13 engineering study, environmental impact study, traffic and  
14 revenue study, and right-of-way maps along with either a  
15 negotiated contract for purchase of the right-of-way, such  
16 contract to include a clause stating that it is subject to  
17 funding by the department or the Legislature, or an appraisal  
18 of the subject property for purpose of condemnation  
19 proceedings.

20 (4) Each advance pursuant to this section shall  
21 require repayment out of the initial bond issue revenue or, at  
22 the discretion of the governmental entity or the turnpike  
23 enterprise ~~of the facility~~, repayment shall begin no later  
24 than 7 years after the date of the advance, provided repayment  
25 shall be completed no later than 12 years after the date of  
26 the advance. However, such election shall be made at the time  
27 of the initial bond issue, and, if repayment is to be made  
28 during the time period referred to above, a schedule of such  
29 repayment shall be submitted to the department.

30 (5) No amount in excess of \$1.5 million annually shall  
31 be advanced to any one governmental entity or the turnpike

1 enterprise pursuant to this section without specific  
2 appropriation by the Legislature.

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

8 (7) The department may advance funds sufficient to  
9 defray shortages in toll revenues of facilities receiving  
10 funds pursuant to this section for the first 5 years of  
11 operation, up to a maximum of \$5 million per year, to be  
12 reimbursed to this fund within 5 years of the last advance  
13 hereunder. Any advance under this provision shall require  
14 specific appropriation by the Legislature.

15 (8) No expressway authority, county, or other local  
16 governmental entity, or the turnpike enterprise, shall be  
17 eligible to receive any advance under this section if the  
18 expressway authority, county, or other local governmental  
19 entity or the turnpike enterprise has failed to repay any  
20 previous advances as required by law or by agreement with the  
21 department.

22 (9) Repayment of funds advanced, including advances  
23 made prior to January 1, 1994, shall not include interest.  
24 However, interest accruing to local governmental entities and  
25 the turnpike enterprise from the investment of advances shall  
26 be paid to the department.

27 (10) Any repayment of prior or future advances made  
28 from the State Transportation Trust Fund which were used to  
29 fund any project phase of a toll facility, shall be deposited  
30 in the Toll Facilities Revolving Trust Fund. However, when  
31 funds advanced to the Seminole County Expressway Authority

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

28 (11) The department shall adopt rules necessary for  
29 the implementation of this section, including rules for  
30 project selection and funding.

31

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

3           339.135 Work program; legislative budget request;  
4 definitions; preparation, adoption, execution, and  
5 amendment.--

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

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

23           2. Notwithstanding the provisions of subparagraph 1.,  
24 the department shall allocate at least 50 percent of any new  
25 discretionary highway capacity funds to the Florida Intrastate  
26 Highway System established pursuant to s. 338.001. Any  
27 remaining new discretionary highway capacity funds shall be  
28 allocated to the districts for new construction as provided in  
29 subparagraph 1. For the purposes of this subparagraph, the  
30 term "new discretionary highway capacity funds" means any  
31 funds available to the department above the prior year funding



1 level for capacity improvements, which the department has the  
 2 discretion to allocate to highway projects.

3 (f) The central office shall submit a preliminary copy  
 4 of the tentative work program to the Executive Office of the  
 5 Governor, the legislative appropriations committees, the  
 6 Florida Transportation Commission, and the Department of  
 7 Community Affairs at least 14 days prior to the convening of  
 8 the regular legislative session. Prior to the statewide  
 9 public hearing required by paragraph (g), the Department of  
 10 Community Affairs shall transmit to the Florida Transportation  
 11 Commission a list of those projects and project phases  
 12 contained in the tentative work program which are identified  
 13 as being inconsistent with approved local government  
 14 comprehensive plans. For urbanized areas of metropolitan  
 15 planning organizations, the list may not contain any project  
 16 or project phase that is scheduled in a transportation  
 17 improvement program unless such inconsistency has been  
 18 previously reported to the affected metropolitan planning  
 19 organization. ~~The commission shall consider the list as part~~  
 20 ~~of its evaluation of the tentative work program conducted~~  
 21 ~~pursuant to s. 20.23.~~

22 (g)1. The Florida Transportation Commission shall  
 23 conduct a statewide public hearing on the tentative work  
 24 program and shall advertise the time, place, and purpose of  
 25 the hearing in the Florida Administrative Weekly at least 7  
 26 days prior to the hearing. As part of the statewide public  
 27 hearing, the commission shall, at a minimum:

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

31

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

3            2. By no later than 14 days after the regular  
4 legislative session begins, the commission shall submit to the  
5 Executive Office of the Governor and the legislative  
6 appropriations committees a report that evaluates the  
7 tentative work program for:

- 8            a. Financial soundness;
- 9            b. Stability;
- 10           c. Production capacity;
- 11           d. Accomplishments, including compliance with program  
12 objectives in s. 334.046;
- 13           e. Compliance with approved local government  
14 comprehensive plans;
- 15           f. Objections and requests by metropolitan planning  
16 organizations;
- 17           g. Policy changes and effects thereof;
- 18           h. Identification of statewide or regional projects;
- 19 and
- 20           i. Compliance with all other applicable laws.

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

23           553.80 Enforcement.--

24           (1) Except as provided in paragraphs (a)-(f) ~~(a)-(e)~~,  
25 each local government and each legally constituted enforcement  
26 district with statutory authority shall regulate building  
27 construction and, where authorized in the state agency's  
28 enabling legislation, each state agency shall enforce the  
29 Florida Building Code required by this part on all public or  
30 private buildings, structures, and facilities, unless such  
31

1 responsibility has been delegated to another unit of  
2 government pursuant to s. 553.79(9).

3 (a) Construction regulations relating to correctional  
4 facilities under the jurisdiction of the Department of  
5 Corrections and the Department of Juvenile Justice are to be  
6 enforced exclusively by those departments.

7 (b) Construction regulations relating to elevator  
8 equipment under the jurisdiction of the Bureau of Elevators of  
9 the Department of Business and Professional Regulation shall  
10 be enforced exclusively by that department.

11 (c) In addition to the requirements of s. 553.79 and  
12 this section, facilities subject to the provisions of chapter  
13 395 and part II of chapter 400 shall have facility plans  
14 reviewed and construction surveyed by the state agency  
15 authorized to do so under the requirements of chapter 395 and  
16 part II of chapter 400 and the certification requirements of  
17 the Federal Government.

18 (d) Building plans approved pursuant to s. 553.77(6)  
19 and state-approved manufactured buildings, including buildings  
20 manufactured and assembled offsite and not intended for  
21 habitation, such as lawn storage buildings and storage sheds,  
22 are exempt from local code enforcing agency plan reviews  
23 except for provisions of the code relating to erection,  
24 assembly, or construction at the site. Erection, assembly, and  
25 construction at the site are subject to local permitting and  
26 inspections.

27 (e) Construction regulations governing public schools,  
28 state universities, and community colleges shall be enforced  
29 as provided in subsection (6).

30 (f) The Florida Building Code as it pertains to toll  
31 collection facilities under the jurisdiction of the turnpike

1 enterprise of the Department of Transportation shall be  
2 enforced exclusively by the turnpike enterprise.

3  
4 The governing bodies of local governments may provide a  
5 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
6 and this section, for the enforcement of the provisions of  
7 this part. Such fees shall be used solely for carrying out  
8 the local government's responsibilities in enforcing the  
9 Florida Building Code. The authority of state enforcing  
10 agencies to set fees for enforcement shall be derived from  
11 authority existing on July 1, 1998. However, nothing contained  
12 in this subsection shall operate to limit such agencies from  
13 adjusting their fee schedule in conformance with existing  
14 authority.

15 Section 28. Section 341.8201, Florida Statutes, is  
16 created to read:

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

19 Section 29. Section 341.8202, Florida Statutes, is  
20 created to read:

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

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

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

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

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

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

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

1           (2) The Legislature further finds that:

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

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

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

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

30           (e) Areas surrounding certain proposed high-speed rail  
31 stations can, as a result of existing conditions, crime, and

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

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

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

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

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

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

12           Section 30. Section 341.8203, Florida Statutes, is  
13 created to read:

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

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

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



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

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

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

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

29           (7) "Joint development" means the planning, managing,  
30 financing, or constructing of projects adjacent to,  
31 functionally related to, or otherwise related to a high-speed

1 rail system pursuant to agreements between any person, firm,  
2 corporation, association, organization, agency, or other  
3 entity, public or private.

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

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

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

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

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

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

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

1 Section 31. Section 341.821, Florida Statutes, is  
2 amended to read:

3 341.821 Florida High-Speed Rail Authority.--

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

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

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

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

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

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

1 terms of 4 years. ~~Initial appointments must be made within 30~~  
2 ~~days after the effective date of this act.~~

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

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

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

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

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

30 (4) The authority shall be assigned to the Department  
31 of Transportation for administrative purposes. The authority

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

9 Section 32. Section 341.822, Florida Statutes, is  
10 amended to read:

11 341.822 Powers and duties.--

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

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

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

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

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

1 power as it deems necessary to carry out the purposes of this  
2 act, subject always to the supervision and control of the  
3 authority.

4 Section 33. Section 341.823, Florida Statutes, is  
5 amended to read:

6 341.823 Criteria for assessment and recommendations.--

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

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

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

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

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

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

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

31

1 (c) The preferred locations for the stations in the  
2 cities and urban areas designated in accordance with s.  
3 341.8203 in paragraph (1)(b);

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

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

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

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

16 ~~(3) When preparing the operating plan, the authority~~  
17 ~~shall include:~~

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

20 ~~(b) The proposed fare structure for passenger and~~  
21 ~~freight service;~~

22 ~~(c) Proposed trip times, system capacity, passenger~~  
23 ~~accommodations, and amenities;~~

24 ~~(d) Methods to ensure compliance with applicable~~  
25 ~~environmental standards and regulations;~~

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

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

29 ~~(g) Consideration of nonfare revenues that may be~~  
30 ~~derived from:~~

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

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



1           Section 34. Section 341.824, Florida Statutes, is  
2 amended to read:

3           341.824 Technical, scientific, or other assistance.--

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

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

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

22           Section 35. Section 341.827, Florida Statutes, is  
23 created to read:

24           341.827 Service areas; segment designation.--

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

28           (2) The authority shall plan and develop the  
29 high-speed rail system so that construction proceeds as  
30 follows:

31

1           (a) The initial segments of the system shall be  
2 developed and operated between the St. Petersburg area, the  
3 Tampa area, the Lakeland/Winter Haven area, and the Orlando  
4 area, with future service to the Miami area.

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

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

18           Section 36. Section 341.828, Florida Statutes, is  
19 created to read:

20           341.828 Permitting.--

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

31

1           (2) The authority shall work in cooperation with  
2 metropolitan planning organizations in areas where the  
3 high-speed rail system will be located. The metropolitan  
4 planning organizations shall cooperate with the authority and  
5 include the high-speed rail system alignment within their  
6 adopted long-range transportation plans and transportation  
7 improvement programs for the purposes of providing public  
8 information, consistency with the plans, and receipt of  
9 federal and state funds by the authority to support the  
10 high-speed rail system.

11           (3) For purposes of selecting a route alignment, the  
12 authority may use the project development and environment  
13 study process, including the efficient transportation  
14 decisionmaking system process as adopted by the Department of  
15 Transportation.

16           Section 37. Section 341.829, Florida Statutes, is  
17 created to read:

18           341.829 Conflict prevention, mitigation, and  
19 resolution.--

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

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

31

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

4           Section 38. Section 341.830, Florida Statutes, is  
5 created to read:

6           341.830 Procurement.--

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

14           (2) The authority is authorized to procure commodities  
15 and the services of a qualified person or entity to design,  
16 build, finance, operate, maintain, and implement a high-speed  
17 rail system, including the use of a DBOM or DBOM & F method  
18 using a request for proposal, a request for qualifications, or  
19 an invitation to negotiate.

20           Section 39. Section 341.831, Florida Statutes, is  
21 created to read:

22           341.831 Prequalification.--

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

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

4           Section 40. Section 341.832, Florida Statutes, is  
5 created to read:

6           341.832 Request for qualifications.--

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

14           (2) The authority may issue a request for  
15 qualifications without adopting a rule.

16           Section 41. Section 341.833, Florida Statutes, is  
17 created to read:

18           341.833 Request for proposals.--

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

26           (2) In the request for proposals, the authority shall  
27 specify the minimum period of time for the contract duration.  
28 A person or entity may propose a longer period of time for the  
29 contract and provide justification of the need for an extended  
30 contract period. If the authority extends the time period for  
31

1 the contract, such time period shall be extended for all  
2 persons or entities if so requested.

3 Section 42. Section 341.834, Florida Statutes, is  
4 created to read:

5 341.834 Award of contract.--

6 (1) The authority may award a contract subject to such  
7 terms and conditions, including, but not limited to,  
8 compliance with any applicable permitting requirements, and  
9 any other terms and conditions the authority considers  
10 appropriate.

11 (2) The contract shall authorize the contractor to  
12 provide service between stations as established by the  
13 contract. The contractor shall coordinate its facilities and  
14 services with passenger rail providers, commuter rail  
15 authorities, and public transit providers to provide access to  
16 and from the high-speed rail system.

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

21 Section 43. Section 341.835, Florida Statutes, is  
22 created to read:

23 341.835 Acquisition of property; rights-of-way;  
24 disposal of land.--

25 (1) The authority may purchase, lease, exchange, or  
26 otherwise acquire any land, property interests, or buildings  
27 or other improvements, including personal property within such  
28 buildings or on such lands, necessary to secure or utilize  
29 rights-of-way for existing, proposed, or anticipated  
30 high-speed rail system facilities.

31

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

4           (3) When the authority acquires property for a  
5 high-speed rail system, or any related or ancillary  
6 facilities, by purchase or donation, it is not subject to any  
7 liability imposed by chapter 376 or chapter 403 for  
8 preexisting soil or groundwater contamination due solely to  
9 its ownership. This section does not affect the rights or  
10 liabilities of any past or future owners of the acquired  
11 property, nor does it affect the liability of any governmental  
12 entity for the results of its actions which create or  
13 exacerbate a pollution source. The authority and the  
14 Department of Environmental Protection may enter into  
15 interagency agreements for the performance, funding, and  
16 reimbursement of the investigative and remedial acts necessary  
17 for property acquired by the authority.

18           (4) In acquiring property or property rights for any  
19 high-speed rail system or related or ancillary facilities, the  
20 authority may acquire an entire lot, block, or tract of land  
21 if the interests of the public will be best served by such  
22 acquisition, even though the entire lot, block, or tract is  
23 not immediately needed for the right-of-way proper or for the  
24 specific related or ancillary facilities.

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

28           (6) The authority and its employees and agents shall  
29 have the right to enter upon properties which may be  
30 determined to be necessary for the construction,  
31 reconstruction, relocation, maintenance, and operation of a

1 proposed high-speed rail system and associated development and  
2 related or ancillary facilities as described in subsection (1)  
3 for the purposes of surveying and soil and environmental  
4 testing.

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

8 Section 44. Section 341.836, Florida Statutes, is  
9 created to read:

10 341.836 Associated development.--

11 (1) The authority, alone or as part of a joint  
12 development, may undertake development of associated  
13 developments to be a source of revenue for the establishment,  
14 construction, operation, or maintenance of the high-speed rail  
15 system. Such associated developments must be associated with  
16 a rail station and have pedestrian ingress to and egress from  
17 the rail station; be consistent, to the extent feasible, with  
18 applicable local government comprehensive plans and local land  
19 development regulations; and otherwise be in compliance with  
20 the provisions of this act.

21 (2) This act does not prohibit the authority, the  
22 selected person or entity, or a party to a joint venture with  
23 the authority or its selected person or entity from obtaining  
24 approval, pursuant to any other law, for any associated  
25 development that is reasonably related to the high-speed rail  
26 system.

27 Section 45. Section 341.837, Florida Statutes, is  
28 created to read:

29 341.837 Payment of expenses.--All expenses incurred in  
30 carrying out the provisions of this act shall be payable  
31



1 solely from funds provided under the authority of this act, or  
2 from other legally available sources.

3 Section 46. Section 341.838, Florida Statutes, is  
4 created to read:

5 341.838 Rates, rents, fees, and charges.--

6 (1) The authority is authorized to fix, revise,  
7 charge, and collect rates, rents, fees, charges, and revenues  
8 for the use of and for the services furnished, or to be  
9 furnished, by the system and to contract with any person,  
10 partnership, association, corporation, or other body, public  
11 or private, in respect thereof. Such rates, rents, fees, and  
12 charges shall be reviewed annually by the authority and may be  
13 adjusted as set forth in the contract setting such rates,  
14 rents, fees, or charges. The funds collected hereunder shall,  
15 with any other funds available, be used to pay the cost of all  
16 administrative expenses of the authority, and the cost of  
17 designing, building, operating, and maintaining the system and  
18 each and every portion thereof, to the extent that the payment  
19 of such cost has not otherwise been adequately provided for.

20 (2) Rates, rents, fees, and charges fixed, revised,  
21 charged, and collected pursuant to this section shall not be  
22 subject to supervision or regulation by any department,  
23 commission, board, body, bureau, or agency of this state other  
24 than the authority.

25 Section 47. Section 341.839, Florida Statutes, is  
26 created to read:

27 341.839 Alternate means.--The foregoing sections of  
28 this act shall be deemed to provide an additional and  
29 alternative method for accomplishing the purposes authorized  
30 therein, and shall be regarded as supplemental and additional  
31 to powers conferred by other laws. Except as otherwise

1 expressly provided in this act, none of the powers granted to  
2 the authority under the provisions of this act shall be  
3 subject to the supervision or require the approval or consent  
4 of any municipality or political subdivision or any  
5 commission, board, body, bureau, or official.

6 Section 48. Section 341.840, Florida Statutes, is  
7 created to read:

8 341.840 Tax exemption.--The exercise of the powers  
9 granted by this act will be in all respects for the benefit of  
10 the people of this state, for the increase of their commerce,  
11 welfare, and prosperity, and for the improvement of their  
12 health and living conditions, and as the design, building,  
13 operation, maintenance, and financing of a system by the  
14 authority or its agent or the owner or lessee thereof, as  
15 herein authorized, constitutes the performance of an essential  
16 public function, neither the authority, its agent, nor the  
17 owner of such system shall be required to pay any taxes or  
18 assessments upon or in respect to the system or any property  
19 acquired or used by the authority, its agent, or such owner  
20 under the provisions of this act or upon the income therefrom,  
21 any security therefor, their transfer, and the income  
22 therefrom, including any profit made on the sale thereof,  
23 shall at all times be free from taxation of every kind by the  
24 state, the counties, and the municipalities and other  
25 political subdivisions in the state.

26 Section 49. Section 341.841, Florida Statutes, is  
27 created to read:

28 341.841 Report; audit.--The authority shall prepare an  
29 annual report of its actions, findings, and recommendations  
30 and submit the report to the Governor, the President of the  
31 Senate, and the Speaker of the House of Representatives on or

1 before January 1. The authority shall provide for an annual  
2 financial audit, as defined in s. 11.45, of its accounts and  
3 records conducted by an independent certified public  
4 accountant. The audit report shall include a management letter  
5 as defined in s. 11.45. The cost of the audit shall be paid  
6 from funds available to the authority pursuant to this act.

7 Section 50. Section 341.842, Florida Statutes, is  
8 created to read:

9 341.842 Liberal construction.--This act, being  
10 necessary for the welfare of the state and its inhabitants,  
11 shall be liberally construed to effect the purposes hereof.

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

14 288.109 One-Stop Permitting System.--

15 (10) Notwithstanding any other provision of law or  
16 administrative rule to the contrary, the fee imposed by a  
17 state agency or water management district for issuing a  
18 development permit shall be waived for a 6-month period  
19 beginning on the date the state agency or water management  
20 district begins accepting development permit applications over  
21 the Internet and the applicant submits the development permit  
22 to the agency or district using the One-Stop Permitting  
23 System. The 6-month fee waiver shall not apply to development  
24 permit fees assessed by the Electrical Power Plant Siting Act,  
25 ss. 403.501-403.519; the Transmission Line Siting Act, ss.  
26 403.52-403.5365; the statewide Multi-purpose Hazardous Waste  
27 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas  
28 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed~~  
29 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

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

1           334.30 Private transportation facilities.--The  
2 Legislature hereby finds and declares that there is a public  
3 need for rapid construction of safe and efficient  
4 transportation facilities for the purpose of travel within the  
5 state, and that it is in the public's interest to provide for  
6 the construction of additional safe, convenient, and  
7 economical transportation facilities.

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

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

15           337.251 Lease of property for joint public-private  
16 development and areas above or below department property.--

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

22           Section 54. Section 341.501, Florida Statutes, is  
23 amended to read:

24           341.501 High-technology transportation systems; joint  
25 project agreement or assistance.--Notwithstanding any other  
26 provision of law, the Department of Transportation may enter  
27 into a joint project agreement with, or otherwise assist,  
28 private or public entities, or consortia thereof, to  
29 facilitate the research, development, and demonstration of  
30 high-technology transportation systems, including, but not  
31 limited to, systems using magnetic levitation technology. ~~The~~

1 ~~provisions of the Florida High-Speed Rail Transportation Act,~~  
2 ~~ss. 341.3201-341.386, do not apply to actions taken under this~~  
3 ~~section, and~~ The department may, subject to s. 339.135,  
4 provide funds to match any available federal aid for  
5 effectuating the research, development, and demonstration of  
6 high-technology transportation systems.

7 Section 55. Sections 341.3201, 341.321, 341.322,  
8 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,  
9 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,  
10 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,  
11 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,  
12 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,  
13 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,  
14 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are  
15 repealed.

16 Section 56. Section 59 of chapter 99-385, Laws of  
17 Florida, is repealed.

18 Section 57. Paragraph (b) of subsection (3) of section  
19 73.071, Florida Statutes, is amended to read:

20 73.071 Jury trial; compensation; severance damages;  
21 business damages.--

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

24 (b) Where less than the entire property is sought to  
25 be appropriated, any damages to the remainder caused by the  
26 taking, including, when the action is by the Department of  
27 Transportation, county, municipality, board, district or other  
28 public body for the condemnation of a right-of-way, and the  
29 effect of the taking of the property involved may damage or  
30 destroy an established business of more than 4 years' standing  
31 before January 1, 2005, or the effect of the taking of the

1 property involved may damage or destroy an established  
2 business of more than 5 years' standing on or after January 1,  
3 2005, owned by the party whose lands are being so taken,  
4 located upon adjoining lands owned or held by such party, the  
5 probable damages to such business which the denial of the use  
6 of the property so taken may reasonably cause; any person  
7 claiming the right to recover such special damages shall set  
8 forth in his or her written defenses the nature and extent of  
9 such damages; and

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

12 163.3177 Required and optional elements of  
13 comprehensive plan; studies and surveys.--

14 (6) In addition to the requirements of subsections  
15 (1)-(5), the comprehensive plan shall include the following  
16 elements:

17 (k) An airport master plan, and any subsequent  
18 amendments to the airport master plan, prepared by a licensed  
19 publicly owned and operated airport under s. 333.06 may be  
20 incorporated into the local government comprehensive plan by  
21 the local government having jurisdiction under this act for  
22 the area in which the airport or projected airport development  
23 is located by the adoption of a comprehensive plan amendment.  
24 In the amendment to the local comprehensive plan that  
25 integrates the airport master plan, the comprehensive plan  
26 amendment shall address land use compatibility consistent with  
27 chapter 333 regarding airport zoning; the provision of  
28 regional transportation facilities for the efficient use and  
29 operation of the transportation system and airport;  
30 consistency with the local government transportation  
31 circulation element and applicable metropolitan planning

1 organization long-range transportation plans; and the  
2 execution of any necessary interlocal agreements for the  
3 purposes of the provision of public facilities and services to  
4 maintain the adopted level of service standards for facilities  
5 subject to concurrency; and may address airport-related or  
6 aviation-related development. Development or expansion of an  
7 airport consistent with the adopted airport master plan that  
8 has been incorporated into the local comprehensive plan in  
9 compliance with this part, and airport-related or  
10 aviation-related development that has been addressed in the  
11 comprehensive plan amendment that incorporates the airport  
12 master plan, shall not be a development of regional impact.

13 Section 59. Section 189.441, Florida Statutes, is  
14 amended to read:

15 189.441 Contracts.--Contracts for the construction of  
16 projects and for any other purpose of the authority may be  
17 awarded by the authority in a manner that will best promote  
18 free and open competition, including advertisement for  
19 competitive bids; however, if the authority determines that  
20 the purposes of this act will be more effectively served  
21 thereby, the authority may award or cause to be awarded  
22 contracts for the construction of any project, including  
23 design-build contracts, or any part thereof, or for any other  
24 purpose of the authority upon a negotiated basis as determined  
25 by the authority. Each contractor doing business with the  
26 authority and required to be licensed by the state or local  
27 general-purpose governments must maintain the license during  
28 the term of the contract with the authority. The authority may  
29 prescribe bid security requirements and other procedures in  
30 connection with the award of contracts which protect the  
31 public interest. ~~Section 287.055 does not apply to the~~

1 ~~selection of professional architectural, engineering,~~  
2 ~~landscape architectural, or land surveying services by the~~  
3 ~~authority or to the procurement of design-build contracts.~~ The  
4 authority may, and in the case of a new professional sports  
5 franchise must, by written contract engage the services of the  
6 operator, lessee, sublessee, or purchaser, or prospective  
7 operator, lessee, sublessee, or purchaser, of any project in  
8 the construction of the project and may, and in the case of a  
9 new professional sports franchise must, provide in the  
10 contract that the lessee, sublessee, purchaser, or prospective  
11 lessee, sublessee, or purchaser, may act as an agent of, or an  
12 independent contractor for, the authority for the performance  
13 of the functions described therein, subject to the conditions  
14 and requirements prescribed in the contract, including  
15 functions such as the acquisition of the site and other real  
16 property for the project; the preparation of plans,  
17 specifications, financing, and contract documents; the award  
18 of construction and other contracts upon a competitive or  
19 negotiated basis; the construction of the project, or any part  
20 thereof, directly by the lessee, purchaser, or prospective  
21 lessee or purchaser; the inspection and supervision of  
22 construction; the employment of engineers, architects,  
23 builders, and other contractors; and the provision of money to  
24 pay the cost thereof pending reimbursement by the authority.  
25 Any such contract may, and in the case of a new professional  
26 sports franchise must, allow the authority to make advances to  
27 or reimburse the lessee, sublessee, or purchaser, or  
28 prospective lessee, sublessee, or purchaser for its costs  
29 incurred in the performance of those functions, and must set  
30 forth the supporting documents required to be submitted to the  
31 authority and the reviews, examinations, and audits that are



1 required in connection therewith to assure compliance with the  
2 contract.

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

5 212.0606 Rental car surcharge.--

6 (2)(a) Notwithstanding the provisions of section  
7 212.20, and less costs of administration, 80 percent of the  
8 proceeds of this surcharge shall be deposited in the State  
9 Transportation Trust Fund, 15.75 percent of the proceeds of  
10 this surcharge shall be deposited in the Tourism Promotional  
11 Trust Fund created in s. 288.122, and 4.25 percent of the  
12 proceeds of this surcharge shall be deposited in the Florida  
13 International Trade and Promotion Trust Fund. For the purposes  
14 of this subsection, "proceeds" of the surcharge means all  
15 funds collected and received by the department under this  
16 section, including interest and penalties on delinquent  
17 surcharges.

18 (b) Notwithstanding any other provision of law, in  
19 fiscal year 2007-2008 and each year thereafter, the proceeds  
20 deposited in the State Transportation Trust Fund shall be  
21 allocated on an annual basis in the Department of  
22 Transportation's work program to each department district,  
23 except the Turnpike District. The amount allocated for each  
24 district shall be based upon the amount of proceeds collected  
25 in the counties within each respective district.

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

28 215.615 Fixed-guideway transportation systems  
29 funding.--

30 (2) To be eligible for participation, fixed-guideway  
31 transportation system projects must ~~comply with the major~~

1 ~~capital investment policy guidelines and criteria established~~  
2 ~~by the Department of Transportation under chapter 341;~~ must be  
3 found to be consistent, to the maximum extent feasible, with  
4 approved local government comprehensive plans of the local  
5 governments in which such projects are located ~~and~~ must be  
6 included in the work program of the Department of  
7 Transportation pursuant to the provisions under s. 339.135.  
8 The department shall certify that the expected useful life of  
9 the transportation improvements will equal or exceed the  
10 maturity date of the debt to be issued.

11 Section 62. Paragraph (a) of subsection (1) of section  
12 255.20, Florida Statutes, is amended to read:

13 255.20 Local bids and contracts for public  
14 construction works; specification of state-produced lumber.--

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

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

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

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

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

21 b. Other loss to public or private property which  
22 requires emergency government action; or

23 c. An interruption of an essential governmental  
24 service.

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

28 3. To construction, remodeling, repair, or improvement  
29 to a public electric or gas utility system when such work on  
30 the public utility system is performed by personnel of the  
31 system.

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

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

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

8           7. When the funding source of the project will be  
9 diminished or lost because the time required to competitively  
10 award the project after the funds become available exceeds the  
11 time within which the funding source must be spent.

12           8. When the local government has competitively awarded  
13 a project to a private sector contractor and the contractor  
14 has abandoned the project before completion or the local  
15 government has terminated the contract.

16           9. When the governing board of the local government,  
17 after public notice, conducts a public meeting under s.  
18 286.011 and finds by a majority vote of the governing board  
19 that it is in the public's best interest to perform the  
20 project using its own services, employees, and equipment. The  
21 public notice must be published at least 14 days prior to the  
22 date of the public meeting at which the governing board takes  
23 final action to apply this subparagraph. The notice must  
24 identify the project, the estimated cost of the project, and  
25 specify that the purpose for the public meeting is to consider  
26 whether it is in the public's best interest to perform the  
27 project using the local government's own services, employees,  
28 and equipment. In deciding whether it is in the public's best  
29 interest for local government to perform a project using its  
30 own services, employees, and equipment, the governing board  
31 may consider the cost of the project, whether the project

1 requires an increase in the number of government employees, an  
2 increase in capital expenditures for public facilities,  
3 equipment or other capital assets, the impact on local  
4 economic development, the impact on small and minority  
5 business owners, the impact on state and local tax revenues,  
6 whether the private sector contractors provide health  
7 insurance and other benefits equivalent to those provided by  
8 the local government, and any other factor relevant to what is  
9 in the public's best interest.

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

22           a. When the governing board of the local government,  
23 after public notice, conducts a public meeting under s.  
24 286.011 and finds by a two-thirds vote of the governing board  
25 that it is in the public's best interest to award the project  
26 according to the criteria and procedures established by  
27 charter, ordinance, or resolution. The public notice must be  
28 published at least 14 days prior to the date of the public  
29 meeting at which the governing board takes final action to  
30 apply this subparagraph. The notice must identify the project,  
31 the estimated cost of the project, and specify that the

1 purpose for the public meeting is to consider whether it is in  
2 the public's best interest to award the project using the  
3 criteria and procedures permitted by the preexisting  
4 ordinance.

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

8 (I) There is one appropriately licensed contractor who  
9 is uniquely qualified to undertake the project because that  
10 contractor is currently under contract to perform work that is  
11 affiliated with the project; or

12 (II) The time to competitively award the project will  
13 jeopardize the funding for the project, or will materially  
14 increase the cost of the project or will create an undue  
15 hardship on the public health, safety, or welfare.

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

21 d. In the event the project is to be awarded by a  
22 method other than a competitive selection process, the  
23 architect or engineer of record has provided a written  
24 recommendation that the project be awarded to the private  
25 sector contractor without competitive selection; and the  
26 consideration by, and the justification of, the government  
27 body are documented, in writing, in the project file and are  
28 presented to the governing board prior to the approval  
29 required in this paragraph.

30 11. To projects subject to chapter 336.  
31

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

3           287.055 Acquisition of professional architectural,  
4 engineering, landscape architectural, or surveying and mapping  
5 services; definitions; procedures; contingent fees prohibited;  
6 penalties.--

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

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

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

20           311.09 Florida Seaport Transportation and Economic  
21 Development Council.--

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

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

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

17 315.02 Definitions.--As used in this law, the  
18 following words and terms shall have the following meanings:

19 (4) The word "unit" shall mean any county, port  
20 district, port authority, or municipality or any governmental  
21 unit created pursuant to s. 163.01(7)(d) that includes at  
22 least one deepwater port as listed in s. 403.021(9)(b).

23 (6) The term "port facilities" shall mean and shall  
24 include harbor, shipping, and port facilities, and  
25 improvements of every kind, nature, and description,  
26 including, but without limitation, channels, turning basins,  
27 jetties, breakwaters, public landings, wharves, docks,  
28 markets, parks, recreational facilities, structures,  
29 buildings, piers, storage facilities, including facilities  
30 that may be used for warehouse, storage, and distribution of  
31 cargo transported or to be transported through an airport or



1 port facility, security measures identified pursuant to s.  
2 311.12,public buildings and plazas, anchorages, utilities,  
3 bridges, tunnels, roads, causeways, and any and all property  
4 and facilities necessary or useful in connection with the  
5 foregoing, and any one or more or any combination thereof and  
6 any extension, addition, betterment,or improvement of any  
7 thereof.

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

13 315.03 Grant of powers.--Each unit is hereby  
14 authorized and empowered:

15 (11) To accept loans or grants of money or materials  
16 or property at any time from the United States or the State of  
17 Florida or any agency, instrumentality,or subdivision  
18 thereof, or to participate in loan guarantees or lines of  
19 credit provided by the United States,upon such terms and  
20 conditions as the United States, the State of Florida, or such  
21 agency, instrumentality,or subdivision may impose. Any entity  
22 created pursuant to s. 163.01(7)(d) that involves at least one  
23 deepwater port may participate in the provisions of this  
24 subsection, with oversight by the Florida Seaport  
25 Transportation and Economic Development Council.

26 (12)(a) To pay interest or other financing-related  
27 costs on federal loan guarantees, lines of credit, or secured  
28 direct loans issued to finance eligible projects. Any entity  
29 created pursuant to s. 163.01(7)(d) that involves at least one  
30 deepwater port may participate in the provisions of this  
31 subsection, with oversight by the Florida Seaport

1 Transportation and Economic Development Council, and may  
2 establish a loan program that would provide for the reuse of  
3 loan proceeds for similar program purposes.

4 (b) The Florida Seaport Transportation and Economic  
5 Development Council shall prepare an annual report detailing  
6 the amounts loaned, the projects financed by the loans, any  
7 interest earned, and loans outstanding. The report shall be  
8 submitted to the Governor, the President of the Senate, and  
9 the Speaker of the House of Representatives by January 1 of  
10 each year, beginning in 2004.

11 (c) The Legislature shall review the loan program  
12 established pursuant to this subsection during the 2004  
13 Regular Session of the Legislature.

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

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

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

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

30 (83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.--Any  
31 self-balancing, two-nontandem-wheeled device, designed to

1 transport only one person, with an electric propulsion system  
2 with average power of 750 watts (1 horsepower), the maximum  
3 speed of which, on a paved level surface when powered solely  
4 by such a propulsion system while being ridden by an operator  
5 who weighs 170 pounds, is less than 20 miles per hour.

6 Electric personal assistive mobility devices are not vehicles  
7 as defined in this section.

8 Section 68. Section 316.2068, Florida Statutes, is  
9 created to read:

10 316.2068 Electric personal assistive mobility devices;  
11 regulations.--

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

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

16 (b) On a marked bicycle path.

17 (c) On any street or road where bicycles are  
18 permitted.

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

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

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

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

29 (4) A person who is under the age of 16 years may not  
30 operate, ride, or otherwise be propelled on an electric  
31 personal assistive mobility device unless the person wears a

1 bicycle helmet that is properly fitted, that is fastened  
2 securely upon his or her head by a strap, and that meets the  
3 standards of the American National Standards Institute (ANSI Z  
4 Bicycle Helmet Standards), the standards of the Snell Memorial  
5 Foundation (1984 Standard for Protective Headgear for Use in  
6 Bicycling), or any other nationally recognized standards for  
7 bicycle helmets which are adopted by the department.

8 (5) A county or municipality may prohibit the  
9 operation of electric personal assistive mobility devices on  
10 any road, street, or bicycle path under its jurisdiction if  
11 the governing body of the county or municipality determines  
12 that such a prohibition is necessary in the interest of  
13 safety.

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

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

20 316.515 Maximum width, height, length.--

21 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,  
22 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of  
23 law, straight trucks and cotton module movers, not exceeding  
24 50 feet in length, or any combination of up to and including  
25 three implements of husbandry including the towing power unit,  
26 and any single agricultural trailer, with a load thereon not  
27 exceeding 130 inches in width, is authorized for the purpose  
28 of transporting peanuts, grains, soybeans, cotton, hay, straw,  
29 or other perishable farm products from their point of  
30 production to the first point of change of custody or of  
31 long-term storage, and for the purpose of returning to such

1 point of production, by a person engaged in the production of  
2 any such product or custom hauler, if such vehicle or  
3 combination of vehicles otherwise complies with this section.  
4 Such vehicles shall be operated in accordance with all safety  
5 requirements prescribed by law and Department of  
6 Transportation rules. The Department of Transportation may  
7 issue overlength permits for cotton module movers greater than  
8 50 feet but not more than 55 feet in overall length.

9 Section 70. Subsection (4) is added to section  
10 316.520, Florida Statutes, to read:

11 316.520 Loads on vehicles.--

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

19 Section 71. Section 316.80, Florida Statutes, is  
20 created to read:

21 316.80 Unlawful conveyance of fuel; obtaining fuel  
22 fraudulently.--

23 (1) It is unlawful for any person to maintain, or  
24 possess any conveyance or vehicle that is equipped with, fuel  
25 tanks, bladders, drums, or other containers that do not  
26 conform to 49 C.F.R. or have not been approved by the United  
27 States Department of Transportation for the purpose of  
28 hauling, transporting, or conveying motor or diesel fuel over  
29 any public highway. Any person who violates any provision of  
30 this subsection commits a felony of the third degree,  
31 punishable as provided in s. 775.082, s. 775.083, or s.

1 775.084, and, in addition, is subject to the revocation of  
2 driver license privileges as provided in s. 322.26.

3 (2) Any person who violates subsection (1) commits a  
4 felony of the third degree, punishable as provided in s.  
5 775.082, s. 775.083, or s. 775.084, if he or she has attempted  
6 to or has fraudulently obtained motor or diesel fuel by:

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

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

11 (c) Using a fraudulently scanned or lost or stolen  
12 payment access device, whether credit card or contactless  
13 device.

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

18 (4) The law enforcement agency that seizes the motor  
19 or diesel fuel under this section shall remove and reclaim,  
20 recycle, or dispose of all associated motor or diesel fuel as  
21 soon as practicable in a safe and proper manner from the  
22 illegal containers.

23 (5) Upon conviction of the person arrested for the  
24 violation of any of the provisions of this section, the judge  
25 shall issue an order adjudging and declaring that all fuel  
26 tanks and other equipment used in violation of this section  
27 shall be forfeited and directing their destruction, with the  
28 exception of the conveyance or vehicle.

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

31

1        (a) All reasonable costs incurred by the investigating  
2 law enforcement agency, including costs for the towing and  
3 storage of the conveyance or vehicle, the removal and disposal  
4 of the motor or diesel fuel, and the storage and destruction  
5 of all fuel tanks and other equipment described and used in  
6 violation of subsection (1); and

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

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

11        Section 72. Paragraphs (hh) and (ii) are added to  
12 subsection (4) of section 320.08056, Florida Statutes, as  
13 amended by section 1 of chapter 2001-355, Laws of Florida, to  
14 read:

15            320.08056 Specialty license plates.--

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

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

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

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

23            320.08058 Specialty license plates.--

24            (34) FLORIDA FIREFIGHTERS LICENSE PLATE.--

25            (a) Notwithstanding the provisions of s. 320.08053,  
26 the department shall develop a Florida Firefighters license  
27 plate as provided in this section. Florida Firefighters  
28 license plates must bear the colors and design approved by the  
29 department. The word "Florida" must appear at the top of the  
30 plate, and the words "Salutes Firefighters" must appear at the  
31 bottom of the plate.

1           (b) The requirements of s. 320.08053 must be met prior  
2 to the issuance of the plate. Thereafter, the proceeds of the  
3 annual use fee shall be distributed to Florida Firefighters  
4 Charities, a 501(c)(3) nonprofit corporation. Florida  
5 Firefighters Charities shall distribute the moneys according  
6 to its articles of incorporation.

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

8           (a) Notwithstanding the provisions of s. 320.08053,  
9 the department shall develop a Police Benevolent Association  
10 license plate as provided in this section. The word "Florida"  
11 must appear at the top of the plate, the words "Support Law  
12 Enforcement" must appear at the bottom of the plate, and a  
13 shield with the Police Benevolent Association logo must appear  
14 to the left of the numerals.

15           (b) The requirements of s. 320.08053 must be met prior  
16 to the issuance of the plate. Thereafter, the proceeds of the  
17 annual use fee shall be distributed to the Florida Police  
18 Benevolent Association Heart Fund, Incorporated, a 501(c)(3)  
19 nonprofit corporation. The Florida Police Benevolent  
20 Association Heart Fund, Incorporated, shall distribute moneys  
21 according to its articles of incorporation.

22           Section 74. Subsection (4) of section 332.004, Florida  
23 Statutes, is amended to read:

24           332.004 Definitions of terms used in ss.

25 332.003-332.007.--As used in ss. 332.003-332.007, the term:

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



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

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

17 332.007 Administration and financing of aviation and  
18 airport programs and projects; state plan.--

19 (8) Notwithstanding any other provision of law to the  
20 contrary, the department is authorized to provide operational  
21 and maintenance assistance to publicly owned public-use  
22 airports. Such assistance shall be to comply with enhanced  
23 federal security requirements or to address related economic  
24 impacts from the events of September 11, 2001. For projects in  
25 the current adopted work program, or projects added using the  
26 available budget of the department, airports may request the  
27 department change the project purpose in accordance with this  
28 provision notwithstanding the provisions of s. 339.135(7). For  
29 purposes of this subsection, the department may fund up to 100  
30 percent of eligible project costs that are not funded by the  
31 Federal Government. Prior to releasing any funds under this

1 section, the department shall review and approve the  
2 expenditure plans submitted by the airport. The department  
3 shall inform the Legislature of any change that it approves  
4 under this subsection. This subsection shall expire on June  
5 30, 2004 ~~2003~~.

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

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

14 333.06 Airport zoning requirements.--

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

1           Section 77. Section 334.175, Florida Statutes, is  
2 amended to read:

3           334.175 Certification of project design plans and  
4 surveys.--All design plans and surveys prepared by or for the  
5 department shall be signed, sealed, and certified by the  
6 professional engineer or surveyor or architect or landscape  
7 architect in responsible charge of the project work. Such  
8 professional engineer, surveyor, ~~or~~ architect, or landscape  
9 architect must be duly registered in this state.

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

12           336.41 Counties; employing labor and providing road  
13 equipment; accounting; when competitive bidding required.--

14           (4)(a) For contracts in excess of \$250,000, any county  
15 may require that persons interested in performing work under  
16 the contract first be certified or qualified to do the work.  
17 Any contractor prequalified and considered eligible to bid by  
18 the department to perform the type of work described under the  
19 contract shall be presumed to be qualified to perform the work  
20 so described. Any contractor may be considered ineligible to  
21 bid by the county if the contractor is behind an approved  
22 progress schedule by 10 percent or more on another project for  
23 that county at the time of the advertisement of the work. The  
24 county may provide an appeal process to overcome such  
25 consideration with de novo review based on the record below to  
26 the circuit court.

27           (b) The county shall publish prequalification criteria  
28 and procedures prior to advertisement or notice of  
29 solicitation. Such publications shall include notice of a  
30 public hearing for comment on such criteria and procedures  
31 prior to adoption. The procedures shall provide for an appeal

1 process within the county for objections to the  
2 prequalification process with de novo review based on the  
3 record below to the circuit court.

4 (c) The county shall also publish for comment, prior  
5 to adoption, the selection criteria and procedures to be used  
6 by the county if such procedures would allow selection of  
7 other than the lowest responsible bidder. The selection  
8 criteria shall include an appeal process within the county  
9 with de novo review based on the record below to the circuit  
10 court.

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

13 336.44 Counties; contracts for construction of roads;  
14 procedure; contractor's bond.--

15 (2) Such contracts shall be let to the lowest  
16 responsible ~~competent~~ bidder, after publication of notice for  
17 bids containing specifications furnished by the commissioners  
18 in a newspaper published in the county where such contract is  
19 made, at least once each week for 2 consecutive weeks prior to  
20 the making of such contract.

21 Section 80. Subsection (4) of section 337.14, Florida  
22 Statutes, is amended, and subsection (9) is added to said  
23 section, to read:

24 337.14 Application for qualification; certificate of  
25 qualification; restrictions; request for hearing.--

26 (4) If the applicant is found to possess the  
27 prescribed qualifications, the department shall issue to him  
28 or her a certificate of qualification that ~~which~~, unless  
29 thereafter revoked by the department for good cause, will be  
30 valid for a period of 18 ~~16~~ months after ~~from~~ the date of the  
31 applicant's financial statement or such shorter period as the

1 department prescribes ~~may prescribe~~. ~~If in the event~~ the  
2 department finds that an application is incomplete or contains  
3 inadequate information or information that ~~which~~ cannot be  
4 verified, the department may request in writing that the  
5 applicant provide the necessary information to complete the  
6 application or provide the source from which any information  
7 in the application may be verified. If the applicant fails to  
8 comply with the initial written request within a reasonable  
9 period of time as specified therein, the department shall  
10 request the information a second time. If the applicant fails  
11 to comply with the second request within a reasonable period  
12 of time as specified therein, the application shall be denied.

13 (9)(a) Notwithstanding any other law to the contrary,  
14 for contracts in excess of \$250,000, an authority created  
15 pursuant to chapter 348 or chapter 349 may require that  
16 persons interested in performing work under contract first be  
17 certified or qualified to do the work. Any contractor may be  
18 considered ineligible to bid by the governmental entity or  
19 authority if the contractor is behind an approved progress  
20 schedule for the governmental entity or authority by 10  
21 percent or more at the time of advertisement of the work. Any  
22 contractor prequalified and considered eligible by the  
23 department to bid to perform the type of work described under  
24 the contract shall be presumed to be qualified to perform the  
25 work so described. The governmental entity or authority may  
26 provide an appeal process to overcome that presumption with de  
27 novo review based on the record below to the circuit court.

28 (b) With respect to contractors not prequalified with  
29 the department, the authority shall publish prequalification  
30 criteria and procedures prior to advertisement or notice of  
31 solicitation. Such publications shall include notice of a

1 public hearing for comment on such criteria and procedures  
2 prior to adoption. The procedures shall provide for an appeal  
3 process within the authority for objections to the  
4 prequalification process with de novo review based on the  
5 record below to the circuit court within 30 days.

6 (c) An authority may establish criteria and procedures  
7 under which contractor selection may occur on a basis other  
8 than the lowest responsible bidder. Prior to adoption, the  
9 authority shall publish for comment the proposed criteria and  
10 procedures. Review of the adopted criteria and procedures  
11 shall be to the circuit court, within 30 days after adoption,  
12 with de novo review based on the record below.

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

15 337.401 Use of right-of-way for utilities subject to  
16 regulation; permit; fees.--

17 (2) The authority may grant to any person who is a  
18 resident of this state, or to any corporation which is  
19 organized under the laws of this state or licensed to do  
20 business within this state, the use of a right-of-way for the  
21 utility in accordance with such rules or regulations as the  
22 authority may adopt. No utility shall be installed, located,  
23 or relocated unless authorized by a written permit issued by  
24 the authority. However, for public roads or publicly owned  
25 rail corridors under the jurisdiction of the department, a  
26 utility relocation schedule and relocation agreement may be  
27 executed in lieu of a written permit.The permit shall require  
28 the permitholder to be responsible for any damage resulting  
29 from the issuance of such permit. The authority may initiate  
30 injunctive proceedings as provided in s. 120.69 to enforce  
31

1 provisions of this subsection or any rule or order issued or  
2 entered into pursuant thereto.

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

7 337.408 Regulation of benches, transit shelters,  
8 street light poles,and waste disposal receptacles within  
9 rights-of-way.--

10 (3) The department has the authority to direct the  
11 immediate relocation or removal of any bench, transit shelter,  
12 or waste disposal receptacle which endangers life or property,  
13 except that transit bus benches which have been placed in  
14 service prior to April 1, 1992, do not have to comply with  
15 bench size and advertising display size requirements which  
16 have been established by the department prior to March 1,  
17 1992. Any transit bus bench that was in service prior to  
18 April 1, 1992, may be replaced with a bus bench of the same  
19 size or smaller, if the bench is damaged or destroyed or  
20 otherwise becomes unusable. The Department is authorized to  
21 promulgate rules relating to the regulation of bench size and  
22 advertising display size requirements. However, if a  
23 municipality or county within which a bench is to be located  
24 has adopted an ordinance or other applicable regulation that  
25 establishes bench size or advertising display sign  
26 requirements different from requirements specified in  
27 department rule, then the local government requirement shall  
28 be applicable within the respective municipality or county.  
29 Placement of any bench or advertising display on the National  
30 Highway System under a local ordinance or regulation adopted

31

1 pursuant to this subsection shall be subject to approval of  
2 the Federal Highway Administration.

3 (5) Street light poles, including attached public  
4 service messages and advertisements, may be located within the  
5 right-of-way limits of municipal and county roads in the same  
6 manner as benches, transit shelters, and waste disposal  
7 receptacles as provided in this section and in accordance with  
8 municipal and county ordinances. Public service messages and  
9 advertisements may be installed on street light poles on roads  
10 on the State Highway System in accordance with height, size,  
11 setback, spacing distance, duration of display, safety,  
12 traffic control, and permitting requirements established by  
13 administrative rule of the Department of Transportation.

14 Public service messages and advertisements shall be subject to  
15 bilateral agreements, where applicable, to be negotiated with  
16 the owner of the street light poles, which shall consider,  
17 among other things, power source rates, design, safety,  
18 operational and maintenance concerns, and other matters of  
19 public importance. For the purposes of this section, the term  
20 "street light poles" does not include electric transmission or  
21 distribution poles. The department shall have authority to  
22 establish administrative rules to implement this subsection.

23 No advertising on light poles shall be permitted on the  
24 Interstate Highway System. No permanent structures carrying  
25 advertisements attached to light poles shall be permitted on  
26 the National Highway System.

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

29 339.12 Aid and contributions by governmental entities  
30 for department projects; federal aid.--

31



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

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

13           339.55 State-funded infrastructure bank.--

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

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

26           (a) The credit worthiness of the project.

27           (b) A demonstration that the project will encourage,  
28 enhance, or create economic benefits.

29           (c) The likelihood that assistance would enable the  
30 project to proceed at an earlier date than would otherwise be  
31 possible.

1 (d) The extent to which assistance would foster  
2 innovative public-private partnerships and attract private  
3 debt or equity investment.

4 (e) The extent to which the project would use new  
5 technologies, including intelligent transportation systems,  
6 that would enhance the efficient operation of the project.

7 (f) The extent to which the project would maintain or  
8 protect the environment.

9 (g) A demonstration that the project includes  
10 transportation benefits for improving intermodalism, cargo and  
11 freight movement, and safety.

12 (h) The amount of the proposed assistance as a  
13 percentage of the overall project costs with emphasis on local  
14 and private participation.

15 (i) The extent to which the project will provide for  
16 connectivity between the State Highway System and airports,  
17 seaports, rail facilities, and other transportation terminals  
18 and intermodal options pursuant to s. 341.053 for the  
19 increased accessibility and movement of people and goods.

20 Section 85. Subsections (8) and (10) of section  
21 341.031, Florida Statutes, are amended to read:

22 341.031 Definitions relating to Florida Public Transit  
23 Act.--As used in ss. 341.011-341.061, the term:

24 (8) "Public transit service development project" means  
25 a project undertaken by a public agency to determine whether a  
26 new or innovative technique or measure can be utilized to  
27 improve or expand public transit services to its constituency.  
28 The duration of the project shall be limited according to the  
29 type of the project in conformance with the provisions of s.  
30 341.051(5)(~~e~~)(~~f~~), but in no case shall exceed a period of 3  
31 years. Public transit service development projects

1 specifically include projects involving the utilization of new  
2 technologies, services, routes, or vehicle frequencies; the  
3 purchase of special transportation services; and other such  
4 techniques for increasing service to the riding public as are  
5 applicable to specific localities and transit user groups.

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

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

24 341.051 Administration and financing of public transit  
25 programs and projects.--

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

27 (a) The department may fund up to 50 percent of the  
28 nonfederal share of the costs, not to exceed the local share,  
29 of any eligible public transit capital project or commuter  
30 assistance project that is local in scope; except, however,  
31 that departmental participation in the final design,

1 right-of-way acquisition, and construction phases of an  
2 individual fixed-guideway project which is not approved for  
3 federal funding shall not exceed an amount equal to 12.5  
4 percent of the total cost of each phase.

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

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

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

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

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

28 (c)~~(d)~~ The department is authorized to advance up to  
29 80 percent of the capital cost of any eligible project that  
30 will assist Florida's transit systems in becoming fiscally  
31 self-sufficient. Such advances shall be reimbursed to the

1 department on an appropriate schedule not to exceed 5 years  
2 after the date of provision of the advances.

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

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

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

30 2. Improving system maintenance procedures, including,  
31 but not limited to, effective preventive maintenance programs,

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

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

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

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

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

19 341.053 Intermodal Development Program;  
20 administration; eligible projects; limitations.--

21 (6) The department is authorized to fund projects  
22 within the Intermodal Development Program, which are  
23 consistent, to the maximum extent feasible, with approved  
24 local government comprehensive plans of the units of local  
25 government in which the project is located. Projects that are  
26 eligible for funding under this program include major capital  
27 investments in public rail and fixed-guideway transportation  
28 facilities and systems which provide intermodal access ~~and~~  
29 ~~which, if approved after July 1, 1991, have complied with the~~  
30 ~~requirement of the department's major capital investment~~  
31 ~~policy~~; road, rail, or fixed-guideway access to, from, or

1 between seaports, airports, and other transportation  
2 terminals; construction of intermodal or multimodal terminals;  
3 development and construction of dedicated bus lanes; and  
4 projects which otherwise facilitate the intermodal or  
5 multimodal movement of people and goods.

6 Section 88. Section 341.501, Florida Statutes, is  
7 amended to read:

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

24 Section 89. Paragraph (d) of subsection (2) of section  
25 348.0003, Florida Statutes, is amended to read:

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

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

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

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

30 Section 90. Section 348.0008, Florida Statutes, is  
31 amended to read:



1           348.0008 Acquisition of lands and property.--  
2           (1) For the purposes of the Florida Expressway  
3 Authority Act, an expressway authority may acquire such  
4 rights, title, or interest in private or public property and  
5 such property rights, including easements, rights of access,  
6 air, view, and light, by gift, devise, purchase, or  
7 condemnation by eminent domain proceedings, as the authority  
8 may deem necessary for any of the purposes of the Florida  
9 Expressway Authority Act, including, but not limited to, any  
10 lands reasonably necessary for securing applicable permits,  
11 areas necessary for management of access, borrow pits,  
12 drainage ditches, water retention areas, rest areas,  
13 replacement access for landowners whose access is impaired due  
14 to the construction of an expressway system, and replacement  
15 rights-of-way for relocated rail and utility facilities; for  
16 existing, proposed, or anticipated transportation facilities  
17 on the expressway system or in a transportation corridor  
18 designated by the authority; or for the purposes of screening,  
19 relocation, removal, or disposal of junkyards and scrap metal  
20 processing facilities. The authority may also condemn any  
21 material and property necessary for such purposes.  
22           (2) An authority and its authorized agents,  
23 contractors, and employees are authorized to enter upon any  
24 lands, waters, and premises, upon giving reasonable notice to  
25 the landowner, for the purpose of making surveys, soundings,  
26 drillings, appraisals, environmental assessments including  
27 phase I and phase II environmental surveys, archaeological  
28 assessments, and such other examinations as are necessary for  
29 the acquisition of private or public property and property  
30 rights, including rights of access, air, view, and light, by  
31 gift, devise, purchase, or condemnation by eminent domain

1 proceedings or as are necessary for the authority to perform  
2 its duties and functions; and any such entry shall not be  
3 deemed a trespass or an entry that would constitute a taking  
4 in an eminent domain proceeding. An expressway authority shall  
5 make reimbursement for any actual damage to such lands, water,  
6 and premises as a result of such activities. Any entry  
7 authorized by this subsection shall be in compliance with the  
8 premises protections and landowner liability provisions  
9 contained in s. 581.184 and s. 472.029.

10 ~~(3)(2)~~ The right of eminent domain conferred by the  
11 Florida Expressway Authority Act must be exercised by each  
12 authority in the manner provided by law.

13 ~~(4)(3)~~ When an authority acquires property for an  
14 expressway system or in a transportation corridor as defined  
15 in s. 334.03, it is not subject to any liability imposed by  
16 chapter 376 or chapter 403 for preexisting soil or groundwater  
17 contamination due solely to its ownership. This subsection  
18 does not affect the rights or liabilities of any past or  
19 future owners of the acquired property nor does it affect the  
20 liability of any governmental entity for the results of its  
21 actions which create or exacerbate a pollution source. An  
22 authority and the Department of Environmental Protection may  
23 enter into interagency agreements for the performance,  
24 funding, and reimbursement of the investigative and remedial  
25 acts necessary for property acquired by the authority.

26 Section 91. Section 348.545, Florida Statutes, is  
27 created to read:

28 348.545 Facility improvement; bond financing  
29 authority.--Pursuant to s. 11(f), Art. VII of the State  
30 Constitution, the Legislature hereby approves for bond  
31 financing by the Tampa-Hillsborough County Expressway

1 Authority improvements to toll collection facilities,  
2 interchanges to the legislatively approved expressway system,  
3 and any other facility appurtenant, necessary, or incidental  
4 to the approved system. Subject to terms and conditions of  
5 applicable revenue bond resolutions and covenants, such  
6 financing may be in whole or in part by revenue bonds  
7 currently issued or issued in the future, or by a combination  
8 of such bonds.

9 Section 92. Section 348.565, Florida Statutes, is  
10 amended to read:

11 348.565 Revenue bonds for specified projects.--The  
12 existing facilities that constitute the Tampa-Hillsborough  
13 County Expressway System are hereby approved to be refinanced  
14 by the issuance of revenue bonds by the Division of Bond  
15 Finance of the State Board of Administration pursuant to s.  
16 11(f), Art. VII of the State Constitution. In addition, the  
17 following projects of the Tampa-Hillsborough County Expressway  
18 Authority are approved to be financed or refinanced by the  
19 issuance of revenue bonds pursuant to s. 11(f), Art. VII of  
20 the State Constitution:

- 21 (1) Brandon area feeder roads.~~†~~
- 22 (2) Capital improvements to the expressway system,  
23 including safety and operational improvements and toll  
24 collection equipment.~~†~~ ~~and~~
- 25 (3) Lee Roy Selmon Crosstown Expressway System  
26 widening.
- 27 (4) The connector highway linking Lee Roy Selmon  
28 Crosstown Expressway to Interstate 4.

29 Section 93. Section 373.4137, Florida Statutes, is  
30 amended to read:

31 373.4137 Mitigation requirements.--

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

13           (2) Environmental impact inventories for  
14 transportation projects proposed by the Department of  
15 Transportation or a transportation authority established  
16 pursuant to chapter 348 or chapter 349 shall be developed as  
17 follows:

18           (a) By May 1 of each year, the Department of  
19 Transportation or a transportation authority established  
20 pursuant to chapter 348 or chapter 349 shall submit to the  
21 Department of Environmental Protection and the water  
22 management districts a copy of its adopted work program and an  
23 inventory of habitats addressed in the rules tentatively,  
24 pursuant to this part and s. 404 of the Clean Water Act, 33  
25 U.S.C. s. 1344, which may be impacted by its plan of  
26 construction for transportation projects in the next 3 years  
27 of the tentative work program. The Department of  
28 Transportation or a transportation authority established  
29 pursuant to chapter 348 or chapter 349 may also include in its  
30 inventory the habitat impacts of any future transportation  
31 project identified in the tentative work program.

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

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

19 (b) Each transportation authority established pursuant  
20 to chapter 348 or chapter 349 that chooses to participate in  
21 this program shall create an escrow account within its  
22 financial structure and deposit funds in the account to pay  
23 for the environmental mitigation phase of projects budgeted  
24 for the current fiscal year. The escrow account shall be  
25 maintained by the authority for the benefit of the Department  
26 of Environmental Protection and the water management  
27 districts. Any interest earnings from the escrow account shall  
28 remain with the authority.

29 (c) The Department of Environmental Protection or  
30 water management districts may request a transfer of funds  
31 from an ~~the~~ escrow account no sooner than 30 days prior to the

1 date the funds are needed to pay for activities associated  
2 with development or implementation of the approved mitigation  
3 plan described in subsection (4) for the current fiscal year,  
4 including, but not limited to, design, engineering,  
5 production, and staff support. Actual conceptual plan  
6 preparation costs incurred before plan approval may be  
7 submitted to the Department of Transportation or the  
8 appropriate transportation authority and the Department of  
9 Environmental Protection by November 1 of each year with the  
10 plan. The conceptual plan preparation costs of each water  
11 management district will be paid based on the amount approved  
12 on the mitigation plan and allocated to the current fiscal  
13 year projects identified by the water management district. The  
14 amount transferred to the escrow accounts ~~account~~ each year by  
15 the Department of Transportation and participating  
16 transportation authorities established pursuant to chapter 348  
17 or chapter 349 shall correspond to a cost per acre of \$75,000  
18 multiplied by the projected acres of impact identified in the  
19 inventory described in subsection (2). However, the \$75,000  
20 cost per acre does not constitute an admission against  
21 interest by the state or its subdivisions nor is the cost  
22 admissible as evidence of full compensation for any property  
23 acquired by eminent domain or through inverse condemnation.  
24 Each July 1, the cost per acre shall be adjusted by the  
25 percentage change in the average of the Consumer Price Index  
26 issued by the United States Department of Labor for the most  
27 recent 12-month period ending September 30, compared to the  
28 base year average, which is the average for the 12-month  
29 period ending September 30, 1996. At the end of each year, the  
30 projected acreage of impact shall be reconciled with the  
31 acreage of impact of projects as permitted, including permit

1 modifications, pursuant to this part and s. 404 of the Clean  
2 Water Act, 33 U.S.C. s. 1344. The subject year's transfer of  
3 funds shall be adjusted accordingly to reflect the  
4 overtransfer or undertransfer of funds from the preceding  
5 year. The Department of Transportation and participating  
6 transportation authorities established pursuant to chapter 348  
7 or chapter 349 are ~~is~~ authorized to transfer such funds from  
8 the escrow accounts ~~account~~ to the Department of Environmental  
9 Protection and the water management districts to carry out the  
10 mitigation programs.

11 (4) Prior to December 1 of each year, each water  
12 management district, in consultation with the Department of  
13 Environmental Protection, the United States Army Corps of  
14 Engineers, the Department of Transportation, transportation  
15 authorities established pursuant to chapter 348 or chapter  
16 349,and other appropriate federal, state, and local  
17 governments, and other interested parties, including entities  
18 operating mitigation banks, shall develop a plan for the  
19 primary purpose of complying with the mitigation requirements  
20 adopted pursuant to this part and 33 U.S.C. s. 1344. This plan  
21 shall also address significant invasive plant problems within  
22 wetlands and other surface waters. In developing such plans,  
23 the districts shall utilize sound ecosystem management  
24 practices to address significant water resource needs and  
25 shall focus on activities of the Department of Environmental  
26 Protection and the water management districts, such as surface  
27 water improvement and management (SWIM) waterbodies and lands  
28 identified for potential acquisition for preservation,  
29 restoration, and enhancement, to the extent that such  
30 activities comply with the mitigation requirements adopted  
31 under this part and 33 U.S.C. s. 1344. In determining the

1 activities to be included in such plans, the districts shall  
2 also consider the purchase of credits from public or private  
3 mitigation banks permitted under s. 373.4136 and associated  
4 federal authorization and shall include such purchase as a  
5 part of the mitigation plan when such purchase would offset  
6 the impact of the transportation project, provide equal  
7 benefits to the water resources than other mitigation options  
8 being considered, and provide the most cost-effective  
9 mitigation option. The mitigation plan shall be preliminarily  
10 approved by the water management district governing board and  
11 shall be submitted to the secretary of the Department of  
12 Environmental Protection for review and final approval. The  
13 preliminary approval by the water management district  
14 governing board does not constitute a decision that affects  
15 substantial interests as provided by s. 120.569. At least 30  
16 days prior to preliminary approval, the water management  
17 district shall provide a copy of the draft mitigation plan to  
18 any person who has requested a copy.

19 (a) For each transportation project with a funding  
20 request for the next fiscal year, the mitigation plan must  
21 include a brief explanation of why a mitigation bank was or  
22 was not chosen as a mitigation option, including an estimation  
23 of identifiable costs of the mitigation bank and nonbank  
24 options to the extent practicable.

25 (b) Specific projects may be excluded from the  
26 mitigation plan and shall not be subject to this section upon  
27 the agreement of the Department of Transportation, a  
28 transportation authority if applicable, the Department of  
29 Environmental Protection, and the appropriate water management  
30 district that the inclusion of such projects would hamper the  
31 efficiency or timeliness of the mitigation planning and



1 permitting process, or the Department of Environmental  
2 Protection and the water management district are unable to  
3 identify mitigation that would offset the impacts of the  
4 project.

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

24 (5) The water management district shall be responsible  
25 for ensuring that mitigation requirements pursuant to 33  
26 U.S.C. s. 1344 are met for the impacts identified in the  
27 inventory described in subsection (2), by implementation of  
28 the approved plan described in subsection (4) to the extent  
29 funding is provided by the Department of Transportation, or a  
30 transportation authority established pursuant to chapter 348  
31 or chapter 349, if applicable. During the federal permitting

1 process, the water management district may deviate from the  
2 approved mitigation plan in order to comply with federal  
3 permitting requirements.

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

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

24 (8) This section shall not be construed to eliminate  
25 the need for the Department of Transportation or a  
26 transportation authority established pursuant to chapter 348  
27 or chapter 349 to comply with the requirement to implement  
28 practicable design modifications, including realignment of  
29 transportation projects, to reduce or eliminate the impacts of  
30 its transportation projects on wetlands and other surface  
31 waters as required by rules adopted pursuant to this part, or

1 to diminish the authority under this part to regulate other  
2 impacts, including water quantity or water quality impacts, or  
3 impacts regulated under this part that are not identified in  
4 the inventory described in subsection (2).

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

19 Section 94. Paragraph (b) of subsection (3) of section  
20 380.04, Florida Statutes, is amended to read:

21 380.04 Definition of development.--

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

25 (b) Work by any utility and other persons engaged in  
26 the distribution or transmission of gas, electricity, or  
27 water, for the purpose of inspecting, repairing, renewing, or  
28 constructing on established rights-of-way any sewers, mains,  
29 pipes, cables, utility tunnels, power lines, towers, poles,  
30 tracks, or the like. This provision conveys no property

31

1 interest and does not eliminate any applicable notice  
2 requirements to affected land owners.

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

6 380.06 Developments of regional impact.--

7 (2) STATEWIDE GUIDELINES AND STANDARDS.--

8 (d) The guidelines and standards shall be applied as  
9 follows:

10 1. Fixed thresholds.--

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

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

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

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

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

1           ~~b.~~ It shall be presumed that a development that is at  
2 100 percent or between 100 and 120 percent of a numerical  
3 threshold shall be required to undergo  
4 development-of-regional-impact review.

5           (4) BINDING LETTER.--

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

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

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

23           (8) PRELIMINARY DEVELOPMENT AGREEMENTS.--

24           (a) A developer may enter into a written preliminary  
25 development agreement with the state land planning agency to  
26 allow a developer to proceed with a limited amount of the  
27 total proposed development, subject to all other governmental  
28 approvals and solely at the developer's own risk, prior to  
29 issuance of a final development order. All owners of the land  
30 in the total proposed development shall join the developer as  
31

1 parties to the agreement. Each agreement shall include and be  
2 subject to the following conditions:

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

6 2. The developer shall file an application for  
7 development approval for the total proposed development within  
8 3 months after execution of the agreement, unless the state  
9 land planning agency agrees to a different time for good cause  
10 shown. Failure to timely file an application and to otherwise  
11 diligently proceed in good faith to obtain a final development  
12 order shall constitute a breach of the preliminary development  
13 agreement.

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

22 4. The preliminary development shall be limited to  
23 lands that the state land planning agency agrees are suitable  
24 for development and shall only be allowed in areas where  
25 adequate public infrastructure exists to accommodate the  
26 preliminary development, when such development will utilize  
27 public infrastructure. The developer must also demonstrate  
28 that the preliminary development will not result in material  
29 adverse impacts to existing resources or existing or planned  
30 facilities.

31

1           5. The preliminary development agreement may allow  
2 development which is:

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

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

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

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

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

30           9. In the event of a breach of the agreement or  
31 failure to comply with any condition of the agreement, or if

1 the agreement was based on materially inaccurate information,  
2 the state land planning agency may terminate the agreement or  
3 file suit to enforce the agreement as provided in this section  
4 and s. 380.11, including a suit to enjoin all development.

5 10. A notice of the preliminary development agreement  
6 shall be recorded by the developer in accordance with s.  
7 28.222 with the clerk of the circuit court for each county in  
8 which land covered by the terms of the agreement is located.  
9 The notice shall include a legal description of the land  
10 covered by the agreement and shall state the parties to the  
11 agreement, the date of adoption of the agreement and any  
12 subsequent amendments, the location where the agreement may be  
13 examined, and that the agreement constitutes a land  
14 development regulation applicable to portions of the land  
15 covered by the agreement. The provisions of the agreement  
16 shall inure to the benefit of and be binding upon successors  
17 and assigns of the parties in the agreement.

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

25 a. A final development order under this section has  
26 been rendered that approves all of the development actually  
27 constructed; or

28 b. The amount of development is less than 100 ~~80~~  
29 percent of all numerical thresholds of the guidelines and  
30 standards, and the state land planning agency determines in  
31 writing that the development to date is in compliance with all



1 applicable local regulations and the terms and conditions of  
2 the preliminary development agreement and otherwise adequately  
3 mitigates for the impacts of the development to date.

4  
5 In either event, when a developer proposes to abandon said  
6 agreement, the developer shall give written notice and state  
7 that he or she is no longer proposing a development of  
8 regional impact and provide adequate documentation that he or  
9 she has met the criteria for abandonment of the agreement to  
10 the state land planning agency. Within 30 days of receipt of  
11 adequate documentation of such notice, the state land planning  
12 agency shall make its determination as to whether or not the  
13 developer meets the criteria for abandonment. Once the state  
14 land planning agency determines that the developer meets the  
15 criteria for abandonment, the state land planning agency shall  
16 issue a notice of abandonment which shall be recorded by the  
17 developer in accordance with s. 28.222 with the clerk of the  
18 circuit court for each county in which land covered by the  
19 terms of the agreement is located.

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

29 (a) The development shall continue to be governed by  
30 the development-of-regional-impact development order and may  
31 be completed in reliance upon and pursuant to the development

1 order. The development-of-regional-impact development order  
2 may be enforced by the local government as provided by ss.  
3 380.06(17) and 380.11, Florida Statutes 2001.

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

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

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

17 768.28 Waiver of sovereign immunity in tort actions;  
18 recovery limits; limitation on attorney fees; statute of  
19 limitations; exclusions; indemnification; risk management  
20 programs.--

21 (10)

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

31

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

13           Section 99. Subsection (2) of section 2 of chapter  
14 88-418, Laws of Florida, is amended to read:

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

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

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

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

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

29           212.055 Discretionary sales surtaxes; legislative  
30 intent; authorization and use of proceeds.--It is the  
31 legislative intent that any authorization for imposition of a

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

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

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

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

22 316.006 Jurisdiction.--Jurisdiction to control traffic  
23 is vested as follows:

24 (2) MUNICIPALITIES.--

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

31

1 for municipal traffic control jurisdiction over the road or  
2 roads encompassed by such agreement. Pursuant thereto:

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

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

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

24  
25 This subsection shall not limit those counties which have the  
26 charter powers to provide and regulate arterial, toll, and  
27 other roads, bridges, tunnels, and related facilities from the  
28 proper exercise of those powers by the placement and  
29 maintenance of traffic control devices which conform to the  
30 manual and specifications of the Department of Transportation  
31 on streets and highways located within municipal boundaries.

1 (3) COUNTIES.--

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

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

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

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

29 4. Any such agreement may provide for the installation  
30 of multiparty stop signs by the parties controlling the roads  
31 covered by the agreement if a determination is made by such

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

7  
8 Notwithstanding the provisions of subsection (2), each county  
9 shall have original jurisdiction to regulate parking, by  
10 resolution of the board of county commissioners and the  
11 erection of signs conforming to the manual and specifications  
12 of the Department of Transportation, in parking areas located  
13 on property owned or leased by the county, whether or not such  
14 areas are located within the boundaries of chartered  
15 municipalities.

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

18 316.066 Written reports of crashes.--

19 (3)

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

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



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

3           316.1975 Unattended motor vehicle.--

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

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

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

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

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

15           316.2127 Operation of utility vehicles on certain  
16 roadways by homeowners' associations.--The operation of a  
17 utility vehicle, as defined in s. 320.01, upon the public  
18 roads or streets of this state by a homeowners' association,  
19 as defined in s. 720.301, or its agents is prohibited except  
20 as provided herein:

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

1 road or street, the responsible governmental entity shall post  
2 appropriate signs to indicate that such operation is allowed.

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

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

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

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

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

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

31

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

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

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

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

17  
18 A violation of this section is a noncriminal traffic  
19 infraction, punishable pursuant to chapter 318 as either a  
20 moving violation for infractions of subsection (1), subsection  
21 (2), subsection (3), or subsection (4) or as a nonmoving  
22 violation for infractions of subsection (5).

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

25 316.304 Wearing of headsets.--

26 (2) This section does not apply to:

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

31

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

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

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

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

22 (12) One hundred dollars for a violation of s.  
23 316.520(1) or (2). If, at a hearing, the alleged offender is  
24 found to have committed this offense, the court shall impose a  
25 minimum civil penalty of \$100. For a second or subsequent  
26 adjudication within a period of 5 years, the department shall  
27 suspend the driver's license of the person for not less than  
28 180 days and not more than 1 year.

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

1           318.19    Infractions requiring a mandatory hearing.--Any  
2 person cited for the infractions listed in this section shall  
3 not have the provisions of s. 318.14(2), (4), and (9)  
4 available to him or her but must appear before the designated  
5 official at the time and location of the scheduled hearing:

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

8           (2) Any infraction which results in a crash that  
9 causes "serious bodily injury" of another as defined in s.  
10 316.1933(1); ~~or~~

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

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

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

16           316.640 Enforcement.--The enforcement of the traffic  
17 laws of this state is vested as follows:

18           (1) STATE.--

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

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

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

28 c. Community college police officers shall have the  
29 authority to enforce all the traffic laws of this state only  
30 when such violations occur on any property or facilities that  
31



1 are under the guidance, supervision, regulation, or control of  
2 the community college system.

3 d. Police officers employed by an airport authority  
4 shall have the authority to enforce all of the traffic laws of  
5 this state only when such violations occur on any property or  
6 facilities that are owned or operated by an airport authority.

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

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

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

1 f. School safety officers shall have the authority to  
2 enforce all of the traffic laws of this state when such  
3 violations occur on or about any property or facilities which  
4 are under the guidance, supervision, regulation, or control of  
5 the district school board.

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

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

18 (2) COUNTIES.--

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

1 crash may issue traffic citations when, based upon personal  
2 investigation, he or she has reasonable and probable grounds  
3 to believe that a person who was involved in the crash has  
4 committed an offense under this chapter, chapter 319, chapter  
5 320, or chapter 322 in connection with the crash. This  
6 paragraph does not permit the carrying of firearms or other  
7 weapons, nor do such officers have arrest authority ~~other than~~  
8 ~~for the issuance of a traffic citation as authorized in this~~  
9 ~~paragraph.~~

10 (3) MUNICIPALITIES.--

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

1 ~~arrest authority other than for the issuance of a traffic~~  
2 ~~citation as authorized above.~~

3 (c)1. A chartered municipality or its authorized  
4 agency or instrumentality may employ as a parking enforcement  
5 specialist any individual who successfully completes a  
6 training program established and approved by the Criminal  
7 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.

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

21 3. A parking enforcement specialist employed pursuant  
22 to this subsection may not carry firearms or other weapons or  
23 have arrest authority.

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

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

30 (1) Notwithstanding the provisions of s. 322.055, if a  
31 person under 18 years of age is found guilty of or delinquent

1 for a violation of s. 562.11(2), s. 562.111, or chapter 893,  
2 and:

3 (a) The person is eligible by reason of age for a  
4 driver's license or driving privilege, the court shall direct  
5 the department to revoke or to withhold issuance of his or her  
6 driver's license or driving privilege for a period of:

7 1. Not less than 6 months and not more than 1 year for  
8 the first violation.

9 2. Two years, for a subsequent violation.

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

14 1. Not less than 6 months and not more than 1 year for  
15 the first violation.

16 2. Two years, for a subsequent violation.

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

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

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

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

1 Section 111. Section 570.073, Florida Statutes, is  
2 amended to read:

3 570.073 Department of Agriculture and Consumer  
4 Services, law enforcement officers.--

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

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

21 (a) Domesticated animals, including livestock,  
22 poultry, aquaculture products, and other wild or domesticated  
23 animals or animal products.

24 (b) Farms, farm equipment, livery tack, citrus or  
25 citrus products, or horticultural products.

26 (c) Trespass, littering, forests, forest fires, and  
27 open burning.

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

29 (e) Enforcement of a marketing order.

30 (f) Protection of consumers.  
31

1 (g) Civil traffic offenses as outlined under Florida  
2 law provided for in chapters 316, 320, and 322, subject to the  
3 provisions of chapter 318, relating to any matter over which  
4 the department has jurisdiction or committed on property  
5 owned, managed, or occupied by the department.

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

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

11 (j) Any crime incidental to or related to paragraphs  
12 (a)-(i).

13 (k) Any law over which the Commissioner of Agriculture  
14 has responsibility.

15 (2) Each law enforcement officer shall meet the  
16 qualifications of law enforcement officers under s. 943.13 and  
17 shall be certified as a law enforcement officer by the  
18 Department of Law Enforcement under the provisions of chapter  
19 943. Upon certification, each law enforcement officer is  
20 subject to and shall have the same arrest and other authority  
21 provided for law enforcement officers generally in chapter 901  
22 and shall have statewide jurisdiction as provided in  
23 subsection (1). Each officer shall also have arrest authority  
24 as provided for state law enforcement officers in s.  
25 901.15~~(11)~~. Such officers have full law enforcement powers  
26 granted to other peace officers of this state, including the  
27 power to make arrests, carry firearms, serve court process,  
28 and seize contraband and the proceeds of illegal activities.

29 (3) The Commissioner may also appoint part-time,  
30 reserve or auxiliary law enforcement officers under chapter  
31 943.

1           ~~(4)(3)~~ All department law enforcement officers, upon  
2 certification under s. 943.1395, shall have the same right and  
3 authority to carry arms as do the sheriffs of this state.

4           ~~(5)(4)~~ Each law enforcement officer in the state who  
5 is certified pursuant to chapter 943 has the same authority as  
6 law enforcement officers designated in this section to enforce  
7 the laws of this state as described in subsection (1).

8           Section 112. Subsections (5) and (11) of section  
9 319.23, Florida Statutes, are amended to read:

10           319.23 Application for, and issuance of, certificate  
11 of title.--

12           (5) The certificate of title issued by the department  
13 for a motor vehicle or mobile home previously registered  
14 outside this state shall give the name of the state or country  
15 in which the vehicle was last registered outside this state.

16 The department shall retain the evidence of title presented by  
17 the applicant upon which the certificate of title is issued.

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

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

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

28           319.28 Transfer of ownership by operation of law.--

29           (1)(a) In the event of the transfer of ownership of a  
30 motor vehicle or mobile home by operation of law as upon  
31 inheritance, devise or bequest, order in bankruptcy,



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

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

27 319.33 Offenses involving vehicle identification  
28 numbers, applications, certificates, papers; penalty.--

29 (1) It is unlawful:

30 (d) To possess, sell or offer for sale, conceal, or  
31 dispose of in this state a motor vehicle or mobile home, or

1 major component part thereof, on which any ~~the~~ motor number or  
2 vehicle identification number that has been affixed by the  
3 manufacturer or by a state agency, such as the Department of  
4 Highway Safety and Motor Vehicles, which regulates motor  
5 vehicles has been destroyed, removed, covered, altered, or  
6 defaced, with knowledge of such destruction, removal,  
7 covering, alteration, or defacement, except as provided in s.  
8 319.30(4).

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

19 Section 115. Section 320.025, Florida Statutes, is  
20 amended to read:

21 320.025 Registration certificate and license plate or  
22 decal issued under fictitious name; application.--

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

1 will be used for the Attorney General's Medicaid Fraud Control  
2 Unit, or law enforcement or any state public defender's office  
3 activities requiring concealment of publicly leased or owned  
4 motor vehicles or vessels and a statement of the position  
5 classifications of the individuals who are authorized to use  
6 the license plate or decal. The department may modify its  
7 records to reflect the fictitious identity of the owner or  
8 lessee until such time as the license plate or decal and  
9 registration certificate are surrendered to it.

10 (2) Except as provided in subsection (1), any motor  
11 vehicle owned or exclusively operated by the state or any  
12 county, municipality, or other governmental entity must at all  
13 times display a license plate of the type prescribed in s.  
14 320.0655. Any vessel owned or exclusively operated by the  
15 state or any county, municipality, or other governmental  
16 entity must at all times display a registration number as  
17 required in s. 328.56 and a vessel decal as required in s.  
18 328.48(5).

19 (3) This section constitutes an exception to other  
20 statutes relating to falsification of public records, false  
21 swearing, and similar matters. All records relating to the  
22 registration application of the Attorney General's Medicaid  
23 Fraud Control Unit, a law enforcement agency, or any state  
24 public defender's office, and records necessary to carry out  
25 the intended purpose of this section, are exempt from the  
26 provisions of s. 119.07(1), and s. 24(a), Art. I of the State  
27 Constitution as long as the information is retained by the  
28 department. This section does not prohibit other personations,  
29 fabrications, or creations of false identifications by the  
30 Attorney General's Medicaid Fraud Control Unit, or law  
31

1 enforcement or public defender's officers in the official  
2 performance of covert operations.

3 Section 116. Subsections (1) and (2) of section  
4 320.05, Florida Statutes, are amended to read:

5 320.05 Records of the department; inspection  
6 procedure; lists and searches; fees.--

7 (1) Except as provided in ~~ss. s.~~119.07(3) and  
8 320.025(3), the department may release records as provided in  
9 this section.

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

1 attorney, or other agency which the department determines has  
2 the right to know from obtaining, for professional or business  
3 use only, information in such records from the department  
4 through any means of telecommunication pursuant to a code  
5 developed by the department providing all fees specified in  
6 subsection (3) have been paid. The department shall disclose  
7 records or information to the child support enforcement agency  
8 to assist in the location of individuals who owe or  
9 potentially owe support, as defined in s. 409.2554, or to whom  
10 such an obligation is owed pursuant to Title IV-D of the  
11 Social Security Act.

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

14 320.055 Registration periods; renewal periods.--The  
15 following registration periods and renewal periods are  
16 established:

17 (5) For a vehicle subject to apportioned registration  
18 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the  
19 registration period shall be a period of 12 months beginning  
20 in a month designated by the department and ending on the last  
21 day of the 12th month. For a vehicle subject to this  
22 registration period, the renewal period is the last month of  
23 the registration period. The registration period may be  
24 shortened or extended at the discretion of the department, on  
25 receipt of the appropriate prorated fees, in order to evenly  
26 distribute such registrations on a monthly basis. For a  
27 vehicle subject to nonapportioned registration under s.  
28 320.08(4), (5)(a)1., (6)(b), or (14), the registration period  
29 begins December 1 and ends November 30. The renewal period is  
30 the 31-day period beginning December 1.

31

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

3           320.06 Registration certificates, license plates, and  
4 validation stickers generally.--

5           (1)

6           (b) Registration license plates bearing a graphic  
7 symbol and the alphanumeric system of identification shall be  
8 issued for a 5-year period. At the end of said 5-year period,  
9 upon renewal, the plate shall be replaced. The fee for such  
10 replacement shall be \$10, \$2 of which shall be paid each year  
11 before the plate is replaced, to be credited towards the next  
12 \$10 replacement fee. The fees shall be deposited into the  
13 Highway Safety Operating Trust Fund. A credit or refund shall  
14 not be given for any prior years' payments of such prorated  
15 replacement fee when the plate is replaced or surrendered  
16 before the end of the 5-year period. With each license plate,  
17 there shall be issued a validation sticker showing the owner's  
18 birth month, license plate number, and the year of expiration  
19 or the appropriate renewal period if the owner is not a  
20 natural person. The ~~This~~ validation sticker is to ~~shall~~ be  
21 placed on the upper right ~~left~~ corner of the license plate ~~and~~  
22 ~~shall be issued one time during the life of the license plate,~~  
23 ~~or upon request when it has been damaged or destroyed. There~~  
24 ~~shall also be issued with each license plate a serially~~  
25 ~~numbered validation sticker showing the year of expiration,~~  
26 ~~which sticker shall be placed on the upper right corner of the~~  
27 ~~license plate.~~ Such license plate and validation sticker  
28 ~~stickers~~ shall be issued based on the applicant's appropriate  
29 renewal period. The registration period shall be a period of  
30 12 months, and all expirations shall occur based on the  
31 applicant's appropriate registration period. A vehicle with an

1 apporportioned registration shall be issued an annual license  
2 plate and a cab card that denote the declared gross vehicle  
3 weight for each apporportioned jurisdiction in which the vehicle  
4 is authorized to operate.

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

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

1 320.0805 Personalized prestige license plates.--

2 (6) A personalized prestige license plate shall be  
3 issued for the exclusive continuing use of the applicant. An  
4 exact duplicate of any plate may not be issued to any other  
5 applicant during the same registration period. An exact  
6 duplicate may not be issued for any succeeding year unless the  
7 previous owner of a specific plate relinquishes it by failure  
8 to apply for renewal or reissuance for 1 year ~~three~~  
9 ~~consecutive annual registration periods~~ following the last  
10 ~~original~~ year of issuance.

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

13 320.083 Amateur radio operators; special license  
14 plates; fees.--

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

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

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

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



1           320.0848 Persons who have disabilities; issuance of  
2 disabled parking permits; temporary permits; permits for  
3 certain providers of transportation services to persons who  
4 have disabilities.--

5           (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
6 MOBILITY PROBLEMS.--

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

22           (b) License plates issued under ss. 320.084, 320.0842,  
23 320.0843, and 320.0845 are valid for the same parking  
24 privileges and other privileges provided under ss. 316.1955,  
25 316.1964, and 526.141(5)(a).

26           (c) The administrative processing fee for each initial  
27 4-year disabled parking permit or renewal permit shall be  
28 \$1.50, and all proceeds of that fee shall be retained by the  
29 tax collector of the county in which the fee was collected.

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

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

5           ~~b. One dollar for each additional or additional~~  
6 ~~renewal 4-year permit, of which the State Transportation Trust~~  
7 ~~Fund shall receive all funds collected.~~

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

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

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

29           ~~b. One dollar for each additional or additional~~  
30 ~~renewal 4-year permit.~~

31

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

3 ~~3. If an applicant presents to the department a~~  
4 ~~statement from the Federal Government or the State of Florida~~  
5 ~~indicating the applicant is a recipient of supplemental~~  
6 ~~security income, the fee for the disabled parking permit shall~~  
7 ~~be \$9 for the initial 4-year permit or renewal permit, of~~  
8 ~~which the State Transportation Trust Fund shall receive \$6.75~~  
9 ~~and the tax collector of the county in which the fee was~~  
10 ~~collected shall receive \$2.25.~~

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

18 (g)~~(e)~~ A person who qualifies for a disabled parking  
19 permit under this section may be issued an international  
20 wheelchair user symbol license plate under s. 320.0843 in lieu  
21 of the disabled parking permit; or, if the person qualifies  
22 for a "DV" license plate under s. 320.084, such a license  
23 plate may be issued to him or her in lieu of a disabled  
24 parking permit.

25 Section 122. Subsections (2) and (3) of section  
26 320.089, Florida Statutes, are amended to read:

27 320.089 Members of National Guard and active United  
28 States Armed Forces reservists; former prisoners of war;  
29 survivors of Pearl Harbor; Purple Heart medal recipients;  
30 special license plates; fee.--

31

1           (2) Each owner or lessee of an automobile or truck for  
2 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
3 or recreational vehicle as specified in s. 320.08(9)(c) or  
4 (d), which is not used for hire or commercial use, who is a  
5 resident of the state and who is a former prisoner of war, or  
6 their unremarried surviving spouse, shall, upon application  
7 therefor to the department, be issued a license plate as  
8 provided in s. 320.06, on which license plate are stamped the  
9 words "Ex-POW" followed by the serial number. Each application  
10 shall be accompanied by proof that the applicant meets the  
11 qualifications specified in paragraph (a) or paragraph (b).

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

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

28           (3) Each owner or lessee of an automobile or truck for  
29 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
30 or recreational vehicle as specified in s. 320.08(9)(c) or  
31 (d), which is not used for hire or commercial use, who is a

1 resident of this state and who is the unremarried surviving  
2 spouse of a recipient of the Purple Heart medal shall, upon  
3 application therefor to the department, with the payment of  
4 the required fees, be issued a license plate as provided in s.  
5 320.06, on which license plate are stamped the words "Purple  
6 Heart" and the likeness of the Purple Heart medal followed by  
7 the serial number. Each application shall be accompanied by  
8 proof that the applicant is the unremarried surviving spouse  
9 of a recipient of the Purple Heart medal.

10 Section 123. Section 321.02, Florida Statutes, is  
11 amended to read:

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

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

29 Section 124. Subsection (7) is added to section  
30 322.051, Florida Statutes, to read:

31 322.051 Identification cards.--

1           (7) Any person accepting the Florida driver license as  
2 proof of identification must accept a Florida identification  
3 card as proof of identification when the bearer of the  
4 identification card does not also have a driver license.

5           Section 125. Subsections (1) and (3) of section  
6 860.20, Florida Statutes, are amended to read:

7           860.20 Outboard motors; identification numbers.--

8           (1)(a) The Department of Highway Safety and Motor  
9 Vehicles ~~Environmental Protection~~ shall adopt rules specifying  
10 the locations and manner in which serial numbers for outboard  
11 motors shall be affixed. In adopting such rules, the  
12 department shall consider the adequacy of voluntary industry  
13 standards, the current state of technology, and the overall  
14 purpose of reducing vessel and motor thefts in the state.

15           (b) Any outboard motor manufactured after October 1,  
16 1985, which is for sale in the state shall comply with the  
17 serial number rules promulgated by the department. Any  
18 person, firm, or corporation which sells or offers for sale  
19 any outboard boat motor manufactured after October 1, 1985,  
20 which does not comply with this section is guilty of a  
21 misdemeanor of the first degree, punishable as provided in s.  
22 775.082 or s. 775.083.

23           (3) If any of the serial numbers required by this  
24 section to identify ownership of an outboard motor do not  
25 exist or have been removed, erased, defaced, or otherwise  
26 altered to prevent identification and its true identity cannot  
27 be determined, the outboard motor may be seized as contraband  
28 property by a law enforcement agency and shall be subject to  
29 forfeiture pursuant to ss. 932.701-932.704. Such outboard  
30 motor may not be sold or used to propel a vessel on the waters  
31 of the state unless the department ~~Division of Law Enforcement~~

1 ~~of the Department of Environmental Protection~~ is directed by  
2 written order of a court of competent jurisdiction to issue to  
3 the outboard motor a replacement identifying number which  
4 shall be affixed to the outboard motor and shall thereafter be  
5 used for identification purposes.

6 Section 126. All automotive service technology  
7 education programs shall be industry certified by 2007.

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

11 319.30 Definitions; dismantling, destruction, change  
12 of identity of motor vehicle or mobile home; salvage.--

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

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

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

18 a.1. When an insurance company pays the vehicle owner  
19 to replace the wrecked or damaged vehicle with one of like  
20 kind and quality or when an insurance company pays the owner  
21 upon the theft of the motor vehicle or mobile home; ~~a motor~~  
22 ~~vehicle or mobile home shall not be considered a "total loss"~~  
23 ~~if the insurance company and the owner agree to repair, rather~~  
24 ~~than to replace, the motor vehicle or mobile home; or~~

25 b.2. When an uninsured motor vehicle or mobile home is  
26 wrecked or damaged and the cost, at the time of loss, of  
27 repairing or rebuilding the vehicle is 80 percent or more of  
28 the cost to the owner of replacing the wrecked or damaged  
29 motor vehicle or mobile home with one of like kind and  
30 quality.

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1           2. A motor vehicle or mobile home shall not be  
2 considered a "total loss" if the insurance company and owner  
3 of a motor vehicle or mobile home agree to repair, rather than  
4 to replace, the motor vehicle or mobile home. However, if the  
5 actual cost to repair the motor vehicle or mobile home to the  
6 insurance company exceeds 100 percent of the cost of replacing  
7 the wrecked or damaged motor vehicle or mobile home with one  
8 of like kind and quality, the owner shall forward to the  
9 department, within 72 hours after the agreement, a request to  
10 brand the certificate of title with the words "Total Loss  
11 Vehicle." Such a brand shall become a part of the vehicle's  
12 title history.

13           (b) The owner, including persons who are self-insured,  
14 of any motor vehicle or mobile home which is considered to be  
15 salvage shall, within 72 hours after the motor vehicle or  
16 mobile home becomes salvage, forward the title to the motor  
17 vehicle or mobile home to the department for processing.  
18 However, an insurance company which pays money as compensation  
19 for total loss of a motor vehicle or mobile home shall obtain  
20 the certificate of title for the motor vehicle or mobile home  
21 and, within 72 hours after receiving such certificate of  
22 title, shall forward such title to the department for  
23 processing. The owner or insurance company, as the case may  
24 be, may not dispose of a vehicle or mobile home that is a  
25 total loss before it has obtained a salvage certificate of  
26 title or certificate of destruction from the department. When  
27 applying for a salvage certificate of title or certificate of  
28 destruction, the owner or insurance company must provide the  
29 department with an estimate of the costs of repairing the  
30 physical and mechanical damage suffered by the vehicle for  
31 which a salvage certificate of title or certificate of

1 destruction is sought. If the estimated costs of repairing the  
2 physical and mechanical damage to the vehicle are equal to 80  
3 percent or more of the current retail cost of the vehicle, as  
4 established in any official used car or used mobile home  
5 guide, the department shall declare the vehicle unrebuildable  
6 and print a certificate of destruction, which authorizes the  
7 dismantling or destruction of the motor vehicle or mobile home  
8 described therein. This certificate of destruction shall be  
9 reassignable a maximum of two times before dismantling or  
10 destruction of the vehicle shall be required, and shall  
11 accompany the motor vehicle or mobile home for which it is  
12 issued, when such motor vehicle or mobile home is sold for  
13 such purposes, in lieu of a certificate of title, and,  
14 thereafter, the department shall refuse issuance of any  
15 certificate of title for that vehicle. Nothing in this  
16 subsection shall be applicable when a vehicle is worth less  
17 than \$1,500 retail in undamaged condition in any official used  
18 motor vehicle guide or used mobile home guide or when a stolen  
19 motor vehicle or mobile home is recovered in substantially  
20 intact condition and is readily resalable without extensive  
21 repairs to or replacement of the frame or engine. Any person  
22 who willfully and deliberately violates this paragraph or  
23 falsifies any document to avoid the requirements of this  
24 paragraph commits a misdemeanor of the first degree,  
25 punishable as provided in s. 775.082 or s. 775.083.

26 Section 128. Effective July 1, 2003, section 319.41,  
27 Florida Statutes, is created to read:

28 319.41 Title history database.--The department shall  
29 make available on the Internet a database of title  
30 transactions searchable by vehicle identification number. In  
31 the Internet database, the department shall only provide

1 access to information relating to the year, make, model, and  
2 mileage of the vehicle, along with the date of sales and any  
3 brands or outstanding liens on the title.

4 Section 129. Section 748.7543, Florida Statutes, is  
5 amended to read:

6 348.7543 Improvements, bond financing authority  
7 for.--Pursuant to s. 11(f), Art. VII of the State  
8 Constitution, the Legislature hereby approves for bond  
9 financing by the Orlando-Orange County Expressway Authority  
10 improvements to toll collection facilities, interchanges to  
11 the legislatively approved expressway system, and any other  
12 facility appurtenant, necessary, or incidental to the approved  
13 system. Subject to terms and conditions of applicable revenue  
14 bond resolutions and covenants, such costs ~~financing~~ may be  
15 financed in whole or in part by revenue bonds issued pursuant  
16 to s. 348.755(1)(a) or (b) whether currently issued ~~or~~, issued  
17 in the future, or by a combination of such bonds.

18 Section 130. Section 348.7545, Florida Statutes, is  
19 amended to read:

20 348.7545 Western Beltway Part C, construction  
21 authorized; financing.--Notwithstanding s. 338.2275, the  
22 Orlando-Orange County Expressway Authority is authorized to  
23 exercise its condemnation powers, construct, finance, operate,  
24 own, and maintain that portion of the Western Beltway known as  
25 the Western Beltway Part C, extending from Florida's Turnpike  
26 near Ocoee in Orange County southerly through Orange and  
27 Osceola Counties to an interchange with I-4 near the  
28 Osceola-Polk County line, as part of the authority's 20-year  
29 capital projects plan. This project may be financed with any  
30 funds available to the authority for such purpose or revenue  
31 bonds issued by the Division of Bond Finance of the State

1 Board of Administration on behalf of the authority pursuant to  
2 s. 11, Art. VII of the State Constitution and the State Bond  
3 Act, ss. 215.57-215.83. This project may be refinanced with  
4 bonds issued by the authority pursuant to s. 348.755(1)(d).

5 Section 131. Subsection (1) of section 348.755,  
6 Florida Statutes, is amended to read:

7 348.755 Bonds of the authority.--

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

10 (b) Alternatively, the authority may issue its own  
11 bonds pursuant to this part at such times and in such  
12 principal amount as, in the opinion of the authority, is  
13 necessary to provide sufficient moneys for achieving its  
14 purposes; however, such bonds may not pledge the full faith  
15 and credit of the state. Bonds issued by the authority  
16 pursuant to this paragraph or paragraph (a)~~The bonds of the~~  
17 ~~authority issued pursuant to the provisions of this part,~~  
18 whether on original issuance or on refunding, shall be  
19 authorized by resolution of the members thereof and may be  
20 either term or serial bonds, shall bear such date or dates,  
21 mature at such time or times, not exceeding 40 years from  
22 their respective dates, bear interest at such rate or rates,  
23 payable semiannually, be in such denominations, be in such  
24 form, either coupon or fully registered, shall carry such  
25 registration, exchangeability and interchangeability  
26 privileges, be payable in such medium of payment and at such  
27 place or places, be subject to such terms of redemption and be  
28 entitled to such priorities on the revenues, rates, fees,  
29 rentals or other charges or receipts of the authority  
30 including the Orange County gasoline tax funds received by the  
31 authority pursuant to the terms of any lease-purchase

1 agreement between the authority and the department, as such  
2 resolution or any resolution subsequent thereto may provide.  
3 The bonds shall be executed either by manual or facsimile  
4 signature by such officers as the authority shall determine,  
5 provided that such bonds shall bear at least one signature  
6 which is manually executed thereon, and the coupons attached  
7 to such bonds shall bear the facsimile signature or signatures  
8 of such officer or officers as shall be designated by the  
9 authority and shall have the seal of the authority affixed,  
10 imprinted, reproduced or lithographed thereon, all as may be  
11 prescribed in such resolution or resolutions.

12 (c)(b) Said Bonds issued pursuant to paragraph (a) or  
13 paragraph (b) shall be sold at public sale in the same manner  
14 provided by the State Bond Act. However, if the authority  
15 shall, by official action at a public meeting, determine that  
16 a negotiated sale of such the bonds is in the best interest of  
17 the authority, the authority may negotiate the for sale of  
18 such the bonds with the underwriter or underwriters designated  
19 by the authority and the Division of Bond Finance of the State  
20 Board of Administration with respect to bonds issued pursuant  
21 to paragraph (a) or solely the authority with respect to bonds  
22 issued pursuant to paragraph (b). The authority's  
23 determination to negotiate the sale of such bonds may be  
24 based, in part, upon the written advice of the authority's  
25 financial advisor. Pending the preparation of definitive  
26 bonds, interim certificates may be issued to the purchaser or  
27 purchasers of such bonds and may contain such terms and  
28 conditions as the authority may determine.

29 (d) The authority may issue bonds pursuant to  
30 paragraph (b) to refund any bonds previously issued regardless  
31 of whether the bonds being refunded were issued by the

1 authority pursuant to this chapter or on behalf of the  
2 authority pursuant to the State Bond Act.

3 Section 132. Section 348.765, Florida Statutes, is  
4 amended to read:

5 348.765 This part complete and additional authority.--

6 (1) The powers conferred by this part shall be in  
7 addition and supplemental to the existing powers of said board  
8 and the department, and this part shall not be construed as  
9 repealing any of the provisions, of any other law, general,  
10 special or local, but to supersede such other laws in the  
11 exercise of the powers provided in this part, and to provide a  
12 complete method for the exercise of the powers granted in this  
13 part. The extension and improvement of said Orlando-Orange  
14 County Expressway System, and the issuance of bonds hereunder  
15 to finance all or part of the cost thereof, may be  
16 accomplished upon compliance with the provisions of this part  
17 without regard to or necessity for compliance with the  
18 provisions, limitations, or restrictions contained in any  
19 other general, special or local law, including, but not  
20 limited to, s. 215.821,and no approval of any bonds issued  
21 under this part by the qualified electors or qualified  
22 electors who are freeholders in the state or in said County of  
23 Orange, or in said City of Orlando, or in any other political  
24 subdivision of the state, shall be required for the issuance  
25 of such bonds pursuant to this part.

26 (2) This part shall not be deemed to repeal, rescind,  
27 or modify any other law or laws relating to said State Board  
28 of Administration, said Department of Transportation, or the  
29 Division of Bond Finance of the State Board of Administration,  
30 but shall be deemed to and shall supersede such other law or  
31

1 laws as are inconsistent with the provisions of this part,  
2 including, but not limited to, s. 215.821.

3 Section 133. 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 134. 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 135. 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.

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1           Section 136. Except as otherwise provided, this act  
2 shall take effect July 1, 2002.

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