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CHAMBER ACTION

Senate

House

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4/30/2008 6:37 PM

1 Senator Baker moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (h) of subsection (2) of section
7 20.23, Florida Statutes, is amended to read:

8 20.23 Department of Transportation.--There is created a
9 Department of Transportation which shall be a decentralized
10 agency.

11 (2)

12 (h) The commission shall appoint an executive director and
13 assistant executive director, who shall serve under the
14 direction, supervision, and control of the commission. The
15 executive director, with the consent of the commission, shall
16 employ such staff as are necessary to perform adequately the
17 functions of the commission, within budgetary limitations. All



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18 employees of the commission are exempt from part II of chapter
19 110 and shall serve at the pleasure of the commission. The salary
20 and benefits of the executive director shall be set in accordance
21 with the Senior Management Service. The salaries and benefits of
22 all other employees of the commission shall be set in accordance
23 with the Selected Exempt Service; ~~provided, however, that~~ the
24 commission has ~~shall have~~ complete authority for fixing the
25 salary of the executive director and assistant executive
26 director.

27 Section 2. Subsection (5) of section 125.42, Florida
28 Statutes, is amended to read:

29 125.42 Water, sewage, gas, power, telephone, other utility,
30 and television lines along county roads and highways.--

31 (5) In the event of widening, repair, or reconstruction of
32 any such road, the licensee shall move or remove such water,
33 sewage, gas, power, telephone, and other utility lines and
34 television lines at no cost to the county except as provided in
35 s. 337.403(1)(e).

36 Section 3. Paragraphs (a), (h), and (j) of subsection (6)
37 of section 163.3177, Florida Statutes, are amended to read:

38 163.3177 Required and optional elements of comprehensive
39 plan; studies and surveys.--

40 (6) In addition to the requirements of subsections (1)-(5)
41 and (12), the comprehensive plan shall include the following
42 elements:

43 (a) A future land use plan element designating proposed
44 future general distribution, location, and extent of the uses of
45 land for residential uses, commercial uses, industry,
46 agriculture, recreation, conservation, education, public
47 buildings and grounds, other public facilities, and other



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48 categories of the public and private uses of land. Counties are
49 encouraged to designate rural land stewardship areas, pursuant to
50 the provisions of paragraph (11)(d), as overlays on the future
51 land use map. Each future land use category must be defined in
52 terms of uses included, and must include standards to be followed
53 in the control and distribution of population densities and
54 building and structure intensities. The proposed distribution,
55 location, and extent of the various categories of land use shall
56 be shown on a land use map or map series which shall be
57 supplemented by goals, policies, and measurable objectives. The
58 future land use plan shall be based upon surveys, studies, and
59 data regarding the area, including the amount of land required to
60 accommodate anticipated growth; the projected population of the
61 area; the character of undeveloped land; the availability of
62 water supplies, public facilities, and services; the need for
63 redevelopment, including the renewal of blighted areas and the
64 elimination of nonconforming uses which are inconsistent with the
65 character of the community; the compatibility of uses on lands
66 adjacent to or closely proximate to military installations; lands
67 adjacent to an airport as defined in s. 330.35 and consistent
68 with provisions in s. 333.02; and, in rural communities, the need
69 for job creation, capital investment, and economic development
70 that will strengthen and diversify the community's economy. The
71 future land use plan may designate areas for future planned
72 development use involving combinations of types of uses for which
73 special regulations may be necessary to ensure development in
74 accord with the principles and standards of the comprehensive
75 plan and this act. The future land use plan element shall include
76 criteria to be used to achieve the compatibility of adjacent or
77 closely proximate lands with military installations; lands



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78 | adjacent to an airport as defined in s. 330.35 and consistent
79 | with provisions in s. 333.02. In addition, for rural communities,
80 | the amount of land designated for future planned industrial use
81 | shall be based upon surveys and studies that reflect the need for
82 | job creation, capital investment, and the necessity to strengthen
83 | and diversify the local economies, and shall not be limited
84 | solely by the projected population of the rural community. The
85 | future land use plan of a county may also designate areas for
86 | possible future municipal incorporation. The land use maps or map
87 | series shall generally identify and depict historic district
88 | boundaries and shall designate historically significant
89 | properties meriting protection. For coastal counties, the future
90 | land use element must include, without limitation, regulatory
91 | incentives and criteria that encourage the preservation of
92 | recreational and commercial working waterfronts as defined in s.
93 | 342.07. The future land use element must clearly identify the
94 | land use categories in which public schools are an allowable use.
95 | When delineating the land use categories in which public schools
96 | are an allowable use, a local government shall include in the
97 | categories sufficient land proximate to residential development
98 | to meet the projected needs for schools in coordination with
99 | public school boards and may establish differing criteria for
100 | schools of different type or size. Each local government shall
101 | include lands contiguous to existing school sites, to the maximum
102 | extent possible, within the land use categories in which public
103 | schools are an allowable use. The failure by a local government
104 | to comply with these school siting requirements will result in
105 | the prohibition of the local government's ability to amend the
106 | local comprehensive plan, except for plan amendments described in
107 | s. 163.3187(1) (b), until the school siting requirements are met.



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108 Amendments proposed by a local government for purposes of
109 identifying the land use categories in which public schools are
110 an allowable use are exempt from the limitation on the frequency
111 of plan amendments contained in s. 163.3187. The future land use
112 element shall include criteria that encourage the location of
113 schools proximate to urban residential areas to the extent
114 possible and shall require that the local government seek to
115 collocate public facilities, such as parks, libraries, and
116 community centers, with schools to the extent possible and to
117 encourage the use of elementary schools as focal points for
118 neighborhoods. For schools serving predominantly rural counties,
119 defined as a county with a population of 100,000 or fewer, an
120 agricultural land use category shall be eligible for the location
121 of public school facilities if the local comprehensive plan
122 contains school siting criteria and the location is consistent
123 with such criteria. Local governments required to update or amend
124 their comprehensive plan to include criteria and address
125 compatibility of lands adjacent to an airport as defined in s.
126 330.35 and consistent with provisions in s. 333.02 adjacent or
127 closely proximate lands with existing military installations in
128 their future land use plan element shall transmit the update or
129 amendment to the state land planning agency department by June
130 30, 2011 ~~2006~~.

131 (h)1. An intergovernmental coordination element showing
132 relationships and stating principles and guidelines to be used in
133 the accomplishment of coordination of the adopted comprehensive
134 plan with the plans of school boards, regional water supply
135 authorities, and other units of local government providing
136 services but not having regulatory authority over the use of
137 land, with the comprehensive plans of adjacent municipalities,



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138 the county, adjacent counties, or the region, with the state
139 comprehensive plan and with the applicable regional water supply
140 plan approved pursuant to s. 373.0361, as the case may require
141 and as such adopted plans or plans in preparation may exist. This
142 element of the local comprehensive plan shall demonstrate
143 consideration of the particular effects of the local plan, when
144 adopted, upon the development of adjacent municipalities, the
145 county, adjacent counties, or the region, or upon the state
146 comprehensive plan, as the case may require.

147 a. The intergovernmental coordination element shall provide
148 ~~for~~ procedures to identify and implement joint planning areas,
149 especially for the purpose of annexation, municipal
150 incorporation, and joint infrastructure service areas.

151 b. The intergovernmental coordination element shall provide
152 for recognition of campus master plans prepared pursuant to s.
153 1013.30, and airport master plans pursuant to paragraph (k).

154 c. The intergovernmental coordination element may provide
155 for a voluntary dispute resolution process as established
156 pursuant to s. 186.509 for bringing to closure in a timely manner
157 intergovernmental disputes. A local government may develop and
158 use an alternative local dispute resolution process for this
159 purpose.

160 d. The intergovernmental coordination element shall provide
161 for interlocal agreements, as established pursuant to s.
162 333.03(1)(b).

163 2. The intergovernmental coordination element shall further
164 state principles and guidelines to be used in the accomplishment
165 of coordination of the adopted comprehensive plan with the plans
166 of school boards and other units of local government providing
167 facilities and services but not having regulatory authority over



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168 the use of land. In addition, the intergovernmental coordination
169 element shall describe joint processes for collaborative planning
170 and decisionmaking on population projections and public school
171 siting, the location and extension of public facilities subject
172 to concurrency, and siting facilities with countywide
173 significance, including locally unwanted land uses whose nature
174 and identity are established in an agreement. Within 1 year of
175 adopting their intergovernmental coordination elements, each
176 county, all the municipalities within that county, the district
177 school board, and any unit of local government service providers
178 in that county shall establish by interlocal or other formal
179 agreement executed by all affected entities, the joint processes
180 described in this subparagraph consistent with their adopted
181 intergovernmental coordination elements.

182 3. To foster coordination between special districts and
183 local general-purpose governments as local general-purpose
184 governments implement local comprehensive plans, each independent
185 special district must submit a public facilities report to the
186 appropriate local government as required by s. 189.415.

187 4.a. Local governments must execute an interlocal agreement
188 with the district school board, the county, and nonexempt
189 municipalities pursuant to s. 163.31777. The local government
190 shall amend the intergovernmental coordination element to provide
191 that coordination between the local government and school board
192 is pursuant to the agreement and shall state the obligations of
193 the local government under the agreement.

194 b. Plan amendments that comply with this subparagraph are
195 exempt from the provisions of s. 163.3187(1).

196 5. The state land planning agency shall establish a
197 schedule for phased completion and transmittal of plan amendments



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

204 6. By January 1, 2004, any county having a population
205 greater than 100,000, and the municipalities and special
206 districts within that county, shall submit a report to the
207 Department of Community Affairs which:

208 a. Identifies all existing or proposed interlocal service
209 delivery agreements regarding the following: education; sanitary
210 sewer; public safety; solid waste; drainage; potable water; parks
211 and recreation; and transportation facilities.

212 b. Identifies any deficits or duplication in the provision
213 of services within its jurisdiction, whether capital or
214 operational. Upon request, the Department of Community Affairs
215 shall provide technical assistance to the local governments in
216 identifying deficits or duplication.

217 7. Within 6 months after submission of the report, the
218 Department of Community Affairs shall, through the appropriate
219 regional planning council, coordinate a meeting of all local
220 governments within the regional planning area to discuss the
221 reports and potential strategies to remedy any identified
222 deficiencies or duplications.

223 8. Each local government shall update its intergovernmental
224 coordination element based upon the findings in the report
225 submitted pursuant to subparagraph 6. The report may be used as
226 supporting data and analysis for the intergovernmental
227 coordination element.



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228 (j) For each unit of local government within an urbanized
229 area designated for purposes of s. 339.175, a transportation
230 element, which shall be prepared and adopted in lieu of the
231 requirements of paragraph (b) and paragraphs (7)(a), (b), (c),
232 and (d) and which shall address the following issues:

233 1. Traffic circulation, including major thoroughfares and
234 other routes, including bicycle and pedestrian ways.

235 2. All alternative modes of travel, such as public
236 transportation, pedestrian, and bicycle travel.

237 3. Parking facilities.

238 4. Aviation, rail, seaport facilities, access to those
239 facilities, and intermodal terminals.

240 5. The availability of facilities and services to serve
241 existing land uses and the compatibility between future land use
242 and transportation elements.

243 6. The capability to evacuate the coastal population prior
244 to an impending natural disaster.

245 7. Airports, projected airport and aviation development,
246 and land use compatibility around airports that includes areas
247 defined in s. 333.01 and s. 333.02.

248 8. An identification of land use densities, building
249 intensities, and transportation management programs to promote
250 public transportation systems in designated public transportation
251 corridors so as to encourage population densities sufficient to
252 support such systems.

253 9. May include transportation corridors, as defined in s.
254 334.03, intended for future transportation facilities designated
255 pursuant to s. 337.273. If transportation corridors are
256 designated, the local government may adopt a transportation
257 corridor management ordinance.



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258 Section 4. Subsection (3) of section 163.3178, Florida
259 Statutes, is amended to read:

260 163.3178 Coastal management.--

261 (3) Expansions to port harbors, spoil disposal sites,
262 navigation channels, turning basins, harbor berths, and other
263 related inwater harbor facilities of ports listed in s.
264 403.021(9); port transportation facilities and projects listed in
265 s. 311.07(3)(b); ~~and~~ intermodal transportation facilities
266 identified pursuant to s. 311.09(3); and facilities determined by
267 the Department of Community Affairs and the applicable general-
268 purpose local government to be port-related industrial or
269 commercial projects located within 3 miles of or in the port
270 master plan area which rely upon the utilization of port and
271 intermodal transportation facilities shall not be developments of
272 regional impact where such expansions, projects, or facilities
273 are consistent with comprehensive master plans that are in
274 compliance with this section.

275 Section 5. Subsections (9) and (12) of section 163.3180,
276 Florida Statutes, are amended to read:

277 163.3180 Concurrency.--

278 (9)(a) Each local government may adopt as a part of its
279 plan, long-term transportation and school concurrency management
280 systems with a planning period of up to 10 years for specially
281 designated districts or areas where significant backlogs exist.
282 The plan may include interim level-of-service standards on
283 certain facilities and shall rely on the local government's
284 schedule of capital improvements for up to 10 years as a basis
285 for issuing development orders that authorize commencement of
286 construction in these designated districts or areas. The
287 concurrency management system must be designed to correct



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288 existing deficiencies and set priorities for addressing
289 backlogged facilities. The concurrency management system must be
290 financially feasible and consistent with other portions of the
291 adopted local plan, including the future land use map.

292 (b) If a local government has a transportation or school
293 facility backlog for existing development which cannot be
294 adequately addressed in a 10-year plan, the state land planning
295 agency may allow it to develop a plan and long-term schedule of
296 capital improvements covering up to 15 years for good and
297 sufficient cause, based on a general comparison between that
298 local government and all other similarly situated local
299 jurisdictions, using the following factors:

- 300 1. The extent of the backlog.
- 301 2. For roads, whether the backlog is on local or state
302 roads.
- 303 3. The cost of eliminating the backlog.
- 304 4. The local government's tax and other revenue-raising
305 efforts.

306 (c) The local government may issue approvals to commence
307 construction notwithstanding this section, consistent with and in
308 areas that are subject to a long-term concurrency management
309 system.

310 (d) If the local government adopts a long-term concurrency
311 management system, it must evaluate the system periodically. At a
312 minimum, the local government must assess its progress toward
313 improving levels of service within the long-term concurrency
314 management district or area in the evaluation and appraisal
315 report and determine any changes that are necessary to accelerate
316 progress in meeting acceptable levels of service.



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317 (e) The Department of Transportation shall establish an
318 approved transportation methodology that recognizes that a
319 planned, sustainable development of regional impact is likely to
320 achieve an internal capture rate greater than 30 percent when
321 fully developed. The transportation methodology must use a
322 regional transportation model that incorporates professionally
323 accepted modeling techniques applicable to well-planned,
324 sustainable communities of the size, location, mix of uses, and
325 design features consistent with such communities. The adopted
326 transportation methodology shall serve as the basis for
327 sustainable development traffic impact assessments by the
328 department. The methodology review must be completed and in use
329 by March 1, 2009.

330 (12) A development of regional impact may satisfy the
331 transportation concurrency requirements of the local
332 comprehensive plan, the local government's concurrency management
333 system, and s. 380.06 by payment of a proportionate-share
334 contribution for local and regionally significant traffic
335 impacts, if:

336 (a) The development of regional impact which, based on its
337 location or mix of land uses, is designed to encourage pedestrian
338 or other nonautomotive modes of transportation;

339 (b) The proportionate-share contribution for local and
340 regionally significant traffic impacts is sufficient to pay for
341 one or more required mobility improvements that will benefit a
342 regionally significant transportation facility;

343 (c) The owner and developer of the development of regional
344 impact pays or assures payment of the proportionate-share
345 contribution; and



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346 (d) If the regionally significant transportation facility
347 to be constructed or improved is under the maintenance authority
348 of a governmental entity, as defined by s. 334.03(12), other than
349 the local government with jurisdiction over the development of
350 regional impact, the developer is required to enter into a
351 binding and legally enforceable commitment to transfer funds to
352 the governmental entity having maintenance authority or to
353 otherwise assure construction or improvement of the facility.
354

355 The proportionate-share contribution may be applied to any
356 transportation facility to satisfy the provisions of this
357 subsection and the local comprehensive plan, but, for the
358 purposes of this subsection, the amount of the proportionate-
359 share contribution shall be calculated based upon the cumulative
360 number of trips from the proposed development expected to reach
361 roadways during the peak hour from the complete buildout of a
362 stage or phase being approved, divided by the change in the peak
363 hour maximum service volume of roadways resulting from
364 construction of an improvement necessary to maintain the adopted
365 level of service, multiplied by the construction cost, at the
366 time of developer payment, of the improvement necessary to
367 maintain the adopted level of service. The determination of
368 mitigation for a subsequent phase or stage of development shall
369 account for any mitigation required by the development order and
370 provided by the developer for any earlier phase or stage,
371 calculated at present value. For purposes of this subsection, the
372 term "present value" means the fair market value of right-of-way
373 at the time of contribution or the actual dollar value of the
374 construction improvements contribution adjusted by the Consumer
375 Price Index. For purposes of this subsection, "construction cost"



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376 includes all associated costs of the improvement. Proportionate-
377 share mitigation shall be limited to ensure that a development of
378 regional impact meeting the requirements of this subsection
379 mitigates its impact on the transportation system but is not
380 responsible for the additional cost of reducing or eliminating
381 backlogs. For purposes of this subsection, "backlogged
382 transportation facility" is defined as one on which the adopted
383 level-of-service standard is exceeded by the existing trips plus
384 committed trips. A developer may not be required to fund or
385 construct proportionate share mitigation for any backlogged
386 transportation facility which is more extensive than mitigation
387 necessary to offset the impact of the development project in
388 question. This subsection also applies to Florida Quality
389 Developments pursuant to s. 380.061 and to detailed specific area
390 plans implementing optional sector plans pursuant to s. 163.3245.

391 Section 6. Paragraph (c) is added to subsection (2) of
392 section 163.3182, Florida Statutes, and paragraph (d) of
393 subsection (3), paragraph (a) of subsection (4), and subsections
394 (5) and (8) of that section are amended, to read:

395 163.3182 Transportation concurrency backlogs.--

396 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
397 AUTHORITIES.--

398 (c) The Legislature finds and declares that there exists in
399 many counties and municipalities areas with significant
400 transportation deficiencies and inadequate transportation
401 facilities; that many such insufficiencies and inadequacies
402 severely limit or prohibit the satisfaction of transportation
403 concurrency standards; that such transportation insufficiencies
404 and inadequacies affect the health, safety, and welfare of the
405 residents of such counties and municipalities; that such



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406 transportation insufficiencies and inadequacies adversely affect
407 economic development and growth of the tax base for the areas in
408 which such insufficiencies and inadequacies exist; and that the
409 elimination of transportation deficiencies and inadequacies and
410 the satisfaction of transportation concurrency standards are
411 paramount public purposes for the state and its counties and
412 municipalities.

413 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
414 AUTHORITY.--Each transportation concurrency backlog authority has
415 the powers necessary or convenient to carry out the purposes of
416 this section, including the following powers in addition to
417 others granted in this section:

418 (d) To borrow money, including, but not limited to, issuing
419 debt obligations, such as, but not limited to, bonds, notes,
420 certificates, and similar debt instruments; to apply for and
421 accept advances, loans, grants, contributions, and any other
422 forms of financial assistance from the Federal Government or the
423 state, county, or any other public body or from any sources,
424 public or private, for the purposes of this part; to give such
425 security as may be required; to enter into and carry out
426 contracts or agreements; and to include in any contracts for
427 financial assistance with the Federal Government for or with
428 respect to a transportation concurrency backlog project and
429 related activities such conditions imposed pursuant to federal
430 laws as the transportation concurrency backlog authority
431 considers reasonable and appropriate and which are not
432 inconsistent with the purposes of this section.

433 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

434 (a) Each transportation concurrency backlog authority shall
435 adopt a transportation concurrency backlog plan as a part of the



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436 local government comprehensive plan within 6 months after the
437 creation of the authority. The plan shall:

438 1. Identify all transportation facilities that have been
439 designated as deficient and require the expenditure of moneys to
440 upgrade, modify, or mitigate the deficiency.

441 2. Include a priority listing of all transportation
442 facilities that have been designated as deficient and do not
443 satisfy concurrency requirements pursuant to s. 163.3180, and the
444 applicable local government comprehensive plan.

445 3. Establish a schedule for financing and construction of
446 transportation concurrency backlog projects that will eliminate
447 transportation concurrency backlogs within the jurisdiction of
448 the authority within 10 years after the transportation
449 concurrency backlog plan adoption. The schedule shall be adopted
450 as part of the local government comprehensive plan.

451 Notwithstanding such schedule requirements, as long as the
452 schedule provides for the elimination of all transportation
453 concurrency backlogs within 10 years after the adoption of the
454 concurrency backlog plan, the final maturity date of any debt
455 incurred to finance or refinance the related projects may be no
456 later than 40 years after the date such debt is incurred and the
457 authority may continue operations and administer the trust fund
458 established as provided in subsection (5) for as long as such
459 debt remains outstanding.

460 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
461 concurrency backlog authority shall establish a local
462 transportation concurrency backlog trust fund upon creation of
463 the authority. Each local trust fund shall be administered by the
464 transportation concurrency backlog authority within which a
465 transportation concurrency backlog has been identified. Each



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466 local trust fund shall continue to be funded pursuant to this
467 section for as long as the projects set forth in the related
468 transportation concurrency backlog plan remain to be completed or
469 until any debt incurred to finance or refinance the related
470 projects are no longer outstanding, whichever occurs later.
471 Beginning in the first fiscal year after the creation of the
472 authority, each local trust fund shall be funded by the proceeds
473 of an ad valorem tax increment collected within each
474 transportation concurrency backlog area to be determined annually
475 and shall be a minimum of 25 percent of the difference between
476 the amounts set forth in paragraphs (a) and (b), except that if
477 all of the affected taxing authorities agree pursuant to an
478 interlocal agreement, a particular local trust fund may be funded
479 by the proceeds of an ad valorem tax increment greater than 25
480 percent of the difference between the amounts set forth in
481 paragraphs (a) and (b):

482 (a) The amount of ad valorem tax levied each year by each
483 taxing authority, exclusive of any amount from any debt service
484 millage, on taxable real property contained within the
485 jurisdiction of the transportation concurrency backlog authority
486 and within the transportation backlog area; and

487 (b) The amount of ad valorem taxes which would have been
488 produced by the rate upon which the tax is levied each year by or
489 for each taxing authority, exclusive of any debt service millage,
490 upon the total of the assessed value of the taxable real property
491 within the transportation concurrency backlog area as shown on
492 the most recent assessment roll used in connection with the
493 taxation of such property of each taxing authority prior to the
494 effective date of the ordinance funding the trust fund.



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495 (8) DISSOLUTION.--Upon completion of all transportation
496 concurrency backlog projects and repayment or defeasance of all
497 debt issued to finance or refinance such projects, a
498 transportation concurrency backlog authority shall be dissolved,
499 and its assets and liabilities shall be transferred to the county
500 or municipality within which the authority is located. All
501 remaining assets of the authority must be used for implementation
502 of transportation projects within the jurisdiction of the
503 authority. The local government comprehensive plan shall be
504 amended to remove the transportation concurrency backlog plan.

505 Section 7. The Legislature finds that prudent and sound
506 infrastructure investments by the State Board of Administration
507 of funds from the Lawton Chiles Endowment Fund in Florida
508 infrastructure, specifically state-owned toll roads and toll
509 facilities, which have potential to earn stable and competitive
510 returns will serve the broad interests of the beneficiaries of
511 the trust fund. The Legislature further finds that such
512 infrastructure investments are being made by public investment
513 funds worldwide and are being made or evaluated by public
514 investment funds in many other states in this country. Therefore,
515 it is a policy of this state that the State Board of
516 Administration identify and invest in Florida infrastructure
517 investments if such investments are consistent with and do not
518 compromise or conflict with the obligations of the State Board of
519 Administration.

520 Section 8. Subsection (5) of section 215.44, Florida
521 Statutes, is amended to read:

522 215.44 Board of Administration; powers and duties in
523 relation to investment of trust funds.--



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524 (5) On or before January 1 of each year, the board shall
525 provide to the Legislature a report including the following items
526 for each fund which, by law, has been entrusted to the board for
527 investment:

528 (a) A schedule of the annual beginning and ending asset
529 values and changes and sources of changes in the asset value of:

- 530 1. Each fund managed by the board; and
531 2. Each asset class and portfolio within the Florida
532 Retirement System Trust Fund;

533 (b) A description of the investment policy for each fund,
534 and changes in investment policy for each fund since the previous
535 annual report;

536 (c) A description of compliance with investment strategy
537 for each fund;

538 (d) A description of the risks inherent in investing in
539 financial instruments of the major asset classes held in the
540 fund; ~~and~~

541 (e) A summary of the type and amount of infrastructure
542 investments held in the fund; and

543 (f) ~~(e)~~ Other information deemed of interest by the
544 executive director of the board.

545 Section 9. Subsection (14) of section 215.47, Florida
546 Statutes, is amended to read:

547 215.47 Investments; authorized securities; loan of
548 securities.--Subject to the limitations and conditions of the
549 State Constitution or of the trust agreement relating to a trust
550 fund, moneys available for investments under ss. 215.44-215.53
551 may be invested as follows:

552 (14) With no more in aggregate than 10 ~~5~~ percent of any
553 fund in alternative investments, as defined in s.



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554 215.44(8)(c)1.a., through participation in the vehicles defined
555 in s. 215.44(8)(c)1.b. or infrastructure investments or
556 securities or investments that are not publicly traded and are
557 not otherwise authorized by this section. As used in this
558 subsection, the term "infrastructure investments" includes, but
559 is not limited to, investments in transportation, communication,
560 social, and utility infrastructure assets that have from time to
561 time been owned and operated or funded by governments.
562 Infrastructure assets include, but are not limited to, toll
563 roads, toll facilities, tunnels, rail facilities, intermodal
564 facilities, airports, seaports, water distribution, sewage and
565 desalination treatment facilities, cell towers, cable networks,
566 broadcast towers, and energy production and transmission
567 facilities. Investments that are the subject of this subsection
568 may be effected through separate accounts, commingled vehicles,
569 including, but not limited to, limited partnerships or limited
570 liability companies, and direct equity, debt, mezzanine, claims,
571 leases, or other financial arrangements without reference to
572 limitations within this section. Expenditures associated with the
573 acquisition and operation of actual or potential infrastructure
574 assets shall be included as part of the cost of infrastructure
575 investment.

576 Section 10. Paragraph (f) is added to subsection (4) of
577 section 215.5601, Florida Statutes, to read:

578 215.5601 Lawton Chiles Endowment Fund.--

579 (4) ADMINISTRATION.--

580 (f) Notwithstanding other provisions of law, the board,
581 consistent with its fiduciary duties, shall lease, for up to 50
582 years in whole or in part, the Alligator Alley from the
583 Department of Transportation using funds in the endowment if such



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584 investments are determined to provide an adequate rate of return
585 to the endowment considering all investment risks involved, and
586 if the amount of such investments is not less than 20 percent and
587 not more than 50 percent of the assets of the endowment at the
588 time. The State Board of Administration shall make such
589 investments prior to the end of the 2009-2010 fiscal year, and
590 shall strive to make such investments prior to the end of the
591 2008-2009 fiscal year, consistent with its fiduciary duties. The
592 board shall make a progress report to the President of the Senate
593 and the Speaker of the House of Representatives by March 1, 2009.
594 The board may contract with the Department of Transportation,
595 other governmental entities, public benefit corporations, or
596 private-sector entities, as appropriate, to operate and maintain
597 the toll facility consistent with applicable federal and state
598 laws and rules.

599 Section 11. Section 334.305, Florida Statutes, is created
600 to read:

601 334.305 Lease of transportation facilities.--The
602 Legislature finds and declares that there is a public need for
603 the lease of transportation facilities to assist in the funding
604 of the rapid construction of other safe and efficient
605 transportation facilities for the purpose of promoting the
606 mobility of persons and goods within this state, and that it is
607 in the public's interest to provide for such lease to advance the
608 construction of additional safe, convenient, and economical
609 transportation facilities. The Legislature further finds and
610 declares that any lease agreement of transportation facilities by
611 and between the State Board of Administration, acting on behalf
612 of a trust fund, and the department, shall be and remain fair to
613 the beneficiaries of such trust fund and that any such agreement



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614 and the resulting infrastructure investment shall not be impaired
615 by any act of this state or of any local government of this
616 state.

617 (1) (a) The department is authorized to enter into a lease
618 agreement for up to 50 years with the State Board of
619 Administration for Alligator Alley. Before approval, the
620 department must determine that the proposed lease is in the
621 public's best interest. The department and the State Board of
622 Administration may separately engage the services of private
623 consultants to assist in developing the lease agreement. In the
624 terms and conditions of the lease agreement, the State Board of
625 Administration, acting on behalf of trust fund participants and
626 beneficiaries, shall not be disadvantaged relative to industry
627 standard terms and conditions for institutional infrastructure
628 investments. For the purpose of this section, the lease agreement
629 may be maintained as an asset within a holding company
630 established by the State Board of Administration and the holding
631 company may sell noncontrolling divisible interests, units, or
632 notes.

633 (b) The department shall deposit all funds received from a
634 lease agreement pursuant to this section into the State
635 Transportation Trust Fund.

636 (2) Agreements entered into pursuant to this section must
637 provide for annual financial analysis of revenues and expenses
638 required by the lease agreement and for any annual toll increases
639 necessary to ensure that the terms of the lease agreement are
640 met. The following provisions shall apply to such agreement:

641 (a) The department shall lease, for up to 50 years and in
642 whole or in part, Alligator Alley to the State Board of
643 Administration. The lease agreement must ensure that the



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644 transportation facility is properly operated, maintained,
645 reconstructed, and restored in accordance with state and federal
646 laws and commercial standards applicable to other comparable
647 infrastructure investments.

648 (b) Any toll revenues shall be regulated pursuant to this
649 section and any provisions of s. 338.165(3) not in conflict with
650 this section. The regulations governing the future increase of
651 toll or fare revenues shall be included in the lease agreement,
652 shall provide an adequate rate of return considering all risks
653 involved, and may not subsequently be waived without prior
654 express consent of the State Board of Administration.

655 (c) If any law or rule of the state or any local government
656 or any state constitutional amendment is enacted which has the
657 effect of materially impairing the lease agreement or the related
658 infrastructure investment, directly or indirectly, the state,
659 acting through the department or any other agency, shall
660 immediately take action to remedy the situation by any means
661 available, including taking back the leased infrastructure assets
662 and making whole the effected trust fund. This provision may be
663 enforced by legal or equitable action brought on behalf of the
664 effected trust fund without regard to sovereign immunity.

665 (d) The department shall provide an independent analysis
666 that demonstrates the cost-effectiveness and overall public
667 benefit of the lease to the Legislature. Prior to completing the
668 lease, in whole or in part, of Alligator Alley, the department
669 shall submit pursuant to chapter 216 any budget amendments
670 necessary for the expenditure of moneys received pursuant to the
671 agreement for the operation and maintenance of the toll facility.

672 (e) Prior to the development of the lease agreement, the
673 department, in consultation and concurrence with the State Board



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674 of Administration, shall provide an investment-grade traffic and
675 revenue study prepared by a qualified and internationally
676 recognized traffic and revenue expert which is accepted by the
677 national bond rating agencies. The State Board of Administration
678 may use independent experts to review or conduct such studies.

679 (f) The agreement between the department and the State
680 Board of Administration shall contain a provision that the
681 department shall expend any funds received under this agreement
682 only on transportation projects. The department is accountable
683 for funds from the endowment which have been paid by the board.
684 The board is not responsible for the proper expenditure of or
685 accountability concerning funds from the endowment after payment
686 to the department.

687 (3) The agreement for each toll facility leased, in whole
688 or in part, pursuant to this section shall specify the
689 requirements of federal, state, and local laws; state, regional,
690 and local comprehensive plans; and department specifications for
691 construction and engineering of roads and bridges.

692 (4) The department may provide services to the State Board
693 of Administration. Agreements for maintenance, law enforcement
694 activities, and other services entered into pursuant to this
695 section shall provide for full reimbursement for services
696 rendered.

697 (5) Using funds received from such lease, the department
698 may submit a plan for approval to the Legislative Budget
699 Commission to advance projects programmed in the adopted 5-year
700 work program or projects increasing transportation capacity and
701 costing greater than \$500 million in the 10-year Strategic
702 Intermodal Plan.



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703 (6) Notwithstanding s. 338.165 or any other provision of
704 law, any remaining toll revenue shall be used as established in
705 the lease agreement and in s. 338.26.

706 Section 12. (1) This act does not prohibit the State Board
707 of Administration from pursuing or making infrastructure
708 investments, especially in government-owned infrastructure in
709 this state.

710 (2) The State Board of Administration shall report to the
711 Legislature, prior to the 2009 regular legislative session, on
712 its ability to invest in infrastructure, including specifically
713 addressing its ability to invest in government-owned
714 infrastructure in this state.

715 Section 13. The Legislature finds that road rage and
716 aggressive careless driving are a growing threat to the health,
717 safety, and welfare of the public. The intent of the Legislature
718 is to reduce road rage and aggressive careless driving, reduce
719 the incidence of drivers' interfering with the movement of
720 traffic, minimize crashes, and promote the orderly, free flow of
721 traffic on the roads and highways of the state.

722 Section 14. Subsection (86) is added to section 316.003,
723 Florida Statutes, to read:

724 316.003 Definitions.--The following words and phrases, when
725 used in this chapter, shall have the meanings respectively
726 ascribed to them in this section, except where the context
727 otherwise requires:

728 (86) ROAD RAGE.--The act of a driver or passenger to
729 intentionally injure or kill another driver, passenger, or
730 pedestrian, or to attempt or threaten to injure or kill another
731 driver, passenger, or pedestrian.



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732 Section 15. Present subsection (3) of section 316.083,
733 Florida Statutes, is redesignated as subsection (4), and a new
734 subsection (3) is added to that section, to read:

735 316.083 Overtaking and passing a vehicle.--The following
736 rules shall govern the overtaking and passing of vehicles
737 proceeding in the same direction, subject to those limitations,
738 exceptions, and special rules hereinafter stated:

739 (3) (a) On roads, streets, or highways having two or more
740 lanes that allow movement in the same direction, a driver may not
741 continue to operate a motor vehicle in the furthestmost left-hand
742 lane if the driver knows, or reasonably should know, that he or
743 she is being overtaken in that lane from the rear by a motor
744 vehicle traveling at a higher rate of speed.

745 (b) Paragraph (a) does not apply to a driver operating a
746 motor vehicle in the furthestmost left-hand lane if:

747 1. The driver is driving the legal speed limit and is not
748 impeding the flow of traffic in the furthestmost left-hand lane;

749 2. The driver is in the process of overtaking a slower
750 motor vehicle in the adjacent right-hand lane for the purpose of
751 passing the slower moving vehicle so that the driver may move to
752 the adjacent right-hand lane;

753 3. Conditions make the flow of traffic substantially the
754 same in all lanes or preclude the driver from moving to the
755 adjacent right-hand lane;

756 4. The driver's movement to the adjacent right-hand lane
757 could endanger the driver or other drivers;

758 5. The driver is directed by a law enforcement officer,
759 road sign, or road crew to remain in the furthestmost left-hand
760 lane; or

761 6. The driver is preparing to make a left turn.



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762 Section 16. Section 316.1923, Florida Statutes, is amended
763 to read:

764 316.1923 Aggressive careless driving.--

765 (1) "Aggressive careless driving" means committing three
766 ~~two~~ or more of the following acts simultaneously or in
767 succession:

768 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
769 322.27(3)(d)5.b.

770 (b) ~~(2)~~ Unsafely or improperly changing lanes as defined in
771 s. 316.085.

772 (c) ~~(3)~~ Following another vehicle too closely as defined in
773 s. 316.0895(1).

774 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.
775 316.079, s. 316.0815, or s. 316.123.

776 (e) ~~(5)~~ Improperly passing or failing to yield to overtaking
777 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

778 (f) ~~(6)~~ Violating traffic control and signal devices as
779 defined in ss. 316.074 and 316.075.

780 (2) Any person convicted of aggressive careless driving
781 shall be cited for a moving violation and punished as provided in
782 chapter 318, and by the accumulation of points as provided in s.
783 322.27, for each act of aggressive careless driving.

784 (3) In addition to any fine or points administered under
785 subsection (2), a person convicted of aggressive careless driving
786 shall also pay:

787 (a) Upon a first violation, a fine of \$100.

788 (b) Upon a second or subsequent conviction, a fine of not
789 less than \$250 but not more than \$500 and be subject to a
790 mandatory hearing under s. 318.19.



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791 (4) Moneys received from the increased fine imposed by
792 subsection (3) shall be remitted to the Department of Revenue and
793 deposited into the Department of Health Administrative Trust Fund
794 to provide financial support to verified trauma centers to ensure
795 the availability and accessibility of trauma services throughout
796 the state. Funds deposited into the Administrative Trust Fund
797 under this section shall be allocated as follows:

798 (a) Twenty-five percent shall be allocated equally among
799 all Level I, Level II, and pediatric trauma centers in
800 recognition of readiness costs for maintaining trauma services.

801 (b) Twenty-five percent shall be allocated among Level I,
802 Level II, and pediatric trauma centers based on each center's
803 relative volume of trauma cases as reported in the Department of
804 Health Trauma Registry.

805 (c) Twenty-five percent shall be transferred to the
806 Emergency Medical Services Trust Fund and used by the department
807 for making matching grants to emergency medical services
808 organizations as defined in s. 401.107(4).

809 (d) Twenty-five percent shall be transferred to the
810 Emergency Medical Services Trust Fund and made available to rural
811 emergency medical services as defined in s. 401.107(5), and shall
812 be used solely to improve and expand prehospital emergency
813 medical services in this state. Additionally, these moneys may be
814 used for the improvement, expansion, or continuation of services
815 provided.

816 Section 17. Section 318.19, Florida Statutes, is amended to
817 read:

818 318.19 Infractions requiring a mandatory hearing.--Any
819 person cited for the infractions listed in this section shall not
820 have the provisions of s. 318.14(2), (4), and (9) available to



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821 | him or her but must appear before the designated official at the
822 | time and location of the scheduled hearing:

823 | (1) Any infraction which results in a crash that causes the
824 | death of another;

825 | (2) Any infraction which results in a crash that causes
826 | "serious bodily injury" of another as defined in s. 316.1933(1);

827 | (3) Any infraction of s. 316.172(1)(b);

828 | (4) Any infraction of s. 316.520(1) or (2); ~~or~~

829 | (5) Any infraction of s. 316.183(2), s. 316.187, or s.
830 | 316.189 of exceeding the speed limit by 30 m.p.h. or more; or.

831 | (6) A second or subsequent infraction of s. 316.1923(1).

832 | Section 18. The Department of Highway Safety and Motor
833 | Vehicles shall provide information about road rage and aggressive
834 | careless driving in all newly printed driver's license
835 | educational materials after October 1, 2008.

836 | Section 19. For the purpose of incorporating the amendments
837 | made by this act to section 316.1923, Florida Statutes, in a
838 | reference thereto, paragraph (a) of subsection (1) of section
839 | 316.650, Florida Statutes, is reenacted to read:

840 | 316.650 Traffic citations.--

841 | (1)(a) The department shall prepare, and supply to every
842 | traffic enforcement agency in this state, an appropriate form
843 | traffic citation containing a notice to appear (which shall be
844 | issued in prenumbered books with citations in quintuplicate) and
845 | meeting the requirements of this chapter or any laws of this
846 | state regulating traffic, which form shall be consistent with the
847 | state traffic court rules and the procedures established by the
848 | department. The form shall include a box which is to be checked
849 | by the law enforcement officer when the officer believes that the
850 | traffic violation or crash was due to aggressive careless driving



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851 as defined in s. 316.1923. The form shall also include a box
852 which is to be checked by the law enforcement officer when the
853 officer writes a uniform traffic citation for a violation of s.
854 316.074(1) or s. 316.075(1)(c)1. as a result of the driver
855 failing to stop at a traffic signal.

856 Section 20. Section 316.0741, Florida Statutes, is amended
857 to read:

858 316.0741 High-occupancy-vehicle ~~High-occupancy-vehicle~~
859 lanes.--

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

861 (a) "High-occupancy-vehicle ~~High-occupancy-vehicle~~ lane" or
862 "HOV lane" means a lane of a public roadway designated for use by
863 vehicles in which there is more than one occupant unless
864 otherwise authorized by federal law.

865 (b) "Hybrid vehicle" means a motor vehicle:

866 1. That draws propulsion energy from onboard sources of
867 stored energy which are both an internal combustion or heat
868 engine using combustible fuel and a rechargeable energy-storage
869 system; and

870 2. That, in the case of a passenger automobile or light
871 truck, has received a certificate of conformity under the Clean
872 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
873 equivalent qualifying California standards for a low-emission
874 vehicle.

875 (2) The number of persons that must be in a vehicle to
876 qualify for legal use of the HOV lane and the hours during which
877 the lane will serve as an HOV lane, if it is not designated as
878 such on a full-time basis, must also be indicated on a traffic
879 control device.



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880 (3) Except as provided in subsection (4), a vehicle may not
881 be driven in an HOV lane if the vehicle is occupied by fewer than
882 the number of occupants indicated by a traffic control device. A
883 driver who violates this section shall be cited for a moving
884 violation, punishable as provided in chapter 318.

885 (4) (a) Notwithstanding any other provision of this section,
886 an inherently low-emission vehicle (ILEV) that is certified and
887 labeled in accordance with federal regulations may be driven in
888 an HOV lane at any time, regardless of its occupancy. In
889 addition, upon the state's receipt of written notice from the
890 proper federal regulatory agency authorizing such use, a vehicle
891 defined as a hybrid vehicle under this section may be driven in
892 an HOV lane at any time, regardless of its occupancy.

893 (b) All eligible hybrid and all eligible other low-emission
894 and energy-efficient vehicles driven in an HOV lane must comply
895 with the minimum fuel economy standards in 23 U.S.C. s.
896 166(f) (3) (B) .

897 (c) Upon issuance of the applicable Environmental
898 Protection Agency final rule pursuant to 23 U.S.C. s. 166(e),
899 relating to the eligibility of hybrid and other low-emission and
900 energy-efficient vehicles for operation in an HOV lane regardless
901 of occupancy, the Department of Transportation shall review the
902 rule and recommend to the Legislature any statutory changes
903 necessary for compliance with the federal rule. The department
904 shall provide its recommendations no later than 30 days following
905 issuance of the final rule.

906 (5) The department shall issue a decal and registration
907 certificate, to be renewed annually, reflecting the HOV lane
908 designation on ~~such~~ vehicles meeting the criteria in subsection
909 (4) authorizing driving in an HOV lane at any time ~~such use~~. The



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910 department may charge a fee for a decal, not to exceed the costs
911 of designing, producing, and distributing each decal, or \$5,
912 whichever is less. The proceeds from sale of the decals shall be
913 deposited in the Highway Safety Operating Trust Fund. The
914 department may, for reasons of operation and management of HOV
915 facilities, limit or discontinue issuance of decals for the use
916 of HOV facilities by hybrid and low-emission and energy-efficient
917 vehicles, regardless of occupancy, if it has been determined by
918 the Department of Transportation that the facilities are degraded
919 as defined by 23 U.S.C. s. 166(d) (2).

920 (6) Vehicles having decals by virtue of compliance with the
921 minimum fuel economy standards under 23 U.S.C. s. 166(f) (3) (B),
922 and which are registered for use in high-occupancy toll lanes or
923 express lanes in accordance with Department of Transportation
924 rule, shall be allowed to use any HOV lanes redesignated as high-
925 occupancy toll lanes or express lanes without payment of a toll.

926 ~~(5) As used in this section, the term "hybrid vehicle"~~
927 ~~means a motor vehicle:~~

928 ~~(a) That draws propulsion energy from onboard sources of~~
929 ~~stored energy which are both:~~

930 ~~1. An internal combustion or heat engine using combustible~~
931 ~~fuel; and~~

932 ~~2. A rechargeable energy storage system; and~~

933 ~~(b) That, in the case of a passenger automobile or light~~
934 ~~truck:~~

935 ~~1. Has received a certificate of conformity under the Clean~~
936 ~~Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

937 ~~2. Meets or exceeds the equivalent qualifying California~~
938 ~~standards for a low emission vehicle.~~



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939 | ~~(7)(6)~~ The department may adopt rules necessary to
940 | administer this section.

941 | Section 21. Subsection (4) of section 316.193, Florida
942 | Statutes, is amended to read:

943 | 316.193 Driving under the influence; penalties.--

944 | (4) Any person who is convicted of a violation of
945 | subsection (1) and who has a blood-alcohol level or breath-
946 | alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
947 | convicted of a violation of subsection (1) and who at the time of
948 | the offense was accompanied in the vehicle by a person under the
949 | age of 18 years, shall be punished:

950 | (a) By a fine of:

951 | 1. Not less than \$500 or more than \$1,000 for a first
952 | conviction.

953 | 2. Not less than \$1,000 or more than \$2,000 for a second
954 | conviction.

955 | 3. Not less than \$2,000 for a third or subsequent
956 | conviction.

957 | (b) By imprisonment for:

958 | 1. Not more than 9 months for a first conviction.

959 | 2. Not more than 12 months for a second conviction.

960 |

961 | For the purposes of this subsection, only the instant offense is
962 | required to be a violation of subsection (1) by a person who has
963 | a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or
964 | higher.

965 | (c) In addition to the penalties in paragraphs (a) and (b),
966 | the court shall order the mandatory placement, at the convicted
967 | person's sole expense, of an ignition interlock device approved
968 | by the department in accordance with s. 316.1938 upon all



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969 vehicles that are individually or jointly leased or owned and
970 routinely operated by the convicted person for not less than ~~up~~
971 ~~to~~ 6 continuous months for the first offense and for not less
972 than ~~at least~~ 2 continuous years for a second offense, when the
973 convicted person qualifies for a permanent or restricted license.
974 ~~The installation of such device may not occur before July 1,~~
975 ~~2003.~~

976 Section 22. Subsections (1), (6), and (8) of section
977 316.302, Florida Statutes, are amended to read:

978 316.302 Commercial motor vehicles; safety regulations;
979 transporters and shippers of hazardous materials; enforcement.--

980 (1) (a) All owners and drivers of commercial motor vehicles
981 that are operated on the public highways of this state while
982 engaged in interstate commerce are subject to the rules and
983 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

984 (b) Except as otherwise provided in this section, all
985 owners or drivers of commercial motor vehicles that are engaged
986 in intrastate commerce are subject to the rules and regulations
987 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
988 exception of 49 C.F.R. s. 390.5 as it relates to the definition
989 of bus, as such rules and regulations existed on October 1, 2007
990 2005.

991 (c) Except as provided in s. 316.215(5), and except as
992 provided in s. 316.228 for rear overhang lighting and flagging
993 requirements for intrastate operations, the requirements of this
994 section supersede all other safety requirements of this chapter
995 for commercial motor vehicles.

996 (6) The state Department of Transportation shall perform
997 the duties that are assigned to the Field Administrator, Federal
998 Motor Carrier Safety Administration ~~Regional Federal Highway~~



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999 | ~~Administrator~~ under the federal rules, and an agent of that
1000 | department, as described in s. 316.545(9), may enforce those
1001 | rules.

1002 | (8) For the purpose of enforcing this section, any law
1003 | enforcement officer of the Department of Transportation or duly
1004 | appointed agent who holds a current safety inspector
1005 | certification from the Commercial Vehicle Safety Alliance may
1006 | require the driver of any commercial vehicle operated on the
1007 | highways of this state to stop and submit to an inspection of the
1008 | vehicle or the driver's records. If the vehicle or driver is
1009 | found to be operating in an unsafe condition, or if any required
1010 | part or equipment is not present or is not in proper repair or
1011 | adjustment, and the continued operation would present an unduly
1012 | hazardous operating condition, the officer may require the
1013 | vehicle or the driver to be removed from service pursuant to the
1014 | North American Standard ~~Uniform~~ Out-of-Service Criteria, until
1015 | corrected. However, if continuous operation would not present an
1016 | unduly hazardous operating condition, the officer may give
1017 | written notice requiring correction of the condition within 14
1018 | days.

1019 | (a) Any member of the Florida Highway Patrol or any law
1020 | enforcement officer employed by a sheriff's office or municipal
1021 | police department authorized to enforce the traffic laws of this
1022 | state pursuant to s. 316.640 who has reason to believe that a
1023 | vehicle or driver is operating in an unsafe condition may, as
1024 | provided in subsection (10), enforce the provisions of this
1025 | section.

1026 | (b) Any person who fails to comply with an officer's
1027 | request to submit to an inspection under this subsection commits
1028 | a violation of s. 843.02 if the person resists the officer



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1029 without violence or a violation of s. 843.01 if the person
1030 resists the officer with violence.

1031 Section 23. Subsection (2) of section 316.613, Florida
1032 Statutes, is amended to read:

1033 316.613 Child restraint requirements.--

1034 (2) As used in this section, the term "motor vehicle" means
1035 a motor vehicle as defined in s. 316.003 which ~~that~~ is operated
1036 on the roadways, streets, and highways of the state. The term
1037 does not include:

1038 (a) A school bus as defined in s. 316.003(45).

1039 (b) A bus used for the transportation of persons for
1040 compensation, other than a bus regularly used to transport
1041 children to or from school, as defined in s. 316.615(1) (b), or
1042 in conjunction with school activities.

1043 (c) A farm tractor or implement of husbandry.

1044 (d) A truck having a gross vehicle weight rating of more
1045 than 26,000 ~~of net weight of more than 5,000~~ pounds.

1046 (e) A motorcycle, moped, or bicycle.

1047 Section 24. Paragraph (a) of subsection (3) of section
1048 316.614, Florida Statutes, is amended to read:

1049 316.614 Safety belt usage.--

1050 (3) As used in this section:

1051 (a) "Motor vehicle" means a motor vehicle as defined in s.
1052 316.003 which ~~that~~ is operated on the roadways, streets, and
1053 highways of this state. The term does not include:

1054 1. A school bus.

1055 2. A bus used for the transportation of persons for
1056 compensation.

1057 3. A farm tractor or implement of husbandry.



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1058 4. A truck having a gross vehicle weight rating of more
1059 than 26,000 ~~of a net weight of more than 5,000~~ pounds.

1060 5. A motorcycle, moped, or bicycle.

1061 Section 25. Paragraph (a) of subsection (2) of section
1062 316.656, Florida Statutes, is amended to read:

1063 316.656 Mandatory adjudication; prohibition against
1064 accepting plea to lesser included offense.--

1065 (2)(a) No trial judge may accept a plea of guilty to a
1066 lesser offense from a person charged under the provisions of this
1067 act who has been given a breath or blood test to determine blood
1068 or breath alcohol content, the results of which show a blood or
1069 breath alcohol content by weight of 0.15 ~~0.20~~ percent or more.

1070 Section 26. Subsection (9) of section 320.03, Florida
1071 Statutes, is amended to read:

1072 320.03 Registration; duties of tax collectors;
1073 International Registration Plan.--

1074 (9) A nonrefundable fee of \$3 ~~\$1.50~~ shall be charged on the
1075 initial and renewal registration of each automobile for private
1076 use, and on the initial and renewal registration of each truck
1077 having a net weight of 5,000 pounds or less. Such fees shall be
1078 deposited in the Transportation Disadvantaged Trust Fund created
1079 in part I of chapter 427 and shall be used as provided therein,
1080 except that priority shall be given to the transportation needs
1081 of those who, because of age or physical and mental disability,
1082 are unable to transport themselves and are dependent upon others
1083 to obtain access to health care, employment, education, shopping,
1084 or other life-sustaining activities.

1085 Section 27. Section 322.64, Florida Statutes, is amended to
1086 read:



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1087 322.64 Holder of commercial driver's license; persons
1088 operating a commercial motor vehicle; driving with unlawful
1089 blood-alcohol level; refusal to submit to breath, urine, or blood
1090 test.--

1091 (1) (a) A law enforcement officer or correctional officer
1092 shall, on behalf of the department, disqualify from operating any
1093 commercial motor vehicle a person who while operating or in
1094 actual physical control of a commercial motor vehicle is arrested
1095 for a violation of s. 316.193, relating to unlawful blood-alcohol
1096 level or breath-alcohol level, or a person who has refused to
1097 submit to a breath, urine, or blood test authorized by s. 322.63
1098 arising out of the operation or actual physical control of a
1099 commercial motor vehicle. A law enforcement officer or
1100 correctional officer shall, on behalf of the department,
1101 disqualify the holder of a commercial driver's license from
1102 operating any commercial motor vehicle if the licenseholder,
1103 while operating or in actual physical control of a motor vehicle,
1104 is arrested for a violation of s. 316.193, relating to unlawful
1105 blood-alcohol level or breath-alcohol level, or refused to submit
1106 to a breath, urine, or blood test authorized by s. 322.63. Upon
1107 disqualification of the person, the officer shall take the
1108 person's driver's license and issue the person a 10-day temporary
1109 permit for the operation of noncommercial vehicles only if the
1110 person is otherwise eligible for the driving privilege and shall
1111 issue the person a notice of disqualification. If the person has
1112 been given a blood, breath, or urine test, the results of which
1113 are not available to the officer at the time of the arrest, the
1114 agency employing the officer shall transmit such results to the
1115 department within 5 days after receipt of the results. If the
1116 department then determines that the person ~~was arrested for a~~



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1117 ~~violation of s. 316.193 and that the person~~ had a blood-alcohol
1118 level or breath-alcohol level of 0.08 or higher, the department
1119 shall disqualify the person from operating a commercial motor
1120 vehicle pursuant to subsection (3).

1121 (b) The disqualification under paragraph (a) shall be
1122 pursuant to, and the notice of disqualification shall inform the
1123 driver of, the following:

1124 1.a. The driver refused to submit to a lawful breath,
1125 blood, or urine test and he or she is disqualified from operating
1126 a commercial motor vehicle for a period of 1 year, for a first
1127 refusal, or permanently, if he or she has previously been
1128 disqualified as a result of a refusal to submit to such a test;
1129 or

1130 b. The driver was driving or in actual physical control of
1131 a commercial motor vehicle, or any motor vehicle if the driver
1132 holds a commercial driver's license, had an unlawful blood-
1133 alcohol level or breath-alcohol level of 0.08 or higher, and his
1134 or her driving privilege shall be disqualified for a period of 1
1135 year for a first offense or permanently if his or her driving
1136 privilege has been previously disqualified under this section.
1137 ~~violated s. 316.193 by driving with an unlawful blood-alcohol~~
1138 ~~level and he or she is disqualified from operating a commercial~~
1139 ~~motor vehicle for a period of 6 months for a first offense or for~~
1140 ~~a period of 1 year if he or she has previously been disqualified,~~
1141 ~~or his or her driving privilege has been previously suspended,~~
1142 ~~for a violation of s. 316.193.~~

1143 2. The disqualification period for operating commercial
1144 vehicles shall commence on the date of ~~arrest or~~ issuance of the
1145 notice of disqualification, ~~whichever is later.~~



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1146 3. The driver may request a formal or informal review of
1147 the disqualification by the department within 10 days after the
1148 date of ~~arrest or~~ issuance of the notice of disqualification,
1149 ~~whichever is later.~~

1150 4. The temporary permit issued at the time of ~~arrest or~~
1151 disqualification expires ~~will expire~~ at midnight of the 10th day
1152 following the date of disqualification.

1153 5. The driver may submit to the department any materials
1154 relevant to the disqualification ~~arrest.~~

1155 (2) Except as provided in paragraph (1) (a), the law
1156 enforcement officer shall forward to the department, within 5
1157 days after the date of the ~~arrest or the~~ issuance of the notice
1158 of disqualification, ~~whichever is later,~~ a copy of the notice of
1159 disqualification, the driver's license of the person disqualified
1160 ~~arrested,~~ and ~~a report of the arrest, including, if applicable,~~
1161 an affidavit stating the officer's grounds for belief that the
1162 person disqualified ~~arrested~~ was operating or in actual physical
1163 control of a commercial motor vehicle, or holds a commercial
1164 driver's license, and had an unlawful blood-alcohol or breath-
1165 alcohol level in violation of s. 316.193; the results of any
1166 breath or blood or urine test or an affidavit stating that a
1167 breath, blood, or urine test was requested by a law enforcement
1168 officer or correctional officer and that the person arrested
1169 refused to submit; a copy of the notice of disqualification
1170 ~~citation~~ issued to the person ~~arrested;~~ and the officer's
1171 description of the person's field sobriety test, if any. The
1172 failure of the officer to submit materials within the 5-day
1173 period specified in this subsection or subsection (1) does ~~shall~~
1174 not affect the department's ability to consider any evidence
1175 submitted at or prior to the hearing. The officer may also submit



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1176 a copy of a videotape of the field sobriety test or the attempt
1177 to administer such test and a copy of the crash report, if any.

1178 (3) If the department determines that the person arrested
1179 should be disqualified from operating a commercial motor vehicle
1180 pursuant to this section and if the notice of disqualification
1181 has not already been served upon the person by a law enforcement
1182 officer or correctional officer as provided in subsection (1),
1183 the department shall issue a notice of disqualification and,
1184 unless the notice is mailed pursuant to s. 322.251, a temporary
1185 permit which expires 10 days after the date of issuance if the
1186 driver is otherwise eligible.

1187 (4) If the person disqualified ~~arrested~~ requests an
1188 informal review pursuant to subparagraph (1)(b)3., the department
1189 shall conduct the informal review by a hearing officer employed
1190 by the department. Such informal review hearing shall consist
1191 solely of an examination by the department of the materials
1192 submitted by a law enforcement officer or correctional officer
1193 and by the person disqualified ~~arrested~~, and the presence of an
1194 officer or witness is not required.

1195 (5) After completion of the informal review, notice of the
1196 department's decision sustaining, amending, or invalidating the
1197 disqualification must be provided to the person. Such notice must
1198 be mailed to the person at the last known address shown on the
1199 department's records, and to the address provided in the law
1200 enforcement officer's report if such address differs from the
1201 address of record, within 21 days after the expiration of the
1202 temporary permit issued pursuant to subsection (1) or subsection
1203 (3).

1204 (6) (a) If the person disqualified ~~arrested~~ requests a
1205 formal review, the department must schedule a hearing to be held



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1206 within 30 days after such request is received by the department
1207 and must notify the person of the date, time, and place of the
1208 hearing.

1209 (b) Such formal review hearing shall be held before a
1210 hearing officer employed by the department, and the hearing
1211 officer shall be authorized to administer oaths, examine
1212 witnesses and take testimony, receive relevant evidence, issue
1213 subpoenas for the officers and witnesses identified in documents
1214 as provided in subsection (2), regulate the course and conduct of
1215 the hearing, and make a ruling on the disqualification. The
1216 department and the person disqualified ~~arrested~~ may subpoena
1217 witnesses, and the party requesting the presence of a witness
1218 shall be responsible for the payment of any witness fees. If the
1219 person who requests a formal review hearing fails to appear and
1220 the hearing officer finds such failure to be without just cause,
1221 the right to a formal hearing is waived ~~and the department shall~~
1222 ~~conduct an informal review of the disqualification under~~
1223 ~~subsection (4)~~.

1224 (c) A party may seek enforcement of a subpoena under
1225 paragraph (b) by filing a petition for enforcement in the circuit
1226 court of the judicial circuit in which the person failing to
1227 comply with the subpoena resides. A failure to comply with an
1228 order of the court shall result in a finding of contempt of
1229 court. However, a person shall not be in contempt while a
1230 subpoena is being challenged.

1231 (d) The department must, within 7 days after a formal
1232 review hearing, send notice to the person of the hearing
1233 officer's decision as to whether sufficient cause exists to
1234 sustain, amend, or invalidate the disqualification.



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1235 (7) In a formal review hearing under subsection (6) or an
1236 informal review hearing under subsection (4), the hearing officer
1237 shall determine by a preponderance of the evidence whether
1238 sufficient cause exists to sustain, amend, or invalidate the
1239 disqualification. The scope of the review shall be limited to the
1240 following issues:

1241 (a) If the person was disqualified from operating a
1242 commercial motor vehicle for driving with an unlawful blood-
1243 alcohol level ~~in violation of s. 316.193~~:

1244 1. Whether the arresting law enforcement officer had
1245 probable cause to believe that the person was driving or in
1246 actual physical control of a commercial motor vehicle, or any
1247 motor vehicle if the driver holds a commercial driver's license,
1248 in this state while he or she had any alcohol, chemical
1249 substances, or controlled substances in his or her body.

1250 ~~2. Whether the person was placed under lawful arrest for a~~
1251 ~~violation of s. 316.193.~~

1252 ~~2.3.~~ Whether the person had an unlawful blood-alcohol level
1253 or breath-alcohol level of 0.08 or higher as provided in s.
1254 ~~316.193.~~

1255 (b) If the person was disqualified from operating a
1256 commercial motor vehicle for refusal to submit to a breath,
1257 blood, or urine test:

1258 1. Whether the law enforcement officer had probable cause
1259 to believe that the person was driving or in actual physical
1260 control of a commercial motor vehicle, or any motor vehicle if
1261 the driver holds a commercial driver's license, in this state
1262 while he or she had any alcohol, chemical substances, or
1263 controlled substances in his or her body.



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1264 2. Whether the person refused to submit to the test after
1265 being requested to do so by a law enforcement officer or
1266 correctional officer.

1267 3. Whether the person was told that if he or she refused to
1268 submit to such test he or she would be disqualified from
1269 operating a commercial motor vehicle for a period of 1 year or,
1270 in the case of a second refusal, permanently.

1271 (8) Based on the determination of the hearing officer
1272 pursuant to subsection (7) for both informal hearings under
1273 subsection (4) and formal hearings under subsection (6), the
1274 department shall:

1275 (a) Sustain the disqualification for a period of 1 year for
1276 a first refusal, or permanently if such person has been
1277 previously disqualified from operating a commercial motor vehicle
1278 as a result of a refusal to submit to such tests. The
1279 disqualification period commences on the date of the arrest or
1280 issuance of the notice of disqualification, whichever is later.

1281 (b) Sustain the disqualification:

1282 1. For a period of 1 year if the person was driving or in
1283 actual physical control of a commercial motor vehicle, or any
1284 motor vehicle if the driver holds a commercial driver's license,
1285 and had an unlawful blood-alcohol level or breath-alcohol level
1286 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
1287 for a period of 1 year

1288 2. Permanently if the person has been previously
1289 disqualified from operating a commercial motor vehicle or his or
1290 her driving privilege has been previously suspended for driving
1291 or being in actual physical control of a commercial motor
1292 vehicle, or any motor vehicle if the driver holds a commercial
1293 driver's license, and had an unlawful blood-alcohol level or



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1294 | breath-alcohol level of 0.08 or higher ~~as a result of a~~
1295 | ~~violation of s. 316.193.~~

1296 |
1297 | The disqualification period commences on the date of the arrest
1298 | or issuance of the notice of disqualification, ~~whichever is~~
1299 | ~~later.~~

1300 | (9) A request for a formal review hearing or an informal
1301 | review hearing shall not stay the disqualification. If the
1302 | department fails to schedule the formal review hearing to be held
1303 | within 30 days after receipt of the request therefor, the
1304 | department shall invalidate the disqualification. If the
1305 | scheduled hearing is continued at the department's initiative,
1306 | the department shall issue a temporary driving permit limited to
1307 | noncommercial vehicles which is ~~shall be~~ valid until the hearing
1308 | is conducted if the person is otherwise eligible for the driving
1309 | privilege. Such permit shall not be issued to a person who sought
1310 | and obtained a continuance of the hearing. The permit issued
1311 | under this subsection shall authorize driving for business
1312 | purposes ~~or employment use~~ only.

1313 | (10) A person who is disqualified from operating a
1314 | commercial motor vehicle under subsection (1) or subsection (3)
1315 | is eligible for issuance of a license for business or employment
1316 | purposes only under s. 322.271 if the person is otherwise
1317 | eligible for the driving privilege. However, such business or
1318 | employment purposes license shall not authorize the driver to
1319 | operate a commercial motor vehicle.

1320 | (11) The formal review hearing may be conducted upon a
1321 | review of the reports of a law enforcement officer or a
1322 | correctional officer, including documents relating to the
1323 | administration of a breath test or blood test or the refusal to



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1324 take either test. However, as provided in subsection (6), the
1325 driver may subpoena the officer or any person who administered or
1326 analyzed a breath or blood test.

1327 (12) The formal review hearing and the informal review
1328 hearing are exempt from the provisions of chapter 120. The
1329 department is authorized to adopt rules for the conduct of
1330 reviews under this section.

1331 (13) A person may appeal any decision of the department
1332 sustaining the disqualification from operating a commercial motor
1333 vehicle by a petition for writ of certiorari to the circuit court
1334 in the county wherein such person resides or wherein a formal or
1335 informal review was conducted pursuant to s. 322.31. However, an
1336 appeal shall not stay the disqualification. This subsection shall
1337 not be construed to provide for a de novo appeal.

1338 (14) The decision of the department under this section
1339 shall not be considered in any trial for a violation of s.
1340 316.193, s. 322.61, or s. 322.62, nor shall any written statement
1341 submitted by a person in his or her request for departmental
1342 review under this section be admissible into evidence against him
1343 or her in any such trial. The disposition of any related criminal
1344 proceedings shall not affect a disqualification imposed pursuant
1345 to this section.

1346 (15) This section does not preclude the suspension of the
1347 driving privilege pursuant to s. 322.2615. The driving privilege
1348 of a person who has been disqualified from operating a commercial
1349 motor vehicle also may be suspended for a violation of s.
1350 316.193.

1351 Section 28. Subsections (3) and (4) of section 336.41,
1352 Florida Statutes, are renumbered as subsections (4) and (5),



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1353 respectively, and a new subsection (3) is added to that section,
1354 to read:

1355 336.41 Counties; employing labor and providing road
1356 equipment; accounting; when competitive bidding required.--

1357 (3) Notwithstanding any law to the contrary, a county,
1358 municipality, or special district may not own or operate an
1359 asphalt plant or a portable or stationary concrete batch plant
1360 that has an independent mixer; however, this prohibition does not
1361 apply to any county that owns or is under contract to purchase an
1362 asphalt plant as of April 15, 2008, and that furnishes its plant-
1363 generated asphalt solely for use by local governments or
1364 companies under contract with local governments for projects
1365 within the boundaries of the county. Sale of plant-generated
1366 asphalt to private entities or local governments outside the
1367 boundaries of the county is prohibited.

1368 Section 29. Paragraph (a) of subsection (7) of section
1369 337.11, Florida Statutes, is amended to read:

1370 337.11 Contracting authority of department; bids; emergency
1371 repairs, supplemental agreements, and change orders; combined
1372 design and construction contracts; progress payments; records;
1373 requirements of vehicle registration.--

1374 (7) (a) If the head of the department determines that it is
1375 in the best interests of the public, the department may combine
1376 the design and construction phases of a building, a major bridge,
1377 a limited access facility, or a rail corridor project into a
1378 single contract. Such contract is referred to as a design-build
1379 contract. The department's goal shall be to procure up to 25
1380 percent of the construction contracts that add capacity in the 5-
1381 year adopted work program as design-build contracts by July 1,
1382 2013. Design-build contracts may be advertised and awarded



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1383 notwithstanding the requirements of paragraph (3)(c). However,
1384 construction activities may not begin on any portion of such
1385 projects for which the department has not yet obtained title to
1386 the necessary rights-of-way and easements for the construction of
1387 that portion of the project has vested in the state or a local
1388 governmental entity and all railroad crossing and utility
1389 agreements have been executed. Title to rights-of-way shall be
1390 deemed to have vested in the state when the title has been
1391 dedicated to the public or acquired by prescription.

1392 Section 30. Paragraph (b) of subsection (1) of section
1393 337.18, Florida Statutes, is amended to read:

1394 337.18 Surety bonds for construction or maintenance
1395 contracts; requirement with respect to contract award; bond
1396 requirements; defaults; damage assessments.--

1397 (1)

1398 (b) Prior to beginning any work under the contract, the
1399 contractor shall maintain a copy of the payment and performance
1400 bond required under this section at its principal place of
1401 business, and at the jobsite office if one is established, and
1402 the contractor shall provide a copy of the payment and
1403 performance bond within 5 days after receipt of any written
1404 request therefore. A copy of the payment and performance bond
1405 required under this section may also be obtained directly from
1406 the department via a request made pursuant to chapter 119. ~~Upon~~
1407 ~~execution of the contract, and prior to beginning any work under~~
1408 ~~the contract, the contractor shall record in the public records~~
1409 ~~of the county where the improvement is located the payment and~~
1410 ~~performance bond required under this section.~~ A claimant shall
1411 have a right of action against the contractor and surety for the
1412 amount due him or her, including unpaid finance charges due under



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1413 the claimant's contract. Such action shall not involve the
1414 department in any expense.

1415 Section 31. Subsections (1), (2), and (7) of section
1416 337.185, Florida Statutes, are amended to read:

1417 337.185 State Arbitration Board.--

1418 (1) To facilitate the prompt settlement of claims for
1419 additional compensation arising out of construction and
1420 maintenance contracts between the department and the various
1421 contractors with whom it transacts business, the Legislature does
1422 hereby establish the State Arbitration Board, referred to in this
1423 section as the "board." For the purpose of this section, "claim"
1424 means ~~shall mean~~ the aggregate of all outstanding claims by a
1425 party arising out of a construction or maintenance contract.
1426 Every contractual claim in an amount up to \$250,000 per contract
1427 or, at the claimant's option, up to \$500,000 per contract or,
1428 upon agreement of the parties, up to \$1 million per contract
1429 which ~~that~~ cannot be resolved by negotiation between the
1430 department and the contractor shall be arbitrated by the board
1431 after acceptance of the project by the department. As an
1432 exception, either party to the dispute may request that the claim
1433 be submitted to binding private arbitration. A court of law may
1434 not consider the settlement of such a claim until the process
1435 established by this section has been exhausted.

1436 (2) The board shall be composed of three members. One
1437 member shall be appointed by the head of the department, and one
1438 member shall be elected by those construction or maintenance
1439 companies who are under contract with the department. The third
1440 member shall be chosen by agreement of the other two members.
1441 Whenever the third member has a conflict of interest regarding
1442 affiliation with one of the parties, the other two members shall



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1443 | select an alternate member for that hearing. The head of the
1444 | department may select an alternative or substitute to serve as
1445 | the department member for any hearing or term. Each member shall
1446 | serve a 2-year term. The board shall elect a chair, each term,
1447 | who shall be the administrator of the board and custodian of its
1448 | records.

1449 | (7) The members of the board may receive compensation for
1450 | the performance of their duties hereunder, from administrative
1451 | fees received by the board, except that no employee of the
1452 | department may receive compensation from the board. The
1453 | compensation amount shall be determined by the board, but shall
1454 | not exceed \$125 per hour, up to a maximum of \$1,000 per day for
1455 | each member authorized to receive compensation. ~~Nothing in this~~
1456 | section does not shall prevent the member elected by construction
1457 | or maintenance companies from being an employee of an association
1458 | affiliated with the industry, even if the sole responsibility of
1459 | that member is service on the board. Travel expenses for the
1460 | industry member may be paid by an industry association, if
1461 | necessary. The board may allocate funds annually for clerical and
1462 | other administrative services.

1463 | Section 32. Subsection (1) of section 337.403, Florida
1464 | Statutes, is amended to read:

1465 | 337.403 Relocation of utility; expenses.--

1466 | (1) Any utility heretofore or hereafter placed upon, under,
1467 | over, or along any public road or publicly owned rail corridor
1468 | which that is found by the authority to be unreasonably
1469 | interfering in any way with the convenient, safe, or continuous
1470 | use, or the maintenance, improvement, extension, or expansion, of
1471 | such public road or publicly owned rail corridor shall, upon 30
1472 | days' written notice to the utility or its agent by the



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1473 authority, be removed or relocated by such utility at its own
1474 expense except as provided in paragraphs (a), (b), ~~and (c)~~, (d),
1475 and (e).

1476 (a) If the relocation of utility facilities, as referred to
1477 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627
1478 of the 84th Congress, is necessitated by the construction of a
1479 project on the federal-aid interstate system, including
1480 extensions thereof within urban areas, and the cost of such
1481 project is eligible and approved for reimbursement by the Federal
1482 Government to the extent of 90 percent or more under the Federal
1483 Aid Highway Act, or any amendment thereof, then in that event the
1484 utility owning or operating such facilities shall relocate such
1485 facilities upon order of the department, and the state shall pay
1486 the entire expense properly attributable to such relocation after
1487 deducting therefrom any increase in the value of the new facility
1488 and any salvage value derived from the old facility.

1489 (b) When a joint agreement between the department and the
1490 utility is executed for utility improvement, relocation, or
1491 removal work to be accomplished as part of a contract for
1492 construction of a transportation facility, the department may
1493 participate in those utility improvement, relocation, or removal
1494 costs that exceed the department's official estimate of the cost
1495 of such work by more than 10 percent. The amount of such
1496 participation shall be limited to the difference between the
1497 official estimate of all the work in the joint agreement plus 10
1498 percent and the amount awarded for this work in the construction
1499 contract for such work. The department may not participate in any
1500 utility improvement, relocation, or removal costs that occur as a
1501 result of changes or additions during the course of the contract.



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1502 (c) When an agreement between the department and utility is
1503 executed for utility improvement, relocation, or removal work to
1504 be accomplished in advance of a contract for construction of a
1505 transportation facility, the department may participate in the
1506 cost of clearing and grubbing necessary to perform such work.

1507 (d) If the utility facility being removed or relocated was
1508 initially installed exclusively to serve the department, its
1509 tenants, or both the department and its tenants, the department
1510 shall bear the costs of removal or relocation of that utility
1511 facility. However, the department is not responsible for bearing
1512 the cost of removal or relocation of any subsequent additions to
1513 the utility facility for the purpose of serving others.

1514 (e) If pursuant to an agreement between a utility and the
1515 authority entered into after July 1, 2008, the utility conveys,
1516 subordinates, or relinquishes a compensable property right to the
1517 authority for the purpose of accommodating the acquisition or use
1518 of the right-of-way by the authority without the agreement
1519 expressly addressing future responsibility for cost of removal or
1520 relocation of the utility, the authority shall bear the cost of
1521 such removal or relocation. Nothing herein is intended to impair
1522 or restrict, or be used to interpret, the terms of any agreement
1523 entered into prior to July 1, 2008.

1524 Section 33. Subsection (6) is added to section 338.01,
1525 Florida Statutes, to read:

1526 338.01 Authority to establish and regulate limited access
1527 facilities.--

1528 (6) Notwithstanding any other provision of law, all new
1529 limited access facilities and existing transportation facilities
1530 on which new or replacement electronic toll collection systems



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1531 are installed shall be interoperable with the department's
1532 electronic toll collection system.

1533 Section 34. Present subsections (7) and (8) of section
1534 338.165, Florida Statutes, are redesignated as subsections (8)
1535 and (9), respectively, and a new subsection (7) is added to that
1536 section, to read:

1537 338.165 Continuation of tolls.--

1538 (7) This section does not apply to high-occupancy toll
1539 lanes or express lanes.

1540 Section 35. Section 338.166, Florida Statutes, is created
1541 to read:

1542 338.166 High-occupancy toll lanes or express lanes.--

1543 (1) Under s. 11, Art. VII of the State Constitution, the
1544 department may request the Division of Bond Finance to issue
1545 bonds secured by toll revenues collected on high-occupancy toll
1546 lanes or express lanes located on Interstate 95 in Miami-Dade and
1547 Broward Counties.

1548 (2) The department may continue to collect the toll on the
1549 high-occupancy toll lanes or express lanes after the discharge of
1550 any bond indebtedness related to such project. All tolls so
1551 collected shall first be used to pay the annual cost of the
1552 operation, maintenance, and improvement of the high-occupancy
1553 toll lanes or express lanes project or associated transportation
1554 system.

1555 (3) Any remaining toll revenue from the high-occupancy toll
1556 lanes or express lanes shall be used by the department for the
1557 construction, maintenance, or improvement of any road on the
1558 State Highway System.

1559 (4) The department is authorized to implement variable rate
1560 tolls on high-occupancy toll lanes or express lanes.



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1561 (5) Except for high-occupancy toll lanes or express lanes,
1562 tolls may not be charged for use of an interstate highway where
1563 tolls were not charged as of July 1, 1997.

1564 (6) This section does not apply to the turnpike system as
1565 defined under the Florida Turnpike Enterprise Law.

1566 Section 36. Paragraphs (d) and (e) are added to subsection
1567 (1) of section 338.2216, Florida Statutes, to read:

1568 338.2216 Florida Turnpike Enterprise; powers and
1569 authority.--

1570 (1)

1571 (d) The Florida Turnpike Enterprise is directed to pursue
1572 and implement new technologies and processes in its operations
1573 and collection of tolls and the collection of other amounts
1574 associated with road and infrastructure usage. Such technologies
1575 and processes shall include, without limitation, video billing
1576 and variable pricing.

1577 (e)1. The Florida Turnpike Enterprise may not contract with
1578 any vendor for the retail sale of fuel along the Florida Turnpike
1579 if such contract is negotiated or bid together with any other
1580 contract, including, but not limited to, the retail sale of food,
1581 maintenance services, or construction, except that a contract for
1582 the retail sale of fuel along the Florida Turnpike shall be bid
1583 and contracted with the retail sale of food at any convenience
1584 store attached to the fuel station.

1585 2. All contracts related to service plazas, including, but
1586 not limited to, the sale of fuel, the retail sale of food,
1587 maintenance services, or construction, awarded by the Florida
1588 Turnpike Enterprise shall be procured through individual
1589 competitive solicitations and awarded to the most cost-effective
1590 responder. This subparagraph does not prohibit the award of more



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1591 than one individual contract to a single vendor who submits the
1592 most cost-effective response.

1593 Section 37. Paragraph (b) of subsection (1) of section
1594 338.223, Florida Statutes, is amended to read:

1595 338.223 Proposed turnpike projects.--

1596 (1)

1597 (b) Any proposed turnpike project or improvement shall be
1598 developed in accordance with the Florida Transportation Plan and
1599 the work program pursuant to s. 339.135. Turnpike projects that
1600 add capacity, alter access, affect feeder roads, or affect the
1601 operation of the local transportation system shall be included in
1602 the transportation improvement plan of the affected metropolitan
1603 planning organization. If such turnpike project does not fall
1604 within the jurisdiction of a metropolitan planning organization,
1605 the department shall notify the affected county and provide for
1606 public hearings in accordance with s. 339.155(5)(c) ~~s.~~
1607 ~~339.155(6)(c)~~.

1608 Section 38. Section 338.231, Florida Statutes, is amended
1609 to read:

1610 338.231 Turnpike tolls, fixing; pledge of tolls and other
1611 revenues.--The department shall at all times fix, adjust, charge,
1612 and collect such tolls for the use of the turnpike system as are
1613 required in order to provide a fund sufficient with other
1614 revenues of the turnpike system to pay the cost of maintaining,
1615 improving, repairing, and operating such turnpike system; to pay
1616 the principal of and interest on all bonds issued to finance or
1617 refinance any portion of the turnpike system as the same become
1618 due and payable; and to create reserves for all such purposes.

1619 ~~(1) In the process of effectuating toll rate increases over~~
1620 ~~the period 1988 through 1992, the department shall, to the~~



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1621 ~~maximum extent feasible, equalize the toll structure, within each~~
1622 ~~vehicle classification, so that the per mile toll rate will be~~
1623 ~~approximately the same throughout the turnpike system. New~~
1624 ~~turnpike projects may have toll rates higher than the uniform~~
1625 ~~system rate where such higher toll rates are necessary to qualify~~
1626 ~~the project in accordance with the financial criteria in the~~
1627 ~~turnpike law. Such higher rates may be reduced to the uniform~~
1628 ~~system rate when the project is generating sufficient revenues to~~
1629 ~~pay the full amount of debt service and operating and maintenance~~
1630 ~~costs at the uniform system rate. If, after 15 years of opening~~
1631 ~~to traffic, the annual revenue of a turnpike project does not~~
1632 ~~meet or exceed the annual debt service requirements and operating~~
1633 ~~and maintenance costs attributable to such project, the~~
1634 ~~department shall, to the maximum extent feasible, establish a~~
1635 ~~toll rate for the project which is higher than the uniform system~~
1636 ~~rate as necessary to meet such annual debt service requirements~~
1637 ~~and operating and maintenance costs. The department may, to the~~
1638 ~~extent feasible, establish a temporary toll rate at less than the~~
1639 ~~uniform system rate for the purpose of building patronage for the~~
1640 ~~ultimate benefit of the turnpike system. In no case shall the~~
1641 ~~temporary rate be established for more than 1 year. The~~
1642 ~~requirements of this subsection shall not apply when the~~
1643 ~~application of such requirements would violate any covenant~~
1644 ~~established in a resolution or trust indenture relating to the~~
1645 ~~issuance of turnpike bonds.~~

1646 (1)-(2) Notwithstanding any other provision of law, the
1647 department may defer the scheduled July 1, 1993, toll rate
1648 increase on the Homestead Extension of the Florida Turnpike until
1649 July 1, 1995. The department may also advance funds to the
1650 Turnpike General Reserve Trust Fund to replace estimated lost



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1651 revenues resulting from this deferral. The amount advanced must
1652 be repaid within 12 years from the date of advance; however, the
1653 repayment is subordinate to all other debt financing of the
1654 turnpike system outstanding at the time repayment is due.

1655 (2)~~(3)~~ The department shall publish a proposed change in
1656 the toll rate for the use of an existing toll facility, in the
1657 manner provided for in s. 120.54, which will provide for public
1658 notice and the opportunity for a public hearing before the
1659 adoption of the proposed rate change. When the department is
1660 evaluating a proposed turnpike toll project under s. 338.223 and
1661 has determined that there is a high probability that the project
1662 will pass the test of economic feasibility predicated on proposed
1663 toll rates, the toll rate that is proposed to be charged after
1664 the project is constructed must be adopted during the planning
1665 and project development phase of the project, in the manner
1666 provided for in s. 120.54, including public notice and the
1667 opportunity for a public hearing. For such a new project, the
1668 toll rate becomes effective upon the opening of the project to
1669 traffic.

1670 (3) (a)~~(4)~~ For the period July 1, 1998, through June 30,
1671 2017, the department shall, to the maximum extent feasible,
1672 program sufficient funds in the tentative work program such that
1673 the percentage of turnpike toll and bond financed commitments in
1674 Dade County, Broward County, and Palm Beach County as compared to
1675 total turnpike toll and bond financed commitments shall be at
1676 least 90 percent of the share of net toll collections
1677 attributable to users of the turnpike system in Dade County,
1678 Broward County, and Palm Beach County as compared to total net
1679 toll collections attributable to users of the turnpike system.
1680 The requirements of this subsection do not apply when the



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1681 application of such requirements would violate any covenant
1682 established in a resolution or trust indenture relating to the
1683 issuance of turnpike bonds. The department may establish at any
1684 time for economic considerations lower temporary toll rates for a
1685 new or existing toll facility for a period not to exceed 1 year,
1686 after which period the toll rates adopted under s. 120.54 shall
1687 become effective.

1688 (b) The department shall also fix, adjust, charge, and
1689 collect such amounts needed to cover the costs of administering
1690 the different toll collection and payment methods and types of
1691 accounts being offered and used in the manner provided for in s.
1692 120.54, which provides for public notice and the opportunity for
1693 a public hearing before adoption. Such amounts may stand alone,
1694 be incorporated into a toll rate structure, or be a combination
1695 thereof.

1696 ~~(4)(5)~~ When bonds are outstanding which have been issued to
1697 finance or refinance any turnpike project, the tolls and all
1698 other revenues derived from the turnpike system and pledged to
1699 such bonds shall be set aside as may be provided in the
1700 resolution authorizing the issuance of such bonds or the trust
1701 agreement securing the same. The tolls or other revenues or other
1702 moneys so pledged and thereafter received by the department are
1703 immediately subject to the lien of such pledge without any
1704 physical delivery thereof or further act. The lien of any such
1705 pledge is valid and binding as against all parties having claims
1706 of any kind in tort or contract or otherwise against the
1707 department irrespective of whether such parties have notice
1708 thereof. Neither the resolution nor any trust agreement by which
1709 a pledge is created need be filed or recorded except in the
1710 records of the department.



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1711 | ~~(5)~~(6) In each fiscal year while any of the bonds of the
1712 | Broward County Expressway Authority series 1984 and series 1986-A
1713 | remain outstanding, the department is authorized to pledge
1714 | revenues from the turnpike system to the payment of principal and
1715 | interest of such series of bonds and the operation and
1716 | maintenance expenses of the Sawgrass Expressway, to the extent
1717 | gross toll revenues of the Sawgrass Expressway are insufficient
1718 | to make such payments. The terms of an agreement relative to the
1719 | pledge of turnpike system revenue will be negotiated with the
1720 | parties of the 1984 and 1986 Broward County Expressway Authority
1721 | lease-purchase agreements, and subject to the covenants of those
1722 | agreements. The agreement shall establish that the Sawgrass
1723 | Expressway shall be subject to the planning, management, and
1724 | operating control of the department limited only by the terms of
1725 | the lease-purchase agreements. The department shall provide for
1726 | the payment of operation and maintenance expenses of the Sawgrass
1727 | Expressway until such agreement is in effect. This pledge of
1728 | turnpike system revenues shall be subordinate to the debt service
1729 | requirements of any future issue of turnpike bonds, the payment
1730 | of turnpike system operation and maintenance expenses, and
1731 | subject to provisions of any subsequent resolution or trust
1732 | indenture relating to the issuance of such turnpike bonds.

1733 | ~~(6)~~(7) The use and disposition of revenues pledged to bonds
1734 | are subject to the provisions of ss. 338.22-338.241 and such
1735 | regulations as the resolution authorizing the issuance of such
1736 | bonds or such trust agreement may provide.

1737 | (7) Notwithstanding any other provision of law and
1738 | effective July 1, 2008, the turnpike enterprise shall increase
1739 | tolls on all existing toll facilities by 25 percent and, in



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1740 addition, shall index that increase to the annual Consumer Price
1741 Index or similar inflation factors as established in s. 338.165.

1742 Section 39. Paragraph (c) of subsection (4) of section
1743 339.12, Florida Statutes, is amended, and paragraph (d) is added
1744 to that subsection, to read:

1745 339.12 Aid and contributions by governmental entities for
1746 department projects; federal aid.--

1747 (4)

1748 (c) The department may enter into agreements under this
1749 subsection for a project or project phase not included in the
1750 adopted work program. As used in this paragraph, the term
1751 "project phase" means acquisition of rights-of-way, construction,
1752 construction inspection, and related support phases. The project
1753 or project phase must be a high priority of the governmental
1754 entity. Reimbursement for a project or project phase must be made
1755 from funds appropriated by the Legislature pursuant to s.
1756 339.135(5). All other provisions of this subsection apply to
1757 agreements entered into under this paragraph. The total amount of
1758 project agreements for projects or project phases not included in
1759 the adopted work program authorized by this paragraph may not at
1760 any time exceed \$100 million. However, notwithstanding such \$100
1761 million limit and any similar limit in s. 334.30, project
1762 advances for any inland county with a population greater than
1763 500,000 dedicating amounts equal to \$500 million or more of its
1764 Local Government Infrastructure Surtax pursuant to s. 212.055(2)
1765 for improvements to the State Highway System which are included
1766 in the local metropolitan planning organization's or the
1767 department's long-range transportation plans shall be excluded
1768 from the calculation of the statewide limit of project advances.



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1769 (d) The department may enter into agreements under this
1770 subsection with any county having a population of 150,000 or
1771 fewer as determined by the most recent official estimate pursuant
1772 to s. 186.901 for a project or project phase not included in the
1773 adopted work program. As used in this paragraph, the term
1774 "project phase" means acquisition of rights-of-way, construction,
1775 construction inspection, and related support phases. The project
1776 or project phase must be a high priority of the governmental
1777 entity. Reimbursement for a project or project phase must be made
1778 from funds appropriated by the Legislature pursuant to s.
1779 339.135(5). All other provisions of this subsection apply to
1780 agreements entered into under this paragraph. The total amount of
1781 project agreements for projects or project phases not included in
1782 the adopted work program authorized by this paragraph may not at
1783 any time exceed \$200 million. The project must be included in the
1784 local government's adopted comprehensive plan. The department is
1785 authorized to enter into long-term repayment agreements of up to
1786 30 years.

1787 Section 40. Paragraph (d) of subsection (7) of section
1788 339.135, Florida Statutes, is amended to read:

1789 339.135 Work program; legislative budget request;
1790 definitions; preparation, adoption, execution, and amendment.--

1791 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1792 (d)1. Whenever the department proposes any amendment to the
1793 adopted work program, as defined in subparagraph (c)1. or
1794 subparagraph (c)3., which deletes or defers a construction phase
1795 on a capacity project, it shall notify each county affected by
1796 the amendment and each municipality within the county. The
1797 notification shall be issued in writing to the chief elected
1798 official of each affected county, each municipality within the



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1799 county, and the chair of each affected metropolitan planning
1800 organization. Each affected county and each municipality in the
1801 county, is encouraged to coordinate with each other to determine
1802 how the amendment effects local concurrency management and
1803 regional transportation planning efforts. Each affected county,
1804 and each municipality within the county, shall have 14 days to
1805 provide written comments to the department regarding how the
1806 amendment will effect its respective concurrency management
1807 systems, including whether any development permits were issued
1808 contingent upon the capacity improvement, if applicable. After
1809 receipt of written comments from the affected local governments,
1810 the department shall include any written comments submitted by
1811 such local governments in its preparation of the proposed
1812 amendment.

1813 2. Following the 14-day comment period in subparagraph 1.,
1814 if applicable, whenever the department proposes any amendment to
1815 the adopted work program, which amendment is defined in
1816 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
1817 subparagraph (c)4., it shall submit the proposed amendment to the
1818 Governor for approval and shall immediately notify the chairs of
1819 the legislative appropriations committees, the chairs of the
1820 legislative transportation committees, and each member of the
1821 Legislature who represents a district affected by the proposed
1822 amendment. It shall also notify, each metropolitan planning
1823 organization affected by the proposed amendment, and each unit of
1824 local government affected by the proposed amendment, unless it
1825 provided to each the notification required by subparagraph 1.
1826 Such proposed amendment shall provide a complete justification of
1827 the need for the proposed amendment.



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1828 ~~3.2.~~ The Governor shall not approve a proposed amendment
1829 until 14 days following the notification required in subparagraph
1830 2. 1.

1831 ~~4.3.~~ If either of the chairs of the legislative
1832 appropriations committees or the President of the Senate or the
1833 Speaker of the House of Representatives objects in writing to a
1834 proposed amendment within 14 days following notification and
1835 specifies the reasons for such objection, the Governor shall
1836 disapprove the proposed amendment.

1837 Section 41. Section 339.155, Florida Statutes, is amended
1838 to read:

1839 339.155 Transportation planning.--

1840 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall
1841 develop ~~and annually update~~ a statewide transportation plan, to
1842 be known as the Florida Transportation Plan. The plan shall be
1843 designed so as to be easily read and understood by the general
1844 public. The purpose of the Florida Transportation Plan is to
1845 establish and define the state's long-range transportation goals
1846 and objectives to be accomplished over a period of at least 20
1847 years within the context of the State Comprehensive Plan, and any
1848 other statutory mandates and authorizations and based upon the
1849 prevailing principles of: preserving the existing transportation
1850 infrastructure; enhancing Florida's economic competitiveness; and
1851 improving travel choices to ensure mobility. The Florida
1852 Transportation Plan shall consider the needs of the entire state
1853 transportation system and examine the use of all modes of
1854 transportation to effectively and efficiently meet such needs.

1855 (2) SCOPE OF PLANNING PROCESS.--The department shall carry
1856 out a transportation planning process in conformance with s.



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1857 334.046(1) ~~. which provides for consideration of projects and~~
1858 ~~strategies that will:~~

1859 ~~(a) Support the economic vitality of the United States,~~
1860 ~~Florida, and the metropolitan areas, especially by enabling~~
1861 ~~global competitiveness, productivity, and efficiency;~~

1862 ~~(b) Increase the safety and security of the transportation~~
1863 ~~system for motorized and nonmotorized users;~~

1864 ~~(c) Increase the accessibility and mobility options~~
1865 ~~available to people and for freight;~~

1866 ~~(d) Protect and enhance the environment, promote energy~~
1867 ~~conservation, and improve quality of life;~~

1868 ~~(e) Enhance the integration and connectivity of the~~
1869 ~~transportation system, across and between modes throughout~~
1870 ~~Florida, for people and freight;~~

1871 ~~(f) Promote efficient system management and operation; and~~
1872 ~~(g) Emphasize the preservation of the existing~~
1873 ~~transportation system.~~

1874 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
1875 Transportation Plan shall be a unified, concise planning document
1876 that clearly defines the state's long-range transportation goals
1877 and objectives ~~and documents the department's short-range~~
1878 ~~objectives developed to further such goals and objectives.~~ The
1879 plan shall:

1880 (a) Include a glossary that clearly and succinctly defines
1881 any and all phrases, words, or terms of art included in the plan,
1882 with which the general public may be unfamiliar. ~~and shall~~
1883 ~~consist of, at a minimum, the following components:~~

1884 (b) ~~(a)~~ Document A long-range component documenting the
1885 goals and long-term objectives necessary to implement the results
1886 of the department's findings from its examination of the



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1887 prevailing principles and criteria provided under ~~listed in~~
1888 subsection (2) and s. 334.046(1). ~~The long-range component must~~
1889 (c) Be developed in cooperation with the metropolitan
1890 planning organizations and reconciled, to the maximum extent
1891 feasible, with the long-range plans developed by metropolitan
1892 planning organizations pursuant to s. 339.175. ~~The plan must also~~
1893 (d) Be developed in consultation with affected local
1894 officials in nonmetropolitan areas and with any affected Indian
1895 tribal governments. ~~The plan must~~
1896 (e) Provide an examination of transportation issues likely
1897 to arise during at least a 20-year period. ~~The long-range~~
1898 ~~component shall~~
1899 (f) Be updated at least once every 5 years, or more often
1900 as necessary, to reflect substantive changes to federal or state
1901 law.
1902 ~~(b) A short-range component documenting the short-term~~
1903 ~~objectives and strategies necessary to implement the goals and~~
1904 ~~long-term objectives contained in the long-range component. The~~
1905 ~~short-range component must define the relationship between the~~
1906 ~~long-range goals and the short-range objectives, specify those~~
1907 ~~objectives against which the department's achievement of such~~
1908 ~~goals will be measured, and identify transportation strategies~~
1909 ~~necessary to efficiently achieve the goals and objectives in the~~
1910 ~~plan. It must provide a policy framework within which the~~
1911 ~~department's legislative budget request, the strategic~~
1912 ~~information resource management plan, and the work program are~~
1913 ~~developed. The short-range component shall serve as the~~
1914 ~~department's annual agency strategic plan pursuant to s. 186.021.~~
1915 ~~The short-range component shall be developed consistent with~~
1916 ~~available and forecasted state and federal funds. The short-range~~



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1917 ~~component shall also be submitted to the Florida Transportation~~
1918 ~~Commission.~~

1919 ~~(4) ANNUAL PERFORMANCE REPORT.--The department shall~~
1920 ~~develop an annual performance report evaluating the operation of~~
1921 ~~the department for the preceding fiscal year. The report shall~~
1922 ~~also include a summary of the financial operations of the~~
1923 ~~department and shall annually evaluate how well the adopted work~~
1924 ~~program meets the short-term objectives contained in the short-~~
1925 ~~range component of the Florida Transportation Plan. This~~
1926 ~~performance report shall be submitted to the Florida~~
1927 ~~Transportation Commission and the legislative appropriations and~~
1928 ~~transportation committees.~~

1929 ~~(4) (5) ADDITIONAL TRANSPORTATION PLANS.--~~

1930 (a) Upon request by local governmental entities, the
1931 department may in its discretion develop and design
1932 transportation corridors, arterial and collector streets,
1933 vehicular parking areas, and other support facilities which are
1934 consistent with the plans of the department for major
1935 transportation facilities. The department may render to local
1936 governmental entities or their planning agencies such technical
1937 assistance and services as are necessary so that local plans and
1938 facilities are coordinated with the plans and facilities of the
1939 department.

1940 (b) Each regional planning council, as provided for in s.
1941 186.504, or any successor agency thereto, shall develop, as an
1942 element of its strategic regional policy plan, transportation
1943 goals and policies. The transportation goals and policies must be
1944 prioritized to comply with the prevailing principles provided in
1945 subsection (2) and s. 334.046(1). The transportation goals and
1946 policies shall be consistent, to the maximum extent feasible,



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1947 | with the goals and policies of the metropolitan planning
1948 | organization and the Florida Transportation Plan. The
1949 | transportation goals and policies of the regional planning
1950 | council will be advisory only and shall be submitted to the
1951 | department and any affected metropolitan planning organization
1952 | for their consideration and comments. Metropolitan planning
1953 | organization plans and other local transportation plans shall be
1954 | developed consistent, to the maximum extent feasible, with the
1955 | regional transportation goals and policies. The regional planning
1956 | council shall review urbanized area transportation plans and any
1957 | other planning products stipulated in s. 339.175 and provide the
1958 | department and respective metropolitan planning organizations
1959 | with written recommendations which the department and the
1960 | metropolitan planning organizations shall take under advisement.
1961 | Further, the regional planning councils shall directly assist
1962 | local governments which are not part of a metropolitan area
1963 | transportation planning process in the development of the
1964 | transportation element of their comprehensive plans as required
1965 | by s. 163.3177.

1966 | (c) Regional transportation plans may be developed in
1967 | regional transportation areas in accordance with an interlocal
1968 | agreement entered into pursuant to s. 163.01 by two or more
1969 | contiguous metropolitan planning organizations; one or more
1970 | metropolitan planning organizations and one or more contiguous
1971 | counties, none of which is a member of a metropolitan planning
1972 | organization; a multicounty regional transportation authority
1973 | created by or pursuant to law; two or more contiguous counties
1974 | that are not members of a metropolitan planning organization; or
1975 | metropolitan planning organizations comprised of three or more
1976 | counties.



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1977 (d) The interlocal agreement must, at a minimum, identify
1978 the entity that will coordinate the development of the regional
1979 transportation plan; delineate the boundaries of the regional
1980 transportation area; provide the duration of the agreement and
1981 specify how the agreement may be terminated, modified, or
1982 rescinded; describe the process by which the regional
1983 transportation plan will be developed; and provide how members of
1984 the entity will resolve disagreements regarding interpretation of
1985 the interlocal agreement or disputes relating to the development
1986 or content of the regional transportation plan. Such interlocal
1987 agreement shall become effective upon its recordation in the
1988 official public records of each county in the regional
1989 transportation area.

1990 (e) The regional transportation plan developed pursuant to
1991 this section must, at a minimum, identify regionally significant
1992 transportation facilities located within a regional
1993 transportation area and contain a prioritized list of regionally
1994 significant projects. The level-of-service standards for
1995 facilities to be funded under this subsection shall be adopted by
1996 the appropriate local government in accordance with s.
1997 163.3180(10). The projects shall be adopted into the capital
1998 improvements schedule of the local government comprehensive plan
1999 pursuant to s. 163.3177(3).

2000 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
2001 TRANSPORTATION PLANNING.--

2002 (a) During the development of the ~~long-range component of~~
2003 ~~the~~ Florida Transportation Plan and prior to substantive
2004 revisions, the department shall provide citizens, affected public
2005 agencies, representatives of transportation agency employees,
2006 other affected employee representatives, private providers of



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2007 | transportation, and other known interested parties with an
2008 | opportunity to comment on the proposed plan or revisions. These
2009 | opportunities shall include, at a minimum, publishing a notice in
2010 | the Florida Administrative Weekly and within a newspaper of
2011 | general circulation within the area of each department district
2012 | office.

2013 | (b) During development of major transportation
2014 | improvements, such as those increasing the capacity of a facility
2015 | through the addition of new lanes or providing new access to a
2016 | limited or controlled access facility or construction of a
2017 | facility in a new location, the department shall hold one or more
2018 | hearings prior to the selection of the facility to be provided;
2019 | prior to the selection of the site or corridor of the proposed
2020 | facility; and prior to the selection of and commitment to a
2021 | specific design proposal for the proposed facility. Such public
2022 | hearings shall be conducted so as to provide an opportunity for
2023 | effective participation by interested persons in the process of
2024 | transportation planning and site and route selection and in the
2025 | specific location and design of transportation facilities. The
2026 | various factors involved in the decision or decisions and any
2027 | alternative proposals shall be clearly presented so that the
2028 | persons attending the hearing may present their views relating to
2029 | the decision or decisions which will be made.

2030 | (c) Opportunity for design hearings:

2031 | 1. The department, prior to holding a design hearing, shall
2032 | duly notify all affected property owners of record, as recorded
2033 | in the property appraiser's office, by mail at least 20 days
2034 | prior to the date set for the hearing. The affected property
2035 | owners shall be:



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2036 | a. Those whose property lies in whole or in part within 300
2037 | feet on either side of the centerline of the proposed facility.

2038 | b. Those whom the department determines will be
2039 | substantially affected environmentally, economically, socially,
2040 | or safetywise.

2041 | 2. For each subsequent hearing, the department shall
2042 | publish notice prior to the hearing date in a newspaper of
2043 | general circulation for the area affected. These notices must be
2044 | published twice, with the first notice appearing at least 15
2045 | days, but no later than 30 days, before the hearing.

2046 | 3. A copy of the notice of opportunity for the hearing must
2047 | be furnished to the United States Department of Transportation
2048 | and to the appropriate departments of the state government at the
2049 | time of publication.

2050 | 4. The opportunity for another hearing shall be afforded in
2051 | any case when proposed locations or designs are so changed from
2052 | those presented in the notices specified above or at a hearing as
2053 | to have a substantially different social, economic, or
2054 | environmental effect.

2055 | 5. The opportunity for a hearing shall be afforded in each
2056 | case in which the department is in doubt as to whether a hearing
2057 | is required.

2058 | Section 42. Subsection (3) and paragraphs (b) and (c) of
2059 | subsection (4) of section 339.2816, Florida Statutes, are amended
2060 | to read:

2061 | 339.2816 Small County Road Assistance Program.--

2062 | (3) Beginning with fiscal year 1999-2000 until fiscal year
2063 | 2009-2010, and beginning again with fiscal year 2012-2013, up to
2064 | \$25 million annually from the State Transportation Trust Fund may



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2065 | be used for the purposes of funding the Small County Road
2066 | Assistance Program as described in this section.

2067 | (4)

2068 | (b) In determining a county's eligibility for assistance
2069 | under this program, the department may consider whether the
2070 | county has attempted to keep county roads in satisfactory
2071 | condition, including the amount of local option fuel tax ~~and ad~~
2072 | ~~valorem millage rate~~ imposed by the county. The department may
2073 | also consider the extent to which the county has offered to
2074 | provide a match of local funds with state funds provided under
2075 | the program. At a minimum, small counties shall be eligible only
2076 | if:

2077 | ~~1. The county has enacted the maximum rate of the local~~
2078 | ~~option fuel tax authorized by s. 336.025(1) (a) .7, and has imposed~~
2079 | ~~an ad valorem millage rate of at least 8 mills; or~~

2080 | ~~2. The county has imposed an ad valorem millage rate of 10~~
2081 | ~~mills.~~

2082 | (c) The following criteria shall be used to prioritize road
2083 | projects for funding under the program:

2084 | 1. The primary criterion is the physical condition of the
2085 | road as measured by the department.

2086 | 2. As secondary criteria the department may consider:

2087 | a. Whether a road is used as an evacuation route.

2088 | b. Whether a road has high levels of agricultural travel.

2089 | c. Whether a road is considered a major arterial route.

2090 | d. Whether a road is considered a feeder road.

2091 | e. Whether a road is located in a fiscally constrained
2092 | county, as defined in s. 218.67(1).



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2093 | ~~f.e.~~ Other criteria related to the impact of a project on
2094 | the public road system or on the state or local economy as
2095 | determined by the department.

2096 | Section 43. Subsections (1) and (3) of section 339.2819,
2097 | Florida Statutes, are amended to read:

2098 | 339.2819 Transportation Regional Incentive Program.--

2099 | (1) There is created within the Department of
2100 | Transportation a Transportation Regional Incentive Program for
2101 | the purpose of providing funds to improve regionally significant
2102 | transportation facilities in regional transportation areas
2103 | created pursuant to s. 339.155(4)~~(5)~~.

2104 | (3) The department shall allocate funding available for the
2105 | Transportation Regional Incentive Program to the districts based
2106 | on a factor derived from equal parts of population and motor fuel
2107 | collections for eligible counties in regional transportation
2108 | areas created pursuant to s. 339.155(4)~~(5)~~.

2109 | Section 44. Subsection (6) of section 339.285, Florida
2110 | Statutes, is amended to read:

2111 | 339.285 Enhanced Bridge Program for Sustainable
2112 | Transportation.--

2113 | (6) Preference shall be given to bridge projects located on
2114 | corridors that connect to the Strategic Intermodal System,
2115 | created under s. 339.64, and that have been identified as
2116 | regionally significant in accordance with s. 339.155(4)~~(5)~~(c),
2117 | (d), and (e).

2118 | Section 45. Subsection (4) of section 348.0003, Florida
2119 | Statutes, is amended to read:

2120 | 348.0003 Expressway authority; formation; membership.--

2121 | (4) (a) An authority may employ an executive secretary, an
2122 | executive director, its own counsel and legal staff, technical



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2123 | experts, and such engineers and employees, permanent or
2124 | temporary, as it may require and shall determine the
2125 | qualifications and fix the compensation of such persons, firms,
2126 | or corporations. An authority may employ a fiscal agent or
2127 | agents; however, the authority must solicit sealed proposals from
2128 | at least three persons, firms, or corporations for the
2129 | performance of any services as fiscal agents. An authority may
2130 | delegate to one or more of its agents or employees such of its
2131 | power as it deems necessary to carry out the purposes of the
2132 | Florida Expressway Authority Act, subject always to the
2133 | supervision and control of the authority. Members of an authority
2134 | may be removed from office by the Governor for misconduct,
2135 | malfeasance, misfeasance, or nonfeasance in office.

2136 | (b) Members of an authority are entitled to receive from
2137 | the authority their travel and other necessary expenses incurred
2138 | in connection with the business of the authority as provided in
2139 | s. 112.061, but they may not draw salaries or other compensation.

2140 | (c) Members of each expressway an authority, transportation
2141 | authority, bridge authority, or toll authority, created pursuant
2142 | to this chapter, chapter 343 or chapter 349, or pursuant to any
2143 | other legislative enactment, shall be required to comply with the
2144 | applicable financial disclosure requirements of s. 8, Art. II of
2145 | the State Constitution. This subsection does not subject a
2146 | statutorily created expressway authority, transportation
2147 | authority, bridge authority, or toll authority, other than one
2148 | created under this part, to any of the requirements of this part
2149 | other than those contained in this subsection.

2150 | Section 46. Paragraph (c) is added to subsection (1) of
2151 | section 348.0004, Florida Statutes, to read:

2152 | 348.0004 Purposes and powers.--



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2153 (1)
2154 (c) Notwithstanding any other provision of law, expressway
2155 authorities as defined in chapter 348 shall index toll rates on
2156 toll facilities to the annual Consumer Price Index or similar
2157 inflation indicators. Toll rate index for inflation under this
2158 subsection must be adopted and approved by the expressway
2159 authority board at a public meeting and may be made no more
2160 frequently than once a year and must be made no less frequently
2161 than once every 5 years as necessary to accommodate cash toll
2162 rate schedules. Toll rates may be increased beyond these limits
2163 as directed by bond documents, covenants, or governing body
2164 authorization or pursuant to department administrative rule.

2165 Section 47. Part III of chapter 343, Florida Statutes,
2166 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
2167 343.76, and 343.77, is repealed.

2168 Section 48. The Department of Transportation, in
2169 consultation with the Department of Law Enforcement, the Division
2170 of Emergency Management of the Department of Community Affairs,
2171 and the Office of Tourism, Trade, and Economic Development, and
2172 metropolitan planning organizations and regional planning
2173 councils within whose jurisdictional area the I-95 corridor lies,
2174 shall complete a study of transportation alternatives for the
2175 travel corridor parallel to Interstate 95 which takes into
2176 account the transportation, emergency management, homeland
2177 security, and economic development needs of the state. The report
2178 must include identification of cost-effective measures that may
2179 be implemented to alleviate congestion on Interstate 95,
2180 facilitate emergency and security responses, and foster economic
2181 development. The Department of Transportation shall send the
2182 report to the Governor, the President of the Senate, the Speaker



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2183 of the House of Representatives, and each affected metropolitan
2184 planning organization by June 30, 2009.

2185 Section 49. Subsection (18) of section 409.908, Florida
2186 Statutes, is amended to read:

2187 409.908 Reimbursement of Medicaid providers.--Subject to
2188 specific appropriations, the agency shall reimburse Medicaid
2189 providers, in accordance with state and federal law, according to
2190 methodologies set forth in the rules of the agency and in policy
2191 manuals and handbooks incorporated by reference therein. These
2192 methodologies may include fee schedules, reimbursement methods
2193 based on cost reporting, negotiated fees, competitive bidding
2194 pursuant to s. 287.057, and other mechanisms the agency considers
2195 efficient and effective for purchasing services or goods on
2196 behalf of recipients. If a provider is reimbursed based on cost
2197 reporting and submits a cost report late and that cost report
2198 would have been used to set a lower reimbursement rate for a rate
2199 semester, then the provider's rate for that semester shall be
2200 retroactively calculated using the new cost report, and full
2201 payment at the recalculated rate shall be effected retroactively.
2202 Medicare-granted extensions for filing cost reports, if
2203 applicable, shall also apply to Medicaid cost reports. Payment
2204 for Medicaid compensable services made on behalf of Medicaid
2205 eligible persons is subject to the availability of moneys and any
2206 limitations or directions provided for in the General
2207 Appropriations Act or chapter 216. Further, nothing in this
2208 section shall be construed to prevent or limit the agency from
2209 adjusting fees, reimbursement rates, lengths of stay, number of
2210 visits, or number of services, or making any other adjustments
2211 necessary to comply with the availability of moneys and any
2212 limitations or directions provided for in the General



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2213 Appropriations Act, provided the adjustment is consistent with
2214 legislative intent.

2215 (18) Unless otherwise provided for in the General
2216 Appropriations Act, a provider of transportation services shall
2217 be reimbursed the lesser of the amount billed by the provider or
2218 the Medicaid maximum allowable fee established by the agency,
2219 except when the agency has entered into a direct contract with
2220 the provider, or with a community transportation coordinator, for
2221 the provision of an all-inclusive service, or when services are
2222 provided pursuant to an agreement negotiated between the agency
2223 and the provider. The agency, as provided for in s. 427.0135,
2224 shall purchase transportation services through the community
2225 coordinated transportation system, if available, unless the
2226 agency, after consultation with the commission, determines that
2227 it cannot reach mutually acceptable contract terms with the
2228 commission. The agency may then contract for the same
2229 transportation services provided in a more cost-effective manner
2230 and of comparable or higher quality and standards ~~determines a~~
2231 ~~more cost-effective method for Medicaid clients.~~ Nothing in this
2232 subsection shall be construed to limit or preclude the agency
2233 from contracting for services using a prepaid capitation rate or
2234 from establishing maximum fee schedules, individualized
2235 reimbursement policies by provider type, negotiated fees, prior
2236 authorization, competitive bidding, increased use of mass
2237 transit, or any other mechanism that the agency considers
2238 efficient and effective for the purchase of services on behalf of
2239 Medicaid clients, including implementing a transportation
2240 eligibility process. The agency shall not be required to contract
2241 with any community transportation coordinator or transportation
2242 operator that has been determined by the agency, the Department



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2243 of Legal Affairs Medicaid Fraud Control Unit, or any other state
2244 or federal agency to have engaged in any abusive or fraudulent
2245 billing activities. The agency is authorized to competitively
2246 procure transportation services or make other changes necessary
2247 to secure approval of federal waivers needed to permit federal
2248 financing of Medicaid transportation services at the service
2249 matching rate rather than the administrative matching rate.
2250 Notwithstanding chapter 427, the agency is authorized to continue
2251 contracting for Medicaid nonemergency transportation services in
2252 agency service area 11 with managed care plans that were under
2253 contract for those services before July 1, 2004.

2254 Section 50. Subsections (8), (12), and (13) of section
2255 427.011, Florida Statutes, are amended to read:

2256 427.011 Definitions.--For the purposes of ss. 427.011-
2257 427.017:

2258 (8) "Purchasing agency" ~~"Member department"~~ means a
2259 department or agency whose head is an ex officio, nonvoting
2260 advisor to a member of the commission, or an agency that
2261 purchases transportation services for the transportation
2262 disadvantaged.

2263 ~~(12) "Annual budget estimate" means a budget estimate of~~
2264 ~~funding resources available for providing transportation services~~
2265 ~~to the transportation disadvantaged and which is prepared~~
2266 ~~annually to cover a period of 1 state fiscal year.~~

2267 ~~(12)~~~~(13)~~ "Nonsponsored transportation disadvantaged
2268 services" means transportation disadvantaged services that are
2269 not sponsored or subsidized by any funding source other than the
2270 Transportation Disadvantaged Trust Fund.

2271 Section 51. Subsection (4) of section 427.012, Florida
2272 Statutes, is amended to read:



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2273 427.012 The Commission for the Transportation
2274 Disadvantaged.--There is created the Commission for the
2275 Transportation Disadvantaged in the Department of Transportation.

2276 (4) The commission shall meet at least quarterly, or more
2277 frequently at the call of the chairperson. Four ~~Five~~ members of
2278 the commission constitute a quorum, and a majority vote of the
2279 members present is necessary for any action taken by the
2280 commission.

2281 Section 52. Subsections (7), (8), (9), (14), and (26) of
2282 section 427.013, Florida Statutes, are amended, and subsection
2283 (29) is added to that section, to read:

2284 427.013 The Commission for the Transportation
2285 Disadvantaged; purpose and responsibilities.--The purpose of the
2286 commission is to accomplish the coordination of transportation
2287 services provided to the transportation disadvantaged. The goal
2288 of this coordination is ~~shall be~~ to assure the cost-effective
2289 provision of transportation by qualified community transportation
2290 coordinators or transportation operators for the transportation
2291 disadvantaged without any bias or presumption in favor of
2292 multioperator systems or not-for-profit transportation operators
2293 over single operator systems or for-profit transportation
2294 operators. In carrying out this purpose, the commission shall:

2295 (7) Unless otherwise provided by state or federal law,
2296 ensure ~~Assure~~ that all procedures, guidelines, and directives
2297 issued by purchasing agencies ~~member departments~~ are conducive to
2298 the coordination of transportation services.

2299 (8) (a) Ensure ~~Assure~~ that purchasing agencies ~~member~~
2300 ~~departments~~ purchase all trips within the coordinated system,
2301 unless they have fulfilled the requirements of s. 427.0135(3) and



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2302 use a more cost-effective alternative provider that meets
2303 comparable quality and standards.

2304 (b) Unless the purchasing agency has negotiated with the
2305 commission pursuant to the requirements of s. 427.0135(3),
2306 provide, by rule, criteria and procedures for purchasing agencies
2307 ~~member departments~~ to use if they wish to use an alternative
2308 provider. Agencies ~~Departments~~ must demonstrate ~~either~~ that the
2309 proposed alternative provider can provide a trip of comparable
2310 ~~acceptable~~ quality and standards for the clients at a lower cost
2311 than that provided within the coordinated system, or that the
2312 coordinated system cannot accommodate the agency's ~~department's~~
2313 clients.

2314 (9) Unless the purchasing agency has negotiated with the
2315 commission pursuant to the requirements of s. 427.0135(3),
2316 develop by rule standards for community transportation
2317 coordinators and any transportation operator or coordination
2318 contractor from whom service is purchased or arranged by the
2319 community transportation coordinator covering coordination,
2320 operation, safety, insurance, eligibility for service, costs, and
2321 utilization of transportation disadvantaged services. These
2322 standards and rules must include, but are not limited to:

2323 ~~(a) Inclusion, by rule, of acceptable ranges of trip costs~~
2324 ~~for the various modes and types of transportation services~~
2325 ~~provided.~~

2326 (a) ~~(b)~~ Minimum performance standards for the delivery of
2327 services. These standards must be included in coordinator
2328 contracts and transportation operator contracts with clear
2329 penalties for repeated or continuing violations.

2330 (b) ~~(e)~~ Minimum liability insurance requirements for all
2331 transportation services purchased, provided, or coordinated for



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2332 the transportation disadvantaged through the community
2333 transportation coordinator.

2334 (14) Consolidate, for each state agency, ~~the annual budget~~
2335 ~~estimates for transportation disadvantaged services,~~ and the
2336 amounts of each agency's actual expenditures, together with the
2337 actual expenditures annual budget estimates of each official
2338 ~~planning agency,~~ local government, and directly federally funded
2339 agency and the amounts collected by each official planning agency
2340 ~~issue a report.~~

2341 (26) Develop a quality assurance and management review
2342 program to monitor, based upon approved commission standards,
2343 services contracted for by an agency, and those provided by a
2344 community transportation operator pursuant to s. 427.0155. ~~Staff~~
2345 ~~of the quality assurance and management review program shall~~
2346 ~~function independently and be directly responsible to the~~
2347 ~~executive director.~~

2348 (29) Incur expenses for the purchase of advertisements,
2349 marketing services, and promotional items.

2350 Section 53. Section 427.0135, Florida Statutes, is amended
2351 to read:

2352 427.0135 Purchasing agencies ~~Member departments;~~ duties and
2353 responsibilities.--Each purchasing agency ~~member department,~~ in
2354 carrying out the policies and procedures of the commission,
2355 shall:

2356 (1) ~~(a)~~ Use the coordinated transportation system for
2357 provision of services to its clients, unless each department or
2358 purchasing agency meets the criteria outlined in rule or statute
2359 to use an alternative provider.

2360 ~~(b) Subject to the provisions of s. 409.908(18), the~~
2361 ~~Medicaid agency shall purchase transportation services through~~



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2362 ~~the community coordinated transportation system unless a more~~
2363 ~~cost-effective method is determined by the agency for Medicaid~~
2364 ~~clients or unless otherwise limited or directed by the General~~
2365 ~~Appropriations Act.~~

2366 (2) Pay the rates established in the service plan or
2367 negotiated statewide contract, unless the purchasing agency has
2368 completed the procedure for using an alternative provider and
2369 demonstrated that a proposed alternative provider can provide a
2370 more cost-effective transportation service of comparable quality
2371 and standards or unless the agency has satisfied the requirements
2372 of subsection (3).

2373 (3) Not procure transportation disadvantaged services
2374 without initially negotiating with the commission, as provided in
2375 s. 287.057(5)(f)13., or unless otherwise authorized by statute.
2376 If the purchasing agency, after consultation with the commission,
2377 determines that it cannot reach mutually acceptable contract
2378 terms with the commission, the purchasing agency may contract for
2379 the same transportation services provided in a more cost-
2380 effective manner and of comparable or higher quality and
2381 standards. The Medicaid agency shall implement this subsection in
2382 a manner consistent with s. 409.908(18) and as otherwise limited
2383 or directed by the General Appropriations Act.

2384 (4) Identify in the legislative budget request provided to
2385 the Governor each year for the General Appropriations Act the
2386 specific amount of money the purchasing agency will allocate to
2387 provide transportation disadvantaged services.

2388 (5) ~~(2)~~ Provide the commission, by September 15 of each
2389 year, an accounting of all funds spent as well as how many trips
2390 were purchased with agency funds.



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2391 | (6)(3) Assist communities in developing coordinated
2392 | transportation systems designed to serve the transportation
2393 | disadvantaged. However, a purchasing agency ~~member department~~ may
2394 | not serve as the community transportation coordinator in any
2395 | designated service area.

2396 | (7)(4) Ensure ~~Assure~~ that its rules, procedures,
2397 | guidelines, and directives are conducive to the coordination of
2398 | transportation funds and services for the transportation
2399 | disadvantaged.

2400 | (8)(5) Provide technical assistance, as needed, to
2401 | community transportation coordinators or transportation operators
2402 | or participating agencies.

2403 | Section 54. Subsections (2) and (3) of section 427.015,
2404 | Florida Statutes, are amended to read:

2405 | 427.015 Function of the metropolitan planning organization
2406 | or designated official planning agency in coordinating
2407 | transportation for the transportation disadvantaged.--

2408 | (2) Each metropolitan planning organization or designated
2409 | official planning agency shall recommend to the commission a
2410 | single community transportation coordinator. However, a
2411 | purchasing agency ~~member department~~ may not serve as the
2412 | community transportation coordinator in any designated service
2413 | area. The coordinator may provide all or a portion of needed
2414 | transportation services for the transportation disadvantaged but
2415 | shall be responsible for the provision of those coordinated
2416 | services. Based on approved commission evaluation criteria, the
2417 | coordinator shall subcontract or broker those services that are
2418 | more cost-effectively and efficiently provided by subcontracting
2419 | or brokering. The performance of the coordinator shall be
2420 | evaluated based on the commission's approved evaluation criteria



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2421 | by the coordinating board at least annually. A copy of the
2422 | evaluation shall be submitted to the metropolitan planning
2423 | organization or the designated official planning agency, and the
2424 | commission. The recommendation or termination of any community
2425 | transportation coordinator shall be subject to approval by the
2426 | commission.

2427 | (3) Each metropolitan planning organization or designated
2428 | official planning agency shall request each local government in
2429 | its jurisdiction to provide the actual expenditures ~~an estimate~~
2430 | of all local and direct federal funds to be expended for
2431 | transportation for the disadvantaged. The metropolitan planning
2432 | organization or designated official planning agency shall
2433 | consolidate this information into a single report and forward it,
2434 | by September 15 ~~the beginning of each fiscal year~~, to the
2435 | commission.

2436 | Section 55. Subsection (7) of section 427.0155, Florida
2437 | Statutes, is amended to read:

2438 | 427.0155 Community transportation coordinators; powers and
2439 | duties.--Community transportation coordinators shall have the
2440 | following powers and duties:

2441 | (7) In cooperation with the coordinating board and pursuant
2442 | to criteria developed by the Commission for the Transportation
2443 | Disadvantaged, establish eligibility guidelines and priorities
2444 | with regard to the recipients of nonsponsored transportation
2445 | disadvantaged services that are purchased with Transportation
2446 | Disadvantaged Trust Fund moneys.

2447 | Section 56. Subsection (4) of section 427.0157, Florida
2448 | Statutes, is amended to read:

2449 | 427.0157 Coordinating boards; powers and duties.--The
2450 | purpose of each coordinating board is to develop local service



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2451 needs and to provide information, advice, and direction to the
2452 community transportation coordinators on the coordination of
2453 services to be provided to the transportation disadvantaged. The
2454 commission shall, by rule, establish the membership of
2455 coordinating boards. The members of each board shall be appointed
2456 by the metropolitan planning organization or designated official
2457 planning agency. The appointing authority shall provide each
2458 board with sufficient staff support and resources to enable the
2459 board to fulfill its responsibilities under this section. Each
2460 board shall meet at least quarterly and shall:

2461 (4) Assist the community transportation coordinator in
2462 establishing eligibility guidelines and priorities with regard to
2463 the recipients of nonsponsored transportation disadvantaged
2464 services that are purchased with Transportation Disadvantaged
2465 Trust Fund moneys.

2466 Section 57. Subsections (2) and (3) of section 427.0158,
2467 Florida Statutes, are amended to read:

2468 427.0158 School bus and public transportation.--

2469 (2) The school boards shall cooperate in the utilization of
2470 their vehicles to enhance coordinated ~~disadvantaged~~
2471 transportation disadvantaged services by providing ~~the~~
2472 information as requested by the community transportation
2473 coordinator ~~required by this section~~ and by allowing the use of
2474 their vehicles at actual cost upon request when those vehicles
2475 are available for such use and are not transporting students.
2476 ~~Semiannually, no later than October 1 and April 30, a designee~~
2477 ~~from the local school board shall provide the community~~
2478 ~~transportation coordinator with copies to the coordinated~~
2479 ~~transportation board, the following information for vehicles not~~
2480 ~~scheduled 100 percent of the time for student transportation use:~~



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2481 ~~(a) The number and type of vehicles by adult capacity,~~
2482 ~~including days and times, that the vehicles are available for~~
2483 ~~coordinated transportation disadvantaged services;~~
2484 ~~(b) The actual cost per mile by vehicle type available;~~
2485 ~~(c) The actual driver cost per hour;~~
2486 ~~(d) Additional actual cost associated with vehicle use~~
2487 ~~outside the established workday or workweek of the entity; and~~
2488 ~~(e) Notification of lead time required for vehicle use.~~
2489 (3) The public transit fixed route or fixed schedule system
2490 shall cooperate in the utilization of its regular service to
2491 enhance coordinated transportation disadvantaged services by
2492 providing the information as requested by the community
2493 transportation coordinator ~~required by this section. Annually, no~~
2494 ~~later than October 1, a designee from the local public transit~~
2495 ~~fixed route or fixed schedule system shall provide~~ The community
2496 transportation coordinator may request, without limitation, with
2497 ~~copies to the coordinated transportation board,~~ the following
2498 information:
2499 (a) A copy of all current schedules, route maps, system
2500 map, and fare structure;
2501 (b) A copy of the current charter policy;
2502 (c) A copy of the current charter rates and hour
2503 requirements; and
2504 (d) Required notification time to arrange for a charter.
2505 Section 58. Subsection (4) is added to section 427.0159,
2506 Florida Statutes, to read:
2507 427.0159 Transportation Disadvantaged Trust Fund.--
2508 (4) A purchasing agency may deposit funds into the
2509 Transportation Disadvantaged Trust Fund for the commission to



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2510 implement, manage, and administer the purchasing agency's
2511 transportation disadvantaged funds, as defined in s. 427.011(10).

2512 Section 59. Paragraph (b) of subsection (1) and subsection
2513 (2) of section 427.016, Florida Statutes, are amended to read:

2514 427.016 Expenditure of local government, state, and federal
2515 funds for the transportation disadvantaged.--

2516 (1)

2517 (b) ~~Nothing in~~ This subsection does not shall be construed
2518 ~~to limit or preclude~~ a purchasing the Medicaid agency from
2519 establishing maximum fee schedules, individualized reimbursement
2520 policies by provider type, negotiated fees, ~~competitive bidding,~~
2521 or any other mechanism, including contracting after initial
2522 negotiation with the commission, which that the agency considers
2523 more cost-effective and of comparable or higher quality and
2524 standards than those of the commission ~~efficient and effective~~
2525 for the purchase of services on behalf of its Medicaid clients if
2526 it has fulfilled the requirements of s. 427.0135(3) or the
2527 procedure for using an alternative provider. State and local
2528 agencies shall not contract for any transportation disadvantaged
2529 services, including Medicaid reimbursable transportation
2530 services, with any community transportation coordinator or
2531 transportation operator that has been determined by the Agency
2532 for Health Care Administration, the Department of Legal Affairs
2533 Medicaid Fraud Control Unit, or any state or federal agency to
2534 have engaged in any abusive or fraudulent billing activities.

2535 (2) Each year, each agency, whether or not it is an ex
2536 officio, nonvoting advisor to ~~a member of~~ the Commission for the
2537 Transportation Disadvantaged, shall identify in the legislative
2538 budget request provided to the Governor for the General
2539 Appropriations Act ~~inform the commission in writing, before the~~



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2540 ~~beginning of each fiscal year, of~~ the specific amount of any
2541 money the agency will allocate ~~allocated~~ for the provision of
2542 transportation disadvantaged services. Additionally, each state
2543 agency shall, by September 15 of each year, provide the
2544 commission with an accounting of the actual amount of funds
2545 expended and the total number of trips purchased.

2546 Section 60. Subsection (1) of section 479.01, Florida
2547 Statutes, is amended to read:

2548 479.01 Definitions.--As used in this chapter, the term:

2549 (1) "Automatic changeable facing" means a facing that ~~which~~
2550 ~~through a mechanical system~~ is capable of delivering two or more
2551 advertising messages through an automated or remotely controlled
2552 process ~~and shall not rotate so rapidly as to cause distraction~~
2553 ~~to a motorist.~~

2554 Section 61. Subsections (1) and (5) of section 479.07,
2555 Florida Statutes, are amended to read:

2556 479.07 Sign permits.--

2557 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
2558 person may not erect, operate, use, or maintain, or cause to be
2559 erected, operated, used, or maintained, any sign on the State
2560 Highway System outside an urban ~~incorporated~~ area, as defined in
2561 s. 334.03(32), or on any portion of the interstate or federal-aid
2562 primary highway system without first obtaining a permit for the
2563 sign from the department and paying the annual fee as provided in
2564 this section. For purposes of this section, "on any portion of
2565 the State Highway System, interstate, or federal-aid primary
2566 system" shall mean a sign located within the controlled area
2567 which is visible from any portion of the main-traveled way of
2568 such system.



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2569 (5) (a) For each permit issued, the department shall furnish
2570 to the applicant a serially numbered permanent metal permit tag.
2571 The permittee is responsible for maintaining a valid permit tag
2572 on each permitted sign facing at all times. The tag shall be
2573 securely attached to the sign facing or, if there is no facing,
2574 on the pole nearest the highway; and it shall be attached in such
2575 a manner as to be plainly visible from the main-traveled way.
2576 Effective July 1, 2011, the tag shall be securely attached to the
2577 upper 50 percent of the pole nearest the highway in a manner as
2578 to be plainly visible from the main-traveled way. The permit will
2579 become void unless the permit tag is properly and permanently
2580 displayed at the permitted site within 30 days after the date of
2581 permit issuance. If the permittee fails to erect a completed sign
2582 on the permitted site within 270 days after the date on which the
2583 permit was issued, the permit will be void, and the department
2584 may not issue a new permit to that permittee for the same
2585 location for 270 days after the date on which the permit became
2586 void.

2587 (b) If a permit tag is lost, stolen, or destroyed, the
2588 permittee to whom the tag was issued may ~~must~~ apply to the
2589 department for a replacement tag. The department shall establish
2590 by rule a service fee for replacement tags in an amount that will
2591 recover the actual cost of providing the replacement tag. Upon
2592 receipt of the application accompanied by the ~~a~~ service fee ~~of~~
2593 ~~\$3~~, the department shall issue a replacement permit tag.
2594 Alternatively, the permittee may provide its own replacement tag
2595 pursuant to department specifications which the department shall
2596 establish by rule at the time it establishes the service fee for
2597 replacement tags.



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2598 Section 62. Section 479.08, Florida Statutes, is amended to
2599 read:

2600 479.08 Denial or revocation of permit.--The department has
2601 the authority to deny or revoke any permit requested or granted
2602 under this chapter in any case in which it determines that the
2603 application for the permit contains knowingly false or knowingly
2604 misleading information. The department may revoke any permit
2605 granted under this chapter in any case where ~~or that~~ the
2606 permittee has violated any of the provisions of this chapter,
2607 unless such permittee, within 30 days after the receipt of notice
2608 by the department, ~~corrects such false or misleading information~~
2609 ~~and~~ complies with the provisions of this chapter. For the purpose
2610 of this subsection, the notice of violation issued by the
2611 department shall describe in detail the alleged violation. Any
2612 person aggrieved by any action of the department in denying or
2613 revoking a permit under this chapter may, within 30 days after
2614 receipt of the notice, apply to the department for an
2615 administrative hearing pursuant to chapter 120. If a timely
2616 request for hearing has been filed and the department issues a
2617 final order revoking a permit, such revocation shall be effective
2618 30 days after the date of rendition. Except for department action
2619 pursuant to s. 479.107(1), the filing of a timely and proper
2620 notice of appeal shall operate to stay the revocation until the
2621 department's action is upheld.

2622 Section 63. Section 479.156, Florida Statutes, is amended
2623 to read:

2624 479.156 Wall murals.--Notwithstanding any other provision
2625 of this chapter, a municipality or county may permit and regulate
2626 wall murals within areas designated by such government. If a
2627 municipality or county permits wall murals, a wall mural that



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2628 displays a commercial message and is within 660 feet of the
2629 nearest edge of the right-of-way within an area adjacent to the
2630 interstate highway system or the federal-aid primary highway
2631 system shall be located in an area that is zoned for industrial
2632 or commercial use and the municipality or county shall establish
2633 and enforce regulations for such areas that, at a minimum, set
2634 forth criteria governing the size, lighting, and spacing of wall
2635 murals consistent with the intent of the Highway Beautification
2636 Act of 1965 and with customary use. Whenever a municipality or
2637 county exercises such control and makes a determination of
2638 customary use, pursuant to 23 U.S.C. s. 131(d), such
2639 determination shall be accepted in lieu of controls in the
2640 agreement between the state and the United States Department of
2641 Transportation, and the Department of Transportation shall notify
2642 the Federal Highway Administration pursuant to the agreement, 23
2643 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that
2644 is subject to municipal or county regulation and the Highway
2645 Beautification Act of 1965 must be approved by the Department of
2646 Transportation and the Federal Highway Administration where
2647 required by federal law and federal regulation pursuant to ~~and~~
2648 ~~may not violate~~ the agreement between the state and the United
2649 States Department of Transportation and ~~or violate~~ federal
2650 regulations enforced by the Department of Transportation under s.
2651 479.02(1). The existence of a wall mural as defined in s.
2652 479.01(27) shall not be considered in determining whether a sign
2653 as defined in s. 479.01(17), either existing or new, is in
2654 compliance with s. 479.07(9) (a).

2655 Section 64. Subsections (1), (3), (4), and (5) of section
2656 479.261, Florida Statutes, are amended to read:

2657 479.261 Logo sign program.--



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2658 (1) The department shall establish a logo sign program for
2659 the rights-of-way of the interstate highway system to provide
2660 information to motorists about available gas, food, lodging, ~~and~~
2661 camping, attractions, and other services, as approved by the
2662 Federal Highway Administration, at interchanges, through the use
2663 of business logos, and may include additional interchanges under
2664 the program. ~~A logo sign for nearby attractions may be added to~~
2665 ~~this program if allowed by federal rules.~~

2666 (a) An attraction as used in this chapter is defined as an
2667 establishment, site, facility, or landmark that ~~which~~ is open a
2668 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~
2669 ~~an admission for entry;~~ ~~which~~ has as its principal focus family-
2670 oriented entertainment, cultural, educational, recreational,
2671 scientific, or historical activities; and that ~~which~~ is publicly
2672 recognized as a bona fide tourist attraction. ~~However, the~~
2673 ~~permits for businesses seeking to participate in the attractions~~
2674 ~~logo sign program shall be awarded by the department annually to~~
2675 ~~the highest bidders, notwithstanding the limitation on fees in~~
2676 ~~subsection (5), which are qualified for available space at each~~
2677 ~~qualified location, but the fees therefor may not be less than~~
2678 ~~the fees established for logo participants in other logo~~
2679 ~~categories.~~

2680 (b) The department shall incorporate the use of RV-friendly
2681 markers on specific information logo signs for establishments
2682 that cater to the needs of persons driving recreational vehicles.
2683 Establishments that qualify for participation in the specific
2684 information logo program and that also qualify as "RV-friendly"
2685 may request the RV-friendly marker on their specific information
2686 logo sign. An RV-friendly marker must consist of a design
2687 approved by the Federal Highway Administration. The department



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2688 shall adopt rules in accordance with chapter 120 to administer
2689 this paragraph, including rules setting forth the minimum
2690 requirements that establishments must meet in order to qualify as
2691 RV-friendly. These requirements shall include large parking
2692 spaces, entrances, and exits that can easily accommodate
2693 recreational vehicles and facilities having appropriate overhead
2694 clearances, if applicable.

2695 (c) The department may implement a 3-year rotation-based
2696 logo program providing for the removal and addition of
2697 participating businesses in the program.

2698 (3) Logo signs may be installed upon the issuance of an
2699 annual permit by the department or its agent and payment of a ~~an~~
2700 ~~application and~~ permit fee to the department or its agent.

2701 (4) The department may contract pursuant to s. 287.057 for
2702 the provision of services related to the logo sign program,
2703 including recruitment and qualification of businesses, review of
2704 applications, permit issuance, and fabrication, installation, and
2705 maintenance of logo signs. The department may reject all
2706 proposals and seek another request for proposals or otherwise
2707 perform the work. ~~If the department contracts for the provision~~
2708 ~~of services for the logo sign program, the contract must require,~~
2709 ~~unless the business owner declines, that businesses that~~
2710 ~~previously entered into agreements with the department to~~
2711 ~~privately fund logo sign construction and installation be~~
2712 ~~reimbursed by the contractor for the cost of the signs which has~~
2713 ~~not been recovered through a previously agreed upon waiver of~~
2714 ~~fees.~~ The contract also may allow the contractor to retain a
2715 portion of the annual fees as compensation for its services.

2716 (5) Permit fees for businesses that participate in the
2717 program must be established in an amount sufficient to offset the



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2718 total cost to the department for the program, including contract
2719 costs. The department shall provide the services in the most
2720 efficient and cost-effective manner through department staff or
2721 by contracting for some or all of the services. The department
2722 shall adopt rules that set reasonable rates based upon factors
2723 such as population, traffic volume, market demand, and costs for
2724 annual permit fees. However, annual permit fees for sign
2725 locations inside an urban area, as defined in s. 334.03(32), may
2726 not exceed \$5,000 and annual permit fees for sign locations
2727 outside an urban area, as defined in s. 334.03(32), may not
2728 exceed \$2,500. After recovering program costs, the proceeds from
2729 the logo program shall be deposited into the State Transportation
2730 Trust Fund and used for transportation purposes. ~~Such annual~~
2731 permit fee shall not exceed \$1,250.

2732 Section 65. Section 212.0606, Florida Statutes, is amended
2733 to read:

2734 212.0606 Rental car surcharge; discretionary local rental
2735 car surcharge.--

2736 (1) A surcharge of \$2 ~~\$2.00~~ per day or any part of a day is
2737 imposed upon the lease or rental of a motor vehicle licensed for
2738 hire and designed to carry fewer ~~less~~ than nine passengers,
2739 regardless of whether such motor vehicle is licensed in Florida.
2740 The surcharge applies to only the first 30 days of the term of
2741 any lease or rental and. ~~The surcharge~~ is subject to all
2742 applicable taxes imposed by this chapter.

2743 (2) (a) Notwithstanding s. ~~the provisions of section~~ 212.20,
2744 and less costs of administration, 80 percent of the proceeds of
2745 the ~~this~~ surcharge imposed under subsection (1) shall be
2746 deposited in the State Transportation Trust Fund, 15.75 percent
2747 of the proceeds of this surcharge shall be deposited in the



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2748 Tourism Promotional Trust Fund created in s. 288.122, and 4.25
2749 percent of the proceeds of this surcharge shall be deposited in
2750 the Florida International Trade and Promotion Trust Fund. As used
2751 in ~~For the purposes of~~ this subsection, "proceeds" of the
2752 surcharge means all funds collected and received by the
2753 department under subsection (1) ~~this section~~, including interest
2754 and penalties on delinquent surcharges. The department shall
2755 provide the Department of Transportation rental car surcharge
2756 revenue information for the previous state fiscal year by
2757 September 1 of each year.

2758 (b) Notwithstanding any other provision of law, in fiscal
2759 year 2007-2008 and each year thereafter, the proceeds deposited
2760 in the State Transportation Trust Fund shall be allocated on an
2761 annual basis in the Department of Transportation's work program
2762 to each department district, except the Turnpike District. The
2763 amount allocated for each district shall be based upon the amount
2764 of proceeds attributed to the counties within each respective
2765 district.

2766 (3) (a) In addition to the surcharge imposed under
2767 subsection (1), each county containing an international airport
2768 may levy a discretionary local surcharge pursuant to county
2769 ordinance and subject to approval by a majority vote of the
2770 electorate of the county voting in a referendum on the local
2771 surcharge of \$2 per day, or any part of a day, upon the lease or
2772 rental, originating at an international airport, of a motor
2773 vehicle licensed for hire and designed to carry fewer than nine
2774 passengers, regardless of whether such motor vehicle is licensed
2775 in this state. The surcharge may be applied to only the first 30
2776 days of the term of the lease or rental and is subject to all
2777 applicable taxes imposed by this chapter.



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2778 (b) If the ordinance authorizing the imposition of the
2779 surcharge is approved by such referendum, a certified copy of the
2780 ordinance shall be furnished by the county to the department
2781 within 10 days after such approval, but no later than November 16
2782 prior to the effective date. The notice must specify the time
2783 period during which the surcharge will be in effect and must
2784 include a copy of the ordinance and such other information as the
2785 department requires by rule. Failure to timely provide such
2786 notification to the department shall result in delay of the
2787 effective date for a period of 1 year. The effective date for any
2788 county to impose the surcharge shall be January 1 following the
2789 year in which the ordinance was approved by referendum. A local
2790 surcharge may not terminate on a date other than December 31.

2791 (c) Any dealer that collects the local surcharge but fails
2792 to report surcharge collections by county, as required by
2793 paragraph (4) (b), shall have the surcharge proceeds deposited
2794 into the Solid Waste Management Trust Fund and then transferred
2795 to the Local Option Fuel Tax Trust Fund, which is separate from
2796 the county surcharge collection accounts. The department shall
2797 distribute funds in this account, less the cost of
2798 administration, using a distribution factor determined for each
2799 county that levies a surcharge based on the county's latest
2800 official population determined pursuant to s. 186.901 and
2801 multiplied by the amount of funds in the account and available
2802 for distribution.

2803 (d) Notwithstanding s. 212.20, and less the costs of
2804 administration, the proceeds of the local surcharge imposed under
2805 paragraph (a) shall be transferred to the Local Option Fuel Tax
2806 Trust Fund and distributed monthly by the department under s.



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2807 336.025(3)(a)1. or (4)(a) and used solely for costs associated
2808 with the construction, reconstruction, operation, maintenance,
2809 and repair of facilities under a commuter rail service program
2810 provided by the state or other governmental entity. As used in
2811 this subsection, "proceeds" of the local surcharge means all
2812 funds collected and received by the department under this
2813 subsection, including interest and penalties on delinquent
2814 surcharges.

2815 (4)(3)(a) Except as provided in this section, the
2816 department shall administer, collect, and enforce the surcharge
2817 and local surcharge as provided in this chapter.

2818 (b) The department shall require dealers to report
2819 surcharge collections according to the county to which the
2820 surcharge and local surcharge was attributed. For purposes of
2821 this section, the surcharge and local surcharge shall be
2822 attributed to the county where the rental agreement was entered
2823 into.

2824 (c) Dealers who collect a ~~the~~ rental car surcharge shall
2825 report to the department all surcharge and local surcharge
2826 revenues attributed to the county where the rental agreement was
2827 entered into on a timely filed return for each required reporting
2828 period. The provisions of this chapter which apply to interest
2829 and penalties on delinquent taxes shall apply to the surcharge
2830 and local surcharge. The surcharge and local surcharge shall not
2831 be included in the calculation of estimated taxes pursuant to s.
2832 212.11. The dealer's credit provided in s. 212.12 shall not apply
2833 to any amount collected under this section.

2834 (5)(4) The surcharge and any local surcharge imposed by
2835 this section does not apply to a motor vehicle provided at no
2836 charge to a person whose motor vehicle is being repaired,



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2837 | adjusted, or serviced by the entity providing the replacement
2838 | motor vehicle.

2839 | Section 66. Subsections (8), (9), (10), (11), (12), (13),
2840 | and (14) are added to section 341.301, Florida Statutes, to read:

2841 | 341.301 Definitions; ss. 341.302 and 341.303.--As used in
2842 | ss. 341.302 and 341.303, the term:

2843 | (8) "Commuter rail passenger" or "passengers" means and
2844 | includes any and all persons, ticketed or unticketed, using the
2845 | commuter rail service on a department owned rail corridor:

2846 | (a) On board trains, locomotives, rail cars, or rail
2847 | equipment employed in commuter rail service or entraining and
2848 | detraining therefrom;

2849 | (b) On or about the rail corridor for any purpose related
2850 | to the commuter rail service, including, without limitation,
2851 | parking, inquiring about commuter rail service or purchasing
2852 | tickets therefor, and coming to, waiting for, leaving from, or
2853 | observing trains, locomotives, rail cars, or rail equipment; or

2854 | (c) Meeting, assisting, or in the company of any person
2855 | described in paragraph (a) or paragraph (b).

2856 | (9) "Commuter rail service" means the transportation of
2857 | commuter rail passengers and other passengers by rail pursuant to
2858 | a rail program provided by the department or any other
2859 | governmental entities.

2860 | (10) "Rail corridor invitee" means and includes any and all
2861 | persons who are on or about a department-owned rail corridor:

2862 | (a) For any purpose related to any ancillary development
2863 | thereon; or

2864 | (b) Meeting, assisting, or in the company of any person
2865 | described in paragraph (a).



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2866 (11) "Rail corridor" means a linear contiguous strip of
2867 real property that is used for rail service. The term includes
2868 the corridor and structures essential to the operation of a
2869 railroad, including the land, structures, improvements, rights-
2870 of-way, easements, rail lines, rail beds, guideway structures,
2871 switches, yards, parking facilities, power relays, switching
2872 houses, rail stations, ancillary development, and any other
2873 facilities or equipment used for the purposes of construction,
2874 operation, or maintenance of a railroad that provides rail
2875 service.

2876 (12) "Railroad operations" means the use of the rail
2877 corridor to conduct commuter rail service, intercity rail
2878 passenger service, or freight rail service.

2879 (13) "Ancillary development" includes any lessee or
2880 licensee of the department, including, but not limited to, other
2881 governmental entities, vendors, retailers, restaurateurs, or
2882 contract service providers, within a department-owned rail
2883 corridor, except for providers of commuter rail service,
2884 intercity rail passenger service, or freight rail service.

2885 (14) "Governmental entity" or "entities" means as defined
2886 in s. 11.45, including a "public agency" as defined in s. 163.01.

2887 Section 67. Present subsection (17) of Section 341.302,
2888 Florida Statutes, is redesignated as subsection (19) and new
2889 subsections (17) and (18) are added to that section, to read:

2890 341.302 Rail program, duties and responsibilities of the
2891 department.--The department, in conjunction with other
2892 governmental entities ~~units~~ and the private sector, shall develop
2893 and implement a rail program of statewide application designed to
2894 ensure the proper maintenance, safety, revitalization, and
2895 expansion of the rail system to assure its continued and



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2896 increased availability to respond to statewide mobility needs.
2897 Within the resources provided pursuant to chapter 216, and as
2898 authorized under federal law Title 49 C.F.R. part 212, the
2899 department shall:

2900 (17) The department is authorized to purchase the required
2901 right-of-way, improvements, and appurtenances of the A-Line rail
2902 corridor from CSX Transportation, Inc., for a maximum purchase
2903 price of \$450 million for the primary purpose of implementing
2904 commuter rail service in what is commonly identified as the
2905 Central Florida Rail Corridor, and consisting of an approximately
2906 61.5-mile section of the existing A-Line rail corridor running
2907 from a point at or near Deland, Florida to a point at or near
2908 Poinciana, Florida.

2909 (18) Prior to operation of commuter rail in Central
2910 Florida, CSX and the department shall enter into a written
2911 agreement with the labor unions which will protect the interests
2912 of the employees who could be adversely affected.

2913 (19) In conjunction with the acquisition, ownership,
2914 construction, operation, maintenance, and management of a rail
2915 corridor, the department shall have the authority to:

2916 (a) Assume the obligation by contract to forever protect,
2917 defend, and indemnify and hold harmless the freight rail
2918 operator, or its successors, from whom the department has
2919 acquired a real property interest in the rail corridor, and that
2920 freight rail operator's officers, agents, and employees, from and
2921 against any liability, cost, and expense including, but not
2922 limited to, commuter rail passengers, rail corridor invitees, and
2923 trespassers in the rail corridor, regardless of whether the loss,
2924 damage, destruction, injury, or death giving rise to any such
2925 liability, cost, or expense is caused in whole or in part and to



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2926 whatever nature or degree by the fault, failure, negligence,
2927 misconduct, nonfeasance, or misfeasance of such freight rail
2928 operator, its successors, or its officers, agents, and employees,
2929 or any other person or persons whomsoever, provided that such
2930 assumption of liability of the department by contract shall not
2931 in any instance exceed the following parameters of allocation of
2932 risk:

2933 1. The department may be solely responsible for any loss,
2934 injury, or damage to commuter rail passengers, rail corridor
2935 invitees, or trespassers, regardless of circumstances or cause,
2936 subject to subparagraphs 2., 3., and 4.

2937 2. When only one train is involved in an incident, the
2938 department may be solely responsible for any loss, injury, or
2939 damage if the train is a department train or other train pursuant
2940 to subparagraph 3., but only if in an instance when only a
2941 freight rail operator train is involved the freight rail operator
2942 is solely responsible for any loss, injury, or damage, except for
2943 commuter rail passengers, rail corridor invitees, and
2944 trespassers, and the freight rail operator is solely responsible
2945 for its property and all of its people in any instance when its
2946 train is involved in an incident.

2947 3. For the purposes of this subsection, any train involved
2948 in an incident that is neither the department's train nor the
2949 freight rail operator's train, hereinafter referred to in this
2950 subsection as an "other train," may be treated as a department
2951 train, solely for purposes of any allocation of liability between
2952 the department and the freight rail operator only, but only if
2953 the department and the freight rail operator share responsibility
2954 equally as to third parties outside the rail corridor who incur
2955 loss, injury, or damage as a result of any incident involving



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2956 both a department train and a freight rail operator train, and
2957 the allocation as between the department and the freight rail
2958 operator, regardless of whether the other train is treated as a
2959 department train, shall remain one-half each as to third parties
2960 outside the rail corridor who incur loss, injury, or damage as a
2961 result of the incident, and the involvement of any other train
2962 shall not alter the sharing of equal responsibility as to third
2963 parties outside the rail corridor who incur loss, injury, or
2964 damage as a result of the incident.

2965 4. When more than one train is involved in an incident:

2966 a. If only a department train and a freight rail operator's
2967 train, or only another train as described in subparagraph 3. and
2968 a freight rail operator's train, are involved in an incident, the
2969 department may be responsible for its property and all of its
2970 people, all commuter rail passengers, rail corridor invitees, and
2971 trespassers, but only if the freight rail operator is responsible
2972 for its property and all of its people, and the department and
2973 the freight rail operator share responsibility one-half each as
2974 to third parties outside the rail corridor who incur loss,
2975 injury, or damage as a result of the incident.

2976 b. If a department train, a freight rail operator train,
2977 and any other train are involved in an incident, the allocation
2978 of liability as between the department and the freight rail
2979 operator, regardless of whether the other train is treated as a
2980 department train, shall remain one-half each as to third parties
2981 outside the rail corridor who incur loss, injury, or damage as a
2982 result of the incident; the involvement of any other train shall
2983 not alter the sharing of equal responsibility as to third parties
2984 outside the rail corridor who incur loss, injury, or damage as a
2985 result of the incident; and, if the owner, operator, or insurer



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2986 of the other train makes any payment to injured third parties
2987 outside the rail corridor who incur loss, injury, or damage as a
2988 result of the incident, the allocation of credit between the
2989 department and the freight rail operator as to such payment shall
2990 not in any case reduce the freight rail operator's third party
2991 sharing allocation of one-half under this paragraph to less than
2992 one-third of the total third party liability.

2993 5. Any such contractual duty to protect, defend, indemnify,
2994 and hold harmless such a freight rail operator shall expressly
2995 include a specific cap on the amount of the contractual duty,
2996 which amount shall not exceed \$200 million without prior
2997 legislative approval; require the department to purchase
2998 liability insurance and establish a self-insurance retention fund
2999 in the amount of the specific cap established under this
3000 paragraph; provide that no such contractual duty shall in any
3001 case be effective nor otherwise extend the department's liability
3002 in scope and effect beyond the contractual liability insurance
3003 and self-insurance retention fund required pursuant to this
3004 paragraph; and provide that the freight rail operator's
3005 compensation to the department for future use of the department's
3006 rail corridor shall include a monetary contribution to the cost
3007 of such liability coverage for the sole benefit of the freight
3008 rail operator.

3009 (b) Purchase liability insurance which amount shall not
3010 exceed \$250 million and establish a self-insurance retention fund
3011 for the purpose of paying the deductible limit established in the
3012 insurance policies it may obtain, including coverage for the
3013 department, any freight rail operator as described in paragraph
3014 (a), commuter rail service providers, governmental entities, or
3015 ancillary development; however, the insureds shall pay a



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3016 reasonable monetary contribution to the cost of such liability
3017 coverage for the sole benefit of the insured. Such insurance and
3018 self-insurance retention fund may provide coverage for all
3019 damages, including, but not limited to, compensatory, special,
3020 and exemplary, and be maintained to provide an adequate fund to
3021 cover claims and liabilities for loss, injury, or damage arising
3022 out of or connected with the ownership, operation, maintenance,
3023 and management of a rail corridor.

3024 (c) Incur expenses for the purchase of advertisements,
3025 marketing, and promotional items.

3026
3027 Neither the assumption by contract to protect, defend, indemnify,
3028 and hold harmless; the purchase of insurance; nor the
3029 establishment of a self-insurance retention fund shall be deemed
3030 to be a waiver of any defense of sovereign immunity for torts nor
3031 deemed to increase the limits of the department's or the
3032 governmental entity's liability for torts as provided in s.
3033 768.28. The requirements of s. 287.022(1) shall not apply to the
3034 purchase of any insurance hereunder. The provisions of this
3035 subsection shall apply and inure fully as to any other
3036 governmental entity providing commuter rail service and
3037 constructing, operating, maintaining, or managing a rail corridor
3038 on publicly owned right-of-way under contract by the governmental
3039 entity with the department or a governmental entity designated by
3040 the department.

3041 Section 68. Paragraph (d) of subsection (10) of section
3042 768.28, Florida Statutes, is amended to read:

3043 768.28 Waiver of sovereign immunity in tort actions;
3044 recovery limits; limitation on attorney fees; statute of



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3045 limitations; exclusions; indemnification; risk management
3046 programs.--

3047 (10)

3048 (d) For the purposes of this section, operators,
3049 dispatchers, and providers of security for rail services and rail
3050 facility maintenance providers in the South Florida Rail Corridor
3051 or the Central Florida Rail Corridor, or any of their employees
3052 or agents, performing such services under contract with and on
3053 behalf of the ~~South Florida Regional Transportation Authority or~~
3054 ~~the~~ Department of Transportation shall be considered agents of
3055 the state while acting within the scope of and pursuant to
3056 guidelines established in the said contract or by rule; provided,
3057 however, that the state, for itself, the Department of
3058 Transportation, and such agents, hereby waives sovereign immunity
3059 for liability for torts within the limits of insurance and self
3060 insurance coverage provided for each rail corridor, which
3061 coverage shall not be less than \$250 million per year aggregate
3062 coverage per corridor with limits of not less than \$250,000 per
3063 person and \$500,000 per incident or occurrence. Notwithstanding
3064 subsection (8), an attorney may charge, demand, receive, or
3065 collect, for services rendered, fees up to 40 percent of any
3066 judgment or settlement related to the South Florida Rail Corridor
3067 or the Central Florida Rail Corridor. This subsection shall not
3068 be construed as designating persons providing contracted
3069 operator, dispatcher, security officer, rail facility
3070 maintenance, or other services as employees or agents for the
3071 state for purposes of the Federal Employers Liability Act, the
3072 Federal Railway Labor Act, or chapter 440.

3073 Section 69. Notwithstanding any provision of chapter 74-
3074 400, Laws of Florida, public funds may be used for the alteration



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3075 of Old Cutler Road, between Southwest 136th Street and Southwest
3076 184th Street, in the Village of Palmetto Bay.

3077 (1) The alteration may include the installation of
3078 sidewalks, curbing, and landscaping to enhance pedestrian access
3079 to the road.

3080 (2) The official approval of the project by the Department
3081 of State must be obtained before any alteration is started.

3082 Section 70. This act shall take effect July 1, 2008.

3083
3084 ===== T I T L E A M E N D M E N T =====

3085 And the title is amended as follows:

3086 Delete everything before the enacting clause
3087 and insert:

3088 A bill to be entitled
3089 An act relating to the Department of Transportation;
3090 amending s. 20.23, F.S.; providing Senior Management
3091 Service status to the Executive Director of the Florida
3092 Transportation Commission; amending s. 125.42, F.S.;
3093 providing an exception to utility owners from the
3094 responsibility for relocating utilities along county roads
3095 and highways; amending s. 163.3177, F.S.; revising
3096 requirements for comprehensive plans; providing for
3097 airports, land adjacent to airports, and certain
3098 interlocal agreements relating thereto in certain elements
3099 of the plan; amending s. 163.3178, F.S.; providing that
3100 facilities determined by the Department of Community
3101 Affairs and the applicable general-purpose local
3102 government to be port-related industrial or commercial
3103 projects located within 3 miles of or in the port master
3104 plan area which rely upon the utilization of port and



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3105 intermodal transportation facilities are not developments
3106 of regional impact under certain circumstances; amending
3107 s. 163.3180, F.S.; requiring the Department of
3108 Transportation to establish a transportation methodology
3109 to serve as the basis for sustainable development impact
3110 assessments; defining the terms "present value" and
3111 "backlogged transportation facility"; amending s.
3112 163.3182, F.S., relating to transportation concurrency
3113 backlog authorities; providing legislative findings and
3114 declarations; expanding the power of authorities to borrow
3115 money to include issuing certain debt obligations;
3116 providing a maximum maturity date for certain debt
3117 incurred to finance or refinance certain transportation
3118 concurrency backlog projects; authorizing authorities to
3119 continue operations and administer certain trust funds for
3120 the period of the remaining outstanding debt; requiring
3121 local transportation concurrency backlog trust funds to
3122 continue to be funded for certain purposes; providing for
3123 increased ad valorem tax increment funding for such trust
3124 funds under certain circumstances; revising provisions for
3125 dissolution of an authority; providing legislative
3126 findings relating to investment of funds from the Lawton
3127 Chiles Endowment Fund in Florida infrastructure by the
3128 State Board of Administration; providing that such
3129 investment is the policy of the State Board of
3130 Administration; amending s. 215.44, F.S.; including
3131 infrastructure investments in annual reporting
3132 requirements of State Board of Administration; amending s.
3133 215.47, F.S.; increasing the maximum allowable percent of
3134 any fund in alternative investments or infrastructure



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3135 | investments; defining infrastructure investments; amending
3136 | s. 215.5601, F.S.; directing the State Board of
3137 | Administration to lease Alligator Alley for up to 50 years
3138 | from the Department of Transportation using funds from the
3139 | Lawton Chiles Endowment; limiting the investment of funds
3140 | to between 20 and 50 percent of the endowment's assets;
3141 | requiring a report to the Legislature; authorizing the
3142 | board to contract with other government, public, and
3143 | private entities to operate and maintain the toll
3144 | facility; creating s. 334.305, F.S.; providing a finding
3145 | of public need for leasing transportation facilities to
3146 | expedite provision of additional facilities; providing
3147 | that infrastructure investment agreements may not be
3148 | impaired by state or local act; authorizing a lease
3149 | agreement of up to 50 years for Alligator Alley;
3150 | authorizing the engagement of private consultants to
3151 | develop the agreement; directing funds received by the
3152 | department under such provisions to the State
3153 | Transportation Trust Fund; providing requirements for the
3154 | lease agreement; requiring adherence to state and federal
3155 | laws and standards for the operation and maintenance of
3156 | transportation facilities; requiring the regulation of
3157 | toll increases; authorizing state action to remedy
3158 | impairments to the lease agreement; requiring an
3159 | independent cost-effectiveness analysis and traffic and
3160 | revenue study; limiting the use of funds received under
3161 | the act to transportation uses; requiring specifications
3162 | for construction, engineering, maintenance, and law
3163 | enforcement activities in lease agreements; allowing the
3164 | department to submit to the Legislative Budget Commission



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3165 a plan for advancing transportation projects using funds
3166 received from a lease; requiring remaining toll revenue to
3167 be used in accordance with the lease agreement and s.
3168 338.26, F.S.; confirming the ability of the State Board of
3169 Administration to invest in government-owned
3170 infrastructure; providing legislative intent relating to
3171 road rage and aggressive careless driving; amending s.
3172 316.003, F.S.; defining the term "road rage"; amending s.
3173 316.083, F.S.; requiring an operator of a motor vehicle to
3174 yield the left lane when being overtaken on a multilane
3175 highway; providing exceptions; amending s. 316.1923, F.S.;
3176 revising the number of specified acts necessary to qualify
3177 as an aggressive careless driver; providing specified
3178 punishments for aggressive careless driving; specifying
3179 the allocation of moneys received from the increased fine
3180 imposed for aggressive careless driving; amending s.
3181 318.19, F.S.; providing that a second or subsequent
3182 infraction as an aggressive careless driver requires
3183 attendance at a mandatory hearing; providing for the
3184 disposition of the increased penalties; requiring the
3185 Department of Highway Safety and Motor Vehicles to provide
3186 information about road rage and aggressive careless
3187 driving in driver's license educational materials;
3188 reenacting s. 316.650(1)(a), F.S., relating to traffic
3189 citations, to incorporate the amendments made to s.
3190 316.1923, F.S., in a reference thereto; amending s.
3191 316.0741, F.S.; redefining the term "hybrid vehicle";
3192 authorizing the driving of a hybrid, low-emission, or
3193 energy-efficient vehicle in a high-occupancy-vehicle lane
3194 regardless of occupancy; authorizing the department to



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3195 | limit or discontinue such driving under certain
3196 | circumstances; exempting such vehicles from the payment of
3197 | certain tolls; amending s. 316.193, F.S.; lowering the
3198 | blood-alcohol or breath-alcohol level for which enhanced
3199 | penalties are imposed against a person who was accompanied
3200 | in the vehicle by a minor at the time of the offense;
3201 | clarifying that an ignition interlock device is installed
3202 | for a continuous period; amending s. 316.302, F.S.;
3203 | revising the application of certain federal rules;
3204 | providing for the department to perform certain duties
3205 | assigned under federal rules; updating a reference to
3206 | federal provisions governing out-of-service requirements
3207 | for commercial vehicles; amending ss. 316.613 and 316.614,
3208 | F.S.; revising the definition of "motor vehicle" for
3209 | purposes of child restraint and safety belt usage
3210 | requirements; amending s. 316.656, F.S.; lowering the
3211 | percentage of blood or breath alcohol content relating to
3212 | the prohibition against pleading guilty to a lesser
3213 | offense of driving under the influence than the offense
3214 | charged; amending s. 320.03, F.S.; revising the amount of
3215 | a nonrefundable fee that is charged on the initial and
3216 | renewal registration for certain automobiles and trucks;
3217 | amending s. 322.64, F.S.; providing that refusal to submit
3218 | to a breath, urine, or blood test disqualifies a person
3219 | from operating a commercial motor vehicle; providing a
3220 | period of disqualification if a person has an unlawful
3221 | blood-alcohol or breath-alcohol level; providing for
3222 | issuance of a notice of disqualification; revising the
3223 | requirements for a formal review hearing following a
3224 | person's disqualification from operating a commercial



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3225 | motor vehicle; amending s. 336.41, F.S.; providing that a
3226 | county, municipality, or special district may not own or
3227 | operate an asphalt plant or a portable or stationary
3228 | concrete batch plant having an independent mixer; amending
3229 | s. 337.11, F.S.; establishing a goal for the procurement
3230 | of design-build contracts; amending s. 337.18, F.S.;
3231 | revising the recording requirements of payment and
3232 | performance bonds; amending s. 337.185, F.S.; providing
3233 | for maintenance contracts to be included in the types of
3234 | claims settled by the State Arbitration Board; amending s.
3235 | 337.403, F.S.; providing for the department or a local
3236 | governmental entity to pay the costs of removing or
3237 | relocating a utility that is interfering with the use of a
3238 | road or rail corridor; amending s. 338.01, F.S.; requiring
3239 | that newly installed electronic toll collection systems be
3240 | interoperable with the department's electronic toll
3241 | collection system; amending s. 338.165, F.S.; providing
3242 | that provisions requiring the continuation of tolls
3243 | following the discharge of bond indebtedness does not
3244 | apply to high-occupancy toll lanes or express lanes;
3245 | creating s. 338.166, F.S.; authorizing the department to
3246 | request that bonds be issued which are secured by toll
3247 | revenues from high-occupancy toll or express lanes in a
3248 | specified location; providing for the department to
3249 | continue to collect tolls after discharge of indebtedness;
3250 | authorizing the use of excess toll revenues for
3251 | improvements to the State Highway System; authorizing the
3252 | implementation of variable rate tolls on high-occupancy
3253 | toll lanes or express lanes; amending s. 338.2216, F.S.;
3254 | directing the turnpike enterprise to develop new



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3255 technologies and processes for the collection of tolls and
3256 usage fees; prohibiting the enterprise from entering into
3257 certain joint contracts for the sale of fuel and other
3258 goods; providing an exception; providing restrictions on
3259 contracts pertaining to service plazas; amending s.
3260 338.223, F.S.; conforming a cross-reference; amending s.
3261 338.231, F.S.; eliminating reference to uniform toll rates
3262 on the Florida Turnpike System; authorizing the department
3263 to fix by rule and collect the amounts needed to cover
3264 toll collection costs; directing the turnpike enterprise
3265 to increase tolls; amending s. 339.12, F.S.; clarifying a
3266 provision specifying a maximum total amount of project
3267 agreements for certain projects; authorizing the
3268 department to enter into certain agreements with counties
3269 having a specified maximum population; defining the term
3270 "project phase"; requiring that a project or project phase
3271 be a high priority of a governmental entity; providing for
3272 reimbursement for a project or project phase; specifying a
3273 maximum total amount for certain projects and project
3274 phases; requiring that such project be included in the
3275 local government's adopted comprehensive plan; authorizing
3276 the department to enter into long-term repayment
3277 agreements up to a specified maximum length; amending s.
3278 339.135, F.S.; revising certain notice provisions that
3279 require the Department of Transportation to notify local
3280 governments regarding amendments to an adopted 5-year work
3281 program; amending s. 339.155, F.S.; revising provisions
3282 for development of the Florida Transportation Plan;
3283 amending s. 339.2816, F.S., relating to the small county
3284 road assistance program; providing for resumption of



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3285 certain funding for the program; revising the criteria for
3286 counties eligible to participate in the program; amending
3287 ss. 339.2819 and 339.285, F.S.; conforming cross-
3288 references; amending s. 348.0003, F.S.; providing for
3289 financial disclosure for expressway, transportation,
3290 bridge, and toll authorities; amending s. 348.0004, F.S.;
3291 providing for certain expressway authorities to index toll
3292 rate increases; repealing part III of ch. 343 F.S.;
3293 abolishing the Tampa Bay Commuter Transit Authority;
3294 requiring the department to conduct a study of
3295 transportation alternatives for the Interstate 95
3296 corridor; amending s. 409.908, F.S.; authorizing the
3297 Agency for Health Care Administration to continue to
3298 contract for Medicaid nonemergency transportation services
3299 in a specified agency service area with managed care plans
3300 under certain conditions; amending s. 427.011, F.S.;
3301 revising definitions; defining the term "purchasing
3302 agency"; amending s. 427.012, F.S.; revising the number of
3303 members required for a quorum at a meeting of the
3304 Commission for the Transportation Disadvantaged; amending
3305 s. 427.013, F.S.; revising responsibilities of the
3306 commission; deleting a requirement that the commission
3307 establish by rule acceptable ranges of trip costs;
3308 removing a provision for functioning and oversight of the
3309 quality assurance and management review program; requiring
3310 the commission to incur expenses for promotional services
3311 and items; amending s. 427.0135, F.S.; revising and
3312 creating duties and responsibilities for agencies that
3313 purchase transportation services for the transportation
3314 disadvantaged; providing requirements for the payment of



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3315 rates; requiring an agency to negotiate with the
3316 commission before procuring transportation disadvantaged
3317 services; requiring an agency to identify its allocation
3318 for transportation disadvantaged services in its
3319 legislative budget request; amending s. 427.015, F.S.;
3320 revising provisions relating to the function of the
3321 metropolitan planning organization or designated official
3322 planning agency; amending s. 427.0155, F.S.; revising
3323 duties of community transportation coordinators; amending
3324 s. 427.0157, F.S.; revising duties of coordinating boards;
3325 amending s. 427.0158, F.S.; deleting provisions requiring
3326 the school board to provide information relating to school
3327 buses to the transportation coordinator; providing for the
3328 transportation coordinator to request certain information
3329 regarding public transportation; amending s. 427.0159,
3330 F.S.; revising provisions relating to the Transportation
3331 Disadvantaged Trust Fund; providing for the deposit of
3332 funds by an agency purchasing transportation services;
3333 amending s. 427.016, F.S.; providing for construction and
3334 application of specified provisions to certain acts of a
3335 purchasing agency in lieu of the Medicaid agency;
3336 requiring that an agency identify the allocation of funds
3337 for transportation disadvantaged services in its
3338 legislative budget request; amending s. 479.01, F.S.;
3339 redefining the term "automatic changeable facing" as used
3340 in provisions governing outdoor advertising; amending s.
3341 479.07, F.S.; revising the locations within which signs
3342 require permitting; providing requirements for the
3343 placement of permit tags; requiring the department to
3344 establish by rule a service fee and specifications for



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3345 replacement tags; amending s. 479.08, F.S.; deleting a
3346 provision allowing a sign permittee to correct false
3347 information that was knowingly provided to the department;
3348 requiring the department to include certain information in
3349 the notice of violation; amending s. 479.156, F.S.;
3350 modifying local government control of the regulation of
3351 wall murals adjacent to certain federal highways; amending
3352 s. 479.261, F.S.; revising requirements for the logo sign
3353 program of the interstate highway system; deleting
3354 provisions providing for permits to be awarded to the
3355 highest bidders; requiring the department to implement a
3356 rotation-based logo program; requiring the department to
3357 adopt rules that set reasonable rates based on certain
3358 factors for annual permit fees; requiring that such fees
3359 not exceed a certain amount for sign locations inside and
3360 outside an urban area; amending s. 212.0606, F.S.;
3361 providing for the imposition by countywide referendum of
3362 an additional surcharge on the lease or rental of a motor
3363 vehicle; providing the proceeds of the surcharge to be
3364 transferred to the Local Option Fuel Tax Trust Fund and
3365 used for the construction and maintenance of commuter rail
3366 service facilities; amending s. 341.301, F.S.; providing
3367 definitions relating to commuter rail service, rail
3368 corridors, and railroad operation for purposes of the rail
3369 program within the department; amending s. 341.302, F.S.;
3370 authorizing the department to purchase specified property
3371 for the purpose of implementing commuter rail service;
3372 authorizing the department to assume certain liability on
3373 a rail corridor; authorizing the department to indemnify
3374 and hold harmless a railroad company when the department



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3375 | acquires a rail corridor from the company; providing
3376 | allocation of risk; providing a specific cap on the amount
3377 | of the contractual duty for such indemnification;
3378 | authorizing the department to purchase and provide
3379 | insurance in relation to rail corridors; authorizing
3380 | marketing and promotional expenses; extending provisions
3381 | to other governmental entities providing commuter rail
3382 | service on public right-of-way; amending s. 768.28, F.S.;
3383 | expanding the list of entities considered agents of the
3384 | state; providing for construction in relation to certain
3385 | federal laws; authorizing the expenditure of public funds
3386 | for certain alterations of Old Cutler Road in the Village
3387 | of Palmetto Bay; requiring the official approval of the
3388 | Department of State before any alterations may begin;
3389 | providing an effective date.