

HB 1399

2008

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 163.3182, F.S., relating to transportation
4 concurrency backlog authorities; providing legislative
5 findings and declarations; expanding the power of
6 authorities to borrow money to include issuing certain
7 debt obligations; providing a maximum maturity date for
8 certain debt incurred to finance or refinance certain
9 transportation concurrency backlog projects; authorizing
10 authorities to continue operations and administer certain
11 trust funds for the period of the remaining outstanding
12 debt; requiring local transportation concurrency backlog
13 trust funds to continue to be funded for certain purposes;
14 providing for increased ad valorem tax increment funding
15 for such trust funds under certain circumstances; amending
16 s. 316.0741, F.S.; requiring vehicles to comply with
17 certain federal standards to be driven in an HOV lane at
18 any time, regardless of occupancy; providing for the
19 Department of Highway Safety and Motor Vehicles to limit
20 or discontinue issuance of decals for the use of HOV
21 facilities by hybrid and low-emission and energy-efficient
22 vehicles under certain circumstances; amending s.
23 316.1001, F.S.; revising provisions prohibiting the
24 Department of Highway Safety and Motor Vehicles from
25 issuing a license plate or revalidation sticker to a
26 person who is on a list of persons with outstanding toll
27 violations; specifying that the list may be supplied by
28 the clerk of court; prohibiting issuance of the plate or

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | sticker until the person's name is no longer on the list
30 | or until the person presents a receipt from the clerk
31 | showing all amounts owed have been paid; amending s.
32 | 316.193, F.S.; revising the prohibition against driving
33 | under the influence of alcohol; revising the blood-alcohol
34 | or breath-alcohol level at which certain penalties apply;
35 | amending s. 316.302, F.S.; revising references to rules,
36 | regulations, and criteria governing commercial motor
37 | vehicles engaged in intrastate commerce; providing that
38 | the Department of Transportation performs duties assigned
39 | to the Field Administrator of the Federal Motor Carrier
40 | Safety Administration under the federal rules and may
41 | enforce those rules; amending s. 316.656, F.S.; revising
42 | the prohibition against a judge accepting a plea to a
43 | lesser offense from a person charged under certain DUI
44 | provisions; revising the blood-alcohol or breath-alcohol
45 | level at which the prohibition applies; amending s.
46 | 334.044, F.S.; requiring the department to maintain
47 | certain training programs; authorizing such programs to
48 | provide for incremental increases to base salary for
49 | employees successfully completing training phases;
50 | amending s. 337.185, F.S.; providing for the State
51 | Arbitration Board to arbitrate certain claims relating to
52 | maintenance contracts; providing for a member of the board
53 | to be elected by maintenance companies as well as
54 | construction companies; amending s. 337.403, F.S.;
55 | requiring the department or local governmental entity to
56 | pay the cost of relocation of a utility that is found to

57 | be interfering with the use, maintenance, improvement,
58 | extension, or expansion, of a public road or publicly
59 | owned rail corridor if the facility serves the department
60 | or governmental entity exclusively; amending s. 338.01,
61 | F.S.; requiring new and replacement electronic toll
62 | collection systems to be interoperable with the
63 | department's system; amending s. 338.165, F.S.; revising
64 | provisions for use of certain toll revenue; amending s.
65 | 338.2216, F.S.; directing the Florida Turnpike Enterprise
66 | to implement new technologies and processes in its
67 | operations and collection of tolls and other amounts;
68 | amending s. 338.223, F.S.; conforming a cross-reference;
69 | amending s. 338.231, F.S.; revising provisions for
70 | establishing and collecting tolls; amending s. 339.135,
71 | F.S.; revising the department's authority to amend the
72 | adopted work program; amending s. 339.155, F.S.; revising
73 | provisions for development of the Florida Transportation
74 | Plan; amending ss. 339.2819 and 339.285, F.S.; conforming
75 | cross-references; amending s. 479.01, F.S.; revising
76 | provisions for outdoor advertising; revising the
77 | definition of the term "automatic changeable facing";
78 | amending s. 479.07, F.S.; revising a prohibition against
79 | signs on the State Highway System; revising requirements
80 | for display of the sign permit tag; directing the
81 | department to establish by rule a fee for furnishing a
82 | replacement permit tag; amending s. 479.08, F.S.; revising
83 | provisions for denial or revocation of a sign permit;
84 | amending s. 479.11, F.S.; revising a prohibition against

85 | certain signs located outside an urban area; amending s.
 86 | 479.261, F.S.; revising provisions for the logo sign
 87 | program; revising requirements for businesses to
 88 | participate in the program; authorizing the department to
 89 | adopt rules for removing and adding businesses on a
 90 | rotating basis; removing a provision for an application
 91 | fee; revising the provisions for an annual permit fee;
 92 | providing for rules to phase in the fee; reenacting ss.
 93 | 316.066(3)(a), 316.072(4)(b), 316.1932(3), 316.1933(4),
 94 | 316.1937(1) and (2)(d), 316.1939(1)(b), 316.656(1),
 95 | 318.143(4) and (5), 318.17(3), 320.055(1)(c), 322.03(2),
 96 | 322.0602(2)(a), 322.21(8), 322.25(5), 322.26(1)(a),
 97 | 322.2615(14)(a) and (16), 322.2616(15) and (19),
 98 | 322.264(1)(b), 322.271(2)(a), (c) and (4), 322.2715(2),
 99 | (3)(a), (c), and (4), 322.28(2), 322.282(2)(a),
 100 | 322.291(1)(a), 322.34(9)(a), 322.62(3), 322.63(2)(d) and
 101 | (6), 322.64(1), (2), (7)(a), (8)(b), (14), and (15),
 102 | 323.001(4)(f), 324.023, 324.131, 327.35(6), 337.195(1),
 103 | 440.02(17)(c), 440.09(7)(b), 493.6106(1)(d),
 104 | 627.7275(2)(a), 627.758(4), 790.06(2)(f) and (10)(f),
 105 | 903.36(2), and 907.041(4)(c), F.S., relating to written
 106 | reports of crashes, obedience to and effect of traffic
 107 | laws, tests for alcohol, chemical substances, or
 108 | controlled substances, implied consent, refusal, blood
 109 | test for impairment or intoxication in cases of death or
 110 | serious bodily injury, right to use reasonable force,
 111 | ignition interlock devices, requiring, unlawful acts,
 112 | refusal to submit to testing, penalties, mandatory

113 adjudication, prohibition against accepting plea to lesser
114 included offense, sanctions for infractions by minors,
115 offenses excepted, registration periods, renewal periods,
116 drivers must be licensed, penalties, youthful drunk driver
117 visitation program, license fees, procedure for handling
118 and collecting fees, when court to forward license to
119 department and report convictions, temporary reinstatement
120 of driving privileges, mandatory revocation of license by
121 department, suspension of license, right to review,
122 suspension of license, persons under 21 years of age,
123 right to review, "habitual traffic offender" defined,
124 authority to modify revocation, cancellation, or
125 suspension order, ignition interlock device, period of
126 suspension or revocation, procedure when court revokes or
127 suspends license or driving privilege and orders
128 reinstatement, driver improvement schools or dui programs,
129 required in certain suspension and revocation cases,
130 driving while license suspended, revoked, canceled, or
131 disqualified, driving under the influence, commercial
132 motor vehicle operators, alcohol or drug testing,
133 commercial motor vehicle operators, holder of commercial
134 driver's license, driving with unlawful blood-alcohol
135 level, refusal to submit to breath, urine, or blood test,
136 wrecker operator storage facilities, vehicle holds,
137 financial responsibility for bodily injury or death,
138 period of suspension, boating under the influence,
139 penalties, "designated drivers," limits on liability,
140 definitions, coverage, license requirements, posting,

141 motor vehicle liability, surety on auto club traffic
 142 arrest bond, conditions, limit, bail bond, license to
 143 carry concealed weapon or firearm, guaranteed arrest bond
 144 certificates as cash bail, and pretrial detention and
 145 release, to incorporate references in changes made by the
 146 act; providing effective dates.

147

148 Be It Enacted by the Legislature of the State of Florida:

149

150 Section 1. Paragraph (c) is added to subsection (2) of
 151 section 163.3182, Florida Statutes, and paragraph (d) of
 152 subsection (3), paragraph (a) of subsection (4), and subsections
 153 (5) and (8) of that section are amended, to read:

154 163.3182 Transportation concurrency backlogs.--

155 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
 156 AUTHORITIES.--

157 (c) The Legislature finds and declares that there exists
 158 in many counties and municipalities areas with significant
 159 transportation deficiencies and inadequate transportation
 160 facilities; that many such insufficiencies and inadequacies
 161 severely limit or prohibit the satisfaction of transportation
 162 concurrency standards; that such transportation insufficiencies
 163 and inadequacies affect the health, safety, and welfare of the
 164 residents of such counties and municipalities; that such
 165 transportation insufficiencies and inadequacies adversely affect
 166 economic development and growth of the tax base for the areas in
 167 which such insufficiencies and inadequacies exist; and that the
 168 elimination of transportation deficiencies and inadequacies and

169 the satisfaction of transportation concurrency standards are
 170 paramount public purposes for the state and its counties and
 171 municipalities.

172 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 173 AUTHORITY.--Each transportation concurrency backlog authority
 174 has the powers necessary or convenient to carry out the purposes
 175 of this section, including the following powers in addition to
 176 others granted in this section:

177 (d) To borrow money, including, but not limited to,
 178 issuing debt obligations, such as, but not limited to, bonds,
 179 notes, certificates, and similar debt instruments; to apply for
 180 and accept advances, loans, grants, contributions, and any other
 181 forms of financial assistance from the Federal Government or the
 182 state, county, or any other public body or from any sources,
 183 public or private, for the purposes of this part; to give such
 184 security as may be required; to enter into and carry out
 185 contracts or agreements; and to include in any contracts for
 186 financial assistance with the Federal Government for or with
 187 respect to a transportation concurrency backlog project and
 188 related activities such conditions imposed pursuant to federal
 189 laws as the transportation concurrency backlog authority
 190 considers reasonable and appropriate and which are not
 191 inconsistent with the purposes of this section.

192 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

193 (a) Each transportation concurrency backlog authority
 194 shall adopt a transportation concurrency backlog plan as a part
 195 of the local government comprehensive plan within 6 months after
 196 the creation of the authority. The plan shall:

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

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

204 3. Establish a schedule for financing and construction of
 205 transportation concurrency backlog projects that will eliminate
 206 transportation concurrency backlogs within the jurisdiction of
 207 the authority within 10 years after the transportation
 208 concurrency backlog plan adoption. The schedule shall be adopted
 209 as part of the local government comprehensive plan.

210 Notwithstanding such schedule requirements, as long as the
 211 schedule provides for the elimination of all transportation
 212 concurrency backlogs within 10 years after the adoption of the
 213 concurrency backlog plan, the final maturity date of any debt
 214 incurred to finance or refinance the related projects may be no
 215 later than 40 years after the date such debt is incurred and the
 216 authority may continue operations and administer the trust fund
 217 established as provided in subsection (5) for as long as such
 218 debt remains outstanding.

219 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
 220 concurrency backlog authority shall establish a local
 221 transportation concurrency backlog trust fund upon creation of
 222 the authority. Each local trust fund shall be administered by
 223 the transportation concurrency backlog authority within which a
 224 transportation concurrency backlog has been identified. Each

225 local trust fund shall continue to be funded pursuant to this
 226 section for as long as the projects set forth in the related
 227 transportation concurrency backlog plan remain to be completed
 228 or until any debt incurred to finance or refinance the related
 229 projects are no longer outstanding, whichever occurs later.

230 Beginning in the first fiscal year after the creation of the
 231 authority, each local trust fund shall be funded by the proceeds
 232 of an ad valorem tax increment collected within each
 233 transportation concurrency backlog area to be determined
 234 annually and shall be equal to 50 ~~25~~ percent of the difference
 235 between the amounts set forth in paragraphs (a) and (b), except
 236 that if all of the affected taxing authorities agree pursuant to
 237 an interlocal agreement, a particular local trust fund may be
 238 funded by the proceeds of an ad valorem tax increment greater
 239 than 50 percent of the difference between the amounts set forth
 240 in paragraphs (a) and (b):

241 (a) The amount of ad valorem tax levied each year by each
 242 taxing authority, exclusive of any amount from any debt service
 243 millage, on taxable real property contained within the
 244 jurisdiction of the transportation concurrency backlog authority
 245 and within the transportation backlog area; and

246 (b) The amount of ad valorem taxes which would have been
 247 produced by the rate upon which the tax is levied each year by
 248 or for each taxing authority, exclusive of any debt service
 249 millage, upon the total of the assessed value of the taxable
 250 real property within the transportation concurrency backlog area
 251 as shown on the most recent assessment roll used in connection
 252 with the taxation of such property of each taxing authority

253 prior to the effective date of the ordinance funding the trust
 254 fund.

255 (8) DISSOLUTION.--Upon completion of all transportation
 256 concurrency backlog projects and repayment or defeasance of all
 257 debt issued to finance or refinance such projects, a
 258 transportation concurrency backlog authority shall be dissolved,
 259 and its assets and liabilities shall be transferred to the
 260 county or municipality within which the authority is located.
 261 All remaining assets of the authority must be used for
 262 implementation of transportation projects within the
 263 jurisdiction of the authority. The local government
 264 comprehensive plan shall be amended to remove the transportation
 265 concurrency backlog plan.

266 Section 2. Section 316.0741, Florida Statutes, is amended
 267 to read:

268 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
 269 lanes.--

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

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

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

276 1. That draws propulsion energy from onboard sources of
 277 stored energy which are both an internal combustion or heat
 278 engine using combustible fuel and a rechargeable energy-storage
 279 system; and

280 2. That, in the case of a passenger automobile or light

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281 truck, has received a certificate of conformity under the Clean
282 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
283 equivalent qualifying California standards for a low-emission
284 vehicle.

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

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

295 (4) (a) Notwithstanding any other provision of this
296 section, an inherently low-emission vehicle (ILEV) that is
297 certified and labeled in accordance with federal regulations may
298 be driven in an HOV lane at any time, regardless of its
299 occupancy. In addition, upon the state's receipt of written
300 notice from the proper federal regulatory agency authorizing
301 such use, a vehicle defined as a hybrid vehicle under this
302 section may be driven in an HOV lane at any time, regardless of
303 its occupancy.

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

308 (c) Upon its effective date, the eligibility of hybrid and

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309 other low-emission and energy-efficient vehicles for operation
310 in an HOV lane regardless of occupancy shall be determined in
311 accordance with the applicable final rule issued by the United
312 States Environmental Protection Agency, pursuant to 23 U.S.C. s.
313 166(e).

314 (5) The department shall issue a decal and registration
315 certificate, to be renewed annually, reflecting the HOV lane
316 designation on ~~such~~ vehicles authorizing meeting the criteria in
317 subsection (4) authorizing driving in an HOV lane at any time
318 ~~such use~~. The department may charge a fee for a decal, not to
319 exceed the costs of designing, producing, and distributing each
320 decal, or \$5, whichever is less. The proceeds from sale of the
321 decals shall be deposited in the Highway Safety Operating Trust
322 Fund. The department may, for reasons of operation and
323 management of HOV facilities, limit or discontinue issuance of
324 decals for the use of HOV facilities by hybrid and low-emission
325 and energy-efficient vehicles, regardless of occupancy, if it
326 has been determined by the Department of Transportation that the
327 facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

328 (6) Vehicles having decals by virtue of compliance with
329 the minimum fuel economy standards under 23 U.S.C. s.
330 166(f)(3)(B), and which are registered for use in high-occupancy
331 toll lanes or express lanes in accordance with Department of
332 Transportation rule, shall be allowed to use any HOV lanes
333 redesignated as high-occupancy toll lanes or express lanes
334 without payment of a toll.

335 ~~(5) As used in this section, the term "hybrid vehicle"~~
336 ~~means a motor vehicle.~~

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

339 ~~1. An internal combustion or heat engine using combustible~~
 340 ~~fuel; and~~

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

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

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

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

348 ~~(7)(6)~~ The department may adopt rules necessary to
 349 administer this section.

350 Section 3. Subsection (4) of section 316.1001, Florida
 351 Statutes, is amended to read:

352 316.1001 Payment of toll on toll facilities required;
 353 penalties.--

354 (4) Any governmental entity, including, without
 355 limitation, a clerk of court, may supply the department with
 356 data that is machine readable by the department's computer
 357 system, listing persons who have one or more outstanding
 358 violations of this section, with reference to the person's
 359 driver's license number, or license plate number in the case of
 360 a business entity. Pursuant to s. 320.03(8), those persons may
 361 not be issued a license plate or revalidation sticker for any
 362 motor vehicle. Upon receipt of such lists of persons, in
 363 accordance with the provisions of s. 320.03(8), the department
 364 and its authorized agents shall not issue a license plate or

365 revalidation sticker for any motor vehicle owned by a person
 366 having any outstanding violations of this section until such
 367 person's name no longer appears on the department's list of
 368 persons with outstanding violations of this section or until
 369 such person presents a receipt from the clerk showing that all
 370 applicable amounts owed on outstanding violations have been
 371 paid.

372 Section 4. Subsection (4) of section 316.193, Florida
 373 Statutes, is amended to read:

374 316.193 Driving under the influence; penalties.--

375 (4) (a) Any person who is convicted of a violation of
 376 subsection (1) and who has a blood-alcohol level or breath-
 377 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
 378 convicted of a violation of subsection (1) and who at the time
 379 of the offense was accompanied in the vehicle by a person under
 380 the age of 18 years, shall be punished:

381 ~~1.(a)~~ By a fine of:

382 ~~a.1.~~ Not less than \$500 or more than \$1,000 for a first
 383 conviction.

384 ~~b.2.~~ Not less than \$1,000 or more than \$2,000 for a second
 385 conviction.

386 ~~c.3.~~ Not less than \$2,000 for a third or subsequent
 387 conviction.

388 ~~2.(b)~~ By imprisonment for:

389 ~~a.1.~~ Not more than 9 months for a first conviction.

390 ~~b.2.~~ Not more than 12 months for a second conviction.

391 (b) For the purposes of this subsection, only the instant
 392 offense is required to be a violation of subsection (1) by a

393 person who has a blood-alcohol level or breath-alcohol level of
 394 0.15 ~~0.20~~ or higher.

395 (c) In addition to the penalties in subparagraphs (a)1.
 396 and 2. ~~paragraphs (a) and (b)~~, the court shall order the
 397 mandatory placement, at the convicted person's sole expense, of
 398 an ignition interlock device approved by the department in
 399 accordance with s. 316.1938 upon all vehicles that are
 400 individually or jointly leased or owned and routinely operated
 401 by the convicted person for up to 6 months for the first offense
 402 and for at least 2 years for a second offense, when the
 403 convicted person qualifies for a permanent or restricted
 404 license. The installation of such device may not occur before
 405 July 1, 2003.

406 Section 5. Effective October 1, 2008, paragraph (b) of
 407 subsection (1) and subsections (6) and (8) of section 316.302,
 408 Florida Statutes, are amended to read:

409 316.302 Commercial motor vehicles; safety regulations;
 410 transporters and shippers of hazardous materials; enforcement.--

411 (1)

412 (b) Except as otherwise provided in this section, all
 413 owners or drivers of commercial motor vehicles that are engaged
 414 in intrastate commerce are subject to the rules and regulations
 415 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 416 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 417 of bus, as such rules and regulations existed on October 1, 2008
 418 ~~2005~~.

419 (6) The state Department of Transportation shall perform
 420 the duties that are assigned to the Field Administrator, Federal

421 Motor Carrier Safety Administration ~~Regional Federal Highway~~
 422 ~~Administrator~~ under the federal rules, and an agent of that
 423 department, as described in s. 316.545(9), may enforce those
 424 rules.

425 (8) For the purpose of enforcing this section, any law
 426 enforcement officer of the Department of Transportation or duly
 427 appointed agent who holds a current safety inspector
 428 certification from the Commercial Vehicle Safety Alliance may
 429 require the driver of any commercial vehicle operated on the
 430 highways of this state to stop and submit to an inspection of
 431 the vehicle or the driver's records. If the vehicle or driver is
 432 found to be operating in an unsafe condition, or if any required
 433 part or equipment is not present or is not in proper repair or
 434 adjustment, and the continued operation would present an unduly
 435 hazardous operating condition, the officer may require the
 436 vehicle or the driver to be removed from service pursuant to the
 437 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
 438 corrected. However, if continuous operation would not present an
 439 unduly hazardous operating condition, the officer may give
 440 written notice requiring correction of the condition within 14
 441 days.

442 (a) Any member of the Florida Highway Patrol or any law
 443 enforcement officer employed by a sheriff's office or municipal
 444 police department authorized to enforce the traffic laws of this
 445 state pursuant to s. 316.640 who has reason to believe that a
 446 vehicle or driver is operating in an unsafe condition may, as
 447 provided in subsection (10), enforce the provisions of this
 448 section.

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449 (b) Any person who fails to comply with an officer's
450 request to submit to an inspection under this subsection commits
451 a violation of s. 843.02 if the person resists the officer
452 without violence or a violation of s. 843.01 if the person
453 resists the officer with violence.

454 Section 6. Paragraph (a) of subsection (2) of section
455 316.656, Florida Statutes, is amended to read:

456 316.656 Mandatory adjudication; prohibition against
457 accepting plea to lesser included offense.--

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

464 Section 7. Subsection (34) is added to section 334.044,
465 Florida Statutes, to read:

466 334.044 Department; powers and duties.--The department
467 shall have the following general powers and duties:

468 (34) The department shall maintain training programs for
469 department employees and prospective employees who are graduates
470 from an approved engineering curriculum of 4 years or more in a
471 school, college, or university approved by the Board of
472 Professional Engineers to provide broad practical expertise in
473 the field of transportation engineering leading to licensure as
474 a professional engineer. The department shall maintain training
475 programs for department employees to provide broad practical
476 experience and enhanced knowledge in the areas of right-of-way

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477 property management, real estate appraisal, and business
478 valuation relating to department right-of-way acquisition
479 activities. These training programs may provide for incremental
480 increases to base salary for all employees enrolled in the
481 programs upon successful completion of training phases.

482 Section 8. Subsections (1), (2), and (7) of section
483 337.185, Florida Statutes, are amended to read:

484 337.185 State Arbitration Board.--

485 (1) To facilitate the prompt settlement of claims for
486 additional compensation arising out of construction and
487 maintenance contracts between the department and the various
488 contractors with whom it transacts business, the Legislature
489 does hereby establish the State Arbitration Board, referred to
490 in this section as the "board." For the purpose of this section,
491 "claim" shall mean the aggregate of all outstanding claims by a
492 party arising out of a construction or maintenance contract.
493 Every contractual claim in an amount up to \$250,000 per contract
494 or, at the claimant's option, up to \$500,000 per contract or,
495 upon agreement of the parties, up to \$1 million per contract
496 that cannot be resolved by negotiation between the department
497 and the contractor shall be arbitrated by the board after
498 acceptance of the project by the department. As an exception,
499 either party to the dispute may request that the claim be
500 submitted to binding private arbitration. A court of law may not
501 consider the settlement of such a claim until the process
502 established by this section has been exhausted.

503 (2) The board shall be composed of three members. One
504 member shall be appointed by the head of the department, and one

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505 member shall be elected by those construction or maintenance
506 companies who are under contract with the department. The third
507 member shall be chosen by agreement of the other two members.
508 Whenever the third member has a conflict of interest regarding
509 affiliation with one of the parties, the other two members shall
510 select an alternate member for that hearing. The head of the
511 department may select an alternative or substitute to serve as
512 the department member for any hearing or term. Each member shall
513 serve a 2-year term. The board shall elect a chair, each term,
514 who shall be the administrator of the board and custodian of its
515 records.

516 (7) The members of the board may receive compensation for
517 the performance of their duties hereunder, from administrative
518 fees received by the board, except that no employee of the
519 department may receive compensation from the board. The
520 compensation amount shall be determined by the board, but shall
521 not exceed \$125 per hour, up to a maximum of \$1,000 per day for
522 each member authorized to receive compensation. Nothing in this
523 section shall prevent the member elected by construction or
524 maintenance companies from being an employee of an association
525 affiliated with the industry, even if the sole responsibility of
526 that member is service on the board. Travel expenses for the
527 industry member may be paid by an industry association, if
528 necessary. The board may allocate funds annually for clerical
529 and other administrative services.

530 Section 9. Subsection (1) of section 337.403, Florida
531 Statutes, is amended to read:

532 337.403 Relocation of utility; expenses.--

533 (1) Any utility heretofore or hereafter placed upon,
534 under, over, or along any public road or publicly owned rail
535 corridor that is found by the authority to be unreasonably
536 interfering in any way with the convenient, safe, or continuous
537 use, or the maintenance, improvement, extension, or expansion,
538 of such public road or publicly owned rail corridor shall, upon
539 30 days' written notice to the utility or its agent by the
540 authority, be removed or relocated by such utility at its own
541 expense except as provided in paragraphs (a), (b), ~~and (c)~~, and
542 (d).

543 (a) If the relocation of utility facilities, as referred
544 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
545 627 of the 84th Congress, is necessitated by the construction of
546 a project on the federal-aid interstate system, including
547 extensions thereof within urban areas, and the cost of such
548 project is eligible and approved for reimbursement by the
549 Federal Government to the extent of 90 percent or more under the
550 Federal Aid Highway Act, or any amendment thereof, then in that
551 event the utility owning or operating such facilities shall
552 relocate such facilities upon order of the department, and the
553 state shall pay the entire expense properly attributable to such
554 relocation after deducting therefrom any increase in the value
555 of the new facility and any salvage value derived from the old
556 facility.

557 (b) When a joint agreement between the department and the
558 utility is executed for utility improvement, relocation, or
559 removal work to be accomplished as part of a contract for
560 construction of a transportation facility, the department may

561 participate in those utility improvement, relocation, or removal
 562 costs that exceed the department's official estimate of the cost
 563 of such work by more than 10 percent. The amount of such
 564 participation shall be limited to the difference between the
 565 official estimate of all the work in the joint agreement plus 10
 566 percent and the amount awarded for this work in the construction
 567 contract for such work. The department may not participate in
 568 any utility improvement, relocation, or removal costs that occur
 569 as a result of changes or additions during the course of the
 570 contract.

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

576 (d) If the facility being relocated exclusively serves the
 577 authority, the authority shall bear the cost of removal or
 578 relocation.

579 Section 10. Subsection (6) is added to section 338.01,
 580 Florida Statutes, to read:

581 338.01 Authority to establish and regulate limited access
 582 facilities.--

583 (6) All new limited access facilities and existing
 584 transportation facilities on which new or replacement electronic
 585 toll collection systems are installed shall be interoperable
 586 with the department's electronic toll collection system.

587 Section 11. Subsections (2) and (4) of section 338.165,
 588 Florida Statutes, are amended to read:

589 338.165 Continuation of tolls.--

590 (2) If the revenue-producing project is on the State
 591 Highway System, any remaining toll revenue shall be used within
 592 the county or counties in which the revenue-producing project is
 593 located for the construction, maintenance, or improvement of any
 594 road on the State Highway System or public transit ~~within the~~
 595 ~~county or counties in which the revenue producing project is~~
 596 ~~located~~, except as provided in s. 348.0004.

597 (4) Notwithstanding any other law to the contrary,
 598 pursuant to s. 11, Art. VII of the State Constitution, and
 599 subject to the requirements of subsection (2), the Department of
 600 Transportation may request the Division of Bond Finance to issue
 601 bonds secured by toll revenues to be collected ~~on the Alligator~~
 602 ~~Alley, the Sunshine Skyway Bridge, the Beeline East Expressway,~~
 603 ~~the Navarre Bridge, and the Pinellas Bayway~~ to fund
 604 transportation projects located within the county or counties in
 605 which the project is located and contained in the adopted work
 606 program of the department.

607 Section 12. Paragraph (d) is added to subsection (1) of
 608 section 338.2216, Florida Statutes, to read:

609 338.2216 Florida Turnpike Enterprise; powers and
 610 authority.--

611 (1)

612 (d) The Florida Turnpike Enterprise is directed to pursue
 613 and implement new technologies and processes in its operations
 614 and collection of tolls and the collection of other amounts
 615 associated with road and infrastructure usage. This is to
 616 include, without limitation, video billing and variable pricing.

617 Section 13. Paragraph (b) of subsection (1) of section
 618 338.223, Florida Statutes, is amended to read:

619 338.223 Proposed turnpike projects.--

620 (1)

621 (b) Any proposed turnpike project or improvement shall be
 622 developed in accordance with the Florida Transportation Plan and
 623 the work program pursuant to s. 339.135. Turnpike projects that
 624 add capacity, alter access, affect feeder roads, or affect the
 625 operation of the local transportation system shall be included
 626 in the transportation improvement plan of the affected
 627 metropolitan planning organization. If such turnpike project
 628 does not fall within the jurisdiction of a metropolitan planning
 629 organization, the department shall notify the affected county
 630 and provide for public hearings in accordance with s.
 631 339.155(5)~~(6)~~(c).

632 Section 14. Section 338.231, Florida Statutes, is amended
 633 to read:

634 338.231 Turnpike tolls, fixing; pledge of tolls and other
 635 revenues.--The department shall at all times fix, adjust,
 636 charge, and collect such tolls and amounts for the use of the
 637 turnpike system as are required in order to provide a fund
 638 sufficient with other revenues of the turnpike system to pay the
 639 cost of maintaining, improving, repairing, and operating such
 640 turnpike system; to pay the principal of and interest on all
 641 bonds issued to finance or refinance any portion of the turnpike
 642 system as the same become due and payable; and to create
 643 reserves for all such purposes.

644 ~~(1) In the process of effectuating toll rate increases~~

645 ~~over the period 1988 through 1992, the department shall, to the~~
646 ~~maximum extent feasible, equalize the toll structure, within~~
647 ~~each vehicle classification, so that the per mile toll rate will~~
648 ~~be approximately the same throughout the turnpike system. New~~
649 ~~turnpike projects may have toll rates higher than the uniform~~
650 ~~system rate where such higher toll rates are necessary to~~
651 ~~qualify the project in accordance with the financial criteria in~~
652 ~~the turnpike law. Such higher rates may be reduced to the~~
653 ~~uniform system rate when the project is generating sufficient~~
654 ~~revenues to pay the full amount of debt service and operating~~
655 ~~and maintenance costs at the uniform system rate. If, after 15~~
656 ~~years of opening to traffic, the annual revenue of a turnpike~~
657 ~~project does not meet or exceed the annual debt service~~
658 ~~requirements and operating and maintenance costs attributable to~~
659 ~~such project, the department shall, to the maximum extent~~
660 ~~feasible, establish a toll rate for the project which is higher~~
661 ~~than the uniform system rate as necessary to meet such annual~~
662 ~~debt service requirements and operating and maintenance costs.~~
663 ~~The department may, to the extent feasible, establish a~~
664 ~~temporary toll rate at less than the uniform system rate for the~~
665 ~~purpose of building patronage for the ultimate benefit of the~~
666 ~~turnpike system. In no case shall the temporary rate be~~
667 ~~established for more than 1 year. The requirements of this~~
668 ~~subsection shall not apply when the application of such~~
669 ~~requirements would violate any covenant established in a~~
670 ~~resolution or trust indenture relating to the issuance of~~
671 ~~turnpike bonds.~~

672 (1)~~(2)~~ Notwithstanding any other provision of law, the

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673 department may defer the scheduled July 1, 1993, toll rate
674 increase on the Homestead Extension of the Florida Turnpike
675 until July 1, 1995. The department may also advance funds to the
676 Turnpike General Reserve Trust Fund to replace estimated lost
677 revenues resulting from this deferral. The amount advanced must
678 be repaid within 12 years from the date of advance; however, the
679 repayment is subordinate to all other debt financing of the
680 turnpike system outstanding at the time repayment is due.

681 (2)~~(3)~~ The department shall publish a proposed change in
682 the toll rate for the use of an existing toll facility, in the
683 manner provided for in s. 120.54, which will provide for public
684 notice and the opportunity for a public hearing before the
685 adoption of the proposed rate change. When the department is
686 evaluating a proposed turnpike toll project under s. 338.223 and
687 has determined that there is a high probability that the project
688 will pass the test of economic feasibility predicated on
689 proposed toll rates, the toll rate that is proposed to be
690 charged after the project is constructed must be adopted during
691 the planning and project development phase of the project, in
692 the manner provided for in s. 120.54, including public notice
693 and the opportunity for a public hearing. For such a new
694 project, the toll rate becomes effective upon the opening of the
695 project to traffic.

696 (3) (a)~~(4)~~ For the period July 1, 1998, through June 30,
697 2017, the department shall, to the maximum extent feasible,
698 program sufficient funds in the tentative work program such that
699 the percentage of turnpike toll and bond financed commitments in
700 Dade County, Broward County, and Palm Beach County as compared

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701 to total turnpike toll and bond financed commitments shall be at
702 least 90 percent of the share of net toll collections
703 attributable to users of the turnpike system in Dade County,
704 Broward County, and Palm Beach County as compared to total net
705 toll collections attributable to users of the turnpike system.
706 The requirements of this subsection do not apply when the
707 application of such requirements would violate any covenant
708 established in a resolution or trust indenture relating to the
709 issuance of turnpike bonds. The department at any time for
710 economic considerations may establish lower temporary toll rates
711 for a new or existing toll facility for a period not to exceed 1
712 year, after which the toll rates promulgated under s. 120.54
713 shall become effective.

714 (b) The department shall also fix, adjust, charge, and
715 collect such amounts needed to cover the costs of administering
716 the different toll collection and payment methods and types of
717 accounts being offered and utilized, in the manner provided for
718 in s. 120.54, which will provide for public notice and the
719 opportunity for a public hearing before adoption. Such amounts
720 may stand alone, or be incorporated in a toll rate structure, or
721 be a combination thereof.

722 (4)-(5) When bonds are outstanding which have been issued
723 to finance or refinance any turnpike project, the tolls and all
724 other revenues derived from the turnpike system and pledged to
725 such bonds shall be set aside as may be provided in the
726 resolution authorizing the issuance of such bonds or the trust
727 agreement securing the same. The tolls or other revenues or
728 other moneys so pledged and thereafter received by the

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729 department are immediately subject to the lien of such pledge
730 without any physical delivery thereof or further act. The lien
731 of any such pledge is valid and binding as against all parties
732 having claims of any kind in tort or contract or otherwise
733 against the department irrespective of whether such parties have
734 notice thereof. Neither the resolution nor any trust agreement
735 by which a pledge is created need be filed or recorded except in
736 the records of the department.

737 (5)~~(6)~~ In each fiscal year while any of the bonds of the
738 Broward County Expressway Authority series 1984 and series 1986-
739 A remain outstanding, the department is authorized to pledge
740 revenues from the turnpike system to the payment of principal
741 and interest of such series of bonds and the operation and
742 maintenance expenses of the Sawgrass Expressway, to the extent
743 gross toll revenues of the Sawgrass Expressway are insufficient
744 to make such payments. The terms of an agreement relative to the
745 pledge of turnpike system revenue will be negotiated with the
746 parties of the 1984 and 1986 Broward County Expressway Authority
747 lease-purchase agreements, and subject to the covenants of those
748 agreements. The agreement shall establish that the Sawgrass
749 Expressway shall be subject to the planning, management, and
750 operating control of the department limited only by the terms of
751 the lease-purchase agreements. The department shall provide for
752 the payment of operation and maintenance expenses of the
753 Sawgrass Expressway until such agreement is in effect. This
754 pledge of turnpike system revenues shall be subordinate to the
755 debt service requirements of any future issue of turnpike bonds,
756 the payment of turnpike system operation and maintenance

757 expenses, and subject to provisions of any subsequent resolution
 758 or trust indenture relating to the issuance of such turnpike
 759 bonds.

760 (6)~~(7)~~ The use and disposition of revenues pledged to
 761 bonds are subject to the provisions of ss. 338.22-338.241 and
 762 such regulations as the resolution authorizing the issuance of
 763 such bonds or such trust agreement may provide.

764 Section 15. Paragraph (c) of subsection (7) of section
 765 339.135, Florida Statutes, is amended to read:

766 339.135 Work program; legislative budget request;
 767 definitions; preparation, adoption, execution, and amendment.--

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

769 (c) The department may amend the adopted work program to
 770 transfer fixed capital outlay appropriations for projects within
 771 the same appropriations category or between appropriations
 772 categories, including the following amendments which shall be
 773 subject to the procedures in paragraph (d):

774 1. Any amendment which deletes any project or project
 775 phase;

776 2. Any amendment which adds a project estimated to cost
 777 over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;

778 3. Any amendment which advances or defers to another
 779 fiscal year, a right-of-way phase, a construction phase, or a
 780 public transportation project phase estimated to cost over
 781 \$500,000 in funds appropriated by the Legislature, except an
 782 amendment advancing a phase to the current fiscal year by one
 783 fiscal year or deferring a phase for a period of 90 days or
 784 less; or

785 4. Any amendment which advances or defers to another
 786 fiscal year, any preliminary engineering phase or design phase
 787 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
 788 by the Legislature, except an amendment advancing a phase to the
 789 current fiscal year by one fiscal year or deferring a phase for
 790 a period of 90 days or less.

791 Section 16. Section 339.155, Florida Statutes, is amended
 792 to read:

793 339.155 Transportation planning.--

794 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall
 795 develop ~~and annually update~~ a statewide transportation plan, to
 796 be known as the Florida Transportation Plan. The plan shall be
 797 designed so as to be easily read and understood by the general
 798 public. The purpose of the Florida Transportation Plan is to
 799 establish and define the state's long-range transportation goals
 800 and objectives to be accomplished over a period of at least 20
 801 years within the context of the State Comprehensive Plan, and
 802 any other statutory mandates and authorizations and based upon
 803 the prevailing principles of: preserving the existing
 804 transportation infrastructure; enhancing Florida's economic
 805 competitiveness; and improving travel choices to ensure
 806 mobility. The Florida Transportation Plan shall consider the
 807 needs of the entire state transportation system and examine the
 808 use of all modes of transportation to effectively and
 809 efficiently meet such needs.

810 (2) SCOPE OF PLANNING PROCESS.--The department shall carry
 811 out a transportation planning process in conformance with s.
 812 334.046(1) and 23 U.S.C. s. 135, as amended from time to time.

813 ~~which provides for consideration of projects and strategies that~~
 814 ~~will:~~

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

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

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

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

824 ~~(e) Enhance the integration and connectivity of the~~
 825 ~~transportation system, across and between modes throughout~~
 826 ~~Florida, for people and freight;~~

827 ~~(f) Promote efficient system management and operation; and~~

828 ~~(g) Emphasize the preservation of the existing~~
 829 ~~transportation system.~~

830 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
 831 Transportation Plan shall be a unified, concise planning
 832 document that clearly defines the state's long-range
 833 transportation goals and objectives ~~and documents the~~
 834 ~~department's short range objectives developed to further such~~
 835 ~~goals and objectives.~~ The plan shall :

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

840 (b)-(a) Document A ~~long range component documenting the~~

841 goals and long-term objectives necessary to implement the
842 results of the department's findings from its examination of the
843 prevailing principles and criteria provided under ~~listed in~~
844 subsection (2) and s. 334.046(1). ~~The long range component must~~

845 (c) Be developed in cooperation with the metropolitan
846 planning organizations and reconciled, to the maximum extent
847 feasible, with the long-range plans developed by metropolitan
848 planning organizations pursuant to s. 339.175. ~~The plan must~~
849 also

850 (d) Be developed in consultation with affected local
851 officials in nonmetropolitan areas and with any affected Indian
852 tribal governments. ~~The plan must~~

853 (e) Provide an examination of transportation issues likely
854 to arise during at least a 20-year period. ~~The long range~~
855 ~~component shall~~

856 (f) Be updated at least once every 5 years, or more often
857 as necessary, to reflect substantive changes to federal or state
858 law.

859 ~~(b) A short range component documenting the short term~~
860 ~~objectives and strategies necessary to implement the goals and~~
861 ~~long term objectives contained in the long range component. The~~
862 ~~short range component must define the relationship between the~~
863 ~~long range goals and the short range objectives, specify those~~
864 ~~objectives against which the department's achievement of such~~
865 ~~goals will be measured, and identify transportation strategies~~
866 ~~necessary to efficiently achieve the goals and objectives in the~~
867 ~~plan. It must provide a policy framework within which the~~
868 ~~department's legislative budget request, the strategie~~

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869 ~~information resource management plan, and the work program are~~
870 ~~developed. The short range component shall serve as the~~
871 ~~department's annual agency strategic plan pursuant to s.~~
872 ~~186.021. The short range component shall be developed consistent~~
873 ~~with available and forecasted state and federal funds. The~~
874 ~~short range component shall also be submitted to the Florida~~
875 ~~Transportation Commission.~~

876 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
877 ~~develop an annual performance report evaluating the operation of~~
878 ~~the department for the preceding fiscal year. The report shall~~
879 ~~also include a summary of the financial operations of the~~
880 ~~department and shall annually evaluate how well the adopted work~~
881 ~~program meets the short term objectives contained in the short-~~
882 ~~range component of the Florida Transportation Plan. This~~
883 ~~performance report shall be submitted to the Florida~~
884 ~~Transportation Commission and the legislative appropriations and~~
885 ~~transportation committees.~~

886 ~~(4)(5)~~ ADDITIONAL TRANSPORTATION PLANS.---

887 (a) Upon request by local governmental entities, the
888 department may in its discretion develop and design
889 transportation corridors, arterial and collector streets,
890 vehicular parking areas, and other support facilities which are
891 consistent with the plans of the department for major
892 transportation facilities. The department may render to local
893 governmental entities or their planning agencies such technical
894 assistance and services as are necessary so that local plans and
895 facilities are coordinated with the plans and facilities of the
896 department.

897 (b) Each regional planning council, as provided for in s.
898 186.504, or any successor agency thereto, shall develop, as an
899 element of its strategic regional policy plan, transportation
900 goals and policies. The transportation goals and policies must
901 be prioritized to comply with the prevailing principles provided
902 in subsection (2) and s. 334.046(1). The transportation goals
903 and policies shall be consistent, to the maximum extent
904 feasible, with the goals and policies of the metropolitan
905 planning organization and the Florida Transportation Plan. The
906 transportation goals and policies of the regional planning
907 council will be advisory only and shall be submitted to the
908 department and any affected metropolitan planning organization
909 for their consideration and comments. Metropolitan planning
910 organization plans and other local transportation plans shall be
911 developed consistent, to the maximum extent feasible, with the
912 regional transportation goals and policies. The regional
913 planning council shall review urbanized area transportation
914 plans and any other planning products stipulated in s. 339.175
915 and provide the department and respective metropolitan planning
916 organizations with written recommendations which the department
917 and the metropolitan planning organizations shall take under
918 advisement. Further, the regional planning councils shall
919 directly assist local governments which are not part of a
920 metropolitan area transportation planning process in the
921 development of the transportation element of their comprehensive
922 plans as required by s. 163.3177.

923 (c) Regional transportation plans may be developed in
924 regional transportation areas in accordance with an interlocal

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925 agreement entered into pursuant to s. 163.01 by two or more
926 contiguous metropolitan planning organizations; one or more
927 metropolitan planning organizations and one or more contiguous
928 counties, none of which is a member of a metropolitan planning
929 organization; a multicounty regional transportation authority
930 created by or pursuant to law; two or more contiguous counties
931 that are not members of a metropolitan planning organization; or
932 metropolitan planning organizations comprised of three or more
933 counties.

934 (d) The interlocal agreement must, at a minimum, identify
935 the entity that will coordinate the development of the regional
936 transportation plan; delineate the boundaries of the regional
937 transportation area; provide the duration of the agreement and
938 specify how the agreement may be terminated, modified, or
939 rescinded; describe the process by which the regional
940 transportation plan will be developed; and provide how members
941 of the entity will resolve disagreements regarding
942 interpretation of the interlocal agreement or disputes relating
943 to the development or content of the regional transportation
944 plan. Such interlocal agreement shall become effective upon its
945 recordation in the official public records of each county in the
946 regional transportation area.

947 (e) The regional transportation plan developed pursuant to
948 this section must, at a minimum, identify regionally significant
949 transportation facilities located within a regional
950 transportation area and contain a prioritized list of regionally
951 significant projects. The level-of-service standards for
952 facilities to be funded under this subsection shall be adopted

953 | by the appropriate local government in accordance with s.
 954 | 163.3180(10). The projects shall be adopted into the capital
 955 | improvements schedule of the local government comprehensive plan
 956 | pursuant to s. 163.3177(3).

957 | (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 958 | TRANSPORTATION PLANNING.--

959 | (a) During the development of the ~~long range component of~~
 960 | ~~the~~ Florida Transportation Plan and prior to substantive
 961 | revisions, the department shall provide citizens, affected
 962 | public agencies, representatives of transportation agency
 963 | employees, other affected employee representatives, private
 964 | providers of transportation, and other known interested parties
 965 | with an opportunity to comment on the proposed plan or
 966 | revisions. These opportunities shall include, at a minimum,
 967 | publishing a notice in the Florida Administrative Weekly and
 968 | within a newspaper of general circulation within the area of
 969 | each department district office.

970 | (b) During development of major transportation
 971 | improvements, such as those increasing the capacity of a
 972 | facility through the addition of new lanes or providing new
 973 | access to a limited or controlled access facility or
 974 | construction of a facility in a new location, the department
 975 | shall hold one or more hearings prior to the selection of the
 976 | facility to be provided; prior to the selection of the site or
 977 | corridor of the proposed facility; and prior to the selection of
 978 | and commitment to a specific design proposal for the proposed
 979 | facility. Such public hearings shall be conducted so as to
 980 | provide an opportunity for effective participation by interested

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981 persons in the process of transportation planning and site and
982 route selection and in the specific location and design of
983 transportation facilities. The various factors involved in the
984 decision or decisions and any alternative proposals shall be
985 clearly presented so that the persons attending the hearing may
986 present their views relating to the decision or decisions which
987 will be made.

988 (c) Opportunity for design hearings:

989 1. The department, prior to holding a design hearing,
990 shall duly notify all affected property owners of record, as
991 recorded in the property appraiser's office, by mail at least 20
992 days prior to the date set for the hearing. The affected
993 property owners shall be:

994 a. Those whose property lies in whole or in part within
995 300 feet on either side of the centerline of the proposed
996 facility.

997 b. Those whom the department determines will be
998 substantially affected environmentally, economically, socially,
999 or safetywise.

1000 2. For each subsequent hearing, the department shall
1001 publish notice prior to the hearing date in a newspaper of
1002 general circulation for the area affected. These notices must be
1003 published twice, with the first notice appearing at least 15
1004 days, but no later than 30 days, before the hearing.

1005 3. A copy of the notice of opportunity for the hearing
1006 must be furnished to the United States Department of
1007 Transportation and to the appropriate departments of the state
1008 government at the time of publication.

1009 4. The opportunity for another hearing shall be afforded
 1010 in any case when proposed locations or designs are so changed
 1011 from those presented in the notices specified above or at a
 1012 hearing as to have a substantially different social, economic,
 1013 or environmental effect.

1014 5. The opportunity for a hearing shall be afforded in each
 1015 case in which the department is in doubt as to whether a hearing
 1016 is required.

1017 Section 17. Subsections (1) and (3) of section 339.2819,
 1018 Florida Statutes, are amended to read:

1019 339.2819 Transportation Regional Incentive Program.--

1020 (1) There is created within the Department of
 1021 Transportation a Transportation Regional Incentive Program for
 1022 the purpose of providing funds to improve regionally significant
 1023 transportation facilities in regional transportation areas
 1024 created pursuant to s. 339.155(4)~~(5)~~.

1025 (3) The department shall allocate funding available for
 1026 the Transportation Regional Incentive Program to the districts
 1027 based on a factor derived from equal parts of population and
 1028 motor fuel collections for eligible counties in regional
 1029 transportation areas created pursuant to s. 339.155(4)~~(5)~~.

1030 Section 18. Subsection (6) of section 339.285, Florida
 1031 Statutes, is amended to read:

1032 339.285 Enhanced Bridge Program for Sustainable
 1033 Transportation.--

1034 (6) Preference shall be given to bridge projects located
 1035 on corridors that connect to the Strategic Intermodal System,
 1036 created under s. 339.64, and that have been identified as

1037 regionally significant in accordance with s. 339.155 (4) ~~(5)~~ (c),
 1038 (d), and (e).

1039 Section 19. Subsection (1) of section 479.01, Florida
 1040 Statutes, is amended to read:

1041 479.01 Definitions.--As used in this chapter, the term:

1042 (1) "Automatic changeable facing" means a facing which
 1043 ~~through a mechanical system~~ is capable of delivering two or more
 1044 advertising messages through an automated or remotely controlled
 1045 process and ~~shall not rotate so rapidly as to cause distraction~~
 1046 ~~to a motorist.~~

1047 Section 20. Subsections (1) and (5) of section 479.07,
 1048 Florida Statutes, are amended to read:

1049 479.07 Sign permits.--

1050 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 1051 person may not erect, operate, use, or maintain, or cause to be
 1052 erected, operated, used, or maintained, any sign on the State
 1053 Highway System outside an urban incorporated area, as defined in
 1054 s. 334.03(32), or on any portion of the interstate or federal-
 1055 aid primary highway system without first obtaining a permit for
 1056 the sign from the department and paying the annual fee as
 1057 provided in this section. For purposes of this section, "on any
 1058 portion of the State Highway System, interstate, or federal-aid
 1059 primary system" shall mean a sign located within the controlled
 1060 area which is visible from any portion of the main-traveled way
 1061 of such system.

1062 (5) (a) For each permit issued, the department shall
 1063 furnish to the applicant a serially numbered permanent metal
 1064 permit tag. The permittee is responsible for maintaining a valid

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1065 permit tag on each permitted sign facing at all times. The tag
 1066 shall be securely attached to the sign apron at the end nearest
 1067 the highway facing or, if there is no apron facing, on the pole
 1068 nearest the highway at a point not less than 2 feet or more than
 1069 4 feet below the sign facing; and it shall be attached in such a
 1070 manner as to be plainly visible from the main-traveled way. For
 1071 signs holding valid permits on July 1, 2008, the tag posting
 1072 requirement shall be effective July 1, 2010. The permit will
 1073 become void unless the permit tag is properly and permanently
 1074 displayed at the permitted site within 30 days after the date of
 1075 permit issuance. If the permittee fails to erect a completed
 1076 sign on the permitted site within 270 days after the date on
 1077 which the permit was issued, the permit will be void, and the
 1078 department may not issue a new permit to that permittee for the
 1079 same location for 270 days after the date on which the permit
 1080 became void.

1081 (b) If a permit tag is lost, stolen, or destroyed, the
 1082 permittee to whom the tag was issued must apply to the
 1083 department for a replacement tag. The department shall establish
 1084 by rule a service fee for replacement tags in an amount that
 1085 will recover the actual cost of providing the replacement tag.
 1086 Upon receipt of the application accompanied by the a service fee
 1087 of ~~\$3~~, the department shall issue a replacement permit tag.

1088 Section 21. Section 479.08, Florida Statutes, is amended
 1089 to read:

1090 479.08 Denial or revocation of permit.--The department has
 1091 the authority to deny or revoke any permit requested or granted
 1092 under this chapter in any case in which it determines that the

1093 application for the permit contains knowingly false or
 1094 misleading information. The department has the authority to
 1095 revoke any permit granted under this chapter in any case in
 1096 which ~~or that~~ the permittee has violated any of the provisions
 1097 of this chapter, unless such permittee, within 30 days after the
 1098 receipt of notice by the department, ~~corrects such false or~~
 1099 ~~misleading information~~ and complies with the provisions of this
 1100 chapter. Any person aggrieved by any action of the department in
 1101 denying or revoking a permit under this chapter may, within 30
 1102 days after receipt of the notice, apply to the department for an
 1103 administrative hearing pursuant to chapter 120. If a timely
 1104 request for hearing has been filed and the department issues a
 1105 final order revoking a permit, such revocation shall be
 1106 effective 30 days after the date of rendition. Except for
 1107 department action pursuant to s. 479.107(1), the filing of a
 1108 timely and proper notice of appeal shall operate to stay the
 1109 revocation until the department's action is upheld.

1110 Section 22. Subsection (2) of section 479.11, Florida
 1111 Statutes, is amended to read:

1112 479.11 Specified signs prohibited.--No sign shall be
 1113 erected, used, operated, or maintained:

1114 (2) Beyond 660 feet of the nearest edge of the right-of-
 1115 way of any portion of the interstate highway system or the
 1116 federal-aid primary highway system outside an urban area, if the
 1117 advertising message or informative contents of the ~~which~~ sign
 1118 are visible from the main traveled way ~~is erected for the~~
 1119 ~~purpose of its message being read from the main traveled way of~~
 1120 ~~such system~~, except as provided in ss. 479.111(1) and 479.16.

1121 Section 23. Subsection (1), subsection (3), subsection
 1122 (4), and subsection (5) of section 479.261, Florida Statutes,
 1123 are amended to read:

1124 479.261 Logo sign program.--

1125 (1) The department shall establish a logo sign program for
 1126 the rights-of-way of the interstate highway system to provide
 1127 information to motorists about available gas, food, lodging, ~~and~~
 1128 camping, attractions, and other services which are approved by
 1129 the Federal Highway Administration at interchanges, through the
 1130 use of business logos, and may include additional interchanges
 1131 under the program. A logo sign for nearby attractions may be
 1132 added to this program if allowed by federal rules.

1133 (a) An attraction as used in this chapter is defined as an
 1134 establishment, site, facility, or landmark which is open a
 1135 minimum of 5 days a week for 52 weeks a year; ~~which charges an~~
 1136 ~~admission for entry,~~ which has as its principal focus family-
 1137 oriented entertainment, cultural, educational, recreational,
 1138 scientific, or historical activities; and which is publicly
 1139 recognized as a bona fide tourist attraction. ~~However, the~~
 1140 ~~permits for businesses seeking to participate in the attractions~~
 1141 ~~logo sign program shall be awarded by the department annually to~~
 1142 ~~the highest bidders, notwithstanding the limitation on fees in~~
 1143 ~~subsection (5), which are qualified for available space at each~~
 1144 ~~qualified location, but the fees therefor may not be less than~~
 1145 ~~the fees established for logo participants in other logo~~
 1146 ~~categories.~~

1147 (b) The department shall incorporate the use of RV-
 1148 friendly markers on specific information logo signs for

1149 establishments that cater to the needs of persons driving
 1150 recreational vehicles. Establishments that qualify for
 1151 participation in the specific information logo program and that
 1152 also qualify as "RV-friendly" may request the RV-friendly marker
 1153 on their specific information logo sign. An RV-friendly marker
 1154 must consist of a design approved by the Federal Highway
 1155 Administration. The department shall adopt rules in accordance
 1156 with chapter 120 to administer this paragraph, including rules
 1157 setting forth the minimum requirements that establishments must
 1158 meet in order to qualify as RV-friendly. These requirements
 1159 shall include large parking spaces, entrances, and exits that
 1160 can easily accommodate recreational vehicles and facilities
 1161 having appropriate overhead clearances, if applicable.

1162 (c) The department is authorized to implement by rule a
 1163 rotation-based logo program providing for the removal and
 1164 addition of participating businesses in the program.

1165 (3) Logo signs may be installed upon the issuance of an
 1166 annual permit by the department or its agent and payment of a ~~an~~
 1167 ~~application and~~ permit fee to the department or its agent.

1168 (4) The department may contract pursuant to s. 287.057 for
 1169 the provision of services related to the logo sign program,
 1170 including recruitment and qualification of businesses, review of
 1171 applications, permit issuance, and fabrication, installation,
 1172 and maintenance of logo signs. The department may reject all
 1173 proposals and seek another request for proposals or otherwise
 1174 perform the work. ~~If the department contracts for the provision~~
 1175 ~~of services for the logo sign program, the contract must~~
 1176 ~~require, unless the business owner declines, that businesses~~

1177 ~~that previously entered into agreements with the department to~~
 1178 ~~privately fund logo sign construction and installation be~~
 1179 ~~reimbursed by the contractor for the cost of the signs which has~~
 1180 ~~not been recovered through a previously agreed upon waiver of~~
 1181 ~~fees.~~ The contract also may allow the contractor to retain a
 1182 portion of the annual fees as compensation for its services.

1183 (5) Permit fees for businesses that participate in the
 1184 logo program must be established in an amount not less than that
 1185 sufficient to offset the total cost to the department for the
 1186 program, including contract costs. The department shall provide
 1187 the services in the most efficient and cost-effective manner
 1188 through department staff or by contracting for some or all of
 1189 the services. ~~Such annual permit fee shall not exceed \$1,250.~~
 1190 Annual permit fees not to exceed \$3,000 shall be set by
 1191 department rule based upon factors such as population, traffic
 1192 volume, market demand, and costs. The annual permit fees shall
 1193 be phased in by rule over a 4-year period of time.

1194 Section 24. For the purpose of incorporating the amendment
 1195 made by this act to section 316.193, Florida Statutes, in a
 1196 reference thereto, paragraph (a) of subsection (3) of section
 1197 316.066, Florida Statutes, is reenacted to read:

1198 316.066 Written reports of crashes.--

1199 (3) (a) Every law enforcement officer who in the regular
 1200 course of duty investigates a motor vehicle crash:

- 1201 1. Which crash resulted in death or personal injury shall,
- 1202 within 10 days after completing the investigation, forward a
- 1203 written report of the crash to the department or traffic records
- 1204 center.

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1205 2. Which crash involved a violation of s. 316.061(1) or s.
 1206 316.193 shall, within 10 days after completing the
 1207 investigation, forward a written report of the crash to the
 1208 department or traffic records center.

1209 3. In which crash a vehicle was rendered inoperative to a
 1210 degree which required a wrecker to remove it from traffic may,
 1211 within 10 days after completing the investigation, forward a
 1212 written report of the crash to the department or traffic records
 1213 center if such action is appropriate, in the officer's
 1214 discretion.

1215 Section 25. For the purpose of incorporating the amendment
 1216 made by this act to section 316.193, Florida Statutes, in a
 1217 reference thereto, paragraph (b) of subsection (4) of section
 1218 316.072, Florida Statutes, is reenacted to read:

1219 316.072 Obedience to and effect of traffic laws.--

1220 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;
 1221 EXCEPTIONS.--

1222 (b) Unless specifically made applicable, the provisions of
 1223 this chapter, except those contained in ss. 316.192, 316.1925,
 1224 and 316.193, shall not apply to persons, teams, or motor
 1225 vehicles and other equipment while actually engaged in work upon
 1226 the surface of a highway, but shall apply to such persons and
 1227 vehicles when traveling to or from such work.

1228 Section 26. For the purpose of incorporating the amendment
 1229 made by this act to section 316.193, Florida Statutes, in a
 1230 reference thereto, subsection (3) of section 316.1932, Florida
 1231 Statutes, is reenacted to read:

1232 316.1932 Tests for alcohol, chemical substances, or
 1233 controlled substances; implied consent; refusal.--

1234 (3) Notwithstanding any provision of law pertaining to the
 1235 confidentiality of hospital records or other medical records,
 1236 information relating to the alcoholic content of the blood or
 1237 breath or the presence of chemical substances or controlled
 1238 substances in the blood obtained pursuant to this section shall
 1239 be released to a court, prosecuting attorney, defense attorney,
 1240 or law enforcement officer in connection with an alleged
 1241 violation of s. 316.193 upon request for such information.

1242 Section 27. For the purpose of incorporating the amendment
 1243 made by this act to section 316.193, Florida Statutes, in a
 1244 reference thereto, subsection (4) of section 316.1933, Florida
 1245 Statutes, is reenacted to read:

1246 316.1933 Blood test for impairment or intoxication in
 1247 cases of death or serious bodily injury; right to use reasonable
 1248 force.--

1249 (4) Notwithstanding any provision of law pertaining to the
 1250 confidentiality of hospital records or other medical records,
 1251 information relating to the alcoholic content of the blood or
 1252 the presence of chemical substances or controlled substances in
 1253 the blood obtained pursuant to this section shall be released to
 1254 a court, prosecuting attorney, defense attorney, or law
 1255 enforcement officer in connection with an alleged violation of
 1256 s. 316.193 upon request for such information.

1257 Section 28. For the purpose of incorporating the amendment
 1258 made by this act to section 316.193, Florida Statutes, in
 1259 references thereto, subsection (1) and paragraph (d) of

1260 subsection (2) of section 316.1937, Florida Statutes, are
 1261 reenacted to read:

1262 316.1937 Ignition interlock devices, requiring; unlawful
 1263 acts.--

1264 (1) In addition to any other authorized penalties, the
 1265 court may require that any person who is convicted of driving
 1266 under the influence in violation of s. 316.193 shall not operate
 1267 a motor vehicle unless that vehicle is equipped with a
 1268 functioning ignition interlock device certified by the
 1269 department as provided in s. 316.1938, and installed in such a
 1270 manner that the vehicle will not start if the operator's blood
 1271 alcohol level is in excess of 0.05 percent or as otherwise
 1272 specified by the court. The court may require the use of an
 1273 approved ignition interlock device for a period of not less than
 1274 6 months, if the person is permitted to operate a motor vehicle,
 1275 whether or not the privilege to operate a motor vehicle is
 1276 restricted, as determined by the court. The court, however,
 1277 shall order placement of an ignition interlock device in those
 1278 circumstances required by s. 316.193.

1279 (2) If the court imposes the use of an ignition interlock
 1280 device, the court shall:

1281 (d) Determine the person's ability to pay for installation
 1282 of the device if the person claims inability to pay. If the
 1283 court determines that the person is unable to pay for
 1284 installation of the device, the court may order that any portion
 1285 of a fine paid by the person for a violation of s. 316.193 shall
 1286 be allocated to defray the costs of installing the device.

1287 Section 29. For the purpose of incorporating the amendment
 1288 made by this act to section 316.193, Florida Statutes, in a
 1289 reference thereto, paragraph (b) of subsection (1) of section
 1290 316.1939, Florida Statutes, is reenacted to read:

1291 316.1939 Refusal to submit to testing; penalties.--

1292 (1) Any person who has refused to submit to a chemical or
 1293 physical test of his or her breath, blood, or urine, as
 1294 described in s. 316.1932, and whose driving privilege was
 1295 previously suspended for a prior refusal to submit to a lawful
 1296 test of his or her breath, urine, or blood, and:

1297 (b) Who was placed under lawful arrest for a violation of
 1298 s. 316.193 unless such test was requested pursuant to s.
 1299 316.1932(1)(c);

1300
 1301 commits a misdemeanor of the first degree and is subject to
 1302 punishment as provided in s. 775.082 or s. 775.083.

1303 Section 30. For the purpose of incorporating the amendment
 1304 made by this act to section 316.193, Florida Statutes, in a
 1305 reference thereto, subsection (1) of section 316.656, Florida
 1306 Statutes, is reenacted to read:

1307 316.656 Mandatory adjudication; prohibition against
 1308 accepting plea to lesser included offense.--

1309 (1) Notwithstanding the provisions of s. 948.01, no court
 1310 may suspend, defer, or withhold adjudication of guilt or
 1311 imposition of sentence for any violation of s. 316.193, for
 1312 manslaughter resulting from the operation of a motor vehicle, or
 1313 for vehicular homicide.

1314 Section 31. For the purpose of incorporating the amendment
 1315 made by this act to section 316.193, Florida Statutes, in
 1316 references thereto, subsections (4) and (5) of section 318.143,
 1317 Florida Statutes, are reenacted to read:

1318 318.143 Sanctions for infractions by minors.--

1319 (4) For the first conviction for a violation of s.
 1320 316.193, the court may order the Department of Highway Safety
 1321 and Motor Vehicles to revoke the minor's driver's license until
 1322 the minor is 18 years of age. For a second or subsequent
 1323 conviction for such a violation, the court may order the
 1324 Department of Highway Safety and Motor Vehicles to revoke the
 1325 minor's driver's license until the minor is 21 years of age.

1326 (5) A minor who is arrested for a violation of s. 316.193
 1327 may be released from custody as soon as:

1328 (a) The minor is no longer under the influence of
 1329 alcoholic beverages, of any chemical substance set forth in s.
 1330 877.111, or of any substance controlled under chapter 893, and
 1331 is not affected to the extent that his or her normal faculties
 1332 are impaired;

1333 (b) The minor's blood-alcohol level is less than 0.05
 1334 percent; or

1335 (c) Six hours have elapsed after the minor's arrest.

1336 Section 32. For the purpose of incorporating the amendment
 1337 made by this act to section 316.193, Florida Statutes, in a
 1338 reference thereto, subsection (3) of section 318.17, Florida
 1339 Statutes, is reenacted to read:

1340 318.17 Offenses excepted.--No provision of this chapter is
 1341 available to a person who is charged with any of the following
 1342 offenses:

1343 (3) Driving, or being in actual physical control of, any
 1344 vehicle while under the influence of alcoholic beverages, any
 1345 chemical substance set forth in s. 877.111, or any substance
 1346 controlled under chapter 893, in violation of s. 316.193, or
 1347 driving with an unlawful blood-alcohol level;

1348 Section 33. For the purpose of incorporating the amendment
 1349 made by this act to section 316.193, Florida Statutes, in a
 1350 reference thereto, paragraph (c) of subsection (1) of section
 1351 320.055, Florida Statutes, is reenacted to read:

1352 320.055 Registration periods; renewal periods.--The
 1353 following registration periods and renewal periods are
 1354 established:

1355 (1)

1356 (c) Notwithstanding the requirements of paragraph (a), the
 1357 owner of a motor vehicle subject to paragraph (a) who has had
 1358 his or her driver's license suspended pursuant to a violation of
 1359 s. 316.193 or pursuant to s. 322.26(2) for driving under the
 1360 influence must obtain a 6-month registration as a condition of
 1361 reinstating the license, subject to renewal during the 3-year
 1362 period that financial responsibility requirements apply. The
 1363 registration period begins the first day of the birth month of
 1364 the owner and ends the last day of the fifth month immediately
 1365 following the owner's birth month. For such vehicles, the
 1366 department shall issue a vehicle registration certificate that
 1367 is valid for 6 months and shall issue a validation sticker that

1368 displays an expiration date of 6 months after the date of
 1369 issuance. The license tax required by s. 320.08 and all other
 1370 applicable license taxes shall be one-half of the amount
 1371 otherwise required, except the service charge required by s.
 1372 320.04 shall be paid in full for each 6-month registration. A
 1373 vehicle required to be registered under this paragraph is not
 1374 eligible for the extended registration period under paragraph
 1375 (b).

1376 Section 34. For the purpose of incorporating the amendment
 1377 made by this act to section 316.193, Florida Statutes, in a
 1378 reference thereto, subsection (2) of section 322.03, Florida
 1379 Statutes, is reenacted to read:

1380 322.03 Drivers must be licensed; penalties.--

1381 (2) Prior to issuing a driver's license, the department
 1382 shall require any person who has been convicted two or more
 1383 times of a violation of s. 316.193 or of a substantially similar
 1384 alcohol-related or drug-related offense outside this state
 1385 within the preceding 5 years, or who has been convicted of three
 1386 or more such offenses within the preceding 10 years, to present
 1387 proof of successful completion of or enrollment in a department-
 1388 approved substance abuse education course. If the person fails
 1389 to complete such education course within 90 days after issuance,
 1390 the department shall cancel the license. Further, prior to
 1391 issuing the driver's license the department shall require such
 1392 person to present proof of financial responsibility as provided
 1393 in s. 324.031. For the purposes of this paragraph, a previous
 1394 conviction for violation of former s. 316.028, former s.

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1395 316.1931, or former s. 860.01 shall be considered a previous
 1396 conviction for violation of s. 316.193.

1397 Section 35. For the purpose of incorporating the amendment
 1398 made by this act to section 316.193, Florida Statutes, in a
 1399 reference thereto, paragraph (a) of subsection (2) of section
 1400 322.0602, Florida Statutes, is reenacted to read:

1401 322.0602 Youthful Drunk Driver Visitation Program.--

1402 (2) COURT-ORDERED PARTICIPATION IN PROGRAM; PREFERENCE FOR
 1403 PARTICIPATION.--

1404 (a) If a person is convicted of a violation of s. 316.193,
 1405 the court may order, as a term and condition of probation in
 1406 addition to any other term or condition required or authorized
 1407 by law, that the probationer participate in the Youthful Drunk
 1408 Driver Visitation Program.

1409 Section 36. For the purpose of incorporating the amendment
 1410 made by this act to section 316.193, Florida Statutes, in a
 1411 reference thereto, subsection (8) of section 322.21, Florida
 1412 Statutes, is reenacted to read:

1413 322.21 License fees; procedure for handling and collecting
 1414 fees.--

1415 (8) Any person who applies for reinstatement following the
 1416 suspension or revocation of the person's driver's license shall
 1417 pay a service fee of \$35 following a suspension, and \$60
 1418 following a revocation, which is in addition to the fee for a
 1419 license. Any person who applies for reinstatement of a
 1420 commercial driver's license following the disqualification of
 1421 the person's privilege to operate a commercial motor vehicle
 1422 shall pay a service fee of \$60, which is in addition to the fee

1423 for a license. The department shall collect all of these fees at
 1424 the time of reinstatement. The department shall issue proper
 1425 receipts for such fees and shall promptly transmit all funds
 1426 received by it as follows:

1427 (a) Of the \$35 fee received from a licensee for
 1428 reinstatement following a suspension, the department shall
 1429 deposit \$15 in the General Revenue Fund and \$20 in the Highway
 1430 Safety Operating Trust Fund.

1431 (b) Of the \$60 fee received from a licensee for
 1432 reinstatement following a revocation or disqualification, the
 1433 department shall deposit \$35 in the General Revenue Fund and \$25
 1434 in the Highway Safety Operating Trust Fund.

1435
 1436 If the revocation or suspension of the driver's license was for
 1437 a violation of s. 316.193, or for refusal to submit to a lawful
 1438 breath, blood, or urine test, an additional fee of \$115 must be
 1439 charged. However, only one \$115 fee may be collected from one
 1440 person convicted of violations arising out of the same incident.
 1441 The department shall collect the \$115 fee and deposit the fee
 1442 into the Highway Safety Operating Trust Fund at the time of
 1443 reinstatement of the person's driver's license, but the fee may
 1444 not be collected if the suspension or revocation is overturned.
 1445 If the revocation or suspension of the driver's license was for
 1446 a conviction for a violation of s. 817.234(8) or (9) or s.
 1447 817.505, an additional fee of \$180 is imposed for each offense.
 1448 The department shall collect and deposit the additional fee into
 1449 the Highway Safety Operating Trust Fund at the time of
 1450 reinstatement of the person's driver's license.

1451 Section 37. For the purpose of incorporating the amendment
 1452 made by this act to section 316.193, Florida Statutes, in a
 1453 reference thereto, subsection (5) of section 322.25, Florida
 1454 Statutes, is reenacted to read:

1455 322.25 When court to forward license to department and
 1456 report convictions; temporary reinstatement of driving
 1457 privileges.--

1458 (5) For the purpose of this chapter, the entrance of a
 1459 plea of nolo contendere by the defendant to a charge of driving
 1460 while intoxicated, driving under the influence, driving with an
 1461 unlawful blood-alcohol level, or any other alcohol-related or
 1462 drug-related traffic offense similar to the offenses specified
 1463 in s. 316.193, accepted by the court and under which plea the
 1464 court has entered a fine or sentence, whether in this state or
 1465 any other state or country, shall be equivalent to a conviction.

1466 Section 38. For the purpose of incorporating the amendment
 1467 made by this act to section 316.193, Florida Statutes, in a
 1468 reference thereto, paragraph (a) of subsection (1) of section
 1469 322.26, Florida Statutes, is reenacted to read:

1470 322.26 Mandatory revocation of license by department.--The
 1471 department shall forthwith revoke the license or driving
 1472 privilege of any person upon receiving a record of such person's
 1473 conviction of any of the following offenses:

1474 (1)(a) Murder resulting from the operation of a motor
 1475 vehicle, DUI manslaughter where the conviction represents a
 1476 subsequent DUI-related conviction, or a fourth violation of s.
 1477 316.193 or former s. 316.1931. For such cases, the revocation of
 1478 the driver's license or driving privilege shall be permanent.

1479 Section 39. For the purpose of incorporating the amendment
 1480 made by this act to section 316.193, Florida Statutes, in
 1481 references thereto, paragraph (a) of subsection (14) and
 1482 subsection (16) of section 322.2615, Florida Statutes, are
 1483 reenacted to read:

1484 322.2615 Suspension of license; right to review.--

1485 (14) (a) The decision of the department under this section
 1486 or any circuit court review thereof may not be considered in any
 1487 trial for a violation of s. 316.193, and a written statement
 1488 submitted by a person in his or her request for departmental
 1489 review under this section may not be admitted into evidence
 1490 against him or her in any such trial.

1491 (16) The department shall invalidate a suspension for
 1492 driving with an unlawful blood-alcohol level or breath-alcohol
 1493 level imposed under this section if the suspended person is
 1494 found not guilty at trial of an underlying violation of s.
 1495 316.193.

1496 Section 40. For the purpose of incorporating the amendment
 1497 made by this act to section 316.193, Florida Statutes, in
 1498 references thereto, subsections (15) and (19) of section
 1499 322.2616, Florida Statutes, are reenacted to read:

1500 322.2616 Suspension of license; persons under 21 years of
 1501 age; right to review.--

1502 (15) The decision of the department under this section
 1503 shall not be considered in any trial for a violation of s.
 1504 316.193, nor shall any written statement submitted by a person
 1505 in his or her request for departmental review under this section
 1506 be admissible into evidence against him or her in any such

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1507 trial. The disposition of any related criminal proceedings shall
1508 not affect a suspension imposed under this section.

1509 (19) A violation of this section is neither a traffic
1510 infraction nor a criminal offense, nor does being detained
1511 pursuant to this section constitute an arrest. A violation of
1512 this section is subject to the administrative action provisions
1513 of this section, which are administered by the department
1514 through its administrative processes. Administrative actions
1515 taken pursuant to this section shall be recorded in the motor
1516 vehicle records maintained by the department. This section does
1517 not bar prosecution under s. 316.193. However, if the department
1518 suspends a person's license under s. 322.2615 for a violation of
1519 s. 316.193, it may not also suspend the person's license under
1520 this section for the same episode that was the basis for the
1521 suspension under s. 322.2615.

1522 Section 41. For the purpose of incorporating the amendment
1523 made by this act to section 316.193, Florida Statutes, in a
1524 reference thereto, paragraph (b) of subsection (1) of section
1525 322.264, Florida Statutes, is reenacted to read:

1526 322.264 "Habitual traffic offender" defined.--A "habitual
1527 traffic offender" is any person whose record, as maintained by
1528 the Department of Highway Safety and Motor Vehicles, shows that
1529 such person has accumulated the specified number of convictions
1530 for offenses described in subsection (1) or subsection (2)
1531 within a 5-year period:

1532 (1) Three or more convictions of any one or more of the
1533 following offenses arising out of separate acts:

1534 (b) Any violation of s. 316.193, former s. 316.1931, or
 1535 former s. 860.01;

1536
 1537 Any violation of any federal law, any law of another state or
 1538 country, or any valid ordinance of a municipality or county of
 1539 another state similar to a statutory prohibition specified in
 1540 subsection (1) or subsection (2) shall be counted as a violation
 1541 of such prohibition. In computing the number of convictions, all
 1542 convictions during the 5 years previous to July 1, 1972, will be
 1543 used, provided at least one conviction occurs after that date.
 1544 The fact that previous convictions may have resulted in
 1545 suspension, revocation, or disqualification under another
 1546 section does not exempt them from being used for suspension or
 1547 revocation under this section as a habitual offender.

1548 Section 42. For the purpose of incorporating the amendment
 1549 made by this act to section 316.193, Florida Statutes, in
 1550 references thereto, paragraphs (a) and (c) of subsection (2) and
 1551 subsection (4) of section 322.271, Florida Statutes, are
 1552 reenacted to read:

1553 322.271 Authority to modify revocation, cancellation, or
 1554 suspension order.--

1555 (2)(a) Upon such hearing, the person whose license has
 1556 been suspended, canceled, or revoked may show that such
 1557 suspension, cancellation, or revocation of his or her license
 1558 causes a serious hardship and precludes the person's carrying
 1559 out his or her normal business occupation, trade, or employment
 1560 and that the use of the person's license in the normal course of
 1561 his or her business is necessary to the proper support of the

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1562 person or his or her family. Except as otherwise provided in
1563 this subsection, the department shall require proof of the
1564 successful completion of the applicable department-approved
1565 driver training course operating pursuant to s. 318.1451 or DUI
1566 program substance abuse education course and evaluation as
1567 provided in s. 316.193(5). Letters of recommendation from
1568 respected business persons in the community, law enforcement
1569 officers, or judicial officers may also be required to determine
1570 whether such person should be permitted to operate a motor
1571 vehicle on a restricted basis for business or employment use
1572 only and in determining whether such person can be trusted to so
1573 operate a motor vehicle. If a driver's license has been
1574 suspended under the point system or pursuant to s. 322.2615, the
1575 department shall require proof of enrollment in the applicable
1576 department-approved driver training course or licensed DUI
1577 program substance abuse education course, including evaluation
1578 and treatment, if referred, and may require letters of
1579 recommendation described in this subsection to determine if the
1580 driver should be reinstated on a restricted basis. If such
1581 person fails to complete the approved course within 90 days
1582 after reinstatement or subsequently fails to complete treatment,
1583 if applicable, the department shall cancel his or her driver's
1584 license until the course and treatment, if applicable, is
1585 successfully completed, notwithstanding the terms of the court
1586 order or any suspension or revocation of the driving privilege.
1587 The department may temporarily reinstate the driving privilege
1588 on a restricted basis upon verification from the DUI program
1589 that the offender has reentered and is currently participating

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1590 in treatment and has completed the DUI education course and
1591 evaluation requirement. If the DUI program notifies the
1592 department of the second failure to complete treatment, the
1593 department shall reinstate the driving privilege only after
1594 notice of completion of treatment from the DUI program. The
1595 privilege of driving on a limited or restricted basis for
1596 business or employment use shall not be granted to a person who
1597 has been convicted of a violation of s. 316.193 until completion
1598 of the DUI program substance abuse education course and
1599 evaluations as provided in s. 316.193(5). Except as provided in
1600 paragraph (b), the privilege of driving on a limited or
1601 restricted basis for business or employment use shall not be
1602 granted to a person whose license is revoked pursuant to s.
1603 322.28 or suspended pursuant to s. 322.2615 and who has been
1604 convicted of a violation of s. 316.193 two or more times or
1605 whose license has been suspended two or more times for refusal
1606 to submit to a test pursuant to s. 322.2615 or former s.
1607 322.261.

1608 (c) For the purpose of this section, a previous conviction
1609 of driving under the influence, driving while intoxicated,
1610 driving with an unlawful blood-alcohol level, or any other
1611 similar alcohol-related or drug-related offense outside this
1612 state or a previous conviction of former s. 316.1931, former s.
1613 316.028, or former s. 860.01 shall be considered a previous
1614 conviction for violation of s. 316.193.

1615 (4) Notwithstanding the provisions of s. 322.28(2)(e), a
1616 person whose driving privilege has been permanently revoked
1617 because he or she has been convicted of DUI manslaughter in

1618 violation of s. 316.193 and has no prior convictions for DUI-
 1619 related offenses may, upon the expiration of 5 years after the
 1620 date of such revocation or the expiration of 5 years after the
 1621 termination of any term of incarceration under s. 316.193 or
 1622 former s. 316.1931, whichever date is later, petition the
 1623 department for reinstatement of his or her driving privilege.

1624 (a) Within 30 days after the receipt of such a petition,
 1625 the department shall afford the petitioner an opportunity for a
 1626 hearing. At the hearing, the petitioner must demonstrate to the
 1627 department that he or she:

1628 1. Has not been arrested for a drug-related offense during
 1629 the 5 years preceding the filing of the petition;

1630 2. Has not driven a motor vehicle without a license for at
 1631 least 5 years prior to the hearing;

1632 3. Has been drug-free for at least 5 years prior to the
 1633 hearing; and

1634 4. Has completed a DUI program licensed by the department.

1635 (b) At such hearing, the department shall determine the
 1636 petitioner's qualification, fitness, and need to drive. Upon
 1637 such determination, the department may, in its discretion,
 1638 reinstate the driver's license of the petitioner. Such
 1639 reinstatement must be made subject to the following
 1640 qualifications:

1641 1. The license must be restricted for employment purposes
 1642 for not less than 1 year; and

1643 2. Such person must be supervised by a DUI program
 1644 licensed by the department and report to the program for such
 1645 supervision and education at least four times a year or

1646 additionally as required by the program for the remainder of the
 1647 revocation period. Such supervision shall include evaluation,
 1648 education, referral into treatment, and other activities
 1649 required by the department.

1650 (c) Such person must assume the reasonable costs of
 1651 supervision. If such person fails to comply with the required
 1652 supervision, the program shall report the failure to the
 1653 department, and the department shall cancel such person's
 1654 driving privilege.

1655 (d) If, after reinstatement, such person is convicted of
 1656 an offense for which mandatory revocation of his or her license
 1657 is required, the department shall revoke his or her driving
 1658 privilege.

1659 (e) The department shall adopt rules regulating the
 1660 providing of services by DUI programs pursuant to this section.

1661 Section 43. For the purpose of incorporating the amendment
 1662 made by this act to section 316.193, Florida Statutes, in
 1663 references thereto, subsection (2), paragraphs (a) and (c) of
 1664 subsection (3), and subsection (4) of section 322.2715, Florida
 1665 Statutes, are reenacted to read:

1666 322.2715 Ignition interlock device.--

1667 (2) For purposes of this section, any conviction for a
 1668 violation of s. 316.193, a previous conviction for a violation
 1669 of former s. 316.1931, or a conviction outside this state for
 1670 driving under the influence, driving while intoxicated, driving
 1671 with an unlawful blood-alcohol level, or any other similar
 1672 alcohol-related or drug-related traffic offense is a conviction
 1673 of driving under the influence.

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1674 (3) If the person is convicted of:

1675 (a) A first offense of driving under the influence under
1676 s. 316.193 and has an unlawful blood-alcohol level or breath-
1677 alcohol level as specified in s. 316.193(4), or if a person is
1678 convicted of a violation of s. 316.193 and was at the time of
1679 the offense accompanied in the vehicle by a person younger than
1680 18 years of age, the person shall have the ignition interlock
1681 device installed for 6 months for the first offense and for at
1682 least 2 years for a second offense.

1683 (c) A third offense of driving under the influence which
1684 occurs within 10 years after a prior conviction for a violation
1685 of s. 316.193, the ignition interlock device shall be installed
1686 for a period of not less than 2 years.

1687 (4) If the court fails to order the mandatory placement of
1688 the ignition interlock device or fails to order for the
1689 applicable period the mandatory placement of an ignition
1690 interlock device under s. 316.193 or s. 316.1937 at the time of
1691 imposing sentence or within 30 days thereafter, the department
1692 shall immediately require that the ignition interlock device be
1693 installed as provided in this section, except that consideration
1694 may be given to those individuals having a documented medical
1695 condition that would prohibit the device from functioning
1696 normally. This subsection applies to the reinstatement of the
1697 driving privilege following a revocation, suspension, or
1698 cancellation that is based upon a conviction for the offense of
1699 driving under the influence which occurs on or after July 1,
1700 2005.

1701 Section 44. For the purpose of incorporating the amendment
 1702 made by this act to section 316.193, Florida Statutes, in a
 1703 reference thereto, subsection (2) of section 322.28, Florida
 1704 Statutes, is reenacted to read:

1705 322.28 Period of suspension or revocation.--

1706 (2) In a prosecution for a violation of s. 316.193 or
 1707 former s. 316.1931, the following provisions apply:

1708 (a) Upon conviction of the driver, the court, along with
 1709 imposing sentence, shall revoke the driver's license or driving
 1710 privilege of the person so convicted, effective on the date of
 1711 conviction, and shall prescribe the period of such revocation in
 1712 accordance with the following provisions:

1713 1. Upon a first conviction for a violation of the
 1714 provisions of s. 316.193, except a violation resulting in death,
 1715 the driver's license or driving privilege shall be revoked for
 1716 not less than 180 days or more than 1 year.

1717 2. Upon a second conviction for an offense that occurs
 1718 within a period of 5 years after the date of a prior conviction
 1719 for a violation of the provisions of s. 316.193 or former s.
 1720 316.1931 or a combination of such sections, the driver's license
 1721 or driving privilege shall be revoked for not less than 5 years.

1722 3. Upon a third conviction for an offense that occurs
 1723 within a period of 10 years after the date of a prior conviction
 1724 for the violation of the provisions of s. 316.193 or former s.
 1725 316.1931 or a combination of such sections, the driver's license
 1726 or driving privilege shall be revoked for not less than 10
 1727 years.

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1729 For the purposes of this paragraph, a previous conviction
1730 outside this state for driving under the influence, driving
1731 while intoxicated, driving with an unlawful blood-alcohol level,
1732 or any other alcohol-related or drug-related traffic offense
1733 similar to the offense of driving under the influence as
1734 proscribed by s. 316.193 will be considered a previous
1735 conviction for violation of s. 316.193, and a conviction for
1736 violation of former s. 316.028, former s. 316.1931, or former s.
1737 860.01 is considered a conviction for violation of s. 316.193.

1738 (b) If the period of revocation was not specified by the
1739 court at the time of imposing sentence or within 30 days
1740 thereafter, and is not otherwise specified by law, the
1741 department shall forthwith revoke the driver's license or
1742 driving privilege for the maximum period applicable under
1743 paragraph (a) for a first conviction and for the minimum period
1744 applicable under paragraph (a) for any subsequent convictions.
1745 The driver may, within 30 days after such revocation by the
1746 department, petition the court for further hearing on the period
1747 of revocation, and the court may reopen the case and determine
1748 the period of revocation within the limits specified in
1749 paragraph (a).

1750 (c) The forfeiture of bail bond, not vacated within 20
1751 days, in any prosecution for the offense of driving while under
1752 the influence of alcoholic beverages, chemical substances, or
1753 controlled substances to the extent of depriving the defendant
1754 of his or her normal faculties shall be deemed equivalent to a
1755 conviction for the purposes of this paragraph, and the
1756 department shall forthwith revoke the defendant's driver's

1757 license or driving privilege for the maximum period applicable
 1758 under paragraph (a) for a first conviction and for the minimum
 1759 period applicable under paragraph (a) for a second or subsequent
 1760 conviction; however, if the defendant is later convicted of the
 1761 charge, the period of revocation imposed by the department for
 1762 such conviction shall not exceed the difference between the
 1763 applicable maximum for a first conviction or minimum for a
 1764 second or subsequent conviction and the revocation period under
 1765 this subsection that has actually elapsed; upon conviction of
 1766 such charge, the court may impose revocation for a period of
 1767 time as specified in paragraph (a). This paragraph does not
 1768 apply if an appropriate motion contesting the forfeiture is
 1769 filed within the 20-day period.

1770 (d) When any driver's license or driving privilege has
 1771 been revoked pursuant to the provisions of this section, the
 1772 department shall not grant a new license, except upon
 1773 reexamination of the licensee after the expiration of the period
 1774 of revocation so prescribed. However, the court may, in its
 1775 sound discretion, issue an order of reinstatement on a form
 1776 furnished by the department which the person may take to any
 1777 driver's license examining office for reinstatement by the
 1778 department pursuant to s. 322.282.

1779 (e) The court shall permanently revoke the driver's
 1780 license or driving privilege of a person who has been convicted
 1781 four times for violation of s. 316.193 or former s. 316.1931 or
 1782 a combination of such sections. The court shall permanently
 1783 revoke the driver's license or driving privilege of any person
 1784 who has been convicted of DUI manslaughter in violation of s.

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1785 316.193. If the court has not permanently revoked such driver's
 1786 license or driving privilege within 30 days after imposing
 1787 sentence, the department shall permanently revoke the driver's
 1788 license or driving privilege pursuant to this paragraph. No
 1789 driver's license or driving privilege may be issued or granted
 1790 to any such person. This paragraph applies only if at least one
 1791 of the convictions for violation of s. 316.193 or former s.
 1792 316.1931 was for a violation that occurred after July 1, 1982.
 1793 For the purposes of this paragraph, a conviction for violation
 1794 of former s. 316.028, former s. 316.1931, or former s. 860.01 is
 1795 also considered a conviction for violation of s. 316.193. Also,
 1796 a conviction of driving under the influence, driving while
 1797 intoxicated, driving with an unlawful blood-alcohol level, or
 1798 any other similar alcohol-related or drug-related traffic
 1799 offense outside this state is considered a conviction for the
 1800 purposes of this paragraph.

1801 Section 45. For the purpose of incorporating the amendment
 1802 made by this act to section 316.193, Florida Statutes, in
 1803 references thereto, paragraph (a) of subsection (2) of section
 1804 322.282, Florida Statutes, is reenacted to read:

1805 322.282 Procedure when court revokes or suspends license
 1806 or driving privilege and orders reinstatement.--When a court
 1807 suspends or revokes a person's license or driving privilege and,
 1808 in its discretion, orders reinstatement as provided by s.
 1809 322.28(2)(d) or former s. 322.261(5):

1810 (2)(a) The court shall issue an order of reinstatement, on
 1811 a form to be furnished by the department, which the person may
 1812 take to any driver's license examining office. The department

1813 shall issue a temporary driver's permit to a licensee who
 1814 presents the court's order of reinstatement, proof of completion
 1815 of a department-approved driver training or substance abuse
 1816 education course, and a written request for a hearing under s.
 1817 322.271. The permit shall not be issued if a record check by the
 1818 department shows that the person has previously been convicted
 1819 for a violation of s. 316.193, former s. 316.1931, former s.
 1820 316.028, former s. 860.01, or a previous conviction outside this
 1821 state for driving under the influence, driving while
 1822 intoxicated, driving with an unlawful blood-alcohol level, or
 1823 any similar alcohol-related or drug-related traffic offense;
 1824 that the person's driving privilege has been previously
 1825 suspended for refusal to submit to a lawful test of breath,
 1826 blood, or urine; or that the person is otherwise not entitled to
 1827 issuance of a driver's license. This paragraph shall not be
 1828 construed to prevent the reinstatement of a license or driving
 1829 privilege that is presently suspended for driving with an
 1830 unlawful blood-alcohol level or a refusal to submit to a breath,
 1831 urine, or blood test and is also revoked for a conviction for a
 1832 violation of s. 316.193 or former s. 316.1931, if the suspension
 1833 and revocation arise out of the same incident.

1834 Section 46. For the purpose of incorporating the amendment
 1835 made by this act to section 316.193, Florida Statutes, in a
 1836 reference thereto, paragraph (a) of subsection (1) of section
 1837 322.291, Florida Statutes, is reenacted to read:

1838 322.291 Driver improvement schools or DUI programs;
 1839 required in certain suspension and revocation cases.--Except as
 1840 provided in s. 322.03(2), any person:

1841 (1) Whose driving privilege has been revoked:
 1842 (a) Upon conviction for:
 1843 1. Driving, or being in actual physical control of, any
 1844 vehicle while under the influence of alcoholic beverages, any
 1845 chemical substance set forth in s. 877.111, or any substance
 1846 controlled under chapter 893, in violation of s. 316.193;
 1847 2. Driving with an unlawful blood- or breath-alcohol
 1848 level;
 1849 3. Manslaughter resulting from the operation of a motor
 1850 vehicle;
 1851 4. Failure to stop and render aid as required under the
 1852 laws of this state in the event of a motor vehicle crash
 1853 resulting in the death or personal injury of another;
 1854 5. Reckless driving; or
 1855
 1856 shall, before the driving privilege may be reinstated, present
 1857 to the department proof of enrollment in a department-approved
 1858 advanced driver improvement course operating pursuant to s.
 1859 318.1451 or a substance abuse education course conducted by a
 1860 DUI program licensed pursuant to s. 322.292, which shall include
 1861 a psychosocial evaluation and treatment, if referred. If the
 1862 person fails to complete such course or evaluation within 90
 1863 days after reinstatement, or subsequently fails to complete
 1864 treatment, if referred, the DUI program shall notify the
 1865 department of the failure. Upon receipt of the notice, the
 1866 department shall cancel the offender's driving privilege,
 1867 notwithstanding the expiration of the suspension or revocation
 1868 of the driving privilege. The department may temporarily

1869 | reinstate the driving privilege upon verification from the DUI
 1870 | program that the offender has completed the education course and
 1871 | evaluation requirement and has reentered and is currently
 1872 | participating in treatment. If the DUI program notifies the
 1873 | department of the second failure to complete treatment, the
 1874 | department shall reinstate the driving privilege only after
 1875 | notice of completion of treatment from the DUI program.

1876 | Section 47. For the purpose of incorporating the amendment
 1877 | made by this act to section 316.193, Florida Statutes, in a
 1878 | reference thereto, paragraph (a) of subsection (9) of section
 1879 | 322.34, Florida Statutes, is reenacted to read:

1880 | 322.34 Driving while license suspended, revoked, canceled,
 1881 | or disqualified.--

1882 | (9) (a) A motor vehicle that is driven by a person under
 1883 | the influence of alcohol or drugs in violation of s. 316.193 is
 1884 | subject to seizure and forfeiture under ss. 932.701-932.707 and
 1885 | is subject to liens for recovering, towing, or storing vehicles
 1886 | under s. 713.78 if, at the time of the offense, the person's
 1887 | driver's license is suspended, revoked, or canceled as a result
 1888 | of a prior conviction for driving under the influence.

1889 | Section 48. For the purpose of incorporating the amendment
 1890 | made by this act to section 316.193, Florida Statutes, in a
 1891 | reference thereto, subsection (3) of section 322.62, Florida
 1892 | Statutes, is reenacted to read:

1893 | 322.62 Driving under the influence; commercial motor
 1894 | vehicle operators.--

1895 | (3) This section does not supersede s. 316.193. Nothing in
 1896 | this section prohibits the prosecution of a person who drives a

1897 commercial motor vehicle for driving under the influence of
 1898 alcohol or controlled substances whether or not such person is
 1899 also prosecuted for a violation of this section.

1900 Section 49. For the purpose of incorporating the amendment
 1901 made by this act to section 316.193, Florida Statutes, in
 1902 references thereto, paragraph (d) of subsection (2) and
 1903 subsection (6) of section 322.63, Florida Statutes, are
 1904 reenacted to read:

1905 322.63 Alcohol or drug testing; commercial motor vehicle
 1906 operators.--

1907 (2) The chemical and physical tests authorized by this
 1908 section shall only be required if a law enforcement officer has
 1909 reasonable cause to believe that a person driving a commercial
 1910 motor vehicle has any alcohol, chemical substance, or controlled
 1911 substance in his or her body.

1912 (d) The administration of one test under paragraph (a),
 1913 paragraph (b), or paragraph (c) shall not preclude the
 1914 administration of a different test under paragraph (a),
 1915 paragraph (b), or paragraph (c). However, a urine test may not
 1916 be used to determine alcohol concentration and a breath test may
 1917 not be used to determine the presence of controlled substances
 1918 or chemical substances in a person's body. Notwithstanding the
 1919 provisions of this paragraph, in the event a Florida licensee
 1920 has been convicted in another state for an offense substantially
 1921 similar to s. 316.193 or to s. 322.62, which conviction was
 1922 based upon evidence of test results prohibited by this
 1923 paragraph, that out-of-state conviction shall constitute a
 1924 conviction for the purposes of this chapter.

1925 (6) Notwithstanding any provision of law pertaining to the
 1926 confidentiality of hospital records or other medical records,
 1927 information relating to the alcohol content of a person's blood
 1928 or the presence of chemical substances or controlled substances
 1929 in a person's blood obtained pursuant to this section shall be
 1930 released to a court, prosecuting attorney, defense attorney, or
 1931 law enforcement officer in connection with an alleged violation
 1932 of s. 316.193 or s. 322.62 upon request for such information.

1933 Section 50. For the purpose of incorporating the amendment
 1934 made by this act to section 316.193, Florida Statutes, in
 1935 references thereto, subsections (1) and (2), paragraph (a) of
 1936 subsection (7), paragraph (b) of subsection (8), and subsections
 1937 (14) and (15) of section 322.64, Florida Statutes, are reenacted
 1938 to read:

1939 322.64 Holder of commercial driver's license; driving with
 1940 unlawful blood-alcohol level; refusal to submit to breath,
 1941 urine, or blood test.--

1942 (1)(a) A law enforcement officer or correctional officer
 1943 shall, on behalf of the department, disqualify from operating
 1944 any commercial motor vehicle a person who while operating or in
 1945 actual physical control of a commercial motor vehicle is
 1946 arrested for a violation of s. 316.193, relating to unlawful
 1947 blood-alcohol level or breath-alcohol level, or a person who has
 1948 refused to submit to a breath, urine, or blood test authorized
 1949 by s. 322.63 arising out of the operation or actual physical
 1950 control of a commercial motor vehicle. Upon disqualification of
 1951 the person, the officer shall take the person's driver's license
 1952 and issue the person a 10-day temporary permit for the operation

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1953 of noncommercial vehicles only if the person is otherwise
1954 eligible for the driving privilege and shall issue the person a
1955 notice of disqualification. If the person has been given a
1956 blood, breath, or urine test, the results of which are not
1957 available to the officer at the time of the arrest, the agency
1958 employing the officer shall transmit such results to the
1959 department within 5 days after receipt of the results. If the
1960 department then determines that the person was arrested for a
1961 violation of s. 316.193 and that the person had a blood-alcohol
1962 level or breath-alcohol level of 0.08 or higher, the department
1963 shall disqualify the person from operating a commercial motor
1964 vehicle pursuant to subsection (3).

1965 (b) The disqualification under paragraph (a) shall be
1966 pursuant to, and the notice of disqualification shall inform the
1967 driver of, the following:

1968 1.a. The driver refused to submit to a lawful breath,
1969 blood, or urine test and he or she is disqualified from
1970 operating a commercial motor vehicle for a period of 1 year, for
1971 a first refusal, or permanently, if he or she has previously
1972 been disqualified as a result of a refusal to submit to such a
1973 test; or

1974 b. The driver violated s. 316.193 by driving with an
1975 unlawful blood-alcohol level and he or she is disqualified from
1976 operating a commercial motor vehicle for a period of 6 months
1977 for a first offense or for a period of 1 year if he or she has
1978 previously been disqualified, or his or her driving privilege
1979 has been previously suspended, for a violation of s. 316.193.

1980 2. The disqualification period for operating commercial
 1981 vehicles shall commence on the date of arrest or issuance of
 1982 notice of disqualification, whichever is later.

1983 3. The driver may request a formal or informal review of
 1984 the disqualification by the department within 10 days after the
 1985 date of arrest or issuance of notice of disqualification,
 1986 whichever is later.

1987 4. The temporary permit issued at the time of arrest or
 1988 disqualification will expire at midnight of the 10th day
 1989 following the date of disqualification.

1990 5. The driver may submit to the department any materials
 1991 relevant to the arrest.

1992 (2) Except as provided in paragraph (1)(a), the law
 1993 enforcement officer shall forward to the department, within 5
 1994 days after the date of the arrest or the issuance of the notice
 1995 of disqualification, whichever is later, a copy of the notice of
 1996 disqualification, the driver's license of the person arrested,
 1997 and a report of the arrest, including, if applicable, an
 1998 affidavit stating the officer's grounds for belief that the
 1999 person arrested was in violation of s. 316.193; the results of
 2000 any breath or blood test or an affidavit stating that a breath,
 2001 blood, or urine test was requested by a law enforcement officer
 2002 or correctional officer and that the person arrested refused to
 2003 submit; a copy of the citation issued to the person arrested;
 2004 and the officer's description of the person's field sobriety
 2005 test, if any. The failure of the officer to submit materials
 2006 within the 5-day period specified in this subsection or
 2007 subsection (1) shall not affect the department's ability to

2008 | consider any evidence submitted at or prior to the hearing. The
 2009 | officer may also submit a copy of a videotape of the field
 2010 | sobriety test or the attempt to administer such test.

2011 | (7) In a formal review hearing under subsection (6) or an
 2012 | informal review hearing under subsection (4), the hearing
 2013 | officer shall determine by a preponderance of the evidence
 2014 | whether sufficient cause exists to sustain, amend, or invalidate
 2015 | the disqualification. The scope of the review shall be limited
 2016 | to the following issues:

2017 | (a) If the person was disqualified from operating a
 2018 | commercial motor vehicle for driving with an unlawful blood-
 2019 | alcohol level in violation of s. 316.193:

2020 | 1. Whether the arresting law enforcement officer had
 2021 | probable cause to believe that the person was driving or in
 2022 | actual physical control of a commercial motor vehicle in this
 2023 | state while he or she had any alcohol, chemical substances, or
 2024 | controlled substances in his or her body.

2025 | 2. Whether the person was placed under lawful arrest for a
 2026 | violation of s. 316.193.

2027 | 3. Whether the person had an unlawful blood-alcohol level
 2028 | as provided in s. 316.193.

2029 | (8) Based on the determination of the hearing officer
 2030 | pursuant to subsection (7) for both informal hearings under
 2031 | subsection (4) and formal hearings under subsection (6), the
 2032 | department shall:

2033 | (b) Sustain the disqualification for a period of 6 months
 2034 | for a violation of s. 316.193 or for a period of 1 year if the
 2035 | person has been previously disqualified from operating a

2036 commercial motor vehicle or his or her driving privilege has
 2037 been previously suspended as a result of a violation of s.
 2038 316.193. The disqualification period commences on the date of
 2039 the arrest or issuance of the notice of disqualification,
 2040 whichever is later.

2041 (14) The decision of the department under this section
 2042 shall not be considered in any trial for a violation of s.
 2043 316.193, s. 322.61, or s. 322.62, nor shall any written
 2044 statement submitted by a person in his or her request for
 2045 departmental review under this section be admissible into
 2046 evidence against him or her in any such trial. The disposition
 2047 of any related criminal proceedings shall not affect a
 2048 disqualification imposed pursuant to this section.

2049 (15) This section does not preclude the suspension of the
 2050 driving privilege pursuant to s. 322.2615. The driving privilege
 2051 of a person who has been disqualified from operating a
 2052 commercial motor vehicle also may be suspended for a violation
 2053 of s. 316.193.

2054 Section 51. For the purpose of incorporating the amendment
 2055 made by this act to section 316.193, Florida Statutes, in a
 2056 reference thereto, paragraph (f) of subsection (4) of section
 2057 323.001, Florida Statutes, is reenacted to read:

2058 323.001 Wrecker operator storage facilities; vehicle
 2059 holds.--

2060 (4) The requirements for a written hold apply when the
 2061 following conditions are present:

2062 (f) The vehicle is impounded or immobilized pursuant to s.
 2063 316.193 or s. 322.34; or

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2064 Section 52. For the purpose of incorporating the amendment
2065 made by this act to section 316.193, Florida Statutes, in
2066 references thereto, section 324.023, Florida Statutes, is
2067 reenacted to read:

2068 324.023 Financial responsibility for bodily injury or
2069 death.--In addition to any other financial responsibility
2070 required by law, every owner or operator of a motor vehicle that
2071 is required to be registered in this state, or that is located
2072 within this state, and who, regardless of adjudication of guilt,
2073 has been found guilty of or entered a plea of guilty or nolo
2074 contendere to a charge of driving under the influence under s.
2075 316.193 after October 1, 2007, shall, by one of the methods
2076 established in s. 324.031(1), (2), or (3), establish and
2077 maintain the ability to respond in damages for liability on
2078 account of accidents arising out of the use of a motor vehicle
2079 in the amount of \$100,000 because of bodily injury to, or death
2080 of, one person in any one crash and, subject to such limits for
2081 one person, in the amount of \$300,000 because of bodily injury
2082 to, or death of, two or more persons in any one crash and in the
2083 amount of \$50,000 because of property damage in any one crash.
2084 If the owner or operator chooses to establish and maintain such
2085 ability by posting a bond or furnishing a certificate of deposit
2086 pursuant to s. 324.031(2) or (3), such bond or certificate of
2087 deposit must be in an amount not less than \$350,000. Such higher
2088 limits must be carried for a minimum period of 3 years. If the
2089 owner or operator has not been convicted of driving under the
2090 influence or a felony traffic offense for a period of 3 years
2091 from the date of reinstatement of driving privileges for a

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2092 violation of s. 316.193, the owner or operator shall be exempt
2093 from this section.

2094 Section 53. For the purpose of incorporating the amendment
2095 made by this act to section 316.193, Florida Statutes, in a
2096 reference thereto, section 324.131, Florida Statutes, is
2097 reenacted to read:

2098 324.131 Period of suspension.--Such license, registration
2099 and nonresident's operating privilege shall remain so suspended
2100 and shall not be renewed, nor shall any such license or
2101 registration be thereafter issued in the name of such person,
2102 including any such person not previously licensed, unless and
2103 until every such judgment is stayed, satisfied in full or to the
2104 extent of the limits stated in s. 324.021(7) and until the said
2105 person gives proof of financial responsibility as provided in s.
2106 324.031, such proof to be maintained for 3 years. In addition,
2107 if the person's license or registration has been suspended or
2108 revoked due to a violation of s. 316.193 or pursuant to s.
2109 322.26(2), that person shall maintain noncancelable liability
2110 coverage for each motor vehicle registered in his or her name,
2111 as described in s. 627.7275(2), and must present proof that
2112 coverage is in force on a form adopted by the Department of
2113 Highway Safety and Motor Vehicles, such proof to be maintained
2114 for 3 years.

2115 Section 54. For the purpose of incorporating the amendment
2116 made by this act to section 316.193, Florida Statutes, in a
2117 reference thereto, subsection (6) of section 327.35, Florida
2118 Statutes, is reenacted to read:

2119 327.35 Boating under the influence; penalties; "designated
 2120 drivers".--

2121 (6) With respect to any person convicted of a violation of
 2122 subsection (1), regardless of any other penalty imposed:

2123 (a) For the first conviction, the court shall place the
 2124 defendant on probation for a period not to exceed 1 year and, as
 2125 a condition of such probation, shall order the defendant to
 2126 participate in public service or a community work project for a
 2127 minimum of 50 hours. The court must also, as a condition of
 2128 probation, order the impoundment or immobilization of the vessel
 2129 that was operated by or in the actual control of the defendant
 2130 or any one vehicle registered in the defendant's name at the
 2131 time of impoundment or immobilization, for a period of 10 days
 2132 or for the unexpired term of any lease or rental agreement that
 2133 expires within 10 days. The impoundment or immobilization must
 2134 not occur concurrently with the incarceration of the defendant.
 2135 The impoundment or immobilization order may be dismissed in
 2136 accordance with paragraph (e) or paragraph (f). The total period
 2137 of probation and incarceration may not exceed 1 year.

2138 (b) For the second conviction for an offense that occurs
 2139 within a period of 5 years after the date of a prior conviction
 2140 for violation of this section, the court shall order
 2141 imprisonment for not less than 10 days. The court must also, as
 2142 a condition of probation, order the impoundment or
 2143 immobilization of the vessel that was operated by or in the
 2144 actual control of the defendant or any one vehicle registered in
 2145 the defendant's name at the time of impoundment or
 2146 immobilization, for a period of 30 days or for the unexpired

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2147 term of any lease or rental agreement that expires within 30
2148 days. The impoundment or immobilization must not occur
2149 concurrently with the incarceration of the defendant. The
2150 impoundment or immobilization order may be dismissed in
2151 accordance with paragraph (e) or paragraph (f). At least 48
2152 hours of confinement must be consecutive.

2153 (c) For the third or subsequent conviction for an offense
2154 that occurs within a period of 10 years after the date of a
2155 prior conviction for violation of this section, the court shall
2156 order imprisonment for not less than 30 days. The court must
2157 also, as a condition of probation, order the impoundment or
2158 immobilization of the vessel that was operated by or in the
2159 actual control of the defendant or any one vehicle registered in
2160 the defendant's name at the time of impoundment or
2161 immobilization, for a period of 90 days or for the unexpired
2162 term of any lease or rental agreement that expires within 90
2163 days. The impoundment or immobilization must not occur
2164 concurrently with the incarceration of the defendant. The
2165 impoundment or immobilization order may be dismissed in
2166 accordance with paragraph (e) or paragraph (f). At least 48
2167 hours of confinement must be consecutive.

2168 (d) The court must at the time of sentencing the defendant
2169 issue an order for the impoundment or immobilization of a
2170 vessel. Within 7 business days after the date that the court
2171 issues the order of impoundment, and once again 30 business days
2172 before the actual impoundment or immobilization of the vessel,
2173 the clerk of the court must send notice by certified mail,
2174 return receipt requested, to the registered owner of each

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2175 vessel, if the registered owner is a person other than the
2176 defendant, and to each person of record claiming a lien against
2177 the vessel.

2178 (e) A person who owns but was not operating the vessel
2179 when the offense occurred may submit to the court a police
2180 report indicating that the vessel was stolen at the time of the
2181 offense or documentation of having purchased the vessel after
2182 the offense was committed from an entity other than the
2183 defendant or the defendant's agent. If the court finds that the
2184 vessel was stolen or that the sale was not made to circumvent
2185 the order and allow the defendant continued access to the
2186 vessel, the order must be dismissed and the owner of the vessel
2187 will incur no costs. If the court denies the request to dismiss
2188 the order of impoundment or immobilization, the petitioner may
2189 request an evidentiary hearing.

2190 (f) A person who owns but was not operating the vessel
2191 when the offense occurred, and whose vessel was stolen or who
2192 purchased the vessel after the offense was committed directly
2193 from the defendant or the defendant's agent, may request an
2194 evidentiary hearing to determine whether the impoundment or
2195 immobilization should occur. If the court finds that either the
2196 vessel was stolen or the purchase was made without knowledge of
2197 the offense, that the purchaser had no relationship to the
2198 defendant other than through the transaction, and that such
2199 purchase would not circumvent the order and allow the defendant
2200 continued access to the vessel, the order must be dismissed and
2201 the owner of the vessel will incur no costs.

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2202 (g) All costs and fees for the impoundment or
2203 immobilization, including the cost of notification, must be paid
2204 by the owner of the vessel or, if the vessel is leased or
2205 rented, by the person leasing or renting the vessel, unless the
2206 impoundment or immobilization order is dismissed.

2207 (h) The person who owns a vessel that is impounded or
2208 immobilized under this paragraph, or a person who has a lien of
2209 record against such a vessel and who has not requested a review
2210 of the impoundment pursuant to paragraph (e) or paragraph (f),
2211 may, within 10 days after the date that person has knowledge of
2212 the location of the vessel, file a complaint in the county in
2213 which the owner resides to determine whether the vessel was
2214 wrongfully taken or withheld from the owner or lienholder. Upon
2215 the filing of a complaint, the owner or lienholder may have the
2216 vessel released by posting with the court a bond or other
2217 adequate security equal to the amount of the costs and fees for
2218 impoundment or immobilization, including towing or storage, to
2219 ensure the payment of the costs and fees if the owner or
2220 lienholder does not prevail. When the bond is posted and the fee
2221 is paid as set forth in s. 28.24, the clerk of the court shall
2222 issue a certificate releasing the vessel. At the time of
2223 release, after reasonable inspection, the owner or lienholder
2224 must give a receipt to the towing or storage company indicating
2225 any loss or damage to the vessel or to the contents of the
2226 vessel.

2227 (i) A defendant, in the court's discretion, may be
2228 required to serve all or any portion of a term of imprisonment
2229 to which the defendant has been sentenced pursuant to this

2230 section in a residential alcoholism treatment program or a
 2231 residential drug abuse treatment program. Any time spent in such
 2232 a program must be credited by the court toward the term of
 2233 imprisonment.

2234
 2235 For the purposes of this section, any conviction for a violation
 2236 of s. 316.193, a previous conviction for the violation of former
 2237 s. 316.1931, former s. 860.01, or former s. 316.028, or a
 2238 previous conviction outside this state for driving under the
 2239 influence, driving while intoxicated, driving with an unlawful
 2240 blood-alcohol level, driving with an unlawful breath-alcohol
 2241 level, or any other similar alcohol-related or drug-related
 2242 traffic offense, is also considered a previous conviction for
 2243 violation of this section.

2244 Section 55. For the purpose of incorporating the amendment
 2245 made by this act to section 316.193, Florida Statutes, in a
 2246 reference thereto, subsection (1) of section 337.195, Florida
 2247 Statutes, is reenacted to read:

2248 337.195 Limits on liability.--

2249 (1) In a civil action for the death of or injury to a
 2250 person, or for damage to property, against the Department of
 2251 Transportation or its agents, consultants, or contractors for
 2252 work performed on a highway, road, street, bridge, or other
 2253 transportation facility when the death, injury, or damage
 2254 resulted from a motor vehicle crash within a construction zone
 2255 in which the driver of one of the vehicles was under the
 2256 influence of alcoholic beverages as set forth in s. 316.193,
 2257 under the influence of any chemical substance as set forth in s.

2258 877.111, or illegally under the influence of any substance
 2259 controlled under chapter 893 to the extent that her or his
 2260 normal faculties were impaired or that she or he operated a
 2261 vehicle recklessly as defined in s. 316.192, it is presumed that
 2262 the driver's operation of the vehicle was the sole proximate
 2263 cause of her or his own death, injury, or damage. This
 2264 presumption can be overcome if the gross negligence or
 2265 intentional misconduct of the Department of Transportation, or
 2266 of its agents, consultants, or contractors, was a proximate
 2267 cause of the driver's death, injury, or damage.

2268 Section 56. For the purpose of incorporating the amendment
 2269 made by this act to section 316.193, Florida Statutes, in a
 2270 reference thereto, paragraph (c) of subsection (17) of section
 2271 440.02, Florida Statutes, is reenacted to read:

2272 440.02 Definitions.--When used in this chapter, unless the
 2273 context clearly requires otherwise, the following terms shall
 2274 have the following meanings:

2275 (17)

2276 (c) "Employment" does not include service performed by or
 2277 as:

- 2278 1. Domestic servants in private homes.
- 2279 2. Agricultural labor performed on a farm in the employ of
 2280 a bona fide farmer, or association of farmers, that employs 5 or
 2281 fewer regular employees and that employs fewer than 12 other
 2282 employees at one time for seasonal agricultural labor that is
 2283 completed in less than 30 days, provided such seasonal
 2284 employment does not exceed 45 days in the same calendar year.
 2285 The term "farm" includes stock, dairy, poultry, fruit, fur-

2286 bearing animals, fish, and truck farms, ranches, nurseries, and
 2287 orchards. The term "agricultural labor" includes field foremen,
 2288 timekeepers, checkers, and other farm labor supervisory
 2289 personnel.

2290 3. Professional athletes, such as professional boxers,
 2291 wrestlers, baseball, football, basketball, hockey, polo, tennis,
 2292 jai alai, and similar players, and motorsports teams competing
 2293 in a motor racing event as defined in s. 549.08.

2294 4. Labor under a sentence of a court to perform community
 2295 services as provided in s. 316.193.

2296 5. State prisoners or county inmates, except those
 2297 performing services for private employers or those enumerated in
 2298 s. 948.036(1).

2299 Section 57. For the purpose of incorporating the amendment
 2300 made by this act to section 316.193, Florida Statutes, in a
 2301 reference thereto, paragraph (b) of subsection (7) of section
 2302 440.09, Florida Statutes, is reenacted to read:

2303 440.09 Coverage.--

2304 (7)

2305 (b) If the employee has, at the time of the injury, a
 2306 blood alcohol level equal to or greater than the level specified
 2307 in s. 316.193, or if the employee has a positive confirmation of
 2308 a drug as defined in this act, it is presumed that the injury
 2309 was occasioned primarily by the intoxication of, or by the
 2310 influence of the drug upon, the employee. If the employer has
 2311 implemented a drug-free workplace, this presumption may be
 2312 rebutted only by evidence that there is no reasonable hypothesis
 2313 that the intoxication or drug influence contributed to the

2314 injury. In the absence of a drug-free workplace program, this
 2315 presumption may be rebutted by clear and convincing evidence
 2316 that the intoxication or influence of the drug did not
 2317 contribute to the injury. Percent by weight of alcohol in the
 2318 blood must be based upon grams of alcohol per 100 milliliters of
 2319 blood. If the results are positive, the testing facility must
 2320 maintain the specimen for a minimum of 90 days. Blood serum may
 2321 be used for testing purposes under this chapter; however, if
 2322 this test is used, the presumptions under this section do not
 2323 arise unless the blood alcohol level is proved to be medically
 2324 and scientifically equivalent to or greater than the comparable
 2325 blood alcohol level that would have been obtained if the test
 2326 were based on percent by weight of alcohol in the blood.
 2327 However, if, before the accident, the employer had actual
 2328 knowledge of and expressly acquiesced in the employee's presence
 2329 at the workplace while under the influence of such alcohol or
 2330 drug, the presumptions specified in this subsection do not
 2331 apply.

2332 Section 58. For the purpose of incorporating the amendment
 2333 made by this act to section 316.193, Florida Statutes, in a
 2334 reference thereto, paragraph (d) of subsection (1) of section
 2335 493.6106, Florida Statutes, is reenacted to read:

2336 493.6106 License requirements; posting.--

2337 (1) Each individual licensed by the department must:

2338 (d) Not be a chronic and habitual user of alcoholic
 2339 beverages to the extent that her or his normal faculties are
 2340 impaired; not have been committed under chapter 397, former
 2341 chapter 396, or a similar law in any other state; not have been

2342 found to be a habitual offender under s. 856.011(3) or a similar
 2343 law in any other state; and not have had two or more convictions
 2344 under s. 316.193 or a similar law in any other state within the
 2345 3-year period immediately preceding the date the application was
 2346 filed, unless the individual establishes that she or he is not
 2347 currently impaired and has successfully completed a
 2348 rehabilitation course.

2349 Section 59. For the purpose of incorporating the amendment
 2350 made by this act to section 316.193, Florida Statutes, in a
 2351 reference thereto, paragraph (a) of subsection (2) of section
 2352 627.7275, Florida Statutes, is reenacted to read:

2353 627.7275 Motor vehicle liability.--

2354 (2)(a) Insurers writing motor vehicle insurance in this
 2355 state shall make available, subject to the insurers' usual
 2356 underwriting restrictions:

2357 1. Coverage under policies as described in subsection (1)
 2358 to any applicant for private passenger motor vehicle insurance
 2359 coverage who is seeking the coverage in order to reinstate the
 2360 applicant's driving privileges in this state when the driving
 2361 privileges were revoked or suspended pursuant to s. 316.646 or
 2362 s. 324.0221 due to the failure of the applicant to maintain
 2363 required security.

2364 2. Coverage under policies as described in subsection (1),
 2365 which also provides liability coverage for bodily injury, death,
 2366 and property damage arising out of the ownership, maintenance,
 2367 or use of the motor vehicle in an amount not less than the
 2368 limits described in s. 324.021(7) and conforms to the
 2369 requirements of s. 324.151, to any applicant for private

2370 passenger motor vehicle insurance coverage who is seeking the
 2371 coverage in order to reinstate the applicant's driving
 2372 privileges in this state after such privileges were revoked or
 2373 suspended under s. 316.193 or s. 322.26(2) for driving under the
 2374 influence.

2375 Section 60. For the purpose of incorporating the amendment
 2376 made by this act to section 316.193, Florida Statutes, in a
 2377 reference thereto, subsection (4) of section 627.758, Florida
 2378 Statutes, is reenacted to read:

2379 627.758 Surety on auto club traffic arrest bond;
 2380 conditions, limit; bail bond.--

2381 (4) Notwithstanding the provisions of s. 626.311 or
 2382 chapter 648, any surety insurer identified in a guaranteed
 2383 traffic arrest bond certificate or any licensed general lines
 2384 agent of the surety insurer may execute a bail bond for the
 2385 automobile club or association member identified in the
 2386 guaranteed traffic arrest bond certificate in an amount not in
 2387 excess of \$5,000 for any violation of chapter 316 or any similar
 2388 traffic law or ordinance except for driving under the influence
 2389 of alcoholic beverages, chemical substances, or controlled
 2390 substances, as prohibited by s. 316.193.

2391 Section 61. For the purpose of incorporating the amendment
 2392 made by this act to section 316.193, Florida Statutes, in
 2393 references thereto, paragraph (f) of subsection (2) and
 2394 paragraph (f) of subsection (10) of section 790.06, Florida
 2395 Statutes, are reenacted to read:

2396 790.06 License to carry concealed weapon or firearm.--

2397 (2) The Department of Agriculture and Consumer Services
 2398 shall issue a license if the applicant:

2399 (f) Does not chronically and habitually use alcoholic
 2400 beverages or other substances to the extent that his or her
 2401 normal faculties are impaired. It shall be presumed that an
 2402 applicant chronically and habitually uses alcoholic beverages or
 2403 other substances to the extent that his or her normal faculties
 2404 are impaired if the applicant has been committed under chapter
 2405 397 or under the provisions of former chapter 396 or has been
 2406 convicted under s. 790.151 or has been deemed a habitual
 2407 offender under s. 856.011(3), or has had two or more convictions
 2408 under s. 316.193 or similar laws of any other state, within the
 2409 3-year period immediately preceding the date on which the
 2410 application is submitted;

2411 (10) A license issued under this section shall be
 2412 suspended or revoked pursuant to chapter 120 if the licensee:

2413 (f) Is convicted of a second violation of s. 316.193, or a
 2414 similar law of another state, within 3 years of a previous
 2415 conviction of such section, or similar law of another state,
 2416 even though the first violation may have occurred prior to the
 2417 date on which the application was submitted;

2418 Section 62. For the purpose of incorporating the amendment
 2419 made by this act to section 316.193, Florida Statutes, in a
 2420 reference thereto, subsection (2) of section 903.36, Florida
 2421 Statutes, is reenacted to read:

2422 903.36 Guaranteed arrest bond certificates as cash bail.--

2423 (2) The execution of a bail bond by a licensed general
 2424 lines agent of a surety insurer for the automobile club or

2425 association member identified in the guaranteed traffic arrest
 2426 bond certificate, as provided in s. 627.758(4), shall be
 2427 accepted as bail in an amount not to exceed \$5,000 for the
 2428 appearance of the person named in the certificate in any court
 2429 to answer for the violation of a provision of chapter 316 or a
 2430 similar traffic law or ordinance, except driving under the
 2431 influence of alcoholic beverages, chemical substances, or
 2432 controlled substances, as prohibited by s. 316.193. Presentation
 2433 of the guaranteed traffic arrest bond certificate and a power of
 2434 attorney from the surety insurer for its licensed general lines
 2435 agents is authorization for such agent to execute the bail bond.

2436 Section 63. For the purpose of incorporating the amendment
 2437 made by this act to section 316.193, Florida Statutes, in
 2438 references thereto, paragraph (c) of subsection (4) of section
 2439 907.041, Florida Statutes, is reenacted to read:

2440 907.041 Pretrial detention and release.--

2441 (4) PRETRIAL DETENTION.--

2442 (c) The court may order pretrial detention if it finds a
 2443 substantial probability, based on a defendant's past and present
 2444 patterns of behavior, the criteria in s. 903.046, and any other
 2445 relevant facts, that any of the following circumstances exists:

2446 1. The defendant has previously violated conditions of
 2447 release and that no further conditions of release are reasonably
 2448 likely to assure the defendant's appearance at subsequent
 2449 proceedings;

2450 2. The defendant, with the intent to obstruct the judicial
 2451 process, has threatened, intimidated, or injured any victim,
 2452 potential witness, juror, or judicial officer, or has attempted

2453 or conspired to do so, and that no condition of release will
 2454 reasonably prevent the obstruction of the judicial process;

2455 3. The defendant is charged with trafficking in controlled
 2456 substances as defined by s. 893.135, that there is a substantial
 2457 probability that the defendant has committed the offense, and
 2458 that no conditions of release will reasonably assure the
 2459 defendant's appearance at subsequent criminal proceedings; or

2460 4. The defendant is charged with DUI manslaughter, as
 2461 defined by s. 316.193, and that there is a substantial
 2462 probability that the defendant committed the crime and that the
 2463 defendant poses a threat of harm to the community; conditions
 2464 that would support a finding by the court pursuant to this
 2465 subparagraph that the defendant poses a threat of harm to the
 2466 community include, but are not limited to, any of the following:

2467 a. The defendant has previously been convicted of any
 2468 crime under s. 316.193, or of any crime in any other state or
 2469 territory of the United States that is substantially similar to
 2470 any crime under s. 316.193;

2471 b. The defendant was driving with a suspended driver's
 2472 license when the charged crime was committed; or

2473 c. The defendant has previously been found guilty of, or
 2474 has had adjudication of guilt withheld for, driving while the
 2475 defendant's driver's license was suspended or revoked in
 2476 violation of s. 322.34;

2477 5. The defendant poses the threat of harm to the
 2478 community. The court may so conclude, if it finds that the
 2479 defendant is presently charged with a dangerous crime, that
 2480 there is a substantial probability that the defendant committed

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2481 such crime, that the factual circumstances of the crime indicate
2482 a disregard for the safety of the community, and that there are
2483 no conditions of release reasonably sufficient to protect the
2484 community from the risk of physical harm to persons.

2485 6. The defendant was on probation, parole, or other
2486 release pending completion of sentence or on pretrial release
2487 for a dangerous crime at the time the current offense was
2488 committed; or

2489 7. The defendant has violated one or more conditions of
2490 pretrial release or bond for the offense currently before the
2491 court and the violation, in the discretion of the court,
2492 supports a finding that no conditions of release can reasonably
2493 protect the community from risk of physical harm to persons or
2494 assure the presence of the accused at trial.

2495 Section 64. Except as otherwise expressly provided in this
2496 act, this act shall take effect upon becoming a law.