

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 163.3177, F.S.; revising requirements for
4 comprehensive plans; providing for airports, land adjacent
5 to airports, and certain interlocal agreements relating
6 thereto in certain elements of the plan; amending s.
7 163.3182, F.S., relating to transportation concurrency
8 backlog authorities; providing legislative findings and
9 declarations; expanding the power of authorities to borrow
10 money to include issuing certain debt obligations;
11 providing a maximum maturity date for certain debt
12 incurred to finance or refinance certain transportation
13 concurrency backlog projects; authorizing authorities to
14 continue operations and administer certain trust funds for
15 the period of the remaining outstanding debt; requiring
16 local transportation concurrency backlog trust funds to
17 continue to be funded for certain purposes; providing for
18 increased ad valorem tax increment funding for such trust
19 funds under certain circumstances; revising provisions for
20 dissolution of an authority; amending s. 287.055, F.S.;
21 conforming a cross-reference; amending s. 316.0741, F.S.;
22 redefining the term "hybrid vehicle"; authorizing the
23 driving of a hybrid, low-emission, or energy-efficient
24 vehicle in a high-occupancy-vehicle lane regardless of
25 occupancy; requiring certain vehicles to comply with
26 specified federal standards to be driven in an HOV lane
27 regardless of occupancy; revising provisions for issuance
28 of a decal and certificate; providing for the Department

29 | of Highway Safety and Motor Vehicles to limit or
30 | discontinue issuance of decals for the use of HOV
31 | facilities by hybrid and low-emission and energy-efficient
32 | vehicles under certain circumstances; directing the
33 | department to review a specified federal rule and make a
34 | report to the Legislature; exempting certain vehicles from
35 | the payment of certain tolls; amending s. 316.193, F.S.;
36 | revising the prohibition against driving under the
37 | influence of alcohol; revising the blood-alcohol or
38 | breath-alcohol level at which certain penalties apply;
39 | amending s. 316.2397, F.S.; allowing county correctional
40 | agencies to use blue lights on vehicles when responding to
41 | emergencies; amending s. 316.302, F.S.; revising
42 | references to rules, regulations, and criteria governing
43 | commercial motor vehicles engaged in intrastate commerce;
44 | providing that the department performs duties assigned to
45 | the Field Administrator of the Federal Motor Carrier
46 | Safety Administration under the federal rules and may
47 | enforce those rules; amending s. 316.515, F.S.; revising
48 | restrictions on use of certain agriculture-related
49 | vehicles; providing for exemptions from specified width
50 | and height limitations for certain farming or agricultural
51 | equipment; providing conditions for use of such equipment;
52 | authorizing certain movements without a department
53 | overwidth permit; providing lighting and signage
54 | requirements for certain overwidth equipment; amending ss.
55 | 316.613 and 316.614, F.S.; revising the definition of
56 | "motor vehicle" for purposes of child restraint and safety

57 | belt usage requirements; amending s. 316.656, F.S.;

58 | revising the prohibition against a judge accepting a plea

59 | to a lesser offense from a person charged under certain

60 | DUI provisions; revising the blood-alcohol or breath-

61 | alcohol level at which the prohibition applies; amending

62 | s. 320.02, F.S.; removing mopeds from the motorcycle

63 | endorsement requirements for registration; amending s.

64 | 322.64, F.S.; providing that refusal to submit to a

65 | breath, urine, or blood test disqualifies a person from

66 | operating a commercial motor vehicle; providing a period

67 | of disqualification if a person has an unlawful blood-

68 | alcohol or breath-alcohol level; providing for issuance of

69 | a notice of disqualification; revising the requirements

70 | for a formal review hearing following a person's

71 | disqualification from operating a commercial motor

72 | vehicle; amending s. 334.044, F.S.; revising powers and

73 | duties of the department; requiring the department to

74 | maintain certain training programs; authorizing such

75 | programs to provide for incremental increases to base

76 | salary for employees successfully completing training

77 | phases; amending s. 336.41, F.S.; removing a provision

78 | authorizing a county to use its own resources for

79 | constructing and opening new roads and bridges; requiring

80 | the governing body of a county or municipality to

81 | competitively award to a private-sector contractor all

82 | construction and reconstruction or repair of roads and

83 | bridges; authorizing a county or municipality to use its

84 | own forces for certain projects; providing restrictions

85 | and limitations; providing for the purchase of materials
86 | for such projects; providing that a county or municipality
87 | is exempt from a certain restriction with regard to paving
88 | dirt roads; defining the term "competitively award";
89 | providing that a county, municipality, or special district
90 | may not own or operate an asphalt plant or a portable or
91 | stationary concrete batch plant having an independent
92 | mixer; revising requirements regarding contracting for
93 | certain county road and bridge projects; authorizing a
94 | municipality to require that persons interested in
95 | performing work under the contract first be certified or
96 | qualified to do the work when the contract amount exceeds
97 | a certain threshold; providing that a contractor may be
98 | considered ineligible to bid by the municipality if the
99 | contractor is behind an approved progress schedule by more
100 | than a certain amount on another project for that
101 | municipality at the time of the advertisement of the work
102 | requiring prequalification; authorizing an appeal process;
103 | requiring that prequalification criteria and procedures be
104 | published before advertisement or notice of solicitation;
105 | requiring notice of a public hearing for comment on such
106 | criteria and procedures before adoption; requiring that
107 | the procedures provide for an appeal process for
108 | objections to the prequalification process; requiring the
109 | municipality to publish for comment, before adoption, the
110 | selection criteria and procedures to be used if such
111 | procedures would allow selection of other than the lowest
112 | responsible bidder; requiring that the selection criteria

113 include an appeal process; amending s. 336.44, F.S.;

114 conforming a cross-reference; amending s. 337.0261, F.S.;

115 providing legislative intent; revising the sunset date for

116 the Strategic Aggregate Review Task Force; providing for

117 an assessment of aggregate construction materials in the

118 state; providing duties of the Department of

119 Transportation, the Department of Environmental

120 Protection, the Department of Community Affairs, and the

121 Florida Geological Survey; providing for measures of the

122 assessment; directing the Strategic Aggregate Review Task

123 Force to prepare findings and make reports to the

124 Governor, the Legislature, and the department; authorizing

125 the department to adopt rules; providing an appropriation;

126 amending s. 337.11, F.S.; providing for the department to

127 pay a portion of certain proposal development costs;

128 requiring the department to advertise certain contracts as

129 design-build contracts; directing the department to adopt

130 rules for certain procedures; amending ss. 337.14 and

131 337.16, F.S.; conforming cross-references; amending s.

132 337.18, F.S.; requiring the contractor to maintain a copy

133 of the required payment and performance bond at certain

134 locations and provide a copy upon request; providing that

135 a copy may be obtained directly from the department;

136 removing a provision requiring a copy be recorded in the

137 public records of the county; removing a provision for a

138 claimant's right of action against a the contractor and

139 surety; amending s. 337.185, F.S.; providing for the State

140 Arbitration Board to arbitrate certain claims relating to

141 maintenance contracts; providing for a member of the board
142 to be elected by maintenance companies as well as
143 construction companies; amending s. 337.403, F.S.;
144 requiring the department or local governmental entity to
145 pay the cost of relocation of a utility that is found to
146 be interfering with the use, maintenance, improvement,
147 extension, or expansion of a public road or publicly owned
148 rail corridor if the facility serves the department or
149 governmental entity exclusively; providing for the
150 department to incur the costs of relocation underground of
151 certain electric facilities; amending s. 337.408, F.S.;
152 providing for public pay telephones and advertising
153 thereon to be installed within the right-of-way limits of
154 any municipal, county, or state road; amending s. 338.01,
155 F.S.; requiring new and replacement electronic toll
156 collection systems to be interoperable with the
157 department's system; amending s. 338.165, F.S.; revising
158 provisions for use of certain toll revenue; amending s.
159 338.2216, F.S.; directing the Florida Turnpike Enterprise
160 to implement new technologies and processes in its
161 operations and collection of tolls and other amounts;
162 providing contract bid requirements for fuel and food on
163 the turnpike system; amending s. 338.223, F.S.; conforming
164 a cross-reference; amending s. 338.231, F.S.; revising
165 provisions for establishing and collecting tolls;
166 authorizing collection of amounts to cover costs of toll
167 collection and payment methods; requiring public notice
168 and hearing; amending s. 339.12, F.S.; revising

169 requirements for aid and contributions by governmental
170 entities for transportation projects; revising limits
171 under which the department may enter into an agreement
172 with a county for a project or project phase not in the
173 adopted work program; authorizing the department to enter
174 into certain long-term repayment agreements; amending s.
175 339.135, F.S.; revising the department's authority to
176 amend the adopted work program; providing for a
177 notification and review process for certain work program
178 amendments; amending s. 339.155, F.S.; revising provisions
179 for development of the Florida Transportation Plan;
180 amending s. 339.2816, F.S., relating to the small county
181 road assistance program; providing for resumption of
182 certain funding for the program; revising the criteria for
183 counties eligible to participate in the program; amending
184 ss. 339.2819 and 339.285, F.S.; conforming cross-
185 references; amending s. 341.301, F.S.; providing
186 definitions relating to commuter rail service, rail
187 corridors, and railroad operation for purposes of the rail
188 program within the department; amending s. 341.302, F.S.;
189 authorizing the department to assume certain liability on
190 a rail corridor; authorizing the department to indemnify
191 and hold harmless a railroad company when the department
192 acquires a rail corridor from the company; providing
193 allocation of risk; providing a specific cap on the amount
194 of the contractual duty for such indemnification;
195 authorizing the department to purchase and provide
196 insurance in relation to rail corridors; authorizing

197 marketing and promotional expenses; extending provisions
198 to other governmental entities providing commuter rail
199 service on public right-of-way; creating s. 341.3023,
200 F.S.; requiring the department to review and study
201 commuter rail programs and intercity rail transportation
202 systems; requiring a report to the Governor and the
203 Legislature; repealing part III of ch. 343 F.S.;
204 abolishing the Tampa Bay Commuter Transit Authority;
205 amending s. 348.0003, F.S.; providing for financial
206 disclosure for expressway, transportation, bridge, and
207 toll authorities; amending s. 348.0004, F.S.; providing
208 for certain expressway authorities to index toll rate
209 increases; amending s. 479.01, F.S.; revising provisions
210 for outdoor advertising; revising the definition of the
211 term "automatic changeable facing"; amending s. 479.07,
212 F.S.; revising a prohibition against signs on the State
213 Highway System; revising requirements for display of the
214 sign permit tag; directing the department to establish by
215 rule a fee for furnishing a replacement permit tag;
216 amending s. 479.08, F.S.; revising provisions for denial
217 or revocation of a sign permit; amending s. 479.11, F.S.;
218 revising a prohibition against certain signs located
219 outside an urban area; amending s. 479.261, F.S.; revising
220 provisions for the logo sign program; revising
221 requirements for businesses to participate in the program;
222 authorizing the department to adopt rules for removing and
223 adding businesses on a rotating basis; removing a
224 provision for an application fee; revising the provisions

225 | for an annual permit fee; providing for rules to phase in
 226 | the fee; amending s. 768.28, F.S.; expanding the list of
 227 | entities considered agents of the state; providing for
 228 | construction in relation to certain federal laws;
 229 | requiring the department to conduct a study of
 230 | transportation alternatives for the Interstate 95
 231 | corridor; requiring a report to the Governor and the
 232 | Legislature; transferring the Office of Motor Carrier
 233 | Compliance to the Division of the Florida Highway Patrol
 234 | of the Department of Highway Safety and Motor Vehicles;
 235 | providing for assistance to certain legislative
 236 | substantive committees by the Division of Statutory
 237 | Revision of the Office of Legislative Services for certain
 238 | purposes; reenacting ss. 316.066(3)(a), 316.072(4)(b),
 239 | 316.1932(3), 316.1933(4), 316.1937(1) and (2)(d),
 240 | 316.1939(1)(b), 316.656(1), 318.143(4) and (5), 318.17(3),
 241 | 320.055(1)(c), 322.03(2), 322.0602(2)(a), 322.21(8),
 242 | 322.25(5), 322.26(1)(a), 322.2615(14)(a) and (16),
 243 | 322.2616(15) and (19), 322.264(1)(b), 322.271(2)(a), (c)
 244 | and (4), 322.2715(2), (3)(a), (c), and (4), 322.28(2),
 245 | 322.282(2)(a), 322.291(1)(a), 322.34(9)(a), 322.62(3),
 246 | 322.63(2)(d) and (6), 322.64(1), (2), (7)(a), (8)(b),
 247 | (14), and (15), 323.001(4)(f), 324.023, 324.131,
 248 | 327.35(6), 337.195(1), 440.02(17)(c), 440.09(7)(b),
 249 | 493.6106(1)(d), 627.7275(2)(a), 627.758(4), 790.06(2)(f)
 250 | and (10)(f), 903.36(2), and 907.041(4)(c), F.S., relating
 251 | to written reports of crashes, obedience to and effect of
 252 | traffic laws, tests for alcohol, chemical substances, or

253 controlled substances, implied consent, refusal, blood
 254 test for impairment or intoxication in cases of death or
 255 serious bodily injury, right to use reasonable force,
 256 ignition interlock devices, requiring, unlawful acts,
 257 refusal to submit to testing, penalties, mandatory
 258 adjudication, prohibition against accepting plea to lesser
 259 included offense, sanctions for infractions by minors,
 260 offenses excepted, registration periods, renewal periods,
 261 drivers must be licensed, penalties, youthful drunk driver
 262 visitation program, license fees, procedure for handling
 263 and collecting fees, when court to forward license to
 264 department and report convictions, temporary reinstatement
 265 of driving privileges, mandatory revocation of license by
 266 department, suspension of license, right to review,
 267 suspension of license, persons under 21 years of age,
 268 right to review, "habitual traffic offender" defined,
 269 authority to modify revocation, cancellation, or
 270 suspension order, ignition interlock device, period of
 271 suspension or revocation, procedure when court revokes or
 272 suspends license or driving privilege and orders
 273 reinstatement, driver improvement schools or dui programs,
 274 required in certain suspension and revocation cases,
 275 driving while license suspended, revoked, canceled, or
 276 disqualified, driving under the influence, commercial
 277 motor vehicle operators, alcohol or drug testing,
 278 commercial motor vehicle operators, holder of commercial
 279 driver's license, driving with unlawful blood-alcohol
 280 level, refusal to submit to breath, urine, or blood test,

281 wrecker operator storage facilities, vehicle holds,
 282 financial responsibility for bodily injury or death,
 283 period of suspension, boating under the influence,
 284 penalties, "designated drivers," limits on liability,
 285 definitions, coverage, license requirements, posting,
 286 motor vehicle liability, surety on auto club traffic
 287 arrest bond, conditions, limit, bail bond, license to
 288 carry concealed weapon or firearm, guaranteed arrest bond
 289 certificates as cash bail, and pretrial detention and
 290 release, to incorporate references in changes made by the
 291 act; providing effective dates.

292

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

294

295 Section 1. Paragraphs (a), (h), and (j) of subsection (6)
 296 of section 163.3177, Florida Statutes, are amended to read:

297 163.3177 Required and optional elements of comprehensive
 298 plan; studies and surveys.--

299 (6) In addition to the requirements of subsections (1)-(5)
 300 and (12), the comprehensive plan shall include the following
 301 elements:

302 (a) A future land use plan element designating proposed
 303 future general distribution, location, and extent of the uses of
 304 land for residential uses, commercial uses, industry,
 305 agriculture, recreation, conservation, education, public
 306 buildings and grounds, other public facilities, and other
 307 categories of the public and private uses of land. Counties are
 308 encouraged to designate rural land stewardship areas, pursuant

309 to the provisions of paragraph (11)(d), as overlays on the
310 future land use map. Each future land use category must be
311 defined in terms of uses included, and must include standards to
312 be followed in the control and distribution of population
313 densities and building and structure intensities. The proposed
314 distribution, location, and extent of the various categories of
315 land use shall be shown on a land use map or map series which
316 shall be supplemented by goals, policies, and measurable
317 objectives. The future land use plan shall be based upon
318 surveys, studies, and data regarding the area, including the
319 amount of land required to accommodate anticipated growth; the
320 projected population of the area; the character of undeveloped
321 land; the availability of water supplies, public facilities, and
322 services; the need for redevelopment, including the renewal of
323 blighted areas and the elimination of nonconforming uses which
324 are inconsistent with the character of the community; the
325 compatibility of uses on lands adjacent to or closely proximate
326 to military installations; lands adjacent to an airport as
327 defined in s. 330.35 and consistent with provisions in s.
328 333.02; and, in rural communities, the need for job creation,
329 capital investment, and economic development that will
330 strengthen and diversify the community's economy. The future
331 land use plan may designate areas for future planned development
332 use involving combinations of types of uses for which special
333 regulations may be necessary to ensure development in accord
334 with the principles and standards of the comprehensive plan and
335 this act. The future land use plan element shall include
336 criteria to be used to achieve the compatibility of adjacent or

337 closely proximate lands with military installations; lands
338 adjacent to an airport as defined in s. 330.35 and consistent
339 with provisions in s. 333.02. In addition, for rural
340 communities, the amount of land designated for future planned
341 industrial use shall be based upon surveys and studies that
342 reflect the need for job creation, capital investment, and the
343 necessity to strengthen and diversify the local economies, and
344 shall not be limited solely by the projected population of the
345 rural community. The future land use plan of a county may also
346 designate areas for possible future municipal incorporation. The
347 land use maps or map series shall generally identify and depict
348 historic district boundaries and shall designate historically
349 significant properties meriting protection. For coastal
350 counties, the future land use element must include, without
351 limitation, regulatory incentives and criteria that encourage
352 the preservation of recreational and commercial working
353 waterfronts as defined in s. 342.07. The future land use element
354 must clearly identify the land use categories in which public
355 schools are an allowable use. When delineating the land use
356 categories in which public schools are an allowable use, a local
357 government shall include in the categories sufficient land
358 proximate to residential development to meet the projected needs
359 for schools in coordination with public school boards and may
360 establish differing criteria for schools of different type or
361 size. Each local government shall include lands contiguous to
362 existing school sites, to the maximum extent possible, within
363 the land use categories in which public schools are an allowable
364 use. The failure by a local government to comply with these

365 school siting requirements will result in the prohibition of the
 366 local government's ability to amend the local comprehensive
 367 plan, except for plan amendments described in s. 163.3187(1)(b),
 368 until the school siting requirements are met. Amendments
 369 proposed by a local government for purposes of identifying the
 370 land use categories in which public schools are an allowable use
 371 are exempt from the limitation on the frequency of plan
 372 amendments contained in s. 163.3187. The future land use element
 373 shall include criteria that encourage the location of schools
 374 proximate to urban residential areas to the extent possible and
 375 shall require that the local government seek to collocate public
 376 facilities, such as parks, libraries, and community centers,
 377 with schools to the extent possible and to encourage the use of
 378 elementary schools as focal points for neighborhoods. For
 379 schools serving predominantly rural counties, defined as a
 380 county with a population of 100,000 or fewer, an agricultural
 381 land use category shall be eligible for the location of public
 382 school facilities if the local comprehensive plan contains
 383 school siting criteria and the location is consistent with such
 384 criteria. Local governments required to update or amend their
 385 comprehensive plan to include criteria and address compatibility
 386 of lands adjacent to an airport as defined in s. 330.35 and
 387 consistent with provisions in s. 333.02 adjacent or closely
 388 ~~proximate lands with existing military installations~~ in their
 389 future land use plan element shall transmit the update or
 390 amendment to the state land planning agency ~~department~~ by June
 391 30, 2010 ~~2006~~.

392 (h)1. An intergovernmental coordination element showing
393 relationships and stating principles and guidelines to be used
394 in the accomplishment of coordination of the adopted
395 comprehensive plan with the plans of school boards, regional
396 water supply authorities, and other units of local government
397 providing services but not having regulatory authority over the
398 use of land, with the comprehensive plans of adjacent
399 municipalities, the county, adjacent counties, or the region,
400 with the state comprehensive plan and with the applicable
401 regional water supply plan approved pursuant to s. 373.0361, as
402 the case may require and as such adopted plans or plans in
403 preparation may exist. This element of the local comprehensive
404 plan shall demonstrate consideration of the particular effects
405 of the local plan, when adopted, upon the development of
406 adjacent municipalities, the county, adjacent counties, or the
407 region, or upon the state comprehensive plan, as the case may
408 require.

409 a. The intergovernmental coordination element shall
410 provide ~~for~~ procedures to identify and implement joint planning
411 areas, especially for the purpose of annexation, municipal
412 incorporation, and joint infrastructure service areas.

413 b. The intergovernmental coordination element shall
414 provide for recognition of campus master plans prepared pursuant
415 to s. 1013.30, and airport master plans pursuant to paragraph
416 (k).

417 c. The intergovernmental coordination element may provide
418 for a voluntary dispute resolution process as established
419 pursuant to s. 186.509 for bringing to closure in a timely

420 manner intergovernmental disputes. A local government may
 421 develop and use an alternative local dispute resolution process
 422 for this purpose.

423 d. The intergovernmental coordination element shall
 424 provide for interlocal agreements, as established pursuant to s.
 425 333.03(1)(b).

426 2. The intergovernmental coordination element shall
 427 further state principles and guidelines to be used in the
 428 accomplishment of coordination of the adopted comprehensive plan
 429 with the plans of school boards and other units of local
 430 government providing facilities and services but not having
 431 regulatory authority over the use of land. In addition, the
 432 intergovernmental coordination element shall describe joint
 433 processes for collaborative planning and decisionmaking on
 434 population projections and public school siting, the location
 435 and extension of public facilities subject to concurrency, and
 436 siting facilities with countywide significance, including
 437 locally unwanted land uses whose nature and identity are
 438 established in an agreement. Within 1 year of adopting their
 439 intergovernmental coordination elements, each county, all the
 440 municipalities within that county, the district school board,
 441 and any unit of local government service providers in that
 442 county shall establish by interlocal or other formal agreement
 443 executed by all affected entities, the joint processes described
 444 in this subparagraph consistent with their adopted
 445 intergovernmental coordination elements.

446 3. To foster coordination between special districts and
 447 local general-purpose governments as local general-purpose

448 governments implement local comprehensive plans, each
 449 independent special district must submit a public facilities
 450 report to the appropriate local government as required by s.
 451 189.415.

452 4.a. Local governments must execute an interlocal
 453 agreement with the district school board, the county, and
 454 nonexempt municipalities pursuant to s. 163.31777. The local
 455 government shall amend the intergovernmental coordination
 456 element to provide that coordination between the local
 457 government and school board is pursuant to the agreement and
 458 shall state the obligations of the local government under the
 459 agreement.

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

462 5. The state land planning agency shall establish a
 463 schedule for phased completion and transmittal of plan
 464 amendments to implement subparagraphs 1., 2., and 3. from all
 465 jurisdictions so as to accomplish their adoption by December 31,
 466 1999. A local government may complete and transmit its plan
 467 amendments to carry out these provisions prior to the scheduled
 468 date established by the state land planning agency. The plan
 469 amendments are exempt from the provisions of s. 163.3187(1).

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

474 a. Identifies all existing or proposed interlocal service
 475 delivery agreements regarding the following: education; sanitary

476 sewer; public safety; solid waste; drainage; potable water;
 477 parks and recreation; and transportation facilities.

478 b. Identifies any deficits or duplication in the provision
 479 of services within its jurisdiction, whether capital or
 480 operational. Upon request, the Department of Community Affairs
 481 shall provide technical assistance to the local governments in
 482 identifying deficits or duplication.

483 7. Within 6 months after submission of the report, the
 484 Department of Community Affairs shall, through the appropriate
 485 regional planning council, coordinate a meeting of all local
 486 governments within the regional planning area to discuss the
 487 reports and potential strategies to remedy any identified
 488 deficiencies or duplications.

489 8. Each local government shall update its
 490 intergovernmental coordination element based upon the findings
 491 in the report submitted pursuant to subparagraph 6. The report
 492 may be used as supporting data and analysis for the
 493 intergovernmental coordination element.

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

499 1. Traffic circulation, including major thoroughfares and
 500 other routes, including bicycle and pedestrian ways.

501 2. All alternative modes of travel, such as public
 502 transportation, pedestrian, and bicycle travel.

503 3. Parking facilities.

504 4. Aviation, rail, seaport facilities, access to those
505 facilities, and intermodal terminals.

506 5. The availability of facilities and services to serve
507 existing land uses and the compatibility between future land use
508 and transportation elements.

509 6. The capability to evacuate the coastal population prior
510 to an impending natural disaster.

511 7. Airports, projected airport and aviation development,
512 and land use compatibility around airports that includes areas
513 defined in s. 333.01 and s. 333.02.

514 8. An identification of land use densities, building
515 intensities, and transportation management programs to promote
516 public transportation systems in designated public
517 transportation corridors so as to encourage population densities
518 sufficient to support such systems.

519 9. May include transportation corridors, as defined in s.
520 334.03, intended for future transportation facilities designated
521 pursuant to s. 337.273. If transportation corridors are
522 designated, the local government may adopt a transportation
523 corridor management ordinance.

524 Section 2. Paragraph (c) is added to subsection (2) of
525 section 163.3182, Florida Statutes, and paragraph (d) of
526 subsection (3), paragraph (a) of subsection (4), and subsections
527 (5) and (8) of that section are amended, to read:

528 163.3182 Transportation concurrency backlogs.--

529 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG

530 AUTHORITIES.--

531 (c) The Legislature finds and declares that there exists
 532 in many counties and municipalities areas with significant
 533 transportation deficiencies and inadequate transportation
 534 facilities; that many such insufficiencies and inadequacies
 535 severely limit or prohibit the satisfaction of transportation
 536 concurrency standards; that such transportation insufficiencies
 537 and inadequacies affect the health, safety, and welfare of the
 538 residents of such counties and municipalities; that such
 539 transportation insufficiencies and inadequacies adversely affect
 540 economic development and growth of the tax base for the areas in
 541 which such insufficiencies and inadequacies exist; and that the
 542 elimination of transportation deficiencies and inadequacies and
 543 the satisfaction of transportation concurrency standards are
 544 paramount public purposes for the state and its counties and
 545 municipalities.

546 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 547 AUTHORITY.--Each transportation concurrency backlog authority
 548 has the powers necessary or convenient to carry out the purposes
 549 of this section, including the following powers in addition to
 550 others granted in this section:

551 (d) To borrow money, including, but not limited to,
 552 issuing debt obligations, such as, but not limited to, bonds,
 553 notes, certificates, and similar debt instruments; to apply for
 554 and accept advances, loans, grants, contributions, and any other
 555 forms of financial assistance from the Federal Government or the
 556 state, county, or any other public body or from any sources,
 557 public or private, for the purposes of this part; to give such
 558 security as may be required; to enter into and carry out

559 | contracts or agreements; and to include in any contracts for
 560 | financial assistance with the Federal Government for or with
 561 | respect to a transportation concurrency backlog project and
 562 | related activities such conditions imposed pursuant to federal
 563 | laws as the transportation concurrency backlog authority
 564 | considers reasonable and appropriate and which are not
 565 | inconsistent with the purposes of this section.

566 | (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

567 | (a) Each transportation concurrency backlog authority
 568 | shall adopt a transportation concurrency backlog plan as a part
 569 | of the local government comprehensive plan within 6 months after
 570 | the creation of the authority. The plan shall:

571 | 1. Identify all transportation facilities that have been
 572 | designated as deficient and require the expenditure of moneys to
 573 | upgrade, modify, or mitigate the deficiency.

574 | 2. Include a priority listing of all transportation
 575 | facilities that have been designated as deficient and do not
 576 | satisfy concurrency requirements pursuant to s. 163.3180, and
 577 | the applicable local government comprehensive plan.

578 | 3. Establish a schedule for financing and construction of
 579 | transportation concurrency backlog projects that will eliminate
 580 | transportation concurrency backlogs within the jurisdiction of
 581 | the authority within 10 years after the transportation
 582 | concurrency backlog plan adoption. The schedule shall be adopted
 583 | as part of the local government comprehensive plan.

584 | Notwithstanding such schedule requirements, as long as the
 585 | schedule provides for the elimination of all transportation
 586 | concurrency backlogs within 10 years after the adoption of the

587 concurrency backlog plan, the final maturity date of any debt
588 incurred to finance or refinance the related projects may be no
589 later than 40 years after the date such debt is incurred and the
590 authority may continue operations and administer the trust fund
591 established as provided in subsection (5) for as long as such
592 debt remains outstanding.

593 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
594 concurrency backlog authority shall establish a local
595 transportation concurrency backlog trust fund upon creation of
596 the authority. Each local trust fund shall be administered by
597 the transportation concurrency backlog authority within which a
598 transportation concurrency backlog has been identified. Each
599 local trust fund shall continue to be funded pursuant to this
600 section for as long as the projects set forth in the related
601 transportation concurrency backlog plan remain to be completed
602 or until any debt incurred to finance or refinance the related
603 projects are no longer outstanding, whichever occurs later.
604 Beginning in the first fiscal year after the creation of the
605 authority, each local trust fund shall be funded by the proceeds
606 of an ad valorem tax increment collected within each
607 transportation concurrency backlog area to be determined
608 annually and shall be a minimum of 25 percent of the difference
609 between the amounts set forth in paragraphs (a) and (b), except
610 that if all of the affected taxing authorities agree pursuant to
611 an interlocal agreement, a particular local trust fund may be
612 funded by the proceeds of an ad valorem tax increment greater
613 than 25 percent of the difference between the amounts set forth
614 in paragraphs (a) and (b):

615 (a) The amount of ad valorem tax levied each year by each
 616 taxing authority, exclusive of any amount from any debt service
 617 millage, on taxable real property contained within the
 618 jurisdiction of the transportation concurrency backlog authority
 619 and within the transportation backlog area; and

620 (b) The amount of ad valorem taxes which would have been
 621 produced by the rate upon which the tax is levied each year by
 622 or for each taxing authority, exclusive of any debt service
 623 millage, upon the total of the assessed value of the taxable
 624 real property within the transportation concurrency backlog area
 625 as shown on the most recent assessment roll used in connection
 626 with the taxation of such property of each taxing authority
 627 prior to the effective date of the ordinance funding the trust
 628 fund.

629 (8) DISSOLUTION.--Upon completion of all transportation
 630 concurrency backlog projects and repayment or defeasance of all
 631 debt issued to finance or refinance such projects, a
 632 transportation concurrency backlog authority shall be dissolved,
 633 and its assets and liabilities shall be transferred to the
 634 county or municipality within which the authority is located.
 635 All remaining assets of the authority must be used for
 636 implementation of transportation projects within the
 637 jurisdiction of the authority. The local government
 638 comprehensive plan shall be amended to remove the transportation
 639 concurrency backlog plan.

640 Section 3. Paragraph (c) of subsection (9) of section
 641 287.055, Florida Statutes, is amended to read:

642 287.055 Acquisition of professional architectural,
 643 engineering, landscape architectural, or surveying and mapping
 644 services; definitions; procedures; contingent fees prohibited;
 645 penalties.--

646 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

647 (c) Except as otherwise provided in s. 337.11(8)~~(7)~~, the
 648 Department of Management Services shall adopt rules for the
 649 award of design-build contracts to be followed by state
 650 agencies. Each other agency must adopt rules or ordinances for
 651 the award of design-build contracts. Municipalities, political
 652 subdivisions, school districts, and school boards shall award
 653 design-build contracts by the use of a competitive proposal
 654 selection process as described in this subsection, or by the use
 655 of a qualifications-based selection process pursuant to
 656 subsections (3), (4), and (5) for entering into a contract
 657 whereby the selected firm will, subsequent to competitive
 658 negotiations, establish a guaranteed maximum price and
 659 guaranteed completion date. If the procuring agency elects the
 660 option of qualifications-based selection, during the selection
 661 of the design-build firm the procuring agency shall employ or
 662 retain a licensed design professional appropriate to the project
 663 to serve as the agency's representative. Procedures for the use
 664 of a competitive proposal selection process must include as a
 665 minimum the following:

- 666 1. The preparation of a design criteria package for the
- 667 design and construction of the public construction project.
- 668 2. The qualification and selection of no fewer than three
- 669 design-build firms as the most qualified, based on the

670 qualifications, availability, and past work of the firms,
 671 including the partners or members thereof.

672 3. The criteria, procedures, and standards for the
 673 evaluation of design-build contract proposals or bids, based on
 674 price, technical, and design aspects of the public construction
 675 project, weighted for the project.

676 4. The solicitation of competitive proposals, pursuant to
 677 a design criteria package, from those qualified design-build
 678 firms and the evaluation of the responses or bids submitted by
 679 those firms based on the evaluation criteria and procedures
 680 established prior to the solicitation of competitive proposals.

681 5. For consultation with the employed or retained design
 682 criteria professional concerning the evaluation of the responses
 683 or bids submitted by the design-build firms, the supervision or
 684 approval by the agency of the detailed working drawings of the
 685 project; and for evaluation of the compliance of the project
 686 construction with the design criteria package by the design
 687 criteria professional.

688 6. In the case of public emergencies, for the agency head
 689 to declare an emergency and authorize negotiations with the best
 690 qualified design-build firm available at that time.

691 Section 4. Section 316.0741, Florida Statutes, is amended
 692 to read:

693 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
 694 lanes.--

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

696 (a) "High-occupancy-vehicle ~~High-occupancy vehicle~~ lane"
 697 or "HOV lane" means a lane of a public roadway designated for

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698 use by vehicles in which there is more than one occupant unless
699 otherwise authorized by federal law.

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

701 1. That draws propulsion energy from onboard sources of
702 stored energy which are both an internal combustion or heat
703 engine using combustible fuel and a rechargeable energy-storage
704 system; and

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

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

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

720 (4) (a) Notwithstanding any other provision of this
721 section, an inherently low-emission vehicle (ILEV) that is
722 certified and labeled in accordance with federal regulations may
723 be driven in an HOV lane at any time, regardless of its
724 occupancy. In addition, upon the state's receipt of written
725 notice from the proper federal regulatory agency authorizing

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726 such use, a vehicle defined as a hybrid vehicle under this
727 section may be driven in an HOV lane at any time, regardless of
728 its occupancy.

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

733 (c) Upon issuance of the applicable Environmental
734 Protection Agency final rule pursuant to 23 U.S.C. s. 166(e),
735 relating to the eligibility of hybrid and other low-emission and
736 energy-efficient vehicles for operation in an HOV lane
737 regardless of occupancy, the Department of Transportation shall
738 review the rule and recommend to the Legislature any statutory
739 changes necessary for compliance with the federal rule. The
740 department shall provide its recommendations no later than 30
741 days following issuance of the final rule.

742 (5) The department shall issue a decal and registration
743 certificate, to be renewed annually, reflecting the HOV lane
744 designation on ~~such~~ vehicles meeting the criteria in subsection
745 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
746 department may charge a fee for a decal, not to exceed the costs
747 of designing, producing, and distributing each decal, or \$5,
748 whichever is less. The proceeds from sale of the decals shall be
749 deposited in the Highway Safety Operating Trust Fund. The
750 department may, for reasons of operation and management of HOV
751 facilities, limit or discontinue issuance of decals for the use
752 of HOV facilities by hybrid and low-emission and energy-
753 efficient vehicles, regardless of occupancy, if it has been

754 determined by the Department of Transportation that the
 755 facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

756 (6) Vehicles having decals by virtue of compliance with
 757 the minimum fuel economy standards under 23 U.S.C. s.
 758 166(f)(3)(B), and which are registered for use in high-occupancy
 759 toll lanes or express lanes in accordance with Department of
 760 Transportation rule, shall be allowed to use any HOV lanes
 761 redesignated as high-occupancy toll lanes or express lanes
 762 without payment of a toll.

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

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

767 ~~1. An internal combustion or heat engine using combustible~~
 768 ~~fuel; and~~

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

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

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

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

776 (7)(6) The department may adopt rules necessary to
 777 administer this section.

778 Section 5. Subsection (4) of section 316.193, Florida
 779 Statutes, is amended to read:

780 316.193 Driving under the influence; penalties.--

781 (4) (a) Any person who is convicted of a violation of
782 subsection (1) and who has a blood-alcohol level or breath-
783 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
784 convicted of a violation of subsection (1) and who at the time
785 of the offense was accompanied in the vehicle by a person under
786 the age of 18 years, shall be punished:

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

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

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

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

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

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

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

797 (b) For the purposes of this subsection, only the instant
798 offense is required to be a violation of subsection (1) by a
799 person who has a blood-alcohol level or breath-alcohol level of
800 0.15 ~~0.20~~ or higher.

801 (c) In addition to the penalties in subparagraphs (a)1.
802 and 2. ~~paragraphs (a) and (b)~~, the court shall order the
803 mandatory placement, at the convicted person's sole expense, of
804 an ignition interlock device approved by the department in
805 accordance with s. 316.1938 upon all vehicles that are
806 individually or jointly leased or owned and routinely operated
807 by the convicted person for up to 6 months for the first offense
808 and for at least 2 years for a second offense, when the

809 convicted person qualifies for a permanent or restricted
 810 license. The installation of such device may not occur before
 811 July 1, 2003.

812 Section 6. Subsection (2) of section 316.2397, Florida
 813 Statutes, is amended to read:

814 316.2397 Certain lights prohibited; exceptions.--

815 (2) It is expressly prohibited for any vehicle or
 816 equipment, except police vehicles, to show or display blue
 817 lights. However, vehicles owned, operated, or leased by the
 818 Department of Corrections or any county correctional agency, may
 819 show or display blue lights when responding to emergencies.

820 Section 7. Effective October 1, 2008, paragraph (b) of
 821 subsection (1) and subsections (6) and (8) of section 316.302,
 822 Florida Statutes, are amended to read:

823 316.302 Commercial motor vehicles; safety regulations;
 824 transporters and shippers of hazardous materials; enforcement.--

825 (1)

826 (b) Except as otherwise provided in this section, all
 827 owners or drivers of commercial motor vehicles that are engaged
 828 in intrastate commerce are subject to the rules and regulations
 829 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 830 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 831 of bus, as such rules and regulations existed on October 1, 2007
 832 ~~2005~~.

833 (6) The state Department of Transportation shall perform
 834 the duties that are assigned to the Field Administrator, Federal
 835 Motor Carrier Safety Administration ~~Regional Federal Highway~~
 836 ~~Administrator~~ under the federal rules, and an agent of that

837 department, as described in s. 316.545(9), may enforce those
838 rules.

839 (8) For the purpose of enforcing this section, any law
840 enforcement officer of the Department of Transportation or duly
841 appointed agent who holds a current safety inspector
842 certification from the Commercial Vehicle Safety Alliance may
843 require the driver of any commercial vehicle operated on the
844 highways of this state to stop and submit to an inspection of
845 the vehicle or the driver's records. If the vehicle or driver is
846 found to be operating in an unsafe condition, or if any required
847 part or equipment is not present or is not in proper repair or
848 adjustment, and the continued operation would present an unduly
849 hazardous operating condition, the officer may require the
850 vehicle or the driver to be removed from service pursuant to the
851 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
852 corrected. However, if continuous operation would not present an
853 unduly hazardous operating condition, the officer may give
854 written notice requiring correction of the condition within 14
855 days.

856 (a) Any member of the Florida Highway Patrol or any law
857 enforcement officer employed by a sheriff's office or municipal
858 police department authorized to enforce the traffic laws of this
859 state pursuant to s. 316.640 who has reason to believe that a
860 vehicle or driver is operating in an unsafe condition may, as
861 provided in subsection (10), enforce the provisions of this
862 section.

863 (b) Any person who fails to comply with an officer's
864 request to submit to an inspection under this subsection commits

865 a violation of s. 843.02 if the person resists the officer
 866 without violence or a violation of s. 843.01 if the person
 867 resists the officer with violence.

868 Section 8. Subsection (5) of section 316.515, Florida
 869 Statutes, is amended to read:

870 316.515 Maximum width, height, length.--

871 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 872 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY
 873 REQUIREMENTS.--

874 (a) Notwithstanding any other provisions of law, straight
 875 trucks, agricultural tractors, and cotton module movers, not
 876 exceeding 50 feet in length, or any combination of up to and
 877 including three implements of husbandry, including the towing
 878 power unit, and any single agricultural trailer with a load
 879 thereon or any agricultural implements attached to a towing
 880 power unit ~~not exceeding 130 inches in width~~, or a self-
 881 propelled agricultural implement or an agricultural tractor ~~not~~
 882 ~~exceeding 130 inches in width~~, is authorized for the purpose of
 883 transporting peanuts, grains, soybeans, cotton, hay, straw, or
 884 other perishable farm products from their point of production to
 885 the first point of change of custody or of long-term storage,
 886 and for the purpose of returning to such point of production, or
 887 for the purpose of moving such tractors, movers, and implements
 888 from one point of agricultural production to another, by a
 889 person engaged in the production of any such product or custom
 890 hauler, if such vehicle or combination of vehicles otherwise
 891 complies with this section. ~~The Department of Transportation may~~
 892 ~~issue overwidth permits for implements of husbandry greater than~~

893 ~~130 inches, but not more than 170 inches, in width.~~ The
 894 Department of Transportation may issue overlength permits for
 895 cotton module movers greater than 50 feet but not more than 55
 896 feet in overall length. Such vehicles shall be operated in
 897 accordance with all safety requirements prescribed by law and
 898 rules of the Department of Transportation.

899 (b) Notwithstanding any other provision of law, equipment
 900 not exceeding 136 inches in width and not capable of speeds
 901 exceeding 20 miles per hour which is used exclusively for
 902 harvesting forestry products is authorized for the purpose of
 903 transporting equipment from one point of harvest to another
 904 point of harvest, not to exceed 10 miles, by a person engaged in
 905 the harvesting of forestry products. Such vehicles must be
 906 operated during daylight hours only, in accordance with all
 907 safety requirements prescribed by s. 316.2295(5) and (6).

908 (c) The width and height limitations of this section shall
 909 not apply to farming or agricultural equipment, whether self-
 910 propelled, pulled, or hauled, when temporarily operated during
 911 daylight hours upon a public road which is not a limited access
 912 facility as defined in s. 334.03(13), and the width and height
 913 limitations may be exceeded by such equipment without a permit.
 914 To be eligible for this exemption, the equipment shall be
 915 operated within a radius of 50 miles from the real property
 916 owned, rented, or leased by the equipment owner; however
 917 equipment being delivered by a dealer to a purchaser shall not
 918 be subject to the 50-mile limitation. Farming or agricultural
 919 equipment greater than 174 inches in width must have one warning
 920 lamp mounted on each side of the equipment to denote the width

921 and must have a slow moving vehicle sign. Warning lamps required
 922 by this paragraph must be visible from the front and rear of the
 923 vehicle and must be visible from a distance of 1000 feet.

924 (d) The operator of equipment operated under this
 925 subsection is responsible for verifying that the route used has
 926 adequate clearance for the equipment.

927 Section 9. Subsection (2) of section 316.613, Florida
 928 Statutes, is amended to read:

929 316.613 Child restraint requirements.--

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

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

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

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

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

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

943 Section 10. Paragraph (a) of subsection (3) of section
 944 316.614, Florida Statutes, is amended to read:

945 316.614 Safety belt usage.--

946 (3) As used in this section:

947 (a) "Motor vehicle" means a motor vehicle as defined in s.
 948 316.003 which ~~that~~ is operated on the roadways, streets, and
 949 highways of this state. The term does not include:

- 950 1. A school bus.
- 951 2. A bus used for the transportation of persons for
 952 compensation.
- 953 3. A farm tractor or implement of husbandry.
- 954 4. A truck having a gross vehicle weight rating of more
 955 than 26,000 ~~of a net weight of more than 5,000~~ pounds.
- 956 5. A motorcycle, moped, or bicycle.

957 Section 11. Paragraph (a) of subsection (2) of section
 958 316.656, Florida Statutes, is amended to read:

959 316.656 Mandatory adjudication; prohibition against
 960 accepting plea to lesser included offense.--

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

967 Section 12. Effective July 1, 2008, subsection (1) of
 968 section 320.02, Florida Statutes, as amended by section 28, ch.
 969 2006-290, Laws of Florida, is amended to read:

970 320.02 Registration required; application for
 971 registration; forms.--

972 (1) Except as otherwise provided in this chapter, every
 973 owner or person in charge of a motor vehicle that is operated or
 974 driven on the roads of this state shall register the vehicle in

975 | this state. The owner or person in charge shall apply to the
 976 | department or to its authorized agent for registration of each
 977 | such vehicle on a form prescribed by the department. Prior to
 978 | the original registration of a motorcycle or, motor-driven
 979 | cycle, ~~or moped~~, the owner, if a natural person, must present
 980 | proof that he or she has a valid motorcycle endorsement as
 981 | required in chapter 322. A registration is not required for any
 982 | motor vehicle that is not operated on the roads of this state
 983 | during the registration period.

984 | Section 13. Section 322.64, Florida Statutes, is amended
 985 | to read:

986 | 322.64 Holder of commercial driver's license; persons
 987 | operating a commercial motor vehicle; driving with unlawful
 988 | blood-alcohol level; refusal to submit to breath, urine, or
 989 | blood test.--

990 | (1) (a) A law enforcement officer or correctional officer
 991 | shall, on behalf of the department, disqualify from operating
 992 | any commercial motor vehicle a person who while operating or in
 993 | actual physical control of a commercial motor vehicle is
 994 | arrested for a violation of s. 316.193, relating to unlawful
 995 | blood-alcohol level or breath-alcohol level, or a person who has
 996 | refused to submit to a breath, urine, or blood test authorized
 997 | by s. 322.63 arising out of the operation or actual physical
 998 | control of a commercial motor vehicle. A law enforcement officer
 999 | or correctional officer shall, on behalf of the department,
 1000 | disqualify the holder of a commercial driver's license from
 1001 | operating any commercial motor vehicle if the licenseholder,
 1002 | while operating or in actual physical control of a motor

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1003 vehicle, is arrested for a violation of s. 316.193, relating to
 1004 unlawful blood-alcohol level or breath-alcohol level, or refused
 1005 to submit to a breath, urine, or blood test authorized by s.
 1006 322.63. Upon disqualification of the person, the officer shall
 1007 take the person's driver's license and issue the person a 10-day
 1008 temporary permit for the operation of noncommercial vehicles
 1009 only if the person is otherwise eligible for the driving
 1010 privilege and shall issue the person a notice of
 1011 disqualification. If the person has been given a blood, breath,
 1012 or urine test, the results of which are not available to the
 1013 officer at the time of the arrest, the agency employing the
 1014 officer shall transmit such results to the department within 5
 1015 days after receipt of the results. If the department then
 1016 determines that the person ~~was arrested for a violation of s.~~
 1017 ~~316.193 and that the person~~ had a blood-alcohol level or breath-
 1018 alcohol level of 0.08 or higher, the department shall disqualify
 1019 the person from operating a commercial motor vehicle pursuant to
 1020 subsection (3).

1021 (b) The disqualification under paragraph (a) shall be
 1022 pursuant to, and the notice of disqualification shall inform the
 1023 driver of, the following:

1024 1.a. The driver refused to submit to a lawful breath,
 1025 blood, or urine test and he or she is disqualified from
 1026 operating a commercial motor vehicle for a period of 1 year, for
 1027 a first refusal, or permanently, if he or she has previously
 1028 been disqualified as a result of a refusal to submit to such a
 1029 test; or

1030 b. The driver was driving or in actual physical control of

1031 a commercial motor vehicle, or any motor vehicle if the driver
 1032 holds a commercial driver's license, had an unlawful blood-
 1033 alcohol level or breath-alcohol level of 0.08 or higher, and his
 1034 or her driving privilege shall be disqualified for a period of 6
 1035 months for a first offense or for a period of 1 year if his or
 1036 her driving privilege has been previously disqualified under
 1037 this section. ~~violated s. 316.193 by driving with an unlawful~~
 1038 ~~blood alcohol level and he or she is disqualified from operating~~
 1039 ~~a commercial motor vehicle for a period of 6 months for a first~~
 1040 ~~offense or for a period of 1 year if he or she has previously~~
 1041 ~~been disqualified, or his or her driving privilege has been~~
 1042 ~~previously suspended, for a violation of s. 316.193.~~

1043 2. The disqualification period for operating commercial
 1044 vehicles shall commence on the date of ~~arrest or~~ issuance of the
 1045 notice of disqualification, ~~whichever is later.~~

1046 3. The driver may request a formal or informal review of
 1047 the disqualification by the department within 10 days after the
 1048 date of ~~arrest or~~ issuance of the notice of disqualification,
 1049 ~~whichever is later.~~

1050 4. The temporary permit issued at the time of ~~arrest or~~
 1051 disqualification expires ~~will expire~~ at midnight of the 10th day
 1052 following the date of disqualification.

1053 5. The driver may submit to the department any materials
 1054 relevant to the disqualification ~~arrest.~~

1055 (2) Except as provided in paragraph (1)(a), the law
 1056 enforcement officer shall forward to the department, within 5
 1057 days after the date of the ~~arrest or the~~ issuance of the notice
 1058 of disqualification, ~~whichever is later,~~ a copy of the notice of

1059 | disqualified, the driver's license of the person
 1060 | disqualified ~~arrested~~, and a ~~report of the arrest, including, if~~
 1061 | ~~applicable~~, an affidavit stating the officer's grounds for
 1062 | belief that the person disqualified ~~arrested~~ was operating or in
 1063 | actual physical control of a commercial motor vehicle, or holds
 1064 | a commercial driver's license, and had an unlawful blood-alcohol
 1065 | or breath-alcohol level in violation of s. 316.193; the results
 1066 | of any breath or blood or urine test or an affidavit stating
 1067 | that a breath, blood, or urine test was requested by a law
 1068 | enforcement officer or correctional officer and that the person
 1069 | arrested refused to submit; a copy of the notice of
 1070 | disqualification ~~citation~~ issued to the person ~~arrested~~; and the
 1071 | officer's description of the person's field sobriety test, if
 1072 | any. The failure of the officer to submit materials within the
 1073 | 5-day period specified in this subsection or subsection (1) does
 1074 | ~~shall~~ not affect the department's ability to consider any
 1075 | evidence submitted at or prior to the hearing. The officer may
 1076 | also submit a copy of a videotape of the field sobriety test or
 1077 | the attempt to administer such test and a copy of the crash
 1078 | report, if any.

1079 | (3) If the department determines that the person arrested
 1080 | should be disqualified from operating a commercial motor vehicle
 1081 | pursuant to this section and if the notice of disqualification
 1082 | has not already been served upon the person by a law enforcement
 1083 | officer or correctional officer as provided in subsection (1),
 1084 | the department shall issue a notice of disqualification and,
 1085 | unless the notice is mailed pursuant to s. 322.251, a temporary
 1086 | permit which expires 10 days after the date of issuance if the

1087 driver is otherwise eligible.

1088 (4) If the person disqualified ~~arrested~~ requests an
 1089 informal review pursuant to subparagraph (1)(b)3., the
 1090 department shall conduct the informal review by a hearing
 1091 officer employed by the department. Such informal review hearing
 1092 shall consist solely of an examination by the department of the
 1093 materials submitted by a law enforcement officer or correctional
 1094 officer and by the person disqualified ~~arrested~~, and the
 1095 presence of an officer or witness is not required.

1096 (5) After completion of the informal review, notice of the
 1097 department's decision sustaining, amending, or invalidating the
 1098 disqualification must be provided to the person. Such notice
 1099 must be mailed to the person at the last known address shown on
 1100 the department's records, and to the address provided in the law
 1101 enforcement officer's report if such address differs from the
 1102 address of record, within 21 days after the expiration of the
 1103 temporary permit issued pursuant to subsection (1) or subsection
 1104 (3).

1105 (6)(a) If the person disqualified ~~arrested~~ requests a
 1106 formal review, the department must schedule a hearing to be held
 1107 within 30 days after such request is received by the department
 1108 and must notify the person of the date, time, and place of the
 1109 hearing.

1110 (b) Such formal review hearing shall be held before a
 1111 hearing officer employed by the department, and the hearing
 1112 officer shall be authorized to administer oaths, examine
 1113 witnesses and take testimony, receive relevant evidence, issue
 1114 subpoenas for the officers and witnesses identified in documents

1115 as provided in subsection (2), regulate the course and conduct
 1116 of the hearing, and make a ruling on the disqualification. The
 1117 department and the person disqualified ~~arrested~~ may subpoena
 1118 witnesses, and the party requesting the presence of a witness
 1119 shall be responsible for the payment of any witness fees. If the
 1120 person who requests a formal review hearing fails to appear and
 1121 the hearing officer finds such failure to be without just cause,
 1122 the right to a formal hearing is waived ~~and the department shall~~
 1123 ~~conduct an informal review of the disqualification under~~
 1124 ~~subsection (4).~~

1125 (c) A party may seek enforcement of a subpoena under
 1126 paragraph (b) by filing a petition for enforcement in the
 1127 circuit court of the judicial circuit in which the person
 1128 failing to comply with the subpoena resides. A failure to comply
 1129 with an order of the court shall result in a finding of contempt
 1130 of court. However, a person shall not be in contempt while a
 1131 subpoena is being challenged.

1132 (d) The department must, within 7 days after a formal
 1133 review hearing, send notice to the person of the hearing
 1134 officer's decision as to whether sufficient cause exists to
 1135 sustain, amend, or invalidate the disqualification.

1136 (7) In a formal review hearing under subsection (6) or an
 1137 informal review hearing under subsection (4), the hearing
 1138 officer shall determine by a preponderance of the evidence
 1139 whether sufficient cause exists to sustain, amend, or invalidate
 1140 the disqualification. The scope of the review shall be limited
 1141 to the following issues:

1142 (a) If the person was disqualified from operating a

1143 commercial motor vehicle for driving with an unlawful blood-
 1144 alcohol level ~~in violation of s. 316.193:~~

1145 1. Whether the arresting law enforcement officer had
 1146 probable cause to believe that the person was driving or in
 1147 actual physical control of a commercial motor vehicle, or any
 1148 motor vehicle if the driver holds a commercial driver's license,
 1149 in this state while he or she had any alcohol, chemical
 1150 substances, or controlled substances in his or her body.

1151 ~~2. Whether the person was placed under lawful arrest for a~~
 1152 ~~violation of s. 316.193.~~

1153 ~~2.3.~~ Whether the person had an unlawful blood-alcohol
 1154 level or breath-alcohol level of 0.08 or higher ~~as provided in~~
 1155 ~~s. 316.193.~~

1156 (b) If the person was disqualified from operating a
 1157 commercial motor vehicle for refusal to submit to a breath,
 1158 blood, or urine test:

1159 1. Whether the law enforcement officer had probable cause
 1160 to believe that the person was driving or in actual physical
 1161 control of a commercial motor vehicle, or any motor vehicle if
 1162 the driver holds a commercial driver's license, in this state
 1163 while he or she had any alcohol, chemical substances, or
 1164 controlled substances in his or her body.

1165 2. Whether the person refused to submit to the test after
 1166 being requested to do so by a law enforcement officer or
 1167 correctional officer.

1168 3. Whether the person was told that if he or she refused
 1169 to submit to such test he or she would be disqualified from
 1170 operating a commercial motor vehicle for a period of 1 year or,

1171 in the case of a second refusal, permanently.

1172 (8) Based on the determination of the hearing officer
 1173 pursuant to subsection (7) for both informal hearings under
 1174 subsection (4) and formal hearings under subsection (6), the
 1175 department shall:

1176 (a) Sustain the disqualification for a period of 1 year
 1177 for a first refusal, or permanently if such person has been
 1178 previously disqualified from operating a commercial motor
 1179 vehicle as a result of a refusal to submit to such tests. The
 1180 disqualification period commences on the date of the arrest or
 1181 issuance of the notice of disqualification, whichever is later.

1182 (b) Sustain the disqualification:

1183 1. For a period of 1 year if the person was driving or in
 1184 actual physical control of a commercial motor vehicle, or any
 1185 motor vehicle if the driver holds a commercial driver's license,
 1186 and had an unlawful blood-alcohol level or breath-alcohol level
 1187 of 0.08 or higher; or 6 months for a violation of s. 316.193 or
 1188 for a period of 1 year

1189 2. Permanently if the person has been previously
 1190 disqualified from operating a commercial motor vehicle or his or
 1191 her driving privilege has been previously suspended for driving
 1192 or being in actual physical control of a commercial motor
 1193 vehicle, or any motor vehicle if the driver holds a commercial
 1194 driver's license, and had an unlawful blood-alcohol level or
 1195 breath-alcohol level of 0.08 or higher as a result of a
 1196 violation of s. 316.193.

1197
 1198 The disqualification period commences on the date of the arrest

1199 or issuance of the notice of disqualification, ~~whichever is~~
 1200 ~~later.~~

1201 (9) A request for a formal review hearing or an informal
 1202 review hearing shall not stay the disqualification. If the
 1203 department fails to schedule the formal review hearing to be
 1204 held within 30 days after receipt of the request therefor, the
 1205 department shall invalidate the disqualification. If the
 1206 scheduled hearing is continued at the department's initiative,
 1207 the department shall issue a temporary driving permit limited to
 1208 noncommercial vehicles which is ~~shall be~~ valid until the hearing
 1209 is conducted if the person is otherwise eligible for the driving
 1210 privilege. Such permit shall not be issued to a person who
 1211 sought and obtained a continuance of the hearing. The permit
 1212 issued under this subsection shall authorize driving for
 1213 business purposes ~~or employment use~~ only.

1214 (10) A person who is disqualified from operating a
 1215 commercial motor vehicle under subsection (1) or subsection (3)
 1216 is eligible for issuance of a license for business or employment
 1217 purposes only under s. 322.271 if the person is otherwise
 1218 eligible for the driving privilege. However, such business or
 1219 employment purposes license shall not authorize the driver to
 1220 operate a commercial motor vehicle.

1221 (11) The formal review hearing may be conducted upon a
 1222 review of the reports of a law enforcement officer or a
 1223 correctional officer, including documents relating to the
 1224 administration of a breath test or blood test or the refusal to
 1225 take either test. However, as provided in subsection (6), the
 1226 driver may subpoena the officer or any person who administered

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1227 or analyzed a breath or blood test.

1228 (12) The formal review hearing and the informal review
1229 hearing are exempt from the provisions of chapter 120. The
1230 department is authorized to adopt rules for the conduct of
1231 reviews under this section.

1232 (13) A person may appeal any decision of the department
1233 sustaining the disqualification from operating a commercial
1234 motor vehicle by a petition for writ of certiorari to the
1235 circuit court in the county wherein such person resides or
1236 wherein a formal or informal review was conducted pursuant to s.
1237 322.31. However, an appeal shall not stay the disqualification.
1238 This subsection shall not be construed to provide for a de novo
1239 appeal.

1240 (14) The decision of the department under this section
1241 shall not be considered in any trial for a violation of s.
1242 316.193, s. 322.61, or s. 322.62, nor shall any written
1243 statement submitted by a person in his or her request for
1244 departmental review under this section be admissible into
1245 evidence against him or her in any such trial. The disposition
1246 of any related criminal proceedings shall not affect a
1247 disqualification imposed pursuant to this section.

1248 (15) This section does not preclude the suspension of the
1249 driving privilege pursuant to s. 322.2615. The driving privilege
1250 of a person who has been disqualified from operating a
1251 commercial motor vehicle also may be suspended for a violation
1252 of s. 316.193.

1253 Section 14. Subsection (16) of section 344.044, Florida
 1254 Statutes, is amended, and subsection (34) is added to that
 1255 section, to read:

1256 334.044 Department; powers and duties.--The department
 1257 shall have the following general powers and duties:

1258 (16) To plan, acquire, lease, construct, maintain, and
 1259 operate toll facilities; to authorize the issuance and refunding
 1260 of bonds; and to establish ~~fix~~ and collect tolls, variable rate
 1261 tolls, or other charges for travel on any such facilities.

1262 (34) The department shall maintain training programs for
 1263 department employees and prospective employees who are graduates
 1264 from an approved engineering curriculum of 4 years or more in a
 1265 school, college, or university approved by the Board of
 1266 Professional Engineers to provide broad practical expertise in
 1267 the field of transportation engineering leading to licensure as
 1268 a professional engineer. The department shall maintain training
 1269 programs for department employees to provide broad practical
 1270 experience and enhanced knowledge in the areas of right-of-way
 1271 property management, real estate appraisal, and business
 1272 valuation relating to department right-of-way acquisition
 1273 activities. These training programs may provide for incremental
 1274 increases to base salary for all employees enrolled in the
 1275 programs upon successful completion of training phases.

1276 Section 15. Section 336.41, Florida Statutes, is amended
 1277 to read:

1278 336.41 Counties and municipalities; employing labor and
 1279 providing road equipment; accounting; when competitive bidding
 1280 required.--

1281 ~~(1) The commissioners may employ labor and provide~~
 1282 ~~equipment as may be necessary, except as provided in subsection~~
 1283 ~~(3), for constructing and opening of new roads or bridges and~~
 1284 ~~repair and maintenance of any existing roads and bridges.~~

1285 (1)(2) It is ~~shall~~ be the duty of all persons to whom the
 1286 governing body of a county or municipality delivers
 1287 ~~commissioners deliver~~ equipment and construction materials
 1288 ~~supplies~~ for road and bridge purposes to make a strict
 1289 accounting of the same to the governing body ~~commissioners~~.

1290 (2) (a)(3) The governing body of a county or municipality
 1291 shall competitively award to a private-sector contractor all
 1292 construction, and reconstruction, or repair of roads and
 1293 bridges, including resurfacing, full scale mineral seal coating,
 1294 and major bridge and bridge system repairs.

1295 (b) Notwithstanding paragraph (a), the county or
 1296 municipality may use its own forces, ~~to be performed utilizing~~
 1297 ~~the proceeds of the 80 percent portion of the surplus of the~~
 1298 ~~constitutional gas tax shall be let to contract to the lowest~~
 1299 ~~responsible bidder by competitive bid, except for:~~

1300 1.(a) Construction and maintenance in emergency
 1301 situations. ~~and~~

1302 2.(b) ~~In addition to emergency work,~~ Construction, and
 1303 reconstruction, or repair of roads and bridges, including
 1304 resurfacing, full-scale mineral seal coating, and major bridge
 1305 and bridge system repairs. However, ~~having a total cumulative~~
 1306 ~~annual value not to exceed 5 percent of its 80 percent portion~~
 1307 ~~of the constitutional gas tax or \$400,000, whichever is greater,~~
 1308 ~~and~~

1309 a. A single project may not exceed \$250,000 in value or as
 1310 adjusted by the percentage change in the Construction Cost Index
 1311 dated January 1, 2009, exclusive of materials purchased in
 1312 accordance with sub-subparagraph c.

1313 b. A project under this subsection may not be divided into
 1314 more than one project for the purpose of avoiding the
 1315 requirements of this subsection.

1316 c. All materials for such projects must be purchased or
 1317 furnished from a commercial source, with the exception of
 1318 government-owned local material pits for sand, shell, gravel,
 1319 and rock existing before January 1, 2008.

1320 d. A county or municipality is not subject to the maximum
 1321 project value in sub-subparagraph a. for paving dirt roads only.
 1322 Such county or municipality is subject to sub-subparagraph c.

1323 3.(e) Construction of sidewalks, curbing, accessibility
 1324 ramps, or appurtenances incidental to roads and bridges if each
 1325 project is estimated in accordance with generally accepted cost-
 1326 accounting principles to have total construction project costs
 1327 of less than \$400,000 or as adjusted by the percentage change in
 1328 the Construction Cost Index from January 1, 2008,

1329
 1330 ~~for which the county may utilize its own forces.~~

1331 (c) However, if, after proper advertising, no bids are
 1332 received by a county or municipality for a specific project, the
 1333 county or municipality may use its own forces to construct the
 1334 project, notwithstanding the limitation of this subsection.

1335 (d) As used in this section, the term "competitively
 1336 award" means to award a contract based on the submission of

1337 sealed bids, proposals submitted in response to a request for
 1338 qualifications, or proposals submitted for competitive
 1339 negotiations. This subsection expressly allows contracts for
 1340 construction management services, design-build contracts,
 1341 continuation contracts based on unit prices, and any other
 1342 contract arrangement with a private-sector contractor permitted
 1343 by any applicable municipal or county ordinance, by district
 1344 resolution, or by state law.

1345 (e) For purposes of this section, the value of a project
 1346 includes the cost of all labor, except inmate labor, labor
 1347 burden, and equipment, including ownership, fuel, and
 1348 maintenance costs to be used in the construction and
 1349 reconstruction of the project.

1350 (f) ~~Nothing in~~ This section ~~does not shall~~ prevent the
 1351 county or municipality from performing routine maintenance as
 1352 authorized by law and defined in s. 334.03, including the
 1353 grading and shaping of dirt roads.

1354 (g) Notwithstanding any law to the contrary, a county,
 1355 municipality, or special district may not own or operate an
 1356 asphalt plant or a portable or stationary concrete batch plant
 1357 having an independent mixer.

1358 (3)(4)(a) For contracts in excess of \$250,000, any county
 1359 or municipality may require that persons interested in
 1360 performing work under the contract first be certified or
 1361 qualified to do the work. Any contractor prequalified and
 1362 considered eligible to bid by the department to perform the type
 1363 of work described under the contract shall be presumed to be
 1364 qualified to perform the work so described. Any contractor may

1365 be considered ineligible to bid by the county or municipality if
 1366 the contractor is behind an approved progress schedule by 10
 1367 percent or more on another project for that county or
 1368 municipality at the time of the advertisement of the work. The
 1369 county or municipality may provide an appeal process to overcome
 1370 such consideration with de novo review based on the record below
 1371 to the circuit court.

1372 (b) The county or municipality, as appropriate, shall
 1373 publish prequalification criteria and procedures prior to
 1374 advertisement or notice of solicitation. Such publications shall
 1375 include notice of a public hearing for comment on such criteria
 1376 and procedures before ~~prior to~~ adoption. The procedures shall
 1377 provide for an appeal process within the county or municipality
 1378 for objections to the prequalification process with de novo
 1379 review based on the record below to the circuit court.

1380 (c) The county or municipality, as appropriate, shall also
 1381 publish for comment, before ~~prior to~~ adoption, the selection
 1382 criteria and procedures to be used by the county or municipality
 1383 if such procedures would allow selection of other than the
 1384 lowest responsible bidder. The selection criteria shall include
 1385 an appeal process within the county or municipality with de novo
 1386 review based on the record below to the circuit court.

1387 Section 16. Subsection (1) of section 336.44, Florida
 1388 Statutes, is amended to read:

1389 336.44 Counties; contracts for construction of roads;
 1390 procedure; contractor's bond.--

1391 (1) The commissioners shall let the work on roads out on
 1392 contract, in accordance with s. 336.41(2) ~~s. 336.41(3)~~.

1393 Section 17. Subsection (2) and paragraph (g) of subsection
 1394 (5) of section 337.0261, Florida Statutes, are amended, and
 1395 subsection (6) is added to that section, to read:

1396 337.0261 Construction aggregate materials.--

1397 (2) LEGISLATIVE INTENT.--The Legislature finds that there
 1398 is a strategic and critical need for an available supply of
 1399 construction aggregate materials within the state and that a
 1400 disruption of the supply would cause a significant detriment to
 1401 the state's construction industry, transportation system, and
 1402 overall health, safety, and welfare. The Legislature further
 1403 finds:

1404 (a) Construction aggregate materials are a finite natural
 1405 resource.

1406 (b) Construction aggregate materials mining is an industry
 1407 of critical importance to the state and is therefore in the
 1408 public interest.

1409 (c) There is a need for a reliable, predictable, and
 1410 sustainable supply of construction aggregate materials so that
 1411 public and private construction is maintained without
 1412 interruption.

1413 (d) There are a limited number of aggregate resource
 1414 counties within the State where aggregate and sand resources
 1415 exist.

1416 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

1417 (g) The task force shall be dissolved on March ~~July~~ 1,
 1418 2010 ~~2008~~.

1419 (6) STRATEGIC AGGREGATE RESOURCE ASSESSMENT (SARA).--

1420 (a) The department shall organize and provide
1421 administrative support in the preparation of the strategic
1422 aggregate resource assessment. The department, in consultation
1423 with the Department of Environmental Protection, the Department
1424 of Community Affairs, the regional planning councils, shall work
1425 with local governments in the preparation of the strategic
1426 aggregate resource assessment.

1427 1. For construction aggregate materials the strategic
1428 aggregate resource assessment shall:

1429 a. Identify and map areas where construction aggregate
1430 materials deposits are located in the state.

1431 b. Identify and superimpose on the aggregate map a high to
1432 low quality grading classification to identify the areas that
1433 contain the materials needed for road building and repair.

1434 c. Identify and superimpose on the aggregate map the areas
1435 of natural resources subject to federal or state permitting
1436 requirements in order to identify any potential conflicts
1437 between the location of geologically valuable resources and
1438 natural land and water resources.

1439 d. Identify and superimpose on the aggregate map the areas
1440 of existing future land use elements of local comprehensive
1441 plans and local zoning regulations in order to identify with
1442 natural resources and existing communities and any potential
1443 conflicts between the areas where growth and development is
1444 planned or placed adjacent to or over deposits of construction
1445 aggregate materials.

1446 e. Provide a projection of 5-year, 25-year, and 50-year
1447 demand for aggregate.

1448 f. Provide an estimate of volume of aggregate available
 1449 from already permitted mines to meet demand projections.

1450 g. Identify the availability and estimate the volume of
 1451 alternative material, including recycled and reused construction
 1452 aggregate, which may substitute for construction aggregate.

1453 h. Identify international and out-of-state construction
 1454 aggregate materials available to meet demand projections.

1455 2. For infrastructure the strategic aggregate resource
 1456 assessment shall:

1457 a. Provide a rating structure assessing the ability to
 1458 mine the deposits in an economic manner, taking into account the
 1459 proximity of the materials to the available markets, the
 1460 thickness of overburden, and the quantity and quality of the
 1461 materials. In assessing the economic viability of a geologic
 1462 deposit the strategic aggregate resource assessment shall take
 1463 into account the proximity to rail and port facilities where
 1464 similar or replacement products can be imported at a lower cost
 1465 than producing them locally.

1466 b. Identify the current and potential capacity of
 1467 construction aggregate material imports into the state utilizing
 1468 current and planned rail, connecting roadways, and port
 1469 infrastructure.

1470 3. In addition to the information gathered in
 1471 subparagraphs 1. and 2., for each of the six "Materials Resource
 1472 Planning Areas" identified in the Department of Transportation
 1473 report titled, "Strategic Aggregates Study: Sources,
 1474 Constraints, and Economic Value of Limestone and Sand in

1475 Florida," dated February 2007, the strategic aggregate resource
1476 assessment shall:

1477 a. Provide a summary of all regional and local regulatory
1478 jurisdictions impacting the approval of mining, including, but
1479 not limited to, county, municipal, and special district
1480 regulations.

1481 b. Provide a description of federal, state, and local
1482 environmental regulatory issues impacting access to construction
1483 aggregate reserves.

1484 c. Identify and map rare, threatened, or endangered
1485 habitats, water resources, and other natural resources subject
1486 to federal, state, and local protection or regulation.

1487 d. Identify local transportation infrastructure issues
1488 impacting the distribution of aggregate materials, including
1489 level of service and quality of roads, rail access, and, as
1490 appropriate, port capacity and access.

1491 e. Identify alternatives for when the local construction
1492 mining aggregate supply is exhausted.

1493 (b) The strategic aggregate resource assessment shall be
1494 updated every 5 years and be included as part of the Florida
1495 Transportation Plan.

1496 (c) The Strategic Aggregate Review Task Force shall
1497 prepare the findings of the strategic aggregate resource
1498 assessment in an initial report submitted to the Governor, the
1499 President of the Senate, and the Speaker of the House of
1500 Representatives no later than February 1, 2010. Subsequent
1501 reports shall be submitted by department on February 1 following
1502 each 5-year strategic aggregate resource assessment update.

1503 (d) The department is authorized to adopt rules pursuant
 1504 to ss. 120.536(1) and 120.54 to administer this section and in
 1505 the preparation of the strategic aggregate resource assessment.

1506 (e) There is appropriated from the General Revenue fund,
 1507 for fiscal year 2008-2009 only, \$700,000, which shall require a
 1508 50 percent local government match, to be deposited into the
 1509 State Transportation Trust Fund to be used for the purposes of
 1510 this subsection.

1511 Section 18. Subsections (8) through (15) of section
 1512 337.11, Florida Statutes, are renumbered as subsections (9)
 1513 through (16), respectively, present subsection (7) is renumbered
 1514 as subsection (8) and amended, and a new subsection (7) is added
 1515 to that section, to read:

1516 337.11 Contracting authority of department; bids;
 1517 emergency repairs, supplemental agreements, and change orders;
 1518 combined design and construction contracts; progress payments;
 1519 records; requirements of vehicle registration.--

1520 (7) If the department determines that it is in the best
 1521 interest of the public, the department may pay a stipend to
 1522 unsuccessful firms who have submitted responsive proposals for
 1523 construction or maintenance contracts. The decision and amount
 1524 of a stipend will be based upon department analysis of the
 1525 estimated proposal development costs and the anticipated degree
 1526 of competition during the procurement process. Stipends shall be
 1527 used to encourage competition and compensate unsuccessful firms
 1528 for a portion of their proposal development costs. The
 1529 department shall retain the right to use ideas from unsuccessful
 1530 firms that accept a stipend.

1531 (8) ~~(7)~~ (a) If ~~the head of~~ the department determines that it
 1532 is in the best interests of the public, the department may
 1533 combine the design and construction phases of a building, a
 1534 major bridge, a limited access facility, or a rail corridor
 1535 project into a single contract. Such contract is referred to as
 1536 a design-build contract. The department shall advertise for bid
 1537 a minimum of 25 percent of the construction contracts which add
 1538 capacity in the 5-year adopted work program as design-build
 1539 contracts. Design-build contracts may be advertised and awarded
 1540 notwithstanding the requirements of paragraph (3)(c). However,
 1541 construction activities may not begin on any portion of such
 1542 projects for which the department has not yet obtained title to
 1543 the necessary rights-of-way and easements for the construction
 1544 of that portion of the project has vested in the state or a
 1545 local governmental entity and all railroad crossing and utility
 1546 agreements have been executed. Title to rights-of-way shall be
 1547 deemed to have vested in the state when the title has been
 1548 dedicated to the public or acquired by prescription.

1549 (b) The department shall adopt by rule procedures for
 1550 administering design-build contracts. Such procedures shall
 1551 include, but not be limited to:

- 1552 1. Prequalification requirements.
- 1553 2. Public announcement procedures.
- 1554 3. Scope of service requirements.
- 1555 4. Letters of interest requirements.
- 1556 5. Short-listing criteria and procedures.
- 1557 6. Bid proposal requirements.
- 1558 7. Technical review committee.

1559 8. Selection and award processes.

1560 9. Stipend requirements.

1561 (c) The department must receive at least three letters of
 1562 interest in order to proceed with a request for proposals. The
 1563 department shall request proposals from no fewer than three of
 1564 the design-build firms submitting letters of interest. If a
 1565 design-build firm withdraws from consideration after the
 1566 department requests proposals, the department may continue if at
 1567 least two proposals are received.

1568 Section 19. Subsection (7) of section 337.14, Florida
 1569 Statutes, is amended to read:

1570 337.14 Application for qualification; certificate of
 1571 qualification; restrictions; request for hearing.--

1572 (7) No "contractor" as defined in s. 337.165(1)(d) or his
 1573 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
 1574 the department under this section may also qualify under s.
 1575 287.055 or s. 337.105 to provide testing services, construction,
 1576 engineering, and inspection services to the department. This
 1577 limitation shall not apply to any design-build prequalification
 1578 under s. 337.11(8)~~(7)~~.

1579 Section 20. Paragraph (a) of subsection (2) of section
 1580 337.16, Florida Statutes, is amended to read:

1581 337.16 Disqualification of delinquent contractors from
 1582 bidding; determination of contractor nonresponsibility; denial,
 1583 suspension, and revocation of certificates of qualification;
 1584 grounds; hearing.--

1585 (2) For reasons other than delinquency in progress, the
 1586 department, for good cause, may determine any contractor not

1587 having a certificate of qualification nonresponsible for a
 1588 specified period of time or may deny, suspend, or revoke any
 1589 certificate of qualification. Good cause includes, but is not
 1590 limited to, circumstances in which a contractor or the
 1591 contractor's official representative:

1592 (a) Makes or submits to the department false, deceptive,
 1593 or fraudulent statements or materials in any bid proposal to the
 1594 department, any application for a certificate of qualification,
 1595 any certification of payment pursuant to s. 337.11 (11) ~~(10)~~, or
 1596 any administrative or judicial proceeding;

1597 Section 21. Paragraph (b) of subsection (1) of section
 1598 337.18 is amended to read:

1599 337.18 Surety bonds for construction or maintenance
 1600 contracts; requirement with respect to contract award; bond
 1601 requirements; defaults; damage assessments.--

1602 (1)

1603 (b) Prior to beginning any work under the contract, the
 1604 contractor shall maintain a copy of the payment and performance
 1605 bond required under this section at its principal place of
 1606 business and at the jobsite office, if one is established, and
 1607 the contractor shall provide a copy of the payment and
 1608 performance bond within 5 days after receipt of any written
 1609 request therefor. A copy of the payment and performance bond
 1610 required under this section may also be obtained directly from
 1611 the department via a request made pursuant to chapter 119. ~~Upon~~
 1612 ~~execution of the contract, and prior to beginning any work under~~
 1613 ~~the contract, the contractor shall record in the public records~~
 1614 ~~of the county where the improvement is located the payment and~~

1615 ~~performance bond required under this section. A claimant shall~~
 1616 ~~have a right of action against the contractor and surety for the~~
 1617 ~~amount due him or her, including unpaid finance charges due~~
 1618 ~~under the claimant's contract. Such action shall not involve the~~
 1619 ~~department in any expense.~~

1620 Section 22. Subsections (1), (2), and (7) of section
 1621 337.185, Florida Statutes, are amended to read:

1622 337.185 State Arbitration Board.--

1623 (1) To facilitate the prompt settlement of claims for
 1624 additional compensation arising out of construction and
 1625 maintenance contracts between the department and the various
 1626 contractors with whom it transacts business, the Legislature
 1627 does hereby establish the State Arbitration Board, referred to
 1628 in this section as the "board." For the purpose of this section,
 1629 "claim" shall mean the aggregate of all outstanding claims by a
 1630 party arising out of a construction or maintenance contract.
 1631 Every contractual claim in an amount up to \$250,000 per contract
 1632 or, at the claimant's option, up to \$500,000 per contract or,
 1633 upon agreement of the parties, up to \$1 million per contract
 1634 that cannot be resolved by negotiation between the department
 1635 and the contractor shall be arbitrated by the board after
 1636 acceptance of the project by the department. As an exception,
 1637 either party to the dispute may request that the claim be
 1638 submitted to binding private arbitration. A court of law may not
 1639 consider the settlement of such a claim until the process
 1640 established by this section has been exhausted.

1641 (2) The board shall be composed of three members. One
 1642 member shall be appointed by the head of the department, and one

1643 member shall be elected by those construction or maintenance
 1644 companies who are under contract with the department. The third
 1645 member shall be chosen by agreement of the other two members.
 1646 Whenever the third member has a conflict of interest regarding
 1647 affiliation with one of the parties, the other two members shall
 1648 select an alternate member for that hearing. The head of the
 1649 department may select an alternative or substitute to serve as
 1650 the department member for any hearing or term. Each member shall
 1651 serve a 2-year term. The board shall elect a chair, each term,
 1652 who shall be the administrator of the board and custodian of its
 1653 records.

1654 (7) The members of the board may receive compensation for
 1655 the performance of their duties hereunder, from administrative
 1656 fees received by the board, except that no employee of the
 1657 department may receive compensation from the board. The
 1658 compensation amount shall be determined by the board, but shall
 1659 not exceed \$125 per hour, up to a maximum of \$1,000 per day for
 1660 each member authorized to receive compensation. Nothing in this
 1661 section shall prevent the member elected by construction or
 1662 maintenance companies from being an employee of an association
 1663 affiliated with the industry, even if the sole responsibility of
 1664 that member is service on the board. Travel expenses for the
 1665 industry member may be paid by an industry association, if
 1666 necessary. The board may allocate funds annually for clerical
 1667 and other administrative services.

1668 Section 23. Subsection (1) of section 337.403, Florida
 1669 Statutes, is amended to read:

1670 337.403 Relocation of utility; expenses.--

1671 (1) Any utility heretofore or hereafter placed upon,
 1672 under, over, or along any public road or publicly owned rail
 1673 corridor that is found by the authority to be unreasonably
 1674 interfering in any way with the convenient, safe, or continuous
 1675 use, or the maintenance, improvement, extension, or expansion,
 1676 of such public road or publicly owned rail corridor shall, upon
 1677 30 days' written notice to the utility or its agent by the
 1678 authority, be removed or relocated by such utility at its own
 1679 expense except as provided in paragraphs (a), (b), ~~and (c)~~, and
 1680 (d).

1681 (a) If the relocation of utility facilities, as referred
 1682 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 1683 627 of the 84th Congress, is necessitated by the construction of
 1684 a project on the federal-aid interstate system, including
 1685 extensions thereof within urban areas, and the cost of such
 1686 project is eligible and approved for reimbursement by the
 1687 Federal Government to the extent of 90 percent or more under the
 1688 Federal Aid Highway Act, or any amendment thereof, then in that
 1689 event the utility owning or operating such facilities shall
 1690 relocate such facilities upon order of the department, and the
 1691 state shall pay the entire expense properly attributable to such
 1692 relocation after deducting therefrom any increase in the value
 1693 of the new facility and any salvage value derived from the old
 1694 facility.

1695 (b) When a joint agreement between the department and the
 1696 utility is executed for utility improvement, relocation, or
 1697 removal work to be accomplished as part of a contract for
 1698 construction of a transportation facility, the department may

1699 participate in those utility improvement, relocation, or removal
 1700 costs that exceed the department's official estimate of the cost
 1701 of such work by more than 10 percent. The amount of such
 1702 participation shall be limited to the difference between the
 1703 official estimate of all the work in the joint agreement plus 10
 1704 percent and the amount awarded for this work in the construction
 1705 contract for such work. The department may not participate in
 1706 any utility improvement, relocation, or removal costs that occur
 1707 as a result of changes or additions during the course of the
 1708 contract.

1709 (c) When an agreement between the department and utility
 1710 is executed for utility improvement, relocation, or removal work
 1711 to be accomplished in advance of a contract for construction of
 1712 a transportation facility, the department may participate in the
 1713 cost of clearing and grubbing necessary to perform such work.

1714 (d) If the facility being relocated exclusively serves the
 1715 authority, the authority shall bear the cost of removal or
 1716 relocation.

1717 (e) If the utility is an electric facility being relocated
 1718 underground in order to enhance vehicular, bicycle, and
 1719 pedestrian safety and in which ownership of the electric
 1720 facility to be placed underground has been transferred from a
 1721 private to a public utility within the past 5 years, the
 1722 department shall incur all costs of the relocation.

1723 Section 24. Subsections (4) and (5) of section 337.408,
 1724 Florida Statutes, are amended, subsection (7) is renumbered as
 1725 subsection (8), and a new subsection (7) is added to that
 1726 section, to read:

1727 337.408 Regulation of benches, transit shelters, street
 1728 light poles, waste disposal receptacles, and modular news racks
 1729 within rights-of-way.--

1730 (4) The department has the authority to direct the
 1731 immediate relocation or removal of any bench, transit shelter,
 1732 waste disposal receptacle, public pay telephone, or modular news
 1733 rack which endangers life or property, except that transit bus
 1734 benches which have been placed in service prior to April 1,
 1735 1992, are not required to comply with bench size and advertising
 1736 display size requirements which have been established by the
 1737 department prior to March 1, 1992. Any transit bus bench that
 1738 was in service prior to April 1, 1992, may be replaced with a
 1739 bus bench of the same size or smaller, if the bench is damaged
 1740 or destroyed or otherwise becomes unusable. The department is
 1741 authorized to adopt rules relating to the regulation of bench
 1742 size and advertising display size requirements. If a
 1743 municipality or county within which a bench is to be located has
 1744 adopted an ordinance or other applicable regulation that
 1745 establishes bench size or advertising display sign requirements
 1746 different from requirements specified in department rule, the
 1747 local government requirement shall be applicable within the
 1748 respective municipality or county. Placement of any bench or
 1749 advertising display on the National Highway System under a local
 1750 ordinance or regulation adopted pursuant to this subsection
 1751 shall be subject to approval of the Federal Highway
 1752 Administration.

1753 (5) No bench, transit shelter, waste disposal receptacle,
 1754 public pay telephone, or modular news rack, or advertising

1755 thereon, shall be erected or so placed on the right-of-way of
 1756 any road which conflicts with the requirements of federal law,
 1757 regulations, or safety standards, thereby causing the state or
 1758 any political subdivision the loss of federal funds. Competition
 1759 among persons seeking to provide bench, transit shelter, waste
 1760 disposal receptacle, or modular news rack services or
 1761 advertising on such benches, shelters, receptacles, or news
 1762 racks may be regulated, restricted, or denied by the appropriate
 1763 local government entity consistent with the provisions of this
 1764 section.

1765 (7) Public pay telephones, including advertising displayed
 1766 thereon, may be installed within the right-of-way limits of any
 1767 municipal, county, or state road, except on a limited access
 1768 highway, provided that such pay telephones are installed by a
 1769 provider duly authorized and regulated by the Public Service
 1770 Commission pursuant to s. 364.3375 and such pay telephones are
 1771 operated in accordance with all applicable state and federal
 1772 telecommunications regulations. Each advertisement shall be
 1773 limited to a size no greater than 8 square feet and no public
 1774 pay telephone booth shall display more than 3 such
 1775 advertisements at any given time. No advertisements shall be
 1776 allowed on public pay telephones located in rest areas, welcome
 1777 centers, and other such facilities located on an interstate
 1778 highway.

1779 Section 25. Subsection (6) is added to section 338.01,
 1780 Florida Statutes, to read:

1781 338.01 Authority to establish and regulate limited access
 1782 facilities.--

1783 (6) All new limited access facilities and existing
 1784 transportation facilities on which new or replacement electronic
 1785 toll collection systems are installed shall be interoperable
 1786 with the department's electronic toll collection system.

1787 Section 26. Subsections (2) and (4) of section 338.165,
 1788 Florida Statutes, are amended to read:

1789 338.165 Continuation of tolls.--

1790 (2) If the revenue-producing project is on the State
 1791 Highway System, any remaining toll revenue shall be used within
 1792 the county or counties in which the revenue-producing project is
 1793 located for the construction, maintenance, or improvement of any
 1794 road on the State Highway System or public transit ~~within the~~
 1795 ~~county or counties in which the revenue-producing project is~~
 1796 ~~located~~, except as provided in s. 348.0004.

1797 (4) Notwithstanding any other law to the contrary,
 1798 pursuant to s. 11, Art. VII of the State Constitution, and
 1799 subject to the requirements of subsection (2), the Department of
 1800 Transportation may request the Division of Bond Finance to issue
 1801 bonds secured by toll revenues to be collected ~~on the Alligator~~
 1802 ~~Alley, the Sunshine Skyway Bridge, the Beeline East Expressway,~~
 1803 ~~the Navarre Bridge, and the Pinellas Bayway~~ to fund
 1804 transportation projects located within the county or counties in
 1805 which the project is located and contained in the adopted work
 1806 program of the department.

1807 Section 27. Paragraphs (d) and (e) are added to subsection
 1808 (1) of section 338.2216, Florida Statutes, to read:

1809 338.2216 Florida Turnpike Enterprise; powers and
 1810 authority.--

1811 (1)
 1812 (d) The Florida Turnpike Enterprise is directed to pursue
 1813 and implement new technologies and processes in its operations
 1814 and collection of tolls and the collection of other amounts
 1815 associated with road and infrastructure usage. Such technologies
 1816 and processes shall include, without limitation, video billing
 1817 and variable pricing.

1818 (e)1. The Florida Turnpike Enterprise shall not under any
 1819 circumstances contract with any vendor for the retail sale of
 1820 fuel along the Florida Turnpike if such contract is negotiated
 1821 or bid together with any other contract, including, but not
 1822 limited to, the retail sale of food, maintenance services, or
 1823 construction, with the exception that any contract for the
 1824 retail sale of fuel along the Florida Turnpike shall be bid and
 1825 contracted together with the retail sale of food at any
 1826 convenience store attached to the fuel station.

1827 2. All contracts, including, but not limited to, the sale
 1828 of fuel, the retail sale of food, maintenance services, or
 1829 construction, awarded by the Florida Turnpike Enterprise shall
 1830 be procured through individual competitive solicitations and
 1831 awarded to the lowest responder. This paragraph does not
 1832 prohibit the award of more than one individual contract to a
 1833 single vendor if he or she submits the most cost-effective
 1834 response.

1835 Section 28. Paragraph (b) of subsection (1) of section
 1836 338.223, Florida Statutes, is amended to read:

1837 338.223 Proposed turnpike projects.--

1838 (1)

1839 (b) Any proposed turnpike project or improvement shall be
 1840 developed in accordance with the Florida Transportation Plan and
 1841 the work program pursuant to s. 339.135. Turnpike projects that
 1842 add capacity, alter access, affect feeder roads, or affect the
 1843 operation of the local transportation system shall be included
 1844 in the transportation improvement plan of the affected
 1845 metropolitan planning organization. If such turnpike project
 1846 does not fall within the jurisdiction of a metropolitan planning
 1847 organization, the department shall notify the affected county
 1848 and provide for public hearings in accordance with s.
 1849 339.155 (5) ~~(6)~~ (c).

1850 Section 29. Section 338.231, Florida Statutes, is amended
 1851 to read:

1852 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1853 revenues.--The department shall at all times fix, adjust,
 1854 charge, and collect such tolls and amounts for the use of the
 1855 turnpike system as are required in order to provide a fund
 1856 sufficient with other revenues of the turnpike system to pay the
 1857 cost of maintaining, improving, repairing, and operating such
 1858 turnpike system; to pay the principal of and interest on all
 1859 bonds issued to finance or refinance any portion of the turnpike
 1860 system as the same become due and payable; and to create
 1861 reserves for all such purposes.

1862 ~~(1) In the process of effectuating toll rate increases~~
 1863 ~~over the period 1988 through 1992, the department shall, to the~~
 1864 ~~maximum extent feasible, equalize the toll structure, within~~
 1865 ~~each vehicle classification, so that the per mile toll rate will~~
 1866 ~~be approximately the same throughout the turnpike system. New~~

1867 ~~turnpike projects may have toll rates higher than the uniform~~
1868 ~~system rate where such higher toll rates are necessary to~~
1869 ~~qualify the project in accordance with the financial criteria in~~
1870 ~~the turnpike law. Such higher rates may be reduced to the~~
1871 ~~uniform system rate when the project is generating sufficient~~
1872 ~~revenues to pay the full amount of debt service and operating~~
1873 ~~and maintenance costs at the uniform system rate. If, after 15~~
1874 ~~years of opening to traffic, the annual revenue of a turnpike~~
1875 ~~project does not meet or exceed the annual debt service~~
1876 ~~requirements and operating and maintenance costs attributable to~~
1877 ~~such project, the department shall, to the maximum extent~~
1878 ~~feasible, establish a toll rate for the project which is higher~~
1879 ~~than the uniform system rate as necessary to meet such annual~~
1880 ~~debt service requirements and operating and maintenance costs.~~
1881 ~~The department may, to the extent feasible, establish a~~
1882 ~~temporary toll rate at less than the uniform system rate for the~~
1883 ~~purpose of building patronage for the ultimate benefit of the~~
1884 ~~turnpike system. In no case shall the temporary rate be~~
1885 ~~established for more than 1 year. The requirements of this~~
1886 ~~subsection shall not apply when the application of such~~
1887 ~~requirements would violate any covenant established in a~~
1888 ~~resolution or trust indenture relating to the issuance of~~
1889 ~~turnpike bonds.~~

1890 (1)~~(2)~~ Notwithstanding any other provision of law, the
1891 department may defer the scheduled July 1, 1993, toll rate
1892 increase on the Homestead Extension of the Florida Turnpike
1893 until July 1, 1995. The department may also advance funds to the
1894 Turnpike General Reserve Trust Fund to replace estimated lost

1895 revenues resulting from this deferral. The amount advanced must
 1896 be repaid within 12 years from the date of advance; however, the
 1897 repayment is subordinate to all other debt financing of the
 1898 turnpike system outstanding at the time repayment is due.

1899 (2)~~(3)~~ The department shall publish a proposed change in
 1900 the toll rate for the use of an existing toll facility, in the
 1901 manner provided for in s. 120.54, which will provide for public
 1902 notice and the opportunity for a public hearing before the
 1903 adoption of the proposed rate change. When the department is
 1904 evaluating a proposed turnpike toll project under s. 338.223 and
 1905 has determined that there is a high probability that the project
 1906 will pass the test of economic feasibility predicated on
 1907 proposed toll rates, the toll rate that is proposed to be
 1908 charged after the project is constructed must be adopted during
 1909 the planning and project development phase of the project, in
 1910 the manner provided for in s. 120.54, including public notice
 1911 and the opportunity for a public hearing. For such a new
 1912 project, the toll rate becomes effective upon the opening of the
 1913 project to traffic.

1914 (3) (a)~~(4)~~ For the period July 1, 1998, through June 30,
 1915 2017, the department shall, to the maximum extent feasible,
 1916 program sufficient funds in the tentative work program such that
 1917 the percentage of turnpike toll and bond financed commitments in
 1918 Dade County, Broward County, and Palm Beach County as compared
 1919 to total turnpike toll and bond financed commitments shall be at
 1920 least 90 percent of the share of net toll collections
 1921 attributable to users of the turnpike system in Dade County,
 1922 Broward County, and Palm Beach County as compared to total net

1923 toll collections attributable to users of the turnpike system.
 1924 The requirements of this subsection do not apply when the
 1925 application of such requirements would violate any covenant
 1926 established in a resolution or trust indenture relating to the
 1927 issuance of turnpike bonds. The department at any time for
 1928 economic considerations may establish lower temporary toll rates
 1929 for a new or existing toll facility for a period not to exceed 1
 1930 year, after which the toll rates promulgated under s. 120.54
 1931 shall become effective.

1932 (b) The department shall also fix, adjust, charge, and
 1933 collect such amounts needed to cover the costs of administering
 1934 the different toll collection and payment methods and types of
 1935 accounts being offered and utilized, in the manner provided for
 1936 in s. 120.54, which will provide for public notice and the
 1937 opportunity for a public hearing before adoption. Such amounts
 1938 may stand alone, or be incorporated in a toll rate structure, or
 1939 be a combination thereof.

1940 (4)-(5) When bonds are outstanding which have been issued
 1941 to finance or refinance any turnpike project, the tolls and all
 1942 other revenues derived from the turnpike system and pledged to
 1943 such bonds shall be set aside as may be provided in the
 1944 resolution authorizing the issuance of such bonds or the trust
 1945 agreement securing the same. The tolls or other revenues or
 1946 other moneys so pledged and thereafter received by the
 1947 department are immediately subject to the lien of such pledge
 1948 without any physical delivery thereof or further act. The lien
 1949 of any such pledge is valid and binding as against all parties
 1950 having claims of any kind in tort or contract or otherwise

1951 against the department irrespective of whether such parties have
 1952 notice thereof. Neither the resolution nor any trust agreement
 1953 by which a pledge is created need be filed or recorded except in
 1954 the records of the department.

1955 (5)~~(6)~~ In each fiscal year while any of the bonds of the
 1956 Broward County Expressway Authority series 1984 and series 1986-
 1957 A remain outstanding, the department is authorized to pledge
 1958 revenues from the turnpike system to the payment of principal
 1959 and interest of such series of bonds and the operation and
 1960 maintenance expenses of the Sawgrass Expressway, to the extent
 1961 gross toll revenues of the Sawgrass Expressway are insufficient
 1962 to make such payments. The terms of an agreement relative to the
 1963 pledge of turnpike system revenue will be negotiated with the
 1964 parties of the 1984 and 1986 Broward County Expressway Authority
 1965 lease-purchase agreements, and subject to the covenants of those
 1966 agreements. The agreement shall establish that the Sawgrass
 1967 Expressway shall be subject to the planning, management, and
 1968 operating control of the department limited only by the terms of
 1969 the lease-purchase agreements. The department shall provide for
 1970 the payment of operation and maintenance expenses of the
 1971 Sawgrass Expressway until such agreement is in effect. This
 1972 pledge of turnpike system revenues shall be subordinate to the
 1973 debt service requirements of any future issue of turnpike bonds,
 1974 the payment of turnpike system operation and maintenance
 1975 expenses, and subject to provisions of any subsequent resolution
 1976 or trust indenture relating to the issuance of such turnpike
 1977 bonds.

1978 (6)~~(7)~~ The use and disposition of revenues pledged to
 1979 bonds are subject to the provisions of ss. 338.22-338.241 and
 1980 such regulations as the resolution authorizing the issuance of
 1981 such bonds or such trust agreement may provide.

1982 Section 30. Subsection (4) of section 339.12, Florida
 1983 Statutes, is amended to read:

1984 339.12 Aid and contributions by governmental entities for
 1985 department projects; federal aid.--

1986 (4) (a) Prior to accepting the contribution of road bond
 1987 proceeds, time warrants, or cash for which reimbursement is
 1988 sought, the department shall enter into agreements with the
 1989 governing body of the governmental entity for the project or
 1990 project phases in accordance with specifications agreed upon
 1991 between the department and the governing body of the
 1992 governmental entity. The department in no instance is to receive
 1993 from such governmental entity an amount in excess of the actual
 1994 cost of the project or project phase. By specific provision in
 1995 the written agreement between the department and the governing
 1996 body of the governmental entity, the department may agree to
 1997 reimburse the governmental entity for the actual amount of the
 1998 bond proceeds, time warrants, or cash used on a highway project
 1999 or project phases that are not revenue producing and are
 2000 contained in the department's adopted work program, or any
 2001 public transportation project contained in the adopted work
 2002 program. Subject to appropriation of funds by the Legislature,
 2003 the department may commit state funds for reimbursement of such
 2004 projects or project phases. Reimbursement to the governmental
 2005 entity for such a project or project phase must be made from

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2008

2006 funds appropriated by the Legislature, and reimbursement for the
2007 cost of the project or project phase is to begin in the year the
2008 project or project phase is scheduled in the work program as of
2009 the date of the agreement. Funds advanced pursuant to this
2010 section, which were originally designated for transportation
2011 purposes and so reimbursed to a county or municipality, shall be
2012 used by the county or municipality for any transportation
2013 expenditure authorized under s. 336.025(7). Also, cities and
2014 counties may receive funds from persons, and reimburse those
2015 persons, for the purposes of this section. Such persons may
2016 include, but are not limited to, those persons defined in s.
2017 607.01401(19).

2018 (b) Prior to entering an agreement to advance a project or
2019 project phase pursuant to this subsection and subsection (5),
2020 the department shall first update the estimated cost of the
2021 project or project phase and certify that the estimate is
2022 accurate and consistent with the amount estimated in the adopted
2023 work program. If the original estimate and the updated estimate
2024 vary, the department shall amend the adopted work program
2025 according to the amendatory procedures for the work program set
2026 forth in s. 339.135(7). The amendment shall reflect all
2027 corresponding increases and decreases to the affected projects
2028 within the adopted work program.

2029 (c) The department may enter into agreements under this
2030 subsection for a project or project phase not included in the
2031 adopted work program. As used in this paragraph, the term
2032 "project phase" means acquisition of rights-of-way,
2033 construction, construction inspection, and related support

2034 phases. The project or project phase must be a high priority of
 2035 the governmental entity. Reimbursement for a project or project
 2036 phase must be made from funds appropriated by the Legislature
 2037 pursuant to s. 339.135(5). All other provisions of this
 2038 subsection apply to agreements entered into under this
 2039 paragraph. The total amount of project agreements for projects
 2040 or project phases not included in the adopted work program
 2041 authorized by this paragraph may not at any time exceed \$500
 2042 ~~\$100~~ million, of which a maximum of \$200 million may be related
 2043 to the purchase of rights-of-way. However, notwithstanding such
 2044 \$500 ~~\$100~~ million limit and any similar limit in s. 334.30,
 2045 project advances for any inland county with a population greater
 2046 than 500,000 dedicating amounts equal to \$500 million or more of
 2047 its Local Government Infrastructure Surtax pursuant to s.
 2048 212.055(2) for improvements to the State Highway System which
 2049 are included in the local metropolitan planning organization's
 2050 or the department's long-range transportation plans shall be
 2051 excluded from the calculation of the statewide limit of project
 2052 advances.

2053 (d) The department may enter into agreements under this
 2054 subsection with any county that has a population of 150,000 or
 2055 less as determined by the most recent official estimate pursuant
 2056 to s. 186.901 for a project or project phase not included in the
 2057 adopted work program. As used in this paragraph, the term
 2058 "project phase" means acquisition of rights-of-way,
 2059 construction, construction inspection, and related support
 2060 phases. The project or project phase must be a high priority of
 2061 the governmental entity. Reimbursement for a project or project

2062 phase must be made from funds appropriated by the Legislature
 2063 pursuant to s. 339.135(5). All other provisions of this
 2064 subsection apply to agreements entered into under this
 2065 paragraph. The total amount of project agreements for projects
 2066 or project phases not included in the adopted work program
 2067 authorized by this paragraph may not at any time exceed \$200
 2068 million. The project must be included in the local government's
 2069 adopted comprehensive plan. The department is authorized to
 2070 enter into long-term repayment agreements of up to 30 years.

2071 Section 31. Paragraphs (c) and (d) of subsection (7) of
 2072 section 339.135, Florida Statutes, are amended to read:

2073 339.135 Work program; legislative budget request;
 2074 definitions; preparation, adoption, execution, and amendment.--

2075 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

2076 (c) The department may amend the adopted work program to
 2077 transfer fixed capital outlay appropriations for projects within
 2078 the same appropriations category or between appropriations
 2079 categories, including the following amendments which shall be
 2080 subject to the procedures in paragraph (d):

2081 1. Any amendment which deletes any project or project
 2082 phase;

2083 2. Any amendment which adds a project estimated to cost
 2084 over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;

2085 3. Any amendment which advances or defers to another
 2086 fiscal year, a right-of-way phase, a construction phase, or a
 2087 public transportation project phase estimated to cost over
 2088 \$500,000 in funds appropriated by the Legislature, except an
 2089 amendment advancing a phase to the current fiscal year by 1

2090 fiscal year or deferring a phase for a period of 90 days or
 2091 less; or

2092 4. Any amendment which advances or defers to another
 2093 fiscal year, any preliminary engineering phase or design phase
 2094 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
 2095 by the Legislature, except an amendment advancing a phase to the
 2096 current fiscal year by 1 fiscal year or deferring a phase for a
 2097 period of 90 days or less.

2098 (d)1. Whenever the department proposes any amendment to
 2099 the adopted work program, as defined in subparagraph (c)1. or
 2100 subparagraph (c)3., which deletes or defers a construction phase
 2101 on a capacity project, it shall notify each county affected by
 2102 the amendment and each municipality within the county. The
 2103 notification shall be issued in writing to the chief elected
 2104 official of each affected county, each municipality within the
 2105 county, and to the chair of each affected metropolitan planning
 2106 organization. Each affected county and each municipality within
 2107 a county are encouraged to coordinate with one another to
 2108 determine how the amendment impacts local concurrency management
 2109 and regional transportation planning efforts. Each affected
 2110 county and each municipality within the county shall have 14
 2111 calendar days to provide written comments to the department
 2112 regarding how the amendment will impact its respective
 2113 concurrency management systems, including whether any
 2114 development permits were issued contingent upon the capacity
 2115 improvement, if applicable. After receipt of written comments
 2116 from the affected local governments, the department shall

2117 include any written comments submitted by the affected local
 2118 governments in its preparation of the proposed amendment.

2119 2. Following the 14-day comment period in subparagraph 1.,
 2120 if applicable, whenever the department proposes any amendment to
 2121 the adopted work program, which amendment is defined in
 2122 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
 2123 subparagraph (c)4., it shall submit the proposed amendment to
 2124 the Governor for approval and shall immediately notify the
 2125 chairs of the legislative appropriations committees, the chairs
 2126 of the legislative transportation committees, and each member of
 2127 the Legislature who represents a district affected by the
 2128 proposed amendment. The department shall also notify each
 2129 metropolitan planning organization affected by the proposed
 2130 amendment, and each unit of local government affected by the
 2131 proposed amendment unless the department provided to each
 2132 organization or government the notification required in
 2133 subparagraph 1. Such proposed amendment shall provide a complete
 2134 justification of the need for the proposed amendment.

2135 ~~3.2.~~ The Governor shall not approve a proposed amendment
 2136 until 14 days following the notification required in
 2137 subparagraph 2. ~~1.~~

2138 ~~4.3.~~ If either of the chairs of the legislative
 2139 appropriations committees or the President of the Senate or the
 2140 Speaker of the House of Representatives objects in writing to a
 2141 proposed amendment within 14 days following notification and
 2142 specifies the reasons for such objection, the Governor shall
 2143 disapprove the proposed amendment.

2144 Section 32. Section 339.155, Florida Statutes, is amended
 2145 to read:

2146 339.155 Transportation planning.--

2147 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall
 2148 develop ~~and annually update~~ a statewide transportation plan, to
 2149 be known as the Florida Transportation Plan. The plan shall be
 2150 designed so as to be easily read and understood by the general
 2151 public. The purpose of the Florida Transportation Plan is to
 2152 establish and define the state's long-range transportation goals
 2153 and objectives to be accomplished over a period of at least 20
 2154 years within the context of the State Comprehensive Plan, and
 2155 any other statutory mandates and authorizations and based upon
 2156 the prevailing principles of: preserving the existing
 2157 transportation infrastructure; enhancing Florida's economic
 2158 competitiveness; and improving travel choices to ensure
 2159 mobility. The Florida Transportation Plan shall consider the
 2160 needs of the entire state transportation system and examine the
 2161 use of all modes of transportation to effectively and
 2162 efficiently meet such needs.

2163 (2) SCOPE OF PLANNING PROCESS.--The department shall carry
 2164 out a transportation planning process in conformance with s.
 2165 334.046(1). ~~which provides for consideration of projects and~~
 2166 ~~strategies that will:~~

2167 ~~(a) Support the economic vitality of the United States,~~
 2168 ~~Florida, and the metropolitan areas, especially by enabling~~
 2169 ~~global competitiveness, productivity, and efficiency;~~

2170 ~~(b) Increase the safety and security of the transportation~~
 2171 ~~system for motorized and nonmotorized users;~~

2172 ~~(c) Increase the accessibility and mobility options~~
 2173 ~~available to people and for freight;~~
 2174 ~~(d) Protect and enhance the environment, promote energy~~
 2175 ~~conservation, and improve quality of life;~~
 2176 ~~(e) Enhance the integration and connectivity of the~~
 2177 ~~transportation system, across and between modes throughout~~
 2178 ~~Florida, for people and freight;~~
 2179 ~~(f) Promote efficient system management and operation; and~~
 2180 ~~(g) Emphasize the preservation of the existing~~
 2181 ~~transportation system.~~

2182 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
 2183 Transportation Plan shall be a unified, concise planning
 2184 document that clearly defines the state's long-range
 2185 transportation goals and objectives ~~and documents the~~
 2186 ~~department's short range objectives developed to further such~~
 2187 ~~goals and objectives.~~ The plan shall:

2188 (a) Include a glossary that clearly and succinctly defines
 2189 any and all phrases, words, or terms of art included in the
 2190 plan, with which the general public may be unfamiliar, ~~and shall~~
 2191 ~~consist of, at a minimum, the following components:~~

2192 (b) ~~(a)~~ Document A long range component documenting the
 2193 goals and long-term objectives necessary to implement the
 2194 results of the department's findings from its examination of the
 2195 prevailing principles and criteria provided under ~~listed in~~
 2196 subsection (2) and s. 334.046(1). ~~The long range component must~~

2197 (c) Be developed in cooperation with the metropolitan
 2198 planning organizations and reconciled, to the maximum extent
 2199 feasible, with the long-range plans developed by metropolitan

2200 planning organizations pursuant to s. 339.175. ~~The plan must~~
 2201 ~~also~~

2202 (d) Be developed in consultation with affected local
 2203 officials in nonmetropolitan areas and with any affected Indian
 2204 tribal governments. ~~The plan must~~

2205 (e) Provide an examination of transportation issues likely
 2206 to arise during at least a 20-year period. ~~The long range~~
 2207 ~~component shall~~

2208 (f) Be updated at least once every 5 years, or more often
 2209 as necessary, to reflect substantive changes to federal or state
 2210 law.

2211 ~~(b) A short range component documenting the short term~~
 2212 ~~objectives and strategies necessary to implement the goals and~~
 2213 ~~long term objectives contained in the long range component. The~~
 2214 ~~short range component must define the relationship between the~~
 2215 ~~long range goals and the short range objectives, specify those~~
 2216 ~~objectives against which the department's achievement of such~~
 2217 ~~goals will be measured, and identify transportation strategies~~
 2218 ~~necessary to efficiently achieve the goals and objectives in the~~
 2219 ~~plan. It must provide a policy framework within which the~~
 2220 ~~department's legislative budget request, the strategic~~
 2221 ~~information resource management plan, and the work program are~~
 2222 ~~developed. The short range component shall serve as the~~
 2223 ~~department's annual agency strategic plan pursuant to s.~~
 2224 ~~186.021. The short range component shall be developed consistent~~
 2225 ~~with available and forecasted state and federal funds. The~~
 2226 ~~short range component shall also be submitted to the Florida~~
 2227 ~~Transportation Commission.~~

2228 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
 2229 ~~develop an annual performance report evaluating the operation of~~
 2230 ~~the department for the preceding fiscal year. The report shall~~
 2231 ~~also include a summary of the financial operations of the~~
 2232 ~~department and shall annually evaluate how well the adopted work~~
 2233 ~~program meets the short-term objectives contained in the short-~~
 2234 ~~range component of the Florida Transportation Plan. This~~
 2235 ~~performance report shall be submitted to the Florida~~
 2236 ~~Transportation Commission and the legislative appropriations and~~
 2237 ~~transportation committees.~~

2238 (4)~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.--

2239 (a) Upon request by local governmental entities, the
 2240 department may in its discretion develop and design
 2241 transportation corridors, arterial and collector streets,
 2242 vehicular parking areas, and other support facilities which are
 2243 consistent with the plans of the department for major
 2244 transportation facilities. The department may render to local
 2245 governmental entities or their planning agencies such technical
 2246 assistance and services as are necessary so that local plans and
 2247 facilities are coordinated with the plans and facilities of the
 2248 department.

2249 (b) Each regional planning council, as provided for in s.
 2250 186.504, or any successor agency thereto, shall develop, as an
 2251 element of its strategic regional policy plan, transportation
 2252 goals and policies. The transportation goals and policies must
 2253 be prioritized to comply with the prevailing principles provided
 2254 in subsection (2) and s. 334.046(1). The transportation goals
 2255 and policies shall be consistent, to the maximum extent

2256 | feasible, with the goals and policies of the metropolitan
2257 | planning organization and the Florida Transportation Plan. The
2258 | transportation goals and policies of the regional planning
2259 | council will be advisory only and shall be submitted to the
2260 | department and any affected metropolitan planning organization
2261 | for their consideration and comments. Metropolitan planning
2262 | organization plans and other local transportation plans shall be
2263 | developed consistent, to the maximum extent feasible, with the
2264 | regional transportation goals and policies. The regional
2265 | planning council shall review urbanized area transportation
2266 | plans and any other planning products stipulated in s. 339.175
2267 | and provide the department and respective metropolitan planning
2268 | organizations with written recommendations which the department
2269 | and the metropolitan planning organizations shall take under
2270 | advisement. Further, the regional planning councils shall
2271 | directly assist local governments which are not part of a
2272 | metropolitan area transportation planning process in the
2273 | development of the transportation element of their comprehensive
2274 | plans as required by s. 163.3177.

2275 | (c) Regional transportation plans may be developed in
2276 | regional transportation areas in accordance with an interlocal
2277 | agreement entered into pursuant to s. 163.01 by two or more
2278 | contiguous metropolitan planning organizations; one or more
2279 | metropolitan planning organizations and one or more contiguous
2280 | counties, none of which is a member of a metropolitan planning
2281 | organization; a multicounty regional transportation authority
2282 | created by or pursuant to law; two or more contiguous counties
2283 | that are not members of a metropolitan planning organization; or

2284 metropolitan planning organizations comprised of three or more
 2285 counties.

2286 (d) The interlocal agreement must, at a minimum, identify
 2287 the entity that will coordinate the development of the regional
 2288 transportation plan; delineate the boundaries of the regional
 2289 transportation area; provide the duration of the agreement and
 2290 specify how the agreement may be terminated, modified, or
 2291 rescinded; describe the process by which the regional
 2292 transportation plan will be developed; and provide how members
 2293 of the entity will resolve disagreements regarding
 2294 interpretation of the interlocal agreement or disputes relating
 2295 to the development or content of the regional transportation
 2296 plan. Such interlocal agreement shall become effective upon its
 2297 recordation in the official public records of each county in the
 2298 regional transportation area.

2299 (e) The regional transportation plan developed pursuant to
 2300 this section must, at a minimum, identify regionally significant
 2301 transportation facilities located within a regional
 2302 transportation area and contain a prioritized list of regionally
 2303 significant projects. The level-of-service standards for
 2304 facilities to be funded under this subsection shall be adopted
 2305 by the appropriate local government in accordance with s.
 2306 163.3180(10). The projects shall be adopted into the capital
 2307 improvements schedule of the local government comprehensive plan
 2308 pursuant to s. 163.3177(3).

2309 ~~(5)-(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 2310 TRANSPORTATION PLANNING.--

2311 (a) During the development of the ~~long range component of~~
2312 ~~the~~ Florida Transportation Plan and prior to substantive
2313 revisions, the department shall provide citizens, affected
2314 public agencies, representatives of transportation agency
2315 employees, other affected employee representatives, private
2316 providers of transportation, and other known interested parties
2317 with an opportunity to comment on the proposed plan or
2318 revisions. These opportunities shall include, at a minimum,
2319 publishing a notice in the Florida Administrative Weekly and
2320 within a newspaper of general circulation within the area of
2321 each department district office.

2322 (b) During development of major transportation
2323 improvements, such as those increasing the capacity of a
2324 facility through the addition of new lanes or providing new
2325 access to a limited or controlled access facility or
2326 construction of a facility in a new location, the department
2327 shall hold one or more hearings prior to the selection of the
2328 facility to be provided; prior to the selection of the site or
2329 corridor of the proposed facility; and prior to the selection of
2330 and commitment to a specific design proposal for the proposed
2331 facility. Such public hearings shall be conducted so as to
2332 provide an opportunity for effective participation by interested
2333 persons in the process of transportation planning and site and
2334 route selection and in the specific location and design of
2335 transportation facilities. The various factors involved in the
2336 decision or decisions and any alternative proposals shall be
2337 clearly presented so that the persons attending the hearing may

2338 present their views relating to the decision or decisions which
 2339 will be made.

2340 (c) Opportunity for design hearings:

2341 1. The department, prior to holding a design hearing,
 2342 shall duly notify all affected property owners of record, as
 2343 recorded in the property appraiser's office, by mail at least 20
 2344 days prior to the date set for the hearing. The affected
 2345 property owners shall be:

2346 a. Those whose property lies in whole or in part within
 2347 300 feet on either side of the centerline of the proposed
 2348 facility.

2349 b. Those whom the department determines will be
 2350 substantially affected environmentally, economically, socially,
 2351 or safetywise.

2352 2. For each subsequent hearing, the department shall
 2353 publish notice prior to the hearing date in a newspaper of
 2354 general circulation for the area affected. These notices must be
 2355 published twice, with the first notice appearing at least 15
 2356 days, but no later than 30 days, before the hearing.

2357 3. A copy of the notice of opportunity for the hearing
 2358 must be furnished to the United States Department of
 2359 Transportation and to the appropriate departments of the state
 2360 government at the time of publication.

2361 4. The opportunity for another hearing shall be afforded
 2362 in any case when proposed locations or designs are so changed
 2363 from those presented in the notices specified above or at a
 2364 hearing as to have a substantially different social, economic,
 2365 or environmental effect.

2366 5. The opportunity for a hearing shall be afforded in each
 2367 case in which the department is in doubt as to whether a hearing
 2368 is required.

2369 Section 33. Subsection (3) and paragraphs (b) and (c) of
 2370 subsection (4) of section 339.2816, Florida Statutes, are
 2371 amended to read:

2372 339.2816 Small County Road Assistance Program.--

2373 (3) Beginning with fiscal year 1999-2000 until fiscal year
 2374 2009-2010, and beginning again with fiscal year 2012-2013, up to
 2375 \$25 million annually from the State Transportation Trust Fund
 2376 may be used for the purposes of funding the Small County Road
 2377 Assistance Program as described in this section.

2378 (4)

2379 (b) In determining a county's eligibility for assistance
 2380 under this program, the department may consider whether the
 2381 county has attempted to keep county roads in satisfactory
 2382 condition, including the amount of local option fuel tax ~~and ad~~
 2383 ~~valorem millage rate~~ imposed by the county. The department may
 2384 also consider the extent to which the county has offered to
 2385 provide a match of local funds with state funds provided under
 2386 the program. At a minimum, small counties shall be eligible only
 2387 if:

2388 ~~1. The county has enacted the maximum rate of the local~~
 2389 ~~option fuel tax authorized by s. 336.025(1)(a) .7, and has imposed~~
 2390 ~~an ad valorem millage rate of at least 8 mills; or~~

2391 ~~2. The county has imposed an ad valorem millage rate of 10~~
 2392 ~~mills.~~

2393 (c) The following criteria shall be used to prioritize
 2394 road projects for funding under the program:

2395 1. The primary criterion is the physical condition of the
 2396 road as measured by the department.

2397 2. As secondary criteria the department may consider:

2398 a. Whether a road is used as an evacuation route.

2399 b. Whether a road has high levels of agricultural travel.

2400 c. Whether a road is considered a major arterial route.

2401 d. Whether a road is considered a feeder road.

2402 e. Whether a road is located in a fiscally constrained
 2403 county, as defined in s. 218.67(1).

2404 ~~f.e.~~ Other criteria related to the impact of a project on
 2405 the public road system or on the state or local economy as
 2406 determined by the department.

2407 Section 34. Subsections (1) and (3) of section 339.2819,
 2408 Florida Statutes, are amended to read:

2409 339.2819 Transportation Regional Incentive Program.--

2410 (1) There is created within the Department of
 2411 Transportation a Transportation Regional Incentive Program for
 2412 the purpose of providing funds to improve regionally significant
 2413 transportation facilities in regional transportation areas
 2414 created pursuant to s. 339.155(4)~~(5)~~.

2415 (3) The department shall allocate funding available for
 2416 the Transportation Regional Incentive Program to the districts
 2417 based on a factor derived from equal parts of population and
 2418 motor fuel collections for eligible counties in regional
 2419 transportation areas created pursuant to s. 339.155(4)~~(5)~~.

2420 Section 35. Subsection (6) of section 339.285, Florida
 2421 Statutes, is amended to read:

2422 339.285 Enhanced Bridge Program for Sustainable
 2423 Transportation.--

2424 (6) Preference shall be given to bridge projects located
 2425 on corridors that connect to the Strategic Intermodal System,
 2426 created under s. 339.64, and that have been identified as
 2427 regionally significant in accordance with s. 339.155 (4) ~~(5)~~ (c),
 2428 (d), and (e).

2429 Section 36. Subsections (8), (9), (10), (11), (12), (13),
 2430 and (14) are added to section 341.301, Florida Statutes, to
 2431 read:

2432 341.301 Definitions; ss. 341.302 and 341.303.--As used in
 2433 ss. 341.302 and 341.303, the term:

2434 (8) "Commuter rail passenger or passengers" means and
 2435 includes any and all persons, ticketed or unticketed, using the
 2436 commuter rail service on a department owned rail corridor:

2437 (a) On board trains, locomotives, rail cars, or rail
 2438 equipment employed in commuter rail service or entraining and
 2439 detraining therefrom;

2440 (b) On or about the rail corridor for any purpose related
 2441 to the commuter rail service, including, without limitation,
 2442 parking, inquiring about commuter rail service or purchasing
 2443 tickets therefor and coming to, waiting for, leaving from, or
 2444 observing trains, locomotives, rail cars, or rail equipment; or

2445 (c) Meeting, assisting, or in the company of any person
 2446 described in paragraph (a) or paragraph (b).

2447 (9) "Commuter rail service" means the transportation of
 2448 commuter rail passengers and other passengers by rail pursuant
 2449 to a rail program provided by the department or any other
 2450 governmental entities.

2451 (10) "Rail corridor invitee" means and includes any and
 2452 all persons who are on or about a department-owned rail
 2453 corridor:

2454 (a) For any purpose related to any ancillary development
 2455 thereon; or

2456 (b) Meeting, assisting, or in the company of any person
 2457 described in paragraph (a).

2458 (11) "Rail corridor" means a linear contiguous strip of
 2459 real property that is used for rail service. The term includes
 2460 the corridor and structures essential to the operation of a
 2461 railroad, including the land, structures, improvements, rights-
 2462 of-way, easements, rail lines, rail beds, guideway structures,
 2463 switches, yards, parking facilities, power relays, switching
 2464 houses, rail stations, ancillary development, and any other
 2465 facilities or equipment used for the purposes of construction,
 2466 operation, or maintenance of a railroad that provides rail
 2467 service.

2468 (12) "Railroad operations" means the use of the rail
 2469 corridor to conduct commuter rail service, intercity rail
 2470 passenger service, or freight rail service.

2471 (13) "Ancillary development" includes any lessee or
 2472 licensee of the department, including, but not limited to, other
 2473 governmental entities, vendors, retailers, restaurateurs, or
 2474 contract service providers, within a department-owned rail

2475 corridor, except for providers of commuter rail service,
 2476 intercity rail passenger service, or freight rail service.

2477 (14) "Governmental entity or entities" means as defined in
 2478 s. 11.45, including a "public agency" as defined in s. 163.01.

2479 Section 37. Section 341.302, Florida Statutes, is amended
 2480 to read:

2481 341.302 Rail program, duties and responsibilities of the
 2482 department.--The department, in conjunction with other
 2483 governmental entities ~~units~~ and the private sector, shall
 2484 develop and implement a rail program of statewide application
 2485 designed to ensure the proper maintenance, safety,
 2486 revitalization, and expansion of the rail system to assure its
 2487 continued and increased availability to respond to statewide
 2488 mobility needs. Within the resources provided pursuant to
 2489 chapter 216, and as authorized under federal law ~~Title 49 C.F.R.~~
 2490 ~~part 212~~, the department shall:

2491 (1) Provide the overall leadership, coordination, and
 2492 financial and technical assistance necessary to assure the
 2493 effective responses of the state's rail system to current and
 2494 anticipated mobility needs.

2495 (2) Promote and facilitate the implementation of advanced
 2496 rail systems, including high-speed rail and magnetic levitation
 2497 systems.

2498 (3) Develop and periodically update the rail system plan,
 2499 on the basis of an analysis of statewide transportation needs.
 2500 The plan shall be consistent with the Florida Transportation
 2501 Plan developed pursuant to s. 339.155. The rail system plan
 2502 shall include an identification of priorities, programs, and

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2503 funding levels required to meet statewide needs. The rail system
2504 plan shall be developed in a manner that will assure the maximum
2505 use of existing facilities and the optimum integration and
2506 coordination of the various modes of transportation, public and
2507 private, in the most cost-effective manner possible. The rail
2508 system plan shall be updated at least every 2 years and include
2509 plans for both passenger rail service and freight rail service.

2510 (4) As part of the work program of the department,
2511 formulate a specific program of projects and financing to
2512 respond to identified railroad needs.

2513 (5) Provide technical and financial assistance to units of
2514 local government to address identified rail transportation
2515 needs.

2516 (6) Secure and administer federal grants, loans, and
2517 apportionments for rail projects within this state when
2518 necessary to further the statewide program.

2519 (7) Develop and administer state standards concerning the
2520 safety and performance of rail systems, hazardous material
2521 handling, and operations. Such standards shall be developed
2522 jointly with representatives of affected rail systems, with full
2523 consideration given to nationwide industry norms, and shall
2524 define the minimum acceptable standards for safety and
2525 performance.

2526 (8) Conduct, at a minimum, inspections of track and
2527 rolling stock; train signals and related equipment; hazardous
2528 materials transportation, including the loading, unloading, and
2529 labeling of hazardous materials at shippers', receivers', and
2530 transfer points; and train operating practices to determine

2531 adherence to state and federal standards. Department personnel
 2532 may enforce any safety regulation issued under the Federal
 2533 Government's preemptive authority over interstate commerce.

2534 (9) Assess penalties, in accordance with the applicable
 2535 federal regulations, for the failure to adhere to the state
 2536 standards.

2537 (10) Administer rail operating and construction programs,
 2538 which programs shall include the regulation of maximum train
 2539 operating speeds, the opening and closing of public grade
 2540 crossings, the construction and rehabilitation of public grade
 2541 crossings, and the installation of traffic control devices at
 2542 public grade crossings, the administering of the programs by the
 2543 department including participation in the cost of the programs.

2544 (11) Coordinate and facilitate the relocation of railroads
 2545 from congested urban areas to nonurban areas when relocation has
 2546 been determined feasible and desirable from the standpoint of
 2547 safety, operational efficiency, and economics.

2548 (12) Implement a program of branch line continuance
 2549 projects when an analysis of the industrial and economic
 2550 potential of the line indicates that public involvement is
 2551 required to preserve essential rail service and facilities.

2552 (13) Provide new rail service and equipment when:

2553 (a) Pursuant to the transportation planning process, a
 2554 public need has been determined to exist;

2555 (b) The cost of providing such service does not exceed the
 2556 sum of revenues from fares charged to users, services purchased
 2557 by other public agencies, local fund participation, and specific
 2558 legislative appropriation for this purpose; and

2559 (c) Service cannot be reasonably provided by other
 2560 governmental or privately owned rail systems.

2561
 2562 The department may own, lease, and otherwise encumber
 2563 facilities, equipment, and appurtenances thereto, as necessary
 2564 to provide new rail services; or the department may provide such
 2565 service by contracts with privately owned service providers.

2566 (14) Furnish required emergency rail transportation
 2567 service if no other private or public rail transportation
 2568 operation is available to supply the required service and such
 2569 service is clearly in the best interest of the people in the
 2570 communities being served. Such emergency service may be
 2571 furnished through contractual arrangement, actual operation of
 2572 state-owned equipment and facilities, or any other means
 2573 determined appropriate by the secretary.

2574 (15) Assist in the development and implementation of
 2575 marketing programs for rail services and of information systems
 2576 directed toward assisting rail systems users.

2577 (16) Conduct research into innovative or potentially
 2578 effective rail technologies and methods and maintain expertise
 2579 in state-of-the-art rail developments.

2580 (17) In conjunction with the acquisition, ownership,
 2581 construction, operation, maintenance, and management of a rail
 2582 corridor, have the authority to:

2583 (a) Assume the obligation by contract to forever protect,
 2584 defend, and indemnify and hold harmless the freight rail
 2585 operator, or its successors, from whom the department has
 2586 acquired a real property interest in the rail corridor, and that

2587 freight rail operator's officers, agents, and employees, from
 2588 and against any liability, cost, and expense including, but not
 2589 limited to, commuter rail passengers, rail corridor invitees,
 2590 and trespassers in the rail corridor, regardless of whether the
 2591 loss, damage, destruction, injury, or death giving rise to any
 2592 such liability, cost, or expense is caused in whole or in part
 2593 and to whatever nature or degree by the fault, failure,
 2594 negligence, misconduct, nonfeasance, or misfeasance of such
 2595 freight rail operator, its successors, or its officers, agents,
 2596 and employees, or any other person or persons whomsoever,
 2597 provided that such assumption of liability of the department by
 2598 contract shall not in any instance exceed the following
 2599 parameters of allocation of risk:

2600 1. The department may be solely responsible for any loss,
 2601 injury, or damage to commuter rail passengers, rail corridor
 2602 invitees, or trespassers, regardless of circumstances or cause,
 2603 subject to subparagraphs 2., 3., and 4.

2604 2. When only one train is involved in an incident, the
 2605 department may be solely responsible for any loss, injury, or
 2606 damage if the train is a department train or other train
 2607 pursuant to paragraph 3., but only if in an instance when only a
 2608 freight rail operator train is involved the freight rail
 2609 operator is solely responsible for any loss, injury, or damage,
 2610 except for commuter rail passengers, rail corridor invitees, and
 2611 trespassers; and, the freight rail operator is solely
 2612 responsible for its property and all of its people in any
 2613 instance when its train is involved in an incident.

2614 3. For the purposes of this subsection any train involved
2615 in an incident that is neither the department's train nor the
2616 freight rail operator's train, hereinafter referred to in this
2617 subsection as an "other train," may be treated as a department
2618 train, solely for purposes of any allocation of liability
2619 between the department and the freight rail operator only, but
2620 only if the department and the freight rail operator share
2621 responsibility equally as to third parties outside the rail
2622 corridor who incur loss, injury, or damage as a result of any
2623 incident involving both a department train and a freight rail
2624 operator train; and, the allocation as between the department
2625 and the freight rail operator, regardless of whether the other
2626 train is treated as a department train, shall remain one-half
2627 each as to third parties outside the rail corridor who incur
2628 loss, injury, or damage as a result of the incident, and the
2629 involvement of any other train shall not alter the sharing of
2630 equal responsibility as to third parties outside the rail
2631 corridor who incur loss, injury, or damage as a result of the
2632 incident.

2633 4. When more than one train is involved in an incident:
2634 a. If only a department train and a freight rail
2635 operator's train, or only another train as described in
2636 subparagraph 3. and a freight rail operator's train, are
2637 involved in an incident, the department may be responsible for
2638 its property and all of its people, all commuter rail
2639 passengers, rail corridor invitees, and trespassers, but only if
2640 the freight rail operator is responsible for its property and
2641 all of its people; and the department and the freight rail

2642 operator share responsibility one-half each as to third parties
 2643 outside the rail corridor who incur loss, injury, or damage as a
 2644 result of the incident.

2645 b. If a department train, a freight rail operator train,
 2646 and any other train are involved in an incident, the allocation
 2647 of liability as between the department and the freight rail
 2648 operator, regardless of whether the other train is treated as a
 2649 department train, shall remain one-half each as to third parties
 2650 outside the rail corridor who incur loss, injury, or damage as a
 2651 result of the incident; the involvement of any other train shall
 2652 not alter the sharing of equal responsibility as to third
 2653 parties outside the rail corridor who incur loss, injury, or
 2654 damage as a result of the incident; and, if the owner, operator,
 2655 or insurer of the other train makes any payment to injured third
 2656 parties outside the rail corridor who incur loss, injury, or
 2657 damage as a result of the incident, the allocation of credit
 2658 between the department and the freight rail operator as to such
 2659 payment shall not in any case reduce the freight rail operator's
 2660 third party sharing allocation of one-half under this paragraph
 2661 to less than one-third of the total third party liability.

2662 5. Any such contractual duty to protect, defend,
 2663 indemnify, and hold harmless such a freight rail operator shall
 2664 expressly: include a specific cap on the amount of the
 2665 contractual duty, which amount shall not exceed \$200 million
 2666 without prior legislative approval; require the department to
 2667 purchase liability insurance and establish a self-insurance
 2668 retention fund in the amount of the specific cap established
 2669 under this paragraph; provide that no such contractual duty

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2670 shall in any case be effective nor otherwise extend the
2671 department's liability in scope and effect beyond the
2672 contractual liability insurance and self-insurance retention
2673 fund required pursuant to this paragraph; and provide that the
2674 freight rail operator's compensation to the department for
2675 future use of the department's rail corridor shall include a
2676 monetary contribution to the cost of such liability coverage for
2677 the sole benefit of the freight rail operator.

2678 (b) Purchase liability insurance which amount shall not
2679 exceed \$200 million and establish a self-insurance retention
2680 fund for the purpose of paying the deductible limit established
2681 in the insurance policies it may obtain, including coverage for
2682 the department, any freight rail operator as described in
2683 paragraph (a), commuter rail service providers, governmental
2684 entities, or ancillary development; however, the insureds shall
2685 pay a reasonable monetary contribution to the cost of such
2686 liability coverage for the sole benefit of the insured. Such
2687 insurance and self-insurance retention fund may provide coverage
2688 for all damages, including, but not limited to, compensatory,
2689 special, and exemplary, and be maintained to provide an adequate
2690 fund to cover claims and liabilities for loss, injury, or damage
2691 arising out of or connected with the ownership, operation,
2692 maintenance, and management of a rail corridor.

2693 (c) Incur expenses for the purchase of advertisements,
2694 marketing, and promotional items.

2695
2696 Neither the assumption by contract to protect, defend,
2697 indemnify, and hold harmless; the purchase of insurance; nor the

2698 establishment of a self-insurance retention fund shall be deemed
 2699 to be a waiver of any defense of sovereign immunity for torts
 2700 nor deemed to increase the limits of the department's or the
 2701 governmental entity's liability for torts as provided in s.
 2702 768.28. The requirements of s. 287.022(1) shall not apply to the
 2703 purchase of any insurance hereunder. The provisions of this
 2704 subsection shall apply and inure fully as to any other
 2705 governmental entity providing commuter rail service and
 2706 constructing, operating, maintaining, or managing a rail
 2707 corridor on publicly owned right-of-way under contract by the
 2708 governmental entity with the department or a governmental entity
 2709 designated by the department.

2710 (18)~~(17)~~ Exercise such other functions, powers, and duties
 2711 in connection with the rail system plan as are necessary to
 2712 develop a safe, efficient, and effective statewide
 2713 transportation system.

2714 Section 38. Section 341.3023, Florida Statutes, is created
 2715 to read:

2716 341.3023 Commuter rail programs and intercity rail
 2717 transportation system study.--

2718 (1) The department shall undertake a comprehensive review
 2719 and study of commuter railroad programs and intercity railroad
 2720 transportation system plans and their impacts in the state
 2721 through 2028.

2722 (2) The review and study shall encompass and include
 2723 information concerning:

2724 (a) Commuter rail programs and intercity rail
 2725 transportation system facility and improvement needs and plans,

2726 including those associated with connectivity to such facilities
 2727 and improvements, outlined or contained in, without limitation
 2728 thereto, the current Florida Transportation Plan developed
 2729 pursuant to s. 339.155(1); regional transportation plans
 2730 developed pursuant to s. 339.155(5); the Strategic Intermodal
 2731 System Plan developed pursuant to s. 339.64; the adopted work
 2732 plan developed pursuant to s. 339.135; long-range transportation
 2733 plans developed pursuant to s. 339.175(7); transportation
 2734 improvement plans of relevant metropolitan planning
 2735 organizations developed pursuant to s. 339.175(8); plans,
 2736 information, and studies prepared for or by the authorities
 2737 created in parts I, II, III, and V of chapter 343; relevant
 2738 studies and information previously prepared by the department
 2739 and the Transportation Commission; and the transportation and
 2740 capital improvement elements of relevant approved local
 2741 government comprehensive plans.

2742 (b) A detailed review of funding in the state for commuter
 2743 rail programs and intercity rail transportation system
 2744 improvements, projects, facilities, equipment, rights-of-way,
 2745 operating costs, and other costs during the previous 20 years
 2746 from state, federal, and local government sources.

2747 (c) An assessment of the impacts of commuter rail programs
 2748 and intercity rail transportation system improvements, projects,
 2749 and facilities that have been undertaken in the state during the
 2750 previous 20 years and their impact on the state, regional, and
 2751 local transportation system and Florida's economic development.

2752 (d) Proposed commuter rail programs and intercity rail
 2753 transportation system improvements, projects, and facilities

2754 throughout the state to be undertaken during the next 20 years,
 2755 including, based upon the best available, existing data, a
 2756 detailed listing of specific projects with estimates of the
 2757 costs of each specific project; projected timelines for such
 2758 improvements, projects, and facilities; and the estimated
 2759 priority of each such improvement, project, and facility.

2760 (e) A map of those proposed improvements, projects, and
 2761 facilities.

2762 (f) A finance plan based upon reasonable projections of
 2763 anticipated revenues available to the department and units of
 2764 local government, including both 10-year and 20-year cost-
 2765 feasible components, for such improvements, projects, and
 2766 facilities that demonstrates how or what portion of such
 2767 improvements, projects, and facilities can be implemented.

2768 (g) A feasibility study of the best alternatives for
 2769 implementing intercity passenger railroad service between the
 2770 Tampa Bay region and the greater Orlando area.

2771 (h) A proposed prioritization process, including
 2772 alternatives, for commuter railroad and intercity railroad
 2773 improvements, projects, and facilities.

2774 (i) Funding alternatives for commuter rail programs and
 2775 intercity rail transportation system improvements, projects, and
 2776 facilities including specific resources, both public and
 2777 private, that are reasonably expected to be available to
 2778 accomplish such improvements, projects, and facilities and any
 2779 innovative financing techniques that might be used to fund such
 2780 improvements, projects, and facilities.

2781 (3) The report shall also include detailed information and
2782 findings about negative impacts caused by current, or projected
2783 to be caused by proposed, commuter rail programs and intercity
2784 rail transportation system projects or freight railroad traffic
2785 in urban areas of the state. For the purpose of this section,
2786 "negative impacts" means those caused by noise, vibration, and
2787 vehicular traffic congestion and delays occurring at rail and
2788 road intersections. "Urban areas" means those areas within or
2789 adjacent to a municipality generally characterized by high
2790 density development and building patterns, greater concentration
2791 of population, and a high level and concentration of public
2792 services and facilities. The Orlando commuter rail project means
2793 the Central Florida Rail Corridor, a line of railroad between
2794 Deland and Poinciana. The report shall include, without
2795 limitation:

2796 (a) Options and alternatives for eliminating negative
2797 impacts associated with increased freight railroad traffic and
2798 freight railroad congestions within urban areas resulting from
2799 commuter rail programs or intercity rail transportation system
2800 improvements, projects, and facilities, including specifically
2801 those associated with the Orlando commuter railroad project.

2802 (b) Proposed freight railroad improvements, projects, and
2803 facilities to be undertaken in the next 20 years, including
2804 those associated with the Orlando commuter railroad project, to
2805 eliminate such negative impacts, including, based upon the best
2806 available, existing data, a detailed listing of specific
2807 projects with estimates of the costs of each specific
2808 improvement, project, and facility; projected timelines for such

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2809 improvements, projects, and facilities; the estimated priority
2810 of each such improvement, project, and facility; and the
2811 benefits to public safety, economic development, and downtown
2812 development and redevelopment from such improvements, projects,
2813 and facilities.

2814 (c) A map of those proposed improvements, projects, and
2815 facilities.

2816 (d) A finance plan based upon reasonable projections of
2817 anticipated revenues available to the department and units of
2818 local government, including both 10-year and 20-year cost-
2819 feasible components, for such improvements, projects, and
2820 facilities that demonstrates how or what portion of such
2821 improvements, projects, and facilities can be implemented, as it
2822 is the intent of the Legislature and the public policy of the
2823 state that such negative impacts of commuter rail programs, and
2824 intercity rail transportation system projects funded by the
2825 state, including those associated with the Orlando commuter
2826 railroad project, be eliminated not later than 8 years after
2827 commuter rail programs and intercity rail transportation system
2828 projects begin operation.

2829 (4) The report containing the information required
2830 pursuant to subsections (1), (2), and (3) shall be delivered to
2831 the Governor, the President of the Senate, the Speaker of the
2832 House of Representatives, and the leaders of the minority
2833 parties of the Senate and House of Representatives on or before
2834 January 15, 2009.

2835 Section 39. Part III of chapter 343, Florida Statutes,
 2836 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
 2837 343.76, and 343.77, is repealed.

2838 Section 40. Subsection (4) of section 348.0003, Florida
 2839 Statutes, is amended to read:

2840 348.0003 Expressway authority; formation; membership.--

2841 (4) (a) An authority may employ an executive secretary, an
 2842 executive director, its own counsel and legal staff, technical
 2843 experts, and such engineers and employees, permanent or
 2844 temporary, as it may require and shall determine the
 2845 qualifications and fix the compensation of such persons, firms,
 2846 or corporations. An authority may employ a fiscal agent or
 2847 agents; however, the authority must solicit sealed proposals
 2848 from at least three persons, firms, or corporations for the
 2849 performance of any services as fiscal agents. An authority may
 2850 delegate to one or more of its agents or employees such of its
 2851 power as it deems necessary to carry out the purposes of the
 2852 Florida Expressway Authority Act, subject always to the
 2853 supervision and control of the authority. Members of an
 2854 authority may be removed from office by the Governor for
 2855 misconduct, malfeasance, misfeasance, or nonfeasance in office.

2856 (b) Members of an authority are entitled to receive from
 2857 the authority their travel and other necessary expenses incurred
 2858 in connection with the business of the authority as provided in
 2859 s. 112.061, but they may not draw salaries or other
 2860 compensation.

2861 (c) Members of each expressway an authority,
 2862 transportation authority, bridge authority, or toll authority,

2863 created pursuant to this chapter, chapters 343 or 349, or
 2864 pursuant to any other legislative enactment, shall be required
 2865 to comply with the applicable financial disclosure requirements
 2866 of s. 8, Art. II of the State Constitution. This subsection does
 2867 not subject a statutorily created expressway authority,
 2868 transportation authority, bridge authority, or toll authority,
 2869 other than one created under this part, to any of the
 2870 requirements of this part other than those contained in this
 2871 subsection.

2872 Section 41. Paragraph (c) is added to subsection (1) of
 2873 section 348.0004, Florida Statutes, to read:

2874 348.0004 Purposes and powers.--

2875 (1)

2876 (c) Notwithstanding any other provision of law, expressway
 2877 authorities as defined in chapter 348 shall index toll rates on
 2878 toll facilities to the annual Consumer Price Index or similar
 2879 inflation indicators. Toll rate index for inflation under this
 2880 subsection must be adopted and approved by the expressway
 2881 authority board at a public meeting and may be made no more
 2882 frequently than once a year and must be made no less frequently
 2883 than once every 5 years as necessary to accommodate cash toll
 2884 rate schedules. Toll rates may be increased beyond these limits
 2885 as directed by bond documents, covenants, or governing body
 2886 authorization or pursuant to department administrative rule.

2887 Section 42. Subsection (1) of section 479.01, Florida
 2888 Statutes, is amended to read:

2889 479.01 Definitions.--As used in this chapter, the term:

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2890 (1) "Automatic changeable facing" means a facing which
2891 ~~through a mechanical system~~ is capable of delivering two or more
2892 advertising messages through an automated or remotely controlled
2893 process and ~~shall not rotate so rapidly as to cause distraction~~
2894 ~~to a motorist.~~

2895 Section 43. Subsections (1) and (5) of section 479.07,
2896 Florida Statutes, are amended to read:

2897 479.07 Sign permits.--

2898 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
2899 person may not erect, operate, use, or maintain, or cause to be
2900 erected, operated, used, or maintained, any sign on the State
2901 Highway System outside an urban incorporated area, as defined in
2902 s. 334.03(32), or on any portion of the interstate or federal-
2903 aid primary highway system without first obtaining a permit for
2904 the sign from the department and paying the annual fee as
2905 provided in this section. For purposes of this section, "on any
2906 portion of the State Highway System, interstate, or federal-aid
2907 primary system" shall mean a sign located within the controlled
2908 area which is visible from any portion of the main-traveled way
2909 of such system.

2910 (5) (a) For each permit issued, the department shall
2911 furnish to the applicant a serially numbered permanent metal
2912 permit tag. The permittee is responsible for maintaining a valid
2913 permit tag on each permitted sign facing at all times. The tag
2914 shall be securely attached to the sign facing or, if there is no
2915 facing, on the pole nearest the highway; and it shall be
2916 attached in such a manner as to be plainly visible from the
2917 main-traveled way. Effective July 1, 2011, the tag shall be

2918 securely attached to the upper 50 percent of the pole nearest
 2919 the highway and shall be attached in such a manner as to be
 2920 plainly visible from the main-traveled way. The permit will
 2921 become void unless the permit tag is properly and permanently
 2922 displayed at the permitted site within 30 days after the date of
 2923 permit issuance. If the permittee fails to erect a completed
 2924 sign on the permitted site within 270 days after the date on
 2925 which the permit was issued, the permit will be void, and the
 2926 department may not issue a new permit to that permittee for the
 2927 same location for 270 days after the date on which the permit
 2928 became void.

2929 (b) If a permit tag is lost, stolen, or destroyed, the
 2930 permittee to whom the tag was issued may ~~must~~ apply to the
 2931 department for a replacement tag. The department shall establish
 2932 by rule a service fee for replacement tags in an amount that
 2933 will recover the actual cost of providing the replacement tag.
 2934 Upon receipt of the application accompanied by the a service fee
 2935 ~~of \$3~~, the department shall issue a replacement permit tag.
 2936 Alternatively, the permittee may provide its own replacement tag
 2937 pursuant to department specifications which the department shall
 2938 establish by rule at the time it establishes the service fee for
 2939 replacement tags.

2940 Section 44. Section 479.08, Florida Statutes, is amended
 2941 to read:

2942 479.08 Denial or revocation of permit.--The department has
 2943 the authority to deny or revoke any permit requested or granted
 2944 under this chapter in any case in which it determines that the
 2945 application for the permit contains knowingly false or knowingly

2946 misleading information. The department has the authority to
 2947 revoke any permit granted under this chapter in any case in
 2948 which ~~or that~~ the permittee has violated any of the provisions
 2949 of this chapter, unless such permittee, within 30 days after the
 2950 receipt of notice by the department, ~~corrects such false or~~
 2951 ~~misleading information and~~ complies with the provisions of this
 2952 chapter. For the purpose of this subsection, the notice of
 2953 violation issued by the department shall describe in detail the
 2954 alleged violation. Any person aggrieved by any action of the
 2955 department in denying or revoking a permit under this chapter
 2956 may, within 30 days after receipt of the notice, apply to the
 2957 department for an administrative hearing pursuant to chapter
 2958 120. If a timely request for hearing has been filed and the
 2959 department issues a final order revoking a permit, such
 2960 revocation shall be effective 30 days after the date of
 2961 rendition. Except for department action pursuant to s.
 2962 479.107(1), the filing of a timely and proper notice of appeal
 2963 shall operate to stay the revocation until the department's
 2964 action is upheld.

2965 Section 45. Subsection (2) of section 479.11, Florida
 2966 Statutes, is amended to read:

2967 479.11 Specified signs prohibited.--No sign shall be
 2968 erected, used, operated, or maintained:

2969 (2) Beyond 660 feet of the nearest edge of the right-of-
 2970 way of any portion of the interstate highway system or the
 2971 federal-aid primary highway system outside an urban area, if the
 2972 advertising message or informative contents of the ~~which~~ sign
 2973 are visible ~~is erected for the purpose of its message being read~~

2974 from the main-traveled way ~~of such system~~, except as provided in
 2975 ss. 479.111(1) and 479.16.

2976 Section 46. Subsections (1), (3), (4), and (5) of section
 2977 479.261, Florida Statutes, are amended to read:

2978 479.261 Logo sign program.--

2979 (1) The department shall establish a logo sign program for
 2980 the rights-of-way of the interstate highway system to provide
 2981 information to motorists about available gas, food, lodging, ~~and~~
 2982 camping, attractions, and other services which are approved by
 2983 the Federal Highway Administration at interchanges, through the
 2984 use of business logos, and may include additional interchanges
 2985 under the program. ~~A logo sign for nearby attractions may be~~
 2986 ~~added to this program if allowed by federal rules.~~

2987 (a) An attraction as used in this chapter is defined as an
 2988 establishment, site, facility, or landmark which is open a
 2989 minimum of 5 days a week for 52 weeks a year; ~~which charges an~~
 2990 ~~admission for entry~~; which has as its principal focus family-
 2991 oriented entertainment, cultural, educational, recreational,
 2992 scientific, or historical activities; and which is publicly
 2993 recognized as a bona fide tourist attraction. ~~However, the~~
 2994 ~~permits for businesses seeking to participate in the attractions~~
 2995 ~~logo sign program shall be awarded by the department annually to~~
 2996 ~~the highest bidders, notwithstanding the limitation on fees in~~
 2997 ~~subsection (5), which are qualified for available space at each~~
 2998 ~~qualified location, but the fees therefor may not be less than~~
 2999 ~~the fees established for logo participants in other logo~~
 3000 ~~categories.~~

3001 (b) The department shall incorporate the use of RV-
 3002 friendly markers on specific information logo signs for
 3003 establishments that cater to the needs of persons driving
 3004 recreational vehicles. Establishments that qualify for
 3005 participation in the specific information logo program and that
 3006 also qualify as "RV-friendly" may request the RV-friendly marker
 3007 on their specific information logo sign. An RV-friendly marker
 3008 must consist of a design approved by the Federal Highway
 3009 Administration. The department shall adopt rules in accordance
 3010 with chapter 120 to administer this paragraph, including rules
 3011 setting forth the minimum requirements that establishments must
 3012 meet in order to qualify as RV-friendly. These requirements
 3013 shall include large parking spaces, entrances, and exits that
 3014 can easily accommodate recreational vehicles and facilities
 3015 having appropriate overhead clearances, if applicable.

3016 (c) The department is authorized to implement by rule a
 3017 rotation-based logo program providing for the removal and
 3018 addition of participating businesses in the program.

3019 (3) Logo signs may be installed upon the issuance of an
 3020 annual permit by the department or its agent and payment of a ~~an~~
 3021 ~~application and~~ permit fee to the department or its agent.

3022 (4) The department may contract pursuant to s. 287.057 for
 3023 the provision of services related to the logo sign program,
 3024 including recruitment and qualification of businesses, review of
 3025 applications, permit issuance, and fabrication, installation,
 3026 and maintenance of logo signs. The department may reject all
 3027 proposals and seek another request for proposals or otherwise
 3028 perform the work. ~~If the department contracts for the provision~~

3029 ~~of services for the logo sign program, the contract must~~
 3030 ~~require, unless the business owner declines, that businesses~~
 3031 ~~that previously entered into agreements with the department to~~
 3032 ~~privately fund logo sign construction and installation be~~
 3033 ~~reimbursed by the contractor for the cost of the signs which has~~
 3034 ~~not been recovered through a previously agreed upon waiver of~~
 3035 ~~fees.~~ The contract also may allow the contractor to retain a
 3036 portion of the annual fees as compensation for its services.

3037 (5) Permit fees for businesses that participate in the
 3038 logo program must be established in an amount not less than that
 3039 sufficient to offset the total cost to the department for the
 3040 program, including contract costs. The department shall provide
 3041 the services in the most efficient and cost-effective manner
 3042 through department staff or by contracting for some or all of
 3043 the services. Such annual permit fee shall not exceed \$1,250.
 3044 Annual permit fees shall be set by department rule based upon
 3045 factors such as population, traffic volume, market demand, and
 3046 costs. The annual permit fees shall be phased in by rule over a
 3047 4-year period of time.

3048 Section 47. Paragraph (d) of subsection (10) of section
 3049 768.28, Florida Statutes, is amended to read:

3050 768.28 Waiver of sovereign immunity in tort actions;
 3051 recovery limits; limitation on attorney fees; statute of
 3052 limitations; exclusions; indemnification; risk management
 3053 programs.--

3054 (10)

3055 (d) For the purposes of this section, operators,
 3056 dispatchers, and providers of security for rail services and

3057 rail facility maintenance providers in any rail corridor owned
 3058 by the Department of Transportation ~~the South Florida Rail~~
 3059 ~~Corridor~~, or any of their employees or agents, performing such
 3060 services under contract with and on behalf of the ~~South Florida~~
 3061 ~~Regional Transportation Authority~~ or the Department of
 3062 Transportation, or a governmental entity that is under contract
 3063 with the Department of Transportation to perform such services
 3064 or a governmental entity designated by the Department of
 3065 Transportation, shall be considered agents of the state while
 3066 acting within the scope of and pursuant to guidelines
 3067 established in said contract or by rule. This subsection shall
 3068 not be construed as designating persons providing contracted
 3069 operator, dispatcher, security services, rail facility
 3070 maintenance, or other services as employees or agents of the
 3071 state for the purposes of the Federal Employers Liability Act,
 3072 the Federal Railway Labor Act, or chapter 440.

3073 Section 48. The Department of Transportation, in
 3074 consultation with the Department of Law Enforcement, the
 3075 Division of Emergency Management of the Department of Community
 3076 Affairs, and the Office of Tourism, Trade, and Economic
 3077 Development, and regional planning councils within whose
 3078 jurisdictional area the I-95 corridor lies, shall complete a
 3079 study of transportation alternatives for the travel corridor
 3080 parallel to Interstate 95 which takes into account the
 3081 transportation, emergency management, homeland security, and
 3082 economic development needs of the state. The report must include
 3083 identification of cost effective measures that may be
 3084 implemented to alleviate congestion on Interstate 95, facilitate

3085 emergency and security responses, and foster economic
 3086 development. The Department of Transportation shall send the
 3087 report to the Governor, the President of the Senate, the Speaker
 3088 of the House of Representatives, and each affected metropolitan
 3089 planning organization by June 30, 2009.

3090 Section 49. (1) The Office of Motor Carrier Compliance of
 3091 the Department of Transportation is hereby transferred by a type
 3092 two transfer, as defined in s. 20.06(2), Florida Statutes, to
 3093 the Division of the Florida Highway Patrol of the Department of
 3094 Highway Safety and Motor Vehicles, except for revenues in the
 3095 amount of \$28,033,537, which shall remain in the State
 3096 Transportation Trust Fund.

3097 (2) The Legislature recognizes that there is a need to
 3098 conform the Florida Statutes to the organizational changes in
 3099 this section and that there may be a need to resolve apparent
 3100 conflicts with any other legislation that has been or may be
 3101 enacted during the 2008 Regular Session. Therefore, in the
 3102 interim between this act becoming a law and the 2009 Regular
 3103 Session of the Legislature or an earlier special session
 3104 addressing this issue, the Division of Statutory Revision shall
 3105 provide the relevant substantive committees of the Senate and
 3106 the House of Representatives with assistance, upon request, to
 3107 enable such committees to prepare draft legislation to conform
 3108 the Florida Statutes and any legislation enacted during 2008 to
 3109 the provisions of this section.

3110 Section 50. For the purpose of incorporating the amendment
 3111 made by this act to section 316.193, Florida Statutes, in a

3112 reference thereto, paragraph (a) of subsection (3) of section
 3113 316.066, Florida Statutes, is reenacted to read:

3114 316.066 Written reports of crashes.--

3115 (3) (a) Every law enforcement officer who in the regular
 3116 course of duty investigates a motor vehicle crash:

3117 1. Which crash resulted in death or personal injury shall,
 3118 within 10 days after completing the investigation, forward a
 3119 written report of the crash to the department or traffic records
 3120 center.

3121 2. Which crash involved a violation of s. 316.061(1) or s.
 3122 316.193 shall, within 10 days after completing the
 3123 investigation, forward a written report of the crash to the
 3124 department or traffic records center.

3125 3. In which crash a vehicle was rendered inoperative to a
 3126 degree which required a wrecker to remove it from traffic may,
 3127 within 10 days after completing the investigation, forward a
 3128 written report of the crash to the department or traffic records
 3129 center if such action is appropriate, in the officer's
 3130 discretion.

3131 Section 51. For the purpose of incorporating the amendment
 3132 made by this act to section 316.193, Florida Statutes, in a
 3133 reference thereto, paragraph (b) of subsection (4) of section
 3134 316.072, Florida Statutes, is reenacted to read:

3135 316.072 Obedience to and effect of traffic laws.--

3136 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;
 3137 EXCEPTIONS.--

3138 (b) Unless specifically made applicable, the provisions of
 3139 this chapter, except those contained in ss. 316.192, 316.1925,

3140 and 316.193, shall not apply to persons, teams, or motor
 3141 vehicles and other equipment while actually engaged in work upon
 3142 the surface of a highway, but shall apply to such persons and
 3143 vehicles when traveling to or from such work.

3144 Section 52. For the purpose of incorporating the amendment
 3145 made by this act to section 316.193, Florida Statutes, in a
 3146 reference thereto, subsection (3) of section 316.1932, Florida
 3147 Statutes, is reenacted to read:

3148 316.1932 Tests for alcohol, chemical substances, or
 3149 controlled substances; implied consent; refusal.--

3150 (3) Notwithstanding any provision of law pertaining to the
 3151 confidentiality of hospital records or other medical records,
 3152 information relating to the alcoholic content of the blood or
 3153 breath or the presence of chemical substances or controlled
 3154 substances in the blood obtained pursuant to this section shall
 3155 be released to a court, prosecuting attorney, defense attorney,
 3156 or law enforcement officer in connection with an alleged
 3157 violation of s. 316.193 upon request for such information.

3158 Section 53. For the purpose of incorporating the amendment
 3159 made by this act to section 316.193, Florida Statutes, in a
 3160 reference thereto, subsection (4) of section 316.1933, Florida
 3161 Statutes, is reenacted to read:

3162 316.1933 Blood test for impairment or intoxication in
 3163 cases of death or serious bodily injury; right to use reasonable
 3164 force.--

3165 (4) Notwithstanding any provision of law pertaining to the
 3166 confidentiality of hospital records or other medical records,
 3167 information relating to the alcoholic content of the blood or

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3168 the presence of chemical substances or controlled substances in
3169 the blood obtained pursuant to this section shall be released to
3170 a court, prosecuting attorney, defense attorney, or law
3171 enforcement officer in connection with an alleged violation of
3172 s. 316.193 upon request for such information.

3173 Section 54. For the purpose of incorporating the amendment
3174 made by this act to section 316.193, Florida Statutes, in
3175 references thereto, subsection (1) and paragraph (d) of
3176 subsection (2) of section 316.1937, Florida Statutes, are
3177 reenacted to read:

3178 316.1937 Ignition interlock devices, requiring; unlawful
3179 acts.--

3180 (1) In addition to any other authorized penalties, the
3181 court may require that any person who is convicted of driving
3182 under the influence in violation of s. 316.193 shall not operate
3183 a motor vehicle unless that vehicle is equipped with a
3184 functioning ignition interlock device certified by the
3185 department as provided in s. 316.1938, and installed in such a
3186 manner that the vehicle will not start if the operator's blood
3187 alcohol level is in excess of 0.05 percent or as otherwise
3188 specified by the court. The court may require the use of an
3189 approved ignition interlock device for a period of not less than
3190 6 months, if the person is permitted to operate a motor vehicle,
3191 whether or not the privilege to operate a motor vehicle is
3192 restricted, as determined by the court. The court, however,
3193 shall order placement of an ignition interlock device in those
3194 circumstances required by s. 316.193.

3195 (2) If the court imposes the use of an ignition interlock
 3196 device, the court shall:

3197 (d) Determine the person's ability to pay for installation
 3198 of the device if the person claims inability to pay. If the
 3199 court determines that the person is unable to pay for
 3200 installation of the device, the court may order that any portion
 3201 of a fine paid by the person for a violation of s. 316.193 shall
 3202 be allocated to defray the costs of installing the device.

3203 Section 55. For the purpose of incorporating the amendment
 3204 made by this act to section 316.193, Florida Statutes, in a
 3205 reference thereto, paragraph (b) of subsection (1) of section
 3206 316.1939, Florida Statutes, is reenacted to read:

3207 316.1939 Refusal to submit to testing; penalties.--

3208 (1) Any person who has refused to submit to a chemical or
 3209 physical test of his or her breath, blood, or urine, as
 3210 described in s. 316.1932, and whose driving privilege was
 3211 previously suspended for a prior refusal to submit to a lawful
 3212 test of his or her breath, urine, or blood, and:

3213 (b) Who was placed under lawful arrest for a violation of
 3214 s. 316.193 unless such test was requested pursuant to s.
 3215 316.1932(1)(c);

3216
 3217 commits a misdemeanor of the first degree and is subject to
 3218 punishment as provided in s. 775.082 or s. 775.083.

3219 Section 56. For the purpose of incorporating the amendment
 3220 made by this act to section 316.193, Florida Statutes, in a
 3221 reference thereto, subsection (1) of section 316.656, Florida
 3222 Statutes, is reenacted to read:

3223 316.656 Mandatory adjudication; prohibition against
 3224 accepting plea to lesser included offense.--

3225 (1) Notwithstanding the provisions of s. 948.01, no court
 3226 may suspend, defer, or withhold adjudication of guilt or
 3227 imposition of sentence for any violation of s. 316.193, for
 3228 manslaughter resulting from the operation of a motor vehicle, or
 3229 for vehicular homicide.

3230 Section 57. For the purpose of incorporating the amendment
 3231 made by this act to section 316.193, Florida Statutes, in
 3232 references thereto, subsections (4) and (5) of section 318.143,
 3233 Florida Statutes, are reenacted to read:

3234 318.143 Sanctions for infractions by minors.--

3235 (4) For the first conviction for a violation of s.
 3236 316.193, the court may order the Department of Highway Safety
 3237 and Motor Vehicles to revoke the minor's driver's license until
 3238 the minor is 18 years of age. For a second or subsequent
 3239 conviction for such a violation, the court may order the
 3240 Department of Highway Safety and Motor Vehicles to revoke the
 3241 minor's driver's license until the minor is 21 years of age.

3242 (5) A minor who is arrested for a violation of s. 316.193
 3243 may be released from custody as soon as:

3244 (a) The minor is no longer under the influence of
 3245 alcoholic beverages, of any chemical substance set forth in s.
 3246 877.111, or of any substance controlled under chapter 893, and
 3247 is not affected to the extent that his or her normal faculties
 3248 are impaired;

3249 (b) The minor's blood-alcohol level is less than 0.05
 3250 percent; or

3251 (c) Six hours have elapsed after the minor's arrest.
 3252 Section 58. For the purpose of incorporating the amendment
 3253 made by this act to section 316.193, Florida Statutes, in a
 3254 reference thereto, subsection (3) of section 318.17, Florida
 3255 Statutes, is reenacted to read:

3256 318.17 Offenses excepted.--No provision of this chapter is
 3257 available to a person who is charged with any of the following
 3258 offenses:

3259 (3) Driving, or being in actual physical control of, any
 3260 vehicle while under the influence of alcoholic beverages, any
 3261 chemical substance set forth in s. 877.111, or any substance
 3262 controlled under chapter 893, in violation of s. 316.193, or
 3263 driving with an unlawful blood-alcohol level;

3264 Section 59. For the purpose of incorporating the amendment
 3265 made by this act to section 316.193, Florida Statutes, in a
 3266 reference thereto, paragraph (c) of subsection (1) of section
 3267 320.055, Florida Statutes, is reenacted to read:

3268 320.055 Registration periods; renewal periods.--The
 3269 following registration periods and renewal periods are
 3270 established:

3271 (1)

3272 (c) Notwithstanding the requirements of paragraph (a), the
 3273 owner of a motor vehicle subject to paragraph (a) who has had
 3274 his or her driver's license suspended pursuant to a violation of
 3275 s. 316.193 or pursuant to s. 322.26(2) for driving under the
 3276 influence must obtain a 6-month registration as a condition of
 3277 reinstating the license, subject to renewal during the 3-year
 3278 period that financial responsibility requirements apply. The

3279 registration period begins the first day of the birth month of
 3280 the owner and ends the last day of the fifth month immediately
 3281 following the owner's birth month. For such vehicles, the
 3282 department shall issue a vehicle registration certificate that
 3283 is valid for 6 months and shall issue a validation sticker that
 3284 displays an expiration date of 6 months after the date of
 3285 issuance. The license tax required by s. 320.08 and all other
 3286 applicable license taxes shall be one-half of the amount
 3287 otherwise required, except the service charge required by s.
 3288 320.04 shall be paid in full for each 6-month registration. A
 3289 vehicle required to be registered under this paragraph is not
 3290 eligible for the extended registration period under paragraph
 3291 (b).

3292 Section 60. For the purpose of incorporating the amendment
 3293 made by this act to section 316.193, Florida Statutes, in a
 3294 reference thereto, subsection (2) of section 322.03, Florida
 3295 Statutes, is reenacted to read:

3296 322.03 Drivers must be licensed; penalties.--

3297 (2) Prior to issuing a driver's license, the department
 3298 shall require any person who has been convicted two or more
 3299 times of a violation of s. 316.193 or of a substantially similar
 3300 alcohol-related or drug-related offense outside this state
 3301 within the preceding 5 years, or who has been convicted of three
 3302 or more such offenses within the preceding 10 years, to present
 3303 proof of successful completion of or enrollment in a department-
 3304 approved substance abuse education course. If the person fails
 3305 to complete such education course within 90 days after issuance,
 3306 the department shall cancel the license. Further, prior to

3307 issuing the driver's license the department shall require such
 3308 person to present proof of financial responsibility as provided
 3309 in s. 324.031. For the purposes of this paragraph, a previous
 3310 conviction for violation of former s. 316.028, former s.
 3311 316.1931, or former s. 860.01 shall be considered a previous
 3312 conviction for violation of s. 316.193.

3313 Section 61. For the purpose of incorporating the amendment
 3314 made by this act to section 316.193, Florida Statutes, in a
 3315 reference thereto, paragraph (a) of subsection (2) of section
 3316 322.0602, Florida Statutes, is reenacted to read:

3317 322.0602 Youthful Drunk Driver Visitation Program.--

3318 (2) COURT-ORDERED PARTICIPATION IN PROGRAM; PREFERENCE FOR
 3319 PARTICIPATION.--

3320 (a) If a person is convicted of a violation of s. 316.193,
 3321 the court may order, as a term and condition of probation in
 3322 addition to any other term or condition required or authorized
 3323 by law, that the probationer participate in the Youthful Drunk
 3324 Driver Visitation Program.

3325 Section 62. For the purpose of incorporating the amendment
 3326 made by this act to section 316.193, Florida Statutes, in a
 3327 reference thereto, subsection (8) of section 322.21, Florida
 3328 Statutes, is reenacted to read:

3329 322.21 License fees; procedure for handling and collecting
 3330 fees.--

3331 (8) Any person who applies for reinstatement following the
 3332 suspension or revocation of the person's driver's license shall
 3333 pay a service fee of \$35 following a suspension, and \$60
 3334 following a revocation, which is in addition to the fee for a

3335 license. Any person who applies for reinstatement of a
3336 commercial driver's license following the disqualification of
3337 the person's privilege to operate a commercial motor vehicle
3338 shall pay a service fee of \$60, which is in addition to the fee
3339 for a license. The department shall collect all of these fees at
3340 the time of reinstatement. The department shall issue proper
3341 receipts for such fees and shall promptly transmit all funds
3342 received by it as follows:

3343 (a) Of the \$35 fee received from a licensee for
3344 reinstatement following a suspension, the department shall
3345 deposit \$15 in the General Revenue Fund and \$20 in the Highway
3346 Safety Operating Trust Fund.

3347 (b) Of the \$60 fee received from a licensee for
3348 reinstatement following a revocation or disqualification, the
3349 department shall deposit \$35 in the General Revenue Fund and \$25
3350 in the Highway Safety Operating Trust Fund.

3351
3352 If the revocation or suspension of the driver's license was for
3353 a violation of s. 316.193, or for refusal to submit to a lawful
3354 breath, blood, or urine test, an additional fee of \$115 must be
3355 charged. However, only one \$115 fee may be collected from one
3356 person convicted of violations arising out of the same incident.
3357 The department shall collect the \$115 fee and deposit the fee
3358 into the Highway Safety Operating Trust Fund at the time of
3359 reinstatement of the person's driver's license, but the fee may
3360 not be collected if the suspension or revocation is overturned.
3361 If the revocation or suspension of the driver's license was for
3362 a conviction for a violation of s. 817.234(8) or (9) or s.

3363 817.505, an additional fee of \$180 is imposed for each offense.
 3364 The department shall collect and deposit the additional fee into
 3365 the Highway Safety Operating Trust Fund at the time of
 3366 reinstatement of the person's driver's license.

3367 Section 63. For the purpose of incorporating the amendment
 3368 made by this act to section 316.193, Florida Statutes, in a
 3369 reference thereto, subsection (5) of section 322.25, Florida
 3370 Statutes, is reenacted to read:

3371 322.25 When court to forward license to department and
 3372 report convictions; temporary reinstatement of driving
 3373 privileges.--

3374 (5) For the purpose of this chapter, the entrance of a
 3375 plea of nolo contendere by the defendant to a charge of driving
 3376 while intoxicated, driving under the influence, driving with an
 3377 unlawful blood-alcohol level, or any other alcohol-related or
 3378 drug-related traffic offense similar to the offenses specified
 3379 in s. 316.193, accepted by the court and under which plea the
 3380 court has entered a fine or sentence, whether in this state or
 3381 any other state or country, shall be equivalent to a conviction.

3382 Section 64. For the purpose of incorporating the amendment
 3383 made by this act to section 316.193, Florida Statutes, in a
 3384 reference thereto, paragraph (a) of subsection (1) of section
 3385 322.26, Florida Statutes, is reenacted to read:

3386 322.26 Mandatory revocation of license by department.--The
 3387 department shall forthwith revoke the license or driving
 3388 privilege of any person upon receiving a record of such person's
 3389 conviction of any of the following offenses:

3390 (1) (a) Murder resulting from the operation of a motor
 3391 vehicle, DUI manslaughter where the conviction represents a
 3392 subsequent DUI-related conviction, or a fourth violation of s.
 3393 316.193 or former s. 316.1931. For such cases, the revocation of
 3394 the driver's license or driving privilege shall be permanent.

3395 Section 65. For the purpose of incorporating the amendment
 3396 made by this act to section 316.193, Florida Statutes, in
 3397 references thereto, paragraph (a) of subsection (14) and
 3398 subsection (16) of section 322.2615, Florida Statutes, are
 3399 reenacted to read:

3400 322.2615 Suspension of license; right to review.--

3401 (14) (a) The decision of the department under this section
 3402 or any circuit court review thereof may not be considered in any
 3403 trial for a violation of s. 316.193, and a written statement
 3404 submitted by a person in his or her request for departmental
 3405 review under this section may not be admitted into evidence
 3406 against him or her in any such trial.

3407 (16) The department shall invalidate a suspension for
 3408 driving with an unlawful blood-alcohol level or breath-alcohol
 3409 level imposed under this section if the suspended person is
 3410 found not guilty at trial of an underlying violation of s.
 3411 316.193.

3412 Section 66. For the purpose of incorporating the amendment
 3413 made by this act to section 316.193, Florida Statutes, in
 3414 references thereto, subsections (15) and (19) of section
 3415 322.2616, Florida Statutes, are reenacted to read:

3416 322.2616 Suspension of license; persons under 21 years of
 3417 age; right to review.--

3418 (15) The decision of the department under this section
 3419 shall not be considered in any trial for a violation of s.
 3420 316.193, nor shall any written statement submitted by a person
 3421 in his or her request for departmental review under this section
 3422 be admissible into evidence against him or her in any such
 3423 trial. The disposition of any related criminal proceedings shall
 3424 not affect a suspension imposed under this section.

3425 (19) A violation of this section is neither a traffic
 3426 infraction nor a criminal offense, nor does being detained
 3427 pursuant to this section constitute an arrest. A violation of
 3428 this section is subject to the administrative action provisions
 3429 of this section, which are administered by the department
 3430 through its administrative processes. Administrative actions
 3431 taken pursuant to this section shall be recorded in the motor
 3432 vehicle records maintained by the department. This section does
 3433 not bar prosecution under s. 316.193. However, if the department
 3434 suspends a person's license under s. 322.2615 for a violation of
 3435 s. 316.193, it may not also suspend the person's license under
 3436 this section for the same episode that was the basis for the
 3437 suspension under s. 322.2615.

3438 Section 67. For the purpose of incorporating the amendment
 3439 made by this act to section 316.193, Florida Statutes, in a
 3440 reference thereto, paragraph (b) of subsection (1) of section
 3441 322.264, Florida Statutes, is reenacted to read:

3442 322.264 "Habitual traffic offender" defined.--A "habitual
 3443 traffic offender" is any person whose record, as maintained by
 3444 the Department of Highway Safety and Motor Vehicles, shows that
 3445 such person has accumulated the specified number of convictions

3446 for offenses described in subsection (1) or subsection (2)
 3447 within a 5-year period:

3448 (1) Three or more convictions of any one or more of the
 3449 following offenses arising out of separate acts:

3450 (b) Any violation of s. 316.193, former s. 316.1931, or
 3451 former s. 860.01;

3452
 3453 Any violation of any federal law, any law of another state or
 3454 country, or any valid ordinance of a municipality or county of
 3455 another state similar to a statutory prohibition specified in
 3456 subsection (1) or subsection (2) shall be counted as a violation
 3457 of such prohibition. In computing the number of convictions, all
 3458 convictions during the 5 years previous to July 1, 1972, will be
 3459 used, provided at least one conviction occurs after that date.
 3460 The fact that previous convictions may have resulted in
 3461 suspension, revocation, or disqualification under another
 3462 section does not exempt them from being used for suspension or
 3463 revocation under this section as a habitual offender.

3464 Section 68. For the purpose of incorporating the amendment
 3465 made by this act to section 316.193, Florida Statutes, in
 3466 references thereto, paragraphs (a) and (c) of subsection (2) and
 3467 subsection (4) of section 322.271, Florida Statutes, are
 3468 reenacted to read:

3469 322.271 Authority to modify revocation, cancellation, or
 3470 suspension order.--

3471 (2) (a) Upon such hearing, the person whose license has
 3472 been suspended, canceled, or revoked may show that such
 3473 suspension, cancellation, or revocation of his or her license

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3474 causes a serious hardship and precludes the person's carrying
3475 out his or her normal business occupation, trade, or employment
3476 and that the use of the person's license in the normal course of
3477 his or her business is necessary to the proper support of the
3478 person or his or her family. Except as otherwise provided in
3479 this subsection, the department shall require proof of the
3480 successful completion of the applicable department-approved
3481 driver training course operating pursuant to s. 318.1451 or DUI
3482 program substance abuse education course and evaluation as
3483 provided in s. 316.193(5). Letters of recommendation from
3484 respected business persons in the community, law enforcement
3485 officers, or judicial officers may also be required to determine
3486 whether such person should be permitted to operate a motor
3487 vehicle on a restricted basis for business or employment use
3488 only and in determining whether such person can be trusted to so
3489 operate a motor vehicle. If a driver's license has been
3490 suspended under the point system or pursuant to s. 322.2615, the
3491 department shall require proof of enrollment in the applicable
3492 department-approved driver training course or licensed DUI
3493 program substance abuse education course, including evaluation
3494 and treatment, if referred, and may require letters of
3495 recommendation described in this subsection to determine if the
3496 driver should be reinstated on a restricted basis. If such
3497 person fails to complete the approved course within 90 days
3498 after reinstatement or subsequently fails to complete treatment,
3499 if applicable, the department shall cancel his or her driver's
3500 license until the course and treatment, if applicable, is
3501 successfully completed, notwithstanding the terms of the court

3502 order or any suspension or revocation of the driving privilege.
3503 The department may temporarily reinstate the driving privilege
3504 on a restricted basis upon verification from the DUI program
3505 that the offender has reentered and is currently participating
3506 in treatment and has completed the DUI education course and
3507 evaluation requirement. If the DUI program notifies the
3508 department of the second failure to complete treatment, the
3509 department shall reinstate the driving privilege only after
3510 notice of completion of treatment from the DUI program. The
3511 privilege of driving on a limited or restricted basis for
3512 business or employment use shall not be granted to a person who
3513 has been convicted of a violation of s. 316.193 until completion
3514 of the DUI program substance abuse education course and
3515 evaluations as provided in s. 316.193(5). Except as provided in
3516 paragraph (b), the privilege of driving on a limited or
3517 restricted basis for business or employment use shall not be
3518 granted to a person whose license is revoked pursuant to s.
3519 322.28 or suspended pursuant to s. 322.2615 and who has been
3520 convicted of a violation of s. 316.193 two or more times or
3521 whose license has been suspended two or more times for refusal
3522 to submit to a test pursuant to s. 322.2615 or former s.
3523 322.261.

3524 (c) For the purpose of this section, a previous conviction
3525 of driving under the influence, driving while intoxicated,
3526 driving with an unlawful blood-alcohol level, or any other
3527 similar alcohol-related or drug-related offense outside this
3528 state or a previous conviction of former s. 316.1931, former s.

3529 316.028, or former s. 860.01 shall be considered a previous
 3530 conviction for violation of s. 316.193.

3531 (4) Notwithstanding the provisions of s. 322.28(2)(e), a
 3532 person whose driving privilege has been permanently revoked
 3533 because he or she has been convicted of DUI manslaughter in
 3534 violation of s. 316.193 and has no prior convictions for DUI-
 3535 related offenses may, upon the expiration of 5 years after the
 3536 date of such revocation or the expiration of 5 years after the
 3537 termination of any term of incarceration under s. 316.193 or
 3538 former s. 316.1931, whichever date is later, petition the
 3539 department for reinstatement of his or her driving privilege.

3540 (a) Within 30 days after the receipt of such a petition,
 3541 the department shall afford the petitioner an opportunity for a
 3542 hearing. At the hearing, the petitioner must demonstrate to the
 3543 department that he or she:

- 3544 1. Has not been arrested for a drug-related offense during
 3545 the 5 years preceding the filing of the petition;
- 3546 2. Has not driven a motor vehicle without a license for at
 3547 least 5 years prior to the hearing;
- 3548 3. Has been drug-free for at least 5 years prior to the
 3549 hearing; and
- 3550 4. Has completed a DUI program licensed by the department.

3551 (b) At such hearing, the department shall determine the
 3552 petitioner's qualification, fitness, and need to drive. Upon
 3553 such determination, the department may, in its discretion,
 3554 reinstate the driver's license of the petitioner. Such
 3555 reinstatement must be made subject to the following
 3556 qualifications:

3557 1. The license must be restricted for employment purposes
 3558 for not less than 1 year; and

3559 2. Such person must be supervised by a DUI program
 3560 licensed by the department and report to the program for such
 3561 supervision and education at least four times a year or
 3562 additionally as required by the program for the remainder of the
 3563 revocation period. Such supervision shall include evaluation,
 3564 education, referral into treatment, and other activities
 3565 required by the department.

3566 (c) Such person must assume the reasonable costs of
 3567 supervision. If such person fails to comply with the required
 3568 supervision, the program shall report the failure to the
 3569 department, and the department shall cancel such person's
 3570 driving privilege.

3571 (d) If, after reinstatement, such person is convicted of
 3572 an offense for which mandatory revocation of his or her license
 3573 is required, the department shall revoke his or her driving
 3574 privilege.

3575 (e) The department shall adopt rules regulating the
 3576 providing of services by DUI programs pursuant to this section.

3577 Section 69. For the purpose of incorporating the amendment
 3578 made by this act to section 316.193, Florida Statutes, in
 3579 references thereto, subsection (2), paragraphs (a) and (c) of
 3580 subsection (3), and subsection (4) of section 322.2715, Florida
 3581 Statutes, are reenacted to read:

3582 322.2715 Ignition interlock device.--

3583 (2) For purposes of this section, any conviction for a
 3584 violation of s. 316.193, a previous conviction for a violation

3585 of former s. 316.1931, or a conviction outside this state for
3586 driving under the influence, driving while intoxicated, driving
3587 with an unlawful blood-alcohol level, or any other similar
3588 alcohol-related or drug-related traffic offense is a conviction
3589 of driving under the influence.

3590 (3) If the person is convicted of:

3591 (a) A first offense of driving under the influence under
3592 s. 316.193 and has an unlawful blood-alcohol level or breath-
3593 alcohol level as specified in s. 316.193(4), or if a person is
3594 convicted of a violation of s. 316.193 and was at the time of
3595 the offense accompanied in the vehicle by a person younger than
3596 18 years of age, the person shall have the ignition interlock
3597 device installed for 6 months for the first offense and for at
3598 least 2 years for a second offense.

3599 (c) A third offense of driving under the influence which
3600 occurs within 10 years after a prior conviction for a violation
3601 of s. 316.193, the ignition interlock device shall be installed
3602 for a period of not less than 2 years.

3603 (4) If the court fails to order the mandatory placement of
3604 the ignition interlock device or fails to order for the
3605 applicable period the mandatory placement of an ignition
3606 interlock device under s. 316.193 or s. 316.1937 at the time of
3607 imposing sentence or within 30 days thereafter, the department
3608 shall immediately require that the ignition interlock device be
3609 installed as provided in this section, except that consideration
3610 may be given to those individuals having a documented medical
3611 condition that would prohibit the device from functioning
3612 normally. This subsection applies to the reinstatement of the

3613 driving privilege following a revocation, suspension, or
 3614 cancellation that is based upon a conviction for the offense of
 3615 driving under the influence which occurs on or after July 1,
 3616 2005.

3617 Section 70. For the purpose of incorporating the amendment
 3618 made by this act to section 316.193, Florida Statutes, in a
 3619 reference thereto, subsection (2) of section 322.28, Florida
 3620 Statutes, is reenacted to read:

3621 322.28 Period of suspension or revocation.--

3622 (2) In a prosecution for a violation of s. 316.193 or
 3623 former s. 316.1931, the following provisions apply:

3624 (a) Upon conviction of the driver, the court, along with
 3625 imposing sentence, shall revoke the driver's license or driving
 3626 privilege of the person so convicted, effective on the date of
 3627 conviction, and shall prescribe the period of such revocation in
 3628 accordance with the following provisions:

3629 1. Upon a first conviction for a violation of the
 3630 provisions of s. 316.193, except a violation resulting in death,
 3631 the driver's license or driving privilege shall be revoked for
 3632 not less than 180 days or more than 1 year.

3633 2. Upon a second conviction for an offense that occurs
 3634 within a period of 5 years after the date of a prior conviction
 3635 for a violation of the provisions of s. 316.193 or former s.
 3636 316.1931 or a combination of such sections, the driver's license
 3637 or driving privilege shall be revoked for not less than 5 years.

3638 3. Upon a third conviction for an offense that occurs
 3639 within a period of 10 years after the date of a prior conviction
 3640 for the violation of the provisions of s. 316.193 or former s.

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3641 316.1931 or a combination of such sections, the driver's license
3642 or driving privilege shall be revoked for not less than 10
3643 years.

3644
3645 For the purposes of this paragraph, a previous conviction
3646 outside this state for driving under the influence, driving
3647 while intoxicated, driving with an unlawful blood-alcohol level,
3648 or any other alcohol-related or drug-related traffic offense
3649 similar to the offense of driving under the influence as
3650 proscribed by s. 316.193 will be considered a previous
3651 conviction for violation of s. 316.193, and a conviction for
3652 violation of former s. 316.028, former s. 316.1931, or former s.
3653 860.01 is considered a conviction for violation of s. 316.193.

3654 (b) If the period of revocation was not specified by the
3655 court at the time of imposing sentence or within 30 days
3656 thereafter, and is not otherwise specified by law, the
3657 department shall forthwith revoke the driver's license or
3658 driving privilege for the maximum period applicable under
3659 paragraph (a) for a first conviction and for the minimum period
3660 applicable under paragraph (a) for any subsequent convictions.
3661 The driver may, within 30 days after such revocation by the
3662 department, petition the court for further hearing on the period
3663 of revocation, and the court may reopen the case and determine
3664 the period of revocation within the limits specified in
3665 paragraph (a).

3666 (c) The forfeiture of bail bond, not vacated within 20
3667 days, in any prosecution for the offense of driving while under
3668 the influence of alcoholic beverages, chemical substances, or

3669 controlled substances to the extent of depriving the defendant
3670 of his or her normal faculties shall be deemed equivalent to a
3671 conviction for the purposes of this paragraph, and the
3672 department shall forthwith revoke the defendant's driver's
3673 license or driving privilege for the maximum period applicable
3674 under paragraph (a) for a first conviction and for the minimum
3675 period applicable under paragraph (a) for a second or subsequent
3676 conviction; however, if the defendant is later convicted of the
3677 charge, the period of revocation imposed by the department for
3678 such conviction shall not exceed the difference between the
3679 applicable maximum for a first conviction or minimum for a
3680 second or subsequent conviction and the revocation period under
3681 this subsection that has actually elapsed; upon conviction of
3682 such charge, the court may impose revocation for a period of
3683 time as specified in paragraph (a). This paragraph does not
3684 apply if an appropriate motion contesting the forfeiture is
3685 filed within the 20-day period.

3686 (d) When any driver's license or driving privilege has
3687 been revoked pursuant to the provisions of this section, the
3688 department shall not grant a new license, except upon
3689 reexamination of the licensee after the expiration of the period
3690 of revocation so prescribed. However, the court may, in its
3691 sound discretion, issue an order of reinstatement on a form
3692 furnished by the department which the person may take to any
3693 driver's license examining office for reinstatement by the
3694 department pursuant to s. 322.282.

3695 (e) The court shall permanently revoke the driver's
3696 license or driving privilege of a person who has been convicted

3697 four times for violation of s. 316.193 or former s. 316.1931 or
 3698 a combination of such sections. The court shall permanently
 3699 revoke the driver's license or driving privilege of any person
 3700 who has been convicted of DUI manslaughter in violation of s.
 3701 316.193. If the court has not permanently revoked such driver's
 3702 license or driving privilege within 30 days after imposing
 3703 sentence, the department shall permanently revoke the driver's
 3704 license or driving privilege pursuant to this paragraph. No
 3705 driver's license or driving privilege may be issued or granted
 3706 to any such person. This paragraph applies only if at least one
 3707 of the convictions for violation of s. 316.193 or former s.
 3708 316.1931 was for a violation that occurred after July 1, 1982.
 3709 For the purposes of this paragraph, a conviction for violation
 3710 of former s. 316.028, former s. 316.1931, or former s. 860.01 is
 3711 also considered a conviction for violation of s. 316.193. Also,
 3712 a conviction of driving under the influence, driving while
 3713 intoxicated, driving with an unlawful blood-alcohol level, or
 3714 any other similar alcohol-related or drug-related traffic
 3715 offense outside this state is considered a conviction for the
 3716 purposes of this paragraph.

3717 Section 71. For the purpose of incorporating the amendment
 3718 made by this act to section 316.193, Florida Statutes, in
 3719 references thereto, paragraph (a) of subsection (2) of section
 3720 322.282, Florida Statutes, is reenacted to read:

3721 322.282 Procedure when court revokes or suspends license
 3722 or driving privilege and orders reinstatement.--When a court
 3723 suspends or revokes a person's license or driving privilege and,

3724 in its discretion, orders reinstatement as provided by s.
 3725 322.28(2)(d) or former s. 322.261(5):

3726 (2)(a) The court shall issue an order of reinstatement, on
 3727 a form to be furnished by the department, which the person may
 3728 take to any driver's license examining office. The department
 3729 shall issue a temporary driver's permit to a licensee who
 3730 presents the court's order of reinstatement, proof of completion
 3731 of a department-approved driver training or substance abuse
 3732 education course, and a written request for a hearing under s.
 3733 322.271. The permit shall not be issued if a record check by the
 3734 department shows that the person has previously been convicted
 3735 for a violation of s. 316.193, former s. 316.1931, former s.
 3736 316.028, former s. 860.01, or a previous conviction outside this
 3737 state for driving under the influence, driving while
 3738 intoxicated, driving with an unlawful blood-alcohol level, or
 3739 any similar alcohol-related or drug-related traffic offense;
 3740 that the person's driving privilege has been previously
 3741 suspended for refusal to submit to a lawful test of breath,
 3742 blood, or urine; or that the person is otherwise not entitled to
 3743 issuance of a driver's license. This paragraph shall not be
 3744 construed to prevent the reinstatement of a license or driving
 3745 privilege that is presently suspended for driving with an
 3746 unlawful blood-alcohol level or a refusal to submit to a breath,
 3747 urine, or blood test and is also revoked for a conviction for a
 3748 violation of s. 316.193 or former s. 316.1931, if the suspension
 3749 and revocation arise out of the same incident.

3750 Section 72. For the purpose of incorporating the amendment
 3751 made by this act to section 316.193, Florida Statutes, in a

3752 reference thereto, paragraph (a) of subsection (1) of section
 3753 322.291, Florida Statutes, is reenacted to read:

3754 322.291 Driver improvement schools or DUI programs;
 3755 required in certain suspension and revocation cases.--Except as
 3756 provided in s. 322.03(2), any person:

3757 (1) Whose driving privilege has been revoked:

3758 (a) Upon conviction for:

3759 1. Driving, or being in actual physical control of, any
 3760 vehicle while under the influence of alcoholic beverages, any
 3761 chemical substance set forth in s. 877.111, or any substance
 3762 controlled under chapter 893, in violation of s. 316.193;

3763 2. Driving with an unlawful blood- or breath-alcohol
 3764 level;

3765 3. Manslaughter resulting from the operation of a motor
 3766 vehicle;

3767 4. Failure to stop and render aid as required under the
 3768 laws of this state in the event of a motor vehicle crash
 3769 resulting in the death or personal injury of another;

3770 5. Reckless driving; or

3771
 3772 shall, before the driving privilege may be reinstated, present
 3773 to the department proof of enrollment in a department-approved
 3774 advanced driver improvement course operating pursuant to s.
 3775 318.1451 or a substance abuse education course conducted by a
 3776 DUI program licensed pursuant to s. 322.292, which shall include
 3777 a psychosocial evaluation and treatment, if referred. If the
 3778 person fails to complete such course or evaluation within 90
 3779 days after reinstatement, or subsequently fails to complete

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3780 treatment, if referred, the DUI program shall notify the
 3781 department of the failure. Upon receipt of the notice, the
 3782 department shall cancel the offender's driving privilege,
 3783 notwithstanding the expiration of the suspension or revocation
 3784 of the driving privilege. The department may temporarily
 3785 reinstate the driving privilege upon verification from the DUI
 3786 program that the offender has completed the education course and
 3787 evaluation requirement and has reentered and is currently
 3788 participating in treatment. If the DUI program notifies the
 3789 department of the second failure to complete treatment, the
 3790 department shall reinstate the driving privilege only after
 3791 notice of completion of treatment from the DUI program.

3792 Section 73. For the purpose of incorporating the amendment
 3793 made by this act to section 316.193, Florida Statutes, in a
 3794 reference thereto, paragraph (a) of subsection (9) of section
 3795 322.34, Florida Statutes, is reenacted to read:

3796 322.34 Driving while license suspended, revoked, canceled,
 3797 or disqualified.--

3798 (9)(a) A motor vehicle that is driven by a person under
 3799 the influence of alcohol or drugs in violation of s. 316.193 is
 3800 subject to seizure and forfeiture under ss. 932.701-932.707 and
 3801 is subject to liens for recovering, towing, or storing vehicles
 3802 under s. 713.78 if, at the time of the offense, the person's
 3803 driver's license is suspended, revoked, or canceled as a result
 3804 of a prior conviction for driving under the influence.

3805 Section 74. For the purpose of incorporating the amendment
 3806 made by this act to section 316.193, Florida Statutes, in a

3807 reference thereto, subsection (3) of section 322.62, Florida
 3808 Statutes, is reenacted to read:

3809 322.62 Driving under the influence; commercial motor
 3810 vehicle operators.--

3811 (3) This section does not supersede s. 316.193. Nothing in
 3812 this section prohibits the prosecution of a person who drives a
 3813 commercial motor vehicle for driving under the influence of
 3814 alcohol or controlled substances whether or not such person is
 3815 also prosecuted for a violation of this section.

3816 Section 75. For the purpose of incorporating the amendment
 3817 made by this act to section 316.193, Florida Statutes, in
 3818 references thereto, paragraph (d) of subsection (2) and
 3819 subsection (6) of section 322.63, Florida Statutes, are
 3820 reenacted to read:

3821 322.63 Alcohol or drug testing; commercial motor vehicle
 3822 operators.--

3823 (2) The chemical and physical tests authorized by this
 3824 section shall only be required if a law enforcement officer has
 3825 reasonable cause to believe that a person driving a commercial
 3826 motor vehicle has any alcohol, chemical substance, or controlled
 3827 substance in his or her body.

3828 (d) The administration of one test under paragraph (a),
 3829 paragraph (b), or paragraph (c) shall not preclude the
 3830 administration of a different test under paragraph (a),
 3831 paragraph (b), or paragraph (c). However, a urine test may not
 3832 be used to determine alcohol concentration and a breath test may
 3833 not be used to determine the presence of controlled substances
 3834 or chemical substances in a person's body. Notwithstanding the

3835 provisions of this paragraph, in the event a Florida licensee
 3836 has been convicted in another state for an offense substantially
 3837 similar to s. 316.193 or to s. 322.62, which conviction was
 3838 based upon evidence of test results prohibited by this
 3839 paragraph, that out-of-state conviction shall constitute a
 3840 conviction for the purposes of this chapter.

3841 (6) Notwithstanding any provision of law pertaining to the
 3842 confidentiality of hospital records or other medical records,
 3843 information relating to the alcohol content of a person's blood
 3844 or the presence of chemical substances or controlled substances
 3845 in a person's blood obtained pursuant to this section shall be
 3846 released to a court, prosecuting attorney, defense attorney, or
 3847 law enforcement officer in connection with an alleged violation
 3848 of s. 316.193 or s. 322.62 upon request for such information.

3849 Section 76. For the purpose of incorporating the amendment
 3850 made by this act to section 316.193, Florida Statutes, in
 3851 references thereto, subsections (1) and (2), paragraph (a) of
 3852 subsection (7), paragraph (b) of subsection (8), and subsections
 3853 (14) and (15) of section 322.64, Florida Statutes, are reenacted
 3854 to read:

3855 322.64 Holder of commercial driver's license; driving with
 3856 unlawful blood-alcohol level; refusal to submit to breath,
 3857 urine, or blood test.--

3858 (1)(a) A law enforcement officer or correctional officer
 3859 shall, on behalf of the department, disqualify from operating
 3860 any commercial motor vehicle a person who while operating or in
 3861 actual physical control of a commercial motor vehicle is
 3862 arrested for a violation of s. 316.193, relating to unlawful

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3863 blood-alcohol level or breath-alcohol level, or a person who has
3864 refused to submit to a breath, urine, or blood test authorized
3865 by s. 322.63 arising out of the operation or actual physical
3866 control of a commercial motor vehicle. Upon disqualification of
3867 the person, the officer shall take the person's driver's license
3868 and issue the person a 10-day temporary permit for the operation
3869 of noncommercial vehicles only if the person is otherwise
3870 eligible for the driving privilege and shall issue the person a
3871 notice of disqualification. If the person has been given a
3872 blood, breath, or urine test, the results of which are not
3873 available to the officer at the time of the arrest, the agency
3874 employing the officer shall transmit such results to the
3875 department within 5 days after receipt of the results. If the
3876 department then determines that the person was arrested for a
3877 violation of s. 316.193 and that the person had a blood-alcohol
3878 level or breath-alcohol level of 0.08 or higher, the department
3879 shall disqualify the person from operating a commercial motor
3880 vehicle pursuant to subsection (3).

3881 (b) The disqualification under paragraph (a) shall be
3882 pursuant to, and the notice of disqualification shall inform the
3883 driver of, the following:

3884 1.a. The driver refused to submit to a lawful breath,
3885 blood, or urine test and he or she is disqualified from
3886 operating a commercial motor vehicle for a period of 1 year, for
3887 a first refusal, or permanently, if he or she has previously
3888 been disqualified as a result of a refusal to submit to such a
3889 test; or

3890 b. The driver violated s. 316.193 by driving with an
 3891 unlawful blood-alcohol level and he or she is disqualified from
 3892 operating a commercial motor vehicle for a period of 6 months
 3893 for a first offense or for a period of 1 year if he or she has
 3894 previously been disqualified, or his or her driving privilege
 3895 has been previously suspended, for a violation of s. 316.193.

3896 2. The disqualification period for operating commercial
 3897 vehicles shall commence on the date of arrest or issuance of
 3898 notice of disqualification, whichever is later.

3899 3. The driver may request a formal or informal review of
 3900 the disqualification by the department within 10 days after the
 3901 date of arrest or issuance of notice of disqualification,
 3902 whichever is later.

3903 4. The temporary permit issued at the time of arrest or
 3904 disqualification will expire at midnight of the 10th day
 3905 following the date of disqualification.

3906 5. The driver may submit to the department any materials
 3907 relevant to the arrest.

3908 (2) Except as provided in paragraph (1)(a), the law
 3909 enforcement officer shall forward to the department, within 5
 3910 days after the date of the arrest or the issuance of the notice
 3911 of disqualification, whichever is later, a copy of the notice of
 3912 disqualification, the driver's license of the person arrested,
 3913 and a report of the arrest, including, if applicable, an
 3914 affidavit stating the officer's grounds for belief that the
 3915 person arrested was in violation of s. 316.193; the results of
 3916 any breath or blood test or an affidavit stating that a breath,
 3917 blood, or urine test was requested by a law enforcement officer

3918 or correctional officer and that the person arrested refused to
3919 submit; a copy of the citation issued to the person arrested;
3920 and the officer's description of the person's field sobriety
3921 test, if any. The failure of the officer to submit materials
3922 within the 5-day period specified in this subsection or
3923 subsection (1) shall not affect the department's ability to
3924 consider any evidence submitted at or prior to the hearing. The
3925 officer may also submit a copy of a videotape of the field
3926 sobriety test or the attempt to administer such test.

3927 (7) In a formal review hearing under subsection (6) or an
3928 informal review hearing under subsection (4), the hearing
3929 officer shall determine by a preponderance of the evidence
3930 whether sufficient cause exists to sustain, amend, or invalidate
3931 the disqualification. The scope of the review shall be limited
3932 to the following issues:

3933 (a) If the person was disqualified from operating a
3934 commercial motor vehicle for driving with an unlawful blood-
3935 alcohol level in violation of s. 316.193:

3936 1. Whether the arresting law enforcement officer had
3937 probable cause to believe that the person was driving or in
3938 actual physical control of a commercial motor vehicle in this
3939 state while he or she had any alcohol, chemical substances, or
3940 controlled substances in his or her body.

3941 2. Whether the person was placed under lawful arrest for a
3942 violation of s. 316.193.

3943 3. Whether the person had an unlawful blood-alcohol level
3944 as provided in s. 316.193.

3945 (8) Based on the determination of the hearing officer
 3946 pursuant to subsection (7) for both informal hearings under
 3947 subsection (4) and formal hearings under subsection (6), the
 3948 department shall:

3949 (b) Sustain the disqualification for a period of 6 months
 3950 for a violation of s. 316.193 or for a period of 1 year if the
 3951 person has been previously disqualified from operating a
 3952 commercial motor vehicle or his or her driving privilege has
 3953 been previously suspended as a result of a violation of s.
 3954 316.193. The disqualification period commences on the date of
 3955 the arrest or issuance of the notice of disqualification,
 3956 whichever is later.

3957 (14) The decision of the department under this section
 3958 shall not be considered in any trial for a violation of s.
 3959 316.193, s. 322.61, or s. 322.62, nor shall any written
 3960 statement submitted by a person in his or her request for
 3961 departmental review under this section be admissible into
 3962 evidence against him or her in any such trial. The disposition
 3963 of any related criminal proceedings shall not affect a
 3964 disqualification imposed pursuant to this section.

3965 (15) This section does not preclude the suspension of the
 3966 driving privilege pursuant to s. 322.2615. The driving privilege
 3967 of a person who has been disqualified from operating a
 3968 commercial motor vehicle also may be suspended for a violation
 3969 of s. 316.193.

3970 Section 77. For the purpose of incorporating the amendment
 3971 made by this act to section 316.193, Florida Statutes, in a

3972 reference thereto, paragraph (f) of subsection (4) of section
 3973 323.001, Florida Statutes, is reenacted to read:

3974 323.001 Wrecker operator storage facilities; vehicle
 3975 holds.--

3976 (4) The requirements for a written hold apply when the
 3977 following conditions are present:

3978 (f) The vehicle is impounded or immobilized pursuant to s.
 3979 316.193 or s. 322.34; or

3980 Section 78. For the purpose of incorporating the amendment
 3981 made by this act to section 316.193, Florida Statutes, in
 3982 references thereto, section 324.023, Florida Statutes, is
 3983 reenacted to read:

3984 324.023 Financial responsibility for bodily injury or
 3985 death.--In addition to any other financial responsibility
 3986 required by law, every owner or operator of a motor vehicle that
 3987 is required to be registered in this state, or that is located
 3988 within this state, and who, regardless of adjudication of guilt,
 3989 has been found guilty of or entered a plea of guilty or nolo
 3990 contendere to a charge of driving under the influence under s.
 3991 316.193 after October 1, 2007, shall, by one of the methods
 3992 established in s. 324.031(1), (2), or (3), establish and
 3993 maintain the ability to respond in damages for liability on
 3994 account of accidents arising out of the use of a motor vehicle
 3995 in the amount of \$100,000 because of bodily injury to, or death
 3996 of, one person in any one crash and, subject to such limits for
 3997 one person, in the amount of \$300,000 because of bodily injury
 3998 to, or death of, two or more persons in any one crash and in the
 3999 amount of \$50,000 because of property damage in any one crash.

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4000 If the owner or operator chooses to establish and maintain such
 4001 ability by posting a bond or furnishing a certificate of deposit
 4002 pursuant to s. 324.031(2) or (3), such bond or certificate of
 4003 deposit must be in an amount not less than \$350,000. Such higher
 4004 limits must be carried for a minimum period of 3 years. If the
 4005 owner or operator has not been convicted of driving under the
 4006 influence or a felony traffic offense for a period of 3 years
 4007 from the date of reinstatement of driving privileges for a
 4008 violation of s. 316.193, the owner or operator shall be exempt
 4009 from this section.

4010 Section 79. For the purpose of incorporating the amendment
 4011 made by this act to section 316.193, Florida Statutes, in a
 4012 reference thereto, section 324.131, Florida Statutes, is
 4013 reenacted to read:

4014 324.131 Period of suspension.--Such license, registration
 4015 and nonresident's operating privilege shall remain so suspended
 4016 and shall not be renewed, nor shall any such license or
 4017 registration be thereafter issued in the name of such person,
 4018 including any such person not previously licensed, unless and
 4019 until every such judgment is stayed, satisfied in full or to the
 4020 extent of the limits stated in s. 324.021(7) and until the said
 4021 person gives proof of financial responsibility as provided in s.
 4022 324.031, such proof to be maintained for 3 years. In addition,
 4023 if the person's license or registration has been suspended or
 4024 revoked due to a violation of s. 316.193 or pursuant to s.
 4025 322.26(2), that person shall maintain noncancelable liability
 4026 coverage for each motor vehicle registered in his or her name,
 4027 as described in s. 627.7275(2), and must present proof that

4028 coverage is in force on a form adopted by the Department of
 4029 Highway Safety and Motor Vehicles, such proof to be maintained
 4030 for 3 years.

4031 Section 80. For the purpose of incorporating the amendment
 4032 made by this act to section 316.193, Florida Statutes, in a
 4033 reference thereto, subsection (6) of section 327.35, Florida
 4034 Statutes, is reenacted to read:

4035 327.35 Boating under the influence; penalties; "designated
 4036 drivers".--

4037 (6) With respect to any person convicted of a violation of
 4038 subsection (1), regardless of any other penalty imposed:

4039 (a) For the first conviction, the court shall place the
 4040 defendant on probation for a period not to exceed 1 year and, as
 4041 a condition of such probation, shall order the defendant to
 4042 participate in public service or a community work project for a
 4043 minimum of 50 hours. The court must also, as a condition of
 4044 probation, order the impoundment or immobilization of the vessel
 4045 that was operated by or in the actual control of the defendant
 4046 or any one vehicle registered in the defendant's name at the
 4047 time of impoundment or immobilization, for a period of 10 days
 4048 or for the unexpired term of any lease or rental agreement that
 4049 expires within 10 days. The impoundment or immobilization must
 4050 not occur concurrently with the incarceration of the defendant.
 4051 The impoundment or immobilization order may be dismissed in
 4052 accordance with paragraph (e) or paragraph (f). The total period
 4053 of probation and incarceration may not exceed 1 year.

4054 (b) For the second conviction for an offense that occurs
 4055 within a period of 5 years after the date of a prior conviction

4056 | for violation of this section, the court shall order
 4057 | imprisonment for not less than 10 days. The court must also, as
 4058 | a condition of probation, order the impoundment or
 4059 | immobilization of the vessel that was operated by or in the
 4060 | actual control of the defendant or any one vehicle registered in
 4061 | the defendant's name at the time of impoundment or
 4062 | immobilization, for a period of 30 days or for the unexpired
 4063 | term of any lease or rental agreement that expires within 30
 4064 | days. The impoundment or immobilization must not occur
 4065 | concurrently with the incarceration of the defendant. The
 4066 | impoundment or immobilization order may be dismissed in
 4067 | accordance with paragraph (e) or paragraph (f). At least 48
 4068 | hours of confinement must be consecutive.

4069 | (c) For the third or subsequent conviction for an offense
 4070 | that occurs within a period of 10 years after the date of a
 4071 | prior conviction for violation of this section, the court shall
 4072 | order imprisonment for not less than 30 days. The court must
 4073 | also, as a condition of probation, order the impoundment or
 4074 | immobilization of the vessel that was operated by or in the
 4075 | actual control of the defendant or any one vehicle registered in
 4076 | the defendant's name at the time of impoundment or
 4077 | immobilization, for a period of 90 days or for the unexpired
 4078 | term of any lease or rental agreement that expires within 90
 4079 | days. The impoundment or immobilization must not occur
 4080 | concurrently with the incarceration of the defendant. The
 4081 | impoundment or immobilization order may be dismissed in
 4082 | accordance with paragraph (e) or paragraph (f). At least 48
 4083 | hours of confinement must be consecutive.

4084 (d) The court must at the time of sentencing the defendant
4085 issue an order for the impoundment or immobilization of a
4086 vessel. Within 7 business days after the date that the court
4087 issues the order of impoundment, and once again 30 business days
4088 before the actual impoundment or immobilization of the vessel,
4089 the clerk of the court must send notice by certified mail,
4090 return receipt requested, to the registered owner of each
4091 vessel, if the registered owner is a person other than the
4092 defendant, and to each person of record claiming a lien against
4093 the vessel.

4094 (e) A person who owns but was not operating the vessel
4095 when the offense occurred may submit to the court a police
4096 report indicating that the vessel was stolen at the time of the
4097 offense or documentation of having purchased the vessel after
4098 the offense was committed from an entity other than the
4099 defendant or the defendant's agent. If the court finds that the
4100 vessel was stolen or that the sale was not made to circumvent
4101 the order and allow the defendant continued access to the
4102 vessel, the order must be dismissed and the owner of the vessel
4103 will incur no costs. If the court denies the request to dismiss
4104 the order of impoundment or immobilization, the petitioner may
4105 request an evidentiary hearing.

4106 (f) A person who owns but was not operating the vessel
4107 when the offense occurred, and whose vessel was stolen or who
4108 purchased the vessel after the offense was committed directly
4109 from the defendant or the defendant's agent, may request an
4110 evidentiary hearing to determine whether the impoundment or
4111 immobilization should occur. If the court finds that either the

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4112 vessel was stolen or the purchase was made without knowledge of
4113 the offense, that the purchaser had no relationship to the
4114 defendant other than through the transaction, and that such
4115 purchase would not circumvent the order and allow the defendant
4116 continued access to the vessel, the order must be dismissed and
4117 the owner of the vessel will incur no costs.

4118 (g) All costs and fees for the impoundment or
4119 immobilization, including the cost of notification, must be paid
4120 by the owner of the vessel or, if the vessel is leased or
4121 rented, by the person leasing or renting the vessel, unless the
4122 impoundment or immobilization order is dismissed.

4123 (h) The person who owns a vessel that is impounded or
4124 immobilized under this paragraph, or a person who has a lien of
4125 record against such a vessel and who has not requested a review
4126 of the impoundment pursuant to paragraph (e) or paragraph (f),
4127 may, within 10 days after the date that person has knowledge of
4128 the location of the vessel, file a complaint in the county in
4129 which the owner resides to determine whether the vessel was
4130 wrongfully taken or withheld from the owner or lienholder. Upon
4131 the filing of a complaint, the owner or lienholder may have the
4132 vessel released by posting with the court a bond or other
4133 adequate security equal to the amount of the costs and fees for
4134 impoundment or immobilization, including towing or storage, to
4135 ensure the payment of the costs and fees if the owner or
4136 lienholder does not prevail. When the bond is posted and the fee
4137 is paid as set forth in s. 28.24, the clerk of the court shall
4138 issue a certificate releasing the vessel. At the time of
4139 release, after reasonable inspection, the owner or lienholder

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4140 must give a receipt to the towing or storage company indicating
4141 any loss or damage to the vessel or to the contents of the
4142 vessel.

4143 (i) A defendant, in the court's discretion, may be
4144 required to serve all or any portion of a term of imprisonment
4145 to which the defendant has been sentenced pursuant to this
4146 section in a residential alcoholism treatment program or a
4147 residential drug abuse treatment program. Any time spent in such
4148 a program must be credited by the court toward the term of
4149 imprisonment.

4150
4151 For the purposes of this section, any conviction for a violation
4152 of s. 316.193, a previous conviction for the violation of former
4153 s. 316.1931, former s. 860.01, or former s. 316.028, or a
4154 previous conviction outside this state for driving under the
4155 influence, driving while intoxicated, driving with an unlawful
4156 blood-alcohol level, driving with an unlawful breath-alcohol
4157 level, or any other similar alcohol-related or drug-related
4158 traffic offense, is also considered a previous conviction for
4159 violation of this section.

4160 Section 81. For the purpose of incorporating the amendment
4161 made by this act to section 316.193, Florida Statutes, in a
4162 reference thereto, subsection (1) of section 337.195, Florida
4163 Statutes, is reenacted to read:

4164 337.195 Limits on liability.--

4165 (1) In a civil action for the death of or injury to a
4166 person, or for damage to property, against the Department of
4167 Transportation or its agents, consultants, or contractors for

4168 work performed on a highway, road, street, bridge, or other
 4169 transportation facility when the death, injury, or damage
 4170 resulted from a motor vehicle crash within a construction zone
 4171 in which the driver of one of the vehicles was under the
 4172 influence of alcoholic beverages as set forth in s. 316.193,
 4173 under the influence of any chemical substance as set forth in s.
 4174 877.111, or illegally under the influence of any substance
 4175 controlled under chapter 893 to the extent that her or his
 4176 normal faculties were impaired or that she or he operated a
 4177 vehicle recklessly as defined in s. 316.192, it is presumed that
 4178 the driver's operation of the vehicle was the sole proximate
 4179 cause of her or his own death, injury, or damage. This
 4180 presumption can be overcome if the gross negligence or
 4181 intentional misconduct of the Department of Transportation, or
 4182 of its agents, consultants, or contractors, was a proximate
 4183 cause of the driver's death, injury, or damage.

4184 Section 82. For the purpose of incorporating the amendment
 4185 made by this act to section 316.193, Florida Statutes, in a
 4186 reference thereto, paragraph (c) of subsection (17) of section
 4187 440.02, Florida Statutes, is reenacted to read:

4188 440.02 Definitions.--When used in this chapter, unless the
 4189 context clearly requires otherwise, the following terms shall
 4190 have the following meanings:

4191 (17)

4192 (c) "Employment" does not include service performed by or
 4193 as:

- 4194 1. Domestic servants in private homes.

4195 2. Agricultural labor performed on a farm in the employ of
 4196 a bona fide farmer, or association of farmers, that employs 5 or
 4197 fewer regular employees and that employs fewer than 12 other
 4198 employees at one time for seasonal agricultural labor that is
 4199 completed in less than 30 days, provided such seasonal
 4200 employment does not exceed 45 days in the same calendar year.
 4201 The term "farm" includes stock, dairy, poultry, fruit, fur-
 4202 bearing animals, fish, and truck farms, ranches, nurseries, and
 4203 orchards. The term "agricultural labor" includes field foremen,
 4204 timekeepers, checkers, and other farm labor supervisory
 4205 personnel.

4206 3. Professional athletes, such as professional boxers,
 4207 wrestlers, baseball, football, basketball, hockey, polo, tennis,
 4208 jai alai, and similar players, and motorsports teams competing
 4209 in a motor racing event as defined in s. 549.08.

4210 4. Labor under a sentence of a court to perform community
 4211 services as provided in s. 316.193.

4212 5. State prisoners or county inmates, except those
 4213 performing services for private employers or those enumerated in
 4214 s. 948.036(1).

4215 Section 83. For the purpose of incorporating the amendment
 4216 made by this act to section 316.193, Florida Statutes, in a
 4217 reference thereto, paragraph (b) of subsection (7) of section
 4218 440.09, Florida Statutes, is reenacted to read:

4219 440.09 Coverage.--

4220 (7)

4221 (b) If the employee has, at the time of the injury, a
 4222 blood alcohol level equal to or greater than the level specified

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4223 in s. 316.193, or if the employee has a positive confirmation of
4224 a drug as defined in this act, it is presumed that the injury
4225 was occasioned primarily by the intoxication of, or by the
4226 influence of the drug upon, the employee. If the employer has
4227 implemented a drug-free workplace, this presumption may be
4228 rebutted only by evidence that there is no reasonable hypothesis
4229 that the intoxication or drug influence contributed to the
4230 injury. In the absence of a drug-free workplace program, this
4231 presumption may be rebutted by clear and convincing evidence
4232 that the intoxication or influence of the drug did not
4233 contribute to the injury. Percent by weight of alcohol in the
4234 blood must be based upon grams of alcohol per 100 milliliters of
4235 blood. If the results are positive, the testing facility must
4236 maintain the specimen for a minimum of 90 days. Blood serum may
4237 be used for testing purposes under this chapter; however, if
4238 this test is used, the presumptions under this section do not
4239 arise unless the blood alcohol level is proved to be medically
4240 and scientifically equivalent to or greater than the comparable
4241 blood alcohol level that would have been obtained if the test
4242 were based on percent by weight of alcohol in the blood.
4243 However, if, before the accident, the employer had actual
4244 knowledge of and expressly acquiesced in the employee's presence
4245 at the workplace while under the influence of such alcohol or
4246 drug, the presumptions specified in this subsection do not
4247 apply.

4248 Section 84. For the purpose of incorporating the amendment
4249 made by this act to section 316.193, Florida Statutes, in a

4250 reference thereto, paragraph (d) of subsection (1) of section
 4251 493.6106, Florida Statutes, is reenacted to read:

4252 493.6106 License requirements; posting.--

4253 (1) Each individual licensed by the department must:

4254 (d) Not be a chronic and habitual user of alcoholic
 4255 beverages to the extent that her or his normal faculties are
 4256 impaired; not have been committed under chapter 397, former
 4257 chapter 396, or a similar law in any other state; not have been
 4258 found to be a habitual offender under s. 856.011(3) or a similar
 4259 law in any other state; and not have had two or more convictions
 4260 under s. 316.193 or a similar law in any other state within the
 4261 3-year period immediately preceding the date the application was
 4262 filed, unless the individual establishes that she or he is not
 4263 currently impaired and has successfully completed a
 4264 rehabilitation course.

4265 Section 85. For the purpose of incorporating the amendment
 4266 made by this act to section 316.193, Florida Statutes, in a
 4267 reference thereto, paragraph (a) of subsection (2) of section
 4268 627.7275, Florida Statutes, is reenacted to read:

4269 627.7275 Motor vehicle liability.--

4270 (2) (a) Insurers writing motor vehicle insurance in this
 4271 state shall make available, subject to the insurers' usual
 4272 underwriting restrictions:

4273 1. Coverage under policies as described in subsection (1)
 4274 to any applicant for private passenger motor vehicle insurance
 4275 coverage who is seeking the coverage in order to reinstate the
 4276 applicant's driving privileges in this state when the driving
 4277 privileges were revoked or suspended pursuant to s. 316.646 or

4278 s. 324.0221 due to the failure of the applicant to maintain
 4279 required security.

4280 2. Coverage under policies as described in subsection (1),
 4281 which also provides liability coverage for bodily injury, death,
 4282 and property damage arising out of the ownership, maintenance,
 4283 or use of the motor vehicle in an amount not less than the
 4284 limits described in s. 324.021(7) and conforms to the
 4285 requirements of s. 324.151, to any applicant for private
 4286 passenger motor vehicle insurance coverage who is seeking the
 4287 coverage in order to reinstate the applicant's driving
 4288 privileges in this state after such privileges were revoked or
 4289 suspended under s. 316.193 or s. 322.26(2) for driving under the
 4290 influence.

4291 Section 86. For the purpose of incorporating the amendment
 4292 made by this act to section 316.193, Florida Statutes, in a
 4293 reference thereto, subsection (4) of section 627.758, Florida
 4294 Statutes, is reenacted to read:

4295 627.758 Surety on auto club traffic arrest bond;
 4296 conditions, limit; bail bond.--

4297 (4) Notwithstanding the provisions of s. 626.311 or
 4298 chapter 648, any surety insurer identified in a guaranteed
 4299 traffic arrest bond certificate or any licensed general lines
 4300 agent of the surety insurer may execute a bail bond for the
 4301 automobile club or association member identified in the
 4302 guaranteed traffic arrest bond certificate in an amount not in
 4303 excess of \$5,000 for any violation of chapter 316 or any similar
 4304 traffic law or ordinance except for driving under the influence

4305 of alcoholic beverages, chemical substances, or controlled
 4306 substances, as prohibited by s. 316.193.

4307 Section 87. For the purpose of incorporating the amendment
 4308 made by this act to section 316.193, Florida Statutes, in
 4309 references thereto, paragraph (f) of subsection (2) and
 4310 paragraph (f) of subsection (10) of section 790.06, Florida
 4311 Statutes, are reenacted to read:

4312 790.06 License to carry concealed weapon or firearm.--

4313 (2) The Department of Agriculture and Consumer Services
 4314 shall issue a license if the applicant:

4315 (f) Does not chronically and habitually use alcoholic
 4316 beverages or other substances to the extent that his or her
 4317 normal faculties are impaired. It shall be presumed that an
 4318 applicant chronically and habitually uses alcoholic beverages or
 4319 other substances to the extent that his or her normal faculties
 4320 are impaired if the applicant has been committed under chapter
 4321 397 or under the provisions of former chapter 396 or has been
 4322 convicted under s. 790.151 or has been deemed a habitual
 4323 offender under s. 856.011(3), or has had two or more convictions
 4324 under s. 316.193 or similar laws of any other state, within the
 4325 3-year period immediately preceding the date on which the
 4326 application is submitted;

4327 (10) A license issued under this section shall be
 4328 suspended or revoked pursuant to chapter 120 if the licensee:

4329 (f) Is convicted of a second violation of s. 316.193, or a
 4330 similar law of another state, within 3 years of a previous
 4331 conviction of such section, or similar law of another state,

4332 even though the first violation may have occurred prior to the
 4333 date on which the application was submitted;

4334 Section 88. For the purpose of incorporating the amendment
 4335 made by this act to section 316.193, Florida Statutes, in a
 4336 reference thereto, subsection (2) of section 903.36, Florida
 4337 Statutes, is reenacted to read:

4338 903.36 Guaranteed arrest bond certificates as cash bail.--

4339 (2) The execution of a bail bond by a licensed general
 4340 lines agent of a surety insurer for the automobile club or
 4341 association member identified in the guaranteed traffic arrest
 4342 bond certificate, as provided in s. 627.758(4), shall be
 4343 accepted as bail in an amount not to exceed \$5,000 for the
 4344 appearance of the person named in the certificate in any court
 4345 to answer for the violation of a provision of chapter 316 or a
 4346 similar traffic law or ordinance, except driving under the
 4347 influence of alcoholic beverages, chemical substances, or
 4348 controlled substances, as prohibited by s. 316.193. Presentation
 4349 of the guaranteed traffic arrest bond certificate and a power of
 4350 attorney from the surety insurer for its licensed general lines
 4351 agents is authorization for such agent to execute the bail bond.

4352 Section 89. For the purpose of incorporating the amendment
 4353 made by this act to section 316.193, Florida Statutes, in
 4354 references thereto, paragraph (c) of subsection (4) of section
 4355 907.041, Florida Statutes, is reenacted to read:

4356 907.041 Pretrial detention and release.--

4357 (4) PRETRIAL DETENTION.--

4358 (c) The court may order pretrial detention if it finds a
 4359 substantial probability, based on a defendant's past and present

4360 patterns of behavior, the criteria in s. 903.046, and any other
4361 relevant facts, that any of the following circumstances exists:

4362 1. The defendant has previously violated conditions of
4363 release and that no further conditions of release are reasonably
4364 likely to assure the defendant's appearance at subsequent
4365 proceedings;

4366 2. The defendant, with the intent to obstruct the judicial
4367 process, has threatened, intimidated, or injured any victim,
4368 potential witness, juror, or judicial officer, or has attempted
4369 or conspired to do so, and that no condition of release will
4370 reasonably prevent the obstruction of the judicial process;

4371 3. The defendant is charged with trafficking in controlled
4372 substances as defined by s. 893.135, that there is a substantial
4373 probability that the defendant has committed the offense, and
4374 that no conditions of release will reasonably assure the
4375 defendant's appearance at subsequent criminal proceedings; or

4376 4. The defendant is charged with DUI manslaughter, as
4377 defined by s. 316.193, and that there is a substantial
4378 probability that the defendant committed the crime and that the
4379 defendant poses a threat of harm to the community; conditions
4380 that would support a finding by the court pursuant to this
4381 subparagraph that the defendant poses a threat of harm to the
4382 community include, but are not limited to, any of the following:

4383 a. The defendant has previously been convicted of any
4384 crime under s. 316.193, or of any crime in any other state or
4385 territory of the United States that is substantially similar to
4386 any crime under s. 316.193;

4387 b. The defendant was driving with a suspended driver's
4388 license when the charged crime was committed; or

4389 c. The defendant has previously been found guilty of, or
4390 has had adjudication of guilt withheld for, driving while the
4391 defendant's driver's license was suspended or revoked in
4392 violation of s. 322.34;

4393 5. The defendant poses the threat of harm to the
4394 community. The court may so conclude, if it finds that the
4395 defendant is presently charged with a dangerous crime, that
4396 there is a substantial probability that the defendant committed
4397 such crime, that the factual circumstances of the crime indicate
4398 a disregard for the safety of the community, and that there are
4399 no conditions of release reasonably sufficient to protect the
4400 community from the risk of physical harm to persons.

4401 6. The defendant was on probation, parole, or other
4402 release pending completion of sentence or on pretrial release
4403 for a dangerous crime at the time the current offense was
4404 committed; or

4405 7. The defendant has violated one or more conditions of
4406 pretrial release or bond for the offense currently before the
4407 court and the violation, in the discretion of the court,
4408 supports a finding that no conditions of release can reasonably
4409 protect the community from risk of physical harm to persons or
4410 assure the presence of the accused at trial.

4411 Section 90. Except as otherwise expressly provided in this
4412 act, this act shall take effect upon becoming a law.