

1 A bill to be entitled

2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; providing for the salary and
4 benefits of the executive director of the Florida
5 Transportation Commission to be set in accordance with the
6 Senior Management Service; amending s. 125.42, F.S.;
7 providing for counties to incur certain costs related to
8 relocation or removal of certain utility facilities under
9 specified circumstances; amending s. 163.3177, F.S.;
10 revising requirements for comprehensive plans; providing a
11 timeframe for submission of certain information to the
12 state land planning agency; providing for airports, land
13 adjacent to airports, and certain interlocal agreements
14 relating thereto in certain elements of the plan; amending
15 s. 163.3178, F.S.; providing that certain port-related
16 facilities are not developments of regional impact under
17 certain circumstances; amending s. 163.3182, F.S.,
18 relating to transportation concurrency backlog
19 authorities; providing legislative findings and
20 declarations; expanding the power of authorities to borrow
21 money to include issuing certain debt obligations;
22 providing a maximum maturity date for certain debt
23 incurred to finance or refinance certain transportation
24 concurrency backlog projects; authorizing authorities to
25 continue operations and administer certain trust funds for
26 the period of the remaining outstanding debt; requiring
27 local transportation concurrency backlog trust funds to
28 continue to be funded for certain purposes; providing for

29 increased ad valorem tax increment funding for such trust
30 funds under certain circumstances; revising provisions for
31 dissolution of an authority; amending s. 287.055, F.S.;
32 conforming a cross-reference; amending s. 316.0741, F.S.;
33 redefining the term "hybrid vehicle"; authorizing the
34 driving of a hybrid, low-emission, or energy-efficient
35 vehicle in a high-occupancy-vehicle lane regardless of
36 occupancy; requiring certain vehicles to comply with
37 specified federal standards to be driven in an HOV lane
38 regardless of occupancy; revising provisions for issuance
39 of a decal and certificate; providing for the Department
40 of Highway Safety and Motor Vehicles to limit or
41 discontinue issuance of decals for the use of HOV
42 facilities by hybrid and low-emission and energy-efficient
43 vehicles under certain circumstances; directing the
44 department to review a specified federal rule and make a
45 report to the Legislature; exempting certain vehicles from
46 the payment of certain tolls; amending s. 316.193, F.S.;
47 revising the prohibition against driving under the
48 influence of alcohol; revising the blood-alcohol or
49 breath-alcohol level at which certain penalties apply;
50 revising requirement for placement of an ignition
51 interlock device; amending s. 316.2397, F.S.; allowing
52 county correctional agencies to use blue lights on
53 vehicles when responding to emergencies; amending s.
54 316.302, F.S.; revising references to rules, regulations,
55 and criteria governing commercial motor vehicles engaged
56 in intrastate commerce; providing that the department

57 performs duties assigned to the Field Administrator of the
58 Federal Motor Carrier Safety Administration under the
59 federal rules and may enforce those rules; amending ss.
60 316.613 and 316.614, F.S.; revising the definition of
61 "motor vehicle" for purposes of child restraint and safety
62 belt usage requirements; amending s. 316.656, F.S.;
63 revising the prohibition against a judge accepting a plea
64 to a lesser offense from a person charged under certain
65 DUI provisions; revising the blood-alcohol or breath-
66 alcohol level at which the prohibition applies; amending
67 s. 318.18, F.S.; providing that a license may not be
68 suspended for failure to pay tolls if a SunPass is
69 registered to the vehicle involved; amending s. 320.02,
70 F.S.; removing a requirement for a motorcycle endorsement
71 at the time of original registration of a motorcycle,
72 motor-driven cycle, or moped; amending s. 322.64, F.S.;
73 providing that refusal to submit to a breath, urine, or
74 blood test disqualifies a person from operating a
75 commercial motor vehicle; providing a period of
76 disqualification if a person has an unlawful blood-alcohol
77 or breath-alcohol level; providing for issuance of a
78 notice of disqualification; revising the requirements for
79 a formal review hearing following a person's
80 disqualification from operating a commercial motor
81 vehicle; amending s. 334.044, F.S.; revising powers and
82 duties of the department; requiring the department to
83 maintain certain training programs; authorizing such
84 programs to provide for incremental increases to base

85 salary for employees successfully completing training
86 phases; providing that a county, municipality, or special
87 district may not own or operate an asphalt plant or a
88 portable or stationary concrete batch plant having an
89 independent mixer; provides exemptions; amending s.
90 337.0261, F.S.; providing legislative intent; revising the
91 sunset date for the Strategic Aggregate Review Task Force;
92 providing for an assessment of aggregate construction
93 materials in the state; providing duties of the Department
94 of Transportation, the Department of Environmental
95 Protection, the Department of Community Affairs, and the
96 Florida Geological Survey; providing for measures of the
97 assessment; directing the Strategic Aggregate Review Task
98 Force to prepare findings and make reports to the
99 Governor, the Legislature, and the department; authorizing
100 the department to adopt rules; providing an appropriation;
101 amending s. 337.11, F.S.; providing for the department to
102 pay a portion of certain proposal development costs;
103 requiring the department to advertise certain contracts as
104 design-build contracts; directing the department to adopt
105 rules for certain procedures; amending ss. 337.14 and
106 337.16, F.S.; conforming cross-references; amending s.
107 337.18, F.S.; requiring the contractor to maintain a copy
108 of the required payment and performance bond at certain
109 locations and provide a copy upon request; providing that
110 a copy may be obtained directly from the department;
111 removing a provision requiring a copy be recorded in the
112 public records of the county; amending s. 337.185, F.S.;

113 providing for the State Arbitration Board to arbitrate
114 certain claims relating to maintenance contracts;
115 providing for a member of the board to be elected by
116 maintenance companies as well as construction companies;
117 amending s. 337.403, F.S.; providing for the department or
118 local governmental entity to pay certain costs of removal
119 or relocation of a utility facility that is found to be
120 interfering with the use, maintenance, improvement,
121 extension, or expansion of a public road or publicly owned
122 rail corridor under described circumstances; amending s.
123 337.408, F.S.; providing for public pay telephones and
124 advertising thereon to be installed within the right-of-
125 way limits of any municipal, county, or state road;
126 amending s. 338.01, F.S.; requiring new and replacement
127 electronic toll collection systems to be interoperable
128 with the department's system; amending s. 338.165, F.S.;
129 revising provisions for use of certain toll revenue;
130 providing for application; amending s. 338.2216, F.S.;
131 directing the Florida Turnpike Enterprise to implement new
132 technologies and processes in its operations and
133 collection of tolls and other amounts; providing contract
134 bid requirements for fuel and food on the turnpike system;
135 amending s. 338.223, F.S.; conforming a cross-reference;
136 amending s. 338.231, F.S.; revising provisions for
137 establishing and collecting tolls; authorizing collection
138 of amounts to cover costs of toll collection and payment
139 methods; requiring public notice and hearing; amending s.
140 339.12, F.S.; revising requirements for aid and

141 contributions by governmental entities for transportation
142 projects; revising limits under which the department may
143 enter into an agreement with a county for a project or
144 project phase not in the adopted work program; authorizing
145 the department to enter into certain long-term repayment
146 agreements; amending s. 339.135, F.S.; revising the
147 department's authority to amend the adopted work program;
148 providing for a notification and review process for
149 certain work program amendments; amending s. 339.155,
150 F.S.; revising provisions for development of the Florida
151 Transportation Plan; amending s. 339.2816, F.S., relating
152 to the small county road assistance program; providing for
153 resumption of certain funding for the program; revising
154 the criteria for counties eligible to participate in the
155 program; amending ss. 339.2819 and 339.285, F.S. ;
156 conforming cross-references; amending s. 341.301, F.S. ;
157 providing definitions relating to commuter rail service,
158 rail corridors, and railroad operation for purposes of the
159 rail program within the department; amending s. 341.302,
160 F.S. ; authorizing the department to assume certain
161 liability on a rail corridor; authorizing the department
162 to indemnify and hold harmless a railroad company when the
163 department acquires a rail corridor from the company;
164 providing allocation of risk; providing a specific cap on
165 the amount of the contractual duty for such
166 indemnification; authorizing the department to purchase
167 and provide insurance in relation to rail corridors;
168 authorizing marketing and promotional expenses; extending

169 provisions to other governmental entities providing
170 commuter rail service on public right-of-way; creating s.
171 341.3023, F.S.; requiring the department to review and
172 study commuter rail programs and intercity rail
173 transportation systems; requiring a report to the Governor
174 and the Legislature; repealing part III of ch. 343 F.S.;
175 abolishing the Tampa Bay Commuter Transit Authority;
176 amending s. 348.0003, F.S.; providing for financial
177 disclosure for expressway, transportation, bridge, and
178 toll authorities; amending s. 348.0004, F.S.; providing
179 for certain expressway authorities to index toll rate
180 increases; amending s. 479.01, F.S.; revising provisions
181 for outdoor advertising; revising the definition of the
182 term "automatic changeable facing"; amending s. 479.07,
183 F.S.; revising a prohibition against signs on the State
184 Highway System; revising requirements for display of the
185 sign permit tag; directing the department to establish by
186 rule a fee for furnishing a replacement permit tag;
187 revising the pilot project for permitted signs to include
188 Hillsborough County and areas within the boundaries of the
189 City of Miami; amending s. 479.08, F.S.; revising
190 provisions for denial or revocation of a sign permit;
191 amending s. 479.156, F.S.; revising provisions for a
192 municipality or county to permit and regulate wall murals;
193 amending s. 479.261, F.S.; revising provisions for the
194 logo sign program; revising requirements for businesses to
195 participate in the program; authorizing the department to
196 adopt rules for removing and adding businesses on a

197 rotating basis; removing a provision for an application
 198 fee; revising the provisions for an annual permit fee;
 199 providing for rules to phase in the fee; creating a
 200 business partnership pilot program; authorizing the Palm
 201 Beach County School District to display names of business
 202 partners on district property in unincorporated areas;
 203 exempting the program from specified provisions; amending
 204 s. 768.28, F.S.; expanding the list of entities considered
 205 agents of the state; providing for construction in
 206 relation to certain federal laws; requiring the department
 207 to ensure certain providers of railroad related services
 208 meet certain requirements; requiring the department to
 209 conduct a study of transportation alternatives for the
 210 Interstate 95 corridor; requiring a report to the Governor
 211 and the Legislature; transferring the Office of Motor
 212 Carrier Compliance to the Division of the Florida Highway
 213 Patrol of the Department of Highway Safety and Motor
 214 Vehicles; providing for assistance to certain legislative
 215 substantive committees by the Division of Statutory
 216 Revision of the Office of Legislative Services for certain
 217 purposes; requiring the Office of Program Policy Analysis
 218 and Government Accountability to review the operations and
 219 efficiencies of the Miami-Dade Expressway Authority and
 220 submit a report on its findings to the Legislature;
 221 reenacting ss. 316.066(3)(a), 316.072(4)(b), 316.1932(3),
 222 316.1933(4), 316.1937(1) and (2)(d), 316.1939(1)(b),
 223 316.656(1), 318.143(4) and (5), 318.17(3), 320.055(1)(c),
 224 322.03(2), 322.0602(2)(a), 322.21(8), 322.25(5),

225 322.26(1)(a), 322.2615(14)(a) and (16), 322.2616(15) and
 226 (19), 322.264(1)(b), 322.271(2)(a), (c) and (4),
 227 322.2715(2), (3)(a), (c), and (4), 322.28(2),
 228 322.282(2)(a), 322.291(1)(a), 322.34(9)(a), 322.62(3),
 229 322.63(2)(d) and (6), 322.64(1), (2), (7)(a), (8)(b),
 230 (14), and (15), 323.001(4)(f), 324.023, 324.131,
 231 327.35(6), 337.195(1), 440.02(17)(c), 440.09(7)(b),
 232 493.6106(1)(d), 627.7275(2)(a), 627.758(4), 790.06(2)(f)
 233 and (10)(f), 903.36(2), and 907.041(4)(c), F.S., relating
 234 to written reports of crashes, obedience to and effect of
 235 traffic laws, tests for alcohol, chemical substances, or
 236 controlled substances, implied consent, refusal, blood
 237 test for impairment or intoxication in cases of death or
 238 serious bodily injury, right to use reasonable force,
 239 ignition interlock devices, requiring, unlawful acts,
 240 refusal to submit to testing, penalties, mandatory
 241 adjudication, prohibition against accepting plea to lesser
 242 included offense, sanctions for infractions by minors,
 243 offenses excepted, registration periods, renewal periods,
 244 drivers must be licensed, penalties, youthful drunk driver
 245 visitation program, license fees, procedure for handling
 246 and collecting fees, when court to forward license to
 247 department and report convictions, temporary reinstatement
 248 of driving privileges, mandatory revocation of license by
 249 department, suspension of license, right to review,
 250 suspension of license, persons under 21 years of age,
 251 right to review, "habitual traffic offender" defined,
 252 authority to modify revocation, cancellation, or

253 suspension order, ignition interlock device, period of
 254 suspension or revocation, procedure when court revokes or
 255 suspends license or driving privilege and orders
 256 reinstatement, driver improvement schools or dui programs,
 257 required in certain suspension and revocation cases,
 258 driving while license suspended, revoked, canceled, or
 259 disqualified, driving under the influence, commercial
 260 motor vehicle operators, alcohol or drug testing,
 261 commercial motor vehicle operators, holder of commercial
 262 driver's license, driving with unlawful blood-alcohol
 263 level, refusal to submit to breath, urine, or blood test,
 264 wrecker operator storage facilities, vehicle holds,
 265 financial responsibility for bodily injury or death,
 266 period of suspension, boating under the influence,
 267 penalties, "designated drivers," limits on liability,
 268 definitions, coverage, license requirements, posting,
 269 motor vehicle liability, surety on auto club traffic
 270 arrest bond, conditions, limit, bail bond, license to
 271 carry concealed weapon or firearm, guaranteed arrest bond
 272 certificates as cash bail, and pretrial detention and
 273 release, to incorporate references in changes made by the
 274 act; providing effective dates.

275

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

277

278 Section 1. Paragraph (h) of subsection (2) of section
 279 20.23, Florida Statutes, is amended to read:

280 20.23 Department of Transportation.--There is created a

281 Department of Transportation which shall be a decentralized
 282 agency.

283 (2)

284 (h) The commission shall appoint an executive director and
 285 assistant executive director, who shall serve under the
 286 direction, supervision, and control of the commission. The
 287 executive director, with the consent of the commission, shall
 288 employ such staff as are necessary to perform adequately the
 289 functions of the commission, within budgetary limitations. All
 290 employees of the commission are exempt from part II of chapter
 291 110 and shall serve at the pleasure of the commission. The
 292 salary and benefits of the executive director shall be set in
 293 accordance with the Senior Management Service. The salaries and
 294 benefits of all other employees of the commission shall be set
 295 in accordance with the Selected Exempt Service; ~~provided,~~
 296 however, ~~that~~ the commission has ~~shall have~~ complete authority
 297 for fixing the salary of the executive director and assistant
 298 executive director.

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

301 125.42 Water, sewage, gas, power, telephone, other
 302 utility, and television lines along county roads and highways.--

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

308 Section 3. Paragraphs (a), (h), and (j) of subsection (6)

309 of section 163.3177, Florida Statutes, are amended to read:

310 163.3177 Required and optional elements of comprehensive
 311 plan; studies and surveys.--

312 (6) In addition to the requirements of subsections (1)-(5)
 313 and (12), the comprehensive plan shall include the following
 314 elements:

315 (a) A future land use plan element designating proposed
 316 future general distribution, location, and extent of the uses of
 317 land for residential uses, commercial uses, industry,
 318 agriculture, recreation, conservation, education, public
 319 buildings and grounds, other public facilities, and other
 320 categories of the public and private uses of land. Counties are
 321 encouraged to designate rural land stewardship areas, pursuant
 322 to the provisions of paragraph (11)(d), as overlays on the
 323 future land use map. Each future land use category must be
 324 defined in terms of uses included, and must include standards to
 325 be followed in the control and distribution of population
 326 densities and building and structure intensities. The proposed
 327 distribution, location, and extent of the various categories of
 328 land use shall be shown on a land use map or map series which
 329 shall be supplemented by goals, policies, and measurable
 330 objectives. The future land use plan shall be based upon
 331 surveys, studies, and data regarding the area, including the
 332 amount of land required to accommodate anticipated growth; the
 333 projected population of the area; the character of undeveloped
 334 land; the availability of water supplies, public facilities, and
 335 services; the need for redevelopment, including the renewal of
 336 blighted areas and the elimination of nonconforming uses which

337 are inconsistent with the character of the community; the
338 compatibility of uses on lands adjacent to or closely proximate
339 to military installations; lands adjacent to an airport as
340 defined in s. 330.35 and consistent with provisions in s.
341 333.02; and, in rural communities, the need for job creation,
342 capital investment, and economic development that will
343 strengthen and diversify the community's economy. The future
344 land use plan may designate areas for future planned development
345 use involving combinations of types of uses for which special
346 regulations may be necessary to ensure development in accord
347 with the principles and standards of the comprehensive plan and
348 this act. The future land use plan element shall include
349 criteria to be used to achieve the compatibility of adjacent or
350 closely proximate lands with military installations; lands
351 adjacent to an airport as defined in s. 330.35 and consistent
352 with provisions in s. 333.02. In addition, for rural
353 communities, the amount of land designated for future planned
354 industrial use shall be based upon surveys and studies that
355 reflect the need for job creation, capital investment, and the
356 necessity to strengthen and diversify the local economies, and
357 shall not be limited solely by the projected population of the
358 rural community. The future land use plan of a county may also
359 designate areas for possible future municipal incorporation. The
360 land use maps or map series shall generally identify and depict
361 historic district boundaries and shall designate historically
362 significant properties meriting protection. For coastal
363 counties, the future land use element must include, without
364 limitation, regulatory incentives and criteria that encourage

365 the preservation of recreational and commercial working
366 waterfronts as defined in s. 342.07. The future land use element
367 must clearly identify the land use categories in which public
368 schools are an allowable use. When delineating the land use
369 categories in which public schools are an allowable use, a local
370 government shall include in the categories sufficient land
371 proximate to residential development to meet the projected needs
372 for schools in coordination with public school boards and may
373 establish differing criteria for schools of different type or
374 size. Each local government shall include lands contiguous to
375 existing school sites, to the maximum extent possible, within
376 the land use categories in which public schools are an allowable
377 use. The failure by a local government to comply with these
378 school siting requirements will result in the prohibition of the
379 local government's ability to amend the local comprehensive
380 plan, except for plan amendments described in s. 163.3187(1)(b),
381 until the school siting requirements are met. Amendments
382 proposed by a local government for purposes of identifying the
383 land use categories in which public schools are an allowable use
384 are exempt from the limitation on the frequency of plan
385 amendments contained in s. 163.3187. The future land use element
386 shall include criteria that encourage the location of schools
387 proximate to urban residential areas to the extent possible and
388 shall require that the local government seek to collocate public
389 facilities, such as parks, libraries, and community centers,
390 with schools to the extent possible and to encourage the use of
391 elementary schools as focal points for neighborhoods. For
392 schools serving predominantly rural counties, defined as a

393 county with a population of 100,000 or fewer, an agricultural
 394 land use category shall be eligible for the location of public
 395 school facilities if the local comprehensive plan contains
 396 school siting criteria and the location is consistent with such
 397 criteria. Local governments required to update or amend their
 398 comprehensive plan to include criteria and address compatibility
 399 of lands adjacent to an airport as defined in s. 330.35 and
 400 consistent with provisions in s. 333.02 ~~adjacent or closely~~
 401 ~~proximate lands with existing military installations~~ in their
 402 future land use plan element shall transmit the update or
 403 amendment to the state land planning agency ~~department~~ by June
 404 30, 2011 ~~2006~~.

405 (h)1. An intergovernmental coordination element showing
 406 relationships and stating principles and guidelines to be used
 407 in the accomplishment of coordination of the adopted
 408 comprehensive plan with the plans of school boards, regional
 409 water supply authorities, and other units of local government
 410 providing services but not having regulatory authority over the
 411 use of land, with the comprehensive plans of adjacent
 412 municipalities, the county, adjacent counties, or the region,
 413 with the state comprehensive plan and with the applicable
 414 regional water supply plan approved pursuant to s. 373.0361, as
 415 the case may require and as such adopted plans or plans in
 416 preparation may exist. This element of the local comprehensive
 417 plan shall demonstrate consideration of the particular effects
 418 of the local plan, when adopted, upon the development of
 419 adjacent municipalities, the county, adjacent counties, or the
 420 region, or upon the state comprehensive plan, as the case may

421 require.

422 a. The intergovernmental coordination element shall
 423 provide ~~for~~ procedures to identify and implement joint planning
 424 areas, especially for the purpose of annexation, municipal
 425 incorporation, and joint infrastructure service areas.

426 b. The intergovernmental coordination element shall
 427 provide for recognition of campus master plans prepared pursuant
 428 to s. 1013.30, and airport master plans pursuant to paragraph
 429 (k).

430 c. The intergovernmental coordination element may provide
 431 for a voluntary dispute resolution process as established
 432 pursuant to s. 186.509 for bringing to closure in a timely
 433 manner intergovernmental disputes. A local government may
 434 develop and use an alternative local dispute resolution process
 435 for this purpose.

436 d. The intergovernmental coordination element shall
 437 provide for interlocal agreements, as established pursuant to s.
 438 333.03(1)(b).

439 2. The intergovernmental coordination element shall
 440 further state principles and guidelines to be used in the
 441 accomplishment of coordination of the adopted comprehensive plan
 442 with the plans of school boards and other units of local
 443 government providing facilities and services but not having
 444 regulatory authority over the use of land. In addition, the
 445 intergovernmental coordination element shall describe joint
 446 processes for collaborative planning and decisionmaking on
 447 population projections and public school siting, the location
 448 and extension of public facilities subject to concurrency, and

449 siting facilities with countywide significance, including
450 locally unwanted land uses whose nature and identity are
451 established in an agreement. Within 1 year of adopting their
452 intergovernmental coordination elements, each county, all the
453 municipalities within that county, the district school board,
454 and any unit of local government service providers in that
455 county shall establish by interlocal or other formal agreement
456 executed by all affected entities, the joint processes described
457 in this subparagraph consistent with their adopted
458 intergovernmental coordination elements.

459 3. To foster coordination between special districts and
460 local general-purpose governments as local general-purpose
461 governments implement local comprehensive plans, each
462 independent special district must submit a public facilities
463 report to the appropriate local government as required by s.
464 189.415.

465 4.a. Local governments must execute an interlocal
466 agreement with the district school board, the county, and
467 nonexempt municipalities pursuant to s. 163.31777. The local
468 government shall amend the intergovernmental coordination
469 element to provide that coordination between the local
470 government and school board is pursuant to the agreement and
471 shall state the obligations of the local government under the
472 agreement.

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

475 5. The state land planning agency shall establish a
476 schedule for phased completion and transmittal of plan

477 amendments to implement subparagraphs 1., 2., and 3. from all
478 jurisdictions so as to accomplish their adoption by December 31,
479 1999. A local government may complete and transmit its plan
480 amendments to carry out these provisions prior to the scheduled
481 date established by the state land planning agency. The plan
482 amendments are exempt from the provisions of s. 163.3187(1).

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

487 a. Identifies all existing or proposed interlocal service
488 delivery agreements regarding the following: education; sanitary
489 sewer; public safety; solid waste; drainage; potable water;
490 parks and recreation; and transportation facilities.

491 b. Identifies any deficits or duplication in the provision
492 of services within its jurisdiction, whether capital or
493 operational. Upon request, the Department of Community Affairs
494 shall provide technical assistance to the local governments in
495 identifying deficits or duplication.

496 7. Within 6 months after submission of the report, the
497 Department of Community Affairs shall, through the appropriate
498 regional planning council, coordinate a meeting of all local
499 governments within the regional planning area to discuss the
500 reports and potential strategies to remedy any identified
501 deficiencies or duplications.

502 8. Each local government shall update its
503 intergovernmental coordination element based upon the findings
504 in the report submitted pursuant to subparagraph 6. The report

505 may be used as supporting data and analysis for the
506 intergovernmental coordination element.

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

512 1. Traffic circulation, including major thoroughfares and
513 other routes, including bicycle and pedestrian ways.

514 2. All alternative modes of travel, such as public
515 transportation, pedestrian, and bicycle travel.

516 3. Parking facilities.

517 4. Aviation, rail, seaport facilities, access to those
518 facilities, and intermodal terminals.

519 5. The availability of facilities and services to serve
520 existing land uses and the compatibility between future land use
521 and transportation elements.

522 6. The capability to evacuate the coastal population prior
523 to an impending natural disaster.

524 7. Airports, projected airport and aviation development,
525 and land use compatibility around airports that includes areas
526 defined in ss. 333.01 and 333.02.

527 8. An identification of land use densities, building
528 intensities, and transportation management programs to promote
529 public transportation systems in designated public
530 transportation corridors so as to encourage population densities
531 sufficient to support such systems.

532 9. May include transportation corridors, as defined in s.

533 334.03, intended for future transportation facilities designated
 534 pursuant to s. 337.273. If transportation corridors are
 535 designated, the local government may adopt a transportation
 536 corridor management ordinance.

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

539 163.3178 Coastal management.--

540 (3) Expansions to port harbors, spoil disposal sites,
 541 navigation channels, turning basins, harbor berths, and other
 542 related inwater harbor facilities of ports listed in s.
 543 403.021(9); port transportation facilities and projects listed
 544 in s. 311.07(3)(b); and intermodal transportation facilities
 545 identified pursuant to s. 311.09(3) and facilities determined by
 546 the Department of Community Affairs and applicable general
 547 purpose local government to be port-related industrial or
 548 commercial projects located within 3 miles of or in a port
 549 master plan area which rely upon the utilization of port and
 550 intermodal transportation facilities shall not be developments
 551 of regional impact where such expansions, projects, or
 552 facilities are consistent with comprehensive master plans that
 553 are in compliance with this section.

554 Section 5. Paragraph (c) is added to subsection (2) of
 555 section 163.3182, Florida Statutes, and paragraph (d) of
 556 subsection (3), paragraph (a) of subsection (4), and subsections
 557 (5) and (8) of that section are amended, to read:

558 163.3182 Transportation concurrency backlogs.--

559 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
 560 AUTHORITIES.--

561 (c) The Legislature finds and declares that there exists
 562 in many counties and municipalities areas with significant
 563 transportation deficiencies and inadequate transportation
 564 facilities; that many such insufficiencies and inadequacies
 565 severely limit or prohibit the satisfaction of transportation
 566 concurrency standards; that such transportation insufficiencies
 567 and inadequacies affect the health, safety, and welfare of the
 568 residents of such counties and municipalities; that such
 569 transportation insufficiencies and inadequacies adversely affect
 570 economic development and growth of the tax base for the areas in
 571 which such insufficiencies and inadequacies exist; and that the
 572 elimination of transportation deficiencies and inadequacies and
 573 the satisfaction of transportation concurrency standards are
 574 paramount public purposes for the state and its counties and
 575 municipalities.

576 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
 577 AUTHORITY.--Each transportation concurrency backlog authority
 578 has the powers necessary or convenient to carry out the purposes
 579 of this section, including the following powers in addition to
 580 others granted in this section:

581 (d) To borrow money, including, but not limited to,
 582 issuing debt obligations, such as, but not limited to, bonds,
 583 notes, certificates, and similar debt instruments; to apply for
 584 and accept advances, loans, grants, contributions, and any other
 585 forms of financial assistance from the Federal Government or the
 586 state, county, or any other public body or from any sources,
 587 public or private, for the purposes of this part; to give such
 588 security as may be required; to enter into and carry out

589 | contracts or agreements; and to include in any contracts for
 590 | financial assistance with the Federal Government for or with
 591 | respect to a transportation concurrency backlog project and
 592 | related activities such conditions imposed pursuant to federal
 593 | laws as the transportation concurrency backlog authority
 594 | considers reasonable and appropriate and which are not
 595 | inconsistent with the purposes of this section.

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

597 | (a) Each transportation concurrency backlog authority
 598 | shall adopt a transportation concurrency backlog plan as a part
 599 | of the local government comprehensive plan within 6 months after
 600 | the creation of the authority. The plan shall:

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

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

608 | 3. Establish a schedule for financing and construction of
 609 | transportation concurrency backlog projects that will eliminate
 610 | transportation concurrency backlogs within the jurisdiction of
 611 | the authority within 10 years after the transportation
 612 | concurrency backlog plan adoption. The schedule shall be adopted
 613 | as part of the local government comprehensive plan.

614 | Notwithstanding such schedule requirements, as long as the
 615 | schedule provides for the elimination of all transportation
 616 | concurrency backlogs within 10 years after the adoption of the

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

623 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
624 concurrency backlog authority shall establish a local
625 transportation concurrency backlog trust fund upon creation of
626 the authority. Each local trust fund shall be administered by
627 the transportation concurrency backlog authority within which a
628 transportation concurrency backlog has been identified. Each
629 local trust fund shall continue to be funded pursuant to this
630 section for as long as the projects set forth in the related
631 transportation concurrency backlog plan remain to be completed
632 or until any debt incurred to finance or refinance the related
633 projects are no longer outstanding, whichever occurs later.
634 Beginning in the first fiscal year after the creation of the
635 authority, each local trust fund shall be funded by the proceeds
636 of an ad valorem tax increment collected within each
637 transportation concurrency backlog area to be determined
638 annually and shall be a minimum of 25 percent of the difference
639 between the amounts set forth in paragraphs (a) and (b), except
640 that if all of the affected taxing authorities agree pursuant to
641 an interlocal agreement, a particular local trust fund may be
642 funded by the proceeds of an ad valorem tax increment greater
643 than 25 percent of the difference between the amounts set forth
644 in paragraphs (a) and (b):

645 (a) The amount of ad valorem tax levied each year by each
 646 taxing authority, exclusive of any amount from any debt service
 647 millage, on taxable real property contained within the
 648 jurisdiction of the transportation concurrency backlog authority
 649 and within the transportation backlog area; and

650 (b) The amount of ad valorem taxes which would have been
 651 produced by the rate upon which the tax is levied each year by
 652 or for each taxing authority, exclusive of any debt service
 653 millage, upon the total of the assessed value of the taxable
 654 real property within the transportation concurrency backlog area
 655 as shown on the most recent assessment roll used in connection
 656 with the taxation of such property of each taxing authority
 657 prior to the effective date of the ordinance funding the trust
 658 fund.

659 (8) DISSOLUTION.--Upon completion of all transportation
 660 concurrency backlog projects and repayment or defeasance of all
 661 debt issued to finance or refinance such projects, a
 662 transportation concurrency backlog authority shall be dissolved,
 663 and its assets and liabilities shall be transferred to the
 664 county or municipality within which the authority is located.
 665 All remaining assets of the authority must be used for
 666 implementation of transportation projects within the
 667 jurisdiction of the authority. The local government
 668 comprehensive plan shall be amended to remove the transportation
 669 concurrency backlog plan.

670 Section 6. Paragraph (c) of subsection (9) of section
 671 287.055, Florida Statutes, is amended to read:

672 287.055 Acquisition of professional architectural,

673 engineering, landscape architectural, or surveying and mapping
 674 services; definitions; procedures; contingent fees prohibited;
 675 penalties.--

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

677 (c) Except as otherwise provided in s. 337.11~~(8)~~(7), the
 678 Department of Management Services shall adopt rules for the
 679 award of design-build contracts to be followed by state
 680 agencies. Each other agency must adopt rules or ordinances for
 681 the award of design-build contracts. Municipalities, political
 682 subdivisions, school districts, and school boards shall award
 683 design-build contracts by the use of a competitive proposal
 684 selection process as described in this subsection, or by the use
 685 of a qualifications-based selection process pursuant to
 686 subsections (3), (4), and (5) for entering into a contract
 687 whereby the selected firm will, subsequent to competitive
 688 negotiations, establish a guaranteed maximum price and
 689 guaranteed completion date. If the procuring agency elects the
 690 option of qualifications-based selection, during the selection
 691 of the design-build firm the procuring agency shall employ or
 692 retain a licensed design professional appropriate to the project
 693 to serve as the agency's representative. Procedures for the use
 694 of a competitive proposal selection process must include as a
 695 minimum the following:

696 1. The preparation of a design criteria package for the
 697 design and construction of the public construction project.

698 2. The qualification and selection of no fewer than three
 699 design-build firms as the most qualified, based on the
 700 qualifications, availability, and past work of the firms,

701 including the partners or members thereof.

702 3. The criteria, procedures, and standards for the
 703 evaluation of design-build contract proposals or bids, based on
 704 price, technical, and design aspects of the public construction
 705 project, weighted for the project.

706 4. The solicitation of competitive proposals, pursuant to
 707 a design criteria package, from those qualified design-build
 708 firms and the evaluation of the responses or bids submitted by
 709 those firms based on the evaluation criteria and procedures
 710 established prior to the solicitation of competitive proposals.

711 5. For consultation with the employed or retained design
 712 criteria professional concerning the evaluation of the responses
 713 or bids submitted by the design-build firms, the supervision or
 714 approval by the agency of the detailed working drawings of the
 715 project; and for evaluation of the compliance of the project
 716 construction with the design criteria package by the design
 717 criteria professional.

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

721 Section 7. Section 316.0741, Florida Statutes, is amended
 722 to read:

723 316.0741 High-occupancy-vehicle ~~High-occupancy-vehicle~~
 724 lanes.--

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

726 (a) "High-occupancy-vehicle ~~High-occupancy-vehicle~~ lane"
 727 or "HOV lane" means a lane of a public roadway designated for
 728 use by vehicles in which there is more than one occupant unless

729 otherwise authorized by federal law.

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

731 1. That draws propulsion energy from onboard sources of
732 stored energy which are both an internal combustion or heat
733 engine using combustible fuel and a rechargeable energy-storage
734 system; and

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

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

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

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

757 section may be driven in an HOV lane at any time, regardless of
758 its occupancy.

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

763 (c) Upon issuance of the applicable Environmental
764 Protection Agency final rule pursuant to 23 U.S.C. s. 166(e),
765 relating to the eligibility of hybrid and other low-emission and
766 energy-efficient vehicles for operation in an HOV lane
767 regardless of occupancy, the Department of Transportation shall
768 review the rule and recommend to the Legislature any statutory
769 changes necessary for compliance with the federal rule. The
770 department shall provide its recommendations no later than 30
771 days following issuance of the final rule.

772 (5) The department shall issue a decal and registration
773 certificate, to be renewed annually, reflecting the HOV lane
774 designation on ~~such~~ vehicles meeting the criteria in subsection
775 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
776 department may charge a fee for a decal, not to exceed the costs
777 of designing, producing, and distributing each decal, or \$5,
778 whichever is less. The proceeds from sale of the decals shall be
779 deposited in the Highway Safety Operating Trust Fund. The
780 department may, for reasons of operation and management of HOV
781 facilities, limit or discontinue issuance of decals for the use
782 of HOV facilities by hybrid and low-emission and energy-
783 efficient vehicles, regardless of occupancy, if it has been
784 determined by the Department of Transportation that the

785 facilities are degraded as defined by 23 U.S.C. s. 166(d) (2).

786 (6) Vehicles having decals by virtue of compliance with
 787 the minimum fuel economy standards under 23 U.S.C. s.
 788 166(f) (3) (B), and which are registered for use in high-occupancy
 789 toll lanes or express lanes in accordance with Department of
 790 Transportation rule, shall be allowed to use any HOV lanes
 791 redesignated as high-occupancy toll lanes or express lanes
 792 without payment of a toll.

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

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

- 797 ~~1. An internal combustion or heat engine using combustible~~
- 798 ~~fuel; and~~
- 799 ~~2. A rechargeable energy storage system; and~~

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

- 802 ~~1. Has received a certificate of conformity under the~~
- 803 ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~
- 804 ~~2. Meets or exceeds the equivalent qualifying California~~
- 805 ~~standards for a low emission vehicle.~~

806 (7)~~(6)~~ The department may adopt rules necessary to
 807 administer this section.

808 Section 8. Subsection (4) of section 316.193, Florida
 809 Statutes, is amended to read:

810 316.193 Driving under the influence; penalties.--

811 (4) (a) Any person who is convicted of a violation of
 812 subsection (1) and who has a blood-alcohol level or breath-

813 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
 814 convicted of a violation of subsection (1) and who at the time
 815 of the offense was accompanied in the vehicle by a person under
 816 the age of 18 years, shall be punished:

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

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

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

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

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

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

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

827 (b) For the purposes of this subsection, only the instant
 828 offense is required to be a violation of subsection (1) by a
 829 person who has a blood-alcohol level or breath-alcohol level of
 830 0.15 ~~0.20~~ or higher.

831 (c) In addition to the penalties in subparagraphs (a)1.
 832 and 2. ~~paragraphs (a) and (b)~~, the court shall order the
 833 mandatory placement, at the convicted person's sole expense, of
 834 an ignition interlock device approved by the department in
 835 accordance with s. 316.1938 upon all vehicles that are
 836 individually or jointly leased or owned and routinely operated
 837 by the convicted person for not less than up to 6 continuous
 838 months for the first offense and for not less than at least 2
 839 continuous years for a second offense, when the convicted person
 840 qualifies for a permanent or restricted license. ~~The~~

841 ~~installation of such device may not occur before July 1, 2003.~~

842 Section 9. Subsection (2) of section 316.2397, Florida
843 Statutes, is amended to read:

844 316.2397 Certain lights prohibited; exceptions.--

845 (2) It is expressly prohibited for any vehicle or
846 equipment, except police vehicles, to show or display blue
847 lights. However, vehicles owned, operated, or leased by the
848 Department of Corrections or any county correctional agency, may
849 show or display blue lights when responding to emergencies.

850 Section 10. Effective October 1, 2008, paragraph (b) of
851 subsection (1) and subsections (6) and (8) of section 316.302,
852 Florida Statutes, are amended to read:

853 316.302 Commercial motor vehicles; safety regulations;
854 transporters and shippers of hazardous materials; enforcement.--

855 (1)

856 (b) Except as otherwise provided in this section, all
857 owners or drivers of commercial motor vehicles that are engaged
858 in intrastate commerce are subject to the rules and regulations
859 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
860 exception of 49 C.F.R. s. 390.5 as it relates to the definition
861 of bus, as such rules and regulations existed on October 1, 2007
862 ~~2005~~.

863 (6) The state Department of Transportation shall perform
864 the duties that are assigned to the Field Administrator, Federal
865 Motor Carrier Safety Administration ~~Regional Federal Highway~~
866 ~~Administrator~~ under the federal rules, and an agent of that
867 department, as described in s. 316.545(9), may enforce those
868 rules.

869 (8) For the purpose of enforcing this section, any law
870 enforcement officer of the Department of Transportation or duly
871 appointed agent who holds a current safety inspector
872 certification from the Commercial Vehicle Safety Alliance may
873 require the driver of any commercial vehicle operated on the
874 highways of this state to stop and submit to an inspection of
875 the vehicle or the driver's records. If the vehicle or driver is
876 found to be operating in an unsafe condition, or if any required
877 part or equipment is not present or is not in proper repair or
878 adjustment, and the continued operation would present an unduly
879 hazardous operating condition, the officer may require the
880 vehicle or the driver to be removed from service pursuant to the
881 North American Standard ~~Uniform~~ Out-of-Service Criteria, until
882 corrected. However, if continuous operation would not present an
883 unduly hazardous operating condition, the officer may give
884 written notice requiring correction of the condition within 14
885 days.

886 (a) Any member of the Florida Highway Patrol or any law
887 enforcement officer employed by a sheriff's office or municipal
888 police department authorized to enforce the traffic laws of this
889 state pursuant to s. 316.640 who has reason to believe that a
890 vehicle or driver is operating in an unsafe condition may, as
891 provided in subsection (10), enforce the provisions of this
892 section.

893 (b) Any person who fails to comply with an officer's
894 request to submit to an inspection under this subsection commits
895 a violation of s. 843.02 if the person resists the officer
896 without violence or a violation of s. 843.01 if the person

897 | resists the officer with violence.

898 | Section 11. Subsection (2) of section 316.613, Florida
899 | Statutes, is amended to read:

900 | 316.613 Child restraint requirements.--

901 | (2) As used in this section, the term "motor vehicle"
902 | means a motor vehicle as defined in s. 316.003 which ~~that~~ is
903 | operated on the roadways, streets, and highways of the state.

904 | The term does not include:

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

906 | (b) A bus used for the transportation of persons for
907 | compensation, other than a bus regularly used to transport
908 | children to or from school, as defined in s. 316.615(1) (b), or
909 | in conjunction with school activities.

910 | (c) A farm tractor or implement of husbandry.

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

913 | (e) A motorcycle, moped, or bicycle.

914 | Section 12. Paragraph (a) of subsection (3) of section
915 | 316.614, Florida Statutes, is amended to read:

916 | 316.614 Safety belt usage.--

917 | (3) As used in this section:

918 | (a) "Motor vehicle" means a motor vehicle as defined in s.
919 | 316.003 which ~~that~~ is operated on the roadways, streets, and
920 | highways of this state. The term does not include:

921 | 1. A school bus.

922 | 2. A bus used for the transportation of persons for
923 | compensation.

924 | 3. A farm tractor or implement of husbandry.

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

927 5. A motorcycle, moped, or bicycle.

928 Section 13. Paragraph (a) of subsection (2) of section
 929 316.656, Florida Statutes, is amended to read:

930 316.656 Mandatory adjudication; prohibition against
 931 accepting plea to lesser included offense.--

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

938 Section 14. Subsection (7) of section 318.18, Florida
 939 Statutes, is amended to read:

940 318.18 Amount of penalties.--The penalties required for a
 941 noncriminal disposition pursuant to s. 318.14 or a criminal
 942 offense listed in s. 318.17 are as follows:

943 (7) Mandatory \$100 fine for each violation of s. 316.1001
 944 plus the amount of the unpaid toll shown on the traffic citation
 945 for each citation issued. The clerk of the court shall forward
 946 \$25 of the \$100 fine received, plus the amount of the unpaid
 947 toll that is shown on the citation, to the governmental entity
 948 that issued the citation, or on whose behalf the citation was
 949 issued. If a plea arrangement is reached prior to the date set
 950 for a scheduled evidentiary hearing and adjudication is
 951 withheld, there shall be a mandatory fine assessed per citation
 952 of not less than \$50 and not more than \$100, plus the amount of

953 the unpaid toll for each citation issued. The clerk of the court
954 shall forward \$25 of the fine imposed plus the amount of the
955 unpaid toll that is shown on the citation to the governmental
956 entity that issued the citation or on whose behalf the citation
957 was issued. The court shall have specific authority to
958 consolidate issued citations for the same defendant for the
959 purpose of sentencing and aggregate jurisdiction. In addition,
960 the department shall suspend for 60 days the driver's license of
961 a person who is convicted of 10 violations of s. 316.1001 within
962 a 36-month period; however, the department shall not suspend the
963 driver's license if, at the time of the violations, a valid and
964 active SunPass account is registered to the vehicle identified
965 in the citations. Any funds received by a governmental entity
966 for this violation may be used for any lawful purpose related to
967 the operation or maintenance of a toll facility.

968 Section 15. Effective July 1, 2008, subsection (1) of
969 section 320.02, Florida Statutes, as amended by section 28 of
970 chapter 2006-290, Laws of Florida, is amended to read:

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

973 (1) Except as otherwise provided in this chapter, every
974 owner or person in charge of a motor vehicle that is operated or
975 driven on the roads of this state shall register the vehicle in
976 this state. The owner or person in charge shall apply to the
977 department or to its authorized agent for registration of each
978 such vehicle on a form prescribed by the department. ~~Prior to~~
979 ~~the original registration of a motorcycle, motor-driven cycle,~~
980 ~~or moped, the owner, if a natural person, must present proof~~

981 ~~that he or she has a valid motorcycle endorsement as required in~~
 982 ~~chapter 322.~~ A registration is not required for any motor
 983 vehicle that is not operated on the roads of this state during
 984 the registration period.

985 Section 16. Section 322.64, Florida Statutes, is amended
 986 to read:

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

991 (1) (a) A law enforcement officer or correctional officer
 992 shall, on behalf of the department, disqualify from operating
 993 any commercial motor vehicle a person who while operating or in
 994 actual physical control of a commercial motor vehicle is
 995 arrested for a violation of s. 316.193, relating to unlawful
 996 blood-alcohol level or breath-alcohol level, or a person who has
 997 refused to submit to a breath, urine, or blood test authorized
 998 by s. 322.63 arising out of the operation or actual physical
 999 control of a commercial motor vehicle. A law enforcement officer
 1000 or correctional officer shall, on behalf of the department,
 1001 disqualify the holder of a commercial driver's license from
 1002 operating any commercial motor vehicle if the licenseholder,
 1003 while operating or in actual physical control of a motor
 1004 vehicle, is arrested for a violation of s. 316.193, relating to
 1005 unlawful blood-alcohol level or breath-alcohol level, or refused
 1006 to submit to a breath, urine, or blood test authorized by s.
 1007 322.63. Upon disqualification of the person, the officer shall
 1008 take the person's driver's license and issue the person a 10-day

1009 temporary permit for the operation of noncommercial vehicles
 1010 only if the person is otherwise eligible for the driving
 1011 privilege and shall issue the person a notice of
 1012 disqualification. If the person has been given a blood, breath,
 1013 or urine test, the results of which are not available to the
 1014 officer at the time of the arrest, the agency employing the
 1015 officer shall transmit such results to the department within 5
 1016 days after receipt of the results. If the department then
 1017 determines that the person ~~was arrested for a violation of s.~~
 1018 ~~316.193 and that the person~~ had a blood-alcohol level or breath-
 1019 alcohol level of 0.08 or higher, the department shall disqualify
 1020 the person from operating a commercial motor vehicle pursuant to
 1021 subsection (3).

1022 (b) The disqualification under paragraph (a) shall be
 1023 pursuant to, and the notice of disqualification shall inform the
 1024 driver of, the following:

1025 1.a. The driver refused to submit to a lawful breath,
 1026 blood, or urine test and he or she is disqualified from
 1027 operating a commercial motor vehicle for a period of 1 year, for
 1028 a first refusal, or permanently, if he or she has previously
 1029 been disqualified as a result of a refusal to submit to such a
 1030 test; or

1031 b. The driver was driving or in actual physical control of
 1032 a commercial motor vehicle, or any motor vehicle if the driver
 1033 holds a commercial driver's license, had an unlawful blood-
 1034 alcohol level or breath-alcohol level of 0.08 or higher, and his
 1035 or her driving privilege shall be disqualified for a period of 1
 1036 year for a first offense or permanently disqualified if his or

1037 her driving privilege has been previously disqualified under
 1038 this section. ~~violated s. 316.193 by driving with an unlawful~~
 1039 ~~blood-alcohol level and he or she is disqualified from operating~~
 1040 ~~a commercial motor vehicle for a period of 6 months for a first~~
 1041 ~~offense or for a period of 1 year if he or she has previously~~
 1042 ~~been disqualified, or his or her driving privilege has been~~
 1043 ~~previously suspended, for a violation of s. 316.193.~~

1044 2. The disqualification period for operating commercial
 1045 vehicles shall commence on the date of ~~arrest or~~ issuance of the
 1046 notice of disqualification, ~~whichever is later.~~

1047 3. The driver may request a formal or informal review of
 1048 the disqualification by the department within 10 days after the
 1049 date of ~~arrest or~~ issuance of the notice of disqualification,
 1050 ~~whichever is later.~~

1051 4. The temporary permit issued at the time of ~~arrest or~~
 1052 disqualification expires ~~will expire~~ at midnight of the 10th day
 1053 following the date of disqualification.

1054 5. The driver may submit to the department any materials
 1055 relevant to the disqualification ~~arrest.~~

1056 (2) Except as provided in paragraph (1)(a), the law
 1057 enforcement officer shall forward to the department, within 5
 1058 days after the date of the ~~arrest or the~~ issuance of the notice
 1059 of disqualification, ~~whichever is later,~~ a copy of the notice of
 1060 disqualification, the driver's license of the person
 1061 disqualified ~~arrested,~~ and a ~~report of the arrest, including, if~~
 1062 ~~applicable,~~ an affidavit stating the officer's grounds for
 1063 belief that the person disqualified ~~arrested~~ was operating or in
 1064 actual physical control of a commercial motor vehicle, or holds

1065 a commercial driver's license, and had an unlawful blood-alcohol
1066 or breath-alcohol level in violation of s. 316.193; the results
1067 of any breath or blood or urine test or an affidavit stating
1068 that a breath, blood, or urine test was requested by a law
1069 enforcement officer or correctional officer and that the person
1070 arrested refused to submit; a copy of the notice of
1071 disqualification ~~citation~~ issued to the person ~~arrested~~; and the
1072 officer's description of the person's field sobriety test, if
1073 any. The failure of the officer to submit materials within the
1074 5-day period specified in this subsection or subsection (1) does
1075 ~~shall~~ not affect the department's ability to consider any
1076 evidence submitted at or prior to the hearing. The officer may
1077 also submit a copy of a videotape of the field sobriety test or
1078 the attempt to administer such test and a copy of the crash
1079 report, if any.

1080 (3) If the department determines that the person arrested
1081 should be disqualified from operating a commercial motor vehicle
1082 pursuant to this section and if the notice of disqualification
1083 has not already been served upon the person by a law enforcement
1084 officer or correctional officer as provided in subsection (1),
1085 the department shall issue a notice of disqualification and,
1086 unless the notice is mailed pursuant to s. 322.251, a temporary
1087 permit which expires 10 days after the date of issuance if the
1088 driver is otherwise eligible.

1089 (4) If the person disqualified ~~arrested~~ requests an
1090 informal review pursuant to subparagraph (1)(b)3., the
1091 department shall conduct the informal review by a hearing
1092 officer employed by the department. Such informal review hearing

1093 shall consist solely of an examination by the department of the
1094 materials submitted by a law enforcement officer or correctional
1095 officer and by the person disqualified ~~arrested~~, and the
1096 presence of an officer or witness is not required.

1097 (5) After completion of the informal review, notice of the
1098 department's decision sustaining, amending, or invalidating the
1099 disqualification must be provided to the person. Such notice
1100 must be mailed to the person at the last known address shown on
1101 the department's records, and to the address provided in the law
1102 enforcement officer's report if such address differs from the
1103 address of record, within 21 days after the expiration of the
1104 temporary permit issued pursuant to subsection (1) or subsection
1105 (3).

1106 (6) (a) If the person disqualified ~~arrested~~ requests a
1107 formal review, the department must schedule a hearing to be held
1108 within 30 days after such request is received by the department
1109 and must notify the person of the date, time, and place of the
1110 hearing.

1111 (b) Such formal review hearing shall be held before a
1112 hearing officer employed by the department, and the hearing
1113 officer shall be authorized to administer oaths, examine
1114 witnesses and take testimony, receive relevant evidence, issue
1115 subpoenas for the officers and witnesses identified in documents
1116 as provided in subsection (2), regulate the course and conduct
1117 of the hearing, and make a ruling on the disqualification. The
1118 department and the person disqualified ~~arrested~~ may subpoena
1119 witnesses, and the party requesting the presence of a witness
1120 shall be responsible for the payment of any witness fees. If the

1121 person who requests a formal review hearing fails to appear and
 1122 the hearing officer finds such failure to be without just cause,
 1123 the right to a formal hearing is waived ~~and the department shall~~
 1124 ~~conduct an informal review of the disqualification under~~
 1125 ~~subsection (4).~~

1126 (c) A party may seek enforcement of a subpoena under
 1127 paragraph (b) by filing a petition for enforcement in the
 1128 circuit court of the judicial circuit in which the person
 1129 failing to comply with the subpoena resides. A failure to comply
 1130 with an order of the court shall result in a finding of contempt
 1131 of court. However, a person shall not be in contempt while a
 1132 subpoena is being challenged.

1133 (d) The department must, within 7 days after a formal
 1134 review hearing, send notice to the person of the hearing
 1135 officer's decision as to whether sufficient cause exists to
 1136 sustain, amend, or invalidate the disqualification.

1137 (7) In a formal review hearing under subsection (6) or an
 1138 informal review hearing under subsection (4), the hearing
 1139 officer shall determine by a preponderance of the evidence
 1140 whether sufficient cause exists to sustain, amend, or invalidate
 1141 the disqualification. The scope of the review shall be limited
 1142 to the following issues:

1143 (a) If the person was disqualified from operating a
 1144 commercial motor vehicle for driving with an unlawful blood-
 1145 alcohol level ~~in violation of s. 316.193:~~

1146 1. Whether the arresting law enforcement officer had
 1147 probable cause to believe that the person was driving or in
 1148 actual physical control of a commercial motor vehicle, or any

1149 motor vehicle if the driver holds a commercial driver's license,
1150 in this state while he or she had any alcohol, chemical
1151 substances, or controlled substances in his or her body.

1152 ~~2. Whether the person was placed under lawful arrest for a~~
1153 ~~violation of s. 316.193.~~

1154 ~~2.3.~~ Whether the person had an unlawful blood-alcohol
1155 level or breath-alcohol level of 0.08 or higher ~~as provided in~~
1156 ~~s. 316.193.~~

1157 (b) If the person was disqualified from operating a
1158 commercial motor vehicle for refusal to submit to a breath,
1159 blood, or urine test:

1160 1. Whether the law enforcement officer had probable cause
1161 to believe that the person was driving or in actual physical
1162 control of a commercial motor vehicle, or any motor vehicle if
1163 the driver holds a commercial driver's license, in this state
1164 while he or she had any alcohol, chemical substances, or
1165 controlled substances in his or her body.

1166 2. Whether the person refused to submit to the test after
1167 being requested to do so by a law enforcement officer or
1168 correctional officer.

1169 3. Whether the person was told that if he or she refused
1170 to submit to such test he or she would be disqualified from
1171 operating a commercial motor vehicle for a period of 1 year or,
1172 in the case of a second refusal, permanently.

1173 (8) Based on the determination of the hearing officer
1174 pursuant to subsection (7) for both informal hearings under
1175 subsection (4) and formal hearings under subsection (6), the
1176 department shall:

1177 (a) Sustain the disqualification for a period of 1 year
 1178 for a first refusal, or permanently if such person has been
 1179 previously disqualified from operating a commercial motor
 1180 vehicle as a result of a refusal to submit to such tests. The
 1181 disqualification period commences on the date of the arrest or
 1182 issuance of the notice of disqualification, whichever is later.

1183 (b) Sustain the disqualification:

1184 1. For a period of 1 year if the person was driving or in
 1185 actual physical control of a commercial motor vehicle, or any
 1186 motor vehicle if the driver holds a commercial driver's license,
 1187 and had an unlawful blood-alcohol level or breath-alcohol level
 1188 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
 1189 ~~for a period of 1 year~~

1190 2. Permanently if the person has been previously
 1191 disqualified from operating a commercial motor vehicle or his or
 1192 her driving privilege has been previously suspended for driving
 1193 or being in actual physical control of a commercial motor
 1194 vehicle, or any motor vehicle if the driver holds a commercial
 1195 driver's license, and had an unlawful blood-alcohol level or
 1196 breath-alcohol level of 0.08 or higher as a result of a
 1197 violation of s. ~~316.193.~~

1198
 1199 The disqualification period commences on the date of the arrest
 1200 or issuance of the notice of disqualification, ~~whichever is~~
 1201 ~~later.~~

1202 (9) A request for a formal review hearing or an informal
 1203 review hearing shall not stay the disqualification. If the
 1204 department fails to schedule the formal review hearing to be

1205 held within 30 days after receipt of the request therefor, the
 1206 department shall invalidate the disqualification. If the
 1207 scheduled hearing is continued at the department's initiative,
 1208 the department shall issue a temporary driving permit limited to
 1209 noncommercial vehicles which is ~~shall be~~ valid until the hearing
 1210 is conducted if the person is otherwise eligible for the driving
 1211 privilege. Such permit shall not be issued to a person who
 1212 sought and obtained a continuance of the hearing. The permit
 1213 issued under this subsection shall authorize driving for
 1214 business purposes ~~or employment~~ use only.

1215 (10) A person who is disqualified from operating a
 1216 commercial motor vehicle under subsection (1) or subsection (3)
 1217 is eligible for issuance of a license for business or employment
 1218 purposes only under s. 322.271 if the person is otherwise
 1219 eligible for the driving privilege. However, such business or
 1220 employment purposes license shall not authorize the driver to
 1221 operate a commercial motor vehicle.

1222 (11) The formal review hearing may be conducted upon a
 1223 review of the reports of a law enforcement officer or a
 1224 correctional officer, including documents relating to the
 1225 administration of a breath test or blood test or the refusal to
 1226 take either test. However, as provided in subsection (6), the
 1227 driver may subpoena the officer or any person who administered
 1228 or analyzed a breath or blood test.

1229 (12) The formal review hearing and the informal review
 1230 hearing are exempt from the provisions of chapter 120. The
 1231 department is authorized to adopt rules for the conduct of
 1232 reviews under this section.

1233 (13) A person may appeal any decision of the department
 1234 sustaining the disqualification from operating a commercial
 1235 motor vehicle by a petition for writ of certiorari to the
 1236 circuit court in the county wherein such person resides or
 1237 wherein a formal or informal review was conducted pursuant to s.
 1238 322.31. However, an appeal shall not stay the disqualification.
 1239 This subsection shall not be construed to provide for a de novo
 1240 appeal.

1241 (14) The decision of the department under this section
 1242 shall not be considered in any trial for a violation of s.
 1243 316.193, s. 322.61, or s. 322.62, nor shall any written
 1244 statement submitted by a person in his or her request for
 1245 departmental review under this section be admissible into
 1246 evidence against him or her in any such trial. The disposition
 1247 of any related criminal proceedings shall not affect a
 1248 disqualification imposed pursuant to this section.

1249 (15) This section does not preclude the suspension of the
 1250 driving privilege pursuant to s. 322.2615. The driving privilege
 1251 of a person who has been disqualified from operating a
 1252 commercial motor vehicle also may be suspended for a violation
 1253 of s. 316.193.

1254 Section 17. Notwithstanding any law to the contrary, a
 1255 county, municipality, or special district may not own or operate
 1256 an asphalt plant or a portable or stationary concrete batch
 1257 plant having an independent mixer; however, this prohibition
 1258 does not apply to any county that owns or is under contract to
 1259 purchase an asphalt plant as of April 15, 2008, and that
 1260 furnishes its plant-generated asphalt solely for use by local

1261 governments or company's under contract with local governments
 1262 for projects within the boundaries of such county. Sale of plant
 1263 generated asphalt to private entities or local governments
 1264 outside the boundaries of such county is prohibited.

1265 Section 18. Subsection (16) of section 344.044, Florida
 1266 Statutes, is amended, and subsection (34) is added to that
 1267 section, to read:

1268 334.044 Department; powers and duties.--The department
 1269 shall have the following general powers and duties:

1270 (16) To plan, acquire, lease, construct, maintain, and
 1271 operate toll facilities; to authorize the issuance and refunding
 1272 of bonds; and to establish ~~fix~~ and collect tolls, variable rate
 1273 tolls, or other charges for travel on any such facilities.

1274 (34) To maintain training programs for department
 1275 employees and prospective employees who are graduates from an
 1276 approved engineering curriculum of 4 years or more in a school,
 1277 college, or university approved by the Board of Professional
 1278 Engineers to provide broad practical expertise in the field of
 1279 transportation engineering leading to licensure as a
 1280 professional engineer. The department shall maintain training
 1281 programs for department employees to provide broad practical
 1282 experience and enhanced knowledge in the areas of right-of-way
 1283 property management, real estate appraisal, and business
 1284 valuation relating to department right-of-way acquisition
 1285 activities. These training programs may provide for incremental
 1286 increases to base salary for all employees enrolled in the
 1287 programs upon successful completion of training phases.

1288 Section 19. Subsection (2) and paragraph (g) of subsection

1289 (5) of section 337.0261, Florida Statutes, are amended, and
 1290 subsection (6) is added to that section, to read:

1291 337.0261 Construction aggregate materials.--

1292 (2) LEGISLATIVE INTENT.--The Legislature finds that there
 1293 is a strategic and critical need for an available supply of
 1294 construction aggregate materials within the state and that a
 1295 disruption of the supply would cause a significant detriment to
 1296 the state's construction industry, transportation system, and
 1297 overall health, safety, and welfare. The Legislature further
 1298 finds:

1299 (a) Construction aggregate materials are a finite natural
 1300 resource.

1301 (b) Construction aggregate materials mining is an industry
 1302 of critical importance to the state and is therefore in the
 1303 public interest.

1304 (c) There is a need for a reliable, predictable, and
 1305 sustainable supply of construction aggregate materials so that
 1306 public and private construction is maintained without
 1307 interruption.

1308 (d) There are a limited number of aggregate resource
 1309 counties within the State where aggregate and sand resources
 1310 exist.

1311 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

1312 (g) The task force shall be dissolved on March ~~July~~ 1,
 1313 2010 ~~2008~~.

1314 (6) STRATEGIC AGGREGATE RESOURCE ASSESSMENT (SARA).--

1315 (a) The department shall organize and provide
 1316 administrative support in the preparation of the strategic

1317 aggregate resource assessment. The department, in consultation
1318 with the Department of Environmental Protection, the Department
1319 of Community Affairs, the regional planning councils, shall work
1320 with local governments in the preparation of the strategic
1321 aggregate resource assessment.

1322 1. For construction aggregate materials the strategic
1323 aggregate resource assessment shall:

1324 a. Identify and map areas where construction aggregate
1325 materials deposits are located in the state.

1326 b. Identify and superimpose on the aggregate map a high to
1327 low quality grading classification to identify the areas that
1328 contain the materials needed for road building and repair.

1329 c. Identify and superimpose on the aggregate map the areas
1330 of natural resources subject to federal or state permitting
1331 requirements in order to identify any potential conflicts
1332 between the location of geologically valuable resources and
1333 natural land and water resources.

1334 d. Identify and superimpose on the aggregate map the areas
1335 of existing future land use elements of local comprehensive
1336 plans and local zoning regulations in order to identify with
1337 natural resources and existing communities and any potential
1338 conflicts between the areas where growth and development is
1339 planned or placed adjacent to or over deposits of construction
1340 aggregate materials.

1341 e. Provide a projection of 5-year, 25-year, and 50-year
1342 demand for aggregate.

1343 f. Provide an estimate of volume of aggregate available
1344 from already permitted mines to meet demand projections.

1345 g. Identify the availability and estimate the volume of
 1346 alternative material, including recycled and reused construction
 1347 aggregate, which may substitute for construction aggregate.

1348 h. Identify international and out-of-state construction
 1349 aggregate materials available to meet demand projections.

1350 2. For infrastructure the strategic aggregate resource
 1351 assessment shall:

1352 a. Provide a rating structure assessing the ability to
 1353 mine the deposits in an economic manner, taking into account the
 1354 proximity of the materials to the available markets, the
 1355 thickness of overburden, and the quantity and quality of the
 1356 materials. In assessing the economic viability of a geologic
 1357 deposit the strategic aggregate resource assessment shall take
 1358 into account the proximity to rail and port facilities where
 1359 similar or replacement products can be imported at a lower cost
 1360 than producing them locally.

1361 b. Identify the current and potential capacity of
 1362 construction aggregate material imports into the state utilizing
 1363 current and planned rail, connecting roadways, and port
 1364 infrastructure.

1365 3. In addition to the information gathered in
 1366 subparagraphs 1. and 2., for each of the six "Materials Resource
 1367 Planning Areas" identified in the Department of Transportation
 1368 report titled, "Strategic Aggregates Study: Sources,
 1369 Constraints, and Economic Value of Limestone and Sand in
 1370 Florida," dated February 2007, the strategic aggregate resource
 1371 assessment shall:

1372 a. Provide a summary of all regional and local regulatory

1373 jurisdictions impacting the approval of mining, including, but
1374 not limited to, county, municipal, and special district
1375 regulations.

1376 b. Provide a description of federal, state, and local
1377 environmental regulatory issues impacting access to construction
1378 aggregate reserves.

1379 c. Identify and map rare, threatened, or endangered
1380 habitats, water resources, and other natural resources subject
1381 to federal, state, and local protection or regulation.

1382 d. Identify local transportation infrastructure issues
1383 impacting the distribution of aggregate materials, including
1384 level of service and quality of roads, rail access, and, as
1385 appropriate, port capacity and access.

1386 e. Identify alternatives for when the local construction
1387 mining aggregate supply is exhausted.

1388 (b) The strategic aggregate resource assessment shall be
1389 updated every 5 years and be included as part of the Florida
1390 Transportation Plan.

1391 (c) The Strategic Aggregate Review Task Force shall
1392 prepare the findings of the strategic aggregate resource
1393 assessment in an initial report submitted to the Governor, the
1394 President of the Senate, and the Speaker of the House of
1395 Representatives no later than February 1, 2010. Subsequent
1396 reports shall be submitted by department on February 1 following
1397 each 5-year strategic aggregate resource assessment update.

1398 (d) Information acquired by means of the strategic
1399 aggregate resource assessment may be submitted by willing land
1400 owners to the Florida Geological Survey for inclusion in the

1401 state data repository. Proprietary or business information
 1402 submitted to or acquired by the Florida Geological Survey shall
 1403 be maintained in an electronic database under the control of the
 1404 Florida Geological Survey and protected as trade secrets
 1405 pursuant to s. 815.045.

1406 (e) The department is authorized to adopt rules pursuant
 1407 to ss. 120.536(1) and 120.54 to administer this section and in
 1408 the preparation of the strategic aggregate resource assessment.

1409 (f) There is appropriated from the State Transportation
 1410 Trust Fund, for fiscal year 2008-2009 only, the sum of \$700,000,
 1411 which shall require a 50-percent nonstate match, to be used for
 1412 the purposes of this subsection.

1413 Section 20. Subsections (8) through (15) of section
 1414 337.11, Florida Statutes, are renumbered as subsections (9)
 1415 through (16), respectively, present subsection (7) is renumbered
 1416 as subsection (8) and amended, and a new subsection (7) is added
 1417 to that section, to read:

1418 337.11 Contracting authority of department; bids;
 1419 emergency repairs, supplemental agreements, and change orders;
 1420 combined design and construction contracts; progress payments;
 1421 records; requirements of vehicle registration.--

1422 (7) If the department determines that it is in the best
 1423 interest of the public, the department may pay a stipend to
 1424 unsuccessful firms who have submitted responsive proposals for
 1425 construction or maintenance contracts. The decision and amount
 1426 of a stipend will be based upon department analysis of the
 1427 estimated proposal development costs and the anticipated degree
 1428 of competition during the procurement process. Stipends shall be

1429 used to encourage competition and compensate unsuccessful firms
 1430 for a portion of their proposal development costs. The
 1431 department shall retain the right to use ideas from unsuccessful
 1432 firms that accept a stipend.

1433 (8)(7)-(a) If ~~the head of~~ the department determines that it
 1434 is in the best interests of the public, the department may
 1435 combine the design and construction phases of a building, a
 1436 major bridge, a limited access facility, or a rail corridor
 1437 project into a single contract. Such contract is referred to as
 1438 a design-build contract. The department shall advertise for bid
 1439 a minimum of 25 percent of the construction contracts which add
 1440 capacity in the 5-year adopted work program as design-build
 1441 contracts. Design-build contracts may be advertised and awarded
 1442 notwithstanding the requirements of paragraph (3)(c). However,
 1443 construction activities may not begin on any portion of such
 1444 projects for which the department has not yet obtained title to
 1445 the necessary rights-of-way and easements for the construction
 1446 of that portion of the project has vested in the state or a
 1447 local governmental entity and all railroad crossing and utility
 1448 agreements have been executed. Title to rights-of-way shall be
 1449 deemed to have vested in the state when the title has been
 1450 dedicated to the public or acquired by prescription.

1451 (b) The department shall adopt by rule procedures for
 1452 administering design-build contracts. Such procedures shall
 1453 include, but not be limited to:

- 1454 1. Prequalification requirements.
- 1455 2. Public announcement procedures.
- 1456 3. Scope of service requirements.

- 1457 4. Letters of interest requirements.
- 1458 5. Short-listing criteria and procedures.
- 1459 6. Bid proposal requirements.
- 1460 7. Technical review committee.
- 1461 8. Selection and award processes.
- 1462 9. Stipend requirements.

1463 (c) The department must receive at least three letters of
 1464 interest in order to proceed with a request for proposals. The
 1465 department shall request proposals from no fewer than three of
 1466 the design-build firms submitting letters of interest. If a
 1467 design-build firm withdraws from consideration after the
 1468 department requests proposals, the department may continue if at
 1469 least two proposals are received.

1470 Section 21. Subsection (7) of section 337.14, Florida
 1471 Statutes, is amended to read:

1472 337.14 Application for qualification; certificate of
 1473 qualification; restrictions; request for hearing.--

1474 (7) No "contractor" as defined in s. 337.165(1)(d) or his
 1475 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
 1476 the department under this section may also qualify under s.
 1477 287.055 or s. 337.105 to provide testing services, construction,
 1478 engineering, and inspection services to the department. This
 1479 limitation shall not apply to any design-build prequalification
 1480 under s. 337.11(8)~~(7)~~.

1481 Section 22. Paragraph (a) of subsection (2) of section
 1482 337.16, Florida Statutes, is amended to read:

1483 337.16 Disqualification of delinquent contractors from
 1484 bidding; determination of contractor nonresponsibility; denial,

1485 suspension, and revocation of certificates of qualification;
 1486 grounds; hearing.--

1487 (2) For reasons other than delinquency in progress, the
 1488 department, for good cause, may determine any contractor not
 1489 having a certificate of qualification nonresponsible for a
 1490 specified period of time or may deny, suspend, or revoke any
 1491 certificate of qualification. Good cause includes, but is not
 1492 limited to, circumstances in which a contractor or the
 1493 contractor's official representative:

1494 (a) Makes or submits to the department false, deceptive,
 1495 or fraudulent statements or materials in any bid proposal to the
 1496 department, any application for a certificate of qualification,
 1497 any certification of payment pursuant to s. 337.11~~(11)~~~~(10)~~, or
 1498 any administrative or judicial proceeding;

1499 Section 23. Paragraph (b) of subsection (1) of section
 1500 337.18 is amended to read:

1501 337.18 Surety bonds for construction or maintenance
 1502 contracts; requirement with respect to contract award; bond
 1503 requirements; defaults; damage assessments.--

1504 (1)

1505 (b) Prior to beginning any work under the contract, the
 1506 contractor shall maintain a copy of the payment and performance
 1507 bond required under this section at its principal place of
 1508 business and at the jobsite office, if one is established, and
 1509 the contractor shall provide a copy of the payment and
 1510 performance bond within 5 days after receipt of any written
 1511 request therefor. A copy of the payment and performance bond
 1512 required under this section may also be obtained directly from

1513 the department via a request made pursuant to chapter 119. ~~Upon~~
 1514 ~~execution of the contract, and prior to beginning any work under~~
 1515 ~~the contract, the contractor shall record in the public records~~
 1516 ~~of the county where the improvement is located the payment and~~
 1517 ~~performance bond required under this section.~~ A claimant shall
 1518 have a right of action against the contractor and surety for the
 1519 amount due him or her, including unpaid finance charges due
 1520 under the claimant's contract. Such action shall not involve the
 1521 department in any expense.

1522 Section 24. Subsections (1), (2), and (7) of section
 1523 337.185, Florida Statutes, are amended to read:

1524 337.185 State Arbitration Board.--

1525 (1) To facilitate the prompt settlement of claims for
 1526 additional compensation arising out of construction and
 1527 maintenance contracts between the department and the various
 1528 contractors with whom it transacts business, the Legislature
 1529 does hereby establish the State Arbitration Board, referred to
 1530 in this section as the "board." For the purpose of this section,
 1531 "claim" shall mean the aggregate of all outstanding claims by a
 1532 party arising out of a construction or maintenance contract.
 1533 Every contractual claim in an amount up to \$250,000 per contract
 1534 or, at the claimant's option, up to \$500,000 per contract or,
 1535 upon agreement of the parties, up to \$1 million per contract
 1536 that cannot be resolved by negotiation between the department
 1537 and the contractor shall be arbitrated by the board after
 1538 acceptance of the project by the department. As an exception,
 1539 either party to the dispute may request that the claim be
 1540 submitted to binding private arbitration. A court of law may not

1541 consider the settlement of such a claim until the process
1542 established by this section has been exhausted.

1543 (2) The board shall be composed of three members. One
1544 member shall be appointed by the head of the department, and one
1545 member shall be elected by those construction or maintenance
1546 companies who are under contract with the department. The third
1547 member shall be chosen by agreement of the other two members.
1548 Whenever the third member has a conflict of interest regarding
1549 affiliation with one of the parties, the other two members shall
1550 select an alternate member for that hearing. The head of the
1551 department may select an alternative or substitute to serve as
1552 the department member for any hearing or term. Each member shall
1553 serve a 2-year term. The board shall elect a chair, each term,
1554 who shall be the administrator of the board and custodian of its
1555 records.

1556 (7) The members of the board may receive compensation for
1557 the performance of their duties hereunder, from administrative
1558 fees received by the board, except that no employee of the
1559 department may receive compensation from the board. The
1560 compensation amount shall be determined by the board, but shall
1561 not exceed \$125 per hour, up to a maximum of \$1,000 per day for
1562 each member authorized to receive compensation. Nothing in this
1563 section shall prevent the member elected by construction or
1564 maintenance companies from being an employee of an association
1565 affiliated with the industry, even if the sole responsibility of
1566 that member is service on the board. Travel expenses for the
1567 industry member may be paid by an industry association, if
1568 necessary. The board may allocate funds annually for clerical

1569 and other administrative services.

1570 Section 25. Subsection (1) of section 337.403, Florida
 1571 Statutes, is amended to read:

1572 337.403 Relocation of utility; expenses.--

1573 (1) Any utility heretofore or hereafter placed upon,
 1574 under, over, or along any public road or publicly owned rail
 1575 corridor that is found by the authority to be unreasonably
 1576 interfering in any way with the convenient, safe, or continuous
 1577 use, or the maintenance, improvement, extension, or expansion,
 1578 of such public road or publicly owned rail corridor shall, upon
 1579 30 days' written notice to the utility or its agent by the
 1580 authority, be removed or relocated by such utility at its own
 1581 expense except as provided in paragraphs (a)-(f) ~~(a), (b), and~~
 1582 ~~(e)~~.

1583 (a) If the relocation of utility facilities, as referred
 1584 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 1585 627 of the 84th Congress, is necessitated by the construction of
 1586 a project on the federal-aid interstate system, including
 1587 extensions thereof within urban areas, and the cost of such
 1588 project is eligible and approved for reimbursement by the
 1589 Federal Government to the extent of 90 percent or more under the
 1590 Federal Aid Highway Act, or any amendment thereof, then in that
 1591 event the utility owning or operating such facilities shall
 1592 relocate such facilities upon order of the department, and the
 1593 state shall pay the entire expense properly attributable to such
 1594 relocation after deducting therefrom any increase in the value
 1595 of the new facility and any salvage value derived from the old
 1596 facility.

1597 (b) When a joint agreement between the department and the
1598 utility is executed for utility improvement, relocation, or
1599 removal work to be accomplished as part of a contract for
1600 construction of a transportation facility, the department may
1601 participate in those utility improvement, relocation, or removal
1602 costs that exceed the department's official estimate of the cost
1603 of such work by more than 10 percent. The amount of such
1604 participation shall be limited to the difference between the
1605 official estimate of all the work in the joint agreement plus 10
1606 percent and the amount awarded for this work in the construction
1607 contract for such work. The department may not participate in
1608 any utility improvement, relocation, or removal costs that occur
1609 as a result of changes or additions during the course of the
1610 contract.

1611 (c) When an agreement between the department and utility
1612 is executed for utility improvement, relocation, or removal work
1613 to be accomplished in advance of a contract for construction of
1614 a transportation facility, the department may participate in the
1615 cost of clearing and grubbing necessary to perform such work.

1616 (d) If the utility facility being removed or relocated was
1617 initially installed to exclusively serve the department, its
1618 tenants, or both the department and its tenants, the department
1619 shall bear the costs of removal or relocation of that utility
1620 facility. The department shall not be responsible, however, for
1621 bearing the cost of removal or relocation of any subsequent
1622 additions to that facility for the purpose of serving others.

1623 (e) If, pursuant to an agreement between a utility and the
1624 authority entered into after the effective date of this

1625 subsection, the utility conveys, subordinates, or relinquishes a
 1626 compensable property right to the authority for the purpose of
 1627 accommodating the acquisition or use of the right-of-way by the
 1628 authority, without the agreement expressly addressing future
 1629 responsibility for cost of removal or relocation of the utility,
 1630 then the authority shall bear the cost of such removal or
 1631 relocation. Nothing in this paragraph is intended to impair or
 1632 restrict, or be used to interpret, the terms of any such
 1633 agreement entered into prior to the effective date of this
 1634 paragraph.

1635 (f) If the utility is an electric facility being relocated
 1636 underground in order to enhance vehicular, bicycle, and
 1637 pedestrian safety and in which ownership of the electric
 1638 facility to be placed underground has been transferred from a
 1639 private to a public utility within the past 5 years, the
 1640 department shall incur all costs of the relocation.

1641 Section 26. Subsections (4) and (5) of section 337.408,
 1642 Florida Statutes, are amended, subsection (7) is renumbered as
 1643 subsection (8), and a new subsection (7) is added to that
 1644 section, to read:

1645 337.408 Regulation of benches, transit shelters, street
 1646 light poles, waste disposal receptacles, and modular news racks
 1647 within rights-of-way.--

1648 (4) The department has the authority to direct the
 1649 immediate relocation or removal of any bench, transit shelter,
 1650 waste disposal receptacle, public pay telephone, or modular news
 1651 rack which endangers life or property, except that transit bus
 1652 benches which have been placed in service prior to April 1,

1653 | 1992, are not required to comply with bench size and advertising
 1654 | display size requirements which have been established by the
 1655 | department prior to March 1, 1992. Any transit bus bench that
 1656 | was in service prior to April 1, 1992, may be replaced with a
 1657 | bus bench of the same size or smaller, if the bench is damaged
 1658 | or destroyed or otherwise becomes unusable. The department is
 1659 | authorized to adopt rules relating to the regulation of bench
 1660 | size and advertising display size requirements. If a
 1661 | municipality or county within which a bench is to be located has
 1662 | adopted an ordinance or other applicable regulation that
 1663 | establishes bench size or advertising display sign requirements
 1664 | different from requirements specified in department rule, the
 1665 | local government requirement shall be applicable within the
 1666 | respective municipality or county. Placement of any bench or
 1667 | advertising display on the National Highway System under a local
 1668 | ordinance or regulation adopted pursuant to this subsection
 1669 | shall be subject to approval of the Federal Highway
 1670 | Administration.

1671 | (5) No bench, transit shelter, waste disposal receptacle,
 1672 | public pay telephone, or modular news rack, or advertising
 1673 | thereon, shall be erected or so placed on the right-of-way of
 1674 | any road which conflicts with the requirements of federal law,
 1675 | regulations, or safety standards, thereby causing the state or
 1676 | any political subdivision the loss of federal funds. Competition
 1677 | among persons seeking to provide bench, transit shelter, waste
 1678 | disposal receptacle, or modular news rack services or
 1679 | advertising on such benches, shelters, receptacles, or news
 1680 | racks may be regulated, restricted, or denied by the appropriate

1681 local government entity consistent with the provisions of this
 1682 section.

1683 (7) Public pay telephones, including advertising displayed
 1684 thereon, may be installed within the right-of-way limits of any
 1685 municipal, county, or state road, except on a limited access
 1686 highway, provided that such pay telephones are installed by a
 1687 provider duly authorized and regulated by the Public Service
 1688 Commission pursuant to s. 364.3375, that such pay telephones are
 1689 operated in accordance with all applicable state and federal
 1690 telecommunications regulations, and that written authorization
 1691 has been given to a public pay telephone provider by the
 1692 appropriate municipal or county government. Each advertisement
 1693 shall be limited to a size no greater than 8 square feet and no
 1694 public pay telephone booth shall display more than 3 such
 1695 advertisements at any given time. No advertisements shall be
 1696 allowed on public pay telephones located in rest areas, welcome
 1697 centers, and other such facilities located on an interstate
 1698 highway.

1699 Section 27. Subsection (6) is added to section 338.01,
 1700 Florida Statutes, to read:

1701 338.01 Authority to establish and regulate limited access
 1702 facilities.--

1703 (6) All new limited access facilities and existing
 1704 transportation facilities on which new or replacement electronic
 1705 toll collection systems are installed shall be interoperable
 1706 with the department's electronic toll collection system.

1707 Section 28. Subsections (7) and (8) of section 338.165,
 1708 Florida Statutes, are renumbered as subsections (8) and (9),

1709 respectively, subsections (2) and (4) are amended, and a new
 1710 subsection (7) is added to that section, to read:

1711 338.165 Continuation of tolls.--

1712 (2) If the revenue-producing project is on the State
 1713 Highway System, any remaining toll revenue shall be used within
 1714 the county or counties in which the revenue-producing project is
 1715 located for the construction, maintenance, or improvement of any
 1716 road on the State Highway System or public transit ~~within the~~
 1717 ~~county or counties in which the revenue producing project is~~
 1718 ~~located~~, except as provided in s. 348.0004.

1719 (4) Notwithstanding any other law to the contrary,
 1720 pursuant to s. 11, Art. VII of the State Constitution, and
 1721 subject to the requirements of subsection (2), the Department of
 1722 Transportation may request the Division of Bond Finance to issue
 1723 bonds secured by toll revenues to be collected ~~on the Alligator~~
 1724 ~~Alley, the Sunshine Skyway Bridge, the Beeline East Expressway,~~
 1725 ~~the Navarre Bridge, and the Pinellas Bayway~~ to fund
 1726 transportation projects located within the county or counties in
 1727 which the project is located and contained in the adopted work
 1728 program of the department.

1729 (7) This section does not apply to high-occupancy toll
 1730 lanes or express lanes.

1731 Section 29. Paragraphs (d) and (e) are added to subsection
 1732 (1) of section 338.2216, Florida Statutes, to read:

1733 338.2216 Florida Turnpike Enterprise; powers and
 1734 authority.--

1735 (1)

1736 (d) The Florida Turnpike Enterprise is directed to pursue

1737 and implement new technologies and processes in its operations
1738 and collection of tolls and the collection of other amounts
1739 associated with road and infrastructure usage. Such technologies
1740 and processes shall include, without limitation, video billing
1741 and variable pricing.

1742 (e)1. The Florida Turnpike Enterprise shall not under any
1743 circumstances contract with any vendor for the retail sale of
1744 fuel along the Florida Turnpike if such contract is negotiated
1745 or bid together with any other contract, including, but not
1746 limited to, the retail sale of food, maintenance services, or
1747 construction, with the exception that any contract for the
1748 retail sale of fuel along the Florida Turnpike shall be bid and
1749 contracted together with the retail sale of food at any
1750 convenience store attached to the fuel station.

1751 2. All contracts related to service plazas, including, but
1752 not limited to, the sale of fuel, the retail sale of food,
1753 maintenance services, or construction, except for services
1754 provided as defined in s. 287.055(2)(a), awarded by the Florida
1755 Turnpike Enterprise shall be procured through individual
1756 competitive solicitations and awarded to the most cost-effective
1757 responder. This paragraph does not prohibit the award of more
1758 than one individual contract to a single vendor if he or she
1759 submits the most cost-effective response.

1760 Section 30. Paragraph (b) of subsection (1) of section
1761 338.223, Florida Statutes, is amended to read:

1762 338.223 Proposed turnpike projects.--

1763 (1)

1764 (b) Any proposed turnpike project or improvement shall be

1765 developed in accordance with the Florida Transportation Plan and
 1766 the work program pursuant to s. 339.135. Turnpike projects that
 1767 add capacity, alter access, affect feeder roads, or affect the
 1768 operation of the local transportation system shall be included
 1769 in the transportation improvement plan of the affected
 1770 metropolitan planning organization. If such turnpike project
 1771 does not fall within the jurisdiction of a metropolitan planning
 1772 organization, the department shall notify the affected county
 1773 and provide for public hearings in accordance with s.
 1774 339.155(5)~~(6)~~(c).

1775 Section 31. Section 338.231, Florida Statutes, is amended
 1776 to read:

1777 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1778 revenues.--The department shall at all times fix, adjust,
 1779 charge, and collect such tolls and amounts for the use of the
 1780 turnpike system as are required in order to provide a fund
 1781 sufficient with other revenues of the turnpike system to pay the
 1782 cost of maintaining, improving, repairing, and operating such
 1783 turnpike system; to pay the principal of and interest on all
 1784 bonds issued to finance or refinance any portion of the turnpike
 1785 system as the same become due and payable; and to create
 1786 reserves for all such purposes.

1787 ~~(1) In the process of effectuating toll rate increases~~
 1788 ~~over the period 1988 through 1992, the department shall, to the~~
 1789 ~~maximum extent feasible, equalize the toll structure, within~~
 1790 ~~each vehicle classification, so that the per mile toll rate will~~
 1791 ~~be approximately the same throughout the turnpike system. New~~
 1792 ~~turnpike projects may have toll rates higher than the uniform~~

1793 ~~system rate where such higher toll rates are necessary to~~
1794 ~~qualify the project in accordance with the financial criteria in~~
1795 ~~the turnpike law. Such higher rates may be reduced to the~~
1796 ~~uniform system rate when the project is generating sufficient~~
1797 ~~revenues to pay the full amount of debt service and operating~~
1798 ~~and maintenance costs at the uniform system rate. If, after 15~~
1799 ~~years of opening to traffic, the annual revenue of a turnpike~~
1800 ~~project does not meet or exceed the annual debt service~~
1801 ~~requirements and operating and maintenance costs attributable to~~
1802 ~~such project, the department shall, to the maximum extent~~
1803 ~~feasible, establish a toll rate for the project which is higher~~
1804 ~~than the uniform system rate as necessary to meet such annual~~
1805 ~~debt service requirements and operating and maintenance costs.~~
1806 ~~The department may, to the extent feasible, establish a~~
1807 ~~temporary toll rate at less than the uniform system rate for the~~
1808 ~~purpose of building patronage for the ultimate benefit of the~~
1809 ~~turnpike system. In no case shall the temporary rate be~~
1810 ~~established for more than 1 year. The requirements of this~~
1811 ~~subsection shall not apply when the application of such~~
1812 ~~requirements would violate any covenant established in a~~
1813 ~~resolution or trust indenture relating to the issuance of~~
1814 ~~turnpike bonds.~~

1815 (1)~~(2)~~ Notwithstanding any other provision of law, the
1816 department may defer the scheduled July 1, 1993, toll rate
1817 increase on the Homestead Extension of the Florida Turnpike
1818 until July 1, 1995. The department may also advance funds to the
1819 Turnpike General Reserve Trust Fund to replace estimated lost
1820 revenues resulting from this deferral. The amount advanced must

1821 | be repaid within 12 years from the date of advance; however, the
 1822 | repayment is subordinate to all other debt financing of the
 1823 | turnpike system outstanding at the time repayment is due.

1824 | (2)~~(3)~~ The department shall publish a proposed change in
 1825 | the toll rate for the use of an existing toll facility, in the
 1826 | manner provided for in s. 120.54, which will provide for public
 1827 | notice and the opportunity for a public hearing before the
 1828 | adoption of the proposed rate change. When the department is
 1829 | evaluating a proposed turnpike toll project under s. 338.223 and
 1830 | has determined that there is a high probability that the project
 1831 | will pass the test of economic feasibility predicated on
 1832 | proposed toll rates, the toll rate that is proposed to be
 1833 | charged after the project is constructed must be adopted during
 1834 | the planning and project development phase of the project, in
 1835 | the manner provided for in s. 120.54, including public notice
 1836 | and the opportunity for a public hearing. For such a new
 1837 | project, the toll rate becomes effective upon the opening of the
 1838 | project to traffic.

1839 | (3) (a)~~(4)~~ For the period July 1, 1998, through June 30,
 1840 | 2017, the department shall, to the maximum extent feasible,
 1841 | program sufficient funds in the tentative work program such that
 1842 | the percentage of turnpike toll and bond financed commitments in
 1843 | Dade County, Broward County, and Palm Beach County as compared
 1844 | to total turnpike toll and bond financed commitments shall be at
 1845 | least 90 percent of the share of net toll collections
 1846 | attributable to users of the turnpike system in Dade County,
 1847 | Broward County, and Palm Beach County as compared to total net
 1848 | toll collections attributable to users of the turnpike system.

1849 The requirements of this subsection do not apply when the
 1850 application of such requirements would violate any covenant
 1851 established in a resolution or trust indenture relating to the
 1852 issuance of turnpike bonds. The department at any time for
 1853 economic considerations may establish lower temporary toll rates
 1854 for a new or existing toll facility for a period not to exceed 1
 1855 year, after which the toll rates promulgated under s. 120.54
 1856 shall become effective.

1857 (b) The department shall also fix, adjust, charge, and
 1858 collect such amounts needed to cover the costs of administering
 1859 the different toll collection and payment methods and types of
 1860 accounts being offered and utilized, in the manner provided for
 1861 in s. 120.54, which will provide for public notice and the
 1862 opportunity for a public hearing before adoption. Such amounts
 1863 may stand alone, or be incorporated in a toll rate structure, or
 1864 be a combination thereof.

1865 (4)~~(5)~~ When bonds are outstanding which have been issued
 1866 to finance or refinance any turnpike project, the tolls and all
 1867 other revenues derived from the turnpike system and pledged to
 1868 such bonds shall be set aside as may be provided in the
 1869 resolution authorizing the issuance of such bonds or the trust
 1870 agreement securing the same. The tolls or other revenues or
 1871 other moneys so pledged and thereafter received by the
 1872 department are immediately subject to the lien of such pledge
 1873 without any physical delivery thereof or further act. The lien
 1874 of any such pledge is valid and binding as against all parties
 1875 having claims of any kind in tort or contract or otherwise
 1876 against the department irrespective of whether such parties have

1877 notice thereof. Neither the resolution nor any trust agreement
 1878 by which a pledge is created need be filed or recorded except in
 1879 the records of the department.

1880 (5)~~(6)~~ In each fiscal year while any of the bonds of the
 1881 Broward County Expressway Authority series 1984 and series 1986-
 1882 A remain outstanding, the department is authorized to pledge
 1883 revenues from the turnpike system to the payment of principal
 1884 and interest of such series of bonds and the operation and
 1885 maintenance expenses of the Sawgrass Expressway, to the extent
 1886 gross toll revenues of the Sawgrass Expressway are insufficient
 1887 to make such payments. The terms of an agreement relative to the
 1888 pledge of turnpike system revenue will be negotiated with the
 1889 parties of the 1984 and 1986 Broward County Expressway Authority
 1890 lease-purchase agreements, and subject to the covenants of those
 1891 agreements. The agreement shall establish that the Sawgrass
 1892 Expressway shall be subject to the planning, management, and
 1893 operating control of the department limited only by the terms of
 1894 the lease-purchase agreements. The department shall provide for
 1895 the payment of operation and maintenance expenses of the
 1896 Sawgrass Expressway until such agreement is in effect. This
 1897 pledge of turnpike system revenues shall be subordinate to the
 1898 debt service requirements of any future issue of turnpike bonds,
 1899 the payment of turnpike system operation and maintenance
 1900 expenses, and subject to provisions of any subsequent resolution
 1901 or trust indenture relating to the issuance of such turnpike
 1902 bonds.

1903 (6)~~(7)~~ The use and disposition of revenues pledged to
 1904 bonds are subject to the provisions of ss. 338.22-338.241 and

1905 such regulations as the resolution authorizing the issuance of
 1906 such bonds or such trust agreement may provide.

1907 Section 32. Subsection (4) of section 339.12, Florida
 1908 Statutes, is amended to read:

1909 339.12 Aid and contributions by governmental entities for
 1910 department projects; federal aid.--

1911 (4) (a) Prior to accepting the contribution of road bond
 1912 proceeds, time warrants, or cash for which reimbursement is
 1913 sought, the department shall enter into agreements with the
 1914 governing body of the governmental entity for the project or
 1915 project phases in accordance with specifications agreed upon
 1916 between the department and the governing body of the
 1917 governmental entity. The department in no instance is to receive
 1918 from such governmental entity an amount in excess of the actual
 1919 cost of the project or project phase. By specific provision in
 1920 the written agreement between the department and the governing
 1921 body of the governmental entity, the department may agree to
 1922 reimburse the governmental entity for the actual amount of the
 1923 bond proceeds, time warrants, or cash used on a highway project
 1924 or project phases that are not revenue producing and are
 1925 contained in the department's adopted work program, or any
 1926 public transportation project contained in the adopted work
 1927 program. Subject to appropriation of funds by the Legislature,
 1928 the department may commit state funds for reimbursement of such
 1929 projects or project phases. Reimbursement to the governmental
 1930 entity for such a project or project phase must be made from
 1931 funds appropriated by the Legislature, and reimbursement for the
 1932 cost of the project or project phase is to begin in the year the

1933 project or project phase is scheduled in the work program as of
 1934 the date of the agreement. Funds advanced pursuant to this
 1935 section, which were originally designated for transportation
 1936 purposes and so reimbursed to a county or municipality, shall be
 1937 used by the county or municipality for any transportation
 1938 expenditure authorized under s. 336.025(7). Also, cities and
 1939 counties may receive funds from persons, and reimburse those
 1940 persons, for the purposes of this section. Such persons may
 1941 include, but are not limited to, those persons defined in s.
 1942 607.01401(19).

1943 (b) Prior to entering an agreement to advance a project or
 1944 project phase pursuant to this subsection and subsection (5),
 1945 the department shall first update the estimated cost of the
 1946 project or project phase and certify that the estimate is
 1947 accurate and consistent with the amount estimated in the adopted
 1948 work program. If the original estimate and the updated estimate
 1949 vary, the department shall amend the adopted work program
 1950 according to the amendatory procedures for the work program set
 1951 forth in s. 339.135(7). The amendment shall reflect all
 1952 corresponding increases and decreases to the affected projects
 1953 within the adopted work program.

1954 (c) The department may enter into agreements under this
 1955 subsection for a project or project phase not included in the
 1956 adopted work program. As used in this paragraph, the term
 1957 "project phase" means acquisition of rights-of-way,
 1958 construction, construction inspection, and related support
 1959 phases. The project or project phase must be a high priority of
 1960 the governmental entity. Reimbursement for a project or project

1961 phase must be made from funds appropriated by the Legislature
 1962 pursuant to s. 339.135(5). All other provisions of this
 1963 subsection apply to agreements entered into under this
 1964 paragraph. The total amount of project agreements for projects
 1965 or project phases not included in the adopted work program
 1966 authorized by this paragraph may not at any time exceed \$500
 1967 \$100 million, of which a maximum of \$200 million may be related
 1968 to the purchase of rights-of-way. However, notwithstanding such
 1969 \$500 ~~\$100~~ million limit and any similar limit in s. 334.30,
 1970 project advances for any inland county with a population greater
 1971 than 500,000 dedicating amounts equal to \$500 million or more of
 1972 its Local Government Infrastructure Surtax pursuant to s.
 1973 212.055(2) for improvements to the State Highway System which
 1974 are included in the local metropolitan planning organization's
 1975 or the department's long-range transportation plans shall be
 1976 excluded from the calculation of the statewide limit of project
 1977 advances.

1978 (d) The department may enter into agreements under this
 1979 subsection with any county that has a population of 150,000 or
 1980 less as determined by the most recent official estimate pursuant
 1981 to s. 186.901 for a project or project phase not included in the
 1982 adopted work program. As used in this paragraph, the term
 1983 "project phase" means acquisition of rights-of-way,
 1984 construction, construction inspection, and related support
 1985 phases. The project or project phase must be a high priority of
 1986 the governmental entity. Reimbursement for a project or project
 1987 phase must be made from funds appropriated by the Legislature
 1988 pursuant to s. 339.135(5). All other provisions of this

1989 subsection apply to agreements entered into under this
 1990 paragraph. The total amount of project agreements for projects
 1991 or project phases not included in the adopted work program
 1992 authorized by this paragraph may not at any time exceed \$200
 1993 million. The project must be included in the local government's
 1994 adopted comprehensive plan. The department is authorized to
 1995 enter into long-term repayment agreements of up to 30 years.

1996 Section 33. Paragraphs (c) and (d) of subsection (7) of
 1997 section 339.135, Florida Statutes, are amended to read:

1998 339.135 Work program; legislative budget request;
 1999 definitions; preparation, adoption, execution, and amendment.--

2000 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

2001 (c) The department may amend the adopted work program to
 2002 transfer fixed capital outlay appropriations for projects within
 2003 the same appropriations category or between appropriations
 2004 categories, including the following amendments which shall be
 2005 subject to the procedures in paragraph (d):

2006 1. Any amendment which deletes any project or project
 2007 phase;

2008 2. Any amendment which adds a project estimated to cost
 2009 over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;

2010 3. Any amendment which advances or defers to another
 2011 fiscal year, a right-of-way phase, a construction phase, or a
 2012 public transportation project phase estimated to cost over
 2013 \$500,000 in funds appropriated by the Legislature, except an
 2014 amendment advancing a phase to the current fiscal year by 1
 2015 fiscal year or deferring a phase for a period of 90 days or
 2016 less; or

2017 4. Any amendment which advances or defers to another
 2018 fiscal year, any preliminary engineering phase or design phase
 2019 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
 2020 by the Legislature, except an amendment advancing a phase to the
 2021 current fiscal year by 1 fiscal year or deferring a phase for a
 2022 period of 90 days or less.

2023 (d)1. Whenever the department proposes any amendment to
 2024 the adopted work program, as defined in subparagraph (c)1. or
 2025 subparagraph (c)3., which deletes or defers a construction phase
 2026 on a capacity project, it shall notify each county affected by
 2027 the amendment and each municipality within the county. The
 2028 notification shall be issued in writing to the chief elected
 2029 official of each affected county, each municipality within the
 2030 county, and to the chair of each affected metropolitan planning
 2031 organization. Each affected county and each municipality within
 2032 a county are encouraged to coordinate with one another to
 2033 determine how the amendment impacts local concurrency management
 2034 and regional transportation planning efforts. Each affected
 2035 county and each municipality within the county shall have 14
 2036 calendar days to provide written comments to the department
 2037 regarding how the amendment will impact its respective
 2038 concurrency management systems, including whether any
 2039 development permits were issued contingent upon the capacity
 2040 improvement, if applicable. After receipt of written comments
 2041 from the affected local governments, the department shall
 2042 include any written comments submitted by the affected local
 2043 governments in its preparation of the proposed amendment.

2044 2. Following the 14-day comment period in subparagraph 1.,

2045 if applicable, whenever the department proposes any amendment to
 2046 the adopted work program, which amendment is defined in
 2047 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
 2048 subparagraph (c)4., it shall submit the proposed amendment to
 2049 the Governor for approval and shall immediately notify the
 2050 chairs of the legislative appropriations committees, the chairs
 2051 of the legislative transportation committees, and each member of
 2052 the Legislature who represents a district affected by the
 2053 proposed amendment. The department shall also notify each
 2054 metropolitan planning organization affected by the proposed
 2055 amendment, and each unit of local government affected by the
 2056 proposed amendment unless the department provided to each
 2057 organization or government the notification required in
 2058 subparagraph 1. Such proposed amendment shall provide a complete
 2059 justification of the need for the proposed amendment.

2060 ~~3.2.~~ The Governor shall not approve a proposed amendment
 2061 until 14 days following the notification required in
 2062 subparagraph 2. ~~1.~~

2063 ~~4.3.~~ If either of the chairs of the legislative
 2064 appropriations committees or the President of the Senate or the
 2065 Speaker of the House of Representatives objects in writing to a
 2066 proposed amendment within 14 days following notification and
 2067 specifies the reasons for such objection, the Governor shall
 2068 disapprove the proposed amendment.

2069 Section 34. Section 339.155, Florida Statutes, is amended
 2070 to read:

2071 339.155 Transportation planning.--

2072 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall

2073 develop ~~and annually update~~ a statewide transportation plan, to
 2074 be known as the Florida Transportation Plan. The plan shall be
 2075 designed so as to be easily read and understood by the general
 2076 public. The purpose of the Florida Transportation Plan is to
 2077 establish and define the state's long-range transportation goals
 2078 and objectives to be accomplished over a period of at least 20
 2079 years within the context of the State Comprehensive Plan, and
 2080 any other statutory mandates and authorizations and based upon
 2081 the prevailing principles of: preserving the existing
 2082 transportation infrastructure; enhancing Florida's economic
 2083 competitiveness; and improving travel choices to ensure
 2084 mobility. The Florida Transportation Plan shall consider the
 2085 needs of the entire state transportation system and examine the
 2086 use of all modes of transportation to effectively and
 2087 efficiently meet such needs.

2088 (2) SCOPE OF PLANNING PROCESS.--The department shall carry
 2089 out a transportation planning process in conformance with s.
 2090 334.046(1) ~~. which provides for consideration of projects and~~
 2091 ~~strategies that will:~~

2092 ~~(a) Support the economic vitality of the United States,~~
 2093 ~~Florida, and the metropolitan areas, especially by enabling~~
 2094 ~~global competitiveness, productivity, and efficiency;~~

2095 ~~(b) Increase the safety and security of the transportation~~
 2096 ~~system for motorized and nonmotorized users;~~

2097 ~~(c) Increase the accessibility and mobility options~~
 2098 ~~available to people and for freight;~~

2099 ~~(d) Protect and enhance the environment, promote energy~~
 2100 ~~conservation, and improve quality of life;~~

2101 ~~(e) Enhance the integration and connectivity of the~~
 2102 ~~transportation system, across and between modes throughout~~
 2103 ~~Florida, for people and freight;~~

2104 ~~(f) Promote efficient system management and operation; and~~

2105 ~~(g) Emphasize the preservation of the existing~~
 2106 ~~transportation system.~~

2107 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
 2108 Transportation Plan shall be a unified, concise planning
 2109 document that clearly defines the state's long-range
 2110 transportation goals and objectives ~~and documents the~~
 2111 ~~department's short range objectives developed to further such~~
 2112 ~~goals and objectives.~~ The plan shall:

2113 (a) Include a glossary that clearly and succinctly defines
 2114 any and all phrases, words, or terms of art included in the
 2115 plan, with which the general public may be unfamiliar. ~~and shall~~
 2116 ~~consist of, at a minimum, the following components:~~

2117 (b) ~~(a)~~ Document ~~A long range component documenting the~~
 2118 ~~goals and long-term objectives necessary to implement the~~
 2119 ~~results of the department's findings from its examination of the~~
 2120 prevailing principles and criteria provided under ~~listed in~~
 2121 ~~subsection (2) and s. 334.046(1). The long range component must~~

2122 (c) Be developed in cooperation with the metropolitan
 2123 planning organizations and reconciled, to the maximum extent
 2124 feasible, with the long-range plans developed by metropolitan
 2125 planning organizations pursuant to s. 339.175. ~~The plan must~~
 2126 ~~also~~

2127 (d) Be developed in consultation with affected local
 2128 officials in nonmetropolitan areas and with any affected Indian

2129 tribal governments. ~~The plan must~~

2130 (e) Provide an examination of transportation issues likely
2131 to arise during at least a 20-year period. ~~The long-range~~
2132 ~~component shall~~

2133 (f) Be updated at least once every 5 years, or more often
2134 as necessary, to reflect substantive changes to federal or state
2135 law.

2136 ~~(b) A short-range component documenting the short-term~~
2137 ~~objectives and strategies necessary to implement the goals and~~
2138 ~~long-term objectives contained in the long-range component. The~~
2139 ~~short-range component must define the relationship between the~~
2140 ~~long-range goals and the short-range objectives, specify those~~
2141 ~~objectives against which the department's achievement of such~~
2142 ~~goals will be measured, and identify transportation strategies~~
2143 ~~necessary to efficiently achieve the goals and objectives in the~~
2144 ~~plan. It must provide a policy framework within which the~~
2145 ~~department's legislative budget request, the strategic~~
2146 ~~information resource management plan, and the work program are~~
2147 ~~developed. The short-range component shall serve as the~~
2148 ~~department's annual agency strategic plan pursuant to s.~~
2149 ~~186.021. The short-range component shall be developed consistent~~
2150 ~~with available and forecasted state and federal funds. The~~
2151 ~~short-range component shall also be submitted to the Florida~~
2152 ~~Transportation Commission.~~

2153 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
2154 ~~develop an annual performance report evaluating the operation of~~
2155 ~~the department for the preceding fiscal year. The report shall~~
2156 ~~also include a summary of the financial operations of the~~

2157 ~~department and shall annually evaluate how well the adopted work~~
2158 ~~program meets the short-term objectives contained in the short-~~
2159 ~~range component of the Florida Transportation Plan. This~~
2160 ~~performance report shall be submitted to the Florida~~
2161 ~~Transportation Commission and the legislative appropriations and~~
2162 ~~transportation committees.~~

2163 (4)~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.--

2164 (a) Upon request by local governmental entities, the
2165 department may in its discretion develop and design
2166 transportation corridors, arterial and collector streets,
2167 vehicular parking areas, and other support facilities which are
2168 consistent with the plans of the department for major
2169 transportation facilities. The department may render to local
2170 governmental entities or their planning agencies such technical
2171 assistance and services as are necessary so that local plans and
2172 facilities are coordinated with the plans and facilities of the
2173 department.

2174 (b) Each regional planning council, as provided for in s.
2175 186.504, or any successor agency thereto, shall develop, as an
2176 element of its strategic regional policy plan, transportation
2177 goals and policies. The transportation goals and policies must
2178 be prioritized to comply with the prevailing principles provided
2179 in subsection (2) and s. 334.046(1). The transportation goals
2180 and policies shall be consistent, to the maximum extent
2181 feasible, with the goals and policies of the metropolitan
2182 planning organization and the Florida Transportation Plan. The
2183 transportation goals and policies of the regional planning
2184 council will be advisory only and shall be submitted to the

2185 department and any affected metropolitan planning organization
2186 for their consideration and comments. Metropolitan planning
2187 organization plans and other local transportation plans shall be
2188 developed consistent, to the maximum extent feasible, with the
2189 regional transportation goals and policies. The regional
2190 planning council shall review urbanized area transportation
2191 plans and any other planning products stipulated in s. 339.175
2192 and provide the department and respective metropolitan planning
2193 organizations with written recommendations which the department
2194 and the metropolitan planning organizations shall take under
2195 advisement. Further, the regional planning councils shall
2196 directly assist local governments which are not part of a
2197 metropolitan area transportation planning process in the
2198 development of the transportation element of their comprehensive
2199 plans as required by s. 163.3177.

2200 (c) Regional transportation plans may be developed in
2201 regional transportation areas in accordance with an interlocal
2202 agreement entered into pursuant to s. 163.01 by two or more
2203 contiguous metropolitan planning organizations; one or more
2204 metropolitan planning organizations and one or more contiguous
2205 counties, none of which is a member of a metropolitan planning
2206 organization; a multicounty regional transportation authority
2207 created by or pursuant to law; two or more contiguous counties
2208 that are not members of a metropolitan planning organization; or
2209 metropolitan planning organizations comprised of three or more
2210 counties.

2211 (d) The interlocal agreement must, at a minimum, identify
2212 the entity that will coordinate the development of the regional

2213 transportation plan; delineate the boundaries of the regional
 2214 transportation area; provide the duration of the agreement and
 2215 specify how the agreement may be terminated, modified, or
 2216 rescinded; describe the process by which the regional
 2217 transportation plan will be developed; and provide how members
 2218 of the entity will resolve disagreements regarding
 2219 interpretation of the interlocal agreement or disputes relating
 2220 to the development or content of the regional transportation
 2221 plan. Such interlocal agreement shall become effective upon its
 2222 recordation in the official public records of each county in the
 2223 regional transportation area.

2224 (e) The regional transportation plan developed pursuant to
 2225 this section must, at a minimum, identify regionally significant
 2226 transportation facilities located within a regional
 2227 transportation area and contain a prioritized list of regionally
 2228 significant projects. The level-of-service standards for
 2229 facilities to be funded under this subsection shall be adopted
 2230 by the appropriate local government in accordance with s.
 2231 163.3180(10). The projects shall be adopted into the capital
 2232 improvements schedule of the local government comprehensive plan
 2233 pursuant to s. 163.3177(3).

2234 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 2235 TRANSPORTATION PLANNING.--

2236 (a) During the development of the ~~long range component of~~
 2237 ~~the~~ Florida Transportation Plan and prior to substantive
 2238 revisions, the department shall provide citizens, affected
 2239 public agencies, representatives of transportation agency
 2240 employees, other affected employee representatives, private

2241 providers of transportation, and other known interested parties
2242 with an opportunity to comment on the proposed plan or
2243 revisions. These opportunities shall include, at a minimum,
2244 publishing a notice in the Florida Administrative Weekly and
2245 within a newspaper of general circulation within the area of
2246 each department district office.

2247 (b) During development of major transportation
2248 improvements, such as those increasing the capacity of a
2249 facility through the addition of new lanes or providing new
2250 access to a limited or controlled access facility or
2251 construction of a facility in a new location, the department
2252 shall hold one or more hearings prior to the selection of the
2253 facility to be provided; prior to the selection of the site or
2254 corridor of the proposed facility; and prior to the selection of
2255 and commitment to a specific design proposal for the proposed
2256 facility. Such public hearings shall be conducted so as to
2257 provide an opportunity for effective participation by interested
2258 persons in the process of transportation planning and site and
2259 route selection and in the specific location and design of
2260 transportation facilities. The various factors involved in the
2261 decision or decisions and any alternative proposals shall be
2262 clearly presented so that the persons attending the hearing may
2263 present their views relating to the decision or decisions which
2264 will be made.

2265 (c) Opportunity for design hearings:

2266 1. The department, prior to holding a design hearing,
2267 shall duly notify all affected property owners of record, as
2268 recorded in the property appraiser's office, by mail at least 20

2269 days prior to the date set for the hearing. The affected
 2270 property owners shall be:

2271 a. Those whose property lies in whole or in part within
 2272 300 feet on either side of the centerline of the proposed
 2273 facility.

2274 b. Those whom the department determines will be
 2275 substantially affected environmentally, economically, socially,
 2276 or safetywise.

2277 2. For each subsequent hearing, the department shall
 2278 publish notice prior to the hearing date in a newspaper of
 2279 general circulation for the area affected. These notices must be
 2280 published twice, with the first notice appearing at least 15
 2281 days, but no later than 30 days, before the hearing.

2282 3. A copy of the notice of opportunity for the hearing
 2283 must be furnished to the United States Department of
 2284 Transportation and to the appropriate departments of the state
 2285 government at the time of publication.

2286 4. The opportunity for another hearing shall be afforded
 2287 in any case when proposed locations or designs are so changed
 2288 from those presented in the notices specified above or at a
 2289 hearing as to have a substantially different social, economic,
 2290 or environmental effect.

2291 5. The opportunity for a hearing shall be afforded in each
 2292 case in which the department is in doubt as to whether a hearing
 2293 is required.

2294 Section 35. Subsection (3) and paragraphs (b) and (c) of
 2295 subsection (4) of section 339.2816, Florida Statutes, are
 2296 amended to read:

2297 339.2816 Small County Road Assistance Program.--
 2298 (3) Beginning with fiscal year 1999-2000 until fiscal year
 2299 2009-2010, and beginning again with fiscal year 2012-2013, up to
 2300 \$25 million annually from the State Transportation Trust Fund
 2301 may be used for the purposes of funding the Small County Road
 2302 Assistance Program as described in this section.

2303 (4)

2304 (b) In determining a county's eligibility for assistance
 2305 under this program, the department may consider whether the
 2306 county has attempted to keep county roads in satisfactory
 2307 condition, including the amount of local option fuel tax ~~and ad~~
 2308 ~~valorem millage rate~~ imposed by the county. The department may
 2309 also consider the extent to which the county has offered to
 2310 provide a match of local funds with state funds provided under
 2311 the program. At a minimum, small counties shall be eligible only
 2312 if+

2313 ~~1. The county has enacted the maximum rate of the local~~
 2314 ~~option fuel tax authorized by s. 336.025(1)(a) .7, and has imposed~~
 2315 ~~an ad valorem millage rate of at least 8 mills; or~~

2316 ~~2. The county has imposed an ad valorem millage rate of 10~~
 2317 ~~mills.~~

2318 (c) The following criteria shall be used to prioritize
 2319 road projects for funding under the program:

2320 1. The primary criterion is the physical condition of the
 2321 road as measured by the department.

2322 2. As secondary criteria the department may consider:

2323 a. Whether a road is used as an evacuation route.

2324 b. Whether a road has high levels of agricultural travel.

2325 c. Whether a road is considered a major arterial route.

2326 d. Whether a road is considered a feeder road.

2327 e. Whether a road is located in a fiscally constrained
 2328 county, as defined in s. 218.67(1).

2329 ~~f.e.~~ Other criteria related to the impact of a project on
 2330 the public road system or on the state or local economy as
 2331 determined by the department.

2332 Section 36. Subsections (1) and (3) of section 339.2819,
 2333 Florida Statutes, are amended to read:

2334 339.2819 Transportation Regional Incentive Program.--

2335 (1) There is created within the Department of
 2336 Transportation a Transportation Regional Incentive Program for
 2337 the purpose of providing funds to improve regionally significant
 2338 transportation facilities in regional transportation areas
 2339 created pursuant to s. 339.155(4)~~(5)~~.

2340 (3) The department shall allocate funding available for
 2341 the Transportation Regional Incentive Program to the districts
 2342 based on a factor derived from equal parts of population and
 2343 motor fuel collections for eligible counties in regional
 2344 transportation areas created pursuant to s. 339.155(4)~~(5)~~.

2345 Section 37. Subsection (6) of section 339.285, Florida
 2346 Statutes, is amended to read:

2347 339.285 Enhanced Bridge Program for Sustainable
 2348 Transportation.--

2349 (6) Preference shall be given to bridge projects located
 2350 on corridors that connect to the Strategic Intermodal System,
 2351 created under s. 339.64, and that have been identified as
 2352 regionally significant in accordance with s. 339.155(4)~~(5)~~(c),

2353 (d), and (e).

2354 Section 38. Subsections (8) through (14) are added to
2355 section 341.301, Florida Statutes, to read:

2356 341.301 Definitions; ss. 341.302 and 341.303.--As used in
2357 ss. 341.302 and 341.303, the term:

2358 (8) "Commuter rail passenger or passengers" means and
2359 includes any and all persons, ticketed or unticketed, using the
2360 commuter rail service on a department owned rail corridor:

2361 (a) On board trains, locomotives, rail cars, or rail
2362 equipment employed in commuter rail service or entraining and
2363 detraining therefrom;

2364 (b) On or about the rail corridor for any purpose related
2365 to the commuter rail service, including, without limitation,
2366 parking, inquiring about commuter rail service or purchasing
2367 tickets therefor and coming to, waiting for, leaving from, or
2368 observing trains, locomotives, rail cars, or rail equipment; or

2369 (c) Meeting, assisting, or in the company of any person
2370 described in paragraph (a) or paragraph (b).

2371 (9) "Commuter rail service" means the transportation of
2372 commuter rail passengers and other passengers by rail pursuant
2373 to a rail program provided by the department or any other
2374 governmental entities.

2375 (10) "Rail corridor invitee" means and includes any and
2376 all persons who are on or about a department-owned rail
2377 corridor:

2378 (a) For any purpose related to any ancillary development
2379 thereon; or

2380 (b) Meeting, assisting, or in the company of any person

2381 described in paragraph (a).

2382 (11) "Rail corridor" means a linear contiguous strip of
 2383 real property that is used for rail service. The term includes
 2384 the corridor and structures essential to the operation of a
 2385 railroad, including the land, structures, improvements, rights-
 2386 of-way, easements, rail lines, rail beds, guideway structures,
 2387 switches, yards, parking facilities, power relays, switching
 2388 houses, rail stations, ancillary development, and any other
 2389 facilities or equipment used for the purposes of construction,
 2390 operation, or maintenance of a railroad that provides rail
 2391 service.

2392 (12) "Railroad operations" means the use of the rail
 2393 corridor to conduct commuter rail service, intercity rail
 2394 passenger service, or freight rail service.

2395 (13) "Ancillary development" includes any lessee or
 2396 licensee of the department, including, but not limited to, other
 2397 governmental entities, vendors, retailers, restaurateurs, or
 2398 contract service providers, within a department-owned rail
 2399 corridor, except for providers of commuter rail service,
 2400 intercity rail passenger service, or freight rail service.

2401 (14) "Governmental entity or entities" means as defined in
 2402 s. 11.45, including a "public agency" as defined in s. 163.01.

2403 Section 39. Section 341.302, Florida Statutes, is amended
 2404 to read:

2405 341.302 Rail program, duties and responsibilities of the
 2406 department.--The department, in conjunction with other
 2407 governmental entities ~~units~~ and the private sector, shall
 2408 develop and implement a rail program of statewide application

2409 | designed to ensure the proper maintenance, safety,
2410 | revitalization, and expansion of the rail system to assure its
2411 | continued and increased availability to respond to statewide
2412 | mobility needs. Within the resources provided pursuant to
2413 | chapter 216, and as authorized under federal law Title 49 C.F.R.
2414 | ~~part 212~~, the department shall:

2415 | (1) Provide the overall leadership, coordination, and
2416 | financial and technical assistance necessary to assure the
2417 | effective responses of the state's rail system to current and
2418 | anticipated mobility needs.

2419 | (2) Promote and facilitate the implementation of advanced
2420 | rail systems, including high-speed rail and magnetic levitation
2421 | systems.

2422 | (3) Develop and periodically update the rail system plan,
2423 | on the basis of an analysis of statewide transportation needs.
2424 | The plan shall be consistent with the Florida Transportation
2425 | Plan developed pursuant to s. 339.155. The rail system plan
2426 | shall include an identification of priorities, programs, and
2427 | funding levels required to meet statewide needs. The rail system
2428 | plan shall be developed in a manner that will assure the maximum
2429 | use of existing facilities and the optimum integration and
2430 | coordination of the various modes of transportation, public and
2431 | private, in the most cost-effective manner possible. The rail
2432 | system plan shall be updated at least every 2 years and include
2433 | plans for both passenger rail service and freight rail service.

2434 | (4) As part of the work program of the department,
2435 | formulate a specific program of projects and financing to
2436 | respond to identified railroad needs.

2437 (5) Provide technical and financial assistance to units of
 2438 local government to address identified rail transportation
 2439 needs.

2440 (6) Secure and administer federal grants, loans, and
 2441 apportionments for rail projects within this state when
 2442 necessary to further the statewide program.

2443 (7) Develop and administer state standards concerning the
 2444 safety and performance of rail systems, hazardous material
 2445 handling, and operations. Such standards shall be developed
 2446 jointly with representatives of affected rail systems, with full
 2447 consideration given to nationwide industry norms, and shall
 2448 define the minimum acceptable standards for safety and
 2449 performance.

2450 (8) Conduct, at a minimum, inspections of track and
 2451 rolling stock; train signals and related equipment; hazardous
 2452 materials transportation, including the loading, unloading, and
 2453 labeling of hazardous materials at shippers', receivers', and
 2454 transfer points; and train operating practices to determine
 2455 adherence to state and federal standards. Department personnel
 2456 may enforce any safety regulation issued under the Federal
 2457 Government's preemptive authority over interstate commerce.

2458 (9) Assess penalties, in accordance with the applicable
 2459 federal regulations, for the failure to adhere to the state
 2460 standards.

2461 (10) Administer rail operating and construction programs,
 2462 which programs shall include the regulation of maximum train
 2463 operating speeds, the opening and closing of public grade
 2464 crossings, the construction and rehabilitation of public grade

2465 crossings, and the installation of traffic control devices at
 2466 public grade crossings, the administering of the programs by the
 2467 department including participation in the cost of the programs.

2468 (11) Coordinate and facilitate the relocation of railroads
 2469 from congested urban areas to nonurban areas when relocation has
 2470 been determined feasible and desirable from the standpoint of
 2471 safety, operational efficiency, and economics.

2472 (12) Implement a program of branch line continuance
 2473 projects when an analysis of the industrial and economic
 2474 potential of the line indicates that public involvement is
 2475 required to preserve essential rail service and facilities.

2476 (13) Provide new rail service and equipment when:

2477 (a) Pursuant to the transportation planning process, a
 2478 public need has been determined to exist;

2479 (b) The cost of providing such service does not exceed the
 2480 sum of revenues from fares charged to users, services purchased
 2481 by other public agencies, local fund participation, and specific
 2482 legislative appropriation for this purpose; and

2483 (c) Service cannot be reasonably provided by other
 2484 governmental or privately owned rail systems.

2485
 2486 The department may own, lease, and otherwise encumber
 2487 facilities, equipment, and appurtenances thereto, as necessary
 2488 to provide new rail services; or the department may provide such
 2489 service by contracts with privately owned service providers.

2490 (14) Furnish required emergency rail transportation
 2491 service if no other private or public rail transportation
 2492 operation is available to supply the required service and such

2493 service is clearly in the best interest of the people in the
 2494 communities being served. Such emergency service may be
 2495 furnished through contractual arrangement, actual operation of
 2496 state-owned equipment and facilities, or any other means
 2497 determined appropriate by the secretary.

2498 (15) Assist in the development and implementation of
 2499 marketing programs for rail services and of information systems
 2500 directed toward assisting rail systems users.

2501 (16) Conduct research into innovative or potentially
 2502 effective rail technologies and methods and maintain expertise
 2503 in state-of-the-art rail developments.

2504 (17) In conjunction with the acquisition, ownership,
 2505 construction, operation, maintenance, and management of a rail
 2506 corridor, have the authority to:

2507 (a) Assume the obligation by contract to forever protect,
 2508 defend, and indemnify and hold harmless the freight rail
 2509 operator, or its successors, from whom the department has
 2510 acquired a real property interest in the rail corridor, and that
 2511 freight rail operator's officers, agents, and employees, from
 2512 and against any liability, cost, and expense including, but not
 2513 limited to, commuter rail passengers, rail corridor invitees,
 2514 and trespassers in the rail corridor, regardless of whether the
 2515 loss, damage, destruction, injury, or death giving rise to any
 2516 such liability, cost, or expense is caused in whole or in part
 2517 and to whatever nature or degree by the fault, failure,
 2518 negligence, misconduct, nonfeasance, or misfeasance of such
 2519 freight rail operator, its successors, or its officers, agents,
 2520 and employees, or any other person or persons whomsoever,

2521 provided that such assumption of liability of the department by
2522 contract shall not in any instance exceed the following
2523 parameters of allocation of risk:

2524 1. The department may be solely responsible for any loss,
2525 injury, or damage to commuter rail passengers, rail corridor
2526 invitees, or trespassers, regardless of circumstances or cause,
2527 subject to subparagraphs 2., 3., and 4.

2528 2. When only one train is involved in an incident, the
2529 department may be solely responsible for any loss, injury, or
2530 damage if the train is a department train or other train
2531 pursuant to subparagraph 3., but only if in an instance when
2532 only a freight rail operator train is involved the freight rail
2533 operator is solely responsible for any loss, injury, or damage,
2534 except for commuter rail passengers, rail corridor invitees, and
2535 trespassers; and, the freight rail operator is solely
2536 responsible for its property and all of its people in any
2537 instance when its train is involved in an incident.

2538 3. For the purposes of this subsection, any train involved
2539 in an incident that is neither the department's train nor the
2540 freight rail operator's train, hereinafter referred to in this
2541 subsection as an "other train," may be treated as a department
2542 train, solely for purposes of any allocation of liability
2543 between the department and the freight rail operator only, but
2544 only if the department and the freight rail operator share
2545 responsibility equally as to third parties outside the rail
2546 corridor who incur loss, injury, or damage as a result of any
2547 incident involving both a department train and a freight rail
2548 operator train; and, the allocation as between the department

2549 and the freight rail operator, regardless of whether the other
 2550 train is treated as a department train, shall remain one-half
 2551 each as to third parties outside the rail corridor who incur
 2552 loss, injury, or damage as a result of the incident, and the
 2553 involvement of any other train shall not alter the sharing of
 2554 equal responsibility as to third parties outside the rail
 2555 corridor who incur loss, injury, or damage as a result of the
 2556 incident.

2557 4. When more than one train is involved in an incident:

2558 a. If only a department train and a freight rail
 2559 operator's train, or only another train as described in
 2560 subparagraph 3. and a freight rail operator's train, are
 2561 involved in an incident, the department may be responsible for
 2562 its property and all of its people, all commuter rail
 2563 passengers, rail corridor invitees, and trespassers, but only if
 2564 the freight rail operator is responsible for its property and
 2565 all of its people; and the department and the freight rail
 2566 operator share responsibility one-half each as to third parties
 2567 outside the rail corridor who incur loss, injury, or damage as a
 2568 result of the incident.

2569 b. If a department train, a freight rail operator train,
 2570 and any other train are involved in an incident, the allocation
 2571 of liability as between the department and the freight rail
 2572 operator, regardless of whether the other train is treated as a
 2573 department train, shall remain one-half each as to third parties
 2574 outside the rail corridor who incur loss, injury, or damage as a
 2575 result of the incident; the involvement of any other train shall
 2576 not alter the sharing of equal responsibility as to third

2577 parties outside the rail corridor who incur loss, injury, or
 2578 damage as a result of the incident; and, if the owner, operator,
 2579 or insurer of the other train makes any payment to injured third
 2580 parties outside the rail corridor who incur loss, injury, or
 2581 damage as a result of the incident, the allocation of credit
 2582 between the department and the freight rail operator as to such
 2583 payment shall not in any case reduce the freight rail operator's
 2584 third party sharing allocation of one-half under this paragraph
 2585 to less than one-third of the total third party liability.

2586 5. Any such contractual duty to protect, defend,
 2587 indemnify, and hold harmless such a freight rail operator shall
 2588 expressly: include a specific cap on the amount of the
 2589 contractual duty, which amount shall not exceed \$200 million
 2590 without prior legislative approval; require the department to
 2591 purchase liability insurance and establish a self-insurance
 2592 retention fund in the amount of the specific cap established
 2593 under this paragraph; provide that no such contractual duty
 2594 shall in any case be effective nor otherwise extend the
 2595 department's liability in scope and effect beyond the
 2596 contractual liability insurance and self-insurance retention
 2597 fund required pursuant to this paragraph; and provide that the
 2598 freight rail operator's compensation to the department for
 2599 future use of the department's rail corridor shall include a
 2600 monetary contribution to the cost of such liability coverage for
 2601 the sole benefit of the freight rail operator.

2602 (b) Purchase liability insurance which amount shall not
 2603 exceed \$200 million and establish a self-insurance retention
 2604 fund for the purpose of paying the deductible limit established

2605 in the insurance policies it may obtain, including coverage for
2606 the department, any freight rail operator as described in
2607 paragraph (a), commuter rail service providers, governmental
2608 entities, or ancillary development; however, the insureds shall
2609 pay a reasonable monetary contribution to the cost of such
2610 liability coverage for the sole benefit of the insured. Such
2611 insurance and self-insurance retention fund may provide coverage
2612 for all damages, including, but not limited to, compensatory,
2613 special, and exemplary, and be maintained to provide an adequate
2614 fund to cover claims and liabilities for loss, injury, or damage
2615 arising out of or connected with the ownership, operation,
2616 maintenance, and management of a rail corridor.

2617 (c) Incur expenses for the purchase of advertisements,
2618 marketing, and promotional items.

2619
2620 Neither the assumption by contract to protect, defend,
2621 indemnify, and hold harmless; the purchase of insurance; nor the
2622 establishment of a self-insurance retention fund shall be deemed
2623 to be a waiver of any defense of sovereign immunity for torts
2624 nor deemed to increase the limits of the department's or the
2625 governmental entity's liability for torts as provided in s.
2626 768.28. The requirements of s. 287.022(1) shall not apply to the
2627 purchase of any insurance hereunder. The provisions of this
2628 subsection shall apply and inure fully as to any other
2629 governmental entity providing commuter rail service and
2630 constructing, operating, maintaining, or managing a rail
2631 corridor on publicly owned right-of-way under contract by the
2632 governmental entity with the department or a governmental entity

2633 designated by the department.

2634 (18)-(17) Exercise such other functions, powers, and duties
 2635 in connection with the rail system plan as are necessary to
 2636 develop a safe, efficient, and effective statewide
 2637 transportation system.

2638 Section 40. Section 341.3023, Florida Statutes, is created
 2639 to read:

2640 341.3023 Commuter rail programs and intercity rail
 2641 transportation system study.--

2642 (1) The department shall undertake a comprehensive review
 2643 and study of commuter railroad programs and intercity railroad
 2644 transportation system plans and their impacts in the state
 2645 through 2028.

2646 (2) The review and study shall encompass and include
 2647 information concerning:

2648 (a) Commuter rail programs and intercity rail
 2649 transportation system facility and improvement needs and plans,
 2650 including those associated with connectivity to such facilities
 2651 and improvements, outlined or contained in, without limitation
 2652 thereto, the current Florida Transportation Plan developed
 2653 pursuant to s. 339.155(1); regional transportation plans
 2654 developed pursuant to s. 339.155(5); the Strategic Intermodal
 2655 System Plan developed pursuant to s. 339.64; the adopted work
 2656 plan developed pursuant to s. 339.135; long-range transportation
 2657 plans developed pursuant to s. 339.175(7); transportation
 2658 improvement plans of relevant metropolitan planning
 2659 organizations developed pursuant to s. 339.175(8); plans,
 2660 information, and studies prepared for or by the authorities

2661 created in parts I, II, III, and V of chapter 343; relevant
 2662 studies and information previously prepared by the department
 2663 and the Transportation Commission; and the transportation and
 2664 capital improvement elements of relevant approved local
 2665 government comprehensive plans.

2666 (b) A detailed review of funding in the state for commuter
 2667 rail programs and intercity rail transportation system
 2668 improvements, projects, facilities, equipment, rights-of-way,
 2669 operating costs, and other costs during the previous 20 years
 2670 from state, federal, and local government sources.

2671 (c) An assessment of the impacts of commuter rail programs
 2672 and intercity rail transportation system improvements, projects,
 2673 and facilities that have been undertaken in the state during the
 2674 previous 20 years and their impact on the state, regional, and
 2675 local transportation system and Florida's economic development.

2676 (d) Proposed commuter rail programs and intercity rail
 2677 transportation system improvements, projects, and facilities
 2678 throughout the state to be undertaken during the next 20 years,
 2679 including, based upon the best available, existing data, a
 2680 detailed listing of specific projects with estimates of the
 2681 costs of each specific project; projected timelines for such
 2682 improvements, projects, and facilities; and the estimated
 2683 priority of each such improvement, project, and facility.

2684 (e) A map of those proposed improvements, projects, and
 2685 facilities.

2686 (f) A finance plan based upon reasonable projections of
 2687 anticipated revenues available to the department and units of
 2688 local government, including both 10-year and 20-year cost-

2689 feasible components, for such improvements, projects, and
 2690 facilities that demonstrates how or what portion of such
 2691 improvements, projects, and facilities can be implemented.

2692 (g) A feasibility study of the best alternatives for
 2693 implementing intercity passenger railroad service between the
 2694 Tampa Bay region and the greater Orlando area.

2695 (h) A proposed prioritization process, including
 2696 alternatives, for commuter railroad and intercity railroad
 2697 improvements, projects, and facilities.

2698 (i) Funding alternatives for commuter rail programs and
 2699 intercity rail transportation system improvements, projects, and
 2700 facilities including specific resources, both public and
 2701 private, that are reasonably expected to be available to
 2702 accomplish such improvements, projects, and facilities and any
 2703 innovative financing techniques that might be used to fund such
 2704 improvements, projects, and facilities.

2705 (3) The report shall also include detailed information and
 2706 findings about negative impacts caused by current, or projected
 2707 to be caused by proposed, commuter rail programs and intercity
 2708 rail transportation system projects or freight railroad traffic
 2709 in urban areas of the state. For the purpose of this section,
 2710 "negative impacts" means those caused by noise, vibration, and
 2711 vehicular traffic congestion and delays occurring at rail and
 2712 road intersections. "Urban areas" means those areas within or
 2713 adjacent to a municipality generally characterized by high
 2714 density development and building patterns, greater concentration
 2715 of population, and a high level and concentration of public
 2716 services and facilities. The Orlando commuter rail project means

2717 the Central Florida Rail Corridor, a line of railroad between
2718 Deland and Poinciana. The report shall include, without
2719 limitation:

2720 (a) Options and alternatives for eliminating negative
2721 impacts associated with increased freight railroad traffic and
2722 freight railroad congestions within urban areas resulting from
2723 commuter rail programs or intercity rail transportation system
2724 improvements, projects, and facilities, including specifically
2725 those associated with the Orlando commuter railroad project.

2726 (b) Proposed freight railroad improvements, projects, and
2727 facilities to be undertaken in the next 20 years, including
2728 those associated with the Orlando commuter railroad project, to
2729 eliminate such negative impacts, including, based upon the best
2730 available, existing data, a detailed listing of specific
2731 projects with estimates of the costs of each specific
2732 improvement, project, and facility; projected timelines for such
2733 improvements, projects, and facilities; the estimated priority
2734 of each such improvement, project, and facility; and the
2735 benefits to public safety, economic development, and downtown
2736 development and redevelopment from such improvements, projects,
2737 and facilities.

2738 (c) A map of those proposed improvements, projects, and
2739 facilities.

2740 (d) A finance plan based upon reasonable projections of
2741 anticipated revenues available to the department and units of
2742 local government, including both 10-year and 20-year cost-
2743 feasible components, for such improvements, projects, and
2744 facilities that demonstrates how or what portion of such

2745 improvements, projects, and facilities can be implemented, as it
 2746 is the intent of the Legislature and the public policy of the
 2747 state that such negative impacts of commuter rail programs, and
 2748 intercity rail transportation system projects funded by the
 2749 state, including those associated with the Orlando commuter
 2750 railroad project, be eliminated not later than 8 years after
 2751 commuter rail programs and intercity rail transportation system
 2752 projects begin operation.

2753 (4) The report containing the information required
 2754 pursuant to subsections (1), (2), and (3) shall be delivered to
 2755 the Governor, the President of the Senate, the Speaker of the
 2756 House of Representatives, and the leaders of the minority
 2757 parties of the Senate and House of Representatives on or before
 2758 January 15, 2009.

2759 Section 41. Part III of chapter 343, Florida Statutes,
 2760 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
 2761 343.76, and 343.77, is repealed.

2762 Section 42. Subsection (4) of section 348.0003, Florida
 2763 Statutes, is amended to read:

2764 348.0003 Expressway authority; formation; membership.--

2765 (4) (a) An authority may employ an executive secretary, an
 2766 executive director, its own counsel and legal staff, technical
 2767 experts, and such engineers and employees, permanent or
 2768 temporary, as it may require and shall determine the
 2769 qualifications and fix the compensation of such persons, firms,
 2770 or corporations. An authority may employ a fiscal agent or
 2771 agents; however, the authority must solicit sealed proposals
 2772 from at least three persons, firms, or corporations for the

2773 performance of any services as fiscal agents. An authority may
 2774 delegate to one or more of its agents or employees such of its
 2775 power as it deems necessary to carry out the purposes of the
 2776 Florida Expressway Authority Act, subject always to the
 2777 supervision and control of the authority. Members of an
 2778 authority may be removed from office by the Governor for
 2779 misconduct, malfeasance, misfeasance, or nonfeasance in office.

2780 (b) Members of an authority are entitled to receive from
 2781 the authority their travel and other necessary expenses incurred
 2782 in connection with the business of the authority as provided in
 2783 s. 112.061, but they may not draw salaries or other
 2784 compensation.

2785 (c) Members of each expressway an authority,
 2786 transportation authority, bridge authority, or toll authority,
 2787 created pursuant to this chapter, chapter 343, or chapter 349,
 2788 or pursuant to any other legislative enactment, shall be
 2789 required to comply with the applicable financial disclosure
 2790 requirements of s. 8, Art. II of the State Constitution. This
 2791 subsection does not subject a statutorily created expressway
 2792 authority, transportation authority, bridge authority, or toll
 2793 authority, other than one created under this part, to any of the
 2794 requirements of this part other than those contained in this
 2795 subsection.

2796 Section 43. Paragraph (c) is added to subsection (1) of
 2797 section 348.0004, Florida Statutes, to read:

2798 348.0004 Purposes and powers.--

2799 (1)

2800 (c) Notwithstanding any other provision of law, expressway

2801 authorities as defined in chapter 348 shall index toll rates on
 2802 toll facilities to the annual Consumer Price Index or similar
 2803 inflation indicators. Toll rate index for inflation under this
 2804 subsection must be adopted and approved by the expressway
 2805 authority board at a public meeting and may be made no more
 2806 frequently than once a year and must be made no less frequently
 2807 than once every 5 years as necessary to accommodate cash toll
 2808 rate schedules. Toll rates may be increased beyond these limits
 2809 as directed by bond documents, covenants, or governing body
 2810 authorization or pursuant to department administrative rule.

2811 Section 44. Subsection (1) of section 479.01, Florida
 2812 Statutes, is amended to read:

2813 479.01 Definitions.--As used in this chapter, the term:

2814 (1) "Automatic changeable facing" means a facing that
 2815 ~~which through a mechanical system~~ is capable of delivering two
 2816 or more advertising messages through an automated or remotely
 2817 controlled process and ~~shall not rotate so rapidly as to cause~~
 2818 ~~distraction to a motorist.~~

2819 Section 45. Subsections (1), (5), and (9) of section
 2820 479.07, Florida Statutes, are amended to read:

2821 479.07 Sign permits.--

2822 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 2823 person may not erect, operate, use, or maintain, or cause to be
 2824 erected, operated, used, or maintained, any sign on the State
 2825 Highway System outside an urban incorporated area, as defined in
 2826 s. 334.03(32), or on any portion of the interstate or federal-
 2827 aid primary highway system without first obtaining a permit for
 2828 the sign from the department and paying the annual fee as

2829 provided in this section. For purposes of this section, "on any
 2830 portion of the State Highway System, interstate, or federal-aid
 2831 primary system" shall mean a sign located within the controlled
 2832 area which is visible from any portion of the main-traveled way
 2833 of such system.

2834 (5) (a) For each permit issued, the department shall
 2835 furnish to the applicant a serially numbered permanent metal
 2836 permit tag. The permittee is responsible for maintaining a valid
 2837 permit tag on each permitted sign facing at all times. The tag
 2838 shall be securely attached to the sign facing or, if there is no
 2839 facing, on the pole nearest the highway; and it shall be
 2840 attached in such a manner as to be plainly visible from the
 2841 main-traveled way. Effective July 1, 2011, the tag shall be
 2842 securely attached to the upper 50 percent of the pole nearest
 2843 the highway and shall be attached in such a manner as to be
 2844 plainly visible from the main-traveled way. The permit will
 2845 become void unless the permit tag is properly and permanently
 2846 displayed at the permitted site within 30 days after the date of
 2847 permit issuance. If the permittee fails to erect a completed
 2848 sign on the permitted site within 270 days after the date on
 2849 which the permit was issued, the permit will be void, and the
 2850 department may not issue a new permit to that permittee for the
 2851 same location for 270 days after the date on which the permit
 2852 became void.

2853 (b) If a permit tag is lost, stolen, or destroyed, the
 2854 permittee to whom the tag was issued may ~~must~~ apply to the
 2855 department for a replacement tag. The department shall establish
 2856 by rule a service fee for replacement tags in an amount that

2857 will recover the actual cost of providing the replacement tag.
 2858 Upon receipt of the application accompanied by the a service fee
 2859 ~~of \$3~~, the department shall issue a replacement permit tag.
 2860 Alternatively, the permittee may provide its own replacement tag
 2861 pursuant to department specifications which the department shall
 2862 establish by rule at the time it establishes the service fee for
 2863 replacement tags.

2864 (9) (a) A permit shall not be granted for any sign for
 2865 which a permit had not been granted by the effective date of
 2866 this act unless such sign is located at least:

2867 1. One thousand five hundred feet from any other permitted
 2868 sign on the same side of the highway, if on an interstate
 2869 highway.

2870 2. One thousand feet from any other permitted sign on the
 2871 same side of the highway, if on a federal-aid primary highway.

2872
 2873 The minimum spacing provided in this paragraph does not preclude
 2874 the permitting of V-type, back-to-back, side-to-side, stacked,
 2875 or double-faced signs at the permitted sign site. If a sign is
 2876 visible from the controlled area of more than one highway
 2877 subject to the jurisdiction of the department, the sign shall
 2878 meet the permitting requirements of, and, if the sign meets the
 2879 applicable permitting requirements, be permitted to, the highway
 2880 with the more stringent permitting requirements.

2881 (b) A permit shall not be granted for a sign pursuant to
 2882 this chapter to locate such sign on any portion of the
 2883 interstate or federal-aid primary highway system, which sign:

2884 1. Exceeds 50 feet in sign structure height above the

2885 crown of the main-traveled way, if outside an incorporated area;

2886 2. Exceeds 65 feet in sign structure height above the
 2887 crown of the main-traveled way, if inside an incorporated area;
 2888 or

2889 3. Exceeds 950 square feet of sign facing including all
 2890 embellishments.

2891 (c) Notwithstanding subparagraph (a)1., there is
 2892 established a pilot program in Orange, Hillsborough, and Osceola
 2893 Counties, and within the boundaries of the City of Miami, under
 2894 which the distance between permitted signs on the same side of
 2895 an interstate highway may be reduced to 1,000 feet if all other
 2896 requirements of this chapter are met and if:

2897 1. The local government has adopted a plan, program,
 2898 resolution, ordinance, or other policy encouraging the voluntary
 2899 removal of signs in a downtown, historic, redevelopment, infill,
 2900 or other designated area which also provides for a new or
 2901 replacement sign to be erected on an interstate highway within
 2902 that jurisdiction if a sign in the designated area is removed;

2903 2. The sign owner and the local government mutually agree
 2904 to the terms of the removal and replacement; and

2905 3. The local government notifies the department of its
 2906 intention to allow such removal and replacement as agreed upon
 2907 pursuant to subparagraph 2.

2908
 2909 The department shall maintain statistics tracking the use of the
 2910 provisions of this pilot program based on the notifications
 2911 received by the department from local governments under this
 2912 paragraph.

2913 Section 46. Section 479.08, Florida Statutes, is amended
 2914 to read:

2915 479.08 Denial or revocation of permit.--The department has
 2916 the authority to deny or revoke any permit requested or granted
 2917 under this chapter in any case in which it determines that the
 2918 application for the permit contains knowingly false or knowingly
 2919 misleading information. The department has the authority to
 2920 revoke any permit granted under this chapter in any case in
 2921 which ~~or that~~ the permittee has violated any of the provisions
 2922 of this chapter, unless such permittee, within 30 days after the
 2923 receipt of notice by the department, ~~corrects such false or~~
 2924 ~~misleading information and~~ complies with the provisions of this
 2925 chapter. For the purpose of this section, the notice of
 2926 violation issued by the department shall describe in detail the
 2927 alleged violation. Any person aggrieved by any action of the
 2928 department in denying or revoking a permit under this chapter
 2929 may, within 30 days after receipt of the notice, apply to the
 2930 department for an administrative hearing pursuant to chapter
 2931 120. If a timely request for hearing has been filed and the
 2932 department issues a final order revoking a permit, such
 2933 revocation shall be effective 30 days after the date of
 2934 rendition. Except for department action pursuant to s.
 2935 479.107(1), the filing of a timely and proper notice of appeal
 2936 shall operate to stay the revocation until the department's
 2937 action is upheld.

2938 Section 47. Section 479.156, Florida Statutes, is amended
 2939 to read:

2940 479.156 Wall murals.--Notwithstanding any other provision

2941 of this chapter, a municipality or county may permit and
 2942 regulate wall murals within areas designated by such government.
 2943 If a municipality or county permits wall murals, a wall mural
 2944 that displays a commercial message and is within 660 feet of the
 2945 nearest edge of the right-of-way within an area adjacent to the
 2946 interstate highway system or the federal-aid primary highway
 2947 system shall be located in an area that is zoned for industrial
 2948 or commercial use and the municipality or county shall establish
 2949 and enforce regulations for such areas that, at a minimum, set
 2950 forth criteria governing the size, lighting, and spacing of wall
 2951 murals consistent with the intent of the Highway Beautification
 2952 Act of 1965 and with customary use. Whenever a municipality or
 2953 county exercises such control and makes a determination of
 2954 customary use, pursuant to 23 U.S.C. s. 131(d), such
 2955 determination shall be accepted in lieu of controls in the
 2956 agreement between the state and the United States Department of
 2957 Transportation, and the department shall certify effective local
 2958 control pursuant to 23 U.S.C. s. 131(d) and C.F.R. s.
 2959 750.706(c). A wall mural that is subject to municipal or county
 2960 regulation and the Highway Beautification Act of 1965 must be
 2961 approved by the Department of Transportation pursuant to ~~and the~~
 2962 ~~Federal Highway Administration and may not violate the agreement~~
 2963 ~~and between the state and the United States Department of~~
 2964 ~~Transportation or violate~~ federal regulations enforced by the
 2965 Department of Transportation under s. 479.02(1). The existence
 2966 of a wall mural as defined in s. 479.01(27) shall not be
 2967 considered in determining whether a sign as defined in s.
 2968 479.01(17), either existing or new, is in compliance with s.

2969 479.07(9)(a).

2970 Section 48. Subsections (1), (3), (4), and (5) of section
2971 479.261, Florida Statutes, are amended to read:

2972 479.261 Logo sign program.--

2973 (1) The department shall establish a logo sign program for
2974 the rights-of-way of the interstate highway system to provide
2975 information to motorists about available gas, food, lodging, ~~and~~
2976 camping, attractions, and other services which are approved by
2977 the Federal Highway Administration at interchanges, through the
2978 use of business logos, and may include additional interchanges
2979 under the program. ~~A logo sign for nearby attractions may be~~
2980 ~~added to this program if allowed by federal rules.~~

2981 (a) An attraction as used in this chapter is defined as an
2982 establishment, site, facility, or landmark which is open a
2983 minimum of 5 days a week for 52 weeks a year; ~~which charges an~~
2984 ~~admission for entry,~~ which has as its principal focus family-
2985 oriented entertainment, cultural, educational, recreational,
2986 scientific, or historical activities; and which is publicly
2987 recognized as a bona fide tourist attraction. ~~However, the~~
2988 ~~permits for businesses seeking to participate in the attractions~~
2989 ~~logo sign program shall be awarded by the department annually to~~
2990 ~~the highest bidders, notwithstanding the limitation on fees in~~
2991 ~~subsection (5), which are qualified for available space at each~~
2992 ~~qualified location, but the fees therefor may not be less than~~
2993 ~~the fees established for logo participants in other logo~~
2994 ~~categories.~~

2995 (b) The department shall incorporate the use of RV-
2996 friendly markers on specific information logo signs for

2997 establishments that cater to the needs of persons driving
 2998 recreational vehicles. Establishments that qualify for
 2999 participation in the specific information logo program and that
 3000 also qualify as "RV-friendly" may request the RV-friendly marker
 3001 on their specific information logo sign. An RV-friendly marker
 3002 must consist of a design approved by the Federal Highway
 3003 Administration. The department shall adopt rules in accordance
 3004 with chapter 120 to administer this paragraph, including rules
 3005 setting forth the minimum requirements that establishments must
 3006 meet in order to qualify as RV-friendly. These requirements
 3007 shall include large parking spaces, entrances, and exits that
 3008 can easily accommodate recreational vehicles and facilities
 3009 having appropriate overhead clearances, if applicable.

3010 (c) The department is authorized to implement by rule a
 3011 rotation-based logo program providing for the removal and
 3012 addition of participating businesses in the program.

3013 (3) Logo signs may be installed upon the issuance of an
 3014 annual permit by the department or its agent and payment of a ~~an~~
 3015 ~~application and~~ permit fee to the department or its agent.

3016 (4) The department may contract pursuant to s. 287.057 for
 3017 the provision of services related to the logo sign program,
 3018 including recruitment and qualification of businesses, review of
 3019 applications, permit issuance, and fabrication, installation,
 3020 and maintenance of logo signs. The department may reject all
 3021 proposals and seek another request for proposals or otherwise
 3022 perform the work. ~~If the department contracts for the provision~~
 3023 ~~of services for the logo sign program, the contract must~~
 3024 ~~require, unless the business owner declines, that businesses~~

3025 ~~that previously entered into agreements with the department to~~
 3026 ~~privately fund logo sign construction and installation be~~
 3027 ~~reimbursed by the contractor for the cost of the signs which has~~
 3028 ~~not been recovered through a previously agreed upon waiver of~~
 3029 ~~fees.~~ The contract also may allow the contractor to retain a
 3030 portion of the annual fees as compensation for its services.

3031 (5) Permit fees for businesses that participate in the
 3032 logo program must be established in an amount not less than that
 3033 sufficient to offset the total cost to the department for the
 3034 program, including contract costs. The department shall provide
 3035 the services in the most efficient and cost-effective manner
 3036 through department staff or by contracting for some or all of
 3037 the services. ~~Such annual permit fee shall not exceed \$1,250.~~
 3038 Annual permit fees shall be set by department rule based upon
 3039 factors such as population, traffic volume, market demand, and
 3040 costs. The annual permit fees shall be phased in by rule over a
 3041 4-year period of time.

3042 Section 49. Business partnerships; display of names.--

3043 (1) School districts are encouraged to partner with local
 3044 businesses for the purposes of mentorship opportunities,
 3045 development of employment options and additional funding
 3046 sources, and other mutual benefits.

3047 (2) As a pilot program through June 30, 2011, the Palm
 3048 Beach County School District may publicly display the names and
 3049 recognitions of their business partners on school district
 3050 property in unincorporated areas. Examples of appropriate
 3051 business partner recognition include "Project Graduation" and
 3052 athletic sponsorships. The district shall make every effort to

3053 display business partner names in a manner that is consistent
 3054 with the county standards for uniformity in size, color, and
 3055 placement of the signs. Whenever the provisions of this section
 3056 are inconsistent with the provisions of the county ordinances or
 3057 regulations relating to signs or the provisions of chapter 125,
 3058 chapter 166, or chapter 479, Florida Statutes, in the
 3059 unincorporated areas, the provisions of this section shall
 3060 prevail.

3061 Section 50. Paragraph (d) of subsection (10) of section
 3062 768.28, Florida Statutes, is amended to read:

3063 768.28 Waiver of sovereign immunity in tort actions;
 3064 recovery limits; limitation on attorney fees; statute of
 3065 limitations; exclusions; indemnification; risk management
 3066 programs.--

3067 (10)

3068 (d)1. For the purposes of this section, operators,
 3069 dispatchers, and providers of security for rail services and
 3070 rail facility maintenance providers in any rail corridor owned
 3071 by the Department of Transportation ~~the South Florida Rail~~
 3072 ~~Corridor~~, or any of their employees or agents, performing such
 3073 services under contract with and on behalf of the ~~South Florida~~
 3074 ~~Regional Transportation Authority~~ or the Department of
 3075 Transportation, or a governmental entity that is under contract
 3076 with the Department of Transportation to perform such services
 3077 or a governmental entity designated by the Department of
 3078 Transportation, shall be considered agents of the state while
 3079 acting within the scope of and pursuant to guidelines
 3080 established in said contract or by rule. This subsection shall

3081 not be construed as designating persons providing contracted
3082 operator, dispatcher, security services, rail facility
3083 maintenance, or other services as employees or agents of the
3084 state for the purposes of the Federal Employers Liability Act,
3085 the Federal Railway Labor Act, or chapter 440.

3086 2. The Department of Transportation shall ensure that
3087 operators, dispatchers, and providers of security for rail
3088 services and rail facility maintenance providers in any rail
3089 corridor owned by the Department of Transportation meet
3090 requirements, as applicable to the service provided,
3091 demonstrating that, at a minimum, the provider:

3092 a. Has complete knowledge of railroad specific dispatch
3093 operating rules, physical characteristics of the rail line for
3094 which the provider is responsible, and overall railroad
3095 operations including responsibilities of various departments
3096 within the railroad organization.

3097 b. Has complete knowledge of railroad track maintenance
3098 standards and the Federal Railroad Administration Track Safety
3099 Standards, 49 C.F.R. part 213, and the Railroad Worker
3100 Protection, 49 C.F.R. part 214.

3101 c. Meets the requirements of 49 C.F.R. s. 213.7,
3102 specifying the minimum qualifications and abilities for those
3103 persons to supervise the restoration and renewal of railroad
3104 track and for those persons to inspect such track for compliance
3105 with railroad specific maintenance standards and Federal
3106 Railroad Administration track safety standards.

3107 d. Has complete knowledge of railroad signal maintenance
3108 standards and Federal Railroad Administration Grade Crossing

3109 Signal System Safety Standards, 49 C.F.R. part 234, and the
 3110 Railroad Worker Protection, 49 C.F.R. part 214.

3111 e. Has the ability to read and understand highly complex
 3112 wiring diagrams and technical instruction manuals relating to
 3113 railroad signals.

3114 f. Understands rail corridor operating and safety rules.

3115 g. Has the ability to develop and comply with Federal
 3116 Transit Administration Management plans.

3117 h. Has the ability to develop and comply with Federal
 3118 Railroad Administration Safety and Security Program plans.

3119 Section 51. The Department of Transportation, in
 3120 consultation with the Department of Law Enforcement, the
 3121 Division of Emergency Management of the Department of Community
 3122 Affairs, and the Office of Tourism, Trade, and Economic
 3123 Development, and regional planning councils within whose
 3124 jurisdictional area the I-95 corridor lies, shall complete a
 3125 study of transportation alternatives for the travel corridor
 3126 parallel to Interstate 95 which takes into account the
 3127 transportation, emergency management, homeland security, and
 3128 economic development needs of the state. The report must include
 3129 identification of cost effective measures that may be
 3130 implemented to alleviate congestion on Interstate 95, facilitate
 3131 emergency and security responses, and foster economic
 3132 development. The Department of Transportation shall send the
 3133 report to the Governor, the President of the Senate, the Speaker
 3134 of the House of Representatives, and each affected metropolitan
 3135 planning organization by June 30, 2009.

3136 Section 52. (1) The Office of Motor Carrier Compliance of

3137 the Department of Transportation is hereby transferred by a type
3138 two transfer, as defined in s. 20.06(2), Florida Statutes, to
3139 the Division of the Florida Highway Patrol of the Department of
3140 Highway Safety and Motor Vehicles. The Department of Highway
3141 Safety and Motor Vehicles shall be reimbursed by the Department
3142 of Transportation for such expenses incurred to provide motor
3143 carrier compliance functions within the division of the Florida
3144 Highway Patrol. This amount shall be determined annually by the
3145 Department of Highway Safety and Motor Vehicles based upon the
3146 appropriation provided for these functions, less any federal
3147 grant funds, in the General Appropriations Act.

3148 (2) The Legislature recognizes that there is a need to
3149 conform the Florida Statutes to the organizational changes in
3150 this section and that there may be a need to resolve apparent
3151 conflicts with any other legislation that has been or may be
3152 enacted during the 2008 Regular Session. Therefore, in the
3153 interim between this act becoming a law and the 2009 Regular
3154 Session of the Legislature or an earlier special session
3155 addressing this issue, the Division of Statutory Revision shall
3156 provide the relevant substantive committees of the Senate and
3157 the House of Representatives with assistance, upon request, to
3158 enable such committees to prepare draft legislation to conform
3159 the Florida Statutes and any legislation enacted during 2008 to
3160 the provisions of this section.

3161 Section 53. The Office of Program Policy Analysis and
3162 Government Accountability shall review the operations and
3163 efficiencies of the Miami-Dade Expressway Authority and submit a
3164 report on its findings to the President of the Senate, the

3165 Speaker of the House of Representatives, and the majority and
 3166 minority leaders of the Senate and the House of Representatives.

3167 Section 54. For the purpose of incorporating the amendment
 3168 made by this act to section 316.193, Florida Statutes, in a
 3169 reference thereto, paragraph (a) of subsection (3) of section
 3170 316.066, Florida Statutes, is reenacted to read:

3171 316.066 Written reports of crashes.--

3172 (3)(a) Every law enforcement officer who in the regular
 3173 course of duty investigates a motor vehicle crash:

3174 1. Which crash resulted in death or personal injury shall,
 3175 within 10 days after completing the investigation, forward a
 3176 written report of the crash to the department or traffic records
 3177 center.

3178 2. Which crash involved a violation of s. 316.061(1) or s.
 3179 316.193 shall, within 10 days after completing the
 3180 investigation, forward a written report of the crash to the
 3181 department or traffic records center.

3182 3. In which crash a vehicle was rendered inoperative to a
 3183 degree which required a wrecker to remove it from traffic may,
 3184 within 10 days after completing the investigation, forward a
 3185 written report of the crash to the department or traffic records
 3186 center if such action is appropriate, in the officer's
 3187 discretion.

3188 Section 55. For the purpose of incorporating the amendment
 3189 made by this act to section 316.193, Florida Statutes, in a
 3190 reference thereto, paragraph (b) of subsection (4) of section
 3191 316.072, Florida Statutes, is reenacted to read:

3192 316.072 Obedience to and effect of traffic laws.--

3193 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;
 3194 EXCEPTIONS.--

3195 (b) Unless specifically made applicable, the provisions of
 3196 this chapter, except those contained in ss. 316.192, 316.1925,
 3197 and 316.193, shall not apply to persons, teams, or motor
 3198 vehicles and other equipment while actually engaged in work upon
 3199 the surface of a highway, but shall apply to such persons and
 3200 vehicles when traveling to or from such work.

3201 Section 56. For the purpose of incorporating the amendment
 3202 made by this act to section 316.193, Florida Statutes, in a
 3203 reference thereto, subsection (3) of section 316.1932, Florida
 3204 Statutes, is reenacted to read:

3205 316.1932 Tests for alcohol, chemical substances, or
 3206 controlled substances; implied consent; refusal.--

3207 (3) Notwithstanding any provision of law pertaining to the
 3208 confidentiality of hospital records or other medical records,
 3209 information relating to the alcoholic content of the blood or
 3210 breath or the presence of chemical substances or controlled
 3211 substances in the blood obtained pursuant to this section shall
 3212 be released to a court, prosecuting attorney, defense attorney,
 3213 or law enforcement officer in connection with an alleged
 3214 violation of s. 316.193 upon request for such information.

3215 Section 57. For the purpose of incorporating the amendment
 3216 made by this act to section 316.193, Florida Statutes, in a
 3217 reference thereto, subsection (4) of section 316.1933, Florida
 3218 Statutes, is reenacted to read:

3219 316.1933 Blood test for impairment or intoxication in
 3220 cases of death or serious bodily injury; right to use reasonable

3221 force.--

3222 (4) Notwithstanding any provision of law pertaining to the
 3223 confidentiality of hospital records or other medical records,
 3224 information relating to the alcoholic content of the blood or
 3225 the presence of chemical substances or controlled substances in
 3226 the blood obtained pursuant to this section shall be released to
 3227 a court, prosecuting attorney, defense attorney, or law
 3228 enforcement officer in connection with an alleged violation of
 3229 s. 316.193 upon request for such information.

3230 Section 58. For the purpose of incorporating the amendment
 3231 made by this act to section 316.193, Florida Statutes, in
 3232 references thereto, subsection (1) and paragraph (d) of
 3233 subsection (2) of section 316.1937, Florida Statutes, are
 3234 reenacted to read:

3235 316.1937 Ignition interlock devices, requiring; unlawful
 3236 acts.--

3237 (1) In addition to any other authorized penalties, the
 3238 court may require that any person who is convicted of driving
 3239 under the influence in violation of s. 316.193 shall not operate
 3240 a motor vehicle unless that vehicle is equipped with a
 3241 functioning ignition interlock device certified by the
 3242 department as provided in s. 316.1938, and installed in such a
 3243 manner that the vehicle will not start if the operator's blood
 3244 alcohol level is in excess of 0.05 percent or as otherwise
 3245 specified by the court. The court may require the use of an
 3246 approved ignition interlock device for a period of not less than
 3247 6 months, if the person is permitted to operate a motor vehicle,
 3248 whether or not the privilege to operate a motor vehicle is

3249 restricted, as determined by the court. The court, however,
 3250 shall order placement of an ignition interlock device in those
 3251 circumstances required by s. 316.193.

3252 (2) If the court imposes the use of an ignition interlock
 3253 device, the court shall:

3254 (d) Determine the person's ability to pay for installation
 3255 of the device if the person claims inability to pay. If the
 3256 court determines that the person is unable to pay for
 3257 installation of the device, the court may order that any portion
 3258 of a fine paid by the person for a violation of s. 316.193 shall
 3259 be allocated to defray the costs of installing the device.

3260 Section 59. For the purpose of incorporating the amendment
 3261 made by this act to section 316.193, Florida Statutes, in a
 3262 reference thereto, paragraph (b) of subsection (1) of section
 3263 316.1939, Florida Statutes, is reenacted to read:

3264 316.1939 Refusal to submit to testing; penalties.--

3265 (1) Any person who has refused to submit to a chemical or
 3266 physical test of his or her breath, blood, or urine, as
 3267 described in s. 316.1932, and whose driving privilege was
 3268 previously suspended for a prior refusal to submit to a lawful
 3269 test of his or her breath, urine, or blood, and:

3270 (b) Who was placed under lawful arrest for a violation of
 3271 s. 316.193 unless such test was requested pursuant to s.
 3272 316.1932(1)(c);

3273
 3274 commits a misdemeanor of the first degree and is subject to
 3275 punishment as provided in s. 775.082 or s. 775.083.

3276 Section 60. For the purpose of incorporating the amendment

3277 made by this act to section 316.193, Florida Statutes, in a
 3278 reference thereto, subsection (1) of section 316.656, Florida
 3279 Statutes, is reenacted to read:

3280 316.656 Mandatory adjudication; prohibition against
 3281 accepting plea to lesser included offense.--

3282 (1) Notwithstanding the provisions of s. 948.01, no court
 3283 may suspend, defer, or withhold adjudication of guilt or
 3284 imposition of sentence for any violation of s. 316.193, for
 3285 manslaughter resulting from the operation of a motor vehicle, or
 3286 for vehicular homicide.

3287 Section 61. For the purpose of incorporating the amendment
 3288 made by this act to section 316.193, Florida Statutes, in
 3289 references thereto, subsections (4) and (5) of section 318.143,
 3290 Florida Statutes, are reenacted to read:

3291 318.143 Sanctions for infractions by minors.--

3292 (4) For the first conviction for a violation of s.
 3293 316.193, the court may order the Department of Highway Safety
 3294 and Motor Vehicles to revoke the minor's driver's license until
 3295 the minor is 18 years of age. For a second or subsequent
 3296 conviction for such a violation, the court may order the
 3297 Department of Highway Safety and Motor Vehicles to revoke the
 3298 minor's driver's license until the minor is 21 years of age.

3299 (5) A minor who is arrested for a violation of s. 316.193
 3300 may be released from custody as soon as:

3301 (a) The minor is no longer under the influence of
 3302 alcoholic beverages, of any chemical substance set forth in s.
 3303 877.111, or of any substance controlled under chapter 893, and
 3304 is not affected to the extent that his or her normal faculties

3305 are impaired;

3306 (b) The minor's blood-alcohol level is less than 0.05
 3307 percent; or

3308 (c) Six hours have elapsed after the minor's arrest.

3309 Section 62. For the purpose of incorporating the amendment
 3310 made by this act to section 316.193, Florida Statutes, in a
 3311 reference thereto, subsection (3) of section 318.17, Florida
 3312 Statutes, is reenacted to read:

3313 318.17 Offenses excepted.--No provision of this chapter is
 3314 available to a person who is charged with any of the following
 3315 offenses:

3316 (3) Driving, or being in actual physical control of, any
 3317 vehicle while under the influence of alcoholic beverages, any
 3318 chemical substance set forth in s. 877.111, or any substance
 3319 controlled under chapter 893, in violation of s. 316.193, or
 3320 driving with an unlawful blood-alcohol level;

3321 Section 63. For the purpose of incorporating the amendment
 3322 made by this act to section 316.193, Florida Statutes, in a
 3323 reference thereto, paragraph (c) of subsection (1) of section
 3324 320.055, Florida Statutes, is reenacted to read:

3325 320.055 Registration periods; renewal periods.--The
 3326 following registration periods and renewal periods are
 3327 established:

3328 (1)

3329 (c) Notwithstanding the requirements of paragraph (a), the
 3330 owner of a motor vehicle subject to paragraph (a) who has had
 3331 his or her driver's license suspended pursuant to a violation of
 3332 s. 316.193 or pursuant to s. 322.26(2) for driving under the

3333 influence must obtain a 6-month registration as a condition of
 3334 reinstating the license, subject to renewal during the 3-year
 3335 period that financial responsibility requirements apply. The
 3336 registration period begins the first day of the birth month of
 3337 the owner and ends the last day of the fifth month immediately
 3338 following the owner's birth month. For such vehicles, the
 3339 department shall issue a vehicle registration certificate that
 3340 is valid for 6 months and shall issue a validation sticker that
 3341 displays an expiration date of 6 months after the date of
 3342 issuance. The license tax required by s. 320.08 and all other
 3343 applicable license taxes shall be one-half of the amount
 3344 otherwise required, except the service charge required by s.
 3345 320.04 shall be paid in full for each 6-month registration. A
 3346 vehicle required to be registered under this paragraph is not
 3347 eligible for the extended registration period under paragraph
 3348 (b).

3349 Section 64. For the purpose of incorporating the amendment
 3350 made by this act to section 316.193, Florida Statutes, in a
 3351 reference thereto, subsection (2) of section 322.03, Florida
 3352 Statutes, is reenacted to read:

3353 322.03 Drivers must be licensed; penalties.--

3354 (2) Prior to issuing a driver's license, the department
 3355 shall require any person who has been convicted two or more
 3356 times of a violation of s. 316.193 or of a substantially similar
 3357 alcohol-related or drug-related offense outside this state
 3358 within the preceding 5 years, or who has been convicted of three
 3359 or more such offenses within the preceding 10 years, to present
 3360 proof of successful completion of or enrollment in a department-

3361 approved substance abuse education course. If the person fails
 3362 to complete such education course within 90 days after issuance,
 3363 the department shall cancel the license. Further, prior to
 3364 issuing the driver's license the department shall require such
 3365 person to present proof of financial responsibility as provided
 3366 in s. 324.031. For the purposes of this paragraph, a previous
 3367 conviction for violation of former s. 316.028, former s.
 3368 316.1931, or former s. 860.01 shall be considered a previous
 3369 conviction for violation of s. 316.193.

3370 Section 65. For the purpose of incorporating the amendment
 3371 made by this act to section 316.193, Florida Statutes, in a
 3372 reference thereto, paragraph (a) of subsection (2) of section
 3373 322.0602, Florida Statutes, is reenacted to read:

3374 322.0602 Youthful Drunk Driver Visitation Program.--

3375 (2) COURT-ORDERED PARTICIPATION IN PROGRAM; PREFERENCE FOR
 3376 PARTICIPATION.--

3377 (a) If a person is convicted of a violation of s. 316.193,
 3378 the court may order, as a term and condition of probation in
 3379 addition to any other term or condition required or authorized
 3380 by law, that the probationer participate in the Youthful Drunk
 3381 Driver Visitation Program.

3382 Section 66. For the purpose of incorporating the amendment
 3383 made by this act to section 316.193, Florida Statutes, in a
 3384 reference thereto, subsection (8) of section 322.21, Florida
 3385 Statutes, is reenacted to read:

3386 322.21 License fees; procedure for handling and collecting
 3387 fees.--

3388 (8) Any person who applies for reinstatement following the

3389 suspension or revocation of the person's driver's license shall
 3390 pay a service fee of \$35 following a suspension, and \$60
 3391 following a revocation, which is in addition to the fee for a
 3392 license. Any person who applies for reinstatement of a
 3393 commercial driver's license following the disqualification of
 3394 the person's privilege to operate a commercial motor vehicle
 3395 shall pay a service fee of \$60, which is in addition to the fee
 3396 for a license. The department shall collect all of these fees at
 3397 the time of reinstatement. The department shall issue proper
 3398 receipts for such fees and shall promptly transmit all funds
 3399 received by it as follows:

3400 (a) Of the \$35 fee received from a licensee for
 3401 reinstatement following a suspension, the department shall
 3402 deposit \$15 in the General Revenue Fund and \$20 in the Highway
 3403 Safety Operating Trust Fund.

3404 (b) Of the \$60 fee received from a licensee for
 3405 reinstatement following a revocation or disqualification, the
 3406 department shall deposit \$35 in the General Revenue Fund and \$25
 3407 in the Highway Safety Operating Trust Fund.

3408
 3409 If the revocation or suspension of the driver's license was for
 3410 a violation of s. 316.193, or for refusal to submit to a lawful
 3411 breath, blood, or urine test, an additional fee of \$115 must be
 3412 charged. However, only one \$115 fee may be collected from one
 3413 person convicted of violations arising out of the same incident.
 3414 The department shall collect the \$115 fee and deposit the fee
 3415 into the Highway Safety Operating Trust Fund at the time of
 3416 reinstatement of the person's driver's license, but the fee may

3417 not be collected if the suspension or revocation is overturned.
 3418 If the revocation or suspension of the driver's license was for
 3419 a conviction for a violation of s. 817.234(8) or (9) or s.
 3420 817.505, an additional fee of \$180 is imposed for each offense.
 3421 The department shall collect and deposit the additional fee into
 3422 the Highway Safety Operating Trust Fund at the time of
 3423 reinstatement of the person's driver's license.

3424 Section 67. For the purpose of incorporating the amendment
 3425 made by this act to section 316.193, Florida Statutes, in a
 3426 reference thereto, subsection (5) of section 322.25, Florida
 3427 Statutes, is reenacted to read:

3428 322.25 When court to forward license to department and
 3429 report convictions; temporary reinstatement of driving
 3430 privileges.--

3431 (5) For the purpose of this chapter, the entrance of a
 3432 plea of nolo contendere by the defendant to a charge of driving
 3433 while intoxicated, driving under the influence, driving with an
 3434 unlawful blood-alcohol level, or any other alcohol-related or
 3435 drug-related traffic offense similar to the offenses specified
 3436 in s. 316.193, accepted by the court and under which plea the
 3437 court has entered a fine or sentence, whether in this state or
 3438 any other state or country, shall be equivalent to a conviction.

3439 Section 68. For the purpose of incorporating the amendment
 3440 made by this act to section 316.193, Florida Statutes, in a
 3441 reference thereto, paragraph (a) of subsection (1) of section
 3442 322.26, Florida Statutes, is reenacted to read:

3443 322.26 Mandatory revocation of license by department.--The
 3444 department shall forthwith revoke the license or driving

3445 | privilege of any person upon receiving a record of such person's
 3446 | conviction of any of the following offenses:

3447 | (1) (a) Murder resulting from the operation of a motor
 3448 | vehicle, DUI manslaughter where the conviction represents a
 3449 | subsequent DUI-related conviction, or a fourth violation of s.
 3450 | 316.193 or former s. 316.1931. For such cases, the revocation of
 3451 | the driver's license or driving privilege shall be permanent.

3452 | Section 69. For the purpose of incorporating the amendment
 3453 | made by this act to section 316.193, Florida Statutes, in
 3454 | references thereto, paragraph (a) of subsection (14) and
 3455 | subsection (16) of section 322.2615, Florida Statutes, are
 3456 | reenacted to read:

3457 | 322.2615 Suspension of license; right to review.--

3458 | (14) (a) The decision of the department under this section
 3459 | or any circuit court review thereof may not be considered in any
 3460 | trial for a violation of s. 316.193, and a written statement
 3461 | submitted by a person in his or her request for departmental
 3462 | review under this section may not be admitted into evidence
 3463 | against him or her in any such trial.

3464 | (16) The department shall invalidate a suspension for
 3465 | driving with an unlawful blood-alcohol level or breath-alcohol
 3466 | level imposed under this section if the suspended person is
 3467 | found not guilty at trial of an underlying violation of s.
 3468 | 316.193.

3469 | Section 70. For the purpose of incorporating the amendment
 3470 | made by this act to section 316.193, Florida Statutes, in
 3471 | references thereto, subsections (15) and (19) of section
 3472 | 322.2616, Florida Statutes, are reenacted to read:

3473 322.2616 Suspension of license; persons under 21 years of
3474 age; right to review.--

3475 (15) The decision of the department under this section
3476 shall not be considered in any trial for a violation of s.
3477 316.193, nor shall any written statement submitted by a person
3478 in his or her request for departmental review under this section
3479 be admissible into evidence against him or her in any such
3480 trial. The disposition of any related criminal proceedings shall
3481 not affect a suspension imposed under this section.

3482 (19) A violation of this section is neither a traffic
3483 infraction nor a criminal offense, nor does being detained
3484 pursuant to this section constitute an arrest. A violation of
3485 this section is subject to the administrative action provisions
3486 of this section, which are administered by the department
3487 through its administrative processes. Administrative actions
3488 taken pursuant to this section shall be recorded in the motor
3489 vehicle records maintained by the department. This section does
3490 not bar prosecution under s. 316.193. However, if the department
3491 suspends a person's license under s. 322.2615 for a violation of
3492 s. 316.193, it may not also suspend the person's license under
3493 this section for the same episode that was the basis for the
3494 suspension under s. 322.2615.

3495 Section 71. For the purpose of incorporating the amendment
3496 made by this act to section 316.193, Florida Statutes, in a
3497 reference thereto, paragraph (b) of subsection (1) of section
3498 322.264, Florida Statutes, is reenacted to read:

3499 322.264 "Habitual traffic offender" defined.--A "habitual
3500 traffic offender" is any person whose record, as maintained by

3501 the Department of Highway Safety and Motor Vehicles, shows that
 3502 such person has accumulated the specified number of convictions
 3503 for offenses described in subsection (1) or subsection (2)
 3504 within a 5-year period:

3505 (1) Three or more convictions of any one or more of the
 3506 following offenses arising out of separate acts:

3507 (b) Any violation of s. 316.193, former s. 316.1931, or
 3508 former s. 860.01;

3509
 3510 Any violation of any federal law, any law of another state or
 3511 country, or any valid ordinance of a municipality or county of
 3512 another state similar to a statutory prohibition specified in
 3513 subsection (1) or subsection (2) shall be counted as a violation
 3514 of such prohibition. In computing the number of convictions, all
 3515 convictions during the 5 years previous to July 1, 1972, will be
 3516 used, provided at least one conviction occurs after that date.
 3517 The fact that previous convictions may have resulted in
 3518 suspension, revocation, or disqualification under another
 3519 section does not exempt them from being used for suspension or
 3520 revocation under this section as a habitual offender.

3521 Section 72. For the purpose of incorporating the amendment
 3522 made by this act to section 316.193, Florida Statutes, in
 3523 references thereto, paragraphs (a) and (c) of subsection (2) and
 3524 subsection (4) of section 322.271, Florida Statutes, are
 3525 reenacted to read:

3526 322.271 Authority to modify revocation, cancellation, or
 3527 suspension order.--

3528 (2) (a) Upon such hearing, the person whose license has

3529 | been suspended, canceled, or revoked may show that such
3530 | suspension, cancellation, or revocation of his or her license
3531 | causes a serious hardship and precludes the person's carrying
3532 | out his or her normal business occupation, trade, or employment
3533 | and that the use of the person's license in the normal course of
3534 | his or her business is necessary to the proper support of the
3535 | person or his or her family. Except as otherwise provided in
3536 | this subsection, the department shall require proof of the
3537 | successful completion of the applicable department-approved
3538 | driver training course operating pursuant to s. 318.1451 or DUI
3539 | program substance abuse education course and evaluation as
3540 | provided in s. 316.193(5). Letters of recommendation from
3541 | respected business persons in the community, law enforcement
3542 | officers, or judicial officers may also be required to determine
3543 | whether such person should be permitted to operate a motor
3544 | vehicle on a restricted basis for business or employment use
3545 | only and in determining whether such person can be trusted to so
3546 | operate a motor vehicle. If a driver's license has been
3547 | suspended under the point system or pursuant to s. 322.2615, the
3548 | department shall require proof of enrollment in the applicable
3549 | department-approved driver training course or licensed DUI
3550 | program substance abuse education course, including evaluation
3551 | and treatment, if referred, and may require letters of
3552 | recommendation described in this subsection to determine if the
3553 | driver should be reinstated on a restricted basis. If such
3554 | person fails to complete the approved course within 90 days
3555 | after reinstatement or subsequently fails to complete treatment,
3556 | if applicable, the department shall cancel his or her driver's

3557 license until the course and treatment, if applicable, is
3558 successfully completed, notwithstanding the terms of the court
3559 order or any suspension or revocation of the driving privilege.
3560 The department may temporarily reinstate the driving privilege
3561 on a restricted basis upon verification from the DUI program
3562 that the offender has reentered and is currently participating
3563 in treatment and has completed the DUI education course and
3564 evaluation requirement. If the DUI program notifies the
3565 department of the second failure to complete treatment, the
3566 department shall reinstate the driving privilege only after
3567 notice of completion of treatment from the DUI program. The
3568 privilege of driving on a limited or restricted basis for
3569 business or employment use shall not be granted to a person who
3570 has been convicted of a violation of s. 316.193 until completion
3571 of the DUI program substance abuse education course and
3572 evaluations as provided in s. 316.193(5). Except as provided in
3573 paragraph (b), the privilege of driving on a limited or
3574 restricted basis for business or employment use shall not be
3575 granted to a person whose license is revoked pursuant to s.
3576 322.28 or suspended pursuant to s. 322.2615 and who has been
3577 convicted of a violation of s. 316.193 two or more times or
3578 whose license has been suspended two or more times for refusal
3579 to submit to a test pursuant to s. 322.2615 or former s.
3580 322.261.

3581 (c) For the purpose of this section, a previous conviction
3582 of driving under the influence, driving while intoxicated,
3583 driving with an unlawful blood-alcohol level, or any other
3584 similar alcohol-related or drug-related offense outside this

3585 | state or a previous conviction of former s. 316.1931, former s.
 3586 | 316.028, or former s. 860.01 shall be considered a previous
 3587 | conviction for violation of s. 316.193.

3588 | (4) Notwithstanding the provisions of s. 322.28(2)(e), a
 3589 | person whose driving privilege has been permanently revoked
 3590 | because he or she has been convicted of DUI manslaughter in
 3591 | violation of s. 316.193 and has no prior convictions for DUI-
 3592 | related offenses may, upon the expiration of 5 years after the
 3593 | date of such revocation or the expiration of 5 years after the
 3594 | termination of any term of incarceration under s. 316.193 or
 3595 | former s. 316.1931, whichever date is later, petition the
 3596 | department for reinstatement of his or her driving privilege.

3597 | (a) Within 30 days after the receipt of such a petition,
 3598 | the department shall afford the petitioner an opportunity for a
 3599 | hearing. At the hearing, the petitioner must demonstrate to the
 3600 | department that he or she:

- 3601 | 1. Has not been arrested for a drug-related offense during
- 3602 | the 5 years preceding the filing of the petition;
- 3603 | 2. Has not driven a motor vehicle without a license for at
- 3604 | least 5 years prior to the hearing;
- 3605 | 3. Has been drug-free for at least 5 years prior to the
- 3606 | hearing; and
- 3607 | 4. Has completed a DUI program licensed by the department.

3608 | (b) At such hearing, the department shall determine the
 3609 | petitioner's qualification, fitness, and need to drive. Upon
 3610 | such determination, the department may, in its discretion,
 3611 | reinstate the driver's license of the petitioner. Such
 3612 | reinstatement must be made subject to the following

3613 qualifications:

3614 1. The license must be restricted for employment purposes
3615 for not less than 1 year; and

3616 2. Such person must be supervised by a DUI program
3617 licensed by the department and report to the program for such
3618 supervision and education at least four times a year or
3619 additionally as required by the program for the remainder of the
3620 revocation period. Such supervision shall include evaluation,
3621 education, referral into treatment, and other activities
3622 required by the department.

3623 (c) Such person must assume the reasonable costs of
3624 supervision. If such person fails to comply with the required
3625 supervision, the program shall report the failure to the
3626 department, and the department shall cancel such person's
3627 driving privilege.

3628 (d) If, after reinstatement, such person is convicted of
3629 an offense for which mandatory revocation of his or her license
3630 is required, the department shall revoke his or her driving
3631 privilege.

3632 (e) The department shall adopt rules regulating the
3633 providing of services by DUI programs pursuant to this section.

3634 Section 73. For the purpose of incorporating the amendment
3635 made by this act to section 316.193, Florida Statutes, in
3636 references thereto, subsection (2), paragraphs (a) and (c) of
3637 subsection (3), and subsection (4) of section 322.2715, Florida
3638 Statutes, are reenacted to read:

3639 322.2715 Ignition interlock device.--

3640 (2) For purposes of this section, any conviction for a

3641 violation of s. 316.193, a previous conviction for a violation
 3642 of former s. 316.1931, or a conviction outside this state for
 3643 driving under the influence, driving while intoxicated, driving
 3644 with an unlawful blood-alcohol level, or any other similar
 3645 alcohol-related or drug-related traffic offense is a conviction
 3646 of driving under the influence.

3647 (3) If the person is convicted of:

3648 (a) A first offense of driving under the influence under
 3649 s. 316.193 and has an unlawful blood-alcohol level or breath-
 3650 alcohol level as specified in s. 316.193(4), or if a person is
 3651 convicted of a violation of s. 316.193 and was at the time of
 3652 the offense accompanied in the vehicle by a person younger than
 3653 18 years of age, the person shall have the ignition interlock
 3654 device installed for 6 months for the first offense and for at
 3655 least 2 years for a second offense.

3656 (c) A third offense of driving under the influence which
 3657 occurs within 10 years after a prior conviction for a violation
 3658 of s. 316.193, the ignition interlock device shall be installed
 3659 for a period of not less than 2 years.

3660 (4) If the court fails to order the mandatory placement of
 3661 the ignition interlock device or fails to order for the
 3662 applicable period the mandatory placement of an ignition
 3663 interlock device under s. 316.193 or s. 316.1937 at the time of
 3664 imposing sentence or within 30 days thereafter, the department
 3665 shall immediately require that the ignition interlock device be
 3666 installed as provided in this section, except that consideration
 3667 may be given to those individuals having a documented medical
 3668 condition that would prohibit the device from functioning

3669 normally. This subsection applies to the reinstatement of the
 3670 driving privilege following a revocation, suspension, or
 3671 cancellation that is based upon a conviction for the offense of
 3672 driving under the influence which occurs on or after July 1,
 3673 2005.

3674 Section 74. For the purpose of incorporating the amendment
 3675 made by this act to section 316.193, Florida Statutes, in a
 3676 reference thereto, subsection (2) of section 322.28, Florida
 3677 Statutes, is reenacted to read:

3678 322.28 Period of suspension or revocation.--

3679 (2) In a prosecution for a violation of s. 316.193 or
 3680 former s. 316.1931, the following provisions apply:

3681 (a) Upon conviction of the driver, the court, along with
 3682 imposing sentence, shall revoke the driver's license or driving
 3683 privilege of the person so convicted, effective on the date of
 3684 conviction, and shall prescribe the period of such revocation in
 3685 accordance with the following provisions:

3686 1. Upon a first conviction for a violation of the
 3687 provisions of s. 316.193, except a violation resulting in death,
 3688 the driver's license or driving privilege shall be revoked for
 3689 not less than 180 days or more than 1 year.

3690 2. Upon a second conviction for an offense that occurs
 3691 within a period of 5 years after the date of a prior conviction
 3692 for a violation of the provisions of s. 316.193 or former s.
 3693 316.1931 or a combination of such sections, the driver's license
 3694 or driving privilege shall be revoked for not less than 5 years.

3695 3. Upon a third conviction for an offense that occurs
 3696 within a period of 10 years after the date of a prior conviction

3697 for the violation of the provisions of s. 316.193 or former s.
3698 316.1931 or a combination of such sections, the driver's license
3699 or driving privilege shall be revoked for not less than 10
3700 years.

3701
3702 For the purposes of this paragraph, a previous conviction
3703 outside this state for driving under the influence, driving
3704 while intoxicated, driving with an unlawful blood-alcohol level,
3705 or any other alcohol-related or drug-related traffic offense
3706 similar to the offense of driving under the influence as
3707 proscribed by s. 316.193 will be considered a previous
3708 conviction for violation of s. 316.193, and a conviction for
3709 violation of former s. 316.028, former s. 316.1931, or former s.
3710 860.01 is considered a conviction for violation of s. 316.193.

3711 (b) If the period of revocation was not specified by the
3712 court at the time of imposing sentence or within 30 days
3713 thereafter, and is not otherwise specified by law, the
3714 department shall forthwith revoke the driver's license or
3715 driving privilege for the maximum period applicable under
3716 paragraph (a) for a first conviction and for the minimum period
3717 applicable under paragraph (a) for any subsequent convictions.
3718 The driver may, within 30 days after such revocation by the
3719 department, petition the court for further hearing on the period
3720 of revocation, and the court may reopen the case and determine
3721 the period of revocation within the limits specified in
3722 paragraph (a).

3723 (c) The forfeiture of bail bond, not vacated within 20
3724 days, in any prosecution for the offense of driving while under

3725 the influence of alcoholic beverages, chemical substances, or
3726 controlled substances to the extent of depriving the defendant
3727 of his or her normal faculties shall be deemed equivalent to a
3728 conviction for the purposes of this paragraph, and the
3729 department shall forthwith revoke the defendant's driver's
3730 license or driving privilege for the maximum period applicable
3731 under paragraph (a) for a first conviction and for the minimum
3732 period applicable under paragraph (a) for a second or subsequent
3733 conviction; however, if the defendant is later convicted of the
3734 charge, the period of revocation imposed by the department for
3735 such conviction shall not exceed the difference between the
3736 applicable maximum for a first conviction or minimum for a
3737 second or subsequent conviction and the revocation period under
3738 this subsection that has actually elapsed; upon conviction of
3739 such charge, the court may impose revocation for a period of
3740 time as specified in paragraph (a). This paragraph does not
3741 apply if an appropriate motion contesting the forfeiture is
3742 filed within the 20-day period.

3743 (d) When any driver's license or driving privilege has
3744 been revoked pursuant to the provisions of this section, the
3745 department shall not grant a new license, except upon
3746 reexamination of the licensee after the expiration of the period
3747 of revocation so prescribed. However, the court may, in its
3748 sound discretion, issue an order of reinstatement on a form
3749 furnished by the department which the person may take to any
3750 driver's license examining office for reinstatement by the
3751 department pursuant to s. 322.282.

3752 (e) The court shall permanently revoke the driver's

3753 license or driving privilege of a person who has been convicted
3754 four times for violation of s. 316.193 or former s. 316.1931 or
3755 a combination of such sections. The court shall permanently
3756 revoke the driver's license or driving privilege of any person
3757 who has been convicted of DUI manslaughter in violation of s.
3758 316.193. If the court has not permanently revoked such driver's
3759 license or driving privilege within 30 days after imposing
3760 sentence, the department shall permanently revoke the driver's
3761 license or driving privilege pursuant to this paragraph. No
3762 driver's license or driving privilege may be issued or granted
3763 to any such person. This paragraph applies only if at least one
3764 of the convictions for violation of s. 316.193 or former s.
3765 316.1931 was for a violation that occurred after July 1, 1982.
3766 For the purposes of this paragraph, a conviction for violation
3767 of former s. 316.028, former s. 316.1931, or former s. 860.01 is
3768 also considered a conviction for violation of s. 316.193. Also,
3769 a conviction of driving under the influence, driving while
3770 intoxicated, driving with an unlawful blood-alcohol level, or
3771 any other similar alcohol-related or drug-related traffic
3772 offense outside this state is considered a conviction for the
3773 purposes of this paragraph.

3774 Section 75. For the purpose of incorporating the amendment
3775 made by this act to section 316.193, Florida Statutes, in
3776 references thereto, paragraph (a) of subsection (2) of section
3777 322.282, Florida Statutes, is reenacted to read:

3778 322.282 Procedure when court revokes or suspends license
3779 or driving privilege and orders reinstatement.--When a court
3780 suspends or revokes a person's license or driving privilege and,

3781 in its discretion, orders reinstatement as provided by s.
 3782 322.28(2)(d) or former s. 322.261(5):

3783 (2)(a) The court shall issue an order of reinstatement, on
 3784 a form to be furnished by the department, which the person may
 3785 take to any driver's license examining office. The department
 3786 shall issue a temporary driver's permit to a licensee who
 3787 presents the court's order of reinstatement, proof of completion
 3788 of a department-approved driver training or substance abuse
 3789 education course, and a written request for a hearing under s.
 3790 322.271. The permit shall not be issued if a record check by the
 3791 department shows that the person has previously been convicted
 3792 for a violation of s. 316.193, former s. 316.1931, former s.
 3793 316.028, former s. 860.01, or a previous conviction outside this
 3794 state for driving under the influence, driving while
 3795 intoxicated, driving with an unlawful blood-alcohol level, or
 3796 any similar alcohol-related or drug-related traffic offense;
 3797 that the person's driving privilege has been previously
 3798 suspended for refusal to submit to a lawful test of breath,
 3799 blood, or urine; or that the person is otherwise not entitled to
 3800 issuance of a driver's license. This paragraph shall not be
 3801 construed to prevent the reinstatement of a license or driving
 3802 privilege that is presently suspended for driving with an
 3803 unlawful blood-alcohol level or a refusal to submit to a breath,
 3804 urine, or blood test and is also revoked for a conviction for a
 3805 violation of s. 316.193 or former s. 316.1931, if the suspension
 3806 and revocation arise out of the same incident.

3807 Section 76. For the purpose of incorporating the amendment
 3808 made by this act to section 316.193, Florida Statutes, in a

3809 reference thereto, paragraph (a) of subsection (1) of section
 3810 322.291, Florida Statutes, is reenacted to read:

3811 322.291 Driver improvement schools or DUI programs;
 3812 required in certain suspension and revocation cases.--Except as
 3813 provided in s. 322.03(2), any person:

3814 (1) Whose driving privilege has been revoked:

3815 (a) Upon conviction for:

3816 1. Driving, or being in actual physical control of, any
 3817 vehicle while under the influence of alcoholic beverages, any
 3818 chemical substance set forth in s. 877.111, or any substance
 3819 controlled under chapter 893, in violation of s. 316.193;

3820 2. Driving with an unlawful blood- or breath-alcohol
 3821 level;

3822 3. Manslaughter resulting from the operation of a motor
 3823 vehicle;

3824 4. Failure to stop and render aid as required under the
 3825 laws of this state in the event of a motor vehicle crash
 3826 resulting in the death or personal injury of another;

3827 5. Reckless driving; or

3828

3829 shall, before the driving privilege may be reinstated, present
 3830 to the department proof of enrollment in a department-approved
 3831 advanced driver improvement course operating pursuant to s.
 3832 318.1451 or a substance abuse education course conducted by a
 3833 DUI program licensed pursuant to s. 322.292, which shall include
 3834 a psychosocial evaluation and treatment, if referred. If the
 3835 person fails to complete such course or evaluation within 90
 3836 days after reinstatement, or subsequently fails to complete

3837 treatment, if referred, the DUI program shall notify the
 3838 department of the failure. Upon receipt of the notice, the
 3839 department shall cancel the offender's driving privilege,
 3840 notwithstanding the expiration of the suspension or revocation
 3841 of the driving privilege. The department may temporarily
 3842 reinstate the driving privilege upon verification from the DUI
 3843 program that the offender has completed the education course and
 3844 evaluation requirement and has reentered and is currently
 3845 participating in treatment. If the DUI program notifies the
 3846 department of the second failure to complete treatment, the
 3847 department shall reinstate the driving privilege only after
 3848 notice of completion of treatment from the DUI program.

3849 Section 77. For the purpose of incorporating the amendment
 3850 made by this act to section 316.193, Florida Statutes, in a
 3851 reference thereto, paragraph (a) of subsection (9) of section
 3852 322.34, Florida Statutes, is reenacted to read:

3853 322.34 Driving while license suspended, revoked, canceled,
 3854 or disqualified.--

3855 (9)(a) A motor vehicle that is driven by a person under
 3856 the influence of alcohol or drugs in violation of s. 316.193 is
 3857 subject to seizure and forfeiture under ss. 932.701-932.707 and
 3858 is subject to liens for recovering, towing, or storing vehicles
 3859 under s. 713.78 if, at the time of the offense, the person's
 3860 driver's license is suspended, revoked, or canceled as a result
 3861 of a prior conviction for driving under the influence.

3862 Section 78. For the purpose of incorporating the amendment
 3863 made by this act to section 316.193, Florida Statutes, in a
 3864 reference thereto, subsection (3) of section 322.62, Florida

3865 Statutes, is reenacted to read:

3866 322.62 Driving under the influence; commercial motor
3867 vehicle operators.--

3868 (3) This section does not supersede s. 316.193. Nothing in
3869 this section prohibits the prosecution of a person who drives a
3870 commercial motor vehicle for driving under the influence of
3871 alcohol or controlled substances whether or not such person is
3872 also prosecuted for a violation of this section.

3873 Section 79. For the purpose of incorporating the amendment
3874 made by this act to section 316.193, Florida Statutes, in
3875 references thereto, paragraph (d) of subsection (2) and
3876 subsection (6) of section 322.63, Florida Statutes, are
3877 reenacted to read:

3878 322.63 Alcohol or drug testing; commercial motor vehicle
3879 operators.--

3880 (2) The chemical and physical tests authorized by this
3881 section shall only be required if a law enforcement officer has
3882 reasonable cause to believe that a person driving a commercial
3883 motor vehicle has any alcohol, chemical substance, or controlled
3884 substance in his or her body.

3885 (d) The administration of one test under paragraph (a),
3886 paragraph (b), or paragraph (c) shall not preclude the
3887 administration of a different test under paragraph (a),
3888 paragraph (b), or paragraph (c). However, a urine test may not
3889 be used to determine alcohol concentration and a breath test may
3890 not be used to determine the presence of controlled substances
3891 or chemical substances in a person's body. Notwithstanding the
3892 provisions of this paragraph, in the event a Florida licensee

3893 has been convicted in another state for an offense substantially
 3894 similar to s. 316.193 or to s. 322.62, which conviction was
 3895 based upon evidence of test results prohibited by this
 3896 paragraph, that out-of-state conviction shall constitute a
 3897 conviction for the purposes of this chapter.

3898 (6) Notwithstanding any provision of law pertaining to the
 3899 confidentiality of hospital records or other medical records,
 3900 information relating to the alcohol content of a person's blood
 3901 or the presence of chemical substances or controlled substances
 3902 in a person's blood obtained pursuant to this section shall be
 3903 released to a court, prosecuting attorney, defense attorney, or
 3904 law enforcement officer in connection with an alleged violation
 3905 of s. 316.193 or s. 322.62 upon request for such information.

3906 Section 80. For the purpose of incorporating the amendment
 3907 made by this act to section 316.193, Florida Statutes, in
 3908 references thereto, subsections (1) and (2), paragraph (a) of
 3909 subsection (7), paragraph (b) of subsection (8), and subsections
 3910 (14) and (15) of section 322.64, Florida Statutes, are reenacted
 3911 to read:

3912 322.64 Holder of commercial driver's license; driving with
 3913 unlawful blood-alcohol level; refusal to submit to breath,
 3914 urine, or blood test.--

3915 (1) (a) A law enforcement officer or correctional officer
 3916 shall, on behalf of the department, disqualify from operating
 3917 any commercial motor vehicle a person who while operating or in
 3918 actual physical control of a commercial motor vehicle is
 3919 arrested for a violation of s. 316.193, relating to unlawful
 3920 blood-alcohol level or breath-alcohol level, or a person who has

3921 refused to submit to a breath, urine, or blood test authorized
3922 by s. 322.63 arising out of the operation or actual physical
3923 control of a commercial motor vehicle. Upon disqualification of
3924 the person, the officer shall take the person's driver's license
3925 and issue the person a 10-day temporary permit for the operation
3926 of noncommercial vehicles only if the person is otherwise
3927 eligible for the driving privilege and shall issue the person a
3928 notice of disqualification. If the person has been given a
3929 blood, breath, or urine test, the results of which are not
3930 available to the officer at the time of the arrest, the agency
3931 employing the officer shall transmit such results to the
3932 department within 5 days after receipt of the results. If the
3933 department then determines that the person was arrested for a
3934 violation of s. 316.193 and that the person had a blood-alcohol
3935 level or breath-alcohol level of 0.08 or higher, the department
3936 shall disqualify the person from operating a commercial motor
3937 vehicle pursuant to subsection (3).

3938 (b) The disqualification under paragraph (a) shall be
3939 pursuant to, and the notice of disqualification shall inform the
3940 driver of, the following:

3941 1.a. The driver refused to submit to a lawful breath,
3942 blood, or urine test and he or she is disqualified from
3943 operating a commercial motor vehicle for a period of 1 year, for
3944 a first refusal, or permanently, if he or she has previously
3945 been disqualified as a result of a refusal to submit to such a
3946 test; or

3947 b. The driver violated s. 316.193 by driving with an
3948 unlawful blood-alcohol level and he or she is disqualified from

3949 | operating a commercial motor vehicle for a period of 6 months
 3950 | for a first offense or for a period of 1 year if he or she has
 3951 | previously been disqualified, or his or her driving privilege
 3952 | has been previously suspended, for a violation of s. 316.193.

3953 | 2. The disqualification period for operating commercial
 3954 | vehicles shall commence on the date of arrest or issuance of
 3955 | notice of disqualification, whichever is later.

3956 | 3. The driver may request a formal or informal review of
 3957 | the disqualification by the department within 10 days after the
 3958 | date of arrest or issuance of notice of disqualification,
 3959 | whichever is later.

3960 | 4. The temporary permit issued at the time of arrest or
 3961 | disqualification will expire at midnight of the 10th day
 3962 | following the date of disqualification.

3963 | 5. The driver may submit to the department any materials
 3964 | relevant to the arrest.

3965 | (2) Except as provided in paragraph (1)(a), the law
 3966 | enforcement officer shall forward to the department, within 5
 3967 | days after the date of the arrest or the issuance of the notice
 3968 | of disqualification, whichever is later, a copy of the notice of
 3969 | disqualification, the driver's license of the person arrested,
 3970 | and a report of the arrest, including, if applicable, an
 3971 | affidavit stating the officer's grounds for belief that the
 3972 | person arrested was in violation of s. 316.193; the results of
 3973 | any breath or blood test or an affidavit stating that a breath,
 3974 | blood, or urine test was requested by a law enforcement officer
 3975 | or correctional officer and that the person arrested refused to
 3976 | submit; a copy of the citation issued to the person arrested;

3977 and the officer's description of the person's field sobriety
3978 test, if any. The failure of the officer to submit materials
3979 within the 5-day period specified in this subsection or
3980 subsection (1) shall not affect the department's ability to
3981 consider any evidence submitted at or prior to the hearing. The
3982 officer may also submit a copy of a videotape of the field
3983 sobriety test or the attempt to administer such test.

3984 (7) In a formal review hearing under subsection (6) or an
3985 informal review hearing under subsection (4), the hearing
3986 officer shall determine by a preponderance of the evidence
3987 whether sufficient cause exists to sustain, amend, or invalidate
3988 the disqualification. The scope of the review shall be limited
3989 to the following issues:

3990 (a) If the person was disqualified from operating a
3991 commercial motor vehicle for driving with an unlawful blood-
3992 alcohol level in violation of s. 316.193:

3993 1. Whether the arresting law enforcement officer had
3994 probable cause to believe that the person was driving or in
3995 actual physical control of a commercial motor vehicle in this
3996 state while he or she had any alcohol, chemical substances, or
3997 controlled substances in his or her body.

3998 2. Whether the person was placed under lawful arrest for a
3999 violation of s. 316.193.

4000 3. Whether the person had an unlawful blood-alcohol level
4001 as provided in s. 316.193.

4002 (8) Based on the determination of the hearing officer
4003 pursuant to subsection (7) for both informal hearings under
4004 subsection (4) and formal hearings under subsection (6), the

4005 department shall:

4006 (b) Sustain the disqualification for a period of 6 months
4007 for a violation of s. 316.193 or for a period of 1 year if the
4008 person has been previously disqualified from operating a
4009 commercial motor vehicle or his or her driving privilege has
4010 been previously suspended as a result of a violation of s.
4011 316.193. The disqualification period commences on the date of
4012 the arrest or issuance of the notice of disqualification,
4013 whichever is later.

4014 (14) The decision of the department under this section
4015 shall not be considered in any trial for a violation of s.
4016 316.193, s. 322.61, or s. 322.62, nor shall any written
4017 statement submitted by a person in his or her request for
4018 departmental review under this section be admissible into
4019 evidence against him or her in any such trial. The disposition
4020 of any related criminal proceedings shall not affect a
4021 disqualification imposed pursuant to this section.

4022 (15) This section does not preclude the suspension of the
4023 driving privilege pursuant to s. 322.2615. The driving privilege
4024 of a person who has been disqualified from operating a
4025 commercial motor vehicle also may be suspended for a violation
4026 of s. 316.193.

4027 Section 81. For the purpose of incorporating the amendment
4028 made by this act to section 316.193, Florida Statutes, in a
4029 reference thereto, paragraph (f) of subsection (4) of section
4030 323.001, Florida Statutes, is reenacted to read:

4031 323.001 Wrecker operator storage facilities; vehicle
4032 holds.--

4033 (4) The requirements for a written hold apply when the
 4034 following conditions are present:

4035 (f) The vehicle is impounded or immobilized pursuant to s.
 4036 316.193 or s. 322.34; or

4037 Section 82. For the purpose of incorporating the amendment
 4038 made by this act to section 316.193, Florida Statutes, in
 4039 references thereto, section 324.023, Florida Statutes, is
 4040 reenacted to read:

4041 324.023 Financial responsibility for bodily injury or
 4042 death.--In addition to any other financial responsibility
 4043 required by law, every owner or operator of a motor vehicle that
 4044 is required to be registered in this state, or that is located
 4045 within this state, and who, regardless of adjudication of guilt,
 4046 has been found guilty of or entered a plea of guilty or nolo
 4047 contendere to a charge of driving under the influence under s.
 4048 316.193 after October 1, 2007, shall, by one of the methods
 4049 established in s. 324.031(1), (2), or (3), establish and
 4050 maintain the ability to respond in damages for liability on
 4051 account of accidents arising out of the use of a motor vehicle
 4052 in the amount of \$100,000 because of bodily injury to, or death
 4053 of, one person in any one crash and, subject to such limits for
 4054 one person, in the amount of \$300,000 because of bodily injury
 4055 to, or death of, two or more persons in any one crash and in the
 4056 amount of \$50,000 because of property damage in any one crash.
 4057 If the owner or operator chooses to establish and maintain such
 4058 ability by posting a bond or furnishing a certificate of deposit
 4059 pursuant to s. 324.031(2) or (3), such bond or certificate of
 4060 deposit must be in an amount not less than \$350,000. Such higher

4061 limits must be carried for a minimum period of 3 years. If the
 4062 owner or operator has not been convicted of driving under the
 4063 influence or a felony traffic offense for a period of 3 years
 4064 from the date of reinstatement of driving privileges for a
 4065 violation of s. 316.193, the owner or operator shall be exempt
 4066 from this section.

4067 Section 83. For the purpose of incorporating the amendment
 4068 made by this act to section 316.193, Florida Statutes, in a
 4069 reference thereto, section 324.131, Florida Statutes, is
 4070 reenacted to read:

4071 324.131 Period of suspension.--Such license, registration
 4072 and nonresident's operating privilege shall remain so suspended
 4073 and shall not be renewed, nor shall any such license or
 4074 registration be thereafter issued in the name of such person,
 4075 including any such person not previously licensed, unless and
 4076 until every such judgment is stayed, satisfied in full or to the
 4077 extent of the limits stated in s. 324.021(7) and until the said
 4078 person gives proof of financial responsibility as provided in s.
 4079 324.031, such proof to be maintained for 3 years. In addition,
 4080 if the person's license or registration has been suspended or
 4081 revoked due to a violation of s. 316.193 or pursuant to s.
 4082 322.26(2), that person shall maintain noncancelable liability
 4083 coverage for each motor vehicle registered in his or her name,
 4084 as described in s. 627.7275(2), and must present proof that
 4085 coverage is in force on a form adopted by the Department of
 4086 Highway Safety and Motor Vehicles, such proof to be maintained
 4087 for 3 years.

4088 Section 84. For the purpose of incorporating the amendment

4089 made by this act to section 316.193, Florida Statutes, in a
 4090 reference thereto, subsection (6) of section 327.35, Florida
 4091 Statutes, is reenacted to read:

4092 327.35 Boating under the influence; penalties; "designated
 4093 drivers".--

4094 (6) With respect to any person convicted of a violation of
 4095 subsection (1), regardless of any other penalty imposed:

4096 (a) For the first conviction, the court shall place the
 4097 defendant on probation for a period not to exceed 1 year and, as
 4098 a condition of such probation, shall order the defendant to
 4099 participate in public service or a community work project for a
 4100 minimum of 50 hours. The court must also, as a condition of
 4101 probation, order the impoundment or immobilization of the vessel
 4102 that was operated by or in the actual control of the defendant
 4103 or any one vehicle registered in the defendant's name at the
 4104 time of impoundment or immobilization, for a period of 10 days
 4105 or for the unexpired term of any lease or rental agreement that
 4106 expires within 10 days. The impoundment or immobilization must
 4107 not occur concurrently with the incarceration of the defendant.
 4108 The impoundment or immobilization order may be dismissed in
 4109 accordance with paragraph (e) or paragraph (f). The total period
 4110 of probation and incarceration may not exceed 1 year.

4111 (b) For the second conviction for an offense that occurs
 4112 within a period of 5 years after the date of a prior conviction
 4113 for violation of this section, the court shall order
 4114 imprisonment for not less than 10 days. The court must also, as
 4115 a condition of probation, order the impoundment or
 4116 immobilization of the vessel that was operated by or in the

4117 actual control of the defendant or any one vehicle registered in
4118 the defendant's name at the time of impoundment or
4119 immobilization, for a period of 30 days or for the unexpired
4120 term of any lease or rental agreement that expires within 30
4121 days. The impoundment or immobilization must not occur
4122 concurrently with the incarceration of the defendant. The
4123 impoundment or immobilization order may be dismissed in
4124 accordance with paragraph (e) or paragraph (f). At least 48
4125 hours of confinement must be consecutive.

4126 (c) For the third or subsequent conviction for an offense
4127 that occurs within a period of 10 years after the date of a
4128 prior conviction for violation of this section, the court shall
4129 order imprisonment for not less than 30 days. The court must
4130 also, as a condition of probation, order the impoundment or
4131 immobilization of the vessel that was operated by or in the
4132 actual control of the defendant or any one vehicle registered in
4133 the defendant's name at the time of impoundment or
4134 immobilization, for a period of 90 days or for the unexpired
4135 term of any lease or rental agreement that expires within 90
4136 days. The impoundment or immobilization must not occur
4137 concurrently with the incarceration of the defendant. The
4138 impoundment or immobilization order may be dismissed in
4139 accordance with paragraph (e) or paragraph (f). At least 48
4140 hours of confinement must be consecutive.

4141 (d) The court must at the time of sentencing the defendant
4142 issue an order for the impoundment or immobilization of a
4143 vessel. Within 7 business days after the date that the court
4144 issues the order of impoundment, and once again 30 business days

4145 before the actual impoundment or immobilization of the vessel,
4146 the clerk of the court must send notice by certified mail,
4147 return receipt requested, to the registered owner of each
4148 vessel, if the registered owner is a person other than the
4149 defendant, and to each person of record claiming a lien against
4150 the vessel.

4151 (e) A person who owns but was not operating the vessel
4152 when the offense occurred may submit to the court a police
4153 report indicating that the vessel was stolen at the time of the
4154 offense or documentation of having purchased the vessel after
4155 the offense was committed from an entity other than the
4156 defendant or the defendant's agent. If the court finds that the
4157 vessel was stolen or that the sale was not made to circumvent
4158 the order and allow the defendant continued access to the
4159 vessel, the order must be dismissed and the owner of the vessel
4160 will incur no costs. If the court denies the request to dismiss
4161 the order of impoundment or immobilization, the petitioner may
4162 request an evidentiary hearing.

4163 (f) A person who owns but was not operating the vessel
4164 when the offense occurred, and whose vessel was stolen or who
4165 purchased the vessel after the offense was committed directly
4166 from the defendant or the defendant's agent, may request an
4167 evidentiary hearing to determine whether the impoundment or
4168 immobilization should occur. If the court finds that either the
4169 vessel was stolen or the purchase was made without knowledge of
4170 the offense, that the purchaser had no relationship to the
4171 defendant other than through the transaction, and that such
4172 purchase would not circumvent the order and allow the defendant

4173 continued access to the vessel, the order must be dismissed and
4174 the owner of the vessel will incur no costs.

4175 (g) All costs and fees for the impoundment or
4176 immobilization, including the cost of notification, must be paid
4177 by the owner of the vessel or, if the vessel is leased or
4178 rented, by the person leasing or renting the vessel, unless the
4179 impoundment or immobilization order is dismissed.

4180 (h) The person who owns a vessel that is impounded or
4181 immobilized under this paragraph, or a person who has a lien of
4182 record against such a vessel and who has not requested a review
4183 of the impoundment pursuant to paragraph (e) or paragraph (f),
4184 may, within 10 days after the date that person has knowledge of
4185 the location of the vessel, file a complaint in the county in
4186 which the owner resides to determine whether the vessel was
4187 wrongfully taken or withheld from the owner or lienholder. Upon
4188 the filing of a complaint, the owner or lienholder may have the
4189 vessel released by posting with the court a bond or other
4190 adequate security equal to the amount of the costs and fees for
4191 impoundment or immobilization, including towing or storage, to
4192 ensure the payment of the costs and fees if the owner or
4193 lienholder does not prevail. When the bond is posted and the fee
4194 is paid as set forth in s. 28.24, the clerk of the court shall
4195 issue a certificate releasing the vessel. At the time of
4196 release, after reasonable inspection, the owner or lienholder
4197 must give a receipt to the towing or storage company indicating
4198 any loss or damage to the vessel or to the contents of the
4199 vessel.

4200 (i) A defendant, in the court's discretion, may be

4201 required to serve all or any portion of a term of imprisonment
 4202 to which the defendant has been sentenced pursuant to this
 4203 section in a residential alcoholism treatment program or a
 4204 residential drug abuse treatment program. Any time spent in such
 4205 a program must be credited by the court toward the term of
 4206 imprisonment.

4207
 4208 For the purposes of this section, any conviction for a violation
 4209 of s. 316.193, a previous conviction for the violation of former
 4210 s. 316.1931, former s. 860.01, or former s. 316.028, or a
 4211 previous conviction outside this state for driving under the
 4212 influence, driving while intoxicated, driving with an unlawful
 4213 blood-alcohol level, driving with an unlawful breath-alcohol
 4214 level, or any other similar alcohol-related or drug-related
 4215 traffic offense, is also considered a previous conviction for
 4216 violation of this section.

4217 Section 85. For the purpose of incorporating the amendment
 4218 made by this act to section 316.193, Florida Statutes, in a
 4219 reference thereto, subsection (1) of section 337.195, Florida
 4220 Statutes, is reenacted to read:

4221 337.195 Limits on liability.--

4222 (1) In a civil action for the death of or injury to a
 4223 person, or for damage to property, against the Department of
 4224 Transportation or its agents, consultants, or contractors for
 4225 work performed on a highway, road, street, bridge, or other
 4226 transportation facility when the death, injury, or damage
 4227 resulted from a motor vehicle crash within a construction zone
 4228 in which the driver of one of the vehicles was under the

4229 | influence of alcoholic beverages as set forth in s. 316.193,
 4230 | under the influence of any chemical substance as set forth in s.
 4231 | 877.111, or illegally under the influence of any substance
 4232 | controlled under chapter 893 to the extent that her or his
 4233 | normal faculties were impaired or that she or he operated a
 4234 | vehicle recklessly as defined in s. 316.192, it is presumed that
 4235 | the driver's operation of the vehicle was the sole proximate
 4236 | cause of her or his own death, injury, or damage. This
 4237 | presumption can be overcome if the gross negligence or
 4238 | intentional misconduct of the Department of Transportation, or
 4239 | of its agents, consultants, or contractors, was a proximate
 4240 | cause of the driver's death, injury, or damage.

4241 | Section 86. For the purpose of incorporating the amendment
 4242 | made by this act to section 316.193, Florida Statutes, in a
 4243 | reference thereto, paragraph (c) of subsection (17) of section
 4244 | 440.02, Florida Statutes, is reenacted to read:

4245 | 440.02 Definitions.--When used in this chapter, unless the
 4246 | context clearly requires otherwise, the following terms shall
 4247 | have the following meanings:

4248 | (17)

4249 | (c) "Employment" does not include service performed by or
 4250 | as:

- 4251 | 1. Domestic servants in private homes.
- 4252 | 2. Agricultural labor performed on a farm in the employ of
 4253 | a bona fide farmer, or association of farmers, that employs 5 or
 4254 | fewer regular employees and that employs fewer than 12 other
 4255 | employees at one time for seasonal agricultural labor that is
 4256 | completed in less than 30 days, provided such seasonal

4257 employment does not exceed 45 days in the same calendar year.
 4258 The term "farm" includes stock, dairy, poultry, fruit, fur-
 4259 bearing animals, fish, and truck farms, ranches, nurseries, and
 4260 orchards. The term "agricultural labor" includes field foremen,
 4261 timekeepers, checkers, and other farm labor supervisory
 4262 personnel.

4263 3. Professional athletes, such as professional boxers,
 4264 wrestlers, baseball, football, basketball, hockey, polo, tennis,
 4265 jai alai, and similar players, and motorsports teams competing
 4266 in a motor racing event as defined in s. 549.08.

4267 4. Labor under a sentence of a court to perform community
 4268 services as provided in s. 316.193.

4269 5. State prisoners or county inmates, except those
 4270 performing services for private employers or those enumerated in
 4271 s. 948.036(1).

4272 Section 87. For the purpose of incorporating the amendment
 4273 made by this act to section 316.193, Florida Statutes, in a
 4274 reference thereto, paragraph (b) of subsection (7) of section
 4275 440.09, Florida Statutes, is reenacted to read:

4276 440.09 Coverage.--

4277 (7)

4278 (b) If the employee has, at the time of the injury, a
 4279 blood alcohol level equal to or greater than the level specified
 4280 in s. 316.193, or if the employee has a positive confirmation of
 4281 a drug as defined in this act, it is presumed that the injury
 4282 was occasioned primarily by the intoxication of, or by the
 4283 influence of the drug upon, the employee. If the employer has
 4284 implemented a drug-free workplace, this presumption may be

4285 rebutted only by evidence that there is no reasonable hypothesis
 4286 that the intoxication or drug influence contributed to the
 4287 injury. In the absence of a drug-free workplace program, this
 4288 presumption may be rebutted by clear and convincing evidence
 4289 that the intoxication or influence of the drug did not
 4290 contribute to the injury. Percent by weight of alcohol in the
 4291 blood must be based upon grams of alcohol per 100 milliliters of
 4292 blood. If the results are positive, the testing facility must
 4293 maintain the specimen for a minimum of 90 days. Blood serum may
 4294 be used for testing purposes under this chapter; however, if
 4295 this test is used, the presumptions under this section do not
 4296 arise unless the blood alcohol level is proved to be medically
 4297 and scientifically equivalent to or greater than the comparable
 4298 blood alcohol level that would have been obtained if the test
 4299 were based on percent by weight of alcohol in the blood.
 4300 However, if, before the accident, the employer had actual
 4301 knowledge of and expressly acquiesced in the employee's presence
 4302 at the workplace while under the influence of such alcohol or
 4303 drug, the presumptions specified in this subsection do not
 4304 apply.

4305 Section 88. For the purpose of incorporating the amendment
 4306 made by this act to section 316.193, Florida Statutes, in a
 4307 reference thereto, paragraph (d) of subsection (1) of section
 4308 493.6106, Florida Statutes, is reenacted to read:

4309 493.6106 License requirements; posting.--

4310 (1) Each individual licensed by the department must:

4311 (d) Not be a chronic and habitual user of alcoholic
 4312 beverages to the extent that her or his normal faculties are

4313 | impaired; not have been committed under chapter 397, former
 4314 | chapter 396, or a similar law in any other state; not have been
 4315 | found to be a habitual offender under s. 856.011(3) or a similar
 4316 | law in any other state; and not have had two or more convictions
 4317 | under s. 316.193 or a similar law in any other state within the
 4318 | 3-year period immediately preceding the date the application was
 4319 | filed, unless the individual establishes that she or he is not
 4320 | currently impaired and has successfully completed a
 4321 | rehabilitation course.

4322 | Section 89. For the purpose of incorporating the amendment
 4323 | made by this act to section 316.193, Florida Statutes, in a
 4324 | reference thereto, paragraph (a) of subsection (2) of section
 4325 | 627.7275, Florida Statutes, is reenacted to read:

4326 | 627.7275 Motor vehicle liability.--

4327 | (2)(a) Insurers writing motor vehicle insurance in this
 4328 | state shall make available, subject to the insurers' usual
 4329 | underwriting restrictions:

4330 | 1. Coverage under policies as described in subsection (1)
 4331 | to any applicant for private passenger motor vehicle insurance
 4332 | coverage who is seeking the coverage in order to reinstate the
 4333 | applicant's driving privileges in this state when the driving
 4334 | privileges were revoked or suspended pursuant to s. 316.646 or
 4335 | s. 324.0221 due to the failure of the applicant to maintain
 4336 | required security.

4337 | 2. Coverage under policies as described in subsection (1),
 4338 | which also provides liability coverage for bodily injury, death,
 4339 | and property damage arising out of the ownership, maintenance,
 4340 | or use of the motor vehicle in an amount not less than the

4341 limits described in s. 324.021(7) and conforms to the
 4342 requirements of s. 324.151, to any applicant for private
 4343 passenger motor vehicle insurance coverage who is seeking the
 4344 coverage in order to reinstate the applicant's driving
 4345 privileges in this state after such privileges were revoked or
 4346 suspended under s. 316.193 or s. 322.26(2) for driving under the
 4347 influence.

4348 Section 90. For the purpose of incorporating the amendment
 4349 made by this act to section 316.193, Florida Statutes, in a
 4350 reference thereto, subsection (4) of section 627.758, Florida
 4351 Statutes, is reenacted to read:

4352 627.758 Surety on auto club traffic arrest bond;
 4353 conditions, limit; bail bond.--

4354 (4) Notwithstanding the provisions of s. 626.311 or
 4355 chapter 648, any surety insurer identified in a guaranteed
 4356 traffic arrest bond certificate or any licensed general lines
 4357 agent of the surety insurer may execute a bail bond for the
 4358 automobile club or association member identified in the
 4359 guaranteed traffic arrest bond certificate in an amount not in
 4360 excess of \$5,000 for any violation of chapter 316 or any similar
 4361 traffic law or ordinance except for driving under the influence
 4362 of alcoholic beverages, chemical substances, or controlled
 4363 substances, as prohibited by s. 316.193.

4364 Section 91. For the purpose of incorporating the amendment
 4365 made by this act to section 316.193, Florida Statutes, in
 4366 references thereto, paragraph (f) of subsection (2) and
 4367 paragraph (f) of subsection (10) of section 790.06, Florida
 4368 Statutes, are reenacted to read:

4369 790.06 License to carry concealed weapon or firearm.--

4370 (2) The Department of Agriculture and Consumer Services
4371 shall issue a license if the applicant:

4372 (f) Does not chronically and habitually use alcoholic
4373 beverages or other substances to the extent that his or her
4374 normal faculties are impaired. It shall be presumed that an
4375 applicant chronically and habitually uses alcoholic beverages or
4376 other substances to the extent that his or her normal faculties
4377 are impaired if the applicant has been committed under chapter
4378 397 or under the provisions of former chapter 396 or has been
4379 convicted under s. 790.151 or has been deemed a habitual
4380 offender under s. 856.011(3), or has had two or more convictions
4381 under s. 316.193 or similar laws of any other state, within the
4382 3-year period immediately preceding the date on which the
4383 application is submitted;

4384 (10) A license issued under this section shall be
4385 suspended or revoked pursuant to chapter 120 if the licensee:

4386 (f) Is convicted of a second violation of s. 316.193, or a
4387 similar law of another state, within 3 years of a previous
4388 conviction of such section, or similar law of another state,
4389 even though the first violation may have occurred prior to the
4390 date on which the application was submitted;

4391 Section 92. For the purpose of incorporating the amendment
4392 made by this act to section 316.193, Florida Statutes, in a
4393 reference thereto, subsection (2) of section 903.36, Florida
4394 Statutes, is reenacted to read:

4395 903.36 Guaranteed arrest bond certificates as cash bail.--

4396 (2) The execution of a bail bond by a licensed general

4397 lines agent of a surety insurer for the automobile club or
 4398 association member identified in the guaranteed traffic arrest
 4399 bond certificate, as provided in s. 627.758(4), shall be
 4400 accepted as bail in an amount not to exceed \$5,000 for the
 4401 appearance of the person named in the certificate in any court
 4402 to answer for the violation of a provision of chapter 316 or a
 4403 similar traffic law or ordinance, except driving under the
 4404 influence of alcoholic beverages, chemical substances, or
 4405 controlled substances, as prohibited by s. 316.193. Presentation
 4406 of the guaranteed traffic arrest bond certificate and a power of
 4407 attorney from the surety insurer for its licensed general lines
 4408 agents is authorization for such agent to execute the bail bond.

4409 Section 93. For the purpose of incorporating the amendment
 4410 made by this act to section 316.193, Florida Statutes, in
 4411 references thereto, paragraph (c) of subsection (4) of section
 4412 907.041, Florida Statutes, is reenacted to read:

4413 907.041 Pretrial detention and release.--

4414 (4) PRETRIAL DETENTION.--

4415 (c) The court may order pretrial detention if it finds a
 4416 substantial probability, based on a defendant's past and present
 4417 patterns of behavior, the criteria in s. 903.046, and any other
 4418 relevant facts, that any of the following circumstances exists:

4419 1. The defendant has previously violated conditions of
 4420 release and that no further conditions of release are reasonably
 4421 likely to assure the defendant's appearance at subsequent
 4422 proceedings;

4423 2. The defendant, with the intent to obstruct the judicial
 4424 process, has threatened, intimidated, or injured any victim,

4425 potential witness, juror, or judicial officer, or has attempted
 4426 or conspired to do so, and that no condition of release will
 4427 reasonably prevent the obstruction of the judicial process;

4428 3. The defendant is charged with trafficking in controlled
 4429 substances as defined by s. 893.135, that there is a substantial
 4430 probability that the defendant has committed the offense, and
 4431 that no conditions of release will reasonably assure the
 4432 defendant's appearance at subsequent criminal proceedings; or

4433 4. The defendant is charged with DUI manslaughter, as
 4434 defined by s. 316.193, and that there is a substantial
 4435 probability that the defendant committed the crime and that the
 4436 defendant poses a threat of harm to the community; conditions
 4437 that would support a finding by the court pursuant to this
 4438 subparagraph that the defendant poses a threat of harm to the
 4439 community include, but are not limited to, any of the following:

4440 a. The defendant has previously been convicted of any
 4441 crime under s. 316.193, or of any crime in any other state or
 4442 territory of the United States that is substantially similar to
 4443 any crime under s. 316.193;

4444 b. The defendant was driving with a suspended driver's
 4445 license when the charged crime was committed; or

4446 c. The defendant has previously been found guilty of, or
 4447 has had adjudication of guilt withheld for, driving while the
 4448 defendant's driver's license was suspended or revoked in
 4449 violation of s. 322.34;

4450 5. The defendant poses the threat of harm to the
 4451 community. The court may so conclude, if it finds that the
 4452 defendant is presently charged with a dangerous crime, that

4453 | there is a substantial probability that the defendant committed
4454 | such crime, that the factual circumstances of the crime indicate
4455 | a disregard for the safety of the community, and that there are
4456 | no conditions of release reasonably sufficient to protect the
4457 | community from the risk of physical harm to persons.

4458 | 6. The defendant was on probation, parole, or other
4459 | release pending completion of sentence or on pretrial release
4460 | for a dangerous crime at the time the current offense was
4461 | committed; or

4462 | 7. The defendant has violated one or more conditions of
4463 | pretrial release or bond for the offense currently before the
4464 | court and the violation, in the discretion of the court,
4465 | supports a finding that no conditions of release can reasonably
4466 | protect the community from risk of physical harm to persons or
4467 | assure the presence of the accused at trial.

4468 | Section 94. Except as otherwise expressly provided in this
4469 | act, this act shall take effect upon becoming a law.