

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. 316.302, F.S.; revising
52 references to rules, regulations, and criteria governing
53 commercial motor vehicles engaged in intrastate commerce;
54 providing that the department performs duties assigned to
55 the Field Administrator of the Federal Motor Carrier
56 Safety Administration under the federal rules and may

57 enforce those rules; amending ss. 316.613 and 316.614,
58 F.S.; revising the definition of "motor vehicle" for
59 purposes of child restraint and safety belt usage
60 requirements; amending s. 316.656, F.S.; revising the
61 prohibition against a judge accepting a plea to a lesser
62 offense from a person charged under certain DUI
63 provisions; revising the blood-alcohol or breath-alcohol
64 level at which the prohibition applies; amending s.
65 322.64, F.S.; providing that refusal to submit to a
66 breath, urine, or blood test disqualifies a person from
67 operating a commercial motor vehicle; providing a period
68 of disqualification if a person has an unlawful blood-
69 alcohol or breath-alcohol level; providing for issuance of
70 a notice of disqualification; revising the requirements
71 for a formal review hearing following a person's
72 disqualification from operating a commercial motor
73 vehicle; providing that a county, municipality, or special
74 district may not own or operate an asphalt plant or a
75 portable or stationary concrete batch plant having an
76 independent mixer; provides exemptions; amending s.
77 337.0261, F.S.; revising the sunset date for the Strategic
78 Aggregate Review Task Force; amending s. 337.11, F.S.;
79 establishing a goal for the procurement of design-build
80 contracts; amending ss. 337.14 and 337.16, F.S.;
81 conforming cross-references; amending s. 337.18, F.S.;
82 requiring the contractor to maintain a copy of the
83 required payment and performance bond at certain locations
84 and provide a copy upon request; providing that a copy may

85 | be obtained directly from the department; removing a
86 | provision requiring a copy be recorded in the public
87 | records of the county; amending s. 337.185, F.S.;
88 | providing for the State Arbitration Board to arbitrate
89 | certain claims relating to maintenance contracts;
90 | providing for a member of the board to be elected by
91 | maintenance companies as well as construction companies;
92 | amending s. 337.403, F.S.; providing for the department or
93 | local governmental entity to pay certain costs of removal
94 | or relocation of a utility facility that is found to be
95 | interfering with the use, maintenance, improvement,
96 | extension, or expansion of a public road or publicly owned
97 | rail corridor under described circumstances; amending s.
98 | 337.408, F.S.; providing for public pay telephones and
99 | advertising thereon to be installed within the right-of-
100 | way limits of any municipal, county, or state road;
101 | amending s. 338.01, F.S.; requiring new and replacement
102 | electronic toll collection systems to be interoperable
103 | with the department's system; amending s. 338.165, F.S.;
104 | providing that provisions requiring the continuation of
105 | tolls following the discharge of bond indebtedness does
106 | not apply to high-occupancy toll lanes or express lanes;
107 | creating s. 338.166, F.S.; authorizing the department to
108 | request that bonds be issued which are secured by toll
109 | revenues from high-occupancy toll or express lanes in a
110 | specified location; providing for the department to
111 | continue to collect tolls after discharge of indebtedness;
112 | authorizing the use of excess toll revenues for

113 improvements to the State Highway System; authorizing the
114 implementation of variable rate tolls on high-occupancy
115 toll lanes or express lanes; amending s. 338.2216, F.S.;
116 directing the Florida Turnpike Enterprise to implement new
117 technologies and processes in its operations and
118 collection of tolls and other amounts; providing contract
119 bid requirements for fuel and food on the turnpike system;
120 amending s. 338.223, F.S.; conforming a cross-reference;
121 amending s. 338.231, F.S.; revising provisions for
122 establishing and collecting tolls; authorizing collection
123 of amounts to cover costs of toll collection and payment
124 methods; requiring public notice and hearing; amending s.
125 339.12, F.S.; revising requirements for aid and
126 contributions by governmental entities for transportation
127 projects; revising limits under which the department may
128 enter into an agreement with a county for a project or
129 project phase not in the adopted work program; authorizing
130 the department to enter into certain long-term repayment
131 agreements; amending s. 339.135, F.S.; revising certain
132 notice provisions that require the Department of
133 Transportation to notify local governments regarding
134 amendments to an adopted 5-year work program; amending s.
135 339.155, F.S.; revising provisions for development of the
136 Florida Transportation Plan; amending s. 339.2816, F.S.,
137 relating to the small county road assistance program;
138 providing for resumption of certain funding for the
139 program; revising the criteria for counties eligible to
140 participate in the program; amending ss. 339.2819 and

141 339.285, F.S.; conforming cross-references; amending s.
142 341.301, F.S.; providing definitions relating to commuter
143 rail service, rail corridors, and railroad operation for
144 purposes of the rail program within the department;
145 amending s. 341.302, F.S.; authorizing the department to
146 purchase specified property for the purpose of
147 implementing commuter rail service; authorizing the
148 department to assume certain liability on a rail corridor;
149 authorizing the department to indemnify and hold harmless
150 a railroad company when the department acquires a rail
151 corridor from the company; providing allocation of risk;
152 providing a specific cap on the amount of the contractual
153 duty for such indemnification; authorizing the department
154 to purchase and provide insurance in relation to rail
155 corridors; authorizing marketing and promotional expenses;
156 extending provisions to other governmental entities
157 providing commuter rail service on public right-of-way;
158 creating s. 341.3023, F.S.; requiring the department to
159 review and study commuter rail programs and intercity rail
160 transportation systems; requiring a report to the Governor
161 and the Legislature; repealing part III of ch. 343 F.S.;
162 abolishing the Tampa Bay Commuter Transit Authority;
163 amending s. 348.0003, F.S.; providing for financial
164 disclosure for expressway, transportation, bridge, and
165 toll authorities; amending s. 348.0004, F.S.; providing
166 for certain expressway authorities to index toll rate
167 increases; amending s. 479.01, F.S.; revising provisions
168 for outdoor advertising; revising the definition of the

169 term "automatic changeable facing"; amending s. 479.07,
170 F.S.; revising a prohibition against signs on the State
171 Highway System; revising requirements for display of the
172 sign permit tag; directing the department to establish by
173 rule a fee for furnishing a replacement permit tag;
174 revising the pilot project for permitted signs to include
175 Hillsborough County and areas within the boundaries of the
176 City of Miami; amending s. 479.08, F.S.; revising
177 provisions for denial or revocation of a sign permit;
178 amending s. 479.156, F.S.; revising provisions for a
179 municipality or county to permit and regulate wall
180 murals; amending s. 479.261, F.S.; revising requirements
181 for the logo sign program of the interstate highway
182 system; deleting provisions providing for permits to be
183 awarded to the highest bidders; requiring the department
184 to implement a rotation-based logo program; requiring the
185 department to adopt rules that set reasonable rates based
186 on certain factors for annual permit fees; requiring that
187 such fees not exceed a certain amount for sign locations
188 inside and outside an urban area; creating a business
189 partnership pilot program; authorizing the Palm Beach
190 County School District to display names of business
191 partners on district property in unincorporated areas;
192 exempting the program from specified provisions; amending
193 s. 768.28, F.S.; expanding the list of entities considered
194 agents of the state; providing for construction in
195 relation to certain federal laws; requiring the department
196 to ensure certain providers of railroad related services

197 meet certain requirements; requiring the department to
 198 conduct a study of transportation alternatives for the
 199 Interstate 95 corridor; requiring a report to the Governor
 200 and the Legislature; authorizing the expenditure of public
 201 funds for certain alterations of Old Cutler Road in the
 202 Village of Palmetto Bay; requiring the official approval
 203 of the Department of State before any alterations may
 204 begin; reenacting ss. 316.066(3)(a), 316.072(4)(b),
 205 316.1932(3), 316.1933(4), 316.1937(1) and (2)(d),
 206 316.1939(1)(b), 316.656(1), 318.143(4) and (5), 318.17(3),
 207 320.055(1)(c), 322.03(2), 322.0602(2)(a), 322.21(8),
 208 322.25(5), 322.26(1)(a), 322.2615(14)(a) and (16),
 209 322.2616(15) and (19), 322.264(1)(b), 322.271(2)(a), (c)
 210 and (4), 322.2715(2), (3)(a), (c), and (4), 322.28(2),
 211 322.282(2)(a), 322.291(1)(a), 322.34(9)(a), 322.62(3),
 212 322.63(2)(d) and (6), 322.64(1), (2), (7)(a), (8)(b),
 213 (14), and (15), 323.001(4)(f), 324.023, 324.131,
 214 327.35(6), 337.195(1), 440.02(17)(c), 440.09(7)(b),
 215 493.6106(1)(d), 627.7275(2)(a), 627.758(4), 790.06(2)(f)
 216 and (10)(f), 903.36(2), and 907.041(4)(c), F.S., relating
 217 to written reports of crashes, obedience to and effect of
 218 traffic laws, tests for alcohol, chemical substances, or
 219 controlled substances, implied consent, refusal, blood
 220 test for impairment or intoxication in cases of death or
 221 serious bodily injury, right to use reasonable force,
 222 ignition interlock devices, requiring, unlawful acts,
 223 refusal to submit to testing, penalties, mandatory
 224 adjudication, prohibition against accepting plea to lesser

225 included offense, sanctions for infractions by minors,
 226 offenses excepted, registration periods, renewal periods,
 227 drivers must be licensed, penalties, youthful drunk driver
 228 visitation program, license fees, procedure for handling
 229 and collecting fees, when court to forward license to
 230 department and report convictions, temporary reinstatement
 231 of driving privileges, mandatory revocation of license by
 232 department, suspension of license, right to review,
 233 suspension of license, persons under 21 years of age,
 234 right to review, "habitual traffic offender" defined,
 235 authority to modify revocation, cancellation, or
 236 suspension order, ignition interlock device, period of
 237 suspension or revocation, procedure when court revokes or
 238 suspends license or driving privilege and orders
 239 reinstatement, driver improvement schools or dui programs,
 240 required in certain suspension and revocation cases,
 241 driving while license suspended, revoked, canceled, or
 242 disqualified, driving under the influence, commercial
 243 motor vehicle operators, alcohol or drug testing,
 244 commercial motor vehicle operators, holder of commercial
 245 driver's license, driving with unlawful blood-alcohol
 246 level, refusal to submit to breath, urine, or blood test,
 247 wrecker operator storage facilities, vehicle holds,
 248 financial responsibility for bodily injury or death,
 249 period of suspension, boating under the influence,
 250 penalties, "designated drivers," limits on liability,
 251 definitions, coverage, license requirements, posting,
 252 motor vehicle liability, surety on auto club traffic

253 | arrest bond, conditions, limit, bail bond, license to
 254 | carry concealed weapon or firearm, guaranteed arrest bond
 255 | certificates as cash bail, and pretrial detention and
 256 | release, to incorporate references in changes made by the
 257 | act; amending s. 120.52, F.S.; revising a definition;
 258 | providing effective dates.

259 |
 260 | Be It Enacted by the Legislature of the State of Florida:

261 |
 262 | Section 1. Paragraph (h) of subsection (2) of section
 263 | 20.23, Florida Statutes, is amended to read:

264 | 20.23 Department of Transportation.--There is created a
 265 | Department of Transportation which shall be a decentralized
 266 | agency.

267 | (2)

268 | (h) The commission shall appoint an executive director and
 269 | assistant executive director, who shall serve under the
 270 | direction, supervision, and control of the commission. The
 271 | executive director, with the consent of the commission, shall
 272 | employ such staff as are necessary to perform adequately the
 273 | functions of the commission, within budgetary limitations. All
 274 | employees of the commission are exempt from part II of chapter
 275 | 110 and shall serve at the pleasure of the commission. The
 276 | salary and benefits of the executive director shall be set in
 277 | accordance with the Senior Management Service. The salaries and
 278 | benefits of all other employees of the commission shall be set
 279 | in accordance with the Selected Exempt Service; ~~provided,~~
 280 | however, ~~that~~ the commission has ~~shall have~~ complete authority

281 for fixing the salary of the executive director and assistant
 282 executive director.

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

285 125.42 Water, sewage, gas, power, telephone, other
 286 utility, and television lines along county roads and highways.--

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

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

294 163.3177 Required and optional elements of comprehensive
 295 plan; studies and surveys.--

296 (6) In addition to the requirements of subsections (1)-(5)
 297 and (12), the comprehensive plan shall include the following
 298 elements:

299 (a) A future land use plan element designating proposed
 300 future general distribution, location, and extent of the uses of
 301 land for residential uses, commercial uses, industry,
 302 agriculture, recreation, conservation, education, public
 303 buildings and grounds, other public facilities, and other
 304 categories of the public and private uses of land. Counties are
 305 encouraged to designate rural land stewardship areas, pursuant
 306 to the provisions of paragraph (11)(d), as overlays on the
 307 future land use map. Each future land use category must be
 308 defined in terms of uses included, and must include standards to

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

337 communities, the amount of land designated for future planned
338 industrial use shall be based upon surveys and studies that
339 reflect the need for job creation, capital investment, and the
340 necessity to strengthen and diversify the local economies, and
341 shall not be limited solely by the projected population of the
342 rural community. The future land use plan of a county may also
343 designate areas for possible future municipal incorporation. The
344 land use maps or map series shall generally identify and depict
345 historic district boundaries and shall designate historically
346 significant properties meriting protection. For coastal
347 counties, the future land use element must include, without
348 limitation, regulatory incentives and criteria that encourage
349 the preservation of recreational and commercial working
350 waterfronts as defined in s. 342.07. The future land use element
351 must clearly identify the land use categories in which public
352 schools are an allowable use. When delineating the land use
353 categories in which public schools are an allowable use, a local
354 government shall include in the categories sufficient land
355 proximate to residential development to meet the projected needs
356 for schools in coordination with public school boards and may
357 establish differing criteria for schools of different type or
358 size. Each local government shall include lands contiguous to
359 existing school sites, to the maximum extent possible, within
360 the land use categories in which public schools are an allowable
361 use. The failure by a local government to comply with these
362 school siting requirements will result in the prohibition of the
363 local government's ability to amend the local comprehensive
364 plan, except for plan amendments described in s. 163.3187(1)(b),

365 until the school siting requirements are met. Amendments
366 proposed by a local government for purposes of identifying the
367 land use categories in which public schools are an allowable use
368 are exempt from the limitation on the frequency of plan
369 amendments contained in s. 163.3187. The future land use element
370 shall include criteria that encourage the location of schools
371 proximate to urban residential areas to the extent possible and
372 shall require that the local government seek to collocate public
373 facilities, such as parks, libraries, and community centers,
374 with schools to the extent possible and to encourage the use of
375 elementary schools as focal points for neighborhoods. For
376 schools serving predominantly rural counties, defined as a
377 county with a population of 100,000 or fewer, an agricultural
378 land use category shall be eligible for the location of public
379 school facilities if the local comprehensive plan contains
380 school siting criteria and the location is consistent with such
381 criteria. Local governments required to update or amend their
382 comprehensive plan to include criteria and address compatibility
383 of lands adjacent to an airport as defined in s. 330.35 and
384 consistent with provisions in s. 333.02 ~~adjacent or closely~~
385 ~~proximate lands with existing military installations~~ in their
386 future land use plan element shall transmit the update or
387 amendment to the state land planning agency ~~department~~ by June
388 30, 2011 ~~2006~~.

389 (h)1. An intergovernmental coordination element showing
390 relationships and stating principles and guidelines to be used
391 in the accomplishment of coordination of the adopted
392 comprehensive plan with the plans of school boards, regional

393 water supply authorities, and other units of local government
394 providing services but not having regulatory authority over the
395 use of land, with the comprehensive plans of adjacent
396 municipalities, the county, adjacent counties, or the region,
397 with the state comprehensive plan and with the applicable
398 regional water supply plan approved pursuant to s. 373.0361, as
399 the case may require and as such adopted plans or plans in
400 preparation may exist. This element of the local comprehensive
401 plan shall demonstrate consideration of the particular effects
402 of the local plan, when adopted, upon the development of
403 adjacent municipalities, the county, adjacent counties, or the
404 region, or upon the state comprehensive plan, as the case may
405 require.

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

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

414 c. The intergovernmental coordination element may provide
415 for a voluntary dispute resolution process as established
416 pursuant to s. 186.509 for bringing to closure in a timely
417 manner intergovernmental disputes. A local government may
418 develop and use an alternative local dispute resolution process
419 for this purpose.

420 d. The intergovernmental coordination element shall

421 provide for interlocal agreements, as established pursuant to s.
422 333.03(1)(b).

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

443 3. To foster coordination between special districts and
444 local general-purpose governments as local general-purpose
445 governments implement local comprehensive plans, each
446 independent special district must submit a public facilities
447 report to the appropriate local government as required by s.
448 189.415.

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

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

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

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

471 a. Identifies all existing or proposed interlocal service
472 delivery agreements regarding the following: education; sanitary
473 sewer; public safety; solid waste; drainage; potable water;
474 parks and recreation; and transportation facilities.

475 b. Identifies any deficits or duplication in the provision
476 of services within its jurisdiction, whether capital or

477 operational. Upon request, the Department of Community Affairs
 478 shall provide technical assistance to the local governments in
 479 identifying deficits or duplication.

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

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

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

496 1. Traffic circulation, including major thoroughfares and
 497 other routes, including bicycle and pedestrian ways.

498 2. All alternative modes of travel, such as public
 499 transportation, pedestrian, and bicycle travel.

500 3. Parking facilities.

501 4. Aviation, rail, seaport facilities, access to those
 502 facilities, and intermodal terminals.

503 5. The availability of facilities and services to serve
 504 existing land uses and the compatibility between future land use

505 and transportation elements.

506 6. The capability to evacuate the coastal population prior
507 to an impending natural disaster.

508 7. Airports, projected airport and aviation development,
509 and land use compatibility around airports that includes areas
510 defined in ss. 333.01 and 333.02.

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

516 9. May include transportation corridors, as defined in s.
517 334.03, intended for future transportation facilities designated
518 pursuant to s. 337.273. If transportation corridors are
519 designated, the local government may adopt a transportation
520 corridor management ordinance.

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

523 163.3178 Coastal management.--

524 (3) Expansions to port harbors, spoil disposal sites,
525 navigation channels, turning basins, harbor berths, and other
526 related inwater harbor facilities of ports listed in s.
527 403.021(9); port transportation facilities and projects listed
528 in s. 311.07(3)(b); and intermodal transportation facilities
529 identified pursuant to s. 311.09(3) and facilities determined by
530 the Department of Community Affairs and applicable general
531 purpose local government to be port-related industrial or
532 commercial projects located within 3 miles of or in a port

533 master plan area which rely upon the utilization of port and
 534 intermodal transportation facilities shall not be developments
 535 of regional impact where such expansions, projects, or
 536 facilities are consistent with comprehensive master plans that
 537 are in compliance with this section.

538 Section 5. Paragraph (c) is added to subsection (2) of
 539 section 163.3182, Florida Statutes, and paragraph (d) of
 540 subsection (3), paragraph (a) of subsection (4), and subsections
 541 (5) and (8) of that section are amended, to read:

542 163.3182 Transportation concurrency backlogs.--

543 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
 544 AUTHORITIES.--

545 (c) The Legislature finds and declares that there exists
 546 in many counties and municipalities areas with significant
 547 transportation deficiencies and inadequate transportation
 548 facilities; that many such insufficiencies and inadequacies
 549 severely limit or prohibit the satisfaction of transportation
 550 concurrency standards; that such transportation insufficiencies
 551 and inadequacies affect the health, safety, and welfare of the
 552 residents of such counties and municipalities; that such
 553 transportation insufficiencies and inadequacies adversely affect
 554 economic development and growth of the tax base for the areas in
 555 which such insufficiencies and inadequacies exist; and that the
 556 elimination of transportation deficiencies and inadequacies and
 557 the satisfaction of transportation concurrency standards are
 558 paramount public purposes for the state and its counties and
 559 municipalities.

560 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG

561 AUTHORITY.--Each transportation concurrency backlog authority
 562 has the powers necessary or convenient to carry out the purposes
 563 of this section, including the following powers in addition to
 564 others granted in this section:

565 (d) To borrow money, including, but not limited to,
 566 issuing debt obligations, such as, but not limited to, bonds,
 567 notes, certificates, and similar debt instruments; to apply for
 568 and accept advances, loans, grants, contributions, and any other
 569 forms of financial assistance from the Federal Government or the
 570 state, county, or any other public body or from any sources,
 571 public or private, for the purposes of this part; to give such
 572 security as may be required; to enter into and carry out
 573 contracts or agreements; and to include in any contracts for
 574 financial assistance with the Federal Government for or with
 575 respect to a transportation concurrency backlog project and
 576 related activities such conditions imposed pursuant to federal
 577 laws as the transportation concurrency backlog authority
 578 considers reasonable and appropriate and which are not
 579 inconsistent with the purposes of this section.

580 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

581 (a) Each transportation concurrency backlog authority
 582 shall adopt a transportation concurrency backlog plan as a part
 583 of the local government comprehensive plan within 6 months after
 584 the creation of the authority. The plan shall:

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

588 2. Include a priority listing of all transportation

589 facilities that have been designated as deficient and do not
590 satisfy concurrency requirements pursuant to s. 163.3180, and
591 the applicable local government comprehensive plan.

592 3. Establish a schedule for financing and construction of
593 transportation concurrency backlog projects that will eliminate
594 transportation concurrency backlogs within the jurisdiction of
595 the authority within 10 years after the transportation
596 concurrency backlog plan adoption. The schedule shall be adopted
597 as part of the local government comprehensive plan.

598 Notwithstanding such schedule requirements, as long as the
599 schedule provides for the elimination of all transportation
600 concurrency backlogs within 10 years after the adoption of the
601 concurrency backlog plan, the final maturity date of any debt
602 incurred to finance or refinance the related projects may be no
603 later than 40 years after the date such debt is incurred and the
604 authority may continue operations and administer the trust fund
605 established as provided in subsection (5) for as long as such
606 debt remains outstanding.

607 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
608 concurrency backlog authority shall establish a local
609 transportation concurrency backlog trust fund upon creation of
610 the authority. Each local trust fund shall be administered by
611 the transportation concurrency backlog authority within which a
612 transportation concurrency backlog has been identified. Each
613 local trust fund shall continue to be funded pursuant to this
614 section for as long as the projects set forth in the related
615 transportation concurrency backlog plan remain to be completed
616 or until any debt incurred to finance or refinance the related

617 projects are no longer outstanding, whichever occurs later.
 618 Beginning in the first fiscal year after the creation of the
 619 authority, each local trust fund shall be funded by the proceeds
 620 of an ad valorem tax increment collected within each
 621 transportation concurrency backlog area to be determined
 622 annually and shall be a minimum of 25 percent of the difference
 623 between the amounts set forth in paragraphs (a) and (b), except
 624 that if all of the affected taxing authorities agree pursuant to
 625 an interlocal agreement, a particular local trust fund may be
 626 funded by the proceeds of an ad valorem tax increment greater
 627 than 25 percent of the difference between the amounts set forth
 628 in paragraphs (a) and (b):

629 (a) The amount of ad valorem tax levied each year by each
 630 taxing authority, exclusive of any amount from any debt service
 631 millage, on taxable real property contained within the
 632 jurisdiction of the transportation concurrency backlog authority
 633 and within the transportation backlog area; and

634 (b) The amount of ad valorem taxes which would have been
 635 produced by the rate upon which the tax is levied each year by
 636 or for each taxing authority, exclusive of any debt service
 637 millage, upon the total of the assessed value of the taxable
 638 real property within the transportation concurrency backlog area
 639 as shown on the most recent assessment roll used in connection
 640 with the taxation of such property of each taxing authority
 641 prior to the effective date of the ordinance funding the trust
 642 fund.

643 (8) DISSOLUTION.--Upon completion of all transportation
 644 concurrency backlog projects and repayment or defeasance of all

645 debt issued to finance or refinance such projects, a
 646 transportation concurrency backlog authority shall be dissolved,
 647 and its assets and liabilities shall be transferred to the
 648 county or municipality within which the authority is located.
 649 All remaining assets of the authority must be used for
 650 implementation of transportation projects within the
 651 jurisdiction of the authority. The local government
 652 comprehensive plan shall be amended to remove the transportation
 653 concurrency backlog plan.

654 Section 6. Paragraph (c) of subsection (9) of section
 655 287.055, Florida Statutes, is amended to read:

656 287.055 Acquisition of professional architectural,
 657 engineering, landscape architectural, or surveying and mapping
 658 services; definitions; procedures; contingent fees prohibited;
 659 penalties.--

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

661 (c) Except as otherwise provided in s. 337.11(8)~~(7)~~, the
 662 Department of Management Services shall adopt rules for the
 663 award of design-build contracts to be followed by state
 664 agencies. Each other agency must adopt rules or ordinances for
 665 the award of design-build contracts. Municipalities, political
 666 subdivisions, school districts, and school boards shall award
 667 design-build contracts by the use of a competitive proposal
 668 selection process as described in this subsection, or by the use
 669 of a qualifications-based selection process pursuant to
 670 subsections (3), (4), and (5) for entering into a contract
 671 whereby the selected firm will, subsequent to competitive
 672 negotiations, establish a guaranteed maximum price and

673 guaranteed completion date. If the procuring agency elects the
674 option of qualifications-based selection, during the selection
675 of the design-build firm the procuring agency shall employ or
676 retain a licensed design professional appropriate to the project
677 to serve as the agency's representative. Procedures for the use
678 of a competitive proposal selection process must include as a
679 minimum the following:

680 1. The preparation of a design criteria package for the
681 design and construction of the public construction project.

682 2. The qualification and selection of no fewer than three
683 design-build firms as the most qualified, based on the
684 qualifications, availability, and past work of the firms,
685 including the partners or members thereof.

686 3. The criteria, procedures, and standards for the
687 evaluation of design-build contract proposals or bids, based on
688 price, technical, and design aspects of the public construction
689 project, weighted for the project.

690 4. The solicitation of competitive proposals, pursuant to
691 a design criteria package, from those qualified design-build
692 firms and the evaluation of the responses or bids submitted by
693 those firms based on the evaluation criteria and procedures
694 established prior to the solicitation of competitive proposals.

695 5. For consultation with the employed or retained design
696 criteria professional concerning the evaluation of the responses
697 or bids submitted by the design-build firms, the supervision or
698 approval by the agency of the detailed working drawings of the
699 project; and for evaluation of the compliance of the project
700 construction with the design criteria package by the design

701 criteria professional.

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

705 Section 7. Section 316.0741, Florida Statutes, is amended
 706 to read:

707 316.0741 High-occupancy-vehicle ~~High-occupancy-vehiele~~
 708 lanes.--

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

710 (a) "High-occupancy-vehicle ~~High-occupancy-vehiele~~ lane"
 711 or "HOV lane" means a lane of a public roadway designated for
 712 use by vehicles in which there is more than one occupant unless
 713 otherwise authorized by federal law.

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

715 1. That draws propulsion energy from onboard sources of
 716 stored energy which are both an internal combustion or heat
 717 engine using combustible fuel and a rechargeable energy-storage
 718 system; and

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

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

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

734 (4) (a) Notwithstanding any other provision of this
735 section, an inherently low-emission vehicle (ILEV) that is
736 certified and labeled in accordance with federal regulations may
737 be driven in an HOV lane at any time, regardless of its
738 occupancy. In addition, upon the state's receipt of written
739 notice from the proper federal regulatory agency authorizing
740 such use, a vehicle defined as a hybrid vehicle under this
741 section may be driven in an HOV lane at any time, regardless of
742 its occupancy.

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

747 (c) Upon issuance of the applicable Environmental
748 Protection Agency final rule pursuant to 23 U.S.C. s. 166(e),
749 relating to the eligibility of hybrid and other low-emission and
750 energy-efficient vehicles for operation in an HOV lane
751 regardless of occupancy, the Department of Transportation shall
752 review the rule and recommend to the Legislature any statutory
753 changes necessary for compliance with the federal rule. The
754 department shall provide its recommendations no later than 30
755 days following issuance of the final rule.

756 (5) The department shall issue a decal and registration

757 certificate, to be renewed annually, reflecting the HOV lane
 758 designation on ~~such~~ vehicles meeting the criteria in subsection
 759 (4) authorizing driving in an HOV lane at any time such use. The
 760 department may charge a fee for a decal, not to exceed the costs
 761 of designing, producing, and distributing each decal, or \$5,
 762 whichever is less. The proceeds from sale of the decals shall be
 763 deposited in the Highway Safety Operating Trust Fund. The
 764 department may, for reasons of operation and management of HOV
 765 facilities, limit or discontinue issuance of decals for the use
 766 of HOV facilities by hybrid and low-emission and energy-
 767 efficient vehicles, regardless of occupancy, if it has been
 768 determined by the Department of Transportation that the
 769 facilities are degraded as defined by 23 U.S.C. s. 166(d)(2).

770 (6) Vehicles having decals by virtue of compliance with
 771 the minimum fuel economy standards under 23 U.S.C. s.
 772 166(f)(3)(B), and which are registered for use in high-occupancy
 773 toll lanes or express lanes in accordance with Department of
 774 Transportation rule, shall be allowed to use any HOV lanes
 775 redesignated as high-occupancy toll lanes or express lanes
 776 without payment of a toll.

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

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

781 ~~1. An internal combustion or heat engine using combustible~~
 782 ~~fuel; and~~

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

784 ~~(b) That, in the case of a passenger automobile or light~~

785 ~~truck:~~

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

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

790 ~~(7)(6)~~ The department may adopt rules necessary to
 791 administer this section.

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

794 316.193 Driving under the influence; penalties.--

795 (4) (a) Any person who is convicted of a violation of
 796 subsection (1) and who has a blood-alcohol level or breath-
 797 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
 798 convicted of a violation of subsection (1) and who at the time
 799 of the offense was accompanied in the vehicle by a person under
 800 the age of 18 years, shall be punished:

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

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

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

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

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

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

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

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

813 person who has a blood-alcohol level or breath-alcohol level of
 814 0.15 ~~0.20~~ or higher.

815 (c) In addition to the penalties in subparagraphs (a)1.
 816 and 2. ~~paragraphs (a) and (b)~~, the court shall order the
 817 mandatory placement, at the convicted person's sole expense, of
 818 an ignition interlock device approved by the department in
 819 accordance with s. 316.1938 upon all vehicles that are
 820 individually or jointly leased or owned and routinely operated
 821 by the convicted person for not less than ~~up to~~ 6 continuous
 822 months for the first offense and for not less than ~~at least~~ 2
 823 continuous years for a second offense, when the convicted person
 824 qualifies for a permanent or restricted license. ~~The~~
 825 ~~installation of such device may not occur before July 1, 2003.~~

826 Section 9. Effective October 1, 2008, paragraph (b) of
 827 subsection (1) and subsections (6) and (8) of section 316.302,
 828 Florida Statutes, are amended to read:

829 316.302 Commercial motor vehicles; safety regulations;
 830 transporters and shippers of hazardous materials; enforcement.--

831 (1)

832 (b) Except as otherwise provided in this section, all
 833 owners or drivers of commercial motor vehicles that are engaged
 834 in intrastate commerce are subject to the rules and regulations
 835 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 836 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 837 of bus, as such rules and regulations existed on October 1, 2007
 838 ~~2005~~.

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

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

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

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

869 (b) Any person who fails to comply with an officer's
 870 request to submit to an inspection under this subsection commits
 871 a violation of s. 843.02 if the person resists the officer
 872 without violence or a violation of s. 843.01 if the person
 873 resists the officer with violence.

874 Section 10. Subsection (2) of section 316.613, Florida
 875 Statutes, is amended to read:

876 316.613 Child restraint requirements.--

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

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

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

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

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

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

890 Section 11. Paragraph (a) of subsection (3) of section
 891 316.614, Florida Statutes, is amended to read:

892 316.614 Safety belt usage.--

893 (3) As used in this section:

894 (a) "Motor vehicle" means a motor vehicle as defined in s.
 895 316.003 which ~~that~~ is operated on the roadways, streets, and
 896 highways of this state. The term does not include:

- 897 1. A school bus.
- 898 2. A bus used for the transportation of persons for
899 compensation.
- 900 3. A farm tractor or implement of husbandry.
- 901 4. A truck having a gross vehicle weight rating of more
902 than 26,000 ~~of a net weight of more than 5,000~~ pounds.
- 903 5. A motorcycle, moped, or bicycle.

904 Section 12. Paragraph (a) of subsection (2) of section
905 316.656, Florida Statutes, is amended to read:

906 316.656 Mandatory adjudication; prohibition against
907 accepting plea to lesser included offense.--

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

914 Section 13. Section 322.64, Florida Statutes, is amended
915 to read:

916 322.64 Holder of commercial driver's license; persons
917 operating a commercial motor vehicle; driving with unlawful
918 blood-alcohol level; refusal to submit to breath, urine, or
919 blood test.--

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

925 blood-alcohol level or breath-alcohol level, or a person who has
926 refused to submit to a breath, urine, or blood test authorized
927 by s. 322.63 arising out of the operation or actual physical
928 control of a commercial motor vehicle. A law enforcement officer
929 or correctional officer shall, on behalf of the department,
930 disqualify the holder of a commercial driver's license from
931 operating any commercial motor vehicle if the licenseholder,
932 while operating or in actual physical control of a motor
933 vehicle, is arrested for a violation of s. 316.193, relating to
934 unlawful blood-alcohol level or breath-alcohol level, or refused
935 to submit to a breath, urine, or blood test authorized by s.
936 322.63. Upon disqualification of the person, the officer shall
937 take the person's driver's license and issue the person a 10-day
938 temporary permit for the operation of noncommercial vehicles
939 only if the person is otherwise eligible for the driving
940 privilege and shall issue the person a notice of
941 disqualification. If the person has been given a blood, breath,
942 or urine test, the results of which are not available to the
943 officer at the time of the arrest, the agency employing the
944 officer shall transmit such results to the department within 5
945 days after receipt of the results. If the department then
946 determines that the person ~~was arrested for a violation of s.~~
947 ~~316.193 and that the person~~ had a blood-alcohol level or breath-
948 alcohol level of 0.08 or higher, the department shall disqualify
949 the person from operating a commercial motor vehicle pursuant to
950 subsection (3).

951 (b) The disqualification under paragraph (a) shall be
952 pursuant to, and the notice of disqualification shall inform the

953 driver of, the following:

954 1.a. The driver refused to submit to a lawful breath,
 955 blood, or urine test and he or she is disqualified from
 956 operating a commercial motor vehicle for a period of 1 year, for
 957 a first refusal, or permanently, if he or she has previously
 958 been disqualified as a result of a refusal to submit to such a
 959 test; or

960 b. The driver was driving or in actual physical control of
 961 a commercial motor vehicle, or any motor vehicle if the driver
 962 holds a commercial driver's license, had an unlawful blood-
 963 alcohol level or breath-alcohol level of 0.08 or higher, and his
 964 or her driving privilege shall be disqualified for a period of 1
 965 year for a first offense or permanently disqualified if his or
 966 her driving privilege has been previously disqualified under
 967 this section. ~~violated s. 316.193 by driving with an unlawful~~
 968 ~~blood alcohol level and he or she is disqualified from operating~~
 969 ~~a commercial motor vehicle for a period of 6 months for a first~~
 970 ~~offense or for a period of 1 year if he or she has previously~~
 971 ~~been disqualified, or his or her driving privilege has been~~
 972 ~~previously suspended, for a violation of s. 316.193.~~

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

976 3. The driver may request a formal or informal review of
 977 the disqualification by the department within 10 days after the
 978 date of ~~arrest or~~ issuance of the notice of disqualification,
 979 ~~whichever is later.~~

980 4. The temporary permit issued at the time of ~~arrest or~~

981 disqualification expires ~~will expire~~ at midnight of the 10th day
 982 following the date of disqualification.

983 5. The driver may submit to the department any materials
 984 relevant to the disqualification ~~arrest~~.

985 (2) Except as provided in paragraph (1)(a), the law
 986 enforcement officer shall forward to the department, within 5
 987 days after the date of the ~~arrest or the~~ issuance of the notice
 988 of disqualification, ~~whichever is later~~, a copy of the notice of
 989 disqualification, the driver's license of the person
 990 disqualified ~~arrested~~, and a ~~report of the arrest, including, if~~
 991 ~~applicable~~, an affidavit stating the officer's grounds for
 992 belief that the person disqualified ~~arrested~~ was operating or in
 993 actual physical control of a commercial motor vehicle, or holds
 994 a commercial driver's license, and had an unlawful blood-alcohol
 995 or breath-alcohol level in violation of s. 316.193; the results
 996 of any breath or blood or urine test or an affidavit stating
 997 that a breath, blood, or urine test was requested by a law
 998 enforcement officer or correctional officer and that the person
 999 arrested refused to submit; a copy of the notice of
 1000 disqualification ~~citation~~ issued to the person ~~arrested~~; and the
 1001 officer's description of the person's field sobriety test, if
 1002 any. The failure of the officer to submit materials within the
 1003 5-day period specified in this subsection or subsection (1) does
 1004 ~~shall~~ not affect the department's ability to consider any
 1005 evidence submitted at or prior to the hearing. The officer may
 1006 also submit a copy of a videotape of the field sobriety test or
 1007 the attempt to administer such test and a copy of the crash
 1008 report, if any.

1009 (3) If the department determines that the person arrested
 1010 should be disqualified from operating a commercial motor vehicle
 1011 pursuant to this section and if the notice of disqualification
 1012 has not already been served upon the person by a law enforcement
 1013 officer or correctional officer as provided in subsection (1),
 1014 the department shall issue a notice of disqualification and,
 1015 unless the notice is mailed pursuant to s. 322.251, a temporary
 1016 permit which expires 10 days after the date of issuance if the
 1017 driver is otherwise eligible.

1018 (4) If the person disqualified ~~arrested~~ requests an
 1019 informal review pursuant to subparagraph (1)(b)3., the
 1020 department shall conduct the informal review by a hearing
 1021 officer employed by the department. Such informal review hearing
 1022 shall consist solely of an examination by the department of the
 1023 materials submitted by a law enforcement officer or correctional
 1024 officer and by the person disqualified ~~arrested~~, and the
 1025 presence of an officer or witness is not required.

1026 (5) After completion of the informal review, notice of the
 1027 department's decision sustaining, amending, or invalidating the
 1028 disqualification must be provided to the person. Such notice
 1029 must be mailed to the person at the last known address shown on
 1030 the department's records, and to the address provided in the law
 1031 enforcement officer's report if such address differs from the
 1032 address of record, within 21 days after the expiration of the
 1033 temporary permit issued pursuant to subsection (1) or subsection
 1034 (3).

1035 (6)(a) If the person disqualified ~~arrested~~ requests a
 1036 formal review, the department must schedule a hearing to be held

1037 within 30 days after such request is received by the department
1038 and must notify the person of the date, time, and place of the
1039 hearing.

1040 (b) Such formal review hearing shall be held before a
1041 hearing officer employed by the department, and the hearing
1042 officer shall be authorized to administer oaths, examine
1043 witnesses and take testimony, receive relevant evidence, issue
1044 subpoenas for the officers and witnesses identified in documents
1045 as provided in subsection (2), regulate the course and conduct
1046 of the hearing, and make a ruling on the disqualification. The
1047 department and the person disqualified ~~arrested~~ may subpoena
1048 witnesses, and the party requesting the presence of a witness
1049 shall be responsible for the payment of any witness fees. If the
1050 person who requests a formal review hearing fails to appear and
1051 the hearing officer finds such failure to be without just cause,
1052 the right to a formal hearing is waived ~~and the department shall~~
1053 ~~conduct an informal review of the disqualification under~~
1054 ~~subsection (4)~~.

1055 (c) A party may seek enforcement of a subpoena under
1056 paragraph (b) by filing a petition for enforcement in the
1057 circuit court of the judicial circuit in which the person
1058 failing to comply with the subpoena resides. A failure to comply
1059 with an order of the court shall result in a finding of contempt
1060 of court. However, a person shall not be in contempt while a
1061 subpoena is being challenged.

1062 (d) The department must, within 7 days after a formal
1063 review hearing, send notice to the person of the hearing
1064 officer's decision as to whether sufficient cause exists to

1065 sustain, amend, or invalidate the disqualification.

1066 (7) In a formal review hearing under subsection (6) or an
 1067 informal review hearing under subsection (4), the hearing
 1068 officer shall determine by a preponderance of the evidence
 1069 whether sufficient cause exists to sustain, amend, or invalidate
 1070 the disqualification. The scope of the review shall be limited
 1071 to the following issues:

1072 (a) If the person was disqualified from operating a
 1073 commercial motor vehicle for driving with an unlawful blood-
 1074 alcohol level ~~in violation of s. 316.193:~~

1075 1. Whether the arresting law enforcement officer had
 1076 probable cause to believe that the person was driving or in
 1077 actual physical control of a commercial motor vehicle, or any
 1078 motor vehicle if the driver holds a commercial driver's license,
 1079 in this state while he or she had any alcohol, chemical
 1080 substances, or controlled substances in his or her body.

1081 ~~2. Whether the person was placed under lawful arrest for a~~
 1082 ~~violation of s. 316.193.~~

1083 ~~2.3.~~ Whether the person had an unlawful blood-alcohol
 1084 level or breath-alcohol level of 0.08 or higher as provided in
 1085 ~~s. 316.193.~~

1086 (b) If the person was disqualified from operating a
 1087 commercial motor vehicle for refusal to submit to a breath,
 1088 blood, or urine test:

1089 1. Whether the law enforcement officer had probable cause
 1090 to believe that the person was driving or in actual physical
 1091 control of a commercial motor vehicle, or any motor vehicle if
 1092 the driver holds a commercial driver's license, in this state

1093 while he or she had any alcohol, chemical substances, or
 1094 controlled substances in his or her body.

1095 2. Whether the person refused to submit to the test after
 1096 being requested to do so by a law enforcement officer or
 1097 correctional officer.

1098 3. Whether the person was told that if he or she refused
 1099 to submit to such test he or she would be disqualified from
 1100 operating a commercial motor vehicle for a period of 1 year or,
 1101 in the case of a second refusal, permanently.

1102 (8) Based on the determination of the hearing officer
 1103 pursuant to subsection (7) for both informal hearings under
 1104 subsection (4) and formal hearings under subsection (6), the
 1105 department shall:

1106 (a) Sustain the disqualification for a period of 1 year
 1107 for a first refusal, or permanently if such person has been
 1108 previously disqualified from operating a commercial motor
 1109 vehicle as a result of a refusal to submit to such tests. The
 1110 disqualification period commences on the date of the arrest or
 1111 issuance of the notice of disqualification, whichever is later.

1112 (b) Sustain the disqualification:

1113 1. For a period of 1 year if the person was driving or in
 1114 actual physical control of a commercial motor vehicle, or any
 1115 motor vehicle if the driver holds a commercial driver's license,
 1116 and had an unlawful blood-alcohol level or breath-alcohol level
 1117 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
 1118 ~~for a period of 1 year~~

1119 2. Permanently if the person has been previously
 1120 disqualified from operating a commercial motor vehicle or his or

1121 her driving privilege has been previously suspended for driving
 1122 or being in actual physical control of a commercial motor
 1123 vehicle, or any motor vehicle if the driver holds a commercial
 1124 driver's license, and had an unlawful blood-alcohol level or
 1125 breath-alcohol level of 0.08 or higher ~~as a result of a~~
 1126 ~~violation of s. 316.193.~~

1127
 1128 The disqualification period commences on the date of the arrest
 1129 or issuance of the notice of disqualification, ~~whichever is~~
 1130 ~~later.~~

1131 (9) A request for a formal review hearing or an informal
 1132 review hearing shall not stay the disqualification. If the
 1133 department fails to schedule the formal review hearing to be
 1134 held within 30 days after receipt of the request therefor, the
 1135 department shall invalidate the disqualification. If the
 1136 scheduled hearing is continued at the department's initiative,
 1137 the department shall issue a temporary driving permit limited to
 1138 noncommercial vehicles which is ~~shall be~~ valid until the hearing
 1139 is conducted if the person is otherwise eligible for the driving
 1140 privilege. Such permit shall not be issued to a person who
 1141 sought and obtained a continuance of the hearing. The permit
 1142 issued under this subsection shall authorize driving for
 1143 business purposes ~~or employment use~~ only.

1144 (10) A person who is disqualified from operating a
 1145 commercial motor vehicle under subsection (1) or subsection (3)
 1146 is eligible for issuance of a license for business or employment
 1147 purposes only under s. 322.271 if the person is otherwise
 1148 eligible for the driving privilege. However, such business or

1149 employment purposes license shall not authorize the driver to
 1150 operate a commercial motor vehicle.

1151 (11) The formal review hearing may be conducted upon a
 1152 review of the reports of a law enforcement officer or a
 1153 correctional officer, including documents relating to the
 1154 administration of a breath test or blood test or the refusal to
 1155 take either test. However, as provided in subsection (6), the
 1156 driver may subpoena the officer or any person who administered
 1157 or analyzed a breath or blood test.

1158 (12) The formal review hearing and the informal review
 1159 hearing are exempt from the provisions of chapter 120. The
 1160 department is authorized to adopt rules for the conduct of
 1161 reviews under this section.

1162 (13) A person may appeal any decision of the department
 1163 sustaining the disqualification from operating a commercial
 1164 motor vehicle by a petition for writ of certiorari to the
 1165 circuit court in the county wherein such person resides or
 1166 wherein a formal or informal review was conducted pursuant to s.
 1167 322.31. However, an appeal shall not stay the disqualification.
 1168 This subsection shall not be construed to provide for a de novo
 1169 appeal.

1170 (14) The decision of the department under this section
 1171 shall not be considered in any trial for a violation of s.
 1172 316.193, s. 322.61, or s. 322.62, nor shall any written
 1173 statement submitted by a person in his or her request for
 1174 departmental review under this section be admissible into
 1175 evidence against him or her in any such trial. The disposition
 1176 of any related criminal proceedings shall not affect a

1177 disqualification imposed pursuant to this section.

1178 (15) This section does not preclude the suspension of the
 1179 driving privilege pursuant to s. 322.2615. The driving privilege
 1180 of a person who has been disqualified from operating a
 1181 commercial motor vehicle also may be suspended for a violation
 1182 of s. 316.193.

1183 Section 14. Notwithstanding any law to the contrary, a
 1184 county, municipality, or special district may not own or operate
 1185 an asphalt plant or a portable or stationary concrete batch
 1186 plant having an independent mixer; however, this prohibition
 1187 does not apply to any county that owns or is under contract to
 1188 purchase an asphalt plant as of April 15, 2008, and that
 1189 furnishes its plant-generated asphalt solely for use by local
 1190 governments or company's under contract with local governments
 1191 for projects within the boundaries of such county. Sale of plant
 1192 generated asphalt to private entities or local governments
 1193 outside the boundaries of such county is prohibited.

1194 Section 15. Paragraph (g) of subsection (5) of section
 1195 337.0261, Florida Statutes, is amended to read:

1196 337.0261 Construction aggregate materials.--

1197 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

1198 (g) The task force shall be dissolved on June 30, 2009
 1199 ~~July 1, 2008.~~

1200 Section 16. Paragraph (a) of subsection (7) of section
 1201 337.11, Florida Statutes, is amended to read:

1202 337.11 Contracting authority of department; bids;
 1203 emergency repairs, supplemental agreements, and change orders;
 1204 combined design and construction contracts; progress payments;

1205 records; requirements of vehicle registration.--

1206 (7) (a) If the head of the department determines that it is
 1207 in the best interests of the public, the department may combine
 1208 the design and construction phases of a building, a major
 1209 bridge, a limited access facility, or a rail corridor project
 1210 into a single contract. Such contract is referred to as a
 1211 design-build contract. The department's goal shall be to procure
 1212 up to 25 percent of the construction contracts that add capacity
 1213 in the 5-year adopted work program as design-build contracts by
 1214 July 1, 2013. Design-build contracts may be advertised and
 1215 awarded notwithstanding the requirements of paragraph (3) (c).
 1216 However, construction activities may not begin on any portion of
 1217 such projects for which the department has not yet obtained
 1218 title to the necessary rights-of-way and easements for the
 1219 construction of that portion of the project has vested in the
 1220 state or a local governmental entity and all railroad crossing
 1221 and utility agreements have been executed. Title to rights-of-
 1222 way shall be deemed to have vested in the state when the title
 1223 has been dedicated to the public or acquired by prescription.

1224 Section 17. Subsection (7) of section 337.14, Florida
 1225 Statutes, is amended to read:

1226 337.14 Application for qualification; certificate of
 1227 qualification; restrictions; request for hearing.--

1228 (7) No "contractor" as defined in s. 337.165(1) (d) or his
 1229 or her "affiliate" as defined in s. 337.165(1) (a) qualified with
 1230 the department under this section may also qualify under s.
 1231 287.055 or s. 337.105 to provide testing services, construction,
 1232 engineering, and inspection services to the department. This

1233 limitation shall not apply to any design-build prequalification
 1234 under s. 337.11(8)~~(7)~~.

1235 Section 18. Paragraph (a) of subsection (2) of section
 1236 337.16, Florida Statutes, is amended to read:

1237 337.16 Disqualification of delinquent contractors from
 1238 bidding; determination of contractor nonresponsibility; denial,
 1239 suspension, and revocation of certificates of qualification;
 1240 grounds; hearing.--

1241 (2) For reasons other than delinquency in progress, the
 1242 department, for good cause, may determine any contractor not
 1243 having a certificate of qualification nonresponsible for a
 1244 specified period of time or may deny, suspend, or revoke any
 1245 certificate of qualification. Good cause includes, but is not
 1246 limited to, circumstances in which a contractor or the
 1247 contractor's official representative:

1248 (a) Makes or submits to the department false, deceptive,
 1249 or fraudulent statements or materials in any bid proposal to the
 1250 department, any application for a certificate of qualification,
 1251 any certification of payment pursuant to s. 337.11(11)~~(10)~~, or
 1252 any administrative or judicial proceeding;

1253 Section 19. Paragraph (b) of subsection (1) of section
 1254 337.18 is amended to read:

1255 337.18 Surety bonds for construction or maintenance
 1256 contracts; requirement with respect to contract award; bond
 1257 requirements; defaults; damage assessments.--

1258 (1)

1259 (b) Prior to beginning any work under the contract, the
 1260 contractor shall maintain a copy of the payment and performance

1261 bond required under this section at its principal place of
 1262 business and at the jobsite office, if one is established, and
 1263 the contractor shall provide a copy of the payment and
 1264 performance bond within 5 days after receipt of any written
 1265 request therefor. A copy of the payment and performance bond
 1266 required under this section may also be obtained directly from
 1267 the department via a request made pursuant to chapter 119. ~~Upon~~
 1268 ~~execution of the contract, and prior to beginning any work under~~
 1269 ~~the contract, the contractor shall record in the public records~~
 1270 ~~of the county where the improvement is located the payment and~~
 1271 ~~performance bond required under this section.~~ A claimant shall
 1272 have a right of action against the contractor and surety for the
 1273 amount due him or her, including unpaid finance charges due
 1274 under the claimant's contract. Such action shall not involve the
 1275 department in any expense.

1276 Section 20. Subsections (1), (2), and (7) of section
 1277 337.185, Florida Statutes, are amended to read:

1278 337.185 State Arbitration Board.--

1279 (1) To facilitate the prompt settlement of claims for
 1280 additional compensation arising out of construction and
 1281 maintenance contracts between the department and the various
 1282 contractors with whom it transacts business, the Legislature
 1283 does hereby establish the State Arbitration Board, referred to
 1284 in this section as the "board." For the purpose of this section,
 1285 "claim" shall mean the aggregate of all outstanding claims by a
 1286 party arising out of a construction or maintenance contract.
 1287 Every contractual claim in an amount up to \$250,000 per contract
 1288 or, at the claimant's option, up to \$500,000 per contract or,

1289 upon agreement of the parties, up to \$1 million per contract
 1290 that cannot be resolved by negotiation between the department
 1291 and the contractor shall be arbitrated by the board after
 1292 acceptance of the project by the department. As an exception,
 1293 either party to the dispute may request that the claim be
 1294 submitted to binding private arbitration. A court of law may not
 1295 consider the settlement of such a claim until the process
 1296 established by this section has been exhausted.

1297 (2) The board shall be composed of three members. One
 1298 member shall be appointed by the head of the department, and one
 1299 member shall be elected by those construction or maintenance
 1300 companies who are under contract with the department. The third
 1301 member shall be chosen by agreement of the other two members.
 1302 Whenever the third member has a conflict of interest regarding
 1303 affiliation with one of the parties, the other two members shall
 1304 select an alternate member for that hearing. The head of the
 1305 department may select an alternative or substitute to serve as
 1306 the department member for any hearing or term. Each member shall
 1307 serve a 2-year term. The board shall elect a chair, each term,
 1308 who shall be the administrator of the board and custodian of its
 1309 records.

1310 (7) The members of the board may receive compensation for
 1311 the performance of their duties hereunder, from administrative
 1312 fees received by the board, except that no employee of the
 1313 department may receive compensation from the board. The
 1314 compensation amount shall be determined by the board, but shall
 1315 not exceed \$125 per hour, up to a maximum of \$1,000 per day for
 1316 each member authorized to receive compensation. Nothing in this

1317 section shall prevent the member elected by construction or
 1318 maintenance companies from being an employee of an association
 1319 affiliated with the industry, even if the sole responsibility of
 1320 that member is service on the board. Travel expenses for the
 1321 industry member may be paid by an industry association, if
 1322 necessary. The board may allocate funds annually for clerical
 1323 and other administrative services.

1324 Section 21. Subsection (1) of section 337.403, Florida
 1325 Statutes, is amended to read:

1326 337.403 Relocation of utility; expenses.--

1327 (1) Any utility heretofore or hereafter placed upon,
 1328 under, over, or along any public road or publicly owned rail
 1329 corridor that is found by the authority to be unreasonably
 1330 interfering in any way with the convenient, safe, or continuous
 1331 use, or the maintenance, improvement, extension, or expansion,
 1332 of such public road or publicly owned rail corridor shall, upon
 1333 30 days' written notice to the utility or its agent by the
 1334 authority, be removed or relocated by such utility at its own
 1335 expense except as provided in paragraphs (a)-(f) ~~(a)~~, ~~(b)~~, and
 1336 ~~(e)~~.

1337 (a) If the relocation of utility facilities, as referred
 1338 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 1339 627 of the 84th Congress, is necessitated by the construction of
 1340 a project on the federal-aid interstate system, including
 1341 extensions thereof within urban areas, and the cost of such
 1342 project is eligible and approved for reimbursement by the
 1343 Federal Government to the extent of 90 percent or more under the
 1344 Federal Aid Highway Act, or any amendment thereof, then in that

1345 event the utility owning or operating such facilities shall
 1346 relocate such facilities upon order of the department, and the
 1347 state shall pay the entire expense properly attributable to such
 1348 relocation after deducting therefrom any increase in the value
 1349 of the new facility and any salvage value derived from the old
 1350 facility.

1351 (b) When a joint agreement between the department and the
 1352 utility is executed for utility improvement, relocation, or
 1353 removal work to be accomplished as part of a contract for
 1354 construction of a transportation facility, the department may
 1355 participate in those utility improvement, relocation, or removal
 1356 costs that exceed the department's official estimate of the cost
 1357 of such work by more than 10 percent. The amount of such
 1358 participation shall be limited to the difference between the
 1359 official estimate of all the work in the joint agreement plus 10
 1360 percent and the amount awarded for this work in the construction
 1361 contract for such work. The department may not participate in
 1362 any utility improvement, relocation, or removal costs that occur
 1363 as a result of changes or additions during the course of the
 1364 contract.

1365 (c) When an agreement between the department and utility
 1366 is executed for utility improvement, relocation, or removal work
 1367 to be accomplished in advance of a contract for construction of
 1368 a transportation facility, the department may participate in the
 1369 cost of clearing and grubbing necessary to perform such work.

1370 (d) If the utility facility being removed or relocated was
 1371 initially installed to exclusively serve the department, its
 1372 tenants, or both the department and its tenants, the department

1373 shall bear the costs of removal or relocation of that utility
1374 facility. The department shall not be responsible, however, for
1375 bearing the cost of removal or relocation of any subsequent
1376 additions to that facility for the purpose of serving others.

1377 (e) If, pursuant to an agreement between a utility and the
1378 authority entered into after the effective date of this
1379 subsection, the utility conveys, subordinates, or relinquishes a
1380 compensable property right to the authority for the purpose of
1381 accommodating the acquisition or use of the right-of-way by the
1382 authority, without the agreement expressly addressing future
1383 responsibility for cost of removal or relocation of the utility,
1384 then the authority shall bear the cost of such removal or
1385 relocation. Nothing in this paragraph is intended to impair or
1386 restrict, or be used to interpret, the terms of any such
1387 agreement entered into prior to the effective date of this
1388 paragraph.

1389 (f) If the utility is an electric facility being relocated
1390 underground in order to enhance vehicular, bicycle, and
1391 pedestrian safety and in which ownership of the electric
1392 facility to be placed underground has been transferred from a
1393 private to a public utility within the past 5 years, the
1394 department shall incur all costs of the relocation.

1395 Section 22. Subsections (4) and (5) of section 337.408,
1396 Florida Statutes, are amended, subsection (7) is renumbered as
1397 subsection (8), and a new subsection (7) is added to that
1398 section, to read:

1399 337.408 Regulation of benches, transit shelters, street
1400 light poles, waste disposal receptacles, and modular news racks

1401 within rights-of-way.--

1402 (4) The department has the authority to direct the
1403 immediate relocation or removal of any bench, transit shelter,
1404 waste disposal receptacle, public pay telephone, or modular news
1405 rack which endangers life or property, except that transit bus
1406 benches which have been placed in service prior to April 1,
1407 1992, are not required to comply with bench size and advertising
1408 display size requirements which have been established by the
1409 department prior to March 1, 1992. Any transit bus bench that
1410 was in service prior to April 1, 1992, may be replaced with a
1411 bus bench of the same size or smaller, if the bench is damaged
1412 or destroyed or otherwise becomes unusable. The department is
1413 authorized to adopt rules relating to the regulation of bench
1414 size and advertising display size requirements. If a
1415 municipality or county within which a bench is to be located has
1416 adopted an ordinance or other applicable regulation that
1417 establishes bench size or advertising display sign requirements
1418 different from requirements specified in department rule, the
1419 local government requirement shall be applicable within the
1420 respective municipality or county. Placement of any bench or
1421 advertising display on the National Highway System under a local
1422 ordinance or regulation adopted pursuant to this subsection
1423 shall be subject to approval of the Federal Highway
1424 Administration.

1425 (5) No bench, transit shelter, waste disposal receptacle,
1426 public pay telephone, or modular news rack, or advertising
1427 thereon, shall be erected or so placed on the right-of-way of
1428 any road which conflicts with the requirements of federal law,

1429 regulations, or safety standards, thereby causing the state or
 1430 any political subdivision the loss of federal funds. Competition
 1431 among persons seeking to provide bench, transit shelter, waste
 1432 disposal receptacle, or modular news rack services or
 1433 advertising on such benches, shelters, receptacles, or news
 1434 racks may be regulated, restricted, or denied by the appropriate
 1435 local government entity consistent with the provisions of this
 1436 section.

1437 (7) Public pay telephones, including advertising displayed
 1438 thereon, may be installed within the right-of-way limits of any
 1439 municipal, county, or state road, except on a limited access
 1440 highway, provided that such pay telephones are installed by a
 1441 provider duly authorized and regulated by the Public Service
 1442 Commission pursuant to s. 364.3375, that such pay telephones are
 1443 operated in accordance with all applicable state and federal
 1444 telecommunications regulations, and that written authorization
 1445 has been given to a public pay telephone provider by the
 1446 appropriate municipal or county government. Each advertisement
 1447 shall be limited to a size no greater than 8 square feet and no
 1448 public pay telephone booth shall display more than 3 such
 1449 advertisements at any given time. No advertisements shall be
 1450 allowed on public pay telephones located in rest areas, welcome
 1451 centers, and other such facilities located on an interstate
 1452 highway.

1453 Section 23. Subsection (6) is added to section 338.01,
 1454 Florida Statutes, to read:

1455 338.01 Authority to establish and regulate limited access
 1456 facilities.--

1457 (6) All new limited access facilities and existing
 1458 transportation facilities on which new or replacement electronic
 1459 toll collection systems are installed shall be interoperable
 1460 with the department's electronic toll collection system.

1461 Section 24. Present subsections (7) and (8) of section
 1462 338.165, Florida Statutes, are redesignated as subsections (8)
 1463 and (9), respectively, and a new subsection (7) is added to that
 1464 section, to read:

1465 338.165 Continuation of tolls.--

1466 (7) This section does not apply to high-occupancy toll
 1467 lanes or express lanes.

1468 Section 25. Section 338.166, Florida Statutes, is created
 1469 to read:

1470 338.166 High-occupancy toll lanes or express lanes.--

1471 (1) Under s. 11, Art. VII of the State Constitution, the
 1472 department may request the Division of Bond Finance to issue
 1473 bonds secured by toll revenues collected on high-occupancy toll
 1474 lanes or express lanes located on Interstate 95 in Miami-Dade
 1475 and Broward Counties.

1476 (2) The department may continue to collect the toll on the
 1477 high-occupancy toll lanes or express lanes after the discharge
 1478 of any bond indebtedness related to such project. All tolls so
 1479 collected shall first be used to pay the annual cost of the
 1480 operation, maintenance, and improvement of the high-occupancy
 1481 toll lanes or express lanes project or associated transportation
 1482 system.

1483 (3) Any remaining toll revenue from the high-occupancy
 1484 toll lanes or express lanes shall be used by the department for

1485 the construction, maintenance, or improvement of any road on the
 1486 State Highway System.

1487 (4) The department is authorized to implement variable
 1488 rate tolls on high-occupancy toll lanes or express lanes.

1489 (5) Except for high-occupancy toll lanes or express lanes,
 1490 tolls may not be charged for use of an interstate highway where
 1491 tolls were not charged as of July 1, 1997.

1492 (6) This section does not apply to the turnpike system as
 1493 defined under the Florida Turnpike Enterprise Law.

1494 Section 26. Paragraphs (d) and (e) are added to subsection
 1495 (1) of section 338.2216, Florida Statutes, to read:

1496 338.2216 Florida Turnpike Enterprise; powers and
 1497 authority.--

1498 (1)

1499 (d) The Florida Turnpike Enterprise is directed to pursue
 1500 and implement new technologies and processes in its operations
 1501 and collection of tolls and the collection of other amounts
 1502 associated with road and infrastructure usage. Such technologies
 1503 and processes shall include, without limitation, video billing
 1504 and variable pricing.

1505 (e)1. The Florida Turnpike Enterprise shall not under any
 1506 circumstances contract with any vendor for the retail sale of
 1507 fuel along the Florida Turnpike if such contract is negotiated
 1508 or bid together with any other contract, including, but not
 1509 limited to, the retail sale of food, maintenance services, or
 1510 construction, with the exception that any contract for the
 1511 retail sale of fuel along the Florida Turnpike shall be bid and
 1512 contracted together with the retail sale of food at any

1513 convenience store attached to the fuel station.

1514 2. All contracts related to service plazas, including, but
 1515 not limited to, the sale of fuel, the retail sale of food,
 1516 maintenance services, or construction, except for services
 1517 provided as defined in s. 287.055(2)(a), awarded by the Florida
 1518 Turnpike Enterprise shall be procured through individual
 1519 competitive solicitations and awarded to the most cost-effective
 1520 responder. This paragraph does not prohibit the award of more
 1521 than one individual contract to a single vendor if he or she
 1522 submits the most cost-effective response.

1523 Section 27. Paragraph (b) of subsection (1) of section
 1524 338.223, Florida Statutes, is amended to read:

1525 338.223 Proposed turnpike projects.--

1526 (1)

1527 (b) Any proposed turnpike project or improvement shall be
 1528 developed in accordance with the Florida Transportation Plan and
 1529 the work program pursuant to s. 339.135. Turnpike projects that
 1530 add capacity, alter access, affect feeder roads, or affect the
 1531 operation of the local transportation system shall be included
 1532 in the transportation improvement plan of the affected
 1533 metropolitan planning organization. If such turnpike project
 1534 does not fall within the jurisdiction of a metropolitan planning
 1535 organization, the department shall notify the affected county
 1536 and provide for public hearings in accordance with s.
 1537 339.155 (5) ~~(6)~~ (c).

1538 Section 28. Section 338.231, Florida Statutes, is amended
 1539 to read:

1540 338.231 Turnpike tolls, fixing; pledge of tolls and other

1541 revenues.--The department shall at all times fix, adjust,
1542 charge, and collect such tolls and amounts for the use of the
1543 turnpike system as are required in order to provide a fund
1544 sufficient with other revenues of the turnpike system to pay the
1545 cost of maintaining, improving, repairing, and operating such
1546 turnpike system; to pay the principal of and interest on all
1547 bonds issued to finance or refinance any portion of the turnpike
1548 system as the same become due and payable; and to create
1549 reserves for all such purposes.

1550 ~~(1) In the process of effectuating toll rate increases~~
1551 ~~over the period 1988 through 1992, the department shall, to the~~
1552 ~~maximum extent feasible, equalize the toll structure, within~~
1553 ~~each vehicle classification, so that the per mile toll rate will~~
1554 ~~be approximately the same throughout the turnpike system. New~~
1555 ~~turnpike projects may have toll rates higher than the uniform~~
1556 ~~system rate where such higher toll rates are necessary to~~
1557 ~~qualify the project in accordance with the financial criteria in~~
1558 ~~the turnpike law. Such higher rates may be reduced to the~~
1559 ~~uniform system rate when the project is generating sufficient~~
1560 ~~revenues to pay the full amount of debt service and operating~~
1561 ~~and maintenance costs at the uniform system rate. If, after 15~~
1562 ~~years of opening to traffic, the annual revenue of a turnpike~~
1563 ~~project does not meet or exceed the annual debt service~~
1564 ~~requirements and operating and maintenance costs attributable to~~
1565 ~~such project, the department shall, to the maximum extent~~
1566 ~~feasible, establish a toll rate for the project which is higher~~
1567 ~~than the uniform system rate as necessary to meet such annual~~
1568 ~~debt service requirements and operating and maintenance costs.~~

1569 ~~The department may, to the extent feasible, establish a~~
1570 ~~temporary toll rate at less than the uniform system rate for the~~
1571 ~~purpose of building patronage for the ultimate benefit of the~~
1572 ~~turnpike system. In no case shall the temporary rate be~~
1573 ~~established for more than 1 year. The requirements of this~~
1574 ~~subsection shall not apply when the application of such~~
1575 ~~requirements would violate any covenant established in a~~
1576 ~~resolution or trust indenture relating to the issuance of~~
1577 ~~turnpike bonds.~~

1578 (1)~~(2)~~ Notwithstanding any other provision of law, the
1579 department may defer the scheduled July 1, 1993, toll rate
1580 increase on the Homestead Extension of the Florida Turnpike
1581 until July 1, 1995. The department may also advance funds to the
1582 Turnpike General Reserve Trust Fund to replace estimated lost
1583 revenues resulting from this deferral. The amount advanced must
1584 be repaid within 12 years from the date of advance; however, the
1585 repayment is subordinate to all other debt financing of the
1586 turnpike system outstanding at the time repayment is due.

1587 (2)~~(3)~~ The department shall publish a proposed change in
1588 the toll rate for the use of an existing toll facility, in the
1589 manner provided for in s. 120.54, which will provide for public
1590 notice and the opportunity for a public hearing before the
1591 adoption of the proposed rate change. When the department is
1592 evaluating a proposed turnpike toll project under s. 338.223 and
1593 has determined that there is a high probability that the project
1594 will pass the test of economic feasibility predicated on
1595 proposed toll rates, the toll rate that is proposed to be
1596 charged after the project is constructed must be adopted during

1597 the planning and project development phase of the project, in
 1598 the manner provided for in s. 120.54, including public notice
 1599 and the opportunity for a public hearing. For such a new
 1600 project, the toll rate becomes effective upon the opening of the
 1601 project to traffic.

1602 (3) (a) ~~(4)~~ For the period July 1, 1998, through June 30,
 1603 2017, the department shall, to the maximum extent feasible,
 1604 program sufficient funds in the tentative work program such that
 1605 the percentage of turnpike toll and bond financed commitments in
 1606 Dade County, Broward County, and Palm Beach County as compared
 1607 to total turnpike toll and bond financed commitments shall be at
 1608 least 90 percent of the share of net toll collections
 1609 attributable to users of the turnpike system in Dade County,
 1610 Broward County, and Palm Beach County as compared to total net
 1611 toll collections attributable to users of the turnpike system.
 1612 The requirements of this subsection do not apply when the
 1613 application of such requirements would violate any covenant
 1614 established in a resolution or trust indenture relating to the
 1615 issuance of turnpike bonds. The department at any time for
 1616 economic considerations may establish lower temporary toll rates
 1617 for a new or existing toll facility for a period not to exceed 1
 1618 year, after which the toll rates promulgated under s. 120.54
 1619 shall become effective.

1620 (b) The department shall also fix, adjust, charge, and
 1621 collect such amounts needed to cover the costs of administering
 1622 the different toll collection and payment methods and types of
 1623 accounts being offered and utilized, in the manner provided for
 1624 in s. 120.54, which will provide for public notice and the

1625 opportunity for a public hearing before adoption. Such amounts
 1626 may stand alone, or be incorporated in a toll rate structure, or
 1627 be a combination thereof.

1628 (4)~~(5)~~ When bonds are outstanding which have been issued
 1629 to finance or refinance any turnpike project, the tolls and all
 1630 other revenues derived from the turnpike system and pledged to
 1631 such bonds shall be set aside as may be provided in the
 1632 resolution authorizing the issuance of such bonds or the trust
 1633 agreement securing the same. The tolls or other revenues or
 1634 other moneys so pledged and thereafter received by the
 1635 department are immediately subject to the lien of such pledge
 1636 without any physical delivery thereof or further act. The lien
 1637 of any such pledge is valid and binding as against all parties
 1638 having claims of any kind in tort or contract or otherwise
 1639 against the department irrespective of whether such parties have
 1640 notice thereof. Neither the resolution nor any trust agreement
 1641 by which a pledge is created need be filed or recorded except in
 1642 the records of the department.

1643 (5)~~(6)~~ In each fiscal year while any of the bonds of the
 1644 Broward County Expressway Authority series 1984 and series 1986-
 1645 A remain outstanding, the department is authorized to pledge
 1646 revenues from the turnpike system to the payment of principal
 1647 and interest of such series of bonds and the operation and
 1648 maintenance expenses of the Sawgrass Expressway, to the extent
 1649 gross toll revenues of the Sawgrass Expressway are insufficient
 1650 to make such payments. The terms of an agreement relative to the
 1651 pledge of turnpike system revenue will be negotiated with the
 1652 parties of the 1984 and 1986 Broward County Expressway Authority

1653 | lease-purchase agreements, and subject to the covenants of those
 1654 | agreements. The agreement shall establish that the Sawgrass
 1655 | Expressway shall be subject to the planning, management, and
 1656 | operating control of the department limited only by the terms of
 1657 | the lease-purchase agreements. The department shall provide for
 1658 | the payment of operation and maintenance expenses of the
 1659 | Sawgrass Expressway until such agreement is in effect. This
 1660 | pledge of turnpike system revenues shall be subordinate to the
 1661 | debt service requirements of any future issue of turnpike bonds,
 1662 | the payment of turnpike system operation and maintenance
 1663 | expenses, and subject to provisions of any subsequent resolution
 1664 | or trust indenture relating to the issuance of such turnpike
 1665 | bonds.

1666 | (6)~~(7)~~ The use and disposition of revenues pledged to
 1667 | bonds are subject to the provisions of ss. 338.22-338.241 and
 1668 | such regulations as the resolution authorizing the issuance of
 1669 | such bonds or such trust agreement may provide.

1670 | Section 29. Subsection (4) of section 339.12, Florida
 1671 | Statutes, is amended to read:

1672 | 339.12 Aid and contributions by governmental entities for
 1673 | department projects; federal aid.--

1674 | (4) (a) Prior to accepting the contribution of road bond
 1675 | proceeds, time warrants, or cash for which reimbursement is
 1676 | sought, the department shall enter into agreements with the
 1677 | governing body of the governmental entity for the project or
 1678 | project phases in accordance with specifications agreed upon
 1679 | between the department and the governing body of the
 1680 | governmental entity. The department in no instance is to receive

1681 from such governmental entity an amount in excess of the actual
1682 cost of the project or project phase. By specific provision in
1683 the written agreement between the department and the governing
1684 body of the governmental entity, the department may agree to
1685 reimburse the governmental entity for the actual amount of the
1686 bond proceeds, time warrants, or cash used on a highway project
1687 or project phases that are not revenue producing and are
1688 contained in the department's adopted work program, or any
1689 public transportation project contained in the adopted work
1690 program. Subject to appropriation of funds by the Legislature,
1691 the department may commit state funds for reimbursement of such
1692 projects or project phases. Reimbursement to the governmental
1693 entity for such a project or project phase must be made from
1694 funds appropriated by the Legislature, and reimbursement for the
1695 cost of the project or project phase is to begin in the year the
1696 project or project phase is scheduled in the work program as of
1697 the date of the agreement. Funds advanced pursuant to this
1698 section, which were originally designated for transportation
1699 purposes and so reimbursed to a county or municipality, shall be
1700 used by the county or municipality for any transportation
1701 expenditure authorized under s. 336.025(7). Also, cities and
1702 counties may receive funds from persons, and reimburse those
1703 persons, for the purposes of this section. Such persons may
1704 include, but are not limited to, those persons defined in s.
1705 607.01401(19).

1706 (b) Prior to entering an agreement to advance a project or
1707 project phase pursuant to this subsection and subsection (5),
1708 the department shall first update the estimated cost of the

1709 project or project phase and certify that the estimate is
1710 accurate and consistent with the amount estimated in the adopted
1711 work program. If the original estimate and the updated estimate
1712 vary, the department shall amend the adopted work program
1713 according to the amendatory procedures for the work program set
1714 forth in s. 339.135(7). The amendment shall reflect all
1715 corresponding increases and decreases to the affected projects
1716 within the adopted work program.

1717 (c) The department may enter into agreements under this
1718 subsection for a project or project phase not included in the
1719 adopted work program. As used in this paragraph, the term
1720 "project phase" means acquisition of rights-of-way,
1721 construction, construction inspection, and related support
1722 phases. The project or project phase must be a high priority of
1723 the governmental entity. Reimbursement for a project or project
1724 phase must be made from funds appropriated by the Legislature
1725 pursuant to s. 339.135(5). All other provisions of this
1726 subsection apply to agreements entered into under this
1727 paragraph. The total amount of project agreements for projects
1728 or project phases not included in the adopted work program
1729 authorized by this paragraph may not at any time exceed \$250
1730 ~~\$100~~ million. However, notwithstanding such \$250 ~~\$100~~ million
1731 limit and any similar limit in s. 334.30, project advances for
1732 any inland county with a population greater than 500,000
1733 dedicating amounts equal to \$500 million or more of its Local
1734 Government Infrastructure Surtax pursuant to s. 212.055(2) for
1735 improvements to the State Highway System which are included in
1736 the local metropolitan planning organization's or the

1737 department's long-range transportation plans shall be excluded
 1738 from the calculation of the statewide limit of project advances.

1739 (d) The department may enter into agreements under this
 1740 subsection with any county that has a population of 150,000 or
 1741 less as determined by the most recent official estimate pursuant
 1742 to s. 186.901 for a project or project phase not included in the
 1743 adopted work program. As used in this paragraph, the term
 1744 "project phase" means acquisition of rights-of-way,
 1745 construction, construction inspection, and related support
 1746 phases. The project or project phase must be a high priority of
 1747 the governmental entity. Reimbursement for a project or project
 1748 phase must be made from funds appropriated by the Legislature
 1749 pursuant to s. 339.135(5). All other provisions of this
 1750 subsection apply to agreements entered into under this
 1751 paragraph. The total amount of project agreements for projects
 1752 or project phases not included in the adopted work program
 1753 authorized by this paragraph may not at any time exceed \$200
 1754 million. The project must be included in the local government's
 1755 adopted comprehensive plan. The department is authorized to
 1756 enter into long-term repayment agreements of up to 30 years.

1757 Section 30. Paragraph (d) of subsection (7) of section
 1758 339.135, Florida Statutes, is amended to read:

1759 339.135 Work program; legislative budget request;
 1760 definitions; preparation, adoption, execution, and amendment.--

1761 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

1762 (d)1. Whenever the department proposes any amendment to
 1763 the adopted work program, as defined in subparagraph (c)1. or
 1764 subparagraph (c)3., which deletes or defers a construction phase

1765 on a capacity project, it shall notify each county affected by
1766 the amendment and each municipality within the county. The
1767 notification shall be issued in writing to the chief elected
1768 official of each affected county, each municipality within the
1769 county, and the chair of each affected metropolitan planning
1770 organization. Each affected county and each municipality in the
1771 county, is encouraged to coordinate with each other to determine
1772 how the amendment effects local concurrency management and
1773 regional transportation planning efforts. Each affected county,
1774 and each municipality within the county, shall have 14 days to
1775 provide written comments to the department regarding how the
1776 amendment will effect its respective concurrency management
1777 systems, including whether any development permits were issued
1778 contingent upon the capacity improvement, if applicable. After
1779 receipt of written comments from the affected local governments,
1780 the department shall include any written comments submitted by
1781 such local governments in its preparation of the proposed
1782 amendment.

1783 2. Following the 14-day comment period in subparagraph 1.,
1784 if applicable, whenever the department proposes any amendment to
1785 the adopted work program, which amendment is defined in
1786 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
1787 subparagraph (c)4., it shall submit the proposed amendment to
1788 the Governor for approval and shall immediately notify the
1789 chairs of the legislative appropriations committees, the chairs
1790 of the legislative transportation committees, and each member of
1791 the Legislature who represents a district affected by the
1792 proposed amendment. It shall also notify⁷ each metropolitan

1793 planning organization affected by the proposed amendment, and
 1794 each unit of local government affected by the proposed
 1795 amendment, unless it provided to each the notification required
 1796 by subparagraph 1. Such proposed amendment shall provide a
 1797 complete justification of the need for the proposed amendment.

1798 ~~3.2.~~ The Governor shall not approve a proposed amendment
 1799 until 14 days following the notification required in
 1800 subparagraph 2. ~~1.~~

1801 ~~4.3.~~ If either of the chairs of the legislative
 1802 appropriations committees or the President of the Senate or the
 1803 Speaker of the House of Representatives objects in writing to a
 1804 proposed amendment within 14 days following notification and
 1805 specifies the reasons for such objection, the Governor shall
 1806 disapprove the proposed amendment.

1807 Section 31. Section 339.155, Florida Statutes, is amended
 1808 to read:

1809 339.155 Transportation planning.--

1810 (1) THE FLORIDA TRANSPORTATION PLAN.--The department shall
 1811 develop ~~and annually update~~ a statewide transportation plan, to
 1812 be known as the Florida Transportation Plan. The plan shall be
 1813 designed so as to be easily read and understood by the general
 1814 public. The purpose of the Florida Transportation Plan is to
 1815 establish and define the state's long-range transportation goals
 1816 and objectives to be accomplished over a period of at least 20
 1817 years within the context of the State Comprehensive Plan, and
 1818 any other statutory mandates and authorizations and based upon
 1819 the prevailing principles of: preserving the existing
 1820 transportation infrastructure; enhancing Florida's economic

1821 competitiveness; and improving travel choices to ensure
 1822 mobility. The Florida Transportation Plan shall consider the
 1823 needs of the entire state transportation system and examine the
 1824 use of all modes of transportation to effectively and
 1825 efficiently meet such needs.

1826 (2) SCOPE OF PLANNING PROCESS.--The department shall carry
 1827 out a transportation planning process in conformance with s.
 1828 334.046(1) ~~. which provides for consideration of projects and~~
 1829 ~~strategies that will:~~

1830 ~~(a) Support the economic vitality of the United States,~~
 1831 ~~Florida, and the metropolitan areas, especially by enabling~~
 1832 ~~global competitiveness, productivity, and efficiency;~~

1833 ~~(b) Increase the safety and security of the transportation~~
 1834 ~~system for motorized and nonmotorized users;~~

1835 ~~(c) Increase the accessibility and mobility options~~
 1836 ~~available to people and for freight;~~

1837 ~~(d) Protect and enhance the environment, promote energy~~
 1838 ~~conservation, and improve quality of life;~~

1839 ~~(e) Enhance the integration and connectivity of the~~
 1840 ~~transportation system, across and between modes throughout~~
 1841 ~~Florida, for people and freight;~~

1842 ~~(f) Promote efficient system management and operation; and~~

1843 ~~(g) Emphasize the preservation of the existing~~
 1844 ~~transportation system.~~

1845 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
 1846 Transportation Plan shall be a unified, concise planning
 1847 document that clearly defines the state's long-range
 1848 transportation goals and objectives ~~and documents the~~

1849 ~~department's short range objectives developed to further such~~
1850 ~~goals and objectives.~~ The plan shall:

1851 (a) Include a glossary that clearly and succinctly defines
1852 any and all phrases, words, or terms of art included in the
1853 plan, with which the general public may be unfamiliar. ~~and shall~~
1854 ~~consist of, at a minimum, the following components:~~

1855 (b) ~~(a)~~ Document ~~A long range component documenting the~~
1856 goals and long-term objectives necessary to implement the
1857 results of the department's findings from its examination of the
1858 prevailing principles and criteria provided under listed in
1859 subsection (2) and s. 334.046(1). ~~The long range component must~~

1860 (c) Be developed in cooperation with the metropolitan
1861 planning organizations and reconciled, to the maximum extent
1862 feasible, with the long-range plans developed by metropolitan
1863 planning organizations pursuant to s. 339.175. ~~The plan must~~
1864 ~~also~~

1865 (d) Be developed in consultation with affected local
1866 officials in nonmetropolitan areas and with any affected Indian
1867 tribal governments. ~~The plan must~~

1868 (e) Provide an examination of transportation issues likely
1869 to arise during at least a 20-year period. ~~The long range~~
1870 ~~component shall~~

1871 (f) Be updated at least once every 5 years, or more often
1872 as necessary, to reflect substantive changes to federal or state
1873 law.

1874 ~~(b)~~ ~~A short range component documenting the short term~~
1875 ~~objectives and strategies necessary to implement the goals and~~
1876 ~~long term objectives contained in the long range component. The~~

1877 ~~short range component must define the relationship between the~~
1878 ~~long range goals and the short range objectives, specify those~~
1879 ~~objectives against which the department's achievement of such~~
1880 ~~goals will be measured, and identify transportation strategies~~
1881 ~~necessary to efficiently achieve the goals and objectives in the~~
1882 ~~plan. It must provide a policy framework within which the~~
1883 ~~department's legislative budget request, the strategic~~
1884 ~~information resource management plan, and the work program are~~
1885 ~~developed. The short range component shall serve as the~~
1886 ~~department's annual agency strategic plan pursuant to s.~~
1887 ~~186.021. The short range component shall be developed consistent~~
1888 ~~with available and forecasted state and federal funds. The~~
1889 ~~short range component shall also be submitted to the Florida~~
1890 ~~Transportation Commission.~~

1891 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
1892 ~~develop an annual performance report evaluating the operation of~~
1893 ~~the department for the preceding fiscal year. The report shall~~
1894 ~~also include a summary of the financial operations of the~~
1895 ~~department and shall annually evaluate how well the adopted work~~
1896 ~~program meets the short term objectives contained in the short-~~
1897 ~~range component of the Florida Transportation Plan. This~~
1898 ~~performance report shall be submitted to the Florida~~
1899 ~~Transportation Commission and the legislative appropriations and~~
1900 ~~transportation committees.~~

1901 ~~(4)(5) ADDITIONAL TRANSPORTATION PLANS.--~~

1902 (a) Upon request by local governmental entities, the
1903 department may in its discretion develop and design
1904 transportation corridors, arterial and collector streets,

1905 vehicular parking areas, and other support facilities which are
1906 consistent with the plans of the department for major
1907 transportation facilities. The department may render to local
1908 governmental entities or their planning agencies such technical
1909 assistance and services as are necessary so that local plans and
1910 facilities are coordinated with the plans and facilities of the
1911 department.

1912 (b) Each regional planning council, as provided for in s.
1913 186.504, or any successor agency thereto, shall develop, as an
1914 element of its strategic regional policy plan, transportation
1915 goals and policies. The transportation goals and policies must
1916 be prioritized to comply with the prevailing principles provided
1917 in subsection (2) and s. 334.046(1). The transportation goals
1918 and policies shall be consistent, to the maximum extent
1919 feasible, with the goals and policies of the metropolitan
1920 planning organization and the Florida Transportation Plan. The
1921 transportation goals and policies of the regional planning
1922 council will be advisory only and shall be submitted to the
1923 department and any affected metropolitan planning organization
1924 for their consideration and comments. Metropolitan planning
1925 organization plans and other local transportation plans shall be
1926 developed consistent, to the maximum extent feasible, with the
1927 regional transportation goals and policies. The regional
1928 planning council shall review urbanized area transportation
1929 plans and any other planning products stipulated in s. 339.175
1930 and provide the department and respective metropolitan planning
1931 organizations with written recommendations which the department
1932 and the metropolitan planning organizations shall take under

1933 advisement. Further, the regional planning councils shall
 1934 directly assist local governments which are not part of a
 1935 metropolitan area transportation planning process in the
 1936 development of the transportation element of their comprehensive
 1937 plans as required by s. 163.3177.

1938 (c) Regional transportation plans may be developed in
 1939 regional transportation areas in accordance with an interlocal
 1940 agreement entered into pursuant to s. 163.01 by two or more
 1941 contiguous metropolitan planning organizations; one or more
 1942 metropolitan planning organizations and one or more contiguous
 1943 counties, none of which is a member of a metropolitan planning
 1944 organization; a multicounty regional transportation authority
 1945 created by or pursuant to law; two or more contiguous counties
 1946 that are not members of a metropolitan planning organization; or
 1947 metropolitan planning organizations comprised of three or more
 1948 counties.

1949 (d) The interlocal agreement must, at a minimum, identify
 1950 the entity that will coordinate the development of the regional
 1951 transportation plan; delineate the boundaries of the regional
 1952 transportation area; provide the duration of the agreement and
 1953 specify how the agreement may be terminated, modified, or
 1954 rescinded; describe the process by which the regional
 1955 transportation plan will be developed; and provide how members
 1956 of the entity will resolve disagreements regarding
 1957 interpretation of the interlocal agreement or disputes relating
 1958 to the development or content of the regional transportation
 1959 plan. Such interlocal agreement shall become effective upon its
 1960 recordation in the official public records of each county in the

1961 regional transportation area.

1962 (e) The regional transportation plan developed pursuant to
 1963 this section must, at a minimum, identify regionally significant
 1964 transportation facilities located within a regional
 1965 transportation area and contain a prioritized list of regionally
 1966 significant projects. The level-of-service standards for
 1967 facilities to be funded under this subsection shall be adopted
 1968 by the appropriate local government in accordance with s.
 1969 163.3180(10). The projects shall be adopted into the capital
 1970 improvements schedule of the local government comprehensive plan
 1971 pursuant to s. 163.3177(3).

1972 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 1973 TRANSPORTATION PLANNING.--

1974 (a) During the development of the ~~long range component of~~
 1975 ~~the~~ Florida Transportation Plan and prior to substantive
 1976 revisions, the department shall provide citizens, affected
 1977 public agencies, representatives of transportation agency
 1978 employees, other affected employee representatives, private
 1979 providers of transportation, and other known interested parties
 1980 with an opportunity to comment on the proposed plan or
 1981 revisions. These opportunities shall include, at a minimum,
 1982 publishing a notice in the Florida Administrative Weekly and
 1983 within a newspaper of general circulation within the area of
 1984 each department district office.

1985 (b) During development of major transportation
 1986 improvements, such as those increasing the capacity of a
 1987 facility through the addition of new lanes or providing new
 1988 access to a limited or controlled access facility or

1989 construction of a facility in a new location, the department
1990 shall hold one or more hearings prior to the selection of the
1991 facility to be provided; prior to the selection of the site or
1992 corridor of the proposed facility; and prior to the selection of
1993 and commitment to a specific design proposal for the proposed
1994 facility. Such public hearings shall be conducted so as to
1995 provide an opportunity for effective participation by interested
1996 persons in the process of transportation planning and site and
1997 route selection and in the specific location and design of
1998 transportation facilities. The various factors involved in the
1999 decision or decisions and any alternative proposals shall be
2000 clearly presented so that the persons attending the hearing may
2001 present their views relating to the decision or decisions which
2002 will be made.

2003 (c) Opportunity for design hearings:

2004 1. The department, prior to holding a design hearing,
2005 shall duly notify all affected property owners of record, as
2006 recorded in the property appraiser's office, by mail at least 20
2007 days prior to the date set for the hearing. The affected
2008 property owners shall be:

2009 a. Those whose property lies in whole or in part within
2010 300 feet on either side of the centerline of the proposed
2011 facility.

2012 b. Those whom the department determines will be
2013 substantially affected environmentally, economically, socially,
2014 or safetywise.

2015 2. For each subsequent hearing, the department shall
2016 publish notice prior to the hearing date in a newspaper of

2017 | general circulation for the area affected. These notices must be
 2018 | published twice, with the first notice appearing at least 15
 2019 | days, but no later than 30 days, before the hearing.

2020 | 3. A copy of the notice of opportunity for the hearing
 2021 | must be furnished to the United States Department of
 2022 | Transportation and to the appropriate departments of the state
 2023 | government at the time of publication.

2024 | 4. The opportunity for another hearing shall be afforded
 2025 | in any case when proposed locations or designs are so changed
 2026 | from those presented in the notices specified above or at a
 2027 | hearing as to have a substantially different social, economic,
 2028 | or environmental effect.

2029 | 5. The opportunity for a hearing shall be afforded in each
 2030 | case in which the department is in doubt as to whether a hearing
 2031 | is required.

2032 | Section 32. Subsection (3) and paragraphs (b) and (c) of
 2033 | subsection (4) of section 339.2816, Florida Statutes, are
 2034 | amended to read:

2035 | 339.2816 Small County Road Assistance Program.--

2036 | (3) Beginning with fiscal year 1999-2000 until fiscal year
 2037 | 2009-2010, and beginning again with fiscal year 2012-2013, up to
 2038 | \$25 million annually from the State Transportation Trust Fund
 2039 | may be used for the purposes of funding the Small County Road
 2040 | Assistance Program as described in this section.

2041 | (4)

2042 | (b) In determining a county's eligibility for assistance
 2043 | under this program, the department may consider whether the
 2044 | county has attempted to keep county roads in satisfactory

2045 condition, including the amount of local option fuel tax ~~and ad~~
 2046 ~~valorem millage rate~~ imposed by the county. The department may
 2047 also consider the extent to which the county has offered to
 2048 provide a match of local funds with state funds provided under
 2049 the program. At a minimum, small counties shall be eligible only
 2050 if-

2051 ~~1. The county has enacted the maximum rate of the local~~
 2052 ~~option fuel tax authorized by s. 336.025(1)(a) .7, and has imposed~~
 2053 ~~an ad valorem millage rate of at least 8 mills; or~~

2054 ~~2. The county has imposed an ad valorem millage rate of 10~~
 2055 ~~mills.~~

2056 (c) The following criteria shall be used to prioritize
 2057 road projects for funding under the program:

2058 1. The primary criterion is the physical condition of the
 2059 road as measured by the department.

2060 2. As secondary criteria the department may consider:

- 2061 a. Whether a road is used as an evacuation route.
- 2062 b. Whether a road has high levels of agricultural travel.
- 2063 c. Whether a road is considered a major arterial route.
- 2064 d. Whether a road is considered a feeder road.
- 2065 e. Whether a road is located in a fiscally constrained

2066 county, as defined in s. 218.67(1).

2067 ~~f.e.~~ Other criteria related to the impact of a project on
 2068 the public road system or on the state or local economy as
 2069 determined by the department.

2070 Section 33. Subsections (1) and (3) of section 339.2819,
 2071 Florida Statutes, are amended to read:

2072 339.2819 Transportation Regional Incentive Program.--

2073 (1) There is created within the Department of
 2074 Transportation a Transportation Regional Incentive Program for
 2075 the purpose of providing funds to improve regionally significant
 2076 transportation facilities in regional transportation areas
 2077 created pursuant to s. 339.155~~(4)-(5)~~.

2078 (3) The department shall allocate funding available for
 2079 the Transportation Regional Incentive Program to the districts
 2080 based on a factor derived from equal parts of population and
 2081 motor fuel collections for eligible counties in regional
 2082 transportation areas created pursuant to s. 339.155~~(4)-(5)~~.

2083 Section 34. Subsection (6) of section 339.285, Florida
 2084 Statutes, is amended to read:

2085 339.285 Enhanced Bridge Program for Sustainable
 2086 Transportation.--

2087 (6) Preference shall be given to bridge projects located
 2088 on corridors that connect to the Strategic Intermodal System,
 2089 created under s. 339.64, and that have been identified as
 2090 regionally significant in accordance with s. 339.155~~(4)-(5)~~(c),
 2091 (d), and (e).

2092 Section 35. Subsections (8) through (14) are added to
 2093 section 341.301, Florida Statutes, to read:

2094 341.301 Definitions; ss. 341.302 and 341.303.--As used in
 2095 ss. 341.302 and 341.303, the term:

2096 (8) "Commuter rail passenger or passengers" means and
 2097 includes any and all persons, ticketed or unticketed, using the
 2098 commuter rail service on a department owned rail corridor:

2099 (a) On board trains, locomotives, rail cars, or rail
 2100 equipment employed in commuter rail service or entraining and

2101 detraining therefrom;

2102 (b) On or about the rail corridor for any purpose related
 2103 to the commuter rail service, including, without limitation,
 2104 parking, inquiring about commuter rail service or purchasing
 2105 tickets therefor and coming to, waiting for, leaving from, or
 2106 observing trains, locomotives, rail cars, or rail equipment; or

2107 (c) Meeting, assisting, or in the company of any person
 2108 described in paragraph (a) or paragraph (b).

2109 (9) "Commuter rail service" means the transportation of
 2110 commuter rail passengers and other passengers by rail pursuant
 2111 to a rail program provided by the department or any other
 2112 governmental entities.

2113 (10) "Rail corridor invitee" means and includes any and
 2114 all persons who are on or about a department-owned rail
 2115 corridor:

2116 (a) For any purpose related to any ancillary development
 2117 thereon; or

2118 (b) Meeting, assisting, or in the company of any person
 2119 described in paragraph (a).

2120 (11) "Rail corridor" means a linear contiguous strip of
 2121 real property that is used for rail service. The term includes
 2122 the corridor and structures essential to the operation of a
 2123 railroad, including the land, structures, improvements, rights-
 2124 of-way, easements, rail lines, rail beds, guideway structures,
 2125 switches, yards, parking facilities, power relays, switching
 2126 houses, rail stations, ancillary development, and any other
 2127 facilities or equipment used for the purposes of construction,
 2128 operation, or maintenance of a railroad that provides rail

2129 service.

2130 (12) "Railroad operations" means the use of the rail
 2131 corridor to conduct commuter rail service, intercity rail
 2132 passenger service, or freight rail service.

2133 (13) "Ancillary development" includes any lessee or
 2134 licensee of the department, including, but not limited to, other
 2135 governmental entities, vendors, retailers, restaurateurs, or
 2136 contract service providers, within a department-owned rail
 2137 corridor, except for providers of commuter rail service,
 2138 intercity rail passenger service, or freight rail service.

2139 (14) "Governmental entity or entities" means as defined in
 2140 s. 11.45, including a "public agency" as defined in s. 163.01.

2141 Section 36. Section 341.302, Florida Statutes, is amended
 2142 to read:

2143 341.302 Rail program, duties and responsibilities of the
 2144 department.--The department, in conjunction with other
 2145 governmental entities ~~units~~ and the private sector, shall
 2146 develop and implement a rail program of statewide application
 2147 designed to ensure the proper maintenance, safety,
 2148 revitalization, and expansion of the rail system to assure its
 2149 continued and increased availability to respond to statewide
 2150 mobility needs. Within the resources provided pursuant to
 2151 chapter 216, and as authorized under federal law Title 49 C.F.R.
 2152 ~~part 212~~, the department shall:

2153 (1) Provide the overall leadership, coordination, and
 2154 financial and technical assistance necessary to assure the
 2155 effective responses of the state's rail system to current and
 2156 anticipated mobility needs.

2157 (2) Promote and facilitate the implementation of advanced
2158 rail systems, including high-speed rail and magnetic levitation
2159 systems.

2160 (3) Develop and periodically update the rail system plan,
2161 on the basis of an analysis of statewide transportation needs.
2162 The plan shall be consistent with the Florida Transportation
2163 Plan developed pursuant to s. 339.155. The rail system plan
2164 shall include an identification of priorities, programs, and
2165 funding levels required to meet statewide needs. The rail system
2166 plan shall be developed in a manner that will assure the maximum
2167 use of existing facilities and the optimum integration and
2168 coordination of the various modes of transportation, public and
2169 private, in the most cost-effective manner possible. The rail
2170 system plan shall be updated at least every 2 years and include
2171 plans for both passenger rail service and freight rail service.

2172 (4) As part of the work program of the department,
2173 formulate a specific program of projects and financing to
2174 respond to identified railroad needs.

2175 (5) Provide technical and financial assistance to units of
2176 local government to address identified rail transportation
2177 needs.

2178 (6) Secure and administer federal grants, loans, and
2179 apportionments for rail projects within this state when
2180 necessary to further the statewide program.

2181 (7) Develop and administer state standards concerning the
2182 safety and performance of rail systems, hazardous material
2183 handling, and operations. Such standards shall be developed
2184 jointly with representatives of affected rail systems, with full

2185 | consideration given to nationwide industry norms, and shall
2186 | define the minimum acceptable standards for safety and
2187 | performance.

2188 | (8) Conduct, at a minimum, inspections of track and
2189 | rolling stock; train signals and related equipment; hazardous
2190 | materials transportation, including the loading, unloading, and
2191 | labeling of hazardous materials at shippers', receivers', and
2192 | transfer points; and train operating practices to determine
2193 | adherence to state and federal standards. Department personnel
2194 | may enforce any safety regulation issued under the Federal
2195 | Government's preemptive authority over interstate commerce.

2196 | (9) Assess penalties, in accordance with the applicable
2197 | federal regulations, for the failure to adhere to the state
2198 | standards.

2199 | (10) Administer rail operating and construction programs,
2200 | which programs shall include the regulation of maximum train
2201 | operating speeds, the opening and closing of public grade
2202 | crossings, the construction and rehabilitation of public grade
2203 | crossings, and the installation of traffic control devices at
2204 | public grade crossings, the administering of the programs by the
2205 | department including participation in the cost of the programs.

2206 | (11) Coordinate and facilitate the relocation of railroads
2207 | from congested urban areas to nonurban areas when relocation has
2208 | been determined feasible and desirable from the standpoint of
2209 | safety, operational efficiency, and economics.

2210 | (12) Implement a program of branch line continuance
2211 | projects when an analysis of the industrial and economic
2212 | potential of the line indicates that public involvement is

2213 required to preserve essential rail service and facilities.

2214 (13) Provide new rail service and equipment when:

2215 (a) Pursuant to the transportation planning process, a
2216 public need has been determined to exist;

2217 (b) The cost of providing such service does not exceed the
2218 sum of revenues from fares charged to users, services purchased
2219 by other public agencies, local fund participation, and specific
2220 legislative appropriation for this purpose; and

2221 (c) Service cannot be reasonably provided by other
2222 governmental or privately owned rail systems.

2223
2224 The department may own, lease, and otherwise encumber
2225 facilities, equipment, and appurtenances thereto, as necessary
2226 to provide new rail services; or the department may provide such
2227 service by contracts with privately owned service providers.

2228 (14) Furnish required emergency rail transportation
2229 service if no other private or public rail transportation
2230 operation is available to supply the required service and such
2231 service is clearly in the best interest of the people in the
2232 communities being served. Such emergency service may be
2233 furnished through contractual arrangement, actual operation of
2234 state-owned equipment and facilities, or any other means
2235 determined appropriate by the secretary.

2236 (15) Assist in the development and implementation of
2237 marketing programs for rail services and of information systems
2238 directed toward assisting rail systems users.

2239 (16) Conduct research into innovative or potentially
2240 effective rail technologies and methods and maintain expertise

2241 in state-of-the-art rail developments.

2242 (17) The department is authorized to purchase the required
2243 right-of-way, improvements, and appurtenances of the A-Line rail
2244 corridor from CSX Transportation, Inc., for a maximum purchase
2245 price of \$436 million, as supported by an appraisal, for the
2246 primary purpose of implementing commuter rail service in what is
2247 commonly identified as the Central Florida Rail Corridor, and
2248 consisting of an approximately 61.5-mile section of the existing
2249 A-Line rail corridor running from a point at or near Deland,
2250 Florida to a point at or near Poinciana, Florida.

2251 (18) In conjunction with the acquisition, ownership,
2252 construction, operation, maintenance, and management of a rail
2253 corridor, have the authority to:

2254 (a) Assume the obligation by contract to forever protect,
2255 defend, and indemnify and hold harmless the freight rail
2256 operator, or its successors, from whom the department has
2257 acquired a real property interest in the rail corridor, and that
2258 freight rail operator's officers, agents, and employees, from
2259 and against any liability, cost, and expense including, but not
2260 limited to, commuter rail passengers, rail corridor invitees,
2261 and trespassers in the rail corridor, regardless of whether the
2262 loss, damage, destruction, injury, or death giving rise to any
2263 such liability, cost, or expense is caused in whole or in part
2264 and to whatever nature or degree by the fault, failure,
2265 negligence, misconduct, nonfeasance, or misfeasance of such
2266 freight rail operator, its successors, or its officers, agents,
2267 and employees, or any other person or persons whomsoever,
2268 provided that such assumption of liability of the department by

2269 contract shall not in any instance exceed the following
2270 parameters of allocation of risk:

2271 1. The department may be solely responsible for any loss,
2272 injury, or damage to commuter rail passengers, rail corridor
2273 invitees, or trespassers, regardless of circumstances or cause,
2274 subject to subparagraphs 2., 3., and 4.

2275 2. When only one train is involved in an incident, the
2276 department may be solely responsible for any loss, injury, or
2277 damage if the train is a department train or other train
2278 pursuant to subparagraph 3., but only if in an instance when
2279 only a freight rail operator train is involved the freight rail
2280 operator is solely responsible for any loss, injury, or damage,
2281 except for commuter rail passengers, rail corridor invitees, and
2282 trespassers; and, the freight rail operator is solely
2283 responsible for its property and all of its people in any
2284 instance when its train is involved in an incident.

2285 3. For the purposes of this subsection, any train involved
2286 in an incident that is neither the department's train nor the
2287 freight rail operator's train, hereinafter referred to in this
2288 subsection as an "other train," may be treated as a department
2289 train, solely for purposes of any allocation of liability
2290 between the department and the freight rail operator only, but
2291 only if the department and the freight rail operator share
2292 responsibility equally as to third parties outside the rail
2293 corridor who incur loss, injury, or damage as a result of any
2294 incident involving both a department train and a freight rail
2295 operator train; and, the allocation as between the department
2296 and the freight rail operator, regardless of whether the other

2297 train is treated as a department train, shall remain one-half
 2298 each as to third parties outside the rail corridor who incur
 2299 loss, injury, or damage as a result of the incident, and the
 2300 involvement of any other train shall not alter the sharing of
 2301 equal responsibility as to third parties outside the rail
 2302 corridor who incur loss, injury, or damage as a result of the
 2303 incident.

2304 4. When more than one train is involved in an incident:

2305 a. If only a department train and a freight rail
 2306 operator's train, or only another train as described in
 2307 subparagraph 3. and a freight rail operator's train, are
 2308 involved in an incident, the department may be responsible for
 2309 its property and all of its people, all commuter rail
 2310 passengers, rail corridor invitees, and trespassers, but only if
 2311 the freight rail operator is responsible for its property and
 2312 all of its people; and the department and the freight rail
 2313 operator share responsibility one-half each as to third parties
 2314 outside the rail corridor who incur loss, injury, or damage as a
 2315 result of the incident.

2316 b. If a department train, a freight rail operator train,
 2317 and any other train are involved in an incident, the allocation
 2318 of liability as between the department and the freight rail
 2319 operator, regardless of whether the other train is treated as a
 2320 department train, shall remain one-half each as to third parties
 2321 outside the rail corridor who incur loss, injury, or damage as a
 2322 result of the incident; the involvement of any other train shall
 2323 not alter the sharing of equal responsibility as to third
 2324 parties outside the rail corridor who incur loss, injury, or

2325 damage as a result of the incident; and, if the owner, operator,
 2326 or insurer of the other train makes any payment to injured third
 2327 parties outside the rail corridor who incur loss, injury, or
 2328 damage as a result of the incident, the allocation of credit
 2329 between the department and the freight rail operator as to such
 2330 payment shall not in any case reduce the freight rail operator's
 2331 third party sharing allocation of one-half under this paragraph
 2332 to less than one-third of the total third party liability.

2333 5. Any such contractual duty to protect, defend,
 2334 indemnify, and hold harmless such a freight rail operator shall
 2335 expressly: include a specific cap on the amount of the
 2336 contractual duty, which amount shall not exceed \$200 million
 2337 without prior legislative approval; require the department to
 2338 purchase liability insurance and establish a self-insurance
 2339 retention fund in the amount of the specific cap established
 2340 under this paragraph; provide that no such contractual duty
 2341 shall in any case be effective nor otherwise extend the
 2342 department's liability in scope and effect beyond the
 2343 contractual liability insurance and self-insurance retention
 2344 fund required pursuant to this paragraph; and provide that the
 2345 freight rail operator's compensation to the department for
 2346 future use of the department's rail corridor shall include a
 2347 monetary contribution to the cost of such liability coverage for
 2348 the sole benefit of the freight rail operator.

2349 (b) Purchase liability insurance which amount shall not
 2350 exceed \$200 million and establish a self-insurance retention
 2351 fund for the purpose of paying the deductible limit established
 2352 in the insurance policies it may obtain, including coverage for

2353 the department, any freight rail operator as described in
2354 paragraph (a), commuter rail service providers, governmental
2355 entities, or ancillary development; however, the insureds shall
2356 pay a reasonable monetary contribution to the cost of such
2357 liability coverage for the sole benefit of the insured. Such
2358 insurance and self-insurance retention fund may provide coverage
2359 for all damages, including, but not limited to, compensatory,
2360 special, and exemplary, and be maintained to provide an adequate
2361 fund to cover claims and liabilities for loss, injury, or damage
2362 arising out of or connected with the ownership, operation,
2363 maintenance, and management of a rail corridor.

2364 (c) Incur expenses for the purchase of advertisements,
2365 marketing, and promotional items.

2366
2367 Neither the assumption by contract to protect, defend,
2368 indemnify, and hold harmless; the purchase of insurance; nor the
2369 establishment of a self-insurance retention fund shall be deemed
2370 to be a waiver of any defense of sovereign immunity for torts
2371 nor deemed to increase the limits of the department's or the
2372 governmental entity's liability for torts as provided in s.
2373 768.28. The requirements of s. 287.022(1) shall not apply to the
2374 purchase of any insurance hereunder. The provisions of this
2375 subsection shall apply and inure fully as to any other
2376 governmental entity providing commuter rail service and
2377 constructing, operating, maintaining, or managing a rail
2378 corridor on publicly owned right-of-way under contract by the
2379 governmental entity with the department or a governmental entity
2380 designated by the department.

2381 ~~(19)~~~~(17)~~ Exercise such other functions, powers, and duties
2382 in connection with the rail system plan as are necessary to
2383 develop a safe, efficient, and effective statewide
2384 transportation system.

2385 Section 37. Section 341.3023, Florida Statutes, is created
2386 to read:

2387 341.3023 Commuter rail programs and intercity rail
2388 transportation system study.--

2389 (1) The department shall undertake a comprehensive review
2390 and study of commuter railroad programs and intercity railroad
2391 transportation system plans and their impacts in the state
2392 through 2028.

2393 (2) The review and study shall encompass and include
2394 information concerning:

2395 (a) Commuter rail programs and intercity rail
2396 transportation system facility and improvement needs and plans,
2397 including those associated with connectivity to such facilities
2398 and improvements, outlined or contained in, without limitation
2399 thereto, the current Florida Transportation Plan developed
2400 pursuant to s. 339.155(1); regional transportation plans
2401 developed pursuant to s. 339.155(5); the Strategic Intermodal
2402 System Plan developed pursuant to s. 339.64; the adopted work
2403 plan developed pursuant to s. 339.135; long-range transportation
2404 plans developed pursuant to s. 339.175(7); transportation
2405 improvement plans of relevant metropolitan planning
2406 organizations developed pursuant to s. 339.175(8); plans,
2407 information, and studies prepared for or by the authorities
2408 created in parts I, II, III, and V of chapter 343; relevant

2409 studies and information previously prepared by the department
 2410 and the Transportation Commission; and the transportation and
 2411 capital improvement elements of relevant approved local
 2412 government comprehensive plans.

2413 (b) A detailed review of funding in the state for commuter
 2414 rail programs and intercity rail transportation system
 2415 improvements, projects, facilities, equipment, rights-of-way,
 2416 operating costs, and other costs during the previous 20 years
 2417 from state, federal, and local government sources.

2418 (c) An assessment of the impacts of commuter rail programs
 2419 and intercity rail transportation system improvements, projects,
 2420 and facilities that have been undertaken in the state during the
 2421 previous 20 years and their impact on the state, regional, and
 2422 local transportation system and Florida's economic development.

2423 (d) Proposed commuter rail programs and intercity rail
 2424 transportation system improvements, projects, and facilities
 2425 throughout the state to be undertaken during the next 20 years,
 2426 including, based upon the best available, existing data, a
 2427 detailed listing of specific projects with estimates of the
 2428 costs of each specific project; projected timelines for such
 2429 improvements, projects, and facilities; and the estimated
 2430 priority of each such improvement, project, and facility.

2431 (e) A map of those proposed improvements, projects, and
 2432 facilities.

2433 (f) A finance plan based upon reasonable projections of
 2434 anticipated revenues available to the department and units of
 2435 local government, including both 10-year and 20-year cost-
 2436 feasible components, for such improvements, projects, and

2437 facilities that demonstrates how or what portion of such
2438 improvements, projects, and facilities can be implemented.

2439 (g) A feasibility study of the best alternatives for
2440 implementing intercity passenger railroad service between the
2441 Tampa Bay region and the greater Orlando area.

2442 (h) A proposed prioritization process, including
2443 alternatives, for commuter railroad and intercity railroad
2444 improvements, projects, and facilities.

2445 (i) Funding alternatives for commuter rail programs and
2446 intercity rail transportation system improvements, projects, and
2447 facilities including specific resources, both public and
2448 private, that are reasonably expected to be available to
2449 accomplish such improvements, projects, and facilities and any
2450 innovative financing techniques that might be used to fund such
2451 improvements, projects, and facilities.

2452 (3) The report shall also include detailed information and
2453 findings about negative impacts caused by current, or projected
2454 to be caused by proposed, commuter rail programs and intercity
2455 rail transportation system projects or freight railroad traffic
2456 in urban areas of the state. For the purpose of this section,
2457 "negative impacts" means those caused by noise, vibration, and
2458 vehicular traffic congestion and delays occurring at rail and
2459 road intersections. "Urban areas" means those areas within or
2460 adjacent to a municipality generally characterized by high
2461 density development and building patterns, greater concentration
2462 of population, and a high level and concentration of public
2463 services and facilities. The Orlando commuter rail project means
2464 the Central Florida Rail Corridor, a line of railroad between

2465 Deland and Poinciana. The report shall include, without
 2466 limitation:

2467 (a) Options and alternatives for eliminating negative
 2468 impacts associated with increased freight railroad traffic and
 2469 freight railroad congestions within urban areas resulting from
 2470 commuter rail programs or intercity rail transportation system
 2471 improvements, projects, and facilities, including specifically
 2472 those associated with the Orlando commuter railroad project.

2473 (b) Proposed freight railroad improvements, projects, and
 2474 facilities to be undertaken in the next 20 years, including
 2475 those associated with the Orlando commuter railroad project, to
 2476 eliminate such negative impacts, including, based upon the best
 2477 available, existing data, a detailed listing of specific
 2478 projects with estimates of the costs of each specific
 2479 improvement, project, and facility; projected timelines for such
 2480 improvements, projects, and facilities; the estimated priority
 2481 of each such improvement, project, and facility; and the
 2482 benefits to public safety, economic development, and downtown
 2483 development and redevelopment from such improvements, projects,
 2484 and facilities.

2485 (c) A map of those proposed improvements, projects, and
 2486 facilities.

2487 (d) A finance plan based upon reasonable projections of
 2488 anticipated revenues available to the department and units of
 2489 local government, including both 10-year and 20-year cost-
 2490 feasible components, for such improvements, projects, and
 2491 facilities that demonstrates how or what portion of such
 2492 improvements, projects, and facilities can be implemented, as it

2493 is the intent of the Legislature and the public policy of the
 2494 state that such negative impacts of commuter rail programs, and
 2495 intercity rail transportation system projects funded by the
 2496 state, including those associated with the Orlando commuter
 2497 railroad project, be eliminated not later than 8 years after
 2498 commuter rail programs and intercity rail transportation system
 2499 projects begin operation.

2500 (4) The report containing the information required
 2501 pursuant to subsections (1), (2), and (3) shall be delivered to
 2502 the Governor, the President of the Senate, the Speaker of the
 2503 House of Representatives, and the leaders of the minority
 2504 parties of the Senate and House of Representatives on or before
 2505 January 15, 2009.

2506 Section 38. Part III of chapter 343, Florida Statutes,
 2507 consisting of sections 343.71, 343.72, 343.73, 343.74, 343.75,
 2508 343.76, and 343.77, is repealed.

2509 Section 39. Subsection (4) of section 348.0003, Florida
 2510 Statutes, is amended to read:

2511 348.0003 Expressway authority; formation; membership.--

2512 (4) (a) An authority may employ an executive secretary, an
 2513 executive director, its own counsel and legal staff, technical
 2514 experts, and such engineers and employees, permanent or
 2515 temporary, as it may require and shall determine the
 2516 qualifications and fix the compensation of such persons, firms,
 2517 or corporations. An authority may employ a fiscal agent or
 2518 agents; however, the authority must solicit sealed proposals
 2519 from at least three persons, firms, or corporations for the
 2520 performance of any services as fiscal agents. An authority may

2521 delegate to one or more of its agents or employees such of its
 2522 power as it deems necessary to carry out the purposes of the
 2523 Florida Expressway Authority Act, subject always to the
 2524 supervision and control of the authority. Members of an
 2525 authority may be removed from office by the Governor for
 2526 misconduct, malfeasance, misfeasance, or nonfeasance in office.

2527 (b) Members of an authority are entitled to receive from
 2528 the authority their travel and other necessary expenses incurred
 2529 in connection with the business of the authority as provided in
 2530 s. 112.061, but they may not draw salaries or other
 2531 compensation.

2532 (c) Members of each expressway an authority,
 2533 transportation authority, bridge authority, or toll authority,
 2534 created pursuant to this chapter, chapter 343, or chapter 349,
 2535 or pursuant to any other legislative enactment, shall be
 2536 required to comply with the applicable financial disclosure
 2537 requirements of s. 8, Art. II of the State Constitution. This
 2538 subsection does not subject a statutorily created expressway
 2539 authority, transportation authority, bridge authority, or toll
 2540 authority, other than one created under this part, to any of the
 2541 requirements of this part other than those contained in this
 2542 subsection.

2543 Section 40. Paragraph (c) is added to subsection (1) of
 2544 section 348.0004, Florida Statutes, to read:

2545 348.0004 Purposes and powers.--

2546 (1)

2547 (c) Notwithstanding any other provision of law, expressway
 2548 authorities created under parts I-X of chapter 348 may index

2549 toll rates on toll facilities to the annual Consumer Price Index
 2550 or similar inflation indicators. Once a toll rate index has been
 2551 implemented pursuant to this paragraph, the toll rate index
 2552 shall remain in place and may not be revoked. Toll rate index
 2553 for inflation under this subsection must be adopted and approved
 2554 by the expressway authority board at a public meeting and may be
 2555 made no more frequently than once a year and must be made no
 2556 less frequently than once every 5 years as necessary to
 2557 accommodate cash toll rate schedules. Toll rates may be
 2558 increased beyond these limits as directed by bond documents,
 2559 covenants, or governing body authorization or pursuant to
 2560 department administrative rule.

2561 Section 41. Subsection (1) of section 479.01, Florida
 2562 Statutes, is amended to read:

2563 479.01 Definitions.--As used in this chapter, the term:

2564 (1) "Automatic changeable facing" means a facing that
 2565 ~~which through a mechanical system~~ is capable of delivering two
 2566 or more advertising messages through an automated or remotely
 2567 controlled process and shall not rotate so rapidly as to cause
 2568 ~~distraction to a motorist.~~

2569 Section 42. Subsections (1), (5), and (9) of section
 2570 479.07, Florida Statutes, are amended to read:

2571 479.07 Sign permits.--

2572 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 2573 person may not erect, operate, use, or maintain, or cause to be
 2574 erected, operated, used, or maintained, any sign on the State
 2575 Highway System outside an urban incorporated area, as defined in
 2576 s. 334.03(32), or on any portion of the interstate or federal-

2577 aid primary highway system without first obtaining a permit for
2578 the sign from the department and paying the annual fee as
2579 provided in this section. For purposes of this section, "on any
2580 portion of the State Highway System, interstate, or federal-aid
2581 primary system" shall mean a sign located within the controlled
2582 area which is visible from any portion of the main-traveled way
2583 of such system.

2584 (5) (a) For each permit issued, the department shall
2585 furnish to the applicant a serially numbered permanent metal
2586 permit tag. The permittee is responsible for maintaining a valid
2587 permit tag on each permitted sign facing at all times. The tag
2588 shall be securely attached to the sign facing or, if there is no
2589 facing, on the pole nearest the highway; and it shall be
2590 attached in such a manner as to be plainly visible from the
2591 main-traveled way. Effective July 1, 2011, the tag shall be
2592 securely attached to the upper 50 percent of the pole nearest
2593 the highway and shall be attached in such a manner as to be
2594 plainly visible from the main-traveled way. The permit will
2595 become void unless the permit tag is properly and permanently
2596 displayed at the permitted site within 30 days after the date of
2597 permit issuance. If the permittee fails to erect a completed
2598 sign on the permitted site within 270 days after the date on
2599 which the permit was issued, the permit will be void, and the
2600 department may not issue a new permit to that permittee for the
2601 same location for 270 days after the date on which the permit
2602 became void.

2603 (b) If a permit tag is lost, stolen, or destroyed, the
2604 permittee to whom the tag was issued may ~~must~~ apply to the

2605 department for a replacement tag. The department shall establish
 2606 by rule a service fee for replacement tags in an amount that
 2607 will recover the actual cost of providing the replacement tag.
 2608 Upon receipt of the application accompanied by the a service fee
 2609 ~~of \$3~~, the department shall issue a replacement permit tag.
 2610 Alternatively, the permittee may provide its own replacement tag
 2611 pursuant to department specifications which the department shall
 2612 establish by rule at the time it establishes the service fee for
 2613 replacement tags.

2614 (9) (a) A permit shall not be granted for any sign for
 2615 which a permit had not been granted by the effective date of
 2616 this act unless such sign is located at least:

2617 1. One thousand five hundred feet from any other permitted
 2618 sign on the same side of the highway, if on an interstate
 2619 highway.

2620 2. One thousand feet from any other permitted sign on the
 2621 same side of the highway, if on a federal-aid primary highway.

2622
 2623 The minimum spacing provided in this paragraph does not preclude
 2624 the permitting of V-type, back-to-back, side-to-side, stacked,
 2625 or double-faced signs at the permitted sign site. If a sign is
 2626 visible from the controlled area of more than one highway
 2627 subject to the jurisdiction of the department, the sign shall
 2628 meet the permitting requirements of, and, if the sign meets the
 2629 applicable permitting requirements, be permitted to, the highway
 2630 with the more stringent permitting requirements.

2631 (b) A permit shall not be granted for a sign pursuant to
 2632 this chapter to locate such sign on any portion of the

2633 interstate or federal-aid primary highway system, which sign:
 2634 1. Exceeds 50 feet in sign structure height above the
 2635 crown of the main-traveled way, if outside an incorporated area;
 2636 2. Exceeds 65 feet in sign structure height above the
 2637 crown of the main-traveled way, if inside an incorporated area;
 2638 or
 2639 3. Exceeds 950 square feet of sign facing including all
 2640 embellishments.

2641 (c) Notwithstanding subparagraph (a)1., there is
 2642 established a pilot program in Orange, Hillsborough, and Osceola
 2643 Counties, and within the boundaries of the City of Miami, under
 2644 which the distance between permitted signs on the same side of
 2645 an interstate highway may be reduced to 1,000 feet if all other
 2646 requirements of this chapter are met and if:

2647 1. The local government has adopted a plan, program,
 2648 resolution, ordinance, or other policy encouraging the voluntary
 2649 removal of signs in a downtown, historic, redevelopment, infill,
 2650 or other designated area which also provides for a new or
 2651 replacement sign to be erected on an interstate highway within
 2652 that jurisdiction if a sign in the designated area is removed;

2653 2. The sign owner and the local government mutually agree
 2654 to the terms of the removal and replacement; and

2655 3. The local government notifies the department of its
 2656 intention to allow such removal and replacement as agreed upon
 2657 pursuant to subparagraph 2.

2658
 2659 The department shall maintain statistics tracking the use of the
 2660 provisions of this pilot program based on the notifications

2661 received by the department from local governments under this
 2662 paragraph.

2663 Section 43. Section 479.08, Florida Statutes, is amended
 2664 to read:

2665 479.08 Denial or revocation of permit.--The department has
 2666 the authority to deny or revoke any permit requested or granted
 2667 under this chapter in any case in which it determines that the
 2668 application for the permit contains knowingly false or knowingly
 2669 misleading information. The department has the authority to
 2670 revoke any permit granted under this chapter in any case in
 2671 which ~~or that~~ the permittee has violated any of the provisions
 2672 of this chapter, unless such permittee, within 30 days after the
 2673 receipt of notice by the department, ~~corrects such false or~~
 2674 ~~misleading information and~~ complies with the provisions of this
 2675 chapter. For the purpose of this section, the notice of
 2676 violation issued by the department shall describe in detail the
 2677 alleged violation. Any person aggrieved by any action of the
 2678 department in denying or revoking a permit under this chapter
 2679 may, within 30 days after receipt of the notice, apply to the
 2680 department for an administrative hearing pursuant to chapter
 2681 120. If a timely request for hearing has been filed and the
 2682 department issues a final order revoking a permit, such
 2683 revocation shall be effective 30 days after the date of
 2684 rendition. Except for department action pursuant to s.
 2685 479.107(1), the filing of a timely and proper notice of appeal
 2686 shall operate to stay the revocation until the department's
 2687 action is upheld.

2688 Section 44. Section 479.156, Florida Statutes, is amended

2689 to read:

2690 479.156 Wall murals.--Notwithstanding any other provision

2691 of this chapter, a municipality or county may permit and

2692 regulate wall murals within areas designated by such government.

2693 If a municipality or county permits wall murals, a wall mural

2694 that displays a commercial message and is within 660 feet of the

2695 nearest edge of the right-of-way within an area adjacent to the

2696 interstate highway system or the federal-aid primary highway

2697 system shall be located in an area that is zoned for industrial

2698 or commercial use and the municipality or county shall establish

2699 and enforce regulations for such areas that, at a minimum, set

2700 forth criteria governing the size, lighting, and spacing of wall

2701 murals consistent with the intent of the Highway Beautification

2702 Act of 1965 and with customary use. Whenever a municipality or

2703 county exercises such control and makes a determination of

2704 customary use, pursuant to 23 U.S.C. s. 131(d), such

2705 determination shall be accepted in lieu of controls in the

2706 agreement between the state and the United States Department of

2707 Transportation, and the department shall certify effective local

2708 control pursuant to 23 U.S.C. s. 131(d) and C.F.R. s.

2709 750.706(c). A wall mural that is subject to municipal or county

2710 regulation and the Highway Beautification Act of 1965 must be

2711 approved by the Department of Transportation pursuant to ~~and the~~

2712 ~~Federal Highway Administration and may not violate~~ the agreement

2713 ~~and between the state and the United States Department of~~

2714 ~~Transportation or violate~~ federal regulations enforced by the

2715 Department of Transportation under s. 479.02(1). The existence

2716 of a wall mural as defined in s. 479.01(27) shall not be

2717 considered in determining whether a sign as defined in s.
 2718 479.01(17), either existing or new, is in compliance with s.
 2719 479.07(9)(a).

2720 Section 45. Subsections (1), (3), (4), and (5) of section
 2721 479.261, Florida Statutes, are amended to read:

2722 479.261 Logo sign program.--

2723 (1) The department shall establish a logo sign program for
 2724 the rights-of-way of the interstate highway system to provide
 2725 information to motorists about available gas, food, lodging, and
 2726 camping, attractions, and other services, as approved by the
 2727 Federal Highway Administration, at interchanges, through the use
 2728 of business logos, and may include additional interchanges under
 2729 the program. ~~A logo sign for nearby attractions may be added to~~
 2730 ~~this program if allowed by federal rules.~~

2731 (a) An attraction as used in this chapter is defined as an
 2732 establishment, site, facility, or landmark that ~~which~~ is open a
 2733 minimum of 5 days a week for 52 weeks a year; that ~~which~~ ~~charges~~
 2734 ~~an admission for entry;~~ ~~which~~ has as its principal focus family-
 2735 oriented entertainment, cultural, educational, recreational,
 2736 scientific, or historical activities; and that ~~which~~ is publicly
 2737 recognized as a bona fide tourist attraction. ~~However, the~~
 2738 ~~permits for businesses seeking to participate in the attractions~~
 2739 ~~logo sign program shall be awarded by the department annually to~~
 2740 ~~the highest bidders, notwithstanding the limitation on fees in~~
 2741 ~~subsection (5), which are qualified for available space at each~~
 2742 ~~qualified location, but the fees therefor may not be less than~~
 2743 ~~the fees established for logo participants in other logo~~
 2744 ~~categories.~~

2745 (b) The department shall incorporate the use of RV-
 2746 friendly markers on specific information logo signs for
 2747 establishments that cater to the needs of persons driving
 2748 recreational vehicles. Establishments that qualify for
 2749 participation in the specific information logo program and that
 2750 also qualify as "RV-friendly" may request the RV-friendly marker
 2751 on their specific information logo sign. An RV-friendly marker
 2752 must consist of a design approved by the Federal Highway
 2753 Administration. The department shall adopt rules in accordance
 2754 with chapter 120 to administer this paragraph, including rules
 2755 setting forth the minimum requirements that establishments must
 2756 meet in order to qualify as RV-friendly. These requirements
 2757 shall include large parking spaces, entrances, and exits that
 2758 can easily accommodate recreational vehicles and facilities
 2759 having appropriate overhead clearances, if applicable.

2760 (c) The department may implement a 3-year rotation-based
 2761 logo program providing for the removal and addition of
 2762 participating businesses in the program.

2763 (3) Logo signs may be installed upon the issuance of an
 2764 annual permit by the department or its agent and payment of a ~~an~~
 2765 ~~application and~~ permit fee to the department or its agent.

2766 (4) The department may contract pursuant to s. 287.057 for
 2767 the provision of services related to the logo sign program,
 2768 including recruitment and qualification of businesses, review of
 2769 applications, permit issuance, and fabrication, installation,
 2770 and maintenance of logo signs. The department may reject all
 2771 proposals and seek another request for proposals or otherwise
 2772 perform the work. ~~If the department contracts for the provision~~

2773 ~~of services for the logo sign program, the contract must~~
2774 ~~require, unless the business owner declines, that businesses~~
2775 ~~that previously entered into agreements with the department to~~
2776 ~~privately fund logo sign construction and installation be~~
2777 ~~reimbursed by the contractor for the cost of the signs which has~~
2778 ~~not been recovered through a previously agreed upon waiver of~~
2779 ~~fees.~~ The contract also may allow the contractor to retain a
2780 portion of the annual fees as compensation for its services.

2781 (5) Permit fees for businesses that participate in the
2782 program must be established in an amount sufficient to offset
2783 the total cost to the department for the program, including
2784 contract costs. The department shall provide the services in the
2785 most efficient and cost-effective manner through department
2786 staff or by contracting for some or all of the services. The
2787 department shall adopt rules that set reasonable rates based
2788 upon factors such as population, traffic volume, market demand,
2789 and costs for annual permit fees. However, annual permit fees
2790 for sign locations inside an urban area, as defined in s.
2791 334.03(32), may not exceed \$5,000 and annual permit fees for
2792 sign locations outside an urban area, as defined in s.
2793 334.03(32), may not exceed \$2,500. After recovering program
2794 costs, the proceeds from the logo program shall be deposited
2795 into the State Transportation Trust Fund and used for
2796 transportation purposes. ~~Such annual permit fee shall not exceed~~
2797 ~~\$1,250.~~

2798 Section 46. Business partnerships; display of names.--

2799 (1) School districts are encouraged to partner with local
2800 businesses for the purposes of mentorship opportunities,

2801 development of employment options and additional funding
 2802 sources, and other mutual benefits.

2803 (2) As a pilot program through June 30, 2011, the Palm
 2804 Beach County School District may publicly display the names and
 2805 recognitions of their business partners on school district
 2806 property in unincorporated areas. Examples of appropriate
 2807 business partner recognition include "Project Graduation" and
 2808 athletic sponsorships. The district shall make every effort to
 2809 display business partner names in a manner that is consistent
 2810 with the county standards for uniformity in size, color, and
 2811 placement of the signs. Whenever the provisions of this section
 2812 are inconsistent with the provisions of the county ordinances or
 2813 regulations relating to signs or the provisions of chapter 125,
 2814 chapter 166, or chapter 479, Florida Statutes, in the
 2815 unincorporated areas, the provisions of this section shall
 2816 prevail.

2817 Section 47. Paragraph (d) of subsection (10) of section
 2818 768.28, Florida Statutes, is amended to read:

2819 768.28 Waiver of sovereign immunity in tort actions;
 2820 recovery limits; limitation on attorney fees; statute of
 2821 limitations; exclusions; indemnification; risk management
 2822 programs.--

2823 (10)

2824 (d)1. For the purposes of this section, operators,
 2825 dispatchers, and providers of security for rail services and
 2826 rail facility maintenance providers in any rail corridor owned
 2827 by the Department of Transportation ~~the South Florida Rail~~
 2828 ~~Corridor~~, or any of their employees or agents, performing such

2829 | services under contract with and on behalf of the ~~South Florida~~
 2830 | ~~Regional Transportation Authority or the~~ Department of
 2831 | Transportation, or a governmental entity that is under contract
 2832 | with the Department of Transportation to perform such services
 2833 | or a governmental entity designated by the Department of
 2834 | Transportation, shall be considered agents of the state while
 2835 | acting within the scope of and pursuant to guidelines
 2836 | established in said contract or by rule. This subsection shall
 2837 | not be construed as designating persons providing contracted
 2838 | operator, dispatcher, security services, rail facility
 2839 | maintenance, or other services as employees or agents of the
 2840 | state for the purposes of the Federal Employers Liability Act,
 2841 | the Federal Railway Labor Act, or chapter 440.

2842 | 2. The Department of Transportation shall ensure that
 2843 | operators, dispatchers, and providers of security for rail
 2844 | services and rail facility maintenance providers in any rail
 2845 | corridor owned by the Department of Transportation meet
 2846 | requirements, as applicable to the service provided,
 2847 | demonstrating that, at a minimum, the provider:

2848 | a. Has complete knowledge of railroad specific dispatch
 2849 | operating rules, physical characteristics of the rail line for
 2850 | which the provider is responsible, and overall railroad
 2851 | operations including responsibilities of various departments
 2852 | within the railroad organization.

2853 | b. Has complete knowledge of railroad track maintenance
 2854 | standards and the Federal Railroad Administration Track Safety
 2855 | Standards, 49 C.F.R. part 213, and the Railroad Worker
 2856 | Protection, 49 C.F.R. part 214.

2857 c. Meets the requirements of 49 C.F.R. s. 213.7,
 2858 specifying the minimum qualifications and abilities for those
 2859 persons to supervise the restoration and renewal of railroad
 2860 track and for those persons to inspect such track for compliance
 2861 with railroad specific maintenance standards and Federal
 2862 Railroad Administration track safety standards.

2863 d. Has complete knowledge of railroad signal maintenance
 2864 standards and Federal Railroad Administration Grade Crossing
 2865 Signal System Safety Standards, 49 C.F.R. part 234, and the
 2866 Railroad Worker Protection, 49 C.F.R. part 214.

2867 e. Has the ability to read and understand highly complex
 2868 wiring diagrams and technical instruction manuals relating to
 2869 railroad signals.

2870 f. Understands rail corridor operating and safety rules.

2871 g. Has the ability to develop and comply with Federal
 2872 Transit Administration Management plans.

2873 h. Has the ability to develop and comply with Federal
 2874 Railroad Administration Safety and Security Program plans.

2875 Section 48. The Department of Transportation, in
 2876 consultation with the Department of Law Enforcement, the
 2877 Division of Emergency Management of the Department of Community
 2878 Affairs, and the Office of Tourism, Trade, and Economic
 2879 Development, and metropolitan planning organizations and
 2880 regional planning councils within whose jurisdictional area the
 2881 I-95 corridor lies, shall complete a study of transportation
 2882 alternatives for the travel corridor parallel to Interstate 95
 2883 which takes into account the transportation, emergency
 2884 management, homeland security, and economic development needs of

2885 the state. The report must include identification of cost-
 2886 effective measures that may be implemented to alleviate
 2887 congestion on Interstate 95, facilitate emergency and security
 2888 responses, and foster economic development. The Department of
 2889 Transportation shall send the report to the Governor, the
 2890 President of the Senate, the Speaker of the House of
 2891 Representatives, and each affected metropolitan planning
 2892 organization by June 30, 2009.

2893 Section 49. Notwithstanding any provision of chapter 74-
 2894 400, Laws of Florida, public funds may be used for the
 2895 alteration of Old Cutler Road, between Southwest 136th Street
 2896 and Southwest 184th Street, in the Village of Palmetto Bay.

2897 (1) The alteration may include the installation of
 2898 sidewalks, curbing, and landscaping to enhance pedestrian access
 2899 to the road.

2900 (2) The official approval of the project by the Department
 2901 of State must be obtained before any alteration is started.

2902 Section 50. For the purpose of incorporating the amendment
 2903 made by this act to section 316.193, Florida Statutes, in a
 2904 reference thereto, paragraph (a) of subsection (3) of section
 2905 316.066, Florida Statutes, is reenacted to read:

2906 316.066 Written reports of crashes.--

2907 (3) (a) Every law enforcement officer who in the regular
 2908 course of duty investigates a motor vehicle crash:

2909 1. Which crash resulted in death or personal injury shall,
 2910 within 10 days after completing the investigation, forward a
 2911 written report of the crash to the department or traffic records
 2912 center.

2913 2. Which crash involved a violation of s. 316.061(1) or s.
 2914 316.193 shall, within 10 days after completing the
 2915 investigation, forward a written report of the crash to the
 2916 department or traffic records center.

2917 3. In which crash a vehicle was rendered inoperative to a
 2918 degree which required a wrecker to remove it from traffic may,
 2919 within 10 days after completing the investigation, forward a
 2920 written report of the crash to the department or traffic records
 2921 center if such action is appropriate, in the officer's
 2922 discretion.

2923 Section 51. For the purpose of incorporating the amendment
 2924 made by this act to section 316.193, Florida Statutes, in a
 2925 reference thereto, paragraph (b) of subsection (4) of section
 2926 316.072, Florida Statutes, is reenacted to read:

2927 316.072 Obedience to and effect of traffic laws.--

2928 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;
 2929 EXCEPTIONS.--

2930 (b) Unless specifically made applicable, the provisions of
 2931 this chapter, except those contained in ss. 316.192, 316.1925,
 2932 and 316.193, shall not apply to persons, teams, or motor
 2933 vehicles and other equipment while actually engaged in work upon
 2934 the surface of a highway, but shall apply to such persons and
 2935 vehicles when traveling to or from such work.

2936 Section 52. For the purpose of incorporating the amendment
 2937 made by this act to section 316.193, Florida Statutes, in a
 2938 reference thereto, subsection (3) of section 316.1932, Florida
 2939 Statutes, is reenacted to read:

2940 316.1932 Tests for alcohol, chemical substances, or

2941 controlled substances; implied consent; refusal.--

2942 (3) Notwithstanding any provision of law pertaining to the
 2943 confidentiality of hospital records or other medical records,
 2944 information relating to the alcoholic content of the blood or
 2945 breath or the presence of chemical substances or controlled
 2946 substances in the blood obtained pursuant to this section shall
 2947 be released to a court, prosecuting attorney, defense attorney,
 2948 or law enforcement officer in connection with an alleged
 2949 violation of s. 316.193 upon request for such information.

2950 Section 53. For the purpose of incorporating the amendment
 2951 made by this act to section 316.193, Florida Statutes, in a
 2952 reference thereto, subsection (4) of section 316.1933, Florida
 2953 Statutes, is reenacted to read:

2954 316.1933 Blood test for impairment or intoxication in
 2955 cases of death or serious bodily injury; right to use reasonable
 2956 force.--

2957 (4) Notwithstanding any provision of law pertaining to the
 2958 confidentiality of hospital records or other medical records,
 2959 information relating to the alcoholic content of the blood or
 2960 the presence of chemical substances or controlled substances in
 2961 the blood obtained pursuant to this section shall be released to
 2962 a court, prosecuting attorney, defense attorney, or law
 2963 enforcement officer in connection with an alleged violation of
 2964 s. 316.193 upon request for such information.

2965 Section 54. For the purpose of incorporating the amendment
 2966 made by this act to section 316.193, Florida Statutes, in
 2967 references thereto, subsection (1) and paragraph (d) of
 2968 subsection (2) of section 316.1937, Florida Statutes, are

2969 reenacted to read:

2970 316.1937 Ignition interlock devices, requiring; unlawful
 2971 acts.--

2972 (1) In addition to any other authorized penalties, the
 2973 court may require that any person who is convicted of driving
 2974 under the influence in violation of s. 316.193 shall not operate
 2975 a motor vehicle unless that vehicle is equipped with a
 2976 functioning ignition interlock device certified by the
 2977 department as provided in s. 316.1938, and installed in such a
 2978 manner that the vehicle will not start if the operator's blood
 2979 alcohol level is in excess of 0.05 percent or as otherwise
 2980 specified by the court. The court may require the use of an
 2981 approved ignition interlock device for a period of not less than
 2982 6 months, if the person is permitted to operate a motor vehicle,
 2983 whether or not the privilege to operate a motor vehicle is
 2984 restricted, as determined by the court. The court, however,
 2985 shall order placement of an ignition interlock device in those
 2986 circumstances required by s. 316.193.

2987 (2) If the court imposes the use of an ignition interlock
 2988 device, the court shall:

2989 (d) Determine the person's ability to pay for installation
 2990 of the device if the person claims inability to pay. If the
 2991 court determines that the person is unable to pay for
 2992 installation of the device, the court may order that any portion
 2993 of a fine paid by the person for a violation of s. 316.193 shall
 2994 be allocated to defray the costs of installing the device.

2995 Section 55. For the purpose of incorporating the amendment
 2996 made by this act to section 316.193, Florida Statutes, in a

2997 | reference thereto, paragraph (b) of subsection (1) of section
 2998 | 316.1939, Florida Statutes, is reenacted to read:

2999 | 316.1939 Refusal to submit to testing; penalties.--

3000 | (1) Any person who has refused to submit to a chemical or
 3001 | physical test of his or her breath, blood, or urine, as
 3002 | described in s. 316.1932, and whose driving privilege was
 3003 | previously suspended for a prior refusal to submit to a lawful
 3004 | test of his or her breath, urine, or blood, and:

3005 | (b) Who was placed under lawful arrest for a violation of
 3006 | s. 316.193 unless such test was requested pursuant to s.
 3007 | 316.1932(1)(c);

3008 |
 3009 | commits a misdemeanor of the first degree and is subject to
 3010 | punishment as provided in s. 775.082 or s. 775.083.

3011 | Section 56. For the purpose of incorporating the amendment
 3012 | made by this act to section 316.193, Florida Statutes, in a
 3013 | reference thereto, subsection (1) of section 316.656, Florida
 3014 | Statutes, is reenacted to read:

3015 | 316.656 Mandatory adjudication; prohibition against
 3016 | accepting plea to lesser included offense.--

3017 | (1) Notwithstanding the provisions of s. 948.01, no court
 3018 | may suspend, defer, or withhold adjudication of guilt or
 3019 | imposition of sentence for any violation of s. 316.193, for
 3020 | manslaughter resulting from the operation of a motor vehicle, or
 3021 | for vehicular homicide.

3022 | Section 57. For the purpose of incorporating the amendment
 3023 | made by this act to section 316.193, Florida Statutes, in
 3024 | references thereto, subsections (4) and (5) of section 318.143,

3025 Florida Statutes, are reenacted to read:
 3026 318.143 Sanctions for infractions by minors.--
 3027 (4) For the first conviction for a violation of s.
 3028 316.193, the court may order the Department of Highway Safety
 3029 and Motor Vehicles to revoke the minor's driver's license until
 3030 the minor is 18 years of age. For a second or subsequent
 3031 conviction for such a violation, the court may order the
 3032 Department of Highway Safety and Motor Vehicles to revoke the
 3033 minor's driver's license until the minor is 21 years of age.
 3034 (5) A minor who is arrested for a violation of s. 316.193
 3035 may be released from custody as soon as:
 3036 (a) The minor is no longer under the influence of
 3037 alcoholic beverages, of any chemical substance set forth in s.
 3038 877.111, or of any substance controlled under chapter 893, and
 3039 is not affected to the extent that his or her normal faculties
 3040 are impaired;
 3041 (b) The minor's blood-alcohol level is less than 0.05
 3042 percent; or
 3043 (c) Six hours have elapsed after the minor's arrest.
 3044 Section 58. For the purpose of incorporating the amendment
 3045 made by this act to section 316.193, Florida Statutes, in a
 3046 reference thereto, subsection (3) of section 318.17, Florida
 3047 Statutes, is reenacted to read:
 3048 318.17 Offenses excepted.--No provision of this chapter is
 3049 available to a person who is charged with any of the following
 3050 offenses:
 3051 (3) Driving, or being in actual physical control of, any
 3052 vehicle while under the influence of alcoholic beverages, any

3053 chemical substance set forth in s. 877.111, or any substance
 3054 controlled under chapter 893, in violation of s. 316.193, or
 3055 driving with an unlawful blood-alcohol level;

3056 Section 59. For the purpose of incorporating the amendment
 3057 made by this act to section 316.193, Florida Statutes, in a
 3058 reference thereto, paragraph (c) of subsection (1) of section
 3059 320.055, Florida Statutes, is reenacted to read:

3060 320.055 Registration periods; renewal periods.--The
 3061 following registration periods and renewal periods are
 3062 established:

3063 (1)

3064 (c) Notwithstanding the requirements of paragraph (a), the
 3065 owner of a motor vehicle subject to paragraph (a) who has had
 3066 his or her driver's license suspended pursuant to a violation of
 3067 s. 316.193 or pursuant to s. 322.26(2) for driving under the
 3068 influence must obtain a 6-month registration as a condition of
 3069 reinstating the license, subject to renewal during the 3-year
 3070 period that financial responsibility requirements apply. The
 3071 registration period begins the first day of the birth month of
 3072 the owner and ends the last day of the fifth month immediately
 3073 following the owner's birth month. For such vehicles, the
 3074 department shall issue a vehicle registration certificate that
 3075 is valid for 6 months and shall issue a validation sticker that
 3076 displays an expiration date of 6 months after the date of
 3077 issuance. The license tax required by s. 320.08 and all other
 3078 applicable license taxes shall be one-half of the amount
 3079 otherwise required, except the service charge required by s.
 3080 320.04 shall be paid in full for each 6-month registration. A

3081 vehicle required to be registered under this paragraph is not
3082 eligible for the extended registration period under paragraph
3083 (b).

3084 Section 60. For the purpose of incorporating the amendment
3085 made by this act to section 316.193, Florida Statutes, in a
3086 reference thereto, subsection (2) of section 322.03, Florida
3087 Statutes, is reenacted to read:

3088 322.03 Drivers must be licensed; penalties.--

3089 (2) Prior to issuing a driver's license, the department
3090 shall require any person who has been convicted two or more
3091 times of a violation of s. 316.193 or of a substantially similar
3092 alcohol-related or drug-related offense outside this state
3093 within the preceding 5 years, or who has been convicted of three
3094 or more such offenses within the preceding 10 years, to present
3095 proof of successful completion of or enrollment in a department-
3096 approved substance abuse education course. If the person fails
3097 to complete such education course within 90 days after issuance,
3098 the department shall cancel the license. Further, prior to
3099 issuing the driver's license the department shall require such
3100 person to present proof of financial responsibility as provided
3101 in s. 324.031. For the purposes of this paragraph, a previous
3102 conviction for violation of former s. 316.028, former s.
3103 316.1931, or former s. 860.01 shall be considered a previous
3104 conviction for violation of s. 316.193.

3105 Section 61. For the purpose of incorporating the amendment
3106 made by this act to section 316.193, Florida Statutes, in a
3107 reference thereto, paragraph (a) of subsection (2) of section
3108 322.0602, Florida Statutes, is reenacted to read:

3109 | 322.0602 Youthful Drunk Driver Visitation Program.--

3110 | (2) COURT-ORDERED PARTICIPATION IN PROGRAM; PREFERENCE FOR
3111 | PARTICIPATION.--

3112 | (a) If a person is convicted of a violation of s. 316.193,
3113 | the court may order, as a term and condition of probation in
3114 | addition to any other term or condition required or authorized
3115 | by law, that the probationer participate in the Youthful Drunk
3116 | Driver Visitation Program.

3117 | Section 62. For the purpose of incorporating the amendment
3118 | made by this act to section 316.193, Florida Statutes, in a
3119 | reference thereto, subsection (8) of section 322.21, Florida
3120 | Statutes, is reenacted to read:

3121 | 322.21 License fees; procedure for handling and collecting
3122 | fees.--

3123 | (8) Any person who applies for reinstatement following the
3124 | suspension or revocation of the person's driver's license shall
3125 | pay a service fee of \$35 following a suspension, and \$60
3126 | following a revocation, which is in addition to the fee for a
3127 | license. Any person who applies for reinstatement of a
3128 | commercial driver's license following the disqualification of
3129 | the person's privilege to operate a commercial motor vehicle
3130 | shall pay a service fee of \$60, which is in addition to the fee
3131 | for a license. The department shall collect all of these fees at
3132 | the time of reinstatement. The department shall issue proper
3133 | receipts for such fees and shall promptly transmit all funds
3134 | received by it as follows:

3135 | (a) Of the \$35 fee received from a licensee for
3136 | reinstatement following a suspension, the department shall

3137 deposit \$15 in the General Revenue Fund and \$20 in the Highway
 3138 Safety Operating Trust Fund.

3139 (b) Of the \$60 fee received from a licensee for
 3140 reinstatement following a revocation or disqualification, the
 3141 department shall deposit \$35 in the General Revenue Fund and \$25
 3142 in the Highway Safety Operating Trust Fund.

3143
 3144 If the revocation or suspension of the driver's license was for
 3145 a violation of s. 316.193, or for refusal to submit to a lawful
 3146 breath, blood, or urine test, an additional fee of \$115 must be
 3147 charged. However, only one \$115 fee may be collected from one
 3148 person convicted of violations arising out of the same incident.

3149 The department shall collect the \$115 fee and deposit the fee
 3150 into the Highway Safety Operating Trust Fund at the time of
 3151 reinstatement of the person's driver's license, but the fee may
 3152 not be collected if the suspension or revocation is overturned.

3153 If the revocation or suspension of the driver's license was for
 3154 a conviction for a violation of s. 817.234(8) or (9) or s.
 3155 817.505, an additional fee of \$180 is imposed for each offense.

3156 The department shall collect and deposit the additional fee into
 3157 the Highway Safety Operating Trust Fund at the time of
 3158 reinstatement of the person's driver's license.

3159 Section 63. For the purpose of incorporating the amendment
 3160 made by this act to section 316.193, Florida Statutes, in a
 3161 reference thereto, subsection (5) of section 322.25, Florida
 3162 Statutes, is reenacted to read:

3163 322.25 When court to forward license to department and
 3164 report convictions; temporary reinstatement of driving

3165 | privileges.--

3166 | (5) For the purpose of this chapter, the entrance of a
 3167 | plea of nolo contendere by the defendant to a charge of driving
 3168 | while intoxicated, driving under the influence, driving with an
 3169 | unlawful blood-alcohol level, or any other alcohol-related or
 3170 | drug-related traffic offense similar to the offenses specified
 3171 | in s. 316.193, accepted by the court and under which plea the
 3172 | court has entered a fine or sentence, whether in this state or
 3173 | any other state or country, shall be equivalent to a conviction.

3174 | Section 64. For the purpose of incorporating the amendment
 3175 | made by this act to section 316.193, Florida Statutes, in a
 3176 | reference thereto, paragraph (a) of subsection (1) of section
 3177 | 322.26, Florida Statutes, is reenacted to read:

3178 | 322.26 Mandatory revocation of license by department.--The
 3179 | department shall forthwith revoke the license or driving
 3180 | privilege of any person upon receiving a record of such person's
 3181 | conviction of any of the following offenses:

3182 | (1)(a) Murder resulting from the operation of a motor
 3183 | vehicle, DUI manslaughter where the conviction represents a
 3184 | subsequent DUI-related conviction, or a fourth violation of s.
 3185 | 316.193 or former s. 316.1931. For such cases, the revocation of
 3186 | the driver's license or driving privilege shall be permanent.

3187 | Section 65. For the purpose of incorporating the amendment
 3188 | made by this act to section 316.193, Florida Statutes, in
 3189 | references thereto, paragraph (a) of subsection (14) and
 3190 | subsection (16) of section 322.2615, Florida Statutes, are
 3191 | reenacted to read:

3192 | 322.2615 Suspension of license; right to review.--

3193 (14) (a) The decision of the department under this section
 3194 or any circuit court review thereof may not be considered in any
 3195 trial for a violation of s. 316.193, and a written statement
 3196 submitted by a person in his or her request for departmental
 3197 review under this section may not be admitted into evidence
 3198 against him or her in any such trial.

3199 (16) The department shall invalidate a suspension for
 3200 driving with an unlawful blood-alcohol level or breath-alcohol
 3201 level imposed under this section if the suspended person is
 3202 found not guilty at trial of an underlying violation of s.
 3203 316.193.

3204 Section 66. For the purpose of incorporating the amendment
 3205 made by this act to section 316.193, Florida Statutes, in
 3206 references thereto, subsections (15) and (19) of section
 3207 322.2616, Florida Statutes, are reenacted to read:

3208 322.2616 Suspension of license; persons under 21 years of
 3209 age; right to review.--

3210 (15) The decision of the department under this section
 3211 shall not be considered in any trial for a violation of s.
 3212 316.193, nor shall any written statement submitted by a person
 3213 in his or her request for departmental review under this section
 3214 be admissible into evidence against him or her in any such
 3215 trial. The disposition of any related criminal proceedings shall
 3216 not affect a suspension imposed under this section.

3217 (19) A violation of this section is neither a traffic
 3218 infraction nor a criminal offense, nor does being detained
 3219 pursuant to this section constitute an arrest. A violation of
 3220 this section is subject to the administrative action provisions

3221 of this section, which are administered by the department
 3222 through its administrative processes. Administrative actions
 3223 taken pursuant to this section shall be recorded in the motor
 3224 vehicle records maintained by the department. This section does
 3225 not bar prosecution under s. 316.193. However, if the department
 3226 suspends a person's license under s. 322.2615 for a violation of
 3227 s. 316.193, it may not also suspend the person's license under
 3228 this section for the same episode that was the basis for the
 3229 suspension under s. 322.2615.

3230 Section 67. For the purpose of incorporating the amendment
 3231 made by this act to section 316.193, Florida Statutes, in a
 3232 reference thereto, paragraph (b) of subsection (1) of section
 3233 322.264, Florida Statutes, is reenacted to read:

3234 322.264 "Habitual traffic offender" defined.--A "habitual
 3235 traffic offender" is any person whose record, as maintained by
 3236 the Department of Highway Safety and Motor Vehicles, shows that
 3237 such person has accumulated the specified number of convictions
 3238 for offenses described in subsection (1) or subsection (2)
 3239 within a 5-year period:

3240 (1) Three or more convictions of any one or more of the
 3241 following offenses arising out of separate acts:

3242 (b) Any violation of s. 316.193, former s. 316.1931, or
 3243 former s. 860.01;

3244
 3245 Any violation of any federal law, any law of another state or
 3246 country, or any valid ordinance of a municipality or county of
 3247 another state similar to a statutory prohibition specified in
 3248 subsection (1) or subsection (2) shall be counted as a violation

3249 of such prohibition. In computing the number of convictions, all
3250 convictions during the 5 years previous to July 1, 1972, will be
3251 used, provided at least one conviction occurs after that date.
3252 The fact that previous convictions may have resulted in
3253 suspension, revocation, or disqualification under another
3254 section does not exempt them from being used for suspension or
3255 revocation under this section as a habitual offender.

3256 Section 68. For the purpose of incorporating the amendment
3257 made by this act to section 316.193, Florida Statutes, in
3258 references thereto, paragraphs (a) and (c) of subsection (2) and
3259 subsection (4) of section 322.271, Florida Statutes, are
3260 reenacted to read:

3261 322.271 Authority to modify revocation, cancellation, or
3262 suspension order.--

3263 (2)(a) Upon such hearing, the person whose license has
3264 been suspended, canceled, or revoked may show that such
3265 suspension, cancellation, or revocation of his or her license
3266 causes a serious hardship and precludes the person's carrying
3267 out his or her normal business occupation, trade, or employment
3268 and that the use of the person's license in the normal course of
3269 his or her business is necessary to the proper support of the
3270 person or his or her family. Except as otherwise provided in
3271 this subsection, the department shall require proof of the
3272 successful completion of the applicable department-approved
3273 driver training course operating pursuant to s. 318.1451 or DUI
3274 program substance abuse education course and evaluation as
3275 provided in s. 316.193(5). Letters of recommendation from
3276 respected business persons in the community, law enforcement

3277 officers, or judicial officers may also be required to determine
3278 whether such person should be permitted to operate a motor
3279 vehicle on a restricted basis for business or employment use
3280 only and in determining whether such person can be trusted to so
3281 operate a motor vehicle. If a driver's license has been
3282 suspended under the point system or pursuant to s. 322.2615, the
3283 department shall require proof of enrollment in the applicable
3284 department-approved driver training course or licensed DUI
3285 program substance abuse education course, including evaluation
3286 and treatment, if referred, and may require letters of
3287 recommendation described in this subsection to determine if the
3288 driver should be reinstated on a restricted basis. If such
3289 person fails to complete the approved course within 90 days
3290 after reinstatement or subsequently fails to complete treatment,
3291 if applicable, the department shall cancel his or her driver's
3292 license until the course and treatment, if applicable, is
3293 successfully completed, notwithstanding the terms of the court
3294 order or any suspension or revocation of the driving privilege.
3295 The department may temporarily reinstate the driving privilege
3296 on a restricted basis upon verification from the DUI program
3297 that the offender has reentered and is currently participating
3298 in treatment and has completed the DUI education course and
3299 evaluation requirement. If the DUI program notifies the
3300 department of the second failure to complete treatment, the
3301 department shall reinstate the driving privilege only after
3302 notice of completion of treatment from the DUI program. The
3303 privilege of driving on a limited or restricted basis for
3304 business or employment use shall not be granted to a person who

3305 has been convicted of a violation of s. 316.193 until completion
3306 of the DUI program substance abuse education course and
3307 evaluations as provided in s. 316.193(5). Except as provided in
3308 paragraph (b), the privilege of driving on a limited or
3309 restricted basis for business or employment use shall not be
3310 granted to a person whose license is revoked pursuant to s.
3311 322.28 or suspended pursuant to s. 322.2615 and who has been
3312 convicted of a violation of s. 316.193 two or more times or
3313 whose license has been suspended two or more times for refusal
3314 to submit to a test pursuant to s. 322.2615 or former s.
3315 322.261.

3316 (c) For the purpose of this section, a previous conviction
3317 of driving under the influence, driving while intoxicated,
3318 driving with an unlawful blood-alcohol level, or any other
3319 similar alcohol-related or drug-related offense outside this
3320 state or a previous conviction of former s. 316.1931, former s.
3321 316.028, or former s. 860.01 shall be considered a previous
3322 conviction for violation of s. 316.193.

3323 (4) Notwithstanding the provisions of s. 322.28(2)(e), a
3324 person whose driving privilege has been permanently revoked
3325 because he or she has been convicted of DUI manslaughter in
3326 violation of s. 316.193 and has no prior convictions for DUI-
3327 related offenses may, upon the expiration of 5 years after the
3328 date of such revocation or the expiration of 5 years after the
3329 termination of any term of incarceration under s. 316.193 or
3330 former s. 316.1931, whichever date is later, petition the
3331 department for reinstatement of his or her driving privilege.

3332 (a) Within 30 days after the receipt of such a petition,

3333 the department shall afford the petitioner an opportunity for a
 3334 hearing. At the hearing, the petitioner must demonstrate to the
 3335 department that he or she:

3336 1. Has not been arrested for a drug-related offense during
 3337 the 5 years preceding the filing of the petition;

3338 2. Has not driven a motor vehicle without a license for at
 3339 least 5 years prior to the hearing;

3340 3. Has been drug-free for at least 5 years prior to the
 3341 hearing; and

3342 4. Has completed a DUI program licensed by the department.

3343 (b) At such hearing, the department shall determine the
 3344 petitioner's qualification, fitness, and need to drive. Upon
 3345 such determination, the department may, in its discretion,
 3346 reinstate the driver's license of the petitioner. Such
 3347 reinstatement must be made subject to the following
 3348 qualifications:

3349 1. The license must be restricted for employment purposes
 3350 for not less than 1 year; and

3351 2. Such person must be supervised by a DUI program
 3352 licensed by the department and report to the program for such
 3353 supervision and education at least four times a year or
 3354 additionally as required by the program for the remainder of the
 3355 revocation period. Such supervision shall include evaluation,
 3356 education, referral into treatment, and other activities
 3357 required by the department.

3358 (c) Such person must assume the reasonable costs of
 3359 supervision. If such person fails to comply with the required
 3360 supervision, the program shall report the failure to the

3361 department, and the department shall cancel such person's
 3362 driving privilege.

3363 (d) If, after reinstatement, such person is convicted of
 3364 an offense for which mandatory revocation of his or her license
 3365 is required, the department shall revoke his or her driving
 3366 privilege.

3367 (e) The department shall adopt rules regulating the
 3368 providing of services by DUI programs pursuant to this section.

3369 Section 69. For the purpose of incorporating the amendment
 3370 made by this act to section 316.193, Florida Statutes, in
 3371 references thereto, subsection (2), paragraphs (a) and (c) of
 3372 subsection (3), and subsection (4) of section 322.2715, Florida
 3373 Statutes, are reenacted to read:

3374 322.2715 Ignition interlock device.--

3375 (2) For purposes of this section, any conviction for a
 3376 violation of s. 316.193, a previous conviction for a violation
 3377 of former s. 316.1931, or a conviction outside this state for
 3378 driving under the influence, driving while intoxicated, driving
 3379 with an unlawful blood-alcohol level, or any other similar
 3380 alcohol-related or drug-related traffic offense is a conviction
 3381 of driving under the influence.

3382 (3) If the person is convicted of:

3383 (a) A first offense of driving under the influence under
 3384 s. 316.193 and has an unlawful blood-alcohol level or breath-
 3385 alcohol level as specified in s. 316.193(4), or if a person is
 3386 convicted of a violation of s. 316.193 and was at the time of
 3387 the offense accompanied in the vehicle by a person younger than
 3388 18 years of age, the person shall have the ignition interlock

3389 device installed for 6 months for the first offense and for at
 3390 least 2 years for a second offense.

3391 (c) A third offense of driving under the influence which
 3392 occurs within 10 years after a prior conviction for a violation
 3393 of s. 316.193, the ignition interlock device shall be installed
 3394 for a period of not less than 2 years.

3395 (4) If the court fails to order the mandatory placement of
 3396 the ignition interlock device or fails to order for the
 3397 applicable period the mandatory placement of an ignition
 3398 interlock device under s. 316.193 or s. 316.1937 at the time of
 3399 imposing sentence or within 30 days thereafter, the department
 3400 shall immediately require that the ignition interlock device be
 3401 installed as provided in this section, except that consideration
 3402 may be given to those individuals having a documented medical
 3403 condition that would prohibit the device from functioning
 3404 normally. This subsection applies to the reinstatement of the
 3405 driving privilege following a revocation, suspension, or
 3406 cancellation that is based upon a conviction for the offense of
 3407 driving under the influence which occurs on or after July 1,
 3408 2005.

3409 Section 70. For the purpose of incorporating the amendment
 3410 made by this act to section 316.193, Florida Statutes, in a
 3411 reference thereto, subsection (2) of section 322.28, Florida
 3412 Statutes, is reenacted to read:

3413 322.28 Period of suspension or revocation.--

3414 (2) In a prosecution for a violation of s. 316.193 or
 3415 former s. 316.1931, the following provisions apply:

3416 (a) Upon conviction of the driver, the court, along with

3417 imposing sentence, shall revoke the driver's license or driving
3418 privilege of the person so convicted, effective on the date of
3419 conviction, and shall prescribe the period of such revocation in
3420 accordance with the following provisions:

3421 1. Upon a first conviction for a violation of the
3422 provisions of s. 316.193, except a violation resulting in death,
3423 the driver's license or driving privilege shall be revoked for
3424 not less than 180 days or more than 1 year.

3425 2. Upon a second conviction for an offense that occurs
3426 within a period of 5 years after the date of a prior conviction
3427 for a violation of the provisions of s. 316.193 or former s.
3428 316.1931 or a combination of such sections, the driver's license
3429 or driving privilege shall be revoked for not less than 5 years.

3430 3. Upon a third conviction for an offense that occurs
3431 within a period of 10 years after the date of a prior conviction
3432 for the violation of the provisions of s. 316.193 or former s.
3433 316.1931 or a combination of such sections, the driver's license
3434 or driving privilege shall be revoked for not less than 10
3435 years.

3436

3437 For the purposes of this paragraph, a previous conviction
3438 outside this state for driving under the influence, driving
3439 while intoxicated, driving with an unlawful blood-alcohol level,
3440 or any other alcohol-related or drug-related traffic offense
3441 similar to the offense of driving under the influence as
3442 proscribed by s. 316.193 will be considered a previous
3443 conviction for violation of s. 316.193, and a conviction for
3444 violation of former s. 316.028, former s. 316.1931, or former s.

3445 860.01 is considered a conviction for violation of s. 316.193.

3446 (b) If the period of revocation was not specified by the
3447 court at the time of imposing sentence or within 30 days
3448 thereafter, and is not otherwise specified by law, the
3449 department shall forthwith revoke the driver's license or
3450 driving privilege for the maximum period applicable under
3451 paragraph (a) for a first conviction and for the minimum period
3452 applicable under paragraph (a) for any subsequent convictions.
3453 The driver may, within 30 days after such revocation by the
3454 department, petition the court for further hearing on the period
3455 of revocation, and the court may reopen the case and determine
3456 the period of revocation within the limits specified in
3457 paragraph (a).

3458 (c) The forfeiture of bail bond, not vacated within 20
3459 days, in any prosecution for the offense of driving while under
3460 the influence of alcoholic beverages, chemical substances, or
3461 controlled substances to the extent of depriving the defendant
3462 of his or her normal faculties shall be deemed equivalent to a
3463 conviction for the purposes of this paragraph, and the
3464 department shall forthwith revoke the defendant's driver's
3465 license or driving privilege for the maximum period applicable
3466 under paragraph (a) for a first conviction and for the minimum
3467 period applicable under paragraph (a) for a second or subsequent
3468 conviction; however, if the defendant is later convicted of the
3469 charge, the period of revocation imposed by the department for
3470 such conviction shall not exceed the difference between the
3471 applicable maximum for a first conviction or minimum for a
3472 second or subsequent conviction and the revocation period under

3473 | this subsection that has actually elapsed; upon conviction of
3474 | such charge, the court may impose revocation for a period of
3475 | time as specified in paragraph (a). This paragraph does not
3476 | apply if an appropriate motion contesting the forfeiture is
3477 | filed within the 20-day period.

3478 | (d) When any driver's license or driving privilege has
3479 | been revoked pursuant to the provisions of this section, the
3480 | department shall not grant a new license, except upon
3481 | reexamination of the licensee after the expiration of the period
3482 | of revocation so prescribed. However, the court may, in its
3483 | sound discretion, issue an order of reinstatement on a form
3484 | furnished by the department which the person may take to any
3485 | driver's license examining office for reinstatement by the
3486 | department pursuant to s. 322.282.

3487 | (e) The court shall permanently revoke the driver's
3488 | license or driving privilege of a person who has been convicted
3489 | four times for violation of s. 316.193 or former s. 316.1931 or
3490 | a combination of such sections. The court shall permanently
3491 | revoke the driver's license or driving privilege of any person
3492 | who has been convicted of DUI manslaughter in violation of s.
3493 | 316.193. If the court has not permanently revoked such driver's
3494 | license or driving privilege within 30 days after imposing
3495 | sentence, the department shall permanently revoke the driver's
3496 | license or driving privilege pursuant to this paragraph. No
3497 | driver's license or driving privilege may be issued or granted
3498 | to any such person. This paragraph applies only if at least one
3499 | of the convictions for violation of s. 316.193 or former s.
3500 | 316.1931 was for a violation that occurred after July 1, 1982.

3501 For the purposes of this paragraph, a conviction for violation
 3502 of former s. 316.028, former s. 316.1931, or former s. 860.01 is
 3503 also considered a conviction for violation of s. 316.193. Also,
 3504 a conviction of driving under the influence, driving while
 3505 intoxicated, driving with an unlawful blood-alcohol level, or
 3506 any other similar alcohol-related or drug-related traffic
 3507 offense outside this state is considered a conviction for the
 3508 purposes of this paragraph.

3509 Section 71. For the purpose of incorporating the amendment
 3510 made by this act to section 316.193, Florida Statutes, in
 3511 references thereto, paragraph (a) of subsection (2) of section
 3512 322.282, Florida Statutes, is reenacted to read:

3513 322.282 Procedure when court revokes or suspends license
 3514 or driving privilege and orders reinstatement.--When a court
 3515 suspends or revokes a person's license or driving privilege and,
 3516 in its discretion, orders reinstatement as provided by s.
 3517 322.28(2)(d) or former s. 322.261(5):

3518 (2)(a) The court shall issue an order of reinstatement, on
 3519 a form to be furnished by the department, which the person may
 3520 take to any driver's license examining office. The department
 3521 shall issue a temporary driver's permit to a licensee who
 3522 presents the court's order of reinstatement, proof of completion
 3523 of a department-approved driver training or substance abuse
 3524 education course, and a written request for a hearing under s.
 3525 322.271. The permit shall not be issued if a record check by the
 3526 department shows that the person has previously been convicted
 3527 for a violation of s. 316.193, former s. 316.1931, former s.
 3528 316.028, former s. 860.01, or a previous conviction outside this

3529 state for driving under the influence, driving while
 3530 intoxicated, driving with an unlawful blood-alcohol level, or
 3531 any similar alcohol-related or drug-related traffic offense;
 3532 that the person's driving privilege has been previously
 3533 suspended for refusal to submit to a lawful test of breath,
 3534 blood, or urine; or that the person is otherwise not entitled to
 3535 issuance of a driver's license. This paragraph shall not be
 3536 construed to prevent the reinstatement of a license or driving
 3537 privilege that is presently suspended for driving with an
 3538 unlawful blood-alcohol level or a refusal to submit to a breath,
 3539 urine, or blood test and is also revoked for a conviction for a
 3540 violation of s. 316.193 or former s. 316.1931, if the suspension
 3541 and revocation arise out of the same incident.

3542 Section 72. For the purpose of incorporating the amendment
 3543 made by this act to section 316.193, Florida Statutes, in a
 3544 reference thereto, paragraph (a) of subsection (1) of section
 3545 322.291, Florida Statutes, is reenacted to read:

3546 322.291 Driver improvement schools or DUI programs;
 3547 required in certain suspension and revocation cases.--Except as
 3548 provided in s. 322.03(2), any person:

3549 (1) Whose driving privilege has been revoked:

3550 (a) Upon conviction for:

3551 1. Driving, or being in actual physical control of, any
 3552 vehicle while under the influence of alcoholic beverages, any
 3553 chemical substance set forth in s. 877.111, or any substance
 3554 controlled under chapter 893, in violation of s. 316.193;

3555 2. Driving with an unlawful blood- or breath-alcohol
 3556 level;

3557 3. Manslaughter resulting from the operation of a motor
 3558 vehicle;
 3559 4. Failure to stop and render aid as required under the
 3560 laws of this state in the event of a motor vehicle crash
 3561 resulting in the death or personal injury of another;
 3562 5. Reckless driving; or
 3563
 3564 shall, before the driving privilege may be reinstated, present
 3565 to the department proof of enrollment in a department-approved
 3566 advanced driver improvement course operating pursuant to s.
 3567 318.1451 or a substance abuse education course conducted by a
 3568 DUI program licensed pursuant to s. 322.292, which shall include
 3569 a psychosocial evaluation and treatment, if referred. If the
 3570 person fails to complete such course or evaluation within 90
 3571 days after reinstatement, or subsequently fails to complete
 3572 treatment, if referred, the DUI program shall notify the
 3573 department of the failure. Upon receipt of the notice, the
 3574 department shall cancel the offender's driving privilege,
 3575 notwithstanding the expiration of the suspension or revocation
 3576 of the driving privilege. The department may temporarily
 3577 reinstate the driving privilege upon verification from the DUI
 3578 program that the offender has completed the education course and
 3579 evaluation requirement and has reentered and is currently
 3580 participating in treatment. If the DUI program notifies the
 3581 department of the second failure to complete treatment, the
 3582 department shall reinstate the driving privilege only after
 3583 notice of completion of treatment from the DUI program.

3584 Section 73. For the purpose of incorporating the amendment

3585 made by this act to section 316.193, Florida Statutes, in a
 3586 reference thereto, paragraph (a) of subsection (9) of section
 3587 322.34, Florida Statutes, is reenacted to read:

3588 322.34 Driving while license suspended, revoked, canceled,
 3589 or disqualified.--

3590 (9) (a) A motor vehicle that is driven by a person under
 3591 the influence of alcohol or drugs in violation of s. 316.193 is
 3592 subject to seizure and forfeiture under ss. 932.701-932.707 and
 3593 is subject to liens for recovering, towing, or storing vehicles
 3594 under s. 713.78 if, at the time of the offense, the person's
 3595 driver's license is suspended, revoked, or canceled as a result
 3596 of a prior conviction for driving under the influence.

3597 Section 74. For the purpose of incorporating the amendment
 3598 made by this act to section 316.193, Florida Statutes, in a
 3599 reference thereto, subsection (3) of section 322.62, Florida
 3600 Statutes, is reenacted to read:

3601 322.62 Driving under the influence; commercial motor
 3602 vehicle operators.--

3603 (3) This section does not supersede s. 316.193. Nothing in
 3604 this section prohibits the prosecution of a person who drives a
 3605 commercial motor vehicle for driving under the influence of
 3606 alcohol or controlled substances whether or not such person is
 3607 also prosecuted for a violation of this section.

3608 Section 75. For the purpose of incorporating the amendment
 3609 made by this act to section 316.193, Florida Statutes, in
 3610 references thereto, paragraph (d) of subsection (2) and
 3611 subsection (6) of section 322.63, Florida Statutes, are
 3612 reenacted to read:

3613 322.63 Alcohol or drug testing; commercial motor vehicle
3614 operators.--

3615 (2) The chemical and physical tests authorized by this
3616 section shall only be required if a law enforcement officer has
3617 reasonable cause to believe that a person driving a commercial
3618 motor vehicle has any alcohol, chemical substance, or controlled
3619 substance in his or her body.

3620 (d) The administration of one test under paragraph (a),
3621 paragraph (b), or paragraph (c) shall not preclude the
3622 administration of a different test under paragraph (a),
3623 paragraph (b), or paragraph (c). However, a urine test may not
3624 be used to determine alcohol concentration and a breath test may
3625 not be used to determine the presence of controlled substances
3626 or chemical substances in a person's body. Notwithstanding the
3627 provisions of this paragraph, in the event a Florida licensee
3628 has been convicted in another state for an offense substantially
3629 similar to s. 316.193 or to s. 322.62, which conviction was
3630 based upon evidence of test results prohibited by this
3631 paragraph, that out-of-state conviction shall constitute a
3632 conviction for the purposes of this chapter.

3633 (6) Notwithstanding any provision of law pertaining to the
3634 confidentiality of hospital records or other medical records,
3635 information relating to the alcohol content of a person's blood
3636 or the presence of chemical substances or controlled substances
3637 in a person's blood obtained pursuant to this section shall be
3638 released to a court, prosecuting attorney, defense attorney, or
3639 law enforcement officer in connection with an alleged violation
3640 of s. 316.193 or s. 322.62 upon request for such information.

3641 Section 76. For the purpose of incorporating the amendment
 3642 made by this act to section 316.193, Florida Statutes, in
 3643 references thereto, subsections (1) and (2), paragraph (a) of
 3644 subsection (7), paragraph (b) of subsection (8), and subsections
 3645 (14) and (15) of section 322.64, Florida Statutes, are reenacted
 3646 to read:

3647 322.64 Holder of commercial driver's license; driving with
 3648 unlawful blood-alcohol level; refusal to submit to breath,
 3649 urine, or blood test.--

3650 (1) (a) A law enforcement officer or correctional officer
 3651 shall, on behalf of the department, disqualify from operating
 3652 any commercial motor vehicle a person who while operating or in
 3653 actual physical control of a commercial motor vehicle is
 3654 arrested for a violation of s. 316.193, relating to unlawful
 3655 blood-alcohol level or breath-alcohol level, or a person who has
 3656 refused to submit to a breath, urine, or blood test authorized
 3657 by s. 322.63 arising out of the operation or actual physical
 3658 control of a commercial motor vehicle. Upon disqualification of
 3659 the person, the officer shall take the person's driver's license
 3660 and issue the person a 10-day temporary permit for the operation
 3661 of noncommercial vehicles only if the person is otherwise
 3662 eligible for the driving privilege and shall issue the person a
 3663 notice of disqualification. If the person has been given a
 3664 blood, breath, or urine test, the results of which are not
 3665 available to the officer at the time of the arrest, the agency
 3666 employing the officer shall transmit such results to the
 3667 department within 5 days after receipt of the results. If the
 3668 department then determines that the person was arrested for a

3669 violation of s. 316.193 and that the person had a blood-alcohol
3670 level or breath-alcohol level of 0.08 or higher, the department
3671 shall disqualify the person from operating a commercial motor
3672 vehicle pursuant to subsection (3).

3673 (b) The disqualification under paragraph (a) shall be
3674 pursuant to, and the notice of disqualification shall inform the
3675 driver of, the following:

3676 1.a. The driver refused to submit to a lawful breath,
3677 blood, or urine test and he or she is disqualified from
3678 operating a commercial motor vehicle for a period of 1 year, for
3679 a first refusal, or permanently, if he or she has previously
3680 been disqualified as a result of a refusal to submit to such a
3681 test; or

3682 b. The driver violated s. 316.193 by driving with an
3683 unlawful blood-alcohol level and he or she is disqualified from
3684 operating a commercial motor vehicle for a period of 6 months
3685 for a first offense or for a period of 1 year if he or she has
3686 previously been disqualified, or his or her driving privilege
3687 has been previously suspended, for a violation of s. 316.193.

3688 2. The disqualification period for operating commercial
3689 vehicles shall commence on the date of arrest or issuance of
3690 notice of disqualification, whichever is later.

3691 3. The driver may request a formal or informal review of
3692 the disqualification by the department within 10 days after the
3693 date of arrest or issuance of notice of disqualification,
3694 whichever is later.

3695 4. The temporary permit issued at the time of arrest or
3696 disqualification will expire at midnight of the 10th day

3697 following the date of disqualification.

3698 5. The driver may submit to the department any materials
3699 relevant to the arrest.

3700 (2) Except as provided in paragraph (1)(a), the law
3701 enforcement officer shall forward to the department, within 5
3702 days after the date of the arrest or the issuance of the notice
3703 of disqualification, whichever is later, a copy of the notice of
3704 disqualification, the driver's license of the person arrested,
3705 and a report of the arrest, including, if applicable, an
3706 affidavit stating the officer's grounds for belief that the
3707 person arrested was in violation of s. 316.193; the results of
3708 any breath or blood test or an affidavit stating that a breath,
3709 blood, or urine test was requested by a law enforcement officer
3710 or correctional officer and that the person arrested refused to
3711 submit; a copy of the citation issued to the person arrested;
3712 and the officer's description of the person's field sobriety
3713 test, if any. The failure of the officer to submit materials
3714 within the 5-day period specified in this subsection or
3715 subsection (1) shall not affect the department's ability to
3716 consider any evidence submitted at or prior to the hearing. The
3717 officer may also submit a copy of a videotape of the field
3718 sobriety test or the attempt to administer such test.

3719 (7) In a formal review hearing under subsection (6) or an
3720 informal review hearing under subsection (4), the hearing
3721 officer shall determine by a preponderance of the evidence
3722 whether sufficient cause exists to sustain, amend, or invalidate
3723 the disqualification. The scope of the review shall be limited
3724 to the following issues:

3725 (a) If the person was disqualified from operating a
 3726 commercial motor vehicle for driving with an unlawful blood-
 3727 alcohol level in violation of s. 316.193:

3728 1. Whether the arresting law enforcement officer had
 3729 probable cause to believe that the person was driving or in
 3730 actual physical control of a commercial motor vehicle in this
 3731 state while he or she had any alcohol, chemical substances, or
 3732 controlled substances in his or her body.

3733 2. Whether the person was placed under lawful arrest for a
 3734 violation of s. 316.193.

3735 3. Whether the person had an unlawful blood-alcohol level
 3736 as provided in s. 316.193.

3737 (8) Based on the determination of the hearing officer
 3738 pursuant to subsection (7) for both informal hearings under
 3739 subsection (4) and formal hearings under subsection (6), the
 3740 department shall:

3741 (b) Sustain the disqualification for a period of 6 months
 3742 for a violation of s. 316.193 or for a period of 1 year if the
 3743 person has been previously disqualified from operating a
 3744 commercial motor vehicle or his or her driving privilege has
 3745 been previously suspended as a result of a violation of s.
 3746 316.193. The disqualification period commences on the date of
 3747 the arrest or issuance of the notice of disqualification,
 3748 whichever is later.

3749 (14) The decision of the department under this section
 3750 shall not be considered in any trial for a violation of s.
 3751 316.193, s. 322.61, or s. 322.62, nor shall any written
 3752 statement submitted by a person in his or her request for

3753 departmental review under this section be admissible into
 3754 evidence against him or her in any such trial. The disposition
 3755 of any related criminal proceedings shall not affect a
 3756 disqualification imposed pursuant to this section.

3757 (15) This section does not preclude the suspension of the
 3758 driving privilege pursuant to s. 322.2615. The driving privilege
 3759 of a person who has been disqualified from operating a
 3760 commercial motor vehicle also may be suspended for a violation
 3761 of s. 316.193.

3762 Section 77. For the purpose of incorporating the amendment
 3763 made by this act to section 316.193, Florida Statutes, in a
 3764 reference thereto, paragraph (f) of subsection (4) of section
 3765 323.001, Florida Statutes, is reenacted to read:

3766 323.001 Wrecker operator storage facilities; vehicle
 3767 holds.--

3768 (4) The requirements for a written hold apply when the
 3769 following conditions are present:

3770 (f) The vehicle is impounded or immobilized pursuant to s.
 3771 316.193 or s. 322.34; or

3772 Section 78. For the purpose of incorporating the amendment
 3773 made by this act to section 316.193, Florida Statutes, in
 3774 references thereto, section 324.023, Florida Statutes, is
 3775 reenacted to read:

3776 324.023 Financial responsibility for bodily injury or
 3777 death.--In addition to any other financial responsibility
 3778 required by law, every owner or operator of a motor vehicle that
 3779 is required to be registered in this state, or that is located
 3780 within this state, and who, regardless of adjudication of guilt,

3781 has been found guilty of or entered a plea of guilty or nolo
 3782 contendere to a charge of driving under the influence under s.
 3783 316.193 after October 1, 2007, shall, by one of the methods
 3784 established in s. 324.031(1), (2), or (3), establish and
 3785 maintain the ability to respond in damages for liability on
 3786 account of accidents arising out of the use of a motor vehicle
 3787 in the amount of \$100,000 because of bodily injury to, or death
 3788 of, one person in any one crash and, subject to such limits for
 3789 one person, in the amount of \$300,000 because of bodily injury
 3790 to, or death of, two or more persons in any one crash and in the
 3791 amount of \$50,000 because of property damage in any one crash.
 3792 If the owner or operator chooses to establish and maintain such
 3793 ability by posting a bond or furnishing a certificate of deposit
 3794 pursuant to s. 324.031(2) or (3), such bond or certificate of
 3795 deposit must be in an amount not less than \$350,000. Such higher
 3796 limits must be carried for a minimum period of 3 years. If the
 3797 owner or operator has not been convicted of driving under the
 3798 influence or a felony traffic offense for a period of 3 years
 3799 from the date of reinstatement of driving privileges for a
 3800 violation of s. 316.193, the owner or operator shall be exempt
 3801 from this section.

3802 Section 79. For the purpose of incorporating the amendment
 3803 made by this act to section 316.193, Florida Statutes, in a
 3804 reference thereto, section 324.131, Florida Statutes, is
 3805 reenacted to read:

3806 324.131 Period of suspension.--Such license, registration
 3807 and nonresident's operating privilege shall remain so suspended
 3808 and shall not be renewed, nor shall any such license or

3809 registration be thereafter issued in the name of such person,
 3810 including any such person not previously licensed, unless and
 3811 until every such judgment is stayed, satisfied in full or to the
 3812 extent of the limits stated in s. 324.021(7) and until the said
 3813 person gives proof of financial responsibility as provided in s.
 3814 324.031, such proof to be maintained for 3 years. In addition,
 3815 if the person's license or registration has been suspended or
 3816 revoked due to a violation of s. 316.193 or pursuant to s.
 3817 322.26(2), that person shall maintain noncancelable liability
 3818 coverage for each motor vehicle registered in his or her name,
 3819 as described in s. 627.7275(2), and must present proof that
 3820 coverage is in force on a form adopted by the Department of
 3821 Highway Safety and Motor Vehicles, such proof to be maintained
 3822 for 3 years.

3823 Section 80. For the purpose of incorporating the amendment
 3824 made by this act to section 316.193, Florida Statutes, in a
 3825 reference thereto, subsection (6) of section 327.35, Florida
 3826 Statutes, is reenacted to read:

3827 327.35 Boating under the influence; penalties; "designated
 3828 drivers".--

3829 (6) With respect to any person convicted of a violation of
 3830 subsection (1), regardless of any other penalty imposed:

3831 (a) For the first conviction, the court shall place the
 3832 defendant on probation for a period not to exceed 1 year and, as
 3833 a condition of such probation, shall order the defendant to
 3834 participate in public service or a community work project for a
 3835 minimum of 50 hours. The court must also, as a condition of
 3836 probation, order the impoundment or immobilization of the vessel

3837 that was operated by or in the actual control of the defendant
3838 or any one vehicle registered in the defendant's name at the
3839 time of impoundment or immobilization, for a period of 10 days
3840 or for the unexpired term of any lease or rental agreement that
3841 expires within 10 days. The impoundment or immobilization must
3842 not occur concurrently with the incarceration of the defendant.
3843 The impoundment or immobilization order may be dismissed in
3844 accordance with paragraph (e) or paragraph (f). The total period
3845 of probation and incarceration may not exceed 1 year.

3846 (b) For the second conviction for an offense that occurs
3847 within a period of 5 years after the date of a prior conviction
3848 for violation of this section, the court shall order
3849 imprisonment for not less than 10 days. The court must also, as
3850 a condition of probation, order the impoundment or
3851 immobilization of the vessel that was operated by or in the
3852 actual control of the defendant or any one vehicle registered in
3853 the defendant's name at the time of impoundment or
3854 immobilization, for a period of 30 days or for the unexpired
3855 term of any lease or rental agreement that expires within 30
3856 days. The impoundment or immobilization must not occur
3857 concurrently with the incarceration of the defendant. The
3858 impoundment or immobilization order may be dismissed in
3859 accordance with paragraph (e) or paragraph (f). At least 48
3860 hours of confinement must be consecutive.

3861 (c) For the third or subsequent conviction for an offense
3862 that occurs within a period of 10 years after the date of a
3863 prior conviction for violation of this section, the court shall
3864 order imprisonment for not less than 30 days. The court must

3865 also, as a condition of probation, order the impoundment or
3866 immobilization of the vessel that was operated by or in the
3867 actual control of the defendant or any one vehicle registered in
3868 the defendant's name at the time of impoundment or
3869 immobilization, for a period of 90 days or for the unexpired
3870 term of any lease or rental agreement that expires within 90
3871 days. The impoundment or immobilization must not occur
3872 concurrently with the incarceration of the defendant. The
3873 impoundment or immobilization order may be dismissed in
3874 accordance with paragraph (e) or paragraph (f). At least 48
3875 hours of confinement must be consecutive.

3876 (d) The court must at the time of sentencing the defendant
3877 issue an order for the impoundment or immobilization of a
3878 vessel. Within 7 business days after the date that the court
3879 issues the order of impoundment, and once again 30 business days
3880 before the actual impoundment or immobilization of the vessel,
3881 the clerk of the court must send notice by certified mail,
3882 return receipt requested, to the registered owner of each
3883 vessel, if the registered owner is a person other than the
3884 defendant, and to each person of record claiming a lien against
3885 the vessel.

3886 (e) A person who owns but was not operating the vessel
3887 when the offense occurred may submit to the court a police
3888 report indicating that the vessel was stolen at the time of the
3889 offense or documentation of having purchased the vessel after
3890 the offense was committed from an entity other than the
3891 defendant or the defendant's agent. If the court finds that the
3892 vessel was stolen or that the sale was not made to circumvent

3893 | the order and allow the defendant continued access to the
3894 | vessel, the order must be dismissed and the owner of the vessel
3895 | will incur no costs. If the court denies the request to dismiss
3896 | the order of impoundment or immobilization, the petitioner may
3897 | request an evidentiary hearing.

3898 | (f) A person who owns but was not operating the vessel
3899 | when the offense occurred, and whose vessel was stolen or who
3900 | purchased the vessel after the offense was committed directly
3901 | from the defendant or the defendant's agent, may request an
3902 | evidentiary hearing to determine whether the impoundment or
3903 | immobilization should occur. If the court finds that either the
3904 | vessel was stolen or the purchase was made without knowledge of
3905 | the offense, that the purchaser had no relationship to the
3906 | defendant other than through the transaction, and that such
3907 | purchase would not circumvent the order and allow the defendant
3908 | continued access to the vessel, the order must be dismissed and
3909 | the owner of the vessel will incur no costs.

3910 | (g) All costs and fees for the impoundment or
3911 | immobilization, including the cost of notification, must be paid
3912 | by the owner of the vessel or, if the vessel is leased or
3913 | rented, by the person leasing or renting the vessel, unless the
3914 | impoundment or immobilization order is dismissed.

3915 | (h) The person who owns a vessel that is impounded or
3916 | immobilized under this paragraph, or a person who has a lien of
3917 | record against such a vessel and who has not requested a review
3918 | of the impoundment pursuant to paragraph (e) or paragraph (f),
3919 | may, within 10 days after the date that person has knowledge of
3920 | the location of the vessel, file a complaint in the county in

3921 | which the owner resides to determine whether the vessel was
3922 | wrongfully taken or withheld from the owner or lienholder. Upon
3923 | the filing of a complaint, the owner or lienholder may have the
3924 | vessel released by posting with the court a bond or other
3925 | adequate security equal to the amount of the costs and fees for
3926 | impoundment or immobilization, including towing or storage, to
3927 | ensure the payment of the costs and fees if the owner or
3928 | lienholder does not prevail. When the bond is posted and the fee
3929 | is paid as set forth in s. 28.24, the clerk of the court shall
3930 | issue a certificate releasing the vessel. At the time of
3931 | release, after reasonable inspection, the owner or lienholder
3932 | must give a receipt to the towing or storage company indicating
3933 | any loss or damage to the vessel or to the contents of the
3934 | vessel.

3935 | (i) A defendant, in the court's discretion, may be
3936 | required to serve all or any portion of a term of imprisonment
3937 | to which the defendant has been sentenced pursuant to this
3938 | section in a residential alcoholism treatment program or a
3939 | residential drug abuse treatment program. Any time spent in such
3940 | a program must be credited by the court toward the term of
3941 | imprisonment.

3942 |
3943 | For the purposes of this section, any conviction for a violation
3944 | of s. 316.193, a previous conviction for the violation of former
3945 | s. 316.1931, former s. 860.01, or former s. 316.028, or a
3946 | previous conviction outside this state for driving under the
3947 | influence, driving while intoxicated, driving with an unlawful
3948 | blood-alcohol level, driving with an unlawful breath-alcohol

3949 level, or any other similar alcohol-related or drug-related
3950 traffic offense, is also considered a previous conviction for
3951 violation of this section.

3952 Section 81. For the purpose of incorporating the amendment
3953 made by this act to section 316.193, Florida Statutes, in a
3954 reference thereto, subsection (1) of section 337.195, Florida
3955 Statutes, is reenacted to read:

3956 337.195 Limits on liability.--

3957 (1) In a civil action for the death of or injury to a
3958 person, or for damage to property, against the Department of
3959 Transportation or its agents, consultants, or contractors for
3960 work performed on a highway, road, street, bridge, or other
3961 transportation facility when the death, injury, or damage
3962 resulted from a motor vehicle crash within a construction zone
3963 in which the driver of one of the vehicles was under the
3964 influence of alcoholic beverages as set forth in s. 316.193,
3965 under the influence of any chemical substance as set forth in s.
3966 877.111, or illegally under the influence of any substance
3967 controlled under chapter 893 to the extent that her or his
3968 normal faculties were impaired or that she or he operated a
3969 vehicle recklessly as defined in s. 316.192, it is presumed that
3970 the driver's operation of the vehicle was the sole proximate
3971 cause of her or his own death, injury, or damage. This
3972 presumption can be overcome if the gross negligence or
3973 intentional misconduct of the Department of Transportation, or
3974 of its agents, consultants, or contractors, was a proximate
3975 cause of the driver's death, injury, or damage.

3976 Section 82. For the purpose of incorporating the amendment

3977 made by this act to section 316.193, Florida Statutes, in a
 3978 reference thereto, paragraph (c) of subsection (17) of section
 3979 440.02, Florida Statutes, is reenacted to read:

3980 440.02 Definitions.--When used in this chapter, unless the
 3981 context clearly requires otherwise, the following terms shall
 3982 have the following meanings:

3983 (17)

3984 (c) "Employment" does not include service performed by or
 3985 as:

3986 1. Domestic servants in private homes.

3987 2. Agricultural labor performed on a farm in the employ of
 3988 a bona fide farmer, or association of farmers, that employs 5 or
 3989 fewer regular employees and that employs fewer than 12 other
 3990 employees at one time for seasonal agricultural labor that is
 3991 completed in less than 30 days, provided such seasonal
 3992 employment does not exceed 45 days in the same calendar year.

3993 The term "farm" includes stock, dairy, poultry, fruit, fur-
 3994 bearing animals, fish, and truck farms, ranches, nurseries, and
 3995 orchards. The term "agricultural labor" includes field foremen,
 3996 timekeepers, checkers, and other farm labor supervisory
 3997 personnel.

3998 3. Professional athletes, such as professional boxers,
 3999 wrestlers, baseball, football, basketball, hockey, polo, tennis,
 4000 jai alai, and similar players, and motorsports teams competing
 4001 in a motor racing event as defined in s. 549.08.

4002 4. Labor under a sentence of a court to perform community
 4003 services as provided in s. 316.193.

4004 5. State prisoners or county inmates, except those

4005 performing services for private employers or those enumerated in
 4006 s. 948.036(1).

4007 Section 83. For the purpose of incorporating the amendment
 4008 made by this act to section 316.193, Florida Statutes, in a
 4009 reference thereto, paragraph (b) of subsection (7) of section
 4010 440.09, Florida Statutes, is reenacted to read:

4011 440.09 Coverage.--

4012 (7)

4013 (b) If the employee has, at the time of the injury, a
 4014 blood alcohol level equal to or greater than the level specified
 4015 in s. 316.193, or if the employee has a positive confirmation of
 4016 a drug as defined in this act, it is presumed that the injury
 4017 was occasioned primarily by the intoxication of, or by the
 4018 influence of the drug upon, the employee. If the employer has
 4019 implemented a drug-free workplace, this presumption may be
 4020 rebutted only by evidence that there is no reasonable hypothesis
 4021 that the intoxication or drug influence contributed to the
 4022 injury. In the absence of a drug-free workplace program, this
 4023 presumption may be rebutted by clear and convincing evidence
 4024 that the intoxication or influence of the drug did not
 4025 contribute to the injury. Percent by weight of alcohol in the
 4026 blood must be based upon grams of alcohol per 100 milliliters of
 4027 blood. If the results are positive, the testing facility must
 4028 maintain the specimen for a minimum of 90 days. Blood serum may
 4029 be used for testing purposes under this chapter; however, if
 4030 this test is used, the presumptions under this section do not
 4031 arise unless the blood alcohol level is proved to be medically
 4032 and scientifically equivalent to or greater than the comparable

4033 blood alcohol level that would have been obtained if the test
4034 were based on percent by weight of alcohol in the blood.
4035 However, if, before the accident, the employer had actual
4036 knowledge of and expressly acquiesced in the employee's presence
4037 at the workplace while under the influence of such alcohol or
4038 drug, the presumptions specified in this subsection do not
4039 apply.

4040 Section 84. For the purpose of incorporating the amendment
4041 made by this act to section 316.193, Florida Statutes, in a
4042 reference thereto, paragraph (d) of subsection (1) of section
4043 493.6106, Florida Statutes, is reenacted to read:

4044 493.6106 License requirements; posting.--

4045 (1) Each individual licensed by the department must:

4046 (d) Not be a chronic and habitual user of alcoholic
4047 beverages to the extent that her or his normal faculties are
4048 impaired; not have been committed under chapter 397, former
4049 chapter 396, or a similar law in any other state; not have been
4050 found to be a habitual offender under s. 856.011(3) or a similar
4051 law in any other state; and not have had two or more convictions
4052 under s. 316.193 or a similar law in any other state within the
4053 3-year period immediately preceding the date the application was
4054 filed, unless the individual establishes that she or he is not
4055 currently impaired and has successfully completed a
4056 rehabilitation course.

4057 Section 85. For the purpose of incorporating the amendment
4058 made by this act to section 316.193, Florida Statutes, in a
4059 reference thereto, paragraph (a) of subsection (2) of section
4060 627.7275, Florida Statutes, is reenacted to read:

4061 627.7275 Motor vehicle liability.--

4062 (2)(a) Insurers writing motor vehicle insurance in this

4063 state shall make available, subject to the insurers' usual

4064 underwriting restrictions:

4065 1. Coverage under policies as described in subsection (1)

4066 to any applicant for private passenger motor vehicle insurance

4067 coverage who is seeking the coverage in order to reinstate the

4068 applicant's driving privileges in this state when the driving

4069 privileges were revoked or suspended pursuant to s. 316.646 or

4070 s. 324.0221 due to the failure of the applicant to maintain

4071 required security.

4072 2. Coverage under policies as described in subsection (1),

4073 which also provides liability coverage for bodily injury, death,

4074 and property damage arising out of the ownership, maintenance,

4075 or use of the motor vehicle in an amount not less than the

4076 limits described in s. 324.021(7) and conforms to the

4077 requirements of s. 324.151, to any applicant for private

4078 passenger motor vehicle insurance coverage who is seeking the

4079 coverage in order to reinstate the applicant's driving

4080 privileges in this state after such privileges were revoked or

4081 suspended under s. 316.193 or s. 322.26(2) for driving under the

4082 influence.

4083 Section 86. For the purpose of incorporating the amendment

4084 made by this act to section 316.193, Florida Statutes, in a

4085 reference thereto, subsection (4) of section 627.758, Florida

4086 Statutes, is reenacted to read:

4087 627.758 Surety on auto club traffic arrest bond;

4088 conditions, limit; bail bond.--

4089 (4) Notwithstanding the provisions of s. 626.311 or
 4090 chapter 648, any surety insurer identified in a guaranteed
 4091 traffic arrest bond certificate or any licensed general lines
 4092 agent of the surety insurer may execute a bail bond for the
 4093 automobile club or association member identified in the
 4094 guaranteed traffic arrest bond certificate in an amount not in
 4095 excess of \$5,000 for any violation of chapter 316 or any similar
 4096 traffic law or ordinance except for driving under the influence
 4097 of alcoholic beverages, chemical substances, or controlled
 4098 substances, as prohibited by s. 316.193.

4099 Section 87. For the purpose of incorporating the amendment
 4100 made by this act to section 316.193, Florida Statutes, in
 4101 references thereto, paragraph (f) of subsection (2) and
 4102 paragraph (f) of subsection (10) of section 790.06, Florida
 4103 Statutes, are reenacted to read:

4104 790.06 License to carry concealed weapon or firearm.--

4105 (2) The Department of Agriculture and Consumer Services
 4106 shall issue a license if the applicant:

4107 (f) Does not chronically and habitually use alcoholic
 4108 beverages or other substances to the extent that his or her
 4109 normal faculties are impaired. It shall be presumed that an
 4110 applicant chronically and habitually uses alcoholic beverages or
 4111 other substances to the extent that his or her normal faculties
 4112 are impaired if the applicant has been committed under chapter
 4113 397 or under the provisions of former chapter 396 or has been
 4114 convicted under s. 790.151 or has been deemed a habitual
 4115 offender under s. 856.011(3), or has had two or more convictions
 4116 under s. 316.193 or similar laws of any other state, within the

4117 3-year period immediately preceding the date on which the
 4118 application is submitted;

4119 (10) A license issued under this section shall be
 4120 suspended or revoked pursuant to chapter 120 if the licensee:

4121 (f) Is convicted of a second violation of s. 316.193, or a
 4122 similar law of another state, within 3 years of a previous
 4123 conviction of such section, or similar law of another state,
 4124 even though the first violation may have occurred prior to the
 4125 date on which the application was submitted;

4126 Section 88. For the purpose of incorporating the amendment
 4127 made by this act to section 316.193, Florida Statutes, in a
 4128 reference thereto, subsection (2) of section 903.36, Florida
 4129 Statutes, is reenacted to read:

4130 903.36 Guaranteed arrest bond certificates as cash bail.--

4131 (2) The execution of a bail bond by a licensed general
 4132 lines agent of a surety insurer for the automobile club or
 4133 association member identified in the guaranteed traffic arrest
 4134 bond certificate, as provided in s. 627.758(4), shall be
 4135 accepted as bail in an amount not to exceed \$5,000 for the
 4136 appearance of the person named in the certificate in any court
 4137 to answer for the violation of a provision of chapter 316 or a
 4138 similar traffic law or ordinance, except driving under the
 4139 influence of alcoholic beverages, chemical substances, or
 4140 controlled substances, as prohibited by s. 316.193. Presentation
 4141 of the guaranteed traffic arrest bond certificate and a power of
 4142 attorney from the surety insurer for its licensed general lines
 4143 agents is authorization for such agent to execute the bail bond.

4144 Section 89. For the purpose of incorporating the amendment

4145 made by this act to section 316.193, Florida Statutes, in
 4146 references thereto, paragraph (c) of subsection (4) of section
 4147 907.041, Florida Statutes, is reenacted to read:

4148 907.041 Pretrial detention and release.--

4149 (4) PRETRIAL DETENTION.--

4150 (c) The court may order pretrial detention if it finds a
 4151 substantial probability, based on a defendant's past and present
 4152 patterns of behavior, the criteria in s. 903.046, and any other
 4153 relevant facts, that any of the following circumstances exists:

4154 1. The defendant has previously violated conditions of
 4155 release and that no further conditions of release are reasonably
 4156 likely to assure the defendant's appearance at subsequent
 4157 proceedings;

4158 2. The defendant, with the intent to obstruct the judicial
 4159 process, has threatened, intimidated, or injured any victim,
 4160 potential witness, juror, or judicial officer, or has attempted
 4161 or conspired to do so, and that no condition of release will
 4162 reasonably prevent the obstruction of the judicial process;

4163 3. The defendant is charged with trafficking in controlled
 4164 substances as defined by s. 893.135, that there is a substantial
 4165 probability that the defendant has committed the offense, and
 4166 that no conditions of release will reasonably assure the
 4167 defendant's appearance at subsequent criminal proceedings; or

4168 4. The defendant is charged with DUI manslaughter, as
 4169 defined by s. 316.193, and that there is a substantial
 4170 probability that the defendant committed the crime and that the
 4171 defendant poses a threat of harm to the community; conditions
 4172 that would support a finding by the court pursuant to this

4173 | subparagraph that the defendant poses a threat of harm to the
4174 | community include, but are not limited to, any of the following:

4175 | a. The defendant has previously been convicted of any
4176 | crime under s. 316.193, or of any crime in any other state or
4177 | territory of the United States that is substantially similar to
4178 | any crime under s. 316.193;

4179 | b. The defendant was driving with a suspended driver's
4180 | license when the charged crime was committed; or

4181 | c. The defendant has previously been found guilty of, or
4182 | has had adjudication of guilt withheld for, driving while the
4183 | defendant's driver's license was suspended or revoked in
4184 | violation of s. 322.34;

4185 | 5. The defendant poses the threat of harm to the
4186 | community. The court may so conclude, if it finds that the
4187 | defendant is presently charged with a dangerous crime, that
4188 | there is a substantial probability that the defendant committed
4189 | such crime, that the factual circumstances of the crime indicate
4190 | a disregard for the safety of the community, and that there are
4191 | no conditions of release reasonably sufficient to protect the
4192 | community from the risk of physical harm to persons.

4193 | 6. The defendant was on probation, parole, or other
4194 | release pending completion of sentence or on pretrial release
4195 | for a dangerous crime at the time the current offense was
4196 | committed; or

4197 | 7. The defendant has violated one or more conditions of
4198 | pretrial release or bond for the offense currently before the
4199 | court and the violation, in the discretion of the court,
4200 | supports a finding that no conditions of release can reasonably

4201 protect the community from risk of physical harm to persons or
 4202 assure the presence of the accused at trial.

4203 Section 90. Subsection (1) of section 120.52, Florida
 4204 Statutes, is amended to read:

4205 120.52 Definitions.--As used in this act:

4206 (1) "Agency" means:

4207 (a) The Governor in the exercise of all executive powers
 4208 other than those derived from the constitution.

4209 (b) Each:

4210 1. State officer and state department, and each
 4211 departmental unit described in s. 20.04.

4212 2. Authority, including a regional water supply authority.

4213 3. Board, including the Board of Governors of the State
 4214 University System and a state university board of trustees when
 4215 acting pursuant to statutory authority derived from the
 4216 Legislature.

4217 4. Commission, including the Commission on Ethics and the
 4218 Fish and Wildlife Conservation Commission when acting pursuant
 4219 to statutory authority derived from the Legislature.

4220 5. Regional planning agency.

4221 6. Multicounty special district with a majority of its
 4222 governing board comprised of nonelected persons.

4223 7. Educational units.

4224 8. Entity described in chapters 163, 373, 380, and 582 and
 4225 s. 186.504.

4226 (c) Each other unit of government in the state, including
 4227 counties and municipalities, to the extent they are expressly
 4228 made subject to this act by general or special law or existing

4229 | judicial decisions.

4230 |

4231 | This definition does not include any legal entity or agency
4232 | created in whole or in part pursuant to chapter 361, part II,
4233 | any metropolitan planning organization created pursuant to s.
4234 | 339.175, any separate legal or administrative entity created
4235 | pursuant to s. 339.175 of which a metropolitan planning
4236 | organization is a member, an expressway authority pursuant to
4237 | chapter 348 or any transportation authority under chapter 343 or
4238 | chapter 349, any legal or administrative entity created by an
4239 | interlocal agreement pursuant to s. 163.01(7), unless any party
4240 | to such agreement is otherwise an agency as defined in this
4241 | subsection, or any multicounty special district with a majority
4242 | of its governing board comprised of elected persons; however,
4243 | this definition shall include a regional water supply authority.

4244 | Section 91. Except as otherwise expressly provided in this
4245 | act, this act shall take effect upon becoming a law.