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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/22/2008	.	
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1 The Committee on Transportation and Economic Development
2 Appropriations (Webster) recommended the following **amendment**:

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

5 Between line(s) 52-53

6 and insert:

7 Section 1. Paragraph (h) of subsection (2) of section
8 20.23, Florida Statutes, is amended to read:

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

12 (2)

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



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

28 Section 2. Paragraphs (a), (h), and (j) of subsection (6)
29 of section 163.3177, Florida Statutes, are amended to read:

30 163.3177 Required and optional elements of comprehensive
31 plan; studies and surveys.--

32 (6) In addition to the requirements of subsections (1)-(5)
33 and (12), the comprehensive plan shall include the following
34 elements:

35 (a) A future land use plan element designating proposed
36 future general distribution, location, and extent of the uses of
37 land for residential uses, commercial uses, industry,
38 agriculture, recreation, conservation, education, public
39 buildings and grounds, other public facilities, and other
40 categories of the public and private uses of land. Counties are
41 encouraged to designate rural land stewardship areas, pursuant to
42 the provisions of paragraph (11)(d), as overlays on the future
43 land use map. Each future land use category must be defined in
44 terms of uses included, and must include standards to be followed
45 in the control and distribution of population densities and
46 building and structure intensities. The proposed distribution,
47 location, and extent of the various categories of land use shall



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48 | be shown on a land use map or map series which shall be
49 | supplemented by goals, policies, and measurable objectives. The
50 | future land use plan shall be based upon surveys, studies, and
51 | data regarding the area, including the amount of land required to
52 | accommodate anticipated growth; the projected population of the
53 | area; the character of undeveloped land; the availability of
54 | water supplies, public facilities, and services; the need for
55 | redevelopment, including the renewal of blighted areas and the
56 | elimination of nonconforming uses which are inconsistent with the
57 | character of the community; the compatibility of uses on lands
58 | adjacent to or closely proximate to military installations; lands
59 | adjacent to an airport as defined in s. 330.35 and consistent
60 | with provisions in s. 333.02; and, in rural communities, the need
61 | for job creation, capital investment, and economic development
62 | that will strengthen and diversify the community's economy. The
63 | future land use plan may designate areas for future planned
64 | development use involving combinations of types of uses for which
65 | special regulations may be necessary to ensure development in
66 | accord with the principles and standards of the comprehensive
67 | plan and this act. The future land use plan element shall include
68 | criteria to be used to achieve the compatibility of adjacent or
69 | closely proximate lands with military installations; lands
70 | adjacent to an airport as defined in s. 330.35 and consistent
71 | with provisions in s. 333.02. In addition, for rural communities,
72 | the amount of land designated for future planned industrial use
73 | shall be based upon surveys and studies that reflect the need for
74 | job creation, capital investment, and the necessity to strengthen
75 | and diversify the local economies, and shall not be limited
76 | solely by the projected population of the rural community. The
77 | future land use plan of a county may also designate areas for



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78 possible future municipal incorporation. The land use maps or map
79 series shall generally identify and depict historic district
80 boundaries and shall designate historically significant
81 properties meriting protection. For coastal counties, the future
82 land use element must include, without limitation, regulatory
83 incentives and criteria that encourage the preservation of
84 recreational and commercial working waterfronts as defined in s.
85 342.07. The future land use element must clearly identify the
86 land use categories in which public schools are an allowable use.
87 When delineating the land use categories in which public schools
88 are an allowable use, a local government shall include in the
89 categories sufficient land proximate to residential development
90 to meet the projected needs for schools in coordination with
91 public school boards and may establish differing criteria for
92 schools of different type or size. Each local government shall
93 include lands contiguous to existing school sites, to the maximum
94 extent possible, within the land use categories in which public
95 schools are an allowable use. The failure by a local government
96 to comply with these school siting requirements will result in
97 the prohibition of the local government's ability to amend the
98 local comprehensive plan, except for plan amendments described in
99 s. 163.3187(1)(b), until the school siting requirements are met.
100 Amendments proposed by a local government for purposes of
101 identifying the land use categories in which public schools are
102 an allowable use are exempt from the limitation on the frequency
103 of plan amendments contained in s. 163.3187. The future land use
104 element shall include criteria that encourage the location of
105 schools proximate to urban residential areas to the extent
106 possible and shall require that the local government seek to
107 collocate public facilities, such as parks, libraries, and



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108 community centers, with schools to the extent possible and to
109 encourage the use of elementary schools as focal points for
110 neighborhoods. For schools serving predominantly rural counties,
111 defined as a county with a population of 100,000 or fewer, an
112 agricultural land use category shall be eligible for the location
113 of public school facilities if the local comprehensive plan
114 contains school siting criteria and the location is consistent
115 with such criteria. Local governments required to update or amend
116 their comprehensive plan to include criteria and address
117 compatibility of lands adjacent to an airport as defined in s.
118 330.35 and consistent with provisions in s. 333.02 ~~adjacent or~~
119 ~~closely proximate lands with existing military installations~~ in
120 their future land use plan element shall transmit the update or
121 amendment to the state land planning agency ~~department~~ by June
122 30, 2010 ~~2006~~.

123 (h)1. An intergovernmental coordination element showing
124 relationships and stating principles and guidelines to be used in
125 the accomplishment of coordination of the adopted comprehensive
126 plan with the plans of school boards, regional water supply
127 authorities, and other units of local government providing
128 services but not having regulatory authority over the use of
129 land, with the comprehensive plans of adjacent municipalities,
130 the county, adjacent counties, or the region, with the state
131 comprehensive plan and with the applicable regional water supply
132 plan approved pursuant to s. 373.0361, as the case may require
133 and as such adopted plans or plans in preparation may exist. This
134 element of the local comprehensive plan shall demonstrate
135 consideration of the particular effects of the local plan, when
136 adopted, upon the development of adjacent municipalities, the



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137 county, adjacent counties, or the region, or upon the state
138 comprehensive plan, as the case may require.

139 a. The intergovernmental coordination element shall provide
140 ~~for~~ procedures to identify and implement joint planning areas,
141 especially for the purpose of annexation, municipal
142 incorporation, and joint infrastructure service areas.

143 b. The intergovernmental coordination element shall provide
144 for recognition of campus master plans prepared pursuant to s.
145 1013.30, and airport master plans pursuant to paragraph (k).

146 c. The intergovernmental coordination element may provide
147 for a voluntary dispute resolution process as established
148 pursuant to s. 186.509 for bringing to closure in a timely manner
149 intergovernmental disputes. A local government may develop and
150 use an alternative local dispute resolution process for this
151 purpose.

152 d. The intergovernmental coordination element shall provide
153 for interlocal agreements, as established pursuant to s.
154 333.03(1)(b).

155 2. The intergovernmental coordination element shall further
156 state principles and guidelines to be used in the accomplishment
157 of coordination of the adopted comprehensive plan with the plans
158 of school boards and other units of local government providing
159 facilities and services but not having regulatory authority over
160 the use of land. In addition, the intergovernmental coordination
161 element shall describe joint processes for collaborative planning
162 and decisionmaking on population projections and public school
163 siting, the location and extension of public facilities subject
164 to concurrency, and siting facilities with countywide
165 significance, including locally unwanted land uses whose nature
166 and identity are established in an agreement. Within 1 year of



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167 adopting their intergovernmental coordination elements, each
168 county, all the municipalities within that county, the district
169 school board, and any unit of local government service providers
170 in that county shall establish by interlocal or other formal
171 agreement executed by all affected entities, the joint processes
172 described in this subparagraph consistent with their adopted
173 intergovernmental coordination elements.

174 3. To foster coordination between special districts and
175 local general-purpose governments as local general-purpose
176 governments implement local comprehensive plans, each independent
177 special district must submit a public facilities report to the
178 appropriate local government as required by s. 189.415.

179 4.a. Local governments must execute an interlocal agreement
180 with the district school board, the county, and nonexempt
181 municipalities pursuant to s. 163.31777. The local government
182 shall amend the intergovernmental coordination element to provide
183 that coordination between the local government and school board
184 is pursuant to the agreement and shall state the obligations of
185 the local government under the agreement.

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

188 5. The state land planning agency shall establish a
189 schedule for phased completion and transmittal of plan amendments
190 to implement subparagraphs 1., 2., and 3. from all jurisdictions
191 so as to accomplish their adoption by December 31, 1999. A local
192 government may complete and transmit its plan amendments to carry
193 out these provisions prior to the scheduled date established by
194 the state land planning agency. The plan amendments are exempt
195 from the provisions of s. 163.3187(1).



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

200 a. Identifies all existing or proposed interlocal service
201 delivery agreements regarding the following: education; sanitary
202 sewer; public safety; solid waste; drainage; potable water; parks
203 and recreation; and transportation facilities.

204 b. Identifies any deficits or duplication in the provision
205 of services within its jurisdiction, whether capital or
206 operational. Upon request, the Department of Community Affairs
207 shall provide technical assistance to the local governments in
208 identifying deficits or duplication.

209 7. Within 6 months after submission of the report, the
210 Department of Community Affairs shall, through the appropriate
211 regional planning council, coordinate a meeting of all local
212 governments within the regional planning area to discuss the
213 reports and potential strategies to remedy any identified
214 deficiencies or duplications.

215 8. Each local government shall update its intergovernmental
216 coordination element based upon the findings in the report
217 submitted pursuant to subparagraph 6. The report may be used as
218 supporting data and analysis for the intergovernmental
219 coordination element.

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



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225 | 1. Traffic circulation, including major thoroughfares and
226 | other routes, including bicycle and pedestrian ways.

227 | 2. All alternative modes of travel, such as public
228 | transportation, pedestrian, and bicycle travel.

229 | 3. Parking facilities.

230 | 4. Aviation, rail, seaport facilities, access to those
231 | facilities, and intermodal terminals.

232 | 5. The availability of facilities and services to serve
233 | existing land uses and the compatibility between future land use
234 | and transportation elements.

235 | 6. The capability to evacuate the coastal population prior
236 | to an impending natural disaster.

237 | 7. Airports, projected airport and aviation development,
238 | and land use compatibility around airports that includes areas
239 | defined in s. 333.01 and s. 333.02.

240 | 8. An identification of land use densities, building
241 | intensities, and transportation management programs to promote
242 | public transportation systems in designated public transportation
243 | corridors so as to encourage population densities sufficient to
244 | support such systems.

245 | 9. May include transportation corridors, as defined in s.
246 | 334.03, intended for future transportation facilities designated
247 | pursuant to s. 337.273. If transportation corridors are
248 | designated, the local government may adopt a transportation
249 | corridor management ordinance.

250 | Section 3. Paragraph (c) is added to subsection (2) of
251 | section 163.3182, Florida Statutes, and paragraph (d) of
252 | subsection (3), paragraph (a) of subsection (4), and subsections
253 | (5) and (8) of that section are amended, to read:

254 | 163.3182 Transportation concurrency backlogs.--



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255 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG

256 AUTHORITIES.--

257 (c) The Legislature finds and declares that there exists in
258 many counties and municipalities areas with significant
259 transportation deficiencies and inadequate transportation
260 facilities; that many such insufficiencies and inadequacies
261 severely limit or prohibit the satisfaction of transportation
262 concurrency standards; that such transportation insufficiencies
263 and inadequacies affect the health, safety, and welfare of the
264 residents of such counties and municipalities; that such
265 transportation insufficiencies and inadequacies adversely affect
266 economic development and growth of the tax base for the areas in
267 which such insufficiencies and inadequacies exist; and that the
268 elimination of transportation deficiencies and inadequacies and
269 the satisfaction of transportation concurrency standards are
270 paramount public purposes for the state and its counties and
271 municipalities.

272 (3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG

273 AUTHORITY.--Each transportation concurrency backlog authority has
274 the powers necessary or convenient to carry out the purposes of
275 this section, including the following powers in addition to
276 others granted in this section:

277 (d) To borrow money, including, but not limited to, issuing
278 debt obligations, such as, but not limited to, bonds, notes,
279 certificates, and similar debt instruments; to apply for and
280 accept advances, loans, grants, contributions, and any other
281 forms of financial assistance from the Federal Government or the
282 state, county, or any other public body or from any sources,
283 public or private, for the purposes of this part; to give such
284 security as may be required; to enter into and carry out



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285 | contracts or agreements; and to include in any contracts for
286 | financial assistance with the Federal Government for or with
287 | respect to a transportation concurrency backlog project and
288 | related activities such conditions imposed pursuant to federal
289 | laws as the transportation concurrency backlog authority
290 | considers reasonable and appropriate and which are not
291 | inconsistent with the purposes of this section.

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

293 | (a) Each transportation concurrency backlog authority shall
294 | adopt a transportation concurrency backlog plan as a part of the
295 | local government comprehensive plan within 6 months after the
296 | creation of the authority. The plan shall:

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

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

304 | 3. Establish a schedule for financing and construction of
305 | transportation concurrency backlog projects that will eliminate
306 | transportation concurrency backlogs within the jurisdiction of
307 | the authority within 10 years after the transportation
308 | concurrency backlog plan adoption. The schedule shall be adopted
309 | as part of the local government comprehensive plan.

310 | Notwithstanding such schedule requirements, as long as the
311 | schedule provides for the elimination of all transportation
312 | concurrency backlogs within 10 years after the adoption of the
313 | concurrency backlog plan, the final maturity date of any debt
314 | incurred to finance or refinance the related projects may be no



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315 later than 40 years after the date such debt is incurred and the
316 authority may continue operations and administer the trust fund
317 established as provided in subsection (5) for as long as such
318 debt remains outstanding.

319 (5) ESTABLISHMENT OF LOCAL TRUST FUND.--The transportation
320 concurrency backlog authority shall establish a local
321 transportation concurrency backlog trust fund upon creation of
322 the authority. Each local trust fund shall be administered by the
323 transportation concurrency backlog authority within which a
324 transportation concurrency backlog has been identified. Each
325 local trust fund shall continue to be funded pursuant to this
326 section for as long as the projects set forth in the related
327 transportation concurrency backlog plan remain to be completed or
328 until any debt incurred to finance or refinance the related
329 projects are no longer outstanding, whichever occurs later.

330 Beginning in the first fiscal year after the creation of the
331 authority, each local trust fund shall be funded by the proceeds
332 of an ad valorem tax increment collected within each
333 transportation concurrency backlog area to be determined annually
334 and shall be a minimum of 25 percent of the difference between
335 the amounts set forth in paragraphs (a) and (b), except that if
336 all of the affected taxing authorities agree pursuant to an
337 interlocal agreement, a particular local trust fund may be funded
338 by the proceeds of an ad valorem tax increment greater than 25
339 percent of the difference between the amounts set forth in
340 paragraphs (a) and (b):

341 (a) The amount of ad valorem tax levied each year by each
342 taxing authority, exclusive of any amount from any debt service
343 millage, on taxable real property contained within the



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344 jurisdiction of the transportation concurrency backlog authority
345 and within the transportation backlog area; and

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

354 (8) DISSOLUTION.--Upon completion of all transportation
355 concurrency backlog projects and repayment or defeasance of all
356 debt issued to finance or refinance such projects, a
357 transportation concurrency backlog authority shall be dissolved,
358 and its assets and liabilities shall be transferred to the county
359 or municipality within which the authority is located. All
360 remaining assets of the authority must be used for implementation
361 of transportation projects within the jurisdiction of the
362 authority. The local government comprehensive plan shall be
363 amended to remove the transportation concurrency backlog plan.

364 Section 4. Section 316.0741, Florida Statutes, is amended
365 to read:

366 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
367 lanes.--

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

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

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



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374 1. That draws propulsion energy from onboard sources of
375 stored energy which are both an internal combustion or heat
376 engine using combustible fuel and a rechargeable energy-storage
377 system; and

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

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

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

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

401 (b) All eligible hybrid and all eligible other low-emission
402 and energy-efficient vehicles driven in an HOV lane must comply



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403 with the minimum fuel economy standards in 23 U.S.C. s.
404 166(f) (3) (B).

405 (c) Upon issuance of the applicable Environmental
406 Protection Agency final rule pursuant to 23 U.S.C. s. 166(e),
407 relating to the eligibility of hybrid and other low-emission and
408 energy-efficient vehicles for operation in an HOV lane regardless
409 of occupancy, the Department of Transportation shall review the
410 rule and recommend to the Legislature any statutory changes
411 necessary for compliance with the federal rule. The department
412 shall provide its recommendations no later than 30 days following
413 issuance of the final rule.

414 (5) The department shall issue a decal and registration
415 certificate, to be renewed annually, reflecting the HOV lane
416 designation on ~~such~~ vehicles meeting the criteria in subsection
417 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
418 department may charge a fee for a decal, not to exceed the costs
419 of designing, producing, and distributing each decal, or \$5,
420 whichever is less. The proceeds from sale of the decals shall be
421 deposited in the Highway Safety Operating Trust Fund. The
422 department may, for reasons of operation and management of HOV
423 facilities, limit or discontinue issuance of decals for the use
424 of HOV facilities by hybrid and low-emission and energy-efficient
425 vehicles, regardless of occupancy, if it has been determined by
426 the Department of Transportation that the facilities are degraded
427 as defined by 23 U.S.C. s. 166(d) (2).

428 (6) Vehicles having decals by virtue of compliance with the
429 minimum fuel economy standards under 23 U.S.C. s. 166(f) (3) (B),
430 and which are registered for use in high-occupancy toll lanes or
431 express lanes in accordance with Department of Transportation



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432 rule, shall be allowed to use any HOV lanes redesignated as high-
433 occupancy toll lanes or express lanes without payment of a toll.

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

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

438 ~~1. An internal combustion or heat engine using combustible~~
439 ~~fuel; and~~

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

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

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

445 ~~2. Meets or exceeds the equivalent qualifying California~~
446 ~~standards for a low-emission vehicle.~~

447 ~~(7)(6)~~ The department may adopt rules necessary to
448 administer this section.

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

451 316.193 Driving under the influence; penalties.--

452 (4) Any person who is convicted of a violation of
453 subsection (1) and who has a blood-alcohol level or breath-
454 alcohol level of 0.15 ~~0.20~~ or higher, or any person who is
455 convicted of a violation of subsection (1) and who at the time of
456 the offense was accompanied in the vehicle by a person under the
457 age of 18 years, shall be punished:

458 (a) By a fine of:

459 1. Not less than \$500 or more than \$1,000 for a first
460 conviction.



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461 2. Not less than \$1,000 or more than \$2,000 for a second
462 conviction.

463 3. Not less than \$2,000 for a third or subsequent
464 conviction.

465 (b) By imprisonment for:

466 1. Not more than 9 months for a first conviction.

467 2. Not more than 12 months for a second conviction.

468

469 For the purposes of this subsection, only the instant offense is
470 required to be a violation of subsection (1) by a person who has
471 a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or
472 higher.

473 (c) In addition to the penalties in paragraphs (a) and (b),
474 the court shall order the mandatory placement, at the convicted
475 person's sole expense, of an ignition interlock device approved
476 by the department in accordance with s. 316.1938 upon all
477 vehicles that are individually or jointly leased or owned and
478 routinely operated by the convicted person for not less than ~~up~~
479 ~~to~~ 6 continuous months for the first offense and for not less
480 than ~~at least~~ 2 continuous years for a second offense, when the
481 convicted person qualifies for a permanent or restricted license.
482 ~~The installation of such device may not occur before July 1,~~
483 ~~2003.~~

484 Section 6. Subsections (1), (6), and (8) of section
485 316.302, Florida Statutes, are amended to read:

486 316.302 Commercial motor vehicles; safety regulations;
487 transporters and shippers of hazardous materials; enforcement.--

488 (1)(a) All owners and drivers of commercial motor vehicles
489 that are operated on the public highways of this state while



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490 engaged in interstate commerce are subject to the rules and
491 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

492 (b) Except as otherwise provided in this section, all
493 owners or drivers of commercial motor vehicles that are engaged
494 in intrastate commerce are subject to the rules and regulations
495 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
496 exception of 49 C.F.R. s. 390.5 as it relates to the definition
497 of bus, as such rules and regulations existed on October 1, 2007
498 2005.

499 (c) Except as provided in s. 316.215(5), and except as
500 provided in s. 316.228 for rear overhang lighting and flagging
501 requirements for intrastate operations, the requirements of this
502 section supersede all other safety requirements of this chapter
503 for commercial motor vehicles.

504 (6) The state Department of Transportation shall perform
505 the duties that are assigned to the Field Administrator, Federal
506 Motor Carrier Safety Administration ~~Regional Federal Highway~~
507 ~~Administrator~~ under the federal rules, and an agent of that
508 department, as described in s. 316.545(9), may enforce those
509 rules.

510 (8) For the purpose of enforcing this section, any law
511 enforcement officer of the Department of Transportation or duly
512 appointed agent who holds a current safety inspector
513 certification from the Commercial Vehicle Safety Alliance may
514 require the driver of any commercial vehicle operated on the
515 highways of this state to stop and submit to an inspection of the
516 vehicle or the driver's records. If the vehicle or driver is
517 found to be operating in an unsafe condition, or if any required
518 part or equipment is not present or is not in proper repair or
519 adjustment, and the continued operation would present an unduly



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520 hazardous operating condition, the officer may require the
521 vehicle or the driver to be removed from service pursuant to the
522 North American Standard Uniform Out-of-Service Criteria, until
523 corrected. However, if continuous operation would not present an
524 unduly hazardous operating condition, the officer may give
525 written notice requiring correction of the condition within 14
526 days.

527 (a) Any member of the Florida Highway Patrol or any law
528 enforcement officer employed by a sheriff's office or municipal
529 police department authorized to enforce the traffic laws of this
530 state pursuant to s. 316.640 who has reason to believe that a
531 vehicle or driver is operating in an unsafe condition may, as
532 provided in subsection (10), enforce the provisions of this
533 section.

534 (b) Any person who fails to comply with an officer's
535 request to submit to an inspection under this subsection commits
536 a violation of s. 843.02 if the person resists the officer
537 without violence or a violation of s. 843.01 if the person
538 resists the officer with violence.

539 Section 7. Subsection (2) of section 316.613, Florida
540 Statutes, is amended to read:

541 316.613 Child restraint requirements.--

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

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

547 (b) A bus used for the transportation of persons for
548 compensation, other than a bus regularly used to transport



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549 children to or from school, as defined in s. 316.615(1) (b), or
550 in conjunction with school activities.

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

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

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

555 Section 8. Paragraph (a) of subsection (3) of section
556 316.614, Florida Statutes, is amended to read:

557 316.614 Safety belt usage.--

558 (3) As used in this section:

559 (a) "Motor vehicle" means a motor vehicle as defined in s.
560 316.003 which ~~that~~ is operated on the roadways, streets, and
561 highways of this state. The term does not include:

562 1. A school bus.

563 2. A bus used for the transportation of persons for
564 compensation.

565 3. A farm tractor or implement of husbandry.

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

568 5. A motorcycle, moped, or bicycle.

569 Section 9. Paragraph (a) of subsection (2) of section
570 316.656, Florida Statutes, is amended to read:

571 316.656 Mandatory adjudication; prohibition against
572 accepting plea to lesser included offense.--

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



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578 Section 10. Section 322.64, Florida Statutes, is amended to
579 read:

580 322.64 Holder of commercial driver's license; persons
581 operating a commercial motor vehicle; driving with unlawful
582 blood-alcohol level; refusal to submit to breath, urine, or blood
583 test.--

584 (1) (a) A law enforcement officer or correctional officer
585 shall, on behalf of the department, disqualify from operating any
586 commercial motor vehicle a person who while operating or in
587 actual physical control of a commercial motor vehicle is arrested
588 for a violation of s. 316.193, relating to unlawful blood-alcohol
589 level or breath-alcohol level, or a person who has refused to
590 submit to a breath, urine, or blood test authorized by s. 322.63
591 arising out of the operation or actual physical control of a
592 commercial motor vehicle. A law enforcement officer or
593 correctional officer shall, on behalf of the department,
594 disqualify the holder of a commercial driver's license from
595 operating any commercial motor vehicle if the licenseholder,
596 while operating or in actual physical control of a motor vehicle,
597 is arrested for a violation of s. 316.193, relating to unlawful
598 blood-alcohol level or breath-alcohol level, or refused to submit
599 to a breath, urine, or blood test authorized by s. 322.63. Upon
600 disqualification of the person, the officer shall take the
601 person's driver's license and issue the person a 10-day temporary
602 permit for the operation of noncommercial vehicles only if the
603 person is otherwise eligible for the driving privilege and shall
604 issue the person a notice of disqualification. If the person has
605 been given a blood, breath, or urine test, the results of which
606 are not available to the officer at the time of the arrest, the
607 agency employing the officer shall transmit such results to the



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608 department within 5 days after receipt of the results. If the
609 department then determines that the person ~~was arrested for a~~
610 ~~violation of s. 316.193 and that the person~~ had a blood-alcohol
611 level or breath-alcohol level of 0.08 or higher, the department
612 shall disqualify the person from operating a commercial motor
613 vehicle pursuant to subsection (3).

614 (b) The disqualification under paragraph (a) shall be
615 pursuant to, and the notice of disqualification shall inform the
616 driver of, the following:

617 1.a. The driver refused to submit to a lawful breath,
618 blood, or urine test and he or she is disqualified from operating
619 a commercial motor vehicle for a period of 1 year, for a first
620 refusal, or permanently, if he or she has previously been
621 disqualified as a result of a refusal to submit to such a test;
622 or

623 b. The driver was driving or in actual physical control of
624 a commercial motor vehicle, or any motor vehicle if the driver
625 holds a commercial driver's license, had an unlawful blood-
626 alcohol level or breath-alcohol level of 0.08 or higher, and his
627 or her driving privilege shall be disqualified for a period of 1
628 year for a first offense or permanently if his or her driving
629 privilege has been previously disqualified under this section.
630 ~~violated s. 316.193 by driving with an unlawful blood-alcohol~~
631 ~~level and he or she is disqualified from operating a commercial~~
632 ~~motor vehicle for a period of 6 months for a first offense or for~~
633 ~~a period of 1 year if he or she has previously been disqualified,~~
634 ~~or his or her driving privilege has been previously suspended,~~
635 ~~for a violation of s. 316.193.~~



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

639 3. The driver may request a formal or informal review of
640 the disqualification by the department within 10 days after the
641 date of ~~arrest or~~ issuance of the notice of disqualification,
642 ~~whichever is later.~~

643 4. The temporary permit issued at the time of ~~arrest or~~
644 disqualification expires ~~will expire~~ at midnight of the 10th day
645 following the date of disqualification.

646 5. The driver may submit to the department any materials
647 relevant to the disqualification ~~arrest.~~

648 (2) Except as provided in paragraph (1)(a), the law
649 enforcement officer shall forward to the department, within 5
650 days after the date of the ~~arrest or the~~ issuance of the notice
651 of disqualification, ~~whichever is later,~~ a copy of the notice of
652 disqualification, the driver's license of the person disqualified
653 ~~arrested,~~ and a ~~report of the arrest, including, if applicable,~~
654 an affidavit stating the officer's grounds for belief that the
655 person disqualified ~~arrested~~ was operating or in actual physical
656 control of a commercial motor vehicle, or holds a commercial
657 driver's license, and had an unlawful blood-alcohol or breath-
658 alcohol level in violation of s. 316.193; the results of any
659 breath or blood or urine test or an affidavit stating that a
660 breath, blood, or urine test was requested by a law enforcement
661 officer or correctional officer and that the person arrested
662 refused to submit; a copy of the notice of disqualification
663 ~~citation~~ issued to the person ~~arrested;~~ and the officer's
664 description of the person's field sobriety test, if any. The
665 failure of the officer to submit materials within the 5-day



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666 period specified in this subsection or subsection (1) does ~~shall~~
667 not affect the department's ability to consider any evidence
668 submitted at or prior to the hearing. The officer may also submit
669 a copy of a videotape of the field sobriety test or the attempt
670 to administer such test and a copy of the crash report, if any.

671 (3) If the department determines that the person arrested
672 should be disqualified from operating a commercial motor vehicle
673 pursuant to this section and if the notice of disqualification
674 has not already been served upon the person by a law enforcement
675 officer or correctional officer as provided in subsection (1),
676 the department shall issue a notice of disqualification and,
677 unless the notice is mailed pursuant to s. 322.251, a temporary
678 permit which expires 10 days after the date of issuance if the
679 driver is otherwise eligible.

680 (4) If the person disqualified ~~arrested~~ requests an
681 informal review pursuant to subparagraph (1)(b)3., the department
682 shall conduct the informal review by a hearing officer employed
683 by the department. Such informal review hearing shall consist
684 solely of an examination by the department of the materials
685 submitted by a law enforcement officer or correctional officer
686 and by the person disqualified ~~arrested~~, and the presence of an
687 officer or witness is not required.

688 (5) After completion of the informal review, notice of the
689 department's decision sustaining, amending, or invalidating the
690 disqualification must be provided to the person. Such notice must
691 be mailed to the person at the last known address shown on the
692 department's records, and to the address provided in the law
693 enforcement officer's report if such address differs from the
694 address of record, within 21 days after the expiration of the



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695 temporary permit issued pursuant to subsection (1) or subsection
696 (3).

697 (6) (a) If the person disqualified ~~arrested~~ requests a
698 formal review, the department must schedule a hearing to be held
699 within 30 days after such request is received by the department
700 and must notify the person of the date, time, and place of the
701 hearing.

702 (b) Such formal review hearing shall be held before a
703 hearing officer employed by the department, and the hearing
704 officer shall be authorized to administer oaths, examine
705 witnesses and take testimony, receive relevant evidence, issue
706 subpoenas for the officers and witnesses identified in documents
707 as provided in subsection (2), regulate the course and conduct of
708 the hearing, and make a ruling on the disqualification. The
709 department and the person disqualified ~~arrested~~ may subpoena
710 witnesses, and the party requesting the presence of a witness
711 shall be responsible for the payment of any witness fees. If the
712 person who requests a formal review hearing fails to appear and
713 the hearing officer finds such failure to be without just cause,
714 the right to a formal hearing is waived ~~and the department shall~~
715 ~~conduct an informal review of the disqualification under~~
716 ~~subsection (4)~~.

717 (c) A party may seek enforcement of a subpoena under
718 paragraph (b) by filing a petition for enforcement in the circuit
719 court of the judicial circuit in which the person failing to
720 comply with the subpoena resides. A failure to comply with an
721 order of the court shall result in a finding of contempt of
722 court. However, a person shall not be in contempt while a
723 subpoena is being challenged.



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

728 (7) In a formal review hearing under subsection (6) or an
729 informal review hearing under subsection (4), the hearing officer
730 shall determine by a preponderance of the evidence whether
731 sufficient cause exists to sustain, amend, or invalidate the
732 disqualification. The scope of the review shall be limited to the
733 following issues:

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

737 1. Whether the arresting law enforcement officer had
738 probable cause to believe that the person was driving or in
739 actual physical control of a commercial motor vehicle, or any
740 motor vehicle if the driver holds a commercial driver's license,
741 in this state while he or she had any alcohol, chemical
742 substances, or controlled substances in his or her body.

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

745 ~~2.3.~~ Whether the person had an unlawful blood-alcohol level
746 or breath-alcohol level of 0.08 or higher as provided in s.
747 316.193.

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

751 1. Whether the law enforcement officer had probable cause
752 to believe that the person was driving or in actual physical
753 control of a commercial motor vehicle, or any motor vehicle if



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754 the driver holds a commercial driver's license, in this state
755 while he or she had any alcohol, chemical substances, or
756 controlled substances in his or her body.

757 2. Whether the person refused to submit to the test after
758 being requested to do so by a law enforcement officer or
759 correctional officer.

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

764 (8) Based on the determination of the hearing officer
765 pursuant to subsection (7) for both informal hearings under
766 subsection (4) and formal hearings under subsection (6), the
767 department shall:

768 (a) Sustain the disqualification for a period of 1 year for
769 a first refusal, or permanently if such person has been
770 previously disqualified from operating a commercial motor vehicle
771 as a result of a refusal to submit to such tests. The
772 disqualification period commences on the date of the arrest or
773 issuance of the notice of disqualification, whichever is later.

774 (b) Sustain the disqualification:

775 1. For a period of 1 year if the person was driving or in
776 actual physical control of a commercial motor vehicle, or any
777 motor vehicle if the driver holds a commercial driver's license,
778 and had an unlawful blood-alcohol level or breath-alcohol level
779 of 0.08 or higher; or ~~6 months for a violation of s. 316.193 or~~
780 for a period of 1 year

781 2. Permanently if the person has been previously
782 disqualified from operating a commercial motor vehicle or his or
783 her driving privilege has been previously suspended for driving



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784 or being in actual physical control of a commercial motor
785 vehicle, or any motor vehicle if the driver holds a commercial
786 driver's license, and had an unlawful blood-alcohol level or
787 breath-alcohol level of 0.08 or higher ~~as a result of a~~
788 ~~violation of s. 316.193.~~

789
790 The disqualification period commences on the date of the arrest
791 or issuance of the notice of disqualification, ~~whichever is~~
792 ~~later.~~

793 (9) A request for a formal review hearing or an informal
794 review hearing shall not stay the disqualification. If the
795 department fails to schedule the formal review hearing to be held
796 within 30 days after receipt of the request therefor, the
797 department shall invalidate the disqualification. If the
798 scheduled hearing is continued at the department's initiative,
799 the department shall issue a temporary driving permit limited to
800 noncommercial vehicles which is ~~shall be~~ valid until the hearing
801 is conducted if the person is otherwise eligible for the driving
802 privilege. Such permit shall not be issued to a person who sought
803 and obtained a continuance of the hearing. The permit issued
804 under this subsection shall authorize driving for business
805 purposes ~~or employment use~~ only.

806 (10) A person who is disqualified from operating a
807 commercial motor vehicle under subsection (1) or subsection (3)
808 is eligible for issuance of a license for business or employment
809 purposes only under s. 322.271 if the person is otherwise
810 eligible for the driving privilege. However, such business or
811 employment purposes license shall not authorize the driver to
812 operate a commercial motor vehicle.



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813 (11) The formal review hearing may be conducted upon a
814 review of the reports of a law enforcement officer or a
815 correctional officer, including documents relating to the
816 administration of a breath test or blood test or the refusal to
817 take either test. However, as provided in subsection (6), the
818 driver may subpoena the officer or any person who administered or
819 analyzed a breath or blood test.

820 (12) The formal review hearing and the informal review
821 hearing are exempt from the provisions of chapter 120. The
822 department is authorized to adopt rules for the conduct of
823 reviews under this section.

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

831 (14) The decision of the department under this section
832 shall not be considered in any trial for a violation of s.
833 316.193, s. 322.61, or s. 322.62, nor shall any written statement
834 submitted by a person in his or her request for departmental
835 review under this section be admissible into evidence against him
836 or her in any such trial. The disposition of any related criminal
837 proceedings shall not affect a disqualification imposed pursuant
838 to this section.

839 (15) This section does not preclude the suspension of the
840 driving privilege pursuant to s. 322.2615. The driving privilege
841 of a person who has been disqualified from operating a commercial



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842 motor vehicle also may be suspended for a violation of s.
843 316.193.

844 Section 11. Subsections (3), and (4) of section 336.41,
845 Florida Statutes, are renumbered as subsections (4), and (5),
846 respectively, and a subsection (3) is added to that section, to
847 read:

848 336.41 Counties; employing labor and providing road
849 equipment; accounting; when competitive bidding required.--

850 (3) Notwithstanding any law to the contrary, a county,
851 municipality, or special district may not own or operate an
852 asphalt plant or a portable or stationary concrete batch plant
853 that has an independent mixer; however, this prohibition does
854 not apply to any county that owns or is under contract to
855 purchase an asphalt plant as of April 15, 2008, and that
856 furnishes its plant-generated asphalt solely for use by local
857 governments or company's under contract with local governments
858 for projects within the boundaries of said county. Sale of plant
859 generated asphalt to private entities or local governments
860 outside the boundaries of said county is prohibited.

861 Section 12. Subsections (8) through (15) of section 337.11,
862 Florida Statutes, are renumbered as subsections (9) through (16),
863 respectively, present subsection (7) is renumbered as subsection
864 (8) and amended, and a new subsection (7) is added to that
865 section, to read:

866 337.11 Contracting authority of department; bids; emergency
867 repairs, supplemental agreements, and change orders; combined
868 design and construction contracts; progress payments; records;
869 requirements of vehicle registration.--

870 (7) If the department determines that it is in the best
871 interest of the public, the department may pay a stipend to



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872 unsuccessful firms who have submitted responsive proposals for
873 construction or maintenance contracts. The decision and amount of
874 a stipend will be based upon department analysis of the estimated
875 proposal development costs and the anticipated degree of
876 competition during the procurement process. Stipends shall be
877 used to encourage competition and compensate unsuccessful firms
878 for a portion of their proposal development costs. The department
879 shall retain the right to use ideas from unsuccessful firms that
880 accept a stipend.

881 (8)(7)(a) If the head of the department determines that it
882 is in the best interests of the public, the department may
883 combine the design and construction phases of a building, a major
884 bridge, a limited access facility, or a rail corridor project
885 into a single contract. Such contract is referred to as a design-
886 build contract. The department's goal shall be to procure up to
887 25 percent of the construction contracts which add capacity in
888 the 5-year adopted work program as design-build contracts by July
889 1, 2013. Design-build contracts may be advertised and awarded
890 notwithstanding the requirements of paragraph (3)(c). However,
891 construction activities may not begin on any portion of such
892 projects for which the department has not yet obtained title to
893 the necessary rights-of-way and easements for the construction of
894 that portion of the project has vested in the state or a local
895 governmental entity and all railroad crossing and utility
896 agreements have been executed. Title to rights-of-way shall be
897 deemed to have vested in the state when the title has been
898 dedicated to the public or acquired by prescription.

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



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- 902 1. Prequalification requirements.
- 903 2. Public announcement procedures.
- 904 3. Scope of service requirements.
- 905 4. Letters of interest requirements.
- 906 5. Short-listing criteria and procedures.
- 907 6. Bid proposal requirements.
- 908 7. Technical review committee.
- 909 8. Selection and award processes.
- 910 9. Stipend requirements.

911 (c) The department must receive at least three letters of
912 interest in order to proceed with a request for proposals. The
913 department shall request proposals from no fewer than three of
914 the design-build firms submitting letters of interest. If a
915 design-build firm withdraws from consideration after the
916 department requests proposals, the department may continue if at
917 least two proposals are received.

918 Section 13. Paragraph (b) of subsection (1) of section
919 337.18, Florida Statutes, is amended to read:

920 337.18 Surety bonds for construction or maintenance
921 contracts; requirement with respect to contract award; bond
922 requirements; defaults; damage assessments.--

923 (1)

924 (b) Prior to beginning any work under the contract, the
925 contractor shall maintain a copy of the payment and performance
926 bond required under this section at its principal place of
927 business, and at the jobsite office if one is established, and
928 the contractor shall provide a copy of the payment and
929 performance bond within 5 days of receipt of any written request
930 therefore. A copy of the payment and performance bond required
931 under this section may also be obtained directly from the



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932 department via a request made pursuant to Chapter 119. Upon
933 ~~execution of the contract, and prior to beginning any work under~~
934 ~~the contract, the contractor shall record in the public records~~
935 ~~of the county where the improvement is located the payment and~~
936 ~~performance bond required under this section. A claimant shall~~
937 have a right of action against the contractor and surety for the
938 amount due him or her, including unpaid finance charges due under
939 the claimant's contract. Such action shall not involve the
940 department in any expense.

941
942 ===== T I T L E A M E N D M E N T =====

943 And the title is amended as follows:

944 Between line(s) 2-3

945 and insert:

946 amending s. 20.23, F.S.; providing Senior Management
947 Service status to the Executive Director of the Florida
948 Transportation Commission; amending s. 163.3177, F.S.;
949 revising requirements for comprehensive plans; providing
950 for airports, land adjacent to airports, and certain
951 interlocal agreements relating thereto in certain elements
952 of the plan; amending s. 163.3182, F.S., relating to
953 transportation concurrency backlog authorities; providing
954 legislative findings and declarations; expanding the power
955 of authorities to borrow money to include issuing certain
956 debt obligations; providing a maximum maturity date for
957 certain debt incurred to finance or refinance certain
958 transportation concurrency backlog projects; authorizing
959 authorities to continue operations and administer certain
960 trust funds for the period of the remaining outstanding
961 debt; requiring local transportation concurrency backlog



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962 | trust funds to continue to be funded for certain purposes;
963 | providing for increased ad valorem tax increment funding
964 | for such trust funds under certain circumstances; revising
965 | provisions for dissolution of an authority; amending s.
966 | 316.0741, F.S.; redefining the term "hybrid vehicle";
967 | authorizing the driving of a hybrid, low-emission, or
968 | energy-efficient vehicle in a high-occupancy-vehicle lane
969 | regardless of occupancy; authorizing the department to
970 | limit or discontinue such driving under certain
971 | circumstances; exempting such vehicles from the payment of
972 | certain tolls; amending s. 316.193, F.S.; lowering the
973 | blood-alcohol or breath-alcohol level for which enhanced
974 | penalties are imposed against a person who was accompanied
975 | in the vehicle by a minor at the time of the offense;
976 | clarifying that an ignition interlock device is installed
977 | for a continuous period; amending s. 316.302, F.S.;
978 | revising the application of certain federal rules;
979 | providing for the department to perform certain duties
980 | assigned under federal rules; updating a reference to
981 | federal provisions governing out-of-service requirements
982 | for commercial vehicles; amending ss. 316.613 and 316.614,
983 | F.S.; revising the definition of "motor vehicle" for
984 | purposes of child restraint and safety belt usage
985 | requirements; amending s. 316.656, F.S.; lowering the
986 | percentage of blood or breath alcohol content relating to
987 | the prohibition against pleading guilty to a lesser
988 | offense of driving under the influence than the offense
989 | charged; amending s. 322.64, F.S.; providing that refusal
990 | to submit to a breath, urine, or blood test disqualifies a
991 | person from operating a commercial motor vehicle;



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992 providing a period of disqualification if a person has an
993 unlawful blood-alcohol or breath-alcohol level; providing
994 for issuance of a notice of disqualification; revising the
995 requirements for a formal review hearing following a
996 person's disqualification from operating a commercial
997 motor vehicle; amending s. 336.41, F.S.; providing that a
998 county, municipality, or special district may not own or
999 operate an asphalt plant or a portable or stationary
1000 concrete batch plant having an independent mixer; amending
1001 s. 337.11, F.S.; authorizing the department to pay
1002 stipends to unsuccessful bidders on construction and
1003 maintenance contracts, amending s. 337.18, F.S.; revising
1004 the recording requirements of payment and performance
1005 bonds;