

By Senator Brandes

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1 A bill to be entitled
2 An act relating to transportation and motor vehicles;
3 amending s. 20.23, F.S.; requiring the Florida
4 Transportation Commission to monitor the Mid-Bay
5 Bridge Authority; repealing the Florida Statewide
6 Passenger Rail Commission; amending s. 110.205, F.S.;
7 conforming cross-references; creating s. 316.0071,
8 F.S.; requiring that the provisions of ch. 316, F.S.,
9 be enforced by the direct observation and intervention
10 of a law enforcement officer, a parking enforcement
11 specialist, a traffic infraction enforcement officer,
12 or any other duly appointed individual unless another
13 method has been expressly authorized; creating s.
14 316.0778, F.S.; defining the term "automated license
15 plate recognition system"; requiring the Department of
16 State to consult with the Department of Law
17 Enforcement in establishing a retention schedule for
18 records generated by the use of an automated license
19 plate recognition system; creating s. 316.0817, F.S.;
20 prohibiting a bus from stopping to load or unload
21 passengers in a manner that impedes, blocks, or
22 otherwise restricts the progression of traffic under
23 certain circumstances; amending s. 316.1975, F.S.;
24 authorizing an operator of a vehicle that is started
25 by remote control to let the vehicle stand unattended
26 under certain circumstances; amending s. 316.2952,
27 F.S.; revising a provision exempting a global position
28 system device or similar satellite receiver device
29 from the prohibition of attachments on windshields;

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30 amending s. 320.02, F.S.; requiring, rather than
31 authorizing, the Department of Highway Safety and
32 Motor Vehicles to withhold the renewal of registration
33 or replacement registration of a motor vehicle
34 identified in a notice submitted by a lienor for
35 failure to surrender the vehicle if the applicant's
36 name is on the list of persons who may not be issued a
37 license plate or revalidation sticker; revising the
38 conditions under which a revalidation sticker or
39 replacement license plate may be issued; amending s.
40 320.083, F.S.; revising the requirements for a special
41 license plate; amending s. 320.1316, F.S.; prohibiting
42 the department from issuing a license plate,
43 revalidation sticker, or replacement license plate for
44 a vehicle or vessel identified in a notice from a
45 lienor; requiring that a notice to surrender a vehicle
46 or vessel be signed under oath by the lienor;
47 authorizing a registered owner of a vehicle to bring a
48 civil action, rather than to notify the department and
49 present certain proof, to dispute a notice to
50 surrender a vehicle or vessel or his or her inclusion
51 on the list of persons who may not be issued a license
52 plate or revalidation sticker; providing a procedure
53 for such a civil action; providing for the award of
54 attorney fees and costs; creating s. 322.032, F.S.;

55 requiring the Department of Highway Safety and Motor
56 Vehicles to develop a system for issuing digital proof
57 of driver license; authorizing the Department of
58 Highway Safety and Motor Vehicles to contract with

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59 private entities to develop the system; providing
60 requirements for digital proof of driver license;
61 providing criminal penalties for manufacturing or
62 possessing a false digital proof of driver license;
63 amending s. 322.059, F.S.; requiring the Department of
64 Highway Safety and Motor Vehicles to invalidate the
65 digital proof of driver license for a person whose
66 license or registration has been suspended; amending
67 s. 322.12, F.S.; requiring that certain test fees
68 incurred by certain applicants for a driver license be
69 retained by the tax collector; amending s. 322.15,
70 F.S.; authorizing a digital proof of driver license to
71 be accepted in lieu of a physical driver license;
72 amending s. 322.21, F.S.; authorizing certain tax
73 collectors to retain a replacement driver license or
74 identification card fee under certain circumstances;
75 exempting certain individuals who are homeless or
76 whose annual income is at or below a certain
77 percentage of the federal poverty level from paying a
78 fee for an original, renewal, or replacement
79 identification card; amending s. 337.25, F.S.;

80 authorizing the Department of Transportation to use
81 auction services in the conveyance of certain property
82 or leasehold interests; revising certain inventory
83 requirements; revising provisions relating to, and
84 providing criteria for, the disposition of certain
85 excess property by the Department of Transportation;
86 providing criteria for the disposition of donated
87 property, property used for a public purpose, or

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88 property acquired to provide replacement housing for
89 certain displaced persons; providing value offsets for
90 property that requires significant maintenance costs
91 or exposes the Department of Transportation to
92 significant liability; providing procedures for the
93 sale of property to abutting property owners; deleting
94 provisions to conform to changes made by the act;
95 providing monetary restrictions and criteria for the
96 conveyance of certain leasehold interests; providing
97 exceptions to restrictions for leases entered into for
98 a public purpose; providing criteria for the
99 preparation of estimates of value prepared by the
100 Department of Transportation; providing that the
101 requirements of s. 73.013, F.S., relating to eminent
102 domain are not modified; amending s. 337.251, F.S.;
103 revising criteria for leasing certain Department of
104 Transportation property; increasing the time for the
105 Department of Transportation to accept proposals for
106 lease after a notice is published; directing the
107 Department of Transportation to establish an
108 application fee by rule; providing criteria for the
109 fee; providing criteria for a proposed lease;
110 requiring the Department of Transportation to provide
111 an independent analysis of a proposed lease; amending
112 s. 339.175, F.S.; increasing the maximum number of
113 apportioned members that may compose the voting
114 membership of a metropolitan planning organization
115 (M.P.O.); providing that the governing board of a
116 multicounty M.P.O. may be made up of any combination

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117 of county commissioners from the counties constituting
118 the M.P.O; providing that a voting member of an M.P.O
119 may represent a group of general-purpose local
120 governments through an entity created by the M.P.O.;
121 requiring each M.P.O. to review and reapportion its
122 membership as necessary in conjunction with the
123 decennial census, the agreement of the affected units
124 of the M.P.O., and the agreement of the Governor;
125 removing provisions requiring the Governor to
126 apportion, review, and reapportion the composition of
127 an M.P.O. membership; revising a provision regarding
128 bylaws to allow the M.P.O. governing board to
129 establish bylaws; amending s. 339.2821, F.S.;
130 authorizing Enterprise Florida, Inc., to be a
131 consultant to the Department of Transportation for
132 consideration of expenditures associated with and
133 contracts for transportation projects; revising the
134 requirements for economic development transportation
135 project contracts between the Department of
136 Transportation and a governmental entity; amending s.
137 526.141, F.S.; requiring full-service gasoline
138 stations offering self-service at a lesser cost to
139 display an additional decal; requiring the decal to
140 contain certain information; requiring the Department
141 of Agriculture and Consumer Services to adopt rules to
142 implement and enforce this requirement; providing for
143 preemption of local regulations pertaining to fueling
144 assistance for certain motor vehicle operators;
145 amending chapter 85-634, Laws of Florida, as amended;

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146 providing that maintenance costs are eligible for
147 payment from certain toll revenues as specified;
148 removing references to certain completed projects;
149 directing the Department of Highway Safety and Motor
150 Vehicles to develop a plan that addresses certain
151 vehicle registration holds; providing an effective
152 date.

153

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

155

156 Section 1. Paragraph (b) of subsection (2) and subsection
157 (3) of section 20.23, Florida Statutes, are amended to read:

158 20.23 Department of Transportation.—There is created a
159 Department of Transportation which shall be a decentralized
160 agency.

161 (2)

162 (b) The commission shall ~~have the primary functions to:~~

163 1. Recommend major transportation policies for the
164 Governor's approval, and assure that approved policies and any
165 revisions ~~thereto~~ are properly executed.

166 2. Periodically review the status of the state
167 transportation system including highway, transit, rail, seaport,
168 intermodal development, and aviation components of the system
169 and recommend improvements ~~therein~~ to the Governor and the
170 Legislature.

171 3. Perform an in-depth evaluation of the annual department
172 budget request, the Florida Transportation Plan, and the
173 tentative work program for compliance with all applicable laws
174 and established departmental policies. Except as specifically

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175 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
176 not consider individual construction projects, but shall
177 consider methods of accomplishing the goals of the department in
178 the most effective, efficient, and businesslike manner.

179 4. Monitor the financial status of the department on a
180 regular basis to assure that the department is managing revenue
181 and bond proceeds responsibly and in accordance with law and
182 established policy.

183 5. Monitor on at least a quarterly basis, the efficiency,
184 productivity, and management of the department, using
185 performance and production standards developed by the commission
186 pursuant to s. 334.045.

187 6. Perform an in-depth evaluation of the factors causing
188 disruption of project schedules in the adopted work program and
189 recommend to the Governor ~~Legislature~~ and the Legislature
190 ~~Governor~~ methods to eliminate or reduce the disruptive effects
191 of these factors.

192 7. Recommend to the Governor and the Legislature
193 improvements to the department's organization in order to
194 streamline and optimize the efficiency of the department. In
195 reviewing the department's organization, the commission shall
196 determine if the current district organizational structure is
197 responsive to this state's ~~Florida's~~ changing economic and
198 demographic development patterns. The initial report by the
199 commission must be delivered to the Governor and the Legislature
200 by December 15, 2000, and each year thereafter, as appropriate.
201 The commission may retain ~~such~~ experts as ~~are reasonably~~
202 necessary to carry out ~~effectuate~~ this subparagraph, and the
203 department shall pay the expenses of the ~~such~~ experts.

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204 8. Monitor the efficiency, productivity, and management of
205 the authorities created under chapters 348 and 349, including
206 any authority formed using ~~the provisions of~~ part I of chapter
207 348; the Mid-Bay Bridge Authority re-created pursuant to chapter
208 2000-411, Laws of Florida; and any authority formed under
209 chapter 343 ~~which is not monitored under subsection (3)~~. The
210 commission shall also conduct periodic reviews of each
211 authority's operations and budget, acquisition of property,
212 management of revenue and bond proceeds, and compliance with
213 applicable laws and generally accepted accounting principles.

214 ~~(3) There is created the Florida Statewide Passenger Rail~~
215 ~~Commission.~~

216 ~~(a)1. The commission shall consist of nine voting members~~
217 ~~appointed as follows:~~

218 ~~a. Three members shall be appointed by the Governor, one of~~
219 ~~whom must have a background in the area of environmental~~
220 ~~concerns, one of whom must have a legislative background, and~~
221 ~~one of whom must have a general business background.~~

222 ~~b. Three members shall be appointed by the President of the~~
223 ~~Senate, one of whom must have a background in civil engineering,~~
224 ~~one of whom must have a background in transportation~~
225 ~~construction, and one of whom must have a general business~~
226 ~~background.~~

227 ~~e. Three members shall be appointed by the Speaker of the~~
228 ~~House of Representatives, one of whom must have a legal~~
229 ~~background, one of whom must have a background in financial~~
230 ~~matters, and one of whom must have a general business~~
231 ~~background.~~

232 ~~2. The initial term of each member appointed by the~~

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233 ~~Governor shall be for 4 years. The initial term of each member~~
234 ~~appointed by the President of the Senate shall be for 3 years.~~
235 ~~The initial term of each member appointed by the Speaker of the~~
236 ~~House of Representatives shall be for 2 years. Succeeding terms~~
237 ~~for all members shall be for 4 years.~~

238 ~~3. A vacancy occurring during a term shall be filled by the~~
239 ~~respective appointing authority in the same manner as the~~
240 ~~original appointment and only for the balance of the unexpired~~
241 ~~term. An appointment to fill a vacancy shall be made within 60~~
242 ~~days after the occurrence of the vacancy.~~

243 ~~4. The commission shall elect one of its members as chair~~
244 ~~of the commission. The chair shall hold office at the will of~~
245 ~~the commission. Five members of the commission shall constitute~~
246 ~~a quorum, and the vote of five members shall be necessary for~~
247 ~~any action taken by the commission. The commission may meet upon~~
248 ~~the constitution of a quorum. A vacancy in the commission does~~
249 ~~not impair the right of a quorum to exercise all rights and~~
250 ~~perform all duties of the commission.~~

251 ~~5. The members of the commission are not entitled to~~
252 ~~compensation but are entitled to reimbursement for travel and~~
253 ~~other necessary expenses as provided in s. 112.061.~~

254 ~~(b) The commission shall have the primary functions of:~~

255 ~~1. Monitoring the efficiency, productivity, and management~~
256 ~~of all publicly funded passenger rail systems in the state,~~
257 ~~including, but not limited to, any authority created under~~
258 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
259 ~~receives public funds for the provision of passenger rail~~
260 ~~service. The commission shall advise each monitored authority of~~
261 ~~its findings and recommendations. The commission shall also~~

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262 ~~conduct periodic reviews of each monitored authority's passenger~~
263 ~~rail and associated transit operations and budget, acquisition~~
264 ~~of property, management of revenue and bond proceeds, and~~
265 ~~compliance with applicable laws and generally accepted~~
266 ~~accounting principles. The commission may seek the assistance of~~
267 ~~the Auditor General in conducting such reviews and shall report~~
268 ~~the findings of such reviews to the Legislature. This paragraph~~
269 ~~does not preclude the Florida Transportation Commission from~~
270 ~~conducting its performance and work program monitoring~~
271 ~~responsibilities.~~

272 ~~2. Advising the department on policies and strategies used~~
273 ~~in planning, designing, building, operating, financing, and~~
274 ~~maintaining a coordinated statewide system of passenger rail~~
275 ~~services.~~

276 ~~3. Evaluating passenger rail policies and providing advice~~
277 ~~and recommendations to the Legislature on passenger rail~~
278 ~~operations in the state.~~

279 ~~(c) The commission or a member of the commission may not~~
280 ~~enter into the day-to-day operation of the department or a~~
281 ~~monitored authority and is specifically prohibited from taking~~
282 ~~part in:~~

283 ~~1. The awarding of contracts.~~

284 ~~2. The selection of a consultant or contractor or the~~
285 ~~prequalification of any individual consultant or contractor.~~
286 ~~However, the commission may recommend to the secretary standards~~
287 ~~and policies governing the procedure for selection and~~
288 ~~prequalification of consultants and contractors.~~

289 ~~3. The selection of a route for a specific project.~~

290 ~~4. The specific location of a transportation facility.~~

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291 ~~5. The acquisition of rights of way.~~

292 ~~6. The employment, promotion, demotion, suspension,~~
293 ~~transfer, or discharge of any department personnel.~~

294 ~~7. The granting, denial, suspension, or revocation of any~~
295 ~~license or permit issued by the department.~~

296 ~~(d) The commission is assigned to the Office of the~~
297 ~~Secretary of the Department of Transportation for administrative~~
298 ~~and fiscal accountability purposes, but it shall otherwise~~
299 ~~function independently of the control and direction of the~~
300 ~~department except that reasonable expenses of the commission~~
301 ~~shall be subject to approval by the Secretary of Transportation.~~
302 ~~The department shall provide administrative support and service~~
303 ~~to the commission.~~

304 Section 2. Paragraphs (j), (m), and (q) of subsection (2)
305 of section 110.205, Florida Statutes, are amended to read:

306 110.205 Career service; exemptions.—

307 (2) EXEMPT POSITIONS.—The exempt positions that are not
308 covered by this part include the following:

309 (j) The appointed secretaries and the State Surgeon
310 General, assistant secretaries, deputy secretaries, and deputy
311 assistant secretaries of all departments; the executive
312 directors, assistant executive directors, deputy executive
313 directors, and deputy assistant executive directors of all
314 departments; the directors of all divisions and those positions
315 determined by the department to have managerial responsibilities
316 comparable to such positions, which positions include, but are
317 not limited to, program directors, assistant program directors,
318 district administrators, deputy district administrators, the
319 Director of Central Operations Services of the Department of

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320 Children and Families ~~Family Services~~, the State Transportation
321 Development Administrator, the State Public Transportation and
322 Modal Administrator, district secretaries, district directors of
323 transportation development, transportation operations,
324 transportation support, and the managers of the offices of the
325 Department of Transportation specified in s. 20.23(3)(b) ~~s.~~
326 ~~20.23(4)(b)~~, of the ~~Department of Transportation~~. Unless
327 otherwise fixed by law, the department shall set the salary and
328 benefits of these positions ~~in accordance with the rules of the~~
329 ~~Senior Management Service~~; and the positions of county health
330 department directors and county health department administrators
331 of the Department of Health in accordance with the rules of the
332 Senior Management Service.

333 (m) All assistant division director, deputy division
334 director, and bureau chief positions in any department, and
335 those positions determined by the department to have managerial
336 responsibilities comparable to such positions, which include,
337 but are not limited to:

338 1. Positions in the Department of Health and the Department
339 of Children and Families ~~which~~ ~~Family Services~~ ~~that~~ are assigned
340 primary duties of serving as the superintendent or assistant
341 superintendent of an institution.

342 2. Positions in the Department of Corrections which ~~that~~
343 are assigned primary duties of serving as the warden, assistant
344 warden, colonel, or major of an institution or that are assigned
345 primary duties of serving as the circuit administrator or deputy
346 circuit administrator.

347 3. Positions in the Department of Transportation which ~~that~~
348 are assigned primary duties of serving as regional toll managers

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349 and managers of offices, as specified ~~defined~~ in s. 20.23(3)(b)
350 and (4)(c) ~~s. 20.23(4)(b) and (5)(e)~~.

351 4. Positions in the Department of Environmental Protection
352 which ~~that~~ are assigned the duty of an Environmental
353 Administrator or program administrator.

354 5. Positions in the Department of Health which ~~that~~ are
355 assigned the duties of Environmental Administrator, Assistant
356 County Health Department Director, and County Health Department
357 Financial Administrator.

358 6. Positions in the Department of Highway Safety and Motor
359 Vehicles which ~~that~~ are assigned primary duties of serving as
360 captains in the Florida Highway Patrol.

361
362 Unless otherwise fixed by law, the department shall set the
363 salary and benefits of the positions listed in this paragraph in
364 accordance with the rules established for the Selected Exempt
365 Service.

366 (q) The staff directors, assistant staff directors,
367 district program managers, district program coordinators,
368 district subdistrict administrators, district administrative
369 services directors, district attorneys, and the Deputy Director
370 of Central Operations Services of the Department of Children and
371 Families ~~Family Services~~. Unless otherwise fixed by law, the
372 department shall establish the salary pay band and benefits for
373 these positions in accordance with the rules of the Selected
374 Exempt Service.

375 Section 3. Section 316.0071, Florida Statutes, is created
376 to read:

377 316.0071 Enforcement.—Unless expressly authorized,

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378 enforcement of this chapter by a method other than the direct
 379 observation and intervention of a law enforcement officer, a
 380 parking enforcement specialist, a traffic infraction enforcement
 381 officer, or any other duly appointed individual is prohibited.

382 Section 4. Section 316.0078, Florida Statutes, is created
 383 to read:

384 316.0778 Automated license plate recognition systems;
 385 records retention.-

386 (1) As used in this section, the term "automated license
 387 plate recognition system" means a system of one or more mobile
 388 or fixed high-speed cameras combined with computer algorithms to
 389 convert images of license plates into computer-readable data.

390 (2) In consultation with the Department of Law Enforcement,
 391 the Department of State shall establish a retention schedule for
 392 records containing images and data generated through the use of
 393 an automated license plate recognition system. The retention
 394 schedule must establish a maximum period that the records may be
 395 retained.

396 Section 5. Section 316.0817, Florida Statutes, is created
 397 to read:

398 316.0817 Loading and unloading of bus passengers.-

399 (1) Notwithstanding any other law, a bus may not stop to
 400 load or unload passengers in a manner that impedes, blocks, or
 401 otherwise restricts the progression of traffic on the main-
 402 traveled portion of a roadway if there is another reasonable
 403 means for the bus to stop parallel to the travel lane and safely
 404 load and unload passengers. As used in this section, the term
 405 "reasonable means" means sufficient unobstructed pavement or a
 406 designated turn lane that is sufficient in length to allow the

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407 safe loading and unloading of passengers parallel to the travel
408 lane.

409 (2) This section does not apply to a school bus.

410 Section 6. Paragraph (d) is added to subsection (2) of
411 section 316.1975, Florida Statutes, to read:

412 316.1975 Unattended motor vehicle.—

413 (2) This section does not apply to the operator of:

414 (d) A vehicle that is started by remote control while the
415 ignition, transmission, and doors are locked.

416 Section 7. Paragraph (d) of subsection (2) of section
417 316.2952, Florida Statutes, is amended to read:

418 316.2952 Windshields; requirements; restrictions.—

419 (2) A person shall not operate any motor vehicle on any
420 public highway, road, or street with any sign, sunscreening
421 material, product, or covering attached to, or located in or
422 upon, the windshield, except the following:

423 (d) A global positioning system device or similar satellite
424 receiver device that ~~which~~ uses the global positioning system
425 operated pursuant to 10 U.S.C. s. 2281 to obtain ~~for the purpose~~
426 ~~of obtaining~~ navigation, to improve driver safety as a component
427 of safety monitoring equipment capable of providing driver
428 feedback, or to otherwise route ~~routing~~ information while the
429 motor vehicle is being operated.

430 Section 8. Subsection (17) of section 320.02, Florida
431 Statutes, is amended to read:

432 320.02 Registration required; application for registration;
433 forms.—

434 (17) If an ~~any~~ applicant's name appears on a list of
435 persons who may not be issued a license plate, revalidation

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436 sticker, or replacement license plate after a written notice to
 437 surrender a vehicle was submitted to the department by a lienor
 438 as provided in s. 320.1316, the department shall ~~may~~ withhold
 439 renewal of registration or replacement registration of the any
 440 motor vehicle identified in ~~owned by the applicant at the time~~
 441 the notice ~~was~~ submitted by the lienor. The lienor must maintain
 442 proof that written notice to surrender the vehicle was sent to
 443 each registered owner pursuant to s. 320.1316(1). A revalidation
 444 sticker or replacement license plate may not be issued for the
 445 identified vehicle until the ~~that~~ person's name no longer
 446 appears on the list, ~~or until~~ the person presents documentation
 447 from the lienor that the vehicle has been surrendered to the
 448 lienor, or a court orders the person's name removed from the
 449 list as provided in s. 320.1316. The department may ~~shall~~ not
 450 withhold an initial registration in connection with an
 451 applicant's purchase or lease of a motor vehicle solely because
 452 the applicant's name is on the list created by s. 320.1316.

453 Section 9. Subsection (1) of section 320.083, Florida
 454 Statutes, is amended to read:

455 320.083 Amateur radio operators; special license plates;
 456 fees.—

457 (1) A person who is the owner or lessee of an automobile or
 458 truck for private use, a truck weighing not more than 7,999
 459 pounds, or a recreational vehicle as specified in s.
 460 320.08(9)(c) or (d), which is not used for hire or commercial
 461 use; who is a resident of the state; and who holds a valid
 462 official amateur radio station license recognized ~~issued~~ by the
 463 Federal Communications Commission shall be issued a special
 464 license plate upon application, accompanied by proof of

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465 ownership of such radio station license, and payment of the
466 following tax and fees:

467 (a) The license tax required for the vehicle, as prescribed
468 by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b), (c), (d),
469 (e), or (f), or (9); and

470 (b) An initial additional fee of \$5, and an additional fee
471 of \$1.50 thereafter.

472 Section 10. Section 320.1316, Florida Statutes, is amended
473 to read:

474 320.1316 Failure to surrender vehicle or vessel.—

475 (1) Upon receipt from a lienor who claims a lien on a
476 vehicle pursuant to s. 319.27 by the Department of Highway
477 Safety and Motor Vehicles of written notice to surrender a
478 vehicle or vessel that has been disposed of, concealed, removed,
479 or destroyed by the lienee, the department shall place the name
480 of the registered owner of that vehicle on the list of those
481 persons who may not be issued a license plate, revalidation
482 sticker, or replacement license plate ~~for any motor vehicle~~
483 ~~under s. 320.03(8) owned by the lience at the time the notice~~
484 ~~was given by the lienor.~~ Pursuant to s. 320.03(8), the
485 department may not issue a license plate or revalidation sticker
486 for the vehicle or vessel owned by the lienee which is
487 identified in the claim by the lienor. If the vehicle is owned
488 jointly ~~by more than one person~~, the name of each registered
489 owner shall be placed on the list.

490 (2) The notice to surrender the vehicle shall be signed
491 under oath by the lienor and submitted on forms developed by the
492 department, which must include:

493 (a) The name, address, and telephone number of the lienor.

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494 (b) The name of the registered owner of the vehicle and the
495 address to which the lienor provided notice to surrender the
496 vehicle to the registered owner.

497 (c) A general description of the vehicle, including its
498 color, make, model, body style, and year.

499 (d) The vehicle identification number, registration license
500 plate number, if known, or other identification number, as
501 applicable.

502 (3) The registered owner of the vehicle may dispute a
503 notice to surrender the vehicle or his or her inclusion on the
504 list of those persons who may not be issued a license plate,
505 revalidation sticker, or replacement license plate under s.
506 320.03(8) by bringing a civil action in the county in which he
507 or she resides by notifying the department of the dispute in
508 writing on forms provided by the department and presenting proof
509 that the vehicle was sold to a motor vehicle dealer licensed
510 under s. 320.27, a mobile home dealer licensed under s. 320.77,
511 or a recreational vehicle dealer licensed under s. 320.771.

512 (4) In an action brought pursuant to subsection (3), the
513 petitioner is entitled to the summary procedure specified in s.
514 51.011, and the court shall advance the cause on its calendar if
515 requested by the petitioner.

516 (5) At a hearing challenging the refusal to issue a license
517 plate, revalidation sticker, or replacement license plate under
518 s. 320.03(8), the court shall first determine whether the lienor
519 has a recorded lien on the vehicle or vessel and whether the
520 lienor properly made a demand for the surrender of the vehicle
521 or vessel in accordance with this section. If the court
522 determines that the lien was recorded and that such a demand was

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523 properly made, the court shall determine whether good cause
524 exists for the lienee's failure to surrender the vehicle or
525 vessel. As used in this section, the term "good cause" is
526 limited to proof that:

527 (a) The vehicle that was the subject of the demand for
528 surrender was traded in to a licensed motor vehicle dealer
529 before the date of the surrender demand;

530 (b) The lien giving rise to the inclusion on the list has
531 been paid in full or otherwise satisfied;

532 (c) There is ongoing litigation relating to the validity or
533 enforceability of the lien;

534 (d) The petitioner was in compliance with all of his or her
535 contractual obligations with the lienholder at the time of the
536 demand for surrender;

537 (e) The vehicle or vessel was reported to law enforcement
538 as stolen by the registered owner of the vehicle or vessel
539 before the demand for surrender; or

540 (f) The petitioner no longer has possession of the vehicle
541 or vessel, and the loss of possession occurred pursuant to
542 operation of law. If the petitioner's loss of possession did not
543 occur pursuant to operation of law, the fact that a third party
544 has physical possession of the vehicle or vessel does not
545 constitute good cause for the failure to surrender the vehicle
546 or vessel.

547 (6) If the petitioner establishes good cause for his or her
548 failure to surrender the vehicle or vessel, the court shall
549 enter an order removing the petitioner's name from the list of
550 those persons who may not be issued a license plate,
551 revalidation sticker, or replacement license plate under s.

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552 320.03(8) and shall award the petitioner reasonable attorney
553 fees and costs actually incurred for the proceeding.

554 (7) If the court finds that the demand for surrender was
555 properly made by the lienor and the petitioner fails to
556 establish good cause for the failure to surrender the vehicle or
557 vessel, the court shall award the lienor reasonable attorney
558 fees and costs actually incurred for the proceeding.

559 Section 11. Section 322.032, Florida Statutes, is created
560 to read:

561 322.032 Digital proof of driver license.—

562 (1) The department shall develop a secure and uniform
563 system for issuing an optional digital proof of driver license
564 by October 1, 2016. The department may contract with one or more
565 private entities to develop a digital proof of driver license
566 system.

567 (2) The digital proof of driver license developed by the
568 department or by an entity contracted by the department must be
569 in such a format as to allow law enforcement to verify the
570 authenticity of the digital proof of driver license. The
571 department may promulgate rules to ensure valid authentication
572 of digital driver licenses by law enforcement.

573 (3) A person may not be issued a digital proof of driver
574 license until he or she has satisfied all the requirements of
575 this chapter and has received a physical driver license as
576 provided in this chapter.

577 (4) A person who:

578 (a) Manufactures a false digital proof of driver license
579 commits a felony of the third degree, punishable as provided in
580 s. 775.082, s. 775.083, or s. 775.084.

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581 (b) Possesses a false digital proof of driver license
582 commits a misdemeanor of the second degree, punishable as
583 provided in s. 775.082.

584 Section 12. Section 322.059, Florida Statutes, is amended
585 to read:

586 322.059 Mandatory surrender of suspended driver ~~driver's~~
587 license and registration.—A ~~Any~~ person whose driver ~~driver's~~
588 license or registration has been suspended as provided in s.
589 322.058 must immediately return his or her driver ~~driver's~~
590 license and registration to the Department of Highway Safety and
591 Motor Vehicles. The department shall invalidate the digital
592 proof of driver license issued pursuant to s. 322.032 for such
593 person. If such person fails to return his or her driver
594 ~~driver's~~ license or registration, a ~~any~~ law enforcement agent
595 may seize the license or registration while the driver ~~driver's~~
596 license or registration is suspended.

597 Section 13. Subsection (1) of section 322.12, Florida
598 Statutes, is amended to read:

599 322.12 Examination of applicants.—

600 (1) It is the intent of the Legislature that each ~~every~~
601 applicant for an original driver ~~driver's~~ license in this state
602 be required to pass an examination pursuant to this section.
603 However, the department may waive the knowledge, endorsement,
604 and skills tests for an applicant who is otherwise qualified and
605 who surrenders a valid driver ~~driver's~~ license from another
606 state or a province of Canada, or a valid driver ~~driver's~~
607 license issued by the United States Armed Forces, if the driver
608 applies for a Florida license of an equal or lesser
609 classification. An ~~Any~~ applicant who:

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610 (a) Who Fails to pass the initial knowledge test incurs a
611 \$10 fee for each subsequent test. Of the \$10 fee, \$6 shall be
612 retained by the tax collector if the knowledge test is conducted
613 by the tax collector, and the remaining \$4 shall,~~to~~ be
614 deposited into the Highway Safety Operating Trust Fund. All
615 knowledge test fees incurred by an applicant taking the
616 knowledge test with a third-party provider or administered at a
617 state facility shall be deposited into the Highway Safety
618 Operating Trust Fund. ~~Any applicant~~

619 (b) Who Fails to pass the initial skills test incurs a \$20
620 fee for each subsequent test. Of the \$20 fee, \$15 shall be
621 retained by the tax collector if the skills test is conducted by
622 the tax collector, and the remaining \$5 shall,~~to~~ be deposited
623 into the Highway Safety Operating Trust Fund. All skills test
624 fees incurred by an applicant taking the skills test with a
625 third-party provider or administered at a state facility shall
626 be deposited into the Highway Safety Operating Trust Fund. ~~A~~
627 ~~person who~~

628 (c) Seeks to retain a hazardous-materials endorsement,
629 pursuant to s. 322.57(1) (d), must pass the hazardous-materials
630 test, upon surrendering his or her commercial driver ~~driver's~~
631 license, if the person has not taken and passed the hazardous-
632 materials test within 2 years before applying for a commercial
633 driver ~~driver's~~ license in this state.

634 Section 14. Subsection (1) of section 322.15, Florida
635 Statutes, is amended to read:

636 322.15 License to be carried and exhibited on demand;
637 fingerprint to be imprinted upon a citation.—

638 (1) Every licensee shall have his or her driver ~~driver's~~

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639 license, which must be fully legible with no portion of such
640 license faded, altered, mutilated, or defaced, in his or her
641 immediate possession at all times when operating a motor vehicle
642 and shall display the same upon the demand of a law enforcement
643 officer or an authorized representative of the department. A
644 licensee may display digital proof of driver license as provided
645 in s. 322.032 in lieu of a physical driver license.

646 Section 15. Paragraphs (e) and (f) of subsection (1) of
647 section 322.21, Florida Statutes, are amended to read:

648 322.21 License fees; procedure for handling and collecting
649 fees.—

650 (1) Except as otherwise provided herein, the fee for:

651 (e) A replacement driver license issued pursuant to s.
652 322.17 is \$25. Of this amount, \$7 shall be deposited into the
653 Highway Safety Operating Trust Fund or retained by the tax
654 collector if issued by a tax collector that has completed the
655 transition of driver licensing services, and \$18 shall be
656 deposited into the General Revenue Fund. ~~Beginning July 1, 2015,~~
657 ~~or upon completion of the transition of driver license issuance~~
658 ~~services, if the replacement driver license is issued by the tax~~
659 ~~collector, the tax collector shall retain the \$7 that would~~
660 ~~otherwise be deposited into the Highway Safety Operating Trust~~
661 ~~Fund and the remaining revenues shall be deposited into the~~
662 ~~General Revenue Fund.~~

663 (f) An original, renewal, or replacement identification
664 card issued pursuant to s. 322.051 is \$25, except that an
665 applicant who presents evidence satisfactory to the department
666 that he or she is homeless as defined in s. 414.0252(7) or his
667 or her annual income is at or below 100 percent of the federal

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668 poverty level is exempt from such fee. Funds collected from
669 these fees for original, renewal, or replacement identification
670 cards shall be distributed as follows:

671 1. For an original identification card issued pursuant to
672 s. 322.051, the fee is \$25. ~~This amount~~ shall be deposited into
673 the General Revenue Fund.

674 2. For a renewal identification card issued pursuant to s.
675 322.051 ~~the fee is \$25. Of this amount,~~ \$6 shall be deposited
676 into the Highway Safety Operating Trust Fund, and \$19 shall be
677 deposited into the General Revenue Fund.

678 3. For a replacement identification card issued pursuant to
679 s. 322.051, the fee is \$25. Of this amount, \$9 shall be
680 deposited into the Highway Safety Operating Trust Fund or
681 retained by the tax collector if issued by a tax collector that
682 has completed the transition of driver licensing services, and
683 \$16 shall be deposited into the General Revenue Fund. ~~Beginning~~
684 ~~July 1, 2015, or upon completion of the transition of the driver~~
685 ~~license issuance services, if the replacement identification~~
686 ~~card is issued by the tax collector, the tax collector shall~~
687 ~~retain the \$9 that would otherwise be deposited into the Highway~~
688 ~~Safety Operating Trust Fund and the remaining revenues shall be~~
689 ~~deposited into the General Revenue Fund.~~

690 Section 16. Section 337.25, Florida Statutes, is amended to
691 read:

692 337.25 Acquisition, lease, and disposal of real and
693 personal property.—

694 (1) (a) The department may purchase, lease, exchange, or
695 otherwise acquire any land, property interests, ~~or~~ buildings, or
696 other improvements, including personal property within such

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697 buildings or on such lands, necessary to secure or use ~~utilize~~
698 transportation rights-of-way for existing, proposed, or
699 anticipated transportation facilities on the State Highway
700 System, on the State Park Road System, in a rail corridor, or in
701 a transportation corridor designated by the department. Such
702 property shall be held in the name of the state.

703 (b) The department may accept donations of any land, ~~or~~
704 buildings, or other improvements, including personal property
705 within such buildings or on such lands with or without such
706 conditions, reservations, or reverter provisions as are
707 acceptable to the department. Such donations may be used as
708 transportation rights-of-way or to secure or use ~~utilize~~
709 transportation rights-of-way for existing, proposed, or
710 anticipated transportation facilities on the State Highway
711 System, on the State Park Road System, or in a transportation
712 corridor designated by the department.

713 (c) If ~~When~~ lands, buildings, or other improvements are
714 needed for transportation purposes, but are held by a federal,
715 state, or local governmental entity and used ~~utilized~~ for public
716 purposes other than transportation, the department may
717 compensate the entity for such properties by providing
718 functionally equivalent replacement facilities. The provision
719 ~~providing~~ of replacement facilities under this subsection may
720 only be undertaken with the agreement of the governmental entity
721 affected.

722 (d) The department may contract pursuant to s. 287.055 for
723 auction services used in the conveyance of real or personal
724 property or the conveyance of leasehold interests under
725 subsections (4) and (5). The contract may allow for the

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726 contractor to retain a portion of the proceeds as compensation
727 for the contractor's services.

728 (2) A complete inventory shall be made of all real or
729 personal property immediately upon possession or acquisition.
730 Such inventory must ~~shall~~ include ~~an itemized listing of all~~
731 ~~appliances, fixtures, and other severable items;~~ a statement of
732 the location or site of each piece of realty, structure, or
733 severable item; ~~and the serial number assigned to each.~~ Copies
734 of each inventory shall be filed in the district office in which
735 the property is located. Such inventory shall be carried forward
736 to show the final disposition of each item of property, both
737 real and personal.

738 (3) The inventory of real property that ~~which~~ was acquired
739 by the state after December 31, 1988, that ~~which~~ has been owned
740 by the state for 10 or more years, and that ~~which~~ is not within
741 a transportation corridor or within the right-of-way of a
742 transportation facility shall be evaluated to determine the
743 necessity for retaining the property. If the property is not
744 needed for the construction, operation, and maintenance of a
745 transportation facility, ~~or is not located within a~~
746 transportation corridor, the department may dispose of the
747 property pursuant to subsection (4).

748 (4) The department may convey ~~sell~~, in the name of the
749 state, any land, building, or other property, real or personal,
750 which was acquired under ~~the provisions of~~ subsection (1) and
751 which the department has determined is not needed for the
752 construction, operation, and maintenance of a transportation
753 facility. ~~With the exception of any parcel governed by paragraph~~
754 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~

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755 ~~(i), the department shall afford first right of refusal to the~~
756 ~~local government in the jurisdiction of which the parcel is~~
757 ~~situated. When such a determination has been made, property may~~
758 ~~be disposed of through negotiations, sealed competitive bids,~~
759 ~~auctions, or any other means the department deems to be in its~~
760 ~~best interest, with due advertisement for property valued by the~~
761 ~~department at greater than \$10,000. A sale may not occur at a~~
762 ~~price less than the department's current estimate of value,~~
763 ~~except as provided in paragraphs (a)-(d). The department may~~
764 ~~afford a right of first refusal to the local government or other~~
765 ~~political subdivision in the jurisdiction in which the parcel is~~
766 ~~situated, except in a conveyance transacted under paragraph (a),~~
767 ~~paragraph (c), or paragraph (e). in the following manner:~~

768 (a) If the ~~value of the property~~ has been donated to the
769 state for transportation purposes and a transportation facility
770 has not been constructed for at least 5 years, plans have not
771 been prepared for the construction of such facility, and the
772 property is not located in a transportation corridor, the
773 governmental entity may authorize reconveyance of the donated
774 property for no consideration to the original donor or the
775 donor's heirs, successors, assigns, or representatives ~~is~~
776 ~~\$10,000 or less as determined by department estimate, the~~
777 ~~department may negotiate the sale.~~

778 (b) If ~~the value of the property~~ is to be used for a public
779 purpose, the property may be conveyed without consideration to a
780 governmental entity exceeds \$10,000 as determined by department
781 estimate, such property may be sold to the highest bidder
782 ~~through receipt of sealed competitive bids, after due~~
783 ~~advertisement, or by public auction held at the site of the~~

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784 ~~improvement which is being sold.~~

785 (c) If the property was originally acquired specifically to
786 provide replacement housing for persons displaced by
787 transportation projects, the department may negotiate for the
788 sale of such property as replacement housing. As compensation,
789 the state shall receive at least its investment in such property
790 or the department's current estimate of value, whichever is
791 lower. It is expressly intended that this benefit be extended
792 only to persons actually displaced by the project. Dispositions
793 to any other person must be for at least the department's
794 current estimate of value, ~~in the discretion of the department,~~
795 ~~public sale would be inequitable, properties may be sold by~~
796 ~~negotiation to the owner holding title to the property abutting~~
797 ~~the property to be sold, provided such sale is at a negotiated~~
798 ~~price not less than fair market value as determined by an~~
799 ~~independent appraisal, the cost of which shall be paid by the~~
800 ~~owner of the abutting land. If negotiations do not result in the~~
801 ~~sale of the property to the owner of the abutting land and the~~
802 ~~property is sold to someone else, the cost of the independent~~
803 ~~appraisal shall be borne by the purchaser; and the owner of the~~
804 ~~abutting land shall have the cost of the appraisal refunded to~~
805 ~~him or her. If, however, no purchase takes place, the owner of~~
806 ~~the abutting land shall forfeit the sum paid by him or her for~~
807 ~~the independent appraisal. If, due to action of the department,~~
808 ~~the property is removed from eligibility for sale, the cost of~~
809 ~~any appraisal prepared shall be refunded to the owner of the~~
810 ~~abutting land.~~

811 (d) If the department determines that the property requires
812 significant costs to be incurred or that continued ownership of

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813 the property exposes the department to significant liability
814 risks, the department may use the projected maintenance costs
815 over the next 10 years to offset the property's value in
816 establishing a value for disposal of the property, even if that
817 value is zero ~~property acquired for use as a borrow pit is no~~
818 ~~longer needed, the department may sell such property to the~~
819 ~~owner of the parcel of abutting land from which the borrow pit~~
820 ~~was originally acquired, provided the sale is at a negotiated~~
821 ~~price not less than fair market value as determined by an~~
822 ~~independent appraisal, the cost of which shall be paid by the~~
823 ~~owner of such abutting land.~~

824 (e) If, at the discretion of the department, a sale to a
825 person other than an abutting property owner would be
826 inequitable, the property may be sold to the abutting owner for
827 the department's current estimate of value ~~the department begins~~
828 ~~the process for disposing of the property on its own initiative,~~
829 ~~either by negotiation under the provisions of paragraph (a),~~
830 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
831 ~~sealed competitive bids or public auction under the provisions~~
832 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
833 ~~may determine the fair market value of the property by an~~
834 ~~appraisal.~~

835 ~~(f) Any property which was acquired by a county or by the~~
836 ~~department using constitutional gas tax funds for the purpose of~~
837 ~~a right-of-way or borrow pit for a road on the State Highway~~
838 ~~System, State Park Road System, or county road system and which~~
839 ~~is no longer used or needed by the department may be conveyed~~
840 ~~without consideration to that county. The county may then sell~~
841 ~~such surplus property upon receipt of competitive bids in the~~

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842 ~~same manner prescribed in this section.~~

843 ~~(g) If a property has been donated to the state for~~
844 ~~transportation purposes and the facility has not been~~
845 ~~constructed for a period of at least 5 years and no plans have~~
846 ~~been prepared for the construction of such facility and the~~
847 ~~property is not located in a transportation corridor, the~~
848 ~~governmental entity may authorize reconveyance of the donated~~
849 ~~property for no consideration to the original donor or the~~
850 ~~donor's heirs, successors, assigns, or representatives.~~

851 ~~(h) If property is to be used for a public purpose, the~~
852 ~~property may be conveyed without consideration to a governmental~~
853 ~~entity.~~

854 ~~(i) If property was originally acquired specifically to~~
855 ~~provide replacement housing for persons displaced by~~
856 ~~transportation projects, the department may negotiate for the~~
857 ~~sale of such property as replacement housing. As compensation,~~
858 ~~the state shall receive no less than its investment in such~~
859 ~~properties or fair market value, whichever is lower. It is~~
860 ~~expressly intended that this benefit be extended only to those~~
861 ~~persons actually displaced by such project. Dispositions to any~~
862 ~~other persons must be for fair market value.~~

863 ~~(j) If the department determines that the property will~~
864 ~~require significant costs to be incurred or that continued~~
865 ~~ownership of the property exposes the department to significant~~
866 ~~liability risks, the department may use the projected~~
867 ~~maintenance costs over the next 5 years to offset the market~~
868 ~~value in establishing a value for disposal of the property, even~~
869 ~~if that value is zero.~~

870 (5) The department may convey a leasehold interest for

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871 commercial or other purposes, in the name of the state, to any
872 land, building, or other property, real or personal, which was
873 acquired under ~~the provisions of~~ subsection (1). However, a
874 lease may not be entered into at a price less than the
875 department's current estimate of value. The department's
876 estimate of value shall be prepared in accordance with
877 department procedures, guidelines, and rules for valuation of
878 real property, the cost of which shall be paid by the party
879 seeking the lease of the property.

880 (a) A lease may be through negotiations, sealed competitive
881 bids, auctions, or any other means the department deems to be in
882 its best interest ~~The department may negotiate such a lease at~~
883 ~~the prevailing market value with the owner from whom the~~
884 ~~property was acquired; with the holders of leasehold estates~~
885 ~~existing at the time of the department's acquisition; or, if~~
886 ~~public bidding would be inequitable, with the owner holding~~
887 ~~title to privately owned abutting property, if reasonable notice~~
888 ~~is provided to all other owners of abutting property. The~~
889 department may allow an outdoor advertising sign to remain on
890 the property acquired, or be relocated on department property,
891 and such sign is ~~shall not be considered~~ a nonconforming sign
892 pursuant to chapter 479.

893 (b) If, at the discretion of the department, a lease to a
894 person other than an abutting property owner or tenant with a
895 leasehold interest in the abutting property would be
896 inequitable, the property may be leased to the abutting owner or
897 tenant for at least the department's current estimate of value
898 ~~All other leases shall be by competitive bid.~~

899 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~

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900 ~~paragraph (b)~~ shall be for a period of more than 5 years;
901 however, the department may renegotiate or extend such a lease
902 for an additional ~~term of~~ 5 years as the department deems
903 appropriate ~~without rebidding~~.

904 (d) Each lease shall provide that, unless otherwise
905 directed by the lessor, any improvements made to the property
906 during ~~the term of~~ the lease shall be removed at the lessee's
907 expense.

908 (e) If property is to be used for a public purpose,
909 ~~including a fair, art show, or other educational, cultural, or~~
910 ~~fundraising activity~~, the property may be leased without
911 consideration to a governmental entity ~~or school board~~. A lease
912 for a public purpose is exempt from the term limits in paragraph
913 (c).

914 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
915 entered into pursuant to s. 260.0161(3), except as provided in
916 such a lease.

917 (g) ~~A~~ No lease executed under this subsection may not be
918 used ~~utilized~~ by the lessee to establish the ~~4 years'~~ standing
919 required under ~~by~~ s. 73.071(3)(b) if the business had not been
920 established for the specified number of 4 years on the date
921 title passed to the department.

922 (h) The department may enter into a long-term lease without
923 compensation with a public port listed in s. 403.021(9)(b) for
924 rail corridors used for the operation of a short-line railroad
925 to the port.

926 (6) ~~Nothing in~~ This chapter does not prevent ~~prevents~~ the
927 joint use of right-of-way for alternative modes of
928 transportation if, ~~provided that~~ the joint use does not impair

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929 the integrity and safety of the transportation facility.

930 (7) The department shall prepare the estimate of value
931 provided under subsection (4) in accordance with department
932 procedures, guidelines, and rules for valuation of real
933 property. If the value of the property is greater than \$50,000,
934 as determined by the department estimate, the sale must be at a
935 negotiated price of at least the estimate of value as determined
936 by an appraisal prepared in accordance with department
937 procedures, guidelines, and rules for valuation of real
938 property, the cost of which shall be paid by the party seeking
939 the purchase of the property. If the estimated value is \$50,000
940 or less, the department may use a department staff appraiser or
941 obtain an independent appraisal ~~required by paragraphs (4)(c)~~
942 and (d) shall be prepared in accordance with department
943 guidelines and rules by an independent appraiser who has been
944 certified by the department. If federal funds were used in the
945 acquisition of the property, the appraisal shall also be subject
946 to the approval of the Federal Highway Administration.

947 (8) As used in this section, the term A "due advertisement"
948 means under this section is an advertisement in a newspaper of
949 general circulation in the area of the improvements of at least
950 ~~not less than~~ 14 calendar days before ~~prior to~~ the date of the
951 receipt of bids or the date on which a public auction is to be
952 held.

953 (9) The department, with the approval of the Chief
954 Financial Officer, may ~~is authorized to~~ disburse state funds for
955 real estate closings in a manner consistent with good business
956 practices and in a manner minimizing costs and risks to the
957 state.

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958 (10) The department may ~~is authorized to~~ purchase title
 959 insurance if ~~in those instances where it determines is~~
 960 ~~determined~~ that such insurance is necessary to protect the
 961 public's investment in property being acquired for
 962 transportation purposes. The department shall adopt procedures
 963 to be followed in making the determination to purchase title
 964 insurance for a particular parcel or group of parcels which, at
 965 a minimum, shall specify ~~set forth~~ criteria that ~~which~~ the
 966 parcels must meet.

967 (11) This section does not modify the requirements of s.
 968 73.013.

969 Section 17. Subsection (2) of section 337.251, Florida
 970 Statutes, is amended, present subsections (3) through (10) of
 971 that section are redesignated as subsections (4) through (11),
 972 respectively, and a new subsection (3) is added to that section,
 973 to read:

974 337.251 Lease of property for joint public-private
 975 development and areas above or below department property.-

976 (2) The department may request proposals for the lease of
 977 such property or, if the department receives a proposal for ~~to~~
 978 ~~negotiate~~ a lease of a particular department property which it
 979 desires to consider, the department ~~it~~ shall publish a notice in
 980 a newspaper of general circulation at least once a week for 2
 981 weeks, ~~stating that it has received the proposal and will~~
 982 ~~accept, for 60 days after the date of publication, other~~
 983 proposals for lease of such property for 120 days after the date
 984 of publication ~~use of the space~~. A copy of the notice must be
 985 mailed to each local government in the affected area. The
 986 department shall establish by rule an application fee for the

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987 submission of proposals pursuant to this section. The fee must
 988 be sufficient to pay the anticipated costs of evaluating the
 989 proposals. The department may engage the services of private
 990 consultants to assist in the evaluations. Before approval, the
 991 department shall determine that the proposed lease:

992 (a) Is in the public's best interest;

993 (b) Does not require that state funds be used; and

994 (c) Has adequate safeguards in place to ensure that
 995 additional costs are not borne and service disruptions are not
 996 experienced by the traveling public and residents of the state
 997 in the event of default by the private lessee or upon
 998 termination or expiration of the lease.

999 (3) The department shall provide an independent analysis of
 1000 a proposed lease which demonstrates the cost-effectiveness and
 1001 overall public benefit at the following times:

1002 (a) Before moving forward with the procurement; and

1003 (b) Before awarding the contract if the procurement moves
 1004 forward.

1005 Section 18. Paragraphs (a) and (b) of subsection (3),
 1006 paragraph (a) of subsection (4), and paragraph (c) of subsection
 1007 (11) of section 339.175, Florida Statutes, are amended to read:

1008 339.175 Metropolitan planning organization.—

1009 (3) VOTING MEMBERSHIP.—

1010 (a) The voting membership of an M.P.O. shall consist of at
 1011 least not fewer than 5 but not ~~or~~ more than 25 ~~19~~ apportioned
 1012 members, with the exact number ~~to be~~ determined on an equitable
 1013 geographic-population ratio basis ~~by the Governor~~, based on an
 1014 agreement among the affected units of general-purpose local
 1015 government and the Governor, as required by federal ~~rules and~~

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1016 regulations. ~~The Governor,~~ In accordance with 23 U.S.C. s. 134,
1017 the Governor may also allow ~~provide for~~ M.P.O. members who
1018 represent municipalities to alternate with representatives from
1019 other municipalities within the metropolitan planning area which
1020 ~~that~~ do not have members on the M.P.O. With the exception of
1021 instances in which all of the county commissioners in a single-
1022 county M.P.O. are members of the M.P.O. governing board, county
1023 commissioners ~~commission members~~ shall compose at least ~~not less~~
1024 ~~than~~ one-third of the M.P.O. governing board membership. A
1025 multicounty M.P.O. may satisfy this requirement by any
1026 combination of county commissioners from each of the counties
1027 constituting the M.P.O., ~~except for an M.P.O. with more than 15~~
1028 ~~members located in a county with a 5-member county commission or~~
1029 ~~an M.P.O. with 19 members located in a county with no more than~~
1030 ~~6 county commissioners, in which case county commission members~~
1031 ~~may compose less than one-third percent of the M.P.O.~~
1032 ~~membership, but all county commissioners must be members. All~~
1033 Voting members shall be elected officials of general-purpose
1034 local governments, one of whom may represent a group of general-
1035 purpose local governments through an entity created by an M.P.O.
1036 for that purpose. ~~except that~~ An M.P.O. may include, as part of
1037 its apportioned voting members, a member of a statutorily
1038 authorized planning board, an official of an agency that
1039 operates or administers a major mode of transportation, or an
1040 official of Space Florida. As used in this section, the term
1041 "elected officials of a general-purpose local government"
1042 excludes ~~shall exclude~~ constitutional officers, including
1043 sheriffs, tax collectors, supervisors of elections, property
1044 appraisers, clerks of the court, and similar types of officials.

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1045 County commissioners shall compose not less than 20 percent of
1046 the M.P.O. membership if an official of an agency that operates
1047 or administers a major mode of transportation has been appointed
1048 to an M.P.O.

1049 (b) In metropolitan areas in which authorities or other
1050 agencies have been or may be created by law to perform
1051 transportation functions and are or will be performing
1052 transportation functions that are not under the jurisdiction of
1053 a general-purpose local government represented on the M.P.O.,
1054 such authorities or other agencies may ~~they shall~~ be provided
1055 voting membership on the M.P.O. In all other M.P.O.s in which
1056 ~~M.P.O.'s where~~ transportation authorities or agencies are to be
1057 represented by elected officials from general-purpose local
1058 governments, the M.P.O. shall establish a process by which the
1059 collective interests of such authorities or other agencies are
1060 expressed and conveyed.

1061 (4) APPORTIONMENT.—

1062 (a) Each M.P.O. shall review the composition of its
1063 membership in conjunction with the decennial census, as prepared
1064 by the United States Department of Commerce, Bureau of the
1065 Census, and with the agreement of the Governor and the affected
1066 general-purpose local government units that constitute the
1067 existing M.P.O., reapportion the membership as necessary to
1068 comply with subsection (3) ~~The Governor shall, with the~~
1069 ~~agreement of the affected units of general-purpose local~~
1070 ~~government as required by federal rules and regulations,~~
1071 ~~apportion the membership on the applicable M.P.O. among the~~
1072 ~~various governmental entities within the area.~~ At the request of
1073 a majority of the affected units of general-purpose local

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1074 government comprising an M.P.O., the Governor and a majority of
1075 units of general-purpose local government serving on an M.P.O.
1076 shall cooperatively agree upon and prescribe who may serve as an
1077 alternate member and a method for appointing alternate members,
1078 who may vote at any M.P.O. meeting that he or she ~~an alternate~~
1079 ~~member~~ attends in place of a regular member. The method must
1080 ~~shall~~ be set forth as a part of the interlocal agreement
1081 describing the M.P.O. ~~M.P.O.'s~~ membership or in the ~~M.P.O.'s~~
1082 operating procedures and bylaws of the M.P.O. The governmental
1083 entity so designated shall appoint the appropriate number of
1084 members to the M.P.O. from eligible officials. Representatives
1085 of the department shall serve as nonvoting advisers to the
1086 M.P.O. governing board. Additional nonvoting advisers may be
1087 appointed by the M.P.O. as deemed necessary; however, to the
1088 maximum extent feasible, each M.P.O. shall seek to appoint
1089 nonvoting representatives of various multimodal forms of
1090 transportation not otherwise represented by voting members of
1091 the M.P.O. An M.P.O. shall appoint nonvoting advisers
1092 representing major military installations located within the
1093 jurisdictional boundaries of the M.P.O. upon the request of the
1094 aforesaid major military installations and subject to the
1095 agreement of the M.P.O. All nonvoting advisers may attend and
1096 participate fully in governing board meetings but may not vote
1097 or be members of the governing board. ~~The Governor shall review~~
1098 ~~the composition of the M.P.O. membership in conjunction with the~~
1099 ~~decennial census as prepared by the United States Department of~~
1100 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
1101 ~~to comply with subsection (3).~~

1102 (11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.-

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- 1103 (c) The powers and duties of the Metropolitan Planning
1104 Organization Advisory Council are to:
- 1105 1. Enter into contracts with individuals, private
1106 corporations, and public agencies.
 - 1107 2. Acquire, own, operate, maintain, sell, or lease personal
1108 property essential for the conduct of business.
 - 1109 3. Accept funds, grants, assistance, gifts, or bequests
1110 from private, local, state, or federal sources.
 - 1111 4. Establish bylaws by action of its governing board
1112 providing procedural rules to guide its proceedings and
1113 consideration of matters before the council, or, alternatively,
1114 ~~and~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to
1115 implement provisions of law conferring powers or duties upon it.
 - 1116 5. Assist M.P.O.s ~~M.P.O.'s~~ in carrying out the urbanized
1117 area transportation planning process by serving as the principal
1118 forum for collective policy discussion pursuant to law.
 - 1119 6. Serve as a clearinghouse for review and comment by
1120 M.P.O.s ~~M.P.O.'s~~ on the Florida Transportation Plan and on other
1121 issues required to comply with federal or state law in carrying
1122 out the urbanized area transportation and systematic planning
1123 processes instituted pursuant to s. 339.155.
 - 1124 7. Employ an executive director and such other staff as
1125 necessary to perform adequately the functions of the council,
1126 within budgetary limitations. The executive director and staff
1127 are exempt from part II of chapter 110 and serve at the
1128 direction and control of the council. The council is assigned to
1129 the Office of the Secretary of the Department of Transportation
1130 for fiscal and accountability purposes, but it shall otherwise
1131 function independently of the control and direction of the

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1132 department.

1133 8. Adopt an agency strategic plan that prioritizes steps
1134 ~~provides the priority directions~~ the agency will take to carry
1135 out its mission within the context of the state comprehensive
1136 plan and any other statutory mandates and directives ~~directions~~
1137 ~~given to the agency.~~

1138 Section 19. Paragraph (a) of subsection (1) and subsections
1139 (4) and (5) of section 339.2821, Florida Statutes, are amended
1140 to read:

1141 339.2821 Economic development transportation projects.—

1142 (1) (a) The department, in consultation with the Department
1143 of Economic Opportunity and Enterprise Florida, Inc., may make
1144 and approve expenditures and contract with the appropriate
1145 governmental body for the direct costs of transportation
1146 projects. The Department of Economic Opportunity and the
1147 Department of Environmental Protection may formally review and
1148 comment on recommended transportation projects, although the
1149 department has final approval authority for any project
1150 authorized under this section.

1151 (4) A contract between the department and a governmental
1152 body for a transportation project must:

1153 (a) Specify that the transportation project is for the
1154 construction of a new or expanding business and specify the
1155 number of full-time permanent jobs that will result from the
1156 project.

1157 (b) Identify the governmental body and require that the
1158 governmental body award the construction of the particular
1159 transportation project to the lowest and best bidder in
1160 accordance with applicable state and federal statutes or rules

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1161 unless the transportation project can be constructed using
1162 existing local governmental employees within the contract period
1163 specified by the department.

1164 (c) Require that the governmental body provide the
1165 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
1166 progress report must contain:

1167 1. A narrative description of the work completed and
1168 whether the work is proceeding according to the transportation
1169 project schedule;

1170 2. A description of each change order executed by the
1171 governmental body;

1172 3. A budget summary detailing planned expenditures compared
1173 to actual expenditures; and

1174 4. The identity of each small or minority business used as
1175 a contractor or subcontractor.

1176 (d) Require that the governmental body make and maintain
1177 records in accordance with accepted governmental accounting
1178 principles and practices for each progress payment made for work
1179 performed in connection with the transportation project, each
1180 change order executed by the governmental body, and each payment
1181 made pursuant to a change order. The records are subject to
1182 financial audit as required by law.

1183 (e) Require that the governmental body, upon completion and
1184 acceptance of the transportation project, certify to the
1185 department that the transportation project has been completed in
1186 compliance with the terms and conditions of the contract between
1187 the department and the governmental body and meets the minimum
1188 construction standards established in accordance with s.
1189 336.045.

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1190 (f) Specify that ~~the department transfer funds~~ will not be
1191 transferred to the governmental body unless construction has
1192 begun on the facility of the ~~not more often than quarterly, upon~~
1193 ~~receipt of a request for funds from the governmental body and~~
1194 ~~consistent with the needs of the transportation project. The~~
1195 ~~governmental body shall expend funds received from the~~
1196 ~~department in a timely manner. The department may not transfer~~
1197 ~~funds unless construction has begun on the facility of a~~
1198 ~~business on whose behalf the award was made. The grant award~~
1199 ~~shall be terminated if construction of the transportation~~
1200 ~~project does not begin within 4 years after the date of the~~
1201 ~~initial grant award~~ A contract totaling less than \$200,000 is
1202 ~~exempt from the transfer requirement.~~

1203 (g) Require that funds be used only on a transportation
1204 project that has been properly reviewed and approved in
1205 accordance with the criteria provided ~~set forth~~ in this section.

1206 (h) Require that the governing board of the governmental
1207 body adopt a resolution accepting future maintenance and other
1208 attendant costs occurring after completion of the transportation
1209 project if the transportation project is constructed on a county
1210 or municipal system.

1211 (5) For purposes of this section, Space Florida may serve
1212 as the governmental body or as the contracting agency for a
1213 ~~transportation~~ project within a spaceport territory as defined
1214 by s. 331.304.

1215 Section 20. Subsection (5) of section 526.141, Florida
1216 Statutes, is amended to read:

1217 526.141 Self-service gasoline stations; attendants;
1218 regulations.-

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1219 (5) (a) Every full-service gasoline station offering self-
1220 service at a lesser cost shall require an attendant employed by
1221 the station to dispense gasoline from the self-service portion
1222 of the station to any motor vehicle properly displaying an
1223 exemption parking permit as provided in s. 316.1958 or s.
1224 320.0848 or a license plate issued pursuant to s. 320.084, s.
1225 320.0842, s. 320.0843, or s. 320.0845 when the person to whom
1226 such permit has been issued is the operator of the vehicle and
1227 such service is requested. Such stations shall prominently
1228 display a decal no larger than 8 square inches on the front of
1229 all self-service pumps clearly stating the requirements of this
1230 subsection and the penalties applicable to violations of this
1231 subsection. The Department of Agriculture and Consumer Services
1232 shall enforce this requirement.

1233 (b) By July 1, 2016, a full-service gasoline station
1234 offering self-service at a lesser cost shall prominently
1235 display, in addition to the decal required under paragraph (a),
1236 a decal that is blue, is at least 15 square inches in size, and
1237 clearly displays the international symbol of accessibility shown
1238 in s. 320.0842, the telephone number of the station, and the
1239 words "Call for Assistance." The Department of Agriculture and
1240 Consumer Services shall adopt rules to implement and enforce
1241 this paragraph. This paragraph preempts and supersedes local
1242 government laws and regulations pertaining to the provision of
1243 fueling assistance by a self-service gasoline station to a motor
1244 vehicle operator described in paragraph (a).

1245 (c) ~~(b)~~ Violation of paragraph (a) is a misdemeanor of the
1246 second degree, punishable as provided in s. 775.082 or s.
1247 775.083.

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1248 Section 21. Section 2 of chapter 85-364, Laws of Florida,
1249 as amended by section 2 of chapter 95-382, Laws of Florida, is
1250 amended to read:

1251 Section 2. All tolls collected shall ~~first~~ be used first
1252 for the payment of annual operating and maintenance costs and
1253 second to discharge the current bond indebtedness related to the
1254 Pinellas Bayway. Thereafter, tolls collected shall be used to
1255 establish a reserve construction account to be used, together
1256 with interest earned thereon, by the department ~~for the~~
1257 ~~construction of Blind Pass Road, State Road 699 improvements,~~
1258 ~~and for Phase II of the Pinellas Bayway improvements. A portion~~
1259 ~~of the tolls collected shall first be used specifically for the~~
1260 ~~construction of the Blind Pass Road improvements, which~~
1261 ~~improvements consist of widening to four lanes the Blind Pass~~
1262 ~~Road, State Road 699, from 75th Avenue north to the approach of~~
1263 ~~the Blind Pass Bridge, including necessary right-of-way~~
1264 ~~acquisition along said portion of Blind Pass Road, and~~
1265 ~~intersection improvements at 75th Avenue and Blind Pass Road in~~
1266 ~~Pinellas County. Said improvements shall be included in the~~
1267 ~~department's current 5-year work program. Upon completion of the~~
1268 ~~Blind Pass Road improvements, the tolls collected shall be used,~~
1269 ~~together with interest earned thereon, by the department for~~
1270 Phase II of the Pinellas Bayway improvements consists, ~~which~~
1271 ~~improvements consist~~ of widening to four lanes the Pinellas
1272 Bayway from State Road 679 west to Gulf Boulevard, including
1273 necessary approaches, bridges, and avenues of access. Upon
1274 completion of the Phase II improvements, the department shall
1275 continue to collect tolls on the Pinellas Bayway for purposes of
1276 reimbursing the department for all accrued maintenance costs for

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1277 the Pinellas Bayway.

1278 Section 22. The Department of Highway Safety and Motor
1279 Vehicles is directed to develop a plan of action that addresses
1280 motor vehicle registration holds placed pursuant to ss.
1281 316.1001, 316.1967, and 318.15, Florida Statutes, for
1282 presentation to the Legislature by February 1, 2015. The plan
1283 must, at a minimum, include a methodology for applicants whose
1284 names have been placed on the list of persons who may not be
1285 issued a license plate or revalidation sticker under s.
1286 320.03(8), Florida Statutes, to rectify the cause of the hold
1287 through the payment of any outstanding toll, parking ticket,
1288 fine, and any other fee at the point of collection of the
1289 registration fee.

1290 Section 23. This act shall take effect July 1, 2014.