

By the Committee on Transportation; and Senator Brandes

596-02207-14

20141272c1

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;

596-02207-14

20141272c1

30 amending s. 316.86, F.S.; revising provisions relating
31 to the operation of vehicles equipped with autonomous
32 technology on state roads for testing purposes;
33 authorizing research organizations associated with
34 accredited educational institutions to operate such
35 vehicles; authorizing the testing of such vehicles on
36 certain roadways designated by the Department of
37 Transportation and applicable local or county
38 governments; deleting an obsolete provision; amending
39 s. 320.02, F.S.; requiring, rather than authorizing,
40 the Department of Highway Safety and Motor Vehicles to
41 withhold the renewal of registration or replacement
42 registration of a motor vehicle identified in a notice
43 submitted by a lienor for failure to surrender the
44 vehicle if the applicant's name is on the list of
45 persons who may not be issued a license plate or
46 revalidation sticker; revising the conditions under
47 which a revalidation sticker or replacement license
48 plate may be issued; amending s. 320.083, F.S.;

49 revising the requirements for a special license plate;
50 amending s. 320.1316, F.S.; prohibiting the department
51 from issuing a license plate, revalidation sticker, or
52 replacement license plate for a vehicle or vessel
53 identified in a notice from a lienor; requiring that a
54 notice to surrender a vehicle or vessel be signed
55 under oath by the lienor; authorizing a registered
56 owner of a vehicle to bring a civil action, rather
57 than to notify the department and present certain
58 proof, to dispute a notice to surrender a vehicle or

596-02207-14

20141272c1

59 vessel or his or her inclusion on the list of persons
60 who may not be issued a license plate or revalidation
61 sticker; providing a procedure for such a civil
62 action; providing for the award of attorney fees and
63 costs; creating s. 322.032, F.S.; requiring the
64 Department of Highway Safety and Motor Vehicles to
65 begin to review and prepare for the development of a
66 system for issuing an optional digital proof of driver
67 license; authorizing the Department of Highway Safety
68 and Motor Vehicles to contract with private entities
69 to develop the system; providing requirements for
70 digital proof of driver license; providing criminal
71 penalties for manufacturing or possessing a false
72 digital proof of driver license; amending s. 322.059,
73 F.S.; requiring the Department of Highway Safety and
74 Motor Vehicles to invalidate the digital proof of
75 driver license for a person whose license or
76 registration has been suspended; amending s. 322.12,
77 F.S.; requiring that certain test fees incurred by
78 certain applicants for a driver license be retained by
79 the tax collector; amending s. 322.15, F.S.;
80 authorizing a digital proof of driver license to be
81 accepted in lieu of a physical driver license;
82 amending s. 322.21, F.S.; authorizing certain tax
83 collectors to retain a replacement driver license or
84 identification card fee under certain circumstances;
85 exempting certain individuals who are homeless or
86 whose annual income is at or below a certain
87 percentage of the federal poverty level from paying a

596-02207-14

20141272c1

88 fee for an original, renewal, or replacement
89 identification card; amending s. 337.25, F.S.;
90 authorizing the Department of Transportation to use
91 auction services in the conveyance of certain property
92 or leasehold interests; revising certain inventory
93 requirements; revising provisions relating to, and
94 providing criteria for, the disposition of certain
95 excess property by the Department of Transportation;
96 providing criteria for the disposition of donated
97 property, property used for a public purpose, or
98 property acquired to provide replacement housing for
99 certain displaced persons; providing value offsets for
100 property that requires significant maintenance costs
101 or exposes the Department of Transportation to
102 significant liability; providing procedures for the
103 sale of property to abutting property owners; deleting
104 provisions to conform to changes made by the act;
105 providing monetary restrictions and criteria for the
106 conveyance of certain leasehold interests; providing
107 exceptions to restrictions for leases entered into for
108 a public purpose; providing criteria for the
109 preparation of estimates of value prepared by the
110 Department of Transportation; providing that the
111 requirements of s. 73.013, F.S., relating to eminent
112 domain are not modified; amending s. 337.251, F.S.;
113 revising criteria for leasing certain Department of
114 Transportation property; increasing the time for the
115 Department of Transportation to accept proposals for
116 lease after a notice is published; directing the

596-02207-14

20141272c1

117 Department of Transportation to establish an
118 application fee by rule; providing criteria for the
119 fee; providing criteria for a proposed lease;
120 requiring the Department of Transportation to provide
121 an independent analysis of a proposed lease; amending
122 s. 339.175, F.S.; increasing the maximum number of
123 apportioned members that may compose the voting
124 membership of a metropolitan planning organization
125 (M.P.O.); providing that the governing board of a
126 multicounty M.P.O. may be made up of any combination
127 of county commissioners from the counties constituting
128 the M.P.O.; providing that a voting member of an M.P.O.
129 may represent a group of general-purpose local
130 governments through an entity created by the M.P.O.;
131 requiring each M.P.O. to review and reapportion its
132 membership as necessary in conjunction with the
133 decennial census, the agreement of the affected units
134 of the M.P.O., and the agreement of the Governor;
135 removing provisions requiring the Governor to
136 apportion, review, and reapportion the composition of
137 an M.P.O. membership; revising a provision regarding
138 bylaws to allow the M.P.O. governing board to
139 establish bylaws; amending s. 339.2821, F.S.;
140 authorizing Enterprise Florida, Inc., to be a
141 consultant to the Department of Transportation for
142 consideration of expenditures associated with and
143 contracts for transportation projects; revising the
144 requirements for economic development transportation
145 project contracts between the Department of

596-02207-14

20141272c1

146 Transportation and a governmental entity; amending s.
147 526.141, F.S.; requiring full-service gasoline
148 stations offering self-service at a lesser cost to
149 display an additional decal; requiring the decal to
150 contain certain information; requiring the Department
151 of Agriculture and Consumer Services to adopt rules to
152 implement and enforce this requirement; providing for
153 preemption of local regulations pertaining to fueling
154 assistance for certain motor vehicle operators;
155 amending chapter 85-634, Laws of Florida, as amended;
156 providing that maintenance costs are eligible for
157 payment from certain toll revenues as specified;
158 removing references to certain completed projects;
159 directing the Department of Highway Safety and Motor
160 Vehicles to develop a plan that addresses certain
161 vehicle registration holds; providing an effective
162 date.

163
164 Be It Enacted by the Legislature of the State of Florida:

165
166 Section 1. Paragraph (b) of subsection (2) and subsection
167 (3) of section 20.23, Florida Statutes, are amended to read:

168 20.23 Department of Transportation.—There is created a
169 Department of Transportation which shall be a decentralized
170 agency.

171 (2)

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

173 1. Recommend major transportation policies for the
174 Governor's approval, and assure that approved policies and any

596-02207-14

20141272c1

175 revisions ~~thereto~~ are properly executed.

176 2. Periodically review the status of the state
177 transportation system including highway, transit, rail, seaport,
178 intermodal development, and aviation components of the system
179 and recommend improvements ~~therein~~ to the Governor and the
180 Legislature.

181 3. Perform an in-depth evaluation of the annual department
182 budget request, the Florida Transportation Plan, and the
183 tentative work program for compliance with all applicable laws
184 and established departmental policies. Except as specifically
185 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
186 not consider individual construction projects, but shall
187 consider methods of accomplishing the goals of the department in
188 the most effective, efficient, and businesslike manner.

189 4. Monitor the financial status of the department on a
190 regular basis to assure that the department is managing revenue
191 and bond proceeds responsibly and in accordance with law and
192 established policy.

193 5. Monitor on at least a quarterly basis, the efficiency,
194 productivity, and management of the department, ~~using~~
195 performance and production standards developed by the commission
196 pursuant to s. 334.045.

197 6. Perform an in-depth evaluation of the factors causing
198 disruption of project schedules in the adopted work program and
199 recommend to the Governor ~~Legislature~~ and the Legislature
200 ~~Governor~~ methods to eliminate or reduce the disruptive effects
201 of these factors.

202 7. Recommend to the Governor and the Legislature
203 improvements to the department's organization in order to

596-02207-14

20141272c1

204 streamline and optimize the efficiency of the department. In
205 reviewing the department's organization, the commission shall
206 determine if the current district organizational structure is
207 responsive to this state's ~~Florida's~~ changing economic and
208 demographic development patterns. The initial report by the
209 commission must be delivered to the Governor and the Legislature
210 by December 15, 2000, and each year thereafter, as appropriate.
211 The commission may retain ~~such~~ experts as ~~are reasonably~~
212 necessary to carry out ~~effectuate~~ this subparagraph, and the
213 department shall pay the expenses of the ~~such~~ experts.

214 8. Monitor the efficiency, productivity, and management of
215 the authorities created under chapters 348 and 349, including
216 any authority formed using ~~the provisions of~~ part I of chapter
217 348; the Mid-Bay Bridge Authority re-created pursuant to chapter
218 2000-411, Laws of Florida; and any authority formed under
219 chapter 343 ~~which is not monitored under subsection (3)~~. The
220 commission shall also conduct periodic reviews of each
221 authority's operations and budget, acquisition of property,
222 management of revenue and bond proceeds, and compliance with
223 applicable laws and generally accepted accounting principles.

224 ~~(3) There is created the Florida Statewide Passenger Rail~~
225 ~~Commission.~~

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

228 ~~a. Three members shall be appointed by the Governor, one of~~
229 ~~whom must have a background in the area of environmental~~
230 ~~concerns, one of whom must have a legislative background, and~~
231 ~~one of whom must have a general business background.~~

232 ~~b. Three members shall be appointed by the President of the~~

596-02207-14

20141272c1

233 ~~Senate, one of whom must have a background in civil engineering,~~
234 ~~one of whom must have a background in transportation~~
235 ~~construction, and one of whom must have a general business~~
236 ~~background.~~

237 ~~e. Three members shall be appointed by the Speaker of the~~
238 ~~House of Representatives, one of whom must have a legal~~
239 ~~background, one of whom must have a background in financial~~
240 ~~matters, and one of whom must have a general business~~
241 ~~background.~~

242 ~~2. The initial term of each member appointed by the~~
243 ~~Governor shall be for 4 years. The initial term of each member~~
244 ~~appointed by the President of the Senate shall be for 3 years.~~
245 ~~The initial term of each member appointed by the Speaker of the~~
246 ~~House of Representatives shall be for 2 years. Succeeding terms~~
247 ~~for all members shall be for 4 years.~~

248 ~~3. A vacancy occurring during a term shall be filled by the~~
249 ~~respective appointing authority in the same manner as the~~
250 ~~original appointment and only for the balance of the unexpired~~
251 ~~term. An appointment to fill a vacancy shall be made within 60~~
252 ~~days after the occurrence of the vacancy.~~

253 ~~4. The commission shall elect one of its members as chair~~
254 ~~of the commission. The chair shall hold office at the will of~~
255 ~~the commission. Five members of the commission shall constitute~~
256 ~~a quorum, and the vote of five members shall be necessary for~~
257 ~~any action taken by the commission. The commission may meet upon~~
258 ~~the constitution of a quorum. A vacancy in the commission does~~
259 ~~not impair the right of a quorum to exercise all rights and~~
260 ~~perform all duties of the commission.~~

261 ~~5. The members of the commission are not entitled to~~

596-02207-14

20141272c1

262 ~~compensation but are entitled to reimbursement for travel and~~
263 ~~other necessary expenses as provided in s. 112.061.~~

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

265 ~~1. Monitoring the efficiency, productivity, and management~~
266 ~~of all publicly funded passenger rail systems in the state,~~
267 ~~including, but not limited to, any authority created under~~
268 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
269 ~~receives public funds for the provision of passenger rail~~
270 ~~service. The commission shall advise each monitored authority of~~
271 ~~its findings and recommendations. The commission shall also~~
272 ~~conduct periodic reviews of each monitored authority's passenger~~
273 ~~rail and associated transit operations and budget, acquisition~~
274 ~~of property, management of revenue and bond proceeds, and~~
275 ~~compliance with applicable laws and generally accepted~~
276 ~~accounting principles. The commission may seek the assistance of~~
277 ~~the Auditor General in conducting such reviews and shall report~~
278 ~~the findings of such reviews to the Legislature. This paragraph~~
279 ~~does not preclude the Florida Transportation Commission from~~
280 ~~conducting its performance and work program monitoring~~
281 ~~responsibilities.~~

282 ~~2. Advising the department on policies and strategies used~~
283 ~~in planning, designing, building, operating, financing, and~~
284 ~~maintaining a coordinated statewide system of passenger rail~~
285 ~~services.~~

286 ~~3. Evaluating passenger rail policies and providing advice~~
287 ~~and recommendations to the Legislature on passenger rail~~
288 ~~operations in the state.~~

289 ~~(c) The commission or a member of the commission may not~~
290 ~~enter into the day-to-day operation of the department or a~~

596-02207-14

20141272c1

291 ~~monitored authority and is specifically prohibited from taking~~
292 ~~part in:~~

293 ~~1. The awarding of contracts.~~

294 ~~2. The selection of a consultant or contractor or the~~
295 ~~prequalification of any individual consultant or contractor.~~

296 ~~However, the commission may recommend to the secretary standards~~
297 ~~and policies governing the procedure for selection and~~
298 ~~prequalification of consultants and contractors.~~

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

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

301 ~~5. The acquisition of rights-of-way.~~

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

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

306 ~~(d) The commission is assigned to the Office of the~~
307 ~~Secretary of the Department of Transportation for administrative~~
308 ~~and fiscal accountability purposes, but it shall otherwise~~
309 ~~function independently of the control and direction of the~~
310 ~~department except that reasonable expenses of the commission~~
311 ~~shall be subject to approval by the Secretary of Transportation.~~
312 ~~The department shall provide administrative support and service~~
313 ~~to the commission.~~

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

316 110.205 Career service; exemptions.—

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

319 (j) The appointed secretaries and the State Surgeon

596-02207-14

20141272c1

320 General, assistant secretaries, deputy secretaries, and deputy
 321 assistant secretaries of all departments; the executive
 322 directors, assistant executive directors, deputy executive
 323 directors, and deputy assistant executive directors of all
 324 departments; the directors of all divisions and those positions
 325 determined by the department to have managerial responsibilities
 326 comparable to such positions, which positions include, but are
 327 not limited to, program directors, assistant program directors,
 328 district administrators, deputy district administrators, the
 329 Director of Central Operations Services of the Department of
 330 Children and Families ~~Family Services~~, the State Transportation
 331 Development Administrator, the State Public Transportation and
 332 Modal Administrator, district secretaries, district directors of
 333 transportation development, transportation operations,
 334 transportation support, and the managers of the offices of the
 335 Department of Transportation specified in s. 20.23(3)(b) ~~s.~~
 336 ~~20.23(4)(b)~~, ~~of the Department of Transportation~~. Unless
 337 otherwise fixed by law, the department shall set the salary and
 338 benefits of these positions ~~in accordance with the rules of the~~
 339 ~~Senior Management Service~~; and the positions of county health
 340 department directors and county health department administrators
 341 of the Department of Health in accordance with the rules of the
 342 Senior Management Service.

343 (m) All assistant division director, deputy division
 344 director, and bureau chief positions in any department, and
 345 those positions determined by the department to have managerial
 346 responsibilities comparable to such positions, which include,
 347 but are not limited to:

348 1. Positions in the Department of Health and the Department

596-02207-14

20141272c1

349 of Children and Families which ~~Family Services that~~ are assigned
350 primary duties of serving as the superintendent or assistant
351 superintendent of an institution.

352 2. Positions in the Department of Corrections which ~~that~~
353 are assigned primary duties of serving as the warden, assistant
354 warden, colonel, or major of an institution or that are assigned
355 primary duties of serving as the circuit administrator or deputy
356 circuit administrator.

357 3. Positions in the Department of Transportation which ~~that~~
358 are assigned primary duties of serving as regional toll managers
359 and managers of offices, as specified ~~defined~~ in s. 20.23(3)(b)
360 and (4)(c) ~~s. 20.23(4)(b) and (5)(c)~~.

361 4. Positions in the Department of Environmental Protection
362 which ~~that~~ are assigned the duty of an Environmental
363 Administrator or program administrator.

364 5. Positions in the Department of Health which ~~that~~ are
365 assigned the duties of Environmental Administrator, Assistant
366 County Health Department Director, and County Health Department
367 Financial Administrator.

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

371
372 Unless otherwise fixed by law, the department shall set the
373 salary and benefits of the positions listed in this paragraph in
374 accordance with the rules established for the Selected Exempt
375 Service.

376 (q) The staff directors, assistant staff directors,
377 district program managers, district program coordinators,

596-02207-14

20141272c1

378 district subdistrict administrators, district administrative
379 services directors, district attorneys, and the Deputy Director
380 of Central Operations Services of the Department of Children and
381 Families ~~Family Services~~. Unless otherwise fixed by law, the
382 department shall establish the salary pay band and benefits for
383 these positions in accordance with the rules of the Selected
384 Exempt Service.

385 Section 3. Section 316.0071, Florida Statutes, is created
386 to read:

387 316.0071 Enforcement.—Unless expressly authorized,
388 enforcement of this chapter by a method other than the direct
389 observation and intervention of a law enforcement officer, a
390 parking enforcement specialist, a traffic infraction enforcement
391 officer, or any other duly appointed individual is prohibited.

392 Section 4. Section 316.0078, Florida Statutes, is created
393 to read:

394 316.0778 Automated license plate recognition systems;
395 records retention.—

396 (1) As used in this section, the term “automated license
397 plate recognition system” means a system of one or more mobile
398 or fixed high-speed cameras combined with computer algorithms to
399 convert images of license plates into computer-readable data.

400 (2) In consultation with the Department of Law Enforcement,
401 the Department of State shall establish a retention schedule for
402 records containing images and data generated through the use of
403 an automated license plate recognition system. The retention
404 schedule must establish a maximum period that the records may be
405 retained.

406 Section 5. Section 316.0817, Florida Statutes, is created

596-02207-14

20141272c1

407 to read:

408 316.0817 Loading and unloading of bus passengers.-

409 (1) Notwithstanding any other law, a bus may not stop to
410 load or unload passengers in a manner that impedes, blocks, or
411 otherwise restricts the progression of traffic on the main-
412 traveled portion of a roadway if there is another reasonable
413 means for the bus to stop parallel to the travel lane and safely
414 load and unload passengers. As used in this section, the term
415 "reasonable means" means sufficient unobstructed pavement or a
416 designated turn lane that is sufficient in length to allow the
417 safe loading and unloading of passengers parallel to the travel
418 lane.

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

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

422 316.1975 Unattended motor vehicle.-

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

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

426 Section 7. Paragraph (d) of subsection (2) of section
427 316.2952, Florida Statutes, is amended to read:

428 316.2952 Windshields; requirements; restrictions.-

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

433 (d) A global positioning system device or similar satellite
434 receiver device that ~~which~~ uses the global positioning system
435 operated pursuant to 10 U.S.C. s. 2281 to obtain ~~for the purpose~~

596-02207-14

20141272c1

436 ~~of obtaining~~ navigation, to improve driver safety as a component
437 of safety monitoring equipment capable of providing driver
438 feedback, or to otherwise route ~~routing~~ information while the
439 motor vehicle is being operated.

440 Section 8. Subsections (1) and (3) of section 316.86,
441 Florida Statutes, are amended to read:

442 316.86 Operation of vehicles equipped with autonomous
443 technology on roads for testing purposes; financial
444 responsibility; exemption from liability for manufacturer when
445 third party converts vehicle; report.-

446 (1) Vehicles equipped with autonomous technology may be
447 operated on roads in this state by employees, contractors, or
448 other persons designated by manufacturers of autonomous
449 technology, or by research organizations associated with
450 accredited educational institutions, for the purpose of testing
451 the technology. For testing purposes, a human operator must
452 retain ~~shall be present in the autonomous vehicle such that he~~
453 ~~or she has~~ the ability to monitor the vehicle's performance and
454 intervene, if necessary, unless the vehicle is being tested or
455 demonstrated on a closed course or any other autonomous vehicle
456 testing roadway as designated by the Department of
457 Transportation and applicable local or county government. Before
458 ~~Prior to~~ the start of testing in this state, the entity
459 performing the testing must submit to the Department of Highway
460 Safety and Motor Vehicles an instrument of insurance, surety
461 bond, or proof of self-insurance acceptable to the department in
462 the amount of \$5 million.

463 ~~(3) By February 12, 2014, the Department of Highway Safety~~
464 ~~and Motor Vehicles shall submit a report to the President of the~~

596-02207-14

20141272c1

465 ~~Senate and the Speaker of the House of Representatives~~
466 ~~recommending additional legislative or regulatory action that~~
467 ~~may be required for the safe testing and operation of motor~~
468 ~~vehicles equipped with autonomous technology.~~

469 Section 9. Subsection (17) of section 320.02, Florida
470 Statutes, is amended to read:

471 320.02 Registration required; application for registration;
472 forms.—

473 (17) If an ~~any~~ applicant's name appears on a list of
474 persons who may not be issued a license plate, revalidation
475 sticker, or replacement license plate after a written notice to
476 surrender a vehicle was submitted to the department by a lienor
477 as provided in s. 320.1316, the department shall ~~may~~ withhold
478 renewal of registration or replacement registration of the ~~any~~
479 motor vehicle identified in ~~owned by the applicant at the time~~
480 ~~the notice was~~ submitted by the lienor. The lienor must maintain
481 proof that written notice to surrender the vehicle was sent to
482 each registered owner pursuant to s. 320.1316(1). A revalidation
483 sticker or replacement license plate may not be issued for the
484 identified vehicle until the ~~that~~ person's name no longer
485 appears on the list, or until ~~or until~~ the person presents documentation
486 from the lienor that the vehicle has been surrendered to the
487 lienor, or a court orders the person's name removed from the
488 list as provided in s. 320.1316. The department may ~~shall~~ not
489 withhold an initial registration in connection with an
490 applicant's purchase or lease of a motor vehicle solely because
491 the applicant's name is on the list created by s. 320.1316.

492 Section 10. Subsection (1) of section 320.083, Florida
493 Statutes, is amended to read:

596-02207-14

20141272c1

494 320.083 Amateur radio operators; special license plates;
495 fees.—

496 (1) A person who is the owner or lessee of an automobile or
497 truck for private use, a truck weighing not more than 7,999
498 pounds, or a recreational vehicle as specified in s.

499 320.08(9)(c) or (d), which is not used for hire or commercial
500 use; who is a resident of the state; and who holds a valid
501 official amateur radio station license recognized ~~issued~~ by the
502 Federal Communications Commission shall be issued a special
503 license plate upon application, accompanied by proof of
504 ownership of such radio station license, and payment of the
505 following tax and fees:

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

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

511 Section 11. Section 320.1316, Florida Statutes, is amended
512 to read:

513 320.1316 Failure to surrender vehicle or vessel.—

514 (1) Upon receipt from a lienor who claims a lien on a
515 vehicle pursuant to s. 319.27 by the Department of Highway
516 Safety and Motor Vehicles of written notice to surrender a
517 vehicle or vessel that has been disposed of, concealed, removed,
518 or destroyed by the lienee, the department shall place the name
519 of the registered owner of that vehicle on the list of those
520 persons who may not be issued a license plate, revalidation
521 sticker, or replacement license plate ~~for any motor vehicle~~
522 ~~under s. 320.03(8) owned by the lienee at the time the notice~~

596-02207-14

20141272c1

523 ~~was given by the lienor.~~ Pursuant to s. 320.03(8), the
524 department may not issue a license plate or revalidation sticker
525 for the vehicle or vessel owned by the lienee which is
526 identified in the claim by the lienor. If the vehicle is owned
527 jointly ~~by more than one person,~~ the name of each registered
528 owner shall be placed on the list.

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

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

533 (b) The name of the registered owner of the vehicle and the
534 address to which the lienor provided notice to surrender the
535 vehicle to the registered owner.

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

538 (d) The vehicle identification number, registration license
539 plate number, if known, or other identification number, as
540 applicable.

541 (3) The registered owner of the vehicle may dispute a
542 notice to surrender the vehicle or his or her inclusion on the
543 list of those persons who may not be issued a license plate,
544 revalidation sticker, or replacement license plate under s.
545 320.03(8) by bringing a civil action in the county in which he
546 or she resides ~~by notifying the department of the dispute in~~
547 ~~writing on forms provided by the department and presenting proof~~
548 ~~that the vehicle was sold to a motor vehicle dealer licensed~~
549 ~~under s. 320.27, a mobile home dealer licensed under s. 320.77,~~
550 ~~or a recreational vehicle dealer licensed under s. 320.771.~~

551 (4) In an action brought pursuant to subsection (3), the

596-02207-14

20141272c1

552 petitioner is entitled to the summary procedure specified in s.
553 51.011, and the court shall advance the cause on its calendar if
554 requested by the petitioner.

555 (5) At a hearing challenging the refusal to issue a license
556 plate, revalidation sticker, or replacement license plate under
557 s. 320.03(8), the court shall first determine whether the lienor
558 has a recorded lien on the vehicle or vessel and whether the
559 lienor properly made a demand for the surrender of the vehicle
560 or vessel in accordance with this section. If the court
561 determines that the lien was recorded and that such a demand was
562 properly made, the court shall determine whether good cause
563 exists for the lienee's failure to surrender the vehicle or
564 vessel. As used in this section, the term "good cause" is
565 limited to proof that:

566 (a) The vehicle that was the subject of the demand for
567 surrender was traded in to a licensed motor vehicle dealer
568 before the date of the surrender demand;

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

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

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

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

579 (f) The petitioner no longer has possession of the vehicle
580 or vessel, and the loss of possession occurred pursuant to

596-02207-14

20141272c1

581 operation of law. If the petitioner's loss of possession did not
582 occur pursuant to operation of law, the fact that a third party
583 has physical possession of the vehicle or vessel does not
584 constitute good cause for the failure to surrender the vehicle
585 or vessel.

586 (6) If the petitioner establishes good cause for his or her
587 failure to surrender the vehicle or vessel, the court shall
588 enter an order removing the petitioner's name from the list of
589 those persons who may not be issued a license plate,
590 revalidation sticker, or replacement license plate under s.
591 320.03(8) and shall award the petitioner reasonable attorney
592 fees and costs actually incurred for the proceeding.

593 (7) If the court finds that the demand for surrender was
594 properly made by the lienor and the petitioner fails to
595 establish good cause for the failure to surrender the vehicle or
596 vessel, the court shall award the lienor reasonable attorney
597 fees and costs actually incurred for the proceeding.

598 Section 12. Section 322.032, Florida Statutes, is created
599 to read:

600 322.032 Digital proof of driver license.—

601 (1) The department shall begin to review and prepare for
602 the development of a secure and uniform system for issuing an
603 optional digital proof of driver license. The department may
604 contract with one or more private entities to develop a digital
605 proof of driver license system.

606 (2) The digital proof of driver license developed by the
607 department or by an entity contracted by the department must be
608 in such a format as to allow law enforcement to verify the
609 authenticity of the digital proof of driver license. The

596-02207-14

20141272c1

610 department may promulgate rules to ensure valid authentication
611 of digital driver licenses by law enforcement.

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

616 (4) A person who:

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

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

623 Section 13. Section 322.059, Florida Statutes, is amended
624 to read:

625 322.059 Mandatory surrender of suspended driver ~~driver's~~
626 ~~license and registration.~~ Any ~~Any~~ person whose driver ~~driver's~~
627 ~~license or registration has been suspended as provided in s.~~
628 ~~322.058 must immediately return his or her~~ driver ~~driver's~~
629 ~~license and registration to the Department of Highway Safety and~~
630 ~~Motor Vehicles. The department shall invalidate the digital~~
631 ~~proof of driver license issued pursuant to s. 322.032 for such~~
632 ~~person.~~ If such person fails to return his or her driver
633 ~~driver's~~ license or registration, a ~~any~~ law enforcement agent
634 may seize the license or registration while the driver ~~driver's~~
635 ~~license or registration is suspended.~~

636 Section 14. Subsection (1) of section 322.12, Florida
637 Statutes, is amended to read:

638 322.12 Examination of applicants.-

596-02207-14

20141272c1

639 (1) It is the intent of the Legislature that each ~~every~~
640 applicant for an original driver ~~driver's~~ license in this state
641 be required to pass an examination pursuant to this section.
642 However, the department may waive the knowledge, endorsement,
643 and skills tests for an applicant who is otherwise qualified and
644 who surrenders a valid driver ~~driver's~~ license from another
645 state or a province of Canada, or a valid driver ~~driver's~~
646 license issued by the United States Armed Forces, if the driver
647 applies for a Florida license of an equal or lesser
648 classification. An ~~Any~~ applicant who:

649 (a) ~~Who~~ Fails to pass the initial knowledge test incurs a
650 \$10 fee for each subsequent test. Of the \$10 fee, \$6 shall be
651 retained by the tax collector if the knowledge test is conducted
652 by the tax collector, and the remaining \$4 shall, ~~to~~ be
653 deposited into the Highway Safety Operating Trust Fund. All
654 knowledge test fees incurred by an applicant taking the
655 knowledge test with a third-party provider or administered at a
656 state facility shall be deposited into the Highway Safety
657 Operating Trust Fund. ~~Any applicant~~

658 (b) ~~Who~~ Fails to pass the initial skills test incurs a \$20
659 fee for each subsequent test. Of the \$20 fee, \$15 shall be
660 retained by the tax collector if the skills test is conducted by
661 the tax collector, and the remaining \$5 shall, ~~to~~ be deposited
662 into the Highway Safety Operating Trust Fund. All skills test
663 fees incurred by an applicant taking the skills test with a
664 third-party provider or administered at a state facility shall
665 be deposited into the Highway Safety Operating Trust Fund. ~~A~~
666 ~~person who~~

667 (c) Seeks to retain a hazardous-materials endorsement,

596-02207-14

20141272c1

668 pursuant to s. 322.57(1)(d), must pass the hazardous-materials
669 test, upon surrendering his or her commercial driver ~~driver's~~
670 license, if the person has not taken and passed the hazardous-
671 materials test within 2 years before applying for a commercial
672 driver ~~driver's~~ license in this state.

673 Section 15. Subsection (1) of section 322.15, Florida
674 Statutes, is amended to read:

675 322.15 License to be carried and exhibited on demand;
676 fingerprint to be imprinted upon a citation.-

677 (1) Every licensee shall have his or her driver ~~driver's~~
678 license, which must be fully legible with no portion of such
679 license faded, altered, mutilated, or defaced, in his or her
680 immediate possession at all times when operating a motor vehicle
681 and shall display the same upon the demand of a law enforcement
682 officer or an authorized representative of the department. A
683 licensee may display digital proof of driver license as provided
684 in s. 322.032 in lieu of a physical driver license.

685 Section 16. Paragraphs (e) and (f) of subsection (1) of
686 section 322.21, Florida Statutes, are amended to read:

687 322.21 License fees; procedure for handling and collecting
688 fees.-

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

690 (e) A replacement driver license issued pursuant to s.
691 322.17 is \$25. Of this amount, \$7 shall be deposited into the
692 Highway Safety Operating Trust Fund or retained by the tax
693 collector if issued by a tax collector that has completed the
694 transition of driver licensing services, and \$18 shall be
695 deposited into the General Revenue Fund. ~~Beginning July 1, 2015,~~
696 ~~or upon completion of the transition of driver license issuance~~

596-02207-14

20141272c1

697 ~~services, if the replacement driver license is issued by the tax~~
698 ~~collector, the tax collector shall retain the \$7 that would~~
699 ~~otherwise be deposited into the Highway Safety Operating Trust~~
700 ~~Fund and the remaining revenues shall be deposited into the~~
701 ~~General Revenue Fund.~~

702 (f) An original, renewal, or replacement identification
703 card issued pursuant to s. 322.051 is \$25, except that an
704 applicant who presents evidence satisfactory to the department
705 that he or she is homeless as defined in s. 414.0252(7) or his
706 or her annual income is at or below 100 percent of the federal
707 poverty level is exempt from such fee. Funds collected from
708 ~~these fees~~ for original, renewal, or replacement identification
709 cards shall be distributed as follows:

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

713 2. For a renewal identification card issued pursuant to s.
714 322.051 ~~the fee is \$25. Of this amount,~~ \$6 shall be deposited
715 into the Highway Safety Operating Trust Fund, and \$19 shall be
716 deposited into the General Revenue Fund.

717 3. For a replacement identification card issued pursuant to
718 s. 322.051, the fee is \$25. Of this amount, \$9 shall be
719 deposited into the Highway Safety Operating Trust Fund or
720 retained by the tax collector if issued by a tax collector that
721 has completed the transition of driver licensing services, and
722 \$16 shall be deposited into the General Revenue Fund. ~~Beginning~~
723 ~~July 1, 2015, or upon completion of the transition of the driver~~
724 ~~license issuance services, if the replacement identification~~
725 ~~card is issued by the tax collector, the tax collector shall~~

596-02207-14

20141272c1

726 ~~retain the \$9 that would otherwise be deposited into the Highway~~
727 ~~Safety Operating Trust Fund and the remaining revenues shall be~~
728 ~~deposited into the General Revenue Fund.~~

729 Section 17. Section 337.25, Florida Statutes, is amended to
730 read:

731 337.25 Acquisition, lease, and disposal of real and
732 personal property.-

733 (1) (a) The department may purchase, lease, exchange, or
734 otherwise acquire any land, property interests, ~~or~~ buildings, or
735 other improvements, including personal property within such
736 buildings or on such lands, necessary to secure or use ~~utilize~~
737 transportation rights-of-way for existing, proposed, or
738 anticipated transportation facilities on the State Highway
739 System, on the State Park Road System, in a rail corridor, or in
740 a transportation corridor designated by the department. Such
741 property shall be held in the name of the state.

742 (b) The department may accept donations of any land, ~~or~~
743 buildings, or other improvements, including personal property
744 within such buildings or on such lands with or without such
745 conditions, reservations, or reverter provisions as are
746 acceptable to the department. Such donations may be used as
747 transportation rights-of-way or to secure or use ~~utilize~~
748 transportation rights-of-way for existing, proposed, or
749 anticipated transportation facilities on the State Highway
750 System, on the State Park Road System, or in a transportation
751 corridor designated by the department.

752 (c) If ~~When~~ lands, buildings, or other improvements are
753 needed for transportation purposes, but are held by a federal,
754 state, or local governmental entity and used ~~utilized~~ for public

596-02207-14

20141272c1

755 purposes other than transportation, the department may
756 compensate the entity for such properties by providing
757 functionally equivalent replacement facilities. The provision
758 ~~providing~~ of replacement facilities under this subsection may
759 only be undertaken with the agreement of the governmental entity
760 affected.

761 (d) The department may contract pursuant to s. 287.055 for
762 auction services used in the conveyance of real or personal
763 property or the conveyance of leasehold interests under
764 subsections (4) and (5). The contract may allow for the
765 contractor to retain a portion of the proceeds as compensation
766 for the contractor's services.

767 (2) A complete inventory shall be made of all real or
768 personal property immediately upon possession or acquisition.
769 Such inventory must ~~shall~~ include ~~an itemized listing of all~~
770 ~~appliances, fixtures, and other severable items;~~ a statement of
771 the location or site of each piece of realty, structure, or
772 severable item; ~~and the serial number assigned to each.~~ Copies
773 of each inventory shall be filed in the district office in which
774 the property is located. Such inventory shall be carried forward
775 to show the final disposition of each item of property, both
776 real and personal.

777 (3) The inventory of real property that ~~which~~ was acquired
778 by the state after December 31, 1988, that ~~which~~ has been owned
779 by the state for 10 or more years, and that ~~which~~ is not within
780 a transportation corridor or within the right-of-way of a
781 transportation facility shall be evaluated to determine the
782 necessity for retaining the property. If the property is not
783 needed for the construction, operation, and maintenance of a

596-02207-14

20141272c1

784 transportation facility~~7~~ or is not located within a
785 transportation corridor, the department may dispose of the
786 property pursuant to subsection (4).

787 (4) The department may convey ~~sell~~, in the name of the
788 state, any land, building, or other property, real or personal,
789 which was acquired under ~~the provisions of~~ subsection (1) and
790 which the department has determined is not needed for the
791 construction, operation, and maintenance of a transportation
792 facility. ~~With the exception of any parcel governed by paragraph~~
793 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
794 ~~(i), the department shall afford first right of refusal to the~~
795 ~~local government in the jurisdiction of which the parcel is~~
796 ~~situated.~~ When such a determination has been made, property may
797 be disposed of through negotiations, sealed competitive bids,
798 auctions, or any other means the department deems to be in its
799 best interest, with due advertisement for property valued by the
800 department at greater than \$10,000. A sale may not occur at a
801 price less than the department's current estimate of value,
802 except as provided in paragraphs (a)-(d). The department may
803 afford a right of first refusal to the local government or other
804 political subdivision in the jurisdiction in which the parcel is
805 situated, except in a conveyance transacted under paragraph (a),
806 paragraph (c), or paragraph (e). ~~in the following manner:~~

807 (a) If the ~~value of the property~~ has been donated to the
808 state for transportation purposes and a transportation facility
809 has not been constructed for at least 5 years, plans have not
810 been prepared for the construction of such facility, and the
811 property is not located in a transportation corridor, the
812 governmental entity may authorize reconveyance of the donated

596-02207-14

20141272c1

813 property for no consideration to the original donor or the
814 donor's heirs, successors, assigns, or representatives ~~is~~
815 ~~\$10,000 or less as determined by department estimate, the~~
816 ~~department may negotiate the sale.~~

817 (b) If the value of the property is to be used for a public
818 purpose, the property may be conveyed without consideration to a
819 governmental entity exceeds \$10,000 as determined by department
820 estimate, such property may be sold to the highest bidder
821 through receipt of sealed competitive bids, after due
822 advertisement, or by public auction held at the site of the
823 improvement which is being sold.

824 (c) If the property was originally acquired specifically to
825 provide replacement housing for persons displaced by
826 transportation projects, the department may negotiate for the
827 sale of such property as replacement housing. As compensation,
828 the state shall receive at least its investment in such property
829 or the department's current estimate of value, whichever is
830 lower. It is expressly intended that this benefit be extended
831 only to persons actually displaced by the project. Dispositions
832 to any other person must be for at least the department's
833 current estimate of value, in the discretion of the department,
834 ~~public sale would be inequitable, properties may be sold by~~
835 ~~negotiation to the owner holding title to the property abutting~~
836 ~~the property to be sold, provided such sale is at a negotiated~~
837 ~~price not less than fair market value as determined by an~~
838 ~~independent appraisal, the cost of which shall be paid by the~~
839 ~~owner of the abutting land. If negotiations do not result in the~~
840 ~~sale of the property to the owner of the abutting land and the~~
841 ~~property is sold to someone else, the cost of the independent~~

596-02207-14

20141272c1

842 ~~appraisal shall be borne by the purchaser; and the owner of the~~
843 ~~abutting land shall have the cost of the appraisal refunded to~~
844 ~~him or her. If, however, no purchase takes place, the owner of~~
845 ~~the abutting land shall forfeit the sum paid by him or her for~~
846 ~~the independent appraisal. If, due to action of the department,~~
847 ~~the property is removed from eligibility for sale, the cost of~~
848 ~~any appraisal prepared shall be refunded to the owner of the~~
849 ~~abutting land.~~

850 (d) If the department determines that the property requires
851 significant costs to be incurred or that continued ownership of
852 the property exposes the department to significant liability
853 risks, the department may use the projected maintenance costs
854 over the next 10 years to offset the property's value in
855 establishing a value for disposal of the property, even if that
856 value is zero ~~property acquired for use as a borrow pit is no~~
857 ~~longer needed, the department may sell such property to the~~
858 ~~owner of the parcel of abutting land from which the borrow pit~~
859 ~~was originally acquired, provided the sale is at a negotiated~~
860 ~~price not less than fair market value as determined by an~~
861 ~~independent appraisal, the cost of which shall be paid by the~~
862 ~~owner of such abutting land.~~

863 (e) If, at the discretion of the department, a sale to a
864 person other than an abutting property owner would be
865 inequitable, the property may be sold to the abutting owner for
866 the department's current estimate of value ~~the department begins~~
867 ~~the process for disposing of the property on its own initiative,~~
868 ~~either by negotiation under the provisions of paragraph (a),~~
869 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
870 ~~sealed competitive bids or public auction under the provisions~~

596-02207-14

20141272c1

871 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
872 ~~may determine the fair market value of the property by an~~
873 ~~appraisal.~~

874 ~~(f) Any property which was acquired by a county or by the~~
875 ~~department using constitutional gas tax funds for the purpose of~~
876 ~~a right-of-way or borrow pit for a road on the State Highway~~
877 ~~System, State Park Road System, or county road system and which~~
878 ~~is no longer used or needed by the department may be conveyed~~
879 ~~without consideration to that county. The county may then sell~~
880 ~~such surplus property upon receipt of competitive bids in the~~
881 ~~same manner prescribed in this section.~~

882 ~~(g) If a property has been donated to the state for~~
883 ~~transportation purposes and the facility has not been~~
884 ~~constructed for a period of at least 5 years and no plans have~~
885 ~~been prepared for the construction of such facility and the~~
886 ~~property is not located in a transportation corridor, the~~
887 ~~governmental entity may authorize reconveyance of the donated~~
888 ~~property for no consideration to the original donor or the~~
889 ~~donor's heirs, successors, assigns, or representatives.~~

890 ~~(h) If property is to be used for a public purpose, the~~
891 ~~property may be conveyed without consideration to a governmental~~
892 ~~entity.~~

893 ~~(i) If property was originally acquired specifically to~~
894 ~~provide replacement housing for persons displaced by~~
895 ~~transportation projects, the department may negotiate for the~~
896 ~~sale of such property as replacement housing. As compensation,~~
897 ~~the state shall receive no less than its investment in such~~
898 ~~properties or fair market value, whichever is lower. It is~~
899 ~~expressly intended that this benefit be extended only to those~~

596-02207-14

20141272c1

900 ~~persons actually displaced by such project. Dispositions to any~~
901 ~~other persons must be for fair market value.~~

902 ~~(j) If the department determines that the property will~~
903 ~~require significant costs to be incurred or that continued~~
904 ~~ownership of the property exposes the department to significant~~
905 ~~liability risks, the department may use the projected~~
906 ~~maintenance costs over the next 5 years to offset the market~~
907 ~~value in establishing a value for disposal of the property, even~~
908 ~~if that value is zero.~~

909 (5) The department may convey a leasehold interest for
910 commercial or other purposes, in the name of the state, to any
911 land, building, or other property, real or personal, which was
912 acquired under ~~the provisions of subsection (1).~~ However, a
913 lease may not be entered into at a price less than the
914 department's current estimate of value. The department's
915 estimate of value shall be prepared in accordance with
916 department procedures, guidelines, and rules for valuation of
917 real property, the cost of which shall be paid by the party
918 seeking the lease of the property.

919 (a) A lease may be through negotiations, sealed competitive
920 bids, auctions, or any other means the department deems to be in
921 its best interest ~~The department may negotiate such a lease at~~
922 ~~the prevailing market value with the owner from whom the~~
923 ~~property was acquired; with the holders of leasehold estates~~
924 ~~existing at the time of the department's acquisition; or, if~~
925 ~~public bidding would be inequitable, with the owner holding~~
926 ~~title to privately owned abutting property, if reasonable notice~~
927 ~~is provided to all other owners of abutting property. The~~
928 department may allow an outdoor advertising sign to remain on

596-02207-14

20141272c1

929 the property acquired, or be relocated on department property,
930 and such sign is ~~shall not be considered~~ a nonconforming sign
931 pursuant to chapter 479.

932 (b) If, at the discretion of the department, a lease to a
933 person other than an abutting property owner or tenant with a
934 leasehold interest in the abutting property would be
935 inequitable, the property may be leased to the abutting owner or
936 tenant for at least the department's current estimate of value
937 ~~All other leases shall be by competitive bid.~~

938 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~
939 ~~paragraph (b) shall~~ be for a ~~period of~~ more than 5 years;
940 however, the department may renegotiate or extend such a lease
941 for an additional ~~term of~~ 5 years as the department deems
942 appropriate ~~without rebidding.~~

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

947 (e) If property is to be used for a public purpose,
948 ~~including a fair, art show, or other educational, cultural, or~~
949 ~~fundraising activity,~~ the property may be leased without
950 consideration to a governmental entity ~~or school board.~~ A lease
951 for a public purpose is exempt from the term limits in paragraph
952 (c).

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

956 (g) A ~~No~~ lease executed under this subsection may not be
957 used ~~utilized~~ by the lessee to establish the ~~4 years'~~ standing

596-02207-14

20141272c1

958 required under ~~by~~ s. 73.071(3)(b) if the business had not been
959 established for the specified number of 4 years on the date
960 title passed to the department.

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

965 (6) ~~Nothing in This chapter~~ does not prevent ~~prevents~~ the
966 joint use of right-of-way for alternative modes of
967 transportation if; ~~provided that~~ the joint use does not impair
968 the integrity and safety of the transportation facility.

969 (7) The department shall prepare the estimate of value
970 provided under subsection (4) in accordance with department
971 procedures, guidelines, and rules for valuation of real
972 property. If the value of the property is greater than \$50,000,
973 as determined by the department estimate, the sale must be at a
974 negotiated price of at least the estimate of value as determined
975 by an appraisal prepared in accordance with department
976 procedures, guidelines, and rules for valuation of real
977 property, the cost of which shall be paid by the party seeking
978 the purchase of the property. If the estimated value is \$50,000
979 or less, the department may use a department staff appraiser or
980 obtain an independent appraisal ~~required by paragraphs (4)(c)~~
981 ~~and (d) shall be prepared in accordance with department~~
982 ~~guidelines and rules by an independent appraiser who has been~~
983 ~~certified by the department. If federal funds were used in the~~
984 ~~acquisition of the property, the appraisal shall also be subject~~
985 ~~to the approval of the Federal Highway Administration.~~

986 (8) As used in this section, the term A "due advertisement"

596-02207-14

20141272c1

987 ~~means under this section is~~ an advertisement in a newspaper of
988 general circulation in the area of the improvements of at least
989 ~~not less than~~ 14 calendar days before ~~prior to~~ the date of the
990 receipt of bids or the date on which a public auction is to be
991 held.

992 (9) The department, with the approval of the Chief
993 Financial Officer, may ~~is authorized to~~ disburse state funds for
994 real estate closings in a manner consistent with good business
995 practices and in a manner minimizing costs and risks to the
996 state.

997 (10) The department may ~~is authorized to~~ purchase title
998 insurance if in those instances where it determines is
999 ~~determined~~ that such insurance is necessary to protect the
1000 public's investment in property being acquired for
1001 transportation purposes. The department shall adopt procedures
1002 to be followed in making the determination to purchase title
1003 insurance for a particular parcel or group of parcels which, at
1004 a minimum, shall specify ~~set forth~~ criteria that ~~which~~
1005 parcels must meet.

1006 (11) This section does not modify the requirements of s.
1007 73.013.

1008 Section 18. Subsection (2) of section 337.251, Florida
1009 Statutes, is amended, present subsections (3) through (10) of
1010 that section are redesignated as subsections (4) through (11),
1011 respectively, and a new subsection (3) is added to that section,
1012 to read:

1013 337.251 Lease of property for joint public-private
1014 development and areas above or below department property.-

1015 (2) The department may request proposals for the lease of

596-02207-14

20141272c1

1016 such property or, if the department receives a proposal for ~~to~~
1017 negotiate a lease of a particular department property which it
1018 desires to consider, the department ~~it~~ shall publish a notice in
1019 a newspaper of general circulation at least once a week for 2
1020 weeks, ~~stating that it has received the proposal and will~~
1021 ~~accept, for 60 days after the date of publication, other~~
1022 proposals for lease of such property for 120 days after the date
1023 of publication use of the space. A copy of the notice must be
1024 mailed to each local government in the affected area. The
1025 department shall establish by rule an application fee for the
1026 submission of proposals pursuant to this section. The fee must
1027 be sufficient to pay the anticipated costs of evaluating the
1028 proposals. The department may engage the services of private
1029 consultants to assist in the evaluations. Before approval, the
1030 department shall determine that the proposed lease:

1031 (a) Is in the public's best interest;

1032 (b) Does not require that state funds be used; and

1033 (c) Has adequate safeguards in place to ensure that
1034 additional costs are not borne and service disruptions are not
1035 experienced by the traveling public and residents of the state
1036 in the event of default by the private lessee or upon
1037 termination or expiration of the lease.

1038 (3) The department shall provide an independent analysis of
1039 a proposed lease which demonstrates the cost-effectiveness and
1040 overall public benefit at the following times:

1041 (a) Before moving forward with the procurement; and

1042 (b) Before awarding the contract if the procurement moves
1043 forward.

1044 Section 19. Paragraphs (a) and (b) of subsection (3),

596-02207-14

20141272c1

1045 paragraph (a) of subsection (4), and paragraph (c) of subsection
1046 (11) of section 339.175, Florida Statutes, are amended to read:

1047 339.175 Metropolitan planning organization.—

1048 (3) VOTING MEMBERSHIP.—

1049 (a) The voting membership of an M.P.O. shall consist of at
1050 least ~~not fewer than~~ 5 but not ~~or~~ more than 25 ~~19~~ apportioned
1051 members, with the exact number ~~to be~~ determined on an equitable
1052 geographic-population ratio basis ~~by the Governor~~, based on an
1053 agreement among the affected units of general-purpose local
1054 government and the Governor, as required by federal ~~rules and~~
1055 regulations. ~~The Governor~~, In accordance with 23 U.S.C. s. 134,
1056 the Governor may also allow ~~provide for~~ M.P.O. members who
1057 represent municipalities to alternate with representatives from
1058 other municipalities within the metropolitan planning area which
1059 ~~that~~ do not have members on the M.P.O. With the exception of
1060 instances in which all of the county commissioners in a single-
1061 county M.P.O. are members of the M.P.O. governing board, county
1062 commissioners ~~commission members~~ shall compose at least ~~not less~~
1063 ~~than~~ one-third of the M.P.O. governing board membership. A
1064 multicounty M.P.O. may satisfy this requirement by any
1065 combination of county commissioners from each of the counties
1066 constituting the M.P.O., ~~except for an M.P.O. with more than 15~~
1067 ~~members located in a county with a 5-member county commission or~~
1068 ~~an M.P.O. with 19 members located in a county with no more than~~
1069 ~~6 county commissioners, in which case county commission members~~
1070 ~~may compose less than one-third percent of the M.P.O.~~
1071 ~~membership, but all county commissioners must be members. All~~
1072 Voting members shall be elected officials of general-purpose
1073 local governments, one of whom may represent a group of general-

596-02207-14

20141272c1

1074 purpose local governments through an entity created by an M.P.O.
1075 for that purpose. ~~except that~~ An M.P.O. may include, as part of
1076 its apportioned voting members, a member of a statutorily
1077 authorized planning board, an official of an agency that
1078 operates or administers a major mode of transportation, or an
1079 official of Space Florida. As used in this section, the term
1080 "elected officials of a general-purpose local government"
1081 ~~excludes shall exclude~~ constitutional officers, including
1082 sheriffs, tax collectors, supervisors of elections, property
1083 appraisers, clerks of the court, and similar types of officials.
1084 County commissioners shall compose not less than 20 percent of
1085 the M.P.O. membership if an official of an agency that operates
1086 or administers a major mode of transportation has been appointed
1087 to an M.P.O.

1088 (b) In metropolitan areas in which authorities or other
1089 agencies have been or may be created by law to perform
1090 transportation functions and are or will be performing
1091 transportation functions that are not under the jurisdiction of
1092 a general-purpose local government represented on the M.P.O.,
1093 such authorities or other agencies may ~~they shall~~ be provided
1094 voting membership on the M.P.O. In all other M.P.O.s in which
1095 ~~M.P.O.'s where~~ transportation authorities or agencies are to be
1096 represented by elected officials from general-purpose local
1097 governments, the M.P.O. shall establish a process by which the
1098 collective interests of such authorities or other agencies are
1099 expressed and conveyed.

1100 (4) APPORTIONMENT.—

1101 (a) Each M.P.O. shall review the composition of its
1102 membership in conjunction with the decennial census, as prepared

596-02207-14

20141272c1

1103 by the United States Department of Commerce, Bureau of the
1104 Census, and with the agreement of the Governor and the affected
1105 general-purpose local government units that constitute the
1106 existing M.P.O., reapportion the membership as necessary to
1107 comply with subsection (3) ~~The Governor shall, with the~~
1108 ~~agreement of the affected units of general-purpose local~~
1109 ~~government as required by federal rules and regulations,~~
1110 ~~apportion the membership on the applicable M.P.O. among the~~
1111 ~~various governmental entities within the area. At the request of~~
1112 ~~a majority of the affected units of general-purpose local~~
1113 ~~government comprising an M.P.O., the Governor and a majority of~~
1114 ~~units of general-purpose local government serving on an M.P.O.~~
1115 ~~shall cooperatively agree upon and prescribe who may serve as an~~
1116 ~~alternate member and a method for appointing alternate members,~~
1117 ~~who may vote at any M.P.O. meeting that he or she ~~an alternate~~~~
1118 ~~member attends in place of a regular member. The method must~~
1119 ~~shall be set forth as a part of the interlocal agreement~~
1120 ~~describing the M.P.O. ~~M.P.O.'s~~ membership or in the ~~M.P.O.'s~~~~
1121 ~~operating procedures and bylaws of the M.P.O. The governmental~~
1122 ~~entity so designated shall appoint the appropriate number of~~
1123 ~~members to the M.P.O. from eligible officials. Representatives~~
1124 ~~of the department shall serve as nonvoting advisers to the~~
1125 ~~M.P.O. governing board. Additional nonvoting advisers may be~~
1126 ~~appointed by the M.P.O. as deemed necessary; however, to the~~
1127 ~~maximum extent feasible, each M.P.O. shall seek to appoint~~
1128 ~~nonvoting representatives of various multimodal forms of~~
1129 ~~transportation not otherwise represented by voting members of~~
1130 ~~the M.P.O. An M.P.O. shall appoint nonvoting advisers~~
1131 ~~representing major military installations located within the~~

596-02207-14

20141272c1

1132 jurisdictional boundaries of the M.P.O. upon the request of the
 1133 aforesaid major military installations and subject to the
 1134 agreement of the M.P.O. All nonvoting advisers may attend and
 1135 participate fully in governing board meetings but may not vote
 1136 or be members of the governing board. ~~The Governor shall review~~
 1137 ~~the composition of the M.P.O. membership in conjunction with the~~
 1138 ~~decennial census as prepared by the United States Department of~~
 1139 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
 1140 ~~to comply with subsection (3).~~

1141 (11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.-

1142 (c) The powers and duties of the Metropolitan Planning
 1143 Organization Advisory Council are to:

1144 1. Enter into contracts with individuals, private
 1145 corporations, and public agencies.

1146 2. Acquire, own, operate, maintain, sell, or lease personal
 1147 property essential for the conduct of business.

1148 3. Accept funds, grants, assistance, gifts, or bequests
 1149 from private, local, state, or federal sources.

1150 4. Establish bylaws by action of its governing board
 1151 providing procedural rules to guide its proceedings and
 1152 consideration of matters before the council, or, alternatively,
 1153 ~~and~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to
 1154 implement provisions of law conferring powers or duties upon it.

1155 5. Assist M.P.O.s ~~M.P.O.'s~~ in carrying out the urbanized
 1156 area transportation planning process by serving as the principal
 1157 forum for collective policy discussion pursuant to law.

1158 6. Serve as a clearinghouse for review and comment by
 1159 M.P.O.s ~~M.P.O.'s~~ on the Florida Transportation Plan and on other
 1160 issues required to comply with federal or state law in carrying

596-02207-14

20141272c1

1161 out the urbanized area transportation and systematic planning
1162 processes instituted pursuant to s. 339.155.

1163 7. Employ an executive director and such other staff as
1164 necessary to perform adequately the functions of the council,
1165 within budgetary limitations. The executive director and staff
1166 are exempt from part II of chapter 110 and serve at the
1167 direction and control of the council. The council is assigned to
1168 the Office of the Secretary of the Department of Transportation
1169 for fiscal and accountability purposes, but it shall otherwise
1170 function independently of the control and direction of the
1171 department.

1172 8. Adopt an agency strategic plan that prioritizes steps
1173 ~~provides the priority directions~~ the agency will take to carry
1174 out its mission within the context of the state comprehensive
1175 plan and any other statutory mandates and directives ~~directions~~
1176 ~~given to the agency~~.

1177 Section 20. Paragraph (a) of subsection (1) and subsections
1178 (4) and (5) of section 339.2821, Florida Statutes, are amended
1179 to read:

1180 339.2821 Economic development transportation projects.—

1181 (1) (a) The department, in consultation with the Department
1182 of Economic Opportunity and Enterprise Florida, Inc., may make
1183 and approve expenditures and contract with the appropriate
1184 governmental body for the direct costs of transportation
1185 projects. The Department of Economic Opportunity and the
1186 Department of Environmental Protection may formally review and
1187 comment on recommended transportation projects, although the
1188 department has final approval authority for any project
1189 authorized under this section.

596-02207-14

20141272c1

1190 (4) A contract between the department and a governmental
1191 body for a transportation project must:

1192 (a) Specify that the transportation project is for the
1193 construction of a new or expanding business and specify the
1194 number of full-time permanent jobs that will result from the
1195 project.

1196 (b) Identify the governmental body and require that the
1197 governmental body award the construction of the particular
1198 transportation project to the lowest and best bidder in
1199 accordance with applicable state and federal statutes or rules
1200 unless the transportation project can be constructed using
1201 existing local governmental employees within the contract period
1202 specified by the department.

1203 (c) Require that the governmental body provide the
1204 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
1205 progress report must contain:

1206 1. A narrative description of the work completed and
1207 whether the work is proceeding according to the transportation
1208 project schedule;

1209 2. A description of each change order executed by the
1210 governmental body;

1211 3. A budget summary detailing planned expenditures compared
1212 to actual expenditures; and

1213 4. The identity of each small or minority business used as
1214 a contractor or subcontractor.

1215 (d) Require that the governmental body make and maintain
1216 records in accordance with accepted governmental accounting
1217 principles and practices for each progress payment made for work
1218 performed in connection with the transportation project, each

596-02207-14

20141272c1

1219 change order executed by the governmental body, and each payment
1220 made pursuant to a change order. The records are subject to
1221 financial audit as required by law.

1222 (e) Require that the governmental body, upon completion and
1223 acceptance of the transportation project, certify to the
1224 department that the transportation project has been completed in
1225 compliance with the terms and conditions of the contract between
1226 the department and the governmental body and meets the minimum
1227 construction standards established in accordance with s.
1228 336.045.

1229 (f) Specify that ~~the department transfer funds~~ will not be
1230 transferred to the governmental body unless construction has
1231 begun on the facility of the not more often than quarterly, upon
1232 receipt of a request for funds from the governmental body and
1233 consistent with the needs of the transportation project. The
1234 governmental body shall expend funds received from the
1235 department in a timely manner. The department may not transfer
1236 funds unless construction has begun on the facility of a
1237 business on whose behalf the award was made. The grant award
1238 shall be terminated if construction of the transportation
1239 project does not begin within 4 years after the date of the
1240 initial grant award ~~A contract totaling less than \$200,000 is~~
1241 ~~exempt from the transfer requirement.~~

1242 (g) Require that funds be used only on a transportation
1243 project that has been properly reviewed and approved in
1244 accordance with the criteria provided ~~set forth~~ in this section.

1245 (h) Require that the governing board of the governmental
1246 body adopt a resolution accepting future maintenance and other
1247 attendant costs occurring after completion of the transportation

596-02207-14

20141272c1

1248 project if the transportation project is constructed on a county
1249 or municipal system.

1250 (5) For purposes of this section, Space Florida may serve
1251 as the governmental body or as the contracting agency for a
1252 ~~transportation~~ project within a spaceport territory as defined
1253 by s. 331.304.

1254 Section 21. Subsection (5) of section 526.141, Florida
1255 Statutes, is amended to read:

1256 526.141 Self-service gasoline stations; attendants;
1257 regulations.-

1258 (5) (a) Every full-service gasoline station offering self-
1259 service at a lesser cost shall require an attendant employed by
1260 the station to dispense gasoline from the self-service portion
1261 of the station to any motor vehicle properly displaying an
1262 exemption parking permit as provided in s. 316.1958 or s.
1263 320.0848 or a license plate issued pursuant to s. 320.084, s.
1264 320.0842, s. 320.0843, or s. 320.0845 when the person to whom
1265 such permit has been issued is the operator of the vehicle and
1266 such service is requested. Such stations shall prominently
1267 display a decal no larger than 8 square inches on the front of
1268 all self-service pumps clearly stating the requirements of this
1269 subsection and the penalties applicable to violations of this
1270 subsection. The Department of Agriculture and Consumer Services
1271 shall enforce this requirement.

1272 (b) By July 1, 2016, a full-service gasoline station
1273 offering self-service at a lesser cost shall prominently
1274 display, in addition to the decal required under paragraph (a),
1275 a decal that is blue, is at least 15 square inches in size, and
1276 clearly displays the international symbol of accessibility shown

596-02207-14

20141272c1

1277 in s. 320.0842, the telephone number of the station, and the
1278 words "Call for Assistance." The Department of Agriculture and
1279 Consumer Services shall adopt rules to implement and enforce
1280 this paragraph. This paragraph preempts and supersedes local
1281 government laws and regulations pertaining to the provision of
1282 fueling assistance by a self-service gasoline station to a motor
1283 vehicle operator described in paragraph (a).

1284 (c)~~(b)~~ Violation of paragraph (a) is a misdemeanor of the
1285 second degree, punishable as provided in s. 775.082 or s.
1286 775.083.

1287 Section 22. Section 2 of chapter 85-364, Laws of Florida,
1288 as amended by section 2 of chapter 95-382, Laws of Florida, is
1289 amended to read:

1290 Section 2. All tolls collected shall ~~first~~ be used first
1291 for the payment of annual operating and maintenance costs and
1292 second to discharge the current bond indebtedness related to the
1293 Pinellas Bayway. Thereafter, tolls collected shall be used to
1294 establish a reserve construction account to be used, together
1295 with interest earned thereon, by the department ~~for the~~
1296 ~~construction of Blind Pass Road, State Road 699 improvements,~~
1297 ~~and for Phase II of the Pinellas Bayway improvements. A portion~~
1298 ~~of the tolls collected shall first be used specifically for the~~
1299 ~~construction of the Blind Pass Road improvements, which~~
1300 ~~improvements consist of widening to four lanes the Blind Pass~~
1301 ~~Road, State Road 699, from 75th Avenue north to the approach of~~
1302 ~~the Blind Pass Bridge, including necessary right-of-way~~
1303 ~~acquisition along said portion of Blind Pass Road, and~~
1304 ~~intersection improvements at 75th Avenue and Blind Pass Road in~~
1305 ~~Pinellas County. Said improvements shall be included in the~~

596-02207-14

20141272c1

1306 ~~department's current 5-year work program. Upon completion of the~~
1307 ~~Blind Pass Road improvements, the tolls collected shall be used,~~
1308 ~~together with interest earned thereon, by the department for~~
1309 Phase II of the Pinellas Bayway improvements consists, ~~which~~
1310 ~~improvements consist~~ of widening to four lanes the Pinellas
1311 Bayway from State Road 679 west to Gulf Boulevard, including
1312 necessary approaches, bridges, and avenues of access. Upon
1313 completion of the Phase II improvements, the department shall
1314 continue to collect tolls on the Pinellas Bayway for purposes of
1315 reimbursing the department for all accrued maintenance costs for
1316 the Pinellas Bayway.

1317 Section 23. The Department of Highway Safety and Motor
1318 Vehicles is directed to develop a plan of action that addresses
1319 motor vehicle registration holds placed pursuant to ss.
1320 316.1001, 316.1967, and 318.15, Florida Statutes, for
1321 presentation to the Legislature by February 1, 2015. The plan
1322 must, at a minimum, include a methodology for applicants whose
1323 names have been placed on the list of persons who may not be
1324 issued a license plate or revalidation sticker under s.
1325 320.03(8), Florida Statutes, to rectify the cause of the hold
1326 through the payment of any outstanding toll, parking ticket,
1327 fine, and any other fee at the point of collection of the
1328 registration fee.

1329 Section 24. This act shall take effect July 1, 2014.