

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.003, F.S.; revising definitions; amending s.
4 316.2397, F.S.; authorizing certain vehicles to show
5 or display certain lights under certain circumstances;
6 amending s. 316.520, F.S.; revising application of
7 agricultural load securing requirements; amending s.
8 320.01, F.S.; excluding a certain vehicle from the
9 definition of the term "for-hire vehicle"; amending s.
10 322.12, F.S.; authorizing the Department of Highway
11 Safety and Motor Vehicles to waive certain commercial
12 motor vehicle testing requirements for specified
13 persons under certain circumstances; amending ss.
14 324.031 and 324.032, F.S.; revising the manner of
15 providing financial responsibility for owners,
16 operators, or lessees of certain for-hire passenger
17 transportation vehicles; amending s. 327.59, F.S.;
18 prohibiting certain vessels from remaining in certain
19 marinas that have been deemed unsuitable for refuge
20 during a hurricane; authorizing removal of such
21 vessels under certain circumstances; limiting
22 liability for certain damages; providing construction;
23 providing for penalties; amending s. 337.14, F.S.;
24 requiring certain contractors to be certified by the
25 Department of Transportation as qualified; revising

26 | the financial statements required to accompany an
 27 | application for certification; prohibiting the
 28 | department from considering certain financial
 29 | information; requiring the contractor to submit
 30 | interim financial statements under certain
 31 | circumstances; providing requirements for such
 32 | statements; providing an effective date.
 33 |

34 | Be It Enacted by the Legislature of the State of Florida:
 35 |

36 | Section 1. Subsection (2) and paragraph (b) of subsection
 37 | (55) of section 316.003, Florida Statutes, are amended to read:

38 | 316.003 Definitions.—The following words and phrases, when
 39 | used in this chapter, shall have the meanings respectively
 40 | ascribed to them in this section, except where the context
 41 | otherwise requires:

42 | (2) AUTOCYCLE.—A three-wheeled motorcycle that has two
 43 | wheels in the front and one wheel in the back; is equipped with
 44 | a roll cage or roll hoops, a seat belt for each occupant,
 45 | ~~antilock~~ brakes meeting Federal Motor Vehicle Safety Standard
 46 | No. 122, a steering mechanism ~~wheel~~, and seating that does not
 47 | require the operator to straddle or sit astride it; and is
 48 | manufactured in accordance with the applicable federal
 49 | motorcycle safety standards in 49 C.F.R. part 571 by a
 50 | manufacturer registered with the National Highway Traffic Safety

51 Administration.

52 (55) PERSONAL DELIVERY DEVICE.—An electrically powered
53 device that:

54 (b) Weighs less than 150 ~~80~~ pounds, excluding cargo;

55

56 A personal delivery device is not considered a vehicle unless
57 expressly defined by law as a vehicle. A mobile carrier is not
58 considered a personal delivery device.

59 Section 2. Subsections (2) and (7) of section 316.2397,
60 Florida Statutes, are amended to read:

61 316.2397 Certain lights prohibited; exceptions.—

62 (2) It is expressly prohibited for any vehicle or
63 equipment, ~~except police vehicles,~~ to show or display blue
64 lights, except that:

65 (a) Police vehicles may show or display blue lights.

66 (b) ~~However,~~ Vehicles owned, operated, or leased by the
67 Department of Corrections or any county correctional agency may
68 show or display blue lights when responding to emergencies.

69 (c) Portable radar speed display units in advance of a
70 work zone area on roadways with a posted speed limit of 55 miles
71 per hour or more may show or display flashing red and blue
72 lights when workers are present.

73 (7) Flashing lights are prohibited on vehicles except:

74 (a) As a means of indicating a right or left turn, to
75 change lanes, or to indicate that the vehicle is lawfully

76 | stopped or disabled upon the highway;

77 | (b) When a motorist intermittently flashes his or her
78 | vehicle's headlamps at an oncoming vehicle notwithstanding the
79 | motorist's intent for doing so;

80 | (c) During periods of extreme low visibility on roadways
81 | with a posted speed limit of 55 miles per hour or more; and

82 | (d) ~~(e)~~ For the lamps authorized under subsections ~~(1)~~,
83 | (2), (3), (4), (5), and (9), s. 316.2065, or s. 316.235(6) which
84 | may flash.

85 | Section 3. Subsection (4) of section 316.520, Florida
86 | Statutes, is amended to read:

87 | 316.520 Loads on vehicles.—

88 | (4) The provision of subsection (2) requiring covering and
89 | securing the load with a close-fitting tarpaulin or other
90 | appropriate cover does not apply to vehicles carrying
91 | agricultural products locally from a harvest site or to or from
92 | a farm on roads where the posted speed limit is 65 miles per
93 | hour or less ~~and the distance driven on public roads is less~~
94 | ~~than 20 miles.~~

95 | Section 4. Paragraph (b) of subsection (15) of section
96 | 320.01, Florida Statutes, is amended to read:

97 | 320.01 Definitions, general.—As used in the Florida
98 | Statutes, except as otherwise provided, the term:

99 | (15)

100 | (b) The following are not included in the term "for-hire

101 vehicle": a motor vehicle used for transporting school children
102 to and from school under contract with school officials; a
103 hearse or ambulance when operated by a licensed embalmer or
104 mortician or his or her agent or employee in this state; a motor
105 vehicle used in the transportation of agricultural or
106 horticultural products or in transporting agricultural or
107 horticultural supplies direct to growers or the consumers of
108 such supplies or to associations of such growers or consumers; a
109 motor vehicle temporarily used by a farmer for the
110 transportation of agricultural or horticultural products from
111 any farm or grove to a packinghouse or to a point of shipment by
112 a transportation company; ~~or~~ a motor vehicle not exceeding 1 1/2
113 tons under contract with the Government of the United States to
114 carry United States mail, provided such vehicle is not used for
115 commercial purposes; or a motor vehicle that is compliant with
116 the Americans with Disabilities Act and that is owned and used
117 by a company that uses a digital network to facilitate
118 prearranged rides for persons with disabilities for
119 compensation.

120 Section 5. Paragraph (c) is added to subsection (4) of
121 section 322.12, Florida Statutes, to read:

122 322.12 Examination of applicants.—

123 (4) The examination for an applicant for a commercial
124 driver license shall include a test of the applicant's eyesight
125 given by a driver license examiner designated by the department

126 | or by a licensed ophthalmologist, optometrist, or physician and
127 | a test of the applicant's hearing given by a driver license
128 | examiner or a licensed physician. The examination shall also
129 | include a test of the applicant's ability to read and understand
130 | highway signs regulating, warning, and directing traffic; his or
131 | her knowledge of the traffic laws of this state pertaining to
132 | the class of motor vehicle which he or she is applying to be
133 | licensed to operate, including laws regulating driving under the
134 | influence of alcohol or controlled substances, driving with an
135 | unlawful blood-alcohol level, and driving while intoxicated; his
136 | or her knowledge of the effects of alcohol and controlled
137 | substances and the dangers of driving a motor vehicle after
138 | having consumed alcohol or controlled substances; and his or her
139 | knowledge of any special skills, requirements, or precautions
140 | necessary for the safe operation of the class of vehicle which
141 | he or she is applying to be licensed to operate. In addition,
142 | the examination shall include an actual demonstration of the
143 | applicant's ability to exercise ordinary and reasonable control
144 | in the safe operation of a motor vehicle or combination of
145 | vehicles of the type covered by the license classification which
146 | the applicant is seeking, including an examination of the
147 | applicant's ability to perform an inspection of his or her
148 | vehicle.

149 | (c) Notwithstanding any provision of law to the contrary,
150 | the department may waive the skill test requirements provided in

151 this subsection for a commercial driver license for a person
152 with military commercial motor vehicle experience who qualifies
153 under 49 C.F.R. s. 383.77 if the person is on active duty or has
154 been honorably discharged from military service for 1 year or
155 less.

156 Section 6. Section 324.031, Florida Statutes, is amended
157 to read:

158 324.031 Manner of proving financial responsibility.—The
159 owner or operator of a taxicab, limousine, jitney, or any other
160 for-hire passenger transportation vehicle may prove financial
161 responsibility by providing satisfactory evidence of holding a
162 motor vehicle liability policy as defined in s. 324.021(8) or s.
163 324.151, which policy is provided by an insurer authorized to do
164 business in this state ~~issued by an insurance carrier~~ which is a
165 member of the Florida Insurance Guaranty Association or an
166 eligible nonadmitted insurer that has a superior, excellent,
167 exceptional, or equivalent financial strength rating by a rating
168 agency acceptable to the Office of Insurance Regulation of the
169 Financial Services Commission. The operator or owner of any
170 other vehicle may prove his or her financial responsibility by:

171 (1) Furnishing satisfactory evidence of holding a motor
172 vehicle liability policy as defined in ss. 324.021(8) and
173 324.151;

174 (2) Furnishing a certificate of self-insurance showing a
175 deposit of cash in accordance with s. 324.161; or

176 (3) Furnishing a certificate of self-insurance issued by
 177 the department in accordance with s. 324.171.

178
 179 Any person, including any firm, partnership, association,
 180 corporation, or other person, other than a natural person,
 181 electing to use the method of proof specified in subsection (2)
 182 shall furnish a certificate of deposit equal to the number of
 183 vehicles owned times \$30,000, to a maximum of \$120,000; in
 184 addition, any such person, other than a natural person, shall
 185 maintain insurance providing coverage in excess of limits of
 186 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
 187 such excess insurance shall provide minimum limits of
 188 \$125,000/250,000/50,000 or \$300,000 combined single limits.
 189 These increased limits shall not affect the requirements for
 190 proving financial responsibility under s. 324.032(1).

191 Section 7. Subsection (2) of section 324.032, Florida
 192 Statutes, is amended to read:

193 324.032 Manner of proving financial responsibility; for-
 194 hire passenger transportation vehicles.—Notwithstanding the
 195 provisions of s. 324.031:

196 (2) An owner or a lessee who is required to maintain
 197 insurance under s. 324.021(9)(b) and who operates at least 150
 198 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire
 199 passenger transportation vehicles may provide financial
 200 responsibility by complying with ~~the provisions of~~ s. 324.171,

201 such compliance to be demonstrated by maintaining at its
202 principal place of business an audited financial statement,
203 prepared in accordance with generally accepted accounting
204 principles, and providing to the department a certification
205 issued by a certified public accountant that the applicant's net
206 worth is at least equal to the requirements of s. 324.171 as
207 determined by the Office of Insurance Regulation of the
208 Financial Services Commission, including claims liabilities in
209 an amount certified as adequate by a Fellow of the Casualty
210 Actuarial Society.

211
212 Upon request by the department, the applicant must provide the
213 department at the applicant's principal place of business in
214 this state access to the applicant's underlying financial
215 information and financial statements that provide the basis of
216 the certified public accountant's certification. The applicant
217 shall reimburse the requesting department for all reasonable
218 costs incurred by it in reviewing the supporting information.
219 The maximum amount of self-insurance permissible under this
220 subsection is \$300,000 and must be stated on a per-occurrence
221 basis, and the applicant shall maintain adequate excess
222 insurance issued by an authorized or eligible insurer licensed
223 or approved by the Office of Insurance Regulation. All risks
224 self-insured shall remain with the owner or lessee providing it,
225 and the risks are not transferable to any other person, unless a

226 policy complying with subsection (1) is obtained.

227 Section 8. Subsections (1) and (2) of section 327.59,
 228 Florida Statutes, are amended, and subsection (5) is added to
 229 that section, to read:

230 327.59 Marina evacuations.—

231 (1) Except as provided in this section ~~After June 1, 1994,~~
 232 marinas may not adopt, maintain, or enforce policies pertaining
 233 to evacuation of vessels which require vessels to be removed
 234 from marinas following the issuance of a hurricane watch or
 235 warning, in order to ensure that protecting the lives and safety
 236 of vessel owners is placed before interests of protecting
 237 property.

238 (2) Nothing in this section may be construed to restrict
 239 the ability of an owner of a vessel or the owner's authorized
 240 representative to remove a vessel voluntarily from a marina at
 241 any time or to restrict a marina owner from dictating the kind
 242 of cleats, ropes, fenders, and other measures that must be used
 243 on vessels as a condition of use of a marina. Except as provided
 244 in subsection (5), after a tropical storm or hurricane watch has
 245 been issued, a marina owner or operator, or an employee or agent
 246 of such owner or operator, may take reasonable actions to
 247 further secure any vessel within the marina to minimize damage
 248 to a vessel and to protect marina property, private property,
 249 and the environment and may charge a reasonable fee for such
 250 services.

251 (5) Upon the issuance of a hurricane watch affecting the
252 waters of a marina located in a deepwater seaport, a vessel that
253 weighs less than 500 gross tons may not remain in the waters of
254 such a marina that has been deemed not suitable for refuge
255 during a hurricane. The owner of such a vessel shall promptly
256 remove the vessel from the waterway upon issuance of an
257 evacuation order by the deepwater seaport. If the United States
258 Coast Guard Captain of the Port sets the deepwater seaport
259 condition to Yankee and a vessel owner has failed to remove a
260 vessel from the waterway, the marina owner or operator, or an
261 employee or agent thereof, regardless of existing contractual
262 provisions between the marina owner and vessel owner, shall
263 remove the vessel, or cause it to be removed, if reasonable,
264 from its slip and may charge the vessel owner a reasonable fee
265 for such removal. A marina owner, operator, employee, or agent
266 is not liable for any damage incurred by a vessel as the result
267 of a hurricane and is held harmless as a result of such actions
268 to remove the vessel from the waterway. This section does not
269 provide immunity to a marina owner, operator, employee, or agent
270 for any damage caused by intentional acts or negligence when
271 removing a vessel under this subsection. After a hurricane watch
272 has been issued, the owner or operator of a vessel that has not
273 been removed from the waterway of the marina pursuant to an
274 evacuation order by the deepwater seaport may be subject to a
275 fine not exceeding three times the cost associated with removing

276 the vessel from the waterway. Such fine, if assessed, shall be
277 imposed and collected by the deepwater seaport issuing the
278 evacuation order.

279 Section 9. Subsection (1) of section 337.14, Florida
280 Statutes, is amended to read:

281 337.14 Application for qualification; certificate of
282 qualification; restrictions; request for hearing.—

283 (1) Any contractor desiring to bid for the performance of
284 any construction contract in excess of \$250,000 which the
285 department proposes to let must first be certified by the
286 department as qualified pursuant to this section and rules of
287 the department. The rules of the department must address the
288 qualification of contractors to bid on construction contracts in
289 excess of \$250,000 and must include requirements with respect to
290 the equipment, past record, experience, financial resources, and
291 organizational personnel of the applying contractor which are
292 necessary to perform the specific class of work for which the
293 contractor seeks certification. Any contractor who desires to
294 bid on contracts in excess of \$50 million and is not qualified
295 and in good standing with the department as of January 1, 2019,
296 must first be certified by the department as qualified and
297 ~~desires to bid on contracts in excess of \$50 million~~ must have
298 satisfactorily completed two projects, each in excess of \$15
299 million, for the department or for any other state department of
300 transportation. The department may limit the dollar amount of

301 any contract upon which a contractor is qualified to bid or the
302 aggregate total dollar volume of contracts such contractor is
303 allowed to have under contract at any one time. Each applying
304 contractor seeking qualification to bid on construction
305 contracts in excess of \$250,000 shall furnish the department a
306 statement under oath, on such forms as the department may
307 prescribe, setting forth detailed information as required on the
308 application. Each application for certification must be
309 accompanied by audited financial statements prepared in
310 accordance with United States generally accepted accounting
311 principles and United States generally accepted auditing
312 standards by a certified public accountant licensed by this
313 state or another state ~~the latest annual financial statement of~~
314 ~~the applying contractor completed within the last 12 months.~~ The
315 audited financial statements must be for the applying contractor
316 specifically and must have been prepared within the immediately
317 preceding 12 months. The department may not consider any
318 financial information relating to the parent entity of the
319 applying contractor, if any. The department shall not certify as
320 qualified any applying contractor that fails to submit the
321 audited financial statements required by this subsection. If the
322 application or the annual financial statement shows the
323 financial condition of the applying contractor more than 4
324 months before ~~prior to~~ the date on which the application is
325 received by the department, the applying contractor must also

326 | submit interim audited financial statements prepared in
327 | accordance with United States generally accepted accounting
328 | principles and United States generally accepted auditing
329 | standards by a certified public accountant licensed by this
330 | state or another state ~~an interim financial statement and an~~
331 | ~~updated application must be submitted.~~ The interim financial
332 | statements ~~statement~~ must cover the period from the end date of
333 | the annual statement and must show the financial condition of
334 | the applying contractor no more than 4 months before ~~prior to~~
335 | the date that the interim financial statements ~~statement is~~
336 | received by the department. However, upon the request of the
337 | applying contractor, an application and accompanying annual or
338 | interim financial statements ~~statement~~ received by the
339 | department within 15 days after either 4-month period under this
340 | subsection shall be considered timely. ~~Each required annual or~~
341 | ~~interim financial statement must be audited and accompanied by~~
342 | ~~the opinion of a certified public accountant.~~ An applying
343 | contractor desiring to bid exclusively for the performance of
344 | construction contracts with proposed budget estimates of less
345 | than \$1 million may submit reviewed annual or reviewed interim
346 | financial statements prepared by a certified public accountant.
347 | The information required by this subsection is confidential and
348 | exempt from s. 119.07(1). The department shall act upon the
349 | application for qualification within 30 days after the
350 | department determines that the application is complete. The

351 department may waive the requirements of this subsection for
352 projects having a contract price of \$500,000 or less if the
353 department determines that the project is of a noncritical
354 nature and the waiver will not endanger public health, safety,
355 or property.

356 Section 10. This act shall take effect July 1, 2020.