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LEGISLATIVE ACTION

Senate

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House

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Floor: 1b/WD/2R

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03/06/2024 06:16 PM

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Senator Gruters moved the following:

1 **Senate Amendment to Amendment (207018) (with title**
2 **amendment)**

3
4 Delete lines 64 - 437

5 and insert:

6 Section 3. Section 316.1575, Florida Statutes, is amended
7 to read:

8 316.1575 Obedience to traffic control devices at railroad-
9 highway grade crossings.—

10 (1) A ~~Any~~ person cycling, walking or driving a vehicle and
11 approaching a railroad-highway grade crossing under any of the



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12 circumstances stated in this section must ~~shall~~ stop within 50
13 feet but not less than 15 feet from the nearest rail of such
14 railroad and may ~~shall~~ not proceed until the railroad tracks are
15 clear and he or she can do so safely. This subsection applies
16 ~~The foregoing requirements apply~~ when:

17 (a) A clearly visible electric or mechanical signal device
18 gives warning of the immediate approach of a railroad train or
19 railroad track equipment;

20 (b) A crossing gate is lowered or a law enforcement officer
21 or a human flagger gives or continues to give a signal of the
22 approach or passage of a railroad train or railroad track
23 equipment;

24 (c) An approaching railroad train or railroad track
25 equipment emits an audible signal or the railroad train or
26 railroad track equipment, by reason of its speed or nearness to
27 the crossing, is an immediate hazard; or

28 (d) An approaching railroad train or railroad track
29 equipment is plainly visible and is in hazardous proximity to
30 the railroad-highway grade crossing, regardless of the type of
31 traffic control devices installed at the crossing.

32 (2) A ~~No~~ person may not ~~shall~~ drive a any vehicle through,
33 around, or under any crossing gate or barrier at a railroad-
34 highway grade crossing while the gate or barrier is closed or is
35 being opened or closed.

36 (3) A person who violates ~~violation of~~ this section commits
37 ~~is~~ a noncriminal traffic infraction, punishable pursuant to
38 chapter 318 as:

39 (a) either ~~A~~ pedestrian violation; or

40 (b) If the infraction resulted from the operation of a



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41 vehicle, as a moving violation.

42 1. For a first violation, the person must pay a fine of
43 \$500 or perform 25 hours of community service and shall have 6
44 points assessed against his or her driver license as set forth
45 in s. 322.27(3)(d)7.

46 2. For a second or subsequent violation, the person must
47 pay a fine of \$1,000 and shall have an additional 6 points
48 assessed against his or her driver license as set forth in s.
49 322.27(3)(d)7.

50 Section 4. Section 316.1576, Florida Statutes, is amended
51 to read:

52 316.1576 Insufficient clearance at a railroad-highway grade
53 crossing.—

54 (1) A person may not drive a any vehicle through a
55 railroad-highway grade crossing that does not have sufficient
56 space to drive completely through the crossing without stopping
57 or without obstructing the passage of other vehicles,
58 pedestrians, railroad trains, or other railroad equipment,
59 notwithstanding any traffic control signal indication to
60 proceed.

61 (2) A person may not drive a any vehicle through a
62 railroad-highway grade crossing that does not have sufficient
63 undercarriage clearance to drive completely through the crossing
64 without stopping or without obstructing the passage of a
65 railroad train or other railroad equipment.

66 (3) A person who violates ~~violation of~~ this section commits
67 ~~is~~ a noncriminal traffic infraction, punishable as a moving
68 violation as provided in chapter 318.

69 (a) For a first violation, the person must pay a fine of



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70 \$500 or perform 25 hours of community service and shall have 6
71 points assessed against his or her driver license as set forth
72 in s. 322.27(3)(d)7.

73 (b) For a second or subsequent violation, the person must
74 pay a fine of \$1,000, shall have an additional 6 points assessed
75 against his or her driver license as set forth in s.
76 322.27(3)(d)7., and, notwithstanding s. 322.27(3)(a), (b), and
77 (c), shall have his or her driving privilege suspended for not
78 more than 6 months.

79 Section 5. Present subsections (10) through (23) of section
80 318.18, Florida Statutes, are redesignated as subsections (11)
81 through (24), respectively, a new subsection (10) is added to
82 that section, and subsection (9) of that section is amended, to
83 read:

84 318.18 Amount of penalties.—The penalties required for a
85 noncriminal disposition pursuant to s. 318.14 or a criminal
86 offense listed in s. 318.17 are as follows:

87 (9) Five ~~one~~ hundred dollars for a first violation and
88 \$1,000 for a second or subsequent violation of s. 316.1575.

89 (10) Five hundred dollars for a first violation and \$1,000
90 for a second or subsequent violation of s. 316.1576. In addition
91 to this penalty, for a second or subsequent violation, the
92 department shall suspend the driver license of the person for
93 not more than 6 months.

94 Section 6. Paragraph (d) of subsection (3) of section
95 322.27, Florida Statutes, is amended to read:

96 322.27 Authority of department to suspend or revoke driver
97 license or identification card.—

98 (3) There is established a point system for evaluation of



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99 convictions of violations of motor vehicle laws or ordinances,
100 and violations of applicable provisions of s. 403.413(6) (b) when
101 such violations involve the use of motor vehicles, for the
102 determination of the continuing qualification of any person to
103 operate a motor vehicle. The department is authorized to suspend
104 the license of any person upon showing of its records or other
105 good and sufficient evidence that the licensee has been
106 convicted of violation of motor vehicle laws or ordinances, or
107 applicable provisions of s. 403.413(6) (b), amounting to 12 or
108 more points as determined by the point system. The suspension
109 shall be for a period of not more than 1 year.

110 (d) The point system shall have as its basic element a
111 graduated scale of points assigning relative values to
112 convictions of the following violations:

- 113 1. Reckless driving, willful and wanton—4 points.
- 114 2. Leaving the scene of a crash resulting in property
115 damage of more than \$50—6 points.
- 116 3. Unlawful speed, or unlawful use of a wireless
117 communications device, resulting in a crash—6 points.
- 118 4. Passing a stopped school bus:
 - 119 a. Not causing or resulting in serious bodily injury to or
120 death of another—4 points.
 - 121 b. Causing or resulting in serious bodily injury to or
122 death of another—6 points.
 - 123 c. Points may not be imposed for a violation of passing a
124 stopped school bus as provided in s. 316.172(1) (a) or (b) when
125 enforced by a school bus infraction detection system pursuant s.
126 316.173. In addition, a violation of s. 316.172(1) (a) or (b)
127 when enforced by a school bus infraction detection system



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128 pursuant to s. 316.173 may not be used for purposes of setting
129 motor vehicle insurance rates.

130 5. Unlawful speed:

131 a. Not in excess of 15 miles per hour of lawful or posted
132 speed-3 points.

133 b. In excess of 15 miles per hour of lawful or posted
134 speed-4 points.

135 c. Points may not be imposed for a violation of unlawful
136 speed as provided in s. 316.1895 or s. 316.183 when enforced by
137 a traffic infraction enforcement officer pursuant to s.
138 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
139 when enforced by a traffic infraction enforcement officer
140 pursuant to s. 316.1896 may not be used for purposes of setting
141 motor vehicle insurance rates.

142 6. A violation of a traffic control signal device as
143 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
144 However, points may not be imposed for a violation of s.
145 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
146 stop at a traffic signal and when enforced by a traffic
147 infraction enforcement officer. In addition, a violation of s.
148 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
149 stop at a traffic signal and when enforced by a traffic
150 infraction enforcement officer may not be used for purposes of
151 setting motor vehicle insurance rates.

152 7. Unlawfully driving a vehicle through a railroad-highway
153 grade crossing-6 points.

154 8.7- All other moving violations (including parking on a
155 highway outside the limits of a municipality)-3 points. However,
156 points may not be imposed for a violation of s. 316.0741 or s.



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157 316.2065(11); and points may be imposed for a violation of s.
158 316.1001 only when imposed by the court after a hearing pursuant
159 to s. 318.14(5).

160 ~~9.8.~~ Any moving violation covered in this paragraph,
161 excluding unlawful speed and unlawful use of a wireless
162 communications device, resulting in a crash-4 points.

163 ~~10.9.~~ Any conviction under s. 403.413(6)(b)-3 points.

164 ~~11.10.~~ Any conviction under s. 316.0775(2)-4 points.

165 ~~12.11.~~ A moving violation covered in this paragraph which
166 is committed in conjunction with the unlawful use of a wireless
167 communications device within a school safety zone-2 points, in
168 addition to the points assigned for the moving violation.

169 Section 7. Section 334.046, Florida Statutes, is amended to
170 read:

171 334.046 Department mission, goals, and objectives.—

172 (1) The department shall consider the following prevailing
173 principles when to be considered in planning and developing the
174 state's multimodal an integrated, balanced statewide
175 transportation system are: preserving Florida's the existing
176 transportation infrastructure; supporting its enhancing
177 Florida's economic competitiveness; promoting the efficient
178 movement of people and goods; and preserving Florida's quality
179 of life improving travel choices to ensure mobility.

180 (2) The mission of the Department of Transportation shall
181 be to provide a safe statewide transportation system that
182 promotes the efficient movement ensures the mobility of people
183 and goods, supports the state's enhances economic
184 competitiveness, prioritizes Florida's environment and natural
185 resources prosperity, and preserves the quality of life and



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186 connectedness of the state's ~~our environment and~~ communities.

187 (3) The ~~department shall document in the Florida~~
188 ~~Transportation Plan, in accordance with s. 339.155 and based~~
189 ~~upon the~~ prevailing principles outlined in this section shall be
190 incorporated into all ~~of preserving the existing transportation~~
191 ~~infrastructure, enhancing Florida's economic competitiveness,~~
192 ~~and improving travel choices to ensure mobility,~~ the goals and
193 objectives that provide statewide policy guidance for
194 accomplishing the department's mission, including the Florida
195 Transportation Plan outlined in s. 339.155.

196 (4) At a minimum, the department's goals shall address the
197 following prevailing principles:-

198 (a) Maintaining investments ~~Preservation.~~-Protecting the
199 state's transportation infrastructure investment, which-
200 ~~Preservation~~ includes:

201 1. Ensuring that 80 percent of the pavement on the State
202 Highway System meets department standards;

203 2. Ensuring that 90 percent of department-maintained
204 bridges meet department standards; and

205 3. Ensuring that the department achieves 100 percent of the
206 acceptable maintenance standard on the state highway system.

207 (b) Economic competitiveness.-Ensuring that the state has a
208 clear understanding of the return on investment and economic
209 impacts ~~consequences~~ of transportation infrastructure
210 ~~investments,~~ and how such investments affect the state's
211 economic competitiveness. The department must develop a
212 macroeconomic analysis of the linkages between transportation
213 investment and economic performance, as well as a method to
214 quantifiably measure the economic benefits of the district-work-



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215 program investments. Such an analysis must analyze:

216 1. The state's and district's economic performance relative
217 to the competition.

218 2. The business environment as viewed from the perspective
219 of companies evaluating the state as a place in which to do
220 business.

221 3. The state's capacity to sustain long-term growth.

222 (c) Connected transportation system Mobility.—Ensuring a
223 cost-effective, statewide, interconnected transportation system
224 that provides for the most efficient and effective multimodality
225 and mobility.

226 (d) Preserving Florida's natural resources and quality of
227 life.—Prioritizing Florida's natural resources and the quality
228 of life of its communities.

229 Section 8. Section 334.61, Florida Statutes, is created to
230 read:

231 334.61 Traffic lane repurposing.—

232 (1) Whenever a governmental entity proposes any project
233 that will repurpose one or more existing traffic lanes, the
234 governmental entity shall include a traffic study to address any
235 potential adverse impacts of the project, including, but not
236 limited to, changes in traffic congestion and impacts on safety.

237 (2) If, following the study required by subsection (1), the
238 governmental entity elects to continue with the design of the
239 project, it must notify all affected property owners, impacted
240 municipalities, and the counties in which the project is located
241 at least 180 days before the design phase of the project is
242 completed. The notice must provide a written explanation
243 regarding the need for the project, include information on how



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244 to review the traffic study required by subsection (1), and
245 indicate that all affected parties will be given an opportunity
246 to provide comments to the proposing entity regarding potential
247 impacts of the change.

248 (3) The governmental entity shall hold at least one public
249 meeting, with at least 30 days' prior notice, before completing
250 the design phase of the project in the jurisdiction where the
251 project is located. At the public meeting, the governmental
252 entity shall explain the purpose of the project and receive
253 public input, including possible alternatives, to determine the
254 manner in which the project will affect the community.

255 (4) The governmental entity shall review all comments from
256 the public meeting and take the comments and any alternatives
257 presented during the meeting into consideration in the final
258 design of the project.

259 Section 9. Paragraph (c) of subsection (3) of section
260 338.231, Florida Statutes, is amended to read:

261 338.231 Turnpike tolls, fixing; pledge of tolls and other
262 revenues.—The department shall at all times fix, adjust, charge,
263 and collect such tolls and amounts for the use of the turnpike
264 system as are required in order to provide a fund sufficient
265 with other revenues of the turnpike system to pay the cost of
266 maintaining, improving, repairing, and operating such turnpike
267 system; to pay the principal of and interest on all bonds issued
268 to finance or refinance any portion of the turnpike system as
269 the same become due and payable; and to create reserves for all
270 such purposes.

271 (3)

272 (c) Notwithstanding any other ~~provision of~~ law to the



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273 contrary, any prepaid toll account of any kind which has
274 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed,
275 and its disposition shall be handled by the Department of
276 Financial Services in accordance with all applicable provisions
277 of chapter 717 relating to the disposition of unclaimed
278 property, and the prepaid toll account shall be closed by the
279 department.

280 Section 10. Paragraph (a) of subsection (3) of section
281 338.26, Florida Statutes, is amended to read:

282 338.26 Alligator Alley toll road.—

283 (3) (a) Fees generated from tolls shall be deposited in the
284 State Transportation Trust Fund and shall be used:

- 285 1. To reimburse outstanding contractual obligations;
286 2. To operate and maintain the highway and toll facilities,
287 including reconstruction and restoration;
288 3. To pay for those projects that are funded with Alligator
289 Alley toll revenues and that are contained in the 1993-1994
290 adopted work program or the 1994-1995 tentative work program
291 submitted to the Legislature on February 22, 1994; and

292 4. By interlocal agreement ~~effective July 1, 2019, through~~
293 ~~no later than June 30, 2027,~~ to reimburse a local governmental
294 entity for the direct actual costs of operating the fire station
295 at mile marker 63 on Alligator Alley, which shall be used by the
296 local governmental entity to provide fire, rescue, and emergency
297 management services exclusively to the public on Alligator
298 Alley. The local governmental entity must contribute 10 percent
299 of the direct actual operating costs.

300 a. The interlocal agreement effective July 1, 2019, through
301 June 30, 2027, shall control until such time that the local



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302 governmental entity and the department enter into a new
303 agreement or agree to extend the existing agreement. For the
304 2024-2025 fiscal year, the amount of reimbursement may not
305 exceed \$2 million.

306 b. By December 31, 2024, and every 5 years thereafter, the
307 local governmental entity shall provide a maintenance and
308 operations comprehensive plan to the department. The
309 comprehensive plan must include a current inventory of assets,
310 including their projected service life, and area service needs;
311 the call and response history for emergency services provided in
312 the preceding 5 years on Alligator Alley, including costs; and
313 future projections for assets and equipment, including
314 replacement or purchase needs, and operating costs.

315 c. The local governmental entity and the department shall
316 review and adopt the comprehensive plan as part of the
317 interlocal agreement.

318 d. In accordance with projected incoming toll revenues for
319 Alligator Alley, the department shall include the corresponding
320 funding needs of the comprehensive plan in the department's work
321 program, and the local governmental entity shall include the
322 same in its capital comprehensive plan and appropriate fiscal
323 year budget ~~The amount of reimbursement to the local~~
324 ~~governmental entity may not exceed \$1.4 million in any state~~
325 ~~fiscal year.~~

326 e. At the end of the term of the interlocal agreement, the
327 ownership and title of all fire, rescue, and emergency equipment
328 purchased with state funds and used at the fire station during
329 the term of the interlocal agreement transfers to the state.

330 Section 11. Subsection (5) is added to section 339.08,



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331 Florida Statutes, to read:
332 339.08 Use of moneys in State Transportation Trust Fund.—
333 (5) The department may not expend any state funds as
334 described in s. 215.31 to support a project or program of:
335 (a) A public transit provider as defined in s. 341.031(1);
336 (b) An authority created pursuant to chapter 343, chapter
337 348, or chapter 349;
338 (c) A public-use airport as defined in s. 332.004; or
339 (d) A port enumerated in s. 311.09(1)
340
341 which is found in violation of s. 381.00316. The department
342 shall withhold state funds until the public transit provider,
343 authority, public-use airport, or port is found in compliance
344 with s. 381.00316.
345 Section 12. Section 339.0803, Florida Statutes, is amended
346 to read:
347 339.0803 Allocation of increased revenues derived from
348 amendments to s. 320.08 by ch. 2019-43.—
349 (1) Beginning in the 2021-2022 fiscal year and each fiscal
350 year thereafter, funds that result from increased revenues to
351 the State Transportation Trust Fund derived from the amendments
352 to s. 320.08 made by chapter 2019-43, Laws of Florida, and
353 deposited into the fund pursuant to s. 320.20(5)(a) must be used
354 to fund arterial highway projects identified by the department
355 in accordance with s. 339.65 and may be used for projects as
356 specified in ss. 339.66 and 339.67. For purposes of the funding
357 provided in this section, the department shall prioritize use of
358 existing facilities or portions thereof when upgrading arterial
359 highways to limited or controlled access facilities. However,



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360 this section does not preclude use of the funding for projects
361 that enhance the capacity of an arterial highway. The funds
362 allocated as provided in this section shall be in addition to
363 any other statutory funding allocations provided by law.

364 (2) Revenues deposited into the State Transportation Trust
365 Fund pursuant to s. 320.20(5) (a) shall first be available for
366 appropriation for payments under a service contract entered into
367 with the Florida Department of Transportation Financing
368 Corporation pursuant to s. 339.0809(4) to fund arterial highway
369 projects. For the corporation's bonding purposes, two or more of
370 such projects in the department's approved work program may be
371 treated as a single project.

372 Section 13. Subsection (13) of section 339.0809, Florida
373 Statutes, is amended, and subsection (14) is added to that
374 section, to read:

375 339.0809 Florida Department of Transportation Financing
376 Corporation.—

377 (13) The department may enter into a service contract in
378 conjunction with the issuance of debt obligations as provided in
379 this section which provides for periodic payments for debt
380 service or other amounts payable with respect to debt
381 obligations, plus any administrative expenses of the Florida
382 Department of Transportation Financing Corporation. Funds
383 appropriated for payments under a service contract shall be
384 available after funds pledged to payment on bonds but before
385 other statutorily required distributions.

386 (14) The department may enter into a service contract to
387 finance the projects authorized in s. 215 of ch. 2023-239, Laws
388 of Florida, and in Budget Amendment EOG# 2024-B0112, and



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389 subsequently adopted into the 5-year work program. Service
390 contract payments may not exceed 7 percent of the funds
391 deposited in the State Transportation Trust Fund in each fiscal
392 year. The annual payments under such service contract shall be
393 included in the department's work program and legislative budget
394 request developed pursuant to s. 339.135. The department shall
395 ensure that the annual payments are programmed for the life of
396 the service contract before execution of the service contract
397 and shall remain programmed until fully paid.

398 Section 14. Subsection (8) is added to section 339.2818,
399 Florida Statutes, to read:

400 339.2818 Small County Outreach Program.—

401 (8) Subject to specific appropriation in addition to funds
402 appropriated for projects under this section, a local government
403 either wholly or partially within the Everglades Agricultural
404 Area as defined in s. 373.4592(15), the Peace River Basin, or
405 the Suwannee River Basin may compete for additional funding
406 using the criteria listed in paragraph (4)(c) at up to 100
407 percent of project costs on state or county roads used primarily
408 as farm-to-market connections between rural agricultural areas
409 and market distribution centers, excluding capacity improvement
410 projects.

411 Section 15. Subsection (6) of section 341.051, Florida
412 Statutes, is amended, paragraphs (c) and (d) are added to
413 subsection (2), and subsection (8) is added to that section, to
414 read:

415 341.051 Administration and financing of public transit and
416 intercity bus service programs and projects.—

417 (2) PUBLIC TRANSIT PLAN.—



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418 (c) Any lane elimination or lane repurposing,
419 recommendation, or application relating to public transit
420 projects must be approved by a two-thirds vote of the transit
421 authority board in a public meeting with a 30-day public notice.

422 (d) Any action of eminent domain for acquisition of public
423 transit facilities carried out by a public transit provider must
424 be discussed by the public transit provider at a public meeting
425 with a 30-day public notice.

426 (6) ANNUAL APPROPRIATION.—Funds paid into the State
427 Transportation Trust Fund pursuant to s. 201.15 for the New
428 Starts Transit Program are hereby annually appropriated for
429 expenditure to support the New Starts Transit Program. The
430 remaining unallocated New Starts Transit Program funds as of
431 June 30 of each fiscal year shall be reallocated for the purpose
432 of the Strategic Intermodal System within the State
433 Transportation Trust Fund.

434 (8) EXTERIOR VEHICLE WRAP, TINTING, PAINT, MARKETING, AND
435 ADVERTISING.—

436 (a) As a condition of receiving funds from the department,
437 a public transit provider may not expend department funds for
438 marketing or advertising activities, including any wrap,
439 tinting, paint, or other medium displayed, attached, or affixed
440 on a bus, commercial motor vehicle, or motor vehicle that is
441 owned, leased, or operated by a public transit provider that is
442 limited to displaying a brand or logo of the public transit
443 provider, the official seal of the jurisdictional government
444 entity, or a state agency public service announcement.

445 (b) The department shall incorporate guidelines for the
446 activities allowed under paragraph (a) in the public



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447 transportation grant agreement entered into with each public
448 transit provider.

449 (c) Any new wrap, tinting, paint, medium, or advertisement
450 on the passenger windows of a vehicle used by a public transit
451 provider may not be darker than the legally allowed window
452 tinting requirements as provided in s. 316.2954.

453
454 For purposes of this section, the term "net operating costs"
455 means all operating costs of a project less any federal funds,
456 fares, or other sources of income to the project.

457 Section 16. Subsection (4) is added to section 341.071,
458 Florida Statutes, to read:

459 341.071 Transit productivity and performance measures;
460 reports.-

461 (4) (a) As used in this subsection, the term:

462 1. "General administration costs" includes, but is not
463 limited to, costs related to transit service development,
464 injuries and damages, safety, personnel administration, legal
465 services, data processing, finance and accounting, purchasing
466 and stores, engineering, real estate management, office
467 management and services, customer service, promotion, market
468 research, and planning. The term does not include insurance
469 costs.

470 2. "Public transit provider" means a public agency
471 providing public transit service, including an authority created
472 pursuant to part II of chapter 343 or chapter 349. The term does
473 not include the Central Florida Commuter Rail or the authority
474 created pursuant to part I of chapter 343.

475 3. "Tier I provider" has the same meaning as in 49 C.F.R.



476 part 625.

477 4. "Tier II provider" has the same meaning as in 49 C.F.R.
478 part 625.

479 (b) Beginning November 1, 2024, and annually thereafter,
480 each public transit provider, during a publicly noticed meeting,
481 shall:

482 1. Certify that its budgeted and general administration
483 costs are not greater than 20 percent above the annual state
484 average of administrative costs for its respective tier.

485 2. Present a line-item budget report of its budgeted and
486 actual general administration costs.

487 3. Disclose all salaried executive and management level
488 employees' total compensation packages, ridership performance
489 and metrics, and any gift as defined in s. 112.312 accepted in
490 exchange for contracts. This disclosure shall be posted annually
491 on the public transit provider's website.

492 (c) To support compliance with paragraph (b), the
493 department shall determine, by tier, the annual state average of
494 administrative costs by determining the percentage of the total
495 operating budget that is expended on general administration
496 costs in this state annually by March 31 to inform the public
497 transit provider's budget for the following fiscal year. Upon
498 review and certification by the department, costs budgeted and
499 expended in association with nontransit-related engineering and
500 construction services may be excluded.

501 (d) A year-over-year cumulative increase of 3 percent or
502 more in general administration costs must be reviewed before the
503 start of the next fiscal year and must be reviewed and approved
504 by the department before approval by the public transportation



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505 provider's governing board.

506 Section 17. Paragraph (a) of subsection (2) of section
507 341.822, Florida Statutes, is amended to read:

508 341.822 Powers and duties.—

509 (2) (a) In addition to the powers granted to the department,
510 the enterprise has full authority to exercise all powers granted
511 to it under this chapter. Powers shall include, but are not
512 limited to, the ability to plan, construct, maintain, repair,
513 and operate a high-speed rail system, ~~to acquire corridors, and~~
514 to coordinate the development and operation of publicly funded
515 passenger rail systems in the state, and to preserve and acquire
516 future rail corridors and rights-of-way in coordination with the
517 department's planning of the State Highway System.

518 Section 18. Subsection (6) of section 28.37, Florida
519 Statutes, is amended to read:

520 28.37 Fines, fees, service charges, and costs remitted to
521 the state.—

522 (6) Ten percent of all court-related fines collected by the
523 clerk, except for penalties or fines distributed to counties or
524 municipalities under s. 316.0083(1)(b)3. or s. 318.18(16)(a) ~~s.~~
525 ~~318.18(15)(a)~~, must be deposited into the fine and forfeiture
526 fund to be used exclusively for clerk court-related functions,
527 as provided in s. 28.35(3)(a).

528 Section 19. Paragraph (c) of subsection (1) of section
529 142.01, Florida Statutes, is amended to read:

530 142.01 Fine and forfeiture fund; disposition of revenue;
531 clerk of the circuit court.—

532 (1) There shall be established by the clerk of the circuit
533 court in each county of this state a separate fund to be known



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534 as the fine and forfeiture fund for use by the clerk of the
535 circuit court in performing court-related functions. The fund
536 shall consist of the following:

537 (c) Court costs pursuant to ss. 28.2402(1)(b),
538 34.045(1)(b), 318.14(10)(b), 318.18(12)(a) ~~318.18(11)(a)~~,
539 327.73(9)(a) and (11)(a), and 938.05(3).

540 Section 20. Subsection (4) of section 316.1951, Florida
541 Statutes, is amended to read:

542 316.1951 Parking for certain purposes prohibited; sale of
543 motor vehicles; prohibited acts.—

544 (4) A local government may adopt an ordinance to allow the
545 towing of a motor vehicle parked in violation of this section. A
546 law enforcement officer, compliance officer, code enforcement
547 officer from any local government agency, or supervisor of the
548 department may issue a citation and cause to be immediately
549 removed at the owner's expense any motor vehicle found in
550 violation of subsection (1), except as provided in subsections
551 (2) and (3), or in violation of subsection (5), subsection (6),
552 subsection (7), or subsection (8), and the owner shall be
553 assessed a penalty as provided in s. 318.18(22) ~~s. 318.18(21)~~ by
554 the government agency or authority that orders immediate removal
555 of the motor vehicle. A motor vehicle removed under this section
556 shall not be released from an impound or towing and storage
557 facility before a release form prescribed by the department has
558 been completed verifying that the fine has been paid to the
559 government agency or authority that ordered immediate removal of
560 the motor vehicle. However, the owner may pay towing and storage
561 charges to the towing and storage facility pursuant to s. 713.78
562 before payment of the fine or before the release form has been



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563 completed.

564 Section 21. Subsection (4) of section 316.306, Florida
565 Statutes, is amended to read:

566 316.306 School and work zones; prohibition on the use of a
567 wireless communications device in a handheld manner.—

568 (4) (a) Any person who violates this section commits a
569 noncriminal traffic infraction, punishable as a moving
570 violation, as provided in chapter 318, and shall have 3 points
571 assessed against his or her driver license as set forth in s.
572 322.27(3)(d)8. ~~s. 322.27(3)(d)7.~~ For a first offense under this
573 section, in lieu of the penalty specified in s. 318.18 and the
574 assessment of points, a person who violates this section may
575 elect to participate in a wireless communications device driving
576 safety program approved by the Department of Highway Safety and
577 Motor Vehicles. Upon completion of such program, the penalty
578 specified in s. 318.18 and associated costs may be waived by the
579 clerk of the court and the assessment of points must be waived.

580 (b) The clerk of the court may dismiss a case and assess
581 court costs in accordance with s. 318.18(12)(a) ~~s. 318.18(11)(a)~~
582 for a nonmoving traffic infraction for a person who is cited for
583 a first time violation of this section if the person shows the
584 clerk proof of purchase of equipment that enables his or her
585 personal wireless communications device to be used in a hands-
586 free manner.

587 Section 22. Subsection (7) of section 316.622, Florida
588 Statutes, is amended to read:

589 316.622 Farm labor vehicles.—

590 (7) A violation of this section is a noncriminal traffic
591 infraction, punishable as provided in s. 318.18(17) ~~s.~~



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592 ~~318.18(16)~~.

593 Section 23. Section 318.121, Florida Statutes, is amended
594 to read:

595 318.121 Preemption of additional fees, fines, surcharges,
596 and costs.—Notwithstanding any general or special law, or
597 municipal or county ordinance, additional fees, fines,
598 surcharges, or costs other than the court costs and surcharges
599 assessed under s. 318.18(12), (14), (19), (20), and (23) ~~s.~~
600 ~~318.18(11), (13), (18), (19), and (22)~~ may not be added to the
601 civil traffic penalties assessed under this chapter.

602 Section 24. Subsections (13), (16) through (19), and (21)
603 of section 318.21, Florida Statutes, are amended to read:

604 318.21 Disposition of civil penalties by county courts.—All
605 civil penalties received by a county court pursuant to the
606 provisions of this chapter shall be distributed and paid monthly
607 as follows:

608 (13) Of the proceeds from the fine under s. 318.18(16) ~~s.~~
609 ~~318.18(15)~~, \$65 shall be remitted to the Department of Revenue
610 for deposit into the Administrative Trust Fund of the Department
611 of Health and the remaining \$60 shall be distributed pursuant to
612 subsections (1) and (2).

613 (16) The proceeds from the fines described in s. 318.18(17)
614 ~~s. 318.18(16)~~ shall be remitted to the law enforcement agency
615 that issues the citation for a violation of s. 316.622. The
616 funds must be used for continued education and enforcement of s.
617 316.622 and other related safety measures contained in chapter
618 316.

619 (17) Notwithstanding subsections (1) and (2), the proceeds
620 from the administrative fee ~~surcharge~~ imposed under s.



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621 318.18(18) ~~s. 318.18(17)~~ shall be distributed as provided in
622 that subsection. This subsection expires July 1, 2026.

623 (18) Notwithstanding subsections (1) and (2), the proceeds
624 from the administrative fee imposed under s. 318.18(19) ~~s.~~
625 ~~318.18(18)~~ shall be distributed as provided in that subsection.

626 (19) Notwithstanding subsections (1) and (2), the proceeds
627 from the fees Article V assessment imposed under s. 318.18(20)
628 ~~s. 318.18(19)~~ shall be distributed as provided in that
629 subsection.

630 (21) Notwithstanding subsections (1) and (2), the proceeds
631 from the additional penalties imposed pursuant to s.
632 318.18(5)(c) and (21) ~~(20)~~ shall be distributed as provided in
633 that section.

634 Section 25. Subsection (1) of section 395.4036, Florida
635 Statutes, is amended to read:

636 395.4036 Trauma payments.—

637 (1) Recognizing the Legislature's stated intent to provide
638 financial support to the current verified trauma centers and to
639 provide incentives for the establishment of additional trauma
640 centers as part of a system of state-sponsored trauma centers,
641 the department shall utilize funds collected under s. 318.18 and
642 deposited into the Emergency Medical Services Trust Fund of the
643 department to ensure the availability and accessibility of
644 trauma services throughout the state as provided in this
645 subsection.

646 (a) Funds collected under s. 318.18(16) ~~s. 318.18(15)~~ shall
647 be distributed as follows:

648 1. Twenty percent of the total funds collected during the
649 state fiscal year shall be distributed to verified trauma



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650 centers that have a local funding contribution as of December
651 31. Distribution of funds under this subparagraph shall be based
652 on trauma caseload volume for the most recent calendar year
653 available.

654 2. Forty percent of the total funds collected shall be
655 distributed to verified trauma centers based on trauma caseload
656 volume for the most recent calendar year available. The
657 determination of caseload volume for distribution of funds under
658 this subparagraph shall be based on the hospital discharge data
659 for patients who meet the criteria for classification as a
660 trauma patient reported by each trauma center pursuant to s.
661 408.061.

662 3. Forty percent of the total funds collected shall be
663 distributed to verified trauma centers based on severity of
664 trauma patients for the most recent calendar year available. The
665 determination of severity for distribution of funds under this
666 subparagraph shall be based on the department's International
667 Classification Injury Severity Scores or another statistically
668 valid and scientifically accepted method of stratifying a trauma
669 patient's severity of injury, risk of mortality, and resource
670 consumption as adopted by the department by rule, weighted based
671 on the costs associated with and incurred by the trauma center
672 in treating trauma patients. The weighting of scores shall be
673 established by the department by rule.

674 (b) Funds collected under s. 318.18(5)(c) and (21) ~~(20)~~
675 shall be distributed as follows:

676 1. Thirty percent of the total funds collected shall be
677 distributed to Level II trauma centers operated by a public
678 hospital governed by an elected board of directors as of



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679 December 31, 2008.

680 2. Thirty-five percent of the total funds collected shall
681 be distributed to verified trauma centers based on trauma
682 caseload volume for the most recent calendar year available. The
683 determination of caseload volume for distribution of funds under
684 this subparagraph shall be based on the hospital discharge data
685 for patients who meet the criteria for classification as a
686 trauma patient reported by each trauma center pursuant to s.
687 408.061.

688 3. Thirty-five percent of the total funds collected shall
689 be distributed to verified trauma centers based on severity of
690 trauma patients for the most recent calendar year available. The
691 determination of severity for distribution of funds under this
692 subparagraph shall be based on the department's International
693 Classification Injury Severity Scores or another statistically
694 valid and scientifically accepted method of stratifying a trauma
695 patient's severity of injury, risk of mortality, and resource
696 consumption as adopted by the department by rule, weighted based
697 on the costs associated with and incurred by the trauma center
698 in treating trauma patients. The weighting of scores shall be
699 established by the department by rule.

700 Section 26. Paragraph (e) of subsection (1) of section
701 768.1382, Florida Statutes, is amended to read:

702 768.1382 Streetlights, security lights, and other similar
703 illumination; limitation on liability.—

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

705 (e) "Streetlight provider" means the state or any of the
706 state's officers, agencies, or instrumentalities, any political
707 subdivision as defined in s. 1.01, any public utility as defined



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708 in s. 366.02(8), or any electric utility as defined in s.
709 366.02(4). For purposes of this section, electric utility shall
710 include subsidiaries of an electric utility, regardless of
711 whether the electric utility or subsidiary is providing electric
712 street light service inside or outside of its regulated
713 territory.

714 ===== T I T L E A M E N D M E N T =====

715 And the title is amended as follows:

716 Delete lines 458 - 562

717 and insert:

718 tentative work program; amending s. 316.1575, F.S.;

719 revising provisions requiring a person approaching a

720 railroad-highway grade crossing to stop within a

721 certain distance from the nearest rail; revising

722 penalties; amending s. 316.1576, F.S.; revising

723 circumstances under which a person is prohibited from

724 driving a vehicle through a railroad-highway grade

725 crossing; revising penalties; amending s. 318.18,

726 F.S.; revising the penalties for certain offenses;

727 amending s. 322.27, F.S.; revising the point system

728 for convictions for violations of motor vehicle laws

729 and ordinances; amending s. 334.046, F.S.; revising

730 provisions relating to the department's mission,

731 goals, and objectives; creating s. 334.61, F.S.;

732 requiring governmental entities that propose certain

733 projects to conduct a traffic study; requiring the

734 governmental entity to give notice of a decision to

735 continue with the design phase of a project to

736 property owners, impacted municipalities, and counties



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737 affected by such projects within a specified
738 timeframe; providing notice requirements; requiring
739 such governmental entities to hold a public meeting,
740 with a specified period of prior notice, before
741 completion of the design phase of such projects;
742 providing requirements for such public meetings;
743 requiring such governmental entities to review and
744 take into consideration comments and alternatives
745 presented in public meetings in the final project
746 design; amending s. 338.231, F.S.; revising the length
747 of time before which an inactive prepaid toll account
748 becomes unclaimed property; amending s. 338.26, F.S.;
749 providing that a specified interlocal agreement
750 related to the Alligator Alley toll road controls the
751 use of certain State Transportation Trust Fund moneys
752 until the local governmental entity and the department
753 enter into a new agreement or agree to extend the
754 existing agreement; limiting the amount of
755 reimbursement for the 2024-2025 fiscal year; requiring
756 the local governmental entity, by a specified date and
757 at specified intervals thereafter, to provide a
758 maintenance and operations comprehensive plan to the
759 department; providing requirements for the
760 comprehensive plan; requiring the local governmental
761 entity and the department to review and adopt the
762 comprehensive plan as part of the interlocal
763 agreement; requiring the department, in accordance
764 with certain projections, to include the corresponding
765 funding needs in the department's work program;



766 requiring the local governmental entity to include
767 such needs in its capital comprehensive plan and
768 appropriate fiscal year budge; requiring that
769 ownership and title of certain equipment purchased
770 with state funds and used at a specified fire station
771 during the term of the interlocal agreement transfer
772 to the state at the end of the term of the agreement;
773 amending s. 339.08, F.S.; prohibiting the department
774 from expending state funds to support a project or
775 program of specified entities; requiring the
776 department to withhold state funds until such entities
777 are in compliance with a specified provision; amending
778 s. 339.0803, F.S.; prioritizing availability of
779 certain revenues deposited into the State
780 Transportation Trust Fund for payments under service
781 contracts with the Florida Department of
782 Transportation Financing Corporation to fund arterial
783 highway projects; providing that two or more such
784 projects may be treated as a single project for
785 certain purposes; amending s. 339.0809, F.S. ;
786 specifying availability of funds appropriated for
787 payments under a service contract with the
788 corporation; authorizing the department to enter into
789 service contracts to finance certain projects;
790 providing requirements for annual service contract
791 payments; requiring the department, before execution
792 of a service contract, to ensure that annual payments
793 are programmed for the life of the contract and to
794 ensure that they remain programmed until fully paid;



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795 authorizing the department to retain interest earnings
796 on specified appropriations; requiring such interest
797 earnings to be spent on specified projects; amending
798 s. 339.2818, F.S.; authorizing, subject to
799 appropriation, a local government within a specified
800 area to compete for funding using specified criteria
801 on specified roads; providing an exception; amending
802 s. 341.051, F.S.; providing voting and meeting notice
803 requirements for specified public transit projects;
804 providing meeting notice requirements for discussion
805 of specified actions by a public transit provider;
806 requiring that certain unallocated funds for the New
807 Starts Transit Program be reallocated for the purpose
808 of the Strategic Intermodal System; providing for
809 expiration of the reallocation; prohibiting, as a
810 condition of receiving state funds, public transit
811 providers from expending such funds for specified
812 marketing or advertising activities; requiring the
813 department to incorporate certain guidelines in the
814 public transportation grant agreement entered into
815 with each public transit provider; prohibiting certain
816 wraps, tinting, paint, media, or advertisements on
817 passenger windows of public transit provider vehicles
818 from being darker than certain window tinting
819 requirements; amending s. 341.071, F.S.; defining
820 terms; beginning on a specified date and annually
821 thereafter, requiring each public transit provider to
822 take specified actions during a publicly noticed
823 meeting; requiring that a certain disclosure be posted



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824 on public transit providers' websites; requiring the
825 department to determine the annual state average of
826 general administrative costs; authorizing certain
827 costs to be excluded from such annual state average;
828 requiring a specified increase in general
829 administrative costs to be reviewed and approved by
830 certain entities; amending s. 341.822, F.S.; revising
831 the powers of the Florida Rail Enterprise; amending s.
832 768.1382, F.S.; revising the definition of the term
833 "streetlight provider"; amending ss. 28.37, 142.01,
834 316.1951, 316.306, 316.622, 318.121, 318.21, and
835 395.4036, F.S.; conforming cross-references;
836 conforming provisions to changes made by the act;
837 providing an effective date.
838