



Committee on Infrastructure

**Thursday, March 20, 2008
8:30 AM – 12:30 PM
404 HOB**

Committee Action

**Marco Rubio
Speaker**

**Rep. Richard Glorioso
Chair**

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Richard Glorioso (Chair)	X		
Gary Aubuchon	X		
Susan Bucher	X		
Greg Evers	X		
Ed Hooper	X		
Jimmy Patronis	X		
Stephen Precourt	X		
Michael Scionti	X		
Kelly Skidmore	X		
Nicholas Thompson	X		
Totals:	10	0	0

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 619 : Child-Restraint Requirements

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon			X		
Susan Bucher	X				
Greg Evers	X				
Ed Hooper			X		
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Laura Donaldson - Proponent
Junior Leagues of Florida
Po Box 490
San Antonio Florida 33576
Phone: 813-495-0575

Vicki Lukis - Proponent
Girls Advocacy Project
5201 Blue Lagoon Drive # 964
Miami Florida 33126
Phone: 305-216-7794

Lindy Kennedy (Lobbyist) - Proponent
Children's Services Council
Tallahassee Florida
Phone: 850-201-2075

Ted Granger, President (Lobbyist) - Proponent
United Way of Florida
307 E 7th Avenue
Tallahassee Florida 32303
Phone: 850-488-8276

Diana Ragbeer (Lobbyist) - Proponent
The Children's Trust
Miami Florida

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

Amy Petrilá (Lobbyist) - Proponent
Children's Board of Hillsborough County
1002 E Palm Avenue
Tampa Florida 33605
Phone: 813-204-1795

Nancy Moreau (Lobbyist) - Proponent
FL Pediatric Society
1895 Vineland Lane
Tallahassee Florida 32317
Phone: 850-942-7031

Linda Merrell (Lobbyist) - Proponent
Florida Child Healthcare Coalition
599 John Anderson Drive
Ormond Beach Florida 32176
Phone: 386-295-3651

Mary Lynn Cullen (Lobbyist) - Proponent
Advocacy Institute for Children
1674 University Parkway
Sarasota Florida 34243
Phone: 941-928-0278

Becker Holland - Proponent
Junior Leagues of Florida
13141 NW 19th Place
Gainesville Florida 32606
Phone: 352-359-2859

Steven Fields (Lobbyist) (State Employee) - Proponent
Department of Highway Safety & Motor Vehicles

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 619

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER ___

1 Council/Committee hearing bill: Infrastructure

2 Representative(s) Gelber offered the following:

3
4 **Amendment**

5 After line 61 insert:

6 (5) A child who is between the ages of 4 and 7 years and
7 is taller than 57 inches in height or heavier than 100 pounds in
8 weight.



Committee on _____

Ken DeFina

Date _____

Action AD

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY
(may be used in Committee, but not on House Floor)

Amendment No. _____

Bill No. H619

(For filing with the Clerk, Committee and Member Amendments must be prepared on computer)

Representative(s)/The Committee on Skidmore

offered the following amendment: do amendment 1

Amendment

on page 1, line 6,

remove said line and insert:

(5) Transporting a child who

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 711 : Accessible Parking Spaces

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher		X			
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
Total Yeas: 9		Total Nays: 1			

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 831 : Driver's License Fees

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon			X		
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

Herb Sheheane (Lobbyist) - Proponent
FHP Auxiliary
1455 Cone Creek Road
Quincy Florida 32351
Phone: 850-566-1100

Matt Puckett (Lobbyist) - Proponent
Florida Police Benevolent Association
300 E Brevard Street
Tallahassee Florida 32301
Phone: 850-222-3329

William Smith (Lobbyist) (State Employee) - Proponent
Florida State Trooper
300 E Brevard Street
Tallahassee Florida 32301
Phone: 305-333-4344

Drew Medcalf (Lobbyist) - Proponent
Florida Association of State Troopers
2061 Delta Way
Tallahassee Florida 32303
Phone: 850-681-9551

Steven Fielder (Lobbyist) (State Employee) - Proponent
Department of Highway Safety & Motor Vehicles
2900 Apalachee Parkway
Tallahassee Florida
Phone: 850-617-3195

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

Col. John Czernis (State Employee) - Proponent
Florida Highway Patrol Director
Neil Kirkman Building
Tallahassee Florida 32312
Phone: 850-617-2300

Electra Bustle (Lobbyist) (State Employee) - Proponent
Department of Highway Safety & Motor Vehicles, Executive Director
2900 Apalachee Parkway
Tallahassee Florida
Phone: 850-617-3100

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 831

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Committee on Infrastructure
 2 Representative(s) Evers offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (2) of section 318.15, Florida
 8 Statutes, is amended to read:

9 318.15 Failure to comply with civil penalty or to appear;
 10 penalty; distribution of funds to the Florida Highway Patrol.--

11 (2) After suspension of the driver's license and privilege
 12 to drive of a person under subsection (1), the license and
 13 privilege may not be reinstated until the person complies with
 14 all obligations and penalties imposed on him or her under s.
 15 318.18 and presents to a driver license office a certificate of
 16 compliance issued by the court, together with a nonrefundable
 17 service charge of up to \$60 ~~\$47.50~~ imposed under s. 322.29, or
 18 presents a certificate of compliance and pays the aforementioned
 19 service charge of up to \$60 ~~\$47.50~~ to the clerk of the court or
 20 a driver licensing agent authorized in s. 322.135 clearing such
 21 suspension. Of the charge collected by the clerk of the court or
 22 driver licensing agent, \$22.50 ~~\$10~~ shall be remitted to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 Department of Revenue to be deposited into the Highway Safety
24 Operating Trust Fund. Such person shall also be in compliance
25 with requirements of chapter 322 prior to reinstatement. Of the
26 portion of each nonrefundable service charge imposed by this
27 subsection deposited into the Highway Safety Operating Trust
28 Fund, \$12.50 shall be used for the purpose of establishing a
29 recruitment and retention salary payment plan for officers of
30 the Florida Highway Patrol. The Director of the Florida Highway
31 Patrol is authorized to utilize funds established from this fee
32 to ensure the salary of Florida Highway Patrol officers remains
33 competitive with the average of the salaries of the six highest
34 paid law enforcement agencies in the state. The Director is
35 authorized to develop a pay scale for members of the Florida
36 Highway Patrol to be based on years of service and job
37 performance relative to established duty requirements.

38 Section 2. Paragraph (a) of subsection (8) of section
39 318.18, Florida Statutes, is amended to read:

40 318.18 Amount of penalties.--The penalties required for a
41 noncriminal disposition pursuant to s. 318.14 or a criminal
42 offense listed in s. 318.17 are as follows:

43 (8) (a) Any person who fails to comply with the court's
44 requirements or who fails to pay the civil penalties specified
45 in this section within the 30-day period provided for in s.
46 318.14 must pay an additional civil penalty of \$20 ~~\$12~~, \$2.50 of
47 which must be remitted to the Department of Revenue for deposit
48 in the General Revenue Fund, and \$17.50 ~~\$9.50~~ of which must be
49 remitted to the Department of Revenue for deposit in the Highway
50 Safety Operating Trust Fund. Of the portion of each additional
51 civil penalty imposed by this subsection remitted to the Highway
52 Safety Operating Trust Fund, \$8 shall be used for the purpose of
53 establishing a recruitment and retention salary payment plan for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

54 officers of the Florida Highway Patrol. The department shall
55 contract with the Florida Association of Court Clerks, Inc., to
56 design, establish, operate, upgrade, and maintain an automated
57 statewide Uniform Traffic Citation Accounting System to be
58 operated by the clerks of the court which shall include, but not
59 be limited to, the accounting for traffic infractions by type, a
60 record of the disposition of the citations, and an accounting
61 system for the fines assessed and the subsequent fine amounts
62 paid to the clerks of the court. On or before December 1, 2001,
63 the clerks of the court must provide the information required by
64 this chapter to be transmitted to the department by electronic
65 transmission pursuant to the contract.

66 Section 3. Section 322.21, Florida Statutes, is amended to
67 read:

68 322.21 License fees; procedure for handling and collecting
69 fees; distribution of funds to the highway patrol.--

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

71 (a) An original or renewal commercial driver's license is
72 \$50, which shall include the fee for driver education provided
73 by s. 1003.48; however, if an applicant has completed training
74 and is applying for employment or is currently employed in a
75 public or nonpublic school system that requires the commercial
76 license, the fee shall be the same as for a Class E driver's
77 license. A delinquent fee of \$1 shall be added for a renewal
78 made not more than 12 months after the license expiration date.

79 (b) An original Class E driver's license is \$20, which
80 shall include the fee for driver's education provided by s.
81 1003.48; however, if an applicant has completed training and is
82 applying for employment or is currently employed in a public or
83 nonpublic school system that requires a commercial driver
84 license, the fee shall be the same as for a Class E license.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

85 (c) The renewal or extension of a Class E driver's license
86 or of a license restricted to motorcycle use only is \$15; except
87 that a delinquent fee of \$1 shall be added for a renewal or
88 extension made not more than 12 months after the license
89 expiration date. The fee provided in this paragraph shall
90 include the fee for driver's education provided by s. 1003.48.

91 (d) An original driver's license restricted to motorcycle
92 use only is \$20, which shall include the fee for driver's
93 education provided by s. 1003.48.

94 (e) Each endorsement required by s. 322.57 is \$5.

95 (f) A hazardous-materials endorsement, as required by s.
96 322.57(1)(d), shall be set by the department by rule and shall
97 reflect the cost of the required criminal history check,
98 including the cost of the state and federal fingerprint check,
99 and the cost to the department of providing and issuing the
100 license. The fee shall not exceed \$100. This fee shall be
101 deposited in the Highway Safety Operating Trust Fund. The
102 department may adopt rules to administer this section.

103 (2) It is the duty of the Director of the Division of
104 Driver Licenses to set up a division in the department with the
105 necessary personnel to perform the necessary clerical and
106 routine work for the department in issuing and recording
107 applications, licenses, and certificates of eligibility,
108 including the receiving and accounting of all license funds and
109 their payment into the State Treasury, and other incidental
110 clerical work connected with the administration of this chapter.
111 The department is authorized to use such electronic, mechanical,
112 or other devices as necessary to accomplish the purposes of this
113 chapter.

114 (3) The department shall prepare sufficient forms for
115 certificates of eligibility, applications, notices, and license

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

116 materials to supply all applicants for driver's licenses and all
117 renewal licenses.

118 (4) If the department determines from its records or is
119 otherwise satisfied that the holder of a license about to expire
120 is entitled to have it renewed, the department shall mail a
121 renewal notice to him or her at his or her last known address,
122 not less than 30 days prior to the licensee's birthday. The
123 licensee shall be issued a renewal license, after reexamination,
124 if required, during the 30 days immediately preceding his or her
125 birthday upon presenting a renewal notice, his or her current
126 license, and the fee for renewal to the department at any
127 driver's license examining office.

128 (5) The department shall collect and transmit all fees
129 received by it under this section to the Chief Financial Officer
130 to be placed in the General Revenue Fund of the state, and
131 sufficient funds for the necessary expenses of the department
132 shall be included in the appropriations act. The fees shall be
133 used for the maintenance and operation of the department.

134 (6) Any member of the Armed Forces or his or her spouse,
135 daughter, son, stepdaughter, or stepson, who holds a Florida
136 driver's license and who presents an affidavit showing that he
137 or she was out of the state due to service in the Armed Forces
138 of the United States at the time of license expiration is exempt
139 from paying the delinquent fee, if the application for renewal
140 is made within 15 months after the expiration of his or her
141 license and within 90 days after the date of discharge or
142 transfer to a military or naval establishment in this state as
143 shown in the affidavit. However, such a person is not exempt
144 from any reexamination requirement.

145 (7) Any veteran honorably discharged from the Armed Forces
146 who has been issued a valid identification card by the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

147 Department of Veterans' Affairs in accordance with s. 295.17, or
148 has been determined by the United States Department of Veterans
149 Affairs or its predecessor to have a 100-percent total and
150 permanent service-connected disability rating for compensation,
151 or has been determined to have a service-connected total and
152 permanent disability rating of 100 percent and is in receipt of
153 disability retirement pay from any branch of the United States
154 Armed Services, and who is qualified to obtain a driver's
155 license under this chapter is exempt from all fees required by
156 this section.

157 (8) Any person who applies for reinstatement following the
158 suspension or revocation of the person's driver's license shall
159 pay a service fee of \$45 ~~\$35~~ following a suspension, and \$75 ~~\$60~~
160 following a revocation, which is in addition to the fee for a
161 license. Any person who applies for reinstatement of a
162 commercial driver's license following the disqualification of
163 the person's privilege to operate a commercial motor vehicle
164 shall pay a service fee of \$75 ~~\$60~~, which is in addition to the
165 fee for a license. The department shall collect all of these
166 fees at the time of reinstatement. The department shall issue
167 proper receipts for such fees and shall promptly transmit all
168 funds received by it as follows:

169 (a) Of the \$45 ~~\$35~~ fee received from a licensee for
170 reinstatement following a suspension, the department shall
171 deposit \$15 in the General Revenue Fund and \$30 ~~\$20~~ in the
172 Highway Safety Operating Trust Fund.

173 (b) Of the \$75 ~~\$60~~ fee received from a licensee for
174 reinstatement following a revocation or disqualification, the
175 department shall deposit \$35 in the General Revenue Fund and \$40
176 ~~\$25~~ in the Highway Safety Operating Trust Fund.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

177 (c) Of the portion of each driver license reinstatement fee
178 deposited into the Highway Safety Operating Trust Fund following
179 a revocation or disqualification, \$15 shall be used for purpose
180 of establishing a recruitment and retention salary payment plan
181 for officers of the Florida Highway Patrol. Of the portion of
182 each driver license reinstatement fee deposited into the Highway
183 Safety Operating Trust Fund following a suspension, \$10 shall be
184 used for the purpose of establishing a recruitment and retention
185 salary payment plan for officers of the Florida Highway Patrol.
186 The Director of the Florida Highway Patrol is authorized to
187 utilize funds established from this fee to ensure the salary of
188 Florida Highway Patrol officers remains competitive with the
189 average of the salaries of the six highest paid law enforcement
190 agencies in the state. The Director is authorized to develop a
191 pay scale for members of the Florida Highway Patrol to be based
192 on years of service and job performance relative to established
193 duty requirements.

194
195 If the revocation or suspension of the driver's license was for
196 a violation of s. 316.193, or for refusal to submit to a lawful
197 breath, blood, or urine test, an additional fee of \$130 ~~\$115~~
198 must be charged. However, only one \$130 ~~\$115~~ fee may be
199 collected from one person convicted of violations arising out of
200 the same incident. The department shall collect the \$130 ~~\$115~~
201 fee and deposit the fee into the Highway Safety Operating Trust
202 Fund at the time of reinstatement of the person's driver's
203 license, but the fee may not be collected if the suspension or
204 revocation is overturned. If the revocation or suspension of the
205 driver's license was for a conviction for a violation of s.
206 817.234(8) or (9) or s. 817.505, an additional fee of \$180 is
207 imposed for each offense. The department shall collect and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

208 deposit the additional fee into the Highway Safety Operating
209 Trust Fund at the time of reinstatement of the person's driver's
210 license. Of the portion of each driver license reinstatement fee
211 deposited into the Highway Safety Operating Trust Fund following
212 a revocation or suspension imposed for a violation of s.
213 316.193, or for refusal to submit to a lawful breath, blood, or
214 urine test, \$15 shall be used for purpose of establishing a
215 recruitment and retention salary payment plan for officers of
216 the Florida Highway Patrol.

217 Section 4. Subsection (2) of section 322.29, Florida
218 Statutes, is amended to read:

219 322.29 Surrender and return of license.--

220 (2) The provisions of subsection (1) to the contrary
221 notwithstanding, no examination is required for the return of a
222 license suspended under s. 318.15 or s. 322.245 unless an
223 examination is otherwise required by this chapter. Every person
224 applying for the return of a license suspended under s. 318.15
225 or s. 322.245 shall present to the department certification from
226 the court that he or she has complied with all obligations and
227 penalties imposed on him or her pursuant to s. 318.15 or, in the
228 case of a suspension pursuant to s. 322.245, that he or she has
229 complied with all directives of the court and the requirements
230 of s. 322.245 and shall pay to the department a nonrefundable
231 service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited
232 into the General Revenue Fund and \$22.50 ~~\$10~~ shall be deposited
233 into the Highway Safety Operating Trust Fund. If reinstated by
234 the clerk of the court or tax collector, \$37.50 shall be
235 retained and \$22.50 ~~\$10~~ shall be remitted to the Department of
236 Revenue for deposit into the Highway Safety Operating Trust
237 Fund. However, the service fee is not required if the person is

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

238 required to pay a \$45 ~~\$35~~ fee or \$75 ~~\$60~~ fee under the
239 provisions of s. 322.21.

240 Section 5. This act shall take effect July 1, 2008.

241

242

243

244

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

245

Remove the entire title and insert:

246

A bill to be entitled

247

An act relating to driver's license fees; amending s. 318.15,

248

F.S.; increasing the nonrefundable service charge paid to the

249

Department of Highway Safety and Motor Vehicles or to the clerk

250

of the court to reinstate a suspended driver's license and

251

privilege to drive; requiring the Department of Highway Safety

252

and Motor Vehicles to collect the fees and deposit them into the

253

General Revenue Fund and the Highway Safety Operating Trust

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Fund; requiring that the deposited funds be appropriated to

255

establish a recruitment plan for officers of the highway patrol

256

and for a salary scale to ensure that the salary of highway

257

patrol officers remains competitive with other law enforcement

258

agencies; amending s.318.18, F.S.; increasing the additional

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civil penalty for late payment of civil traffic penalties;

260

requiring the Department of Highway Safety and Motor Vehicles to

261

collect the fees and deposit them into the General Revenue Fund

262

and the Highway Safety Operating Trust Fund; requiring that the

263

deposited funds be appropriated to establish a recruitment plan

264

for officers of the highway patrol and for a salary scale to

265

ensure that the salary of highway patrol officers remains

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competitive with other law enforcement agencies; amending s.

267

322.21, F.S.; increasing the fees for reinstating a suspended or

268

revoked driver's license or commercial motor vehicle license;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

269 requiring the Department of Highway Safety and Motor Vehicles to
270 collect the fees and deposit them into the General Revenue Fund
271 and the Highway Safety Operating Trust Fund; requiring that the
272 deposited funds be appropriated to establish a recruitment plan
273 for officers of the highway patrol and for a salary scale to
274 ensure that the salary of highway patrol officers remains
275 competitive with other law enforcement agencies; amending s.
276 322.29, F.S., relating to the surrender and return of a license;
277 conforming provisions to changes made by the act; providing an
278 effective date.

279

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 1123 : Contract Carriers

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

David Lavery (Lobbyist) - Proponent
Brotherhood of Locomotive Engineers and Trainmen
Po Box 304
Tampa Florida 33601
Phone: 813-215-5330

Andues Trivillo (Lobbyist) - Proponent
VTV
8210 NW 172 Street
Miami Florida 33015
Phone: 305-819-7796

Jim Long (Lobbyist) - Opponent
Florida Tracking Association
350 E College Avenue
Tallahassee Florida
Phone: 850-222-9900

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 1177 : Motor Vehicles

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)					X
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 1207 : Railroads

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher		X			
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore		X			
Nicholas Thompson	X				
Richard Glortoso (Chair)	X				
Total Yeas: 8		Total Nays: 2			

Appearances:

Ben Biscan - Opponent
Florida Railroad Association
Po Box 967
Plymouth Florida 32768
Phone: 407-880-8500

William L Glisson (Lobbyist) - Opponent
State Legislative Director, CSX
2201 Greenhills Drive
Valrico Florida
Phone: 813-426-5338

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 1245 : Regional Transportation Authorities

Favorable With Amendments (3)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Joe Giuleitti (State Employee) - Proponent
South Florida Regional Transportation Authority
800 NW 33rd Street
Pompano Beach Florida 33064
Phone: 954-788-7918

David Ericks (Lobbyist) - Proponent
205 S Adams Street
Tallahassee Florida
Phone: 850-459-6029

Denise Layne (Lobbyist) - Proponent
CHRG
2504 Ayers Hill Ct
Lutz Florida 33559
Phone: 813-246-0485

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1245

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

1 Council/Committee hearing bill: Committee on Infrastructure
2 Representative(s) Galvano offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove lines 119 - 134 and insert:

6 obligation under subsections (1) and (3). ~~The funding source~~
7 ~~shall be dedicated to the authority only if Broward, Miami-Dade,~~
8 ~~and Palm Beach counties impose the local option funding source.~~

9 (3) In addition, each county shall continue to annually
10 fund the operations of the South Florida Regional Transportation
11 Authority in an amount not less than \$1.565 million. Revenue
12 raised pursuant to this subsection shall also be considered a
13 dedicated funding source.

14 (4) ~~The current funding obligations under subsections (1)~~
15 ~~and (3) shall cease upon commencement of the collection of~~
16 ~~funding from the funding source under subsection (2).~~ If the
17 funding under subsection (2) is discontinued for any reason, the
18 funding obligations under subsections (1) and (3) shall resume
19 when collection from the funding source under subsection (2)
20 ceases. If counties are relieved of any funding obligations
21 under subsections (1) and (3):

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 for drafter's use only)

Bill No. 1245

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Infrastructure
2 Representative(s) Galvano offered the following:

3 **Amendment (with title amendment)**

4 Remove line(s) 61-77 and insert:

5 Section 2. Paragraph (a) of subsection (2) of section
6 212.0606, Florida Statutes, is amended to read:

7 (2) (a) Notwithstanding the provisions of section 212.20,
8 and less costs of administration, 80 percent of the proceeds of
9 this surcharge shall be deposited in the State Transportation
10 Trust Fund, 15.75 percent of the proceeds of this surcharge
11 shall be deposited in the Tourism Promotional Trust Fund created
12 in s. 288.122, and 4.25 percent of the proceeds of this
13 surcharge shall be deposited in the Florida International Trade
14 and Promotion Trust Fund. Of the proceeds subject to be
15 deposited into the State Transportation Trust Fund, in fiscal
16 year 2008-2009 and each year thereafter, the proceeds collected
17 within each county within the service territory of the regional
18 transportation authority established under part I of chapter 343
19 shall be distributed into an account of the authority. The
20 regional transportation authorities established under part II,
21 part III, part IV, or part V of chapter 343 may elect to receive

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 for drafter's use only)

22 the proceeds deposited into the State Transportation Trust Fund
23 that is attributed to each county within the service territory
24 of each regional transportation authority, by notifying the
25 department of such election in writing. The election will not be
26 effective until the first day of the month following 60 days
27 after the department receives written notification from the
28 regional transportation authority. For the purposes of this
29 subsection, "proceeds" of the surcharge means all funds
30 collected and received by the department under this section,
31 including interest and penalties on delinquent surcharges. The
32 department shall provide the Department of Transportation rental
33 car surcharge revenue information for the previous state fiscal
34 year by September 1 of each year. Monthly proceeds due to each
35 regional transportation authority will be based on the
36 percentage attributable to each participating county as
37 determined in this paragraph as of September 1 of the preceding
38 fiscal year, which will be used for the subsequent fiscal year.

41 TITLE AMENDMENT

42 Remove lines 6 - 8 and insert:

43 of regional transportation authorities; providing for notice to
44 the department; providing a method for determining amounts due
45 to the authorities; amending s. 341.303,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 1245

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Infrastructure Committee
 2 Representative Glorioso offered the following:

3

4 **Amendment (with title amendment)**

5 Between lines 100 and 101 insert:

6 Section 4. Part III, Chapter 343, F.S., is repealed.

7

8 TITLE AMENDMENT

9 Remove lines 13 and insert:

10 circumstances; repealing chapter 343, part III, F.S., abolishing
 11 the Tampa Bay Commuter Transit Authority; amending s. 343.58,
 12 F.S.; relieving certain

13

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COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 1299 : Driver Education

Favorable With Amendments (3)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Amy Petrila (Lobbyist) - Proponent
Children's Board of Hillsborough County
1002 E Palm
Tampa Florida 33605
Phone: 813-204-1795

Connie Milito (Lobbyist) - Proponent
Hillsborough County Public Schools
901 E Kennedy Blvd
Tampa Florida 33601
Phone: 813-272-4519

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1299

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Committee on Infrastructure
 2 Representative(s) Ambler offered the following:

4 **Amendment (with title amendment)**

5 Remove line(s) 81-87

7 -----

8 **T I T L E A M E N D M E N T**

9 Remove line(s) 15-16 and insert:
 10 the standards and requirements; providing an
 11

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 1299

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

1 Council/Committee hearing bill: Committee on Infrastructure
 2 Representative(s) Ambler offered the following:

Amendment (with title amendment)

Remove line 70 and insert:

6 (4) The Commissioner of Education ~~district school board~~

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

10 Remove line 12 and insert: the Commissioner of Education to
11 prescribe standards and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 1299

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Infrastructure
2 Representative(s) Glorioso offered the following:

3
4 **Amendment**

5 Remove Line 23 and insert:

6 322.093 Driver education for minors. -Notwithstanding any other
7 provision of law, the department may

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 1399 : Department of Transportation

Favorable With Amendments (10)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher		X			
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
Total Yeas: 9		Total Nays: 1			

Appearances:

Brian Pitts - Information Only
Justice-2-Jesus
1119 Newton Avenue South
St Petersburg Florida 33705
Phone: 727-897-9291

Stephanie C Kopelousos (Lobbyist) (State Employee) (At Request Of Chair) - Information Only
Florida Dept of Transportation
408 Suwannee Street
Tallahassee Florida
Phone: 850-414-5605

Alexis Yarbrough (Lobbyist) (State Employee) (At Request Of Chair) - Information Only
Florida Department of Transportation
408 Suwannee Street
Tallahassee Florida
Phone: 850-414-5270

Mike Ketchum, Vice President (Lobbyist) - Proponent
orlando Regional Chamber of Commerce
Po box 1234
Orlando Florida 32802
Phone: 407-835-2464

Ray Gilley, CEO - Proponent
Metro Orlando Economic Development Council
301 E Pine Street Ste 900
Orlando Florida 32810
Phone: 407-422-7159

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

John Ashworth - Proponent
Seminole County Chamber of Commerce
1055 AAA Drive
Lake Mary Florida
Phone: 407-739-4520

Amanda Conochalla (Lobbyist) - Proponent
Orlando Regional Healthcare
1414 Kuhl Avenue
Orlando Florida 32806
Phone: 321-303-9401

Bob Dallari - Proponent
Seminole County Commission
1101 E First Street
Sanford Florida 32771
Phone: 407-865-7215

Paul Jess (Lobbyist) - Opponent
Florida Justice Association
218 S Monroe Street
Tallahassee Florida 32301
Phone: 850-224-9403

Harold Barley, Executive Director - Proponent
Metro Plan Orlando

Linda Stewart - Proponent
Orange County Commission
2101 S Rosaland
Orlando Florida 32802
Phone: 407-222-5109

James R Holland II - Opponent
946 Ship Watch Drive
Jacksonville Florida
Phone: 904-910-1080

Shannon McAleavey (Lobbyist) - Proponent
Walt Disney World
Po Box 10000
Lake Buena Vista Florida 32830
Phone: 407-828-2474

Beth Thibodaux - Proponent
Florida Hospital
2400 Bedford Road
Orlando Florida 32803
Phone: 407-303-5559

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

Carolyn Gosselin - Proponent
CNL Financial Group
450 S Orange
Orlando Florida 32804
Phone: 407-540-2505

Yvonne Gsteiger (Lobbyist) (State Employee) - Information Only
Senior Cabinet Aide for CFO Sink (Department of Financial Services)
Tallahassee Florida
Phone: 850-413-2829

Jim Harrison - Proponent
Growth Management Orange County
201 S Rosalind Avenue
Orlando Florida 32801
Phone: 407-836-5312

Mark Jeffries (Lobbyist) - Proponent
Public Affairs Director
201 S Rosalind Avenue
Orlando Florida 32801
Phone: 407-836-7370

Tricia Johnson (Lobbyist) - Proponent
Government Affairs Manager, LYNX
455 North Garland Avenue
Orlando Florida 32801
Phone: 321-662-2928

Roger D Neiswender - Proponent
Transportation Director for City of Orlando
401 S Orange Avenue
Orlando Florida 32801
Phone: 407-246-3978

Karl Welzenbach - Proponent
Volusia County MPO
2750 W International Speedway Blvd.
Daytona Beach Florida 32114
Phone: 386-212-7971

Jo Thacker (Lobbyist) - Proponent
Osceola County Attorney
23 Adams Avenue
Kissimmee Florida 34744
Phone: 407-742-2206

Robert B Zaitooni - Proponent
Osceola County
1 Courthouse Square Ste 3100
Kissimmee Florida 34741
Phone: 407-742-0601

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

Tom Franklin - Proponent
Kissimmee/Osceola Chamber of Commerce
1368 E Vine Street
Kissimmee Florida 34744
Phone: 407-846-1216

Heather O'Brien - Proponent
Osceola County
1 Courthouse Square Ste 4200
Kissimmee Florida 34741
Phone: 407-742-2200

Kathy Wall - Proponent
Osceola County
1 Courthouse Square
Kissimmee Florida 34741
Phone: 407-343-6400

Abby Horner - Proponent
Kissimmee Main Street Board Member
2120 Macy Island Road
Kissimmee Florida 34744
Phone: 407-414-3113

Jessica Newman - Proponent
Kissimmee Main Street Director
320 E Monument Avenue
Kissimmee Florida 34741
Phone: 407-846-4643

Eric Peguero - Proponent
Kissimmee Main Street
320 Monument Avenue
Kissimmee Florida 34741

Fred Leonhardt (Lobbyist) - Proponent
City of Orlando
301 E Pine Street STE 1400
Orlando Florida 32801
Phone: 407-421-7222

Joanie Schirm - Proponent
League of Women Voters of Florida
516 Lakeview Street
Orlando Florida 32804
Phone: 407-425-1245

Don Smallwood (Lobbyist) - Proponent
City of Kissimmee
101 N Church Street
Kissimmee Florida 34741
Phone: 407-518-2310

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

Cheryl Grieb - Proponent
Commissioner
101 Church Street
Kissimmee Florida 34741
Phone: 407-518-2325

Mike Steigerwald - Proponent

City of Kissimmee
101 N Church Street
Kissimmee Florida 34741
Phone: 407-518-2306

Tura Schnebly - Proponent

County of Volusia
123 West Indiana Avenue
Deland Florida 32720
Phone: 386-736-5950

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **1399**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Infrastructure Committee
 2 Representative Aubuchon offered the following:

Amendment

6 Delete lines 308 through 313 and insert:

8 (c) Upon issuance of the applicable Environmental
 9 Protection Agency final rule pursuant to 23 U.S.C. s. 166(e),
 10 relating to the eligibility of hybrid and other low-emission and
 11 energy-efficient vehicles for operation in an HOV lane
 12 regardless of occupancy, the Department of Transportation shall
 13 review the rule and recommend to the Legislature any statutory
 14 changes necessary for compliance with the federal rule. The
 15 department shall provide its recommendations no later than 30
 16 days following issuance of the final rule.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 1399

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Council/Committee hearing bill: Infrastructure Committee
 2 Representative Aubuchon offered the following:

3

4 **Amendment (with title amendment)**

5 Delete lines 350 through 371.

6

7 **===== TITLE AMENDMENT =====**

8 Remove lines 22 and 31 and insert:
 9 vehicles under certain circumstances; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **1399**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Infrastructure Committee

2 Representative Aubuchon offered the following:

3
4 **Amendment**

5
6 Delete line 417 and insert:

7
8 Of bus, as such rules and regulations existed on October 1, 2007

9
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. 1399

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Infrastructure Committee

2 Representative Aubuchon offered the following:

3

4 **Amendment**

5

6 Delete line 812 and insert:

7

8 334.046(1).

9

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

Bill No. 1399

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Infrastructure Committee

2 Representative Hooper offered the following:

3
4 **Amendment (with Title Amendment)**

5
6 Between lines 405 and 406, insert:

7 Section 5. Subsection (2) of section 316.2397, Florida Statutes
8 is amended to read:

9 316.2397 Certain lights prohibited; exceptions.—

10 (2) It is expressly prohibited for any vehicle or
 11 equipment, except police vehicles, to show or display blue
 12 lights. However, vehicles owned, operated, or leased by the
 13 Department of Corrections or any county correctional agency,
 14 may show or display blue lights when responding to emergencies.

15
16 -----
17 **T I T L E A M E N D M E N T**

18 Between lines 34 and 35 insert:

19 amending s. 316.2397, F.S.; allowing county correctional
20 agencies to use blue lights on vehicles when responding to
21 emergencies;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6(for drafter's use only)

Bill No. 1399

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Infrastructure Committee
 2 Representative Glorioso offered the following:

Amendment (with title amendment)

5 Between lines 149 and 150 insert:

6 Section 1. Paragraphs (a), (h), and (j) of subsection (6)
 7 of section 163.3177, Florida Statutes, are amended to read:

8 163.3177 Required and optional elements of comprehensive
 9 plan; studies and surveys.--

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

13 (a) A future land use plan element designating proposed
 14 future general distribution, location, and extent of the uses of
 15 land for residential uses, commercial uses, industry,
 16 agriculture, recreation, conservation, education, public
 17 buildings and grounds, other public facilities, and other
 18 categories of the public and private uses of land. Counties are
 19 encouraged to designate rural land stewardship areas, pursuant
 20 to the provisions of paragraph (11)(d), as overlays on the
 21 future land use map. Each future land use category must be

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

22 defined in terms of uses included, and must include standards to
23 be followed in the control and distribution of population
24 densities and building and structure intensities. The proposed
25 distribution, location, and extent of the various categories of
26 land use shall be shown on a land use map or map series which
27 shall be supplemented by goals, policies, and measurable
28 objectives. The future land use plan shall be based upon
29 surveys, studies, and data regarding the area, including the
30 amount of land required to accommodate anticipated growth; the
31 projected population of the area; the character of undeveloped
32 land; the availability of water supplies, public facilities, and
33 services; the need for redevelopment, including the renewal of
34 blighted areas and the elimination of nonconforming uses which
35 are inconsistent with the character of the community; the
36 compatibility of uses on lands adjacent to or closely proximate
37 to military installations and airports as defined in s.
38 333.01(2) and consistent with provisions in s. 333.02; and, in
39 rural communities, the need for job creation, capital
40 investment, and economic development that will strengthen and
41 diversify the community's economy. The future land use plan may
42 designate areas for future planned development use involving
43 combinations of types of uses for which special regulations may
44 be necessary to ensure development in accord with the principles
45 and standards of the comprehensive plan and this act. The future
46 land use plan element shall include criteria to be used to
47 achieve the compatibility of adjacent or closely proximate lands
48 with military installations and airports as defined in s.
49 333.01(2) and consistent with provisions in s. 333.02. In
50 addition, for rural communities, the amount of land designated
51 for future planned industrial use shall be based upon surveys

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

52 and studies that reflect the need for job creation, capital
53 investment, and the necessity to strengthen and diversify the
54 local economies, and shall not be limited solely by the
55 projected population of the rural community. The future land use
56 plan of a county may also designate areas for possible future
57 municipal incorporation. The land use maps or map series shall
58 generally identify and depict historic district boundaries and
59 shall designate historically significant properties meriting
60 protection. For coastal counties, the future land use element
61 must include, without limitation, regulatory incentives and
62 criteria that encourage the preservation of recreational and
63 commercial working waterfronts as defined in s. 342.07. The
64 future land use element must clearly identify the land use
65 categories in which public schools are an allowable use. When
66 delineating the land use categories in which public schools are
67 an allowable use, a local government shall include in the
68 categories sufficient land proximate to residential development
69 to meet the projected needs for schools in coordination with
70 public school boards and may establish differing criteria for
71 schools of different type or size. Each local government shall
72 include lands contiguous to existing school sites, to the
73 maximum extent possible, within the land use categories in which
74 public schools are an allowable use. The failure by a local
75 government to comply with these school siting requirements will
76 result in the prohibition of the local government's ability to
77 amend the local comprehensive plan, except for plan amendments
78 described in s. 163.3187(1)(b), until the school siting
79 requirements are met. Amendments proposed by a local government
80 for purposes of identifying the land use categories in which
81 public schools are an allowable use are exempt from the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

82 limitation on the frequency of plan amendments contained in s.
83 163.3187. The future land use element shall include criteria
84 that encourage the location of schools proximate to urban
85 residential areas to the extent possible and shall require that
86 the local government seek to collocate public facilities, such
87 as parks, libraries, and community centers, with schools to the
88 extent possible and to encourage the use of elementary schools
89 as focal points for neighborhoods. For schools serving
90 predominantly rural counties, defined as a county with a
91 population of 100,000 or fewer, an agricultural land use
92 category shall be eligible for the location of public school
93 facilities if the local comprehensive plan contains school
94 siting criteria and the location is consistent with such
95 criteria. Local governments required to update or amend their
96 comprehensive plan to include criteria and address compatibility
97 of adjacent or closely proximate lands with an existing or new
98 airport, defined in s. 333.01(2) and consistent with provisions
99 in s. 333.02, military installations in their future land use
100 plan element shall transmit the update or amendment to the
101 department by June 30, 2010 ~~2006~~.

102 (h)1. An intergovernmental coordination element showing
103 relationships and stating principles and guidelines to be used
104 in the accomplishment of coordination of the adopted
105 comprehensive plan with the plans of school boards, regional
106 water supply authorities, and other units of local government
107 providing services but not having regulatory authority over the
108 use of land, with the comprehensive plans of adjacent
109 municipalities, the county, adjacent counties, or the region,
110 with the state comprehensive plan and with the applicable
111 regional water supply plan approved pursuant to s. 373.0361, as

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

112 the case may require and as such adopted plans or plans in
113 preparation may exist. This element of the local comprehensive
114 plan shall demonstrate consideration of the particular effects
115 of the local plan, when adopted, upon the development of
116 adjacent municipalities, the county, adjacent counties, or the
117 region, or upon the state comprehensive plan, as the case may
118 require.

119 a. The intergovernmental coordination element shall
120 provide ~~for~~ procedures to identify and implement joint planning
121 areas, especially for the purpose of annexation, municipal
122 incorporation, and joint infrastructure service areas.

123 b. The intergovernmental coordination element shall
124 provide for recognition of campus master plans prepared pursuant
125 to s. 1013.30.

126 c. The intergovernmental coordination element may provide
127 for a voluntary dispute resolution process, as established
128 pursuant to s. 186.509, for bringing to closure in a timely
129 manner intergovernmental disputes. A local government may
130 develop and use an alternative local dispute resolution process
131 for this purpose.

132 d. The intergovernmental coordination element shall
133 provide for interlocal agreements, as established pursuant to s.
134 333.03(1)(b).

135 2. The intergovernmental coordination element shall
136 further state principles and guidelines to be used in the
137 accomplishment of coordination of the adopted comprehensive plan
138 with the plans of school boards and other units of local
139 government providing facilities and services but not having
140 regulatory authority over the use of land. In addition, the
141 intergovernmental coordination element shall describe joint

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

142 processes for collaborative planning and decisionmaking on
143 population projections and public school siting, the location
144 and extension of public facilities subject to concurrency, and
145 siting facilities with countywide significance, including
146 locally unwanted land uses whose nature and identity are
147 established in an agreement. Within 1 year of adopting their
148 intergovernmental coordination elements, each county, all the
149 municipalities within that county, the district school board,
150 and any unit of local government service providers in that
151 county shall establish by interlocal or other formal agreement
152 executed by all affected entities, the joint processes described
153 in this subparagraph consistent with their adopted
154 intergovernmental coordination elements.

155 3. To foster coordination between special districts and
156 local general-purpose governments as local general-purpose
157 governments implement local comprehensive plans, each
158 independent special district must submit a public facilities
159 report to the appropriate local government as required by s.
160 189.415.

161 4.a. Local governments must execute an interlocal
162 agreement with the district school board, the county, and
163 nonexempt municipalities pursuant to s. 163.31777. The local
164 government shall amend the intergovernmental coordination
165 element to provide that coordination between the local
166 government and school board is pursuant to the agreement and
167 shall state the obligations of the local government under the
168 agreement.

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

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

171 5. The state land planning agency shall establish a
172 schedule for phased completion and transmittal of plan
173 amendments to implement subparagraphs 1., 2., and 3. from all
174 jurisdictions so as to accomplish their adoption by December 31,
175 1999. A local government may complete and transmit its plan
176 amendments to carry out these provisions prior to the scheduled
177 date established by the state land planning agency. The plan
178 amendments are exempt from the provisions of s. 163.3187(1).

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

183 a. Identifies All existing or proposed interlocal service
184 delivery agreements regarding the following: education; sanitary
185 sewer; public safety; solid waste; drainage; potable water;
186 parks and recreation; and transportation facilities.

187 b. Identifies Any deficits or duplication in the provision
188 of services within its jurisdiction, whether capital or
189 operational. Upon request, the Department of Community Affairs
190 shall provide technical assistance to the local governments in
191 identifying deficits or duplication.

192 7. Within 6 months after submission of the report, the
193 Department of Community Affairs shall, through the appropriate
194 regional planning council, coordinate a meeting of all local
195 governments within the regional planning area to discuss the
196 reports and potential strategies to remedy any identified
197 deficiencies or duplications.

198 8. Each local government shall update its
199 intergovernmental coordination element based upon the findings
200 in the report submitted pursuant to subparagraph 6. The report

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

201 may be used as supporting data and analysis for the
202 intergovernmental coordination element.

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

208 1. Traffic circulation, including major thoroughfares and
209 other routes, including bicycle and pedestrian ways.

210 2. All alternative modes of travel, such as public
211 transportation, pedestrian, and bicycle travel.

212 3. Parking facilities.

213 4. Aviation, rail, seaport facilities, access to those
214 facilities, and intermodal terminals.

215 5. The availability of facilities and services to serve
216 existing land uses and the compatibility between future land use
217 and transportation elements.

218 6. The capability to evacuate the coastal population prior
219 to an impending natural disaster.

220 7. Airports, projected airport and aviation development,
221 and land use compatibility around airports that includes areas
222 defined in s. 333.01 and s. 333.02.

223 8. An identification of land use densities, building
224 intensities, and transportation management programs to promote
225 public transportation systems in designated public
226 transportation corridors so as to encourage population densities
227 sufficient to support such systems.

228 9. May include transportation corridors, as defined in s.
229 334.03, intended for future transportation facilities designated
230 pursuant to s. 337.273. If transportation corridors are

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

231 designated, the local government may adopt a transportation
232 corridor management ordinance.

233

234

235 ===== TITLE AMENDMENT =====

236 Remove line 3 and insert:

237 amending s. 163.3177, F.S.; revising requirements for
238 comprehensive plans; providing for airports, land adjacent to
239 airports, and certain interlocal agreements relating thereto in
240 certain elements of the plan; amending s. 163.3182, F.S.,
241 relating to transportation

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7 (for drafter's use only)

Bill No. 1399

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Infrastructure Committee
 2 Representative Glorioso offered the following:

Amendment (with title amendment)

5 Between lines 1038 and 1039 insert:

6 Section 19. Subsection (4) of section 348.0003, Florida
7 Statutes, is amended to read:

8 348.0003 Expressway authority; formation; membership.—

9 (4)(a) An authority may employ an executive secretary, an
 10 executive director, its own counsel and legal staff, technical
 11 experts, and such engineers and employees, permanent or
 12 temporary, as it may require and shall determine the
 13 qualifications and fix the compensation of such persons, firms,
 14 or corporations. An authority may employ a fiscal agent or
 15 agents; however, the authority must solicit sealed proposals
 16 from at least three persons, firms, or corporations for the
 17 performance of any services as fiscal agents. An authority may
 18 delegate to one or more of its agents or employees such of its
 19 power as it deems necessary to carry out the purposes of the
 20 Florida Expressway Authority Act, subject always to the
 21 supervision and control of the authority. Members of an

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7 (for drafter's use only)

22 authority may be removed from office by the Governor for
23 misconduct, malfeasance, misfeasance, or nonfeasance in office.

24 (b) Members of an authority are entitled to receive from the
25 authority their travel and other necessary expenses incurred in
26 connection with the business of the authority as provided in s.
27 112.061, but they may not draw salaries or other compensation.

28 (c) Members of each an expressway authority, transportation
29 authority, bridge authority or toll authority, created pursuant
30 to this chapter, chapters 343 or 349, or pursuant to any other
31 legislative enactment, shall be required to comply with the
32 applicable financial disclosure requirements of s. 8, Art. II of
33 the State Constitution. This subsection does not subject a
34 statutorily created expressway authority, transportation
35 authority, bridge authority, or toll authority, other than one
36 created under this part, to any of the requirements of this part
37 other than those contained in this subsection.

38
39 ===== TITLE AMENDMENT =====

40 Remove lines 74 and 75 and insert:

41 Plan; amending ss. 339.2819 and 339.285, F.S.; amending s.
42 348.0003, providing for financial disclosure for expressway,
43 transportation, bridge, and toll authorities; conforming cross-
44 references; amending s. 479.01, F.S.; revising

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8 (for drafter's use only)

Bill No. 1399

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Infrastructure Committee
 2 Representative Glorioso offered the following:

3

4 **Amendment (with title amendment)**

5 Between lines 1038 and 1039 insert:

6 Section 19. Part III, Chapter 343, F.S., is repealed.

7

8 TITLE AMENDMENT

9 Remove lines 74 and 75 and insert:

10 Plan; amending ss. 339.2819 and 339.285, F.S.; repealing chapter
 11 343, part III, F.S., abolishing the Tampa Bay Commuter Transit
 12 Authority; conforming cross-references; amending s. 479.01,
 13 F.S.; revising

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9 (for drafter's use only)

Bill No. 1399

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Council/Committee hearing bill: Infrastructure Committee

2 Representative Aubuchon offered the following:

3
4 **Amendment (with Directory and Title Amendments)**

5
6 Between lines 790 and 791 insert:

7 (d)1. Whenever the department proposes any amendment to the
8 adopted work program, as defined in subparagraph (c)1. or (c)3.,
9 that deletes or defers a construction phase on a capacity
10 project, it shall notify each county affected by the amendment
11 and each municipality within the county. Said notification
12 shall be issued in writing to the chief elected official of each
13 affected county, each municipality within the county, and to the
14 chair of each affected metropolitan planning organization. Each
15 affected county, and each municipality within a county, are
16 encouraged to coordinate with one another to determine how the
17 amendment impacts local concurrency management and regional
18 transportation planning efforts. Each affected county, and each
19 municipality within the county, shall have 14 calendar days to
20 provide written comments to the department regarding how the
21 amendment will impact their respective concurrency management

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9 (for drafter's use only)

22 systems, including whether any development permits were issued
23 contingent upon the capacity improvement, if applicable. After
24 receipt of written comments from the affected local governments,
25 the department shall include any written comments submitted by
26 the affected local governments in its preparation of the
27 proposed amendment.

28 2. Following the 14-day comment period in subparagraph 1., if
29 applicable, whenever the department proposes any amendment to
30 the adopted work program, which amendment is defined in
31 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
32 subparagraph (c)4., it shall submit the proposed amendment to
33 the Governor for approval and shall immediately notify the
34 chairs of the legislative appropriations committees, the chairs
35 of the legislative transportation committees, and each member of
36 the Legislature who represents a district affected by the
37 proposed amendment. 7 The department shall also notify each
38 metropolitan planning organization affected by the proposed
39 amendment and each unit of local government affected by the
40 proposed amendment, unless the department provided to each the
41 notification required in subparagraph 1. Such proposed
42 amendment shall provide a complete justification of the need for
43 the proposed amendment.

44 3. 2. The Governor shall not approve a proposed amendment
45 until 14 days following the notification required in
46 subparagraph 2. 1.

47 4. 3. If either of the chairs of the legislative
48 appropriations committees or the President of the Senate or the
49 Speaker of the House of Representatives objects in writing to a
50 proposed amendment within 14 days following notification and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9 (for drafter's use only)

51 specifies the reasons for such objection, the Governor shall
52 disapprove the proposed amendment.

53 -----

54 **DIRECTORY A M E N D M E N T**

55 Remove lines 764 and 765 and insert:

56 Section 15. Paragraphs (c) and (d) of subsection (7) of
57 section 339.135, Florida Statutes, are amended to read:

58 -----

59 -----

60 **T I T L E A M E N D M E N T**

61 Remove line 72 and insert:

62 adopted work program; providing a notification and review
63 process for certain work program amendments; amending s.
64 339.155, F.S.;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.10 (for drafter's use only)

Bill No. 1399

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Council/Committee hearing bill: Infrastructure
2 Representative(s) Glorioso offered the following:

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

5 Remove line 1039 and insert:

6 Section 19. Subsections (8) - (14) are added to section
7 341.301, Florida Statutes, to read:

8 341.301 Definitions; ss. 341.302 and 341.303.--As used in
9 ss. 341.302 and 341.303, the term:

10 (8) "Commuter rail passenger or passengers" means and
11 includes any and all persons, ticketed or unticketed, using the
12 commuter rail service on a department owned rail corridor:

13 (a) on board trains, locomotives, rail cars, or rail
14 equipment employed in commuter rail service or entraining and
15 detraining therefrom;

16 (b) on or about the rail corridor for any purpose related
17 to the commuter rail service, including, without limitation,
18 parking, inquiring about commuter rail service or purchasing
19 tickets therefor and coming to, waiting for, leaving from or
20 observing trains, locomotives, rail cars, or rail equipment; or

21 (c) meeting, assisting or in the company of any person

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.10 (for drafter's use only)

22 described in (a) or (b).

23 (9) "Commuter rail service" means the transportation of
24 commuter rail passengers and other passengers by rail pursuant
25 to a rail program provided by the department or any other
26 governmental entities.

27 (10) "Rail corridor invitee" means and includes any and
28 all persons who are on or about a department owned rail
29 corridor:

30 (a) for any purpose related to any ancillary development
31 thereon; or

32 (b) meeting, assisting or in the company of any person
33 described in (a).

34 (11) "Rail corridor" means a linear contiguous strip of
35 real property that is used for rail service. The term includes
36 the corridor and structures essential to the operation of a
37 railroad, including the land, structures, improvements, rights-
38 of-way, easements, rail lines, rail beds, guideway structures,
39 switches, yards, parking facilities, power relays, switching
40 houses, rail stations, ancillary development, and any other
41 facilities or equipment used for the purposes of construction,
42 operation, or maintenance of a railroad that provides rail
43 service.

44 (12) "Railroad operations" means the use of the rail
45 corridor to conduct commuter rail service, intercity rail
46 passenger service, or freight rail service.

47 (13) "Ancillary development" includes any lessee or
48 licensee of the department, including but not limited to other
49 governmental entities, vendors, retailers, restaurateurs, or
50 contract service providers, within a department owned rail

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.10(for drafter's use only)

51 corridor, except for providers of commuter rail service,
52 intercity rail passenger service or freight rail service.

53 (14) "Governmental entity or entities" means as defined in
54 s. 11.45, including a "public agency" as defined in s. 163.01.

55 Section 20. Subsection (17) is added to section 341.302,
56 Florida Statutes, and subsequent subsections renumbered, to
57 read:

58 341.302 Rail program, duties and responsibilities of the
59 department.--The department, in conjunction with other
60 governmental entities ~~units~~ and the private sector, shall
61 develop and implement a rail program of statewide application
62 designed to ensure the proper maintenance, management, safety,
63 revitalization, and expansion of the rail system to assure its
64 continued and increased availability to respond to statewide
65 mobility needs. Within the resources provided pursuant to
66 chapter 216, and as authorized under federal law Title 49 C.F.R.
67 ~~part 212~~, the department shall:

68 (17) In conjunction with the acquisition, ownership,
69 construction, operation, maintenance and management of a rail
70 corridor, have the authority to:

71 (a) Assume the obligation by contract to forever protect,
72 defend, indemnify and hold harmless the freight rail operator,
73 or its successors, from whom the department has acquired a real
74 property interest in the rail corridor, and that freight rail
75 operator's officers, agents and employees, from and against any
76 liability, cost and expense including, but not limited to,
77 commuter rail passengers, rail corridor invitees, and
78 trespassers in the rail corridor, regardless of whether the
79 loss, damage, destruction, injury or death giving rise to any
80 such liability, cost or expense is caused in whole or in part

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.10 (for drafter's use only)

81 and to whatever nature or degree by the fault, failure,
82 negligence, misconduct, nonfeasance or misfeasance of such
83 freight rail operator, its successors, or its officers, agents
84 and employees, or any other person or persons whomsoever,
85 provided that such assumption of liability of the department by
86 contract shall not in any instance exceed the following
87 parameters of allocation of risk:

88 1. The department may be solely responsible for any loss,
89 injury or damage to commuter rail passengers, rail corridor
90 invitees or trespassers, regardless of circumstances or cause,
91 subject to paragraphs 2., 3., and 4.

92 2. When only one train is involved in an incident, the
93 department may be solely responsible for any loss, injury or
94 damage, if the train is a department train, or other train
95 pursuant to paragraph 3., but only if in an instance when only a
96 freight rail operator train is involved the freight rail
97 operator is solely responsible for any loss, injury, or damage,
98 except for commuter rail passengers, rail corridor invitees and
99 trespassers; and, the freight rail operator is solely
100 responsible for its property and all of its people in any
101 instance when its train is involved in an incident;

102 3. For the purposes of this subsection any train involved
103 in an incident that is neither the department's train nor the
104 freight rail operator's train, hereinafter referred to in this
105 subsection as an "other train," may be treated as a department
106 train, solely for purposes of any allocation of liability
107 between the department and the freight rail operator only, but
108 only if the department and the freight rail operator share
109 responsibility equally as to third parties outside the rail
110 corridor who incur loss, injury or damage as a result of any

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.10 (for drafter's use only)

111 incident involving both a department train and a freight rail
112 operator train; and, the allocation as between the department
113 and the freight rail operator, regardless of whether the other
114 train is treated as a department train, shall remain one-half
115 each as to third parties outside the rail corridor who incur
116 loss, injury or damage as a result of the incident, and the
117 involvement of any other train shall not alter the sharing of
118 equal responsibility as to third parties outside the rail
119 corridor who incur loss, injury or damage as a result of the
120 incident.

121 4. When more than one train is involved in an incident:

122 (I) If only a department train and a freight rail
123 operator's train, or only an other train as described in
124 paragraph 3. and a freight rail operator's train, are involved
125 in an incident, the department may be responsible for its
126 property and all of its people, all commuter rail passengers,
127 rail corridor invitees and trespassers, but only if the freight
128 rail operator is responsible for its property and all of its
129 people; and the department and the freight rail operator share
130 responsibility. one-half each as to third parties outside the
131 rail corridor who incur loss, injury or damage as a result of
132 the incident.

133 (II) If a department train, a freight rail operator train
134 and any other train are involved in an incident, the allocation
135 of liability as between the department and the freight rail
136 operator, regardless of whether the other train is treated as a
137 department train, shall remain one-half each as to third parties
138 outside the rail corridor who incur loss, injury or damage as a
139 result of the incident; the involvement of any other train shall
140 not alter the sharing of equal responsibility as to third

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.10 (for drafter's use only)

141 parties outside the rail corridor who incur loss, injury or
142 damage as a result of the incident; and if the owner, operator,
143 or insurer of the other train makes any payment to injured third
144 parties outside the rail corridor who incur loss, injury or
145 damage as a result of the incident, the allocation of credit
146 between the department and the freight rail operator as to such
147 payment shall not in any case reduce the freight rail operator's
148 third party sharing allocation of one-half under this paragraph
149 to less than one-third of the total third party liability; and

150 5. Any such contractual duty to protect, defend,
151 indemnify and hold harmless such a freight rail operator shall
152 expressly: include a specific cap on the amount of the
153 contractual duty, which amount shall not exceed \$200,000,000
154 without prior legislative approval; require the department to
155 purchase liability insurance and establish a self-insurance
156 retention fund in the amount of the specific cap established
157 under this paragraph; provide that no such contractual duty
158 shall in any case be effective nor otherwise extend the
159 department's liability in scope and effect beyond the
160 contractual liability insurance and self-insurance retention
161 fund required pursuant to this paragraph; and, provide that the
162 freight rail operator's compensation to the department for
163 future use of the department's rail corridor shall include a
164 monetary contribution to the cost of such liability coverage for
165 the sole benefit of the freight rail operator.

166 (b) Purchase liability insurance which amount shall not
167 exceed \$200,000,000 and establish a self-insurance retention
168 fund for the purpose of paying the deductible limit established
169 in the insurance policies it may obtain, including coverage for
170 the department, any freight rail operator as described in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.10 (for drafter's use only)

171 (17) (a), commuter rail service providers, governmental entities,
172 or ancillary development; provided, however, that the insureds
173 shall pay a reasonable monetary contribution to the cost of such
174 liability coverage for the sole benefit of the insured. Such
175 insurance and self-insurance retention fund may provide coverage
176 for all damages, including but not limited to compensatory,
177 special, and exemplary, and be maintained to provide an adequate
178 fund to cover claims and liabilities for loss, injury or damage
179 arising out of or connected with the ownership, operation,
180 maintenance, and management of a rail corridor.

181 (c) Incur expenses for the purchase of advertisements,
182 marketing, and promotional items.

183
184 Neither the assumption by contract to protect, defend, indemnify
185 and hold harmless; the purchase of insurance; nor the
186 establishment of a self-insurance retention fund; shall be
187 deemed to be a waiver of any defense of sovereign immunity for
188 torts nor deemed to increase the limits of the department's or
189 the governmental entity's liability for torts as provided
190 herein. The requirements of s. 287.022(1) shall not apply to the
191 purchase of any insurance hereunder. The provisions of this
192 subsection shall apply and inure fully as to any other
193 governmental entity providing commuter rail service and
194 constructing, operating, maintaining or managing a rail corridor
195 on publicly owned right-of-way under contract by the
196 governmental entity with the department or a governmental entity
197 designated by the department.

198 ~~(17)~~(18) Exercise such other functions, powers, and duties
199 in connection with the rail system plan as are necessary to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.10 (for drafter's use only)

200 develop a safe, efficient, and effective statewide
201 transportation system.

202 Section 21. Paragraph (10) of section 768.28, Florida
203 Statutes, is amended, to read:

204 (d) For the purposes of this section, operators,
205 dispatchers, and providers of security for rail services and
206 rail facility maintenance providers in ~~the South Florida Rail~~
207 ~~Corridor~~ any Department of Transportation owned rail corridor, or
208 any of their employees or agents, performing such services under
209 contract with and on behalf of the ~~South Florida Rail Corridor~~
210 Department of Transportation, or a governmental entity that is
211 under contract with the Department of Transportation to perform
212 such services or a governmental entity designated by the
213 Department of Transportation, shall be considered agents of the
214 state while acting within the scope of and pursuant to
215 guidelines established in said contract or by rule. This
216 subsection shall not be construed as designating persons
217 providing contracted operator, dispatcher, security services,
218 rail facility maintenance or other services as employees or
219 agents of the state for the purposes of the Federal Employers
220 Liability Act, the Federal Railway Labor Act, or chapter 440.

221 Section 22. Subsection (1) of section 479.01, Florida
222
223
224

225 -----

226 **T I T L E A M E N D M E N T**

227 Remove line 75 and insert:
228 cross-references; amending s. 341.301, F.S.; defining certain
229 terms related to commuter rail service, rail corridors and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.10 (for drafter's use only)

230 railroad operation for purposes of the rail program within the
231 Department of Transportation; amending s. 341.302, F.S.;
232 authorizing the department to assume certain liability on a rail
233 corridor; authorizing the department to indemnify and hold
234 harmless a railroad company when the department acquires a rail
235 corridor from the company; providing allocation of risk;
236 providing a specific cap on the amount of the contractual duty
237 for such indemnification; authorizing the department to purchase
238 and provide insurance in relation to rail corridors; authorizing
239 marketing and promotional expenses; extending provisions to
240 other governmental entities providing commuter rail service on
241 public right-of-way; amending s. 768.28, F.S.; expanding the
242 list of entities considered agents of the state; providing for
243 construction in relation to certain federal laws; amending s.
244 479.01, F.S.; revising

245

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 1439 : Motor Vehicle Sales Warranties

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
<input checked="" type="checkbox"/> Favorable					
Gary Aubuchon	X				
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)			X		
Total Yeas: 9		Total Nays: 0			

Appearances:

Winn Peeples (Lobbyist) - Information Only

Motorcycle Industry Council

207 W Park Avenue STE B

Tallahassee Florida 32031

Phone: 850-524-2038

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

HB 1509 : Community Service for Infractions of Noncriminal Traffic Offenses

Favorable With Amendments (1)

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1509

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Council/Committee hearing bill: Committee on Infrastructure
 2 Representative(s) Braynon offered the following:

Amendment (with title amendment)

Remove line(s) 29-40 and insert:

6 (1) If a person has been ordered to pay a civil penalty for
 7 a noncriminal traffic infraction and the person is unable to
 8 comply with the court's order due to demonstrable financial
 9 hardship, the court shall allow the person to satisfy the civil
 10 penalty by participating in community service until the civil
 11 penalty is paid.

16 -----
 17 **T I T L E A M E N D M E N T**

18 Remove line(s) 8-10 and insert:
 19 financial hardship; providing that a
 20

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/20/2008 8:30:00AM

Location: 404 HOB

Summary:

Committee on Infrastructure

Thursday March 20, 2008 08:30 am

HB 619	Favorable With Amendments (1)	Yeas: 8 Nays: 0
HB 711	Favorable	Yeas: 9 Nays: 1
HB 831	Favorable With Amendments (1)	Yeas: 9 Nays: 0
HB 1123	Favorable	Yeas: 10 Nays: 0
HB 1177	Favorable	Yeas: 9 Nays: 0
HB 1207	Favorable	Yeas: 8 Nays: 2
HB 1245	Favorable With Amendments (3)	Yeas: 10 Nays: 0
HB 1299	Favorable With Amendments (3)	Yeas: 10 Nays: 0
HB 1399	Favorable With Amendments (10)	Yeas: 9 Nays: 1
HB 1439	Favorable	Yeas: 9 Nays: 0
HB 1509	Favorable With Amendments (1)	Yeas: 10 Nays: 0

Committee meeting was reported out: Thursday, March 20, 2008 1:39:43PM