



Transportation & Economic Development Appropriations Subcommittee

**Wednesday, April 6, 2011
8:00 AM - 10:00 AM
Reed Hall**

Action Packet

**Dean Cannon
Speaker**

**Mike Horner
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Economic Development Appropriations Subcommittee

Start Date and Time: Wednesday, April 06, 2011 08:00 am

End Date and Time: Wednesday, April 06, 2011 10:00 am

Location: Reed Hall (102 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

CS/HB 371 Motor Vehicle License Plates by Transportation & Highway Safety Subcommittee, Jenne

HB 1053 Special Election by Dorworth

CS/HB 1353 Department of Highway Safety and Motor Vehicles by Transportation & Highway Safety Subcommittee, Albritton

CS/HB 1363 Department of Transportation by Transportation & Highway Safety Subcommittee, Brandes, Bemby

NOTICE FINALIZED on 04/04/2011 16:00 by MRI

COMMITTEE MEETING REPORT
Transportation & Economic Development Appropriations Subcommittee
4/6/2011 8:00:00AM

Location: Reed Hall (102 HOB)

Summary:

Transportation & Economic Development Appropriations Subcommittee

Wednesday April 06, 2011 08:00 am

CS/HB 371	Favorable	Yeas: 12	Nays: 0
HB 1053	Favorable With Committee Substitute	Yeas: 8	Nays: 5
	Amendment 1	Adopted Without Objection	
CS/HB 1353	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 1	Adopted Without Objection	
	Amendment 2	Withdrawn	
	Amendment 3	Adopted Without Objection	
CS/HB 1363	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 1	Adopted Without Objection	
	Amendment 2	Adopted Without Objection	
	Amendment 3	Adopted Without Objection	
	Amendment 4	Adopted Without Objection	
	Amendment 5	Withdrawn	
	Amendment 6	Adopted Without Objection	
	Amendment 7	Adopted Without Objection	
	Amendment 8	Adopted Without Objection	

Committee meeting was reported out: Wednesday, April 06, 2011 10:12:25AM

COMMITTEE MEETING REPORT

Transportation & Economic Development Appropriations Subcommittee

4/6/2011 8:00:00AM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Mike Horner (Chair)	X		
Lori Berman	X		
Mack Bernard	X		
Jeffrey Brandes	X		
Douglas Broxson			X
Rachel V. Burgin	X		
Matthew Caldwell	X		
Chris Dorworth	X		
Brad Drake	X		
Evan Jenne	X		
Debbie Mayfield	X		
Lake Ray	X		
Hazelle Rogers	X		
Richard Steinberg	X		
Ritch Workman	X		
Totals:	14	0	1

Committee meeting was reported out: Wednesday, April 06, 2011 10:12:25AM

COMMITTEE MEETING REPORT

Transportation & Economic Development Appropriations Subcommittee

4/6/2011 8:00:00AM

Location: Reed Hall (102 HOB)

CS/HB 371 : Motor Vehicle License Plates

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Mack Bernard				X	
Jeffrey Brandes	X				
Douglas Broxson			X		
Rachel V. Burgin	X				
Matthew Caldwell	X				
Chris Dorworth			X		
Brad Drake	X				
Evan Jenne	X				
Debbie Mayfield	X				
Lake Ray	X				
Hazelle Rogers	X				
Richard Steinberg	X				
Ritch Workman	X				
Mike Horner (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Motor Vehicle License Plates

Bobby Carbonell, Deputy Legislative Director (Lobbyist) (State Employee) - Waive In Support
Department of Military Affairs
400 South Monroe Street, Room 908
Tallahassee Florida 32399
Phone: (850)414-9048

Motor Vehicle License Plates

Frank Mirabella (Lobbyist) - Waive In Support
Disabled American Veterans
521 N Adams St
Tallahassee FL 32301
Phone: (850)222-1877

Motor Vehicle License Plates

Sasha-Marie Martin - Waive In Support
Florida Department of Veterans' Affairs, Legislative Intern
Tallahassee Florida

Motor Vehicle License Plates

John Haynes - Waive In Support
Florida Veterans Foundation
Phone: 997-5328

Committee meeting was reported out: Wednesday, April 06, 2011 10:12:25AM

COMMITTEE MEETING REPORT

Transportation & Economic Development Appropriations Subcommittee

4/6/2011 8:00:00AM

Location: Reed Hall (102 HOB)

HB 1053 : Special Election

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman		X			
Mack Bernard		X			
Jeffrey Brandes	X				
Douglas Broxson			X		
Rachel V. Burgin			X		
Matthew Caldwell	X				
Chris Dorworth	X				
Brad Drake	X				
Evan Jenne		X			
Debbie Mayfield	X				
Lake Ray	X				
Hazelle Rogers		X			
Richard Steinberg		X			
Ritch Workman	X				
Mike Horner (Chair)	X				
	Total Yeas: 8	Total Nays: 5			

HB 1053 Amendments

Amendment 1

Adopted Without Objection

Appearances:

John Rothell, Director of Political Operations (Lobbyist) - Waive In Support
Florida Association of Realtors
200 S Monroe St
Tallahassee FL 32301
Phone: (850)224-1400

Committee meeting was reported out: Wednesday, April 06, 2011 10:12:25AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1053 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*ADOPTED
W/OUT OBJECTION
4-6-11*

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Dorworth offered the following:

4

5 **Amendment**

6 Remove line 35 and insert:

7 Section 3. The sum of \$400,000 in nonrecurring funds from

COMMITTEE MEETING REPORT

Transportation & Economic Development Appropriations Subcommittee

4/6/2011 8:00:00AM

Location: Reed Hall (102 HOB)

CS/HB 1353 : Department of Highway Safety and Motor Vehicles

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Lori Berman	X				
Mack Bernard	X				
Jeffrey Brandes	X				
Douglas Broxson			X		
Rachel V. Burgin	X				
Matthew Caldwell			X		
Chris Dorworth	X				
Brad Drake	X				
Evan Jenne	X				
Debbie Mayfield	X				
Lake Ray	X				
Hazelle Rogers	X				
Richard Steinberg	X				
Ritch Workman	X				
Mike Horner (Chair)	X				
Total Yeas: 13		Total Nays: 0			

CS/HB 1353 Amendments

Amendment 1

Adopted Without Objection

Amendment 2

Withdrawn

Amendment 3

Adopted Without Objection

Appearances:

DHSMV

Josh Aubuchon (Lobbyist) - Waive In Support
Florida Recreational Vehicle Trade Association
215 South Monroe Street, Suite 200
Tallahassee Florida
Phone: (850)222-3533

Committee meeting was reported out: Wednesday, April 06, 2011 10:12:25AM

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Transportation & Economic Development Appropriations Subcommittee
4/6/2011 8:00:00AM

Location: Reed Hall (102 HOB)

DHSMV

Steven Fielder, Leg Affairs Director (Lobbyist) (State Employee) - Proponent
Department of Highway Safety & Motor Vehicles
2900 Apalachee Pky
Tallahassee FL 32399-0500
Phone: (850)617-3195

DHSMV (Technology Amendment)

Marnie George (Lobbyist) - Waive In Support
National Safety Council
106 E. College Avenue
Tallahassee Florida 32303
Phone: (850)510-8866

DHSMV

RJ Myers (Lobbyist) - Waive In Support
Support Our Troops
Phone: 850-933-0883

DHSMV

Susan Goldstein - Waive In Support
Support Our Troops
Phone: 954-830-6300

Committee meeting was reported out: Wednesday, April 06, 2011 10:12:25AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1353 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*ADOPTED
w/out
objection
4-6-11*

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Albritton offered the following:

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

6 Between lines 2509 and 2510, insert:

7
8 Section 67. This act may be cited as the "To Inform
9 Families First Act."

10 Section 68. The Department of Highway Safety and Motor
11 Vehicles is encouraged to educate the law enforcement community
12 and the general public about the importance of making certain
13 that drivers are aware of and use the "Emergency Contact
14 Information" program, established by the department. The
15 department shall provide signs for the driver license offices to
16 advertise the program. This voluntary program allows all drivers
17 the opportunity to register the names of up to two individuals
18 as the person they would want to be contacted in the event that
19 they are involved in a crash.

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20 Section 69. Subsections (2) and (21) of section 316.003,
21 Florida Statutes, are amended, and subsection (89) is added to
22 that section, to read:

23 316.003 Definitions.—The following words and phrases, when
24 used in this chapter, shall have the meanings respectively
25 ascribed to them in this section, except where the context
26 otherwise requires:

27 (2) BICYCLE.—Every vehicle propelled solely by human
28 power, and every motorized bicycle propelled by a combination of
29 human power and a an electric helper motor capable of propelling
30 the vehicle at a speed of not more than 20 miles per hour on
31 level ground upon which any person may ride, having two tandem
32 wheels, and including any device generally recognized as a
33 bicycle though equipped with two front or two rear wheels. The
34 term does not include such a vehicle with a seat height of no
35 more than 25 inches from the ground when the seat is adjusted to
36 its highest position or a scooter or similar device. No person
37 under the age of 16 may operate or ride upon a motorized
38 bicycle.

39 (21) MOTOR VEHICLE.—Any self-propelled vehicle not
40 operated upon rails or guideway, but not including any bicycle,
41 motorized scooter, electric personal assistive mobility device,
42 swamp buggy, or moped.

43 (89) SWAMP BUGGY.—A motorized off-road vehicle designed to
44 travel over swampy terrain, which may use large tires or tracks
45 operated from an elevated platform, and may be used upon varied
46 terrain. A swamp buggy does not include any vehicle defined in
47 chapter 261 or otherwise defined or classified in this chapter.

Amendment No. 1

48 A swamp buggy may not be operated upon the public roads,
49 streets, or highways of this state, except to the extent
50 specifically authorized by a state or federal agency to be used
51 exclusively upon lands, managed, owned, or leased by that
52 agency.

53 Section 70. Paragraph (d) of subsection (3) and
54 subsections (5) and (8) of section 316.2065, Florida Statutes,
55 are amended to read:

56 316.2065 Bicycle regulations.—

57 (3)

58 (d) A bicycle rider or passenger who is under 16 years of
59 age must wear a bicycle helmet that is properly fitted and is
60 fastened securely upon the passenger's head by a strap, and that
61 meets the federal safety standard for bicycle helmets, final
62 rule, 16 C.F.R. part 1203. Helmets purchased before October 1,
63 2011, and meeting standards of the American National Standards
64 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards
65 of the Snell Memorial Foundation (1984 Standard for Protective
66 Headgear for Use in Bicycling), or any other nationally
67 recognized standards for bicycle helmets adopted by the
68 department may continue to be worn by riders or passengers until
69 January 1, 2015. As used in this subsection, the term
70 "passenger" includes a child who is riding in a trailer or
71 semitrailer attached to a bicycle.

72 (5) (a) Any person operating a bicycle upon a roadway at
73 less than the normal speed of traffic at the time and place and
74 under the conditions then existing shall ride in the lane marked
75 for bicycle use or, if no lane is marked for bicycle use, as

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76 close as practicable to the right-hand curb or edge of the
77 roadway except under any of the following situations:

78 1. When overtaking and passing another bicycle or vehicle
79 proceeding in the same direction.

80 2. When preparing for a left turn at an intersection or
81 into a private road or driveway.

82 3. When reasonably necessary to avoid any condition or
83 potential conflict, including, but not limited to, a fixed or
84 moving object, parked or moving vehicle, bicycle, pedestrian,
85 animal, surface hazard, turn lane, or substandard-width lane,
86 which ~~that~~ makes it unsafe to continue along the right-hand curb
87 or edge or within a bicycle lane. For the purposes of this
88 subsection, a "substandard-width lane" is a lane that is too
89 narrow for a bicycle and another vehicle to travel safely side
90 by side within the lane.

91 (b) Any person operating a bicycle upon a one-way highway
92 with two or more marked traffic lanes may ride as near the left-
93 hand curb or edge of such roadway as practicable.

94 (8) Every bicycle in use between sunset and sunrise shall
95 be equipped with a lamp on the front exhibiting a white light
96 visible from a distance of at least 500 feet to the front and a
97 lamp and reflector on the rear each exhibiting a red light
98 visible from a distance of 600 feet to the rear. A bicycle or
99 its rider may be equipped with lights or reflectors in addition
100 to those required by this section. A law enforcement officer may
101 issue a bicycle safety brochure and a verbal warning to a
102 bicycle rider who violates this subsection. A bicycle rider who
103 violates this subsection may be issued a citation by a law

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Bill No. CS/HB 1353 (2011)

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104 enforcement officer and assessed a fine for a pedestrian
105 violation, as provided in s. 318.18. The court shall dismiss the
106 charge against a bicycle rider for a first violation of this
107 subsection upon proof of purchase and installation of the proper
108 lighting equipment.

109 Section 71. Paragraph (a) of subsection (1) of section
110 320.01, Florida Statutes, is amended, and subsection (46) is
111 added to that section, to read:

112 320.01 Definitions, general.—As used in the Florida
113 Statutes, except as otherwise provided, the term:

114 (1) "Motor vehicle" means:

115 (a) An automobile, motorcycle, truck, trailer,
116 semitrailer, truck tractor and semitrailer combination, or any
117 other vehicle operated on the roads of this state, used to
118 transport persons or property, and propelled by power other than
119 muscular power, but the term does not include traction engines,
120 road rollers, such vehicles as run only upon a track, bicycles,
121 swamp buggies, or mopeds.

122 (46) SWAMP BUGGY.—A motorized off-road vehicle designed to
123 travel over swampy terrain, which may utilize large tires or
124 tracks operated from an elevated platform, and may be used upon
125 varied terrain. A swamp buggy does not include any vehicle
126 defined in chapter 261 or otherwise defined or classified in
127 this chapter. A swamp buggy may not be operated upon the public
128 roads, streets, or highways of this state, except to the extent
129 specifically authorized by a state or federal agency to be used
130 exclusively upon lands, managed, owned, or leased by that
131 agency.

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132 Section 72. Paragraphs (o), (p), (q), and (r) are added to
133 subsection (15) of section 320.02, Florida Statutes, to read:
134 320.02 Registration required; application for
135 registration; forms.—

136 (15)

137 (o) The application form for motor vehicle registration
138 and renewal registration must include language permitting the
139 voluntary contribution of \$1 to End Hunger in Florida. The
140 proceeds shall be distributed monthly by the department to the
141 Florida Association of Food Banks, Inc., a corporation not for
142 profit under s. 501(c)(3) of the Internal Revenue Code. The
143 funds shall be used by the organization for the purpose of
144 ending hunger in Florida.

145 (p) The application form for motor vehicle registration
146 and renewal of registration must include language permitting a
147 voluntary contribution of \$1 to Take Stock In Children. Such
148 contributions shall be transferred by the department each month
149 to Take Stock In Children, Inc.

150 (q) The application form for motor vehicle registration
151 and renewal of registration must include language permitting a
152 voluntary contribution of \$1 per applicant for Autism Services
153 and Supports. Such contributions must be transferred by the
154 department each month to the Achievement and Rehabilitation
155 Centers, Inc. Autism Services Fund.

156 (r) The application form for motor vehicle registration
157 and renewal of registration must include language permitting a
158 voluntary contribution of \$1 to Support Our Troops, which shall
159 be distributed monthly to Support Our Troops, Inc., a Florida

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160 | not-for-profit organization.

161

162 | For the purpose of applying the service charge provided in s.
163 | 215.20, contributions received under this subsection are not
164 | income of a revenue nature.

165 | Section 73. Paragraph (e) of subsection (4) of section
166 | 320.08068, Florida Statutes, is amended to read:

167 | 320.08068 Motorcycle specialty license plates.—

168 | (4) A license plate annual use fee of \$20 shall be
169 | collected for each motorcycle specialty license plate. Annual
170 | use fees shall be distributed to The Able Trust as custodial
171 | agent. The Able Trust may retain a maximum of 10 percent of the
172 | proceeds from the sale of the license plate for administrative
173 | costs. The Able Trust shall distribute the remaining funds as
174 | follows:

175 | (e) Twenty percent to the Florida Association of Centers
176 | for Independent Living ~~to be used to leverage additional funding~~
177 | ~~and new sources of revenue for the centers for independent~~
178 | ~~living in this state.~~

179 | Section 74. Effective October 1, 2011, section 320.089,
180 | Florida Statutes, is amended to read:

181 | 320.089 Members of National Guard and active United States
182 | Armed Forces reservists; former prisoners of war; survivors of
183 | Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
184 | Freedom and Operation Enduring Freedom Veterans; Combat Infantry
185 | Badge recipients; special license plates; fee.—

186 | (1) (a) Each owner or lessee of an automobile or truck for
187 | private use or recreational vehicle as specified in s.

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188 320.08(9)(c) or (d), which is not used for hire or commercial
189 use, who is a resident of the state and an active or retired
190 member of the Florida National Guard, a survivor of the attack
191 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
192 active or retired member of any branch of the United States
193 Armed Forces Reserve, or a recipient of the Combat Infantry
194 Badge shall, upon application to the department, accompanied by
195 proof of active membership or retired status in the Florida
196 National Guard, proof of membership in the Pearl Harbor
197 Survivors Association or proof of active military duty in Pearl
198 Harbor on December 7, 1941, proof of being a Purple Heart medal
199 recipient, ~~or~~ proof of active or retired membership in any
200 branch of the Armed Forces Reserve, or proof of membership in
201 the Combat Infantrymen's Association, Inc., or other proof of
202 being a recipient of the Combat Infantry Badge, and upon payment
203 of the license tax for the vehicle as provided in s. 320.08, be
204 issued a license plate as provided by s. 320.06, upon which, in
205 lieu of the serial numbers prescribed by s. 320.06, shall be
206 stamped the words "National Guard," "Pearl Harbor Survivor,"
207 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
208 Badge," as appropriate, followed by the serial number of the
209 license plate. Additionally, the Purple Heart plate may have the
210 words "Purple Heart" stamped on the plate and the likeness of
211 the Purple Heart medal appearing on the plate.

212 (b) Notwithstanding any other provision of law to the
213 contrary, beginning with fiscal year 2002-2003 and annually
214 thereafter, the first \$100,000 in general revenue generated from
215 the sale of license plates issued under this section shall be

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216 deposited into the Grants and Donations Trust Fund, as described
217 in s. 296.38(2), to be used for the purposes established by law
218 for that trust fund. Any additional general revenue generated
219 from the sale of such plates shall be deposited into the State
220 Homes for Veterans Trust Fund and used solely to construct,
221 operate, and maintain domiciliary and nursing homes for
222 veterans, subject to the requirements of chapter 216.

223 (c) Notwithstanding any provisions of law to the contrary,
224 an applicant for a Pearl Harbor Survivor license plate or a
225 Purple Heart license plate who also qualifies for a disabled
226 veteran's license plate under s. 320.084 shall be issued the
227 appropriate special license plate without payment of the license
228 tax imposed by s. 320.08.

229 (2) Each owner or lessee of an automobile or truck for
230 private use, truck weighing not more than 7,999 pounds, or
231 recreational vehicle as specified in s. 320.08(9)(c) or (d),
232 which is not used for hire or commercial use, who is a resident
233 of the state and who is a former prisoner of war, or their
234 unremarried surviving spouse, shall, upon application therefor
235 to the department, be issued a license plate as provided in s.
236 320.06, on which license plate are stamped the words "Ex-POW"
237 followed by the serial number. Each application shall be
238 accompanied by proof that the applicant meets the qualifications
239 specified in paragraph (a) or paragraph (b).

240 (a) A citizen of the United States who served as a member
241 of the Armed Forces of the United States or the armed forces of
242 a nation allied with the United States who was held as a
243 prisoner of war at such time as the Armed Forces of the United

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244 States were engaged in combat, or their unremarried surviving
245 spouse, may be issued the special license plate provided for in
246 this subsection without payment of the license tax imposed by s.
247 320.08.

248 (b) A person who was serving as a civilian with the
249 consent of the United States Government, or a person who was a
250 member of the Armed Forces of the United States who was not a
251 United States citizen and was held as a prisoner of war when the
252 Armed Forces of the United States were engaged in combat, or
253 their unremarried surviving spouse, may be issued the special
254 license plate provided for in this subsection upon payment of
255 the license tax imposed by s. 320.08.

256 (3) Each owner or lessee of an automobile or truck for
257 private use, truck weighing not more than 7,999 pounds, or
258 recreational vehicle as specified in s. 320.08(9)(c) or (d),
259 which is not used for hire or commercial use, who is a resident
260 of this state and who is the unremarried surviving spouse of a
261 recipient of the Purple Heart medal shall, upon application
262 therefor to the department, with the payment of the required
263 fees, be issued a license plate as provided in s. 320.06, on
264 which license plate are stamped the words "Purple Heart" and the
265 likeness of the Purple Heart medal followed by the serial
266 number. Each application shall be accompanied by proof that the
267 applicant is the unremarried surviving spouse of a recipient of
268 the Purple Heart medal.

269 (4) The owner or lessee of an automobile or truck for
270 private use, a truck weighing not more than 7,999 pounds, or a
271 recreational vehicle as specified in s. 320.08(9)(c) or (d)

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272 which automobile, truck, or recreational vehicle is not used for
273 hire or commercial use who is a resident of the state and a
274 current or former member of the United States military who was
275 deployed and served in Iraq during Operation Iraqi Freedom or in
276 Afghanistan during Operation Enduring Freedom shall, upon
277 application to the department, accompanied by proof of active
278 membership or former active duty status during one of these
279 operations, and upon payment of the license tax for the vehicle
280 as provided in s. 320.08, be issued a license plate as provided
281 by s. 320.06 upon which, in lieu of the registration license
282 number prescribed by s. 320.06, shall be stamped the words
283 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
284 appropriate, followed by the registration license number of the
285 plate.

286 Section 75. Subsection (3) of section 320.27, Florida
287 Statutes, is amended to read:

288 320.27 Motor vehicle dealers.—

289 (3) APPLICATION AND FEE.—The application for the license
290 shall be in such form as may be prescribed by the department and
291 shall be subject to such rules with respect thereto as may be so
292 prescribed by it. Such application shall be verified by oath or
293 affirmation and shall contain a full statement of the name and
294 birth date of the person or persons applying therefor; the name
295 of the firm or copartnership, with the names and places of
296 residence of all members thereof, if such applicant is a firm or
297 copartnership; the names and places of residence of the
298 principal officers, if the applicant is a body corporate or
299 other artificial body; the name of the state under whose laws

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Amendment No. 1

300 the corporation is organized; the present and former place or
301 places of residence of the applicant; and prior business in
302 which the applicant has been engaged and the location thereof.
303 Such application shall describe the exact location of the place
304 of business and shall state whether the place of business is
305 owned by the applicant and when acquired, or, if leased, a true
306 copy of the lease shall be attached to the application. The
307 applicant shall certify that the location provides an adequately
308 equipped office and is not a residence; that the location
309 affords sufficient unoccupied space upon and within which
310 adequately to store all motor vehicles offered and displayed for
311 sale; and that the location is a suitable place where the
312 applicant can in good faith carry on such business and keep and
313 maintain books, records, and files necessary to conduct such
314 business, which will be available at all reasonable hours to
315 inspection by the department or any of its inspectors or other
316 employees. The applicant shall certify that the business of a
317 motor vehicle dealer is the principal business which shall be
318 conducted at that location. Such application shall contain a
319 statement that the applicant is either franchised by a
320 manufacturer of motor vehicles, in which case the name of each
321 motor vehicle that the applicant is franchised to sell shall be
322 included, or an independent (nonfranchised) motor vehicle
323 dealer. Such application shall contain such other relevant
324 information as may be required by the department, including
325 evidence that the applicant is insured under a garage liability
326 insurance policy or a general liability insurance policy coupled
327 with a business automobile policy, which shall include, at a

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328 | minimum, \$25,000 combined single-limit liability coverage
329 | including bodily injury and property damage protection and
330 | \$10,000 personal injury protection. A salvage motor vehicle
331 | dealer as defined in subparagraph (1)(c)5. is exempt from the
332 | requirements for garage liability insurance and personal injury
333 | protection. Franchise dealers must submit a garage liability
334 | insurance policy, and all other dealers must submit a garage
335 | liability insurance policy or a general liability insurance
336 | policy coupled with a business automobile policy. Such policy
337 | shall be for the license period, and evidence of a new or
338 | continued policy shall be delivered to the department at the
339 | beginning of each license period. Upon making initial
340 | application, the applicant shall pay to the department a fee of
341 | \$300 in addition to any other fees now required by law; upon
342 | making a subsequent renewal application, the applicant shall pay
343 | to the department a fee of \$75 in addition to any other fees now
344 | required by law. Upon making an application for a change of
345 | location, the person shall pay a fee of \$50 in addition to any
346 | other fees now required by law. The department shall, in the
347 | case of every application for initial licensure, verify whether
348 | certain facts set forth in the application are true. Each
349 | applicant, general partner in the case of a partnership, or
350 | corporate officer and director in the case of a corporate
351 | applicant, must file a set of fingerprints with the department
352 | for the purpose of determining any prior criminal record or any
353 | outstanding warrants. The department shall submit the
354 | fingerprints to the Department of Law Enforcement for state
355 | processing and forwarding to the Federal Bureau of Investigation

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1353 (2011)

Amendment No. 1

356 for federal processing. The actual cost of state and federal
357 processing shall be borne by the applicant and is in addition to
358 the fee for licensure. The department may issue a license to an
359 applicant pending the results of the fingerprint investigation,
360 which license is fully revocable if the department subsequently
361 determines that any facts set forth in the application are not
362 true or correctly represented.

363 Section 76. Subsection (1) of section 320.771, Florida
364 Statutes, is amended to read:

365 320.771 License required of recreational vehicle dealers.—

366 (1) DEFINITIONS.—As used in this section:

367 (a) "Dealer" means any person engaged in the business of
368 buying, selling, or dealing in recreational vehicles or offering
369 or displaying recreational vehicles for sale. The term "dealer"
370 includes a recreational vehicle broker. Any person who buys,
371 sells, deals in, or offers or displays for sale, or who acts as
372 the agent for the sale of, one or more recreational vehicles in
373 any 12-month period shall be prima facie presumed to be a
374 dealer. The terms "selling" and "sale" include lease-purchase
375 transactions. The term "dealer" does not include banks, credit
376 unions, and finance companies that acquire recreational vehicles
377 as an incident to their regular business and does not include
378 mobile home rental and leasing companies that sell recreational
379 vehicles to dealers licensed under this section. A licensed
380 dealer may transact business in recreational vehicles with a
381 motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a
382 licensed dealer may, at retail or wholesale, sell a motor
383 vehicle, as described in s. 320.01(1)(a), acquired in exchange

COMMITTEE/SUBCOMMITTEE AMENDMENT

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Amendment No. 1

384 for the sale of a recreational vehicle, if such acquisition is
385 incidental to the principal business of being a recreational
386 vehicle dealer. However, a recreational vehicle dealer may not
387 buy a motor vehicle for the purpose of resale unless licensed as
388 a motor vehicle dealer pursuant to s. 320.27.

389 (b) "Recreational vehicle broker" means any person who is
390 engaged in the business of offering to procure or procuring used
391 recreational vehicles for the general public; who holds himself
392 or herself out through solicitation, advertisement, or otherwise
393 as one who offers to procure or procures used recreational
394 vehicles for the general public; or who acts as the agent or
395 intermediary on behalf of the owner or seller of a used
396 recreational vehicle which is for sale or who assists or
397 represents the seller in finding a buyer for the recreational
398 vehicle.

399 (c) For the purposes of this section, the term
400 "recreational vehicle" does not include any camping trailer, as
401 defined in s. 320.01(1)(b)2.

402 (d) A dealer may apply for a certificate of title to a
403 recreational vehicle required to be registered under s.
404 320.08(9) using a manufacturers statement of origin as permitted
405 by s. 319.23(1) only if such dealer is authorized by a
406 manufacturer/dealer agreement as defined in s. 320.3202(8) on
407 file with the department to buy, sell, or deal in that
408 particular line-make of recreational vehicle and is authorized
409 by such agreement to perform delivery and preparation
410 obligations and warranty defect adjustments on that line-make.

COMMITTEE/SUBCOMMITTEE AMENDMENT

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Amendment No. 1

411 Section 77. Paragraph (a) of subsection (4) of section
412 322.0261, Florida Statutes, is amended to read:

413 322.0261 Driver improvement course; requirement to
414 maintain driving privileges; failure to complete; department
415 approval of course.—

416 (4) (a) The department shall identify any operator
417 convicted of, or who pleaded nolo contendere to, a violation of
418 s. 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, ~~or~~ s.
419 316.192, s. 316.1923, or s. 316.1925 and shall require that
420 operator, in addition to other applicable penalties, to attend a
421 department-approved driver improvement course in order to
422 maintain driving privileges. The department shall, within 10
423 days after receiving a notice of judicial disposition, send
424 notice to the operator of the requirement to attend a driver
425 improvement course. If the operator fails to complete the course
426 within 90 days after receiving notice from the department, the
427 operator's driver license shall be canceled by the department
428 until the course is successfully completed.

429 Section 78. Subsection (1) of section 322.04, Florida
430 Statutes, is amended to read:

431 322.04 Persons exempt from obtaining driver's license.—

432 (1) The following persons are exempt from obtaining a
433 driver's license:

434 (a) Any employee of the United States Government, while
435 operating a noncommercial motor vehicle owned by or leased to
436 the United States Government and being operated on official
437 business.

438 (b) Any person while driving or operating any road

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439 machine, farm tractor, or implement of husbandry temporarily
440 operated or moved on a highway.

441 (c) A nonresident who is at least 16 years of age and who
442 ~~has in his or her immediate possession a valid noncommercial~~
443 ~~driver's license issued to the nonresident in his or her home~~
444 ~~state or country,~~ may operate a motor vehicle of the type for
445 which a Class E driver's license is required in this state if he
446 or she has in their immediate possession:

447 1. A valid noncommercial driver's license issued in his or
448 her name from another state or territory of the United States;

449 or

450 2. An International Driving Permit issued in his or her
451 name in their country of residence and a valid license issued in
452 that country.

453 ~~(d) A nonresident who is at least 18 years of age and who~~
454 ~~has in his or her immediate possession a valid noncommercial~~
455 ~~driver's license issued to the nonresident in his or her home~~
456 ~~state or country may operate a motor vehicle, other than a~~
457 ~~commercial motor vehicle, in this state.~~

458 (d)(e) Any person operating a golf cart, as defined in s.
459 320.01, which is operated in accordance with the provisions of
460 s. 316.212.

461 Section 79. Paragraphs (o) and (p) are added to subsection
462 (7) of section 322.08, Florida Statutes, to read:

463 322.08 Application for license; requirements for license
464 and identification card forms.—

465 (7) The application form for an original, renewal, or
466 replacement driver's license or identification card shall

Amendment No. 1

467 include language permitting the following:

468 (o) A voluntary contribution of \$1 per applicant for
469 Autism Services and Supports. Such contributions must be
470 transferred by the department each month to the Achievement and
471 Rehabilitation Centers, Inc., Autism Services Fund.

472 (p) A voluntary contribution of \$1 per applicant to
473 Support Our Troops, which shall be distributed monthly to
474 Support Our Troops, Inc., a Florida not-for-profit organization.

475

476 A statement providing an explanation of the purpose of the trust
477 funds shall also be included. For the purpose of applying the
478 service charge provided in s. 215.20, contributions received
479 under paragraphs (b)-(n) are not income of a revenue nature.

480 Section 80. Section 322.1415, Florida Statutes, is created
481 to read:

482 322.1415 Specialty driver's license and identification
483 card program.—

484 (1) The department shall issue to any applicant qualified
485 pursuant to s. 322.14 a specialty driver's license or
486 identification card upon payment of the appropriate fee pursuant
487 to s. 322.21.

488 (2) Department-approved specialty driver's licenses and
489 identification cards shall, at a minimum, be available for state
490 and independent universities domiciled in this state, all
491 Florida professional sports teams designated in s.

492 320.08058(9)(a), and all branches of the United States military.

493 (3) The design and use of each specialty driver's license
494 and identification card must be approved by the department and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1353 (2011)

Amendment No. 1

495 | the organization that is recognized by the driver's license or
496 | card. Such design shall be approximately .375 x .375 inches.

497 | Section 81. Paragraph (i) is added to subsection (1) of
498 | section 322.21, Florida Statutes, to read:

499 | 322.21 License fees; procedure for handling and collecting
500 | fees.—

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

502 | (i) The specialty license or identification card issued
503 | pursuant to s. 322.1415 is \$25, which is in addition to other
504 | fees required in this section. The specialty fee shall be
505 | distributed as follows:

506 | 1. Twenty percent shall be distributed to the appropriate
507 | state or independent university foundation, the Florida Sports
508 | Foundation, or the State Homes for Veterans Trust Fund, as
509 | designated by the purchaser, for deposit into an unrestricted
510 | account.

511 | 2. Eighty percent shall be distributed to the department
512 | for department costs directly related to the specialty driver's
513 | license and identification card program and to defray costs of
514 | production enhancements and distribution.

515 |

516 |

517 |

518 | -----

519 | **T I T L E A M E N D M E N T**

520 | Between lines 212 and 213, insert:

521 | providing a short title; providing for a voluntary emergency
522 | contact information program established by the department;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1353 (2011)

Amendment No. 1

523 amending s. 316.003, F.S.; revising definitions and defining the
524 term "swamp buggy" for purposes of the Florida Uniform Traffic
525 Control Law; amending s. 316.2065, F.S.; revising safety
526 standard requirements for bicycle helmets that must be worn by
527 certain riders and passengers; clarifying provisions relating to
528 when a bicycle operator must ride in a bicycle lane or along the
529 curb or edge of the roadway; providing for enforcement of
530 requirements for bicycle lighting equipment; providing penalties
531 for violations; providing for dismissal of the charge following
532 a first offense under certain circumstances; amending s. 320.01,
533 F.S.; revising the definition of the term "motor vehicle" to
534 exclude swamp buggies; defining the term "swamp buggy"; amending
535 s. 320.02, F.S.; requiring the application forms for motor
536 vehicle registration and renewal of registration to include
537 language permitting the applicant to make a voluntary
538 contribution to End Hunger in Florida, Take Stock In Children,
539 Autism Services and Supports, and Support Our Troops; amending
540 s. 320.08068, F.S.; revising uses of funds received from the
541 sale of motorcycle specialty license plates; amending s.
542 320.089, F.S.; providing for the issuance of a Combat Infantry
543 Badge license plate; providing qualifications and requirements
544 for the plate; providing for the use of proceeds from the sale
545 of the plate; amending s. 320.27, F.S.; exempting salvage motor
546 vehicle dealers from certain security requirements; amending s.
547 320.771, F.S.; providing criteria for a dealer to apply for a
548 certificate of title to a recreational vehicle under certain
549 circumstances; amending s. 322.0261, F.S.; requiring person who
550 violates provisions relating to careless driving or aggressive

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1353 (2011)

Amendment No. 1

551 | careless driving to attend a driver improvement course to
552 | maintain driving privileges; amending s. 322.04, F.S.; revising
553 | provisions exempting a nonresident from the requirement to
554 | obtain a driver's license under certain circumstances; amending
555 | s. 322.08, F.S.; providing for driver's license application
556 | forms to allow the applicant to make a voluntary contribution to
557 | Autism Services and Supports and Support Our Troops, Inc.;
558 | creating s. 322.1415, F.S.; requiring the Department of Highway
559 | Safety and Motor Vehicles to issue a specialty driver's license
560 | or identification card to qualified applicants; specifying that,
561 | at a minimum, the specialty driver's licenses and identification
562 | cards must be available for certain state and independent
563 | universities and professional sports teams and all of the
564 | branches of the United States military; requiring that the
565 | design of each specialty driver's license and identification
566 | card be approved by the department; amending s. 322.21, F.S.;
567 | providing for the distribution of funds collected from the
568 | specialty driver's license and identification card fees;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1353 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

WITHDRAWN
4-6-11

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Berman offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 681 and 682, insert:

7 Section 19. Paragraph (a) of subsection (2) of section
8 318.1451, Florida Statutes, is amended to read:

9 318.1451 Driver improvement schools.—

10 (2) (a) In determining whether to approve the courses
11 referenced in this section, the department shall consider course
12 content designed to promote safety, driver awareness, crash
13 avoidance techniques, awareness of the risks associated with
14 using a handheld electronic communication device while operating
15 a motor vehicle, and other factors or criteria to improve driver
16 performance from a safety viewpoint.

17 Section 20. Subsection (1) of section 322.095, Florida
18 Statutes, is amended to read:

19 322.095 Traffic law and substance abuse education program

Amendment No. 2
for driver's license applicants.-

(1) The Department of Highway Safety and Motor Vehicles must approve traffic law and substance abuse education courses that must be completed by applicants for a Florida driver's license. The curricula for the courses must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, the risks associated with using a handheld electronic communication device while operating a motor vehicle, and the laws of this state relating to the operation of a motor vehicle. All instructors teaching the courses shall be certified by the department.

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

Remove line 40 and insert:
or enter a plea of nolo contendere; amending ss. 318.1451 and 322.095, F.S.; requiring the curricula of driver improvement schools and education programs for driver's license applicants to include instruction on the risks associated with using a handheld electronic communication device while operating a motor vehicle; amending s. 318.15,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1353 (2011)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

*Adopted w/out
objection 4-6-11*

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Berman offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 2509 and 2510, insert:

7 Section 17. Paragraph (a) of subsection (2) of section
8 318.1451, Florida Statutes, is amended to read:

9 318.1451 Driver improvement schools.—

10 (2)(a) In determining whether to approve the courses
11 referenced in this section, the department shall consider course
12 content designed to promote safety, driver awareness, crash
13 avoidance techniques, the dangers of driving while distracted,
14 which must specifically include the use of technology while
15 driving, and other factors or criteria to improve driver
16 performance from a safety viewpoint.

17 Section 18. Subsection (1) of section 322.095, Florida
18 Statutes, is amended to read:

19 322.095 Traffic law and substance abuse education program

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1353 (2011)

Amendment No. 3

20 for driver's license applicants.-

21 (1) The Department of Highway Safety and Motor Vehicles
22 must approve traffic law and substance abuse education courses
23 that must be completed by applicants for a Florida driver's
24 license. The curricula for the courses must provide instruction
25 on the physiological and psychological consequences of the abuse
26 of alcohol and other drugs, the societal and economic costs of
27 alcohol and drug abuse, the effects of alcohol and drug abuse on
28 the driver of a motor vehicle, the dangers of driving while
29 distracted, which must specifically include the use of
30 technology while driving, and the laws of this state relating to
31 the operation of a motor vehicle. All instructors teaching the
32 courses shall be certified by the department.

33

34

35

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

36

37 Between lines 212 and 213, insert:

38 amending ss. 318.1451 and 322.095, F.S.; requiring the curricula
39 of such programs to include instruction on the dangers of
40 driving while distracted;

COMMITTEE MEETING REPORT

Transportation & Economic Development Appropriations Subcommittee

4/6/2011 8:00:00AM

Location: Reed Hall (102 HOB)

CS/HB 1363 : Department of Transportation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Mack Bernard	X				
Jeffrey Brandes	X				
Douglas Broxson			X		
Rachel V. Burgin	X				
Matthew Caldwell	X				
Chris Dorworth			X		
Brad Drake	X				
Evan Jenne	X				
Debbie Mayfield	X				
Lake Ray	X				
Hazelle Rogers	X				
Richard Steinberg	X				
Ritch Workman	X				
Mike Horner (Chair)	X				
Total Yeas: 13		Total Nays: 0			

CS/HB 1363 Amendments

Amendment 1

Adopted Without Objection

Amendment 2

Adopted Without Objection

Amendment 3

Adopted Without Objection

Amendment 4

Adopted Without Objection

Amendment 5

Withdrawn

Amendment 6

Adopted Without Objection

Committee meeting was reported out: Wednesday, April 06, 2011 10:12:25AM

COMMITTEE MEETING REPORT
Transportation & Economic Development Appropriations Subcommittee
4/6/2011 8:00:00AM

Location: Reed Hall (102 HOB)

Amendment 7

Adopted Without Objection

Amendment 8

Adopted Without Objection

Appearances:

DOT

Ryan Matthews, Leg. Advocate (Lobbyist) - Opponent
League of Cities
301 South Bronough Street, Suite 300
Tallahassee Florida 32302
Phone: 850-222-9684

DOT

Stacey McMillian, Attorney (Lobbyist) - Information Only
Florida Electric Coordinating Group
119 South Monroe Street
Tallahassee Florida 32301
Phone: 850-224-3999

Committee meeting was reported out: Wednesday, April 06, 2011 10:12:25AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1363 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*ADOPTED
w/out objection
4-6-11*

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative(s) Brandes offered the following:

Amendment (with title amendment)

6 Between lines 124 and 125, insert:

7 Section 1. Subsection (17) is added to section 120.80,
8 Florida Statutes, to read:

9 120.80 Exceptions and special requirements; agencies.—

10 (17) DEPARTMENT OF TRANSPORTATION. Paragraph (b) of
11 subsection (3) of section 120.54, Florida Statutes, and s.
12 120.541, Florida Statutes, do not apply to the adjustment of
13 tolls pursuant to subsection (3) of s. 338.165, Florida
14 Statutes.

15
16
17
18 -----
19 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1363 (2011)

Amendment No. 1

20 | Between lines 2 and 3, insert:
21 | amending s. 120.80, F.S.; exempting the adjustment of tolls
22 | by the department from the requirement to prepare a statement of
23 | estimated regulatory costs and from the requirement of
24 | submission for legislative ratification;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1363 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

ADOPTED w/out
OBJECTION
4-6-11

1 Committee/Subcommittee hearing bill: Transportation & Economic
 2 Development Appropriations Subcommittee
 3 Representative Brandes offered the following:

Amendment (with title amendment)

Between lines 124 and 125, insert:

Section 1. Subsection (9) is added to section 286.011, Florida Statutes, to read:

286.011 Public meetings and records; public inspection; criminal and civil penalties.-

(9) Transportation and expressway authorities created under chapter 343, chapter 348, or chapter 349 which are subject to this section may conduct public meetings and workshops by means of communications media technology, as provided in s. 120.54(5).

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1363 (2011)

Amendment No. 2

20 | Between lines 2 and 3, insert:
21 | amending s. 286.011, F.S.; providing for the conduct of
22 | transportation agency public meetings through the use of
23 | communications media technology;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1363 (2011)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

*Adopted without
objection
4-6-11*

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Brandes offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 124 and 125, insert:

7 Section 1. Subsection (4) of section 316.091, Florida
8 Statutes, is amended, present subsection (5) of that section is
9 renumbered as subsection (6), and a new subsection (5) is added
10 to that section, to read:

11 316.091 Limited access facilities; interstate highways;
12 use restricted.—

13 (4) No person shall operate a bicycle or other human-
14 powered vehicle on the roadway or along the shoulder of a
15 limited access highway, including bridges, unless official signs
16 and a designated marked bicycle lane are present at the entrance
17 of the section of highway indicating that such use is permitted
18 pursuant to a pilot program of the Department of Transportation
19 an interstate highway.

Amendment No. 3

20 (5) The Department of Transportation shall establish a 2-
21 year pilot program, in three separate urban areas, in which it
22 shall erect signs and designated marked bicycle lanes indicating
23 highway approaches and bridge segments of limited access
24 highways as open to use by operators of bicycles and other
25 human-powered vehicles, under the following conditions:

26 (a) The limited access highway approaches and bridge
27 segments chosen must cross a river, lake, bay, inlet, or surface
28 water, where no street or highway crossing the water body is
29 available for use within 2 miles of entrance to the limited
30 access facility, measured along the shortest public right-of-
31 way.

32 (b) The Department of Transportation, with the concurrence
33 of the Federal Highway Administration on interstate facilities,
34 shall establish the three highway approaches and bridge segments
35 for the pilot project by October 1, 2011. In selecting the
36 highway approaches and bridge segments, the Department of
37 Transportation shall consider, without limitation, a minimum
38 size of population in the urban area within 5 miles of the
39 highway approach and bridge segment, the lack of bicycle access
40 by other means, cost, safety, and operational impacts.

41 (c) The Department of Transportation shall begin the pilot
42 program by erecting signs and designating marked bicycle lanes
43 indicating highway approaches and bridge segments of limited
44 access highway, as qualified by the conditions described in this
45 subsection, as open to use by operators of bicycles and other
46 human-powered vehicles no later than January 1, 2012.

47 (d) The Department of Transportation shall conduct the

Amendment No. 3

48 pilot program for a minimum of 2 years following the
49 implementation date. The department may continue to provide
50 bicycle access on the highway approaches and bridge segments
51 chosen for the pilot program or initiate bicycle access on other
52 limited access facilities after the end of the program.

53 (e) The Department of Transportation shall submit a report
54 of its findings and recommendations from the pilot program to
55 the Governor, the President of the Senate, and the Speaker of
56 the House of Representatives by September 1, 2014. The report
57 shall include, at a minimum, bicycle crash data occurring in
58 designated segments of the pilot program, usage by operators of
59 bicycles and other human-powered vehicles, enforcement issues,
60 operational impacts, and the cost of the pilot program.

61

62

63

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

64

Between lines 2 and 3, insert:

65

66 amending s. 316.091, F.S.; requiring the Department of
67 Transportation to establish a pilot program to open certain
68 limited access highways and bridges to bicycles and other human-
69 powered vehicles; providing requirements for the pilot program;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1363 (2011)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

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

*ADOPTED w/out
OBJECTION
4-6-11*

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative(s) Brandes offered the following:

Amendment (with title amendment)

Remove lines 143-155

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

Remove lines 5-8 and insert:
certain circumstances;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1363 (2011)

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

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

WITHDRAWN
4-6-11

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative(s) Ray offered the following:

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

6 Between lines 1234 and 1235, insert:

7 Section 1. Paragraph (c) of subsection (4) of section
8 348.0003, Florida Statutes, is amended to read:

9 348.0003 Expressway authority; formation; membership.-
10 (4)

11 (c) Appointed and uncompensated members of each
12 expressway authority, transportation authority, bridge
13 authority, or toll authority, created pursuant to this chapter,
14 chapter 343, or chapter 349 or any other legislative enactment
15 shall comply with the applicable financial disclosure
16 requirements of s. 112.3145(2)(b) ~~s. 8, Art. II of the State~~
17 ~~Constitution~~. This paragraph does not subject any statutorily
18 created authority, other than an expressway authority created

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1363 (2011)

Amendment No. 5

19 under this part, to any other requirement of this part except
20 the requirement of this paragraph.

21

22

23

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

25

Remove line 75 and insert:

26

program; amending s. 348.0003, F.S.; revising the financial

27

disclosure requirements for appointed and uncompensated members

28

of expressway authorities, transportation authorities, bridge

29

authorities, and toll authorities; creating s. 479.075, F.S.;

30

defining the terms

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1363 (2011)

Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

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

*ADOPTED
W/O OBJECTION
4-6-11*

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative(s) Brandes offered the following:
4

Amendment (with title amendment)

5
6 Between lines 1254 and 1255, insert:

7 (3) This provision shall not affect the validity of any
8 other aspect of any agreement, resolution, or ordinance
9 regarding signs or require the removal of any sign or repayment
10 of any fees already paid. A local government that requires the
11 removal of a sign as the result of the adoption of this section
12 must adhere to the provision of s. 70.20(2), F.S.
13

14
15 -----
16 **T I T L E A M E N D M E N T**

17 Remove line 78 and insert:
18 be based on actual costs; provides that provision does not
19 affect the validity of any other aspect of any agreement,

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20 resolution, or ordinance regarding signs, requiring the removal
21 of signs, or repayment of fees; provides that the removal of a
22 sign must adhere to certain statutory provisions; designating
23 Edna S. Hargrett-

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

*Adopted w/out
OBJECTION
4-6-11*

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Brandes offered the following:

Amendment (with title amendment)

Between lines 1254 and 1255, insert:

Section 21. Section 479.106, Florida Statutes, is amended to read:

479.106 Vegetation management.—

(1) The removal, cutting, or trimming of trees or vegetation on public right-of-way to make visible or to ensure future visibility of the facing of a proposed sign or previously permitted sign shall be performed only with the written permission of the department in accordance with the provisions of this section.

(2) Any person desiring to engage in the removal, cutting, or trimming of trees or vegetation for the purposes herein described shall apply for an appropriate permit by ~~make~~ written application to the department. The application for a permit

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20 shall include, at the election of the applicant, one of the
21 following:

22 (a) A vegetation management plan consisting of a property
23 sketch indicating the onsite location of the vegetation or
24 individual trees to be removed, cut, or trimmed and describing
25 the existing conditions and proposed work to be accomplished.

26 (b) Mitigation contribution to the Federal Grants Trust
27 Fund pursuant to s. 589.277(2) using values of a wholesale plant
28 nursery registered with the Division of Plant Industry of the
29 Department of Agriculture and Consumer Services.

30 (c) A combination of both a vegetation management plan and
31 mitigation contribution ~~the applicant's plan for the removal,~~
32 ~~cutting, or trimming and for the management of any vegetation~~
33 ~~planted as part of a mitigation plan.~~

34 (3) In evaluating a vegetation management plan or
35 mitigation contribution, the department ~~As a condition of any~~
36 ~~removal of trees or vegetation, and where the department deems~~
37 ~~appropriate as a condition of any cutting or trimming, the~~
38 ~~department may require a vegetation management plan, approved by~~
39 ~~the department, which considers conservation and mitigation, or~~
40 ~~contribution to a plan of mitigation, for the replacement of~~
41 ~~such vegetation. Each plan or contribution shall reasonably~~
42 ~~evaluate the application as it relates relate to the vegetation~~
43 ~~being affected by the application, taking into consideration the~~
44 ~~condition of such vegetation, and, where appropriate, require a~~
45 ~~vegetation management plan to consider conservation and~~
46 ~~mitigation, or a contribution to a plan of mitigation, for the~~
47 ~~cutting or removal of such vegetation. The department may~~

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48 approve shall include plantings that which will allow reasonable
49 visibility of sign facings while screening sign structural
50 supports. Only herbicides approved by the Department of
51 Agriculture and Consumer Services may be used in the removal of
52 vegetation. The department shall act on the application for
53 approval of vegetation management plans, or approval of
54 mitigation contribution, within 30 days after receipt of such
55 application. A permit issued in response to such application is
56 valid for 5 years, may be renewed for an additional 5 years by
57 payment of the applicable application fee, and is binding upon
58 the department. The department may establish special mitigation
59 programs for the beautification and aesthetic improvement of
60 designated areas and permit individual applicants to contribute
61 to such programs as a part or in lieu of other mitigation
62 requirements.

63 (4) The department may establish an application fee not to
64 exceed \$25 for each individual application to defer the costs of
65 processing such application and a fee not to exceed \$200 to
66 defer the costs of processing an application for multiple sites.

67 (5) The department may only grant a permit pursuant to s.
68 479.07 for a new sign which requires the removal, cutting, or
69 trimming of existing trees or vegetation on public right-of-way
70 for the sign face to be visible from the highway when the sign
71 owner has removed one at least two nonconforming sign signs of
72 approximate comparable size and surrendered the permits for the
73 nonconforming signs to the department for cancellation. For
74 signs originally permitted after July 1, 1996, no permit for the
75 removal, cutting, or trimming of trees or vegetation shall be

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76 granted where such trees or vegetation are part of a
77 beautification project implemented prior to the date of the
78 original sign permit application, when the beautification
79 project is specifically identified in the department's
80 construction plans, permitted landscape projects, or agreements.

81 (6) As a minimum, view zones shall be established along
82 the public rights-of-way of interstate highways, expressways,
83 federal-aid primary highways, and the State Highway System in
84 the state, excluding privately or other publicly owned property,
85 as follows:

86 (a) A view zone of 350 feet for posted speed limits of 35
87 miles per hour or less.

88 (b) A view zone of 500 feet for posted speed limits of
89 more than 35 miles per hour.

90
91 The established view zone shall be within the first 1,000 feet
92 measured along the edge of the pavement in the direction of
93 approaching traffic from a point on the edge of the pavement
94 perpendicular to the edge of the sign facing nearest the highway
95 and shall be continuous unless interrupted by vegetation that
96 has established historical significance, is protected by state
97 law, or has a circumference, measured at 4 and 1/2 feet above
98 grade, equal to or greater than 70 percent of the circumference
99 of the Florida Champion of the same species as listed in the
100 Florida Register of Big Trees of the Florida Native Plant
101 Society. The sign owner may designate the specific location of
102 the view zone for each sign facing. In the absence of such
103 designation, the established view zone shall be measured from

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104 the sign along the edge of the pavement in the direction of
105 approaching traffic as provided in this subsection.

106 ~~(7)-(6)~~ Beautification projects, trees, or other vegetation
107 shall not be planted or located in the view zone of legally
108 erected and permitted outdoor advertising signs which have been
109 permitted prior to the date of the beautification project or
110 other planting, where such planting will, at the time of
111 planting or after future growth, screen such sign from view. The
112 department shall provide written notice to the owner not less
113 than 90 days before commencing a beautification project or other
114 vegetation planting that may affect a sign, allowing such owner
115 not less than 60 days to designate the specific location of the
116 view zone of such affected sign. A sign owner is not required to
117 prepare a vegetation management plan or secure a vegetation
118 management permit for the implementation of beautification
119 projects.

120 ~~(a) View zones are established along the public rights-of-~~
121 ~~way of interstate highways, expressways, federal-aid primary~~
122 ~~highways, and the State Highway System in the state, excluding~~
123 ~~privately or other publicly owned property, as follows:~~

124 1. ~~A view zone of 350 feet for posted speed limits of 35~~
125 ~~miles per hour or less.~~

126 2. ~~A view zone of 500 feet for posted speed limits of over~~
127 ~~35 miles per hour.~~

128 ~~(b) The established view zone shall be within the first~~
129 ~~1,000 feet measured along the edge of the pavement in the~~
130 ~~direction of approaching traffic from a point on the edge of the~~
131 ~~pavement perpendicular to the edge of the sign facing nearest~~

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132 | ~~the highway and shall be continuous unless interrupted by~~
133 | ~~existing, naturally occurring vegetation. The department and the~~
134 | ~~sign owner may enter into an agreement identifying the specific~~
135 | ~~location of the view zone for each sign facing. In the absence~~
136 | ~~of such agreement, the established view zone shall be measured~~
137 | ~~from the sign along the edge of the pavement in the direction of~~
138 | ~~approaching traffic as provided in this subsection.~~

139 | (a)(e) If a sign owner alleges any governmental entity or
140 | other party has violated this subsection, the sign owner must
141 | provide 90 days' written notice to the governmental entity or
142 | other party allegedly violating this subsection. If the alleged
143 | violation is not cured by the governmental entity or other party
144 | within the 90-day period, the sign owner may file a claim in the
145 | circuit court where the sign is located. A copy of such
146 | complaint shall be served contemporaneously upon the
147 | governmental entity or other party. If the circuit court
148 | determines a violation of this subsection has occurred, the
149 | court shall award a claim for compensation equal to the lesser
150 | of the revenue from the sign lost during the time of screening
151 | or the fair market value of the sign, and the governmental
152 | entity or other party shall pay the award of compensation
153 | subject to available appeal. Any modification or removal of
154 | material within a beautification project or other planting by
155 | the governmental entity or other party to cure an alleged
156 | violation shall not require the issuance of a permit from the
157 | Department of Transportation provided not less than 48 hours'
158 | notice is provided to the department of the modification or
159 | removal of the material. A natural person, private corporation,

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160 or private partnership licensed under part II of chapter 481
161 providing design services for beautification or other projects
162 shall not be subject to a claim of compensation under this
163 section when the initial project design meets the requirements
164 of this section.

165 ~~(b)-(d)~~ This subsection shall not apply to the provisions
166 of any existing written agreement executed before July 1, 2006,
167 between any local government and the owner of an outdoor
168 advertising sign.

169 ~~(8)-(7)~~ Any person engaging in removal, cutting, or
170 trimming of trees or vegetation in violation of this section or
171 benefiting from such actions shall be subject to an
172 administrative penalty of up to \$1,000 and required to mitigate
173 for the unauthorized removal, cutting, or trimming in such
174 manner and in such amount as may be required under the rules of
175 the department.

176 ~~(9)-(8)~~ The intent of this section is to create partnering
177 relationships which will have the effect of improving the
178 appearance of Florida's highways and creating a net increase in
179 the vegetative habitat along the roads. Department rules shall
180 encourage the use of plants which are low maintenance and native
181 to the general region in which they are planted.

182 Section 22. Subsections (16) and (17) are added to section
183 479.16, Florida Statutes, to read:

184 479.16 Signs for which permits are not required.—The
185 following signs are exempt from the requirement that a permit
186 for a sign be obtained under the provisions of this chapter but
187 are required to comply with the provisions of s. 479.11(4)-(8):

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188 (16) Signs erected under the local tourist-oriented
189 commerce signs pilot program under s. 479.263.

190 (17) Signs not in excess of 32 square feet placed
191 temporarily during harvest season of a farm operation for a
192 period of no more than 4 months at a road junction with the
193 State Highway System denoting only the distance or direction of
194 the farm operation. The temporary farm operation harvest sign
195 provision under this subsection may not be implemented if the
196 Federal Government notifies the department that implementation
197 will adversely affect the allocation of federal funds to the
198 department.

199 Section 23. Section 479.263, Florida Statutes, is created
200 to read:

201 479.263 Tourist-oriented commerce signs pilot program.—The
202 local tourist-oriented commerce signs pilot program is created
203 in rural areas of critical economic concern as defined by s.
204 288.0656(2)(d) and (e). Signs erected under this program do not
205 require a permit under this chapter.

206 (1) A local tourist-oriented business that is a small
207 business as defined in s. 288.703 may erect a sign that meets
208 the following criteria:

209 (a) The signs are not more than 8 square feet in size or
210 more than 4 feet in height.

211 (b) The signs are located only in rural areas along
212 highways that are not limited access highways.

213 (c) The signs are located within 2 miles of the business
214 location and not less than 500 feet apart.

215 (d) The advertising copy on the signs consists only of the

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216 name of the business or the principal or accessory merchandise
217 or services sold or furnished on the premises of the business.

218 (2) A business placing such signs under this section:

219 (a) Must be a minimum of 4 miles from any other business
220 placing signs under this program.

221 (b) May not participate in the logo sign program
222 authorized under s. 479.261 or the tourist-oriented directional
223 sign program authorized under s. 479.262.

224 (3) Businesses that are conducted in a building
225 principally used as a residence are not eligible to participate.

226 (4) Each business utilizing this program shall notify the
227 department in writing of its intent to do so prior to placing
228 signs. The department shall maintain statistics of the
229 businesses participating in the program. This program shall not
230 take effect if the Federal Highway Administration advises the
231 department in writing that implementation constitutes a loss of
232 effective control of outdoor advertising.

233 (5) This section expires June 30, 2016.

234

235

236

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

238 Remove line 78 and insert:

239 be based on actual costs; amending s. 479.106, F.S.;

240 revising requirements for an application for a permit to

241 remove, cut, or trim trees or vegetation around a sign;

242 requiring that the application include a vegetation

243 management plan, a mitigation contribution to a trust

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244 | fund, or a combination of both; providing certain
245 | evaluation criteria; providing criteria for the use of
246 | herbicides; providing a time limit within which the
247 | Department of Transportation must act; providing that the
248 | permit is valid for 5 years; providing for an extension of
249 | the permit; reducing the number of nonconforming signs
250 | that must be removed before a permit may be issued for
251 | certain signs; providing criteria for view zones;
252 | requiring the department to provide notice to the sign
253 | owner of beautification projects or vegetation planting;
254 | amending s. 479.16, F.S.; exempting signs erected under
255 | the local tourist-oriented commerce signs pilot program
256 | from certain permit requirements; exempting certain
257 | temporary signs for farm operations from permit
258 | requirements; creating s. 479.263, F.S.; creating the
259 | tourist-oriented commerce signs pilot program; exempting
260 | commercial signs that meet certain criteria from permit
261 | requirements; providing for future expiration of the pilot
262 | program; designating Edna S. Hargrett-

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Amendment No. 8

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative(s) Brandes offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 1624 and 1625, insert:

7 Section 46. Paragraph (c) of subsection (5) of section
8 316.515, Florida Statutes, is amended to read:

9 316.515 Maximum width, height, length.—

10 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
11 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

12 (c) The width and height limitations of this section do
13 not apply to farming or agricultural equipment, whether self-
14 propelled, pulled, or hauled, when temporarily operated during
15 daylight hours upon a public road that is not a limited access
16 facility as defined in s. 334.03-~~(13)~~, and the width and height
17 limitations may be exceeded by such equipment without a permit.
18 To be eligible for this exemption, the equipment shall be
19 operated within a radius of 50 miles of the real property owned,

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20 rented, or leased by the equipment owner. However, equipment
21 being delivered by a dealer to a purchaser is not subject to the
22 50-mile limitation. Farming or agricultural equipment greater
23 than 174 inches in width must have one warning lamp mounted on
24 each side of the equipment to denote the width and must have a
25 slow-moving vehicle sign. Warning lamps required by this
26 paragraph must be visible from the front and rear of the vehicle
27 and must be visible from a distance of at least 1,000 feet.
28
29
30

31 -----
32 **T I T L E A M E N D M E N T**

33 Remove lines 101-106 and insert:

34 316.2122, 316.515, 336.01, 338.222, 338.223, 338.2275, 338.228,
35 339.2819, 339.285, 341.8225, 479.01, 479.07, and 479.261, F.S.,
36 relating to transportation concurrency, contracts, port
37 facilities, Florida Seaport Transportation and Economic
38 Development Council, low-speed vehicles and mini trucks, maximum
39 width, height, and length of vehicles, the county road system,
40 turnpike projects, revenue