



Transportation & Highway Safety Subcommittee

MEETING PACKET

**Wednesday, February 20, 2013
9:00 AM – 11:00 AM
404 HOB**



The Florida House of Representatives

Transportation & Highway Safety Subcommittee

Will Weatherford
Speaker

Daniel Davis
Chair

Meeting Agenda
Wednesday, February 20, 2013
404 House Office Building
9:00 AM – 11:00 AM

- I. Call to Order**
- II. Roll Call**
- III. Welcome and Opening Remarks**
- IV. Discussion of Draft Proposed Committee Bills:**
 - Highway Safety and Motor Vehicles
 - Transportation
- V. Adjournment**

DHSMV 2013 Legislative Proposals Workshop

International Registration Plan (Plan) (Sections 1, 7, 15, 17-19)

Correct inconsistencies and references to the Plan. (pages 9, 15, 31, 34)

Crash Reports (Sections 2, 3)

Sec. 2: Requires all law enforcement agencies to electronically submit all traffic crash reports to the department for crashes that occur after June 30, 2015. (page 11).

Sec. 3: Requires that the crash report forms supplied by the department be uniform for all law enforcement agencies across the state. (page 11).

DUI and Ignition Interlock Devices (IID) (Sections 4, 10, 26, 34 – 39)

Sec. 4: Lowers the IID threshold to 0.025 BAC from 0.05 BAC. (page 12).

Sec. 10, 26: Clarifies the department's rulemaking authority with regard to Driver Improvement Schools. (pages 19, 48).

Sec. 34: Deletes an outdated statute that allows a driver convicted of DUI to have his driving privileges reinstated on a temporary basis via court-order. In light the more detailed "Florida DUI Law," this statute is never used. (page 61).

Sec. 35 - 37: Authorizes the department to conduct administrative DUI driver license suspension hearings via telecommunications technology.

Allows the respondent to file a subpoena enforcement action in his or her existing criminal case, rather than in a separate, new civil case in circuit court – a change that will save respondents money on filing fees.

Updates Florida law that disqualifies a commercial driver license holder convicted of DUI from operating a commercial motor vehicle in accordance with federal regulations. (pages 62-91).

Sec. 38: Requires a driver that has received a medical waiver from required IID installation to apply for an 'employment purposes only' driver license in order to have his or her driving privileges reinstated on a provisional basis. (page 91).

Sec. 39: Clarifies that DUI *convictions* that occur on the same date, but arise from separate *offense* dates, are considered separate *convictions*. (page 94).

Commercial Motor Vehicles (CMV) (Sections 5, 6, 9, 30, 31, 41)

Sec. 5: Requires that those transporting liquefied petroleum gas comply with federal regulations. (page 13).

Sec. 6: Requires CMV drivers to comply with federal regulations relating to physical examinations and 'fitness to drive' standards, or face a \$100 civil penalty. (page 14).

- Sec. 9: Subjects commercial learner's permit holders to the same federal regulations as commercial driver license holders with respect to certain traffic citations. These regulations bar commercial driver license holders from electing to have adjudication of guilt withheld by the court. (page 16).
- Sec. 30: Requires commercial learner's permit cards to be issued on plastic card stock in accordance with federal regulations. There is a \$5 fee to offset costs in relation to the purchase of card stock. (page 56).
- Sec. 31: Disqualifies a CMV driver for one year if that CMV driver provides false information in when applying for a commercial learner's permit or commercial driver license. (page 59).
- Sec. 41: Subjects commercial learner's permit holders to the same traffic violations that now disqualify commercial driver license holders from operating commercial motor vehicles as per federal regulations. (page 99).

Registration and Certificates of Title & Repossession (Sections 8, 11, 12-14, 16, 20, 46-48)

- Sec. 8, 13, 14: Delete references to the superfluous 'certificate of repossession' in an effort to encourage lien holders to purchase a certificate of title (for the same price) instead. (pages 15, 29, 31).
- Sec. 11: Allows an electronic title to a motor vehicle to remain electronic when transferred from seller to buyer during a private, casual sale. This provision has a possible significant fiscal impact to General Revenue (\$137,483), Highway Safety Operating Trust Fund (\$240,594), and State Transportation Trust Fund (\$4,674,405). (page 23).
- Sec. 12, 16: Specify that a valid out-of-state driver license or identification card, as well as a valid United States Passport are acceptable proof of identity documents for motor vehicle registrations and certificates of title. (page 29, 32).
- Sec. 20: Clarifies that the department may withhold a motor vehicle or mobile home registration until unpaid registration fees have been paid by the owner or co-owner. (page 36).
- Sec. 46, 47: Specifies that a valid out-of-state driver license or identification card, as well as a valid United States Passport are acceptable proof of identity documents for vessel registrations and certificates of title. (page 111, 112).
- Sec. 48: Allows the department to retain annual vessel registration fees equal to the administrative costs of administering the vessel registration program. (page 112).

Motor Vehicle Dealers (Sections 21-25)

Provides motor vehicle dealers the option of choosing a two-year dealer licensing period. (pages 36-48).

Driver Licensing (Sections 27-29, 32, 33, 40)

- Sec. 27: Eliminates the requirement that an advisory board member be a member of the Florida Medical Association, Florida Osteopathic Association, or the Florida Optometric Association. (page 54).
- Sec. 28: Advances the statutory directive enacted in 2011 that all driver license issuance services be assumed by constitutional tax collectors by June 30, 2015. Specifically, the section removes language that arguably requires tax collectors to direct those seeking driver license re-examinations to the department. (page 55).
- Sec. 29: Requires that vision tests for driver license renewals be submitted by a physician that is licensed in Florida or in any other state. (page 55).
- Sec. 32: Authorizes the department to withhold issuance or renewal of a driver license if the licensee has committed fraud on the driver license application. Currently, the department is only authorized to *cancel* a driver license. (page 60).
- Sec. 33: Requires the Clerks of Court to *electronically* notify the department when suspending a driver license in certain cases. (page 60).
- Sec. 40: Repeals the mandatory driver license reinstatement hearing for habitual traffic offenders that have already served their five year revocation period and met the required benchmarks for restoration of their driving privileges. (page 99).

Automobile Insurance (Sections 42-45)

- Sec. 42: Revises the insurance company reporting requirement on new, cancelled, and not renewed policies from 30-45 days to a flat 10 days. (page 107).
- Sec. 43, 45: Modifies two of the four methods by which motor vehicle registrants may prove financial responsibility – which is required to register a motor vehicle. The proposed changes eliminate the option to prove financial responsibility via surety bond; and require that obtaining self-insurance through a 'cash deposit' be done through a certificate of deposit issued (and held) by a financial institution, rather than a cash deposit held by the department. (page 108, 110).
- Sec. 44: Removes the requirement that the department send insurance verification notices via snail mail and requires insurance companies to respond within 20 days. (page 109).

Cross-References (Sections 49-67)

Correct cross-references and conform provisions to changes. (pages 114-131).

Effective Date (Section 68)

The bill will take effect on July 1, 2013. (page 131).

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1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 207.002, F.S.,
 4 relating to the "Florida Diesel Fuel and Motor Fuel
 5 Use Tax Act of 1981"; deleting the definitions of the
 6 terms "apportioned motor vehicle" and "apportionable
 7 vehicle"; amending 316.066, F.S.; requiring law
 8 enforcement agencies to submit crash reports
 9 electronically after a certain date; amending s.
 10 316.068, F.S.; providing a designation for crash
 11 reports; amending s. 316.1937, F.S.; revising
 12 operational specifications for ignition interlock
 13 devices; amending s. 316.302, F.S.; revising
 14 provisions for certain commercial motor vehicles and
 15 transporters and shippers of hazardous materials;
 16 providing for application of specified federal
 17 regulations; removing a provision for application of
 18 specified provisions and federal regulations to
 19 transporting liquefied petroleum gas; amending s.
 20 316.3025, F.S.; providing penalties for violation of
 21 specified federal regulations relating to medical and
 22 physical requirements for commercial drivers while
 23 driving a commercial motor vehicle; revising
 24 provisions for seizure of motor vehicle for refusal to
 25 pay penalty; amending s. 316.545, F.S.; revising
 26 language relating to certain commercial motor vehicles
 27 not properly licensed and registered; amending s.
 28 317.0016, F.S., relating to expedited services;

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29 removing a requirement that the department provide
30 such service for certain certificates; amending s.
31 318.14, F.S.; relating to disposition of traffic
32 citations; providing that certain alternative
33 procedures for certain traffic offenses are not
34 available to a person who holds a commercial learner's
35 permit; amending s. 318.1451, F.S.; revising
36 provisions relating to driver improvement schools;
37 removing a provision for a chief judge to establish
38 requirements for the location of schools within a
39 judicial circuit; removing a provision that authorizes
40 a person to operate a driver improvement school;
41 revising provisions for persons taking unapproved
42 course; providing criteria for initial approval of
43 courses; revising requirements for courses, course
44 certificates, and course providers; directing the
45 department to adopt rules; amending s. 319.225, F.S.;
46 revising provisions for certificates of title,
47 reassignment of title, and forms; revising procedures
48 for transfer of title; amending s. 319.23, F.S.;
49 revising requirements for content of certificates of
50 title and applications for title; amending s. 319.28,
51 F.S.; revising provisions for transfer of ownership by
52 operation of law when a motor vehicle or mobile home
53 is repossessed; removing provisions for a certificate
54 of repossession; amending s. 319.323, F.S., relating
55 to expedited services of the department; removing
56 certificates of repossession; amending s. 320.01,

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57 F.S.; removing the definition of the term "apportioned
58 motor vehicle"; revising the definition of the term
59 "apportionable motor vehicle" amending s. 320.02,
60 F.S.; revising requirements for application for motor
61 vehicle registration; amending s. 320.03, F.S.;
62 revising a provision for registration under the
63 International Registration Plan; amending s. 320.071,
64 F.S.; revising a provision for advance renewal of
65 registration under the International Registration
66 Plan; amending s. 320.0715, F.S.; revising provisions
67 for vehicles required to be registration under the
68 International Registration Plan; amending s.
69 320.08053, F.S.; revising requirements for requests to
70 establish specialty license plates; amending s.
71 320.18, F.S.; providing for withholding of motor
72 vehicle or mobile home registration when a coowner has
73 failed to register the vehicle or mobile home during a
74 previous period when such registration was required;
75 providing for cancelling a vehicle or vessel
76 registration, driver license, identification card, or
77 fuel-use tax decal if the coowner pays certain fees
78 and other liabilities with a dishonored check;
79 amending s. 320.27, F.S., relating to motor vehicle
80 dealers; providing for extended periods for dealer
81 licenses and supplemental licenses; providing fees;
82 amending s. 320.62, F.S., relating to manufacturers,
83 distributors, and importers of motor vehicles;
84 providing for extended licensure periods; providing

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85 fees; amending s. 320.77, F.S., relating to mobile
 86 home dealers; providing for extended licensure
 87 periods; providing fees; amending s. 320.771, F.S.,
 88 relating to recreational vehicle dealers; providing
 89 for extended licensure periods; providing fees;
 90 amending s. 320.8225, F.S., relating to mobile home
 91 and recreational vehicle manufacturers, distributors,
 92 and importers; providing for extended licensure
 93 periods; providing fees; amending s. 322.095, F.S.;
 94 requiring applicant for a driver license to complete a
 95 traffic law and substance abuse education course;
 96 providing exceptions; revising procedures for
 97 evaluation and approval of such courses; revising
 98 criteria for such courses and the schools conducting
 99 the courses; providing for collection and disposition
 100 of certain fees; requiring providers to maintain
 101 records; directing the department to conduct
 102 effectiveness studies; requiring a provider to cease
 103 offering a course that fails the study; requiring
 104 courses to be updated at the request of the
 105 department; requiring providers to disclose certain
 106 information; requiring providers to submit course
 107 completion information to the department within a
 108 certain time period; prohibiting certain acts;
 109 providing that the department shall not accept
 110 certification from students; prohibiting a person
 111 convicted of certain crimes from conducting courses;
 112 directing the department to suspend course approval

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113 for certain purposes; providing for the department to
 114 deny, suspend, or revoke course approval for certain
 115 acts; providing for administrative hearing before
 116 final action denying, suspending, or revoking course
 117 approval; providing penalties for violations; amending
 118 s. 322.125, F.S.; revising criteria for members of the
 119 Medical Advisory Board; amending s. 322.135, F.S.;
 120 removing a provision that authorizes a tax collector
 121 to direct certain licensees to the department for
 122 examination or reexamination; amending s. 322.18,
 123 F.S.; revising provisions for a vision test required
 124 for driver license renewal for certain drivers;
 125 amending s. 322.21, F.S.; providing a fee for a
 126 commercial learner's permit; amending s. 322.212,
 127 F.S.; providing penalties for certain violations
 128 involving application and testing for a commercial
 129 driver license or a commercial learner's permit;
 130 amending s. 322.22, F.S.; authorizing the department
 131 to withhold issuance or renewal of a driver license,
 132 identification card, vehicle or vessel registration,
 133 or fuel-use decal under certain circumstances;
 134 amending s. 322.245, F.S.; requiring a depository or
 135 clerk of court to electronically notify the department
 136 of a person's failure to pay support or comply with
 137 directives of the court; amending s. 322.25, F.S.;
 138 removing a provision for a court order to reinstate a
 139 person's driving privilege on a temporary basis when
 140 the person's license and driving privilege have been

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141 | revoked under certain circumstances; amending ss.
 142 | 322.2615 and 322.2616, F.S., relating to review of a
 143 | license suspension when the driver had blood or breath
 144 | alcohol at a certain level or the driver refused a
 145 | test of his or her blood or breath to determine the
 146 | alcohol level; revising provisions for informal and
 147 | formal reviews; providing for the hearing officer to
 148 | be designated by the department; authorizing the
 149 | hearing officer to conduct hearings using
 150 | telecommunications technology; revising procedures for
 151 | enforcement of subpoenas; directing the department to
 152 | issue a temporary driving permit or invalidate the
 153 | suspension under certain circumstances; providing for
 154 | construction of specified provisions; amending s.
 155 | 322.64, F.S., relating to driving with unlawful blood-
 156 | alcohol level or refusal to submit to breath, urine,
 157 | or blood test by a commercial driver license holder or
 158 | person driving a commercial motor vehicle; providing
 159 | that a disqualification from driving a commercial
 160 | motor vehicle is considered a conviction for certain
 161 | purposes; revising the time period a person is
 162 | disqualified from driving for alcohol-related
 163 | violations; revising requirements for notice of the
 164 | disqualification; providing that under the review of a
 165 | disqualification the hearing officer shall consider
 166 | the crash report; revising provisions for informal and
 167 | formal reviews; providing for the hearing officer to
 168 | be designated by the department; authorizing the

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169 hearing officer to conduct hearings using
 170 telecommunications technology; revising procedures for
 171 enforcement of subpoenas; directing the department to
 172 issue a temporary driving permit or invalidate the
 173 suspension under certain circumstances; providing for
 174 construction of specified provisions; amending s.
 175 322.2715, F.S.; providing requirements for issuance of
 176 a restricted license for a person convicted of a DUI
 177 offense if a medical waiver of placement of an
 178 ignition interlock device was given to such person;
 179 amending s. 322.28, F.S., relating to revocation of
 180 driver license for convictions of DUI offenses;
 181 providing that convictions occurring on the same date
 182 for offenses occurring on separate dates are
 183 considered separate convictions; removing a provision
 184 relating to a court order for reinstatement of a
 185 revoked license; repealing s. 322.331, F.S., relating
 186 to habitual traffic offenders; amending s. 322.61,
 187 F.S., revising provisions for disqualification from
 188 operating a commercial motor vehicle; providing for
 189 application of such provisions to persons holding a
 190 commercial learner's permit; revising the offenses for
 191 which certain disqualifications apply; amending s.
 192 324.0221, F.S.; revising the actions which must be
 193 reported to the department by an insurer that has
 194 issued a policy providing personal injury protection
 195 coverage or property damage liability coverage;
 196 revising time allowed for submitting the report;

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197	amending s. 324.031, F.S.; revising the methods a	
198	vehicle owner or operator may use to prove financial	
199	responsibility; removing a provision for posting a	
200	bond with the department; amending s. 324.091, F.S.;	
201	revising provisions requiring motor vehicle owners and	
202	operators to provide evidence to the department of	
203	liability insurance coverage under certain	
204	circumstances; revising provisions for verification by	
205	insurers of such evidence; amending s. 324.161, F.S.;	
206	providing requirements for issuance of a certificate	
207	of insurance; requiring proof of a certificate of	
208	deposit of a certain amount of money in a financial	
209	institution; providing for power of attorney to be	
210	issued to the department for execution under certain	
211	circumstances; amending s. 328.01, F.S., relating to	
212	vessel titles; revising identification requirements	
213	for applications for a certificate of title; amending	
214	s. 328.48, F.S., relating to vessel registration;	
215	revising identification requirements for applications	
216	for vessel registration; amending s. 328.76, F.S.,	
217	relating to vessel registration funds; revising	
218	provisions for funds to be deposited into the Highway	
219	Safety Operating Trust Fund; amending ss. 212.08,	
220	261.03, 316.2122, 316.2124, 316.21265, 316.3026,	
221	316.550, 317.0003, 320.08, 320.0847, 322.271, 322.282,	
222	324.023, 324.171, 324.191, 627.733, and 627.7415,	
223	F.S.; correcting cross-references and conforming	
224	provisions to changes made by the act; providing an	

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225 effective date.

226

227 Be It Enacted by the Legislature of the State of Florida:

228

229 Section 1. Section 207.002, Florida Statutes, is amended
230 to read:

231 207.002 Definitions.—As used in this chapter, the term:

232 ~~(1) "Apportioned motor vehicle" means any motor vehicle~~
233 ~~which is required to be registered under the International~~
234 ~~Registration Plan.~~

235 (1)~~(2)~~ "Commercial motor vehicle" means any vehicle not
236 owned or operated by a governmental entity which uses diesel
237 fuel or motor fuel on the public highways; and which has a gross
238 vehicle weight in excess of 26,000 pounds, or has three or more
239 axles regardless of weight, or is used in combination when the
240 weight of such combination exceeds 26,000 pounds gross vehicle
241 weight. The term excludes any vehicle owned or operated by a
242 community transportation coordinator as defined in s. 427.011 or
243 by a private operator that provides public transit services
244 under contract with such a provider.

245 (2)~~(3)~~ "Department" means the Department of Highway Safety
246 and Motor Vehicles.

247 (3)~~(9)~~ "Diesel fuel" means any liquid product or gas
248 product or combination thereof, including, but not limited to,
249 all forms of fuel known or sold as diesel fuel, kerosene, butane
250 gas, or propane gas and all other forms of liquefied petroleum
251 gases, except those defined as "motor fuel," used to propel a
252 motor vehicle.

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253 (4)~~(11)~~ "International Registration Plan" means a
 254 registration reciprocity agreement among states of the United
 255 States and provinces of Canada providing for payment of license
 256 fees or license taxes on the basis of fleet miles operated in
 257 various jurisdictions.

258 (5)~~(13)~~ "Interstate" means vehicle movement between or
 259 through two or more states.

260 (6)~~(14)~~ "Intrastate" means vehicle movement from one point
 261 within a state to another point within the same state.

262 (7)~~(4)~~ "Motor carrier" means any person owning,
 263 controlling, operating, or managing any motor vehicle used to
 264 transport persons or property over any public highway.

265 (8)~~(5)~~ "Motor fuel" means what is commonly known and sold
 266 as gasoline and fuels containing a mixture of gasoline and other
 267 products.

268 (9)~~(6)~~ "Operate," "operated," "operation," or "operating"
 269 means and includes the utilization in any form of any commercial
 270 motor vehicle, whether loaded or empty, whether utilized for
 271 compensation or not for compensation, and whether owned by or
 272 leased to the motor carrier who uses it or causes it to be used.

273 (10)~~(7)~~ "Person" means and includes natural persons,
 274 corporations, copartnerships, firms, companies, agencies, or
 275 associations, singular or plural.

276 (11)~~(8)~~ "Public highway" means any public street, road, or
 277 highway in this state.

278 (12)~~(15)~~ "Registrant" means a person in whose name or
 279 names a vehicle is properly registered.

280 (13)~~(10)~~ "Use," "uses," or "used" means the consumption of

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281 diesel fuel or motor fuel in a commercial motor vehicle for the
 282 propulsion thereof.

283 ~~(12) "Apportionable vehicle" means any vehicle, except a~~
 284 ~~recreational vehicle, a vehicle displaying restricted plates, a~~
 285 ~~municipal pickup and delivery vehicle, a bus used in~~
 286 ~~transportation of chartered parties, and a government-owned~~
 287 ~~vehicle, which is used or intended for use in two or more states~~
 288 ~~of the United States or provinces of Canada that allocate or~~
 289 ~~proportionally register vehicles and which is used for the~~
 290 ~~transportation of persons for hire or is designed, used, or~~
 291 ~~maintained primarily for the transportation of property and:~~

292 ~~(a) Is a power unit having a gross vehicle weight in~~
 293 ~~excess of 26,000 pounds;~~

294 ~~(b) Is a power unit having three or more axles, regardless~~
 295 ~~of weight; or~~

296 ~~(c) Is used in combination, when the weight of such~~
 297 ~~combination exceeds 26,000 pounds gross vehicle weight.~~

298 Section 2. Paragraph (f) of subsection (1) of section
 299 316.066, Florida Statutes, is amended to read:

300 316.066 Written reports of crashes.-

301 (1)

302 (f) Long-form and short-form crash reports prepared by law
 303 enforcement must be submitted to the department and may be
 304 maintained by the law enforcement officer's agency. All law
 305 enforcement agencies must electronically submit all traffic crash
 306 reports for crashes that occur after June 30, 2015.

307 Section 3. Subsection (1) of section 316.068, Florida
 308 Statutes, is amended to read:

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309 316.068 Crash report forms.-

310 (1) The department shall prepare and, upon request, supply
 311 to police departments, sheriffs, and other appropriate agencies
 312 or individuals Florida Traffic Crash Report forms for crash
 313 reports as required in this chapter, ~~suitable with respect to~~
 314 ~~the persons required to make such reports and the purposes to be~~
 315 ~~served~~. The form must call for sufficiently detailed information
 316 to disclose, with reference to a vehicle crash, the cause and
 317 conditions then existing and the persons and vehicles involved.
 318 Every crash report form must call for the policy numbers of
 319 liability insurance and the names of carriers covering any
 320 vehicle involved in a crash required to be reported by this
 321 chapter.

322 Section 4. Subsection (1) of section 316.1937, Florida
 323 Statutes, is amended to read:

324 316.1937 Ignition interlock devices, requiring; unlawful
 325 acts.-

326 (1) In addition to any other authorized penalties, the
 327 court may require that any person who is convicted of driving
 328 under the influence in violation of s. 316.193 shall not operate
 329 a motor vehicle unless that vehicle is equipped with a
 330 functioning ignition interlock device certified by the
 331 department as provided in s. 316.1938, and installed in such a
 332 manner that the vehicle will not start if the operator's blood
 333 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
 334 specified by the court. The court may require the use of an
 335 approved ignition interlock device for a period of not less than
 336 6 continuous months, if the person is permitted to operate a

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337 motor vehicle, whether or not the privilege to operate a motor
 338 vehicle is restricted, as determined by the court. The court,
 339 however, shall order placement of an ignition interlock device
 340 in those circumstances required by s. 316.193.

341 Section 5. Paragraph (b) of subsection (1), paragraph (a)
 342 of subsection (4), and subsection (9) of section 316.302,
 343 Florida Statutes, are amended to read:

344 316.302 Commercial motor vehicles; safety regulations;
 345 transporters and shippers of hazardous materials; enforcement.—

346 (1)

347 (b) Except as otherwise provided in this section, all
 348 owners or drivers of commercial motor vehicles that are engaged
 349 in intrastate commerce are subject to the rules and regulations
 350 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, with
 351 the exception of 49 C.F.R. s. 390.5 as it relates to the
 352 definition of bus, ~~as such rules and regulations existed on~~
 353 ~~October 1, 2011.~~

354 (4)(a) Except as provided in this subsection, all
 355 commercial motor vehicles transporting any hazardous material on
 356 any road, street, or highway open to the public, whether engaged
 357 in interstate or intrastate commerce, and any person who offers
 358 hazardous materials for such transportation, are subject to the
 359 regulations contained in 49 C.F.R. part 107, subpart F, subpart
 360 G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.
 361 Effective July 1, 1997, the exceptions for intrastate motor
 362 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
 363 adopted.

364 (9)(a) ~~This section is not applicable to the transporting~~

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365 ~~of liquefied petroleum gas. The rules and regulations applicable~~
 366 ~~to the transporting of liquefied petroleum gas on the highways,~~
 367 ~~roads, or streets of this state shall be only those adopted by~~
 368 ~~the Department of Agriculture and Consumer Services under~~
 369 ~~chapter 527. However, transporters of liquefied petroleum gas~~
 370 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~
 371 ~~396.9.~~

372 ~~(b)~~ This section does not apply to any nonpublic sector
 373 bus.

374 Section 6. Paragraph (b) of subsection (3) and subsection
 375 (5) of section 316.3025, Florida Statutes, are amended to read:
 376 316.3025 Penalties.—

377 (3) (a) A civil penalty of \$50 may be assessed for a
 378 violation of the identification requirements of 49 C.F.R. s.
 379 390.21 or s. 316.302(2) (e).

380 (b) A civil penalty of \$100 may be assessed for:

381 1. Each violation of the North American Uniform Driver
 382 Out-of-Service Criteria;

383 2. A violation of s. 316.302(2) (b) or (c);

384 3. A violation of 49 C.F.R. s. 392.60; or

385 4. A violation of the North American Standard Vehicle Out-
 386 of-Service Criteria resulting from an inspection of a commercial
 387 motor vehicle involved in a crash.

388 5. A violation of 49 C.F.R. s. 391.41;

389 (5) Whenever any person or motor carrier as defined in
 390 chapter 320 violates the provisions of this section and becomes
 391 indebted to the state because of such violation and refuses to
 392 pay the appropriate penalty, in addition to the provisions of s.

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393 316.3026, such penalty becomes a lien upon the property
 394 including the motor vehicles of such person or motor carrier and
 395 may be seized and foreclosed by the state in a civil action in
 396 any court of this state. It shall be presumed that the owner of
 397 the motor vehicle is liable for the sum, and the vehicle may be
 398 detained or impounded until the penalty is paid.

399 Section 7. Paragraph (d) of subsection (3) of section
 400 316.545, Florida Statutes, is amended to read:

401 316.545 Weight and load unlawful; special fuel and motor
 402 fuel tax enforcement; inspection; penalty; review.—

403 (3) Any person who violates the overloading provisions of
 404 this chapter shall be conclusively presumed to have damaged the
 405 highways of this state by reason of such overloading, which
 406 damage is hereby fixed as follows:

407 (d) An apportionable ~~apportioned~~ motor vehicle, as defined
 408 in s. 320.01, operating on the highways of this state without
 409 being properly licensed and registered shall be subject to the
 410 penalties as ~~herein~~ provided in this section; and

411 Section 8. Section 317.0016, Florida Statutes, is amended
 412 to read:

413 317.0016 Expedited service; applications; fees.—The
 414 department shall provide, through its agents and for use by the
 415 public, expedited service on title transfers, title issuances,
 416 duplicate titles, recordation of liens, ~~and certificates of~~
 417 ~~repossession~~. A fee of \$7 shall be charged for this service,
 418 which is in addition to the fees imposed by ss. 317.0007 and
 419 317.0008, and \$3.50 of this fee shall be retained by the
 420 processing agency. All remaining fees shall be deposited in the

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421 Incidental Trust Fund of the Florida Forest Service of the
 422 Department of Agriculture and Consumer Services. Application for
 423 expedited service may be made by mail or in person. The
 424 department shall issue each title applied for pursuant to this
 425 section within 5 working days after receipt of the application
 426 except for an application for a duplicate title certificate
 427 covered by s. 317.0008(3), in which case the title must be
 428 issued within 5 working days after compliance with the
 429 department's verification requirements.

430 Section 9. Subsections (9) and (10) of section 318.14,
 431 Florida Statutes, are amended to read:

432 318.14 Noncriminal traffic infractions; exception;
 433 procedures.—

434 (9) Any person who does not hold a commercial driver
 435 license or commercial learner's permit and who is cited while
 436 driving a noncommercial motor vehicle for an infraction under
 437 this section other than a violation of s. 316.183(2), s.
 438 316.187, or s. 316.189 when the driver exceeds the posted limit
 439 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
 440 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
 441 lieu of a court appearance, elect to attend in the location of
 442 his or her choice within this state a basic driver improvement
 443 course approved by the Department of Highway Safety and Motor
 444 Vehicles. In such a case, adjudication must be withheld and
 445 points, as provided by s. 322.27, may not be assessed. However,
 446 a person may not make an election under this subsection if the
 447 person has made an election under this subsection in the
 448 preceding 12 months. A person may not make more than five

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449 elections within his or her lifetime under this subsection. The
 450 requirement for community service under s. 318.18(8) is not
 451 waived by a plea of nolo contendere or by the withholding of
 452 adjudication of guilt by a court. If a person makes an election
 453 to attend a basic driver improvement course under this
 454 subsection, 18 percent of the civil penalty imposed under s.
 455 318.18(3) shall be deposited in the State Courts Revenue Trust
 456 Fund; however, that portion is not revenue for purposes of s.
 457 28.36 and may not be used in establishing the budget of the
 458 clerk of the court under that section or s. 28.35.

459 (10)(a) Any person who does not hold a commercial driver
 460 license or commercial learner's permit and who is cited while
 461 driving a noncommercial motor vehicle for an offense listed
 462 under this subsection may, in lieu of payment of fine or court
 463 appearance, elect to enter a plea of nolo contendere and provide
 464 proof of compliance to the clerk of the court, designated
 465 official, or authorized operator of a traffic violations bureau.
 466 In such case, adjudication shall be withheld; however, a person
 467 may not make an election under this subsection if the person has
 468 made an election under this subsection in the preceding 12
 469 months. A person may not make more than three elections under
 470 this subsection. This subsection applies to the following
 471 offenses:

- 472 1. Operating a motor vehicle without a valid driver
 473 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
 474 or operating a motor vehicle with a license that has been
 475 suspended for failure to appear, failure to pay civil penalty,
 476 or failure to attend a driver improvement course pursuant to s.

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477 322.291.

478 2. Operating a motor vehicle without a valid registration
 479 in violation of s. 320.0605, s. 320.07, or s. 320.131.

480 3. Operating a motor vehicle in violation of s. 316.646.

481 4. Operating a motor vehicle with a license that has been
 482 suspended under s. 61.13016 or s. 322.245 for failure to pay
 483 child support or for failure to pay any other financial
 484 obligation as provided in s. 322.245; however, this subparagraph
 485 does not apply if the license has been suspended pursuant to s.
 486 322.245(1).

487 5. Operating a motor vehicle with a license that has been
 488 suspended under s. 322.091 for failure to meet school attendance
 489 requirements.

490 (b) Any person cited for an offense listed in this
 491 subsection shall present proof of compliance before the
 492 scheduled court appearance date. For the purposes of this
 493 subsection, proof of compliance shall consist of a valid,
 494 renewed, or reinstated driver license or registration
 495 certificate and proper proof of maintenance of security as
 496 required by s. 316.646. Notwithstanding waiver of fine, any
 497 person establishing proof of compliance shall be assessed court
 498 costs of \$25, except that a person charged with violation of s.
 499 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
 500 such costs shall be remitted to the Department of Revenue for
 501 deposit into the Child Welfare Training Trust Fund of the
 502 Department of Children and Family Services. One dollar of such
 503 costs shall be distributed to the Department of Juvenile Justice
 504 for deposit into the Juvenile Justice Training Trust Fund.

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505 Fourteen dollars of such costs shall be distributed to the
 506 municipality and \$9 shall be deposited by the clerk of the court
 507 into the fine and forfeiture fund established pursuant to s.
 508 142.01, if the offense was committed within the municipality. If
 509 the offense was committed in an unincorporated area of a county
 510 or if the citation was for a violation of s. 316.646(1)-(3), the
 511 entire amount shall be deposited by the clerk of the court into
 512 the fine and forfeiture fund established pursuant to s. 142.01,
 513 except for the moneys to be deposited into the Child Welfare
 514 Training Trust Fund and the Juvenile Justice Training Trust
 515 Fund. This subsection does not authorize the operation of a
 516 vehicle without a valid driver license, without a valid vehicle
 517 tag and registration, or without the maintenance of required
 518 security.

519 Section 10. Section 318.1451, Florida Statutes, is amended
 520 to read:

521 318.1451 Driver improvement schools.-

522 (1)~~(a)~~ The department ~~of Highway Safety and Motor Vehicles~~
 523 shall approve and regulate the courses of all driver improvement
 524 schools, as the courses relate to ss. 318.14(9), 322.0261, and
 525 322.291, including courses that use video technology as a
 526 delivery method. ~~The chief judge of the applicable judicial~~
 527 ~~circuit may establish requirements regarding the location of~~
 528 ~~schools within the judicial circuit. A person may engage in the~~
 529 ~~business of operating a driver improvement school that offers~~
 530 ~~department-approved courses related to ss. 318.14(9), 322.0261,~~
 531 ~~and 322.291.~~

532 ~~(b) The department of Highway Safety and Motor Vehicles~~

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533 ~~shall approve and regulate courses that use technology as the~~
 534 ~~delivery method of all driver improvement schools as the courses~~
 535 ~~relate to ss. 318.14(9) and 322.0261.~~

536 (2) (a) In determining whether to approve the courses
 537 referenced in this section, the department shall consider course
 538 content designed to promote safety, driver awareness, crash
 539 avoidance techniques, and other factors or criteria to improve
 540 driver performance from a safety viewpoint. Initial approval of
 541 the courses shall also be based on the department's review of
 542 all course materials, course presentation to the department by
 543 the provider, and the provider's plan for effective oversight of
 544 the course by those who deliver the course in the state. New
 545 courses shall be provisionally approved and limited to the
 546 judicial circuit originally approved for pilot testing, until
 547 the course is fully approved by the department for statewide
 548 delivery.

549 (b) In determining whether to approve courses of driver
 550 improvement schools that use technology as the delivery method
 551 as the courses relate to ss. 318.14(9) and 322.0261, the
 552 department shall consider only those courses submitted by a
 553 person, business, or entity which have approval for statewide
 554 delivery.

555 (3) The department ~~of Highway Safety and Motor Vehicles~~
 556 shall not accept ~~suspend accepting~~ proof of attendance of
 557 courses from persons who attend those schools that do not teach
 558 an approved course. ~~In those circumstances, a person who has~~
 559 ~~elected to take courses from such a school shall receive a~~
 560 ~~refund from the school, and the person shall have the~~

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561 ~~opportunity to take the course at another school.~~

562 (4) In addition to a regular course fee, an assessment fee
 563 in the amount of \$2.50 shall be collected by the school from
 564 each person who elects to attend a course, as it relates to ss.
 565 318.14(9), 322.0261, 322.291, and 627.06501. The course provider
 566 must remit the \$2.50 assessment fee to the department for
 567 deposit into, which shall be remitted to the Department of
 568 Highway Safety and Motor Vehicles and deposited in the Highway
 569 Safety Operating Trust Fund in order to receive unique course
 570 completion certificate numbers for course participants. The
 571 assessment fee will be used to administer this program and to
 572 fund the general operations of the department.

573 (5) (a) The department is authorized to maintain the
 574 information and records necessary to administer its duties and
 575 responsibilities for driver improvement courses. Course
 576 providers are required to maintain all records related to the
 577 conduct of their approved courses for 5 years and allow the
 578 department to inspect course records as necessary. Records may
 579 be maintained in an electronic format. Where such information is
 580 a public record as defined in chapter 119, it shall be made
 581 available to the public upon request pursuant to s. 119.07(1).

582 (b) The department or court may prepare a traffic school
 583 reference guide which lists the benefits of attending a driver
 584 improvement school and contains the names of the fully approved
 585 course providers with a single telephone number for each
 586 provider as furnished by the provider.

587 (6) (a) The department shall adopt rules establishing and
 588 maintaining policies and procedures to implement the

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589 requirements of this section. These policies and procedures may
 590 include, but shall not be limited to the, following:

591 (b) Effectiveness studies.--The department shall conduct
 592 effectiveness studies on each type of driver improvement course
 593 pertaining to s. 318.14(9), 322.0261, and 322.291 on a recurring
 594 5-year basis, including in the study process the consequence of
 595 failed studies.

596 (c) Required updates.--The department may to require that
 597 courses approved under this section be updated at the
 598 department's request. Failure of a course provider to update the
 599 course under this section shall result in the suspension of the
 600 course approval until such time that the approval is submitted
 601 and approved by the Department.

602 (d) Course conduct.--The department shall require that the
 603 approved course providers ensure their driver improvement
 604 schools are conducting their approved course fully and to the
 605 required time limit and content requirements.

606 (e) Course content.--The department shall set and modify
 607 course content requirements to keep current with laws and safety
 608 information. Course content includes all items used in the
 609 conduct of the course.

610 (f) Course duration.--The department shall set the
 611 duration of all course types.

612 (g) Submission of records.--The department shall require
 613 that all course providers submit course completion information
 614 to the department through the department's Driver Improvement
 615 Certificate Issuance System within 5 days.

616 (h) Sanctions.--The department shall develop the criteria

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617 to sanction the course approval of a course provider for any
 618 violation of this section or any other law that pertains to the
 619 approval and use of driver improvement courses.

620 Section 11. Section 319.225, Florida Statutes, is amended
 621 to read:

622 319.225 Transfer and reassignment forms; odometer
 623 disclosure statements.-

624 (1) Every certificate of title issued by the department
 625 must contain the following statement on its reverse side:
 626 "Federal and state law require the completion of the odometer
 627 statement set out below. Failure to complete or providing false
 628 information may result in fines, imprisonment, or both."

629 (2) Each certificate of title issued by the department
 630 must contain on its front ~~reverse~~ side a form for transfer of
 631 title by the titleholder of record, which form must contain an
 632 odometer disclosure statement in the form required by 49 C.F.R.
 633 s. 580.5.

634 (3) Each certificate of title issued by the department
 635 must contain on its reverse side as many forms as space allows
 636 for reassignment of title by a licensed dealer as permitted by
 637 s. 319.21(3), which form or forms shall contain an odometer
 638 disclosure statement in the form required by 49 C.F.R. s. 580.5.
 639 When all dealer reassignment forms provided on the back of the
 640 title certificate have been filled in, a dealer may reassign the
 641 title certificate by using a separate dealer reassignment form
 642 issued by the department in compliance with 49 C.F.R. ss. 580.4
 643 and 580.5, which form shall contain an original that ~~two carbon~~
 644 ~~copies one of which~~ shall be submitted ~~directly~~ to the

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645 department by the dealer ~~within 5 business days after the~~
 646 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the
 647 dealer in his or her records for 5 years. The provisions of this
 648 subsection shall also apply to vehicles not previously titled in
 649 this state and vehicles whose title certificates do not contain
 650 the forms required by this section.

651 (4) Upon transfer or reassignment of a certificate of
 652 title to a used motor vehicle, the transferor shall complete the
 653 odometer disclosure statement provided for by this section and
 654 the transferee shall acknowledge the disclosure by signing and
 655 printing his or her name in the spaces provided. This subsection
 656 does not apply to a vehicle that has a gross vehicle rating of
 657 more than 16,000 pounds, a vehicle that is not self-propelled,
 658 or a vehicle that is 10 years old or older. A lessor who
 659 transfers title to his or her vehicle without obtaining
 660 possession of the vehicle shall make odometer disclosure as
 661 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
 662 or acknowledge a disclosure statement as required by this
 663 subsection is guilty of a misdemeanor of the second degree,
 664 punishable as provided in s. 775.082 or s. 775.083. The
 665 department may not issue a certificate of title unless this
 666 subsection has been complied with.

667 (5) The same person may not sign a disclosure statement as
 668 both the transferor and the transferee in the same transaction
 669 except as provided in subsection (6).

670 (6) (a) If the certificate of title is physically held by a
 671 lienholder, the transferor may give a power of attorney to his
 672 or her transferee for the purpose of odometer disclosure. The

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673 power of attorney must be on a form issued or authorized by the
 674 department, which form must be in compliance with 49 C.F.R. ss.
 675 580.4 and 580.13. The department shall not require the signature
 676 of the transferor to be notarized on the form; however, in lieu
 677 of notarization, the form shall include an affidavit with the
 678 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
 679 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 680 ARE TRUE. The transferee shall sign the power of attorney form,
 681 print his or her name, and return a copy of the power of
 682 attorney form to the transferor. Upon receipt of a title
 683 certificate, the transferee shall complete the space for mileage
 684 disclosure on the title certificate exactly as the mileage was
 685 disclosed by the transferor on the power of attorney form. If
 686 the transferee is a licensed motor vehicle dealer who is
 687 transferring the vehicle to a retail purchaser, the dealer shall
 688 make application on behalf of the retail purchaser as provided
 689 in s. 319.23(6) and shall submit the original power of attorney
 690 form to the department with the application for title and the
 691 transferor's title certificate; otherwise, a dealer may reassign
 692 the title certificate by using the dealer reassignment form in
 693 the manner prescribed in subsection (3), and, at the time of
 694 physical transfer of the vehicle, the original power of attorney
 695 shall be delivered to the person designated as the transferee of
 696 the dealer on the dealer reassignment form. ~~A copy of the~~
 697 ~~executed power of attorney shall be submitted to the department~~
 698 ~~with a copy of the executed dealer reassignment form within 5~~
 699 ~~business days after the certificate of title and dealer~~
 700 ~~reassignment form are delivered by the dealer to its transferee.~~

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701 (b) If the certificate of title is lost or otherwise
 702 unavailable, the transferor may give a power of attorney to his
 703 or her transferee for the purpose of odometer disclosure. The
 704 power of attorney must be on a form issued or authorized by the
 705 department, which form must be in compliance with 49 C.F.R. ss.
 706 580.4 and 580.13. The department shall not require the signature
 707 of the transferor to be notarized on the form; however, in lieu
 708 of notarization, the form shall include an affidavit with the
 709 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
 710 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 711 ARE TRUE. The transferee shall sign the power of attorney form,
 712 print his or her name, and return a copy of the power of
 713 attorney form to the transferor. Upon receipt of the title
 714 certificate or a duplicate title certificate, the transferee
 715 shall complete the space for mileage disclosure on the title
 716 certificate exactly as the mileage was disclosed by the
 717 transferor on the power of attorney form. If the transferee is a
 718 licensed motor vehicle dealer who is transferring the vehicle to
 719 a retail purchaser, the dealer shall make application on behalf
 720 of the retail purchaser as provided in s. 319.23(6) and shall
 721 submit the original power of attorney form to the department
 722 with the application for title and the transferor's title
 723 certificate or duplicate title certificate; otherwise, a dealer
 724 may reassign the title certificate by using the dealer
 725 reassignment form in the manner prescribed in subsection (3),
 726 and, at the time of physical transfer of the vehicle, the
 727 original power of attorney shall be delivered to the person
 728 designated as the transferee of the dealer on the dealer

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729 reassignment form. If the dealer sells the vehicle to an out of
 730 state resident or an out of state dealer and the power of
 731 attorney form is applicable to the transaction, the dealer must
 732 photocopy the completed original of the form and mail directly
 733 to the department within 5 business days after the certificate
 734 of title and dealer reassignment form are delivered by the
 735 dealer to its purchaser. A copy of the executed power of
 736 ~~attorney shall be submitted to the department with a copy of the~~
 737 ~~executed dealer reassignment form within 5 business days after~~
 738 ~~the duplicate certificate of title and dealer reassignment form~~
 739 ~~are delivered by the dealer to its transferee.~~

740 (c) If the mechanics of the transfer of title to a motor
 741 vehicle in accordance with the provisions of paragraph (a) or
 742 paragraph (b) are determined to be incompatible with and
 743 unlawful under the provisions of 49 C.F.R. part 580, the
 744 transfer of title to a motor vehicle by operation of this
 745 subsection can be effected in any manner not inconsistent with
 746 49 C.F.R. part 580 and Florida law; provided, any power of
 747 attorney form issued or authorized by the department under this
 748 subsection shall contain an original that ~~two carbon copies, one~~
 749 ~~of which~~ shall be submitted ~~directly~~ to the department by the
 750 dealer ~~within 5 business days of use by the dealer to effect~~
 751 transfer of a title certificate as provided in paragraphs (a)
 752 and (b) and a copy that ~~one of which~~ shall be retained by the
 753 dealer in its records for 5 years.

754 (d) Any person who fails to complete the information
 755 required by this subsection or to file with the department the
 756 forms required by this subsection is guilty of a misdemeanor of

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757 the second degree, punishable as provided in s. 775.082 or s.
 758 775.083. The department shall not issue a certificate of title
 759 unless this subsection has been complied with.

760 (7) If a title is held electronically and the transferee
 761 agrees to maintain the title electronically, the transferor and
 762 transferee shall complete a secure reassignment document which
 763 discloses the odometer reading and is signed by both the
 764 transferor and transferee at the tax collector office or license
 765 plate agency. Each certificate of title issued by the department
 766 must contain on its reverse side a minimum of ~~four~~ spaces for
 767 notation of the name and license number of any auction through
 768 which the vehicle is sold and the date the vehicle was
 769 auctioned. Each separate dealer reassignment form issued by the
 770 department must also have the space referred to in this section.
 771 When a transfer of title is made at a motor vehicle auction, the
 772 reassignment must note the name and address of the auction, but
 773 the auction shall not thereby be deemed to be the owner, seller,
 774 transferor, or assignor of title. A motor vehicle auction is
 775 required to execute a dealer reassignment only when it is the
 776 owner of a vehicle being sold.

777 (8) Upon transfer or reassignment of a used motor vehicle
 778 through the services of an auction, the auction shall complete
 779 the information in the space provided for by subsection (7). Any
 780 person who fails to complete the information as required by this
 781 subsection is guilty of a misdemeanor of the second degree,
 782 punishable as provided in s. 775.082 or s. 775.083. The
 783 department shall not issue a certificate of title unless this
 784 subsection has been complied with.

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785 (9) This section shall be construed to conform to 49
 786 C.F.R. part 580.

787 Section 12. Subsection (9) of section 319.23, Florida
 788 Statutes, is amended to read:

789 319.23 Application for, and issuance of, certificate of
 790 title.-

791 (9) The title certificate or application for title must
 792 contain the applicant's full first name, middle initial, last
 793 name, date of birth, sex, and the license plate number. An
 794 individual applicant must provide ~~personal or business~~
 795 ~~identification, which may include, but need not be limited to, a~~
 796 valid driver ~~driver's~~ license or identification card issued by
 797 ~~number,~~ Florida or another state, or a valid United States
 798 passport. A business applicant must provide a ~~identification~~
 799 ~~card number, or federal employer identification number, if~~
 800 applicable, verification that the business is authorized to
 801 conduct business in the state, or a Florida city or county
 802 business license or number. and In lieu of the license plate
 803 number the individual or business applicant must provide ~~or, in~~
 804 ~~lieu thereof,~~ an affidavit certifying that the motor vehicle to
 805 be titled will not be operated upon the public highways of this
 806 state.

807 Section 13. Paragraph (b) of subsection (2) of section
 808 319.28, Florida Statutes, is amended to read:

809 319.28 Transfer of ownership by operation of law.-

810 (2)

811 (b) In case of repossession of a motor vehicle or mobile
 812 home pursuant to the terms of a security agreement or similar

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813 instrument, an affidavit by the party to whom possession has
 814 passed stating that the vehicle or mobile home was repossessed
 815 upon default in the terms of the security agreement or other
 816 instrument shall be considered satisfactory proof of ownership
 817 and right of possession. At least 5 days prior to selling the
 818 repossessed vehicle, any subsequent lienholder named in the last
 819 issued certificate of title shall be sent notice of the
 820 repossession by certified mail, on a form prescribed by the
 821 department. If such notice is given and no written protest to
 822 the department is presented by a subsequent lienholder within 15
 823 days after ~~from~~ the date on which the notice was mailed, the
 824 certificate of title ~~or the certificate of repossession~~ shall be
 825 issued showing no liens. If the former owner or any subsequent
 826 lienholder files a written protest under oath within such 15-day
 827 period, the department shall not issue the certificate of title
 828 ~~or certificate of repossession~~ for 10 days thereafter. If within
 829 the 10-day period no injunction or other order of a court of
 830 competent jurisdiction has been served on the department
 831 commanding it not to deliver the certificate of title ~~or~~
 832 ~~certificate of repossession~~, the department shall deliver the
 833 certificate of title ~~or repossession~~ to the applicant or as may
 834 otherwise be directed in the application showing no other liens
 835 than those shown in the application. Any lienholder who has
 836 repossessed a vehicle in this state in compliance with the
 837 provisions of this section must apply to a tax collector's
 838 office in this state or to the department for a ~~certificate of~~
 839 ~~repossession or to the department for a~~ certificate of title
 840 pursuant to s. 319.323. Proof of the required notice to

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841 subsequent lienholders shall be submitted together with regular
 842 title fees. ~~A lienholder to whom a certificate of repossession~~
 843 ~~has been issued may assign the certificate of title to the~~
 844 ~~subsequent owner.~~ Any person found guilty of violating any
 845 requirements of this paragraph shall be guilty of a felony of
 846 the third degree, punishable as provided in s. 775.082, s.
 847 775.083, or s. 775.084.

848 Section 14. Section 319.323, Florida Statutes, is amended
 849 to read:

850 319.323 Expedited service; applications; fees.—The
 851 department shall establish a separate title office which may be
 852 used by private citizens and licensed motor vehicle dealers to
 853 receive expedited service on title transfers, title issuances,
 854 duplicate titles, and recordation of liens, ~~and certificates of~~
 855 ~~repossession.~~ A fee of \$10 shall be charged for this service,
 856 which fee is in addition to the fees imposed by s. 319.32. The
 857 fee, after deducting the amount referenced by s. 319.324 and
 858 \$3.50 to be retained by the processing agency, shall be
 859 deposited into the General Revenue Fund. Application for
 860 expedited service may be made by mail or in person. The
 861 department shall issue each title applied for under this section
 862 within 5 working days after receipt of the application except
 863 for an application for a duplicate title certificate covered by
 864 s. 319.23(4), in which case the title must be issued within 5
 865 working days after compliance with the department's verification
 866 requirements.

867 Section 15. Subsections (24) through (46) of section
 868 320.01, Florida Statutes, are renumbered as subsections (23)

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869 through (45), respectively, and present subsections (23) and
 870 (25) of that section are amended to read:

871 320.01 Definitions, general.—As used in the Florida
 872 Statutes, except as otherwise provided, the term:

873 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
 874 ~~which is required to be registered, or with respect to which an~~
 875 ~~election has been made to register it, under the International~~
 876 ~~Registration Plan.~~

877 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except
 878 recreational vehicles, vehicles displaying restricted plates,
 879 city pickup and delivery vehicles, buses used in transportation
 880 of chartered parties, and government-owned vehicles, which is
 881 used or intended for use in two or more member jurisdictions
 882 that allocate or proportionally register vehicles and which is
 883 used for the transportation of persons for hire or is designed,
 884 used, or maintained primarily for the transportation of property
 885 and:

886 (a) Is a power unit having a gross vehicle weight in
 887 excess of 26,000 ~~26,001~~ pounds;

888 (b) Is a power unit having three or more axles, regardless
 889 of weight; or

890 (c) Is used in combination, when the weight of such
 891 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

892
 893 Vehicles, or combinations thereof, having a gross vehicle weight
 894 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
 895 proportionally registered.

896 Section 16. Paragraph (a) of subsection (2) of section

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897 | 320.02, Florida Statutes, is amended to read:
 898 | 320.02 Registration required; application for
 899 | registration; forms.—
 900 | (2)(a) The application for registration shall include the
 901 | street address of the owner's permanent residence or the address
 902 | of his or her permanent place of business and shall be
 903 | accompanied by personal or business identification information.
 904 | An individual applicant must provide ~~which may include, but need~~
 905 | ~~not be limited to,~~ a valid driver license or number, Florida
 906 | identification card issued by this state or another state or a
 907 | valid United States passport. A business applicant must provide
 908 | a number, or federal employer identification number, if
 909 | applicable, or verification that the business is authorized to
 910 | conduct business in the state, or a Florida city or county
 911 | business license or number.
 912 | 1. If the owner does not have a permanent residence or
 913 | permanent place of business or if the owner's permanent
 914 | residence or permanent place of business cannot be identified by
 915 | a street address, the application shall include:
 916 | a.1. If the vehicle is registered to a business, the name
 917 | and street address of the permanent residence of an owner of the
 918 | business, an officer of the corporation, or an employee who is
 919 | in a supervisory position.
 920 | b.2. If the vehicle is registered to an individual, the
 921 | name and street address of the permanent residence of a close
 922 | relative or friend who is a resident of this state.
 923 | 2. If the vehicle is registered to an active duty member
 924 | of the Armed Forces of the United States who is a Florida

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925 resident, the active duty member is exempt from the requirement
 926 to provide the street address of a permanent residence.

927 Section 17. Subsection (7) of section 320.03, Florida
 928 Statutes, is amended to read:

929 320.03 Registration; duties of tax collectors;
 930 International Registration Plan.—

931 (7) The Department of Highway Safety and Motor Vehicles
 932 shall register apportionable ~~apportioned motor~~ vehicles under
 933 the ~~provisions of the~~ International Registration Plan. The
 934 department may adopt rules to implement and enforce the
 935 provisions of the plan.

936 Section 18. Paragraph (b) of subsection (1) of section
 937 320.071, Florida Statutes, is amended to read:

938 320.071 Advance registration renewal; procedures.—

939 (1)

940 (b) The owner of any apportionable ~~apportioned motor~~
 941 vehicle currently registered in this state under the
 942 International Registration Plan may file an application for
 943 renewal of registration with the department any time during the
 944 3 months preceding the date of expiration of the registration
 945 period.

946 Section 19. Subsections (1) and (3) of section 320.0715,
 947 Florida Statutes, are amended to read:

948 320.0715 International Registration Plan; motor carrier
 949 services; permits; retention of records.—

950 (1) All apportionable ~~commercial motor~~ vehicles domiciled
 951 in this state ~~and engaged in interstate commerce~~ shall be
 952 registered in accordance with ~~the provisions of the~~

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953 International Registration Plan and shall display apportioned
 954 license plates.

955 (3)(a) If the department is unable to immediately issue
 956 the apportioned license plate to an applicant currently
 957 registered in this state under the International Registration
 958 Plan or to a vehicle currently titled in this state, the
 959 department or its designated agent may ~~is authorized to~~ issue a
 960 60-day temporary operational permit. The department or agent of
 961 the department shall charge a \$3 fee and the service charge
 962 authorized by s. 320.04 for each temporary operational permit it
 963 issues.

964 (b) The department may not ~~shall in no event~~ issue a
 965 temporary operational permit for any apportionable ~~commercial~~
 966 ~~motor~~ vehicle to any applicant until the applicant has shown
 967 that:

968 1. All sales or use taxes due on the registration of the
 969 vehicle are paid; and

970 2. Insurance requirements have been met in accordance with
 971 ss. 320.02(5) and 627.7415.

972 (c) Issuance of a temporary operational permit provides
 973 ~~commercial motor vehicle~~ registration privileges in each
 974 International Registration Plan member jurisdiction designated
 975 on said permit and therefore requires payment of all applicable
 976 registration fees and taxes due for that period of registration.

977 (d) Application for permanent registration must be made to
 978 the department within 10 days from issuance of a temporary
 979 operational permit. Failure to file an application within this
 980 10-day period may result in cancellation of the temporary

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981 operational permit.

982 Section 20. Subsection (1) of section 320.18, Florida

983 Statutes, is amended to read:

984 320.18 Withholding registration.—

985 (1) The department may withhold the registration of any

986 motor vehicle or mobile home the owner or coowner of which has

987 failed to register it under the provisions of law for any

988 previous period or periods for which it appears registration

989 should have been made in this state, until the tax for such

990 period or periods is paid. The department may cancel any vehicle

991 or vessel registration, driver ~~driver's~~ license, identification

992 card, or fuel-use tax decal if the owner or coowner pays for any

993 ~~the~~ vehicle or vessel registration, driver ~~driver's~~ license,

994 identification card, or fuel-use tax decal; pays any

995 administrative, delinquency, or reinstatement fee; or pays any

996 tax liability, penalty, or interest specified in chapter 207 by

997 a dishonored check, or if the vehicle owner or motor carrier has

998 failed to pay a penalty for a weight or safety violation issued

999 by the Department of Transportation or the Department of Highway

1000 Safety and Motor Vehicles. The Department of Transportation and

1001 the Department of Highway Safety and Motor Vehicles may impound

1002 any commercial motor vehicle that has a canceled license plate

1003 or fuel-use tax decal until the tax liability, penalty, and

1004 interest specified in chapter 207, the license tax, or the fuel-

1005 use decal fee, and applicable administrative fees have been paid

1006 for by certified funds.

1007 Section 21. Subsection (3), paragraph (a) of subsection

1008 (4), and subsection (5) of section 320.27, Florida Statutes, are

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1009 amended to read:
 1010 320.27 Motor vehicle dealers.—
 1011 (3) APPLICATION AND FEE.—The application for the license
 1012 shall be in such form as may be prescribed by the department and
 1013 shall be subject to such rules with respect thereto as may be so
 1014 prescribed by it. Such application shall be verified by oath or
 1015 affirmation and shall contain a full statement of the name and
 1016 birth date of the person or persons applying therefor; the name
 1017 of the firm or copartnership, with the names and places of
 1018 residence of all members thereof, if such applicant is a firm or
 1019 copartnership; the names and places of residence of the
 1020 principal officers, if the applicant is a body corporate or
 1021 other artificial body; the name of the state under whose laws
 1022 the corporation is organized; the present and former place or
 1023 places of residence of the applicant; and prior business in
 1024 which the applicant has been engaged and the location thereof.
 1025 Such application shall describe the exact location of the place
 1026 of business and shall state whether the place of business is
 1027 owned by the applicant and when acquired, or, if leased, a true
 1028 copy of the lease shall be attached to the application. The
 1029 applicant shall certify that the location provides an adequately
 1030 equipped office and is not a residence; that the location
 1031 affords sufficient unoccupied space upon and within which
 1032 adequately to store all motor vehicles offered and displayed for
 1033 sale; and that the location is a suitable place where the
 1034 applicant can in good faith carry on such business and keep and
 1035 maintain books, records, and files necessary to conduct such
 1036 business, which shall be available at all reasonable hours to

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1037	inspection by the department or any of its inspectors or other	
1038	employees. The applicant shall certify that the business of a	
1039	motor vehicle dealer is the principal business which shall be	
1040	conducted at that location. The application shall contain a	
1041	statement that the applicant is either franchised by a	
1042	manufacturer of motor vehicles, in which case the name of each	
1043	motor vehicle that the applicant is franchised to sell shall be	
1044	included, or an independent (nonfranchised) motor vehicle	
1045	dealer. The application shall contain other relevant information	
1046	as may be required by the department, including evidence that	
1047	the applicant is insured under a garage liability insurance	
1048	policy or a general liability insurance policy coupled with a	
1049	business automobile policy, which shall include, at a minimum,	
1050	\$25,000 combined single-limit liability coverage including	
1051	bodily injury and property damage protection and \$10,000	
1052	personal injury protection. However, a salvage motor vehicle	
1053	dealer as defined in subparagraph (1)(c)5. is exempt from the	
1054	requirements for garage liability insurance and personal injury	
1055	protection insurance on those vehicles that cannot be legally	
1056	operated on roads, highways, or streets in this state. Franchise	
1057	dealers must submit a garage liability insurance policy, and all	
1058	other dealers must submit a garage liability insurance policy or	
1059	a general liability insurance policy coupled with a business	
1060	automobile policy. Such policy shall be for the license period,	
1061	and evidence of a new or continued policy shall be delivered to	
1062	the department at the beginning of each license period. Upon	
1063	making initial application, the applicant shall pay to the	
1064	department a fee of \$300 in addition to any other fees now	

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1065 required by law. Applicants may choose to extend the licensure
 1066 period for 1 additional year for a total of 2 years. An initial
 1067 applicant shall pay to the department a fee of \$300 for the first
 1068 year and \$75 for the second year, in addition to any other fees
 1069 required by law. An applicant for renewal shall pay \$75 for a 1-
 1070 year renewal or \$150 for a 2-year renewal in addition to any
 1071 other fees required by law ~~Upon making a subsequent renewal~~
 1072 ~~application, the applicant shall pay to the department a fee of~~
 1073 ~~\$75 in addition to any other fees now required by law.~~ Upon
 1074 making an application for a change of location, the person shall
 1075 pay a fee of \$50 in addition to any other fees now required by
 1076 law. The department shall, in the case of every application for
 1077 initial licensure, verify whether certain facts set forth in the
 1078 application are true. Each applicant, general partner in the
 1079 case of a partnership, or corporate officer and director in the
 1080 case of a corporate applicant, must file a set of fingerprints
 1081 with the department for the purpose of determining any prior
 1082 criminal record or any outstanding warrants. The department
 1083 shall submit the fingerprints to the Department of Law
 1084 Enforcement for state processing and forwarding to the Federal
 1085 Bureau of Investigation for federal processing. The actual cost
 1086 of state and federal processing shall be borne by the applicant
 1087 and is in addition to the fee for licensure. The department may
 1088 issue a license to an applicant pending the results of the
 1089 fingerprint investigation, which license is fully revocable if
 1090 the department subsequently determines that any facts set forth
 1091 in the application are not true or correctly represented.

1092 (4) LICENSE CERTIFICATE.-

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1093 (a) A license certificate shall be issued by the
 1094 department in accordance with such application when the
 1095 application is regular in form and in compliance with the
 1096 provisions of this section. The license certificate may be in
 1097 the form of a document or a computerized card as determined by
 1098 the department. The actual cost of each original, additional, or
 1099 replacement computerized card shall be borne by the licensee and
 1100 is in addition to the fee for licensure. Such license, when so
 1101 issued, entitles the licensee to carry on and conduct the
 1102 business of a motor vehicle dealer. Each license issued to a
 1103 franchise motor vehicle dealer expires ~~annually~~ on December 31
 1104 of the year of its expiration unless revoked or suspended prior
 1105 to that date. Each license issued to an independent or wholesale
 1106 dealer or auction expires ~~annually~~ on April 30 of the year of
 1107 its expiration unless revoked or suspended prior to that date.
 1108 Not less than 60 days prior to the license expiration date, the
 1109 department shall deliver or mail to each licensee the necessary
 1110 renewal forms. Each independent dealer shall certify that the
 1111 dealer (owner, partner, officer, or director of the licensee, or
 1112 a full-time employee of the licensee that holds a responsible
 1113 management-level position) has completed 8 hours of continuing
 1114 education prior to filing the renewal forms with the department.
 1115 Such certification shall be filed once every 2 years. The
 1116 continuing education shall include at least 2 hours of legal or
 1117 legislative issues, 1 hour of department issues, and 5 hours of
 1118 relevant motor vehicle industry topics. Continuing education
 1119 shall be provided by dealer schools licensed under paragraph (b)
 1120 either in a classroom setting or by correspondence. Such schools

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1121 shall provide certificates of completion to the department and
 1122 the customer which shall be filed with the license renewal form,
 1123 and such schools may charge a fee for providing continuing
 1124 education. Any licensee who does not file his or her application
 1125 and fees and any other requisite documents, as required by law,
 1126 with the department at least 30 days prior to the license
 1127 expiration date shall cease to engage in business as a motor
 1128 vehicle dealer on the license expiration date. A renewal filed
 1129 with the department within 45 days after the expiration date
 1130 shall be accompanied by a delinquent fee of \$100. Thereafter, a
 1131 new application is required, accompanied by the initial license
 1132 fee. A license certificate duly issued by the department may be
 1133 modified by endorsement to show a change in the name of the
 1134 licensee, provided, as shown by affidavit of the licensee, the
 1135 majority ownership interest of the licensee has not changed or
 1136 the name of the person appearing as franchisee on the sales and
 1137 service agreement has not changed. Modification of a license
 1138 certificate to show any name change as herein provided shall not
 1139 require initial licensure or reissuance of dealer tags; however,
 1140 any dealer obtaining a name change shall transact all business
 1141 in and be properly identified by that name. All documents
 1142 relative to licensure shall reflect the new name. In the case of
 1143 a franchise dealer, the name change shall be approved by the
 1144 manufacturer, distributor, or importer. A licensee applying for
 1145 a name change endorsement shall pay a fee of \$25 which fee shall
 1146 apply to the change in the name of a main location and all
 1147 additional locations licensed under the provisions of subsection
 1148 (5). Each initial license application received by the department

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1149 shall be accompanied by verification that, within the preceding
 1150 6 months, the applicant, or one or more of his or her designated
 1151 employees, has attended a training and information seminar
 1152 conducted by a licensed motor vehicle dealer training school.
 1153 Any applicant for a new franchised motor vehicle dealer license
 1154 who has held a valid franchised motor vehicle dealer license
 1155 continuously for the past 2 years and who remains in good
 1156 standing with the department is exempt from the prelicensing
 1157 training requirement. Such seminar shall include, but is not
 1158 limited to, statutory dealer requirements, which requirements
 1159 include required bookkeeping and recordkeeping procedures,
 1160 requirements for the collection of sales and use taxes, and such
 1161 other information that in the opinion of the department will
 1162 promote good business practices. No seminar may exceed 8 hours
 1163 in length.

1164 (5) SUPPLEMENTAL LICENSE.—Any person licensed under this
 1165 section hereunder shall obtain a supplemental license for each
 1166 permanent additional place or places of business not contiguous
 1167 to the premises for which the original license is issued, on a
 1168 form to be furnished by the department, and upon payment of a
 1169 fee of \$50 for each such additional location. Applicants may
 1170 choose to extend the licensure period for 1 additional year for a
 1171 total of 2 years. The applicant shall pay to the department a fee
 1172 of \$50 for the first year and \$50 for the second year for each
 1173 additional location. Thereafter, the applicant shall pay \$50 for a
 1174 1-year renewal or \$100 for a 2-year renewal for each additional
 1175 location. Upon making renewal applications for such supplemental
 1176 licenses, such applicant shall pay \$50 for each additional

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1177 ~~location.~~ A supplemental license authorizing off-premises sales
 1178 shall be issued, at no charge to the dealer, for a period not to
 1179 exceed 10 consecutive calendar days. To obtain such a temporary
 1180 supplemental license for off-premises sales, the applicant must
 1181 be a licensed dealer; must notify the applicable local
 1182 department office of the specific dates and location for which
 1183 such license is requested, display a sign at the licensed
 1184 location clearly identifying the dealer, and provide staff to
 1185 work at the temporary location for the duration of the off-
 1186 premises sale; must meet any local government permitting
 1187 requirements; and must have permission of the property owner to
 1188 sell at that location. In the case of an off-premises sale by a
 1189 motor vehicle dealer licensed under subparagraph (1)(c)1. for
 1190 the sale of new motor vehicles, the applicant must also include
 1191 documentation notifying the applicable licensee licensed under
 1192 s. 320.61 of the intent to engage in an off-premises sale 5
 1193 working days prior to the date of the off-premises sale. The
 1194 licensee shall either approve or disapprove of the off-premises
 1195 sale within 2 working days after receiving notice; otherwise, it
 1196 will be deemed approved. This section does not apply to a
 1197 nonselling motor vehicle show or public display of new motor
 1198 vehicles.

1199 Section 22. Section 320.62, Florida Statutes, is amended
 1200 to read:

1201 320.62 Licenses; amount; disposition of proceeds.—The
 1202 initial license for each manufacturer, distributor, or importer
 1203 shall be \$300 and shall be in addition to all other licenses or
 1204 taxes ~~now or hereafter~~ levied, assessed, or required of the

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1205 applicant or licensee. Applicants may choose to extend the
 1206 licensure period for 1 additional year for a total of 2 years. An
 1207 initial applicant shall pay to the department a fee of \$300 for
 1208 the first year and \$100 for the second year. An applicant for a
 1209 renewal license shall pay \$100 for a 1-year renewal or \$200 for a
 1210 2-year renewal. ~~The annual renewal license fee shall be \$100.~~ The
 1211 proceeds from all licenses under ss. 320.60-320.70 shall be paid
 1212 into the State Treasury to the credit of the General Revenue
 1213 Fund. All licenses shall be payable on or before October 1 of
 1214 the each year and shall expire, unless sooner revoked or
 1215 suspended, on ~~the following~~ September 30 of the year of its
 1216 expiration.

1217 Section 23. Subsections (4) and (6) of section 320.77,
 1218 Florida Statutes, are amended to read:

1219 320.77 License required of mobile home dealers.—

1220 (4) FEES.—Upon making initial application, the applicant
 1221 shall pay to the department a fee of \$300 in addition to any
 1222 other fees ~~now~~ required by law. Applicants may choose to extend
 1223 the licensure period for 1 additional year for a total of 2
 1224 years. An initial applicant shall pay to the department a fee of
 1225 \$300 for the first year and \$100 for the second year in addition
 1226 to any other fees required by law. An applicant for a renewal
 1227 license shall pay \$100 for a 1-year renewal or \$ 200 for a 2-year
 1228 renewal. ~~The fee for renewal application shall be \$100.~~ The fee
 1229 for application for change of location shall be \$25. Any
 1230 applicant for renewal who has failed to submit his or her
 1231 renewal application by October 1 of the year of its current
 1232 license expiration shall pay a renewal application fee equal to

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1233 the original application fee. No fee is refundable. All fees
 1234 shall be deposited into the General Revenue Fund.

1235 (6) LICENSE CERTIFICATE.—A license certificate shall be
 1236 issued by the department in accordance with the application when
 1237 the same is regular in form and in compliance with the
 1238 provisions of this section. The license certificate may be in
 1239 the form of a document or a computerized card as determined by
 1240 the department. The cost of each original, additional, or
 1241 replacement computerized card shall be borne by the licensee and
 1242 is in addition to the fee for licensure. The fees charged
 1243 applicants for both the required background investigation and
 1244 the computerized card as provided in this section shall be
 1245 deposited into the Highway Safety Operating Trust Fund. The
 1246 license, when so issued, shall entitle the licensee to carry on
 1247 and conduct the business of a mobile home dealer at the location
 1248 set forth in the license for a period of 1 or 2 years ~~year~~ from
 1249 October 1 preceding the date of issuance. Each initial
 1250 application received by the department shall be accompanied by
 1251 verification that, within the preceding 6 months, the applicant
 1252 or one or more of his or her designated employees has attended a
 1253 training and information seminar conducted by the department or
 1254 by a public or private provider approved by the department. Such
 1255 seminar shall include, but not be limited to, statutory dealer
 1256 requirements, which requirements include required bookkeeping
 1257 and recording procedures, requirements for the collection of
 1258 sales and use taxes, and such other information that in the
 1259 opinion of the department will promote good business practices.

1260 Section 24. Subsections (4) and (6) of section 320.771,

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1261 Florida Statutes, are amended to read:
 1262 320.771 License required of recreational vehicle dealers.-
 1263 (4) FEES.-Upon making initial application, the applicant
 1264 shall pay to the department a fee of \$300 in addition to any
 1265 other fees ~~now~~ required by law. Applicants may choose to extend
 1266 the licensure period for 1 additional year for a total of 2
 1267 years. An initial applicant shall pay to the department a fee of
 1268 \$300 for the first year and \$100 for the second year in addition
 1269 to any other fees required by law. An applicant for a renewal
 1270 license shall pay \$100 for a 1-year renewal or \$200 for a 2-year
 1271 renewal ~~The fee for renewal application shall be \$100.~~ The fee
 1272 for application for change of location shall be \$25. Any
 1273 applicant for renewal who has failed to submit his or her
 1274 renewal application by October 1 of the year of its current
 1275 license expiration shall pay a renewal application fee equal to
 1276 the original application fee. No fee is refundable. All fees
 1277 shall be deposited into the General Revenue Fund.
 1278 (6) LICENSE CERTIFICATE.-A license certificate shall be
 1279 issued by the department in accordance with the application when
 1280 the same is regular in form and in compliance with the
 1281 provisions of this section. The license certificate may be in
 1282 the form of a document or a computerized card as determined by
 1283 the department. The cost of each original, additional, or
 1284 replacement computerized card shall be borne by the licensee and
 1285 is in addition to the fee for licensure. The fees charged
 1286 applicants for both the required background investigation and
 1287 the computerized card as provided in this section shall be
 1288 deposited into the Highway Safety Operating Trust Fund. The

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1289 license, when so issued, shall entitle the licensee to carry on
 1290 and conduct the business of a recreational vehicle dealer at the
 1291 location set forth in the license for a period of 1 or 2 years
 1292 ~~year~~ from October 1 preceding the date of issuance. Each initial
 1293 application received by the department shall be accompanied by
 1294 verification that, within the preceding 6 months, the applicant
 1295 or one or more of his or her designated employees has attended a
 1296 training and information seminar conducted by the department or
 1297 by a public or private provider approved by the department. Such
 1298 seminar shall include, but not be limited to, statutory dealer
 1299 requirements, which requirements include required bookkeeping
 1300 and recording procedures, requirements for the collection of
 1301 sales and use taxes, and such other information that in the
 1302 opinion of the department will promote good business practices.

1303 Section 25. Subsections (3) and (6) of section 320.8225,
 1304 Florida Statutes, are amended to read:

1305 320.8225 Mobile home and recreational vehicle
 1306 manufacturer, distributor, and importer license.—

1307 (3) FEES.—Upon submitting an initial application, the
 1308 applicant shall pay to the department a fee of \$300. Applicants
 1309 may choose to extend the licensure period for 1 additional year
 1310 for a total of 2 years. An initial applicant shall pay to the
 1311 department a fee of \$300 for the first year and \$100 for the
 1312 second year. An applicant for a renewal license shall pay \$100
 1313 for a 1-year renewal or \$200 for a 2-year renewal ~~Upon submitting~~
 1314 ~~a renewal application, the applicant shall pay to the department~~
 1315 ~~a fee of \$100.~~ Any applicant for renewal who fails to submit his
 1316 or her renewal application by October 1 of the year of its

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1317 current license expiration shall pay a renewal application fee
 1318 equal to the original application fee. No fee is refundable. All
 1319 fees must be deposited into the General Revenue Fund.

1320 (6) LICENSE PERIOD ~~YEAR~~.—A license issued to a mobile home
 1321 manufacturer or a recreational vehicle manufacturer,
 1322 distributor, or importer entitles the licensee to conduct
 1323 business for a period of 1 or 2 years ~~year~~ from October 1
 1324 preceding the date of issuance.

1325 Section 26. Section 322.095, Florida Statutes, is amended
 1326 to read:

1327 322.095 Traffic law and substance abuse education program
 1328 for driver ~~driver's~~ license applicants.—

1329 (1) Each applicant for a driver license must complete a
 1330 traffic law and substance abuse education course, unless the
 1331 applicant has been licensed in another jurisdiction or has
 1332 satisfactorily completed a Department of Education driver
 1333 education course offered pursuant to s. 1003.48.

1334 (2) ~~(1)~~ The Department of Highway Safety and Motor Vehicles
 1335 must approve traffic law and substance abuse education courses,
 1336 including courses that use telecommunications technology as the
 1337 delivery method.

1338 (a) In addition to the course approval criteria provided
 1339 in this section, initial approval of traffic law and substance
 1340 abuse education courses shall be based on the department's review
 1341 of all course materials which must be designed to promote safety,
 1342 education, and driver awareness; course presentation to the
 1343 department by the provider; and the provider's plan for effective
 1344 oversight of the course by those who deliver the course in the

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1345 state.
 1346 (b) Each course provider seeking approval of a traffic law
 1347 and substance abuse education course must submit:
 1348 1. Proof of ownership, copyright, or written permission
 1349 from the course owner to use the course in the state ~~that must be~~
 1350 ~~completed by applicants for a Florida driver's license.~~
 1351 2. The curriculum ~~curricula~~ for the courses which must
 1352 promote motorcyclist, bicyclist, and pedestrian safety and
 1353 provide instruction on the physiological and psychological
 1354 consequences of the abuse of alcohol and other drugs; ~~the~~
 1355 societal and economic costs of alcohol and drug abuse; ~~the~~
 1356 effects of alcohol and drug abuse on the driver of a motor
 1357 vehicle; ~~and~~ the laws of this state relating to the operation
 1358 of a motor vehicle; ~~the risk factors involved in driver attitude~~
 1359 ~~and in irresponsible driver behaviors, such as speeding, reckless~~
 1360 ~~driving, and running red lights and stop signs; and the results~~
 1361 ~~of the use of electronic devices while driving. All instructors~~
 1362 ~~teaching the courses shall be certified by the department.~~
 1363 ~~(3)(2) The department shall contract for an independent~~
 1364 ~~evaluation of the courses. Local DUI programs authorized under~~
 1365 ~~s. 316.193(5) and certified by the department or a driver~~
 1366 ~~improvement school may offer a traffic law and substance abuse~~
 1367 ~~education course. However,~~ Prior to offering the course, the
 1368 course provider must obtain certification from the department
 1369 that the course complies with the requirements of this section.
 1370 If the course is offered in a classroom setting, the course
 1371 provider and any schools authorized by the provider to teach the
 1372 course must offer the approved course at locations that are free

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1373 from distractions and reasonably accessible to most applicants
1374 and must issue a certificate to those persons successfully
1375 completing the course.

1376 ~~(3) The completion of a course does not qualify a person~~
1377 ~~for the reinstatement of a driver's license which has been~~
1378 ~~suspended or revoked.~~

1379 ~~(4) The fee charged by the course provider must bear a~~
1380 ~~reasonable relationship to the cost of the course. The~~
1381 ~~department must conduct financial audits of course providers~~
1382 ~~conducting the education courses required under this section or~~
1383 ~~require that financial audits of providers be performed, at the~~
1384 ~~expense of the provider, by a certified public accountant.~~

1385 ~~(5) The provisions of this section do not apply to any~~
1386 ~~person who has been licensed in any other jurisdiction or who~~
1387 ~~has satisfactorily completed a Department of Education driver's~~
1388 ~~education course offered pursuant to s. 1003.48.~~

1389 (4)(6) In addition to a regular course fee, an assessment
1390 fee in the amount of \$3.00 shall be collected by the school from
1391 each person who attends a course. The course provider must remit
1392 the \$3 assessment fee to the department for deposit into the
1393 Highway Safety Operating Trust Fund in order to receive a unique
1394 course completion certificate number for the student. Each
1395 ~~course provider must collect a \$3 assessment fee in addition to~~
1396 ~~the enrollment fee charged to participants of the traffic law~~
1397 ~~and substance abuse course required under this section. The \$3~~
1398 ~~assessment fee collected by the course provider must be~~
1399 ~~forwarded to the department within 30 days after receipt of the~~
1400 ~~assessment.~~

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1401 (5)~~(7)~~ The department may ~~is authorized to~~ maintain the
 1402 information and records necessary to administer its duties and
 1403 responsibilities for the program. Course providers are required
 1404 to maintain all records pertinent to the conduct of their
 1405 approved courses for 5 years and allow the department to inspect
 1406 such records as necessary. Records may be maintained in an
 1407 electronic format. If ~~where~~ such information is a public record
 1408 as defined in chapter 119, it shall be made available to the
 1409 public upon request pursuant to s. 119.07(1). ~~The department~~
 1410 ~~shall approve and regulate courses that use technology as the~~
 1411 ~~delivery method of all traffic law and substance abuse education~~
 1412 ~~courses as the courses relate to this section.~~

1413 (6) The department shall design, develop, implement, and
 1414 conduct effectiveness studies on each delivery method of all
 1415 courses approved pursuant to this section on a recurring 3-year
 1416 basis. At a minimum, studies will be conducted on the courses
 1417 effectiveness in reducing DUI citations and decreasing moving
 1418 traffic violations or collision recidivism. Upon notification
 1419 that a course has failed an effectiveness study, the course
 1420 provider shall immediately cease offering the course in the
 1421 state.

1422 (7) Courses approved under this section must be updated at
 1423 the department's request. Failure of a course provider to update
 1424 the course within 90 days of the department's request shall
 1425 result in the suspension of the course approval until such time
 1426 that the updates are submitted and approved by the department.

1427 (8) Each course provider shall ensure that its driver
 1428 improvement schools are conducting the approved courses fully,

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1429 to the required time limits, and with the content requirements
 1430 specified by the department. The course provider shall ensure
 1431 that only department-approved instructional materials are used
 1432 in the presentation of the course, and that all driver
 1433 improvement schools conducting the course conduct do so in a
 1434 manner that maximizes its impact and effectiveness. The course
 1435 provider shall ensure that any student who is unable to attend or
 1436 complete a course due to action, error, or omission on the part
 1437 of the course provider or driver improvement school conducting
 1438 its course shall be accommodated to permit completion of the
 1439 course at no additional cost.

1440 (9) Traffic law and substance abuse education courses
 1441 shall be conducted with a minimum of 4 hours devoted to course
 1442 content minus a maximum of 30 minutes allotted for breaks.

1443 (10) A course provider may not require any student to
 1444 purchase a course completion certificate. Course providers
 1445 offering paper or electronic certificates for purchase must
 1446 clearly convey to the student that this purchase is optional,
 1447 that the only valid course completion certificate is the
 1448 electronic one that is entered into the department's Driver
 1449 Improvement Certificate Issuance System, and that paper
 1450 certificates are not acceptable for any licensing purpose.

1451 (11) Course providers and all associated driver improvement
 1452 schools that offer approved courses shall disclose all fees
 1453 associated with the course and shall not charge any fees that
 1454 are not clearly listed during the registration process.

1455 (12) Course providers shall submit course completion
 1456 information to the department through the department's Driver

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1457 Improvement Certificate Issuance System within 5 days. The
 1458 submission shall be free of charge to the student.
 1459 (13) The department may deny, suspend, or revoke course
 1460 approval upon proof that the course provider:
 1461 (a) Violated this~~section~~ectoin.
 1462 (b) Has been convicted of a crime involving any drug or
 1463 DUI related offense, a felony, fraud, or a crime directly
 1464 related to the personal safety of a student.
 1465 (c) Failed to satisfy the effectiveness criteria as
 1466 outlined subsection (4).
 1467 (d) Obtained course approval by fraud or misrepresentation.
 1468 (e) Obtained or assisted a person to obtain any driver
 1469 license by fraud or misrepresentation.
 1470 (f) Conducted a traffic law and substance abuse education
 1471 course in the state while approval of such course was under
 1472 suspension or revocation.
 1473 (g) Failed to provide effective oversight of those who
 1474 deliver the course in the state.
 1475 (14) The department shall not accept certificates from
 1476 students who take a course after the course has been suspended
 1477 or revoked.
 1478 (15) A person who has been convicted of a crime involving
 1479 any drug-related or DUI-related offense in the past 5 years, a
 1480 felony, fraud, or a crime directly related to the personal
 1481 safety of a student shall not be allowed to conduct traffic
 1482 law and substance abuse education courses.
 1483 (16) The department shall summarily suspend approval of
 1484 any course without preliminary hearing for the purpose of

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1485 protecting the public safety and enforcing any provision of law
 1486 governing traffic law and substance abuse education courses.

1487 (17) Except as otherwise provided in this section,
 1488 before final department action denying, suspending, or revoking
 1489 approval of a course, the course provider shall have the
 1490 opportunity to request either a formal or informal
 1491 administrative hearing to show cause why the action should not
 1492 be taken.

1493 (18) The department may levy and collect a civil fine of
 1494 not less than \$1,000 and not more than \$5,000 for each violation
 1495 of this section. Proceeds from fines collected shall be deposited
 1496 into the Highway Safety Operating Trust Fund and used to cover
 1497 the cost of administering this section or promoting highway
 1498 safety initiatives.

1499 Section 27. Subsection (1) of section 322.125, Florida
 1500 Statutes, is amended to read:

1501 322.125 Medical Advisory Board.—

1502 (1) There shall be a Medical Advisory Board composed of
 1503 not fewer than 12 or more than 25 members, at least one of whom
 1504 must be 60 years of age or older and all but one of whose
 1505 medical and other specialties must relate to driving abilities,
 1506 which number must include a doctor of medicine who is employed
 1507 by the Department of Highway Safety and Motor Vehicles in
 1508 Tallahassee, who shall serve as administrative officer for the
 1509 board. The executive director of the Department of Highway
 1510 Safety and Motor Vehicles shall recommend persons to serve as
 1511 board members. Every member but two must be a doctor of medicine
 1512 licensed to practice medicine in this or any other state ~~and~~

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1513 ~~must be a member in good standing of the Florida Medical~~
 1514 ~~Association or the Florida Osteopathic Association.~~ One member
 1515 must be an optometrist licensed to practice optometry in this
 1516 state and ~~must be a member in good standing of the Florida~~
 1517 ~~Optometric Association.~~ One member must be a chiropractic
 1518 physician licensed to practice chiropractic medicine in this
 1519 state. Members shall be approved by the Cabinet and shall serve
 1520 4-year staggered terms. The board membership must, to the
 1521 maximum extent possible, consist of equal representation of the
 1522 disciplines of the medical community treating the mental or
 1523 physical disabilities that could affect the safe operation of
 1524 motor vehicles.

1525 Section 28. Subsection (4) of section 322.135, Florida
 1526 Statutes, is amended to read:

1527 322.135 Driver ~~Driver's~~ license agents.-

1528 (4) A tax collector may not issue or renew a driver
 1529 ~~driver's~~ license if he or she has any reason to believe that the
 1530 licensee or prospective licensee is physically or mentally
 1531 unqualified to operate a motor vehicle. ~~The tax collector may~~
 1532 ~~direct any such licensee to the department for examination or~~
 1533 ~~reevaluation under s. 322.221.~~

1534 Section 29. Paragraph (a) of subsection (5) of section
 1535 322.18, Florida Statutes, is amended to read:

1536 322.18 Original applications, licenses, and renewals;
 1537 expiration of licenses; delinquent licenses.-

1538 (5) All renewal driver ~~driver's~~ licenses may be issued
 1539 after the applicant licensee has been determined to be eligible
 1540 by the department.

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1541 (a) A licensee who is otherwise eligible for renewal and
 1542 who is at least 80 years of age:
 1543 1. Must submit to and pass a vision test administered at
 1544 any driver ~~driver's~~ license office; or
 1545 2. If the licensee applies for a renewal using a
 1546 convenience service as provided in subsection (8), he or she
 1547 must submit to a vision test administered by a doctor of medicine
 1548 or a doctor of osteopathy licensed to practice medicine in any
 1549 state or an optometrist licensed to practice optometry in any
 1550 state; physician licensed under chapter 458 or chapter 459, an
 1551 optometrist licensed under chapter 463, or a licensed physician
 1552 at a federally established veterans' hospital; must send the
 1553 results of that test to the department on a form obtained from
 1554 the department and signed by such health care practitioner; and
 1555 must meet vision standards that are equivalent to the standards
 1556 for passing the departmental vision test. The physician or
 1557 optometrist may submit the results of a vision test by a
 1558 department-approved electronic means.
 1559 Section 30. Subsection (1) of section 322.21, Florida
 1560 Statutes, is amended to read:
 1561 322.21 License fees; procedure for handling and collecting
 1562 fees.—
 1563 (1) Except as otherwise provided herein, the fee for:
 1564 (a) An original or renewal commercial driver ~~driver's~~
 1565 license is \$75, which shall include the fee for driver education
 1566 provided by s. 1003.48. However, if an applicant has completed
 1567 training and is applying for employment or is currently employed
 1568 in a public or nonpublic school system that requires the

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1569 commercial license, the fee is the same as for a Class E driver
 1570 ~~driver's~~ license. A delinquent fee of \$15 shall be added for a
 1571 renewal within 12 months after the license expiration date.

1572 (b) An original or renewal commercial learner's permit is
 1573 \$5, which shall include the fee for driver education provided by
 1574 s. 1003.48.

1575 (c)~~(b)~~ An original Class E driver ~~driver's~~ license is \$48,
 1576 which includes the fee for driver ~~driver's~~ education provided by
 1577 s. 1003.48. However, if an applicant has completed training and
 1578 is applying for employment or is currently employed in a public
 1579 or nonpublic school system that requires a commercial driver
 1580 license, the fee is the same as for a Class E license.

1581 (d)~~(e)~~ The renewal or extension of a Class E driver
 1582 ~~driver's~~ license or of a license restricted to motorcycle use
 1583 only is \$48, except that a delinquent fee of \$15 shall be added
 1584 for a renewal or extension made within 12 months after the
 1585 license expiration date. The fee provided in this paragraph
 1586 includes the fee for driver ~~driver's~~ education provided by s.
 1587 1003.48.

1588 (e)~~(d)~~ An original driver ~~driver's~~ license restricted to
 1589 motorcycle use only is \$48, which includes the fee for driver
 1590 ~~driver's~~ education provided by s. 1003.48.

1591 (f)~~(e)~~ A replacement driver ~~driver's~~ license issued
 1592 pursuant to s. 322.17 is \$25. Of this amount \$7 shall be
 1593 deposited into the Highway Safety Operating Trust Fund and \$18
 1594 shall be deposited into the General Revenue Fund. Beginning July
 1595 1, 2015, or upon completion of the transition of driver ~~driver's~~
 1596 license issuance services, if the replacement driver ~~driver's~~

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1597 license is issued by the tax collector, the tax collector shall
 1598 retain the \$7 that would otherwise be deposited into the Highway
 1599 Safety Operating Trust Fund and the remaining revenues shall be
 1600 deposited into the General Revenue Fund.

1601 (g)~~(f)~~ An original, renewal, or replacement identification
 1602 card issued pursuant to s. 322.051 is \$25. Funds collected from
 1603 these fees shall be distributed as follows:

1604 1. For an original identification card issued pursuant to
 1605 s. 322.051 the fee is \$25. This amount shall be deposited into
 1606 the General Revenue Fund.

1607 2. For a renewal identification card issued pursuant to s.
 1608 322.051 the fee is \$25. Of this amount, \$6 shall be deposited
 1609 into the Highway Safety Operating Trust Fund and \$19 shall be
 1610 deposited into the General Revenue Fund.

1611 3. For a replacement identification card issued pursuant
 1612 to s. 322.051 the fee is \$25. Of this amount, \$9 shall be
 1613 deposited into the Highway Safety Operating Trust Fund and \$16
 1614 shall be deposited into the General Revenue Fund. Beginning July
 1615 1, 2015, or upon completion of the transition of the driver
 1616 ~~driver's~~ license issuance services, if the replacement
 1617 identification card is issued by the tax collector, the tax
 1618 collector shall retain the \$9 that would otherwise be deposited
 1619 into the Highway Safety Operating Trust Fund and the remaining
 1620 revenues shall be deposited into the General Revenue Fund.

1621 (h)~~(g)~~ Each endorsement required by s. 322.57 is \$7.

1622 (i)~~(h)~~ A hazardous-materials endorsement, as required by
 1623 s. 322.57(1)(d), shall be set by the department by rule and must
 1624 reflect the cost of the required criminal history check,

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1625 including the cost of the state and federal fingerprint check,
 1626 and the cost to the department of providing and issuing the
 1627 license. The fee shall not exceed \$100. This fee shall be
 1628 deposited in the Highway Safety Operating Trust Fund. The
 1629 department may adopt rules to administer this section.

1630 (j)~~(i)~~ The specialty driver license or identification card
 1631 issued pursuant to s. 322.1415 is \$25, which is in addition to
 1632 other fees required in this section. The fee shall be
 1633 distributed as follows:

1634 1. Fifty percent shall be distributed as provided in s.
 1635 320.08058 to the appropriate state or independent university,
 1636 professional sports team, or branch of the United States Armed
 1637 Forces.

1638 2. Fifty percent shall be distributed to the department
 1639 for costs directly related to the specialty driver license and
 1640 identification card program and to defray the costs associated
 1641 with production enhancements and distribution.

1642 Section 31. Subsection (7) of section 322.212, Florida
 1643 Statutes, is amended to read:

1644 322.212 Unauthorized possession of, and other unlawful
 1645 acts in relation to, driver ~~driver's~~ license or identification
 1646 card.—

1647 (7) In addition to any other penalties provided by this
 1648 section, any person who provides false information when applying
 1649 for a commercial driver ~~driver's~~ license or commercial learner's
 1650 permit or is convicted of fraud in connection with testing for a
 1651 commercial driver license or commercial learner's permit shall be
 1652 disqualified from operating a commercial motor vehicle for a

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1653 period of 1 year ~~60 days~~.

1654 Section 32. Subsection (1) of section 322.22, Florida
 1655 Statutes, is amended to read:

1656 322.22 Authority of department to cancel or refuse to
 1657 issue or renew license.-

1658 (1) The department may ~~is authorized to~~ cancel or withhold
 1659 issuance or renewal of any driver ~~driver's~~ license, upon
 1660 determining that the licensee was not entitled to the issuance
 1661 thereof, or that the licensee failed to give the required or
 1662 correct information in his or her application or committed any
 1663 fraud in making such application, or that the licensee has two
 1664 or more licenses on file with the department, each in a
 1665 different name but bearing the photograph of the licensee,
 1666 unless the licensee has complied with the requirements of this
 1667 chapter in obtaining the licenses. The department may cancel or
 1668 withhold issuance or renewal of any driver ~~driver's~~ license,
 1669 identification card, vehicle or vessel registration, or fuel-use
 1670 decal if the licensee fails to pay the correct fee or pays for
 1671 any driver ~~the driver's~~ license, identification card, vehicle or
 1672 vessel registration, or fuel-use decal; pays any tax liability,
 1673 penalty, or interest specified in chapter 207; or pays any
 1674 administrative, delinquency, or reinstatement fee by a
 1675 dishonored check.

1676 Section 33. Subsection (3) of section 322.245, Florida
 1677 Statutes, is amended to read:

1678 322.245 Suspension of license upon failure of person
 1679 charged with specified offense under chapter 316, chapter 320,
 1680 or this chapter to comply with directives ordered by traffic

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1681 court or upon failure to pay child support in non-IV-D cases as
 1682 provided in chapter 61 or failure to pay any financial
 1683 obligation in any other criminal case.-

1684 (3) If the person fails to comply with the directives of
 1685 the court within the 30-day period, or, in non-IV-D cases, fails
 1686 to comply with the requirements of s. 61.13016 within the period
 1687 specified in that statute, the depository or the clerk of the
 1688 court shall electronically notify the department of such failure
 1689 within 10 days. Upon electronic receipt of the notice, the
 1690 department shall immediately issue an order suspending the
 1691 person's driver ~~driver's~~ license and privilege to drive
 1692 effective 20 days after the date the order of suspension is
 1693 mailed in accordance with s. 322.251(1), (2), and (6).

1694 Section 34. Subsection (7) of section 322.25, Florida
 1695 Statutes, is amended to read:

1696 322.25 When court to forward license to department and
 1697 report convictions; temporary reinstatement of driving
 1698 privileges.-

1699 ~~(7) Any licensed driver convicted of driving, or being in~~
 1700 ~~the actual physical control of, a vehicle within this state~~
 1701 ~~while under the influence of alcoholic beverages, any chemical~~
 1702 ~~substance set forth in s. 877.111, or any substance controlled~~
 1703 ~~under chapter 893, when affected to the extent that his or her~~
 1704 ~~normal faculties are impaired, and whose license and driving~~
 1705 ~~privilege have been revoked as provided in subsection (1) may be~~
 1706 ~~issued a court order for reinstatement of a driving privilege on~~
 1707 ~~a temporary basis; provided that, as a part of the penalty, upon~~
 1708 ~~conviction, the defendant is required to enroll in and complete~~

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1709 ~~a driver improvement course for the rehabilitation of drinking~~
 1710 ~~drivers and the driver is otherwise eligible for reinstatement~~
 1711 ~~of the driving privilege as provided by s. 322.282. The court~~
 1712 ~~order for reinstatement shall be on a form provided by the~~
 1713 ~~department and must be taken by the person convicted to a~~
 1714 ~~Florida driver's license examining office, where a temporary~~
 1715 ~~driving permit may be issued. The period of time for which a~~
 1716 ~~temporary permit issued in accordance with this subsection is~~
 1717 ~~valid shall be deemed to be part of the period of revocation~~
 1718 ~~imposed by the court.~~

1719 Section 35. Section 322.2615, Florida Statutes, is amended
 1720 to read:

1721 322.2615 Suspension of license; right to review.—

1722 (1)(a) A law enforcement officer or correctional officer
 1723 shall, on behalf of the department, suspend the driving
 1724 privilege of a person who is driving or in actual physical
 1725 control of a motor vehicle and who has an unlawful blood-alcohol
 1726 level or breath-alcohol level of 0.08 or higher, or of a person
 1727 who has refused to submit to a urine test or a test of his or
 1728 her breath-alcohol or blood-alcohol level. The officer shall
 1729 take the person's driver ~~driver's~~ license and issue the person a
 1730 10-day temporary permit if the person is otherwise eligible for
 1731 the driving privilege and shall issue the person a notice of
 1732 suspension. If a blood test has been administered, the officer
 1733 or the agency employing the officer shall transmit such results
 1734 to the department within 5 days after receipt of the results. If
 1735 the department then determines that the person had a blood-
 1736 alcohol level or breath-alcohol level of 0.08 or higher, the

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1737 department shall suspend the person's driver ~~driver's~~ license
 1738 pursuant to subsection (3).

1739 (b) The suspension under paragraph (a) shall be pursuant
 1740 to, and the notice of suspension shall inform the driver of, the
 1741 following:

1742 1.a. The driver refused to submit to a lawful breath,
 1743 blood, or urine test and his or her driving privilege is
 1744 suspended for a period of 1 year for a first refusal or for a
 1745 period of 18 months if his or her driving privilege has been
 1746 previously suspended as a result of a refusal to submit to such
 1747 a test; or

1748 b. The driver was driving or in actual physical control of
 1749 a motor vehicle and had an unlawful blood-alcohol level or
 1750 breath-alcohol level of 0.08 or higher and his or her driving
 1751 privilege is suspended for a period of 6 months for a first
 1752 offense or for a period of 1 year if his or her driving
 1753 privilege has been previously suspended under this section.

1754 2. The suspension period shall commence on the date of
 1755 issuance of the notice of suspension.

1756 3. The driver may request a formal or informal review of
 1757 the suspension by the department within 10 days after the date
 1758 of issuance of the notice of suspension.

1759 4. The temporary permit issued at the time of suspension
 1760 expires at midnight of the 10th day following the date of
 1761 issuance of the notice of suspension.

1762 5. The driver may submit to the department any materials
 1763 relevant to the suspension.

1764 (2) (a) Except as provided in paragraph (1)(a), the law

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1765 enforcement officer shall forward to the department, within 5
 1766 days after issuing the notice of suspension, the driver ~~driver's~~
 1767 license; an affidavit stating the officer's grounds for belief
 1768 that the person was driving or in actual physical control of a
 1769 motor vehicle while under the influence of alcoholic beverages
 1770 or chemical or controlled substances; the results of any breath
 1771 or blood test or an affidavit stating that a breath, blood, or
 1772 urine test was requested by a law enforcement officer or
 1773 correctional officer and that the person refused to submit; the
 1774 officer's description of the person's field sobriety test, if
 1775 any; and the notice of suspension. The failure of the officer to
 1776 submit materials within the 5-day period specified in this
 1777 subsection and in subsection (1) does not affect the
 1778 department's ability to consider any evidence submitted at or
 1779 prior to the hearing.

1780 (b) The officer may also submit a copy of the crash report
 1781 and a copy of a video recording ~~videotape~~ of the field sobriety
 1782 test or the attempt to administer such test. Materials submitted
 1783 to the department by a law enforcement agency or correctional
 1784 agency shall be considered self-authenticating and shall be in
 1785 the record for consideration by the hearing officer.
 1786 Notwithstanding s. 316.066(5), the crash report shall be
 1787 considered by the hearing officer.

1788 (3) If the department determines that the license should
 1789 be suspended pursuant to this section and if the notice of
 1790 suspension has not already been served upon the person by a law
 1791 enforcement officer or correctional officer as provided in
 1792 subsection (1), the department shall issue a notice of

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1793 suspension and, unless the notice is mailed pursuant to s.
 1794 322.251, a temporary permit that expires 10 days after the date
 1795 of issuance if the driver is otherwise eligible.

1796 (4) If the person whose license was suspended requests an
 1797 informal review pursuant to subparagraph (1)(b)3., the
 1798 department shall conduct the informal review by a hearing
 1799 officer designated ~~employed~~ by the department. Such informal
 1800 review hearing shall consist solely of an examination by the
 1801 department of the materials submitted by a law enforcement
 1802 officer or correctional officer and by the person whose license
 1803 was suspended, and the presence of an officer or witness is not
 1804 required.

1805 (5) After completion of the informal review, notice of the
 1806 department's decision sustaining, amending, or invalidating the
 1807 suspension of the driver ~~driver's~~ license of the person whose
 1808 license was suspended must be provided to such person. Such
 1809 notice must be mailed to the person at the last known address
 1810 shown on the department's records, or to the address provided in
 1811 the law enforcement officer's report if such address differs
 1812 from the address of record, within 21 days after the expiration
 1813 of the temporary permit issued pursuant to subsection (1) or
 1814 subsection (3).

1815 (6)(a) If the person whose license was suspended requests
 1816 a formal review, the department must schedule a hearing ~~to be~~
 1817 ~~held~~ within 30 days after such request is received by the
 1818 department and must notify the person of the date, time, and
 1819 place of the hearing.

1820 (b) Such formal review hearing shall be held before a

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1821 hearing officer designated ~~employed~~ by the department, and the
 1822 hearing officer shall be authorized to administer oaths, examine
 1823 witnesses and take testimony, receive relevant evidence, issue
 1824 subpoenas for the officers and witnesses identified in documents
 1825 provided under paragraph (2)(a) in subsection (2), regulate the
 1826 course and conduct of the hearing, question witnesses, and make
 1827 a ruling on the suspension. The hearing officer may conduct
 1828 hearings using telecommunications technology. The party
 1829 requesting the presence of a witness shall be responsible for
 1830 the payment of any witness fees and for notifying in writing the
 1831 state attorney's office in the appropriate circuit of the
 1832 issuance of the subpoena. If the person who requests a formal
 1833 review hearing fails to appear and the hearing officer finds
 1834 such failure to be without just cause, the right to a formal
 1835 hearing is waived and the suspension shall be sustained.

1836 (c) The failure of a subpoenaed witness to appear at the
 1837 formal review hearing is not grounds to invalidate the
 1838 suspension. If a witness fails to appear, a party may seek
 1839 enforcement of a subpoena under paragraph (b) by filing a
 1840 petition for enforcement in the circuit court of the judicial
 1841 circuit in which the person failing to comply with the subpoena
 1842 resides or by filing a motion for enforcement in any criminal
 1843 court case resulting from the driving or actual physical control
 1844 of a motor vehicle that gave rise to the suspension under this
 1845 section. A failure to comply with an order of the court shall
 1846 result in a finding of contempt of court. However, a person is
 1847 not in contempt while a subpoena is being challenged.

1848 (d) The department must, within 7 working days after a

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1849 formal review hearing, send notice to the person of the hearing
 1850 officer's decision as to whether sufficient cause exists to
 1851 sustain, amend, or invalidate the suspension.

1852 (7) In a formal review hearing under subsection (6) or an
 1853 informal review hearing under subsection (4), the hearing
 1854 officer shall determine by a preponderance of the evidence
 1855 whether sufficient cause exists to sustain, amend, or invalidate
 1856 the suspension. The scope of the review shall be limited to the
 1857 following issues:

1858 (a) If the license was suspended for driving with an
 1859 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 1860 higher:

1861 1. Whether the law enforcement officer had probable cause
 1862 to believe that the person whose license was suspended was
 1863 driving or in actual physical control of a motor vehicle in this
 1864 state while under the influence of alcoholic beverages or
 1865 chemical or controlled substances.

1866 2. Whether the person whose license was suspended had an
 1867 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 1868 higher as provided in s. 316.193.

1869 (b) If the license was suspended for refusal to submit to
 1870 a breath, blood, or urine test:

1871 1. Whether the law enforcement officer had probable cause
 1872 to believe that the person whose license was suspended was
 1873 driving or in actual physical control of a motor vehicle in this
 1874 state while under the influence of alcoholic beverages or
 1875 chemical or controlled substances.

1876 2. Whether the person whose license was suspended refused

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1877 to submit to any such test after being requested to do so by a
 1878 law enforcement officer or correctional officer.

1879 3. Whether the person whose license was suspended was told
 1880 that if he or she refused to submit to such test his or her
 1881 privilege to operate a motor vehicle would be suspended for a
 1882 period of 1 year or, in the case of a second or subsequent
 1883 refusal, for a period of 18 months.

1884 (8) Based on the determination of the hearing officer
 1885 pursuant to subsection (7) for both informal hearings under
 1886 subsection (4) and formal hearings under subsection (6), the
 1887 department shall:

1888 (a) Sustain the suspension of the person's driving
 1889 privilege for a period of 1 year for a first refusal, or for a
 1890 period of 18 months if the driving privilege of such person has
 1891 been previously suspended as a result of a refusal to submit to
 1892 such tests, if the person refused to submit to a lawful breath,
 1893 blood, or urine test. The suspension period commences on the
 1894 date of issuance of the notice of suspension.

1895 (b) Sustain the suspension of the person's driving
 1896 privilege for a period of 6 months for a blood-alcohol level or
 1897 breath-alcohol level of 0.08 or higher, or for a period of 1
 1898 year if the driving privilege of such person has been previously
 1899 suspended under this section as a result of driving with an
 1900 unlawful alcohol level. The suspension period commences on the
 1901 date of issuance of the notice of suspension.

1902 (9) A request for a formal review hearing or an informal
 1903 review hearing shall not stay the suspension of the person's
 1904 driver ~~driver's~~ license. If the department fails to schedule the

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1905 formal review hearing ~~to be held~~ within 30 days after receipt of
 1906 the request therefor, the department shall invalidate the
 1907 suspension. If the scheduled hearing is continued at the
 1908 department's initiative or the driver enforces the subpoena as
 1909 provided in subsection (6), the department shall issue a
 1910 temporary driving permit that shall be valid until the hearing
 1911 is conducted if the person is otherwise eligible for the driving
 1912 privilege. Such permit may not be issued to a person who sought
 1913 and obtained a continuance of the hearing. The permit issued
 1914 under this subsection shall authorize driving for business or
 1915 employment use only.

1916 (10) A person whose driver ~~driver's~~ license is suspended
 1917 under subsection (1) or subsection (3) may apply for issuance of
 1918 a license for business or employment purposes only if the person
 1919 is otherwise eligible for the driving privilege pursuant to s.
 1920 322.271.

1921 (a) If the suspension of the driver ~~driver's~~ license of
 1922 the person for failure to submit to a breath, urine, or blood
 1923 test is sustained, the person is not eligible to receive a
 1924 license for business or employment purposes only, pursuant to s.
 1925 322.271, until 90 days have elapsed after the expiration of the
 1926 last temporary permit issued. If the driver is not issued a 10-
 1927 day permit pursuant to this section or s. 322.64 because he or
 1928 she is ineligible for the permit and the suspension for failure
 1929 to submit to a breath, urine, or blood test is not invalidated
 1930 by the department, the driver is not eligible to receive a
 1931 business or employment license pursuant to s. 322.271 until 90
 1932 days have elapsed from the date of the suspension.

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1933 (b) If the suspension of the driver ~~driver's~~ license of
 1934 the person relating to unlawful blood-alcohol level or breath-
 1935 alcohol level of 0.08 or higher is sustained, the person is not
 1936 eligible to receive a license for business or employment
 1937 purposes only pursuant to s. 322.271 until 30 days have elapsed
 1938 after the expiration of the last temporary permit issued. If the
 1939 driver is not issued a 10-day permit pursuant to this section or
 1940 s. 322.64 because he or she is ineligible for the permit and the
 1941 suspension relating to unlawful blood-alcohol level or breath-
 1942 alcohol level of 0.08 or higher is not invalidated by the
 1943 department, the driver is not eligible to receive a business or
 1944 employment license pursuant to s. 322.271 until 30 days have
 1945 elapsed from the date of the suspension.

1946 (11) The formal review hearing may be conducted upon a
 1947 review of the reports of a law enforcement officer or a
 1948 correctional officer, including documents relating to the
 1949 administration of a breath test or blood test or the refusal to
 1950 take either test or the refusal to take a urine test. However,
 1951 as provided in subsection (6), the driver may subpoena the
 1952 officer or any person who administered or analyzed a breath or
 1953 blood test. If the arresting officer or the breath technician
 1954 fails to appear pursuant to a subpoena as provided in subsection
 1955 (6), the department shall invalidate the suspension.

1956 (12) The formal review hearing and the informal review
 1957 hearing are exempt from the provisions of chapter 120. The
 1958 department may adopt rules for the conduct of reviews under this
 1959 section.

1960 (13) A person may appeal any decision of the department

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1961	sustaining a suspension of his or her <u>driver</u> driver's license by	
1962	a petition for writ of certiorari to the circuit court in the	
1963	county wherein such person resides or wherein a formal or	
1964	informal review was conducted pursuant to s. 322.31. However, an	
1965	appeal shall not stay the suspension. A law enforcement agency	
1966	may appeal any decision of the department invalidating a	
1967	suspension by a petition for writ of certiorari to the circuit	
1968	court in the county wherein a formal or informal review was	
1969	conducted. This subsection shall not be construed to provide for	
1970	a de novo <u>review</u> appeal .	
1971	(14) (a) The decision of the department under this section	
1972	or any circuit court review thereof may not be considered in any	
1973	trial for a violation of s. 316.193, and a written statement	
1974	submitted by a person in his or her request for departmental	
1975	review under this section may not be admitted into evidence	
1976	against him or her in any such trial.	
1977	(b) The disposition of any related criminal proceedings	
1978	does not affect a suspension for refusal to submit to a blood,	
1979	breath, or urine test imposed under this section.	
1980	(15) If the department suspends a person's license under	
1981	s. 322.2616, it may not also suspend the person's license under	
1982	this section for the same episode that was the basis for the	
1983	suspension under s. 322.2616.	
1984	(16) The department shall invalidate a suspension for	
1985	driving with an unlawful blood-alcohol level or breath-alcohol	
1986	level imposed under this section if the suspended person is	
1987	found not guilty at trial of an underlying violation of s.	
1988	316.193.	

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1989 Section 36. Section 322.2616, Florida Statutes, is amended
 1990 to read:

1991 322.2616 Suspension of license; persons under 21 years of
 1992 age; right to review.—

1993 (1)(a) Notwithstanding s. 316.193, it is unlawful for a
 1994 person under the age of 21 who has a blood-alcohol or breath-
 1995 alcohol level of 0.02 or higher to drive or be in actual
 1996 physical control of a motor vehicle.

1997 (b) A law enforcement officer who has probable cause to
 1998 believe that a motor vehicle is being driven by or is in the
 1999 actual physical control of a person who is under the age of 21
 2000 while under the influence of alcoholic beverages or who has any
 2001 blood-alcohol or breath-alcohol level may lawfully detain such a
 2002 person and may request that person to submit to a test to
 2003 determine his or her blood-alcohol or breath-alcohol level.

2004 (2)(a) A law enforcement officer or correctional officer
 2005 shall, on behalf of the department, suspend the driving
 2006 privilege of such person if the person has a blood-alcohol or
 2007 breath-alcohol level of 0.02 or higher. The officer shall also
 2008 suspend, on behalf of the department, the driving privilege of a
 2009 person who has refused to submit to a test as provided by
 2010 paragraph (b). The officer shall take the person's driver
 2011 ~~driver's~~ license and issue the person a 10-day temporary driving
 2012 permit if the person is otherwise eligible for the driving
 2013 privilege and shall issue the person a notice of suspension.

2014 (b) The suspension under paragraph (a) must be pursuant
 2015 to, and the notice of suspension must inform the driver of, the
 2016 following:

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2017 1.a. The driver refused to submit to a lawful breath test
 2018 and his or her driving privilege is suspended for a period of 1
 2019 year for a first refusal or for a period of 18 months if his or
 2020 her driving privilege has been previously suspended as provided
 2021 in this section as a result of a refusal to submit to a test; or

2022 b. The driver was under the age of 21 and was driving or
 2023 in actual physical control of a motor vehicle while having a
 2024 blood-alcohol or breath-alcohol level of 0.02 or higher; and the
 2025 person's driving privilege is suspended for a period of 6 months
 2026 for a first violation, or for a period of 1 year if his or her
 2027 driving privilege has been previously suspended as provided in
 2028 this section for driving or being in actual physical control of
 2029 a motor vehicle with a blood-alcohol or breath-alcohol level of
 2030 0.02 or higher.

2031 2. The suspension period commences on the date of issuance
 2032 of the notice of suspension.

2033 3. The driver may request a formal or informal review of
 2034 the suspension by the department within 10 days after the
 2035 issuance of the notice of suspension.

2036 4. A temporary permit issued at the time of the issuance
 2037 of the notice of suspension shall not become effective until
 2038 after 12 hours have elapsed and will expire at midnight of the
 2039 10th day following the date of issuance.

2040 5. The driver may submit to the department any materials
 2041 relevant to the suspension of his or her license.

2042 (c) When a driver subject to this section has a blood-
 2043 alcohol or breath-alcohol level of 0.05 or higher, the
 2044 suspension shall remain in effect until such time as the driver

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2045 has completed a substance abuse course offered by a DUI program
 2046 licensed by the department. The driver shall assume the
 2047 reasonable costs for the substance abuse course. As part of the
 2048 substance abuse course, the program shall conduct a substance
 2049 abuse evaluation of the driver, and notify the parents or legal
 2050 guardians of drivers under the age of 19 years of the results of
 2051 the evaluation. The term "substance abuse" means the abuse of
 2052 alcohol or any substance named or described in Schedules I
 2053 through V of s. 893.03. If a driver fails to complete the
 2054 substance abuse education course and evaluation, the driver
 2055 ~~driver's~~ license shall not be reinstated by the department.

2056 (d) A minor under the age of 18 years proven to be driving
 2057 with a blood-alcohol or breath-alcohol level of 0.02 or higher
 2058 may be taken by a law enforcement officer to the addictions
 2059 receiving facility in the county in which the minor is found to
 2060 be so driving, if the county makes the addictions receiving
 2061 facility available for such purpose.

2062 (3) The law enforcement officer shall forward to the
 2063 department, within 5 days after the date of the issuance of the
 2064 notice of suspension, a copy of the notice of suspension, the
 2065 driver ~~driver's~~ license of the person receiving the notice of
 2066 suspension, and an affidavit stating the officer's grounds for
 2067 belief that the person was under the age of 21 and was driving
 2068 or in actual physical control of a motor vehicle with any blood-
 2069 alcohol or breath-alcohol level, and the results of any blood or
 2070 breath test or an affidavit stating that a breath test was
 2071 requested by a law enforcement officer or correctional officer
 2072 and that the person refused to submit to such test. The failure

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2073 of the officer to submit materials within the 5-day period
 2074 specified in this subsection does not bar the department from
 2075 considering any materials submitted at or before the hearing.

2076 (4) If the department finds that the license of the person
 2077 should be suspended under this section and if the notice of
 2078 suspension has not already been served upon the person by a law
 2079 enforcement officer or correctional officer as provided in
 2080 subsection (2), the department shall issue a notice of
 2081 suspension and, unless the notice is mailed under s. 322.251, a
 2082 temporary driving permit that expires 10 days after the date of
 2083 issuance if the driver is otherwise eligible.

2084 (5) If the person whose license is suspended requests an
 2085 informal review under subparagraph (2)(b)3., the department
 2086 shall conduct the informal review by a hearing officer
 2087 designated ~~employed~~ by the department within 30 days after the
 2088 request is received by the department and shall issue such
 2089 person a temporary driving permit for business purposes only to
 2090 expire on the date that such review is scheduled to be conducted
 2091 if the person is otherwise eligible. The informal review hearing
 2092 must consist solely of an examination by the department of the
 2093 materials submitted by a law enforcement officer or correctional
 2094 officer and by the person whose license is suspended, and the
 2095 presence of an officer or witness is not required.

2096 (6) After completion of the informal review, notice of the
 2097 department's decision sustaining, amending, or invalidating the
 2098 suspension of the driver ~~driver's~~ license must be provided to
 2099 the person. The notice must be mailed to the person at the last
 2100 known address shown on the department's records, or to the

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2101 address provided in the law enforcement officer's report if such
 2102 address differs from the address of record, within 7 days after
 2103 completing the review.

2104 (7)(a) If the person whose license is suspended requests a
 2105 formal review, the department must schedule a hearing to be held
 2106 within 30 days after the request is received by the department
 2107 and must notify the person of the date, time, and place of the
 2108 hearing and shall issue such person a temporary driving permit
 2109 for business purposes only to expire on the date that such
 2110 review is scheduled to be conducted if the person is otherwise
 2111 eligible.

2112 (b) The formal review hearing must be held before a
 2113 hearing officer designated ~~employed~~ by the department, and the
 2114 hearing officer may administer oaths, examine witnesses and take
 2115 testimony, receive relevant evidence, issue subpoenas, regulate
 2116 the course and conduct of the hearing, and make a ruling on the
 2117 suspension. The hearing officer may conduct hearings using
 2118 telecommunications technology. The department and the person
 2119 whose license was suspended may subpoena witnesses, and the
 2120 party requesting the presence of a witness is responsible for
 2121 paying any witness fees and for notifying in writing the state
 2122 attorney's office in the appropriate circuit of the issuance of
 2123 the subpoena. If the person who requests a formal review hearing
 2124 fails to appear and the hearing officer finds the failure to be
 2125 without just cause, the right to a formal hearing is waived and
 2126 the suspension is sustained.

2127 (c) The failure of a subpoenaed witness to appear at the
 2128 formal review hearing shall not be grounds to invalidate the

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2129 suspension. If a witness fails to appear, a party may seek
 2130 enforcement of a subpoena under paragraph (b) by filing a
 2131 petition for enforcement in the circuit court of the judicial
 2132 circuit in which the person failing to comply with the subpoena
 2133 resides. A failure to comply with an order of the court
 2134 constitutes contempt of court. However, a person may not be held
 2135 in contempt while a subpoena is being challenged.

2136 (d) The department must, within 7 working days after a
 2137 formal review hearing, send notice to the person of the hearing
 2138 officer's decision as to whether sufficient cause exists to
 2139 sustain, amend, or invalidate the suspension.

2140 (8) In a formal review hearing under subsection (7) or an
 2141 informal review hearing under subsection (5), the hearing
 2142 officer shall determine by a preponderance of the evidence
 2143 whether sufficient cause exists to sustain, amend, or invalidate
 2144 the suspension. The scope of the review is limited to the
 2145 following issues:

2146 (a) If the license was suspended because the individual,
 2147 then under the age of 21, drove with a blood-alcohol or breath-
 2148 alcohol level of 0.02 or higher:

2149 1. Whether the law enforcement officer had probable cause
 2150 to believe that the person was under the age of 21 and was
 2151 driving or in actual physical control of a motor vehicle in this
 2152 state with any blood-alcohol or breath-alcohol level or while
 2153 under the influence of alcoholic beverages.

2154 2. Whether the person was under the age of 21.

2155 3. Whether the person had a blood-alcohol or breath-
 2156 alcohol level of 0.02 or higher.

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2157 (b) If the license was suspended because of the
 2158 individual's refusal to submit to a breath test:
 2159 1. Whether the law enforcement officer had probable cause
 2160 to believe that the person was under the age of 21 and was
 2161 driving or in actual physical control of a motor vehicle in this
 2162 state with any blood-alcohol or breath-alcohol level or while
 2163 under the influence of alcoholic beverages.
 2164 2. Whether the person was under the age of 21.
 2165 3. Whether the person refused to submit to a breath test
 2166 after being requested to do so by a law enforcement officer or
 2167 correctional officer.
 2168 4. Whether the person was told that if he or she refused
 2169 to submit to a breath test his or her privilege to operate a
 2170 motor vehicle would be suspended for a period of 1 year or, in
 2171 the case of a second or subsequent refusal, for a period of 18
 2172 months.
 2173 (9) Based on the determination of the hearing officer
 2174 under subsection (8) for both informal hearings under subsection
 2175 (5) and formal hearings under subsection (7), the department
 2176 shall:
 2177 (a) Sustain the suspension of the person's driving
 2178 privilege for a period of 1 year for a first refusal, or for a
 2179 period of 18 months if the driving privilege of the person has
 2180 been previously suspended, as provided in this section, as a
 2181 result of a refusal to submit to a test. The suspension period
 2182 commences on the date of the issuance of the notice of
 2183 suspension.
 2184 (b) Sustain the suspension of the person's driving

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2185 privilege for a period of 6 months for driving or being in
 2186 actual physical control of a motor vehicle while under the age
 2187 of 21 with a blood-alcohol or breath-alcohol level of 0.02 or
 2188 higher, or for a period of 1 year if the driving privilege of
 2189 such person has been previously suspended under this section.
 2190 The suspension period commences on the date of the issuance of
 2191 the notice of suspension.

2192 (10) A request for a formal review hearing or an informal
 2193 review hearing shall not stay the suspension of the person's
 2194 driver ~~driver's~~ license. If the department fails to schedule the
 2195 formal review hearing ~~to be held~~ within 30 days after receipt of
 2196 the request therefor, the department shall invalidate the
 2197 suspension. If the scheduled hearing is continued at the
 2198 department's initiative or the driver enforces the subpoena as
 2199 provided in subsection (7), the department shall issue a
 2200 temporary driving permit that is valid until the hearing is
 2201 conducted if the person is otherwise eligible for the driving
 2202 privilege. The permit shall not be issued to a person who
 2203 requested a continuance of the hearing. The permit issued under
 2204 this subsection authorizes driving for business or employment
 2205 use only.

2206 (11) A person whose driver ~~driver's~~ license is suspended
 2207 under subsection (2) or subsection (4) may apply for issuance of
 2208 a license for business or employment purposes only, pursuant to
 2209 s. 322.271, if the person is otherwise eligible for the driving
 2210 privilege. However, such a license may not be issued until 30
 2211 days have elapsed after the expiration of the last temporary
 2212 driving permit issued under this section.

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2213 (12) The formal review hearing may be conducted upon a
 2214 review of the reports of a law enforcement officer or
 2215 correctional officer, including documents relating to the
 2216 administration of a breath test or the refusal to take a test.
 2217 However, as provided in subsection (7), the driver may subpoena
 2218 the officer or any person who administered a breath or blood
 2219 test. If the officer who suspended the driving privilege fails
 2220 to appear pursuant to a subpoena as provided in subsection (7),
 2221 the department shall invalidate the suspension.

2222 (13) The formal review hearing and the informal review
 2223 hearing are exempt from chapter 120. The department may adopt
 2224 rules for conducting reviews under this section.

2225 (14) A person may appeal any decision of the department
 2226 sustaining a suspension of his or her driver ~~driver's~~ license by
 2227 a petition for writ of certiorari to the circuit court in the
 2228 county wherein such person resides or wherein a formal or
 2229 informal review was conducted under s. 322.31. However, an
 2230 appeal does not stay the suspension. This subsection does not
 2231 provide for a de novo review ~~appeal~~.

2232 (15) The decision of the department under this section
 2233 shall not be considered in any trial for a violation of s.
 2234 316.193, nor shall any written statement submitted by a person
 2235 in his or her request for departmental review under this section
 2236 be admissible into evidence against him or her in any such
 2237 trial. The disposition of any related criminal proceedings shall
 2238 not affect a suspension imposed under this section.

2239 (16) By applying for and accepting and using a driver
 2240 ~~driver's~~ license, a person under the age of 21 years who holds

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2241 the driver ~~driver's~~ license is deemed to have expressed his or
 2242 her consent to the provisions of this section.

2243 (17) A breath test to determine breath-alcohol level
 2244 pursuant to this section may be conducted as authorized by s.
 2245 316.1932 or by a breath-alcohol test device listed in the United
 2246 States Department of Transportation's conforming-product list of
 2247 evidential breath-measurement devices. The reading from such a
 2248 device is presumed accurate and is admissible in evidence in any
 2249 administrative hearing conducted under this section.

2250 (18) The result of a blood test obtained during an
 2251 investigation conducted under s. 316.1932 or s. 316.1933 may be
 2252 used to suspend the driving privilege of a person under this
 2253 section.

2254 (19) A violation of this section is neither a traffic
 2255 infraction nor a criminal offense, nor does being detained
 2256 pursuant to this section constitute an arrest. A violation of
 2257 this section is subject to the administrative action provisions
 2258 of this section, which are administered by the department
 2259 through its administrative processes. Administrative actions
 2260 taken pursuant to this section shall be recorded in the motor
 2261 vehicle records maintained by the department. This section does
 2262 not bar prosecution under s. 316.193. However, if the department
 2263 suspends a person's license under s. 322.2615 for a violation of
 2264 s. 316.193, it may not also suspend the person's license under
 2265 this section for the same episode that was the basis for the
 2266 suspension under s. 322.2615.

2267 Section 37. Section 322.64, Florida Statutes, is amended
 2268 to read:

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2269 322.64 Holder of commercial driver ~~driver's~~ license;
2270 persons operating a commercial motor vehicle; driving with
2271 unlawful blood-alcohol level; refusal to submit to breath,
2272 urine, or blood test.-
2273 (1)(a) A law enforcement officer or correctional officer
2274 shall, on behalf of the department, disqualify from operating
2275 any commercial motor vehicle a person who while operating or in
2276 actual physical control of a commercial motor vehicle is
2277 arrested for a violation of s. 316.193, relating to unlawful
2278 blood-alcohol level or breath-alcohol level, or a person who has
2279 refused to submit to a breath, urine, or blood test authorized
2280 by s. 322.63 or s. 316.1932 arising out of the operation or
2281 actual physical control of a commercial motor vehicle. A law
2282 enforcement officer or correctional officer shall, on behalf of
2283 the department, disqualify the holder of a commercial driver
2284 ~~driver's~~ license from operating any commercial motor vehicle if
2285 the licenseholder, while operating or in actual physical control
2286 of a motor vehicle, is arrested for a violation of s. 316.193,
2287 relating to unlawful blood-alcohol level or breath-alcohol
2288 level, or refused to submit to a breath, urine, or blood test
2289 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
2290 the person, the officer shall take the person's driver ~~driver's~~
2291 license and issue the person a 10-day temporary permit for the
2292 operation of noncommercial vehicles only if the person is
2293 otherwise eligible for the driving privilege and shall issue the
2294 person a notice of disqualification. If the person has been
2295 given a blood, breath, or urine test, the results of which are
2296 not available to the officer at the time of the arrest, the

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2297 agency employing the officer shall transmit such results to the
 2298 department within 5 days after receipt of the results. If the
 2299 department then determines that the person had a blood-alcohol
 2300 level or breath-alcohol level of 0.08 or higher, the department
 2301 shall disqualify the person from operating a commercial motor
 2302 vehicle pursuant to subsection (3).

2303 (b) For purposes of determining the period of
 2304 disqualification described in 49 C.F.R. s. 383.51, a
 2305 disqualification under paragraph (a) shall be considered a
 2306 conviction.

2307 (c)(b) The disqualification under paragraph (a) shall be
 2308 pursuant to, and the notice of disqualification shall inform the
 2309 driver of, the following:

2310 1.a. The driver refused to submit to a lawful breath,
 2311 blood, or urine test and he or she is disqualified from
 2312 operating a commercial motor vehicle for the time period
 2313 specified in 49 C.F.R. s. 383.51 ~~for a period of 1 year, for a~~
 2314 ~~first refusal, or permanently, if he or she has previously been~~
 2315 ~~disqualified under this section; or~~

2316 b. The driver had an unlawful blood-alcohol level of 0.08
 2317 or higher while ~~was~~ driving or in actual physical control of a
 2318 commercial motor vehicle, or any motor vehicle if the driver
 2319 holds a commercial driver license, ~~had an unlawful blood-alcohol~~
 2320 ~~level or breath-alcohol level of 0.08 or higher,~~ and his or her
 2321 driving privilege is shall be disqualified for the time period
 2322 as specified in 49 C.F.R. s. 383.51 ~~a period of 1 year for a~~
 2323 ~~first offense or permanently disqualified if his or her driving~~
 2324 ~~privilege has been previously disqualified under this section.~~

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2325 2. The disqualification period for operating commercial
 2326 vehicles shall commence on the date of issuance of the notice of
 2327 disqualification.

2328 3. The driver may request a formal or informal review of
 2329 the disqualification by the department within 10 days after the
 2330 date of issuance of the notice of disqualification.

2331 4. The temporary permit issued at the time of
 2332 disqualification expires at midnight of the 10th day following
 2333 the date of disqualification.

2334 5. The driver may submit to the department any materials
 2335 relevant to the disqualification.

2336 (2) (a) Except as provided in paragraph (1)(a), the law
 2337 enforcement officer shall forward to the department, within 5
 2338 days after the date of the issuance of the notice of
 2339 disqualification, a copy of the notice of disqualification, the
 2340 driver ~~driver's~~ license of the person disqualified, and an
 2341 affidavit stating the officer's grounds for belief that the
 2342 person disqualified was operating or in actual physical control
 2343 of a commercial motor vehicle, or holds a commercial driver
 2344 ~~driver's~~ license, and had an unlawful blood-alcohol or breath-
 2345 alcohol level; the results of any breath or blood or urine test
 2346 or an affidavit stating that a breath, blood, or urine test was
 2347 requested by a law enforcement officer or correctional officer
 2348 and that the person arrested refused to submit; a copy of the
 2349 notice of disqualification issued to the person; and the
 2350 officer's description of the person's field sobriety test, if
 2351 any. The failure of the officer to submit materials within the
 2352 5-day period specified in this subsection or subsection (1) does

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2353 not affect the department's ability to consider any evidence
 2354 submitted at or prior to the hearing.

2355 (b) The officer may also submit a copy of a video
 2356 recording videotape of the field sobriety test or the attempt to
 2357 administer such test and a copy of the crash report, ~~if any~~.
 2358 Notwithstanding s. 316.066, the crash report shall be considered
 2359 by the hearing officer.

2360 (3) If the department determines that the person arrested
 2361 should be disqualified from operating a commercial motor vehicle
 2362 pursuant to this section and if the notice of disqualification
 2363 has not already been served upon the person by a law enforcement
 2364 officer or correctional officer as provided in subsection (1),
 2365 the department shall issue a notice of disqualification and,
 2366 unless the notice is mailed pursuant to s. 322.251, a temporary
 2367 permit which expires 10 days after the date of issuance if the
 2368 driver is otherwise eligible.

2369 (4) If the person disqualified requests an informal review
 2370 pursuant to subparagraph (1)(c)3. ~~(1)(b)3.~~, the department shall
 2371 conduct the informal review by a hearing officer designated
 2372 ~~employed~~ by the department. Such informal review hearing shall
 2373 consist solely of an examination by the department of the
 2374 materials submitted by a law enforcement officer or correctional
 2375 officer and by the person disqualified, and the presence of an
 2376 officer or witness is not required.

2377 (5) After completion of the informal review, notice of the
 2378 department's decision sustaining, amending, or invalidating the
 2379 disqualification must be provided to the person. Such notice
 2380 must be mailed to the person at the last known address shown on

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2381 the department's records, and to the address provided in the law
 2382 enforcement officer's report if such address differs from the
 2383 address of record, within 21 days after the expiration of the
 2384 temporary permit issued pursuant to subsection (1) or subsection
 2385 (3).

2386 (6) (a) If the person disqualified requests a formal
 2387 review, the department must schedule a hearing to be held within
 2388 30 days after such request is received by the department and
 2389 must notify the person of the date, time, and place of the
 2390 hearing.

2391 (b) Such formal review hearing shall be held before a
 2392 hearing officer designated ~~employed~~ by the department, and the
 2393 hearing officer shall be authorized to administer oaths, examine
 2394 witnesses and take testimony, receive relevant evidence, issue
 2395 subpoenas for the officers and witnesses identified in documents
 2396 provided under paragraph (2) (a) ~~as provided in subsection (2)~~,
 2397 regulate the course and conduct of the hearing, and make a
 2398 ruling on the disqualification. The hearing officer may conduct
 2399 hearings using telecommunications technology. The department and
 2400 the person disqualified may subpoena witnesses, and the party
 2401 requesting the presence of a witness shall be responsible for
 2402 the payment of any witness fees. If the person who requests a
 2403 formal review hearing fails to appear and the hearing officer
 2404 finds such failure to be without just cause, the right to a
 2405 formal hearing is waived.

2406 (c) The failure of a subpoenaed witness to appear at the
 2407 formal review hearing shall not be grounds to invalidate the
 2408 disqualification. If a witness fails to appear, a party may seek

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2409 enforcement of a subpoena under paragraph (b) by filing a
 2410 petition for enforcement in the circuit court of the judicial
 2411 circuit in which the person failing to comply with the subpoena
 2412 resides or by filing a motion for enforcement in any criminal
 2413 court case resulting from the driving or actual physical control
 2414 of a motor vehicle or commercial motor vehicle that gave rise to
 2415 the disqualification under this section. A failure to comply
 2416 with an order of the court shall result in a finding of contempt
 2417 of court. However, a person shall not be in contempt while a
 2418 subpoena is being challenged.

2419 (d) The department must, within 7 working days after a
 2420 formal review hearing, send notice to the person of the hearing
 2421 officer's decision as to whether sufficient cause exists to
 2422 sustain, amend, or invalidate the disqualification.

2423 (7) In a formal review hearing under subsection (6) or an
 2424 informal review hearing under subsection (4), the hearing
 2425 officer shall determine by a preponderance of the evidence
 2426 whether sufficient cause exists to sustain, amend, or invalidate
 2427 the disqualification. The scope of the review shall be limited
 2428 to the following issues:

2429 (a) If the person was disqualified from operating a
 2430 commercial motor vehicle for driving with an unlawful blood-
 2431 alcohol level:

2432 1. Whether the ~~arresting~~ law enforcement officer had
 2433 probable cause to believe that the person was driving or in
 2434 actual physical control of a commercial motor vehicle, or any
 2435 motor vehicle if the driver holds a commercial driver ~~driver's~~
 2436 license, in this state while he or she had any alcohol, chemical

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2437 substances, or controlled substances in his or her body.
 2438 2. Whether the person had an unlawful blood-alcohol level
 2439 or breath-alcohol level of 0.08 or higher.
 2440 (b) If the person was disqualified from operating a
 2441 commercial motor vehicle for refusal to submit to a breath,
 2442 blood, or urine test:
 2443 1. Whether the law enforcement officer had probable cause
 2444 to believe that the person was driving or in actual physical
 2445 control of a commercial motor vehicle, or any motor vehicle if
 2446 the driver holds a commercial driver ~~driver's~~ license, in this
 2447 state while he or she had any alcohol, chemical substances, or
 2448 controlled substances in his or her body.
 2449 2. Whether the person refused to submit to the test after
 2450 being requested to do so by a law enforcement officer or
 2451 correctional officer.
 2452 3. Whether the person was told that if he or she refused
 2453 to submit to such test he or she would be disqualified from
 2454 operating a commercial motor vehicle for a period of 1 year or,
 2455 if previously disqualified under this section, permanently.
 2456 (8) Based on the determination of the hearing officer
 2457 pursuant to subsection (7) for both informal hearings under
 2458 subsection (4) and formal hearings under subsection (6), the
 2459 department shall+
 2460 ~~(a)~~ sustain the disqualification for the time period
 2461 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
 2462 ~~refusal, or permanently if such person has been previously~~
 2463 ~~disqualified from operating a commercial motor vehicle under~~
 2464 ~~this section.~~ The disqualification period commences on the date

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2465 of the issuance of the notice of disqualification.
 2466 ~~(b) Sustain the disqualification:~~
 2467 ~~1. For a period of 1 year if the person was driving or in~~
 2468 ~~actual physical control of a commercial motor vehicle, or any~~
 2469 ~~motor vehicle if the driver holds a commercial driver's license,~~
 2470 ~~and had an unlawful blood alcohol level or breath alcohol level~~
 2471 ~~of 0.08 or higher; or~~
 2472 ~~2. Permanently if the person has been previously~~
 2473 ~~disqualified from operating a commercial motor vehicle under~~
 2474 ~~this section or his or her driving privilege has been previously~~
 2475 ~~suspended for driving or being in actual physical control of a~~
 2476 ~~commercial motor vehicle, or any motor vehicle if the driver~~
 2477 ~~holds a commercial driver's license, and had an unlawful blood-~~
 2478 ~~alcohol level or breath alcohol level of 0.08 or higher.~~
 2479
 2480 ~~The disqualification period commences on the date of the~~
 2481 ~~issuance of the notice of disqualification.~~
 2482 (9) A request for a formal review hearing or an informal
 2483 review hearing shall not stay the disqualification. If the
 2484 department fails to schedule the formal review hearing ~~to be~~
 2485 ~~held~~ within 30 days after receipt of the request therefor, the
 2486 department shall invalidate the disqualification. If the
 2487 scheduled hearing is continued at the department's initiative or
 2488 the driver enforces the subpoena as provided in subsection (6),
 2489 the department shall issue a temporary driving permit limited to
 2490 noncommercial vehicles which is valid until the hearing is
 2491 conducted if the person is otherwise eligible for the driving
 2492 privilege. Such permit shall not be issued to a person who

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2493 sought and obtained a continuance of the hearing. The permit
 2494 issued under this subsection shall authorize driving for
 2495 business purposes only.

2496 (10) A person who is disqualified from operating a
 2497 commercial motor vehicle under subsection (1) or subsection (3)
 2498 is eligible for issuance of a license for business or employment
 2499 purposes only under s. 322.271 if the person is otherwise
 2500 eligible for the driving privilege. However, such business or
 2501 employment purposes license shall not authorize the driver to
 2502 operate a commercial motor vehicle.

2503 (11) The formal review hearing may be conducted upon a
 2504 review of the reports of a law enforcement officer or a
 2505 correctional officer, including documents relating to the
 2506 administration of a breath test or blood test or the refusal to
 2507 take either test. However, as provided in subsection (6), the
 2508 driver may subpoena the officer or any person who administered
 2509 or analyzed a breath or blood test. If the arresting officer or
 2510 the breath technician fails to appear pursuant to a subpoena as
 2511 provided in subsection (6), the department shall invalidate the
 2512 disqualification.

2513 (12) The formal review hearing and the informal review
 2514 hearing are exempt from the provisions of chapter 120. The
 2515 department may ~~is authorized to~~ adopt rules for the conduct of
 2516 reviews under this section.

2517 (13) A person may appeal any decision of the department
 2518 sustaining the disqualification from operating a commercial
 2519 motor vehicle by a petition for writ of certiorari to the
 2520 circuit court in the county wherein such person resides or

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2521 wherein a formal or informal review was conducted pursuant to s.
 2522 322.31. However, an appeal shall not stay the disqualification.
 2523 This subsection shall not be construed to provide for a de novo
 2524 review ~~appeal~~.

2525 (14) The decision of the department under this section
 2526 shall not be considered in any trial for a violation of s.
 2527 316.193, s. 322.61, or s. 322.62, nor shall any written
 2528 statement submitted by a person in his or her request for
 2529 departmental review under this section be admissible into
 2530 evidence against him or her in any such trial. The disposition
 2531 of any related criminal proceedings shall not affect a
 2532 disqualification imposed pursuant to this section.

2533 (15) This section does not preclude the suspension of the
 2534 driving privilege pursuant to s. 322.2615. The driving privilege
 2535 of a person who has been disqualified from operating a
 2536 commercial motor vehicle also may be suspended for a violation
 2537 of s. 316.193.

2538 Section 38. Section 322.2715, Florida Statutes, is amended
 2539 to read:

2540 322.2715 Ignition interlock device.—

2541 (1) Before issuing a permanent or restricted driver
 2542 ~~driver's~~ license under this chapter, the department shall
 2543 require the placement of a department-approved ignition
 2544 interlock device for any person convicted of committing an
 2545 offense of driving under the influence as specified in
 2546 subsection (3), except that consideration may be given to those
 2547 individuals having a documented medical condition that would
 2548 prohibit the device from functioning normally. If a medical

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2549 waiver has been granted for a convicted person seeking a
 2550 restricted license, the convicted person shall not be entitled
 2551 to a restricted license until the required installation period
 2552 under subsection (3) expires, in addition to the time
 2553 requirements under s. 322.271. If a medical waiver has been
 2554 approved for a convicted person seeking permanent reinstatement
 2555 of the driver license, the convicted person must be restricted
 2556 to an employment purposes only license until the required
 2557 installation period under subsection (3) expires. An interlock
 2558 device shall be placed on all vehicles that are individually or
 2559 jointly leased or owned and routinely operated by the convicted
 2560 person.

2561 (2) For purposes of this section, any conviction for a
 2562 violation of s. 316.193, a previous conviction for a violation
 2563 of former s. 316.1931, or a conviction outside this state for
 2564 driving under the influence, driving while intoxicated, driving
 2565 with an unlawful blood-alcohol level, or any other similar
 2566 alcohol-related or drug-related traffic offense is a conviction
 2567 of driving under the influence.

2568 (3) If the person is convicted of:

2569 (a) A first offense of driving under the influence under
 2570 s. 316.193 and has an unlawful blood-alcohol level or breath-
 2571 alcohol level as specified in s. 316.193(4), or if a person is
 2572 convicted of a violation of s. 316.193 and was at the time of
 2573 the offense accompanied in the vehicle by a person younger than
 2574 18 years of age, the person shall have the ignition interlock
 2575 device installed for not less than 6 continuous months for the
 2576 first offense and for not less than 2 continuous years for a

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2577 second offense.

2578 (b) A second offense of driving under the influence, the
 2579 ignition interlock device shall be installed for a period of not
 2580 less than 1 continuous year.

2581 (c) A third offense of driving under the influence which
 2582 occurs within 10 years after a prior conviction for a violation
 2583 of s. 316.193, the ignition interlock device shall be installed
 2584 for a period of not less than 2 continuous years.

2585 (d) A third offense of driving under the influence which
 2586 occurs more than 10 years after the date of a prior conviction,
 2587 the ignition interlock device shall be installed for a period of
 2588 not less than 2 continuous years.

2589 (e) A fourth or subsequent offense of driving under the
 2590 influence, the ignition interlock device shall be installed for
 2591 a period of not less than 5 years.

2592 (4) If the court fails to order the mandatory placement of
 2593 the ignition interlock device or fails to order for the
 2594 applicable period the mandatory placement of an ignition
 2595 interlock device under s. 316.193 or s. 316.1937 at the time of
 2596 imposing sentence or within 30 days thereafter, the department
 2597 shall immediately require that the ignition interlock device be
 2598 installed as provided in this section, except that consideration
 2599 may be given to those individuals having a documented medical
 2600 condition that would prohibit the device from functioning
 2601 normally. This subsection applies to the reinstatement of the
 2602 driving privilege following a revocation, suspension, or
 2603 cancellation that is based upon a conviction for the offense of
 2604 driving under the influence which occurs on or after July 1,

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2605 2005.

2606 (5) In addition to any fees authorized by rule for the
 2607 installation and maintenance of the ignition interlock device,
 2608 the authorized installer of the device shall collect and remit
 2609 \$12 for each installation to the department, which shall be
 2610 deposited into the Highway Safety Operating Trust Fund to be
 2611 used for the operation of the Ignition Interlock Device Program.

2612 Section 39. Section 322.28, Florida Statutes, is amended
 2613 to read:

2614 322.28 Period of suspension or revocation.—

2615 (1) Unless otherwise provided by this section, the
 2616 department shall not suspend a license for a period of more than
 2617 1 year and, upon revoking a license, in any case except in a
 2618 prosecution for the offense of driving a motor vehicle while
 2619 under the influence of alcoholic beverages, chemical substances
 2620 as set forth in s. 877.111, or controlled substances, shall not
 2621 in any event grant a new license until the expiration of 1 year
 2622 after such revocation.

2623 (2) In a prosecution for a violation of s. 316.193 or
 2624 former s. 316.1931, the following provisions apply:

2625 (a) Upon conviction of the driver, the court, along with
 2626 imposing sentence, shall revoke the driver ~~driver's~~ license or
 2627 driving privilege of the person so convicted, effective on the
 2628 date of conviction, and shall prescribe the period of such
 2629 revocation in accordance with the following provisions:

2630 1. Upon a first conviction for a violation of the
 2631 provisions of s. 316.193, except a violation resulting in death,
 2632 the driver ~~driver's~~ license or driving privilege shall be

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2633 revoked for not less than 180 days or more than 1 year.

2634 2. Upon a second conviction for an offense that occurs
 2635 within a period of 5 years after the date of a prior conviction
 2636 for a violation of the provisions of s. 316.193 or former s.
 2637 316.1931 or a combination of such sections, the driver ~~driver's~~
 2638 license or driving privilege shall be revoked for not less than
 2639 5 years.

2640 3. Upon a third conviction for an offense that occurs
 2641 within a period of 10 years after the date of a prior conviction
 2642 for the violation of the provisions of s. 316.193 or former s.
 2643 316.1931 or a combination of such sections, the driver ~~driver's~~
 2644 license or driving privilege shall be revoked for not less than
 2645 10 years.

2646
 2647 For the purposes of this paragraph, a previous conviction
 2648 outside this state for driving under the influence, driving
 2649 while intoxicated, driving with an unlawful blood-alcohol level,
 2650 or any other alcohol-related or drug-related traffic offense
 2651 similar to the offense of driving under the influence as
 2652 proscribed by s. 316.193 will be considered a previous
 2653 conviction for violation of s. 316.193, and a conviction for
 2654 violation of former s. 316.028, former s. 316.1931, or former s.
 2655 860.01 is considered a conviction for violation of s. 316.193.

2656 (b) If the period of revocation was not specified by the
 2657 court at the time of imposing sentence or within 30 days
 2658 thereafter, and is not otherwise specified by law, the
 2659 department shall forthwith revoke the driver ~~driver's~~ license or
 2660 driving privilege for the maximum period applicable under

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2661 paragraph (a) for a first conviction and for the minimum period
 2662 applicable under paragraph (a) for any subsequent convictions.
 2663 The driver may, within 30 days after such revocation by the
 2664 department, petition the court for further hearing on the period
 2665 of revocation, and the court may reopen the case and determine
 2666 the period of revocation within the limits specified in
 2667 paragraph (a).

2668 (c) The forfeiture of bail bond, not vacated within 20
 2669 days, in any prosecution for the offense of driving while under
 2670 the influence of alcoholic beverages, chemical substances, or
 2671 controlled substances to the extent of depriving the defendant
 2672 of his or her normal faculties shall be deemed equivalent to a
 2673 conviction for the purposes of this paragraph, and the
 2674 department shall forthwith revoke the defendant's driver
 2675 ~~driver's~~ license or driving privilege for the maximum period
 2676 applicable under paragraph (a) for a first conviction and for
 2677 the minimum period applicable under paragraph (a) for a second
 2678 or subsequent conviction; however, if the defendant is later
 2679 convicted of the charge, the period of revocation imposed by the
 2680 department for such conviction shall not exceed the difference
 2681 between the applicable maximum for a first conviction or minimum
 2682 for a second or subsequent conviction and the revocation period
 2683 under this subsection that has actually elapsed; upon conviction
 2684 of such charge, the court may impose revocation for a period of
 2685 time as specified in paragraph (a). This paragraph does not
 2686 apply if an appropriate motion contesting the forfeiture is
 2687 filed within the 20-day period.

2688 ~~(d) When any driver's license or driving privilege has~~

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2689 ~~been revoked pursuant to the provisions of this section, the~~
 2690 ~~department shall not grant a new license, except upon~~
 2691 ~~reexamination of the licensee after the expiration of the period~~
 2692 ~~of revocation so prescribed. However, the court may, in its~~
 2693 ~~sound discretion, issue an order of reinstatement on a form~~
 2694 ~~furnished by the department which the person may take to any~~
 2695 ~~driver's license examining office for reinstatement by the~~
 2696 ~~department pursuant to s. 322.282.~~

2697 (d)~~(e)~~ The court shall permanently revoke the driver
 2698 ~~driver's~~ license or driving privilege of a person who has been
 2699 convicted four times for violation of s. 316.193 or former s.
 2700 316.1931 or a combination of such sections. The court shall
 2701 permanently revoke the driver ~~driver's~~ license or driving
 2702 privilege of any person who has been convicted of DUI
 2703 manslaughter in violation of s. 316.193. If the court has not
 2704 permanently revoked such driver ~~driver's~~ license or driving
 2705 privilege within 30 days after imposing sentence, the department
 2706 shall permanently revoke the driver ~~driver's~~ license or driving
 2707 privilege pursuant to this paragraph. No driver ~~driver's~~ license
 2708 or driving privilege may be issued or granted to any such
 2709 person. This paragraph applies only if at least one of the
 2710 convictions for violation of s. 316.193 or former s. 316.1931
 2711 was for a violation that occurred after July 1, 1982. For the
 2712 purposes of this paragraph, a conviction for violation of former
 2713 s. 316.028, former s. 316.1931, or former s. 860.01 is also
 2714 considered a conviction for violation of s. 316.193. Also, a
 2715 conviction of driving under the influence, driving while
 2716 intoxicated, driving with an unlawful blood-alcohol level, or

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2717 any other similar alcohol-related or drug-related traffic
 2718 offense outside this state is considered a conviction for the
 2719 purposes of this paragraph.

2720 (e) Convictions that occur on the same date, resulting
 2721 from separate offense dates shall be treated as separate
 2722 convictions and the offense which occurred earlier will be deemed
 2723 a prior conviction for the purpose of this section.

2724 (3) The court shall permanently revoke the driver ~~driver's~~
 2725 license or driving privilege of a person who has been convicted
 2726 of murder resulting from the operation of a motor vehicle. No
 2727 driver ~~driver's~~ license or driving privilege may be issued or
 2728 granted to any such person.

2729 (4) (a) Upon a conviction for a violation of s.
 2730 316.193(3)(c)2., involving serious bodily injury, a conviction
 2731 of manslaughter resulting from the operation of a motor vehicle,
 2732 or a conviction of vehicular homicide, the court shall revoke
 2733 the driver ~~driver's~~ license of the person convicted for a
 2734 minimum period of 3 years. If a conviction under s.
 2735 316.193(3)(c)2., involving serious bodily injury, is also a
 2736 subsequent conviction as described under paragraph (2)(a), the
 2737 court shall revoke the driver ~~driver's~~ license or driving
 2738 privilege of the person convicted for the period applicable as
 2739 provided in paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

2740 (b) If the period of revocation was not specified by the
 2741 court at the time of imposing sentence or within 30 days
 2742 thereafter, the department shall revoke the driver ~~driver's~~
 2743 license for the minimum period applicable under paragraph (a)
 2744 or, for a subsequent conviction, for the minimum period

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2745 applicable under paragraph (2)(a) or paragraph (2)(d) ~~(2)(e)~~.

2746 (5) A court may not stay the administrative suspension of
 2747 a driving privilege under s. 322.2615 or s. 322.2616 during
 2748 judicial review of the departmental order that resulted in such
 2749 suspension, and a suspension or revocation of a driving
 2750 privilege may not be stayed upon an appeal of the conviction or
 2751 order that resulted in the suspension or revocation.

2752 (6) In a prosecution for a violation of s. 316.172(1), and
 2753 upon a showing of the department's records that the licensee has
 2754 received a second conviction within 5 years following the date
 2755 of a prior conviction of s. 316.172(1), the department shall,
 2756 upon direction of the court, suspend the driver ~~driver's~~ license
 2757 of the person convicted for a period of not less than 90 days or
 2758 more than 6 months.

2759 (7) Following a second or subsequent violation of s.
 2760 796.07(2)(f) which involves a motor vehicle and which results in
 2761 any judicial disposition other than acquittal or dismissal, in
 2762 addition to any other sentence imposed, the court shall revoke
 2763 the person's driver ~~driver's~~ license or driving privilege,
 2764 effective upon the date of the disposition, for a period of not
 2765 less than 1 year. A person sentenced under this subsection may
 2766 request a hearing under s. 322.271.

2767 Section 40. Section 322.331, Florida Statutes, is
 2768 repealed.

2769 Section 41. Section 322.61, Florida Statutes, is amended
 2770 to read:

2771 322.61 Disqualification from operating a commercial motor
 2772 vehicle.-

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2773 (1) A person who, for offenses occurring within a 3-year
 2774 period, is convicted of two of the following serious traffic
 2775 violations or any combination thereof, arising in separate
 2776 incidents committed in a commercial motor vehicle shall, in
 2777 addition to any other applicable penalties, be disqualified from
 2778 operating a commercial motor vehicle for a period of 60 days. A
 2779 holder of a commercial driver ~~driver's~~ license or commercial
 2780 learner's permit who, for offenses occurring within a 3-year
 2781 period, is convicted of two of the following serious traffic
 2782 violations, or any combination thereof, arising in separate
 2783 incidents committed in a noncommercial motor vehicle shall, in
 2784 addition to any other applicable penalties, be disqualified from
 2785 operating a commercial motor vehicle for a period of 60 days if
 2786 such convictions result in the suspension, revocation, or
 2787 cancellation of the licenseholder's driving privilege:
 2788 (a) A violation of any state or local law relating to
 2789 motor vehicle traffic control, other than a parking violation, a
 2790 ~~weight violation, or a vehicle equipment violation,~~ arising in
 2791 connection with a crash resulting in death ~~or personal injury to~~
 2792 ~~any person;~~
 2793 (b) Reckless driving, as defined in s. 316.192;
 2794 ~~(c) Careless driving, as defined in s. 316.1925;~~
 2795 ~~(d) Fleeing or attempting to elude a law enforcement~~
 2796 ~~officer, as defined in s. 316.1935;~~
 2797 (c) ~~(e)~~ Unlawful speed of 15 miles per hour or more above
 2798 the posted speed limit;
 2799 ~~(f) Driving a commercial motor vehicle, owned by such~~
 2800 ~~person, which is not properly insured;~~

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2801 | (d)~~(g)~~ Improper lane change, as defined in s. 316.085;
 2802 | (e)~~(h)~~ Following too closely, as defined in s. 316.0895;
 2803 | (f)~~(i)~~ Driving a commercial vehicle without obtaining a
 2804 | commercial driver ~~driver's~~ license;
 2805 | (g)~~(j)~~ Driving a commercial vehicle without the proper
 2806 | class of commercial driver ~~driver's~~ license or commercial
 2807 | learner's permit or without the proper endorsement; or
 2808 | (h)~~(k)~~ Driving a commercial vehicle without a commercial
 2809 | driver ~~driver's~~ license or commercial learner's permit in
 2810 | possession, as required by s. 322.03. ~~Any individual who~~
 2811 | ~~provides proof to the clerk of the court or designated official~~
 2812 | ~~in the jurisdiction where the citation was issued, by the date~~
 2813 | ~~the individual must appear in court or pay any fine for such a~~
 2814 | ~~violation, that the individual held a valid commercial driver's~~
 2815 | ~~license on the date the citation was issued is not guilty of~~
 2816 | ~~this offense.~~
 2817 | (2) (a) Any person who, for offenses occurring within a 3-
 2818 | year period, is convicted of three serious traffic violations
 2819 | specified in subsection (1) or any combination thereof, arising
 2820 | in separate incidents committed in a commercial motor vehicle
 2821 | shall, in addition to any other applicable penalties, including
 2822 | but not limited to the penalty provided in subsection (1), be
 2823 | disqualified from operating a commercial motor vehicle for a
 2824 | period of 120 days.
 2825 | (b) A holder of a commercial driver ~~driver's~~ license or
 2826 | commercial learner's permit who, for offenses occurring within a
 2827 | 3-year period, is convicted of three serious traffic violations
 2828 | specified in subsection (1) or any combination thereof arising

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2829 in separate incidents committed in a noncommercial motor vehicle
 2830 shall, in addition to any other applicable penalties, including,
 2831 but not limited to, the penalty provided in subsection (1), be
 2832 disqualified from operating a commercial motor vehicle for a
 2833 period of 120 days if such convictions result in the suspension,
 2834 revocation, or cancellation of the licenseholder's driving
 2835 privilege.

2836 (3)(a) Except as provided in subsection (4), any person
 2837 who is convicted of one of the offenses listed in paragraph (b)
 2838 while operating a commercial motor vehicle shall, in addition to
 2839 any other applicable penalties, be disqualified from operating a
 2840 commercial motor vehicle for a period of 1 year.

2841 (b) Except as provided in subsection (4), any holder of a
 2842 commercial driver license or commercial learner's permit who is
 2843 convicted of one of the offenses listed in this paragraph while
 2844 operating a noncommercial motor vehicle shall, in addition to
 2845 any other applicable penalties, be disqualified from operating a
 2846 commercial motor vehicle for a period of 1 year:

2847 1. Driving a motor vehicle while he or she is under the
 2848 influence of alcohol or a controlled substance;

2849 2. Driving a commercial motor vehicle while the alcohol
 2850 concentration of his or her blood, breath, or urine is .04
 2851 percent or higher;

2852 3. Leaving the scene of a crash involving a motor vehicle
 2853 driven by such person;

2854 4. Using a motor vehicle in the commission of a felony;

2855 ~~5. Driving a commercial motor vehicle while in possession~~
 2856 ~~of a controlled substance;~~

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2857 5.6. Refusing to submit to a test to determine his or her
 2858 alcohol concentration while driving a motor vehicle;

2859 6. Driving a commercial motor vehicle when, as a result of
 2860 prior violations committed operating a commercial motor vehicle,
 2861 his or her commercial driver license or commercial learner's
 2862 permit is revoked, suspended, or canceled, or he or she is
 2863 disqualified from operating a commercial motor vehicle; or

2864 ~~7. Driving a commercial vehicle while the licenseholder's~~
 2865 ~~commercial driver license is suspended, revoked, or canceled or~~
 2866 ~~while the licenseholder is disqualified from driving a~~
 2867 ~~commercial vehicle; or~~

2868 7.8. Causing a fatality through the negligent operation of
 2869 a commercial motor vehicle.

2870 (4) Any person who is transporting hazardous materials as
 2871 defined in s. 322.01(24) shall, upon conviction of an offense
 2872 specified in subsection (3), be disqualified from operating a
 2873 commercial motor vehicle for a period of 3 years. The penalty
 2874 provided in this subsection shall be in addition to any other
 2875 applicable penalty.

2876 (5) A person who is convicted of two violations specified
 2877 in subsection (3) which were committed while operating a
 2878 commercial motor vehicle, or any combination thereof, arising in
 2879 separate incidents shall be permanently disqualified from
 2880 operating a commercial motor vehicle. A holder of a commercial
 2881 driver license or commercial learner's permit who is convicted
 2882 of two violations specified in subsection (3) which were
 2883 committed while operating any motor vehicle arising in separate
 2884 incidents shall be permanently disqualified from operating a

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2885 commercial motor vehicle. The penalty provided in this
 2886 subsection is in addition to any other applicable penalty.

2887 (6) Notwithstanding subsections (3), (4), and (5), any
 2888 person who uses a commercial motor vehicle in the commission of
 2889 any felony involving the manufacture, distribution, or
 2890 dispensing of a controlled substance, including possession with
 2891 intent to manufacture, distribute, or dispense a controlled
 2892 substance, shall, upon conviction of such felony, be permanently
 2893 disqualified from operating a commercial motor vehicle.

2894 Notwithstanding subsections (3), (4), and (5), any holder of a
 2895 commercial driver ~~driver's~~ license or commercial learner's
 2896 permit who uses a noncommercial motor vehicle in the commission
 2897 of any felony involving the manufacture, distribution, or
 2898 dispensing of a controlled substance, including possession with
 2899 intent to manufacture, distribute, or dispense a controlled
 2900 substance, shall, upon conviction of such felony, be permanently
 2901 disqualified from operating a commercial motor vehicle. The
 2902 penalty provided in this subsection is in addition to any other
 2903 applicable penalty.

2904 (7) A person whose privilege to operate a commercial motor
 2905 vehicle is disqualified under this section may, if otherwise
 2906 qualified, be issued a Class E driver ~~driver's~~ license, pursuant
 2907 to s. 322.251.

2908 (8) A driver who is convicted of or otherwise found to
 2909 have committed a violation of an out-of-service order while
 2910 driving a commercial motor vehicle is disqualified as follows:

2911 (a) Not less than 180 days nor more than 1 year if the
 2912 driver is convicted of or otherwise found to have committed a

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2913 first violation of an out-of-service order.

2914 (b) Not less than 2 years nor more than 5 years if, for

2915 offenses occurring during any 10-year period, the driver is

2916 convicted of or otherwise found to have committed two violations

2917 of out-of-service orders in separate incidents.

2918 (c) Not less than 3 years nor more than 5 years if, for

2919 offenses occurring during any 10-year period, the driver is

2920 convicted of or otherwise found to have committed three or more

2921 violations of out-of-service orders in separate incidents.

2922 (d) Not less than 180 days nor more than 2 years if the

2923 driver is convicted of or otherwise found to have committed a

2924 first violation of an out-of-service order while transporting

2925 hazardous materials required to be placarded under the Hazardous

2926 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or

2927 while operating motor vehicles designed to transport more than

2928 15 passengers, including the driver. A driver is disqualified

2929 for a period of not less than 3 years nor more than 5 years if,

2930 for offenses occurring during any 10-year period, the driver is

2931 convicted of or otherwise found to have committed any subsequent

2932 violations of out-of-service orders, in separate incidents,

2933 while transporting hazardous materials required to be placarded

2934 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.

2935 5101 et seq., or while operating motor vehicles designed to

2936 transport more than 15 passengers, including the driver.

2937 (9) A driver who is convicted of or otherwise found to

2938 have committed an offense of operating a commercial motor

2939 vehicle in violation of federal, state, or local law or

2940 regulation pertaining to one of the following six offenses at a

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2941	railroad-highway grade crossing must be disqualified for the	
2942	period of time specified in subsection (10):	
2943	(a) For drivers who are not always required to stop,	
2944	failing to slow down and check that the tracks are clear of	
2945	approaching trains.	
2946	(b) For drivers who are not always required to stop,	
2947	failing to stop before reaching the crossing if the tracks are	
2948	not clear.	
2949	(c) For drivers who are always required to stop, failing	
2950	to stop before driving onto the crossing.	
2951	(d) For all drivers, failing to have sufficient space to	
2952	drive completely through the crossing without stopping.	
2953	(e) For all drivers, failing to obey a traffic control	
2954	device or all directions of an enforcement official at the	
2955	crossing.	
2956	(f) For all drivers, failing to negotiate a crossing	
2957	because of insufficient undercarriage clearance.	
2958	(10)(a) A driver must be disqualified for not less than 60	
2959	days if the driver is convicted of or otherwise found to have	
2960	committed a first violation of a railroad-highway grade crossing	
2961	violation.	
2962	(b) A driver must be disqualified for not less than 120	
2963	days if, for offenses occurring during any 3-year period, the	
2964	driver is convicted of or otherwise found to have committed a	
2965	second railroad-highway grade crossing violation in separate	
2966	incidents.	
2967	(c) A driver must be disqualified for not less than 1 year	
2968	if, for offenses occurring during any 3-year period, the driver	

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2969 is convicted of or otherwise found to have committed a third or
 2970 subsequent railroad-highway grade crossing violation in separate
 2971 incidents.

2972 Section 42. Paragraph (a) of subsection (1) of section
 2973 324.0221, Florida Statutes, is amended to read:

2974 324.0221 Reports by insurers to the department; suspension
 2975 of driver ~~driver's~~ license and vehicle registrations;
 2976 reinstatement.—

2977 (1)(a) Each insurer that has issued a policy providing
 2978 personal injury protection coverage or property damage liability
 2979 coverage shall report the ~~renewal~~, cancellation~~,~~ or nonrenewal
 2980 thereof to the department within 10 ~~45~~ days after the effective
 2981 date of each ~~renewal~~, cancellation~~,~~ or nonrenewal. Upon the
 2982 issuance of a policy providing personal injury protection
 2983 coverage or property damage liability coverage to a named
 2984 insured not previously insured by the insurer during that
 2985 calendar year, the insurer shall report the issuance of the new
 2986 policy to the department within 10 ~~30~~ days. The report shall be
 2987 in the form and format and contain any information required by
 2988 the department and must be provided in a format that is
 2989 compatible with the data processing capabilities of the
 2990 department. The department may adopt rules regarding the form
 2991 and documentation required. Failure by an insurer to file proper
 2992 reports with the department as required by this subsection or
 2993 rules adopted with respect to the requirements of this
 2994 subsection constitutes a violation of the Florida Insurance
 2995 Code. These records shall be used by the department only for
 2996 enforcement and regulatory purposes, including the generation by

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

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2997	the department of data regarding compliance by owners of motor	
2998	vehicles with the requirements for financial responsibility	
2999	coverage.	
3000	Section 43. Section 324.031, Florida Statutes, is amended	
3001	to read:	
3002	324.031 Manner of proving financial responsibility.—The	
3003	owner or operator of a taxicab, limousine, jitney, or any other	
3004	for-hire passenger transportation vehicle may prove financial	
3005	responsibility by providing satisfactory evidence of holding a	
3006	motor vehicle liability policy as defined in s. 324.021(8) or s.	
3007	324.151, which policy is issued by an insurance carrier which is	
3008	a member of the Florida Insurance Guaranty Association. The	
3009	operator or owner of any other vehicle may prove his or her	
3010	financial responsibility by:	
3011	(1) Furnishing satisfactory evidence of holding a motor	
3012	vehicle liability policy as defined in ss. 324.021(8) and	
3013	324.151;	
3014	(2) Posting with the department a satisfactory bond of a	
3015	surety company authorized to do business in this state,	
3016	conditioned for payment of the amount specified in s.	
3017	324.021(7);	
3018	<u>(2)(3)</u> Furnishing a certificate of <u>self-insurance</u> the	
3019	department showing a deposit of cash or securities in accordance	
3020	with s. 324.161; or	
3021	<u>(3)(4)</u> Furnishing a certificate of self-insurance issued	
3022	by the department in accordance with s. 324.171.	
3023		
3024	Any person, including any firm, partnership, association,	

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3025 corporation, or other person, other than a natural person,
 3026 electing to use the method of proof specified in subsection (2)
 3027 or subsection (3) shall furnish a certificate of ~~post a bond or~~
 3028 deposit equal to the number of vehicles owned times \$30,000, to
 3029 a maximum of \$120,000; in addition, any such person, other than
 3030 a natural person, shall maintain insurance providing coverage in
 3031 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
 3032 single limits, and such excess insurance shall provide minimum
 3033 limits of \$125,000/250,000/50,000 or \$300,000 combined single
 3034 limits. These increased limits shall not affect the requirements
 3035 for proving financial responsibility under s. 324.032(1).

3036 Section 44. Subsection (1) of section 324.091, Florida
 3037 Statutes, is amended to read:

3038 324.091 Notice to department; notice to insurer.-

3039 (1) Each owner and operator involved in a crash or
 3040 conviction case within the purview of this chapter shall furnish
 3041 evidence of automobile liability insurance or ~~motor vehicle~~
 3042 liability insurance, ~~or a surety bond~~ within 14 days after the
 3043 date of the mailing of notice of crash by the department in the
 3044 form and manner as it may designate. Upon receipt of evidence
 3045 that an automobile liability policy or ~~motor vehicle liability~~
 3046 policy, ~~or surety bond~~ was in effect at the time of the crash or
 3047 conviction case, the department shall forward ~~by United States~~
 3048 ~~mail, postage prepaid,~~ to the insurer ~~or surety insurer a copy~~
 3049 ~~of~~ such information for verification in a method as determined
 3050 by the department. ~~and shall assume that the policy or bond was~~
 3051 ~~in effect, unless~~ The insurer shall respond to ~~or surety insurer~~
 3052 ~~notifies~~ the department ~~otherwise~~ within 20 days after the

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3053 ~~mailing of the notice whether or not such information is valid~~
 3054 ~~to the insurer or surety insurer. However,~~ If the department
 3055 ~~later~~ determines that an automobile liability policy or, motor
 3056 vehicle liability policy, ~~or surety bond~~ was not in effect and
 3057 did not provide coverage for both the owner and the operator, it
 3058 shall take action as it is otherwise authorized to do under this
 3059 chapter. ~~Proof of mailing to the insurer or surety insurer may~~
 3060 ~~be made by the department by naming the insurer or surety~~
 3061 ~~insurer to whom the mailing was made and by specifying the time,~~
 3062 ~~place, and manner of mailing.~~

3063 Section 45. Section 324.161, Florida Statutes, is amended
 3064 to read:

3065 324.161 Proof of financial responsibility; ~~surety bond or~~
 3066 ~~deposit.~~ Annually, before any certificate of insurance may be
 3067 issued to a person , including any firm, partnership,
 3068 association, corporation, or other person, other than a natural
 3069 person, proof of a certificate of deposit of \$30,000 issued and
 3070 held by a financial institution must be submitted to the
 3071 department. A power of attorney will be issued to and held by the
 3072 department and may be executed upon ~~The certificate of the~~
 3073 ~~department of a deposit may be obtained by depositing with it~~
 3074 ~~\$30,000 cash or securities such as may be legally purchased by~~
 3075 ~~savings banks or for trust funds, of a market value of \$30,000~~
 3076 ~~and which deposit shall be held by the department to satisfy, in~~
 3077 ~~accordance with the provisions of this chapter, any execution on~~
 3078 a judgment issued against such person making the deposit, for
 3079 damages because of bodily injury to or death of any person or
 3080 for damages because of injury to or destruction of property

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3081 resulting from the use or operation of any motor vehicle
 3082 occurring after such deposit was made. Money ~~or securities~~ so
 3083 deposited shall not be subject to attachment or execution unless
 3084 such attachment or execution shall arise out of a suit for
 3085 damages as aforesaid.

3086 Section 46. Paragraph (a) of subsection (1) of section
 3087 328.01, Florida Statutes, is amended to read:

3088 328.01 Application for certificate of title.-

3089 (1)(a) The owner of a vessel which is required to be
 3090 titled shall apply to the county tax collector for a certificate
 3091 of title. The application shall include the true name of the
 3092 owner, the residence or business address of the owner, and the
 3093 complete description of the vessel, including the hull
 3094 identification number, except that an application for a
 3095 certificate of title for a homemade vessel shall state all the
 3096 foregoing information except the hull identification number. The
 3097 application shall be signed by the owner and shall be
 3098 accompanied by personal or business identification and the
 3099 prescribed fee. An individual applicant must provide a valid
 3100 driver license or identification card issued by this state or
 3101 another state or a valid United States passport. A business
 3102 applicant must provide a federal employer identification number,
 3103 if applicable, verification that the business is authorized to
 3104 conduct business in the state, or a Florida city or county
 3105 business license or number, which may include, but need not be
 3106 limited to, a driver's license number, Florida identification
 3107 card number, or federal employer identification number, and the
 3108 prescribed fee.

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3109 Section 47. Paragraph (a) of subsection (1) of section
 3110 328.48, Florida Statutes, is amended to read:

3111 328.48 Vessel registration, application, certificate,
 3112 number, decal, duplicate certificate.-

3113 (1)(a) The owner of each vessel required by this law to
 3114 pay a registration fee and secure an identification number shall
 3115 file an application with the county tax collector. The
 3116 application shall provide the owner's name and address;
 3117 residency status; personal or business identification, ~~which may~~
 3118 ~~include, but need not be limited to, a driver's license number,~~
 3119 ~~Florida identification card number, or federal employer~~
 3120 ~~identification number;~~ and a complete description of the vessel,
 3121 and shall be accompanied by payment of the applicable fee
 3122 required in s. 328.72. An individual applicant must provide a
 3123 valid driver license or identification card issued by this state
 3124 or another state or a valid United States passport. A business
 3125 applicant must provide a federal employer identification number,
 3126 if applicable, verification that the business is authorized to
 3127 conduct business in the state, or a Florida city or county
 3128 business license or number. Registration is not required for any
 3129 vessel that is not used on the waters of this state.

3130 Section 48. Subsection (1) of section 328.76, Florida
 3131 Statutes, is amended to read:

3132 328.76 Marine Resources Conservation Trust Fund; vessel
 3133 registration funds; appropriation and distribution.-

3134 (1) Except as otherwise specified in this subsection and
 3135 less the amount equal to \$1.4 million ~~for~~ any administrative
 3136 costs which shall be deposited in the Highway Safety Operating

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3137 Trust Fund, in each fiscal year beginning on or after July 1,
 3138 2001, all funds collected from the registration of vessels
 3139 through the Department of Highway Safety and Motor Vehicles and
 3140 the tax collectors of the state, except for those funds
 3141 designated as the county portion pursuant to s. 328.72(1), shall
 3142 be deposited in the Marine Resources Conservation Trust Fund for
 3143 recreational channel marking; public launching facilities; law
 3144 enforcement and quality control programs; aquatic weed control;
 3145 manatee protection, recovery, rescue, rehabilitation, and
 3146 release; and marine mammal protection and recovery. The funds
 3147 collected pursuant to s. 328.72(1) shall be transferred as
 3148 follows:

3149 (a) In each fiscal year, an amount equal to \$1.50 for each
 3150 commercial and recreational vessel registered in this state
 3151 shall be transferred by the Department of Highway Safety and
 3152 Motor Vehicles to the Save the Manatee Trust Fund and shall be
 3153 used only for the purposes specified in s. 379.2431(4).

3154 (b) An amount equal to \$2 from each recreational vessel
 3155 registration fee, except that for class A-1 vessels, shall be
 3156 transferred by the Department of Highway Safety and Motor
 3157 Vehicles to the Invasive Plant Control Trust Fund in the Fish
 3158 and Wildlife Conservation Commission for aquatic weed research
 3159 and control.

3160 (c) An amount equal to 40 percent of the registration fees
 3161 from commercial vessels shall be transferred by the Department
 3162 of Highway Safety and Motor Vehicles to the Invasive Plant
 3163 Control Trust Fund in the Fish and Wildlife Conservation
 3164 Commission for aquatic plant research and control.

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3165 (d) An amount equal to 40 percent of the registration fees
 3166 from commercial vessels shall be transferred by the Department
 3167 of Highway Safety and Motor Vehicles, on a monthly basis, to the
 3168 General Inspection Trust Fund of the Department of Agriculture
 3169 and Consumer Services. These funds shall be used for shellfish
 3170 and aquaculture law enforcement and quality control programs.

3171 Section 49. Paragraph (aa) of subsection (7) of section
 3172 212.08, Florida Statutes, is amended to read:

3173 212.08 Sales, rental, use, consumption, distribution, and
 3174 storage tax; specified exemptions.—The sale at retail, the
 3175 rental, the use, the consumption, the distribution, and the
 3176 storage to be used or consumed in this state of the following
 3177 are hereby specifically exempt from the tax imposed by this
 3178 chapter.

3179 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 3180 entity by this chapter do not inure to any transaction that is
 3181 otherwise taxable under this chapter when payment is made by a
 3182 representative or employee of the entity by any means,
 3183 including, but not limited to, cash, check, or credit card, even
 3184 when that representative or employee is subsequently reimbursed
 3185 by the entity. In addition, exemptions provided to any entity by
 3186 this subsection do not inure to any transaction that is
 3187 otherwise taxable under this chapter unless the entity has
 3188 obtained a sales tax exemption certificate from the department
 3189 or the entity obtains or provides other documentation as
 3190 required by the department. Eligible purchases or leases made
 3191 with such a certificate must be in strict compliance with this
 3192 subsection and departmental rules, and any person who makes an

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3193 exempt purchase with a certificate that is not in strict
 3194 compliance with this subsection and the rules is liable for and
 3195 shall pay the tax. The department may adopt rules to administer
 3196 this subsection.

3197 (aa) Certain commercial vehicles.—Also exempt is the sale,
 3198 lease, or rental of a commercial motor vehicle as defined in s.
 3199 207.002 ~~207.002(2)~~, when the following conditions are met:

3200 1. The sale, lease, or rental occurs between two commonly
 3201 owned and controlled corporations;

3202 2. Such vehicle was titled and registered in this state at
 3203 the time of the sale, lease, or rental; and

3204 3. Florida sales tax was paid on the acquisition of such
 3205 vehicle by the seller, lessor, or renter.

3206 Section 50. Subsection (8) of section 261.03, Florida
 3207 Statutes, is amended to read:

3208 261.03 Definitions.—As used in this chapter, the term:

3209 (8) "ROV" means any motorized recreational off-highway
 3210 vehicle 64 inches or less in width, having a dry weight of 2,000
 3211 pounds or less, designed to travel on four or more nonhighway
 3212 tires, having nonstraddle seating and a steering wheel, and
 3213 manufactured for recreational use by one or more persons. The
 3214 term "ROV" does not include a golf cart as defined in ss. 320.01
 3215 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 3216 s. 320.01 ~~320.01(42)~~.

3217 Section 51. Section 316.2122, Florida Statutes, is amended
 3218 to read:

3219 316.2122 Operation of a low-speed vehicle or mini truck on
 3220 certain roadways.—The operation of a low-speed vehicle as

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3221 defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in s.
 3222 320.01 ~~320.01(45)~~ on any road is authorized with the following
 3223 restrictions:

3224 (1) A low-speed vehicle or mini truck may be operated only
 3225 on streets where the posted speed limit is 35 miles per hour or
 3226 less. This does not prohibit a low-speed vehicle or mini truck
 3227 from crossing a road or street at an intersection where the road
 3228 or street has a posted speed limit of more than 35 miles per
 3229 hour.

3230 (2) A low-speed vehicle must be equipped with headlamps,
 3231 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 3232 parking brakes, rearview mirrors, windshields, seat belts, and
 3233 vehicle identification numbers.

3234 (3) A low-speed vehicle or mini truck must be registered
 3235 and insured in accordance with s. 320.02 and titled pursuant to
 3236 chapter 319.

3237 (4) Any person operating a low-speed vehicle or mini truck
 3238 must have in his or her possession a valid driver ~~driver's~~
 3239 license.

3240 (5) A county or municipality may prohibit the operation of
 3241 low-speed vehicles or mini trucks on any road under its
 3242 jurisdiction if the governing body of the county or municipality
 3243 determines that such prohibition is necessary in the interest of
 3244 safety.

3245 (6) The Department of Transportation may prohibit the
 3246 operation of low-speed vehicles or mini trucks on any road under
 3247 its jurisdiction if it determines that such prohibition is
 3248 necessary in the interest of safety.

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3249 Section 52. Section 316.2124, Florida Statutes, is amended
 3250 to read:

3251 316.2124 Motorized disability access vehicles.—The
 3252 Department of Highway Safety and Motor Vehicles is directed to
 3253 provide, by rule, for the regulation of motorized disability
 3254 access vehicles as described in s. 320.01 ~~320.01(34)~~. The
 3255 department shall provide that motorized disability access
 3256 vehicles shall be registered in the same manner as motorcycles
 3257 and shall pay the same registration fee as for a motorcycle.
 3258 There shall also be assessed, in addition to the registration
 3259 fee, a \$2.50 surcharge for motorized disability access vehicles.
 3260 This surcharge shall be paid into the Highway Safety Operating
 3261 Trust Fund. Motorized disability access vehicles shall not be
 3262 required to be titled by the department. The department shall
 3263 require motorized disability access vehicles to be subject to
 3264 the same safety requirements as set forth in this chapter for
 3265 motorcycles.

3266 Section 53. Subsection (1) of section 316.21265, Florida
 3267 Statutes, is amended to read:

3268 316.21265 Use of all-terrain vehicles, golf carts, low-
 3269 speed vehicles, or utility vehicles by law enforcement
 3270 agencies.—

3271 (1) Notwithstanding any provision of law to the contrary,
 3272 any law enforcement agency in this state may operate all-terrain
 3273 vehicles as defined in s. 316.2074, golf carts as defined in s.
 3274 320.01 ~~320.01(22)~~, low-speed vehicles as defined in s. 320.01
 3275 ~~320.01(42)~~, or utility vehicles as defined in s. 320.01
 3276 ~~320.01(43)~~ on any street, road, or highway in this state while

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3277 carrying out its official duties.

3278 Section 54. Subsection (1) of section 316.3026, Florida
 3279 Statutes, is amended to read:

3280 316.3026 Unlawful operation of motor carriers.—

3281 (1) The Office of Commercial Vehicle Enforcement may issue
 3282 out-of-service orders to motor carriers, as defined in s. 320.01
 3283 ~~320.01(33)~~, who, after proper notice, have failed to pay any
 3284 penalty or fine assessed by the department, or its agent,
 3285 against any owner or motor carrier for violations of state law,
 3286 refused to submit to a compliance review and provide records
 3287 pursuant to s. 316.302(5) or s. 316.70, or violated safety
 3288 regulations pursuant to s. 316.302 or insurance requirements in
 3289 s. 627.7415. Such out-of-service orders have the effect of
 3290 prohibiting the operations of any motor vehicles owned, leased,
 3291 or otherwise operated by the motor carrier upon the roadways of
 3292 this state, until the violations have been corrected or
 3293 penalties have been paid. Out-of-service orders must be approved
 3294 by the director of the Division of the Florida Highway Patrol or
 3295 his or her designee. An administrative hearing pursuant to s.
 3296 120.569 shall be afforded to motor carriers subject to such
 3297 orders.

3298 Section 55. Paragraph (a) of subsection (5) and subsection
 3299 (10) of section 316.550, Florida Statutes, are amended to read:

3300 316.550 Operations not in conformity with law; special
 3301 permits.—

3302 (5)(a) The Department of Transportation may issue a
 3303 wrecker special blanket permit to authorize a wrecker as defined
 3304 in s. 320.01 ~~320.01(40)~~ to tow a disabled motor vehicle as

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3305 defined in s. 320.01 ~~320.01(38)~~ where the combination of the
 3306 wrecker and the disabled vehicle being towed exceeds the maximum
 3307 weight limits as established by s. 316.535.

3308 (10) Whenever any motor vehicle, or the combination of a
 3309 wrecker as defined in s. 320.01 ~~320.01(40)~~ and a towed motor
 3310 vehicle, exceeds any weight or dimensional criteria or special
 3311 operational or safety stipulation contained in a special permit
 3312 issued under the provisions of this section, the penalty
 3313 assessed to the owner or operator shall be as follows:

3314 (a) For violation of weight criteria contained in a
 3315 special permit, the penalty per pound or portion thereof
 3316 exceeding the permitted weight shall be as provided in s.
 3317 316.545.

3318 (b) For each violation of dimensional criteria in a
 3319 special permit, the penalty shall be as provided in s. 316.516
 3320 and penalties for multiple violations of dimensional criteria
 3321 shall be cumulative except that the total penalty for the
 3322 vehicle shall not exceed \$1,000.

3323 (c) For each violation of an operational or safety
 3324 stipulation in a special permit, the penalty shall be an amount
 3325 not to exceed \$1,000 per violation and penalties for multiple
 3326 violations of operational or safety stipulations shall be
 3327 cumulative except that the total penalty for the vehicle shall
 3328 not exceed \$1,000.

3329 (d) For violation of any special condition that has been
 3330 prescribed in the rules of the Department of Transportation and
 3331 declared on the permit, the vehicle shall be determined to be
 3332 out of conformance with the permit and the permit shall be

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3333 declared null and void for the vehicle, and weight and
 3334 dimensional limits for the vehicle shall be as established in s.
 3335 316.515 or s. 316.535, whichever is applicable, and:

3336 1. For weight violations, a penalty as provided in s.
 3337 316.545 shall be assessed for those weights which exceed the
 3338 limits thus established for the vehicle; and

3339 2. For dimensional, operational, or safety violations, a
 3340 penalty as established in paragraph (c) or s. 316.516, whichever
 3341 is applicable, shall be assessed for each nonconforming
 3342 dimensional, operational, or safety violation and the penalties
 3343 for multiple violations shall be cumulative for the vehicle.

3344 Section 56. Subsection (9) of section 317.0003, Florida
 3345 Statutes, is amended to read:

3346 317.0003 Definitions.—As used in this chapter, the term:

3347 (9) "ROV" means any motorized recreational off-highway
 3348 vehicle 64 inches or less in width, having a dry weight of 2,000
 3349 pounds or less, designed to travel on four or more nonhighway
 3350 tires, having nonstraddle seating and a steering wheel, and
 3351 manufactured for recreational use by one or more persons. The
 3352 term "ROV" does not include a golf cart as defined in ss. 320.01
 3353 ~~320.01(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 3354 s. 320.01 ~~320.01(42)~~.

3355 Section 57. Paragraph (d) of subsection (5) of section
 3356 320.08, Florida Statutes, is amended to read:

3357 320.08 License taxes.—Except as otherwise provided herein,
 3358 there are hereby levied and imposed annual license taxes for the
 3359 operation of motor vehicles, mopeds, motorized bicycles as
 3360 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,

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3361 and mobile homes, as defined in s. 320.01, which shall be paid
 3362 to and collected by the department or its agent upon the
 3363 registration or renewal of registration of the following:

3364 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 3365 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

3366 (d) A wrecker, as defined in s. 320.01 ~~320.01(40)~~, which
 3367 is used to tow a vessel as defined in s. 327.02(39), a disabled,
 3368 abandoned, stolen-recovered, or impounded motor vehicle as
 3369 defined in s. 320.01(37) ~~320.01(38)~~, or a replacement motor
 3370 vehicle as defined in s. 320.01 ~~320.01(39)~~: \$41 flat, of which
 3371 \$11 shall be deposited into the General Revenue Fund.

3372 Section 58. Subsection (1) of section 320.0847, Florida
 3373 Statutes, is amended to read:

3374 320.0847 Mini truck and low-speed vehicle license plates.—

3375 (1) The department shall issue a license plate to the
 3376 owner or lessee of any vehicle registered as a low-speed vehicle
 3377 as defined in s. 320.01 ~~320.01(42)~~ or a mini truck as defined in
 3378 s. 320.01 ~~320.01(45)~~ upon payment of the appropriate license
 3379 taxes and fees prescribed in s. 320.08.

3380 Section 59. Paragraph (b) of subsection (8) of section
 3381 322.051, Florida Statutes, is amended to read:

3382 322.051 Identification cards.—

3383 (8)

3384 (b) A capital "V" shall be exhibited on the identification
 3385 card of a veteran upon the payment of an additional \$1 fee for
 3386 the license and the presentation of a copy of the person's DD
 3387 Form 214, issued by the United States Department of Defense, or
 3388 another acceptable form specified by the Department of Veterans'

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3389 Affairs. Until a veteran's identification card is next renewed,
 3390 the veteran may have the capital "V" designation added to his or
 3391 her identification card upon surrender of his or her current
 3392 identification card, payment of a \$2 fee to be deposited into
 3393 the Highway Safety Operating Trust Fund, and presentation of a
 3394 copy of his or her DD Form 214 or another acceptable form
 3395 specified by the Department of Veterans' Affairs. If the
 3396 applicant is not conducting any other transaction affecting the
 3397 identification card, a replacement identification card may be
 3398 issued with the capital "V" designation without payment of the
 3399 fee required in s. 322.21(1)(g)3 ~~322.21(1)(f)3~~.

3400 Section 60. Paragraph (c) of subsection (1) of section
 3401 322.14, Florida Statutes, is amended to read:

3402 322.14 Licenses issued to drivers.—

3403 (1)

3404 (c) A capital "V" shall be exhibited on the driver license
 3405 of a veteran upon the payment of an additional \$1 fee for the
 3406 license and the presentation of a copy of the person's DD Form
 3407 214, issued by the United States Department of Defense, or
 3408 another acceptable form specified by the Department of Veterans'
 3409 Affairs. Until a veteran's license is next renewed, the veteran
 3410 may have the capital "V" designation added to his or her license
 3411 upon surrender of his or her current license, payment of a \$2
 3412 fee to be deposited into the Highway Safety Operating Trust
 3413 Fund, and presentation of a copy of his or her DD Form 214 or
 3414 another acceptable form specified by the Department of Veterans'
 3415 Affairs. If the applicant is not conducting any other
 3416 transaction affecting the driver license, a replacement license

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3417 may be issued with the capital "V" designation without payment
 3418 of the fee required in s. 322.21(1)(f) ~~322.21(1)(e)~~.

3419 Section 61. Subsections (4) and (5) of section 322.271,
 3420 Florida Statutes, are amended to read:

3421 322.271 Authority to modify revocation, cancellation, or
 3422 suspension order.—

3423 (4) Notwithstanding the provisions of s. 322.28(2)(d)
 3424 ~~322.28(2)(e)~~, a person whose driving privilege has been
 3425 permanently revoked because he or she has been convicted of DUI
 3426 manslaughter in violation of s. 316.193 and has no prior
 3427 convictions for DUI-related offenses may, upon the expiration of
 3428 5 years after the date of such revocation or the expiration of 5
 3429 years after the termination of any term of incarceration under
 3430 s. 316.193 or former s. 316.1931, whichever date is later,
 3431 petition the department for reinstatement of his or her driving
 3432 privilege.

3433 (a) Within 30 days after the receipt of such a petition,
 3434 the department shall afford the petitioner an opportunity for a
 3435 hearing. At the hearing, the petitioner must demonstrate to the
 3436 department that he or she:

- 3437 1. Has not been arrested for a drug-related offense during
- 3438 the 5 years preceding the filing of the petition;
- 3439 2. Has not driven a motor vehicle without a license for at
- 3440 least 5 years prior to the hearing;
- 3441 3. Has been drug-free for at least 5 years prior to the
- 3442 hearing; and
- 3443 4. Has completed a DUI program licensed by the department.

3444 (b) At such hearing, the department shall determine the

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3445 petitioner's qualification, fitness, and need to drive. Upon
 3446 such determination, the department may, in its discretion,
 3447 reinstate the driver's license of the petitioner. Such
 3448 reinstatement must be made subject to the following
 3449 qualifications:

3450 1. The license must be restricted for employment purposes
 3451 for not less than 1 year; and

3452 2. Such person must be supervised by a DUI program
 3453 licensed by the department and report to the program for such
 3454 supervision and education at least four times a year or
 3455 additionally as required by the program for the remainder of the
 3456 revocation period. Such supervision shall include evaluation,
 3457 education, referral into treatment, and other activities
 3458 required by the department.

3459 (c) Such person must assume the reasonable costs of
 3460 supervision. If such person fails to comply with the required
 3461 supervision, the program shall report the failure to the
 3462 department, and the department shall cancel such person's
 3463 driving privilege.

3464 (d) If, after reinstatement, such person is convicted of
 3465 an offense for which mandatory revocation of his or her license
 3466 is required, the department shall revoke his or her driving
 3467 privilege.

3468 (e) The department shall adopt rules regulating the
 3469 providing of services by DUI programs pursuant to this section.

3470 (5) Notwithstanding the provisions of s. 322.28(2)(e), a
 3471 person whose driving privilege has been permanently revoked
 3472 because he or she has been convicted four or more times of

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3473 violating s. 316.193 or former s. 316.1931 may, upon the
 3474 expiration of 5 years after the date of the last conviction or
 3475 the expiration of 5 years after the termination of any
 3476 incarceration under s. 316.193 or former s. 316.1931, whichever
 3477 is later, petition the department for reinstatement of his or
 3478 her driving privilege.

3479 (a) Within 30 days after receipt of a petition, the
 3480 department shall provide for a hearing, at which the petitioner
 3481 must demonstrate that he or she:

3482 1. Has not been arrested for a drug-related offense for at
 3483 least 5 years prior to filing the petition;

3484 2. Has not driven a motor vehicle without a license for at
 3485 least 5 years prior to the hearing;

3486 3. Has been drug-free for at least 5 years prior to the
 3487 hearing; and

3488 4. Has completed a DUI program licensed by the department.

3489 (b) At the hearing, the department shall determine the
 3490 petitioner's qualification, fitness, and need to drive, and may,
 3491 after such determination, reinstate the petitioner's driver's
 3492 license. The reinstatement shall be subject to the following
 3493 qualifications:

3494 1. The petitioner's license must be restricted for
 3495 employment purposes for not less than 1 year; and

3496 2. The petitioner must be supervised by a DUI program
 3497 licensed by the department and must report to the program for
 3498 supervision and education at least four times a year or more, as
 3499 required by the program, for the remainder of the revocation
 3500 period. The supervision shall include evaluation, education,

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3501 referral into treatment, and other activities required by the
 3502 department.

3503 (c) The petitioner must assume the reasonable costs of
 3504 supervision. If the petitioner does not comply with the required
 3505 supervision, the program shall report the failure to the
 3506 department, and the department shall cancel such person's
 3507 driving privilege.

3508 (d) If, after reinstatement, the petitioner is convicted
 3509 of an offense for which mandatory license revocation is
 3510 required, the department shall revoke his or her driving
 3511 privilege.

3512 (e) The department shall adopt rules regulating the
 3513 services provided by DUI programs pursuant to this section.

3514 Section 62. Section 322.282, Florida Statutes, is amended
 3515 to read:

3516 322.282 Procedure when court revokes or suspends license
 3517 or driving privilege and orders reinstatement.—When a court
 3518 suspends or revokes a person's license or driving privilege and,
 3519 in its discretion, orders reinstatement ~~as provided by s.~~
 3520 ~~322.28(2)(d) or former s. 322.261(5):~~

3521 (1) The court shall pick up all revoked or suspended
 3522 driver's licenses from the person and immediately forward them
 3523 to the department, together with a record of such conviction.
 3524 The clerk of such court shall also maintain a list of all
 3525 revocations or suspensions by the court.

3526 (2)(a) The court shall issue an order of reinstatement, on
 3527 a form to be furnished by the department, which the person may
 3528 take to any driver's license examining office. The department

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3529 shall issue a temporary driver's permit to a licensee who
 3530 presents the court's order of reinstatement, proof of completion
 3531 of a department-approved driver training or substance abuse
 3532 education course, and a written request for a hearing under s.
 3533 322.271. The permit shall not be issued if a record check by the
 3534 department shows that the person has previously been convicted
 3535 for a violation of s. 316.193, former s. 316.1931, former s.
 3536 316.028, former s. 860.01, or a previous conviction outside this
 3537 state for driving under the influence, driving while
 3538 intoxicated, driving with an unlawful blood-alcohol level, or
 3539 any similar alcohol-related or drug-related traffic offense;
 3540 that the person's driving privilege has been previously
 3541 suspended for refusal to submit to a lawful test of breath,
 3542 blood, or urine; or that the person is otherwise not entitled to
 3543 issuance of a driver's license. This paragraph shall not be
 3544 construed to prevent the reinstatement of a license or driving
 3545 privilege that is presently suspended for driving with an
 3546 unlawful blood-alcohol level or a refusal to submit to a breath,
 3547 urine, or blood test and is also revoked for a conviction for a
 3548 violation of s. 316.193 or former s. 316.1931, if the suspension
 3549 and revocation arise out of the same incident.

3550 (b) The temporary driver's permit shall be restricted to
 3551 either business or employment purposes described in s. 322.271,
 3552 as determined by the department, and shall not be used for
 3553 pleasure, recreational, or nonessential driving.

3554 (c) If the department determines at a later date from its
 3555 records that the applicant has previously been convicted of an
 3556 offense referred to in paragraph (a) which would render him or

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3557 her ineligible for reinstatement, the department shall cancel
 3558 the temporary driver's permit and shall issue a revocation or
 3559 suspension order for the minimum period applicable. A temporary
 3560 permit issued pursuant to this section shall be valid for 45
 3561 days or until canceled as provided in this paragraph.

3562 (d) The period of time for which a temporary permit issued
 3563 in accordance with paragraph (a) is valid shall be deemed to be
 3564 part of the period of revocation imposed by the court.

3565 Section 63. Section 324.023, Florida Statutes, is amended
 3566 to read:

3567 324.023 Financial responsibility for bodily injury or
 3568 death.—In addition to any other financial responsibility
 3569 required by law, every owner or operator of a motor vehicle that
 3570 is required to be registered in this state, or that is located
 3571 within this state, and who, regardless of adjudication of guilt,
 3572 has been found guilty of or entered a plea of guilty or nolo
 3573 contendere to a charge of driving under the influence under s.
 3574 316.193 after October 1, 2007, shall, by one of the methods
 3575 established in s. 324.031(1), (2), or (3), establish and
 3576 maintain the ability to respond in damages for liability on
 3577 account of accidents arising out of the use of a motor vehicle
 3578 in the amount of \$100,000 because of bodily injury to, or death
 3579 of, one person in any one crash and, subject to such limits for
 3580 one person, in the amount of \$300,000 because of bodily injury
 3581 to, or death of, two or more persons in any one crash and in the
 3582 amount of \$50,000 because of property damage in any one crash.
 3583 If the owner or operator chooses to establish and maintain such
 3584 ability by ~~posting a bond or~~ furnishing a certificate of deposit

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3585 pursuant to s. 324.031(2) or (3), such ~~bond or~~ certificate of
 3586 deposit must be in an amount not less than \$350,000. Such higher
 3587 limits must be carried for a minimum period of 3 years. If the
 3588 owner or operator has not been convicted of driving under the
 3589 influence or a felony traffic offense for a period of 3 years
 3590 from the date of reinstatement of driving privileges for a
 3591 violation of s. 316.193, the owner or operator shall be exempt
 3592 from this section.

3593 Section 64. Paragraph (c) of subsection (1) of section
 3594 324.171, Florida Statutes, is amended to read:

3595 324.171 Self-insurer.—

3596 (1) Any person may qualify as a self-insurer by obtaining
 3597 a certificate of self-insurance from the department which may,
 3598 in its discretion and upon application of such a person, issue
 3599 said certificate of self-insurance when such person has
 3600 satisfied the requirements of this section to qualify as a self-
 3601 insurer under this section:

3602 (c) The owner of a commercial motor vehicle, as defined in
 3603 s. 207.002 ~~207.002(2)~~ or s. 320.01, may qualify as a self-
 3604 insurer subject to the standards provided for in subparagraph
 3605 (b)2.

3606 Section 65. Section 324.191, Florida Statutes, is amended
 3607 to read:

3608 324.191 Consent to cancellation; direction to return money
 3609 or securities.—The department shall consent to the cancellation
 3610 of any ~~bond or~~ certificate of insurance furnished as proof of
 3611 financial responsibility pursuant to s. 324.031, or the
 3612 department shall return to the person entitled thereto cash or

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3613 securities deposited as proof of financial responsibility
 3614 pursuant to s. 324.031:
 3615 (1) Upon substitution and acceptance of other adequate
 3616 proof of financial responsibility pursuant to this chapter, or
 3617 (2) In the event of the death of the person on whose
 3618 behalf the proof was filed, or the permanent incapacity of such
 3619 person to operate a motor vehicle, or
 3620 (3) In the event the person who has given proof of
 3621 financial responsibility surrenders his or her license and all
 3622 registrations to the department; providing, however, that no
 3623 notice of court action has been filed with the department, a
 3624 judgment in which would result in claim on such proof of
 3625 financial responsibility.

3626
 3627 This section shall not apply to security as specified in s.
 3628 324.061 deposited pursuant to s. 324.051(2)(a)4.

3629 Section 66. Paragraph (b) of subsection (3) of section
 3630 627.733, Florida Statutes, is amended to read:

3631 627.733 Required security.—

3632 (3) Such security shall be provided:

3633 (b) By any other method authorized by s. 324.031(2) or
 3634 (3), ~~or~~ (4) and approved by the Department of Highway Safety and
 3635 Motor Vehicles as affording security equivalent to that afforded
 3636 by a policy of insurance or by self-insuring as authorized by s.
 3637 768.28(16). The person filing such security shall have all of
 3638 the obligations and rights of an insurer under ss. 627.730-
 3639 627.7405.

3640 Section 67. Section 627.7415, Florida Statutes, is amended

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3641 to read:
 3642 627.7415 Commercial motor vehicles; additional liability
 3643 insurance coverage.—Commercial motor vehicles, as defined in s.
 3644 207.002 ~~207.002(2)~~ or s. 320.01, operated upon the roads and
 3645 highways of this state shall be insured with the following
 3646 minimum levels of combined bodily liability insurance and
 3647 property damage liability insurance in addition to any other
 3648 insurance requirements:
 3649 (1) Fifty thousand dollars per occurrence for a commercial
 3650 motor vehicle with a gross vehicle weight of 26,000 pounds or
 3651 more, but less than 35,000 pounds.
 3652 (2) One hundred thousand dollars per occurrence for a
 3653 commercial motor vehicle with a gross vehicle weight of 35,000
 3654 pounds or more, but less than 44,000 pounds.
 3655 (3) Three hundred thousand dollars per occurrence for a
 3656 commercial motor vehicle with a gross vehicle weight of 44,000
 3657 pounds or more.
 3658 (4) All commercial motor vehicles subject to regulations
 3659 of the United States Department of Transportation, Title 49
 3660 C.F.R. part 387, subpart A, and as may be hereinafter amended,
 3661 shall be insured in an amount equivalent to the minimum levels
 3662 of financial responsibility as set forth in such regulations.
 3663
 3664 A violation of this section is a noncriminal traffic infraction,
 3665 punishable as a nonmoving violation as provided in chapter 318.
 3666 Section 68. This act shall take effect July 1, 2013.

Department of Transportation-2013 Legislative Package

Transportation Corporations (Sections 1 and 21; Pages 9 and 49)

Repeals the Florida Transportation Corporation Act and related auditing authority. This has never been used.

Review of Mid-Bay Bridge Authority (Section 2; Page 9-11)

Gives the Florida Transportation Commission oversight over the Mid-Bay Bridge Authority.

The Florida Transportation Commission may incur additional costs with this review.

Florida Statewide Passenger Rail Commission (Section 2; Page 12)

Provides that the Florida Transportation Commission staffs the Florida Statewide Passenger Rail Commission.

There is a negative, but insignificant, fiscal impact to the Florida Transportation Commission.

Position Title Change (Section 3; Pages 12-13)

Changes the position of State Public Transportation and Modal Administrator to State Freight and Logistics Administrator.

Noise Mitigation (Section 4; Pages 13-15)

Sets forth Legislative findings regarding incompatible residential development of land adjacent to rights-of-way of limited access facilities.

Requires local governments to ensure that noise compatible land-use planning is employed in their jurisdictions in the development of land for residential use adjacent to the right-of-way acquired for a limited access facility (with specified standards and guidelines).

Requires the local government to share equally with DOT in all costs associated with noise mitigation of a local government fails to develop noise compatible land use plans or to comply with standards and guidelines and such failure results in DOT being required to provide noise mitigation.

Requires local governments to consult with the Department of Economic Opportunity and Department of Transportation (DOT), as needed, in the formulation and establishment of adequate noise mitigation requirements in their respective land development regulations.

Requires local governments to adopt noise compatible land use planning regulations as soon as practical, but no later than July 1, 2014.

Local governments will incur costs associated with revising their land use planning regulations. DOT could see some cost savings from properly planned land development.

Aviation Fuel Tax Refund (Section 5; Pages 15-18)

Changes from a static date to a rolling five-year period the timeframe currently used to calculate aviation fuel tax refunds.

The fiscal impact is unknown at this time.

Small County Dredging Program (Section 6; Page 18)

Repeals the Small County Dredging Program. The program was only funded in FY 2008-2009.

Wreckers (Section 7; Page 18)

Repeals obsolete language regarding permits for wreckers towing disabled vehicles.

Keeps Florida in alignment with federal law and avoids any potential loss of federal funds.

Auxiliary Power Units (Section 8; Pages 18-19)

Increases the maximum weight limit for auxiliary power units from 400 to 550 pounds to conform to federal law.

Has an insignificant but indeterminate negative fiscal impact on the State Transportation Trust Fund (STTF).

Spaceports (Sections 9 and 22; Pages 19-24; 49-51)

Implements Space Florida's request to further integrate space transportation programs with DOT's programs and processes.

Annually sets aside at least \$20 million for spaceport projects. Currently, there is no dedicated recurring funding for spaceports.

Strategic Airport Investment Initiative (Section 10; Page 25)

Creates the Strategic Airport Investment Initiative within DOT.

Authorizes DOT to provide up to 100 percent of funding for strategic airport projects.

Lease Purchase Agreements (Section 11; Pages 25-26)

Prohibits DOT from entering into any new lease-purchase agreements with expressway authorities, regional transportation authorities, or any other entity.

Does not impact existing lease-purchase agreements.

Maintenance Contracts/Community Development Districts (Section 12; Page 26)

Authorizes DOT to enter into contracts with community development districts for routine maintenance work on the State Highway System within their geographic boundaries.

Access to State Parks (Section 13; Pages 26-27)

Authorizes DOT to improve and maintain roads that are part of the county road system or city street system if they provide access to a state park.

May have an indeterminate by positive impact on state park revenue.

Bid Qualification (Section 14; Pages 27-29)

Clarifies the threshold to bid on construction contracts in excess of \$250,000 is determined by DOT's proposed budget estimate.

Surplus Property (Section 15; Pages 29-38)

Modifies the terms and conditions under which DOT may sell and lease property acquired for rights-of-way.

Positive impact on local governments as surplus DOT property makes it back onto the tax rolls.

Unsolicited Lease Proposals (Section 16; Pages 38-39)

Clarifies DOT's authority and responsibilities when DOT receives an unsolicited proposal to enter into a lease of DOT property for joint public-private development by aligning the process for unsolicited proposals for such uses with the process for unsolicited proposals for public-private transportation projects.

Parking Meters (Section 17; Pages 39-40)

Allows DOT to share in the revenue generated from parking meters and other time limit devices on state roads under the jurisdiction of DOT.

Will have an indeterminate, but positive, impact on the State Transportation Trust Fund, but a negative impact to local governments.

Toll Interoperability (Section 18; Pages 40-41)

Clarifies language passed by the 2012 Legislature relating to DOT authority to enter into agreements with public or private transportation facility owners for the use of DOT systems to collect and enforce for the owner of tolls, fares, administrative fees, and other applicable charges due in connection with the use of the owner's facility.

Beeline East/Navarre Bridge (Section 19; Pages 41-42)

Removes the Beeline-East Expressway and the Navarre Bridge from the list of facilities where DOT may request the Division of Bond Finance to issue bonds secured by toll revenue.

Metropolitan Planning Organizations (Section 20; Pages 42-49)

Revises certain membership requirements for Metropolitan Planning Organizations (MPOs). Conforms Florida law with federal requirements and allows for an exception to the current cap on 19 members where the boundary of an existing MPO is expanded and to encompass a new urbanized area or where two or more MPOs consolidate within a single urbanized area.

Definition of Intercity Bus Service (Section 23; Pages 51-52)

Broadens the eligibility for intercity bus companies to compete for federal and state program funds.

Intermodal Development Program (Section 24; Pages 52-54)

Deletes obsolete language which requires DOT to develop an intermodal development plan, and modifies allowable use of funds to provide clarification and consistency between DOT districts.

Authorizes the expenditure of funds for spaceport projects.

Rail Ancillary Development (Section 25; Page 55-56)

Clarifies DOT's authority to undertake ancillary development within rail corridors owned by the state.

Florida Regional Tollway Authority Act (Section 26; Pages 56-78)

Creates the Florida Regional Tollway Authority Act.

Provides for legislative creation of regional tollway authorities with the ability to plan and finance transportation facilities of regional significance.

Environmental Mitigation (Section 27; Page 78-92)

Clarifies information to be included in the environmental impact inventory and base amount of mitigation needed for transportation projects on the Uniform Mitigation Assessment Method (UMAM) rather than impact acres.

Removes the requirement for DOT to establish an escrow account and replaces it with the identification of mitigation funds in the work program.

Clarifies continuing responsibility of entity performing mitigation.

Provides transition provisions for the March 1, 2013, water management district (WMD) mitigation plans and clarifies requirements for WMD mitigation plans.

Replaces the statutorily prescribed mitigation cost with actual costs for WMD/Department of Environmental Protection (DEP) implemented mitigation.

Deletes duplicate provisions.

Effective Date (Section 28; Page 92)

Has an effective date of July 1, 2013.

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 11.45, F.S.; removing a provision for
4 audits of certain transportation corporations by the
5 Auditor General; amending s. 20.23, F.S.; revising
6 provisions relating to functions of the Florida
7 Transportation Commission to add monitoring the
8 efficiency, productivity, and management of the Mid-
9 Bay Bridge Authority; removing Secretary of
10 Transportation review of the expenses of the Florida
11 Statewide Passenger Rail Commission; revising the
12 administrative support requirement for the Florida
13 Statewide Passenger Rail Commission; designating an
14 executive director and assistant executive director of
15 the statewide passenger rail commission; amending s.
16 110.205, F.S.; relating to career service exempt
17 positions; revising the title of an existing
18 department position from State Public Transportation
19 and Modal Administrator to State Freight and Logistics
20 Administrator; creating s. 163.3176, F.S.; providing
21 legislative findings; requiring each local
22 governmental entity to ensure that noise compatible
23 land-use planning is employed within its jurisdiction
24 for development of land for residential use adjacent
25 to right-of-way acquired for a limited access
26 facility; requiring incorporation of federal and state
27 noise mitigation standards and guidelines in all local
28 government land development regulations; requiring

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29 such standards and guidelines to be reflected in and
 30 carried out in specified plans, amendments, approvals,
 31 and permits; requiring local governments to share
 32 equally with the department in all costs associated
 33 with noise mitigation under certain circumstances;
 34 requiring local governments to consult with the
 35 Department of Economic Opportunity and the department
 36 concerning noise mitigation requirements; requiring
 37 local governments to adopt land development
 38 regulations; amending s. 206.9825, F.S.; revising
 39 provisions relating to aviation fuel tax; providing
 40 that an air carrier that increases its Florida
 41 workforce may purchase aviation fuel exempt from the
 42 aviation fuel tax under specified conditions;
 43 requiring an air carrier to submit a specified written
 44 request to the Department of Revenue to qualify for
 45 the exemption; providing for expiration of the
 46 exemption; providing the exemption is not allowed for
 47 any period before the effective date of the exemption
 48 letter issued by the Department of Revenue;
 49 authorizing terminal suppliers and wholesalers to
 50 receive a credit or apply for a refund of the aviation
 51 fuel tax previously paid; revising the time period
 52 from which to count any increase in the air carrier's
 53 Florida workforce; providing that certain full-time
 54 equivalent employee positions of parent or subsidiary
 55 corporations shall not be counted toward reaching the
 56 employment increase thresholds; providing the

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57 exemption does not apply for any period of time in
58 which the air carrier was no longer qualified to
59 receive the exemption during the 1-year period the
60 exemption is in effect; authorizing the Department of
61 Revenue to adopt rules; repealing s. 311.22, F.S.;
62 relating to funding of dredging projects in small
63 counties; removing obsolete language; amending s.
64 316.530, F.S.; relating to towing requirements;
65 removing a provision that prohibits assessment of a
66 penalty for the combined weights of a disabled vehicle
67 and a wrecker or tow truck; amending s. 316.545, F.S.;
68 revising the authorized maximum gross vehicle weight
69 for the additional weight of auxiliary power units
70 installed on commercial motor vehicles; amending s.
71 331.360, F.S., relating to aerospace facilities;
72 removing provisions for a spaceport master plan;
73 directing Space Florida to develop a spaceport system
74 plan for certain purposes; providing for content of
75 the plan; directing Space Florida to submit the plan
76 to metropolitan planning organizations for review of
77 intermodal impact and to the department; authorizing
78 the department to include relevant portions in the 5-
79 year work program; revising responsibilities of the
80 department relating to aerospace facilities;
81 authorizing the department to administratively house
82 its space transportation responsibilities within an
83 existing division or office; authorizing the
84 department to enter into an agreement with Space

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85 Florida for specified purposes; authorizing the
86 department to allocate certain funds under specified
87 conditions; requiring Space Florida to provide certain
88 information to the department before an agreement is
89 executed; providing for allocations to a Spaceport
90 Investment Plan; providing a covenant with holders of
91 revenue bonds or other instruments of indebtedness;
92 providing for use of funds; providing that revenue
93 bonds shall be issued by the Division of Bond Finance
94 at the request of the Department of Transportation;
95 amending s. 332.007, F.S.; authorizing the department
96 to fund strategic airport investment projects that
97 meet specified criteria; amending s. 334.044, F.S.;
98 prohibiting the department from entering into any
99 lease-purchase agreement with any expressway
100 authority, regional transportation authority, or other
101 entity; providing the prohibition does not invalidate
102 existing specified lease-purchase agreements or limit
103 the department's authority relating to certain public-
104 private transportation facilities; amending s.
105 335.055, F.S.; authorizing the department to enter
106 into contracts with community development districts to
107 perform routine maintenance work on the State Highway
108 System within appropriate boundaries; amending s.
109 335.06, F.S.; authorizing the department to improve
110 and maintain any road which is part of a county road
111 system or city street system that provides access to
112 property within the state park system; requiring the

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113 appropriate county or city to maintain any county or
 114 city road providing access to the state park system if
 115 the department does not; amending s. 337.14, F.S.;
 116 requiring any person desiring to bid for the
 117 performance of any department construction contract
 118 with a proposed budget estimate in excess of a certain
 119 amount to be prequalified; requiring department rules
 120 to address the qualification of persons to bid on
 121 construction contracts with proposed budget estimates
 122 in excess of a certain amount; requiring each
 123 applicant seeking qualification to bid on construction
 124 contracts with proposed budget estimates in excess of
 125 a certain amount to furnish detailed information to
 126 the department as required on the application;
 127 amending s. 337.25, F.S.; revising provisions for
 128 disposition of property by the department; authorizing
 129 the department to contract for auction services for
 130 conveyance of property; revising requirements for an
 131 inventory of property; amending s. 337.251, F.S.;
 132 requiring the department to publish a specified notice
 133 of receipt of a proposal for lease of particular
 134 department property and to accept other proposals for
 135 lease of the property; requiring the department to
 136 establish by rule an application fee for lease
 137 proposals sufficient to pay the costs of evaluating
 138 the proposals; authorizing the department to engage
 139 the services of private consultants to assist in
 140 evaluating proposals; requiring the department to make

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141 specified determinations before approving a proposed
 142 lease; amending s. 337.408, F.S.; authorizing the
 143 installation of parking meters or other parking time
 144 limit devices within the right-of-way limits of a
 145 state road when permitted by the department; requiring
 146 counties and municipalities to promptly remit to the
 147 department 50 percent of the revenue generated from
 148 any fees collected by meter or such other parking time
 149 limit device installed or already existing within the
 150 right-of-way limits of a state road under the
 151 department's jurisdiction; requiring such funds to be
 152 deposited into the State Transportation Trust Fund and
 153 used in accordance with specified provisions; amending
 154 s. 338.161, F.S.; revising provisions for the
 155 department to enter into agreements with public or
 156 private transportation facility owners whose systems
 157 become interoperable with the department's systems for
 158 the use of the department's systems to collect and
 159 enforce for the owner tolls, fares, administrative
 160 fees, and other applicable charges due in connection
 161 with use of the owner's facility; amending s. 338.165,
 162 F.S.; removing references to certain facilities from
 163 the list of facilities the department is authorized to
 164 request bond issuance secured by facility revenues;
 165 amending s. 339.175, F.S.; revising provisions for
 166 designation of metropolitan planning organizations and
 167 provisions for voting membership; repealing ss.
 168 339.401-339.421, F.S., relating to the Florida

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169 Transportation Corporation Act, definitions,
 170 legislative findings and purpose, authorization of
 171 corporations, type and structure and income of
 172 corporation, contract between the department and the
 173 corporation, articles of incorporation, boards of
 174 directors and advisory directors, bylaws, meetings and
 175 records, amendment of articles of incorporation,
 176 powers of corporations, use of state property,
 177 exemption from taxation, authority to alter or
 178 dissolve corporation, dissolution upon completion of
 179 purposes, transfer of funds and property upon
 180 dissolution, department rules, construction of
 181 provisions, and issuance of debt; amending s. 339.55,
 182 F.S.; providing for the state-funded infrastructure
 183 bank to lend capital costs or provide credit
 184 enhancements for projects that provide intermodal
 185 connectivity with spaceports and to make emergency
 186 loans for damages to public-use spaceports; revising
 187 criteria the department may consider for evaluation of
 188 projects for assistance from the bank; amending s.
 189 341.031, F.S.; revising the definition of the term
 190 "intercity bus service," as used in the Florida Public
 191 Transit Act; amending s. 341.053, F.S.; revising
 192 provisions for use of Intermodal Development Program
 193 funds; amending s. 341.302, F.S.; revising the
 194 department's authority with respect to rail corridors;
 195 authorizing the department to undertake ancillary
 196 development as a source of revenue for the

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197 establishment, construction, operation, or maintenance
 198 of any rail corridor owned by the state; providing
 199 requirements for such developments; creating ch. 345,
 200 F.S., relating to regional tollway authorities;
 201 providing a short title; providing definitions;
 202 providing for formation of a tollway authority;
 203 providing for organization and membership; providing
 204 powers and duties of an authority; providing for
 205 issuance of bonds; providing rights and the remedies
 206 for bondholders; providing for the department to
 207 construct, operate, and maintain facilities; providing
 208 for department contributions to authority projects;
 209 providing for acquisition of property by the
 210 authority; providing for cooperation with other units,
 211 boards, agencies, and individuals; providing a
 212 covenant of the state; providing an exemption from
 213 taxation; providing that obligations are legal
 214 investments; providing for construction and
 215 application; amending s. 373.4137, F.S.; revising
 216 provisions relating to mitigation requirements for
 217 certain transportation projects; revising Legislative
 218 intent; revising provisions for an environmental
 219 impact inventory; authorizing certain options for the
 220 Department of Transportation to mitigate projected
 221 impacts; revising requirements and procedures for
 222 determination and payment of mitigation costs;
 223 authorizing the water management district to deviate
 224 from the approved mitigation plan in order to comply

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225 with federal permitting requirements upon notice and
 226 coordination with the Department of Transportation or
 227 participating transportation authority; requiring
 228 water management district plans to be updated annually
 229 as specified; requiring consideration be given to
 230 mitigation banks and other available mitigation
 231 options before amending the mitigation plan to include
 232 new projects; providing an effective date.

233

234 Be It Enacted by the Legislature of the State of Florida:

235

236 Section 1. Paragraph (m) of subsection (3) of section
 237 11.45, Florida Statutes, is amended to read:

238 11.45 Definitions; duties; authorities; reports; rules.—

239 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 240 Auditor General may, pursuant to his or her own authority, or at
 241 the direction of the Legislative Auditing Committee, conduct
 242 audits or other engagements as determined appropriate by the
 243 Auditor General of:

244 ~~(m) The transportation corporations under contract with~~
 245 ~~the Department of Transportation that are acting on behalf of~~
 246 ~~the state to secure and obtain rights-of-way for urgently needed~~
 247 ~~transportation systems and to assist in the planning and design~~
 248 ~~of such systems pursuant to ss. 339.401-339.421.~~

249 Section 2. Paragraph (b) of subsection (2) and paragraph
 250 (d) of subsection (3) of section 20.23, Florida Statutes, are
 251 amended to read:

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252 20.23 Department of Transportation.—There is created a
 253 Department of Transportation which shall be a decentralized
 254 agency.

255 (2)

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

257 1. Recommend major transportation policies for the
 258 Governor's approval, and assure that approved policies and any
 259 revisions thereto are properly executed.

260 2. Periodically review the status of the state
 261 transportation system including highway, transit, rail, seaport,
 262 intermodal development, and aviation components of the system
 263 and recommend improvements therein to the Governor and the
 264 Legislature.

265 3. Perform an in-depth evaluation of the annual department
 266 budget request, the Florida Transportation Plan, and the
 267 tentative work program for compliance with all applicable laws
 268 and established departmental policies. Except as specifically
 269 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
 270 not consider individual construction projects, but shall
 271 consider methods of accomplishing the goals of the department in
 272 the most effective, efficient, and businesslike manner.

273 4. Monitor the financial status of the department on a
 274 regular basis to assure that the department is managing revenue
 275 and bond proceeds responsibly and in accordance with law and
 276 established policy.

277 5. Monitor on at least a quarterly basis, the efficiency,
 278 productivity, and management of the department, using

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279 performance and production standards developed by the commission
 280 pursuant to s. 334.045.

281 6. Perform an in-depth evaluation of the factors causing
 282 disruption of project schedules in the adopted work program and
 283 recommend to the Legislature and the Governor methods to
 284 eliminate or reduce the disruptive effects of these factors.

285 7. Recommend to the Governor and the Legislature
 286 improvements to the department's organization in order to
 287 streamline and optimize the efficiency of the department. In
 288 reviewing the department's organization, the commission shall
 289 determine if the current district organizational structure is
 290 responsive to Florida's changing economic and demographic
 291 development patterns. The initial report by the commission must
 292 be delivered to the Governor and Legislature by December 15,
 293 2000, and each year thereafter, as appropriate. The commission
 294 may retain such experts as are reasonably necessary to
 295 effectuate this subparagraph, and the department shall pay the
 296 expenses of such experts.

297 8. Monitor the efficiency, productivity, and management of
 298 the authorities created under chapters 348 and 349, including
 299 any authority formed using the provisions of part I of chapter
 300 348; the Mid-Bay Bridge Authority created pursuant to chapter
 301 2000-411, Laws of Florida; and any authority formed under
 302 chapter 343 which is not monitored under subsection (3). The
 303 commission shall also conduct periodic reviews of each
 304 authority's operations and budget, acquisition of property,
 305 management of revenue and bond proceeds, and compliance with
 306 applicable laws and generally accepted accounting principles.

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307 (3) There is created the Florida Statewide Passenger Rail
 308 Commission.

309 (d) The commission is assigned to the Office of the
 310 Secretary of the Department of Transportation for administrative
 311 and fiscal accountability purposes, but it shall otherwise
 312 function independently of the control and direction of the
 313 department ~~except that reasonable expenses of the commission~~
 314 ~~shall be subject to approval by the Secretary of Transportation.~~
 315 ~~The department shall provide administrative support and service~~
 316 ~~to the commission.~~ The executive director and assistant
 317 executive director of the Florida Transportation Commission
 318 shall serve as the executive director and assistant executive
 319 director of the Florida Statewide Passenger Rail Commission.
 320 The staff of the Florida Transportation Commission shall provide
 321 administrative support and service to the Florida Statewide
 322 Passenger Rail Commission.

323 Section 3. Paragraph (j) of subsection (2) of section
 324 110.205, Florida Statutes, is amended to read:

325 110.205 Career service; exemptions.—

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

328 (j) The appointed secretaries and the State Surgeon
 329 General, assistant secretaries, deputy secretaries, and deputy
 330 assistant secretaries of all departments; the executive
 331 directors, assistant executive directors, deputy executive
 332 directors, and deputy assistant executive directors of all
 333 departments; the directors of all divisions and those positions
 334 determined by the department to have managerial responsibilities

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335 comparable to such positions, which positions include, but are
 336 not limited to, program directors, assistant program directors,
 337 district administrators, deputy district administrators, the
 338 Director of Central Operations Services of the Department of
 339 Children and Family Services, the State Transportation
 340 Development Administrator, State Freight and Logistics Public
 341 ~~Transportation and Modal~~ Administrator, district secretaries,
 342 district directors of transportation development, transportation
 343 operations, transportation support, and the managers of the
 344 offices specified in s. 20.23(4)(b), of the Department of
 345 Transportation. Unless otherwise fixed by law, the department
 346 shall set the salary and benefits of these positions in
 347 accordance with the rules of the Senior Management Service; and
 348 the county health department directors and county health
 349 department administrators of the Department of Health.

350 Section 4. Section 163.3176, Florida Statutes, is created
 351 to read:

352 163.3176 Residential development along limited access
 353 highway facilities; noise mitigation requirements; compliance.--

354 (1) The Legislature finds that incompatible residential
 355 development of land adjacent to the rights-of-way of limited-
 356 access facilities, and the failure to provide protections
 357 related to noise abatement, have not been in the best interest
 358 of the welfare of the public or the economic health of the
 359 state, and are significantly increasing the costs of
 360 transportation projects by the added expense of required noise
 361 abatement and the delaying of other potential and needed
 362 transportation projects. Limited access facilities generate

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363 traffic noise due to the high speed and the high volumes of
 364 vehicular traffic using these important highways. The
 365 Legislature finds important state interests will be served,
 366 including, but not limited to, the protection of future
 367 residential property owners by ensuring that local governments
 368 have land development regulations that promote noise compatible
 369 residential land-use planning and development adjacent to
 370 limited access facilities, and avoiding future noise abatement
 371 problems and the related state expense to provide noise
 372 mitigation for residential dwellings constructed after public
 373 notice of a planned limited access facility. Additionally, with
 374 future potential population growth and the resulting need for
 375 future capacity improvements to limited access facilities, noise
 376 compatible residential land-use planning must take into
 377 consideration an evaluation of future impacts of traffic noise
 378 on proposed residential developments adjacent to limited access
 379 facilities.

380 (2) Each local governmental entity shall ensure that noise
 381 compatible land-use planning is employed within its jurisdiction
 382 for the development of land for residential use adjacent to
 383 right-of-way acquired for a limited access facility. Such
 384 measures shall include the incorporation of federal and state
 385 noise mitigation standards and guidelines in all local
 386 government land development regulations and be reflected in and
 387 carried out in all local government comprehensive plans,
 388 amendments of adopted comprehensive plans, zoning plans,
 389 subdivision plat approvals, development permits, and building
 390 permits. Local governments shall ensure that residential

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391 development proposed adjacent to a limited access facility shall
 392 be planned and constructed in conformance with all such noise
 393 mitigation standards, guidelines, and regulations. If a local
 394 government fails to comply with this section, and as a result
 395 the Department of Transportation is required to construct a
 396 noise wall or other noise mitigation in connection with a road
 397 improvement project, the local government shall share equally
 398 with the Department of Transportation in all costs of such noise
 399 mitigation.

400 (3) Local governments shall consult with the Department of
 401 Economic Opportunity and the Department of Transportation, as
 402 needed, in the formulation and establishment of adequate noise
 403 mitigation requirements in their respective land development
 404 regulations as mandated herein. Local governments shall adopt
 405 land development regulations consistent with this section, as
 406 soon as practicable, but not later than July 1, 2014.

407 Section 5. Subsection (1) of section 206.9825, Florida
 408 Statutes, is amended to read:

409 206.9825 Aviation fuel tax.—

410 (1)(a) Except as otherwise provided in this part, an
 411 excise tax of 6.9 cents per gallon of aviation fuel is imposed
 412 upon every gallon of aviation fuel sold in this state, or
 413 brought into this state for use, upon which such tax has not
 414 been paid or the payment thereof has not been lawfully assumed
 415 by some person handling the same in this state. Fuel taxed
 416 pursuant to this part shall not be subject to the taxes imposed
 417 by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and
 418 (d).

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419 (b) Any ~~licensed wholesaler or terminal supplier that~~
 420 ~~delivers aviation fuel to an air carrier that offers offering~~
 421 ~~transcontinental jet service and has, within the preceding 5-~~
 422 ~~year period before January 1 of the year the application is~~
 423 ~~being applied for, increased its that, after January 1, 1996,~~
 424 ~~increases the air carrier's~~ Florida workforce by more than 1000
 425 percent and by 250 or more full-time equivalent employee
 426 positions as provided in reports required to be filed pursuant
 427 to s. 443.163, may purchase receive a credit or refund as the
 428 ultimate vendor of the aviation fuel exempt from the 6.9 cents
 429 per gallon tax imposed by this part from terminal suppliers and
 430 wholesalers, provided that the air carrier has no facility for
 431 fueling highway vehicles from the tank in which the aviation
 432 fuel is stored. To qualify for the exemption, an air carrier
 433 must submit a written request to the department stating that it
 434 meets the requirements of this paragraph. The exemption under
 435 this paragraph will expire December 31 of the year it was
 436 granted. The exemption is not allowed for any period before the
 437 effective date of the air carrier exemption letter issued by the
 438 department. To renew the exemption, the air carrier must submit
 439 a written request to the department stating that it meets the
 440 requirements of this paragraph. Terminal suppliers and
 441 wholesalers may receive a credit or may apply for a refund, as
 442 the ultimate vendor of the 6.9 cents per gallon aviation fuel
 443 tax previously paid, within 1 year after the date the right to
 444 the refund accrues for the 6.9 cents excise tax previously paid,
 445 ~~provided that the air carrier has no facility for fueling~~
 446 ~~highway vehicles from the tank in which the aviation fuel is~~

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447 ~~st~~ored. In calculating the new or additional Florida full-time
 448 equivalent employee positions, any full-time equivalent employee
 449 positions of parent or subsidiary corporations which existed
 450 before the preceding 5-year period from January 1 of the year
 451 the application for exemption or renewal is being applied for
 452 ~~January 1, 1996,~~ shall not be counted toward reaching the
 453 Florida employment increase thresholds. The refund allowed under
 454 this paragraph is in furtherance of the goals and policies of
 455 the State Comprehensive Plan set forth in s. 187.201(16)(a),
 456 (b)1., 2., (17)(a), (b)1., 4., (19)(a), (b)5., (21)(a), (b)1.,
 457 2., 4., 7., 9., and 12.

458 (c) If, during the 1-year period the exemption is in
 459 effect before July 1, 2001, the air carrier fails to maintain
 460 the increase in its Florida workforce by more than 1000 percent
 461 and by 250 or more full-time equivalent employees ~~number of~~
 462 ~~full-time equivalent employee positions created or added to the~~
 463 ~~air carrier's Florida workforce falls below 250,~~ the exemption
 464 granted pursuant to this section shall not apply during the
 465 period in which the air carrier was no longer qualified to
 466 receive the exemption ~~has fewer than the 250 additional~~
 467 ~~employees.~~

468 (d) The exemption taken by credit or refund pursuant to
 469 paragraph (b) shall apply only under the terms and conditions
 470 set forth therein. If any part of that paragraph is judicially
 471 declared to be unconstitutional or invalid, the validity of any
 472 provisions taxing aviation fuel shall not be affected and all
 473 fuel exempted pursuant to paragraph (b) shall be subject to tax
 474 as if the exemption was never enacted. Every person benefiting

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475 from such exemption shall be liable for and make payment of all
 476 taxes for which a credit or refund was granted.

477 (e) The department may adopt rules to administer this
 478 subsection.

479 Section 6. Section 311.22, Florida Statutes, is repealed.

480 Section 7. Subsections (3) and (4) of section 316.530,
 481 Florida Statutes, are amended to read:

482 316.530 Towing requirements.—

483 ~~(3) Whenever a motor vehicle becomes disabled upon the~~
 484 ~~highways of this state and a wrecker or tow truck is required to~~
 485 ~~remove it to a repair shop or other appropriate location, if the~~
 486 ~~combined weights of those two vehicles and the loads thereon~~
 487 ~~exceed the maximum allowable weights as established by s.~~
 488 ~~316.535, no penalty shall be assessed either vehicle or driver.~~
 489 ~~However, this exception shall not apply to the load limits for~~
 490 ~~bridges and culverts established by the department as provided~~
 491 ~~in s. 316.555.~~

492 (3)(4) A violation of this section is a noncriminal
 493 traffic infraction, punishable as a moving violation as provided
 494 in chapter 318.

495 Section 8. Paragraph (c) of subsection (3) of section
 496 316.545, Florida Statutes, is amended to read:

497 316.545 Weight and load unlawful; special fuel and motor
 498 fuel tax enforcement; inspection; penalty; review.—

499 (3) Any person who violates the overloading provisions of
 500 this chapter shall be conclusively presumed to have damaged the
 501 highways of this state by reason of such overloading, which
 502 damage is hereby fixed as follows:

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503 (a) When the excess weight is 200 pounds or less than the
 504 maximum herein provided, the penalty shall be \$10;

505 (b) Five cents per pound for each pound of weight in
 506 excess of the maximum herein provided when the excess weight
 507 exceeds 200 pounds. However, whenever the gross weight of the
 508 vehicle or combination of vehicles does not exceed the maximum
 509 allowable gross weight, the maximum fine for the first 600
 510 pounds of unlawful axle weight shall be \$10;

511 (c) For a vehicle equipped with fully functional idle-
 512 reduction technology, any penalty shall be calculated by
 513 reducing the actual gross vehicle weight or the internal bridge
 514 weight by the certified weight of the idle-reduction technology
 515 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator
 516 must present written certification of the weight of the idle-
 517 reduction technology and must demonstrate or certify that the
 518 idle-reduction technology is fully functional at all times. This
 519 calculation is not allowed for vehicles described in s.
 520 316.535(6);

521 (d) An apportioned motor vehicle, as defined in s. 320.01,
 522 operating on the highways of this state without being properly
 523 licensed and registered shall be subject to the penalties as
 524 herein provided; and

525 (e) Vehicles operating on the highways of this state from
 526 nonmember International Registration Plan jurisdictions which
 527 are not in compliance with the provisions of s. 316.605 shall be
 528 subject to the penalties as herein provided.

529 Section 9. Section 331.360, Florida Statutes, is amended in
 530 title and amended to read:

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531 331.360 ~~Joint participation agreement or assistance;~~
 532 ~~spaceport master~~ Spaceport system plan.-
 533 (1) ~~It shall be the duty, function, and responsibility of~~
 534 ~~the Department of Transportation to promote the further~~
 535 ~~development and improvement of aerospace transportation~~
 536 ~~facilities; to address intermodal requirements and impacts of~~
 537 ~~the launch ranges, spaceports, and other space transportation~~
 538 ~~facilities; to assist in the development of joint-use facilities~~
 539 ~~and technology that support aviation and aerospace operations;~~
 540 ~~to coordinate and cooperate in the development of spaceport~~
 541 ~~infrastructure and related transportation facilities contained~~
 542 ~~in the Strategic Intermodal System Plan; to encourage, where~~
 543 ~~appropriate, the cooperation and integration of airports and~~
 544 ~~spaceports in order to meet transportation-related needs; and to~~
 545 ~~facilitate and promote cooperative efforts between federal and~~
 546 ~~state government entities to improve space transportation~~
 547 ~~capacity and efficiency. In carrying out this duty and~~
 548 ~~responsibility, the department may assist and advise, cooperate~~
 549 ~~with, and coordinate with federal, state, local, or private~~
 550 ~~organizations and individuals. The department may~~
 551 ~~administratively house its space transportation responsibilities~~
 552 ~~within an existing division or office.~~
 553 (2) ~~Notwithstanding any other provision of law, the~~
 554 ~~Department of Transportation may enter into a joint~~
 555 ~~participation agreement with, or otherwise assist, Space Florida~~
 556 ~~as necessary to effectuate the provisions of this chapter and~~
 557 ~~may allocate funds for such purposes in its 5-year work program.~~

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558 ~~However, the department may not fund the administrative or~~
 559 ~~operational costs of Space Florida.~~

560 (1)(3) Space Florida shall develop a spaceport system
 561 ~~master~~ plan that addresses statewide spaceport goals and the
 562 need for expansion and modernization of space transportation
 563 facilities within spaceport territories as defined in s.
 564 331.303. The plan shall contain recommended projects to meet
 565 current and future commercial, national, and state space
 566 transportation requirements. Space Florida shall submit the plan
 567 to all any appropriate metropolitan planning organizations
 568 ~~organization~~ for review of intermodal impacts. Space Florida
 569 shall submit the spaceport system ~~master~~ plan to the Department
 570 of Transportation, which may include those portions of the
 571 system plan relevant to the department's mission and such plan
 572 ~~may be included~~ within the department's 5-year work program of
 573 qualifying projects ~~aerospace discretionary capacity improvement~~
 574 ~~under subsection (4)~~. The plan shall identify appropriate
 575 funding levels for each project and include recommendations on
 576 ~~appropriate sources of revenue that may be developed to~~
 577 ~~contribute to the State Transportation Trust Fund.~~

578 (2) The Department of Transportation shall promote the
 579 further development and improvement of aerospace transportation
 580 facilities; address intermodal requirements and impacts of the
 581 launch ranges, spaceports, and other space transportation
 582 facilities; assist in the development of joint-use facilities
 583 and technology that support aviation and aerospace operations;
 584 coordinate and cooperate in the development of spaceport
 585 infrastructure and related transportation facilities contained

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586 in the Strategic Intermodal System Plan; encourage, where
 587 appropriate, the cooperation and integration of airports and
 588 spaceports in order to meet transportation-related needs; and
 589 facilitate and promote cooperative efforts between federal and
 590 state government entities to improve space transportation
 591 capacity and efficiency. In carrying out this duty and
 592 responsibility, the department may assist and advise, cooperate
 593 with, and coordinate with federal, state, local, or private
 594 entities and individuals. The department may administratively
 595 house its space transportation responsibilities within an
 596 existing division or office.

597 (3) Notwithstanding any other provision of law, the
 598 Department of Transportation may enter into an agreement with,
 599 or otherwise assist, Space Florida as necessary to effectuate
 600 the provisions of this chapter and may allocate funds for such
 601 purposes in its 5-year work program. However, the department may
 602 not fund the administrative or operational costs of Space
 603 Florida.

604 (4) (a) Beginning in fiscal year 2013-2014, a minimum of
 605 \$15 million annually is authorized to be made available from the
 606 State Transportation Trust Fund to fund space transportation
 607 projects ~~Subject to the availability of appropriated funds, the~~
 608 ~~department may participate in the capital cost of eligible~~
 609 ~~spaceport discretionary capacity improvement projects. The~~
 610 ~~annual legislative budget request shall be based on the proposed~~
 611 ~~funding requested for approved spaceport discretionary capacity~~
 612 ~~improvement projects.~~

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613 (b) Before executing an agreement, Space Florida must
 614 provide project specific information to the Department of
 615 Transportation in order to demonstrate that the project includes
 616 transportation and aerospace benefits. Project information to be
 617 provided shall include, but is not limited to:

- 618 1. Project description, characteristics, and scope.
- 619 2. Project funding sources and costs.
- 620 3. Project financing considerations with emphasis on
 621 federal, local, and private participation.
- 622 4. Financial feasibility and risk analysis, including
 623 efforts to protect the state's investment and ensure project
 624 goals are realized.
- 625 5. Demonstration that the project will encourage, enhance,
 626 or create economic benefits.

627 (c) The Department of Transportation is authorized to fund
 628 up to 50 percent of eligible project costs. If the project
 629 addresses the following criteria the department may fund up to
 630 100 percent of eligible project costs:

- 631 1. Provides important access and on-spaceport capacity
 632 improvements;
- 633 2. Provides capital improvements to strategically position
 634 the state to maximize opportunities in the aerospace industry or
 635 foster growth and development of a sustainable and world-leading
 636 aerospace industry in Florida;
- 637 3. Meets state goals of an integrated intermodal
 638 transportation system; and
- 639 4. Demonstrates the feasibility and availability of
 640 matching funds through federal, local, or private partners.

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641 (5) Beginning in 2013-2014 fiscal year and annually for up
 642 to 30 years thereafter, \$5 million shall be allocated for the
 643 purpose of funding any spaceport project identified in the
 644 adopted work program of the Department of Transportation, to be
 645 known as the Spaceport Investment Program. The revenues may be
 646 assigned, pledged, or set aside as a trust for the payment of
 647 principal or interest on bonds, tax anticipation certificates,
 648 or other forms of indebtedness issued by Space Florida or used
 649 to purchase credit support to permit such borrowings. However,
 650 the debt is not a general obligation of the state. The state
 651 covenants with holders of the revenue bonds or other instruments
 652 of indebtedness issued pursuant to this subsection that it will
 653 not repeal or impair or amend this subsection in any manner that
 654 will materially or adversely affect the rights of holders so
 655 long as bonds authorized by this subsection are outstanding. The
 656 proceeds of any bonds or other indebtedness secured by a pledge
 657 of the funding, after payment of costs of issuance and
 658 establishment of any required reserves, shall be invested in
 659 projects approved by the Department of Transportation and
 660 included in the department's adopted work program, by amendment
 661 if necessary. Any revenues that are not pledged to the repayment
 662 of bonds as authorized by this subsection may be used for other
 663 eligible projects. This revenue source is in addition to any
 664 amounts provided for and appropriated in accordance with
 665 subsection (4). Revenue bonds shall be issued by the Division of
 666 Bond Finance at the request of the Department of Transportation
 667 pursuant to the State Bond Act.

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668 Section 10. Subsection (11) is added to section 332.007,
 669 Florida Statutes, to read:

670 (11) The department is authorized to fund strategic
 671 airport investment projects that meet the following criteria:

672 (a) Provide important access and on-airport capacity
 673 improvements;

674 (b) Provide capital improvements to strategically position
 675 the state to maximize opportunities in international trade,
 676 logistics, and the aviation industry;

677 (c) Achieve state goals of an integrated intermodal
 678 transportation system; and

679 (d) Demonstrate the feasibility and availability of
 680 matching funds through federal, local, or private partners.

681 Strategic airport investment projects may be funded at up to 100
 682 percent of the project's cost.

683 Section 11. Subsection (16) of section 334.044, Florida
 684 Statutes, is amended to read:

685 334.044 Department; powers and duties.—The department
 686 shall have the following general powers and duties:

687 (16) To plan, acquire, lease, construct, maintain, and
 688 operate toll facilities; to authorize the issuance and refunding
 689 of bonds; and to fix and collect tolls or other charges for
 690 travel on any such facilities. Effective July 1, 2013, and
 691 notwithstanding any other law to the contrary, the department
 692 may not enter into any lease-purchase agreement with any
 693 expressway authority, regional transportation authority, or
 694 other entity. This provision does not invalidate any lease-
 695 purchase agreement authorized under chapter 348 or ch. 2000-411,

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696 Laws of Florida, and existing as of July 1, 2013, and shall not
 697 be construed to limit the department's authority under s.
 698 334.30.

699 Section 12. Section 335.055, Florida Statutes, are amended
 700 to read:

701 335.055 Routine maintenance contracts.—

702 (1) The Department of Transportation may enter into
 703 contracts with counties, ~~and~~ municipalities, and community
 704 development districts to perform routine maintenance work on the
 705 State Highway System within the appropriate boundaries.

706 (2) Each county, ~~or~~ municipality, or community development
 707 district which completes the work described in subsection (1)
 708 shall be relieved from any tort liability arising after
 709 completion of such work if the completed project conforms to the
 710 standards of the contract as agreed to by the department.

711 (3) Each county, ~~or~~ municipality, or community development
 712 district shall be entitled to receive payment or reimbursement
 713 from the department, in accordance with the contract, if the
 714 work is completed to the standards of the contract as agreed to
 715 by the department.

716 (4) Nothing contained in this section shall impair,
 717 suspend, contract, enlarge, extend, or affect in any manner the
 718 powers and duties of the department.

719 Section 13. Section 335.06, Florida Statutes, is amended
 720 to read:

721 335.06 Access roads to the state park system.—Any road
 722 which provides access to property within the state park system
 723 shall be maintained by the department if the road is a part of

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724 the State Highway System and may be improved and maintained by
 725 the department if the road is part of a county road system or
 726 city street system. If the department does not maintain a
 727 county or city road which provides access to the state park
 728 system, the road ~~or~~ shall be maintained by the appropriate
 729 county or municipality ~~if the road is a part of the county road~~
 730 ~~system or the city street system.~~

731 Section 14. Subsection (1) of section 337.14, Florida
 732 Statutes, is amended to read:

733 337.14 Application for qualification; certificate of
 734 qualification; restrictions; request for hearing.-

735 (1) Any person desiring to bid for the performance of any
 736 construction contract with a proposed budget estimate in excess
 737 of \$250,000 which the department proposes to let must first be
 738 certified by the department as qualified pursuant to this
 739 section and rules of the department. The rules of the department
 740 shall address the qualification of persons to bid on
 741 construction contracts with proposed budget estimates in excess
 742 of \$250,000 and shall include requirements with respect to the
 743 equipment, past record, experience, financial resources, and
 744 organizational personnel of the applicant necessary to perform
 745 the specific class of work for which the person seeks
 746 certification. The department may limit the dollar amount of any
 747 contract upon which a person is qualified to bid or the
 748 aggregate total dollar volume of contracts such person is
 749 allowed to have under contract at any one time. Each applicant
 750 seeking qualification to bid on construction contracts with
 751 proposed budget estimates in excess of \$250,000 shall furnish

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

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752 the department a statement under oath, on such forms as the
 753 department may prescribe, setting forth detailed information as
 754 required on the application. Each application for certification
 755 shall be accompanied by the latest annual financial statement of
 756 the applicant completed within the last 12 months. If the
 757 application or the annual financial statement shows the
 758 financial condition of the applicant more than 4 months before
 759 ~~prior to~~ the date on which the application is received by the
 760 department, then an interim financial statement must be
 761 submitted and be accompanied by an updated application. The
 762 interim financial statement must cover the period from the end
 763 date of the annual statement and must show the financial
 764 condition of the applicant no more than 4 months before ~~prior to~~
 765 the date the interim financial statement is received by the
 766 department. However, upon request by the applicant, an
 767 application and accompanying annual or interim financial
 768 statement received by the department within 15 days after either
 769 4-month period under this subsection shall be considered timely.
 770 Each required annual or interim financial statement must be
 771 audited and accompanied by the opinion of a certified public
 772 accountant. An applicant desiring to bid exclusively for the
 773 performance of construction contracts with proposed budget
 774 estimates of less than \$1 million may submit reviewed annual or
 775 reviewed interim financial statements prepared by a certified
 776 public accountant. The information required by this subsection
 777 is confidential and exempt from the provisions of s. 119.07(1).
 778 The department shall act upon the application for qualification
 779 within 30 days after the department determines that the

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780 application is complete. The department may waive the
 781 requirements of this subsection for projects having a contract
 782 price of \$500,000 or less if the department determines that the
 783 project is of a noncritical nature and the waiver will not
 784 endanger public health, safety, or property.

785 Section 15. Section 337.25, Florida Statutes, is amended
 786 to read:

787 337.25 Acquisition, lease, and disposal of real and
 788 personal property.—

789 (1)(a) The department may purchase, lease, exchange, or
 790 otherwise acquire any land, property interests, or buildings or
 791 other improvements, including personal property within such
 792 buildings or on such lands, necessary to secure or utilize
 793 transportation rights-of-way for existing, proposed, or
 794 anticipated transportation facilities on the State Highway
 795 System, on the State Park Road System, in a rail corridor, or in
 796 a transportation corridor designated by the department. Such
 797 property shall be held in the name of the state.

798 (b) The department may accept donations of any land or
 799 buildings or other improvements, including personal property
 800 within such buildings or on such lands with or without such
 801 conditions, reservations, or reverter provisions as are
 802 acceptable to the department. Such donations may be used as
 803 transportation rights-of-way or to secure or utilize
 804 transportation rights-of-way for existing, proposed, or
 805 anticipated transportation facilities on the State Highway
 806 System, on the State Park Road System, or in a transportation
 807 corridor designated by the department.

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808 (c) When lands, buildings, or other improvements are
 809 needed for transportation purposes, but are held by a federal,
 810 state, or local governmental entity and utilized for public
 811 purposes other than transportation, the department may
 812 compensate the entity for such properties by providing
 813 functionally equivalent replacement facilities. The providing of
 814 replacement facilities under this subsection may only be
 815 undertaken with the agreement of the governmental entity
 816 affected.

817 (d) The department may contract pursuant to s. 287.055 for
 818 auction services used in the conveyance of real or personal
 819 property or the conveyance of leasehold interests under the
 820 provisions of subsections (4) and (5). The contract may allow
 821 for the contractor to retain a portion of the proceeds as
 822 compensation for its services.

823 (2) A complete inventory shall be made of all real or
 824 personal property immediately upon possession or acquisition.
 825 Such inventory shall include a statement of the location or site
 826 of each piece of realty, structure, or severable item ~~an~~
 827 ~~itemized listing of all appliances, fixtures, and other~~
 828 ~~severable items; a statement of the location or site of each~~
 829 ~~piece of realty, structure, or severable item; and the serial~~
 830 ~~number assigned to each.~~ Copies of each inventory shall be filed
 831 in the district office in which the property is located. Such
 832 inventory shall be carried forward to show the final disposition
 833 of each item of property, both real and personal.

834 (3) The inventory of real property which was acquired by
 835 the state after December 31, 1988, which has been owned by the

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836 state for 10 or more years, and which is not within a
 837 transportation corridor or within the right-of-way of a
 838 transportation facility shall be evaluated to determine the
 839 necessity for retaining the property. If the property is not
 840 needed for the construction, operation, and maintenance of a
 841 transportation facility, or is not located within a
 842 transportation corridor, the department may dispose of the
 843 property pursuant to subsection (4).

844 (4) The department may convey ~~sell~~, in the name of the
 845 state, any land, building, or other property, real or personal,
 846 which was acquired under the provisions of subsection (1) and
 847 which the department has determined is not needed for the
 848 construction, operation, and maintenance of a transportation
 849 facility. ~~With the exception of any parcel governed by~~
 850 ~~paragraph (c), paragraph (d), paragraph (f), paragraph (g), or~~
 851 ~~paragraph (i), the department shall afford first right of~~
 852 ~~refusal to the local government in the jurisdiction of which the~~
 853 ~~parcel is situated.~~ When such a determination has been made,
 854 property may be disposed of in the following manner: through
 855 negotiations; sealed competitive bids, auctions, or by any other
 856 means the department deems to be in its best interest. No sale
 857 can occur at a price less than the department's current estimate
 858 of value, except as provided in paragraphs (a) through (d). The
 859 department may afford right of first refusal to the local
 860 government or other political subdivision in the jurisdiction in
 861 which the parcel is situated, except in conveyances transacted
 862 under paragraphs (a), (c) or (e).

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863 (a) ~~If the value of the a property is \$10,000 or less as~~
 864 ~~determined by department estimate, the department may negotiate~~
 865 ~~the sale~~ has been donated to the state for transportation
 866 purposes and the facility has not been constructed for a period
 867 of at least 5 years and no plans have been prepared for the
 868 construction of such facility and the property is not located in
 869 a transportation corridor, the governmental entity may authorize
 870 reconveyance of the donated property for no consideration to the
 871 original donor or the donor's heirs, successors, assigns, or
 872 representatives.

873 (b) ~~If the value of the property is to be used for a~~
 874 public purpose, the property may be conveyed to a governmental
 875 entity without consideration exceeds \$10,000 as determined by
 876 ~~department estimate, such property may be sold to the highest~~
 877 ~~bidder through receipt of sealed competitive bids, after due~~
 878 ~~advertisement, or by public auction held at the site of the~~
 879 ~~improvement which is being sold.~~

880 (c) If the property was originally acquired specifically
 881 to provide replacement housing for persons displaced by
 882 transportation projects, the department may negotiate for the
 883 sale of such property as replacement housing. As compensation,
 884 the state shall receive no less than its investment in such
 885 properties or the Department's current estimate of value,
 886 whichever is lower. It is expressly intended that this benefit
 887 be extended only to those persons actually displaced by such
 888 project. Disposition to any other person must be for no less
 889 than the Department's current estimate of value, in the
 890 ~~discretion of the department, public sale would be inequitable,~~

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891 ~~properties may be sold by negotiation to the owner holding title~~
 892 ~~to the property abutting the property to be sold, provided such~~
 893 ~~sale is at a negotiated price not less than fair market value as~~
 894 ~~determined by an independent appraisal, the cost of which shall~~
 895 ~~be paid by the owner of the abutting land. If negotiations do~~
 896 ~~not result in the sale of the property to the owner of the~~
 897 ~~abutting land and the property is sold to someone else, the cost~~
 898 ~~of the independent appraisal shall be borne by the purchaser,~~
 899 ~~and the owner of the abutting land shall have the cost of the~~
 900 ~~appraisal refunded to him or her. If, however, no purchase takes~~
 901 ~~place, the owner of the abutting land shall forfeit the sum paid~~
 902 ~~by him or her for the independent appraisal. If, due to action~~
 903 ~~of the department, the property is removed from eligibility for~~
 904 ~~sale, the cost of any appraisal prepared shall be refunded to~~
 905 ~~the owner of the abutting land.~~

906 (d) If the department determines that the property will
 907 require significant costs to be incurred or that continued
 908 ownership of the property exposes the department to significant
 909 liability risks, the department may use the projected
 910 maintenance costs over the next 10 years to offset the
 911 property's value in establishing a value for disposal of the
 912 property, even if that value is zero ~~property acquired for use~~
 913 ~~as a borrow pit is no longer needed, the department may sell~~
 914 ~~such property to the owner of the parcel of abutting land from~~
 915 ~~which the borrow pit was originally acquired, provided the sale~~
 916 ~~is at a negotiated price not less than fair market value as~~
 917 ~~determined by an independent appraisal, the cost of which shall~~
 918 ~~be paid by the owner of such abutting land.~~

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919 (e) If, in the discretion of the department, a sale to
 920 anyone other than an abutting property owner would be
 921 inequitable, the property may be sold to the abutting owner for
 922 the department's current estimate of value ~~the department begins~~
 923 ~~the process for disposing of the property on its own initiative,~~
 924 ~~either by negotiation under the provisions of paragraph (a),~~
 925 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
 926 ~~sealed competitive bids or public auction under the provisions~~
 927 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
 928 ~~may determine the fair market value of the property by an~~
 929 ~~appraisal.~~

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

938 ~~(g) If a property has been donated to the state for~~
 939 ~~transportation purposes and the facility has not been~~
 940 ~~constructed for a period of at least 5 years and no plans have~~
 941 ~~been prepared for the construction of such facility and the~~
 942 ~~property is not located in a transportation corridor, the~~
 943 ~~governmental entity may authorize reconveyance of the donated~~
 944 ~~property for no consideration to the original donor or the~~
 945 ~~donor's heirs, successors, assigns, or representatives.~~

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946 ~~(h) If property is to be used for a public purpose, the~~
 947 ~~property may be conveyed without consideration to a governmental~~
 948 ~~entity.~~

949 ~~(i) If property was originally acquired specifically to~~
 950 ~~provide replacement housing for persons displaced by~~
 951 ~~transportation projects, the department may negotiate for the~~
 952 ~~sale of such property as replacement housing. As compensation,~~
 953 ~~the state shall receive no less than its investment in such~~
 954 ~~properties or fair market value, whichever is lower. It is~~
 955 ~~expressly intended that this benefit be extended only to those~~
 956 ~~persons actually displaced by such project. Dispositions to any~~
 957 ~~other persons must be for fair market value.~~

958 ~~(j) If the department determines that the property will~~
 959 ~~require significant costs to be incurred or that continued~~
 960 ~~ownership of the property exposes the department to significant~~
 961 ~~liability risks, the department may use the projected~~
 962 ~~maintenance costs over the next 5 years to offset the market~~
 963 ~~value in establishing a value for disposal of the property, even~~
 964 ~~if that value is zero.~~

965 (5) The department may convey a leasehold interest for
 966 commercial or other purposes, in the name of the state, to any
 967 land, building, or other property, real or personal, which was
 968 acquired under the provisions of subsection (1). A lease may not
 969 occur at a price less than the department's current estimate of
 970 value.

971 (a) All leases shall be entered into by negotiations,
 972 sealed competitive bids, auctions, or by any other means the
 973 department deems to be in its best interest. ~~The department may~~

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974 ~~negotiate such a lease at the prevailing market value with the~~
 975 ~~owner from whom the property was acquired; with the holders of~~
 976 ~~leasehold estates existing at the time of the department's~~
 977 ~~acquisition; or, if public bidding would be inequitable, with~~
 978 ~~the owner holding title to privately owned abutting property, if~~
 979 ~~reasonable notice is provided to all other owners of abutting~~
 980 ~~property.~~ The department may allow an outdoor advertising sign
 981 to remain on the property acquired, or be relocated on
 982 department property, and such sign shall not be considered a
 983 nonconforming sign pursuant to chapter 479.

984 (b) If, in the discretion of the department, a lease to
 985 anyone other than an abutting property owner (or tenant with a
 986 leasehold interest in the abutting property) would be
 987 inequitable, the property may be leased to the abutting owner or
 988 tenant for no less than the department's current estimate of
 989 value ~~All other leases shall be by competitive bid.~~

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

995 (d) Each lease shall provide that unless otherwise
 996 directed by the lessor, any improvements made to the property
 997 during the term of the lease shall be removed at the lessee's
 998 expense.

999 (e) If property is to be used for a public purpose,
 1000 ~~including a fair, art show, or other educational, cultural, or~~
 1001 ~~fundraising activity,~~ the property may be leased without

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1002 consideration to a governmental entity ~~or school board~~. Any
 1003 public-purpose lease shall be exempt from the term limits
 1004 expressed in paragraph (c).

1005 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
 1006 entered into pursuant to s. 260.0161(3), except as provided in
 1007 such a lease.

1008 (g) No lease executed under this subsection may be
 1009 utilized by the lessee to establish the ~~4 years'~~ standing
 1010 required by s. 73.071(3)(b) if the business had not been
 1011 established for the specified number of 4 years on the date
 1012 title passed to the department.

1013 (h) The department may enter into a long-term lease
 1014 without compensation with a public port listed in s.
 1015 403.021(9)(b) for rail corridors used for the operation of a
 1016 short-line railroad to the port.

1017 (6) Nothing in this chapter prevents the joint use of
 1018 right-of-way for alternative modes of transportation; provided
 1019 that the joint use does not impair the integrity and safety of
 1020 the transportation facility.

1021 (7) The department's estimate of value, as required in
 1022 subsections (4) and (5), shall be prepared in accordance with
 1023 department procedures, guidelines, and rules for valuation of
 1024 real property. If the value of the property exceeds \$50,000 as
 1025 determined by department estimate, the sale will be at a
 1026 negotiated price not less than fair market value as determined
 1027 by an independent appraisal prepared in accordance with
 1028 department procedures, guidelines, and rules for valuation of
 1029 real property, the cost of which shall be paid by the party

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1030 seeking the purchase of the property appraisal required by
 1031 ~~paragraphs (4)(c) and (d) shall be prepared in accordance with~~
 1032 ~~department guidelines and rules by an independent appraiser who~~
 1033 ~~has been certified by the department. If federal funds were used~~
 1034 ~~in the acquisition of the property, the appraisal shall also be~~
 1035 ~~subject to the approval of the Federal Highway Administration.~~

1036 ~~(8) A "due advertisement" under this section is an~~
 1037 ~~advertisement in a newspaper of general circulation in the area~~
 1038 ~~of the improvements of not less than 14 calendar days prior to~~
 1039 ~~the date of the receipt of bids or the date on which a public~~
 1040 ~~auction is to be held.~~

1041 (8)~~(9)~~ The department, with the approval of the Chief
 1042 Financial Officer, is authorized to disburse state funds for
 1043 real estate closings in a manner consistent with good business
 1044 practices and in a manner minimizing costs and risks to the
 1045 state.

1046 (9)~~(10)~~ The department is authorized to purchase title
 1047 insurance in those instances where it is determined that such
 1048 insurance is necessary to protect the public's investment in
 1049 property being acquired for transportation purposes. The
 1050 department shall adopt procedures to be followed in making the
 1051 determination to purchase title insurance for a particular
 1052 parcel or group of parcels which, at a minimum, shall set forth
 1053 criteria which the parcels shall ~~must~~ meet.

1054 (10) Nothing contained in this section modifies the
 1055 requirements of s. 73.013.

1056 Section 16. Subsection (2) of section 337.251, Florida
 1057 Statutes, is amended to read:

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1058 337.251 Lease of property for joint public-private
 1059 development and areas above or below department property.-
 1060 (2) The department may request proposals for the lease of
 1061 such property or, if the department receives a proposal for to
 1062 ~~negotiate~~ a lease of particular department property that the
 1063 department desires to consider, it shall publish a notice in a
 1064 newspaper of general circulation at least once a week for 2
 1065 weeks, stating that it has received the proposal and will
 1066 accept, for 120 ~~60~~ days after the date of publication, other
 1067 proposals for lease of the particular property use of the space.
 1068 A copy of the notice must be mailed to each local government in
 1069 the affected area. The department shall by rule establish an
 1070 application fee for the submission of proposals under this
 1071 section. The fee must be sufficient to pay the anticipated costs
 1072 of evaluating the proposals. The department may engage the
 1073 services of private consultants to assist in the evaluation.
 1074 Before approval, the department must determine that the proposed
 1075 lease:
 1076 (a) Is in the public's best interest;
 1077 (b) Would not require state funds to be used; and
 1078 (c) Would have adequate safeguards in place to ensure that
 1079 no additional costs or service disruptions would be realized by
 1080 the traveling public and residents of the state in the event of
 1081 default by the private lessee or upon termination or expiration
 1082 of the lease.
 1083 Section 17. Subsection (8) of section 337.408, Florida
 1084 Statutes, is renumbered as subsection (9) and a new subsection
 1085 (8) is added to that section to read:

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1086 337.408 Regulation of bus stops, benches, transit
 1087 shelters, street light poles, parking meters, parking spaces,
 1088 waste disposal receptacles, and modular news racks within
 1089 rights-of-way.-

1090 (8) Parking meters or such other parking time limit
 1091 devices, which regulate designated parking spaces located within
 1092 the right-of-way limits of a state road, may be installed when
 1093 permitted by the department. Counties and municipalities shall
 1094 promptly remit to the department 50 percent of the revenue
 1095 generated from any fees collected by meter or such other parking
 1096 time limit device installed or already existing within the
 1097 right-of-way limits of a state road under the department's
 1098 jurisdiction. Funds received by the department shall be
 1099 deposited into the State Transportation Trust Fund and used in
 1100 accordance with s. 339.08.

1101 (9)~~(8)~~ Wherever the provisions of this section are
 1102 inconsistent with other provisions of this chapter or with the
 1103 provisions of chapter 125, chapter 335, chapter 336, or chapter
 1104 479, the provisions of this section shall prevail.

1105 Section 18. Subsection (5) of section 338.161, Florida
 1106 Statutes, is amended to read:

1107 338.161 Authority of department or toll agencies to
 1108 advertise and promote electronic toll collection; expanded uses
 1109 of electronic toll collection system; authority of department to
 1110 collect tolls, fares, and fees for private and public entities.-

1111 (5) If the department finds that it can increase nontoll
 1112 revenues or add convenience or other value for its customers,
 1113 and if a public or private transportation facility owner agrees

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1114 that its facility will become interoperable with the
 1115 department's electronic toll collection and video billing
 1116 systems, the department is authorized to enter into an agreement
 1117 with the owner of such facility under which the department uses
 1118 ~~private or public entities for the department's use of its~~
 1119 electronic toll collection and video billing systems to collect
 1120 and enforce for the owner tolls, fares, administrative fees, and
 1121 other applicable charges due ~~imposed~~ in connection with use of
 1122 the owner's facility ~~transportation facilities of the private or~~
 1123 ~~public entities that become interoperable with the department's~~
 1124 ~~electronic toll collection system.~~ The department may modify its
 1125 rules regarding toll collection procedures and the imposition of
 1126 administrative charges to be applicable to toll facilities that
 1127 are not part of the turnpike system or otherwise owned by the
 1128 department. This subsection may not be construed to limit the
 1129 authority of the department under any other provision of law or
 1130 under any agreement entered into before ~~prior to~~ July 1, 2012.

1131 Section 19. Subsection (4) of section 338.165, Florida
 1132 Statutes, is amended to read:

1133 338.165 Continuation of tolls.—

1134 (4) Notwithstanding any other law to the contrary,
 1135 pursuant to s. 11, Art. VII of the State Constitution, and
 1136 subject to the requirements of subsection (2), the Department of
 1137 Transportation may request the Division of Bond Finance to issue
 1138 bonds secured by toll revenues collected on the Alligator Alley,
 1139 the Sunshine Skyway Bridge, ~~the Beeline East Expressway, the~~
 1140 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation
 1141 projects located within the county or counties in which the

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1142 project is located and contained in the adopted work program of
 1143 the department.

1144 Section 20. Subsections (2), (3), and (4) of Section
 1145 339.175, Florida Statutes, are amended to read:

1146 339.175 Metropolitan planning organization.—

1147 (2) DESIGNATION.—

1148 (a)1. An M.P.O. shall be designated for each urbanized
 1149 area of the state; however, this does not require that an
 1150 individual M.P.O. be designated for each such area. Such
 1151 designation shall be accomplished by agreement between the
 1152 Governor and units of general-purpose local government that
 1153 together represent ~~representing~~ at least 75 percent of the
 1154 ~~population of the urbanized area; however, the unit of general-~~
 1155 ~~purpose local government that represents the central city or~~
 1156 ~~cities within the M.P.O. jurisdiction, as named~~ defined by the
 1157 United States Bureau of the Census, must be a party to such
 1158 agreement.

1159 2. To the extent possible, only one M.P.O. shall be
 1160 designated for each urbanized area or group of contiguous
 1161 urbanized areas. More than one M.P.O. may be designated within
 1162 an existing urbanized area only if the Governor and the existing
 1163 M.P.O. determine that the size and complexity of the existing
 1164 urbanized area makes the designation of more than one M.P.O. for
 1165 the area appropriate.

1166 (b) Each M.P.O. designated in a manner prescribed by Title
 1167 23 of the United States Code shall be created and operated under
 1168 the provisions of this section pursuant to an interlocal
 1169 agreement entered into pursuant to s. 163.01. The signatories to

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1170 the interlocal agreement shall be the department and the
 1171 governmental entities designated by the Governor for membership
 1172 on the M.P.O. Each M.P.O. shall be considered separate from the
 1173 state or the governing body of a local government that is
 1174 represented on the governing board of the M.P.O. or that is a
 1175 signatory to the interlocal agreement creating the M.P.O. and
 1176 shall have such powers and privileges that are provided under s.
 1177 163.01. If there is a conflict between this section and s.
 1178 163.01, this section prevails.

1179 (c) The jurisdictional boundaries of an M.P.O. shall be
 1180 determined by agreement between the Governor and the applicable
 1181 M.P.O. The boundaries must include at least the metropolitan
 1182 planning area, which is the existing urbanized area and the
 1183 contiguous area expected to become urbanized within a 20-year
 1184 forecast period, and may encompass the entire metropolitan
 1185 statistical area or the consolidated metropolitan statistical
 1186 area.

1187 (d) In the case of an urbanized area designated as a
 1188 nonattainment area for ozone or carbon monoxide under the Clean
 1189 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
 1190 metropolitan planning area in existence as of the date of
 1191 enactment of this paragraph shall be retained, except that the
 1192 boundaries may be adjusted by agreement of the Governor and
 1193 affected metropolitan planning organizations in the manner
 1194 described in this section. If more than one M.P.O. has authority
 1195 within a metropolitan area or an area that is designated as a
 1196 nonattainment area, each M.P.O. shall consult with other

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1197 M.P.O.'s designated for such area and with the state in the
 1198 coordination of plans and programs required by this section.
 1199 (e) The governing body of the M.P.O. shall designate, at a
 1200 minimum, a chair, vice chair, and agency clerk. The chair and
 1201 vice chair shall be selected from among the member delegates
 1202 comprising the governing board. The agency clerk shall be
 1203 charged with the responsibility of preparing meeting minutes and
 1204 maintaining agency records. The clerk shall be a member of the
 1205 M.P.O. governing board, an employee of the M.P.O., or other
 1206 natural person.
 1207 Each M.P.O. required under this section must be fully operative
 1208 no later than 6 months following its designation.
 1209 (3) VOTING MEMBERSHIP.—
 1210 (a) The voting membership of an M.P.O. shall consist of
 1211 not fewer than 5 or more than 19 apportioned members, the exact
 1212 number to be determined on an equitable geographic-population
 1213 ratio ~~basis by the Governor~~, based on an agreement among the
 1214 affected units of general-purpose local government and the
 1215 Governor as required by federal rules and regulations. The
 1216 voting membership of an M.P.O. redesignated after the effective
 1217 date of this act as a result of the expansion of an M.P.O. to
 1218 include a new urbanized area or the consolidation of two or more
 1219 M.P.O.'s within a single urbanized area may consist of no more
 1220 than 25 members. The Governor, in accordance with 23 U.S.C. s.
 1221 134, may also provide for M.P.O. members who represent
 1222 municipalities to alternate with representatives from other
 1223 municipalities within the metropolitan planning area that do not
 1224 have members on the M.P.O. County commission members shall

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1225 compose not less than one-third of the M.P.O. membership, except
 1226 for an M.P.O. with more than 15 members located in a county with
 1227 a 5-member county commission or an M.P.O. with 19 members
 1228 located in a county with no more than 6 county commissioners, in
 1229 which case county commission members may compose less than one-
 1230 third percent of the M.P.O. membership, but all county
 1231 commissioners must be members. All voting members shall be
 1232 elected officials of general-purpose local governments, except
 1233 that an M.P.O. may include, as part of its apportioned voting
 1234 members, a member of a statutorily authorized planning board, an
 1235 official of an agency that operates or administers a major mode
 1236 of transportation, or an official of Space Florida. As used in
 1237 this section, the term "elected officials of a general-purpose
 1238 local government" shall exclude constitutional officers,
 1239 including sheriffs, tax collectors, supervisors of elections,
 1240 property appraisers, clerks of the court, and similar types of
 1241 officials. County commissioners shall compose not less than 20
 1242 percent of the M.P.O. membership if an official of an agency
 1243 that operates or administers a major mode of transportation has
 1244 been appointed to an M.P.O.

1245 (b) In metropolitan areas in which authorities or other
 1246 agencies have been or may be created by law to perform
 1247 transportation functions and are performing transportation
 1248 functions that are not under the jurisdiction of a general-
 1249 purpose local government represented on the M.P.O., they may
 1250 ~~shall~~ be provided voting membership on the M.P.O. In all other
 1251 M.P.O.'s where transportation authorities or agencies are to be
 1252 represented by elected officials from general-purpose local

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1253 governments, the M.P.O. shall establish a process by which the
 1254 collective interests of such authorities or other agencies are
 1255 expressed and conveyed.

1256 (c) Any other provision of this section to the contrary
 1257 notwithstanding, a chartered county with over 1 million
 1258 population may elect to reapportion the membership of an M.P.O.
 1259 whose jurisdiction is wholly within the county. The charter
 1260 county may exercise the provisions of this paragraph if:

1261 1. The M.P.O. approves the reapportionment plan by a
 1262 three-fourths vote of its membership;

1263 2. The M.P.O. and the charter county determine that the
 1264 reapportionment plan is needed to fulfill specific goals and
 1265 policies applicable to that metropolitan planning area; and

1266 3. The charter county determines the reapportionment plan
 1267 otherwise complies with all federal requirements pertaining to
 1268 M.P.O. membership.

1269 Any charter county that elects to exercise the provisions of
 1270 this paragraph shall notify the Governor in writing.

1271 (d) Any other provision of this section to the contrary
 1272 notwithstanding, any county chartered under s. 6(e), Art. VIII
 1273 of the State Constitution may elect to have its county
 1274 commission serve as the M.P.O., if the M.P.O. jurisdiction is
 1275 wholly contained within the county. Any charter county that
 1276 elects to exercise the provisions of this paragraph shall so
 1277 notify the Governor in writing. Upon receipt of such
 1278 notification, the Governor must designate the county commission
 1279 as the M.P.O. The Governor must appoint four additional voting
 1280 members to the M.P.O., one of whom must be an elected official

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1281 representing a municipality within the county, one of whom must
 1282 be an expressway authority member, one of whom must be a person
 1283 who does not hold elected public office and who resides in the
 1284 unincorporated portion of the county, and one of whom must be a
 1285 school board member.

1286 (4) APPORTIONMENT.—

1287 (a) ~~The Governor shall, with the agreement of the affected~~
 1288 ~~units of general-purpose local government as required by federal~~
 1289 ~~rules and regulations, apportion the membership on the~~
 1290 ~~applicable M.P.O. among the various governmental entities within~~
 1291 ~~the area.~~ At the request of a majority of the affected units of
 1292 general-purpose local government comprising an M.P.O., the
 1293 Governor and a majority of units of general-purpose local
 1294 government serving on an M.P.O. shall apportion the voting
 1295 membership on the applicable M.P.O. among the various
 1296 governmental entities within the metropolitan planning area and
 1297 cooperatively agree upon and prescribe who may serve as an
 1298 alternate member and a method for appointing alternate members
 1299 who may vote at any M.P.O. meeting that an alternate member
 1300 attends in place of a regular member. The method shall be set
 1301 forth as a part of the interlocal agreement describing the
 1302 M.P.O.'s membership or in the M.P.O.'s operating procedures and
 1303 bylaws. The governmental entity so designated shall appoint the
 1304 appropriate number of members to the M.P.O. from eligible
 1305 officials. Representatives of the department shall serve as
 1306 nonvoting advisers to the M.P.O. governing board. Additional
 1307 nonvoting advisers may be appointed by the M.P.O. as deemed
 1308 necessary; however, to the maximum extent feasible, each M.P.O.

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1309 shall seek to appoint nonvoting representatives of various
 1310 multimodal forms of transportation not otherwise represented by
 1311 voting members of the M.P.O. An M.P.O. shall appoint nonvoting
 1312 advisers representing major military installations located
 1313 within the jurisdictional boundaries of the M.P.O. upon the
 1314 request of the aforesaid major military installations and
 1315 subject to the agreement of the M.P.O. All nonvoting advisers
 1316 may attend and participate fully in governing board meetings but
 1317 may not vote or be members of the governing board. The Governor
 1318 shall review the composition of the M.P.O. membership in
 1319 conjunction with the decennial census as prepared by the United
 1320 States Department of Commerce, Bureau of the Census, and
 1321 reapportion it as necessary to comply with subsection (3).

1322 (b) Except for members who represent municipalities on the
 1323 basis of alternating with representatives from other
 1324 municipalities that do not have members on the M.P.O. as
 1325 provided in paragraph (3)(a), the members of an M.P.O. shall
 1326 serve 4-year terms. Members who represent municipalities on the
 1327 basis of alternating with representatives from other
 1328 municipalities that do not have members on the M.P.O. as
 1329 provided in paragraph (3)(a) may serve terms of up to 4 years as
 1330 further provided in the interlocal agreement described in
 1331 paragraph (2)(b). The membership of a member who is a public
 1332 official automatically terminates upon the member's leaving his
 1333 or her elective or appointive office for any reason, or may be
 1334 terminated by a majority vote of the total membership of the
 1335 entity's governing board represented by the member. A vacancy

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1336 shall be filled by the original appointing entity. A member may
 1337 be reappointed for one or more additional 4-year terms.

1338 (c) If a governmental entity fails to fill an assigned
 1339 appointment to an M.P.O. within 60 days after notification by
 1340 the Governor of its duty to appoint, that appointment shall be
 1341 made by the Governor from the eligible representatives of that
 1342 governmental entity.

1343 Section 21. Sections 339.401, 339.402, 339.403, 339.404,
 1344 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,
 1345 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,
 1346 339.420, and 339.421, Florida Statutes, are repealed.

1347 Section 22. Subsections (2) and (7) of section 339.55,
 1348 Florida Statutes, are amended to read:

1349 339.55 State-funded infrastructure bank.—

1350 (2) The bank may lend capital costs or provide credit
 1351 enhancements for:

1352 (a) A transportation facility project that is on the State
 1353 Highway System or that provides for increased mobility on the
 1354 state's transportation system or provides intermodal
 1355 connectivity with airports, seaports, spaceports, rail
 1356 facilities, and other transportation terminals, pursuant to s.
 1357 341.053, for the movement of people and goods.

1358 (b) Projects of the Transportation Regional Incentive
 1359 Program which are identified pursuant to s. 339.2819(4).

1360 (c)1. Emergency loans for damages incurred to public-use
 1361 commercial deepwater seaports, public-use airports, public-use
 1362 spaceports, and other public-use transit and intermodal
 1363 facilities that are within an area that is part of an official

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1364 state declaration of emergency pursuant to chapter 252 and all
 1365 other applicable laws. Such loans:

1366 a. May not exceed 24 months in duration except in extreme
 1367 circumstances, for which the Secretary of Transportation may
 1368 grant up to 36 months upon making written findings specifying
 1369 the conditions requiring a 36-month term.

1370 b. Require application from the recipient to the
 1371 department that includes documentation of damage claims filed
 1372 with the Federal Emergency Management Agency or an applicable
 1373 insurance carrier and documentation of the recipient's overall
 1374 financial condition.

1375 c. Are subject to approval by the Secretary of
 1376 Transportation and the Legislative Budget Commission.

1377 2. Loans provided under this paragraph must be repaid upon
 1378 receipt by the recipient of eligible program funding for damages
 1379 in accordance with the claims filed with the Federal Emergency
 1380 Management Agency or an applicable insurance carrier, but no
 1381 later than the duration of the loan.

1382 (7) The department may consider, but is not limited to,
 1383 the following criteria for evaluation of projects for assistance
 1384 from the bank:

1385 (a) The credit worthiness of the project.

1386 (b) A demonstration that the project will encourage,
 1387 enhance, or create economic benefits.

1388 (c) The likelihood that assistance would enable the
 1389 project to proceed at an earlier date than would otherwise be
 1390 possible.

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1391 (d) The extent to which assistance would foster innovative
1392 public-private partnerships and attract private debt or equity
1393 investment.

1394 (e) The extent to which the project would use new
1395 technologies, including intelligent transportation systems, that
1396 would enhance the efficient operation of the project.

1397 (f) The extent to which the project would maintain or
1398 protect the environment.

1399 (g) A demonstration that the project includes
1400 transportation benefits for improving intermodalism, cargo and
1401 freight movement, and safety.

1402 (h) The amount of the proposed assistance as a percentage
1403 of the overall project costs with emphasis on local and private
1404 participation.

1405 (i) The extent to which the project will provide for
1406 connectivity between the State Highway System and airports,
1407 seaports, spaceports, rail facilities, and other transportation
1408 terminals and intermodal options pursuant to s. 341.053 for the
1409 increased accessibility and movement of people and goods.

1410 (j) The extent to which damage from a disaster that
1411 results in a declaration of emergency has impacted a public
1412 transportation facility's ability to maintain its previous level
1413 of service and remain accessible to the public or has had a
1414 major impact on the cash flow or revenue-generation ability of
1415 the public-use facility.

1416 Section 23. Subsection (11) of section 341.031, Florida
1417 Statutes, is amended to read:

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1418 341.031 Definitions relating to Florida Public Transit
 1419 Act.—As used in ss. 341.011-341.061, the term:

1420 (11) "Intercity bus service" means regularly scheduled bus
 1421 service for the general public which operates with limited stops
 1422 over fixed routes connecting two or more urban areas not in
 1423 close proximity; has the capacity for transporting baggage
 1424 carried by passengers; and makes meaningful connections with
 1425 scheduled intercity bus service to more distant points, if such
 1426 service is available; ~~maintains scheduled information in the~~
 1427 ~~National Official Bus Guide; and provides package express~~
 1428 ~~service incidental to passenger transportation.~~

1429 Section 24. Section 341.053, Florida Statutes, is amended
 1430 to read:

1431 341.053 Intermodal Development Program; administration;
 1432 eligible projects; limitations.—

1433 (1) There is created within the Department of
 1434 Transportation an Intermodal Development Program to provide for
 1435 major capital investments in fixed-guideway transportation
 1436 systems, access to seaports, airports, spaceports, and other
 1437 transportation terminals, providing for the construction of
 1438 intermodal or multimodal terminals; and to plan or fund
 1439 construction of airport, spaceport, seaport, transit and rail
 1440 projects which ~~otherwise~~ facilitate the intermodal or multimodal
 1441 movement of people and goods.

1442 (2) The Intermodal Development Program shall be used for
 1443 projects that support statewide goals as outlined in the Florida
 1444 Transportation Plan, the Strategic Intermodal System Plan, the
 1445 Freight Mobility and Trade Plan, or the appropriate department

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1446 modal plan. ~~In recognition of the department's role in the~~
 1447 ~~economic development of this state, the department shall develop~~
 1448 ~~a proposed intermodal development plan to connect Florida's~~
 1449 ~~airports, deepwater seaports, rail systems serving both~~
 1450 ~~passenger and freight, and major intermodal connectors to the~~
 1451 ~~Strategic Intermodal System highway corridors as the primary~~
 1452 ~~system for the movement of people and freight in this state in~~
 1453 ~~order to make the intermodal development plan a fully integrated~~
 1454 ~~and interconnected system. The intermodal development plan must:~~
 1455 ~~(a) Define and assess the state's freight intermodal~~
 1456 ~~network, including airports, seaports, rail lines and terminals,~~
 1457 ~~intercity bus lines and terminals, and connecting highways.~~
 1458 ~~(b) Prioritize statewide infrastructure investments,~~
 1459 ~~including the acceleration of current projects, which are found~~
 1460 ~~by the Freight Stakeholders Task Force to be priority projects~~
 1461 ~~for the efficient movement of people and freight.~~
 1462 ~~(c) Be developed in a manner that will assure maximum use~~
 1463 ~~of existing facilities and optimum integration and coordination~~
 1464 ~~of the various modes of transportation, including both~~
 1465 ~~government-owned and privately owned resources, in the most~~
 1466 ~~cost-effective manner possible.~~
 1467 (3) The Intermodal Development Program shall be
 1468 administered by the department.
 1469 (4) The department shall review funding requests from a
 1470 rail authority created pursuant to chapter 343. The department
 1471 may include projects of the authorities, including planning and
 1472 design, in the tentative work program.

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1473 ~~(5) No single transportation authority operating a fixed-~~
 1474 ~~guideway transportation system, or single fixed guideway~~
 1475 ~~transportation system not administered by a transportation~~
 1476 ~~authority, receiving funds under the Intermodal Development~~
 1477 ~~Program shall receive more than 33 1/3 percent of the total~~
 1478 ~~intermodal development funds appropriated between July 1, 1990,~~
 1479 ~~and June 30, 2015. In determining the distribution of funds~~
 1480 ~~under the Intermodal Development Program in any fiscal year, the~~
 1481 ~~department shall assume that future appropriation levels will be~~
 1482 ~~equal to the current appropriation level.~~

1483 (5)(6) The department is authorized to fund projects
 1484 within the Intermodal Development Program, which are consistent,
 1485 to the maximum extent feasible, with approved local government
 1486 comprehensive plans of the units of local government in which
 1487 the project is located. Projects that are eligible for funding
 1488 under this program include planning studies, major capital
 1489 investments in public rail and fixed-guideway transportation or
 1490 freight facilities and systems which provide intermodal access;
 1491 road, rail, intercity bus service, or fixed-guideway access to,
 1492 from, or between seaports, airports, spaceports, intermodal
 1493 logistics centers, and other transportation terminals;
 1494 construction of intermodal or multimodal terminals, including
 1495 projects on airports, spaceports, intermodal logistics centers
 1496 or seaports which assist in the movement or transfer of people
 1497 or goods; development and construction of dedicated bus lanes;
 1498 and projects which otherwise facilitate the intermodal or
 1499 multimodal movement of people and goods.

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1500 Section 25. Paragraph (d) is added to subsection (17) of
 1501 section 341.302, Florida Statutes, to read:

1502 341.302 Rail program; duties and responsibilities of the
 1503 department.—The department, in conjunction with other
 1504 governmental entities, including the rail enterprise and the
 1505 private sector, shall develop and implement a rail program of
 1506 statewide application designed to ensure the proper maintenance,
 1507 safety, revitalization, and expansion of the rail system to
 1508 assure its continued and increased availability to respond to
 1509 statewide mobility needs. Within the resources provided pursuant
 1510 to chapter 216, and as authorized under federal law, the
 1511 department shall:

1512 (17) In conjunction with the acquisition, ownership,
 1513 construction, operation, maintenance, and management of a rail
 1514 corridor, have the authority to:

1515 (d) Undertake any ancillary development that the
 1516 department determines to be appropriate as a source of revenue
 1517 for the establishment, construction, operation, or maintenance
 1518 of any rail corridor owned by the state. Such ancillary
 1519 developments must be consistent, to the extent feasible, with
 1520 applicable local government comprehensive plans and local land
 1521 development regulations and otherwise be in compliance with ss.
 1522 341.302-341.303.

1523
 1524 Neither the assumption by contract to protect, defend,
 1525 indemnify, and hold harmless; the purchase of insurance; nor the
 1526 establishment of a self-insurance retention fund shall be deemed
 1527 to be a waiver of any defense of sovereign immunity for torts

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1528 nor deemed to increase the limits of the department's or the
 1529 governmental entity's liability for torts as provided in s.
 1530 768.28. The requirements of s. 287.022(1) shall not apply to the
 1531 purchase of any insurance under this subsection. The provisions
 1532 of this subsection shall apply and inure fully as to any other
 1533 governmental entity providing commuter rail service and
 1534 constructing, operating, maintaining, or managing a rail
 1535 corridor on publicly owned right-of-way under contract by the
 1536 governmental entity with the department or a governmental entity
 1537 designated by the department. Notwithstanding any law to the
 1538 contrary, procurement for the construction, operation,
 1539 maintenance, and management of any rail corridor described in
 1540 this subsection, whether by the department, a governmental
 1541 entity under contract with the department, or a governmental
 1542 entity designated by the department, shall be pursuant to s.
 1543 287.057 and shall include, but not be limited to, criteria for
 1544 the consideration of qualifications, technical aspects of the
 1545 proposal, and price. Further, any such contract for design-build
 1546 shall be procured pursuant to the criteria in s. 337.11(7).

1547 Section 26. Chapter 345, Florida Statutes, consisting of
 1548 sections 345.0001, 345.0002, 345.003, 345.0004, 345.0005,
 1549 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,
 1550 345.0012, 345.0013, 345.0014, 345.0015, 345.0016, and 345.0017,
 1551 is created to read:

1552 345.0001 Short title.-This chapter may be cited as the
 1553 "Florida Regional Tollway Authority Act."

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1554 345.0002 Definitions.--As used in this act, the following
 1555 terms have the following meanings, except where the context
 1556 clearly indicates otherwise:

1557 (1) "Agency of the state" means and includes the state and
 1558 any department of, or corporation, agency, or instrumentality
 1559 heretofore or hereafter created, designated, or established by,
 1560 the state.

1561 (2) "Area served" means the geographical area of the
 1562 counties for which an authority is established.

1563 (3) "Authority" means a regional tollway authority, a body
 1564 politic and corporate and an agency of the state, established
 1565 pursuant to the Florida Regional Tollway Authority Act.

1566 (4) "Bonds" means and includes the notes, bonds, refunding
 1567 bonds, or other evidences of indebtedness or obligations, in
 1568 either temporary or definitive form, which an authority is
 1569 authorized to issue pursuant to this act.

1570 (5) "Department" means the Department of Transportation of
 1571 Florida and any successor thereto.

1572 (6) "Division" means the Division of Bond Finance of the
 1573 State Board of Administration.

1574 (7) "Federal agency" means and includes the United States,
 1575 the President of the United States, and any department of, or
 1576 bureau, corporation, agency, or instrumentality heretofore or
 1577 hereafter created, designated, or established by, the United
 1578 States.

1579 (8) "Members" means the governing body of an authority,
 1580 and the term "member" means one of the individuals constituting
 1581 such governing body.

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1582 (9) "Regional system" or "system" means, generally, a
 1583 modern tolled highway system of roads, bridges, causeways, and
 1584 tunnels within any area of the authority, with access limited
 1585 or unlimited as an authority may determine, and such buildings
 1586 and structures and appurtenances and facilities related thereto,
 1587 including all approaches, streets, roads, bridges, and avenues
 1588 of access for such system.

1589 (10) "Revenues" means all tolls, revenues, rates, fees,
 1590 charges, receipts, rentals, contributions, and other income
 1591 derived from or in connection with the operation or ownership of
 1592 a regional system, including the proceeds of any use and
 1593 occupancy insurance on any portion of the system but excluding
 1594 any state funds available to an authority and any other city or
 1595 county funds available to an authority under any agreement with
 1596 a city or county.

1597 (11) Words importing singular number include the plural
 1598 number in each case and vice versa, and words importing persons
 1599 include firms and corporations.

1600 345.0003 Tollway authority; formation; membership.-

1601 (1) Any county, or two or more contiguous counties, may,
 1602 with the approval of the Legislature, form a regional tollway
 1603 authority for the purposes of constructing, maintaining, and
 1604 operating transportation projects in a region of this state. An
 1605 authority is governed in accordance with the provisions of this
 1606 act. An authority may not be created without the approval of
 1607 the Legislature and the approval of the county commission of
 1608 each county that will be a part of the authority. An authority
 1609 may not be created to serve a particular area of this state as

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1610 provided above if a regional tollway authority has been created
 1611 and is operating within all or a portion of the same area served
 1612 pursuant to an act of the Legislature. Each authority shall be
 1613 the only authority created and operating pursuant to this act
 1614 within the area served by the authority.

1615 (2) The governing body of an authority shall consist of a
 1616 board of voting members, as follows:

1617 (a) The county commission of each county in the area
 1618 served by the authority shall each appoint a member who shall be
 1619 a resident of the county from which he or she is appointed.
 1620 Insofar as possible, the member shall represent the business and
 1621 civic interests of the community.

1622 (b) The Governor shall appoint an equal number of members
 1623 to the board as those appointed by the county commissions. The
 1624 members appointed by the Governor shall be residents of the area
 1625 served by the authority.

1626 (c) The secretary of the Department of Transportation
 1627 shall appoint one of the district secretaries, or his or her
 1628 designee, for the districts within which the area served by the
 1629 authority is located.

1630 (3) Each such member's term of office shall be for 4 years
 1631 or until his or her successor shall have been appointed and
 1632 qualified.

1633 (4) No member may hold an elected office.

1634 (5) A vacancy occurring in the governing body before the
 1635 expiration of the member's term shall be filled by the
 1636 respective appointing authority in the same manner as the

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1637 original appointment and only for the balance of the unexpired
 1638 term.

1639 (6) Each member, before entering upon his or her official
 1640 duties, shall take and subscribe to an oath before some official
 1641 authorized by law to administer oaths that he or she will
 1642 honestly, faithfully, and impartially perform the duties
 1643 devolving upon him or her in office as a member of the governing
 1644 body of the authority and that he or she will not neglect any
 1645 duties imposed upon him or her by this act.

1646 (7) Members of an authority may be removed from office by
 1647 the Governor for misconduct, malfeasance, misfeasance, or
 1648 nonfeasance in office.

1649 (8) The authority shall designate one of its members as
 1650 chair.

1651 (9) The members of the authority shall not be entitled to
 1652 compensation but shall be entitled to receive their travel and
 1653 other necessary expenses as provided in s. 112.061.

1654 (10) A majority of the members of the authority shall
 1655 constitute a quorum, and resolutions enacted or adopted by a
 1656 vote of a majority of the members present and voting at any
 1657 meeting shall become effective without publication, posting, or
 1658 any further action of the authority.

1659 345.0004 Powers and duties.-

1660 (1)(a) An authority created and established by, or
 1661 governed by, the Florida Regional Tollway Authority Act shall
 1662 have the authority to plan, develop, finance, construct,
 1663 reconstruct, improve, own, operate, and maintain a regional
 1664 system in the area served by the authority.

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1665 (b) No authority may exercise the powers in paragraph (a)
 1666 with respect to an existing system for transporting people and
 1667 goods by any means which is owned by another entity without the
 1668 consent of that entity. Furthermore, if an authority acquires,
 1669 purchases, or inherits an existing entity, the authority shall
 1670 also inherit and assume all rights, assets, appropriations,
 1671 privileges, and obligations of the existing entity.

1672 (2) Each authority may exercise all powers necessary,
 1673 appurtenant, convenient, or incidental to the carrying out of
 1674 the aforesaid purposes, including, but not limited to, the
 1675 following rights and powers:

1676 (a) To sue and be sued, implead and be impleaded, complain
 1677 and defend in all courts in its own name.

1678 (b) To adopt and use a corporate seal.

1679 (c) To have the power of eminent domain, including the
 1680 procedural powers granted under chapters 73 and 74.

1681 (d) To acquire, purchase, hold, lease as a lessee, and use
 1682 any property, real, personal, or mixed, tangible or intangible,
 1683 or any interest therein, necessary or desirable for carrying out
 1684 the purposes of the authority.

1685 (e) To sell, convey, exchange, lease, or otherwise dispose
 1686 of any real or personal property acquired by the authority,
 1687 including air rights.

1688 (f) To fix, alter, charge, establish, and collect rates,
 1689 fees, rentals, and other charges for the use of any system owned
 1690 or operated by the authority, which rates, fees, rentals and
 1691 other charges shall always be sufficient to comply with any
 1692 covenants made with the holders of any bonds issued pursuant to

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1693 this act; provided, however, that such right and power may be
 1694 assigned or delegated by the authority to the department.

1695 (g) To borrow money, make and issue negotiable notes,
 1696 bonds, refunding bonds, and other evidences of indebtedness or
 1697 obligations, either in temporary or definitive form, for the
 1698 purpose of financing all or part of the improvement of the
 1699 authority's system and appurtenant facilities, including all
 1700 approaches, streets, roads, bridges and avenues of access for
 1701 said system and for any other purpose authorized by this act,
 1702 said bonds to mature in not exceeding 30 years from the date of
 1703 the issuance thereof, and to secure the payment of such bonds or
 1704 any part thereof by a pledge of any or all of its revenues,
 1705 rates, fees, rentals or other charges, including all or any city
 1706 or county funds received by the authority pursuant to the terms
 1707 of any agreement between the authority and a city or county; and
 1708 in general to provide for the security of said bonds and the
 1709 rights and remedies of the holders thereof. Provided, however,
 1710 that no city or county funds shall be pledged for the
 1711 construction of any project for which a toll is to be charged
 1712 unless the anticipated tolls are reasonably estimated by the
 1713 governing board of the city or county, at the date of its
 1714 resolution pledging said funds, to be sufficient to cover the
 1715 principal and interest of such obligations during the period
 1716 when said pledge of funds shall be in effect.

1717 1. An authority shall reimburse any city or county for any
 1718 sums expended from city or county funds used for the payment of
 1719 such obligations.

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1720 2. In the event an authority shall determine to fund or
 1721 refund any bonds theretofore issued by the authority, before the
 1722 maturity thereof, the proceeds of such funding or refunding
 1723 bonds shall, pending the prior redemption of the bonds to be
 1724 funded or refunded, be invested in direct obligations of the
 1725 United States, and it is the express intention of this act that
 1726 such outstanding bonds may be funded or refunded by the issuance
 1727 of bonds pursuant to this act.

1728 (h) To make contracts of every name and nature, including,
 1729 but not limited to, partnerships providing for participation in
 1730 ownership and revenues, and to execute all instruments necessary
 1731 or convenient for the carrying on of its business.

1732 (i) Without limitation of the foregoing, to cooperate
 1733 with, borrow money and accept grants from, and to enter into
 1734 contracts, or other transactions with any federal agency, the
 1735 state, any agency of the state, or with any other public body of
 1736 the state.

1737 (j) To employ an executive director, attorney, staff, and
 1738 consultants. Upon the request of an authority, the department
 1739 shall furnish the services of a department employee to act as
 1740 the executive director of the authority.

1741 (k) To enter into joint development agreements.

1742 (l) To accept funds or other property from private
 1743 donations.

1744 (m) To do all acts and things necessary or convenient for
 1745 the conduct of its business and the general welfare of the
 1746 authority, in order to carry out the powers granted to it by
 1747 this act or any other law.

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1748 (3) No authority shall have the power at any time or in
 1749 any manner to pledge the credit or taxing power of the state or
 1750 any political subdivision or agency thereof, nor shall any of an
 1751 authority's obligations be deemed to be obligations of the state
 1752 or of any other political subdivision or agency thereof, nor
 1753 shall the state or any political subdivision or agency thereof,
 1754 except the authority, be liable for the payment of the principal
 1755 of or interest on such obligations.

1756 (4) An authority shall have no power other than by consent
 1757 of the affected county or any affected city, to enter into any
 1758 agreement which would legally prohibit the construction of any
 1759 road by the county or the city.

1760 (5) Any authority formed pursuant to this act shall comply
 1761 with all statutory requirements of general application which
 1762 relate to the filing of any report or documentation required by
 1763 law, including the requirements of ss. 189.4085, 189.415,
 1764 189.417, and 189.418.

1765 345.0005 Bonds.—

1766 (1) (a) Bonds may be issued on behalf of an authority
 1767 pursuant to the State Bond Act.

1768 (b) Alternatively, an authority shall have the power and
 1769 is hereby authorized from time to time to issue bonds in such
 1770 principal amount as, in the opinion of the authority, shall be
 1771 necessary to provide sufficient moneys for achieving its
 1772 corporate purposes, including construction, reconstruction,
 1773 improvement, extension, repair, maintenance and operation of the
 1774 system, the cost of acquisition of all real property, interest
 1775 on bonds during construction and for a reasonable period

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1776 thereafter, establishment of reserves to secure bonds, and all
 1777 other expenditures of the authority incident to and necessary or
 1778 convenient to carry out its corporate purposes and powers.

1779 (2) (a) Bonds issued by an authority pursuant to paragraph
 1780 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
 1781 the members of the authority and shall bear such date or dates,
 1782 mature at such time or times, not exceeding 30 years from their
 1783 respective dates, bear interest at such rate or rates, not
 1784 exceeding the maximum rate fixed by general law for authorities,
 1785 be in such denominations, be in such form, either coupon or
 1786 fully registered, carry such registration, exchangeability and
 1787 interchangeability privileges, be payable in such medium of
 1788 payment and at such place or places, be subject to such terms of
 1789 redemption and be entitled to such priorities of lien on the
 1790 revenues and other available moneys as such resolution or any
 1791 resolution subsequent thereto may provide. The bonds shall be
 1792 executed either by manual or facsimile signature by such
 1793 officers as the authority shall determine, provided that such
 1794 bonds shall bear at least one signature which is manually
 1795 executed thereon. The coupons attached to such bonds shall bear
 1796 the facsimile signature or signatures of such officer or
 1797 officers as shall be designated by the authority. Such bonds
 1798 shall have the seal of the authority affixed, imprinted,
 1799 reproduced, or lithographed thereon.

1800 (b) Bonds issued pursuant to paragraph (1) (a) or paragraph
 1801 (1) (b) shall be sold at public sale in the same manner provided
 1802 in the State Bond Act. Pending the preparation of definitive
 1803 bonds, temporary bonds or interim certificates may be issued to

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1804 the purchaser or purchasers of such bonds and may contain such
 1805 terms and conditions as the authority may determine.

1806 (3) Any such resolution or resolutions authorizing any
 1807 bonds may contain provisions which shall be part of the contract
 1808 with the holders of such bonds, as to:

1809 (a) The pledging of all or any part of the revenues,
 1810 available city or county funds, or other charges or receipts of
 1811 the authority derived from the regional system.

1812 (b) The construction, reconstruction, improvement,
 1813 extension, repair, maintenance, and operation of the system, or
 1814 any part or parts thereof, and the duties and obligations of the
 1815 authority with reference thereto.

1816 (c) Limitations on the purposes to which the proceeds of
 1817 the bonds, then or thereafter to be issued, or of any loan or
 1818 grant by any federal agency or the state or any political
 1819 subdivision thereof may be applied.

1820 (d) The fixing, charging, establishing, revising,
 1821 increasing, reducing and collecting of tolls, rates, fees,
 1822 rentals, or other charges for use of the services and facilities
 1823 of the system or any part thereof.

1824 (e) The setting aside of reserves or of sinking funds and
 1825 the regulation and disposition thereof.

1826 (f) Limitations on the issuance of additional bonds.

1827 (g) The terms and provisions of any deed of trust or
 1828 indenture securing the bonds, or under which the bonds may be
 1829 issued.

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1830 (h) Any other or additional matters, of like or different
1831 character, which in any way affect the security or protection of
1832 the bonds.

1833 (4) The authority may enter into any deeds of trust,
1834 indentures or other agreements with any bank or trust company
1835 within or without the state, as security for such bonds, and
1836 may, under such agreements, assign and pledge all or any of the
1837 revenues and other available moneys, including all or any
1838 available city or county funds, pursuant to the terms of this
1839 act. Such deed of trust, indenture or other agreement, may
1840 contain such provisions as are customary in such instruments or
1841 as the authority may authorize, including, but without
1842 limitation, provisions as to:

1843 (a) The pledging of all or any part of the revenues or
1844 other moneys lawfully available therefor.

1845 (b) The application of funds and the safeguarding of funds
1846 on hand or on deposit.

1847 (c) The rights and remedies of the trustee and the holders
1848 of the bonds.

1849 (d) The terms and provisions of the bonds or the
1850 resolutions authorizing the issuance of the same.

1851 (e) Any other or additional matters, of like or different
1852 character, which in any way affect the security or protection of
1853 the bonds.

1854 (5) Any bonds issued pursuant to this act are, and are
1855 hereby declared to be, negotiable instruments, and shall have
1856 all the qualities and incidents of negotiable instruments under

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1857 the law merchant and the negotiable instruments law of the
 1858 state.
 1859 (6) Any resolution authorizing the issuance of authority
 1860 bonds and pledging the revenues of the system shall require that
 1861 revenues of the system be periodically deposited into
 1862 appropriate accounts in such sums as will be sufficient to pay
 1863 the costs of operation and maintenance of the system for the
 1864 current fiscal year as set forth in the annual budget of the
 1865 authority and to reimburse the department for any unreimbursed
 1866 costs of operation and maintenance of the system from prior
 1867 fiscal years before revenues of the system are deposited into
 1868 accounts for the payment of interest or principal owing or that
 1869 may become owing on such bonds.
 1870 (7) No state funds shall be used or pledged to pay the
 1871 principal or interest of any authority bonds, and all such bonds
 1872 shall contain a statement on their face to this effect.
 1873 345.0006 Remedies of bondholders.-
 1874 (1) The rights and the remedies herein conferred upon or
 1875 granted to authority bondholders shall be in addition to and not
 1876 in limitation of any rights and remedies lawfully granted to
 1877 such bondholders by the resolution or resolutions or indenture
 1878 providing for the issuance of bonds, or by any deed of trust,
 1879 indenture or other agreement under which the bonds may be issued
 1880 or secured. In the event that an authority shall default in the
 1881 payment of the principal of or interest on any of the bonds
 1882 issued pursuant to the provisions of this act after such
 1883 principal of or interest on the bonds shall have become due,
 1884 whether at maturity or upon call for redemption, as provided in

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1885 said resolution or indenture, and such default shall continue
 1886 for a period of 30 days, or in the event that the authority
 1887 shall fail or refuse to comply with the provisions of this act
 1888 or any agreement made with, or for the benefit of, the holders
 1889 of the bonds, the holders of 25 percent in aggregate principal
 1890 amount of the bonds then outstanding shall be entitled as of
 1891 right to the appointment of a trustee to represent such
 1892 bondholders for the purposes hereof; provided, however, that
 1893 such holders of 25 percent in aggregate principal amount of the
 1894 bonds then outstanding shall have first given written notice of
 1895 their intention to appoint a trustee, to the authority and to
 1896 the department.

1897 (2) Such trustee, and any trustee under any deed of trust,
 1898 indenture or other agreement, may, and upon written request of
 1899 the holders of 25 percent, or such other percentages as may be
 1900 specified in any deed of trust, indenture or other agreement
 1901 aforsaid, in principal amount of the bonds then outstanding,
 1902 shall, in any court of competent jurisdiction, in his, her, or
 1903 its own name:

1904 (a) By mandamus or other suit, action or proceeding at
 1905 law, or in equity, enforce all rights of the bondholders,
 1906 including the right to require the authority to fix, establish,
 1907 maintain, collect and charge rates, fees, rentals, and other
 1908 charges, adequate to carry out any agreement as to, or pledge
 1909 of, the revenues, and to require the authority to carry out any
 1910 other covenants and agreements with or for the benefit of the
 1911 bondholders, and to perform its and their duties under this act.

1912 (b) Bring suit upon the bonds.

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1913 (c) By action or suit in equity require the authority to
1914 account as if it were the trustee of an express trust for the
1915 bondholders.

1916 (d) By action or suit in equity enjoin any acts or things
1917 which may be unlawful or in violation of the rights of the
1918 bondholders.

1919 (3) Any trustee when appointed as aforesaid, or acting
1920 under a deed of trust, indenture or other agreement, and whether
1921 or not all bonds have been declared due and payable, shall be
1922 entitled as of right to the appointment of a receiver, who may
1923 enter upon and take possession of the system or the facilities
1924 or any part or parts thereof, the revenues and other pledged
1925 moneys, for and on behalf of and in the name of, the authority
1926 and the bondholders, and collect and receive all revenues and
1927 other pledged moneys in the same manner as the authority might
1928 do, and shall deposit all such revenues and moneys in a separate
1929 account and, apply all such revenues and moneys remaining after
1930 allowance for payment of all costs of operation and maintenance
1931 of the system in such manner as the court shall direct. In any
1932 suit, action or proceeding by the trustee, the fees, counsel
1933 fees, and expenses of the trustee, and said receiver, if any,
1934 and all costs and disbursements allowed by the court shall be a
1935 first charge on any revenues after payment of the costs of
1936 operation and maintenance of the system. Such trustee shall, in
1937 addition to the foregoing, have and possess all other powers
1938 necessary or appropriate for the exercise of any functions
1939 specifically set forth herein or incident to the representation

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1940 of the bondholders in the enforcement and protection of their
 1941 rights.

1942 (4) Nothing in this section or any other section of this
 1943 act shall authorize any receiver appointed pursuant hereto for
 1944 the purpose of operating and maintaining the system or any
 1945 facilities or part or parts thereof, to sell, assign, mortgage
 1946 or otherwise dispose of any of the assets of whatever kind and
 1947 character belonging to the authority. It is the intention of
 1948 this act to limit the powers of such receiver to the operation
 1949 and maintenance of the system, or any facility or part or parts
 1950 thereof, and the collection and application of revenues and
 1951 other monies due the authority, in the name and for and on
 1952 behalf of the authority and the bondholders, and no holder of
 1953 bonds nor any trustee, shall ever have the right in any suit,
 1954 action or proceeding at law, or in equity, to compel a receiver,
 1955 nor shall any receiver be authorized or any court be empowered
 1956 to direct the receiver, to sell, assign, mortgage or otherwise
 1957 dispose of any assets of whatever kind or character belonging to
 1958 the authority.

1959 345.0007 Department to construct, operate, and maintain
 1960 facilities.-

1961 (1) The department is the agent of each authority for the
 1962 purpose of performing all phases of a project, including, but
 1963 not limited to, constructing improvements and extensions to the
 1964 system. The division and the authority shall provide to the
 1965 department complete copies of the documents, agreements,
 1966 resolutions, contracts, and instruments relating thereto and
 1967 shall request that the department perform such construction

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1968 work, including the planning, surveying, design, and actual
 1969 construction of the completion, extensions, and improvements to
 1970 the system. After the issuance of bonds to finance construction
 1971 of any improvements or additions to the system, the division and
 1972 the authority shall transfer to the credit of an account of the
 1973 department in the State Treasury the necessary funds for
 1974 construction. The department shall proceed with construction and
 1975 use the funds for the purpose authorized and as otherwise
 1976 provided by law for construction of roads and bridges. An
 1977 authority may alternatively, with the consent and approval of
 1978 the department, elect to appoint a local agency certified by the
 1979 department to administer federal aid projects in accordance with
 1980 federal law as its agent for the purpose of performing all
 1981 phases of a project.

1982 (2) Notwithstanding the provisions of subsection (1), the
 1983 department is the agent of each authority for the purpose of
 1984 operating and maintaining the system. The department shall
 1985 operate and maintain the system, and the costs incurred by the
 1986 department for operation and maintenance shall be reimbursed
 1987 from revenues of the system. This appointment of the department
 1988 as agent for each authority shall not be construed to create an
 1989 independent obligation of the department to operate and maintain
 1990 a system. Each authority shall remain obligated as principal to
 1991 operate and maintain its system and an authority's bondholders
 1992 shall have no independent right to compel the department to
 1993 operate or maintain the authority's system.

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1994	<u>(3) Each authority shall fix, alter, charge, establish,</u>	
1995	<u>and collect tolls, rates, fees, rentals, and other charges for</u>	
1996	<u>the authority's facilities, as otherwise provided in this act.</u>	
1997	<u>345.0008 Department contributions to authority projects.-</u>	
1998	<u>(1) The department may agree with an authority to provide</u>	
1999	<u>for or contribute to the payment of costs of financial or</u>	
2000	<u>engineering and traffic feasibility studies and the design,</u>	
2001	<u>financing, acquisition, or construction of an authority project</u>	
2002	<u>or system, subject to appropriation by the Legislature.</u>	
2003	<u>(2) The department may use its engineering and other</u>	
2004	<u>personnel, including consulting engineers and traffic engineers,</u>	
2005	<u>to conduct feasibility studies under subsection (1).</u>	
2006	<u>(3) An obligation or expense incurred by the department</u>	
2007	<u>under this section is a part of the cost of the authority</u>	
2008	<u>project for which the obligation or expense was incurred. The</u>	
2009	<u>department may require money contributed by the department under</u>	
2010	<u>this section to be repaid from tolls of the project on which the</u>	
2011	<u>money was spent, other revenue of the authority, or other</u>	
2012	<u>sources of funds.</u>	
2013	<u>(4) The department shall receive from an authority a share</u>	
2014	<u>of the authority's net revenues equal to the ratio of the</u>	
2015	<u>department's total contributions to the authority under this</u>	
2016	<u>section to the sum of: the department's total contributions</u>	
2017	<u>under this section; contributions by any local government to the</u>	
2018	<u>cost of revenue producing authority projects; and the sale</u>	
2019	<u>proceeds of authority bonds after payment of costs of issuance.</u>	
2020	<u>For the purpose of this subsection, net revenues are gross</u>	
2021	<u>revenues of an authority after payment of debt service,</u>	

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2022 administrative expenses, operations and maintenance expenses,
 2023 and all reserves required to be established under any resolution
 2024 under which authority bonds are issued.

2025 345.0009 Acquisition of lands and property.-

2026 (1) For the purposes of this act, an authority may acquire
 2027 private or public property and property rights, including rights
 2028 of access, air, view, and light, by gift, devise, purchase,
 2029 condemnation by eminent domain proceedings, or transfer from
 2030 another political subdivision of the state, as the authority may
 2031 deem necessary for any of the purposes of this act, including,
 2032 but not limited to, any lands reasonably necessary for securing
 2033 applicable permits, areas necessary for management of access,
 2034 borrow pits, drainage ditches, water retention areas, rest
 2035 areas, replacement access for landowners whose access is
 2036 impaired due to the construction of a facility, and replacement
 2037 rights-of-way for relocated rail and utility facilities; for
 2038 existing, proposed, or anticipated transportation facilities on
 2039 the system or in a transportation corridor designated by the
 2040 authority; or for the purposes of screening, relocation,
 2041 removal, or disposal of junkyards and scrap metal processing
 2042 facilities. Each authority shall also have the power to condemn
 2043 any material and property necessary for such purposes.

2044 (2) The right of eminent domain herein conferred shall be
 2045 exercised by an authority in the manner provided by law.

2046 (3) When an authority acquires property for a
 2047 transportation facility or in a transportation corridor, it is
 2048 not subject to any liability imposed by chapter 376 or chapter
 2049 403 for preexisting soil or groundwater contamination due solely

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2050 to its ownership. This section does not affect the rights or
 2051 liabilities of any past or future owners of the acquired
 2052 property nor does it affect the liability of any governmental
 2053 entity for the results of its actions which create or exacerbate
 2054 a pollution source. An authority and the Department of
 2055 Environmental Protection may enter into interagency agreements
 2056 for the performance, funding, and reimbursement of the
 2057 investigative and remedial acts necessary for property acquired
 2058 by the authority.

2059 345.0010 Cooperation with other units, boards, agencies,
 2060 and individuals. - Any county, municipality, drainage district,
 2061 road and bridge district, school district or any other political
 2062 subdivision, board, commission, or individual in, or of, the
 2063 state may make and enter into with an authority, contracts,
 2064 leases, conveyances, partnerships, or other agreements within
 2065 the provisions and purposes of this act. Each authority is
 2066 authorized to make and enter into contracts, leases,
 2067 conveyances, partnerships, and other agreements with any
 2068 political subdivision, agency, or instrumentality of the state
 2069 and any and all federal agencies, corporations, and individuals,
 2070 for the purpose of carrying out the provisions of this act.

2071 345.0011 Covenant of the state.-The state pledges to, and
 2072 agrees, with any person, firm or corporation, or federal or
 2073 state agency subscribing to, or acquiring the bonds to be issued
 2074 by an authority for the purposes of this act that the state will
 2075 not limit or alter the rights vested by this act in the
 2076 authority and the department until all bonds at any time issued,
 2077 together with the interest thereon, are fully paid and

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2078 discharged insofar as the same affects the rights of the holders
 2079 of bonds issued hereunder. The state further pledges to, and
 2080 agrees, with the United States that in the event any federal
 2081 agency shall construct or contribute any funds for the
 2082 completion, extension or improvement of the system, or any part
 2083 or portion thereof, the state will not alter or limit the rights
 2084 and powers of the authority and the department in any manner
 2085 which would be inconsistent with the continued maintenance and
 2086 operation of the system or the completion, extension or
 2087 improvement thereof, or which would be inconsistent with the due
 2088 performance of any agreements between the authority and any such
 2089 federal agency, and the authority and the department shall
 2090 continue to have and may exercise all powers herein granted, so
 2091 long as the same shall be necessary or desirable for the
 2092 carrying out of the purposes of this act and the purposes of the
 2093 United States in the completion, extension or improvement of the
 2094 system, or any part or portion thereof.

2095 345.0012 Exemption from taxation.--The effectuation of the
 2096 authorized purposes of an authority created under this act is,
 2097 shall and will be, in all respects for the benefit of the people
 2098 of the state, for the increase of their commerce and prosperity,
 2099 and for the improvement of their health and living conditions,
 2100 and because such authority will be performing essential
 2101 governmental functions in effectuating such purposes, such
 2102 authority shall not be required to pay any taxes or assessments
 2103 of any kind or nature whatsoever upon any property acquired or
 2104 used by it for such purposes, or upon any rates, fees, rentals,
 2105 receipts, income or charges at any time received by it, and the

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2106 bonds issued by the authority, their transfer and the income
2107 therefrom, including any profits made on the sale thereof shall
2108 at all times be free from taxation of any kind by the state, or
2109 by any political subdivision, or taxing agency or
2110 instrumentality thereof. The exemption granted by this section
2111 shall not be applicable to any tax imposed by chapter 220 on
2112 interest, income, or profits on debt obligations owned by
2113 corporations.

2114 345.0013 Eligibility for investments and security.--Any
2115 bonds or other obligations issued pursuant to this act shall be
2116 and constitute legal investments for banks, savings banks,
2117 trustees, executors, administrators, and all other fiduciaries,
2118 and for all state, municipal and other public funds and shall
2119 also be and constitute securities eligible for deposit as
2120 security for all state, municipal or other public funds,
2121 notwithstanding the provisions of any other law or laws to the
2122 contrary.

2123 345.0014 This chapter complete and additional authority.--

2124 (1) The powers conferred by this act shall be in addition
2125 and supplemental to the powers conferred by other law, and this
2126 act shall not be construed as repealing any of the provisions of
2127 any other law, general, special or local, but to supersede such
2128 other laws in the exercise of the powers provided in this act,
2129 and to provide a complete method for the exercise of the powers
2130 granted in this act. The extension and improvement of a system,
2131 and the issuance of bonds hereunder to finance all or part of
2132 the cost thereof, may be accomplished upon compliance with the
2133 provisions of this act without regard to or necessity for

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2134 compliance with the provisions, limitations, or restrictions
 2135 contained in any other general, special or local law, including,
 2136 but not limited to, s. 215.821, and no approval of any bonds
 2137 issued under this act by the qualified electors or qualified
 2138 electors who are freeholders in the state or in any political
 2139 subdivision of the state, shall be required for the issuance of
 2140 such bonds pursuant to this act.

2141 (2) This act shall not be deemed to repeal, rescind, or
 2142 modify any other law or laws relating to said State Board of
 2143 Administration, said Department of Transportation, or the
 2144 Division of Bond Finance of the State Board of Administration,
 2145 but shall be deemed to and shall supersede such other law or
 2146 laws as are inconsistent with the provisions of this act,
 2147 including, but not limited to, s. 215.821.

2148 Section 27. Subsections (1) through (7) and subsection (9)
 2149 of section 373.4137, Florida Statutes, are amended to read:

2150 373.4137 Mitigation requirements for specified
 2151 transportation projects.—

2152 (1) The Legislature finds that environmental mitigation
 2153 for the impact of transportation projects proposed by the
 2154 Department of Transportation or a transportation authority
 2155 established pursuant to chapter 348 or chapter 349 can be more
 2156 effectively achieved by regional, long-range mitigation planning
 2157 rather than on a project-by-project basis. It is the intent of
 2158 the Legislature that mitigation to offset the adverse effects of
 2159 these transportation projects be funded by the Department of
 2160 Transportation and be carried out by the use of mitigation banks
 2161 and any other mitigation options that satisfy state and federal

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2162 requirements in a manner that promotes efficiency, timeliness in
 2163 project delivery, and cost-effectiveness .

2164 (2) Environmental impact inventories for transportation
 2165 projects proposed by the Department of Transportation or a
 2166 transportation authority established pursuant to chapter 348 or
 2167 chapter 349 shall be developed as follows:

2168 (a) By July 1 of each year, the Department of
 2169 Transportation, or a transportation authority established
 2170 pursuant to chapter 348 or chapter 349 which chooses to
 2171 participate in the program, shall submit to the water management
 2172 districts a list of its projects in the adopted work program and
 2173 an environmental impact inventory of habitat impacts and the
 2174 anticipated amount of mitigation needed to offset impacts as
 2175 described in paragraph (b). The environmental impact inventory
 2176 shall be based on habitats ~~addressed in~~ the rules adopted
 2177 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
 2178 U.S.C. s. 1344, and which may be impacted by the Department of
 2179 Transportation ~~its~~ plan of construction for transportation
 2180 projects in the next 3 years of the tentative work program. The
 2181 Department of Transportation or a transportation authority
 2182 established pursuant to chapter 348 or chapter 349 may also
 2183 include in its environmental impact inventory the habitat
 2184 impacts and anticipated amount of mitigation needed for ~~of~~ any
 2185 future transportation project. The Department of Transportation
 2186 and each transportation authority established pursuant to
 2187 chapter 348 or chapter 349 may fund any mitigation activities
 2188 for future projects using current year funds.

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2189 (b) The environmental impact inventory shall include a
 2190 description of ~~these~~ habitat impacts, including ~~their~~ location,
 2191 acreage, and type; the proposed amount of mitigation needed
 2192 based on the functional loss as determined through the Uniform
 2193 Mitigation Assessment Method (UMAM) adopted in chapter 62-345,
 2194 F.A.C., which will identify the potential number of mitigation
 2195 credits needed for the impacted site, and the identification of
 2196 the proposed mitigation option, such as permitted mitigation
 2197 banks, mitigation implemented by the water management district,
 2198 or other approved options that satisfy state and federal
 2199 requirements; state water quality classification of impacted
 2200 wetlands and other surface waters; any other state or regional
 2201 designations for these habitats; and a list of threatened
 2202 species, endangered species, and species of special concern
 2203 affected by the proposed project.

2204 (3) (a) To ~~fund development and implementation of the~~
 2205 ~~mitigation plan for the~~ mitigate projected impacts identified in
 2206 the environmental impact inventory described in subsection (2),
 2207 the Department of Transportation may purchase credits for
 2208 current and future use directly from a mitigation bank as
 2209 described in subsection (4); mitigate through the water
 2210 management districts; mitigate through the Department of
 2211 Environmental Protection for mitigation on state lands; or
 2212 conduct its own mitigation. In evaluating its mitigation
 2213 options, the Department of Transportation shall consider
 2214 efficiency, timeliness, and cost-effectiveness. The proposed
 2215 mitigation option shall be identified in the inventory. shall
 2216 ~~identify funds quarterly in an escrow account within the State~~

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2217 ~~Transportation Trust Fund for the Funding of environmental~~
 2218 ~~mitigation phase of for Department of Transportation projects~~
 2219 ~~shall be included in budgeted by the Department of~~
 2220 ~~Transportation work program developed pursuant to s. 339.135 for~~
 2221 ~~the current fiscal year. The escrow account shall be maintained~~
 2222 ~~by the Department of Transportation for the benefit of the water~~
 2223 ~~management districts. Any interest earnings from the escrow~~
 2224 ~~account shall remain with the Department of Transportation.~~

2225 (b) Each transportation authority established pursuant to
 2226 chapter 348 or chapter 349 that chooses to participate in this
 2227 program shall create an escrow account within its financial
 2228 structure and deposit funds in the account to pay for the
 2229 environmental mitigation phase of projects budgeted for the
 2230 current fiscal year. The escrow account shall be maintained by
 2231 the authority for the benefit of the water management districts.
 2232 Any interest earnings from the escrow account shall remain with
 2233 the authority.

2234 (c) The amount paid each year by the Department of
 2235 Transportation or participating transportation authorities
 2236 established pursuant to chapter 348 or chapter 349 for
 2237 mitigation implemented by the water management district or the
 2238 Department of Environmental Protection, as appropriate, shall be
 2239 as provided in paragraph (d). ~~Except for current mitigation~~
 2240 ~~projects in the monitoring and maintenance phase and except as~~
 2241 ~~allowed by paragraph (d),~~ The water management districts, or the
 2242 Department of Environmental Protection for approved mitigation
 2243 on its land, may request partial or lump-sum payment a transfer
 2244 ~~of funds from an escrow account~~ no sooner than 30 days before

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2245 the date the funds are needed to pay for activities associated
 2246 with development or implementation of permitted mitigation
 2247 meeting the requirements pursuant to this part, 33 USC 1344 and
 2248 33 C.F.R. 332, in the approved mitigation plan described in
 2249 subsection (4) for the current fiscal year.~~including, but not~~
 2250 ~~limited to, design, engineering, production, and staff support.~~
 2251 ~~Actual conceptual plan preparation costs incurred before plan~~
 2252 ~~approval may be submitted to the Department of Transportation or~~
 2253 ~~the appropriate transportation authority each year with the~~
 2254 ~~plan. The conceptual plan preparation costs of each water~~
 2255 ~~management district will be paid from mitigation funds~~
 2256 ~~associated with the environmental impact inventory for the~~
 2257 ~~current year. The amount transferred to the escrow accounts each~~
 2258 ~~year by the Department of Transportation and participating~~
 2259 ~~transportation authorities established pursuant to chapter 348~~
 2260 ~~or chapter 349 shall correspond to a cost per acre of \$75,000~~
 2261 ~~multiplied by the projected acres of impact identified in the~~
 2262 ~~environmental impact inventory described in subsection (2).~~
 2263 ~~However, the \$75,000 cost per acre does not constitute an~~
 2264 ~~admission against interest by the state or its subdivisions and~~
 2265 ~~is not admissible as evidence of full compensation for any~~
 2266 ~~property acquired by eminent domain or through inverse~~
 2267 ~~condemnation. Each July 1, the cost per acre shall be adjusted~~
 2268 ~~by the percentage change in the average of the Consumer Price~~
 2269 ~~Index issued by the United States Department of Labor for the~~
 2270 ~~most recent 12-month period ending September 30, compared to the~~
 2271 ~~base year average, which is the average for the 12-month period~~
 2272 ~~ending September 30, 1996. Each quarter, the projected acreage~~

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2273 ~~of impact~~ amount of mitigation shown on the water management
 2274 district mitigation plan shall be reconciled with the ~~acreage of~~
 2275 ~~impact~~ actual amount of mitigation needed for ~~of~~ projects as
 2276 permitted, including permit modifications, pursuant to this part
 2277 and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The
 2278 subject year's transfer of funds shall be adjusted ~~accordingly~~
 2279 to reflect the ~~acreage of impacts~~ mitigation as permitted. The
 2280 Department of Transportation and participating transportation
 2281 authorities established pursuant to chapter 348 or chapter 349
 2282 are authorized to transfer such funds ~~from the escrow accounts~~
 2283 to the water management districts or, as appropriate, the
 2284 Department of Environmental Protection, to carry out ~~the~~
 2285 mitigation for the subject year programs. Environmental
 2286 mitigation funds that are identified for ~~or maintained in an~~
 2287 ~~escrow account for the benefit of a~~ mitigation implemented by a
 2288 water management district or the Department of Environmental
 2289 Protection may be reassigned ~~released~~ if the associated
 2290 transportation project is excluded in whole or part from the
 2291 water management district mitigation plan, or if the mitigation
 2292 will no longer be implemented by the Department of Environmental
 2293 Protection on state lands. ~~For a mitigation project that is in~~
 2294 ~~the maintenance and monitoring phase, the water management~~
 2295 ~~district may request and receive a one-time payment based on the~~
 2296 ~~project's expected future maintenance and monitoring costs.~~ Upon
 2297 ~~disbursement of the final maintenance and monitoring~~ final
 2298 payment for mitigation of a transportation project as permitted,
 2299 the obligation of the Department of Transportation or the
 2300 participating transportation authority is satisfied and the

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2301 water management district or the Department of Environmental
 2302 Protection, as appropriate, shall have continuing responsibility
 2303 for the mitigation project, ~~the escrow account for the project~~
 2304 ~~established by the Department of Transportation or the~~
 2305 ~~participating transportation authority may be closed. Any~~
 2306 ~~interest earned on these disbursed funds shall remain with the~~
 2307 ~~water management district and must be used as authorized under~~
 2308 ~~this section.~~

2309 (d) Beginning with the environmental impact inventory to
 2310 be submitted July 1, 2013, and the related approved mitigation
 2311 plan in the 2005-2006 fiscal year, the each water management
 2312 district or the Department of Environmental Protection, as
 2313 appropriate, shall be paid for the cost of mitigation planning
 2314 and implementing permit required mitigation based on the cost of
 2315 a mitigation credit as established by this section ~~a lump sum~~
 2316 ~~amount of \$75,000 per acre, adjusted as provided under paragraph~~
 2317 ~~(c), for federally funded transportation projects that are~~
 2318 ~~included on the environmental impact inventory and that have an~~
 2319 ~~approved mitigation plan. Beginning in the 2009-2010 fiscal~~
 2320 ~~year, each water management district shall be paid a lump sum~~
 2321 ~~amount of \$75,000 per acre, adjusted as provided under paragraph~~
 2322 ~~(c), for federally funded and nonfederally funded transportation~~
 2323 ~~projects that have an approved mitigation plan. The cost of a~~
 2324 ~~All~~ mitigation credit for each mitigation project as established
 2325 by the water management district or Department of Environmental
 2326 Protection, as appropriate, may include, costs, including, but
 2327 is not limited to, the costs of preparing conceptual plans and
 2328 the costs of land acquisition, design, construction, staff

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2329 support, future maintenance, ~~and~~ monitoring of the mitigated
 2330 ~~acres~~ mitigation site, and other costs necessary to meet
 2331 requirements pursuant to 33 U.S.C. s. 1344, and 33 C.F.R. 332
 2332 ~~shall be funded through these lump-sum amounts.~~ When the water
 2333 management district includes the purchase of mitigation bank
 2334 credits as part of the mitigation plan, the cost shall be based
 2335 on the cost per credit as established by the mitigation bank.
 2336 (e) For purposes of preparing and implementing the
 2337 mitigation plans to be adopted by the water management districts
 2338 before March 1, 2013, for transportation impacts based on the
 2339 July 1, 2012, environmental impact inventory, the funds
 2340 identified in the Department of Transportation's work program or
 2341 participating transportation authorities' escrow accounts shall
 2342 correspond to a cost per acre of \$75,000 multiplied by the
 2343 projected acres of impact as identified in the environmental
 2344 impact inventory. The cost per acre shall be adjusted by the
 2345 percentage change in the average of the Consumer Price Index
 2346 issued by the United States Department of Labor for the most
 2347 recent 12-month period ending September 30, compared to the base
 2348 year average, which is the average for the 12-month period
 2349 ending September 30, 1996. Payment as provided under this
 2350 paragraph is limited to those mitigation activities which are
 2351 identified in the first year of the 2013 mitigation plan and for
 2352 which the transportation project is permitted and is in the
 2353 Department of Transportation's adopted work program, or
 2354 equivalent for a transportation authority. When implementing the
 2355 mitigation activities necessary to offset the permitted
 2356 transportation impacts as provided in the approved mitigation

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2357 plan, the water management district shall maintain records of
 2358 the costs incurred in implementing the mitigation. These costs
 2359 shall include, but not be limited to, conceptual planning, land
 2360 acquisition, design, construction, staff support, long-term
 2361 maintenance and monitoring of the mitigation site, and other
 2362 costs necessary to meet the requirements of 33 U.S.C. s. 1344,
 2363 and 33 C.F.R. 332. To the extent moneys paid to a water
 2364 management district by the Department of Transportation or a
 2365 participating transportation authority exceed the amount
 2366 expended by the water management districts in implementing the
 2367 mitigation to offset the permitted transportation impacts, these
 2368 funds shall be refunded to the Department of Transportation or
 2369 participating transportation authority. This paragraph expires
 2370 June 30, 2014.

2371 (4) Before March 1 of each year, each water management
 2372 district, in consultation with the Department of Environmental
 2373 Protection, the United States Army Corps of Engineers, the
 2374 Department of Transportation, participating transportation
 2375 authorities established pursuant to chapter 348 or chapter 349,
 2376 and other appropriate federal, state, and local governments, and
 2377 other interested parties, including entities operating
 2378 mitigation banks, shall develop a plan for the primary purpose
 2379 of complying with the mitigation requirements adopted pursuant
 2380 to this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. 332. In
 2381 developing such plans, the districts shall use sound ecosystem
 2382 management practices to address significant water resource needs
 2383 and consider ~~shall focus on~~ activities of the Department of
 2384 Environmental Protection and the water management districts,

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2385 such as surface water improvement and management (SWIM) projects
 2386 and lands identified for potential acquisition for preservation,
 2387 restoration, or enhancement, and the control of invasive and
 2388 exotic plants in wetlands and other surface waters, to the
 2389 extent that the activities comply with the mitigation
 2390 requirements adopted under this part, ~~and 33 U.S.C. s. 1344, and~~
 2391 33 C.F.R. 332. For transportation projects in the environmental
 2392 impact inventory for which mitigation has not been specified,
 2393 the mitigation plan shall identify the site where the water
 2394 management district will mitigate for the transportation
 2395 project, the scope of the mitigation activities at each
 2396 mitigation site, the functional gain at each mitigation site as
 2397 determined through the UMAM per chapter 62-345, F.A.C., describe
 2398 how the mitigation offsets the impacts of each transportation
 2399 project as permitted, a schedule for the mitigation activities,
 2400 and the cost per mitigation credit as established in (3)(d) In
 2401 ~~determining the activities to be included in the plans, the~~
 2402 ~~districts shall consider the purchase of credits from public or~~
 2403 ~~private mitigation banks permitted under s. 373.4136 and~~
 2404 ~~associated federal authorization and shall include the purchase~~
 2405 ~~as a part of the mitigation plan when the purchase would offset~~
 2406 ~~the impact of the transportation project, provide equal benefits~~
 2407 ~~to the water resources than other mitigation options being~~
 2408 ~~considered, and provide the most cost-effective mitigation~~
 2409 ~~option.~~ The water management districts shall maintain records of
 2410 payments received and costs incurred for implementing mitigation
 2411 activities to offset impacts of permitted transportation
 2412 projects. To the extent monies paid to a water management

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2413 district by the Department of Transportation or a participating
 2414 transportation authority exceed the amount expended by the water
 2415 management districts in implementing the mitigation to offset
 2416 the permitted transportation impacts, these funds shall be
 2417 refunded to the Department of Transportation or participating
 2418 transportation authority. The mitigation plan shall be submitted
 2419 to the water management district governing board, or its
 2420 designee, for review and approval. At least 14 days before
 2421 approval by the governing board, the water management district
 2422 shall provide a copy of the draft mitigation plan to the
 2423 Department of Environmental Protection and any person who has
 2424 requested a copy. Subsequent to governing board approval the
 2425 mitigation plan must be submitted to the Department of
 2426 Environmental Protection for approval. The plan may not be
 2427 implemented until it is submitted to and approved, in part or in
 2428 its entirety, by the Department of Environmental Protection.
 2429 ~~(a) For each transportation project with a funding request~~
 2430 ~~for the next fiscal year, the mitigation plan must include a~~
 2431 ~~brief explanation of why a mitigation bank was or was not chosen~~
 2432 ~~as a mitigation option, including an estimation of identifiable~~
 2433 ~~costs of the mitigation bank and nonbank options and other~~
 2434 ~~factors such as time saved, liability for success of the~~
 2435 ~~mitigation, and long term maintenance.~~
 2436 (a)(b) Specific projects may be excluded from the
 2437 mitigation plan, in whole or in part, and are not subject to
 2438 this section upon the election of the Department of
 2439 Transportation, a transportation authority if applicable, or the
 2440 appropriate water management district. Neither the Department of

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2441 Transportation nor a participating transportation authority
 2442 shall exclude a transportation project from the mitigation plan
 2443 when mitigation is scheduled for implementation by the water
 2444 management district in the current fiscal year, except when the
 2445 transportation project is removed from the Department of
 2446 Transportation work program or transportation authority funding
 2447 plan. If a project is removed, costs expended by the water
 2448 management districts before removal are eligible for
 2449 reimbursement by the Department of Transportation or
 2450 participating transportation authority.

2451 (b) (e) When determining which projects to include in or
 2452 exclude from the mitigation plan, the Department of
 2453 Transportation shall investigate using credits from a permitted
 2454 mitigation bank before those projects are submitted for
 2455 inclusion in the plan. The investigation shall consider the
 2456 ~~cost-effectiveness~~ of mitigation bank credits, including, but
 2457 not limited to, factors such as timeliness ~~time saved~~, transfer
 2458 of liability for success of the mitigation, ~~and~~ long-term
 2459 maintenance, and meeting the requirements of 33 C.F.R. 332. The
 2460 Department of Transportation shall exclude a project from the
 2461 mitigation plan when the investigation undertaken pursuant to
 2462 this paragraph results in the conclusion that the use of credits
 2463 from a permitted mitigation bank, promotes efficiency,
 2464 timeliness in project delivery, and cost-effectiveness.

2465 (5) The water management district shall ensure that
 2466 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
 2467 C.F.R. 332 are met for the impacts identified in the
 2468 environmental impact inventory described in subsection (2), by

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2469 implementation of the approved plan described in subsection (4)
 2470 to the extent funding is provided by the Department of
 2471 Transportation, or a transportation authority established
 2472 pursuant to chapter 348 or chapter 349, if applicable. In
 2473 developing and implementing the mitigation plan, the water
 2474 management district shall comply with federal permitting
 2475 requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. 332.
 2476 During the federal permitting process, the water management
 2477 district may deviate from the approved mitigation plan in order
 2478 to comply with federal permitting requirements upon notice and
 2479 coordination with the Department of Transportation or
 2480 participating transportation authority.

2481 (6) The water management district mitigation plans shall
 2482 be updated annually to reflect the most current Department of
 2483 Transportation work program and project list of a transportation
 2484 authority established pursuant to chapter 348 or chapter 349, if
 2485 applicable, and may be amended throughout the year to anticipate
 2486 schedule changes or additional projects which may arise. Before
 2487 amending the mitigation plan to include new projects,
 2488 consideration shall be given to mitigation banks and other
 2489 available mitigation options. Each update and amendment of the
 2490 mitigation plan shall be submitted to the governing board of the
 2491 water management district or its designee for approval. However,
 2492 such approval shall not be applicable to a deviation as
 2493 described in subsection (5).

2494 (7) Upon approval by the governing board of the water
 2495 management district and the Department of Environmental
 2496 Protection ~~or its designee,~~ the mitigation plan shall be deemed

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2497 to satisfy the mitigation requirements under this part for
 2498 impacts specifically identified in the environmental impact
 2499 inventory described in subsection (2) and any other mitigation
 2500 requirements imposed by local, regional, and state agencies for
 2501 these same impacts. The approval of the governing board of the
 2502 water management district ~~or its designee~~ and the Department of
 2503 Environmental Protection shall authorize the activities proposed
 2504 in the mitigation plan, and no other state, regional, or local
 2505 permit or approval shall be necessary.

2506 (8) This section shall not be construed to eliminate the
 2507 need for the Department of Transportation or a transportation
 2508 authority established pursuant to chapter 348 or chapter 349 to
 2509 comply with the requirement to implement practicable design
 2510 modifications, including realignment of transportation projects,
 2511 to reduce or eliminate the impacts of its transportation
 2512 projects on wetlands and other surface waters as required by
 2513 rules adopted pursuant to this part, or to diminish the
 2514 authority under this part to regulate other impacts, including
 2515 water quantity or water quality impacts, or impacts regulated
 2516 under this part that are not identified in the environmental
 2517 impact inventory described in subsection (2).

2518 ~~(9) The process for environmental mitigation for the~~
 2519 ~~impact of transportation projects under this section shall be~~
 2520 ~~available to an expressway, bridge, or transportation authority~~
 2521 ~~established under chapter 348 or chapter 349. Use of this~~
 2522 ~~process may be initiated by an authority depositing the~~
 2523 ~~requisite funds into an escrow account set up by the authority~~
 2524 ~~and filing an environmental impact inventory with the~~

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2525 ~~appropriate water management district. An authority that~~
2526 ~~initiates the environmental mitigation process established by~~
2527 ~~this section shall comply with subsection (6) by timely~~
2528 ~~providing the appropriate water management district with the~~
2529 ~~requisite work program information. A water management district~~
2530 ~~may draw down funds from the escrow account as provided in this~~
2531 ~~section.~~

2532 Section 28. This act shall take effect July 1, 2013.