CHAPTER 2002-20

Committee Substitute for House Bill No. 261

An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; changing the turnpike district into a turnpike enterprise; exempting the turnpike enterprise from department policies, procedures, and standards, subject to the Secretary of Transportation's decision to apply such requirements; providing exceptions to said exemptions; giving the secretary authority to promulgate rules under certain conditions that will assist the turnpike enterprise in using best business practices; amending s. 206.46, F.S.; increasing the debt service cap with respect to the State Transportation Trust Fund; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; authorizing the department's Motor Carrier Compliance officers, and duly appointed agents holding a safety inspector certification from the Commercial Vehicle Safety Alliance, to stop commercial motor vehicles for inspection of the vehicle and driver's records; providing that other law enforcement officers may enforce commercial motor vehicle regulations under certain conditions; requiring that unsafe vehicles and drivers be removed from service under certain conditions; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; providing for the discretion of the department to detain commercial vehicles until certain penalties are paid; amending s. 334.044, F.S.; providing for officers employed by the department's Office of Motor Carrier Compliance and specifying duties and responsibilities of said officers; authorizing appointment of part-time and auxiliary officers; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; providing an exemption for a turnpike enterprise project; revising provisions for design-build contracts; amending s. 337.185, F.S.; clarifying application of limitation on certain claims brought before the State Arbitration Board; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; amending the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; prohibiting the department from exercising its powers of eminent domain solely to

acquire property for business opportunities on the Florida Turnpike; deleting obsolete language; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 339.135, F.S.; including reference to turnpike enterprise with respect to the tentative work program; revising language with respect to the tentative work program; amending s. 553.80, F.S.; providing for self-regulation of certain construction; creating the "Florida High-Speed Rail Authority Act"; creating s. 341.8201, F.S.; providing a short title; creating s. 341.8202, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, design, financing, construction, and operation of a high-speed rail system in the state; creating s. 341.8203, F.S.; providing definitions; amending s. 341.821, F.S., relating to the creation of the Florida High-Speed Rail Authority; removing obsolete provisions; amending s. 341.822, F.S.; revising and providing additional powers and duties of the authority; amending s. 341.823, F.S.; revising the criteria for assessment and recommendations with respect to the establishment of the high-speed rail system; requiring the authority to establish specified requirements; requiring the authority to develop a specified plan, study, and estimates; amending s. 341.824, F.S.; specifying types of technical, scientific, or other assistance to be provided by the Department of Community Affairs and the Department of Environmental Protection; creating s. 341.827, F.S.; providing for determination of service areas and the order of system segment construction; creating s. 341.828, F.S.; authorizing the authority to utilize existing permitting processes; requiring cooperation between the authority and metropolitan planning organizations; creating s. 341.829, F.S.; requiring the authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, to develop and implement a process to mitigate and resolve conflicts between the system and growth management requirements and environmental standards; providing time limits for the filing of and response to specified complaints; creating s. 341.830, F.S.; authorizing the authority to employ specified procurement methods; providing for the adoption of rules; authorizing the authority to procure commodities and services for the designing, building, financing, maintenance, operation, and implementation of a high-speed rail system; creating s. 341.831, F.S.; authorizing the authority to prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system; providing for the establishment of qualifying criteria; creating s. 341.832, F.S.; authorizing the authority to develop and execute a request for qualifications process; creating s. 341.833, F.S.; authorizing the authority to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system; creating s. 341.834,

F.S.; providing for award of a conditional contract; providing contract requirements; prohibiting transfer of system property without written approval; creating s. 341.835, F.S.; authorizing the authority to purchase, lease, exchange, or acquire land, property, or buildings necessary to secure or utilize rights-of-way for high-speed rail system facilities; providing that the authority is not subject to specified liability; authorizing the authority and the Department of Environmental Protection to enter into certain interagency agreements; providing for the disposal of interest in property; authorizing agents and employees of the authority to enter upon certain property; authorizing the authority to accept donations of real property; creating s. 341.836, F.S.; authorizing the authority to undertake the development of associated developments; providing requirements of associated developments; creating s. 341.837, F.S.; providing for payment of expenses incurred in carrying out the act; creating s. 341.838, F.S.; authorizing the authority to fix, revise, charge, collect, and adjust rates, rents, fees, charges, and revenues, and to enter into contracts; providing for annual review by the authority of rates, rents, fees, and charges; providing for uses of revenues; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, approval, or consent; creating s. 341.840, F.S.; providing tax exemptions for property acquired or used by the authority or specified income; creating s. 341.841, F.S.; requiring the authority to prepare and submit a report; providing for an annual audit; creating s. 341.842, F.S.; providing construction of the act; amending s. 288.109, F.S.; removing a cross reference; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements

with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by

franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings; repealing s. 59, ch. 99-385, Laws of Florida; abrogating the repeal of provisions governing business damages in eminent domain actions; amending s. 73.071, F.S.; providing for the age required of a standing business in order to qualify for business damages; amending s. 163.3177, F.S.; adding airport master plans that have specified components to comprehensive plans; creating exemption to development of regional impact review if certain conditions are met; amending s. 189.441, F.S., relating to contracts with an authority under the Community Improvement Authority Act; removing an exemption from s. 287.055, F.S., related to procurement of specified services; amending s. 212.0606, F.S.; requiring proceeds from surcharge in the State Transportation Trust Fund be used to fund district projects; amending s. 215.615, F.S., relating to funding of fixed-guideway transportation systems; deleting obsolete language; amending s. 255.20, F.S.; exempting certain transportation projects from certain competitive bidding requirements; amending s. 287.055, F.S.; increasing the amount defining a continuing contract; amending s. 311.09, F.S.; providing for application of s. 287.055, F.S., the Consultants' Competitive Negotiation Act, to seaports; amending s. 315.02, F.S.; redefining the terms "unit" and "port facilities" for purposes of port facilities financing; including seaport security projects within the meaning of "port facility"; amending s. 315.03, F.S.; authorizing certain entities to participate in certain federal loan programs; providing for oversight by the Florida Seaport Transportation and Economic Development Council; requiring annual reports; requiring legislative review; amending s. 316.003, F.S.; revising definition of "motor vehicle"; defining the terms "electric personal assistive mobility device" and "motorized scooter"; creating s. 316.2068, F.S.; providing regulations for electric personal assistive mobility devices; amending s. 316.515, F.S.; revising size requirement provisions for vehicles transporting certain agricultural products; allowing the Department of Transportation to issue permits for certain vehicles; amending s. 316.520, F.S.; exempting certain vehicles from covering requirements; creating s. 316.80, F.S.; establishing penalties for persons who transport motor or diesel fuel in unlawful containers; establishing penalties for use of stolen or illegal payment access devices; providing for forfeiture; providing for costs; amending s. 320.08056, F.S.; providing use fees for the Florida Firefighters license plate and the Police Benevolent Association license plate; amending s. 320.08058, F.S.; providing for creation of the Florida Firefighters license plate and the Police Benevolent Association license plate; providing for the distribution of use fees received from the sale of such plates; amending s. 332.004, F.S.; revising the definition of "airport or aviation development project" for purposes of the Florida Airport Development and Assistance Act to add certain noise mitigation projects; amending s. 332.007, F.S.; extending

expiration date of provisions relating to economic assistance to airports for certain projects; extending due date of certain loans for certain airports; amending s. 333.06, F.S.; adding requirements for an airport master plan; amending s. 334.044, F.S.; authorizing the department to expend money on items that promote scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.175, F.S.; adding state-registered landscape architects to the list of design professionals who sign, seal, and certify certain Department of Transportation project plans; amending s. 336.41, F.S.; providing for counties to certify or qualify persons to perform work under certain contracts; clarifying that a contractor already qualified by the department is presumed qualified to perform work described under contract on county road projects; amending s. 336.44, F.S.; providing that certain contracts shall be let to the lowest responsible bidder; amending s. 337.14, F.S.; revising provisions for qualifying persons to bid on certain construction contracts; providing for expressway authorities to certify or qualify persons to perform work under certain contracts; clarifying that a contractor qualified by the department is presumed qualified to perform work described under contract on projects for expressway authorities; amending s. 337.401, F.S.; providing that for certain projects under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; restating the Department of Transportation's rulemaking authority regarding regulation of bus benches; providing for local government regulation of dimensions of bus benches and advertising displays to supersede the department's regulations, in certain circumstances; requiring approval of Federal Highway Administration for bus benches and advertising displays on the National Highway System; providing for regulation of street light poles; amending s. 339.12, F.S.; providing for preference to certain counties for transportation grants under specified circumstances; amending s. 339.55, F.S.; providing for state infrastructure bank funds to be spent on intermodal projects; revising criteria for evaluation of projects; amending s. 341.031, F.S.; correcting cross references; amending s. 341.051, F.S., relating to financing of public transit capital projects, and s. 341.053, F.S., relating to projects eligible for funding under the Intermodal Development Program; deleting obsolete language; amending s. 341.501, F.S., relating to high-technology transportation systems; authorizing the department to match funds from other states or jurisdictions for certain purposes; providing criteria; amending s. 348.0003, F.S.; authorizing a county governing body to set qualifications, terms of office, and obligations and rights for the members of expressway authorities within their jurisdictions; amending s. 348.0008, F.S.; allowing expressway authorities to acquire certain interests in land; providing for expressway authorities and their agents or employees to access public or private property for certain purposes; creating s.

348.545, F.S.; clarifying that the Tampa-Hillsborough County Expressway Authority may use bond revenues to finance improvements to toll facilities, interchanges, and other facilities related to the expressway system; amending s. 348.565, F.S.; adding the connector highway linking Lee Roy Selmon Crosstown Expressway to Interstate 4 as an approved project; amending s. 373.4137, F.S.; providing for certain expressway, bridge, or transportation authorities to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 380.04, F.S.; adding work on rights-of-way pertaining to electricity facilities to the list of activities not defined as "development" for purposes of the Florida Environmental Land and Water Management Act; amending s. 380.06, F.S., relating to development of regional impact; removing a rebuttable presumption with respect to application of the statewide guidelines and standards and revising the fixed thresholds; providing application with respect to developments that have received a development-of-regional-impact development order or that have an application for development approval or notification of proposed change pending; amending s. 768.28, F.S.; providing that certain operators, dispatchers, and security providers for rail services and certain rail facility maintenance providers in a specified area or for the Tri-County Commuter Rail Authority or the Department of Transportation are agents of the state under specified circumstances; creating the Dori Slosberg Driver Education Safety Act; authorizing a board of county commissioners to require an additional amount to be collected with each civil traffic penalty to be used to fund traffic education programs in public and nonpublic schools; providing for administration of funds collected; restricting use of said funds; amending s. 2 of chapter 88-418, Laws of Florida, relating to Crandon Boulevard; allowing expenditure of public funds for modifications to provide access for governmental public safety vehicles; amending s. 212.055, F.S.; removing a limitation on which charter counties may levy a charter county transit surtax; amending s. 316.006, F.S.; authorizing the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; amending s. 316.066, F.S.; providing for access to vehicle crash reports by local, state, and federal entities under certain circumstances; requiring said entities to maintain confidential status of such reports; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles from provisions regarding unattended motor vehicles under certain circumstances; creating s. 316.2127, F.S.; providing for operation of utility vehicles on city streets, county roads, or the State Highway System under certain circumstances; amending s. 316.304, F.S.; revising requirements regarding the wearing of headsets while operating a vehicle; amending s. 316.520, F.S.; exempting certain vehicles carrying agricultural products; providing for criminal penalties for failure to secure loads on vehicles under certain circumstances; amending s. 316.640, F.S.; revising traffic law enforcement authority of university police officers; revising traffic law enforcement authority of officers of the office of agricultural law enforcement revising the powers

and duties of traffic crash investigation officers; amending s. 318.18, F.S.; providing for assessment of doubled fines for speeding in toll collection zones; providing a minimum penalty for violations of s. 316.520, F.S.; amending s. 318.19, F.S.; providing a mandatory hearing for violations of s. 316.520, F.S.; revising traffic law enforcement authority of the Office of Agricultural Law Enforcement; amending s. 322.056, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a driver's license restricted to business or employment purposes only to certain persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; amending s. 570.073, F.S.; revising the powers and duties of the Office of Agricultural Law Enforcement; amending s. 319.23, F.S.; requiring the Department of Highway Safety and Motor Vehicles to retain certain evidence of title; amending s. 319.28, F.S.; revising requirements for processing an application for title based on a contractual default; amending s. 319.33, F.S.; revising the elements of the offense of possessing, selling or offering for sale, concealing, or disposing of a motor vehicle or mobile home, or major component part thereof, on which the motor number or vehicle identification number has been destroyed, removed, covered, altered, or defaced; providing penalties; amending s. 320.025, F.S.; providing for confidential registration and issuance under fictitious name of decals for vessels operated by a law enforcement agency; requiring registration number and decal to be affixed to such vessel; amending s. 320.05, F.S.; providing for release of vessel registration information; providing exceptions; amending s. 320.055, F.S.; providing registration period for certain nonapportioned vehicles; amending s. 320.06, F.S.; revising form of license plate validation stickers; reducing the number of required validation stickers per plate; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.083, F.S.; revising requirements for the Amateur Radio Operator specialty license plate; amending s. 320.0848, F.S.; revising fees for the 4-year disabled parking permit and renewal permit; amending s. 320.089, F.S.; revising weight restriction for the Ex-POW and Purple Heart license plates; amending s. 321.02, F.S.; providing for colors for use on Florida Highway Patrol motor vehicles and motorcycles; amending s. 322.051, F.S.; requiring acceptance of the Florida identification card as proof of identification by persons accepting the Florida driver license as proof of identification; amending s. 860.20, F.S.; revising provisions relating to the issuance of serial numbers on certain vessel motors; providing a date by which automotive service technology education programs must be industry certified; amending s. 319.30, F.S.; redefining the term "total loss"; creating s. 319.41, F.S.; providing for a searchable database of title history; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; amending s. 316.2397, F.S.; authorizing emergency response vehicles of the Department of Health to use red flashing lights; amending s. 348.7543, F.S.; specifying the revenue bonds that may be used to finance certain improvements to the Orlando-Orange County Expressway Authority; amending s. 348.7545, F.S.; authorizing the

authority to refinance the Western Beltway Part C; amending s. 348.755, F.S.; prescribing additional authority to issue bonds by or on behalf of the authority; prescribing a condition on issuance of bonds by the authority; amending s. 348.765, F.S.; restating the authority's exemption from certain provisions relating to issuance of bonds by state agencies; providing for earlier effect and retroactive application of s. 197.1722, F.S.; relating to a limited waiver of certain mandatory charges and interest on certain real property taxes; providing an effective date.

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

Section 1. Subsection (4) of section 20.23, Florida Statutes, is amended to read:

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

(4)(a) The operations of the department shall be organized into seven ~~eight~~ districts, ~~including a turnpike district,~~ each headed by a district secretary and a turnpike enterprise, headed by an executive director. The district secretaries shall report to the Assistant Secretary for District Operations. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, and Hillsborough~~, and Leon~~ Counties. The headquarters of the turnpike enterprise shall be located in Orange County. ~~The turnpike district must be relocated to Orange County in the year 2000.~~ In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts. However, before making a decision to centralize or decentralize department operations ~~or relocate the turnpike district~~, the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.

(b) The primary responsibility for the implementation of the department's transportation programs shall be delegated by the secretary to the district secretaries, and sufficient authority shall be vested in each district to ensure adequate control of the resources commensurate with the delegated responsibility. Each district secretary shall also be accountable for ensuring their district's quality of performance and compliance with all laws, rules, policies, and procedures related to the operation of the department.

(c) Each district secretary may appoint a district director for planning and programming, a district director for production, and a district director for operations. These positions are exempt from part II of chapter 110.

(d) Within each district, offices shall be established for managing major functional responsibilities of the department. The offices may include planning, design, construction, right-of-way, maintenance, and public transportation. The heads of these offices shall be exempt from part II of chapter 110.

(e) The district director for the Fort Myers Urban Office of the Department of Transportation is responsible for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort Myers Urban Office also is responsible for providing policy, direction, local government coordination, and planning for those counties.

(f)1. The responsibility for the turnpike system shall be delegated by the secretary to the executive director of the turnpike enterprise, who shall serve at the pleasure of the secretary. The executive director shall report directly to the secretary, and the turnpike enterprise shall operate pursuant to ss. 338.22-338.241.

2. To facilitate the most efficient and effective management of the turnpike enterprise, including the use of best business practices employed by the private sector, the turnpike enterprise, except as provided in s. 287.055, shall be exempt from departmental policies, procedures, and standards, subject to the secretary having the authority to apply any such policies, procedures, and standards to the turnpike enterprise from time to time as deemed appropriate.

Section 2. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service not to exceed $200 ~~$135~~ million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 3. Paragraph (b) of subsection (1) and subsection (8) of section 316.302, Florida Statutes, are amended to read:

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

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on October 1, 2001 ~~March 1, 1999~~.

(8) For the purpose of enforcing this section, any law enforcement officer ~~agent~~ of the Department of Transportation or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records ~~described in s. 316.545(9), any member of the Florida Highway Patrol, or any person employed by a sheriff's office or municipal police department who is authorized to enforce the traffic laws of this state pursuant to s. 316.640 may enforce the provisions of this section. Any officer of the Department of Transportation described in s. 316.545(9), any member of the Florida Highway Patrol, or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640, who has reason to believe that a vehicle or driver is operating in an unsafe condition, may require the driver to stop and submit to an inspection of the vehicle or the driver's records. Any person who fails to comply with an officer's request to submit to an inspection under this subsection is guilty of a violation of s. 843.02 if the driver resists the officer without violence or a violation of s. 843.01 if the driver resists the officer with violence~~. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would ~~probably~~ present an unduly hazardous operating condition, the officer may require the vehicle or the driver to be removed from service pursuant to the North American Uniform Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer may give written notice requiring correction of the condition ~~to require proper repair and adjustment of the vehicle~~ within 14 days.

(a) Any member of the Florida Highway Patrol or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640 who has reason to believe that a vehicle or driver is operating in an unsafe condition may, as provided in subsection (10), enforce the provisions of this section.

(b) Any person who fails to comply with an officer's request to submit to an inspection under this subsection commits a violation of s. 843.02 if the person resists the officer without violence or a violation of s. 843.01 if the person resists the officer with violence.

Section 4. Paragraph (a) of subsection (3) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(3)(a) A civil penalty of $50 may be assessed for a violation of 49 C.F.R. s. 390.21 ~~s. 316.3027~~.

Section 5. Subsection (2) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(2) HEIGHT LIMITATION.—No vehicle may exceed a height of 13 feet 6 inches, inclusive of load carried thereon. However, an automobile transporter may~~, with a permit from the Department of Transportation,~~ measure a height not to exceed 14 feet, inclusive of the load carried thereon.

Section 6. Subsection (6) of section 316.535, Florida Statutes, is renumbered as subsection (7), present subsection (7) is renumbered as subsection (8) and amended, and a new subsection (6) is added to said section, to read:

316.535 Maximum weights.—

(6) Dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work or use, when operated as a single unit, shall be subject to all safety and operational requirements of law, except that any such vehicle need not conform to the axle spacing requirements of this section provided that such vehicle shall be limited to a total gross load, including the weight of the vehicle, of 20,000 pounds per axle plus scale tolerances and shall not exceed 550 pounds per inch width tire surface plus scale tolerances. No vehicle operating pursuant to this section shall exceed a gross weight, including the weight of the vehicle and scale tolerances, of 70,000 pounds. Any vehicle violating the weight provisions of this section shall be penalized as provided in s. 316.545.

(7)~~(6)~~ The Department of Transportation shall adopt rules to implement this section, shall enforce this section and the rules adopted hereunder, and shall publish and distribute tables and other publications as deemed necessary to inform the public.

(8)~~(7)~~ Except as hereinafter provided, no vehicle or combination of vehicles exceeding the gross weights specified in subsections (3), (4), ~~and~~ (5), and (6) shall be permitted to travel on the public highways within the state.

Section 7. Paragraph (a) of subsection (2) and paragraph (a) of subsection (4) of section 316.545, Florida Statutes, are amended to read:

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

(2)(a) Whenever an officer, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7)~~(6)~~ shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal

weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits.

(4)(a) No commercial vehicle, as defined in s. 316.003(66), shall be operated over the highways of this state unless it has been properly registered under the provisions of s. 207.004. Whenever any law enforcement officer identified in s. 207.023(1), upon inspecting the vehicle or combination of vehicles, determines that the vehicle is in violation of s. 207.004, a penalty in the amount of $50 shall be assessed, and the vehicle may ~~shall~~ be detained until payment is collected by the law enforcement officer.

Section 8. Subsection (31) is added to section 334.044, Florida Statutes, to read:

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

(31) In order to fulfill the department's mission to provide a safe and efficient transportation system, the department's Office of Motor Carrier Compliance may employ sworn law enforcement officers, certified in accordance with chapter 943, to enforce the traffic and criminal laws of this state. Such officers shall have full law enforcement powers granted to other peace officers of this state, including making arrests, carrying firearms, serving court process, and seizing vehicles defined as contraband under s. 319.33, illegal drugs, stolen property, and the proceeds of illegal activities. Officers appointed under this section have the primary responsibility for enforcing laws relating to size and weight of commercial motor vehicles; safety, traffic, tax, and registration of commercial motor vehicles; interdiction of vehicles defined as contraband under s. 319.33, illegal drugs, and stolen property; and violations that threaten the overall security and safety of Florida's transportation infrastructure and the motoring public. The office is also authorized to appoint part-time or auxiliary law enforcement officers pursuant to chapter 943 and to provide compensation in accordance with law.

Section 9. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative highway projects; department to establish program.—The department is authorized to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to

adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, prior to using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than $120 million in contracts annually for the purposes authorized by this section. However, the annual cap on contracts provided in this section shall not apply to turnpike enterprise projects nor shall turnpike enterprise projects be counted toward the department's annual cap.

Section 10. Paragraph (c) of subsection (3) and paragraph (c) of subsection (6) of section 337.11, Florida Statutes, are amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(3)

(c) No advertisement for bids shall be published and no bid solicitation notice shall be provided until title to all necessary rights-of-way and easements for the construction of the project covered by such advertisement or notice has vested in the state or a local governmental entity, and all railroad crossing and utility agreements have been executed. The turnpike enterprise is exempt from this paragraph for a turnpike enterprise project. Title to all necessary rights-of-way shall be deemed to have been vested in the State of Florida when such title has been dedicated to the public or acquired by prescription.

(6)

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the ~~threshold~~ amount of $120,000 ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts for construction and maintenance without advertising and receiving competitive bids. ~~However, if legislation is enacted by the Legislature which changes the category thresholds, the threshold amount shall remain at $60,000.~~ The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

Section 11. Effective July 1, 2003, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by section 4 of chapter 2001-350, Laws of Florida, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the right-of-way services and design and construction phases of a building, a major bridge, a limited access facility, or a rail corridor project into a single contract. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 12. Effective July 1, 2005, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by this act, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the ~~right-of-way services and~~ design and construction phases of a building, a major bridge, a limited access facility, or a rail corridor project into a single contract. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 13. Subsection (3) of section 337.185, Florida Statutes, is amended to read:

337.185 State Arbitration Board.—

(3) A hearing may be requested by the department or by a contractor who has a dispute with the department which, under the rules of the board, may be the subject of arbitration. The request is to be made to the board within 820 days after the final acceptance of the work for all contracts entered into after June 30, 1993. The board shall conduct the hearing within 45 days of the request. The party requesting the board's consideration shall give notice of the hearing to each member. If the board finds that a third party is necessary to resolve the dispute, the board may vote to dismiss the claim, which may thereafter be pursued in accordance with the laws of the State of Florida.

Section 14. Subsection (7) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(7) This section does not apply to the turnpike system as defined under the Florida Turnpike Enterprise Law.

Section 15. Section 338.22, Florida Statutes, is amended to read:

338.22 Florida Turnpike Enterprise Law; short title.—Sections 338.22-338.241 may be cited as the "Florida Turnpike Enterprise Law."

Section 16. Section 338.221, Florida Statutes, is amended to read:

338.221 Definitions of terms used in ss. 338.22-338.241.—As used in ss. 338.22-338.241, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

(1) "Bonds" or "revenue bonds" means notes, bonds, refunding bonds or other evidences of indebtedness or obligations, in either temporary or definitive form, issued by the Division of Bond Finance on behalf of the department and authorized under the provisions of ss. 338.22-338.241 and the State Bond Act.

(2) "Cost," as applied to a turnpike project, includes the cost of acquisition of all land, rights-of-way, property, easements, and interests acquired by the department for turnpike project construction; the cost of such construction; the cost of all machinery and equipment, financing charges, fees, and expenses related to the financing; establishment of reserves to secure bonds; interest prior to and during construction and for such period after completion of construction as shall be determined by the department; the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues; other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing any such turnpike project; administrative expenses; and such other expenses as may be necessary or incident to the acquisition or construction of a turnpike project, the financing of such acquisition or construction, and the placing of the turnpike project in operation.

(3) "Feeder road" means any road no more than 5 miles in length, connecting to the turnpike system which the department determines is necessary to create or facilitate access to a turnpike project.

(4) "Owner" includes any person or any governmental entity that has title to, or an interest in, any property, right, easement, or interest authorized to be acquired pursuant to ss. 338.22-338.241.

(5) "Revenues" means all tolls, charges, rentals, gifts, grants, moneys, and other funds coming into the possession, or under the control, of the department by virtue of the provisions hereof, except the proceeds from the sale of bonds issued under ss. 338.22-338.241.

(6) "Turnpike system" means those limited access toll highways and associated feeder roads and other structures, appurtenances, or rights previously designated, acquired, or constructed pursuant to the Florida Turnpike Enterprise Law and such other additional turnpike projects as may be acquired or constructed as approved by the Legislature.

(7) "Turnpike improvement" means any betterment necessary or desirable for the operation of the turnpike system, including, but not limited to, widenings, the addition of interchanges to the existing turnpike system, resurfacings, toll plazas, machinery, and equipment.

(8) "Economically feasible" means:

(a) For a proposed turnpike project, that, as determined by the department before the issuance of revenue bonds for the project, the estimated net revenues of the proposed turnpike project, excluding feeder roads and turnpike improvements, will be sufficient to pay at least 50 percent of the debt service on the bonds by the end of the 12th ~~5th~~ year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the 22nd ~~15th~~ year of operation. In implementing this paragraph, up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.

(b) For turnpike projects, except for feeder roads and turnpike improvements, financed from revenues of the turnpike system, such project, or such group of projects, originally financed from revenues of the turnpike system, that the project is expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.

This subsection does not prohibit the pledging of revenues from the entire turnpike system to bonds issued to finance or refinance a turnpike project or group of turnpike projects.

(9) "Turnpike project" means any extension to or expansion of the existing turnpike system and new limited access toll highways and associated feeder roads and other structures, interchanges, appurtenances, or rights as may be approved in accordance with the Florida Turnpike Enterprise Law.

(10) "Statement of environmental feasibility" means a statement by the Department of Environmental Protection of the project's significant environmental impacts.

Section 17. Section 338.2215, Florida Statutes, is created to read:

338.2215 Florida Turnpike Enterprise; legislative findings, policy, purpose, and intent.—It is the intent of the Legislature that the turnpike enterprise be provided additional powers and authority in order to maximize the advantages obtainable through fully leveraging the Florida Turnpike System asset. The additional powers and authority will provide the turnpike enterprise with the autonomy and flexibility to enable it to more easily pursue innovations as well as best practices found in the private sector in management, finance, organization, and operations. The additional powers and authority are intended to improve cost-effectiveness and timeliness of project delivery, increase revenues, expand the turnpike system's capital program capability, and improve the quality of service to its patrons, while continuing to protect the turnpike system's bondholders and further preserve, expand, and improve the Florida Turnpike System.

Section 18. Section 338.2216, Florida Statutes, is created to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(1)(a) In addition to the powers granted to the department, the Florida Turnpike Enterprise has full authority to exercise all powers granted to it under this chapter. Powers shall include, but are not limited to, the ability to plan, construct, maintain, repair, and operate the Florida Turnpike System.

(b) It is the express intention of this part that the Florida Turnpike Enterprise be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage the Florida Turnpike System; to expend funds to publicize, advertise, and promote the advantages of using the turnpike system and its facilities; and to cooperate, coordinate, partner, and contract with other entities, public and private, to accomplish these purposes.

(c) The executive director of the turnpike enterprise shall appoint a staff, which shall be exempt from part II of chapter 110. Among the staff shall be chief financial officer, who must be a proven, effective administrator with demonstrated experience in financial management of a large bonded capital program and must hold an active license to practice public accounting in Florida pursuant to chapter 473. The turnpike enterprise staff shall also include the Office of Toll Operations.

(2) The department shall have the authority to employ procurement methods available to the Department of Management Services under chapters 255 and 287 and under any rule adopted under such chapters solely for the benefit of the turnpike enterprise.

(3)(a) The turnpike enterprise shall be a single budget entity and shall develop a budget pursuant to chapter 216. The turnpike enterprise's budget shall be submitted to the Legislature along with the department's budget.

(b) Notwithstanding the provisions of s. 216.301 to the contrary and in accordance with s. 216.351, the Executive Office of the Governor shall, on

July 1 of each year, certify forward all unexpended funds appropriated or provided pursuant to this section for the turnpike enterprise. Of the unexpended funds certified forward, any unencumbered amounts shall be carried forward. Such funds carried forward shall not exceed 5 percent of the total operating budget of the turnpike enterprise. Funds carried forward pursuant to this section may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified forward funds remaining undisbursed on December 31 of each year shall be carried forward.

(4) The powers conferred upon the turnpike enterprise under ss. 338.22-338.241 shall be in addition and supplemental to the existing powers of the department and the turnpike enterprise, and these powers shall not be construed as repealing any provision of any other law, general or local, but shall supersede such other laws that are inconsistent with the exercise of the powers provided under ss. 338.22-338.241 and provide a complete method for the exercise of such powers granted.

Section 19. Subsection (4) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(4) The department is authorized, with the approval of the Legislature, to use federal and state transportation funds to lend or pay a portion of the operating, maintenance, and capital costs of turnpike projects. ~~Federal and state transportation funds included in an adopted work program, or the General Appropriations Act, for a turnpike project do not have to be reimbursed to the State Transportation Trust Fund, or used in determining the economic feasibility of the proposed project.~~ For operating and maintenance loans, the maximum net loan amount in any fiscal year shall not exceed 1.5 ~~0.5~~ percent of state transportation tax revenues for that fiscal year.

Section 20. Subsection (2) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided by ss. 338.22-338.241 and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. All revenues and bond proceeds from the turnpike system received by the department pursuant to ss. 338.22-338.241, the Florida Turnpike Enterprise Law, shall be used only for the cost of turnpike projects and turnpike improvements and for the administration, operation, maintenance, and financing of the turnpike system. No revenues or bond proceeds from the turnpike system shall be spent for the operation, maintenance, construction, or financing of any project which is not part of the turnpike system.

Section 21. Section 338.234, Florida Statutes, is amended to read:

338.234 Granting concessions or selling along the turnpike system.—

~~(1)~~ The department may enter into contracts or licenses with any person for the sale of ~~grant concessions or sell~~ services or products or business opportunities on ~~along~~ the turnpike system, or the turnpike enterprise may sell services, products, or business opportunities on the turnpike system, which benefit the traveling public or provide additional revenue to the turnpike system. Services, business opportunities, and products authorized to be sold include, but are not limited to, ~~the sale of~~ motor fuel, vehicle towing, and vehicle maintenance services; ~~the sale of~~ food with attendant nonalcoholic beverages; lodging, meeting rooms, and other business services opportunities; advertising and other promotional opportunities, which advertising and promotions must be consistent with the dignity and integrity of the state; ~~the sale of~~ state lottery tickets sold by authorized retailers; games and amusements that ~~the granting of concessions for amusement devices which~~ operate by the application of skill, not including games of chance as defined in s. 849.16 or other illegal gambling games; ~~the sale of~~ Florida citrus, goods promoting the state, or handmade goods produced within the state; and ~~the granting of concessions for equipment which provides~~ travel information, ~~or~~ tickets, reservations, or other related services~~; and the granting of concessions which provide banking and other business services.~~ However, the department, pursuant to the grants of authority to the Turnpike Enterprise under this section, shall not exercise the power of eminent domain solely for the purpose of acquiring real property in order to provide business services or opportunities, such as lodging and meeting-room space on the turnpike system. ~~The department may also provide information centers on the plazas for the benefit of the public.~~

~~(2) The department may provide an opportunity for governmental agencies to hold public events at turnpike plazas which educate the traveling public as to safety, travel, and tourism.~~

Section 22. Subsection (3) of section 338.235, Florida Statutes, is amended to read:

338.235 Contracts with department for provision of services on the turnpike system.—

(3) The department may enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, nonexclusive, and nondiscriminatory basis, turnpike property and other turnpike structures, for the placement of wireless facilities by any wireless provider of mobile services as defined in 47 U.S.C. s. 153(n) or s. 332(d), and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department and a wireless provider may negotiate the reduction or elimination of a fee in consideration of

goods or services ~~service~~ provided to the department by the wireless provider. All such fees collected by the department shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund and may be used to construct, maintain, or support the system.

Section 23. Subsection (2) of section 338.239, Florida Statutes, is amended to read:

338.239 Traffic control on the turnpike system.—

(2) Members of the Florida Highway Patrol are vested with the power, and charged with the duty, to enforce the rules of the department. Approved expenditures ~~Expenses~~ incurred by the Florida Highway Patrol in carrying out its powers and duties under ss. 338.22-338.241 may be treated as a part of the cost of the operation of the turnpike system, and the Department of Highway Safety and Motor Vehicles shall be reimbursed by the turnpike enterprise ~~Department of Transportation~~ for such expenses incurred on the turnpike system ~~mainline, which is that part of the turnpike system extending from the southern terminus in Florida City to the northern terminus in Wildwood including all contiguous sections~~. Florida Highway Patrol Troop K shall be headquartered with the turnpike enterprise and shall be the official and preferred law enforcement troop for the turnpike system. The Department of Highway Safety and Motor Vehicles may, upon request of the executive director of the turnpike enterprise and approval of the Legislature, increase the number of authorized positions for Troop K, or the executive director of the turnpike enterprise may contract with the Department of Highway Safety and Motor Vehicles for additional troops to patrol the turnpike system.

Section 24. Section 338.241, Florida Statutes, is amended to read:

338.241 Cash reserve requirement.—The budget for the turnpike system shall be so planned as to provide for a cash reserve at the end of each fiscal year of not less than 5 ~~10~~ percent of the unpaid balance of all turnpike system contractual obligations, excluding bond obligations, to be paid from revenues.

Section 25. Section 338.251, Florida Statutes, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties and the turnpike enterprise.

(1) The department is authorized to advance funds for preliminary engineering, traffic and revenue studies, environmental impact studies, financial advisory services, engineering design, right-of-way map preparation, other appropriate project-related professional services, and advanced right-of-way acquisition to expressway authorities, the turnpike enterprise, counties, or other local governmental entities that desire to undertake revenue-producing road projects.

(2) No funds shall be advanced pursuant to this section unless the following is documented to the department:

(a) The proposed facility is consistent with the adopted transportation plan of the appropriate metropolitan planning organization and the Florida Transportation Plan.

(b) A proposed 2-year budget detailing the use of the cash advance and a project schedule consistent with the budget.

(3) Prior to receiving any moneys for advance right-of-way acquisition, it shall be shown that such right-of-way will substantially appreciate prior to construction and that savings will result from its advance purchase. Any such request for moneys for advance right-of-way acquisition shall be accompanied by a preliminary engineering study, environmental impact study, traffic and revenue study, and right-of-way maps along with either a negotiated contract for purchase of the right-of-way, such contract to include a clause stating that it is subject to funding by the department or the Legislature, or an appraisal of the subject property for purpose of condemnation proceedings.

(4) Each advance pursuant to this section shall require repayment out of the initial bond issue revenue or, at the discretion of the governmental entity or the turnpike enterprise ~~of the facility~~, repayment shall begin no later than 7 years after the date of the advance, provided repayment shall be completed no later than 12 years after the date of the advance. However, such election shall be made at the time of the initial bond issue, and, if repayment is to be made during the time period referred to above, a schedule of such repayment shall be submitted to the department.

(5) No amount in excess of $1.5 million annually shall be advanced to any one governmental entity or the turnpike enterprise pursuant to this section without specific appropriation by the Legislature.

(6) Funds may not be advanced for funding final design costs beyond 60 percent completion until an acceptable plan to finance all project costs, including the reimbursement of outstanding trust fund advances, is approved by the department.

(7) The department may advance funds sufficient to defray shortages in toll revenues of facilities receiving funds pursuant to this section for the first 5 years of operation, up to a maximum of $5 million per year, to be reimbursed to this fund within 5 years of the last advance hereunder. Any advance under this provision shall require specific appropriation by the Legislature.

(8) No expressway authority, county, or other local governmental entity, or the turnpike enterprise, shall be eligible to receive any advance under this section if the expressway authority, county, or other local governmental entity or the turnpike enterprise has failed to repay any previous advances as required by law or by agreement with the department.

(9) Repayment of funds advanced, including advances made prior to January 1, 1994, shall not include interest. However, interest accruing to local

governmental entities and the turnpike enterprise from the investment of advances shall be paid to the department.

(10) Any repayment of prior or future advances made from the State Transportation Trust Fund which were used to fund any project phase of a toll facility, shall be deposited in the Toll Facilities Revolving Trust Fund. However, when funds advanced to the Seminole County Expressway Authority pursuant to this section are repaid to the Toll Facilities Revolving Trust Fund by or on behalf of the Seminole County Expressway Authority, those funds shall thereupon and forthwith be appropriated for and advanced to the Seminole County Expressway Authority for funding the design of and the advanced right-of-way acquisition for that segment of the Seminole County Expressway extending from U.S. Highway 17/92 to Interstate Highway 4. Notwithstanding subsection (6), when funds previously advanced to the Orlando-Orange County Expressway Authority are repaid to the Toll Facilities Revolving Trust Fund by or on behalf of the Orlando-Orange County Expressway Authority, those funds may thereupon and forthwith be appropriated for and advanced to the Seminole County Expressway Authority for funding that segment of the Seminole County Expressway extending from U.S. Highway 17/92 to Interstate Highway 4. Any funds advanced to the Tampa-Hillsborough County Expressway Authority pursuant to this section which have been or will be repaid on or after July 1, 1998, to the Toll Facilities Revolving Trust Fund on behalf of the Tampa-Hillsborough County Expressway Authority shall thereupon and forthwith be appropriated for and advanced to the Tampa-Hillsborough County Expressway Authority for funding the design of and the advanced right-of-way acquisition for the Brandon area feeder roads, capital improvements to increase capacity to the expressway system, and Lee Roy Selmon Crosstown Expressway System Widening as authorized under s. 348.565.

(11) The department shall adopt rules necessary for the implementation of this section, including rules for project selection and funding.

Section 26. Paragraphs (a), (f), and (g) of subsection (4) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike enterprise ~~district~~, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any

other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052.

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Intrastate Highway System established pursuant to s. 338.001. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term "new discretionary highway capacity funds" means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

(f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and the Department of Community Affairs at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), the Department of Community Affairs shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization. ~~The commission shall consider the list as part of its evaluation of the tentative work program conducted pursuant to s. 20.23.~~

(g)1. The Florida Transportation Commission shall conduct a statewide public hearing on the tentative work program and shall advertise the time, place, and purpose of the hearing in the Florida Administrative Weekly at least 7 days prior to the hearing. As part of the statewide public hearing, the commission shall, at a minimum:

a.~~1.~~ Conduct an in-depth evaluation of the tentative work program ~~as required in s. 20.23~~ for compliance with applicable laws and departmental policies; and

b.~~2.~~ Hear all questions, suggestions, or other comments offered by the public.

2. By no later than 14 days after the regular legislative session begins, the commission shall submit to the Executive Office of the Governor and the legislative appropriations committees a report that evaluates the tentative work program for:

a. Financial soundness;

b. Stability;

c. Production capacity;

d. Accomplishments, including compliance with program objectives in s. 334.046;

e. Compliance with approved local government comprehensive plans;

f. Objections and requests by metropolitan planning organizations;

g. Policy changes and effects thereof;

h. Identification of statewide or regional projects; and

i. Compliance with all other applicable laws.

Section 27. Subsection (1) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs (a)-(f) ~~(a)-(e)~~, each local government and each legally constituted enforcement district with statutory authority shall regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall enforce the Florida Building Code required by this part on all public or private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(a) Construction regulations relating to correctional facilities under the jurisdiction of the Department of Corrections and the Department of Juvenile Justice are to be enforced exclusively by those departments.

(b) Construction regulations relating to elevator equipment under the jurisdiction of the Bureau of Elevators of the Department of Business and Professional Regulation shall be enforced exclusively by that department.

(c) In addition to the requirements of s. 553.79 and this section, facilities subject to the provisions of chapter 395 and part II of chapter 400 shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of chapter 395 and part II of chapter 400 and the certification requirements of the Federal Government.

(d) Building plans approved pursuant to s. 553.77(6) and state-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation, such as lawn storage buildings and storage sheds, are exempt from local code enforcing agency plan reviews except for provisions of the code relating to erection, assembly, or construction at the site. Erection, assembly, and construction at the site are subject to local permitting and inspections.

(e) Construction regulations governing public schools, state universities, and community colleges shall be enforced as provided in subsection (6).

(f) The Florida Building Code as it pertains to toll collection facilities under the jurisdiction of the turnpike enterprise of the Department of Transportation shall be enforced exclusively by the turnpike enterprise.

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

Section 28. Section 341.8201, Florida Statutes, is created to read:

341.8201 Short title.—Sections 341.8201-341.843 may be cited as the "Florida High-Speed Rail Authority Act."

Section 29. Section 341.8202, Florida Statutes, is created to read:

341.8202 Legislative findings, policy, purpose, and intent.—

(1) The intent of this act is to implement the purpose of s. 19, Art. X of the State Constitution, which directs the Legislature, the Cabinet and the Governor to proceed with the development, either by the state or an approved private entity, of a high-speed monorail, fixed guideway, or magnetic levitation system, capable of speeds in excess of 120 miles per hour. The development of such a system, which will link Florida's five largest urban areas as defined in this act, includes acquisition of right-of-way and the financing of design and construction with construction beginning on or before November 1, 2003. Further, this act promotes the various growth management and environmental protection laws enacted by the Legislature and encourages and enhances the establishment of a high-speed rail system. The Legislature further finds that:

(a) The implementation of a high-speed rail system in the state will result in overall social and environmental benefits, improvements in ambient air quality, better protection of water quality, greater preservation of wildlife habitat, less use of open space, and enhanced conservation of natural resources and energy.

(b) A high-speed rail system, when developed in conjunction with sound land use planning, becomes an integral part in achieving growth management goals and encourages the use of public transportation to augment and implement land use and growth management goals and objectives.

(c) Development and utilization of a properly designed, constructed, and financed high-speed rail system and associated development can act as a catalyst for economic growth and development, mitigate unduly long and traffic-congested commutes for day-to-day commuters, create new employment opportunities, serve as a positive growth management system for building a better and more environmentally secure state, and serve a paramount public purpose by promoting the health, safety, and welfare of the citizens of the state.

(d) Transportation benefits of a high-speed rail system include improved travel times and more reliable travel, which will increase productivity and energy efficiency in the state.

(2) The Legislature further finds that:

(a) Access to timely and efficient modes of passenger transportation is necessary for travelers, visitors, and day-to-day commuters, to the quality of life in the state, and to the economy of the state.

(b) Technological advances in the state's transportation system can significantly and positively affect the ability of the state to attract and provide efficient services for domestic and international tourists and therefore increase revenue of the state.

(c) The geography of the state is suitable for the construction and efficient operation of a high-speed rail system.

(d) The public use of the high-speed rail system must be encouraged and assured in order to achieve the public purpose and objectives set forth in this act. In order to encourage the public use of the high-speed rail system and to protect the public investment in the system, it is necessary to provide an environment surrounding each high-speed rail station which will allow the development of associated development for the purpose of creating revenue in support of and for the high-speed rail system, enhance the safe movement of pedestrians and traffic into and out of the area, ensure the personal safety of high-speed rail system and related facility users and their personal property while the users are in the area of each station, and eliminate all conditions in the vicinity which constitute economic and social impediments and barriers to the use of the high-speed rail system and associated development.

(e) Areas surrounding certain proposed high-speed rail stations can, as a result of existing conditions, crime, and traffic congestion, pose a serious threat to the use of the high-speed rail system, reduce revenue from users, discourage pedestrian and traffic ingress and egress, retard sound growth and development, impair public investment, and consume an excessive amount of public revenues in the employment of police and other forms of public protection to adequately safeguard the high-speed rail system and its users. Such areas may require redevelopment, acquisition, clearance, or disposition, or joint public and private development to provide parking facilities, retail establishments, restaurants, hotels, or office facilities associated with or ancillary to the high-speed rail system and rail stations and to otherwise provide for an environment that will encourage the use of, and safeguard, the system.

(f) The powers conferred by this act are for public uses and purposes as established by s. 19, Art. X of the State Constitution for which public funds may be expended, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination to implement the intent of s. 19, Art. X of the State Constitution.

(g) Urban and social benefits include revitalization of economically depressed areas, the redirection of growth in a carefully and comprehensively planned manner, and the creation of numerous employment opportunities within inner-city areas.

(h) The provisions contained in this act are a declaration of legislative intent that the state develop a high-speed rail system to help solve transportation problems and eliminate their negative effect on the citizens of this state, and therefore serves a public purpose.

(i) Joint development is a necessary planning, financing, management, operation, and construction mechanism to ensure the continued future development of an efficient and economically viable high-speed rail system in this state.

(3) It is the intent of the Legislature to authorize the authority to implement innovative mechanisms required to effect the joint public-private venture approach to planning, locating, permitting, managing, financing, constructing, operating, and maintaining a high-speed rail system for the state, including providing incentives for revenue generation, operation, construction, and management by the private sector.

Section 30. Section 341.8203, Florida Statutes, is created to read:

341.8203 Definitions.—As used in this act, unless the context clearly indicates otherwise, the term:

(1) "Associated development" means property, equipment, buildings, or other ancillary facilities which are built, installed, or established to provide financing, funding, or revenues for the planning, building, managing, and operation of a high-speed rail system and which are associated with or part of the rail stations. The term includes property, including air rights, necessary for joint development, such as parking facilities, retail establishments, restaurants, hotels, offices, or other commercial, civic, residential, or support facilities, and may also include property necessary to protect or preserve the rail station area by reducing urban blight or traffic congestion or property necessary to accomplish any of the purposes set forth in this subsection which are reasonably anticipated or necessary.

(2) "Authority" means the Florida High-Speed Rail Authority and its agents.

(3) "Central Florida" means the counties of Lake, Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard, Hernando, Pasco, Hillsborough, Pinellas, and Polk.

(4) "DBOM contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, and maintain a high-speed rail system.

(5) "DBOM & F contract" means the document and all concomitant rights approved by the authority providing the selected person or entity the exclusive right to design, build, operate, maintain, and finance a high-speed rail system.

(6) "High-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is capable of operating at speeds in excess of 120 miles per hour, including, but not limited to, a

monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the authority. The term includes a corridor and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, stations, platforms, switches, yards, parking facilities, power relays, switching houses, rail stations, associated development, and any other facilities or equipment used or useful for the purposes of high-speed rail system design, construction, operation, maintenance, or the financing of the high-speed rail system.

(7) "Joint development" means the planning, managing, financing, or constructing of projects adjacent to, functionally related to, or otherwise related to a high-speed rail system pursuant to agreements between any person, firm, corporation, association, organization, agency, or other entity, public or private.

(8) "Northeast Florida" means the counties of Nassau, Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.

(9) "Northwest Florida" means the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon, Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee, Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford, and Levy.

(10) "Rail station," "station," or "high-speed rail station" means any structure or transportation facility that is part of a high-speed rail system designed to accommodate the movement of passengers from one mode of transportation to another at which passengers board or disembark from transportation conveyances and transfer from one mode of transportation to another.

(11) "Selected person or entity" means the person or entity to whom the authority awards a contract under s. 341.834 to establish a high-speed rail system pursuant to this act.

(12) "Southeast Florida" means the counties of Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin, Okeechobee, and Palm Beach.

(13) "Southwest Florida" means the counties of Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte, Glades, Lee, Hendry, and Collier.

(14) "Urban areas" means Central Florida, Northeast Florida, Northwest Florida, Southeast Florida, and Southwest Florida.

Section 31. Section 341.821, Florida Statutes, is amended to read:

341.821 Florida High-Speed Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the "Florida High-Speed Rail Authority," hereinafter referred to as the "authority."

(2)(a) The governing board of the authority shall consist of nine voting members appointed as follows:

1. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.

2. Three members shall be appointed by the President of the Senate, one of whom must have a background in civil engineering, one of whom must have a background in transportation construction, and one of whom must have a general business background.

3. Three members shall be appointed by the Speaker of the House of Representatives, one of whom must have a legal background, one of whom must have a background in financial matters, and one of whom must have a general business background.

(b) The appointed members shall not be subject to confirmation by the Senate. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for terms of 4 years. ~~Initial appointments must be made within 30 days after the effective date of this act.~~

(c) A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.

(d) The Secretary of Transportation shall be a nonvoting ex officio member of the board.

(e) The board shall elect one of its members as chair of the authority. The chair shall hold office at the will of the board. Five members of the board shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the authority. The authority may meet upon the constitution of a quorum. No vacancy in the authority shall impair the right of a quorum of the board to exercise all rights and perform all duties of the authority.

(f) The members of the board shall not be entitled to compensation but shall be entitled to receive their travel and other necessary expenses as provided in s. 112.061.

(3) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a person having a background specified in this section to serve as a member of the authority. However, in each official decision to which this act is applicable, such member's firm or related entity may not have a financial or economic interest nor shall the authority contract with or conduct any business with a member or such member's firm or directly related business entity.

(4) The authority shall be assigned to the Department of Transportation for administrative purposes. The authority shall be a separate budget entity. The Department of Transportation shall provide administrative support and service to the authority to the extent requested by the chair of the authority. The authority shall not be subject to control, supervision, or direction by the Department of Transportation in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

Section 32. Section 341.822, Florida Statutes, is amended to read:

341.822 Powers and duties.—

(1) The authority created and established by this act shall locate, plan, design, finance, construct, maintain, own, operate, administer, and manage the ~~preliminary engineering and preliminary environmental assessment of the intrastate~~ high-speed rail system in the state.~~, hereinafter referred to as "intrastate high-speed rail."~~

(2) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, except the authority may only ~~not~~ incur debt in accordance with levels authorized by the Legislature.

(3) The authority shall have perpetual succession as a body politic and corporate.

(4) The authority is authorized to seek and obtain federal matching funds or any other funds to fulfill the requirements of this act either directly or through the Department of Transportation.

(5) The authority may employ an executive director~~, permanent or temporary,~~ as it may require and shall determine the qualifications and fix the compensation. The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the authority.

Section 33. Section 341.823, Florida Statutes, is amended to read:

341.823 Criteria for assessment and recommendations.—

(1) The following criteria shall apply to the establishment of the high-speed rail system ~~in developing the preliminary engineering, preliminary environmental assessment, and recommendations~~ required by this act:

(a) The system shall be capable of traveling speeds in excess of 120 miles per hour consisting of dedicated rails or guideways separated from motor vehicle traffic;

(b) The initial segments of the system will be developed and operated between the St. Petersburg area, the Tampa area, and the Orlando area, with future service to the Miami area;

(c) The authority is to develop a program ~~model~~ that uses, to the maximum extent feasible, nongovernmental sources of funding for the design, construction, maintenance, ~~and~~ operation, and financing of the system;

(2) The authority shall establish requirements ~~make recommendations~~ concerning:

(a) The format and types of information that must be included in a financial or business plan for the high-speed rail system, and the authority may develop that financial or business plan;

(b) The preferred routes between the cities and urban areas designated in accordance with s. 341.8203 ~~in paragraph (1)(b)~~;

(c) The preferred locations for the stations in the cities and urban areas designated in accordance with s. 341.8203 ~~in paragraph (1)(b)~~;

(d) The preferred locomotion technology to be employed ~~from constitutional choices of monorail, fixed guideway, or magnetic levitation~~; and

~~(e) Any changes that may be needed in state statutes or federal laws which would make the proposed system eligible for available federal funding; and~~

(e)~~(f)~~ Any other issues the authority deems relevant to the development of a high-speed rail system.

(3) The authority shall develop a marketing plan, a detailed planning-level ridership study, and an estimate of the annual operating and maintenance cost for the system and all other associate expenses.

~~(3) When preparing the operating plan, the authority shall include:~~

~~(a) The frequency of service between the cities designated in paragraph (1)(b);~~

~~(b) The proposed fare structure for passenger and freight service;~~

~~(c) Proposed trip times, system capacity, passenger accommodations, and amenities;~~

~~(d) Methods to ensure compliance with applicable environmental standards and regulations;~~

~~(e) A marketing plan, including strategies that can be employed to enhance the utilization of the system;~~

~~(f) A detailed planning-level ridership study;~~

~~(g) Consideration of nonfare revenues that may be derived from:~~

~~1. The sale of development rights at the stations;~~

~~2. License, franchise, and lease fees;~~

~~3. Sale of advertising space on the trains or in the stations; and~~

~~4. Any other potential sources deemed appropriate.~~

~~(h) An estimate of the total cost of the entire system, including, but not limited to, the costs to:~~

~~1. Design and build the stations and monorail, fixed guideway, or magnetic levitation system;~~

~~2. Acquire any necessary rights-of-way;~~

~~3. Purchase or lease rolling stock and other equipment necessary to build, operate, and maintain the system.~~

~~(i) An estimate of the annual operating and maintenance costs for the system and all other associated expenses.~~

~~(j) An estimate of the value of assets the state or its political subdivisions may provide as in-kind contributions for the system, including rights-of-way, engineering studies performed for previous high-speed rail initiatives, land for rail stations and necessary maintenance facilities, and any expenses that may be incurred by the state or its political subdivisions to accommodate the installation of the system.~~

~~(k) An estimate of the funding required per year from state funds for the next 30 years for operating the preferred routes between the cities designated in paragraph (1)(b).~~

~~Whenever applicable and appropriate, the authority will base estimates of projected costs, expenses, and revenues on documented expenditures or experience derived from similar projects.~~

Section 34. Section 341.824, Florida Statutes, is amended to read:

341.824 Technical, scientific, or other assistance.—

(1) The Florida Transportation Commission, the Department of Community Affairs, and the Department of Environmental Protection shall, at the authority's request, provide technical, scientific, or other assistance.

(2) The Department of Community Affairs shall, if requested, provide assistance to local governments in analyzing the land use and comprehensive planning aspects of the high-speed rail system. The Department of Community Affairs shall assist the authority with the resolution of any conflicts between the system and adopted local comprehensive plans.

(3) The Department of Environmental Protection shall, if requested, provide assistance to local governments and other permitting agencies in analyzing the environmental aspects of the high-speed rail system. The Department of Environmental Protection shall assist the authority and the contractor in expediting the approval of the necessary environmental permits for the system.

Section 35. Section 341.827, Florida Statutes, is created to read:

341.827 Service areas; segment designation.—

(1) The authority shall determine in which order the service areas, as designated by the Legislature, will be served by the high-speed rail system.

(2) The authority shall plan and develop the high-speed rail system so that construction proceeds as follows:

(a) The initial segments of the system shall be developed and operated between the St. Petersburg area, the Tampa area, the Lakeland/Winter Haven area, and the Orlando area, with future service to the Miami area.

(b) Construction of subsequent segments of the high-speed rail system shall connect the metropolitan areas of Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft. Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft. Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala, Tallahassee, and Pensacola.

(c) Selection of segments of the high-speed rail system to be constructed subsequent to the initial segments of the system shall be prioritized by the authority, giving consideration to the demand for service, financial participation by local governments, financial participation by the private sector, and the available financial resources of the authority.

Section 36. Section 341.828, Florida Statutes, is created to read:

341.828 Permitting.—

(1) The authority, for the purposes of permitting, may utilize one or more permitting processes provided for in statute, including, but not limited to, the metropolitan planning organization long-range transportation planning process as defined in s. 339.175 (6) and (7), in conjunction with the Department of Transportation's work program process as defined in s. 339.135, or any permitting process now in effect or that may be in effect at the time of permitting and will provide the most timely and cost-effective permitting process.

(2) The authority shall work in cooperation with metropolitan planning organizations in areas where the high-speed rail system will be located. The metropolitan planning organizations shall cooperate with the authority and include the high-speed rail system alignment within their adopted long-range transportation plans and transportation improvement programs for the purposes of providing public information, consistency with the plans, and receipt of federal and state funds by the authority to support the high-speed rail system.

(3) For purposes of selecting a route alignment, the authority may use the project development and environment study process, including the efficient transportation decisionmaking system process as adopted by the Department of Transportation.

Section 37. Section 341.829, Florida Statutes, is created to read:

341.829 Conflict prevention, mitigation, and resolution.—

(1) The authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, shall develop and implement, within 180 days after the effective date of this act, a process to prevent, mitigate, and resolve, to the maximum extent feasible, any conflicts or potential conflicts of a high-speed rail system with growth management requirements and environmental standards.

(2) Any person who disagrees with the alignment decision must file a complaint with the authority within 20 days after the authority's final adoption of the alignment.

(3) The authority must respond to any timely filed complaint within 60 days after the complaint is filed with the authority.

Section 38. Section 341.830, Florida Statutes, is created to read:

341.830 Procurement.—

(1) The authority may employ procurement methods under chapters 255, 287, and 337 and under any rule adopted under such chapters. To enhance the effective and efficient operation of the authority, and to enhance the ability of the authority to use best business practices, the authority may, pursuant to ss. 120.536(1) and 120.54, adopt rules for and employ procurement methods available to the private sector.

(2) The authority is authorized to procure commodities and the services of a qualified person or entity to design, build, finance, operate, maintain, and implement a high-speed rail system, including the use of a DBOM or DBOM & F method using a request for proposal, a request for qualifications, or an invitation to negotiate.

Section 39. Section 341.831, Florida Statutes, is created to read:

341.831 Prequalification.—

(1) The authority may prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system. The authority may establish qualifying criteria that may include, but not be limited to, experience, financial resources, organization and personnel, equipment, past record or history of the person or entity, ability to finance or issue bonds, and ability to post a construction or performance bond.

(2) The authority may establish the qualifying criteria in a request for qualification without adopting the qualifying criteria as rules.

Section 40. Section 341.832, Florida Statutes, is created to read:

341.832 Request for qualifications.—

(1) The authority is authorized to develop and execute a request for qualifications process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue

multiple requests for qualifications. The authority shall develop criteria for selection of a person or entity that shall be included in any request for qualifications.

(2) The authority may issue a request for qualifications without adopting a rule.

Section 41. Section 341.833, Florida Statutes, is created to read:

341.833 Request for proposals.—

(1) The authority is authorized to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system. The authority may issue multiple requests for proposals. The authority shall develop criteria for selection of a person or entity that shall be included in any request for proposals.

(2) In the request for proposals, the authority shall specify the minimum period of time for the contract duration. A person or entity may propose a longer period of time for the contract and provide justification of the need for an extended contract period. If the authority extends the time period for the contract, such time period shall be extended for all persons or entities if so requested.

Section 42. Section 341.834, Florida Statutes, is created to read:

341.834 Award of contract.—

(1) The authority may award a contract subject to such terms and conditions, including, but not limited to, compliance with any applicable permitting requirements, and any other terms and conditions the authority considers appropriate.

(2) The contract shall authorize the contractor to provide service between stations as established by the contract. The contractor shall coordinate its facilities and services with passenger rail providers, commuter rail authorities, and public transit providers to provide access to and from the high-speed rail system.

(3) The contractor shall not convey, lease, or otherwise transfer any high-speed rail system property, any interest in such property, or any improvement constructed upon such property without written approval of the authority.

Section 43. Section 341.835, Florida Statutes, is created to read:

341.835 Acquisition of property; rights-of-way; disposal of land.—

(1) The authority may purchase, lease, exchange, or otherwise acquire any land, property interests, or buildings or other improvements, including personal property within such buildings or on such lands, necessary to secure or utilize rights-of-way for existing, proposed, or anticipated high-speed rail system facilities.

(2) Title to any property acquired in the name of the authority shall be administered by the authority under such terms and conditions as the authority may require.

(3) When the authority acquires property for a high-speed rail system, or any related or ancillary facilities, by purchase or donation, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

(4) In acquiring property or property rights for any high-speed rail system or related or ancillary facilities, the authority may acquire an entire lot, block, or tract of land if the interests of the public will be best served by such acquisition, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper or for the specific related or ancillary facilities.

(5) The authority, by resolution, may dispose of any interest in property acquired pursuant to this section on terms and conditions the authority deems appropriate.

(6) The authority and its employees and agents shall have the right to enter upon properties which may be determined to be necessary for the construction, reconstruction, relocation, maintenance, and operation of a proposed high-speed rail system and associated development and related or ancillary facilities as described in subsection (1) for the purposes of surveying and soil and environmental testing.

(7) The authority is authorized to accept donations of real property from public or private entities for the purposes of implementing a high-speed rail system.

Section 44. Section 341.836, Florida Statutes, is created to read:

341.836 Associated development.—

(1) The authority, alone or as part of a joint development, may undertake development of associated developments to be a source of revenue for the establishment, construction, operation, or maintenance of the high-speed rail system. Such associated developments must be associated with a rail station and have pedestrian ingress to and egress from the rail station; be consistent, to the extent feasible, with applicable local government comprehensive plans and local land development regulations; and otherwise be in compliance with the provisions of this act.

(2) This act does not prohibit the authority, the selected person or entity, or a party to a joint venture with the authority or its selected person or entity

from obtaining approval, pursuant to any other law, for any associated development that is reasonably related to the high-speed rail system.

Section 45. Section 341.837, Florida Statutes, is created to read:

341.837 Payment of expenses.—All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, or from other legally available sources.

Section 46. Section 341.838, Florida Statutes, is created to read:

341.838 Rates, rents, fees, and charges.—

(1) The authority is authorized to fix, revise, charge, and collect rates, rents, fees, charges, and revenues for the use of and for the services furnished, or to be furnished, by the system and to contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. Such rates, rents, fees, and charges shall be reviewed annually by the authority and may be adjusted as set forth in the contract setting such rates, rents, fees, or charges. The funds collected hereunder shall, with any other funds available, be used to pay the cost of all administrative expenses of the authority, and the cost of designing, building, operating, and maintaining the system and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for.

(2) Rates, rents, fees, and charges fixed, revised, charged, and collected pursuant to this section shall not be subject to supervision or regulation by any department, commission, board, body, bureau, or agency of this state other than the authority.

Section 47. Section 341.839, Florida Statutes, is created to read:

341.839 Alternate means.—The foregoing sections of this act shall be deemed to provide an additional and alternative method for accomplishing the purposes authorized therein, and shall be regarded as supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided in this act, none of the powers granted to the authority under the provisions of this act shall be subject to the supervision or require the approval or consent of any municipality or political subdivision or any commission, board, body, bureau, or official.

Section 48. Section 341.840, Florida Statutes, is created to read:

341.840 Tax exemption.—The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and as the design, building, operation, maintenance, and financing of a system by the authority or its agent or the owner or lessee thereof, as herein authorized, constitutes the performance of an essential public function, neither the authority, its agent, nor the owner of such system shall be required to pay any taxes or assessments upon or in respect to the system or any property acquired or used by

the authority, its agent, or such owner under the provisions of this act or upon the income therefrom, any security therefor, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the counties, and the municipalities and other political subdivisions in the state.

Section 49. Section 341.841, Florida Statutes, is created to read:

341.841 Report; audit.—The authority shall prepare an annual report of its actions, findings, and recommendations and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1. The authority shall provide for an annual financial audit, as defined in s. 11.45, of its accounts and records conducted by an independent certified public accountant. The audit report shall include a management letter as defined in s. 11.45. The cost of the audit shall be paid from funds available to the authority pursuant to this act.

Section 50. Section 341.842, Florida Statutes, is created to read:

341.842 Liberal construction.—This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

Section 51. Subsection (10) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(10) Notwithstanding any other provision of law or administrative rule to the contrary, the fee imposed by a state agency or water management district for issuing a development permit shall be waived for a 6-month period beginning on the date the state agency or water management district begins accepting development permit applications over the Internet and the applicant submits the development permit to the agency or district using the One-Stop Permitting System. The 6-month fee waiver shall not apply to development permit fees assessed by the Electrical Power Plant Siting Act, ss. 403.501-403.519; the Transmission Line Siting Act, ss. 403.52-403.5365; the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425~~; and the High Speed Rail Transportation Siting Act, ss. 341.3201-341.386~~.

Section 52. Subsection (6) of section 334.30, Florida Statutes, is amended to read:

334.30 Private transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(6) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the depart-

ment's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 53. Subsection (9) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(9) ~~Notwithstanding s. 341.327,~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under this section may operate at any safe speed.

Section 54. Section 341.501, Florida Statutes, is amended to read:

341.501 High-technology transportation systems; joint project agreement or assistance.—Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. ~~The provisions of the Florida High-Speed Rail Transportation Act, ss. 341.3201-341.386, do not apply to actions taken under this section, and~~ The department may, subject to s. 339.135, provide funds to match any available federal aid for effectuating the research, development, and demonstration of high-technology transportation systems.

Section 55. Sections 341.3201, 341.321, 341.322, 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331, 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337, 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365, 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465, 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364, 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375, 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are repealed.

Section 56. Section 59 of chapter 99-385, Laws of Florida, is repealed.

Section 57. Paragraph (b) of subsection (3) of section 73.071, Florida Statutes, is amended to read:

73.071 Jury trial; compensation; severance damages; business damages.—

(3) The jury shall determine solely the amount of compensation to be paid, which compensation shall include:

(b) Where less than the entire property is sought to be appropriated, any damages to the remainder caused by the taking, including, when the action is by the Department of Transportation, county, municipality, board, district or other public body for the condemnation of a right-of-way, and the effect of the taking of the property involved may damage or destroy an established business of more than 4 years' standing before January 1, 2005, or the effect

of the taking of the property involved may damage or destroy an established business of more than 5 years' standing on or after January 1, 2005, owned by the party whose lands are being so taken, located upon adjoining lands owned or held by such party, the probable damages to such business which the denial of the use of the property so taken may reasonably cause; any person claiming the right to recover such special damages shall set forth in his or her written defenses the nature and extent of such damages; and

Section 58. Paragraph (k) is added to subsection (6) of section 163.3177, Florida Statutes, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

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

(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact.

Section 59. Section 189.441, Florida Statutes, is amended to read:

189.441 Contracts.—Contracts for the construction of projects and for any other purpose of the authority may be awarded by the authority in a manner that will best promote free and open competition, including advertisement for competitive bids; however, if the authority determines that the purposes of this act will be more effectively served thereby, the authority may award or cause to be awarded contracts for the construction of any project, including design-build contracts, or any part thereof, or for any other purpose of the authority upon a negotiated basis as determined by the authority. Each contractor doing business with the authority and required to be licensed by the state or local general-purpose governments must maintain the license during the term of the contract with the authority. The

authority may prescribe bid security requirements and other procedures in connection with the award of contracts which protect the public interest. ~~Section 287.055 does not apply to the selection of professional architectural, engineering, landscape architectural, or land surveying services by the authority or to the procurement of design-build contracts.~~ The authority may, and in the case of a new professional sports franchise must, by written contract engage the services of the operator, lessee, sublessee, or purchaser, or prospective operator, lessee, sublessee, or purchaser, of any project in the construction of the project and may, and in the case of a new professional sports franchise must, provide in the contract that the lessee, sublessee, purchaser, or prospective lessee, sublessee, or purchaser, may act as an agent of, or an independent contractor for, the authority for the performance of the functions described therein, subject to the conditions and requirements prescribed in the contract, including functions such as the acquisition of the site and other real property for the project; the preparation of plans, specifications, financing, and contract documents; the award of construction and other contracts upon a competitive or negotiated basis; the construction of the project, or any part thereof, directly by the lessee, purchaser, or prospective lessee or purchaser; the inspection and supervision of construction; the employment of engineers, architects, builders, and other contractors; and the provision of money to pay the cost thereof pending reimbursement by the authority. Any such contract may, and in the case of a new professional sports franchise must, allow the authority to make advances to or reimburse the lessee, sublessee, or purchaser, or prospective lessee, sublessee, or purchaser for its costs incurred in the performance of those functions, and must set forth the supporting documents required to be submitted to the authority and the reviews, examinations, and audits that are required in connection therewith to assure compliance with the contract.

Section 60. Subsection (2) of section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(2)(a) Notwithstanding the provisions of section 212.20, and less costs of administration, 80 percent of the proceeds of this surcharge shall be deposited in the State Transportation Trust Fund, 15.75 percent of the proceeds of this surcharge shall be deposited in the Tourism Promotional Trust Fund created in s. 288.122, and 4.25 percent of the proceeds of this surcharge shall be deposited in the Florida International Trade and Promotion Trust Fund. For the purposes of this subsection, "proceeds" of the surcharge means all funds collected and received by the department under this section, including interest and penalties on delinquent surcharges.

(b) Notwithstanding any other provision of law, in fiscal year 2007-2008 and each year thereafter, the proceeds deposited in the State Transportation Trust Fund shall be allocated on an annual basis in the Department of Transportation's work program to each department district, except the Turnpike District. The amount allocated for each district shall be based upon the amount of proceeds collected in the counties within each respective district.

Section 61. Subsection (2) of section 215.615, Florida Statutes, is amended to read:

215.615 Fixed-guideway transportation systems funding.—

(2) To be eligible for participation, fixed-guideway transportation system projects must ~~comply with the major capital investment policy guidelines and criteria established by the Department of Transportation under chapter 341; must~~ be found to be consistent, to the maximum extent feasible, with approved local government comprehensive plans of the local governments in which such projects are located~~;~~ and must be included in the work program of the Department of Transportation pursuant to the provisions under s. 339.135. The department shall certify that the expected useful life of the transportation improvements will equal or exceed the maturity date of the debt to be issued.

Section 62. Paragraph (a) of subsection (1) of section 255.20, Florida Statutes, is amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of more than $200,000. For electrical work, local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have a cost of more than $50,000. As used in this section, the term "competitively award" means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, construction costs include the cost of all labor, except inmate labor, and include the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) The provisions of this subsection do not apply:

1. When the project is undertaken to replace, reconstruct, or repair an existing facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:

a. An immediate danger to the public health or safety;

b. Other loss to public or private property which requires emergency government action; or

c. An interruption of an essential governmental service.

2. When, after notice by publication in accordance with the applicable ordinance or resolution, the governmental entity does not receive any responsive bids or responses.

3. To construction, remodeling, repair, or improvement to a public electric or gas utility system when such work on the public utility system is performed by personnel of the system.

4. To construction, remodeling, repair, or improvement by a utility commission whose major contracts are to construct and operate a public electric utility system.

5. When the project is undertaken as repair or maintenance of an existing public facility.

6. When the project is undertaken exclusively as part of a public educational program.

7. When the funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent.

8. When the local government has competitively awarded a project to a private sector contractor and the contractor has abandoned the project before completion or the local government has terminated the contract.

9. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. In deciding whether it is in the public's best interest for local government to perform a project using its own services, employees, and equipment, the governing board may consider the cost of the project, whether the project requires an increase in the number of government employees, an increase in capital expenditures for public facilities, equipment or other capital assets, the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public's best interest.

10. When the governing board of the local government determines upon consideration of specific substantive criteria and administrative procedures that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor according to procedures established by and expressly set forth in a charter, ordinance, or resolution of the local government adopted prior to July 1, 1994. The criteria and procedures must be set out in the charter, ordinance, or resolution and must be applied uniformly by the local government to avoid award of any project in an arbitrary or capricious manner. This exception shall apply when all of the following occur:

a. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-thirds vote of the governing board that it is in the public's best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to award the project using the criteria and procedures permitted by the preexisting ordinance.

b. In the event the project is to be awarded by any method other than a competitive selection process, the governing board must find evidence that:

(I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

(II) The time to competitively award the project will jeopardize the funding for the project, or will materially increase the cost of the project or will create an undue hardship on the public health, safety, or welfare.

c. In the event the project is to be awarded by any method other than a competitive selection process, the published notice must clearly specify the ordinance or resolution by which the private sector contractor will be selected and the criteria to be considered.

d. In the event the project is to be awarded by a method other than a competitive selection process, the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection; and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph.

11. To projects subject to chapter 336.

Section 63. Paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed $1 million ~~$500,000~~, for study activity when the fee for such professional service does not exceed $50,000 ~~$25,000~~, or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract must provide a termination clause.

Section 64. Subsection (12) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with the provisions of s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall abide by the provisions of s. 287.055 ~~be exempt from this requirement~~.

Section 65. Subsections (4) and (6) of section 315.02, Florida Statutes, are amended to read:

315.02 Definitions.—As used in this law, the following words and terms shall have the following meanings:

(4) The word "unit" shall mean any county, port district, port authority, or municipality or any governmental unit created pursuant to s. 163.01(7)(d) that includes at least one deepwater port as listed in s. 403.021(9)(b).

(6) The term "port facilities" shall mean and shall include harbor, shipping, and port facilities, and improvements of every kind, nature, and de-

scription, including, but without limitation, channels, turning basins, jetties, breakwaters, public landings, wharves, docks, markets, parks, recreational facilities, structures, buildings, piers, storage facilities, including facilities that may be used for warehouse, storage, and distribution of cargo transported or to be transported through an airport or port facility, security measures identified pursuant to s. 311.12, public buildings and plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and any and all property and facilities necessary or useful in connection with the foregoing, and any one or more or any combination thereof and any extension, addition, betterment, or improvement of any thereof.

Section 66. Subsection (11) of section 315.03, Florida Statutes, is amended, subsections (12) through (21) of said section are renumbered as subsections (13) through (22), respectively, and a new subsection (12) is added to said section, to read:

315.03 Grant of powers.—Each unit is hereby authorized and empowered:

(11) To accept loans or grants of money or materials or property at any time from the United States or the State of Florida or any agency, instrumentality, or subdivision thereof, or to participate in loan guarantees or lines of credit provided by the United States, upon such terms and conditions as the United States, the State of Florida, or such agency, instrumentality, or subdivision may impose. Any entity created pursuant to s. 163.01(7)(d) that involves at least one deepwater port may participate in the provisions of this subsection, with oversight by the Florida Seaport Transportation and Economic Development Council.

(12)(a) To pay interest or other financing-related costs on federal loan guarantees, lines of credit, or secured direct loans issued to finance eligible projects. Any entity created pursuant to s. 163.01(7)(d) that involves at least one deepwater port may participate in the provisions of this subsection, with oversight by the Florida Seaport Transportation and Economic Development Council, and may establish a loan program that would provide for the reuse of loan proceeds for similar program purposes.

(b) The Florida Seaport Transportation and Economic Development Council shall prepare an annual report detailing the amounts loaned, the projects financed by the loans, any interest earned, and loans outstanding. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year, beginning in 2004.

(c) The Legislature shall review the loan program established pursuant to this subsection during the 2004 Regular Session of the Legislature.

Section 67. Subsection (21) of section 316.003, Florida Statutes, is amended, and subsections (82) and (83) are added to said section, to read:

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

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

(82) MOTORIZED SCOOTER.—Any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground.

(83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

Section 68. Section 316.2068, Florida Statutes, is created to read:

316.2068 Electric personal assistive mobility devices; regulations.—

(1) An electric personal assistive mobility device, as defined in s. 316.003, may be operated:

(a) On a road or street where the posted speed limit is 25 miles per hour or less.

(b) On a marked bicycle path.

(c) On any street or road where bicycles are permitted.

(d) At an intersection, to cross a road or street even if the road or street has a posted speed limit of more than 25 miles per hour.

(e) On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian.

(2) A valid driver's license is not a prerequisite to operating an electric personal assistive mobility device.

(3) Electric personal assistive mobility devices need not be registered and insured in accordance with s. 320.02.

(4) A person who is under the age of 16 years may not operate, ride, or otherwise be propelled on an electric personal assistive mobility device unless the person wears a bicycle helmet that is properly fitted, that is fastened securely upon his or her head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets which are adopted by the department.

(5) A county or municipality may prohibit the operation of electric personal assistive mobility devices on any road, street, or bicycle path under its

jurisdiction if the governing body of the county or municipality determines that such a prohibition is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of electric personal assistive mobility devices on any road under its jurisdiction if it determines that such a prohibition is necessary in the interest of safety.

Section 69. Subsection (5) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS, SAFETY REQUIREMENTS.—Notwithstanding any other provisions of law, straight trucks and cotton module movers, not exceeding 50 feet in length, or any combination of up to and including three implements of husbandry including the towing power unit, and any single agricultural trailer, with a load thereon not exceeding 130 inches in width, is authorized for the purpose of transporting peanuts, grains, soybeans, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, by a person engaged in the production of any such product or custom hauler, if such vehicle or combination of vehicles otherwise complies with this section. Such vehicles shall be operated in accordance with all safety requirements prescribed by law and Department of Transportation rules. The Department of Transportation may issue overlength permits for cotton module movers greater than 50 feet but not more than 55 feet in overall length.

Section 70. Subsection (4) is added to section 316.520, Florida Statutes, to read:

316.520 Loads on vehicles.—

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

Section 71. Section 316.80, Florida Statutes, is created to read:

316.80 Unlawful conveyance of fuel; obtaining fuel fraudulently.—

(1) It is unlawful for any person to maintain, or possess any conveyance or vehicle that is equipped with, fuel tanks, bladders, drums, or other containers that do not conform to 49 C.F.R. or have not been approved by the United States Department of Transportation for the purpose of hauling, transporting, or conveying motor or diesel fuel over any public highway. Any person who violates any provision of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and, in addition, is subject to the revocation of driver license privileges as provided in s. 322.26.

(2) Any person who violates subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she has attempted to or has fraudulently obtained motor or diesel fuel by:

(a) Presenting a credit card or a credit card account number in violation of ss. 817.57-817.685;

(b) Using unauthorized access to any computer network in violation of s. 815.06; or

(c) Using a fraudulently scanned or lost or stolen payment access device, whether credit card or contactless device.

(3) All conveyances or vehicles, fuel tanks, related fuel, and other equipment described in subsection (1) shall be subject to seizure and forfeiture as provided by the Florida Contraband Forfeiture Act.

(4) The law enforcement agency that seizes the motor or diesel fuel under this section shall remove and reclaim, recycle, or dispose of all associated motor or diesel fuel as soon as practicable in a safe and proper manner from the illegal containers.

(5) Upon conviction of the person arrested for the violation of any of the provisions of this section, the judge shall issue an order adjudging and declaring that all fuel tanks and other equipment used in violation of this section shall be forfeited and directing their destruction, with the exception of the conveyance or vehicle.

(6) Any person convicted of a violation of this section shall be responsible for:

(a) All reasonable costs incurred by the investigating law enforcement agency, including costs for the towing and storage of the conveyance or vehicle, the removal and disposal of the motor or diesel fuel, and the storage and destruction of all fuel tanks and other equipment described and used in violation of subsection (1); and

(b) Payment for the fuel to the party from whom any associated motor or diesel fuel was fraudulently obtained.

(7) This section does not apply to containers of 8 gallons or less.

Section 72. Paragraphs (hh) and (ii) are added to subsection (4) of section 320.08056, Florida Statutes, as amended by section 1 of chapter 2001-355, Laws of Florida, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(hh) Florida Firefighters license plate, $20.

(ii) Police Benevolent Association license plate, $20.

Section 73. Subsections (34) and (35) are added to section 320.08058, Florida Statutes, as amended by section 2 of chapter 2001-355, Laws of Florida, to read:

320.08058 Specialty license plates.—

(34) FLORIDA FIREFIGHTERS LICENSE PLATE.—

(a) Notwithstanding the provisions of s. 320.08053, the department shall develop a Florida Firefighters license plate as provided in this section. Florida Firefighters license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Salutes Firefighters" must appear at the bottom of the plate.

(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the proceeds of the annual use fee shall be distributed to Florida Firefighters Charities, a 501(c)(3) nonprofit corporation. Florida Firefighters Charities shall distribute the moneys according to its articles of incorporation.

(35) POLICE BENEVOLENT ASSOCIATION LICENSE PLATE.—

(a) Notwithstanding the provisions of s. 320.08053, the department shall develop a Police Benevolent Association license plate as provided in this section. The word "Florida" must appear at the top of the plate, the words "Support Law Enforcement" must appear at the bottom of the plate, and a shield with the Police Benevolent Association logo must appear to the left of the numerals.

(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the proceeds of the annual use fee shall be distributed to the Florida Police Benevolent Association Heart Fund, Incorporated, a 501(c)(3) nonprofit corporation. The Florida Police Benevolent Association Heart Fund, Incorporated, shall distribute moneys according to its articles of incorporation.

Section 74. Subsection (4) of section 332.004, Florida Statutes, is amended to read:

332.004 Definitions of terms used in ss. 332.003-332.007.—As used in ss. 332.003-332.007, the term:

(4) "Airport or aviation development project" or "development project" means any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; off-airport noise mitigation projects; the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; and the improvement of

access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located.

Section 75. Subsection (8) of section 332.007, Florida Statutes, as created by chapter 2001-349, Laws of Florida, is amended, and subsection (9) is added to said section, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(8) Notwithstanding any other provision of law to the contrary, the department is authorized to provide operational and maintenance assistance to publicly owned public-use airports. Such assistance shall be to comply with enhanced federal security requirements or to address related economic impacts from the events of September 11, 2001. For projects in the current adopted work program, or projects added using the available budget of the department, airports may request the department change the project purpose in accordance with this provision notwithstanding the provisions of s. 339.135(7). For purposes of this subsection, the department may fund up to 100 percent of eligible project costs that are not funded by the Federal Government. Prior to releasing any funds under this section, the department shall review and approve the expenditure plans submitted by the airport. The department shall inform the Legislature of any change that it approves under this subsection. This subsection shall expire on June 30, 2004 ~~2003~~.

(9) Notwithstanding any other law to the contrary, any airport with direct intercontinental passenger service that is located in a county with a population under 400,000 as of July 1, 2002, and that has a loan from the Department of Transportation due in August of 2002 shall have such loan extended until September 18, 2008.

Section 76. Subsection (4) is added to section 333.06, Florida Statutes, to read:

333.06 Airport zoning requirements.—

(4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED LOCAL GOVERNMENTS.—An airport master plan shall be prepared by each publicly owned and operated airport licensed by the Department of Transportation under chapter 330. The authorized entity having responsibility for governing the operation of the airport, when either requesting from or submitting to a state or federal governmental agency with funding or approval jurisdiction a "finding of no significant impact," an environmental assessment, a site-selection study, an airport master plan, or any amendment to an airport master plan, shall submit simultaneously a copy of said request, submittal, assessment, study, plan, or amendments by certified mail to all affected local governments. For the purposes of this subsection, "affected local government" is defined as any city or county having jurisdiction over the airport and any city or county located within 2 miles of the boundaries of the land subject to the airport master plan.

Section 77. Section 334.175, Florida Statutes, is amended to read:

334.175 Certification of project design plans and surveys.—All design plans and surveys prepared by or for the department shall be signed, sealed, and certified by the professional engineer or surveyor or architect or landscape architect in responsible charge of the project work. Such professional engineer, surveyor, ~~or~~ architect, or landscape architect must be duly registered in this state.

Section 78. Subsection (4) is added to section 336.41, Florida Statutes, to read:

336.41 Counties; employing labor and providing road equipment; accounting; when competitive bidding required.—

(4)(a) For contracts in excess of $250,000, any county may require that persons interested in performing work under the contract first be certified or qualified to do the work. Any contractor prequalified and considered eligible to bid by the department to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. Any contractor may be considered ineligible to bid by the county if the contractor is behind an approved progress schedule by 10 percent or more on another project for that county at the time of the advertisement of the work. The county may provide an appeal process to overcome such consideration with de novo review based on the record below to the circuit court.

(b) The county shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the county for objections to the prequalification process with de novo review based on the record below to the circuit court.

(c) The county shall also publish for comment, prior to adoption, the selection criteria and procedures to be used by the county if such procedures would allow selection of other than the lowest responsible bidder. The selection criteria shall include an appeal process within the county with de novo review based on the record below to the circuit court.

Section 79. Subsection (2) of section 336.44, Florida Statutes, is amended to read:

336.44 Counties; contracts for construction of roads; procedure; contractor's bond.—

(2) Such contracts shall be let to the lowest responsible ~~competent~~ bidder, after publication of notice for bids containing specifications furnished by the commissioners in a newspaper published in the county where such contract is made, at least once each week for 2 consecutive weeks prior to the making of such contract.

Section 80. Subsection (4) of section 337.14, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

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

(4) If the applicant is found to possess the prescribed qualifications, the department shall issue to him or her a certificate of qualification that ~~which~~, unless thereafter revoked by the department for good cause, will be valid for a period of 18 ~~16~~ months after ~~from~~ the date of the applicant's financial statement or such shorter period as the department prescribes ~~may prescribe~~. If ~~In the event~~ the department finds that an application is incomplete or contains inadequate information or information that ~~which~~ cannot be verified, the department may request in writing that the applicant provide the necessary information to complete the application or provide the source from which any information in the application may be verified. If the applicant fails to comply with the initial written request within a reasonable period of time as specified therein, the department shall request the information a second time. If the applicant fails to comply with the second request within a reasonable period of time as specified therein, the application shall be denied.

(9)(a) Notwithstanding any other law to the contrary, for contracts in excess of $250,000, an authority created pursuant to chapter 348 or chapter 349 may require that persons interested in performing work under contract first be certified or qualified to do the work. Any contractor may be considered ineligible to bid by the governmental entity or authority if the contractor is behind an approved progress schedule for the governmental entity or authority by 10 percent or more at the time of advertisement of the work. Any contractor prequalified and considered eligible by the department to bid to perform the type of work described under the contract shall be presumed to be qualified to perform the work so described. The governmental entity or authority may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.

(b) With respect to contractors not prequalified with the department, the authority shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications shall include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures shall provide for an appeal process within the authority for objections to the prequalification process with de novo review based on the record below to the circuit court within 30 days.

(c) An authority may establish criteria and procedures under which contractor selection may occur on a basis other than the lowest responsible bidder. Prior to adoption, the authority shall publish for comment the proposed criteria and procedures. Review of the adopted criteria and procedures shall be to the circuit court, within 30 days after adoption, with de novo review based on the record below.

Section 81. Subsection (2) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(2) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. No utility shall be installed, located, or relocated unless authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit. The permit shall require the permitholder to be responsible for any damage resulting from the issuance of such permit. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce provisions of this subsection or any rule or order issued or entered into pursuant thereto.

Section 82. Subsection (3) of section 337.408, Florida Statutes, is amended, subsection (5) is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

337.408 Regulation of benches, transit shelters, street light poles, and waste disposal receptacles within rights-of-way.—

(3) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, or waste disposal receptacle which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992, do not have to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992. Any transit bus bench that was in service prior to April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable. The Department is authorized to promulgate rules relating to the regulation of bench size and advertising display size requirements. However, if a municipality or county within which a bench is to be located has adopted an ordinance or other applicable regulation that establishes bench size or advertising display sign requirements different from requirements specified in department rule, then the local government requirement shall be applicable within the respective municipality or county. Placement of any bench or advertising display on the National Highway System under a local ordinance or regulation adopted pursuant to this subsection shall be subject to approval of the Federal Highway Administration.

(5) Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, and waste disposal receptacles as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertisements may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles, which shall consider, among other things, power source rates, design, safety,

operational and maintenance concerns, and other matters of public importance. For the purposes of this section, the term "street light poles" does not include electric transmission or distribution poles. The department shall have authority to establish administrative rules to implement this subsection. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.

Section 83. Subsection (10) of section 339.12, Florida Statutes, is added, to read:

339.12 Aid and contributions by governmental entities for department projects; federal aid.—

(10) Any county with a population greater than 50,000 that levies the full 6 cents of local option fuel tax pursuant to ss. 206.41(1)(e) and 206.87(1)(c), or that dedicates 35 percent or more of its discretionary sales surtax, pursuant to s. 212.055, for improvements to the state transportation system or to local projects directly upgrading the state transportation system within the county's boundaries shall receive preference for receipt of any transportation grant for which the county applies. This subsection shall not apply to loans or nonhighway grant programs.

Section 84. Subsections (2) and (5) of section 339.55, Florida Statutes, are amended to read:

339.55 State-funded infrastructure bank.—

(2) The bank may lend capital costs or provide credit enhancements for a transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system or provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, pursuant to s. 341.053, for the movement of people and goods. Loans from the bank may be subordinated to senior project debt that has an investment grade rating of "BBB" or higher.

(5) The department may consider, but is not limited to, the following criteria for evaluation of projects for assistance from the bank:

(a) The credit worthiness of the project.

(b) A demonstration that the project will encourage, enhance, or create economic benefits.

(c) The likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible.

(d) The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment.

(e) The extent to which the project would use new technologies, including intelligent transportation systems, that would enhance the efficient operation of the project.

(f) The extent to which the project would maintain or protect the environment.

(g) A demonstration that the project includes transportation benefits for improving intermodalism, cargo and freight movement, and safety.

(h) The amount of the proposed assistance as a percentage of the overall project costs with emphasis on local and private participation.

(i) The extent to which the project will provide for connectivity between the State Highway System and airports, seaports, rail facilities, and other transportation terminals and intermodal options pursuant to s. 341.053 for the increased accessibility and movement of people and goods.

Section 85. Subsections (8) and (10) of section 341.031, Florida Statutes, are amended to read:

341.031 Definitions relating to Florida Public Transit Act.—As used in ss. 341.011-341.061, the term:

(8) "Public transit service development project" means a project undertaken by a public agency to determine whether a new or innovative technique or measure can be utilized to improve or expand public transit services to its constituency. The duration of the project shall be limited according to the type of the project in conformance with the provisions of s. 341.051(5)(e)~~(f)~~, but in no case shall exceed a period of 3 years. Public transit service development projects specifically include projects involving the utilization of new technologies, services, routes, or vehicle frequencies; the purchase of special transportation services; and other such techniques for increasing service to the riding public as are applicable to specific localities and transit user groups.

(10) "Transit corridor project" means a project that is undertaken by a public agency and designed to relieve congestion and improve capacity within an identified transportation corridor by increasing people-carrying capacity of the system through the use and facilitated movement of high-occupancy conveyances. Each transit corridor project must meet the requirements established in s. 341.051(5)(d)~~(e) and, if applicable, the requirements of the department's major capital investment policy developed pursuant to s. 341.051(5)(b)~~. Initial project duration shall not exceed a period of 2 years unless the project is reauthorized by the Legislature. Such reauthorization shall be based upon a determination that the project is meeting or exceeding the criteria, developed pursuant to s. 341.051(5)(d)~~(e)~~, by which the success of the project is being judged and by inclusion of the project in a departmental appropriation request.

Section 86. Subsection (5) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit programs and projects.—

(5) FUND PARTICIPATION; CAPITAL ASSISTANCE.—

(a) The department may fund up to 50 percent of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project or commuter assistance project that is local in scope; except, however, that departmental participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project which is not approved for federal funding shall not exceed an amount equal to 12.5 percent of the total cost of each phase.

~~(b) The Department of Transportation shall develop a major capital investment policy which shall include policy criteria and guidelines for the expenditure or commitment of state funds for public transit capital projects. The policy shall include the following:~~

~~1. Methods to be used to determine consistency of a transit project with the approved local government comprehensive plans of the units of local government in which the project is located.~~

~~2. Methods for evaluating the level of local commitment to a transit project, which is to be demonstrated through system planning and the development of a feasible plan to fund operating cost through fares, value capture techniques such as joint development and special districts, or other local funding mechanisms.~~

~~3. Methods for evaluating alternative transit systems including an analysis of technology and alternative methods for providing transit services in the corridor.~~

(b)~~(c)~~ The department is authorized to fund up to 100 percent of the cost of any eligible transit capital project or commuter assistance project that is statewide in scope or involves more than one county where no other governmental entity or appropriate jurisdiction exists.

(c)~~(d)~~ The department is authorized to advance up to 80 percent of the capital cost of any eligible project that will assist Florida's transit systems in becoming fiscally self-sufficient. Such advances shall be reimbursed to the department on an appropriate schedule not to exceed 5 years after the date of provision of the advances.

(d)~~(e)~~ The department is authorized to fund up to 100 percent of the capital and net operating costs of statewide transit service development projects or transit corridor projects. All transit service development projects shall be specifically identified by way of a departmental appropriation request, and transit corridor projects shall be identified as part of the planned improvements on each transportation corridor designated by the department. The project objectives, the assigned operational and financial responsibilities, the timeframe required to develop the required service, and the criteria by which the success of the project will be judged shall be documented by the department for each such transit service development project or transit corridor project.

(e)~~(f)~~ The department is authorized to fund up to 50 percent of the capital and net operating costs of transit service development projects that are local in scope and that will improve system efficiencies, ridership, or revenues. All

such projects shall be identified in the appropriation request of the department through a specific program of projects, as provided for in s. 341.041, that is selectively applied in the following functional areas and is subject to the specified times of duration:

1. Improving system operations, including, but not limited to, realigning route structures, increasing system average speed, decreasing deadhead mileage, expanding area coverage, and improving schedule adherence, for a period of up to 3 years;

2. Improving system maintenance procedures, including, but not limited to, effective preventive maintenance programs, improved mechanics training programs, decreasing service repair calls, decreasing parts inventory requirements, and decreasing equipment downtime, for a period of up to 3 years;

3. Improving marketing and consumer information programs, including, but not limited to, automated information services, organized advertising and promotion programs, and signing of designated stops, for a period of up to 2 years; and

4. Improving technology involved in overall operations, including, but not limited to, transit equipment, fare collection techniques, electronic data processing applications, and bus locators, for a period of up to 2 years.

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

Section 87. Subsection (6) of section 341.053, Florida Statutes, is amended to read:

341.053 Intermodal Development Program; administration; eligible projects; limitations.—

(6) The department is authorized to fund projects within the Intermodal Development Program, which are consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the project is located. Projects that are eligible for funding under this program include major capital investments in public rail and fixed-guideway transportation facilities and systems which provide intermodal access ~~and which, if approved after July 1, 1991, have complied with the requirement of the department's major capital investment policy~~; road, rail, or fixed-guideway access to, from, or between seaports, airports, and other transportation terminals; construction of intermodal or multimodal terminals; development and construction of dedicated bus lanes; and projects which otherwise facilitate the intermodal or multimodal movement of people and goods.

Section 88. Section 341.501, Florida Statutes, is amended to read:

341.501 High-technology transportation systems; joint project agreement or assistance.—Notwithstanding any other provision of law, the De-

partment of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. The provisions of the Florida High-Speed Rail Transportation Act, ss. 341.3201-341.386, do not apply to actions taken under this section, and the department may, subject to s. 339.135, provide funds to match any available federal aid or aid from other states or jurisdictions for effectuating the research, development, and demonstration of high-technology transportation systems. To be eligible for funding under this section, the project must be located in Florida.

Section 89. Paragraph (d) of subsection (2) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to 13 members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Seven voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Five voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing board of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of seven members appointed by the governing body of the county and five members appointed by the Governor. The qualifications, terms of office, and obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).

Section 90. Section 348.0008, Florida Statutes, is amended to read:

348.0008 Acquisition of lands and property.—

(1) For the purposes of the Florida Expressway Authority Act, an expressway authority may acquire such rights, title, or interest in private or public property and such property rights, including easements, rights of

access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of the Florida Expressway Authority Act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of an expressway system, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the expressway system or in a transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may also condemn any material and property necessary for such purposes.

(2) An authority and its authorized agents, contractors, and employees are authorized to enter upon any lands, waters, and premises, upon giving reasonable notice to the landowner, for the purpose of making surveys, soundings, drillings, appraisals, environmental assessments including phase I and phase II environmental surveys, archaeological assessments, and such other examinations as are necessary for the acquisition of private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings or as are necessary for the authority to perform its duties and functions; and any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. An expressway authority shall make reimbursement for any actual damage to such lands, water, and premises as a result of such activities. Any entry authorized by this subsection shall be in compliance with the premises protections and landowner liability provisions contained in s. 581.184 and s. 472.029.

(3)~~(2)~~ The right of eminent domain conferred by the Florida Expressway Authority Act must be exercised by each authority in the manner provided by law.

(4)~~(3)~~ When an authority acquires property for an expressway system or in a transportation corridor as defined in s. 334.03, it is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. An authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

Section 91. Section 348.545, Florida Statutes, is created to read:

348.545 Facility improvement; bond financing authority.—Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature hereby approves for bond financing by the Tampa-Hillsborough County Expressway Authority improvements to toll collection facilities, interchanges to the legislatively

approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such financing may be in whole or in part by revenue bonds currently issued or issued in the future, or by a combination of such bonds.

Section 92. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by the issuance of revenue bonds by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution. In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds pursuant to s. 11(f), Art. VII of the State Constitution:

(1) Brandon area feeder roads.~~;~~

(2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment.~~; and~~

(3) Lee Roy Selmon Crosstown Expressway System widening.

(4) The connector highway linking Lee Roy Selmon Crosstown Expressway to Interstate 4.

Section 93. Section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements.—

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the Department of Environmental Protection and the water management districts, including the use of mitigation banks established pursuant to this part.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall be developed as follows:

(a) By May 1 of each year, the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall submit to the Department of Environmental Protection and the water management districts a copy of its adopted work program and an inventory of habitats addressed in the rules tentatively, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by its plan

of construction for transportation projects in the next 3 years of the tentative work program. The Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 may also include in its inventory the habitat impacts of any future transportation project identified in the tentative work program.

(b) The environmental impact inventory shall include a description of these habitat impacts, including their location, acreage, and type; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a survey of threatened species, endangered species, and species of special concern affected by the proposed project.

(3)(a) To fund the mitigation plan for the projected impacts identified in the inventory described in subsection (2), the Department of Transportation shall identify funds quarterly in an escrow account within the State Transportation Trust Fund for the environmental mitigation phase of projects budgeted by the Department of Transportation for the current fiscal year. The escrow account shall be maintained by the Department of Transportation for the benefit of the Department of Environmental Protection and the water management districts. Any interest earnings from the escrow account shall remain with the Department of Transportation.

(b) Each transportation authority established pursuant to chapter 348 or chapter 349 that chooses to participate in this program shall create an escrow account within its financial structure and deposit funds in the account to pay for the environmental mitigation phase of projects budgeted for the current fiscal year. The escrow account shall be maintained by the authority for the benefit of the Department of Environmental Protection and the water management districts. Any interest earnings from the escrow account shall remain with the authority.

(c) The Department of Environmental Protection or water management districts may request a transfer of funds from an ~~the~~ escrow account no sooner than 30 days prior to the date the funds are needed to pay for activities associated with development or implementation of the approved mitigation plan described in subsection (4) for the current fiscal year, including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority and the Department of Environmental Protection by November 1 of each year with the plan. The conceptual plan preparation costs of each water management district will be paid based on the amount approved on the mitigation plan and allocated to the current fiscal year projects identified by the water management district. The amount transferred to the escrow accounts ~~account~~ each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of $75,000 multiplied by the projected acres of impact identified in the inventory described in subsection (2). However, the $75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions nor is the cost admissible as evidence of full compensation for any property acquired

by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. At the end of each year, the projected acreage of impact shall be reconciled with the acreage of impact of projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer of funds shall be adjusted accordingly to reflect the overtransfer or undertransfer of funds from the preceding year. The Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 are ~~is~~ authorized to transfer such funds from the escrow accounts ~~account~~ to the Department of Environmental Protection and the water management districts to carry out the mitigation programs.

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) waterbodies and lands identified for potential acquisition for preservation, restoration, and enhancement, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569. At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(a) For each transportation project with a funding request for the next fiscal year, the mitigation plan must include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option, including an

estimation of identifiable costs of the mitigation bank and nonbank options to the extent practicable.

(b) Specific projects may be excluded from the mitigation plan and shall not be subject to this section upon the agreement of the Department of Transportation, a transportation authority if applicable, the Department of Environmental Protection, and the appropriate water management district that the inclusion of such projects would hamper the efficiency or timeliness of the mitigation planning and permitting process, or the Department of Environmental Protection and the water management district are unable to identify mitigation that would offset the impacts of the project.

(c) Surface water improvement and management or invasive plant control projects undertaken using the $12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the $12 million is fully credited up to and including fiscal year 2004-2005. When these projects are used as mitigation, the $12 million advance shall be reduced by $75,000 per acre of impact mitigated. For any fiscal year through and including fiscal year 2004-2005, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred pursuant to subsection (3), the difference shall be credited towards the $12 million advance. Except as provided in this paragraph, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters.

(5) The water management district shall be responsible for ensuring that mitigation requirements pursuant to 33 U.S.C. s. 1344 are met for the impacts identified in the inventory described in subsection (2), by implementation of the approved plan described in subsection (4) to the extent funding is provided by the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349, if applicable. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements.

(6) The mitigation plans ~~plan~~ shall be updated annually to reflect the most current Department of Transportation work program and project list of a transportation authority established pursuant to chapter 348 or chapter 349, if applicable, and may be amended throughout the year to anticipate schedule changes or additional projects which may arise. Each update and amendment of the mitigation plan shall be submitted to the secretary of the Department of Environmental Protection for approval. However, such approval shall not be applicable to a deviation as described in subsection (5).

(7) Upon approval by the secretary of the Department of Environmental Protection, the mitigation plan shall be deemed to satisfy the mitigation requirements under this part and any other mitigation requirements imposed by local, regional, and state agencies for impacts identified in the inventory described in subsection (2). The approval of the secretary shall

authorize the activities proposed in the mitigation plan, and no other state, regional, or local permit or approval shall be necessary.

(8) This section shall not be construed to eliminate the need for the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part that are not identified in the inventory described in subsection (2).

(9) The process for environmental mitigation for the impact of transportation projects under this section shall be available to an expressway, bridge, or transportation authority established under chapter 348 or chapter 349. Use of this process may be initiated by an authority depositing the requisite funds into an escrow account set up by the authority and filing an environmental impact inventory with the appropriate water management district. An authority that initiates the environmental mitigation process established by this section shall comply with subsection (6) by timely providing the appropriate water management district and the Department of Environmental Protection with the requisite work program information. A water management district may draw down funds from the escrow account as provided in this section.

Section 94. Paragraph (b) of subsection (3) of section 380.04, Florida Statutes, is amended to read:

380.04 Definition of development.—

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

Section 95. Paragraph (d) of subsection (2), paragraph (b) of subsection (4), and paragraph (a) of subsection (8) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is ~~at or~~ below 100 ~~80~~ percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c), (d), and (i), are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption ~~presumptions~~.—

~~a. It shall be presumed that a development that is between 80 and 100 percent of a numerical threshold shall not be required to undergo development-of-regional-impact review.~~

~~b.~~ It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(4) BINDING LETTER.—

(b) Unless a developer waives the requirements of this paragraph by agreeing to undergo development-of-regional-impact review pursuant to this section, the state land planning agency or local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if:

~~1.~~ the development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold in the guidelines and standards.~~; or~~

~~2. The development is between a presumptive numerical threshold and 20 percent below the numerical threshold and the local government or the state land planning agency is in doubt as to whether the character or magnitude of the development at the proposed location creates a likelihood that the development will have a substantial effect on the health, safety, or welfare of citizens of more than one county.~~

(8) PRELIMINARY DEVELOPMENT AGREEMENTS.—

(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be subject to the following conditions:

1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7) within 45 days after the execution of the agreement.

2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state land planning agency agrees to a different time for good cause shown. Failure to timely file an application and to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of the preliminary development agreement.

3. The agreement shall include maps and legal descriptions of both the preliminary development area and the total proposed development area and shall specifically describe the preliminary development in terms of magnitude and location. The area approved for preliminary development must be included in the application for development approval and shall be subject to the terms and conditions of the final development order.

4. The preliminary development shall be limited to lands that the state land planning agency agrees are suitable for development and shall only be allowed in areas where adequate public infrastructure exists to accommodate the preliminary development, when such development will utilize public infrastructure. The developer must also demonstrate that the preliminary development will not result in material adverse impacts to existing resources or existing or planned facilities.

5. The preliminary development agreement may allow development which is:

a. Less than ~~or equal to~~ 100 ~~80~~ percent of any applicable threshold if the developer demonstrates that such development is consistent with subparagraph 4.; or

b. Less than 120 percent of any applicable threshold if the developer demonstrates that such development is part of a proposed downtown development of regional impact specified in subsection (22) or part of any area-wide development of regional impact specified in subsection (25) and that the development is consistent with subparagraph 4.

6. The developer and owners of the land may not claim vested rights, or assert equitable estoppel, arising from the agreement or any expenditures or actions taken in reliance on the agreement to continue with the total proposed development beyond the preliminary development. The agreement shall not entitle the developer to a final development order approving the total proposed development or to particular conditions in a final development order.

7. The agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional agency determines should be included in the regional agency's report on the application for development approval.

8. The agreement shall include a disclosure by the developer and all the owners of the land in the total proposed development of all land or develop-

ment within 5 miles of the total proposed development in which they have an interest and shall describe such interest.

9. In the event of a breach of the agreement or failure to comply with any condition of the agreement, or if the agreement was based on materially inaccurate information, the state land planning agency may terminate the agreement or file suit to enforce the agreement as provided in this section and s. 380.11, including a suit to enjoin all development.

10. A notice of the preliminary development agreement shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement constitutes a land development regulation applicable to portions of the land covered by the agreement. The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.

11. Except for those agreements which authorize preliminary development for substantial deviations pursuant to subsection (19), a developer who no longer wishes to pursue a development of regional impact may propose to abandon any preliminary development agreement executed after January 1, 1985, including those pursuant to s. 380.032(3), provided at the time of abandonment:

a. A final development order under this section has been rendered that approves all of the development actually constructed; or

b. The amount of development is less than 100 ~~80~~ percent of all numerical thresholds of the guidelines and standards, and the state land planning agency determines in writing that the development to date is in compliance with all applicable local regulations and the terms and conditions of the preliminary development agreement and otherwise adequately mitigates for the impacts of the development to date.

In either event, when a developer proposes to abandon said agreement, the developer shall give written notice and state that he or she is no longer proposing a development of regional impact and provide adequate documentation that he or she has met the criteria for abandonment of the agreement to the state land planning agency. Within 30 days of receipt of adequate documentation of such notice, the state land planning agency shall make its determination as to whether or not the developer meets the criteria for abandonment. Once the state land planning agency determines that the developer meets the criteria for abandonment, the state land planning agency shall issue a notice of abandonment which shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located.

Section 96. (1) Nothing contained in this act abridges or modifies any vested or other right or any duty or obligation pursuant to any development

order or agreement that is applicable to a development of regional impact on the effective date of this act. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, Florida Statutes 2001, but is no longer required to undergo development-of-regional-impact review by operation of this act, shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11, Florida Statutes 2001.

(b) If requested by the developer or landowner, the development-of-regional-impact development order may be abandoned pursuant to the process in subsection 380.06(26).

(2) A development with an application for development approval pending on the effective date of this act, or a notification of proposed change pending on the effective date of this act, may elect to continue such review pursuant to s. 380.06, Florida Statutes 2001. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, Florida Statutes 2001, the resulting development order shall be governed by the provisions of subsection (1).

Section 97. Paragraph (d) is added to subsection (10) of section 768.28, Florida Statutes, to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(10)

(d) For the purposes of this section, operators, dispatchers, and providers of security for rail services and rail facility maintenance providers in the South Florida Rail Corridor, or any of their employees or agents, performing such services under contract with and on behalf of the Tri-County Commuter Rail Authority or the Department of Transportation shall be considered agents of the state while acting within the scope of and pursuant to guidelines established in said contract or by rule.

Section 98. Dori Slosberg Driver Education Safety Act.—Effective October 1, 2002, notwithstanding the provisions of s. 318.121, Florida Statutes, a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional $3 with each civil traffic penalty, which shall be used to fund traffic education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds. The funds shall be used for direct educational expenses and shall not be used for administration. This section may be cited as the "Dori Slosberg Driver Education Safety Act."

Section 99. Subsection (2) of section 2 of chapter 88-418, Laws of Florida, is amended to read:

Section 2. Crandon Boulevard is hereby designated as a state historic highway. No public funds shall be expended for:

(2) The alteration of the physical dimensions or location of Crandon Boulevard, the median strip thereof, or the land adjacent thereto, except for:

(a) The routine or emergency utilities maintenance activities necessitated to maintain the road as a utility corridor serving the village of Key Biscayne; or

(b) The modification or improvements made to provide for vehicular ingress and egress of governmental public safety vehicles.

Section 100. Paragraph (a) of subsection (1) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.—

(a) Each charter county which adopted a charter prior to January 1, 1984 ~~which adopted a charter prior to June 1, 1976~~, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

Section 101. Paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 316.006, Florida Statutes, are amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.—

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or

parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.

(3) COUNTIES.—

(b) A county may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located in the unincorporated area within its boundaries if the county and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the county, for county traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. Prior to entering into an agreement which provides for enforcement of the traffic laws of the state over a private road or roads, or over any limited access road or roads owned or controlled by a special district, the governing body of the county shall consult with the sheriff. No such agreement shall take effect prior to October 1, the beginning of the county fiscal year, unless this requirement is waived in writing by the sheriff.

3. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by counties under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority.

4. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if

a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

Notwithstanding the provisions of subsection (2), each county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners and the erection of signs conforming to the manual and specifications of the Department of Transportation, in parking areas located on property owned or leased by the county, whether or not such areas are located within the boundaries of chartered municipalities.

Section 102. Paragraph (c) of subsection (3) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.—

(3)

(c) Crash reports required by this section which reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and which are received or prepared by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed. However, such reports may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personally identifying information concerning parties to motor vehicle crashes. Any local, state, or federal agency, agent, or employee that is authorized to have access to such reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties notwithstanding the provisions of this paragraph. Any local, state, or federal agency, agent, or employee receiving such crash reports shall maintain the confidential and exempt status of those reports and shall not disclose such crash reports to any person or entity. Any person attempting to access crash reports within 60 days after the date the report is filed must present legitimate credentials or identification that demonstrates his or her qualifications to access that information. This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance

with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 103. Subsection (2) of section 316.1975, Florida Statutes, is amended to read:

316.1975 Unattended motor vehicle.—

(2) This section does not apply to the operator of:

(a) An authorized emergency vehicle while in the performance of official duties and the vehicle is equipped with an activated antitheft device that prohibits the vehicle from being driven; ~~or~~

(b) A licensed delivery truck or other delivery vehicle while making deliveries; or

(c) A solid waste or recovered materials vehicle while collecting such items.

Section 104. Section 316.2127, Florida Statutes, is created to read:

316.2127 Operation of utility vehicles on certain roadways by homeowners' associations.—The operation of a utility vehicle, as defined in s. 320.01, upon the public roads or streets of this state by a homeowners' association, as defined in s. 720.301, or its agents is prohibited except as provided herein:

(1) A utility vehicle may be operated by a homeowners' association or its agents only upon a county road that has been designated by a county, or a city street that has been designated by a city, for use by a utility vehicle for general maintenance, security, and landscaping purposes. Prior to making such a designation, the responsible local governmental entity must first determine that utility vehicles may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic on the road or street. Upon a determination that utility vehicles may be safely operated on a designated road or street, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) A utility vehicle may be operated by a homeowners' association or its agents on a portion of the State Highway System only under the following conditions:

(a) To cross a portion of the State Highway System which intersects a county road or a city street that has been designated for use by utility vehicles if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a portion of the State Highway System where the highway bisects property controlled or maintained by a homeowners' association if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) To travel on a state road that has been designated for transfer to a local government unit pursuant to s. 335.0415 if the Department of Transportation determines that the operation of a utility vehicle within the right-of-way of the road will not impede the safe and efficient flow of motor vehicle traffic. The department may authorize the operation of utility vehicles on such a road if:

1. The road is the only available public road on which utility vehicles may travel or cross or the road provides the safest travel route among alternative routes available; and

2. The speed, volume, and character of motor vehicle traffic on the road is considered in making such a determination.

Upon its determination that utility vehicles may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(3) A utility vehicle may be operated by a homeowners' association or its agents only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a utility vehicle may be operated during the hours between sunset and sunrise and the utility vehicle is equipped with headlights, brake lights, turn signals, and a windshield.

(4) A utility vehicle must be equipped with efficient brakes, a reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and the rear.

(5) A utility vehicle may not be operated on public roads or streets by any person under the age of 14.

A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a moving violation for infractions of subsection (1), subsection (2), subsection (3), or subsection (4) or as a nonmoving violation for infractions of subsection (5).

Section 105. Subsection (2) of section 316.304, Florida Statutes, is amended to read:

316.304 Wearing of headsets.—

(2) This section does not apply to:

(a) Any law enforcement officer equipped with any communication device necessary in performing his or her assigned duties or to any emergency vehicle operator equipped with any ear protection device.

(b) Any applicant for a license to operate a motorcycle while taking the examination required by s. 322.12(5).

(c) Any person operating a motorcycle who is using a headset that is installed in a helmet and worn so as to prevent the speakers from making

direct contact with the user's ears so that the user can hear surrounding sounds.

(d) Any person using a headset in conjunction with a cellular telephone that only provides sound through one ear and allows surrounding sounds to be hear with the other ear.

(e) Any person using a headset in conjunction with communicating with the central base operation that only provides sound through one ear and allows surrounding sounds to be heard with the other ear.

Section 106. Section 316.520, Florida Statutes, is amended to read:

316.520 Loads on vehicles.—

(1) A vehicle may not be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, any inanimate object or objects, or any similar material that could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover or a load securing device meeting the requirements of 49 C.F.R. s. 393.100 or a device designed to reasonably ensure that cargo will not shift upon or fall from the vehicle is required and shall constitute compliance with this section.

(3)(a) Except as provided in paragraph (b), a violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b) Any person who willfully violates the provisions of this section which offense results in serious bodily injury or death to an individual and which offense occurs as a result of failing to comply with subsections (1) and (2) commits a criminal traffic offense and a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

Section 107. Paragraph (f) is added to subsection (3) of section 318.18, Florida Statutes, and subsection (12) is added to said section, to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(3)

(b) For moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by:	Fine:
1-5 m.p.h.	Warning
6-9 m.p.h.	$ 25
10-14 m.p.h.	$100
15-19 m.p.h.	$125
20-29 m.p.h.	$150
30 m.p.h. and above	$250

(f) A person cited for exceeding the speed limit within a zone posted for any electronic or manual toll collection facility will be assessed a fine double the amount listed in paragraph (b). However, no person cited for exceeding the speed limit in any toll collection zone shall be subject to a doubled fine unless the governmental entity or authority controlling the toll collection zone first installs a traffic control device providing warning that speeding fines are doubled. Any such traffic control device must meet the requirements of the uniform system of traffic control devices.

(12) One hundred dollars for a violation of s. 316.520(1) or (2). If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of $100. For a second or subsequent adjudication within a period of 5 years, the department shall suspend the driver's license of the person for not less than 180 days and not more than 1 year.

Section 108. Section 318.19, Florida Statutes, is amended to read:

318.19 Infractions requiring a mandatory hearing.—Any person cited for the infractions listed in this section shall not have the provisions of s. 318.14(2), (4), and (9) available to him or her but must appear before the designated official at the time and location of the scheduled hearing:

(1) Any infraction which results in a crash that causes the death of another; ~~or~~

(2) Any infraction which results in a crash that causes "serious bodily injury" of another as defined in s. 316.1933(1); ~~or~~

(3) Any infraction of s. 316.172(1)(b); or

(4) Any infraction of s. 316.520(1) or (2).

Section 109. Subsection (1), paragraph (b) of subsection (2), and paragraphs (b) and (c) of subsection (3) of section 316.640, Florida Statutes, are amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes at least 200 hours of instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized in this paragraph~~.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university ~~System~~, except that traffic laws may be enforced off-campus when hot pursuit originates on or adjacent to any such property or facilities ~~on-campus~~.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in

this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state ~~only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station~~.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

(2) COUNTIES.—

(b) The sheriff's office of each county may employ as a traffic crash investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved <u>in the crash</u> has committed an offense under this chapter<u>, chapter 319, chapter 320, or chapter 322</u> in connection with the crash. This paragraph does not permit the carrying of

firearms or other weapons, nor do such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized in this paragraph~~.

(3) MUNICIPALITIES.—

(b) The police department of a chartered municipality may employ as a traffic crash investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved in the crash has committed an offense under the provisions of this chapter, chapter 319, chapter 320, or chapter 322 in connection with the crash. ~~Nothing in~~ This paragraph does not ~~shall be construed to~~ permit the carrying of firearms or other weapons, nor do ~~shall~~ such officers have arrest authority ~~other than for the issuance of a traffic citation as authorized above~~.

(c)1. A chartered municipality or its authorized agency or instrumentality may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12.

2. A parking enforcement specialist employed by a chartered municipality or its authorized agency or instrumentality is authorized to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation. ~~Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such a parking enforcement specialist have arrest authority.~~

3. A parking enforcement specialist employed pursuant to this subsection may not carry firearms or other weapons or have arrest authority.

Section 110. Subsection (1) of section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver's license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.—

(1) Notwithstanding the provisions of s. 322.055, if a person under 18 years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver's license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(b) The person's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.

2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.

However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, if the person is otherwise qualified for such a license.

Section 111. Section 570.073, Florida Statutes, is amended to read:

570.073 Department of Agriculture and Consumer Services, law enforcement officers.—

(1) The commissioner may create an Office of Agricultural Law Enforcement under the supervision of a senior manager exempt under s. 110.205 in the Senior Management Service. The commissioner may designate law enforcement officers, as necessary, to enforce any criminal law or conduct any criminal investigation or to enforce the provisions of any statute or any other laws of this state ~~relating to any matter over which the department has jurisdiction or which occurs on property owned, managed, or occupied by the department~~. Officers appointed under this section have the primary responsibility for enforcing laws relating to agriculture and consumer services as outlined below and violations of law that threaten the overall security and safety of this state's agriculture and consumer services. ~~Those matters include~~ The primary responsibilities include the enforcement of laws relating to:

(a) Domesticated animals, including livestock, poultry, aquaculture products, and other wild or domesticated animals or animal products.

(b) Farms, farm equipment, livery tack, citrus or citrus products, or horticultural products.

(c) Trespass, littering, forests, forest fires, and open burning.

(d) Damage to or theft of forest products.

(e) Enforcement of a marketing order.

(f) Protection of consumers.

(g) Civil traffic offenses as outlined under Florida law ~~provided for in chapters 316, 320, and 322, subject to the provisions of chapter 318, relating to any matter over which the department has jurisdiction or committed on property owned, managed, or occupied by the department~~.

(h) The use of alcohol or drugs which occurs on property owned, managed, or occupied by the department.

(i) Any emergency situation in which the life, limb, or property of any person is placed in immediate and serious danger.

(j) Any crime incidental to or related to paragraphs (a)-(i).

(k) Any law over which the Commissioner of Agriculture has responsibility.

(2) Each law enforcement officer shall meet the qualifications of law enforcement officers under s. 943.13 and shall be certified as a law enforcement officer by the Department of Law Enforcement under the provisions of chapter 943. Upon certification, each law enforcement officer is subject to and shall have the same arrest and other authority provided for law enforcement officers generally in chapter 901 and shall have statewide jurisdiction ~~as provided in subsection (1)~~. Each officer shall also have arrest authority as provided for state law enforcement officers in s. 901.15~~(11)~~. Such officers have full law enforcement powers granted to other peace officers of this state, including the power to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.

(3) The Commissioner may also appoint part-time, reserve or auxiliary law enforcement officers under chapter 943.

(4)~~(3)~~ All department law enforcement officers, upon certification under s. 943.1395, shall have the same right and authority to carry arms as do the sheriffs of this state.

(5)~~(4)~~ Each law enforcement officer in the state who is certified pursuant to chapter 943 has the same authority as law enforcement officers designated in this section to enforce the laws of this state as described in subsection (1).

Section 112. Subsections (5) and (11) of section 319.23, Florida Statutes, are amended to read:

319.23 Application for, and issuance of, certificate of title.—

(5) The certificate of title issued by the department for a motor vehicle or mobile home previously registered outside this state shall give the name of the state or country in which the vehicle was last registered outside this state. The department shall retain the evidence of title presented by the applicant upon which the certificate of title is issued. The department shall use reasonable diligence in ascertaining whether or not the facts in the application are true; and, if satisfied that the applicant is the owner of the motor vehicle or mobile home and that the application is in the proper form, it shall issue a certificate of title.

~~(11) The department is not required to retain any evidence of title presented by the applicant and based on which the certificate of title is issued.~~

Section 113. Paragraph (a) of subsection (1) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(1)(a) In the event of the transfer of ownership of a motor vehicle or mobile home by operation of law as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, attachment, execution, or other judicial sale or whenever the engine of a motor vehicle is replaced by another engine or whenever a motor vehicle is sold to satisfy storage or repair charges or repossession is had upon default in performance of the terms of a security agreement, chattel mortgage, conditional sales contract, trust receipt, or other like agreement, and upon the surrender of the prior certificate of title or, when that is not possible, presentation of satisfactory proof to the department of ownership and right of possession to such motor vehicle or mobile home, and upon payment of the fee prescribed by law and presentation of an application for certificate of title, the department may issue to the applicant a certificate of title thereto. ~~If the application is predicated upon a security agreement, chattel mortgage, conditional sales contract, trust receipt, or other like agreement, the original instrument or a certified copy thereof shall accompany the application; however, if an owner under a chattel mortgage voluntarily surrenders possession of the motor vehicle or mobile home, the original or a certified copy of the chattel mortgage shall accompany the application for a certificate of title and it shall not be necessary to institute proceedings in any court to foreclose such mortgage.~~

Section 114. Paragraph (d) of subsection (1) of section 319.33, Florida Statutes, is amended, and subsection (6) of said section is reenacted, to read:

319.33 Offenses involving vehicle identification numbers, applications, certificates, papers; penalty.—

(1) It is unlawful:

(d) To possess, sell or offer for sale, conceal, or dispose of in this state a motor vehicle or mobile home, or major component part thereof, on which any ~~the~~ motor number or vehicle identification number that has been affixed by the manufacturer or by a state agency, such as the Department of Highway Safety and Motor Vehicles, which regulates motor vehicles has been

destroyed, removed, covered, altered, or defaced, with knowledge of such destruction, removal, covering, alteration, or defacement, except as provided in s. 319.30(4).

(6) Any person who violates any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any motor vehicle used in violation of this section shall constitute contraband which may be seized by a law enforcement agency and shall be subject to forfeiture proceedings pursuant to ss. 932.701-932.704. This section is not exclusive of any other penalties prescribed by any existing or future laws for the larceny or unauthorized taking of motor vehicles or mobile homes, but is supplementary thereto.

Section 115. Section 320.025, Florida Statutes, is amended to read:

320.025 Registration certificate and license plate or decal issued under fictitious name; application.—

(1) A confidential registration certificate and registration license plate or decal shall be issued under a fictitious name only for a motor vehicle or vessel owned or operated by a law enforcement agency of state, county, municipal, or federal government, the Attorney General's Medicaid Fraud Control Unit, or any state public defender's office. The requesting agency shall file a written application with the department on forms furnished by the department, which includes a statement that the license plate or decal will be used for the Attorney General's Medicaid Fraud Control Unit, or law enforcement or any state public defender's office activities requiring concealment of publicly leased or owned motor vehicles or vessels and a statement of the position classifications of the individuals who are authorized to use the license plate or decal. The department may modify its records to reflect the fictitious identity of the owner or lessee until such time as the license plate or decal and registration certificate are surrendered to it.

(2) Except as provided in subsection (1), any motor vehicle owned or exclusively operated by the state or any county, municipality, or other governmental entity must at all times display a license plate of the type prescribed in s. 320.0655. Any vessel owned or exclusively operated by the state or any county, municipality, or other governmental entity must at all times display a registration number as required in s. 328.56 and a vessel decal as required in s. 328.48(5).

(3) This section constitutes an exception to other statutes relating to falsification of public records, false swearing, and similar matters. All records relating to the registration application of the Attorney General's Medicaid Fraud Control Unit, a law enforcement agency, or any state public defender's office, and records necessary to carry out the intended purpose of this section, are exempt from the provisions of s. 119.07(1), and s. 24(a), Art. I of the State Constitution as long as the information is retained by the department. This section does not prohibit other personations, fabrications, or creations of false identifications by the Attorney General's Medicaid Fraud Control Unit, or law enforcement or public defender's officers in the official performance of covert operations.

Section 116. Subsections (1) and (2) of section 320.05, Florida Statutes, are amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(1) Except as provided in ss. ~~s.~~ 119.07(3) and 320.025(3), the department may release records as provided in this section.

(2) Upon receipt of an application for the registration of a motor vehicle, vessel, or mobile home, as herein provided for, the department shall register the motor vehicle, vessel, or mobile home under the distinctive number assigned to such motor vehicle, vessel, or mobile home by the department. Electronic registration records shall be open to the inspection of the public during business hours. Information on a motor vehicle or vessel registration may not be made available to a person unless the person requesting the information furnishes positive proof of identification. The agency that furnishes a motor vehicle or vessel registration record shall record the name and address of any person other than a representative of a law enforcement agency who requests and receives information from a motor vehicle or vessel registration record and shall also record the name and address of the person who is the subject of the inquiry or other information identifying the entity about which information is requested. A record of each such inquiry must be maintained for a period of 6 months from the date upon which the information was released to the inquirer. Nothing in this section shall prohibit any financial institution, insurance company, motor vehicle dealer, licensee under chapter 493, attorney, or other agency which the department determines has the right to know from obtaining, for professional or business use only, information in such records from the department through any means of telecommunication pursuant to a code developed by the department providing all fees specified in subsection (3) have been paid. The department shall disclose records or information to the child support enforcement agency to assist in the location of individuals who owe or potentially owe support, as defined in s. 409.2554, or to whom such an obligation is owed pursuant to Title IV-D of the Social Security Act.

Section 117. Subsection (5) of section 320.055, Florida Statutes, is amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(5) For a vehicle subject to apportioned registration under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the registration period shall be a period of 12 months beginning in a month designated by the department and ending on the last day of the 12th month. For a vehicle subject to this registration period, the renewal period is the last month of the registration period. The registration period may be shortened or extended at the discretion of the department, on receipt of the appropriate prorated fees, in order to evenly distribute such registrations on a monthly basis. For a vehicle subject to nonapportioned registration under s. 320.08(4), (5)(a)1., (6)(b), or (14), the registration period begins December 1 and ends November 30. The renewal period is the 31-day period beginning December 1.

Section 118. Paragraphs (b) and (c) of subsection (1) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b) Registration license plates bearing a graphic symbol and the alpha-numeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced. The fee for such replacement shall be $10, $2 of which shall be paid each year before the plate is replaced, to be credited towards the next $10 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period. With each license plate, there shall be issued a validation sticker showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The ~~This~~ validation sticker is to ~~shall~~ be placed on the upper right ~~left~~ corner of the license plate ~~and shall be issued one time during the life of the license plate, or upon request when it has been damaged or destroyed. There shall also be issued with each license plate a serially numbered validation sticker showing the year of expiration, which sticker shall be placed on the upper right corner of the license plate~~. Such license plate and validation sticker ~~stickers~~ shall be issued based on the applicant's appropriate renewal period. The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

(c) Registration license plates equipped with validation stickers shall be valid for not more than 12 months and shall expire at midnight on the last day of the registration period. For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the month and year of expiration shall be issued upon payment of the proper license tax amount and fees and shall be valid for not more than 12 months. When license plates equipped with validation stickers are issued in any month other than the owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable fee under the provisions of s. 320.14 in addition to all other fees. Validation stickers issued for vehicles taxed under the provisions of s. 320.08(6)(a), for any company which owns 250 vehicles or more, or for semitrailers taxed under the provisions of s. 320.08(5)(a), for any company which owns 50 vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

Section 119. Subsection (6) of section 320.0805, Florida Statutes, is amended to read:

320.0805 Personalized prestige license plates.—

(6) A personalized prestige license plate shall be issued for the exclusive continuing use of the applicant. An exact duplicate of any plate may not be issued to any other applicant during the same registration period. An exact duplicate may not be issued for any succeeding year unless the previous owner of a specific plate relinquishes it by failure to apply for renewal or reissuance for 1 year ~~three consecutive annual registration periods~~ following the last ~~original~~ year of issuance.

Section 120. Subsection (1) of section 320.083, Florida Statutes, is amended to read:

320.083 Amateur radio operators; special license plates; fees.—

(1) A person who is the owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 ~~5,000~~ pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use; who is a resident of the state; and who holds a valid official amateur radio station license issued by the Federal Communications Commission shall be issued a special license plate upon application, accompanied by proof of ownership of such radio station license, and payment of the following tax and fees:

(a) The license tax required for the vehicle, as prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b), (c), (d), (e), or (f), or (9); and

(b) An initial additional fee of $5, and an additional fee of $1.50 thereafter.

Section 121. Subsection (2) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

(a) The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number along with a warning that the applicant must have such identification at all times while using the parking permit. A validation sticker must also be issued with each disabled parking permit, showing the month and year of expiration on each side of the placard. Validation stickers must be of the size specified by the Department of Highway Safety and Motor Vehi-

cles and must be affixed to the disabled parking permits. The disabled parking permits must use the same colors as license plate validations.

(b) License plates issued under ss. 320.084, 320.0842, 320.0843, and 320.0845 are valid for the same parking privileges and other privileges provided under ss. 316.1955, 316.1964, and 526.141(5)(a).

(c) The administrative processing fee for each initial 4-year disabled parking permit or renewal permit shall be $1.50, and all proceeds of that fee shall be retained by the tax collector of the county in which the fee was collected.

~~(c)1. Except as provided in subparagraph 2., the fee for a disabled parking permit shall be:~~

~~a. Fifteen dollars for each initial 4-year permit or renewal permit, of which the State Transportation Trust Fund shall receive $13.50 and the tax collector of the county in which the fee was collected shall receive $1.50.~~

~~b. One dollar for each additional or additional renewal 4-year permit, of which the State Transportation Trust Fund shall receive all funds collected.~~

(d) The department shall not issue an additional disabled parking permit unless the applicant states that he or she is ~~they are~~ a frequent traveler or a quadriplegic. The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization in accordance with paragraph (1)(e). Subsections (1), (5), (6), and (7) apply to this subsection.

(e)~~2.~~ If an applicant who is a disabled veteran, is a resident of this state, has been honorably discharged, and either has been determined by the Department of Defense or the United States Department of Veterans Affairs or its predecessor to have a service-connected disability rating for compensation of 50 percent or greater or has been determined to have a service-connected disability rating of 50 percent or greater and is in receipt of both disability retirement pay from the United States Department of Veterans Affairs, he or she must still provide ~~and has~~ a signed physician's statement of qualification for the disabled parking permits.~~, the fee for a disabled parking permit shall be:~~

~~a. One dollar and fifty cents for the initial 4-year permit or renewal permit.~~

~~b. One dollar for each additional or additional renewal 4-year permit.~~

~~The tax collector of the county in which the fee was collected shall retain all funds received pursuant to this subparagraph.~~

~~3. If an applicant presents to the department a statement from the Federal Government or the State of Florida indicating the applicant is a recipient of supplemental security income, the fee for the disabled parking permit shall be $9 for the initial 4-year permit or renewal permit, of which the State~~

~~Transportation Trust Fund shall receive $6.75 and the tax collector of the county in which the fee was collected shall receive $2.25.~~

(f)~~(d)~~ To obtain a replacement for a disabled parking permit that has been lost or stolen, a person must submit an application on a form prescribed by the department and must pay a replacement fee in the amount of $1.00, to be retained by the issuing agency. If the person submits with the application a police report documenting that the permit was stolen, there is no replacement fee.

(g)~~(e)~~ A person who qualifies for a disabled parking permit under this section may be issued an international wheelchair user symbol license plate under s. 320.0843 in lieu of the disabled parking permit; or, if the person qualifies for a "DV" license plate under s. 320.084, such a license plate may be issued to him or her in lieu of a disabled parking permit.

Section 122. Subsections (2) and (3) of section 320.089, Florida Statutes, are amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; special license plates; fee.—

(2) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 ~~5,000~~ pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and who is a former prisoner of war, or their unremarried surviving spouse, shall, upon application therefor to the department, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Ex-POW" followed by the serial number. Each application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

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

(3) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 ~~5,000~~ pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of this state and who is the unremarried surviving spouse of a recipient of the Purple Heart medal shall, upon application therefor to the

department, with the payment of the required fees, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Purple Heart" and the likeness of the Purple Heart medal followed by the serial number. Each application shall be accompanied by proof that the applicant is the unremarried surviving spouse of a recipient of the Purple Heart medal.

Section 123. Section 321.02, Florida Statutes, is amended to read:

321.02 Powers and duties of department, highway patrol.—The director of the Division of Highway Patrol of the Department of Highway Safety and Motor Vehicles shall also be the commander of the Florida Highway Patrol. The said department shall set up and promulgate rules and regulations by which the personnel of the Florida Highway Patrol officers shall be examined, employed, trained, located, suspended, reduced in rank, discharged, recruited, paid and pensioned, subject to civil service provisions hereafter set out. The department may enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, nonexclusive, and nondiscriminatory basis, property and other structures under division control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(n) or s. 332(d), and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The department may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The department and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the division by the wireless provider or the telecommunications company. All such fees collected by the department shall be deposited directly into the State Agency Law Enforcement Radio System Trust Fund, and may be used to construct, maintain, or support the system. The department is further specifically authorized to purchase, sell, trade, rent, lease and maintain all necessary equipment, uniforms, motor vehicles, communication systems, housing facilities, office space, and perform any other acts necessary for the proper administration and enforcement of this chapter. However, all supplies and equipment consisting of single items or in lots shall be purchased under the requirements of s. 287.057. Purchases shall be made by accepting the bid of the lowest responsive bidder, the right being reserved to reject all bids. The department shall prescribe a distinctive uniform and distinctive emblem to be worn by all officers of the Florida Highway Patrol. It shall be unlawful for any other person or persons to wear a similar uniform or emblem, or any part or parts thereof. The department shall also prescribe ~~a~~ distinctive ~~color or~~ colors for use on ~~all~~ motor vehicles and motorcycles operated ~~to be used~~ by the Florida Highway Patrol. The prescribed colors shall be referred to as "Florida Highway Patrol black and tan."

Section 124. Subsection (7) is added to section 322.051, Florida Statutes, to read:

322.051 Identification cards.—

(7) Any person accepting the Florida driver license as proof of identification must accept a Florida identification card as proof of identification when the bearer of the identification card does not also have a driver license.

Section 125. Subsections (1) and (3) of section 860.20, Florida Statutes, are amended to read:

860.20 Outboard motors; identification numbers.—

(1)(a) The Department of Highway Safety and Motor Vehicles ~~Environmental Protection~~ shall adopt rules specifying the locations and manner in which serial numbers for outboard motors shall be affixed. In adopting such rules, the department shall consider the adequacy of voluntary industry standards, the current state of technology, and the overall purpose of reducing vessel and motor thefts in the state.

(b) Any outboard motor manufactured after October 1, 1985, which is for sale in the state shall comply with the serial number rules promulgated by the department. Any person, firm, or corporation which sells or offers for sale any outboard boat motor manufactured after October 1, 1985, which does not comply with this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If any of the serial numbers required by this section to identify ownership of an outboard motor do not exist or have been removed, erased, defaced, or otherwise altered to prevent identification and its true identity cannot be determined, the outboard motor may be seized as contraband property by a law enforcement agency and shall be subject to forfeiture pursuant to ss. 932.701-932.704. Such outboard motor may not be sold or used to propel a vessel on the waters of the state unless the department ~~Division of Law Enforcement of the Department of Environmental Protection~~ is directed by written order of a court of competent jurisdiction to issue to the outboard motor a replacement identifying number which shall be affixed to the outboard motor and shall thereafter be used for identification purposes.

Section 126. All automotive service technology education programs shall be industry certified by 2007.

Section 127. Paragraph (n) of subsection (1) of section 319.30, Florida Statutes, is reenacted, and subsection (3) of said section is amended, to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

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

(n) "Salvage" means a motor vehicle or mobile home which is a total loss as defined in paragraph (3)(a).

(3)(a)1. As used in this section, a motor vehicle or mobile home is a "total loss":

a.~~1.~~ When an insurance company pays the vehicle owner to replace the wrecked or damaged vehicle with one of like kind and quality or when an insurance company pays the owner upon the theft of the motor vehicle or mobile home; ~~a motor vehicle or mobile home shall not be considered a "total loss" if the insurance company and the owner agree to repair, rather than to replace, the motor vehicle or mobile home;~~ or

b.~~2.~~ When an uninsured motor vehicle or mobile home is wrecked or damaged and the cost, at the time of loss, of repairing or rebuilding the vehicle is 80 percent or more of the cost to the owner of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality.

2. A motor vehicle or mobile home shall not be considered a "total loss" if the insurance company and owner of a motor vehicle or mobile home agree to repair, rather than to replace, the motor vehicle or mobile home. However, if the actual cost to repair the motor vehicle or mobile home to the insurance company exceeds 100 percent of the cost of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality, the owner shall forward to the department, within 72 hours after the agreement, a request to brand the certificate of title with the words "Total Loss Vehicle." Such a brand shall become a part of the vehicle's title history.

(b) The owner, including persons who are self-insured, of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. This certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than $1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact

condition and is readily resalable without extensive repairs to or replacement of the frame or engine. Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 128. Effective July 1, 2003, section 319.41, Florida Statutes, is created to read:

319.41 Title history database.—The department shall make available on the Internet a database of title transactions searchable by vehicle identification number. In the Internet database, the department shall only provide access to information relating to the year, make, model, and mileage of the vehicle, along with the date of sales and any brands or outstanding liens on the title.

Section 129. Section 748.7543, Florida Statutes, is amended to read:

348.7543 Improvements, bond financing authority for.—Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature hereby approves for bond financing by the Orlando-Orange County Expressway Authority improvements to toll collection facilities, interchanges to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs ~~financing~~ may be financed in whole or in part by revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether currently issued or~~,~~ issued in the future, or by a combination of such bonds.

Section 130. Section 348.7545, Florida Statutes, is amended to read:

348.7545 Western Beltway Part C, construction authorized; financing.—Notwithstanding s. 338.2275, the Orlando-Orange County Expressway Authority is authorized to exercise its condemnation powers, construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Western Beltway Part C, extending from Florida's Turnpike near Ocoee in Orange County southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk County line, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. This project may be refinanced with bonds issued by the authority pursuant to s. 348.755(1)(d).

Section 131. Subsection (1) of section 348.755, Florida Statutes, is amended to read:

348.755 Bonds of the authority.—

(1)(a) Bonds may be issued on behalf of the authority pursuant to the State Bond Act.

(b) Alternatively, the authority may issue its own bonds pursuant to this part at such times and in such principal amount as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its purposes; however, such bonds may not pledge the full faith and credit of the state. Bonds issued by the authority pursuant to this paragraph or paragraph (a) ~~The bonds of the authority issued pursuant to the provisions of this part~~, whether on original issuance or on refunding, shall be authorized by resolution of the members thereof and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals or other charges or receipts of the authority including the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and shall have the seal of the authority affixed, imprinted, reproduced or lithographed thereon, all as may be prescribed in such resolution or resolutions.

(c)~~(b) Said~~ Bonds issued pursuant to paragraph (a) or paragraph (b) shall be sold at public sale in the same manner provided by the State Bond Act. However, if the authority shall, by official action at a public meeting, determine that a negotiated sale of such ~~the~~ bonds is in the best interest of the authority, the authority may negotiate the ~~for~~ sale of such ~~the~~ bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance of the State Board of Administration with respect to bonds issued pursuant to paragraph (a) or solely the authority with respect to bonds issued pursuant to paragraph (b). The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial advisor. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(d) The authority may issue bonds pursuant to paragraph (b) to refund any bonds previously issued regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act.

Section 132. Section 348.765, Florida Statutes, is amended to read:

348.765 This part complete and additional authority.—

(1) The powers conferred by this part shall be in addition and supplemental to the existing powers of said board and the department, and this part

shall not be construed as repealing any of the provisions, of any other law, general, special or local, but to supersede such other laws in the exercise of the powers provided in this part, and to provide a complete method for the exercise of the powers granted in this part. The extension and improvement of said Orlando-Orange County Expressway System, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special or local law, including, but not limited to, s. 215.821, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in said County of Orange, or in said City of Orlando, or in any other political subdivision of the state, shall be required for the issuance of such bonds pursuant to this part.

(2) This part shall not be deemed to repeal, rescind, or modify any other law or laws relating to said State Board of Administration, said Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but shall be deemed to and shall supersede such other law or laws as are inconsistent with the provisions of this part, including, but not limited to, s. 215.821.

Section 133. Subsection (1) of section 316.003, Florida Statutes, is amended to read:

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

(1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the Department of Environmental Protection, the Department of Health, and the Department of Transportation as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

Section 134. Subsection (9) of section 316.2397, Florida Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.—

(9) Flashing red lights may be used by emergency response vehicles of the Department of Environmental Protection and the Department of Health when responding to an emergency in the line of duty.

Section 135. Notwithstanding section 18 of CS/CS/SB 1360, 2002 Regular Section, section 197.1722, Florida Statutes, as created by section 16 of that bill, shall not take effect January 1, 2003, but shall take effect on the date CS/CS/SB 1360, Regular Session, becomes a law and shall apply retroactively to January 1, 2002.

Section 136. Except as otherwise provided, this act shall take effect July 1, 2002.

Approved by the Governor April 11, 2002.

Filed in Office Secretary of State April 11, 2002.