

HOUSE MESSAGE SUMMARY

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BILL: CS/HB 261, 2nd Eng.
SPONSOR: Council for Ready Infrastructure, Representative Russell and others
SUBJECT: Transportation
PREPARED BY: Senate Committee on Transportation
DATE: March 22, 2002

I. Amendments Contained in Message:

Senate Amendment 1 - 162936 (body with title)

House Amendment 1 - 615153 (body with title)

House Amendment 2 - 325943 (body with title)

II. Summary of Amendments Contained in Message:

Senate Amendment 1

The amendment:

Amends s. 20.23, F.S., providing for the Turnpike Enterprise.

Amends s. 206.46, F.S., to increase the debt service cap for right-of-way and bridge construction bonds to \$200 million.

Amends s. 212.055, F.S. expanding which counties may levy the surtax to counties which adopted charter prior to 1984.

Amends s. 316.302(1)(b), F.S., to update the reference to the current safety regulations contained in the Code of Federal Regulations to October 1, 2001. Authorizes specified law enforcement officers holding safety inspector certification to stop commercial motor vehicles without reason for the purpose of vehicle and driver inspection. Amends s. 316.3025, F.S., changing a statutory truck regulation to a CFR reference. Removes a permit requirement for auto haulers up to 14 feet. Amends s. 316.535, F.S., to include weight limits on specialty trucks, and to specify they have to meet all safety and operational requirements under law.

Amends s. 334.044, F.S., to provide a definition of the primary mission, powers, and responsibilities of the OMCC.

Amends s. 334.175, F.S., providing for landscape architect certification of projects.

Amends s. 337.11(7)(a), F.S., to authorize, effective July 1, 2003, FDOT to include right-of-way services in a design-build contract until July 1, 2005.

Amends s. 337.185, F.S., providing 820 days for a contractor to file for arbitration.

Amends s. 338.165, F.S., conforming Turnpike Enterprise provisions. Authorizes FDOT to request the Division of Bond Finance to issue bonds backed by revenues of the Sunshine Skyway Bridge, Beeline East Expressway and Pinellas Bayway projects located within the county the facility is located.

Amends ss. 337.025, 337.11, 338.165, 338.22, 338.221, F.S., 338.223, 338.227, 338.2275, 338.234, 338.235, 338.239, 338.241, 338.251, and 553.80, F.S., and creates ss. 338.2215 and 338.2216, F.S., to create the turnpike enterprise; to provide “economically feasible” for a turnpike project means the revenues of the project must pay 50 percent of debt service by the 12th year and 100 percent of debt service by the 22nd year.; to remove the provision that 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; to provide the turnpike enterprise may sell services, products or business opportunities, which benefit the traveling public, on the turnpike system, however the turnpike enterprise may not take property solely to create business opportunities; to provide approved FHP expenses incurred patrolling the turnpike system will be reimbursed to the DHSMV by the turnpike enterprise.

Amends s. 339.12, F.S., to increase the cap from local contributions to advance projects from \$100 to \$150 million.

Amends s. 337.408, F.S., providing for the regulation of light poles.

Amends s. 348.0003 providing MDEA terms of office will be determined by the county commission. Amends s. 338.0008, F.S., authorizing acquisition of property and authority to enter property

Amends s. 212.055, F.S., expanding use of surtax.

Repeals s. 59 of chapter 99-385, and amends s. 73.071, F.S., provides businesses of 5 years standing are eligible for business damages starting in 2005.

Creates ss. 341.8201, 341.8202, 341.8203, 341.827, 341.828, 341.829, 341.830, 341.831, 341.832, 341.833, 341.834, 341.835, 341.836, 341.837, 341.838, 341.839, 341.840, 341.841, 341.842, and amends ss. 341.821, 341.822, 341.823, 341.824, 288.109, 334.30, 337.251, and 341.501, F.S., amending the High-Speed Rail Authority act. Broadens the High-Speed Rail Authority’s responsibilities and powers to proceed with implementing the provisions of article 19, Section X, of the Florida Constitution. Authorizes the Authority to establish and collect rates, fees and other charges; acquire land (not by eminent domain) and enter into leases and other contracts; accept donations; and, incur debt, but only in accordance with levels authorized by the Legislature. Authorizes the Authority to develop and execute the systems of Prequalification, Qualification, Request for Proposals.

Provides the bill takes effect upon becoming law.

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Legislature. Authorizes the Authority to develop and execute the systems of Prequalification, Qualification, Request for Proposals.

Repeals s. 59 of chapter 99-385, and amends s. 73.071, F.S., provides businesses of 5 years standing are eligible for business damages starting in 2005.

Amends s. 163.3177, F.S., providing for incorporation of airport master plans into local comprehensive plans, and exempts airport developments which are incorporated in the local comprehensive plans from DRI review.

Amends s. 189.441, F.S. providing Community Improvement Districts must comply with s. 287.055, F.S., in regard to professional services.

Amends s. 212.0606, F.S., providing proceeds from the rental car surcharge must be returned to the FDOT district where the fee was collected, beginning in 2007.

Amends ss. 215.615, 341.031, 341.051 (5)(b), and 341.053 F.S., to delete the requirement that FDOT develop a major capital investment policy for public transit capital projects. According to FDOT, the necessity for specific state evaluations methodologies has been eliminated by changes in federal law regarding the evaluation of such projects.

Amends ss. 255.20, 336.41, 336.44, and 337.14 F.S., to provide any contractor prequalified with FDOT and eligible to bid is presumed prequalified to obtain bid documents and submit bids for county and expressway authority road projects. Section 337.14, F.S., is amended to increase the validity period for a FDOT certificate of qualification from 16 months to 18 months.

Amends ss. 315.02 and 315.03, F.S. to include any governmental unit created pursuant to s. 163.01(7)(d), F.S., in the definition of the term "unit," and security measures identified pursuant to s. 311.12, F.S., in the definition of the term "port facilities."

Amends s. 316.003, F.S., defining motorized scooter and Segway and providing they are not vehicles, and creates s. 316.2068, F.S., providing for the regulation of Segway.

Amends s. 316.515, F.S., authorizing the use of straight trucks and cotton module movers up to 50 feet, and amends s. 316.520, F.S., providing a tarp exemption for certain agriculture trucks.

Amends s. 316.520, F.S., providing it is unlawful to possess any device for the transportation of motor or diesel fuel which does not conform to federal requirements for such fuel transportation devices. Provides for a third degree felony for a violation and provides an exemption for containers of 8 gallons or less.

Amends ss. 320.08056 and 320.08058, F.S., creating the Florida Firefighters and the Police Benevolent Association license plates.

Amends s. 332.004, F.S., to include off-airport noise mitigation projects in the definition of "airport or aviation development project."

Amends s. 332.007, F.S., authorizing an extension for airport security expenditures, providing an exemption for the Samford/Orlando airport.

Amends s. 333.06, F.S., requiring public owned and operated airports to prepare a master plan, and copy affected local governments with federal and state funding requests and certain other documents.

Amends s. 334.175, F.S., providing landscape architects must certify and register design plans with the state in the same manner currently as engineers, surveyors and architects.

Amends s. 337.401(2), F.S., to authorize FDOT to accept a Utility Relocation Schedule and Relocation Agreement in lieu of a written permit, unless the utility work takes place before the Schedule and Agreement are available.

Amends s. 337.408, F.S., providing for the regulation of advertisements on street light poles. Allows local governments to establish their own regulations and ordinances addressing the dimensions of bus benches and associated advertising.

Amends s. 339.12, F.S., providing counties with more than 50,000 population and which levy the full 6 cents of local option gas taxes or spend certain local option taxes on transportation projects will get preference for FDOT grants.

Amends s.339.55, F.S., to provide projects which provide intermodal connectivity with airports, seaports, rail facilities, are eligible for infrastructure bank loans.

Amends s. 341.501, F.S., authorizing FDOT to match aid from other states or jurisdictions if the project is in Florida.

Amends s. 348.0003, F.S., to provide the qualifications, terms of office, and obligations and rights of the members of the authority will be determined by the Miami-Dade County Commission.

Amends s. 348.0008, F.S., authorizing expressway authority employees or authorized agents to enter any premises, upon giving reasonable notice to the landowner, for the purpose of making examinations necessary for the acquisition of property.

Amends s. 348.545, F.S., authorizing the Tampa-Hillsborough County Expressway Authority to finance, through bonds, toll collection facilities, interchanges and other facilities on, appurtenant, necessary, or incidental to, the approved expressway system.

Amends s. 348.565, F.S., adding the connector highway linking Lee Roy Selmon Crosstown Expressway to Interstate 4 to the list of projects that could be financed through the Tampa-Hillsborough County Expressway bonds.

Amends s. 373.4137, F.S., to allow expressway authorities to utilize the process developed for FDOT to pay mitigation funds into escrow accounts, managed by DEP, which finance WMD mitigation projects to offset the adverse environmental impacts of expressway projects.

Amends s. 380.04, F.S., adding electrical work to what is not considered development. Specifies that this provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

Amends s. 380.06, F.S., providing a development that is below 100 percent of all numerical thresholds is exempt from DRI review. Provides procedures for developments that have received a DRI review orders, but are no longer required to comply.

Amends s. 768.28, F.S., provides sovereign immunity for Tri-Rail security providers, maintenance providers and rail service operators.

Creates the Dori Slosberg Safety Act providing county commissions may require a \$3 additional fee to fund traffic education.

Amends ch.88-418, L.O.F., to provide Crandon Boulevard may be modified to provide for vehicular ingress and egress of public safety vehicles.

Amends s. 212.055, F.S., providing charter counties which adopted their charter prior to January 1, 1984 may levy the Charter County Transit System Surtax.

Amends Section 316.006, F.S., to permit issuance of a citation for failure to obey a multi-party stop sign in a private community, if provided for in the written agreement and if the signs conform to DOT's specifications. Minimum traffic volumes are not required for installation of the signs or for enforcement of traffic laws for failure to stop at the signs.

Amends s. 316.066, F.S., creating an exception to the 60-day public records exemption and confidentiality designation for crash reports for local government employees and agents. Provides that the employee or agent must maintain the confidentiality of the report.

Amends s. 316.1975, F.S., to exempt solid waste and recovered waste collection vehicles from certain requirements relating to unattended motor vehicles, extending the same exemption that is currently applicable to delivery vehicles.

Creates s. 316.2127, F.S., authorizing the operation of certain utility vehicles on public roads by homeowners' associations upon designation of the roads for such use by the appropriate level of state or local government.

Amends s. 316.304, F.S., to provide that any person using a headset in conjunction with communicating with a central base operation while operating a vehicle is not subject to the traffic law prohibiting the wearing of headsets if the headset provides sound through only one ear and permits the wearer to hear surrounding sound.

Amends s. 316.520, F.S., to provide that it is the duty of an owner and driver of a truck hauling a load, severally, to prevent inanimate objects from escaping the truck onto the roadway. The load must be covered with a close fitting tarpaulin or other preventive device as specified in federal regulations. A violation of this section is in fact a nonmoving violation (\$30 fine; no points)

except in the case of a willful violation that results in death or serious bodily injury. Such violations are subject to punishment as a second-degree misdemeanor. The section is also amended to provide that vehicles carrying agricultural products locally on certain roads for certain distances are exempt from the requirement of covering the load with a close-fitting tarp or other preventive measure.

Amends s. 318.18, F.S., to provide that a willful violation of certain provisions in s. 316.520, F.S., proven in a hearing, are punishable by a fine of \$100. If guilt is adjudicated twice within 5 years DHSMV must suspend the driver's license for a period of at least 180 days, but no more than one year.

Section 316.640, F.S., is amended to authorize university police officers to enforce traffic laws on any property or facilities of direct-support organizations of the university, or other organization under the control of the university.

Amends s. 322.056, F.S., to give courts discretion to order the issuance of a business or employment purposes only license to certain juvenile violators.

Amends ss. 316.640 and 570.073, F.S., to expand the traffic law and general law enforcement authority of agricultural law enforcement officers.

Amends s. 319.23, F.S., to require DHSMV to retain the evidence of title presented by an applicant upon which a certificate of title is issued.

Amends s. 319.28, F.S., to delete the requirement that an original or certified copy of the underlying contract be included in an application title based on a contractual default.

Amends s. 319.33, F.S., to provide that it is unlawful to remove any manufacturer or state VIN number from a vehicle.

Amends s. 320.025, F.S., to include governmentally owned law enforcement vessels in provisions allowing the registration of vehicles owned or operated by a law enforcement agency under a fictitious name. Also provides for issuance and display of decals.

Amends s. 320.05, F.S., to include the term "vessel" in this section relating to public inspection of registration information.

Amends s. 320.055, F.S., to provide that Florida commercial motor vehicles that are not apportioned have a registration period beginning December 1st and ending Nov. 30th each year.

Amends s. 320.06, F.S., to provide for only one validation decal on the upper right corner of a license plate with the month and year on the same decal. This will conform decal provisions to DHSMV's implementation of a new decal dispenser system.

Amends s. 320.0805, F.S., allowing personalized license plates to be reassigned to another individual one year following the expiration of registration.

Amends s. 320.083, F.S., increasing the weight restriction for private-use vehicles eligible for the plate to include vehicles weighing less than 8,000 pounds.

Amends s. 320.0848, F.S. to eliminate the fee required to obtain a 4-year disabled parking permit. Retains the \$1.50 fee retained by tax collectors.

Amends s. 321.02, F.S., to provide that DHSMV shall prescribe colors for FHP vehicles and that the colors shall be referred to as "FHP black and tan."

Amends s. 322.051, F.S., to require persons accepting a driver's license as proof of identification to also accept a state identification card as proof of identification.

Amends s. 860.20, F.S., providing that DHSMV rather than DEP shall adopt rules specifying the locations and the manner in which serial numbers on outboard motors shall be affixed.

Provides all automotive service technology education programs must be industry certified by 2007.

Amends s. 319.30, F.S., redefining the term "total loss" to require the owner of a damaged vehicle or mobile home to request the DHSMV to brand "Total Loss Vehicle" on the certificate of title if the actual costs of repair exceed 100 percent of the cost of replacing the damaged vehicle or mobile home.

Creates s. 319.41, F.S., requiring the DHSMV to create a title history database for vehicles to be implemented by July 1, 2003. Requires the program to provide access to information relating to the year, make, model, mileage, date of sales, and outstanding liens on motor vehicles. This database is required to be made available on the Internet.

Amends sections 348.754, 348.7543, 348.7544, 348.7545, 348.755, 348.765, and creates s. 348.7521, F.S. Updates or clarifies provisions related to the Orlando-Orange County Expressway Authority (OOCEA), and specifies the authorities jurisdiction, but the primary changes allow the OOCEA to issue its own revenue bonds. These bonds would be repaid through toll revenues, and would not pledge the full faith and credit of the State of Florida. Provides the OOCEA may not construct any new roads or expand any roads into the Wekiva River Protection Area or Green Swamp Area of Critical State Concern without prior legislative approval. Requires that approvals required by certain local governments of OOCEA projects, must occur at the conclusion of a public hearing to consider the action. Prohibits the OOCEA from designing, financing, acquiring, or constructing new extensions, additions or appurtenant facilities to the Northwest Beltway, Part A, extending northeasterly of its current terminus at U.S. 441 near Apopka, without prior legislative approval.

Amends s. 316.003(1) and 316.2397 F.S., to include the Department of Health's emergency vehicles in the definition of "Authorized Emergency Vehicles." The primary purpose of these vehicles is to respond to major disasters.

Fixes a glitch in CS/CS/SB 1360 providing section 16 of that bill will apply retroactively to January 1, 2002. The bill provides the section will not take effect until January 1, 2002.

Provides the bill takes effect July 1, 2002, unless otherwise provided.

House Amendment 2

Deletes from the bill ss. 348.7521 and 348.754, F.S., removing the section of the amendment which specifies the OOCEA's jurisdiction and deletes the section which provides the authority may not approve any right-of-way acquisition or construction of new facilities on the Wekiva River Protection Area without legislative authorization.