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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/28/2017	.	
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	.	
	.	

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 135 - 734

and insert:

Section 1. Present subsections (51) through (97) of section 316.003, Florida Statutes, are renumbered as subsections (53) through (99), respectively, present subsections (40), (55), and (95) are amended, and new subsections (51) and (52) are added to that section, to read:

316.003 Definitions.—The following words and phrases, when



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11 used in this chapter, shall have the meanings respectively
12 ascribed to them in this section, except where the context
13 otherwise requires:

14 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a
15 self-propelled vehicle not operated upon rails or guideway, but
16 not including any bicycle, motorized scooter, electric personal
17 assistive mobility device, personal delivery device, swamp
18 buggy, or moped. For purposes of s. 316.1001, “motor vehicle”
19 has the same meaning as provided in s. 320.01(1)(a).

20 (51) PERSONAL DELIVERY DEVICE.—An electrically powered
21 device that:

22 (a) Is operated on sidewalks and crosswalks and intended
23 primarily for transporting property;

24 (b) Weighs less than 80 pounds, excluding cargo;

25 (c) Has a maximum speed of 10 miles per hour; and

26 (d) Is equipped with technology to allow for operation of
27 the device with or without the active control or monitoring of a
28 natural person.

29
30 A personal delivery device is not considered a vehicle unless
31 expressly defined by law as a vehicle.

32 (52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its
33 agent that exercises direct physical control over or monitoring
34 of the navigation system and operation of a personal delivery
35 device. For the purposes of this subsection, the term “agent”
36 means a person charged by the entity with the responsibility of
37 navigating and operating the personal delivery device. The term
38 “personal delivery device operator” does not include an entity
39 or person who requests the services of a personal delivery



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40 device for the purpose of transporting property or an entity or
41 person who only arranges for and dispatches the requested
42 services of a personal delivery device.

43 (57)-(55) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
44 provided in paragraph (79) (b) (77)-(b), any privately owned way
45 or place used for vehicular travel by the owner and those having
46 express or implied permission from the owner, but not by other
47 persons.

48 (97)-(95) VEHICLE.—Every device in, upon, or by which any
49 person or property is or may be transported or drawn upon a
50 highway, except personal delivery devices and devices used
51 exclusively upon stationary rails or tracks.

52 Section 2. Subsection (7) of section 316.008, Florida
53 Statutes, is amended to read:

54 316.008 Powers of local authorities.—

55 (7) (a) A county or municipality may enact an ordinance to
56 permit, control, or regulate the operation of vehicles, golf
57 carts, mopeds, motorized scooters, and electric personal
58 assistive mobility devices on sidewalks or sidewalk areas when
59 such use is permissible under federal law. The ordinance must
60 restrict such vehicles or devices to a maximum speed of 15 miles
61 per hour in such areas.

62 (b)1. Except as provided in subparagraph 2., a personal
63 delivery device may be operated on sidewalks and crosswalks
64 within a county or municipality when such use is permissible
65 under federal law. This paragraph does not restrict a county or
66 municipality from otherwise adopting regulations for the safe
67 operation of personal delivery devices.

68 2. A personal delivery device may not be operated on the



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69 Florida Shared-Use Nonmotorized Trail Network created under s.
70 339.81 or components of the Florida Greenways and Trails System
71 created under chapter 260.

72 Section 3. Section 316.0898, Florida Statutes, is created
73 to read:

74 316.0898 Florida Smart City Challenge grant program.-

75 (1) The Department of Transportation, in consultation with
76 the Department of Highway Safety and Motor Vehicles, shall
77 develop the Florida Smart City Challenge grant program and shall
78 establish grant award requirements for municipalities or regions
79 for the purpose of receiving grant awards. Grant applicants must
80 demonstrate and document the adoption of emerging technologies
81 and their impact on the transportation system and must address
82 at least the following focus areas:

83 (a) Autonomous vehicles.

84 (b) Connected vehicles.

85 (c) Sensor-based infrastructure.

86 (d) Collecting and using data.

87 (e) Electric vehicles, including charging stations.

88 (f) Developing strategic models and partnerships.

89 (2) The goals of the grant program include, but are not
90 limited to:

91 (a) Identifying transportation challenges and identifying
92 how emerging technologies can address those challenges.

93 (b) Determining the emerging technologies and strategies
94 that have the potential to provide the most significant impacts.

95 (c) Encouraging municipalities to take significant steps to
96 integrate emerging technologies into their day-to-day
97 operations.



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98 (d) Identifying the barriers to implementing the grant
99 program and communicating those barriers to the Legislature and
100 appropriate agencies and organizations.

101 (e) Leveraging the initial grant to attract additional
102 public and private investments.

103 (f) Increasing the state's competitiveness in the pursuit
104 of grants from the United States Department of Transportation,
105 the United States Department of Energy, and other federal
106 agencies.

107 (g) Committing to the continued operation of programs
108 implemented in connection with the grant.

109 (h) Serving as a model for municipalities nationwide.

110 (i) Documenting the costs and impacts of the grant program
111 and lessons learned during implementation.

112 (j) Identifying solutions that will demonstrate local or
113 regional economic impact.

114 (3) The Department of Transportation shall develop
115 eligibility, application, and selection criteria for the program
116 grants and a plan for the promotion of the grant program to
117 municipalities or regions of this state as an opportunity to
118 compete for grant funding, including the award of grants to a
119 single recipient and secondary grants to specific projects of
120 merit within other applications. The Department of
121 Transportation may contract with a third party that demonstrates
122 knowledge and expertise in the focuses and goals of this section
123 to provide guidance in the development of the requirements of
124 this section.

125 (4) On or before January 1, 2018, the Department of
126 Transportation shall submit the grant program guidelines and



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127 plans for promotion of the grant program to the Governor, the
128 President of the Senate, and the Speaker of the House of
129 Representatives.

130 (5) This section expires July 1, 2018.

131 Section 4. Section 316.2071, Florida Statutes, is created
132 to read:

133 316.2071 Personal delivery devices.-

134 (1) Notwithstanding any provision of law to the contrary, a
135 personal delivery device may operate on sidewalks and
136 crosswalks, subject to s. 316.008(7)(b). A personal delivery
137 device operating on a sidewalk or crosswalk has all the rights
138 and duties applicable to a pedestrian under the same
139 circumstances, except that the personal delivery device must not
140 unreasonably interfere with pedestrians or traffic and must
141 yield the right-of-way to pedestrians on the sidewalk or
142 crosswalk.

143 (2) A personal delivery device must:

144 (a) Obey all official traffic and pedestrian control
145 signals and devices.

146 (b) Include a plate or marker that has a unique identifying
147 device number and identifies the name and contact information of
148 the personal delivery device operator.

149 (c) Be equipped with a braking system that, when active or
150 engaged, enables the personal delivery device to come to a
151 controlled stop.

152 (3) A personal delivery device may not:

153 (a) Operate on a public highway except to the extent
154 necessary to cross a crosswalk.

155 (b) Operate on a sidewalk or crosswalk unless the personal



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156 delivery device operator is actively controlling or monitoring
157 the navigation and operation of the personal delivery device.

158 (c) Transport hazardous materials as defined in s. 316.003.

159 (4) A personal delivery device operator must maintain an
160 insurance policy, on behalf of itself and its agents, that
161 provides general liability coverage of at least \$100,000 for
162 damages arising from the combined operations of personal
163 delivery devices under the entity's or agent's control.

164 Section 5. Paragraph (b) of subsection (2) of section
165 316.545, Florida Statutes, is amended, and present paragraphs
166 (c) and (d) of subsection (3) of that section are redesignated
167 as paragraphs (d) and (e), respectively, and a new paragraph (c)
168 is added to that subsection, to read:

169 316.545 Weight and load unlawful; special fuel and motor
170 fuel tax enforcement; inspection; penalty; review.—

171 (2)

172 (b) The officer or inspector shall inspect the license
173 plate or registration certificate of the commercial vehicle to
174 determine whether its gross weight is in compliance with the
175 declared gross vehicle weight. If its gross weight exceeds the
176 declared weight, the penalty shall be 5 cents per pound on the
177 difference between such weights. In those cases when the
178 commercial vehicle is being operated over the highways of the
179 state with an expired registration or with no registration from
180 this or any other jurisdiction or is not registered under the
181 applicable provisions of chapter 320, the penalty herein shall
182 apply on the basis of 5 cents per pound on that scaled weight
183 which exceeds 35,000 pounds on laden truck tractor-semitrailer
184 combinations or tandem trailer truck combinations, 10,000 pounds



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185 on laden straight trucks or straight truck-trailer combinations,
186 or 10,000 pounds on any unladen commercial motor vehicle. A
187 driver of a commercial motor vehicle entering the state at a
188 designated port-of-entry location, as defined in s. 316.003
189 ~~316.003(54)~~, or operating on designated routes to a port-of-
190 entry location, who obtains a temporary registration permit
191 shall be assessed a penalty limited to the difference between
192 its gross weight and the declared gross vehicle weight at 5
193 cents per pound. If the license plate or registration has not
194 been expired for more than 90 days, the penalty imposed under
195 this paragraph may not exceed \$1,000. In the case of special
196 mobile equipment, which qualifies for the license tax provided
197 for in s. 320.08(5)(b), being operated on the highways of the
198 state with an expired registration or otherwise not properly
199 registered under the applicable provisions of chapter 320, a
200 penalty of \$75 shall apply in addition to any other penalty
201 which may apply in accordance with this chapter. A vehicle found
202 in violation of this section may be detained until the owner or
203 operator produces evidence that the vehicle has been properly
204 registered. Any costs incurred by the retention of the vehicle
205 shall be the sole responsibility of the owner. A person who has
206 been assessed a penalty pursuant to this paragraph for failure
207 to have a valid vehicle registration certificate pursuant to the
208 provisions of chapter 320 is not subject to the delinquent fee
209 authorized in s. 320.07 if such person obtains a valid
210 registration certificate within 10 working days after such
211 penalty was assessed.

212 (3)

213 (c)1. For a vehicle fueled by natural gas, the fine is



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214 calculated by reducing the actual gross vehicle weight by the
215 certified weight difference between the natural gas tank and
216 fueling system and a comparable diesel tank and fueling system.
217 Upon the request of a weight inspector or a law enforcement
218 officer, the vehicle operator shall present a written
219 certification that identifies the weight of the natural gas tank
220 and fueling system and the difference in weight of a comparable
221 diesel tank and fueling system. The written certification must
222 originate from the vehicle manufacturer or the installer of the
223 natural gas tank and fueling system.

224 2. The actual gross vehicle weight for vehicles fueled by
225 natural gas may not exceed 82,000 pounds, excluding the weight
226 allowed for idle-reduction technology under paragraph (b).

227 3. This paragraph does not apply to vehicles described in
228 s. 316.535(6).

229 Section 6. Effective upon the same date that SB 340 or
230 similar legislation takes effect, if such legislation is adopted
231 in the 2017 Regular Session or any extension thereof and becomes
232 a law, section 316.851, Florida Statutes, is created to read:

233 316.851 Autonomous vehicles; providing prearranged rides.-

234 (1) An autonomous vehicle used by a transportation network
235 company to provide a prearranged ride must be covered by
236 automobile insurance as required by s. 627.748, regardless of
237 whether a human operator is physically present within the
238 vehicle when the ride occurs. When an autonomous vehicle is
239 logged on to a digital network but is not engaged in a
240 prearranged ride, the autonomous vehicle must maintain insurance
241 coverage as defined in s. 627.748(7)(b).

242 (2) An autonomous vehicle used to provide a transportation



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243 service shall carry in the vehicle proof of coverage satisfying
244 the requirements of this section at all times while operating in
245 autonomous mode.

246 Section 7. Section 316.853, Florida Statutes, is created to
247 read:

248 316.853 Automated mobility districts.-

249 (1) For the purpose of this section, an "automated mobility
250 district" means a master planned development or combination of
251 contiguous developments in which the deployment of autonomous
252 vehicles as defined in s. 316.003 as the basis for a shared
253 mobility system is a stated goal or objective of the development
254 or developments.

255 (2) The Department of Transportation shall designate
256 automated mobility districts.

257 (3) In determining the eligibility of a community for
258 designation as an automated mobility district, the Department of
259 Transportation shall consider applicable criteria from federal
260 agencies for automated mobility districts and apply those
261 criteria to eligible developments in this state.

262 Section 8. Paragraph (a) of subsection (1) of section
263 319.145, Florida Statutes, is amended to read:

264 319.145 Autonomous vehicles.-

265 (1) An autonomous vehicle registered in this state must
266 continue to meet applicable federal standards and regulations
267 for such motor vehicle. The vehicle must:

268 (a) Have a system to safely alert the operator if an
269 autonomous technology failure is detected while the autonomous
270 technology is engaged. When an alert is given, the system must:

271 1. Require the operator to take control of the autonomous



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272 vehicle; or

273 2. If the human operator does not, or is not able to, take
274 control of the autonomous vehicle, or if a human operator is not
275 physically present in the vehicle, be capable of bringing the
276 vehicle to a complete stop.

277 Section 9. Paragraph (a) of subsection (1) of section
278 320.01, Florida Statutes, is amended to read:

279 320.01 Definitions, general.—As used in the Florida
280 Statutes, except as otherwise provided, the term:

281 (1) "Motor vehicle" means:

282 (a) An automobile, motorcycle, truck, trailer, semitrailer,
283 truck tractor and semitrailer combination, or any other vehicle
284 operated on the roads of this state, used to transport persons
285 or property, and propelled by power other than muscular power,
286 but the term does not include traction engines, road rollers,
287 personal delivery devices as defined in s. 316.003, special
288 mobile equipment as defined in s. 316.003, vehicles that run
289 only upon a track, bicycles, swamp buggies, or mopeds.

290 Section 10. Subsection (19) is added to section 320.02,
291 Florida Statutes, to read:

292 320.02 Registration required; application for registration;
293 forms.—

294 (19) A personal delivery device as defined in s. 316.003 is
295 not required to satisfy the registration and insurance
296 requirements of this section.

297 Section 11. Subsection (1) of section 324.021, Florida
298 Statutes, is amended to read:

299 324.021 Definitions; minimum insurance required.—The
300 following words and phrases when used in this chapter shall, for



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301 the purpose of this chapter, have the meanings respectively
302 ascribed to them in this section, except in those instances
303 where the context clearly indicates a different meaning:

304 (1) MOTOR VEHICLE.—Every self-propelled vehicle that ~~which~~
305 is designed and required to be licensed for use upon a highway,
306 including trailers and semitrailers designed for use with such
307 vehicles, except traction engines, road rollers, farm tractors,
308 power shovels, and well drillers, and every vehicle that ~~which~~
309 is propelled by electric power obtained from overhead wires but
310 not operated upon rails, but not including any personal delivery
311 device as defined in s. 316.003, bicycle, or moped. However, the
312 term “motor vehicle” does ~~shall~~ not include a any motor vehicle
313 as defined in s. 627.732(3) when the owner of such vehicle has
314 complied with the requirements of ss. 627.730-627.7405,
315 inclusive, unless the provisions of s. 324.051 apply; and, in
316 such case, the applicable proof of insurance provisions of s.
317 320.02 apply.

318 Section 12. Paragraph (a) of subsection (2) of section
319 324.022, Florida Statutes, is amended to read:

320 324.022 Financial responsibility for property damage.—

321 (2) As used in this section, the term:

322 (a) “Motor vehicle” means any self-propelled vehicle that
323 has four or more wheels and that is of a type designed and
324 required to be licensed for use on the highways of this state,
325 and any trailer or semitrailer designed for use with such
326 vehicle. The term does not include:

327 1. A mobile home.

328 2. A motor vehicle that is used in mass transit and
329 designed to transport more than five passengers, exclusive of



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330 the operator of the motor vehicle, and that is owned by a
331 municipality, transit authority, or political subdivision of the
332 state.

333 3. A school bus as defined in s. 1006.25.

334 4. A vehicle providing for-hire transportation that is
335 subject to the provisions of s. 324.031. A taxicab shall
336 maintain security as required under s. 324.032(1).

337 5. A personal delivery device as defined in s. 316.003.

338 Section 13. Subsection (2) of section 335.074, Florida
339 Statutes, is amended to read:

340 335.074 Safety inspection of bridges.-

341 (2) At regular intervals as required by the Federal Highway
342 Administration not to exceed 2 years, each bridge on a public
343 transportation facility shall be inspected for structural
344 soundness and safety for the passage of traffic on such bridge.
345 The thoroughness with which bridges are to be inspected shall
346 depend on such factors as age, traffic characteristics, state of
347 maintenance, and known deficiencies. The governmental entity
348 having maintenance responsibility for any such bridge shall be
349 responsible for having inspections performed and reports
350 prepared in accordance with the provisions contained herein.

351 Section 14. Effective October 1, 2017, section 335.094,
352 Florida Statutes, is created to read:

353 335.094 Highway memorial markers; public safety awareness.-

354 (1) In recognition of the department's mission to provide a
355 safe transportation system, the Legislature intends that the
356 department allow the use of highway memorial markers at or near
357 the location of traffic-related fatalities on the State Highway
358 System to raise public awareness and remind motorists to drive



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359 safely by memorializing people who have died as a result of a
360 traffic-related crash.

361 (2) The department shall establish a process, including any
362 forms deemed necessary by the department, for submitting
363 applications for installation of a memorial marker as authorized
364 in this section. Applications may be submitted to the department
365 by:

366 (a) A member of the decedent's family, which includes the
367 decedent's spouse; a child, parent, or sibling of the decedent,
368 whether biological, adopted, or step relation; and any lineal or
369 collateral descendant of the decedent; or

370 (b) Any individual who is responsible under the laws of
371 this state for the disposition of the unclaimed remains of the
372 decedent or for other matters relating to the interment or
373 memorialization of the decedent.

374 (3) The department shall establish criteria for the design
375 and fabrication of memorial markers, including, but not limited
376 to, marker components, fabrication material, and size.

377 (4) (a) The department may install a round aluminum sign
378 panel with white background and black letters uniformly
379 inscribed "Drive Safely, In Memory Of" followed by the
380 decedent's name at no charge to the applicant.

381 (b) Upon the request of the applicant and payment of a
382 reasonable fee set by the department to offset production costs,
383 memorial markers may incorporate the available emblems of belief
384 approved by the United States Department of Veterans Affairs
385 National Cemetery Administration. For purposes of this section,
386 an "emblem of belief" means an emblem that represents the
387 decedent's religious affiliation or sincerely held religious



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388 belief system, or a sincerely held belief system that was
389 functionally equivalent to a religious belief system in the life
390 of the decedent. The religion or belief system represented by an
391 emblem need not be associated with or endorsed by a church,
392 group, or organized denomination. The term does not include
393 emblems, graphics, logos, or symbols that relate to social,
394 cultural, ethnic, civic, fraternal, trade, commercial,
395 political, professional, or military status.

396 (c) An applicant may request a new emblem of belief not
397 specifically approved by the United States Department of
398 Veterans Affairs National Cemetery Administration for
399 inscription on a memorial marker as follows:

400 1. The applicant must certify that the proposed new emblem
401 of belief represents the decedent's religious affiliation or
402 sincerely held religious belief system, or a sincerely held
403 belief system that was functionally equivalent to a religious
404 belief system in the life of the decedent.

405 2. In the absence of evidence to the contrary, the
406 department shall accept as genuine an applicant's statement of
407 the religious or functionally equivalent belief system of a
408 decedent.

409 (d) If the department determines that any application under
410 this section is incomplete, the department must notify the
411 applicant in writing of any missing information and must notify
412 the applicant in writing that no further action on the
413 application will be taken until the missing information is
414 provided.

415 (5) The department shall place a memorial marker for any
416 approved application at or near the location of the fatality in



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417 a fashion that reduces driver distraction and positions the
418 marker as near the right-of-way line as possible.

419 (6) Memorial markers are intended to remind passing
420 motorists of the dangers of unsafe driving and are not intended
421 for visitation. The department shall remove a memorial marker if
422 the department determines the presence of the marker creates a
423 safety hazard. In such cases, the department shall post a notice
424 near where the marker was located indicating that the marker has
425 been removed and provide contact information for pickup of the
426 marker. The department shall store any removed markers for at
427 least 60 days. If after 60 days the memorial is not claimed, the
428 department may dispose of the marker as it deems necessary.

429 Section 15. Paragraph (c) of subsection (6) of section
430 337.11, Florida Statutes, is amended to read:

431 337.11 Contracting authority of department; bids; emergency
432 repairs, supplemental agreements, and change orders; combined
433 design and construction contracts; progress payments; records;
434 requirements of vehicle registration.-

435 (6)

436 (c) When the department determines that it is in the best
437 interest of the public for reasons of public concern, economy,
438 improved operations, or safety, and only for contracts for
439 construction and maintenance which do not exceed \$250,000 when
440 circumstances dictate rapid completion of the work, the
441 department may, ~~up to the amount of \$120,000,~~ enter into
442 ~~contracts for construction and maintenance~~ without advertising
443 and receiving competitive bids. The department may enter into
444 such contracts only upon a determination that the work is
445 necessary for one of the following reasons:



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

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

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

454

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

463 Section 16. Subsection (5) is added to section 338.227,
464 Florida Statutes, to read:

465 338.227 Turnpike revenue bonds.—

466 (5) Notwithstanding s. 215.82, bonds issued pursuant to
467 this section are not required to be validated pursuant to
468 chapter 75 but may be validated at the option of the Division of
469 Bond Finance. Any complaint about such validation must be filed
470 in the circuit court of the county in which the seat of state
471 government is situated, and the clerk shall publish the notice
472 as required by s. 75.06 only in the county in which the
473 complaint is filed. The complaint and order of the circuit court
474 must be served on the state attorney of the circuit in which the



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475 action is pending.

476 Section 17. Paragraph (e) of subsection (7) of section
477 339.135, Florida Statutes, is amended to read:

478 339.135 Work program; legislative budget request;
479 definitions; preparation, adoption, execution, and amendment.—

480 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

481 (e) Notwithstanding paragraphs (d), ~~and~~ (g), and (h) and
482 ss. 216.177(2) and 216.351, the secretary may request the
483 Executive Office of the Governor to amend the adopted work
484 program when an emergency exists, as defined in s. 252.34, and
485 the emergency relates to the repair or rehabilitation of any
486 state transportation facility. The Executive Office of the
487 Governor may approve the amendment to the adopted work program
488 and amend that portion of the department's approved budget if a
489 delay incident to the notification requirements in paragraph (d)
490 would be detrimental to the interests of the state. However, the
491 department shall immediately notify the parties specified in
492 paragraph (d) and provide such parties written justification for
493 the emergency action within 7 days after approval by the
494 Executive Office of the Governor of the amendment to the adopted
495 work program and the department's budget. The adopted work
496 program may not be amended under this subsection without
497 certification by the comptroller of the department that there
498 are sufficient funds available pursuant to the 36-month cash
499 forecast and applicable statutes.

500 Section 18. Section 339.2405, Florida Statutes, is amended
501 to read:

502 339.2405 Florida Highway Beautification Grant Program
503 ~~Council~~.—



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504 (1) There is created within the Department of
505 Transportation the Florida Highway Beautification Grant Program
506 for the purpose of awarding grants to local governmental
507 entities for beautification of roads on the State Highway System
508 as provided in subsections (3) and (4). The department shall
509 Council. It shall consist of seven members appointed by the
510 Governor. All appointed members must be residents of this state.
511 One member must be a licensed landscape architect, one member
512 must be a representative of the Florida Federation of Garden
513 Clubs, Inc., one member must be a representative of the Florida
514 Nurserymen and Growers Association, one member must be a
515 representative of the department as designated by the head of
516 the department, one member must be a representative of the
517 Department of Agriculture and Consumer Services, and two members
518 must be private citizens. The members of the council shall serve
519 at the pleasure of the Governor.

520 ~~(2) Each chair shall be selected by the council members and~~
521 ~~shall serve a 2-year term.~~

522 ~~(3) The council shall meet no less than semiannually at the~~
523 ~~call of the chair or, in the chair's absence or incapacity, at~~
524 ~~the call of the head of the department. Four members shall~~
525 ~~constitute a quorum for the purpose of exercising all of the~~
526 ~~powers of the council. A vote of the majority of the members~~
527 ~~present shall be sufficient for all actions of the council.~~

528 ~~(4) The council members shall serve without pay but shall~~
529 ~~be entitled to per diem and travel expenses pursuant to s.~~
530 ~~112.061.~~

531 ~~(5) A member of the council may not participate in any~~
532 ~~discussion or decision to recommend grants to any qualified~~



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533 ~~local government with which the member is associated as a member~~
534 ~~of the governing body or as an employee or with which the member~~
535 ~~has entered into a contractual arrangement.~~

536 ~~(6) The council may prescribe, amend, and repeal bylaws~~
537 ~~governing the manner in which the business of the council is~~
538 ~~conducted.~~

539 ~~(7) (a) The duties of the council shall be to:~~

540 ~~(a)1.~~ Provide information to local governments and local
541 highway beautification councils regarding the state highway
542 beautification grants program.

543 ~~(b)2.~~ Accept grant requests from local governments.

544 ~~(c)3.~~ Review grant requests for compliance with department
545 ~~council~~ rules.

546 ~~(d)4.~~ Establish rules for evaluating and prioritizing the
547 grant requests. The rules must include, but are not limited to,
548 an examination of each grant's aesthetic value, cost-
549 effectiveness, level of local support, feasibility of
550 installation and maintenance, and compliance with state and
551 federal regulations. Rules adopted by the department council
552 which it uses to evaluate grant applications must take into
553 consideration the contributions made by the highway
554 beautification project in preventing litter.

555 ~~(e)5.~~ Maintain a prioritized list of approved grant
556 requests. The list must include recommended funding levels for
557 each request and, if staged implementation is appropriate,
558 funding requirements for each stage shall be provided.

559 ~~6. Assess the feasibility of planting and maintaining~~
560 ~~indigenous wildflowers and plants, instead of sod groundcovers,~~
561 ~~along the rights-of-way of state roads and highways. In making~~



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562 ~~such assessment, the council shall utilize data from other~~
563 ~~states which include indigenous wildflower and plant species in~~
564 ~~their highway vegetative management systems.~~

565 ~~(b) The council may, at the request of the head of the~~
566 ~~department, review and make recommendations on any other highway~~
567 ~~beautification matters relating to the State Highway System.~~

568 ~~(8) The head of the department shall provide from existing~~
569 ~~personnel such staff support services to the council as are~~
570 ~~necessary to enable the council to fulfill its duties and~~
571 ~~responsibilities.~~

572 ~~(2)(9)~~ Local highway beautification councils may be created
573 by local governmental entities or by the Legislature. Prior to
574 being submitted to the department council, a grant request must
575 be approved by the local government or governments of the area
576 in which the project is located.

577 ~~(3)(10)~~ The head of the department, ~~after receiving~~
578 ~~recommendations from the council~~, shall award grants to local
579 governmental entities that have submitted grant requests for
580 beautification of roads on the State Highway System and which
581 requests are on the ~~council's~~ approved list. The grants shall be
582 awarded in the order they appear on the ~~council's~~ prioritized
583 list and in accordance with available funding.

584 ~~(4)(11)~~ State highway beautification grants may be
585 requested only for projects to beautify through landscaping
586 roads on the State Highway System. The grant request shall
587 identify all costs associated with the project, including
588 sprinkler systems, plant materials, equipment, and labor. A
589 grant shall provide for the costs of purchase and installation
590 of a sprinkler system, the cost of plant materials and



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591 fertilizer, and may provide for the costs for labor associated
592 with the installation of the plantings. Each local government
593 that receives a grant is ~~shall be~~ responsible for any costs for
594 water, for the maintenance of the sprinkler system, for the
595 maintenance of the landscaped areas in accordance with a
596 maintenance agreement with the department, and, except as
597 otherwise provided in the grant, for any costs for labor
598 associated with the installation of the plantings. The
599 department may provide, by contract, services to maintain such
600 landscaping at a level not to exceed the cost of routine
601 maintenance of an equivalent unlandscaped area.

602 ~~(12) The council shall annually submit to the head of the~~
603 ~~Department of Transportation a proposal recommending the level~~
604 ~~of grant funding.~~

605 Section 19. Section 343.52, Florida Statutes, is reordered
606 and amended to read:

607 343.52 Definitions.—As used in this part, the term:

608 (2) ~~(1)~~ "Authority" means the South Florida Regional
609 Transportation Authority.

610 (3) ~~(2)~~ "Board" means the governing body of the authority.

611 (4) "Department" means the Department of Transportation.

612 (1) ~~(3)~~ "Area served" means Miami-Dade, Broward, and Palm
613 Beach Counties. However, this area may be expanded by mutual
614 consent of the authority and the board of county commissioners
615 of Monroe County. The authority may not expand into any
616 additional counties without the department's prior written
617 approval.

618 (8) ~~(4)~~ "Transit system" means a system used for the
619 transportation of people and goods by means of, without



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620 limitation, a street railway, an elevated railway having a fixed
621 guideway, a commuter railroad, a subway, motor vehicles, or
622 motor buses, and includes a complete system of tracks, stations,
623 and rolling stock necessary to effectuate passenger service to
624 or from the surrounding regional municipalities.

625 (7)~~(5)~~ "Transit facilities" means property, avenues of
626 access, equipment, or buildings built and installed in Miami-
627 Dade, Broward, and Palm Beach Counties which are required to
628 support a transit system.

629 (6) "Member" means the individuals constituting the board.

630 (5)~~(7)~~ "Feeder transit services" means a transit system
631 that transports passengers to or from stations within or across
632 counties.

633 Section 20. Present subsections (4) and (5) of section
634 343.54, Florida Statutes, are redesignated as subsections (5)
635 and (6), respectively, and a new subsection (4) is added to that
636 section, to read:

637 343.54 Powers and duties.—

638 (4) Notwithstanding any other provision of this part, the
639 authority may not enter into, extend, or renew any contract or
640 other agreement under this part without the department's prior
641 review and written approval of the authority's proposed
642 expenditures if such contract or agreement may be funded, in
643 whole or in part, with funds provided by the department.

644 Section 21. Paragraph (c) of subsection (4) of section
645 343.58, Florida Statutes, is amended to read:

646 343.58 County funding for the South Florida Regional
647 Transportation Authority.—

648 (4) Notwithstanding any other provision of law to the



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649 contrary and effective July 1, 2010, until as provided in
650 paragraph (d), the department shall transfer annually from the
651 State Transportation Trust Fund to the South Florida Regional
652 Transportation Authority the amounts specified in subparagraph
653 (a)1. or subparagraph (a)2.

654 (c)1. Funds provided to the authority by the department
655 under this subsection constitute state financial assistance
656 provided to a nonstate entity to carry out a state project
657 subject to the provisions of ss. 215.97 and 215.971. The
658 department shall provide the funds in accordance with the terms
659 of a written agreement to be entered into between the authority
660 and the department which shall provide for department review,
661 approval and audit of authority expenditure of such funds, and
662 shall include such other provisions as are required by
663 applicable law. The department is specifically authorized to
664 agree to advance the authority one-fourth of the total funding
665 provided under this subsection for a state fiscal year at the
666 beginning of each state fiscal year, with monthly payments over
667 the fiscal year on a reimbursement basis as supported by
668 invoices and such additional documentation and information as
669 the department may reasonably require, and a reconciliation of
670 the advance against remaining invoices in the last quarter of
671 the fiscal year may not be committed by the authority without
672 the approval of the department, which may not be unreasonably
673 withheld. At least 90 days before advertising any procurement or
674 renewing any existing contract that will rely on state funds for
675 payment, the authority shall notify the department of the
676 proposed procurement or renewal and the proposed terms thereof.
677 If the department, within 60 days after receipt of notice,



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678 ~~objects in writing to the proposed procurement or renewal,~~
679 ~~specifying its reasons for objection, the authority may not~~
680 ~~proceed with the proposed procurement or renewal. Failure of the~~
681 ~~department to object in writing within 60 days after notice~~
682 ~~shall be deemed consent. This requirement does not impair or~~
683 ~~cause the authority to cancel contracts that exist as of June~~
684 ~~30, 2012.~~

685 2. To enable the department to evaluate the authority's
686 proposed uses of state funds, the authority shall annually
687 provide the department with its proposed budget for the
688 following authority fiscal year and shall promptly provide the
689 department with any additional documentation or information
690 required by the department for its evaluation of the proposed
691 uses of the state funds.

692 Section 22. Subsection (2) of section 215.82, Florida
693 Statutes, is amended to read:

694 215.82 Validation; when required.-

695 (2) Any bonds issued pursuant to this act which are
696 validated shall be validated in the manner provided by chapter
697 75. In actions to validate bonds to be issued in the name of the
698 State Board of Education under s. 9(a) and (d), Art. XII of the
699 State Constitution and bonds to be issued pursuant to chapter
700 259, the Land Conservation Program, the complaint shall be filed
701 in the circuit court of the county where the seat of state
702 government is situated, the notice required to be published by
703 s. 75.06 shall be published only in the county where the
704 complaint is filed, and the complaint and order of the circuit
705 court shall be served only on the state attorney of the circuit
706 in which the action is pending. In any action to validate bonds



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707 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
708 Art. XII of the State Constitution or issued pursuant to s.
709 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
710 circuit court of the county where the seat of state government
711 is situated, the notice required to be published by s. 75.06
712 shall be published in a newspaper of general circulation in the
713 county where the complaint is filed and in two other newspapers
714 of general circulation in the state, and the complaint and order
715 of the circuit court shall be served only on the state attorney
716 of the circuit in which the action is pending; provided,
717 however, that if publication of notice pursuant to this section
718 would require publication in more newspapers than would
719 publication pursuant to s. 75.06, such publication shall be made
720 pursuant to s. 75.06.

721 Section 23. Paragraph (d) of subsection (2) of section
722 343.53, Florida Statutes, is amended to read:

723 343.53 South Florida Regional Transportation Authority.—

724 (2) The governing board of the authority shall consist of
725 10 voting members, as follows:

726 (d) If the authority's service area is expanded pursuant to
727 s. 343.54(6) ~~s. 343.54(5)~~, the county containing the new service
728 area shall have two members appointed to the board as follows:

729 1. The county commission of the county shall elect a
730 commissioner as that commission's representative on the board.
731 The commissioner must be a member of the county commission when
732 elected and for the full extent of his or her term.

733 2. The Governor shall appoint a citizen member to the board
734 who is not a member of the county commission but who is a
735 resident and a qualified elector of that county.



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736 Section 24. Section 427.011, Florida Statutes, is reordered
737 and amended to read:

738 427.011 Definitions.—For the purposes of ss. 427.011-
739 427.017:

740 ~~(9)~~⁽¹⁾ "Transportation disadvantaged" means those persons
741 who because of physical or mental disability, income status, or
742 age are unable to transport themselves or to purchase
743 transportation and are, therefore, dependent upon others to
744 obtain access to health care, employment, education, shopping,
745 social activities, or other life-sustaining activities, or
746 children who are handicapped or high-risk or at-risk as defined
747 in s. 411.202.

748 ~~(5)~~⁽²⁾ "Metropolitan planning organization" means the
749 organization responsible for carrying out transportation
750 planning and programming in accordance with the provisions of 23
751 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f) (3).

752 ~~(1)~~⁽³⁾ "Agency" means an official, officer, commission,
753 authority, council, committee, department, division, bureau,
754 board, section, or any other unit or entity of the state or of a
755 city, town, municipality, county, or other local governing body
756 or a private nonprofit transportation service-providing agency.

757 ~~(11)~~⁽⁴⁾ "Transportation improvement program" means a staged
758 multiyear program of transportation improvements, including an
759 annual element, which is developed by a metropolitan planning
760 organization or designated official planning agency.

761 ~~(2)~~⁽⁵⁾ "Community transportation coordinator" means a
762 transportation entity recommended by a metropolitan planning
763 organization, or by the appropriate designated official planning
764 agency as provided for in ss. 427.011-427.017 in an area outside



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765 the purview of a metropolitan planning organization, to ensure
766 that coordinated transportation services are provided to the
767 transportation disadvantaged population in a designated service
768 area.

769 (12)~~(6)~~ "Transportation operator" means one or more public,
770 private for-profit, or private nonprofit entities engaged by the
771 community transportation coordinator to provide service to
772 transportation disadvantaged persons pursuant to a coordinated
773 system service plan.

774 (3)~~(7)~~ "Coordinating board" means an advisory entity in
775 each designated service area composed of representatives
776 appointed by the metropolitan planning organization or
777 designated official planning agency, to provide assistance to
778 the community transportation coordinator relative to the
779 coordination of transportation services.

780 (8) "Purchasing agency" means a department or agency whose
781 head is an ex officio, nonvoting adviser to the commission, or
782 an agency that purchases transportation services for the
783 transportation disadvantaged.

784 (7)~~(9)~~ "Paratransit" means those elements of public transit
785 which provide service between specific origins and destinations
786 selected by the individual user with such service being provided
787 at a time that is agreed upon by the user and provider of the
788 service. Paratransit service is provided by taxis, limousines,
789 "dial-a-ride," buses, transportation network companies, and
790 other demand-responsive operations that are characterized by
791 their nonscheduled, nonfixed route nature.

792 (10) "Transportation disadvantaged funds" means any local
793 government, state, or available federal funds that are for the



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794 transportation of the transportation disadvantaged. Such funds
795 may include, but are not limited to, funds for planning,
796 Medicaid transportation, administration, operation, procurement,
797 and maintenance of vehicles or equipment and capital
798 investments. Transportation disadvantaged funds do not include
799 funds for the transportation of children to public schools.

800 (4)~~(11)~~ "Coordination" means the arrangement for the
801 provision of transportation services to the transportation
802 disadvantaged in a manner that is cost-effective, efficient, and
803 reduces fragmentation and duplication of services.

804 (6)~~(12)~~ "Nonsponsored transportation disadvantaged
805 services" means transportation disadvantaged services that are
806 not sponsored or subsidized by any funding source other than the
807 Transportation Disadvantaged Trust Fund.

808 Section 25. Subsection (1) of section 316.2128, Florida
809 Statutes, is amended to read:

810 316.2128 Operation of motorized scooters and miniature
811 motorcycles; requirements for sales.-

812 (1) A person who engages in the business of, serves in the
813 capacity of, or acts as a commercial seller of motorized
814 scooters or miniature motorcycles in this state must prominently
815 display at his or her place of business a notice that such
816 vehicles are not legal to operate on public roads, may not be
817 registered as motor vehicles, and may not be operated on
818 sidewalks unless authorized by an ordinance enacted pursuant to
819 s. 316.008(7)(a) ~~316.008(7)~~ or s. 316.212(8). The required
820 notice must also appear in all forms of advertising offering
821 motorized scooters or miniature motorcycles for sale. The notice
822 and a copy of this section must also be provided to a consumer



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823 prior to the consumer's purchasing or becoming obligated to
824 purchase a motorized scooter or a miniature motorcycle.

825 Section 26. Paragraph (a) of subsection (2) of section
826 316.613, Florida Statutes, is amended to read:

827 316.613 Child restraint requirements.-

828 (2) As used in this section, the term "motor vehicle" means
829 a motor vehicle as defined in s. 316.003 that is operated on the
830 roadways, streets, and highways of the state. The term does not
831 include:

832 (a) A school bus as defined in s. 316.003 ~~316.003(68)~~.

833 Section 27. Subsection (1) of section 655.960, Florida
834 Statutes, is amended to read:

835 655.960 Definitions; ss. 655.960-655.965.-As used in this
836 section and ss. 655.961-655.965, unless the context otherwise
837 requires:

838 (1) "Access area" means any paved walkway or sidewalk which
839 is within 50 feet of any automated teller machine. The term does
840 not include any street or highway open to the use of the public,
841 as defined in s. 316.003(79) (a) or (b) ~~316.003(77)~~ (a) or (b),
842 including any adjacent sidewalk, as defined in s. 316.003.

843
844 ===== T I T L E A M E N D M E N T =====

845 And the title is amended as follows:

846 Delete lines 2 - 130

847 and insert:

848 An act relating to transportation; amending s.

849 316.003, F.S.; revising and providing definitions;

850 amending s. 316.008, F.S.; authorizing operation of

851 personal delivery devices within a county or



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852 municipality under certain circumstances; providing
853 construction; providing exceptions; creating s.
854 316.0898, F.S.; requiring the Department of
855 Transportation, in consultation with the Department of
856 Highway Safety and Motor Vehicles, to develop the
857 Florida Smart City Challenge grant program; specifying
858 requirements for grant program applicants;
859 establishing goals for the grant program; requiring
860 the Department of Transportation to develop specified
861 criteria for the program grants and a plan for
862 promotion of the grant program; authorizing the
863 Department of Transportation to contract with a third
864 party that demonstrates certain knowledge and
865 expertise for a specified purpose; requiring the
866 Department of Transportation to submit certain
867 information regarding the grant program to the
868 Governor and the Legislature by a specified date;
869 providing for repeal; creating s. 316.2071, F.S.;
870 providing requirements for the operation of personal
871 delivery devices; requiring specified insurance
872 coverage; amending s. 316.545, F.S.; conforming a
873 cross-reference; providing for the calculation of
874 fines for unlawful weight and load for a vehicle
875 fueled by natural gas; requiring the vehicle operator
876 to present a certain written certification upon
877 request by a weight inspector or law enforcement
878 officer; prescribing a maximum actual gross vehicle
879 weight for vehicles fueled by natural gas; providing
880 applicability; creating s. 316.851, F.S.; requiring an



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881 autonomous vehicle used by a transportation network
882 company to be covered by automobile insurance, subject
883 to certain requirements; requiring an autonomous
884 vehicle used to provide a transportation service to
885 carry in the vehicle proof of coverage satisfying
886 certain requirements at all times while operating in
887 autonomous mode; creating s. 316.853, F.S.; defining
888 the term "automated mobility district"; requiring the
889 Department of Transportation to designate automated
890 mobility districts; requiring the department to
891 consider applicable criteria from federal agencies for
892 automated mobility districts in determining
893 eligibility of a community for the designation;
894 amending s. 319.145, F.S.; requiring an autonomous
895 vehicle registered in this state to be capable of
896 bringing the vehicle to a full stop when an alert is
897 given if the human operator does not, or is not able
898 to, take control of the autonomous vehicle, or if a
899 human operator is not physically present in the
900 vehicle; amending s. 320.01, F.S.; excluding personal
901 delivery devices from the definition of the term
902 "motor vehicle"; amending s. 320.02, F.S.; exempting a
903 personal delivery device from certain registration and
904 insurance requirements; amending ss. 324.021 and
905 324.022, F.S.; excluding personal delivery devices
906 from the definition of the term "motor vehicle";
907 amending s. 335.074, F.S.; requiring bridges on public
908 transportation facilities to be inspected for certain
909 purposes at regular intervals as required by the



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910 Federal Highway Administration; creating s. 335.094,
911 F.S.; providing legislative intent; requiring the
912 department to establish a process, including any forms
913 deemed necessary by the department, for submitting
914 applications for installation of a memorial marker;
915 specifying persons who may submit such applications to
916 the department; requiring the department to establish
917 criteria for the design and fabrication of memorial
918 markers; authorizing the department to install a
919 certain sign at no charge to an applicant; providing
920 that memorial markers may incorporate the available
921 emblems of belief approved by the United States
922 Department of Veterans Affairs National Cemetery
923 Administration upon the request of the applicant and
924 payment of a reasonable fee set by the department to
925 offset production costs; defining the term "emblem of
926 belief"; authorizing an applicant to request a new
927 emblem of belief not specifically approved by the
928 United States Department of Veterans Affairs National
929 Cemetery Administration for inscription on a memorial
930 marker, subject to certain requirements; requiring the
931 department, under certain circumstances, to notify an
932 applicant of any missing information and that no
933 further action on the application will be taken until
934 the missing information is provided; providing
935 requirements for placement of the memorial marker by
936 the department; requiring the department to remove a
937 memorial marker if the department determines the
938 presence of the marker creates a safety hazard,



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939 subject to certain requirements; amending s. 337.11,
940 F.S.; increasing the allowable amount for contracts
941 for construction and maintenance which the department
942 may enter into, in certain circumstances, without
943 advertising and receiving competitive bids; amending
944 s. 338.227, F.S.; providing that certain bonds are not
945 required to be validated but may be validated at the
946 option of the Division of Bond Finance; providing
947 filing, notice, and service requirements for
948 complaints and circuit court orders concerning such
949 validation; amending s. 339.135, F.S.; providing an
950 additional exception related to the amendment of
951 adopted work programs when an emergency exists;
952 amending s. 339.2405, F.S.; replacing the Florida
953 Highway Beautification Council within the department
954 with the Florida Highway Beautification Grant Program;
955 providing the purpose of the program; providing duties
956 of the department; conforming provisions to changes
957 made by the act; amending s. 343.52, F.S.; defining
958 the term "department"; amending s. 343.54, F.S.;
959 prohibiting the South Florida Regional Transportation
960 Authority from entering into, extending, or renewing
961 certain contracts or other agreements without the
962 department's prior review and written approval if such
963 contracts or agreements may be funded with funds
964 provided by the department; amending s. 343.58, F.S.;
965 providing that certain funds provided to the authority
966 by the department constitute state financial
967 assistance for specified purposes, subject to certain



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968 requirements; requiring the department to provide
969 certain funds in accordance with the terms of an
970 agreement between the authority and the department;
971 authorizing the department to advance the authority a
972 certain amount of the total funding for a state fiscal
973 year at the beginning of each state fiscal year,
974 subject to certain requirements; requiring the
975 authority to promptly provide the department any
976 documentation or information, in addition to the
977 proposed annual budget, which is required by the
978 department for its evaluation of the proposed uses of
979 state funds; amending s. 215.82, F.S.; conforming a
980 provision to changes made by the act; amending s.
981 343.53, F.S.; conforming a cross-reference; amending
982 s. 427.011, F.S.; revising the definition of the term
983 "paratransit"; authorizing the Secretary of
984 Transportation to enroll the State of Florida in
985 federal pilot programs or projects for the collection
986 and study of data for the review of federal or state
987 roadway safety, infrastructure sustainability,
988 congestion mitigation, transportation system
989 efficiency, autonomous vehicle technology, or capacity
990 challenges; amending ss. 316.2128, 316.613, and
991 655.960, F.S.; conforming cross-references; providing
992 effective dates, one of which is