

TRANSPORTATION ADMINISTRATION

CS/SB 676 — Transportation

by Transportation Committee and Senators Sebesta and Bullard

Technical Changes and Toll Bonds

Section 316.2952, F.S., is amended to delete the reference to Federal Motor Vehicle Safety Standards No. 128 which does not exist, and section 322.212, F.S., is amended to authorize law enforcement agencies to investigate crimes related to driver's licenses. Section 338.2216, F.S., is amended to correct a technical error by providing that the express intent of the enabling legislation providing the powers and duties of the Turnpike Enterprise should refer to the entire enabling act which is the Turnpike Enterprise Law.

Section 338.165, F.S., is amended to clarify the Florida Department of Transportation (FDOT) has specific authority to request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Beeline-East Expressway, Sunshine Skyway Bridge, and Pinellas Bayway toll facilities to provide funding for needed transportation projects on the State Highway System in the counties in which they are located, which are Brevard, Orange, Pinellas, Manatee, and Hillsborough Counties.

FDOT Reorganization

The committee substitute amends s. 20.23, F.S., deleting unnecessary instructions on the Secretary's responsibilities and to whom the Secretary may delegate, the tasks assigned to other FDOT officers and supervisors, and obsolete references in general. The section is amended to delete the position of Assistant Secretary for District Operations, and creates an Assistant Secretary for Development and Operations, and an Assistant Secretary for Transportation Support. The Offices of Management and Budget; Comptroller; Construction; Maintenance; and Materials are also created within FDOT. The committee substitute also corrects cross-references in s. 110.205, F.S., necessary because of the changes in s. 20.23, F.S.

The committee substitute further amends s. 334.14, F.S., to provide FDOT employees who are required to be engineers must comply with the requirements of ch. 471, F.S.

Metropolitan Planning Organizations

This committee substitute amends s. 120.52, F.S., providing metropolitan planning organizations (MPOs) are not agencies of the state and are, therefore, exempt from the requirements of ch. 120, F.S. This would exempt MPOs from the rulemaking requirements provided in ch. 120, F.S.,

and would prevent any person from challenging an action by an MPO through the Division of Administrative Hearings. However, an action of an MPO may be challenged in court.

The committee substitute amends s. 339.175, F.S., to provide individual MPOs do not have to be designated for each urbanized area of the state. The section is further amended to create a chair's coordinating committee composed of the Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk and Sarasota County MPOs. The section is amended to provide, in order for an agency which was created by law to perform transportation functions to have representation on an MPO, the agency must actually perform transportation functions.

The committee substitute provides a template for the coordination of cross-jurisdictional planning. The committee substitute provides any MPO may join with any other MPO or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law.

Contractor Prequalification

Section 255.20, F.S., is amended to provide any contractor who is prequalified by FDOT and eligible to bid on FDOT projects to perform certain work also will be prequalified to obtain bid documents and to submit a bid on those same types of projects for any municipality or other local government. Any local-government entity will be able to disqualify a prospective bidder who is at least 10 percent behind on another construction project for that same entity. The section is further amended to provide local governments may establish an appeals process to challenge the prequalification of contractors. The local government must publish prequalification criteria and procedures to allow contractors to prequalify locally; and provide for a process for contractors who are found not to prequalify by the local government to appeal such finding.

Section 337.14(1), F.S., is amended to provide the 30-day period FDOT has to reply to a contractor's application for qualification begins once FDOT determines the application for qualification is complete, thereby giving FDOT sufficient time to request and receive from the contractor the information necessary to complete the application. More time is also allowed for contractors to respond to FDOT's requests for information. Section 337.14(4), F.S., is amended to clarify submitting an application to renew a certificate of qualification does not affect the expiration of the current certification of qualification.

Toll Violations

Section 316.1001, F.S., is amended to provide a uniform traffic citation may be issued by certified mail or first class mail for a toll payment violation, and mailing such citation to the address of the registered owner of the vehicle constitutes notification. The section is further amended to provide any person who is cited for one or more outstanding toll violations may not register any vehicle until the fine is paid.

Section 316.650, F.S., is amended to clarify a police officer who has issued a ticket for a toll violation has 45 days, from the date the citation was issued, to submit documentation to the proper agency. Further s. 318.14, F.S., is amended to authorize a person who is issued a citation for a toll violation to pay the fine directly to the governmental entity that issued the citation.

Commercial Motor Vehicle Enforcement

The committee substitute amends s. 316.302, F.S., to authorize FDOT to conduct compliance reviews for the purpose of determining compliance of commercial motor vehicles with all safety requirements contained in s. 316.302, F.S. The section is further amended to require the display of certain information on the side of the power unit of certain commercial vehicles. The committee substitute clarifies commercial trucks are required to comply with federal and state hazardous material requirements only when carrying such materials in amounts that require placarding pursuant to federal law.

Section 316.3025, F.S., is amended throughout to accommodate a name change from the North American Uniform Out-of-Service Criteria to the North American Standard Out-of-Service Criteria. The section is amended to retain a penalty for violations of identification requirements by intrastate commercial motor vehicles transporting agricultural products.

The section is amended to clarify the applicability of a \$500 penalty, pursuant to 49 C.F.R. 390.19, for failure to register and obtain a motor carrier identification number from the U.S. Department of Transportation; and to provide for the same penalty for failure of an interstate motor carrier to obtain operating authority and for operating beyond the scope of its operating authority. The section is amended to change a reference from “terminal audits” to “compliance reviews,” and to provide an increase in penalties and sanctions for failure to correct violations detected in follow-up compliance reviews.

Section 316.3025(4), F.S., is created to authorize placing a vehicle out-of-service which is operated by an interstate motor carrier found in violation of 49 C.F.R. 392.9a for the carrier’s failure to obtain operating authority or operating beyond the scope of its operating authority.

Section 316.3026, F.S., is amended to allow the Motor Carrier Compliance Office (MCCO) to issue out-of-service orders to motor carriers prohibited to operate in other states or by federal order. The motor carrier operating illegally will be assessed a \$10,000 civil penalty, in addition to any other applicable penalties. In addition, any person who knowingly drives, operates, or causes to be operated any commercial motor vehicle in violation of the MCCO’s out-of-service order commits a third-degree felony, punishable by up to a five years in prison. The committee substitute also broadens the MCCO’s powers to issue out-of-service orders to include carriers who fail to pay previously assessed fines, who refuse to submit to a compliance review, or who have motor-carrier or insurance violations. Carriers are able to seek an administrative hearing pursuant to s. 120.569, F.S., to overturn an out-of-service order.

The committee substitute further amends s. 316.515(3)(b)2.a., F.S., to allow vehicles used exclusively or primarily to transport vehicles in connection with motorsports competition events to have a measurement not to exceed 46 feet between the kingpin and the center of the rear axle.

The committee substitute also amends s. 316.545(10), F.S., allowing the MCCO's non-sworn weight-station personnel to detain a commercial motor vehicle with obvious safety defects critical to the continued safe operation of the vehicle, or which is operating in violation of an out-of-service order reported on the Safer System database, until an MCCO officer arrives. The detained vehicle must be released if repairs to the safety defects are made prior to the arrival of an MCCO officer. The committee substitute repeals s. 316.610, F.S., which provided for a vehicle safety inspection program which is not in operation. The committee substitute further amends s. 316.640, F.S., to move FHP traffic accident investigators provisions to its own subparagraph, and amends s. 316.70, F.S.; authorizing compliance reviews for non-public sector buses.

Aviation Program

This committee substitute amends ss. 330.27, 330.29, 330.30, 330.35, and 330.36, F.S., providing for numerous changes to the FDOT Aviation program. The site fee (\$100) and license fees (\$25 - \$100) for all airports are repealed. The proposal also replaces the current requirement for physical inspection of private airport sites for approval and licensing with an electronic self-certification registration program; however, FDOT may continue to inspect and license private airports with 10 or more planes, at the request of the owners of these private airports. The committee substitute also authorizes FDOT to establish: the necessary data system to register private airports; standards to accomplish self-certification for site approval and registration; and, requirements for administering and enforcing the new provisions. The committee substitute further changes numerous aviation related definitions to remove outdated, obsolete, or incorrect language. The committee substitute specifies these provisions do not take effect until October 1, 2003.

Aerospace

Section 331.308, F.S., currently provides that the Lieutenant Governor serves as chair of the board of supervisors of the Florida Space Authority (FSA). According to FSA representatives, there are a number of administrative and fiscal issues that rise to the level where board review and approval are appropriate, but do not warrant the attention of the Lieutenant Governor. The committee substitute amends this section to authorize the board of supervisors to elect a vice chair to preside in the absence of the Lieutenant Governor and to perform other duties as may be required. The committee substitute also revises several definitions to delete obsolete terms.

The committee substitute amends s. 331.368, F.S., to revise several provisions relating to Florida Space Research Institute (FSRI). The committee substitute implements a schedule to rotate industry and academic members on the FSRI board of directors. Under this provision, private-

sector representatives would serve 3-year terms, and academic members would serve 2-year terms. This same section is amended to provide that the board may select additional ex-officio, nonvoting members to serve on the board. In addition, the committee substitute clarifies that FSRI board members are volunteers and are subject to all protections afforded to volunteers of state agencies under s. 768.1355, F.S.

The committee substitute provides that contracts and grants issued by FSRI to state agencies, including state universities and colleges, are subject to s. 216.346, F.S. Section 216.346, F.S., stipulates that in contracts between state agencies, the agency receiving the contract or grant moneys shall charge no more than 5 percent of the total cost of the contract or grant for overhead or indirect costs.

The committee substitute clarifies FSRI's operational responsibilities by providing specific authorization to engage in certain activities. For example, the committee substitute provides that FSRI is authorized to:

- Appoint a person to serve as executive director.
- Acquire and dispose of property.
- Execute contracts.
- Establish rules and procedures governing the administrative and financial operations.
- Administer grants, contracts, and fees from other organizations.
- Work in partnership with other economic development and educational organizations.

The committee substitute amends s. 331.401, F.S., to change the name of the "Florida Commercial Space Financing Corporation" to the "Florida Aerospace Finance Corporation." According to representatives of the corporation, this change will eliminate confusion surrounding its mission and enable the corporation to service aviation-related projects. Similarly, the committee substitute amends s. 331.405, F.S., to provide a definition for the term "aerospace".

The committee substitute amends s. 331.407, F.S., to incorporate legislative intent language providing the corporation is not an agency for purposes of ss. 216.011, and 287.012, F.S. Section 216.011, F.S., establishes planning and budgeting provisions applicable to state agencies. Section 287.012, F.S., establishes procurement requirements applicable to state agencies. The corporation maintains this provision is warranted in view of its status as a not-for-profit corporation.

Finally, the committee substitute implements technical and conforming changes throughout ch. 331, F.S.

Please refer to the Military and Veterans' Affairs, Base Protection, and Spaceports Committee section for further discussion of this portion of the bill.

511 Service

The committee substitute creates s. 334.03(37), F.S., to define “511” or “511 services” as three-digit telecommunications dialing to access interactive voice response telephone traveler information services provided in the state as defined by the Federal Communications Commission in FCC Order #00-256 (July 31, 2000). The committee substitute further creates s. 334.03(38), F.S., to define “interactive voice response” as a software application that accepts a combination of voice telephone input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail and other media.

Section 334.044(32), F.S., is amended to include in the FDOT’s general powers and duties the oversight of traveler information systems that may include interactive voice response telephone systems accessible via the 511 number as assigned by the FCC for traveler information services.

Section 334.60, F.S., is created to establish FDOT as the lead agency and point of contact for implementation and coordination of all 511 phones services in the state. The section directs FDOT to develop uniform standards and criteria for collection and dissemination of traveler information using 511 services, and authorizes joint agreements and contracts with other governmental entities and private firms relating to 511 services to offset the costs of implementation and administration of 511 services. The section provides rulemaking authority for FDOT to implement 511 services.

Right of Way Acquisition

Section 336.467, F.S., is amended to authorize counties or other governmental entities to contract with the FDOT to acquire rights of way for a county or other governmental entities and eliminates the narrow circumstances under which counties are currently authorized to contract with FDOT.

Materials Testing Services

The committee substitute amends s. 337.14 (7), F.S., removing the potential for a conflict of interest that exists as a result of having material lab testing services performed by the same or affiliate entity that performs the construction contract. Material labs owned by or affiliated with qualified construction companies will be prohibited from acting as material testing labs on FDOT projects.

Surety Bonds; Incentive Payments

One of the intents of amending s. 337.18, F.S., was to clarify the provisions of s. 255.05, F.S., are not applicable to the road construction and maintenance contract bonds specifically addressed in s. 337.18, F.S.

However, the section is amended to provide upon execution of the contract for a surety bond, and prior to beginning any work under the contract, the contractor must record in the public records of the county where the improvement is located, the payment and performance bond required under this section. A claimant has a right of action against the contractor and surety for the amount due him or her, including unpaid finance charges due under the claimant's contract. Such action may not involve FDOT in any expense.

Further, a claimant, except a laborer, who is not in privity with the contractor must before commencing or not later than 90 days after commencing to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies must deliver to the contractor and to the surety written notice of the performance of the labor or delivery of the materials or supplies and of the nonpayment. The notice of nonpayment may be served at any time during the progress of the work or thereafter but not before 45 days after the first furnishing of labor, services, or materials, and not later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, not later than 90 days after the date the rental equipment was last on the job site available for use. No action by a claimant, except a laborer, who is not in privity with the contractor, for the labor, materials, or supplies may be instituted against the contractor or the surety unless both notices have been given. Notices required or permitted under this section may be served in any manner provided in s. 713.18, F.S.

The section is further amended to provide an action must be instituted by a claimant, whether in privity with the contractor or not, against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond within 365 days after the final acceptance of the contract work by FDOT. A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party is entitled to recover a reasonable fee for the services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions.

When a contractor has furnished a payment bond pursuant to this section, he or she may, when FDOT makes any payment to the contractor, serve a written demand on any claimant who is not in privity with the contractor for a written statement under oath of his or her account showing the nature of the labor or services performed to date, if any; the materials furnished; the materials to

be furnished, if known; the amount paid on account to date; the amount due; and the amount to become due, if known, as of the date of the statement by the claimant. Any such demand to a claimant who is not in privity with the contractor must be served on the claimant at the address and to the attention of any person who is designated to receive the demand in the notice to contractor served by the claimant. The failure or refusal to furnish the statement does not deprive the claimant of his or her rights under the bond if the demand is not served at the address of the claimant or directed to the attention of the person designated to receive the demand in the notice to contractor. The failure to furnish the statement within 60 days after the demand, or the furnishing of a false or fraudulent statement, deprives the claimant who fails to furnish the statement, or who furnishes the false or fraudulent statement, of his or her rights under the bond. If the contractor serves more than one demand for statement of account on a claimant and none of the information regarding the account has changed since the claimant's last response to a demand, the failure or refusal to furnish such statement does not deprive the claimant of his or her rights under the bond. The negligent inclusion or omission of any information deprives the claimant of his or her rights under the bond to the extent that the contractor can demonstrate prejudice from such act or omission by the claimant. The failure to furnish a response to a demand for statement of account does not affect the validity of any claim on the bond being enforced in a lawsuit filed before the date the demand for statement of account is received by the claimant.

The committee substitute provides the bonds provided for in this section are statutory bonds, and the provisions of s. 255.05, F.S., are not applicable to bonds issued pursuant to this section.

Unsolicited Proposals

Section 338.235(2), F.S., is amended to authorize the Turnpike Enterprise to secure by competitive solicitation products, services, and business opportunities authorized by s. 338.234, F.S., and to establish a mechanism for responding to unsolicited proposals. If FDOT receives an unsolicited proposal for products, services, or business opportunities which it wishes to consider, FDOT must publish notice in a newspaper of general circulation at least once a week for two weeks, or may broadcast such notice by electronic media for two weeks stating FDOT has received the proposal and will accept other proposals for the same project for 30 days after the initial publication.

Strategic Intermodal System

Sections 339.61 and 339.62, F.S., are created to provide legislative findings and to provide the Strategic Intermodal System (SIS) must consist of components of:

- The Florida Intrastate Highway System established pursuant to s. 338.001, F.S.
- The National Highway System.
- Airport, seaport, and spaceport facilities.

- Rail facilities.
- Selected intermodal facilities; passenger and freight terminals; and appropriate components of the State Highway System, County Road System, City Street System and local public transit systems that serve as connections between other modes.
- Existing or planned corridors which serve a statewide or interregional purpose.

Section 339.63, F.S., is created to provide that the initial SIS must include all facilities meeting the criteria recommended by the Strategic Intermodal Steering Committee. Subsequent to the initial designation of the SIS, the FDOT secretary will periodically add facilities to or delete facilities from the SIS based upon adopted criteria.

Section 339.64, F.S., is created to provide that FDOT must develop, in cooperation with metropolitan planning organizations, regional planning councils, local governments, the Statewide Intermodal Advisory Council (SITAC), and other transportation providers, a Strategic Intermodal System Plan. The plan must be consistent with the Florida Transportation Plan developed under s. 339.155, F.S., and updated at least once every 5 years, subsequent to updates of the Florida Transportation Plan. The SIS Plan must include:

- A needs assessment.
- A project prioritization process.
- A map of facilities designated as Strategic Intermodal System facilities, as well as, facilities that are emerging in importance and are likely to be designated as part of the system in the future.
- A finance plan based on projections of revenues that can reasonably be expected. The finance plan must include both 10-year and 20-year cost-feasible components.

The section further provides that the Florida Transportation Commission must conduct an assessment of the need for an improved philosophical approach to regional and intermodal input in the planning for and governing of the Strategic Intermodal System and other transportation systems.

Section 339.65, F.S., is created to provide definitions, legislative findings, and creates the Statewide Intermodal Transportation Advisory Committee. The members of SITAC will consist of the following members:

- Five intermodal industry representatives selected by the Governor as follows:
 - One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.

- One representative from a fixed-route, local-government transit system.
- One representative from an intercity bus company providing regularly scheduled bus travel as determined by federal regulations.
- One representative from a spaceport.
- One representative from intermodal trucking company.
- Three intermodal industry representatives selected by the President of the Senate as follows:
 - One representative from major line railroads.
 - One representative from seaports listed in s. 311.09(1), F.S., from the Atlantic Coast.
 - One representative from an airport with intermodal facilities.
- Three intermodal industry representatives selected by the Speaker of the House of Representatives as follows:
 - One representative from short line railroads.
 - One representative from seaports listed in s. 311.09(1), F.S., from the Gulf Coast.
 - One representative from intermodal trucking companies. Such representative may not be employed by the same entity that employs the intermodal trucking company representative selected by the Governor.

The initial appointments made by the President of the Senate and the Speaker of the House of Representatives will serve terms concurrent with those of the respective appointing officer. Beginning January 15, 2005, and for all subsequent appointments, council members appointed by the President of the Senate and the Speaker of the House of Representatives will serve 2-year terms, concurrent with the term of the respective appointing officer. The initial appointees, and all subsequent appointees, appointed by the Governor will serve 2-year terms. Vacancies on the council will be filled in the same manner as the initial appointments.

The section provides the SITAC is created to advise and make recommendations to the Legislature, and FDOT on planning and funding of intermodal transportation projects in this state.

Road Designations

This committee substitute designates a bridge in Nassau and Duval Counties the “George Crady Bridge”; a bridge in Glades County as “Mamie Langdale Memorial Bridge”; and, a road in Miami-Dade County as “Rodolfo Garcia Memorial Avenue.”

State-Wide Transportation Corridors

The committee substitute creates s 341.0532, F.S., to identify the following state-wide transportation corridors:

- The Atlantic Coast Corridor, from Jacksonville to Miami, including Interstate 95.
- The Gulf Coast Corridor, from Pensacola to St. Petersburg and to Tampa including U.S. Route 98 and U.S. Route 19/State Road 27.
- The Central Florida/North-South Corridor, from the Florida-Georgia border to Naples and Fort Lauderdale/Miami, including Interstate 75.
- The Central Florida/East-West Corridor from St. Petersburg to Tampa and to Titusville, including Interstate 4 and the Beeline Expressway.
- The North Florida Corridor, from Pensacola to Jacksonville, including Interstate 10, and U.S. Route 231, State Road 77 and State Road 79 from the Florida-Alabama border to Panama City.
- The Jacksonville to Tampa Corridor, including U.S. Route 301.
- The Jacksonville to Orlando Corridor, including U.S. 17.
- The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, and West Palm Beach via the Florida Turnpike.

The term “corridor” includes railways adjacent to such corridor and the roadways linking to transportation terminals, and intermodal service centers to the major highways listed as corridors.

Other Transportation Issues

The committee substitute amends s. 95.361, F.S., to clarify the ownership status of roads, built by a private developer or whose origin is unknown, but which have been maintained for many years by a public entity. The section is amended to specify a road which has been maintained by a public entity for at least seven years will vest to the maintaining public entity. Any person, firm, corporation or entity having or claiming any interest in these roads of unknown origin has one year from the effective date of this act to file a claim, or for a period of seven years from the initial date of regular maintenance or repair of the road in question to file a claim, whichever is greater.

The committee substitute repeals s. 83 of ch. 2002-20, L.O.F., as amended by s. 58 of ch. 2002-402, L.O.F., pertaining to preference for FDOT grants for counties which have a population of greater than 50,000, and which levy the full 6 cents of the local option gas tax or dedicates 35 percent or more of a discretionary sales surtax for improvements to the state transportation system.

The committee substitute designates the Florida Air Museum in Lakeland as the official state aviation museum and education center.

The committee substitute amends s. 337.401, F.S., to authorize FDOT to delegate utility permit authority to another government entity.

Section 334.071, F.S., is amended to provide FDOT may not erect markers for honorary road or bridge designations unless the affected city or county enacts an ordinance supporting the designation.

Section 335.02, F.S., is amended to provide, notwithstanding any general law or special act, regulations of any county, municipality, or special district do not apply to existing or future transportation facilities or appurtenances thereto, on the State Highway System.

Section 332.007, F.S., is amended to extend the time period airports may use FDOT capital-improvement grants for operations, maintenance, and security enhancements to 2007.

Section 163.3177, F.S., is amended to provide an airport that has received a development-of-regional impact development order, but is no longer required to undergo development-of-regional impact review, may abandon its development-of-regional impact order upon written notification to the applicable local government.

If approved by the Governor, these provisions take effect upon becoming law except as otherwise provided.

Vote: Senate 37-0; House 118-0

CS/CS/SB 2070 — Public Transit

by Appropriations Committee; Transportation Committee; and Senator Sebesta

The committee substitute amends s. 341.031, F.S., to define “intercity bus service,” as any regularly scheduled bus service for the general public which:

- Operates with limited stops over fixed routes connecting two or more urban areas not in close proximity.
- Has the capacity for transporting baggage carried by passengers.
- Makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.
- Maintains scheduled information in the National Official Bus Guide.
- Provides package express service incidental to passenger transportation.

Further, the committee substitute defines “eligible bus carrier” or “carrier” as a private company that has operated defined intercity bus service in the state, with formal authority in accordance with the rules and regulations of the Federal Motor Carrier Safety Administration and the Surface Administration Transportation Board of the U.S. Department of Transportation, for a minimum of two years.

The section is further amended to define “eligible intercity bus costs” as the total costs directly incident to the provision of intercity bus service, including any depreciation or amortization of capital assets purchased without public financial assistance. “Intercity bus capital project” is defined as a capital project undertaken by an intercity bus carrier to provide intercity bus service, and is limited to acquisition, design, construction, reconstruction, or improvement of a privately operated intercity bus service. Projects may include that portion of a governmentally owned or operated transit system designed to support privately operated intercity bus service.

Section 341.041, F.S., is amended to:

- Direct FDOT to add intercity bus service to its statewide transit plan.
- Formulate a program to finance intercity bus service projects.
- Provide technical and financial operating assistance to intercity bus companies.
- Make department-owned transit vehicles available for short-term lease to intercity bus services.
- Coordinate activities and assist in developing and implementing marketing and passenger information programs.

FDOT currently provides these services to local-government transit agencies.

The committee substitute amends s. 341.051, F.S., directing FDOT to utilize and dedicate federal funds apportioned to intercity bus service pursuant to federal guidelines to support a statewide intercity bus network, and specifies that intercity bus service and intercity bus service projects are eligible for 100 percent funding in federal transit aid for capital projects and for state matching funds. The section further authorizes FDOT to fund up to 100 percent of the federal aid apportionment for intercity bus service. Section 341.053, F.S., is amended to include intercity bus lines and terminals in the intermodal plan and to provide that the intercity lines are eligible for funding through the Intermodal Development Program. Section 339.135, F.S., is amended to provide that funds for the intercity bus program must be administered directly to eligible bus carriers.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0 House 114-0

CS/CS/SB 686 — Transportation

by Comprehensive Planning Committee; Transportation Committee; and Senators Geller, Klein, Villalobos, Dawson, Margolis, Wasserman Schultz, Campbell, and Bullard

This committee substitute amends ss. 343.51, 343.52, 343.53, 343.54, 343.55, 343.56, 343.57, 112.3148, 768.28, and creates s. 343.58, F.S. The committee substitute replaces Tri-Rail with the South Florida Regional Transportation Authority (SFRTA) whose proposed authority would extend to any transit system in the three affected counties with approval by the county commission with authority over the transit agency. The governing board of SFRTA will consist of nine members: one county commissioner from each of the three affected counties, selected by each county commission; one resident from each county, selected by each county commission, representing business or civic interests; one representative of Florida's Department of Transportation selected by its Secretary; and two residents of any of the three counties selected by the Governor.

The committee substitute provides if the SFRTA service area is expanded the new member county on the SFRTA will be represented by one member appointed by the county commission for that county; one resident from the county, selected by the county commission, representing business or civic interests; and one resident of the county selected by the Governor.

The committee substitute provides Palm Beach, Broward and Miami-Dade Counties must each contribute \$2.67 million annually beginning on August 1, 2003, and the committee substitute provides these funds may come from each county's share of the ninth-cent fuel tax, the local option fuel tax, or any other source of local gas taxes or nonfederal funds available. In addition, the committee substitute authorizes the levy of an annual license tax in the amount of \$2 for the registration or registration renewal of each vehicle registered in the area served by the SFRTA, upon approval by referendum from the registered voters in the county. The committee substitute specifies counties served by SFRTA must continue to dedicate \$1.565 million to the SFRTA as they were dedicated annually to Tri-Rail, and the \$2.67 million contribution is in addition to these funds.

The committee substitute authorizes the authority to expand the service area of the SFRTA beyond Palm Beach, Broward and Miami-Dade Counties and enter into a partnership with contiguous counties with consent from the county commission of that county. However, a county may join the SFRTA only in the year federal reauthorization legislation for transportation funds is enacted.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 33-3; House 117-0

HB 773 — Central Florida Regional Transportation

by Rep. Gardiner and others (CS/CS/SB 1720 by Comprehensive Planning Committee; Transportation Committee; and Senators Webster and Constantine)

The committee substitute amends s. 343.63, F.S., to change the membership of the governing board of the Central Florida Regional Transportation Authority from 11 members to 5 members as follows:

- The chair of the county commissions of Seminole, Orange, and Osceola Counties or their designees will each serve as members for the full extent of his or her term.
- One member must be the mayor of the city of Orlando, or a member of the Orlando City Council, as designated by the mayor, and serve for the full extent of his or her term.
- One member will be the FDOT district secretary or his or her designee.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 117-0

HB 1813 — Local Option Fuel Taxes/Motor Fuel

by Rep. Altman and others (CS/SB 332 by Finance and Taxation Committee and Senator Saunders)

The bill amends s. 206.60, F.S., to add bicycle paths and pedestrian pathways to those projects for which the “1-cent county fuel tax,” levied pursuant to s. 206.41(1)(b), F.S., may be spent, at the discretion of county commissions.

The bill amends s. 206.605, F.S., to add bicycle paths and pedestrian pathways to those projects for which the “1-cent municipal fuel tax,” levied pursuant to s. 206.41(1)(c), F.S., may be spent, at local discretion.

The bill amends s. 336.025(1)(b), F.S., to expand how counties and municipalities may expend funds received from the local option gas tax. This bill authorizes funds from the last 5 cents of the 11-cent local option fuel tax to be expended for projects needed to meet immediate local transportation problems and for other transportation related expenditures critical for building comprehensive roadway networks by local governments.

Subsection (7) of s. 336.025, F.S., is also amended to provide that proceeds from the 11-cent local option gas tax may be expended on current expenditures for the construction or reconstruction of sidewalks. Subsection (8) is amended authorizing a municipality in a county with a population of 50,000 or less to use the proceeds from the first 6 cents of the 11-cent local option gas tax for infrastructure projects, provided such projects are consistent with the local government’s comprehensive plan.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 118-0

HB 1833 — Secure Airports for Florida Act

by Transportation Committee and others (CS/CS/SB 2578 by Home Defense, Public Security and Ports Committee; Transportation Committee; and Senators Sebesta and Bullard)

Section 322.14, F.S., creates the Secure Airports for Florida's Economy (SAFE) Council consisting of the directors, or their designees, of commercial service airports in Florida; the Secretaries or their designees, of the Department of Community Affairs and the Florida Department of Transportation (FDOT); the director of the Office of Tourism, Trade, and Economic Development and of the Department of Law Enforcement, or his or her designee; the executive directors of two general aviation airports, appointed by the Florida Airports Council; a representative of the general aviation industry appointed by the Florida Aviation Trades Association; and a representative of the airline industry appointed by the Air Transport Association.

The airports to be represented are: Daytona Beach International Airport, Gainesville Regional Airport, Fort Lauderdale-Hollywood International Airport, Jacksonville International Airport, Key West International Airport, Melbourne International Airport, Miami International Airport, Naples Municipal Airport, Okaloosa County Regional Airport, Orlando International Airport, Orlando-Sanford International Airport, Palm Beach County International Airport, Panama City-Bay County International Airport, Pensacola Regional Airport, Sarasota-Bradenton International Airport, Southwest Florida International Airport, St. Petersburg-Clearwater International Airport, Tallahassee Regional Airport, and the Tampa International Airport.

The Section provides the SAFE Council members will serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061, F.S.

The section provides the SAFE Council must develop a five-year SAFE Master Plan defining goals and objectives needed to develop airport facilities and an intermodal transportation system. The Master Plan must include recommendations for the acquisition and construction of transportation facilities connecting any airport with another mode of transportation, and the acquisition and construction of transportation or aviation facilities designed to protect passengers and crews, enhance international trade and increase airport revenues.

The Master Plan must be updated annually, and submitted by February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the Office of Tourism, Trade, and Economic Development, the Department of Community Affairs, and FDOT. The bill further directs the SAFE Council to review existing programs in Florida and other states when developing programs for the training of minorities and secondary school students interested in aviation careers. The SAFE Council is authorized to utilize, as authorized by the legislature, any

federal, state, and local-government contributions, as well as private donations to fund the Master Plan.

The section requires the SAFE Council to promulgate rules for evaluating projects that may be funded under this act. The SAFE Council must review and approve or disapprove each project eligible to be funded under the SAFE Program.

The Department of Community Affairs is required to review the SAFE Council project list to determine a project's consistency with local government comprehensive plans. FDOT is required to review the project list to determine whether the projects are in the Five-Year Work Program, or if not, are necessary to provide for projected movement of cargo or passengers from an airport to a state transportation facility or local road. The bill provides that the Department of Law Enforcement must review the list of projects for consistency with domestic security provisions, and the Office of Tourism, Trade, and Economic Development must review the project lists to determine economic benefits of the projects and if the projects are consistent with SAFE's Mission Plan.

The section requires the SAFE Council to create bylaws and address certain administrative matters, including hiring administrative staff whose expenses are shared by the airports.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 118-0

CS/SB 2162 — Road Designations

by Transportation Committee and Senator Sebesta

This committee substitute creates the following road and bridge designations:

- Interstate 275 which begins at the Pinellas County end of the Howard Franklin Bridge and, proceeding south, ends at the beginning of the Sunshine Skyway Bridge is designated as the "St. Petersburg Parkway."
- The new Rose Bay bridges on U.S. Highway 1, between the Cities of New Smyrna Beach and Port Orange, are dedicated in honor of United States military personnel who were prisoners of war (POW's) or who are missing in action (MIA's).
- Bridge number 550122 on Thomasville Road in the City of Tallahassee in Leon County is designated as the "Veterans Memorial Bridge."
- State Road 77 between Baldwin Road and Mowat School Road in the City of Lynn Haven in Bay County is designated as the "Lynn Haven Parkway."

- State Road 16 from the northwestern city limits of Starke in Bradford County to State Road 121 in Union County is designated as the “Correctional Officers Memorial Highway.”
- Interstate 75 from the Georgia-Florida state line to the city limits of Ocala in Marion County is designated as the “Purple Heart Memorial Highway.”
- Highway 417 in Seminole County is designated as the “Korean War Veterans Memorial Highway.”
- State Road 100, beginning at the western city limits of the Town of Flagler Beach in Flagler County and continuing east to the eastern city limits of the Town of Bunnell, is designated as the “Veterans Memorial Highway.”
- U.S. 1 from 57th Avenue to S.W. 80th Street in Miami-Dade County is designated as “South Miami All-American Parkway.”
- The portion of North 36th Street from Biscayne Boulevard to N.W. 7th Avenue is designated “Borinquen Boulevard.”

The Florida Department of Transportation is directed to erect suitable markers designating the above transportation facilities.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 114-0

CS/SB 1958 — Road Designations

by Transportation Committee and Senator Bullard

This committee substitute creates the following road designations:

- U.S. Highway 1 between S.W. 136th Street and S.W. 186th Street in Miami-Dade County is designated as “Steven Cranman Boulevard.”
- S.W. 186th Street between U.S. Highway 1 and S.W. 107th Avenue in Miami-Dade County is designated as “Ethel Beckford Boulevard.”
- State Road 5 (U.S. Highway 1) between S.W. 312th Street and S.W. 328th Street in Miami-Dade County is designated as “Phicol Williams Boulevard.”
- S.W. 112th Avenue from U.S. 1 to S.W. 230th Street in Miami-Dade County is designated as “Arthur Mays Boulevard.”
- U.S. Highway 1 between S.W. 232nd Street and S.W. 248th Street in Miami-Dade County is designated as “Judge Steve Levine Boulevard.”

- State Road 944 on N.W. 54th Street in Miami-Dade County, from the west boundary of State House District 108 to U.S. 1, is designated as “Toussaint L’Ouverture Boulevard.”
- Highway 54 from Suncoast Parkway to U.S. 19 in New Port Richey is designated as “Darce Taylor Crist Highway.”

The Florida Department of Transportation is directed to erect suitable markers designating the above transportation facilities.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 116-0

CS/SB 1994 — Road Designations

by Transportation Committee and Senator Argenziano

This committee substitute creates the following road and bridge designations:

- Interstate 75 from the Georgia-Florida state line to the city limits of Ocala in Marion County is designated as “Purple Heart Memorial Highway.”
- U.S. Highway 41 located in White Springs in Hamilton County is designated as “Dr. Martin Luther King, Jr., Memorial Highway.”
- The roundabout at State Road 51, Walker Avenue, and County Road 136 located in Live Oak in
- Suwannee County is designated as “Nott Circle Roundabout.”
- U.S. Highway 27 (State Road 63) inside the city limits of Havana in Gadsden County is designated as the “Dr. Martin Luther King, Jr., Memorial Highway.”
- The northbound and southbound spans of the Cedar River Bridge (bridge designations 720325 and 720326) on State Road 21 in Duval County are collectively designated as the “Jim Deaton Memorial Bridge.”
- State Road 56 from State Road 581, Bruce B. Downs Boulevard, on the east to State Road 54 on the west is designated as the “Darce Taylor Crist Boulevard.”
- State Road 54 from U.S. 301 on the east to U.S. 19 on the west is designated as the “Purple Heart Highway.”
- U.S. Highway 1 between S.W. 136th Street and S.W. 186th Street in Miami-Dade County is designated as “Steven Cranman Boulevard.”
- S.W. 186th Street between U.S. Highway 1 and S.W. 107th Avenue in Miami-Dade County is designated as “Ethel Beckford Boulevard.”

- State Road 5, U.S. Highway 1, between S.W. 312th Street and S.W. 328th Street in Miami-Dade County is designated as “Phicol Williams Boulevard.”
- S.W. 112th Avenue from U.S. Highway 1 to S.W. 230th Street in Miami-Dade County is designated as “Arthur Mays Boulevard.”
- U.S. Highway 1 between S.W. 232nd Street and S.W. 248th Street in Miami-Dade County is designated as “Judge Steve Levine Boulevard.”
- State Road 50 from Ocoee to State Road 436 in Orange County is designated as “Martin L. King, Jr., Drive.”

The Florida Department of Transportation is directed to erect suitable markers designating the above transportation facilities.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 116-0

HIGHWAY SAFETY AND MOTOR VEHICLES

CS/CS/SB 52 — Driver’s Licenses/Vision Tests

by Health, Aging, and Long-Term Care Committee; Transportation Committee; and Senators Wise and Lynn

The committee substitute amends s 322.18 F.S., requiring a licensee who is otherwise eligible for a renewal license and who is over 79 years of age to: (1) submit to and pass a vision test administered at any driver’s license office; or (2) if applying for an extension by mail, then submit to a vision test administered by a licensed physician or optometrist who must send the results of the test to the Department of Highway Safety and Motor Vehicles (DHSMV) via electronic means as approved by DHSMV, or on the proper DHSMV form signed by the physician or optometrist and meet vision standards equivalent to DHSMV’s vision test. The committee substitute further modifies driver’s license laws to prohibit a licensee who is over 79 years of age from submitting an application for extension by electronic or telephonic means, unless the results of a vision test have been electronically submitted in advance by the physician or optometrist. The committee substitute also requires the DHSMV to study the effects of aging on driving ability.

If approved by the Governor, these provisions take effect upon becoming law except as otherwise provided.

Vote: Senate 39-0; House 102-0

CS/HB 75 — Red Light Volunteer Fire or Medical Staff

by Rep. Stansel and others (CS/SB 1558 by Transportation Committee and Senator Argenziano)

This committee substitute amends s. 316.2398, F.S., to eliminate restrictions on the type, size, and placement of visual emergency signals used by volunteer firefighters and eligible medical staff, limits the use of the emergency signals to no more than two on his or her personal motor vehicle, and replaces the term “red light” with “red warning signal.” Also, the committee substitute authorizes volunteer firefighters to display red warning signals at the scene of a fire or other emergency.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 116-0

SB 88 — High Occupancy Vehicle Lanes

by Senator Geller

The bill amends s. 316.0741, F.S., to authorize the use of High Occupancy Vehicle lanes (HOV lanes), regardless of vehicle occupancy, by Inherently Low-Emission Vehicle (ILEV) which are certified and labeled in accordance with federal regulations. In addition, upon the state's receipt of written notice from the proper federal regulatory agency authorizing such use, a hybrid vehicle may also be driven in an HOV lane at any time, regardless of its occupancy. The bill defines a "hybrid vehicle" as a motor vehicle:

- That draws propulsion energy from onboard sources of stored energy which are an internal combustion or heat engine using combustible fuel, and a rechargeable energy storage system; and
- That, in the case of a passenger automobile or light truck, has received a certificate of conformity under the Clean Air Act, 42 U.S.C. 7401 et seq., and meets or exceeds the equivalent qualifying California standards for a low-emission vehicle.

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a decal, at a price up to \$5 to cover DHSMV's costs, to be placed on authorized ILEVs. The bill authorizes DHSMV to adopt rules necessary to administer the provisions of this bill.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 40-0; House 117-0

SB 614 — Bus Transportation

by Senator Miller

This bill amends ss. 316.70 and 316.6145, F.S., and requires driving records of drivers of nonpublic sector buses to be checked by their employers at least once a year to ascertain whether the driver has a suspended or revoked driver's license. In addition, private school students may ride on a public school bus and public school students may ride on a private school bus, subject to the specified terms of an agreement between the local school board and the private school.

If approved by the Governor, these provisions take effect July 1, 2003

Vote: Senate 39-0; House 114-2

SB 1046 — Operation of Motorcycles/Firefighters

by Senators Villalobos and Lynn

This bill amends s. 316.209, F.S., to provide firefighters the same privileges as police officers in relation to the operation of motorcycles in the performance of their official duties.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 118-0

CS/SB 1896 — School Speed Zones

by Education Committee and Senator Atwater

Section 316.1895, F.S., is amended to provide that manually activated flashing beacons or flashing beacons activated by a time clock, or other automatic device, may be used as an alternative to posting the times during which the restrictive school speed limit is enforced, as required by current law. The committee substitute provides that the Florida Department of Transportation is responsible for establishing adequate standards for the beacons.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 115-0

CS/SB 2708 — Motor Vehicle Dealers

by Transportation Committee and Senator Sebesta

Section 320.60, F.S., is amended to include trucks, regardless of weight, in the definition of "motor vehicle," thereby requiring a dealership selling such trucks to be licensed by the Department of Highway Safety and Motor Vehicles (DHSMV). "Service" is defined to mean any maintenance or repair of any motor vehicle or used motor vehicle sold or provided to an owner, operator, or user pursuant to a motor vehicle warranty, or any warranty extension. "Used motor

vehicle” is defined as any motor vehicle the title to which has been transferred, at least once, by a manufacturer, distributor, importer, or dealer to an ultimate purchaser.

Section 320.64, F.S., is amended to prohibit a motor vehicle manufacturer, distributor, or importer from:

- Leasing or selling motor vehicles at retail, other than heavy trucks with a net weight of more than 8,000 pounds.
- Requiring a franchise dealer to sell or lease any used vehicle including any used motor vehicles.
- Refusing to assign or sell motor vehicles to a motor vehicle dealer because the dealer refuses to sell, lease, or certify used motor vehicles.

The committee substitute amends s. 320.642, F.S., to clarify Florida law gives standing to existing dealers to protest additional or relocated service only dealerships of the same line-make, and to provide that a protesting dealer no longer has the burden of proving benefits to consumers from the new dealership cannot be obtained by other geographic or demographic changes in the community or territory.

In addition, the committee substitute provides that proposed additional or relocation service only dealerships that do not sell or lease new motor vehicles are subject to existing notice and protest provisions. However, current mileage provisions for determining standing to protest apply; and the proposed service only dealership location is not subject to protest if the applicant is an existing dealer, there is not a dealer of the same line-make closer to the proposed service only dealership, and the proposed location is at least 7 miles from existing dealerships of the same line-make.

When determining whether existing dealers of the same line-make are providing adequate representation in a community or territory, DHSMV may not consider: impacts on consumers, public interest, existing dealers, or the licensee, except as the impact relates to service; the expected market penetration of the line-make; the adequacy of facilities other than those related to service; and the volume of registrations in the community or territory.

The DHSMV may only issue a license permitting vehicle service and not sales to applicants for a service only dealership, and notice and protest provisions will apply if the service only dealer later seeks to sell new vehicles.

Sections 320.643 and 320.644, F.S., are amended to create uniform procedures for requesting and objecting to transfers of franchise agreements, transfers of assets, and changes in executive management control. The committee substitute provides that a dealer or transferee must notify a licensee of the transfer or change in executive management control. If the licensee objects to the

transfer or change, the dealer may file a complaint. At a hearing on the complaint, the licensee is required to prove the transfer or change is to a person who is not of good moral character, does not meet the licensee's financial qualifications (in the case of transfers), or does not have the required business experience. Pending a hearing regarding a proposed transfer of an agreement or assets, or a proposed change in executive management control, the franchise agreement will continue in effect in accordance with its terms, and DHSMV must expedite the disposition.

The committee substitute also provides that it is a violation of the Act for a licensee to reject or withhold approval of a proposed transfer or change in executive management control, unless it can prove in defense of a claim brought seeking treble damages under s. 320.697, F.S., the rejection or withholding of approval was, in fact, reasonable. The committee substitute provides that what is reasonable is to be determined by application of an objective standard, and further expressly provides that a licensee is not protected from violation of the s. 320.643, F.S., by merely alleging the permitted statutory grounds in a written rejection of a proposed transfer.

The committee substitute clarifies that “executive management control” means the person or persons designated under the franchise agreement as the dealer/operator, executive manager, or similarly designated persons who are responsible for the overall day to day operation of the dealership.

Section 320.645, F.S., is amended to authorize certain distributors, or their common entities, to own and operate one or more dealerships in Florida of a different line make than the distributorship, regardless of ownership prior to July 1, 1996.

Section 501.976, F.S., is amended to provide when a dealer represents a vehicle as a “demonstrator” it must comply with the definition of demonstrator in s. 320.60(3), F.S.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 118-0

HB 287 — Specialty License Plate/Motorcycles

by Rep. Cretul and others (CS/SB 148 by Transportation Committee and Senators Wise, Lynn, and Argenziano)

This committee substitute creates s. 320.08068, F.S., and directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop and issue reduced dimension specialty license plates for motorcycles, which are to be 4 inches wide by 7 inches long and incorporate a red, white, and blue color scheme. In addition to applicable motor vehicle registration taxes and fees, a \$15 annual use fee will be charged for this new specialty license plate.

The annual use fees shall be distributed to The Able Trust as custodial agent who may retain a maximum of 10 percent of the proceeds from the sale of the plate to be used for administrative costs. The Able Trust will distribute the remaining funds as follows:

- 25 percent to the Brain and Spinal Cord Injury Program Trust Fund.
- 25 percent to Prevent Blindness Florida.
- 25 percent to the Foundation for Vocational Rehabilitation to support the Personal Care Attendant Program under s. 413.402, F.S.
- 25 percent to the Florida Association of Centers for Independent Living in the form of matching grants from private nongovernmental sources (must be used for programs and activities serving disabled Floridians).

The committee substitute specifies, upon the sale of the motorcycle carrying it, the plate may be transferred with DHSMV's authorization to a replacement vehicle. Also, DHSMV may issue personalized prestige motorcycle specialty license plates. These provisions are parallel to provisions governing standard-sized license plates for cars and light trucks.

If approved by the Governor, these provisions take effect October 1, 2003

Vote: Senate 39-0; House 119-0

CS/SB 308 — License Plate/Sea Turtle

by Appropriations Committee and Senators Smith, Atwater, Lynn, and Pruitt

The committee substitute amends s. 320.08058, F.S., to provide that the first \$500,000 in annual use fees from the sea turtle license plate are to be used by the Florida Marine Turtle Protection Program administered by the Fish and Wildlife Conservation Commission (FWCC). The next \$215,000 in fees are to be distributed to the Caribbean Conservation Corporation (CCC), which is to annually distribute these funds through a Sea Turtle Grants Program that supports sea turtle research and education activities of Florida-based nonprofit groups, educational institutions, and Florida coastal counties.

The CCC is required to write and publish procedures for submitting grant applications and criteria for allocating available funds, and to appoint a technical advisory committee, which is directed to select grant recipients from proposals submitted by eligible entities. The technical advisory committee will be composed of two members from the FWCC, one member from a county bordering the Atlantic Coast with a sea turtle nesting site (rotated on a biennial basis), one member from a county bordering the Gulf Coast with a sea turtle nesting site (rotated on a biennial basis), the executive director of the CCC, and two members selected at large.

Revenue from the sea turtle license plate in excess of \$715,000 is to be distributed as follows:

- 70 percent is to be deposited in the Marine Resources Conservation Trust Fund and used by the Florida Marine Turtle Protection Program for sea turtle conservation activities.
- 30 percent is to be assigned to the CCC for distribution through the Sea Turtle Grants Program.

Further, up to 15 percent of total funds distributed to the CCC may be expended for administrative costs directly associated with the grants program, and up to 10 percent of total funds distributed to the CCC may be used to promote and market the license plate. None of the funds may be expended for litigation.

The committee substitute also appropriates \$350,000 from the Marine Resources Conservation Trust Fund to FWCC for FY 2003-04 for transfer to the CCC to fund the Sea Turtle Grants Program. Any remaining funds in the Marine Resources Conservation Trust Fund are to be used by FWCC for sea turtle research and management activities.

The committee substitute repeals paragraph (h) of subsection (1) of s. 370.12, F.S., which provides for the FWCC's Sea Turtle Grants Program.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 39-0; House 115-0

CS/CS/CS/SB 310 — License Plate/Child Abuse Prevention

by Finance and Taxation Committee; Children and Families Committee; Transportation Committee; and Senators Smith, Lynn, and Peadar

This committee substitute amends ss. 320.08056 and 320.08058, F.S., and directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Child Abuse Prevention and Intervention license plate. In addition to applicable motor vehicle registration taxes and fees required under s. 320.08, F.S., a \$25 annual use fee and a \$2 processing fee will be charged for this new specialty license plate.

The revenue generated from this annual use fee is to be distributed to the Children's Home Society of Florida and the Florida Network of Children's Advocacy Centers, with the first \$90,000 of proceeds being equally distributed between the two organizations to pay for start-up costs. Thereafter, 50 percent of the proceeds are to be distributed to the Children's Home Society of Florida and the other 50 percent to the Board of Directors of the Florida Network of Children's Advocacy Centers Inc., who shall develop funding criteria and an allocation methodology that ensures an equitable distribution of those funds among network participant centers that meet the standards as set forth in s. 39.3035, F.S. The criteria and methodologies must take into account factors that include, but are not limited to, the center's accreditation status

with respect to the National Children's Alliance, the number of clients served, and the population of the area being served by the children's advocacy center. In addition, for the first 5 years in which the plate is issued, a maximum of 20 percent of the fees collected may be used for administrative costs directly associated with the operation of the marketing and promotion of the plate, of which half will be allocated to the Children's Homes Society of Florida and the other half will be allocated to the Florida Network of Children's Advocacy Centers, Inc.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 38-1; House 112-0

SB 640 — License Plates/Military Services

by Senators Fasano, Argenziano, and Lynn

The bill amends ss. 320.08056 and 320.08058, F.S., to direct the Department of Highway Safety and Motor Vehicles (DHSMV) to issue military services specialty license plates for the United States Army, Navy, Air Force, and Coast Guard. In addition to applicable motor vehicle registration taxes and fees, a \$15 annual use fee will be charged for these new specialty license plates. DHSMV must retain all revenues from the sale of the plates until all start-up costs for developing and issuing the plates have been recovered. Thereafter, the annual use fees are to be deposited into the State Homes for Veterans Trust Fund and must be used solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to planning and budgeting requirements of ch. 216, F.S.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 38-2; House 98-0

HB 789 — License Plate/Stop Heart Disease

by Rep. Barreiro and others (SB 1840 by Senator Diaz de la Portilla)

This committee substitute amends ss. 320.08056 and 320.08058, F.S., directing the Department of Highway Safety and Motor Vehicles to issue a Stop Heart Disease specialty license plate. In addition to applicable motor vehicle registration taxes and fees required under s. 320.08, F.S., a \$25 annual use fee and \$2 processing fee will be charged for this new specialty license plate. The annual use fees will be distributed to the Florida Heart Research Foundation, Inc., to be used for funding cardiovascular disease research, education, and heart disease prevention programs through a peer review grant solicitation and award process. The first \$80,000 of the annual use fees are to be used to fund startup costs, including costs incurred in developing and issuing the plates. In the first year the plate is issued, no more than 25 percent of the fees collected may be used for administrative costs directly associated with the operation of the organization and for marketing the specialty license plate. In the second and subsequent years in which the plate is sold, no more than 20 percent of the fees collected may be used for administrative costs directly

associated with the operation of the organization, and marketing and promotion of the specialty license plate.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 32-1; House 111-0

HB 1155 —Challenger/Columbia License Plate

by Rep. Poppell and others (SB 1698 by Senators Posey, Fasano, Webster, Lynn, and Haridopolos)

This bill amends ss. 320.08056 and 320.08058, F.S., and changes the name of the Challenger specialty license plate to the Challenger/Columbia license plate. The bill specifies that, in addition to the seven astronauts who died on the Challenger space shuttle, the plate also commemorates the seven astronauts who died on the Columbia space shuttle.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 40-0; House 117-0

HB 1501 — Hospice License Plate

by Rep. Baker and others (SB 1118 by Senators Wasserman Schultz, Fasano, Jones, Bennett, Clary, Wilson, and Peaden)

The bill amends ss. 320.08056 and 320.08058, F.S., and directs the Department of Highway Safety and Motor Vehicles to issue a Hospice specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a \$25 annual use fee will be charged for this new specialty license plate. The annual use fees shall be distributed to Florida Hospices and Palliative Care, Inc., to fund:

- Projects relating to hospice care for special groups such as children, veterans, ethnic, religious, gender, or minority groups or to provide disease-specific research or outreach.
- Education and outreach for hospice volunteers, patients, families, and health care professionals.
- Informational and educational media programs regarding the availability of hospice services.
- Expansion or enhancement of the Florida Hospices and Palliative Care, Inc., toll-free referral line operated to provide hospice information.
- Expansion or enhancement of the website of the organization.

The sum of \$90,000 in annual use fees shall be distributed to Florida Hospices and Palliative Care, Inc., to be used to recover all startup costs for developing and issuing the plates. Thereafter, the annual use fees shall be distributed to the organization which must distribute the annual use fees through a standing committee reviewing funding solicitations and awards.

If approved by the Governor, these provisions take effect July 1, 2003.

Vote: Senate 39-0; House 113-0

CS/SB 1954 — License Plates/U.S. Paratroopers/Florida Arts/Protect Our Reefs/Fish Florida

by Military and Veterans' Affairs, Base Protection, and Spaceports Committee and Senator Bennett

The committee substitute creates s. 320.0891, F.S., to direct the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a U.S. Paratroopers license plate. Applicants for this license plate must submit proof of decoration as a parachutist or completion of the U.S. Army Jump School. In addition to applicable motor vehicle registration taxes and fees, a \$20 annual fee will be charged for these license plates. The Department is authorized to retain all annual use fee revenues from the sale of this plate until all start-up costs for developing and issuing the plate are recovered, not to exceed \$60,000. Thereafter, all annual use fee revenues will be distributed to the State Homes for Veterans Trust Fund.

The committee substitute amends s. 320.08058, F.S., and changes the distribution of the Florida Arts Specialty License Plate revenues by removing the Department of State from the revenue flow cycle. The revenues will go directly to the single arts council designated by the county, in the direct proportion to the amounts of fees collected in each county. If there is no county arts council then fees collected must be forwarded to such other agency in the county as the highest ranking county administrative official designates, to be applied by the arts council or agency to support arts organizations, arts programs, and arts activities within the county. This amendment takes effect on July 1, 2003.

Also, the committee substitute amends ss. 320.08056 and 320.08058, F.S., directing DHSMV to issue a Protect Our Reefs specialty license plate, effective July 1, 2003. In addition to applicable motor vehicle registration taxes and fees required under s. 320.08, F.S., a \$25 annual use fee and a \$2 processing fee will be charged for this new specialty license plate. The annual use fees will be distributed to the Mote Marine Laboratory, Inc., to be used for funding Florida reef research, conservation and education programs.

Up to 15 percent of the annual use fees received by the organization may be expended for annual administrative costs directly associated with the administration of the Protect Our Reefs program, and up to 10 percent of the annual use fees may be used by the organization for promotion and marketing of the license plate. After reimbursement for documented costs

expended for establishing the license plate, Mote Marine Laboratory, Inc., must use and distribute the remaining funds to eligible Florida-based scientific, conservation, and education organizations for the collection, analysis, and distribution of scientific, educational, and conservation information to the research community; federal, state, and local government agencies; educational institutions; and the public. Eligible organizations must be based in Florida and engaged in reef research, conservation, or education. The bill authorizes the state Auditor General to examine the records of Mote Marine Laboratory, Inc., and any organization which receives funds from the sale of the Protect Our Reefs license plate to determine compliance with the law.

Further, this committee substitute amends ss. 320.08056 and 320.08058, F.S., directing the DHSMV to issue a Fish Florida license plate. In addition to applicable motor vehicle registration taxes and fees required under s. 320.08, F.S., a \$22 annual use fee and a \$2 processing fee will be charged for this new specialty license plate. The annual use fees will be distributed to the Florida Foundation for Responsible Angling, Inc., to fund aquatic education, marine resource stewardship, and ethical angling practices in Florida by a peer review grant solicitation and award process. A maximum of 15 percent of the funds received by the foundation may be used for administrative costs directly associated with the foundation's grant distribution program and license plate funding. A maximum of 10 percent of the funds may be used for promotion and marketing of the license plate.

If approved by the Governor, except as otherwise provided in the bill, these provisions take effect October 1, 2003.

Vote: Senate 40-0; House 117-0