



ROADS, BRIDGES & PORTS POLICY COMMITTEE

Meeting Packet

**Wednesday, February 3, 2010
8:00 A.M. – 9:30 A.M.
404 HOB**

LARRY CRETUL
Speaker

GARY AUBUCHON
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Roads, Bridges & Ports Policy Committee

Start Date and Time: Wednesday, February 03, 2010 08:00 am

End Date and Time: Wednesday, February 03, 2010 09:30 am

Location: 404 HOB

Duration: 1.50 hrs

Consideration of the following proposed committee bill(s):

PCB RBP 10-01 -- Driver's Licenses

PCB RBP 10-02 -- Outdoor Theaters

PCB RBP 10-03 -- Outdoor Advertising

PCB RBP 10-04 -- Transportation Corridors

The above-referenced PCB's repeal statutory provisions which are obsolete, duplicative or otherwise unnecessary.

Presentations by:

Secretary Stephanie Kopelousos: Department of Transportation 2010 Legislative Proposals

Mr. Clarence 'Cal' Marsella, MV Transit: Public Transportation Competitive Contracting

NOTICE FINALIZED on 01/27/2010 14:41 by ADEYEMO.MARTHA

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RBP 10-01 Driver's Licenses
SPONSOR(S): Roads, Bridges & Ports Policy Committee
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Orig. Comm.: Roads, Bridges & Ports Policy Committee; ANALYST: Brown RB; STAFF DIRECTOR: Miller P.M.

SUMMARY ANALYSIS

The bill repeals unnecessary language from Chapter 322, Florida Statutes, regarding drivers' licenses.

- The bill repeals a statute creating Advisory Council on the Effects of Aging on Driving Ability and requiring a report from that council in February 2004. The advisory council issued the required report and has no other duties.
The bill also repeals an unnecessary sub-paragraph from the provisions requiring the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement to work together to identify and cancel the drivers' licenses of persons failing to appear in court to defend charges of passing worthless checks.
Lastly, the bill repeals requirements relating to chauffeur's licenses, which were phased out and replaced by Commercial Driver's Licenses in the early 1990's.

The bill does not have a fiscal impact.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Advisory Council on the Effects of Aging on Driving Ability

In 2003 the Florida Legislature tasked the Department of Highway Safety and Motor Vehicles with a study of the effects of aging on driving ability. Section 322.181, F.S., created an advisory council, provided a list of members to be part of the council, and required the Department to issue its report by February 1, 2004. The council did so, and the report is available online at the following web address: <http://www.flhsmv.gov/ddl/atriskdriver.pdf>.

The advisory council had no other duties to perform other than issue the 2004 report. In 2008 the Legislature removed the council membership portion of this statute.

This bill repeals the remaining text of the statute.

Identifying offenders passing worthless checks.

Section 832.09, F.S., provides that any person being prosecuted for passing a worthless check may have his or her driver's license suspended when the offender fails to appear before the court and a warrant or capias for failure to appear is issued the court. Section 322.251(7), F.S., addresses the process for administering these suspensions. Sub-paragraph (a) of 322.251(7), F.S. provides notice, surrender and reinstatement requirements; while sub-paragraph (b) of the section requires the Florida Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access to its data for the purpose of identifying these offenders. Sub-paragraph (c) of s. 322.251(7), F.S., which requires the two departments to develop a plan to "ensure the identification" of offenders, is redundant language in light of more specific requirements in sub-paragraphs (a) and (b).

The bill repeals s. 322.251(7)(c), F.S.

Chauffeurs' Licenses

Section 322.58, F.S., enacted in 1989, provides a period of time for holders of chauffeur's licenses to transfer to uniform Commercial Driver's License requirements. The 'phasing out' period ended on April 1, 1991, after which time chauffeurs' licenses were no longer issued nor recognized as valid.

The bill repeals this section, as chauffeur's licenses have not been issued or recognized since 1991.

B. SECTION DIRECTORY:

- Section 1 Repeals s. 322.181, F.S., relating to a study of the effects of aging on driving ability.
- Section 2 Repeals s. 322.251(7)(c), F.S., relating to notice of cancellation, suspension, revocation, or disqualification of license; repealing a provision that directs the Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement to implement a plan ensuring the identification of driver license records of certain persons subject to outstanding warrant or capias for passing worthless bank checks
- Section 3 Repeals s. 322.58, F.S., regarding chauffeurs' licenses, repealing provisions for licensure of such persons under the appropriate license classification
- Section 4 Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:
None.
- 2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

- 1. Applicability of Municipality/County Mandates Provision:
Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.
- 2. Other:
None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

PCB RBP 10-01

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A bill to be entitled
 An act relating to driver's licenses; repealing s.
 322.181, F.S., relating to a study of the effects of aging
 on driving ability; repealing s. 322.251(7)(c) , F.S.,
 relating to notice of cancellation, suspension,
 revocation, or disqualification of license; repealing a
 provision that directs the Department of Highway Safety
 and Motor Vehicles and the Department of Law Enforcement
 to implement a plan ensuring the identification of driver
 license records of certain persons subject to outstanding
 warrant or capias for passing worthless bank checks;
 repealing s. 322.58, F.S., relating to the effect of
 classified licensure on persons holding a chauffeur's
 license; repealing provisions for licensure of such
 persons under the appropriate license classification;
 providing an effective date.

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

- Section 1. Section 322.181, Florida Statutes, is repealed.
- Section 2. Paragraph (c) of subsection (7) of section 322.251, Florida Statutes, is repealed.
- Section 3. Section 322.58, Florida Statutes, is repealed.
- Section 4. This act shall take effect July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Chapter 555, F.S., was created in 1953, to provide for the safe ingress and egress to and from public roads by preventing hazardous conditions and locations in constructing outdoor theaters such as drive-ins.¹ This law applies to outdoor theaters constructed after June 2, 1953. The law contains provisions for entrances and exits to the theater, minimum storage space for vehicles so they do not back-up into the highway, the orientation of the movie screen, the location of the tower, and lighting of entrances and exits. The theater owner must prove compliance with these regulations prior to being issued an occupational license. The last time any section of this chapter was amended was in 1979.

Proposed Changes

The bill repeals ch. 555, F.S., relating to outdoor theaters. This removes the statutory requirements concerning the ingress and egress to and from public roads that specifically apply to outdoor theaters. There are currently about six drive-in theaters operating in Florida and about 173 theaters that have closed. Of the ones that are open, the newest one was opened in 1967.²

The Department of Transportation has an access management program, which addresses the design and placement of driveways and medians in order to reduce traffic conflicts.³ The design of entrances and exits for outdoor theaters can be addressed through these access management guidelines. Other regulatory provisions of ch. 555, F.S., would be addressed through local land development regulations.

The bill has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

¹ Ch. 28085, L.O.F.

² <http://www.driveintheater.com> (January 21, 2010).

³ Information on the Department of Transportation's access management program is available at <http://www.dot.state.fl.us/planning/systems/sm/aceman/>.

- Section 1 Repeals ch. 555, F.S.; relating to outdoor theaters; removing provisions for entrances, exits, enclosures, vehicle storage, screen orientation, tower location, and driveway lighting; removing requirements for a qualifying certificate to prove compliance with agency regulations prior to issuance of an occupational license by the tax collector.
- Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that the counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

PCB RBP 10-02

ORIGINAL

YEAR

1 A bill to be entitled
2 An act relating to outdoor theaters; repealing ch. 555,
3 F.S., relating to access to public roads from outdoor
4 theaters; removing provisions for entrances, exits,
5 enclosures, vehicle storage, screen orientation, tower
6 location, and driveway lighting; removing requirements for
7 a qualifying certificate to prove compliance with agency
8 regulations prior to issuance of an occupational license
9 by the tax collector; providing an effective date.

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

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13 Section 1. Sections 555.01, 555.02, 555.03, 555.04,
14 555.05, 555.07, and 555.08, Florida Statutes, are repealed.

15 Section 2. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RBP 10-03 Outdoor Advertising
SPONSOR(S): Roads, Bridges & Ports Policy Committee
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Orig. Comm.: Roads, Bridges & Ports Policy Committee; Johnson; Miller. Rows 2-6 are empty.

SUMMARY ANALYSIS

In 1978, the Legislature passed SB 212, relating to outdoor advertising, which was codified in ch. 78-8, Laws of Florida.(L.O.F.) This law addressed directional signs for various motorist services. Section 5 created an undesignated section of Florida Statutes to authorize counties and municipalities to enact sign ordinances not in conflict with any applicable state or federal law. The intent of this section was to ensure that ch. 78-8, L.O.F., did not supersede the rights and powers and counties to enact sign ordinances. This section was codified as ss. 125.0102 and 166.0425, F.S.

Subsequently, various portions of ch. 78-8, L.O.F., have been repealed, and the only portion of that law that remains in effect is a definition.

These sections of statute are duplicative of s. 479.155, F.S., which provides that nothing in ch. 479, F.S., which relates to outdoor advertising, is deemed to supersede the rights and powers of counties and municipalities to enact outdoor advertising or sign ordinances. Further, the requirements in s. 479.15, F.S., address the relationship between state and local laws as it relates to outdoor advertising.

The bill repeals ss. 125.0102 and 166.0425, F.S., relating to sign ordinances.

The bill does not have a fiscal impact.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 1978, the Legislature passed SB 212, relating to outdoor advertising, which was codified in ch. 78-8, L.O.F. This law addressed directional signs for various motorist services. Section 5 created an undesignated section of Florida Statutes to authorize counties and municipalities to enact sign ordinances not in conflict with any applicable state or federal law. The intent was to ensure that ch. 78-8, L.O.F., did not supersede the rights and powers and counties to enact sign ordinances. This section was codified as s. 125.0102 and s. 166.0425, F.S.¹

Subsequently, various portions of ch. 78-8, L.O.F., have been repealed, and the only portion of that law that remains in effect is a definition.

These sections of statute are duplicative of s. 479.155, F.S., which provides that nothing in ch. 479, F.S., which relates to outdoor advertising, is deemed to supersede the rights and powers of counties and municipalities to enact outdoor advertising or sign ordinances. Further, the requirements in s. 479.15, F.S., address the relationship between state and local laws as it relates to outdoor advertising.

Proposed Changes

The bill repeals ss. 125.0102 and 166.0425, F.S., relating to sign ordinances. As stated above these sections are duplicative of s. 479.155, F.S., which remains in effect.

The bill has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

Section 1 Repeals s. 125.0102, F.S., relating to sign ordinances; removing provisions specifying that a specified law relating to signs that display information directing motorists to goods and services does not supersede the rights and powers of counties and municipalities to establish sign ordinances.

Section 2 Repeals s. 166.0425, F.S., relating to sign ordinances; removing provisions specifying that a specified law relating to signs that display information directing motorists to goods

¹ Chapter 125, F.S., relates to county government and ch. 166, F.S., relates to municipalities.

and services does not supersede the rights and powers of counties and municipalities to establish sign ordinances.

Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

PCB RBP 10-03

ORIGINAL

YEAR

1 A bill to be entitled
2 An act relating to outdoor advertising; repealing s.
3 125.0102, F.S., and s. 166.0425, F.S., relating to sign
4 ordinances; removing provisions specifying that a
5 specified law relating to signs that display information
6 directing motorists to goods and services does not
7 supersede the rights and powers of counties and
8 municipalities to establish sign ordinances; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 125.0102, Florida Statutes, is
14 repealed.

15 Section 2. Section 166.0425, Florida Statutes, is
16 repealed.

17 Section 3. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RBP 10-04 Transportation Corridors
SPONSOR(S): Roads, Bridges & Ports Policy Committee
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Orig. Comm.: Roads, Bridges & Ports Policy Committee; Johnson; Miller. Rows 2-5 are empty.

SUMMARY ANALYSIS

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors. Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

- 1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.
6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors. Most of these transportation corridors are on the state's Strategic Intermodal System (SIS).

The bill does not have a fiscal impact.

The bill takes effect on July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors. Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.
6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

Additionally, most of these corridors are also in the Strategic Intermodal System (SIS) which is a statewide network of high-priority transportation facilities, including the state's largest and most significant commercial service airports, spaceport, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. These facilities carry more than 99 percent of all commercial air passengers, virtually all waterborne freight tonnage, almost all rail freight, and more than 68 percent of all truck traffic and 54 percent of total traffic on the State Highway System. The facilities on SIS are designated by the Department of Transportation (DOT) based on criteria provided in ss. 339.61 through 339.64, F.S.¹

Proposed Changes

¹ A list of facilities on the SIS may be obtained at <http://www.dot.state.fl.us/planning/sis/atlas/>

The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors.² As mentioned above, most of the corridors are on DOT's SIS.

The bill has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

Section 1 Repeals s. 341.0532, F.S., relating to statewide transportation corridors; removing the definition of "statewide transportation corridors"; removing provisions that specify certain transportation facilities as transportation corridors.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect municipal or county government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

² This statute may also be misplaced since ch. 341, F.S., relates to public transit.

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

PCB RBP 10-04

ORIGINAL

YEAR

1 A bill to be entitled
2 An act relating to transportation corridors; repealing s.
3 341.0532, F.S., relating to statewide transportation
4 corridors; removing the definition of "statewide
5 transportation corridors"; removing provisions that
6 specify certain transportation facilities as statewide
7 transportation corridors; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 341.0532, Florida Statutes, is
12 repealed.

13 Section 2. This act shall take effect July 1, 2010.