

Bill No. CS for CS for SB 1456

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Hargrett moved the following amendment:

Senate Amendment (with title amendment)

On page 24, line 9, through page 26, line 19, delete those lines

and insert:

Section 12. Transportation and Land Use Study
Committee.--The state land planning agency and the Department
of Transportation shall evaluate the statutory provisions
relating to land use and transportation coordination and
planning issues, including community design, required in part
II of chapter 163, Florida Statutes, and shall consider
changes to statutes, as well as to all pertinent rules
associated with the statutes. The evaluation must include an
evaluation of the roles of local government, regional planning
councils, state agencies, and metropolitan planning
organizations in addressing these subject areas. Special
emphasis must be given in this evaluation to concurrency on
the highway system, levels of service methodologies, and land
use impact assessments used to project transportation needs.

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1 The evaluation must be conducted in consultation with a
2 technical committee of at least 15 members to be known as the
3 Transportation and Land Use Study Committee, appointed jointly
4 by the secretary of the state land planning agency and the
5 Secretary of the Department of Transportation. The membership
6 must be representative of local governments, regional planning
7 councils, regional transportation authorities, the private
8 sector, metropolitan planning organizations, and citizen and
9 environmental organizations. By January 15, 1999, the
10 committee shall send an evaluation report to the Governor, the
11 President of the Senate, and the Speaker of the House of
12 Representatives to provide recommendations for appropriate
13 changes to the transportation planning requirements in chapter
14 163, Florida Statutes, and other statutes, as appropriate.

15 Section 13. Subsection (1) of section 337.19, Florida
16 Statutes, is amended to read:

17 337.19 Suits by and against department; limitation of
18 actions; forum.--

19 (1) Suits at law and in equity may be brought and
20 maintained by and against the department on any contract claim
21 arising from the breach of an express provision or an implied
22 covenant of a written agreement or a written directive issued
23 by the department pursuant to the written agreement. In any
24 such suit, the department and the contractor shall have all of
25 the same rights, obligations, remedies, and defenses as a
26 private person under a like contract, except that no liability
27 may be based on an oral modification of the written contract
28 or written directive. However, this section shall not be
29 construed to in any way prohibit the department from limiting
30 its liability or damages through provisions in its contracts.
31 Notwithstanding anything to the contrary contained herein, no

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1 employee or agent of the department may be held personally
2 liable to an extent greater than that provided under s. 768.28
3 ~~under contract for work done~~; provided, that no suit sounding
4 in tort shall be maintained against the department.

5 Section 14. Funds provided in Specific Appropriation
6 1355A for a Vessel Tracking Information System for the Tampa
7 Bay Area in the 1997-98 General Appropriations Act which are
8 unexpended on June 30, 1998, are hereby reappropriated for
9 fiscal year 1998-99 to the Tampa Port Authority. The proviso
10 language following Specific Appropriation 1355A shall be met
11 prior to distribution of these reappropriated funds.

12 Section 15. Subsections (6), (7), (8), and (9) are
13 added to section 341.053, Florida Statutes, to read:

14 341.053 Intermodal Development Program;
15 administration; eligible projects; limitations.--

16 (6) The department shall review funding requests from
17 two or more seaports as described in s. 311.09(1) or a
18 combination of two or more of the following: seaports, rail,
19 airports, or other public transportation authorities. The
20 department may fund projects that create intermodal transfer
21 facilities or such intermodal or multimodal transportation
22 terminals as provided in subsection (5).

23 (7) There is created the Strategic Intermodal
24 Transportation and Economic Development Planning Council
25 within the department to plan for the efficient use of public
26 and private transportation systems and facilities to support
27 Florida's economic development through the intermodal movement
28 of people and freight cargo to and from or between seaports,
29 airports, and other transportation terminals and facilities.

30 (a) By February 1, 1999, the council must submit to
31 the Governor, the Transportation Commission, and the

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1 Legislature a report that at a minimum:

2 1. Analyzes current and future intermodal
3 transportation needs, including the assessment of existing
4 infrastructure to determine key deficiencies of modal
5 interface, capacity, and over-utilization or under-utilization
6 of public and private assets.

7 2. Identifies appropriate goals, measures of
8 intermodal system performance, and strategies for growth in
9 intermodal facilities to support Florida's growth in
10 international trade and economic development.

11 3. Identifies methods to improve intergovernmental
12 coordination between local, regional, and state agencies and
13 the private sector to better plan for Florida's economic
14 development through the intermodal movement of people and
15 freight.

16 (b) By July 1, 1999, the council must submit to the
17 Governor, the Department of Transportation, the Transportation
18 Commission, and the Legislature a report that at a minimum:

19 1. Identifies intermodal projects of statewide
20 significance, including inland freight transfer facilities,
21 and documents the need for the projects as well

22
23 (Redesignate subsequent sections.)

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25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 2, line 15, after the first semicolon

29
30 insert:

31 amending s. 337.19, F.S.; authorizing suits to

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1 be brought against the department for the
2 breach of an express provision or an implied
3 covenant; providing that liability may not be
4 based on an oral modification of a written
5 contract; authorizing a transfer of funds;
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