

By the Committee on Transportation and Representative  
Fuller

1                                   A bill to be entitled  
2           An act relating to the Department of  
3           Transportation; amending ss. 20.23, 206.46,  
4           215.47, 288.9607, 337.29, 337.407, 338.22,  
5           338.221, 338.223, 338.225, 338.227, 338.228,  
6           338.229, 338.231, 338.232, 338.239, 339.08,  
7           339.175, 339.241, 341.3333, 348.0005, 348.0009,  
8           348.248, 348.948, 349.05, 349.21, and 479.01,  
9           F.S.; correcting cross-references; repealing s.  
10          234.112, F.S., relating to school bus stops;  
11          repealing s. 335.165, F.S., relating to welcome  
12          stations; repealing section 137 of chapter  
13          96-320, Laws of Florida, relating to certain  
14          uncollectible debts owned by a local government  
15          for utility relocation cost reimbursements;  
16          repealing s. 339.091, F.S., relating to a  
17          declaration of legislative intent; repealing s.  
18          339.145, F.S., relating to certain expenditures  
19          in the Working Capital Trust Fund; repealing s.  
20          339.147, F.S., relating to certain audits by  
21          the Auditor General; amending ss. 311.09,  
22          331.303, 331.305, 331.308, 331.331, 334.03,  
23          334.0445, 335.074, 335.182, 335.188, 336.044,  
24          337.015, 337.139, 338.251, 339.2405, 341.051,  
25          341.052, 341.352, 343.64, 343.74, 378.411,  
26          427.012, 427.013, and 951.05, F.S.; deleting  
27          obsolete language, and, where appropriate,  
28          replacing such language with updated text;  
29          reenacting ss. 336.01, 338.222, 339.175(7)(e),  
30          and 341.321(1), F.S., relating to designation  
31          of county road system, acquisition or

1 construction or operation of turnpike projects,  
2 amendment of the adopted work program, and  
3 legislative findings and intent regarding  
4 development of high-speed rail transportation  
5 system; providing an effective date.  
6

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

9 Section 1. Paragraph (d) of subsection (3) of section  
10 20.23, Florida Statutes, is amended to read:

11 20.23 Department of Transportation.--There is created  
12 a Department of Transportation which shall be a decentralized  
13 agency.

14 (3)

15 (d)1. Policy, program, or operations offices shall be  
16 established within the central office for the purposes of:

17 a. Developing policy and procedures and monitoring  
18 performance to ensure compliance with these policies and  
19 procedures;

20 b. Performing statewide activities which it is more  
21 cost-effective to perform in a central location;

22 c. Assessing and ensuring the accuracy of information  
23 within the department's financial management information  
24 systems; and

25 d. Performing other activities of a statewide nature.

26 2. The following offices are established and shall be  
27 headed by a manager, each of whom shall be appointed by and  
28 serve at the pleasure of the secretary. The positions shall be  
29 classified at a level equal to a division director:

30 a. The Office of Administration;

31 b. The Office of Policy Planning;

1           c. The Office of Design;  
2           d. The Office of Construction;  
3           e. The Office of Right-of-Way;  
4           f. The Office of Toll Operations; and  
5           g. The Office of Information Systems.  
6           3. Other offices may be established in accordance with  
7 s. 20.04(7)~~20.04(6)~~. The heads of such offices are exempt  
8 from part II of chapter 110. No office or organization shall  
9 be created at a level equal to or higher than a division  
10 without specific legislative authority.

11           Section 2. Subsection (4) of section 206.46, Florida  
12 Statutes, is amended to read:

13           206.46 State Transportation Trust Fund.--

14           (4) The department may authorize the investment of the  
15 earnings accrued and collected upon the investment of the  
16 minimum balance of funds required to be maintained in the  
17 State Transportation Trust Fund pursuant to s. 339.135(6)(b)  
18 ~~339.135(7)(b)~~. Such investment shall be limited as provided  
19 in s. 288.9607(7).

20           Section 3. Subsection (13) of section 215.47, Florida  
21 Statutes, is amended to read:

22           215.47 Investments; authorized securities.--Subject to  
23 the limitations and conditions of the State Constitution or of  
24 the trust agreement relating to a trust fund, moneys available  
25 for investments under ss. 215.44-215.53 may be invested as  
26 follows:

27           (13) The State Board of Administration, consistent  
28 with sound investment policy, may invest the earnings accrued  
29 and collected upon the investment of the minimum balance of  
30 funds required to be maintained in the State Transportation  
31

1 Trust Fund pursuant to s. 339.135(6)(b)~~339.135(7)(b)~~. Such  
2 investment shall be limited as provided in s. 288.9607(7).

3 Section 4. Section 234.112, Florida Statutes, is  
4 repealed.

5 Section 5. Paragraph (a) of subsection (7) of section  
6 288.9607, Florida Statutes, is amended to read:

7 288.9607 Guaranty of bond issues.--

8 (7)(a) The corporation is authorized to enter into an  
9 investment agreement with the Department of Transportation and  
10 the State Board of Administration concerning the investment of  
11 the earnings accrued and collected upon the investment of the  
12 minimum balance of funds required to be maintained in the  
13 State Transportation Trust Fund pursuant to s. 339.135(6)(b)  
14 ~~339.135(7)(b)~~. Such investment shall be limited as follows:

15 1. Not more than \$4 million of the investment earnings  
16 earned on the investment of the minimum balance of the State  
17 Transportation Trust Fund in a fiscal year shall be at risk at  
18 any time on one or more bonds or series of bonds issued by the  
19 corporation.

20 2. The investment earnings shall not be used to  
21 guarantee any bonds issued after June 30, 1998, and in no  
22 event shall the investment earnings be used to guarantee any  
23 bond issued for a maturity longer than 15 years.

24 3. The corporation shall pay a reasonable fee, set by  
25 the State Board of Administration, in return for the  
26 investment of such funds. The fee shall not be less than the  
27 comparable rate for similar investments in terms of size and  
28 risk.

29 4. The proceeds of bonds, or portions thereof, issued  
30 by the corporation for which a guaranty has been or will be  
31 issued pursuant to s. 288.9606, s. 288.9608, or this section

1 used to make loans to any one person, including any related  
2 interests, as defined in s. 658.48, of such person, shall not  
3 exceed 20 percent of the principal of all such outstanding  
4 bonds of the corporation issued prior to the first composite  
5 bond issue of the corporation, or December 31, 1995, whichever  
6 comes first, and shall not exceed 15 percent of the principal  
7 of all such outstanding bonds of the corporation issued  
8 thereafter, in each case determined as of the date of issuance  
9 of the bonds for which such determination is being made and  
10 taking into account the principal amount of such bonds to be  
11 issued. The provisions of this subparagraph shall not apply  
12 when the total amount of all such outstanding bonds issued by  
13 the corporation is less than \$10 million. For the purpose of  
14 calculating the limits imposed by the provisions of this  
15 subparagraph, the first \$10 million of bonds issued by the  
16 corporation shall be taken into account.

17           5. The corporation shall establish a debt service  
18 reserve account which contains not less than 6 months' debt  
19 service reserves from the proceeds of the sale of any bonds,  
20 or portions thereof, guaranteed by the corporation.

21           6. The corporation shall establish an account known as  
22 the Revenue Bond Guaranty Reserve Account, the Guaranty Fund.  
23 The corporation shall deposit a sum of money or other cash  
24 equivalents into this fund and maintain a balance of money or  
25 cash equivalents in this fund, from sources other than the  
26 investment of earnings accrued and collected upon the  
27 investment of the minimum balance of funds required to be  
28 maintained in the State Transportation Trust Fund, not less  
29 than a sum equal to 1 year of maximum debt service on all  
30 outstanding bonds, or portions thereof, of the corporation for  
31 which a guaranty has been issued pursuant to ss. 288.9606,

1 288.9607, and 288.9608. In the event the corporation fails to  
2 maintain the balance required pursuant to this subparagraph  
3 for any reason other than a default on a bond issue of the  
4 corporation guaranteed pursuant to this section or because of  
5 the use by the corporation of any such funds to pay insurance,  
6 maintenance, or other costs which may be required for the  
7 preservation of any project or other collateral security for  
8 any bond issued by the corporation, or to otherwise protect  
9 the Revenue Bond Guaranty Reserve Account from loss while the  
10 applicant is in default on amortization payments, or to  
11 minimize losses to the reserve account in each case in such  
12 manner as may be deemed necessary or advisable by the  
13 corporation, the corporation shall immediately notify the  
14 Department of Transportation of such deficiency. Any  
15 supplemental funding authorized by an investment agreement  
16 entered into with the Department of Transportation and the  
17 State Board of Administration concerning the use of investment  
18 earnings of the minimum balance of funds is void unless such  
19 deficiency of funds is cured by the corporation within 90 days  
20 after the corporation has notified the Department of  
21 Transportation of such deficiency.

22 Section 6. Subsection (3) of section 311.09, Florida  
23 Statutes, is amended to read:

24 311.09 Florida Seaport Transportation and Economic  
25 Development Council.--

26 (3) The council shall prepare a 5-year Florida Seaport  
27 Mission Plan defining the goals and objectives of the council  
28 concerning the development of port facilities and an  
29 intermodal transportation system consistent with the goals of  
30 the Florida Transportation Plan developed pursuant to s.  
31 339.155. The Florida Seaport Mission Plan shall include

1 specific recommendations for the construction of  
2 transportation facilities connecting any port to another  
3 transportation mode and for the efficient, cost-effective  
4 development of transportation facilities or port facilities  
5 for the purpose of enhancing international trade, promoting  
6 cargo flow, increasing cruise passenger movements, increasing  
7 port revenues, and providing economic benefits to the state.  
8 The council shall update the 5-year Florida Seaport Mission  
9 Plan annually and shall submit the plan no later than February  
10 1 of each year to the President of the Senate; the Speaker of  
11 the House of Representatives; the Office of Tourism, Trade,  
12 and Economic Development; the Department of Transportation;  
13 and the Department of Community Affairs. The council shall  
14 develop programs, based on an examination of existing programs  
15 in Florida and other states, for the training of minorities  
16 and secondary school students in job skills associated with  
17 employment opportunities in the maritime industry, and report  
18 on progress and recommendations for further action to the  
19 President of the Senate and the Speaker of the House of  
20 Representatives annually, ~~beginning no later than February 1,~~  
21 ~~1991.~~

22 Section 7. Subsection (16) of section 331.303, Florida  
23 Statutes, is amended to read:

24 331.303 Definitions.--

25 (16) "Project" means any development, improvement,  
26 property, launch, utility, facility, system, works, road,  
27 sidewalk, enterprise, service, or convenience, which may  
28 include coordination with Enterprise Florida, Inc. ~~the Florida~~  
29 ~~High Technology and Industry Council~~, the Board of Regents,  
30 and the Space Research Foundation; any rocket, capsule,  
31 module, launch facility, assembly facility, operations or

1 control facility, tracking facility, administrative facility,  
2 or any other type of space-related transportation vehicle,  
3 station, or facility; any type of equipment or instrument to  
4 be used or useful in connection with any of the foregoing; any  
5 type of intellectual property and intellectual property  
6 protection in connection with any of the foregoing including,  
7 without limitation, any patent, copyright, trademark, and  
8 service mark for, among other things, computer software; any  
9 water, wastewater, gas, or electric utility system, plant, or  
10 distribution or collection system; any small business  
11 incubator initiative, including any startup aerospace company,  
12 research and development company, research and development  
13 facility, storage facility, and consulting service; or any  
14 tourism initiative, including any space experience attraction,  
15 space-launch-related activity, and space museum sponsored or  
16 promoted by the authority.

17 Section 8. Subsections (1), (4), and (21) of section  
18 331.305, Florida Statutes, are amended to read:

19 331.305 Powers of the authority.--The authority shall  
20 have the power to:

21 (1) Exercise all powers granted to corporations under  
22 the Florida Business General Corporation Act, chapter 607.

23 (4) Review and make recommendations with respect to a  
24 strategy to guide and facilitate the future of space-related  
25 educational and commercial development. The authority shall  
26 in coordination with the Federal Government, private industry,  
27 and Florida universities develop a business plan which shall  
28 address the expansion of Spaceport Florida locations, space  
29 launch capacity, spaceport projects, and complementary  
30 activities, which shall include, but not be limited to, a  
31 detailed analysis of:



- 1 (a) The authority and the commercial space industry.  
2 (b) Products, services description--potential,  
3 technologies, skills.  
4 (c) Market research and evaluation--customers,  
5 competition, economics.  
6 (d) Marketing plan and strategy.  
7 (e) Design and development plan--tasks, difficulties,  
8 costs.  
9 (f) Manufacturing locations, facilities, and  
10 operations plan.  
11 (g) Management organization--roles and  
12 responsibilities.  
13 (h) Overall schedule (monthly).  
14 (i) Important risks, assumptions, and problems.  
15 (j) Community impact--economic, human development,  
16 community development.  
17 (k) Financial plan (monthly for first year; quarterly  
18 for next 3 years).  
19 (l) Proposed authority offering--financing,  
20 capitalization, use of funds.  
21  
22 ~~A final report containing the recommendations and business~~  
23 ~~plan of the authority shall be completed and submitted prior~~  
24 ~~to the 1990 Regular Session of the Legislature, along with any~~  
25 ~~proposed statutory changes and related legislative budget~~  
26 ~~requests required to implement the business plan, to the~~  
27 ~~Governor, the President of the Senate, the Speaker of the~~  
28 ~~House of Representatives, the minority leader of the Senate,~~  
29 ~~and the minority leader of the House of Representatives.~~  
30 (21) Issue revenue bonds, assessment bonds, or any  
31 other bonds or obligations authorized by the provisions of

1 this act or any other law, or any combination of the  
2 foregoing, and pay all or part of the cost of the acquisition,  
3 construction, reconstruction, extension, repair, improvement,  
4 or maintenance of any project or combination of projects,  
5 including payloads and space flight hardware, and equipment  
6 for research, development, and educational activities, to  
7 provide for any facility, service, or other activity of the  
8 authority, and provide for the retirement or refunding of any  
9 bonds or obligations of the authority, or for any combination  
10 of the foregoing purposes. ~~Until December 31, 1994, bonds,~~  
11 ~~other than conduit bonds, issued under the authority contained~~  
12 ~~in this act shall not exceed a total of \$500 million and must~~  
13 ~~first be approved by a majority of the members of the Governor~~  
14 ~~and Cabinet.~~ The authority must provide 14 days' notice to  
15 the presiding officers and appropriations chairs of both  
16 houses of the Legislature prior to presenting a bond proposal  
17 to the Governor and Cabinet. If either presiding officer or  
18 appropriations chair objects to the bonding proposal within  
19 the 14-day-notice period, the bond issuance may be approved  
20 only by a vote of two-thirds of the members of the Governor  
21 and Cabinet.

22 Section 9. Subsection (2) of section 331.308, Florida  
23 Statutes, is amended to read:

24 331.308 Board of supervisors.--

25 (2) Initially, the Governor shall appoint four regular  
26 members for terms of 3 years or until successors are appointed  
27 and qualified and three regular members for terms of 4 years  
28 or until successors are appointed and qualified. Thereafter,  
29 each such member shall serve a term of 4 years or until a  
30 successor is appointed and qualified. The term of each such  
31 member shall be construed to commence on the date of

1 appointment and to terminate on June 30 of the year of the end  
2 of the term. ~~The terms for such members initially appointed~~  
3 ~~shall be construed to include the time between initial~~  
4 ~~appointment and June 30, 1992, for those appointed for 3-year~~  
5 ~~terms, and June 30, 1993, for those appointed for 4-year~~  
6 ~~terms. No such member shall be allowed to serve an initial~~  
7 ~~3-year term or fill any vacancy for the remainder of a term~~  
8 ~~for less than 4 years.~~ Appointment to the board shall not  
9 preclude any such member from holding any other private or  
10 public position.

11 Section 10. Subsection (1) of section 331.331, Florida  
12 Statutes, is amended to read:

13 331.331 Revenue bonds.--

14 (1) Revenue bonds issued by the authority shall not be  
15 deemed revenue bonds issued by the state or its agencies for  
16 purposes of s. 11, Art. VII of the State Constitution and ss.  
17 215.57-215.83. ~~However, until December 31, 1994, the power of~~  
18 ~~the authority to issue revenue bonds shall be limited as~~  
19 ~~provided in s. 331.305.~~ The authority shall include in its  
20 annual report to the Governor and Legislature, as provided in  
21 s. 331.310, a summary of the status of existing and proposed  
22 bonding projects.

23 Section 11. Paragraph (d) of subsection (25) of  
24 section 334.03, Florida Statutes, is amended to read:

25 334.03 Definitions.--When used in the Florida  
26 Transportation Code, the term:

27 (25) "State Highway System" means the following, which  
28 shall be facilities to which access is regulated:

29 (d) The urban minor arterial mileage on the existing  
30 State Highway System as of July 1, 1987, plus additional  
31 mileage to comply with the 2-percent requirement as described

1 ~~below. These urban minor arterial routes shall be selected in~~  
2 ~~accordance with s. 335.04(1)(a) and (b).~~

3  
4 However, not less than 2 percent of the public road mileage of  
5 each urbanized area on record as of June 30, 1986, shall be  
6 included as minor arterials in the State Highway System.

7 Urbanized areas not meeting the foregoing minimum requirement  
8 shall have transferred to the State Highway System additional  
9 minor arterials of the highest significance in which case the  
10 total minor arterials in the State Highway System from any  
11 urbanized area shall not exceed 2.5 percent of that area's  
12 total public urban road mileage.

13 Section 12. Subsection (1) of section 334.0445,  
14 Florida Statutes, is amended to read:

15 334.0445 Model career service classification and  
16 compensation plan.--

17 (1) Effective July 1, 1994, the Legislature grants to  
18 the Department of Transportation in consultation with the  
19 Department of Management Services, the Executive Office of the  
20 Governor, legislative appropriations committees, legislative  
21 personnel committees, and the affected certified bargaining  
22 unions, the authority on a pilot basis to develop and  
23 implement a model career service classification and  
24 compensation system. Such system shall be developed for use by  
25 all state agencies. Authorization for this program will be for  
26 5 ~~3~~ fiscal years beginning July 1, 1994, and ending June 30,  
27 1999 ~~1997~~; however, the department may elect or be directed by  
28 the Legislature to return to the current system at anytime  
29 during this period if the model system does not meet the  
30 stated goals and objectives.

31

1           Section 13. Subsection (5) of section 335.074, Florida  
2 Statutes, is amended to read:

3           335.074 Safety inspection of bridges.--

4           ~~(5) The department shall prepare a report of its~~  
5 ~~findings with respect to each such bridge or other structure~~  
6 ~~whereon significant structural deficiencies were discovered~~  
7 ~~and transmit a summary of the findings as part of the report~~  
8 ~~required in s. 334.046(3).~~

9           Section 14. Section 335.165, Florida Statutes, is  
10 repealed.

11          Section 15. Subsection (2) of section 335.182, Florida  
12 Statutes, is amended to read:

13          335.182 Regulation of connections to roads on State  
14 Highway System; definitions.--

15          (2) The department shall, ~~no later than July 1, 1989,~~  
16 adopt, by rule, administrative procedures for its issuance and  
17 modification of access permits, closing of unpermitted  
18 connections, and revocation of permits in accordance with this  
19 act.

20          Section 16. Paragraphs (a) and (e) of subsection (3)  
21 of section 335.188, Florida Statutes, are amended to read:

22          335.188 Access management standards; access control  
23 classification system; criteria.--

24          (3) The control classification system shall be  
25 developed consistent with the following:

26          (a) The department shall, ~~no later than July 1, 1990,~~  
27 adopt rules setting forth procedures governing the  
28 implementation of the access control classification system  
29 required by this act. The rule shall provide for input from  
30 the entities described in paragraph (b) as well as for public  
31 meetings to discuss the access control classification system.

1 Nothing in this act affects the validity of the department's  
2 existing or subsequently adopted rules concerning access to  
3 the State Highway System. Such rules shall remain in effect  
4 until repealed or replaced by the rules required by this act.

5 (e) An access control category shall be assigned to  
6 each segment of the State Highway System ~~by July 1, 1993.~~

7 Section 17. Section 336.01, Florida Statutes, is  
8 reenacted to read:

9 336.01 Designation of county road system.--The county  
10 road system shall be as defined in s. 334.03(8).

11 Section 18. Subsection (2) of section 336.044, Florida  
12 Statutes, is amended to read:

13 336.044 Use of recyclable materials in construction.--

14 (2) The Legislature declares it to be in the public  
15 interest to find alternative ways to use certain recyclable  
16 materials that currently are part of the solid waste stream  
17 and that contribute to problems of declining space in  
18 landfills. To determine the feasibility of using certain  
19 recyclable materials for paving materials, the department may  
20 ~~shall before January 1, 1990, undertake, as part of its~~  
21 ~~currently scheduled projects, demonstration projects~~ using the  
22 following materials in road construction:

23 (a) Ground rubber from automobile tires in road  
24 resurfacing or subbase materials for roads;

25 (b) Ash residue from coal combustion byproducts for  
26 concrete and ash residue from waste incineration facilities  
27 and oil combustion byproducts for subbase material;

28 (c) Recycled mixed-plastic material for guardrail  
29 posts or right-of-way fence posts;

30  
31

1 (d) Construction steel, including reinforcing rods and  
2 I-beams, manufactured from scrap metals disposed of in the  
3 state; and

4 (e) Glass, and glass aggregates.

5  
6 ~~Within 1 year after the conclusion of the demonstration~~  
7 ~~projects the department shall report to the Governor and the~~  
8 ~~Legislature on the maximum percentage of each recyclable~~  
9 ~~material that can be effectively utilized in road construction~~  
10 ~~projects. Concurrent with the submission of the report the~~  
11 ~~department shall review and modify its standard road and~~  
12 ~~bridge construction specifications to allow and encourage the~~  
13 ~~use of recyclable materials consistent with the findings of~~  
14 ~~the demonstration projects.~~

15 Section 19. Subsection (7) of section 337.015, Florida  
16 Statutes, is amended to read:

17 337.015 Administration of public  
18 contracts.--Recognizing that the inefficient and ineffective  
19 administration of public contracts inconveniences the  
20 traveling public, increases costs to taxpayers, and interferes  
21 with commerce, the Legislature hereby determines and declares  
22 that:

23 ~~(7) The department in its annual report required in s.~~  
24 ~~334.22(2) shall report how the department complied with this~~  
25 ~~section for the preceding fiscal year.~~

26 Section 20. Section 337.139, Florida Statutes, is  
27 amended to read:

28 337.139 Efforts to encourage awarding contracts to  
29 disadvantaged business enterprises.--In implementing chapter  
30 90-136, Laws of Florida, the Department of Transportation  
31 shall institute procedures to encourage the awarding of

1 contracts for professional services and construction to  
2 disadvantaged business enterprises. For the purposes of this  
3 section, the term "disadvantaged business enterprise" means a  
4 small business concern certified by the Department of  
5 Transportation to be owned and controlled by socially and  
6 economically disadvantaged individuals as defined by the  
7 Surface Transportation and Uniform Relocation Act of 1987.  
8 The Department of Transportation shall develop and implement  
9 activities to encourage the participation of disadvantaged  
10 business enterprises in the contracting process ~~and shall~~  
11 ~~report to the Legislature prior to January 1, 1991, on its~~  
12 ~~efforts to increase disadvantaged business participation.~~

13 Such efforts may include:

14 (1) Presolicitation or prebid meetings for the purpose  
15 of informing disadvantaged business enterprises of contracting  
16 opportunities.

17 (2) Written notice to disadvantaged business  
18 enterprises of contract opportunities for commodities or  
19 contractual and construction services which the disadvantaged  
20 business provides.

21 (3) Provision of adequate information to disadvantaged  
22 business enterprises about the plans, specifications, and  
23 requirements of contracts or the availability of jobs.

24 (4) Breaking large contracts into several  
25 single-purpose contracts of a size which may be obtained by  
26 certified disadvantaged business enterprises.

27 Section 21. Subsection (3) of section 337.29, Florida  
28 Statutes, is amended to read:

29 337.29 Vesting of title to roads; liability for  
30 torts.--

31



1           (3) Title to all roads transferred in accordance with  
2 the provisions of s. 335.0415 ~~335.04~~ shall be in the  
3 governmental entity to which such roads have been transferred,  
4 upon the recording of a right-of-way map by the appropriate  
5 governmental entity in the public land records of the county  
6 or counties in which such rights-of-way are located. To the  
7 extent that sovereign immunity has been waived, liability for  
8 torts shall be in the governmental entity having operation and  
9 maintenance responsibility as provided in s. 335.0415  
10 ~~335.04(2)~~. Except as otherwise provided by law, a  
11 municipality shall have the same governmental, corporate, and  
12 proprietary powers with relation to any public road or  
13 right-of-way within the municipality which has been  
14 transferred to another governmental entity pursuant to s.  
15 335.0415 ~~335.04~~ that the municipality has with relation to  
16 other public roads and rights-of-way within the municipality.

17           Section 22. Section 137 of chapter 96-320, Laws of  
18 Florida, is repealed.

19           Section 23. Subsection (2) of section 337.407, Florida  
20 Statutes, is amended to read:

21           337.407 Regulation of signs and lights within  
22 rights-of-way.--

23           (2) The department has the authority to direct removal  
24 of any sign erected in violation of subsection (1) paragraph  
25 ~~(a)~~, in accordance with the provisions of chapter 479.

26           Section 24. Section 338.22, Florida Statutes, is  
27 amended to read:

28           338.22 Florida Turnpike Law; short title.--Sections  
29 338.22-338.241 ~~338.22-338.244~~ may be cited as the "Florida  
30 Turnpike Law."  
31

1           Section 25. Section 338.221, Florida Statutes, is  
2 amended to read:

3           338.221 Definitions of terms used in ss.  
4 338.22-338.241 ~~338.22-338.244~~.--As used in ss. 338.22-338.241  
5 ~~338.22-338.244~~, the following words and terms have the  
6 following meanings, unless the context indicates another or  
7 different meaning or intent:

8           (1) "Bonds" or "revenue bonds" means notes, bonds,  
9 refunding bonds or other evidences of indebtedness or  
10 obligations, in either temporary or definitive form, issued by  
11 the Division of Bond Finance on behalf of the department and  
12 authorized under the provisions of ss. 338.22-338.241  
13 ~~338.22-338.244~~ and the State Bond Act.

14           (2) "Cost," as applied to a turnpike project, includes  
15 the cost of acquisition of all land, rights-of-way, property,  
16 easements, and interests acquired by the department for  
17 turnpike project construction; the cost of such construction;  
18 the cost of all machinery and equipment, financing charges,  
19 fees, and expenses related to the financing; establishment of  
20 reserves to secure bonds; interest prior to and during  
21 construction and for such period after completion of  
22 construction as shall be determined by the department; the  
23 cost of traffic estimates and of engineering and legal  
24 expenses, plans, specifications, surveys, estimates of cost  
25 and revenues; other expenses necessary or incident to  
26 determining the feasibility or practicability of acquiring or  
27 constructing any such turnpike project; administrative  
28 expenses; and such other expenses as may be necessary or  
29 incident to the acquisition or construction of a turnpike  
30 project, the financing of such acquisition or construction,  
31 and the placing of the turnpike project in operation.

1           (3) "Feeder road" means any road no more than 5 miles  
2 in length, connecting to the turnpike system which the  
3 department determines is necessary to create or facilitate  
4 access to a turnpike project.

5           (4) "Owner" includes any person or any governmental  
6 entity that has title to, or an interest in, any property,  
7 right, easement, or interest authorized to be acquired  
8 pursuant to ss. 338.22-338.241 ~~338.22-338.244~~.

9           (5) "Revenues" means all tolls, charges, rentals,  
10 gifts, grants, moneys, and other funds coming into the  
11 possession, or under the control, of the department by virtue  
12 of the provisions hereof, except the proceeds from the sale of  
13 bonds issued under ss. 338.22-338.241 ~~338.22-338.244~~.

14           (6) "Turnpike system" means those limited access toll  
15 highways and associated feeder roads and other structures,  
16 appurtenances, or rights previously designated, acquired, or  
17 constructed pursuant to the Florida Turnpike Law and such  
18 other additional turnpike projects as may be acquired or  
19 constructed as approved by the Legislature.

20           (7) "Turnpike improvement" means any betterment  
21 necessary or desirable for the operation of the turnpike  
22 system, including, but not limited to, widenings, the addition  
23 of interchanges to the existing turnpike system, resurfacings,  
24 toll plazas, machinery, and equipment.

25           (8) "Economically feasible" means:

26           (a) For a proposed turnpike project, that, as  
27 determined by the department before the issuance of revenue  
28 bonds for the project, the estimated net revenues of the  
29 proposed turnpike project, excluding feeder roads and turnpike  
30 improvements, will be sufficient to pay at least 50 percent of  
31 the debt service on the bonds by the end of the 5th year of

1 operation and to pay at least 100 percent of the debt service  
2 on the bonds by the end of the 15th year of operation. In  
3 implementing this paragraph, up to 50 percent of the adopted  
4 work program costs of the project may be funded from turnpike  
5 revenues.

6 (b) For turnpike projects, except for feeder roads and  
7 turnpike improvements, financed from revenues of the turnpike  
8 system, such project, or such group of projects, originally  
9 financed from revenues of the turnpike system, that the  
10 project is expected to generate sufficient revenues to  
11 amortize project costs within 15 years of opening to traffic.

12  
13 This subsection does not prohibit the pledging of revenues  
14 from the entire turnpike system to bonds issued to finance or  
15 refinance a turnpike project or group of turnpike projects.

16 (9) "Turnpike project" means any extension to or  
17 expansion of the existing turnpike system and new limited  
18 access toll highways and associated feeder roads and other  
19 structures, interchanges, appurtenances, or rights as may be  
20 approved in accordance with the Florida Turnpike Law.

21 (10) "Statement of environmental feasibility" means a  
22 statement by the Department of Environmental Protection of the  
23 project's significant environmental impacts.

24 Section 26. Section 338.222, Florida Statutes, is  
25 reenacted to read:

26 338.222 Department of Transportation sole governmental  
27 entity to acquire, construct, or operate turnpike projects;  
28 exception.--

29 (1) No governmental entity other than the department  
30 may acquire, construct, maintain, or operate the turnpike

31

1 system subsequent to the enactment of this law, except upon  
2 specific authorization of the Legislature.

3 (2) The department may contract with any local  
4 governmental entity as defined in s. 334.03(14) for the  
5 design, right-of-way acquisition, or construction of any  
6 turnpike project which the Legislature has approved. Local  
7 governmental entities may negotiate with the department for  
8 the design, right-of-way acquisition, and construction of any  
9 section of the turnpike project within areas of their  
10 respective jurisdictions or within counties with which they  
11 have interlocal agreements.

12 Section 27. Section 338.223, Florida Statutes, is  
13 reenacted and amended to read:

14 338.223 Proposed turnpike projects.--

15 (1)(a) Any proposed project to be constructed or  
16 acquired as part of the turnpike system and any turnpike  
17 improvement shall be included in the tentative work program.  
18 No proposed project or group of proposed projects shall be  
19 added to the turnpike system unless such project or projects  
20 are determined to be economically feasible and a statement of  
21 environmental feasibility has been completed for such project  
22 or projects and such projects are determined to be consistent,  
23 to the maximum extent feasible, with approved local government  
24 comprehensive plans of the local governments in which such  
25 projects are located. The department may authorize engineering  
26 studies, traffic studies, environmental studies, and other  
27 expert studies of the location, costs, economic feasibility,  
28 and practicality of proposed turnpike projects throughout the  
29 state and may proceed with the design phase of such projects.  
30 The department shall not request legislative approval of a  
31 proposed turnpike project until the design phase of that

1 project is at least 60 percent complete. If a proposed  
2 project or group of proposed projects is found to be  
3 economically feasible, consistent, to the maximum extent  
4 feasible, with approved local government comprehensive plans  
5 of the local governments in which such projects are located,  
6 and a favorable statement of environmental feasibility has  
7 been completed, the department, with the approval of the  
8 Legislature, shall, after the receipt of all necessary  
9 permits, construct, maintain, and operate such turnpike  
10 projects.

11 (b) Any proposed turnpike project or improvement shall  
12 be developed in accordance with the Florida Transportation  
13 Plan and the work program pursuant to s. 339.135. Turnpike  
14 projects that add capacity, alter access, affect feeder roads,  
15 or affect the operation of the local transportation system  
16 shall be included in the transportation improvement plan of  
17 the affected metropolitan planning organization. If such  
18 turnpike project does not fall within the jurisdiction of a  
19 metropolitan planning organization, the department shall  
20 notify the affected county and provide for public hearings in  
21 accordance with s. 339.155(6)(c).

22 (c) Prior to requesting legislative approval of a  
23 proposed turnpike project, the environmental feasibility of  
24 the proposed project shall be reviewed by the Department of  
25 Environmental Protection. The department shall submit its  
26 Project Development and Environmental Report to the Department  
27 of Environmental Protection, along with a draft copy of a  
28 public notice. Within 14 days of receipt of the draft public  
29 notice, the Department of Environmental Protection shall  
30 return the draft public notice to the Department of  
31 Transportation with an approval of the language or

1 modifications to the language. Upon receipt of the approved or  
2 modified draft, or if no comments are provided within 14 days,  
3 the Department of Transportation shall publish the notice in a  
4 newspaper to provide a 30-day public comment period. The  
5 headline of the required notice shall be in a type no smaller  
6 than 18 point. The notice shall be placed in that portion of  
7 the newspaper where legal notices appear. The notice shall be  
8 published in a newspaper of general circulation in the county  
9 or counties of general interest and readership in the  
10 community as provided in s. 50.031, not one of limited subject  
11 matter. Whenever possible, the notice shall appear in a  
12 newspaper that is published at least 5 days a week. The notice  
13 shall include, but is not limited to, the following  
14 information:

15           1. The purpose of the notice is to provide for a  
16 30-day period for written public comments on the environmental  
17 impacts of a proposed turnpike project.

18           2. The name and description of the project, along with  
19 a geographic location map clearly indicating the area where  
20 the proposed project will be located.

21           3. The address where such comments must be sent and  
22 the date such comments are due.

23  
24 After a review of the department's report and any public  
25 comments, the Department of Environmental Protection shall  
26 submit a statement of environmental feasibility to the  
27 department within 30 days after the date on which public  
28 comments are due. The notice and the statement of  
29 environmental feasibility shall not give rise to any rights to  
30 a hearing or other rights or remedies provided pursuant to  
31 chapter 120 or chapter 403, and shall not bind the Department

1 of Environmental Protection in any subsequent environmental  
2 permit review.

3 (2)(a) Subject to the provisions of s. 338.228, the  
4 department is authorized to expend, out of any funds available  
5 for the purpose, such moneys as may be necessary for studies,  
6 preliminary engineering, construction, right-of-way  
7 acquisition, and construction engineering inspection of any  
8 turnpike project and is authorized to use its engineering and  
9 other resources for such purposes.

10 (b) In accordance with the legislative intent  
11 expressed in s. 337.273, the department may acquire lands and  
12 property before making a final determination of the economic  
13 feasibility of a project. The cost of advance acquisition of  
14 right-of-way may be paid from bonds issued under s. 337.276 or  
15 from turnpike revenues.

16 (3) All obligations and expenses incurred by the  
17 department under this section shall be paid by the department  
18 and charged to the appropriate turnpike project. The  
19 department shall keep proper records and accounts showing each  
20 amount that is so charged. All obligations and expenses so  
21 incurred shall be treated as part of the cost of such project  
22 and shall be reimbursed to the department out of turnpike  
23 revenues or out of the bonds authorized under ss.  
24 338.22-338.241 ~~338.22-338.244~~ except when such reimbursement  
25 is prohibited by state or federal law.

26 (4) The department is authorized, with the approval of  
27 the Legislature, to use federal and state transportation funds  
28 to lend or pay a portion of the operating, maintenance, and  
29 capital costs of turnpike projects. Federal and state  
30 transportation funds included in an adopted work program, or  
31 the General Appropriations Act, for a turnpike project do not



1 have to be reimbursed to the State Transportation Trust Fund,  
2 or used in determining the economic feasibility of the  
3 proposed project. For operating and maintenance loans, the  
4 maximum net loan amount in any fiscal year shall not exceed  
5 0.5 percent of state transportation tax revenues for that  
6 fiscal year.

7 Section 28. Section 338.225, Florida Statutes, is  
8 amended to read:

9 338.225 Taking of public road for feeder road.--Before  
10 taking over any existing public road for maintenance and  
11 operation as a feeder road, the department shall obtain the  
12 consent of the governmental entity then exercising  
13 jurisdiction over the road, which governmental entity is  
14 authorized to give such consent by resolution. Each feeder  
15 road or portion of a feeder road acquired, constructed, or  
16 taken over under this section for maintenance and operation  
17 shall, for all purposes of ss. 338.22-338.241 ~~338.22-338.244~~,  
18 be deemed to constitute a part of the turnpike system, except  
19 that no toll shall be charged for transit between points on  
20 such feeder road.

21 Section 29. Subsection (2) of section 338.227, Florida  
22 Statutes, is amended to read:

23 338.227 Turnpike revenue bonds.--

24 (2) The proceeds of the bonds of each issue shall be  
25 used solely for the payment of the cost of the turnpike  
26 projects for which such bonds shall have been issued, except  
27 as provided in the State Bond Act. Such proceeds shall be  
28 disbursed and used as provided by ss. 338.22-338.241  
29 ~~338.22-338.244~~ and in such manner and under such restrictions,  
30 if any, as the Division of Bond Finance may provide in the  
31 resolution authorizing the issuance of such bonds or in the

1 trust agreement hereinafter mentioned securing the same. All  
2 revenues and bond proceeds from the turnpike system received  
3 by the department pursuant to ss. 338.22-338.241  
4 ~~338.22-338.244~~, the Florida Turnpike Law, shall be used only  
5 for the cost of turnpike projects and turnpike improvements  
6 and for the administration, operation, maintenance, and  
7 financing of the turnpike system. No revenues or bond proceeds  
8 from the turnpike system shall be spent for the operation,  
9 maintenance, construction, or financing of any project which  
10 is not part of the turnpike system.

11 Section 30. Section 338.228, Florida Statutes, is  
12 amended to read:

13 338.228 Bonds not debts or pledges of credit of  
14 state.--Turnpike revenue bonds issued under the provisions of  
15 ss. 338.22-338.241 ~~338.22-338.244~~ are not debts of the state  
16 or pledges of the faith and credit of the state. Such bonds  
17 are payable exclusively from revenues pledged for their  
18 payment. All such bonds shall contain a statement on their  
19 face that the state is not obligated to pay the same or the  
20 interest thereon, except from the revenues pledged for their  
21 payment, and that the faith and credit of the state is not  
22 pledged to the payment of the principal or interest of such  
23 bonds. The issuance of turnpike revenue bonds under the  
24 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ does not  
25 directly, indirectly, or contingently obligate the state to  
26 levy or to pledge any form of taxation whatsoever, or to make  
27 any appropriation for their payment. Except as provided in  
28 ss. 338.001, 338.223, and 338.2275, no state funds shall be  
29 used on any turnpike project or to pay the principal or  
30 interest of any bonds issued to finance or refinance any  
31

1 portion of the turnpike system, and all such bonds shall  
2 contain a statement on their face to this effect.

3 Section 31. Section 338.229, Florida Statutes, is  
4 amended to read:

5 338.229 Pledge to bondholders not to restrict certain  
6 rights of department.--The state does pledge to, and agree  
7 with, the holders of the bonds issued pursuant to ss.  
8 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or  
9 restrict the rights vested in the department to construct,  
10 reconstruct, maintain, and operate any turnpike project as  
11 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish  
12 and collect such tolls or other charges as may be convenient  
13 or necessary to produce sufficient revenues to meet the  
14 expenses of maintenance and operation of the turnpike system  
15 and to fulfill the terms of any agreements made with the  
16 holders of bonds authorized by this act and that the state  
17 will not in any way impair the rights or remedies of the  
18 holders of such bonds until the bonds, together with interest  
19 on the bonds, are fully paid and discharged.

20 Section 32. Subsections (6) and (7) of section  
21 338.231, Florida Statutes, are amended to read:

22 338.231 Turnpike tolls, fixing; pledge of tolls and  
23 other revenues.--The department shall at all times fix,  
24 adjust, charge, and collect such tolls for the use of the  
25 turnpike system as are required in order to provide a fund  
26 sufficient with other revenues of the turnpike system to pay  
27 the cost of maintaining, improving, repairing, and operating  
28 such turnpike system; to pay the principal of and interest on  
29 all bonds issued to finance or refinance any portion of the  
30 turnpike system as the same become due and payable; and to  
31 create reserves for all such purposes.

1           (6) In each fiscal year while any of the bonds of the  
2 Broward County Expressway Authority series 1984 and series  
3 1986-A remain outstanding, the department is authorized to  
4 pledge revenues from the turnpike system to the payment of  
5 principal and interest of such series of bonds, the repayment  
6 of Broward County gasoline tax funds as provided in s.  
7 338.2275(3)~~(4)~~, and the operation and maintenance expenses of  
8 the Sawgrass Expressway, to the extent gross toll revenues of  
9 the Sawgrass Expressway are insufficient to make such  
10 payments. The terms of an agreement relative to the pledge of  
11 turnpike system revenue will be negotiated with the parties of  
12 the 1984 and 1986 Broward County Expressway Authority  
13 lease-purchase agreements, and subject to the covenants of  
14 those agreements. The agreement shall establish that the  
15 Sawgrass Expressway shall be subject to the planning,  
16 management, and operating control of the department limited  
17 only by the terms of the lease-purchase agreements. The  
18 department shall provide for the payment of operation and  
19 maintenance expenses of the Sawgrass Expressway until such  
20 agreement is in effect. This pledge of turnpike system  
21 revenues shall be subordinate to the debt service requirements  
22 of any future issue of turnpike bonds, the payment of turnpike  
23 system operation and maintenance expenses, and subject to  
24 provisions of any subsequent resolution or trust indenture  
25 relating to the issuance of such turnpike bonds.

26           (7) The use and disposition of revenues pledged to  
27 bonds are subject to the provisions of ss. 338.22-338.241  
28 ~~338.22-338.244~~ and such regulations as the resolution  
29 authorizing the issuance of such bonds or such trust agreement  
30 may provide.

31

1           Section 33. Section 338.232, Florida Statutes, is  
2 amended to read:

3           338.232 Continuation of tolls upon provision for  
4 payment of bondholders and assumption of maintenance by  
5 department.--When all revenue bonds issued under the  
6 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ in connection  
7 with the turnpike system and the interest on the bonds have  
8 been paid, or an amount sufficient to provide for the payment  
9 of all such bonds and the interest on the bonds to the  
10 maturity of the bonds, or such earlier date on which the bonds  
11 may be called, has been set aside in trust for the benefit of  
12 the bondholders, the department may assume the maintenance of  
13 the turnpike system as part of the State Highway System,  
14 except that the turnpike system shall remain subject to  
15 sufficient tolls to pay the cost of the maintenance, repair,  
16 improvement, and operation of the system and the construction  
17 of turnpike projects.

18           Section 34. Section 338.239, Florida Statutes, is  
19 amended to read:

20           338.239 Traffic control on the turnpike system.--

21           (1) The department is authorized to adopt rules with  
22 respect to the use of the turnpike system, which rules must  
23 relate to vehicular speeds, loads and dimensions, safety  
24 devices, rules of the road, and other matters necessary to  
25 carry out the purposes of ss. 338.22-338.241 ~~338.22-338.244~~.  
26 Insofar as these rules may be inconsistent with the provisions  
27 of chapter 316, the rules control. A violation of these rules  
28 must be punished pursuant to chapters 316 and 318.

29           (2) Members of the Florida Highway Patrol are vested  
30 with the power, and charged with the duty, to enforce the  
31 rules of the department. Expenses incurred by the Florida

1 Highway Patrol in carrying out its powers and duties under ss.  
2 338.22-338.241 ~~338.22-338.244~~ may be treated as a part of the  
3 cost of the operation of the turnpike system, and the  
4 Department of Highway Safety and Motor Vehicles shall be  
5 reimbursed by the Department of Transportation for such  
6 expenses incurred on the turnpike mainline, which is that part  
7 of the turnpike system extending from the southern terminus in  
8 Florida City to the northern terminus in Wildwood including  
9 all contiguous sections.

10 Section 35. Subsection (1) of section 338.251, Florida  
11 Statutes, is amended to read:

12 338.251 Toll Facilities Revolving Trust Fund.--The  
13 Toll Facilities Revolving Trust Fund is hereby created for the  
14 purpose of encouraging the development and enhancing the  
15 financial feasibility of revenue-producing road projects  
16 undertaken by local governmental entities in a county or  
17 combination of contiguous counties.

18 (1)~~(a)~~ The department is authorized to advance funds  
19 for preliminary engineering, traffic and revenue studies,  
20 environmental impact studies, financial advisory services,  
21 engineering design, right-of-way map preparation, other  
22 appropriate project-related professional services, and  
23 advanced right-of-way acquisition to expressway authorities,  
24 counties, or other local governmental entities that desire to  
25 undertake revenue-producing road projects.

26 ~~(b) For the 1997-1998 fiscal year only, up to \$500,000~~  
27 ~~may be loaned by the department to the St. Lucie County~~  
28 ~~Expressway Authority for purposes described in paragraph (a).~~  
29 ~~This paragraph is repealed on July 1, 1998.~~

30 Section 36. Subsection (4) of section 339.08, Florida  
31 Statutes, is amended to read:

1           339.08 Use of moneys in State Transportation Trust  
2 Fund.--

3           (4) The department may authorize the investment of the  
4 earnings accrued and collected upon the investment of the  
5 minimum balance of funds required to be maintained in the  
6 State Transportation Trust Fund pursuant to s. 339.135~~(7)(b)~~(6)(b)  
7 ~~(7)(b)~~. Such investment shall be limited as provided in s.  
8 288.9607(7).

9           Section 37. Section 339.091, Florida Statutes, is  
10 repealed.

11           Section 38. Paragraph (e) of subsection (7) of section  
12 339.135, Florida Statutes, is reenacted to read:

13           339.135 Work program; legislative budget request;  
14 definitions; preparation, adoption, execution, and  
15 amendment.--

16           (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

17           (e) Notwithstanding the requirements in paragraph (d)  
18 and ss. 216.177(2) and 216.351, the secretary may request the  
19 Executive Office of the Governor to amend the adopted work  
20 program when an emergency exists, as defined in s. 252.34(3),  
21 and the emergency relates to the repair or rehabilitation of  
22 any state transportation facility. The Executive Office of  
23 the Governor may approve the amendment to the adopted work  
24 program and amend that portion of the department's approved  
25 budget in the event that the delay incident to the  
26 notification requirements in paragraph (d) would be  
27 detrimental to the interests of the state. However, the  
28 department shall immediately notify the parties specified in  
29 paragraph (d) and shall provide such parties written  
30 justification for the emergency action within 7 days of the  
31 approval by the Executive Office of the Governor of the

1 amendment to the adopted work program and the department's  
2 budget. In no event may the adopted work program be amended  
3 under the provisions of this subsection without the  
4 certification by the comptroller of the department that there  
5 are sufficient funds available pursuant to the 36-month cash  
6 forecast and applicable statutes.

7 Section 39. Sections 339.145 and 339.147, Florida  
8 Statutes, are repealed.

9 Section 40. Paragraph (a) of subsection (10) of  
10 section 339.175, Florida Statutes, is amended to read:

11 339.175 Metropolitan planning organization.--It is the  
12 intent of the Legislature to encourage and promote the  
13 development of transportation systems embracing various modes  
14 of transportation in a manner that will maximize the mobility  
15 of people and goods within and through urbanized areas of this  
16 state and minimize, to the maximum extent feasible, and  
17 together with applicable regulatory government agencies,  
18 transportation-related fuel consumption and air pollution. To  
19 accomplish these objectives, metropolitan planning  
20 organizations, referred to in this section as M.P.O.'s, shall  
21 develop, in cooperation with the state, transportation plans  
22 and programs for metropolitan areas. Such plans and programs  
23 must provide for the development of transportation facilities  
24 that will function as an intermodal transportation system for  
25 the metropolitan area. The process for developing such plans  
26 and programs shall be continuing, cooperative, and  
27 comprehensive, to the degree appropriate, based on the  
28 complexity of the transportation problems.

29 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
30 COUNCIL.--

31



1 (a) A Metropolitan Planning Organization Advisory  
2 Council is created to augment, and not supplant, the role of  
3 the individual M.P.O.'s in the cooperative transportation  
4 planning process described in this section ~~s. 339.155(5)~~.

5 Section 41. Paragraph (a) of subsection (7) of section  
6 339.2405, Florida Statutes, is amended to read:

7 339.2405 Florida Highway Beautification Council.--

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

9 1. Provide information to local governments and local  
10 highway beautification councils regarding the state highway  
11 beautification grants program.

12 2. Accept grant requests from local governments.

13 3. Review grant requests for compliance with council  
14 rules.

15 4. Establish rules for evaluating and prioritizing the  
16 grant requests. The rules must include, but are not limited  
17 to, an examination of each grant's aesthetic value,  
18 cost-effectiveness, level of local support, feasibility of  
19 installation and maintenance, and compliance with state and  
20 federal regulations. Rules adopted by the council which it  
21 uses to evaluate grant applications must take into  
22 consideration the contributions made by the highway  
23 beautification project in preventing litter.

24 5. Maintain a prioritized list of approved grant  
25 requests. The list must include recommended funding levels  
26 for each request and, if staged implementation is appropriate,  
27 funding requirements for each stage shall be provided.

28 6. Assess the feasibility of planting and maintaining  
29 indigenous wildflowers and plants, instead of sod  
30 groundcovers, along the rights-of-way of state roads and  
31 highways. In making such assessment, the council shall

1 utilize data from other states which include indigenous  
2 wildflower and plant species in their highway vegetative  
3 management systems. ~~The council shall complete its assessment~~  
4 ~~and present a report to the head of the department by July 1,~~  
5 ~~1988.~~

6 Section 42. Paragraph (g) of subsection (2) of section  
7 339.241, Florida Statutes, is amended to read:

8 339.241 Florida Junkyard Control Law.--

9 (2) DEFINITIONS.--Wherever used or referred to in this  
10 section, unless a different meaning clearly appears from the  
11 context, the term:

12 (g) "Junk," "junkyard," and "scrap metal processing  
13 facility" mean the same as defined in 23 U.S.C. s. 136  
14 ~~described in s. 205.371(1)(a), (b), and (e).~~

15 Section 43. Section 341.051, Florida Statutes, is  
16 amended to read:

17 341.051 Administration and financing of public transit  
18 programs and projects.--

19 (1) FEDERAL AID.--

20 (a) The department is authorized to receive federal  
21 grants or apportionments for public transit projects in this  
22 state.

23 (b) Local governmental entities are authorized to  
24 receive federal grants or apportionments for public transit  
25 and commuter assistance projects. In addition, the provisions  
26 of s. 337.403 notwithstanding, if the relocation of utility  
27 facilities is necessitated by the construction of a  
28 fixed-guideway public transit project and the utilities  
29 relocation is approved as a part of the project by a  
30 participating federal agency (if eligible for federal matching  
31 reimbursement), then any county chartered under s. 6(e), Art.

1 VIII of the State Constitution shall pay at least 50 percent  
2 of the nonfederal share of the cost attributable to such  
3 relocation after deducting therefrom any increase in the value  
4 of the new facility and any salvage value derived from the old  
5 facility. The balance of the nonfederal share shall be paid  
6 by the utility.

7 (2) PUBLIC TRANSIT PLAN.--

8 (a) The department shall prepare a public transit plan  
9 which shall be included in the tentative work program of the  
10 department prepared pursuant to s. 339.135(4). The provisions  
11 of s. 339.135 apply to public transit projects in the same  
12 manner that they apply to other transportation facility  
13 construction projects. Any planned department participation  
14 shall be in accordance with subsection (5).

15 (b) The public transit plan shall be consistent with  
16 the local plans developed in accordance with the comprehensive  
17 transportation planning process. Projects that involve funds  
18 administered by the department, and that will be undertaken  
19 and implemented by another public agency, shall be included in  
20 the public transit plan upon the request of that public  
21 agency, providing such project is eligible under the  
22 requirements established herein and subject to estimated  
23 availability of funds. Projects so included in the plan shall  
24 not be altered or removed from priority status without notice  
25 to the public agency or local governmental entities involved.

26 (3) APPROPRIATION REQUESTS.--

27 (a) Public transit funds shall be requested on the  
28 basis of the funding required for the public transit plan.  
29 Appropriation requests shall identify each public transit  
30 project calling for a state expenditure of \$500,000 or more.

31

1           (b) Public transit service development projects and  
2 transit corridor projects shall be individually identified in  
3 the appropriation request by the department. Such request  
4 shall show a breakdown of funds showing capital and operating  
5 expense.

6           (c) Unless otherwise authorized by the Legislature,  
7 the department is prohibited from entering into any agreement  
8 or contract for a public transit project which would result in  
9 the ultimate expenditure or commitment of state funds in  
10 excess of \$5 million.

11           (4) PROJECT ELIGIBILITY.--

12           (a) Any project that is necessary to meet the program  
13 objectives enumerated in s. 341.041, that conforms to the  
14 provisions of this section, and that is contained in the local  
15 transportation improvement program and the adopted work  
16 program of the department is eligible for the expenditure of  
17 state funds for transit purposes.

18           1. The project shall be a project for service or  
19 transportation facilities provided by the department under the  
20 provisions of this act, a public transit capital project, a  
21 commuter assistance project, a public transit service  
22 development project, or a transit corridor project.

23           2. The project must be approved by the department as  
24 being consistent with the criteria established pursuant to the  
25 provisions of this act.

26           (b) Such expenditures shall be in accordance with the  
27 fund participation rates and the criteria established in this  
28 section for project development and implementation, and are  
29 subject to approval by the department as being consistent with  
30 the Florida Transportation Plan and regional transportation  
31 goals and objectives.

1           (c) Unless otherwise authorized by the Legislature,  
2 the department is prohibited from entering into any agreement  
3 or contract for a public transit project which would result in  
4 the ultimate expenditure or commitment of state funds in  
5 excess of \$5 million.

6           (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

7           (a) The department may fund up to 50 percent of the  
8 nonfederal share of the costs, not to exceed the local share,  
9 of any eligible public transit capital project or commuter  
10 assistance project that is local in scope; except, however,  
11 that departmental participation in the final design,  
12 right-of-way acquisition, and construction phases of an  
13 individual fixed-guideway project which is not approved for  
14 federal funding shall not exceed an amount equal to 12.5  
15 percent of the total cost of each phase.

16           (b) The Department of Transportation shall develop a  
17 major capital investment policy which shall include policy  
18 criteria and guidelines for the expenditure or commitment of  
19 state funds for public transit capital projects. The policy  
20 shall include the following:

21           1. Methods to be used to determine consistency of a  
22 transit project with the approved local government  
23 comprehensive plans of the units of local government in which  
24 the project is located.

25           2. Methods for evaluating the level of local  
26 commitment to a transit project, which is to be demonstrated  
27 through system planning and the development of a feasible plan  
28 to fund operating cost through fares, value capture techniques  
29 such as joint development and special districts, or other  
30 local funding mechanisms.

31

1           3. Methods for evaluating alternative transit systems  
2 including an analysis of technology and alternative methods  
3 for providing transit services in the corridor.

4  
5 ~~The department shall present such investment policy to both~~  
6 ~~the Senate Transportation Committee and the House Public~~  
7 ~~Transportation Committee along with recommended legislation by~~  
8 ~~March 1, 1991.~~

9           (c) The department is authorized to fund up to 100  
10 percent of the cost of any eligible transit capital project or  
11 commuter assistance project that is statewide in scope or  
12 involves more than one county where no other governmental  
13 entity or appropriate jurisdiction exists.

14           (d) The department is authorized to advance up to 80  
15 percent of the capital cost of any eligible project that will  
16 assist Florida's transit systems in becoming fiscally  
17 self-sufficient. Such advances shall be reimbursed to the  
18 department on an appropriate schedule not to exceed 5 years  
19 after the date of provision of the advances.

20           (e) The department is authorized to fund up to 100  
21 percent of the capital and net operating costs of statewide  
22 transit service development projects or transit corridor  
23 projects. All transit service development projects shall be  
24 specifically identified by way of a departmental appropriation  
25 request, and transit corridor projects shall be identified as  
26 part of the planned improvements on each transportation  
27 corridor designated by the department. The project  
28 objectives, the assigned operational and financial  
29 responsibilities, the timeframe required to develop the  
30 required service, and the criteria by which the success of the  
31 project will be judged shall be documented by the department

1 for each such transit service development project or transit  
2 corridor project.

3 (f) The department is authorized to fund up to 50  
4 percent of the capital and net operating costs of transit  
5 service development projects that are local in scope and that  
6 will improve system efficiencies, ridership, or revenues. All  
7 such projects shall be identified in the appropriation request  
8 of the department through a specific program of projects, as  
9 provided for in s. 341.041, that is selectively applied in the  
10 following functional areas and is subject to the specified  
11 times of duration:

12 1. Improving system operations, including, but not  
13 limited to, realigning route structures, increasing system  
14 average speed, decreasing deadhead mileage, expanding area  
15 coverage, and improving schedule adherence, for a period of up  
16 to 3 years;

17 2. Improving system maintenance procedures, including,  
18 but not limited to, effective preventive maintenance programs,  
19 improved mechanics training programs, decreasing service  
20 repair calls, decreasing parts inventory requirements, and  
21 decreasing equipment downtime, for a period of up to 3 years;

22 3. Improving marketing and consumer information  
23 programs, including, but not limited to, automated information  
24 services, organized advertising and promotion programs, and  
25 signing of designated stops, for a period of up to 2 years;  
26 and

27 4. Improving technology involved in overall  
28 operations, including, but not limited to, transit equipment,  
29 fare collection techniques, electronic data processing  
30 applications, and bus locators, for a period of up to 2 years.  
31

1 For purposes of this section, the term "net operating costs"  
2 means all operating costs of a project less any federal funds,  
3 fares, or other sources of income to the project.

4 Section 44. Subsection (2) of section 341.052, Florida  
5 Statutes, is amended to read:

6 341.052 Public transit block grant program;  
7 administration; eligible projects; limitation.--

8 (2) Costs for which public transit block grant program  
9 funds may be expended include:

10 (a) Costs of public bus transit and local public fixed  
11 guideway capital projects.

12 (b) Costs of public bus transit service development  
13 and transit corridor projects. Whenever block grant funds are  
14 used for a service development project or a transit corridor  
15 project, the use of such funds is governed by s. 341.051.  
16 Local transit service development projects and transit  
17 corridor projects currently operating under contract with the  
18 department shall continue to receive state funds according to  
19 the contract until such time as the contract expires. Transit  
20 corridor projects, wholly within one county, meeting or  
21 exceeding performance criteria as described in the contract  
22 shall be continued by the transit provider at the same or a  
23 higher level of service until such time as the department, the  
24 M.P.O., and the service provider, agree to discontinue the  
25 service. The provider may not increase fares for services in  
26 transit corridor projects wholly within one county without the  
27 consent of the department.

28 (c) Costs of public bus transit operations.

29

30 All projects shall be consistent, to the maximum extent  
31 feasible, with the approved local government comprehensive



1 plans of the units of local government ~~comprehensive plans of~~  
2 ~~local government~~ in which the project is located.

3 Section 45. Subsection (1) of section 341.321, Florida  
4 Statutes, is reenacted to read:

5 341.321 Development of high-speed rail transportation  
6 system; legislative findings, policy, purpose, and intent.--

7 (1) The intent of ss. 341.3201-341.386 is to further  
8 and advance the goals and purposes of the 1984 High Speed Rail  
9 Transportation Commission Act; to ensure a harmonious  
10 relationship between that act and the various growth  
11 management laws enacted by the Legislature including the Local  
12 Government Comprehensive Planning and Land Development  
13 Regulation Act, ss. 163.3161-163.3215, the Florida State  
14 Comprehensive Planning Act of 1972, as amended, ss.  
15 186.001-186.031, the Florida Regional Planning Council Act,  
16 ss. 186.501-186.513, and the State Comprehensive Plan, chapter  
17 187; to promote the implementation of these acts in an  
18 effective manner; and to encourage and enhance the  
19 establishment of a high-speed rail transportation system  
20 connecting the major urban areas of the state as expeditiously  
21 as is economically feasible. Furthermore, it is the intent of  
22 the Legislature that any high-speed rail line and transit  
23 station be consistent to the maximum extent feasible with  
24 local comprehensive plans, and that any other development  
25 associated with the rail line and transit station shall  
26 ultimately be consistent with comprehensive plans. The  
27 Legislature therefore reaffirms these enactments and further  
28 finds:

29 (a) That the implementation of a high-speed rail  
30 transportation system in the state will result in overall  
31 social and environmental benefits, improvements in ambient air

1 quality, better protection of water quality, greater  
2 preservation of wildlife habitat, less use of open space, and  
3 enhanced conservation of natural resources and energy.

4 (b) That a high-speed rail transportation system, when  
5 used in conjunction with sound land use planning, becomes a  
6 vigorous force in achieving growth management goals and in  
7 encouraging the use of public transportation to augment and  
8 implement land use and growth management goals and objectives.

9 (c) That urban and social benefits include  
10 revitalization of blighted or economically depressed areas,  
11 the redirection of growth in a carefully and comprehensively  
12 planned manner, and the creation of numerous employment  
13 opportunities within inner-city areas.

14 (d) That transportation benefits include improved  
15 travel times and more reliable travel, hence increased  
16 productivity. High-speed rail is far safer than other modes of  
17 transportation and, therefore, travel-related deaths and  
18 injuries can be reduced, and millions of dollars can be saved  
19 from avoided accidents.

20 Section 46. Subsection (2) of section 341.3333,  
21 Florida Statutes, is amended to read:

22 341.3333 Application for franchise; confidentiality of  
23 application and trade secrets.--

24 (2) Each applicant, in response to the request for  
25 proposals, shall file its application with the department at  
26 the location and within the time and date limitations  
27 specified in the request for proposals. Applications filed  
28 before the deadline shall be kept sealed by the department  
29 until the time and date specified for opening. Such sealed  
30 applications shall be confidential and exempt from the  
31 provisions of s. 119.07(1) and s. 24(a), Art. I of the State

1 Constitution until such time as the department provides notice  
2 of a decision or intended decision pursuant to s. 120.57(3)(a)  
3 or until 10 days after application opening, whichever is  
4 earlier. Thereafter, the applications are public. However,  
5 the applicant may segregate the trade secret portions of the  
6 application and request that the department maintain those  
7 portions as confidential and exempt from the provisions of s.  
8 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon  
9 award of a franchise, the franchisee may segregate portions of  
10 materials required to be submitted by the department and  
11 request that the department maintain those portions as  
12 confidential and exempt from the provisions of s. 119.07(1)  
13 and s. 24(a), Art. I of the State Constitution. Such portions  
14 designated by an applicant or by the franchisee shall remain  
15 confidential and exempt from the provisions of s. 119.07(1)  
16 only if the department finds that the information satisfies  
17 the criteria established in s. 119.15(4)(b)3.~~119.14(4)(b)3.~~

18 Section 47. Paragraphs (a) and (c) of subsection (2)  
19 of section 341.352, Florida Statutes, are amended to read:

20 341.352 Certification hearing.--

21 (2)(a) The parties to the certification proceeding  
22 are:

23 1. The franchisee.

24 ~~2. The Department of Commerce.~~

25 ~~2.3.~~ The Department of Environmental Protection.

26 ~~3.4.~~ The Department of Transportation.

27 ~~4.5.~~ The Department of Community Affairs.

28 ~~5.6.~~ The Game and Fresh Water Fish Commission.

29 ~~6.7.~~ Each water management district.

30 ~~7.8.~~ Each local government.

31 ~~8.9.~~ Each regional planning council.

1           ~~9.10.~~ Each metropolitan planning organization.  
2           (c) Notwithstanding the provisions of chapter 120 to  
3 the contrary, after the filing with the administrative law  
4 judge of a notice of intent to be a party by an agency or  
5 corporation or association described in subparagraph 1. or  
6 subparagraph 2., or a petition for intervention by a person  
7 described in subparagraph 3., no later than 30 days prior to  
8 the date set for the certification hearing, any of the  
9 following entities also shall be a party to the proceeding:  
10           1. Any state agency not listed in paragraph (a), as to  
11 matters within its jurisdiction.  
12           2. Any domestic nonprofit corporation or association  
13 that is formed, in whole or in part, to promote conservation  
14 of natural beauty; to protect the environment, personal  
15 health, or other biological values; to preserve historical  
16 sites; to promote consumer interests; to represent labor,  
17 commercial, or industrial groups; to promote economic  
18 development; or to promote the orderly development, or  
19 maintain the residential integrity, of the area in which the  
20 proposed high-speed rail transportation system is to be  
21 located.  
22           3. Any person whose substantial interests are affected  
23 and being determined by the proceeding.  
24           Section 48. Subsection (3) of section 343.64, Florida  
25 Statutes, is amended to read:  
26           343.64 Powers and duties.--  
27           (3) The authority shall, ~~by February 1, 1993,~~ develop  
28 and adopt a plan for the development of the Central Florida  
29 Commuter Rail. Such plan shall address the authority's plan  
30 for the development of public and private revenue sources,  
31 funding of capital and operating costs, the service to be

1 provided, and the extent to which counties within the area of  
2 operation of the authority are to be served. The plan shall  
3 be reviewed and updated annually. The plan shall be  
4 consistent, to the maximum extent feasible, with the approved  
5 local government comprehensive plans of the units of local  
6 government served by the authority.

7 Section 49. Subsection (3) of section 343.74, Florida  
8 Statutes, is amended to read:

9 343.74 Powers and duties.--

10 (3) The authority shall, ~~by February 1, 1992,~~ develop  
11 and adopt a plan for the development of the Tampa Bay Commuter  
12 Rail or Commuter Ferry Service. Such plan shall address the  
13 authority's plan for the development of public and private  
14 revenue sources, funding of operating and capital costs, the  
15 service to be provided and the extent to which counties within  
16 the authority are to be served. The plan shall be reviewed and  
17 updated annually. Such plan shall be consistent, to the  
18 maximum extent feasible, with the approved local government  
19 comprehensive plan of the units of local government served by  
20 the authority.

21 Section 50. Paragraph (c) of subsection (2) of section  
22 348.0005, Florida Statutes, is amended to read:

23 348.0005 Bonds.--

24 (2)

25 (c) Said bonds shall be sold by the authority at  
26 public sale by competitive bid. However, if the authority,  
27 after receipt of a written recommendation from a financial  
28 adviser, shall determine by official action after public  
29 hearing by a two-thirds vote of all voting members of the  
30 authority that a negotiated sale of the bonds is in the best  
31 interest of the authority, the authority may negotiate for

1 sale of the bonds with the underwriter or underwriters  
2 designated by the authority and the county in which the  
3 authority exists. The authority shall provide specific  
4 findings in a resolution as to the reasons requiring the  
5 negotiated sale, which resolution shall incorporate and have  
6 attached thereto the written recommendation of the financial  
7 adviser required by this subsection~~(4)~~.

8 Section 51. Section 348.0009, Florida Statutes, is  
9 amended to read:

10 348.0009 Cooperation with other units, boards,  
11 agencies, and individuals.--Express authority and power is  
12 given and granted to any county, municipality, drainage  
13 district, road and bridge district, school district, or other  
14 political subdivision, board, commission, or individual in or  
15 of this state to enter into contracts, leases, conveyances, or  
16 other agreements within the provisions and purposes of the  
17 Florida Expressway Authority Act with an authority. An  
18 authority may enter into contracts, leases, conveyances, and  
19 other agreements, to the extent consistent with chapters 334,  
20 335, 338, and 339,~~and 340~~, and other provisions of the laws  
21 of the state and with 23 U.S.C. ss. 101 et seq., with any  
22 political subdivision, agency, or instrumentality of the state  
23 and any and all federal agencies, corporations, and  
24 individuals, for the purpose of carrying out the provisions of  
25 the Florida Expressway Authority Act.

26 Section 52. Section 348.248, Florida Statutes, is  
27 amended to read:

28 348.248 Cooperation with other units, boards,  
29 agencies, and individuals.--Express authority and power is  
30 given and granted to any county, municipality, drainage  
31 district, road and bridge district, school district, or other

1 political subdivision, board, commission, or individual in or  
2 of this state to make and enter into contracts, leases,  
3 conveyances, or other agreements within the provisions and  
4 purposes of this part with the authority. The authority is  
5 expressly authorized to make and enter into contracts, leases,  
6 conveyances, and other agreements, to the extent consistent  
7 with chapters 334, 335, 338, and 339, ~~and 340~~ and other  
8 provisions of the laws of this state and with 23 U.S.C. ss.  
9 101 et seq., with any political subdivision, agency, or  
10 instrumentality of this state and any and all federal  
11 agencies, corporations, and individuals, for the purpose of  
12 carrying out the provisions of this part.

13 Section 53. Section 348.948, Florida Statutes, is  
14 amended to read:

15 348.948 Cooperation with other units, boards,  
16 agencies, and individuals.--Express authority and power is  
17 given and granted to any county, municipality, drainage  
18 district, road and bridge district, school district, or other  
19 political subdivision, board, commission, or individual in or  
20 of this state to make and enter into contracts, leases,  
21 conveyances, or other agreements within the provisions and  
22 purposes of this part with the authority. The authority is  
23 expressly authorized to make and enter into contracts, leases,  
24 conveyances, and other agreements, to the extent consistent  
25 with chapters 334, 335, 338, and 339, ~~and 340~~ and other  
26 provisions of the laws of this state and with 23 U.S.C. ss.  
27 101 et seq., with any political subdivision, agency, or  
28 instrumentality of this state and any and all federal  
29 agencies, corporations, and individuals, for the purpose of  
30 carrying out the provisions of this part.

31

1           Section 54. Subsection (3) of section 349.05, Florida  
2 Statutes, is amended to read:

3           349.05 Bonds of the authority.--

4           (3) The authority may employ fiscal agents as provided  
5 by this chapter or the State Board of Administration may, upon  
6 request by the authority, act as fiscal agent for the  
7 authority in the issuance of any bonds that may be issued  
8 pursuant to this chapter part, and the State Board of  
9 Administration may, upon request by the authority, take over  
10 the management, control, administration, custody, and payment  
11 of any or all debt services or funds or assets now or  
12 hereafter available for any bonds issued pursuant to this  
13 chapter part. The authority may enter into deeds of trust,  
14 indentures, or other agreements with its fiscal agent, or with  
15 any bank or trust company within or without the state, as  
16 security for such bonds, and may, under such agreements,  
17 assign and pledge all or any of the revenues, rates, fees,  
18 rentals, or other charges or receipts of the authority,  
19 including all or any portion of the Duval County gasoline tax  
20 funds received by the authority pursuant to the terms of any  
21 lease-purchase agreement between the authority and the  
22 department, thereunder. Such deed of trust, indenture, or  
23 other agreement, may contain such provisions as is customary  
24 in such instruments or, as the authority may authorize,  
25 including, but without limitation, provisions as to:

26           (a) The completion, improvement, operation, extension,  
27 maintenance, repair, and lease of, or lease-purchase agreement  
28 relating to, the Jacksonville Expressway System, and the  
29 duties of the authority and others, including the department,  
30 with reference thereto;

31



1 (b) The application of funds and the safeguarding of  
2 funds on hand or on deposit;

3 (c) The rights and remedies of the trustee and the  
4 holders of the bonds; and

5 (d) The terms and provisions of the bonds or the  
6 resolutions authorizing the issuance of the same.

7 Section 55. Section 349.21, Florida Statutes, is  
8 amended to read:

9 349.21 Powers conferred by part VII ~~VI~~, chapter 163,  
10 and by s. 212.055(1).--Notwithstanding any other provision of  
11 law, any transportation authority created by this chapter  
12 shall have all the powers conferred by part VII ~~VI~~ of chapter  
13 163 and by s. 212.055(1). The revenues provided by this  
14 section shall be used to pay principal and interest on bonds  
15 for which tolls have been pledged. The powers provided by  
16 this section shall expire when all such bonds in existence on  
17 the effective date of this act have been retired.

18 Section 56. Section 378.411, Florida Statutes, is  
19 amended to read:

20 378.411 Certification to receive notices of intent to  
21 mine, to review and to inspect for compliance.--

22 (1) By petition to the secretary, a local government  
23 ~~or the Department of Transportation~~ may request certification  
24 to receive notices of intent to mine, to review, and to  
25 conduct compliance inspections.

26 (2) In deciding whether to grant certification to a  
27 local government, the secretary shall determine whether the  
28 following criteria are being met:

29 (a) The petitioning local government has adopted and  
30 effectively implemented a local government comprehensive plan.

31

1           (b) The local government has adequate review  
2 procedures and the financial and staffing resources necessary  
3 to assume responsibility for adequate review and inspection.

4           (c) The local government has a record of effectively  
5 reviewing, inspecting, and enforcing compliance with local  
6 ordinances and state laws.

7           ~~(3) In deciding whether to grant certification to the~~  
8 ~~Department of Transportation, the secretary shall request all~~  
9 ~~information necessary to determine the capability of the~~  
10 ~~Department of Transportation to meet the requirements of this~~  
11 ~~part.~~

12           (3)~~(4)~~ In making his or her determination, the  
13 secretary shall consult with the Department of Community  
14 Affairs, the appropriate regional planning council, and the  
15 appropriate water management district.

16           (4)~~(5)~~ The secretary shall evaluate the performance of  
17 a local government ~~or the Department of Transportation~~ on a  
18 regular basis to ensure compliance with this section. All or  
19 part of the certification may be rescinded if the secretary  
20 determines that the certification is not being carried out  
21 pursuant to the requirements of this part.

22           (5)~~(6)~~ The department shall establish the  
23 certification procedure by rule.

24           Section 57. Paragraph (b) of subsection (1) of section  
25 427.012, Florida Statutes, is amended to read:

26           427.012 The Commission for the Transportation  
27 Disadvantaged.--There is created the Commission for the  
28 Transportation Disadvantaged in the Department of  
29 Transportation.

30           (1) The commission shall consist of the following  
31 members:

1 (b) The secretary of the Department of Children and  
2 Family Health and Rehabilitative Services or the secretary's  
3 designee.

4 Section 58. Subsection (16) of section 427.013,  
5 Florida Statutes, is amended to read:

6 427.013 The Commission for the Transportation  
7 Disadvantaged; purpose and responsibilities.--The purpose of  
8 the commission is to accomplish the coordination of  
9 transportation services provided to the transportation  
10 disadvantaged. The goal of this coordination shall be to  
11 assure the cost-effective provision of transportation by  
12 qualified community transportation coordinators or  
13 transportation operators for the transportation disadvantaged  
14 without any bias or presumption in favor of multioperator  
15 systems or not-for-profit transportation operators over single  
16 operator systems or for-profit transportation operators. In  
17 carrying out this purpose, the commission shall:

18 (16) Review and approve memorandums of agreement for  
19 the provision ~~provisions~~ of coordinated transportation  
20 services.

21 Section 59. Subsection (23) of section 479.01, Florida  
22 Statutes, is amended, and subsection (24) of said section is  
23 reenacted, to read:

24 479.01 Definitions.--As used in this chapter, the  
25 term:

26 (23) "Unzoned commercial or industrial area" means an  
27 area within 660 feet of the nearest edge of the right-of-way  
28 of the interstate or federal-aid primary system where the land  
29 use is not covered by a future land use map or zoning  
30 regulation pursuant to subsection (3) ~~(2)~~, in which there are  
31 located three or more separate and distinct industrial or

1 commercial uses located within a 1,600-foot radius of each  
2 other and generally recognized as commercial or industrial by  
3 zoning authorities in this state. Certain activities,  
4 including, but not limited to, the following, may not be so  
5 recognized:

6 (a) Signs.

7 (b) Agricultural, forestry, ranching, grazing,  
8 farming, and related activities, including, but not limited  
9 to, wayside fresh produce stands.

10 (c) Transient or temporary activities.

11 (d) Activities not visible from the main-traveled way.

12 (e) Activities conducted more than 660 feet from the  
13 nearest edge of the right-of-way.

14 (f) Activities conducted in a building principally  
15 used as a residence.

16 (g) Railroad tracks and minor sidings.

17 (24) "Urban area" has the same meaning as defined in  
18 s. 334.03(32).

19 Section 60. Section 951.05, Florida Statutes, is  
20 amended to read:

21 951.05 Working county prisoners on roads and bridges  
22 or other public works of the county; hiring out to another  
23 county.--The board of county commissioners of the several  
24 counties may require all county prisoners under sentence  
25 confined in the jail of their respective counties for any  
26 offense to labor upon the public roads, bridges, farms, or  
27 other public works owned and operated by the county, or on  
28 other projects for which the governing body of the county  
29 could otherwise lawfully expend public funds and which it  
30 determines to be necessary for the health, safety, and welfare  
31 of the county, or in the event the county commissioners of any

1 county deem it to the best interest of their county, they may  
2 hire out their prisoners to any other county in the state to  
3 be worked upon the public roads, bridges, or other public  
4 works of that county, or on other projects for which the  
5 governing body of that county could otherwise lawfully expend  
6 public funds and which it determines to be necessary for the  
7 health, safety, and welfare of that county, or they may, upon  
8 such terms as may be agreed upon between themselves and ~~the~~  
9 ~~Division of Road Operations of~~ the Department of  
10 Transportation, lease or let said prisoners to the department  
11 ~~division~~ instead of keeping them in the county jail where they  
12 are sentenced. The money derived from the hire of such  
13 prisoners shall be paid to the county hiring out such  
14 prisoners and placed to the credit of the fine and forfeiture  
15 fund of the county.

16 Section 61. This act shall take effect July 1 of the  
17 year in which enacted.

18  
19 \*\*\*\*\*

20 HOUSE SUMMARY

21 Revises provisions of law relating to the Department of  
22 Transportation to correct cross references, delete  
23 obsolete language, repeal obsolete provisions, and  
24 reenact certain other provisions to technically update  
25 statute text. See bill for details.  
26  
27  
28  
29  
30  
31