

By Representative K. Smith

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 20.23, F.S.; providing reference to seaport
4 programs; providing for an organizational unit
5 to administer said programs; deleting reference
6 to the Office of Construction and including
7 reference to the Office of Highway Operations
8 within the Department of Transportation;
9 amending s. 206.46, F.S.; increasing a
10 percentage amount of revenues in the State
11 Transportation Trust Fund to be transferred to
12 the Right-of-Way Acquisition and Bridge
13 Construction Trust Fund annually; increasing
14 the dollar amount which may be so transferred;
15 creating s. 215.615, F.S.; providing for state
16 bonds for federal-aid highways construction;
17 creating s. 215.616, F.S.; providing for the
18 issuance of certain revenue bonds for
19 fixed-guideway transportation systems; creating
20 s. 316.0815, F.S.; providing for a duty to
21 yield for public transit vehicles; amending s.
22 316.302, F.S.; revising obsolete dates and
23 statutory references with respect to commercial
24 motor vehicles; amending s. 316.3025, F.S.;
25 correcting a cross reference; amending s.
26 316.555, F.S.; providing for an exemption from
27 locally imposed weight limits under certain
28 circumstances; amending s. 320.0715, F.S.;
29 providing an exemption from the International
30 Registration Plan; amending s. 334.035, F.S.;
31 revising language with respect to the purpose

1 of the Florida Transportation Code; amending s.
2 334.0445, F.S.; continuing the operation of the
3 model career service classification and
4 compensation plan within the Department of
5 Transportation for a certain time period;
6 creating s. 334.071, F.S.; providing for the
7 legislative designation of transportation
8 facilities; amending s. 334.351, F.S.; deleting
9 language with respect to the total amount of
10 youth work experience program contracts;
11 amending s. 335.0415, F.S.; revising a date
12 with respect to public road jurisdiction;
13 amending s. 335.093, F.S.; authorizing the
14 department to designate public roads as scenic
15 highways; amending s. 337.11, F.S.; providing
16 for contracts without advertising and
17 competitive bids; amending s. 337.16, F.S.;
18 revising language with respect to contractors
19 who are delinquent with respect to contracts
20 with the department; amending s. 337.162, F.S.;
21 revising language with respect to professional
22 services; amending s. 337.18, F.S.; revising
23 language with respect to certain surety bonds;
24 providing for bonds payable to the department
25 rather than to the Governor; amending s.
26 337.185, F.S.; increasing claim limits with
27 respect to certain contractual claims governed
28 by the State Arbitration Board; revising
29 language with respect to hearings on certain
30 disputes; increasing certain fees; amending s.
31 337.19, F.S.; revising language with respect to

1 suits at law and in equity brought by or
2 against the department with respect to breach
3 of an express provision or an implied covenant
4 of a written agreement or a written directive
5 issued by the department pursuant to the
6 written agreement; providing for rights,
7 obligations, remedies, and defenses;
8 prohibiting liability under certain
9 circumstances; providing exceptions with
10 respect to liability; providing for
11 applicability; amending s. 337.25, F.S.;
12 authorizing the department to purchase, lease,
13 exchange, or otherwise acquire property
14 interests; amending s. 337.403, F.S.;
15 authorizing the department to participate in
16 the cost of certain clearing and grubbing with
17 respect to utility improvement relocation;
18 amending s. 338.223, F.S.; revising language
19 with respect to proposed turnpike projects to
20 provide that certain requirements do not apply
21 to hardship and protective purchases by the
22 department of advance right-of-way; providing
23 definitions; amending s. 338.229, F.S.;
24 providing additional rights of the department
25 with respect to certain bondholders; amending
26 s. 339.155, F.S.; revising language with
27 respect to transportation planning; amending s.
28 339.175, F.S.; revising language with respect
29 to metropolitan planning organizations;
30 amending s. 341.041, F.S.; directing the
31 department to create and maintain a common

1 self-retention insurance fund to support public
2 transit projects throughout the state; amending
3 s. 341.302, F.S.; revising language with
4 respect to the responsibilities of the
5 department concerning the rail program;
6 amending s. 373.4137, F.S.; revising language
7 with respect to mitigation requirements;
8 amending s. 479.01, F.S.; revising definitions;
9 amending s. 479.07, F.S.; revising language
10 with respect to sign permits; amending s.
11 479.16, F.S.; revising language with respect to
12 signs for which permits are not required;
13 repealing ss. 341.3201-341.386, F.S.;
14 eliminating the Florida High-Speed Rail
15 Transportation Act; providing an effective
16 date.

17

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

19

20 Section 1. Paragraph (b) of subsection (2) and
21 paragraphs (a), (d), and (m) of subsection (3) of section
22 20.23, Florida Statutes, 1998 Supplement, are amended to read:

23 20.23 Department of Transportation.--There is created
24 a Department of Transportation which shall be a decentralized
25 agency.

26 (2)

27 (b) The commission shall have the primary functions
28 to:

29 1. Recommend major transportation policies for the
30 Governor's approval, and assure that approved policies and any
31 revisions thereto are properly executed.

1 2. Periodically review the status of the state
2 transportation system including highway, transit, rail,
3 seaport, intermodal development, and aviation components of
4 the system and recommend improvements therein to the Governor
5 and the Legislature.

6 3. Perform an in-depth evaluation of the annual
7 department budget request, the Florida Transportation Plan,
8 and the tentative work program for compliance with all
9 applicable laws and established departmental policies. Except
10 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
11 the commission may not consider individual construction
12 projects, but shall consider methods of accomplishing the
13 goals of the department in the most effective, efficient, and
14 businesslike manner.

15 4. Monitor the financial status of the department on a
16 regular basis to assure that the department is managing
17 revenue and bond proceeds responsibly and in accordance with
18 law and established policy.

19 5. Monitor on at least a quarterly basis, the
20 efficiency, productivity, and management of the department,
21 using performance and production standards developed by the
22 commission pursuant to s. 334.045.

23 6. Perform an in-depth evaluation of the factors
24 causing disruption of project schedules in the adopted work
25 program and recommend to the Legislature and the Governor
26 methods to eliminate or reduce the disruptive effects of these
27 factors.

28 (3)(a) The central office shall establish departmental
29 policies, rules, procedures, and standards and shall monitor
30 the implementation of such policies, rules, procedures, and
31 standards in order to ensure uniform compliance and quality

1 performance by the districts and central office units that
2 implement transportation programs. The central office
3 monitoring function shall be based on a plan that clearly
4 specifies what areas will be monitored, activities and
5 criteria used to measure compliance, and a feedback process
6 that assures monitoring findings are reported and deficiencies
7 corrected. The secretary is responsible for ensuring that a
8 ~~the~~ central office monitoring function is implemented by
9 ~~October 1, 1990~~, and that it functions properly ~~thereafter~~.
10 In conjunction with its monitoring function, the central
11 office shall provide such training and administrative support
12 to the districts as the department determines to be necessary
13 to ensure that the department's programs are carried out in
14 the most efficient and effective manner.

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

12 (m) The secretary shall appoint a state public
13 transportation administrator who shall report to the Assistant
14 Secretary for Transportation Policy. The state public
15 transportation administrator's responsibilities shall include,
16 but are not limited to, the administration of statewide
17 transit, rail, seaport, intermodal development, and aviation
18 programs. This position shall be classified at a level equal
19 to a deputy assistant secretary. The department shall also
20 assign to the public transportation administrator an
21 organizational unit the primary function of which is to
22 administer the seaport ~~high-speed rail~~ program.

23 Section 2. Subsections (2) and (3) of section 206.46,
24 Florida Statutes, are amended to read:

25 206.46 State Transportation Trust Fund.--

26 (2) Notwithstanding any other provisions of law, from
27 the revenues deposited into the State Transportation Trust
28 Fund a maximum of 7 ~~6~~ percent in each fiscal year shall be
29 transferred into the Right-of-Way Acquisition and Bridge
30 Construction Trust Fund created in s. 215.605, as needed to
31 meet the requirements of the documents authorizing the bonds

1 issued or proposed to be issued under ss. 215.605 and 337.276
2 or at a minimum amount sufficient to pay for the debt service
3 coverage requirements of outstanding bonds. Notwithstanding
4 the 7 ~~6~~ percent annual transfer authorized in this subsection,
5 the annual amount transferred under this subsection shall not
6 exceed an amount necessary to provide the required debt
7 service coverage levels for a maximum debt service of not to
8 exceed \$135~~\$115~~ million. Such transfer shall be payable
9 primarily from the motor and diesel fuel taxes transferred to
10 the State Transportation Trust Fund from the Fuel Tax
11 Collection Trust Fund.

12 (3) Through fiscal year 1999-2000, a minimum of 14.3
13 percent of all state revenues deposited into the State
14 Transportation Trust Fund shall be committed annually by the
15 department for public transportation projects in accordance
16 with chapter 311, ss. 332.003-332.007, ~~and~~ chapter 341, and
17 chapter 343. Beginning in fiscal year 2000-2001, and each year
18 thereafter, a minimum of 15 percent of all state revenues
19 deposited into the State Transportation Trust Fund shall be
20 committed annually by the department for public transportation
21 projects in accordance with chapter 311, ss. 332.002-332.007,
22 ~~and~~ chapter 341, and chapter 343.

23 Section 3. Section 215.615, Florida Statutes, is
24 created to read:

25 215.615 State bonds for federal-aid highways
26 construction.--

27 (1) Upon the request of the Department of
28 Transportation, the Division of Bond Finance is authorized
29 pursuant to s. 11, Art. VII of the State Constitution and the
30 State Bond Act to issue revenue bonds, for and on behalf of
31 the Department of Transportation, for the purpose of financing

1 or refinancing the construction, reconstruction, and
2 improvement of projects that are eligible to receive
3 federal-aid highway funds.

4 (2) Any bonds issued pursuant to this section shall be
5 payable primarily from a prior and superior claim on all
6 federal highway aid reimbursements received each year with
7 respect to federal-aid projects undertaken in accordance with
8 the provisions of Title 23 of the United States Code.

9 (3) The term of the bonds shall not exceed a term of
10 12 years. Prior to the issuance of bonds, the Department of
11 Transportation shall determine that annual debt service on all
12 bonds issued pursuant to this section does not exceed 10
13 percent of annual apportionments to the department for federal
14 highway aid in accordance with the provisions of Title 23 of
15 the United States Code.

16 (4) The bonds issued under this section shall not
17 constitute a debt or general obligation of the state or a
18 pledge of the full faith and credit or taxing power of the
19 state. The bonds shall be secured by and are payable from the
20 revenues pledged in accordance with this section and the
21 resolution authorizing their issuance.

22 (5) The state does hereby covenant with the holders of
23 bonds issued under this section that it will not repeal,
24 impair, or amend this section in any manner which will
25 materially and adversely affect the rights of bondholders so
26 long as the bonds authorized by this section are outstanding
27 unless adequate provision has been made for the payment of
28 such bonds pursuant to the documents authorizing the issuance
29 of such bonds.

30 (6) Any complaint for such validation of bonds issued
31 pursuant to this section shall be filed in the circuit court

1 of the county where the seat of state government is situated,
2 the notice required to be published by s. 75.06 shall be
3 published only in the county where the complaint is filed, and
4 the complaint and order of the circuit court shall be served
5 only on the state attorney of the circuit in which the action
6 is pending.

7 Section 4. Section 215.616, Florida Statutes, is
8 created to read:

9 215.616 Issuance of revenue bonds authorized.--

10 (1) The issuance of revenue bonds by the Division of
11 Bond Finance, on behalf of the Department of Transportation,
12 pursuant to s. 11, Art. VII of the State Constitution is
13 hereby authorized, pursuant to the State Bond Act, to finance
14 or refinance fixed capital expenditures for fixed-guideway
15 transportation systems, as defined in s. 341.031, including
16 facilities appurtenant thereto, costs of issuance, and other
17 amounts relating to such financing or refinancing. Such
18 revenue bonds shall be matched on a 50-50 basis with funds
19 from sources other than revenues of the Department of
20 Transportation, in a manner acceptable to the Department of
21 Transportation.

22 (a) The Department of Transportation and any
23 participating commuter rail authority or regional
24 transportation authority established pursuant to chapter 343,
25 local governments, or local governments collectively by
26 interlocal agreement having jurisdiction of a fixed-guideway
27 transportation system may enter into an interlocal agreement
28 to promote the efficient and cost-effective financing or
29 refinancing of fixed-guideway transportation system projects
30 by revenue bonds issued pursuant to this subsection. The terms
31 of such interlocal agreements shall include provisions for the

1 Department of Transportation to request the issuance of the
2 bonds on behalf of the parties; provide that each party to the
3 agreement shall be contractually liable for an equal share of
4 funding an amount equal to the debt service requirements of
5 such bonds; and include any other terms, provisions, or
6 covenants necessary to the making of and full performance
7 under such interlocal agreement. Repayments made to the
8 Department of Transportation under any interlocal agreement
9 are not pledged to the repayment of bonds issued hereunder and
10 failure of the local governmental authority to make such
11 payment shall not affect the obligation of the Department of
12 Transportation to pay debt service on the bonds.

13 (b) Revenue bonds issued pursuant to this subsection
14 shall not constitute a general obligation of the state or a
15 pledge of the full faith and credit of the state. Bonds issued
16 pursuant to this section shall be payable from funds available
17 pursuant to s. 206.46(3), subject to annual appropriation. The
18 amount of revenues available for debt service shall never
19 exceed a maximum of 2 percent of all state revenues deposited
20 into the State Transportation Trust Fund.

21 (c) The projects to be financed or refinanced with the
22 proceeds of the revenue bonds issued hereunder are designated
23 as state fixed capital outlay projects for purposes of s.
24 11(d), Art. VII of the State Constitution and the specific
25 projects to be financed or refinanced shall be determined by
26 the Department of Transportation in accordance with state law
27 and appropriations from the State Transportation Trust Fund.
28 Each project to be financed with the proceeds of the bonds
29 issued pursuant to this subsection shall first be approved by
30 the Legislature by an act of general law.

31

1 (d) Any complaint for validation of bonds issued
2 pursuant to this section shall be filed in the circuit court
3 of the county where the seat of state government is situated,
4 the notice required to be published by s. 75.06 shall be
5 published only in the county where the complaint is filed, and
6 the complaint and order of the circuit court shall be served
7 only on the state attorney of the circuit in which the action
8 is pending.

9 (e) The state does hereby covenant with holders of
10 such revenue bonds or other instruments of indebtedness issued
11 hereunder that it will not repeal or impair or amend these
12 provisions in any manner which will materially adversely
13 affect the rights of such holders so long as bonds authorized
14 by this paragraph are outstanding unless adequate provision
15 has been made for the payment of such bonds pursuant to the
16 documents authorizing the issuance of such bonds.

17 (f) This subsection supersedes any inconsistent
18 provisions in existing law.

19
20 Notwithstanding anything in this subsection, the lien of
21 revenue bonds issued pursuant to this subsection on moneys
22 deposited into the State Transportation Trust Fund shall be
23 junior and subordinate to the lien on such moneys of bonds
24 issued pursuant to ss. 215.605, 215.615, and 320.20, and any
25 pledge of such moneys to pay operating and maintenance
26 expenses pursuant to s. 206.46(5) and chapter 348, all as are
27 in existence or as may be amended.

28 (2) To be eligible for participation, fixed-guideway
29 transportation system projects must comply with the major
30 capital investment policy guidelines and criteria established
31 by the Department of Transportation pursuant to chapter 341,

1 must be found to be consistent, to the maximum extent
2 feasible, with approved local government comprehensive plans
3 of the local governments in which such projects are located,
4 and must be included in the work program of the Department of
5 Transportation pursuant to the provisions of s. 339.135. The
6 Department of Transportation shall certify that the expected
7 useful life of the transportation improvements will equal or
8 exceed the maturity date of the debt to be issued.

9 Section 5. Section 316.0815, Florida Statutes, is
10 created to read:

11 316.0815 Duty to yield to public transit vehicles.--

12 (1) The driver of a vehicle shall yield the
13 right-of-way to a publicly owned transit bus traveling in the
14 same direction which has signaled and is reentering the
15 traffic flow.

16 (2) This section does not relieve the driver of a
17 public transit vehicle from the duty to drive with due regard
18 for the safety of all persons using the roadway.

19 Section 6. Paragraph (b) of subsection (1) and
20 paragraphs (e) and (f) of subsection (2) of section 316.302,
21 Florida Statutes, 1998 Supplement, are amended to read:

22 316.302 Commercial motor vehicles; safety regulations;
23 transporters and shippers of hazardous materials;
24 enforcement.--

25 (1)

26 (b) Except as otherwise provided in this section, all
27 owners or drivers of commercial motor vehicles that are
28 engaged in intrastate commerce are subject to the rules and
29 regulations contained in 49 C.F.R. parts 382, 385, and
30 390-397, with the exception of 49 C.F.R. s. 390.5 as it
31

1 relates to the definition of bus, as such rules and
2 regulations existed on March 1, 1999 ~~1997~~.

3 (2)

4 (e) A person who operates a commercial motor vehicle
5 solely in intrastate commerce is exempt from subsection (1)
6 while transporting agricultural products, including
7 horticultural or forestry products, from farm or harvest place
8 to the first place of processing or storage, or from farm or
9 harvest place directly to market. However, such person must
10 comply with 49 C.F.R. ~~part 391, subpart H and parts 382, 392,~~
11 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and s-396.9.

12 (f) A person who operates a commercial motor vehicle
13 having a declared gross vehicle weight of less than 26,000
14 pounds solely in intrastate commerce and who is not
15 transporting hazardous materials, or who is transporting
16 petroleum products as defined in s. 376.301(31)(~~29~~), is exempt
17 from subsection (1). However, such person must comply with 49
18 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.
19 396.3(a)(1) and s-396.9.

20 Section 7. Paragraph (c) of subsection (3) of section
21 316.3025, Florida Statutes, is amended to read:

22 316.3025 Penalties.--

23 (3)

24 (c) A civil penalty of \$250 may be assessed for:

25 1. A violation of the placarding requirements of 49
26 C.F.R. parts 171-179;

27 2. A violation of the shipping paper requirements of
28 49 C.F.R. parts 171-179;

29 3. A violation of 49 C.F.R. s. 392.10;

30 4. A violation of 49 C.F.R. s. 397.5 ~~395.5~~;

31 5. A violation of 49 C.F.R. s. 397.7;

1 6. A violation of 49 C.F.R. s. 397.13; or
2 7. A violation of 49 C.F.R. s. 397.15.
3 Section 8. Section 316.555, Florida Statutes, is
4 amended to read:
5 316.555 Weight, load, speed limits may be lowered;
6 condition precedent.--Anything in this chapter to the contrary
7 notwithstanding, the Department of Transportation with respect
8 to state roads, and local authorities with respect to highways
9 under their jurisdiction, may prescribe, by notice hereinafter
10 provided for, loads and weights and speed limits lower than
11 the limits prescribed in this chapter and other laws, whenever
12 in its or their judgment any road or part thereof or any
13 bridge or culvert shall, by reason of its design,
14 deterioration, rain, or other climatic or natural causes be
15 liable to be damaged or destroyed by motor vehicles, trailers,
16 or semitrailers, if the gross weight or speed limit thereof
17 shall exceed the limits prescribed in said notice. The
18 Department of Transportation or local authority may, by like
19 notice, regulate or prohibit, in whole or in part, the
20 operation of any specified class or size of motor vehicles,
21 trailers, or semitrailers on any highways or specified parts
22 thereof under its or their jurisdiction, whenever in its or
23 their judgment, such regulation or prohibition is necessary to
24 provide for the public safety and convenience on the highways,
25 or parts thereof, by reason of traffic density, intensive use
26 thereof by the traveling public, or other reasons of public
27 safety and convenience. The notice or the substance thereof
28 shall be posted at conspicuous places at terminals of all
29 intermediate crossroads and road junctions with the section of
30 highway to which the notice shall apply. After any such
31 notice has been posted, the operation of any motor vehicle or

1 combination contrary to its provisions shall constitute a
2 violation of this chapter. An exemption from any locally
3 imposed weight limit shall be granted by a local government to
4 vehicles transporting silvicultural and agricultural products
5 and to equipment used in connection with silvicultural and
6 agricultural site management when a county road offers the
7 only access into and out of the property. This exemption shall
8 not apply to any bridge or other structure which has weight
9 restrictions established for safety reasons. However, no
10 limitation shall be established by any county, municipal, or
11 other local authorities pursuant to the provisions of this
12 section that would interfere with or interrupt traffic as
13 authorized hereunder over state roads, including officially
14 established detours for such highways, including cases where
15 such traffic passes over roads, streets or thoroughfares
16 within the sole jurisdiction of the county, municipal or other
17 local authorities unless such limitations and further
18 restrictions have first been approved by the Department of
19 Transportation. With respect to county roads, except such as
20 are in use as state road detours, the respective county road
21 authorities shall have full power and authority to further
22 limit the weights of vehicles upon bridges and culverts upon
23 such public notice as they deem sufficient, and existing laws
24 applicable thereto shall not be affected by the terms of this
25 chapter.

26 Section 9. Subsection (5) is added to section
27 320.0715, Florida Statutes, to read:

28 320.0715 International Registration Plan; motor
29 carrier services; permits; retention of records.--

30 (5) The provisions of this section do not apply to any
31 commercial motor vehicle domiciled in a foreign state that

1 enters this state solely for the purpose of bringing a
2 commercial vehicle in for repairs, or picking up a newly
3 purchased commercial vehicle, so long as the commercial motor
4 vehicle is operated by its owner and is not hauling a load.

5 Section 10. Section 334.035, Florida Statutes, is
6 amended to read:

7 334.035 Purpose of transportation code.--The purpose
8 of the Florida Transportation Code is to establish the
9 responsibilities of the state, the counties, and the
10 municipalities in the planning and development of the
11 transportation systems serving the people of the state and to
12 assure the development of an integrated, balanced statewide
13 transportation system which enhances economic development
14 through promotion of international trade and interstate and
15 intrastate commerce. This code is necessary for the
16 protection of the public safety and general welfare and for
17 the preservation of all transportation facilities in the
18 state. The chapters in the code shall be considered
19 components of the total code, and the provisions therein,
20 unless expressly limited in scope, shall apply to all
21 chapters.

22 Section 11. Subsection (1) of section 334.0445,
23 Florida Statutes, 1998 Supplement, is amended to read:

24 334.0445 Model career service classification and
25 compensation plan.--

26 (1) Effective July 1, 1994, the Legislature grants to
27 the Department of Transportation in consultation with the
28 Department of Management Services, the Executive Office of the
29 Governor, legislative appropriations committees, legislative
30 personnel committees, and the affected certified bargaining
31 unions, the authority on a pilot basis to develop and

1 implement a model career service classification and
2 compensation system. Such system shall be developed for use by
3 all state agencies. Authorization for this program will be
4 through June 30, 2002 ~~for 3 fiscal years beginning July 1,~~
5 ~~1994, and ending June 30, 1997;~~ however, the department may
6 elect or be directed by the Legislature to return to the
7 current system at anytime during this period if the model
8 system does not meet the stated goals and objectives.

9 Section 12. Section 334.071, Florida Statutes, is
10 created to read:

11 334.071 Legislative designation of transportation
12 facilities.--

13 (1) Designation of a transportation facility contained
14 in an act of the Legislature is for honorary or memorial
15 purposes or to distinguish a particular facility, and unless
16 specifically provided for, shall not be construed to require
17 any action by a local government or private party regarding
18 the changing of any street signs, mailing address, or 911
19 emergency telephone number system listing.

20 (2) The effect of such designations shall only be
21 construed to require the placement of markers by the
22 department at the termini or intersections specified for each
23 highway segment or bridge designated, and as authority for the
24 department to place other markers as appropriate for the
25 transportation facility being designated.

26 Section 13. Section 334.351, Florida Statutes, is
27 amended to read:

28 334.351 Youth work experience program; findings and
29 intent; authority to contract; limitation.--The Legislature
30 finds and declares that young men and women of the state
31 should be given an opportunity to obtain public service work

1 and training experience that protects and conserves the
2 valuable resources of the state and promotes participation in
3 other community enhancement projects. Notwithstanding the
4 requirements of chapters 287 and 337, the Department of
5 Transportation is authorized to contract with public agencies
6 and nonprofit organizations for the performance of work
7 related to the construction and maintenance of
8 transportation-related facilities by youths enrolled in youth
9 work experience programs. ~~The total amount of contracts~~
10 ~~entered into by the department under this section in any~~
11 ~~fiscal year may not exceed the amount specifically~~
12 ~~appropriated by the Legislature for this program.~~

13 Section 14. Subsection (1) of section 335.0415,
14 Florida Statutes, is amended to read:

15 335.0415 Public road jurisdiction and transfer
16 process.--

17 (1) The jurisdiction of public roads and the
18 responsibility for operation and maintenance within the
19 right-of-way of any road within the state, county, and
20 municipal road system shall be that which existed on June 10,
21 1995 ~~exists on July 1, 1995.~~

22 Section 15. Subsection (1) of section 335.093, Florida
23 Statutes, is amended to read:

24 335.093 Scenic highway designation.--

25 (1) The Department of Transportation may, after
26 consultation with other state agencies and local governments,
27 designate public roads as scenic highways ~~on the state highway~~
28 ~~system.~~ Public roads ~~Highways~~ designated as scenic highways
29 are intended to preserve, maintain, and protect a part of
30 Florida's cultural, historical, and scenic routes ~~on the State~~
31 ~~Highway System~~ for vehicular, bicycle, and pedestrian travel.

1 Section 16. Paragraph (c) is added to subsection (6)
2 of section 337.11, Florida Statutes, to read:

3 337.11 Contracting authority of department; bids;
4 emergency repairs, supplemental agreements, and change orders;
5 combined design and construction contracts; progress payments;
6 records; requirements of vehicle registration.--

7 (6)

8 (c) When the department determines that it is in the
9 best interest of the public for reasons of public concern,
10 economy, improved operations, or safety, and only when
11 circumstances dictate rapid completion of the work, the
12 department may, up to the threshold amount provided in s.
13 287.017 for CATEGORY FOUR, enter into contracts for
14 construction and maintenance without advertising and receiving
15 competitive bids. The department may enter into such contracts
16 only upon a determination that the work is necessary for one
17 of the following reasons:

18 1. To ensure timely completion of projects or
19 avoidance of undue delay for other projects;

20 2. To accomplish minor repairs or construction and
21 maintenance activities for which time is of the essence and
22 for which significant costs savings would occur; or

23 3. To accomplish nonemergency work necessary to ensure
24 avoidance of adverse conditions that affect the safe and
25 efficient flow of traffic.

26
27 Prior to entering into any contract pursuant to this
28 paragraph, the department shall make a good faith effort to
29 obtain two or more quotes from qualified contractors, if
30 available. The department shall also consider disadvantaged
31 business enterprise participation in such contracts. When the

1 work exists within the limits of an existing department
2 contract, the department shall make a good faith effort to
3 negotiate and enter into a contract with the prime contractor
4 on the existing contract.

5 Section 17. Paragraph (a) of subsection (1) of section
6 337.16, Florida Statutes, is amended to read:

7 337.16 Disqualification of delinquent contractors from
8 bidding; determination of contractor nonresponsibility;
9 denial, suspension, and revocation of certificates of
10 qualification; grounds; hearing.--

11 (1) A contractor shall not be qualified to bid when an
12 investigation by the department discloses that such contractor
13 is delinquent on a previously awarded contract, and in such
14 case the contractor's certificate of qualification shall be
15 suspended or revoked. Any contractor whose certificate of
16 qualification is suspended or revoked for delinquency shall
17 also be disapproved as a subcontractor during the period of
18 suspension or revocation, except when a prime contractor's bid
19 has used prices of a subcontractor who becomes disqualified
20 after the bid and before the request for authorization to
21 sublet is presented.

22 (a) A contractor is delinquent ~~when unsatisfactory~~
23 ~~progress is being made on a construction project or when the~~
24 ~~allowed contract time has expired and the contract work is not~~
25 ~~complete. Unsatisfactory progress shall be determined in~~
26 ~~accordance with the contract provisions.~~

27 Section 18. Subsection (2) of section 337.162, Florida
28 Statutes, 1998 Supplement, is amended to read:

29 337.162 Professional services.--Professional services
30 provided to the department that fall below acceptable
31 professional standards may result in transportation project

1 delays, overruns, and reduced facility life. To minimize these
2 effects and ensure that quality services are received, the
3 Legislature hereby declares that licensed professionals shall
4 be held accountable for the quality of the services they
5 provide to the department.

6 (2) Any person who is employed by the department and
7 who is licensed by the Department of Business and Professional
8 Regulation and who, through the course of his or her
9 employment, has knowledge or reason to believe that any person
10 has violated the provisions of state professional licensing
11 laws or rules shall submit a complaint about the violations to
12 the Department of Business and Professional Regulation.
13 Failure to submit a complaint about the violations may be
14 grounds for disciplinary action pursuant to part I of chapter
15 455 and the state licensing law applicable to that licensee.
16 However, licensees under part II of chapter 475 are exempt
17 from the provisions of s. 455.227(1)(i).The complaint
18 submitted to the Department of Business and Professional
19 Regulation and maintained by the department is confidential
20 and exempt from s. 119.07(1).

21 Section 19. Subsections (1) and (2) of section 337.18,
22 Florida Statutes, 1998 Supplement, are amended to read:

23 337.18 Surety bonds; requirement with respect to
24 contract award; defaults; damage assessments.--

25 (1) A surety bond shall be required of the successful
26 bidder in an amount equal to the awarded contract price. For a
27 project for which the contract price is \$150,000 or less, the
28 department may waive the requirement for all or a portion of a
29 surety bond if it determines the project is of a noncritical
30 nature and nonperformance will not endanger public health,
31 safety, or property. The department may require alternate

1 means of security if a surety bond is waived. The surety on
2 such bond shall be a surety company authorized to do business
3 in the state. All bonds shall be payable to the department
4 ~~Governor and his or her successors in office~~ and conditioned
5 for the prompt, faithful, and efficient performance of the
6 contract according to plans and specifications and within the
7 time period specified, and for the prompt payment of all
8 persons furnishing labor, material, equipment, and supplies
9 therefor; however, whenever an improvement, demolition, or
10 removal contract price is \$25,000 or less, the security may,
11 in the discretion of the bidder, be in the form of a cashier's
12 check, bank money order of any state or national bank,
13 certified check, or postal money order.

14 (2) The department shall provide in its contracts for
15 the determination of default on the part of any contractor for
16 cause attributable to such contractor. The department shall
17 have no liability for anticipated profits for unfinished work
18 on a contract which has been determined to be in default.
19 Every contract let by the department for the performance of
20 work shall contain a provision for payment to the department
21 by the contractor of liquidated damages due to failure of the
22 contractor to complete the contract work within the time
23 stipulated in the contract or within such additional time as
24 may have been granted by the department. The contractual
25 provision shall include a reasonable estimate of the damages
26 that would be incurred by the department as a result of such
27 failure. The department shall establish a schedule of daily
28 liquidated damage, based on original contract amounts, charges
29 for construction contracts entered into by the department,
30 which schedule shall be incorporated by reference into the
31 contract. The department shall update the schedule of

1 liquidated damages at least once every 2 years, but no more
2 often than once a year. The schedule shall, at a minimum, be
3 based on the average construction, engineering, and inspection
4 costs experienced by the department on contracts over the 2
5 preceding fiscal years. The schedule shall also include
6 anticipated costs of project-related delays and inconveniences
7 to the department and traveling public. Anticipated costs may
8 include, but are not limited to, road user costs, a portion of
9 the projected revenues that will be lost due to failure to
10 timely open a project to revenue-producing traffic, costs
11 resulting from retaining detours for an extended time, and
12 other similar costs. ~~The schedule shall be divided into the~~
13 ~~following categories, based on the original contract amounts:~~

- 14 ~~(a) \$50,000 and under;~~
15 ~~(b) Over \$50,000 but less than \$250,000;~~
16 ~~(c) \$250,000 or more but less than \$500,000;~~
17 ~~(d) \$500,000 or more but less than \$2.5 million;~~
18 ~~(e) \$2.5 million or more but less than \$5 million;~~
19 ~~(f) \$5 million or more but less than \$10 million;~~
20 ~~(g) \$10 million or more but less than \$15 million;~~
21 ~~(h) \$15 million or more but less than \$20 million; and~~
22 ~~(i) \$20 million and over.~~

23
24 Any such liquidated damages paid to the department shall be
25 deposited to the credit of the fund from which payment for the
26 work contracted was authorized.

27 Section 20. Subsections (1), (2), (3), (7), and (8) of
28 section 337.185, Florida Statutes, are amended to read:

29 337.185 State Arbitration Board.--

30 (1) To facilitate the prompt settlement of claims for
31 additional compensation arising out of construction contracts

1 between the department and the various contractors with whom
2 it transacts business, the Legislature does hereby establish
3 the State Arbitration Board, referred to in this section as
4 the "board." For the purpose of this section, "claim" shall
5 mean the aggregate of all outstanding claims by a party
6 arising out of a construction contract. Every contractual
7 claim in an amount up to \$250,000~~\$100,000~~ per contract or, at
8 the claimant's option, up to \$500,000~~\$250,000~~ per contract
9 or, upon agreement of the parties, up to \$1,000,000 per
10 contract that cannot be resolved by negotiation between the
11 department and the contractor shall be arbitrated by the board
12 after acceptance of the project by the department. As an
13 exception, either party to the dispute may request that the
14 claim be submitted to binding private arbitration. A court of
15 law may not consider the settlement of such a claim until the
16 process established by this section has been exhausted.

17 (2) The board shall be composed of three members. One
18 member shall be appointed by the head of the department, and
19 one member shall be elected by those construction companies
20 who are under contract with the department. The third member
21 shall be chosen by agreement of the other two members.
22 Whenever the third member has a conflict of interest regarding
23 affiliation with one of the parties, the other two members
24 shall select an alternate member for that hearing. The head of
25 the department may select an alternative or substitute to
26 serve as the department member for any hearing or term. Each
27 member shall serve a 2-year term. The board shall elect a
28 chair, each term, who shall be the administrator of the board
29 and custodian of its records.

30 (3) A hearing may be requested by the department or by
31 a contractor who has a dispute with the department which,

1 under the rules of the board, may be the subject of
2 arbitration. The board shall conduct the hearing within 45
3 days of the request. The party requesting the board's
4 consideration shall give notice of the hearing to each member.
5 If the board finds that a third party is necessary to resolve
6 the dispute, the board may vote to dismiss the claim, which
7 may thereafter be pursued in accordance with the laws of the
8 State of Florida ~~a court of law.~~

9 (7) The members ~~member~~ of the board ~~elected by~~
10 ~~construction companies and the third member of the board~~ may
11 receive compensation for the performance of their duties
12 hereunder, from administrative fees received by the board,
13 except that no employee of the department may receive
14 compensation from the board. The compensation amount shall be
15 determined by the board, but shall not exceed \$125 per hour,
16 up to a maximum of \$1,000~~\$750~~ per day for each member
17 authorized to receive compensation. Nothing in this section
18 shall prevent the member elected by construction companies
19 from being an employee of an association affiliated with the
20 industry, even if the sole responsibility of that member is
21 service on the board. Travel expenses for the industry member
22 may be paid by an industry association, if necessary. The
23 board may allocate funds annually for clerical and other
24 administrative services.

25 (8) The party requesting arbitration shall pay a fee
26 to the board in accordance with a schedule established by it,
27 not to exceed \$500 per claim which is \$25,000 or less, not to
28 exceed \$1,000 per claim which is in excess of \$25,000 but not
29 exceeding \$50,000, not to exceed \$1,500 per claim which is in
30 excess of \$50,000 but not exceeding \$100,000, not to exceed
31 \$2,000 per claim which is in excess of \$100,000 but not

1 exceeding \$200,000, ~~and~~ not to exceed ~~\$3,000~~\$2,500 per claim
2 which is in excess of \$200,000 but not exceeding \$300,000
3 ~~\$250,000~~, not to exceed \$4,000 per claim which is in excess of
4 \$300,000 but not exceeding \$400,000, and not to exceed \$5,000
5 per claim which is in excess of \$400,000, to cover the cost of
6 administration and compensation of the board.

7 Section 21. (1) Subsection (1) of section 337.19,
8 Florida Statutes, is amended to read:

9 337.19 Suits by and against department; limitation of
10 actions; forum.--

11 (1) Suits at law and in equity may be brought and
12 maintained by and against the department on any contract claim
13 arising from breach of an express provision or an implied
14 covenant of a written agreement or a written directive issued
15 by the department pursuant to the written agreement. In any
16 such suit, the department and the contractor shall have all of
17 the same rights, obligations, remedies, and defenses as a
18 private person under a like contract, except that no liability
19 may be based on an oral modification of either the written
20 contract or written directive. This section shall not be
21 construed to in any way prohibit the department from limiting
22 its liability or damages through provisions in its contracts.
23 Notwithstanding anything to the contrary contained in this
24 section, no employee or agent of the department may be held
25 personally liable to an extent greater than that pursuant to
26 s. 768.28, under contract for work done, provided, that no
27 suit sounding in tort shall be maintained against the
28 department.

29 (2) Suits by and against the department under this
30 section shall be commenced within 820 days of the final
31

1 acceptance of the work. This section shall apply to all
2 contracts entered into after June 30, 1993.

3 (3) Any action or suit brought against the department
4 shall be brought in the county or counties where the cause of
5 action accrued, or in the county of the department's district
6 headquarters responsible for the work, or in Leon County.

7 (2) The amendment to subsection (1) of section 337.19,
8 Florida Statutes, as set forth in this section shall apply to
9 contracts entered into on or after July 1, 1999.

10 Section 22. Paragraph (a) of subsection (1) and
11 paragraph (i) of subsection (4) of section 337.25, Florida
12 Statutes, are amended to read:

13 337.25 Acquisition, lease, and disposal of real and
14 personal property.--

15 (1)(a) The department may purchase, lease, exchange,
16 or otherwise acquire any land, property interests, or
17 buildings or other improvements, including personal property
18 within such buildings or on such lands, necessary to secure or
19 utilize transportation rights-of-way for existing, proposed,
20 or anticipated transportation facilities on the State Highway
21 System, on the State Park Road System, in a rail corridor, or
22 in a transportation corridor designated by the department.
23 Such property shall be held in the name of the state.

24 (4) The department may sell, in the name of the state,
25 any land, building, or other property, real or personal, which
26 was acquired under the provisions of subsection (1) and which
27 the department has determined is not needed for the
28 construction, operation, and maintenance of a transportation
29 facility. With the exception of any parcel governed by
30 paragraph (c), paragraph (d), paragraph (f), paragraph (g), or
31 paragraph (i), the department shall afford first right of

1 refusal to the local government in the jurisdiction of which
2 the parcel is situated. When such a determination has been
3 made, property may be disposed of in the following manner:
4 (i) If property was originally acquired specifically
5 to provide replacement housing for persons displaced by
6 ~~federally assisted~~ transportation projects, the department may
7 negotiate for the sale of such property as replacement
8 housing. As compensation, the state shall receive no less than
9 its investment in such properties or fair market value,
10 whichever is lower. It is expressly intended that this benefit
11 be extended only to those persons actually displaced by such
12 project. Dispositions to any other persons must be for fair
13 market value.

14 Section 23. Subsection (1) of section 337.403, Florida
15 Statutes, is amended to read:

16 337.403 Relocation of utility; expenses.--

17 (1) Any utility heretofore or hereafter placed upon,
18 under, over, or along any public road or publicly owned rail
19 corridor that is found by the authority to be unreasonably
20 interfering in any way with the convenient, safe, or
21 continuous use, or the maintenance, improvement, extension, or
22 expansion, of such public road or publicly owned rail corridor
23 shall, upon 30 days' written notice to the utility or its
24 agent by the authority, be removed or relocated by such
25 utility at its own expense except as provided in paragraphs
26 (a), ~~and~~ (b), and (c).

27 (a) If the relocation of utility facilities, as
28 referred to in s. 111 of the Federal-Aid Highway Act of 1956,
29 Pub. L. No. 627 of the 84th Congress, is necessitated by the
30 construction of a project on the federal-aid interstate
31 system, including extensions thereof within urban areas, and

1 the cost of such project is eligible and approved for
2 reimbursement by the Federal Government to the extent of 90
3 percent or more under the Federal Aid Highway Act, or any
4 amendment thereof, then in that event the utility owning or
5 operating such facilities shall relocate such facilities upon
6 order of the department, and the state shall pay the entire
7 expense properly attributable to such relocation after
8 deducting therefrom any increase in the value of the new
9 facility and any salvage value derived from the old facility.

10 (b) When a joint agreement between the department and
11 the utility is executed for utility improvement, relocation,
12 or removal work to be accomplished as part of a contract for
13 construction of a transportation facility, the department may
14 participate in those utility improvement, relocation, or
15 removal costs that exceed the department's official estimate
16 of the cost of such work by more than 10 percent. The amount
17 of such participation shall be limited to the difference
18 between the official estimate of all the work in the joint
19 agreement plus 10 percent and the amount awarded for this work
20 in the construction contract for such work. The department may
21 not participate in any utility improvement, relocation, or
22 removal costs that occur as a result of changes or additions
23 during the course of the contract.

24 (c) When an agreement between the department and a
25 utility is executed for utility improvement, relocation, or
26 removal work to be accomplished in advance of a contract for
27 construction of a transportation facility, the department may
28 participate in the cost of clearing and grubbing necessary to
29 perform such work.

30 Section 24. Paragraph (b) of subsection (2) of section
31 338.223, Florida Statutes, is amended to read:

1 338.223 Proposed turnpike projects.--
2 (2)
3 (b) In accordance with the legislative intent
4 expressed in s. 337.273, and after the requirement of
5 paragraph (1)(c) have been met, the department may acquire
6 lands and property before making a final determination of the
7 economic feasibility of a project. The requirements of
8 paragraph (1)(c) shall not apply to hardship and protective
9 purchases of advance right-of-way by the department.The cost
10 of advance acquisition of right-of-way may be paid from bonds
11 issued under s. 337.276 or from turnpike revenues. For
12 purposes of this paragraph, the term "hardship purchase" means
13 purchase of a residential dwelling of not more than four units
14 from a property owner who is at a disadvantage due to health
15 impairment, job loss, or significant loss of rental income.
16 For purposes of this paragraph, the term "protective purchase"
17 means a purchase to limit development, building, or other
18 intensification of land uses within the area right-of-way is
19 needed for transportation facilities. The department shall
20 give written notice to the Department of Environmental
21 Protection 30 days prior to final agency acceptance as set
22 forth in s. 119.07(3)(n), which notice shall allow the
23 Department of Environmental Protection to comment. Hardship
24 and protective purchases of right-of-way shall not influence
25 the environmental feasibility of a project, including the
26 decision relative to the need to construct the project or the
27 selection of a specific location. Costs to acquire and dispose
28 of property acquired as hardship and protective purchases are
29 considered costs of doing business for the department and
30 shall not be considered in the determination of environmental
31 feasibility for the project.

1 Section 25. Section 338.229, Florida Statutes, is
2 amended to read:

3 338.229 Pledge to bondholders not to restrict certain
4 rights of department.--The state does pledge to, and agree
5 with, the holders of the bonds issued pursuant to ss.
6 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or
7 restrict the rights vested in the department to construct,
8 reconstruct, maintain, and operate any turnpike project as
9 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish
10 and collect such tolls or other charges as may be convenient
11 or necessary to produce sufficient revenues to meet the
12 expenses of maintenance and operation of the turnpike system
13 and to fulfill the terms of any agreements made with the
14 holders of bonds authorized by this act and that the state
15 will not in any way impair the rights or remedies of the
16 holders of such bonds until the bonds, together with interest
17 on the bonds, are fully paid and discharged. In implementing
18 this section, the department is specifically authorized to
19 provide for further restrictions on the sale, transfer, lease,
20 or other disposition or operation of any portion of the
21 turnpike system which reduces the revenue available for
22 payment to bondholders.

23 Section 26. Section 339.155, Florida Statutes, is
24 amended to read:

25 339.155 Transportation planning.--

26 (1) FLORIDA TRANSPORTATION PLAN.--The department shall
27 develop and annually update a statewide transportation plan,
28 to be known as the Florida Transportation Plan. The plan
29 shall be designed so as to be easily read and understood by
30 the general public.

31

1 ~~(1) PURPOSE.--~~The purpose of the Florida
2 Transportation Plan is to establish and define the state's
3 long-range transportation goals and objectives ~~of the~~
4 ~~department~~ to be accomplished over a period of at least 20
5 years within the context of the State Comprehensive Plan and
6 any other statutory mandates and authorizations. The Florida
7 Transportation Plan shall consider the needs of the entire
8 state transportation system and examine the use of all modes
9 of transportation to effectively and efficiently meet such
10 needs given to the department. ~~The plan shall define the~~
11 ~~relationship between the long-range goals and the short-range~~
12 ~~objectives, and specify those objectives against which the~~
13 ~~department's achievement of such goals will be measured. The~~
14 ~~plan shall provide a policy framework within which the~~
15 ~~department's legislative budget request, the strategic~~
16 ~~information resource management plan, and the work program are~~
17 ~~developed.~~

18 (2) SCOPE OF PLANNING PROCESS.--

19 (a) The department shall carry out a transportation
20 planning process that provides for consideration of projects
21 and strategies that will:

22 1. Support the economic vitality of the United States,
23 Florida, and the metropolitan areas, especially by enabling
24 global competitiveness, productivity, and efficiency.

25 2. Increase the safety and security of the
26 transportation system for motorized and nonmotorized users.

27 3. Increase the accessibility and mobility options
28 available to people and for freight.

29 4. Protect and enhance the environment, promote energy
30 conservation, and improve quality of life.

31

1 5. Enhance the integration and connectivity of the
2 transportation system across and between modes throughout
3 Florida for people and freight.

4 6. Promote efficient system management and operation.

5 7. Emphasize the preservation of the existing
6 transportation system.

7 (b) Additionally, the transportation planning process
8 shall consider:

9 1. With respect to nonmetropolitan areas, the concerns
10 of local elected officials representing units of general
11 purpose local government.

12 2. The concerns of Indian tribal governments and
13 federal land management agencies that have jurisdiction over
14 land within the boundaries of Florida.

15 3. Coordination of transportation plans, programs, and
16 planning activities with related planning activities being
17 carried out outside of metropolitan planning areas.

18 ~~DEVELOPMENT CRITERIA.--The Florida Transportation Plan shall~~
19 ~~consider the needs of the entire state transportation system,~~
20 ~~examine the use of all modes of transportation to effectively~~
21 ~~and efficiently meet such needs, and provide for the~~
22 ~~interconnection of all types of modes in a comprehensive~~
23 ~~intermodal transportation system. In developing the Florida~~
24 ~~Transportation Plan, the department shall consider the~~
25 ~~following:~~

26 ~~(a) The results of the management systems required~~
27 ~~pursuant to federal laws and regulations.~~

28 ~~(b) Any federal, state, or local energy use goals,~~
29 ~~objectives, programs, or requirements.~~

30
31

1 ~~(c) Strategies for incorporating bicycle~~
2 ~~transportation facilities and pedestrian walkways in projects~~
3 ~~where appropriate throughout the state.~~

4 ~~(d) International border crossings and access to~~
5 ~~ports, airports, intermodal transportation facilities, major~~
6 ~~freight distribution routes, national parks, recreation and~~
7 ~~scenic areas, monuments and historic sites, and military~~
8 ~~installations.~~

9 ~~(e) The transportation needs of nonmetropolitan areas~~
10 ~~through a process that includes consultation with local~~
11 ~~elected officials with jurisdiction over transportation.~~

12 ~~(f) Consistency of the plan, to the maximum extent~~
13 ~~feasible, with strategic regional policy plans, metropolitan~~
14 ~~planning organization plans, and approved local government~~
15 ~~comprehensive plans so as to contribute to the management of~~
16 ~~orderly and coordinated community development.~~

17 ~~(g) Connectivity between metropolitan areas within the~~
18 ~~state and with metropolitan areas in other states.~~

19 ~~(h) Recreational travel and tourism.~~

20 ~~(i) Any state plan developed pursuant to the Federal~~
21 ~~Water Pollution Control Act.~~

22 ~~(j) Transportation system management and investment~~
23 ~~strategies designed to make the most efficient use of existing~~
24 ~~transportation facilities.~~

25 ~~(k) The total social, economic, energy, and~~
26 ~~environmental effects of transportation decisions on the~~
27 ~~community and region.~~

28 ~~(l) Methods to manage traffic congestion and to~~
29 ~~prevent traffic congestion from developing in areas where it~~
30 ~~does not yet occur, including methods which reduce motor~~
31 ~~vehicle travel, particularly single-occupant vehicle travel.~~

1 ~~(m) Methods to expand and enhance transit services and~~
2 ~~to increase the use of such services.~~

3 ~~(n) The effect of transportation decisions on land use~~
4 ~~and land development, including the need for consistency~~
5 ~~between transportation decisionmaking and the provisions of~~
6 ~~all applicable short-range and long-range land use and~~
7 ~~development plans.~~

8 ~~(o) Where appropriate, the use of innovative~~
9 ~~mechanisms for financing projects, including value capture~~
10 ~~pricing, tolls, and congestion pricing.~~

11 ~~(p) Preservation and management of rights-of-way for~~
12 ~~construction of future transportation projects, including~~
13 ~~identification of unused rights-of-way which may be needed for~~
14 ~~future transportation corridors, and identification of those~~
15 ~~corridors for which action is most needed to prevent~~
16 ~~destruction or loss.~~

17 ~~(q) Future, as well as existing, needs of the state~~
18 ~~transportation system.~~

19 ~~(r) Methods to enhance the efficient movement of~~
20 ~~commercial motor vehicles.~~

21 ~~(s) The use of life-cycle costs in the design and~~
22 ~~engineering of bridges, tunnels, or pavement.~~

23 ~~(t) Investment strategies to improve adjoining state~~
24 ~~and local roads that support rural economic growth and tourism~~
25 ~~development, federal agency renewable resources management,~~
26 ~~and multipurpose land management practices, including~~
27 ~~recreation development.~~

28 ~~(u) The concerns of Indian tribal governments having~~
29 ~~jurisdiction over lands within the boundaries of the state.~~

30 ~~(v) A seaport or airport master plan, which has been~~
31 ~~incorporated into an approved local government comprehensive~~

1 ~~plan, and the linkage of transportation modes described in~~
2 ~~such plan which are needed to provide for the movement of~~
3 ~~goods and passengers between the seaport or airport and the~~
4 ~~other transportation facilities.~~

5 ~~(w) The joint use of transportation corridors and~~
6 ~~major transportation facilities for alternate transportation~~
7 ~~and community uses.~~

8 ~~(x) The integration of any proposed system into all~~
9 ~~other types of transportation facilities in the community.~~

10 (3) FORMAT, SCHEDULE, AND REVIEW.--~~The Florida~~
11 ~~Transportation Plan shall be a unified, concise planning~~
12 ~~document that clearly defines the state's long-range~~
13 ~~transportation goals and objectives and documents the~~
14 ~~department's short-range objectives developed to further such~~
15 ~~goals and objectives.~~ The plan shall include a glossary that
16 clearly and succinctly defines any and all phrases, words, or
17 terms of art included in the plan, with which the general
18 public may be unfamiliar and shall consist of, at a minimum,
19 the following components:

20 (a) A long-range component documenting the goals and
21 long-term objectives necessary to implement the results of the
22 department's findings from its examination of the criteria
23 listed in subsection (2). The long-range component must be
24 developed in cooperation with the metropolitan planning
25 organizations and reconciled, to the maximum extent feasible,
26 with the long-range plans developed by metropolitan planning
27 organizations pursuant to s. 339.175. The plan shall also be
28 developed in consultation with affected local officials in
29 nonmetropolitan areas and with any affected Indian tribal
30 governments. The plan must provide an examination of
31 transportation issues likely to arise during at least a

1 20-year period. The long-range component shall be updated at
2 least once every 5 years, or more often as necessary, to
3 reflect substantive changes to federal or state law.

4 (b) A short-range component documenting the short-term
5 objectives and strategies necessary to implement the goals and
6 long-term objectives contained in the long-range component.

7 The short-range component shall define the relationship
8 between the long-range goals and the short-range objectives,
9 specify those objectives against which the department's
10 achievement of such goals will be measured, and identify
11 transportation strategies necessary to efficiently achieve the
12 goals and objectives in the plan. It shall provide a policy
13 framework within which the department's legislative budget
14 request, the strategic information resource management plan,
15 and the work program are developed.The short-range component
16 shall serve as the department's annual agency strategic plan
17 pursuant to s. 186.021. The short-range component shall be
18 developed consistent with the requirements of s. 186.022 and
19 consistent with available and forecasted state and federal
20 funds. In addition to those entities listed in s. 186.022, the
21 short-range component shall also be submitted to the Florida
22 Transportation Commission.

23 (4) ANNUAL PERFORMANCE REPORT.--The department shall
24 develop an annual performance report evaluating the operation
25 of the department for the preceding fiscal year. The report,
26 which shall meet the requirements of s. 186.022, shall also
27 include a summary of the financial operations of the
28 department and shall annually evaluate how well the adopted
29 work program meets the short-term objectives contained in the
30 short-range component of the Florida Transportation Plan. In
31 addition to the entities listed in s. 186.022, this

1 performance report shall also be submitted to the Florida
2 Transportation Commission and the legislative appropriations
3 and transportation committees.

4 (5) ADDITIONAL TRANSPORTATION PLANS.--

5 (a) Upon request by local governmental entities, the
6 department may in its discretion develop and design
7 transportation corridors, arterial and collector streets,
8 vehicular parking areas, and other support facilities which
9 are consistent with the plans of the department for major
10 transportation facilities. The department may render to local
11 governmental entities or their planning agencies such
12 technical assistance and services as are necessary so that
13 local plans and facilities are coordinated with the plans and
14 facilities of the department.

15 (b) Each regional planning council, as provided for in
16 s. 186.504, or any successor agency thereto, shall develop, as
17 an element of its strategic regional policy plan,
18 transportation goals and policies. The transportation goals
19 and policies shall be consistent, to the maximum extent
20 feasible, with the goals and policies of the metropolitan
21 planning organization and the Florida Transportation Plan.
22 The transportation goals and policies of the regional planning
23 council will be advisory only and shall be submitted to the
24 department and any affected metropolitan planning organization
25 for their consideration and comments. Metropolitan planning
26 organization plans and other local transportation plans shall
27 be developed consistent, to the maximum extent feasible, with
28 the regional transportation goals and policies. The regional
29 planning council shall review urbanized area transportation
30 plans and any other planning products stipulated in s. 339.175
31 and provide the department and respective metropolitan

1 planning organizations with written recommendations which the
2 department and the metropolitan planning organizations shall
3 take under advisement. Further, the regional planning
4 councils shall directly assist local governments which are not
5 part of a metropolitan area transportation planning process in
6 the development of the transportation element of their
7 comprehensive plans as required by s. 163.3177.

8 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN
9 TRANSPORTATION PLANNING.--

10 (a) During the development of the long-range component
11 of the Florida Transportation Plan, and prior to substantive
12 revisions ~~adoption of all subsequent amendments~~, the
13 department shall provide citizens, affected public agencies,
14 representatives of transportation agency employees, other
15 affected employee representatives, private providers of
16 transportation, and other known interested parties with an
17 opportunity to comment on the proposed plan or revisions
18 amendments. These opportunities ~~This hearing shall include~~
19 ~~presentation and discussion of the factors listed in~~
20 ~~subsection (2) and shall include, at a minimum, publishing a~~
21 notice in the Florida Administrative Weekly and within a
22 newspaper of general circulation within the area of each
23 department district office. ~~These notices shall be published~~
24 ~~twice prior to the day of the hearing, with the first notice~~
25 ~~appearing at least 14 days prior to the hearing.~~

26 (b) During development of major transportation
27 improvements, such as those increasing the capacity of a
28 facility through the addition of new lanes or providing new
29 access to a limited or controlled access facility or
30 construction of a facility in a new location, the department
31 shall hold one or more hearings prior to the selection of the

1 facility to be provided; prior to the selection of the site or
2 corridor of the proposed facility; and prior to the selection
3 of and commitment to a specific design proposal for the
4 proposed facility. Such public hearings shall be conducted so
5 as to provide an opportunity for effective participation by
6 interested persons in the process of transportation planning
7 and site and route selection and in the specific location and
8 design of transportation facilities. The various factors
9 involved in the decision or decisions and any alternative
10 proposals shall be clearly presented so that the persons
11 attending the hearing may present their views relating to the
12 decision or decisions which will be made.

13 (c) Opportunity for design hearings:

14 1. The department, prior to holding a design hearing,
15 shall duly notice all affected property owners of record, as
16 recorded in the property appraiser's office, by mail at least
17 20 days prior to the date set for the hearing. The affected
18 property owners shall be:

19 a. Those whose property lies in whole or in part
20 within 300 feet on either side of the centerline of the
21 proposed facility.

22 b. Those who the department determines will be
23 substantially affected environmentally, economically,
24 socially, or safetywise.

25 2. For each subsequent hearing, the department shall
26 daily publish notice at least 14 days immediately prior to the
27 hearing date in a newspaper of general circulation for the
28 area affected.

29 3. A copy of the notice of opportunity for the hearing
30 shall be furnished to the United States Department of
31

1 Transportation and to the appropriate departments of the state
2 government at the time of publication.

3 4. The opportunity for another hearing shall be
4 afforded in any case when proposed locations or designs are so
5 changed from those presented in the notices specified above or
6 at a hearing as to have a substantially different social,
7 economic, or environmental effect.

8 5. The opportunity for a hearing shall be afforded in
9 each case in which the department is in doubt as to whether a
10 hearing is required.

11 Section 27. Section 339.175, Florida Statutes, 1998
12 Supplement, is amended to read:

13 339.175 Metropolitan planning organization.--It is the
14 intent of the Legislature to encourage and promote the safe
15 and efficient management, operation, and development of
16 surface transportation systems ~~embracing various modes of~~
17 ~~transportation in a manner~~ that will serve ~~maximize~~ the
18 mobility needs of people and freight ~~goods~~ within and through
19 urbanized areas of this state while minimizing and minimize,
20 ~~to the maximum extent feasible, and together with applicable~~
21 ~~regulatory government agencies,~~ transportation-related fuel
22 consumption and air pollution. To accomplish these
23 objectives, metropolitan planning organizations, referred to
24 in this section as M.P.O.'s, shall develop, in cooperation
25 with the state and public transit operators, transportation
26 plans and programs for metropolitan areas. The plans and
27 programs for each metropolitan area shall provide for the
28 development and integrated management and operation of
29 transportation systems and facilities, including pedestrian
30 walkways and bicycle transportation facilities, that will
31 function as an intermodal transportation system for the

1 ~~metropolitan area. Such plans and programs must provide for~~
2 ~~the development of transportation facilities that will~~
3 ~~function as an intermodal transportation system for the~~
4 ~~metropolitan area.~~ The process for developing such plans and
5 programs shall provide for consideration of all modes of
6 transportation and shall be continuing, cooperative, and
7 comprehensive, to the degree appropriate, based on the
8 complexity of the transportation problems to be addressed.

9 (1) DESIGNATION.--

10 (a)1. An M.P.O. shall be designated for each urbanized
11 area of the state. Such designation shall be accomplished by
12 agreement between the Governor and units of general-purpose
13 local government representing at least 75 percent of the
14 population of the urbanized area; however, the unit of
15 general-purpose local government that represents the central
16 city or cities within the M.P.O. jurisdiction, as defined by
17 the United States Bureau of the Census, must be a party to
18 such agreement.

19 2. More than one M.P.O. may be designated within an
20 existing metropolitan planning urbanized area only if the
21 Governor and the existing M.P.O. determine ~~determines~~ that the
22 size and complexity of the existing metropolitan planning area
23 make justifies the designation of more than one M.P.O. for the
24 area appropriate multiple M.P.O.'s.

25 (b) Each M.P.O. shall be created and operated under
26 the provisions of this section pursuant to an interlocal
27 agreement entered into pursuant to s. 163.01. The signatories
28 to the interlocal agreement shall be the department and the
29 governmental entities designated by the Governor for
30 membership on the M.P.O. If there is a conflict between this
31 section and s. 163.01, this section prevails.

1 (c) The jurisdictional boundaries of an M.P.O. is the
2 metropolitan planning area which is ~~shall be~~ determined by
3 agreement between the Governor and the applicable M.P.O. Each
4 metropolitan planning area shall encompass at least the
5 existing urbanized area and the contiguous area expected to
6 become urbanized within a 20-year forecast period ~~The~~
7 ~~boundaries must include, at a minimum, the metropolitan area~~
8 and may encompass ~~include~~ the entire metropolitan statistical
9 area or the consolidated metropolitan statistical area as
10 defined by the United States Department of Commerce, Bureau of
11 the Census.

12 (d) In the case of an urbanized area designated as a
13 nonattainment area for ozone or carbon monoxide under the
14 Clean Air Act, 42 U.S.C. s. 7401 et seq., the boundaries of
15 the metropolitan planning area in existence as of the date of
16 enactment of this paragraph shall be retained, except that the
17 boundaries may be adjusted by agreement of the Governor and
18 affected metropolitan planning organizations in the manner
19 described in this subsection. If more than one M.P.O. has
20 authority within a metropolitan area or an area that is
21 designated as a nonattainment area, each M.P.O. shall consult
22 with other M.P.O.'s designated for such area and with the
23 state in the coordination of plans and programs required by
24 this section.

25
26 Each M.P.O. required under this section must be fully
27 operative no later than 6 months following its designation.

28 (2) VOTING MEMBERSHIP.--

29 (a) The voting membership of an M.P.O. shall consist
30 of not fewer than 5 or more than 19 apportioned members, the
31 exact number to be determined on an equitable

1 geographic-population ratio basis by the Governor, based on an
2 agreement among the affected units of general-purpose local
3 government as required by federal rules and regulations. The
4 Governor, in accordance with 23 U.S.C. s. 134, ~~as amended by~~
5 ~~the Intermodal Surface Transportation Efficiency Act of 1991,~~
6 may also provide for M.P.O. members who represent
7 municipalities to alternate with representatives from other
8 municipalities within the metropolitan planning designated
9 ~~urban~~ area that do not have members on the M.P.O. County
10 commission members shall compose not less than one-third of
11 the M.P.O. membership, except for an M.P.O. with more than 15
12 members located in a county with a five-member county
13 commission or an M.P.O. with 19 members located in a county
14 with no more than 6 county commissioners, in which case county
15 commission members may compose less than one-third percent of
16 the M.P.O. membership, but all county commissioners must be
17 members. All voting members shall be elected officials of
18 general-purpose governments, except that an M.P.O. may
19 include, as part of its apportioned voting members, a member
20 of a statutorily authorized planning board or an official of
21 an agency that operates or administers a major mode of
22 transportation. ~~In metropolitan areas in which authorities or~~
23 ~~other agencies have been, or may be, created by law to perform~~
24 ~~transportation functions that are not under the jurisdiction~~
25 ~~of a general-purpose local government represented on the~~
26 ~~M.P.O., they shall be provided voting membership on the M.P.O.~~
27 The county commission shall compose not less than 20 percent
28 of the M.P.O. membership if an official of an agency that
29 operates or administers a major mode of transportation has
30 been appointed to an M.P.O.
31

1 (b) In metropolitan areas in which authorities or
2 other agencies have been, or may be, created by law to perform
3 transportation functions that are not under the jurisdiction
4 of a general-purpose local government represented on the
5 M.P.O., they shall be provided voting membership on the M.P.O.
6 In all other M.P.O.'s, where transportation authorities or
7 agencies are to be represented by elected officials from
8 general purpose local governments, the M.P.O. shall establish
9 a process by which the collective interests of such
10 authorities or other agencies are expressed and conveyed.

11 ~~(c)~~ Any other provision of this section to the
12 contrary notwithstanding, any county chartered under s. 6(e),
13 Art. VIII of the State Constitution may elect to have its
14 county commission serve as the M.P.O., if the M.P.O.
15 jurisdiction is wholly contained within the county. Any
16 charter county that elects to exercise the provisions of this
17 paragraph shall so notify the Governor in writing. Upon
18 receipt of such notification, the Governor must designate the
19 county commission as the M.P.O. The Governor must appoint
20 four additional voting members to the M.P.O., one of whom must
21 be an elected official representing a municipality within the
22 county, one of whom must be an expressway authority member,
23 one of whom must be a person who does not hold elected public
24 office and who resides in the unincorporated portion of the
25 county, and one of whom must be a school board member.

26 (3) APPORTIONMENT.--

27 (a) The Governor shall, with the agreement of the
28 affected units of general-purpose local government as required
29 by federal rules and regulations, apportion the membership on
30 the applicable M.P.O. among the various governmental entities
31 within the area and shall prescribe a method for appointing

1 alternate members who may vote at any M.P.O. meeting that an
2 alternate member attends in place of a regular member. An
3 appointed alternate member must be an elected official serving
4 the same governmental entity or a general-purpose local
5 government with jurisdiction within all or part of the area
6 that the regular member serves. The governmental entity so
7 designated shall appoint the appropriate number of members to
8 the M.P.O. from eligible officials. Representatives of the
9 department shall serve as nonvoting members of the M.P.O.
10 Nonvoting advisers may be appointed by the M.P.O. as deemed
11 necessary. ~~The Governor shall review the composition of the~~
12 ~~M.P.O. membership at least every 5 years and reapportion it as~~
13 ~~necessary to comply with subsection (2).~~

14 (b) Except for members who represent municipalities on
15 the basis of alternating with representatives from other
16 municipalities that do not have members on the M.P.O. as
17 provided in paragraph (2)(a), the members of an M.P.O. shall
18 serve 4-year terms. Members who represent municipalities on
19 the basis of alternating with representatives from other
20 municipalities that do not have members on the M.P.O. as
21 provided in paragraph (2)(a) may serve terms of up to 4 years
22 as further provided in the interlocal agreement described in
23 paragraph (1)(b). The membership of a member who is a public
24 official automatically terminates upon the member's leaving
25 his or her elective or appointive office for any reason, or
26 may be terminated by a majority vote of the total membership
27 of a county or city governing entity represented by the
28 member. A vacancy shall be filled by the original appointing
29 entity. A member may be reappointed for one or more
30 additional 4-year terms.

31

1 (c) If a governmental entity fails to fill an assigned
2 appointment to an M.P.O. within 60 days after notification by
3 the Governor of its duty to appoint, that appointment shall be
4 made by the Governor from the eligible representatives of that
5 governmental entity.

6 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
7 responsibility of an M.P.O. is to manage a continuing,
8 cooperative, and comprehensive transportation planning process
9 that results in the development of plans and programs which
10 are consistent, to the maximum extent feasible, with the
11 approved local government comprehensive plans of the units of
12 local government the boundaries of which are within the
13 metropolitan area of the M.P.O. An M.P.O. shall be the forum
14 for cooperative decisionmaking by officials of the affected
15 governmental entities in the development of the plans and
16 programs required by subsections (5), (6), (7), and (8).

17 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
18 privileges, and authority of an M.P.O. are those specified in
19 this section or incorporated in an interlocal agreement
20 authorized under s. 163.01. Each M.P.O. shall perform all
21 acts required by federal or state laws or rules, now and
22 subsequently applicable, which are necessary to qualify for
23 federal aid. It is the intent of this section that each M.P.O.
24 shall be involved in the planning and programming of
25 transportation facilities, including, but not limited to,
26 airports, intercity and high-speed rail lines, seaports, and
27 intermodal facilities, to the extent permitted by state or
28 federal law.

29 (a) Each M.P.O. shall, in cooperation with the
30 department, develop:

31

1 1. A long-range transportation plan pursuant to the
2 requirements of subsection (6);

3 2. An annually updated transportation improvement
4 program pursuant to the requirements of subsection (7); and

5 3. An annual unified planning work program pursuant to
6 the requirements of subsection (8).

7 (b) In developing the long-range transportation plan
8 and the transportation improvement program required under
9 paragraph (a), each M.P.O. shall provide for consideration of
10 projects and strategies that will ~~must, at a minimum,~~
11 ~~consider:~~

12 1. Support the economic vitality of the metropolitan
13 area, especially by enabling global competitiveness,
14 productivity, and efficiency.

15 2. Increase the safety and security of the
16 transportation system for motorized and nonmotorized users.

17 3. Increase the accessibility and mobility options
18 available to people and for freight.

19 4. Protect and enhance the environment, promote energy
20 conservation, and improve quality of life.

21 5. Enhance the integration and connectivity of the
22 transportation system, across and between modes, for people
23 and freight.

24 6. Promote efficient system management and operation.

25 7. Emphasize the preservation of the existing
26 transportation system.

27 ~~1. The preservation of existing transportation~~
28 ~~facilities and, where practical, ways to meet transportation~~
29 ~~needs by using existing facilities more efficiently;~~
30
31

- 1 2. ~~The consistency of transportation planning with~~
2 ~~applicable federal, state, and local energy conservation~~
3 ~~programs, goals, and objectives;~~
- 4 3. ~~The need to relieve congestion and prevent~~
5 ~~congestion from occurring where it does not yet occur;~~
- 6 4. ~~The likely effect of transportation policy~~
7 ~~decisions on land use and development and the consistency of~~
8 ~~transportation plans and programs with all applicable~~
9 ~~short-term and long-term land use and development plans;~~
- 10 5. ~~The programming of transportation enhancement~~
11 ~~activities as required by federal law;~~
- 12 6. ~~The effect of all transportation projects to be~~
13 ~~undertaken in the metropolitan area, without regard to whether~~
14 ~~such projects are publicly funded;~~
- 15 7. ~~The provision of access to seaports, airports,~~
16 ~~intermodal transportation facilities, major freight~~
17 ~~distribution routes, national and state parks, recreation~~
18 ~~areas, monuments and historic sites, and military~~
19 ~~installations;~~
- 20 8. ~~The need for roads within the metropolitan area to~~
21 ~~efficiently connect with roads outside the metropolitan area;~~
- 22 9. ~~The transportation needs identified through the use~~
23 ~~of transportation management systems required by federal or~~
24 ~~state law;~~
- 25 10. ~~The preservation of rights-of-way for construction~~
26 ~~of future transportation projects, including the~~
27 ~~identification of unused rights-of-way that may be needed for~~
28 ~~future transportation corridors and the identification of~~
29 ~~corridors for which action is most needed to prevent~~
30 ~~destruction or loss;~~
- 31

1 ~~11. Any available methods to enhance the efficient~~
2 ~~movement of freight;~~

3 ~~12. The use of life-cycle costs in the design and~~
4 ~~engineering of bridges, tunnels, or pavement;~~

5 ~~13. The overall social, economic, energy, and~~
6 ~~environmental effects of transportation decisions;~~

7 ~~14. Any available methods to expand or enhance transit~~
8 ~~services and increase the use of such services; and~~

9 ~~15. The possible allocation of capital investments to~~
10 ~~increase security for transit systems.~~

11 (c) In order to provide recommendations to the
12 department and local governmental entities regarding
13 transportation plans and programs, each M.P.O. shall:

14 1. Prepare a congestion management system for the
15 metropolitan area and cooperate with the department in the
16 development of all other transportation management systems
17 required by state or federal law;

18 2. Assist the department in mapping transportation
19 planning boundaries required by state or federal law;

20 3. Assist the department in performing its duties
21 relating to access management, functional classification of
22 roads, and data collection;

23 4. Execute all agreements or certifications necessary
24 to comply with applicable state or federal law;

25 5. Represent all the jurisdictional areas within the
26 metropolitan area in the formulation of transportation plans
27 and programs required by this section; and

28 6. Perform all other duties required by state or
29 federal law.

30 (d) Each M.P.O. shall appoint a technical advisory
31 committee that includes planners; engineers; representatives

1 of local aviation authorities, port authorities, and public
2 transit authorities or representatives of aviation
3 departments, seaport departments, and public transit
4 departments of municipal or county governments, as applicable;
5 the school superintendent of each county within the
6 jurisdiction of the M.P.O. or the superintendent's designee;
7 and other appropriate representatives of affected local
8 governments. In addition to any other duties assigned to it by
9 the M.P.O. or by state or federal law, the technical advisory
10 committee is responsible for identifying projects contained in
11 the long-range plan or transportation improvement program
12 which deserve to be classified as a school safety concern.
13 Upon receipt of the recommendation from the technical advisory
14 committee that a project should be so classified, the M.P.O.
15 must vote on whether to classify a particular project as a
16 school safety concern. If the M.P.O. votes that a project
17 should be classified as a school safety concern, the local
18 governmental entity responsible for the project must consider
19 at least two alternatives before making a decision about
20 project location or alignment.

21 (e)1. Each M.P.O. shall appoint a citizens' advisory
22 committee, the members of which serve at the pleasure of the
23 M.P.O. The membership on the citizens' advisory committee must
24 reflect a broad cross section of local residents with an
25 interest in the development of an efficient, safe, and
26 cost-effective transportation system. Minorities, the elderly,
27 and the handicapped must be adequately represented.

28 2. Notwithstanding the provisions of subparagraph 1.,
29 an M.P.O. may, with the approval of the department and the
30 applicable federal governmental agency, adopt an alternative
31

1 program or mechanism to ensure citizen involvement in the
2 transportation planning process.

3 (f) The department shall allocate to each M.P.O., for
4 the purpose of accomplishing its transportation planning and
5 programming duties, an appropriate amount of federal
6 transportation planning funds.

7 (g) Each M.P.O. may employ personnel or may enter into
8 contracts with local or state agencies, private planning
9 firms, or private engineering firms to accomplish its
10 transportation planning and programming duties required by
11 state or federal law.

12 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
13 develop a long-range transportation plan that addresses at
14 least a 20-year planning horizon. The plan must include both
15 long-range and short-range strategies and must comply with all
16 other state and federal requirements. The long-range
17 transportation plan must be consistent, to the maximum extent
18 feasible, with future land use elements and the goals,
19 objectives, and policies of the approved local government
20 comprehensive plans of the units of local government located
21 within the jurisdiction of the M.P.O. The approved long-range
22 transportation plan must be considered by local governments in
23 the development of the transportation elements in local
24 government comprehensive plans and any amendments thereto. The
25 long-range transportation plan must, at a minimum:

26 (a) Identify transportation facilities, including, but
27 not limited to, major roadways, airports, seaports, commuter
28 rail systems, transit systems, and intermodal or multimodal
29 terminals that will function as an integrated metropolitan
30 transportation system. The long-range transportation plan
31 must give emphasis to those transportation facilities that

1 serve national, statewide, or regional functions, and must
2 consider the goals and objectives identified in the Florida
3 Transportation Plan as provided in s. 339.155. If a project is
4 located within the boundaries of more than one M.P.O., the
5 M.P.O.'s shall coordinate plans regarding the project in the
6 long-range transportation plan.

7 (b) Include a financial plan that demonstrates how the
8 plan can be implemented, indicating resources from public and
9 private sources which are reasonably expected to be available
10 to carry out the plan, and recommends any additional financing
11 strategies for needed projects and programs. The financial
12 plan may include, for illustrative purposes, additional
13 projects that would be included in the adopted long-range
14 transportation plan if reasonable additional resources beyond
15 those identified in the financial plan were available. For the
16 purpose of developing the long-range transportation plan, the
17 M.P.O. and the department shall cooperatively develop
18 estimates of funds that will be available to support plan
19 implementation. Innovative financing techniques ~~that~~ may be
20 used to fund needed projects and programs. Such techniques
21 may include the assessment of tolls, the use of value capture
22 financing, or the use of value congestion pricing.

23 (c) Assess capital investment and other measures
24 necessary to:

25 1. Ensure the preservation of the existing
26 metropolitan transportation system including requirements for
27 the operation, resurfacing, restoration, and rehabilitation of
28 major roadways and requirements for the operation,
29 maintenance, modernization, and rehabilitation of public
30 transportation facilities; and
31

1 2. Make the most efficient use of existing
2 transportation facilities to relieve vehicular congestion and
3 maximize the mobility of people and goods.

4 (d) Indicate, as appropriate, proposed transportation
5 enhancement activities, including, but not limited to,
6 pedestrian and bicycle facilities, scenic easements,
7 landscaping, historic preservation, mitigation of water
8 pollution due to highway runoff, and control of outdoor
9 advertising.

10 (e) In addition to the requirements of paragraphs
11 (a)-(d), in metropolitan areas that are classified as
12 nonattainment areas for ozone or carbon monoxide, the M.P.O.
13 must coordinate the development of the long-range
14 transportation plan with the State Implementation Plan
15 developed pursuant to the requirements of the federal Clean
16 Air Act.

17
18 In the development of its long-range transportation plan, each
19 M.P.O. must provide citizens, affected public agencies,
20 representatives of transportation agency employees, freight
21 shippers, providers of freight transportation services,
22 private providers of transportation, representatives of users
23 of public transit, and other interested parties, ~~and members~~
24 ~~of the general public~~ with a reasonable opportunity to comment
25 on the long-range transportation plan. The long-range
26 transportation plan must be approved by the M.P.O.

27 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
28 shall, in cooperation with the state and affected public
29 transportation operators, develop a transportation improvement
30 program for the area within the jurisdiction of the M.P.O. In
31 the development of the transportation improvement program,

1 each M.P.O. must provide citizens, affected public transit
2 agencies, representatives of transportation agency employees,
3 freight shippers, providers of freight transportation
4 services, private providers of transportation, representatives
5 of users of public transit, and other interested parties, ~~and~~
6 ~~members of the general public~~ with a reasonable opportunity to
7 comment on the proposed transportation improvement program.

8 (a) Each M.P.O. is responsible for developing,
9 annually, a list of project priorities and a transportation
10 improvement program. The transportation improvement program
11 will be used to initiate federally aided transportation
12 facilities and improvements as well as other transportation
13 facilities and improvements including transit, rail, aviation,
14 and port facilities to be funded from the State Transportation
15 Trust Fund within its metropolitan area in accordance with
16 existing and subsequent federal and state laws and rules and
17 regulations related thereto. The transportation improvement
18 program shall be consistent, to the maximum extent feasible,
19 with the approved local government comprehensive plans of the
20 units of local government whose boundaries are within the
21 metropolitan area of the M.P.O.

22 (b) Each M.P.O. annually shall prepare a list of
23 project priorities and shall submit the list to the
24 appropriate district of the department by October 1 of each
25 year; however, the department and a metropolitan planning
26 organization may, in writing, agree to vary this submittal
27 date. The list of project priorities must be formally reviewed
28 by the technical and citizens' advisory committees, and
29 approved by the M.P.O., before it is transmitted to the
30 district. The approved list of project priorities must be used
31 by the district in developing the district work program and

1 must be used by the M.P.O. in developing its transportation
2 improvement program. The annual list of project priorities
3 must be based upon project selection criteria that, at a
4 minimum, consider the following:

- 5 1. The approved M.P.O. long-range transportation plan;
- 6 2. The results of the transportation management
7 systems; and
- 8 3. The M.P.O.'s public-involvement procedures.

9 (c) The transportation improvement program must, at a
10 minimum:

- 11 1. Include projects and project phases to be funded
12 with state or federal funds within the time period of the
13 transportation improvement program and which are recommended
14 for advancement during the next fiscal year and 4 subsequent
15 fiscal years. Such projects and project phases must be
16 consistent, to the maximum extent feasible, with the approved
17 local government comprehensive plans of the units of local
18 government located within the jurisdiction of the M.P.O. For
19 informational purposes, the transportation improvement program
20 shall also include a list of projects to be funded from local
21 or private revenues.
- 22 2. Include projects within the metropolitan area which
23 are proposed for funding under 23 U.S.C. s. 134 of the Federal
24 Transit Act and which are consistent with the long-range
25 transportation plan developed under subsection (6).
- 26 3. Provide a financial plan that demonstrates how the
27 transportation improvement program can be implemented;
28 indicates the resources, both public and private, that are
29 reasonably expected to be available to accomplish the program;
30 identifies ~~and recommends~~ any innovative financing techniques
31 that may be used to fund needed projects and programs; and may

1 include, for illustrative purposes, additional projects that
2 would be included in the approved transportation improvement
3 program if reasonable additional resources beyond those
4 identified in the financial plan were available. Innovative
5 financing ~~Such~~ techniques may include the assessment of tolls,
6 the use of value capture financing, or the use of value
7 ~~congestion~~ pricing. The transportation improvement program
8 shall ~~may~~ include a project or project phase only if full
9 funding can reasonably be anticipated to be available for the
10 project or project phase within the time period contemplated
11 for completion of the project or project phase.

12 4. Group projects and project phases of similar
13 urgency and anticipated staging into appropriate staging
14 periods.

15 5. Indicate how the transportation improvement program
16 relates to the long-range transportation plan developed under
17 subsection (6), including providing examples of specific
18 projects or project phases that further the goals and policies
19 of the long-range transportation plan.

20 6. Indicate whether any project or project phase is
21 inconsistent with an approved comprehensive plan of a unit of
22 local government located within the jurisdiction of the M.P.O.
23 If a project is inconsistent with an affected comprehensive
24 plan, the M.P.O. must provide justification for including the
25 project in the transportation improvement program.

26 7. Indicate how the improvements are consistent, to
27 the maximum extent feasible, with affected seaport and airport
28 master plans and with public transit development plans of the
29 units of local government located within the jurisdiction of
30 the M.P.O. If a project is located within the boundaries of
31 more than one M.P.O., the M.P.O.'s shall coordinate plans

1 regarding the project in the transportation improvement
2 program.

3 (d) Projects included in the transportation
4 improvement program and that have advanced to the design stage
5 of preliminary engineering may be removed from or rescheduled
6 in a subsequent transportation improvement program only by the
7 joint action of the M.P.O. and the department. Except when
8 recommended in writing by the district secretary for good
9 cause, any project removed from or rescheduled in a subsequent
10 transportation improvement program shall not be rescheduled by
11 the M.P.O. in that subsequent program earlier than the 5th
12 year of such program.

13 (e) During development of the transportation
14 improvement program, the M.P.O. shall, in cooperation with the
15 department and any affected public transit operation, provide
16 citizens, affected public agencies, representatives of
17 transportation agency employees, freight shippers, providers
18 of freight transportation services, private providers of
19 transportation, representatives of users of public transit,
20 and other interested parties with reasonable notice of and an
21 opportunity to comment on the proposed program.

22 (f)~~(e)~~ The adopted annual transportation improvement
23 program for M.P.O.'s in nonattainment or maintenance areas
24 must be submitted to the district secretary and the Department
25 of Community Affairs at least 90 days before the submission of
26 the state transportation improvement program by the department
27 to the appropriate federal agencies. The annual transportation
28 improvement program for M.P.O.'s in attainment areas must be
29 submitted to the district secretary and the Department of
30 Community Affairs at least 45 days before the department
31 submits the state transportation improvement program to the

1 appropriate federal agencies; however, the department, the
2 Department of Community Affairs, and a metropolitan planning
3 organization may, in writing, agree to vary this submittal
4 date. The Governor or the Governor's designee shall review
5 and approve each transportation improvement program and any
6 amendments thereto.

7 (g)~~(f)~~ The Department of Community Affairs shall
8 review the annual transportation improvement program of each
9 M.P.O. for consistency with the approved local government
10 comprehensive plans of the units of local government whose
11 boundaries are within the metropolitan area of each M.P.O. and
12 shall identify those projects that are inconsistent with such
13 comprehensive plans. The Department of Community Affairs shall
14 notify an M.P.O. of any transportation projects contained in
15 its transportation improvement program which are inconsistent
16 with the approved local government comprehensive plans of the
17 units of local government whose boundaries are within the
18 metropolitan area of the M.P.O.

19 (h) The M.P.O. shall annually publish or otherwise
20 make available for public review the annual listing of
21 projects for which federal funds have been obligated in the
22 preceding year. Project monitoring systems shall be maintained
23 by those agencies responsible for obligating federal funds and
24 made accessible to the M.P.O.'s.

25 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
26 develop, in cooperation with the department and public
27 transportation providers, a unified planning work program that
28 lists all planning tasks to be undertaken during the program
29 year. The unified planning work program must provide a
30 complete description of each planning task and an estimated
31

1 budget therefor and must comply with applicable state and
2 federal law.

3 (9) AGREEMENTS.--

4 (a) Each M.P.O. shall execute the following written
5 agreements, which shall be reviewed, and updated as necessary,
6 every 5 years:

7 1. An agreement with the department clearly
8 establishing the cooperative relationship essential to
9 accomplish the transportation planning requirements of state
10 and federal law.

11 2. An agreement with the metropolitan and regional
12 intergovernmental coordination and review agencies serving the
13 metropolitan areas, specifying the means by which activities
14 will be coordinated and how transportation planning and
15 programming will be part of the comprehensive planned
16 development of the area.

17 3. An agreement with operators of public
18 transportation systems, including transit systems, commuter
19 rail systems, airports, and seaports, describing the means by
20 which activities will be coordinated and specifying how public
21 transit, commuter rail, aviation, and seaport planning and
22 programming will be part of the comprehensive planned
23 development of the metropolitan area.

24 (b) An M.P.O. may execute other agreements required by
25 state or federal law or as necessary to properly accomplish
26 its functions.

27 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
28 COUNCIL.--

29 (a) A Metropolitan Planning Organization Advisory
30 Council is created to augment, and not supplant, the role of
31

1 the individual M.P.O.'s in the cooperative transportation
2 planning process described in s. 339.155(5).

3 (b) The council shall consist of one representative
4 from each M.P.O. and shall elect a chairperson annually from
5 its number. Each M.P.O. shall also elect an alternate
6 representative from each M.P.O. to vote in the absence of the
7 representative. Members of the council do not receive any
8 compensation for their services, but may be reimbursed from
9 funds made available to council members for travel and per
10 diem expenses incurred in the performance of their council
11 duties as provided in s. 112.061.

12 (c) The powers and duties of the Metropolitan Planning
13 Organization Advisory Council are to:

14 1. Enter into contracts with individuals, private
15 corporations, and public agencies.

16 2. Acquire, own, operate, maintain, sell, or lease
17 personal property essential for the conduct of business.

18 3. Accept funds, grants, assistance, gifts, or
19 bequests from private, local, state, or federal sources.

20 4. Establish bylaws and adopt rules pursuant to ss.
21 120.536(1) and 120.54 to implement provisions of law
22 conferring powers or duties upon it.

23 5. Assist M.P.O.'s in carrying out the urbanized area
24 transportation planning process by serving as the principal
25 forum for collective policy discussion pursuant to law.

26 6. Serve as a clearinghouse for review and comment by
27 M.P.O.'s on the Florida Transportation Plan and on other
28 issues required to comply with federal or state law in
29 carrying out the urbanized area transportation and systematic
30 planning processes instituted pursuant to s. 339.155.

31

1 7. Employ an executive director and such other staff
2 as necessary to perform adequately the functions of the
3 council, within budgetary limitations. The executive director
4 and staff are exempt from part II of chapter 110 and serve at
5 the direction and control of the council. The council is
6 assigned to the Office of the Secretary of the Department of
7 Transportation ~~or~~ for fiscal and accountability purposes, but
8 it shall otherwise function independently of the control and
9 direction of the department.

10 8. Adopt an agency strategic plan that provides the
11 priority directions the agency will take to carry out its
12 mission within the context of the state comprehensive plan and
13 any other statutory mandates and directions given to the
14 agency.

15 (11) APPLICATION OF FEDERAL LAW.--Upon notification by
16 an agency of the Federal Government that any provision of this
17 section conflicts with federal laws or regulations, such
18 federal laws or regulations will take precedence to the extent
19 of the conflict until such conflict is resolved. The
20 department or an M.P.O. may take any necessary action to
21 comply with such federal laws and regulations or to continue
22 to remain eligible to receive federal funds.

23 Section 28. Subsection (14) is added to section
24 341.041, Florida Statutes, 1998 Supplement, to read:

25 341.041 Transit responsibilities of the
26 department.--The department shall, within the resources
27 provided pursuant to chapter 216:

28 (14) Create and maintain a common self-retention
29 insurance fund to support public transit projects throughout
30 the state where there is a contractual or legal obligation to
31 have such fund in existence in order to provide public transit

1 services. The maximum limit of such fund shall be as required
2 by any contractual or legal obligation.

3 Section 29. Subsections (6) and (8) of section
4 341.302, Florida Statutes, are amended to read:

5 341.302 Rail program, duties and responsibilities of
6 the department.--The department, in conjunction with other
7 governmental units and the private sector, shall develop and
8 implement a rail program of statewide application designed to
9 ensure the proper maintenance, safety, revitalization, and
10 expansion of the rail system to assure its continued and
11 increased availability to respond to statewide mobility needs.
12 Within the resources provided pursuant to chapter 216, and as
13 authorized under Title 49 C.F.R. part 212, the department
14 shall:

15 (6) Secure and administer federal grants, loans, and
16 apportionments for rail projects within this state when
17 necessary to further the statewide program.

18 (8) Conduct, at a minimum, inspections of track and
19 rolling stock, train signals and related equipment, hazardous
20 materials transportation, including the loading, unloading,
21 and labeling of hazardous materials at shipper, receiver, and
22 transfer points, and train operating practices to determine
23 adherence to state and federal standards. Department
24 personnel may enforce any safety regulation issued under the
25 Federal Government's preemptive authority over interstate
26 commerce.

27 Section 30. Section 373.4137, Florida Statutes, is
28 amended to read:

29 373.4137 Mitigation requirements.--

30 (1) The Legislature finds that environmental
31 mitigation for the impact of transportation projects proposed

1 by the Department of Transportation can be more effectively
2 achieved by regional, long-range mitigation planning rather
3 than on a project-by-project basis. It is the intent of the
4 Legislature that mitigation to offset the adverse effects of
5 these transportation projects be funded by the Department of
6 Transportation and be carried out by the Department of
7 Environmental Protection and the water management districts,
8 including the use of mitigation banks established pursuant to
9 this part.

10 (2) Environmental impact inventories for
11 transportation projects proposed by the Department of
12 Transportation shall be developed as follows:

13 (a) By May 1 of each year ~~Beginning July 1996~~, the
14 Department of Transportation shall submit ~~annually~~ to the
15 Department of Environmental Protection and the water
16 management districts a copy of its adopted work program and an
17 inventory of habitats addressed in the rules adopted pursuant
18 to this part and s. 404 of the Clean Water Act, 33 U.S.C. s.
19 1344, which may be impacted by its plan of construction for
20 transportation projects in the next first 3 years of the
21 adopted work program. The Department of Transportation may
22 also include in its inventory the habitat impacts of any
23 future transportation project identified in the adopted work
24 program ~~For the July 1996 submittal, the inventory may exclude~~
25 ~~those projects which have received permits pursuant to this~~
26 ~~part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344,~~
27 ~~projects for which mitigation planning or design has~~
28 ~~commenced, or projects for which mitigation has been~~
29 ~~implemented in anticipation of future permitting needs.~~

30 (b) The environmental impact inventory shall include a
31 description of these habitat impacts, including their

1 location, acreage, and type; state water quality
2 classification of impacted wetlands and other surface waters;
3 any other state or regional designations for these habitats;
4 and a survey of threatened species, endangered species, and
5 species of special concern affected by the proposed project.
6 (3) To fund the mitigation plan for the projected
7 impacts identified in the inventory described in subsection
8 (2), ~~beginning July 1, 1997,~~ the Department of Transportation
9 shall identify funds quarterly in an escrow account within the
10 State Transportation Trust Fund for the environmental
11 mitigation phase of projects budgeted by the Department of
12 Transportation for the current fiscal year. The escrow account
13 will be maintained ~~established~~ by the Department of
14 Transportation for the benefit of the Department of
15 Environmental Protection and the water management districts.
16 Any interest earnings from the escrow account shall remain
17 with ~~be returned to~~ the Department of Transportation. The
18 Department of Environmental Protection or water management
19 districts may ~~shall~~ request a transfer of funds from the
20 escrow account ~~to the Ecosystem Management and Restoration~~
21 ~~Trust Fund~~ no sooner than 30 days prior to the date the funds
22 are needed to pay for activities associated with development
23 or implementation of the approved mitigation plan described in
24 subsection (4) for the current fiscal year, including, but not
25 limited to, design, engineering, production, and staff
26 support. Actual conceptual plan preparation costs incurred
27 prior to plan approval may be submitted to the Department of
28 Transportation and the Department of Environmental Protection
29 by November 1 of each year with the plan. The conceptual plan
30 preparation costs of each water management district will be
31 paid based on the amount approved on the mitigation plan and

1 allocated to the current fiscal year projects identified by
2 the water management district contained in the mitigation
3 programs. The amount transferred to the escrow account each
4 year by the Department of Transportation shall correspond to a
5 cost per acre of \$75,000 multiplied by the projected acres of
6 impact identified in the inventory described in subsection (2)
7 ~~within the water management district for that year. The water~~
8 ~~management district may draw from the trust fund no sooner~~
9 ~~than 30 days prior to the date funds are needed to pay for~~
10 ~~activities associated with development or implementation of~~
11 ~~the mitigation plan described in subsection (4).~~ Each May
12 July 1, beginning in 1998, the cost per acre shall be adjusted
13 by the percentage change in the average of the Consumer Price
14 Index issued by the United States Department of Labor for the
15 most recent 12-month period ending September 30, compared to
16 the base year average, which is the average for the 12-month
17 period ending September 30, 1996. At the end of each year,
18 the projected acreage of impact shall be reconciled with the
19 acreage of impact of projects as permitted, including permit
20 modification, pursuant to this part and s. 404 of the Clean
21 Water Act, 33 U.S.C. s. 1344., ~~and~~ The subject following
22 year's transfer of funds shall be adjusted accordingly to
23 reflect the over transfer or under transfer of funds from the
24 preceding year. The Department of Transportation ~~Environmental~~
25 ~~Protection~~ is authorized to transfer such funds from the
26 escrow account ~~Ecosystem Management and Restoration Trust Fund~~
27 to the Department of Environmental Protection and the water
28 management districts to carry out the mitigation programs.
29 (4) Prior to December 1 of each year ~~31, 1996,~~ each
30 water management district, in consultation with the Department
31 of Environmental Protection, the United States Army Corps of

1 Engineers, the Department of Transportation,~~and~~ other
2 appropriate federal, state, and local governments, and other
3 interested parties, including entities operating mitigation
4 banks, shall develop a plan for the primary purpose of
5 complying with the mitigation requirements adopted pursuant to
6 this part and 33 U.S.C. s. 1344. This plan shall also address
7 significant invasive aquatic ~~and exotic~~ plant problems within
8 wetlands and other surface waters. In developing such plans,
9 the districts shall utilize sound ecosystem management
10 practices to address significant water resource needs and
11 shall focus on activities of the Department of Environmental
12 Protection and the water management districts, such as surface
13 water improvement and management (SWIM) waterbodies and lands
14 identified for potential acquisition for preservation,
15 restoration, or enhancement, to the extent that such
16 activities comply with the mitigation requirements adopted
17 under this part and 33 U.S.C. s. 1344. In determining the
18 activities to be included in such plans, the districts shall
19 also consider the purchase of credits from public or private
20 mitigation banks permitted pursuant to s. 373.4136 and
21 associated federal authorization ~~under this part~~ and shall
22 include such purchase as a part of the mitigation plan when
23 such purchase would offset the impact of the transportation
24 project, provide equal benefits to the water resources than
25 other mitigation options being considered, and provide the
26 most cost-effective mitigation option. The mitigation plan
27 shall be preliminarily approved by the water management
28 district governing board and shall be submitted to the
29 secretary of the Department of Environmental Protection for
30 review and final approval. The preliminary approval by the
31 water management district governing board does not constitute

1 a decision which affects substantial interests as provided by
2 s. 120.569.At least 30 days prior to preliminary approval,
3 the water management district shall provide a copy of the
4 draft mitigation plan to any person who has requested a copy.

5 (a) For each transportation project with a funding
6 request for the next fiscal year, the mitigation plan shall
7 include a brief explanation of why a mitigation bank was or
8 was not chosen as a mitigation option, including an estimation
9 of identifiable costs of the mitigation bank and nonbank
10 options to the extent practicable.~~If the Department of~~
11 ~~Environmental Protection and water management districts are~~
12 ~~unable to identify mitigation that would offset the impacts of~~
13 ~~a project included in the inventory, either due to the nature~~
14 ~~of the impact or the amount of funds available, that project~~
15 ~~shall not be addressed in the mitigation plan and the project~~
16 ~~shall not be subject to the provisions of this section.~~

17 (b) Specific projects may be excluded from the
18 mitigation plan and shall not be subject to this section upon
19 the agreement of the Department of Transportation, the
20 Department of Environmental Protection, and the appropriate
21 water management district if:

22 1. that The inclusion of such projects would hamper
23 the efficiency or timeliness of the mitigation planning and
24 permitting process; or

25 2. The Department of Environmental Protection and the
26 water management district are unable to identify mitigation
27 that would offset the impacts of the project.

28 (c) Surface water improvement and management or
29 invasive plant control projects undertaken using the \$12
30 million advance transferred from the Department of
31 Transportation to the Department of Environmental Protection

1 in fiscal year 1996-1997 which meet the requirements for
2 mitigation under this part and 33 U.S.C. s. 1344 shall remain
3 available for mitigation until the \$12 million is fully
4 credited up to and including fiscal year 2004-2005. When these
5 projects are used as mitigation, the \$12 million advance shall
6 be reduced by \$75,000 per acre of impact mitigated. For any
7 fiscal year through and including fiscal year 2004-2005, to
8 the extent the cost of developing and implementing the
9 mitigation plans is less than the amount transferred pursuant
10 to subsection (3), the difference shall be credited towards
11 the \$12 million advance. Except as noted in this paragraph,
12 any funds not directed to implement the mitigation plan
13 should, to the greatest extent possible, be directed to fund
14 invasive plant control within wetlands and other surface
15 waters. ~~Those transportation projects that are proposed to~~
16 ~~commence in fiscal year 1996-1997 shall not be addressed in~~
17 ~~the mitigation plan, and the provisions of subsection (7)~~
18 ~~shall not apply to these projects. The Department of~~
19 ~~Transportation may enter into interagency agreements with the~~
20 ~~Department of Environmental Protection or any water management~~
21 ~~district to perform mitigation planning and implementation for~~
22 ~~these projects.~~

23 ~~(d) On July 1, 1996, the Department of Transportation~~
24 ~~shall transfer to the Department of Environmental Protection~~
25 ~~\$12 million from the State Transportation Trust Fund for the~~
26 ~~purposes of the surface water improvement management program~~
27 ~~and to address statewide aquatic and exotic plant problems~~
28 ~~within wetlands and other surface waters. Such funds shall be~~
29 ~~considered an advance upon funds that the Department of~~
30 ~~Transportation would provide for statewide mitigation during~~
31 ~~the 1997-1998, 1998-1999, and 1999-2000 fiscal years. This~~

1 ~~use of mitigation funds for surface water improvement~~
2 ~~management projects or aquatic and exotic plant control may be~~
3 ~~utilized as mitigation for transportation projects to the~~
4 ~~extent that it complies with the mitigation requirements~~
5 ~~adopted pursuant to this part and 33 U.S.C. s. 1344. To the~~
6 ~~extent that such activities result in mitigation credit for~~
7 ~~projects permitted in fiscal year 1996-1997, all or part of~~
8 ~~the \$12 million funding for surface water improvement~~
9 ~~management projects or aquatic and exotic plant control in~~
10 ~~fiscal year 1996-1997 shall be drawn from Department of~~
11 ~~Transportation mitigation funding for fiscal year 1996-1997~~
12 ~~rather than from mitigation funding for fiscal years~~
13 ~~1997-1998, 1998-1999, and 1999-2000, in an amount equal to the~~
14 ~~cost per acre of impact described in subsection (3), times the~~
15 ~~acreage of impact that is mitigated by such plant control~~
16 ~~activities. Any part of the \$12 million that does not result~~
17 ~~in mitigation credit for projects permitted in fiscal year~~
18 ~~1996-1997 shall remain available for mitigation credit during~~
19 ~~fiscal years 1997-1998, 1998-1999, or 1999-2000.~~

20 (5) The water management district shall be responsible
21 for ensuring that mitigation requirements pursuant to 33
22 U.S.C. s. 1344 are met for the impacts identified in the
23 inventory described in subsection (2), by implementation of
24 the approved plan described in subsection (4) to the extent
25 funding is provided ~~as funded~~ by the Department of
26 Transportation. During the federal permitting process, the
27 water management district may deviate from the approved
28 mitigation plan in order to comply with federal permitting
29 requirements.

30 (6) The mitigation plan shall be updated annually to
31 reflect the most current Department of Transportation work

1 program and may be amended throughout the year to anticipate
2 schedule changes or additional projects which may arise. Each
3 update and amendment of the mitigation plan shall be submitted
4 to the secretary of the Department of Environmental Protection
5 for approval ~~as described in subsection (4).~~ However, such
6 approval shall not be applicable to a deviation as described
7 in subsection (5).

8 (7) Upon approval by the secretary of the Department
9 of Environmental Protection, the mitigation plan shall be
10 deemed to satisfy the mitigation requirements under this part
11 and any other mitigation requirements imposed by local,
12 regional, and state agencies for impacts identified in the
13 inventory described in subsection (2). The approval of the
14 secretary shall authorize the activities proposed in the
15 mitigation plan, and no other state, regional, or local permit
16 or approval shall be necessary.

17 (8) This section shall not be construed to eliminate
18 the need for the Department of Transportation to comply with
19 the requirement to implement practicable design modifications,
20 including realignment of transportation projects, to reduce or
21 eliminate the impacts of its transportation projects on
22 wetlands and other surface waters as required by rules adopted
23 pursuant to this part, or to diminish the authority under this
24 part to regulate other impacts, including water quantity or
25 water quality impacts, or impacts regulated under this part
26 that are not identified in the inventory described in
27 subsection (2).

28 ~~(9) The recommended mitigation plan shall be annually~~
29 ~~submitted to the Executive Office of the Governor and the~~
30 ~~Legislature through the legislative budget request of the~~
31 ~~Department of Environmental Protection in accordance with~~

1 ~~chapter 216. Any funds not directed to implement the~~
2 ~~mitigation plan should, to the greatest extent possible, be~~
3 ~~directed to fund aquatic and exotic plant problems within the~~
4 ~~wetlands and other surface waters.~~

5 ~~(10) By December 1, 1997, the Department of~~
6 ~~Environmental Protection, in consultation with the water~~
7 ~~management districts, shall submit a report to the Governor,~~
8 ~~the President of the Senate, and the Speaker of the House of~~
9 ~~Representatives describing the implementation of this section,~~
10 ~~including the use of public and private mitigation banks and~~
11 ~~other types of mitigation approved in the mitigation plan.~~
12 ~~The report shall also recommend any amendments to this section~~
13 ~~necessary to improve the process for developing and~~
14 ~~implementing mitigation plans for the Department of~~
15 ~~Transportation. The report shall also include a specific~~
16 ~~section on how private and public mitigation banks are~~
17 ~~utilized within the mitigation plans.~~

18 Section 31. Subsections (3) and (23) of section
19 479.01, Florida Statutes, are amended to read:

20 479.01 Definitions.--As used in this chapter, the
21 term:

22 (3) "Commercial or industrial zone" means a parcel of
23 land ~~an area within 660 feet of the nearest edge of the~~
24 ~~right-of-way of the interstate or federal-aid primary system~~
25 ~~designated predominately~~ for commercial or industrial use
26 under both the future land use map of the comprehensive plan
27 and the land use development regulations adopted under
28 pursuant to chapter 163. If a parcel is located in an area
29 designated for multiple uses on the future land use map of a
30 comprehensive plan and the land development regulations do not
31 clearly designate that parcel for a specific use, the area

1 will be considered an unzoned commercial or industrial area if
2 it meets the criteria of subsection (23)~~where a local~~
3 ~~governmental entity has not enacted a comprehensive plan by~~
4 ~~local ordinance but has zoning regulations governing the area,~~
5 ~~the zoning of an area shall determine whether the area is~~
6 ~~designated predominately for commercial or industrial uses.~~

7 (23) "Unzoned commercial or industrial area" means a
8 parcel of land designated by the ~~an area within 660 feet of~~
9 ~~the nearest edge of the right-of-way of the interstate or~~
10 ~~federal-aid primary system where the land use is not covered~~
11 ~~by a future land use map of the comprehensive plan for~~
12 multiple uses that include commercial or industrial uses but
13 are not specifically designated for commercial or industrial
14 uses under the land development regulations and ~~or zoning~~
15 ~~regulation pursuant to subsection (2), in which there are~~
16 ~~located~~ three or more separate and distinct conforming
17 industrial or commercial activities are located.

18 (a) These activities must satisfy the following
19 criteria:

20 1. At least one of the commercial or industrial
21 activities must be located on the same side of the highway and
22 within 800 feet of the sign location.

23 2. The commercial or industrial activities must be
24 within 660 feet from the nearest edge of the right-of-way.

25 3. The commercial or industrial activities must be
26 within 1,600 feet of each other.

27
28 Distances specified in this paragraph must be measured from the
29 nearest outer edge of the primary building, or primary
30 building complex when the individual units of the complex are
31 connected by covered walkways ~~uses located within a 1,600-foot~~

1 ~~radius of each other and generally recognized as commercial or~~
2 ~~industrial by zoning authorities in this state.~~

3 (b) Certain activities, including, but not limited to,
4 the following, may not be so recognized as commercial or
5 industrial activities:

6 1.(a) Signs.

7 2. Communication towers.

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

11 4.(c) Transient or temporary activities.

12 5.(d) Activities not visible from the main-traveled
13 way.

14 6.(e) Activities conducted more than 660 feet from the
15 nearest edge of the right-of-way.

16 7.(f) Activities conducted in a building principally
17 used as a residence.

18 8.(g) Railroad tracks and minor sidings.

19 Section 32. Paragraph (b) of subsection (8) of section
20 479.07, Florida Statutes, is amended to read:

21 479.07 Sign permits.--

22 (8)

23 (b) If a permittee has not submitted his or her fee
24 payment by the expiration date of the licenses or permits, the
25 department shall send a notice of violation to the permittee
26 within 45 days after the expiration date, requiring the
27 payment of the permit fee within 30 days after the date of the
28 notice and payment of a delinquency fee equal to 10 percent of
29 the original amount due or, in the alternative to these
30 payments, requiring the filing of a request for an
31 administrative hearing to show cause why his or her sign

1 should not be subject to immediate removal due to expiration
2 of his or her license or permit. If the permittee submits
3 payment as required by the violation notice, his or her
4 license or permit will be automatically reinstated and such
5 reinstatement will be retroactive to the original expiration
6 date. If the permittee does not respond to the notice of
7 violation within the 30-day period, the department shall,
8 within 30 days, issue a final notice of sign removal and may,
9 following 90 days after the date of the department's final
10 notice of sign removal, remove the sign without incurring any
11 liability as a result of such removal. However, if at any time
12 prior to the removal of the sign ~~within 90 days after the date~~
13 ~~of the department's final notice of sign removal~~, the
14 permittee demonstrates that a good faith error on the part of
15 the permittee resulted in cancellation or nonrenewal of the
16 permit, the department may reinstate the permit if:

17 ~~1. The sign has not yet been disassembled by the~~
18 ~~permittee;~~

19 ~~2. Conflicting applications have not been filed by~~
20 ~~other persons;~~

21 ~~1.3. A~~ The permit reinstatement fee of up to \$300,
22 based upon the size of the sign, is paid;

23 ~~2.4.~~ All other permit renewal and delinquent permit
24 fees due as of the reinstatement date are paid; and

25 ~~3.5.~~ The permittee reimburses the department for all
26 actual costs resulting from the permit cancellation or
27 nonrenewal and sign removal.

28
29 Conflicting applications filed by other persons for the same
30 or competing site covered by a permit subject to the
31

1 provisions of this paragraph shall not be approved until after
2 the sign subject to the expired permit has been removed.

3 Section 33. Subsection (15) of section 479.16, Florida
4 Statutes, is amended to read:

5 479.16 Signs for which permits are not required.--The
6 following signs are exempt from the requirement that a permit
7 for a sign be obtained under the provisions of this chapter
8 but are required to comply with the provisions of s.
9 479.11(4)-(8):

10 (15) Signs not in excess of 16 square feet placed at a
11 road junction with the State Highway System denoting only the
12 distance or direction of a residence or farm operation, or, in
13 a rural area where a hardship is created because a small
14 business is not visible from the road junction with the State
15 Highway System, one sign not in excess of 16 & square feet,
16 denoting only the name of the business and the distance and
17 direction to the business. The small-business-sign provision
18 of this subsection does not apply to charter counties and may
19 not be implemented if the Federal Government notifies the
20 department that implementation will adversely affect the
21 allocation of federal funds to the department.

22 Section 34. Sections 341.3201, 341.321, 341.322,
23 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,
24 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,
25 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,
26 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,
27 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,
28 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,
29 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are
30 hereby repealed.

31

1 Section 35. This act shall take effect upon becoming a
2 law.

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4 *****

5 HOUSE SUMMARY

6 Revises provisions of law relating to the Department of
7 Transportation to:

8 1. Eliminate the Office of Construction and provide
for an Office of Highway Operations.

9 2. Increase to 7 percent the percentage amount of
10 revenues in the State Transportation Trust Fund to be
transferred to the Right-of-Way Acquisition and Bridge
Construction Trust Fund annually and increase the dollar
amount which may be so transferred.

11 3. Provide for state bonds for federal-aid highways
construction.

12 4. Continue the model career service classification
and compensation plan within the department for a
13 described time period.

14 5. Authorize the department to designate public
roads as scenic highways.

15 6. Revise language with respect to suits at law and
equity brought by or against the department.

16 7. Authorize the department to purchase described
services without competitive bids.

17 8. Revise language with respect to delinquent
contractors, professional services, and described surety
bonds.

18 9. Provide for bonds payable to the department
rather than to the Governor.

19 10. Increase claim limits with respect to described
contractual claims governed by the State Arbitration
20 Board.

21 11. Authorize the department to purchase, lease,
exchange, or otherwise acquire property interests.

22 12. Authorize the department to participate in the
costs of certain clearing and grubbing with respect to
utility improvement relocation.

23 13. Revise language with respect to proposed
turnpike projects to provide that described requirements
do not apply to hardship and protective purchases by the
department of advance right-of-way.

24 14. Revise language with respect to transportation
planning and metropolitan planning organizations.

25 15. Direct the department to create and maintain a
common self-retention insurance fund to support public
transit projects throughout the state.

26 16. Eliminate the Florida High-Speed Rail
27 Transportation Act.

28
29 See bill for details.
30
31