

By Senator Webster

12-1088-99

See HB

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending ss. 20.23, 206.46,
4 288.9607, 337.29, 337.407, 338.22, 338.221,
5 338.223, 338.225, 338.227, 338.228, 338.229,
6 338.231, 338.232, 338.239, 339.08, 339.175,
7 339.241, 341.3333, 348.0005, 348.0009, 348.248,
8 348.948, 349.05, 479.01, F.S.; conforming
9 cross-references; repealing s. 234.112, F.S.,
10 relating to school bus stops; repealing s.
11 335.165, F.S., relating to welcome stations;
12 repealing section 137 of chapter 96-320, Laws
13 of Florida, relating to certain uncollectible
14 debts owned by a local government for utility
15 relocation cost reimbursements; repealing s.
16 339.091, F.S., relating to a declaration of
17 legislative intent; repealing s. 339.145, F.S.,
18 relating to certain expenditures in the Working
19 Capital Trust Fund; repealing s. 339.147, F.S.,
20 relating to certain audits by the Auditor
21 General; amending ss. 311.09, 331.303, 331.305,
22 331.308, 331.331, 334.03, 335.074, 335.182,
23 335.188, 336.044, 337.015, 337.139, 339.2405,
24 341.051, 341.352, 343.64, 343.74, 378.411,
25 427.012, 427.013, 951.05, F.S.; deleting
26 obsolete provisions, and, where appropriate,
27 clarifying provisions; reenacting ss. 336.01,
28 338.222, 339.135(7)(e), 341.321(1), F.S.,
29 relating to designation of county road system,
30 acquisition or construction or operation of
31 turnpike projects, amendment of the adopted

1 work program, and legislative findings and
2 intent regarding development of high-speed rail
3 transportation system; providing an effective
4 date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Paragraph (d) of subsection (3) of section
9 20.23, Florida Statutes, 1998 Supplement, is amended to read:
10 20.23 Department of Transportation.--There is created
11 a Department of Transportation which shall be a decentralized
12 agency.

13 (3)

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

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

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

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

24 d. Performing other activities of a statewide nature.

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

29 a. The Office of Administration;

30 b. The Office of Policy Planning;

31 c. The Office of Design;

- 1 d. The Office of Construction;
2 e. The Office of Right-of-Way;
3 f. The Office of Toll Operations; and
4 g. The Office of Information Systems.

5 3. Other offices may be established in accordance with
6 s. 20.04~~(7)~~~~(6)~~. The heads of such offices are exempt from part
7 II of chapter 110. No office or organization shall be created
8 at a level equal to or higher than a division without specific
9 legislative authority.

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

12 206.46 State Transportation Trust Fund.--

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

19 Section 3. Section 234.112, Florida Statutes, is
20 repealed.

21 Section 4. Paragraph (a) of subsection (7) of section
22 288.9607, Florida Statutes, is amended to read:

23 288.9607 Guaranty of bond issues.--

24 (7)(a) The corporation is authorized to enter into an
25 investment agreement with the Department of Transportation and
26 the State Board of Administration concerning the investment of
27 the earnings accrued and collected upon the investment of the
28 minimum balance of funds required to be maintained in the
29 State Transportation Trust Fund pursuant to s.
30 339.135~~(6)(b)~~~~(7)(b)~~. Such investment shall be limited as
31 follows:

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

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

10 3. The corporation shall pay a reasonable fee, set by
11 the State Board of Administration, in return for the
12 investment of such funds. The fee shall not be less than the
13 comparable rate for similar investments in terms of size and
14 risk.

15 4. The proceeds of bonds, or portions thereof, issued
16 by the corporation for which a guaranty has been or will be
17 issued pursuant to s. 288.9606, s. 288.9608, or this section
18 used to make loans to any one person, including any related
19 interests, as defined in s. 658.48, of such person, shall not
20 exceed 20 percent of the principal of all such outstanding
21 bonds of the corporation issued prior to the first composite
22 bond issue of the corporation, or December 31, 1995, whichever
23 comes first, and shall not exceed 15 percent of the principal
24 of all such outstanding bonds of the corporation issued
25 thereafter, in each case determined as of the date of issuance
26 of the bonds for which such determination is being made and
27 taking into account the principal amount of such bonds to be
28 issued. The provisions of this subparagraph shall not apply
29 when the total amount of all such outstanding bonds issued by
30 the corporation is less than \$10 million. For the purpose of
31 calculating the limits imposed by the provisions of this

1 subparagraph, the first \$10 million of bonds issued by the
2 corporation shall be taken into account.

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

7 6. The corporation shall establish an account known as
8 the Revenue Bond Guaranty Reserve Account, the Guaranty Fund.
9 The corporation shall deposit a sum of money or other cash
10 equivalents into this fund and maintain a balance of money or
11 cash equivalents in this fund, from sources other than the
12 investment of earnings accrued and collected upon the
13 investment of the minimum balance of funds required to be
14 maintained in the State Transportation Trust Fund, not less
15 than a sum equal to 1 year of maximum debt service on all
16 outstanding bonds, or portions thereof, of the corporation for
17 which a guaranty has been issued pursuant to ss. 288.9606,
18 288.9607, and 288.9608. In the event the corporation fails to
19 maintain the balance required pursuant to this subparagraph
20 for any reason other than a default on a bond issue of the
21 corporation guaranteed pursuant to this section or because of
22 the use by the corporation of any such funds to pay insurance,
23 maintenance, or other costs which may be required for the
24 preservation of any project or other collateral security for
25 any bond issued by the corporation, or to otherwise protect
26 the Revenue Bond Guaranty Reserve Account from loss while the
27 applicant is in default on amortization payments, or to
28 minimize losses to the reserve account in each case in such
29 manner as may be deemed necessary or advisable by the
30 corporation, the corporation shall immediately notify the
31 Department of Transportation of such deficiency. Any

1 supplemental funding authorized by an investment agreement
2 entered into with the Department of Transportation and the
3 State Board of Administration concerning the use of investment
4 earnings of the minimum balance of funds is void unless such
5 deficiency of funds is cured by the corporation within 90 days
6 after the corporation has notified the Department of
7 Transportation of such deficiency.

8 Section 5. Subsection (3) of section 311.09, Florida
9 Statutes, is amended to read:

10 311.09 Florida Seaport Transportation and Economic
11 Development Council.--

12 (3) The council shall prepare a 5-year Florida Seaport
13 Mission Plan defining the goals and objectives of the council
14 concerning the development of port facilities and an
15 intermodal transportation system consistent with the goals of
16 the Florida Transportation Plan developed pursuant to s.
17 339.155. The Florida Seaport Mission Plan shall include
18 specific recommendations for the construction of
19 transportation facilities connecting any port to another
20 transportation mode and for the efficient, cost-effective
21 development of transportation facilities or port facilities
22 for the purpose of enhancing international trade, promoting
23 cargo flow, increasing cruise passenger movements, increasing
24 port revenues, and providing economic benefits to the state.
25 The council shall update the 5-year Florida Seaport Mission
26 Plan annually and shall submit the plan no later than February
27 1 of each year to the President of the Senate; the Speaker of
28 the House of Representatives; the Office of Tourism, Trade,
29 and Economic Development; the Department of Transportation;
30 and the Department of Community Affairs. The council shall
31 develop programs, based on an examination of existing programs

1 in Florida and other states, for the training of minorities
2 and secondary school students in job skills associated with
3 employment opportunities in the maritime industry, and report
4 on progress and recommendations for further action to the
5 President of the Senate and the Speaker of the House of
6 Representatives annually, ~~beginning no later than February 1,~~
7 ~~1991.~~

8 Section 6. Subsection (16) of section 331.303, Florida
9 Statutes, is amended to read:

10 331.303 Definitions.--

11 (16) "Project" means any development, improvement,
12 property, launch, utility, facility, system, works, road,
13 sidewalk, enterprise, service, or convenience, which may
14 include coordination with Enterprise Florida, Inc. ~~the Florida~~
15 ~~High Technology and Industry Council~~, the Board of Regents,
16 and the Space Research Foundation; any rocket, capsule,
17 module, launch facility, assembly facility, operations or
18 control facility, tracking facility, administrative facility,
19 or any other type of space-related transportation vehicle,
20 station, or facility; any type of equipment or instrument to
21 be used or useful in connection with any of the foregoing; any
22 type of intellectual property and intellectual property
23 protection in connection with any of the foregoing including,
24 without limitation, any patent, copyright, trademark, and
25 service mark for, among other things, computer software; any
26 water, wastewater, gas, or electric utility system, plant, or
27 distribution or collection system; any small business
28 incubator initiative, including any startup aerospace company,
29 research and development company, research and development
30 facility, storage facility, and consulting service; or any
31 tourism initiative, including any space experience attraction,

1 space-launch-related activity, and space museum sponsored or
2 promoted by the authority.

3 Section 7. Subsections (1), (4), and (21) of section
4 331.305, Florida Statutes, are amended to read:

5 331.305 Powers of the authority.--The authority shall
6 have the power to:

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

9 (4) Review and make recommendations with respect to a
10 strategy to guide and facilitate the future of space-related
11 educational and commercial development. The authority shall
12 in coordination with the Federal Government, private industry,
13 and Florida universities develop a business plan which shall
14 address the expansion of Spaceport Florida locations, space
15 launch capacity, spaceport projects, and complementary
16 activities, which shall include, but not be limited to, a
17 detailed analysis of:

18 (a) The authority and the commercial space industry.

19 (b) Products, services description--potential,
20 technologies, skills.

21 (c) Market research and evaluation--customers,
22 competition, economics.

23 (d) Marketing plan and strategy.

24 (e) Design and development plan--tasks, difficulties,
25 costs.

26 (f) Manufacturing locations, facilities, and
27 operations plan.

28 (g) Management organization--roles and
29 responsibilities.

30 (h) Overall schedule (monthly).

31 (i) Important risks, assumptions, and problems.

1 (j) Community impact--economic, human development,
2 community development.

3 (k) Financial plan (monthly for first year; quarterly
4 for next 3 years).

5 (l) Proposed authority offering--financing,
6 capitalization, use of funds.

7
8 ~~A final report containing the recommendations and business~~
9 ~~plan of the authority shall be completed and submitted prior~~
10 ~~to the 1990 Regular Session of the Legislature, along with any~~
11 ~~proposed statutory changes and related legislative budget~~
12 ~~requests required to implement the business plan, to the~~
13 ~~Governor, the President of the Senate, the Speaker of the~~
14 ~~House of Representatives, the minority leader of the Senate,~~
15 ~~and the minority leader of the House of Representatives.~~

16 (21) Issue revenue bonds, assessment bonds, or any
17 other bonds or obligations authorized by the provisions of
18 this act or any other law, or any combination of the
19 foregoing, and pay all or part of the cost of the acquisition,
20 construction, reconstruction, extension, repair, improvement,
21 or maintenance of any project or combination of projects,
22 including payloads and space flight hardware, and equipment
23 for research, development, and educational activities, to
24 provide for any facility, service, or other activity of the
25 authority, and provide for the retirement or refunding of any
26 bonds or obligations of the authority, or for any combination
27 of the foregoing purposes. ~~Until December 31, 1994, bonds,~~
28 ~~other than conduit bonds, issued under the authority contained~~
29 ~~in this act shall not exceed a total of \$500 million and must~~
30 ~~first be approved by a majority of the members of the Governor~~
31 ~~and Cabinet.~~ The authority must provide 14 days' notice to

1 the presiding officers and appropriations chairs of both
2 houses of the Legislature prior to presenting a bond proposal
3 to the Governor and Cabinet. If either presiding officer or
4 appropriations chair objects to the bonding proposal within
5 the 14-day-notice period, the bond issuance may be approved
6 only by a vote of two-thirds of the members of the Governor
7 and Cabinet.

8 Section 8. Subsection (2) of section 331.308, Florida
9 Statutes, is amended to read:

10 331.308 Board of supervisors.--

11 (2) Initially, the Governor shall appoint four regular
12 members for terms of 3 years or until successors are appointed
13 and qualified and three regular members for terms of 4 years
14 or until successors are appointed and qualified. Thereafter,
15 each such member shall serve a term of 4 years or until a
16 successor is appointed and qualified. The term of each such
17 member shall be construed to commence on the date of
18 appointment and to terminate on June 30 of the year of the end
19 of the term. ~~The terms for such members initially appointed~~
20 ~~shall be construed to include the time between initial~~
21 ~~appointment and June 30, 1992, for those appointed for 3-year~~
22 ~~terms, and June 30, 1993, for those appointed for 4-year~~
23 ~~terms. No such member shall be allowed to serve an initial~~
24 ~~3-year term or fill any vacancy for the remainder of a term~~
25 ~~for less than 4 years.~~ Appointment to the board shall not
26 preclude any such member from holding any other private or
27 public position.

28 Section 9. Subsection (1) of section 331.331, Florida
29 Statutes, is amended to read:

30 331.331 Revenue bonds.--

31

1 (1) Revenue bonds issued by the authority shall not be
2 deemed revenue bonds issued by the state or its agencies for
3 purposes of s. 11, Art. VII of the State Constitution and ss.
4 215.57-215.83. ~~However, until December 31, 1994, the power of~~
5 ~~the authority to issue revenue bonds shall be limited as~~
6 ~~provided in s. 331.305.~~ The authority shall include in its
7 annual report to the Governor and Legislature, as provided in
8 s. 331.310, a summary of the status of existing and proposed
9 bonding projects.

10 Section 10. Paragraph (d) of subsection (25) of
11 section 334.03, Florida Statutes, is amended to read:

12 334.03 Definitions.--When used in the Florida
13 Transportation Code, the term:

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

16 (d) The urban minor arterial mileage on the existing
17 State Highway System as of July 1, 1987, plus additional
18 mileage to comply with the 2-percent requirement as described
19 below. ~~These urban minor arterial routes shall be selected in~~
20 ~~accordance with s. 335.04(1)(a) and (b).~~

21
22 However, not less than 2 percent of the public road mileage of
23 each urbanized area on record as of June 30, 1986, shall be
24 included as minor arterials in the State Highway System.
25 Urbanized areas not meeting the foregoing minimum requirement
26 shall have transferred to the State Highway System additional
27 minor arterials of the highest significance in which case the
28 total minor arterials in the State Highway System from any
29 urbanized area shall not exceed 2.5 percent of that area's
30 total public urban road mileage.

31

1 Section 11. Subsection (5) of section 335.074, Florida
2 Statutes, is amended to read:

3 335.074 Safety inspection of bridges.--

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

9 Section 12. Section 335.165, Florida Statutes, is
10 repealed.

11 Section 13. Subsection (2) of section 335.182, Florida
12 Statutes, is amended to read:

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

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

20 Section 14. Paragraphs (a) and (e) of subsection (3)
21 of section 335.188, Florida Statutes, are amended to read:

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

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

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

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

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

7 Section 15. Section 336.01, Florida Statutes, is
8 reenacted to read:

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

11 Section 16. Subsection (2) of section 336.044, Florida
12 Statutes, is amended to read:

13 336.044 Use of recyclable materials in construction.--

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

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

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

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

30
31

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

4 (e) Glass, and glass aggregates.
5

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

15 Section 17. Subsection (7) of section 337.015, Florida
16 Statutes, is amended to read:

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

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

26 Section 18. Section 337.139, Florida Statutes, is
27 amended to read:

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

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

13 Such efforts may include:

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

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

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

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

27 Section 19. Subsection (3) of section 337.29, Florida
28 Statutes, is amended to read:

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

31

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

17 Section 20. Section 137 of chapter 96-320, Laws of
18 Florida, is repealed.

19 Section 21. Subsection (2) of section 337.407, Florida
20 Statutes, is amended to read:

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

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

26 Section 22. Section 338.22, Florida Statutes, is
27 amended to read:

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

1 Section 23. Section 338.221, Florida Statutes, is
2 amended to read:

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

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

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

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

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

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

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

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

25 (8) "Economically feasible" means:

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

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

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

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

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

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

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

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

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

31

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

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

12 Section 25. Section 338.223, Florida Statutes, is
13 reenacted and amended to read:

14 338.223 Proposed turnpike projects.--

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

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

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

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

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

- 15 1. The purpose of the notice is to provide for a
16 30-day period for written public comments on the environmental
17 impacts of a proposed turnpike project.
- 18 2. The name and description of the project, along with
19 a geographic location map clearly indicating the area where
20 the proposed project will be located.
- 21 3. The address where such comments must be sent and
22 the date such comments are due.

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

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

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

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

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

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

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

7 Section 26. Section 338.225, Florida Statutes, is
8 amended to read:

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

21 Section 27. Subsection (2) of section 338.227, Florida
22 Statutes, is amended to read:

23 338.227 Turnpike revenue bonds.--

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

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

11 Section 28. Section 338.228, Florida Statutes, is
12 amended to read:

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

31

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

3 Section 29. Section 338.229, Florida Statutes, is
4 amended to read:

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

20 Section 30. Subsections (6) and (7) of section
21 338.231, Florida Statutes, are amended to read:

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

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

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

31

1 Section 31. Section 338.232, Florida Statutes, is
2 amended to read:

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

18 Section 32. Section 338.239, Florida Statutes, is
19 amended to read:

20 338.239 Traffic control on the turnpike system.--

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

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

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

10 Section 33. Subsection (4) of section 339.08, Florida
11 Statutes, is amended to read:

12 339.08 Use of moneys in State Transportation Trust
13 Fund.--

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

20 Section 34. Section 339.091, Florida Statutes, is
21 repealed.

22 Section 35. Paragraph (e) of subsection (7) of section
23 339.135, Florida Statutes, is reenacted to read:

24 339.135 Work program; legislative budget request;
25 definitions; preparation, adoption, execution, and
26 amendment.--

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

28 (e) Notwithstanding the requirements in paragraph (d)
29 and ss. 216.177(2) and 216.351, the secretary may request the
30 Executive Office of the Governor to amend the adopted work
31 program when an emergency exists, as defined in s. 252.34(3),

1 and the emergency relates to the repair or rehabilitation of
2 any state transportation facility. The Executive Office of
3 the Governor may approve the amendment to the adopted work
4 program and amend that portion of the department's approved
5 budget in the event that the delay incident to the
6 notification requirements in paragraph (d) would be
7 detrimental to the interests of the state. However, the
8 department shall immediately notify the parties specified in
9 paragraph (d) and shall provide such parties written
10 justification for the emergency action within 7 days of the
11 approval by the Executive Office of the Governor of the
12 amendment to the adopted work program and the department's
13 budget. In no event may the adopted work program be amended
14 under the provisions of this subsection without the
15 certification by the comptroller of the department that there
16 are sufficient funds available pursuant to the 36-month cash
17 forecast and applicable statutes.

18 Section 36. Sections 339.145 and 339.147, Florida
19 Statutes, are repealed.

20 Section 37. Paragraph (a) of subsection (10) of
21 section 339.175, Florida Statutes, 1998 Supplement, is amended
22 to read:

23 339.175 Metropolitan planning organization.--It is the
24 intent of the Legislature to encourage and promote the
25 development of transportation systems embracing various modes
26 of transportation in a manner that will maximize the mobility
27 of people and goods within and through urbanized areas of this
28 state and minimize, to the maximum extent feasible, and
29 together with applicable regulatory government agencies,
30 transportation-related fuel consumption and air pollution. To
31 accomplish these objectives, metropolitan planning

1 organizations, referred to in this section as M.P.O.'s, shall
2 develop, in cooperation with the state, transportation plans
3 and programs for metropolitan areas. Such plans and programs
4 must provide for the development of transportation facilities
5 that will function as an intermodal transportation system for
6 the metropolitan area. The process for developing such plans
7 and programs shall be continuing, cooperative, and
8 comprehensive, to the degree appropriate, based on the
9 complexity of the transportation problems.

10 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
11 COUNCIL.--

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

16 Section 38. Paragraph (a) of subsection (7) of section
17 339.2405, Florida Statutes, is amended to read:

18 339.2405 Florida Highway Beautification Council.--

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

20 1. Provide information to local governments and local
21 highway beautification councils regarding the state highway
22 beautification grants program.

23 2. Accept grant requests from local governments.

24 3. Review grant requests for compliance with council
25 rules.

26 4. Establish rules for evaluating and prioritizing the
27 grant requests. The rules must include, but are not limited
28 to, an examination of each grant's aesthetic value,
29 cost-effectiveness, level of local support, feasibility of
30 installation and maintenance, and compliance with state and
31 federal regulations. Rules adopted by the council which it

1 uses to evaluate grant applications must take into
2 consideration the contributions made by the highway
3 beautification project in preventing litter.

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

8 6. Assess the feasibility of planting and maintaining
9 indigenous wildflowers and plants, instead of sod
10 groundcovers, along the rights-of-way of state roads and
11 highways. In making such assessment, the council shall
12 utilize data from other states which include indigenous
13 wildflower and plant species in their highway vegetative
14 management systems. ~~The council shall complete its assessment
15 and present a report to the head of the department by July 1,
16 1988.~~

17 Section 39. Paragraph (g) of subsection (2) of section
18 339.241, Florida Statutes, is amended to read:

19 339.241 Florida Junkyard Control Law.--

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

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

26 Section 40. Section 341.051, Florida Statutes, is
27 amended to read:

28 341.051 Administration and financing of public transit
29 programs and projects.--

30 (1) FEDERAL AID.--

31

1 (a) The department is authorized to receive federal
2 grants or apportionments for public transit projects in this
3 state.

4 (b) Local governmental entities are authorized to
5 receive federal grants or apportionments for public transit
6 and commuter assistance projects. In addition, the provisions
7 of s. 337.403 notwithstanding, if the relocation of utility
8 facilities is necessitated by the construction of a
9 fixed-guideway public transit project and the utilities
10 relocation is approved as a part of the project by a
11 participating federal agency (if eligible for federal matching
12 reimbursement), then any county chartered under s. 6(e), Art.
13 VIII of the State Constitution shall pay at least 50 percent
14 of the nonfederal share of the cost attributable to such
15 relocation after deducting therefrom any increase in the value
16 of the new facility and any salvage value derived from the old
17 facility. The balance of the nonfederal share shall be paid
18 by the utility.

19 (2) PUBLIC TRANSIT PLAN.--

20 (a) The department shall prepare a public transit plan
21 which shall be included in the tentative work program of the
22 department prepared pursuant to s. 339.135(4). The provisions
23 of s. 339.135 apply to public transit projects in the same
24 manner that they apply to other transportation facility
25 construction projects. Any planned department participation
26 shall be in accordance with subsection (5).

27 (b) The public transit plan shall be consistent with
28 the local plans developed in accordance with the comprehensive
29 transportation planning process. Projects that involve funds
30 administered by the department, and that will be undertaken
31 and implemented by another public agency, shall be included in

1 the public transit plan upon the request of that public
2 agency, providing such project is eligible under the
3 requirements established herein and subject to estimated
4 availability of funds. Projects so included in the plan shall
5 not be altered or removed from priority status without notice
6 to the public agency or local governmental entities involved.

7 (3) APPROPRIATION REQUESTS.--

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

12 (b) Public transit service development projects and
13 transit corridor projects shall be individually identified in
14 the appropriation request by the department. Such request
15 shall show a breakdown of funds showing capital and operating
16 expense.

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

22 (4) PROJECT ELIGIBILITY.--

23 (a) Any project that is necessary to meet the program
24 objectives enumerated in s. 341.041, that conforms to the
25 provisions of this section, and that is contained in the local
26 transportation improvement program and the adopted work
27 program of the department is eligible for the expenditure of
28 state funds for transit purposes.

29 1. The project shall be a project for service or
30 transportation facilities provided by the department under the
31 provisions of this act, a public transit capital project, a

1 commuter assistance project, a public transit service
2 development project, or a transit corridor project.

3 2. The project must be approved by the department as
4 being consistent with the criteria established pursuant to the
5 provisions of this act.

6 (b) Such expenditures shall be in accordance with the
7 fund participation rates and the criteria established in this
8 section for project development and implementation, and are
9 subject to approval by the department as being consistent with
10 the Florida Transportation Plan and regional transportation
11 goals and objectives.

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

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

18 (a) The department may fund up to 50 percent of the
19 nonfederal share of the costs, not to exceed the local share,
20 of any eligible public transit capital project or commuter
21 assistance project that is local in scope; except, however,
22 that departmental participation in the final design,
23 right-of-way acquisition, and construction phases of an
24 individual fixed-guideway project which is not approved for
25 federal funding shall not exceed an amount equal to 12.5
26 percent of the total cost of each phase.

27 (b) The Department of Transportation shall develop a
28 major capital investment policy which shall include policy
29 criteria and guidelines for the expenditure or commitment of
30 state funds for public transit capital projects. The policy
31 shall include the following:

1 1. Methods to be used to determine consistency of a
2 transit project with the approved local government
3 comprehensive plans of the units of local government in which
4 the project is located.

5 2. Methods for evaluating the level of local
6 commitment to a transit project, which is to be demonstrated
7 through system planning and the development of a feasible plan
8 to fund operating cost through fares, value capture techniques
9 such as joint development and special districts, or other
10 local funding mechanisms.

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

14
15 ~~The department shall present such investment policy to both~~
16 ~~the Senate Transportation Committee and the House Public~~
17 ~~Transportation Committee along with recommended legislation by~~
18 ~~March 1, 1991.~~

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

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

30 (e) The department is authorized to fund up to 100
31 percent of the capital and net operating costs of statewide

1 transit service development projects or transit corridor
2 projects. All transit service development projects shall be
3 specifically identified by way of a departmental appropriation
4 request, and transit corridor projects shall be identified as
5 part of the planned improvements on each transportation
6 corridor designated by the department. The project
7 objectives, the assigned operational and financial
8 responsibilities, the timeframe required to develop the
9 required service, and the criteria by which the success of the
10 project will be judged shall be documented by the department
11 for each such transit service development project or transit
12 corridor project.

13 (f) The department is authorized to fund up to 50
14 percent of the capital and net operating costs of transit
15 service development projects that are local in scope and that
16 will improve system efficiencies, ridership, or revenues. All
17 such projects shall be identified in the appropriation request
18 of the department through a specific program of projects, as
19 provided for in s. 341.041, that is selectively applied in the
20 following functional areas and is subject to the specified
21 times of duration:

22 1. Improving system operations, including, but not
23 limited to, realigning route structures, increasing system
24 average speed, decreasing deadhead mileage, expanding area
25 coverage, and improving schedule adherence, for a period of up
26 to 3 years;

27 2. Improving system maintenance procedures, including,
28 but not limited to, effective preventive maintenance programs,
29 improved mechanics training programs, decreasing service
30 repair calls, decreasing parts inventory requirements, and
31 decreasing equipment downtime, for a period of up to 3 years;

1 3. Improving marketing and consumer information
2 programs, including, but not limited to, automated information
3 services, organized advertising and promotion programs, and
4 signing of designated stops, for a period of up to 2 years;
5 and

6 4. Improving technology involved in overall
7 operations, including, but not limited to, transit equipment,
8 fare collection techniques, electronic data processing
9 applications, and bus locators, for a period of up to 2 years.

10
11 For purposes of this section,the term "net operating costs"
12 means all operating costs of a project less any federal funds,
13 fares, or other sources of income to the project.

14 Section 41. Subsection (1) of section 341.321, Florida
15 Statutes, is reenacted to read:

16 341.321 Development of high-speed rail transportation
17 system; legislative findings, policy, purpose, and intent.--

18 (1) The intent of ss. 341.3201-341.386 is to further
19 and advance the goals and purposes of the 1984 High Speed Rail
20 Transportation Commission Act; to ensure a harmonious
21 relationship between that act and the various growth
22 management laws enacted by the Legislature including the Local
23 Government Comprehensive Planning and Land Development
24 Regulation Act, ss. 163.3161-163.3215, the Florida State
25 Comprehensive Planning Act of 1972, as amended, ss.
26 186.001-186.031, the Florida Regional Planning Council Act,
27 ss. 186.501-186.513, and the State Comprehensive Plan, chapter
28 187; to promote the implementation of these acts in an
29 effective manner; and to encourage and enhance the
30 establishment of a high-speed rail transportation system
31 connecting the major urban areas of the state as expeditiously

1 as is economically feasible. Furthermore, it is the intent of
2 the Legislature that any high-speed rail line and transit
3 station be consistent to the maximum extent feasible with
4 local comprehensive plans, and that any other development
5 associated with the rail line and transit station shall
6 ultimately be consistent with comprehensive plans. The
7 Legislature therefore reaffirms these enactments and further
8 finds:

9 (a) That the implementation of a high-speed rail
10 transportation system in the state will result in overall
11 social and environmental benefits, improvements in ambient air
12 quality, better protection of water quality, greater
13 preservation of wildlife habitat, less use of open space, and
14 enhanced conservation of natural resources and energy.

15 (b) That a high-speed rail transportation system, when
16 used in conjunction with sound land use planning, becomes a
17 vigorous force in achieving growth management goals and in
18 encouraging the use of public transportation to augment and
19 implement land use and growth management goals and objectives.

20 (c) That urban and social benefits include
21 revitalization of blighted or economically depressed areas,
22 the redirection of growth in a carefully and comprehensively
23 planned manner, and the creation of numerous employment
24 opportunities within inner-city areas.

25 (d) That transportation benefits include improved
26 travel times and more reliable travel, hence increased
27 productivity. High-speed rail is far safer than other modes of
28 transportation and, therefore, travel-related deaths and
29 injuries can be reduced, and millions of dollars can be saved
30 from avoided accidents.

31

1 Section 42. Subsection (2) of section 341.3333,
2 Florida Statutes, is amended to read:

3 341.3333 Application for franchise; confidentiality of
4 application and trade secrets.--

5 (2) Each applicant, in response to the request for
6 proposals, shall file its application with the department at
7 the location and within the time and date limitations
8 specified in the request for proposals. Applications filed
9 before the deadline shall be kept sealed by the department
10 until the time and date specified for opening. Such sealed
11 applications shall be confidential and exempt from the
12 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
13 Constitution until such time as the department provides notice
14 of a decision or intended decision pursuant to s. 120.57(3)(a)
15 or until 10 days after application opening, whichever is
16 earlier. Thereafter, the applications are public. However,
17 the applicant may segregate the trade secret portions of the
18 application and request that the department maintain those
19 portions as confidential and exempt from the provisions of s.
20 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon
21 award of a franchise, the franchisee may segregate portions of
22 materials required to be submitted by the department and
23 request that the department maintain those portions as
24 confidential and exempt from the provisions of s. 119.07(1)
25 and s. 24(a), Art. I of the State Constitution. Such portions
26 designated by an applicant or by the franchisee shall remain
27 confidential and exempt from the provisions of s. 119.07(1)
28 only if the department finds that the information satisfies
29 the criteria established in s. 119.15(4)(b)~~3.119.14(4)(b)3.~~

30 Section 43. Paragraphs (a) and (c) of subsection (2)
31 of section 341.352, Florida Statutes, are amended to read:

1 341.352 Certification hearing.--
2 (2)(a) The parties to the certification proceeding
3 are:
4 1. The franchisee.
5 ~~2. The Department of Commerce.~~
6 2.3. The Department of Environmental Protection.
7 ~~3.4.~~ The Department of Transportation.
8 ~~4.5.~~ The Department of Community Affairs.
9 ~~5.6.~~ The Game and Fresh Water Fish Commission.
10 ~~6.7.~~ Each water management district.
11 ~~7.8.~~ Each local government.
12 ~~8.9.~~ Each regional planning council.
13 ~~9.10.~~ Each metropolitan planning organization.
14 (c) Notwithstanding the provisions of chapter 120 to
15 the contrary, after the filing with the administrative law
16 judge of a notice of intent to be a party by an agency or
17 corporation or association described in subparagraph 1. or
18 subparagraph 2., or a petition for intervention by a person
19 described in subparagraph 3., no later than 30 days prior to
20 the date set for the certification hearing, any of the
21 following entities also shall be a party to the proceeding:
22 1. Any state agency not listed in paragraph (a), as to
23 matters within its jurisdiction.
24 2. Any domestic nonprofit corporation or association
25 that is formed, in whole or in part, to promote conservation
26 of natural beauty; to protect the environment, personal
27 health, or other biological values; to preserve historical
28 sites; to promote consumer interests; to represent labor,
29 commercial, or industrial groups; to promote economic
30 development; or to promote the orderly development, or
31 maintain the residential integrity, of the area in which the

1 proposed high-speed rail transportation system is to be
2 located.

3 3. Any person whose substantial interests are affected
4 and being determined by the proceeding.

5 Section 44. Subsection (3) of section 343.64, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 343.64 Powers and duties.--

8 (3) The authority shall, ~~by February 1, 1993,~~ develop
9 and adopt a plan for the development of the Central Florida
10 Commuter Rail. Such plan shall address the authority's plan
11 for the development of public and private revenue sources,
12 funding of capital and operating costs, the service to be
13 provided, and the extent to which counties within the area of
14 operation of the authority are to be served. The plan shall
15 be reviewed and updated annually. The plan shall be
16 consistent, to the maximum extent feasible, with the approved
17 local government comprehensive plans of the units of local
18 government served by the authority.

19 Section 45. Subsection (3) of section 343.74, Florida
20 Statutes, is amended to read:

21 343.74 Powers and duties.--

22 (3) The authority shall, ~~by February 1, 1992,~~ develop
23 and adopt a plan for the development of the Tampa Bay Commuter
24 Rail or Commuter Ferry Service. Such plan shall address the
25 authority's plan for the development of public and private
26 revenue sources, funding of operating and capital costs, the
27 service to be provided and the extent to which counties within
28 the authority are to be served. The plan shall be reviewed and
29 updated annually. Such plan shall be consistent, to the
30 maximum extent feasible, with the approved local government
31

1 comprehensive plan of the units of local government served by
2 the authority.

3 Section 46. Paragraph (c) of subsection (2) of section
4 348.0005, Florida Statutes, is amended to read:

5 348.0005 Bonds.--

6 (2)

7 (c) Said bonds shall be sold by the authority at
8 public sale by competitive bid. However, if the authority,
9 after receipt of a written recommendation from a financial
10 adviser, shall determine by official action after public
11 hearing by a two-thirds vote of all voting members of the
12 authority that a negotiated sale of the bonds is in the best
13 interest of the authority, the authority may negotiate for
14 sale of the bonds with the underwriter or underwriters
15 designated by the authority and the county in which the
16 authority exists. The authority shall provide specific
17 findings in a resolution as to the reasons requiring the
18 negotiated sale, which resolution shall incorporate and have
19 attached thereto the written recommendation of the financial
20 adviser required by this subsection~~(4)~~.

21 Section 47. Section 348.0009, Florida Statutes, is
22 amended to read:

23 348.0009 Cooperation with other units, boards,
24 agencies, and individuals.--Express authority and power is
25 given and granted to any county, municipality, drainage
26 district, road and bridge district, school district, or other
27 political subdivision, board, commission, or individual in or
28 of this state to enter into contracts, leases, conveyances, or
29 other agreements within the provisions and purposes of the
30 Florida Expressway Authority Act with an authority. An
31 authority may enter into contracts, leases, conveyances, and

1 other agreements, to the extent consistent with chapters 334,
2 335, 338, and 339,~~and 340~~, and other provisions of the laws
3 of the state and with 23 U.S.C. ss. 101 et seq., with any
4 political subdivision, agency, or instrumentality of the state
5 and any and all federal agencies, corporations, and
6 individuals, for the purpose of carrying out the provisions of
7 the Florida Expressway Authority Act.

8 Section 48. Section 348.248, Florida Statutes, is
9 amended to read:

10 348.248 Cooperation with other units, boards,
11 agencies, and individuals.--Express authority and power is
12 given and granted to any county, municipality, drainage
13 district, road and bridge district, school district, or other
14 political subdivision, board, commission, or individual in or
15 of this state to make and enter into contracts, leases,
16 conveyances, or other agreements within the provisions and
17 purposes of this part with the authority. The authority is
18 expressly authorized to make and enter into contracts, leases,
19 conveyances, and other agreements, to the extent consistent
20 with chapters 334, 335, 338, and 339,~~and 340~~ and other
21 provisions of the laws of this state and with 23 U.S.C. ss.
22 101 et seq., with any political subdivision, agency, or
23 instrumentality of this state and any and all federal
24 agencies, corporations, and individuals, for the purpose of
25 carrying out the provisions of this part.

26 Section 49. Section 348.948, Florida Statutes, is
27 amended to read:

28 348.948 Cooperation with other units, boards,
29 agencies, and individuals.--Express authority and power is
30 given and granted to any county, municipality, drainage
31 district, road and bridge district, school district, or other

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

13 Section 50. Subsection (3) of section 349.05, Florida
14 Statutes, is amended to read:

15 349.05 Bonds of the authority.--

16 (3) The authority may employ fiscal agents as provided
17 by this chapter or the State Board of Administration may, upon
18 request by the authority, act as fiscal agent for the
19 authority in the issuance of any bonds that may be issued
20 pursuant to this chapter part, and the State Board of
21 Administration may, upon request by the authority, take over
22 the management, control, administration, custody, and payment
23 of any or all debt services or funds or assets now or
24 hereafter available for any bonds issued pursuant to this
25 chapter part. The authority may enter into deeds of trust,
26 indentures, or other agreements with its fiscal agent, or with
27 any bank or trust company within or without the state, as
28 security for such bonds, and may, under such agreements,
29 assign and pledge all or any of the revenues, rates, fees,
30 rentals, or other charges or receipts of the authority,
31 including all or any portion of the Duval County gasoline tax

1 funds received by the authority pursuant to the terms of any
2 lease-purchase agreement between the authority and the
3 department, thereunder. Such deed of trust, indenture, or
4 other agreement, may contain such provisions as is customary
5 in such instruments or, as the authority may authorize,
6 including, but without limitation, provisions as to:

7 (a) The completion, improvement, operation, extension,
8 maintenance, repair, and lease of, or lease-purchase agreement
9 relating to, the Jacksonville Expressway System, and the
10 duties of the authority and others, including the department,
11 with reference thereto;

12 (b) The application of funds and the safeguarding of
13 funds on hand or on deposit;

14 (c) The rights and remedies of the trustee and the
15 holders of the bonds; and

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

18 Section 51. Section 378.411, Florida Statutes, is
19 amended to read:

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

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

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

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

31

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

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

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

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

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

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

24 Section 52. Paragraph (b) of subsection (1) of section
25 427.012, Florida Statutes, is amended to read:

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

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

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

4 Section 53. Subsection (16) of section 427.013,
5 Florida Statutes, 1998 Supplement, is amended to read:

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

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

21 Section 54. Subsection (23) of section 479.01, Florida
22 Statutes, is amended, and subsection (24) of that section is
23 reenacted, to read:

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

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

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

6 (a) Signs.

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

10 (c) Transient or temporary activities.

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

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

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

16 (g) Railroad tracks and minor sidings.

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

19 Section 55. Section 951.05, Florida Statutes, is
20 amended to read:

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

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

16 Section 56. This act shall take effect July 1, 1999.

17
18 *****

19 LEGISLATIVE SUMMARY

20 Revises provisions of law relating to the Department of
21 Transportation to conform cross-references, delete
22 obsolete provisions, repeal obsolete provisions, and
23 reenact certain other provisions to update statutes. (See
24 bill for details.)
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