

Bill No. HB 591, 2nd Eng.

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senators Webster and Casas moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15

16 and insert:

17 Section 1. Paragraph (d) of subsection (3) of section  
18 20.23, Florida Statutes, 1998 Supplement, is amended to read:

19 20.23 Department of Transportation.--There is created  
20 a Department of Transportation which shall be a decentralized  
21 agency.

22 (3)

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

25 a. Developing policy and procedures and monitoring  
26 performance to ensure compliance with these policies and  
27 procedures;

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

30 c. Assessing and ensuring the accuracy of information  
31 within the department's financial management information

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1 systems; and

2 d. Performing other activities of a statewide nature.

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

7 a. The Office of Administration;

8 b. The Office of Policy Planning;

9 c. The Office of Design;

10 d. The Office of Construction;

11 e. The Office of Right-of-Way;

12 f. The Office of Toll Operations; and

13 g. The Office of Information Systems.

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

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

21 206.46 State Transportation Trust Fund.--

22 (4) The department may authorize the investment of the  
23 earnings accrued and collected upon the investment of the  
24 minimum balance of funds required to be maintained in the  
25 State Transportation Trust Fund pursuant to s.  
26 339.135(6)(b)(~~7~~)(~~b~~). Such investment shall be limited as  
27 provided in s. 288.9607(7).

28 Section 3. Section 215.616, Florida Statutes, is  
29 created to read:

30 215.616 State bonds for federal aid highway  
31 construction.--

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1           (1) Upon the request of the Department of  
2 Transportation, the Division of Bond Finance is authorized  
3 pursuant to s. 11, Art. VII of the State Constitution and the  
4 State Bond Act to issue revenue bonds, for and on behalf of  
5 the Department of Transportation, for the purpose of financing  
6 or refinancing the construction, reconstruction, and  
7 improvement of projects that are eligible to receive  
8 federal-aid highway funds.

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

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

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

27           (5) The state does covenant with the holders of bonds  
28 issued under this section that it will not repeal, impair, or  
29 amend this section in any manner which will materially and  
30 adversely affect the rights of bondholders as long as the  
31 bonds authorized by this section are outstanding.

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1           (6) Any complaint for such 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           Section 4. Section 234.112, Florida Statutes, is  
 10 repealed.

11           Section 5. Paragraph (a) of subsection (7) of section  
 12 288.9607, Florida Statutes, is amended to read:

13           288.9607 Guaranty of bond issues.--

14           (7)(a) The corporation is authorized to enter into an  
 15 investment agreement with the Department of Transportation and  
 16 the State Board of Administration concerning the investment of  
 17 the earnings accrued and collected upon the investment of the  
 18 minimum balance of funds required to be maintained in the  
 19 State Transportation Trust Fund pursuant to s.

20 339.135(6)(b)~~(7)(b)~~. Such investment shall be limited as  
 21 follows:

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

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

31           3. The corporation shall pay a reasonable fee, set by

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1 the State Board of Administration, in return for the  
2 investment of such funds. The fee shall not be less than the  
3 comparable rate for similar investments in terms of size and  
4 risk.

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

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

28           6. The corporation shall establish an account known as  
29 the Revenue Bond Guaranty Reserve Account, the Guaranty Fund.  
30 The corporation shall deposit a sum of money or other cash  
31 equivalents into this fund and maintain a balance of money or

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1 cash equivalents in this fund, from sources other than the  
2 investment of earnings accrued and collected upon the  
3 investment of the minimum balance of funds required to be  
4 maintained in the State Transportation Trust Fund, not less  
5 than a sum equal to 1 year of maximum debt service on all  
6 outstanding bonds, or portions thereof, of the corporation for  
7 which a guaranty has been issued pursuant to ss. 288.9606,  
8 288.9607, and 288.9608. In the event the corporation fails to  
9 maintain the balance required pursuant to this subparagraph  
10 for any reason other than a default on a bond issue of the  
11 corporation guaranteed pursuant to this section or because of  
12 the use by the corporation of any such funds to pay insurance,  
13 maintenance, or other costs which may be required for the  
14 preservation of any project or other collateral security for  
15 any bond issued by the corporation, or to otherwise protect  
16 the Revenue Bond Guaranty Reserve Account from loss while the  
17 applicant is in default on amortization payments, or to  
18 minimize losses to the reserve account in each case in such  
19 manner as may be deemed necessary or advisable by the  
20 corporation, the corporation shall immediately notify the  
21 Department of Transportation of such deficiency. Any  
22 supplemental funding authorized by an investment agreement  
23 entered into with the Department of Transportation and the  
24 State Board of Administration concerning the use of investment  
25 earnings of the minimum balance of funds is void unless such  
26 deficiency of funds is cured by the corporation within 90 days  
27 after the corporation has notified the Department of  
28 Transportation of such deficiency.

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

31 311.09 Florida Seaport Transportation and Economic

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1 Development Council.--

2 (3) The council shall prepare a 5-year Florida Seaport  
3 Mission Plan defining the goals and objectives of the council  
4 concerning the development of port facilities and an  
5 intermodal transportation system consistent with the goals of  
6 the Florida Transportation Plan developed pursuant to s.  
7 339.155. The Florida Seaport Mission Plan shall include  
8 specific recommendations for the construction of  
9 transportation facilities connecting any port to another  
10 transportation mode and for the efficient, cost-effective  
11 development of transportation facilities or port facilities  
12 for the purpose of enhancing international trade, promoting  
13 cargo flow, increasing cruise passenger movements, increasing  
14 port revenues, and providing economic benefits to the state.  
15 The council shall update the 5-year Florida Seaport Mission  
16 Plan annually and shall submit the plan no later than February  
17 1 of each year to the President of the Senate; the Speaker of  
18 the House of Representatives; the Office of Tourism, Trade,  
19 and Economic Development; the Department of Transportation;  
20 and the Department of Community Affairs. The council shall  
21 develop programs, based on an examination of existing programs  
22 in Florida and other states, for the training of minorities  
23 and secondary school students in job skills associated with  
24 employment opportunities in the maritime industry, and report  
25 on progress and recommendations for further action to the  
26 President of the Senate and the Speaker of the House of  
27 Representatives annually, ~~beginning no later than February 1,~~  
28 ~~1991.~~

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

31 331.303 Definitions.--





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1 educational and commercial development. The authority shall  
2 in coordination with the Federal Government, private industry,  
3 and Florida universities develop a business plan which shall  
4 address the expansion of Spaceport Florida locations, space  
5 launch capacity, spaceport projects, and complementary  
6 activities, which shall include, but not be limited to, a  
7 detailed analysis of:

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

9 (b) Products, services description--potential,  
10 technologies, skills.

11 (c) Market research and evaluation--customers,  
12 competition, economics.

13 (d) Marketing plan and strategy.

14 (e) Design and development plan--tasks, difficulties,  
15 costs.

16 (f) Manufacturing locations, facilities, and  
17 operations plan.

18 (g) Management organization--roles and  
19 responsibilities.

20 (h) Overall schedule (monthly).

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

22 (j) Community impact--economic, human development,  
23 community development.

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

26 (l) Proposed authority offering--financing,  
27 capitalization, use of funds.

28

29 ~~A final report containing the recommendations and business~~  
30 ~~plan of the authority shall be completed and submitted prior~~  
31 ~~to the 1990 Regular Session of the Legislature, along with any~~

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~~1 proposed statutory changes and related legislative budget  
2 requests required to implement the business plan, to the  
3 Governor, the President of the Senate, the Speaker of the  
4 House of Representatives, the minority leader of the Senate,  
5 and the minority leader of the House of Representatives.~~

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

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

31 331.308 Board of supervisors.--

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

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

20           331.331 Revenue bonds.--

21           (1) Revenue bonds issued by the authority shall not be  
22 deemed revenue bonds issued by the state or its agencies for  
23 purposes of s. 11, Art. VII of the State Constitution and ss.  
24 215.57-215.83. ~~However, until December 31, 1994, the power of~~  
25 ~~the authority to issue revenue bonds shall be limited as~~  
26 ~~provided in s. 331.305.~~ The authority shall include in its  
27 annual report to the Governor and Legislature, as provided in  
28 s. 331.310, a summary of the status of existing and proposed  
29 bonding projects.

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

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1           334.03 Definitions.--When used in the Florida  
2 Transportation Code, the term:

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

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

10

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

14 Urbanized areas not meeting the foregoing minimum requirement  
15 shall have transferred to the State Highway System additional  
16 minor arterials of the highest significance in which case the  
17 total minor arterials in the State Highway System from any  
18 urbanized area shall not exceed 2.5 percent of that area's  
19 total public urban road mileage.

20           Section 12. Subsection (5) of section 335.074, Florida  
21 Statutes, is amended to read:

22           335.074 Safety inspection of bridges.--

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

28           Section 13. Section 335.165, Florida Statutes, is  
29 repealed.

30           Section 14. Subsection (2) of section 335.182, Florida  
31 Statutes, is amended to read:

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1           335.182 Regulation of connections to roads on State  
2 Highway System; definitions.--

3           (2) The department shall, ~~no later than July 1, 1989,~~  
4 adopt, by rule, administrative procedures for its issuance and  
5 modification of access permits, closing of unpermitted  
6 connections, and revocation of permits in accordance with this  
7 act.

8           Section 15. Paragraphs (a) and (e) of subsection (3)  
9 of section 335.188, Florida Statutes, are amended to read:

10           335.188 Access management standards; access control  
11 classification system; criteria.--

12           (3) The control classification system shall be  
13 developed consistent with the following:

14           (a) The department shall, ~~no later than July 1, 1990,~~  
15 adopt rules setting forth procedures governing the  
16 implementation of the access control classification system  
17 required by this act. The rule shall provide for input from  
18 the entities described in paragraph (b) as well as for public  
19 meetings to discuss the access control classification system.  
20 Nothing in this act affects the validity of the department's  
21 existing or subsequently adopted rules concerning access to  
22 the State Highway System. Such rules shall remain in effect  
23 until repealed or replaced by the rules required by this act.

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

26           Section 16. Section 336.01, Florida Statutes, is  
27 reenacted to read:

28           336.01 Designation of county road system.--The county  
29 road system shall be as defined in s. 334.03(8).

30           Section 17. Subsection (2) of section 336.044, Florida  
31 Statutes, is amended to read:

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1           336.044 Use of recyclable materials in construction.--

2           (2) The Legislature declares it to be in the public  
3 interest to find alternative ways to use certain recyclable  
4 materials that currently are part of the solid waste stream  
5 and that contribute to problems of declining space in  
6 landfills. To determine the feasibility of using certain  
7 recyclable materials for paving materials, the department may  
8 ~~shall before January 1, 1990, undertake, as part of its~~  
9 ~~currently scheduled projects, demonstration projects using the~~  
10 following materials in road construction:

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

13           (b) Ash residue from coal combustion byproducts for  
14 concrete and ash residue from waste incineration facilities  
15 and oil combustion byproducts for subbase material;

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

18           (d) Construction steel, including reinforcing rods and  
19 I-beams, manufactured from scrap metals disposed of in the  
20 state; and

21           (e) Glass, and glass aggregates.

22

23 ~~Within 1 year after the conclusion of the demonstration~~  
24 ~~projects the department shall report to the Governor and the~~  
25 ~~Legislature on the maximum percentage of each recyclable~~  
26 ~~material that can be effectively utilized in road construction~~  
27 ~~projects. Concurrent with the submission of the report the~~  
28 ~~department shall review and modify its standard road and~~  
29 ~~bridge construction specifications to allow and encourage the~~  
30 ~~use of recyclable materials consistent with the findings of~~  
31 ~~the demonstration projects.~~

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1           Section 18. Subsection (7) of section 337.015, Florida  
2 Statutes, is amended to read:

3           337.015 Administration of public  
4 contracts.--Recognizing that the inefficient and ineffective  
5 administration of public contracts inconveniences the  
6 traveling public, increases costs to taxpayers, and interferes  
7 with commerce, the Legislature hereby determines and declares  
8 that:

9           ~~(7) The department in its annual report required in s.  
10 334.22(2) shall report how the department complied with this  
11 section for the preceding fiscal year.~~

12           Section 19. Section 337.139, Florida Statutes, is  
13 amended to read:

14           337.139 Efforts to encourage awarding contracts to  
15 disadvantaged business enterprises.--In implementing chapter  
16 90-136, Laws of Florida, the Department of Transportation  
17 shall institute procedures to encourage the awarding of  
18 contracts for professional services and construction to  
19 disadvantaged business enterprises. For the purposes of this  
20 section, the term "disadvantaged business enterprise" means a  
21 small business concern certified by the Department of  
22 Transportation to be owned and controlled by socially and  
23 economically disadvantaged individuals as defined by the  
24 Surface Transportation and Uniform Relocation Act of 1987.  
25 The Department of Transportation shall develop and implement  
26 activities to encourage the participation of disadvantaged  
27 business enterprises in the contracting process ~~and shall  
28 report to the Legislature prior to January 1, 1991, on its  
29 efforts to increase disadvantaged business participation.~~

30 Such efforts may include:

31           (1) Presolicitation or prebid meetings for the purpose

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1 of informing disadvantaged business enterprises of contracting  
2 opportunities.

3 (2) Written notice to disadvantaged business  
4 enterprises of contract opportunities for commodities or  
5 contractual and construction services which the disadvantaged  
6 business provides.

7 (3) Provision of adequate information to disadvantaged  
8 business enterprises about the plans, specifications, and  
9 requirements of contracts or the availability of jobs.

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

13 Section 20. Subsection (3) of section 337.29, Florida  
14 Statutes, is amended to read:

15 337.29 Vesting of title to roads; liability for  
16 torts.--

17 (3) Title to all roads transferred in accordance with  
18 the provisions of s. 335.0415 ~~335.04~~ shall be in the  
19 governmental entity to which such roads have been transferred,  
20 upon the recording of a right-of-way map by the appropriate  
21 governmental entity in the public land records of the county  
22 or counties in which such rights-of-way are located. To the  
23 extent that sovereign immunity has been waived, liability for  
24 torts shall be in the governmental entity having operation and  
25 maintenance responsibility as provided in s. 335.0415  
26 ~~335.04(2)~~. Except as otherwise provided by law, a  
27 municipality shall have the same governmental, corporate, and  
28 proprietary powers with relation to any public road or  
29 right-of-way within the municipality which has been  
30 transferred to another governmental entity pursuant to s.  
31 335.0415 ~~335.04~~ that the municipality has with relation to



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1 other public roads and rights-of-way within the municipality.

2 Section 21. Section 137 of chapter 96-320, Laws of  
 3 Florida, is repealed.

4 Section 22. Subsection (2) of section 337.407, Florida  
 5 Statutes, is amended to read:

6 337.407 Regulation of signs and lights within  
 7 rights-of-way.--

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

11 Section 23. Section 338.22, Florida Statutes, is  
 12 amended to read:

13 338.22 Florida Turnpike Law; short title.--Sections  
 14 338.22-338.241 ~~338.22-338.244~~ may be cited as the "Florida  
 15 Turnpike Law."

16 Section 24. Section 338.221, Florida Statutes, is  
 17 amended to read:

18 338.221 Definitions of terms used in ss.  
 19 338.22-338.241 ~~338.22-338.244~~.--As used in ss. 338.22-338.241  
 20 ~~338.22-338.244~~, the following words and terms have the  
 21 following meanings, unless the context indicates another or  
 22 different meaning or intent:

23 (1) "Bonds" or "revenue bonds" means notes, bonds,  
 24 refunding bonds or other evidences of indebtedness or  
 25 obligations, in either temporary or definitive form, issued by  
 26 the Division of Bond Finance on behalf of the department and  
 27 authorized under the provisions of ss. 338.22-338.241  
 28 ~~338.22-338.244~~ and the State Bond Act.

29 (2) "Cost," as applied to a turnpike project, includes  
 30 the cost of acquisition of all land, rights-of-way, property,  
 31 easements, and interests acquired by the department for

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1 turnpike project construction; the cost of such construction;  
 2 the cost of all machinery and equipment, financing charges,  
 3 fees, and expenses related to the financing; establishment of  
 4 reserves to secure bonds; interest prior to and during  
 5 construction and for such period after completion of  
 6 construction as shall be determined by the department; the  
 7 cost of traffic estimates and of engineering and legal  
 8 expenses, plans, specifications, surveys, estimates of cost  
 9 and revenues; other expenses necessary or incident to  
 10 determining the feasibility or practicability of acquiring or  
 11 constructing any such turnpike project; administrative  
 12 expenses; and such other expenses as may be necessary or  
 13 incident to the acquisition or construction of a turnpike  
 14 project, the financing of such acquisition or construction,  
 15 and the placing of the turnpike project in operation.

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

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

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

29 (6) "Turnpike system" means those limited access toll  
 30 highways and associated feeder roads and other structures,  
 31 appurtenances, or rights previously designated, acquired, or

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1 constructed pursuant to the Florida Turnpike Law and such  
2 other additional turnpike projects as may be acquired or  
3 constructed as approved by the Legislature.

4 (7) "Turnpike improvement" means any betterment  
5 necessary or desirable for the operation of the turnpike  
6 system, including, but not limited to, widenings, the addition  
7 of interchanges to the existing turnpike system, resurfacings,  
8 toll plazas, machinery, and equipment.

9 (8) "Economically feasible" means:

10 (a) For a proposed turnpike project, that, as  
11 determined by the department before the issuance of revenue  
12 bonds for the project, the estimated net revenues of the  
13 proposed turnpike project, excluding feeder roads and turnpike  
14 improvements, will be sufficient to pay at least 50 percent of  
15 the debt service on the bonds by the end of the 5th year of  
16 operation and to pay at least 100 percent of the debt service  
17 on the bonds by the end of the 15th year of operation. In  
18 implementing this paragraph, up to 50 percent of the adopted  
19 work program costs of the project may be funded from turnpike  
20 revenues.

21 (b) For turnpike projects, except for feeder roads and  
22 turnpike improvements, financed from revenues of the turnpike  
23 system, such project, or such group of projects, originally  
24 financed from revenues of the turnpike system, that the  
25 project is expected to generate sufficient revenues to  
26 amortize project costs within 15 years of opening to traffic.

27  
28 This subsection does not prohibit the pledging of revenues  
29 from the entire turnpike system to bonds issued to finance or  
30 refinance a turnpike project or group of turnpike projects.

31 (9) "Turnpike project" means any extension to or

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1 expansion of the existing turnpike system and new limited  
2 access toll highways and associated feeder roads and other  
3 structures, interchanges, appurtenances, or rights as may be  
4 approved in accordance with the Florida Turnpike Law.

5 (10) "Statement of environmental feasibility" means a  
6 statement by the Department of Environmental Protection of the  
7 project's significant environmental impacts.

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

10 338.222 Department of Transportation sole governmental  
11 entity to acquire, construct, or operate turnpike projects;  
12 exception.--

13 (1) No governmental entity other than the department  
14 may acquire, construct, maintain, or operate the turnpike  
15 system subsequent to the enactment of this law, except upon  
16 specific authorization of the Legislature.

17 (2) The department may contract with any local  
18 governmental entity as defined in s. 334.03(14) for the  
19 design, right-of-way acquisition, or construction of any  
20 turnpike project which the Legislature has approved. Local  
21 governmental entities may negotiate with the department for  
22 the design, right-of-way acquisition, and construction of any  
23 section of the turnpike project within areas of their  
24 respective jurisdictions or within counties with which they  
25 have interlocal agreements.

26 Section 26. Section 338.223, Florida Statutes, is  
27 reenacted and amended to read:

28 338.223 Proposed turnpike projects.--

29 (1)(a) Any proposed project to be constructed or  
30 acquired as part of the turnpike system and any turnpike  
31 improvement shall be included in the tentative work program.

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1 No proposed project or group of proposed projects shall be  
2 added to the turnpike system unless such project or projects  
3 are determined to be economically feasible and a statement of  
4 environmental feasibility has been completed for such project  
5 or projects and such projects are determined to be consistent,  
6 to the maximum extent feasible, with approved local government  
7 comprehensive plans of the local governments in which such  
8 projects are located. The department may authorize engineering  
9 studies, traffic studies, environmental studies, and other  
10 expert studies of the location, costs, economic feasibility,  
11 and practicality of proposed turnpike projects throughout the  
12 state and may proceed with the design phase of such projects.  
13 The department shall not request legislative approval of a  
14 proposed turnpike project until the design phase of that  
15 project is at least 60 percent complete. If a proposed  
16 project or group of proposed projects is found to be  
17 economically feasible, consistent, to the maximum extent  
18 feasible, with approved local government comprehensive plans  
19 of the local governments in which such projects are located,  
20 and a favorable statement of environmental feasibility has  
21 been completed, the department, with the approval of the  
22 Legislature, shall, after the receipt of all necessary  
23 permits, construct, maintain, and operate such turnpike  
24 projects.

25 (b) Any proposed turnpike project or improvement shall  
26 be developed in accordance with the Florida Transportation  
27 Plan and the work program pursuant to s. 339.135. Turnpike  
28 projects that add capacity, alter access, affect feeder roads,  
29 or affect the operation of the local transportation system  
30 shall be included in the transportation improvement plan of  
31 the affected metropolitan planning organization. If such

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1 turnpike project does not fall within the jurisdiction of a  
2 metropolitan planning organization, the department shall  
3 notify the affected county and provide for public hearings in  
4 accordance with s. 339.155(6)(c).

5 (c) Prior to requesting legislative approval of a  
6 proposed turnpike project, the environmental feasibility of  
7 the proposed project shall be reviewed by the Department of  
8 Environmental Protection. The department shall submit its  
9 Project Development and Environmental Report to the Department  
10 of Environmental Protection, along with a draft copy of a  
11 public notice. Within 14 days of receipt of the draft public  
12 notice, the Department of Environmental Protection shall  
13 return the draft public notice to the Department of  
14 Transportation with an approval of the language or  
15 modifications to the language. Upon receipt of the approved or  
16 modified draft, or if no comments are provided within 14 days,  
17 the Department of Transportation shall publish the notice in a  
18 newspaper to provide a 30-day public comment period. The  
19 headline of the required notice shall be in a type no smaller  
20 than 18 point. The notice shall be placed in that portion of  
21 the newspaper where legal notices appear. The notice shall be  
22 published in a newspaper of general circulation in the county  
23 or counties of general interest and readership in the  
24 community as provided in s. 50.031, not one of limited subject  
25 matter. Whenever possible, the notice shall appear in a  
26 newspaper that is published at least 5 days a week. The notice  
27 shall include, but is not limited to, the following  
28 information:

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

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

4           3. The address where such comments must be sent and  
5 the date such comments are due.

6  
7 After a review of the department's report and any public  
8 comments, the Department of Environmental Protection shall  
9 submit a statement of environmental feasibility to the  
10 department within 30 days after the date on which public  
11 comments are due. The notice and the statement of  
12 environmental feasibility shall not give rise to any rights to  
13 a hearing or other rights or remedies provided pursuant to  
14 chapter 120 or chapter 403, and shall not bind the Department  
15 of Environmental Protection in any subsequent environmental  
16 permit review.

17           (2)(a) Subject to the provisions of s. 338.228, the  
18 department is authorized to expend, out of any funds available  
19 for the purpose, such moneys as may be necessary for studies,  
20 preliminary engineering, construction, right-of-way  
21 acquisition, and construction engineering inspection of any  
22 turnpike project and is authorized to use its engineering and  
23 other resources for such purposes.

24           (b) In accordance with the legislative intent  
25 expressed in s. 337.273, the department may acquire lands and  
26 property before making a final determination of the economic  
27 feasibility of a project. The cost of advance acquisition of  
28 right-of-way may be paid from bonds issued under s. 337.276 or  
29 from turnpike revenues.

30           (3) All obligations and expenses incurred by the  
31 department under this section shall be paid by the department

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1 and charged to the appropriate turnpike project. The  
 2 department shall keep proper records and accounts showing each  
 3 amount that is so charged. All obligations and expenses so  
 4 incurred shall be treated as part of the cost of such project  
 5 and shall be reimbursed to the department out of turnpike  
 6 revenues or out of the bonds authorized under ss.  
 7 338.22-338.241 ~~338.22-338.244~~ except when such reimbursement  
 8 is prohibited by state or federal law.

9 (4) The department is authorized, with the approval of  
 10 the Legislature, to use federal and state transportation funds  
 11 to lend or pay a portion of the operating, maintenance, and  
 12 capital costs of turnpike projects. Federal and state  
 13 transportation funds included in an adopted work program, or  
 14 the General Appropriations Act, for a turnpike project do not  
 15 have to be reimbursed to the State Transportation Trust Fund,  
 16 or used in determining the economic feasibility of the  
 17 proposed project. For operating and maintenance loans, the  
 18 maximum net loan amount in any fiscal year shall not exceed  
 19 0.5 percent of state transportation tax revenues for that  
 20 fiscal year.

21 Section 27. Section 338.225, Florida Statutes, is  
 22 amended to read:

23 338.225 Taking of public road for feeder road.--Before  
 24 taking over any existing public road for maintenance and  
 25 operation as a feeder road, the department shall obtain the  
 26 consent of the governmental entity then exercising  
 27 jurisdiction over the road, which governmental entity is  
 28 authorized to give such consent by resolution. Each feeder  
 29 road or portion of a feeder road acquired, constructed, or  
 30 taken over under this section for maintenance and operation  
 31 shall, for all purposes of ss. 338.22-338.241 ~~338.22-338.244~~,



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1 be deemed to constitute a part of the turnpike system, except  
2 that no toll shall be charged for transit between points on  
3 such feeder road.

4 Section 28. Subsection (2) of section 338.227, Florida  
5 Statutes, is amended to read:

6 338.227 Turnpike revenue bonds.--

7 (2) The proceeds of the bonds of each issue shall be  
8 used solely for the payment of the cost of the turnpike  
9 projects for which such bonds shall have been issued, except  
10 as provided in the State Bond Act. Such proceeds shall be  
11 disbursed and used as provided by ss. 338.22-338.241  
12 ~~338.22-338.244~~ and in such manner and under such restrictions,  
13 if any, as the Division of Bond Finance may provide in the  
14 resolution authorizing the issuance of such bonds or in the  
15 trust agreement hereinafter mentioned securing the same. All  
16 revenues and bond proceeds from the turnpike system received  
17 by the department pursuant to ss. 338.22-338.241  
18 ~~338.22-338.244~~, the Florida Turnpike Law, shall be used only  
19 for the cost of turnpike projects and turnpike improvements  
20 and for the administration, operation, maintenance, and  
21 financing of the turnpike system. No revenues or bond proceeds  
22 from the turnpike system shall be spent for the operation,  
23 maintenance, construction, or financing of any project which  
24 is not part of the turnpike system.

25 Section 29. Section 338.228, Florida Statutes, is  
26 amended to read:

27 338.228 Bonds not debts or pledges of credit of  
28 state.--Turnpike revenue bonds issued under the provisions of  
29 ss. 338.22-338.241 ~~338.22-338.244~~ are not debts of the state  
30 or pledges of the faith and credit of the state. Such bonds  
31 are payable exclusively from revenues pledged for their

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1 payment. All such bonds shall contain a statement on their  
 2 face that the state is not obligated to pay the same or the  
 3 interest thereon, except from the revenues pledged for their  
 4 payment, and that the faith and credit of the state is not  
 5 pledged to the payment of the principal or interest of such  
 6 bonds. The issuance of turnpike revenue bonds under the  
 7 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ does not  
 8 directly, indirectly, or contingently obligate the state to  
 9 levy or to pledge any form of taxation whatsoever, or to make  
 10 any appropriation for their payment. Except as provided in  
 11 ss. 338.001, 338.223, and 338.2275, no state funds shall be  
 12 used on any turnpike project or to pay the principal or  
 13 interest of any bonds issued to finance or refinance any  
 14 portion of the turnpike system, and all such bonds shall  
 15 contain a statement on their face to this effect.

16 Section 30. Section 338.229, Florida Statutes, is  
 17 amended to read:

18 338.229 Pledge to bondholders not to restrict certain  
 19 rights of department.--The state does pledge to, and agree  
 20 with, the holders of the bonds issued pursuant to ss.  
 21 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or  
 22 restrict the rights vested in the department to construct,  
 23 reconstruct, maintain, and operate any turnpike project as  
 24 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish  
 25 and collect such tolls or other charges as may be convenient  
 26 or necessary to produce sufficient revenues to meet the  
 27 expenses of maintenance and operation of the turnpike system  
 28 and to fulfill the terms of any agreements made with the  
 29 holders of bonds authorized by this act and that the state  
 30 will not in any way impair the rights or remedies of the  
 31 holders of such bonds until the bonds, together with interest

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1 on the bonds, are fully paid and discharged.

2 Section 31. Subsections (6) and (7) of section  
3 338.231, Florida Statutes, are amended to read:

4 338.231 Turnpike tolls, fixing; pledge of tolls and  
5 other revenues.--The department shall at all times fix,  
6 adjust, charge, and collect such tolls for the use of the  
7 turnpike system as are required in order to provide a fund  
8 sufficient with other revenues of the turnpike system to pay  
9 the cost of maintaining, improving, repairing, and operating  
10 such turnpike system; to pay the principal of and interest on  
11 all bonds issued to finance or refinance any portion of the  
12 turnpike system as the same become due and payable; and to  
13 create reserves for all such purposes.

14 (6) In each fiscal year while any of the bonds of the  
15 Broward County Expressway Authority series 1984 and series  
16 1986-A remain outstanding, the department is authorized to  
17 pledge revenues from the turnpike system to the payment of  
18 principal and interest of such series of bonds, the repayment  
19 of Broward County gasoline tax funds as provided in s.  
20 338.2275(3)~~(4)~~, and the operation and maintenance expenses of  
21 the Sawgrass Expressway, to the extent gross toll revenues of  
22 the Sawgrass Expressway are insufficient to make such  
23 payments. The terms of an agreement relative to the pledge of  
24 turnpike system revenue will be negotiated with the parties of  
25 the 1984 and 1986 Broward County Expressway Authority  
26 lease-purchase agreements, and subject to the covenants of  
27 those agreements. The agreement shall establish that the  
28 Sawgrass Expressway shall be subject to the planning,  
29 management, and operating control of the department limited  
30 only by the terms of the lease-purchase agreements. The  
31 department shall provide for the payment of operation and

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1 maintenance expenses of the Sawgrass Expressway until such  
2 agreement is in effect. This pledge of turnpike system  
3 revenues shall be subordinate to the debt service requirements  
4 of any future issue of turnpike bonds, the payment of turnpike  
5 system operation and maintenance expenses, and subject to  
6 provisions of any subsequent resolution or trust indenture  
7 relating to the issuance of such turnpike bonds.

8 (7) The use and disposition of revenues pledged to  
9 bonds are subject to the provisions of ss. 338.22-338.241  
10 ~~338.22-338.244~~ and such regulations as the resolution  
11 authorizing the issuance of such bonds or such trust agreement  
12 may provide.

13 Section 32. Section 338.232, Florida Statutes, is  
14 amended to read:

15 338.232 Continuation of tolls upon provision for  
16 payment of bondholders and assumption of maintenance by  
17 department.--When all revenue bonds issued under the  
18 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ in connection  
19 with the turnpike system and the interest on the bonds have  
20 been paid, or an amount sufficient to provide for the payment  
21 of all such bonds and the interest on the bonds to the  
22 maturity of the bonds, or such earlier date on which the bonds  
23 may be called, has been set aside in trust for the benefit of  
24 the bondholders, the department may assume the maintenance of  
25 the turnpike system as part of the State Highway System,  
26 except that the turnpike system shall remain subject to  
27 sufficient tolls to pay the cost of the maintenance, repair,  
28 improvement, and operation of the system and the construction  
29 of turnpike projects.

30 Section 33. Section 338.239, Florida Statutes, is  
31 amended to read:

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1           338.239 Traffic control on the turnpike system.--

2           (1) The department is authorized to adopt rules with  
3 respect to the use of the turnpike system, which rules must  
4 relate to vehicular speeds, loads and dimensions, safety  
5 devices, rules of the road, and other matters necessary to  
6 carry out the purposes of ss. 338.22-338.241 ~~338.22-338.244~~.  
7 Insofar as these rules may be inconsistent with the provisions  
8 of chapter 316, the rules control. A violation of these rules  
9 must be punished pursuant to chapters 316 and 318.

10           (2) Members of the Florida Highway Patrol are vested  
11 with the power, and charged with the duty, to enforce the  
12 rules of the department. Expenses incurred by the Florida  
13 Highway Patrol in carrying out its powers and duties under ss.  
14 338.22-338.241 ~~338.22-338.244~~ may be treated as a part of the  
15 cost of the operation of the turnpike system, and the  
16 Department of Highway Safety and Motor Vehicles shall be  
17 reimbursed by the Department of Transportation for such  
18 expenses incurred on the turnpike mainline, which is that part  
19 of the turnpike system extending from the southern terminus in  
20 Florida City to the northern terminus in Wildwood including  
21 all contiguous sections.

22           Section 34. Subsection (4) of section 339.08, Florida  
23 Statutes, is amended to read:

24           339.08 Use of moneys in State Transportation Trust  
25 Fund.--

26           (4) The department may authorize the investment of the  
27 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. 339.135(6)(b)  
30 ~~(7)(b)~~. Such investment shall be limited as provided in s.  
31 288.9607(7).

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1           Section 35. Section 339.091, Florida Statutes, is  
2 repealed.

3           Section 36. Paragraph (e) of subsection (7) of section  
4 339.135, Florida Statutes, is reenacted to read:

5           339.135 Work program; legislative budget request;  
6 definitions; preparation, adoption, execution, and  
7 amendment.--

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

9           (e) Notwithstanding the requirements in paragraph (d)  
10 and ss. 216.177(2) and 216.351, the secretary may request the  
11 Executive Office of the Governor to amend the adopted work  
12 program when an emergency exists, as defined in s. 252.34(3),  
13 and the emergency relates to the repair or rehabilitation of  
14 any state transportation facility. The Executive Office of  
15 the Governor may approve the amendment to the adopted work  
16 program and amend that portion of the department's approved  
17 budget in the event that the delay incident to the  
18 notification requirements in paragraph (d) would be  
19 detrimental to the interests of the state. However, the  
20 department shall immediately notify the parties specified in  
21 paragraph (d) and shall provide such parties written  
22 justification for the emergency action within 7 days of the  
23 approval by the Executive Office of the Governor of the  
24 amendment to the adopted work program and the department's  
25 budget. In no event may the adopted work program be amended  
26 under the provisions of this subsection without the  
27 certification by the comptroller of the department that there  
28 are sufficient funds available pursuant to the 36-month cash  
29 forecast and applicable statutes.

30           Section 37. Sections 339.145 and 339.147, Florida  
31 Statutes, are repealed.

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1           Section 38. Paragraph (a) of subsection (10) of  
2 section 339.175, Florida Statutes, 1998 Supplement, is amended  
3 to read:

4           339.175 Metropolitan planning organization.--It is the  
5 intent of the Legislature to encourage and promote the  
6 development of transportation systems embracing various modes  
7 of transportation in a manner that will maximize the mobility  
8 of people and goods within and through urbanized areas of this  
9 state and minimize, to the maximum extent feasible, and  
10 together with applicable regulatory government agencies,  
11 transportation-related fuel consumption and air pollution. To  
12 accomplish these objectives, metropolitan planning  
13 organizations, referred to in this section as M.P.O.'s, shall  
14 develop, in cooperation with the state, transportation plans  
15 and programs for metropolitan areas. Such plans and programs  
16 must provide for the development of transportation facilities  
17 that will function as an intermodal transportation system for  
18 the metropolitan area. The process for developing such plans  
19 and programs shall be continuing, cooperative, and  
20 comprehensive, to the degree appropriate, based on the  
21 complexity of the transportation problems.

22           (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
23 COUNCIL.--

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

28           Section 39. Paragraph (a) of subsection (7) of section  
29 339.2405, Florida Statutes, is amended to read:

30           339.2405 Florida Highway Beautification Council.--

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





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

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

7           Section 41. Section 341.051, Florida Statutes, is  
8 amended to read:

9           341.051 Administration and financing of public transit  
10 programs and projects.--

11           (1) FEDERAL AID.--

12           (a) The department is authorized to receive federal  
13 grants or apportionments for public transit projects in this  
14 state.

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

30           (2) PUBLIC TRANSIT PLAN.--

31           (a) The department shall prepare a public transit plan

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1 which shall be included in the tentative work program of the  
2 department prepared pursuant to s. 339.135(4). The provisions  
3 of s. 339.135 apply to public transit projects in the same  
4 manner that they apply to other transportation facility  
5 construction projects. Any planned department participation  
6 shall be in accordance with subsection (5).

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

18 (3) APPROPRIATION REQUESTS.--

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

23 (b) Public transit service development projects and  
24 transit corridor projects shall be individually identified in  
25 the appropriation request by the department. Such request  
26 shall show a breakdown of funds showing capital and operating  
27 expense.

28 (c) Unless otherwise authorized by the Legislature,  
29 the department is prohibited from entering into any agreement  
30 or contract for a public transit project which would result in  
31 the ultimate expenditure or commitment of state funds in

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1 excess of \$5 million.

2 (4) PROJECT ELIGIBILITY.--

3 (a) Any project that is necessary to meet the program  
4 objectives enumerated in s. 341.041, that conforms to the  
5 provisions of this section, and that is contained in the local  
6 transportation improvement program and the adopted work  
7 program of the department is eligible for the expenditure of  
8 state funds for transit purposes.

9 1. The project shall be a project for service or  
10 transportation facilities provided by the department under the  
11 provisions of this act, a public transit capital project, a  
12 commuter assistance project, a public transit service  
13 development project, or a transit corridor project.

14 2. The project must be approved by the department as  
15 being consistent with the criteria established pursuant to the  
16 provisions of this act.

17 (b) Such expenditures shall be in accordance with the  
18 fund participation rates and the criteria established in this  
19 section for project development and implementation, and are  
20 subject to approval by the department as being consistent with  
21 the Florida Transportation Plan and regional transportation  
22 goals and objectives.

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

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

29 (a) The department may fund up to 50 percent of the  
30 nonfederal share of the costs, not to exceed the local share,  
31 of any eligible public transit capital project or commuter

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1 assistance project that is local in scope; except, however,  
2 that departmental participation in the final design,  
3 right-of-way acquisition, and construction phases of an  
4 individual fixed-guideway project which is not approved for  
5 federal funding shall not exceed an amount equal to 12.5  
6 percent of the total cost of each phase.

7 (b) The Department of Transportation shall develop a  
8 major capital investment policy which shall include policy  
9 criteria and guidelines for the expenditure or commitment of  
10 state funds for public transit capital projects. The policy  
11 shall include the following:

12 1. Methods to be used to determine consistency of a  
13 transit project with the approved local government  
14 comprehensive plans of the units of local government in which  
15 the project is located.

16 2. Methods for evaluating the level of local  
17 commitment to a transit project, which is to be demonstrated  
18 through system planning and the development of a feasible plan  
19 to fund operating cost through fares, value capture techniques  
20 such as joint development and special districts, or other  
21 local funding mechanisms.

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

25  
26 ~~The department shall present such investment policy to both~~  
27 ~~the Senate Transportation Committee and the House Public~~  
28 ~~Transportation Committee along with recommended legislation by~~  
29 ~~March 1, 1991.~~

30 (c) The department is authorized to fund up to 100  
31 percent of the cost of any eligible transit capital project or

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1 commuter assistance project that is statewide in scope or  
2 involves more than one county where no other governmental  
3 entity or appropriate jurisdiction exists.

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

10 (e) The department is authorized to fund up to 100  
11 percent of the capital and net operating costs of statewide  
12 transit service development projects or transit corridor  
13 projects. All transit service development projects shall be  
14 specifically identified by way of a departmental appropriation  
15 request, and transit corridor projects shall be identified as  
16 part of the planned improvements on each transportation  
17 corridor designated by the department. The project  
18 objectives, the assigned operational and financial  
19 responsibilities, the timeframe required to develop the  
20 required service, and the criteria by which the success of the  
21 project will be judged shall be documented by the department  
22 for each such transit service development project or transit  
23 corridor project.

24 (f) The department is authorized to fund up to 50  
25 percent of the capital and net operating costs of transit  
26 service development projects that are local in scope and that  
27 will improve system efficiencies, ridership, or revenues. All  
28 such projects shall be identified in the appropriation request  
29 of the department through a specific program of projects, as  
30 provided for in s. 341.041, that is selectively applied in the  
31 following functional areas and is subject to the specified

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1 times of duration:

2 1. Improving system operations, including, but not  
3 limited to, realigning route structures, increasing system  
4 average speed, decreasing deadhead mileage, expanding area  
5 coverage, and improving schedule adherence, for a period of up  
6 to 3 years;

7 2. Improving system maintenance procedures, including,  
8 but not limited to, effective preventive maintenance programs,  
9 improved mechanics training programs, decreasing service  
10 repair calls, decreasing parts inventory requirements, and  
11 decreasing equipment downtime, for a period of up to 3 years;

12 3. Improving marketing and consumer information  
13 programs, including, but not limited to, automated information  
14 services, organized advertising and promotion programs, and  
15 signing of designated stops, for a period of up to 2 years;  
16 and

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

21  
22 For purposes of this section, the term "net operating costs"  
23 means all operating costs of a project less any federal funds,  
24 fares, or other sources of income to the project.

25 Section 42. Subsection (1) of section 341.321, Florida  
26 Statutes, is reenacted to read:

27 341.321 Development of high-speed rail transportation  
28 system; legislative findings, policy, purpose, and intent.--

29 (1) The intent of ss. 341.3201-341.386 is to further  
30 and advance the goals and purposes of the 1984 High Speed Rail  
31 Transportation Commission Act; to ensure a harmonious

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1 relationship between that act and the various growth  
2 management laws enacted by the Legislature including the Local  
3 Government Comprehensive Planning and Land Development  
4 Regulation Act, ss. 163.3161-163.3215, the Florida State  
5 Comprehensive Planning Act of 1972, as amended, ss.  
6 186.001-186.031, the Florida Regional Planning Council Act,  
7 ss. 186.501-186.513, and the State Comprehensive Plan, chapter  
8 187; to promote the implementation of these acts in an  
9 effective manner; and to encourage and enhance the  
10 establishment of a high-speed rail transportation system  
11 connecting the major urban areas of the state as expeditiously  
12 as is economically feasible. Furthermore, it is the intent of  
13 the Legislature that any high-speed rail line and transit  
14 station be consistent to the maximum extent feasible with  
15 local comprehensive plans, and that any other development  
16 associated with the rail line and transit station shall  
17 ultimately be consistent with comprehensive plans. The  
18 Legislature therefore reaffirms these enactments and further  
19 finds:

20 (a) That the implementation of a high-speed rail  
21 transportation system in the state will result in overall  
22 social and environmental benefits, improvements in ambient air  
23 quality, better protection of water quality, greater  
24 preservation of wildlife habitat, less use of open space, and  
25 enhanced conservation of natural resources and energy.

26 (b) That a high-speed rail transportation system, when  
27 used in conjunction with sound land use planning, becomes a  
28 vigorous force in achieving growth management goals and in  
29 encouraging the use of public transportation to augment and  
30 implement land use and growth management goals and objectives.

31 (c) That urban and social benefits include

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1 revitalization of blighted or economically depressed areas,  
2 the redirection of growth in a carefully and comprehensively  
3 planned manner, and the creation of numerous employment  
4 opportunities within inner-city areas.

5 (d) That transportation benefits include improved  
6 travel times and more reliable travel, hence increased  
7 productivity. High-speed rail is far safer than other modes of  
8 transportation and, therefore, travel-related deaths and  
9 injuries can be reduced, and millions of dollars can be saved  
10 from avoided accidents.

11 Section 43. Subsection (2) of section 341.3333,  
12 Florida Statutes, is amended to read:

13 341.3333 Application for franchise; confidentiality of  
14 application and trade secrets.--

15 (2) Each applicant, in response to the request for  
16 proposals, shall file its application with the department at  
17 the location and within the time and date limitations  
18 specified in the request for proposals. Applications filed  
19 before the deadline shall be kept sealed by the department  
20 until the time and date specified for opening. Such sealed  
21 applications shall be confidential and exempt from the  
22 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
23 Constitution until such time as the department provides notice  
24 of a decision or intended decision pursuant to s. 120.57(3)(a)  
25 or until 10 days after application opening, whichever is  
26 earlier. Thereafter, the applications are public. However,  
27 the applicant may segregate the trade secret portions of the  
28 application and request that the department maintain those  
29 portions as confidential and exempt from the provisions of s.  
30 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon  
31 award of a franchise, the franchisee may segregate portions of



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1 materials required to be submitted by the department and  
 2 request that the department maintain those portions as  
 3 confidential and exempt from the provisions of s. 119.07(1)  
 4 and s. 24(a), Art. I of the State Constitution. Such portions  
 5 designated by an applicant or by the franchisee shall remain  
 6 confidential and exempt from the provisions of s. 119.07(1)  
 7 only if the department finds that the information satisfies  
 8 the criteria established in s. 119.15(4)(b)3.~~119.14(4)(b)3.~~

9 Section 44. Paragraphs (a) and (c) of subsection (2)  
 10 of section 341.352, Florida Statutes, are amended to read:

11 341.352 Certification hearing.--

12 (2)(a) The parties to the certification proceeding  
 13 are:

- 14 1. The franchisee.
- 15 ~~2. The Department of Commerce.~~
- 16 2.3. The Department of Environmental Protection.
- 17 3.4. The Department of Transportation.
- 18 4.5. The Department of Community Affairs.
- 19 5.6. The Game and Fresh Water Fish Commission.
- 20 6.7. Each water management district.
- 21 7.8. Each local government.
- 22 8.9. Each regional planning council.
- 23 9.10. Each metropolitan planning organization.

24 (c) Notwithstanding the provisions of chapter 120 to  
 25 the contrary, after the filing with the administrative law  
 26 judge of a notice of intent to be a party by an agency or  
 27 corporation or association described in subparagraph 1. or  
 28 subparagraph 2., or a petition for intervention by a person  
 29 described in subparagraph 3., no later than 30 days prior to  
 30 the date set for the certification hearing, any of the  
 31 following entities also shall be a party to the proceeding:

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1           1. Any state agency not listed in paragraph (a), as to  
2 matters within its jurisdiction.

3           2. Any domestic nonprofit corporation or association  
4 that is formed, in whole or in part, to promote conservation  
5 of natural beauty; to protect the environment, personal  
6 health, or other biological values; to preserve historical  
7 sites; to promote consumer interests; to represent labor,  
8 commercial, or industrial groups; to promote economic  
9 development; or to promote the orderly development, or  
10 maintain the residential integrity, of the area in which the  
11 proposed high-speed rail transportation system is to be  
12 located.

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

15           Section 45. Subsection (3) of section 343.64, Florida  
16 Statutes, 1998 Supplement, is amended to read:

17           343.64 Powers and duties.--

18           (3) The authority shall, ~~by February 1, 1993,~~ develop  
19 and adopt a plan for the development of the Central Florida  
20 Commuter Rail. Such plan shall address the authority's plan  
21 for the development of public and private revenue sources,  
22 funding of capital and operating costs, the service to be  
23 provided, and the extent to which counties within the area of  
24 operation of the authority are to be served. The plan shall  
25 be reviewed and updated annually. The plan shall be  
26 consistent, to the maximum extent feasible, with the approved  
27 local government comprehensive plans of the units of local  
28 government served by the authority.

29           Section 46. Subsection (3) of section 343.74, Florida  
30 Statutes, is amended to read:

31           343.74 Powers and duties.--

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

12           Section 47. Paragraph (c) of subsection (2) of section  
13 348.0005, Florida Statutes, is amended to read:

14           348.0005 Bonds.--

15           (2)

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

30           Section 48. Section 348.0009, Florida Statutes, is  
31 amended to read:

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1           348.0009 Cooperation with other units, boards,  
2 agencies, and individuals.--Express authority and power is  
3 given and granted to any county, municipality, drainage  
4 district, road and bridge district, school district, or other  
5 political subdivision, board, commission, or individual in or  
6 of this state to enter into contracts, leases, conveyances, or  
7 other agreements within the provisions and purposes of the  
8 Florida Expressway Authority Act with an authority. An  
9 authority may enter into contracts, leases, conveyances, and  
10 other agreements, to the extent consistent with chapters 334,  
11 335, 338, and 339, ~~and 340~~, and other provisions of the laws  
12 of the state and with 23 U.S.C. ss. 101 et seq., with any  
13 political subdivision, agency, or instrumentality of the state  
14 and any and all federal agencies, corporations, and  
15 individuals, for the purpose of carrying out the provisions of  
16 the Florida Expressway Authority Act.

17           Section 49. Section 348.248, Florida Statutes, is  
18 amended to read:

19           348.248 Cooperation with other units, boards,  
20 agencies, and individuals.--Express authority and power is  
21 given and granted to any county, municipality, drainage  
22 district, road and bridge district, school district, or other  
23 political subdivision, board, commission, or individual in or  
24 of this state to make and enter into contracts, leases,  
25 conveyances, or other agreements within the provisions and  
26 purposes of this part with the authority. The authority is  
27 expressly authorized to make and enter into contracts, leases,  
28 conveyances, and other agreements, to the extent consistent  
29 with chapters 334, 335, 338, and 339, ~~and 340~~ and other  
30 provisions of the laws of this state and with 23 U.S.C. ss.  
31 101 et seq., with any political subdivision, agency, or

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1 instrumentality of this state and any and all federal  
2 agencies, corporations, and individuals, for the purpose of  
3 carrying out the provisions of this part.

4 Section 50. Section 348.948, Florida Statutes, is  
5 amended to read:

6 348.948 Cooperation with other units, boards,  
7 agencies, and individuals.--Express authority and power is  
8 given and granted to any county, municipality, drainage  
9 district, road and bridge district, school district, or other  
10 political subdivision, board, commission, or individual in or  
11 of this state to make and enter into contracts, leases,  
12 conveyances, or other agreements within the provisions and  
13 purposes of this part with the authority. The authority is  
14 expressly authorized to make and enter into contracts, leases,  
15 conveyances, and other agreements, to the extent consistent  
16 with chapters 334, 335, 338, and 339, ~~and 340~~ and other  
17 provisions of the laws of this state and with 23 U.S.C. ss.  
18 101 et seq., with any political subdivision, agency, or  
19 instrumentality of this state and any and all federal  
20 agencies, corporations, and individuals, for the purpose of  
21 carrying out the provisions of this part.

22 Section 51. Subsection (3) of section 349.05, Florida  
23 Statutes, is amended to read:

24 349.05 Bonds of the authority.--

25 (3) The authority may employ fiscal agents as provided  
26 by this chapter or the State Board of Administration may, upon  
27 request by the authority, act as fiscal agent for the  
28 authority in the issuance of any bonds that may be issued  
29 pursuant to this chapter part, and the State Board of  
30 Administration may, upon request by the authority, take over  
31 the management, control, administration, custody, and payment

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1 of any or all debt services or funds or assets now or  
 2 hereafter available for any bonds issued pursuant to this  
 3 chapter part. The authority may enter into deeds of trust,  
 4 indentures, or other agreements with its fiscal agent, or with  
 5 any bank or trust company within or without the state, as  
 6 security for such bonds, and may, under such agreements,  
 7 assign and pledge all or any of the revenues, rates, fees,  
 8 rentals, or other charges or receipts of the authority,  
 9 including all or any portion of the Duval County gasoline tax  
 10 funds received by the authority pursuant to the terms of any  
 11 lease-purchase agreement between the authority and the  
 12 department, thereunder. Such deed of trust, indenture, or  
 13 other agreement, may contain such provisions as is customary  
 14 in such instruments or, as the authority may authorize,  
 15 including, but without limitation, provisions as to:

16 (a) The completion, improvement, operation, extension,  
 17 maintenance, repair, and lease of, or lease-purchase agreement  
 18 relating to, the Jacksonville Expressway System, and the  
 19 duties of the authority and others, including the department,  
 20 with reference thereto;

21 (b) The application of funds and the safeguarding of  
 22 funds on hand or on deposit;

23 (c) The rights and remedies of the trustee and the  
 24 holders of the bonds; and

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

27 Section 52. Section 378.411, Florida Statutes, is  
 28 amended to read:

29 378.411 Certification to receive notices of intent to  
 30 mine, to review and to inspect for compliance.--

31 (1) By petition to the secretary, a local government

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1 ~~or the Department of Transportation~~ may request certification  
2 to receive notices of intent to mine, to review, and to  
3 conduct compliance inspections.

4 (2) In deciding whether to grant certification to a  
5 local government, the secretary shall determine whether the  
6 following criteria are being met:

7 (a) The petitioning local government has adopted and  
8 effectively implemented a local government comprehensive plan.

9 (b) The local government has adequate review  
10 procedures and the financial and staffing resources necessary  
11 to assume responsibility for adequate review and inspection.

12 (c) The local government has a record of effectively  
13 reviewing, inspecting, and enforcing compliance with local  
14 ordinances and state laws.

15 ~~(3) In deciding whether to grant certification to the~~  
16 ~~Department of Transportation, the secretary shall request all~~  
17 ~~information necessary to determine the capability of the~~  
18 ~~Department of Transportation to meet the requirements of this~~  
19 ~~part.~~

20 (3)~~(4)~~ In making his or her determination, the  
21 secretary shall consult with the Department of Community  
22 Affairs, the appropriate regional planning council, and the  
23 appropriate water management district.

24 (4)~~(5)~~ The secretary shall evaluate the performance of  
25 a local government ~~or the Department of Transportation~~ on a  
26 regular basis to ensure compliance with this section. All or  
27 part of the certification may be rescinded if the secretary  
28 determines that the certification is not being carried out  
29 pursuant to the requirements of this part.

30 (5)~~(6)~~ The department shall establish the  
31 certification procedure by rule.

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1           Section 53. Paragraph (b) of subsection (1) of section  
2 427.012, Florida Statutes, is amended to read:

3           427.012 The Commission for the Transportation  
4 Disadvantaged.--There is created the Commission for the  
5 Transportation Disadvantaged in the Department of  
6 Transportation.

7           (1) The commission shall consist of the following  
8 members:

9           (b) The secretary of the Department of Children and  
10 Family Health and Rehabilitative Services or the secretary's  
11 designee.

12           Section 54. Subsection (16) of section 427.013,  
13 Florida Statutes, 1998 Supplement, is amended to read:

14           427.013 The Commission for the Transportation  
15 Disadvantaged; purpose and responsibilities.--The purpose of  
16 the commission is to accomplish the coordination of  
17 transportation services provided to the transportation  
18 disadvantaged. The goal of this coordination shall be to  
19 assure the cost-effective provision of transportation by  
20 qualified community transportation coordinators or  
21 transportation operators for the transportation disadvantaged  
22 without any bias or presumption in favor of multioperator  
23 systems or not-for-profit transportation operators over single  
24 operator systems or for-profit transportation operators. In  
25 carrying out this purpose, the commission shall:

26           (16) Review and approve memorandums of agreement for  
27 the provision ~~provisions~~ of coordinated transportation  
28 services.

29           Section 55. Subsection (23) of section 479.01, Florida  
30 Statutes, is amended, and subsection (24) of that section is  
31 reenacted, to read:





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

24 Section 57. This act shall take effect July 1, 1999.

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

31 and insert:

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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; creating s. 215.616, F.S.;  
10                  authorizing bonding of federal aid; repealing  
11                  s. 234.112, F.S., relating to school bus stops;  
12                  repealing s. 335.165, F.S., relating to welcome  
13                  stations; repealing section 137 of chapter  
14                  96-320, Laws of Florida, relating to certain  
15                  uncollectible debts owned by a local government  
16                  for utility relocation cost reimbursements;  
17                  repealing s. 339.091, F.S., relating to a  
18                  declaration of legislative intent; repealing s.  
19                  339.145, F.S., relating to certain expenditures  
20                  in the Working Capital Trust Fund; repealing s.  
21                  339.147, F.S., relating to certain audits by  
22                  the Auditor General; amending ss. 311.09,  
23                  331.303, 331.305, 331.308, 331.331, 334.03,  
24                  335.074, 335.182, 335.188, 336.044, 337.015,  
25                  337.139, 339.2405, 341.051, 341.352, 343.64,  
26                  343.74, 378.411, 427.012, 427.013, 951.05,  
27                  F.S.; deleting obsolete provisions, and, where  
28                  appropriate, clarifying provisions; reenacting  
29                  ss. 336.01, 338.222, 339.135(7)(e), 341.321(1),  
30                  F.S., relating to designation of county road  
31                  system, acquisition or construction or

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operation of turnpike projects, amendment of  
the adopted work program, and legislative  
findings and intent regarding development of  
high-speed rail transportation system;  
providing an effective date.