

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:

12

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

14 Delete everything after the enacting clause

15

16 and insert:

17 Section 1. Paragraph (b) of subsection (2) and  
18 paragraphs (a) and (d) of subsection (3) of section 20.23,  
19 Florida Statutes, 1998 Supplement, is amended to read:

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

23 (2)

24 (b) The commission shall have the primary functions  
25 to:

26 1. Recommend major transportation policies for the  
27 Governor's approval, and assure that approved policies and any  
28 revisions thereto are properly executed.

29 2. Periodically review the status of the state  
30 transportation system including highway, transit, rail,  
31 seaport, intermodal development, and aviation components of



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

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;



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

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

23 Section 3. The Department of Community Affairs and the  
24 Department of Transportation must jointly review and submit  
25 proposed legislative language based upon and implementing the  
26 recommendations of the Transportation and Land Use Study  
27 Committee, created by the 1998 Legislature, and 1999 Senate  
28 Bill 2306, to the Legislature on or before December 1, 1999.  
29 Such proposed legislative language must be fiscally feasible  
30 within current and projected funding.

31 Section 4. Section 215.615, Florida Statutes, is

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1 created to read:

2 215.615 Fixed-guideway transportation systems  
3 funding.--

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

16 (a) The department and any participating commuter rail  
17 authority or regional transportation authority established  
18 under chapter 343, local governments, or local governments  
19 collectively by interlocal agreement having jurisdiction of a  
20 fixed-guideway transportation system may enter into an  
21 interlocal agreement to promote the efficient and  
22 cost-effective financing or refinancing of fixed-guideway  
23 transportation system projects by revenue bonds issued  
24 pursuant to this subsection. The terms of such interlocal  
25 agreements shall include provisions for the Department of  
26 Transportation to request the issuance of the bonds on behalf  
27 of the parties; shall provide that each party to the agreement  
28 is contractually liable for an equal share of funding an  
29 amount equal to the debt service requirements of such bonds;  
30 and shall include any other terms, provisions or covenants  
31 necessary to the making of and full performance under such

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1 interlocal agreement. Repayments made to the department under  
2 any interlocal agreement are not pledged to the repayment of  
3 bonds issued hereunder, and failure of the local governmental  
4 authority to make such payment shall not affect the obligation  
5 of the department to pay debt service on the bonds.

6 (b) Revenue bonds issued pursuant to this subsection  
7 shall not constitute a general obligation of, or a pledge of  
8 the full faith and credit of, the State of Florida. Bonds  
9 issued pursuant to this section shall be payable from funds  
10 available pursuant to s. 206.46(3), subject to annual  
11 appropriation. The amount of revenues available for debt  
12 service shall never exceed a maximum of 2 percent of all state  
13 revenues deposited into the State Transportation Trust Fund.

14 (c) The projects to be financed or refinanced with the  
15 proceeds of the revenue bonds issued hereunder are designated  
16 as state fixed capital outlay projects for purposes of s.  
17 11(d), Art. VII of the State Constitution, and the specific  
18 projects to be financed or refinanced shall be determined by  
19 the Department of Transportation in accordance with state law  
20 and appropriations from the State Transportation Trust Fund.  
21 Each project to be financed with the proceeds of the bonds  
22 issued pursuant to this subsection must first be approved by  
23 the Legislature by an act of general law.

24 (d) Any complaint for validation of bonds issued  
25 pursuant to this section shall be filed in the circuit court  
26 of the county where the seat of state government is situated,  
27 the notice required to be published by s. 75.06 shall be  
28 published only in the county where the complaint is filed, and  
29 the complaint and order of the circuit court shall be served  
30 only on the state attorney of the circuit in which the action  
31 is pending.

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1           (e) The state does hereby covenant with holders of  
2 such revenue bonds or other instruments of indebtedness issued  
3 hereunder, that it will not repeal or impair or amend these  
4 provisions in any manner that will materially and adversely  
5 affect the rights of such holders as long as bonds authorized  
6 by this subsection are outstanding.

7           (f) This subsection supersedes any inconsistent  
8 provisions in existing law.

9  
10 Notwithstanding this subsection, the lien of revenue bonds  
11 issued pursuant to this subsection on moneys deposited into  
12 the State Transportation Trust Fund shall be subordinate to  
13 the lien on such moneys of bonds issued under ss. 215.605,  
14 320.20, and 215.616, and any pledge of such moneys to pay  
15 operating and maintenance expenses under subsection (5) and  
16 chapter 348, as may be amended.

17           (2) To be eligible for participation, fixed-guideway  
18 transportation system projects must comply with the major  
19 capital investment policy guidelines and criteria established  
20 by the Department of Transportation under chapter 341; must be  
21 found to be consistent, to the maximum extent feasible, with  
22 approved local government comprehensive plans of the local  
23 governments in which such projects are located; and must be  
24 included in the work program of the Department of  
25 Transportation pursuant to the provisions under s. 339.135.  
26 The department shall certify that the expected useful life of  
27 the transportation improvements will equal or exceed the  
28 maturity date of the debt to be issued.

29           Section 5. Subsection (2) of section 316.003, Florida  
30 Statutes, is amended to read:

31           316.003 Definitions.--The following words and phrases,



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1 when used in this chapter, shall have the meanings  
 2 respectively ascribed to them in this section, except where  
 3 the context otherwise requires:

4 (2) BICYCLE.--Every vehicle propelled solely by human  
 5 power, and every motorized bicycle propelled by a combination  
 6 of human power and an electric helper motor ~~rated at not more~~  
 7 ~~than 200 watts and~~ capable of propelling the vehicle at a  
 8 speed of not more than 20 ~~to~~ miles per hour on level ground  
 9 upon which any person may ride, having two tandem wheels, and  
 10 including any device generally recognized as a bicycle though  
 11 equipped with two front or two rear wheels. The term does not  
 12 include such a vehicle with a seat height of no more than 25  
 13 inches from the ground when the seat is adjusted to its  
 14 highest position or a scooter or similar device. No person  
 15 under the age of 16 may operate or ride upon a motorized  
 16 bicycle.

17 Section 6. Subsection (1) of section 320.08, Florida  
 18 Statutes, is amended to read:

19 320.08 License taxes.--Except as otherwise provided  
 20 herein, there are hereby levied and imposed annual license  
 21 taxes for the operation of motor vehicles, mopeds, motorized  
 22 bicycles as defined in s. 316.003(2), and mobile homes, as  
 23 defined in s. 320.01, which shall be paid to and collected by  
 24 the department or its agent upon the registration or renewal  
 25 of registration of the following:

- 26 (1) MOTORCYCLES, and MOPEDS, MOTORIZED BICYCLES.--  
 27 (a) Any motorcycle: \$10 flat.  
 28 (b) Any moped: \$5 flat.  
 29 ~~(c) Any motorized bicycle as defined in s. 316.003(2):~~  
 30 ~~\$5 flat; however, annual renewal is not required.~~  
 31 (c)(d) Upon registration of any motorcycle,

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1 motor-driven cycle, or moped there shall be paid in addition  
2 to the license taxes specified in this subsection a  
3 nonrefundable motorcycle safety education fee in the amount of  
4 \$2.50. The proceeds of such additional fee shall be deposited  
5 in the Highway Safety Operating Trust Fund and be used  
6 exclusively to fund a motorcycle driver improvement program  
7 implemented pursuant to s. 322.025 or the Florida Motorcycle  
8 Safety Education Program established in s. 322.0255.

9 (d)~~(e)~~ An ancient, antique, or collectible motorcycle:  
10 \$10 flat.

11 Section 7. Section 320.0803, Florida Statutes, is  
12 amended to read:

13 320.0803 Moped ~~and motorized bicycle~~ license plates.--

14 (1) Any other provision of law to the contrary  
15 notwithstanding, registration and payment of license taxes in  
16 accordance with these requirements and for the purposes stated  
17 herein shall in no way be construed as placing any  
18 requirements upon mopeds, ~~and motorized bicycles as defined in~~  
19 ~~s. 316.003(2)~~, other than the requirements of registration and  
20 payment of license taxes.

21 (2) Each request for a license plate for a moped ~~or a~~  
22 ~~motorized bicycle~~ shall be submitted to the department or its  
23 agent on an application form supplied by the department,  
24 accompanied by the license tax required in s. 320.08.

25 (3) The license plate for a moped ~~or motorized bicycle~~  
26 shall be 4 inches wide by 7 inches long.

27 (4) A license plate for a moped ~~or motorized bicycle~~  
28 shall be of the same material as license plates issued  
29 pursuant to s. 320.06; however, the word "Florida" shall be  
30 stamped across the top of the plate in small letters.

31 Section 8. Section 320.08035, Florida Statutes, is

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1 amended to read:

2           320.08035 Persons who have disabilities; reduced  
3 dimension license plate.--The owner or lessee of a motorcycle,  
4 moped, ~~motorized bicycle~~, or motorized disability access  
5 vehicle who resides in this state and qualifies for a parking  
6 permit for a person who has a disability under s. 320.0848,  
7 upon application and payment of the appropriate license tax  
8 and fees under s. 320.08(1), must be issued a license plate  
9 that has reduced dimensions as provided under s. 320.06(3)(a).  
10 The plate must be stamped with the international symbol of  
11 accessibility after the numeric and alpha serial number of the  
12 license plate. The plate entitles the person to all  
13 privileges afforded by a disabled parking permit issued under  
14 s. 320.0848.

15           Section 9. Section 316.0815, Florida Statutes, is  
16 created to read:

17           316.0815 Duty to yield to public transit vehicles.--

18           (1) The driver of a vehicle shall yield the  
19 right-of-way to a publicly owned transit bus traveling in the  
20 same direction which has signalled and is reentering the  
21 traffic flow from a specifically designated pullout bay.

22           (2) This section does not relieve the driver of a  
23 public transit bus from the duty to drive with due regard for  
24 the safety of all persons using the roadway.

25           Section 10. Present subsections (2), (3), (4), (5),  
26 (6), (7), (8), and (9) of section 316.1895, Florida Statutes,  
27 are redesignated as subsections (3), (4), (5), (6), (7), (8),  
28 (9), and (10), respectively, and a new subsection (2) is added  
29 to that section to read:

30           316.1895 Establishment of school speed zones,  
31 enforcement; designation.--

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1           (2) Upon request from the appropriate local  
2 government, the Department of Transportation shall install and  
3 maintain such traffic and pedestrian control devices on  
4 state-maintained roads as prescribed in this section for all  
5 prekindergarten early-intervention schools that receive  
6 federal funding through the Headstart program.

7           Section 11. Paragraph (b) of subsection (1),  
8 paragraphs (e) and (f) of subsection (2) of section 316.302,  
9 Florida Statutes, 1998 Supplement, are amended to read:

10           316.302 Commercial motor vehicles; safety regulations;  
11 transporters and shippers of hazardous materials;  
12 enforcement.--

13           (1)

14           (b) Except as otherwise provided in this section, all  
15 owners or drivers of commercial motor vehicles that are  
16 engaged in intrastate commerce are subject to the rules and  
17 regulations contained in 49 C.F.R. parts 382, 385, and  
18 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
19 relates to the definition of bus, as such rules and  
20 regulations existed on March 1, 1999 ~~1997~~.

21           (2)

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

30           (f) A person who operates a commercial motor vehicle  
31 having a declared gross vehicle weight of less than 26,000

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1 pounds solely in intrastate commerce and who is not  
 2 transporting hazardous materials, or who is transporting  
 3 petroleum products as defined in s. 376.301 ~~s. 376.301(29)~~, is  
 4 exempt from subsection (1). However, such person must comply  
 5 with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.  
 6 396.3(a)(1) and ~~s.~~396.9.

7 Section 12. Paragraph (c) of subsection (3) of section  
 8 316.3025, Florida Statutes, is amended to read:

9 316.3025 Penalties.--

10 (3)

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

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

14 2. A violation of the shipping paper requirements of  
 15 49 C.F.R. parts 171-179;

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

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

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

19 6. A violation of 49 C.F.R. s. 397.13; or

20 7. A violation of 49 C.F.R. s. 397.15.

21 Section 13. Paragraph (b) of subsection (2) of section  
 22 316.545, Florida Statutes, is amended to read:

23 316.545 Weight and load unlawful; special fuel and  
 24 motor fuel tax enforcement; inspection; penalty; review.--

25 (2)

26 (b) The officer shall inspect the license plate or  
 27 registration certificate of the commercial vehicle, as defined  
 28 in s. 316.003(66), to determine if its gross weight is in  
 29 compliance with the declared gross vehicle weight. If its  
 30 gross weight exceeds the declared weight, the penalty shall be  
 31 5 cents per pound on the difference between such weights. In

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1 those cases when the commercial vehicle, as defined in s.  
2 316.003(66), is being operated over the highways of the state  
3 with an expired registration or with no registration from this  
4 or any other jurisdiction or is not registered under the  
5 applicable provisions of chapter 320, the penalty herein shall  
6 apply on the basis of 5 cents per pound on that scaled weight  
7 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
8 combinations or tandem trailer truck combinations, 10,000  
9 pounds on laden straight trucks or straight truck-trailer  
10 combinations, or 10,000 pounds on any unladen commercial motor  
11 vehicle. If the license plate or registration has not been  
12 expired for more than 90 days, the penalty imposed under this  
13 paragraph may not exceed \$1,000.In the case of special mobile  
14 equipment as defined in s. 316.003(48), which qualifies for  
15 the license tax provided for in s. 320.08(5)(b), being  
16 operated on the highways of the state with an expired  
17 registration or otherwise not properly registered under the  
18 applicable provisions of chapter 320, a penalty of \$75 shall  
19 apply in addition to any other penalty which may apply in  
20 accordance with this chapter. A vehicle found in violation of  
21 this section may be detained until the owner or operator  
22 produces evidence that the vehicle has been properly  
23 registered. Any costs incurred by the retention of the  
24 vehicle shall be the sole responsibility of the owner. A  
25 person who has been assessed a penalty pursuant to this  
26 paragraph for failure to have a valid vehicle registration  
27 certificate pursuant to the provisions of chapter 320 is not  
28 subject to the delinquent fee authorized in s. 320.07 if such  
29 person obtains a valid registration certificate within 10  
30 working days after such penalty was assessed.

31 Section 14. Subsection (4) of section 320.20, Florida

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1 Statutes, is amended to read:

2           320.20 Disposition of license tax moneys.--The revenue  
3 derived from the registration of motor vehicles, including any  
4 delinquent fees and excluding those revenues collected and  
5 distributed under the provisions of s. 320.081, must be  
6 distributed monthly, as collected, as follows:

7           (4) Notwithstanding any other provision of law except  
8 subsections (1), (2), and (3), on July 1, 1999 ~~2001~~ and  
9 annually thereafter, \$10 million shall be deposited in the  
10 State Transportation Trust Fund solely for the purposes of  
11 funding the Florida Seaport Transportation and Economic  
12 Development Program as provided in chapter 311 and for funding  
13 seaport intermodal access projects of statewide significance  
14 as provided in s. 341.053. Such revenues shall be distributed  
15 to any port listed in s. 311.09(1), to be used for funding  
16 projects as follows:

17           (a) For any seaport intermodal access projects that  
18 are identified in the 1997-1998 Tentative Work Program of the  
19 Department of Transportation, up to the amounts needed to  
20 offset the funding requirements of this section; and

21           (b) For seaport intermodal access projects as  
22 described in s. 341.053(5) that are identified in the 5-year  
23 Florida Seaport Mission Plan as provided in s. 311.09(3).  
24 Funding for such projects shall be on a matching basis as  
25 mutually determined by the Florida Seaport Transportation and  
26 Economic Development Council and the Department of  
27 Transportation, provided a minimum of 25 percent of total  
28 project funds shall come from any port funds, local funds,  
29 private funds, or specifically earmarked federal funds; or

30           (c) On a 50-50 matching basis for projects as  
31 described in s. 311.07(3)(b).

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1  
2 Such revenues may be assigned, pledged, or set aside as a  
3 trust for the payment of principal or interest on bonds, tax  
4 anticipation certificates, or any other form of indebtedness  
5 issued by an individual port or appropriate local government  
6 having jurisdiction thereof, or collectively by interlocal  
7 agreement among any of the ports, or used to purchase credit  
8 support to permit such borrowings. However, such debt shall  
9 not constitute a general obligation of the state. This state  
10 does hereby covenant with holders of such revenue bonds or  
11 other instruments of indebtedness issued hereunder that it  
12 will not repeal or impair or amend this subsection in any  
13 manner which will materially and adversely affect the rights  
14 of holders so long as bonds authorized by this subsection are  
15 outstanding. Any revenues that are not pledged to the  
16 repayment of bonds as authorized by this section may be  
17 utilized for purposes authorized under the Florida Seaport  
18 Transportation and Economic Development Program. This revenue  
19 source is in addition to any amounts provided for and  
20 appropriated in accordance with s. 311.07 and subsection (3).  
21 The Florida Seaport Transportation and Economic Development  
22 Council shall approve distribution of funds to ports for  
23 projects that have been approved pursuant to s. 311.09(5)-(9),  
24 or for seaport intermodal access projects identified in the  
25 5-year Florida Seaport Mission Plan as provided in s.  
26 311.09(3) and mutually agreed upon by the FSTED Council and  
27 the Department of Transportation. All contracts for actual  
28 construction of projects authorized by this subsection must  
29 include a provision encouraging employment of WAGES  
30 participants. The goal for employment of WAGES participants  
31 is 25 percent of all new employees employed specifically for



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1 the project, unless the Department of Transportation and the  
2 Florida Seaport Transportation and Economic Development  
3 Council can demonstrate to the satisfaction of the Secretary  
4 of Labor and Employment Security that such a requirement would  
5 severely hamper the successful completion of the project. In  
6 such an instance, the Secretary of Labor and Employment  
7 Security shall establish an appropriate percentage of  
8 employees that must be WAGES participants. The council and the  
9 Department of Transportation are authorized to perform such  
10 acts as are required to facilitate and implement the  
11 provisions of this subsection. To better enable the ports to  
12 cooperate to their mutual advantage, the governing body of  
13 each port may exercise powers provided to municipalities or  
14 counties in s. 163.01(7)(d) subject to the provisions of  
15 chapter 311 and special acts, if any, pertaining to a port.  
16 The use of funds provided pursuant to this subsection is  
17 limited to eligible projects listed in this subsection. The  
18 provisions of s. 311.07(4) do not apply to any funds received  
19 pursuant to this subsection.

20           Section 15. Prior to the 2000 legislative session, the  
21 Auditor General, in cooperation with the Office of Program  
22 Policy Analysis and Government Accountability and the  
23 Department of Banking and Finance, shall conduct a financial  
24 and performance audit of the Florida Seaport Development  
25 Program established pursuant to chapter 311 and s. 320.20,  
26 Florida Statutes.

27           Section 16. Subsection (1) of section 335.0415,  
28 Florida Statutes, is amended to read:

29           335.0415 Public road jurisdiction and transfer  
30 process.--

31           (1) The jurisdiction of public roads and the

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1 responsibility for operation and maintenance within the  
2 right-of-way of any road within the state, county, and  
3 municipal road system shall be that which existed on June 10,  
4 1995 ~~exists on July 1, 1995.~~

5 Section 17. Subsection (1) of section 335.093, Florida  
6 Statutes, is amended to read:

7 335.093 Scenic highway designation.--

8 (1) The Department of Transportation may, after  
9 consultation with other state agencies and local governments,  
10 designate public roads as scenic highways ~~on the state highway~~  
11 ~~system.~~ Public roads ~~Highways~~ designated as scenic highways  
12 are intended to preserve, maintain, and protect a part of  
13 Florida's cultural, historical, and scenic routes ~~on the State~~  
14 ~~Highway System~~ for vehicular, bicycle, and pedestrian travel.

15 Section 18. Paragraph (c) is added to subsection (6)  
16 of section 337.11, Florida Statutes, and subsection (16) of  
17 that section is amended to read:

18 337.11 Contracting authority of department; bids;  
19 emergency repairs, supplemental agreements, and change orders;  
20 combined design and construction contracts; progress payments;  
21 records; requirements of vehicle registration.--

22 (6)

23 (c) When the department determines that it is in the  
24 best interest of the public for reasons of public concern,  
25 economy, improved operations or safety, and only when  
26 circumstances dictate rapid completion of the work, the  
27 department may, up to the threshold amount provided in s.  
28 287.017 for CATEGORY FOUR, enter into contracts for  
29 construction and maintenance without advertising and receiving  
30 competitive bids. However, if legislation is enacted by the  
31 Legislature which changes the category thresholds, the



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1 ~~provided for the purchase of commodities pursuant to s.~~  
2 ~~287.057, or self-insure, or use a combination thereof, any~~  
3 ~~other statutory provisions or limitations on self-insurance or~~  
4 ~~purchase of insurance notwithstanding. The department's~~  
5 ~~authority hereunder includes the purchase of risk management,~~  
6 ~~risk and loss control, safety management, investigative and~~  
7 ~~claims adjustment services, advancement of funds for payment~~  
8 ~~of claims, and other services reasonably necessary to process~~  
9 ~~and pay claims under and administer the OCIP. In addition to~~  
10 ~~any prequalification required under s. 337.14, no contractor~~  
11 ~~shall be prequalified to bid on an OCIP project unless the~~  
12 ~~contractor's casualty and loss experience and safety record~~  
13 ~~meets the minimum requirements for OCIP coverage issuance on~~  
14 ~~the project, were the contractor to be awarded the project.~~  
15 ~~Exercise of the department's authority under this subsection~~  
16 ~~shall not be deemed a waiver of sovereign immunity.~~

17 Section 19. Paragraph (a) of subsection (1) of section  
18 337.16, Florida Statutes, is amended to read:

19 337.16 Disqualification of delinquent contractors from  
20 bidding; determination of contractor nonresponsibility;  
21 denial, suspension, and revocation of certificates of  
22 qualification; grounds; hearing.--

23 (1) A contractor shall not be qualified to bid when an  
24 investigation by the department discloses that such contractor  
25 is delinquent on a previously awarded contract, and in such  
26 case the contractor's certificate of qualification shall be  
27 suspended or revoked. Any contractor whose certificate of  
28 qualification is suspended or revoked for delinquency shall  
29 also be disapproved as a subcontractor during the period of  
30 suspension or revocation, except when a prime contractor's bid  
31 has used prices of a subcontractor who becomes disqualified

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1 after the bid and before the request for authorization to  
2 sublet is presented.

3 (a) A contractor is delinquent when ~~unsatisfactory~~  
4 ~~progress is being made on a construction project or when the~~  
5 allowed contract time has expired and the contract work is not  
6 complete. ~~Unsatisfactory progress shall be determined in~~  
7 ~~accordance with the contract provisions.~~

8 Section 20. Subsection (2) of section 337.162, Florida  
9 Statutes, 1998 Supplement, is amended to read:

10 337.162 Professional services.--Professional services  
11 provided to the department that fall below acceptable  
12 professional standards may result in transportation project  
13 delays, overruns, and reduced facility life. To minimize these  
14 effects and ensure that quality services are received, the  
15 Legislature hereby declares that licensed professionals shall  
16 be held accountable for the quality of the services they  
17 provide to the department.

18 (2) Any person who is employed by the department and  
19 who is licensed by the Department of Business and Professional  
20 Regulation and who, through the course of his or her  
21 employment, has knowledge or reason to believe that any person  
22 has violated the provisions of state professional licensing  
23 laws or rules shall submit a complaint about the violations to  
24 the Department of Business and Professional Regulation.  
25 Failure to submit a complaint about the violations may be  
26 grounds for disciplinary action pursuant to part I of chapter  
27 455 and the state licensing law applicable to that licensee.  
28 However, licensees under part II of chapter 475 are exempt  
29 from the provisions of s. 455.227(1)(i).The complaint  
30 submitted to the Department of Business and Professional  
31 Regulation and maintained by the department is confidential

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1 and exempt from s. 119.07(1).

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

4 337.18 Surety bonds; requirement with respect to  
5 contract award; defaults; damage assessments.--

6 (1) A surety bond shall be required of the successful  
7 bidder in an amount equal to the awarded contract price. For a  
8 project for which the contract price is \$150,000 or less, the  
9 department may waive the requirement for all or a portion of a  
10 surety bond if it determines the project is of a noncritical  
11 nature and nonperformance will not endanger public health,  
12 safety, or property. The department may require alternate  
13 means of security if a surety bond is waived. The surety on  
14 such bond shall be a surety company authorized to do business  
15 in the state. All bonds shall be payable to the department  
16 ~~Governor and his or her successors in office~~ and conditioned  
17 for the prompt, faithful, and efficient performance of the  
18 contract according to plans and specifications and within the  
19 time period specified, and for the prompt payment of all  
20 persons furnishing labor, material, equipment, and supplies  
21 therefor; however, whenever an improvement, demolition, or  
22 removal contract price is \$25,000 or less, the security may,  
23 in the discretion of the bidder, be in the form of a cashier's  
24 check, bank money order of any state or national bank,  
25 certified check, or postal money order.

26 (2) The department shall provide in its contracts for  
27 the determination of default on the part of any contractor for  
28 cause attributable to such contractor. The department shall  
29 have no liability for anticipated profits for unfinished work  
30 on a contract which has been determined to be in default.  
31 Every contract let by the department for the performance of

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1 work shall contain a provision for payment to the department  
2 by the contractor of liquidated damages due to failure of the  
3 contractor to complete the contract work within the time  
4 stipulated in the contract or within such additional time as  
5 may have been granted by the department. The contractual  
6 provision shall include a reasonable estimate of the damages  
7 that would be incurred by the department as a result of such  
8 failure. The department shall establish a schedule of daily  
9 liquidated damage charges, based on original contract amounts,  
10 for construction contracts entered into by the department,  
11 which schedule shall be incorporated by reference into the  
12 contract. The department shall update the schedule of  
13 liquidated damages at least once every 2 years, but no more  
14 often than once a year. The schedule shall, at a minimum, be  
15 based on the average construction, engineering, and inspection  
16 costs experienced by the department on contracts over the 2  
17 preceding fiscal years. The schedule shall also include  
18 anticipated costs of project-related delays and inconveniences  
19 to the department and traveling public. Anticipated costs may  
20 include, but are not limited to, road user costs, a portion of  
21 the projected revenues that will be lost due to failure to  
22 timely open a project to revenue-producing traffic, costs  
23 resulting from retaining detours for an extended time, and  
24 other similar costs. ~~The schedule shall be divided into the~~  
25 ~~following categories, based on the original contract amounts:~~  
26 (a) ~~\$50,000 and under;~~  
27 (b) ~~Over \$50,000 but less than \$250,000;~~  
28 (c) ~~\$250,000 or more but less than \$500,000;~~  
29 (d) ~~\$500,000 or more but less than \$2.5 million;~~  
30 (e) ~~\$2.5 million or more but less than \$5 million;~~  
31 (f) ~~\$5 million or more but less than \$10 million;~~

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- 1           ~~(g) \$10 million or more but less than \$15 million;~~
- 2           ~~(h) \$15 million or more but less than \$20 million; and~~
- 3           ~~(i) \$20 million and over.~~

4  
5 Any such liquidated damages paid to the department shall be  
6 deposited to the credit of the fund from which payment for the  
7 work contracted was authorized.

8           Section 22. Subsections (1), (2), (3), (7), and (8) of  
9 section 337.185, Florida Statutes, are amended to read:

10           337.185 State Arbitration Board.--

11           (1) To facilitate the prompt settlement of claims for  
12 additional compensation arising out of construction contracts  
13 between the department and the various contractors with whom  
14 it transacts business, the Legislature does hereby establish  
15 the State Arbitration Board, referred to in this section as  
16 the "board." For the purpose of this section, "claim" shall  
17 mean the aggregate of all outstanding claims by a party  
18 arising out of a construction contract. Every contractual  
19 claim in an amount up to ~~\$250,000~~\$100,000 per contract or, at  
20 the claimant's option, up to ~~\$500,000~~\$250,000 per contract  
21 or, upon agreement of the parties, up to \$1 million per  
22 contract that cannot be resolved by negotiation between the  
23 department and the contractor shall be arbitrated by the board  
24 after acceptance of the project by the department. As an  
25 exception, either party to the dispute may request that the  
26 claim be submitted to binding private arbitration. A court of  
27 law may not consider the settlement of such a claim until the  
28 process established by this section has been exhausted.

29           (2) The board shall be composed of three members. One  
30 member shall be appointed by the head of the department, and  
31 one member shall be elected by those construction companies



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1 who are under contract with the department. The third member  
2 shall be chosen by agreement of the other two members.  
3 Whenever the third member has a conflict of interest regarding  
4 affiliation with one of the parties, the other two members  
5 shall select an alternate member for that hearing. The head  
6 of the department may select an alternative or substitute to  
7 serve as the department member for any hearing or term. Each  
8 member shall serve a 2-year term. The board shall elect a  
9 chair, each term, who shall be the administrator of the board  
10 and custodian of its records.

11 (3) A hearing may be requested by the department or by  
12 a contractor who has a dispute with the department which,  
13 under the rules of the board, may be the subject of  
14 arbitration. The board shall conduct the hearing within 45  
15 days of the request. The party requesting the board's  
16 consideration shall give notice of the hearing to each member.  
17 If the board finds that a third party is necessary to resolve  
18 the dispute, the board may vote to dismiss the claim, which  
19 may thereafter be pursued in accordance with the laws of the  
20 state in a court of law.

21 (7) The members ~~member~~ of the board ~~elected by~~  
22 ~~construction companies and the third member of the board~~ may  
23 receive compensation for the performance of their duties  
24 hereunder, from administrative fees received by the board,  
25 except that no employee of the department may receive  
26 compensation from the board. The compensation amount shall be  
27 determined by the board, but shall not exceed \$125 per hour,  
28 up to a maximum of \$1,000~~\$750~~ per day for each member  
29 authorized to receive compensation. Nothing in this section  
30 shall prevent the member elected by construction companies  
31 from being an employee of an association affiliated with the

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1 industry, even if the sole responsibility of that member is  
 2 service on the board. Travel expenses for the industry member  
 3 may be paid by an industry association, if necessary. The  
 4 board may allocate funds annually for clerical and other  
 5 administrative services.

6 (8) The party requesting arbitration shall pay a fee  
 7 to the board in accordance with a schedule established by it,  
 8 not to exceed \$500 per claim which is \$25,000 or less, not to  
 9 exceed \$1,000 per claim which is in excess of \$25,000 but not  
 10 exceeding \$50,000, not to exceed \$1,500 per claim which is in  
 11 excess of \$50,000 but not exceeding \$100,000, not to exceed  
 12 \$2,000 per claim which is in excess of \$100,000 but not  
 13 exceeding \$200,000, ~~and not to exceed \$3,000~~~~\$2,500~~ per claim  
 14 which is in excess of \$200,000 but not exceeding \$300,000  
 15 ~~\$250,000~~, not to exceed \$4,000 per claim which is in excess of  
 16 \$300,000 but not exceeding \$400,000, and not to exceed \$5,000  
 17 per claim which is in excess of \$400,000, to cover the cost of  
 18 administration and compensation of the board.

19 Section 23. Paragraph (a) of subsection (1) and  
 20 paragraph (i) of subsection (4) of section 337.25, Florida  
 21 Statutes, are amended to read:

22 337.25 Acquisition, lease, and disposal of real and  
 23 personal property.--

24 (1)(a) The department may purchase, lease, exchange,  
 25 or otherwise acquire any land, property interests, or  
 26 buildings or other improvements, including personal property  
 27 within such buildings or on such lands, necessary to secure or  
 28 utilize transportation rights-of-way for existing, proposed,  
 29 or anticipated transportation facilities on the State Highway  
 30 System, on the State Park Road System, in a rail corridor, or  
 31 in a transportation corridor designated by the department.

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1 Such property shall be held in the name of the state.

2 (4) The department may sell, in the name of the state,  
3 any land, building, or other property, real or personal, which  
4 was acquired under the provisions of subsection (1) and which  
5 the department has determined is not needed for the  
6 construction, operation, and maintenance of a transportation  
7 facility. With the exception of any parcel governed by  
8 paragraph (c), paragraph (d), paragraph (f), paragraph (g), or  
9 paragraph (i), the department shall afford first right of  
10 refusal to the local government in the jurisdiction of which  
11 the parcel is situated. When such a determination has been  
12 made, property may be disposed of in the following manner:

13 (i) If property was originally acquired specifically  
14 to provide replacement housing for persons displaced by  
15 ~~federally assisted~~ transportation projects, the department may  
16 negotiate for the sale of such property as replacement  
17 housing. As compensation, the state shall receive no less than  
18 its investment in such properties or fair market value,  
19 whichever is lower. It is expressly intended that this benefit  
20 be extended only to those persons actually displaced by such  
21 project. Dispositions to any other persons must be for fair  
22 market value.

23 Section 24. Subsection (9) is added to section  
24 337.251, Florida Statutes, to read:

25 337.251 Lease of property for joint public-private  
26 development and areas above or below department property.--

27 (9) Notwithstanding s. 341.327, a fixed-guideway  
28 transportation system authorized by the department to be  
29 wholly or partially within the department's right-of-way  
30 pursuant to a lease granted under this section may operate at  
31 any safe speed.

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1           Section 25. Subsection (1) of section 337.403, Florida  
2 Statutes, is amended to read:

3           337.403 Relocation of utility; expenses.--

4           (1) Any utility heretofore or hereafter placed upon,  
5 under, over, or along any public road or publicly owned rail  
6 corridor that is found by the authority to be unreasonably  
7 interfering in any way with the convenient, safe, or  
8 continuous use, or the maintenance, improvement, extension, or  
9 expansion, of such public road or publicly owned rail corridor  
10 shall, upon 30 days' written notice to the utility or its  
11 agent by the authority, be removed or relocated by such  
12 utility at its own expense except as provided in paragraphs  
13 (a), and (b), and (c).

14           (a) If the relocation of utility facilities, as  
15 referred to in s. 111 of the Federal-Aid Highway Act of 1956,  
16 Pub. L. No. 627 of the 84th Congress, is necessitated by the  
17 construction of a project on the federal-aid interstate  
18 system, including extensions thereof within urban areas, and  
19 the cost of such project is eligible and approved for  
20 reimbursement by the Federal Government to the extent of 90  
21 percent or more under the Federal Aid Highway Act, or any  
22 amendment thereof, then in that event the utility owning or  
23 operating such facilities shall relocate such facilities upon  
24 order of the department, and the state shall pay the entire  
25 expense properly attributable to such relocation after  
26 deducting therefrom any increase in the value of the new  
27 facility and any salvage value derived from the old facility.

28           (b) When a joint agreement between the department and  
29 the utility is executed for utility improvement, relocation,  
30 or removal work to be accomplished as part of a contract for  
31 construction of a transportation facility, the department may

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1 participate in those utility improvement, relocation, or  
2 removal costs that exceed the department's official estimate  
3 of the cost of such work by more than 10 percent. The amount  
4 of such participation shall be limited to the difference  
5 between the official estimate of all the work in the joint  
6 agreement plus 10 percent and the amount awarded for this work  
7 in the construction contract for such work. The department may  
8 not participate in any utility improvement, relocation, or  
9 removal costs that occur as a result of changes or additions  
10 during the course of the contract.

11 (c) When an agreement between the department and  
12 utility is executed for utility improvement, relocation, or  
13 removal work to be accomplished in advance of a contract for  
14 construction of a transportation facility, the department may  
15 participate in the cost of clearing and grubbing necessary to  
16 perform such work.

17 Section 26. Subsection (18) is added to section  
18 373.414, Florida Statutes, to read:

19 373.414 Additional criteria for activities in surface  
20 waters and wetlands.--

21 (18) MITIGATION STUDIES.--

22 (a) For impacts resulting from activities regulated  
23 under part IV of chapter 373, the Legislature finds that  
24 successful mitigation performed by the public and private  
25 sectors has helped to preserve the state's natural resources.

26 (b) The Office of Program Policy Analysis and  
27 Government Accountability shall study the mitigation options  
28 as defined by s. 373.414(1)(b), implemented from 1994 to the  
29 present, and issue a report by January 31, 2000. The study  
30 shall consider the effectiveness and costs of the current  
31 mitigation options in offsetting adverse effects to wetlands

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1 and wetland functions, including the application of cumulative  
2 impact considerations, and identify, as appropriate,  
3 recommendations for statutory or rule changes to increase the  
4 effectiveness of mitigation strategies.

5 Section 27. Paragraph (b) of subsection (2) of section  
6 338.223, Florida Statutes, is amended to read:

7 338.223 Proposed turnpike projects.--

8 (2)

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

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1 including the decision relative to the need to construct the  
2 project or the selection of a specific location. Costs to  
3 acquire and dispose of property acquired as hardship and  
4 protective purchases are considered costs of doing business  
5 for the department and are not to be considered in the  
6 determination of environmental feasibility for the project.

7 Section 28. Section 338.229, Florida Statutes, is  
8 amended to read:

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

29 Section 29. Subsection (10) of section 338.251,  
30 Florida Statutes, 1998 Supplement, is amended to read:

31 338.251 Toll Facilities Revolving Trust Fund.--The

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1 Toll Facilities Revolving Trust Fund is hereby created for the  
2 purpose of encouraging the development and enhancing the  
3 financial feasibility of revenue-producing road projects  
4 undertaken by local governmental entities in a county or  
5 combination of contiguous counties.

6 (10) Any repayment of prior or future advances made  
7 from the State Transportation Trust Fund which were used to  
8 fund any project phase of a toll facility, shall be deposited  
9 in the Toll Facilities Revolving Trust Fund. However, when  
10 funds advanced to the Seminole County Expressway Authority  
11 pursuant to this section are repaid to the Toll Facilities  
12 Revolving Trust Fund by or on behalf of the Seminole County  
13 Expressway Authority, those funds shall thereupon and  
14 forthwith be appropriated for and advanced to the Seminole  
15 County Expressway Authority for funding the design of and the  
16 advanced right-of-way acquisition for that segment of the  
17 Seminole County Expressway extending from U.S. Highway 17/92  
18 to Interstate Highway 4. Notwithstanding subsection (6), when  
19 funds previously advanced to the Orlando-Orange County  
20 Expressway Authority are repaid to the Toll Facilities  
21 Revolving Trust Fund by or on behalf of the Orlando-Orange  
22 County Expressway Authority, those funds may thereupon and  
23 forthwith be appropriated for and advanced to the Seminole  
24 County Expressway Authority for funding that segment of the  
25 Seminole County Expressway extending from U.S. Highway 17/92  
26 to Interstate Highway 4. Any funds advanced to the  
27 Tampa-Hillsborough County Expressway Authority pursuant to  
28 this section which have been or will be repaid on or after  
29 July 1, 1998, to the Toll Facilities Revolving Trust Fund on  
30 behalf of the Tampa-Hillsborough County Expressway Authority  
31 shall thereupon and forthwith be appropriated for and advanced



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1 to the Tampa-Hillsborough County Expressway Authority for  
 2 funding the design of and the advanced right-of-way  
 3 acquisition for the Brandon area feeder roads, capital  
 4 improvements to increase capacity to the expressway system,  
 5 and Lee Roy Selmon Crosstown Expressway System Widening as  
 6 authorized under s. 348.565.

7 Section 30. Section 339.2816, Florida Statutes, is  
 8 created to read:

9 339.2816 Small County Road Assistance Program;  
 10 definitions; program funding; funding eligibility; project  
 11 contract administration.--

12 (1) There is created within the Department of  
 13 Transportation the Small County Road Assistance Program. The  
 14 purpose of this program is to assist small county governments  
 15 in resurfacing or reconstructing county roads.

16 (3) For the purposes of this section the term "small  
 17 county" means any county that has a population of 75,000 or  
 18 less according to 1990 federal census data.

19 (4) Beginning with fiscal year 1999-2000 until fiscal  
 20 year 2009-2010 up to \$25 million annually from the State  
 21 Transportation Trust Fund may be used for the purposes of  
 22 funding the Small County Road Assistance Program as described  
 23 in this section.

24 (5)(a) Small counties shall be eligible to compete for  
 25 funds that have been designated for the Small County Road  
 26 Assistance Program for resurfacing or reconstruction projects  
 27 on county roads that were part of the county road system on  
 28 June 10, 1995. Capacity improvements on county roads shall not  
 29 be eligible for funding under the program.

30 (b) In determining a county's eligibility for  
 31 assistance under this program, the department may consider

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1 whether the county has attempted to keep county roads in  
2 satisfactory condition, including the amount of local option  
3 fuel tax and ad valorem millage rate imposed by the county.  
4 The department may also consider the extent to which the  
5 county has offered to provide a match of local funds with  
6 state funds provided under the program. At a minimum, small  
7 counties shall be eligible only if:  
8       1. The county has enacted the maximum rate of the  
9 local option fuel tax authorized by s. 336.025(1)(a), and has  
10 imposed an ad valorem millage rate of at least 8 mills, or  
11       2. The county has imposed an ad valorem millage rate  
12 of 10 mills.  
13       (c) The following criteria shall be used to prioritize  
14 road projects for funding under the program:  
15       1. The primary criterion is the physical condition of  
16 the road as measured by the department.  
17       2. As secondary criteria the department may consider:  
18           a. Whether a road is used as an evacuation route.  
19           b. Whether a road has high levels of agricultural  
20 travel.  
21           c. Whether a road is considered a major arterial  
22 route.  
23           d. Whether a road is considered a feeder road.  
24           e. Other criteria related to the impact of a project  
25 on the public road system or on the state or local economy as  
26 determined by the department.  
27       (6) The department is authorized to administer  
28 contracts on behalf of a county selected to receive funding  
29 for a project under this section. All projects funded under  
30 this section shall be included in the department's work  
31 program developed pursuant to s. 339.135.

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1           Section 31. Present paragraph (i) of subsection (2) of  
2 section 339.08, Florida Statutes, is redesignated as paragraph  
3 (j) and a new paragraph (i) is added to that subsection to  
4 read:

5           339.08 Use of moneys in State Transportation Trust  
6 Fund.--

7           (2) These rules must restrict the use of such moneys  
8 to the following purposes:

9           (i) To pay the cost of county road projects selected  
10 in accordance with the Small County Road Assistance Program  
11 created in s. 339.2816.

12           Section 32. Section 339.155, Florida Statutes, is  
13 amended to read:

14           339.155 Transportation planning.--

15           (1) THE FLORIDA TRANSPORTATION PLAN.--The department  
16 shall develop and annually update a statewide transportation  
17 plan, to be known as the Florida Transportation Plan. The  
18 plan shall be designed so as to be easily read and understood  
19 by the general public.

20           ~~(1) PURPOSE.--~~The purpose of the Florida  
21 Transportation Plan is to establish and define the state's  
22 long-range transportation goals and objectives ~~of the~~  
23 ~~department~~ to be accomplished over a period of at least 20  
24 years within the context of the State Comprehensive Plan and  
25 any other statutory mandates and authorizations. The Florida  
26 Transportation Plan shall consider the needs of the entire  
27 state transportation system and examine the use of all modes  
28 of transportation to effectively and efficiently meet such  
29 needs ~~given to the department. The plan shall define the~~  
30 ~~relationship between the long-range goals and the short-range~~  
31 ~~objectives, and specify those objectives against which the~~

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1 ~~department's achievement of such goals will be measured. The~~  
 2 ~~plan shall provide a policy framework within which the~~  
 3 ~~department's legislative budget request, the strategic~~  
 4 ~~information resource management plan, and the work program are~~  
 5 ~~developed.~~

6 (2) SCOPE OF PLANNING PROCESS DEVELOPMENT CRITERIA.--

7 (a) The Florida Transportation Plan shall consider the  
 8 needs of the entire state transportation system, examine the  
 9 use of all modes of transportation to effectively and  
 10 efficiently meet such needs, and provide for the  
 11 interconnection of all types of modes in a comprehensive  
 12 intermodal transportation system. In developing the Florida  
 13 Transportation Plan, the department shall carry out a  
 14 transportation planning process that provides for  
 15 consideration of projects and strategies that will consider  
 16 the following:

17 1. Support the economic vitality of the United States,  
 18 Florida, and the metropolitan areas, especially by enabling  
 19 global competitiveness, productivity, and efficiency;

20 2. Increase the safety and security of the  
 21 transportation system for motorized and nonmotorized users;

22 3. Increase the accessibility and mobility options  
 23 available to people and for freight;

24 4. Protect and enhance the environment, promote energy  
 25 conservation, and improve quality of life;

26 5. Enhance the integration and connectivity of the  
 27 transportation system, across and between modes throughout  
 28 Florida, for people and freight;

29 6. Promote efficient system management and operation;  
 30 and

31 7. Emphasize the preservation of the existing

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1 transportation system.

2 (b) Additionally, the department shall consider:

3 1. With respect to nonmetropolitan areas, the concerns  
4 of local elected officials representing units of general  
5 purpose local government;

6 2. The concerns of Indian tribal governments and  
7 federal land management agencies that have jurisdiction over  
8 land within the boundaries of Florida; and

9 3. Coordination of transportation plans, programs, and  
10 planning activities with related planning activities being  
11 carried out outside of metropolitan planning areas.

12 (c)(a) The results of the management systems required  
13 pursuant to federal laws and regulations.

14 (d)(b) Any federal, state, or local energy use goals,  
15 objectives, programs, or requirements.

16 (e)(c) Strategies for incorporating bicycle  
17 transportation facilities and pedestrian walkways in projects  
18 where appropriate throughout the state.

19 (f)(d) International border crossings and access to  
20 ports, airports, intermodal transportation facilities, major  
21 freight distribution routes, national parks, recreation and  
22 scenic areas, monuments and historic sites, and military  
23 installations.

24 (g)(e) The transportation needs of nonmetropolitan  
25 areas through a process that includes consultation with local  
26 elected officials with jurisdiction over transportation.

27 (h)(f) Consistency of the plan, to the maximum extent  
28 feasible, with strategic regional policy plans, metropolitan  
29 planning organization plans, and approved local government  
30 comprehensive plans so as to contribute to the management of  
31 orderly and coordinated community development.

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- 1           (i)~~(g)~~ Connectivity between metropolitan areas within  
2 the state and with metropolitan areas in other states.
- 3           (j)~~(h)~~ Recreational travel and tourism.
- 4           (k)~~(i)~~ Any state plan developed pursuant to the  
5 Federal Water Pollution Control Act.
- 6           (l)~~(j)~~ Transportation system management and investment  
7 strategies designed to make the most efficient use of existing  
8 transportation facilities.
- 9           (m)~~(k)~~ The total social, economic, energy, and  
10 environmental effects of transportation decisions on the  
11 community and region.
- 12           (n)~~(l)~~ Methods to manage traffic congestion and to  
13 prevent traffic congestion from developing in areas where it  
14 does not yet occur, including methods which reduce motor  
15 vehicle travel, particularly single-occupant vehicle travel.
- 16           (o)~~(m)~~ Methods to expand and enhance transit services  
17 and to increase the use of such services.
- 18           (p)~~(n)~~ The effect of transportation decisions on land  
19 use and land development, including the need for consistency  
20 between transportation decisionmaking and the provisions of  
21 all applicable short-range and long-range land use and  
22 development plans.
- 23           (q)~~(o)~~ Where appropriate, the use of innovative  
24 mechanisms for financing projects, including value capture  
25 pricing, tolls, and congestion pricing.
- 26           (r)~~(p)~~ Preservation and management of rights-of-way  
27 for construction of future transportation projects, including  
28 identification of unused rights-of-way which may be needed for  
29 future transportation corridors, and identification of those  
30 corridors for which action is most needed to prevent  
31 destruction or loss.

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1           (s)~~(q)~~ Future, as well as existing, needs of the state  
2 transportation system.

3           (t)~~(r)~~ Methods to enhance the efficient movement of  
4 commercial motor vehicles.

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

7           (v)~~(t)~~ Investment strategies to improve adjoining  
8 state and local roads that support rural economic growth and  
9 tourism development, federal agency renewable resources  
10 management, and multipurpose land management practices,  
11 including recreation development.

12           (w)~~(u)~~ The concerns of Indian tribal governments  
13 having jurisdiction over lands within the boundaries of the  
14 state.

15           (x)~~(v)~~ A seaport or airport master plan, which has  
16 been incorporated into an approved local government  
17 comprehensive plan, and the linkage of transportation modes  
18 described in such plan which are needed to provide for the  
19 movement of goods and passengers between the seaport or  
20 airport and the other transportation facilities.

21           (y)~~(w)~~ The joint use of transportation corridors and  
22 major transportation facilities for alternate transportation  
23 and community uses.

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

26           (3)    FORMAT, SCHEDULE, AND REVIEW.--The Florida  
27 Transportation Plan shall be a unified, concise planning  
28 document that clearly defines the state's long-range  
29 transportation goals and objectives and documents the  
30 department's short-range objectives developed to further such  
31 goals and objectives. The plan shall include a glossary that

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1 clearly and succinctly defines any and all phrases, words, or  
2 terms of art included in the plan, with which the general  
3 public may be unfamiliar and shall consist of, at a minimum,  
4 the following components:

5 (a) A long-range component documenting the goals and  
6 long-term objectives necessary to implement the results of the  
7 department's findings from its examination of the criteria  
8 listed in subsection (2). The long-range component must be  
9 developed in cooperation with the metropolitan planning  
10 organizations and reconciled, to the maximum extent feasible,  
11 with the long-range plans developed by metropolitan planning  
12 organizations pursuant to s. 339.175. The plan must also be  
13 developed in consultation with affected local officials in  
14 nonmetropolitan areas and with any affected Indian tribal  
15 governments.The plan must provide an examination of  
16 transportation issues likely to arise during at least a  
17 20-year period. The long-range component shall be updated at  
18 least once every 5 years, or more often as necessary, to  
19 reflect substantive changes to federal or state law.

20 (b) A short-range component documenting the short-term  
21 objectives and strategies necessary to implement the goals and  
22 long-term objectives contained in the long-range component.  
23 The short-range component must define the relationship between  
24 the long-range goals and the short-range objectives, specify  
25 those objectives against which the department's achievement of  
26 such goals will be measured, and identify transportation  
27 strategies necessary to efficiently achieve the goals and  
28 objectives in the plan. It must provide a policy framework  
29 within which the department's legislative budget request, the  
30 strategic information resource management plan, and the work  
31 program are developed.The short-range component shall serve



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1 as the department's annual agency strategic plan pursuant to  
2 s. 186.021. The short-range component shall be developed  
3 consistent with the requirements of s. 186.022 and consistent  
4 with available and forecasted state and federal funds. In  
5 addition to those entities listed in s. 186.022, the  
6 short-range component shall also be submitted to the Florida  
7 Transportation Commission.

8 (4) ANNUAL PERFORMANCE REPORT.--The department shall  
9 develop an annual performance report evaluating the operation  
10 of the department for the preceding fiscal year. The report,  
11 which shall meet the requirements of s. 186.022, shall also  
12 include a summary of the financial operations of the  
13 department and shall annually evaluate how well the adopted  
14 work program meets the short-term objectives contained in the  
15 short-range component of the Florida Transportation Plan. In  
16 addition to the entities listed in s. 186.022, this  
17 performance report shall also be submitted to the Florida  
18 Transportation Commission and the legislative appropriations  
19 and transportation committees.

20 (5) ADDITIONAL TRANSPORTATION PLANS.--

21 (a) Upon request by local governmental entities, the  
22 department may in its discretion develop and design  
23 transportation corridors, arterial and collector streets,  
24 vehicular parking areas, and other support facilities which  
25 are consistent with the plans of the department for major  
26 transportation facilities. The department may render to local  
27 governmental entities or their planning agencies such  
28 technical assistance and services as are necessary so that  
29 local plans and facilities are coordinated with the plans and  
30 facilities of the department.

31 (b) Each regional planning council, as provided for in

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1 s. 186.504, or any successor agency thereto, shall develop, as  
2 an element of its strategic regional policy plan,  
3 transportation goals and policies. The transportation goals  
4 and policies shall be consistent, to the maximum extent  
5 feasible, with the goals and policies of the metropolitan  
6 planning organization and the Florida Transportation Plan.  
7 The transportation goals and policies of the regional planning  
8 council will be advisory only and shall be submitted to the  
9 department and any affected metropolitan planning organization  
10 for their consideration and comments. Metropolitan planning  
11 organization plans and other local transportation plans shall  
12 be developed consistent, to the maximum extent feasible, with  
13 the regional transportation goals and policies. The regional  
14 planning council shall review urbanized area transportation  
15 plans and any other planning products stipulated in s. 339.175  
16 and provide the department and respective metropolitan  
17 planning organizations with written recommendations which the  
18 department and the metropolitan planning organizations shall  
19 take under advisement. Further, the regional planning  
20 councils shall directly assist local governments which are not  
21 part of a metropolitan area transportation planning process in  
22 the development of the transportation element of their  
23 comprehensive plans as required by s. 163.3177.

24 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN  
25 TRANSPORTATION PLANNING.--

26 (a) During the development of the long-range component  
27 of the Florida Transportation Plan and prior to substantive  
28 revisions, and prior to adoption of all subsequent amendments,  
29 the department shall provide citizens, affected public  
30 agencies, representatives of transportation agency employees,  
31 other affected employee representatives, private providers of

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1 transportation, and other known interested parties with an  
2 opportunity to comment on the proposed plan or revisions  
3 amendments. These opportunities ~~This hearing shall include~~  
4 ~~presentation and discussion of the factors listed in~~  
5 ~~subsection (2) and shall include, at a minimum, publishing a~~  
6 notice in the Florida Administrative Weekly and within a  
7 newspaper of general circulation within the area of each  
8 department district office. ~~These notices shall be published~~  
9 ~~twice prior to the day of the hearing, with the first notice~~  
10 ~~appearing at least 14 days prior to the hearing.~~

11 (b) During development of major transportation  
12 improvements, such as those increasing the capacity of a  
13 facility through the addition of new lanes or providing new  
14 access to a limited or controlled access facility or  
15 construction of a facility in a new location, the department  
16 shall hold one or more hearings prior to the selection of the  
17 facility to be provided; prior to the selection of the site or  
18 corridor of the proposed facility; and prior to the selection  
19 of and commitment to a specific design proposal for the  
20 proposed facility. Such public hearings shall be conducted so  
21 as to provide an opportunity for effective participation by  
22 interested persons in the process of transportation planning  
23 and site and route selection and in the specific location and  
24 design of transportation facilities. The various factors  
25 involved in the decision or decisions and any alternative  
26 proposals shall be clearly presented so that the persons  
27 attending the hearing may present their views relating to the  
28 decision or decisions which will be made.

29 (c) Opportunity for design hearings:

30 1. The department, prior to holding a design hearing,  
31 shall duly notice all affected property owners of record, as

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1 recorded in the property appraiser's office, by mail at least  
 2 20 days prior to the date set for the hearing. The affected  
 3 property owners shall be:

4 a. Those whose property lies in whole or in part  
 5 within 300 feet on either side of the centerline of the  
 6 proposed facility.

7 b. Those who the department determines will be  
 8 substantially affected environmentally, economically,  
 9 socially, or safetywise.

10 2. For each subsequent hearing, the department shall  
 11 daily publish notice at least 14 days immediately prior to the  
 12 hearing date in a newspaper of general circulation for the  
 13 area affected.

14 3. A copy of the notice of opportunity for the hearing  
 15 shall be furnished to the United States Department of  
 16 Transportation and to the appropriate departments of the state  
 17 government at the time of publication.

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

23 5. The opportunity for a hearing shall be afforded in  
 24 each case in which the department is in doubt as to whether a  
 25 hearing is required.

26 Section 33. Section 339.175, Florida Statutes, is  
 27 amended to read:

28 339.175 Metropolitan planning organization.--It is the  
 29 intent of the Legislature to encourage and promote the safe  
 30 and efficient management, operation, and development of  
 31 surface transportation systems embracing various modes of

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1 ~~transportation in a manner~~ that will serve ~~maximize~~ the  
2 mobility needs of people and freight goods within and through  
3 urbanized areas of this state while minimizing ~~and minimize,~~  
4 ~~to the maximum extent feasible, and together with applicable~~  
5 ~~regulatory government agencies,~~ transportation-related fuel  
6 consumption and air pollution. To accomplish these  
7 objectives, metropolitan planning organizations, referred to  
8 in this section as M.P.O.'s, shall develop, in cooperation  
9 with the state and public transit operators, transportation  
10 plans and programs for metropolitan areas. The plans and  
11 programs for each metropolitan area must provide for the  
12 development and integrated management and operation of  
13 transportation systems and facilities, including pedestrian  
14 walkways and bicycle transportation facilities that will  
15 function as an intermodal transportation system for the  
16 metropolitan area ~~Such plans and programs must provide for the~~  
17 ~~development of transportation facilities that will function as~~  
18 ~~an intermodal transportation system for the metropolitan area.~~  
19 The process for developing such plans and programs shall  
20 provide for consideration of all modes of transportation and  
21 shall be continuing, cooperative, and comprehensive, to the  
22 degree appropriate, based on the complexity of the  
23 transportation problems to be addressed.

24 (1) DESIGNATION.--

25 (a)1. An M.P.O. shall be designated for each urbanized  
26 area of the state. Such designation shall be accomplished by  
27 agreement between the Governor and units of general-purpose  
28 local government representing at least 75 percent of the  
29 population of the urbanized area; however, the unit of  
30 general-purpose local government that represents the central  
31 city or cities within the M.P.O. jurisdiction, as defined by

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1 the United States Bureau of the Census, must be a party to  
2 such agreement.

3           2. More than one M.P.O. may be designated within an  
4 existing metropolitan planning area ~~urbanized area~~ only if the  
5 Governor and the existing M.P.O. determine ~~determines~~ that the  
6 size and complexity of the existing metropolitan planning area  
7 makes ~~justifies~~ the designation of more than one M.P.O. for  
8 the area appropriate ~~multiple M.P.O.'s~~.

9           (b) Each M.P.O. shall be created and operated under  
10 the provisions of this section pursuant to an interlocal  
11 agreement entered into pursuant to s. 163.01. The signatories  
12 to the interlocal agreement shall be the department and the  
13 governmental entities designated by the Governor for  
14 membership on the M.P.O. If there is a conflict between this  
15 section and s. 163.01, this section prevails.

16           (c) The jurisdictional boundaries of an M.P.O. shall  
17 be determined by agreement between the Governor and the  
18 applicable M.P.O. The boundaries must include at least the  
19 metropolitan planning area, which is the existing urbanized  
20 area and the contiguous area expected to become urbanized  
21 within a 20-year forecast period, at a minimum, the  
22 ~~metropolitan area~~ and may encompass ~~include~~ the entire  
23 metropolitan statistical area or the consolidated metropolitan  
24 statistical area.

25           (d) In the case of an urbanized area designated as a  
26 nonattainment area for ozone or carbon monoxide under the  
27 Clean Air Act 42 U.S.C. s. 7401 et seq., the boundaries of the  
28 metropolitan planning area in existence as of the date of  
29 enactment of this paragraph shall be retained, except that the  
30 boundaries may be adjusted by agreement of the Governor and  
31 affected metropolitan planning organizations in the manner

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1 described in this section.If more than one M.P.O. has  
2 authority within a metropolitan area or an area that is  
3 designated as a nonattainment area, each M.P.O. shall consult  
4 with other M.P.O.'s designated for such area and with the  
5 state in the coordination of plans and programs required by  
6 this section.

7  
8 Each M.P.O. required under this section must be fully  
9 operative no later than 6 months following its designation.

10 (2) VOTING MEMBERSHIP.--

11 (a) The voting membership of an M.P.O. shall consist  
12 of not fewer than 5 or more than 19 apportioned members, the  
13 exact number to be determined on an equitable  
14 geographic-population ratio basis by the Governor, based on an  
15 agreement among the affected units of general-purpose local  
16 government as required by federal rules and regulations. The  
17 Governor, in accordance with 23 U.S.C. s. 134, ~~as amended by~~  
18 ~~the Intermodal Surface Transportation Efficiency Act of 1991,~~  
19 may also provide for M.P.O. members who represent  
20 municipalities to alternate with representatives from other  
21 municipalities within the metropolitan planning designated  
22 ~~urban~~ area that do not have members on the M.P.O. County  
23 commission members shall compose not less than one-third of  
24 the M.P.O. membership, except for an M.P.O. with more than 15  
25 members located in a county with a five-member county  
26 commission or an M.P.O. with 19 members located in a county  
27 with no more than 6 county commissioners, in which case county  
28 commission members may compose less than one-third percent of  
29 the M.P.O. membership, but all county commissioners must be  
30 members. All voting members shall be elected officials of  
31 general-purpose governments, except that an M.P.O. may

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1 include, as part of its apportioned voting members, a member  
2 of a statutorily authorized planning board or an official of  
3 an agency that operates or administers a major mode of  
4 transportation. ~~In metropolitan areas in which authorities or  
5 other agencies have been, or may be, created by law to perform  
6 transportation functions that are not under the jurisdiction  
7 of a general purpose local government represented on the  
8 M.P.O., they shall be provided voting membership on the M.P.O.~~  
9 The county commission shall compose not less than 20 percent  
10 of the M.P.O. membership if an official of an agency that  
11 operates or administers a major mode of transportation has  
12 been appointed to an M.P.O.

13 (b) In metropolitan areas in which authorities or  
14 other agencies have been or may be created by law to perform  
15 transportation functions that are not under the jurisdiction  
16 of a general purpose local government represented on the  
17 M.P.O., they shall be provided voting membership on the M.P.O.  
18 In all other M.P.O.'s where transportation authorities or  
19 agencies are to be represented by elected officials from  
20 general purpose local governments, the M.P.O. shall establish  
21 a process by which the collective interests of such  
22 authorities or other agencies are expressed and conveyed.

23 (c) Any other provision of this section to the contrary  
24 notwithstanding, a chartered county with over 1 million  
25 population may elect to reapportion the membership of an  
26 M.P.O. whose jurisdiction is wholly within the county. The  
27 charter county may exercise the provisions of this paragraph  
28 if:

29 1. The M.P.O. approves the reapportionment plan by a  
30 3/4 vote of its membership;

31 2. The M.P.O. and the charter county determine that



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1 the reapportionment plan is needed to fulfill specific goals  
2 and policies applicable to that metropolitan planning area;  
3 and

4 3. The charter county determines the reapportionment  
5 plan otherwise complies with all federal requirements  
6 pertaining to M.P.O. membership.

7  
8 Any charter county that elects to exercise the provisions of  
9 this paragraph shall notify the Governor in writing.

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

25 (3) APPORTIONMENT.--

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

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

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

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

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

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

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

31           1. A long-range transportation plan pursuant to the

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1 requirements of subsection (6);

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

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

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

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

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

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

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

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

23           6. Promote efficient system management and operation;  
24 and

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

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

30           ~~2. The consistency of transportation planning with~~  
31 ~~applicable federal, state, and local energy conservation~~

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

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1 ~~engineering of bridges, tunnels, or pavement;~~

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

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

6 ~~15. The possible allocation of capital investments to~~  
7 ~~increase security for transit systems.~~

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

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

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

17 3. Assist the department in performing its duties  
18 relating to access management, functional classification of  
19 roads, and data collection;

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

22 5. Represent all the jurisdictional areas within the  
23 metropolitan area in the formulation of transportation plans  
24 and programs required by this section; and

25 6. Perform all other duties required by state or  
26 federal law.

27 (d) Each M.P.O. shall appoint a technical advisory  
28 committee that includes planners; engineers; representatives  
29 of local aviation authorities, port authorities, and public  
30 transit authorities or representatives of aviation  
31 departments, seaport departments, and public transit

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

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

25 2. Notwithstanding the provisions of subparagraph 1.,  
26 an M.P.O. may, with the approval of the department and the  
27 applicable federal governmental agency, adopt an alternative  
28 program or mechanism to ensure citizen involvement in the  
29 transportation planning process.

30 (f) The department shall allocate to each M.P.O., for  
31 the purpose of accomplishing its transportation planning and

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1 programming duties, an appropriate amount of federal  
2 transportation planning funds.

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

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

22 (a) Identify transportation facilities, including, but  
23 not limited to, major roadways, airports, seaports, commuter  
24 rail systems, transit systems, and intermodal or multimodal  
25 terminals that will function as an integrated metropolitan  
26 transportation system. The long-range transportation plan  
27 must give emphasis to those transportation facilities that  
28 serve national, statewide, or regional functions, and must  
29 consider the goals and objectives identified in the Florida  
30 Transportation Plan as provided in s. 339.155. If a project is  
31 located within the boundaries of more than one M.P.O., the



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1 M.P.O.'s must coordinate plans regarding the project in the  
2 long-range transportation plan.

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

19 (c) Assess capital investment and other measures  
20 necessary to:

21 1. Ensure the preservation of the existing  
22 metropolitan transportation system including requirements for  
23 the operation, resurfacing, restoration, and rehabilitation of  
24 major roadways and requirements for the operation,  
25 maintenance, modernization, and rehabilitation of public  
26 transportation facilities; and

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

30 (d) Indicate, as appropriate, proposed transportation  
31 enhancement activities, including, but not limited to,

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1 pedestrian and bicycle facilities, scenic easements,  
2 landscaping, historic preservation, mitigation of water  
3 pollution due to highway runoff, and control of outdoor  
4 advertising.

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

12

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

22 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
23 shall, in cooperation with the state and affected public  
24 transportation operators, develop a transportation improvement  
25 program for the area within the jurisdiction of the M.P.O. In  
26 the development of the transportation improvement program,  
27 each M.P.O. must provide the public, affected public ~~transit~~  
28 agencies, representatives of transportation agency employees,  
29 freight shippers, providers of freight transportation  
30 services, private providers of transportation, representatives  
31 of users of public transit, and other interested parties, ~~and~~

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1 ~~members of the general public~~ with a reasonable opportunity to  
2 comment on the proposed transportation improvement program.

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

17 (b) Each M.P.O. annually shall prepare a list of  
18 project priorities and shall submit the list to the  
19 appropriate district of the department by October 1 of each  
20 year; however, the department and a metropolitan planning  
21 organization may, in writing, agree to vary this submittal  
22 date. The list of project priorities must be formally reviewed  
23 by the technical and citizens' advisory committees, and  
24 approved by the M.P.O., before it is transmitted to the  
25 district. The approved list of project priorities must be used  
26 by the district in developing the district work program and  
27 must be used by the M.P.O. in developing its transportation  
28 improvement program. The annual list of project priorities  
29 must be based upon project selection criteria that, at a  
30 minimum, consider the following:

31 1. The approved M.P.O. long-range transportation plan;

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1           2. The results of the transportation management  
2 systems; and

3           3. The M.P.O.'s public-involvement procedures.

4           (c) The transportation improvement program must, at a  
5 minimum:

6           1. Include projects and project phases to be funded  
7 with state or federal funds within the time period of the  
8 transportation improvement program and which are recommended  
9 for advancement during the next fiscal year and 4 subsequent  
10 fiscal years. Such projects and project phases must be  
11 consistent, to the maximum extent feasible, with the approved  
12 local government comprehensive plans of the units of local  
13 government located within the jurisdiction of the M.P.O. For  
14 informational purposes, the transportation improvement program  
15 shall also include a list of projects to be funded from local  
16 or private revenues.

17           2. Include projects within the metropolitan area which  
18 are proposed for funding under 23 U.S.C. s. 134 of the Federal  
19 Transit Act and which are consistent with the long-range  
20 transportation plan developed under subsection (6).

21           3. Provide a financial plan that demonstrates how the  
22 transportation improvement program can be implemented;  
23 indicates the resources, both public and private, that are  
24 reasonably expected to be available to accomplish the program;  
25 identifies and recommends any innovative financing techniques  
26 that may be used to fund needed projects and programs; and may  
27 include, for illustrative purposes, additional projects that  
28 would be included in the approved transportation improvement  
29 program if reasonable additional resources beyond those  
30 identified in the financial plan were available. Innovative  
31 financing. ~~Such~~ techniques may include the assessment of

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1 tolls, the use of value capture financing, or the use of value  
2 ~~congestion~~ pricing. The transportation improvement program  
3 may include a project or project phase only if full funding  
4 can reasonably be anticipated to be available for the project  
5 or project phase within the time period contemplated for  
6 completion of the project or project phase.

7 4. Group projects and project phases of similar  
8 urgency and anticipated staging into appropriate staging  
9 periods.

10 5. Indicate how the transportation improvement program  
11 relates to the long-range transportation plan developed under  
12 subsection (6), including providing examples of specific  
13 projects or project phases that further the goals and policies  
14 of the long-range transportation plan.

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

21 7. Indicate how the improvements are consistent, to  
22 the maximum extent feasible, with affected seaport and airport  
23 master plans and with public transit development plans of the  
24 units of local government located within the jurisdiction of  
25 the M.P.O. If a project is located within the boundaries of  
26 more than one M.P.O., the M.P.O.'s must coordinate plans  
27 regarding the project in the transportation improvement  
28 program.

29 (d) Projects included in the transportation  
30 improvement program and that have advanced to the design stage  
31 of preliminary engineering may be removed from or rescheduled

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1 in a subsequent transportation improvement program only by the  
2 joint action of the M.P.O. and the department. Except when  
3 recommended in writing by the district secretary for good  
4 cause, any project removed from or rescheduled in a subsequent  
5 transportation improvement program shall not be rescheduled by  
6 the M.P.O. in that subsequent program earlier than the 5th  
7 year of such program.

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

17 (f)~~(e)~~ The adopted annual transportation improvement  
18 program for M.P.O.'s in nonattainment or maintenance areas  
19 must be submitted to the district secretary and the Department  
20 of Community Affairs at least 90 days before the submission of  
21 the state transportation improvement program by the department  
22 to the appropriate federal agencies. The annual transportation  
23 improvement program for M.P.O.'s in attainment areas must be  
24 submitted to the district secretary and the Department of  
25 Community Affairs at least 45 days before the department  
26 submits the state transportation improvement program to the  
27 appropriate federal agencies; however, the department, the  
28 Department of Community Affairs, and a metropolitan planning  
29 organization may, in writing, agree to vary this submittal  
30 date. The Governor or the Governor's designee shall review  
31 and approve each transportation improvement program and any

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1 amendments thereto.

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

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

20        (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall  
21 develop, in cooperation with the department and public  
22 transportation providers, a unified planning work program that  
23 lists all planning tasks to be undertaken during the program  
24 year. The unified planning work program must provide a  
25 complete description of each planning task and an estimated  
26 budget therefor and must comply with applicable state and  
27 federal law.

28        (9) AGREEMENTS.--

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

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1           1. An agreement with the department clearly  
2 establishing the cooperative relationship essential to  
3 accomplish the transportation planning requirements of state  
4 and federal law.

5           2. An agreement with the metropolitan and regional  
6 intergovernmental coordination and review agencies serving the  
7 metropolitan areas, specifying the means by which activities  
8 will be coordinated and how transportation planning and  
9 programming will be part of the comprehensive planned  
10 development of the area.

11           3. An agreement with operators of public  
12 transportation systems, including transit systems, commuter  
13 rail systems, airports, and seaports, describing the means by  
14 which activities will be coordinated and specifying how public  
15 transit, commuter rail, aviation, and seaport planning and  
16 programming will be part of the comprehensive planned  
17 development of the metropolitan area.

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

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

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

27           (b) The council shall consist of one representative  
28 from each M.P.O. and shall elect a chairperson annually from  
29 its number. Each M.P.O. shall also elect an alternate  
30 representative from each M.P.O. to vote in the absence of the  
31 representative. Members of the council do not receive any



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1 compensation for their services, but may be reimbursed from  
2 funds made available to council members for travel and per  
3 diem expenses incurred in the performance of their council  
4 duties as provided in s. 112.061.

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

7 1. Enter into contracts with individuals, private  
8 corporations, and public agencies.

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

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

13 4. Establish bylaws and adopt rules pursuant to ss.  
14 120.536(1) and 120.54 to implement provisions of law  
15 conferring powers or duties upon it.

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

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

24 7. Employ an executive director and such other staff  
25 as necessary to perform adequately the functions of the  
26 council, within budgetary limitations. The executive director  
27 and staff are exempt from part II of chapter 110 and serve at  
28 the direction and control of the council. The council is  
29 assigned to the Office of the Secretary of the Department of  
30 Transportation ~~or~~ for fiscal and accountability purposes, but  
31 it shall otherwise function independently of the control and

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1 direction of the department.

2 8. Adopt an agency strategic plan that provides the  
3 priority directions the agency will take to carry out its  
4 mission within the context of the state comprehensive plan and  
5 any other statutory mandates and directions given to the  
6 agency.

7 (11) APPLICATION OF FEDERAL LAW.--Upon notification by  
8 an agency of the Federal Government that any provision of this  
9 section conflicts with federal laws or regulations, such  
10 federal laws or regulations will take precedence to the extent  
11 of the conflict until such conflict is resolved. The  
12 department or an M.P.O. may take any necessary action to  
13 comply with such federal laws and regulations or to continue  
14 to remain eligible to receive federal funds.

15 Section 34. Subsection (14) is added to section  
16 341.041, Florida Statutes, 1998 Supplement, to read:

17 341.041 Transit responsibilities of the  
18 department.--The department shall, within the resources  
19 provided pursuant to chapter 216:

20 (14) Create and maintain a common self-retention  
21 insurance fund to support fixed-guideway projects throughout  
22 the state when there is a contractual obligation to have the  
23 fund in existence in order to provide fixed-guideway services.  
24 The maximum limit of the fund is as required by any  
25 contractual obligation.

26 Section 35. Subsections (6) and (8) of section  
27 341.302, Florida Statutes, are amended to read:

28 341.302 Rail program, duties and responsibilities of  
29 the department.--The department, in conjunction with other  
30 governmental units and the private sector, shall develop and  
31 implement a rail program of statewide application designed to

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1 ensure the proper maintenance, safety, revitalization, and  
2 expansion of the rail system to assure its continued and  
3 increased availability to respond to statewide mobility needs.  
4 Within the resources provided pursuant to chapter 216, and as  
5 authorized under Title 49 C.F.R. part 212, the department  
6 shall:

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

10 (8) Conduct, at a minimum, inspections of track and  
11 rolling stock, train signals and related equipment, hazardous  
12 materials transportation, including the loading, unloading,  
13 and labeling of hazardous materials at shippers', receivers',  
14 and transfer points, and train operating practices to  
15 determine adherence to state and federal standards.  
16 Department personnel may enforce any safety regulation issued  
17 under the Federal Government's preemptive authority over  
18 interstate commerce.

19 Section 36. Paragraph (a) of subsection (2) and  
20 subsections (3), (4), (5), (6), (9), and (10) of section  
21 373.4137, Florida Statutes, are amended to read:

22 373.4137 Mitigation requirements.--

23 (2) Environmental impact inventories for  
24 transportation projects proposed by the Department of  
25 Transportation shall be developed as follows:

26 (a) By May 1 of each year ~~Beginning July 1996,~~ the  
27 Department of Transportation shall submit ~~annually~~ to the  
28 Department of Environmental Protection and the water  
29 management districts a copy of its adopted work program and an  
30 inventory of habitats addressed in the rules tentatively,  
31 ~~adopted~~ pursuant to this part and s. 404 of the Clean Water

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1 Act, 33 U.S.C. s. 1344, which may be impacted by its plan of  
2 construction for transportation projects in the next first 3  
3 years of the tentative work program. The Department of  
4 Transportation may also include in its inventory the habitat  
5 impacts of any future transportation project identified in the  
6 tentative work program.~~For the July 1996 submittal, the~~  
7 ~~inventory may exclude those projects which have received~~  
8 ~~permits pursuant to this part and s. 404 of the Clean Water~~  
9 ~~Act, 33 U.S.C. s. 1344, projects for which mitigation planning~~  
10 ~~or design has commenced, or projects for which mitigation has~~  
11 ~~been implemented in anticipation of future permitting needs.~~

12 (3) To fund the mitigation plan for the projected  
13 impacts identified in the inventory described in subsection  
14 (2), ~~beginning July 1, 1997,~~the Department of Transportation  
15 shall identify funds quarterly in an escrow account within the  
16 State Transportation Trust Fund for the environmental  
17 mitigation phase of projects budgeted by the Department of  
18 Transportation for the current fiscal year. The escrow account  
19 will be maintained ~~established~~ by the Department of  
20 Transportation for the benefit of the Department of  
21 Environmental Protection and the water management districts.  
22 Any interest earnings from the escrow account shall remain  
23 with ~~be returned to~~ the Department of Transportation. The  
24 Department of Environmental Protection or water management  
25 districts may ~~shall~~ request a transfer of funds from the  
26 escrow account ~~to the Ecosystem Management and Restoration~~  
27 ~~Trust Fund~~ no sooner than 30 days prior to the date the funds  
28 are needed to pay for activities associated with development  
29 or implementation of the approved mitigation plan described in  
30 subsection (4) for the current fiscal year, including, but not  
31 limited to, design, engineering, production, and staff

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

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1 escrow account to the Department of Environmental Protection  
2 and Ecosystem Management and Restoration Trust Fund to the  
3 water management districts to carry out the mitigation  
4 programs.

5 (4) Prior to December 1 of each year 31, 1996, each  
6 water management district, in consultation with the Department  
7 of Environmental Protection, the United States Army Corps of  
8 Engineers, the Department of Transportation, and other  
9 appropriate federal, state, and local governments, and other  
10 interested parties, including entities operating mitigation  
11 banks, shall develop a plan for the primary purpose of  
12 complying with the mitigation requirements adopted pursuant to  
13 this part and 33 U.S.C. s. 1344. This plan shall also address  
14 significant invasive aquatic and exotic plant problems within  
15 wetlands and other surface waters. In developing such plans,  
16 the districts shall utilize sound ecosystem management  
17 practices to address significant water resource needs and  
18 shall focus on activities of the Department of Environmental  
19 Protection and the water management districts, such as surface  
20 water improvement and management (SWIM) waterbodies and lands  
21 identified for potential acquisition for preservation,  
22 restoration, and enhancement, to the extent that such  
23 activities comply with the mitigation requirements adopted  
24 under this part and 33 U.S.C. s. 1344. In determining the  
25 activities to be included in such plans, the districts shall  
26 also consider the purchase of credits from public or private  
27 mitigation banks permitted under s. 373.4136 and associated  
28 federal authorization under this part and shall include such  
29 purchase as a part of the mitigation plan when such purchase  
30 would offset the impact of the transportation project, provide  
31 equal benefits to the water resources than other mitigation

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1 options being considered, and provide the most cost-effective  
2 mitigation option. The mitigation plan shall be preliminarily  
3 approved by the water management district governing board and  
4 shall be submitted to the secretary of the Department of  
5 Environmental Protection for review and final approval. The  
6 preliminary approval by the water management district  
7 governing board does not constitute a decision that affects  
8 substantial interests as provided by s. 120.569. At least 30  
9 days prior to preliminary approval, the water management  
10 district shall provide a copy of the draft mitigation plan to  
11 any person who has requested a copy.

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

24 (b) Specific projects may be excluded from the  
25 mitigation plan and shall not be subject to this section upon  
26 the agreement of the Department of Transportation, the  
27 Department of Environmental Protection, and the appropriate  
28 water management district that the inclusion of such projects  
29 would hamper the efficiency or timeliness of the mitigation  
30 planning and permitting process, or the Department of  
31 Environmental Protection and the water management district are

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1 unable to identify mitigation that would offset the impacts of  
2 the project.

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

29 ~~(d) On July 1, 1996, the Department of Transportation~~  
30 ~~shall transfer to the Department of Environmental Protection~~  
31 ~~\$12 million from the State Transportation Trust Fund for the~~



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1 ~~purposes of the surface water improvement management program~~  
2 ~~and to address statewide aquatic and exotic plant problems~~  
3 ~~within wetlands and other surface waters. Such funds shall be~~  
4 ~~considered an advance upon funds that the Department of~~  
5 ~~Transportation would provide for statewide mitigation during~~  
6 ~~the 1997-1998, 1998-1999, and 1999-2000 fiscal years. This~~  
7 ~~use of mitigation funds for surface water improvement~~  
8 ~~management projects or aquatic and exotic plant control may be~~  
9 ~~utilized as mitigation for transportation projects to the~~  
10 ~~extent that it complies with the mitigation requirements~~  
11 ~~adopted pursuant to this part and 33 U.S.C. s. 1344. To the~~  
12 ~~extent that such activities result in mitigation credit for~~  
13 ~~projects permitted in fiscal year 1996-1997, all or part of~~  
14 ~~the \$12 million funding for surface water improvement~~  
15 ~~management projects or aquatic and exotic plant control in~~  
16 ~~fiscal year 1996-1997 shall be drawn from Department of~~  
17 ~~Transportation mitigation funding for fiscal year 1996-1997~~  
18 ~~rather than from mitigation funding for fiscal years~~  
19 ~~1997-1998, 1998-1999, and 1999-2000, in an amount equal to the~~  
20 ~~cost per acre of impact described in subsection (3), times the~~  
21 ~~acreage of impact that is mitigated by such plant control~~  
22 ~~activities. Any part of the \$12 million that does not result~~  
23 ~~in mitigation credit for projects permitted in fiscal year~~  
24 ~~1996-1997 shall remain available for mitigation credit during~~  
25 ~~fiscal years 1997-1998, 1998-1999, or 1999-2000.~~

26 (5) The water management district shall be responsible  
27 for ensuring that mitigation requirements pursuant to 33  
28 U.S.C. s. 1344 are met for the impacts identified in the  
29 inventory described in subsection (2), by implementation of  
30 the approved plan described in subsection (4) to the extent  
31 funding is provided as funded by the Department of

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1 Transportation. During the federal permitting process, the  
2 water management district may deviate from the approved  
3 mitigation plan in order to comply with federal permitting  
4 requirements.

5 (6) The mitigation plan shall be updated annually to  
6 reflect the most current Department of Transportation work  
7 program and may be amended throughout the year to anticipate  
8 schedule changes or additional projects which may arise. Each  
9 update and amendment of the mitigation plan shall be submitted  
10 to the secretary of the Department of Environmental Protection  
11 for approval ~~as described in subsection (4)~~. However, such  
12 approval shall not be applicable to a deviation as described  
13 in subsection (5).

14 ~~(9) The recommended mitigation plan shall be annually~~  
15 ~~submitted to the Executive Office of the Governor and the~~  
16 ~~Legislature through the legislative budget request of the~~  
17 ~~Department of Environmental Protection in accordance with~~  
18 ~~chapter 216. Any funds not directed to implement the~~  
19 ~~mitigation plan should, to the greatest extent possible, be~~  
20 ~~directed to fund aquatic and exotic plant problems within the~~  
21 ~~wetlands and other surface waters.~~

22 ~~(10) By December 1, 1997, the Department of~~  
23 ~~Environmental Protection, in consultation with the water~~  
24 ~~management districts, shall submit a report to the Governor,~~  
25 ~~the President of the Senate, and the Speaker of the House of~~  
26 ~~Representatives describing the implementation of this section,~~  
27 ~~including the use of public and private mitigation banks and~~  
28 ~~other types of mitigation approved in the mitigation plan.~~  
29 ~~The report shall also recommend any amendments to this section~~  
30 ~~necessary to improve the process for developing and~~  
31 ~~implementing mitigation plans for the Department of~~

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1 ~~Transportation. The report shall also include a specific~~  
2 ~~section on how private and public mitigation banks are~~  
3 ~~utilized within the mitigation plans.~~

4 Section 37. Subsections (3) and (23) of section  
5 479.01, Florida Statutes, are amended to read:

6 479.01 Definitions.--As used in this chapter, the  
7 term:

8 (3) "Commercial or industrial zone" means a parcel of  
9 land an area within 660 feet of the nearest edge of the  
10 right-of-way of the interstate or federal-aid primary system  
11 designated predominately for commercial or industrial use  
12 under both the future land use map of the comprehensive plan  
13 and the land use development regulations adopted pursuant to  
14 chapter 163. If a parcel is located in an area designated for  
15 multiple uses on the future land use map of a comprehensive  
16 plan and the land development regulations do not clearly  
17 designate that parcel for a specific use, the area will be  
18 considered an unzoned commercial or industrial area if it  
19 meets the criteria of subsection (23).~~Where a local~~  
20 ~~governmental entity has not enacted a comprehensive plan by~~  
21 ~~local ordinance but has zoning regulations governing the area,~~  
22 ~~the zoning of an area shall determine whether the area is~~  
23 ~~designated predominately for commercial or industrial uses.~~

24 (23) "Unzoned commercial or industrial area" means a  
25 parcel of land designated by the an area within 660 feet of  
26 the nearest edge of the right-of-way of the interstate or  
27 federal-aid primary system where the land use is not covered  
28 by a future land use map of the comprehensive plan for  
29 multiple uses that include commercial or industrial uses but  
30 are not specifically designated for commercial or industrial  
31 uses under the land development regulations or zoning

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1 ~~regulation pursuant to subsection (2), in which there are~~  
2 ~~located~~ three or more separate and distinct conforming  
3 industrial or commercial activities are located.

4 (a) These activities must satisfy the following  
5 criteria:

6 1. At least one of the commercial or industrial  
7 activities must be located on the same side of the highway and  
8 within 800 feet of the sign location;

9 2. The commercial or industrial activities must be  
10 within 660 feet from the nearest edge of the right-of-way; and

11 3. The commercial industrial activities must be within  
12 1,600 feet of each other.

13  
14 Distances specified in this paragraph must be measured from  
15 the nearest outer edge of the primary building or primary  
16 building complex when the individual units of the complex are  
17 connected by covered walkways. ~~uses located within a~~  
18 ~~1,600-foot radius of each other and generally recognized as~~  
19 ~~commercial or industrial by zoning authorities in this state.~~

20 (b) Certain activities, including, but not limited to,  
21 the following, may not be so recognized as commercial or  
22 industrial activities:

23 1.(a) Signs.

24 2.(b) Agricultural, forestry, ranching, grazing,  
25 farming, and related activities, including, but not limited  
26 to, wayside fresh produce stands.

27 3.(c) Transient or temporary activities.

28 4.(d) Activities not visible from the main-traveled  
29 way.

30 5.(e) Activities conducted more than 660 feet from the  
31 nearest edge of the right-of-way.

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1           ~~6.(f)~~ Activities conducted in a building principally  
2 used as a residence.

3           ~~7.(g)~~ Railroad tracks and minor sidings.

4           8. Communication towers.

5           Section 38. Paragraphs (b) and (c) of subsection (8)  
6 of section 479.07, Florida Statutes, are amended to read:

7           479.07 Sign permits.--

8           (8)

9           (b) If a permittee has not submitted his or her fee  
10 payment by the expiration date of the licenses or permits, the  
11 department shall send a notice of violation to the permittee  
12 within 45 days after the expiration date, requiring the  
13 payment of the permit fee within 30 days after the date of the  
14 notice and payment of a delinquency fee equal to 10 percent of  
15 the original amount due or, in the alternative to these  
16 payments, requiring the filing of a request for an  
17 administrative hearing to show cause why his or her sign  
18 should not be subject to immediate removal due to expiration  
19 of his or her license or permit. If the permittee submits  
20 payment as required by the violation notice, his or her  
21 license or permit will be automatically reinstated and such  
22 reinstatement will be retroactive to the original expiration  
23 date. If the permittee does not respond to the notice of  
24 violation within the 30-day period, the department shall,  
25 within 30 days, issue a final notice of sign removal and may,  
26 following 90 days after the date of the department's final  
27 notice of sign removal, remove the sign without incurring any  
28 liability as a result of such removal. However, if at any time  
29 before removal of the sign ~~within 90 days after the date of~~  
30 ~~the department's final notice of sign removal~~, the permittee  
31 demonstrates that a good-faith ~~good faith~~ error on the part of

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1 the permittee resulted in cancellation or nonrenewal of the  
2 permit, the department may reinstate the permit if:

3 ~~1. The sign has not yet been disassembled by the~~  
4 ~~permittee;~~

5 ~~2. Conflicting applications have not been filed by~~  
6 ~~other persons;~~

7 ~~1.3.~~ The permit reinstatement fee of up to \$300 based  
8 on the size of the sign is paid;

9 ~~2.4.~~ All other permit renewal and delinquent permit  
10 fees due as of the reinstatement date are paid; and

11 ~~3.5.~~ The permittee reimburses the department for all  
12 actual costs resulting from the permit cancellation or  
13 nonrenewal ~~and sign removal.~~

14 (c) Conflicting applications filed by other persons  
15 for the same or competing sites covered by a permit subject to  
16 paragraph (b) may not be approved until after the sign subject  
17 to the expired permit has been removed.

18 ~~(d)(e)~~ The cost for removing a sign, whether by the  
19 department or an independent contractor, shall be assessed by  
20 the department against the permittee.

21 Section 39. Subsection (15) of section 479.16, Florida  
22 Statutes, is amended to read:

23 479.16 Signs for which permits are not required.--The  
24 following signs are exempt from the requirement that a permit  
25 for a sign be obtained under the provisions of this chapter  
26 but are required to comply with the provisions of s.  
27 479.11(4)-(8):

28 (15) Signs not in excess of 16 square feet placed at a  
29 road junction with the State Highway System denoting only the  
30 distance or direction of a residence or farm operation, or, in  
31 a rural area where a hardship is created because a small

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1 business is not visible from the road junction with the State  
2 Highway System, one sign not in excess of 16 & square feet,  
3 denoting only the name of the business and the distance and  
4 direction to the business. The small-business-sign provision  
5 of this subsection does not apply to charter counties and may  
6 not be implemented if the Federal Government notifies the  
7 department that implementation will adversely affect the  
8 allocation of federal funds to the department.

9 Section 40. Subsection (5) is added to section  
10 320.0715, Florida Statutes, to read:

11 320.0715 International Registration Plan; motor  
12 carrier services; permits; retention of records.--

13 (5) The provisions of this section do not apply to any  
14 commercial motor vehicle domiciled in a foreign state that  
15 enters this state solely for the purpose of bringing a  
16 commercial vehicle in for repairs, or picking up a newly  
17 purchased commercial vehicle, so long as the commercial motor  
18 vehicle is operated by its owner and is not hauling a load.

19 Section 41. Section 334.035, Florida Statutes, is  
20 amended to read:

21 334.035 Purpose of transportation code.--The purpose  
22 of the Florida Transportation Code is to establish the  
23 responsibilities of the state, the counties, and the  
24 municipalities in the planning and development of the  
25 transportation systems serving the people of the state and to  
26 assure the development of an integrated, balanced statewide  
27 transportation system which enhances economic development  
28 through promotion of international trade and interstate and  
29 intrastate commerce. This code is necessary for the  
30 protection of the public safety and general welfare and for  
31 the preservation of all transportation facilities in the

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1 state. The chapters in the code shall be considered  
2 components of the total code, and the provisions therein,  
3 unless expressly limited in scope, shall apply to all  
4 chapters.

5 Section 42. Subsection (1) of section 334.0445,  
6 Florida Statutes, 1998 Supplement, is amended to read:  
7 334.0445 Model career service classification and  
8 compensation plan.--

9 (1) Effective July 1, 1994, the Legislature grants to  
10 the Department of Transportation in consultation with the  
11 Department of Management Services, the Executive Office of the  
12 Governor, legislative appropriations committees, legislative  
13 personnel committees, and the affected certified bargaining  
14 unions, the authority on a pilot basis to develop and  
15 implement a model career service classification and  
16 compensation system. Such system shall be developed for use by  
17 all state agencies. Authorization for this program will be  
18 through June 30, 2002 ~~for 3 fiscal years beginning July 1,~~  
19 ~~1994, and ending June 30, 1997;~~ however, the department may  
20 elect or be directed by the Legislature to return to the  
21 current system at anytime during this period if the model  
22 system does not meet the stated goals and objectives.

23 Section 43. Section 334.046, Florida Statutes, is  
24 amended to read:

25 (Substantial rewording of section. See  
26 s. 334.046, F.S., for present text.)

27 334.046 Department mission, goals, and objectives.--

28 (1) The mission of the Department of Transportation  
29 shall be to provide a safe, interconnected statewide  
30 transportation system for Florida's citizens and visitors that  
31 ensures the mobility of people and freight, while enhancing



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1 economic prosperity and sustaining the quality of our  
2 environment.

3 (2) The department shall document in the Florida  
4 Transportation Plan pursuant to s. 339.155 the goals and  
5 objectives which provide statewide policy guidance for  
6 accomplishing the department's mission.

7 (3) At a minimum, the department's goals shall address  
8 the following:

9 (a) Providing a safe transportation system for  
10 residents, visitors, and commerce.

11 (b) Preservation of the transportation system.

12 (c) Providing an interconnected transportation system  
13 to support Florida's economy.

14 (d) Providing travel choices to support Florida's  
15 communities.

16 Section 44. Section 334.071, Florida Statutes, is  
17 created to read:

18 334.071 Legislative designation of transportation  
19 facilities.--

20 (1) Designation of a transportation facility contained  
21 in an act of the Legislature is for honorary or memorial  
22 purposes or to distinguish a particular facility, and unless  
23 specifically provided for, shall not be construed to require  
24 any action by a local government or private party regarding  
25 the changing of any street signs, mailing address, or 911  
26 emergency telephone number system listing.

27 (2) The effect of such designations shall only be  
28 construed to require the placement of markers by the  
29 department at the termini or intersections specified for each  
30 highway segment or bridge designated, and as authority for the  
31 department to place other markers as appropriate for the

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1 transportation facility being designated.

2 Section 45. Section 337.025, Florida Statutes, is  
3 amended to read:

4 337.025 Innovative highway projects; department to  
5 establish program.--The department is authorized to establish  
6 a program for highway projects demonstrating innovative  
7 techniques of highway construction and finance which have the  
8 intended effect of controlling time and cost increases on  
9 construction projects. Such techniques may include, but are  
10 not limited to, state-of-the-art technology for pavement,  
11 safety, and other aspects of highway construction; innovative  
12 bidding and financing techniques; accelerated construction  
13 procedures; and those techniques that have the potential to  
14 reduce project life cycle costs. To the maximum extent  
15 practical, the department must use the existing process to  
16 award and administer construction contracts. When specific  
17 innovative techniques are to be used, the department is not  
18 required to adhere to those provisions of law that would  
19 prevent, preclude, or in any way prohibit the department from  
20 using the innovative technique. However, prior to using an  
21 innovative technique that is inconsistent with another  
22 provision of law, the department must document in writing the  
23 need for the exception and identify what benefits the  
24 traveling public and the affected community are anticipated to  
25 receive. The department may enter into no more than ~~\$120~~\$60  
26 million in contracts annually for the purposes authorized by  
27 this section.

28 Section 46. Paragraph (a) of subsection (4) of section  
29 339.135, Florida Statutes, is amended to read:

30 339.135 Work program; legislative budget request;  
31 definitions; preparation, adoption, execution, and

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1 amendment.--

2 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

3 (a)1. To assure that no district or county is  
4 penalized for local efforts to improve the State Highway  
5 System, the department shall, for the purpose of developing a  
6 tentative work program, allocate funds for new construction to  
7 the districts, except for the turnpike district, based on  
8 equal parts of population and motor fuel tax collections.  
9 Funds for resurfacing, bridge repair and rehabilitation,  
10 bridge fender system construction or repair, public transit  
11 projects except public transit block grants as provided in s.  
12 341.052, and other programs with quantitative needs  
13 assessments shall be allocated based on the results of these  
14 assessments. The department may not transfer any funds  
15 allocated to a district under this paragraph to any other  
16 district except as provided in subsection (7). Funds for  
17 public transit block grants shall be allocated to the  
18 districts pursuant to s. 341.052.

19 2. Notwithstanding the provisions of subparagraph 1.,  
20 the department shall allocate at least 50 percent of any new  
21 discretionary highway capacity funds to the Florida Intrastate  
22 Highway System established pursuant to s. 338.001. Any  
23 remaining new discretionary highway capacity funds shall be  
24 allocated to the districts for new construction as provided in  
25 subparagraph 1. For the purposes of this subparagraph, the  
26 term "new discretionary highway capacity funds" means any  
27 funds available to the department above the prior year funding  
28 level for capacity improvements, which the department has the  
29 discretion to allocate to highway projects.

30 Section 47. Subsections (2) through (5) of section  
31 341.053, Florida Statutes, are renumbered as subsections (3)

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1 through (6), respectively, and a new subsection (2) is added  
2 to that section to read:

3 341.053 Intermodal Development Program;  
4 administration; eligible projects; limitations.--

5 (2) In recognition of the department's role in the  
6 economic development of this state, the department shall  
7 develop a proposed intermodal development plan to connect  
8 Florida's airports, deepwater seaports, rail systems serving  
9 both passenger and freight, and major intermodal connectors to  
10 the Florida Intrastate Highway System facilities as the  
11 primary system for the movement of people and freight in this  
12 state in order to make the intermodal development plan a fully  
13 integrated and interconnected system. The intermodal  
14 development plan must:

15 (a) Define and assess the state's freight intermodal  
16 network, including airports, seaports, rail lines and  
17 terminals, and connecting highways.

18 (b) Prioritize statewide infrastructure investments,  
19 including the acceleration of current projects, which are  
20 found by the Freight Stakeholders Task Force to be priority  
21 projects for the efficient movement of people and freight.

22 (c) Be developed in a manner that will assure maximum  
23 use of existing facilities and optimum integration and  
24 coordination of the various modes of transportation, including  
25 both government-owned and privately owned resources, in the  
26 most cost-effective manner possible.

27 Section 48. Section 348.9401, Florida Statutes, is  
28 amended to read:

29 348.9401 Short title.--This part shall be known and  
30 may be cited as the "St. Lucie County Expressway and Bridge  
31 Authority Law."

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1           Section 49. Subsections (2) and (11) of section  
2 348.941, Florida Statutes, are amended to read:

3           348.941 Definitions.--As used in this part, unless the  
4 context clearly indicates otherwise, the term:

5           (2) "Authority" means the St. Lucie County Expressway  
6 and Bridge Authority.

7           (11) "St. Lucie County Expressway and Bridge System"  
8 means:

9           (a) any and all expressways in St. Lucie County and  
10 appurtenant facilities thereto, including, but not limited to,  
11 all approaches, roads, bridges, and avenues of access for such  
12 expressway or expressways; and

13           (b) The Indian River Lagoon Bridge.

14           Section 50. The catchline and subsections (1) and (2)  
15 of section 348.942, Florida Statutes, are amended to read:

16           348.942 St. Lucie County and Bridge Expressway  
17 Authority.--

18           (1) There is created and established a body politic  
19 and corporate, an agency of the state, to be known as the "St.  
20 Lucie County Expressway and Bridge Authority," hereinafter  
21 referred to as the "authority."

22           (2) The authority shall have the exclusive right to  
23 exercise all those powers herein set forth; and no other  
24 entity, body, or authority, whether within or without St.  
25 Lucie County, may either directly or indirectly exercise any  
26 jurisdiction, control, authority, or power in any manner  
27 relating to any expressway and bridge system within St. Lucie  
28 County without either the express consent of the authority or  
29 as otherwise provided herein.

30           Section 51. Paragraph (a) of subsection (1) and  
31 paragraph (g) of subsection (2) of section 348.943, Florida

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1 Statutes, are amended to read:

2 348.943 Purposes and powers.--

3 (1)(a) The authority created and established by the  
4 provisions of this part is granted and shall have the right to  
5 acquire, hold, construct, improve, maintain, operate, own, and  
6 lease the St. Lucie County Expressway and Bridge System,  
7 hereinafter referred to as the "system."

8 (2) The authority is granted, and shall have and may  
9 exercise, all powers necessary, appurtenant, convenient, or  
10 incidental to the carrying out of the aforesaid purposes,  
11 including, but not limited to, the following rights and  
12 powers:

13 (g)1. To borrow money as provided by the State Bond  
14 Act or, in the alternative, pursuant to the provisions of s.  
15 348.944(3), and in either case for any purpose of the  
16 authority authorized, including the financing or refinancing  
17 of the cost of all or any part of the system.

18 2. The authority shall reimburse St. Lucie County for  
19 any sums expended, together with interest at the highest rate  
20 applicable to the bonds of the authority for which the sums  
21 were required, from the St. Lucie County gasoline tax funds  
22 for payment of the bonds.

23 Section 52. Section 348.944, Florida Statutes, is  
24 amended to read:

25 348.944 Bonds.--

26 (1) Bonds may be issued on behalf of the authority as  
27 provided by the State Bond Act.

28 (2) As an alternative to subsection (1), the authority  
29 may issue its own bonds pursuant to subsection (3) in such  
30 principal amounts as, in the opinion of the authority, are  
31 necessary to provide sufficient moneys for achieving its

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1 corporate purposes, so long as such bonds do not pledge the  
2 full faith and credit of the state, St. Lucie County, or any  
3 municipality in St. Lucie County.

4 (3) The bonds of the authority issued pursuant to this  
5 subsection, whether on original issuance or on refunding,  
6 shall be authorized by resolution of the members thereof and  
7 may be either term or serial bonds, shall bear such date or  
8 dates, mature at such time or times, not exceeding 40 years  
9 from their respective dates, bear interest at such rate or  
10 rates (not exceeding the maximum lawful rate), fixed or  
11 variable, be in such denominations, be in such form, carry  
12 such registration, exchangeability, and interchangeability  
13 privileges, be payable in such medium of payment and at such  
14 place or places, be subject to such terms of redemption, with  
15 or without premium, and have such rank and be entitled to such  
16 priorities on the revenues, tolls, fees, rentals, or other  
17 charges, receipts, or moneys of the authority, including any  
18 moneys received pursuant to the terms of any lease-purchase  
19 agreement between the authority and the department, as such  
20 resolution or any resolution subsequent thereto may provide.  
21 The bonds shall be executed either by manual or facsimile  
22 signature by such officers as the authority shall determine.  
23 The term "bonds" shall include all forms of indebtedness,  
24 including notes. The proceeds of any bonds shall be used for  
25 such purposes and shall be disbursed in such manner and under  
26 such restrictions, if any, as the authority may provide  
27 pursuant to resolution. The bonds may also be issued pursuant  
28 to an indenture of trust or other agreement with such trustee  
29 or fiscal agent as may be selected by the authority. The  
30 resolution, indenture of trust, or other agreement may contain  
31 such provisions securing the bonds as the authority deems

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1 appropriate. The principal of and the interest on the bonds  
2 shall be payable from such revenues, tolls, fees, rentals, or  
3 other charges, receipts, or moneys as determined by the  
4 authority pursuant to resolution. The authority may grant a  
5 lien upon and pledge such revenues, tolls, fees, rentals, or  
6 other charges, receipts, or moneys in favor of the holders of  
7 each series of bonds in the manner and to the extent provided  
8 by the authority by resolution. Such revenues, tolls, fees,  
9 rentals, or other charges, receipts, or moneys shall  
10 immediately be subject to such lien without any physical  
11 delivery thereof, and such lien shall be valid and binding as  
12 against all parties having claims of any kind in tort,  
13 contract, or otherwise against the authority.

14 (4) Bonds issued by or on behalf of the authority  
15 shall be sold at public sale in the manner provided by the  
16 State Bond Act. However, if the authority shall determine by  
17 resolution that a negotiated sale of the bonds is in the best  
18 interest of the authority, the authority may negotiate for  
19 sale of the bonds with the underwriter or underwriters  
20 designated by the division in the case of bonds issued  
21 pursuant to subsection (1) or the authority in the case of  
22 bonds issued pursuant to subsection (3). The authority shall  
23 provide a specific finding by resolution as to the reason  
24 requiring the negotiated sale. Pending the preparation of  
25 definitive bonds, interim certificates may be issued to the  
26 purchaser or purchasers of such bonds and may contain such  
27 terms and conditions as the authority may determine.

28 Section 53. Section 348.9495, Florida Statutes, is  
29 created to read:

30 348.9495 Exemption from taxation.--The effectuation of  
31 the authorized purposes of the authority created under this



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1 part is, shall, and will be in all respects for the benefit of  
2 the people of the state, for the increase of their commerce  
3 and prosperity, and for the improvement of their health and  
4 living conditions, and, since such authority will be  
5 performing essential governmental functions in effectuating  
6 such purposes, such authority shall not be required to pay any  
7 taxes or assessments of any kind or nature whatsoever upon any  
8 property acquired or used by it for such purposes or upon any  
9 tolls, fees, rentals, receipts, moneys, or charges at any time  
10 received by it, and the bonds issued by the authority, their  
11 transfer, and the income therefrom, including any profits made  
12 on the sale thereof, shall at all times be free from taxation  
13 of any kind by the state or by any political subdivision,  
14 taxing agency, or instrumentality thereof. The exemption  
15 granted by this section shall not be applicable to any tax  
16 imposed by chapter 220 on interest, income, or profits on debt  
17 obligations owned by corporations.

18           Section 54. Paragraph (d) of subsection (1) of section  
19 212.055, Florida Statutes, 1998 Supplement, is amended to  
20 read:

21           212.055 Discretionary sales surtaxes; legislative  
22 intent; authorization and use of proceeds.--It is the  
23 legislative intent that any authorization for imposition of a  
24 discretionary sales surtax shall be published in the Florida  
25 Statutes as a subsection of this section, irrespective of the  
26 duration of the levy. Each enactment shall specify the types  
27 of counties authorized to levy; the rate or rates which may be  
28 imposed; the maximum length of time the surtax may be imposed,  
29 if any; the procedure which must be followed to secure voter  
30 approval, if required; the purpose for which the proceeds may  
31 be expended; and such other requirements as the Legislature

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1 may provide. Taxable transactions and administrative  
2 procedures shall be as provided in s. 212.054.

3 (1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.--

4 (d) Proceeds from the surtax shall be applied to as  
5 many or as few of the uses enumerated below in whatever  
6 combination the county commission deems appropriate:

7 1. Deposited by the county in the trust fund and shall  
8 be used ~~only~~ for the purposes of development, construction,  
9 equipment, maintenance, operation, supportive services,  
10 including a countywide bus system, and related costs of a  
11 fixed guideway rapid transit system;

12 2. Remitted by the governing body of the county to an  
13 expressway or transportation authority created by law to be  
14 used, at the discretion of such authority, for the  
15 development, construction, operation, or maintenance of roads  
16 or bridges in the county, for the operation and maintenance of  
17 a bus system, ~~or~~ for the payment of principal and interest on  
18 existing bonds issued for the construction of such roads or  
19 bridges, and, upon approval by the county commission, such  
20 proceeds may be pledged for bonds issued to refinance existing  
21 bonds or new bonds issued for the construction of such roads  
22 or bridges; and or

23 3. For each county, as defined in s. 125.011(1), used  
24 for the development, construction, operation, and or  
25 maintenance of roads and bridges in the county; for the  
26 expansion, operation, and maintenance of ~~an existing~~ bus and  
27 fixed guideway systems ~~system~~; and or for the payment of  
28 principal and interest on ~~existing~~ bonds issued for the  
29 construction of fixed guideway rapid transit systems, bus  
30 systems, roads, or bridges; and such proceeds may be pledged  
31 by the governing body of the county for bonds issued to

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1 refinance existing bonds or new bonds issued for the  
2 construction of such fixed guideway rapid transit systems, bus  
3 systems, roads, or bridges and no more than 25 percent used  
4 for nontransit uses.

5 Section 55. Paragraph (f) of subsection (2) of section  
6 348.0004, Florida Statutes, is amended to read:

7 348.0004 Purposes and powers.--

8 (2) Each authority may exercise all powers necessary,  
9 appurtenant, convenient, or incidental to the carrying out of  
10 its purposes, including, but not limited to, the following  
11 rights and powers:

12 (f) To fix, alter, charge, establish, and collect  
13 tolls, rates, fees, rentals, and other charges for the  
14 services and facilities system, which tolls, rates, fees,  
15 rentals, and other charges must always be sufficient to comply  
16 with any covenants made with the holders of any bonds issued  
17 pursuant to the Florida Expressway Authority Act. However,  
18 such right and power may be assigned or delegated by the  
19 authority to the department. Notwithstanding s. 338.165 or any  
20 other provision of law to the contrary, in any county as  
21 defined in s. 125.011(1), to the extent surplus revenues  
22 exist, they may be used for purposes enumerated in subsection  
23 (7), provided the expenditures are consistent with the  
24 metropolitan planning organization's adopted long-range plan.  
25 Notwithstanding any other provision of law to the contrary,  
26 but subject to any contractual requirements contained in  
27 documents securing any outstanding indebtedness payable from  
28 tolls, in any county as defined in s. 125.011(1), the board of  
29 county commissioners may, by ordinance, alter or abolish  
30 existing tolls and currently approved increases thereto if the  
31 board provides a local source of funding to the county

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1 expressway system for transportation in an amount sufficient  
 2 to replace revenues necessary to meet bond obligations secured  
 3 by such tolls and increases.

4 Section 56. In addition to the voting membership  
 5 established by s. 339.175(2), Florida Statutes, 1998  
 6 Supplement, and notwithstanding any other provision of law to  
 7 the contrary, the voting membership of any Metropolitan  
 8 Planning Organization whose geographical boundaries include  
 9 any county as defined in s. 125.011(1), Florida Statutes, must  
 10 include an additional voting member appointed by that city's  
 11 governing body for each city with a population of 50,000 or  
 12 more residents.

13 Section 57. Effective January 1, 2000, section 73.015,  
 14 Florida Statutes, is created to read:

15 73.015 Presuit negotiation.--

16 (1) Effective July 1, 2000, before an eminent domain  
 17 proceeding is brought under this chapter or chapter 74, the  
 18 condemning authority must attempt to negotiate in good faith  
 19 with the fee owner of the parcel to be acquired, must provide  
 20 the fee owner with a written offer and, if requested, a copy  
 21 of the appraisal upon which the offer is based, and must  
 22 attempt to reach an agreement regarding the amount of  
 23 compensation to be paid for the parcel.

24 (a) At the inception of negotiation for acquisition,  
 25 the condemning authority must notify the fee owner of the  
 26 following:

27 1. That all or a portion of his or her property is  
 28 necessary for a project.

29 2. The nature of the project for which the parcel is  
 30 considered necessary, and the parcel designation of the  
 31 property to be acquired.

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1           3. That, within 15 business days after receipt of a  
2 request by the fee owner, the condemning authority will  
3 provide a copy of the appraisal report upon which the offer to  
4 the fee owner is based; copies, to the extent prepared, of the  
5 right-of-way maps or other documents that depict the proposed  
6 taking; and copies, to the extent prepared, of the  
7 construction plans that depict project improvements to be  
8 constructed on the property taken and improvements to be  
9 constructed adjacent to the remaining property, including, but  
10 not limited to, plan, profile, cross-section, drainage, and  
11 pavement marking sheets, and driveway connection detail. The  
12 condemning authority shall provide any additional plan sheets  
13 within 15 days of request.

14           4. The fee owner's statutory rights under ss. 73.091  
15 and 73.092.

16           5. The fee owner's rights and responsibilities under  
17 paragraphs (b) and (c) and subsection (4).

18           (b) The condemning authority must provide a written  
19 offer of compensation to the fee owner as to the value of the  
20 property sought to be appropriated and, where less than the  
21 entire property is sought to be appropriated, any damages to  
22 the remainder caused by the taking. The owner must be given at  
23 least 30 days after either receipt of the notice or the date  
24 the notice is returned as undeliverable by the postal  
25 authorities to respond to the offer, before the condemning  
26 authority files a condemnation proceeding for the parcel  
27 identified in the offer.

28           (c) The notice and written offer must be sent by  
29 certified mail, return receipt requested, to the fee owner's  
30 last known address listed on the county ad valorem tax roll.  
31 Alternatively, the notice and written offer may be personally

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1 delivered to the fee owner of the property. If there is more  
2 than one owner of a property, notice to one owner constitutes  
3 notice to all owners of the property. The return of the notice  
4 as undeliverable by the postal authorities constitutes  
5 compliance with this provision. The condemning authority is  
6 not required to give notice or a written offer to a person who  
7 acquires title to the property after the notice required by  
8 this section has been given.

9 (d) Notwithstanding this subsection, with respect to  
10 lands acquired under s. 259.041, the condemning authority is  
11 not required to give the fee owner the current appraisal  
12 before executing an option contract.

13 (2) Effective July 1, 2000, before an eminent domain  
14 proceeding is brought under this chapter or chapter 74 by the  
15 Department of Transportation or by a county, municipality,  
16 board, district, or other public body for the condemnation of  
17 right-of-way, the condemning authority must make a good-faith  
18 effort to notify the business owners, including lessees, who  
19 operate a business located on the property to be acquired.

20 (a) The condemning authority must notify the business  
21 owner of the following:

22 1. That all or a portion of his or her property is  
23 necessary for a project.

24 2. The nature of the project for which the parcel is  
25 considered necessary, and the parcel designation of the  
26 property to be acquired.

27 3. That, within 15 business days after receipt of a  
28 request by the business owner, the condemning authority will  
29 provide a copy of the appraisal report upon which the offer to  
30 the fee owner is based; copies, to the extent prepared, of the  
31 right-of-way maps or other documents that depict the proposed

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1 taking; and copies, to the extent prepared, of the  
2 construction plans that depict project improvements to be  
3 constructed on the property taken and improvements to be  
4 constructed adjacent to the remaining property, including, but  
5 not limited to, plan, profile, cross-section, drainage,  
6 pavement marking sheets, and driveway connection detail. The  
7 condemning authority shall provide any additional plan sheets  
8 within 15 days of request.

9 4. The business owner's statutory rights under ss.  
10 73.071, 73.091, and 73.092.

11 5. The business owner's rights and responsibilities  
12 under paragraphs (b) and (c) and subsection (4).

13 (b) The notice must be made subsequent to or  
14 concurrent with the condemning authority's making the written  
15 offer of compensation to the fee owner pursuant to subsection  
16 (1). The notice must be sent by certified mail, return  
17 receipt requested, to the address of the registered agent for  
18 the business located on the property to be acquired, or if no  
19 agent is registered, by certified mail or personal delivery to  
20 the address of the business located on the property to be  
21 acquired. Notice to one owner of a multiple ownership  
22 business constitutes notice to all business owners of that  
23 business. The return of the notice as undeliverable by the  
24 postal authorities constitutes compliance with these  
25 provisions. The condemning authority is not required to give  
26 notice to a person who acquires an interest in the business  
27 after the notice required by this section has been given.  
28 Once notice has been made to business owners under this  
29 subsection, the condemning authority may file a condemnation  
30 proceeding pursuant to chapter 73 or chapter 74 for the  
31 property identified in the notice.

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1           (c) If the business qualifies for business damages  
2 pursuant to s. 73.071(3)(b) and the business intends to claim  
3 business damages, the business owner must, within 180 days  
4 after either receipt of the notice or the date the notice is  
5 returned as undeliverable by the postal authorities, or at a  
6 later time mutually agreed to by the condemning authority and  
7 the business owner, submit to the condemning authority a  
8 good-faith written offer to settle any claims of business  
9 damage. The written offer must be sent to the condemning  
10 authority by certified mail, return receipt requested. Absent  
11 a showing of a good-faith justification for the failure to  
12 submit a business-damage offer within 180 days, the court must  
13 strike the business owner's claim for business damages in any  
14 condemnation proceeding. If the court finds that the business  
15 owner has made a showing of a good-faith justification for the  
16 failure to timely submit a business damage offer, the court  
17 shall grant the business owner up to 180 days within which to  
18 submit a business-damage offer, which the condemning authority  
19 must respond to within 120 days.

20           1. The business-damage offer must include an  
21 explanation of the nature, extent, and monetary amount of such  
22 damage and must be prepared by the owner, a certified public  
23 accountant, or a business damage expert familiar with the  
24 nature of the operations of the owner's business. The  
25 business owner shall also provide to the condemning authority  
26 copies of the owner's business records that substantiate the  
27 good-faith offer to settle the business damage claim. If  
28 additional information is needed beyond data that may be  
29 obtained from business records existing at the time of the  
30 offer, the business owner and condemning authority may agree  
31 on a schedule for the submission of such information.



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1           2. As used in this paragraph, the term "business  
2 records" includes, but is not limited to, copies of federal  
3 income tax returns, federal income tax withholding statements,  
4 federal miscellaneous income tax statements, state sales tax  
5 returns, balance sheets, profit and loss statements, and state  
6 corporate income tax returns for the 5 years preceding  
7 notification which are attributable to the business operation  
8 on the property to be acquired, and other records relied upon  
9 by the business owner that substantiate the business-damage  
10 claim.

11           (d) Within 120 days after receipt of the good-faith  
12 business-damage offer and accompanying business records, the  
13 condemning authority must, by certified mail, accept or reject  
14 the business owner's offer or make a counteroffer. Failure of  
15 the condemning authority to respond to the business damage  
16 offer, or rejection thereof pursuant to this section, must be  
17 deemed to be a counteroffer of zero dollars for purposes of  
18 subsequent application of s. 73.092(1).

19           (3) At any time in the presuit negotiation process,  
20 the parties may agree to submit the compensation or  
21 business-damage claims to nonbinding mediation. The parties  
22 shall agree upon a mediator certified under s. 44.102. In the  
23 event that there is a settlement reached as a result of  
24 mediation or other mutually acceptable dispute resolution  
25 procedure, the agreement reached shall be in writing. The  
26 written agreement provided for in this section shall  
27 incorporate by reference the right-of-way maps, construction  
28 plans, or other documents related to the taking upon which the  
29 settlement is based. In the event of a settlement, both  
30 parties shall have the same legal rights that would have been  
31 available under law if the matter had been resolved through

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1 eminent domain proceedings in circuit court with the maps,  
2 plans, or other documents having been made a part of the  
3 record.

4 (4) If a settlement is reached between the condemning  
5 authority and a property or business owner prior to a lawsuit  
6 being filed, the property or business owner who settles  
7 compensation claims in lieu of condemnation shall be entitled  
8 to recover costs in the same manner as provided in s. 73.091  
9 and attorney's fees in the same manner as provided in s.  
10 73.092, more specifically as follows:

11 (a) Attorney's fees for presuit negotiations under  
12 this section regarding the amount of compensation to be paid  
13 for the land, severance damages, and improvements must be  
14 calculated in the same manner as provided in s. 73.092(1)  
15 unless the parties otherwise agree.

16 (b) If business damages are recovered by the business  
17 owner based on the condemning authority accepting the business  
18 owner's initial offer or the business owner accepting the  
19 condemning authority's initial counteroffer, attorney's fees  
20 must be calculated in accordance with s. 73.092(2), (3), (4),  
21 and (5) for the attorney's time incurred in presentation of  
22 the business owner's good-faith offer under paragraph (2)(c).  
23 Otherwise, attorney's fees for the award of business damages  
24 must be calculated as provided in s. 73.092(1), based on the  
25 difference between the final judgment or settlement of  
26 business damages and the counteroffer to the business owner's  
27 offer by the condemning authority.

28 (c) Presuit costs must be presented, calculated, and  
29 awarded in the same manner as provided in s. 73.091, after  
30 submission by the business or property owner to the condemning  
31 authority of all appraisal reports, business damage reports,

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1 or other work-products for which recovery is sought, and upon  
2 transfer of title of the real property by closing, upon  
3 payment of any amounts due for business damages, or upon final  
4 judgment.

5 (d) If the parties cannot agree on the amount of costs  
6 and attorney's fees to be paid by the condemning authority,  
7 the business or property owner may file a complaint in the  
8 circuit court in the county in which the property is located  
9 to recover attorney's fees and costs.

10

11 This shall only apply when the action is by the Department of  
12 Transportation, county, municipality, board, district, or  
13 other public body for the condemnation of a road right-of-way.

14 (5) Evidence of negotiations or of any written or oral  
15 statements used in mediation or negotiations between the  
16 parties under this section is inadmissible in any condemnation  
17 proceeding, except in a proceeding to determine reasonable  
18 costs and attorney's fees.

19 Section 58. Effective January 1, 2000, subsection (3)  
20 of section 73.071, Florida Statutes, is amended to read:

21 73.071 Jury trial; compensation; severance damages;  
22 business damages.--

23 (3) The jury shall determine solely the amount of  
24 compensation to be paid, which compensation shall include:

25 (a) The value of the property sought to be  
26 appropriated;

27 (b) Where less than the entire property is sought to  
28 be appropriated, any damages to the remainder caused by the  
29 taking, including, when the action is by the Department of  
30 Transportation, county, municipality, board, district or other  
31 public body for the condemnation of a right-of-way, and the

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1 effect of the taking of the property involved may damage or  
2 destroy an established business of more than 4 5 years'  
3 standing, owned by the party whose lands are being so taken,  
4 located upon adjoining lands owned or held by such party, the  
5 probable damages to such business which the denial of the use  
6 of the property so taken may reasonably cause; any person  
7 claiming the right to recover such special damages shall set  
8 forth in his or her written defenses the nature and extent of  
9 such damages; and

10 (c) Where the appropriation is of property upon which  
11 a mobile home, other than a travel trailer as defined in s.  
12 320.01, is located, whether or not the owner of the mobile  
13 home is an owner or lessee of the property involved, and the  
14 effect of the taking of the property involved requires the  
15 relocation of such mobile home, the reasonable removal or  
16 relocation expenses incurred by such mobile home owner, not to  
17 exceed the replacement value of such mobile home. The  
18 compensation paid to a mobile home owner under this paragraph  
19 shall preclude an award to a mobile home park owner for such  
20 expenses of removal or relocation. Any mobile home owner  
21 claiming the right to such removal or relocation expenses  
22 shall set forth in his or her written defenses the nature and  
23 extent of such expenses. This paragraph shall not apply to  
24 any governmental authority exercising its power of eminent  
25 domain when reasonable removal or relocation expenses must be  
26 paid to mobile home owners under other provisions of law or  
27 agency rule applicable to such exercise of power.

28 Section 59. Effective January 1, 2000, the amendments  
29 to subsection (3) of section 73.071, Florida Statutes, as  
30 contained in this act shall stand repealed effective January  
31 1, 2003.

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1           Section 60. Effective January 1, 2000, subsection (1)  
2 of section 73.091, Florida Statutes, is amended to read:

3           73.091 Costs of the proceedings.--

4           (1) The petitioner shall pay attorney's fees as  
5 provided in s. 73.092 as well as all reasonable costs incurred  
6 in the defense of the proceedings in the circuit court,  
7 including, but not limited to, reasonable appraisal fees and,  
8 when business damages are compensable, a reasonable  
9 accountant's fee, to be assessed by that court. No prejudgment  
10 interest shall be paid on costs or attorney's fees.

11           Section 61. Effective January 1, 2000, subsection (1)  
12 of section 73.092, Florida Statutes, is amended to read:

13           73.092 Attorney's fees.--

14           (1) Except as otherwise provided in this section and  
15 s. 73.015, the court, in eminent domain proceedings, shall  
16 award attorney's fees based solely on the benefits achieved  
17 for the client.

18           (a) As used in this section, the term "benefits" means  
19 the difference, exclusive of interest, between the final  
20 judgment or settlement and the last written offer made by the  
21 condemning authority before the defendant hires an attorney.  
22 If no written offer is made by the condemning authority before  
23 the defendant hires an attorney, benefits must be measured  
24 from the first written offer after the attorney is hired.

25           1. In determining attorney's fees, if business records  
26 as defined in s. 73.015(2)(c)2. and kept by the owner in the  
27 ordinary course of business were provided to the condemning  
28 authority to substantiate the business damage offer in s.  
29 73.015(2)(c), benefits for amounts awarded for business  
30 damages must be based on the difference between the final  
31 judgment or settlement and the written counteroffer made by

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1 the condemning authority provided in s. 73.015(2)(d).

2 2. In determining attorney's fees, if existing  
3 business records as defined in s. 73.015(2)(c)2. and kept by  
4 the owner in the ordinary course of business were not provided  
5 to the condemning authority to substantiate the business  
6 damage offer in s. 73.015(2)(c) and those records which were  
7 not provided are later deemed material to the determination of  
8 business damages, benefits for amounts awarded for business  
9 damages must be based upon the difference between the final  
10 judgment or settlement and the first written counteroffer made  
11 by the condemning authority within 90 days from the condemning  
12 authority's receipt of the business records previously not  
13 provided.

14 ~~1. In determining attorney's fees in prelitigation~~  
15 ~~negotiations, benefits do not include amounts awarded for~~  
16 ~~business damages unless the business owner provided to the~~  
17 ~~condemning authority, upon written request, prior to~~  
18 ~~litigation, those financial and business records kept by the~~  
19 ~~owner in the ordinary course of business.~~

20 ~~2. In determining attorney's fees subsequent to the~~  
21 ~~filing of litigation, if financial and business records kept~~  
22 ~~by the owner in the ordinary course of business were not~~  
23 ~~provided to the condemning authority prior to litigation,~~  
24 ~~benefits for amounts awarded for business damages must be~~  
25 ~~based on the first written offer made by the condemning~~  
26 ~~authority within 120 days after the filing of the eminent~~  
27 ~~domain action. In the event the petitioner makes a discovery~~  
28 ~~request for a defendant's financial and business records kept~~  
29 ~~in the ordinary course of business within 45 days after the~~  
30 ~~filing of that defendant's answer, then the 120-day period~~  
31 ~~shall be extended to 60 days after receipt by petitioner of~~

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1 ~~those records. If the condemning authority makes no written~~  
2 ~~offer to the defendant for business damages within the time~~  
3 ~~period provided in this section, benefits for amounts awarded~~  
4 ~~for business damages must be based on the difference between~~  
5 ~~the final judgment or settlement and the last written offer~~  
6 ~~made by the condemning authority before the defendant hired an~~  
7 ~~attorney.~~

8 (b) The court may also consider nonmonetary benefits  
9 obtained for the client through the efforts of the attorney,  
10 to the extent such nonmonetary benefits are specifically  
11 identified by the court and can, within a reasonable degree of  
12 certainty, be quantified.

13 (c) Attorney's fees based on benefits achieved shall  
14 be awarded in accordance with the following schedule:

- 15 1. Thirty-three percent of any benefit up to \$250,000;  
16 plus  
17 2. Twenty-five percent of any portion of the benefit  
18 between \$250,000 and \$1 million; plus  
19 3. Twenty percent of any portion of the benefit  
20 exceeding \$1 million.

21 Section 62. Effective January 1, 2000, subsection (1)  
22 of section 127.01, Florida Statutes, is amended to read:

23 127.01 Counties delegated power of eminent domain;  
24 recreational purposes, issue of necessity of taking.--

25 (1)(a) Each county of the state is delegated authority  
26 to exercise the right and power of eminent domain; that is,  
27 the right to appropriate property, except state or federal,  
28 for any county purpose. The absolute fee simple title to all  
29 property so taken and acquired shall vest in such county  
30 unless the county seeks to condemn a particular right or  
31 estate in such property.

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1 (b) Each county is further authorized to exercise the  
2 eminent domain power ~~powers~~ granted to the Department of  
3 Transportation by s. 337.27(1) ~~and (2)~~, the transportation  
4 corridor protection provisions of s. 337.273, and the right of  
5 entry onto property pursuant to s. 337.274.

6 Section 63. Effective January 1, 2000, subsection (2)  
7 of section 166.401, Florida Statutes, is amended to read:

8 166.401 Right of eminent domain.--

9 (2) Each municipality is further authorized to  
10 exercise the eminent domain power ~~powers~~ granted to the  
11 Department of Transportation in s. 337.27(1) ~~and (2)~~ and the  
12 transportation corridor protection provisions of s. 337.273.

13 Section 64. Effective January 1, 2000, subsection (2)  
14 of section 337.27, section 337.271, subsection (2) of section  
15 348.0008, subsection (2) of section 348.759, and subsection  
16 (2) of section 348.957, Florida Statutes, are repealed.

17 Section 65. Subsections (3), (4), (5), and (6) are  
18 added to section 479.15, Florida Statutes, to read:

19 479.15 Harmony of regulations.--

20 (3) It is the express intent of the Legislature to  
21 limit the state right-of-way acquisition costs on state and  
22 federal roads in eminent domain proceedings, the provisions of  
23 ss. 479.07 and 479.155 notwithstanding. Subject to approval by  
24 the Federal Highway Administration, whenever public  
25 acquisition of land upon which is situated a lawful  
26 nonconforming sign occurs, as provided in this chapter, the  
27 sign may, at the election of its owner and the department, be  
28 relocated or reconstructed adjacent to the new right-of-way  
29 along the roadway within 100 feet of the current location,  
30 provided the nonconforming sign is not relocated on a parcel  
31 zoned residential, and provided further that such relocation



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1 shall be subject to applicable setback requirements. The sign  
2 owner shall pay all costs associated with relocating or  
3 reconstructing any sign under this subsection, and neither the  
4 state nor any local government shall reimburse the sign owner  
5 for such costs, unless part of such relocation costs are  
6 required by federal law. If no adjacent property is available  
7 for the relocation, the department shall be responsible for  
8 paying the owner of the sign just compensation for its  
9 removal.

10 (4) Such relocation shall be adjacent to the current  
11 site and the face of the sign shall not be increased in size  
12 or height or structurally modified at the point of relocation  
13 in a manner inconsistent with the current building codes of  
14 the jurisdiction in which the sign is located.

15 (5) In the event that relocation can be accomplished  
16 but is inconsistent with the ordinances of the municipality or  
17 county within whose jurisdiction the sign is located, the  
18 ordinances of the local government shall prevail, provided  
19 that the local government shall assume the responsibility to  
20 provide the owner of the sign just compensation for its  
21 removal, but in no event shall compensation paid by the local  
22 government exceed the compensation required under state or  
23 federal law. Further, the provisions of this section shall not  
24 impair any agreement or future agreements between a  
25 municipality or county and the owner of a sign or signs within  
26 the jurisdiction of the municipality or county. Nothing in  
27 this section shall be deemed to cause a nonconforming sign to  
28 become conforming solely as a result of the relocation allowed  
29 in this section.

30 (6) The provisions of subsections (3), (4), and (5) of  
31 this section shall not apply within the jurisdiction of any

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1 municipality which is engaged in any litigation concerning its  
2 sign ordinance on April 23, 1999, nor shall such provisions  
3 apply to any municipality whose boundaries are identical to  
4 the county within which said municipality is located.

5 Section 66. Paragraph (d) of subsection (3) of section  
6 20.23, Florida Statutes, 1998 Supplement, is amended to read:

7 20.23 Department of Transportation.--There is created  
8 a Department of Transportation which shall be a decentralized  
9 agency.

10 (3)

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

13 a. Developing policy and procedures and monitoring  
14 performance to ensure compliance with these policies and  
15 procedures;

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

18 c. Assessing and ensuring the accuracy of information  
19 within the department's financial management information  
20 systems; and

21 d. Performing other activities of a statewide nature.

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

- 26 a. The Office of Administration;
- 27 b. The Office of Policy Planning;
- 28 c. The Office of Design;
- 29 d. The Office of Construction;
- 30 e. The Office of Right-of-Way;
- 31 f. The Office of Toll Operations; and

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1           g. The Office of Information Systems.

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

7           Section 67. Subsection (4) of section 206.46, Florida  
8 Statutes, is amended to read:

9           206.46 State Transportation Trust Fund.--

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

16          Section 68. Section 215.616, Florida Statutes, is  
17 created to read:

18          215.616 State bonds for federal aid highway  
19 construction.--

20          (1) Upon the request of the Department of  
21 Transportation, the Division of Bond Finance is authorized  
22 pursuant to s. 11, Art. VII of the State Constitution and the  
23 State Bond Act to issue revenue bonds, for and on behalf of  
24 the Department of Transportation, for the purpose of financing  
25 or refinancing the construction, reconstruction, and  
26 improvement of projects that are eligible to receive  
27 federal-aid highway funds.

28          (2) Any bonds issued pursuant to this section shall be  
29 payable primarily from a prior and superior claim on all  
30 federal highway aid reimbursements received each year with  
31 respect to federal-aid projects undertaken in accordance with

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1 the provisions of Title 23 of the United States Code.

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

9 (4) The bonds issued under this section shall not  
10 constitute a debt or general obligation of the state or a  
11 pledge of the full faith and credit or taxing power of the  
12 state. The bonds shall be secured by and are payable from the  
13 revenues pledged in accordance with this section and the  
14 resolution authorizing their issuance.

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

20 (6) Any complaint for such validation of bonds issued  
21 pursuant to this section shall be filed in the circuit court  
22 of the county where the seat of state government is situated,  
23 the notice required to be published by s. 75.06 shall be  
24 published only in the county where the complaint is filed, and  
25 the complaint and order of the circuit court shall be served  
26 only on the state attorney of the circuit in which the action  
27 is pending.

28 Section 69. Section 234.112, Florida Statutes, is  
29 repealed.

30 Section 70. Paragraph (a) of subsection (7) of section  
31 288.9607, Florida Statutes, is amended to read:



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1 comes first, and shall not exceed 15 percent of the principal  
2 of all such outstanding bonds of the corporation issued  
3 thereafter, in each case determined as of the date of issuance  
4 of the bonds for which such determination is being made and  
5 taking into account the principal amount of such bonds to be  
6 issued. The provisions of this subparagraph shall not apply  
7 when the total amount of all such outstanding bonds issued by  
8 the corporation is less than \$10 million. For the purpose of  
9 calculating the limits imposed by the provisions of this  
10 subparagraph, the first \$10 million of bonds issued by the  
11 corporation shall be taken into account.

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

16           6. The corporation shall establish an account known as  
17 the Revenue Bond Guaranty Reserve Account, the Guaranty Fund.  
18 The corporation shall deposit a sum of money or other cash  
19 equivalents into this fund and maintain a balance of money or  
20 cash equivalents in this fund, from sources other than the  
21 investment of earnings accrued and collected upon the  
22 investment of the minimum balance of funds required to be  
23 maintained in the State Transportation Trust Fund, not less  
24 than a sum equal to 1 year of maximum debt service on all  
25 outstanding bonds, or portions thereof, of the corporation for  
26 which a guaranty has been issued pursuant to ss. 288.9606,  
27 288.9607, and 288.9608. In the event the corporation fails to  
28 maintain the balance required pursuant to this subparagraph  
29 for any reason other than a default on a bond issue of the  
30 corporation guaranteed pursuant to this section or because of  
31 the use by the corporation of any such funds to pay insurance,

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

17 Section 71. Subsection (3) of section 311.09, Florida  
18 Statutes, is amended to read:

19 311.09 Florida Seaport Transportation and Economic  
20 Development Council.--

21 (3) The council shall prepare a 5-year Florida Seaport  
22 Mission Plan defining the goals and objectives of the council  
23 concerning the development of port facilities and an  
24 intermodal transportation system consistent with the goals of  
25 the Florida Transportation Plan developed pursuant to s.  
26 339.155. The Florida Seaport Mission Plan shall include  
27 specific recommendations for the construction of  
28 transportation facilities connecting any port to another  
29 transportation mode and for the efficient, cost-effective  
30 development of transportation facilities or port facilities  
31 for the purpose of enhancing international trade, promoting

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

17 Section 72. Subsection (16) of section 331.303,  
18 Florida Statutes, is amended to read:

19 331.303 Definitions.--

20 (16) "Project" means any development, improvement,  
21 property, launch, utility, facility, system, works, road,  
22 sidewalk, enterprise, service, or convenience, which may  
23 include coordination with Enterprise Florida, Inc. ~~the Florida~~  
24 ~~High Technology and Industry Council~~, the Board of Regents,  
25 and the Space Research Foundation; any rocket, capsule,  
26 module, launch facility, assembly facility, operations or  
27 control facility, tracking facility, administrative facility,  
28 or any other type of space-related transportation vehicle,  
29 station, or facility; any type of equipment or instrument to  
30 be used or useful in connection with any of the foregoing; any  
31 type of intellectual property and intellectual property



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1 protection in connection with any of the foregoing including,  
2 without limitation, any patent, copyright, trademark, and  
3 service mark for, among other things, computer software; any  
4 water, wastewater, gas, or electric utility system, plant, or  
5 distribution or collection system; any small business  
6 incubator initiative, including any startup aerospace company,  
7 research and development company, research and development  
8 facility, storage facility, and consulting service; or any  
9 tourism initiative, including any space experience attraction,  
10 space-launch-related activity, and space museum sponsored or  
11 promoted by the authority.

12 Section 73. Subsections (1), (4), and (21) of section  
13 331.305, Florida Statutes, are amended to read:

14 331.305 Powers of the authority.--The authority shall  
15 have the power to:

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

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

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

28 (b) Products, services description--potential,  
29 technologies, skills.

30 (c) Market research and evaluation--customers,  
31 competition, economics.

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- 1           (d) Marketing plan and strategy.
- 2           (e) Design and development plan--tasks, difficulties,  
3 costs.
- 4           (f) Manufacturing locations, facilities, and  
5 operations plan.
- 6           (g) Management organization--roles and  
7 responsibilities.
- 8           (h) Overall schedule (monthly).
- 9           (i) Important risks, assumptions, and problems.
- 10          (j) Community impact--economic, human development,  
11 community development.
- 12          (k) Financial plan (monthly for first year; quarterly  
13 for next 3 years).
- 14          (l) Proposed authority offering--financing,  
15 capitalization, use of funds.
- 16
- 17 ~~A final report containing the recommendations and business~~  
18 ~~plan of the authority shall be completed and submitted prior~~  
19 ~~to the 1990 Regular Session of the Legislature, along with any~~  
20 ~~proposed statutory changes and related legislative budget~~  
21 ~~requests required to implement the business plan, to the~~  
22 ~~Governor, the President of the Senate, the Speaker of the~~  
23 ~~House of Representatives, the minority leader of the Senate,~~  
24 ~~and the minority leader of the House of Representatives.~~
- 25          (21) Issue revenue bonds, assessment bonds, or any  
26 other bonds or obligations authorized by the provisions of  
27 this act or any other law, or any combination of the  
28 foregoing, and pay all or part of the cost of the acquisition,  
29 construction, reconstruction, extension, repair, improvement,  
30 or maintenance of any project or combination of projects,  
31 including payloads and space flight hardware, and equipment

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

17 Section 74. Subsection (2) of section 331.308, Florida  
18 Statutes, is amended to read:

19 331.308 Board of supervisors.--

20 (2) Initially, the Governor shall appoint four regular  
21 members for terms of 3 years or until successors are appointed  
22 and qualified and three regular members for terms of 4 years  
23 or until successors are appointed and qualified. Thereafter,  
24 each such member shall serve a term of 4 years or until a  
25 successor is appointed and qualified. The term of each such  
26 member shall be construed to commence on the date of  
27 appointment and to terminate on June 30 of the year of the end  
28 of the term. ~~The terms for such members initially appointed~~  
29 ~~shall be construed to include the time between initial~~  
30 ~~appointment and June 30, 1992, for those appointed for 3-year~~  
31 ~~terms, and June 30, 1993, for those appointed for 4-year~~

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1 ~~terms. No such member shall be allowed to serve an initial~~  
2 ~~3-year term or fill any vacancy for the remainder of a term~~  
3 ~~for less than 4 years.~~ Appointment to the board shall not  
4 preclude any such member from holding any other private or  
5 public position.

6 Section 75. Subsection (1) of section 331.331, Florida  
7 Statutes, is amended to read:

8 331.331 Revenue bonds.--

9 (1) Revenue bonds issued by the authority shall not be  
10 deemed revenue bonds issued by the state or its agencies for  
11 purposes of s. 11, Art. VII of the State Constitution and ss.  
12 215.57-215.83. ~~However, until December 31, 1994, the power of~~  
13 ~~the authority to issue revenue bonds shall be limited as~~  
14 ~~provided in s. 331.305.~~ The authority shall include in its  
15 annual report to the Governor and Legislature, as provided in  
16 s. 331.310, a summary of the status of existing and proposed  
17 bonding projects.

18 Section 76. Paragraph (d) of subsection (25) of  
19 section 334.03, Florida Statutes, is amended to read:

20 334.03 Definitions.--When used in the Florida  
21 Transportation Code, the term:

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

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

29  
30 However, not less than 2 percent of the public road mileage of  
31 each urbanized area on record as of June 30, 1986, shall be

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1 included as minor arterials in the State Highway System.  
2 Urbanized areas not meeting the foregoing minimum requirement  
3 shall have transferred to the State Highway System additional  
4 minor arterials of the highest significance in which case the  
5 total minor arterials in the State Highway System from any  
6 urbanized area shall not exceed 2.5 percent of that area's  
7 total public urban road mileage.

8 Section 77. Subsection (5) of section 335.074, Florida  
9 Statutes, is amended to read:

10 335.074 Safety inspection of bridges.--

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

16 Section 78. Section 335.165, Florida Statutes, is  
17 repealed.

18 Section 79. Subsection (2) of section 335.182, Florida  
19 Statutes, is amended to read:

20 335.182 Regulation of connections to roads on State  
21 Highway System; definitions.--

22 (2) The department shall, ~~no later than July 1, 1989,~~  
23 adopt, by rule, administrative procedures for its issuance and  
24 modification of access permits, closing of unpermitted  
25 connections, and revocation of permits in accordance with this  
26 act.

27 Section 80. Paragraphs (a) and (e) of subsection (3)  
28 of section 335.188, Florida Statutes, are amended to read:

29 335.188 Access management standards; access control  
30 classification system; criteria.--

31 (3) The control classification system shall be

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1 developed consistent with the following:

2 (a) The department shall, ~~no later than July 1, 1990,~~  
3 adopt rules setting forth procedures governing the  
4 implementation of the access control classification system  
5 required by this act. The rule shall provide for input from  
6 the entities described in paragraph (b) as well as for public  
7 meetings to discuss the access control classification system.  
8 Nothing in this act affects the validity of the department's  
9 existing or subsequently adopted rules concerning access to  
10 the State Highway System. Such rules shall remain in effect  
11 until repealed or replaced by the rules required by this act.

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

14 Section 81. Section 336.01, Florida Statutes, is  
15 reenacted to read:

16 336.01 Designation of county road system.--The county  
17 road system shall be as defined in s. 334.03(8).

18 Section 82. Subsection (2) of section 336.044, Florida  
19 Statutes, is amended to read:

20 336.044 Use of recyclable materials in construction.--

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

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

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1 (b) Ash residue from coal combustion byproducts for  
2 concrete and ash residue from waste incineration facilities  
3 and oil combustion byproducts for subbase material;

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

6 (d) Construction steel, including reinforcing rods and  
7 I-beams, manufactured from scrap metals disposed of in the  
8 state; and

9 (e) Glass, and glass aggregates.

10

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

20 Section 83. Subsection (7) of section 337.015, Florida  
21 Statutes, is amended to read:

22 337.015 Administration of public  
23 contracts.--Recognizing that the inefficient and ineffective  
24 administration of public contracts inconveniences the  
25 traveling public, increases costs to taxpayers, and interferes  
26 with commerce, the Legislature hereby determines and declares  
27 that:

28 ~~(7) The department in its annual report required in s.  
29 334.22(2) shall report how the department complied with this  
30 section for the preceding fiscal year.~~

31 Section 84. Section 337.139, Florida Statutes, is

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1 amended to read:

2           337.139 Efforts to encourage awarding contracts to  
3 disadvantaged business enterprises.--In implementing chapter  
4 90-136, Laws of Florida, the Department of Transportation  
5 shall institute procedures to encourage the awarding of  
6 contracts for professional services and construction to  
7 disadvantaged business enterprises. For the purposes of this  
8 section, the term "disadvantaged business enterprise" means a  
9 small business concern certified by the Department of  
10 Transportation to be owned and controlled by socially and  
11 economically disadvantaged individuals as defined by the  
12 Surface Transportation and Uniform Relocation Act of 1987.  
13 The Department of Transportation shall develop and implement  
14 activities to encourage the participation of disadvantaged  
15 business enterprises in the contracting process ~~and shall~~  
16 ~~report to the Legislature prior to January 1, 1991, on its~~  
17 ~~efforts to increase disadvantaged business participation.~~

18 Such efforts may include:

19           (1) Presolicitation or prebid meetings for the purpose  
20 of informing disadvantaged business enterprises of contracting  
21 opportunities.

22           (2) Written notice to disadvantaged business  
23 enterprises of contract opportunities for commodities or  
24 contractual and construction services which the disadvantaged  
25 business provides.

26           (3) Provision of adequate information to disadvantaged  
27 business enterprises about the plans, specifications, and  
28 requirements of contracts or the availability of jobs.

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



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1           Section 85. Subsection (3) of section 337.29, Florida  
2 Statutes, is amended to read:

3           337.29 Vesting of title to roads; liability for  
4 torts.--

5           (3) Title to all roads transferred in accordance with  
6 the provisions of s. 335.0415 ~~335.04~~ shall be in the  
7 governmental entity to which such roads have been transferred,  
8 upon the recording of a right-of-way map by the appropriate  
9 governmental entity in the public land records of the county  
10 or counties in which such rights-of-way are located. To the  
11 extent that sovereign immunity has been waived, liability for  
12 torts shall be in the governmental entity having operation and  
13 maintenance responsibility as provided in s. 335.0415  
14 ~~335.04(2)~~. Except as otherwise provided by law, a  
15 municipality shall have the same governmental, corporate, and  
16 proprietary powers with relation to any public road or  
17 right-of-way within the municipality which has been  
18 transferred to another governmental entity pursuant to s.  
19 335.0415 ~~335.04~~ that the municipality has with relation to  
20 other public roads and rights-of-way within the municipality.

21           Section 86. Section 137 of chapter 96-320, Laws of  
22 Florida, is repealed.

23           Section 87. Subsection (2) of section 337.407, Florida  
24 Statutes, is amended to read:

25           337.407 Regulation of signs and lights within  
26 rights-of-way.--

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

30           Section 88. Section 338.22, Florida Statutes, is  
31 amended to read:

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1           338.22 Florida Turnpike Law; short title.--Sections  
2 338.22-338.241 ~~338.22-338.244~~ may be cited as the "Florida  
3 Turnpike Law."

4           Section 89. Section 338.221, Florida Statutes, is  
5 amended to read:

6           338.221 Definitions of terms used in ss.  
7 338.22-338.241 ~~338.22-338.244~~.--As used in ss. 338.22-338.241  
8 ~~338.22-338.244~~, the following words and terms have the  
9 following meanings, unless the context indicates another or  
10 different meaning or intent:

11           (1) "Bonds" or "revenue bonds" means notes, bonds,  
12 refunding bonds or other evidences of indebtedness or  
13 obligations, in either temporary or definitive form, issued by  
14 the Division of Bond Finance on behalf of the department and  
15 authorized under the provisions of ss. 338.22-338.241  
16 ~~338.22-338.244~~ and the State Bond Act.

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

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1 incident to the acquisition or construction of a turnpike  
2 project, the financing of such acquisition or construction,  
3 and the placing of the turnpike project in operation.

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

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

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

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

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

28 (8) "Economically feasible" means:

29 (a) For a proposed turnpike project, that, as  
30 determined by the department before the issuance of revenue  
31 bonds for the project, the estimated net revenues of the

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

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

15

16 This subsection does not prohibit the pledging of revenues  
17 from the entire turnpike system to bonds issued to finance or  
18 refinance a turnpike project or group of turnpike projects.

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

24 (10) "Statement of environmental feasibility" means a  
25 statement by the Department of Environmental Protection of the  
26 project's significant environmental impacts.

27 Section 90. Section 338.222, Florida Statutes, is  
28 reenacted to read:

29 338.222 Department of Transportation sole governmental  
30 entity to acquire, construct, or operate turnpike projects;  
31 exception.--

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

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

14           Section 91. Section 338.223, Florida Statutes, is  
15 reenacted and amended to read:

16           338.223 Proposed turnpike projects.--

17           (1)(a) Any proposed project to be constructed or  
18 acquired as part of the turnpike system and any turnpike  
19 improvement shall be included in the tentative work program.  
20 No proposed project or group of proposed projects shall be  
21 added to the turnpike system unless such project or projects  
22 are determined to be economically feasible and a statement of  
23 environmental feasibility has been completed for such project  
24 or projects and such projects are determined to be consistent,  
25 to the maximum extent feasible, with approved local government  
26 comprehensive plans of the local governments in which such  
27 projects are located. The department may authorize engineering  
28 studies, traffic studies, environmental studies, and other  
29 expert studies of the location, costs, economic feasibility,  
30 and practicality of proposed turnpike projects throughout the  
31 state and may proceed with the design phase of such projects.

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1 The department shall not request legislative approval of a  
 2 proposed turnpike project until the design phase of that  
 3 project is at least 60 percent complete. If a proposed  
 4 project or group of proposed projects is found to be  
 5 economically feasible, consistent, to the maximum extent  
 6 feasible, with approved local government comprehensive plans  
 7 of the local governments in which such projects are located,  
 8 and a favorable statement of environmental feasibility has  
 9 been completed, the department, with the approval of the  
 10 Legislature, shall, after the receipt of all necessary  
 11 permits, construct, maintain, and operate such turnpike  
 12 projects.

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

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

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

17         1. The purpose of the notice is to provide for a  
18 30-day period for written public comments on the environmental  
19 impacts of a proposed turnpike project.

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

23         3. The address where such comments must be sent and  
24 the date such comments are due.

25  
26 After a review of the department's report and any public  
27 comments, the Department of Environmental Protection shall  
28 submit a statement of environmental feasibility to the  
29 department within 30 days after the date on which public  
30 comments are due. The notice and the statement of  
31 environmental feasibility shall not give rise to any rights to

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1 a hearing or other rights or remedies provided pursuant to  
2 chapter 120 or chapter 403, and shall not bind the Department  
3 of Environmental Protection in any subsequent environmental  
4 permit review.

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

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

18 (3) All obligations and expenses incurred by the  
19 department under this section shall be paid by the department  
20 and charged to the appropriate turnpike project. The  
21 department shall keep proper records and accounts showing each  
22 amount that is so charged. All obligations and expenses so  
23 incurred shall be treated as part of the cost of such project  
24 and shall be reimbursed to the department out of turnpike  
25 revenues or out of the bonds authorized under ss.  
26 338.22-338.241 ~~338.22-338.244~~ except when such reimbursement  
27 is prohibited by state or federal law.

28 (4) The department is authorized, with the approval of  
29 the Legislature, to use federal and state transportation funds  
30 to lend or pay a portion of the operating, maintenance, and  
31 capital costs of turnpike projects. Federal and state



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1 transportation funds included in an adopted work program, or  
2 the General Appropriations Act, for a turnpike project do not  
3 have to be reimbursed to the State Transportation Trust Fund,  
4 or used in determining the economic feasibility of the  
5 proposed project. For operating and maintenance loans, the  
6 maximum net loan amount in any fiscal year shall not exceed  
7 0.5 percent of state transportation tax revenues for that  
8 fiscal year.

9 Section 92. Section 338.225, Florida Statutes, is  
10 amended to read:

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

23 Section 93. Subsection (2) of section 338.227, Florida  
24 Statutes, is amended to read:

25 338.227 Turnpike revenue bonds.--

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

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

13 Section 94. Section 338.228, Florida Statutes, is  
14 amended to read:

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

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1 interest of any bonds issued to finance or refinance any  
2 portion of the turnpike system, and all such bonds shall  
3 contain a statement on their face to this effect.

4 Section 95. Section 338.229, Florida Statutes, is  
5 amended to read:

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

21 Section 96. Subsections (6) and (7) of section  
22 338.231, Florida Statutes, are amended to read:

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

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1 create reserves for all such purposes.

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

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

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1           Section 97. 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 98. 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

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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 99. 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 100. Section 339.091, Florida Statutes, is  
21 repealed.

22 Section 101. Paragraph (e) of subsection (7) of  
23 section 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),

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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 102. Sections 339.145 and 339.147, Florida  
19 Statutes, are repealed.

20 Section 103. 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

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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 104. Paragraph (a) of subsection (7) of  
17 section 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



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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 105. Paragraph (g) of subsection (2) of  
18 section 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 (e).~~

26           Section 106. 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           (a) The department is authorized to receive federal

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1 grants or apportionments for public transit projects in this  
2 state.

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

18 (2) PUBLIC TRANSIT PLAN.--

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

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

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

6 (3) APPROPRIATION REQUESTS.--

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

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

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

21 (4) PROJECT ELIGIBILITY.--

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

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

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1 development project, or a transit corridor project.

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

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

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

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

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

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

31           1. Methods to be used to determine consistency of a

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1 transit project with the approved local government  
2 comprehensive plans of the units of local government in which  
3 the project is located.

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

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

13

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

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

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

29           (e) The department is authorized to fund up to 100  
30 percent of the capital and net operating costs of statewide  
31 transit service development projects or transit corridor

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

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

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

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

31 3. Improving marketing and consumer information

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

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

9  
10 For purposes of this section, the term "net operating costs"  
11 means all operating costs of a project less any federal funds,  
12 fares, or other sources of income to the project.

13 Section 107. Subsection (1) of section 341.321,  
14 Florida Statutes, is reenacted to read:

15 341.321 Development of high-speed rail transportation  
16 system; legislative findings, policy, purpose, and intent.--

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

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

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

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

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

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

30 Section 108. Subsection (2) of section 341.3333,  
31 Florida Statutes, is amended to read:



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1           341.3333 Application for franchise; confidentiality of  
2 application and trade secrets.--

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

28           Section 109. Paragraphs (a) and (c) of subsection (2)  
29 of section 341.352, Florida Statutes, are amended to read:

30           341.352 Certification hearing.--

31           (2)(a) The parties to the certification proceeding

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1 are:

2 1. The franchisee.

3 ~~2. The Department of Commerce.~~4 ~~2.3.~~ The Department of Environmental Protection.5 ~~3.4.~~ The Department of Transportation.6 ~~4.5.~~ The Department of Community Affairs.7 ~~5.6.~~ The Game and Fresh Water Fish Commission.8 ~~6.7.~~ Each water management district.9 ~~7.8.~~ Each local government.10 ~~8.9.~~ Each regional planning council.11 ~~9.10.~~ Each metropolitan planning organization.

12 (c) Notwithstanding the provisions of chapter 120 to  
13 the contrary, after the filing with the administrative law  
14 judge of a notice of intent to be a party by an agency or  
15 corporation or association described in subparagraph 1. or  
16 subparagraph 2., or a petition for intervention by a person  
17 described in subparagraph 3., no later than 30 days prior to  
18 the date set for the certification hearing, any of the  
19 following entities also shall be a party to the proceeding:

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

22 2. Any domestic nonprofit corporation or association  
23 that is formed, in whole or in part, to promote conservation  
24 of natural beauty; to protect the environment, personal  
25 health, or other biological values; to preserve historical  
26 sites; to promote consumer interests; to represent labor,  
27 commercial, or industrial groups; to promote economic  
28 development; or to promote the orderly development, or  
29 maintain the residential integrity, of the area in which the  
30 proposed high-speed rail transportation system is to be  
31 located.

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

3           Section 110. Subsection (3) of section 343.64, Florida  
4 Statutes, 1998 Supplement, is amended to read:

5           343.64 Powers and duties.--

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

17           Section 111. Subsection (3) of section 343.74, Florida  
18 Statutes, is amended to read:

19           343.74 Powers and duties.--

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

31           Section 112. Paragraph (c) of subsection (2) of

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1 section 348.0005, Florida Statutes, is amended to read:

2 348.0005 Bonds.--

3 (2)

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

18 Section 113. Section 348.0009, Florida Statutes, is  
19 amended to read:

20 348.0009 Cooperation with other units, boards,  
21 agencies, and individuals.--Express authority and power is  
22 given and granted to any county, municipality, drainage  
23 district, road and bridge district, school district, or other  
24 political subdivision, board, commission, or individual in or  
25 of this state to enter into contracts, leases, conveyances, or  
26 other agreements within the provisions and purposes of the  
27 Florida Expressway Authority Act with an authority. An  
28 authority may enter into contracts, leases, conveyances, and  
29 other agreements, to the extent consistent with chapters 334,  
30 335, 338, and 339, ~~and 340~~, and other provisions of the laws  
31 of the state and with 23 U.S.C. ss. 101 et seq., with any

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1 political subdivision, agency, or instrumentality of the state  
2 and any and all federal agencies, corporations, and  
3 individuals, for the purpose of carrying out the provisions of  
4 the Florida Expressway Authority Act.

5 Section 114. Section 348.248, Florida Statutes, is  
6 amended to read:

7 348.248 Cooperation with other units, boards,  
8 agencies, and individuals.--Express authority and power is  
9 given and granted to any county, municipality, drainage  
10 district, road and bridge district, school district, or other  
11 political subdivision, board, commission, or individual in or  
12 of this state to make and enter into contracts, leases,  
13 conveyances, or other agreements within the provisions and  
14 purposes of this part with the authority. The authority is  
15 expressly authorized to make and enter into contracts, leases,  
16 conveyances, and other agreements, to the extent consistent  
17 with chapters 334, 335, 338, and 339, ~~and 340~~ and other  
18 provisions of the laws of this state and with 23 U.S.C. ss.  
19 101 et seq., with any political subdivision, agency, or  
20 instrumentality of this state and any and all federal  
21 agencies, corporations, and individuals, for the purpose of  
22 carrying out the provisions of this part.

23 Section 115. Section 348.948, Florida Statutes, is  
24 amended to read:

25 348.948 Cooperation with other units, boards,  
26 agencies, and individuals.--Express authority and power is  
27 given and granted to any county, municipality, drainage  
28 district, road and bridge district, school district, or other  
29 political subdivision, board, commission, or individual in or  
30 of this state to make and enter into contracts, leases,  
31 conveyances, or other agreements within the provisions and

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

10 Section 116. Subsection (3) of section 349.05, Florida  
11 Statutes, is amended to read:

12 349.05 Bonds of the authority.--

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

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1 other agreement, may contain such provisions as is customary  
2 in such instruments or, as the authority may authorize,  
3 including, but without limitation, provisions as to:

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

9 (b) The application of funds and the safeguarding of  
10 funds on hand or on deposit;

11 (c) The rights and remedies of the trustee and the  
12 holders of the bonds; and

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

15 Section 117. Section 378.411, Florida Statutes, is  
16 amended to read:

17 378.411 Certification to receive notices of intent to  
18 mine, to review and to inspect for compliance.--

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

23 (2) In deciding whether to grant certification to a  
24 local government, the secretary shall determine whether the  
25 following criteria are being met:

26 (a) The petitioning local government has adopted and  
27 effectively implemented a local government comprehensive plan.

28 (b) The local government has adequate review  
29 procedures and the financial and staffing resources necessary  
30 to assume responsibility for adequate review and inspection.

31 (c) The local government has a record of effectively

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1 reviewing, inspecting, and enforcing compliance with local  
2 ordinances and state laws.

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

8 (3)~~(4)~~ In making his or her determination, the  
9 secretary shall consult with the Department of Community  
10 Affairs, the appropriate regional planning council, and the  
11 appropriate water management district.

12 (4)~~(5)~~ The secretary shall evaluate the performance of  
13 a local government ~~or the Department of Transportation~~ on a  
14 regular basis to ensure compliance with this section. All or  
15 part of the certification may be rescinded if the secretary  
16 determines that the certification is not being carried out  
17 pursuant to the requirements of this part.

18 (5)~~(6)~~ The department shall establish the  
19 certification procedure by rule.

20 Section 118. Paragraph (b) of subsection (1) of  
21 section 427.012, Florida Statutes, is amended to read:

22 427.012 The Commission for the Transportation  
23 Disadvantaged.--There is created the Commission for the  
24 Transportation Disadvantaged in the Department of  
25 Transportation.

26 (1) The commission shall consist of the following  
27 members:

28 (b) The secretary of the Department of Children and  
29 Family Health and Rehabilitative Services or the secretary's  
30 designee.

31 Section 119. Subsection (16) of section 427.013,



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1 Florida Statutes, 1998 Supplement, is amended to read:

2           427.013 The Commission for the Transportation  
3 Disadvantaged; purpose and responsibilities.--The purpose of  
4 the commission is to accomplish the coordination of  
5 transportation services provided to the transportation  
6 disadvantaged. The goal of this coordination shall be to  
7 assure the cost-effective provision of transportation by  
8 qualified community transportation coordinators or  
9 transportation operators for the transportation disadvantaged  
10 without any bias or presumption in favor of multioperator  
11 systems or not-for-profit transportation operators over single  
12 operator systems or for-profit transportation operators. In  
13 carrying out this purpose, the commission shall:

14           (16) Review and approve memorandums of agreement for  
15 the provision ~~provisions~~ of coordinated transportation  
16 services.

17           Section 120. Subsection (23) of section 479.01,  
18 Florida Statutes, is amended, and subsection (24) of that  
19 section is reenacted, to read:

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

22           (23) "Unzoned commercial or industrial area" means an  
23 area within 660 feet of the nearest edge of the right-of-way  
24 of the interstate or federal-aid primary system where the land  
25 use is not covered by a future land use map or zoning  
26 regulation pursuant to subsection~~(3)~~(2), in which there are  
27 located three or more separate and distinct industrial or  
28 commercial uses located within a 1,600-foot radius of each  
29 other and generally recognized as commercial or industrial by  
30 zoning authorities in this state. Certain activities,  
31 including, but not limited to, the following, may not be so

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1 recognized:

2 (a) Signs.

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

6 (c) Transient or temporary activities.

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

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

10 (f) Activities conducted in a building principally  
11 used as a residence.

12 (g) Railroad tracks and minor sidings.

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

15 Section 121. Section 951.05, Florida Statutes, is  
16 amended to read:

17 951.05 Working county prisoners on roads and bridges  
18 or other public works of the county; hiring out to another  
19 county.--The board of county commissioners of the several  
20 counties may require all county prisoners under sentence  
21 confined in the jail of their respective counties for any  
22 offense to labor upon the public roads, bridges, farms, or  
23 other public works owned and operated by the county, or on  
24 other projects for which the governing body of the county  
25 could otherwise lawfully expend public funds and which it  
26 determines to be necessary for the health, safety, and welfare  
27 of the county, or in the event the county commissioners of any  
28 county deem it to the best interest of their county, they may  
29 hire out their prisoners to any other county in the state to  
30 be worked upon the public roads, bridges, or other public  
31 works of that county, or on other projects for which the

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

12 Section 122. Section 2 of Senate Bill 182, enacted in  
 13 the 1999 Regular Session of the Legislature, is amended to  
 14 read:

15 Section 2. This act shall take effect July 1, 1999 ~~on~~  
 16 ~~the effective date of Senate Bill 178, relating to wireless~~  
 17 ~~emergency 911 telephone service, but it shall not take effect~~  
 18 ~~unless it is enacted by at least a three fifths vote of the~~  
 19 ~~membership of each house of the Legislature.~~

20 Section 123. This act shall take effect July 1, 1999.

21  
 22

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

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26  
 27 and insert:

28 A bill to be entitled  
 29 An act relating to the Department of  
 30 Transportation; amending s. 20.23, F.S. ;  
 31 expanding the role of the transportation



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1 or license plate has not been expired for more  
2 than 180 days; amending s. 320.20, F.S.,  
3 relating to the disposition of motor vehicle  
4 license tax moneys; providing for an audit of  
5 the ports; amending s. 335.0415, F.S.;  
6 clarifying the jurisdiction and responsibility  
7 for operation and maintenance of roads;  
8 amending s. 335.093, F.S.; authorizing the  
9 department to designate public roads as scenic  
10 highways; amending s. 337.11, F.S.; authorizing  
11 the department to enter into contracts for  
12 construction or maintenance of roadway and  
13 bridge elements without competitive bidding  
14 under certain circumstances; deleting the  
15 provision for the owner-controlled insurance  
16 plan; amending s. 337.16, F.S.; eliminating  
17 intermediate delinquency as grounds for  
18 suspension or revocation of a contractor's  
19 certificate of qualification to bid on  
20 construction contracts in excess of a specified  
21 amount; amending s. 337.162, F.S.; providing  
22 that department appraisers are not obligated to  
23 report violations of state professional  
24 licensing laws to the Department of Business  
25 and Professional Regulation; amending s.  
26 337.18, F.S.; deleting the schedule of contract  
27 amount categories utilized to calculate  
28 liquidated damages to be paid by a contractor;  
29 allowing the department to adjust the  
30 categories; requiring that surety bonds posted  
31 by successful bidders on department

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1 construction contracts be payable to the  
2 department; amending s. 337.185, F.S.; raising  
3 the limit for binding arbitration contract  
4 disputes; authorizing the secretary of the  
5 department to select an alternate or substitute  
6 to serve as the department member of the board  
7 for any hearing; amending the fee schedule for  
8 arbitration to cover the cost of administration  
9 and compensation of the board; authorizing the  
10 department to acquire and negotiate for the  
11 sale of replacement housing; amending s.  
12 337.25, F.S.; authorizing the department to  
13 purchase options to purchase land for  
14 transportation facilities; amending s. 337.251,  
15 F.S.; authorizing a fixed guideway  
16 transportation system operating within the  
17 department's right-of-way to operate at any  
18 safe speed; amending s. 337.403, F.S.;  
19 authorizing the department to contract directly  
20 with utility companies for clearing and  
21 grubbing; amending s. 373.414, F.S.; requiring  
22 OPPAGA to conduct a study regarding wetland  
23 mitigation; amending s. 338.223, F.S.; defining  
24 the terms "hardship purchase" and "protective  
25 purchase"; amending s. 338.229, F.S.;  
26 restricting the sale, transfer, lease, or other  
27 disposition of operations on any portion of the  
28 turnpike system; amending s. 339.2816, F.S.;  
29 providing for the small county road assistance  
30 program; amending 339.08, F.S.; conforming to  
31 bill; amending s. 338.251, F.S.; providing that

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1 funds repaid by the Tampa-Hillsborough County  
2 Expressway Authority to the Toll Facilities  
3 Revolving Trust Fund are to be loaned back to  
4 the authority for specified purposes; amending  
5 s. 339.155, F.S.; providing planning factors;  
6 clarifying the roles of the long-range and  
7 short-range components of the Florida  
8 Transportation Plan; amending s. 339.175, F.S.;  
9 providing planning factors; requiring a  
10 recommendation for redesignation; clarifying  
11 geographic boundaries of metropolitan planning  
12 organizations; providing that metropolitan  
13 planning organization plans must provide for  
14 the development and operation of intermodal  
15 transportation systems and facilities;  
16 providing for reapportionment amending s.  
17 341.041, F.S.; authorizing the creation and  
18 maintenance of a common self-retention  
19 insurance fund to support public transit  
20 projects; amending s. 341.302, F.S.; relating  
21 to Department of Transportation rail program;  
22 amending s. 373.4137, F.S.; providing for the  
23 mitigation of impacts to wetlands and other  
24 sensitive habitats; amending s. 479.01, F.S.;  
25 defining the terms "commercial or industrial  
26 zone" and "unzoned commercial or industrial  
27 area"; providing that communication towers are  
28 not commercial or industrial activities;  
29 amending s. 479.07, F.S.; modifying the process  
30 for reinstatement of an outdoor advertising  
31 sign permit; amending s. 479.16, F.S.;

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1 clarifying that certain signs not in excess of  
2 16 square feet are exempt from the permitting  
3 process; amending s. 320.0715, F.S.; providing  
4 an exemption from the International  
5 Registration Plan; amending s. 334.035, F.S.;  
6 revising language with respect to the purpose  
7 of the Florida Transportation Code; amending s.  
8 334.0445, F.S.; extending the current  
9 authorization for the department's model  
10 classification plan; amending s. 334.046, F.S.;  
11 revising Department of Transportation program  
12 objectives; creating s. 334.071, F.S.;  
13 providing for the legislative designation of  
14 transportation facilities; amending s. 337.025,  
15 F.S.; increasing the funds Department of  
16 Transportation may spend on innovative  
17 projects; amending s. 339.135, F.S.; providing  
18 for allocation of certain new highway funds;  
19 amending s. 341.053, F.S.; providing for  
20 development of an intermodal development plan;  
21 amending ss. 348.9401, 348.941, 348.942, and  
22 348.943, F.S.; renaming the St. Lucie County  
23 Expressway Authority as the St. Lucie County  
24 Expressway and Bridge Authority and including  
25 the Indian River Lagoon Bridge as part of the  
26 expressway and bridge system; revising power of  
27 the authority to borrow money to conform to new  
28 provisions authorizing the issuance of certain  
29 bonds; amending s. 348.944, F.S.; authorizing  
30 the authority to issue its own bonds and  
31 providing requirements therefor; creating s.



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1           348.9495, F.S.; providing exemption from  
2           taxation; amending s. 212.055, F.S.; providing  
3           flexibility in the charter county transit  
4           system surtax; amending s. 348.0004, F.S.;  
5           authorizing specified counties to abolish tolls  
6           if an offsetting source of local revenue is  
7           secured; authorizing MPO reapportionment for  
8           specified counties; amending s. 73.015, F.S.;  
9           requiring presuit negotiation before an action  
10          in eminent domain may be initiated under ch. 73  
11          or ch. 74, F.S.; providing requirements for the  
12          condemning authority; requiring the condemning  
13          authority to give specified notices; requiring  
14          a written offer of purchase and appraisal and  
15          specifying the time period during which the  
16          owner may respond to the offer before a  
17          condemnation lawsuit may be filed; providing  
18          procedures; allowing a business owner to claim  
19          business damage within a specified time period;  
20          providing circumstances under which the court  
21          must strike a business-damage defense;  
22          providing procedures for business-damage  
23          claims; providing for nonbinding mediation;  
24          requiring the condemning authority to pay  
25          reasonable costs and attorney's fees of a  
26          property owner; allowing the property owner to  
27          file a complaint in circuit court to recover  
28          attorney's fees and costs, if the parties  
29          cannot agree on the amount; providing that  
30          certain evidence is inadmissible in specified  
31          proceedings; amending s. 73.071, F.S.;

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1           modifying eligibility requirements for business  
2           owners to claim business damages; providing for  
3           future repeal; amending s. 73.091, F.S.;  
4           providing that no prejudgment interest shall be  
5           paid on costs or attorney's fees in eminent  
6           domain; amending s. 73.092, F.S.; revising  
7           provisions relating to attorney's fees for  
8           business-damage claims; amending ss. 127.01 and  
9           166.401, F.S.; restricting the exercise by  
10          counties and municipalities of specified  
11          eminent domain powers granted to the Department  
12          of Transportation; repealing ss. 337.27(2),  
13          337.271, 348.0008(2), 348.759(2), 348.957(2),  
14          F.S., relating to limiting the acquisition cost  
15          of lands and property acquired through eminent  
16          domain proceedings by the Department of  
17          Transportation, the Orlando-Orange County  
18          Expressway Authority, or the Seminole County  
19          Expressway Authority, or under the Florida  
20          Expressway Authority Act, and relating to the  
21          notice that the Department of Transportation  
22          must give to a fee owner at the inception of  
23          negotiations to acquire land; amending s.  
24          479.15, F.S.; prescribing duties and  
25          responsibilities of the Department of  
26          Transportation and local governments with  
27          respect to relocation of certain signs pursuant  
28          to acquisition of land; providing for  
29          application; amending ss. 20.23, 206.46,  
30          288.9607, 337.29, 337.407, 338.22, 338.221,  
31          338.223, 338.225, 338.227, 338.228, 338.229,



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182, which creates the Wireless Emergency Telephone System Fund; providing an effective date.