

60-280AXA-02

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) K. Smith offered the following:

**Amendment (with title amendment)**

On page 2, line 8,

insert:

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

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

(2)

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

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

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

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1 the system and recommend improvements therein to the Governor  
2 and the Legislature.

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

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

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

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

25           (3)(a) The central office shall establish departmental  
26 policies, rules, procedures, and standards and shall monitor  
27 the implementation of such policies, rules, procedures, and  
28 standards in order to ensure uniform compliance and quality  
29 performance by the districts and central office units that  
30 implement transportation programs. The central office  
31 monitoring function shall be based on a plan that clearly

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

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

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

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

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

22 d. Performing other activities of a statewide nature.

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

27 a. The Office of Administration;

28 b. The Office of Policy Planning;

29 c. The Office of Design;

30 d. The Office of Highway Operations ~~Office of~~  
31 ~~Construction~~;

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

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

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

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

22 206.46 State Transportation Trust Fund.--  
 23 (2) Notwithstanding any other provisions of law, from  
 24 the revenues deposited into the State Transportation Trust  
 25 Fund a maximum of 7 ~~6~~ percent in each fiscal year shall be  
 26 transferred into the Right-of-Way Acquisition and Bridge  
 27 Construction Trust Fund created in s. 215.605, as needed to  
 28 meet the requirements of the documents authorizing the bonds  
 29 issued or proposed to be issued under ss. 215.605 and 337.276  
 30 or at a minimum amount sufficient to pay for the debt service  
 31 coverage requirements of outstanding bonds. Notwithstanding

1 the 7 ~~6~~ percent annual transfer authorized in this subsection,  
2 the annual amount transferred under this subsection shall not  
3 exceed an amount necessary to provide the required debt  
4 service coverage levels for a maximum debt service of not to  
5 exceed \$135~~\$115~~ million. Such transfer shall be payable  
6 primarily from the motor and diesel fuel taxes transferred to  
7 the State Transportation Trust Fund from the Fuel Tax  
8 Collection Trust Fund.

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

20 Section 3. Section 215.615, Florida Statutes, is  
21 created to read:

22 215.615 State bonds for federal-aid highways  
23 construction.--

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

1 authorized to consider innovative financing technologies which  
2 may include, but are not limited to, innovative bidding and  
3 structures of potential financings that may result in  
4 negotiated transactions.

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

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

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

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

31 (6) Any complaint for such validation of bonds issued

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

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

10 215.616 Issuance of revenue bonds authorized.--

11 (1) The issuance of revenue bonds by the Division of  
 12 Bond Finance, on behalf of the Department of Transportation,  
 13 pursuant to s. 11, Art. VII of the State Constitution is  
 14 hereby authorized, pursuant to the State Bond Act, to finance  
 15 or refinance fixed capital expenditures for fixed-guideway  
 16 transportation systems, as defined in s. 341.031, including  
 17 facilities appurtenant thereto, costs of issuance, and other  
 18 amounts relating to such financing or refinancing. Such  
 19 revenue bonds shall be matched on a 50-50 basis with funds  
 20 from sources other than revenues of the Department of  
 21 Transportation, in a manner acceptable to the Department of  
 22 Transportation. The Division of Bond Finance is authorized to  
 23 consider innovative financing technologies which may include,  
 24 but are not limited to, innovative bidding and structures of  
 25 potential financings that may result in negotiated  
 26 transactions.

27 (a) The Department of Transportation and any  
 28 participating commuter rail authority or regional  
 29 transportation authority established pursuant to chapter 343,  
 30 local governments, or local governments collectively by  
 31 interlocal agreement having jurisdiction of a fixed-guideway

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1 transportation system may enter into an interlocal agreement  
2 to promote the efficient and cost-effective financing or  
3 refinancing of fixed-guideway transportation system projects  
4 by revenue bonds issued pursuant to this subsection. The terms  
5 of such interlocal agreements shall include provisions for the  
6 Department of Transportation to request the issuance of the  
7 bonds on behalf of the parties; provide that each party to the  
8 agreement shall be contractually liable for an equal share of  
9 funding an amount equal to the debt service requirements of  
10 such bonds; and include any other terms, provisions, or  
11 covenants necessary to the making of and full performance  
12 under such interlocal agreement. Repayments made to the  
13 Department of Transportation under any interlocal agreement  
14 are not pledged to the repayment of bonds issued hereunder and  
15 failure of the local governmental authority to make such  
16 payment shall not affect the obligation of the Department of  
17 Transportation to pay debt service on the bonds.

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

26 (c) The projects to be financed or refinanced with the  
27 proceeds of the revenue bonds issued hereunder are designated  
28 as state fixed capital outlay projects for purposes of s.  
29 11(d), Art. VII of the State Constitution and the specific  
30 projects to be financed or refinanced shall be determined by  
31 the Department of Transportation in accordance with state law



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1 and appropriations from the State Transportation Trust Fund.  
2 Each project to be financed with the proceeds of the bonds  
3 issued pursuant to this subsection shall first be approved by  
4 the Legislature by an act of general law.

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

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

21 (f) This subsection supersedes any inconsistent  
22 provisions in existing law.

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

1           (2) To be eligible for participation, fixed-guideway  
 2 transportation system projects must comply with the major  
 3 capital investment policy guidelines and criteria established  
 4 by the Department of Transportation pursuant to chapter 341,  
 5 must be found to be 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 must be included in the work program of the Department of  
 9 Transportation pursuant to the provisions of s. 339.135. The  
 10 Department of Transportation shall certify that the expected  
 11 useful life of the transportation improvements will equal or  
 12 exceed the maturity date of the debt to be issued.

13           Section 5. Prior to the 2000 legislative session, the  
 14 Auditor General, in cooperation with the Office of Program  
 15 Policy Analysis and Government Accountability, shall conduct a  
 16 financial and performance audit of the Florida Seaport  
 17 Development Program established pursuant to chapter 311 and s.  
 18 320.20, Florida Statutes. The audit shall include, but not be  
 19 limited to, a review of the Department of Transportation's,  
 20 Florida Seaport Development Council's, and the Florida Ports  
 21 Financing Commission's organizational and administrative  
 22 structure, procedures, internal controls, and expenditures  
 23 relating to the state's investment in seaport infrastructure  
 24 and seaport intermodal access projects. The Auditor General  
 25 shall determine whether sufficient procedures and internal  
 26 controls exist regarding seaport program administration to  
 27 assure accountability in the implementation and enforcement of  
 28 all laws, rules, policies, and procedures; and whether  
 29 sufficient statutory safeguards are in place to protect and  
 30 maximize public investment in the seaport program.

31           Section 6. Section 316.0815, Florida Statutes, is

1 created to read:

2 316.0815 Duty to yield to public transit vehicles.--

3 (1) The driver of a vehicle shall yield the  
4 right-of-way to a publicly owned transit bus traveling in the  
5 same direction which has signaled and is reentering the  
6 traffic flow from a specifically designated pullout bay.

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

10 (3) A violation of this section is a noncriminal  
11 traffic infraction, punishable as a moving violation as  
12 provided in chapter 318.

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

16 316.302 Commercial motor vehicles; safety regulations;  
17 transporters and shippers of hazardous materials;  
18 enforcement.--

19 (1)

20 (b) Except as otherwise provided in this section, all  
21 owners or drivers of commercial motor vehicles that are  
22 engaged in intrastate commerce are subject to the rules and  
23 regulations contained in 49 C.F.R. parts 382, 385, and  
24 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
25 relates to the definition of bus, as such rules and  
26 regulations existed on March 1, 1999 ~~1997~~.

27 (2)

28 (e) A person who operates a commercial motor vehicle  
29 solely in intrastate commerce is exempt from subsection (1)  
30 while transporting agricultural products, including  
31 horticultural or forestry products, from farm or harvest place

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1 to the first place of processing or storage, or from farm or  
 2 harvest place directly to market. However, such person must  
 3 comply with 49 C.F.R. ~~part 391, subpart H and~~ parts 382, 392,  
 4 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and ~~s-~~396.9.

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

13 Section 8. Paragraph (c) of subsection (3) of section  
 14 316.3025, Florida Statutes, is amended to read:

15 316.3025 Penalties.--

16 (3)

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

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

20 2. A violation of the shipping paper requirements of  
 21 49 C.F.R. parts 171-179;

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

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

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

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

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

27 Section 9. Paragraph (b) of subsection (2) and  
 28 subsection (5) of section 316.545, Florida Statutes, are  
 29 amended to read:

30 316.545 Weight and load unlawful; special fuel and  
 31 motor fuel tax enforcement; inspection; penalty; review.--

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1 (2)

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

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1 person who has been assessed a penalty pursuant to this  
2 paragraph for failure to have a valid vehicle registration  
3 certificate pursuant to the provisions of chapter 320 is not  
4 subject to the delinquent fee authorized in s. 320.07 if such  
5 person obtains a valid registration certificate within 10  
6 working days after such penalty was assessed.

7 (5) Whenever any person violates the provisions of  
8 this chapter and becomes indebted to the state because of such  
9 violation in the amounts aforesaid and refuses to pay said  
10 penalty, such penalty shall become a lien upon the motor  
11 vehicle, and the same may be foreclosed by the state in a  
12 court of equity. It shall be presumed that the owner of the  
13 motor vehicle is liable for the sum. Any person, firm, or  
14 corporation claiming an interest in the seized motor vehicle  
15 may, at any time after the lien of the state attaches to the  
16 motor vehicle, obtain possession of the seized vehicle by  
17 filing a good and sufficient forthcoming bond with the officer  
18 having possession of the vehicle, payable to the Governor of  
19 the state in twice the amount of the state's lien, with a  
20 corporate surety duly authorized to transact business in this  
21 state as surety, conditioned to have the motor vehicle or  
22 combination of vehicles forthcoming to abide the result of any  
23 suit for the foreclosure of such lien. It shall be presumed  
24 that the owner of the motor vehicle is liable for the penalty  
25 imposed under this section. Upon the posting of such bond with  
26 the officer making the seizure, the vehicle shall be released  
27 and the bond shall be forwarded to the Department of  
28 Transportation for safekeeping. The lien of the state against  
29 the motor vehicle aforesaid shall be foreclosed in equity, and  
30 the ordinary rules of court relative to proceedings in equity  
31 shall control. If it appears that the seized vehicle has been

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1 released to the defendant upon his or her forthcoming bond,  
2 the state shall take judgment of foreclosure against the  
3 property itself, and judgment against the defendant and the  
4 sureties on the bond for the amount of the lien, including  
5 cost of proceedings. After the rendition of the decree, the  
6 state may, at its option, proceed to sue out execution against  
7 the defendant and his or her sureties for the amount recovered  
8 as aforesaid or direct the sale of the vehicle under  
9 foreclosure. Notwithstanding the provisions of this subsection  
10 to the contrary, the department shall not seize a vehicle  
11 owned and operated by a governmental entity pending the  
12 payment of a fine or posting of a bond. For such a  
13 governmental vehicle the department shall provide a notice of  
14 the violation to the driver of the vehicle and shall release  
15 the vehicle to continue operating, unless the department  
16 determines that it would be unsafe for the vehicle to  
17 continue. The department shall provide a copy of the notice of  
18 violation to the appropriate governmental entity. The  
19 governmental entity must either pay the penalty or file a  
20 request for review of the penalty as provided in subsections  
21 (7) and (8) within 20 days of receipt of the notice.

22 Section 10. Section 316.555, Florida Statutes, is  
23 amended to read:

24 316.555 Weight, load, speed limits may be lowered;  
25 condition precedent.--Anything in this chapter to the contrary  
26 notwithstanding, the Department of Transportation with respect  
27 to state roads, and local authorities with respect to highways  
28 under their jurisdiction, may prescribe, by notice hereinafter  
29 provided for, loads and weights and speed limits lower than  
30 the limits prescribed in this chapter and other laws, whenever  
31 in its or their judgment any road or part thereof or any

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1 bridge or culvert shall, by reason of its design,  
2 deterioration, rain, or other climatic or natural causes be  
3 liable to be damaged or destroyed by motor vehicles, trailers,  
4 or semitrailers, if the gross weight or speed limit thereof  
5 shall exceed the limits prescribed in said notice. The  
6 Department of Transportation or local authority may, by like  
7 notice, regulate or prohibit, in whole or in part, the  
8 operation of any specified class or size of motor vehicles,  
9 trailers, or semitrailers on any highways or specified parts  
10 thereof under its or their jurisdiction, whenever in its or  
11 their judgment, such regulation or prohibition is necessary to  
12 provide for the public safety and convenience on the highways,  
13 or parts thereof, by reason of traffic density, intensive use  
14 thereof by the traveling public, or other reasons of public  
15 safety and convenience. The notice or the substance thereof  
16 shall be posted at conspicuous places at terminals of all  
17 intermediate crossroads and road junctions with the section of  
18 highway to which the notice shall apply. After any such  
19 notice has been posted, the operation of any motor vehicle or  
20 combination contrary to its provisions shall constitute a  
21 violation of this chapter. An exemption from any locally  
22 imposed weight limit shall be granted by a local government to  
23 vehicles transporting silvicultural and agricultural products  
24 and to equipment used in connection with silvicultural and  
25 agricultural site management when a county road offers the  
26 only access into and out of the property. This exemption shall  
27 not apply to any bridge or other structure which has weight  
28 restrictions established for safety reasons. However, no  
29 limitation shall be established by any county, municipal, or  
30 other local authorities pursuant to the provisions of this  
31 section that would interfere with or interrupt traffic as



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1 authorized hereunder over state roads, including officially  
2 established detours for such highways, including cases where  
3 such traffic passes over roads, streets or thoroughfares  
4 within the sole jurisdiction of the county, municipal or other  
5 local authorities unless such limitations and further  
6 restrictions have first been approved by the Department of  
7 Transportation. With respect to county roads, except such as  
8 are in use as state road detours, the respective county road  
9 authorities shall have full power and authority to further  
10 limit the weights of vehicles upon bridges and culverts upon  
11 such public notice as they deem sufficient, and existing laws  
12 applicable thereto shall not be affected by the terms of this  
13 chapter.

14 Section 11. Subsection (5) is added to section  
15 320.0715, Florida Statutes, to read:

16 320.0715 International Registration Plan; motor  
17 carrier services; permits; retention of records.--

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

24 Section 12. Section 334.035, Florida Statutes, is  
25 amended to read:

26 334.035 Purpose of transportation code.--The purpose  
27 of the Florida Transportation Code is to establish the  
28 responsibilities of the state, the counties, and the  
29 municipalities in the planning and development of the  
30 transportation systems serving the people of the state and to  
31 assure the development of an integrated, balanced statewide

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1 transportation system which enhances economic development  
2 through promotion of international trade and interstate and  
3 intrastate commerce. This code is necessary for the  
4 protection of the public safety and general welfare and for  
5 the preservation of all transportation facilities in the  
6 state. The chapters in the code shall be considered  
7 components of the total code, and the provisions therein,  
8 unless expressly limited in scope, shall apply to all  
9 chapters.

10 Section 13. Subsection (1) of section 334.0445,  
11 Florida Statutes, 1998 Supplement, is amended to read:

12 334.0445 Model career service classification and  
13 compensation plan.--

14 (1) Effective July 1, 1994, the Legislature grants to  
15 the Department of Transportation in consultation with the  
16 Department of Management Services, the Executive Office of the  
17 Governor, legislative appropriations committees, legislative  
18 personnel committees, and the affected certified bargaining  
19 unions, the authority on a pilot basis to develop and  
20 implement a model career service classification and  
21 compensation system. Such system shall be developed for use by  
22 all state agencies. Authorization for this program will be  
23 through June 30, 2002 ~~for 3 fiscal years beginning July 1,~~  
24 ~~1994, and ending June 30, 1997;~~ however, the department may  
25 elect or be directed by the Legislature to return to the  
26 current system at anytime during this period if the model  
27 system does not meet the stated goals and objectives.

28 Section 14. Section 334.046, Florida Statutes, is  
29 amended to read:

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

1           334.046 Department mission, goals, and objectives.--

2           (1) The mission of the Department of Transportation  
3 shall be to provide a safe, interconnected statewide  
4 transportation system for Florida's citizens and visitors that  
5 ensures the mobility of people and freight, while enhancing  
6 economic prosperity and sustaining the quality of our  
7 environment.

8           (2) The department shall document in the Florida  
9 Transportation Plan pursuant to s. 339.155 the goals and  
10 objectives which provide statewide policy guidance for  
11 accomplishing the department's mission.

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

14           (a) Providing a safe transportation system for  
15 residents, visitors, and commerce.

16           (b) Preservation of the transportation system.

17           (c) Providing an interconnected transportation system  
18 to support Florida's economy.

19           (d) Providing travel choices to support Florida's  
20 communities.

21           Section 15. Section 334.071, Florida Statutes, is  
22 created to read:

23           334.071 Legislative designation of transportation  
24 facilities.--

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

1           (2) The effect of such designations shall only be  
 2 construed to require the placement of markers by the  
 3 department at the termini or intersections specified for each  
 4 highway segment or bridge designated, and as authority for the  
 5 department to place other markers as appropriate for the  
 6 transportation facility being designated.

7           Section 16. Section 334.351, Florida Statutes, is  
 8 amended to read:

9           334.351 Youth work experience program; findings and  
 10 intent; authority to contract; limitation.--The Legislature  
 11 finds and declares that young men and women of the state  
 12 should be given an opportunity to obtain public service work  
 13 and training experience that protects and conserves the  
 14 valuable resources of the state and promotes participation in  
 15 other community enhancement projects. Notwithstanding the  
 16 requirements of chapters 287 and 337, the Department of  
 17 Transportation is authorized to contract with public agencies  
 18 and nonprofit organizations for the performance of work  
 19 related to the construction and maintenance of  
 20 transportation-related facilities by youths enrolled in youth  
 21 work experience programs. ~~The total amount of contracts~~  
 22 ~~entered into by the department under this section in any~~  
 23 ~~fiscal year may not exceed the amount specifically~~  
 24 ~~appropriated by the Legislature for this program.~~

25           Section 17. Subsection (1) of section 335.0415,  
 26 Florida Statutes, is amended to read:

27           335.0415 Public road jurisdiction and transfer  
 28 process.--

29           (1) The jurisdiction of public roads and the  
 30 responsibility for operation and maintenance within the  
 31 right-of-way of any road within the state, county, and

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1 municipal road system shall be that which existed on June 10,  
2 1995 ~~exists on July 1, 1995.~~

3 Section 18. Subsection (1) of section 335.093, Florida  
4 Statutes, is amended to read:

5 335.093 Scenic highway designation.--

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

13 Section 19. Section 337.025, Florida Statutes, is  
14 amended to read:

15 337.025 Innovative highway projects; department to  
16 establish program.--The department is authorized to establish  
17 a program for highway projects demonstrating innovative  
18 techniques of highway construction and finance which have the  
19 intended effect of controlling time and cost increases on  
20 construction projects. Such techniques may include, but are  
21 not limited to, state-of-the-art technology for pavement,  
22 safety, and other aspects of highway construction; innovative  
23 bidding and financing techniques; accelerated construction  
24 procedures; and those techniques that have the potential to  
25 reduce project life cycle costs. To the maximum extent  
26 practical, the department must use the existing process to  
27 award and administer construction contracts. When specific  
28 innovative techniques are to be used, the department is not  
29 required to adhere to those provisions of law that would  
30 prevent, preclude, or in any way prohibit the department from  
31 using the innovative technique. However, prior to using an

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1 innovative technique that is inconsistent with another  
2 provision of law, the department must document in writing the  
3 need for the exception and identify what benefits the  
4 traveling public and the affected community are anticipated to  
5 receive. The department may enter into no more than ~~\$120~~<sup>\$60</sup>  
6 million in contracts annually for the purposes authorized by  
7 this section.

8 Section 20. Paragraph (c) is added to subsection (6)  
9 of section 337.11, Florida Statutes, and subsection (16) of  
10 said section is amended, to read:

11 337.11 Contracting authority of department; bids;  
12 emergency repairs, supplemental agreements, and change orders;  
13 combined design and construction contracts; progress payments;  
14 records; requirements of vehicle registration.--

15 (6)

16 (c)1. When the department determines that it is in the  
17 best interest of the public for reasons of public concern,  
18 economy, improved operations, or safety, and only when  
19 circumstances dictate rapid completion of the work, the  
20 department may, up to the threshold amount provided in s.  
21 287.017 for CATEGORY FOUR, enter into contracts for  
22 construction and maintenance without advertising and receiving  
23 competitive bids. The department may enter into such contracts  
24 only upon a written determination by the district secretary  
25 that the work is necessary for one of the following reasons:

26 a. To ensure timely completion of projects or  
27 avoidance of undue delay for other projects;

28 b. To accomplish minor repairs or construction and  
29 maintenance activities for which time is of the essence and  
30 for which significant costs savings would occur; or

31 c. To accomplish nonemergency work necessary to ensure

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1 avoidance of adverse conditions that affect the safe and  
2 efficient flow of traffic,  
3  
4 and that written determination shall specify the applicable  
5 reason.

6 2. Prior to entering into any contract pursuant to  
7 this paragraph, the department shall make a good faith effort  
8 to obtain two or more quotes from qualified contractors, if  
9 available. The employee making the good faith effort shall  
10 create a short document which contains the names of the  
11 qualified contractors and the quotes. If no quotes are  
12 available, the employee so shall state. The department shall  
13 also consider disadvantaged business enterprise participation  
14 in such contracts. When the work exists within the limits of  
15 an existing department contract, the department shall make a  
16 good faith effort to negotiate and enter into a contract with  
17 the prime contractor on the existing contract.

18 ~~(16) The department is authorized to undertake and~~  
19 ~~contract to provide an owner controlled insurance plan (OCIP)~~  
20 ~~on any construction project or group of related construction~~  
21 ~~projects if the head of the department determines that an OCIP~~  
22 ~~will be both cost-effective for the department and otherwise~~  
23 ~~in its best interests. Such OCIP may provide insurance~~  
24 ~~coverage for the department and for worker's compensation and~~  
25 ~~employers liability and general liability and builders risk~~  
26 ~~for contractors and subcontractors, for and in conjunction~~  
27 ~~with any or all work performed on such projects. The~~  
28 ~~department may directly purchase such coverage in the manner~~  
29 ~~provided for the purchase of commodities pursuant to s.~~  
30 ~~287.057, or self-insure, or use a combination thereof, any~~  
31 ~~other statutory provisions or limitations on self-insurance or~~

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

14 Section 21. Paragraph (a) of subsection (1) of section  
15 337.16, Florida Statutes, is amended to read:

16 337.16 Disqualification of delinquent contractors from  
17 bidding; determination of contractor nonresponsibility;  
18 denial, suspension, and revocation of certificates of  
19 qualification; grounds; hearing.--

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

31 (a) A contractor is delinquent ~~when unsatisfactory~~



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1 ~~progress is being made on a construction project or when the~~  
2 ~~allowed contract time has expired and the contract work is not~~  
3 ~~complete. Unsatisfactory progress shall be determined in~~  
4 ~~accordance with the contract provisions.~~

5 Section 22. Subsection (2) of section 337.162, Florida  
6 Statutes, 1998 Supplement, is amended to read:

7 337.162 Professional services.--Professional services  
8 provided to the department that fall below acceptable  
9 professional standards may result in transportation project  
10 delays, overruns, and reduced facility life. To minimize these  
11 effects and ensure that quality services are received, the  
12 Legislature hereby declares that licensed professionals shall  
13 be held accountable for the quality of the services they  
14 provide to the department.

15 (2) Any person who is employed by the department and  
16 who is licensed by the Department of Business and Professional  
17 Regulation and who, through the course of his or her  
18 employment, has knowledge or reason to believe that any person  
19 has violated the provisions of state professional licensing  
20 laws or rules shall submit a complaint about the violations to  
21 the Department of Business and Professional Regulation.  
22 Failure to submit a complaint about the violations may be  
23 grounds for disciplinary action pursuant to part I of chapter  
24 455 and the state licensing law applicable to that licensee.  
25 However, licensees under part II of chapter 475 are exempt  
26 from the provisions of s. 455.227(1)(i).The complaint  
27 submitted to the Department of Business and Professional  
28 Regulation and maintained by the department is confidential  
29 and exempt from s. 119.07(1).

30 Section 23. Subsections (1) and (2) of section 337.18,  
31 Florida Statutes, 1998 Supplement, are amended to read:

1           337.18 Surety bonds; requirement with respect to  
2 contract award; defaults; damage assessments.--

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

23           (2) The department shall provide in its contracts for  
24 the determination of default on the part of any contractor for  
25 cause attributable to such contractor. The department shall  
26 have no liability for anticipated profits for unfinished work  
27 on a contract which has been determined to be in default.  
28 Every contract let by the department for the performance of  
29 work shall contain a provision for payment to the department  
30 by the contractor of liquidated damages due to failure of the  
31 contractor to complete the contract work within the time

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

- 23 ~~(a) \$50,000 and under;~~  
24 ~~(b) Over \$50,000 but less than \$250,000;~~  
25 ~~(c) \$250,000 or more but less than \$500,000;~~  
26 ~~(d) \$500,000 or more but less than \$2.5 million;~~  
27 ~~(e) \$2.5 million or more but less than \$5 million;~~  
28 ~~(f) \$5 million or more but less than \$10 million;~~  
29 ~~(g) \$10 million or more but less than \$15 million;~~  
30 ~~(h) \$15 million or more but less than \$20 million; and~~  
31 ~~(i) \$20 million and over.~~

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

5 Section 24. Subsections (1), (2), (3), (7), and (8) of  
6 section 337.185, Florida Statutes, are amended to read:

7 337.185 State Arbitration Board.--

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

26 (2) The board shall be composed of three members. One  
27 member shall be appointed by the head of the department, and  
28 one member shall be elected by those construction companies  
29 who are under contract with the department. The third member  
30 shall be chosen by agreement of the other two members.  
31 Whenever the third member has a conflict of interest regarding

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1 affiliation with one of the parties, the other two members  
2 shall select an alternate member for that hearing. The head of  
3 the department may select an alternative or substitute to  
4 serve as the department member for any hearing or term. Each  
5 member shall serve a 2-year term. The board shall elect a  
6 chair, each term, who shall be the administrator of the board  
7 and custodian of its records.

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

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

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1 board may allocate funds annually for clerical and other  
2 administrative services.

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

16 Section 25. (1) Subsection (1) of section 337.19,  
17 Florida Statutes, is amended to read:

18 337.19 Suits by and against department; limitation of  
19 actions; forum.--

20 (1) Suits at law and in equity may be brought and  
21 maintained by and against the department on any contract claim  
22 arising from breach of an express provision or an implied  
23 covenant of a written agreement or a written directive issued  
24 by the department pursuant to the written agreement. In any  
25 such suit, the department and the contractor shall have all of  
26 the same rights and obligations as a private person under a  
27 like contract, except that no liability may be based on an  
28 oral modification of either the written contract or written  
29 directive. Nothing herein shall be construed to waive the  
30 sovereign immunity of the state and its political subdivisions  
31 from equitable claims and equitable remedies. Notwithstanding

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1 anything to the contrary contained in this section, no  
 2 employee or agent of the department may be held personally  
 3 liable to an extent greater than that pursuant to s. 768.28,  
 4 ~~under contract for work done,~~ provided, that no suit sounding  
 5 in tort shall be maintained against the department.

6 (2) Suits by and against the department under this  
 7 section shall be commenced within 820 days of the final  
 8 acceptance of the work. This section shall apply to all  
 9 contracts entered into after June 30, 1993.

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

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

17 Section 26. Paragraph (a) of subsection (1) and  
 18 paragraph (i) of subsection (4) of section 337.25, Florida  
 19 Statutes, are amended to read:

20 337.25 Acquisition, lease, and disposal of real and  
 21 personal property.--

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

31 (4) The department may sell, in the name of the state,

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

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

21 Section 27. Subsection (9) is added to section  
22 337.251, Florida Statutes, to read:

23 337.251 Lease of property for joint public-private  
24 development and areas above or below department property.--

25 (9) Notwithstanding chapter 341 or any other provision  
26 of law to the contrary, a fixed-guideway transportation system  
27 authorized by the department to be wholly or partially within  
28 the department's right-of-way pursuant to a lease granted  
29 under this section may operate at any safe speed.

30 Section 28. Subsection (1) of section 337.403, Florida  
31 Statutes, is amended to read:



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1           337.403 Relocation of utility; expenses.--

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

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

26           (b) When a joint agreement between the department and  
27 the utility is executed for utility improvement, relocation,  
28 or removal work to be accomplished as part of a contract for  
29 construction of a transportation facility, the department may  
30 participate in those utility improvement, relocation, or  
31 removal costs that exceed the department's official estimate

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

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

15 Section 29. Paragraph (b) of subsection (2) of section  
16 338.223, Florida Statutes, is amended to read:

17 338.223 Proposed turnpike projects.--

18 (2)

19 (b) In accordance with the legislative intent  
20 expressed in s. 337.273, and after the requirement of  
21 paragraph (1)(c) have been met, the department may acquire  
22 lands and property before making a final determination of the  
23 economic feasibility of a project. The requirements of  
24 paragraph (1)(c) shall not apply to hardship and protective  
25 purchases of advance right-of-way by the department. The cost  
26 of advance acquisition of right-of-way may be paid from bonds  
27 issued under s. 337.276 or from turnpike revenues. For  
28 purposes of this paragraph, the term "hardship purchase" means  
29 purchase of a residential dwelling of not more than four units  
30 from a property owner who is at a disadvantage due to health  
31 impairment, job loss, or significant loss of rental income.

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1 For purposes of this paragraph, the term "protective purchase"  
 2 means a purchase to limit development, building, or other  
 3 intensification of land uses within the area right-of-way is  
 4 needed for transportation facilities. The department shall  
 5 give written notice to the Department of Environmental  
 6 Protection 30 days prior to final agency acceptance as set  
 7 forth in s. 119.07(3)(n), which notice shall allow the  
 8 Department of Environmental Protection to comment. Hardship  
 9 and protective purchases of right-of-way shall not influence  
 10 the environmental feasibility of a project, including the  
 11 decision relative to the need to construct the project or the  
 12 selection of a specific location. Costs to acquire and dispose  
 13 of property acquired as hardship and protective purchases are  
 14 considered costs of doing business for the department and  
 15 shall not be considered in the determination of environmental  
 16 feasibility for the project.

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

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

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1 holders of such bonds until the bonds, together with interest  
2 on the bonds, are fully paid and discharged. In implementing  
3 this section, the department is specifically authorized to  
4 provide for further restrictions on the sale, transfer, lease,  
5 or other disposition or operation of any portion of the  
6 turnpike system which reduces the revenue available for  
7 payment to bondholders.

8 Section 31. Paragraph (a) of subsection (4) of section  
9 339.135, Florida Statutes, is amended to read:

10 339.135 Work program; legislative budget request;  
11 definitions; preparation, adoption, execution, and  
12 amendment.--

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

14 (a)1. To assure that no district or county is  
15 penalized for local efforts to improve the State Highway  
16 System, the department shall, for the purpose of developing a  
17 tentative work program, allocate funds for new construction to  
18 the districts, except for the turnpike district, based on  
19 equal parts of population and motor fuel tax collections.  
20 Funds for resurfacing, bridge repair and rehabilitation,  
21 bridge fender system construction or repair, public transit  
22 projects except public transit block grants as provided in s.  
23 341.052, and other programs with quantitative needs  
24 assessments shall be allocated based on the results of these  
25 assessments. The department may not transfer any funds  
26 allocated to a district under this paragraph to any other  
27 district except as provided in subsection (7). Funds for  
28 public transit block grants shall be allocated to the  
29 districts pursuant to s. 341.052.

30 2. Notwithstanding the provisions of subparagraph 1.,  
31 the department shall allocate at least 50 percent of any new

1 discretionary highway capacity funds to the Florida Intrastate  
2 Highway System established pursuant to s. 338.001. Any  
3 remaining new discretionary highway capacity funds shall be  
4 allocated to the districts for new construction as provided in  
5 subparagraph 1. For the purposes of this subparagraph, the  
6 term "new discretionary highway capacity funds" means any  
7 funds available to the department above the prior year funding  
8 level for capacity improvements, which the department has the  
9 discretion to allocate to highway projects.

10 Section 32. Section 339.155, Florida Statutes, is  
11 amended to read:

12 339.155 Transportation planning.--

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

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

1 ~~department's legislative budget request, the strategic~~  
2 ~~information resource management plan, and the work program are~~  
3 ~~developed.~~

4           (2) SCOPE OF PLANNING PROCESS.--

5           (a) The department shall carry out a transportation  
6 planning process that provides for consideration of projects  
7 and strategies that will:

8           1. Support the economic vitality of the United States,  
9 Florida, and the metropolitan areas, especially by enabling  
10 global competitiveness, productivity, and efficiency.

11           2. Increase the safety and security of the  
12 transportation system for motorized and nonmotorized users.

13           3. Increase the accessibility and mobility options  
14 available to people and for freight.

15           4. Protect and enhance the environment, promote energy  
16 conservation, and improve quality of life.

17           5. Enhance the integration and connectivity of the  
18 transportation system across and between modes throughout  
19 Florida for people and freight.

20           6. Promote efficient system management and operation.

21           7. Emphasize the preservation of the existing  
22 transportation system.

23           (b) Additionally, the transportation planning process  
24 shall consider:

25           1. With respect to nonmetropolitan areas, the concerns  
26 of local elected officials representing units of general  
27 purpose local government.

28           2. The concerns of Indian tribal governments and  
29 federal land management agencies that have jurisdiction over  
30 land within the boundaries of Florida.

31           3. Coordination of transportation plans, programs, and

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1 planning activities with related planning activities being  
2 carried out outside of metropolitan planning areas.

3 ~~DEVELOPMENT CRITERIA. The Florida Transportation Plan shall~~  
4 ~~consider the needs of the entire state transportation system,~~  
5 ~~examine the use of all modes of transportation to effectively~~  
6 ~~and efficiently meet such needs, and provide for the~~  
7 ~~interconnection of all types of modes in a comprehensive~~  
8 ~~intermodal transportation system. In developing the Florida~~  
9 ~~Transportation Plan, the department shall consider the~~  
10 ~~following:~~

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

13 ~~4.(b) Any federal, state, or local energy use goals,~~  
14 ~~objectives, programs, or requirements.~~

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

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

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

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

31 ~~(g) Connectivity between metropolitan areas within the~~

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



1 ~~transportation system.~~

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

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

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

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

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

19 13.(w) The joint use of transportation corridors and  
20 major transportation facilities for alternate transportation  
21 and community uses.

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

24 (3) FORMAT, SCHEDULE, AND REVIEW.--~~The Florida~~  
25 ~~Transportation Plan shall be a unified, concise planning~~  
26 ~~document that clearly defines the state's long-range~~  
27 ~~transportation goals and objectives and documents the~~  
28 ~~department's short-range objectives developed to further such~~  
29 ~~goals and objectives.~~The plan shall include a glossary that  
30 clearly and succinctly defines any and all phrases, words, or  
31 terms of art included in the plan, with which the general

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1 public may be unfamiliar and shall consist of, at a minimum,  
2 the following components:

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

18 (b) A short-range component documenting the short-term  
19 objectives and strategies necessary to implement the goals and  
20 long-term objectives contained in the long-range component.  
21 The short-range component shall define the relationship  
22 between the long-range goals and the short-range objectives,  
23 specify those objectives against which the department's  
24 achievement of such goals will be measured, and identify  
25 transportation strategies necessary to efficiently achieve the  
26 goals and objectives in the plan. It shall provide a policy  
27 framework within which the department's legislative budget  
28 request, the strategic information resource management plan,  
29 and the work program are developed.The short-range component  
30 shall serve as the department's annual agency strategic plan  
31 pursuant to s. 186.021. The short-range component shall be

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1 developed consistent with the requirements of s. 186.022 and  
2 consistent with available and forecasted state and federal  
3 funds. In addition to those entities listed in s. 186.022, the  
4 short-range component shall also be submitted to the Florida  
5 Transportation Commission.

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

18 (5) ADDITIONAL TRANSPORTATION PLANS.--

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

29 (b) Each regional planning council, as provided for in  
30 s. 186.504, or any successor agency thereto, shall develop, as  
31 an element of its strategic regional policy plan,

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

22 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN  
23 TRANSPORTATION PLANNING.--

24 (a) During the development of the long-range component  
25 of the Florida Transportation Plan, and prior to substantive  
26 revisions ~~adoption of all subsequent amendments~~, the  
27 department shall provide citizens, affected public agencies,  
28 representatives of transportation agency employees, other  
29 affected employee representatives, private providers of  
30 transportation, and other known interested parties with an  
31 opportunity to comment on the proposed plan or revisions

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1 ~~amendments. These opportunities This hearing shall include~~  
2 ~~presentation and discussion of the factors listed in~~  
3 ~~subsection (2) and shall include, at a minimum, publishing a~~  
4 ~~notice in the Florida Administrative Weekly and within a~~  
5 ~~newspaper of general circulation within the area of each~~  
6 ~~department district office. These notices shall be published~~  
7 ~~twice prior to the day of the hearing, with the first notice~~  
8 ~~appearing at least 14 days prior to the hearing.~~

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

27 (c) Opportunity for design hearings:

28 1. The department, prior to holding a design hearing,  
29 shall duly notice all affected property owners of record, as  
30 recorded in the property appraiser's office, by mail at least  
31 20 days prior to the date set for the hearing. The affected

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1 property owners shall be:

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

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

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

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

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

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

24 Section 33. Section 339.175, Florida Statutes, 1998  
25 Supplement, is amended to read:

26 339.175 Metropolitan planning organization.--It is the  
27 intent of the Legislature to encourage and promote the safe  
28 and efficient management, operation, and development of  
29 surface transportation systems ~~embracing various modes of~~  
30 ~~transportation in a manner~~ that will serve ~~maximize~~ the  
31 mobility needs of people and freight ~~goods~~ within and through

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

## (1) DESIGNATION.--

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

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

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

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

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  
28 the 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 subsection. 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)~~(b)~~ Any other provision of this section to the  
24 contrary notwithstanding, any county chartered under s. 6(e),  
25 Art. VIII of the State Constitution may elect to have its  
26 county commission serve as the M.P.O., if the M.P.O.  
27 jurisdiction is wholly contained within the county. Any  
28 charter county that elects to exercise the provisions of this  
29 paragraph shall so notify the Governor in writing. Upon  
30 receipt of such notification, the Governor must designate the  
31 county commission as the M.P.O. The Governor must appoint

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1 four additional voting members to the M.P.O., one of whom must  
2 be an elected official representing a municipality within the  
3 county, one of whom must be an expressway authority member,  
4 one of whom must be a person who does not hold elected public  
5 office and who resides in the unincorporated portion of the  
6 county, and one of whom must be a school board member.

7 (3) APPORTIONMENT.--

8 (a) The Governor shall, with the agreement of the  
9 affected units of general-purpose local government as required  
10 by federal rules and regulations, apportion the membership on  
11 the applicable M.P.O. among the various governmental entities  
12 within the area and shall prescribe a method for appointing  
13 alternate members who may vote at any M.P.O. meeting that an  
14 alternate member attends in place of a regular member. An  
15 appointed alternate member must be an elected official serving  
16 the same governmental entity or a general-purpose local  
17 government with jurisdiction within all or part of the area  
18 that the regular member serves. The governmental entity so  
19 designated shall appoint the appropriate number of members to  
20 the M.P.O. from eligible officials. Representatives of the  
21 department shall serve as nonvoting members of the M.P.O.  
22 Nonvoting advisers may be appointed by the M.P.O. as deemed  
23 necessary. ~~The Governor shall review the composition of the~~  
24 ~~M.P.O. membership at least every 5 years and reapportion it as~~  
25 ~~necessary to comply with subsection (2).~~

26 (b) Except for members who represent municipalities on  
27 the basis of alternating with representatives from other  
28 municipalities that do not have members on the M.P.O. as  
29 provided in paragraph (2)(a), the members of an M.P.O. shall  
30 serve 4-year terms. Members who represent municipalities on  
31 the basis of alternating with representatives from other

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1 municipalities that do not have members on the M.P.O. as  
2 provided in paragraph (2)(a) may serve terms of up to 4 years  
3 as further provided in the interlocal agreement described in  
4 paragraph (1)(b). The membership of a member who is a public  
5 official automatically terminates upon the member's leaving  
6 his or her elective or appointive office for any reason, or  
7 may be terminated by a majority vote of the total membership  
8 of a county or city governing entity represented by the  
9 member. A vacancy shall be filled by the original appointing  
10 entity. A member may be reappointed for one or more  
11 additional 4-year terms.

12 (c) If a governmental entity fails to fill an assigned  
13 appointment to an M.P.O. within 60 days after notification by  
14 the Governor of its duty to appoint, that appointment shall be  
15 made by the Governor from the eligible representatives of that  
16 governmental entity.

17 (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
18 responsibility of an M.P.O. is to manage a continuing,  
19 cooperative, and comprehensive transportation planning process  
20 that results in the development of plans and programs which  
21 are consistent, to the maximum extent feasible, with the  
22 approved local government comprehensive plans of the units of  
23 local government the boundaries of which are within the  
24 metropolitan area of the M.P.O. An M.P.O. shall be the forum  
25 for cooperative decisionmaking by officials of the affected  
26 governmental entities in the development of the plans and  
27 programs required by subsections (5), (6), (7), and (8).

28 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
29 privileges, and authority of an M.P.O. are those specified in  
30 this section or incorporated in an interlocal agreement  
31 authorized under s. 163.01. Each M.P.O. shall perform all

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1 acts required by federal or state laws or rules, now and  
2 subsequently applicable, which are necessary to qualify for  
3 federal aid. It is the intent of this section that each M.P.O.  
4 shall be involved in the planning and programming of  
5 transportation facilities, including, but not limited to,  
6 airports, intercity and high-speed rail lines, seaports, and  
7 intermodal facilities, to the extent permitted by state or  
8 federal law.

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

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

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

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

17 (b) In developing the long-range transportation plan  
18 and the transportation improvement program required under  
19 paragraph (a), each M.P.O. shall provide for consideration of  
20 projects and strategies that will ~~must, at a minimum,~~  
21 ~~consider:~~

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

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

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

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

31 5. Enhance the integration and connectivity of the

1 transportation system, across and between modes, for people  
2 and freight.

3 6. Promote efficient system management and operation.

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

6 (c) Additionally, each M.P.O. shall consider:

7 ~~1. The preservation of existing transportation~~  
8 ~~facilities and, where practical, ways to meet transportation~~  
9 ~~needs by using existing facilities more efficiently;~~

10 ~~1.2. The consistency of transportation planning with~~  
11 ~~applicable federal, state, and local energy conservation~~  
12 ~~programs, goals, and objectives;~~

13 ~~3. The need to relieve congestion and prevent~~  
14 ~~congestion from occurring where it does not yet occur;~~

15 ~~2.4. The likely effect of transportation policy~~  
16 ~~decisions on land use and development and the consistency of~~  
17 ~~transportation plans and programs with all applicable~~  
18 ~~short-term and long-term land use and development plans;~~

19 ~~5. The programming of transportation enhancement~~  
20 ~~activities as required by federal law;~~

21 ~~6. The effect of all transportation projects to be~~  
22 ~~undertaken in the metropolitan area, without regard to whether~~  
23 ~~such projects are publicly funded;~~

24 ~~7. The provision of access to seaports, airports,~~  
25 ~~intermodal transportation facilities, major freight~~  
26 ~~distribution routes, national and state parks, recreation~~  
27 ~~areas, monuments and historic sites, and military~~  
28 ~~installations;~~

29 ~~8. The need for roads within the metropolitan area to~~  
30 ~~efficiently connect with roads outside the metropolitan area;~~

31 ~~9. The transportation needs identified through the use~~

1 ~~of transportation management systems required by federal or~~  
2 ~~state law;~~

3 ~~3.10.~~ The preservation of rights-of-way for  
4 construction of future transportation projects, including the  
5 identification of unused rights-of-way that may be needed for  
6 future transportation corridors and the identification of  
7 corridors for which action is most needed to prevent  
8 destruction or loss;

9 ~~11. Any available methods to enhance the efficient~~  
10 ~~movement of freight;~~

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

13 ~~4.13.~~ The overall social, economic, energy, and  
14 environmental effects of transportation decisions; and

15 ~~5.14.~~ Any available methods to expand or enhance  
16 transit services and increase the use of such services; ~~and~~

17 ~~15. The possible allocation of capital investments to~~  
18 ~~increase security for transit systems.~~

19 ~~(d)(c)~~ In order to provide recommendations to the  
20 department and local governmental entities regarding  
21 transportation plans and programs, each M.P.O. shall:

22 1. Prepare a congestion management system for the  
23 metropolitan area and cooperate with the department in the  
24 development of all other transportation management systems  
25 required by state or federal law;

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

28 3. Assist the department in performing its duties  
29 relating to access management, functional classification of  
30 roads, and data collection;

31 4. Execute all agreements or certifications necessary

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1 to comply with applicable state or federal law;

2 5. Represent all the jurisdictional areas within the  
3 metropolitan area in the formulation of transportation plans  
4 and programs required by this section; and

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

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

29 (f)~~(e)~~1. Each M.P.O. shall appoint a citizens'  
30 advisory committee, the members of which serve at the pleasure  
31 of the M.P.O. The membership on the citizens' advisory



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1 committee must reflect a broad cross section of local  
2 residents with an interest in the development of an efficient,  
3 safe, and cost-effective transportation system. Minorities,  
4 the elderly, and the handicapped must be adequately  
5 represented.

6 2. Notwithstanding the provisions of subparagraph 1.,  
7 an M.P.O. may, with the approval of the department and the  
8 applicable federal governmental agency, adopt an alternative  
9 program or mechanism to ensure citizen involvement in the  
10 transportation planning process.

11 ~~(g)~~(f) The department shall allocate to each M.P.O.,  
12 for the purpose of accomplishing its transportation planning  
13 and programming duties, an appropriate amount of federal  
14 transportation planning funds.

15 ~~(h)~~(g) Each M.P.O. may employ personnel or may enter  
16 into contracts with local or state agencies, private planning  
17 firms, or private engineering firms to accomplish its  
18 transportation planning and programming duties required by  
19 state or federal law.

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

1 government comprehensive plans and any amendments thereto. The  
2 long-range transportation plan must, at a minimum:

3 (a) Identify transportation facilities, including, but  
4 not limited to, major roadways, airports, seaports, commuter  
5 rail systems, transit systems, and intermodal or multimodal  
6 terminals that will function as an integrated metropolitan  
7 transportation system. The long-range transportation plan  
8 must give emphasis to those transportation facilities that  
9 serve national, statewide, or regional functions, and must  
10 consider the goals and objectives identified in the Florida  
11 Transportation Plan as provided in s. 339.155. If a project is  
12 located within the boundaries of more than one M.P.O., the  
13 M.P.O.'s shall coordinate plans regarding the project in the  
14 long-range transportation plan.

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

31 (c) Assess capital investment and other measures

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1 necessary to:

2 1. Ensure the preservation of the existing  
3 metropolitan transportation system including requirements for  
4 the operation, resurfacing, restoration, and rehabilitation of  
5 major roadways and requirements for the operation,  
6 maintenance, modernization, and rehabilitation of public  
7 transportation facilities; and

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

11 (d) Indicate, as appropriate, proposed transportation  
12 enhancement activities, including, but not limited to,  
13 pedestrian and bicycle facilities, scenic easements,  
14 landscaping, historic preservation, mitigation of water  
15 pollution due to highway runoff, and control of outdoor  
16 advertising.

17 (e) In addition to the requirements of paragraphs  
18 (a)-(d), in metropolitan areas that are classified as  
19 nonattainment areas for ozone or carbon monoxide, the M.P.O.  
20 must coordinate the development of the long-range  
21 transportation plan with the State Implementation Plan  
22 developed pursuant to the requirements of the federal Clean  
23 Air Act.

24  
25 In the development of its long-range transportation plan, each  
26 M.P.O. must provide citizens, affected public agencies,  
27 representatives of transportation agency employees, freight  
28 shippers, providers of freight transportation services,  
29 private providers of transportation, representatives of users  
30 of public transit, and other interested parties, ~~and members~~  
31 ~~of the general public~~ with a reasonable opportunity to comment

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1 on the long-range transportation plan. The long-range  
2 transportation plan must be approved by the M.P.O.

3 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
4 shall, in cooperation with the state and affected public  
5 transportation operators, develop a transportation improvement  
6 program for the area within the jurisdiction of the M.P.O. In  
7 the development of the transportation improvement program,  
8 each M.P.O. must provide citizens, affected public ~~transit~~  
9 agencies, representatives of transportation agency employees,  
10 freight shippers, providers of freight transportation  
11 services, private providers of transportation, representatives  
12 of users of public transit, and other interested parties, ~~and~~  
13 ~~members of the general public~~ with a reasonable opportunity to  
14 comment on the proposed transportation improvement program.

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

29 (b) Each M.P.O. annually shall prepare a list of  
30 project priorities and shall submit the list to the  
31 appropriate district of the department by October 1 of each

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1 year; however, the department and a metropolitan planning  
2 organization may, in writing, agree to vary this submittal  
3 date. The list of project priorities must be formally reviewed  
4 by the technical and citizens' advisory committees, and  
5 approved by the M.P.O., before it is transmitted to the  
6 district. The approved list of project priorities must be used  
7 by the district in developing the district work program and  
8 must be used by the M.P.O. in developing its transportation  
9 improvement program. The annual list of project priorities  
10 must be based upon project selection criteria that, at a  
11 minimum, consider the following:

- 12 1. The approved M.P.O. long-range transportation plan;
- 13 2. The results of the transportation management  
14 systems; and
- 15 3. The M.P.O.'s public-involvement procedures.

16 (c) The transportation improvement program must, at a  
17 minimum:

- 18 1. Include projects and project phases to be funded  
19 with state or federal funds within the time period of the  
20 transportation improvement program and which are recommended  
21 for advancement during the next fiscal year and 4 subsequent  
22 fiscal years. Such projects and project phases must be  
23 consistent, to the maximum extent feasible, with the approved  
24 local government comprehensive plans of the units of local  
25 government located within the jurisdiction of the M.P.O. For  
26 informational purposes, the transportation improvement program  
27 shall also include a list of projects to be funded from local  
28 or private revenues.

- 29 2. Include projects within the metropolitan area which  
30 are proposed for funding under 23 U.S.C. s. 134 of the Federal  
31 Transit Act and which are consistent with the long-range

1 transportation plan developed under subsection (6).

2           3. Provide a financial plan that demonstrates how the  
3 transportation improvement program can be implemented;  
4 indicates the resources, both public and private, that are  
5 reasonably expected to be available to accomplish the program;  
6 identifies and recommends any innovative financing techniques  
7 that may be used to fund needed projects and programs; and may  
8 include, for illustrative purposes, additional projects that  
9 would be included in the approved transportation improvement  
10 program if reasonable additional resources beyond those  
11 identified in the financial plan were available. Innovative  
12 financing ~~Such~~ techniques may include the assessment of tolls,  
13 the use of value capture financing, or the use of value  
14 ~~congestion~~ pricing. The transportation improvement program  
15 shall may include a project or project phase only if full  
16 funding can reasonably be anticipated to be available for the  
17 project or project phase within the time period contemplated  
18 for completion of the project or project phase.

19           4. Group projects and project phases of similar  
20 urgency and anticipated staging into appropriate staging  
21 periods.

22           5. Indicate how the transportation improvement program  
23 relates to the long-range transportation plan developed under  
24 subsection (6), including providing examples of specific  
25 projects or project phases that further the goals and policies  
26 of the long-range transportation plan.

27           6. Indicate whether any project or project phase is  
28 inconsistent with an approved comprehensive plan of a unit of  
29 local government located within the jurisdiction of the M.P.O.  
30 If a project is inconsistent with an affected comprehensive  
31 plan, the M.P.O. must provide justification for including the

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1 project in the transportation improvement program.

2 7. Indicate how the improvements are consistent, to  
3 the maximum extent feasible, with affected seaport and airport  
4 master plans and with public transit development plans of the  
5 units of local government located within the jurisdiction of  
6 the M.P.O. If a project is located within the boundaries of  
7 more than one M.P.O., the M.P.O.'s shall coordinate plans  
8 regarding the project in the transportation improvement  
9 program.

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

20 (e) During development of the transportation  
21 improvement program, the M.P.O. shall, in cooperation with the  
22 department and any affected public transit operation, provide  
23 citizens, affected public agencies, representatives of  
24 transportation agency employees, freight shippers, providers  
25 of freight transportation services, private providers of  
26 transportation, representatives of users of public transit,  
27 and other interested parties with reasonable notice of and an  
28 opportunity to comment on the proposed program.

29 (f)~~(e)~~ The adopted annual transportation improvement  
30 program for M.P.O.'s in nonattainment or maintenance areas  
31 must be submitted to the district secretary and the Department

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1 of Community Affairs at least 90 days before the submission of  
2 the state transportation improvement program by the department  
3 to the appropriate federal agencies. The annual transportation  
4 improvement program for M.P.O.'s in attainment areas must be  
5 submitted to the district secretary and the Department of  
6 Community Affairs at least 45 days before the department  
7 submits the state transportation improvement program to the  
8 appropriate federal agencies; however, the department, the  
9 Department of Community Affairs, and a metropolitan planning  
10 organization may, in writing, agree to vary this submittal  
11 date. The Governor or the Governor's designee shall review  
12 and approve each transportation improvement program and any  
13 amendments thereto.

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

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



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1           (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall  
2 develop, in cooperation with the department and public  
3 transportation providers, a unified planning work program that  
4 lists all planning tasks to be undertaken during the program  
5 year. The unified planning work program must provide a  
6 complete description of each planning task and an estimated  
7 budget therefor and must comply with applicable state and  
8 federal law.

9           (9) AGREEMENTS.--

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

13           1. An agreement with the department clearly  
14 establishing the cooperative relationship essential to  
15 accomplish the transportation planning requirements of state  
16 and federal law.

17           2. An agreement with the metropolitan and regional  
18 intergovernmental coordination and review agencies serving the  
19 metropolitan areas, specifying the means by which activities  
20 will be coordinated and how transportation planning and  
21 programming will be part of the comprehensive planned  
22 development of the area.

23           3. An agreement with operators of public  
24 transportation systems, including transit systems, commuter  
25 rail systems, airports, and seaports, describing the means by  
26 which activities will be coordinated and specifying how public  
27 transit, commuter rail, aviation, and seaport planning and  
28 programming will be part of the comprehensive planned  
29 development of the metropolitan area.

30           (b) An M.P.O. may execute other agreements required by  
31 state or federal law or as necessary to properly accomplish

1 its functions.

2 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
3 COUNCIL.--

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

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

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

19 1. Enter into contracts with individuals, private  
20 corporations, and public agencies.

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

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

25 4. Establish bylaws and adopt rules pursuant to ss.  
26 120.536(1) and 120.54 to implement provisions of law  
27 conferring powers or duties upon it.

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

31 6. Serve as a clearinghouse for review and comment by

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1 M.P.O.'s on the Florida Transportation Plan and on other  
2 issues required to comply with federal or state law in  
3 carrying out the urbanized area transportation and systematic  
4 planning processes instituted pursuant to s. 339.155.

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

14         8. Adopt an agency strategic plan that provides the  
15 priority directions the agency will take to carry out its  
16 mission within the context of the state comprehensive plan and  
17 any other statutory mandates and directions given to the  
18 agency.

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

27         Section 34. Subsections (8) and (10) of section  
28 341.031, Florida Statutes, are amended to read:

29         341.031 Definitions.--As used in ss. 341.011-341.061,  
30 the term:

31         (8) "Public transit service development project" means

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1 a project undertaken by a public agency to determine whether a  
2 new or innovative technique or measure can be utilized to  
3 improve or expand public transit services to its constituency.  
4 The duration of the project shall be limited according to the  
5 type of the project in conformance with the provisions of s.  
6 341.051(5)(e)(~~f~~), but in no case shall exceed a period of 3  
7 years. Public transit service development projects  
8 specifically include projects involving the utilization of new  
9 technologies, services, routes, or vehicle frequencies; the  
10 purchase of special transportation services; and other such  
11 techniques for increasing service to the riding public as are  
12 applicable to specific localities and transit user groups.

13 (10) "Transit corridor project" means a project that  
14 is undertaken by a public agency and designed to relieve  
15 congestion and improve capacity within an identified  
16 transportation corridor by increasing people-carrying capacity  
17 of the system through the use and facilitated movement of  
18 high-occupancy conveyances. Each transit corridor project  
19 must meet the requirements established in s. 341.051(5)(d)(~~e~~)  
20 ~~and, if applicable, the requirements of the department's major~~  
21 ~~capital investment policy developed pursuant to s.~~  
22 ~~341.051(5)(b).~~ Initial project duration shall not exceed a  
23 period of 2 years unless the project is reauthorized by the  
24 Legislature. Such reauthorization shall be based upon a  
25 determination that the project is meeting or exceeding the  
26 criteria, developed pursuant to s. 341.051(5)(d)(~~e~~), by which  
27 the success of the project is being judged and by inclusion of  
28 the project in a departmental appropriation request.

29 Section 35. Subsection (14) is added to section  
30 341.041, Florida Statutes, 1998 Supplement, to read:

31 341.041 Transit responsibilities of the

1 department.--The department shall, within the resources  
2 provided pursuant to chapter 216:

3 (14) Create and maintain a common self-retention  
4 insurance fund to support fixed-guideway projects throughout  
5 the state where there is a contractual or legal obligation to  
6 have such fund in existence in order to provide fixed-guideway  
7 services. The maximum limit of such fund shall be as required  
8 by any contractual or legal obligation.

9 Section 36. Subsection (5) of section 341.051, Florida  
10 Statutes, is amended to read:

11 341.051 Administration and financing of public transit  
12 programs and projects.--

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

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

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

28 ~~1. Methods to be used to determine consistency of a~~  
29 ~~transit project with the approved local government~~  
30 ~~comprehensive plans of the units of local government in which~~  
31 ~~the project is located.~~

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

7           ~~3. Methods for evaluating alternative transit systems~~  
8 ~~including an analysis of technology and alternative methods~~  
9 ~~for providing transit services in the corridor.~~

10  
11 ~~The department shall present such investment policy to both~~  
12 ~~the Senate Transportation Committee and the House Public~~  
13 ~~Transportation Committee along with recommended legislation by~~  
14 ~~March 1, 1991.~~

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

20           ~~(c)(d)~~ The department is authorized to advance up to  
21 80 percent of the capital cost of any eligible project that  
22 will assist Florida's transit systems in becoming fiscally  
23 self-sufficient. Such advances shall be reimbursed to the  
24 department on an appropriate schedule not to exceed 5 years  
25 after the date of provision of the advances.

26           ~~(d)(e)~~ The department is authorized to fund up to 100  
27 percent of the capital and net operating costs of statewide  
28 transit service development projects or transit corridor  
29 projects. All transit service development projects shall be  
30 specifically identified by way of a departmental appropriation  
31 request, and transit corridor projects shall be identified as

1 part of the planned improvements on each transportation  
2 corridor designated by the department. The project  
3 objectives, the assigned operational and financial  
4 responsibilities, the timeframe required to develop the  
5 required service, and the criteria by which the success of the  
6 project will be judged shall be documented by the department  
7 for each such transit service development project or transit  
8 corridor project.

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

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

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

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

1 and

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

6

7 The term "net operating costs" means all operating costs of a  
8 project less any federal funds, fares, or other sources of  
9 income to the project.

10 Section 37. Subsections (2) through (5) of section  
11 341.053, Florida Statutes, are renumbered as subsections (3)  
12 through (6), respectively, and a new subsection (2) is added  
13 to that section to read:

14 341.053 Intermodal Development Program;  
15 administration; eligible projects; limitations.--

16 (2) In recognition of the department's role in the  
17 economic development of this state, the department shall  
18 develop a proposed intermodal development plan to connect  
19 Florida's airports, deepwater seaports, rail systems serving  
20 both passenger and freight, and major intermodal connectors to  
21 the Florida Intrastate Highway System facilities as the  
22 primary system for the movement of people and freight in this  
23 state in order to make the intermodal development plan a fully  
24 integrated and interconnected system. The intermodal  
25 development plan must:

26 (a) Define and assess the state's freight intermodal  
27 network, including airports, seaports, rail lines and  
28 terminals, and connecting highways.

29 (b) Prioritize statewide infrastructure investments,  
30 including the acceleration of current projects, which are  
31 found by the Freight Stakeholders Task Force to be priority



1 projects for the efficient movement of people and freight.

2 (c) Be developed in a manner that will assure maximum  
3 use of existing facilities and optimum integration and  
4 coordination of the various modes of transportation, including  
5 both government-owned and privately owned resources, in the  
6 most cost-effective manner possible.

7 Section 38. Subsections (6) and (8) of section  
8 341.302, Florida Statutes, are amended to read:

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

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

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

31 Section 39. Section 348.9401, Florida Statutes, is

1 amended to read:

2           348.9401 Short title.--This part shall be known and  
3 may be cited as the "St. Lucie County Expressway and Bridge  
4 Authority Law."

5           Section 40. Subsections (2) and (11) of section  
6 348.941, Florida Statutes, are amended to read:

7           348.941 Definitions.--As used in this part, unless the  
8 context clearly indicates otherwise, the term:

9           (2) "Authority" means the St. Lucie County Expressway  
10 and Bridge Authority.

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

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

17           (b) The Indian River Lagoon Bridge.

18           Section 41. The catchline and subsections (1) and (2)  
19 of section 348.942, Florida Statutes, are amended to read:

20           348.942 St. Lucie County and Bridge Expressway  
21 Authority.--

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

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

1 County without either the express consent of the authority or  
2 as otherwise provided herein.

3 Section 42. Paragraph (a) of subsection (1) and  
4 paragraph (g) of subsection (2) of section 348.943, Florida  
5 Statutes, are amended to read:

6 348.943 Purposes and powers.--

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

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

17 (g)1. To borrow money as provided by the State Bond  
18 Act or, in the alternative, pursuant to the provisions of s.  
19 348.944(3), and in either case for any purpose of the  
20 authority authorized, including the financing or refinancing  
21 of the cost of all or any part of the system.

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

27 Section 43. Section 348.944, Florida Statutes, is  
28 amended to read:

29 348.944 Bonds.--

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

1           (2) As an alternative to subsection (1), the authority  
 2 may issue its own bonds pursuant to subsection (3) in such  
 3 principal amounts as, in the opinion of the authority, are  
 4 necessary to provide sufficient moneys for achieving its  
 5 corporate purposes, so long as such bonds do not pledge the  
 6 full faith and credit of the state, St. Lucie County, or any  
 7 municipality in St. Lucie County.

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

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

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

1 Section 44. Section 348.9495, Florida Statutes, is  
2 created to read:

3 348.9495 Exemption from taxation.--The effectuation of  
4 the authorized purposes of the authority created under this  
5 part is, shall, and will be in all respects for the benefit of  
6 the people of the state, for the increase of their commerce  
7 and prosperity, and for the improvement of their health and  
8 living conditions, and, since such authority will be  
9 performing essential governmental functions in effectuating  
10 such purposes, such authority shall not be required to pay any  
11 taxes or assessments of any kind or nature whatsoever upon any  
12 property acquired or used by it for such purposes or upon any  
13 tolls, fees, rentals, receipts, moneys, or charges at any time  
14 received by it, and the bonds issued by the authority, their  
15 transfer, and the income therefrom, including any profits made  
16 on the sale thereof, shall at all times be free from taxation  
17 of any kind by the state or by any political subdivision,  
18 taxing agency, or instrumentality thereof. The exemption  
19 granted by this section shall not be applicable to any tax  
20 imposed by chapter 220 on interest, income, or profits on debt  
21 obligations owned by corporations.

22 Section 45. Subsection (10) of section 338.251,  
23 Florida Statutes, 1998 Supplement, is amended to read:

24 338.251 Toll Facilities Revolving Trust Fund.--The  
25 Toll Facilities Revolving Trust Fund is hereby created for the  
26 purpose of encouraging the development and enhancing the  
27 financial feasibility of revenue-producing road projects  
28 undertaken by local governmental entities in a county or  
29 combination of contiguous counties.

30 (10) Any repayment of prior or future advances made  
31 from the State Transportation Trust Fund which were used to

1 fund any project phase of a toll facility, shall be deposited  
2 in the Toll Facilities Revolving Trust Fund. However, when  
3 funds advanced to the Seminole County Expressway Authority  
4 pursuant to this section are repaid to the Toll Facilities  
5 Revolving Trust Fund by or on behalf of the Seminole County  
6 Expressway Authority, those funds shall thereupon and  
7 forthwith be appropriated for and advanced to the Seminole  
8 County Expressway Authority for funding the design of and the  
9 advanced right-of-way acquisition for that segment of the  
10 Seminole County Expressway extending from U.S. Highway 17/92  
11 to Interstate Highway 4. Notwithstanding subsection (6), when  
12 funds previously advanced to the Orlando-Orange County  
13 Expressway Authority are repaid to the Toll Facilities  
14 Revolving Trust Fund by or on behalf of the Orlando-Orange  
15 County Expressway Authority, those funds may thereupon and  
16 forthwith be appropriated for and advanced to the Seminole  
17 County Expressway Authority for funding that segment of the  
18 Seminole County Expressway extending from U.S. Highway 17/92  
19 to Interstate Highway 4. Any funds advanced to the  
20 Tampa-Hillsborough County Expressway Authority under this  
21 section which have been or will be repaid on or after July 1,  
22 1998, to the Toll Facilities Revolving Trust Fund by or on  
23 behalf of the Tampa-Hillsborough County Expressway Authority,  
24 shall be appropriated for and advanced to the  
25 Tampa-Hillsborough County Expressway Authority for funding the  
26 design of and the advanced right-of-way acquisition for the  
27 Brandon area feeder roads, capital improvements to increase  
28 capacity to the expressway system, and the Lee Roy Selmon  
29 Crosstown Expressway System widening as authorized under s.  
30 348.565.

31 Section 46. Section 373.4137, Florida Statutes, is

60-280AXA-02

Bill No. HB 591

Amendment No. \_\_\_\_ (for drafter's use only)

1 amended to read:

2 373.4137 Mitigation requirements.--

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

14 (2) Environmental impact inventories for  
15 transportation projects proposed by the Department of  
16 Transportation shall be developed as follows:

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



1 ~~or design has commenced, or projects for which mitigation has~~  
2 ~~been implemented in anticipation of future permitting needs.~~

3 (b) The environmental impact inventory shall include a  
4 description of these habitat impacts, including their  
5 location, acreage, and type; state water quality  
6 classification of impacted wetlands and other surface waters;  
7 any other state or regional designations for these habitats;  
8 and a survey of threatened species, endangered species, and  
9 species of special concern affected by the proposed project.

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

1 Transportation and the Department of Environmental Protection  
2 by November 1 of each year with the plan. The conceptual plan  
3 preparation costs of each water management district will be  
4 paid based on the amount approved on the mitigation plan and  
5 allocated to the current fiscal year projects identified by  
6 the water management district contained in the mitigation  
7 programs. The amount transferred to the escrow account each  
8 year by the Department of Transportation shall correspond to a  
9 cost per acre of \$75,000 multiplied by the projected acres of  
10 impact identified in the inventory described in subsection (2)  
11 ~~within the water management district for that year. The water~~  
12 ~~management district may draw from the trust fund no sooner~~  
13 ~~than 30 days prior to the date funds are needed to pay for~~  
14 ~~activities associated with development or implementation of~~  
15 ~~the mitigation plan described in subsection (4).~~ However, the  
16 \$75,000 cost per acre does not constitute an admission against  
17 interest against the state or its subdivisions nor is the cost  
18 admissible as evidence of full compensation for any property  
19 acquired by eminent domain or through inverse condemnation.  
20 Each ~~May~~ July 1, ~~beginning in 1998,~~ the cost per acre shall be  
21 adjusted by the percentage change in the average of the  
22 Consumer Price Index issued by the United States Department of  
23 Labor for the most recent 12-month period ending September 30,  
24 compared to the base year average, which is the average for  
25 the 12-month period ending September 30, 1996. At the end of  
26 each year, the projected acreage of impact shall be reconciled  
27 with the acreage of impact of projects as permitted, including  
28 permit modification, pursuant to this part and s. 404 of the  
29 Clean Water Act, 33 U.S.C. s. 1344., ~~and~~ The subject following  
30 year's transfer of funds shall be adjusted accordingly to  
31 reflect the over transfer or under transfer of funds from the

Amendment No. \_\_\_\_ (for drafter's use only)

1 preceding year. The Department of Transportation Environmental  
2 ~~Protection~~ is authorized to transfer such funds from the  
3 escrow account Ecosystem Management and Restoration Trust Fund  
4 to the Department of Environmental Protection and the water  
5 management districts to carry out the mitigation programs.

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

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

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

25 (b) Specific projects may be excluded from the  
26 mitigation plan and shall not be subject to this section upon  
27 the agreement of the Department of Transportation, the  
28 Department of Environmental Protection, and the appropriate  
29 water management district if:

30 1. that The inclusion of such projects would hamper  
31 the efficiency or timeliness of the mitigation planning and

1 permitting process; or

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

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

31 ~~(d) On July 1, 1996, the Department of Transportation~~

1 ~~shall transfer to the Department of Environmental Protection~~  
2 ~~\$12 million from the State Transportation Trust Fund for the~~  
3 ~~purposes of the surface water improvement management program~~  
4 ~~and to address statewide aquatic and exotic plant problems~~  
5 ~~within wetlands and other surface waters. Such funds shall be~~  
6 ~~considered an advance upon funds that the Department of~~  
7 ~~Transportation would provide for statewide mitigation during~~  
8 ~~the 1997-1998, 1998-1999, and 1999-2000 fiscal years. This~~  
9 ~~use of mitigation funds for surface water improvement~~  
10 ~~management projects or aquatic and exotic plant control may be~~  
11 ~~utilized as mitigation for transportation projects to the~~  
12 ~~extent that it complies with the mitigation requirements~~  
13 ~~adopted pursuant to this part and 33 U.S.C. s. 1344. To the~~  
14 ~~extent that such activities result in mitigation credit for~~  
15 ~~projects permitted in fiscal year 1996-1997, all or part of~~  
16 ~~the \$12 million funding for surface water improvement~~  
17 ~~management projects or aquatic and exotic plant control in~~  
18 ~~fiscal year 1996-1997 shall be drawn from Department of~~  
19 ~~Transportation mitigation funding for fiscal year 1996-1997~~  
20 ~~rather than from mitigation funding for fiscal years~~  
21 ~~1997-1998, 1998-1999, and 1999-2000, in an amount equal to the~~  
22 ~~cost per acre of impact described in subsection (3), times the~~  
23 ~~acreage of impact that is mitigated by such plant control~~  
24 ~~activities. Any part of the \$12 million that does not result~~  
25 ~~in mitigation credit for projects permitted in fiscal year~~  
26 ~~1996-1997 shall remain available for mitigation credit during~~  
27 ~~fiscal years 1997-1998, 1998-1999, or 1999-2000.~~

28 (5) The water management district shall be responsible  
29 for ensuring that mitigation requirements pursuant to 33  
30 U.S.C. s. 1344 are met for the impacts identified in the  
31 inventory described in subsection (2), by implementation of

1 the approved plan described in subsection (4) to the extent  
2 funding is provided as funded by the Department of  
3 Transportation. During the federal permitting process, the  
4 water management district may deviate from the approved  
5 mitigation plan in order to comply with federal permitting  
6 requirements.

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

16 (7) Upon approval by the secretary of the Department  
17 of Environmental Protection, the mitigation plan shall be  
18 deemed to satisfy the mitigation requirements under this part  
19 and any other mitigation requirements imposed by local,  
20 regional, and state agencies for impacts identified in the  
21 inventory described in subsection (2). The approval of the  
22 secretary shall authorize the activities proposed in the  
23 mitigation plan, and no other state, regional, or local permit  
24 or approval shall be necessary.

25 (8) This section shall not be construed to eliminate  
26 the need for the Department of Transportation to comply with  
27 the requirement to implement practicable design modifications,  
28 including realignment of transportation projects, to reduce or  
29 eliminate the impacts of its transportation projects on  
30 wetlands and other surface waters as required by rules adopted  
31 pursuant to this part, or to diminish the authority under this

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1 part to regulate other impacts, including water quantity or  
2 water quality impacts, or impacts regulated under this part  
3 that are not identified in the inventory described in  
4 subsection (2).

5 ~~(9) The recommended mitigation plan shall be annually~~  
6 ~~submitted to the Executive Office of the Governor and the~~  
7 ~~Legislature through the legislative budget request of the~~  
8 ~~Department of Environmental Protection in accordance with~~  
9 ~~chapter 216. Any funds not directed to implement the~~  
10 ~~mitigation plan should, to the greatest extent possible, be~~  
11 ~~directed to fund aquatic and exotic plant problems within the~~  
12 ~~wetlands and other surface waters.~~

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

26 Section 47. Subsections (3) and (23) of section  
27 479.01, Florida Statutes, are amended to read:

28 479.01 Definitions.--As used in this chapter, the  
29 term:

30 (3) "Commercial or industrial zone" means a parcel of  
31 land ~~an area within 660 feet of the nearest edge of the~~



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1 ~~right-of-way of the interstate or federal-aid primary system~~  
 2 designated ~~predominately~~ for commercial or industrial use  
 3 under both the future land use map of the comprehensive plan  
 4 and the land use development regulations adopted under  
 5 pursuant to chapter 163. If a parcel is located in an area  
 6 designated for multiple uses on the future land use map of a  
 7 comprehensive plan and the land development regulations do not  
 8 clearly designate that parcel for a specific use, the area  
 9 will be considered an unzoned commercial or industrial area if  
 10 it meets the criteria of subsection (23) where a local  
 11 governmental entity has not enacted a comprehensive plan by  
 12 local ordinance but has zoning regulations governing the area,  
 13 the zoning of an area shall determine whether the area is  
 14 designated predominately for commercial or industrial uses.

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

26 (a) These activities must satisfy the following  
 27 criteria:

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

31 2. The commercial or industrial activities must be

1 within 660 feet from the nearest edge of the right-of-way.

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

4  
5 Distances specified in this paragraph must be measured from the  
6 nearest outer edge of the primary building, or primary  
7 building complex when the individual units of the complex are  
8 connected by covered walkways ~~uses located within a 1,600-foot~~  
9 ~~radius of each other and generally recognized as commercial or~~  
10 ~~industrial by zoning authorities in this state.~~

11 (b) Certain activities, including, but not limited to,  
12 the following, may not be so recognized as commercial or  
13 industrial activities:

14 1.(a) Signs.

15 2. Communication towers.

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

19 4.(c) Transient or temporary activities.

20 5.(d) Activities not visible from the main-traveled  
21 way.

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

24 7.(f) Activities conducted in a building principally  
25 used as a residence.

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

27 Section 48. Paragraph (b) of subsection (8) of section  
28 479.07, Florida Statutes, is amended to read:

29 479.07 Sign permits.--

30 (8)

31 (b) If a permittee has not submitted his or her fee

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

25 ~~1. The sign has not yet been disassembled by the~~  
26 ~~permittee;~~

27 ~~2. Conflicting applications have not been filed by~~  
28 ~~other persons;~~

29 ~~1.3. A~~ The permit reinstatement fee of up to \$300,  
30 based upon the size of the sign, is paid;

31 ~~2.4.~~ All other permit renewal and delinquent permit

1 fees due as of the reinstatement date are paid; and  
 2 ~~3.5.~~ The permittee reimburses the department for all  
 3 actual costs resulting from the permit cancellation or  
 4 nonrenewal ~~and sign removal.~~

5  
 6 Conflicting applications filed by other persons for the same  
 7 or competing site covered by a permit subject to the  
 8 provisions of this paragraph shall not be approved until after  
 9 the sign subject to the expired permit has been removed.

10 Section 49. Subsection (15) of section 479.16, Florida  
 11 Statutes, is amended to read:

12 479.16 Signs for which permits are not required.--The  
 13 following signs are exempt from the requirement that a permit  
 14 for a sign be obtained under the provisions of this chapter  
 15 but are required to comply with the provisions of s.  
 16 479.11(4)-(8):

17 (15) Signs not in excess of 16 square feet placed at a  
 18 road junction with the State Highway System denoting only the  
 19 distance or direction of a residence or farm operation, or, in  
 20 a rural area where a hardship is created because a small  
 21 business is not visible from the road junction with the State  
 22 Highway System, one sign not in excess of 16 ~~8~~ square feet,  
 23 denoting only the name of the business and the distance and  
 24 direction to the business. The small-business-sign provision  
 25 of this subsection does not apply to charter counties and may  
 26 not be implemented if the Federal Government notifies the  
 27 department that implementation will adversely affect the  
 28 allocation of federal funds to the department.

29 Section 50. Sections 341.3201, 341.321, 341.322,  
 30 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,  
 31 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,

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1 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,  
 2 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,  
 3 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,  
 4 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,  
 5 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are  
 6 hereby repealed.

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

10 And the title is amended as follows:

11       On page 1, line 3, after the semicolon,  
 12  
 13 insert  
 14       amending s. 20.23, F.S.; providing reference to  
 15       seaport programs; providing for an  
 16       organizational unit to administer said  
 17       programs; deleting reference to the Office of  
 18       Construction and including reference to the  
 19       Office of Highway Operations within the  
 20       Department of Transportation; amending s.  
 21       206.46, F.S.; increasing a percentage amount of  
 22       revenues in the State Transportation Trust Fund  
 23       to be transferred to the Right-of-Way  
 24       Acquistion and Bridge Construction Trust Fund  
 25       annually; increasing the dollar amount which  
 26       may be so transferred; creating s. 215.615,  
 27       F.S.; providing for state bonds for federal-aid  
 28       highways construction; creating s. 215.616,  
 29       F.S.; providing for the issuance of certain  
 30       revenue bonds for fixed-guideway transportation  
 31       systems; providing for an audit of the Florida

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1           Seaport Development Program; creating s.  
2           316.0815, F.S.; providing for a duty to yield  
3           for public transit vehicles; providing  
4           penalties; amending s. 316.302, F.S.; revising  
5           obsolete dates and statutory references with  
6           respect to commercial motor vehicles; amending  
7           s. 316.3025, F.S.; correcting a cross  
8           reference; amending s. 316.545, F.S.; providing  
9           a maximum penalty for operating a commercial  
10          motor vehicle when the registration or license  
11          plate has not been expired for more than 90  
12          days; prohibiting the department from seizing  
13          certain vehicles; amending s. 316.555, F.S.;  
14          providing for an exemption from locally imposed  
15          weight limits under certain circumstances;  
16          amending s. 320.0715, F.S.; providing an  
17          exemption from the International Registration  
18          Plan; amending s. 334.035, F.S.; revising  
19          language with respect to the purpose of the  
20          Florida Transportation Code; amending s.  
21          334.0445, F.S.; continuing the operation of the  
22          model career service classification and  
23          compensation plan within the Department of  
24          Transportation for a certain time period;  
25          amending s. 334.046, F.S.; revising Department  
26          of Transportation program objectives; creating  
27          s. 334.071, F.S.; providing for the legislative  
28          designation of transportation facilities;  
29          amending s. 334.351, F.S.; deleting language  
30          with respect to the total amount of youth work  
31          experience program contracts; amending s.

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1 335.0415, F.S.; revising a date with respect to  
2 public road jurisdiction; amending s. 335.093,  
3 F.S.; authorizing the department to designate  
4 public roads as scenic highways; amending s.  
5 337.025, F.S.; increasing the annual cap on  
6 transportation project contracts that use  
7 innovative construction and financing  
8 techniques; amending s. 337.11, F.S.; providing  
9 for contracts without advertising and  
10 competitive bids; repealing authority for owner  
11 controlled insurance plans in the Department of  
12 Transportation; amending s. 337.16, F.S.;  
13 revising language with respect to contractors  
14 who are delinquent with respect to contracts  
15 with the department; amending s. 337.162, F.S.;  
16 revising language with respect to professional  
17 services; amending s. 337.18, F.S.; revising  
18 language with respect to certain surety bonds;  
19 providing for bonds payable to the department  
20 rather than to the Governor; amending s.  
21 337.185, F.S.; increasing claim limits with  
22 respect to certain contractual claims governed  
23 by the State Arbitration Board; revising  
24 language with respect to hearings on certain  
25 disputes; increasing certain fees; amending s.  
26 337.19, F.S.; revising language with respect to  
27 suits at law and in equity brought by or  
28 against the department with respect to breach  
29 of an express provision or an implied covenant  
30 of a written agreement or a written directive  
31 issued by the department pursuant to the

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1 written agreement; providing for rights and  
2 obligations; prohibiting liability under  
3 certain circumstances; providing exceptions  
4 with respect to liability; providing for  
5 applicability; amending s. 337.25, F.S.;  
6 authorizing the department to purchase, lease,  
7 exchange, or otherwise acquire property  
8 interests; amending s. 337.251, F.S.;  
9 authorizing a fixed-guideway transportation  
10 system operating within the department's  
11 right-of-way to operate at any safe speed;  
12 amending s. 337.403, F.S.; authorizing the  
13 department to participate in the cost of  
14 certain clearing and grubbing with respect to  
15 utility improvement relocation; amending s.  
16 338.223, F.S.; revising language with respect  
17 to proposed turnpike projects to provide that  
18 certain requirements do not apply to hardship  
19 and protective purchases by the department of  
20 advance right-of-way; providing definitions;  
21 amending s. 338.229, F.S.; providing additional  
22 rights of the department with respect to  
23 certain bondholders; amending s. 339.135, F.S.;  
24 providing for allocation of certain new highway  
25 funds; amending s. 339.155, F.S.; revising  
26 language with respect to transportation  
27 planning; amending s. 339.175, F.S.; revising  
28 language with respect to metropolitan planning  
29 organizations; amending s. 341.031, F.S.;  
30 correcting cross references to conform to the  
31 act; amending s. 341.041, F.S.; directing the



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1 department to create and maintain a common  
2 self-retention insurance fund to support  
3 fixed-guideway projects throughout the state;  
4 amending s. 341.051, F.S.; deleting provisions  
5 which require the department to develop a  
6 specified investment policy; amending s.  
7 341.053, F.S.; providing for development of an  
8 intermodal development plan; amending s.  
9 341.302, F.S.; revising language with respect  
10 to the responsibilities of the department  
11 concerning the rail program; amending ss.  
12 348.9401, 348.941, 348.942, and 348.943, F.S.;  
13 renaming the St. Lucie County Expressway  
14 Authority as the St. Lucie County Expressway  
15 and Bridge Authority and including the Indian  
16 River Lagoon Bridge as part of the expressway  
17 and bridge system; revising power of the  
18 authority to borrow money to conform to new  
19 provisions authorizing the issuance of certain  
20 bonds; amending s. 348.944, F.S.; authorizing  
21 the authority to issue its own bonds and  
22 providing requirements therefor; creating s.  
23 348.9495, F.S.; providing exemption from  
24 taxation; amending s. 338.251, F.S.; providing  
25 that funds repaid by the authority to the Toll  
26 Facilities Revolving Trust Fund are to be  
27 loaned back to the authority for specified  
28 purposes; amending s. 373.4137, F.S.; revising  
29 language with respect to mitigation  
30 requirements; amending s. 479.01, F.S.;  
31 revising definitions; amending s. 479.07, F.S.;

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revising language with respect to sign permits;  
amending s. 479.16, F.S.; revising language  
with respect to signs for which permits are not  
required; repealing ss. 341.3201-341.386, F.S.;  
eliminating the Florida High-Speed Rail  
Transportation Act;