

1
2 An act relating to the Department of
3 Transportation; amending s. 20.23, F.S.;
4 expanding the role of the transportation
5 commission; providing loan guarantees for
6 certain businesses; amending s. 206.46, F.S.;
7 increasing the amount that may be transferred
8 into the Right-of-Way Acquisition and Bridge
9 Construction Trust Fund; requiring Department
10 of Transportation and Department of Community
11 Affairs to jointly review and submit
12 legislation implementing the recommendations of
13 the Transportation and Land Use Committee;
14 creating s. 215.615, F.S.; authorizing the
15 department and local governments to enter into
16 an interlocal agreement to provide financing
17 for fixed guideway projects; amending s.
18 316.003, F.S.; revising the definition of a
19 motorized bicycle; amending ss. 320.08,
20 320.083, 320.08035, F.S.; deleting references
21 to motorized bicycles; creating s. 316.0815,
22 F.S.; providing the duty to yield to public
23 transit vehicles reentering the flow of
24 traffic; amending s. 316.1895, F.S.;
25 authorizing local governments to request the
26 Department of Transportation to install and
27 maintain speed zones for federally funded
28 Headstart programs located on roads maintained
29 by the department; amending s. 316.302, F.S.;
30 updating references to the current federal
31 safety regulations; amending s. 316.3025, F.S.;

1 updating references to the current federal
2 safety regulations; amending s. 316.545, F.S.;
3 providing a maximum penalty for operating a
4 commercial motor vehicle when the registration
5 or license plate has not been expired for more
6 than 180 days; amending s. 320.20, F.S.,
7 relating to the disposition of motor vehicle
8 license tax moneys; providing for an audit of
9 the ports; amending s. 335.0415, F.S.;
10 clarifying the jurisdiction and responsibility
11 for operation and maintenance of roads;
12 amending s. 335.093, F.S.; authorizing the
13 department to designate public roads as scenic
14 highways; amending s. 337.11, F.S.; authorizing
15 the department to enter into contracts for
16 construction or maintenance of roadway and
17 bridge elements without competitive bidding
18 under certain circumstances; deleting the
19 provision for the owner-controlled insurance
20 plan; amending s. 337.16, F.S.; eliminating
21 intermediate delinquency as grounds for
22 suspension or revocation of a contractor's
23 certificate of qualification to bid on
24 construction contracts in excess of a specified
25 amount; amending s. 337.162, F.S.; providing
26 that department appraisers are not obligated to
27 report violations of state professional
28 licensing laws to the Department of Business
29 and Professional Regulation; amending s.
30 337.18, F.S.; deleting the schedule of contract
31 amount categories utilized to calculate

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

1 turnpike system; amending s. 339.2816, F.S.;
2 providing for the small county road assistance
3 program; amending 339.08, F.S.; conforming to
4 bill; amending s. 338.251, F.S.; providing that
5 funds repaid by the Tampa-Hillsborough County
6 Expressway Authority to the Toll Facilities
7 Revolving Trust Fund are to be loaned back to
8 the authority for specified purposes; amending
9 s. 339.155, F.S.; providing planning factors;
10 clarifying the roles of the long-range and
11 short-range components of the Florida
12 Transportation Plan; amending s. 339.175, F.S.;
13 providing planning factors; requiring a
14 recommendation for redesignation; clarifying
15 geographic boundaries of metropolitan planning
16 organizations; providing that metropolitan
17 planning organization plans must provide for
18 the development and operation of intermodal
19 transportation systems and facilities;
20 providing for reapportionment amending s.
21 341.041, F.S.; authorizing the creation and
22 maintenance of a common self-retention
23 insurance fund to support public transit
24 projects; amending s. 341.302, F.S.; relating
25 to Department of Transportation rail program;
26 amending s. 373.4137, F.S.; providing for the
27 mitigation of impacts to wetlands and other
28 sensitive habitats; amending s. 479.01, F.S.;
29 defining the terms "commercial or industrial
30 zone" and "unzoned commercial or industrial
31 area"; providing that communication towers are

1 not commercial or industrial activities;
2 amending s. 479.07, F.S.; modifying the process
3 for reinstatement of an outdoor advertising
4 sign permit; amending s. 479.16, F.S.;
5 clarifying that certain signs not in excess of
6 16 square feet are exempt from the permitting
7 process; amending s. 320.0715, F.S.; providing
8 an exemption from the International
9 Registration Plan; amending s. 334.035, F.S.;
10 revising language with respect to the purpose
11 of the Florida Transportation Code; amending s.
12 334.0445, F.S.; extending the current
13 authorization for the department's model
14 classification plan; amending s. 334.046, F.S.;
15 revising Department of Transportation program
16 objectives; creating s. 334.071, F.S.;
17 providing for the legislative designation of
18 transportation facilities; amending s. 337.025,
19 F.S.; increasing the funds Department of
20 Transportation may spend on innovative
21 projects; amending s. 339.135, F.S.; providing
22 for allocation of certain new highway funds;
23 amending s. 341.053, F.S.; providing for
24 development of an intermodal development plan;
25 amending ss. 348.9401, 348.941, 348.942, and
26 348.943, F.S.; renaming the St. Lucie County
27 Expressway Authority as the St. Lucie County
28 Expressway and Bridge Authority and including
29 the Indian River Lagoon Bridge as part of the
30 expressway and bridge system; revising power of
31 the authority to borrow money to conform to new

1 provisions authorizing the issuance of certain
2 bonds; amending s. 348.944, F.S.; authorizing
3 the authority to issue its own bonds and
4 providing requirements therefor; creating s.
5 348.9495, F.S.; providing exemption from
6 taxation; amending s. 212.055, F.S.; providing
7 flexibility in the charter county transit
8 system surtax; amending s. 348.0004, F.S.;
9 authorizing specified counties to abolish tolls
10 if an offsetting source of local revenue is
11 secured; authorizing an expressway authority to
12 consider proposals for the construction,
13 operation, ownership, or financing of
14 additional expressways; requiring prior consent
15 of the board of county commissioners of each
16 county within the boundaries of the authority;
17 authorizing MPO reapportionment for specified
18 counties; amending s. 73.015, F.S.; requiring
19 presuit negotiation before an action in eminent
20 domain may be initiated under ch. 73 or ch. 74,
21 F.S.; providing requirements for the condemning
22 authority; requiring the condemning authority
23 to give specified notices; requiring a written
24 offer of purchase and appraisal and specifying
25 the time period during which the owner may
26 respond to the offer before a condemnation
27 lawsuit may be filed; providing procedures;
28 allowing a business owner to claim business
29 damage within a specified time period;
30 providing circumstances under which the court
31 must strike a business-damage defense;

1 providing procedures for business-damage
2 claims; providing for nonbinding mediation;
3 requiring the condemning authority to pay
4 reasonable costs and attorney's fees of a
5 property owner; allowing the property owner to
6 file a complaint in circuit court to recover
7 attorney's fees and costs, if the parties
8 cannot agree on the amount; providing that
9 certain evidence is inadmissible in specified
10 proceedings; amending s. 73.071, F.S.;
11 modifying eligibility requirements for business
12 owners to claim business damages; providing for
13 future repeal; amending s. 73.091, F.S.;
14 providing that no prejudgment interest shall be
15 paid on costs or attorney's fees in eminent
16 domain; amending s. 73.092, F.S.; revising
17 provisions relating to attorney's fees for
18 business-damage claims; amending ss. 127.01 and
19 166.401, F.S.; restricting the exercise by
20 counties and municipalities of specified
21 eminent domain powers granted to the Department
22 of Transportation; repealing ss. 337.27(2),
23 337.271, 348.0008(2), 348.759(2), 348.957(2),
24 F.S., relating to limiting the acquisition cost
25 of lands and property acquired through eminent
26 domain proceedings by the Department of
27 Transportation, the Orlando-Orange County
28 Expressway Authority, or the Seminole County
29 Expressway Authority, or under the Florida
30 Expressway Authority Act, and relating to the
31 notice that the Department of Transportation

1 must give to a fee owner at the inception of
2 negotiations to acquire land; amending s.
3 479.15, F.S.; prescribing duties and
4 responsibilities of the Department of
5 Transportation and local governments with
6 respect to relocation of certain signs pursuant
7 to acquisition of land; providing for
8 application; amending ss. 20.23, 206.46,
9 288.9607, 337.29, 337.407, 338.22, 338.221,
10 338.223, 338.225, 338.227, 338.228, 338.229,
11 338.231, 338.232, 338.239, 339.08, 339.175,
12 339.241, 341.3333, 348.0005, 348.0009, 348.248,
13 348.948, 349.05, 479.01, F.S.; conforming
14 cross-references; creating s. 215.616, F.S.;
15 authorizing bonding of federal aid; repealing
16 s. 234.112, F.S., relating to school bus stops;
17 repealing s. 335.165, F.S., relating to welcome
18 stations; repealing section 137 of chapter
19 96-320, Laws of Florida, relating to certain
20 uncollectible debts owned by a local government
21 for utility relocation cost reimbursements;
22 repealing s. 339.091, F.S., relating to a
23 declaration of legislative intent; repealing s.
24 339.145, F.S., relating to certain expenditures
25 in the Working Capital Trust Fund; repealing s.
26 339.147, F.S., relating to certain audits by
27 the Auditor General; amending ss. 311.09,
28 331.303, 331.305, 331.308, 331.331, 334.03,
29 335.074, 335.182, 335.188, 336.044, 337.015,
30 337.139, 339.2405, 341.051, 341.352, 343.64,
31 343.74, 378.411, 427.012, 427.013, 951.05,

1 F.S.; deleting obsolete provisions, and, where
2 appropriate, clarifying provisions; reenacting
3 ss. 336.01, 338.222, 339.135(7)(e), 341.321(1),
4 F.S., relating to designation of county road
5 system, acquisition or construction or
6 operation of turnpike projects, amendment of
7 the adopted work program, and legislative
8 findings and intent regarding development of
9 high-speed rail transportation system;
10 providing an effective date for Senate Bill
11 182, which creates the Wireless Emergency
12 Telephone System Fund; providing an effective
13 date.

14

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

16

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

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

23 (2)

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

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

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

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. Major transportation
31 policy initiatives or revisions shall be submitted to the

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

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

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

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

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

24 d. Performing other activities of a statewide nature.

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

29 a. The Office of Administration;

30 b. The Office of Policy Planning;

31 c. The Office of Design;

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

5 3. Other offices may be established in accordance with

6 s. 20.04(6). The heads of such offices are exempt from part II

7 of chapter 110. No office or organization shall be created at

8 a level equal to or higher than a division without specific

9 legislative authority.

10 4. During the construction of a major transportation

11 improvement project or as determined by the district

12 secretary, the department may provide assistance to a business

13 entity significantly impacted by the project if the entity is

14 a for-profit entity that has been in business for 3 years

15 prior to the beginning of construction and has direct or

16 shared access to the transportation project being constructed.

17 The assistance program shall be in the form of additional

18 guarantees to assist the impacted business entity in receiving

19 loans pursuant to Title 13 C.F.R. part 120. However, in no

20 instance shall the combined guarantees be greater than 90

21 percent of the loan. The department shall adopt rules to

22 implement this subparagraph.

23 Section 2. Subsections (2) and (3) of section 206.46,

24 Florida Statutes, are amended to read:

25 206.46 State Transportation Trust Fund.--

26 (2) Notwithstanding any other provisions of law, from

27 the revenues deposited into the State Transportation Trust

28 Fund a maximum of 7 ~~6~~ percent in each fiscal year shall be

29 transferred into the Right-of-Way Acquisition and Bridge

30 Construction Trust Fund created in s. 215.605, as needed to

31 meet the requirements of the documents authorizing the bonds

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

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

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

31

1 Section 4. Section 215.615, Florida Statutes, is
2 created to read:

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

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

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

1 is contractually liable for an equal share of funding an
2 amount equal to the debt service requirements of such bonds;
3 and shall include any other terms, provisions or covenants
4 necessary to the making of and full performance under such
5 interlocal agreement. Repayments made to the department under
6 any interlocal agreement are not pledged to the repayment of
7 bonds issued hereunder, and failure of the local governmental
8 authority to make such payment shall not affect the obligation
9 of the department to pay debt service on the bonds.

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

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

28 (d) Any complaint for validation of bonds issued
29 pursuant to this section shall be filed in the circuit court
30 of the county where the seat of state government is situated,
31 the notice required to be published by s. 75.06 shall be

1 published only in the county where the complaint is filed, and
2 the complaint and order of the circuit court shall be served
3 only on the state attorney of the circuit in which the action
4 is pending.

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

11 (f) This subsection supersedes any inconsistent
12 provisions in existing law.

13
14 Notwithstanding this subsection, the lien of revenue bonds
15 issued pursuant to this subsection on moneys deposited into
16 the State Transportation Trust Fund shall be subordinate to
17 the lien on such moneys of bonds issued under ss. 215.605,
18 320.20, and 215.616, and any pledge of such moneys to pay
19 operating and maintenance expenses under subsection (5) and
20 chapter 348, as may be amended.

21 (2) To be eligible for participation, fixed-guideway
22 transportation system projects must comply with the major
23 capital investment policy guidelines and criteria established
24 by the Department of Transportation under chapter 341; must be
25 found to be consistent, to the maximum extent feasible, with
26 approved local government comprehensive plans of the local
27 governments in which such projects are located; and must be
28 included in the work program of the Department of
29 Transportation pursuant to the provisions under s. 339.135.
30 The department shall certify that the expected useful life of
31

1 the transportation improvements will equal or exceed the
2 maturity date of the debt to be issued.

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

5 316.003 Definitions.--The following words and phrases,
6 when used in this chapter, shall have the meanings
7 respectively ascribed to them in this section, except where
8 the context otherwise requires:

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

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

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

31 (1) MOTORCYCLES, and MOPEDS, ~~MOTORIZED BICYCLES.~~--

1 (a) Any motorcycle: \$10 flat.

2 (b) Any moped: \$5 flat.

3 ~~(c) Any motorized bicycle as defined in s. 316.003(2):~~
4 ~~\$5 flat; however, annual renewal is not required.~~

5 (c)~~(d)~~ Upon registration of any motorcycle,
6 motor-driven cycle, or moped there shall be paid in addition
7 to the license taxes specified in this subsection a
8 nonrefundable motorcycle safety education fee in the amount of
9 \$2.50. The proceeds of such additional fee shall be deposited
10 in the Highway Safety Operating Trust Fund and be used
11 exclusively to fund a motorcycle driver improvement program
12 implemented pursuant to s. 322.025 or the Florida Motorcycle
13 Safety Education Program established in s. 322.0255.

14 (d)~~(e)~~ An ancient, antique, or collectible motorcycle:
15 \$10 flat.

16 Section 7. Section 320.0803, Florida Statutes, is
17 amended to read:

18 320.0803 Moped ~~and motorized bicycle~~ license plates.--

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

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

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

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

5 Section 8. Section 320.08035, Florida Statutes, is
6 amended to read:

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

20 Section 9. Section 316.0815, Florida Statutes, is
21 created to read:

22 316.0815 Duty to yield to public transit vehicles.--

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

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

30 Section 10. Present subsections (2), (3), (4), (5),
31 (6), (7), (8), and (9) of section 316.1895, Florida Statutes,

1 are redesignated as subsections (3), (4), (5), (6), (7), (8),
2 (9), and (10), respectively, and a new subsection (2) is added
3 to that section to read:

4 316.1895 Establishment of school speed zones,
5 enforcement; designation.--

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

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

15 316.302 Commercial motor vehicles; safety regulations;
16 transporters and shippers of hazardous materials;
17 enforcement.--

18 (1)

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

26 (2)

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

1 harvest place directly to market. However, such person must
2 comply with 49 C.F.R. ~~part 391, subpart H~~ and parts 382, 392,
3 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and ~~s.~~396.9.

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

12 Section 12. Paragraph (c) of subsection (3) of section
13 316.3025, Florida Statutes, is amended to read:

14 316.3025 Penalties.--

15 (3)

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

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

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

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

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

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

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

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

26 Section 13. Paragraph (b) of subsection (2) of section
27 316.545, Florida Statutes, is amended to read:

28 316.545 Weight and load unlawful; special fuel and
29 motor fuel tax enforcement; inspection; penalty; review.--

30 (2)

31

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

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

6 Section 14. Subsection (4) of section 320.20, Florida
7 Statutes, is amended to read:

8 320.20 Disposition of license tax moneys.--The revenue
9 derived from the registration of motor vehicles, including any
10 delinquent fees and excluding those revenues collected and
11 distributed under the provisions of s. 320.081, must be
12 distributed monthly, as collected, as follows:

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

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

27 (b) For seaport intermodal access projects as
28 described in s. 341.053(5) that are identified in the 5-year
29 Florida Seaport Mission Plan as provided in s. 311.09(3).
30 Funding for such projects shall be on a matching basis as
31 mutually determined by the Florida Seaport Transportation and

1 Economic Development Council and the Department of
2 Transportation, provided a minimum of 25 percent of total
3 project funds shall come from any port funds, local funds,
4 private funds, or specifically earmarked federal funds; or

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

7 (d) For seaport intermodal access projects that
8 involve the dredging or deepening of channels, turning basins,
9 or harbors; or the rehabilitation of wharves, docks, or
10 similar structures. Funding for such projects shall require a
11 25 percent match of the funds received pursuant to this
12 subsection. Matching funds shall come from any port funds,
13 federal funds, local funds, or private funds.

14

15 Such revenues may be assigned, pledged, or set aside as a
16 trust for the payment of principal or interest on bonds, tax
17 anticipation certificates, or any other form of indebtedness
18 issued by an individual port or appropriate local government
19 having jurisdiction thereof, or collectively by interlocal
20 agreement among any of the ports, or used to purchase credit
21 support to permit such borrowings. However, such debt shall
22 not constitute a general obligation of the state. This state
23 does hereby covenant with holders of such revenue bonds or
24 other instruments of indebtedness issued hereunder that it
25 will not repeal or impair or amend this subsection in any
26 manner which will materially and adversely affect the rights
27 of holders so long as bonds authorized by this subsection are
28 outstanding. Any revenues that are not pledged to the
29 repayment of bonds as authorized by this section may be
30 utilized for purposes authorized under the Florida Seaport
31 Transportation and Economic Development Program. This revenue

1 source is in addition to any amounts provided for and
2 appropriated in accordance with s. 311.07 and subsection (3).
3 The Florida Seaport Transportation and Economic Development
4 Council shall approve distribution of funds to ports for
5 projects that have been approved pursuant to s. 311.09(5)-(9),
6 or for seaport intermodal access projects identified in the
7 5-year Florida Seaport Mission Plan as provided in s.
8 311.09(3) and mutually agreed upon by the FSTED Council and
9 the Department of Transportation. All contracts for actual
10 construction of projects authorized by this subsection must
11 include a provision encouraging employment of WAGES
12 participants. The goal for employment of WAGES participants
13 is 25 percent of all new employees employed specifically for
14 the project, unless the Department of Transportation and the
15 Florida Seaport Transportation and Economic Development
16 Council can demonstrate to the satisfaction of the Secretary
17 of Labor and Employment Security that such a requirement would
18 severely hamper the successful completion of the project. In
19 such an instance, the Secretary of Labor and Employment
20 Security shall establish an appropriate percentage of
21 employees that must be WAGES participants. The council and the
22 Department of Transportation are authorized to perform such
23 acts as are required to facilitate and implement the
24 provisions of this subsection. To better enable the ports to
25 cooperate to their mutual advantage, the governing body of
26 each port may exercise powers provided to municipalities or
27 counties in s. 163.01(7)(d) subject to the provisions of
28 chapter 311 and special acts, if any, pertaining to a port.
29 The use of funds provided pursuant to this subsection is
30 limited to eligible projects listed in this subsection. The
31

1 provisions of s. 311.07(4) do not apply to any funds received
2 pursuant to this subsection.

3 Section 15. Prior to the 2000 legislative session, the
4 Auditor General, in cooperation with the Office of Program
5 Policy Analysis and Government Accountability and the
6 Department of Banking and Finance, shall conduct a financial
7 and performance audit of the Florida Seaport Development
8 Program established pursuant to chapter 311 and s. 320.20,
9 Florida Statutes.

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

12 335.0415 Public road jurisdiction and transfer
13 process.--

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

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

21 335.093 Scenic highway designation.--

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

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

1 337.11 Contracting authority of department; bids;
2 emergency repairs, supplemental agreements, and change orders;
3 combined design and construction contracts; progress payments;
4 records; requirements of vehicle registration.--

5 (6)

6 (c) When the department determines that it is in the
7 best interest of the public for reasons of public concern,
8 economy, improved operations or safety, and only when
9 circumstances dictate rapid completion of the work, the
10 department may, up to the threshold amount provided in s.
11 287.017 for CATEGORY FOUR, enter into contracts for
12 construction and maintenance without advertising and receiving
13 competitive bids. However, if legislation is enacted by the
14 Legislature which changes the category thresholds, the
15 threshold amount shall remain at \$60,000. The department may
16 enter into such contracts only upon a determination that the
17 work is necessary for one of the following reasons:

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

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

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

26
27 The department shall make a good-faith effort to obtain two or
28 more quotes, if available, from qualified contractors before
29 entering into any contract. The department shall give
30 consideration to disadvantaged business enterprise
31 participation. However, when the work exists within the limits

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

4 ~~(16) The department is authorized to undertake and~~
5 ~~contract to provide an owner controlled insurance plan (OCIP)~~
6 ~~on any construction project or group of related construction~~
7 ~~projects if the head of the department determines that an OCIP~~
8 ~~will be both cost-effective for the department and otherwise~~
9 ~~in its best interests. Such OCIP may provide insurance~~
10 ~~coverage for the department and for worker's compensation and~~
11 ~~employers liability and general liability and builders risk~~
12 ~~for contractors and subcontractors, for and in conjunction~~
13 ~~with any or all work performed on such projects. The~~
14 ~~department may directly purchase such coverage in the manner~~
15 ~~provided for the purchase of commodities pursuant to s.~~
16 ~~287.057, or self-insure, or use a combination thereof, any~~
17 ~~other statutory provisions or limitations on self-insurance or~~
18 ~~purchase of insurance notwithstanding. The department's~~
19 ~~authority hereunder includes the purchase of risk management,~~
20 ~~risk and loss control, safety management, investigative and~~
21 ~~claims adjustment services, advancement of funds for payment~~
22 ~~of claims, and other services reasonably necessary to process~~
23 ~~and pay claims under and administer the OCIP. In addition to~~
24 ~~any prequalification required under s. 337.14, no contractor~~
25 ~~shall be prequalified to bid on an OCIP project unless the~~
26 ~~contractor's casualty and loss experience and safety record~~
27 ~~meets the minimum requirements for OCIP coverage issuance on~~
28 ~~the project, were the contractor to be awarded the project.~~
29 ~~Exercise of the department's authority under this subsection~~
30 ~~shall not be deemed a waiver of sovereign immunity.~~

31

1 Section 19. Paragraph (a) of subsection (1) of section
2 337.16, Florida Statutes, is amended to read:

3 337.16 Disqualification of delinquent contractors from
4 bidding; determination of contractor nonresponsibility;
5 denial, suspension, and revocation of certificates of
6 qualification; grounds; hearing.--

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

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

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

25 337.162 Professional services.--Professional services
26 provided to the department that fall below acceptable
27 professional standards may result in transportation project
28 delays, overruns, and reduced facility life. To minimize these
29 effects and ensure that quality services are received, the
30 Legislature hereby declares that licensed professionals shall
31

1 be held accountable for the quality of the services they
2 provide to the department.

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

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

20 337.18 Surety bonds; requirement with respect to
21 contract award; defaults; damage assessments.--

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

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

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

1 costs experienced by the department on contracts over the 2
2 preceding fiscal years. The schedule shall also include
3 anticipated costs of project-related delays and inconveniences
4 to the department and traveling public. Anticipated costs may
5 include, but are not limited to, road user costs, a portion of
6 the projected revenues that will be lost due to failure to
7 timely open a project to revenue-producing traffic, costs
8 resulting from retaining detours for an extended time, and
9 other similar costs. ~~The schedule shall be divided into the~~
10 ~~following categories, based on the original contract amounts:~~

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

20
21 Any such liquidated damages paid to the department shall be
22 deposited to the credit of the fund from which payment for the
23 work contracted was authorized.

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

26 337.185 State Arbitration Board.--

27 (1) To facilitate the prompt settlement of claims for
28 additional compensation arising out of construction contracts
29 between the department and the various contractors with whom
30 it transacts business, the Legislature does hereby establish
31 the State Arbitration Board, referred to in this section as

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

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

27 (3) A hearing may be requested by the department or by
28 a contractor who has a dispute with the department which,
29 under the rules of the board, may be the subject of
30 arbitration. The board shall conduct the hearing within 45
31 days of the request. The party requesting the board's

1 consideration shall give notice of the hearing to each member.
2 If the board finds that a third party is necessary to resolve
3 the dispute, the board may vote to dismiss the claim, which
4 may thereafter be pursued in accordance with the laws of the
5 state in a court of law.

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

22 (8) The party requesting arbitration shall pay a fee
23 to the board in accordance with a schedule established by it,
24 not to exceed \$500 per claim which is \$25,000 or less, not to
25 exceed \$1,000 per claim which is in excess of \$25,000 but not
26 exceeding \$50,000, not to exceed \$1,500 per claim which is in
27 excess of \$50,000 but not exceeding \$100,000, not to exceed
28 \$2,000 per claim which is in excess of \$100,000 but not
29 exceeding \$200,000, ~~and~~ not to exceed \$3,000~~\$2,500~~ per claim
30 which is in excess of \$200,000 but not exceeding \$300,000
31 ~~\$250,000~~, not to exceed \$4,000 per claim which is in excess of

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

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

7 337.25 Acquisition, lease, and disposal of real and
8 personal property.--

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

18 (4) The department may sell, in the name of the state,
19 any land, building, or other property, real or personal, which
20 was acquired under the provisions of subsection (1) and which
21 the department has determined is not needed for the
22 construction, operation, and maintenance of a transportation
23 facility. With the exception of any parcel governed by
24 paragraph (c), paragraph (d), paragraph (f), paragraph (g), or
25 paragraph (i), the department shall afford first right of
26 refusal to the local government in the jurisdiction of which
27 the parcel is situated. When such a determination has been
28 made, property may be disposed of in the following manner:

29 (i) If property was originally acquired specifically
30 to provide replacement housing for persons displaced by
31 ~~federally assisted~~ transportation projects, the department may

1 negotiate for the sale of such property as replacement
2 housing. As compensation, the state shall receive no less than
3 its investment in such properties or fair market value,
4 whichever is lower. It is expressly intended that this benefit
5 be extended only to those persons actually displaced by such
6 project. Dispositions to any other persons must be for fair
7 market value.

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

10 337.251 Lease of property for joint public-private
11 development and areas above or below department property.--

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

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

19 337.403 Relocation of utility; expenses.--

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

30 (a) If the relocation of utility facilities, as
31 referred to in s. 111 of the Federal-Aid Highway Act of 1956,

1 Pub. L. No. 627 of the 84th Congress, is necessitated by the
2 construction of a project on the federal-aid interstate
3 system, including extensions thereof within urban areas, and
4 the cost of such project is eligible and approved for
5 reimbursement by the Federal Government to the extent of 90
6 percent or more under the Federal Aid Highway Act, or any
7 amendment thereof, then in that event the utility owning or
8 operating such facilities shall relocate such facilities upon
9 order of the department, and the state shall pay the entire
10 expense properly attributable to such relocation after
11 deducting therefrom any increase in the value of the new
12 facility and any salvage value derived from the old facility.

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

27 (c) When an agreement between the department and
28 utility is executed for utility improvement, relocation, or
29 removal work to be accomplished in advance of a contract for
30 construction of a transportation facility, the department may
31

1 participate in the cost of clearing and grubbing necessary to
2 perform such work.

3 Section 26. Subsection (18) is added to section
4 373.414, Florida Statutes, to read:

5 373.414 Additional criteria for activities in surface
6 waters and wetlands.--

7 (18) MITIGATION STUDIES.--

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

12 (b) The Office of Program Policy Analysis and
13 Government Accountability shall study the mitigation options
14 as defined by s. 373.414(1)(b), implemented from 1994 to the
15 present, and issue a report by January 31, 2000. The study
16 shall consider the effectiveness and costs of the current
17 mitigation options in offsetting adverse effects to wetlands
18 and wetland functions, including the application of cumulative
19 impact considerations, and identify, as appropriate,
20 recommendations for statutory or rule changes to increase the
21 effectiveness of mitigation strategies.

22 Section 27. Paragraph (b) of subsection (2) of section
23 338.223, Florida Statutes, is amended to read:

24 338.223 Proposed turnpike projects.--

25 (2)

26 (b) In accordance with the legislative intent
27 expressed in s. 337.273, and after the requirements of
28 paragraph (1)(c) have been met,the department may acquire
29 lands and property before making a final determination of the
30 economic feasibility of a project. The requirements of
31 paragraph (1)(c) do not apply to hardship and protective

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

24 Section 28. Section 338.229, Florida Statutes, is
25 amended to read:

26 338.229 Pledge to bondholders not to restrict certain
27 rights of department.--The state does pledge to, and agree
28 with, the holders of the bonds issued pursuant to ss.
29 338.22-338.241 ~~ss. 338.22-338.244~~ that the state will not
30 limit or restrict the rights vested in the department to
31 construct, reconstruct, maintain, and operate any turnpike

1 project as defined in ss. 338.22-338.241 ~~ss. 338.22-338.244~~ or
2 to establish and collect such tolls or other charges as may be
3 convenient or necessary to produce sufficient revenues to meet
4 the expenses of maintenance and operation of the turnpike
5 system and to fulfill the terms of any agreements made with
6 the holders of bonds authorized by this act and that the state
7 will not in any way impair the rights or remedies of the
8 holders of such bonds until the bonds, together with interest
9 on the bonds, are fully paid and discharged. In implementing
10 this section, the department is specifically authorized to
11 provide for further restrictions on the sale, transfer, lease,
12 or other disposition or operation of any portion of the
13 turnpike system which reduces the revenue available for
14 payment to bondholders.

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

17 338.251 Toll Facilities Revolving Trust Fund.--The
18 Toll Facilities Revolving Trust Fund is hereby created for the
19 purpose of encouraging the development and enhancing the
20 financial feasibility of revenue-producing road projects
21 undertaken by local governmental entities in a county or
22 combination of contiguous counties.

23 (10) Any repayment of prior or future advances made
24 from the State Transportation Trust Fund which were used to
25 fund any project phase of a toll facility, shall be deposited
26 in the Toll Facilities Revolving Trust Fund. However, when
27 funds advanced to the Seminole County Expressway Authority
28 pursuant to this section are repaid to the Toll Facilities
29 Revolving Trust Fund by or on behalf of the Seminole County
30 Expressway Authority, those funds shall thereupon and
31 forthwith be appropriated for and advanced to the Seminole

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

24 Section 30. Section 339.2816, Florida Statutes, is
25 created to read:

26 339.2816 Small County Road Assistance Program;
27 definitions; program funding; funding eligibility; project
28 contract administration.--

29 (1) There is created within the Department of
30 Transportation the Small County Road Assistance Program. The
31

1 purpose of this program is to assist small county governments
2 in resurfacing or reconstructing county roads.

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

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

11 (5)(a) Small counties shall be eligible to compete for
12 funds that have been designated for the Small County Road
13 Assistance Program for resurfacing or reconstruction projects
14 on county roads that were part of the county road system on
15 June 10, 1995. Capacity improvements on county roads shall not
16 be eligible for funding under the program.

17 (b) In determining a county's eligibility for
18 assistance under this program, the department may consider
19 whether the county has attempted to keep county roads in
20 satisfactory condition, including the amount of local option
21 fuel tax and ad valorem millage rate imposed by the county.
22 The department may also consider the extent to which the
23 county has offered to provide a match of local funds with
24 state funds provided under the program. At a minimum, small
25 counties shall be eligible only if:

26 1. The county has enacted the maximum rate of the
27 local option fuel tax authorized by s. 336.025(1)(a), and has
28 imposed an ad valorem millage rate of at least 8 mills, or

29 2. The county has imposed an ad valorem millage rate
30 of 10 mills.

31

1 (c) The following criteria shall be used to prioritize
2 road projects for funding under the program:

3 1. The primary criterion is the physical condition of
4 the road as measured by the department.

5 2. As secondary criteria the department may consider:

6 a. Whether a road is used as an evacuation route.

7 b. Whether a road has high levels of agricultural
8 travel.

9 c. Whether a road is considered a major arterial
10 route.

11 d. Whether a road is considered a feeder road.

12 e. Other criteria related to the impact of a project
13 on the public road system or on the state or local economy as
14 determined by the department.

15 (6) The department is authorized to administer
16 contracts on behalf of a county selected to receive funding
17 for a project under this section. All projects funded under
18 this section shall be included in the department's work
19 program developed pursuant to s. 339.135.

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

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

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

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

31

1 Section 32. Section 339.155, Florida Statutes, is
2 amended to read:

3 339.155 Transportation planning.--

4 (1) THE FLORIDA TRANSPORTATION PLAN.--The department
5 shall develop and annually update a statewide transportation
6 plan, to be known as the Florida Transportation Plan. The
7 plan shall be designed so as to be easily read and understood
8 by the general public.

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

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

27 (a) ~~The Florida Transportation Plan shall consider the~~
28 ~~needs of the entire state transportation system, examine the~~
29 ~~use of all modes of transportation to effectively and~~
30 ~~efficiently meet such needs, and provide for the~~
31 ~~interconnection of all types of modes in a comprehensive~~

- 1 ~~intermodal transportation system. In developing the Florida~~
2 ~~Transportation Plan, the department shall carry out a~~
3 ~~transportation planning process that provides for~~
4 ~~consideration of projects and strategies that will consider~~
5 ~~the following:~~
- 6 1. Support the economic vitality of the United States,
7 Florida, and the metropolitan areas, especially by enabling
8 global competitiveness, productivity, and efficiency;
 - 9 2. Increase the safety and security of the
10 transportation system for motorized and nonmotorized users;
 - 11 3. Increase the accessibility and mobility options
12 available to people and for freight;
 - 13 4. Protect and enhance the environment, promote energy
14 conservation, and improve quality of life;
 - 15 5. Enhance the integration and connectivity of the
16 transportation system, across and between modes throughout
17 Florida, for people and freight;
 - 18 6. Promote efficient system management and operation;
19 and
 - 20 7. Emphasize the preservation of the existing
21 transportation system.
- 22 (b) Additionally, the department shall consider:
- 23 1. With respect to nonmetropolitan areas, the concerns
24 of local elected officials representing units of general
25 purpose local government;
 - 26 2. The concerns of Indian tribal governments and
27 federal land management agencies that have jurisdiction over
28 land within the boundaries of Florida; and
 - 29 3. Coordination of transportation plans, programs, and
30 planning activities with related planning activities being
31 carried out outside of metropolitan planning areas.

1 (c)~~(a)~~ The results of the management systems required
2 pursuant to federal laws and regulations.

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

5 (e)~~(c)~~ Strategies for incorporating bicycle
6 transportation facilities and pedestrian walkways in projects
7 where appropriate throughout the state.

8 (f)~~(d)~~ International border crossings and access to
9 ports, airports, intermodal transportation facilities, major
10 freight distribution routes, national parks, recreation and
11 scenic areas, monuments and historic sites, and military
12 installations.

13 (g)~~(e)~~ The transportation needs of nonmetropolitan
14 areas through a process that includes consultation with local
15 elected officials with jurisdiction over transportation.

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

21 (i)~~(g)~~ Connectivity between metropolitan areas within
22 the state and with metropolitan areas in other states.

23 (j)~~(h)~~ Recreational travel and tourism.

24 (k)~~(i)~~ Any state plan developed pursuant to the
25 Federal Water Pollution Control Act.

26 (l)~~(j)~~ Transportation system management and investment
27 strategies designed to make the most efficient use of existing
28 transportation facilities.

29 (m)~~(k)~~ The total social, economic, energy, and
30 environmental effects of transportation decisions on the
31 community and region.

1 (n)~~(l)~~ Methods to manage traffic congestion and to
2 prevent traffic congestion from developing in areas where it
3 does not yet occur, including methods which reduce motor
4 vehicle travel, particularly single-occupant vehicle travel.

5 (o)~~(m)~~ Methods to expand and enhance transit services
6 and to increase the use of such services.

7 (p)~~(n)~~ The effect of transportation decisions on land
8 use and land development, including the need for consistency
9 between transportation decisionmaking and the provisions of
10 all applicable short-range and long-range land use and
11 development plans.

12 (q)~~(o)~~ Where appropriate, the use of innovative
13 mechanisms for financing projects, including value capture
14 pricing, tolls, and congestion pricing.

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

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

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

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

27 (v)~~(t)~~ Investment strategies to improve adjoining
28 state and local roads that support rural economic growth and
29 tourism development, federal agency renewable resources
30 management, and multipurpose land management practices,
31 including recreation development.

1 ~~(w)(u)~~ The concerns of Indian tribal governments
2 having jurisdiction over lands within the boundaries of the
3 state.

4 ~~(x)(v)~~ A seaport or airport master plan, which has
5 been incorporated into an approved local government
6 comprehensive plan, and the linkage of transportation modes
7 described in such plan which are needed to provide for the
8 movement of goods and passengers between the seaport or
9 airport and the other transportation facilities.

10 ~~(y)(w)~~ The joint use of transportation corridors and
11 major transportation facilities for alternate transportation
12 and community uses.

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

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

25 (a) A long-range component documenting the goals and
26 long-term objectives necessary to implement the results of the
27 department's findings from its examination of the criteria
28 listed in subsection (2). The long-range component must be
29 developed in cooperation with the metropolitan planning
30 organizations and reconciled, to the maximum extent feasible,
31 with the long-range plans developed by metropolitan planning

1 organizations pursuant to s. 339.175. The plan must also be
2 developed in consultation with affected local officials in
3 nonmetropolitan areas and with any affected Indian tribal
4 governments.The plan must provide an examination of
5 transportation issues likely to arise during at least a
6 20-year period. The long-range component shall be updated at
7 least once every 5 years, or more often as necessary, to
8 reflect substantive changes to federal or state law.

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

28 (4) ANNUAL PERFORMANCE REPORT.--The department shall
29 develop an annual performance report evaluating the operation
30 of the department for the preceding fiscal year. The report,
31 which shall meet the requirements of s. 186.022, shall also

1 include a summary of the financial operations of the
2 department and shall annually evaluate how well the adopted
3 work program meets the short-term objectives contained in the
4 short-range component of the Florida Transportation Plan. In
5 addition to the entities listed in s. 186.022, this
6 performance report shall also be submitted to the Florida
7 Transportation Commission and the legislative appropriations
8 and transportation committees.

9 (5) ADDITIONAL TRANSPORTATION PLANS.--

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

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

1 be developed consistent, to the maximum extent feasible, with
2 the regional transportation goals and policies. The regional
3 planning council shall review urbanized area transportation
4 plans and any other planning products stipulated in s. 339.175
5 and provide the department and respective metropolitan
6 planning organizations with written recommendations which the
7 department and the metropolitan planning organizations shall
8 take under advisement. Further, the regional planning
9 councils shall directly assist local governments which are not
10 part of a metropolitan area transportation planning process in
11 the development of the transportation element of their
12 comprehensive plans as required by s. 163.3177.

13 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN
14 TRANSPORTATION PLANNING.--

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

31

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

19 (c) Opportunity for design hearings:

20 1. The department, prior to holding a design hearing,
21 shall duly notice all affected property owners of record, as
22 recorded in the property appraiser's office, by mail at least
23 20 days prior to the date set for the hearing. The affected
24 property owners shall be:

25 a. Those whose property lies in whole or in part
26 within 300 feet on either side of the centerline of the
27 proposed facility.

28 b. Those who the department determines will be
29 substantially affected environmentally, economically,
30 socially, or safetywise.

31

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

5 3. A copy of the notice of opportunity for the hearing
6 shall be furnished to the United States Department of
7 Transportation and to the appropriate departments of the state
8 government at the time of publication.

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

14 5. The opportunity for a hearing shall be afforded in
15 each case in which the department is in doubt as to whether a
16 hearing is required.

17 Section 33. Section 339.175, Florida Statutes, is
18 amended to read:

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

1 plans and programs for metropolitan areas. The plans and
2 programs for each metropolitan area must provide for the
3 development and integrated management and operation of
4 transportation systems and facilities, including pedestrian
5 walkways and bicycle transportation facilities that will
6 function as an intermodal transportation system for the
7 metropolitan area ~~Such plans and programs must provide for the~~
8 ~~development of transportation facilities that will function as~~
9 ~~an intermodal transportation system for the metropolitan area.~~
10 The process for developing such plans and programs shall
11 provide for consideration of all modes of transportation and
12 shall be continuing, cooperative, and comprehensive, to the
13 degree appropriate, based on the complexity of the
14 transportation problems to be addressed.

15 (1) DESIGNATION.--

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

25 2. More than one M.P.O. may be designated within an
26 existing metropolitan planning area ~~urbanized area~~ only if the
27 Governor and the existing M.P.O. determine ~~determines~~ that the
28 size and complexity of the existing metropolitan planning area
29 makes ~~justifies~~ the designation of more than one M.P.O. for
30 the area appropriate ~~multiple M.P.O.'s~~.

31

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

8 (c) The jurisdictional boundaries of an M.P.O. shall
9 be determined by agreement between the Governor and the
10 applicable M.P.O. The boundaries must include at least the
11 metropolitan planning area, which is the existing urbanized
12 area and the contiguous area expected to become urbanized
13 within a 20-year forecast period, ~~at a minimum, the~~
14 metropolitan area and may encompass ~~include~~ the entire
15 metropolitan statistical area or the consolidated metropolitan
16 statistical area.

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

30
31

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

1 ~~M.P.O., they shall be provided voting membership on the M.P.O.~~
2 The county commission shall compose not less than 20 percent
3 of the M.P.O. membership if an official of an agency that
4 operates or administers a major mode of transportation has
5 been appointed to an M.P.O.

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

16 (c) Any other provision of this section to the contrary
17 notwithstanding, a chartered county with over 1 million
18 population may elect to reapportion the membership of an
19 M.P.O. whose jurisdiction is wholly within the county. The
20 charter county may exercise the provisions of this paragraph
21 if:

22 1. The M.P.O. approves the reapportionment plan by a
23 3/4 vote of its membership;

24 2. The M.P.O. and the charter county determine that
25 the reapportionment plan is needed to fulfill specific goals
26 and policies applicable to that metropolitan planning area;
27 and

28 3. The charter county determines the reapportionment
29 plan otherwise complies with all federal requirements
30 pertaining to M.P.O. membership.

31

1 Any charter county that elects to exercise the provisions of
2 this paragraph shall notify the Governor in writing.

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

18 (3) APPORTIONMENT.--

19 (a) The Governor shall, with the agreement of the
20 affected units of general-purpose local government as required
21 by federal rules and regulations, apportion the membership on
22 the applicable M.P.O. among the various governmental entities
23 within the area and shall prescribe a method for appointing
24 alternate members who may vote at any M.P.O. meeting that an
25 alternate member attends in place of a regular member. An
26 appointed alternate member must be an elected official serving
27 the same governmental entity or a general-purpose local
28 government with jurisdiction within all or part of the area
29 that the regular member serves. The governmental entity so
30 designated shall appoint the appropriate number of members to
31 the M.P.O. from eligible officials. Representatives of the

1 department shall serve as nonvoting members of the M.P.O.
2 Nonvoting advisers may be appointed by the M.P.O. as deemed
3 necessary. The Governor shall review the composition of the
4 M.P.O. membership in conjunction with the decennial census as
5 prepared by the United States Department of Commerce, Bureau
6 of Census ~~at least every 5 years~~ and reapportion it as
7 necessary to comply with subsection (2).

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

25 (c) If a governmental entity fails to fill an assigned
26 appointment to an M.P.O. within 60 days after notification by
27 the Governor of its duty to appoint, that appointment shall be
28 made by the Governor from the eligible representatives of that
29 governmental entity.

30 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
31 responsibility of an M.P.O. is to manage a continuing,

1 cooperative, and comprehensive transportation planning process
2 that results in the development of plans and programs which
3 are consistent, to the maximum extent feasible, with the
4 approved local government comprehensive plans of the units of
5 local government the boundaries of which are within the
6 metropolitan area of the M.P.O. An M.P.O. shall be the forum
7 for cooperative decisionmaking by officials of the affected
8 governmental entities in the development of the plans and
9 programs required by subsections (5), (6), (7), and (8).

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

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

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

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

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

30 (b) In developing the long-range transportation plan
31 and the transportation improvement program required under

1 paragraph (a), each M.P.O. shall provide for consideration of
2 projects and strategies that will ~~must, at a minimum,~~
3 ~~consider:~~

- 4 1. Support the economic vitality of the metropolitan
5 area, especially by enabling global competitiveness,
6 productivity, and efficiency;
- 7 2. Increase the safety and security of the
8 transportation system for motorized and nonmotorized users;
- 9 3. Increase the accessibility and mobility options
10 available to people and for freight;
- 11 4. Protect and enhance the environment, promote energy
12 conservation, and improve quality of life;
- 13 5. Enhance the integration and connectivity of the
14 transportation system, across and between modes, for people
15 and freight;
- 16 6. Promote efficient system management and operation;
17 and
- 18 7. Emphasize the preservation of the existing
19 transportation system.

20 ~~1. The preservation of existing transportation~~
21 ~~facilities and, where practical, ways to meet transportation~~
22 ~~needs by using existing facilities more efficiently;~~

23 (c) Additionally, each MPO shall consider:

- 24 ~~1.2.~~ The consistency of transportation planning with
25 applicable federal, state, and local energy conservation
26 programs, goals, and objectives;
- 27 ~~3. The need to relieve congestion and prevent~~
28 ~~congestion from occurring where it does not yet occur;~~
- 29 ~~2.4.~~ The likely effect of transportation policy
30 decisions on land use and development and the consistency of
31

1 transportation plans and programs with all applicable
2 short-term and long-term land use and development plans;
3 ~~5. The programming of transportation enhancement~~
4 ~~activities as required by federal law;~~
5 ~~6. The effect of all transportation projects to be~~
6 ~~undertaken in the metropolitan area, without regard to whether~~
7 ~~such projects are publicly funded;~~
8 ~~7. The provision of access to seaports, airports,~~
9 ~~intermodal transportation facilities, major freight~~
10 ~~distribution routes, national and state parks, recreation~~
11 ~~areas, monuments and historic sites, and military~~
12 ~~installations;~~
13 ~~8. The need for roads within the metropolitan area to~~
14 ~~efficiently connect with roads outside the metropolitan area;~~
15 ~~9. The transportation needs identified through the use~~
16 ~~of transportation management systems required by federal or~~
17 ~~state law;~~
18 3.10. The preservation of rights-of-way for
19 construction of future transportation projects, including the
20 identification of unused rights-of-way that may be needed for
21 future transportation corridors and the identification of
22 corridors for which action is most needed to prevent
23 destruction or loss;
24 ~~11. Any available methods to enhance the efficient~~
25 ~~movement of freight;~~
26 ~~12. The use of life-cycle costs in the design and~~
27 ~~engineering of bridges, tunnels, or pavement;~~
28 4.13. The overall social, economic, energy, and
29 environmental effects of transportation decisions; and
30 ~~5.14. Any~~ Available methods to expand or enhance
31 transit services and increase the use of such services. ~~;~~ and

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

4 1. Prepare a congestion management system for the
5 metropolitan area and cooperate with the department in the
6 development of all other transportation management systems
7 required by state or federal law;

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

10 3. Assist the department in performing its duties
11 relating to access management, functional classification of
12 roads, and data collection;

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

15 5. Represent all the jurisdictional areas within the
16 metropolitan area in the formulation of transportation plans
17 and programs required by this section; and

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

20 ~~(d)~~(e) Each M.P.O. shall appoint a technical advisory
21 committee that includes planners; engineers; representatives
22 of local aviation authorities, port authorities, and public
23 transit authorities or representatives of aviation
24 departments, seaport departments, and public transit
25 departments of municipal or county governments, as applicable;
26 the school superintendent of each county within the
27 jurisdiction of the M.P.O. or the superintendent's designee;
28 and other appropriate representatives of affected local
29 governments. In addition to any other duties assigned to it by
30 the M.P.O. or by state or federal law, the technical advisory
31 committee is responsible for identifying projects contained in

1 the long-range transportation plan or transportation
2 improvement program which deserve to be classified as a school
3 safety concern. Upon receipt of the recommendation from the
4 technical advisory committee that a project should be so
5 classified, the M.P.O. must vote on whether to classify a
6 particular project as a school safety concern. If the M.P.O.
7 votes that a project should be classified as a school safety
8 concern, the local governmental entity responsible for the
9 project must consider at least two alternatives before making
10 a decision about project location or alignment.

11 (f)~~(e)~~1. Each M.P.O. shall appoint a citizens'
12 advisory committee, the members of which serve at the pleasure
13 of the M.P.O. The membership on the citizens' advisory
14 committee must reflect a broad cross section of local
15 residents with an interest in the development of an efficient,
16 safe, and cost-effective transportation system. Minorities,
17 the elderly, and the handicapped must be adequately
18 represented.

19 2. Notwithstanding the provisions of subparagraph 1.,
20 an M.P.O. may, with the approval of the department and the
21 applicable federal governmental agency, adopt an alternative
22 program or mechanism to ensure citizen involvement in the
23 transportation planning process.

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

28 (h)~~(g)~~ Each M.P.O. may employ personnel or may enter
29 into contracts with local or state agencies, private planning
30 firms, or private engineering firms to accomplish its

31

1 transportation planning and programming duties required by
2 state or federal law.

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

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

29 (b) Include a financial plan that demonstrates how the
30 plan can be implemented, indicating resources from public and
31 private sources which are reasonably expected to be available

1 to carry out the plan, and recommends any additional financing
2 strategies for needed projects and programs. The financial
3 plan may include, for illustrative purposes, additional
4 projects that would be included in the adopted long-range
5 transportation plan if reasonable additional resources beyond
6 those identified in the financial plan were available. For the
7 purpose of developing the long-range transportation plan, the
8 M.P.O. and the department shall cooperatively develop
9 estimates of funds that will be available to support the plan
10 implementation. Innovative financing techniques ~~that~~ may be
11 used to fund needed projects and programs. Such techniques
12 may include the assessment of tolls, the use of value capture
13 financing, or the use of value ~~congestion~~ pricing.

14 (c) Assess capital investment and other measures
15 necessary to:

16 1. Ensure the preservation of the existing
17 metropolitan transportation system including requirements for
18 the operation, resurfacing, restoration, and rehabilitation of
19 major roadways and requirements for the operation,
20 maintenance, modernization, and rehabilitation of public
21 transportation facilities; and

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

25 (d) Indicate, as appropriate, proposed transportation
26 enhancement activities, including, but not limited to,
27 pedestrian and bicycle facilities, scenic easements,
28 landscaping, historic preservation, mitigation of water
29 pollution due to highway runoff, and control of outdoor
30 advertising.

31

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

8
9 In the development of its long-range transportation plan, each
10 M.P.O. must provide the public, affected public agencies,
11 representatives of transportation agency employees, freight
12 shippers, providers of freight transportation services,
13 private providers of transportation, representatives of users
14 of public transit, and other interested parties, ~~and members~~
15 ~~of the general public~~ with a reasonable opportunity to comment
16 on the long-range transportation plan. The long-range
17 transportation plan must be approved by the M.P.O.

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

30 (a) Each M.P.O. is responsible for developing,
31 annually, a list of project priorities and a transportation

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

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

- 27 1. The approved M.P.O. long-range transportation plan;
- 28 2. The results of the transportation management
29 systems; and
- 30 3. The M.P.O.'s public-involvement procedures.

31

1 (c) The transportation improvement program must, at a
2 minimum:

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

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

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

1 can reasonably be anticipated to be available for the project
2 or project phase within the time period contemplated for
3 completion of the project or project phase.

4 4. Group projects and project phases of similar
5 urgency and anticipated staging into appropriate staging
6 periods.

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

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

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

26 (d) Projects included in the transportation
27 improvement program and that have advanced to the design stage
28 of preliminary engineering may be removed from or rescheduled
29 in a subsequent transportation improvement program only by the
30 joint action of the M.P.O. and the department. Except when
31 recommended in writing by the district secretary for good

1 cause, any project removed from or rescheduled in a subsequent
2 transportation improvement program shall not be rescheduled by
3 the M.P.O. in that subsequent program earlier than the 5th
4 year of such program.

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

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

30 (g)~~(f)~~ The Department of Community Affairs shall
31 review the annual transportation improvement program of each

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

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

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

25 (9) AGREEMENTS.--

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

29 1. An agreement with the department clearly
30 establishing the cooperative relationship essential to
31

1 accomplish the transportation planning requirements of state
2 and federal law.

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

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

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

19 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
20 COUNCIL.--

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

25 (b) The council shall consist of one representative
26 from each M.P.O. and shall elect a chairperson annually from
27 its number. Each M.P.O. shall also elect an alternate
28 representative from each M.P.O. to vote in the absence of the
29 representative. Members of the council do not receive any
30 compensation for their services, but may be reimbursed from
31 funds made available to council members for travel and per

1 diem expenses incurred in the performance of their council
2 duties as provided in s. 112.061.

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

5 1. Enter into contracts with individuals, private
6 corporations, and public agencies.

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

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

11 4. Establish bylaws and adopt rules pursuant to ss.
12 120.536(1) and 120.54 to implement provisions of law
13 conferring powers or duties upon it.

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

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

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

31

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

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

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

16 341.041 Transit responsibilities of the
17 department.--The department shall, within the resources
18 provided pursuant to chapter 216:

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

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

27 341.302 Rail program, duties and responsibilities of
28 the department.--The department, in conjunction with other
29 governmental units and the private sector, shall develop and
30 implement a rail program of statewide application designed to
31 ensure the proper maintenance, safety, revitalization, and

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

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

9 (8) Conduct, at a minimum, inspections of track and
10 rolling stock, train signals and related equipment, hazardous
11 materials transportation, including the loading, unloading,
12 and labeling of hazardous materials at shippers', receivers',
13 and transfer points, and train operating practices to
14 determine adherence to state and federal standards.

15 Department personnel may enforce any safety regulation issued
16 under the Federal Government's preemptive authority over
17 interstate commerce.

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

21 373.4137 Mitigation requirements.--

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

25 (a) By May 1 of each year ~~Beginning July 1996,~~ the
26 Department of Transportation shall submit ~~annually~~ to the
27 Department of Environmental Protection and the water
28 management districts a copy of its adopted work program and an
29 inventory of habitats addressed in the rules tentatively,
30 ~~adopted~~ pursuant to this part and s. 404 of the Clean Water
31 Act, 33 U.S.C. s. 1344, which may be impacted by its plan of

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

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

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

1 ~~and Ecosystem Management and Restoration Trust Fund~~ to the
2 water management districts to carry out the mitigation
3 programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13

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

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

23 1.(a) Signs.

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

27 3.(c) Transient or temporary activities.

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

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

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

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

4 8. Communication towers.

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

7 479.07 Sign permits.--

8 (8)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Section 42. Subsection (1) of section 334.0445,
6 Florida Statutes, 1998 Supplement, is amended to read:

7 334.0445 Model career service classification and
8 compensation plan.--

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

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

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

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

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

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

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

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

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

11 (b) Preservation of the transportation system.

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

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

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

18 334.071 Legislative designation of transportation
19 facilities.--

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

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

1 department to place other markers as appropriate for the
2 transportation facility being designated.

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

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

29 Section 46. Paragraph (a) of subsection (4) of section
30 339.135, Florida Statutes, is amended to read:

31

1 339.135 Work program; legislative budget request;
2 definitions; preparation, adoption, execution, and
3 amendment.--

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

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

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

1 Section 47. Subsections (2) through (5) of section
2 341.053, Florida Statutes, are renumbered as subsections (3)
3 through (6), respectively, and a new subsection (2) is added
4 to that section to read:

5 341.053 Intermodal Development Program;
6 administration; eligible projects; limitations.--

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

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

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

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

29 Section 48. Section 348.9401, Florida Statutes, is
30 amended to read:

31

1 348.9401 Short title.--This part shall be known and
2 may be cited as the "St. Lucie County Expressway and Bridge
3 Authority Law."

4 Section 49. Subsections (2) and (11) of section
5 348.941, Florida Statutes, are amended to read:

6 348.941 Definitions.--As used in this part, unless the
7 context clearly indicates otherwise, the term:

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

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

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

16 (b) The Indian River Lagoon Bridge.

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

19 348.942 St. Lucie County and Bridge Expressway
20 Authority.--

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

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

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

3 Section 51. 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 52. 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 53. 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 54. Paragraph (d) of subsection (1) of section
23 212.055, Florida Statutes, 1998 Supplement, is amended to
24 read:

25 212.055 Discretionary sales surtaxes; legislative
26 intent; authorization and use of proceeds.--It is the
27 legislative intent that any authorization for imposition of a
28 discretionary sales surtax shall be published in the Florida
29 Statutes as a subsection of this section, irrespective of the
30 duration of the levy. Each enactment shall specify the types
31 of counties authorized to levy; the rate or rates which may be

1 imposed; the maximum length of time the surtax may be imposed,
2 if any; the procedure which must be followed to secure voter
3 approval, if required; the purpose for which the proceeds may
4 be expended; and such other requirements as the Legislature
5 may provide. Taxable transactions and administrative
6 procedures shall be as provided in s. 212.054.

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

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

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

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

27 3. For each county, as defined in s. 125.011(1), used
28 for the development, construction, operation, and ~~or~~
29 maintenance of roads and bridges in the county; for the
30 expansion, operation, and maintenance of ~~an existing~~ bus and
31 fixed guideway systems ~~system~~; and ~~or~~ for the payment of

1 principal and interest on ~~existing~~ bonds issued for the
2 construction of fixed guideway rapid transit systems, bus
3 systems, roads, or bridges; and such proceeds may be pledged
4 by the governing body of the county for bonds issued to
5 refinance existing bonds or new bonds issued for the
6 construction of such fixed guideway rapid transit systems, bus
7 systems, roads, or bridges and no more than 25 percent used
8 for nontransit uses.

9 Section 55. Paragraph (f) of subsection (2) of section
10 348.0004, Florida Statutes, is amended, and paragraph (m) is
11 added to that subsection, to read:

12 348.0004 Purposes and powers.--

13 (2) Each authority may exercise all powers necessary,
14 appurtenant, convenient, or incidental to the carrying out of
15 its purposes, including, but not limited to, the following
16 rights and powers:

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

1 documents securing any outstanding indebtedness payable from
2 tolls, in any county as defined in s. 125.011(1), the board of
3 county commissioners may, by ordinance adopted on or before
4 September 30, 1999, alter or abolish existing tolls and
5 currently approved increases thereto if the board provides a
6 local source of funding to the county expressway system for
7 transportation in an amount sufficient to replace revenues
8 necessary to meet bond obligations secured by such tolls and
9 increases.

10 (m) An expressway authority in any county as defined
11 in s. 125.011(1) may consider any unsolicited proposals from
12 private entities and all factors it deems important in
13 evaluating such proposals. Such an expressway authority shall
14 adopt rules or policies in compliance with s. 334.30 for the
15 receipt, evaluation, and consideration of such proposals in
16 order to enter into agreements for the planning design,
17 engineering, construction, operation, ownership, or financing
18 of additional expressways in that county. Such rules must
19 require substantially similar technical information as is
20 required by s. 14-107.0011(3)(a)-(e), F.A.C. In accepting a
21 proposal and entering into such an agreement, the expressway
22 authority and the private entity shall for all purposes be
23 deemed to have complied with chapters 255 and 287. Similar
24 proposals shall be reviewed and acted on by the authority in
25 the order in which they were received. An additional
26 expressway may not be constructed under this section without
27 the prior express written consent of the board of county
28 commissioners of each county located within the geographical
29 boundaries of the authority. The powers granted by this
30 section are in addition to all other powers of the authority
31 granted by this chapter.

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

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

12 73.015 Presuit negotiation.--

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

21 (a) At the inception of negotiation for acquisition,
22 the condemning authority must notify the fee owner of the
23 following:

24 1. That all or a portion of his or her property is
25 necessary for a project.

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

29 3. That, within 15 business days after receipt of a
30 request by the fee owner, the condemning authority will
31 provide a copy of the appraisal report upon which the offer to

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

11 4. The fee owner's statutory rights under ss. 73.091
12 and 73.092.

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

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

25 (c) The notice and written offer must be sent by
26 certified mail, return receipt requested, to the fee owner's
27 last known address listed on the county ad valorem tax roll.
28 Alternatively, the notice and written offer may be personally
29 delivered to the fee owner of the property. If there is more
30 than one owner of a property, notice to one owner constitutes
31 notice to all owners of the property. The return of the notice

1 as undeliverable by the postal authorities constitutes
2 compliance with this provision. The condemning authority is
3 not required to give notice or a written offer to a person who
4 acquires title to the property after the notice required by
5 this section has been given.

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

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

17 (a) The condemning authority must notify the business
18 owner of the following:

19 1. That all or a portion of his or her property is
20 necessary for a project.

21 2. The nature of the project for which the parcel is
22 considered necessary, and the parcel designation of the
23 property to be acquired.

24 3. That, within 15 business days after receipt of a
25 request by the business owner, the condemning authority will
26 provide a copy of the appraisal report upon which the offer to
27 the fee owner is based; copies, to the extent prepared, of the
28 right-of-way maps or other documents that depict the proposed
29 taking; and copies, to the extent prepared, of the
30 construction plans that depict project improvements to be
31 constructed on the property taken and improvements to be

1 constructed adjacent to the remaining property, including, but
2 not limited to, plan, profile, cross-section, drainage,
3 pavement marking sheets, and driveway connection detail. The
4 condemning authority shall provide any additional plan sheets
5 within 15 days of request.

6 4. The business owner's statutory rights under ss.
7 73.071, 73.091, and 73.092.

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

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

29 (c) If the business qualifies for business damages
30 pursuant to s. 73.071(3)(b) and the business intends to claim
31 business damages, the business owner must, within 180 days

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

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

29 2. As used in this paragraph, the term "business
30 records" includes, but is not limited to, copies of federal
31 income tax returns, federal income tax withholding statements,

1 federal miscellaneous income tax statements, state sales tax
2 returns, balance sheets, profit and loss statements, and state
3 corporate income tax returns for the 5 years preceding
4 notification which are attributable to the business operation
5 on the property to be acquired, and other records relied upon
6 by the business owner that substantiate the business-damage
7 claim.

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

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

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

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

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

25 (c) Presuit costs must be presented, calculated, and
26 awarded in the same manner as provided in s. 73.091, after
27 submission by the business or property owner to the condemning
28 authority of all appraisal reports, business damage reports,
29 or other work-products for which recovery is sought, and upon
30 transfer of title of the real property by closing, upon
31

1 payment of any amounts due for business damages, or upon final
2 judgment.

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

8
9 This shall only apply when the action is by the Department of
10 Transportation, county, municipality, board, district, or
11 other public body for the condemnation of a road right-of-way.

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

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

19 73.071 Jury trial; compensation; severance damages;
20 business damages.--

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

23 (a) The value of the property sought to be
24 appropriated;

25 (b) Where less than the entire property is sought to
26 be appropriated, any damages to the remainder caused by the
27 taking, including, when the action is by the Department of
28 Transportation, county, municipality, board, district or other
29 public body for the condemnation of a right-of-way, and the
30 effect of the taking of the property involved may damage or
31 destroy an established business of more than 4 5 years'

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

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

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

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

1 73.091 Costs of the proceedings.--

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

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

11 73.092 Attorney's fees.--

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

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

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

31

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

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

19 ~~2. In determining attorney's fees subsequent to the~~
20 ~~filing of litigation, if financial and business records kept~~
21 ~~by the owner in the ordinary course of business were not~~
22 ~~provided to the condemning authority prior to litigation,~~
23 ~~benefits for amounts awarded for business damages must be~~
24 ~~based on the first written offer made by the condemning~~
25 ~~authority within 120 days after the filing of the eminent~~
26 ~~domain action. In the event the petitioner makes a discovery~~
27 ~~request for a defendant's financial and business records kept~~
28 ~~in the ordinary course of business within 45 days after the~~
29 ~~filing of that defendant's answer, then the 120-day period~~
30 ~~shall be extended to 60 days after receipt by petitioner of~~
31 ~~those records. If the condemning authority makes no written~~

1 ~~offer to the defendant for business damages within the time~~
2 ~~period provided in this section, benefits for amounts awarded~~
3 ~~for business damages must be based on the difference between~~
4 ~~the final judgment or settlement and the last written offer~~
5 ~~made by the condemning authority before the defendant hired an~~
6 ~~attorney.~~

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

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

14 1. Thirty-three percent of any benefit up to \$250,000;
15 plus

16 2. Twenty-five percent of any portion of the benefit
17 between \$250,000 and \$1 million; plus

18 3. Twenty percent of any portion of the benefit
19 exceeding \$1 million.

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

22 127.01 Counties delegated power of eminent domain;
23 recreational purposes, issue of necessity of taking.--

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

31

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

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

8 166.401 Right of eminent domain.--

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

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

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

19 479.15 Harmony of regulations.--

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

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

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

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

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

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

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

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

10 (3)

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

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

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

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

21 d. Performing other activities of a statewide nature.

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

26 a. The Office of Administration;

27 b. The Office of Policy Planning;

28 c. The Office of Design;

29 d. The Office of Construction;

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

31 f. The Office of Toll Operations; and

1 g. The Office of Information Systems.

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

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

9 206.46 State Transportation Trust Fund.--

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

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

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

20 (1) Upon the request of the Department of
21 Transportation, the Division of Bond Finance is authorized
22 pursuant to s. 11, Art. VII of the State Constitution and the
23 State Bond Act to issue revenue bonds, for and on behalf of
24 the Department of Transportation, for the purpose of financing
25 or refinancing the construction, reconstruction, and
26 improvement of projects that are eligible to receive
27 federal-aid highway funds. The Division of Bond Finance is
28 authorized to consider innovative financing technologies which
29 may include, but are not limited to, innovative bidding and
30 structures of potential financings that may result in
31 negotiated transactions.

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

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

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

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

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

1 Section 69. Section 234.112, Florida Statutes, is
2 repealed.

3 Section 70. Paragraph (a) of subsection (7) of section
4 288.9607, Florida Statutes, is amended to read:

5 288.9607 Guaranty of bond issues.--

6 (7)(a) The corporation is authorized to enter into an
7 investment agreement with the Department of Transportation and
8 the State Board of Administration concerning the investment of
9 the earnings accrued and collected upon the investment of the
10 minimum balance of funds required to be maintained in the
11 State Transportation Trust Fund pursuant to s.

12 339.135(6)(b)~~(7)(b)~~. Such investment shall be limited as
13 follows:

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

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

23 3. The corporation shall pay a reasonable fee, set by
24 the State Board of Administration, in return for the
25 investment of such funds. The fee shall not be less than the
26 comparable rate for similar investments in terms of size and
27 risk.

28 4. The proceeds of bonds, or portions thereof, issued
29 by the corporation for which a guaranty has been or will be
30 issued pursuant to s. 288.9606, s. 288.9608, or this section
31 used to make loans to any one person, including any related

1 interests, as defined in s. 658.48, of such person, shall not
2 exceed 20 percent of the principal of all such outstanding
3 bonds of the corporation issued prior to the first composite
4 bond issue of the corporation, or December 31, 1995, whichever
5 comes first, and shall not exceed 15 percent of the principal
6 of all such outstanding bonds of the corporation issued
7 thereafter, in each case determined as of the date of issuance
8 of the bonds for which such determination is being made and
9 taking into account the principal amount of such bonds to be
10 issued. The provisions of this subparagraph shall not apply
11 when the total amount of all such outstanding bonds issued by
12 the corporation is less than \$10 million. For the purpose of
13 calculating the limits imposed by the provisions of this
14 subparagraph, the first \$10 million of bonds issued by the
15 corporation shall be taken into account.

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

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

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

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

23 311.09 Florida Seaport Transportation and Economic
24 Development Council.--

25 (3) The council shall prepare a 5-year Florida Seaport
26 Mission Plan defining the goals and objectives of the council
27 concerning the development of port facilities and an
28 intermodal transportation system consistent with the goals of
29 the Florida Transportation Plan developed pursuant to s.
30 339.155. The Florida Seaport Mission Plan shall include
31 specific recommendations for the construction of

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

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

23 331.303 Definitions.--

24 (16) "Project" means any development, improvement,
25 property, launch, utility, facility, system, works, road,
26 sidewalk, enterprise, service, or convenience, which may
27 include coordination with Enterprise Florida, Inc. ~~the Florida~~
28 ~~High Technology and Industry Council~~, the Board of Regents,
29 and the Space Research Foundation; any rocket, capsule,
30 module, launch facility, assembly facility, operations or
31 control facility, tracking facility, administrative facility,

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

16 Section 73. Subsections (1), (4), and (21) of section
17 331.305, Florida Statutes, are amended to read:

18 331.305 Powers of the authority.--The authority shall
19 have the power to:

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

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

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

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

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

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

23 331.308 Board of supervisors.--

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

1 of the term. ~~The terms for such members initially appointed~~
2 ~~shall be construed to include the time between initial~~
3 ~~appointment and June 30, 1992, for those appointed for 3-year~~
4 ~~terms, and June 30, 1993, for those appointed for 4-year~~
5 ~~terms. No such member shall be allowed to serve an initial~~
6 ~~3-year term or fill any vacancy for the remainder of a term~~
7 ~~for less than 4 years.~~ Appointment to the board shall not
8 preclude any such member from holding any other private or
9 public position.

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

12 331.331 Revenue bonds.--

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

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

24 334.03 Definitions.--When used in the Florida
25 Transportation Code, the term:

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

28 (d) The urban minor arterial mileage on the existing
29 State Highway System as of July 1, 1987, plus additional
30 mileage to comply with the 2-percent requirement as described
31

1 below. ~~These urban minor arterial routes shall be selected in~~
2 ~~accordance with s. 335.04(1)(a) and (b).~~

3
4 However, not less than 2 percent of the public road mileage of
5 each urbanized area on record as of June 30, 1986, shall be
6 included as minor arterials in the State Highway System.

7 Urbanized areas not meeting the foregoing minimum requirement
8 shall have transferred to the State Highway System additional
9 minor arterials of the highest significance in which case the
10 total minor arterials in the State Highway System from any
11 urbanized area shall not exceed 2.5 percent of that area's
12 total public urban road mileage.

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

15 335.074 Safety inspection of bridges.--

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

21 Section 78. Section 335.165, Florida Statutes, is
22 repealed.

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

25 335.182 Regulation of connections to roads on State
26 Highway System; definitions.--

27 (2) The department shall, ~~no later than July 1, 1989,~~
28 adopt, by rule, administrative procedures for its issuance and
29 modification of access permits, closing of unpermitted
30 connections, and revocation of permits in accordance with this
31 act.

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

3 335.188 Access management standards; access control
4 classification system; criteria.--

5 (3) The control classification system shall be
6 developed consistent with the following:

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

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

19 Section 81. Section 336.01, Florida Statutes, is
20 reenacted to read:

21 336.01 Designation of county road system.--The county
22 road system shall be as defined in s. 334.03(8).

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

25 336.044 Use of recyclable materials in construction.--

26 (2) The Legislature declares it to be in the public
27 interest to find alternative ways to use certain recyclable
28 materials that currently are part of the solid waste stream
29 and that contribute to problems of declining space in
30 landfills. To determine the feasibility of using certain
31 recyclable materials for paving materials, the department may

1 ~~shall before January 1, 1990, undertake, as part of its~~
2 ~~currently scheduled projects, demonstration projects using the~~
3 following materials in road construction:

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

6 (b) Ash residue from coal combustion byproducts for
7 concrete and ash residue from waste incineration facilities
8 and oil combustion byproducts for subbase material;

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

11 (d) Construction steel, including reinforcing rods and
12 I-beams, manufactured from scrap metals disposed of in the
13 state; and

14 (e) Glass, and glass aggregates.
15

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

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

27 337.015 Administration of public
28 contracts.--Recognizing that the inefficient and ineffective
29 administration of public contracts inconveniences the
30 traveling public, increases costs to taxpayers, and interferes
31

1 with commerce, the Legislature hereby determines and declares
2 that:

3 ~~(7) The department in its annual report required in s.~~
4 ~~334.22(2) shall report how the department complied with this~~
5 ~~section for the preceding fiscal year.~~

6 Section 84. Section 337.139, Florida Statutes, is
7 amended to read:

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

24 Such efforts may include:

25 (1) Presolicitation or prebid meetings for the purpose
26 of informing disadvantaged business enterprises of contracting
27 opportunities.

28 (2) Written notice to disadvantaged business
29 enterprises of contract opportunities for commodities or
30 contractual and construction services which the disadvantaged
31 business provides.

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

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

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

9 337.29 Vesting of title to roads; liability for
10 torts.--

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

27 Section 86. Section 137 of chapter 96-320, Laws of
28 Florida, is repealed.

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

31

1 337.407 Regulation of signs and lights within
2 rights-of-way.--

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

6 Section 88. Section 338.22, Florida Statutes, is
7 amended to read:

8 338.22 Florida Turnpike Law; short title.--Sections
9 338.22-338.241 ~~338.22-338.244~~ may be cited as the "Florida
10 Turnpike Law."

11 Section 89. Section 338.221, Florida Statutes, is
12 amended to read:

13 338.221 Definitions of terms used in ss.
14 338.22-338.241 ~~338.22-338.244~~.--As used in ss. 338.22-338.241
15 ~~338.22-338.244~~, the following words and terms have the
16 following meanings, unless the context indicates another or
17 different meaning or intent:

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

24 (2) "Cost," as applied to a turnpike project, includes
25 the cost of acquisition of all land, rights-of-way, property,
26 easements, and interests acquired by the department for
27 turnpike project construction; the cost of such construction;
28 the cost of all machinery and equipment, financing charges,
29 fees, and expenses related to the financing; establishment of
30 reserves to secure bonds; interest prior to and during
31 construction and for such period after completion of

1 construction as shall be determined by the department; the
2 cost of traffic estimates and of engineering and legal
3 expenses, plans, specifications, surveys, estimates of cost
4 and revenues; other expenses necessary or incident to
5 determining the feasibility or practicability of acquiring or
6 constructing any such turnpike project; administrative
7 expenses; and such other expenses as may be necessary or
8 incident to the acquisition or construction of a turnpike
9 project, the financing of such acquisition or construction,
10 and the placing of the turnpike project in operation.

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

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

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

24 (6) "Turnpike system" means those limited access toll
25 highways and associated feeder roads and other structures,
26 appurtenances, or rights previously designated, acquired, or
27 constructed pursuant to the Florida Turnpike Law and such
28 other additional turnpike projects as may be acquired or
29 constructed as approved by the Legislature.

30 (7) "Turnpike improvement" means any betterment
31 necessary or desirable for the operation of the turnpike

1 system, including, but not limited to, widenings, the addition
2 of interchanges to the existing turnpike system, resurfacings,
3 toll plazas, machinery, and equipment.

4 (8) "Economically feasible" means:

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

16 (b) For turnpike projects, except for feeder roads and
17 turnpike improvements, financed from revenues of the turnpike
18 system, such project, or such group of projects, originally
19 financed from revenues of the turnpike system, that the
20 project is expected to generate sufficient revenues to
21 amortize project costs within 15 years of opening to traffic.

22
23 This subsection does not prohibit the pledging of revenues
24 from the entire turnpike system to bonds issued to finance or
25 refinance a turnpike project or group of turnpike projects.

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

31

1 (10) "Statement of environmental feasibility" means a
2 statement by the Department of Environmental Protection of the
3 project's significant environmental impacts.

4 Section 90. Section 338.222, Florida Statutes, is
5 reenacted to read:

6 338.222 Department of Transportation sole governmental
7 entity to acquire, construct, or operate turnpike projects;
8 exception.--

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

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

22 Section 91. Section 338.223, Florida Statutes, is
23 reenacted and amended to read:

24 338.223 Proposed turnpike projects.--

25 (1)(a) Any proposed project to be constructed or
26 acquired as part of the turnpike system and any turnpike
27 improvement shall be included in the tentative work program.
28 No proposed project or group of proposed projects shall be
29 added to the turnpike system unless such project or projects
30 are determined to be economically feasible and a statement of
31 environmental feasibility has been completed for such project

1 or projects and such projects are determined to be consistent,
2 to the maximum extent feasible, with approved local government
3 comprehensive plans of the local governments in which such
4 projects are located. The department may authorize engineering
5 studies, traffic studies, environmental studies, and other
6 expert studies of the location, costs, economic feasibility,
7 and practicality of proposed turnpike projects throughout the
8 state and may proceed with the design phase of such projects.
9 The department shall not request legislative approval of a
10 proposed turnpike project until the design phase of that
11 project is at least 60 percent complete. If a proposed
12 project or group of proposed projects is found to be
13 economically feasible, consistent, to the maximum extent
14 feasible, with approved local government comprehensive plans
15 of the local governments in which such projects are located,
16 and a favorable statement of environmental feasibility has
17 been completed, the department, with the approval of the
18 Legislature, shall, after the receipt of all necessary
19 permits, construct, maintain, and operate such turnpike
20 projects.

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

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

25 1. The purpose of the notice is to provide for a
26 30-day period for written public comments on the environmental
27 impacts of a proposed turnpike project.

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

31

1 3. The address where such comments must be sent and
2 the date such comments are due.

3
4 After a review of the department's report and any public
5 comments, the Department of Environmental Protection shall
6 submit a statement of environmental feasibility to the
7 department within 30 days after the date on which public
8 comments are due. The notice and the statement of
9 environmental feasibility shall not give rise to any rights to
10 a hearing or other rights or remedies provided pursuant to
11 chapter 120 or chapter 403, and shall not bind the Department
12 of Environmental Protection in any subsequent environmental
13 permit review.

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

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

27 (3) All obligations and expenses incurred by the
28 department under this section shall be paid by the department
29 and charged to the appropriate turnpike project. The
30 department shall keep proper records and accounts showing each
31 amount that is so charged. All obligations and expenses so

1 incurred shall be treated as part of the cost of such project
2 and shall be reimbursed to the department out of turnpike
3 revenues or out of the bonds authorized under ss.
4 338.22-338.241 ~~338.22-338.244~~ except when such reimbursement
5 is prohibited by state or federal law.

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

18 Section 92. Section 338.225, Florida Statutes, is
19 amended to read:

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

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

3 338.227 Turnpike revenue bonds.--

4 (2) The proceeds of the bonds of each issue shall be
5 used solely for the payment of the cost of the turnpike
6 projects for which such bonds shall have been issued, except
7 as provided in the State Bond Act. Such proceeds shall be
8 disbursed and used as provided by ss. 338.22-338.241

9 ~~338.22-338.244~~ and in such manner and under such restrictions,
10 if any, as the Division of Bond Finance may provide in the
11 resolution authorizing the issuance of such bonds or in the
12 trust agreement hereinafter mentioned securing the same. All
13 revenues and bond proceeds from the turnpike system received
14 by the department pursuant to ss. 338.22-338.241
15 ~~338.22-338.244~~, the Florida Turnpike Law, shall be used only
16 for the cost of turnpike projects and turnpike improvements
17 and for the administration, operation, maintenance, and
18 financing of the turnpike system. No revenues or bond proceeds
19 from the turnpike system shall be spent for the operation,
20 maintenance, construction, or financing of any project which
21 is not part of the turnpike system.

22 Section 94. Section 338.228, Florida Statutes, is
23 amended to read:

24 338.228 Bonds not debts or pledges of credit of
25 state.--Turnpike revenue bonds issued under the provisions of
26 ss. 338.22-338.241 ~~338.22-338.244~~ are not debts of the state
27 or pledges of the faith and credit of the state. Such bonds
28 are payable exclusively from revenues pledged for their
29 payment. All such bonds shall contain a statement on their
30 face that the state is not obligated to pay the same or the
31 interest thereon, except from the revenues pledged for their

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

13 Section 95. Section 338.229, Florida Statutes, is
14 amended to read:

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

30 Section 96. Subsections (6) and (7) of section
31 338.231, Florida Statutes, are amended to read:

1 338.231 Turnpike tolls, fixing; pledge of tolls and
2 other revenues.--The department shall at all times fix,
3 adjust, charge, and collect such tolls for the use of the
4 turnpike system as are required in order to provide a fund
5 sufficient with other revenues of the turnpike system to pay
6 the cost of maintaining, improving, repairing, and operating
7 such turnpike system; to pay the principal of and interest on
8 all bonds issued to finance or refinance any portion of the
9 turnpike system as the same become due and payable; and to
10 create reserves for all such purposes.

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

1 of any future issue of turnpike bonds, the payment of turnpike
2 system operation and maintenance expenses, and subject to
3 provisions of any subsequent resolution or trust indenture
4 relating to the issuance of such turnpike bonds.

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

10 Section 97. Section 338.232, Florida Statutes, is
11 amended to read:

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

27 Section 98. Section 338.239, Florida Statutes, is
28 amended to read:

29 338.239 Traffic control on the turnpike system.--

30 (1) The department is authorized to adopt rules with
31 respect to the use of the turnpike system, which rules must

1 relate to vehicular speeds, loads and dimensions, safety
2 devices, rules of the road, and other matters necessary to
3 carry out the purposes of ss. 338.22-338.241 ~~338.22-338.244~~.
4 Insofar as these rules may be inconsistent with the provisions
5 of chapter 316, the rules control. A violation of these rules
6 must be punished pursuant to chapters 316 and 318.

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

19 Section 99. Subsection (4) of section 339.08, Florida
20 Statutes, is amended to read:

21 339.08 Use of moneys in State Transportation Trust
22 Fund.--

23 (4) The department may authorize the investment of the
24 earnings accrued and collected upon the investment of the
25 minimum balance of funds required to be maintained in the
26 State Transportation Trust Fund pursuant to s. 339.135(6)(b)
27 ~~(7)(b)~~. Such investment shall be limited as provided in s.
28 288.9607(7).

29 Section 100. Section 339.091, Florida Statutes, is
30 repealed.

31

1 Section 101. Paragraph (e) of subsection (7) of
2 section 339.135, Florida Statutes, is reenacted to read:

3 339.135 Work program; legislative budget request;
4 definitions; preparation, adoption, execution, and
5 amendment.--

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

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

28 Section 102. Sections 339.145 and 339.147, Florida
29 Statutes, are repealed.

30
31

1 Section 103. Paragraph (a) of subsection (10) of
2 section 339.175, Florida Statutes, 1998 Supplement, is amended
3 to read:

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

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

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

28 Section 104. Paragraph (a) of subsection (7) of
29 section 339.2405, Florida Statutes, is amended to read:

30 339.2405 Florida Highway Beautification Council.--

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

1 1. Provide information to local governments and local
2 highway beautification councils regarding the state highway
3 beautification grants program.

4 2. Accept grant requests from local governments.

5 3. Review grant requests for compliance with council
6 rules.

7 4. Establish rules for evaluating and prioritizing the
8 grant requests. The rules must include, but are not limited
9 to, an examination of each grant's aesthetic value,
10 cost-effectiveness, level of local support, feasibility of
11 installation and maintenance, and compliance with state and
12 federal regulations. Rules adopted by the council which it
13 uses to evaluate grant applications must take into
14 consideration the contributions made by the highway
15 beautification project in preventing litter.

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

20 6. Assess the feasibility of planting and maintaining
21 indigenous wildflowers and plants, instead of sod
22 groundcovers, along the rights-of-way of state roads and
23 highways. In making such assessment, the council shall
24 utilize data from other states which include indigenous
25 wildflower and plant species in their highway vegetative
26 management systems. ~~The council shall complete its assessment
27 and present a report to the head of the department by July 1,
28 1988.~~

29 Section 105. Paragraph (g) of subsection (2) of
30 section 339.241, Florida Statutes, is amended to read:

31 339.241 Florida Junkyard Control Law.--

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

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

7 Section 106. Section 341.051, Florida Statutes, is
8 amended to read:

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

11 (1) FEDERAL AID.--

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

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

30 (2) PUBLIC TRANSIT PLAN.--

31

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

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

19 (3) APPROPRIATION REQUESTS.--

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

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

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

1 the ultimate expenditure or commitment of state funds in
2 excess of \$5 million.

3 (4) PROJECT ELIGIBILITY.--

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

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

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

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

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

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

30 (a) The department may fund up to 50 percent of the
31 nonfederal share of the costs, not to exceed the local share,

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

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

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

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

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

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

31

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

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

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

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

1 provided for in s. 341.041, that is selectively applied in the
2 following functional areas and is subject to the specified
3 times of duration:

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

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

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

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

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

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

29 341.321 Development of high-speed rail transportation
30 system; legislative findings, policy, purpose, and intent.--

31

1 (1) The intent of ss. 341.3201-341.386 is to further
2 and advance the goals and purposes of the 1984 High Speed Rail
3 Transportation Commission Act; to ensure a harmonious
4 relationship between that act and the various growth
5 management laws enacted by the Legislature including the Local
6 Government Comprehensive Planning and Land Development
7 Regulation Act, ss. 163.3161-163.3215, the Florida State
8 Comprehensive Planning Act of 1972, as amended, ss.
9 186.001-186.031, the Florida Regional Planning Council Act,
10 ss. 186.501-186.513, and the State Comprehensive Plan, chapter
11 187; to promote the implementation of these acts in an
12 effective manner; and to encourage and enhance the
13 establishment of a high-speed rail transportation system
14 connecting the major urban areas of the state as expeditiously
15 as is economically feasible. Furthermore, it is the intent of
16 the Legislature that any high-speed rail line and transit
17 station be consistent to the maximum extent feasible with
18 local comprehensive plans, and that any other development
19 associated with the rail line and transit station shall
20 ultimately be consistent with comprehensive plans. The
21 Legislature therefore reaffirms these enactments and further
22 finds:

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

29 (b) That a high-speed rail transportation system, when
30 used in conjunction with sound land use planning, becomes a
31 vigorous force in achieving growth management goals and in

1 encouraging the use of public transportation to augment and
2 implement land use and growth management goals and objectives.

3 (c) That urban and social benefits include
4 revitalization of blighted or economically depressed areas,
5 the redirection of growth in a carefully and comprehensively
6 planned manner, and the creation of numerous employment
7 opportunities within inner-city areas.

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

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

16 341.3333 Application for franchise; confidentiality of
17 application and trade secrets.--

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

1 portions as confidential and exempt from the provisions of s.
2 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon
3 award of a franchise, the franchisee may segregate portions of
4 materials required to be submitted by the department and
5 request that the department maintain those portions as
6 confidential and exempt from the provisions of s. 119.07(1)
7 and s. 24(a), Art. I of the State Constitution. Such portions
8 designated by an applicant or by the franchisee shall remain
9 confidential and exempt from the provisions of s. 119.07(1)
10 only if the department finds that the information satisfies
11 the criteria established in s. 119.15(4)(b)~~3.119.14(4)(b)3.~~

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

14 341.352 Certification hearing.--

15 (2)(a) The parties to the certification proceeding
16 are:

17 1. The franchisee.

18 ~~2. The Department of Commerce.~~

19 2.3. The Department of Environmental Protection.

20 3.4. The Department of Transportation.

21 4.5. The Department of Community Affairs.

22 5.6. The Game and Fresh Water Fish Commission.

23 6.7. Each water management district.

24 7.8. Each local government.

25 8.9. Each regional planning council.

26 9.10. Each metropolitan planning organization.

27 (c) Notwithstanding the provisions of chapter 120 to
28 the contrary, after the filing with the administrative law
29 judge of a notice of intent to be a party by an agency or
30 corporation or association described in subparagraph 1. or
31 subparagraph 2., or a petition for intervention by a person

1 described in subparagraph 3., no later than 30 days prior to
2 the date set for the certification hearing, any of the
3 following entities also shall be a party to the proceeding:

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

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

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

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

20 343.64 Powers and duties.--

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

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

3 343.74 Powers and duties.--

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

15 Section 112. Paragraph (c) of subsection (2) of
16 section 348.0005, Florida Statutes, is amended to read:

17 348.0005 Bonds.--

18 (2)

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

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1 attached thereto the written recommendation of the financial
2 adviser required by this subsection~~(4)~~.

3 Section 113. Section 348.0009, Florida Statutes, is
4 amended to read:

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

21 Section 114. Section 348.248, Florida Statutes, is
22 amended to read:

23 348.248 Cooperation with other units, boards,
24 agencies, and individuals.--Express authority and power is
25 given and granted to any county, municipality, drainage
26 district, road and bridge district, school district, or other
27 political subdivision, board, commission, or individual in or
28 of this state to make and enter into contracts, leases,
29 conveyances, or other agreements within the provisions and
30 purposes of this part with the authority. The authority is
31 expressly authorized to make and enter into contracts, leases,

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

8 Section 115. Section 348.948, Florida Statutes, is
9 amended to read:

10 348.948 Cooperation with other units, boards,
11 agencies, and individuals.--Express authority and power is
12 given and granted to any county, municipality, drainage
13 district, road and bridge district, school district, or other
14 political subdivision, board, commission, or individual in or
15 of this state to make and enter into contracts, leases,
16 conveyances, or other agreements within the provisions and
17 purposes of this part with the authority. The authority is
18 expressly authorized to make and enter into contracts, leases,
19 conveyances, and other agreements, to the extent consistent
20 with chapters 334, 335, 338, and 339,~~and 340~~ and other
21 provisions of the laws of this state and with 23 U.S.C. ss.
22 101 et seq., with any political subdivision, agency, or
23 instrumentality of this state and any and all federal
24 agencies, corporations, and individuals, for the purpose of
25 carrying out the provisions of this part.

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

28 349.05 Bonds of the authority.--

29 (3) The authority may employ fiscal agents as provided
30 by this chapter or the State Board of Administration may, upon
31 request by the authority, act as fiscal agent for the

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

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

25 (b) The application of funds and the safeguarding of
26 funds on hand or on deposit;

27 (c) The rights and remedies of the trustee and the
28 holders of the bonds; and

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

31

1 Section 117. Section 378.411, Florida Statutes, is
2 amended to read:

3 378.411 Certification to receive notices of intent to
4 mine, to review and to inspect for compliance.--

5 (1) By petition to the secretary, a local government
6 ~~or the Department of Transportation~~ may request certification
7 to receive notices of intent to mine, to review, and to
8 conduct compliance inspections.

9 (2) In deciding whether to grant certification to a
10 local government, the secretary shall determine whether the
11 following criteria are being met:

12 (a) The petitioning local government has adopted and
13 effectively implemented a local government comprehensive plan.

14 (b) The local government has adequate review
15 procedures and the financial and staffing resources necessary
16 to assume responsibility for adequate review and inspection.

17 (c) The local government has a record of effectively
18 reviewing, inspecting, and enforcing compliance with local
19 ordinances and state laws.

20 ~~(3) In deciding whether to grant certification to the~~
21 ~~Department of Transportation, the secretary shall request all~~
22 ~~information necessary to determine the capability of the~~
23 ~~Department of Transportation to meet the requirements of this~~
24 ~~part.~~

25 (3)~~(4)~~ In making his or her determination, the
26 secretary shall consult with the Department of Community
27 Affairs, the appropriate regional planning council, and the
28 appropriate water management district.

29 (4)~~(5)~~ The secretary shall evaluate the performance of
30 a local government ~~or the Department of Transportation~~ on a
31 regular basis to ensure compliance with this section. All or

1 part of the certification may be rescinded if the secretary
2 determines that the certification is not being carried out
3 pursuant to the requirements of this part.

4 ~~(5)(6)~~ The department shall establish the
5 certification procedure by rule.

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

8 427.012 The Commission for the Transportation
9 Disadvantaged.--There is created the Commission for the
10 Transportation Disadvantaged in the Department of
11 Transportation.

12 (1) The commission shall consist of the following
13 members:

14 (b) The secretary of the Department of Children and
15 Family Health and Rehabilitative Services or the secretary's
16 designee.

17 Section 119. Subsection (16) of section 427.013,
18 Florida Statutes, 1998 Supplement, is amended to read:

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

31

1 (16) Review and approve memorandums of agreement for
2 the provision ~~provisions~~ of coordinated transportation
3 services.

4 Section 120. Subsection (23) of section 479.01,
5 Florida Statutes, is amended, and subsection (24) of that
6 section is reenacted, to read:

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

9 (23) "Unzoned commercial or industrial area" means an
10 area within 660 feet of the nearest edge of the right-of-way
11 of the interstate or federal-aid primary system where the land
12 use is not covered by a future land use map or zoning
13 regulation pursuant to subsection ~~(3)~~(2), in which there are
14 located three or more separate and distinct industrial or
15 commercial uses located within a 1,600-foot radius of each
16 other and generally recognized as commercial or industrial by
17 zoning authorities in this state. Certain activities,
18 including, but not limited to, the following, may not be so
19 recognized:

20 (a) Signs.

21 (b) Agricultural, forestry, ranching, grazing,
22 farming, and related activities, including, but not limited
23 to, wayside fresh produce stands.

24 (c) Transient or temporary activities.

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

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

28 (f) Activities conducted in a building principally
29 used as a residence.

30 (g) Railroad tracks and minor sidings.

31

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

3 Section 121. Section 951.05, Florida Statutes, is
4 amended to read:

5 951.05 Working county prisoners on roads and bridges
6 or other public works of the county; hiring out to another
7 county.--The board of county commissioners of the several
8 counties may require all county prisoners under sentence
9 confined in the jail of their respective counties for any
10 offense to labor upon the public roads, bridges, farms, or
11 other public works owned and operated by the county, or on
12 other projects for which the governing body of the county
13 could otherwise lawfully expend public funds and which it
14 determines to be necessary for the health, safety, and welfare
15 of the county, or in the event the county commissioners of any
16 county deem it to the best interest of their county, they may
17 hire out their prisoners to any other county in the state to
18 be worked upon the public roads, bridges, or other public
19 works of that county, or on other projects for which the
20 governing body of that county could otherwise lawfully expend
21 public funds and which it determines to be necessary for the
22 health, safety, and welfare of that county, or they may, upon
23 such terms as may be agreed upon between themselves and ~~the~~
24 ~~Division of Road Operations~~ of the Department of
25 Transportation, lease or let said prisoners to the department
26 ~~division~~ instead of keeping them in the county jail where they
27 are sentenced. The money derived from the hire of such
28 prisoners shall be paid to the county hiring out such
29 prisoners and placed to the credit of the fine and forfeiture
30 fund of the county.

31

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

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

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

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