

Bill No. CS for CS for SB 1368

Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Webster moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 18, line 16, through page 23, line 20, delete		
15	those lines		
16			
17	and insert:		
18	Section 11. Paragraph (c) of subsection (1) of section		
19	20.23, Florida Statutes, 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	(1)		
24	(c) The secretary shall appoint three assistant		
25	secretaries who shall be directly responsible to the secretary		
26	and who shall perform such duties as are specified in this		
27	section and such other duties as are assigned by the		
28	secretary. The secretary may delegate to any assistant		
29	secretary the authority to act in the absence of the		
30	secretary. <u>The department has the authority to adopt rules</u>		
31	<u>necessary for the delegation of authority beyond the assistant</u>		

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1 secretaries.The assistant secretaries shall serve at the  
2 pleasure of the secretary.

3 Section 12. Subsection (4) is added to section  
4 334.187, Florida Statutes, to read:

5 334.187 Guarantee of obligations to the department.--

6 (4) The department is authorized to adopt rules  
7 relating to the use of prepaid escrow accounts for purchases  
8 from the department.

9 Section 13. Section 334.044, Florida Statutes, is  
10 amended to read:

11 334.044 Department; powers and duties.--The department  
12 shall have the following general powers and duties:

13 (1) To assume the responsibility for coordinating the  
14 planning of a safe, viable, and balanced state transportation  
15 system serving all regions of the state, and to assure the  
16 compatibility of all components, including multimodal  
17 facilities.

18 (2) To adopt rules pursuant to ss. 120.536(1) and  
19 120.54 to implement the provisions of law conferring duties  
20 upon it.

21 (3) To adopt an official seal.

22 (4) To maintain its headquarters in Tallahassee and  
23 its district offices and necessary field offices at such  
24 places within the state as it may designate, and to purchase,  
25 build, or lease suitable buildings for such uses.

26 (5) To purchase, lease, or otherwise acquire property,  
27 materials, including the purchase of promotional items as part  
28 of public information and education campaigns for the  
29 promotion of traffic and train safety awareness, alternatives  
30 to single occupant vehicle travel, and commercial motor  
31 vehicle safety; to purchase, lease or otherwise acquire

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1 equipment, and supplies, and to sell, exchange, or otherwise  
2 dispose of any property that ~~which~~ is no longer needed by the  
3 department.

4 (6) To acquire, by the exercise of the power of  
5 eminent domain as provided by law, all property or property  
6 rights, whether public or private, which it finds ~~may~~  
7 ~~determine~~ are necessary to the performance of its duties and  
8 the execution of its powers.

9 (7) To enter into contracts and agreements.

10 (8) To sue and be sued as provided by law.

11 (9) To employ and train staff, and to contract with  
12 qualified consultants. For the purposes of chapters 471 and  
13 472, the department shall be considered a firm.

14 (10)(a) To develop and adopt uniform minimum standards  
15 and criteria for the design, construction, maintenance, and  
16 operation of public roads pursuant to the provisions of s.  
17 336.045.

18 (b) The department shall periodically review its  
19 construction, design, and maintenance standards to ensure that  
20 such standards are cost-effective and consistent with  
21 applicable federal regulations and state law.

22 (c) The department is authorized to adopt rules  
23 relating to approval of aggregate and other material sources.

24 (11) To establish a numbering system for public roads,  
25 to functionally classify such roads, and to assign  
26 jurisdictional responsibility.

27 (12) To coordinate the planning of the development of  
28 public transportation facilities within the state and the  
29 provision of related transportation services as authorized by  
30 law.

31 (13) To designate existing and to plan proposed

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1 transportation facilities as part of the State Highway System,  
2 and to construct, maintain, and operate such facilities.

3 (14) To establish, control, and prohibit points of  
4 ingress to, and egress from, the State Highway System, the  
5 turnpike, and other transportation facilities under the  
6 department's jurisdiction as necessary to ensure the safe,  
7 efficient, and effective maintenance and operation of such  
8 facilities.

9 (15) To regulate and prescribe conditions for the  
10 transfer of stormwater to the state right-of-way as a result  
11 of manmade changes to adjacent properties.

12 (a) Such regulation shall be through a permitting  
13 process designed to ensure the safety and integrity of the  
14 Department of Transportation facilities and to prevent an  
15 unreasonable burden on lower properties.

16 (b) The department is specifically authorized to adopt  
17 rules which set forth the purpose; necessary definitions;  
18 permit exceptions; permit and assurance requirements; permit  
19 application procedures; permit forms; general conditions for a  
20 drainage permit; provisions for suspension or revocation of a  
21 permit; and provisions for department recovery of fines,  
22 penalties, and costs incurred due to permittee actions. In  
23 order to avoid duplication and overlap with other units of  
24 government, the department shall accept a surface water  
25 management permit issued by a water management district, the  
26 Department of Environmental Protection, a surface water  
27 management permit issued by a delegated local government, or a  
28 permit issued pursuant to an approved Stormwater Management  
29 Plan or Master Drainage Plan; provided issuance is based on  
30 requirements equal to or more stringent than those of the  
31 department.

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1           (16) To plan, acquire, lease, construct, maintain, and  
2 operate toll facilities; to authorize the issuance and  
3 refunding of bonds; and to fix and collect tolls or other  
4 charges for travel on any such facilities.

5           (17) To designate limited access facilities on the  
6 State Highway System and turnpike projects; to plan,  
7 construct, maintain, and operate service roads in connection  
8 with such facilities; and to regulate, reconstruct, or realign  
9 any existing public road as a service road.

10          (18) To establish and maintain bicycle and pedestrian  
11 ways.

12          (19) To encourage and promote the development of  
13 multimodal transportation alternatives.

14          (20) To conduct research studies, and to collect data  
15 necessary for the improvement of the state transportation  
16 system.

17          (21) To conduct research and demonstration projects  
18 relative to innovative transportation technologies.

19          (22) To cooperate with and assist local governments in  
20 the development of a statewide transportation system and in  
21 the development of the individual components of the system.

22          (23) To cooperate with the transportation department  
23 or duly authorized commission or authority of any state in the  
24 development and construction of transportation facilities  
25 physically connecting facilities of this state with those  
26 facilities of any adjoining state.

27          (24) To identify, obtain, and administer all federal  
28 funds available to the department for all transportation  
29 purposes.

30          (25) To do all things necessary to obtain the full  
31 benefits of the national Highway Safety Act of 1966, and in so

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1 doing, to cooperate with federal and state agencies, public  
 2 and private agencies, interested organizations, and  
 3 individuals to effectuate the purposes of that act, and any  
 4 and all amendments thereto. The Governor shall have the  
 5 ultimate state responsibility for dealing with the Federal  
 6 Government in respect to programs and activities initiated  
 7 pursuant to the national Highway Safety Act of 1966, and any  
 8 amendments thereto.

9 (26) To provide for the conservation of natural  
 10 roadside growth and scenery and for the implementation and  
 11 maintenance of roadside beautification programs. To accomplish  
 12 this, for fiscal years 1999-2000, 2000-2001, and 2001-2002 no  
 13 less than 1 percent, and for subsequent fiscal years no less  
 14 than 1.5 percent of the amount contracted for construction  
 15 projects shall be allocated by the department to  
 16 beautification programs. Except where prohibited by federal  
 17 law or federal regulation and to the extent practical, a  
 18 minimum of 50 percent of these funds shall be used to purchase  
 19 large plant materials with the remaining funds for other plant  
 20 materials and these materials shall be purchased from  
 21 Florida-based nurseryman stock on a uniform competitive bid  
 22 basis. The department will develop grades and standards for  
 23 landscaping materials purchased through this process. To  
 24 accomplish these activities, the department may contract with  
 25 nonprofit organizations having the primary purpose of  
 26 developing youth employment opportunities.

27 (27) To conduct studies and provide coordination to  
 28 assess the needs associated with landside ingress and egress  
 29 to port facilities, and to coordinate with local governmental  
 30 entities to ensure that port facility access routes are  
 31 properly integrated with other transportation facilities.

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1           (28) To require persons to affirm the truth of  
2 statements made in any application for a license, permit, or  
3 certification issued by the department or in any contract  
4 documents submitted to the department.

5           (29) To advance funds for projects in the department's  
6 adopted work program to governmental entities prior to  
7 commencement of the project or project phase when the advance  
8 has been authorized by the department's comptroller and is  
9 made pursuant to a written agreement between the department  
10 and a governmental entity.

11           (30) To take any other action necessary to carry out  
12 the powers and duties expressly granted in this code.

13           Section 14. Subsection (1) of section 337.18, Florida  
14 Statutes, is amended to read:

15           337.18 Surety bonds; requirement with respect to  
16 contract award; defaults; damage assessments.--

17           (1) A surety bond shall be required of the successful  
18 bidder in an amount equal to the awarded contract price. For a  
19 project for which the contract price is \$150,000 or less, the  
20 department may waive the requirement for all or a portion of a  
21 surety bond if it determines the project is of a noncritical  
22 nature and nonperformance will not endanger public health,  
23 safety, or property. The department may require alternate  
24 means of security if a surety bond is waived. The surety on  
25 such bond shall be a surety company authorized to do business  
26 in the state. All bonds shall be payable to the department and  
27 conditioned for the prompt, faithful, and efficient  
28 performance of the contract according to plans and  
29 specifications and within the time period specified, and for  
30 the prompt payment of all persons furnishing labor, material,  
31 equipment, and supplies therefor; however, whenever an

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1 improvement, demolition, or removal contract price is \$25,000  
2 or less, the security may, in the discretion of the bidder, be  
3 in the form of a cashier's check, bank money order of any  
4 state or national bank, certified check, or postal money  
5 order. The department shall adopt rules to implement this  
6 subsection. Such rules shall include provisions under which  
7 the department will refuse to accept bonds on contracts when a  
8 surety wrongfully fails or refuses to settle or provide a  
9 defense for claims or actions arising under a contract for  
10 which the surety previously furnished a bond.

11 Section 15. Subsection (1) of section 338.155, Florida  
12 Statutes, is amended to read:

13 338.155 Payment of toll on toll facilities required;  
14 exemptions.--

15 (1) No persons are permitted to use any toll facility  
16 without payment of tolls, except employees of the agency  
17 operating the toll project when using the toll facility on  
18 official state business, state military personnel while on  
19 official military business, handicapped persons as provided in  
20 this section, persons exempt from toll payment by the  
21 authorizing resolution for bonds issued to finance the  
22 facility, and persons exempt on a temporary basis where use of  
23 such toll facility is required as a detour route. Any Florida  
24 highway patrol officer, sheriff, deputy sheriff, or municipal  
25 police officer operating a marked official vehicle is exempt  
26 from toll payment when on official law enforcement business.  
27 The secretary, or the secretary's designee, may suspend the  
28 payment of tolls on a toll facility when necessary to assist  
29 in emergency evacuation. The failure to pay a prescribed toll  
30 constitutes a noncriminal traffic infraction, punishable as a  
31 moving violation pursuant to s. 318.18. The department is



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1 authorized to adopt rules relating to guaranteed toll  
2 accounts.

3           Section 16. Subsection (2) of section 339.09, Florida  
4 Statutes, is amended to read:

5           339.09 Use of transportation tax revenues;  
6 restrictions.--

7           (2) The department may, in cooperation with the  
8 Federal Government, expend transportation tax revenues  
9 pursuant to rules adopted by the department, for control of  
10 undesirable rodents, relocation assistance, and moving costs  
11 of persons displaced by highway construction and other related  
12 transportation projects to the extent, but only to the extent,  
13 required by federal law to be undertaken by the state to  
14 continue to be eligible for federal highway funds.

15           Section 17. Section 427.013, Florida Statutes, is  
16 amended to read:

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

29           (1) Compile all available information on the  
30 transportation operations for and needs of the transportation  
31 disadvantaged in the state.

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1           (2) Establish statewide objectives for providing  
2 transportation services for the transportation disadvantaged.

3           (3) Develop policies and procedures for the  
4 coordination of local government, federal, and state funding  
5 for the transportation disadvantaged.

6           (4) Identify barriers prohibiting the coordination and  
7 accessibility of transportation services to the transportation  
8 disadvantaged and aggressively pursue the elimination of these  
9 barriers.

10          (5) Serve as a clearinghouse for information about  
11 transportation disadvantaged services, training, funding  
12 sources, innovations, and coordination efforts.

13          (6) Assist communities in developing transportation  
14 systems designed to serve the transportation disadvantaged.

15          (7) Assure that all procedures, guidelines, and  
16 directives issued by member departments are conducive to the  
17 coordination of transportation services.

18          (8)(a) Assure that member departments purchase all  
19 trips within the coordinated system, unless they use a more  
20 cost-effective alternative provider.

21          (b) Provide, by rule, criteria and procedures for  
22 member departments to use if they wish to use an alternative  
23 provider. Departments must demonstrate either that the  
24 proposed alternative provider can provide a trip of acceptable  
25 quality for the clients at a lower cost than that provided  
26 within the coordinated system, or that the coordinated system  
27 cannot accommodate the department's clients.

28          (9) Develop by rule standards for community  
29 transportation coordinators and any transportation operator or  
30 coordination contractor from whom service is purchased or  
31 arranged by the community transportation coordinator covering

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- 1 coordination, operation, safety, insurance, eligibility for  
2 service, costs, and utilization of transportation  
3 disadvantaged services. These standards and rules must ~~shall~~  
4 include, but not be limited to:
- 5 (a) Inclusion, by rule, of acceptable ranges of trip  
6 costs for the various modes and types of transportation  
7 services provided.
- 8 (b) Minimum performance standards for the delivery of  
9 services. These standards must ~~should~~ be included in  
10 coordinator contracts and transportation operator contracts  
11 with clear penalties for repeated or continuing violations.
- 12 (c) Minimum liability insurance requirements for all  
13 transportation services purchased, provided, or coordinated  
14 for the transportation disadvantaged through the community  
15 transportation coordinator.
- 16 (10) Adopt rules pursuant to ss. 120.536(1) and 120.54  
17 to implement the provisions of ss. 427.011-427.017.
- 18 (11) Approve the appointment of all community  
19 transportation coordinators.
- 20 (12) Have the authority to apply for and accept funds,  
21 grants, gifts, and services from the Federal Government, state  
22 government, local governments, or private funding sources.  
23 Applications by the commission for local government funds  
24 shall be coordinated through the appropriate coordinating  
25 board. Funds acquired or accepted under this subsection shall  
26 be administered by the commission and shall be used to carry  
27 out the commission's responsibilities.
- 28 (13) Make an annual report to the Governor, the  
29 President of the Senate, and the Speaker of the House of  
30 Representatives by January 1 of each year.
- 31 (14) Consolidate, for each state agency, the annual

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1 budget estimates for transportation disadvantaged services,  
2 and the amounts of each agency's actual expenditures, together  
3 with the annual budget estimates of each official planning  
4 agency, local government, and directly federally funded agency  
5 and issue a report.

6 (15) Prepare a statewide 5-year transportation  
7 disadvantaged plan which addresses the transportation problems  
8 and needs of the transportation disadvantaged, which is fully  
9 coordinated with local transit plans, compatible with local  
10 government comprehensive plans, and which ensures that the  
11 most cost-effective and efficient method of providing  
12 transportation to the disadvantaged is programmed for  
13 development.

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

16 (17) Review, monitor, and coordinate all  
17 transportation disadvantaged local government, state, and  
18 federal fund requests and plans for conformance with  
19 commission policy, without delaying the application process.  
20 Such funds shall be available only to those entities  
21 participating in an approved coordinated transportation system  
22 or entities which have received a commission-approved waiver  
23 to obtain all or part of their transportation through another  
24 means. This process shall identify procedures for coordinating  
25 with the state's intergovernmental coordination and review  
26 procedures and s. 216.212(1) and any other appropriate grant  
27 review process.

28 (18) Develop an interagency uniform contracting and  
29 billing and accounting system that shall be used by all  
30 community transportation coordinators and their transportation  
31 operators.

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1           (19) Develop and maintain a transportation  
2 disadvantaged manual.

3           (20) Design and develop transportation disadvantaged  
4 training programs.

5           (21) Coordinate all transportation disadvantaged  
6 programs with appropriate state, local, and federal agencies  
7 and public transit agencies to ensure compatibility with  
8 existing transportation systems.

9           (22) Designate the official planning agency in areas  
10 outside of the purview of a metropolitan planning  
11 organization.

12           (23) Develop need-based criteria that must be used by  
13 all community transportation coordinators to prioritize the  
14 delivery of nonsponsored transportation disadvantaged services  
15 that are purchased with Transportation Disadvantaged Trust  
16 Fund moneys.

17           (24) Establish a review procedure to compare the rates  
18 proposed by alternate transportation operators with the rates  
19 charged by a community transportation coordinator to determine  
20 which rate is more cost-effective.

21           (25) Conduct a cost-comparison study of  
22 single-coordinator, multicoordinator, and brokered community  
23 transportation coordinator networks to ensure that the most  
24 cost-effective and efficient method of providing  
25 transportation to the transportation disadvantaged is  
26 programmed for development.

27           (26) Develop a quality assurance and management review  
28 program to monitor, based upon approved commission standards,  
29 services contracted for by an agency, and those provided by a  
30 community transportation operator pursuant to s. 427.0155.  
31 Staff of the quality assurance and management review program

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1 shall function independently and be directly responsible to  
2 the executive director.

3 (27) Ensure that local community transportation  
4 coordinators work cooperatively with local WAGES coalitions  
5 established in chapter 414 to provide assistance in the  
6 development of innovative transportation services for WAGES  
7 participants.

8 Section 18. Section 427.0135, Florida Statutes, is  
9 amended to read:

10 427.0135 Member departments; duties and  
11 responsibilities.--Each member department, in carrying out the  
12 policies and procedures of the commission, shall:

13 (1)(a) Use the coordinated transportation system for  
14 provision of services to its clients, unless each department  
15 meets the criteria outlined in rule to use an alternative  
16 provider.

17 (b) Subject to the provisions of s. 409.908(18), the  
18 Medicaid agency shall purchase transportation services through  
19 the community coordinated transportation system unless a more  
20 cost-effective method is determined by the agency for Medicaid  
21 clients or unless otherwise limited or directed by the General  
22 Appropriations Act.

23 (2) Provide the commission, by September 15 of each  
24 year, an accounting of all funds spent as well as how many  
25 trips were purchased with agency funds.

26 (3) Assist communities in developing coordinated  
27 transportation systems designed to serve the transportation  
28 disadvantaged. However, a member department may not serve as  
29 the community transportation coordinator in any designated  
30 service area.

31 (4) Assure that its rules, procedures, guidelines, and

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1 directives are conducive to the coordination of transportation  
2 funds and services for the transportation disadvantaged.

3 (5) Provide technical assistance, as needed, to  
4 community transportation coordinators or transportation  
5 operators or participating agencies.

6 Section 19. Subsection (2) of section 427.015, Florida  
7 Statutes, is amended to read:

8 427.015 Function of the metropolitan planning  
9 organization or designated official planning agency in  
10 coordinating transportation for the transportation  
11 disadvantaged.--

12 (2) Each metropolitan planning organization or  
13 designated official planning agency shall recommend to the  
14 commission a single community transportation coordinator.  
15 However, a member department may not serve as the community  
16 transportation coordinator in any designated service area.The  
17 coordinator may provide all or a portion of needed  
18 transportation services for the transportation disadvantaged  
19 but shall be responsible for the provision of those  
20 coordinated services. Based on approved commission evaluation  
21 criteria, the coordinator shall subcontract or broker those  
22 services that are more cost-effectively and efficiently  
23 provided by subcontracting or brokering. The performance of  
24 the coordinator shall be evaluated based on the commission's  
25 approved evaluation criteria by the coordinating board at  
26 least annually. A copy of the evaluation shall be submitted to  
27 the metropolitan planning organization or the designated  
28 official planning agency, and the commission. The  
29 recommendation or termination of any community transportation  
30 coordinator shall be subject to approval by the commission.

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

2 And the title is amended as follows:

3           On page 1, line 31, through page 2, line 3, delete  
4 those lines

5

6 insert:

7           projects; amending s. 20.23, F.S.; authorizing  
8           the Florida Department of Transportation to  
9           adopt rules for the delegation of authority  
10          beyond the assistant secretaries; amending s.  
11          334.187, F.S.; authorizing the Florida  
12          Department of Transportation to adopt rules  
13          relating to the use of prepaid escrow accounts;  
14          amending s. 334.044, F.S.; authorizing the  
15          department to purchase promotional items for  
16          use in certain public awareness campaigns;  
17          authorizing the Florida Department of  
18          Transportation to adopt rules relating to  
19          approval of aggregate and other material  
20          sources; amending s. 337.18, F.S.; authorizing  
21          the Florida Department of Transportation to  
22          adopt rules related to surety bonds; amending  
23          s. 338.155, F.S.; authorizing the Florida  
24          Department of Transportation to adopt rules  
25          relating to guaranteed toll accounts; amending  
26          s. 339.09, F.S.; authorizing the Florida  
27          Department of Transportation to adopt rules  
28          related to the expenditure of transportation  
29          revenues; amending s. 427.013, F.S.;  
30          authorizing the Commission for the  
31          Transportation Disadvantaged to adopt rules



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1           related to developing operational standards;  
 2           amending s. 427.0135, F.S.; granting authority  
 3           for rules adopted by the Commission for the  
 4           Transportation Disadvantaged related to member  
 5           departments; amending s. 427.015, F.S.;  
 6           granting authority for rules adopted by the  
 7           Commission for the Transportation Disadvantaged  
 8           related to community transportation  
 9           coordinators; amending s. 335.02, F.S.;

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