

1                                   A bill to be entitled  
2           An act relating to the Department of  
3           Transportation; amending s. 20.23, F.S.;  
4           providing for a change in administrative  
5           duties; providing for an additional district  
6           office; providing additional responsibilities  
7           of the Transportation Commission; amending s.  
8           206.8745, F.S.; providing for a refund of tax  
9           paid on undyed diesel fuel consumed by the  
10          engine of a qualified motor coach during idle  
11          time for certain purposes; defining "motor  
12          coach"; providing restrictions on refunds;  
13          providing for proper documentation; granting  
14          the Department of Revenue authority to adopt  
15          rules; creating s. 215.617, F.S.; providing for  
16          the issuance of bonds by the Division of Bond  
17          Finance; amending s. 311.07, F.S.; expanding  
18          the use of certain seaport funds; providing for  
19          a final audit of funds; amending s. 311.09,  
20          F.S.; providing overrule authority to certain  
21          state agencies; providing voting membership to  
22          certain state agencies; providing requirements  
23          for the procurement of professional services;  
24          amending s. 320.20, F.S.; providing certain  
25          projects are fixed capital outlay projects;  
26          providing bonding authority; providing a  
27          timeframe for bond maturity; amending s.  
28          316.06, F.S.; authorizing local governments to  
29          agree to provide for the installation of  
30          multiparty stop signs on certain roads;  
31          providing guidelines for the installation of

1 such signage; amending ss. 316.302, 316.516,  
2 316.545, F.S.; updating cross-references to the  
3 current federal safety regulations; deleting  
4 references to weight and safety officers;  
5 amending s. 316.515, F.S.; deleting a reference  
6 to an automobile transporter height limit;  
7 repealing s. 316.610(3), F.S., relating to  
8 commercial motor vehicle inspections; amending  
9 s. 330.30, F.S.; removing the requirement for  
10 joint submission of applications for airport  
11 site approval and for an airport license;  
12 amending s. 332.004, F.S.; expanding the  
13 definition of the term "airport or aviation  
14 development project" to include off-site  
15 airport noise mitigation projects; amending s.  
16 20.23, F.S.; authorizing the Florida Department  
17 of Transportation to adopt rules for the  
18 delegation of authority beyond the assistant  
19 secretaries; amending s. 334.187, F.S.;  
20 authorizing the Florida Department of  
21 Transportation to adopt rules relating to the  
22 use of prepaid escrow accounts; amending s.  
23 334.044, F.S.; authorizing the department to  
24 purchase promotional items for use in certain  
25 public awareness campaigns; authorizing the  
26 Florida Department of Transportation to adopt  
27 rules relating to approval of aggregate and  
28 other material sources; amending s. 337.18,  
29 F.S.; authorizing the Florida Department of  
30 Transportation to adopt rules related to surety  
31 bonds; amending s. 338.155, F.S.; authorizing

1 the Florida Department of Transportation to  
2 adopt rules relating to guaranteed toll  
3 accounts; amending s. 339.09, F.S.; authorizing  
4 the Florida Department of Transportation to  
5 adopt rules related to the expenditure of  
6 transportation revenues; amending s. 427.013,  
7 F.S.; authorizing the Commission for the  
8 Transportation Disadvantaged to adopt rules  
9 related to developing operational standards;  
10 amending s. 427.0135, F.S.; granting authority  
11 for rules adopted by the Commission for the  
12 Transportation Disadvantaged related to member  
13 departments; amending s. 427.015, F.S.;  
14 granting authority for rules adopted by the  
15 Commission for the Transportation Disadvantaged  
16 related to community transportation  
17 coordinators; amending s. 335.02, F.S.;  
18 providing a maximum-lane policy; amending ss.  
19 335.141, 341.302, F.S.; repealing the  
20 department's authority to regulate train  
21 operating speeds; amending ss. 336.41, 336.44,  
22 255.20, 337.14, F.S.; providing that any  
23 contractor prequalified by the State of Florida  
24 is presumed qualified to bid on projects in  
25 excess of \$250,000 for county and expressway  
26 authority projects; amending s. 336.025, F.S.;  
27 expanding the authorized uses of the local  
28 option fuel tax; amending s. 337.025, F.S.;  
29 authorizing highway maintenance projects to be  
30 included in the innovative highway program;  
31 amending s. 337.11, F.S.; authorizing the

1 department to combine the right-of-way phase of  
2 certain projects into a single contract;  
3 amending s. 337.14, F.S.; extending the period  
4 of validity of contractor prequalification;  
5 amending s. 337.175, F.S.; providing for  
6 retainage flexibility; amending s. 338.161,  
7 F.S.; authorizing the department to promote the  
8 use of toll facilities; amending s. 338.165,  
9 F.S.; providing an exemption for high-occupancy  
10 toll lanes; amending s. 339.12, F.S.;  
11 increasing the current cap on the local  
12 government advance reimbursement program;  
13 amending s. 339.135, F.S.; deleting an obsolete  
14 requirement for identification of advanced  
15 right-of-way acquisition projects in the  
16 tentative work program; amending ss. 334.035,  
17 334.046, F.S.; providing prevailing principles  
18 for planning and developing transportation  
19 systems; amending s. 339.155, F.S.; clarifying  
20 the public participation process in  
21 transportation planning; conforming provisions  
22 to federal requirements; providing prevailing  
23 principles; deleting certain planning factors;  
24 amending s. 339.175, F.S.; providing duties of  
25 the metropolitan planning Technical Advisory  
26 Committee; providing for a coordinating  
27 committee in certain M.P.O.s; providing  
28 prevailing principles for planning and  
29 developing transportation systems for  
30 metropolitan planning organizations; deleting  
31 certain planning factors; amending s. 341.051,

1 F.S.; deleting an obsolete provision for public  
2 transit capital projects; amending s. 343.56,  
3 F.S.; authorizing the use of certain federal  
4 funds to pay principal and interest on bonds;  
5 amending s. 373.4137, F.S.; providing a  
6 technical correction; amending s. 332.007,  
7 F.S.; allowing the reimbursement period for  
8 certain airports to be extended; amending s.  
9 479.15, F.S.; revising guidelines on local  
10 government removal of signs along highways and  
11 roads; requiring a study by the Office of  
12 Program Policy Analysis and Government  
13 Accountability; providing an effective date.  
14

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

16  
17 Section 1. Paragraph (b) of subsection (2), paragraphs  
18 (c) and (d) of subsection (3), and paragraph (a) of subsection  
19 (4) of section 20.23, Florida Statutes, are 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           7. Recommend to the Governor and the Legislature  
26 improvements to the department's organization in order to  
27 streamline and optimize the efficiency of the department. The  
28 initial report by the commission must be delivered to the  
29 Governor and Legislature by December 15, 2000, and each year  
30 thereafter, as appropriate. The commission may retain such  
31 experts as are reasonably necessary to effectuate this

1 subparagraph, and the department shall pay the expenses of  
2 such experts.

3 (3)

4 (c) The secretary shall appoint an Assistant Secretary  
5 for Transportation Policy, an Assistant Secretary for Finance  
6 and Administration, and an Assistant Secretary for District  
7 Operations, each of whom shall serve at the pleasure of the  
8 secretary. The positions are responsible for developing,  
9 monitoring, and enforcing policy and managing major technical  
10 programs. The responsibilities and duties of these positions  
11 include, but are not limited to, the following functional  
12 areas:

13 1. Assistant Secretary for Transportation Policy.--

14 a. Development of the Florida Transportation Plan and  
15 other policy planning;

16 b. Development of statewide modal systems plans,  
17 including public transportation systems;

18 c. Design of transportation facilities;

19 d. Construction of transportation facilities; ~~and~~

20 e. Acquisition and management of transportation  
21 rights-of-way; ~~and-~~

22 f. Administration of motor carrier compliance and  
23 safety.

24 2. Assistant Secretary for District Operations.--

25 a. Administration of the nine ~~eight~~ districts; and

26 b. Implementation of the decentralization of the  
27 department. ~~and~~

28 ~~c. Administration of motor carrier compliance and~~  
29 ~~safety.~~

30 3. Assistant Secretary for Finance and

31 Administration.--

- 1 a. Financial planning and management;  
2 b. Information systems;  
3 c. Accounting systems;  
4 d. Administrative functions; and  
5 e. Administration of toll operations.
- 6 (d)1. Policy, program, or operations offices shall be  
7 established within the central office for the purposes of:  
8 a. Developing policy and procedures and monitoring  
9 performance to ensure compliance with these policies and  
10 procedures;  
11 b. Performing statewide activities which it is more  
12 cost-effective to perform in a central location;  
13 c. Assessing and ensuring the accuracy of information  
14 within the department's financial management information  
15 systems; and  
16 d. Performing other activities of a statewide nature.
- 17 2. The following offices are established and shall be  
18 headed by a manager, each of whom shall be appointed by and  
19 serve at the pleasure of the secretary. The positions shall be  
20 classified at a level equal to a division director:  
21 a. The Office of Administration;  
22 b. The Office of Policy Planning;  
23 c. The Office of Design;  
24 d. The Office of Highway Operations;  
25 e. The Office of Right-of-Way;  
26 f. The Office of Toll Operations; ~~and~~  
27 g. The Office of Information Systems; ~~and~~  
28 h. The Office of Motor Carrier Compliance.
- 29 3. Other offices may be established in accordance with  
30 s. 20.04(7). The heads of such offices are exempt from part II  
31 of chapter 110. No office or organization shall be created at



1 a level equal to or higher than a division without specific  
2 legislative authority.

3 4. During the construction of a major transportation  
4 improvement project or as determined by the district  
5 secretary, the department may provide assistance to a business  
6 entity significantly impacted by the project if the entity is  
7 a for-profit entity that has been in business for 3 years  
8 prior to the beginning of construction and has direct or  
9 shared access to the transportation project being constructed.  
10 The assistance program shall be in the form of additional  
11 guarantees to assist the impacted business entity in receiving  
12 loans pursuant to Title 13 C.F.R. part 120. However, in no  
13 instance shall the combined guarantees be greater than 90  
14 percent of the loan. The department shall adopt rules to  
15 implement this subparagraph.

16 (4)(a) The operations of the department shall be  
17 organized into nine ~~eight~~ districts, including a turnpike  
18 district, each headed by a district secretary. The district  
19 secretaries shall report to the Assistant Secretary for  
20 District Operations. The headquarters of the districts shall  
21 be located in Polk, Columbia, Washington, Broward, Volusia,  
22 Dade, Hillsborough, Duval, and Leon Counties. The turnpike  
23 district must be relocated to Orange County in the year 2000.  
24 In order to provide for efficient operations and to expedite  
25 the decisionmaking process, the department shall provide for  
26 maximum decentralization to the districts. However, before  
27 making a decision to centralize or decentralize department  
28 operations or relocate the turnpike district, the department  
29 must first determine if the decision would be cost-effective  
30 and in the public's best interest. The department shall  
31

1 periodically evaluate such decisions to ensure that they are  
2 appropriate.

3 Section 2. Subsection (8) is added to section  
4 206.8745, Florida Statutes, to read:

5 206.8745 Credits and refund claims.--

6 (8) Undyed, tax-paid diesel fuel purchased in this  
7 state and consumed by the engine of a qualified motor coach  
8 during idle time for the purpose of running climate control  
9 systems and maintaining electrical systems for the motor coach  
10 is subject to a refund. As used in this subsection, the term  
11 "qualified motor coach" means a privately owned vehicle that  
12 is designed to carry nine or more passengers, that has a gross  
13 vehicle weight of at least 33,000 pounds, that is used  
14 exclusively in the commercial application of transporting  
15 passengers for compensation, and that has the capacity to  
16 measure diesel fuel consumed in Florida during idling,  
17 separate from diesel fuel consumed to propel the vehicle in  
18 this state, by way of an on-board computer.

19 (a) The purchaser may make one claim for refund per  
20 calendar year.

21 (b) The annual refund claim must be submitted before  
22 April 1 of the year following the year in which the tax was  
23 paid and after December 31, 2000.

24 (c) The purchaser must submit original or copies of  
25 original purchase invoices showing the taxes paid, or, in lieu  
26 of original invoices, a purchaser may submit a schedule of  
27 purchases containing the information required by s.  
28 206.41(5)(b)1.

29 (d) The purchaser must remit, as an offset to the  
30 refund, sales tax due under chapter 212 based on the purchase  
31 price of the fuel, net of the state tax refunded.

1  
2 The Department of Revenue may adopt rules to administer this  
3 subsection.

4 Section 3. Section 215.617, Florida Statutes, is  
5 created to read:

6 215.617 Bonds for the Florida Seaport Transportation  
7 and Economic Development Program.--

8 (1) The Division of Bond Finance, on behalf of the  
9 Florida Seaport Transportation and Economic Development  
10 Council, is authorized to issue revenue bonds pursuant to s.  
11 11, Art. VII of the State Constitution and the State Bond Act  
12 for the purposes of financing or refinancing fixed capital  
13 requirements of the Florida Seaport Transportation and  
14 Economic Development Program as provided in chapter 311 and s.  
15 320.20(3) and (4) and funding seaport access projects of  
16 statewide significance as provided in s. 341.053.

17 (2) The revenue bonds issued pursuant to this section  
18 shall not constitute a general obligation of or a pledge of  
19 the full faith and credit of the state or any of its agencies.

20 (3) Bonds issued pursuant to this section shall be  
21 payable solely from funds pledged pursuant to s. 320.20(3) and  
22 (4). Such funds shall be assigned and pledged as security and  
23 deposited in trust with the State Board of Administration  
24 pursuant to the terms of an agreement entered into among the  
25 ports and the State Board of Administration.

26 Section 4. Paragraph (b) of subsection (3) and  
27 subsection (6) of section 311.07, Florida Statutes, is amended  
28 to read:

29 311.07 Florida seaport transportation and economic  
30 development funding.--

31 (3)

1 (b) Projects eligible for funding by grants under the  
2 program are limited to the following port facilities or port  
3 transportation projects:

4 1. Transportation facilities within the jurisdiction  
5 of the port.

6 2. The dredging or deepening of channels, turning  
7 basins, or harbors.

8 3. The construction or rehabilitation of wharves,  
9 docks, structures, jetties, piers, storage facilities, cruise  
10 terminals, automated people mover systems, or any facilities  
11 necessary or useful in connection with any of the foregoing.

12 4. The acquisition of container cranes or other  
13 mechanized equipment used in the movement of cargo or  
14 passengers in international commerce.

15 5. The acquisition of land to be used for port  
16 purposes.

17 6. The acquisition, improvement, enlargement, or  
18 extension of existing port facilities.

19 7. Environmental protection projects which are  
20 necessary because of requirements imposed by a state agency as  
21 a condition of a permit or other form of state approval; which  
22 are necessary for environmental mitigation required as a  
23 condition of a state, federal, or local environmental permit;  
24 which are necessary for the acquisition of spoil disposal  
25 sites and improvements to existing and future spoil sites; or  
26 which result from the funding of eligible projects listed  
27 herein.

28 8. Transportation facilities as defined in s.  
29 334.03(31) which are not otherwise part of the Department of  
30 Transportation's adopted work program.

31

1           9. Seaport intermodal access projects identified in  
2 the 5-year Florida Seaport Mission Plan as provided in s.  
3 311.09(3).

4           10. Construction or rehabilitation of port facilities  
5 as defined in s. 315.02 in ports listed in s. 311.09(1) with  
6 operating revenues of \$5 million or less, provided that such  
7 projects create economic development opportunities, capital  
8 improvements, and positive financial returns to such ports.

9           (6) The Department of Transportation shall subject any  
10 project that receives funds pursuant to this section and s.  
11 320.20 to a final audit. The department may adopt rules and  
12 perform such other acts as are necessary or convenient to  
13 ensure that the final audits are conducted and that any  
14 deficiency or questioned costs noted by the audit are  
15 resolved.

16           Section 5. Subsections (1), (4), (6), (7), (8), (11)  
17 and (12) of section 311.09, Florida Statutes, are amended to  
18 read:

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

21           (1) The Florida Seaport Transportation and Economic  
22 Development Council is created within the Department of  
23 Transportation. The council consists of the following 17  
24 members: the port director, or the port director's designee,  
25 of each of the ports of Jacksonville, Port Canaveral, Fort  
26 Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St.  
27 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key  
28 West, and Fernandina; the secretary of the Department of  
29 Transportation or his or her designee ~~as an ex officio~~  
30 ~~nonvoting member~~; the director of the Office of Tourism,  
31 Trade, and Economic Development or his or her designee ~~as an~~

1 ~~ex officio nonvoting member~~; and the secretary of the  
2 Department of Community Affairs or his or her designee ~~as an~~  
3 ~~ex officio nonvoting member~~.

4 (4) The council shall adopt rules for evaluating  
5 projects which may be funded under ~~ss. s-311.07~~ and 320.20.  
6 The rules shall provide criteria for evaluating the economic  
7 benefit of the project, measured by the potential for the  
8 proposed project to increase cargo flow, cruise passenger  
9 movement, international commerce, port revenues, and the  
10 number of jobs for the port's local community.

11 (6) The Department of Community Affairs shall review  
12 the list of projects approved by the council to determine  
13 consistency with approved local government comprehensive plans  
14 of the units of local government in which the port is located  
15 and consistency with the port master plan. The Department of  
16 Community Affairs shall identify and notify the council of  
17 those projects which are not consistent, to the maximum extent  
18 feasible, with such comprehensive plans and port master plans.  
19 The Department of Community Affairs may overrule any action of  
20 the council approving a project.

21 (7) The Department of Transportation shall review the  
22 list of projects approved by the council for consistency with  
23 the Florida Transportation Plan and the department's adopted  
24 work program. In evaluating the consistency of a project, the  
25 department shall determine whether the transportation impact  
26 of the proposed project is adequately handled by existing  
27 state-owned transportation facilities or by the construction  
28 of additional state-owned transportation facilities as  
29 identified in the Florida Transportation Plan and the  
30 department's adopted work program. In reviewing for  
31 consistency a transportation facility project as defined in s.

1 334.03(31) which is not otherwise part of the department's  
2 work program, the department shall evaluate whether the  
3 project is needed to provide for projected movement of cargo  
4 or passengers from the port to a state transportation facility  
5 or local road. If the project is needed to provide for  
6 projected movement of cargo or passengers, the project shall  
7 be approved for consistency as a consideration to facilitate  
8 the economic development and growth of the state in a timely  
9 manner. The Department of Transportation shall identify those  
10 projects which are inconsistent with the Florida  
11 Transportation Plan and the adopted work program and shall  
12 notify the council of projects found to be inconsistent. The  
13 Department of Transportation may overrule any action of the  
14 council approving a project.

15 (8) The Office of Tourism, Trade, and Economic  
16 Development, in consultation with Enterprise Florida, Inc.,  
17 shall review the list of projects approved by the council to  
18 evaluate the economic benefit of the project and to determine  
19 whether the project is consistent with the Florida Seaport  
20 Mission Plan. The Office of Tourism, Trade, and Economic  
21 Development shall review the economic benefits of each project  
22 based upon the rules adopted pursuant to subsection (4). The  
23 Office of Tourism, Trade, and Economic Development shall  
24 identify those projects which it has determined do not offer  
25 an economic benefit to the state or are not consistent with  
26 the Florida Seaport Mission Plan and shall notify the council  
27 of its findings. The Office of Tourism, Trade, and Economic  
28 Development may overrule any action of the council approving a  
29 project.

30 (11) The council shall meet at the call of its  
31 chairperson, at the request of a majority of its membership,

1 or at such times as may be prescribed in its bylaws. However,  
2 the council must meet at least semiannually. A majority of  
3 voting members of the council constitutes a quorum for the  
4 purpose of transacting the business of the council. All  
5 members of the council are voting members ~~except for members~~  
6 ~~representing the Department of Transportation; the Department~~  
7 ~~of Community Affairs; and the Office of Tourism, Trade, and~~  
8 ~~Economic Development.~~ A vote of the majority of the voting  
9 members present is sufficient for any action of the council,  
10 except that a member representing the Department of  
11 Transportation, the Department of Community Affairs, or the  
12 Office of Tourism, Trade, and Economic Development may  
13 overrule any action of the council approving a project. The  
14 ~~unless the~~ bylaws of the council may require a greater vote  
15 for a particular action. However, such bylaws may not affect  
16 the overrule authority of the Department of Transportation,  
17 the Department of Community Affairs, and the Office of  
18 Tourism, Trade, and Economic Development.

19 (12) Members of the council shall serve without  
20 compensation but are entitled to receive reimbursement for per  
21 diem and travel expenses as provided in s. 112.061. The  
22 council may elect to provide an administrative staff to  
23 provide services to the council on matters relating to the  
24 Florida Seaport Transportation and Economic Development  
25 Program and the council. The cost for such administrative  
26 services shall be paid by all ports that receive funding from  
27 the Florida Seaport Transportation and Economic Development  
28 Program, based upon a pro rata formula measured by each  
29 recipient's share of the funds as compared to the total funds  
30 disbursed to all recipients during the year. The share of  
31 costs for administrative services shall be paid in its total



1 amount by the recipient port upon execution by the port and  
2 the Department of Transportation of a joint participation  
3 agreement for each council-approved project, and such payment  
4 is in addition to the matching funds required to be paid by  
5 the recipient port. The procurement of outside professional  
6 services by the council is subject to s. 287.057 and any  
7 written agreements and documentation supporting payments for  
8 professional services must be retained by the council.

9 Section 6. Subsections (3) and (4) of section 320.20,  
10 Florida Statutes, are amended to read:

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

16 (3) Notwithstanding any other provision of law except  
17 subsections (1) and (2), on July 1, 1996, and annually  
18 thereafter, \$15 million shall be deposited in the State  
19 Transportation Trust Fund solely for the purposes of funding  
20 the Florida Seaport Transportation and Economic Development  
21 Program as provided for in chapter 311. Such revenues shall  
22 be distributed on a 50-50 matching basis to any port listed in  
23 s. 311.09(1) to be used for funding projects as described in  
24 s. 311.07(3)(b). Projects that are funded under this  
25 subsection shall be considered state fixed capital outlay  
26 projects for bonding purposes.Such revenues may be assigned,  
27 pledged, or set aside as a trust for the payment of principal  
28 or interest on bonds, tax anticipation certificates, or any  
29 other form of indebtedness issued by the State Board of  
30 Administration, Division of Bond Finance, on behalf of any  
31 ports that form a collective interlocal agreement ~~an~~

1 ~~individual port or appropriate local government having~~  
2 ~~jurisdiction thereof, or collectively by interlocal agreement~~  
3 ~~among any of the ports, or used to purchase credit support to~~  
4 permit such borrowings. However, such debt shall not  
5 constitute a general obligation of the State of Florida. Such  
6 bonds in issue and series must mature 30 years from their date  
7 of issuance.The state does hereby covenant with holders of  
8 such revenue bonds or other instruments of indebtedness issued  
9 hereunder that it will not repeal or impair or amend in any  
10 manner which will materially and adversely affect the rights  
11 of such holders so long as bonds authorized by this section  
12 are outstanding. Any revenues which are not pledged to the  
13 repayment of bonds as authorized by this section may be  
14 utilized for purposes authorized under the Florida Seaport  
15 Transportation and Economic Development Program. This revenue  
16 source is in addition to any amounts provided for and  
17 appropriated in accordance with s. 311.07. The Florida  
18 Seaport Transportation and Economic Development Council shall  
19 approve distribution of funds to ports for projects which have  
20 been approved pursuant to s. 311.09(5)-(9). The council and  
21 the Department of Transportation are authorized to perform  
22 such acts as are required to facilitate and implement the  
23 provisions of this subsection. To better enable the ports to  
24 cooperate to their mutual advantage, the governing body of  
25 each port may exercise powers provided to municipalities or  
26 counties in s. 163.01(7)(d) subject to the provisions of  
27 chapter 311 and special acts, if any, pertaining to a port.  
28 The use of funds provided pursuant to this subsection are  
29 limited to eligible projects listed in this subsection.  
30 Income derived from a project completed with the use of  
31 program funds, beyond operating costs and debt service, shall

1 be restricted to further port capital improvements consistent  
2 with maritime purposes and for no other purpose. Use of such  
3 income for nonmaritime purposes is prohibited. The provisions  
4 of s. 311.07(4) do not apply to any funds received pursuant to  
5 this subsection.

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

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

22 (b) For seaport intermodal access projects as  
23 described in s. 341.053(5) that are identified in the 5-year  
24 Florida Seaport Mission Plan as provided in s. 311.09(3).  
25 Funding for such projects shall be on a matching basis as  
26 mutually determined by the Florida Seaport Transportation and  
27 Economic Development Council and the Department of  
28 Transportation, provided a minimum of 25 percent of total  
29 project funds shall come from any port funds, local funds,  
30 private funds, or specifically earmarked federal funds; or  
31

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

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

10  
11 Such revenues may be assigned, pledged, or set aside as a  
12 trust for the payment of principal or interest on bonds, tax  
13 anticipation certificates, or any other form of indebtedness  
14 issued by the State Board of Administration, Division of Bond  
15 Finance, on behalf of any ports that form a collective  
16 interlocal agreement ~~an individual port or appropriate local~~  
17 ~~government having jurisdiction thereof, or collectively by~~  
18 ~~interlocal agreement among any of the ports,~~ or used to  
19 purchase credit support to permit such borrowings. However,  
20 such debt shall not constitute a general obligation of the  
21 state. Such bonds in issue and series must mature at such time  
22 not exceeding 30 years from their date of issuance.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 7. Subsections (2) and (3) of section 316.006,  
4 Florida Statutes, are amended to read:

5 316.006 Jurisdiction.--Jurisdiction to control traffic  
6 is vested as follows:

7 (2) MUNICIPALITIES.--

8 (a) Chartered municipalities shall have original  
9 jurisdiction over all streets and highways located within  
10 their boundaries, except state roads, and may place and  
11 maintain such traffic control devices which conform to the  
12 manual and specifications of the Department of Transportation  
13 upon all streets and highways under their original  
14 jurisdiction as they shall deem necessary to indicate and to  
15 carry out the provisions of this chapter or to regulate, warn,  
16 or guide traffic.

17 (b) A municipality may exercise jurisdiction over any  
18 private road or roads, or over any limited access road or  
19 roads owned or controlled by a special district, located  
20 within its boundaries if the municipality and party or parties  
21 owning or controlling such road or roads provide, by written  
22 agreement approved by the governing body of the municipality,  
23 for municipal traffic control jurisdiction over the road or  
24 roads encompassed by such agreement. Pursuant thereto:

25 1. Provision for reimbursement for actual costs of  
26 traffic control and enforcement and for liability insurance  
27 and indemnification by the party or parties, and such other  
28 terms as are mutually agreeable, may be included in such an  
29 agreement.

30 2. The exercise of jurisdiction provided for herein  
31 shall be in addition to jurisdictional authority presently

1 exercised by municipalities under law, and nothing in this  
2 paragraph shall be construed to limit or remove any such  
3 jurisdictional authority. Such jurisdiction includes  
4 regulation of access to such road or roads by security devices  
5 or personnel.

6 3. Any such agreement may provide for the installation  
7 of multiparty stop signs by the parties controlling the roads  
8 covered by the agreement, if a determination is made by such  
9 parties that the signage will enhance traffic safety.

10 Multiparty stop signs must conform to the manual and  
11 specifications of the Department of Transportation. However,  
12 minimum traffic volumes may not be required for the  
13 installation of such signage. Enforcement for the signs shall  
14 be as provided in s. 316.123.

15  
16 This subsection shall not limit those counties which have the  
17 charter powers to provide and regulate arterial, toll, and  
18 other roads, bridges, tunnels, and related facilities from the  
19 proper exercise of those powers by the placement and  
20 maintenance of traffic control devices which conform to the  
21 manual and specifications of the Department of Transportation  
22 on streets and highways located within municipal boundaries.

23 (3) COUNTIES.--

24 (a) Counties shall have original jurisdiction over all  
25 streets and highways located within their boundaries, except  
26 all state roads and those streets and highways specified in  
27 subsection (2), and may place and maintain such traffic  
28 control devices which conform to the manual and specifications  
29 of the Department of Transportation upon all streets and  
30 highways under their original jurisdiction as they shall deem  
31

1 necessary to indicate and to carry out the provisions of this  
2 chapter or to regulate, warn, or guide traffic.

3 (b) A county may exercise jurisdiction over any  
4 private road or roads, or over any limited access road or  
5 roads owned or controlled by a special district, located in  
6 the unincorporated area within its boundaries if the county  
7 and party or parties owning or controlling such road or roads  
8 provide, by written agreement approved by the governing body  
9 of the county, for county traffic control jurisdiction over  
10 the road or roads encompassed by such agreement. Pursuant  
11 thereto:

12 1. Provision for reimbursement for actual costs of  
13 traffic control and enforcement and for liability insurance  
14 and indemnification by the party or parties, and such other  
15 terms as are mutually agreeable, may be included in such an  
16 agreement.

17 2. Prior to entering into an agreement which provides  
18 for enforcement of the traffic laws of the state over a  
19 private road or roads, or over any limited access road or  
20 roads owned or controlled by a special district, the governing  
21 body of the county shall consult with the sheriff. No such  
22 agreement shall take effect prior to October 1, the beginning  
23 of the county fiscal year, unless this requirement is waived  
24 in writing by the sheriff.

25 3. The exercise of jurisdiction provided for herein  
26 shall be in addition to jurisdictional authority presently  
27 exercised by counties under law, and nothing in this paragraph  
28 shall be construed to limit or remove any such jurisdictional  
29 authority.

30 4. Any such agreement may provide for the installation  
31 of multiparty stop signs by the parties controlling the roads



1 covered by the agreement, if a determination is made by such  
2 parties that the signage will enhance traffic safety.  
3 Multiparty stop signs must conform to the manual and  
4 specifications of the Department of Transportation. However,  
5 minimum traffic volumes may not be required for the  
6 installation of such signage. Enforcement for the signs shall  
7 be as provided in s. 316.123.

8  
9 Notwithstanding the provisions of subsection (2), each county  
10 shall have original jurisdiction to regulate parking, by  
11 resolution of the board of county commissioners and the  
12 erection of signs conforming to the manual and specifications  
13 of the Department of Transportation, in parking areas located  
14 on property owned or leased by the county, whether or not such  
15 areas are located within the boundaries of chartered  
16 municipalities.

17 Section 8. Paragraph (b) of subsection (1) and  
18 subsections (5) and (8) of section 316.302, Florida Statutes,  
19 are amended to read:

20 316.302 Commercial motor vehicles; safety regulations;  
21 transporters and shippers of hazardous materials;  
22 enforcement.--

23 (1)

24 (b) Except as otherwise provided in this section, all  
25 owners or drivers of commercial motor vehicles that are  
26 engaged in intrastate commerce are subject to the rules and  
27 regulations contained in 49 C.F.R. parts 382, 385, and  
28 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
29 relates to the definition of bus, as such rules and  
30 regulations existed on March 1, 2000 ~~1999~~.

31

1           (5) The Department of Transportation may adopt and  
2 revise rules to assure the safe operation of commercial motor  
3 vehicles. The Department of Transportation may enter into  
4 cooperative agreements as provided in 49 C.F.R. part 388.  
5 Department of Transportation personnel may conduct motor  
6 carrier and shipper terminal audits only for the purpose of  
7 determining compliance with 49 C.F.R. parts 171, 172, 173,  
8 177, 178, 180, 382, 385,391, 393, 396, and 397; 49 C.F.R. s.  
9 395.1(e)(5); and s. 627.7415.

10           (8) Any Department of Transportation law enforcement  
11 officer ~~agent of the Department of Transportation described in~~  
12 ~~s. 316.545(9)~~, any member of the Florida Highway Patrol, or  
13 any person employed by a sheriff's office or municipal police  
14 department who is authorized to enforce the traffic laws of  
15 this state pursuant to s. 316.640 may enforce the provisions  
16 of this section. Any law enforcement officer who is of the  
17 ~~Department of Transportation described in s. 316.545(9)~~, any  
18 ~~member of the Florida Highway Patrol, or any law enforcement~~  
19 ~~officer employed by a sheriff's office or municipal police~~  
20 ~~department~~ authorized to enforce the traffic laws of this  
21 state pursuant to s. 316.640 and, who has reason to believe  
22 that a vehicle or driver is operating in an unsafe condition,  
23 may require the driver to stop and submit to an inspection of  
24 the vehicle or the driver's records. Any person who fails to  
25 comply with an officer's request to submit to an inspection  
26 under this subsection is guilty of a violation of s. 843.02 if  
27 the driver resists the officer without violence or a violation  
28 of s. 843.01 if the driver resists the officer with violence.  
29 If the vehicle is found to be in an unsafe condition, or if  
30 any required part or equipment is not present or is not in  
31 proper repair or adjustment, and the continued operation would

1 probably present an unduly hazardous operating condition, the  
2 officer may require the vehicle to be immediately repaired or  
3 removed from use. However, if continued operation would not  
4 present an unduly hazardous operating condition, the officer  
5 may give written notice to require proper repair and  
6 adjustment of the vehicle within 14 days.

7 Section 9. Subsection (2) of section 316.515, Florida  
8 Statutes, is amended to read:

9 316.515 Maximum width, height, length.--

10 (2) HEIGHT LIMITATION.--No vehicle may exceed a height  
11 of 13 feet 6 inches, inclusive of load carried thereon.

12 However, an automobile transporter may, ~~with a permit from the~~  
13 ~~Department of Transportation,~~ measure a height not to exceed  
14 14 feet, inclusive of the load carried thereon.

15 Section 10. Subsection (1) of section 316.516, Florida  
16 Statutes, is amended to read:

17 316.516 Width, height, and length; inspection;  
18 penalties.--

19 (1) Any law enforcement officer, as prescribed in s.  
20 316.640, ~~or any weight and safety officer of the Department of~~  
21 ~~Transportation, as prescribed in s. 316.545(1),~~ who has reason  
22 to believe that the width, height, or length of a vehicle or  
23 combination of vehicles and the load thereon is not in  
24 conformance with s. 316.515 is authorized to require the  
25 driver to stop and submit such vehicle and load to measurement  
26 of its width, height, or length.

27 Section 11. Subsections (1) and (9) of section  
28 316.545, Florida Statutes, are amended to read:

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

31

1           (1) Any law enforcement ~~weight and safety~~ officer of  
2 the Department of Transportation having reason to believe that  
3 the weight of a vehicle and load is unlawful is authorized to  
4 require the driver to stop and submit to a weighing of the  
5 same by means of either portable or fixed scales and may  
6 require that such vehicle be driven to the nearest weigh  
7 station or public scales, provided such a facility is within 5  
8 highway miles. Upon a request by the vehicle driver, the  
9 officer shall weigh the vehicle at fixed scales rather than by  
10 portable scales if such a facility is available within 5  
11 highway miles. Anyone who refuses to submit to such weighing  
12 obstructs an officer pursuant to s. 843.02 and is guilty of a  
13 misdemeanor of the first degree, punishable as provided in s.  
14 775.082 or s. 775.083. Anyone who knowingly and willfully  
15 resists, obstructs, or opposes a law enforcement ~~weight and~~  
16 ~~safety~~ officer while refusing to submit to such weighing by  
17 resisting the officer with violence to the officer's person  
18 pursuant to s. 843.01 is guilty of a felony of the third  
19 degree, punishable as provided in s. 775.082, s. 775.083, or  
20 s. 775.084.

21           (9) Any agent of the Department of Transportation who  
22 is employed as a ~~for the purpose of being a weight and safety~~  
23 ~~officer and who meets the qualifications established by law~~  
24 ~~for law enforcement~~ officer ~~officers~~ shall have the same  
25 arrest powers as are granted any law enforcement officer.  
26 However, the primary purpose of such officers shall be the  
27 enforcement for the purpose of enforcing the provisions of  
28 weight, load, safety, commercial motor vehicle registration,  
29 and fuel tax compliance laws.

30           Section 12. Subsection (3) of section 316.610, Florida  
31 Statutes, is repealed.

1           Section 13. Paragraph (a) of subsection (1) and  
2 paragraph (a) of subsection (2) of section 330.30, Florida  
3 Statutes, are amended to read:

4           330.30 Approval of airport sites and licensing of  
5 airports; fees.--

6           (1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE  
7 PERIOD, REVOCATION.--

8           (a) Except as provided in paragraph (c) of subsection  
9 (2) and in subsection (3), the owner or lessee of any proposed  
10 airport shall, prior to the acquisition of the site or prior  
11 to the construction or establishment of the proposed airport,  
12 obtain approval of the airport site from the department.  
13 Applications for approval of a site must ~~and for an original~~  
14 ~~license shall~~ be jointly made on a form prescribed by the  
15 department and must ~~shall~~ be accompanied by a site approval  
16 fee of \$100. The department, after inspection of the airport  
17 site, shall grant the site approval if it is satisfied:

18           1. That the site is adequate for the proposed airport;

19           2. That the proposed airport, if constructed or  
20 established, will conform to minimum standards of safety and  
21 will comply with applicable county or municipal zoning  
22 requirements;

23           3. That all nearby airports, municipalities, and  
24 property owners have been notified and any comments submitted  
25 by them have been given adequate consideration; and

26           4. That safe air-traffic patterns can be worked out  
27 for the proposed airport and for all existing airports and  
28 approved airport sites in its vicinity.

29           (2) LICENSES; REQUIREMENTS, FEES, RENEWAL,  
30 REVOCATION.--

31

1           (a) Except as provided in subsection (3), the owner or  
2 lessee of an airport in this state must obtain a license prior  
3 to the operation of aircraft on the airport. An application  
4 for such license must ~~shall~~ be made on a form prescribed by  
5 the department ~~and shall be accomplished jointly with an~~  
6 ~~application for site approval.~~ Upon completing ~~granting site~~  
7 ~~approval,~~ making a favorable ~~final~~ airport inspection report  
8 indicating compliance with all license requirements, and  
9 receiving the appropriate license fee, the department shall  
10 issue a license to the applicant, subject to any reasonable  
11 conditions that the department may deem necessary to protect  
12 the public health, safety, or welfare.

13           Section 14. Section 332.004, Florida Statutes, is  
14 amended to read:

15           332.004 Definitions of terms used in ss.

16 332.003-332.007.--As used in ss. 332.003-332.007, the term:

17           (1) "Airport" means any area of land or water, or any  
18 manmade object or facility located therein, which is used, or  
19 intended for public use, for the landing and takeoff of  
20 aircraft, and any appurtenant areas which are used, or  
21 intended for public use, for airport buildings or other  
22 airport facilities or rights-of-way.

23           (2) "Airport hazard" means any structure or object of  
24 natural growth located on or in the vicinity of a public-use  
25 airport, or any use of land near such airport, which obstructs  
26 or causes an obstruction to the airspace required for the  
27 flight of aircraft in landing or taking off at such airport or  
28 is otherwise hazardous to landing or taking off at such  
29 airport.

30           (3) "Airport master planning" means the development,  
31 for planning purposes, of information and guidance to

1 determine the extent, type, and nature of development needed  
2 at a specific airport.

3 (4) "Airport or aviation development project" or  
4 "development project" means any activity associated with the  
5 design, construction, purchase, improvement, or repair of a  
6 public-use airport or portion thereof, including, but not  
7 limited to: the purchase of equipment; the acquisition of  
8 land, including land required as a condition of a federal,  
9 state, or local permit or agreement for environmental  
10 mitigation; off-site airport noise mitigation projects; the  
11 removal, lowering, relocation, marking, and lighting of  
12 airport hazards; the installation of navigation aids used by  
13 aircraft in landing at or taking off from a public airport;  
14 the installation of safety equipment required by rule or  
15 regulation for certification of the airport under s. 612 of  
16 the Federal Aviation Act of 1958, and amendments thereto; and  
17 the improvement of access to the airport by road or rail  
18 system which is on airport property and which is consistent,  
19 to the maximum extent feasible, with the approved local  
20 government comprehensive plan of the units of local government  
21 in which the airport is located.

22 (5) "Airport or aviation discretionary capacity  
23 improvement projects" or "discretionary capacity improvement  
24 projects" means capacity improvements which are consistent, to  
25 the maximum extent feasible, with the approved local  
26 government comprehensive plans of the units of local  
27 government in which the airport is located, and which enhance  
28 intercontinental capacity at airports which:

29 (a) Are international airports with United States  
30 Customs Service;

31

1 (b) Had one or more regularly scheduled  
2 intercontinental flights during the previous calendar year or  
3 have an agreement in writing for installation of one or more  
4 regularly scheduled intercontinental flights upon the  
5 commitment of funds for stipulated airport capital  
6 improvements; and

7 (c) Have available or planned public ground  
8 transportation between the airport and other major  
9 transportation facilities.

10 (6) "Aviation system planning" means the development  
11 of comprehensive aviation plans designed to achieve and  
12 facilitate the establishment of a statewide, integrated  
13 aviation system in order to meet the current and future  
14 aviation needs of this state.

15 (7) "Eligible agency" means a political subdivision of  
16 the state or an authority which owns or seeks to develop a  
17 public-use airport.

18 (8) "Federal aid" means funds made available from the  
19 Federal Government for the accomplishment of airport or  
20 aviation development projects.

21 (9) "Florida airport system" means all existing  
22 public-use airports that are owned and operated within the  
23 state and those public-use airports which will be developed  
24 and made operational in the future.

25 (10) "Landing area" means that area used or intended  
26 to be used for the landing, takeoff, or surface maneuvering of  
27 an aircraft.

28 (11) "Planning agency" means any agency authorized by  
29 the laws of the state or by a political subdivision to engage  
30 in area planning for the areas in which assistance under this  
31 act is contemplated.



1 (12) "Project" means a project for the accomplishment  
2 of airport or aviation development or airport master planning.

3 (13) "Project cost" means any cost involved in  
4 accomplishing a project.

5 (14) "Public-use airport" means any publicly owned  
6 airport which is used or to be used for public purposes.

7 (15) "Sponsor" means any eligible agency which, either  
8 individually or jointly with one or more eligible agencies,  
9 submits to the department an application for financial  
10 assistance for an airport development project in accordance  
11 with this act.

12 Section 15. Paragraph (c) of subsection (1) of section  
13 20.23, Florida Statutes, is amended to read:

14 20.23 Department of Transportation.--There is created  
15 a Department of Transportation which shall be a decentralized  
16 agency.

17 (1)

18 (c) The secretary shall appoint three assistant  
19 secretaries who shall be directly responsible to the secretary  
20 and who shall perform such duties as are specified in this  
21 section and such other duties as are assigned by the  
22 secretary. The secretary may delegate to any assistant  
23 secretary the authority to act in the absence of the  
24 secretary. The department has the authority to adopt rules  
25 necessary for the delegation of authority beyond the assistant  
26 secretaries.The assistant secretaries shall serve at the  
27 pleasure of the secretary.

28 Section 16. Subsection (4) is added to section  
29 334.187, Florida Statutes, to read:

30 334.187 Guarantee of obligations to the department.--  
31

1           (4) The department is authorized to adopt rules  
2 relating to the use of prepaid escrow accounts for purchases  
3 from the department.

4           Section 17. Section 334.044, Florida Statutes, is  
5 amended to read:

6           334.044 Department; powers and duties.--The department  
7 shall have the following general powers and duties:

8           (1) To assume the responsibility for coordinating the  
9 planning of a safe, viable, and balanced state transportation  
10 system serving all regions of the state, and to assure the  
11 compatibility of all components, including multimodal  
12 facilities.

13           (2) To adopt rules pursuant to ss. 120.536(1) and  
14 120.54 to implement the provisions of law conferring duties  
15 upon it.

16           (3) To adopt an official seal.

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

21           (5) To purchase, lease, or otherwise acquire property,  
22 materials, including the purchase of promotional items as part  
23 of public information and education campaigns for the  
24 promotion of traffic and train safety awareness, alternatives  
25 to single occupant vehicle travel, and commercial motor  
26 vehicle safety; to purchase, lease or otherwise acquire  
27 equipment, and supplies; and to sell, exchange, or otherwise  
28 dispose of any property that ~~which~~ is no longer needed by the  
29 department.

30           (6) To acquire, by the exercise of the power of  
31 eminent domain as provided by law, all property or property

1 rights, whether public or private, which it finds ~~may~~  
2 ~~determine~~ are necessary to the performance of its duties and  
3 the execution of its powers.

4 (7) To enter into contracts and agreements.

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

6 (9) To employ and train staff, and to contract with  
7 qualified consultants. For the purposes of chapters 471 and  
8 472, the department shall be considered a firm.

9 (10)(a) To develop and adopt uniform minimum standards  
10 and criteria for the design, construction, maintenance, and  
11 operation of public roads pursuant to the provisions of s.  
12 336.045.

13 (b) The department shall periodically review its  
14 construction, design, and maintenance standards to ensure that  
15 such standards are cost-effective and consistent with  
16 applicable federal regulations and state law.

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

19 (11) To establish a numbering system for public roads,  
20 to functionally classify such roads, and to assign  
21 jurisdictional responsibility.

22 (12) To coordinate the planning of the development of  
23 public transportation facilities within the state and the  
24 provision of related transportation services as authorized by  
25 law.

26 (13) To designate existing and to plan proposed  
27 transportation facilities as part of the State Highway System,  
28 and to construct, maintain, and operate such facilities.

29 (14) To establish, control, and prohibit points of  
30 ingress to, and egress from, the State Highway System, the  
31 turnpike, and other transportation facilities under the

1 department's jurisdiction as necessary to ensure the safe,  
2 efficient, and effective maintenance and operation of such  
3 facilities.

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

7 (a) Such regulation shall be through a permitting  
8 process designed to ensure the safety and integrity of the  
9 Department of Transportation facilities and to prevent an  
10 unreasonable burden on lower properties.

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

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

31

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

6           (18) To establish and maintain bicycle and pedestrian  
7 ways.

8           (19) To encourage and promote the development of  
9 multimodal transportation alternatives.

10          (20) To conduct research studies, and to collect data  
11 necessary for the improvement of the state transportation  
12 system.

13          (21) To conduct research and demonstration projects  
14 relative to innovative transportation technologies.

15          (22) To cooperate with and assist local governments in  
16 the development of a statewide transportation system and in  
17 the development of the individual components of the system.

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

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

26          (25) To do all things necessary to obtain the full  
27 benefits of the national Highway Safety Act of 1966, and in so  
28 doing, to cooperate with federal and state agencies, public  
29 and private agencies, interested organizations, and  
30 individuals to effectuate the purposes of that act, and any  
31 and all amendments thereto. The Governor shall have the

1 ultimate state responsibility for dealing with the Federal  
2 Government in respect to programs and activities initiated  
3 pursuant to the national Highway Safety Act of 1966, and any  
4 amendments thereto.

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

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

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

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

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

9           Section 18. Subsection (1) of section 337.18, Florida  
10 Statutes, is amended to read:

11           337.18 Surety bonds; requirement with respect to  
12 contract award; defaults; damage assessments.--

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

1 order. The department shall adopt rules to implement this  
2 subsection. Such rules shall include provisions under which  
3 the department will refuse to accept bonds on contracts when a  
4 surety wrongfully fails or refuses to settle or provide a  
5 defense for claims or actions arising under a contract for  
6 which the surety previously furnished a bond.

7 Section 19. Subsection (1) of section 338.155, Florida  
8 Statutes, is amended to read:

9 338.155 Payment of toll on toll facilities required;  
10 exemptions.--

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

30 Section 20. Subsection (2) of section 339.09, Florida  
31 Statutes, is amended to read:



1           339.09 Use of transportation tax revenues;  
2 restrictions.--

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

11           Section 21. Section 427.013, Florida Statutes, is  
12 amended to read:

13           427.013 The Commission for the Transportation  
14 Disadvantaged; purpose and responsibilities.--The purpose of  
15 the commission is to accomplish the coordination of  
16 transportation services provided to the transportation  
17 disadvantaged. The goal of this coordination shall be to  
18 assure the cost-effective provision of transportation by  
19 qualified community transportation coordinators or  
20 transportation operators for the transportation disadvantaged  
21 without any bias or presumption in favor of multioperator  
22 systems or not-for-profit transportation operators over single  
23 operator systems or for-profit transportation operators. In  
24 carrying out this purpose, the commission shall:

25           (1) Compile all available information on the  
26 transportation operations for and needs of the transportation  
27 disadvantaged in the state.

28           (2) Establish statewide objectives for providing  
29 transportation services for the transportation disadvantaged.  
30  
31

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

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

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

11 (6) Assist communities in developing transportation  
12 systems designed to serve the transportation disadvantaged.

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

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

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

26 (9) Develop by rule standards for community  
27 transportation coordinators and any transportation operator or  
28 coordination contractor from whom service is purchased or  
29 arranged by the community transportation coordinator covering  
30 coordination, operation, safety, insurance, eligibility for  
31 service, costs, and utilization of transportation

1 disadvantaged services. These standards and rules must ~~shall~~  
2 include, but not be limited to:

3 (a) Inclusion, by rule, of acceptable ranges of trip  
4 costs for the various modes and types of transportation  
5 services provided.

6 (b) Minimum performance standards for the delivery of  
7 services. These standards must ~~should~~ be included in  
8 coordinator contracts and transportation operator contracts  
9 with clear penalties for repeated or continuing violations.

10 (c) Minimum liability insurance requirements for all  
11 transportation services purchased, provided, or coordinated  
12 for the transportation disadvantaged through the community  
13 transportation coordinator.

14 (10) Adopt rules pursuant to ss. 120.536(1) and 120.54  
15 to implement the provisions of ss. 427.011-427.017.

16 (11) Approve the appointment of all community  
17 transportation coordinators.

18 (12) Have the authority to apply for and accept funds,  
19 grants, gifts, and services from the Federal Government, state  
20 government, local governments, or private funding sources.  
21 Applications by the commission for local government funds  
22 shall be coordinated through the appropriate coordinating  
23 board. Funds acquired or accepted under this subsection shall  
24 be administered by the commission and shall be used to carry  
25 out the commission's responsibilities.

26 (13) Make an annual report to the Governor, the  
27 President of the Senate, and the Speaker of the House of  
28 Representatives by January 1 of each year.

29 (14) Consolidate, for each state agency, the annual  
30 budget estimates for transportation disadvantaged services,  
31 and the amounts of each agency's actual expenditures, together

1 with the annual budget estimates of each official planning  
2 agency, local government, and directly federally funded agency  
3 and issue a report.

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

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

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

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

30 (19) Develop and maintain a transportation  
31 disadvantaged manual.

1 (20) Design and develop transportation disadvantaged  
2 training programs.

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

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

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

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

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

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

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

6           Section 22. Section 427.0135, Florida Statutes, is  
7 amended to read:

8           427.0135 Member departments; duties and  
9 responsibilities.--Each member department, in carrying out the  
10 policies and procedures of the commission, shall:

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

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

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

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

29           (4) Assure that its rules, procedures, guidelines, and  
30 directives are conducive to the coordination of transportation  
31 funds and services for the transportation disadvantaged.

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

4 Section 23. Subsection (2) of section 427.015, Florida  
5 Statutes, is amended to read:

6 427.015 Function of the metropolitan planning  
7 organization or designated official planning agency in  
8 coordinating transportation for the transportation  
9 disadvantaged.--

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

29 Section 24. Subsection (3) of section 335.02, Florida  
30 Statutes, is amended to read:

31

1           335.02 Authority to designate transportation  
2 facilities and rights-of-way and establish lanes; procedure  
3 for redesignation and relocation.--

4           (3) The department may establish standards for lanes  
5 on the State Highway System, including the Florida Intrastate  
6 Highway System established pursuant to s. 338.001. In  
7 determining the number of lanes for any regional corridor or  
8 section of highway on the State Highway System to be funded by  
9 the department with state or federal funds, the department  
10 shall evaluate all alternatives and seek to achieve the  
11 highest degree of efficient mobility for corridor users. In  
12 conducting the analysis, the department must give  
13 consideration to the following factors consistent with sound  
14 engineering principles:

15           (a) Overall economic importance of the corridor as a  
16 trade or tourism corridor;

17           (b) Safety of corridor users, including the importance  
18 of the corridor for evacuation purposes;

19           (c) Cost-effectiveness of alternative methods of  
20 increasing the mobility of corridor users;

21           (d) Current and projected traffic volumes on the  
22 corridor;

23           (e) Multimodal alternatives;

24           (f) Use of intelligent transportation technology in  
25 increasing the efficiency of the corridor;

26           (g) Compliance with state and federal policies related  
27 to clean-air environmental impacts, growth management, livable  
28 communities, and energy conservation;

29           (h) Addition of special-use lanes, such as exclusive  
30 truck lanes, high-occupancy-vehicle toll lanes, and exclusive  
31 interregional traffic lanes;



1           (i) Availability and cost of rights-of-way, including  
2 associated costs, and the most effective use of existing  
3 rights-of-way;

4           (j) Regional economic and transportation objectives,  
5 where articulated;

6           (k) The future land use plan element of local  
7 government comprehensive plans, as appropriate, including  
8 designated urban infill and redevelopment areas;

9           (l) The traffic circulation element, if applicable, of  
10 local government comprehensive plans, including designated  
11 transportation corridors and public transportation corridors;  
12 and

13           (m) The approved metropolitan planning organization's  
14 long-range transportation plan, as appropriate.

15  
16 This subsection does not preclude a number of lanes in excess  
17 of 10 lanes, but an additional factor that must be considered  
18 before the department may determine that the number of lanes  
19 should be more than 10 is the capacity to accommodate in the  
20 future alternative forms of transportation within existing or  
21 potential rights-of-way.~~The standards may include the maximum~~  
22 ~~number of lanes to be provided by state funds and access~~  
23 ~~requirements for such facilities.~~

24           Section 25. Subsections (3), (4), and (5) of section  
25 335.141, Florida Statutes, are amended to read:

26           335.141 Regulation of public railroad-highway grade  
27 crossings; reduction of hazards.--

28           ~~(3) The department is authorized to regulate the speed~~  
29 ~~limits of railroad traffic on a municipal, county, regional,~~  
30 ~~or statewide basis. Such speed limits shall be established by~~  
31 ~~order of the department, which order is subject to the~~

1 ~~provisions of chapter 120. The department shall have the~~  
2 ~~authority to adopt reasonable rules to carry out the~~  
3 ~~provisions of this subsection. Such rules shall, at a minimum,~~  
4 ~~provide for public input prior to the issuance of any such~~  
5 ~~order.~~

6 ~~(3)(4) Jurisdiction to enforce such orders shall be as~~  
7 ~~provided in s. 316.640, and any penalty for violation thereof~~  
8 ~~shall be imposed upon the railroad company guilty of such~~  
9 ~~violation. Nothing herein shall prevent a local governmental~~  
10 ~~entity from enacting ordinances relating to the blocking of~~  
11 ~~streets by railroad engines and cars.~~

12 ~~(4)(5) Any local governmental entity or other public~~  
13 ~~or private agency planning a public event, such as a parade or~~  
14 ~~race, that involves the crossing of a railroad track shall~~  
15 ~~notify the railroad as far in advance of the event as possible~~  
16 ~~and in no case less than 72 hours in advance of the event so~~  
17 ~~that the coordination of the crossing may be arranged by the~~  
18 ~~agency and railroad to assure the safety of the railroad~~  
19 ~~trains and the participants in the event.~~

20 Section 26. Subsection (4) is added to section 336.41,  
21 Florida Statutes, to read:

22 336.41 Counties; employing labor and providing road  
23 equipment; definitions.--

24 (4)(a) For contracts in excess of \$250,000, any  
25 governmental entity or authority may require that persons  
26 interested in performing work under the contract first be  
27 certified or qualified to do the work. Any contractor  
28 prequalified and eligible to bid by the Department of  
29 Transportation to perform the type of work described under the  
30 contract shall be presumed to be qualified to perform the work  
31 so described. The governmental entity or authority may

1 provide an appeal process to overcome that presumption with de  
2 novo review based on the record below to the circuit court.

3 (b) The governmental entity or authority shall publish  
4 prequalification criteria and procedures prior to  
5 advertisement or notice of solicitation. Such publications  
6 shall include notice of a public hearing for comment on such  
7 criteria and procedures prior to adoption. The procedures  
8 shall provide for an appeal process within the governmental  
9 entity or authority for objections to the prequalification  
10 process with de novo review based on the record below to the  
11 circuit court.

12 (c) The contracting entity shall also publish for  
13 comment, prior to adoption, the selection criteria and  
14 procedures to be used by the governmental entity or authority  
15 if such procedures would allow selection of other than the  
16 lowest responsible bidder. The selection criteria shall  
17 include an appeal process within the contracting entity with  
18 de novo review based on the record below to the circuit court.

19 Section 27. Subsection (2) of section 336.44, Florida  
20 Statutes, is amended to read:

21 336.44 Counties; contracts for construction of roads;  
22 procedure; contractor's bond.--

23 (2) Such contracts shall be let to the lowest  
24 responsible ~~competent~~ bidder, after publication of notice for  
25 bids containing specifications furnished by the commissioners  
26 in a newspaper published in the county where such contract is  
27 made, at least once each week for 2 consecutive weeks prior to  
28 the making of such contract.

29 Section 28. Paragraph (a) of subsection (1) of section  
30 255.20, Florida Statutes, is amended to read:

31

1           255.20 Local bids and contracts for public  
2 construction works; specification of state-produced lumber.--  
3           (1) A county, municipality, special district as  
4 defined in chapter 189, or other political subdivision of the  
5 state seeking to construct or improve a public building,  
6 structure, or other public construction works must  
7 competitively award to an appropriately licensed contractor  
8 each project that is estimated in accordance with generally  
9 accepted cost-accounting principles to have total construction  
10 project costs of more than \$200,000. For electrical work,  
11 local government must competitively award to an appropriately  
12 licensed contractor each project that is estimated in  
13 accordance with generally accepted cost-accounting principles  
14 to have a cost of more than \$50,000. As used in this section,  
15 the term "competitively award" means to award contracts based  
16 on the submission of sealed bids, proposals submitted in  
17 response to a request for proposal, proposals submitted in  
18 response to a request for qualifications, or proposals  
19 submitted for competitive negotiation. This subsection  
20 expressly allows contracts for construction management  
21 services, design/build contracts, continuation contracts based  
22 on unit prices, and any other contract arrangement with a  
23 private sector contractor permitted by any applicable  
24 municipal or county ordinance, by district resolution, or by  
25 state law. For purposes of this section, construction costs  
26 include the cost of all labor, except inmate labor, and  
27 include the cost of equipment and materials to be used in the  
28 construction of the project. Subject to the provisions of  
29 subsection (3), the county, municipality, special district, or  
30 other political subdivision may establish, by municipal or  
31

1 county ordinance or special district resolution, procedures  
2 for conducting the bidding process.

3 (a) The provisions of this subsection do not apply:

- 4 1. When the project is undertaken to replace,  
5 reconstruct, or repair an existing facility damaged or  
6 destroyed by a sudden unexpected turn of events, such as an  
7 act of God, riot, fire, flood, accident, or other urgent  
8 circumstances, and such damage or destruction creates:
  - 9 a. An immediate danger to the public health or safety;
  - 10 b. Other loss to public or private property which  
11 requires emergency government action; or
  - 12 c. An interruption of an essential governmental  
13 service.
- 14 2. When, after notice by publication in accordance  
15 with the applicable ordinance or resolution, the governmental  
16 entity does not receive any responsive bids or responses.
- 17 3. To construction, remodeling, repair, or improvement  
18 to a public electric or gas utility system when such work on  
19 the public utility system is performed by personnel of the  
20 system.
- 21 4. To construction, remodeling, repair, or improvement  
22 by a utility commission whose major contracts are to construct  
23 and operate a public electric utility system.
- 24 5. When the project is undertaken as repair or  
25 maintenance of an existing public facility.
- 26 6. When the project is undertaken exclusively as part  
27 of a public educational program.
- 28 7. When the funding source of the project will be  
29 diminished or lost because the time required to competitively  
30 award the project after the funds become available exceeds the  
31 time within which the funding source must be spent.

1           8. When the local government has competitively awarded  
2 a project to a private sector contractor and the contractor  
3 has abandoned the project before completion or the local  
4 government has terminated the contract.

5           9. When the governing board of the local government,  
6 after public notice, conducts a public meeting under s.  
7 286.011 and finds by a majority vote of the governing board  
8 that it is in the public's best interest to perform the  
9 project using its own services, employees, and equipment. The  
10 public notice must be published at least 14 days prior to the  
11 date of the public meeting at which the governing board takes  
12 final action to apply this subparagraph. The notice must  
13 identify the project, the estimated cost of the project, and  
14 specify that the purpose for the public meeting is to consider  
15 whether it is in the public's best interest to perform the  
16 project using the local government's own services, employees,  
17 and equipment. In deciding whether it is in the public's best  
18 interest for local government to perform a project using its  
19 own services, employees, and equipment, the governing board  
20 may consider the cost of the project, whether the project  
21 requires an increase in the number of government employees, an  
22 increase in capital expenditures for public facilities,  
23 equipment or other capital assets, the impact on local  
24 economic development, the impact on small and minority  
25 business owners, the impact on state and local tax revenues,  
26 whether the private sector contractors provide health  
27 insurance and other benefits equivalent to those provided by  
28 the local government, and any other factor relevant to what is  
29 in the public's best interest.

30           10. When the governing board of the local government  
31 determines upon consideration of specific substantive criteria

1 and administrative procedures that it is in the best interest  
2 of the local government to award the project to an  
3 appropriately licensed private sector contractor according to  
4 procedures established by and expressly set forth in a  
5 charter, ordinance, or resolution of the local government  
6 adopted prior to July 1, 1994. The criteria and procedures  
7 must be set out in the charter, ordinance, or resolution and  
8 must be applied uniformly by the local government to avoid  
9 award of any project in an arbitrary or capricious manner.

10 This exception shall apply when all of the following occur:

11 a. When the governing board of the local government,  
12 after public notice, conducts a public meeting under s.  
13 286.011 and finds by a two-thirds vote of the governing board  
14 that it is in the public's best interest to award the project  
15 according to the criteria and procedures established by  
16 charter, ordinance, or resolution. The public notice must be  
17 published at least 14 days prior to the date of the public  
18 meeting at which the governing board takes final action to  
19 apply this subparagraph. The notice must identify the  
20 project, the estimated cost of the project, and specify that  
21 the purpose for the public meeting is to consider whether it  
22 is in the public's best interest to award the project using  
23 the criteria and procedures permitted by the preexisting  
24 ordinance.

25 b. In the event the project is to be awarded by any  
26 method other than a competitive selection process, the  
27 governing board must find evidence that:

28 (I) There is one appropriately licensed contractor who  
29 is uniquely qualified to undertake the project because that  
30 contractor is currently under contract to perform work that is  
31 affiliated with the project; or

1 (II) The time to competitively award the project will  
2 jeopardize the funding for the project, or will materially  
3 increase the cost of the project or will create an undue  
4 hardship on the public health, safety, or welfare.

5 c. In the event the project is to be awarded by any  
6 method other than a competitive selection process, the  
7 published notice must clearly specify the ordinance or  
8 resolution by which the private sector contractor will be  
9 selected and the criteria to be considered.

10 d. In the event the project is to be awarded by a  
11 method other than a competitive selection process, the  
12 architect or engineer of record has provided a written  
13 recommendation that the project be awarded to the private  
14 sector contractor without competitive selection; and the  
15 consideration by, and the justification of, the government  
16 body are documented, in writing, in the project file and are  
17 presented to the governing board prior to the approval  
18 required in this paragraph.

19 11. To projects subject to chapter 336.

20 Section 29. Subsection (9) is added to section 337.14,  
21 Florida Statutes, to read:

22 337.14 Application for qualification; certificate of  
23 qualification; restrictions; request for hearing.--

24 (9)(a) Notwithstanding any other law to the contrary,  
25 for contracts in excess of \$250,000, an authority created  
26 pursuant to chapter 348 or chapter 349 may require that  
27 persons interested in performing work under the contract first  
28 be certified or qualified to do the work. Any contractor  
29 prequalified and eligible to bid by the Department of  
30 Transportation to perform the type of work described under the  
31 contract shall be presumed to be qualified to perform the work



1 so described. The governmental entity or authority may  
2 provide an appeal process to overcome that presumption with de  
3 novo review based on the record below to the circuit court.

4 (b) The authority shall publish prequalification  
5 criteria and procedures prior to advertisement or notice of  
6 solicitation. Such publications shall include notice of a  
7 public hearing for comment on such criteria and procedures  
8 prior to adoption. The procedures shall provide for an appeal  
9 process within the authority for objections to the  
10 prequalification process with de novo review based on the  
11 record below to the circuit court.

12 (c) The contracting entity shall also publish for  
13 comment, prior to adoption, the selection criteria and  
14 procedures to be used by the governmental entity or authority  
15 if such procedures would allow selection of other than the  
16 lowest responsible bidder. The selection criteria shall  
17 include an appeal process within the contracting entity with  
18 de novo review based on the record below to the circuit court.  
19 The provisions of this subsection shall only apply to  
20 contracts which are advertised for prequalification by an  
21 authority on or after July 1, 2000.

22 Section 30. Paragraph (b) of subsection (1) of section  
23 336.025, Florida Statutes, is amended to read:

24 336.025 County transportation system; levy of local  
25 option fuel tax on motor fuel and diesel fuel.--

26 (1)

27 (b) In addition to other taxes allowed by law, there  
28 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,  
29 3-cent, 4-cent, or 5-cent local option fuel tax upon every  
30 gallon of motor fuel sold in a county and taxed under the  
31 provisions of part I of chapter 206. The tax shall be levied

1 by an ordinance adopted by a majority plus one vote of the  
2 membership of the governing body of the county or by  
3 referendum.

4 1. The tax shall be levied before July 1, to be  
5 effective January 1 of the following year. However, levies of  
6 the tax which were in effect on July 1, 1996, and which expire  
7 on August 31 of any year may be reimposed effective September  
8 1 of the year of expiration.

9 2. The county may, prior to levy of the tax, establish  
10 by interlocal agreement with one or more municipalities  
11 located therein, representing a majority of the population of  
12 the incorporated area within the county, a distribution  
13 formula for dividing the entire proceeds of the tax among  
14 county government and all eligible municipalities within the  
15 county. If no interlocal agreement is adopted before the  
16 effective date of the tax, tax revenues shall be distributed  
17 pursuant to the provisions of subsection (4). If no  
18 interlocal agreement exists, a new interlocal agreement may be  
19 established prior to June 1 of any year pursuant to this  
20 subparagraph. However, any interlocal agreement agreed to  
21 under this subparagraph after the initial levy of the tax or  
22 change in the tax rate authorized in this section shall under  
23 no circumstances materially or adversely affect the rights of  
24 holders of outstanding bonds which are backed by taxes  
25 authorized by this paragraph, and the amounts distributed to  
26 the county government and each municipality shall not be  
27 reduced below the amount necessary for the payment of  
28 principal and interest and reserves for principal and interest  
29 as required under the covenants of any bond resolution  
30 outstanding on the date of establishment of the new interlocal  
31 agreement.

1           3. County and municipal governments shall utilize  
2 moneys received pursuant to this paragraph only for  
3 transportation expenditures needed to meet the requirements of  
4 the capital improvements element of an adopted comprehensive  
5 plan. For purposes of this paragraph, expenditures for the  
6 construction of new roads, or the reconstruction or  
7 resurfacing of existing paved roads, or the paving of existing  
8 graded roads when undertaken in part to relieve or mitigate  
9 existing or potential adverse environmental impacts, shall be  
10 deemed to increase capacity and such projects shall be  
11 included in the capital improvements element of an adopted  
12 comprehensive plan. Expenditures for purposes of this  
13 paragraph shall not include routine maintenance of roads.

14           Section 31. Section 337.025, Florida Statutes, is  
15 amended to read:

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

1 prevent, preclude, or in any way prohibit the department from  
2 using the innovative technique. However, prior to using an  
3 innovative technique that is inconsistent with another  
4 provision of law, the department must document in writing the  
5 need for the exception and identify what benefits the  
6 traveling public and the affected community are anticipated to  
7 receive. The department may enter into no more than \$120  
8 million in contracts annually for the purposes authorized by  
9 this section.

10 Section 32. Paragraph (a) of subsection (7) of section  
11 337.11, Florida Statutes, is amended to read:

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

16 (7)(a) If the head of the department determines that  
17 it is in the best interests of the public, the department may  
18 combine the design and construction phases of a building, a  
19 major bridge, or a rail corridor project into a single  
20 contract. Such contract is referred to as a design-build  
21 contract. Design-build contracts may be advertised and awarded  
22 notwithstanding the requirements of paragraph (3)(c). However,  
23 construction activities may not begin on any portion of such  
24 projects until title to the necessary rights-of-way and  
25 easements for the construction of such portion of the project  
26 has vested in the state or a local governmental entity and any  
27 railroad crossing or utility agreements applicable to such  
28 portion of the project have been executed. Title to  
29 rights-of-way vests in the state when the title has been  
30 dedicated to the public or acquired by prescription.

31

1           Section 33. Subsection (4) of section 337.14, Florida  
2 Statutes, is amended to read:

3           337.14 Application for qualification; certificate of  
4 qualification; restrictions; request for hearing.--

5           (4) If the applicant is found to possess the  
6 prescribed qualifications, the department shall issue to him  
7 or her a certificate of qualification that ~~which~~, unless  
8 thereafter revoked by the department for good cause, will be  
9 valid for a period of 18 ~~16~~ months after ~~from~~ the date of the  
10 applicant's financial statement or such shorter period as the  
11 department prescribes ~~may prescribe~~. ~~If in the event~~ the  
12 department finds that an application is incomplete or contains  
13 inadequate information or information that ~~which~~ cannot be  
14 verified, the department may request in writing that the  
15 applicant provide the necessary information to complete the  
16 application or provide the source from which any information  
17 in the application may be verified. If the applicant fails to  
18 comply with the initial written request within a reasonable  
19 period of time as specified therein, the department shall  
20 request the information a second time. If the applicant fails  
21 to comply with the second request within a reasonable period  
22 of time as specified therein, the application shall be denied.

23           Section 34. Section 337.175, Florida Statutes, is  
24 amended to read:

25           337.175 Retainage.--The department may ~~shall~~ provide  
26 in its construction contracts for retaining a portion of the  
27 amount due a contractor for work that the contractor has  
28 completed, until completion and final acceptance of the  
29 project by the department. If the department allows ~~However,~~  
30 contractors may ~~shall be allowed to~~ substitute securities as  
31 provided by s. 255.052, or ~~to~~ substitute certificates of

1 deposit or irrevocable letters of credit approved by the  
2 department comptroller in lieu of retainage.

3 Section 35. Subsection (1) of section 338.161, Florida  
4 Statutes, is amended to read:

5 338.161 Authority of department to advertise and  
6 promote electronic toll collection.--

7 (1) The department is authorized to incur expenses for  
8 paid advertising, marketing, and promotion of toll facilities  
9 and electronic toll collection products and services.  
10 Promotions may include discounts and free products.

11 Section 36. Subsection (6) of section 338.165, Florida  
12 Statutes, is amended to read:

13 338.165 Continuation of tolls.--

14 (6) Notwithstanding the provisions of subsection (1),  
15 and not including high-occupancy toll lanes or express lanes,  
16 no tolls may be charged for use of an interstate highway where  
17 tolls were not charged as of July 1, 1997.

18 Section 37. Paragraph (c) of subsection (4) of section  
19 339.12, Florida Statutes, is amended to read:

20 339.12 Aid and contributions by governmental entities  
21 for department projects; federal aid.--

22 (4)

23 (c) The department may ~~is authorized to~~ enter into  
24 agreements under this subsection for a project or project  
25 phase not included in the adopted work program. As used in  
26 this paragraph, the term "project phase" means acquisition of  
27 rights-of-way, construction, construction inspection, and  
28 related support phases. The project or project phase must be  
29 a high priority of the governmental entity. Reimbursement for  
30 a project or project phase must be made from funds  
31 appropriated by the Legislature pursuant to s. 339.135(5). All

1 other provisions of this subsection apply to agreements  
2 entered into under this paragraph. ~~At no time shall~~ The total  
3 amount of project agreements for projects or project phases  
4 not included in the adopted work program may not at any time  
5 exceed \$100\$50 million.

6 Section 38. Paragraph (b) of subsection (4) of section  
7 339.135, Florida Statutes, is amended to read:

8 339.135 Work program; legislative budget request;  
9 definitions; preparation, adoption, execution, and  
10 amendment.--

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

12 (b)1. A tentative work program, including the ensuing  
13 fiscal year and the successive 4 fiscal years, shall be  
14 prepared for the State Transportation Trust Fund and other  
15 funds managed by the department, unless otherwise provided by  
16 law. The tentative work program shall be based on the  
17 district work programs and shall set forth all projects by  
18 phase to be undertaken during the ensuing fiscal year and  
19 planned for the successive 4 fiscal years. The total amount of  
20 the liabilities accruing in each fiscal year of the tentative  
21 work program may not exceed the revenues available for  
22 expenditure during the respective fiscal year based on the  
23 cash forecast for that respective fiscal year.

24 2. The tentative work program shall be developed in  
25 accordance with the Florida Transportation Plan required in s.  
26 339.155 and must comply with the program funding levels  
27 contained in the program and resource plan.

28 ~~3. The tentative work program must specifically~~  
29 ~~identify advanced right-of-way acquisition projects and must~~  
30 ~~separately allocate funds for advanced right-of-way~~  
31 ~~acquisition phases in each fiscal year, as provided in s.~~

1 ~~337.276. Each right-of-way phase that is to be funded through~~  
2 ~~these programs shall be specifically identified in the work~~  
3 ~~program, and the year, if known, in which construction~~  
4 ~~utilizing the right-of-way is projected to begin shall be~~  
5 ~~identified.~~

6 3.4. The department may include in the tentative work  
7 program proposed changes to the programs contained in the  
8 previous work program adopted pursuant to subsection (5);  
9 however, the department shall minimize changes and adjustments  
10 that affect the scheduling of project phases in the 4 common  
11 fiscal years contained in the previous adopted work program  
12 and the tentative work program. The department, in the  
13 development of the tentative work program, shall advance by 1  
14 fiscal year all projects included in the second year of the  
15 previous year's adopted work program, unless the secretary  
16 specifically determines that it is necessary, for specific  
17 reasons, to reschedule or delete one or more projects from  
18 that year. Such changes and adjustments shall be clearly  
19 identified, and the effect on the 4 common fiscal years  
20 contained in the previous adopted work program and the  
21 tentative work program shall be shown. It is the intent of  
22 the Legislature that the first 3 years of the adopted work  
23 program stand as the commitment of the state to undertake  
24 transportation projects that local governments may rely on for  
25 planning purposes and in the development and amendment of the  
26 capital improvements elements of their local government  
27 comprehensive plans.

28 4.5. The tentative work program must include a  
29 balanced 36-month forecast of cash and expenditures and a  
30 5-year finance plan supporting the tentative work program.

31



1           Section 39. Section 334.035, Florida Statutes, is  
2 amended to read:

3           334.035 Purpose of transportation code.--The purpose  
4 of the Florida Transportation Code is to establish the  
5 responsibilities of the state, the counties, and the  
6 municipalities in the planning and development of the  
7 transportation systems serving the people of the state and to  
8 assure the development of an integrated, balanced statewide  
9 transportation system. The prevailing principles to be  
10 considered in planning and developing these transportation  
11 systems are: preserving the existing transportation  
12 infrastructure; enhancing Florida's economic competitiveness;  
13 and improving travel choices to ensure mobility ~~which enhances~~  
14 ~~economic development through promotion of international trade~~  
15 ~~and interstate and intrastate commerce.~~ This code is necessary  
16 for the protection of the public safety and general welfare  
17 and for the preservation of all transportation facilities in  
18 the state. The chapters in the code shall be considered  
19 components of the total code, and the provisions therein,  
20 unless expressly limited in scope, shall apply to all  
21 chapters.

22           Section 40. Section 334.046, Florida Statutes, is  
23 amended to read:

24           334.046 Department mission, goals, and objectives.--

25           (1) The prevailing principles to be considered in  
26 planning and developing an integrated, balanced statewide  
27 transportation system are: preserving the existing  
28 transportation infrastructure; enhancing Florida's economic  
29 competitiveness; and improving travel choices to ensure  
30 mobility.

31

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

7           ~~(3)(2)~~ The department shall document in the Florida  
8 Transportation Plan, in accordance with s. 339.155 and based  
9 upon the prevailing principles of preserving the existing  
10 transportation infrastructure, enhancing Florida's economic  
11 competitiveness, and improving travel choices to ensure  
12 mobility, pursuant to s. 339.155 the goals and objectives that  
13 ~~which~~ provide statewide policy guidance for accomplishing the  
14 department's mission.

15           ~~(4)(3)~~ At a minimum, the department's goals shall  
16 address the following prevailing principles.+

17           (a) Preservation.--Protecting the state's  
18 transportation infrastructure investment. Preservation  
19 includes:

20           1. Ensuring that 80 percent of the pavement on the  
21 State Highway System meets department standards;

22           2. Ensuring that 90 percent of department-maintained  
23 bridges meet department standards; and

24           3. Ensuring that the department achieves 100 percent  
25 of the acceptable maintenance standard on the state highway  
26 system.

27           (b) Economic Competitiveness.--Ensuring that the state  
28 has a clear understanding of the economic consequences of  
29 transportation investments, and how such investments affect  
30 the state's economic competitiveness. The department must  
31 develop a macroeconomic analysis of the linkages between

1 transportation investment and economic performance, as well as  
2 a method to quantifiably measure the economic benefits of the  
3 district-work-program investments. Such an analysis must  
4 analyze:

5 1. The state's and district's economic performance  
6 relative to the competition.

7 2. The business environment as viewed from the  
8 perspective of companies evaluating the state as a place in  
9 which to do business.

10 3. The state's capacity to sustain long-term growth.

11 (c) Mobility--Ensuring a cost-effective, statewide,  
12 interconnected transportation system.

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

15 ~~(b) Preservation of the transportation system.~~

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

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

20 Section 41. Section 339.155, Florida Statutes, is  
21 amended to read:

22 339.155 Transportation planning.--

23 (1) THE FLORIDA TRANSPORTATION PLAN.--The department  
24 shall develop and annually update a statewide transportation  
25 plan, to be known as the Florida Transportation Plan. The plan  
26 shall be designed so as to be easily read and understood by  
27 the general public. The purpose of the Florida Transportation  
28 Plan is to establish and define the state's long-range  
29 transportation goals and objectives to be accomplished over a  
30 period of at least 20 years within the context of the State  
31 Comprehensive Plan, and any other statutory mandates and

1 authorizations and based upon the prevailing principles of:  
2 preserving the existing transportation infrastructure;  
3 enhancing Florida's economic competitiveness; and improving  
4 travel choices to ensure mobility. The Florida Transportation  
5 Plan shall consider the needs of the entire state  
6 transportation system and examine the use of all modes of  
7 transportation to effectively and efficiently meet such needs.

8 (2) SCOPE OF PLANNING PROCESS.--

9 ~~(a)~~ The department shall carry out a transportation  
10 planning process in conformance with s. 334.046(1) which ~~that~~  
11 provides for consideration of projects and strategies that  
12 will:

13 ~~(a)1.~~ Support the economic vitality of the United  
14 States, Florida, and the metropolitan areas, especially by  
15 enabling global competitiveness, productivity, and efficiency;

16 ~~(b)2.~~ Increase the safety and security of the  
17 transportation system for motorized and nonmotorized users;

18 ~~(c)3.~~ Increase the accessibility and mobility options  
19 available to people and for freight;

20 ~~(d)4.~~ Protect and enhance the environment, promote  
21 energy conservation, and improve quality of life;

22 ~~(e)5.~~ Enhance the integration and connectivity of the  
23 transportation system, across and between modes throughout  
24 Florida, for people and freight;

25 ~~(f)6.~~ Promote efficient system management and  
26 operation; and

27 ~~(g)7.~~ Emphasize the preservation of the existing  
28 transportation system.

29 ~~(b) Additionally, the department shall consider+~~  
30  
31

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

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

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

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

12 ~~(d) Any federal, state, or local energy use goals,~~  
13 ~~objectives, programs, or requirements.~~

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

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

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

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

30 ~~(i) Connectivity between metropolitan areas within the~~  
31 ~~state and with metropolitan areas in other states.~~

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

1           ~~(t) Methods to enhance the efficient movement of~~  
2 ~~commercial motor vehicles.~~

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

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

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

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

18           ~~(y) The spaceport master plan approved by the~~  
19 ~~Spaceport Florida Authority.~~

20           ~~(z) The joint use of transportation corridors and~~  
21 ~~major transportation facilities for alternate transportation~~  
22 ~~and community uses.~~

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

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

1 terms of art included in the plan, with which the general  
2 public may be unfamiliar and shall consist of, at a minimum,  
3 the following components:

4 (a) A long-range component documenting the goals and  
5 long-term objectives necessary to implement the results of the  
6 department's findings from its examination of the criteria  
7 listed in subsection (2) and s. 334.046(1). The long-range  
8 component must be developed in cooperation with the  
9 metropolitan planning organizations and reconciled, to the  
10 maximum extent feasible, with the long-range plans developed  
11 by metropolitan planning organizations pursuant to s. 339.175.  
12 The plan must also be developed in consultation with affected  
13 local officials in nonmetropolitan areas and with any affected  
14 Indian tribal governments. The plan must provide an  
15 examination of transportation issues likely to arise during at  
16 least a 20-year period. The long-range component shall be  
17 updated at least once every 5 years, or more often as  
18 necessary, to reflect substantive changes to federal or state  
19 law.

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



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

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

20 (5) ADDITIONAL TRANSPORTATION PLANS.--

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

31

1           (b) Each regional planning council, as provided for in  
2 s. 186.504, or any successor agency thereto, shall develop, as  
3 an element of its strategic regional policy plan,  
4 transportation goals and policies. The transportation goals  
5 and policies must be prioritized to comply with the prevailing  
6 principles provided in subsection (2) and s. 334.046(1).The  
7 transportation goals and policies shall be consistent, to the  
8 maximum extent feasible, with the goals and policies of the  
9 metropolitan planning organization and the Florida  
10 Transportation Plan. The transportation goals and policies of  
11 the regional planning council will be advisory only and shall  
12 be submitted to the department and any affected metropolitan  
13 planning organization for their consideration and comments.  
14 Metropolitan planning organization plans and other local  
15 transportation plans shall be developed consistent, to the  
16 maximum extent feasible, with the regional transportation  
17 goals and policies. The regional planning council shall  
18 review urbanized area transportation plans and any other  
19 planning products stipulated in s. 339.175 and provide the  
20 department and respective metropolitan planning organizations  
21 with written recommendations which the department and the  
22 metropolitan planning organizations shall take under  
23 advisement. Further, the regional planning councils shall  
24 directly assist local governments which are not part of a  
25 metropolitan area transportation planning process in the  
26 development of the transportation element of their  
27 comprehensive plans as required by s. 163.3177.

28           (6) PROCEDURES FOR PUBLIC PARTICIPATION IN  
29 TRANSPORTATION PLANNING.--

30           (a) During the development of the long-range component  
31 of the Florida Transportation Plan and prior to substantive

1 revisions, the department shall provide citizens, affected  
2 public agencies, representatives of transportation agency  
3 employees, other affected employee representatives, private  
4 providers of transportation, and other known interested  
5 parties with an opportunity to comment on the proposed plan or  
6 revisions. These opportunities shall include, at a minimum,  
7 publishing a notice in the Florida Administrative Weekly and  
8 within a newspaper of general circulation within the area of  
9 each department district office.

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

28 (c) Opportunity for design hearings:

29 1. The department, prior to holding a design hearing,  
30 shall duly notify ~~notice~~ all affected property owners of  
31 record, as recorded in the property appraiser's office, by

1 mail at least 20 days prior to the date set for the hearing.

2 The affected property owners shall be:

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

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

9 2. For each subsequent hearing, the department shall  
10 ~~daily~~ publish notice ~~at least 14 days immediately~~ prior to the  
11 hearing date in a newspaper of general circulation for the  
12 area affected. These notices must be published twice, with the  
13 first notice appearing at least 15 days, but no later than 30  
14 days, before the hearing

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

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

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

27 Section 42. Subsections (1) through (6) and paragraph  
28 (a) of subsection (7) of section 339.175, Florida Statutes, is  
29 amended to read:

30 339.175 Metropolitan planning organization.--It is the  
31 intent of the Legislature to encourage and promote the safe

1 and efficient management, operation, and development of  
2 surface transportation systems that will serve the mobility  
3 needs of people and freight within and through urbanized areas  
4 of this state while minimizing transportation-related fuel  
5 consumption and air pollution. To accomplish these objectives,  
6 metropolitan planning organizations, referred to in this  
7 section as M.P.O.'s, shall develop, in cooperation with the  
8 state and public transit operators, transportation plans and  
9 programs for metropolitan areas. The plans and programs for  
10 each metropolitan area must provide for the development and  
11 integrated management and operation of transportation systems  
12 and facilities, including pedestrian walkways and bicycle  
13 transportation facilities that will function as an intermodal  
14 transportation system for the metropolitan area, based upon  
15 the prevailing principles provided in s. 334.046(1). The  
16 process for developing such plans and programs shall provide  
17 for consideration of all modes of transportation and shall be  
18 continuing, cooperative, and comprehensive, to the degree  
19 appropriate, based on the complexity of the transportation  
20 problems to be addressed.

21 (1) DESIGNATION.--

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

31

1           2. More than one M.P.O. may be designated within an  
2 existing metropolitan planning area only if the Governor and  
3 the existing M.P.O. determine that the size and complexity of  
4 the existing metropolitan planning area makes the designation  
5 of more than one M.P.O. for the area appropriate.

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

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

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

1 state in the coordination of plans and programs required by  
2 this section.

3  
4 Each M.P.O. required under this section must be fully  
5 operative no later than 6 months following its designation.

6 (2) VOTING MEMBERSHIP.--

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

1 of an agency that operates or administers a major mode of  
2 transportation has been appointed to an M.P.O.

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

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

19 1. The M.P.O. approves the reapportionment plan by a  
20 three-fourths vote of its membership;

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

25 3. The charter county determines the reapportionment  
26 plan otherwise complies with all federal requirements  
27 pertaining to M.P.O. membership.

28  
29 Any charter county that elects to exercise the provisions of  
30 this paragraph shall notify the Governor in writing.

31



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

16           (3) APPORTIONMENT.--

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

1 necessary. The Governor shall review the composition of the  
2 M.P.O. membership in conjunction with the decennial census as  
3 prepared by the United States Department of Commerce, Bureau  
4 of the Census, and reapportion it as necessary to comply with  
5 subsection (2).

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

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

28 (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
29 responsibility of an M.P.O. is to manage a continuing,  
30 cooperative, and comprehensive transportation planning process  
31 that, based upon the prevailing principles provided in s.

1 334.046(1), results in the development of plans and programs  
2 which are consistent, to the maximum extent feasible, with the  
3 approved local government comprehensive plans of the units of  
4 local government the boundaries of which are within the  
5 metropolitan area of the M.P.O. An M.P.O. shall be the forum  
6 for cooperative decisionmaking by officials of the affected  
7 governmental entities in the development of the plans and  
8 programs required by subsections (5), (6), (7), and (8).

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

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

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

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

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

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

1 paragraph (a), each M.P.O. shall provide for consideration of  
2 projects and strategies that will:

3 1. Support the economic vitality of the metropolitan  
4 area, especially by enabling global competitiveness,  
5 productivity, and efficiency;

6 2. Increase the safety and security of the  
7 transportation system for motorized and nonmotorized users;

8 3. Increase the accessibility and mobility options  
9 available to people and for freight;

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

12 5. Enhance the integration and connectivity of the  
13 transportation system, across and between modes, for people  
14 and freight;

15 6. Promote efficient system management and operation;  
16 and

17 7. Emphasize the preservation of the existing  
18 transportation system.

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

20 1. ~~The consistency of transportation planning with~~  
21 ~~applicable federal, state, and local energy conservation~~  
22 ~~programs, goals, and objectives;~~

23 2. ~~The likely effect of transportation policy~~  
24 ~~decisions on land use and development and the consistency of~~  
25 ~~transportation plans and programs with all applicable~~  
26 ~~short-term and long-term land use and development plans;~~

27 3. ~~The preservation of rights-of-way for construction~~  
28 ~~of future transportation projects, including the~~  
29 ~~identification of unused rights-of-way that may be needed for~~  
30 ~~future transportation corridors and the identification of~~  
31

1 ~~corridors for which action is most needed to prevent~~  
2 ~~destruction or loss;~~

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

5 ~~5. Available methods to expand or enhance transit~~  
6 ~~services and increase the use of such services.~~

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

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

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

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

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

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

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

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

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

1 departments, seaport departments, and public transit  
2 departments of municipal or county governments, as applicable;  
3 the school superintendent of each county within the  
4 jurisdiction of the M.P.O. or the superintendent's designee;  
5 and other appropriate representatives of affected local  
6 governments. In addition to any other duties assigned to it by  
7 the M.P.O. or by state or federal law, the technical advisory  
8 committee is responsible for considering safe access to  
9 schools in its review of transportation project priorities,  
10 long-range transportation plans, and transportation  
11 improvement programs, and shall advise the M.P.O. on such  
12 matters. In addition, the technical advisory committee shall  
13 coordinate its actions with local school boards and other  
14 local programs and organizations within the metropolitan area  
15 which participate in school safety activities, such as locally  
16 established community traffic safety teams. Local school  
17 boards must provide the appropriate M.P.O. with information  
18 concerning future school sites and in the coordination of  
19 transportation service.~~identifying projects contained in the~~  
20 ~~long-range transportation plan or transportation improvement~~  
21 ~~program which deserve to be classified as a school safety~~  
22 ~~concern. Upon receipt of the recommendation from the technical~~  
23 ~~advisory committee that a project should be so classified, the~~  
24 ~~M.P.O. must vote on whether to classify a particular project~~  
25 ~~as a school safety concern. If the M.P.O. votes that a~~  
26 ~~project should be classified as a school safety concern, the~~  
27 ~~local governmental entity responsible for the project must~~  
28 ~~consider at least two alternatives before making a decision~~  
29 ~~about project location or alignment.~~

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

1 of the M.P.O. The membership on the citizens' advisory  
2 committee must reflect a broad cross section of local  
3 residents with an interest in the development of an efficient,  
4 safe, and cost-effective transportation system. Minorities,  
5 the elderly, and the handicapped must be adequately  
6 represented.

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

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

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

21 (h) Any group of M.P.O.'s which has created a chair's  
22 coordinating committee as of the effective date of this act  
23 and is located within the same Department of Transportation  
24 District which is comprised of four adjacent M.P.O.'s must  
25 continue such committee as provided for in this section. Such  
26 committee must also include one representative from each  
27 M.P.O. contiguous to the geographic boundaries of the original  
28 committee. The committee must, at a minimum:

29 1. Coordinate transportation projects deemed to be  
30 regionally significant by the committee.

31

1           2. Review the impact of regionally significant land  
2 use decisions on the region.

3           3. Review all proposed regionally significant  
4 transportation projects in the respective transportation  
5 improvement programs which affect more than one of the  
6 M.P.O.'s represented on the committee.

7           4. Institute a conflict resolution process to address  
8 any conflict that may arise in the planning and programming of  
9 such regionally significant projects.

10           (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
11 develop a long-range transportation plan that addresses at  
12 least a 20-year planning horizon. The plan must include both  
13 long-range and short-range strategies and must comply with all  
14 other state and federal requirements. The prevailing  
15 principles to be considered in the long-range transportation  
16 plan are: preserving the existing transportation  
17 infrastructure; enhancing Florida's economic competitiveness;  
18 and improving travel choices to ensure mobility.The  
19 long-range transportation plan must be consistent, to the  
20 maximum extent feasible, with future land use elements and the  
21 goals, objectives, and policies of the approved local  
22 government comprehensive plans of the units of local  
23 government located within the jurisdiction of the M.P.O. The  
24 approved long-range transportation plan must be considered by  
25 local governments in the development of the transportation  
26 elements in local government comprehensive plans and any  
27 amendments thereto. The long-range transportation plan must,  
28 at a minimum:

29           (a) Identify transportation facilities, including, but  
30 not limited to, major roadways, airports, seaports,  
31 spaceports, commuter rail systems, transit systems, and



1 intermodal or multimodal terminals that will function as an  
2 integrated metropolitan transportation system. The long-range  
3 transportation plan must give emphasis to those transportation  
4 facilities that serve national, statewide, or regional  
5 functions, and must consider the goals and objectives  
6 identified in the Florida Transportation Plan as provided in  
7 s. 339.155. If a project is located within the boundaries of  
8 more than one M.P.O., the M.P.O.'s must coordinate plans  
9 regarding the project in the long-range transportation plan.

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

26 (c) Assess capital investment and other measures  
27 necessary to:

28 1. Ensure the preservation of the existing  
29 metropolitan transportation system including requirements for  
30 the operation, resurfacing, restoration, and rehabilitation of  
31 major roadways and requirements for the operation,

1 maintenance, modernization, and rehabilitation of public  
2 transportation facilities; and

3           2. Make the most efficient use of existing  
4 transportation facilities to relieve vehicular congestion and  
5 maximize the mobility of people and goods.

6           (d) Indicate, as appropriate, proposed transportation  
7 enhancement activities, including, but not limited to,  
8 pedestrian and bicycle facilities, scenic easements,  
9 landscaping, historic preservation, mitigation of water  
10 pollution due to highway runoff, and control of outdoor  
11 advertising.

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

19  
20 In the development of its long-range transportation plan, each  
21 M.P.O. must provide the public, affected public agencies,  
22 representatives of transportation agency employees, freight  
23 shippers, providers of freight transportation services,  
24 private providers of transportation, representatives of users  
25 of public transit, and other interested parties with a  
26 reasonable opportunity to comment on the long-range  
27 transportation plan. The long-range transportation plan must  
28 be approved by the M.P.O.

29           (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
30 shall, in cooperation with the state and affected public  
31 transportation operators, develop a transportation improvement

1 program for the area within the jurisdiction of the M.P.O. In  
2 the development of the transportation improvement program,  
3 each M.P.O. must provide the public, affected public agencies,  
4 representatives of transportation agency employees, freight  
5 shippers, providers of freight transportation services,  
6 private providers of transportation, representatives of users  
7 of public transit, and other interested parties with a  
8 reasonable opportunity to comment on the proposed  
9 transportation improvement program.

10 (a) Each M.P.O. is responsible for developing,  
11 annually, a list of project priorities and a transportation  
12 improvement program. The prevailing principles to be  
13 considered by each M.P.O. when developing a list of project  
14 priorities and a transportation improvement program are:  
15 preserving the existing transportation infrastructure;  
16 enhancing Florida's economic competitiveness; and improving  
17 travel choices to ensure mobility.The transportation  
18 improvement program will be used to initiate federally aided  
19 transportation facilities and improvements as well as other  
20 transportation facilities and improvements including transit,  
21 rail, aviation, spaceport, and port facilities to be funded  
22 from the State Transportation Trust Fund within its  
23 metropolitan area in accordance with existing and subsequent  
24 federal and state laws and rules and regulations related  
25 thereto. The transportation improvement program shall be  
26 consistent, to the maximum extent feasible, with the approved  
27 local government comprehensive plans of the units of local  
28 government whose boundaries are within the metropolitan area  
29 of the M.P.O.

30 Section 43. Subsection (5) of section 341.051, Florida  
31 Statutes, is amended to read:

1           341.051 Administration and financing of public transit  
2 programs and projects.--

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

4           (a) The department may fund up to 50 percent of the  
5 nonfederal share of the costs, not to exceed the local share,  
6 of any eligible public transit capital project or commuter  
7 assistance project that is local in scope; except, however,  
8 that departmental participation in the final design,  
9 right-of-way acquisition, and construction phases of an  
10 individual fixed-guideway project which is not approved for  
11 federal funding shall not exceed an amount equal to 12.5  
12 percent of the total cost of each phase.

13           ~~(b) The Department of Transportation shall develop a~~  
14 ~~major capital investment policy which shall include policy~~  
15 ~~criteria and guidelines for the expenditure or commitment of~~  
16 ~~state funds for public transit capital projects. The policy~~  
17 ~~shall include the following:~~

18           ~~1. Methods to be used to determine consistency of a~~  
19 ~~transit project with the approved local government~~  
20 ~~comprehensive plans of the units of local government in which~~  
21 ~~the project is located.~~

22           ~~2. Methods for evaluating the level of local~~  
23 ~~commitment to a transit project, which is to be demonstrated~~  
24 ~~through system planning and the development of a feasible plan~~  
25 ~~to fund operating cost through fares, value capture techniques~~  
26 ~~such as joint development and special districts, or other~~  
27 ~~local funding mechanisms.~~

28           ~~3. Methods for evaluating alternative transit systems~~  
29 ~~including an analysis of technology and alternative methods~~  
30 ~~for providing transit services in the corridor.~~

31

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

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

12           **(d)**~~(e)~~ The department may ~~is authorized to~~ fund up to  
13 100 percent of the capital and net operating costs of  
14 statewide transit service development projects or transit  
15 corridor projects. All transit service development projects  
16 must ~~shall~~ be specifically identified by way of a departmental  
17 appropriation request, and transit corridor projects must  
18 ~~shall~~ be identified as part of the planned improvements on  
19 each transportation corridor designated by the department.  
20 The project 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 must ~~shall~~ be documented by the  
24 department for each such transit service development project  
25 or transit corridor project.

26           **(e)**~~(f)~~ The department may ~~is authorized to~~ fund up to  
27 50 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 must ~~shall~~ be identified in the appropriation  
31 request of the department through a specific program of

1 projects, as provided for in s. 341.041, which ~~that~~ is  
2 selectively applied in the following functional areas and is  
3 subject to the specified 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 44. Subsection (10) of section 341.302,  
28 Florida Statutes, is amended to read:

29 341.302 Rail program, duties and responsibilities of  
30 the department.--The department, in conjunction with other  
31 governmental units and the private sector, shall develop and

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

8 (10) Administer rail operating and construction  
9 programs, which programs shall include ~~the regulation of~~  
10 ~~maximum train operating speeds,~~ the opening and closing of  
11 public grade crossings, the construction and rehabilitation of  
12 public grade crossings, and the installation of traffic  
13 control devices at public grade crossings, ~~the administering~~  
14 ~~of the programs by the department~~ including participation in  
15 the cost of the programs.

16 Section 45. Section 343.56, Florida Statutes, is  
17 amended to read:

18 343.56 Bonds not debts or pledges of credit of  
19 state.--Revenue bonds issued under the provisions of this part  
20 are not debts of the state or pledges of the faith and credit  
21 of the state. Such bonds are payable exclusively from  
22 revenues pledged for their payment. All such bonds shall  
23 contain a statement on their face that the state is not  
24 obligated to pay the same or the interest thereon, except from  
25 the revenues pledged for their payment, and that the faith and  
26 credit of the state is not pledged to the payment of the  
27 principal or interest of such bonds. The issuance of revenue  
28 bonds under the provisions of this part does not directly,  
29 indirectly, or contingently obligate the state to levy or to  
30 pledge any form of taxation whatsoever, or to make any  
31 appropriation for their payment. No state funds shall be used

1 to pay the principal or interest of any bonds issued to  
2 finance or refinance any portion of the Tri-County Rail  
3 system, and all such bonds shall contain a statement on their  
4 face to this effect. However, federal funds being passed  
5 through the department to the Tri-County Rail system may be  
6 used to pay principal and interest of any bonds issued.

7 Section 46. Subsection (2) of section 373.4137,  
8 Florida Statutes, is amended to read:

9 373.4137 Mitigation requirements.--

10 (2) Environmental impact inventories for  
11 transportation projects proposed by the Department of  
12 Transportation shall be developed as follows:

13 (a) By May 1 of each year, the Department of  
14 Transportation shall submit to the Department of Environmental  
15 Protection and the water management districts a copy of its  
16 tentative ~~adopted~~ work program and an inventory of habitats  
17 addressed in the rules adopted ~~tentatively~~, pursuant to this  
18 part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344,  
19 which may be impacted by its plan of construction for  
20 transportation projects in the next 3 years of the tentative  
21 work program. The Department of Transportation may also  
22 include in its inventory the habitat impacts of any future  
23 transportation project identified in the tentative work  
24 program.

25 (b) The environmental impact inventory shall include a  
26 description of these habitat impacts, including their  
27 location, acreage, and type; state water quality  
28 classification of impacted wetlands and other surface waters;  
29 any other state or regional designations for these habitats;  
30 and a survey of threatened species, endangered species, and  
31 species of special concern affected by the proposed project.



1           Section 47. Paragraph (a) of subsection (6) of section  
2 332.007, Florida Statutes, is amended to read:

3           332.007 Administration and financing of aviation and  
4 airport programs and projects; state plan.--

5           (6) Subject to the availability of appropriated funds,  
6 the department may participate in the capital cost of eligible  
7 public airport and aviation development projects in accordance  
8 with the following rates, unless otherwise provided in the  
9 General Appropriations Act or the substantive bill  
10 implementing the General Appropriations Act:

11           (a) The department may fund up to 50 percent of the  
12 portion of eligible project costs which are not funded by the  
13 Federal Government, except that the department may initially  
14 fund up to 75 percent of the cost of land acquisition for a  
15 new airport or for the expansion of an existing airport which  
16 is owned and operated by a municipality, a county, or an  
17 authority, and shall be reimbursed to the normal statutory  
18 project share when federal funds become available or within 10  
19 years after the date of acquisition, whichever is earlier.  
20 However, the reimbursement period for general aviation  
21 airports may be extended by mutual agreement of the department  
22 and the municipality, county, or authority that owns or  
23 operates the airport.Due to federal budgeting constraints,  
24 the department may also initially fund the federal portion of  
25 eligible project costs subject to:

26           1. The department receiving adequate assurance from  
27 the Federal Government or local sponsor that this amount will  
28 be reimbursed to the department; and

29           2. The department having adequate funds in the work  
30 program to fund the project.

31

1 Such projects must be contained in the Federal Government's  
2 Airport Capital Improvement Program, and the Federal  
3 Government must fund, or have funded, the first year of the  
4 project.

5 Section 48. Subsection (2) of section 479.15, Florida  
6 Statutes, is amended, present subsections (3) through (6) of  
7 that section are renumbered subsections (5) through (8),  
8 respectively, new subsections (3) and (4) are added to that  
9 section, and present subsection (6) is amended, to read:

10 479.15 Harmony of regulations.--

11 (2) A municipality, county, local zoning authority, or  
12 other local governmental entity may not remove, or cause to be  
13 removed, any lawfully erected sign along any portion of the  
14 interstate or federal-aid primary highway system, or any other  
15 highway or road, without first paying just compensation for  
16 such removal. A local governmental entity may not cause in any  
17 way the alteration of any lawfully erected sign located along  
18 any portion of the interstate or federal-aid primary highway  
19 system, or any other highway or road, without payment of just  
20 compensation ~~if such alteration constitutes a taking under~~  
21 ~~state law~~. The municipality, county, local zoning authority,  
22 or other local government entity promulgating requirements for  
23 such alteration must be responsible for payment of just  
24 compensation to the sign owner ~~if such alteration constitutes~~  
25 ~~a taking under state law~~. This subsection applies only to a  
26 lawfully erected sign the subject matter of which relates to  
27 premises other than the premises on which it is located or to  
28 merchandise, services, activities, or entertainment not sold,  
29 produced, manufactured, or furnished on the premises on which  
30 the sign is located. For purposes of this subsection, the term  
31 "federal-aid primary highway system" means the federal-aid

1 primary system in existence on June 1, 1991, and any highway  
2 which was not on such system but which is now on the national  
3 highway system.~~This subsection shall not be interpreted as~~  
4 ~~explicit or implicit legislative recognition that alterations~~  
5 ~~do or do not constitute a taking under state law.~~

6 (3) Effective upon this act becoming a law, the Office  
7 of Program Policy Analysis and Governmental Accountability, in  
8 consultation with the Legislative Committee on  
9 Intergovernmental Relations, shall conduct a study to  
10 determine the economic impact on local governments of  
11 providing just compensation or requiring the removal or  
12 alteration of a lawfully erected sign as provided in this act.  
13 The office shall examine all relevant information regarding  
14 the provision of just compensation including, but not limited  
15 to, the experience of the state and any of its agencies in  
16 removing lawfully erected signs and providing just  
17 compensation. The office shall present a report of its  
18 findings and recommendations to the President of the Senate,  
19 the Speaker of the House of Representatives, Minority Leaders  
20 of the Senate and House of Representatives, and the chairs of  
21 the House of Representatives and Senate Transportation  
22 Committees, the House of Representatives Community Affairs  
23 Committee and the Senate Comprehensive Planning, Local and  
24 Military Affairs Committee by July 1, 2001.

25 (4) Nothing contained herein shall affect or impair  
26 the provisions of any agreement in existence on July 1, 2001,  
27 executed by a municipality, county, local zoning authority, or  
28 other local governmental entity and the owner of a lawfully  
29 erected sign or signs.

30 (8)(6) The provisions of subsections (3), (4), ~~and~~  
31 (5), (6), and (7) of this section shall not apply within the

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

6 Section 49. This act shall take effect upon becoming a  
7 law.

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