

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 certain amendments to
14 this act are not applicable under certain
15 circumstances; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (b) of subsection (2), paragraphs
20 (c) and (d) of subsection (3), and paragraph (a) of subsection
21 (4) of section 20.23, Florida Statutes, are amended to read:

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

25 (2)

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

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

31

1 2. Periodically review the status of the state
2 transportation system including highway, transit, rail,
3 seaport, intermodal development, and aviation components of
4 the system and recommend improvements therein to the Governor
5 and the Legislature.

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

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

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

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

28 7. Recommend to the Governor and the Legislature
29 improvements to the department's organization in order to
30 streamline and optimize the efficiency of the department. The
31 initial report by the commission must be delivered to the

1 Governor and Legislature by December 15, 2000, and each year
2 thereafter, as appropriate. The commission may retain such
3 experts as are reasonably necessary to effectuate this
4 subparagraph, and the department shall pay the expenses of
5 such experts.

6 (3)

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

16 1. Assistant Secretary for Transportation Policy.--

17 a. Development of the Florida Transportation Plan and
18 other policy planning;

19 b. Development of statewide modal systems plans,
20 including public transportation systems;

21 c. Design of transportation facilities;

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

23 e. Acquisition and management of transportation
24 rights-of-way; ~~and~~;

25 f. Administration of motor carrier compliance and
26 safety.

27 2. Assistant Secretary for District Operations.--

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

29 b. Implementation of the decentralization of the
30 department. ~~and~~

31

- 1 ~~c. Administration of motor carrier compliance and~~
2 ~~safety.~~
- 3 3. Assistant Secretary for Finance and
4 Administration.--
- 5 a. Financial planning and management;
6 b. Information systems;
7 c. Accounting systems;
8 d. Administrative functions; and
9 e. Administration of toll operations.
- 10 (d)1. Policy, program, or operations offices shall be
11 established within the central office for the purposes of:
- 12 a. Developing policy and procedures and monitoring
13 performance to ensure compliance with these policies and
14 procedures;
- 15 b. Performing statewide activities which it is more
16 cost-effective to perform in a central location;
- 17 c. Assessing and ensuring the accuracy of information
18 within the department's financial management information
19 systems; and
- 20 d. Performing other activities of a statewide nature.
- 21 2. The following offices are established and shall be
22 headed by a manager, each of whom shall be appointed by and
23 serve at the pleasure of the secretary. The positions shall be
24 classified at a level equal to a division director:
- 25 a. The Office of Administration;
26 b. The Office of Policy Planning;
27 c. The Office of Design;
28 d. The Office of Highway Operations;
29 e. The Office of Right-of-Way;
30 f. The Office of Toll Operations; ~~and~~
31 g. The Office of Information Systems; and

1 h. The Office of Motor Carrier Compliance.

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

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

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

1 operations or relocate the turnpike district, the department
2 must first determine if the decision would be cost-effective
3 and in the public's best interest. The department shall
4 periodically evaluate such decisions to ensure that they are
5 appropriate.

6 Section 2. Subsection (8) is added to section
7 206.8745, Florida Statutes, to read:

8 206.8745 Credits and refund claims.--

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

22 (a) The purchaser may make one claim for refund per
23 calendar year.

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

27 (c) The purchaser must submit original or copies of
28 original purchase invoices showing the taxes paid, or, in lieu
29 of original invoices, a purchaser may submit a schedule of
30 purchases containing the information required by s.

31 206.41(5)(b)1.

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

4
5 The Department of Revenue may adopt rules to administer this
6 subsection.

7 Section 3. Section 215.617, Florida Statutes, is
8 created to read:

9 215.617 Bonds for the Florida Seaport Transportation
10 and Economic Development Program.--

11 (1) The Division of Bond Finance, on behalf of the
12 Florida Seaport Transportation and Economic Development
13 Council, is authorized to issue revenue bonds pursuant to s.
14 11, Art. VII of the State Constitution and the State Bond Act
15 for the purposes of financing or refinancing fixed capital
16 requirements of the Florida Seaport Transportation and
17 Economic Development Program as provided in chapter 311 and s.
18 320.20(3) and (4) and funding seaport access projects of
19 statewide significance as provided in s. 341.053.

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

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

29 Section 4. Paragraph (b) of subsection (3) and
30 subsection (6) of section 311.07, Florida Statutes, is amended
31 to read:

1 311.07 Florida seaport transportation and economic
2 development funding.--

3 (3)

4 (b) Projects eligible for funding by grants under the
5 program are limited to the following port facilities or port
6 transportation projects:

7 1. Transportation facilities within the jurisdiction
8 of the port.

9 2. The dredging or deepening of channels, turning
10 basins, or harbors.

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

15 4. The acquisition of container cranes or other
16 mechanized equipment used in the movement of cargo or
17 passengers in international commerce.

18 5. The acquisition of land to be used for port
19 purposes.

20 6. The acquisition, improvement, enlargement, or
21 extension of existing port facilities.

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

31

1 8. Transportation facilities as defined in s.
2 334.03(31) which are not otherwise part of the Department of
3 Transportation's adopted work program.

4 9. Seaport intermodal access projects identified in
5 the 5-year Florida Seaport Mission Plan as provided in s.
6 311.09(3).

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

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

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

22 311.09 Florida Seaport Transportation and Economic
23 Development Council.--

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

1 Transportation or his or her designee ~~as an ex officio~~
2 ~~nonvoting member~~; the director of the Office of Tourism,
3 Trade, and Economic Development or his or her designee ~~as an~~
4 ~~ex officio nonvoting member~~; and the secretary of the
5 Department of Community Affairs or his or her designee ~~as an~~
6 ~~ex officio nonvoting member~~.

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

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

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

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

18 (8) The Office of Tourism, Trade, and Economic
19 Development, in consultation with Enterprise Florida, Inc.,
20 shall review the list of projects approved by the council to
21 evaluate the economic benefit of the project and to determine
22 whether the project is consistent with the Florida Seaport
23 Mission Plan. The Office of Tourism, Trade, and Economic
24 Development shall review the economic benefits of each project
25 based upon the rules adopted pursuant to subsection (4). The
26 Office of Tourism, Trade, and Economic Development shall
27 identify those projects which it has determined do not offer
28 an economic benefit to the state or are not consistent with
29 the Florida Seaport Mission Plan and shall notify the council
30 of its findings. The Office of Tourism, Trade, and Economic
31

1 Development may overrule any action of the council approving a
2 project.

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

23 (12) Members of the council shall serve without
24 compensation but are entitled to receive reimbursement for per
25 diem and travel expenses as provided in s. 112.061. The
26 council may elect to provide an administrative staff to
27 provide services to the council on matters relating to the
28 Florida Seaport Transportation and Economic Development
29 Program and the council. The cost for such administrative
30 services shall be paid by all ports that receive funding from
31 the Florida Seaport Transportation and Economic Development

1 Program, based upon a pro rata formula measured by each
2 recipient's share of the funds as compared to the total funds
3 disbursed to all recipients during the year. The share of
4 costs for administrative services shall be paid in its total
5 amount by the recipient port upon execution by the port and
6 the Department of Transportation of a joint participation
7 agreement for each council-approved project, and such payment
8 is in addition to the matching funds required to be paid by
9 the recipient port. The procurement of outside professional
10 services by the council is subject to s. 287.057 and any
11 written agreements and documentation supporting payments for
12 professional services must be retained by the council.

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

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

20 (3) Notwithstanding any other provision of law except
21 subsections (1) and (2), on July 1, 1996, and annually
22 thereafter, \$15 million shall be deposited in the State
23 Transportation Trust Fund solely for the purposes of funding
24 the Florida Seaport Transportation and Economic Development
25 Program as provided for in chapter 311. Such revenues shall
26 be distributed on a 50-50 matching basis to any port listed in
27 s. 311.09(1) to be used for funding projects as described in
28 s. 311.07(3)(b). Projects that are funded under this
29 subsection shall be considered state fixed capital outlay
30 projects for bonding purposes.Such revenues may be assigned,
31 pledged, or set aside as a trust for the payment of principal

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

1 The use of funds provided pursuant to this subsection are
2 limited to eligible projects listed in this subsection.
3 Income derived from a project completed with the use of
4 program funds, beyond operating costs and debt service, shall
5 be restricted to further port capital improvements consistent
6 with maritime purposes and for no other purpose. Use of such
7 income for nonmaritime purposes is prohibited. The provisions
8 of s. 311.07(4) do not apply to any funds received pursuant to
9 this subsection.

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

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

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

1 Transportation, provided a minimum of 25 percent of total
2 project funds shall come from any port funds, local funds,
3 private funds, or specifically earmarked federal funds; or

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

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

13
14 Such revenues may be assigned, pledged, or set aside as a
15 trust for the payment of principal or interest on bonds, tax
16 anticipation certificates, or any other form of indebtedness
17 issued by the State Board of Administration, Division of Bond
18 Finance, on behalf of any ports that form a collective
19 interlocal agreement ~~an individual port or appropriate local~~
20 ~~government having jurisdiction thereof, or collectively by~~
21 ~~interlocal agreement among any of the ports, or used to~~
22 purchase credit support to permit such borrowings. However,
23 such debt shall not constitute a general obligation of the
24 state. Such bonds in issue and series must mature at such time
25 not exceeding 30 years from their date of issuance. This state
26 does hereby covenant with holders of such revenue bonds or
27 other instruments of indebtedness issued hereunder that it
28 will not repeal or impair or amend this subsection in any
29 manner which will materially and adversely affect the rights
30 of holders so long as bonds authorized by this subsection are
31 outstanding. Any revenues that are not pledged to the

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

1 The use of funds provided pursuant to this subsection is
2 limited to eligible projects listed in this subsection. The
3 provisions of s. 311.07(4) do not apply to any funds received
4 pursuant to this subsection.

5 Section 7. Subsections (2) and (3) of section 316.006,
6 Florida Statutes, are amended to read:

7 316.006 Jurisdiction.--Jurisdiction to control traffic
8 is vested as follows:

9 (2) MUNICIPALITIES.--

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

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

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

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

8 3. Any such agreement may provide for the installation
9 of multiparty stop signs by the parties controlling the roads
10 covered by the agreement, if a determination is made by such
11 parties that the signage will enhance traffic safety.
12 Multiparty stop signs must conform to the manual and
13 specifications of the Department of Transportation. However,
14 minimum traffic volumes may not be required for the
15 installation of such signage. Enforcement for the signs shall
16 be as provided in s. 316.123.

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

25 (3) COUNTIES.--

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

1 highways under their original jurisdiction as they shall deem
2 necessary to indicate and to carry out the provisions of this
3 chapter or to regulate, warn, or guide traffic.

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

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

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

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

31

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

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

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

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

25 (1)

26 (b) Except as otherwise provided in this section, all
27 owners or drivers of commercial motor vehicles that are
28 engaged in intrastate commerce are subject to the rules and
29 regulations contained in 49 C.F.R. parts 382, 385, and
30 390-397, with the exception of 49 C.F.R. s. 390.5 as it
31

1 relates to the definition of bus, as such rules and
2 regulations existed on March 1, 2000 ~~1999~~.

3 (5) The Department of Transportation may adopt and
4 revise rules to assure the safe operation of commercial motor
5 vehicles. The Department of Transportation may enter into
6 cooperative agreements as provided in 49 C.F.R. part 388.
7 Department of Transportation personnel may conduct motor
8 carrier and shipper terminal audits only for the purpose of
9 determining compliance with 49 C.F.R. parts 171, 172, 173,
10 177, 178, 180, 382, 385,391, 393, 396, and 397; 49 C.F.R. s.
11 395.1(e)(5); and s. 627.7415.

12 (8) Any Department of Transportation law enforcement
13 officer ~~agent of the Department of Transportation described in~~
14 ~~s. 316.545(9)~~, any member of the Florida Highway Patrol, or
15 any person employed by a sheriff's office or municipal police
16 department who is authorized to enforce the traffic laws of
17 this state pursuant to s. 316.640 may enforce the provisions
18 of this section. Any law enforcement officer who is of the
19 ~~Department of Transportation described in s. 316.545(9)~~, any
20 ~~member of the Florida Highway Patrol, or any law enforcement~~
21 ~~officer employed by a sheriff's office or municipal police~~
22 ~~department~~ authorized to enforce the traffic laws of this
23 state pursuant to s. 316.640 and, who has reason to believe
24 that a vehicle or driver is operating in an unsafe condition,
25 may require the driver to stop and submit to an inspection of
26 the vehicle or the driver's records. Any person who fails to
27 comply with an officer's request to submit to an inspection
28 under this subsection is guilty of a violation of s. 843.02 if
29 the driver resists the officer without violence or a violation
30 of s. 843.01 if the driver resists the officer with violence.
31 If the vehicle is found to be in an unsafe condition, or if

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

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

11 316.515 Maximum width, height, length.--

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

14 However, an automobile transporter may, ~~with a permit from the~~
15 ~~Department of Transportation,~~ measure a height not to exceed
16 14 feet, inclusive of the load carried thereon.

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

19 316.516 Width, height, and length; inspection;
20 penalties.--

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

29 Section 11. Subsections (1) and (9) of section
30 316.545, Florida Statutes, are amended to read:

31

1 316.545 Weight and load unlawful; special fuel and
2 motor fuel tax enforcement; inspection; penalty; review.--

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

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

1 Section 12. Subsection (3) of section 316.610, Florida
2 Statutes, is repealed.

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

6 330.30 Approval of airport sites and licensing of
7 airports; fees.--

8 (1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE
9 PERIOD, REVOCATION.--

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

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

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

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

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

31

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

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

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

17 332.004 Definitions of terms used in ss.
18 332.003-332.007.--As used in ss. 332.003-332.007, the term:

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

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

1 (3) "Airport master planning" means the development,
2 for planning purposes, of information and guidance to
3 determine the extent, type, and nature of development needed
4 at a specific airport.

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

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

31

1 (a) Are international airports with United States
2 Customs Service;

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

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

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

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

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

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

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

30 (11) "Planning agency" means any agency authorized by
31 the laws of the state or by a political subdivision to engage

1 in area planning for the areas in which assistance under this
2 act is contemplated.

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

5 (13) "Project cost" means any cost involved in
6 accomplishing a project.

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

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

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

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

19 (1)

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

30 Section 16. Subsection (4) is added to section
31 334.187, Florida Statutes, to read:

1 334.187 Guarantee of obligations to the department.--

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

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

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

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

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

17 (3) To adopt an official seal.

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

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

31

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

6 (7) To enter into contracts and agreements.

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

8 (9) To employ and train staff, and to contract with
9 qualified consultants. For the purposes of chapters 471 and
10 472, the department shall be considered a firm.

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

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

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

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

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

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

31

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

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

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

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

30 (16) To plan, acquire, lease, construct, maintain, and
31 operate toll facilities; to authorize the issuance and

1 refunding of bonds; and to fix and collect tolls or other
2 charges for travel on any such facilities.

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

8 (18) To establish and maintain bicycle and pedestrian
9 ways.

10 (19) To encourage and promote the development of
11 multimodal transportation alternatives.

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

15 (21) To conduct research and demonstration projects
16 relative to innovative transportation technologies.

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

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

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

28 (25) To do all things necessary to obtain the full
29 benefits of the national Highway Safety Act of 1966, and in so
30 doing, to cooperate with federal and state agencies, public
31 and private agencies, interested organizations, and

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

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

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

30 (28) To require persons to affirm the truth of
31 statements made in any application for a license, permit, or

1 certification issued by the department or in any contract
2 documents submitted to the department.

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

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

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

13 337.18 Surety bonds; requirement with respect to
14 contract award; defaults; damage assessments.--

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

1 in the form of a cashier's check, bank money order of any
2 state or national bank, certified check, or postal money
3 order. The department shall adopt rules to implement this
4 subsection. Such rules shall include provisions under which
5 the department will refuse to accept bonds on contracts when a
6 surety wrongfully fails or refuses to settle or provide a
7 defense for claims or actions arising under a contract for
8 which the surety previously furnished a bond.

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

11 338.155 Payment of toll on toll facilities required;
12 exemptions.--

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

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

3 339.09 Use of transportation tax revenues;
4 restrictions.--

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

13 Section 21. Section 427.013, Florida Statutes, is
14 amended to read:

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

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

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

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. Effective July 1, 2001, subsection (2) of
6 section 479.15, Florida Statutes, is amended, present
7 subsections (3) through (6) of that section are renumbered
8 subsections (5) through (8), respectively, new subsections (3)
9 and (4) are added to that section, and present subsection (6)
10 is amended, to read:

11 479.15 Harmony of regulations.--

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

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

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

26 (4) Nothing contained herein shall affect or impair
27 the provisions of any agreement executed by a municipality,
28 county, local zoning authority, or other local governmental
29 entity and the owner of a lawfully 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. The amendment to section 479.15(2),
7 Florida Statutes, as provided in this act shall not apply
8 within the jurisdiction of any municipality that, as of April
9 23, 1999, was engaged in litigation regarding the
10 enforceability of the amortization provisions of its sign
11 ordinance.

12 Section 50. This act shall take effect upon becoming a
13 law.

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