

By Senator McKay

26-1035A-00

See HB

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing various statutory provisions that
4 have become obsolete, have had their effect,
5 have served their purpose, or have been
6 impliedly repealed or superseded; amending s.
7 20.23, F.S.; deleting an obsolete deadline for
8 implementation of certain internal management
9 provisions by the Assistant Secretary for
10 Finance and Administration of the Department of
11 Transportation; repealing s. 74.121, F.S.,
12 relating to the effective date and
13 applicability of ch. 65-369, Laws of Florida,
14 relating to eminent domain proceedings;
15 repealing s. 315.14, F.S., relating to the
16 public purposes of the 1959 Port Facilities
17 Financing Law; repealing s. 316.540, F.S.,
18 relating to weight and size requirements for
19 certain pre-1949 vehicles; amending s. 316.550,
20 F.S.; conforming a cross-reference; repealing
21 s. 321.05(6)(b), F.S., relating to the
22 expiration of authority for the Florida Highway
23 Patrol to adopt safety rules; repealing s.
24 331.352, F.S., relating to applicability
25 limitations on powers of the Spaceport Florida
26 Authority; repealing s. 332.04, F.S., relating
27 to validation of acquisition of property for
28 airports; repealing s. 332.10, F.S., relating
29 to airports on water bottoms; repealing s.
30 332.115(4), F.S., relating to plans for the
31 Brevard-Orange corridor with respect to rail

1 transportation of passengers and freight;
2 repealing s. 335.03, F.S., relating to
3 recommendations to the Federal Government for
4 interstate highway routes; repealing s. 336.11,
5 F.S., relating to ratification of county
6 actions to close, vacate, and abandon roads;
7 repealing s. 339.081(2), F.S., relating to the
8 Working Capital Trust Fund of the Department of
9 Transportation; amending s. 339.135, F.S.;
10 deleting an obsolete provision relating to
11 identification and funding of advanced
12 right-of-way acquisition projects in the
13 tentative work program; repealing s. 344.01,
14 F.S., relating to a declaration of benefit to
15 state of certain roads, highways, and bridges
16 built prior to June 21, 1929; repealing s.
17 344.08, F.S., relating to obligations of
18 counties and special road and bridge districts
19 with respect to bonds outstanding on June 21,
20 1929, which were issued for construction of
21 roads and bridges; repealing s. 479.27(4),
22 F.S., relating to a report on implementation of
23 the highway beautification and tourism
24 promotion pilot project; providing an effective
25 date.

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

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29 Section 1. Paragraph (e) of subsection (3) of section
30 20.23, Florida Statutes, is amended to read:

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1 20.23 Department of Transportation.--There is created
2 a Department of Transportation which shall be a decentralized
3 agency.

4 (3)

5 (e) The Assistant Secretary for Finance and
6 Administration must possess a broad knowledge of the
7 administrative, financial, and technical aspects of a complete
8 cost-accounting system, budget preparation and management, and
9 management information systems. The Assistant Secretary for
10 Finance and Administration must be a proven, effective manager
11 with specialized skills in financial planning and management.
12 The Assistant Secretary for Finance and Administration shall
13 ensure that financial information is processed in a timely,
14 accurate, and complete manner. ~~These responsibilities shall~~
15 ~~include, but are not limited to, implementing the following by~~
16 ~~December 1, 1990:~~

17 1. ~~The preparation of detailed documentation of the~~
18 ~~internal controls, including general and application controls,~~
19 ~~the department relies on for accurate and complete financial~~
20 ~~information.~~

21 2. ~~The monthly reconciliation of the department's~~
22 ~~accounting, planning and budgeting, cash forecasting, 5-year~~
23 ~~work program, and federal project accounting systems.~~

24 3. ~~The development of a long-range information systems~~
25 ~~plan for the department which addresses the computing and~~
26 ~~information requirements of the districts and central office.~~
27 ~~Financial, personnel, and technical resources must all be~~
28 ~~identified and quantified, as appropriate.~~

29 Section 2. Section 74.121, Florida Statutes, is
30 repealed.

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1 Section 3. Section 315.14, Florida Statutes, is
2 repealed.

3 Section 4. Section 316.540, Florida Statutes, is
4 repealed.

5 Section 5. Paragraph (d) of subsection (9) of section
6 316.550, Florida Statutes, is amended to read:

7 316.550 Operations not in conformity with law; special
8 permits.--

9 (9) Whenever any motor vehicle, or the combination of
10 a wrecker as defined in s. 320.01(40) and a towed motor
11 vehicle, exceeds any weight or dimensional criteria or special
12 operational or safety stipulation contained in a special
13 permit issued under the provisions of this section, the
14 penalty assessed to the owner or operator shall be as follows:

15 (d) For violation of any special condition that has
16 been prescribed in the rules of the Department of
17 Transportation and declared on the permit, the vehicle shall
18 be determined to be out of conformance with the permit and the
19 permit shall be declared null and void for the vehicle, and
20 weight and dimensional limits for the vehicle shall be as
21 established in s. 316.515~~7~~or s. 316.535, ~~or s. 316.540,~~
22 whichever is applicable, and:

23 1. For weight violations, a penalty as provided in s.
24 316.545 shall be assessed for those weights which exceed the
25 limits thus established for the vehicle; and

26 2. For dimensional, operational, or safety violations,
27 a penalty as established in paragraph (c) or s. 316.516,
28 whichever is applicable, shall be assessed for each
29 nonconforming dimensional, operational, or safety violation
30 and the penalties for multiple violations shall be cumulative
31 for the vehicle.

1 Section 6. Paragraph (b) of subsection (6) of section
2 321.05, Florida Statutes, is repealed.

3 Section 7. Section 331.352, Florida Statutes, is
4 repealed.

5 Section 8. Section 332.04, Florida Statutes, is
6 repealed.

7 Section 9. Section 332.10, Florida Statutes, is
8 repealed.

9 Section 10. Subsection (4) of section 332.115, Florida
10 Statutes, is repealed.

11 Section 11. Section 335.03, Florida Statutes, is
12 repealed.

13 Section 12. Section 336.11, Florida Statutes, is
14 repealed.

15 Section 13. Subsection (2) of section 339.081, Florida
16 Statutes, is repealed.

17 Section 14. Paragraph (b) of subsection (4) of section
18 339.135, Florida Statutes, is amended to read:

19 339.135 Work program; legislative budget request;
20 definitions; preparation, adoption, execution, and
21 amendment.--

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

23 (b)1. A tentative work program, including the ensuing
24 fiscal year and the successive 4 fiscal years, shall be
25 prepared for the State Transportation Trust Fund and other
26 funds managed by the department, unless otherwise provided by
27 law. The tentative work program shall be based on the
28 district work programs and shall set forth all projects by
29 phase to be undertaken during the ensuing fiscal year and
30 planned for the successive 4 fiscal years. The total amount of
31 the liabilities accruing in each fiscal year of the tentative

1 work program may not exceed the revenues available for
2 expenditure during the respective fiscal year based on the
3 cash forecast for that respective fiscal year.

4 2. The tentative work program shall be developed in
5 accordance with the Florida Transportation Plan required in s.
6 339.155 and must comply with the program funding levels
7 contained in the program and resource plan.

8 ~~3. The tentative work program must specifically
9 identify advanced right-of-way acquisition projects and must
10 separately allocate funds for advanced right-of-way
11 acquisition phases in each fiscal year, as provided in s.
12 337.276. Each right-of-way phase that is to be funded through
13 these programs shall be specifically identified in the work
14 program, and the year, if known, in which construction
15 utilizing the right-of-way is projected to begin shall be
16 identified.~~

17 3.4. The department may include in the tentative work
18 program proposed changes to the programs contained in the
19 previous work program adopted pursuant to subsection (5);
20 however, the department shall minimize changes and adjustments
21 that affect the scheduling of project phases in the 4 common
22 fiscal years contained in the previous adopted work program
23 and the tentative work program. The department, in the
24 development of the tentative work program, shall advance by 1
25 fiscal year all projects included in the second year of the
26 previous year's adopted work program, unless the secretary
27 specifically determines that it is necessary, for specific
28 reasons, to reschedule or delete one or more projects from
29 that year. Such changes and adjustments shall be clearly
30 identified, and the effect on the 4 common fiscal years
31 contained in the previous adopted work program and the

1 tentative work program shall be shown. It is the intent of
2 the Legislature that the first 3 years of the adopted work
3 program stand as the commitment of the state to undertake
4 transportation projects that local governments may rely on for
5 planning purposes and in the development and amendment of the
6 capital improvements elements of their local government
7 comprehensive plans.

8 ~~4.5.~~ The tentative work program must include a
9 balanced 36-month forecast of cash and expenditures and a
10 5-year finance plan supporting the tentative work program.

11 Section 15. Section 344.01, Florida Statutes, is
12 repealed.

13 Section 16. Section 344.08, Florida Statutes, is
14 repealed.

15 Section 17. Subsection (4) of section 479.27, Florida
16 Statutes, is repealed.

17 Section 18. This act shall take effect upon becoming a
18 law.

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LEGISLATIVE SUMMARY

Repeals various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. Repeals or deletes provisions relating to a deadline for implementation of certain internal management provisions by the Assistant Secretary for Finance and Administration of the Department of Transportation; the effective date and applicability of ch. 65-369, Laws of Florida, relating to eminent domain proceedings; the public purposes of the 1959 Port Facilities Financing Law; weight and size requirements for certain pre-1949 vehicles; the expiration of authority for the Florida Highway Patrol to adopt safety rules; applicability limitations on powers of the Spaceport Florida Authority; validation of acquisition of property for airports; airports on water bottoms; plans for the Brevard-Orange corridor with respect to rail transportation of passengers and freight; recommendations to the Federal Government for interstate highway routes; ratification of county actions to close, vacate, and abandon roads; the Working Capital Trust Fund of the Department of Transportation; identification and funding of advanced right-of-way acquisition projects in the tentative work program; a declaration of benefit to state of certain roads, highways, and bridges built prior to June 21, 1929; obligations of counties and special road and bridge districts with respect to bonds outstanding on June 21, 1929, which were issued for construction of roads and bridges; and a report on implementation of the highway beautification and tourism promotion pilot project.