

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 The Committee on Transportation & Economic Development
12 Appropriations offered the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Florida Military Base Assistance Program;
19 purpose; funding; administration; distribution of funds;
20 audit.--

21 (1) There is created the Florida Military Base
22 Assistance Program (FMBAP) to be used by local communities in
23 which United States Department of Defense military bases have
24 been closed within 3 years after the effective date of this
25 act.

26 (2) The purpose of the program is to:

27 (a) Integrate these bases into local and statewide
28 transportation networks.

29 (b) Upgrade the facilities to current civil code to
30 sustain modern transportation.

31 (3) The program funds shall be used to fund projects

Amendment No. ____ (for drafter's use only)

1 that are necessary to accomplish the following:

2 (a) Update local comprehensive planning caused by the
3 closure of the former military base.

4 (b) Update structures located on a former military
5 base that currently do not meet local building codes.

6 (c) Modernize codes for any structures located on the
7 former military base.

8 (d) Modernize and codify any systems that exist on the
9 former military base that include, but are not limited to:

10 1. Roadway, walkway, interchange, railway, or any
11 other transportation systems that may have been constructed.

12 2. Electric and lighting.

13 3. Sewer and water.

14 4. Stormwater management and retention.

15 5. Fuel.

16 6. Navigation.

17 (4) The distribution of the funds to the Florida
18 Military Base Assistance Program (FMBAP) will be administered
19 by the Department of Transportation.

20 (5) Funds from the program are to be made available to
21 the local redevelopment authority or the local governmental
22 authority that has taken ownership of the facility from the
23 military department as stipulated by the applicable federal
24 regulations.

25 (6) The Department of Transportation shall subject any
26 project that receives funds pursuant to this section to a
27 final audit. The department may adopt rules and perform such
28 other acts as are necessary to ensure that the final audit is
29 conducted and that any deficiency or questioned costs noted by
30 the audit are resolved.

31 Section 2. Paragraph (c) of subsection (1), paragraph

Amendment No. ____ (for drafter's use only)

1 (b) of subsection (2), and paragraphs (c) and (d) of
2 subsection (3) of section 20.23, Florida Statutes, are amended
3 to read:

4 20.23 Department of Transportation.--There is created
5 a Department of Transportation which shall be a decentralized
6 agency.

7 (1)

8 (c) The secretary shall appoint three assistant
9 secretaries who shall be directly responsible to the secretary
10 and who shall perform such duties as are specified in this
11 section and such other duties as are assigned by the
12 secretary. The secretary may delegate to any assistant
13 secretary the authority to act in the absence of the
14 secretary. The department has the authority to adopt rules
15 necessary for the delegation of authority beyond the assistant
16 secretaries.The assistant secretaries shall serve at the
17 pleasure of the secretary.

18 (2)

19 (b) The commission shall have the primary functions
20 to:

21 1. Recommend major transportation policies for the
22 Governor's approval, and assure that approved policies and any
23 revisions thereto are properly executed.

24 2. Periodically review the status of the state
25 transportation system including highway, transit, rail,
26 seaport, intermodal development, and aviation components of
27 the system and recommend improvements therein to the Governor
28 and the Legislature.

29 3. Perform an in-depth evaluation of the annual
30 department budget request, the Florida Transportation Plan,
31 and the tentative work program for compliance with all

Amendment No. ____ (for drafter's use only)

1 applicable laws and established departmental policies. Except
2 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
3 the commission may not consider individual construction
4 projects, but shall consider methods of accomplishing the
5 goals of the department in the most effective, efficient, and
6 businesslike manner.

7 4. Monitor the financial status of the department on a
8 regular basis to assure that the department is managing
9 revenue and bond proceeds responsibly and in accordance with
10 law and established policy.

11 5. Monitor on at least a quarterly basis, the
12 efficiency, productivity, and management of the department,
13 using performance and production standards developed by the
14 commission pursuant to s. 334.045.

15 6. Perform an in-depth evaluation of the factors
16 causing disruption of project schedules in the adopted work
17 program and recommend to the Legislature and the Governor
18 methods to eliminate or reduce the disruptive effects of these
19 factors.

20 7. Recommend to the Governor and the Legislature
21 improvements to the department's organization in order to
22 streamline and optimize the efficiency of the department. In
23 reviewing the department's organization, the commission shall
24 determine if the current district organizational structure is
25 responsive to Florida's changing economic and demographic
26 development patterns. The initial report by the commission
27 must be delivered to the Governor and Legislature by December
28 15, 2000, and each year thereafter, as appropriate. The
29 commission may retain such experts as are reasonably necessary
30 to effectuate this subparagraph, and the department shall pay
31 the expenses of such experts.

Amendment No. ____ (for drafter's use only)

1 (3)

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

11 1. Assistant Secretary for Transportation Policy.--

12 a. Development of the Florida Transportation Plan and
13 other policy planning;14 b. Development of statewide modal systems plans,
15 including public transportation systems;

16 c. Design of transportation facilities;

17 d. Construction of transportation facilities; ~~and~~18 e. Acquisition and management of transportation
19 rights-of-way; ~~and-~~20 f. Administration of motor carrier compliance and
21 safety.

22 2. Assistant Secretary for District Operations.--

23 a. Administration of the eight districts; and24 b. Implementation of the decentralization of the
25 department. ~~and~~26 ~~c. Administration of motor carrier compliance and~~
27 ~~safety.~~

28 3. Assistant Secretary for Finance and

29 Administration.--

30 a. Financial planning and management;

31 b. Information systems;

Amendment No. ____ (for drafter's use only)

- 1 c. Accounting systems;
- 2 d. Administrative functions; and
- 3 e. Administration of toll operations.
- 4 (d)1. Policy, program, or operations offices shall be
- 5 established within the central office for the purposes of:
- 6 a. Developing policy and procedures and monitoring
- 7 performance to ensure compliance with these policies and
- 8 procedures;
- 9 b. Performing statewide activities which it is more
- 10 cost-effective to perform in a central location;
- 11 c. Assessing and ensuring the accuracy of information
- 12 within the department's financial management information
- 13 systems; and
- 14 d. Performing other activities of a statewide nature.
- 15 2. The following offices are established and shall be
- 16 headed by a manager, each of whom shall be appointed by and
- 17 serve at the pleasure of the secretary. The positions shall be
- 18 classified at a level equal to a division director:
- 19 a. The Office of Administration;
- 20 b. The Office of Policy Planning;
- 21 c. The Office of Design;
- 22 d. The Office of Highway Operations;
- 23 e. The Office of Right-of-Way;
- 24 f. The Office of Toll Operations; ~~and~~
- 25 g. The Office of Information Systems; ~~and~~
- 26 h. The Office of Motor Carrier Compliance.
- 27 3. Other offices may be established in accordance with
- 28 s. 20.04(7). The heads of such offices are exempt from part II
- 29 of chapter 110. No office or organization shall be created at
- 30 a level equal to or higher than a division without specific
- 31 legislative authority.

Amendment No. ____ (for drafter's use only)

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

14 Section 3. Effective July 1, 2000, paragraph (a) of
15 subsection (1) of section 212.031, Florida Statutes, is
16 amended to read:

17 212.031 Lease or rental of or license in real
18 property.--

19 (1)(a) It is declared to be the legislative intent
20 that every person is exercising a taxable privilege who
21 engages in the business of renting, leasing, letting, or
22 granting a license for the use of any real property unless
23 such property is:

24 1. Assessed as agricultural property under s. 193.461.

25 2. Used exclusively as dwelling units.

26 3. Property subject to tax on parking, docking, or
27 storage spaces under s. 212.03(6).

28 4. Recreational property or the common elements of a
29 condominium when subject to a lease between the developer or
30 owner thereof and the condominium association in its own right
31 or as agent for the owners of individual condominium units or

Amendment No. ____ (for drafter's use only)

1 the owners of individual condominium units. However, only the
2 lease payments on such property shall be exempt from the tax
3 imposed by this chapter, and any other use made by the owner
4 or the condominium association shall be fully taxable under
5 this chapter.

6 5. A public or private street or right-of-way and
7 poles, conduits, fixtures, and similar improvements located on
8 such streets or rights-of-way, occupied or used by a utility
9 or franchised cable television company for utility or
10 communications or television purposes. For purposes of this
11 subparagraph, the term "utility" means any person providing
12 utility services as defined in s. 203.012. This exception also
13 applies to property, excluding buildings, wherever located, on
14 which antennas, cables, adjacent accessory structures, or
15 adjacent accessory equipment used in the provision of
16 cellular, enhanced specialized mobile radio, or personal
17 communications services are placed.

18 6. A public street or road which is used for
19 transportation purposes.

20 7. Property used at an airport exclusively for the
21 purpose of aircraft landing or aircraft taxiing or property
22 used by an airline for the purpose of loading or unloading
23 passengers or property onto or from aircraft or for fueling
24 aircraft.

25 8.a. Property used at a port authority, as defined in
26 s. 315.02(2), exclusively for the purpose of oceangoing
27 vessels or tugs docking, or such vessels mooring on property
28 used by a port authority for the purpose of loading or
29 unloading passengers or cargo onto or from such a vessel, or
30 property used at a port authority for fueling such vessels, or
31 to the extent that the amount paid for the use of any property

Amendment No. ____ (for drafter's use only)

1 at the port is based on the charge for the amount of tonnage
2 actually imported or exported through the port by a tenant.

3 b. The amount charged for the use of any property at
4 the port in excess of the amount charged for tonnage actually
5 imported or exported shall remain subject to tax except as
6 provided in sub-subparagraph a.

7 9. Property used as an integral part of the
8 performance of qualified production services. As used in this
9 subparagraph, the term "qualified production services" means
10 any activity or service performed directly in connection with
11 the production of a qualified motion picture, as defined in s.
12 212.06(1)(b), and includes:

13 a. Photography, sound and recording, casting, location
14 managing and scouting, shooting, creation of special and
15 optical effects, animation, adaptation (language, media,
16 electronic, or otherwise), technological modifications,
17 computer graphics, set and stage support (such as
18 electricians, lighting designers and operators, greensmen,
19 prop managers and assistants, and grips), wardrobe (design,
20 preparation, and management), hair and makeup (design,
21 production, and application), performing (such as acting,
22 dancing, and playing), designing and executing stunts,
23 coaching, consulting, writing, scoring, composing,
24 choreographing, script supervising, directing, producing,
25 transmitting dailies, dubbing, mixing, editing, cutting,
26 looping, printing, processing, duplicating, storing, and
27 distributing;

28 b. The design, planning, engineering, construction,
29 alteration, repair, and maintenance of real or personal
30 property including stages, sets, props, models, paintings, and
31 facilities principally required for the performance of those

Amendment No. ____ (for drafter's use only)

1 services listed in sub-subparagraph a.; and

2 c. Property management services directly related to
3 property used in connection with the services described in
4 sub-subparagraphs a. and b.

5 10. Leased, subleased, licensed, or rented to a person
6 providing food and drink concessionaire services within the
7 premises of a convention hall, exhibition hall, auditorium,
8 stadium, theater, arena, civic center, performing arts center,
9 recreational facility, or any business operated under a permit
10 issued pursuant to chapter 550. A person providing retail
11 concessionaire services involving the sale of food and drink
12 or other tangible personal property within the premises of an
13 airport shall be subject to tax on the rental of real property
14 used for that purpose, but shall not be subject to the tax on
15 any license to use the property. For purposes of this
16 subparagraph, the term "sale" shall not include the leasing of
17 tangible personal property.

18 11. Property occupied pursuant to an instrument
19 calling for payments which the department has declared, in a
20 Technical Assistance Advisement issued on or before March 15,
21 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c),
22 Florida Administrative Code; provided that this subparagraph
23 shall only apply to property occupied by the same person
24 before and after the execution of the subject instrument and
25 only to those payments made pursuant to such instrument,
26 exclusive of renewals and extensions thereof occurring after
27 March 15, 1993.

28 12. Property used as a travel center/truck stop
29 facility. As used in this subparagraph, the term "travel
30 center/truck stop facility" means any facility that has
31 declared its primary business activity, under s.

Amendment No. ____ (for drafter's use only)

1 206.404(1)(g), as the sale of diesel fuel at retail, which
2 facility operates a minimum of 6 diesel fuel dispensers.

3 Section 4. Subsection (1) of section 215.615, Florida
4 Statutes, is amended to read:

5 215.615 Fixed-guideway transportation systems
6 funding.--

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

23 (a) The department and any participating commuter rail
24 authority or regional transportation authority established
25 under chapter 343, local governments, or local governments
26 collectively by interlocal agreement having jurisdiction of a
27 fixed-guideway transportation system may enter into an
28 interlocal agreement to promote the efficient and
29 cost-effective financing or refinancing of fixed-guideway
30 transportation system projects by revenue bonds issued
31 pursuant to this subsection. The terms of such interlocal

Amendment No. ____ (for drafter's use only)

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

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

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

31 (d) Any complaint for validation of bonds issued

Amendment No. ____ (for drafter's use only)

1 pursuant to this section shall be filed in the circuit court
2 of the county where the seat of state government is situated,
3 the notice required to be published by s. 75.06 shall be
4 published only in the county where the complaint is filed, and
5 the complaint and order of the circuit court shall be served
6 only on the state attorney of the circuit in which the action
7 is pending.

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

14 (f) This subsection supersedes any inconsistent
15 provisions in existing law.

16
17 Notwithstanding this subsection, the lien of revenue bonds
18 issued pursuant to this subsection on moneys deposited into
19 the State Transportation Trust Fund shall be subordinate to
20 the lien on such moneys of bonds issued under ss. 215.605,
21 320.20, and 215.616, and any pledge of such moneys to pay
22 operating and maintenance expenses under s. 206.46(5)
23 ~~subsection (5)~~ and chapter 348, as may be amended.

24 Section 5. Paragraph (a) of subsection (1) of section
25 255.20, Florida Statutes, is amended, and subsection (5) is
26 created to read:

27 255.20 Local bids and contracts for public
28 construction works; specification of state-produced lumber.--

29 (1) A county, municipality, special district as
30 defined in chapter 189, or other political subdivision of the
31 state seeking to construct or improve a public building,

Amendment No. ____ (for drafter's use only)

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

28 (a) The provisions of this subsection do not apply:
29 1. When the project is undertaken to replace,
30 reconstruct, or repair an existing facility damaged or
31 destroyed by a sudden unexpected turn of events, such as an

Amendment No. ____ (for drafter's use only)

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

Amendment No. ____ (for drafter's use only)

1 286.011 and finds by a majority vote of the governing board
2 that it is in the public's best interest to perform the
3 project using its own services, employees, and equipment. The
4 public notice must be published at least 14 days prior to the
5 date of the public meeting at which the governing board takes
6 final action to apply this subparagraph. The notice must
7 identify the project, the estimated cost of the project, and
8 specify that the purpose for the public meeting is to consider
9 whether it is in the public's best interest to perform the
10 project using the local government's own services, employees,
11 and equipment. In deciding whether it is in the public's best
12 interest for local government to perform a project using its
13 own services, employees, and equipment, the governing board
14 may consider the cost of the project, whether the project
15 requires an increase in the number of government employees, an
16 increase in capital expenditures for public facilities,
17 equipment or other capital assets, the impact on local
18 economic development, the impact on small and minority
19 business owners, the impact on state and local tax revenues,
20 whether the private sector contractors provide health
21 insurance and other benefits equivalent to those provided by
22 the local government, and any other factor relevant to what is
23 in the public's best interest.

24 10. When the governing board of the local government
25 determines upon consideration of specific substantive criteria
26 and administrative procedures that it is in the best interest
27 of the local government to award the project to an
28 appropriately licensed private sector contractor according to
29 procedures established by and expressly set forth in a
30 charter, ordinance, or resolution of the local government
31 adopted prior to July 1, 1994. The criteria and procedures

Amendment No. ____ (for drafter's use only)

1 must be set out in the charter, ordinance, or resolution and
2 must be applied uniformly by the local government to avoid
3 award of any project in an arbitrary or capricious manner.
4 This exception shall apply when all of the following occur:

5 a. 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 two-thirds vote of the governing board
8 that it is in the public's best interest to award the project
9 according to the criteria and procedures established by
10 charter, ordinance, or resolution. The public notice must be
11 published at least 14 days prior to the date of the public
12 meeting at which the governing board takes final action to
13 apply this subparagraph. The notice must identify the
14 project, the estimated cost of the project, and specify that
15 the purpose for the public meeting is to consider whether it
16 is in the public's best interest to award the project using
17 the criteria and procedures permitted by the preexisting
18 ordinance.

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

22 (I) There is one appropriately licensed contractor who
23 is uniquely qualified to undertake the project because that
24 contractor is currently under contract to perform work that is
25 affiliated with the project; or

26 (II) The time to competitively award the project will
27 jeopardize the funding for the project, or will materially
28 increase the cost of the project or will create an undue
29 hardship on the public health, safety, or welfare.

30 c. In the event the project is to be awarded by any
31 method other than a competitive selection process, the

Amendment No. ____ (for drafter's use only)

1 published notice must clearly specify the ordinance or
2 resolution by which the private sector contractor will be
3 selected and the criteria to be considered.

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

13 11. To projects subject to chapter 336.

14 (5) A provision in a public works contract that
15 provides a formal procedure for dispute resolution that
16 authorizes one of the parties to unilaterally decide the
17 dispute is inoperative and unenforceable.

18 Section 6. Subsection (6) of section 311.07, Florida
19 Statutes, is amended to read:

20 311.07 Florida seaport transportation and economic
21 development funding.--

22 (6) The Department of Transportation shall subject any
23 project that receives funds pursuant to this section and s.
24 320.20 to a final audit. The department shall ~~may~~ adopt rules
25 and perform such other acts as are necessary or convenient to
26 ensure that the final audits are conducted and that any
27 deficiency or questioned costs noted by the audit are
28 resolved.

29 Section 7. Subsections (1), (4), (11), and (12) of
30 section 311.09, Florida Statutes, are amended to read:

31 311.09 Florida Seaport Transportation and Economic

Amendment No. ____ (for drafter's use only)

1 Development Council.--

2 (1) The Florida Seaport Transportation and Economic
3 Development Council is created within the Department of
4 Transportation. The council consists of the following 17
5 members: the port director, or the port director's designee,
6 of each of the ports of Jacksonville, Port Canaveral, Fort
7 Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St.
8 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
9 West, and Fernandina; the secretary of the Department of
10 Transportation or his or her designee ~~as an ex officio~~
11 ~~nonvoting member~~; the director of the Office of Tourism,
12 Trade, and Economic Development or his or her designee ~~as an~~
13 ~~ex officio nonvoting member~~; and the secretary of the
14 Department of Community Affairs or his or her designee ~~as an~~
15 ~~ex officio nonvoting member~~.

16 (4) The council shall adopt rules for evaluating
17 projects which may be funded under s. 311.07. The rules shall
18 provide criteria for evaluating the economic benefit of the
19 project, measured by the potential for the proposed project to
20 maintain or increase cargo flow, cruise passenger movement,
21 international commerce, port revenues, and the number of jobs
22 for the port's local community.

23 (11) The council shall meet at the call of its
24 chairperson, at the request of a majority of its membership,
25 or at such times as may be prescribed in its bylaws. However,
26 the council must meet at least semiannually. A majority of
27 voting members of the council constitutes a quorum for the
28 purpose of transacting the business of the council. All
29 members of the council are voting members ~~except for members~~
30 ~~representing the Department of Transportation; the Department~~
31 ~~of Community Affairs; and the Office of Tourism, Trade, and~~

Amendment No. ____ (for drafter's use only)

1 ~~Economic Development~~. A vote of the majority of the voting
2 members present is sufficient for any action of the council,
3 except that a member representing the Department of
4 Transportation, the Department of Community Affairs, or the
5 Office of Tourism, Trade, and Economic Development may vote to
6 overrule any action of the council approving a project
7 pursuant to subsection (5).~~unless~~ The bylaws of the council
8 may require a greater vote for a particular action.

9 (12) Members of the council shall serve without
10 compensation but are entitled to receive reimbursement for per
11 diem and travel expenses as provided in s. 112.061. The
12 council may elect to provide an administrative staff to
13 provide services to the council on matters relating to the
14 Florida Seaport Transportation and Economic Development
15 Program and the council. The cost for such administrative
16 services shall be paid by all ports that receive funding from
17 the Florida Seaport Transportation and Economic Development
18 Program, based upon a pro rata formula measured by each
19 recipient's share of the funds as compared to the total funds
20 disbursed to all recipients during the year. The share of
21 costs for administrative services shall be paid in its total
22 amount by the recipient port upon execution by the port and
23 the Department of Transportation of a joint participation
24 agreement for each council-approved project, and such payment
25 is in addition to the matching funds required to be paid by
26 the recipient port. Except as otherwise exempted by law, all
27 moneys derived from the Florida Seaport Transportation and
28 Economic Development Program shall be expended in accordance
29 with the provisions of s. 287.057. Seaports subject to
30 competitive negotiation requirements of a local governing body
31 shall be exempt from this requirement.

Amendment No. ____ (for drafter's use only)

1 Section 8. Section 315.035, Florida Statutes, is
2 created to read:
3 315.035 Deepwater ports owned or operated by charter
4 counties.--
5 Notwithstanding any general or special law to the
6 contrary, any county operating under a home rule charter
7 adopted by vote of such county's electors on November 5, 1974,
8 and who owns or operates a deepwater port in this state, may
9 by ordinance, provide for the contraction of all the property
10 of such port lying within the boundaries of any municipal
11 jurisdiction within such county. No referendum shall be
12 necessary on the question of contraction, and the contraction
13 of all port property shall be effective on the date provided
14 in the ordinance adopted by the board of county commissioners.
15 The provisions of Chapter 171, Florida Statutes, or any
16 special act addressing annexation or contraction, shall not
17 apply to any ordinance adopted by the board of county
18 commissioners. The provisions of Chapter 171, Florida
19 Statutes, or any special act addressing annexation or
20 contraction, shall not apply to any ordinance adopted by the
21 board of county commissioners for the purpose of contracting
22 such county's port property under this section. In the event
23 that the contraction of the port property results in a loss of
24 ad valorem taxes to a municipality, the county shall enter
25 into an interlocal agreement with such city for the reasonable
26 payment in lieu of the taxes lost by such city. Chapter
27 91.346, Laws of Florida, and Chapter 94-429, Laws of Florida,
28 are repealed. However, the board of county commissioners may,
29 by ordinance, adopt any provisions in such acts as are
30 necessary to effectively and efficiently operate the port.

31 Section 9. Paragraph (b) of subsection (3) of section

Amendment No. ____ (for drafter's use only)

1 316.006, Florida Statutes, is amended to read:

2 316.006 Jurisdiction.--Jurisdiction to control traffic
3 is vested as follows:

4 (3) COUNTIES.--

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

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

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

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

Amendment No. ____ (for drafter's use only)

1 4. Any such agreement may provide for the installation
2 of multiparty stop signs by the party or parties controlling
3 the roads covered by the agreement if a determination is made
4 by such party or parties that such signage will enhance
5 traffic safety. Such multiparty stop signs shall conform to
6 the manual and specifications of the Department of
7 Transportation; however, notwithstanding the provisions of ss.
8 316.0745 and 316.0747, no warrant shall be required for the
9 installation of such signage. Enforcement for such signage
10 shall be as provided in s. 316.123.

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

20 Section 10. Effective July 1, 2001, section 316.228,
21 Florida Statutes, is amended to read:

22 316.228 Lamps or flags on projecting load.--

23 (1) Except as provided in subsection (2), whenever the
24 load upon any vehicle extends to the rear 4 feet or more
25 beyond the bed or body of such vehicle, there shall be
26 displayed at the extreme rear end of the load, at the times
27 specified in s. 316.217, two red lamps visible from a distance
28 of at least 500 feet to the rear, two red reflectors visible
29 at night from all distances within 600 feet to 100 feet to the
30 rear when directly in front of lawful lower beams of headlamps
31 and located so as to indicate maximum width, and on each side

Amendment No. ____ (for drafter's use only)

1 one red lamp visible from a distance of at least 500 feet to
2 the side and located so as to indicate maximum overhang.
3 There shall be displayed at all other times on any vehicle
4 having a load which extends beyond its sides or more than 4
5 feet beyond its rear, red flags, not less than 12 inches
6 square, marking the extremities of such load, at each point
7 where a lamp would otherwise be required by this section. ~~A~~
8 ~~violation of this section is a noncriminal traffic infraction,~~
9 ~~punishable as a nonmoving violation as provided in chapter~~
10 ~~318.~~

11 (2) Any motor vehicle or trailer, except for vehicles
12 subject to s. 316.515(7), transporting a load of logs, long
13 pulpwood, poles, or posts which extends more than 4 feet
14 beyond the rear of the body or bed of such vehicle shall have
15 securely affixed as close as practicable to the end of any
16 such projection an amber strobe lamp equipped with a
17 multidimensional type lens so mounted as to be visible from
18 the rear and both sides of the projecting load. The strobe
19 lamp shall flash at a rate of at least 60 flashes per minute
20 and shall be plainly visible from a distance of at least 500
21 feet to the rear and sides of the projecting load at any time
22 of the day or night. The lamp shall be operating at any time
23 of the day or night when the vehicle is operated on any
24 highway or parked on the shoulder or immediately adjacent to
25 the traveled portion of any public roadway.

26 (3) A violation of this section is a noncriminal
27 traffic infraction, punishable as a nonmoving violation as
28 provided in chapter 318.

29 Section 11. Paragraph (b) of subsection (1) and
30 subsections (5) and (8) of section 316.302, Florida Statutes,
31 are amended to read:

Amendment No. ____ (for drafter's use only)

1 316.302 Commercial motor vehicles; safety regulations;
2 transporters and shippers of hazardous materials;
3 enforcement.--

4 (1)

5 (b) Except as otherwise provided in this section, all
6 owners or drivers of commercial motor vehicles that are
7 engaged in intrastate commerce are subject to the rules and
8 regulations contained in 49 C.F.R. parts 382, 385, and
9 390-397, with the exception of 49 C.F.R. s. 390.5 as it
10 relates to the definition of bus, as such rules and
11 regulations existed on March 1, 2000 ~~1999~~.

12 (5) The Department of Transportation may adopt and
13 revise rules to assure the safe operation of commercial motor
14 vehicles. The Department of Transportation may enter into
15 cooperative agreements as provided in 49 C.F.R. part 388.
16 Department of Transportation personnel may conduct motor
17 carrier and shipper terminal audits only for the purpose of
18 determining compliance with 49 C.F.R. parts 171, 172, 173,
19 177, 178, 180, 382, 385, 391, 393, 396, and 397; 49 C.F.R. s.
20 395.1(e)(5); and s. 627.7415.

21 (8) Any Department of Transportation law enforcement
22 officer ~~agent of the Department of Transportation described in~~
23 ~~s. 316.545(9)~~, any member of the Florida Highway Patrol, or
24 any person employed by a sheriff's office or municipal police
25 department who is authorized to enforce the traffic laws of
26 this state pursuant to s. 316.640 may enforce the provisions
27 of this section. Any law enforcement officer who is ~~of the~~
28 ~~Department of Transportation described in s. 316.545(9)~~, any
29 ~~member of the Florida Highway Patrol, or any law enforcement~~
30 ~~officer employed by a sheriff's office or municipal police~~
31 ~~department~~ authorized to enforce the traffic laws of this

Amendment No. ____ (for drafter's use only)

1 state pursuant to s. 316.640 and, who has reason to believe
2 that a vehicle or driver is operating in an unsafe condition,
3 may require the driver to stop and submit to an inspection of
4 the vehicle or the driver's records. Any person who fails to
5 comply with an officer's request to submit to an inspection
6 under this subsection is guilty of a violation of s. 843.02 if
7 the driver resists the officer without violence or a violation
8 of s. 843.01 if the driver resists the officer with violence.
9 If the vehicle is found to be in an unsafe condition, or if
10 any required part or equipment is not present or is not in
11 proper repair or adjustment, and the continued operation would
12 probably present an unduly hazardous operating condition, the
13 officer may require the vehicle to be immediately repaired or
14 removed from use. However, if continued operation would not
15 present an unduly hazardous operating condition, the officer
16 may give written notice to require proper repair and
17 adjustment of the vehicle within 14 days.

18 Section 12. Subsection (2) and paragraph (a) of
19 subsection (3) of section 316.515, Florida Statutes, are
20 amended to read:

21 316.515 Maximum width, height, length.--

22 (2) HEIGHT LIMITATION.--No vehicle may exceed a height
23 of 13 feet 6 inches, inclusive of load carried thereon.
24 However, an automobile transporter may, ~~with a permit from the~~
25 ~~Department of Transportation,~~ measure a height not to exceed
26 14 feet, inclusive of the load carried thereon.

27 (3) LENGTH LIMITATION.--Except as otherwise provided
28 in this section, length limitations apply solely to a
29 semitrailer or trailer, and not to a truck tractor or to the
30 overall length of a combination of vehicles. No combination
31 of commercial motor vehicles coupled together and operating on

Amendment No. ____ (for drafter's use only)

1 the public roads may consist of more than one truck tractor
2 and two trailing units. Unless otherwise specifically provided
3 for in this section, a combination of vehicles not qualifying
4 as commercial motor vehicles may consist of no more than two
5 units coupled together; such nonqualifying combination of
6 vehicles may not exceed a total length of 65 feet, inclusive
7 of the load carried thereon, but exclusive of safety and
8 energy conservation devices approved by the department for use
9 on vehicles using public roads. Notwithstanding any other
10 provision of this section, a truck tractor-semitrailer
11 combination engaged in the transportation of automobiles or
12 boats may transport motor vehicles or boats on part of the
13 power unit; and, except as may otherwise be mandated under
14 federal law, an automobile or boat transporter semitrailer may
15 not exceed 50 feet in length, exclusive of the load; however,
16 the load may extend up to an additional 6 feet beyond the rear
17 of the trailer. The 50-foot length limitation does not apply
18 to non-stinger-steered automobile or boat transporters that
19 are 65 feet or less in overall length, exclusive of the load
20 carried thereon, or to stinger-steered automobile or boat
21 transporters that are 75 feet or less in overall length,
22 exclusive of the load carried thereon. For purposes of this
23 subsection, a "stinger-steered automobile or boat transporter"
24 is an automobile or boat transporter configured as a
25 semitrailer combination wherein the fifth wheel is located on
26 a drop frame located behind and below the rearmost axle of the
27 power unit. Notwithstanding paragraphs (a) and (b), any
28 straight truck or truck tractor-semitrailer combination
29 engaged in the transportation of horticultural trees may allow
30 the load to extend up to an additional 10 feet beyond the rear
31 of the vehicle, provided said trees are resting against a

Amendment No. ____ (for drafter's use only)

1 retaining bar mounted above the truck bed so that the root
2 balls of the trees rest on the floor and to the front of the
3 truck bed and the tops of the trees extend up over and to the
4 rear of the truck bed, and provided the overhanging portion of
5 the load is covered with protective fabric.

6 (a) Straight trucks.--No straight truck may exceed a
7 length of 40 feet in extreme overall dimension, exclusive of
8 safety and energy conservation devices approved by the
9 department for use on vehicles using public roads. A straight
10 truck may tow no more than one trailer, and such trailer may
11 not exceed a length of 28 feet. However, such trailer
12 limitation does not apply if the overall length of the
13 truck-trailer combination is 65 feet or less, including the
14 load thereon. Notwithstanding any other provisions of this
15 section, a truck-trailer combination engaged in the
16 transportation of boats, or of boat trailers with a design
17 that requires a front-to-rear trailer stacking method, shall
18 not exceed the length limitations of this paragraph exclusive
19 of the load; however, the load may extend up to an additional
20 6 feet beyond the rear of the trailer.

21 Section 13. Subsection (1) of section 316.516, Florida
22 Statutes, is amended to read:

23 316.516 Width, height, and length; inspection;
24 penalties.--

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

Amendment No. ____ (for drafter's use only)

1 of its width, height, or length.

2 Section 14. Subsections (1) and (9) of section
3 316.545, Florida Statutes, are amended to read:

4 316.545 Weight and load unlawful; special fuel and
5 motor fuel tax enforcement; inspection; penalty; review.--

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

26 (9) Any agent of the Department of Transportation who
27 is employed as a ~~for the purpose of being a weight and safety~~
28 ~~officer and who meets the qualifications established by law~~
29 ~~for law enforcement~~ officer ~~officers~~ shall have the same
30 arrest powers as are granted any law enforcement officer.
31 However, the primary purpose of such officers shall be the

Amendment No. ____ (for drafter's use only)

1 ~~enforcement for the purpose of enforcing the provisions of~~
2 weight, load, safety, commercial motor vehicle registration,
3 and fuel tax compliance laws.

4 Section 15. Subsection (3) of section 316.610, Florida
5 Statutes, is repealed.

6 Section 16. Subsections (3) and (4) of section 320.20,
7 Florida Statutes, are amended to read:

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

13 (3) Notwithstanding any other provision of law except
14 subsections (1) and (2), on July 1, 1996, and annually
15 thereafter, \$15 million shall be deposited in the State
16 Transportation Trust Fund solely for the purposes of funding
17 the Florida Seaport Transportation and Economic Development
18 Program as provided for in chapter 311. Such revenues shall
19 be distributed on a 50-50 matching basis to any port listed in
20 s. 311.09(1) to be used for funding projects as described in
21 s. 311.07(3)(b). Such revenues may be assigned, pledged, or
22 set aside as a trust for the payment of principal or interest
23 on bonds, tax anticipation certificates, or any other form of
24 indebtedness issued by an individual port or appropriate local
25 government having jurisdiction thereof, or collectively by
26 interlocal agreement among any of the ports, or used to
27 purchase credit support to permit such borrowings. However,
28 such debt shall not constitute a general obligation of the
29 State of Florida. The state does hereby covenant with holders
30 of such revenue bonds or other instruments of indebtedness
31 issued hereunder that it will not repeal or impair or amend in

Amendment No. ____ (for drafter's use only)

1 any manner which will materially and adversely affect the
2 rights of such holders so long as bonds authorized by this
3 section are outstanding. Any revenues which are not pledged
4 to the repayment of bonds as authorized by this section may be
5 utilized for purposes authorized under the Florida Seaport
6 Transportation and Economic Development Program. This revenue
7 source is in addition to any amounts provided for and
8 appropriated in accordance with s. 311.07. The Florida
9 Seaport Transportation and Economic Development Council shall
10 approve distribution of funds to ports for projects which have
11 been approved pursuant to s. 311.09(5)-(9). The council and
12 the Department of Transportation are authorized to perform
13 such acts as are required to facilitate and implement the
14 provisions of this subsection. To better enable the ports to
15 cooperate to their mutual advantage, the governing body of
16 each port may exercise powers provided to municipalities or
17 counties in s. 163.01(7)(d) subject to the provisions of
18 chapter 311 and special acts, if any, pertaining to a port.
19 The use of funds provided pursuant to this subsection are
20 limited to eligible projects listed in this subsection.
21 Income derived from a project completed with the use of
22 program funds, beyond operating costs and debt service, shall
23 be restricted to further port capital improvements consistent
24 with maritime purposes and for no other purpose. Use of such
25 income for nonmaritime purposes is prohibited. The provisions
26 of s. 311.07(4) do not apply to any funds received pursuant to
27 this subsection. The revenues available under this subsection
28 shall not be pledged to the payment of any bonds other than
29 the Florida Ports Financing Commission Series 1996 and Series
30 1999 Bonds currently outstanding; provided, however, such
31 revenues may be pledged to secure payment of refunding bonds

Amendment No. ____ (for drafter's use only)

1 to refinance the Florida Ports Financing Commission Series
2 1996 and Series 1999 Bonds. No refunding bonds secured by
3 revenues available under this subsection may be issued with a
4 final maturity later than the final maturity of the Florida
5 Ports Financing Commission Series 1996 and Series 1999 Bonds
6 or which provide for higher debt service in any year than is
7 currently payable on such bonds. Funds available under this
8 subsection and investment earnings thereon shall only be
9 available to pay debt service on the Florida Ports Financing
10 Commission Series 1996 and Series 1999 Bonds and any refunding
11 bonds. No other administrative fees or expenses shall be paid
12 with such funds except those which are essential to the
13 security of outstanding bonds. Additionally, the approval of
14 the Department of Transportation shall be required prior to
15 the execution of any contract by the Florida Ports Financing
16 Commission which shall be paid from funds available under this
17 subsection or interest earnings thereon which provides for
18 compensation of over \$5,000. Any revenue bonds or other
19 indebtedness issued after July 1, 2000, other than refunding
20 bonds shall be issued by the Division of Bond Finance at the
21 request of the Department of Transportation pursuant to the
22 State Bond Act.

23 (4) Notwithstanding any other provision of law except
24 subsections (1), (2), and (3), on July 1, 1999, and annually
25 thereafter, \$10 million shall be deposited in the State
26 Transportation Trust Fund solely for the purposes of funding
27 the Florida Seaport Transportation and Economic Development
28 Program as provided in chapter 311 and for funding seaport
29 intermodal access projects of statewide significance as
30 provided in s. 341.053. Such revenues shall be distributed to
31 any port listed in s. 311.09(1), to be used for funding

Amendment No. ____ (for drafter's use only)

1 projects as follows:

2 (a) For any seaport intermodal access projects that
3 are identified in the 1997-1998 Tentative Work Program of the
4 Department of Transportation, up to the amounts needed to
5 offset the funding requirements of this section. ~~and~~

6 (b) For seaport intermodal access projects as
7 described in s. 341.053(5) that are identified in the 5-year
8 Florida Seaport Mission Plan as provided in s. 311.09(3).
9 Funding for such projects shall be on a matching basis as
10 mutually determined by the Florida Seaport Transportation and
11 Economic Development Council and the Department of
12 Transportation, provided a minimum of 25 percent of total
13 project funds shall come from any port funds, local funds,
14 private funds, or specifically earmarked federal funds. ~~or~~

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

17 (d) For seaport intermodal access projects that
18 involve the dredging or deepening of channels, turning basins,
19 or harbors; or the rehabilitation of wharves, docks, or
20 similar structures. Funding for such projects shall require a
21 25 percent match of the funds received pursuant to this
22 subsection. Matching funds shall come from any port funds,
23 federal funds, local funds, or private funds.

24
25 Such revenues may be assigned, pledged, or set aside as a
26 trust for the payment of principal or interest on bonds, tax
27 anticipation certificates, or any other form of indebtedness
28 issued by an individual port or appropriate local government
29 having jurisdiction thereof, or collectively by interlocal
30 agreement among any of the ports, or used to purchase credit
31 support to permit such borrowings. However, such debt shall

Amendment No. ____ (for drafter's use only)

1 not constitute a general obligation of the state. This state
2 does hereby covenant with holders of such revenue bonds or
3 other instruments of indebtedness issued hereunder that it
4 will not repeal or impair or amend this subsection in any
5 manner which will materially and adversely affect the rights
6 of holders so long as bonds authorized by this subsection are
7 outstanding. Any revenues that are not pledged to the
8 repayment of bonds as authorized by this section may be
9 utilized for purposes authorized under the Florida Seaport
10 Transportation and Economic Development Program. This revenue
11 source is in addition to any amounts provided for and
12 appropriated in accordance with s. 311.07 and subsection (3).
13 The Florida Seaport Transportation and Economic Development
14 Council shall approve distribution of funds to ports for
15 projects that have been approved pursuant to s. 311.09(5)-(9),
16 or for seaport intermodal access projects identified in the
17 5-year Florida Seaport Mission Plan as provided in s.
18 311.09(3) and mutually agreed upon by the FSTED Council and
19 the Department of Transportation. All contracts for actual
20 construction of projects authorized by this subsection must
21 include a provision encouraging employment of WAGES
22 participants. The goal for employment of WAGES participants
23 is 25 percent of all new employees employed specifically for
24 the project, unless the Department of Transportation and the
25 Florida Seaport Transportation and Economic Development
26 Council can demonstrate to the satisfaction of the Secretary
27 of Labor and Employment Security that such a requirement would
28 severely hamper the successful completion of the project. In
29 such an instance, the Secretary of Labor and Employment
30 Security shall establish an appropriate percentage of
31 employees that must be WAGES participants. The council and the

Amendment No. ____ (for drafter's use only)

1 Department of Transportation are authorized to perform such
2 acts as are required to facilitate and implement the
3 provisions of this subsection. To better enable the ports to
4 cooperate to their mutual advantage, the governing body of
5 each port may exercise powers provided to municipalities or
6 counties in s. 163.01(7)(d) subject to the provisions of
7 chapter 311 and special acts, if any, pertaining to a port.
8 The use of funds provided pursuant to this subsection is
9 limited to eligible projects listed in this subsection. The
10 provisions of s. 311.07(4) do not apply to any funds received
11 pursuant to this subsection. The revenues available under this
12 subsection shall not be pledged to the payment of any bonds
13 other than the Florida Ports Financing Commission Series 1996
14 and Series 1999 Bonds currently outstanding; provided,
15 however, such revenues may be pledged to secure payment of
16 refunding bonds to refinance the Florida Ports Financing
17 Commission Series 1996 and Series 1999 Bonds. No refunding
18 bonds secured by revenues available under this subsection may
19 be issued with a final maturity later than the final maturity
20 of the Florida Ports Financing Commission Series 1996 and
21 Series 1999 Bonds or which provide for higher debt service in
22 any year than is currently payable on such bonds. Funds
23 available under this subsection and investment earnings
24 thereon shall only be available to pay debt service on the
25 Florida Ports Financing Commission Series 1996 and Series 1999
26 Bonds and any refunding bonds. No other administrative fees or
27 expenses shall be paid with such funds except those which are
28 essential to the security of outstanding bonds. Additionally,
29 the approval of the Department of Transportation shall be
30 required prior to the execution of any contract by the Florida
31 Ports Financing Commission which shall be paid from funds

Amendment No. ____ (for drafter's use only)

1 available under this subsection or interest earnings thereon
2 which provides for compensation of over \$5,000. Any revenue
3 bonds or other indebtedness issued after July 1, 2000, other
4 than refunding bonds shall be issued by the Division of Bond
5 Finance at the request of the Department of Transportation
6 pursuant to the State Bond Act.

7 Section 17. Paragraph (a) of subsection (1) and
8 paragraph (a) of subsection (2) of section 330.30, Florida
9 Statutes, are amended to read:

10 330.30 Approval of airport sites and licensing of
11 airports; fees.--

12 (1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE
13 PERIOD, REVOCATION.--

14 (a) Except as provided in paragraph (2)(c) and
15 subsection (3), the owner or lessee of any proposed airport
16 shall, prior to the acquisition of the site or prior to the
17 construction or establishment of the proposed airport, obtain
18 approval of the airport site from the department.

19 Applications for approval of a site must ~~and for an original~~
20 ~~license shall~~ be jointly made on a form prescribed by the
21 department and must ~~shall~~ be accompanied by a site approval
22 fee of \$100. The department, after inspection of the airport
23 site shall grant the site approval if it is satisfied:

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

25 2. That the proposed airport, if constructed or
26 established, will conform to minimum standards of safety and
27 will comply with applicable county or municipal zoning
28 requirements;

29 3. That all nearby airports, municipalities, and
30 property owners have been notified and any comments submitted
31 by them have been given adequate consideration; and

Amendment No. ____ (for drafter's use only)

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

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

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

18 Section 18. Section 331.367, Florida Statutes, is
19 amended to read:

20 331.367 Spaceport Management Council.--

21 (1) The Spaceport Management Council is created within
22 the Spaceport Florida Authority to provide intergovernmental
23 coordination and to develop recommendations on projects and
24 activities to ~~that will~~ increase the operability and
25 capabilities of Florida's space launch facilities, increase
26 statewide space-related industry and opportunities, and
27 promote space education, and research, and technology
28 development ~~within the state.~~ The council shall work to create
29 ~~develop~~ integrated facility and programmatic development plans
30 to address commercial, state, and federal requirements and to
31 identify appropriate private, state, and federal resources to

Amendment No. ____ (for drafter's use only)

1 implement these plans.

2 (2) The council shall make recommendations regarding:

3 (a) The development of a spaceport master plan.

4 (b) The projects and levels of commercial financing
5 required from the Florida Commercial Space Financing
6 Corporation created by s. 331.407.

7 (c) In consultation with the Florida Space Research
8 Institute, development and expansion of space-related
9 education and research facilities and programs within Florida,
10 including recommendations to be provided to the State
11 University System, the Division of Community Colleges, and the
12 Department of Education.

13 (d) The regulation of spaceports and federal and state
14 policy.

15 (e) Appropriate levels of governmental and private
16 funding for sustainable Florida's approach to the Federal
17 Government regarding requests for funding of space
18 development.

19 (f) The council shall submit its recommendations to
20 the Governor and Lieutenant Governor, and provide copies to
21 the Secretary of Transportation, the director of the Office of
22 Tourism, Trade, and Economic Development, the associate
23 administrator for Space Transportation in the United States
24 Department of Transportation, the administrator of the
25 National Aeronautics and Space Administration, and the Deputy
26 Assistant Secretary of the Air Force for Space Plans and
27 Policy.

28 (3)(a) The council shall consist of an executive
29 board, which shall consist of representatives of governmental
30 organizations with responsibilities for developing or
31 operating space transportation facilities, and a Space

Amendment No. ____ (for drafter's use only)

1 Industry Committee, which shall consist of representatives of
2 Florida's space industry.

3 (b) The following individuals or their designees shall
4 serve on the executive board:

5 1. The executive director of the Spaceport Florida
6 Authority ~~or his or her designee.~~

7 ~~2. The director of the John F. Kennedy Space Center or~~
8 ~~his or her designee.~~

9 ~~3. The Commander of the United States Air Force 45th~~
10 ~~Space Wing or his or her designee.~~

11 ~~4. The Commander of the Naval Ordnance Test Unit or~~
12 ~~his or her designee.~~

13 ~~2.5. The Secretary of Transportation or his or her~~
14 ~~designee.~~

15 ~~3.6. The president of Enterprise Florida, Inc., or his~~
16 ~~or her designee, as an ex officio nonvoting member.~~

17 ~~4.7. The director of the Office of Tourism, Trade, and~~
18 ~~Economic Development or his or her designee, as an ex officio~~
19 ~~nonvoting member.~~

20 (c)1. Participation by the federal agencies having
21 space-related missions in Florida will contribute to council
22 effectiveness, and the following installation heads or their
23 designees may serve as official liaisons to the council: the
24 director of the John F. Kennedy Space Center, the Commander of
25 the 45th Space Wing, and the Commander of the Naval Ordnance
26 Test Unit.

27 2. Federal liaison officials will be invited to attend
28 all council meetings, provide federal agency views on issues
29 before the council, and present issues of concern and make
30 recommendations to the council.

31 3. The council will recognize that the role of federal

Amendment No. ____ (for drafter's use only)

1 liaison officials is limited by federal statutes and other
2 constraints, and that determination of such limitation is a
3 federal function.

4 4. The fiduciary responsibility of the official
5 liaisons shall remain at all times with their respective
6 agencies.

7 5. To the extent the advice or recommendations of the
8 official liaisons are not adopted or incorporated into the
9 final recommendations of the council, the official liaisons
10 may append to such final recommendations their advice,
11 recommendations, or opinions.

12 ~~(4) Each member shall be appointed to serve for a~~
13 ~~3-year term, beginning July 1. Initial appointments shall be~~
14 ~~made no later than 60 days after the effective date of this~~
15 ~~act.~~

16 ~~(5) The executive board shall hold its initial meeting~~
17 ~~no later than 30 days after the members have been appointed.~~
18 ~~The Space Industry Committee shall hold its initial meeting no~~
19 ~~later than 60 days after the members have been appointed.~~

20 ~~(6) All council members must be residents of the~~
21 ~~state.~~

22 (4)(7) The executive board council shall adopt bylaws
23 governing the manner in which the business of the council
24 shall be conducted. The bylaws shall specify the procedure by
25 which the chairperson of the council is elected.

26 (5)(8) The council shall provide infrastructure and
27 program requirements and develop other information to be
28 utilized in a 5-year spaceport master plan. The council shall
29 define goals and objectives concerning the development of
30 spaceport facilities and an intermodal transportation system
31 consistent with the goals of the Florida Transportation Plan

Amendment No. ____ (for drafter's use only)

1 developed pursuant to s. 339.155.

2 ~~(6)(9)~~ The council shall provide requirements and
3 other information to be utilized in the development of a
4 5-year Spaceport Economic Development Plan, defining the goals
5 and objectives of the council concerning the development of
6 facilities for space manufacturing, research and technology
7 development, and education educational facilities.

8 ~~(7)(10)~~ The council shall meet at the call of its
9 chairperson, at the request of a majority of its membership,
10 or at such times as may be prescribed in its bylaws. However,
11 the council must meet at least semiannually. ~~A majority of~~
12 ~~voting members of the council constitutes a quorum for the~~
13 ~~purpose of transacting the business of the council.~~ A majority
14 vote of the majority of the voting members present and voting
15 is sufficient for any action of the council, unless the bylaws
16 of the council require a greater vote for a particular action.

17 Section 19. Subsection (4) of section 332.004, Florida
18 Statutes, is amended to read:

19 332.004 Definitions of terms used in ss.
20 332.003-332.007.--As used in ss. 332.003-332.007, the term:

21 (4) "Airport or aviation development project" or
22 "development project" means any activity associated with the
23 design, construction, purchase, improvement, or repair of a
24 public-use airport or portion thereof, including, but not
25 limited to: the purchase of equipment; the acquisition of
26 land, including land required as a condition of a federal,
27 state, or local permit or agreement for environmental
28 mitigation; offsite airport noise mitigation projects;the
29 removal, lowering, relocation, marking, and lighting of
30 airport hazards; the installation of navigation aids used by
31 aircraft in landing at or taking off from a public airport;

Amendment No. ____ (for drafter's use only)

1 the installation of safety equipment required by rule or
2 regulation for certification of the airport under s. 612 of
3 the Federal Aviation Act of 1958, and amendments thereto; and
4 the improvement of access to the airport by road or rail
5 system which is on airport property and which is consistent,
6 to the maximum extent feasible, with the approved local
7 government comprehensive plan of the units of local government
8 in which the airport is located.

9 Section 20. Paragraph (a) of subsection (6) of section
10 332.007, Florida Statutes, is amended to read:

11 332.007 Administration and financing of aviation and
12 airport programs and projects; state plan.--

13 (6) Subject to the availability of appropriated funds,
14 the department may participate in the capital cost of eligible
15 public airport and aviation development projects in accordance
16 with the following rates, unless otherwise provided in the
17 General Appropriations Act or the substantive bill
18 implementing the General Appropriations Act:

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

Amendment No. ____ (for drafter's use only)

1 initially fund the federal portion of eligible projects costs
2 subject to:

3 1. The department receiving adequate assurance from
4 the Federal Government or local sponsor that this amount will
5 be reimbursed to the department; and

6 2. The department having adequate funds in the work
7 program to fund the project. Such projects must be contained
8 in the Federal Government's Airport Capital Improvement
9 Program, and the Federal Government must fund, or have funded,
10 the first year of the project.

11 Section 21. Subsection (5) of section 334.044, Florida
12 Statutes, is amended, and paragraph (c) is added to subsection
13 (10) of said section, to read:

14 334.044 Department; powers and duties.--The department
15 shall have the following general powers and duties:

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

25 (10)

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

28 Section 22. Subsection (4) is added to section
29 334.187, Florida Statutes, to read:

30 334.187 Guarantee of obligations to the department.--

31 (4) The department is authorized to adopt rules

Amendment No. ____ (for drafter's use only)

1 relating to the use of prepaid escrow accounts for purchases
2 from the department.

3 Section 23. Subsection (3) of section 335.02, Florida
4 Statutes, is amended to read:

5 335.02 Authority to designate transportation
6 facilities and rights-of-way and establish lanes; procedure
7 for redesignation and relocation.--

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

19 (a) Overall economic importance of the corridor as a
20 trade or tourism corridor.

21 (b) Safety of corridor users, including the importance
22 of the corridor for evacuation purposes.

23 (c) Cost-effectiveness of alternative methods of
24 increasing the mobility of corridor users.

25 (d) Current and projected traffic volumes on the
26 corridor.

27 (e) Multimodal alternatives.

28 (f) Use of intelligent transportation technology in
29 increasing the efficiency of the corridor.

30 (g) Compliance with state and federal policies related
31 to clean air, environmental impacts, growth management,

Amendment No. ____ (for drafter's use only)

- 1 livable communities, and energy conservation.
2 (h) Addition of special use lanes, such as exclusive
3 truck lanes, high-occupancy-vehicle toll lanes, and exclusive
4 interregional traffic lanes.
5 (i) Availability and cost of rights-of-way, including
6 associated costs, and the most effective use of existing
7 rights-of-way.
8 (j) Regional economic and transportation objectives,
9 where articulated.
10 (k) The future land use plan element of local
11 government comprehensive plans, as appropriate, including
12 designated urban infill and redevelopment areas.
13 (l) The traffic circulation element, if applicable, of
14 local government comprehensive plans, including designated
15 transportation corridors and public transportation corridors.
16 (m) The approved metropolitan planning organization's
17 long-range transportation plan, as appropriate.

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

27 Section 24. Subsection (4) is added to section
28 335.065, Florida Statutes, to read:

29 335.065 Bicycle and pedestrian ways along state roads
30 and transportation facilities.--

31 (4) The department may establish safe paths to schools

Amendment No. ____ (for drafter's use only)

1 in cooperation with local governments and state agencies to
2 establish trails and other pathways in order for school
3 children to have safe ways to travel from their neighborhoods
4 to their schools, parks, and the state greenways and trails
5 system.

6 Section 25. Subsections (3), (4), and (5) of section
7 335.141, Florida Statutes, are amended to read:

8 335.141 Regulation of public railroad-highway grade
9 crossings; reduction of hazards.--

10 ~~(3) The department is authorized to regulate the speed~~
11 ~~limits of railroad traffic on a municipal, county, regional,~~
12 ~~or statewide basis. Such speed limits shall be established by~~
13 ~~order of the department, which order is subject to the~~
14 ~~provisions of chapter 120. The department shall have the~~
15 ~~authority to adopt reasonable rules to carry out the~~
16 ~~provisions of this subsection. Such rules shall, at a minimum,~~
17 ~~provide for public input prior to the issuance of any such~~
18 ~~order.~~

19 ~~(3)(4) Jurisdiction to enforce such orders shall be as~~
20 ~~provided in s. 316.640, and any penalty for violation thereof~~
21 ~~shall be imposed upon the railroad company guilty of such~~
22 ~~violation. Nothing herein shall prevent a local governmental~~
23 ~~entity from enacting ordinances relating to the blocking of~~
24 ~~streets by railroad engines and cars.~~

25 ~~(4)(5)~~ Any local governmental entity or other public
26 or private agency planning a public event, such as a parade or
27 race, that involves the crossing of a railroad track shall
28 notify the railroad as far in advance of the event as possible
29 and in no case less than 72 hours in advance of the event so
30 that the coordination of the crossing may be arranged by the
31 agency and railroad to assure the safety of the railroad

Amendment No. ____ (for drafter's use only)

1 trains and the participants in the event.

2 Section 26. Paragraph (b) of subsection (1) of section
3 336.025, Florida Statutes, is amended to read:

4 336.025 County transportation system; levy of local
5 option fuel tax on motor fuel and diesel fuel.--

6 (1)

7 (b) In addition to other taxes allowed by law, there
8 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
9 3-cent, 4-cent, or 5-cent local option fuel tax upon every
10 gallon of motor fuel sold in a county and taxed under the
11 provisions of part I of chapter 206. The tax shall be levied
12 by an ordinance adopted by a majority plus one vote of the
13 membership of the governing body of the county or by
14 referendum.

15 1. The tax shall be levied before July 1, to be
16 effective January 1 of the following year. However, levies of
17 the tax which were in effect on July 1, 1996, and which expire
18 on August 31 of any year may be reimposed effective September
19 1 of the year of expiration.

20 2. The county may, prior to levy of the tax, establish
21 by interlocal agreement with one or more municipalities
22 located therein, representing a majority of the population of
23 the incorporated area within the county, a distribution
24 formula for dividing the entire proceeds of the tax among
25 county government and all eligible municipalities within the
26 county. If no interlocal agreement is adopted before the
27 effective date of the tax, tax revenues shall be distributed
28 pursuant to the provisions of subsection (4). If no
29 interlocal agreement exists, a new interlocal agreement may be
30 established prior to June 1 of any year pursuant to this
31 subparagraph. However, any interlocal agreement agreed to

Amendment No. ____ (for drafter's use only)

1 under this subparagraph after the initial levy of the tax or
2 change in the tax rate authorized in this section shall under
3 no circumstances materially or adversely affect the rights of
4 holders of outstanding bonds which are backed by taxes
5 authorized by this paragraph, and the amounts distributed to
6 the county government and each municipality shall not be
7 reduced below the amount necessary for the payment of
8 principal and interest and reserves for principal and interest
9 as required under the covenants of any bond resolution
10 outstanding on the date of establishment of the new interlocal
11 agreement.

12 3. County and municipal governments shall utilize
13 moneys received pursuant to this paragraph only for
14 transportation expenditures needed to meet the requirements of
15 the capital improvements element of an adopted comprehensive
16 plan. For purposes of this paragraph, expenditures for the
17 construction of new roads, ~~or~~ the reconstruction or
18 resurfacing of existing paved roads, or the paving of existing
19 graded roads when undertaken in part to relieve or mitigate
20 existing or potential adverse environmental impacts, shall be
21 deemed to increase capacity and such projects shall be
22 included in the capital improvements element of an adopted
23 comprehensive plan. Expenditures for purposes of this
24 paragraph shall not include routine maintenance of roads.

25 Section 27. Subsection (4) is added to section 336.41,
26 Florida Statutes, to read:

27 336.41 Counties; employing labor and providing road
28 equipment; definitions.--

29 (4)(a) For contracts in excess of \$250,000, any
30 governmental entity or authority may require that persons
31 interested in performing work under the contract first be

Amendment No. ____ (for drafter's use only)

1 certified or qualified to do the work. Any contractor
2 prequalified and considered eligible to bid by the department
3 to perform the type of work described under the contract shall
4 be presumed to be qualified to perform the work so described.
5 The governmental entity or authority may provide an appeal
6 process to overcome that presumption with de novo review based
7 on the record below to the circuit court.

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

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

24
25 The provisions of this subsection shall only apply to
26 contracts which are advertised for prequalification by an
27 authority on or after July 1, 2000.

28 Section 28. Subsection (2) of section 336.44, Florida
29 Statutes, is amended to read:

30 336.44 Counties; contracts for construction of roads;
31 procedure; contractor's bond.--

Amendment No. ____ (for drafter's use only)

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

7 Section 29. Section 337.025, Florida Statutes, is
8 amended to read:

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

Amendment No. ____ (for drafter's use only)

1 million in contracts annually for the purposes authorized by
2 this section.

3 Section 30. Paragraph (a) of subsection (7) of section
4 337.11, Florida Statutes, is amended to read:

5 337.11 Contracting authority of department; bids;
6 emergency repairs, supplemental agreements, and change orders;
7 combined design and construction contracts; progress payments;
8 records; requirements of vehicle registration.--

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

24 Section 31. Subsection (4) of section 337.14, Florida
25 Statutes, is amended, and subsection (9) is added to said
26 section, to read:

27 337.14 Application for qualification; certificate of
28 qualification; restrictions; request for hearing.--

29 (4) If the applicant is found to possess the
30 prescribed qualifications, the department shall issue to him
31 or her a certificate of qualification that ~~which~~, unless

Amendment No. ____ (for drafter's use only)

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

16 (9)(a) Notwithstanding any other law to the contrary,
17 for contracts in excess of \$250,000, an authority created
18 pursuant to chapter 348 or chapter 349 may require that
19 persons interested in performing work under the contract first
20 be certified or qualified to do the work. Any contractor
21 prequalified and considered eligible to bid by the department
22 to perform the type of work described under the contract shall
23 be presumed to be qualified to perform the work so described.
24 The governmental entity or authority may provide an appeal
25 process to overcome that presumption with de novo review based
26 on the record below to the circuit court.

27 (b) The authority shall publish prequalification
28 criteria and procedures prior to advertisement or notice of
29 solicitation. Such publications shall include notice of a
30 public hearing for comment on such criteria and procedures
31 prior to adoption. The procedures shall provide for an appeal

Amendment No. ____ (for drafter's use only)

1 process within the authority for objections to the
2 prequalification process with de novo review based on the
3 record below to the circuit court.

4 (c) The contracting entity shall also publish for
5 comment, prior to adoption, the selection criteria and
6 procedures to be used by the governmental entity or authority
7 if such procedures would allow selection of other than the
8 lowest responsible bidder. The selection criteria shall
9 include an appeal process within the contracting entity with
10 de novo review based on the record below to the circuit court.

11
12 The provisions of this subsection shall only apply to
13 contracts which are advertised for prequalification by an
14 authority on or after July 1, 2000.

15 Section 32. Section 337.175, Florida Statutes, is
16 amended to read:

17 337.175 Retainage.--The department may ~~shall~~ provide
18 in its construction contracts for retaining a portion of the
19 amount due a contractor for work that the contractor has
20 completed, until completion and final acceptance of the
21 project by the department. If the department allows ~~However,~~
22 contractors may ~~shall be allowed to~~ substitute securities as
23 provided by s. 255.052, or ~~to~~ substitute certificates of
24 deposit or irrevocable letters of credit approved by the
25 department comptroller in lieu of retainage.

26 Section 33. Subsection (1) of section 337.18, Florida
27 Statutes, is amended to read:

28 337.18 Surety bonds; requirement with respect to
29 contract award; defaults; damage assessments.--

30 (1) A surety bond shall be required of the successful
31 bidder in an amount equal to the awarded contract price. For a

Amendment No. ____ (for drafter's use only)

1 project for which the contract price is \$150,000 or less, the
2 department may waive the requirement for all or a portion of a
3 surety bond if it determines the project is of a noncritical
4 nature and nonperformance will not endanger public health,
5 safety, or property. The department may require alternate
6 means of security if a surety bond is waived. The surety on
7 such bond shall be a surety company authorized to do business
8 in the state. All bonds shall be payable to the department and
9 conditioned for the prompt, faithful, and efficient
10 performance of the contract according to plans and
11 specifications and within the time period specified, and for
12 the prompt payment of all persons furnishing labor, material,
13 equipment, and supplies therefor; however, whenever an
14 improvement, demolition, or removal contract price is \$25,000
15 or less, the security may, in the discretion of the bidder, be
16 in the form of a cashier's check, bank money order of any
17 state or national bank, certified check, or postal money
18 order. The department shall adopt rules to implement this
19 subsection. Such rules shall include provisions under which
20 the department will refuse to accept bonds on contracts when a
21 surety wrongfully fails or refuses to settle or provide a
22 defense for claims or actions arising under a contract for
23 which the surety previously furnished a bond.

24 Section 34. Subsection (1) of section 338.155, Florida
25 Statutes, is amended to read:

26 338.155 Payment of toll on toll facilities required;
27 exemptions.--

28 (1) No persons are permitted to use any toll facility
29 without payment of tolls, except employees of the agency
30 operating the toll project when using the toll facility on
31 official state business, state military personnel while on

Amendment No. ____ (for drafter's use only)

1 official military business, handicapped persons as provided in
2 this section, persons exempt from toll payment by the
3 authorizing resolution for bonds issued to finance the
4 facility, and persons exempt on a temporary basis where use of
5 such toll facility is required as a detour route. Any Florida
6 highway patrol officer, sheriff, deputy sheriff, or municipal
7 police officer operating a marked official vehicle is exempt
8 from toll payment when on official law enforcement business.
9 The secretary, or the secretary's designee, may suspend the
10 payment of tolls on a toll facility when necessary to assist
11 in emergency evacuation. The failure to pay a prescribed toll
12 constitutes a noncriminal traffic infraction, punishable as a
13 moving violation pursuant to s. 318.18. The department is
14 authorized to adopt rules relating to guaranteed toll
15 accounts.

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

18 338.161 Authority of department to advertise and
19 promote electronic toll collection.--

20 (1) The department is authorized to incur expenses for
21 paid advertising, marketing, and promotion of toll facilities
22 and electronic toll collection products and services.
23 Promotions may include discounts and free products.

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

26 338.165 Continuation of tolls.--

27 (6) Notwithstanding the provisions of subsection (1),
28 and not including high occupancy toll lanes or express lanes,
29 no tolls may be charged for use of an interstate highway where
30 tolls were not charged as of July 1, 1997.

31 Section 37. Subsection (2) of section 339.09, Florida

Amendment No. ____ (for drafter's use only)

1 Statutes, is amended to read:

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

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

12 Section 38. Paragraph (c) of subsection (4) of section
13 339.12, Florida Statutes, is amended to read:

14 339.12 Aid and contributions by governmental entities
15 for department projects; federal aid.--

16 (4)

17 (c) The department may ~~is authorized to~~ enter into
18 agreements under this subsection for a project or project
19 phase not included in the adopted work program. As used in
20 this paragraph, the term "project phase" means acquisition of
21 rights-of-way, construction, construction inspection, and
22 related support phases. The project or project phase must be
23 a high priority of the governmental entity. Reimbursement for
24 a project or project phase must be made from funds
25 appropriated by the Legislature pursuant to s. 339.135(5). All
26 other provisions of this subsection apply to agreements
27 entered into under this paragraph. ~~At no time shall~~ The total
28 amount of project agreements for projects or project phases
29 not included in the adopted work program may not at any time
30 exceed \$100~~\$50~~ million.

31 Section 39. Paragraphs (b) and (f) of subsection (4)

Amendment No. ____ (for drafter's use only)

1 of section 339.135, Florida Statutes, are amended to read:

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

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

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

18 2. The tentative work program shall be developed in
19 accordance with the Florida Transportation Plan required in s.
20 339.155 and must comply with the program funding levels
21 contained in the program and resource plan.

22 ~~3. The tentative work program must specifically~~
23 ~~identify advanced right-of-way acquisition projects and must~~
24 ~~separately allocate funds for advanced right-of-way~~
25 ~~acquisition phases in each fiscal year, as provided in s.~~
26 ~~337.276. Each right-of-way phase that is to be funded through~~
27 ~~these programs shall be specifically identified in the work~~
28 ~~program, and the year, if known, in which construction~~
29 ~~utilizing the right-of-way is projected to begin shall be~~
30 ~~identified.~~

31 3.4. The department may include in the tentative work

Amendment No. ____ (for drafter's use only)

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

22 ~~4.5.~~ The tentative work program must include a
23 balanced 36-month forecast of cash and expenditures and a
24 5-year finance plan supporting the tentative work program.

25 (f) The central office shall submit a preliminary copy
26 of the tentative work program to the Executive Office of the
27 Governor, the legislative appropriations committees, the
28 Florida Transportation Commission, and the Department of
29 Community Affairs at least 14 days prior to the convening of
30 the regular legislative session. Prior to the statewide
31 public hearing required by paragraph (g), the Department of

Amendment No. ____ (for drafter's use only)

1 Community Affairs shall transmit to the Florida Transportation
2 Commission a list of those projects and project phases
3 contained in the first 3 years of the tentative work program,
4 excluding project development and environment phases, which
5 are identified as being inconsistent with approved local
6 government comprehensive plans. For urbanized areas of
7 metropolitan planning organizations, the list may not contain
8 any project or project phase that is scheduled in a
9 transportation improvement program unless such inconsistency
10 has been previously reported to the affected metropolitan
11 planning organization. The commission shall consider the list
12 as part of its evaluation of the tentative work program
13 conducted pursuant to s. 20.23. For purposes of this
14 paragraph, the term "project development and environment
15 phase" means the phase of a transportation project that
16 involves the collection of information and data, the
17 development of engineering alternatives, the evaluation and
18 comparison of the alternatives, and the documentation of
19 engineering decisions and recommendations.

20 Section 40. Paragraph (c) of subsection (6) of section
21 339.155, Florida Statutes, is amended to read:

22 339.155 Transportation planning.--

23 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN
24 TRANSPORTATION PLANNING.--

25 (c) Opportunity for design hearings:

26 1. The department, prior to holding a design hearing,
27 shall duly notify ~~notice~~ all affected property owners of
28 record, as recorded in the property appraiser's office, by
29 mail at least 20 days prior to the date set for the hearing.

30 The affected property owners shall be:

31 a. Those whose property lies in whole or in part

Amendment No. ____ (for drafter's use only)

1 within 300 feet on either side of the centerline of the
2 proposed facility.

3 b. Those whom ~~who~~ the department determines will be
4 substantially affected environmentally, economically,
5 socially, or safetywise.

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

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

16 Section 41. Paragraph (i) is added to subsection (5)
17 of section 339.175, Florida Statutes, to read:

18 339.175 Metropolitan planning organization.--It is the
19 intent of the Legislature to encourage and promote the safe
20 and efficient management, operation, and development of
21 surface transportation systems that will serve the mobility
22 needs of people and freight within and through urbanized areas
23 of this state while minimizing transportation-related fuel
24 consumption and air pollution. To accomplish these objectives,
25 metropolitan planning organizations, referred to in this
26 section as M.P.O.'s, shall develop, in cooperation with the
27 state and public transit operators, transportation plans and
28 programs for metropolitan areas. The plans and programs for
29 each metropolitan area must provide for the development and
30 integrated management and operation of transportation systems
31 and facilities, including pedestrian walkways and bicycle

Amendment No. ____ (for drafter's use only)

1 transportation facilities that will function as an intermodal
2 transportation system for the metropolitan area. The process
3 for developing such plans and programs shall provide for
4 consideration of all modes of transportation and shall be
5 continuing, cooperative, and comprehensive, to the degree
6 appropriate, based on the complexity of the transportation
7 problems to be addressed.

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

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

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

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

Amendment No. ____ (for drafter's use only)

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

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

8 Section 42. Subsections (8) and (10) of section
9 341.031, Florida Statutes, are amended to read:

10 341.031 Definitions.--As used in ss. 341.011-341.061,
11 the term:

12 (8) "Public transit service development project" means
13 a project undertaken by a public agency to determine whether a
14 new or innovative technique or measure can be utilized to
15 improve or expand public transit services to its constituency.
16 The duration of the project shall be limited according to the
17 type of the project in conformance with the provisions of s.
18 341.051(5)(~~e~~)(~~f~~), but in no case shall exceed a period of 3
19 years. Public transit service development projects
20 specifically include projects involving the utilization of new
21 technologies, services, routes, or vehicle frequencies; the
22 purchase of special transportation services; and other such
23 techniques for increasing service to the riding public as are
24 applicable to specific localities and transit user groups.

25 (10) "Transit corridor project" means a project that
26 is undertaken by a public agency and designed to relieve
27 congestion and improve capacity within an identified
28 transportation corridor by increasing people-carrying capacity
29 of the system through the use and facilitated movement of
30 high-occupancy conveyances. Each transit corridor project
31 must meet the requirements established in s. 341.051(5)(~~d~~)(~~e~~)

Amendment No. ____ (for drafter's use only)

1 ~~and, if applicable, the requirements of the department's major~~
2 ~~capital investment policy developed pursuant to s.~~
3 ~~341.051(5)(b).~~ Initial project duration shall not exceed a
4 period of 2 years unless the project is reauthorized by the
5 Legislature. Such reauthorization shall be based upon a
6 determination that the project is meeting or exceeding the
7 criteria, developed pursuant to s. 341.051(5)(d)(~~e~~), by which
8 the success of the project is being judged and by inclusion of
9 the project in a departmental appropriation request.

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

12 341.051 Administration and financing of public transit
13 programs and projects.--

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

15 (a) The department may fund up to 50 percent of the
16 nonfederal share of the costs, not to exceed the local share,
17 of any eligible public transit capital project or commuter
18 assistance project that is local in scope; except, however,
19 that departmental participation in the final design,
20 right-of-way acquisition, and construction phases of an
21 individual fixed-guideway project which is not approved for
22 federal funding shall not exceed an amount equal to 12.5
23 percent of the total cost of each phase.

24 ~~(b) The Department of Transportation shall develop a~~
25 ~~major capital investment policy which shall include policy~~
26 ~~criteria and guidelines for the expenditure or commitment of~~
27 ~~state funds for public transit capital projects. The policy~~
28 ~~shall include the following:~~

29 ~~1. Methods to be used to determine consistency of a~~
30 ~~transit project with the approved local government~~
31 ~~comprehensive plans of the units of local government in which~~

Amendment No. ____ (for drafter's use only)

1 ~~the project is located.~~

2 ~~2. Methods for evaluating the level of local~~
3 ~~commitment to a transit project, which is to be demonstrated~~
4 ~~through system planning and the development of a feasible plan~~
5 ~~to fund operating cost through fares, value capture techniques~~
6 ~~such as joint development and special districts, or other~~
7 ~~local funding mechanisms.~~

8 ~~3. Methods for evaluating alternative transit systems~~
9 ~~including an analysis of technology and alternative methods~~
10 ~~for providing transit services in the corridor.~~

11 ~~(b)(c)~~ The department may ~~is authorized to~~ fund up to
12 100 percent of the cost of any eligible transit capital
13 project or commuter assistance project that is statewide in
14 scope or involves more than one county where no other
15 governmental entity or appropriate jurisdiction exists.

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

22 ~~(d)(e)~~ The department may ~~is authorized to~~ fund up to
23 100 percent of the capital and net operating costs of
24 statewide transit service development projects or transit
25 corridor projects. All transit service development projects
26 must ~~shall~~ be specifically identified by way of a departmental
27 appropriation request, and transit corridor projects must
28 ~~shall~~ be identified as part of the planned improvements on
29 each transportation corridor designated by the department.
30 The project objectives, the assigned operational and financial
31 responsibilities, the timeframe required to develop the

Amendment No. ____ (for drafter's use only)

1 required service, and the criteria by which the success of the
2 project will be judged must ~~shall~~ be documented by the
3 department for each such transit service development project
4 or transit corridor project.

5 ~~(e)(f)~~ The department may ~~is authorized to~~ fund up to
6 50 percent of the capital and net operating costs of transit
7 service development projects that are local in scope and that
8 will improve system efficiencies, ridership, or revenues. All
9 such projects must ~~shall~~ be identified in the appropriation
10 request of the department through a specific program of
11 projects, as provided for in s. 341.041, which ~~that~~ is
12 selectively applied in the following functional areas and is
13 subject to the specified times of duration:

14 1. Improving system operations, including, but not
15 limited to, realigning route structures, increasing system
16 average speed, decreasing deadhead mileage, expanding area
17 coverage, and improving schedule adherence, for a period of up
18 to 3 years;

19 2. Improving system maintenance procedures, including,
20 but not limited to, effective preventive maintenance programs,
21 improved mechanics training programs, decreasing service
22 repair calls, decreasing parts inventory requirements, and
23 decreasing equipment downtime, for a period of up to 3 years;

24 3. Improving marketing and consumer information
25 programs, including, but not limited to, automated information
26 services, organized advertising and promotion programs, and
27 signing of designated stops, for a period of up to 2 years;
28 and

29 4. Improving technology involved in overall
30 operations, including, but not limited to, transit equipment,
31 fare collection techniques, electronic data processing

Amendment No. ____ (for drafter's use only)

1 applications, and bus locators, for a period of up to 2 years.

2

3 For purposes of this section, the term "net operating costs"
4 means all operating costs of a project less any federal funds,
5 fares, or other sources of income to the project.

6 Section 44. Subsection (10) of section 341.302,
7 Florida Statutes, is amended to read:

8 341.302 Rail program, duties and responsibilities of
9 the department.--The department, in conjunction with other
10 governmental units and the private sector, shall develop and
11 implement a rail program of statewide application designed to
12 ensure the proper maintenance, safety, revitalization, and
13 expansion of the rail system to assure its continued and
14 increased availability to respond to statewide mobility needs.
15 Within the resources provided pursuant to chapter 216, and as
16 authorized under Title 49 C.F.R. part 212, the department
17 shall:

18 (10) Administer rail operating and construction
19 programs, which programs shall include ~~the regulation of~~
20 ~~maximum train operating speeds,~~ the opening and closing of
21 public grade crossings, the construction and rehabilitation of
22 public grade crossings, and the installation of traffic
23 control devices at public grade crossings, ~~the administering~~
24 ~~of the programs by the department~~ including participation in
25 the cost of the programs.

26 Section 45. Section 343.56, Florida Statutes, is
27 amended to read:

28 343.56 Bonds not debts or pledges of credit of
29 state.--Revenue bonds issued under the provisions of this part
30 are not debts of the state or pledges of the faith and credit
31 of the state. Such bonds are payable exclusively from

Amendment No. ____ (for drafter's use only)

1 revenues pledged for their payment. All such bonds shall
2 contain a statement on their face that the state is not
3 obligated to pay the same or the interest thereon, except from
4 the revenues pledged for their payment, and that the faith and
5 credit of the state is not pledged to the payment of the
6 principal or interest of such bonds. The issuance of revenue
7 bonds under the provisions of this part does not directly,
8 indirectly, or contingently obligate the state to levy or to
9 pledge any form of taxation whatsoever, or to make any
10 appropriation for their payment. No state funds shall be used
11 to pay the principal or interest of any bonds issued to
12 finance or refinance any portion of the Tri-County Rail
13 system, and all such bonds shall contain a statement on their
14 face to this effect. However, federal funds being passed
15 through the department to the Tri-County Rail system and state
16 matching funds may be used to pay principal and interest of
17 any bonds issued.

18 Section 46. Subsection (2) of section 343.63, Florida
19 Statutes, is amended to read:

20 343.63 Central Florida Regional Transportation
21 Authority.--

22 (2) The governing board of the authority shall consist
23 of 11 ~~nine~~ voting members, and one nonvoting member as
24 follows:

25 (a) The county commissions of Seminole, Orange, and
26 Osceola Counties shall each elect a commissioner as that
27 commission's representative on the board. The commissioner
28 must be a member of the county commission when elected and for
29 the full extent of his or her term. The terms of the county
30 commissioners on the governing board of the authority shall be
31 2 years.

Amendment No. ____ (for drafter's use only)

1 (b) The mayors of the cities of Altamonte Springs,
2 Orlando, and Kissimmee, or a member of each city commission
3 designated by each mayor, shall serve a term of 2 years on the
4 board.

5 (c) The Governor shall appoint five ~~two~~ members to the
6 board ~~who are residents and qualified electors in the area~~
7 ~~served by the board.~~ Two of the members shall be residents of
8 Orange County, one member shall be a resident of Seminole
9 County, one member shall be a resident of Osceola County, and
10 one member shall be a resident of the City of Orlando. All
11 five members ~~One of the members initially appointed by the~~
12 ~~Governor shall serve a term of 2 years, and the other shall~~
13 ~~serve a term of 4 years. Thereafter, members appointed by the~~
14 ~~Governor shall serve a term of 4 years.~~

15 (d) The Secretary of Transportation shall appoint the
16 district secretary, or his or her designee, for the district
17 within which the area served by the authority is located and
18 this member shall be a nonvoting member.

19 Section 47. Subsection (6) is added to section 343.64,
20 Florida Statutes, to read:

21 343.64 Powers and duties.--

22 (6) The authority, through a resolution of its
23 governing board, may elect to expand its service area and
24 board partnership with any county which is a contiguous county
25 to the existing Central Florida Regional Transportation
26 Authority service area. The board shall determine the
27 conditions and terms, including the number of representatives
28 of such partnership.

29 Section 48. Paragraph (d) of subsection (20 of section
30 348.003, Florida Statutes is amended to read:

31 348.0003 Expressway authority; formation; membership.--

Amendment No. ____ (for drafter's use only)

1 (2) The governing body of an authority shall consist
2 of not fewer than five nor more than nine voting members. The
3 district secretary of the affected department district shall
4 serve as a nonvoting member of the governing body of each
5 authority located within the district. Each member of the
6 governing body must at all times during his or her term of
7 office be a permanent resident of the county which he or she
8 is appointed to represent.

9 (d) Notwithstanding any provision to the contrary in
10 this subsection, in any county as defined in s. 125.011(1),
11 the governing body of an authority shall consist of up to 13
12 members, and the following provisions of this paragraph shall
13 apply specifically to such authority. Except for the district
14 secretary of the department, the members must be residents of
15 the county. Seven voting members shall be appointed by the
16 governing body of the county. At the discretion of the
17 governing body of the county, up to two of the members
18 appointed by the governing body of the county may be elected
19 officials residing in the county. Five voting members of the
20 authority shall be appointed by the Governor. One member shall
21 be the district secretary of the department serving in the
22 district that contains such county. This member shall be an
23 ex officio voting member of the authority. If the governing
24 board of an authority includes any member originally appointed
25 by the governing body of the county as a nonvoting member,
26 when the term of such member expires, that member shall be
27 replaced by a member appointed by the Governor until the
28 governing body of the authority is composed of seven members
29 appointed by the governing body of the county and five members
30 appointed by the Governor. The qualifications, the terms of
31 office and the obligations and rights of members of the

Amendment No. ____ (for drafter's use only)

1 authority shall be determined by resolution or ordinance of
2 the governing body of the county in a manner that is
3 consistent with subsections (3) and (4).

4 Section 49. Section 348.0012, Florida Statutes, is
5 amended to read:

6 348.0012 Exemptions from applicability.--The Florida
7 Expressway Authority Act does not apply:

8 (1) To ~~in a county in which~~ an expressway authority
9 which has been created pursuant to parts II through IX of this
10 chapter; or

11 (2) To a transportation authority created pursuant to
12 chapter 349.

13 Section 50. Section 348.7544, Florida Statutes, is
14 amended to read:

15 348.7544 Northwest Beltway Part A, construction
16 authorized; financing.--Notwithstanding s. 338.2275, the
17 Orlando-Orange County Expressway Authority is hereby
18 authorized to construct, finance, operate, own, and maintain
19 that portion of the Western Beltway known as the Northwest
20 Beltway Part A, extending from Florida's Turnpike near Ocoee
21 north to U.S. 441 near Apopka, as part of the authority's
22 20-year capital projects plan. This project may be financed
23 with any funds available to the authority for such purpose or
24 revenue bonds issued by the Division of Bond Finance of the
25 State Board of Administration on behalf of the authority
26 pursuant to s. 11, Art. VII of the State Constitution and the
27 State Bond Act, ss. 215.57-215.83. This project may be
28 refinanced with bonds issued by the authority pursuant to s.
29 348.755(1)(d).

30 Section 51. Section 348.7545, Florida Statutes, is
31 amended to read:

Amendment No. ____ (for drafter's use only)

1 348.7545 Western Beltway Part C, construction
2 authorized; financing.--Notwithstanding s. 338.2275, the
3 Orlando-Orange County Expressway Authority is authorized to
4 exercise its condemnation powers, construct, finance, operate,
5 own, and maintain that portion of the Western Beltway known as
6 the Western Beltway Part C, extending from Florida's Turnpike
7 near Ocoee in Orange County southerly through Orange and
8 Osceola Counties to an interchange with I-4 near the
9 Osceola-Polk County line, as part of the authority's 20-year
10 capital projects plan. This project may be financed with any
11 funds available to the authority for such purpose or revenue
12 bonds issued by the Division of Bond Finance of the State
13 Board of Administration on behalf of the authority pursuant to
14 s. 11, Art. VII of the State Constitution and the State Bond
15 Act, ss. 215.57-215.83. This project may be refinanced with
16 bonds issued by the authority pursuant to s. 348.755(1)(d).

17 Section 52. Subsection (1) of section 348.755, Florida
18 Statutes, is amended to read:

19 348.755 Bonds of the authority.--

20 (1)(a) Bonds may be issued on behalf of the authority
21 pursuant to the State Bond Act.

22 ~~(b)(a)~~ The bonds of The authority may issue bonds
23 issued pursuant to the provisions of this part in the
24 principal amount as, in the opinion of the authority, is
25 necessary to provide sufficient moneys for achieving its
26 corporate purposes; however, such bonds shall not pledge the
27 full faith and credit of the state. Bonds issued by the
28 authority pursuant to this paragraph, whether on original
29 issuance or on refunding, shall be authorized by resolution of
30 the members thereof and may be either term or serial bonds,
31 shall bear such date or dates, mature at such time or times,

Amendment No. ____ (for drafter's use only)

1 not exceeding 40 years from their respective dates, bear
2 interest at such rate or rates, payable semiannually, be in
3 such denominations, be in such form, either coupon or fully
4 registered, shall carry such registration, exchangeability and
5 interchangeability privileges, be payable in such medium of
6 payment and at such place or places, be subject to such terms
7 of redemption and be entitled to such priorities on the
8 revenues, rates, fees, rentals or other charges or receipts of
9 the authority including the Orange County gasoline tax funds
10 received by the authority pursuant to the terms of any
11 lease-purchase agreement between the authority and the
12 department, as such resolution or any resolution subsequent
13 thereto may provide. The bonds shall be executed either by
14 manual or facsimile signature by such officers as the
15 authority shall determine, provided that such bonds shall bear
16 at least one signature which is manually executed thereon, and
17 the coupons attached to such bonds shall bear the facsimile
18 signature or signatures of such officer or officers as shall
19 be designated by the authority and shall have the seal of the
20 authority affixed, imprinted, reproduced or lithographed
21 thereon, all as may be prescribed in such resolution or
22 resolutions.

23 (c) ~~(b)~~ Said Bonds of the authority issued pursuant to
24 paragraph (b) shall be sold at public sale in the manner
25 provided by the State Bond Act. However, if the authority
26 shall, by official action at a public meeting, determine that
27 a negotiated sale of such ~~the~~ bonds is in the best interest of
28 the authority, the authority may negotiate for sale of such
29 ~~the~~ bonds with the underwriter or underwriters designated by
30 the authority and the Division of Bond Finance of the State
31 Board of Administration. Pending the preparation of definitive

Amendment No. ____ (for drafter's use only)

1 bonds, interim certificates may be issued to the purchaser or
2 purchasers of such bonds and may contain such terms and
3 conditions as the authority may determine.

4 (d) The authority may issue bonds pursuant to
5 paragraph (b) to refund any bonds previously issued,
6 regardless of whether the bonds being refunded were issued by
7 the authority or an agency of the state.

8 Section 53. Subsection (3) of section 351.03, Florida
9 Statutes, is amended to read:

10 351.03 Railroad-highway grade-crossing warning signs
11 and signals; audible warnings; exercise of reasonable care;
12 blocking highways, roads, and streets during darkness.--

13 (3) Except as provided in subsection (4), any railroad
14 train approaching ~~within 1,500 feet of~~ a public
15 railroad-highway grade crossing shall emit or cause to be
16 emitted an audible signal ~~a signal audible for such distance.~~
17 Such signal shall be sounded for a period of at least 20
18 seconds or for 1,500 feet from the crossing, whichever is
19 less, and continue to be sounded until the railroad-highway
20 grade crossing is occupied by the railroad train.

21 Section 54. Paragraph (a) of subsection (2) and
22 subsection (3) of section 373.4137, Florida Statutes, are
23 amended to read:

24 373.4137 Mitigation requirements.--

25 (2) Environmental impact inventories for
26 transportation projects proposed by the Department of
27 Transportation shall be developed as follows:

28 (a) By May 1 of each year, the Department of
29 Transportation shall submit to the Department of Environmental
30 Protection and the water management districts a copy of its
31 tentative ~~adopted~~ work program and an inventory of habitats

Amendment No. ____ (for drafter's use only)

1 addressed in the rules adopted ~~tentatively~~, pursuant to this
2 part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344,
3 which may be impacted by its plan of construction for
4 transportation projects in the next 3 years of the tentative
5 work program. The Department of Transportation may also
6 include in its inventory the habitat impacts of any future
7 transportation project identified in the tentative work
8 program.

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

Amendment No. ____ (for drafter's use only)

1 paid based on the amount approved on the mitigation plan and
2 allocated to the current fiscal year projects identified by
3 the water management district. The amount transferred to the
4 escrow account each year by the Department of Transportation
5 shall correspond to a cost per acre of \$75,000 multiplied by
6 the projected acres of impact identified in the inventory
7 described in subsection (2). However, the \$75,000 cost per
8 acre does not constitute an admission against interest by the
9 state or its subdivisions, nor is the cost admissible as
10 evidence of full compensation for any property acquired by
11 eminent domain or through inverse condemnation. Each July 1,
12 the cost per acre shall be adjusted by the percentage change
13 in the average of the Consumer Price Index issued by the
14 United States Department of Labor for the most recent 12-month
15 period ending September 30, compared to the base year average,
16 which is the average for the 12-month period ending September
17 30, 1996. At the end of each year, the projected acreage of
18 impact shall be reconciled with the acreage of impact of
19 projects as permitted, including permit modifications,
20 pursuant to this part and s. 404 of the Clean Water Act, 33
21 U.S.C. s. 1344. The subject year's transfer of funds shall be
22 adjusted accordingly to reflect the overtransfer or
23 undertransfer of funds from the preceding year. The Department
24 of Transportation is authorized to transfer such funds from
25 the escrow account to the Department of Environmental
26 Protection and the water management districts to carry out the
27 mitigation programs.

28 Section 55. Subsection (9) of section 427.013, Florida
29 Statutes, is amended to read:

30 427.013 The Commission for the Transportation
31 Disadvantaged; purpose and responsibilities.--The purpose of

Amendment No. ____ (for drafter's use only)

1 the commission is to accomplish the coordination of
2 transportation services provided to the transportation
3 disadvantaged. The goal of this coordination shall be to
4 assure the cost-effective provision of transportation by
5 qualified community transportation coordinators or
6 transportation operators for the transportation disadvantaged
7 without any bias or presumption in favor of multioperator
8 systems or not-for-profit transportation operators over single
9 operator systems or for-profit transportation operators. In
10 carrying out this purpose, the commission shall:

11 (9) Develop by rule standards for community
12 transportation coordinators and any transportation operator or
13 coordination contractor from whom service is purchased or
14 arranged by the community transportation coordinator covering
15 coordination, operation, safety, insurance, eligibility for
16 service, costs, and utilization of transportation
17 disadvantaged services. These standards and rules must ~~shall~~
18 include, but not be limited to:

19 (a) Inclusion, by rule, of acceptable ranges of trip
20 costs for the various modes and types of transportation
21 services provided.

22 (b) Minimum performance standards for the delivery of
23 services. These standards must ~~should~~ be included in
24 coordinator contracts and transportation operator contracts
25 with clear penalties for repeated or continuing violations.

26 (c) Minimum liability insurance requirements for all
27 transportation services purchased, provided, or coordinated
28 for the transportation disadvantaged through the community
29 transportation coordinator.

30 Section 56. Subsection (3) of section 427.0135,
31 Florida Statutes, is amended to read:

Amendment No. ____ (for drafter's use only)

1 427.0135 Member departments; duties and
2 responsibilities.--Each member department, in carrying out the
3 policies and procedures of the commission, shall:

4 (3) Assist communities in developing coordinated
5 transportation systems designed to serve the transportation
6 disadvantaged. However, a member department may not serve as
7 the community transportation coordinator in any designated
8 service area.

9 Section 57. Subsection (2) of section 427.015, Florida
10 Statutes, is amended to read:

11 427.015 Function of the metropolitan planning
12 organization or designated official planning agency in
13 coordinating transportation for the transportation
14 disadvantaged.--

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

Amendment No. ____ (for drafter's use only)

1 recommendation or termination of any community transportation
2 coordinator shall be subject to approval by the commission.

3 Section 58. Subsection (15) of section 479.01, Florida
4 Statutes, is amended to read:

5 479.01 Definitions.--As used in this chapter, the
6 term:

7 (15) "Premises" means all the land areas under
8 ownership or lease arrangement to the sign owner which are
9 contiguous to the business conducted on the land except for
10 instances where such land is a narrow strip contiguous to the
11 advertised activity or is connected by such narrow strip, the
12 only viable use of such land is to erect or maintain an
13 advertising sign. When the sign owner is a municipality or
14 county, "premises" shall mean all lands owned or leased by
15 such municipality or county within its jurisdictional
16 boundaries as set forth by Florida law.

17 Section 59. Subsection (2) of section 479.15, Florida
18 Statutes, is amended to read:

19 479.15 Harmony of regulations.--

20 (2) A municipality, county, local zoning authority, or
21 other local governmental entity may not remove, or cause to be
22 removed, any lawfully erected sign along any portion of the
23 interstate or federal-aid primary highway system, or any other
24 highway or road,without first paying just compensation for
25 such removal. A local governmental entity may not cause in any
26 way the alteration of any lawfully erected sign located along
27 any portion of the interstate or federal-aid primary highway
28 system, or any other highway or road,without payment of just
29 compensation ~~if such alteration constitutes a taking under~~
30 ~~state law.~~ The municipality, county, local zoning authority,
31 or other local government entity promulgating requirements for

Amendment No. ____ (for drafter's use only)

1 such alteration must be responsible for payment of just
2 compensation to the sign owner ~~if such alteration constitutes~~
3 ~~a taking under state law.~~ This subsection applies only to a
4 lawfully erected sign the subject matter of which relates to
5 premises other than the premises on which it is located or to
6 merchandise, services, activities, or entertainment not sold,
7 produced, manufactured, or furnished on the premises on which
8 the sign is located. For purposes of this subsection,
9 "federal-aid primary highway system" means the federal-aid
10 primary system in existence on June 1, 1991, and any highway
11 which was not on such system but which is now on the national
12 highway system ~~This subsection shall not be interpreted as~~
13 ~~explicit or implicit legislative recognition that alterations~~
14 ~~do or do not constitute a taking under state law.~~

15 Section 60. Nothing contained herein shall affect or
16 impair the provisions of any agreement in existence on the
17 effective date of this act executed by a municipality, county,
18 local zoning authority, or other local governmental entity and
19 the owner of a lawfully erected sign or signs.

20 Section 61. Subsection (1) of section 479.16, Florida
21 Statutes, is amended to read:

22 479.16 Signs for which permits are not required.--The
23 following signs are exempt from the requirement that a permit
24 for a sign be obtained under the provisions of this chapter
25 but are required to comply with the provisions of s.
26 479.11(4)-(8):

27 (1) Signs erected on the premises of an establishment,
28 which signs consist primarily of the name of the establishment
29 or which identify the principal or accessory merchandise,
30 services, activities, or entertainment sold, produced,
31 manufactured, or furnished on the premises of the

Amendment No. ____ (for drafter's use only)

1 establishment and which comply with the lighting restrictions
 2 under department rule adopted pursuant to s. 479.11(5), or
 3 signs owned by a municipality or a county located on the
 4 premises of such municipality or such county which display
 5 information regarding government services, activities, events,
 6 or entertainment. For purposes of this section, the following
 7 types of messages shall not be considered information
 8 regarding government services, activities, events, or
 9 entertainment:

10 (a) Messages which specifically reference any
 11 commercial enterprise.

12 (b) Messages which reference a commercial sponsor of
 13 any event.

14 (c) Personal messages.

15 (d) Political campaign messages.

16
 17 If a sign located on the premises of an establishment consists
 18 principally of brand name or trade name advertising and the
 19 merchandise or service is only incidental to the principal
 20 activity, or if the owner of the establishment receives rental
 21 income from the sign, then the sign is not exempt under this
 22 subsection.

23 Section 62. Except as otherwise provided herein, this
 24 act shall take effect upon becoming a law.

25
 26
 27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:
 29 remove from the title of the bill: the entire title
 30
 31 and insert in lieu thereof:

Amendment No. ____ (for drafter's use only)

1 A bill to be entitled
2 An act relating to transportation; creating the
3 Florida Military Base Assistance Program;
4 providing purpose; providing for use of program
5 funds; providing for administration; providing
6 for audit; amending s. 20.23, F.S.; authorizing
7 the Department of Transportation to adopt rules
8 for the delegation of authority beyond the
9 assistant secretaries; providing additional
10 duties of the Florida Transportation
11 Commission; providing for a change in
12 administrative duties; amending s. 212.031,
13 F.S.; exempting property used as a travel
14 center/truck stop facility from the sales and
15 use tax on the rental or lease of, or grant of
16 a license to use, real property; amending s.
17 215.615, F.S.; making a technical correction
18 and correcting a cross reference with respect
19 to fixed-guideway transportation systems
20 funding; amending s. 255.20, F.S.; exempting
21 projects subject to ch. 336, F.S., from a
22 provision of law relating to local bids and
23 contracts for public construction works;
24 creating 255.20(5), F.S.; providing public
25 works contract procedures; amending s. 311.07,
26 F.S.; providing for the final audit of trust
27 fund disbursements by the department; requiring
28 the department to adopt certain rules; amending
29 s. 311.09, F.S.; revising language with respect
30 to the Florida Seaport Transportation and
31 Economic Development Council; creating s.

Amendment No. ____ (for drafter's use only)

1 315.035, F.S.; relating to deepwater ports owned
2 or operated by charter counties; amending s.
3 316.006, F.S.; revising language with respect
4 to jurisdiction to control traffic; amending s.
5 316.228, F.S.; revising requirements for lamps
6 or flags on vehicles with projecting loads;
7 amending ss. 316.302, 316.516, and 316.545,
8 F.S.; updating cross references to the current
9 federal safety regulations; deleting references
10 to weight and safety officers; revising
11 language with respect to unsafe vehicles;
12 amending s. 316.515, F.S.; deleting a reference
13 to automobile transporter height limit permits;
14 revising language with respect to length limits
15 for vehicles carrying boat trailers; repealing
16 s. 316.610(3), F.S., relating to commercial
17 motor vehicle inspections; amending s. 320.20,
18 F.S.; revising language with respect to bonds;
19 amending s. 330.30, F.S.; removing the
20 requirement for joint submission of
21 applications for airport site approval and for
22 an airport license; amending s. 331.367, F.S.;
23 revising language with respect to the Spaceport
24 Management Council; directing the council to
25 submit recommendations; providing for the
26 participation of federal officials; amending s.
27 332.004, F.S.; revising a definition; amending
28 s. 332.007, F.S., allowing the Department of
29 Transportation to fund certain airport project
30 costs; placing requirements on reimbursements;
31 amending s. 334.044, F.S.; authorizing the

Amendment No. ____ (for drafter's use only)

1 department to purchase promotional items for
2 use in certain public awareness programs;
3 authorizing the department to adopt rules
4 relating to approval of material sources;
5 amending s. 334.187, F.S.; authorizing the
6 department to adopt rules relating to the use
7 of prepaid escrow accounts; amending s. 335.02,
8 F.S.; providing a maximum lane policy; amending
9 s. 335.065, F.S.; authorizing the department to
10 establish safe paths to schools; amending ss.
11 335.141 and 341.302, F.S.; deleting the
12 department's authority to regulate train
13 operating speeds; amending s. 336.025, F.S.;
14 revising language with respect to the local
15 option fuel tax to authorize county and
16 municipal governments to use the funds for
17 certain purposes; amending ss. 336.41 and
18 336.44, F.S.; providing for certification of
19 contractors prequalified by the state to work
20 under contract on projects in excess of a
21 certain amount for county and expressway
22 authority projects; amending s. 337.025, F.S.;
23 authorizing highway maintenance projects to be
24 included in the innovative highway program;
25 amending s. 337.11, F.S.; authorizing the
26 department to combine the right-of-way phase of
27 certain projects into a single project;
28 amending s. 337.14, F.S.; extending the period
29 of validity of contractor prequalification;
30 providing for certification of contractors
31 prequalified by the state to work under

Amendment No. ____ (for drafter's use only)

1 contract on projects in excess of a certain
2 amount for county and expressway authority
3 projects; amending s. 337.175, F.S.; providing
4 for retainage flexibility; amending s. 337.18,
5 F.S.; authorizing the department to adopt rules
6 relating to surety bonds; amending s. 338.155,
7 F.S.; authorizing the department to adopt rules
8 with respect to guaranteed toll accounts;
9 amending s. 338.161, F.S.; authorizing the
10 department to incur advertising expenses for
11 the promotion of toll facilities; amending s.
12 338.165, F.S.; providing that certain high
13 occupancy toll lanes or express lanes may be
14 continued under certain circumstances; amending
15 s. 339.09, F.S.; authorizing the department to
16 adopt rules relating to the expenditure of
17 transportation revenues; amending s. 339.12,
18 F.S.; increasing the cap on the local
19 government advance reimbursement program;
20 amending s. 339.135, F.S.; deleting the
21 obsolete requirement for identification of
22 advanced right-of-way acquisition projects in
23 the tentative work program; revising
24 requirements for review of the tentative work
25 program by the Department of Community Affairs;
26 amending s. 339.155, F.S.; clarifying the
27 public participation process in transportation
28 planning; amending s. 339.175, F.S.; revising
29 language with respect to the powers, duties,
30 and responsibilities of metropolitan planning
31 organizations; amending s. 341.031, F.S.;

Amendment No. ____ (for drafter's use only)

1 conforming cross references; amending s.
2 341.051, F.S.; deleting obsolete provisions
3 relating to public transit capital projects;
4 amending s. 343.56, F.S.; providing for the
5 payment of bonds from certain funds; amending
6 s. 343.63, F.S.; increasing the number of
7 members appointed to the Central Florida
8 Regional Transportation Authority by the
9 Governor and providing that the member selected
10 by the department be a nonvoting member;
11 amending s. 343.64, F.S.; authorizing the board
12 to enter into a partnership with any county
13 which is contiguous to the existing service
14 area; amending s. 348.003, F.S.; regarding the
15 qualifications, terms and obligations of
16 members of certain expressway authorities;
17 amending s. 348.0012, F.S.; revising language
18 with respect to exemptions from the Florida
19 Expressway Authority Act; amending s. 348.7544,
20 F.S.; authorizing the refinancing of the
21 Northwest Beltway Part A from certain bonds;
22 amending s. 348.7545, F.S.; providing for
23 refinancing of the Western Beltway Part C from
24 certain bonds; amending s. 348.755, F.S.;
25 providing for the issuance of bonds; amending
26 s. 351.03, F.S.; revising requirements for
27 audible signals by trains at railroad-highway
28 grade crossings; amending s. 373.4137, F.S.;
29 providing a technical correction; providing for
30 the inadmissibility of specified costs in cases
31 involving department mitigation projects;

Amendment No. ____ (for drafter's use only)

1 amending s. 427.013, F.S.; authorizing the
2 Commission for the Transportation Disadvantaged
3 to adopt rules relating to development of
4 operational standards; amending s. 427.0135,
5 F.S.; granting authority for rules adopted by
6 the commission relating to member departments;
7 amending s. 427.015, F.S.; granting authority
8 for rules adopted by the commission to
9 community transportation coordinators; amending
10 s. 479.01, F.S.; revising the definition of the
11 term "premises"; amending s. 479.15, F.S.;
12 revising provisions with respect to harmony of
13 regulations with respect to signs; requiring
14 local governmental entities to pay just
15 compensation for sign removal under certain
16 circumstances; providing a definition; amending
17 s.479.16, F.S.; revising language with respect
18 to signs for which permits are not required;
19 providing effective dates.

20
21
22
23
24
25
26
27
28
29
30
31