

By Representative K. Smith

1                                   A bill to be entitled  
2           An act relating to the Department of  
3           Transportation; amending s. 20.23, F.S.;  
4           providing that one of the responsibilities of  
5           the Assistant Secretary for Transportation  
6           Policy shall be the administration of motor  
7           carrier compliance and safety; removing that  
8           responsibility from the Assistant Secretary for  
9           District Operations; providing for an Office of  
10          Motor Carrier Compliance; amending s. 206.608,  
11          F.S.; revising language with respect to the  
12          State Comprehensive Enhanced Transportation  
13          System; revising the requirements for the use  
14          of certain proceeds; amending s. 215.615, F.S.;  
15          correcting a cross reference; amending s.  
16          316.193, F.S.; providing for the impoundment or  
17          immobilization of all vehicles owned by certain  
18          persons who have a second or third conviction  
19          within a certain time period for DUI; amending  
20          s. 316.1936, F.S.; providing a definition;  
21          providing a penalty for the unlawful possession  
22          or consumption of alcoholic beverages in a  
23          parked motor vehicle; amending s. 316.302,  
24          F.S.; revising language with respect to  
25          commercial motor vehicles; providing for  
26          enforcement by law enforcement officers;  
27          amending ss. 316.516 and 316.545, F.S.;  
28          conforming language to the act to provide  
29          reference to enforcement by law enforcement  
30          officers; amending s. 316.610, F.S.; revising  
31          language with respect to the safety inspection

1 of certain vehicles to delete reference to an  
2 inspection by the department or self-inspection  
3 under certain circumstances; amending s.  
4 330.30, F.S.; revising language with respect to  
5 airport sites and licensing of airports;  
6 correcting a cross reference; amending s.  
7 334.044, F.S.; providing additional powers of  
8 the department; amending s. 335.141, F.S.;  
9 deleting language authorizing the department to  
10 regulate the speed limits of railroad traffic  
11 on a municipal, county, regional, or statewide  
12 basis; amending s. 337.11, F.S.; revising  
13 requests with respect to design-build contracts  
14 to require the vesting of certain easements and  
15 rights-of-way; amending s. 337.14, F.S.;  
16 increasing the time period during which a  
17 certificate of qualification for certain  
18 construction contracts will be valid; amending  
19 s. 338.161, F.S.; providing for the authority  
20 of the department to advertise and promote toll  
21 facilities; amending s. 338.223, F.S.;  
22 correcting a cross reference; amending s.  
23 339.12, F.S.; increasing the maximum monetary  
24 amount allowable with respect to project  
25 agreements or project phases not included in  
26 the adopted work program; amending s. 339.135,  
27 F.S.; revising language with respect to the  
28 tentative work program to remove certain  
29 language with respect to advanced right-of-way  
30 acquisition; amending s. 339.155, F.S.;  
31 revising language with respect to procedures

1 for public participation in transportation  
2 planning; creating s. 339.55, F.S.; providing  
3 for the creation of a state-funded  
4 infrastructure bank within the department;  
5 amending s. 341.031, F.S.; correcting cross  
6 references; revising language to delete  
7 reference to the major capital investment  
8 policy; amending s. 341.051, F.S.; removing  
9 language with respect to the administration and  
10 financing of public transit programs and  
11 projects which relate to a capital investment  
12 policy; creating s. 341.054, F.S.; creating a  
13 fast-track economic growth transportation  
14 program within the department; providing for  
15 administration; providing for eligible  
16 projects; providing for limitations; amending  
17 s. 341.302, F.S.; conforming to the act to  
18 remove reference to regulation of maximum train  
19 speeds; amending s. 373.4137, F.S.; including  
20 reference to the tentative work program rather  
21 than the adopted work program with respect to  
22 environmental impact inventories concerning  
23 certain mitigation requirements; providing  
24 effective dates.

25  
26  
27  
28  
29  
30  
31

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

Section 1. Paragraphs (c) and (d) of subsection (3) of  
section 20.23, Florida Statutes, are amended to read:

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

4           (3)

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

14           1. Assistant Secretary for Transportation Policy.--

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

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

19           c. Design of transportation facilities;

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

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

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

25           2. Assistant Secretary for District Operations.--

26           a. Administration of the eight districts; and

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

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

31

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

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

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

19           Section 2. Effective July 1, 2005, subsection (2) of  
20 section 206.608, Florida Statutes, is amended to read:

21           206.608 State Comprehensive Enhanced Transportation  
22 System Tax.--Moneys received pursuant to ss. 206.41(1)(f) and  
23 206.87(1)(d) shall be deposited in the Fuel Tax Collection  
24 Trust Fund, and, after deducting the service charge imposed in  
25 chapter 215 and administrative costs incurred by the  
26 department in collecting, administering, enforcing, and  
27 distributing the tax, which administrative costs may not  
28 exceed 2 percent of collections, shall be distributed as  
29 follows:

30           (2) The remaining proceeds of the tax levied pursuant  
31 to s. 206.41(1)(f) and all of the proceeds from the tax

1 imposed by s. 206.87(1)(d) shall be transferred into the State  
2 Transportation Trust Fund, and 50 percent of such transfers  
3 may be used only for projects in the adopted work program in  
4 the district in which the tax proceeds are collected and, to  
5 the maximum extent feasible, such moneys shall be programmed  
6 for use in the county where collected. The remaining 50  
7 percent of such transfers shall be used for projects on the  
8 Florida Intrastate Highway System Plan established pursuant to  
9 s. 338.001.~~However,~~No revenue from the taxes imposed  
10 pursuant to ss. 206.41(1)(f) and 206.87(1)(d) in a county  
11 shall be expended unless the projects funded with such  
12 revenues have been included in the work program adopted  
13 pursuant to s. 339.135.

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

16 215.615 Fixed-guideway transportation systems  
17 funding.--

18 (1) The issuance of revenue bonds by the Division of  
19 Bond Finance, on behalf of the Department of Transportation,  
20 pursuant to s. 11, Art. VII of the State Constitution, is  
21 authorized, pursuant to the State Bond Act, to finance or  
22 refinance fixed capital expenditures for fixed-guideway  
23 transportation systems, as defined in s. 341.031, including  
24 facilities appurtenant thereto, costs of issuance, and other  
25 amounts relating to such financing or refinancing. Such  
26 revenue bonds shall be matched on a 50-50 basis with funds  
27 from sources other than revenues of the Department of  
28 Transportation, in a manner acceptable to the Department of  
29 Transportation. The Division of Bond Finance is authorized to  
30 consider innovative financing technologies which may include,  
31

1 but are not limited to, innovative bidding and structures of  
2 potential findings that may result in negotiated transactions.

3 (a) The department and any participating commuter rail  
4 authority or regional transportation authority established  
5 under chapter 343, local governments, or local governments  
6 collectively by interlocal agreement having jurisdiction of a  
7 fixed-guideway transportation system may enter into an  
8 interlocal agreement to promote the efficient and  
9 cost-effective financing or refinancing of fixed-guideway  
10 transportation system projects by revenue bonds issued  
11 pursuant to this subsection. The terms of such interlocal  
12 agreements shall include provisions for the Department of  
13 Transportation to request the issuance of the bonds on behalf  
14 of the parties; shall provide that each party to the agreement  
15 is contractually liable for an equal share of funding an  
16 amount equal to the debt service requirements of such bonds;  
17 and shall include any other terms, provisions, or covenants  
18 necessary to the making of and full performance under such  
19 interlocal agreement. Repayments made to the department under  
20 any interlocal agreement are not pledged to the repayment of  
21 bonds issued hereunder, and failure of the local governmental  
22 authority to make such payment shall not affect the obligation  
23 of the department to pay debt service on the bonds.

24 (b) Revenue bonds issued pursuant to this subsection  
25 shall not constitute a general obligation of, or a pledge of  
26 the full faith and credit of, the State of Florida. Bonds  
27 issued pursuant to this section shall be payable from funds  
28 available pursuant to s. 206.46(3), subject to annual  
29 appropriation. The amount of revenues available for debt  
30 service shall never exceed a maximum of 2 percent of all state  
31 revenues deposited into the State Transportation Trust Fund.



1           (c) The projects to be financed or refinanced with the  
2 proceeds of the revenue bonds issued hereunder are designated  
3 as state fixed capital outlay projects for purposes of s.  
4 11(d), Art. VII of the State Constitution, and the specific  
5 projects to be financed or refinanced shall be determined by  
6 the Department of Transportation in accordance with state law  
7 and appropriations from the State Transportation Trust Fund.  
8 Each project to be financed with the proceeds of the bonds  
9 issued pursuant to this subsection must first be approved by  
10 the Legislature by an act of general law.

11           (d) Any complaint for validation of bonds issued  
12 pursuant to this section shall be filed in the circuit court  
13 of the county where the seat of state government is situated,  
14 the notice required to be published by s. 75.06 shall be  
15 published only in the county where the complaint is filed, and  
16 the complaint and order of the circuit court shall be served  
17 only on the state attorney of the circuit in which the action  
18 is pending.

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

25           (f) This subsection supersedes any inconsistent  
26 provisions in existing law.

27  
28 Notwithstanding this subsection, the lien of revenue bonds  
29 issued pursuant to this subsection on moneys deposited into  
30 the State Transportation Trust Fund shall be subordinate to  
31 the lien on such moneys of bonds issued under ss. 215.605,

1 320.20, and 215.616, and any pledge of such moneys to pay  
2 operating and maintenance expenses under s. 206.46(5)  
3 ~~subsection (5)~~ and chapter 348, as may be amended.

4 Section 4. Paragraphs (b), (c), and (g) of subsection  
5 (6) of section 316.193, Florida Statutes, are amended to read:  
6 316.193 Driving under the influence; penalties.--

7 (6) With respect to any person convicted of a  
8 violation of subsection (1), regardless of any penalty imposed  
9 pursuant to subsection (2), subsection (3), or subsection (4):

10 (b) For the second conviction for an offense that  
11 occurs within a period of 5 years after the date of a prior  
12 conviction for violation of this section, the court shall  
13 order imprisonment for not less than 10 days. The court must  
14 also, as a condition of probation, order the impoundment or  
15 immobilization of all vehicles owned by the defendant ~~the~~  
16 ~~vehicle that was operated by or in the actual control of the~~  
17 ~~defendant or any one vehicle registered in the defendant's~~  
18 ~~name~~ at the time of impoundment or immobilization, for a  
19 period of 30 days or for the unexpired term of any lease or  
20 rental agreement that expires within 30 days. The impoundment  
21 or immobilization must ~~not~~ occur concurrently with the  
22 driver's license revocation imposed under s. 322.28(2)(a)2  
23 ~~incarceration of the defendant~~. The impoundment or  
24 immobilization order may be dismissed in accordance with  
25 paragraph (e), paragraph (f), or paragraph (g). At least 48  
26 hours of confinement must be consecutive.

27 (c) For the third or subsequent conviction for an  
28 offense that occurs within a period of 10 years after the date  
29 of a prior conviction for violation of this section, the court  
30 shall order imprisonment for not less than 30 days. The court  
31 must also, as a condition of probation, order the impoundment

1 or immobilization of all vehicles owned by the defendant ~~the~~  
2 ~~vehicle that was operated by or in the actual control of the~~  
3 ~~defendant or any one vehicle registered in the defendant's~~  
4 ~~name~~ at the time of impoundment or immobilization, for a  
5 period of 90 days or for the unexpired term of any lease or  
6 rental agreement that expires within 90 days. The impoundment  
7 or immobilization must ~~not~~ occur concurrently with the  
8 driver's license revocation imposed under s. 322.28(2)(a)3  
9 ~~incarceration of the defendant~~. The impoundment or  
10 immobilization order may be dismissed in accordance with  
11 paragraph (e), paragraph (f), or paragraph (g). At least 48  
12 hours of confinement must be consecutive.

13 (g) The court shall also dismiss the order of  
14 impoundment or immobilization of one ~~the~~ vehicle if the court  
15 finds that the family of the owner of the vehicle has no other  
16 private or public means of transportation.

17 Section 5. Subsections (1) and (2) of section  
18 316.1936, Florida Statutes, are amended to read:

19 316.1936 Possession of open containers of alcoholic  
20 beverages in vehicles prohibited; penalties.--

21 (1) As used in this section:7

22 (a) "Open container" means any container of alcoholic  
23 beverage which is immediately capable of being consumed from,  
24 or the seal of which has been broken; and7

25 (b) "Road" means a way open to travel by the public,  
26 including, but not limited to, a street, highway, or alley.  
27 The term includes associated sidewalks, the roadbed, the  
28 right-of-way, and all culverts, drains, sluices, ditches,  
29 water storage areas, waterways, embankments, slopes, retaining  
30 walls, bridges, tunnels, and viaducts necessary for the

31

1 maintenance of travel and all ferries used in connection  
2 therewith.

3 (2)(a) It is unlawful and punishable as provided in  
4 this section for any person to possess an open container of an  
5 alcoholic beverage or consume an alcoholic beverage while  
6 operating a vehicle in the state or while a passenger in or on  
7 a vehicle being operated in the state.

8 (b) It is unlawful and punishable as provided in this  
9 section for any person to possess an open container of an  
10 alcoholic beverage or consume an alcoholic beverage while  
11 seated in or on a motor vehicle which is parked or stopped  
12 within a road as herein defined.

13 (6) Any operator of a vehicle who violates this  
14 section is guilty of a noncriminal moving traffic violation,  
15 punishable as provided in chapter 318. A passenger of a  
16 vehicle who violates this section is guilty of a nonmoving  
17 traffic violation, punishable as provided in chapter 318.

18 (7) A county or municipality may adopt an ordinance  
19 which imposes more stringent restrictions on the possession of  
20 alcoholic beverages in vehicles than those imposed by this  
21 section.

22 Section 6. Paragraph (b) of subsection (1) and  
23 subsections (5) and (8) of section 316.302, Florida Statutes,  
24 are amended to read:

25 316.302 Commercial motor vehicles; safety regulations;  
26 transporters and shippers of hazardous materials;  
27 enforcement.--

28 (1)

29 (b) Except as otherwise provided in this section, all  
30 owners or drivers of commercial motor vehicles that are  
31 engaged in intrastate commerce are subject to the rules and

1 regulations contained in 49 C.F.R. parts 382, 385, and  
2 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
3 relates to the definition of bus, as such rules and  
4 regulations existed on March 1, 2000 ~~1999~~.

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

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

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

11 Section 7. Subsection (1) of section 316.516, Florida  
12 Statutes, is amended to read:

13 316.516 Width, height, and length; inspection;  
14 penalties.--

15 (1) Any law enforcement officer, as prescribed in s.  
16 ~~316.640, or any weight and safety officer of the Department of~~  
17 ~~Transportation, as prescribed in s. 316.545(1),~~ who has reason  
18 to believe that the width, height, or length of a vehicle or  
19 combination of vehicles and the load thereon is not in  
20 conformance with s. 316.515 is authorized to require the  
21 driver to stop and submit such vehicle and load to measurement  
22 of its width, height, or length.

23 Section 8. Subsections (1) and (9) of section 316.545,  
24 Florida Statutes, are amended to read:

25 316.545 Weight and load unlawful; special fuel and  
26 motor fuel tax enforcement; inspection; penalty; review.--

27 (1) Any law enforcement ~~weight and safety~~ officer of  
28 the Department of Transportation having reason to believe that  
29 the weight of a vehicle and load is unlawful is authorized to  
30 require the driver to stop and submit to a weighing of the  
31 same by means of either portable or fixed scales and may

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

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

25 Section 9. Subsection (3) of section 316.610, Florida  
26 Statutes, is amended to read:

27 316.610 Safety of vehicle; inspection.--It is a  
28 violation of this chapter for any person to drive or move, or  
29 for the owner or his or her duly authorized representative to  
30 cause or knowingly permit to be driven or moved, on any  
31 highway any vehicle or combination of vehicles which is in

1 such unsafe condition as to endanger any person or property,  
2 or which does not contain those parts or is not at all times  
3 equipped with such lamps and other equipment in proper  
4 condition and adjustment as required in this chapter, or which  
5 is equipped in any manner in violation of this chapter, or for  
6 any person to do any act forbidden or fail to perform any act  
7 required under this chapter.

8 ~~(3) Any person, firm, or corporation owning or~~  
9 ~~operating a commercial motor vehicle registered in this state,~~  
10 ~~which vehicle is engaged in interstate commerce and subject to~~  
11 ~~United States Department of Transportation safety regulations,~~  
12 ~~may request that such vehicle be inspected by the Department~~  
13 ~~of Transportation. If such vehicle is found to comply with~~  
14 ~~the safety equipment requirements of this chapter, the~~  
15 ~~Department of Transportation shall issue a safety inspection~~  
16 ~~certificate valid for 6 months. The Department of~~  
17 ~~Transportation shall charge a fee of \$25 for each such~~  
18 ~~inspection that it performs. The Department of Transportation~~  
19 ~~may designate any person, firm, or corporation owning or~~  
20 ~~operating at least five vehicles as a self-inspector for the~~  
21 ~~purpose of inspecting the safety equipment of the vehicles.~~

22 Section 10. Paragraph (a) of subsection (1) and  
23 paragraph (a) of subsection (2) of section 330.30, Florida  
24 Statutes, are amended to read:

25 330.30 Approval of airport sites and licensing of  
26 airports; fees.--

27 (1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE  
28 PERIOD, REVOCATION.--

29 (a) Except as provided in paragraph (2)(c) and  
30 subsection (3), the owner or lessee of any proposed airport  
31 shall, prior to the acquisition of the site or prior to the



1 construction or establishment of the proposed airport, obtain  
2 approval of the airport site from the department. An  
3 application ~~Applications~~ for approval of a site ~~and for an~~  
4 ~~original license~~ shall be ~~jointly~~ made on a form prescribed by  
5 the department and shall be accompanied by a site approval fee  
6 of \$100. The department, after inspection of the airport site,  
7 shall grant the site approval if it is satisfied:

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

9 2. That the proposed airport, if constructed or  
10 established, will conform to minimum standards of safety and  
11 will comply with applicable county or municipal zoning  
12 requirements;

13 3. That all nearby airports, municipalities, and  
14 property owners have been notified and any comments submitted  
15 by them have been given adequate consideration; and

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

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

21 (a) Except as provided in subsection (3), the owner or  
22 lessee of an airport in this state must obtain a license prior  
23 to the operation of aircraft on the airport. An application  
24 for such license shall be made on a form prescribed by the  
25 department ~~and shall be accomplished jointly with an~~  
26 ~~application for site approval~~. Upon completing ~~granting site~~  
27 ~~approval, making~~ a favorable ~~final~~ airport inspection report  
28 indicating compliance with all license requirements, and  
29 receiving the appropriate license fee, the department shall  
30 issue a license to the applicant, subject to any reasonable  
31

1 conditions that the department may deem necessary to protect  
2 the public health, safety, or welfare.

3 Section 11. Subsection (5) of section 334.044, Florida  
4 Statutes, is amended to read:

5 334.044 Department; powers and duties.--The department  
6 shall have the following general powers and duties:

7 (5) To purchase, lease, or otherwise acquire  
8 property; materials, including the purchase of promotional  
9 items as part of public information and education campaigns  
10 for the promotion of traffic and train safety awareness,  
11 alternatives to single-occupant vehicle travel, and commercial  
12 motor vehicle safety; equipment; and supplies, and to sell,  
13 exchange, or otherwise dispose of any property which is no  
14 longer needed by the department.

15 Section 12. Subsection (3) of section 335.141, Florida  
16 Statutes, is amended to read:

17 335.141 Regulation of public railroad-highway grade  
18 crossings; reduction of hazards.--

19 ~~(3) The department is authorized to regulate the speed~~  
20 ~~limits of railroad traffic on a municipal, county, regional,~~  
21 ~~or statewide basis. Such speed limits shall be established by~~  
22 ~~order of the department, which order is subject to the~~  
23 ~~provisions of chapter 120. The department shall have the~~  
24 ~~authority to adopt reasonable rules to carry out the~~  
25 ~~provisions of this subsection. Such rules shall, at a minimum,~~  
26 ~~provide for public input prior to the issuance of any such~~  
27 ~~order.~~

28 Section 13. Paragraph (a) of subsection (7) of section  
29 337.11, Florida Statutes, is amended to read:

30 337.11 Contracting authority of department; bids;  
31 emergency repairs, supplemental agreements, and change orders;

1 combined design and construction contracts; progress payments;  
2 records; requirements of vehicle registration.--

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

19 Section 14. Subsection (4) of section 337.14, Florida  
20 Statutes, is amended to read:

21 337.14 Application for qualification; certificate of  
22 qualification; restrictions; request for hearing.--

23 (4) If the applicant is found to possess the  
24 prescribed qualifications, the department shall issue to him  
25 or her a certificate of qualification which, unless thereafter  
26 revoked by the department for good cause, will be valid for a  
27 period of 18 ~~16~~ months from the date of the applicant's  
28 financial statement or such shorter period as the department  
29 may prescribe. In the event the department finds that an  
30 application is incomplete or contains inadequate information  
31 or information which cannot be verified, the department may

1 request in writing that the applicant provide the necessary  
2 information to complete the application or provide the source  
3 from which any information in the application may be verified.  
4 If the applicant fails to comply with the initial written  
5 request within a reasonable period of time as specified  
6 therein, the department shall request the information a second  
7 time. If the applicant fails to comply with the second  
8 request within a reasonable period of time as specified  
9 therein, the application shall be denied.

10 Section 15. Subsection (1) of section 338.161, Florida  
11 Statutes, is amended to read:

12 338.161 Authority of department to advertise and  
13 promote electronic toll collection.--

14 (1) The department is authorized to incur expenses for  
15 paid advertising, marketing, and promotion of toll facilities  
16 and electronic toll collection products and services.  
17 Promotions may include discounts and free products.

18 Section 16. Paragraph (b) of subsection (1) of section  
19 338.223, Florida Statutes, is amended to read:

20 338.223 Proposed turnpike projects.--

21 (1)

22 (b) Any proposed turnpike project or improvement shall  
23 be developed in accordance with the Florida Transportation  
24 Plan and the work program pursuant to s. 339.135. Turnpike  
25 projects that add capacity, alter access, affect feeder roads,  
26 or affect the operation of the local transportation system  
27 shall be included in the transportation improvement plan of  
28 the affected metropolitan planning organization. If such  
29 turnpike project does not fall within the jurisdiction of a  
30 metropolitan planning organization, the department shall

31

1 notify the affected county and provide for public hearings in  
2 accordance with s. 339.155(6)(c), (d), (e), and (f).

3 Section 17. Paragraph (c) of subsection (4) of section  
4 339.12, Florida Statutes, is amended to read:

5 339.12 Aid and contributions by governmental entities  
6 for department projects; federal aid.--

7 (4)

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

22 Section 18. Paragraph (b) of subsection (4) of section  
23 339.135, Florida Statutes, is amended to read:

24 339.135 Work program; legislative budget request;  
25 definitions; preparation, adoption, execution, and  
26 amendment.--

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

28 (b)1. A tentative work program, including the ensuing  
29 fiscal year and the successive 4 fiscal years, shall be  
30 prepared for the State Transportation Trust Fund and other  
31 funds managed by the department, unless otherwise provided by

1 law. The tentative work program shall be based on the  
2 district work programs and shall set forth all projects by  
3 phase to be undertaken during the ensuing fiscal year and  
4 planned for the successive 4 fiscal years. The total amount of  
5 the liabilities accruing in each fiscal year of the tentative  
6 work program may not exceed the revenues available for  
7 expenditure during the respective fiscal year based on the  
8 cash forecast for that respective fiscal year.

9         2. The tentative work program shall be developed in  
10 accordance with the Florida Transportation Plan required in s.  
11 339.155 and must comply with the program funding levels  
12 contained in the program and resource plan.

13         ~~3. The tentative work program must specifically~~  
14 ~~identify advanced right-of-way acquisition projects and must~~  
15 ~~separately allocate funds for advanced right-of-way~~  
16 ~~acquisition phases in each fiscal year, as provided in s.~~  
17 ~~337.276. Each right-of-way phase that is to be funded through~~  
18 ~~these programs shall be specifically identified in the work~~  
19 ~~program, and the year, if known, in which construction~~  
20 ~~utilizing the right-of-way is projected to begin shall be~~  
21 ~~identified.~~

22         3.4. The department may include in the tentative work  
23 program proposed changes to the programs contained in the  
24 previous work program adopted pursuant to subsection (5);  
25 however, the department shall minimize changes and adjustments  
26 that affect the scheduling of project phases in the 4 common  
27 fiscal years contained in the previous adopted work program  
28 and the tentative work program. The department, in the  
29 development of the tentative work program, shall advance by 1  
30 fiscal year all projects included in the second year of the  
31 previous year's adopted work program, unless the secretary

1 specifically determines that it is necessary, for specific  
2 reasons, to reschedule or delete one or more projects from  
3 that year. Such changes and adjustments shall be clearly  
4 identified, and the effect on the 4 common fiscal years  
5 contained in the previous adopted work program and the  
6 tentative work program shall be shown. It is the intent of  
7 the Legislature that the first 3 years of the adopted work  
8 program stand as the commitment of the state to undertake  
9 transportation projects that local governments may rely on for  
10 planning purposes and in the development and amendment of the  
11 capital improvements elements of their local government  
12 comprehensive plans.

13 ~~4.5.~~ The tentative work program must include a  
14 balanced 36-month forecast of cash and expenditures and a  
15 5-year finance plan supporting the tentative work program.

16 Section 19. Subsection (6) of section 339.155, Florida  
17 Statutes, is amended to read:

18 339.155 Transportation planning.--

19 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN  
20 TRANSPORTATION PLANNING.--

21 (a) During the development of the long-range component  
22 of the Florida Transportation Plan and prior to substantive  
23 revisions, the department shall provide citizens, affected  
24 public agencies, representatives of transportation agency  
25 employees, other affected employee representatives, private  
26 providers of transportation, and other known interested  
27 parties with an opportunity to comment on the proposed plan or  
28 revisions. These opportunities shall include, at a minimum,  
29 publishing a notice in the Florida Administrative Weekly and  
30 within a newspaper of general circulation within the area of  
31 each department district office.

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

24           ~~(c) Opportunity for design hearings:~~

25           (c)†. The department, prior to holding a location and  
26 conceptual design hearing, shall duly notify ~~notice~~ all  
27 affected property owners of record, as recorded in the  
28 property appraiser's office, by mail at least 20 days prior to  
29 the date set for the public hearing. The affected property  
30 owners shall be:

31



1           ~~1.a.~~ Those whose property lies in whole or in part  
2 within 300 feet on either side of the centerline of any viable  
3 alternative ~~the proposed facility~~.

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

7           ~~(d)2.~~ For each location and conceptual design  
8 subsequent hearing and subsequent public hearings, the  
9 department shall ~~daily~~ publish notice ~~at least 14 days~~  
10 ~~immediately~~ prior to the public hearing date in a newspaper of  
11 general circulation for the area affected. These notices shall  
12 be published twice, with the first notice appearing at least  
13 15 days, but no more than 30 days, prior to the public  
14 hearing.

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

20           ~~(e)4.~~ ~~The opportunity for~~ Another public hearing shall  
21 be afforded in each any case in which when the proposed  
22 location or design concept is ~~locations or designs are~~ so  
23 changed from that those presented in the notices specified  
24 above or at a previous public hearing so as to have a  
25 substantially different social, economic, or environmental  
26 effect.

27           ~~(f)5.~~ ~~The opportunity for~~ A public hearing shall be  
28 afforded in each case in which the department is in doubt as  
29 to whether a public hearing is required.

30           Section 20. Section 339.55, Florida Statutes, is  
31 created to read:

1           339.55 State-funded infrastructure bank.--  
2           (1) There is created within the Department of  
3 Transportation a state-funded infrastructure bank for the  
4 purpose of providing loans and credit enhancements to  
5 government units and private entities for use in constructing  
6 and improving highway and transportation facilities necessary  
7 for public purposes.  
8           (2) The bank may lend capital costs or provide credit  
9 enhancements for a transportation project that is in the State  
10 Highway System or that is demonstrated to relieve traffic  
11 congestion on the State Highway System. Loans from the bank  
12 may be subordinated to senior project debt that has an  
13 investment grade rating of "BBB" or higher.  
14           (3) Loans from the bank may bear interest at or below  
15 market interest rates, as determined by the department.  
16 Repayment of any loan from the bank shall commence not later  
17 than 5 years after the project has been completed or, in the  
18 case of a highway project, the facility has opened to traffic,  
19 whichever is later, and shall be repaid in no more than 30  
20 years.  
21           (4) To be eligible for consideration, projects must be  
22 consistent, to the maximum extent feasible, with local  
23 metropolitan planning organization plans and local government  
24 comprehensive plans and must provide a dedicated repayment  
25 source to ensure the loan is repaid to the bank.  
26           (5) The department may consider, but is not limited  
27 to, the following criteria for evaluation of projects for  
28 assistance from the bank:  
29           (a) The credit worthiness of the project.  
30           (b) A demonstration that the project will encourage,  
31 enhance, or create economic benefits.

1           (c) The likelihood that assistance would enable the  
2 project to proceed at an earlier date than would otherwise be  
3 possible.

4           (d) The extent to which assistance would foster  
5 innovative public-private partnerships and attract private  
6 debt or equity investment.

7           (e) The extent to which the project would use new  
8 technologies, including intelligent transportation systems,  
9 that would enhance the efficiency of the project.

10           (f) The extent to which the project would maintain or  
11 protect the environment.

12           (g) A demonstration that the project includes  
13 transportation benefits for improving intermodalism and  
14 safety.

15           (h) The amount of the proposed assistance as a  
16 percentage of the overall project costs with encouragement for  
17 local and private participation.

18           (6) Loan assistance provided by the bank shall be  
19 included in the department's work program developed in  
20 accordance with s. 339.135.

21           Section 21. Subsections (8) and (10) of section  
22 341.031, Florida Statutes, are amended to read:

23           341.031 Definitions.--As used in ss. 341.011-341.061,  
24 the term:

25           (8) "Public transit service development project" means  
26 a project undertaken by a public agency to determine whether a  
27 new or innovative technique or measure can be utilized to  
28 improve or expand public transit services to its constituency.  
29 The duration of the project shall be limited according to the  
30 type of the project in conformance with the provisions of s.  
31 341.051(5)(e)~~(f)~~, but in no case shall exceed a period of 3

1 years. Public transit service development projects  
2 specifically include projects involving the utilization of new  
3 technologies, services, routes, or vehicle frequencies; the  
4 purchase of special transportation services; and other such  
5 techniques for increasing service to the riding public as are  
6 applicable to specific localities and transit user groups.

7 (10) "Transit corridor project" means a project that  
8 is undertaken by a public agency and designed to relieve  
9 congestion and improve capacity within an identified  
10 transportation corridor by increasing people-carrying capacity  
11 of the system through the use and facilitated movement of  
12 high-occupancy conveyances. Each transit corridor project  
13 must meet the requirements established in s. 341.051(5)(d)(~~e~~)  
14 ~~and, if applicable, the requirements of the department's major~~  
15 ~~capital investment policy developed pursuant to s.~~  
16 ~~341.051(5)(b)~~. Initial project duration shall not exceed a  
17 period of 2 years unless the project is reauthorized by the  
18 Legislature. Such reauthorization shall be based upon a  
19 determination that the project is meeting or exceeding the  
20 criteria, developed pursuant to s. 341.051(5)(d)(~~e~~), by which  
21 the success of the project is being judged and by inclusion of  
22 the project in a departmental appropriation request.

23 Section 22. Subsection (5) of section 341.051, Florida  
24 Statutes, is amended to read:

25 341.051 Administration and financing of public transit  
26 programs and projects.--

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

28 (a) The department may fund up to 50 percent of the  
29 nonfederal share of the costs, not to exceed the local share,  
30 of any eligible public transit capital project or commuter  
31 assistance project that is local in scope; except, however,

1 that departmental participation in the final design,  
2 right-of-way acquisition, and construction phases of an  
3 individual fixed-guideway project which is not approved for  
4 federal funding shall not exceed an amount equal to 12.5  
5 percent of the total cost of each phase.

6 ~~(b) The Department of Transportation shall develop a~~  
7 ~~major capital investment policy which shall include policy~~  
8 ~~criteria and guidelines for the expenditure or commitment of~~  
9 ~~state funds for public transit capital projects. The policy~~  
10 ~~shall include the following:~~

11 ~~1. Methods to be used to determine consistency of a~~  
12 ~~transit project with the approved local government~~  
13 ~~comprehensive plans of the units of local government in which~~  
14 ~~the project is located.~~

15 ~~2. Methods for evaluating the level of local~~  
16 ~~commitment to a transit project, which is to be demonstrated~~  
17 ~~through system planning and the development of a feasible plan~~  
18 ~~to fund operating cost through fares, value capture techniques~~  
19 ~~such as joint development and special districts, or other~~  
20 ~~local funding mechanisms.~~

21 ~~3. Methods for evaluating alternative transit systems~~  
22 ~~including an analysis of technology and alternative methods~~  
23 ~~for providing transit services in the corridor.~~

24 (b)(c) The department is authorized to fund up to 100  
25 percent of the cost of any eligible transit capital project or  
26 commuter assistance project that is statewide in scope or  
27 involves more than one county where no other governmental  
28 entity or appropriate jurisdiction exists.

29 (c)(d) The department is authorized to advance up to  
30 80 percent of the capital cost of any eligible project that  
31 will assist Florida's transit systems in becoming fiscally

1 self-sufficient. Such advances shall be reimbursed to the  
2 department on an appropriate schedule not to exceed 5 years  
3 after the date of provision of the advances.

4 (d)~~(e)~~ The department is authorized to fund up to 100  
5 percent of the capital and net operating costs of statewide  
6 transit service development projects or transit corridor  
7 projects. All transit service development projects shall be  
8 specifically identified by way of a departmental appropriation  
9 request, and transit corridor projects shall be identified as  
10 part of the planned improvements on each transportation  
11 corridor designated by the department. The project  
12 objectives, the assigned operational and financial  
13 responsibilities, the timeframe required to develop the  
14 required service, and the criteria by which the success of the  
15 project will be judged shall be documented by the department  
16 for each such transit service development project or transit  
17 corridor project.

18 (e)~~(f)~~ The department is authorized to fund up to 50  
19 percent of the capital and net operating costs of transit  
20 service development projects that are local in scope and that  
21 will improve system efficiencies, ridership, or revenues. All  
22 such projects shall be identified in the appropriation request  
23 of the department through a specific program of projects, as  
24 provided for in s. 341.041, that is selectively applied in the  
25 following functional areas and is subject to the specified  
26 times of duration:

27 1. Improving system operations, including, but not  
28 limited to, realigning route structures, increasing system  
29 average speed, decreasing deadhead mileage, expanding area  
30 coverage, and improving schedule adherence, for a period of up  
31 to 3 years;

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

6           3. Improving marketing and consumer information  
7 programs, including, but not limited to, automated information  
8 services, organized advertising and promotion programs, and  
9 signing of designated stops, for a period of up to 2 years;  
10 and

11           4. Improving technology involved in overall  
12 operations, including, but not limited to, transit equipment,  
13 fare collection techniques, electronic data processing  
14 applications, and bus locators, for a period of up to 2 years.

15  
16 For purposes of this section, the term "net operating costs"  
17 means all operating costs of a project less any federal funds,  
18 fares, or other sources of income to the project.

19           Section 23. Section 341.054, Florida Statutes, is  
20 created to read:

21           341.054 Fast-track economic growth transportation  
22 program; administration; eligible projects; limitations.--

23           (1) There is created within the Department of  
24 Transportation a fast-track economic growth transportation  
25 program dedicated to catalyzing or accelerating transportation  
26 projects which substantially impact the state's economic  
27 competitiveness. The fast-track economic growth transportation  
28 program shall be administered by the department.

29           (2) Eligible projects shall include planning for,  
30 design of, right-of-way acquisition for, or construction of  
31 freight rail, passenger rail, transit, aviation, seaport,

1 spaceport, and intermodal infrastructure that carries or would  
2 carry substantial flows of domestic or international trade and  
3 tourism.

4 (3) Program projects may be proposed by any local  
5 government, regional organization, economic development board,  
6 public-private partnership, metropolitan planning  
7 organization, state agency, or other statewide group engaged  
8 in economic development activities.

9 (4) To be eligible for funding under this section, a  
10 proposed project must be consistent, to the maximum extent  
11 feasible, with approved local government comprehensive plans  
12 of the units of local government in which the project is  
13 located.

14 (5) The amount of the nonstate share of the overall  
15 project cost shall be a factor in project selection.

16 (6) Selected projects shall be included in the  
17 department's tentative work program submitted to the Governor  
18 and the Legislature.

19 Section 24. Subsection (10) of section 341.302,  
20 Florida Statutes, is amended to read:

21 341.302 Rail program, duties and responsibilities of  
22 the department.--The department, in conjunction with other  
23 governmental units and the private sector, shall develop and  
24 implement a rail program of statewide application designed to  
25 ensure the proper maintenance, safety, revitalization, and  
26 expansion of the rail system to assure its continued and  
27 increased availability to respond to statewide mobility needs.  
28 Within the resources provided pursuant to chapter 216, and as  
29 authorized under Title 49 C.F.R. part 212, the department  
30 shall:  
31



1           (10) Administer rail operating and construction  
2 programs, which programs shall include ~~the regulation of~~  
3 ~~maximum train operating speeds~~, the opening and closing of  
4 public grade crossings, the construction and rehabilitation of  
5 public grade crossings, and the installation of traffic  
6 control devices at public grade crossings, ~~the administering~~  
7 ~~of the programs by the department~~ including participation in  
8 the cost of the programs.

9           Section 25. Paragraph (a) of subsection (2) of section  
10 373.4137, Florida Statutes, is amended to read:

11           373.4137 Mitigation requirements.--

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

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

27           Section 26. Except as otherwise provided herein, this  
28 act shall take effect October 1, 2000.

29  
30  
31

\*\*\*\*\*

HOUSE SUMMARY

Revises various provisions of law related to the Department of Transportation to:

1. Provide for the administration of motor vehicle compliance and safety by the Assistant Secretary for Transportation Policy rather than the Assistant Secretary for District Operations and to provide for an Office of Motor Carrier Compliance.

2. Revise language with respect to the State Comprehensive Enhanced Transportation System and to revise the requirements for the use of described proceeds.

3. Provide for the impoundment or immobilization of all vehicles owned by certain persons who have a second or third conviction for DUI.

4. Provide penalties for unlawful possession or consumption of alcoholic beverages in a parked motor vehicle.

5. Revise language with respect to commercial motor vehicles to provide for enforcement of laws relating to such vehicles by law enforcement officers and to provide consistent reference to enforcement by law enforcement officers in affected statute sections to conform.

6. Revise language with respect to the safety inspection of described motor vehicles by the department or by self-inspection.

7. Eliminate language authorizing the department to regulate the speed limits of railroad traffic on a municipal, county, regional, or statewide basis.

8. Revise requirements with respect to design-build contracts.

9. Increase the time period during which a certificate of qualification for described construction projects is valid.

10. Provide for the authority of the department to advertise and promote toll facilities.

11. Increase the maximum monetary limits allowable with respect to project agreements or project phases not included in the adopted work program.

12. Revise provisions relating to procedures for public participation in transportation planning.

13. Provide for the creation of a state-funded infrastructure bank within the department.

14. Create a fast-track economic growth transportation program within the department.

See bill for details.