

By the Committee on Transportation and Representative K.
Smith

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 20.23, F.S.; authorizing the Department of
4 Transportation to adopt rules for the
5 delegation of authority beyond the assistant
6 secretaries; providing additional duties of the
7 Florida Transportation Commission; providing
8 for a change in administrative duties; amending
9 s. 212.031, F.S.; exempting property used as a
10 travel center/truck stop facility from the
11 sales and use tax on the rental or lease of, or
12 grant of a license to use, real property;
13 amending s. 215.615, F.S.; making a technical
14 correction and correcting a cross reference
15 with respect to fixed-guideway transportation
16 systems funding; creating s. 215.617, F.S.;
17 authorizing the Division of Bond Finance to
18 issue bonds on behalf of the Department of
19 Transportation for the Florida Seaport
20 Transportation and Economic Development
21 Program; providing that such bonds are not
22 general obligation bonds of the state;
23 providing security for such bonds; amending s.
24 255.20, F.S.; exempting projects subject to ch.
25 336, F.S., from a provision of law relating to
26 local bids and contracts for public
27 construction works; amending s. 311.07, F.S.;
28 providing for the deposit of seaport program
29 funds in the Florida Seaport Transportation and
30 Economic Development Trust Fund; providing for
31 the review of trust fund disbursements by the

1 department; amending s. 311.09, F.S.; revising
2 requirements for review and approval of Florida
3 Seaport Transportation and Economic Development
4 program projects; amending s. 316.228, F.S.;
5 revising requirements for lamps or flags on
6 vehicles with projecting loads; amending ss.
7 316.302, 316.516, and 316.545, F.S.; updating
8 cross references to the current federal safety
9 regulations; deleting references to weight and
10 safety officers; revising language with respect
11 to unsafe vehicles; amending s. 316.515, F.S.;
12 deleting a reference to automobile transporter
13 height limit permits; revising language with
14 respect to length limits for vehicles carrying
15 boat trailers; repealing s. 316.610(3), F.S.,
16 relating to commercial motor vehicle
17 inspections; amending s. 320.20, F.S.;
18 providing for deposit of seaport program funds
19 in the Florida Seaport Transportation and
20 Economic Development Trust Fund; authorizing
21 the department to refund or assume certain
22 bonds issued by the Florida Ports Financing
23 Commission; providing security for such refund
24 or assumption; providing for future seaport
25 program bonds to be issued by the department;
26 amending s. 330.30, F.S.; removing the
27 requirement for joint submission of
28 applications for airport site approval and for
29 an airport license; amending s. 332.004, F.S.;
30 revising a definition; amending s. 334.044,
31 F.S.; authorizing the department to purchase

1 promotional items for use in certain public
2 awareness programs; authorizing the department
3 to adopt rules relating to approval of material
4 sources; amending s. 334.187, F.S.; authorizing
5 the department to adopt rules relating to the
6 use of prepaid escrow accounts; amending s.
7 335.02, F.S.; providing a maximum lane policy;
8 amending ss. 335.141 and 341.302, F.S.;
9 deleting the department's authority to regulate
10 train operating speeds; amending s. 336.025,
11 F.S.; revising language with respect to the
12 local option fuel tax to authorize county and
13 municipal governments to use the funds for
14 certain purposes; amending ss. 336.41 and
15 336.44, F.S.; providing that any contractor
16 prequalified by the state is presumed qualified
17 to bid on projects in excess of a certain
18 amount for county and expressway authority
19 projects; amending s. 337.025, F.S.;
20 authorizing highway maintenance projects to be
21 included in the innovative highway program;
22 amending s. 337.11, F.S.; authorizing the
23 department to combine the right-of-way phase of
24 certain projects into a single project;
25 amending s. 337.14, F.S.; providing that any
26 contractor prequalified by the state is
27 presumed qualified to bid on projects in excess
28 of a certain amount for county and expressway
29 authority projects; extending the period of
30 validity of contractor prequalification;
31 amending s. 337.175, F.S.; providing for

1 retainage flexibility; amending s. 337.18,
2 F.S.; authorizing the department to adopt rules
3 relating to surety bonds; amending s. 338.155,
4 F.S.; authorizing the department to adopt rules
5 with respect to guaranteed toll accounts;
6 amending s. 338.161, F.S.; authorizing the
7 department to incur advertising expenses for
8 the promotion of toll facilities; amending s.
9 339.09, F.S.; authorizing the department to
10 adopt rules relating to the expenditure of
11 transportation revenues; amending s. 339.12,
12 F.S.; increasing the cap on the local
13 government advance reimbursement program;
14 amending s. 339.135, F.S.; deleting the
15 obsolete requirement for identification of
16 advanced right-of-way acquisition projects in
17 the tentative work program; revising
18 requirements for review of the tentative work
19 program by the Department of Community Affairs;
20 amending s. 339.155, F.S.; clarifying the
21 public participation process in transportation
22 planning; amending s. 341.031, F.S.; conforming
23 cross references; amending s. 341.051, F.S.;
24 deleting obsolete provisions relating to public
25 transit capital projects; amending s. 343.63,
26 F.S.; increasing the number of members
27 appointed to the Central Florida Regional
28 Transportation Authority by the Governor and
29 providing that the member selected by the
30 department be a nonvoting member; amending s.
31 343.64, F.S.; authorizing the board to enter

1 into a partnership with any county which is
2 contiguous to the existing service area;
3 amending s. 351.03, F.S.; revising requirements
4 for audible signals by trains at
5 railroad-highway grade crossings; amending s.
6 373.4137, F.S.; providing a technical
7 correction; providing for the inadmissibility
8 of specified costs in cases involving
9 department mitigation projects; amending s.
10 427.013, F.S.; authorizing the Commission for
11 the Transportation Disadvantaged to adopt rules
12 relating to development of operational
13 standards; amending s. 427.0135, F.S.; granting
14 authority for rules adopted by the commission
15 relating to member departments; amending s.
16 427.015, F.S.; granting authority for rules
17 adopted by the commission to community
18 transportation coordinators; providing
19 effective dates.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (c) of subsection (1), paragraph
24 (b) of subsection (2), and paragraphs (c) and (d) of
25 subsection (3) of section 20.23, Florida Statutes, are amended
26 to read:

27 20.23 Department of Transportation.--There is created
28 a Department of Transportation which shall be a decentralized
29 agency.

30 (1)

31

1 (c) The secretary shall appoint three assistant
2 secretaries who shall be directly responsible to the secretary
3 and who shall perform such duties as are specified in this
4 section and such other duties as are assigned by the
5 secretary. The secretary may delegate to any assistant
6 secretary the authority to act in the absence of the
7 secretary. The department has the authority to adopt rules
8 necessary for the delegation of authority beyond the assistant
9 secretaries. The assistant secretaries shall serve at the
10 pleasure of the secretary.

11 (2)

12 (b) The commission shall have the primary functions
13 to:

14 1. Recommend major transportation policies for the
15 Governor's approval, and assure that approved policies and any
16 revisions thereto are properly executed.

17 2. Periodically review the status of the state
18 transportation system including highway, transit, rail,
19 seaport, intermodal development, and aviation components of
20 the system and recommend improvements therein to the Governor
21 and the Legislature.

22 3. Perform an in-depth evaluation of the annual
23 department budget request, the Florida Transportation Plan,
24 and the tentative work program for compliance with all
25 applicable laws and established departmental policies. Except
26 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
27 the commission may not consider individual construction
28 projects, but shall consider methods of accomplishing the
29 goals of the department in the most effective, efficient, and
30 businesslike manner.

31

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

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

9 6. Perform an in-depth evaluation of the factors
10 causing disruption of project schedules in the adopted work
11 program and recommend to the Legislature and the Governor
12 methods to eliminate or reduce the disruptive effects of these
13 factors.

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

26 (3)

27 (c) The secretary shall appoint an Assistant Secretary
28 for Transportation Policy, an Assistant Secretary for Finance
29 and Administration, and an Assistant Secretary for District
30 Operations, each of whom shall serve at the pleasure of the
31 secretary. The positions are responsible for developing,

1 monitoring, and enforcing policy and managing major technical
2 programs. The responsibilities and duties of these positions
3 include, but are not limited to, the following functional
4 areas:

5 1. Assistant Secretary for Transportation Policy.--
6 a. Development of the Florida Transportation Plan and
7 other policy planning;
8 b. Development of statewide modal systems plans,
9 including public transportation systems;
10 c. Design of transportation facilities;
11 d. Construction of transportation facilities; ~~and~~
12 e. Acquisition and management of transportation
13 rights-of-way; ~~and-~~
14 f. Administration of motor carrier compliance and
15 safety.

16 2. Assistant Secretary for District Operations.--
17 a. Administration of the eight districts; and
18 b. Implementation of the decentralization of the
19 department. ~~and~~
20 ~~c. Administration of motor carrier compliance and~~
21 ~~safety.~~

22 3. Assistant Secretary for Finance and
23 Administration.--
24 a. Financial planning and management;
25 b. Information systems;
26 c. Accounting systems;
27 d. Administrative functions; and
28 e. Administration of toll operations.
29 (d)1. Policy, program, or operations offices shall be
30 established within the central office for the purposes of:
31

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

1 prior to the beginning of construction and has direct or
2 shared access to the transportation project being constructed.
3 The assistance program shall be in the form of additional
4 guarantees to assist the impacted business entity in receiving
5 loans pursuant to Title 13 C.F.R. part 120. However, in no
6 instance shall the combined guarantees be greater than 90
7 percent of the loan. The department shall adopt rules to
8 implement this subparagraph.

9 Section 2. Effective July 1, 2000, paragraph (a) of
10 subsection (1) of section 212.031, Florida Statutes, is
11 amended to read:

12 212.031 Lease or rental of or license in real
13 property.--

14 (1)(a) It is declared to be the legislative intent
15 that every person is exercising a taxable privilege who
16 engages in the business of renting, leasing, letting, or
17 granting a license for the use of any real property unless
18 such property is:

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

20 2. Used exclusively as dwelling units.

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

23 4. Recreational property or the common elements of a
24 condominium when subject to a lease between the developer or
25 owner thereof and the condominium association in its own right
26 or as agent for the owners of individual condominium units or
27 the owners of individual condominium units. However, only the
28 lease payments on such property shall be exempt from the tax
29 imposed by this chapter, and any other use made by the owner
30 or the condominium association shall be fully taxable under
31 this chapter.

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

13 6. A public street or road which is used for
14 transportation purposes.

15 7. Property used at an airport exclusively for the
16 purpose of aircraft landing or aircraft taxiing or property
17 used by an airline for the purpose of loading or unloading
18 passengers or property onto or from aircraft or for fueling
19 aircraft.

20 8.a. Property used at a port authority, as defined in
21 s. 315.02(2), exclusively for the purpose of oceangoing
22 vessels or tugs docking, or such vessels mooring on property
23 used by a port authority for the purpose of loading or
24 unloading passengers or cargo onto or from such a vessel, or
25 property used at a port authority for fueling such vessels, or
26 to the extent that the amount paid for the use of any property
27 at the port is based on the charge for the amount of tonnage
28 actually imported or exported through the port by a tenant.

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

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

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

24 b. The design, planning, engineering, construction,
25 alteration, repair, and maintenance of real or personal
26 property including stages, sets, props, models, paintings, and
27 facilities principally required for the performance of those
28 services listed in sub-subparagraph a.; and

29 c. Property management services directly related to
30 property used in connection with the services described in
31 sub-subparagraphs a. and b.

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

14 11. Property occupied pursuant to an instrument
15 calling for payments which the department has declared, in a
16 Technical Assistance Advisement issued on or before March 15,
17 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c),
18 Florida Administrative Code; provided that this subparagraph
19 shall only apply to property occupied by the same person
20 before and after the execution of the subject instrument and
21 only to those payments made pursuant to such instrument,
22 exclusive of renewals and extensions thereof occurring after
23 March 15, 1993.

24 12. Property used as a travel center/truck stop
25 facility. As used in this subparagraph, the term "travel
26 center/truck stop facility" means any facility that has
27 declared its primary business activity, under s.
28 206.404(1)(g), as the sale of diesel fuel at retail, which
29 facility operates a minimum of 6 diesel fuel dispensers.

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

1 215.615 Fixed-guideway transportation systems
2 funding.--

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

19 (a) The department and any participating commuter rail
20 authority or regional transportation authority established
21 under chapter 343, local governments, or local governments
22 collectively by interlocal agreement having jurisdiction of a
23 fixed-guideway transportation system may enter into an
24 interlocal agreement to promote the efficient and
25 cost-effective financing or refinancing of fixed-guideway
26 transportation system projects by revenue bonds issued
27 pursuant to this subsection. The terms of such interlocal
28 agreements shall include provisions for the Department of
29 Transportation to request the issuance of the bonds on behalf
30 of the parties; shall provide that each party to the agreement
31 is contractually liable for an equal share of funding an

1 amount equal to the debt service requirements of such bonds;
2 and shall include any other terms, provisions, or covenants
3 necessary to the making of and full performance under such
4 interlocal agreement. Repayments made to the department under
5 any interlocal agreement are not pledged to the repayment of
6 bonds issued hereunder, and failure of the local governmental
7 authority to make such payment shall not affect the obligation
8 of the department to pay debt service on the bonds.

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

17 (c) The projects to be financed or refinanced with the
18 proceeds of the revenue bonds issued hereunder are designated
19 as state fixed capital outlay projects for purposes of s.
20 11(d), Art. VII of the State Constitution, and the specific
21 projects to be financed or refinanced shall be determined by
22 the Department of Transportation in accordance with state law
23 and appropriations from the State Transportation Trust Fund.
24 Each project to be financed with the proceeds of the bonds
25 issued pursuant to this subsection must first be approved by
26 the Legislature by an act of general law.

27 (d) Any complaint for validation of bonds issued
28 pursuant to this section shall be filed in the circuit court
29 of the county where the seat of state government is situated,
30 the notice required to be published by s. 75.06 shall be
31 published only in the county where the complaint is filed, and

1 the complaint and order of the circuit court shall be served
2 only on the state attorney of the circuit in which the action
3 is pending.

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

10 (f) This subsection supersedes any inconsistent
11 provisions in existing law.

12

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

20 Section 4. Section 215.617, Florida Statutes, is
21 created to read:

22 215.617 Bonds for the Florida Seaport Transportation
23 and Economic Development Program.--

24 (1) The Division of Bond Finance, on behalf of the
25 Department of Transportation, is authorized to issue revenue
26 bonds pursuant to s. 11, Art. VII of the State Constitution
27 and the State Bond Act for the purpose of financing or
28 refinancing fixed capital requirements of the Florida Seaport
29 Transportation and Economic Development Program as provided in
30 chapter 311 and s. 320.20(3) and (4), and funding seaport
31

1 access projects of statewide significance as provided in s.
2 341.053.

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

6 (3) Bonds issued pursuant to this section shall be
7 payable solely from funds pledged pursuant to s. 320.20(3) and

8 (4). Such funds shall be assigned and pledged as security and
9 deposited in trust with the State Board of Administration
10 pursuant to the terms of an agreement entered into among the
11 ports, the Department of Transportation, and the State Board
12 of Administration.

13 Section 5. Paragraph (a) of subsection (1) of section
14 255.20, Florida Statutes, is amended to read:

15 255.20 Local bids and contracts for public
16 construction works; specification of state-produced lumber.--

17 (1) A county, municipality, special district as
18 defined in chapter 189, or other political subdivision of the
19 state seeking to construct or improve a public building,
20 structure, or other public construction works must
21 competitively award to an appropriately licensed contractor
22 each project that is estimated in accordance with generally
23 accepted cost-accounting principles to have total construction
24 project costs of more than \$200,000. For electrical work,
25 local government must competitively award to an appropriately
26 licensed contractor each project that is estimated in
27 accordance with generally accepted cost-accounting principles
28 to have a cost of more than \$50,000. As used in this section,
29 the term "competitively award" means to award contracts based
30 on the submission of sealed bids, proposals submitted in
31 response to a request for proposal, proposals submitted in

1 response to a request for qualifications, or proposals
2 submitted for competitive negotiation. This subsection
3 expressly allows contracts for construction management
4 services, design/build contracts, continuation contracts based
5 on unit prices, and any other contract arrangement with a
6 private sector contractor permitted by any applicable
7 municipal or county ordinance, by district resolution, or by
8 state law. For purposes of this section, construction costs
9 include the cost of all labor, except inmate labor, and
10 include the cost of equipment and materials to be used in the
11 construction of the project. Subject to the provisions of
12 subsection (3), the county, municipality, special district, or
13 other political subdivision may establish, by municipal or
14 county ordinance or special district resolution, procedures
15 for conducting the bidding process.

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

17 1. When the project is undertaken to replace,
18 reconstruct, or repair an existing facility damaged or
19 destroyed by a sudden unexpected turn of events, such as an
20 act of God, riot, fire, flood, accident, or other urgent
21 circumstances, and such damage or destruction creates:

22 a. An immediate danger to the public health or safety;

23 b. Other loss to public or private property which
24 requires emergency government action; or

25 c. An interruption of an essential governmental
26 service.

27 2. When, after notice by publication in accordance
28 with the applicable ordinance or resolution, the governmental
29 entity does not receive any responsive bids or responses.

30 3. To construction, remodeling, repair, or improvement
31 to a public electric or gas utility system when such work on

1 the public utility system is performed by personnel of the
2 system.

3 4. To construction, remodeling, repair, or improvement
4 by a utility commission whose major contracts are to construct
5 and operate a public electric utility system.

6 5. When the project is undertaken as repair or
7 maintenance of an existing public facility.

8 6. When the project is undertaken exclusively as part
9 of a public educational program.

10 7. When the funding source of the project will be
11 diminished or lost because the time required to competitively
12 award the project after the funds become available exceeds the
13 time within which the funding source must be spent.

14 8. When the local government has competitively awarded
15 a project to a private sector contractor and the contractor
16 has abandoned the project before completion or the local
17 government has terminated the contract.

18 9. When the governing board of the local government,
19 after public notice, conducts a public meeting under s.
20 286.011 and finds by a majority vote of the governing board
21 that it is in the public's best interest to perform the
22 project using its own services, employees, and equipment. The
23 public notice must be published at least 14 days prior to the
24 date of the public meeting at which the governing board takes
25 final action to apply this subparagraph. The notice must
26 identify the project, the estimated cost of the project, and
27 specify that the purpose for the public meeting is to consider
28 whether it is in the public's best interest to perform the
29 project using the local government's own services, employees,
30 and equipment. In deciding whether it is in the public's best
31 interest for local government to perform a project using its

1 own services, employees, and equipment, the governing board
2 may consider the cost of the project, whether the project
3 requires an increase in the number of government employees, an
4 increase in capital expenditures for public facilities,
5 equipment or other capital assets, the impact on local
6 economic development, the impact on small and minority
7 business owners, the impact on state and local tax revenues,
8 whether the private sector contractors provide health
9 insurance and other benefits equivalent to those provided by
10 the local government, and any other factor relevant to what is
11 in the public's best interest.

12 10. When the governing board of the local government
13 determines upon consideration of specific substantive criteria
14 and administrative procedures that it is in the best interest
15 of the local government to award the project to an
16 appropriately licensed private sector contractor according to
17 procedures established by and expressly set forth in a
18 charter, ordinance, or resolution of the local government
19 adopted prior to July 1, 1994. The criteria and procedures
20 must be set out in the charter, ordinance, or resolution and
21 must be applied uniformly by the local government to avoid
22 award of any project in an arbitrary or capricious manner.
23 This exception shall apply when all of the following occur:

24 a. When the governing board of the local government,
25 after public notice, conducts a public meeting under s.
26 286.011 and finds by a two-thirds vote of the governing board
27 that it is in the public's best interest to award the project
28 according to the criteria and procedures established by
29 charter, ordinance, or resolution. The public notice must be
30 published at least 14 days prior to the date of the public
31 meeting at which the governing board takes final action to

1 apply this subparagraph. The notice must identify the
2 project, the estimated cost of the project, and specify that
3 the purpose for the public meeting is to consider whether it
4 is in the public's best interest to award the project using
5 the criteria and procedures permitted by the preexisting
6 ordinance.

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

10 (I) There is one appropriately licensed contractor who
11 is uniquely qualified to undertake the project because that
12 contractor is currently under contract to perform work that is
13 affiliated with the project; or

14 (II) The time to competitively award the project will
15 jeopardize the funding for the project, or will materially
16 increase the cost of the project or will create an undue
17 hardship on the public health, safety, or welfare.

18 c. In the event the project is to be awarded by any
19 method other than a competitive selection process, the
20 published notice must clearly specify the ordinance or
21 resolution by which the private sector contractor will be
22 selected and the criteria to be considered.

23 d. In the event the project is to be awarded by a
24 method other than a competitive selection process, the
25 architect or engineer of record has provided a written
26 recommendation that the project be awarded to the private
27 sector contractor without competitive selection; and the
28 consideration by, and the justification of, the government
29 body are documented, in writing, in the project file and are
30 presented to the governing board prior to the approval
31 required in this paragraph.

1 11. To projects subject to chapter 336.

2 Section 6. Subsections (2) and (6) of section 311.07,
3 Florida Statutes, are amended to read:

4 311.07 Florida seaport transportation and economic
5 development funding.--

6 (2) A minimum of \$8 million per year shall be made
7 available from the State Transportation Trust Fund to fund the
8 Florida Seaport Transportation and Economic Development
9 Program and shall be deposited in the Florida Seaport
10 Transportation and Economic Development Trust Fund within the
11 department.

12 (6) The funding for the program provided in this
13 section and in s. 320.20(3) and (4), shall be held in the
14 Florida Seaport Transportation and Economic Development Trust
15 Fund and reviewed by the Department of Transportation prior to
16 disbursement to the ports. The department shall subject any
17 project that receives funds pursuant to this section to a
18 final audit. The department may adopt rules and perform such
19 other acts as are necessary or convenient to ensure that the
20 final audits are conducted and that any deficiency or
21 questioned costs noted by the audit are resolved.

22 Section 7. Subsections (9) and (10) of section 311.09,
23 Florida Statutes, are amended to read:

24 311.09 Florida Seaport Transportation and Economic
25 Development Council.--

26 (9)(a) The council shall review the findings of the
27 Department of Community Affairs; the Office of Tourism, Trade,
28 and Economic Development; and the Department of
29 Transportation. Projects found to be inconsistent pursuant to
30 subsections (6), (7), and (8) and projects which have been
31 determined not to offer an economic benefit to the state

1 pursuant to subsection (8) shall not be included in the list
2 of projects recommended to be funded.

3 (b) The council shall submit the list of projects to
4 the Department of Transportation and the Office of Tourism,
5 Trade, and Economic Development for review based on the
6 relative merits of each project from a statewide
7 transportation and economic benefit perspective. The
8 Department of Transportation and the Office of Tourism, Trade,
9 and Economic Development may add, delete, or reprioritize
10 projects as determined to be appropriate. The list of approved
11 projects shall be included in the Florida Seaport Mission
12 Plan.

13 (10) The Department of Transportation shall include in
14 its annual legislative budget request a Florida Seaport
15 Transportation and Economic Development grant program for
16 expenditure of funds of not less than \$8 million per year.
17 Such budget shall include funding for projects approved
18 pursuant to paragraph (9)(b)~~by the council~~ which have been
19 determined by each agency to be consistent and which have been
20 determined by the Office of Tourism, Trade, and Economic
21 Development to be economically beneficial. The council may
22 submit to the department a list of approved projects that
23 could be made production-ready within the next 2 years. The
24 list shall be submitted as part of the needs and project list
25 prepared pursuant to s. 339.135.

26 Section 8. Effective July 1, 2001, section 316.228,
27 Florida Statutes, is amended to read:

28 316.228 Lamps or flags on projecting load.--

29 (1) Except as provided in subsection (2), whenever the
30 load upon any vehicle extends to the rear 4 feet or more
31 beyond the bed or body of such vehicle, there shall be

1 displayed at the extreme rear end of the load, at the times
2 specified in s. 316.217, two red lamps visible from a distance
3 of at least 500 feet to the rear, two red reflectors visible
4 at night from all distances within 600 feet to 100 feet to the
5 rear when directly in front of lawful lower beams of headlamps
6 and located so as to indicate maximum width, and on each side
7 one red lamp visible from a distance of at least 500 feet to
8 the side and located so as to indicate maximum overhang.
9 There shall be displayed at all other times on any vehicle
10 having a load which extends beyond its sides or more than 4
11 feet beyond its rear, red flags, not less than 12 inches
12 square, marking the extremities of such load, at each point
13 where a lamp would otherwise be required by this section. ~~A~~
14 ~~violation of this section is a noncriminal traffic infraction,~~
15 ~~punishable as a nonmoving violation as provided in chapter~~
16 ~~318.~~

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

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

4 Section 9. Paragraph (b) of subsection (1) and
5 subsections (5) and (8) of section 316.302, Florida Statutes,
6 are amended to read:

7 316.302 Commercial motor vehicles; safety regulations;
8 transporters and shippers of hazardous materials;
9 enforcement.--

10 (1)

11 (b) Except as otherwise provided in this section, all
12 owners or drivers of commercial motor vehicles that are
13 engaged in intrastate commerce are subject to the rules and
14 regulations contained in 49 C.F.R. parts 382, 385, and
15 390-397, with the exception of 49 C.F.R. s. 390.5 as it
16 relates to the definition of bus, as such rules and
17 regulations existed on March 1, 2000 ~~1999~~.

18 (5) The Department of Transportation may adopt and
19 revise rules to assure the safe operation of commercial motor
20 vehicles. The Department of Transportation may enter into
21 cooperative agreements as provided in 49 C.F.R. part 388.
22 Department of Transportation personnel may conduct motor
23 carrier and shipper terminal audits only for the purpose of
24 determining compliance with 49 C.F.R. parts 171, 172, 173,
25 177, 178, 180, 382, 385, 391, 393, 396, and 397; 49 C.F.R. s.
26 395.1(e)(5); and s. 627.7415.

27 (8) Any Department of Transportation law enforcement
28 officer ~~agent of the Department of Transportation described in~~
29 ~~s. 316.545(9)~~, any member of the Florida Highway Patrol, or
30 any person employed by a sheriff's office or municipal police
31 department who is authorized to enforce the traffic laws of

1 this state pursuant to s. 316.640 may enforce the provisions
2 of this section. Any law enforcement officer who is of the
3 ~~Department of Transportation described in s. 316.545(9), any~~
4 ~~member of the Florida Highway Patrol, or any law enforcement~~
5 ~~officer employed by a sheriff's office or municipal police~~
6 ~~department~~ authorized to enforce the traffic laws of this
7 state pursuant to s. 316.640 and, who has reason to believe
8 that a vehicle or driver is operating in an unsafe condition,
9 may require the driver to stop and submit to an inspection of
10 the vehicle or the driver's records. Any person who fails to
11 comply with an officer's request to submit to an inspection
12 under this subsection is guilty of a violation of s. 843.02 if
13 the driver resists the officer without violence or a violation
14 of s. 843.01 if the driver resists the officer with violence.
15 If the vehicle is found to be in an unsafe condition, or if
16 any required part or equipment is not present or is not in
17 proper repair or adjustment, and the continued operation would
18 probably present an unduly hazardous operating condition, the
19 officer may require the vehicle to be immediately repaired or
20 removed from use. However, if continued operation would not
21 present an unduly hazardous operating condition, the officer
22 may give written notice to require proper repair and
23 adjustment of the vehicle within 14 days.

24 Section 10. Subsection (2) and paragraph (a) of
25 subsection (3) of section 316.515, Florida Statutes, are
26 amended to read:

27 316.515 Maximum width, height, length.--

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

30 However, an automobile transporter may, ~~with a permit from the~~

31

1 ~~Department of Transportation~~, measure a height not to exceed
2 14 feet, inclusive of the load carried thereon.

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

1 semitrailer combination wherein the fifth wheel is located on
2 a drop frame located behind and below the rearmost axle of the
3 power unit. Notwithstanding paragraphs (a) and (b), any
4 straight truck or truck tractor-semitrailer combination
5 engaged in the transportation of horticultural trees may allow
6 the load to extend up to an additional 10 feet beyond the rear
7 of the vehicle, provided said trees are resting against a
8 retaining bar mounted above the truck bed so that the root
9 balls of the trees rest on the floor and to the front of the
10 truck bed and the tops of the trees extend up over and to the
11 rear of the truck bed, and provided the overhanging portion of
12 the load is covered with protective fabric.

13 (a) Straight trucks.--No straight truck may exceed a
14 length of 40 feet in extreme overall dimension, exclusive of
15 safety and energy conservation devices approved by the
16 department for use on vehicles using public roads. A straight
17 truck may tow no more than one trailer, and such trailer may
18 not exceed a length of 28 feet. However, such trailer
19 limitation does not apply if the overall length of the
20 truck-trailer combination is 65 feet or less, including the
21 load thereon. Notwithstanding any other provisions of this
22 section, a truck-trailer combination engaged in the
23 transportation of boats, or of boat trailers with a design
24 that requires a front-to-rear trailer stacking method, shall
25 not exceed the length limitations of this paragraph exclusive
26 of the load; however, the load may extend up to an additional
27 6 feet beyond the rear of the trailer.

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

30 316.516 Width, height, and length; inspection;
31 penalties.--

1 (1) Any law enforcement officer, as prescribed in s.
2 316.640, ~~or any weight and safety officer of the Department of~~
3 ~~Transportation, as prescribed in s. 316.545(1)~~, who has reason
4 to believe that the width, height, or length of a vehicle or
5 combination of vehicles and the load thereon is not in
6 conformance with s. 316.515 is authorized to require the
7 driver to stop and submit such vehicle and load to measurement
8 of its width, height, or length.

9 Section 12. Subsections (1) and (9) of section
10 316.545, Florida Statutes, are amended to read:

11 316.545 Weight and load unlawful; special fuel and
12 motor fuel tax enforcement; inspection; penalty; review.--

13 (1) Any law enforcement ~~weight and safety~~ officer of
14 the Department of Transportation having reason to believe that
15 the weight of a vehicle and load is unlawful is authorized to
16 require the driver to stop and submit to a weighing of the
17 same by means of either portable or fixed scales and may
18 require that such vehicle be driven to the nearest weigh
19 station or public scales, provided such a facility is within 5
20 highway miles. Upon a request by the vehicle driver, the
21 officer shall weigh the vehicle at fixed scales rather than by
22 portable scales if such a facility is available within 5
23 highway miles. Anyone who refuses to submit to such weighing
24 obstructs an officer pursuant to s. 843.02 and is guilty of a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083. Anyone who knowingly and willfully
27 resists, obstructs, or opposes a law enforcement ~~weight and~~
28 ~~safety~~ officer while refusing to submit to such weighing by
29 resisting the officer with violence to the officer's person
30 pursuant to s. 843.01 is guilty of a felony of the third
31

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 (9) Any agent of the Department of Transportation who
4 is employed as a ~~for the purpose of being a weight and safety~~
5 ~~officer and who meets the qualifications established by law~~
6 ~~for law enforcement officer~~ officers shall have the same
7 arrest powers as are granted any law enforcement officer.
8 However, the primary purpose of such officers shall be the
9 enforcement ~~for the purpose of enforcing the provisions of~~
10 weight, load, safety, commercial motor vehicle registration,
11 and fuel tax compliance laws.

12 Section 13. Subsection (3) of section 316.610, Florida
13 Statutes, is repealed.

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

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

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

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

1 project completed with the use of program funds, beyond
2 operating costs and debt service, shall be restricted to
3 further port capital improvements consistent with maritime
4 purposes and for no other purpose. Use of such income for
5 nonmaritime purposes is prohibited. The provisions of s.
6 311.07(4) do not apply to any funds received pursuant to this
7 subsection. The Department of Transportation is authorized to
8 refund or assume the outstanding Series 1996 and 1999 Florida
9 Ports Financing Commission debt. The \$15 million annual
10 transfer to the participating ports presently assigned and
11 pledged for debt service shall continue to be pledged as
12 security upon either a refund or assumption of the outstanding
13 debt. Any revenue bonds or other indebtedness issued after
14 July 1, 2000, shall be issued by the Department of
15 Transportation pursuant to s. 215.617, with the proceeds
16 deposited in the Florida Seaport Transportation and Economic
17 Development Trust Fund.

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

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

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

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

12 (d) For seaport intermodal access projects that
13 involve the dredging or deepening of channels, turning basins,
14 or harbors; or the rehabilitation of wharves, docks, or
15 similar structures. Funding for such projects shall require a
16 25 percent match of the funds received pursuant to this
17 subsection. Matching funds shall come from any port funds,
18 federal funds, local funds, or private funds.

19
20 Such revenues may be assigned, pledged, or set aside as a
21 trust for the payment of principal or interest on bonds, tax
22 anticipation certificates, or any other form of indebtedness
23 issued by the Department of Transportation, an individual port
24 or appropriate local government having jurisdiction thereof,
25 or collectively by interlocal agreement among any of the
26 ports, or used to purchase credit support to permit such
27 borrowings. However, such debt shall not constitute a general
28 obligation of the state. This state does hereby covenant with
29 holders of such revenue bonds or other instruments of
30 indebtedness issued hereunder that it will not repeal or
31 impair or amend this subsection in any manner which will

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

1 powers provided to municipalities or counties in s.
2 163.01(7)(d) subject to the provisions of chapter 311 and
3 special acts, if any, pertaining to a port. The use of funds
4 provided pursuant to this subsection is limited to eligible
5 projects listed in this subsection. The provisions of s.
6 311.07(4) do not apply to any funds received pursuant to this
7 subsection. The Department of Transportation is authorized to
8 refund or assume the outstanding Series 1996 and 1999 Florida
9 Ports Financing Commission debt. The \$10 million annual
10 transfer to the participating ports presently assigned and
11 pledged for debt service shall continue to be pledged as
12 security upon either a refund or assumption of the outstanding
13 debt. Any revenue bonds or other indebtedness issued after
14 July 1, 2000, shall be issued by the Department of
15 Transportation pursuant to s. 215.617, with the proceeds
16 deposited in the Florida Seaport Transportation and Economic
17 Development Trust Fund. The Florida Seaport Transportation and
18 Economic Development Council shall transfer all existing bond
19 proceeds held by the trustee, as of July 1, 2000, after
20 securing the necessary approvals within the bond indenture for
21 the Series 1996 and 1999 Florida Ports Financing Commission
22 debt, to the Florida Seaport Transportation and Economic
23 Development Trust Fund.

24 Section 15. Paragraph (a) of subsection (1) and
25 paragraph (a) of subsection (2) of section 330.30, Florida
26 Statutes, are amended to read:

27 330.30 Approval of airport sites and licensing of
28 airports; fees.--

29 (1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE
30 PERIOD, REVOCATION.--

31

1 (a) Except as provided in paragraph (2)(c) and
2 subsection (3), the owner or lessee of any proposed airport
3 shall, prior to the acquisition of the site or prior to the
4 construction or establishment of the proposed airport, obtain
5 approval of the airport site from the department.
6 Applications for approval of a site must ~~and for an original~~
7 ~~license shall~~ be ~~jointly~~ made on a form prescribed by the
8 department and must ~~shall~~ be accompanied by a site approval
9 fee of \$100. The department, after inspection of the airport
10 site shall grant the site approval if it is satisfied:
11 1. That the site is adequate for the proposed airport;
12 2. That the proposed airport, if constructed or
13 established, will conform to minimum standards of safety and
14 will comply with applicable county or municipal zoning
15 requirements;
16 3. That all nearby airports, municipalities, and
17 property owners have been notified and any comments submitted
18 by them have been given adequate consideration; and
19 4. That safe air-traffic patterns can be worked out
20 for the proposed airport and for all existing airports and
21 approved airport sites in its vicinity.

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

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

1 receiving the appropriate license fee, the department shall
2 issue a license to the applicant, subject to any reasonable
3 conditions that the department may deem necessary to protect
4 the public health, safety, or welfare.

5 Section 16. Subsection (4) of section 332.004, Florida
6 Statutes, is amended to read:

7 332.004 Definitions of terms used in ss.

8 332.003-332.007.--As used in ss. 332.003-332.007, the term:

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

28 Section 17. Subsection (5) of section 334.044, Florida
29 Statutes, is amended, and paragraph (c) is added to subsection
30 (10) of said section, to read:

31

1 334.044 Department; powers and duties.--The department
2 shall have the following general powers and duties:

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

12 (10)

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

15 Section 18. Subsection (4) is added to section
16 334.187, Florida Statutes, to read:

17 334.187 Guarantee of obligations to the department.--

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

21 Section 19. Subsection (3) of section 335.02, Florida
22 Statutes, is amended to read:

23 335.02 Authority to designate transportation
24 facilities and rights-of-way and establish lanes; procedure
25 for redesignation and relocation.--

26 (3) The department may establish standards for lanes
27 on the State Highway System, including the Florida Intrastate
28 Highway System established pursuant to s. 338.001. In
29 determining the number of lanes for any regional corridor or
30 section of highway on the State Highway System to be funded by
31 the department with state or federal funds, the department

- 1 shall evaluate all alternatives and seek to achieve the
2 highest degree of efficient mobility for corridor users. In
3 conducting the analysis, the department must give
4 consideration to the following factors consistent with sound
5 engineering principles:
- 6 (a) Overall economic importance of the corridor as a
7 trade or tourism corridor.
- 8 (b) Safety of corridor users, including the importance
9 of the corridor for evacuation purposes.
- 10 (c) Cost-effectiveness of alternative methods of
11 increasing the mobility of corridor users.
- 12 (d) Current and projected traffic volumes on the
13 corridor.
- 14 (e) Multimodal alternatives.
- 15 (f) Use of intelligent transportation technology in
16 increasing the efficiency of the corridor.
- 17 (g) Compliance with state and federal policies related
18 to clean air, environmental impacts, growth management,
19 livable communities, and energy conservation.
- 20 (h) Addition of special use lanes, such as exclusive
21 truck lanes, high-occupancy-vehicle toll lanes, and exclusive
22 interregional traffic lanes.
- 23 (i) Availability and cost of rights-of-way, including
24 associated costs, and the most effective use of existing
25 rights-of-way.
- 26 (j) Regional economic and transportation objectives,
27 where articulated.
- 28 (k) The future land use plan element of local
29 government comprehensive plans, as appropriate, including
30 designated urban infill and redevelopment areas.
31

1 (l) The traffic circulation element, if applicable, of
2 local government comprehensive plans, including designated
3 transportation corridors and public transportation corridors.

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

6
7 This subsection does not preclude a number of lanes in excess
8 of 10 lanes, but an additional factor that must be considered
9 before the department may determine that the number of lanes
10 should be more than 10 is the capacity to accommodate in the
11 future alternative forms of transportation within existing or
12 potential rights-of-way.~~The standards may include the maximum~~
13 ~~number of lanes to be provided by state funds and access~~
14 ~~requirements for such facilities.~~

15 Section 20. Subsections (3), (4), and (5) of section
16 335.141, Florida Statutes, are 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 ~~(3)(4) Jurisdiction to enforce such orders shall be as~~
29 ~~provided in s. 316.640, and any penalty for violation thereof~~
30 ~~shall be imposed upon the railroad company guilty of such~~
31 ~~violation.~~ Nothing herein shall prevent a local governmental

1 entity from enacting ordinances relating to the blocking of
2 streets by railroad engines and cars.

3 (4)~~(5)~~ Any local governmental entity or other public
4 or private agency planning a public event, such as a parade or
5 race, that involves the crossing of a railroad track shall
6 notify the railroad as far in advance of the event as possible
7 and in no case less than 72 hours in advance of the event so
8 that the coordination of the crossing may be arranged by the
9 agency and railroad to assure the safety of the railroad
10 trains and the participants in the event.

11 Section 21. Paragraph (b) of subsection (1) of section
12 336.025, Florida Statutes, is amended to read:

13 336.025 County transportation system; levy of local
14 option fuel tax on motor fuel and diesel fuel.--

15 (1)

16 (b) In addition to other taxes allowed by law, there
17 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
18 3-cent, 4-cent, or 5-cent local option fuel tax upon every
19 gallon of motor fuel sold in a county and taxed under the
20 provisions of part I of chapter 206. The tax shall be levied
21 by an ordinance adopted by a majority plus one vote of the
22 membership of the governing body of the county or by
23 referendum.

24 1. The tax shall be levied before July 1, to be
25 effective January 1 of the following year. However, levies of
26 the tax which were in effect on July 1, 1996, and which expire
27 on August 31 of any year may be reimposed effective September
28 1 of the year of expiration.

29 2. The county may, prior to levy of the tax, establish
30 by interlocal agreement with one or more municipalities
31 located therein, representing a majority of the population of

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

21 3. County and municipal governments shall utilize
22 moneys received pursuant to this paragraph only for
23 transportation expenditures needed to meet the requirements of
24 the capital improvements element of an adopted comprehensive
25 plan. For purposes of this paragraph, expenditures for the
26 construction of new roads, ~~or~~ the reconstruction or
27 resurfacing of existing paved roads, or the paving of existing
28 graded roads when undertaken in part to relieve or mitigate
29 existing or potential adverse environmental impacts, shall be
30 deemed to increase capacity and such projects shall be
31 included in the capital improvements element of an adopted

1 comprehensive plan. Expenditures for purposes of this
2 paragraph shall not include routine maintenance of roads.

3 Section 22. Subsection (4) is added to section 336.41,
4 Florida Statutes, to read:

5 336.41 Counties; employing labor and providing road
6 equipment; definitions.--

7 (4)(a) For contracts in excess of \$250,000, any
8 governmental entity or authority may require that persons
9 interested in performing work under the contract first be
10 certified or qualified to do the work. Any contractor
11 prequalified by the department to perform the type of work
12 described under the contract shall be presumed to be qualified
13 to perform the work so described. That presumption may only be
14 overcome by clear and convincing evidence to the contrary
15 supported by findings of fact and conclusions of law.

16 (b) The governmental entity or authority shall publish
17 prequalification criteria and procedures prior to
18 advertisement or notice of solicitation. Such publications
19 shall include notice of a public hearing for comment on such
20 criteria and procedures prior to adoption. The procedures
21 shall provide for an appeal process within the governmental
22 entity or authority for objections to the prequalification
23 process with de novo appeal to the circuit court.

24 (c) The contracting entity shall also publish for
25 comment, prior to adoption, the selection criteria and
26 procedures to be used by the governmental entity or authority
27 if such procedures would allow selection of other than the
28 lowest responsible bidder. The selection criteria shall
29 include an appeal process within the contracting entity with
30 de novo appeal to the circuit court.

31

1 Section 23. Subsection (2) of section 336.44, Florida
2 Statutes, is amended to read:

3 336.44 Counties; contracts for construction of roads;
4 procedure; contractor's bond.--

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

11 Section 24. Section 337.025, Florida Statutes, is
12 amended to read:

13 337.025 Innovative highway projects; department to
14 establish program.--The department is authorized to establish
15 a program for highway projects demonstrating innovative
16 techniques of highway construction, maintenance, and finance
17 which have the intended effect of controlling time and cost
18 increases on construction projects. Such techniques may
19 include, but are not limited to, state-of-the-art technology
20 for pavement, safety, and other aspects of highway
21 construction and maintenance; innovative bidding and financing
22 techniques; accelerated construction procedures; and those
23 techniques that have the potential to reduce project life
24 cycle costs. To the maximum extent practical, the department
25 must use the existing process to award and administer
26 construction and maintenance contracts. When specific
27 innovative techniques are to be used, the department is not
28 required to adhere to those provisions of law that would
29 prevent, preclude, or in any way prohibit the department from
30 using the innovative technique. However, prior to using an
31 innovative technique that is inconsistent with another

1 provision of law, the department must document in writing the
2 need for the exception and identify what benefits the
3 traveling public and the affected community are anticipated to
4 receive. The department may enter into no more than \$120
5 million in contracts annually for the purposes authorized by
6 this section.

7 Section 25. Paragraph (a) of subsection (7) of section
8 337.11, Florida Statutes, is amended to read:

9 337.11 Contracting authority of department; bids;
10 emergency repairs, supplemental agreements, and change orders;
11 combined design and construction contracts; progress payments;
12 records; requirements of vehicle registration.--

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

28 Section 26. Subsection (4) of section 337.14, Florida
29 Statutes, is amended, and subsection (9) is added to said
30 section, to read:

31

1 337.14 Application for qualification; certificate of
2 qualification; restrictions; request for hearing.--

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

21 (9)(a) Notwithstanding any other law to the contrary,
22 for contracts in excess of \$250,000, an authority created
23 pursuant to chapter 348 or chapter 349 may require that
24 persons interested in performing work under the contract first
25 be certified or qualified to do the work. Any contractor
26 prequalified by the department to perform the type of work
27 described under the contract shall be presumed to be qualified
28 to perform the work so described. That presumption may only be
29 overcome by clear and convincing evidence to the contrary
30 supported by findings of fact and conclusions of law.

31

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

9 **(c) The contracting entity shall also publish for**
10 **comment, prior to adoption, the selection criteria and**
11 **procedures to be used by the authority if such procedures**
12 **would allow selection of other than the lowest responsible**
13 **bidder. The selection criteria shall include an appeal process**
14 **within the contracting entity with de novo appeal to the**
15 **circuit court.**

16
17 **The provisions of this subsection shall only apply to**
18 **contracts which are advertised for prequalification by an**
19 **authority on or after July 1, 2000.**

20 Section 27. Section 337.175, Florida Statutes, is
21 amended to read:

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

31

1 Section 28. Subsection (1) of section 337.18, Florida
2 Statutes, is amended to read:

3 337.18 Surety bonds; requirement with respect to
4 contract award; defaults; damage assessments.--

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

30 Section 29. Subsection (1) of section 338.155, Florida
31 Statutes, is amended to read:

1 338.155 Payment of toll on toll facilities required;
2 exemptions.--

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

22 Section 30. Subsection (1) of section 338.161, Florida
23 Statutes, is amended to read:

24 338.161 Authority of department to advertise and
25 promote electronic toll collection.--

26 (1) The department is authorized to incur expenses for
27 paid advertising, marketing, and promotion of toll facilities
28 and electronic toll collection products and services.
29 Promotions may include discounts and free products.

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

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

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

11 Section 32. Paragraph (c) of subsection (4) of section
12 339.12, Florida Statutes, is amended to read:

13 339.12 Aid and contributions by governmental entities
14 for department projects; federal aid.--

15 (4)

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

30 Section 33. Paragraphs (b) and (f) of subsection (4)
31 of section 339.135, Florida Statutes, are amended to read:

1 339.135 Work program; legislative budget request;
2 definitions; preparation, adoption, execution, and
3 amendment.--

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

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

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

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

30 3.4. The department may include in the tentative work
31 program proposed changes to the programs contained in the

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

21 ~~4.5.~~ The tentative work program must include a
22 balanced 36-month forecast of cash and expenditures and a
23 5-year finance plan supporting the tentative work program.

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

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

19 Section 34. Paragraph (c) of subsection (6) of section
20 339.155, Florida Statutes, is amended to read:

21 339.155 Transportation planning.--

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

24 (c) Opportunity for design hearings:

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

30
31

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

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

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

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

17 Section 35. Subsections (8) and (10) of section
18 341.031, Florida Statutes, are amended to read:

19 341.031 Definitions.--As used in ss. 341.011-341.061,
20 the term:

21 (8) "Public transit service development project" means
22 a project undertaken by a public agency to determine whether a
23 new or innovative technique or measure can be utilized to
24 improve or expand public transit services to its constituency.
25 The duration of the project shall be limited according to the
26 type of the project in conformance with the provisions of s.
27 341.051(5)(~~e~~)(~~f~~), but in no case shall exceed a period of 3
28 years. Public transit service development projects
29 specifically include projects involving the utilization of new
30 technologies, services, routes, or vehicle frequencies; the
31 purchase of special transportation services; and other such

1 techniques for increasing service to the riding public as are
2 applicable to specific localities and transit user groups.

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

19 Section 36. Subsection (5) of section 341.051, Florida
20 Statutes, is amended to read:

21 341.051 Administration and financing of public transit
22 programs and projects.--

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

24 (a) The department may fund up to 50 percent of the
25 nonfederal share of the costs, not to exceed the local share,
26 of any eligible public transit capital project or commuter
27 assistance project that is local in scope; except, however,
28 that departmental participation in the final design,
29 right-of-way acquisition, and construction phases of an
30 individual fixed-guideway project which is not approved for
31

1 federal funding shall not exceed an amount equal to 12.5
2 percent of the total cost of each phase.

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

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

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

18 3. ~~Methods for evaluating alternative transit systems~~
19 ~~including an analysis of technology and alternative methods~~
20 ~~for providing transit services in the corridor.~~

21 (b)(c) The department may ~~is authorized to~~ fund up to
22 100 percent of the cost of any eligible transit capital
23 project or commuter assistance project that is statewide in
24 scope or involves more than one county where no other
25 governmental entity or appropriate jurisdiction exists.

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

1 (d)~~(e)~~ The department may ~~is authorized to~~ fund up to
2 100 percent of the capital and net operating costs of
3 statewide transit service development projects or transit
4 corridor projects. All transit service development projects
5 must ~~shall~~ be specifically identified by way of a departmental
6 appropriation request, and transit corridor projects must
7 ~~shall~~ be identified as part of the planned improvements on
8 each transportation corridor designated by the department.
9 The project objectives, the assigned operational and financial
10 responsibilities, the timeframe required to develop the
11 required service, and the criteria by which the success of the
12 project will be judged must ~~shall~~ be documented by the
13 department for each such transit service development project
14 or transit corridor project.

15 (e)~~(f)~~ The department may ~~is authorized to~~ fund up to
16 50 percent of the capital and net operating costs of transit
17 service development projects that are local in scope and that
18 will improve system efficiencies, ridership, or revenues. All
19 such projects must ~~shall~~ be identified in the appropriation
20 request of the department through a specific program of
21 projects, as provided for in s. 341.041, which ~~that~~ is
22 selectively applied in the following functional areas and is
23 subject to the specified times of duration:

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

29 2. Improving system maintenance procedures, including,
30 but not limited to, effective preventive maintenance programs,
31 improved mechanics training programs, decreasing service

1 repair calls, decreasing parts inventory requirements, and
2 decreasing equipment downtime, for a period of up to 3 years;

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

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

12
13 For purposes of this section, the term "net operating costs"
14 means all operating costs of a project less any federal funds,
15 fares, or other sources of income to the project.

16 Section 37. Subsection (10) of section 341.302,
17 Florida Statutes, is amended to read:

18 341.302 Rail program, duties and responsibilities of
19 the department.--The department, in conjunction with other
20 governmental units and the private sector, shall develop and
21 implement a rail program of statewide application designed to
22 ensure the proper maintenance, safety, revitalization, and
23 expansion of the rail system to assure its continued and
24 increased availability to respond to statewide mobility needs.
25 Within the resources provided pursuant to chapter 216, and as
26 authorized under Title 49 C.F.R. part 212, the department
27 shall:

28 (10) Administer rail operating and construction
29 programs, which programs shall include ~~the regulation of~~
30 ~~maximum train operating speeds,~~ the opening and closing of
31 public grade crossings, the construction and rehabilitation of

1 public grade crossings, and the installation of traffic
2 control devices at public grade crossings, ~~the administering~~
3 ~~of the programs by the department~~ including participation in
4 the cost of the programs.

5 Section 38. Subsection (2) of section 343.63, Florida
6 Statutes, is amended to read:

7 343.63 Central Florida Regional Transportation
8 Authority.--

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

12 (a) The county commissions of Seminole, Orange, and
13 Osceola Counties shall each elect a commissioner as that
14 commission's representative on the board. The commissioner
15 must be a member of the county commission when elected and for
16 the full extent of his or her term. The terms of the county
17 commissioners on the governing board of the authority shall be
18 2 years.

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

23 (c) The Governor shall appoint five ~~two~~ members to the
24 board ~~who are residents and qualified electors in the area~~
25 ~~served by the board.~~ Two of the members shall be residents of
26 Orange County, one member shall be a resident of Seminole
27 County, one member shall be a resident of Osceola County, and
28 one member shall be a resident of the City of Orlando. All
29 five members ~~One of the members initially appointed by the~~
30 ~~Governor shall serve a term of 2 years, and the other shall~~
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1 serve a term of 4 years. ~~Thereafter, members appointed by the~~
2 ~~Governor shall serve a term of 4 years.~~

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

7 Section 39. Subsection (6) is added to section 343.64,
8 Florida Statutes, to read:

9 343.64 Powers and duties.--

10 (6) The authority, through a resolution of its
11 governing board, may elect to expand its service area and
12 board partnership with any county which is a contiguous county
13 to the existing Central Florida Regional Transportation
14 Authority service area. The board shall determine the
15 conditions and terms, including the number of representatives
16 of such partnership.

17 Section 40. Subsection (3) of section 351.03, Florida
18 Statutes, is amended to read:

19 351.03 Railroad-highway grade-crossing warning signs
20 and signals; audible warnings; exercise of reasonable care;
21 blocking highways, roads, and streets during darkness.--

22 (3) Except as provided in subsection (4), any railroad
23 train approaching ~~within 1,500 feet of a public~~
24 railroad-highway grade crossing shall emit or cause to be
25 emitted an audible signal ~~a signal audible for such distance.~~
26 Such signal shall be sounded for a period of at least 20
27 seconds or for 1,500 feet from the crossing, whichever is
28 less, and continue to be sounded until the railroad-highway
29 grade crossing is occupied by the railroad train.

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1 Section 41. Paragraph (a) of subsection (2) and
2 subsection (3) of section 373.4137, Florida Statutes, are
3 amended to read:

4 373.4137 Mitigation requirements.--

5 (2) Environmental impact inventories for
6 transportation projects proposed by the Department of
7 Transportation shall be developed as follows:

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

20 (3) To fund the mitigation plan for the projected
21 impacts identified in the inventory described in subsection
22 (2), the Department of Transportation shall identify funds
23 quarterly in an escrow account within the State Transportation
24 Trust Fund for the environmental mitigation phase of projects
25 budgeted by the Department of Transportation for the current
26 fiscal year. The escrow account will be maintained by the
27 Department of Transportation for the benefit of the Department
28 of Environmental Protection and the water management
29 districts. Any interest earnings from the escrow account
30 shall remain with the Department of Transportation. The
31 Department of Environmental Protection or water management

1 districts may request a transfer of funds from the escrow
2 account no sooner than 30 days prior to the date the funds are
3 needed to pay for activities associated with development or
4 implementation of the approved mitigation plan described in
5 subsection (4) for the current fiscal year, including, but not
6 limited to, design, engineering, production, and staff
7 support. Actual conceptual plan preparation costs incurred
8 before plan approval may be submitted to the Department of
9 Transportation and the Department of Environmental Protection
10 by November 1 of each year with the plan. The conceptual plan
11 preparation costs of each water management district will be
12 paid based on the amount approved on the mitigation plan and
13 allocated to the current fiscal year projects identified by
14 the water management district. The amount transferred to the
15 escrow account each year by the Department of Transportation
16 shall correspond to a cost per acre of \$75,000 multiplied by
17 the projected acres of impact identified in the inventory
18 described in subsection (2). However, the \$75,000 cost per
19 acre does not constitute an admission against interest by the
20 state or its subdivisions, nor is the cost admissible as
21 evidence of full compensation for any property acquired by
22 eminent domain or through inverse condemnation. Each July 1,
23 the cost per acre shall be adjusted by the percentage change
24 in the average of the Consumer Price Index issued by the
25 United States Department of Labor for the most recent 12-month
26 period ending September 30, compared to the base year average,
27 which is the average for the 12-month period ending September
28 30, 1996. At the end of each year, the projected acreage of
29 impact shall be reconciled with the acreage of impact of
30 projects as permitted, including permit modifications,
31 pursuant to this part and s. 404 of the Clean Water Act, 33

1 U.S.C. s. 1344. The subject year's transfer of funds shall be
2 adjusted accordingly to reflect the overtransfer or
3 undertransfer of funds from the preceding year. The Department
4 of Transportation is authorized to transfer such funds from
5 the escrow account to the Department of Environmental
6 Protection and the water management districts to carry out the
7 mitigation programs.

8 Section 42. Subsection (9) of section 427.013, Florida
9 Statutes, is amended to read:

10 427.013 The Commission for the Transportation
11 Disadvantaged; purpose and responsibilities.--The purpose of
12 the commission is to accomplish the coordination of
13 transportation services provided to the transportation
14 disadvantaged. The goal of this coordination shall be to
15 assure the cost-effective provision of transportation by
16 qualified community transportation coordinators or
17 transportation operators for the transportation disadvantaged
18 without any bias or presumption in favor of multioperator
19 systems or not-for-profit transportation operators over single
20 operator systems or for-profit transportation operators. In
21 carrying out this purpose, the commission shall:

22 (9) Develop by rule standards for community
23 transportation coordinators and any transportation operator or
24 coordination contractor from whom service is purchased or
25 arranged by the community transportation coordinator covering
26 coordination, operation, safety, insurance, eligibility for
27 service, costs, and utilization of transportation
28 disadvantaged services. These standards and rules must ~~shall~~
29 include, but not be limited to:

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

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

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

12 Section 43. Subsection (3) of section 427.0135,
13 Florida Statutes, is amended to read:

14 427.0135 Member departments; duties and
15 responsibilities.--Each member department, in carrying out the
16 policies and procedures of the commission, shall:

17 (3) Assist communities in developing coordinated
18 transportation systems designed to serve the transportation
19 disadvantaged. However, a member department may not serve as
20 the community transportation coordinator in any designated
21 service area.

22 Section 44. Subsection (2) of section 427.015, Florida
23 Statutes, is amended to read:

24 427.015 Function of the metropolitan planning
25 organization or designated official planning agency in
26 coordinating transportation for the transportation
27 disadvantaged.--

28 (2) Each metropolitan planning organization or
29 designated official planning agency shall recommend to the
30 commission a single community transportation coordinator.
31 However, a member department may not serve as the community

1 transportation coordinator in any designated service area.The
2 coordinator may provide all or a portion of needed
3 transportation services for the transportation disadvantaged
4 but shall be responsible for the provision of those
5 coordinated services. Based on approved commission evaluation
6 criteria, the coordinator shall subcontract or broker those
7 services that are more cost-effectively and efficiently
8 provided by subcontracting or brokering. The performance of
9 the coordinator shall be evaluated based on the commission's
10 approved evaluation criteria by the coordinating board at
11 least annually. A copy of the evaluation shall be submitted to
12 the metropolitan planning organization or the designated
13 official planning agency, and the commission. The
14 recommendation or termination of any community transportation
15 coordinator shall be subject to approval by the commission.

16 Section 45. Except as otherwise provided herein, this
17 act shall take effect upon becoming a law.

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