

Bill No. CS/CS/HB 1053, 1st Eng.

Amendment No. Barcode 510902

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 20.23, Florida Statutes, is amended to read:

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

(1)(a)~~1~~. The head of the Department of Transportation is the Secretary of Transportation. The secretary shall be appointed by the Governor from among three persons nominated by the Florida Transportation Commission and shall be subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(b)~~2~~. The secretary shall be a proven, effective administrator who by a combination of education and experience shall clearly possess a broad knowledge of the administrative, financial, and technical aspects of the development,

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1 operation, and regulation of transportation systems and
2 facilities or comparable systems and facilities.

3 ~~(b)1. The secretary shall employ all personnel of the~~
4 ~~department. He or she shall implement all laws, rules,~~
5 ~~policies, and procedures applicable to the operation of the~~
6 ~~department and may not by his or her actions disregard or act~~
7 ~~in a manner contrary to any such policy. The secretary shall~~
8 ~~represent the department in its dealings with other state~~
9 ~~agencies, local governments, special districts, and the~~
10 ~~Federal Government. He or she shall have authority to sign~~
11 ~~and execute all documents and papers necessary to carry out~~
12 ~~his or her duties and the operations of the department. At~~
13 ~~each meeting of the Florida Transportation Commission, the~~
14 ~~secretary shall submit a report of major actions taken by him~~
15 ~~or her as official representative of the department.~~

16 ~~2. The secretary shall cause the annual department~~
17 ~~budget request, the Florida Transportation Plan, and the~~
18 ~~tentative work program to be prepared in accordance with all~~
19 ~~applicable laws and departmental policies and shall submit the~~
20 ~~budget, plan, and program to the Florida Transportation~~
21 ~~Commission. The commission shall perform an in-depth~~
22 ~~evaluation of the budget, plan, and program for compliance~~
23 ~~with all applicable laws and departmental policies. If the~~
24 ~~commission determines that the budget, plan, or program is not~~
25 ~~in compliance with all applicable laws and departmental~~
26 ~~policies, it shall report its findings and recommendations~~
27 ~~regarding such noncompliance to the Legislature and the~~
28 ~~Governor.~~

29 ~~(c)3. The secretary shall provide to the Florida~~
30 ~~Transportation Commission or its staff, such assistance,~~
31 ~~information, and documents as are requested by the commission~~

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1 or its staff to enable the commission to fulfill its duties
2 and responsibilities.

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

13 (e)~~(d)~~ Any secretary appointed after July 5, 1989, and
14 the assistant secretaries shall be exempt from the provisions
15 of part III of chapter 110 and shall receive compensation
16 commensurate with their qualifications and competitive with
17 compensation for comparable responsibility in the private
18 sector. When the salary of any assistant secretary exceeds
19 the limits established in part III of chapter 110, the
20 Governor shall approve said salary.

21 (2)(a)1. The Florida Transportation Commission is
22 hereby created and shall consist of nine members appointed by
23 the Governor subject to confirmation by the Senate. Members
24 of the commission shall serve terms of 4 years each.

25 2. Members shall be appointed in such a manner as to
26 equitably represent all geographic areas of the state. Each
27 member must be a registered voter and a citizen of the state.
28 Each member of the commission must also possess business
29 managerial experience in the private sector.

30 3. A member of the commission shall represent the
31 transportation needs of the state as a whole and may not

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1 subordinate the needs of the state to those of any particular
2 area of the state.

3 4. The commission is assigned to the Office of the
4 Secretary of the Department of Transportation for
5 administrative and fiscal accountability purposes, but it
6 shall otherwise function independently of the control and
7 direction of the department.

8 (b) The commission shall have the primary functions
9 to:

10 1. Recommend major transportation policies for the
11 Governor's approval, and assure that approved policies and any
12 revisions thereto are properly executed.

13 2. Periodically review the status of the state
14 transportation system including highway, transit, rail,
15 seaport, intermodal development, and aviation components of
16 the system and recommend improvements therein to the Governor
17 and the Legislature.

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

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

31 5. Monitor on at least a quarterly basis, the

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1 efficiency, productivity, and management of the department,
2 using performance and production standards developed by the
3 commission pursuant to s. 334.045.

4 6. Perform an in-depth evaluation of the factors
5 causing disruption of project schedules in the adopted work
6 program and recommend to the Legislature and the Governor
7 methods to eliminate or reduce the disruptive effects of these
8 factors.

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

21 (c) The commission or a member thereof may not enter
22 into the day-to-day operation of the department and is
23 specifically prohibited from taking part in:

24 1. The awarding of contracts.

25 2. The selection of a consultant or contractor or the
26 prequalification of any individual consultant or contractor.

27 However, the commission may recommend to the secretary
28 standards and policies governing the procedure for selection
29 and prequalification of consultants and contractors.

30 3. The selection of a route for a specific project.

31 4. The specific location of a transportation facility.

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1 5. The acquisition of rights-of-way.

2 6. The employment, promotion, demotion, suspension,
3 transfer, or discharge of any department personnel.

4 7. The granting, denial, suspension, or revocation of
5 any license or permit issued by the department.

6 (d)1. The chair of the commission shall be selected by
7 the commission members and shall serve a 1-year term.

8 2. The commission shall hold a minimum of 4 regular
9 meetings annually, and other meetings may be called by the
10 chair upon giving at least 1 week's notice to all members and
11 the public pursuant to chapter 120. Other meetings may also be
12 held upon the written request of at least four other members
13 of the commission, with at least 1 week's notice of such
14 meeting being given to all members and the public by the chair
15 pursuant to chapter 120. Emergency meetings may be held
16 without notice upon the request of all members of the
17 commission. At each meeting of the commission, the secretary
18 or his or her designee shall submit a report of major actions
19 taken by him or her as official representative of the
20 department.

21 3. A majority of the membership of the commission
22 constitutes a quorum at any meeting of the commission. An
23 action of the commission is not binding unless the action is
24 taken pursuant to an affirmative vote of a majority of the
25 members present, but not fewer than four members of the
26 commission at a meeting held pursuant to subparagraph 2., and
27 the vote is recorded in the minutes of that meeting.

28 4. The chair shall cause to be made a complete record
29 of the proceedings of the commission, which record shall be
30 open for public inspection.

31 (e) The meetings of the commission shall be held in

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1 the central office of the department in Tallahassee unless the
2 chair determines that special circumstances warrant meeting at
3 another location.

4 (f) Members of the commission are entitled to per diem
5 and travel expenses pursuant to s. 112.061.

6 (g) A member of the commission may not have any
7 interest, direct or indirect, in any contract, franchise,
8 privilege, or other benefit granted or awarded by the
9 department during the term of his or her appointment and for 2
10 years after the termination of such appointment.

11 (h) The commission shall appoint an executive director
12 and assistant executive director, who shall serve under the
13 direction, supervision, and control of the commission. The
14 executive director, with the consent of the commission, shall
15 employ such staff as are necessary to perform adequately the
16 functions of the commission, within budgetary limitations.
17 All employees of the commission are exempt from part II of
18 chapter 110 and shall serve at the pleasure of the commission.
19 The salaries and benefits of all employees of the commission
20 shall be set in accordance with the Selected Exempt Service;
21 provided, however, that the commission shall have complete
22 authority for fixing the salary of the executive director and
23 assistant executive director.

24 (i) The commission shall develop a budget pursuant to
25 chapter 216. The budget is not subject to change by the
26 department, but such budget shall be submitted to the Governor
27 along with the budget of the department.

28 (3)(a) The central office shall establish departmental
29 policies, rules, procedures, and standards and shall monitor
30 the implementation of such policies, rules, procedures, and
31 standards in order to ensure uniform compliance and quality

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1 performance by the districts and central office units that
2 implement transportation programs. Major transportation
3 policy initiatives or revisions shall be submitted to the
4 commission for review. ~~The central office monitoring function~~
5 ~~shall be based on a plan that clearly specifies what areas~~
6 ~~will be monitored, activities and criteria used to measure~~
7 ~~compliance, and a feedback process that assures monitoring~~
8 ~~findings are reported and deficiencies corrected. The~~
9 ~~secretary is responsible for ensuring that a central office~~
10 ~~monitoring function is implemented, and that it functions~~
11 ~~properly. In conjunction with its monitoring function, the~~
12 ~~central office shall provide such training and administrative~~
13 ~~support to the districts as the department determines to be~~
14 ~~necessary to ensure that the department's programs are carried~~
15 ~~out in the most efficient and effective manner.~~

16 ~~(b) The resources necessary to ensure the efficiency,~~
17 ~~effectiveness, and quality of performance by the department of~~
18 ~~its statutory responsibilities shall be allocated to the~~
19 ~~central office.~~

20 ~~(b)(c)~~ The secretary shall appoint an Assistant
21 Secretary for Transportation Policy and an Assistant
22 Secretary for Finance and Administration, ~~and an Assistant~~
23 ~~Secretary for District Operations~~, each of whom shall serve at
24 the pleasure of the secretary. ~~The positions are responsible~~
25 ~~for developing, monitoring, and enforcing policy and managing~~
26 ~~major technical programs. The responsibilities and duties of~~
27 ~~these positions include, but are not limited to, the following~~
28 ~~functional areas:~~

29 ~~1. Assistant Secretary for Transportation Policy.~~

30 ~~a. Development of the Florida Transportation Plan and~~
31 ~~other policy planning.~~

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- 1 ~~b. Development of statewide modal systems plans,~~
- 2 ~~including public transportation systems;~~
- 3 ~~c. Design of transportation facilities;~~
- 4 ~~d. Construction of transportation facilities;~~
- 5 ~~e. Acquisition and management of transportation~~
- 6 ~~rights-of-way; and~~
- 7 ~~f. Administration of motor carrier compliance and~~
- 8 ~~safety.~~
- 9 ~~2. Assistant Secretary for District Operations.--~~
- 10 ~~a. Administration of the eight districts; and~~
- 11 ~~b. Implementation of the decentralization of the~~
- 12 ~~department.~~
- 13 ~~3. Assistant Secretary for Finance and~~
- 14 ~~Administration.--~~
- 15 ~~a. Financial planning and management;~~
- 16 ~~b. Information systems;~~
- 17 ~~c. Accounting systems;~~
- 18 ~~d. Administrative functions; and~~
- 19 ~~e. Administration of toll operations.~~
- 20 ~~(d)1. Policy, program, or operations offices shall be~~
- 21 ~~established within the central office for the purposes of:~~
- 22 ~~a. Developing policy and procedures and monitoring~~
- 23 ~~performance to ensure compliance with these policies and~~
- 24 ~~procedures;~~
- 25 ~~b. Performing statewide activities which it is more~~
- 26 ~~cost-effective to perform in a central location;~~
- 27 ~~c. Assessing and ensuring the accuracy of information~~
- 28 ~~within the department's financial management information~~
- 29 ~~systems; and~~
- 30 ~~d. Performing other activities of a statewide nature.~~
- 31 ~~1.2. The following offices are established and shall~~

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1 be headed by a manager, each of whom shall be appointed by and
2 serve at the pleasure of the secretary. The positions shall be
3 classified at a level equal to a division director:

- 4 a. The Office of Administration;
- 5 b. The Office of Policy Planning;
- 6 c. The Office of Design;
- 7 d. The Office of Highway Operations;
- 8 e. The Office of Right-of-Way;
- 9 f. The Office of Toll Operations;
- 10 g. The Office of Information Systems; ~~and~~
- 11 h. The Office of Motor Carrier Compliance; ~~;~~
- 12 i. The Office of Management and Budget; and
- 13 j. The Office of Comptroller.

14 ~~2.3.~~ Other offices may be established in accordance
15 with s. 20.04(7). The heads of such offices are exempt from
16 part II of chapter 110. No office or organization shall be
17 created at a level equal to or higher than a division without
18 specific legislative authority.

19 ~~3.4.~~ During the construction of a major transportation
20 improvement project or as determined by the district
21 secretary, the department may provide assistance to a business
22 entity significantly impacted by the project if the entity is
23 a for-profit entity that has been in business for 3 years
24 prior to the beginning of construction and has direct or
25 shared access to the transportation project being constructed.
26 The assistance program shall be in the form of additional
27 guarantees to assist the impacted business entity in receiving
28 loans pursuant to Title 13 C.F.R. part 120. However, in no
29 instance shall the combined guarantees be greater than 90
30 percent of the loan. The department shall adopt rules to
31 implement this subparagraph.

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1 ~~(e) The Assistant Secretary for Finance and~~
2 ~~Administration must possess a broad knowledge of the~~
3 ~~administrative, financial, and technical aspects of a complete~~
4 ~~cost-accounting system, budget preparation and management, and~~
5 ~~management information systems. The Assistant Secretary for~~
6 ~~Finance and Administration must be a proven, effective manager~~
7 ~~with specialized skills in financial planning and management.~~
8 ~~The Assistant Secretary for Finance and Administration shall~~
9 ~~ensure that financial information is processed in a timely,~~
10 ~~accurate, and complete manner.~~

11 ~~(f)1. Within the central office there is created an~~
12 ~~Office of Management and Budget. The head of the Office of~~
13 ~~Management and Budget is responsible to the Assistant~~
14 ~~Secretary for Finance and Administration and is exempt from~~
15 ~~part II of chapter 110.~~

16 ~~2. The functions of the Office of Management and~~
17 ~~Budget include, but are not limited to:~~

18 ~~a. Preparation of the work program;~~

19 ~~b. Preparation of the departmental budget; and~~

20 ~~c. Coordination of related policies and procedures.~~

21 ~~3. The Office of Management and Budget shall also be~~
22 ~~responsible for developing uniform implementation and~~
23 ~~monitoring procedures for all activities performed at the~~
24 ~~district level involving the budget and the work program.~~

25 ~~(c)(g)~~ The secretary shall ~~may~~ appoint an inspector
26 general pursuant to s. 20.055 who shall be directly
27 responsible to the secretary and shall serve at the pleasure
28 of the secretary.

29 ~~(h)1. The secretary shall appoint an inspector general~~
30 ~~pursuant to s. 20.055. To comply with recommended professional~~
31 ~~auditing standards related to independence and objectivity,~~

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1 ~~the inspector general shall be appointed to a position within~~
2 ~~the Career Service System and may be removed by the secretary~~
3 ~~with the concurrence of the Transportation Commission. In~~
4 ~~order to attract and retain an individual who has the proven~~
5 ~~technical and administrative skills necessary to comply with~~
6 ~~the requirements of this section, the agency head may appoint~~
7 ~~the inspector general to a classification level within the~~
8 ~~Career Service System that is equivalent to that provided for~~
9 ~~in part III of chapter 110. The inspector general may be~~
10 ~~organizationally located within another unit of the department~~
11 ~~for administrative purposes, but shall function independently~~
12 ~~and be directly responsible to the secretary pursuant to s.~~
13 ~~20.055. The duties of the inspector general shall include, but~~
14 ~~are not restricted to, reviewing, evaluating, and reporting on~~
15 ~~the policies, plans, procedures, and accounting, financial,~~
16 ~~and other operations of the department and recommending~~
17 ~~changes for the improvement thereof, as well as performing~~
18 ~~audits of contracts and agreements between the department and~~
19 ~~private entities or other governmental entities. The inspector~~
20 ~~general shall give priority to reviewing major parts of the~~
21 ~~department's accounting system and central office monitoring~~
22 ~~function to determine whether such systems effectively ensure~~
23 ~~accountability and compliance with all laws, rules, policies,~~
24 ~~and procedures applicable to the operation of the department.~~
25 ~~The inspector general shall also give priority to assessing~~
26 ~~the department's management information systems as required by~~
27 ~~s. 282.318. The internal audit function shall use the~~
28 ~~necessary expertise, in particular, engineering, financial,~~
29 ~~and property appraising expertise, to independently evaluate~~
30 ~~the technical aspects of the department's operations. The~~
31 ~~inspector general shall have access at all times to any~~

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1 ~~personnel, records, data, or other information of the~~
2 ~~department and shall determine the methods and procedures~~
3 ~~necessary to carry out his or her duties. The inspector~~
4 ~~general is responsible for audits of departmental operations~~
5 ~~and for audits of consultant contracts and agreements, and~~
6 ~~such audits shall be conducted in accordance with generally~~
7 ~~accepted governmental auditing standards. The inspector~~
8 ~~general shall annually perform a sufficient number of audits~~
9 ~~to determine the efficiency and effectiveness, as well as~~
10 ~~verify the accuracy of estimates and charges, of contracts~~
11 ~~executed by the department with private entities and other~~
12 ~~governmental entities. The inspector general has the sole~~
13 ~~responsibility for the contents of his or her reports, and a~~
14 ~~copy of each report containing his or her findings and~~
15 ~~recommendations shall be furnished directly to the secretary~~
16 ~~and the commission.~~

17 ~~2. In addition to the authority and responsibilities~~
18 ~~herein provided, the inspector general is required to report~~
19 ~~to the:~~

20 ~~a. Secretary whenever the inspector general makes a~~
21 ~~preliminary determination that particularly serious or~~
22 ~~flagrant problems, abuses, or deficiencies relating to the~~
23 ~~administration of programs and operations of the department~~
24 ~~have occurred. The secretary shall review and assess the~~
25 ~~correctness of the preliminary determination by the inspector~~
26 ~~general. If the preliminary determination is substantiated,~~
27 ~~the secretary shall submit such report to the appropriate~~
28 ~~committees of the Legislature within 7 calendar days, together~~
29 ~~with a report by the secretary containing any comments deemed~~
30 ~~appropriate. Nothing in this section shall be construed to~~
31 ~~authorize the public disclosure of information which is~~

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1 ~~specifically prohibited from disclosure by any other provision~~
2 ~~of law.~~

3 ~~b. Transportation Commission and the Legislature any~~
4 ~~actions by the secretary that prohibit the inspector general~~
5 ~~from initiating, carrying out, or completing any audit after~~
6 ~~the inspector general has decided to initiate, carry out, or~~
7 ~~complete such audit. The secretary shall, within 30 days~~
8 ~~after transmission of the report, set forth in a statement to~~
9 ~~the Transportation Commission and the Legislature the reasons~~
10 ~~for his or her actions.~~

11 ~~(i)1. The secretary shall appoint a comptroller who is~~
12 ~~responsible to the Assistant Secretary for Finance and~~
13 ~~Administration. This position is exempt from part II of~~
14 ~~chapter 110.~~

15 ~~2. The comptroller is the chief financial officer of~~
16 ~~the department and must be a proven, effective administrator~~
17 ~~who by a combination of education and experience clearly~~
18 ~~possesses a broad knowledge of the administrative, financial,~~
19 ~~and technical aspects of a complex cost-accounting system.~~
20 ~~The comptroller must also have a working knowledge of~~
21 ~~generally accepted accounting principles. At a minimum, the~~
22 ~~comptroller must hold an active license to practice public~~
23 ~~accounting in Florida pursuant to chapter 473 or an active~~
24 ~~license to practice public accounting in any other state. In~~
25 ~~addition to the requirements of the Florida Fiscal Accounting~~
26 ~~Management Information System Act, the comptroller is~~
27 ~~responsible for the development, maintenance, and modification~~
28 ~~of an accounting system that will in a timely manner~~
29 ~~accurately reflect the revenues and expenditures of the~~
30 ~~department and that includes a cost-accounting system to~~
31 ~~properly identify, segregate, allocate, and report department~~

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1 ~~costs. The comptroller shall supervise and direct preparation~~
2 ~~of a detailed 36-month forecast of cash and expenditures and~~
3 ~~is responsible for managing cash and determining cash~~
4 ~~requirements. The comptroller shall review all comparative~~
5 ~~cost studies that examine the cost-effectiveness and~~
6 ~~feasibility of contracting for services and operations~~
7 ~~performed by the department. The review must state that the~~
8 ~~study was prepared in accordance with generally accepted~~
9 ~~cost-accounting standards applied in a consistent manner using~~
10 ~~valid and accurate cost data.~~

11 ~~3. The department shall by rule or internal management~~
12 ~~memoranda as required by chapter 120 provide for the~~
13 ~~maintenance by the comptroller of financial records and~~
14 ~~accounts of the department as will afford a full and complete~~
15 ~~check against the improper payment of bills and provide a~~
16 ~~system for the prompt payment of the just obligations of the~~
17 ~~department, which records must at all times disclose:~~

18 ~~a. The several appropriations available for the use of~~
19 ~~the department;~~

20 ~~b. The specific amounts of each such appropriation~~
21 ~~budgeted by the department for each improvement or purpose;~~

22 ~~c. The apportionment or division of all such~~
23 ~~appropriations among the several counties and districts, when~~
24 ~~such apportionment or division is made;~~

25 ~~d. The amount or portion of each such apportionment~~
26 ~~against general contractual and other liabilities then~~
27 ~~created;~~

28 ~~e. The amount expended and still to be expended in~~
29 ~~connection with each contractual and other obligation of the~~
30 ~~department;~~

31 ~~f. The expense and operating costs of the various~~

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1 ~~activities of the department;~~

2 ~~g. The receipts accruing to the department and the~~
3 ~~distribution thereof;~~

4 ~~h. The assets, investments, and liabilities of the~~
5 ~~department; and~~

6 ~~i. The cash requirements of the department for a~~
7 ~~36-month period.~~

8 ~~4. The comptroller shall maintain a separate account~~
9 ~~for each fund administered by the department.~~

10 ~~5. The comptroller shall perform such other related~~
11 ~~duties as designated by the department.~~

12 ~~(d)(j)~~ The secretary shall appoint a general counsel
13 who shall be employed full time and shall be directly
14 responsible to the secretary and shall serve at the pleasure
15 of the secretary. The general counsel is responsible for all
16 legal matters of the department. The department may employ as
17 many attorneys as it deems necessary to advise and represent
18 the department in all transportation matters.

19 ~~(e)(k)~~ The secretary shall appoint a state
20 transportation planner ~~who shall report to the Assistant~~
21 ~~Secretary for Transportation Policy.~~ The state transportation
22 planner's responsibilities shall include, but are not limited
23 to, ~~policy planning, systems planning, and transportation~~
24 ~~statistics.~~ This position shall be classified at a level
25 equal to a deputy assistant secretary.

26 ~~(f)(l)~~ The secretary shall appoint a state highway
27 engineer ~~who shall report to the Assistant Secretary for~~
28 ~~Transportation Policy.~~ The state highway engineer's
29 responsibilities shall include, but are not limited to,
30 ~~design, construction, and maintenance of highway facilities;~~
31 ~~acquisition and management of transportation rights-of-way;~~

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1 ~~traffic engineering; and materials testing.~~ This position
2 shall be classified at a level equal to a deputy assistant
3 secretary.

4 (g)~~(m)~~ The secretary shall appoint a state public
5 transportation administrator ~~who shall report to the Assistant~~
6 ~~Secretary for Transportation Policy.~~ The state public
7 ~~transportation administrator's responsibilities shall include,~~
8 ~~but are not limited to, the administration of statewide~~
9 ~~transit, rail, intermodal development, and aviation programs.~~
10 This position shall be classified at a level equal to a deputy
11 assistant secretary. ~~The department shall also assign to the~~
12 ~~public transportation administrator an organizational unit the~~
13 ~~primary function of which is to administer the high-speed rail~~
14 ~~program.~~

15 (4)(a) The operations of the department shall be
16 organized into seven ~~eight~~ districts, ~~including a turnpike~~
17 ~~district,~~ each headed by a district secretary, and a turnpike
18 enterprise, headed by an executive director. ~~The district~~
19 ~~secretaries shall report to the Assistant Secretary for~~
20 ~~District Operations.~~ The headquarters of the districts shall
21 be located in Polk, Columbia, Washington, Broward, Volusia,
22 Dade, and Hillsborough, ~~and Leon~~ Counties. The headquarters of
23 the turnpike enterprise shall be located in Orange County. ~~The~~
24 ~~turnpike district must be relocated to Orange County in the~~
25 ~~year 2000.~~ In order to provide for efficient operations and to
26 expedite the decisionmaking process, the department shall
27 provide for maximum decentralization to the districts.
28 However, before making a decision to centralize or
29 decentralize department operations ~~or relocate the turnpike~~
30 ~~district,~~ the department must first determine if the decision
31 would be cost-effective and in the public's best interest. The

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1 department shall periodically evaluate such decisions to
2 ensure that they are appropriate.

3 (b) The primary responsibility for the implementation
4 of the department's transportation programs shall be delegated
5 by the secretary to the district secretaries, and sufficient
6 authority shall be vested in each district to ensure adequate
7 control of the resources commensurate with the delegated
8 responsibility. Each district secretary shall also be
9 accountable for ensuring their district's quality of
10 performance and compliance with all laws, rules, policies, and
11 procedures related to the operation of the department.

12 (c) Each district secretary may appoint a district
13 director for planning and programming, a district director for
14 production, and a district director for operations. These
15 positions are exempt from part II of chapter 110.

16 (d) Within each district, offices shall be established
17 for managing major functional responsibilities of the
18 department. ~~The offices may include planning, design,~~
19 ~~construction, right-of-way, maintenance, and public~~
20 ~~transportation.~~ The heads of these offices shall be exempt
21 from part II of chapter 110.

22 (e) The district director for the Fort Myers Urban
23 Office of the Department of Transportation is responsible for
24 developing the 5-year Transportation Plan for Charlotte,
25 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort
26 Myers Urban Office also is responsible for providing policy,
27 direction, local government coordination, and planning for
28 those counties.

29 (f)1. The responsibility for the turnpike system shall
30 be delegated by the secretary to the executive director of the
31 turnpike enterprise, who shall serve at the pleasure of the

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1 secretary. The executive director shall report directly to the
2 secretary, and the turnpike enterprise shall operate pursuant
3 to ss. 338.22-338.241.

4 2. To facilitate the most efficient and effective
5 management of the turnpike enterprise, including the use of
6 best business practices employed by the private sector, the
7 turnpike enterprise shall be exempt from departmental
8 policies, procedures, and standards, subject to the Secretary
9 having the authority to apply any such policies, procedures,
10 and standards to the turnpike enterprise from time to time as
11 deemed appropriate.

12 3. To enhance the ability of the turnpike enterprise
13 to use best business practices employed by the private sector,
14 the Secretary shall promulgate rules which exempt the turnpike
15 enterprise from department rules and authorize the turnpike
16 enterprise to employ procurement methods available to the
17 private sector.

18 (5) Notwithstanding the provisions of s. 110.205, the
19 Department of Management Services is authorized to exempt
20 positions within the Department of Transportation which are
21 comparable to positions within the Senior Management Service
22 pursuant to s. 110.205(2)(i) or positions which are comparable
23 to positions in the Selected Exempt Service under s.
24 110.205(2)(l).

25 ~~(6) To facilitate the efficient and effective~~
26 ~~management of the department in a businesslike manner, the~~
27 ~~department shall develop a system for the submission of~~
28 ~~monthly management reports to the Florida Transportation~~
29 ~~Commission and secretary from the district secretaries. The~~
30 ~~commission and the secretary shall determine which reports are~~
31 ~~required to fulfill their respective responsibilities under~~

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1 ~~this section. A copy of each such report shall be submitted~~
2 ~~monthly to the appropriations and transportation committees of~~
3 ~~the Senate and the House of Representatives. Recommendations~~
4 ~~made by the Auditor General in his or her audits of the~~
5 ~~department that relate to management practices, systems, or~~
6 ~~reports shall be implemented in a timely manner. However, if~~
7 ~~the department determines that one or more of the~~
8 ~~recommendations should be altered or should not be~~
9 ~~implemented, it shall provide a written explanation of such~~
10 ~~determination to the Legislative Auditing Committee within 6~~
11 ~~months after the date the recommendations were published.~~

12 (6)~~(7)~~ The department is authorized to contract with
13 local governmental entities and with the private sector if the
14 department first determines that:

15 (a) Consultants can do the work at less cost than
16 state employees;

17 (b) State employees can do the work at less cost, but
18 sufficient positions have not been approved by the Legislature
19 as requested in the department's most recent legislative
20 budget request;

21 (c) The work requires specialized expertise, and it
22 would not be economical for the state to acquire, and then
23 maintain, the expertise after the work is done;

24 (d) The workload is at a peak level, and it would not
25 be economical to acquire, and then keep, extra personnel after
26 the workload decreases; or

27 (e) The use of such entities is clearly in the
28 public's best interest.

29

30 Such contracts shall require compliance with applicable
31 federal and state laws, and clearly specify the product or

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1 service to be provided.

2 Section 2. Paragraphs (i) and (l) of subsection (2) of
3 section 110.205, Florida Statutes, are amended to read:

4 110.205 Career service; exemptions.--

5 (2) EXEMPT POSITIONS.--The exempt positions which are
6 not covered by this part include the following, provided that
7 no position, except for positions established for a limited
8 period of time pursuant to paragraph (h), shall be exempted if
9 the position reports to a position in the career service:

10 (i) The appointed secretaries, assistant secretaries,
11 deputy secretaries, and deputy assistant secretaries of all
12 departments; the executive directors, assistant executive
13 directors, deputy executive directors, and deputy assistant
14 executive directors of all departments; and the directors of
15 all divisions and those positions determined by the department
16 to have managerial responsibilities comparable to such
17 positions, which positions include, but are not limited to,
18 program directors, assistant program directors, district
19 administrators, deputy district administrators, the Director
20 of Central Operations Services of the Department of Children
21 and Family Services, and the State Transportation Planner,
22 State Highway Engineer, State Public Transportation
23 Administrator, district secretaries, district directors of
24 planning and programming, production, and operations, and the
25 managers of the offices specified in s. 20.23(3)(b)1.~~(d)2.~~, of
26 the Department of Transportation. Unless otherwise fixed by
27 law, the department shall set the salary and benefits of these
28 positions in accordance with the rules of the Senior
29 Management Service.

30 (1) All assistant division director, deputy division
31 director, and bureau chief positions in any department, and

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1 those positions determined by the department to have
2 managerial responsibilities comparable to such positions,
3 which positions include, but are not limited to, positions in
4 the Department of Health, the Department of Children and
5 Family Services, and the Department of Corrections that are
6 assigned primary duties of serving as the superintendent or
7 assistant superintendent, or warden or assistant warden, of an
8 institution; positions in the Department of Corrections that
9 are assigned primary duties of serving as the circuit
10 administrator or deputy circuit administrator; positions in
11 the Department of Transportation that are assigned primary
12 duties of serving as regional toll managers and managers of
13 offices as defined in s. 20.23(3)(b)2.~~(d)3~~ and (4)(d);
14 positions in the Department of Environmental Protection that
15 are assigned the duty of an Environmental Administrator or
16 program administrator; those positions described in s. 20.171
17 as included in the Senior Management Service; and positions in
18 the Department of Health that are assigned the duties of
19 Environmental Administrator, Assistant County Health
20 Department Director, and County Health Department Financial
21 Administrator. Unless otherwise fixed by law, the department
22 shall set the salary and benefits of these positions in
23 accordance with the rules established for the Selected Exempt
24 Service.

25 Section 3. Paragraph (k) is added to subsection (6) of
26 section 163.3177, Florida Statutes, to read:

27 163.3177 Required and optional elements of
28 comprehensive plan; studies and surveys.--

29 (6) In addition to the requirements of subsections
30 (1)-(5), the comprehensive plan shall include the following
31 elements:

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1 (a) A future land use plan element designating
2 proposed future general distribution, location, and extent of
3 the uses of land for residential uses, commercial uses,
4 industry, agriculture, recreation, conservation, education,
5 public buildings and grounds, other public facilities, and
6 other categories of the public and private uses of land. The
7 future land use plan shall include standards to be followed in
8 the control and distribution of population densities and
9 building and structure intensities. The proposed
10 distribution, location, and extent of the various categories
11 of land use shall be shown on a land use map or map series
12 which shall be supplemented by goals, policies, and measurable
13 objectives. Each land use category shall be defined in terms
14 of the types of uses included and specific standards for the
15 density or intensity of use. The future land use plan shall
16 be based upon surveys, studies, and data regarding the area,
17 including the amount of land required to accommodate
18 anticipated growth; the projected population of the area; the
19 character of undeveloped land; the availability of public
20 services; the need for redevelopment, including the renewal of
21 blighted areas and the elimination of nonconforming uses which
22 are inconsistent with the character of the community; and, in
23 rural communities, the need for job creation, capital
24 investment, and economic development that will strengthen and
25 diversify the community's economy. The future land use plan
26 may designate areas for future planned development use
27 involving combinations of types of uses for which special
28 regulations may be necessary to ensure development in accord
29 with the principles and standards of the comprehensive plan
30 and this act. In addition, for rural communities, the amount
31 of land designated for future planned industrial use shall be

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1 based upon surveys and studies that reflect the need for job
2 creation, capital investment, and the necessity to strengthen
3 and diversify the local economies, and shall not be limited
4 solely by the projected population of the rural community. The
5 future land use plan of a county may also designate areas for
6 possible future municipal incorporation. The land use maps or
7 map series shall generally identify and depict historic
8 district boundaries and shall designate historically
9 significant properties meriting protection. The future land
10 use element must clearly identify the land use categories in
11 which public schools are an allowable use. When delineating
12 the land use categories in which public schools are an
13 allowable use, a local government shall include in the
14 categories sufficient land proximate to residential
15 development to meet the projected needs for schools in
16 coordination with public school boards and may establish
17 differing criteria for schools of different type or size.
18 Each local government shall include lands contiguous to
19 existing school sites, to the maximum extent possible, within
20 the land use categories in which public schools are an
21 allowable use. All comprehensive plans must comply with the
22 school siting requirements of this paragraph no later than
23 October 1, 1999. The failure by a local government to comply
24 with these school siting requirements by October 1, 1999, will
25 result in the prohibition of the local government's ability to
26 amend the local comprehensive plan, except for plan amendments
27 described in s. 163.3187(1)(b), until the school siting
28 requirements are met. An amendment proposed by a local
29 government for purposes of identifying the land use categories
30 in which public schools are an allowable use is exempt from
31 the limitation on the frequency of plan amendments contained

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1 in s. 163.3187. The future land use element shall include
2 criteria which encourage the location of schools proximate to
3 urban residential areas to the extent possible and shall
4 require that the local government seek to collocate public
5 facilities, such as parks, libraries, and community centers,
6 with schools to the extent possible.

7 (b) A traffic circulation element consisting of the
8 types, locations, and extent of existing and proposed major
9 thoroughfares and transportation routes, including bicycle and
10 pedestrian ways. Transportation corridors, as defined in s.
11 334.03, may be designated in the traffic circulation element
12 pursuant to s. 337.273. If the transportation corridors are
13 designated, the local government may adopt a transportation
14 corridor management ordinance.

15 (c) A general sanitary sewer, solid waste, drainage,
16 potable water, and natural groundwater aquifer recharge
17 element correlated to principles and guidelines for future
18 land use, indicating ways to provide for future potable water,
19 drainage, sanitary sewer, solid waste, and aquifer recharge
20 protection requirements for the area. The element may be a
21 detailed engineering plan including a topographic map
22 depicting areas of prime groundwater recharge. The element
23 shall describe the problems and needs and the general
24 facilities that will be required for solution of the problems
25 and needs. The element shall also include a topographic map
26 depicting any areas adopted by a regional water management
27 district as prime groundwater recharge areas for the Floridan
28 or Biscayne aquifers, pursuant to s. 373.0395. These areas
29 shall be given special consideration when the local government
30 is engaged in zoning or considering future land use for said
31 designated areas. For areas served by septic tanks, soil

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1 surveys shall be provided which indicate the suitability of
2 soils for septic tanks.

3 (d) A conservation element for the conservation, use,
4 and protection of natural resources in the area, including
5 air, water, water recharge areas, wetlands, waterwells,
6 estuarine marshes, soils, beaches, shores, flood plains,
7 rivers, bays, lakes, harbors, forests, fisheries and wildlife,
8 marine habitat, minerals, and other natural and environmental
9 resources. Local governments shall assess their current, as
10 well as projected, water needs and sources for a 10-year
11 period. This information shall be submitted to the
12 appropriate agencies. The land use map or map series
13 contained in the future land use element shall generally
14 identify and depict the following:

- 15 1. Existing and planned waterwells and cones of
16 influence where applicable.
- 17 2. Beaches and shores, including estuarine systems.
- 18 3. Rivers, bays, lakes, flood plains, and harbors.
- 19 4. Wetlands.
- 20 5. Minerals and soils.

21
22 The land uses identified on such maps shall be consistent with
23 applicable state law and rules.

24 (e) A recreation and open space element indicating a
25 comprehensive system of public and private sites for
26 recreation, including, but not limited to, natural
27 reservations, parks and playgrounds, parkways, beaches and
28 public access to beaches, open spaces, and other recreational
29 facilities.

30 (f)1. A housing element consisting of standards,
31 plans, and principles to be followed in:

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- 1 a. The provision of housing for all current and
2 anticipated future residents of the jurisdiction.
- 3 b. The elimination of substandard dwelling conditions.
- 4 c. The structural and aesthetic improvement of
5 existing housing.
- 6 d. The provision of adequate sites for future housing,
7 including housing for low-income, very low-income, and
8 moderate-income families, mobile homes, and group home
9 facilities and foster care facilities, with supporting
10 infrastructure and public facilities.
- 11 e. Provision for relocation housing and identification
12 of historically significant and other housing for purposes of
13 conservation, rehabilitation, or replacement.
- 14 f. The formulation of housing implementation programs.
- 15 g. The creation or preservation of affordable housing
16 to minimize the need for additional local services and avoid
17 the concentration of affordable housing units only in specific
18 areas of the jurisdiction.
- 19
- 20 The goals, objectives, and policies of the housing element
21 must be based on the data and analysis prepared on housing
22 needs, including the affordable housing needs assessment.
23 State and federal housing plans prepared on behalf of the
24 local government must be consistent with the goals,
25 objectives, and policies of the housing element. Local
26 governments are encouraged to utilize job training, job
27 creation, and economic solutions to address a portion of their
28 affordable housing concerns.
- 29 2. To assist local governments in housing data
30 collection and analysis and assure uniform and consistent
31 information regarding the state's housing needs, the state

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1 land planning agency shall conduct an affordable housing needs
2 assessment for all local jurisdictions on a schedule that
3 coordinates the implementation of the needs assessment with
4 the evaluation and appraisal reports required by s. 163.3191.
5 Each local government shall utilize the data and analysis from
6 the needs assessment as one basis for the housing element of
7 its local comprehensive plan. The agency shall allow a local
8 government the option to perform its own needs assessment, if
9 it uses the methodology established by the agency by rule.

10 (g) For those units of local government identified in
11 s. 380.24, a coastal management element, appropriately related
12 to the particular requirements of paragraphs (d) and (e) and
13 meeting the requirements of s. 163.3178(2) and (3). The
14 coastal management element shall set forth the policies that
15 shall guide the local government's decisions and program
16 implementation with respect to the following objectives:

17 1. Maintenance, restoration, and enhancement of the
18 overall quality of the coastal zone environment, including,
19 but not limited to, its amenities and aesthetic values.

20 2. Continued existence of viable populations of all
21 species of wildlife and marine life.

22 3. The orderly and balanced utilization and
23 preservation, consistent with sound conservation principles,
24 of all living and nonliving coastal zone resources.

25 4. Avoidance of irreversible and irretrievable loss of
26 coastal zone resources.

27 5. Ecological planning principles and assumptions to
28 be used in the determination of suitability and extent of
29 permitted development.

30 6. Proposed management and regulatory techniques.

31 7. Limitation of public expenditures that subsidize

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1 development in high-hazard coastal areas.

2 8. Protection of human life against the effects of
3 natural disasters.

4 9. The orderly development, maintenance, and use of
5 ports identified in s. 403.021(9) to facilitate deepwater
6 commercial navigation and other related activities.

7 10. Preservation, including sensitive adaptive use of
8 historic and archaeological resources.

9 (h)1. An intergovernmental coordination element
10 showing relationships and stating principles and guidelines to
11 be used in the accomplishment of coordination of the adopted
12 comprehensive plan with the plans of school boards and other
13 units of local government providing services but not having
14 regulatory authority over the use of land, with the
15 comprehensive plans of adjacent municipalities, the county,
16 adjacent counties, or the region, and with the state
17 comprehensive plan, as the case may require and as such
18 adopted plans or plans in preparation may exist. This element
19 of the local comprehensive plan shall demonstrate
20 consideration of the particular effects of the local plan,
21 when adopted, upon the development of adjacent municipalities,
22 the county, adjacent counties, or the region, or upon the
23 state comprehensive plan, as the case may require.

24 a. The intergovernmental coordination element shall
25 provide for procedures to identify and implement joint
26 planning areas, especially for the purpose of annexation,
27 municipal incorporation, and joint infrastructure service
28 areas.

29 b. The intergovernmental coordination element shall
30 provide for recognition of campus master plans prepared
31 pursuant to s. 240.155.

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1 c. The intergovernmental coordination element may
2 provide for a voluntary dispute resolution process as
3 established pursuant to s. 186.509 for bringing to closure in
4 a timely manner intergovernmental disputes. A local
5 government may develop and use an alternative local dispute
6 resolution process for this purpose.

7 2. The intergovernmental coordination element shall
8 further state principles and guidelines to be used in the
9 accomplishment of coordination of the adopted comprehensive
10 plan with the plans of school boards and other units of local
11 government providing facilities and services but not having
12 regulatory authority over the use of land. In addition, the
13 intergovernmental coordination element shall describe joint
14 processes for collaborative planning and decisionmaking on
15 population projections and public school siting, the location
16 and extension of public facilities subject to concurrency, and
17 siting facilities with countywide significance, including
18 locally unwanted land uses whose nature and identity are
19 established in an agreement. Within 1 year of adopting their
20 intergovernmental coordination elements, each county, all the
21 municipalities within that county, the district school board,
22 and any unit of local government service providers in that
23 county shall establish by interlocal or other formal agreement
24 executed by all affected entities, the joint processes
25 described in this subparagraph consistent with their adopted
26 intergovernmental coordination elements.

27 3. To foster coordination between special districts
28 and local general-purpose governments as local general-purpose
29 governments implement local comprehensive plans, each
30 independent special district must submit a public facilities
31 report to the appropriate local government as required by s.

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1 189.415.

2 4. The state land planning agency shall establish a
3 schedule for phased completion and transmittal of plan
4 amendments to implement subparagraphs 1., 2., and 3. from all
5 jurisdictions so as to accomplish their adoption by December
6 31, 1999. A local government may complete and transmit its
7 plan amendments to carry out these provisions prior to the
8 scheduled date established by the state land planning agency.
9 The plan amendments are exempt from the provisions of s.
10 163.3187(1).

11 (i) The optional elements of the comprehensive plan in
12 paragraphs (7)(a) and (b) are required elements for those
13 municipalities having populations greater than 50,000, and
14 those counties having populations greater than 75,000, as
15 determined under s. 186.901.

16 (j) For each unit of local government within an
17 urbanized area designated for purposes of s. 339.175, a
18 transportation element, which shall be prepared and adopted in
19 lieu of the requirements of paragraph (b) and paragraphs
20 (7)(a), (b), (c), and (d) and which shall address the
21 following issues:

22 1. Traffic circulation, including major thoroughfares
23 and other routes, including bicycle and pedestrian ways.

24 2. All alternative modes of travel, such as public
25 transportation, pedestrian, and bicycle travel.

26 3. Parking facilities.

27 4. Aviation, rail, seaport facilities, access to those
28 facilities, and intermodal terminals.

29 5. The availability of facilities and services to
30 serve existing land uses and the compatibility between future
31 land use and transportation elements.

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1 6. The capability to evacuate the coastal population
2 prior to an impending natural disaster.

3 7. Airports, projected airport and aviation
4 development, and land use compatibility around airports.

5 8. An identification of land use densities, building
6 intensities, and transportation management programs to promote
7 public transportation systems in designated public
8 transportation corridors so as to encourage population
9 densities sufficient to support such systems.

10 9. May include transportation corridors, as defined in
11 s. 334.03, intended for future transportation facilities
12 designated pursuant to s. 337.273. If transportation corridors
13 are designated, the local government may adopt a
14 transportation corridor management ordinance.

15 (k) An airport master plan, and any subsequent
16 amendments to the airport master plan, prepared by a licensed
17 publicly owned and operated airport under section 333.06 may
18 be incorporated into the local government comprehensive plan
19 by the local government having jurisdiction under this act for
20 the area in which the airport or projected airport development
21 is located by the adoption of a comprehensive plan amendment.
22 In the amendment to the local comprehensive plan that
23 integrates the airport master plan, the comprehensive plan
24 amendment shall address land use compatibility consistent with
25 chapter 333 regarding airport zoning; the provision of
26 regional transportation facilities for the efficient use and
27 operation of the transportation system and airport;
28 consistency with the local government transportation
29 circulation element and applicable metropolitan planning
30 organization long-range transportation plan; the execution of
31 any necessary interlocal agreements for the purposes of the

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1 provision of public facilities and services to maintain the
2 adopted level of service standards for facilities subject to
3 concurrency; and may address airport-related or
4 aviation-related development. Development or expansion of an
5 airport consistent with the adopted airport master plan that
6 has been incorporated into the local comprehensive plan in
7 compliance with this part, and airport-related or
8 aviation-related development that has been addressed in the
9 comprehensive plan amendment that incorporates the airport
10 master plan shall not be a development of regional impact.

11 Section 4. Paragraph (c) of subsection (2) of section
12 163.3180, Florida Statutes, is amended to read:

13 163.3180 Concurrency.--

14 (2)

15 (c) Consistent with the public welfare, and except as
16 otherwise provided in this section, transportation facilities
17 designated as part of the Florida Intrastate Highway System
18 needed to serve new development shall be in place or under
19 actual construction no more than 5 years after issuance by the
20 local government of a certificate of occupancy or its
21 functional equivalent. Other transportation facilities needed
22 to serve new development shall be in place or under actual
23 construction no more than 3 years after issuance by the local
24 government of a certificate of occupancy or its functional
25 equivalent.

26 Section 5. Section 189.441, Florida Statutes, is
27 amended to read:

28 189.441 Contracts.--Contracts for the construction of
29 projects and for any other purpose of the authority may be
30 awarded by the authority in a manner that will best promote
31 free and open competition, including advertisement for

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1 competitive bids; however, if the authority determines that
2 the purposes of this act will be more effectively served
3 thereby, the authority may award or cause to be awarded
4 contracts for the construction of any project, including
5 design-build contracts, or any part thereof, or for any other
6 purpose of the authority upon a negotiated basis as determined
7 by the authority. Each contractor doing business with the
8 authority and required to be licensed by the state or local
9 general-purpose governments must maintain the license during
10 the term of the contract with the authority. The authority
11 may prescribe bid security requirements and other procedures
12 in connection with the award of contracts which protect the
13 public interest. ~~Section 287.055 does not apply to the~~
14 ~~selection of professional architectural, engineering,~~
15 ~~landscape architectural, or land surveying services by the~~
16 ~~authority or to the procurement of design-build contracts.~~The
17 authority may, and in the case of a new professional sports
18 franchise must, by written contract engage the services of the
19 operator, lessee, sublessee, or purchaser, or prospective
20 operator, lessee, sublessee, or purchaser, of any project in
21 the construction of the project and may, and in the case of a
22 new professional sports franchise must, provide in the
23 contract that the lessee, sublessee, purchaser, or prospective
24 lessee, sublessee, or purchaser, may act as an agent of, or an
25 independent contractor for, the authority for the performance
26 of the functions described therein, subject to the conditions
27 and requirements prescribed in the contract, including
28 functions such as the acquisition of the site and other real
29 property for the project; the preparation of plans,
30 specifications, financing, and contract documents; the award
31 of construction and other contracts upon a competitive or

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1 negotiated basis; the construction of the project, or any part
2 thereof, directly by the lessee, purchaser, or prospective
3 lessee or purchaser; the inspection and supervision of
4 construction; the employment of engineers, architects,
5 builders, and other contractors; and the provision of money to
6 pay the cost thereof pending reimbursement by the authority.
7 Any such contract may, and in the case of a new professional
8 sports franchise must, allow the authority to make advances to
9 or reimburse the lessee, sublessee, or purchaser, or
10 prospective lessee, sublessee, or purchaser for its costs
11 incurred in the performance of those functions, and must set
12 forth the supporting documents required to be submitted to the
13 authority and the reviews, examinations, and audits that are
14 required in connection therewith to assure compliance with the
15 contract.

16 Section 6. Subsection (6) is added to section 73.092,
17 Florida Statutes, to read:

18 73.092 Attorney's fees.--

19 (6) If a defendant does not accept the last written
20 settlement offer by the condemning authority before the final
21 judgment, and the final judgment obtained by the defendant,
22 exclusive of any interest accumulated after the written
23 settlement offer was initially made, is equal to or less than
24 the written settlement offer, then the court shall not award
25 any attorney fees or costs incurred by the defendant after the
26 date the written settlement offer was received. This
27 subsection shall not apply to s. 73.092.

28 Section 7. Subsection (2) of section 206.46, Florida
29 Statutes, is amended to read:

30 206.46 State Transportation Trust Fund.--

31 (2) Notwithstanding any other provisions of law, from

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1 the revenues deposited into the State Transportation Trust
2 Fund a maximum of 7 percent in each fiscal year shall be
3 transferred into the Right-of-Way Acquisition and Bridge
4 Construction Trust Fund created in s. 215.605, as needed to
5 meet the requirements of the documents authorizing the bonds
6 issued or proposed to be issued under ss. 215.605 and 337.276
7 or at a minimum amount sufficient to pay for the debt service
8 coverage requirements of outstanding bonds. Notwithstanding
9 the 7 percent annual transfer authorized in this subsection,
10 the annual amount transferred under this subsection shall not
11 exceed an amount necessary to provide the required debt
12 service coverage levels for a maximum debt service not to
13 exceed ~~\$200~~^{\$135} million. Such transfer shall be payable
14 primarily from the motor and diesel fuel taxes transferred to
15 the State Transportation Trust Fund from the Fuel Tax
16 Collection Trust Fund.

17 Section 8. Paragraph (a) of subsection (1) of section
18 255.20, Florida Statutes, is amended to read:

19 255.20 Local bids and contracts for public
20 construction works; specification of state-produced lumber.--

21 (1) A county, municipality, special district as
22 defined in chapter 189, or other political subdivision of the
23 state seeking to construct or improve a public building,
24 structure, or other public construction works must
25 competitively award to an appropriately licensed contractor
26 each project that is estimated in accordance with generally
27 accepted cost-accounting principles to have total construction
28 project costs of more than \$200,000. For electrical work,
29 local government must competitively award to an appropriately
30 licensed contractor each project that is estimated in
31 accordance with generally accepted cost-accounting principles

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1 to have a cost of more than \$50,000. As used in this section,
2 the term "competitively award" means to award contracts based
3 on the submission of sealed bids, proposals submitted in
4 response to a request for proposal, proposals submitted in
5 response to a request for qualifications, or proposals
6 submitted for competitive negotiation. This subsection
7 expressly allows contracts for construction management
8 services, design/build contracts, continuation contracts based
9 on unit prices, and any other contract arrangement with a
10 private sector contractor permitted by any applicable
11 municipal or county ordinance, by district resolution, or by
12 state law. For purposes of this section, construction costs
13 include the cost of all labor, except inmate labor, and
14 include the cost of equipment and materials to be used in the
15 construction of the project. Subject to the provisions of
16 subsection (3), the county, municipality, special district, or
17 other political subdivision may establish, by municipal or
18 county ordinance or special district resolution, procedures
19 for conducting the bidding process.

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

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

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

27 b. Other loss to public or private property which
28 requires emergency government action; or

29 c. An interruption of an essential governmental
30 service.

31 2. When, after notice by publication in accordance

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1 with the applicable ordinance or resolution, the governmental
2 entity does not receive any responsive bids or responses.

3 3. To construction, remodeling, repair, or improvement
4 to a public electric or gas utility system when such work on
5 the public utility system is performed by personnel of the
6 system.

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

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

12 6. When the project is undertaken exclusively as part
13 of a public educational program.

14 7. When the funding source of the project will be
15 diminished or lost because the time required to competitively
16 award the project after the funds become available exceeds the
17 time within which the funding source must be spent.

18 8. When the local government has competitively awarded
19 a project to a private sector contractor and the contractor
20 has abandoned the project before completion or the local
21 government has terminated the contract.

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

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

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

28 a. When the governing board of the local government,
29 after public notice, conducts a public meeting under s.
30 286.011 and finds by a two-thirds vote of the governing board
31 that it is in the public's best interest to award the project

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1 according to the criteria and procedures established by
2 charter, ordinance, or resolution. The public notice must be
3 published at least 14 days prior to the date of the public
4 meeting at which the governing board takes final action to
5 apply this subparagraph. The notice must identify the
6 project, the estimated cost of the project, and specify that
7 the purpose for the public meeting is to consider whether it
8 is in the public's best interest to award the project using
9 the criteria and procedures permitted by the preexisting
10 ordinance.

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

14 (I) There is one appropriately licensed contractor who
15 is uniquely qualified to undertake the project because that
16 contractor is currently under contract to perform work that is
17 affiliated with the project; or

18 (II) The time to competitively award the project will
19 jeopardize the funding for the project, or will materially
20 increase the cost of the project or will create an undue
21 hardship on the public health, safety, or welfare.

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

27 d. In the event the project is to be awarded by a
28 method other than a competitive selection process, the
29 architect or engineer of record has provided a written
30 recommendation that the project be awarded to the private
31 sector contractor without competitive selection; and the

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1 consideration by, and the justification of, the government
2 body are documented, in writing, in the project file and are
3 presented to the governing board prior to the approval
4 required in this paragraph.

5 11. To projects subject to chapter 336.

6 Section 9. Paragraph (g) of subsection (2) of section
7 287.055, Florida Statutes, is amended to read:

8 287.055 Acquisition of professional architectural,
9 engineering, landscape architectural, or surveying and mapping
10 services; definitions; procedures; contingent fees prohibited;
11 penalties.--

12 (2) DEFINITIONS.--For purposes of this section:

13 (g) A "continuing contract" is a contract for
14 professional services entered into in accordance with all the
15 procedures of this act between an agency and a firm whereby
16 the firm provides professional services to the agency for
17 projects in which construction costs do not exceed \$1 million
18 ~~\$500,000~~, for study activity when the fee for such
19 professional service does not exceed \$50,000 ~~\$25,000~~, or for
20 work of a specified nature as outlined in the contract
21 required by the agency, with no time limitation except that
22 the contract must provide a termination clause.

23 Section 10. Paragraphs (a) and (b) of subsection (3)
24 of section 311.07, Florida Statutes, is amended to read:

25 311.07 Florida seaport transportation and economic
26 development funding.--

27 (3)(a) Program funds shall be used to fund approved
28 projects on a 50-50 matching basis with any of the deepwater
29 ports, as listed in s. 403.021(9)(b), which is governed by a
30 public body or any other deepwater port which is governed by a
31 public body and which complies with the water quality

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1 provisions of s. 403.061, the comprehensive master plan
2 requirements of s. 163.3178(2)(k), the local financial
3 management and reporting provisions of part III of chapter
4 218, and the auditing provisions of s. 11.45(3)(a)5. Program
5 funds also may be used by the Seaport Transportation and
6 Economic Development Council to develop ~~with the Florida Trade~~
7 ~~Data Center~~ such trade data information products which will
8 assist Florida's seaports and international trade.

9 (b) Projects eligible for funding by grants under the
10 program are limited to the following port facilities or port
11 transportation projects:

12 1. Transportation facilities within the jurisdiction
13 of the port.

14 2. The dredging or deepening of channels, turning
15 basins, or harbors.

16 3. The construction or rehabilitation of wharves,
17 docks, structures, jetties, piers, storage facilities, cruise
18 terminals, automated people mover systems, or any facilities
19 necessary or useful in connection with any of the foregoing.

20 4. The acquisition of container cranes or other
21 mechanized equipment used in the movement of cargo or
22 passengers in international commerce.

23 5. The acquisition of land to be used for port
24 purposes.

25 6. The acquisition, improvement, enlargement, or
26 extension of existing port facilities.

27 7. Environmental protection projects which are
28 necessary because of requirements imposed by a state agency as
29 a condition of a permit or other form of state approval; which
30 are necessary for environmental mitigation required as a
31 condition of a state, federal, or local environmental permit;

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1 which are necessary for the acquisition of spoil disposal
2 sites and improvements to existing and future spoil sites; or
3 which result from the funding of eligible projects listed
4 herein.

5 8. Transportation facilities as defined in s.
6 334.03(31) which are not otherwise part of the Department of
7 Transportation's adopted work program.

8 9. Seaport intermodal access projects identified in
9 the 5-year Florida Seaport Mission Plan as provided in s.
10 311.09(3).

11 10. Construction or rehabilitation of port facilities
12 as defined in s. 315.02, excluding any park or recreational
13 facilities, in ports listed in s. 311.09(1) with operating
14 revenues of \$5 million or less, provided that such projects
15 create economic development opportunities, capital
16 improvements, and positive financial returns to such ports.

17 11. Seaport security projects identified pursuant to
18 s. 311.12. Seaport security projects are not subject to the
19 matching fund requirements of paragraph (a).

20 Section 11. Subsection (1) of Section 315.031, Florida
21 Statutes is amended to read:

22 315.031 Promoting and advertising port facilities.--

23 (1) Each unit is authorized and empowered:

24 (a) To publicize, advertise and promote the activities
25 and port facilities herein authorized;

26 (b) To make known the advantages, facilities,
27 resources, products, attractions and attributes of the
28 activities and port facilities herein authorized;

29 (c) To create a favorable climate of opinion
30 concerning the activities and port facilities herein
31 authorized;

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1 (d) To cooperate with other agencies, public and
2 private, in accomplishing these purposes;

3 (e) To enter into agreements with the purchaser or
4 purchasers of port facilities bonds issued under the
5 provisions of this law to establish a special fund to be set
6 aside from the proceeds of the revenues collected under the
7 provisions of s. 315.03(13), during any fiscal year, for the
8 promotional activities authorized herein.

9 (f) To authorize expenditures for promotional
10 activities authorized by this section, including meals,
11 hospitality, and entertainment of persons in the interest of
12 promoting and engendering goodwill toward its port facilities.

13
14 ~~Nothing herein shall be construed to authorize any unit to~~
15 ~~expend funds for meals, hospitality, amusement or any other~~
16 ~~purpose of an entertainment nature.~~

17 Section 12. Subsection (12) of section 311.09, Florida
18 Statutes, is amended to read:

19 311.09 Florida Seaport Transportation and Economic
20 Development Council.--

21 (12) Members of the council shall serve without
22 compensation but are entitled to receive reimbursement for per
23 diem and travel expenses as provided in s. 112.061. The
24 council may elect to provide an administrative staff to
25 provide services to the council on matters relating to the
26 Florida Seaport Transportation and Economic Development
27 Program and the council. The cost for such administrative
28 services shall be paid by all ports that receive funding from
29 the Florida Seaport Transportation and Economic Development
30 Program, based upon a pro rata formula measured by each
31 recipient's share of the funds as compared to the total funds

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1 disbursed to all recipients during the year. The share of
2 costs for administrative services shall be paid in its total
3 amount by the recipient port upon execution by the port and
4 the Department of Transportation of a joint participation
5 agreement for each council-approved project, and such payment
6 is in addition to the matching funds required to be paid by
7 the recipient port. Except as otherwise exempted by law, all
8 moneys derived from the Florida Seaport Transportation and
9 Economic Development Program shall be expended in accordance
10 with the provisions of s. 287.057. Seaports subject to
11 competitive negotiation requirements of a local governing body
12 shall abide by the provisions of s. 287.055 ~~be exempt from~~
13 ~~this requirement.~~

14 Section 13. Paragraph (b) of subsection (1) of section
15 316.302, Florida Statutes, is amended to read:

16 316.302 Commercial motor vehicles; safety regulations;
17 transporters and shippers of hazardous materials;
18 enforcement.--

19 (1)

20 (b) Except as otherwise provided in this section, all
21 owners or drivers of commercial motor vehicles that are
22 engaged in intrastate commerce are subject to the rules and
23 regulations contained in 49 C.F.R. parts 382, 385, and
24 390-397, with the exception of 49 C.F.R. s. 390.5 as it
25 relates to the definition of bus, as such rules and
26 regulations existed on October 1, 2000 ~~March 1, 1999~~.

27 Section 14. Paragraph (a) of subsection (3) of section
28 316.3025, Florida Statutes, is amended to read:

29 316.3025 Penalties.--

30 (3)(a) A civil penalty of \$50 may be assessed for a
31 violation of 49 C.F.R. s. 390.21 ~~s. 316.3027~~.

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1 Section 15. Subsection (2) of section 316.515, Florida
2 Statutes, is amended to read:

3 316.515 Maximum width, height, length.--
4 (2) HEIGHT LIMITATION.--No vehicle may exceed a height
5 of 13 feet 6 inches, inclusive of load carried thereon.
6 However, an automobile transporter may, ~~with a permit from the~~
7 ~~Department of Transportation,~~ measure a height not to exceed
8 14 feet, inclusive of the load carried thereon.

9 Section 16. Subsection (6) of section 316.535, Florida
10 Statutes, is renumbered as subsection (7), present subsection
11 (7) is renumbered as subsection (8) and amended, and a new
12 subsection (6) is added to said section to read:

13 316.535 Maximum weights.--
14 (6) Dump trucks, concrete mixing trucks, trucks
15 engaged in waste collection and disposal, and fuel oil and
16 gasoline trucks designed and constructed for special type work
17 or use, when operated as a single unit, shall be subject to
18 all safety and operational requirements of law, except that
19 any such vehicle need not conform to the axle spacing
20 requirements of this section provided that such vehicle shall
21 be limited to a total gross load, including the weight of the
22 vehicle, of 20,000 pounds per axle plus scale tolerances and
23 shall not exceed 550 pounds per inch width tire surface plus
24 scale tolerances. No vehicle operating pursuant to this
25 section shall exceed a gross weight, including the weight of
26 the vehicle and scale tolerances, of 70,000 pounds. Any
27 vehicle violating the weight provisions of this section shall
28 be penalized as provided in s. 316.545.

29 ~~(7)~~(6) The Department of Transportation shall adopt
30 rules to implement this section, shall enforce this section
31 and the rules adopted hereunder, and shall publish and

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1 distribute tables and other publications as deemed necessary
2 to inform the public.

3 (8)~~(7)~~ Except as hereinafter provided, no vehicle or
4 combination of vehicles exceeding the gross weights specified
5 in subsections (3), (4), ~~and (5)~~, and (6) shall be permitted
6 to travel on the public highways within the state.

7 Section 17. Paragraph (a) of subsection (2) of section
8 316.545, Florida Statutes, is amended to read:

9 316.545 Weight and load unlawful; special fuel and
10 motor fuel tax enforcement; inspection; penalty; review.--

11 (2)(a) Whenever an officer, upon weighing a vehicle or
12 combination of vehicles with load, determines that the axle
13 weight or gross weight is unlawful, the officer may require
14 the driver to stop the vehicle in a suitable place and remain
15 standing until a determination can be made as to the amount of
16 weight thereon and, if overloaded, the amount of penalty to be
17 assessed as provided herein. However, any gross weight over
18 and beyond 6,000 pounds beyond the maximum herein set shall be
19 unloaded and all material so unloaded shall be cared for by
20 the owner or operator of the vehicle at the risk of such owner
21 or operator. Except as otherwise provided in this chapter, to
22 facilitate compliance with and enforcement of the weight
23 limits established in s. 316.535, weight tables published
24 pursuant to s. 316.535~~(7)~~~~(6)~~ shall include a 10-percent scale
25 tolerance and shall thereby reflect the maximum scaled weights
26 allowed any vehicle or combination of vehicles. As used in
27 this section, scale tolerance means the allowable deviation
28 from legal weights established in s. 316.535. Notwithstanding
29 any other provision of the weight law, if a vehicle or
30 combination of vehicles does not exceed the gross, external
31 bridge, or internal bridge weight limits imposed in s. 316.535

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1 and the driver of such vehicle or combination of vehicles can
2 comply with the requirements of this chapter by shifting or
3 equalizing the load on all wheels or axles and does so when
4 requested by the proper authority, the driver shall not be
5 held to be operating in violation of said weight limits.

6 Section 18. Section 330.27, Florida Statutes, is
7 amended to read:

8 330.27 Definitions, when used in ss. 330.29-330.36,
9 330.38, 330.39.--

10 (1) "Aircraft" means a powered or unpowered machine or
11 device capable of atmosphere flight ~~any motor vehicle or~~
12 ~~contrivance now known, or hereafter invented, which is used or~~
13 ~~designed for navigation of or flight in the air, except a~~
14 ~~parachute or other such device contrivance designed for such~~
15 ~~navigation but used primarily as safety equipment.~~

16 (2) "Airport" means an ~~any~~ area of land or water, ~~or~~
17 ~~any manmade object or facility located thereon, which is used~~
18 for, or intended to be used for, use, for the landing and
19 takeoff of aircraft, including and any appurtenant areas,
20 ~~which are used, or intended for use, for airport buildings, or~~
21 ~~other airport facilities, or rights-of-way necessary to~~
22 facilitate such use or intended use, ~~together with all airport~~
23 ~~buildings and facilities located thereon.~~

24 ~~(3) "Airport hazard" means any structure, object of~~
25 ~~natural growth, or use of land which obstructs the airspace~~
26 ~~required for the flight of aircraft in landing or taking off~~
27 ~~at an airport or which is otherwise hazardous to such landing~~
28 ~~or taking off.~~

29 ~~(4) "Aviation" means the science and art of flight and~~
30 ~~includes, but is not limited to, transportation by aircraft;~~
31 ~~the operation, construction, repair, or maintenance of~~

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1 ~~aircraft, aircraft power plants, and accessories, including~~
2 ~~the repair, packing, and maintenance of parachutes; the~~
3 ~~design, establishment, construction, extension, operation,~~
4 ~~improvement, repair, or maintenance of airports or other air~~
5 ~~navigation facilities; and instruction in flying or ground~~
6 ~~subjects pertaining thereto.~~

7 ~~(3)(5)~~ "Department" means the Department of
8 Transportation.

9 ~~(4)(6)~~ "Limited airport" means any ~~an~~ airport,
10 ~~publicly or privately owned,~~ limited exclusively to the
11 specific conditions stated on the site approval order or
12 license.

13 ~~(7)~~ "Operation of aircraft" or "operate aircraft"
14 means the use, navigation, or piloting of aircraft in the
15 ~~airspace over this state or upon any airport within this~~
16 ~~state.~~

17 ~~(8)~~ "Political subdivision" means ~~any county,~~
18 ~~municipality, district, port or aviation commission or~~
19 ~~authority, or similar entity authorized to establish or~~
20 ~~operate an airport in this state.~~

21 ~~(5)(9)~~ "Private airport" means an airport, publicly or
22 privately owned, which is not open or available for use by the
23 public. A private airport is registered with the department
24 for use of the person or persons registering the facility used
25 primarily by the licensee but may be made which is available
26 to others for use by invitation of the registrant licensee.
27 ~~Services may be provided if authorized by the department.~~

28 ~~(6)(10)~~ "Public airport" means an airport, publicly or
29 privately owned, which ~~meets minimum safety and service~~
30 ~~standards and is open for use by the public~~ as listed in the
31 current United States Government Flight Information

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1 Publication, Airport Facility Directory. A public airport is
 2 licensed by the department as meeting minimum safety
 3 standards.

4 (7)(11) "Temporary airport" means any ~~an~~ airport,
 5 ~~publicly or privately owned,~~ that will be used for a period of
 6 less than 30 ~~90~~ days with no more than 10 operations per day.

7 (8)(12) "Ultralight aircraft" means any
 8 ~~heavier-than-air, motorized~~ aircraft meeting ~~which meets~~ the
 9 criteria for ~~maximum weight, fuel capacity, and airspeed~~
 10 established for ~~such aircraft~~ by the Federal Aviation
 11 Regulation Administration under Part 103 of the Federal
 12 Aviation Regulations.

13 Section 19. Section 330.29, Florida Statutes, is
 14 amended to read:

15 330.29 Administration and enforcement; rules;
 16 standards for airport sites and airports.--It is the duty of
 17 the department to:

18 (1) Administer and enforce the provisions of this
 19 chapter.

20 (2) Establish minimum standards for airport sites and
 21 airports under its licensing and registration jurisdiction.

22 (3) Establish and maintain a state aviation data
 23 system to facilitate licensing and registration of all
 24 airports.

25 (4)(3) Adopt rules pursuant to ss. 120.536(1) and
 26 120.54 to implement the provisions of this chapter.

27 Section 20. Section 330.30, Florida Statutes, is
 28 amended to read:

29 330.30 Approval of airport sites and licensing of
 30 airports; ~~fees.~~--

31 (1) SITE APPROVALS; REQUIREMENTS, ~~FEE~~S, ~~EFFECTIVE~~

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1 PERIOD, REVOCATION.--

2 (a) Except as provided in subsection (3), the owner or
3 lessee of any proposed airport shall, prior to site ~~the~~
4 ~~acquisition of the site~~ or ~~prior to the~~ construction or
5 establishment of the proposed airport, obtain approval of the
6 airport site from the department. Applications for approval
7 of a site ~~and for an original license~~ shall be jointly made on
8 a form prescribed by the department ~~and shall be accompanied~~
9 ~~by a site approval fee of \$100~~. The department, ~~after~~
10 ~~inspection of the airport site~~, shall grant the site approval
11 if it is satisfied:

12 1. That the site is suitable ~~adequate~~ for the airport
13 as proposed airport;

14 2. That the airport as proposed airport, ~~if~~
15 ~~constructed or established~~, will conform to minimum standards
16 ~~of safety~~ and will comply with the applicable local government
17 land development regulation or county or municipal zoning
18 requirements;

19 3. That all nearby airports, local governments
20 ~~municipalities~~, and property owners have been notified and any
21 comments submitted by them have been given adequate
22 consideration; and

23 4. That safe air-traffic patterns can be established
24 ~~worked out~~ for the proposed airport with ~~and for~~ all existing
25 airports and approved airport sites in its vicinity.

26 (b) Site approval shall be granted for public airports
27 only after a favorable department inspection of the proposed
28 site.

29 (c) Site approval shall be granted for private
30 airports only after receipt of documentation the department
31 deems necessary to satisfy the conditions in paragraph (a).

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1 ~~(d)~~~~(b)~~ Site approval may be granted subject to any
2 reasonable conditions ~~which~~ the department deems ~~may deem~~
3 necessary to protect the public health, safety, or welfare.

4 ~~(e)~~ ~~Such~~ Approval shall remain valid ~~in effect~~ for a
5 ~~period of 2 years after the date of issue issuance of the site~~
6 ~~approval order~~, unless ~~sooner~~ revoked by the department or
7 ~~unless, prior to the expiration of the 2-year period,~~ a public
8 airport license is issued or private airport registration
9 granted for an airport located on the approved site has been
10 ~~issued pursuant to subsection (2) prior to the expiration~~
11 date.

12 ~~(f)~~ The department may extend a site approval ~~may be~~
13 ~~extended for up to a maximum of 2 years for~~ upon good cause
14 ~~shown by the owner or lessee of the airport site~~.

15 ~~(g)~~~~(c)~~ The department may revoke a site ~~such~~ approval
16 if it determines:

17 1. That ~~there has been an abandonment of the site~~ has
18 been abandoned as an airport ~~site~~;

19 2. That ~~there has been a failure within a reasonable~~
20 ~~time to develop the site~~ has not been developed as an airport
21 within a reasonable time period or development does not to
22 comply with the conditions of the site approval;

23 3. That except as required for in-flight emergencies
24 ~~the operation of aircraft~~ have operated ~~of a nonemergency~~
25 ~~nature has occurred on the site~~; or

26 4. That, ~~because of changed physical or legal~~
27 ~~conditions or circumstances,~~ the site is no longer usable for
28 the aviation purposes due to physical or legal changes in
29 conditions that were the subject of ~~for which the approval was~~
30 granted.

31 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,

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1 RENEWAL, REVOCATION.--

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

16 1. For a public airport, the department shall issue a
17 license after a final airport inspection finds the facility to
18 be in compliance with all requirements for the license. The
19 license may be subject to any reasonable conditions that the
20 department may deem necessary to protect the public health,
21 safety, or welfare.

22 2. For a private airport, the department shall provide
23 controlled electronic access to the state aviation facility
24 data system to permit the applicant to complete the
25 registration process. Registration shall be completed upon
26 self-certification by the registrant of operational and
27 configuration data deemed necessary by the department.

28 (b) The department is authorized to license a public
29 ~~an~~ airport that does not meet all of the minimum standards
30 only if it determines that such exception is justified by
31 unusual circumstances or is in the interest of public

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1 convenience and does not endanger the public health, safety,
2 or welfare. Such a license shall bear the designation
3 "special" and shall state the conditions subject to which the
4 license is granted.

5 (c) The department may authorize a site to be used as
6 a temporary airport if it finds, after inspection of the site,
7 that the airport will not endanger the public health, safety,
8 or welfare. A temporary airport will not require a license or
9 registration. Such Authorization to use a site for a temporary
10 airport will be valid for shall expire not more later than 30
11 90 days after issuance and is not renewable.

12 (d) ~~The license fees for the four categories of~~
13 ~~airport licenses are:~~

- 14 1. ~~Public airport: \$100.~~
- 15 2. ~~Private airport: \$70.~~
- 16 3. ~~Limited airport: \$50.~~
- 17 4. ~~Temporary airport: \$25.~~

18
19 ~~Airports owned or operated by the state, a county, or a~~
20 ~~municipality and emergency helistops operated by licensed~~
21 ~~hospitals are required to be licensed but are exempt from the~~
22 ~~payment of site approval fees and annual license fees.~~

23 (d)(e)1. Each public airport license will expire no
24 later than 1 year after the effective date of the license,
25 except that the expiration date of a license may be adjusted
26 to provide a maximum license period of 18 months to facilitate
27 airport inspections, recognize seasonal airport operations, or
28 improve administrative efficiency. ~~If the expiration date for~~
29 ~~a public airport is adjusted, the appropriate license fee~~
30 ~~shall be determined by prorating the annual fee based on the~~
31 ~~length of the adjusted license period.~~

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1 2. Registration ~~The license period for private all~~
2 ~~airports other than public airports will remain valid provided~~
3 ~~specific elements of airport data, established by the~~
4 ~~department, are periodically recertified by the airport~~
5 ~~registrant. The ability to recertify private airport~~
6 ~~registration data shall be available at all times by~~
7 ~~electronic submittal. Recertification shall be required each~~
8 ~~12 months. A private airport registration that has not been~~
9 ~~recertified in the 12-month period following the last~~
10 ~~certification shall expire. The expiration date of the current~~
11 ~~registration period will be clearly identifiable from the~~
12 ~~state aviation facility data system.~~~~be set by the department,~~
13 ~~but shall not exceed a period of 5 years. In determining the~~
14 ~~license period for such airports, the department shall~~
15 ~~consider the number of based aircraft, the airport location~~
16 ~~relative to adjacent land uses and other airports, and any~~
17 ~~other factors deemed by the department to be critical to~~
18 ~~airport operation and safety.~~

19 3. The effective date and expiration date shall be
20 shown on public airport licenses ~~stated on the face of the~~
21 ~~license.~~ Upon receiving an application for renewal of a public
22 airport license on a form prescribed by the department and,
23 making a favorable inspection report indicating compliance
24 with all applicable requirements and conditions, ~~and receiving~~
25 ~~the appropriate annual license fee,~~ the department shall renew
26 the license, subject to any conditions deemed necessary to
27 protect the public health, safety, or welfare.

28 4. The department may require a new site approval for
29 any ~~an~~ airport if the license or registration ~~of the airport~~
30 has expired ~~not been renewed by the expiration date.~~

31 5. If the renewal application for a public airport

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1 license has ~~and fees have~~ not been received by the department
 2 or no private airport registration recertification has been
 3 accomplished within 15 days after the date of expiration ~~of~~
 4 ~~the license~~, the department may close the airport.

5 ~~(e)(f)~~ The department may revoke any airport
 6 registration, license, or license renewal thereof, or refuse
 7 to allow registration or issue a registration or license
 8 renewal, if it determines:

9 1. That the site there has been abandoned as an an
 10 ~~abandonment of the airport as such~~;

11 2. That the airport does not ~~there has been a failure~~
 12 ~~to comply with the registration, license, license renewal, or~~
 13 site conditions of the license or renewal thereof; or

14 3. That, ~~because of changed physical or legal~~
 15 ~~conditions or circumstances~~, the airport has become either
 16 unsafe or unusable for flight operation due to physical or
 17 legal changes in conditions that were the subject of approval
 18 ~~the aeronautical purposes for which the license or renewal was~~
 19 ~~issued~~.

20 (3) EXEMPTIONS.--The provisions of this section do not
 21 apply to:

22 (a) An airport owned or operated by the United States.

23 (b) An ultralight aircraft landing area, ~~except that~~
 24 ~~any public ultralight airport located more than within 5~~
 25 nautical miles from a ~~of another public airport~~ or military
 26 airport, except ~~or~~ any ultralight landing area with more than
 27 10 ultralight aircraft operating from the site ~~is subject to~~
 28 ~~the provisions of this section~~.

29 (c) A helistop used solely in conjunction with a
 30 construction project undertaken pursuant to the performance of
 31 a state contract if the purpose of the helicopter operations

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1 at the site is to expedite construction.

2 ~~(d) An airport under the jurisdiction or control of a~~
3 ~~county or municipal aviation authority or a county or~~
4 ~~municipal port authority or the Spaceport Florida Authority;~~
5 ~~however, the department shall license any such airport if such~~
6 ~~authority does not elect to exercise its exemption under this~~
7 ~~subsection.~~

8 ~~(d)(e)~~ A helistop used by mosquito control or
9 emergency services, not to include areas where permanent
10 facilities are installed, such as hospital landing sites.

11 ~~(e)(f)~~ An airport which meets the criteria of s.
12 330.27(11) used exclusively for aerial application or spraying
13 of crops on a seasonal basis, not to include any licensed
14 airport where permanent crop aerial application or spraying
15 facilities are installed, if the period of operation does not
16 exceed 30 days per calendar year. Such proposed airports,
17 which will be located within 3 miles of existing airports or
18 approved airport sites, shall work out safe air-traffic
19 patterns with such existing airports or approved airport
20 sites, by memorandums of understanding, or by letters of
21 agreement between the parties representing the airports or
22 sites.

23 (4) EXCEPTIONS.--Private airports with ten or more
24 based aircraft may request to be inspected and licensed by the
25 department. Private airports licensed according to this
26 subsection shall be considered private airports as defined in
27 s. 330.27(5) in all other respects.

28 Section 21. Subsection (2) of section 330.35, Florida
29 Statutes, is amended to read:

30 330.35 Airport zoning, ~~approach zone~~ protection.--

31 (2) Airports licensed for ~~general~~ public use under the

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1 provisions of s. 330.30 are eligible for airport zoning
2 ~~approach zone~~ protection, and the procedure shall be the same
3 as ~~is~~ prescribed in chapter 333.

4 Section 22. Subsection (2) of section 330.36, Florida
5 Statutes, is amended to read:

6 330.36 Prohibition against county or municipal
7 licensing of airports; regulation of seaplane landings.--

8 (2) A municipality may prohibit or otherwise regulate,
9 for specified public health and safety purposes, the landing
10 of seaplanes in and upon any public waters of the state which
11 are located within the limits or jurisdiction of, or bordering
12 on, the municipality upon adoption of zoning requirements in
13 compliance with the provisions of subsection (1).

14 Section 23. Subsection (4) of section 332.004, Florida
15 Statutes, is amended to read:

16 332.004 Definitions of terms used in ss.
17 332.003-332.007.--As used in ss. 332.003-332.007, the term:

18 (4) "Airport or aviation development project" or
19 "development project" means any activity associated with the
20 design, construction, purchase, improvement, or repair of a
21 public-use airport or portion thereof, including, but not
22 limited to: the purchase of equipment; the acquisition of
23 land, including land required as a condition of a federal,
24 state, or local permit or agreement for environmental
25 mitigation; off-airport noise mitigation projects; the
26 removal, lowering, relocation, marking, and lighting of
27 airport hazards; the installation of navigation aids used by
28 aircraft in landing at or taking off from a public airport;
29 the installation of safety equipment required by rule or
30 regulation for certification of the airport under s. 612 of
31 the Federal Aviation Act of 1958, and amendments thereto; and

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1 the improvement of access to the airport by road or rail
2 system which is on airport property and which is consistent,
3 to the maximum extent feasible, with the approved local
4 government comprehensive plan of the units of local government
5 in which the airport is located.

6 Section 24. Subsection (4) is added to section 333.06,
7 Florida Statutes, to read:

8 333.06 Airport zoning requirements.--

9 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO
10 AFFECTED LOCAL GOVERNMENTS.--An airport master plan shall be
11 prepared by each publicly owned and operated airport licensed
12 by the Department of Transportation under chapter 330. The
13 authorized entity having responsibility for governing the
14 operation of the airport, when either requesting from or
15 submitting to a state or federal governmental agency with
16 funding or approval jurisdiction a "finding of no significant
17 impact," an environmental assessment, a site-selection study,
18 an airport master plan, or any amendment to an airport master
19 plan, shall submit simultaneously a copy of said request,
20 submittal, assessment, study, plan, or amendments by certified
21 mail to all affected local governments. For the purposes of
22 this subsection, "affected local government" is defined as any
23 city or county having jurisdiction over the airport and any
24 city or county located within 2 miles of the boundaries of the
25 land subject to the airport master plan.

26 Section 25. Subsection (5) and paragraph (b) of
27 subsection (15) of section 334.044, Florida Statutes, are
28 amended to read:

29 334.044 Department; powers and duties.--The department
30 shall have the following general powers and duties:

31 (5) To purchase, lease, or otherwise acquire property

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

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

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

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1 Section 26. Section 334.193, Florida Statutes, is
2 amended to read:

3 334.193 Unlawful for certain persons to be financially
4 interested in purchases, sales, and certain contracts;
5 penalties.--

6 (1) It is unlawful for a state officer, or an employee
7 or agent of the department, or for any company, corporation,
8 or firm in which a state officer, or an employee or agent of
9 the department has a financial interest, to bid on, enter
10 into, or be personally interested in:

11 (a) The purchase or the furnishing of any materials or
12 supplies to be used in the work of the state.

13 (b) A contract for the construction of any state road,
14 the sale of any property, or the performance of any other work
15 for which the department is responsible.

16 (2) Notwithstanding the provisions of subsection (1):

17 (a) The department may consider competitive bids or
18 proposals by employees or employee work groups who have a
19 financial interest in matters referenced in paragraphs (1)(a)
20 and (b) when the subject matter of a request for bids or
21 proposals by the department includes functions performed by
22 the employees or employee work groups of the department before
23 the request for bids or proposals. However, if the employees,
24 employee work groups, or entity in which an employee of the
25 department has an interest is the successful bidder or
26 proposer, such employee or employees must resign from
27 department employment upon executing an agreement to perform
28 the matter bid upon.

29 (b) The department may consider competitive bids or
30 proposals of employees or employee work groups submitted on
31 behalf of the department to perform the subject matter of

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1 requests for bids or proposals. The department may select
2 such bid or proposal for performance of the work by the
3 department.

4
5 The department may update existing rules or adopt new rules
6 pertaining to employee usage of department equipment,
7 facilities, and supplies during business hours for
8 nondepartment activities in order to implement this
9 subsection.

10 (3) Any person who is convicted of a violation of this
11 section is guilty of a misdemeanor of the first degree,
12 punishable as provided in s. 775.082 or s. 775.083, and shall
13 be removed from his or her office or employment.

14 Section 27. Section 334.30, Florida Statutes, is
15 amended to read:

16 334.30 Public-private ~~Private~~ transportation
17 facilities.--The Legislature hereby finds and declares that
18 there is a public need for rapid construction of safe and
19 efficient transportation facilities for the purpose of travel
20 within the state, and that it is in the public's interest to
21 provide for public-private partnership agreements to
22 effectuate the construction of additional safe, convenient,
23 and economical transportation facilities.

24 (1) The department may receive or solicit proposals
25 and, ~~with legislative approval by a separate bill for each~~
26 ~~facility,~~ enter into agreements with private entities, or
27 consortia thereof, for the building, operation, ownership, or
28 financing of transportation facilities. The department is
29 authorized to adopt rules to implement this section and shall
30 by rule establish an application fee for the submission of
31 proposals under this section. The fee must be sufficient to

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1 pay the costs of evaluating the proposals. The department may
2 engage the services of private consultants to assist in the
3 evaluation. Before ~~seeking legislative~~ approval, the
4 department must determine that the proposed project:

5 (a) Is in the public's best interest. ~~†~~

6 (b) Would not require state funds to be used unless
7 there is an overriding state interest. However, the department
8 may use state resources for a transportation facility project
9 that is on the State Highway System or that provides for
10 increased mobility on the state's transportation system. ~~†~~ and

11 (c) Would have adequate safeguards in place to ensure
12 that no additional costs or service disruptions would be
13 realized by the traveling public and citizens of the state in
14 the event of default or cancellation of the agreement by the
15 department.

16
17 The department shall ensure that all reasonable costs to the
18 state and substantially affected local governments and
19 utilities, related to the private transportation facility, are
20 borne by the private entity.

21 (2) The use of funds from the State Transportation
22 Trust Fund is limited to advancing projects already programmed
23 in the adopted 5-year work program or to no more than a
24 statewide total of \$50 million in capital costs for all
25 projects not programmed in the adopted 5-year work program.

26 (3) The department may request proposals for
27 public-private transportation proposals or, if the department
28 receives a proposal, shall publish a notice in the Florida
29 Administrative Weekly and a newspaper of general circulation
30 at least once a week for 2 weeks, stating that the department
31 has received the proposal and will accept, for 60 days after

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1 the initial date of publication, other proposals for the same
2 project purpose. A copy of the notice must be mailed to each
3 local government in the affected area.

4 (4) The department shall not commit funds in excess of
5 the limitation in subsection (2) without specific project
6 approval by the legislature.

7 (5)(2) Agreements entered into pursuant to this
8 section may authorize the private entity to impose tolls or
9 fares for the use of the facility. However, the amount and
10 use of toll or fare revenues may be regulated by the
11 department to avoid unreasonable costs to users of the
12 facility.

13 (6)(3) Each ~~private~~ transportation facility
14 constructed pursuant to this section shall comply with all
15 requirements of federal, state, and local laws; state,
16 regional, and local comprehensive plans; department rules,
17 policies, procedures, and standards for transportation
18 facilities; and any other conditions which the department
19 determines to be in the public's best interest.

20 (7)(4) The department may exercise any power possessed
21 by it, including eminent domain, with respect to the
22 development and construction of state transportation projects
23 to facilitate the development and construction of
24 transportation projects pursuant to this section. For
25 public-private facilities located on the State Highway System,
26 the department may pay all or part of the cost of operating
27 and maintaining the facility. For facilities not located on
28 the State Highway System, the department may provide services
29 to the private entity and agreements for maintenance, law
30 enforcement, and other services ~~entered into pursuant to this~~
31 ~~section~~ shall provide for full reimbursement for services

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1 rendered.

2 (8)(5) Except as herein provided, the provisions of
3 this section are not intended to amend existing laws by
4 granting additional powers to, or further restricting, local
5 governmental entities from regulating and entering into
6 cooperative arrangements with the private sector for the
7 planning, construction, and operation of transportation
8 facilities.

9 (9) The department shall have the authority to create,
10 or assist in the creation of, tax-exempt, public-purpose
11 chapter 63-20 corporations as provided for under the Internal
12 Revenue Code, for the purpose of shielding the state from
13 possible financing risks for projects under this section.
14 Chapter 63-20 corporations may receive State Transportation
15 Trust Fund grants from the department. The department shall be
16 empowered to enter into public-private partnership agreements
17 with chapter 63-20 corporations for projects under this
18 section.

19 (10) The department may lend funds from the Toll
20 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
21 chapter 63-20 corporations that propose projects containing
22 toll facilities. To be eligible, the chapter 63-20 corporation
23 must meet the provisions of s. 338.251 and must also provide
24 credit support, such as a letter of credit or other means
25 acceptable to the department, to ensure the loans will be
26 repaid as required by law.

27 (11)(6) Notwithstanding s. 341.327, a fixed-guideway
28 transportation system authorized by the department to be
29 wholly or partially within the department's right-of-way
30 pursuant to a lease granted under s. 337.251 may operate at
31 any safe speed.

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1 Section 28. Section 335.066, Florida Statutes, is
2 created to read:

3 335.066 Safe Paths to Schools Program.--

4 (1) There is hereby established within the Department
5 of Transportation the Safe Paths to Schools Program to
6 consider the planning and construction of bicycle and
7 pedestrian ways to provide safe transportation for children
8 from neighborhoods to schools, parks, and the state's
9 greenways and trails system.

10 (2) As part of the Safe Paths to Schools Program, the
11 department may establish a grant program to fund local,
12 regional, and state bicycle and pedestrian projects that
13 support the program.

14 (3) The department may adopt appropriate rules for the
15 administration of the Safe Paths to Schools Program.

16 Section 29. Subsections (3), (4), and (5) of section
17 335.141, Florida Statutes, are amended to read:

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

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

29 ~~(4) Jurisdiction to enforce such orders shall be as~~
30 ~~provided in s. 316.640, and any penalty for violation thereof~~
31 ~~shall be imposed upon the railroad company guilty of such~~

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1 ~~violation.~~ Nothing herein shall prevent a local governmental
2 entity from enacting ordinances relating to the blocking of
3 streets by railroad engines and cars.

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

12 Section 30. Section 336.12, Florida Statutes, is
13 amended to read:

14 336.12 Closing and abandonment of roads; termination
15 of easement; conveyance of fee; optional conveyance for gated
16 communities.--

17 (1) Except as otherwise provided in subsection (2),
18 the act of any commissioners in closing or abandoning any such
19 road, or in renouncing or disclaiming any rights in any land
20 delineated on any recorded map as a road, shall abrogate the
21 easement theretofore owned, held, claimed or used by or on
22 behalf of the public and the title of fee owners shall be
23 freed and released therefrom; and if the fee of road space has
24 been vested in the county, same will be thereby surrendered
25 and will vest in the abutting fee owners to the extent and in
26 the same manner as in case of termination of an easement for
27 road purposes.

28 (2) The governing body of the county may abandon the
29 roads and rights-of-way dedicated in a recorded residential
30 subdivision plat and simultaneously convey the county's
31 interest in such roads, rights-of-way, and appurtenant

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1 drainage facilities to a homeowners' association for the
2 subdivision, if the following conditions have been met:

3 (a) The homeowners' association has requested the
4 abandonment and conveyance in writing for the purpose of
5 converting the subdivision to a gated neighborhood with
6 restricted public access.

7 (b) No fewer than four-fifths of the owners of record
8 of property located in the subdivision have consented in
9 writing to the abandonment and simultaneous conveyance to the
10 homeowners' association.

11 (c) The homeowners' association is both a corporation
12 not for profit organized and in good standing under chapter
13 617, and a "homeowners' association" as defined in s.
14 720.301(7) with the power to levy and collect assessments for
15 routine and periodic major maintenance and operation of street
16 lighting, drainage, sidewalks, and pavement in the
17 subdivision.

18 (d) The homeowners' association has entered into and
19 executed such agreements, covenants, warranties, and other
20 instruments; has provided, or has provided assurance of, such
21 funds, reserve funds, and funding sources; and has satisfied
22 such other requirements and conditions as may be established
23 or imposed by the county with respect to the ongoing
24 operation, maintenance, and repair and the periodic
25 reconstruction or replacement of the roads, drainage, street
26 lighting, and sidewalks in the subdivision after the
27 abandonment by the county.

28
29 Upon abandonment of the roads and rights-of-way and the
30 conveyance thereof to the homeowners' association, the
31 homeowners' association shall have all the rights, title, and

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1 interests in the roads and rights-of-way, including all
2 appurtenant drainage facilities, as were previously vested in
3 the county. Thereafter, the homeowners' association shall
4 hold the roads and rights-of-way in trust for the benefit of
5 the owners of the property in the subdivision, and shall
6 operate, maintain, repair, and, from time to time, replace and
7 reconstruct the roads, street lighting, sidewalks, and
8 drainage facilities as necessary to ensure their use and
9 enjoyment by the property owners, tenants, and residents of
10 the subdivision and their guests and invitees.

11 Section 31. Subsection (4) is added to section 336.41,
12 Florida Statutes, to read:

13 336.41 Counties; employing labor and providing road
14 equipment; definitions.--

15 (4)(a) For contracts in excess of \$250,000, any county
16 may require that persons interested in performing work under
17 the contract first be certified or qualified to do the work.
18 Any contractor prequalified and considered eligible to bid by
19 the department to perform the type of work described under the
20 contract shall be presumed to be qualified to perform the work
21 so described. Any contractor may be considered ineligible to
22 bid by the county if the contractor is behind an approved
23 progress schedule by 10 percent or more on another project for
24 that county at the time of the advertisement of the work. The
25 county may provide an appeal process to overcome such
26 consideration with de novo review based on the record below to
27 the circuit court.

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

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1 prior to adoption. The procedures shall provide for an appeal
2 process within the county for objections to the
3 prequalification process with de novo review based on the
4 record below to the circuit court.

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

12 Section 32. Subsection (2) of section 336.44, Florida
13 Statutes, is amended to read:

14 336.44 Counties; contracts for construction of roads;
15 procedure; contractor's bond.--

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

22 Section 33. Section 337.107, Florida Statutes, is
23 amended to read:

24 337.107 Contracts for right-of-way services.--The
25 department may enter into contracts pursuant to s. 287.055 or
26 s. 337.025 for right-of-way services on transportation
27 corridors and transportation facilities or the department may
28 include right-of-way services as part of design-build
29 contracts awarded pursuant to s. 337.11. Right-of-way
30 services include negotiation and acquisition services,
31 appraisal services, demolition and removal of improvements,

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1 and asbestos-abatement services.

2 Section 34. Paragraph (c) of subsection (6) and
3 paragraph (a) of subsection (7) of section 337.11, Florida
4 Statutes, are amended to read:

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

9 (6)

10 (c) When the department determines that it is in the
11 best interest of the public for reasons of public concern,
12 economy, improved operations or safety, and only when
13 circumstances dictate rapid completion of the work, the
14 department may, up to the ~~threshold~~ amount of \$120,000
15 ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts
16 for construction and maintenance without advertising and
17 receiving competitive bids. ~~However, if legislation is enacted~~
18 ~~by the Legislature which changes the category thresholds, the~~
19 ~~threshold amount shall remain at \$60,000.~~The department may
20 enter into such contracts only upon a determination that the
21 work is necessary for one of the following reasons:

- 22 1. To ensure timely completion of projects or
- 23 avoidance of undue delay for other projects;
- 24 2. To accomplish minor repairs or construction and
- 25 maintenance activities for which time is of the essence and
- 26 for which significant cost savings would occur; or
- 27 3. To accomplish nonemergency work necessary to ensure
- 28 avoidance of adverse conditions that affect the safe and
- 29 efficient flow of traffic.

30
31 The department shall make a good faith effort to obtain two or

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1 more quotes, if available, from qualified contractors before
2 entering into any contract. The department shall give
3 consideration to disadvantaged business enterprise
4 participation. However, when the work exists within the limits
5 of an existing contract, the department shall make a good
6 faith effort to negotiate and enter into a contract with the
7 prime contractor on the existing contract.

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

23 Section 35. Subsection (4) of section 337.14, Florida
24 Statutes, is amended, and subsection (9) is added to said
25 section, to read:

26 337.14 Application for qualification; certificate of
27 qualification; restrictions; request for hearing.--

28 (4) If the applicant is found to possess the
29 prescribed qualifications, the department shall issue to him
30 or her a certificate of qualification that ~~which~~, unless
31 thereafter revoked by the department for good cause, will be

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

15 (9)(a) Notwithstanding any other law to the contrary,
16 for contracts in excess of \$250,000, an authority created
17 pursuant to chapter 348 or chapter 349 may require that
18 persons interested in performing work under contract first be
19 certified or qualified to do the work. Any contractor may be
20 considered ineligible to bid by the governmental entity or
21 authority if the contractor is behind an approved progress
22 schedule for the governmental entity or authority by 10
23 percent or more at the time of advertisement of the work. Any
24 contractor prequalified and considered eligible by the
25 department to bid to perform the type of work described under
26 the contract shall be presumed to be qualified to perform the
27 work so described. The governmental entity or authority may
28 provide an appeal process to overcome that presumption with de
29 novo review based on the record below to the circuit court.

30 (b) With respect to contractors not prequalified with
31 the department, the authority shall publish prequalification

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1 criteria and procedures prior to advertisement or notice of
2 solicitation. Such publications shall include notice of a
3 public hearing for comment on such criteria and procedures
4 prior to adoption. The procedures shall provide for an appeal
5 process within the authority for objections to the
6 prequalification process with de novo review based on the
7 record below to the circuit court within 30 days.

8 (c) An authority may establish criteria and procedures
9 whereunder contractor selection may occur on a basis other
10 than the lowest responsible bidder. Prior to adoption, the
11 authority shall publish for comment the proposed criteria and
12 procedures. Review of the adopted criteria and procedures
13 shall be to the circuit court, within 30 days after adoption,
14 with de novo review based on the record below.

15 Section 36. Subsection (2) of section 337.401, Florida
16 Statutes, is amended to read:

17 337.401 Use of right-of-way for utilities subject to
18 regulation; permit; fees.--

19 (2) The authority may grant to any person who is a
20 resident of this state, or to any corporation which is
21 organized under the laws of this state or licensed to do
22 business within this state, the use of a right-of-way for the
23 utility in accordance with such rules or regulations as the
24 authority may adopt. No utility shall be installed, located,
25 or relocated unless authorized by a written permit issued by
26 the authority. However, for public roads or publicly owned
27 rail corridors under the jurisdiction of the department, a
28 utility relocation schedule and relocation agreement may be
29 executed in lieu of a written permit.The permit shall require
30 the permitholder to be responsible for any damage resulting
31 from the issuance of such permit. The authority may initiate

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1 injunctive proceedings as provided in s. 120.69 to enforce
2 provisions of this subsection or any rule or order issued or
3 entered into pursuant thereto.

4 Section 37. Subsections (1) and (2) of section 339.08,
5 Florida Statutes, are amended to read:

6 339.08 Use of moneys in State Transportation Trust
7 Fund.--

8 (1) The department shall expend ~~by rule provide for~~
9 ~~the expenditure of the~~ moneys in the State Transportation
10 Trust Fund accruing to the department, in accordance with its
11 annual budget.

12 (2) ~~These rules must restrict~~ The use of such moneys
13 shall be restricted to the following purposes:

14 (a) To pay administrative expenses of the department,
15 including administrative expenses incurred by the several
16 state transportation districts, but excluding administrative
17 expenses of commuter rail authorities that do not operate rail
18 service.

19 (b) To pay the cost of construction of the State
20 Highway System.

21 (c) To pay the cost of maintaining the State Highway
22 System.

23 (d) To pay the cost of public transportation projects
24 in accordance with chapter 341 and ss. 332.003-332.007.

25 (e) To reimburse counties or municipalities for
26 expenditures made on projects in the State Highway System as
27 authorized by s. 339.12(4) upon legislative approval.

28 (f) To pay the cost of economic development
29 transportation projects in accordance with s. 288.063.

30 (g) To lend or pay a portion of the operating,
31 maintenance, and capital costs of a revenue-producing

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1 transportation project that is located on the State Highway
2 System or that is demonstrated to relieve traffic congestion
3 on the State Highway System.

4 (h) To match any federal-aid funds allocated for any
5 other transportation purpose, including funds allocated to
6 projects not located in the State Highway System.

7 (i) To pay the cost of county road projects selected
8 in accordance with the Small County Road Assistance Program
9 created in s. 339.2816.

10 (j) To pay the cost of county or municipal road
11 projects selected in accordance with the County Incentive
12 Grant Program created in s. 339.2817 and the Small County
13 Outreach Program created in s. 339.2818.

14 (k) To provide loans and credit enhancements for use
15 in constructing and improving highway transportation
16 facilities selected in accordance with the state-funded
17 infrastructure bank created in s. 339.55.

18 (l) To fund the Transportation Outreach Program
19 created in s. 339.137.

20 (m) To pay other lawful expenditures of the
21 department.

22 Section 38. Paragraph (c) of subsection (4) and
23 subsection (5) of section 339.12, Florida Statutes, are
24 amended, to read:

25 339.12 Aid and contributions by governmental entities
26 for department projects; federal aid.--

27 (4)

28 (c) The department may enter into agreements under
29 this subsection for a project or project phase not included in
30 the adopted work program. As used in this paragraph, the term
31 "project phase" means acquisition of rights-of-way,

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1 construction, construction inspection, and related support
2 phases. The project or project phase must be a high priority
3 of the governmental entity. Reimbursement for a project or
4 project phase must be made from funds appropriated by the
5 Legislature pursuant to s. 339.135(5). All other provisions of
6 this subsection apply to agreements entered into under this
7 paragraph. The total amount of project agreements for projects
8 or project phases not included in the adopted work program may
9 not at any time exceed ~~\$150~~^{\$100} million.

10 (5) The department and the governing body of a
11 governmental entity may enter into an agreement by which the
12 governmental entity agrees to perform a highway project or
13 project phase in the department's adopted work program that is
14 not revenue producing or any public transportation project in
15 the adopted work program. By specific provision in the
16 written agreement between the department and the governing
17 body of the governmental entity, the department may agree to
18 compensate ~~reimburse~~ the governmental entity the actual cost
19 of for the project or project phase contained in the adopted
20 work program. Compensation ~~Reimbursement~~ to the governmental
21 entity for such project or project phases must be made from
22 funds appropriated by the Legislature, and compensation
23 ~~reimbursement~~ for the cost of the project or project phase is
24 to begin in the year the project or project phase is scheduled
25 in the work program as of the date of the agreement.

26 Section 39. Paragraphs (a), (b), (f), and (g) of
27 subsection (4) of section 339.135, Florida Statutes, are
28 amended to read:

29 339.135 Work program; legislative budget request;
30 definitions; preparation, adoption, execution, and
31 amendment.--

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

2 (a)1. To assure that no district or county is
3 penalized for local efforts to improve the State Highway
4 System, the department shall, for the purpose of developing a
5 tentative work program, allocate funds for new construction to
6 the districts, except for the turnpike enterprise district,
7 based on equal parts of population and motor fuel tax
8 collections. Funds for resurfacing, bridge repair and
9 rehabilitation, bridge fender system construction or repair,
10 public transit projects except public transit block grants as
11 provided in s. 341.052, and other programs with quantitative
12 needs assessments shall be allocated based on the results of
13 these assessments. The department may not transfer any funds
14 allocated to a district under this paragraph to any other
15 district except as provided in subsection (7). Funds for
16 public transit block grants shall be allocated to the
17 districts pursuant to s. 341.052.

18 2. Notwithstanding the provisions of subparagraph 1.,
19 the department shall allocate at least 50 percent of any new
20 discretionary highway capacity funds to the Florida Intrastate
21 Highway System established pursuant to s. 338.001. Any
22 remaining new discretionary highway capacity funds shall be
23 allocated to the districts for new construction as provided in
24 subparagraph 1. For the purposes of this subparagraph, the
25 term "new discretionary highway capacity funds" means any
26 funds available to the department above the prior year funding
27 level for capacity improvements, which the department has the
28 discretion to allocate to highway projects.

29 (b)1. A tentative work program, including the ensuing
30 fiscal year and the successive 4 fiscal years, shall be
31 prepared for the State Transportation Trust Fund and other

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

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

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

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1 Intrastate Highway System and the first 3 years of the adopted
2 work program stand as the commitment of the state to undertake
3 transportation projects that local governments may rely on for
4 planning purposes and in the development and amendment of the
5 capital improvements elements of their local government
6 comprehensive plans. (f) The central office shall submit a
7 preliminary copy of the tentative work program to the
8 Executive Office of the Governor, the legislative
9 appropriations committees, the Florida Transportation
10 Commission, and the Department of Community Affairs at least
11 14 days prior to the convening of the regular legislative
12 session. Prior to the statewide public hearing required by
13 paragraph (g), the Department of Community Affairs shall
14 transmit to the Florida Transportation Commission a list of
15 those projects and project phases contained in the tentative
16 work program which are identified as being inconsistent with
17 approved local government comprehensive plans. For urbanized
18 areas of metropolitan planning organizations, the list may not
19 contain any project or project phase that is scheduled in a
20 transportation improvement program unless such inconsistency
21 has been previously reported to the affected metropolitan
22 planning organization. ~~The commission shall consider the list~~
23 ~~as part of its evaluation of the tentative work program~~
24 ~~conducted pursuant to s. 20.23.~~

25 (g) The Florida Transportation Commission shall
26 conduct a statewide public hearing on the tentative work
27 program and shall advertise the time, place, and purpose of
28 the hearing in the Florida Administrative Weekly at least 7
29 days prior to the hearing. As part of the statewide public
30 hearing, the commission shall, at a minimum:

31 1. Conduct an in-depth evaluation of the tentative

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1 work program ~~as required in s. 20.23~~ for compliance with
2 applicable laws and departmental policies; and
3 2. Hear all questions, suggestions, or other comments
4 offered by the public.

5
6 By no later than 14 days after the regular legislative session
7 begins, the commission shall submit to the Executive Office of
8 the Governor and the legislative appropriations committees a
9 report that evaluates the tentative work program for:

- 10 a. Financial soundness;
11 b. Stability;
12 c. Production capacity;
13 d. Accomplishments, including compliance with program
14 objectives in s. 334.046;
15 e. Compliance with approved local government
16 comprehensive plans;
17 f. Objections and requests by metropolitan planning
18 organizations;
19 g. Policy changes and effects thereof;
20 h. Identification of statewide or regional projects;
21 and
22 i. Compliance with all other applicable laws.

23 Section 40. Section 339.137, Florida Statutes, is
24 amended to read:

25 339.137 Transportation Outreach Program (TOP)
26 supporting economic development; administration; definitions;
27 eligible projects; Transportation Outreach Program (TOP)
28 advisory council created; limitations; funding.--

29 (1) There is created within the Department of
30 Transportation, a Transportation Outreach Program (TOP)
31 dedicated to funding transportation projects of a high

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1 priority based on the ~~prevailing~~ principles of ~~preserving the~~
2 ~~existing transportation infrastructure~~; enhancing Florida's
3 economic growth and competitiveness in national and
4 international markets; promoting intermodal transportation
5 linkages for passengers and freight; and improving travel
6 choices to ensure efficient and cost-competitive mobility for
7 Florida citizens, visitors, services, and goods.

8 (2) For purposes of this section, words and phrases
9 shall have the following meanings:

10 (a) ~~Preservation.--Protecting the state's~~
11 ~~transportation infrastructure investment. Preservation~~
12 ~~includes:~~

13 1. ~~Ensuring that 80 percent of the pavement on the~~
14 ~~State Highway System meets department standards;~~

15 2. ~~Ensuring that 90 percent of department-maintained~~
16 ~~bridges meet department standards; and~~

17 3. ~~Ensuring that the department achieves 100 percent~~
18 ~~of acceptable maintenance standards on the State Highway~~
19 ~~System.~~

20 ~~(b)~~ Economic growth and competitiveness.--Ensuring
21 that state transportation investments promote economic
22 activities which result in development or retention of income
23 generative industries which increase per capita earned income
24 in the state, and that such investments improve the state's
25 economic competitiveness.

26 ~~(b)~~~~(c)~~ Mobility.--Ensuring a cost-effective,
27 statewide, interconnected transportation system.

28 ~~(c)~~~~(d)~~ The term "regionally significant transportation
29 project of critical concern" means a transportation facility
30 improvement project located in one or more counties ~~county~~
31 which provides significant enhancement of economic development

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1 opportunities in that region ~~an adjoining county or counties~~
 2 ~~and which provides improvements to a hurricane evacuation~~
 3 ~~route.~~

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

9 (4)(3) Proposed Eligible projects that meet the
 10 minimum eligibility threshold include those for planning,
 11 designing, acquiring rights-of-way for, or constructing the
 12 following:

13 (a) Major highway improvements to:-

- 14 1. The Florida Intrastate Highway System.
- 15 2. Major roads and feeder roads which provide linkages
 16 to the Florida Intrastate Highway System ~~major highways.~~
- 17 3. Bridges of statewide or regional significance.
- 18 4. Trade and economic development corridors.
- 19 5. Access projects for freight and passengers.
- 20 6. Hurricane evacuation routes.

21 (b) Major public transportation projects:-

22 1. Seaport projects which improve cargo and passenger
 23 movements or connect the seaports to other modes of
 24 transportation.

25 2. Aviation projects which increase passenger
 26 enplanements and cargo activity or connect airports to other
 27 modes of transportation.

28 3. Transit projects which improve mobility on
 29 interstate highways, or which improve regional or localized
 30 travel, or connect to other modes of transportation.

31 4. Rail projects that facilitate the movement of

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1 passengers and cargo, including ancillary pedestrian
2 facilities, or connect rail facilities to other modes of
3 transportation.

4 5. Spaceport Florida Authority projects which improve
5 space transportation capacity and facilities consistent with
6 the provisions of s. 331.360.

7 ~~6. Bicycle and pedestrian facilities that add to or~~
8 ~~enhance a statewide system of public trails.~~

9 (c) Highway and bridge projects that facilitate
10 retention and expansion of military installations, or that
11 facilitate reuse and development of any military base
12 designated for closure by the Federal Government.

13

14 Each proposed project must be able to document that it
15 promotes economic growth and competitiveness, as defined in
16 paragraph (2)(a).

17 (5) In addition to the above minimum eligibility
18 requirements, each proposed project must comply with the
19 following eligibility criteria:

20 (a) The project or project phase selected can be made
21 production-ready within a 5-year period following the end of
22 the current fiscal year.

23 (b) The project is consistent with a current
24 transportation system plan such as the Florida Intrastate
25 Highway System, aviation, intermodal/rail, seaport, spaceport,
26 or transit system plans.

27 (c) The project is not inconsistent with an approved
28 local comprehensive plan of any local government within whose
29 boundaries the project is located in whole or in part, or, if
30 inconsistent, is accompanied by an explanation of why the
31 project should be undertaken.

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One or more of the minimum criteria listed in paragraphs (a)-(c) may be waived for a regionally significant transportation project.

~~(4) Transportation Outreach projects may be proposed by any local government, regional organization, economic development board, public or private partnership, metropolitan planning organization, state agency, or other entity engaged in economic development activities.~~

(6)(5) The following criteria shall be used
~~Transportation funding under this section shall use the following mechanisms to prioritize the eligible proposed projects:~~

(a) The project must promote economic growth and competitiveness.
~~Economic development-related transportation projects may compete for funding under the program. Projects funded under this program should provide for increased mobility on the state's transportation system. Projects which have local or private matching funds may be given priority over other projects.~~

(b) The project must promote intermodal transportation linkages for passengers and freight.
~~Establishment of a funding allocation under this program reserved to quickly respond to transportation needs of emergent economic competitiveness development projects that may be outside of the routine project selection process. This funding may be used to match local or private contributions for transportation projects which meet the definition of economic competitiveness contained in this section.~~

(c) The project must broaden transportation choices for Florida residents, visitors, and commercial interests in

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1 order to ensure efficient and cost-competitive mobility of
2 people, services, and goods.~~Establish innovative financing~~
3 ~~methods to enable the state to respond in a timely manner to~~
4 ~~major or emergent economic development-related transportation~~
5 ~~needs that require timely commitments. These innovative~~
6 ~~financing methods include, but are not limited to, the state~~
7 ~~infrastructure bank, state bonds for right-of-way acquisition~~
8 ~~and bridge construction, state bonds for fixed guideway~~
9 ~~transportation systems, state bonds for federal aid highway~~
10 ~~construction, funds previously programmed by the department~~
11 ~~for high-speed rail development, and any other local, state,~~
12 ~~or federal funds made available to the department.~~

13 (d) Projects that have local, federal, or private
14 matching funds shall be given priority over projects that meet
15 all the other criteria.

16 (7) Eligible projects shall also utilize innovative
17 financing methods that enable the state to respond in a timely
18 manner to major or emergent economic development-related
19 transportation needs that require timely commitments. These
20 innovative financing methods include, but are not limited to,
21 private investment strategies, use of the state infrastructure
22 bank, state bonds for right-of-way acquisition and bridge
23 construction, state bonds for fixed guideway transportation
24 systems, state bonds for federal aid highway construction,
25 funds previously programmed by the department for high-speed
26 rail development, and any other local, state, or federal funds
27 made available to the department.

28 ~~(6) In addition to complying with the prevailing~~
29 ~~principles provided in subsection (1), to be eligible for~~
30 ~~funding under the program, projects must also meet the~~
31 ~~following minimum criteria:~~

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1 ~~(a) The project or project phase selected can be made~~
2 ~~production-ready within a 5-year period following the end of~~
3 ~~the current fiscal year.~~

4 ~~(b) The project is listed in an outer year of the~~
5 ~~5-year work program and can be made production-ready and~~
6 ~~advanced to an earlier year of the 5-year work program.~~

7 ~~(c) The project is consistent with a current~~
8 ~~transportation system plan including, but not limited to, the~~
9 ~~Florida Intrastate Highway System, aviation, intermodal/rail,~~
10 ~~seaport, spaceport, or transit system plans.~~

11 ~~(d) The project is not inconsistent with an approved~~
12 ~~local comprehensive plan of any local government within whose~~
13 ~~boundaries the project is located in whole or in part or, if~~
14 ~~inconsistent, is accompanied by an explanation of why the~~
15 ~~project should be undertaken.~~

16 ~~(e) One or more of the minimum criteria listed in~~
17 ~~paragraphs (a)-(d) may be waived for a statewide or regionally~~
18 ~~significant transportation project of critical concern.~~

19 (8)(7) The Transportation Outreach Program (TOP)
20 advisory council is created to annually make recommendations
21 to the Legislature on prioritization and selection of economic
22 growth projects as provided in this section.

23 ~~(a)~~ The council shall consist of:

24 (a) The following seven members, each representing
25 districts 1 through 7, who will serve for 2-year terms:

26 1. Members representing districts 1, 3, 5, and 7, who
27 will be appointed by the Speaker of the House of
28 Representatives; and

29 2. Members representing districts 2, 4, and 6, who
30 will be appointed by the President of the Senate.
31

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1 The district appointments provided in this paragraph will
2 alternate between the Senate and the House of Representatives.

3 (b) Four members, who will be appointed by the
4 Governor and will serve for 4-year terms.

5
6 Each council member will be allowed one vote.

7 ~~1. Two representatives of private interests who are~~
8 ~~directly involved in or affected by any mode of transportation~~
9 ~~or tourism chosen by the Speaker of the House of~~
10 ~~Representatives.~~

11 ~~2. Two representatives of private interests who are~~
12 ~~directly involved in or affected by any mode of transportation~~
13 ~~or tourism chosen by the President of the Senate.~~

14 ~~3. Three representatives of private or governmental~~
15 ~~interests who are directly involved in or affected by any mode~~
16 ~~of transportation or tourism chosen by the Governor.~~

17 ~~(b) Terms for council members shall be 2 years, and~~
18 ~~each member shall be allowed one vote.~~

19 ~~(c) Initial appointments must be made no later than 60~~
20 ~~days after this act takes effect. Vacancies in the council~~
21 ~~shall be filled in the same manner as the initial~~
22 ~~appointments.~~

23 ~~(d) The council shall hold its initial meeting no~~
24 ~~later than 30 days after the members have been appointed in~~
25 ~~order to organize and select a chair and vice chair from the~~
26 ~~council membership. Meetings shall be held at the call of the~~
27 ~~chair, but not less frequently than quarterly.~~

28 (e) The members of the council shall serve without
29 compensation, but shall be reimbursed for per diem and travel
30 expenses as provided in s. 112.061.

31 (f) The department shall provide administrative staff

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1 support, ensuring that council meetings are electronically
2 recorded. Such recordings and all documents received, prepared
3 for, or used by the council in conducting its business shall
4 be preserved pursuant to chapters 119 and 257. In addition,
5 the department shall provide in its annual budget for travel
6 and per diem expenses for the council.

7 (g) The council shall develop a methodology for
8 scoring and ranking project proposals, based on the
9 prioritization criteria in subsection (6). The council may
10 change a project's ranking based on other factors as
11 determined by the council. However, such other factors must be
12 fully documented in writing by the council.

13 (h) The council is encouraged to seek input from
14 transportation or economic-development entities and to
15 consider the reports and recommendations of task forces, study
16 commissions, or similar entities charged with reviewing issues
17 relevant to the council's mission.

18 (9)(8) Because transportation investment plays a key
19 role in economic development, the council and the department
20 shall actively participate in state and local economic
21 development programs, including:

22 (a) Working in partnership with other state and local
23 agencies in business recruitment, expansion, and retention
24 activities to ensure early transportation input into these
25 activities.

26 (b) Providing expertise and rapid response in
27 analyzing the transportation needs of emergent economic
28 development projects.

29 (c) ~~Developing~~ ~~The council and department must develop~~
30 a macroeconomic analysis of the linkages between
31 transportation investment and economic performance, as well as

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1 a method to quantifiably measure the economic benefits of the
2 investments.

3 (d) Identifying long-term strategic transportation
4 projects that will promote the principles listed in subsection
5 (1).

6 (10)(9) The council shall review and prioritize
7 projects submitted for funding under the program ~~with priority~~
8 ~~given to projects which comply with the prevailing principles~~
9 ~~provided in subsection (1)~~, and shall recommend to the
10 Legislature a transportation outreach program. The department
11 shall provide technical expertise and support as requested by
12 the council, and shall develop financial plans, cash forecast
13 plans, and program and resource plans necessary to implement
14 this program. These supporting documents shall be submitted
15 with the Transportation Outreach Program.

16 (11)(a)(10) Projects recommended for funding under the
17 Transportation Outreach Program shall be submitted to the
18 Florida Transportation Commission at least 30 days before the
19 start of the regular legislative session. The Florida
20 Transportation Commission shall review the projects to
21 determine whether they are in compliance with this section and
22 prepare a report detailing its findings.

23 (b) The council shall submit its list of recommended
24 projects to the Governor and the Legislature as a separate
25 budget request submitted at the same time as section of the
26 department's tentative work program, which is 14 days before
27 the start of the regular session. The Florida Transportation
28 Commission shall submit its written report at the same time to
29 the Governor and the Legislature. Final approval of the
30 Transportation Outreach Program project list shall be made by
31 the Legislature through the General Appropriations Act.

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1 Program projects approved by the Legislature must be included
2 in the department's adopted work program.

3 (12)~~(11)~~ For purposes of funding projects under the
4 Transportation Outreach Program, the department shall allocate
5 from the State Transportation Trust Fund in its program and
6 resource plan a minimum of \$60 million each year beginning in
7 fiscal year 2001-2002 ~~for a transportation outreach program.~~
8 This funding is to be reserved for projects to be funded
9 pursuant to this section ~~under the Transportation Outreach~~
10 ~~Program.~~ This allocation of funds is in addition to any
11 funding provided to this program by any other provision of
12 law.

13 (13)~~(12)~~ Notwithstanding any other law to the contrary
14 the requirements of ss. 206.46(3), 206.606(2), 339.135,
15 339.155, and 339.175 shall not apply to the Transportation
16 Outreach Program.

17 (14)~~(13)~~ The department is authorized to adopt rules
18 to implement the Transportation Outreach Program supporting
19 economic development.

20 Section 41. Subsection (5) of section 341.051, Florida
21 Statutes, is amended to read:

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

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

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

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

26 ~~(c)(d)~~ The department is authorized to advance up to
27 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 shall be reimbursed to the
30 department on an appropriate schedule not to exceed 5 years
31 after the date of provision of the advances.

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1 (d)~~(e)~~ The department is authorized to fund up to 100
2 percent of the capital and net operating costs of statewide
3 transit service development projects or transit corridor
4 projects. All transit service development projects shall be
5 specifically identified by way of a departmental appropriation
6 request, and transit corridor projects shall be identified as
7 part of the planned improvements on each transportation
8 corridor designated by the department. The project
9 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 shall be documented by the department
13 for each such transit service development project or transit
14 corridor project.

15 (e)~~(f)~~ The department is authorized to fund up to 50
16 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 shall be identified in the appropriation request
20 of the department through a specific program of projects, as
21 provided for in s. 341.041, that is selectively applied in the
22 following functional areas and is subject to the specified
23 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

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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 42. 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

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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 43. Paragraph (d) of subsection (2) of section
6 348.0003, Florida Statutes, is amended to read:

7 348.0003 Expressway authority; formation;
8 membership.--

9 (2) The governing body of an authority shall consist
10 of not fewer than five nor more than nine voting members. The
11 district secretary of the affected department district shall
12 serve as a nonvoting member of the governing body of each
13 authority located within the district. Each member of the
14 governing body must at all times during his or her term of
15 office be a permanent resident of the county which he or she
16 is appointed to represent.

17 (d) Notwithstanding any provision to the contrary in
18 this subsection, in any county as defined in s. 125.011(1),
19 the governing body of an authority shall consist of up to 13
20 members, and the following provisions of this paragraph shall
21 apply specifically to such authority. Except for the district
22 secretary of the department, the members must be residents of
23 the county. Seven voting members shall be appointed by the
24 governing body of the county. At the discretion of the
25 governing body of the county, up to two of the members
26 appointed by the governing body of the county may be elected
27 officials residing in the county. Five voting members of the
28 authority shall be appointed by the Governor. One member shall
29 be the district secretary of the department serving in the
30 district that contains such county. This member shall be an
31 ex officio voting member of the authority. If the governing

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1 board of an authority includes any member originally appointed
 2 by the governing body of the county as a nonvoting member,
 3 when the term of such member expires, that member shall be
 4 replaced by a member appointed by the Governor until the
 5 governing body of the authority is composed of seven members
 6 appointed by the governing body of the county and five members
 7 appointed by the Governor. The qualifications, the terms of
 8 office, and the obligations and rights of members of the
 9 authority shall be determined by resolution or ordinance of
 10 the governing body of the county in a manner that is
 11 consistent with subsections (3) and (4).

12 Section 44. Section 348.0012, Florida Statutes, is
 13 amended to read:

14 348.0012 Exemptions from applicability.--The Florida
 15 Expressway Authority Act does not apply:

16 (1) To ~~In a county in which~~ an expressway authority
 17 which has been created pursuant to parts II-IX of this
 18 chapter; or

19 (2) To a transportation authority created pursuant to
 20 chapter 349.

21 Section 45. Section 348.565, Florida Statutes, is
 22 amended to read:

23 348.565 Revenue bonds for specified projects.--The
 24 existing facilities that constitute the Tampa-Hillsborough
 25 County Expressway System are hereby approved to be refinanced
 26 by the issuance of revenue bonds by the Division of Bond
 27 Finance of the State Board of Administration pursuant to s.
 28 11(f), Art. VII of the State Constitution. In addition, the
 29 following projects of the Tampa-Hillsborough County Expressway
 30 Authority are approved to be financed or refinanced by the
 31 issuance of revenue bonds pursuant to s. 11(f), Art. VII of

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1 the State Constitution:

2 (1) Brandon area feeder roads;

3 (2) Capital improvements to the expressway system,
4 including safety and operational improvements and toll
5 collection equipment; ~~and~~

6 (3) Lee Roy Selmon Crosstown Expressway System
7 widening; ~~and-~~

8 (4) The connector highway linking the Lee Roy Selmon
9 Crosstown Expressway to Interstate 4.

10 Section 46. Paragraph (b) of subsection (1) of section
11 348.754, Florida Statutes, is amended to read:

12 348.754 Purposes and powers.--

13 (1)

14 (b) It is the express intention of this part that said
15 authority, in the construction of said Orlando-Orange County
16 Expressway System, shall be authorized to acquire, finance,
17 construct, and equip any extensions, additions, or
18 improvements to said system, or appurtenant facilities,
19 including all necessary approaches, roads, bridges, and
20 avenues of access as the authority shall deem desirable and
21 proper, together with such changes, modifications, or
22 revisions to of said system or appurtenant facilities ~~project~~
23 as the authority shall deem ~~be deemed~~ desirable and proper.

24 Section 47. Section 348.7543, Florida Statutes, is
25 amended to read:

26 348.7543 Improvements, bond financing authority
27 for.--Pursuant to s. 11(e), Art. VII of the State
28 Constitution, the Legislature hereby approves for bond
29 financing by the Orlando-Orange County Expressway Authority
30 the cost of acquiring, constructing, equipping, improving, or
31 refurbishing any expressway system, including ~~improvements to~~

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1 toll collection facilities, interchanges, future extensions
 2 and additions, necessary approaches, roads, bridges, and
 3 avenues of access to the legislatively approved expressway
 4 system, and any other facility appurtenant, necessary, or
 5 incidental to the ~~approved~~ system, all as deemed desirable and
 6 proper by the authority pursuant to s. 348.754(1)(b). Subject
 7 to terms and conditions of applicable revenue bond resolutions
 8 and covenants, such ~~costs financing~~ costs may be financed in whole
 9 or in part by revenue bonds issued pursuant to s.
 10 348.755(1)(a) or (b) whether currently issued, issued in the
 11 future, or by a combination of such bonds.

12 Section 48. Section 348.7544, Florida Statutes, is
13 amended to read:

14 348.7544 Northwest Beltway Part A, construction
 15 authorized; financing.--Notwithstanding s. 338.2275, the
 16 Orlando-Orange County Expressway Authority is hereby
 17 authorized to construct, finance, operate, own, and maintain
 18 that portion of the Western Beltway known as the Northwest
 19 Beltway Part A, extending from Florida's Turnpike near Ocoee
 20 north to U.S. 441 near Apopka, as part of the authority's
 21 20-year capital projects plan. This project may be financed
 22 with any funds available to the authority for such purpose or
 23 revenue bonds issued by the Division of Bond Finance of the
 24 State Board of Administration on behalf of the authority
 25 pursuant to s. 11, Art. VII of the State Constitution and the
 26 State Bond Act, ss. 215.57-215.83. This project may be
 27 refinanced with bonds issued by the authority pursuant to s.
 28 348.755(1)(d).

29 Section 49. Section 348.7545, Florida Statutes, is
30 amended to read:

31 348.7545 Western Beltway Part C, construction

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

16 Section 50. Subsection (1) of section 348.755, Florida
17 Statutes, is amended to read:

18 348.755 Bonds of the authority.--

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

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

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

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

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1 paragraph (a) or the authority with respect to bonds issued
2 puruant to paragraph (b). The authoritys determination to
3 negotiate the sale of such bonds may be based in part upon the
4 written advice of its financial advisor. Pending the
5 preparation of definitive bonds, interim certificates may be
6 issued to the purchaser or purchasers of such bonds and may
7 contain such terms and conditions as the authority may
8 determine.

9 (d) The authority may issue bonds pursuant to
10 paragraph (b) to refund any bonds previously issued regardless
11 of whether the bonds being refunded were issued by the
12 authority pursuant to this chapter or on behalf of the
13 authority pursuant to the State Bond Act.

14 Section 51. Section 348.765, Florida Statutes, is
15 amended to read:

16 348.765 This part complete and additional authority.--

17 (1) The powers conferred by this part shall be in
18 addition and supplemental to the existing powers of said board
19 and the department, and this part shall not be construed as
20 repealing any of the provisions, of any other law, general,
21 special or local, but to supersede such other laws in the
22 exercise of the powers provided in this part, and to provide a
23 complete method for the exercise of the powers granted in this
24 part. The extension and improvement of said Orlando-Orange
25 County Expressway System, and the issuance of bonds hereunder
26 to finance all or part of the cost thereof, may be
27 accomplished upon compliance with the provisions of this part
28 without regard to or necessity for compliance with the
29 provisions, limitations, or restrictions contained in any
30 other general, special or local law, including, but not
31 limited to, s. 215.821,and no approval of any bonds issued

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1 under this part by the qualified electors or qualified
2 electors who are freeholders in the state or in said County of
3 Orange, or in said City of Orlando, or in any other political
4 subdivision of the state, shall be required for the issuance
5 of such bonds pursuant to this part.

6 (2) This part shall not be deemed to repeal, rescind,
7 or modify any other law or laws relating to said State Board
8 of Administration, said Department of Transportation, or the
9 Division of Bond Finance of the State Board of Administration,
10 but shall be deemed to and shall supersede such other law or
11 laws as are inconsistent with the provisions of this part,
12 including, but not limited to, s. 215.821.

13 Section 52. Subsections (1) through (6) and subsection
14 (8) of section 373.4137, Florida Statutes, are amended, and
15 subsection (9) is added to said section, to read:

16 373.4137 Mitigation requirements.--

17 (1) The Legislature finds that environmental
18 mitigation for the impact of transportation projects proposed
19 by the Department of Transportation or a transportation
20 authority established pursuant to chapter 348 or chapter 349
21 can be more effectively achieved by regional, long-range
22 mitigation planning rather than on a project-by-project basis.
23 It is the intent of the Legislature that mitigation to offset
24 the adverse effects of these transportation projects be funded
25 by the Department of Transportation and be carried out by the
26 Department of Environmental Protection and the water
27 management districts, including the use of mitigation banks
28 established pursuant to this part.

29 (2) Environmental impact inventories for
30 transportation projects proposed by the Department of
31 Transportation or a transportation authority established

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1 pursuant to chapter 348 or chapter 349 shall be developed as
2 follows:

3 (a) By May 1 of each year, the Department of
4 Transportation or a transportation authority established
5 pursuant to chapter 348 or chapter 349 shall submit to the
6 Department of Environmental Protection and the water
7 management districts a copy of its adopted work program and an
8 inventory of habitats addressed in the rules tentatively,
9 pursuant to this part and s. 404 of the Clean Water Act, 33
10 U.S.C. s. 1344, which may be impacted by its plan of
11 construction for transportation projects in the next 3 years
12 of the tentative work program. The Department of
13 Transportation or a transportation authority established
14 pursuant to chapter 348 or chapter 349 may also include in its
15 inventory the habitat impacts of any future transportation
16 project identified in the tentative work program.

17 (b) The environmental impact inventory shall include a
18 description of these habitat impacts, including their
19 location, acreage, and type; state water quality
20 classification of impacted wetlands and other surface waters;
21 any other state or regional designations for these habitats;
22 and a survey of threatened species, endangered species, and
23 species of special concern affected by the proposed project.

24 (3)(a) To fund the mitigation plan for the projected
25 impacts identified in the inventory described in subsection
26 (2), the Department of Transportation shall identify funds
27 quarterly in an escrow account within the State Transportation
28 Trust Fund for the environmental mitigation phase of projects
29 budgeted by the Department of Transportation for the current
30 fiscal year. The escrow account will be maintained by the
31 Department of Transportation for the benefit of the Department

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1 of Environmental Protection and the water management
2 districts. Any interest earnings from the escrow account
3 shall remain with the Department of Transportation.

4 (b) Each transportation authority established pursuant
5 to chapter 348 or chapter 349 that chooses to participate in
6 this program shall create an escrow account within its
7 financial structure and deposit funds in the account to pay
8 for the environmental mitigation phase of projects budgeted
9 for the current fiscal year. The escrow account will be
10 maintained by the authority for the benefit of the Department
11 of Environmental Protection and the water management
12 districts. Any interest earnings from the escrow account shall
13 remain with the authority.

14 (c) The Department of Environmental Protection or
15 water management districts may request a transfer of funds
16 from ~~an~~ the escrow account no sooner than 30 days prior to the
17 date the funds are needed to pay for activities associated
18 with development or implementation of the approved mitigation
19 plan described in subsection (4) for the current fiscal year,
20 including, but not limited to, design, engineering,
21 production, and staff support. Actual conceptual plan
22 preparation costs incurred before plan approval may be
23 submitted to the Department of Transportation or the
24 appropriate transportation authority and the Department of
25 Environmental Protection by November 1 of each year with the
26 plan. The conceptual plan preparation costs of each water
27 management district will be paid based on the amount approved
28 on the mitigation plan and allocated to the current fiscal
29 year projects identified by the water management district.
30 The amount transferred to the escrow accounts ~~account~~ each
31 year by the Department of Transportation and participating

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1 transportation authorities established pursuant to chapter 348
2 or chapter 349 shall correspond to a cost per acre of \$75,000
3 multiplied by the projected acres of impact identified in the
4 inventory described in subsection (2). However, the \$75,000
5 cost per acre does not constitute an admission against
6 interest by the state or its subdivisions nor is the cost
7 admissible as evidence of full compensation for any property
8 acquired by eminent domain or through inverse condemnation.
9 Each July 1, the cost per acre shall be adjusted by the
10 percentage change in the average of the Consumer Price Index
11 issued by the United States Department of Labor for the most
12 recent 12-month period ending September 30, compared to the
13 base year average, which is the average for the 12-month
14 period ending September 30, 1996. At the end of each year,
15 the projected acreage of impact shall be reconciled with the
16 acreage of impact of projects as permitted, including permit
17 modifications, pursuant to this part and s. 404 of the Clean
18 Water Act, 33 U.S.C. s. 1344. The subject year's transfer of
19 funds shall be adjusted accordingly to reflect the
20 overtransfer or undertransfer of funds from the preceding
21 year. The Department of Transportation and participating
22 transportation authorities established pursuant to chapter 348
23 or chapter 349 ~~is~~ authorized to transfer such funds from
24 the escrow accounts ~~account~~ to the Department of Environmental
25 Protection and the water management districts to carry out the
26 mitigation programs.

27 (4) Prior to December 1 of each year, each water
28 management district, in consultation with the Department of
29 Environmental Protection, the United States Army Corps of
30 Engineers, the Department of Transportation, transportation
31 authorities established pursuant to chapter 348 or chapter

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1 349,and other appropriate federal, state, and local
2 governments, and other interested parties, including entities
3 operating mitigation banks, shall develop a plan for the
4 primary purpose of complying with the mitigation requirements
5 adopted pursuant to this part and 33 U.S.C. s. 1344. This
6 plan shall also address significant invasive plant problems
7 within wetlands and other surface waters. In developing such
8 plans, the districts shall utilize sound ecosystem management
9 practices to address significant water resource needs and
10 shall focus on activities of the Department of Environmental
11 Protection and the water management districts, such as surface
12 water improvement and management (SWIM) waterbodies and lands
13 identified for potential acquisition for preservation,
14 restoration, and enhancement, to the extent that such
15 activities comply with the mitigation requirements adopted
16 under this part and 33 U.S.C. s. 1344. In determining the
17 activities to be included in such plans, the districts shall
18 also consider the purchase of credits from public or private
19 mitigation banks permitted under s. 373.4136 and associated
20 federal authorization and shall include such purchase as a
21 part of the mitigation plan when such purchase would offset
22 the impact of the transportation project, provide equal
23 benefits to the water resources than other mitigation options
24 being considered, and provide the most cost-effective
25 mitigation option. The mitigation plan shall be preliminarily
26 approved by the water management district governing board and
27 shall be submitted to the secretary of the Department of
28 Environmental Protection for review and final approval. The
29 preliminary approval by the water management district
30 governing board does not constitute a decision that affects
31 substantial interests as provided by s. 120.569. At least 30

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1 days prior to preliminary approval, the water management
2 district shall provide a copy of the draft mitigation plan to
3 any person who has requested a copy.

4 (a) For each transportation project with a funding
5 request for the next fiscal year, the mitigation plan must
6 include a brief explanation of why a mitigation bank was or
7 was not chosen as a mitigation option, including an estimation
8 of identifiable costs of the mitigation bank and nonbank
9 options to the extent practicable.

10 (b) Specific projects may be excluded from the
11 mitigation plan and shall not be subject to this section upon
12 the agreement of the Department of Transportation, a
13 transportation authority if applicable, the Department of
14 Environmental Protection, and the appropriate water management
15 district that the inclusion of such projects would hamper the
16 efficiency or timeliness of the mitigation planning and
17 permitting process, or the Department of Environmental
18 Protection and the water management district are unable to
19 identify mitigation that would offset the impacts of the
20 project.

21 (c) Surface water improvement and management or
22 invasive plant control projects undertaken using the \$12
23 million advance transferred from the Department of
24 Transportation to the Department of Environmental Protection
25 in fiscal year 1996-1997 which meet the requirements for
26 mitigation under this part and 33 U.S.C. s. 1344 shall remain
27 available for mitigation until the \$12 million is fully
28 credited up to and including fiscal year 2004-2005. When these
29 projects are used as mitigation, the \$12 million advance shall
30 be reduced by \$75,000 per acre of impact mitigated. For any
31 fiscal year through and including fiscal year 2004-2005, to

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1 the extent the cost of developing and implementing the
2 mitigation plans is less than the amount transferred pursuant
3 to subsection (3), the difference shall be credited towards
4 the \$12 million advance. Except as provided in this paragraph,
5 any funds not directed to implement the mitigation plan
6 should, to the greatest extent possible, be directed to fund
7 invasive plant control within wetlands and other surface
8 waters.

9 (5) The water management district shall be responsible
10 for ensuring that mitigation requirements pursuant to 33
11 U.S.C. s. 1344 are met for the impacts identified in the
12 inventory described in subsection (2), by implementation of
13 the approved plan described in subsection (4) to the extent
14 funding is provided by the Department of Transportation, or a
15 transportation authority established pursuant to chapter 348
16 or chapter 349 if applicable. During the federal permitting
17 process, the water management district may deviate from the
18 approved mitigation plan in order to comply with federal
19 permitting requirements.

20 (6) The mitigation plans ~~plan~~ shall be updated
21 annually to reflect the most current Department of
22 Transportation work program and project list of a
23 transportation authority established pursuant to chapter 348
24 or chapter 349 if applicable and may be amended throughout the
25 year to anticipate schedule changes or additional projects
26 which may arise. Each update and amendment of the mitigation
27 plan shall be submitted to the secretary of the Department of
28 Environmental Protection for approval. However, such approval
29 shall not be applicable to a deviation as described in
30 subsection (5).

31 (8) This section shall not be construed to eliminate

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1 the need for the Department of Transportation or a
2 transportation authority established pursuant to chapter 348
3 or chapter 349 to comply with the requirement to implement
4 practicable design modifications, including realignment of
5 transportation projects, to reduce or eliminate the impacts of
6 its transportation projects on wetlands and other surface
7 waters as required by rules adopted pursuant to this part, or
8 to diminish the authority under this part to regulate other
9 impacts, including water quantity or water quality impacts, or
10 impacts regulated under this part that are not identified in
11 the inventory described in subsection (2).

12 (9) The process for environmental mitigation for the
13 impact of transportation projects under this section shall be
14 available to an expressway, bridge, or transportation
15 authority established under chapters 348 and 349. Use of this
16 process may be initiated by an authority depositing the
17 requisite funds into an escrow account set up by the authority
18 and filing an environmental impact inventory with the
19 appropriate water management district. An authority that
20 initiates the environmental mitigation process established by
21 this section shall comply with subsection (6) by timely
22 providing the appropriate water management district and the
23 Department of Environmental Protection with the requisite work
24 program information. A water management district may draw down
25 funds from the escrow account as provided in this section.

26 Section 53. Paragraphs (b) and (e) of subsection (19)
27 of section 380.06, Florida Statutes, are amended, and
28 paragraphs (i) and (j) are added to subsection (24) of said
29 section, to read:

30 380.06 Developments of regional impact.--

31 (19) SUBSTANTIAL DEVIATIONS.--

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1 (b) Any proposed change to a previously approved
2 development of regional impact or development order condition
3 which, either individually or cumulatively with other changes,
4 exceeds any of the following criteria shall constitute a
5 substantial deviation and shall cause the development to be
6 subject to further development-of-regional-impact review
7 without the necessity for a finding of same by the local
8 government:

9 1. An increase in the number of parking spaces at an
10 attraction or recreational facility by 5 percent or 300
11 spaces, whichever is greater, or an increase in the number of
12 spectators that may be accommodated at such a facility by 5
13 percent or 1,000 spectators, whichever is greater. 3. An
14 increase in the number of hospital beds by 5 percent or 60
15 beds, whichever is greater.

16 2. A new runway, a new terminal facility, a 25-percent
17 lengthening of an existing runway, or a 25-percent increase in
18 the number of gates of an existing terminal, but only if the
19 increase adds at least three additional gates. However, if an
20 airport is located in two counties, a 10-percent lengthening
21 of an existing runway or a 20-percent increase in the number
22 of gates of an existing terminal is the applicable criteria.

23 3. An increase in the number of hospital beds by 5
24 percent or 60 beds, whichever is greater.

25 4. An increase in industrial development area by 5
26 percent or 32 acres, whichever is greater.

27 5. An increase in the average annual acreage mined by
28 5 percent or 10 acres, whichever is greater, or an increase in
29 the average daily water consumption by a mining operation by 5
30 percent or 300,000 gallons, whichever is greater. An increase
31 in the size of the mine by 5 percent or 750 acres, whichever

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1 is less.

2 6. An increase in land area for office development by
3 5 percent or 6 acres, whichever is greater, or an increase of
4 gross floor area of office development by 5 percent or 60,000
5 gross square feet, whichever is greater.

6 ~~7. An increase in the storage capacity for chemical or~~
7 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~
8 ~~7 million pounds, whichever is greater.~~

9 7.8. An increase of development at a waterport of wet
10 storage for 20 watercraft, dry storage for 30 watercraft, or
11 wet/dry storage for 60 watercraft in an area identified in the
12 state marina siting plan as an appropriate site for additional
13 waterport development or a 5-percent increase in watercraft
14 storage capacity, whichever is greater.

15 ~~8.9.~~ An increase in the number of dwelling units by 5
16 percent or 50 dwelling units, whichever is greater.

17 9.10. An increase in commercial development by 6 acres
18 of land area or by 50,000 square feet of gross floor area, or
19 of parking spaces provided for customers for 300 cars or a
20 5-percent increase of any of these, whichever is greater.

21 ~~10.11.~~ An increase in hotel or motel facility units by
22 5 percent or 75 units, whichever is greater.

23 ~~11.12.~~ An increase in a recreational vehicle park area
24 by 5 percent or 100 vehicle spaces, whichever is less.

25 ~~12.13.~~ A decrease in the area set aside for open space
26 of 5 percent or 20 acres, whichever is less.

27 ~~13.14.~~ A proposed increase to an approved multiuse
28 development of regional impact where the sum of the increases
29 of each land use as a percentage of the applicable substantial
30 deviation criteria is equal to or exceeds 100 percent. The
31 percentage of any decrease in the amount of open space shall

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1 be treated as an increase for purposes of determining when 100
2 percent has been reached or exceeded.

3 ~~14.15.~~ A 15-percent increase in the number of external
4 vehicle trips generated by the development above that which
5 was projected during the original
6 development-of-regional-impact review.

7 ~~15.16.~~ Any change which would result in development of
8 any area which was specifically set aside in the application
9 for development approval or in the development order for
10 preservation or special protection of endangered or threatened
11 plants or animals designated as endangered, threatened, or
12 species of special concern and their habitat, primary dunes,
13 or archaeological and historical sites designated as
14 significant by the Division of Historical Resources of the
15 Department of State. The further refinement of such areas by
16 survey shall be considered under sub-subparagraph (e)5.b.

17
18 The substantial deviation numerical standards in subparagraphs
19 4., 6., ~~9.10.~~, ~~13.14.~~, excluding residential uses, and ~~14.15.~~,
20 are increased by 100 percent for a project certified under s.
21 403.973 which creates jobs and meets criteria established by
22 the Office of Tourism, Trade, and Economic Development as to
23 its impact on an area's economy, employment, and prevailing
24 wage and skill levels. The substantial deviation numerical
25 standards in subparagraphs 4., 6., ~~8.9.~~, ~~9.10.~~, ~~10.11.~~, and
26 ~~13.14.~~ are increased by 50 percent for a project located
27 wholly within an urban infill and redevelopment area
28 designated on the applicable adopted local comprehensive plan
29 future land use map and not located within the coastal high
30 hazard area.

31 (e)1. A proposed change which, either individually or,

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1 if there were previous changes, cumulatively with those
2 changes, is equal to or exceeds 40 percent of any numerical
3 criterion in subparagraphs (b)~~1.-14.1.-15.~~, but which does not
4 exceed such criterion, shall be presumed not to create a
5 substantial deviation subject to further
6 development-of-regional-impact review. The presumption may be
7 rebutted by clear and convincing evidence at the public
8 hearing held by the local government pursuant to subparagraph
9 (f)5.

10 2. Except for a development order rendered pursuant to
11 subsection (22) or subsection (25), a proposed change to a
12 development order that individually or cumulatively with any
13 previous change is less than 40 percent of any numerical
14 criterion contained in subparagraphs (b)~~1.-14.1.-15.~~and does
15 not exceed any other criterion, or that involves an extension
16 of the buildout date of a development, or any phase thereof,
17 of less than 5 years is not subject to the public hearing
18 requirements of subparagraph (f)3., and is not subject to a
19 determination pursuant to subparagraph (f)5. Notice of the
20 proposed change shall be made to the regional planning council
21 and the state land planning agency. Such notice shall include
22 a description of previous individual changes made to the
23 development, including changes previously approved by the
24 local government, and shall include appropriate amendments to
25 the development order. The following changes, individually or
26 cumulatively with any previous changes, are not substantial
27 deviations:

28 a. Changes in the name of the project, developer,
29 owner, or monitoring official.

30 b. Changes to a setback that do not affect noise
31 buffers, environmental protection or mitigation areas, or

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- 1 archaeological or historical resources.
- 2 c. Changes to minimum lot sizes.
- 3 d. Changes in the configuration of internal roads that
4 do not affect external access points.
- 5 e. Changes to the building design or orientation that
6 stay approximately within the approved area designated for
7 such building and parking lot, and which do not affect
8 historical buildings designated as significant by the Division
9 of Historical Resources of the Department of State.
- 10 f. Changes to increase the acreage in the development,
11 provided that no development is proposed on the acreage to be
12 added.
- 13 g. Changes to eliminate an approved land use, provided
14 that there are no additional regional impacts.
- 15 h. Changes required to conform to permits approved by
16 any federal, state, or regional permitting agency, provided
17 that these changes do not create additional regional impacts.
- 18 i. Any other change which the state land planning
19 agency agrees in writing is similar in nature, impact, or
20 character to the changes enumerated in sub-subparagraphs a.-h.
21 and which does not create the likelihood of any additional
22 regional impact.

23

24 This subsection does not require a development order amendment
25 for any change listed in sub-subparagraphs a.-i. unless such
26 issue is addressed either in the existing development order or
27 in the application for development approval, but, in the case
28 of the application, only if, and in the manner in which, the
29 application is incorporated in the development order.

30 3. Except for the change authorized by
31 sub-subparagraph 2.f., any addition of land not previously

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1 reviewed or any change not specified in paragraph (b) or
2 paragraph (c) shall be presumed to create a substantial
3 deviation. This presumption may be rebutted by clear and
4 convincing evidence.

5 4. Any submittal of a proposed change to a previously
6 approved development shall include a description of individual
7 changes previously made to the development, including changes
8 previously approved by the local government. The local
9 government shall consider the previous and current proposed
10 changes in deciding whether such changes cumulatively
11 constitute a substantial deviation requiring further
12 development-of-regional-impact review.

13 5. The following changes to an approved development of
14 regional impact shall be presumed to create a substantial
15 deviation. Such presumption may be rebutted by clear and
16 convincing evidence.

17 a. A change proposed for 15 percent or more of the
18 acreage to a land use not previously approved in the
19 development order. Changes of less than 15 percent shall be
20 presumed not to create a substantial deviation.

21 b. Except for the types of uses listed in subparagraph
22 (b)~~15.16~~, any change which would result in the development of
23 any area which was specifically set aside in the application
24 for development approval or in the development order for
25 preservation, buffers, or special protection, including
26 habitat for plant and animal species, archaeological and
27 historical sites, dunes, and other special areas.

28 c. Notwithstanding any provision of paragraph (b) to
29 the contrary, a proposed change consisting of simultaneous
30 increases and decreases of at least two of the uses within an
31 authorized multiuse development of regional impact which was

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1 originally approved with three or more uses specified in s.
2 380.0651(3)~~(b)(c)~~,~~(c)(d)~~,~~(e)(f)~~, and~~(f)(g)~~and residential
3 use.

4 (24) STATUTORY EXEMPTIONS.--

5 (i) Any proposed facility for the storage of any
6 petroleum product is exempt from the provisions of this
7 section, if such facility is consistent with a local
8 comprehensive plan that is in compliance with s. 163.3177 or
9 is consistent with a comprehensive port master plan that is in
10 compliance with s. 163.3178.

11 (j) Any development or expansion of an airport
12 consistent with the adopted airport master plan that has been
13 incorporated into the local comprehensive plan under section
14 163.3177(6)(k), and airport-related or aviation-related
15 development that has been addressed in the comprehensive plan
16 amendment that incorporates the airport master plan, is exempt
17 from the provisions of this section.

18 Section 54. Subsection (3) of section 380.0651,
19 Florida Statutes, is amended to read:

20 380.0651 Statewide guidelines and standards.--

21 (3) The following statewide guidelines and standards
22 shall be applied in the manner described in s. 380.06(2) to
23 determine whether the following developments shall be required
24 to undergo development-of-regional-impact review:

25 (a) Airports.--

26 1. Any of the following airport construction projects
27 shall be a development of regional impact:

28 a. A new commercial service or general aviation
29 airport with paved runways.

30 b. A new commercial service or general aviation paved
31 runway.

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- 1 c. A new passenger terminal facility.
- 2 2. Lengthening of an existing runway by 25 percent or
3 an increase in the number of gates by 25 percent or three
4 gates, whichever is greater, on a commercial service airport
5 or a general aviation airport with regularly scheduled flights
6 is a development of regional impact. However, expansion of
7 existing terminal facilities at a nonhub or small hub
8 commercial service airport shall not be a development of
9 regional impact.
- 10 3. Any airport development project which is proposed
11 for safety, repair, or maintenance reasons alone and would not
12 have the potential to increase or change existing types of
13 aircraft activity is not a development of regional impact.
14 Notwithstanding subparagraphs 1. and 2., renovation,
15 modernization, or replacement of airport airside or terminal
16 facilities that may include increases in square footage of
17 such facilities but does not increase the number of gates or
18 change the existing types of aircraft activity is not a
19 development of regional impact.
- 20 (b) Attractions and recreation facilities.--Any
21 sports, entertainment, amusement, or recreation facility,
22 including, but not limited to, a sports arena, stadium,
23 racetrack, tourist attraction, amusement park, or pari-mutuel
24 facility, the construction or expansion of which:
- 25 1. For single performance facilities:
- 26 a. Provides parking spaces for more than 2,500 cars;
27 or
- 28 b. Provides more than 10,000 permanent seats for
29 spectators.
- 30 2. For serial performance facilities:
- 31 a. Provides parking spaces for more than 1,000 cars;

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1 or

2 b. Provides more than 4,000 permanent seats for
3 spectators.

4

5 For purposes of this subsection, "serial performance
6 facilities" means those using their parking areas or permanent
7 seating more than one time per day on a regular or continuous
8 basis.

9 3. For multiscreen movie theaters of at least 8
10 screens and 2,500 seats:

11 a. Provides parking spaces for more than 1,500 cars;

12 or

13 b. Provides more than 6,000 permanent seats for
14 spectators.

15 ~~(b)(c)~~ Industrial plants, industrial parks, and
16 distribution, warehousing or wholesaling facilities.--Any
17 proposed industrial, manufacturing, or processing plant, or
18 distribution, warehousing, or wholesaling facility, excluding
19 wholesaling developments which deal primarily with the general
20 public onsite, under common ownership, or any proposed
21 industrial, manufacturing, or processing activity or
22 distribution, warehousing, or wholesaling activity, excluding
23 wholesaling activities which deal primarily with the general
24 public onsite, which:

25 1. Provides parking for more than 2,500 motor
26 vehicles, excluding those vehicles which may be included in
27 wholesaling facilities' inventory; or

28 2. Occupies a site greater than 320 acres, or for
29 motor vehicle wholesaling facilities that conduct wholesaling
30 sales activity no more frequently than an average each year of
31 3 days per week, occupies a site greater than 500 acres.

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1 ~~(c)~~(d) Office development.--Any proposed office
2 building or park operated under common ownership, development
3 plan, or management that:

- 4 1. Encompasses 300,000 or more square feet of gross
5 floor area; or
6 2. Has a total site size of 30 or more acres; or
7 3. Encompasses more than 600,000 square feet of gross
8 floor area in a county with a population greater than 500,000
9 and only in a geographic area specifically designated as
10 highly suitable for increased threshold intensity in the
11 approved local comprehensive plan and in the strategic
12 regional policy plan.

13 ~~(d)~~(e) Port facilities.--The proposed construction of
14 any waterport or marina is required to undergo
15 development-of-regional-impact review, except one designed
16 for:

- 17 1.a. The wet storage or mooring of fewer than 150
18 watercraft used exclusively for sport, pleasure, or commercial
19 fishing, or
20 b. The dry storage of fewer than 200 watercraft used
21 exclusively for sport, pleasure, or commercial fishing, or
22 c. The wet or dry storage or mooring of fewer than 150
23 watercraft on or adjacent to an inland freshwater lake except
24 Lake Okeechobee or any lake which has been designated an
25 Outstanding Florida Water, or
26 d. The wet or dry storage or mooring of fewer than 50
27 watercraft of 40 feet in length or less of any type or
28 purpose. The exceptions to this paragraph's requirements for
29 development-of-regional-impact review shall not apply to any
30 waterport or marina facility located within or which serves
31 physical development located within a coastal barrier resource

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1 unit on an unbridged barrier island designated pursuant to 16
2 U.S.C. s. 3501.

3
4 In addition to the foregoing, for projects for which no
5 environmental resource permit or sovereign submerged land
6 lease is required, the Department of Environmental Protection
7 must determine in writing that a proposed marina in excess of
8 10 slips or storage spaces or a combination of the two is
9 located so that it will not adversely impact Outstanding
10 Florida Waters or Class II waters and will not contribute boat
11 traffic in a manner that will have an adverse impact on an
12 area known to be, or likely to be, frequented by manatees. If
13 the Department of Environmental Protection fails to issue its
14 determination within 45 days of receipt of a formal written
15 request, it has waived its authority to make such
16 determination. The Department of Environmental Protection
17 determination shall constitute final agency action pursuant to
18 chapter 120.

19 2. The dry storage of fewer than 300 watercraft used
20 exclusively for sport, pleasure, or commercial fishing at a
21 marina constructed and in operation prior to July 1, 1985.

22 3. Any proposed marina development with both wet and
23 dry mooring or storage used exclusively for sport, pleasure,
24 or commercial fishing, where the sum of percentages of the
25 applicable wet and dry mooring or storage thresholds equals
26 100 percent. This threshold is in addition to, and does not
27 preclude, a development from being required to undergo
28 development-of-regional-impact review under sub-subparagraphs
29 1.a. and b. and subparagraph 2.

30 (e)~~(f)~~ Retail and service development.--Any proposed
31 retail, service, or wholesale business establishment or group

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1 of establishments which deals primarily with the general
2 public onsite, operated under one common property ownership,
3 development plan, or management that:

4 1. Encompasses more than 400,000 square feet of gross
5 area;

6 2. Occupies more than 40 acres of land; or

7 3. Provides parking spaces for more than 2,500 cars.

8 (f)~~(g)~~ Hotel or motel development.--

9 1. Any proposed hotel or motel development that is
10 planned to create or accommodate 350 or more units; or

11 2. Any proposed hotel or motel development that is
12 planned to create or accommodate 750 or more units, in a
13 county with a population greater than 500,000, and only in a
14 geographic area specifically designated as highly suitable for
15 increased threshold intensity in the approved local
16 comprehensive plan and in the strategic regional policy plan.

17 (g)~~(h)~~ Recreational vehicle development.--Any proposed
18 recreational vehicle development planned to create or
19 accommodate 500 or more spaces.

20 (h)~~(i)~~ Multiuse development.--Any proposed development
21 with two or more land uses where the sum of the percentages of
22 the appropriate thresholds identified in chapter 28-24,
23 Florida Administrative Code, or this section for each land use
24 in the development is equal to or greater than 145 percent.
25 Any proposed development with three or more land uses, one of
26 which is residential and contains at least 100 dwelling units
27 or 15 percent of the applicable residential threshold,
28 whichever is greater, where the sum of the percentages of the
29 appropriate thresholds identified in chapter 28-24, Florida
30 Administrative Code, or this section for each land use in the
31 development is equal to or greater than 160 percent. This

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1 threshold is in addition to, and does not preclude, a
2 development from being required to undergo
3 development-of-regional-impact review under any other
4 threshold.

5 (i)~~(j)~~ Residential development.--No rule may be
6 adopted concerning residential developments which treats a
7 residential development in one county as being located in a
8 less populated adjacent county unless more than 25 percent of
9 the development is located within 2 or less miles of the less
10 populated adjacent county.

11 (j)~~(k)~~ Schools.--

12 1. The proposed construction of any public, private,
13 or proprietary postsecondary educational campus which provides
14 for a design population of more than 5,000 full-time
15 equivalent students, or the proposed physical expansion of any
16 public, private, or proprietary postsecondary educational
17 campus having such a design population that would increase the
18 population by at least 20 percent of the design population.

19 2. As used in this paragraph, "full-time equivalent
20 student" means enrollment for 15 or more quarter hours during
21 a single academic semester. In area vocational schools or
22 other institutions which do not employ semester hours or
23 quarter hours in accounting for student participation,
24 enrollment for 18 contact hours shall be considered equivalent
25 to one quarter hour, and enrollment for 27 contact hours shall
26 be considered equivalent to one semester hour.

27 3. This paragraph does not apply to institutions which
28 are the subject of a campus master plan adopted by the Board
29 of Regents pursuant to s. 240.155.

30 Section 55. Paragraph (a) of subsection (12) of
31 section 163.3180, Florida Statutes, is amended to read:

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1 163.3180 Concurrency.--

2 (12) When authorized by a local comprehensive plan, a
3 multiuse development of regional impact may satisfy the
4 transportation concurrency requirements of the local
5 comprehensive plan, the local government's concurrency
6 management system, and s. 380.06 by payment of a
7 proportionate-share contribution for local and regionally
8 significant traffic impacts, if:

9 (a) The development of regional impact meets or
10 exceeds the guidelines and standards of s. 380.0651(3)(h)(i)
11 and rule 28-24.032(2), Florida Administrative Code, and
12 includes a residential component that contains at least 100
13 residential dwelling units or 15 percent of the applicable
14 residential guideline and standard, whichever is greater;

15
16 The proportionate-share contribution may be applied to any
17 transportation facility to satisfy the provisions of this
18 subsection and the local comprehensive plan, but, for the
19 purposes of this subsection, the amount of the
20 proportionate-share contribution shall be calculated based
21 upon the cumulative number of trips from the proposed
22 development expected to reach roadways during the peak hour
23 from the complete buildout of a stage or phase being approved,
24 divided by the change in the peak hour maximum service volume
25 of roadways resulting from construction of an improvement
26 necessary to maintain the adopted level of service, multiplied
27 by the construction cost, at the time of developer payment, of
28 the improvement necessary to maintain the adopted level of
29 service. For purposes of this subsection, "construction cost"
30 includes all associated costs of the improvement.

31 Section 56. Subsection (20) of section 331.303,

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1 Florida Statutes, is amended to read:

2 331.303 Definitions.--

3 (20) "Spaceport launch facilities" shall be defined as
4 industrial facilities in accordance with s. 380.0651(3)(b)(c)
5 and include any launch pad, launch control center, and fixed
6 launch-support equipment.

7 Section 57. Section 331.308, Florida Statutes, is
8 amended to read:

9 331.308 Board of supervisors.--

10 (1) There is created within the Spaceport Florida
11 Authority a board of supervisors consisting of

12 (a) The Lieutenant Governor, serving as the chair;

13 (b) Six ~~seven~~ regular members, who shall be appointed
14 by the Governor; and

15 (c) Two ex officio nonvoting members who are members
16 of the Legislature, ~~one of whom shall be~~ a state senator
17 selected by the President of the Senate and ~~one of whom shall~~
18 be a state representative selected by the Speaker of the House
19 of Representatives; and

20 (d) The director of the Office of Tourism, Trade, and
21 Economic Development as an ex officio nonvoting member.

22
23 Regular members are, ~~all of whom shall be~~ subject to
24 confirmation by the Senate at the next regular session of the
25 Legislature, ~~and each of them the regular board members~~ must
26 be a resident of the state and must have experience in the
27 aerospace or commercial space industry or in finance or have
28 other significant relevant experience. One regular member
29 shall represent organized labor interests and one regular
30 member shall represent minority interests.

31 (2) Each regular member shall serve a term of 4 years

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1 or until a successor is appointed and qualified. The term of
2 each such member shall be construed to commence on the date of
3 appointment and to terminate on June 30 of the year of the end
4 of the term. Appointment to the board shall not preclude any
5 such member from holding any other private or public position.

6 (3) The ex officio nonvoting legislative members shall
7 serve on the board for 2-year terms.

8 (4) Any vacancy on the board shall be filled for the
9 balance of the unexpired term.

10 (5) The Lieutenant Governor is the state's space
11 policy leader. The Lieutenant Governor may designate a regular
12 member to serve as vice-chair and preside over board meetings
13 in the absence of the chair and may assign proxy voting power
14 to the director of the Office of Tourism, Trade, and Economic
15 Development.~~Initial appointments shall be made no later than~~
16 ~~60 days after this act takes effect.~~

17 (6) ~~The board shall hold its initial meeting no later~~
18 ~~than 20 days after the members have been appointed. At its~~
19 ~~initial meeting, or as soon thereafter as is practicable,~~The
20 board shall appoint an executive director. Meetings shall be
21 held quarterly or more frequently at the call of the chair. A
22 majority of the regular members of the board shall constitute
23 a quorum, and a majority vote of such members present is
24 necessary for any action taken by the board.

25 (7) The Governor may ~~has the authority to~~ remove from
26 the board any regular member in the manner and for cause as
27 defined by the laws of this state and applicable to situations
28 that ~~which may~~ arise before the board. Unless excused by the
29 chair of the board, a regular member's absence from two or
30 more consecutive board meetings creates a vacancy in the
31 office to which the member was appointed.

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1 Section 58. (1) Nothing contained in this act
2 abridges or modifies any vested or other right or any duty or
3 obligation pursuant to any development order or agreement
4 which is applicable to a development of regional impact on the
5 effective date of this act. An airport or petroleum storage
6 facility which has received a development-of-regional-impact
7 development order pursuant to s. 380.06, Florida Statutes
8 2000, but is no longer required to undergo
9 development-of-regional-impact review by operation of this
10 act, shall be governed by the following procedures:

11 (a) The development shall continue to be governed by
12 the development-of-regional-impact development order, and may
13 be completed in reliance upon and pursuant to the development
14 order. The development-of-regional-impact development order
15 may be enforced by the local government as provided by ss.
16 380.06(17) and 380.11, Florida Statutes 2000.

17 (b) If requested by the developer or landowner, the
18 development-of-regional-impact development order may be
19 amended or rescinded by the local government consistent with
20 the local comprehensive plan and land development regulations
21 and pursuant to the local government procedures governing
22 local development orders.

23 (2) An airport or petroleum storage facility with an
24 application for development approval pending on the effective
25 date of this act, or a notification of proposed change pending
26 on the effective date of this act, may elect to continue such
27 review pursuant to s. 380.06, Florida Statutes 2000. At the
28 conclusion of the pending review, including any appeals
29 pursuant to s. 380.07, Florida Statutes 2000, the resulting
30 development order shall be governed by the provisions of
31 subsection (1).

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1 Section 59. If any provision of this act or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity shall not affect other provisions or
4 applications of the act which can be given effect without the
5 invalid provision or application, and to this end the
6 provisions of this act are declared severable.

7 Section 60. Subsection (13) is added to section
8 475.011, Florida Statutes, to read:

9 475.011 Exemptions.--This part does not apply to:

10 (13) Any firm that is under contract with a state or
11 local governmental entity to provide right-of-way acquisition
12 services for property subject to condemnation, or any employee
13 of such a firm, if the compensation for such services is not
14 based upon the value of the property acquired. No firm nor
15 any employee of such a firm may engage in the practice of real
16 estate, except those activities pursuant to a contract with a
17 state or local governmental entity and pursuant to the
18 exception provided in this paragraph, without meeting the
19 licensure and qualifications requirements of chapter 475.

20 Section 61. Subsection (2) of section 479.15, Florida
21 Statutes, is amended to read:

22 479.15 Harmony of regulations.--

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

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1 taking under state law. The municipality, county, local zoning
2 authority, or other local government entity promulgating
3 requirements for such alteration must be responsible for
4 payment of just compensation to the sign owner if such
5 alteration constitutes a taking under state law. This
6 subsection applies only to a lawfully erected sign the subject
7 matter of which relates to premises other than the premises on
8 which it is located or to merchandise, services, activities,
9 or entertainment not sold, produced, manufactured, or
10 furnished on the premises on which the sign is located. For
11 the purposes of this subsection, the term "federal-aid primary
12 highway system" means the federal-aid primary highway system
13 in existence on June 1, 1991, and any highway which was not on
14 such system but which is, or hereafter becomes, a part of the
15 National Highway System. This subsection shall not be
16 interpreted as explicit or implicit legislative recognition
17 that alterations do or do not constitute a taking under state
18 law.

19 Section 62. Section 479.25, Florida Statutes, is
20 created to read:

21 479.25 Application of chapter.--Nothing in this
22 chapter shall prevent a governmental entity from entering into
23 an agreement allowing the height above ground level of a
24 lawfully erected sign to be increased at its permitted
25 location if a noise attenuation barrier, visibility screen, or
26 other highway improvement has been erected in such a way as to
27 screen or block visibility of such a sign; provided, however,
28 that for nonconforming signs located on the federal-aid
29 primary highway system, as such system existed on June 1,
30 1991, and any highway which was not on such system but which
31 is, or hereinafter becomes, a part of the National Highway

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1 System, such agreement must be approved by the Federal Highway
2 Administration. Any increase in height permitted under this
3 provision shall only be that which is required to achieve the
4 same degree of visibility from the right-of-way that the sign
5 had prior to the construction of the noise attenuation
6 barrier, visibility screen, or other highway improvement.

7 Section 63. Section 70.20, Florida Statutes, is
8 created to read:

9 70.20 Balancing of interests.--It is a policy of this
10 state to encourage municipalities, counties, and other
11 governmental entities and sign owners to enter into relocation
12 and reconstruction agreements that allow governmental entities
13 to undertake public projects and accomplish public goals
14 without the expenditure of public funds, while allowing the
15 continued maintenance of private investment in signage as a
16 medium of commercial and noncommercial communication.

17 (1) Municipalities, counties, and all other
18 governmental entities are specifically empowered to enter into
19 relocation and reconstruction agreements on whatever terms are
20 agreeable to the sign owner and the municipality, county, or
21 other governmental entity involved and to provide for
22 relocation and reconstruction of signs by agreement,
23 ordinance, or resolution. As used in this section, a
24 "relocation and reconstruction agreement" means a consensual,
25 contractual agreement between a sign owner and municipality,
26 county, or other governmental entity for either the
27 reconstruction of an existing sign or removal of a sign and
28 the construction of a new sign to substitute for the sign
29 removed.

30 (2) Except as otherwise provided in this section, no
31 municipality, county, or other governmental entity may remove,

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1 or cause to be removed, any lawfully erected sign along any
2 portion of the interstate, federal-aid primary or other
3 highway system, or any other road, without first paying just
4 compensation for such removal as determined by agreement
5 between the parties or through eminent domain proceedings.
6 Except as otherwise provided in this section, no municipality,
7 county, or other governmental entity may cause in any way the
8 alteration of any lawfully erected sign located along any
9 portion of the interstate, federal-aid primary or other
10 highway system, or any other road, without first paying just
11 compensation for such alteration as determined by agreement
12 between the parties or through eminent domain proceedings. The
13 provisions of this act shall not apply to any ordinance, the
14 validity, constitutionality, and enforceability of which the
15 owner has by written agreement waived all right to challenge.

16 (3) In the event that a municipality, county, or other
17 governmental entity shall undertake a public project or public
18 goal requiring alteration or removal of any lawfully erected
19 sign, the municipality, county, or other governmental entity
20 shall notify the owner of the affected sign in writing of the
21 public project or goal and of the intention of the
22 municipality, county, or other governmental entity to seek
23 such removal. Within 30 days after receipt of the notice, the
24 owner of the sign and the municipality, county, or other
25 governmental entity shall attempt to meet for purposes of
26 negotiating and executing a relocation and reconstruction
27 agreement provided for in subsection (1).

28 (4) If the parties fail to enter into a relocation and
29 reconstruction agreement within 120 days after the initial
30 notification by the municipality, county, or other
31 governmental entity, either party may request mandatory

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1 nonbinding arbitration to resolve the disagreements among the
2 parties. Each party shall select an arbitrator, and the
3 individuals so selected shall choose a third arbitrator. The
4 three arbitrators shall constitute the panel that shall
5 arbitrate the dispute between the parties and at the
6 conclusion of the proceedings shall present to the parties a
7 proposed relocation and reconstruction agreement that the
8 panel believes equitably balances the rights, interests,
9 obligations, and reasonable expectations of the parties. If
10 the municipality, county, or other governmental entity and the
11 sign owner accept the proposed relocation and reconstruction
12 agreement, the municipality, county, or other governmental
13 entity and sign owner shall each pay its respective costs of
14 arbitration and shall pay one-half of the costs of the
15 arbitration panel, unless the parties otherwise agree.

16 (5) If the parties do not enter into a relocation and
17 reconstruction agreement, the municipality, county, or other
18 governmental entity may proceed with the public project or
19 purpose and the alteration or removal of the sign only after
20 first paying just compensation for such alteration or removal
21 as determined by agreement between the parties or through
22 eminent domain proceedings.

23 (6) The requirement by a municipality, county, or
24 other governmental entity that a lawfully erected sign be
25 removed or altered as a condition precedent to the issuance or
26 continued effectiveness of a development order constitutes a
27 compelled removal that is prohibited without prior payment of
28 just compensation under subsection (2). This subsection does
29 not apply when the owner of the land on which the sign is
30 located is seeking to have the property redesignated on the
31 future land use map of the applicable comprehensive plan for

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1 exclusively single-family residential use.

2 (7) The requirement by a municipality, county, or
3 other governmental entity that a lawfully erected sign be
4 altered or removed from the premises upon which it is located
5 incident to the voluntary acquisition of such property by a
6 municipality, county, or other governmental entity constitutes
7 a compelled removal which is prohibited without payment of
8 just compensation under subsection (2).

9 (8) Nothing in this section shall prevent a
10 municipality, county, or other governmental entity from
11 acquiring a lawfully erected sign through eminent domain or
12 from prospectively regulating the placement, size, height, or
13 other aspects of new signs within such entity's jurisdiction,
14 including the prohibition of new signs, unless otherwise
15 authorized pursuant to this section. Nothing in this section
16 shall impair any ordinance or provision of any ordinance not
17 inconsistent with this section, nor shall this section create
18 any new rights for any party other than the owner of a sign,
19 the owner of the land upon which it is located, or a
20 municipality, county, or other governmental entity as
21 expressed in this section.

22 (9) This section applies only to a lawfully erected
23 sign the subject matter of which relates to premises other
24 than the premises on which it is located or to merchandise,
25 services, activities, or entertainment not sold, produced,
26 manufactured, or furnished on the premises on which the sign
27 is located.

28 (10) This section does not apply to any actions taken
29 by the Florida Department of Transportation which relate to
30 the operation, maintenance, or expansion of transportation
31 facilities, and this section does not affect existing law

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1 regarding eminent domain relating to the Florida Department of
2 Transportation.

3 (11) Nothing in this act shall impair or affect any
4 written agreement existing prior to the effective date of this
5 act, including, but not limited to, any settlement agreements
6 reliant upon the legality or enforceability of local
7 ordinances. The provisions of this act shall not apply to any
8 signs that are required to be removed by a date certain in
9 areas designated by local ordinance as view corridors if the
10 local ordinance creating the view corridors was enacted in
11 part to effectuate a consensual agreement between the local
12 government and two or more sign owners prior to the effective
13 date of this act, nor shall the provisions of this act apply
14 to any signs that are the subject of an ordinance providing an
15 amortization period, which period has expired, and which
16 ordinance is the subject of judicial proceedings which were
17 commenced on or before January 1, 2001.

18 (12) Subsection (6) hereof does not apply when the
19 development order permits construction of a replacement sign
20 that cannot be erected without the removal of the lawfully
21 erected sign being replaced. Effective upon this section
22 becoming a law, the Office of Program Analysis and
23 Governmental Accountability, in consultation with the property
24 appraisers and the private sector affected parties, shall
25 conduct a study of the value of offsite signs in relation to,
26 and in comparison with, the valuation of other commercial
27 properties for ad valorem tax purposes, including a comparison
28 of tax valuations from other states. OPPAGA shall complete
29 the study by December 31, 2001, and shall report the results
30 of the study to the Legislature.

31 Section 64. Paragraph (b) of subsection (1) of section

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1 496.425, Florida Statutes, is amended to read:

2 496.425 Solicitation of funds within public
3 transportation facilities.--

4 (1) As used in this section:

5 (b) "Facility" means any public transportation
6 facility, including, but not limited to, railroad stations,
7 bus stations, ship ports, ferry terminals, or ~~roadside welcome~~
8 ~~stations, highway service plazas, airports served by scheduled~~
9 ~~passenger service, or highway rest stations.~~

10 Section 65. Section 496.4256, Florida Statutes, is
11 created to read:

12 496.4256 Public transportation facilities not required
13 to grant permit or access.--A governmental entity or authority
14 that owns or operates welcome centers, wayside parks, service
15 plazas, or rest areas on the state highway system as defined
16 in chapter 335 may not be required to issue a permit or grant
17 any person access to such public transportation facilities for
18 the purpose of soliciting funds.

19 Section 66. Section 337.408, Florida Statutes, is
20 amended to read:

21 337.408 Regulation of benches, transit shelters,
22 street light poles, and waste disposal receptacles within
23 rights-of-way.--

24 (1) Benches or transit shelters, including advertising
25 displayed on benches or transit shelters, may be installed
26 within the right-of-way limits of any municipal, county, or
27 state road, except a limited access highway; provided that
28 such benches or transit shelters are for the comfort or
29 convenience of the general public, or at designated stops on
30 official bus routes; and, provided further, that written
31 authorization has been given to a qualified private supplier

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1 of such service by the municipal government within whose
2 incorporated limits such benches or transit shelters are
3 installed, or by the county government within whose
4 unincorporated limits such benches or transit shelters are
5 installed. A municipality or county may authorize the
6 installation, with or without public bid, of benches and
7 transit shelters together with advertising displayed thereon,
8 within the right-of-way limits of such roads. Any contract for
9 the installation of benches or transit shelters or advertising
10 on benches or transit shelters which was entered into before
11 April 8, 1992, without public bidding, is ratified and
12 affirmed. Such benches or transit shelters may not interfere
13 with right-of-way preservation and maintenance. Any bench or
14 transit shelter located on a sidewalk within the right-of-way
15 limits of any road on the State Highway System or the county
16 road system shall be located so as to leave at least 36 inches
17 clearance for pedestrians and persons in wheelchairs. Such
18 clearance shall be measured in a direction perpendicular to
19 the centerline of the road.

20 (2) Waste disposal receptacles the interior collection
21 container volume of which is less than 110 gallons in
22 capacity, including advertising displayed on such waste
23 disposal receptacles, may be installed within the right-of-way
24 limits of any municipal, county, or state road, except a
25 limited access highway; provided that written authorization
26 has been given to a qualified private supplier of such service
27 by the appropriate municipal or county government. A
28 municipality or county may authorize the installation, with or
29 without public bid, of waste disposal receptacles together
30 with advertising displayed thereon within the right-of-way
31 limits of such roads. Such waste disposal receptacles may not

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1 interfere with right-of-way preservation and maintenance.

2 (3) The department has the authority to direct the
3 immediate relocation or removal of any bench, transit shelter,
4 or waste disposal receptacle which endangers life or property,
5 except that transit bus benches which have been placed in
6 service prior to April 1, 1992, do not have to comply with
7 bench size and advertising display size requirements which
8 have been established by the department prior to March 1,
9 1992. Any transit bus bench that was in service prior to
10 April 1, 1992, may be replaced with a bus bench ~~of the same~~
11 ~~size or smaller~~, if the bench is damaged or destroyed or
12 otherwise becomes unusable. As of July 1, 2001, the
13 department, municipality, or county may direct the removal of
14 any bench, transit shelter, or waste disposal receptacle, or
15 advertisement thereon, if the department, municipality, or
16 county determines that the bench, transit shelter, or waste
17 disposal receptacle is structurally unsound or in visible
18 disrepair.

19 (4) No bench, transit shelter, or waste disposal
20 receptacle, or advertising thereon, shall be erected or so
21 placed on the right-of-way of any road which conflicts with
22 the requirements of federal law, regulations, or safety
23 standards, thereby causing the state or any political
24 subdivision the loss of federal funds. Competition among
25 persons seeking to provide bench, transit shelter, or waste
26 disposal receptacle services or advertising on such benches,
27 shelters, or receptacles may be regulated, restricted, or
28 denied by the appropriate local government entity consistent
29 with the provisions of this section.

30 (5) Street light poles, including attached public
31 service messages and advertisements, may be located within the

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1 right-of-way limits of municipal and county roads in the same
2 manner as benches, transit shelters, and waste receptacles, as
3 provided in this section and in accordance with municipal and
4 county ordinances. Public service messages and advertising may
5 be installed on street light poles on roads on the State
6 Highway System in accordance with height, size, setback,
7 spacing distance, duration of display, safety, traffic
8 control, and permitting requirements established by
9 administrative rule of the Department of Transportation.
10 Public service messages and advertisements shall be subject to
11 bilateral agreements, where applicable, to be negotiated with
12 the owner of the street light poles which shall consider,
13 among other things, power source rates, design, safety,
14 operational and maintenance concerns and other matters of
15 public importance. For the purposes of this section, "street
16 light poles" does not include electric transmission or
17 distribution poles. The department shall have authority to
18 establish administrative rules to implement this subsection.
19 No advertising on light poles shall be permitted on the
20 Interstate Highway System. No permanent structures carrying
21 advertisements attached to light poles shall be permitted on
22 the National Highway System.

23 (6)(5) Wherever the provisions of this section are
24 inconsistent with other provisions of this chapter or with the
25 provisions of chapter 125, chapter 335, chapter 336, or
26 chapter 479, the provisions of this section shall prevail.

27 Section 67. Subsection (10) of section 768.28, Florida
28 Statutes, is amended to read:

29 768.28 Waiver of sovereign immunity in tort actions;
30 recovery limits; limitation on attorney fees; statute of
31 limitations; exclusions; indemnification; risk management

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1 programs.--

2 (10)(a) Health care providers or vendors, or any of
3 their employees or agents, that have contractually agreed to
4 act as agents of the Department of Corrections to provide
5 health care services to inmates of the state correctional
6 system shall be considered agents of the State of Florida,
7 Department of Corrections, for the purposes of this section,
8 while acting within the scope of and pursuant to guidelines
9 established in said contract or by rule. The contracts shall
10 provide for the indemnification of the state by the agent for
11 any liabilities incurred up to the limits set out in this
12 chapter.

13 (b) This subsection shall not be construed as
14 designating persons providing contracted health care services
15 to inmates as employees or agents of the state for the
16 purposes of chapter 440.

17 (c) For purposes of this section, regional poison
18 control centers created in accordance with s. 395.1027 and
19 coordinated and supervised under the Division of Children's
20 Medical Services Prevention and Intervention of the Department
21 of Health, or any of their employees or agents, shall be
22 considered agents of the State of Florida, Department of
23 Health. Any contracts with poison control centers must
24 provide, to the extent permitted by law, for the
25 indemnification of the state by the agency for any liabilities
26 incurred up to the limits set out in this chapter.

27 (d) For the purposes of this section, operators of
28 rail services and providers of security for rail services, or
29 any of their employees or agents, that have contractually
30 agreed to act as agents of the Tri-County Commuter Rail
31 Authority to operate rail services or provide security for

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1 rail services, shall be considered agents of the State of
2 Florida while acting within the scope of and pursuant to
3 guidelines established in said contract or by rule. The
4 contract shall provide for the indemnification of the state by
5 the agent for any liability incurred up to the limits set out
6 in this chapter.

7 Section 68. Section 337.025, Florida Statutes, is
8 amended to read:

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

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1 million in contracts annually for the purposes authorized by
2 this section. However, the annual cap on contracts provided in
3 this section shall not apply to turnpike enterprise projects
4 nor shall turnpike enterprise projects be counted toward the
5 department's annual cap.

6 Section 69. Paragraph (c) of subsection (3) of section
7 337.11, Florida Statutes, is amended to read:

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

12 (3)

13 (c) No advertisement for bids shall be published and
14 no bid solicitation notice shall be provided until title to
15 all necessary rights-of-way and easements for the construction
16 of the project covered by such advertisement or notice has
17 vested in the state or a local governmental entity, and all
18 railroad crossing and utility agreements have been executed.
19 The turnpike enterprise is exempt from this paragraph for a
20 turnpike enterprise project.Title to all necessary
21 rights-of-way shall be deemed to have been vested in the State
22 of Florida when such title has been dedicated to the public or
23 acquired by prescription.

24 Section 70. Subsection (7) of section 338.165, Florida
25 Statutes, is amended to read:

26 338.165 Continuation of tolls.--

27 (7) This section does not apply to the turnpike system
28 as defined under the Florida Turnpike Enterprise Law.

29 Section 71. Section 338.22, Florida Statutes, is
30 amended to read:

31 338.22 Florida Turnpike Enterprise Law; short

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1 title.--Sections 338.22-338.241 may be cited as the "Florida
2 Turnpike Enterprise Law."

3 Section 72. Section 338.221, Florida Statutes, is
4 amended to read:

5 338.221 Definitions of terms used in ss.
6 338.22-338.241.--As used in ss. 338.22-338.241, the following
7 words and terms have the following meanings, unless the
8 context indicates another or different meaning or intent:

9 (1) "Bonds" or "revenue bonds" means notes, bonds,
10 refunding bonds or other evidences of indebtedness or
11 obligations, in either temporary or definitive form, issued by
12 the Division of Bond Finance on behalf of the department and
13 authorized under the provisions of ss. 338.22-338.241 and the
14 State Bond Act.

15 (2) "Cost," as applied to a turnpike project, includes
16 the cost of acquisition of all land, rights-of-way, property,
17 easements, and interests acquired by the department for
18 turnpike project construction; the cost of such construction;
19 the cost of all machinery and equipment, financing charges,
20 fees, and expenses related to the financing; establishment of
21 reserves to secure bonds; interest prior to and during
22 construction and for such period after completion of
23 construction as shall be determined by the department; the
24 cost of traffic estimates and of engineering and legal
25 expenses, plans, specifications, surveys, estimates of cost
26 and revenues; other expenses necessary or incident to
27 determining the feasibility or practicability of acquiring or
28 constructing any such turnpike project; administrative
29 expenses; and such other expenses as may be necessary or
30 incident to the acquisition or construction of a turnpike
31 project, the financing of such acquisition or construction,

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1 and the placing of the turnpike project in operation.

2 (3) "Feeder road" means any road no more than 5 miles
3 in length, connecting to the turnpike system which the
4 department determines is necessary to create or facilitate
5 access to a turnpike project.

6 (4) "Owner" includes any person or any governmental
7 entity that has title to, or an interest in, any property,
8 right, easement, or interest authorized to be acquired
9 pursuant to ss. 338.22-338.241.

10 (5) "Revenues" means all tolls, charges, rentals,
11 gifts, grants, moneys, and other funds coming into the
12 possession, or under the control, of the department by virtue
13 of the provisions hereof, except the proceeds from the sale of
14 bonds issued under ss. 338.22-338.241.

15 (6) "Turnpike system" means those limited access toll
16 highways and associated feeder roads and other structures,
17 appurtenances, or rights previously designated, acquired, or
18 constructed pursuant to the Florida Turnpike Enterprise Law
19 and such other additional turnpike projects as may be acquired
20 or constructed as approved by the Legislature.

21 (7) "Turnpike improvement" means any betterment
22 necessary or desirable for the operation of the turnpike
23 system, including, but not limited to, widenings, the addition
24 of interchanges to the existing turnpike system, resurfacings,
25 toll plazas, machinery, and equipment.

26 (8) "Economically feasible" for a proposed turnpike
27 project means that the revenues of the project in combination
28 with those of the existing turnpike system are sufficient to
29 service the debt of the outstanding turnpike bonds to
30 safeguard investors.+

31 ~~(a) For a proposed turnpike project, that, as~~

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1 ~~determined by the department before the issuance of revenue~~
2 ~~bonds for the project, the estimated net revenues of the~~
3 ~~proposed turnpike project, excluding feeder roads and turnpike~~
4 ~~improvements, will be sufficient to pay at least 50 percent of~~
5 ~~the debt service on the bonds by the end of the 5th year of~~
6 ~~operation and to pay at least 100 percent of the debt service~~
7 ~~on the bonds by the end of the 15th year of operation. In~~
8 ~~implementing this paragraph, up to 50 percent of the adopted~~
9 ~~work program costs of the project may be funded from turnpike~~
10 ~~revenues.~~

11 ~~(b) For turnpike projects, except for feeder roads and~~
12 ~~turnpike improvements, financed from revenues of the turnpike~~
13 ~~system, such project, or such group of projects, originally~~
14 ~~financed from revenues of the turnpike system, that the~~
15 ~~project is expected to generate sufficient revenues to~~
16 ~~amortize project costs within 15 years of opening to traffic.~~

17
18 This subsection does not prohibit the pledging of revenues
19 from the entire turnpike system to bonds issued to finance or
20 refinance a turnpike project or group of turnpike projects.

21 (9) "Turnpike project" means any extension to or
22 expansion of the existing turnpike system and new limited
23 access toll highways and associated feeder roads and other
24 structures, interchanges, appurtenances, or rights as may be
25 approved in accordance with the Florida Turnpike Enterprise
26 Law.

27 (10) "Statement of environmental feasibility" means a
28 statement by the Department of Environmental Protection of the
29 project's significant environmental impacts.

30 Section 73. Section 338.2215, Florida Statutes, is
31 created to read:

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1 338.2215 Florida Turnpike Enterprise; legislative
2 findings, policy, purpose, and intent.--It is the intent of
3 the Legislature that the turnpike enterprise be provided
4 additional powers and authority in order to maximize the
5 advantages obtainable through fully leveraging the Florida
6 Turnpike System asset. The additional powers and authority
7 will provide the turnpike enterprise with the autonomy and
8 flexibility to enable it to more easily pursue innovations as
9 well as best practices found in the private sector in
10 management, finance, organization, and operations. The
11 additional powers and authority are intended to improve
12 cost-effectiveness and timeliness of project delivery,
13 increase revenues, expand the turnpike system's capital
14 program capability, and improve the quality of service to its
15 patrons, while continuing to protect the turnpike system's
16 bondholders and further preserve, expand, and improve the
17 Florida Turnpike System.

18 Section 74. Section 338.2216, Florida Statutes, is
19 created to read:

20 338.2216 Florida Turnpike Enterprise; powers and
21 authority.--

22 (1)(a) In addition to the powers granted to the
23 department, the Florida Turnpike Enterprise has full authority
24 to exercise all powers granted to it under this chapter.
25 Powers shall include, but are not limited to, the ability to
26 plan, construct, maintain, repair, and operate the Florida
27 Turnpike System.

28 (b) It is the express intention of this part that the
29 Florida Turnpike Enterprise be authorized to plan, develop,
30 own, purchase, lease, or otherwise acquire, demolish,
31 construct, improve, relocate, equip, repair, maintain,

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1 operate, and manage the Florida Turnpike System; to expend
2 funds to publicize, advertise, and promote the advantages of
3 using the turnpike system and its facilities; and to
4 cooperate, coordinate, partner, and contract with other
5 entities, public and private, to accomplish these purposes.

6 (c) The executive director of the turnpike enterprise
7 shall appoint a staff, which shall be exempt from part II of
8 chapter 110. The fiscal functions of the turnpike enterprise,
9 including those arising under chapters 216, 334, and 339,
10 shall be managed by the turnpike enterprise chief financial
11 officer, who shall possess qualifications similar to those of
12 the department comptroller.

13 (2)(a) The department shall have the authority to
14 employ procurement methods available to the Department of
15 Management Services under chapters 255 and 287 and under any
16 rule adopted under such chapters solely for the benefit of the
17 turnpike enterprise. In order to enhance the effective and
18 efficient operation of the turnpike enterprise, the department
19 may adopt rules for procurement procedures alternative to
20 chapters 255, 287, and 337.

21 (3)(a) The turnpike enterprise shall be a single
22 budget entity and shall develop a budget pursuant to chapter
23 216. The turnpike enterprise's budget shall be submitted to
24 the Legislature along with the department's budget.

25 (b) Notwithstanding the provisions of s. 216.301 to
26 the contrary and in accordance with s. 216.351, the Executive
27 Office of the Governor shall, on July 1 of each year, certify
28 forward all unexpended funds appropriated or provided pursuant
29 to this section for the turnpike enterprise. Of the
30 unexpended funds certified forward, any unencumbered amounts
31 shall be carried forward. Such funds carried forward shall

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1 not exceed 5 percent of the total operating budget of the
2 turnpike enterprise. Funds carried forward pursuant to this
3 section may be used for any lawful purpose, including, but not
4 limited to, promotional and market activities, technology, and
5 training. Any certified forward funds remaining undisbursed
6 on December 31 of each year shall be carried forward.

7 (4) The powers conferred upon the turnpike enterprise
8 under ss. 338.22-338.241 shall be in addition and supplemental
9 to the existing powers of the department and the turnpike
10 enterprise, and these powers shall not be construed as
11 repealing any provision of any other law, general or local,
12 but shall supersede such other laws that are inconsistent with
13 the exercise of the powers provided under ss. 338.22-338.241
14 and provide a complete method for the exercise of such powers
15 granted.

16 Section 75. Subsection (4) of section 338.223, Florida
17 Statutes, is amended to read:

18 338.223 Proposed turnpike projects.--

19 (4) The department is authorized, with the approval of
20 the Legislature, to use federal and state transportation funds
21 to lend or pay a portion of the operating, maintenance, and
22 capital costs of turnpike projects. ~~Federal and state~~
23 ~~transportation funds included in an adopted work program, or~~
24 ~~the General Appropriations Act, for a turnpike project do not~~
25 ~~have to be reimbursed to the State Transportation Trust Fund,~~
26 ~~or used in determining the economic feasibility of the~~
27 ~~proposed project.~~For operating and maintenance loans, the
28 maximum net loan amount in any fiscal year shall not exceed
29 1.5 ~~0.5~~ percent of state transportation tax revenues for that
30 fiscal year.

31 Section 76. Subsection (2) of section 338.227, Florida

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1 Statutes, is amended to read:

2 338.227 Turnpike revenue bonds.--

3 (2) The proceeds of the bonds of each issue shall be
4 used solely for the payment of the cost of the turnpike
5 projects for which such bonds shall have been issued, except
6 as provided in the State Bond Act. Such proceeds shall be
7 disbursed and used as provided by ss. 338.22-338.241 and in
8 such manner and under such restrictions, if any, as the
9 Division of Bond Finance may provide in the resolution
10 authorizing the issuance of such bonds or in the trust
11 agreement hereinafter mentioned securing the same. All
12 revenues and bond proceeds from the turnpike system received
13 by the department pursuant to ss. 338.22-338.241, the Florida
14 Turnpike Enterprise Law, shall be used only for the cost of
15 turnpike projects and turnpike improvements and for the
16 administration, operation, maintenance, and financing of the
17 turnpike system. No revenues or bond proceeds from the
18 turnpike system shall be spent for the operation, maintenance,
19 construction, or financing of any project which is not part of
20 the turnpike system.

21 Section 77. Subsection (2) of section 338.2275,
22 Florida Statutes, is amended to read:

23 338.2275 Approved turnpike projects.--

24 (2) The department is authorized to use turnpike
25 revenues, the State Transportation Trust Fund moneys allocated
26 for turnpike projects pursuant to s. 338.001, federal funds,
27 and bond proceeds, and shall use the most cost-efficient
28 combination of such funds, in developing a financial plan for
29 funding turnpike projects. The department must submit a
30 report of the estimated cost for each ongoing turnpike project
31 and for each planned project to the Legislature 14 days before

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1 the convening of the regular legislative session. Verification
2 of economic feasibility and statements of environmental
3 feasibility for individual turnpike projects must be based on
4 the entire project as approved. Statements of environmental
5 feasibility are not required for those projects listed in s.
6 12, chapter 90-136, Laws of Florida, for which the Project
7 Development and Environmental Reports were completed by July
8 1, 1990. ~~All required environmental permits must be obtained~~
9 ~~before~~ The department may advertise for bids for contracts for
10 the construction of any turnpike project prior to obtaining
11 required environmental permits.

12 Section 78. Section 338.234, Florida Statutes, is
13 amended to read:

14 338.234 Granting concessions or selling along the
15 turnpike system.--

16 ~~(1)~~ The department may enter into contracts or
17 licenses with any person for the sale of ~~grant concessions or~~
18 ~~sell~~ services or products or business opportunities on along
19 the turnpike system, or the turnpike enterprise may sell
20 services, products, or business opportunities on the turnpike
21 system, which benefit the traveling public or provide
22 additional revenue to the turnpike system. Services, business
23 opportunities, and products authorized to be sold include, but
24 are not limited to, the sale of motor fuel, vehicle towing,
25 and vehicle maintenance services; the sale of food with
26 attendant nonalcoholic beverages; lodging, meeting rooms, and
27 other business services opportunities; advertising and other
28 promotional opportunities, which advertising and promotions
29 must be consistent with the dignity and integrity of the
30 state; the sale of state lottery tickets sold by authorized
31 retailers; games and amusements that ~~the granting of~~

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1 ~~concessions for amusement devices which operate by the~~
2 ~~application of skill, not including games of chance as defined~~
3 ~~in s. 849.16 or other illegal gambling games; the sale of~~
4 ~~Florida citrus, goods promoting the state, or handmade goods~~
5 ~~produced within the state; and the granting of concessions for~~
6 ~~equipment which provides travel information, or tickets,~~
7 ~~reservations, or other related services; and the granting of~~
8 ~~concessions which provide banking and other business services.~~
9 ~~The department may also provide information centers on the~~
10 ~~plazas for the benefit of the public.~~

11 ~~(2) The department may provide an opportunity for~~
12 ~~governmental agencies to hold public events at turnpike plazas~~
13 ~~which educate the traveling public as to safety, travel, and~~
14 ~~tourism.~~

15 Section 79. Subsection (3) of section 338.235, Florida
16 Statutes, is amended to read:

17 338.235 Contracts with department for provision of
18 services on the turnpike system.--

19 (3) The department may enter into contracts or
20 agreements, with or without competitive bidding or
21 procurement, to make available, on a fair, reasonable,
22 nonexclusive, and nondiscriminatory basis, turnpike property
23 and other turnpike structures, for the placement of wireless
24 facilities by any wireless provider of mobile services as
25 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any
26 telecommunications company as defined in s. 364.02 when it is
27 determined to be practical and feasible to make such property
28 or structures available. The department may, without adopting
29 a rule, charge a just, reasonable, and nondiscriminatory fee
30 for placement of the facilities, payable annually, based on
31 the fair market value of space used by comparable

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1 communications facilities in the state. The department and a
2 wireless provider may negotiate the reduction or elimination
3 of a fee in consideration of goods or services ~~service~~
4 provided to the department by the wireless provider. All such
5 fees collected by the department shall be deposited directly
6 into the State Agency Law Enforcement Radio System Trust Fund
7 and may be used to construct, maintain, or support the system.

8 Section 80. Subsection (2) of section 338.239, Florida
9 Statutes, is amended to read:

10 338.239 Traffic control on the turnpike system.--

11 (2) Members of the Florida Highway Patrol are vested
12 with the power, and charged with the duty, to enforce the
13 rules of the department. Approved expenditures ~~Expenses~~
14 incurred by the Florida Highway Patrol in carrying out its
15 powers and duties under ss. 338.22-338.241 may be treated as a
16 part of the cost of the operation of the turnpike system, and
17 the Department of Highway Safety and Motor Vehicles shall be
18 reimbursed by the turnpike enterprise ~~Department of~~
19 ~~Transportation~~ for such expenses incurred on the turnpike
20 system mainline, which is that part of the turnpike system
21 extending from the southern terminus in Florida City to the
22 northern terminus in Wildwood including all contiguous
23 sections. Florida Highway Patrol Troop K shall be
24 headquartered with the turnpike enterprise and shall be the
25 official and preferred law enforcement troop for the turnpike
26 system. The Department of Highway Safety and Motor Vehicles
27 may, upon request of the executive director of the turnpike
28 enterprise and approval of the Legislature, increase the
29 number of authorized positions for Troop K, or the executive
30 director of the turnpike enterprise may contract with the
31 Department of Highway Safety and Motor Vehicles for additional

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1 troops to patrol the turnpike system.

2 Section 81. Section 338.241, Florida Statutes, is
3 amended to read:

4 338.241 Cash reserve requirement.--The budget for the
5 turnpike system shall be so planned as to provide for a cash
6 reserve at the end of each fiscal year of not less than 5 ~~10~~
7 percent of the unpaid balance of all turnpike system
8 contractual obligations, excluding bond obligations, to be
9 paid from revenues.

10 Section 82. Section 338.251, Florida Statutes, is
11 amended to read:

12 338.251 Toll Facilities Revolving Trust Fund.--The
13 Toll Facilities Revolving Trust Fund is hereby created for the
14 purpose of encouraging the development and enhancing the
15 financial feasibility of revenue-producing road projects
16 undertaken by local governmental entities in a county or
17 combination of contiguous counties and the turnpike
18 enterprise.

19 (1) The department is authorized to advance funds for
20 preliminary engineering, traffic and revenue studies,
21 environmental impact studies, financial advisory services,
22 engineering design, right-of-way map preparation, other
23 appropriate project-related professional services, and
24 advanced right-of-way acquisition to expressway authorities,
25 the turnpike enterprise, counties, or other local governmental
26 entities that desire to undertake revenue-producing road
27 projects.

28 (2) No funds shall be advanced pursuant to this
29 section unless the following is documented to the department:

30 (a) The proposed facility is consistent with the
31 adopted transportation plan of the appropriate metropolitan

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1 planning organization and the Florida Transportation Plan.

2 (b) A proposed 2-year budget detailing the use of the
3 cash advance and a project schedule consistent with the
4 budget.

5 (3) Prior to receiving any moneys for advance
6 right-of-way acquisition, it shall be shown that such
7 right-of-way will substantially appreciate prior to
8 construction and that savings will result from its advance
9 purchase. Any such request for moneys for advance
10 right-of-way acquisition shall be accompanied by a preliminary
11 engineering study, environmental impact study, traffic and
12 revenue study, and right-of-way maps along with either a
13 negotiated contract for purchase of the right-of-way, such
14 contract to include a clause stating that it is subject to
15 funding by the department or the Legislature, or an appraisal
16 of the subject property for purpose of condemnation
17 proceedings.

18 (4) Each advance pursuant to this section shall
19 require repayment out of the initial bond issue revenue or, at
20 the discretion of the governmental entity or the turnpike
21 enterprise of the facility, repayment shall begin no later
22 than 7 years after the date of the advance, provided repayment
23 shall be completed no later than 12 years after the date of
24 the advance. However, such election shall be made at the time
25 of the initial bond issue, and, if repayment is to be made
26 during the time period referred to above, a schedule of such
27 repayment shall be submitted to the department.

28 (5) No amount in excess of \$1.5 million annually shall
29 be advanced to any one governmental entity or the turnpike
30 enterprise pursuant to this section without specific
31 appropriation by the Legislature.

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1 (6) Funds may not be advanced for funding final design
2 costs beyond 60 percent completion until an acceptable plan to
3 finance all project costs, including the reimbursement of
4 outstanding trust fund advances, is approved by the
5 department.

6 (7) The department may advance funds sufficient to
7 defray shortages in toll revenues of facilities receiving
8 funds pursuant to this section for the first 5 years of
9 operation, up to a maximum of \$5 million per year, to be
10 reimbursed to this fund within 5 years of the last advance
11 hereunder. Any advance under this provision shall require
12 specific appropriation by the Legislature.

13 (8) No expressway authority, county, or other local
14 governmental entity, or the turnpike enterprise, shall be
15 eligible to receive any advance under this section if the
16 expressway authority, county, or other local governmental
17 entity or the turnpike enterprise has failed to repay any
18 previous advances as required by law or by agreement with the
19 department.

20 (9) Repayment of funds advanced, including advances
21 made prior to January 1, 1994, shall not include interest.
22 However, interest accruing to local governmental entities and
23 the turnpike enterprise from the investment of advances shall
24 be paid to the department.

25 Section 83. Subsection (1) of section 553.80, Florida
26 Statutes, as amended by section 86 of chapter 2000-141, Laws
27 of Florida, is amended to read:

28 553.80 Enforcement.--

29 (1) Except as provided in paragraphs (a)-(f)~~(a)-(e)~~,
30 each local government and each legally constituted enforcement
31 district with statutory authority shall regulate building

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1 construction and, where authorized in the state agency's
2 enabling legislation, each state agency shall enforce the
3 Florida Building Code required by this part on all public or
4 private buildings, structures, and facilities, unless such
5 responsibility has been delegated to another unit of
6 government pursuant to s. 553.79(9).

7 (a) Construction regulations relating to correctional
8 facilities under the jurisdiction of the Department of
9 Corrections and the Department of Juvenile Justice are to be
10 enforced exclusively by those departments.

11 (b) Construction regulations relating to elevator
12 equipment under the jurisdiction of the Bureau of Elevators of
13 the Department of Business and Professional Regulation shall
14 be enforced exclusively by that department.

15 (c) In addition to the requirements of s. 553.79 and
16 this section, facilities subject to the provisions of chapter
17 395 and part II of chapter 400 shall have facility plans
18 reviewed and construction surveyed by the state agency
19 authorized to do so under the requirements of chapter 395 and
20 part II of chapter 400 and the certification requirements of
21 the Federal Government.

22 (d) Building plans approved pursuant to s. 553.77(6)
23 and state-approved manufactured buildings, including buildings
24 manufactured and assembled offsite and not intended for
25 habitation, such as lawn storage buildings and storage sheds,
26 are exempt from local code enforcing agency plan reviews
27 except for provisions of the code relating to erection,
28 assembly, or construction at the site. Erection, assembly, and
29 construction at the site are subject to local permitting and
30 inspections.

31 (e) Construction regulations governing public schools,

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1 state universities, and community colleges shall be enforced
2 as provided in subsection (6).

3 (f) Construction regulations relating to
4 transportation facilities under the jurisdiction of the
5 turnpike enterprise of the Department of Transportation shall
6 be enforced exclusively by the turnpike enterprise.

7
8 The governing bodies of local governments may provide a
9 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
10 and this section, for the enforcement of the provisions of
11 this part. Such fees shall be used solely for carrying out
12 the local government's responsibilities in enforcing the
13 Florida Building Code. The authority of state enforcing
14 agencies to set fees for enforcement shall be derived from
15 authority existing on July 1, 1998. However, nothing contained
16 in this subsection shall operate to limit such agencies from
17 adjusting their fee schedule in conformance with existing
18 authority.

19 Section 84. (1) This shall be known as the "Dori
20 Slosberg Act of 2001."

21 (2) Notwithstanding the provisions of s. 318.121,
22 Florida Statutes, a board of county commissioners may require,
23 by ordinance, that the clerk of the court collect an
24 additional \$3 with each civil traffic penalty, which shall be
25 used to fund driver education programs in public and nonpublic
26 schools. The ordinance shall provide for the board of county
27 commissioners to administer the funds. The funds shall be used
28 for direct educational expenses and shall not be used for
29 administration.

30 Section 85. Small Aircraft Transportation System;
31 legislative intent.--

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1 (1) The Legislature recognizes that the State of
2 Florida has an opportunity to participate with the National
3 Aeronautics and Space Administration, the Federal Aviation
4 Administration, the aircraft industry, and various
5 universities as partners to provide Florida with improved
6 transportation access and mobility for all of its communities,
7 rural and urban alike, by participating in NASA's Small
8 Aircraft Transportation System. The Legislature recognizes
9 that state support can be leveraged with current federal and
10 industry resources to provide an infrastructure that utilizes
11 the state's network of 129 public-use airports and provides a
12 transportation system capable of competing with the automobile
13 in both convenience and affordability.

14 (2) The Legislature hereby expresses its commitment,
15 through participation in the Small Aircraft Transportation
16 System, to:

17 (a) Improve travel choices, mobility, and
18 accessibility for the citizens of the state.

19 (b) Enhance economic growth and competitiveness for
20 the rural and remote communities of the state through improved
21 transportation choices.

22 (c) Maintain the state's leadership and proactive role
23 in aviation and aerospace through active involvement in
24 advancing aviation technology infrastructure and capabilities.

25 (d) Take advantage of federal programs that can bring
26 investments in technology, research, and infrastructure
27 capable of enhancing competitiveness and opportunities for
28 industry and workforce development.

29 (e) Participate in opportunities that can place the
30 state's industries and communities in a first-to-market
31 advantage when developing, implementing, and proving new

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1 technologies which have the potential to satisfy requirements
2 for the public good.

3 (f) Participate as partners with the National
4 Aeronautics and Space Administration, the Federal Aviation
5 Administration, the aircraft industry, local governments, and
6 those universities which comprise the Southeast SATSLab
7 Consortium to implement a Small Aircraft Transportation System
8 infrastructure as a statewide network of airports to support
9 the commitments described in paragraphs (a)-(e).

10 Section 86. (1) That portion of I-275 which begins at
11 the Pinellas County end of the Howard Franklin Bridge and,
12 proceeding south, ends at the beginning of the Sunshine Skyway
13 Bridge is designated as the "St. Petersburg Parkway."

14 (2) The Department of Transportation is directed to
15 erect suitable markers designating the "St. Petersburg
16 Parkway" as described in subsection (1).

17 Section 87. George Crady Bridge designation;
18 markers.--

19 (1) The old Nassau Sound Bridge (bridge number 750055)
20 on State Road 105 in Nassau and Duval Counties is hereby
21 redesignated as the "George Crady Bridge."

22 (2) The Department of Transportation is directed to
23 erect suitable markers designating the "George Crady Bridge"
24 as described in subsection (1).

25 Section 88. Doyle Parker Memorial Highway designation;
26 markers.--

27 (1) U.S. Highway 17 from Wauchula to Bowling Green is
28 hereby designated as the "Doyle Parker Memorial Highway."

29 (2) The Department of Transportation is directed to
30 erect suitable markers designating the "Doyle Parker Memorial
31 Highway" as described in subsection (1).

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1 Section 89. Lynn Haven Parkway designation; markers.--

2 (1) That portion of State Road 77 between Baldwin Road
 3 and Mowat School Road in the City of Lynn Haven, Bay County,
 4 is hereby designated as the "Lynn Haven Parkway."

5 (2) The Department of Transportation is directed to
 6 erect suitable markers designating the "Lynn Haven Parkway" as
 7 described in subsection (1).

8 Section 90. Bennett C. Russell Florida/Alabama Parkway
 9 designation; markers.--

10 (1) State Road 87 from the Florida/Alabama border to
 11 U.S. Highway 98 in Santa Rosa County is hereby designated as
 12 the "Bennett C. Russell Florida/Alabama Parkway."

13 (2) The Department of Transportation is directed to
 14 erect suitable markers designating the "Bennett C. Russell
 15 Florida/Alabama Parkway" as described in subsection (1).

16 Section 91. Mamie Langdale Memorial Bridge
 17 designation; markers.--

18 (1) The new U.S. Highway 27 bridge in the City of
 19 Moore Haven in Glades County is hereby designated as the
 20 "Mamie Langdale Memorial Bridge."

21 (2) The Department of Transportation is directed to
 22 erect suitable markers designating the "Mamie Langdale
 23 Memorial Bridge" as described in subsection (1).

24 Section 92. Martin Luther King, Jr., Memorial Highway
 25 designation; markers.--

26 (1) That portion of Highway 41 located in White
 27 Springs is hereby designated as the "Martin Luther King, Jr.,
 28 Memorial Highway."

29 (2) The Department of Transportation is directed to
 30 erect suitable markers designating the "Martin Luther King,
 31 Jr., Memorial Highway" as described in subsection (1).

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1 Section 93. Purple Heart Highway designation;
2 markers.--

3 (1) Interstate 75 from the Georgia state line to the
4 city limits of Ocala is hereby designated as the "Purple Heart
5 Highway."

6 (2) The Department of Transportation is directed to
7 erect suitable markers designating the "Purple Heart Highway"
8 as described in subsection (1).

9 Section 94. Jean-Jacques Dessalines Boulevard
10 designation; markers.--

11 (1) State Road 944 on N.W. 54th Street in Miami-Dade
12 County, from the west boundary of State House District 108
13 approaching U.S. 1, is hereby designated as "Jean-Jacques
14 Dessalines Boulevard."

15 (2) The Department of Transportation is directed to
16 erect suitable markers designating the "Jean-Jacques
17 Dessalines Boulevard" as described in subsection (1).

18 Section 95. Florida Highway Patrol Memorial Highway
19 designation; markers.--

20 (1) I-75 from Tampa to the Georgia State Line is
21 hereby designated as the "Florida Highway Patrol Memorial
22 Highway."

23 (2) The Department of Transportation is directed to
24 erect suitable markers designating the "Florida Highway Patrol
25 Memorial Highway" as described in subsection (1).

26 Section 96. Jerome A. Williams Memorial Highway
27 designation; markers.--

28 (1) That portion of U.S. Highway 17 from Crescent City
29 south to the Putnam/Volusia County boundary is hereby
30 designated as the "Jerome A. Williams Memorial Highway."

31 (2) The Department of Transportation is directed to

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1 erect suitable markers designating the "Jerome A. Williams
2 Memorial Highway" as described in subsection (1).

3 Section 97. Borinquen Boulevard designation;
4 markers.--

5 (1) That portion of North 36th Street (State Road 25)
6 from Biscayne Boulevard to N.W. 7th Avenue is hereby
7 designated "Borinquen Boulevard" in honor of Miami-Dade
8 County's Puerto Rican community.

9 (2) The Department of Transportation is directed to
10 erect suitable markers designating the "Borinquen Boulevard"
11 as described in subsection (1).

12 Section 98. Korean War Veterans Memorial Highway
13 designation; markers.--

14 (1) Highway 417 in Seminole County is hereby
15 designated as the "Korean War Veterans Memorial Highway."

16 (2) The Department of Transportation is directed to
17 erect suitable markers designating the "Korean War Veterans
18 Memorial Highway" as described in subsection (1).

19 Section 99. Veterans Memorial Highway designation;
20 markers.--

21 (1) That portion of State Road 100, beginning at
22 Highway A1A in Flagler County and continuing east to U.S. 1 in
23 Bunnell, is hereby designated as the "Veterans Memorial
24 Highway."

25 (2) The Department of Transportation is directed to
26 erect suitable markers designating the "Veterans Memorial
27 Highway" as described in subsection (1).

28 Section 100. Toni Jennings Boulevard designated;
29 Department of Transportation to erect suitable markers.--

30 (1) That portion of Semoran Boulevard in the City of
31 Orlando in Orange County beginning at the Bee Line Expressway

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1 (State Road 528) on the South to Curry Ford Road on the North
2 is hereby designated as "Toni Jennings Boulevard."

3 (2) The Department of Transportation is directed to
4 erect suitable markers designating Toni Jennings Boulevard as
5 described in subsection (1).

6 Section 101. Ed Fraser Memorial Highway designation;
7 markers.--

8 (1) State Road 121, from the Georgia-Florida line in
9 Baker County to the city limits of Lake Butler in Union County
10 is hereby designated as the Ed Fraser Memorial Highway.

11 (2) The Department of Transportation is hereby directed
12 to erect suitable markers designating the Ed Fraser Memorial
13 Highway as described in subsection (1).

14 Section 102. Correctional Officers Memorial Highway
15 designated; markers.--

16 (1) That portion of State Road 16 from the
17 northwestern Starke city limits in Bradford County to State
18 Road 121 in Union County is hereby designated as the
19 "Correctional Officers Memorial Highway."

20 (2) The Department of Transportation is directed to
21 erect suitable markers designating the Correctional Officers
22 Memorial Highway as described in subsection (1).

23 Section 103. "Steven Cranman Boulevard" and "Ethel
24 Beckford Boulevard" designated; Department of Transportation
25 to erect suitable markers.--

26 (1) That portion of U.S. 1, between S.W. 136th Street
27 and S.W. 186th Street in Miami-Dade County is hereby
28 designated as Steven Cranman Boulevard. The Department of
29 Transportation is directed to erect suitable markers
30 designating Steven Cranman Boulevard as described in this
31 subsection.

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1 (2) That portion of S.W. 186th Street between U.S. 1
2 and S.W. 107th Avenue in Miami-Dade County is hereby
3 designated as Ethel Beckford Boulevard. The Department of
4 Transportation is directed to erect suitable markers
5 designating Ethel Beckford Boulevard as described in this
6 subsection.

7 Section 104. "Phicol Williams Boulevard" designated;
8 Department of Transportation to erect suitable markers.--

9 (1) That portion of State Road 5 (U.S. 1) between S.W.
10 312th Street and S.W. 328th Street in Miami-Dade County is
11 hereby designated as Phicol Williams Boulevard.

12 (2) The Department of Transportation is directed to
13 erect suitable markers designating Phicol Williams Boulevard
14 as described in subsection (1).

15 Section 105. (1) The portion of New Kings Road (S.R.
16 15) in Duval County between Moncrief Road and Redpoll Avenue
17 is hereby designated as "Johnnie Mae Chappell Memorial
18 Highway."

19 (2) The Department of Transportation is directed to
20 erect suitable markers designating "Johnnie Mae Chappell
21 Memorial Highway as described in subsection (1).

22 Section 106. Section 316.3027 and subsection (3) of
23 section 316.610, Florida Statutes, are repealed.

24 Section 107. This act shall take effect July 1, 2001.

25
26

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

28 And the title is amended as follows:

29 Delete everything before the enacting clause

30

31 and insert:

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1 A bill to be entitled
2 An act relating to Transportation
3 Department; amending s. 20.23, F.S.; revising
4 language with respect to the organization of
5 the department; deleting responsibilities
6 assigned to the secretary; providing that the
7 secretary or his or her designee shall submit a
8 report on major actions at each meeting of the
9 Florida Transportation Commission; revising
10 language with respect to assistant secretaries;
11 creating the Office of Comptroller; deleting
12 language with respect to the inspector general
13 and comptroller; changing the Turnpike District
14 into a turnpike enterprise; exempting the
15 turnpike enterprise from department policies,
16 procedures, and standards, subject to the
17 Secretary of Transportation's decision to apply
18 such requirements; giving the secretary
19 authority to promulgate rules that will assist
20 the turnpike enterprise in using best business
21 practices; amending s. 110.205, F.S.;
22 correcting cross references, to conform;
23 amending s. 163.3177(6); providing for
24 incorporation of an airport master plan into
25 the local government comprehensive plan and
26 providing requirements with respect thereto;
27 providing that development that is consistent
28 with an approved plan is not a development of
29 regional impact; amending s. 163.3180, F.S.;
30 extending a deadline for development on certain
31 roads; amending s. 189.441, F.S.; removing an

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1 exemption to s. 287.055, F.S.; amending s.
2 73.092, F.S., specifying the award of
3 attorney's fees and costs in eminent domain
4 proceedings; amending s. 206.46, F.S.; revising
5 language with respect to the State
6 Transportation Trust Fund; increasing the debt
7 service cap; amending s. 255.20, F.S.;
8 exempting certain transportation projects for
9 certain competitive bidding requirements;
10 amending s. 287.005, F.S.; increasing the
11 amount defining a continuing contract;
12 amending s. 311.09, F.S.; directing seaports to
13 abide by the provisions of s. 287.055, F.S.,
14 related to competitive negotiation; amending s.
15 311.07, F.S.; providing an exemption from
16 matching funds for seaport security projects;
17 amending s. 315.031, F.S.; authorizing certain
18 entertainment expenditures for seaports;
19 amending s. 316.302, F.S.; revising a date
20 concerning commercial motor vehicles to conform
21 to federal regulations; amending s. 316.3025,
22 F.S.; updating a cross reference to federal
23 trucking regulations; amending s. 316.515,
24 F.S.; deleting a requirement for a department
25 permit with respect to the height of automobile
26 transporters; amending s. 316.535, F.S.; adding
27 weight requirements for certain commercial
28 trucks; amending s. 316.545, F.S.; correcting a
29 cross reference; amending s. 330.27, F.S.;
30 revising definitions relating to aviation;
31 providing definitions; amending s. 330.29,

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1 F.S.; clarifying the department's rulemaking
2 authority with respect to airports; amending s.
3 330.30, F.S.; eliminating airport license fees;
4 revising language with respect to the
5 department's site approval process; eliminating
6 on-site inspections of private airports;
7 creating a registration process for private
8 airports; providing conditions; deleting
9 obsolete language; providing exceptions;
10 amending s. 330.35, F.S.; deleting obsolete
11 language with respect to airport zoning;
12 amending s. 330.36, F.S.; providing conditions
13 under which municipalities may prohibit or
14 otherwise regulate seaplanes; amending s.
15 331.308, F.S.; revising membership of the board
16 of supervisors of the Spaceport Florida
17 Authority; amending s.332.004, F.S.; adding
18 off-airport noise mitigation projects to the
19 projects eligible for federal and state
20 matching funds; amending s. 334.044, F.S.;
21 authorizing the department to expend
22 promotional money on scenic highway projects;
23 authorizing the department to delegate its
24 drainage permitting responsibilities to other
25 governmental entities under certain
26 circumstances; amending s. 334.193, F.S.;
27 providing for employee bidding by department
28 employees; amending s. 334.30, F.S.; clarifying
29 existing program for public-private
30 transportation projects; specifying legislative
31 approval for certain projects; specifying

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1 notice and selection requirements for projects
2 under this section; allowing Internal Revenue
3 Service Code chapter 63-20 corporations to
4 participate in these public-private
5 transportation projects; providing conditions
6 for using loans from Toll Facilities Revolving
7 Trust Fund; deleting obsolete language;
8 creating s. 335.066, F.S.; creating the Safe
9 Paths to Schools Program; directing the
10 department to establish the program and to
11 authorize establishment of a grant program for
12 purposes of funding the program; authorizing
13 the department to adopt rules to administer the
14 program; amending s. 335.141, F.S.; eliminating
15 the requirement that the department regulate
16 all train speeds; amending s. 336.12, F.S.;
17 creating a process for homeowners' associations
18 to be conveyed roads and rights-of-way
19 abandoned by a county governing board for the
20 purpose of converting subdivisions into gated
21 neighborhoods; amending s. 336.41, F.S.;
22 clarifying that a contract already qualified by
23 the Department of Transportation is presumed
24 qualified to bid on county road projects;
25 amending s. 336.44, F.S.; replacing the term
26 "competent" with "responsible bidder"; amending
27 s. 337.107, F.S.; authorizing the department to
28 enter into design-build contracts that include
29 right-of-acquisition services; amending s.
30 337.11, F.S.; raising the cap on certain
31 contracts into which the department can enter

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1 without first obtaining bids; adding
2 enhancement projects to the types of projects
3 that can be combined into a design-build
4 contract; specifying that construction on
5 design-build projects may not begin until
6 certain conditions have been met; amending s.
7 337.14, F.S.; clarifying that contractors
8 qualified by the Department of Transportation
9 are presumed qualified to bid on projects for
10 expressway authorities; amending s. 337.401,
11 F.S.; providing that for projects on public
12 roads or rail corridors under the department's
13 jurisdiction, a utility relocation schedule and
14 relocation agreement may be executed in lieu of
15 a written permit; amending s. 339.08, F.S.;
16 clarifying language with respect to the use of
17 moneys in the State Transportation Trust Fund;
18 amending s. 339.12, F.S.; raising the cap on
19 the amount of money that a local government can
20 advance the department for state road projects;
21 providing that local governments which perform
22 projects for the department are compensated
23 promptly; amending s. 339.135, F.S.; conforming
24 language with respect to the tentative work
25 program; extending the concurrency deadline for
26 certain department road projects; conforming a
27 reference to the turnpike district; amending s.
28 339.137, F.S.; revising definitions; amending
29 criteria for program eligibility; directing the
30 advisory council to develop methodology for
31 ranking and prioritizing project proposals;

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1 directing the Florida Transportation Commission
2 to review the proposed project list before
3 submittal to the Legislature; amending s.
4 341.051, F.S.; deleting obsolete language;
5 amending s. 341.302, F.S.; deleting obsolete
6 language; amending s. 348.0003, F.S.; giving a
7 county governing body authority to set
8 qualifications, terms of office, and
9 obligations for the members of expressway
10 authorities within their jurisdictions;
11 amending ss. 348.0012, 348.754, 348.7543,
12 348.7544, 348.7545, 348.755, and 348.765, F.S.;
13 giving the Orlando-Orange County Expressway
14 Authority the ability to issue bonds, rather
15 than issuance through the state Division of
16 Bond Finance; amending s. 348.565, F.S.; adding
17 the Leroy Selmon Crosstown Expressway connector
18 to the legislatively approved list of
19 expressway projects; amending s. 373.4137,
20 F.S.; allowing transportation authorities
21 created pursuant to chs. 348 and 349, F.S., to
22 create environmental impact inventories and
23 participate in a mitigation program to offset
24 adverse impacts caused by their transportation
25 projects; amending s. 373.414, F.S.; providing
26 for legislative review of the uniform wetland
27 mitigation assessment method rule; amending s.
28 475.011, F.S.; granting exemption from Florida
29 licensing for certain firms or their employees
30 under contract with the state or a local
31 governmental entity to provide right-of-way

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1 acquisition services for property subject to
2 condemnation; amending s. 479.15, F.S.;
3 revising language with respect to harmony of
4 regulations concerning lawfully erected signs;
5 creating s. 479.25, F.S.; authorizing local
6 governments to enter into agreements which
7 allow outdoor signs to be erected above sound
8 barriers; creating s. 70.20, F.S.; creating
9 process for governmental entities and sign
10 owners to enter into relocation and
11 reconstruction agreements related to outdoor
12 advertising signs; providing for just
13 compensation to sign owners under certain
14 conditions; amending s. 496.425, F.S.;
15 redefining the term "facility"; creating s.
16 496.4256, F.S.; providing that a governmental
17 entity or authority that owns or operates
18 welcome centers, wayside parks, service plazas,
19 or rest areas on the state highway system are
20 not required to issue a permit to, or grant
21 access to, any person for the purpose of
22 soliciting funds; repealing s. 316.3027, F.S.;
23 relating to identification requirements on
24 certain commercial motor vehicles; amending s.
25 337.408, F.S.; revising language with respect
26 to the regulation of benches, transit shelters,
27 and waste disposal receptacles within
28 rights-of-way; providing for regulation of
29 street light poles; amending s. 380.0651, F.S.;
30 excluding certain wholesaling facilities from
31 development-of-regional-impact review; amending

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1 s. 768.28, F.S.; providing that certain
2 operators of rail services and providers of
3 security for rail services are agents of the
4 state for certain purposes; providing for
5 indemnification; repealing s. 316.610(3), F.S.;
6 relating to certain inspections of certain
7 commercial motor vehicles; amending s. 337.025,
8 F.S.; eliminating cap on innovative highway
9 projects for the turnpike enterprise; amending
10 s. 337.11, F.S.; providing an exemption for a
11 turnpike enterprise project; amending s.
12 338.22, F.S.; redesignating the Florida
13 Turnpike Law as the Florida Turnpike Enterprise
14 Law; amending s. 338.221, F.S.; redefining the
15 term "economically feasible" as used with
16 respect to turnpike projects; creating s.
17 338.2215, F.S.; providing legislative findings,
18 policy, purpose, and intent for the Florida
19 Turnpike Enterprise; creating s. 338.2216,
20 F.S.; prescribing the power and authority of
21 the turnpike enterprise; amending s. 338.223,
22 F.S.; increasing the maximum loan amount for
23 the turnpike enterprise; amending ss. 338.165
24 and 338.227, F.S.; conforming provisions;
25 amending s. 338.2275, F.S.; authorizing the
26 turnpike enterprise to advertise for bids for
27 contracts prior to obtaining environmental
28 permits; amending s. 338.234, F.S.; authorizing
29 the turnpike enterprise to expand business
30 opportunities; amending s. 338.235, F.S.;
31 authorizing the consideration of goods instead

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1 of fees; amending s. 338.239, F.S.; providing
2 that approved expenditure to the Florida
3 Highway Patrol be paid by the turnpike
4 enterprise; amending s. 338.241, F.S.; lowering
5 the required cash reserve for the turnpike
6 enterprise; amending s. 338.251, F.S.;
7 conforming provisions; amending s. 553.80,
8 F.S.; providing for self-regulation; amending
9 s. 333.06, F.S.; requiring each licensed
10 publicly owned and operated airport to prepare
11 an airport master plan; providing notice to
12 affected local governments with respect
13 thereto; amending s. 373.414, F.S.; providing
14 for legislative review of the uniform wetland
15 mitigation assessment method rule; amending s.
16 380.06, F.S., relating to developments of
17 regional impact; removing provisions which
18 specify that certain changes or increases in
19 the storage capacity for chemical or petroleum
20 storage facilities constitute a substantial
21 deviation and require further
22 development-of-regional-impact review;
23 exempting certain proposed facilities for the
24 storage of any petroleum product from
25 development-of-regional-impact requirements;
26 amending ss. 163.3180 and 331.303, F.S.;
27 correcting references; providing application
28 with respect to airports and petroleum storage
29 facilities which have received a
30 development-of-regional-impact development
31 order, or which have an application for

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1 development approval or notification of
2 proposed change pending, on the effective date
3 of the act; providing for severability;
4 authorizing a board of county commissioners to
5 require by ordinance that an additional amount
6 be collected with each civil fine and used to
7 fund traffic education and awareness programs;
8 designating a number of roads and bridges in
9 honor of certain individuals; providing an
10 effective date.

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