

Amendment No. e14 (for drafter's use only)

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

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Representative(s) Russell offered the following:

Amendment (with title amendment)

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

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,

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

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

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

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.

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

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

Amendment No. e14 (for drafter's use only)

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.~~

- 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~~

Amendment No. e14 (for drafter's use only)

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.

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,~~

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~~

Amendment No. e14 (for drafter's use only)

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~~

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~~

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~~

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;~~

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

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

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)(1).

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~~

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

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

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 (c) of subsection (2) of section
26 163.3180, Florida Statutes, is amended to read:

27 163.3180 Concurrency.--

28 (2)

29 (c) Consistent with the public welfare, and except as
30 otherwise provided in this section, transportation facilities
31 designated as part of the Florida Intrastate Highway System

1 needed to serve new development shall be in place or under
2 actual construction no more than 5 years after issuance by the
3 local government of a certificate of occupancy or its
4 functional equivalent. Other transportation facilities needed
5 to serve new development shall be in place or under actual
6 construction no more than 3 years after issuance by the local
7 government of a certificate of occupancy or its functional
8 equivalent.

9 Section 4. Section 189.441, Florida Statutes, is
10 amended to read:

11 189.441 Contracts.--Contracts for the construction of
12 projects and for any other purpose of the authority may be
13 awarded by the authority in a manner that will best promote
14 free and open competition, including advertisement for
15 competitive bids; however, if the authority determines that
16 the purposes of this act will be more effectively served
17 thereby, the authority may award or cause to be awarded
18 contracts for the construction of any project, including
19 design-build contracts, or any part thereof, or for any other
20 purpose of the authority upon a negotiated basis as determined
21 by the authority. Each contractor doing business with the
22 authority and required to be licensed by the state or local
23 general-purpose governments must maintain the license during
24 the term of the contract with the authority. The authority
25 may prescribe bid security requirements and other procedures
26 in connection with the award of contracts which protect the
27 public interest. ~~Section 287.055 does not apply to the~~
28 ~~selection of professional architectural, engineering,~~
29 ~~landscape architectural, or land surveying services by the~~
30 ~~authority or to the procurement of design-build contracts.~~The
31 authority may, and in the case of a new professional sports

Amendment No. e14 (for drafter's use only)

1 franchise must, by written contract engage the services of the
2 operator, lessee, sublessee, or purchaser, or prospective
3 operator, lessee, sublessee, or purchaser, of any project in
4 the construction of the project and may, and in the case of a
5 new professional sports franchise must, provide in the
6 contract that the lessee, sublessee, purchaser, or prospective
7 lessee, sublessee, or purchaser, may act as an agent of, or an
8 independent contractor for, the authority for the performance
9 of the functions described therein, subject to the conditions
10 and requirements prescribed in the contract, including
11 functions such as the acquisition of the site and other real
12 property for the project; the preparation of plans,
13 specifications, financing, and contract documents; the award
14 of construction and other contracts upon a competitive or
15 negotiated basis; the construction of the project, or any part
16 thereof, directly by the lessee, purchaser, or prospective
17 lessee or purchaser; the inspection and supervision of
18 construction; the employment of engineers, architects,
19 builders, and other contractors; and the provision of money to
20 pay the cost thereof pending reimbursement by the authority.
21 Any such contract may, and in the case of a new professional
22 sports franchise must, allow the authority to make advances to
23 or reimburse the lessee, sublessee, or purchaser, or
24 prospective lessee, sublessee, or purchaser for its costs
25 incurred in the performance of those functions, and must set
26 forth the supporting documents required to be submitted to the
27 authority and the reviews, examinations, and audits that are
28 required in connection therewith to assure compliance with the
29 contract.

30 Section 5. Subsection (2) of section 206.46, Florida
31 Statutes, is amended to read:

1 206.46 State Transportation Trust Fund.--

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

19 Section 6. Paragraph (a) of subsection (1) of section
20 255.20, Florida Statutes, is amended to read:

21 255.20 Local bids and contracts for public
22 construction works; specification of state-produced lumber.--

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

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

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

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

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

29 b. Other loss to public or private property which
30 requires emergency government action; or

31 c. An interruption of an essential governmental

1 service.

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

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

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

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

14 6. When the project is undertaken exclusively as part
15 of a public educational program.

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

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

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

Amendment No. e14 (for drafter's use only)

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

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

1 286.011 and finds by a two-thirds vote of the governing board
2 that it is in the public's best interest to award the project
3 according to the criteria and procedures established by
4 charter, ordinance, or resolution. The public notice must be
5 published at least 14 days prior to the date of the public
6 meeting at which the governing board takes final action to
7 apply this subparagraph. The notice must identify the
8 project, the estimated cost of the project, and specify that
9 the purpose for the public meeting is to consider whether it
10 is in the public's best interest to award the project using
11 the criteria and procedures permitted by the preexisting
12 ordinance.

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

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

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

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

29 d. In the event the project is to be awarded by a
30 method other than a competitive selection process, the
31 architect or engineer of record has provided a written

1 recommendation that the project be awarded to the private
2 sector contractor without competitive selection; and the
3 consideration by, and the justification of, the government
4 body are documented, in writing, in the project file and are
5 presented to the governing board prior to the approval
6 required in this paragraph.

7 11. To projects subject to chapter 336.

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

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

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

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

25 Section 8. Subsection (1) of Section 315.031, Florida
26 Statutes is amended to read:

27 315.031 Promoting and advertising port facilities.--

28 (1) Each unit is authorized and empowered:

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

31 (b) To make known the advantages, facilities,

1 resources, products, attractions and attributes of the
2 activities and port facilities herein authorized;

3 (c) To create a favorable climate of opinion
4 concerning the activities and port facilities herein
5 authorized;

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

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

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

18
19 ~~Nothing herein shall be construed to authorize any unit to~~
20 ~~expend funds for meals, hospitality, amusement or any other~~
21 ~~purpose of an entertainment nature.~~

22 Section 9. Subsection (12) of section 311.09, Florida
23 Statutes, is amended to read:

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

26 (12) Members of the council shall serve without
27 compensation but are entitled to receive reimbursement for per
28 diem and travel expenses as provided in s. 112.061. The
29 council may elect to provide an administrative staff to
30 provide services to the council on matters relating to the
31 Florida Seaport Transportation and Economic Development

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

19 Section 10. Paragraph (b) of subsection (1) of section
20 316.302, Florida Statutes, is amended to read:

21 316.302 Commercial motor vehicles; safety regulations;
22 transporters and shippers of hazardous materials;
23 enforcement.--

24 (1)

25 (b) Except as otherwise provided in this section, all
26 owners or drivers of commercial motor vehicles that are
27 engaged in intrastate commerce are subject to the rules and
28 regulations contained in 49 C.F.R. parts 382, 385, and
29 390-397, with the exception of 49 C.F.R. s. 390.5 as it
30 relates to the definition of bus, as such rules and
31 regulations existed on October 1, 2000 ~~March 1, 1999~~.

1 Section 11. Paragraph (a) of subsection (3) of section
2 316.3025, Florida Statutes, is amended to read:

3 316.3025 Penalties.--

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

6 Section 12. Subsection (2) of section 316.515, Florida
7 Statutes, is amended to read:

8 316.515 Maximum width, height, length.--

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

11 However, an automobile transporter may, ~~with a permit from the~~
12 ~~Department of Transportation,~~ measure a height not to exceed
13 14 feet, inclusive of the load carried thereon.

14 Section 13. Subsection (6) of section 316.535, Florida
15 Statutes, is renumbered as subsection (7), present subsection
16 (7) is renumbered as subsection (8) and amended, and a new
17 subsection (6) is added to said section to read:

18 316.535 Maximum weights.--

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

1 vehicle violating the weight provisions of this section shall
2 be penalized as provided in s. 316.545.

3 (7)(6) The Department of Transportation shall adopt
4 rules to implement this section, shall enforce this section
5 and the rules adopted hereunder, and shall publish and
6 distribute tables and other publications as deemed necessary
7 to inform the public.

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

12 Section 14. Paragraph (a) of subsection (2) of section
13 316.545, Florida Statutes, is amended to read:

14 316.545 Weight and load unlawful; special fuel and
15 motor fuel tax enforcement; inspection; penalty; review.--

16 (2)(a) Whenever an officer, upon weighing a vehicle or
17 combination of vehicles with load, determines that the axle
18 weight or gross weight is unlawful, the officer may require
19 the driver to stop the vehicle in a suitable place and remain
20 standing until a determination can be made as to the amount of
21 weight thereon and, if overloaded, the amount of penalty to be
22 assessed as provided herein. However, any gross weight over
23 and beyond 6,000 pounds beyond the maximum herein set shall be
24 unloaded and all material so unloaded shall be cared for by
25 the owner or operator of the vehicle at the risk of such owner
26 or operator. Except as otherwise provided in this chapter, to
27 facilitate compliance with and enforcement of the weight
28 limits established in s. 316.535, weight tables published
29 pursuant to s. 316.535(7)(6) shall include a 10-percent scale
30 tolerance and shall thereby reflect the maximum scaled weights
31 allowed any vehicle or combination of vehicles. As used in

1 this section, scale tolerance means the allowable deviation
2 from legal weights established in s. 316.535. Notwithstanding
3 any other provision of the weight law, if a vehicle or
4 combination of vehicles does not exceed the gross, external
5 bridge, or internal bridge weight limits imposed in s. 316.535
6 and the driver of such vehicle or combination of vehicles can
7 comply with the requirements of this chapter by shifting or
8 equalizing the load on all wheels or axles and does so when
9 requested by the proper authority, the driver shall not be
10 held to be operating in violation of said weight limits.

11 Section 15. Section 330.27, Florida Statutes, is
12 amended to read:

13 330.27 Definitions, when used in ss. 330.29-330.36,
14 330.38, 330.39.--

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

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

29 (3) ~~"Airport hazard" means any structure, object of~~
30 ~~natural growth, or use of land which obstructs the airspace~~
31 ~~required for the flight of aircraft in landing or taking off~~

1 ~~at an airport or which is otherwise hazardous to such landing~~
2 ~~or taking off.~~

3 ~~(4) "Aviation" means the science and art of flight and~~
4 ~~includes, but is not limited to, transportation by aircraft;~~
5 ~~the operation, construction, repair, or maintenance of~~
6 ~~aircraft, aircraft power plants, and accessories, including~~
7 ~~the repair, packing, and maintenance of parachutes; the~~
8 ~~design, establishment, construction, extension, operation,~~
9 ~~improvement, repair, or maintenance of airports or other air~~
10 ~~navigation facilities; and instruction in flying or ground~~
11 ~~subjects pertaining thereto.~~

12 ~~(3)(5) "Department" means the Department of~~
13 ~~Transportation.~~

14 ~~(4)(6) "Limited airport" means any an airport,~~
15 ~~publicly or privately owned, limited exclusively to the~~
16 ~~specific conditions stated on the site approval order or~~
17 ~~license.~~

18 ~~(7) "Operation of aircraft" or "operate aircraft"~~
19 ~~means the use, navigation, or piloting of aircraft in the~~
20 ~~airspace over this state or upon any airport within this~~
21 ~~state.~~

22 ~~(8) "Political subdivision" means any county,~~
23 ~~municipality, district, port or aviation commission or~~
24 ~~authority, or similar entity authorized to establish or~~
25 ~~operate an airport in this state.~~

26 ~~(5)(9) "Private airport" means an airport, publicly or~~
27 ~~privately owned, which is not open or available for use by the~~
28 ~~public. A private airport is registered with the department~~
29 ~~for use of the person or persons registering the facility used~~
30 ~~primarily by the licensee but may be made which is available~~
31 ~~to others for use by invitation of the registrant licensee.~~

1 ~~Services may be provided if authorized by the department.~~

2 ~~(6)(10)~~ "Public airport" means an airport, publicly or
3 privately owned, which ~~meets minimum safety and service~~
4 ~~standards and~~ is open for use by the public as listed in the
5 current United States Government Flight Information
6 Publication, Airport Facility Directory. A public airport is
7 licensed by the department as meeting minimum safety
8 standards.

9 ~~(7)(11)~~ "Temporary airport" means any ~~an~~ airport,
10 ~~publicly or privately owned,~~ that will be used for a period of
11 less than 30 ~~90~~ days with no more than 10 operations per day.

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

18 Section 16. Section 330.29, Florida Statutes, is
19 amended to read:

20 330.29 Administration and enforcement; rules;
21 standards for airport sites and airports.--It is the duty of
22 the department to:

23 (1) Administer and enforce the provisions of this
24 chapter.

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

27 (3) Establish and maintain a state aviation data
28 system to facilitate licensing and registration of all
29 airports.

30 ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and
31 120.54 to implement the provisions of this chapter.

1 Section 17. Section 330.30, Florida Statutes, is
2 amended to read:

3 330.30 Approval of airport sites and licensing of
4 airports; ~~fees.~~--

5 (1) SITE APPROVALS; REQUIREMENTS, ~~FEE~~, EFFECTIVE
6 PERIOD, REVOCATION.--

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

17 1. That the site is suitable ~~adequate~~ for the airport
18 as proposed ~~airport~~;

19 2. That the airport as proposed ~~airport,~~ if
20 ~~constructed or established,~~ will conform to minimum standards
21 ~~of safety~~ and will comply with the applicable local government
22 land development regulation or ~~county or municipal~~ zoning
23 requirements;

24 3. That all nearby airports, local governments
25 ~~municipalities~~, and property owners have been notified and any
26 comments submitted by them have been given adequate
27 consideration; and

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

31 (b) Site approval shall be granted for public airports

1 only after a favorable department inspection of the proposed
2 site.

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

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

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

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

20 (g)(c) The department may revoke a site such approval
21 if it determines:

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

24 2. That ~~there has been a failure within a reasonable~~
25 time to develop the site has not been developed as an airport
26 within a reasonable time period or development does not to
27 comply with the conditions of the site approval;

28 3. That except as required for in-flight emergencies
29 the operation of aircraft have operated of a nonemergency
30 nature has occurred on the site; or

31 4. That, ~~because of changed physical or legal~~

1 ~~conditions or circumstances, the site is no longer usable for~~
2 ~~the aviation purposes due to physical or legal changes in~~
3 ~~conditions that were the subject of for which the approval was~~
4 ~~granted.~~

5 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
6 RENEWAL, REVOCATION.--

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

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

27 2. For a private airport, the department shall provide
28 controlled electronic access to the state aviation facility
29 data system to permit the applicant to complete the
30 registration process. Registration shall be completed upon
31 self-certification by the registrant of operational and

1 configuration data deemed necessary by the department.

2 (b) The department is authorized to license a public
3 ~~an~~ airport that does not meet all of the minimum standards
4 only if it determines that such exception is justified by
5 unusual circumstances or is in the interest of public
6 convenience and does not endanger the public health, safety,
7 or welfare. Such a license shall bear the designation
8 "special" and shall state the conditions subject to which the
9 license is granted.

10 (c) The department may authorize a site to be used as
11 a temporary airport if it finds, after inspection of the site,
12 that the airport will not endanger the public health, safety,
13 or welfare. A temporary airport will not require a license or
14 registration. Such Authorization to use a site for a temporary
15 airport will be valid for shall expire not more later than 30
16 ~~90~~ days ~~after issuance~~ and is not renewable.

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

- 19 1. ~~Public airport: \$100.~~
20 2. ~~Private airport: \$70.~~
21 3. ~~Limited airport: \$50.~~
22 4. ~~Temporary airport: \$25.~~

23
24 ~~Airports owned or operated by the state, a county, or a~~
25 ~~municipality and emergency helistops operated by licensed~~
26 ~~hospitals are required to be licensed but are exempt from the~~
27 ~~payment of site approval fees and annual license fees.~~

28 (d)(e)1. Each public airport license will expire no
29 later than 1 year after the effective date of the license,
30 except that the expiration date of a license may be adjusted
31 to provide a maximum license period of 18 months to facilitate

1 airport inspections, recognize seasonal airport operations, or
2 improve administrative efficiency. ~~If the expiration date for~~
3 ~~a public airport is adjusted, the appropriate license fee~~
4 ~~shall be determined by prorating the annual fee based on the~~
5 ~~length of the adjusted license period.~~

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

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

1 protect the public health, safety, or welfare.

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

5 5. If the renewal application for a public airport
6 license has and fees have not been received by the department
7 or no private airport registration recertification has been
8 accomplished within 15 days after the date of expiration of
9 the license, the department may close the airport.

10 (e)(f) The department may revoke any airport
11 registration, license, or license renewal thereof, or refuse
12 to allow registration or issue a registration or license
13 renewal, if it determines:

14 1. That the site there has been abandoned as an an
15 abandonment of the airport as such;

16 2. That the airport does not there has been a failure
17 to comply with the registration, license, license renewal, or
18 site conditions of the license or renewal thereof; or

19 3. That, because of changed physical or legal
20 conditions or circumstances, the airport has become either
21 unsafe or unusable for flight operation due to physical or
22 legal changes in conditions that were the subject of approval
23 the aeronautical purposes for which the license or renewal was
24 issued.

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

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

28 (b) An ultralight aircraft landing area; except that
29 any public ultralight airport located more than within 5
30 nautical miles from a of another public airport or military
31 airport, except or any ultralight landing area with more than

1 10 ultralight aircraft operating from the site ~~is subject to~~
2 ~~the provisions of this section.~~

3 (c) A helistop used solely in conjunction with a
4 construction project undertaken pursuant to the performance of
5 a state contract if the purpose of the helicopter operations
6 at the site is to expedite construction.

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

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

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

28 (4) EXCEPTIONS.--Private airports with ten or more
29 based aircraft may request to be inspected and licensed by the
30 department. Private airports licensed according to this
31 subsection shall be considered private airports as defined in

1 s. 330.27(5) in all other respects.

2 Section 18. Subsection (2) of section 330.35, Florida
3 Statutes, is amended to read:

4 330.35 Airport zoning, ~~approach zone~~ protection.--

5 (2) Airports licensed for ~~general~~ public use under the
6 provisions of s. 330.30 are eligible for airport zoning
7 ~~approach zone~~ protection, ~~and the procedure shall be the same~~
8 as ~~is~~ prescribed in chapter 333.

9 Section 19. Subsection (2) of section 330.36, Florida
10 Statutes, is amended to read:

11 330.36 Prohibition against county or municipal
12 licensing of airports; regulation of seaplane landings.--

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

19 Section 20. Subsection (4) of section 332.004, Florida
20 Statutes, is amended to read:

21 332.004 Definitions of terms used in ss.

22 332.003-332.007.--As used in ss. 332.003-332.007, the term:

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

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

11 Section 21. Subsection (4) is added to section 333.06,
12 Florida Statutes, to read:

13 333.06 Airport zoning requirements.--

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

31 Section 22. Subsection (5) and paragraph (b) of

1 subsection (15) of section 334.044, Florida Statutes, are
2 amended to read:

3 334.044 Department; powers and duties.--The department
4 shall have the following general powers and duties:

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

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

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

1 department. The department may enter into a permit delegation
2 agreement with a governmental entity provided issuance is
3 based on requirements that the department determines will
4 ensure the safety and integrity of the Department of
5 Transportation facilities.

6 Section 23. Section 334.193, Florida Statutes, is
7 amended to read:

8 334.193 Unlawful for certain persons to be financially
9 interested in purchases, sales, and certain contracts;
10 penalties.--

11 (1) It is unlawful for a state officer, or an employee
12 or agent of the department, or for any company, corporation,
13 or firm in which a state officer, or an employee or agent of
14 the department has a financial interest, to bid on, enter
15 into, or be personally interested in:

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

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

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

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

1 department employment upon executing an agreement to perform
2 the matter bid upon.

3 (b) The department may consider competitive bids or
4 proposals of employees or employee work groups submitted on
5 behalf of the department to perform the subject matter of
6 requests for bids or proposals. The department may select
7 such bid or proposal for performance of the work by the
8 department.

9
10 The department may update existing rules or adopt new rules
11 pertaining to employee usage of department equipment,
12 facilities, and supplies during business hours for
13 nondepartment activities in order to implement this
14 subsection.

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

19 Section 24. Section 334.30, Florida Statutes, is
20 amended to read:

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

29 (1) The department may receive or solicit proposals
30 and, ~~with legislative approval by a separate bill for each~~
31 ~~facility,~~ enter into agreements with private entities, or

1 consortia thereof, for the building, operation, ownership, or
2 financing of transportation facilities. The department is
3 authorized to adopt rules to implement this section and shall
4 by rule establish an application fee for the submission of
5 proposals under this section. The fee must be sufficient to
6 pay the costs of evaluating the proposals. The department may
7 engage the services of private consultants to assist in the
8 evaluation. Before ~~seeking legislative~~ approval, the
9 department must determine that the proposed project:

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

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

16 (c) Would have adequate safeguards in place to ensure
17 that no additional costs or service disruptions would be
18 realized by the traveling public and citizens of the state in
19 the event of default or cancellation of the agreement by the
20 department.

21
22 The department shall ensure that all reasonable costs to the
23 state and substantially affected local governments and
24 utilities, related to the private transportation facility, are
25 borne by the private entity.

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

31 (3) The department may request proposals for

1 public-private transportation proposals or, if the department
2 receives a proposal, shall publish a notice in the Florida
3 Administrative Weekly and a newspaper of general circulation
4 at least once a week for 2 weeks, stating that the department
5 has received the proposal and will accept, for 60 days after
6 the initial date of publication, other proposals for the same
7 project purpose. A copy of the notice must be mailed to each
8 local government in the affected area.

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

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

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

25 (7)(4) The department may exercise any power possessed
26 by it, including eminent domain, with respect to the
27 development and construction of state transportation projects
28 to facilitate the development and construction of
29 transportation projects pursuant to this section. For
30 public-private facilities located on the State Highway System,
31 the department may pay all or part of the cost of operating

1 and maintaining the facility. For facilities not located on
2 the State Highway System, the department may provide services
3 to the private entity and agreements for maintenance, law
4 enforcement, and other services entered into pursuant to this
5 section shall provide for full reimbursement for services
6 rendered.

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

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

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

1 ~~(11)(6)~~ Notwithstanding s. 341.327, a fixed-guideway
2 transportation system authorized by the department to be
3 wholly or partially within the department's right-of-way
4 pursuant to a lease granted under s. 337.251 may operate at
5 any safe speed.

6 Section 25. Section 335.066, Florida Statutes, is
7 created to read:

8 335.066 Safe Paths to Schools Program.--

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

15 (2) As part of the Safe Paths to Schools Program, the
16 department may establish a grant program to fund local,
17 regional, and state bicycle and pedestrian projects that
18 support the program.

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

21 Section 26. Subsections (3), (4), and (5) of section
22 335.141, Florida Statutes, are amended to read:

23 335.141 Regulation of public railroad-highway grade
24 crossings; reduction of hazards.--

25 ~~(3) The department is authorized to regulate the speed~~
26 ~~limits of railroad traffic on a municipal, county, regional,~~
27 ~~or statewide basis. Such speed limits shall be established by~~
28 ~~order of the department, which order is subject to the~~
29 ~~provisions of chapter 120. The department shall have the~~
30 ~~authority to adopt reasonable rules to carry out the~~
31 ~~provisions of this subsection. Such rules shall, at a minimum,~~

1 ~~provide for public input prior to the issuance of any such~~
2 ~~order.~~

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

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

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

19 336.41 Counties; employing labor and providing road
20 equipment; definitions.--

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

1 consideration with de novo review based on the record below to
2 the circuit court.

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

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

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

20 336.44 Counties; contracts for construction of roads;
21 procedure; contractor's bond.--

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

28 Section 29. Section 337.107, Florida Statutes, is
29 amended to read:

30 337.107 Contracts for right-of-way services.--The
31 department may enter into contracts pursuant to s. 287.055 or

1 s. 337.025 for right-of-way services on transportation
2 corridors and transportation facilities or the department may
3 include right-of-way services as part of design-build
4 contracts awarded pursuant to s. 337.11. Right-of-way
5 services include negotiation and acquisition services,
6 appraisal services, demolition and removal of improvements,
7 and asbestos-abatement services.

8 Section 30. Paragraph (c) of subsection (6) and
9 paragraph (a) of subsection (7) of section 337.11, Florida
10 Statutes, are amended to read:

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

15 (6)

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

28 1. To ensure timely completion of projects or
29 avoidance of undue delay for other projects;

30 2. To accomplish minor repairs or construction and
31 maintenance activities for which time is of the essence and

1 for which significant cost savings would occur; or
2 3. To accomplish nonemergency work necessary to ensure
3 avoidance of adverse conditions that affect the safe and
4 efficient flow of traffic.

5
6 The department shall make a good faith effort to obtain two or
7 more quotes, if available, from qualified contractors before
8 entering into any contract. The department shall give
9 consideration to disadvantaged business enterprise
10 participation. However, when the work exists within the limits
11 of an existing contract, the department shall make a good
12 faith effort to negotiate and enter into a contract with the
13 prime contractor on the existing contract.

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

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

Amendment No. e14 (for drafter's use only)

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

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

21 (9)(a) Notwithstanding any other law to the contrary,
22 for contracts in excess of \$250,000, an authority created
23 pursuant to chapter 348 or chapter 349 may require that
24 persons interested in performing work under contract first be
25 certified or qualified to do the work. Any contractor may be
26 considered ineligible to bid by the governmental entity or
27 authority if the contractor is behind an approved progress
28 schedule for the governmental entity or authority by 10
29 percent or more at the time of advertisement of the work. Any
30 contractor prequalified and considered eligible by the
31 department to bid to perform the type of work described under

1 the contract shall be presumed to be qualified to perform the
2 work so described. The governmental entity or authority may
3 provide an appeal process to overcome that presumption with de
4 novo review based on the record below to the circuit court.

5 (b) With respect to contractors not prequalified with
6 the department, the authority shall publish prequalification
7 criteria and procedures prior to advertisement or notice of
8 solicitation. Such publications shall include notice of a
9 public hearing for comment on such criteria and procedures
10 prior to adoption. The procedures shall provide for an appeal
11 process within the authority for objections to the
12 prequalification process with de novo review based on the
13 record below to the circuit court within 30 days.

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

21 Section 32. Subsection (2) of section 337.401, Florida
22 Statutes, is amended to read:

23 337.401 Use of right-of-way for utilities subject to
24 regulation; permit; fees.--

25 (2) The authority may grant to any person who is a
26 resident of this state, or to any corporation which is
27 organized under the laws of this state or licensed to do
28 business within this state, the use of a right-of-way for the
29 utility in accordance with such rules or regulations as the
30 authority may adopt. No utility shall be installed, located,
31 or relocated unless authorized by a written permit issued by

1 the authority. However, for public roads or publicly owned
2 rail corridors under the jurisdiction of the department, a
3 utility relocation schedule and relocation agreement may be
4 executed in lieu of a written permit.The permit shall require
5 the permitholder to be responsible for any damage resulting
6 from the issuance of such permit. The authority may initiate
7 injunctive proceedings as provided in s. 120.69 to enforce
8 provisions of this subsection or any rule or order issued or
9 entered into pursuant thereto.

10 Section 33. Subsections (1) and (2) of section 339.08,
11 Florida Statutes, are amended to read:

12 339.08 Use of moneys in State Transportation Trust
13 Fund.--

14 (1) The department shall expend ~~by rule provide for~~
15 ~~the expenditure of the~~ moneys in the State Transportation
16 Trust Fund accruing to the department, in accordance with its
17 annual budget.

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

20 (a) To pay administrative expenses of the department,
21 including administrative expenses incurred by the several
22 state transportation districts, but excluding administrative
23 expenses of commuter rail authorities that do not operate rail
24 service.

25 (b) To pay the cost of construction of the State
26 Highway System.

27 (c) To pay the cost of maintaining the State Highway
28 System.

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

31 (e) To reimburse counties or municipalities for

1 expenditures made on projects in the State Highway System as
2 authorized by s. 339.12(4) upon legislative approval.

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

5 (g) To lend or pay a portion of the operating,
6 maintenance, and capital costs of a revenue-producing
7 transportation project that is located on the State Highway
8 System or that is demonstrated to relieve traffic congestion
9 on the State Highway System.

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

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

16 (j) To pay the cost of county or municipal road
17 projects selected in accordance with the County Incentive
18 Grant Program created in s. 339.2817 and the Small County
19 Outreach Program created in s. 339.2818.

20 (k) To provide loans and credit enhancements for use
21 in constructing and improving highway transportation
22 facilities selected in accordance with the state-funded
23 infrastructure bank created in s. 339.55.

24 (l) To fund the Transportation Outreach Program
25 created in s. 339.137.

26 (m) To pay other lawful expenditures of the
27 department.

28 Section 34. Paragraph (c) of subsection (4) and
29 subsection (5) of section 339.12, Florida Statutes, are
30 amended, to read:

31 339.12 Aid and contributions by governmental entities

Amendment No. e14 (for drafter's use only)

1 for department projects; federal aid.--

2 (4)

3 (c) The department may enter into agreements under
4 this subsection for a project or project phase not included in
5 the adopted work program. As used in this paragraph, the term
6 "project phase" means acquisition of rights-of-way,
7 construction, construction inspection, and related support
8 phases. The project or project phase must be a high priority
9 of the governmental entity. Reimbursement for a project or
10 project phase must be made from funds appropriated by the
11 Legislature pursuant to s. 339.135(5). All other provisions of
12 this subsection apply to agreements entered into under this
13 paragraph. The total amount of project agreements for projects
14 or project phases not included in the adopted work program may
15 not at any time exceed ~~\$150~~^{\$100} million.

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

1 Section 35. Paragraphs (a), (b), (f), and (g) of
2 subsection (4) of section 339.135, Florida Statutes, are
3 amended to read:

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

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

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

24 2. Notwithstanding the provisions of subparagraph 1.,
25 the department shall allocate at least 50 percent of any new
26 discretionary highway capacity funds to the Florida Intrastate
27 Highway System established pursuant to s. 338.001. Any
28 remaining new discretionary highway capacity funds shall be
29 allocated to the districts for new construction as provided in
30 subparagraph 1. For the purposes of this subparagraph, the
31 term "new discretionary highway capacity funds" means any

Amendment No. e14 (for drafter's use only)

1 funds available to the department above the prior year funding
2 level for capacity improvements, which the department has the
3 discretion to allocate to highway projects.

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

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

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

Amendment No. e14 (for drafter's use only)

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

31 (g) The Florida Transportation Commission shall

Amendment No. e14 (for drafter's use only)

1 conduct a statewide public hearing on the tentative work
2 program and shall advertise the time, place, and purpose of
3 the hearing in the Florida Administrative Weekly at least 7
4 days prior to the hearing. As part of the statewide public
5 hearing, the commission shall, at a minimum:

6 1. Conduct an in-depth evaluation of the tentative
7 work program ~~as required in s. 20.23~~ for compliance with
8 applicable laws and departmental policies; and

9 2. Hear all questions, suggestions, or other comments
10 offered by the public.

11
12 By no later than 14 days after the regular legislative session
13 begins, the commission shall submit to the Executive Office of
14 the Governor and the legislative appropriations committees a
15 report that evaluates the tentative work program for:

16 a. Financial soundness;

17 b. Stability;

18 c. Production capacity;

19 d. Accomplishments, including compliance with program
20 objectives in s. 334.046;

21 e. Compliance with approved local government
22 comprehensive plans;

23 f. Objections and requests by metropolitan planning
24 organizations;

25 g. Policy changes and effects thereof;

26 h. Identification of statewide or regional projects;

27 and

28 i. Compliance with all other applicable laws.

29 Section 36. Section 339.137, Florida Statutes, is
30 amended to read:

31 339.137 Transportation Outreach Program (TOP)

1 supporting economic development; administration; definitions;
2 eligible projects; Transportation Outreach Program (TOP)
3 advisory council created; limitations; funding.--

4 (1) There is created within the Department of
5 Transportation, a Transportation Outreach Program (TOP)
6 dedicated to funding transportation projects of a high
7 priority based on the ~~prevailing~~ principles of ~~preserving the~~
8 ~~existing transportation infrastructure~~; enhancing Florida's
9 economic growth and competitiveness in national and
10 international markets; promoting intermodal transportation
11 linkages for passengers and freight; and improving travel
12 choices to ensure efficient and cost-competitive mobility for
13 Florida citizens, visitors, services, and goods.

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

16 (a) ~~Preservation.--Protecting the state's~~
17 ~~transportation infrastructure investment. Preservation~~
18 ~~includes:~~

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

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

23 3. ~~Ensuring that the department achieves 100 percent~~
24 ~~of acceptable maintenance standards on the State Highway~~
25 ~~System.~~

26 (b) Economic growth and competitiveness.--Ensuring
27 that state transportation investments promote economic
28 activities which result in development or retention of income
29 generative industries which increase per capita earned income
30 in the state, and that such investments improve the state's
31 economic competitiveness.

1 **(b)(c)** Mobility.--Ensuring a cost-effective,
2 statewide, interconnected transportation system.

3 **(c)(d)** ~~The term "Regionally significant transportation~~
4 ~~project.--of critical concern" means~~ A transportation
5 facility improvement project located in one or more counties
6 ~~county~~ which provides significant enhancement of economic
7 development opportunities in that region ~~an adjoining county~~
8 ~~or counties and which provides improvements to a hurricane~~
9 ~~evacuation route.~~

10 **(3)** Transportation Outreach Program projects may be
11 proposed by any local government, regional organization,
12 economic development board, public or private partnership,
13 metropolitan planning organization, state agency, or other
14 entity engaged in economic development activities.

15 **(4)(3)** Proposed Eligible projects that meet the
16 minimum eligibility threshold include those for planning,
17 designing, acquiring rights-of-way for, or constructing the
18 following:

19 (a) Major highway improvements to:-

20 1. The Florida Intrastate Highway System.

21 2. Major roads and feeder roads which provide linkages
22 to the Florida Intrastate Highway System ~~major highways.~~

23 3. Bridges of statewide or regional significance.

24 4. Trade and economic development corridors.

25 5. Access projects for freight and passengers.

26 ~~6. Hurricane evacuation routes.~~

27 (b) Major public transportation projects:-

28 1. Seaport projects which improve cargo and passenger
29 movements or connect the seaports to other modes of
30 transportation.

31 2. Aviation projects which increase passenger

1 enplanements and cargo activity or connect the airports to
2 other modes of transportation.

3 3. Transit projects which improve mobility on
4 interstate highways, ~~or which~~ improve regional or localized
5 travel, or connect to other modes of transportation.

6 4. Rail projects that facilitate the movement of
7 passengers and cargo, including ancillary pedestrian
8 facilities, or connect rail facilities to other modes of
9 transportation.

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

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

15 (c) Highway and bridge projects that facilitate
16 retention and expansion of military installations, or that
17 facilitate reuse and development of any military base
18 designated for closure by the Federal Government.

19

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

23 (5) In addition to the above minimum eligibility
24 requirements, each proposed project must comply with the
25 following eligibility criteria:

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

29 (b) The project is consistent with a current
30 transportation system plan such as the Florida Intrastate
31 Highway System, aviation, intermodal/rail, seaport, spaceport,

1 or transit system plans.

2 (c) The project is not inconsistent with an approved
3 local comprehensive plan of any local government within whose
4 boundaries the project is located in whole or in part, or, if
5 inconsistent, is accompanied by an explanation of why the
6 project should be undertaken.

7 (d) The project involves two or more modes of
8 transportation or can document that it will have a significant
9 economic benefit in two or more counties.

10

11 One or more of the minimum criteria listed in paragraphs

12 (a)-(d) may be waived for a regionally significant
13 transportation project.

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

19 (6)(5) The following criteria shall be used
20 Transportation funding under this section shall use the
21 following mechanisms to prioritize the eligible proposed
22 projects:

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

30 (b) The project must promote intermodal transportation
31 linkages for passengers and freight. Establishment of a

Amendment No. e14 (for drafter's use only)

1 ~~funding allocation under this program reserved to quickly~~
2 ~~respond to transportation needs of emergent economic~~
3 ~~competitiveness development projects that may be outside of~~
4 ~~the routine project selection process. This funding may be~~
5 ~~used to match local or private contributions for~~
6 ~~transportation projects which meet the definition of economic~~
7 ~~competitiveness contained in this section.~~

8 (c) The project must broaden transportation choices
9 for Florida residents, visitors, and commercial interests in
10 order to ensure efficient and cost-competitive mobility of
11 people, services, and goods.~~Establish innovative financing~~
12 ~~methods to enable the state to respond in a timely manner to~~
13 ~~major or emergent economic development-related transportation~~
14 ~~needs that require timely commitments. These innovative~~
15 ~~financing methods include, but are not limited to, the state~~
16 ~~infrastructure bank, state bonds for right-of-way acquisition~~
17 ~~and bridge construction, state bonds for fixed guideway~~
18 ~~transportation systems, state bonds for federal aid highway~~
19 ~~construction, funds previously programmed by the department~~
20 ~~for high-speed rail development, and any other local, state,~~
21 ~~or federal funds made available to the department.~~

22 (d) Projects that have local, federal, or private
23 matching funds shall be given priority over projects that meet
24 all other criteria.

25 (7) Eligible projects shall also utilize innovative
26 financing methods that enable the state to respond in a timely
27 manner to major or emergent transportation needs related to
28 economic development that require timely commitments. These
29 innovative financing methods include, but are not limited to,
30 private investment strategies, use of the state infrastructure
31 bank, state bonds for right-of-way acquisition and bridge

1 construction, state bonds for fixed guideway transportation
2 systems, state bonds for federal aid highway construction,
3 funds previously programmed by the department for high-speed
4 rail development, and any other local, state, or federal funds
5 made available to the department.

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

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

13 ~~(b) The project is listed in an outer year of the~~
14 ~~5-year work program and can be made production-ready and~~
15 ~~advanced to an earlier year of the 5-year work program.~~

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

20 ~~(d) The project is not inconsistent with an approved~~
21 ~~local comprehensive plan of any local government within whose~~
22 ~~boundaries the project is located in whole or in part or, if~~
23 ~~inconsistent, is accompanied by an explanation of why the~~
24 ~~project should be undertaken.~~

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

28 (8)~~(7)~~ The Transportation Outreach Program (TOP)
29 advisory council is created to annually make recommendations
30 to the Legislature on prioritization and selection of economic
31 growth projects as provided in this section.

- 1 (a) The council shall consist of:
- 2 1. Two representatives of private interests, chosen by
- 3 the Speaker of the House of Representatives, who are directly
- 4 involved in or affected by any mode of transportation or
- 5 tourism ~~chosen by the Speaker of the House of Representatives.~~
- 6 2. Two representatives of private interests, chosen by
- 7 the President of the Senate, who are directly involved in or
- 8 affected by any mode of transportation or tourism ~~chosen by~~
- 9 ~~the President of the Senate.~~
- 10 3. Three representatives of private or governmental
- 11 interests, chosen by the Governor, who are directly involved
- 12 in or affected by any mode of transportation or tourism ~~chosen~~
- 13 ~~by the Governor.~~
- 14 (b) Terms for council members shall be 2 years, and
- 15 each member shall be allowed one vote. Every 2 years, the
- 16 council shall select from among its membership a chair and
- 17 vice chair.
- 18 (c) ~~Initial appointments must be made no later than 60~~
- 19 ~~days after this act takes effect.~~ Vacancies in the council
- 20 shall be filled in the same manner as the initial
- 21 appointments.
- 22 (d) ~~The council shall hold its initial meeting no~~
- 23 ~~later than 30 days after the members have been appointed in~~
- 24 ~~order to organize and select a chair and vice chair from the~~
- 25 ~~council membership.~~ Meetings shall be held at the call of the
- 26 chair, but not less frequently than quarterly.
- 27 (e) The members of the council shall serve without
- 28 compensation, but shall be reimbursed for per diem and travel
- 29 expenses as provided in s. 112.061.
- 30 (f) The department shall provide administrative staff
- 31 support, ensuring that council meetings are electronically

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

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

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

17 (9)(8) Because transportation investment plays a key
18 role in economic development, the council and the department
19 shall actively participate in state and local economic
20 development programs, including:

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

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

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

1 investments.

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

5 (10)(9) The council shall review and prioritize
6 projects submitted for funding under the program ~~with priority~~
7 ~~given to projects which comply with the prevailing principles~~
8 ~~provided in subsection (1),~~ and shall recommend to the
9 Legislature a transportation outreach program. The department
10 shall provide technical expertise and support as requested by
11 the council, and shall develop financial plans, cash forecast
12 plans, and program and resource plans necessary to implement
13 this program. These supporting documents shall be submitted
14 with the Transportation Outreach Program.

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

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

1 Legislature must be included in the department's adopted work
2 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 37. 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

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.

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

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

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

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

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

5 Section 39. 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

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 40. 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 41. 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

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 42. 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 43. 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~~

Amendment No. e14 (for drafter's use only)

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~~ 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 44. 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 45. Section 348.7545, Florida Statutes, is
30 amended to read:

31 348.7545 Western Beltway Part C, construction

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 46. 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,

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

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

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

12 Section 47. Section 348.765, Florida Statutes, is
13 amended to read:

14 348.765 This part complete and additional authority.--

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

1 Orange, or in said City of Orlando, or in any other political
2 subdivision of the state, shall be required for the issuance
3 of such bonds pursuant to this part.

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

11 Section 48. Subsections (1) through (6) and subsection
12 (8) of section 373.4137, Florida Statutes, are amended, and
13 subsection (9) is added to said section, to read:

14 373.4137 Mitigation requirements.--

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

27 (2) Environmental impact inventories for
28 transportation projects proposed by the Department of
29 Transportation or a transportation authority established
30 pursuant to chapter 348 or chapter 349 shall be developed as
31 follows:

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

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

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

Amendment No. e14 (for drafter's use only)

1 shall remain with the Department of Transportation.

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

12 (c) The Department of Environmental Protection or
13 water management districts may request a transfer of funds
14 from ~~an~~ the escrow account no sooner than 30 days prior to the
15 date the funds are needed to pay for activities associated
16 with development or implementation of the approved mitigation
17 plan described in subsection (4) for the current fiscal year,
18 including, but not limited to, design, engineering,
19 production, and staff support. Actual conceptual plan
20 preparation costs incurred before plan approval may be
21 submitted to the Department of Transportation or the
22 appropriate transportation authority and the Department of
23 Environmental Protection by November 1 of each year with the
24 plan. The conceptual plan preparation costs of each water
25 management district will be paid based on the amount approved
26 on the mitigation plan and allocated to the current fiscal
27 year projects identified by the water management district.
28 The amount transferred to the escrow ~~accounts~~ account each
29 year by the Department of Transportation and participating
30 transportation authorities established pursuant to chapter 348
31 or chapter 349 shall correspond to a cost per acre of \$75,000

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

25 (4) Prior to December 1 of each year, each water
26 management district, in consultation with the Department of
27 Environmental Protection, the United States Army Corps of
28 Engineers, the Department of Transportation, transportation
29 authorities established pursuant to chapter 348 or chapter
30 349, and other appropriate federal, state, and local
31 governments, and other interested parties, including entities

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

1 any person who has requested a copy.

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

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

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

1 to subsection (3), the difference shall be credited towards
2 the \$12 million advance. Except as provided in this paragraph,
3 any funds not directed to implement the mitigation plan
4 should, to the greatest extent possible, be directed to fund
5 invasive plant control within wetlands and other surface
6 waters.

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

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

29 (8) This section shall not be construed to eliminate
30 the need for the Department of Transportation or a
31 transportation authority established pursuant to chapter 348

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

10 (9) The process for environmental mitigation for the
11 impact of transportation projects under this section shall be
12 available to an expressway, bridge, or transportation
13 authority established under chapters 348 and 349. Use of this
14 process may be initiated by an authority depositing the
15 requisite funds into an escrow account set up by the authority
16 and filing an environmental impact inventory with the
17 appropriate water management district. An authority that
18 initiates the environmental mitigation process established by
19 this section shall comply with subsection (6) by timely
20 providing the appropriate water management district and the
21 Department of Environmental Protection with the requisite work
22 program information. A water management district may draw down
23 funds from the escrow account in the manner and on the basis
24 provided in subsection (5).

25 Section 49. paragraphs (b) and (e) of subsection (19)
26 of section 380.06, Florida Statutes, are amended, and
27 paragraphs (i) and (j) are added to subsection (24) of said
28 section, to read:

29 380.06 Developments of regional impact.--

30 (19) SUBSTANTIAL DEVIATIONS.--

31 (b) Any proposed change to a previously approved

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

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

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

20 ~~2.3.~~ An increase in the number of hospital beds by 5
21 percent or 60 beds, whichever is greater.

22 ~~3.4.~~ An increase in industrial development area by 5
23 percent or 32 acres, whichever is greater.

24 ~~4.5.~~ An increase in the average annual acreage mined
25 by 5 percent or 10 acres, whichever is greater, or an increase
26 in the average daily water consumption by a mining operation
27 by 5 percent or 300,000 gallons, whichever is greater. An
28 increase in the size of the mine by 5 percent or 750 acres,
29 whichever is less.

30 ~~5.6.~~ An increase in land area for office development
31 by 5 percent or 6 acres, whichever is greater, or an increase

1 of gross floor area of office development by 5 percent or
2 60,000 gross square feet, whichever is greater.

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

6 6.8. An increase of development at a waterport of wet
7 storage for 20 watercraft, dry storage for 30 watercraft, or
8 wet/dry storage for 60 watercraft in an area identified in the
9 state marina siting plan as an appropriate site for additional
10 waterport development or a 5-percent increase in watercraft
11 storage capacity, whichever is greater.

12 ~~7.9.~~ An increase in the number of dwelling units by 5
13 percent or 50 dwelling units, whichever is greater.

14 ~~8.10.~~ An increase in commercial development by 6 acres
15 of land area or by 50,000 square feet of gross floor area, or
16 of parking spaces provided for customers for 300 cars or a
17 5-percent increase of any of these, whichever is greater.

18 9.11. An increase in hotel or motel facility units by
19 5 percent or 75 units, whichever is greater.

20 ~~10.12.~~ An increase in a recreational vehicle park area
21 by 5 percent or 100 vehicle spaces, whichever is less.

22 ~~11.13.~~ A decrease in the area set aside for open space
23 of 5 percent or 20 acres, whichever is less.

24 ~~12.14.~~ A proposed increase to an approved multiuse
25 development of regional impact where the sum of the increases
26 of each land use as a percentage of the applicable substantial
27 deviation criteria is equal to or exceeds 100 percent. The
28 percentage of any decrease in the amount of open space shall
29 be treated as an increase for purposes of determining when 100
30 percent has been reached or exceeded.

31 ~~13.15.~~ A 15-percent increase in the number of external

Amendment No. e14 (for drafter's use only)

1 vehicle trips generated by the development above that which
2 was projected during the original
3 development-of-regional-impact review.

4 ~~14.16.~~ Any change which would result in development of
5 any area which was specifically set aside in the application
6 for development approval or in the development order for
7 preservation or special protection of endangered or threatened
8 plants or animals designated as endangered, threatened, or
9 species of special concern and their habitat, primary dunes,
10 or archaeological and historical sites designated as
11 significant by the Division of Historical Resources of the
12 Department of State. The further refinement of such areas by
13 survey shall be considered under sub-subparagraph (e)5.b.

14
15 The substantial deviation numerical standards in subparagraphs
16 ~~3.4., 5.6., 8.10., 12.14.,~~ excluding residential uses, and
17 ~~13.15.,~~ are increased by 100 percent for a project certified
18 under s. 403.973 which creates jobs and meets criteria
19 established by the Office of Tourism, Trade, and Economic
20 Development as to its impact on an area's economy, employment,
21 and prevailing wage and skill levels. The substantial
22 deviation numerical standards in subparagraphs ~~3.4., 5.6.,~~
23 ~~7.9., 8.10., 9.11., and 12.14.~~ are increased by 50 percent for
24 a project located wholly within an urban infill and
25 redevelopment area designated on the applicable adopted local
26 comprehensive plan future land use map and not located within
27 the coastal high hazard area.

28 (e)1. A proposed change which, either individually or,
29 if there were previous changes, cumulatively with those
30 changes, is equal to or exceeds 40 percent of any numerical
31 criterion in subparagraphs (b)~~1.-13.1.-15.,~~ but which does not

1 exceed such criterion, shall be presumed not to create a
2 substantial deviation subject to further
3 development-of-regional-impact review. The presumption may be
4 rebutted by clear and convincing evidence at the public
5 hearing held by the local government pursuant to subparagraph
6 (f)5.

7 2. Except for a development order rendered pursuant to
8 subsection (22) or subsection (25), a proposed change to a
9 development order that individually or cumulatively with any
10 previous change is less than 40 percent of any numerical
11 criterion contained in subparagraphs (b)~~1.-13.1.-15.~~ and does
12 not exceed any other criterion, or that involves an extension
13 of the buildout date of a development, or any phase thereof,
14 of less than 5 years is not subject to the public hearing
15 requirements of subparagraph (f)3., and is not subject to a
16 determination pursuant to subparagraph (f)5. Notice of the
17 proposed change shall be made to the regional planning council
18 and the state land planning agency. Such notice shall include
19 a description of previous individual changes made to the
20 development, including changes previously approved by the
21 local government, and shall include appropriate amendments to
22 the development order. The following changes, individually or
23 cumulatively with any previous changes, are not substantial
24 deviations:

25 a. Changes in the name of the project, developer,
26 owner, or monitoring official.

27 b. Changes to a setback that do not affect noise
28 buffers, environmental protection or mitigation areas, or
29 archaeological or historical resources.

30 c. Changes to minimum lot sizes.

31 d. Changes in the configuration of internal roads that

1 do not affect external access points.

2 e. Changes to the building design or orientation that
3 stay approximately within the approved area designated for
4 such building and parking lot, and which do not affect
5 historical buildings designated as significant by the Division
6 of Historical Resources of the Department of State.

7 f. Changes to increase the acreage in the development,
8 provided that no development is proposed on the acreage to be
9 added.

10 g. Changes to eliminate an approved land use, provided
11 that there are no additional regional impacts.

12 h. Changes required to conform to permits approved by
13 any federal, state, or regional permitting agency, provided
14 that these changes do not create additional regional impacts.

15 i. Any other change which the state land planning
16 agency agrees in writing is similar in nature, impact, or
17 character to the changes enumerated in sub-subparagraphs a.-h.
18 and which does not create the likelihood of any additional
19 regional impact.

20
21 This subsection does not require a development order amendment
22 for any change listed in sub-subparagraphs a.-i. unless such
23 issue is addressed either in the existing development order or
24 in the application for development approval, but, in the case
25 of the application, only if, and in the manner in which, the
26 application is incorporated in the development order.

27 3. Except for the change authorized by
28 sub-subparagraph 2.f., any addition of land not previously
29 reviewed or any change not specified in paragraph (b) or
30 paragraph (c) shall be presumed to create a substantial
31 deviation. This presumption may be rebutted by clear and

1 convincing evidence.

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

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

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

18 b. Except for the types of uses listed in subparagraph
19 (b)~~14.16~~, any change which would result in the development of
20 any area which was specifically set aside in the application
21 for development approval or in the development order for
22 preservation, buffers, or special protection, including
23 habitat for plant and animal species, archaeological and
24 historical sites, dunes, and other special areas.

25 c. Notwithstanding any provision of paragraph (b) to
26 the contrary, a proposed change consisting of simultaneous
27 increases and decreases of at least two of the uses within an
28 authorized multiuse development of regional impact which was
29 originally approved with three or more uses specified in s.
30 380.0651(3)(b)~~(c)~~, (c)~~(d)~~, (e)~~(f)~~, and (f)~~(g)~~ and residential
31 use.

1 (24) STATUTORY EXEMPTIONS.--

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

8 (j) Any development or expansion of an airport or
9 airport-related or aviation-related development is exempt from
10 the provisions of this section.

11 Section 50. Subsection (3) of section 380.0651,
12 Florida Statutes, is amended to read:

13 380.0651 Statewide guidelines and standards.--

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

18 ~~(a) Airports.--~~

19 ~~1. Any of the following airport construction projects~~
20 ~~shall be a development of regional impact:~~

21 ~~a. A new commercial service or general aviation~~
22 ~~airport with paved runways.~~

23 ~~b. A new commercial service or general aviation paved~~
24 ~~runway.~~

25 ~~c. A new passenger terminal facility.~~

26 ~~2. Lengthening of an existing runway by 25 percent or~~
27 ~~an increase in the number of gates by 25 percent or three~~
28 ~~gates, whichever is greater, on a commercial service airport~~
29 ~~or a general aviation airport with regularly scheduled flights~~
30 ~~is a development of regional impact. However, expansion of~~
31 ~~existing terminal facilities at a nonhub or small hub~~

1 ~~commercial service airport shall not be a development of~~
2 ~~regional impact.~~

3 ~~3. Any airport development project which is proposed~~
4 ~~for safety, repair, or maintenance reasons alone and would not~~
5 ~~have the potential to increase or change existing types of~~
6 ~~aircraft activity is not a development of regional impact.~~
7 ~~Notwithstanding subparagraphs 1. and 2., renovation,~~
8 ~~modernization, or replacement of airport airside or terminal~~
9 ~~facilities that may include increases in square footage of~~
10 ~~such facilities but does not increase the number of gates or~~
11 ~~change the existing types of aircraft activity is not a~~
12 ~~development of regional impact.~~

13 ~~(a)(b)~~ Attractions and recreation facilities.--Any
14 sports, entertainment, amusement, or recreation facility,
15 including, but not limited to, a sports arena, stadium,
16 racetrack, tourist attraction, amusement park, or pari-mutuel
17 facility, the construction or expansion of which:

18 1. For single performance facilities:
19 a. Provides parking spaces for more than 2,500 cars;
20 or

21 b. Provides more than 10,000 permanent seats for
22 spectators.

23 2. For serial performance facilities:
24 a. Provides parking spaces for more than 1,000 cars;
25 or

26 b. Provides more than 4,000 permanent seats for
27 spectators.

28
29 For purposes of this subsection, "serial performance
30 facilities" means those using their parking areas or permanent
31 seating more than one time per day on a regular or continuous

1 basis.

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

4 a. Provides parking spaces for more than 1,500 cars;
5 or

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

8 (b)(c) Industrial plants, industrial parks, and
9 distribution, warehousing or wholesaling facilities.--Any
10 proposed industrial, manufacturing, or processing plant, or
11 distribution, warehousing, or wholesaling facility, excluding
12 wholesaling developments which deal primarily with the general
13 public onsite, under common ownership, or any proposed
14 industrial, manufacturing, or processing activity or
15 distribution, warehousing, or wholesaling activity, excluding
16 wholesaling activities which deal primarily with the general
17 public onsite, which:

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

21 2. Occupies a site greater than 320 acres, or for
22 motor vehicle wholesaling facilities that conduct wholesaling
23 sales activity no more frequently than an average each year of
24 3 days per week, occupies a site greater than 500 acres.

25 (c)(d) Office development.--Any proposed office
26 building or park operated under common ownership, development
27 plan, or management that:

28 1. Encompasses 300,000 or more square feet of gross
29 floor area; or

30 2. Has a total site size of 30 or more acres; or

31 3. Encompasses more than 600,000 square feet of gross

1 floor area in a county with a population greater than 500,000
2 and only in a geographic area specifically designated as
3 highly suitable for increased threshold intensity in the
4 approved local comprehensive plan and in the strategic
5 regional policy plan.

6 (d)~~(e)~~ Port facilities.--The proposed construction of
7 any waterport or marina is required to undergo
8 development-of-regional-impact review, except one designed
9 for:

10 1.a. The wet storage or mooring of fewer than 150
11 watercraft used exclusively for sport, pleasure, or commercial
12 fishing, or

13 b. The dry storage of fewer than 200 watercraft used
14 exclusively for sport, pleasure, or commercial fishing, or

15 c. The wet or dry storage or mooring of fewer than 150
16 watercraft on or adjacent to an inland freshwater lake except
17 Lake Okeechobee or any lake which has been designated an
18 Outstanding Florida Water, or

19 d. The wet or dry storage or mooring of fewer than 50
20 watercraft of 40 feet in length or less of any type or
21 purpose. The exceptions to this paragraph's requirements for
22 development-of-regional-impact review shall not apply to any
23 waterport or marina facility located within or which serves
24 physical development located within a coastal barrier resource
25 unit on an unbridged barrier island designated pursuant to 16
26 U.S.C. s. 3501.

27
28 In addition to the foregoing, for projects for which no
29 environmental resource permit or sovereign submerged land
30 lease is required, the Department of Environmental Protection
31 must determine in writing that a proposed marina in excess of

Amendment No. e14 (for drafter's use only)

1 10 slips or storage spaces or a combination of the two is
2 located so that it will not adversely impact Outstanding
3 Florida Waters or Class II waters and will not contribute boat
4 traffic in a manner that will have an adverse impact on an
5 area known to be, or likely to be, frequented by manatees. If
6 the Department of Environmental Protection fails to issue its
7 determination within 45 days of receipt of a formal written
8 request, it has waived its authority to make such
9 determination. The Department of Environmental Protection
10 determination shall constitute final agency action pursuant to
11 chapter 120.

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

15 3. Any proposed marina development with both wet and
16 dry mooring or storage used exclusively for sport, pleasure,
17 or commercial fishing, where the sum of percentages of the
18 applicable wet and dry mooring or storage thresholds equals
19 100 percent. This threshold is in addition to, and does not
20 preclude, a development from being required to undergo
21 development-of-regional-impact review under sub-subparagraphs
22 1.a. and b. and subparagraph 2.

23 ~~(e)(f)~~ Retail and service development.--Any proposed
24 retail, service, or wholesale business establishment or group
25 of establishments which deals primarily with the general
26 public onsite, operated under one common property ownership,
27 development plan, or management that:

- 28 1. Encompasses more than 400,000 square feet of gross
29 area;
- 30 2. Occupies more than 40 acres of land; or
- 31 3. Provides parking spaces for more than 2,500 cars.

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

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

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

10 ~~(g)~~~~(h)~~ Recreational vehicle development.--Any proposed
11 recreational vehicle development planned to create or
12 accommodate 500 or more spaces.

13 ~~(h)~~~~(i)~~ Multiuse development.--Any proposed development
14 with two or more land uses where the sum of the percentages of
15 the appropriate thresholds identified in chapter 28-24,
16 Florida Administrative Code, or this section for each land use
17 in the development is equal to or greater than 145 percent.
18 Any proposed development with three or more land uses, one of
19 which is residential and contains at least 100 dwelling units
20 or 15 percent of the applicable residential threshold,
21 whichever is greater, where the sum of the percentages of the
22 appropriate thresholds identified in chapter 28-24, Florida
23 Administrative Code, or this section for each land use in the
24 development is equal to or greater than 160 percent. This
25 threshold is in addition to, and does not preclude, a
26 development from being required to undergo
27 development-of-regional-impact review under any other
28 threshold.

29 ~~(i)~~~~(j)~~ Residential development.--No rule may be
30 adopted concerning residential developments which treats a
31 residential development in one county as being located in a

1 less populated adjacent county unless more than 25 percent of
2 the development is located within 2 or less miles of the less
3 populated adjacent county.

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

5 1. The proposed construction of any public, private,
6 or proprietary postsecondary educational campus which provides
7 for a design population of more than 5,000 full-time
8 equivalent students, or the proposed physical expansion of any
9 public, private, or proprietary postsecondary educational
10 campus having such a design population that would increase the
11 population by at least 20 percent of the design population.

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

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

23 Section 51. Paragraph (a) of subsection (12) of
24 section 163.3180, Florida Statutes, is amended to read:

25 163.3180 Concurrency.--

26 (12) When authorized by a local comprehensive plan, a
27 multiuse development of regional impact may satisfy the
28 transportation concurrency requirements of the local
29 comprehensive plan, the local government's concurrency
30 management system, and s. 380.06 by payment of a
31 proportionate-share contribution for local and regionally

1 significant traffic impacts, if:

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

8
9 The proportionate-share contribution may be applied to any
10 transportation facility to satisfy the provisions of this
11 subsection and the local comprehensive plan, but, for the
12 purposes of this subsection, the amount of the
13 proportionate-share contribution shall be calculated based
14 upon the cumulative number of trips from the proposed
15 development expected to reach roadways during the peak hour
16 from the complete buildout of a stage or phase being approved,
17 divided by the change in the peak hour maximum service volume
18 of roadways resulting from construction of an improvement
19 necessary to maintain the adopted level of service, multiplied
20 by the construction cost, at the time of developer payment, of
21 the improvement necessary to maintain the adopted level of
22 service. For purposes of this subsection, "construction cost"
23 includes all associated costs of the improvement.

24 Section 52. Subsection (20) of section 331.303,
25 Florida Statutes, is amended to read:

26 331.303 Definitions.--

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

31 Section 53. Section 331.308, Florida Statutes, is

1 amended to read:

2 331.308 Board of supervisors.--

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

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

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

8 (c) Two ex officio nonvoting members who are members
9 of the Legislature, ~~one of whom shall be~~ a state senator
10 selected by the President of the Senate and ~~one of whom shall~~
11 be a state representative selected by the Speaker of the House
12 of Representatives; and

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

15
16 Regular members are, ~~all of whom shall be~~ subject to
17 confirmation by the Senate at the next regular session of the
18 Legislature, ~~and each of them the regular board members~~ must
19 be a resident of the state and must have experience in the
20 aerospace or commercial space industry or in finance or have
21 other significant relevant experience. One regular member
22 shall represent organized labor interests and one regular
23 member shall represent minority interests.

24 (2) Each regular member shall serve a term of 4 years
25 or until a successor is appointed and qualified. The term of
26 each such member shall be construed to commence on the date of
27 appointment and to terminate on June 30 of the year of the end
28 of the term. Appointment to the board shall not preclude any
29 such member from holding any other private or public position.

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

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

3 (5) The Lieutenant Governor is the state's space
4 policy leader. The Lieutenant Governor may designate a regular
5 member to serve as vice-chair and preside over board meetings
6 in the absence of the chair and may assign proxy voting power
7 to the director of the Office of Tourism, Trade, and Economic
8 Development.~~Initial appointments shall be made no later than~~
9 ~~60 days after this act takes effect.~~

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

18 (7) The Governor may ~~has the authority to~~ remove from
19 the board any regular member in the manner and for cause as
20 defined by the laws of this state and applicable to situations
21 that ~~which may~~ arise before the board. Unless excused by the
22 chair of the board, a regular member's absence from two or
23 more consecutive board meetings creates a vacancy in the
24 office to which the member was appointed.

25 Section 54. (1) Nothing contained in this act
26 abridges or modifies any vested or other right or any duty or
27 obligation pursuant to any development order or agreement
28 which is applicable to a development of regional impact on the
29 effective date of this act. An airport or petroleum storage
30 facility which has received a development-of-regional-impact
31 development order pursuant to s. 380.06, Florida Statutes

1 2000, but is no longer required to undergo
2 development-of-regional-impact review by operation of this
3 act, shall be governed by the following procedures:

4 (a) The development shall continue to be governed by
5 the development-of-regional-impact development order, and may
6 be completed in reliance upon and pursuant to the development
7 order. The development-of-regional-impact development order
8 may be enforced by the local government as provided by ss.
9 380.06(17) and 380.11, Florida Statutes 2000.

10 (b) If requested by the developer or landowner, the
11 development-of-regional-impact development order may be
12 amended or rescinded by the local government consistent with
13 the local comprehensive plan and land development regulations
14 and pursuant to the local government procedures governing
15 local development orders.

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

25 Section 55. If any provision of this act or the
26 application thereof to any person or circumstance is held
27 invalid, the invalidity shall not affect other provisions or
28 applications of the act which can be given effect without the
29 invalid provision or application, and to this end the
30 provisions of this act are declared severable.

31 Section 56. Subsection (13) is added to section

1 475.011, Florida Statutes, to read:

2 475.011 Exemptions.--This part does not apply to:

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

13 Section 57. Subsection (2) of section 479.15, Florida
14 Statutes, is amended to read:

15 479.15 Harmony of regulations.--

16 (2) A municipality, county, local zoning authority, or
17 other local governmental entity may not remove, or cause to be
18 removed, any lawfully erected sign along any portion of the
19 interstate or federal-aid primary highway system without first
20 paying just compensation for such removal. A local
21 governmental entity may not cause in any way the alteration of
22 any lawfully erected sign located along any portion of the
23 interstate or federal-aid primary highway system without
24 payment of just compensation if such alteration constitutes a
25 taking under state law. The municipality, county, local zoning
26 authority, or other local government entity promulgating
27 requirements for such alteration must be responsible for
28 payment of just compensation to the sign owner if such
29 alteration constitutes a taking under state law. This
30 subsection applies only to a lawfully erected sign the subject
31 matter of which relates to premises other than the premises on

1 which it is located or to merchandise, services, activities,
2 or entertainment not sold, produced, manufactured, or
3 furnished on the premises on which the sign is located. For
4 the purposes of this subsection, the term "federal-aid primary
5 highway system" means the federal-aid primary highway system
6 in existence on June 1, 1991, and any highway which was not on
7 such system but which is, or hereafter becomes, a part of the
8 National Highway System.This subsection shall not be
9 interpreted as explicit or implicit legislative recognition
10 that alterations do or do not constitute a taking under state
11 law.

12 Section 58. Section 479.25, Florida Statutes, is
13 created to read:

14 479.25 Application of chapter.--Nothing in this
15 chapter shall prevent a governmental entity from entering into
16 an agreement allowing the height above ground level of a
17 lawfully erected sign to be increased at its permitted
18 location if a noise attenuation barrier, visibility screen, or
19 other highway improvement has been erected in such a way as to
20 screen or block visibility of such a sign; provided, however,
21 that for nonconforming signs located on the federal-aid
22 primary highway system, as such system existed on June 1,
23 1991, and any highway which was not on such system but which
24 is, or hereinafter becomes, a part of the National Highway
25 System, such agreement must be approved by the Federal Highway
26 Administration. Any increase in height permitted under this
27 provision shall only be that which is required to achieve the
28 same degree of visibility from the right-of-way that the sign
29 had prior to the construction of the noise attenuation
30 barrier, visibility screen, or other highway improvement.

31 Section 59. Section 70.20, Florida Statutes, is

1 created to read:

2 70.20 Balancing of interests.--It is a policy of this
3 state to encourage municipalities, counties, and other
4 governmental entities and sign owners to enter into relocation
5 and reconstruction agreements that allow governmental entities
6 to undertake public projects and accomplish public goals
7 without the expenditure of public funds, while allowing the
8 continued maintenance of private investment in signage as a
9 medium of commercial and noncommercial communication.

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

23 (2) Except as otherwise provided in this section, no
24 municipality, county, or other governmental entity may remove,
25 or cause to be removed, any lawfully erected sign along any
26 portion of the interstate, federal-aid primary or other
27 highway system, or any other road, without first paying just
28 compensation for such removal as determined by agreement
29 between the parties or through eminent domain proceedings.
30 Except as otherwise provided in this section, no municipality,
31 county, or other governmental entity may cause in any way the

1 alteration of any lawfully erected sign located 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 alteration as determined by agreement
5 between the parties or through eminent domain proceedings. The
6 provisions of this act shall not apply to any ordinance, the
7 validity, constitutionality, and enforceability of which the
8 owner has by written agreement waived all right to challenge.

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

21 (4) If the parties fail to enter into a relocation and
22 reconstruction agreement within 120 days after the initial
23 notification by the municipality, county, or other
24 governmental entity, either party may request mandatory
25 nonbinding arbitration to resolve the disagreements among the
26 parties. Each party shall select an arbitrator, and the
27 individuals so selected shall choose a third arbitrator. The
28 three arbitrators shall constitute the panel that shall
29 arbitrate the dispute between the parties and at the
30 conclusion of the proceedings shall present to the parties a
31 proposed relocation and reconstruction agreement that the

1 panel believes equitably balances the rights, interests,
2 obligations, and reasonable expectations of the parties. If
3 the municipality, county, or other governmental entity and the
4 sign owner accept the proposed relocation and reconstruction
5 agreement, the municipality, county, or other governmental
6 entity and sign owner shall each pay its respective costs of
7 arbitration and shall pay one-half of the costs of the
8 arbitration panel, unless the parties otherwise agree.

9 (5) If the parties do not enter into a relocation and
10 reconstruction agreement, the municipality, county, or other
11 governmental entity may proceed with the public project or
12 purpose and the alteration or removal of the sign only after
13 first paying just compensation for such alteration or removal
14 as determined by agreement between the parties or through
15 eminent domain proceedings.

16 (6) The requirement by a municipality, county, or
17 other governmental entity that a lawfully erected sign be
18 removed or altered as a condition precedent to the issuance or
19 continued effectiveness of a development order constitutes a
20 compelled removal that is prohibited without prior payment of
21 just compensation under subsection (2). This subsection does
22 not apply when the owner of the land on which the sign is
23 located is seeking to have the property redesignated on the
24 future land use map of the applicable comprehensive plan for
25 exclusively single-family residential use.

26 (7) The requirement by a municipality, county, or
27 other governmental entity that a lawfully erected sign be
28 altered or removed from the premises upon which it is located
29 incident to the voluntary acquisition of such property by a
30 municipality, county, or other governmental entity constitutes
31 a compelled removal which is prohibited without payment of

1 just compensation under subsection (2).

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

15 (9) This section applies only to a lawfully erected
16 sign the subject matter of which relates to premises other
17 than the premises on which it is located or to merchandise,
18 services, activities, or entertainment not sold, produced,
19 manufactured, or furnished on the premises on which the sign
20 is located.

21 (10) This section does not apply to any actions taken
22 by the Florida Department of Transportation which relate to
23 the operation, maintenance, or expansion of transportation
24 facilities, and this section does not affect existing law
25 regarding eminent domain relating to the Florida Department of
26 Transportation.

27 (11) Nothing in this act shall impair or affect any
28 written agreement existing prior to the effective date of this
29 act, including, but not limited to, any settlement agreements
30 reliant upon the legality or enforceability of local
31 ordinances. The provisions of this act shall not apply to any

1 signs that are required to be removed by a date certain in
2 areas designated by local ordinance as view corridors if the
3 local ordinance creating the view corridors was enacted in
4 part to effectuate a consensual agreement between the local
5 government and two or more sign owners prior to the effective
6 date of this act, nor shall the provisions of this act apply
7 to any signs that are the subject of an ordinance providing an
8 amortization period, which period has expired, and which
9 ordinance is the subject of judicial proceedings which were
10 commenced on or before January 1, 2001.

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

24 Section 60. Paragraph (b) of subsection (1) of section
25 496.425, Florida Statutes, is amended to read:

26 496.425 Solicitation of funds within public
27 transportation facilities.--

28 (1) As used in this section:

29 (b) "Facility" means any public transportation
30 facility, including, but not limited to, railroad stations,
31 bus stations, ship ports, ferry terminals, or roadside welcome

1 ~~stations, highway service plazas, airports served by scheduled~~
2 ~~passenger service, or highway rest stations.~~

3 Section 61. Section 496.4256, Florida Statutes, is
4 created to read:

5 496.4256 Public transportation facilities not required
6 to grant permit or access.--A governmental entity or authority
7 that owns or operates welcome centers, wayside parks, service
8 plazas, or rest areas on the state highway system as defined
9 in chapter 335 may not be required to issue a permit or grant
10 any person access to such public transportation facilities for
11 the purpose of soliciting funds.

12 Section 62. Section 337.408, Florida Statutes, is
13 amended to read:

14 337.408 Regulation of benches, transit shelters,
15 street light poles,and waste disposal receptacles within
16 rights-of-way.--

17 (1) Benches or transit shelters, including advertising
18 displayed on benches or transit shelters, may be installed
19 within the right-of-way limits of any municipal, county, or
20 state road, except a limited access highway; provided that
21 such benches or transit shelters are for the comfort or
22 convenience of the general public, or at designated stops on
23 official bus routes; and, provided further, that written
24 authorization has been given to a qualified private supplier
25 of such service by the municipal government within whose
26 incorporated limits such benches or transit shelters are
27 installed, or by the county government within whose
28 unincorporated limits such benches or transit shelters are
29 installed. A municipality or county may authorize the
30 installation, with or without public bid, of benches and
31 transit shelters together with advertising displayed thereon,

1 within the right-of-way limits of such roads. Any contract for
2 the installation of benches or transit shelters or advertising
3 on benches or transit shelters which was entered into before
4 April 8, 1992, without public bidding, is ratified and
5 affirmed. Such benches or transit shelters may not interfere
6 with right-of-way preservation and maintenance. Any bench or
7 transit shelter located on a sidewalk within the right-of-way
8 limits of any road on the State Highway System or the county
9 road system shall be located so as to leave at least 36 inches
10 clearance for pedestrians and persons in wheelchairs. Such
11 clearance shall be measured in a direction perpendicular to
12 the centerline of the road.

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

26 (3) The department has the authority to direct the
27 immediate relocation or removal of any bench, transit shelter,
28 or waste disposal receptacle which endangers life or property,
29 except that transit bus benches which have been placed in
30 service prior to April 1, 1992, do not have to comply with
31 bench size and advertising display size requirements which

Amendment No. e14 (for drafter's use only)

1 have been established by the department prior to March 1,
2 1992. Any transit bus bench that was in service prior to
3 April 1, 1992, may be replaced with a bus bench ~~of the same~~
4 ~~size or smaller~~, if the bench is damaged or destroyed or
5 otherwise becomes unusable. As of July 1, 2001, the
6 department, municipality, or county may direct the removal of
7 any bench, transit shelter, or waste disposal receptacle, or
8 advertisement thereon, if the department, municipality, or
9 county determines that the bench, transit shelter, or waste
10 disposal receptacle is structurally unsound or in visible
11 disrepair.

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

23 (5) Street light poles, including attached public
24 service messages and advertisements, may be located within the
25 right-of-way limits of municipal and county roads in the same
26 manner as benches, transit shelters, and waste receptacles, as
27 provided in this section and in accordance with municipal and
28 county ordinances. Public service messages and advertising may
29 be installed on street light poles on roads on the State
30 Highway System in accordance with height, size, setback,
31 spacing distance, duration of display, safety, traffic

1 control, and permitting requirements established by
2 administrative rule of the Department of Transportation.
3 Public service messages and advertisements shall be subject to
4 bilateral agreements, where applicable, to be negotiated with
5 the owner of the street light poles which shall consider,
6 among other things, power source rates, design, safety,
7 operational and maintenance concerns and other matters of
8 public importance. For the purposes of this section, "street
9 light poles" does not include electric transmission or
10 distribution poles. The department shall have authority to
11 establish administrative rules to implement this subsection.
12 No advertising on light poles shall be permitted on the
13 Interstate Highway System. No permanent structures carrying
14 advertisements attached to light poles shall be permitted on
15 the National Highway System.

16 (6)(5) Wherever the provisions of this section are
17 inconsistent with other provisions of this chapter or with the
18 provisions of chapter 125, chapter 335, chapter 336, or
19 chapter 479, the provisions of this section shall prevail.

20 Section 63. Subsection (10) of section 768.28, Florida
21 Statutes, is amended to read:

22 768.28 Waiver of sovereign immunity in tort actions;
23 recovery limits; limitation on attorney fees; statute of
24 limitations; exclusions; indemnification; risk management
25 programs.--

26 (10)(a) Health care providers or vendors, or any of
27 their employees or agents, that have contractually agreed to
28 act as agents of the Department of Corrections to provide
29 health care services to inmates of the state correctional
30 system shall be considered agents of the State of Florida,
31 Department of Corrections, for the purposes of this section,

1 while acting within the scope of and pursuant to guidelines
2 established in said contract or by rule. The contracts shall
3 provide for the indemnification of the state by the agent for
4 any liabilities incurred up to the limits set out in this
5 chapter.

6 (b) This subsection shall not be construed as
7 designating persons providing contracted health care services
8 to inmates as employees or agents of the state for the
9 purposes of chapter 440.

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

20 (d) For the purposes of this section, operators of
21 rail services and providers of security for rail services, or
22 any of their employees or agents, that have contractually
23 agreed to act as agents of the Tri-County Commuter Rail
24 Authority to operate rail services or provide security for
25 rail services, shall be considered agents of the State of
26 Florida while acting within the scope of and pursuant to
27 guidelines established in said contract or by rule. The
28 contract shall provide for the indemnification of the state by
29 the agent for any liability incurred up to the limits set out
30 in this chapter.

31 Section 64. Section 337.025, Florida Statutes, is

Amendment No. e14 (for drafter's use only)

1 amended to read:

2 337.025 Innovative highway projects; department to
3 establish program.--The department is authorized to establish
4 a program for highway projects demonstrating innovative
5 techniques of highway construction, maintenance, and finance
6 which have the intended effect of controlling time and cost
7 increases on construction projects. Such techniques may
8 include, but are not limited to, state-of-the-art technology
9 for pavement, safety, and other aspects of highway
10 construction and maintenance; innovative bidding and financing
11 techniques; accelerated construction procedures; and those
12 techniques that have the potential to reduce project life
13 cycle costs. To the maximum extent practical, the department
14 must use the existing process to award and administer
15 construction and maintenance contracts. When specific
16 innovative techniques are to be used, the department is not
17 required to adhere to those provisions of law that would
18 prevent, preclude, or in any way prohibit the department from
19 using the innovative technique. However, prior to using an
20 innovative technique that is inconsistent with another
21 provision of law, the department must document in writing the
22 need for the exception and identify what benefits the
23 traveling public and the affected community are anticipated to
24 receive. The department may enter into no more than \$120
25 million in contracts annually for the purposes authorized by
26 this section. However, the annual cap on contracts provided in
27 this section shall not apply to turnpike enterprise projects
28 nor shall turnpike enterprise projects be counted toward the
29 department's annual cap.

30 Section 65. Paragraph (c) of subsection (3) of section
31 337.11, Florida Statutes, is amended to read:

124

1 337.11 Contracting authority of department; bids;
2 emergency repairs, supplemental agreements, and change orders;
3 combined design and construction contracts; progress payments;
4 records; requirements of vehicle registration.--

5 (3)

6 (c) No advertisement for bids shall be published and
7 no bid solicitation notice shall be provided until title to
8 all necessary rights-of-way and easements for the construction
9 of the project covered by such advertisement or notice has
10 vested in the state or a local governmental entity, and all
11 railroad crossing and utility agreements have been executed.

12 The turnpike enterprise is exempt from this paragraph for a
13 turnpike enterprise project.Title to all necessary

14 rights-of-way shall be deemed to have been vested in the State
15 of Florida when such title has been dedicated to the public or
16 acquired by prescription.

17 Section 66. Subsection (7) of section 338.165, Florida
18 Statutes, is amended to read:

19 338.165 Continuation of tolls.--

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

22 Section 67. Section 338.22, Florida Statutes, is
23 amended to read:

24 338.22 Florida Turnpike Enterprise Law; short
25 title.--Sections 338.22-338.241 may be cited as the "Florida
26 Turnpike Enterprise Law."

27 Section 68. Section 338.221, Florida Statutes, is
28 amended to read:

29 338.221 Definitions of terms used in ss.

30 338.22-338.241.--As used in ss. 338.22-338.241, the following
31 words and terms have the following meanings, unless the

1 context indicates another or different meaning or intent:

2 (1) "Bonds" or "revenue bonds" means notes, bonds,
3 refunding bonds or other evidences of indebtedness or
4 obligations, in either temporary or definitive form, issued by
5 the Division of Bond Finance on behalf of the department and
6 authorized under the provisions of ss. 338.22-338.241 and the
7 State Bond Act.

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

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

30 (4) "Owner" includes any person or any governmental
31 entity that has title to, or an interest in, any property,

1 right, easement, or interest authorized to be acquired
2 pursuant to ss. 338.22-338.241.

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

8 (6) "Turnpike system" means those limited access toll
9 highways and associated feeder roads and other structures,
10 appurtenances, or rights previously designated, acquired, or
11 constructed pursuant to the Florida Turnpike Enterprise Law
12 and such other additional turnpike projects as may be acquired
13 or constructed as approved by the Legislature.

14 (7) "Turnpike improvement" means any betterment
15 necessary or desirable for the operation of the turnpike
16 system, including, but not limited to, widenings, the addition
17 of interchanges to the existing turnpike system, resurfacings,
18 toll plazas, machinery, and equipment.

19 (8) "Economically feasible" for a proposed turnpike
20 project means that the revenues of the project in combination
21 with those of the existing turnpike system are sufficient to
22 service the debt of the outstanding turnpike bonds to
23 safeguard investors.†

24 ~~(a) For a proposed turnpike project, that, as~~
25 ~~determined by the department before the issuance of revenue~~
26 ~~bonds for the project, the estimated net revenues of the~~
27 ~~proposed turnpike project, excluding feeder roads and turnpike~~
28 ~~improvements, will be sufficient to pay at least 50 percent of~~
29 ~~the debt service on the bonds by the end of the 5th year of~~
30 ~~operation and to pay at least 100 percent of the debt service~~
31 ~~on the bonds by the end of the 15th year of operation. In~~

1 ~~implementing this paragraph, up to 50 percent of the adopted~~
2 ~~work program costs of the project may be funded from turnpike~~
3 ~~revenues.~~

4 ~~(b) For turnpike projects, except for feeder roads and~~
5 ~~turnpike improvements, financed from revenues of the turnpike~~
6 ~~system, such project, or such group of projects, originally~~
7 ~~financed from revenues of the turnpike system, that the~~
8 ~~project is expected to generate sufficient revenues to~~
9 ~~amortize project costs within 15 years of opening to traffic.~~

10
11 This subsection does not prohibit the pledging of revenues
12 from the entire turnpike system to bonds issued to finance or
13 refinance a turnpike project or group of turnpike projects.

14 (9) "Turnpike project" means any extension to or
15 expansion of the existing turnpike system and new limited
16 access toll highways and associated feeder roads and other
17 structures, interchanges, appurtenances, or rights as may be
18 approved in accordance with the Florida Turnpike Enterprise
19 Law.

20 (10) "Statement of environmental feasibility" means a
21 statement by the Department of Environmental Protection of the
22 project's significant environmental impacts.

23 Section 69. Section 338.2215, Florida Statutes, is
24 created to read:

25 338.2215 Florida Turnpike Enterprise; legislative
26 findings, policy, purpose, and intent.--It is the intent of
27 the Legislature that the turnpike enterprise be provided
28 additional powers and authority in order to maximize the
29 advantages obtainable through fully leveraging the Florida
30 Turnpike System asset. The additional powers and authority
31 will provide the turnpike enterprise with the autonomy and

1 flexibility to enable it to more easily pursue innovations as
2 well as best practices found in the private sector in
3 management, finance, organization, and operations. The
4 additional powers and authority are intended to improve
5 cost-effectiveness and timeliness of project delivery,
6 increase revenues, expand the turnpike system's capital
7 program capability, and improve the quality of service to its
8 patrons, while continuing to protect the turnpike system's
9 bondholders and further preserve, expand, and improve the
10 Florida Turnpike System.

11 Section 70. Section 338.2216, Florida Statutes, is
12 created to read:

13 338.2216 Florida Turnpike Enterprise; powers and
14 authority.--

15 (1)(a) In addition to the powers granted to the
16 department, the Florida Turnpike Enterprise has full authority
17 to exercise all powers granted to it under this chapter.
18 Powers shall include, but are not limited to, the ability to
19 plan, construct, maintain, repair, and operate the Florida
20 Turnpike System.

21 (b) It is the express intention of this part that the
22 Florida Turnpike Enterprise be authorized to plan, develop,
23 own, purchase, lease, or otherwise acquire, demolish,
24 construct, improve, relocate, equip, repair, maintain,
25 operate, and manage the Florida Turnpike System; to expend
26 funds to publicize, advertise, and promote the advantages of
27 using the turnpike system and its facilities; and to
28 cooperate, coordinate, partner, and contract with other
29 entities, public and private, to accomplish these purposes.

30 (c) The executive director of the turnpike enterprise
31 shall appoint a staff, which shall be exempt from part II of

1 chapter 110. The fiscal functions of the turnpike enterprise,
2 including those arising under chapters 216, 334, and 339,
3 shall be managed by the turnpike enterprise chief financial
4 officer, who shall possess qualifications similar to those of
5 the department comptroller.

6 (2)(a) The department shall have the authority to
7 employ procurement methods available to the Department of
8 Management Services under chapters 255 and 287 and under any
9 rule adopted under such chapters solely for the benefit of the
10 turnpike enterprise. In order to enhance the effective and
11 efficient operation of the turnpike enterprise, the department
12 may adopt rules for procurement procedures alternative to
13 chapters 255, 287, and 337.

14 (3)(a) The turnpike enterprise shall be a single
15 budget entity and shall develop a budget pursuant to chapter
16 216. The turnpike enterprise's budget shall be submitted to
17 the Legislature along with the department's budget.

18 (b) Notwithstanding the provisions of s. 216.301 to
19 the contrary and in accordance with s. 216.351, the Executive
20 Office of the Governor shall, on July 1 of each year, certify
21 forward all unexpended funds appropriated or provided pursuant
22 to this section for the turnpike enterprise. Of the
23 unexpended funds certified forward, any unencumbered amounts
24 shall be carried forward. Such funds carried forward shall
25 not exceed 5 percent of the total operating budget of the
26 turnpike enterprise. Funds carried forward pursuant to this
27 section may be used for any lawful purpose, including, but not
28 limited to, promotional and market activities, technology, and
29 training. Any certified forward funds remaining undisbursed
30 on December 31 of each year shall be carried forward.

31 (4) The powers conferred upon the turnpike enterprise

1 under ss. 338.22-338.241 shall be in addition and supplemental
2 to the existing powers of the department and the turnpike
3 enterprise, and these powers shall not be construed as
4 repealing any provision of any other law, general or local,
5 but shall supersede such other laws that are inconsistent with
6 the exercise of the powers provided under ss. 338.22-338.241
7 and provide a complete method for the exercise of such powers
8 granted.

9 Section 71. Subsection (4) of section 338.223, Florida
10 Statutes, is amended to read:

11 338.223 Proposed turnpike projects.--

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

24 Section 72. Subsection (2) of section 338.227, Florida
25 Statutes, is amended to read:

26 338.227 Turnpike revenue bonds.--

27 (2) The proceeds of the bonds of each issue shall be
28 used solely for the payment of the cost of the turnpike
29 projects for which such bonds shall have been issued, except
30 as provided in the State Bond Act. Such proceeds shall be
31 disbursed and used as provided by ss. 338.22-338.241 and in

1 such manner and under such restrictions, if any, as the
2 Division of Bond Finance may provide in the resolution
3 authorizing the issuance of such bonds or in the trust
4 agreement hereinafter mentioned securing the same. All
5 revenues and bond proceeds from the turnpike system received
6 by the department pursuant to ss. 338.22-338.241, the Florida
7 Turnpike Enterprise Law, shall be used only for the cost of
8 turnpike projects and turnpike improvements and for the
9 administration, operation, maintenance, and financing of the
10 turnpike system. No revenues or bond proceeds from the
11 turnpike system shall be spent for the operation, maintenance,
12 construction, or financing of any project which is not part of
13 the turnpike system.

14 Section 73. Subsection (2) of section 338.2275,
15 Florida Statutes, is amended to read:

16 338.2275 Approved turnpike projects.--

17 (2) The department is authorized to use turnpike
18 revenues, the State Transportation Trust Fund moneys allocated
19 for turnpike projects pursuant to s. 338.001, federal funds,
20 and bond proceeds, and shall use the most cost-efficient
21 combination of such funds, in developing a financial plan for
22 funding turnpike projects. The department must submit a
23 report of the estimated cost for each ongoing turnpike project
24 and for each planned project to the Legislature 14 days before
25 the convening of the regular legislative session. Verification
26 of economic feasibility and statements of environmental
27 feasibility for individual turnpike projects must be based on
28 the entire project as approved. Statements of environmental
29 feasibility are not required for those projects listed in s.
30 12, chapter 90-136, Laws of Florida, for which the Project
31 Development and Environmental Reports were completed by July

1 1, 1990. ~~All required environmental permits must be obtained~~
2 ~~before~~ The department may advertise for bids for contracts for
3 the construction of any turnpike project prior to obtaining
4 required environmental permits.

5 Section 74. Section 338.234, Florida Statutes, is
6 amended to read:

7 338.234 Granting concessions or selling along the
8 turnpike system.--

9 ~~(1)~~ The department may enter into contracts or
10 licenses with any person for the sale of ~~grant concessions or~~
11 ~~sell~~ services or products or business opportunities on along
12 the turnpike system, or the turnpike enterprise may sell
13 services, products, or business opportunities on the turnpike
14 system, which benefit the traveling public or provide
15 additional revenue to the turnpike system. Services, business
16 opportunities, and products authorized to be sold include, but
17 are not limited to, the sale of motor fuel, vehicle towing,
18 and vehicle maintenance services; the sale of food with
19 attendant nonalcoholic beverages; lodging, meeting rooms, and
20 other business services opportunities; advertising and other
21 promotional opportunities, which advertising and promotions
22 must be consistent with the dignity and integrity of the
23 state; the sale of state lottery tickets sold by authorized
24 retailers; games and amusements that the granting of
25 ~~concessions for amusement devices which operate by the~~
26 application of skill, not including games of chance as defined
27 in s. 849.16 or other illegal gambling games; the sale of
28 Florida citrus, goods promoting the state, or handmade goods
29 produced within the state; and the granting of concessions for
30 ~~equipment which provides travel information, or tickets,~~
31 ~~reservations, or other related services; and the granting of~~

1 ~~concessions which provide banking and other business services.~~
2 ~~The department may also provide information centers on the~~
3 ~~plazas for the benefit of the public.~~

4 ~~(2) The department may provide an opportunity for~~
5 ~~governmental agencies to hold public events at turnpike plazas~~
6 ~~which educate the traveling public as to safety, travel, and~~
7 ~~tourism.~~

8 Section 75. Subsection (3) of section 338.235, Florida
9 Statutes, is amended to read:

10 338.235 Contracts with department for provision of
11 services on the turnpike system.--

12 (3) The department may enter into contracts or
13 agreements, with or without competitive bidding or
14 procurement, to make available, on a fair, reasonable,
15 nonexclusive, and nondiscriminatory basis, turnpike property
16 and other turnpike structures, for the placement of wireless
17 facilities by any wireless provider of mobile services as
18 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any
19 telecommunications company as defined in s. 364.02 when it is
20 determined to be practical and feasible to make such property
21 or structures available. The department may, without adopting
22 a rule, charge a just, reasonable, and nondiscriminatory fee
23 for placement of the facilities, payable annually, based on
24 the fair market value of space used by comparable
25 communications facilities in the state. The department and a
26 wireless provider may negotiate the reduction or elimination
27 of a fee in consideration of goods or services ~~service~~
28 provided to the department by the wireless provider. All such
29 fees collected by the department shall be deposited directly
30 into the State Agency Law Enforcement Radio System Trust Fund
31 and may be used to construct, maintain, or support the system.

1 Section 76. Subsection (2) of section 338.239, Florida
2 Statutes, is amended to read:

3 338.239 Traffic control on the turnpike system.--
4 (2) Members of the Florida Highway Patrol are vested
5 with the power, and charged with the duty, to enforce the
6 rules of the department. Approved expenditures ~~Expenses~~
7 incurred by the Florida Highway Patrol in carrying out its
8 powers and duties under ss. 338.22-338.241 may be treated as a
9 part of the cost of the operation of the turnpike system, and
10 the Department of Highway Safety and Motor Vehicles shall be
11 reimbursed by the turnpike enterprise ~~Department of~~
12 ~~Transportation~~ for such expenses incurred on the turnpike
13 system mainline, which is that part of the turnpike system
14 ~~extending from the southern terminus in Florida City to the~~
15 ~~northern terminus in Wildwood including all contiguous~~
16 ~~sections.~~ Florida Highway Patrol Troop K shall be
17 headquartered with the turnpike enterprise and shall be the
18 official and preferred law enforcement troop for the turnpike
19 system. The Department of Highway Safety and Motor Vehicles
20 may, upon request of the executive director of the turnpike
21 enterprise and approval of the Legislature, increase the
22 number of authorized positions for Troop K, or the executive
23 director of the turnpike enterprise may contract with the
24 Department of Highway Safety and Motor Vehicles for additional
25 troops to patrol the turnpike system.

26 Section 77. Section 338.241, Florida Statutes, is
27 amended to read:

28 338.241 Cash reserve requirement.--The budget for the
29 turnpike system shall be so planned as to provide for a cash
30 reserve at the end of each fiscal year of not less than 5 ~~10~~
31 percent of the unpaid balance of all turnpike system

1 contractual obligations, excluding bond obligations, to be
2 paid from revenues.

3 Section 78. Section 338.251, Florida Statutes, is
4 amended to read:

5 338.251 Toll Facilities Revolving Trust Fund.--The
6 Toll Facilities Revolving Trust Fund is hereby created for the
7 purpose of encouraging the development and enhancing the
8 financial feasibility of revenue-producing road projects
9 undertaken by local governmental entities in a county or
10 combination of contiguous counties and the turnpike
11 enterprise.

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

21 (2) No funds shall be advanced pursuant to this
22 section unless the following is documented to the department:

23 (a) The proposed facility is consistent with the
24 adopted transportation plan of the appropriate metropolitan
25 planning organization and the Florida Transportation Plan.

26 (b) A proposed 2-year budget detailing the use of the
27 cash advance and a project schedule consistent with the
28 budget.

29 (3) Prior to receiving any moneys for advance
30 right-of-way acquisition, it shall be shown that such
31 right-of-way will substantially appreciate prior to

1 construction and that savings will result from its advance
2 purchase. Any such request for moneys for advance
3 right-of-way acquisition shall be accompanied by a preliminary
4 engineering study, environmental impact study, traffic and
5 revenue study, and right-of-way maps along with either a
6 negotiated contract for purchase of the right-of-way, such
7 contract to include a clause stating that it is subject to
8 funding by the department or the Legislature, or an appraisal
9 of the subject property for purpose of condemnation
10 proceedings.

11 (4) Each advance pursuant to this section shall
12 require repayment out of the initial bond issue revenue or, at
13 the discretion of the governmental entity or the turnpike
14 enterprise of the facility, repayment shall begin no later
15 than 7 years after the date of the advance, provided repayment
16 shall be completed no later than 12 years after the date of
17 the advance. However, such election shall be made at the time
18 of the initial bond issue, and, if repayment is to be made
19 during the time period referred to above, a schedule of such
20 repayment shall be submitted to the department.

21 (5) No amount in excess of \$1.5 million annually shall
22 be advanced to any one governmental entity or the turnpike
23 enterprise pursuant to this section without specific
24 appropriation by the Legislature.

25 (6) Funds may not be advanced for funding final design
26 costs beyond 60 percent completion until an acceptable plan to
27 finance all project costs, including the reimbursement of
28 outstanding trust fund advances, is approved by the
29 department.

30 (7) The department may advance funds sufficient to
31 defray shortages in toll revenues of facilities receiving

1 funds pursuant to this section for the first 5 years of
2 operation, up to a maximum of \$5 million per year, to be
3 reimbursed to this fund within 5 years of the last advance
4 hereunder. Any advance under this provision shall require
5 specific appropriation by the Legislature.

6 (8) No expressway authority, county, or other local
7 governmental entity, or the turnpike enterprise, shall be
8 eligible to receive any advance under this section if the
9 expressway authority, county, or other local governmental
10 entity or the turnpike enterprise has failed to repay any
11 previous advances as required by law or by agreement with the
12 department.

13 (9) Repayment of funds advanced, including advances
14 made prior to January 1, 1994, shall not include interest.
15 However, interest accruing to local governmental entities and
16 the turnpike enterprise from the investment of advances shall
17 be paid to the department.

18 Section 79. Subsection (1) of section 553.80, Florida
19 Statutes, as amended by section 86 of chapter 2000-141, Laws
20 of Florida, is amended to read:

21 553.80 Enforcement.--

22 (1) Except as provided in paragraphs (a)-(f) ~~(a)-(e)~~,
23 each local government and each legally constituted enforcement
24 district with statutory authority shall regulate building
25 construction and, where authorized in the state agency's
26 enabling legislation, each state agency shall enforce the
27 Florida Building Code required by this part on all public or
28 private buildings, structures, and facilities, unless such
29 responsibility has been delegated to another unit of
30 government pursuant to s. 553.79(9).

31 (a) Construction regulations relating to correctional

1 facilities under the jurisdiction of the Department of
2 Corrections and the Department of Juvenile Justice are to be
3 enforced exclusively by those departments.

4 (b) Construction regulations relating to elevator
5 equipment under the jurisdiction of the Bureau of Elevators of
6 the Department of Business and Professional Regulation shall
7 be enforced exclusively by that department.

8 (c) In addition to the requirements of s. 553.79 and
9 this section, facilities subject to the provisions of chapter
10 395 and part II of chapter 400 shall have facility plans
11 reviewed and construction surveyed by the state agency
12 authorized to do so under the requirements of chapter 395 and
13 part II of chapter 400 and the certification requirements of
14 the Federal Government.

15 (d) Building plans approved pursuant to s. 553.77(6)
16 and state-approved manufactured buildings, including buildings
17 manufactured and assembled offsite and not intended for
18 habitation, such as lawn storage buildings and storage sheds,
19 are exempt from local code enforcing agency plan reviews
20 except for provisions of the code relating to erection,
21 assembly, or construction at the site. Erection, assembly, and
22 construction at the site are subject to local permitting and
23 inspections.

24 (e) Construction regulations governing public schools,
25 state universities, and community colleges shall be enforced
26 as provided in subsection (6).

27 (f) Construction regulations relating to
28 transportation facilities under the jurisdiction of the
29 turnpike enterprise of the Department of Transportation shall
30 be enforced exclusively by the turnpike enterprise.

31

1 The governing bodies of local governments may provide a
2 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
3 and this section, for the enforcement of the provisions of
4 this part. Such fees shall be used solely for carrying out
5 the local government's responsibilities in enforcing the
6 Florida Building Code. The authority of state enforcing
7 agencies to set fees for enforcement shall be derived from
8 authority existing on July 1, 1998. However, nothing contained
9 in this subsection shall operate to limit such agencies from
10 adjusting their fee schedule in conformance with existing
11 authority.

12 Section 80. (1) This shall be known as the "Dori
13 Slosberg Act of 2001."

14 (2) Notwithstanding the provisions of s. 318.121,
15 Florida Statutes, a board of county commissioners may require,
16 by ordinance, that the clerk of the court collect an
17 additional \$3 with each civil traffic penalty, which shall be
18 used to fund driver education programs in public and nonpublic
19 schools. The ordinance shall provide for the board of county
20 commissioners to administer the funds. The funds shall be used
21 for direct educational expenses and shall not be used for
22 administration.

23 Section 81. Small Aircraft Transportation System;
24 legislative intent.--

25 (1) The Legislature recognizes that the State of
26 Florida has an opportunity to participate with the National
27 Aeronautics and Space Administration, the Federal Aviation
28 Administration, the aircraft industry, and various
29 universities as partners to provide Florida with improved
30 transportation access and mobility for all of its communities,
31 rural and urban alike, by participating in NASA's Small

1 Aircraft Transportation System. The Legislature recognizes
2 that state support can be leveraged with current federal and
3 industry resources to provide an infrastructure that utilizes
4 the state's network of 129 public-use airports and provides a
5 transportation system capable of competing with the automobile
6 in both convenience and affordability.

7 (2) The Legislature hereby expresses its commitment,
8 through participation in the Small Aircraft Transportation
9 System, to:

10 (a) Improve travel choices, mobility, and
11 accessibility for the citizens of the state.

12 (b) Enhance economic growth and competitiveness for
13 the rural and remote communities of the state through improved
14 transportation choices.

15 (c) Maintain the state's leadership and proactive role
16 in aviation and aerospace through active involvement in
17 advancing aviation technology infrastructure and capabilities.

18 (d) Take advantage of federal programs that can bring
19 investments in technology, research, and infrastructure
20 capable of enhancing competitiveness and opportunities for
21 industry and workforce development.

22 (e) Participate in opportunities that can place the
23 state's industries and communities in a first-to-market
24 advantage when developing, implementing, and proving new
25 technologies which have the potential to satisfy requirements
26 for the public good.

27 (f) Participate as partners with the National
28 Aeronautics and Space Administration, the Federal Aviation
29 Administration, the aircraft industry, local governments, and
30 those universities which comprise the Southeast SATSLab
31 Consortium to implement a Small Aircraft Transportation System

1 infrastructure as a statewide network of airports to support
2 the commitments described in paragraphs (a)-(e).

3 Section 82. (1) That portion of I-275 which begins at
4 the Pinellas County end of the Howard Franklin Bridge and,
5 proceeding south, ends at the beginning of the Sunshine Skyway
6 Bridge is designated as the "St. Petersburg Parkway."

7 (2) The Department of Transportation is directed to
8 erect suitable markers designating the "St. Petersburg
9 Parkway" as described in subsection (1).

10 Section 83. George Crady Bridge designation;
11 markers.--

12 (1) The old Nassau Sound Bridge (bridge number 750055)
13 on State Road 105 in Nassau and Duval Counties is hereby
14 redesignated as the "George Crady Bridge."

15 (2) The Department of Transportation is directed to
16 erect suitable markers designating the "George Crady Bridge"
17 as described in subsection (1).

18 Section 84. Doyle Parker Memorial Highway designation;
19 markers.--

20 (1) U.S. Highway 17 from Wauchula to Bowling Green is
21 hereby designated as the "Doyle Parker Memorial Highway."

22 (2) The Department of Transportation is directed to
23 erect suitable markers designating the "Doyle Parker Memorial
24 Highway" as described in subsection (1).

25 Section 85. Lynn Haven Parkway designation; markers.--

26 (1) That portion of State Road 77 between Baldwin Road
27 and Mowat School Road in the City of Lynn Haven, Bay County,
28 is hereby designated as the "Lynn Haven Parkway."

29 (2) The Department of Transportation is directed to
30 erect suitable markers designating the "Lynn Haven Parkway" as
31 described in subsection (1).

1 Section 86. Bennett C. Russell Florida/Alabama Parkway
2 designation; markers.--

3 (1) State Road 87 from the Florida/Alabama border to
4 U.S. Highway 98 in Santa Rosa County is hereby designated as
5 the "Bennett C. Russell Florida/Alabama Parkway."

6 (2) The Department of Transportation is directed to
7 erect suitable markers designating the "Bennett C. Russell
8 Florida/Alabama Parkway" as described in subsection (1).

9 Section 87. Mamie Langdale Memorial Bridge
10 designation; markers.--

11 (1) The new U.S. Highway 27 bridge in the City of
12 Moore Haven in Glades County is hereby designated as the
13 "Mamie Langdale Memorial Bridge."

14 (2) The Department of Transportation is directed to
15 erect suitable markers designating the "Mamie Langdale
16 Memorial Bridge" as described in subsection (1).

17 Section 88. Martin Luther King, Jr., Memorial Highway
18 designation; markers.--

19 (1) That portion of Highway 41 located in White
20 Springs is hereby designated as the "Martin Luther King, Jr.,
21 Memorial Highway."

22 (2) The Department of Transportation is directed to
23 erect suitable markers designating the "Martin Luther King,
24 Jr., Memorial Highway" as described in subsection (1).

25 Section 89. Purple Heart Highway designation;
26 markers.--

27 (1) Interstate 75 from the Georgia state line to the
28 city limits of Ocala is hereby designated as the "Purple Heart
29 Highway."

30 (2) The Department of Transportation is directed to
31 erect suitable markers designating the "Purple Heart Highway"

1 as described in subsection (1).

2 Section 90. Jean-Jacques Dessalines Boulevard
3 designation; markers.--

4 (1) State Road 944 on N.W. 54th Street in Miami-Dade
5 County, from the west boundary of State House District 108
6 approaching U.S. 1, is hereby designated as "Jean-Jacques
7 Dessalines Boulevard."

8 (2) The Department of Transportation is directed to
9 erect suitable markers designating the "Jean-Jacques
10 Dessalines Boulevard" as described in subsection (1).

11 Section 91. Florida Highway Patrol Memorial Highway
12 designation; markers.--

13 (1) I-75 from Tampa to the Georgia State Line is
14 hereby designated as the "Florida Highway Patrol Memorial
15 Highway."

16 (2) The Department of Transportation is directed to
17 erect suitable markers designating the "Florida Highway Patrol
18 Memorial Highway" as described in subsection (1).

19 Section 92. Jerome A. Williams Memorial Highway
20 designation; markers.--

21 (1) That portion of U.S. Highway 17 from Crescent City
22 south to the Putnam/Volusia County boundary is hereby
23 designated as the "Jerome A. Williams Memorial Highway."

24 (2) The Department of Transportation is directed to
25 erect suitable markers designating the "Jerome A. Williams
26 Memorial Highway" as described in subsection (1).

27 Section 93. Borinquen Boulevard designation;
28 markers.--

29 (1) That portion of North 36th Street (State Road 25)
30 from Biscayne Boulevard to N.W. 7th Avenue is hereby
31 designated "Borinquen Boulevard" in honor of Miami-Dade

1 County's Puerto Rican community.

2 (2) The Department of Transportation is directed to
3 erect suitable markers designating the "Borinquen Boulevard"
4 as described in subsection (1).

5 Section 94. Korean War Veterans Memorial Highway
6 designation; markers.--

7 (1) Highway 417 in Seminole County is hereby
8 designated as the "Korean War Veterans Memorial Highway."

9 (2) The Department of Transportation is directed to
10 erect suitable markers designating the "Korean War Veterans
11 Memorial Highway" as described in subsection (1).

12 Section 95. Veterans Memorial Highway designation;
13 markers.--

14 (1) That portion of State Road 100, beginning at
15 Highway A1A in Flagler County and continuing east to U.S. 1 in
16 Bunnell, is hereby designated as the "Veterans Memorial
17 Highway."

18 (2) The Department of Transportation is directed to
19 erect suitable markers designating the "Veterans Memorial
20 Highway" as described in subsection (1).

21 Section 96. Toni Jennings Boulevard designated;
22 Department of Transportation to erect suitable markers.--

23 (1) That portion of Semoran Boulevard in the City of
24 Orlando in Orange County beginning at the Bee Line Expressway
25 (State Road 528) on the South to Curry Ford Road on the North
26 is hereby designated as "Toni Jennings Boulevard."

27 (2) The Department of Transportation is directed to
28 erect suitable markers designating Toni Jennings Boulevard as
29 described in subsection (1).

30 Section 97. Ed Fraser Memorial Highway designation;
31 markers.--

1 (1) State Road 121, from the Georgia-Florida line in
2 Baker County to the city limits of Lake Butler in Union County
3 is hereby designated as the Ed Fraser Memorial Highway.

4 (2) The Department of Transportation is hereby directed
5 to erect suitable markers designating the Ed Fraser Memorial
6 Highway as described in subsection (1).

7 Section 98. Correctional Officers Memorial Highway
8 designated; markers.--

9 (1) That portion of State Road 16 from the
10 northwestern Starke city limits in Bradford County to State
11 Road 121 in Union County is hereby designated as the
12 "Correctional Officers Memorial Highway."

13 (2) The Department of Transportation is directed to
14 erect suitable markers designating the Correctional Officers
15 Memorial Highway as described in subsection (1).

16 Section 99. "Steven Cranman Boulevard" and "Ethel
17 Beckford Boulevard" designated; Department of Transportation
18 to erect suitable markers.--

19 (1) That portion of U.S. 1, between S.W. 136th Street
20 and S.W. 186th Street in Miami-Dade County is hereby
21 designated as Steven Cranman Boulevard. The Department of
22 Transportation is directed to erect suitable markers
23 designating Steven Cranman Boulevard as described in this
24 subsection.

25 (2) That portion of S.W. 186th Street between U.S. 1
26 and S.W. 107th Avenue in Miami-Dade County is hereby
27 designated as Ethel Beckford Boulevard. The Department of
28 Transportation is directed to erect suitable markers
29 designating Ethel Beckford Boulevard as described in this
30 subsection.

31 Section 100. "Phicol Williams Boulevard" designated;

1 Department of Transportation to erect suitable markers.--

2 (1) That portion of State Road 5 (U.S. 1) between S.W.
3 312th Street and S.W. 328th Street in Miami-Dade County is
4 hereby designated as Phicol Williams Boulevard.

5 (2) The Department of Transportation is directed to
6 erect suitable markers designating Phicol Williams Boulevard
7 as described in subsection (1).

8 Section 101. Section 316.3027 and subsection (3) of
9 section 316.610, Florida Statutes, are repealed.

10 Section 102. This act shall take effect July 1, 2001.

11
12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 1, line 3 through page 10, line 27,
16 remove from the title of the bill: all of said lines,

17

18 and insert in lieu thereof:

19 amending s. 20.23, F.S.; revising language with
20 respect to the organization of the department;
21 deleting responsibilities assigned to the
22 secretary; providing that the secretary or his
23 or her designee shall submit a report on major
24 actions at each meeting of the Florida
25 Transportation Commission; revising language
26 with respect to assistant secretaries; creating
27 the Office of Comptroller; deleting language
28 with respect to the inspector general and
29 comptroller; changing the Turnpike District
30 into a turnpike enterprise; exempting the
31 turnpike enterprise from department policies,

Amendment No. e14 (for drafter's use only)

1 procedures, and standards, subject to the
2 Secretary of Transportation's decision to apply
3 such requirements; giving the secretary
4 authority to promulgate rules that will assist
5 the turnpike enterprise in using best business
6 practices; amending s. 110.205, F.S.;
7 correcting cross references, to conform;
8 amending s. 163.3180, F.S.; extending a
9 deadline for development on certain roads;
10 amending s. 189.441, F.S.; removing an
11 exemption to s. 287.055, F.S.; amending s.
12 206.46, F.S.; revising language with respect to
13 the State Transportation Trust Fund; increasing
14 the debt service cap; amending s. 255.20, F.S.;
15 exempting certain transportation projects for
16 certain competitive bidding requirements;
17 amending s. 287.005, F.S.; increasing the
18 amount defining a continuing contract;
19 amending s. 311.09, F.S.; directing seaports to
20 abide by the provisions of s. 287.055, F.S.,
21 related to competitive negotiation; amending s.
22 315.031, F.S.; authorizing certain
23 entertainment expenditures for seaports;
24 amending s. 316.302, F.S.; revising a date
25 concerning commercial motor vehicles to conform
26 to federal regulations; amending s. 316.3025,
27 F.S.; updating a cross reference to federal
28 trucking regulations; amending s. 316.515,
29 F.S.; deleting a requirement for a department
30 permit with respect to the height of automobile
31 transporters; amending s. 316.535, F.S.; adding

Amendment No. e14 (for drafter's use only)

1 weight requirements for certain commercial
2 trucks; amending s. 316.545, F.S.; correcting a
3 cross reference; amending s. 330.27, F.S.;
4 revising definitions relating to aviation;
5 providing definitions; amending s. 330.29,
6 F.S.; clarifying the department's rulemaking
7 authority with respect to airports; amending s.
8 330.30, F.S.; eliminating airport license fees;
9 revising language with respect to the
10 department's site approval process; eliminating
11 on-site inspections of private airports;
12 creating a registration process for private
13 airports; providing conditions; deleting
14 obsolete language; providing exceptions;
15 amending s. 330.35, F.S.; deleting obsolete
16 language with respect to airport zoning;
17 amending s. 330.36, F.S.; providing conditions
18 under which municipalities may prohibit or
19 otherwise regulate seaplanes; amending s.
20 331.308, F.S.; revising membership of the board
21 of supervisors of the Spaceport Florida
22 Authority; amending s.332.004, F.S.; adding
23 off-airport noise mitigation projects to the
24 projects eligible for federal and state
25 matching funds; amending s. 334.044, F.S.;
26 authorizing the department to expend
27 promotional money on scenic highway projects;
28 authorizing the department to delegate its
29 drainage permitting responsibilities to other
30 governmental entities under certain
31 circumstances; amending s. 334.193, F.S.;

1 providing for employee bidding by department
2 employees; amending s. 334.30, F.S.; clarifying
3 existing program for public-private
4 transportation projects; specifying legislative
5 approval for certain projects; specifying
6 notice and selection requirements for projects
7 under this section; allowing Internal Revenue
8 Service Code chapter 63-20 corporations to
9 participate in these public-private
10 transportation projects; providing conditions
11 for using loans from Toll Facilities Revolving
12 Trust Fund; deleting obsolete language;
13 creating s. 335.066, F.S.; creating the Safe
14 Paths to Schools Program; directing the
15 department to establish the program and to
16 authorize establishment of a grant program for
17 purposes of funding the program; authorizing
18 the department to adopt rules to administer the
19 program; amending s. 335.141, F.S.; eliminating
20 the requirement that the department regulate
21 all train speeds; 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

Amendment No. e14 (for drafter's use only)

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;

Amendment No. e14 (for drafter's use only)

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

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; deleting

1 provision which provides the
2 development-of-regional-impact statewide
3 guidelines and standards for airports; amending
4 s. 768.28, F.S.; providing that certain
5 operators of rail services and providers of
6 security for rail services are agents of the
7 state for certain purposes; providing for
8 indemnification; repealing s. 316.610(3), F.S.;
9 relating to certain inspections of certain
10 commercial motor vehicles; amending s. 337.025,
11 F.S.; eliminating cap on innovative highway
12 projects for the turnpike enterprise; amending
13 s. 337.11, F.S.; providing an exemption for a
14 turnpike enterprise project; amending s.
15 338.22, F.S.; redesignating the Florida
16 Turnpike Law as the Florida Turnpike Enterprise
17 Law; amending s. 338.221, F.S.; redefining the
18 term "economically feasible" as used with
19 respect to turnpike projects; creating s.
20 338.2215, F.S.; providing legislative findings,
21 policy, purpose, and intent for the Florida
22 Turnpike Enterprise; creating s. 338.2216,
23 F.S.; prescribing the power and authority of
24 the turnpike enterprise; amending s. 338.223,
25 F.S.; increasing the maximum loan amount for
26 the turnpike enterprise; amending ss. 338.165
27 and 338.227, F.S.; conforming provisions;
28 amending s. 338.2275, F.S.; authorizing the
29 turnpike enterprise to advertise for bids for
30 contracts prior to obtaining environmental
31 permits; amending s. 338.234, F.S.; authorizing

Amendment No. e14 (for drafter's use only)

1 the turnpike enterprise to expand business
2 opportunities; amending s. 338.235, F.S.;
3 authorizing the consideration of goods instead
4 of fees; amending s. 338.239, F.S.; providing
5 that approved expenditure to the Florida
6 Highway Patrol be paid by the turnpike
7 enterprise; amending s. 338.241, F.S.; lowering
8 the required cash reserve for the turnpike
9 enterprise; amending s. 338.251, F.S.;
10 conforming provisions; amending s. 553.80,
11 F.S.; providing for self-regulation; amending
12 s. 333.06, F.S.; requiring each licensed
13 publicly owned and operated airport to prepare
14 an airport master plan; providing notice to
15 affected local governments with respect
16 thereto; amending s. 380.06, F.S., relating to
17 developments of regional impact; removing
18 provisions which specify that certain changes
19 in airport facilities or increases in the
20 storage capacity for chemical or petroleum
21 storage facilities constitute a substantial
22 deviation and require further
23 development-of-regional-impact review;
24 exempting certain proposed facilities for the
25 storage of any petroleum product from
26 development-of-regional-impact requirements;
27 amending ss. 163.3180 and 331.303, F.S.;
28 correcting references; providing application
29 with respect to airports and petroleum storage
30 facilities which have received a
31 development-of-regional-impact development

1 order, or which have an application for
2 development approval or notification of
3 proposed change pending, on the effective date
4 of the act; providing for severability;
5 authorizing a board of county commissioners to
6 require by ordinance that an additional amount
7 be collected with each civil fine and used to
8 fund traffic education and awareness programs;
9 designating a number of roads and bridges in
10 honor of certain individuals; providing an
11 effective date.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31