

By Representative Russell

1                                   A bill to be entitled  
2           An act relating to the Department of  
3           Transportation; amending s. 206.46, F.S.;  
4           raising the statutory cap on the department's  
5           required debt service coverage for right-of-way  
6           acquisition and bridge construction; amending  
7           s. 255.20, F.S.; exempting certain  
8           transportation projects for certain competitive  
9           bidding requirements; amending s. 316.302,  
10          F.S.; revising a date concerning commercial  
11          motor vehicles to conform to federal  
12          regulations; amending s. 316.3025, F.S.;  
13          updating a cross reference to federal trucking  
14          regulations; amending s. 316.515, F.S.;  
15          deleting a requirement for a department permit  
16          with respect to the height of automobile  
17          transporters; amending s. 316.535, F.S.; adding  
18          weight requirements for certain commercial  
19          trucks; amending s. 316.545, F.S.; correcting a  
20          cross reference; amending s. 330.27, F.S.;  
21          revising definitions relating to aviation;  
22          providing definitions; amending s. 330.29,  
23          F.S.; clarifying the department's rulemaking  
24          authority with respect to airports; amending s.  
25          330.30, F.S.; eliminating airport license fees;  
26          revising language with respect to the  
27          department's site approval process; eliminating  
28          on-site inspections of private airports;  
29          creating a registration process for private  
30          airports; providing conditions; deleting  
31          obsolete language; amending s. 330.35, F.S.;

1 deleting obsolete language with respect to  
2 airport zoning; amending s. 330.36, F.S.;  
3 providing conditions under which municipalities  
4 may prohibit or otherwise regulate seaplanes;  
5 amending s. 334.044, F.S.; authorizing the  
6 department to expend promotional money on  
7 scenic highway projects; authorizing the  
8 department to delegate its drainage permitting  
9 responsibilities to other governmental entities  
10 under certain circumstances; amending s.  
11 335.141, F.S.; eliminating the requirement that  
12 the department regulate all train speeds;  
13 amending s. 336.141, F.S.; clarifying that a  
14 contract already qualified by the Department of  
15 Transportation is presumed qualified to bid on  
16 county road projects; amending s. 336.44, F.S.;  
17 replacing the term "competent" with  
18 "responsible bidder"; amending s. 337.107,  
19 F.S.; authorizing the department to enter into  
20 design-build contracts that include  
21 right-of-acquisition services; amending s.  
22 337.11, F.S.; raising the cap on certain  
23 contracts into which the department can enter  
24 without first obtaining bids; adding  
25 enhancement projects to the types of projects  
26 that can be combined into a design-build  
27 contract; specifying that construction on  
28 design-build projects may not begin until  
29 certain conditions have been met; amending s.  
30 337.14, F.S.; clarifying that contractors  
31 qualified by the Department of Transportation

1 are presumed qualified to bid on projects for  
2 expressway authorities; amending s. 337.401,  
3 F.S.; providing that for projects on public  
4 roads or rail corridors under the department's  
5 jurisdiction, a utility relocation schedule and  
6 relocation agreement may be executed in lieu of  
7 a written permit; amending s. 339.08, F.S.;  
8 clarifying language with respect to the use of  
9 moneys in the State Transportation Trust Fund;  
10 amending s. 339.12, F.S.; providing that local  
11 governments which perform projects for the  
12 department are reimbursed promptly; amending s.  
13 339.135, F.S.; increasing the statutory  
14 budgetary amendment caps for certain  
15 activities; amending s. 341.051, F.S.; deleting  
16 obsolete language; amending s. 341.302, F.S.;  
17 deleting language requiring the department to  
18 perform certain railroad regulation tasks which  
19 are federal responsibilities; amending s.  
20 479.15, F.S.; revising language with respect to  
21 harmony of regulations concerning lawfully  
22 erected signs; creating s. 479.25, F.S.;  
23 authorizing local governments to enter into  
24 agreements which allow outdoor signs to be  
25 erected above sound barriers; amending s.  
26 496.425, F.S.; redefining the term "facility";  
27 creating s. 496.4256, F.S.; providing that a  
28 governmental entity or authority that owns or  
29 operates welcome centers, wayside parks,  
30 service plazas, or rest areas on the state  
31 highway system are not required to issue a

1 permit to, or grant access to, any person for  
2 the purpose of soliciting funds; repealing s.  
3 316.3027, F.S.; relating to identification  
4 requirements on certain commercial motor  
5 vehicles; repealing s. 316.610(3), F.S.;  
6 relating to certain inspections of certain  
7 commercial motor vehicles; providing an  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (2) of section 206.46, Florida  
13 Statutes, is amended to read:

14 206.46 State Transportation Trust Fund.--

15 (2) Notwithstanding any other provisions of law, from  
16 the revenues deposited into the State Transportation Trust  
17 Fund a maximum of 7 percent in each fiscal year shall be  
18 transferred into the Right-of-Way Acquisition and Bridge  
19 Construction Trust Fund created in s. 215.605, as needed to  
20 meet the requirements of the documents authorizing the bonds  
21 issued or proposed to be issued under ss. 215.605 and 337.276  
22 or at a minimum amount sufficient to pay for the debt service  
23 coverage requirements of outstanding bonds. Notwithstanding  
24 the 7 percent annual transfer authorized in this subsection,  
25 the annual amount transferred under this subsection shall not  
26 exceed an amount necessary to provide the required debt  
27 service coverage levels for a maximum debt service not to  
28 exceed \$200~~\$135~~ million. Such transfer shall be payable  
29 primarily from the motor and diesel fuel taxes transferred to  
30 the State Transportation Trust Fund from the Fuel Tax  
31 Collection Trust Fund.

1           Section 2. Paragraph (a) of subsection (1) of section  
2 255.20, Florida Statutes, is amended to read:

3           255.20 Local bids and contracts for public  
4 construction works; specification of state-produced lumber.--

5           (1) A county, municipality, special district as  
6 defined in chapter 189, or other political subdivision of the  
7 state seeking to construct or improve a public building,  
8 structure, or other public construction works must  
9 competitively award to an appropriately licensed contractor  
10 each project that is estimated in accordance with generally  
11 accepted cost-accounting principles to have total construction  
12 project costs of more than \$200,000. For electrical work,  
13 local government must competitively award to an appropriately  
14 licensed contractor each project that is estimated in  
15 accordance with generally accepted cost-accounting principles  
16 to have a cost of more than \$50,000. As used in this section,  
17 the term "competitively award" means to award contracts based  
18 on the submission of sealed bids, proposals submitted in  
19 response to a request for proposal, proposals submitted in  
20 response to a request for qualifications, or proposals  
21 submitted for competitive negotiation. This subsection  
22 expressly allows contracts for construction management  
23 services, design/build contracts, continuation contracts based  
24 on unit prices, and any other contract arrangement with a  
25 private sector contractor permitted by any applicable  
26 municipal or county ordinance, by district resolution, or by  
27 state law. For purposes of this section, construction costs  
28 include the cost of all labor, except inmate labor, and  
29 include the cost of equipment and materials to be used in the  
30 construction of the project. Subject to the provisions of  
31 subsection (3), the county, municipality, special district, or

1 other political subdivision may establish, by municipal or  
2 county ordinance or special district resolution, procedures  
3 for conducting the bidding process.

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

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

10 a. An immediate danger to the public health or safety;  
11 b. Other loss to public or private property which  
12 requires emergency government action; or  
13 c. An interruption of an essential governmental  
14 service.

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

18 3. To construction, remodeling, repair, or improvement  
19 to a public electric or gas utility system when such work on  
20 the public utility system is performed by personnel of the  
21 system.

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

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

27 6. When the project is undertaken exclusively as part  
28 of a public educational program.

29 7. When the funding source of the project will be  
30 diminished or lost because the time required to competitively  
31

1 award the project after the funds become available exceeds the  
2 time within which the funding source must be spent.

3           8. When the local government has competitively awarded  
4 a project to a private sector contractor and the contractor  
5 has abandoned the project before completion or the local  
6 government has terminated the contract.

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

1           10. When the governing board of the local government  
2 determines upon consideration of specific substantive criteria  
3 and administrative procedures that it is in the best interest  
4 of the local government to award the project to an  
5 appropriately licensed private sector contractor according to  
6 procedures established by and expressly set forth in a  
7 charter, ordinance, or resolution of the local government  
8 adopted prior to July 1, 1994. The criteria and procedures  
9 must be set out in the charter, ordinance, or resolution and  
10 must be applied uniformly by the local government to avoid  
11 award of any project in an arbitrary or capricious manner.  
12 This exception shall apply when all of the following occur:

13           a. When the governing board of the local government,  
14 after public notice, conducts a public meeting under s.  
15 286.011 and finds by a two-thirds vote of the governing board  
16 that it is in the public's best interest to award the project  
17 according to the criteria and procedures established by  
18 charter, ordinance, or resolution. The public notice must be  
19 published at least 14 days prior to the date of the public  
20 meeting at which the governing board takes final action to  
21 apply this subparagraph. The notice must identify the  
22 project, the estimated cost of the project, and specify that  
23 the purpose for the public meeting is to consider whether it  
24 is in the public's best interest to award the project using  
25 the criteria and procedures permitted by the preexisting  
26 ordinance.

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

30           (I) There is one appropriately licensed contractor who  
31 is uniquely qualified to undertake the project because that



1 contractor is currently under contract to perform work that is  
2 affiliated with the project; or

3 (II) The time to competitively award the project will  
4 jeopardize the funding for the project, or will materially  
5 increase the cost of the project or will create an undue  
6 hardship on the public health, safety, or welfare.

7 c. In the event the project is to be awarded by any  
8 method other than a competitive selection process, the  
9 published notice must clearly specify the ordinance or  
10 resolution by which the private sector contractor will be  
11 selected and the criteria to be considered.

12 d. In the event the project is to be awarded by a  
13 method other than a competitive selection process, the  
14 architect or engineer of record has provided a written  
15 recommendation that the project be awarded to the private  
16 sector contractor without competitive selection; and the  
17 consideration by, and the justification of, the government  
18 body are documented, in writing, in the project file and are  
19 presented to the governing board prior to the approval  
20 required in this paragraph.

21 11. To projects subject to chapter 336.

22 Section 3. Paragraph (b) of subsection (1) of section  
23 316.302, Florida Statutes, is amended to read:

24 316.302 Commercial motor vehicles; safety regulations;  
25 transporters and shippers of hazardous materials;  
26 enforcement.--

27 (1)

28 (b) Except as otherwise provided in this section, all  
29 owners or drivers of commercial motor vehicles that are  
30 engaged in intrastate commerce are subject to the rules and  
31 regulations contained in 49 C.F.R. parts 382, 385, and

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

4 Section 4. Paragraph (a) of subsection (3) of section  
5 316.3025, Florida Statutes, is amended to read:

6 316.3025 Penalties.--

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

9 Section 5. Subsection (2) of section 316.515, Florida  
10 Statutes, is amended to read:

11 316.515 Maximum width, height, length.--

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

14 However, an automobile transporter may, ~~with a permit from the~~  
15 ~~Department of Transportation,~~ measure a height not to exceed  
16 14 feet, inclusive of the load carried thereon.

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

21 316.535 Maximum weights.--

22 (6) Dump trucks, concrete mixing trucks, trucks  
23 engaged in waste collection and disposal, and fuel oil and  
24 gasoline trucks designed and constructed for special type work  
25 or use, when operated as a single unit, shall be subject to  
26 all safety and operational requirements of law, except that  
27 any such vehicle need not conform to the axle spacing  
28 requirements of this section provided that such vehicle shall  
29 be limited to a total gross load, including the weight of the  
30 vehicle, of 20,000 pounds per axle plus scale tolerances and  
31 shall not exceed 550 pounds per inch width tire surface plus

1 scale tolerances. No vehicle operating pursuant to this  
2 section shall exceed a gross weight, including the weight of  
3 the vehicle and scale tolerances, of 70,000 pounds. Any  
4 vehicle violating the weight provisions of this section shall  
5 be penalized as provided in s. 316.545.

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

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

15 Section 7. Paragraph (a) of subsection (2) of section  
16 316.545, Florida Statutes, is amended to read:

17 316.545 Weight and load unlawful; special fuel and  
18 motor fuel tax enforcement; inspection; penalty; review.--

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

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

14 Section 8. Section 330.27, Florida Statutes, is  
15 amended to read:

16 330.27 Definitions, when used in ss. 330.29-330.36,  
17 330.38, 330.39.--

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

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

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

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

15           ~~(3)~~(5) "Department" means the Department of  
16 Transportation.

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

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

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

29           ~~(5)~~(9) "Private airport" means an airport, publicly or  
30 privately owned, which is not open or available for use by the  
31 public. A private airport is registered with the department

1 for use of the person or persons registering the facility used  
2 primarily by the licensee but may be made which is available  
3 to others for use by invitation of the registrant licensee.  
4 ~~Services may be provided if authorized by the department.~~

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

12 (7)(11) "Temporary airport" means any an airport,  
13 ~~publicly or privately owned,~~ that will be used for a period of  
14 less than 90 days with no more than 10 operations per day.

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

21 Section 9. Section 330.29, Florida Statutes, is  
22 amended to read:

23 330.29 Administration and enforcement; rules;  
24 standards for airport sites and airports.--It is the duty of  
25 the department to:

26 (1) Administer and enforce the provisions of this  
27 chapter.

28 (2) Establish minimum standards for airport sites and  
29 airports under its licensing and registration jurisdiction.  
30  
31

1           (3) Establish and maintain a state aviation data  
2 system to facilitate licensing and registration of all  
3 airports.

4           ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and  
5 120.54 to implement the provisions of this chapter.

6           Section 10. Section 330.30, Florida Statutes, is  
7 amended to read:

8           330.30 Approval of airport sites and licensing of  
9 airports; ~~fees.~~--

10           (1) SITE APPROVALS; REQUIREMENTS, ~~FEES~~, EFFECTIVE  
11 PERIOD, REVOCATION.--

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

22           1. That the site is suitable ~~adequate~~ for the airport  
23 as proposed airport;

24           2. That the airport as proposed airport, if  
25 ~~constructed or established,~~ will conform to minimum standards  
26 ~~of safety~~ and will comply with the applicable local government  
27 land development regulation or county or municipal zoning  
28 requirements;

29           3. That all nearby airports, local governments  
30 ~~municipalities~~, and property owners have been notified and any  
31

1 comments submitted by them have been given adequate  
2 consideration; and

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

6 (b) Site approval shall be granted for public airports  
7 only after a favorable department inspection of the proposed  
8 site.

9 (c) Site approval shall be granted for private  
10 airports only after receipt of documents the department deems  
11 necessary to validate satisfaction of the conditions in  
12 paragraph (a).

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

16 (e) Such Approval shall remain valid ~~in effect~~ for a  
17 ~~period of 2 years~~ after the date of issue ~~issuance of the site~~  
18 ~~approval order~~, unless ~~sooner~~ revoked by the department or  
19 unless, prior to the expiration of the 2-year period, a public  
20 airport license is issued or private airport registration  
21 granted for an airport located on the approved site has been  
22 issued pursuant to subsection (2) prior to the expiration  
23 date.

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

27 (g)~~(e)~~ The department may revoke a site ~~such~~ approval  
28 if it determines:

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

31



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

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

8           4. That, ~~because of changed physical or legal~~  
9 ~~conditions or circumstances,~~ the site is no longer usable for  
10 the aviation purposes due to physical or legal changes in  
11 conditions that were the subject of for which the approval was  
12 granted.

13           (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,  
14 RENEWAL, REVOCATION.--

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

29           1. For a public airport, the department shall issue a  
30 license after a final airport inspection finds the facility to  
31 be in compliance with all requirements for the license. The

1 license may be subject to any reasonable conditions that the  
2 department may deem necessary to protect the public health,  
3 safety, or welfare.

4 2. For a private airport, the department shall provide  
5 controlled electronic access to the state aviation facility  
6 data system to permit the applicant to complete the  
7 registration process. Registration shall be completed upon  
8 self-certification by the registrant of operational and  
9 configuration data deemed necessary by the department.

10 (b) The department is authorized to license a public  
11 ~~an~~ airport that does not meet all of the minimum standards  
12 only if it determines that such exception is justified by  
13 unusual circumstances or is in the interest of public  
14 convenience and does not endanger the public health, safety,  
15 or welfare. Such a license shall bear the designation  
16 "special" and shall state the conditions subject to which the  
17 license is granted.

18 (c) The department may authorize a site to be used as  
19 a temporary airport if it finds, after inspection of the site,  
20 that the airport will not endanger the public health, safety,  
21 or welfare. A temporary airport will not require a license or  
22 registration. Such Authorization to use a site for a temporary  
23 airport will be valid for ~~shall expire~~ not more later than 30  
24 ~~90~~ days ~~after issuance~~ and is not renewable.

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

- 27 1. ~~Public airport: \$100.~~  
28 2. ~~Private airport: \$70.~~  
29 3. ~~Limited airport: \$50.~~  
30 4. ~~Temporary airport: \$25.~~

31

1 ~~Airports owned or operated by the state, a county, or a~~  
2 ~~municipality and emergency helistops operated by licensed~~  
3 ~~hospitals are required to be licensed but are exempt from the~~  
4 ~~payment of site approval fees and annual license fees.~~

5 ~~(d)(e)~~1. Each public airport license will expire no  
6 later than 1 year after the effective date of the license,  
7 except that the expiration date of a license may be adjusted  
8 to provide a maximum license period of 18 months to facilitate  
9 airport inspections, recognize seasonal airport operations, or  
10 improve administrative efficiency. ~~If the expiration date for~~  
11 ~~a public airport is adjusted, the appropriate license fee~~  
12 ~~shall be determined by prorating the annual fee based on the~~  
13 ~~length of the adjusted license period.~~

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

1           3. The effective date and expiration date shall be  
2 shown on public airport licenses ~~stated on the face of the~~  
3 ~~license~~. Upon receiving an application for renewal of a public  
4 airport license on a form prescribed by the department and  
5 making a favorable inspection report indicating compliance  
6 with all applicable requirements and conditions, ~~and receiving~~  
7 ~~the appropriate annual license fee~~, the department shall renew  
8 the license, subject to any conditions deemed necessary to  
9 protect the public health, safety, or welfare.

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

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

18           ~~(e)(f)~~ The department may revoke any airport  
19 registration, license, or license renewal ~~thereof~~, or refuse  
20 to allow registration or issue a registration or license  
21 renewal, if it determines:

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

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

27           3. That, ~~because of changed physical or legal~~  
28 ~~conditions or circumstances~~, the airport has become either  
29 unsafe or unusable for flight operation due to physical or  
30 legal changes in conditions that were the subject of approval  
31

1 ~~the aeronautical purposes for which the license or renewal was~~  
2 ~~issued.~~

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

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

6 (b) An ultralight aircraft landing area ~~except that~~  
7 ~~any public ultralight airport~~ located more than within 5  
8 nautical miles from a ~~of another~~ public ~~airport~~ or military  
9 airport, except or any ultralight landing area with more than  
10 10 ultralight aircraft operating from the site ~~is subject to~~  
11 ~~the provisions of this section.~~

12 (c) A helistop used solely in conjunction with a  
13 construction project undertaken pursuant to the performance of  
14 a state contract if the purpose of the helicopter operations  
15 at the site is to expedite construction.

16 ~~(d) An airport under the jurisdiction or control of a~~  
17 ~~county or municipal aviation authority or a county or~~  
18 ~~municipal port authority or the Spaceport Florida Authority;~~  
19 ~~however, the department shall license any such airport if such~~  
20 ~~authority does not elect to exercise its exemption under this~~  
21 ~~subsection.~~

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

25 ~~(e)(f)~~ An airport which meets the criteria of s.  
26 330.27(11) used exclusively for aerial application or spraying  
27 of crops on a seasonal basis, not to include any licensed  
28 airport where permanent crop aerial application or spraying  
29 facilities are installed, if the period of operation does not  
30 exceed 30 days per calendar year. Such proposed airports,  
31 which will be located within 3 miles of existing airports or

1 approved airport sites, shall work out safe air-traffic  
2 patterns with such existing airports or approved airport  
3 sites, by memorandums of understanding, or by letters of  
4 agreement between the parties representing the airports or  
5 sites.

6 Section 11. Subsection (2) of section 330.35, Florida  
7 Statutes, is amended to read:

8 330.35 Airport zoning, ~~approach zone~~ protection.--

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

13 Section 12. Subsection (2) of section 330.36, Florida  
14 Statutes, is amended to read:

15 330.36 Prohibition against county or municipal  
16 licensing of airports; regulation of seaplane landings.--

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

23 Section 13. Subsection (5) and paragraph (b) of  
24 subsection (15) of section 334.044, Florida Statutes, are  
25 amended to read:

26 334.044 Department; powers and duties.--The department  
27 shall have the following general powers and duties:

28 (5) To purchase, lease, or otherwise acquire property  
29 and materials, including the purchase of promotional items as  
30 part of public information and education campaigns for the  
31 promotion of scenic highways, traffic and train safety

1 awareness, alternatives to single-occupant vehicle travel, and  
2 commercial motor vehicle safety; to purchase, lease, or  
3 otherwise acquire equipment and supplies; and to sell,  
4 exchange, or otherwise dispose of any property that is no  
5 longer needed by the department.

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

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

29 Section 14. Subsections (3), (4), and (5) of section  
30 335.141, Florida Statutes, are amended to read:

31

1           335.141 Regulation of public railroad-highway grade  
2 crossings; reduction of hazards.--

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

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

18           (4)(5) Any local governmental entity or other public  
19 or private agency planning a public event, such as a parade or  
20 race, that involves the crossing of a railroad track shall  
21 notify the railroad as far in advance of the event as possible  
22 and in no case less than 72 hours in advance of the event so  
23 that the coordination of the crossing may be arranged by the  
24 agency and railroad to assure the safety of the railroad  
25 trains and the participants in the event.

26           Section 15. Subsection (4) is added to section 336.41,  
27 Florida Statutes, to read:

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

30           (4)(a) For contracts in excess of \$250,000, any  
31 governmental entity or authority may require that persons



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

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

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

25  
26 The provisions of this subsection shall only apply to  
27 contracts which are advertised for prequalification by an  
28 authority on or after July 1, 2001.

29       Section 16. Subsection (2) of section 336.44, Florida  
30 Statutes, is amended to read:

31

1           336.44 Counties; contracts for construction of roads;  
2 procedure; contractor's bond.--

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

9           Section 17. Section 337.107, Florida Statutes, is  
10 amended to read:

11           337.107 Contracts for right-of-way services.--The  
12 department may enter into contracts pursuant to s. 287.055 for  
13 right-of-way services on transportation corridors and  
14 transportation facilities or the department may include  
15 right-of-way services as part of design-build contracts  
16 awarded pursuant to s. 337.11. Right-of-way services include  
17 negotiation and acquisition services, appraisal services,  
18 demolition and removal of improvements, and asbestos-abatement  
19 services.

20           Section 18. Paragraph (c) of subsection (6) and  
21 paragraph (a) of subsection (7) of section 337.11, Florida  
22 Statutes, are amended to read:

23           337.11 Contracting authority of department; bids;  
24 emergency repairs, supplemental agreements, and change orders;  
25 combined design and construction contracts; progress payments;  
26 records; requirements of vehicle registration.--

27           (6)

28           (c) When the department determines that it is in the  
29 best interest of the public for reasons of public concern,  
30 economy, improved operations or safety, and only when  
31 circumstances dictate rapid completion of the work, the

1 department may, up to the ~~threshold~~ amount of \$120,000  
2 ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts  
3 for construction and maintenance without advertising and  
4 receiving competitive bids. ~~However, if legislation is enacted~~  
5 ~~by the Legislature which changes the category thresholds, the~~  
6 ~~threshold amount shall remain at \$60,000.~~The department may  
7 enter into such contracts only upon a determination that the  
8 work is necessary for one of the following reasons:

- 9 1. To ensure timely completion of projects or  
10 avoidance of undue delay for other projects;
- 11 2. To accomplish minor repairs or construction and  
12 maintenance activities for which time is of the essence and  
13 for which significant cost savings would occur; or
- 14 3. To accomplish nonemergency work necessary to ensure  
15 avoidance of adverse conditions that affect the safe and  
16 efficient flow of traffic.

17  
18 The department shall make a good faith effort to obtain two or  
19 more quotes, if available, from qualified contractors before  
20 entering into any contract. The department shall give  
21 consideration to disadvantaged business enterprise  
22 participation. However, when the work exists within the limits  
23 of an existing contract, the department shall make a good  
24 faith effort to negotiate and enter into a contract with the  
25 prime contractor on the existing contract.

26 (7)(a) If the head of the department determines that  
27 it is in the best interests of the public, the department may  
28 combine the design and construction phases of a building, a  
29 major bridge, an enhancement project, or a rail corridor  
30 project into a single contract. Such contract is referred to  
31 as a design-build contract. Design-build contracts may be

1 advertised and awarded notwithstanding the requirements of  
2 paragraph (c) of subsection (3). However, construction  
3 activities may not begin on any portion of such projects until  
4 title to the necessary rights-of-way and easements for the  
5 construction of such portion of the project has vested in the  
6 state or a local governmental entity and all railroad crossing  
7 and utility agreements have been executed. Title to  
8 rights-of-way vests in the state when the title has been  
9 dedicated to the public or acquired by prescription.

10 Section 19. Subsection (4) of section 337.14, Florida  
11 Statutes, is amended, and subsection (9) is added to said  
12 section, to read:

13 337.14 Application for qualification; certificate of  
14 qualification; restrictions; request for hearing.--

15 (4) If the applicant is found to possess the  
16 prescribed qualifications, the department shall issue to him  
17 or her a certificate of qualification that ~~which~~, unless  
18 thereafter revoked by the department for good cause, will be  
19 valid for a period of 18 ~~16~~ months after ~~from~~ the date of the  
20 applicant's financial statement or such shorter period as the  
21 department prescribes ~~may prescribe~~. ~~If in the event~~ the  
22 department finds that an application is incomplete or contains  
23 inadequate information or information that ~~which~~ cannot be  
24 verified, the department may request in writing that the  
25 applicant provide the necessary information to complete the  
26 application or provide the source from which any information  
27 in the application may be verified. If the applicant fails to  
28 comply with the initial written request within a reasonable  
29 period of time as specified therein, the department shall  
30 request the information a second time. If the applicant fails  
31

1 to comply with the second request within a reasonable period  
2 of time as specified therein, the application shall be denied.  
3 (9)(a) Notwithstanding any other law to the contrary,  
4 for contracts in excess of \$250,000, an authority created  
5 pursuant to chapter 348 or chapter 349 may require that  
6 persons interested in performing work under the contract first  
7 be certified or qualified to do the work. Any contractor  
8 prequalified and considered eligible by the department to bid  
9 to perform the type of work described under the contract shall  
10 be presumed to be qualified to perform the work so described.  
11 The governmental entity or authority may provide an appeal  
12 process to overcome that presumption with de novo review based  
13 on the record below to the circuit court.  
14 (b) The authority shall publish prequalification  
15 criteria and procedures prior to advertisement or notice of  
16 solicitation. Such publications shall include notice of a  
17 public hearing for comment on such criteria and procedures  
18 prior to adoption. The procedures shall provide for an appeal  
19 process within the authority for objections to the  
20 prequalification process with de novo review based on the  
21 record below to the circuit court.  
22 (c) The contracting entity shall also publish for  
23 comment, prior to adoption, the selection criteria and  
24 procedures to be used by the governmental entity or authority  
25 if such procedures would allow selection of other than the  
26 lowest responsible bidder. The selection criteria shall  
27 include an appeal process within the contracting entity with  
28 de novo review based on the record below to the circuit court.  
29  
30  
31

1 The provisions of this subsection shall only apply to  
2 contracts which are advertised for prequalification by an  
3 authority on or after July 1, 2001.

4 Section 20. Subsection (2) of section 337.401, Florida  
5 Statutes, is amended to read:

6 337.401 Use of right-of-way for utilities subject to  
7 regulation; permit; fees.--

8 (2) The authority may grant to any person who is a  
9 resident of this state, or to any corporation which is  
10 organized under the laws of this state or licensed to do  
11 business within this state, the use of a right-of-way for the  
12 utility in accordance with such rules or regulations as the  
13 authority may adopt. No utility shall be installed, located,  
14 or relocated unless authorized by a written permit issued by  
15 the authority. However, for public roads or publicly owned  
16 rail corridors under the jurisdiction of the department, a  
17 utility relocation schedule and relocation agreement may be  
18 executed in lieu of a written permit.The permit shall require  
19 the permitholder to be responsible for any damage resulting  
20 from the issuance of such permit. The authority may initiate  
21 injunctive proceedings as provided in s. 120.69 to enforce  
22 provisions of this subsection or any rule or order issued or  
23 entered into pursuant thereto.

24 Section 21. Subsections (1) and (2) of section 339.08,  
25 Florida Statutes, are amended to read:

26 339.08 Use of moneys in State Transportation Trust  
27 Fund.--

28 (1) The department shall expend ~~by rule provide for~~  
29 ~~the expenditure of the~~ moneys in the State Transportation  
30 Trust Fund accruing to the department, in accordance with its  
31 annual budget.

- 1           (2) ~~These rules must restrict~~ The use of such moneys  
2 shall be restricted to the following purposes:
- 3           (a) To pay administrative expenses of the department,  
4 including administrative expenses incurred by the several  
5 state transportation districts, but excluding administrative  
6 expenses of commuter rail authorities that do not operate rail  
7 service.
- 8           (b) To pay the cost of construction of the State  
9 Highway System.
- 10          (c) To pay the cost of maintaining the State Highway  
11 System.
- 12          (d) To pay the cost of public transportation projects  
13 in accordance with chapter 341 and ss. 332.003-332.007.
- 14          (e) To reimburse counties or municipalities for  
15 expenditures made on projects in the State Highway System as  
16 authorized by s. 339.12(4) upon legislative approval.
- 17          (f) To pay the cost of economic development  
18 transportation projects in accordance with s. 288.063.
- 19          (g) To lend or pay a portion of the operating,  
20 maintenance, and capital costs of a revenue-producing  
21 transportation project that is located on the State Highway  
22 System or that is demonstrated to relieve traffic congestion  
23 on the State Highway System.
- 24          (h) To match any federal-aid funds allocated for any  
25 other transportation purpose, including funds allocated to  
26 projects not located in the State Highway System.
- 27          (i) To pay the cost of county road projects selected  
28 in accordance with the Small County Road Assistance Program  
29 created in s. 339.2816.
- 30          (j) To pay the cost of county or municipal road  
31 projects selected in accordance with the County Incentive

1 Grant Program created in s. 339.2817 and the Small County  
2 Outreach Program created in s. 339.2818.

3 (k) To provide loans and credit enhancements for use  
4 in constructing and improving highway transportation  
5 facilities selected in accordance with the state-funded  
6 infrastructure bank created in s. 339.55.

7 (l) To fund the Transportation Outreach Program  
8 created in s. 339.137.

9 (m) To pay other lawful expenditures of the  
10 department.

11 Section 22. Subsection (5) of section 339.12, Florida  
12 Statutes, is amended to read:

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

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

31



1           Section 23. Paragraph (c) of subsection (7) of section  
2 339.135, Florida Statutes, is amended to read:

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

6           (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

7           (c) The department may amend the adopted work program  
8 to transfer appropriations within the department, except that  
9 the following amendments shall be subject to the procedures in  
10 paragraph (d):

11           1. Any amendment which deletes any project or project  
12 phase;

13           2. Any amendment which adds a project estimated to  
14 cost over \$500,000 ~~\$150,000~~ in funds appropriated by the  
15 Legislature;

16           3. Any amendment which advances or defers to another  
17 fiscal year, a right-of-way phase, a construction phase, or a  
18 public transportation project phase estimated to cost over \$1  
19 million ~~\$500,000~~ in funds appropriated by the Legislature,  
20 except an amendment advancing or deferring a phase for a  
21 period of 90 days or less; or

22           4. Any amendment which advances or defers to another  
23 fiscal year, any preliminary engineering phase or design phase  
24 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated  
25 by the Legislature, except an amendment advancing or deferring  
26 a phase for a period of 90 days or less.

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

29           341.051 Administration and financing of public transit  
30 programs and projects.--

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

1           (a) The department may fund up to 50 percent of the  
2 nonfederal share of the costs, not to exceed the local share,  
3 of any eligible public transit capital project or commuter  
4 assistance project that is local in scope; except, however,  
5 that departmental participation in the final design,  
6 right-of-way acquisition, and construction phases of an  
7 individual fixed-guideway project which is not approved for  
8 federal funding shall not exceed an amount equal to 12.5  
9 percent of the total cost of each phase.

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

15           ~~1. Methods to be used to determine consistency of a~~  
16 ~~transit project with the approved local government~~  
17 ~~comprehensive plans of the units of local government in which~~  
18 ~~the project is located.~~

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

25           ~~3. Methods for evaluating alternative transit systems~~  
26 ~~including an analysis of technology and alternative methods~~  
27 ~~for providing transit services in the corridor.~~

28           (b)(c) The department is authorized to fund up to 100  
29 percent of the cost of any eligible transit capital project or  
30 commuter assistance project that is statewide in scope or  
31

1 involves more than one county where no other governmental  
2 entity or appropriate jurisdiction exists.

3 (c)~~(d)~~ The department is authorized to advance up to  
4 80 percent of the capital cost of any eligible project that  
5 will assist Florida's transit systems in becoming fiscally  
6 self-sufficient. Such advances shall be reimbursed to the  
7 department on an appropriate schedule not to exceed 5 years  
8 after the date of provision of the advances.

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

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

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

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

11           3. Improving marketing and consumer information  
12 programs, including, but not limited to, automated information  
13 services, organized advertising and promotion programs, and  
14 signing of designated stops, for a period of up to 2 years;  
15 and

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

20  
21 For purposes of this section, the term "net operating costs"  
22 means all operating costs of a project less any federal funds,  
23 fares, or other sources of income to the project.

24           Section 25. Subsections (7), (8), and (10) of section  
25 341.302, Florida Statutes, are amended to read:

26           341.302 Rail program, duties and responsibilities of  
27 the department.--The department, in conjunction with other  
28 governmental units and the private sector, shall develop and  
29 implement a rail program of statewide application designed to  
30 ensure the proper maintenance, safety, revitalization, and  
31 expansion of the rail system to assure its continued and

1 increased availability to respond to statewide mobility needs.  
2 Within the resources provided pursuant to chapter 216, and as  
3 authorized under Title 49 C.F.R. part 212, the department  
4 shall:

5           (7) Develop and administer state standards concerning  
6 the safety and performance of rail systems, ~~hazardous material~~  
7 ~~handling,~~ and operations. Such standards shall be developed  
8 jointly with representatives of affected rail systems, with  
9 full consideration given to nationwide industry norms, and  
10 shall define the minimum acceptable standards for safety and  
11 performance.

12           (8) Conduct, at a minimum, inspections of track and  
13 rolling stock, train signals and related equipment,  
14 ~~hazardous materials transportation, including the loading,~~  
15 ~~unloading, and labeling of hazardous materials at shippers',~~  
16 ~~receivers', and transfer points,~~ and train operating practices  
17 to determine adherence to state and federal standards.  
18 Department personnel may enforce any safety regulation issued  
19 under the Federal Government's preemptive authority over  
20 interstate commerce.

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

29           Section 26. Subsection (2) of section 479.15, Florida  
30 Statutes, is amended, and subsections (7) and (8) are added to  
31 said section, to read:

1           479.15 Harmony of regulations.--  
2           (2) A municipality, county, ~~local zoning authority,~~ or  
3 other ~~local~~ governmental entity may not remove, or cause to be  
4 removed, any lawfully erected sign along any portion of the  
5 interstate, or federal-aid primary, or other highway system  
6 without first paying just compensation for such removal. A  
7 ~~local~~ governmental entity may not cause in any way the  
8 alteration of any lawfully erected sign located along any  
9 portion of the interstate, or federal-aid primary, or other  
10 highway system without payment of just compensation ~~if such~~  
11 ~~alteration constitutes a taking under state law. Any~~ The  
12 municipality, county, ~~local zoning authority,~~ or other  
13 governmental local government entity promulgating requirements  
14 for such alteration shall ~~must~~ be responsible for payment of  
15 just compensation to the sign owner ~~if such alteration~~  
16 ~~constitutes a taking under state law.~~ This subsection applies  
17 only to a lawfully erected sign the subject matter of which  
18 relates to premises other than the premises on which it is  
19 located or to merchandise, services, activities, or  
20 entertainment not sold, produced, manufactured, or furnished  
21 on the premises on which the sign is located. For purposes of  
22 this subsection, the term "federal-aid primary highway system"  
23 means the federal-aid primary highway system in existence on  
24 June 1, 1991, and any highway which was not on such system but  
25 which is, or hereafter becomes, a part of the National Highway  
26 System ~~This subsection shall not be interpreted as explicit~~  
27 ~~or implicit legislative recognition that alterations do or do~~  
28 ~~not constitute a taking under state law.~~  
29           (7) The requirement by a governmental entity that a  
30 lawfully erected outdoor advertising sign be removed as a  
31 condition precedent to the issuance or continued effectiveness

1 of a development order constitutes a compelled removal, which  
2 is prohibited without prior payment of just compensation under  
3 subsection (2). The requirement by a governmental entity that  
4 a lawfully erected outdoor advertising sign be removed from  
5 the premises upon which it is located incident to the  
6 voluntary acquisition of such property by a governmental  
7 entity constitutes a compelled removal, which is prohibited  
8 without prior payment of just compensation under subsection  
9 (2).

10 (8) Nothing in this section shall prevent a  
11 municipality, county, or other governmental entity from  
12 acquiring a lawfully erected sign structure through eminent  
13 domain.

14 Section 27. Section 479.25, Florida Statutes, is  
15 created to read:

16 479.25 Application of chapter.--Nothing in this  
17 chapter shall prevent a governmental entity from entering into  
18 an agreement allowing the height above ground level of a  
19 lawfully erected sign to be increased at its permitted  
20 location if a noise attenuation barrier, visibility screen, or  
21 other highway improvement has been erected in such a way as to  
22 screen or block visibility of such a sign; provided, however,  
23 that for nonconforming signs located on the National Highway  
24 System, including interstate federal-aid primary highways,  
25 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

1           Section 28. Paragraph (b) of subsection (1) of section  
2 496.425, Florida Statutes, is amended to read:

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

5           (1) As used in this section:

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

11           Section 29. Section 496.4256, Florida Statutes, is  
12 created to read:

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

20           Section 30. Section 316.3027 and subsection (3) of  
21 section 316.610, Florida Statutes, are repealed.

22           Section 31. This act shall take effect July 1, 2001.  
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HOUSE SUMMARY

Revises various provisions of law with respect to the Department of Transportation to:

1. Raise the statutory cap on the department's required debt service coverage for right-of-way acquisition and bridge construction.
2. Revise a date concerning commercial motor vehicles to conform to federal regulations.
3. Delete a requirement for a department permit with respect to the height of automobile transporters.
4. Add weight requirements for certain commercial trucks.
5. Revise definitions relating to aviation.
6. Clarify the department's rulemaking authority with respect to airports.
7. Eliminate airport license fees, revise language with respect to the department's site approval process, eliminate on-site inspections of private airports, create a registration process for private airports, and delete obsolete language.
8. Provide conditions under which municipalities may prohibit or otherwise regulate seaplanes.
9. Authorize the department to expend promotional money on scenic highway projects and to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances.
10. Eliminate the requirement that the department regulate all train speeds.
11. Authorize the department to enter into design-build contracts that include right-of-acquisition services.
12. Raise the cap on certain contracts into which the department can enter without first obtaining bids, add enhancement projects to the types of projects that can be combined into a design-build contract, and specify that construction on design-build projects may not begin until certain conditions have been met.
13. Provide that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit.
14. Provide that local governments which perform projects for the department are reimbursed promptly.
15. Increase the statutory budgetary amendment caps for certain activities.
16. Provide that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds.

See bill for details.