

1                   A bill to be entitled  
2           An act relating to transportation; amending s.  
3           333.03, F.S.; requiring an airport authority or  
4           other governing body operating a publicly owned  
5           public-use airport to utilize the most recently  
6           approved noise exposure map; amending s. 20.23,  
7           F.S.; revising language with respect to the  
8           organization of the department; deleting  
9           responsibilities assigned to the secretary;  
10          providing that the secretary or his or her  
11          designee shall submit a report on major actions  
12          at each meeting of the Florida Transportation  
13          Commission; s. 315.031, F.S.; authorizing  
14          certain entertainment expenditures for seaport;  
15          revising language with respect to assistant  
16          secretaries; creating the Office of  
17          Comptroller; deleting language with respect to  
18          the inspector general and comptroller; changing  
19          the Turnpike District into a turnpike  
20          enterprise; giving the Secretary of  
21          Transportation the authority to exempt the  
22          turnpike enterprise from department policies,  
23          procedures, and standards; giving the secretary  
24          authority to promulgate rules that will assist  
25          the turnpike enterprise in using best business  
26          practices; amending s. 110.205, F.S.;  
27          correcting cross references, to conform;  
28          amending s. 189.441, F.S.; removing an  
29          exemption to s. 287.055, F.S.; amending s.  
30          206.46, F.S.; revising language with respect to  
31          the State Transportation Trust Fund; increasing

1 the debt service cap; amending s. 255.20, F.S.;  
 2 exempting certain transportation projects for  
 3 certain competitive bidding requirements;  
 4 amending s. 287.005, F.S.; increasing the  
 5 amount defining a continuing contract; amending  
 6 s. 311.07, F.S.; adding seaport security  
 7 projects to the types of projects eligible for  
 8 these funds; exempting seaport security  
 9 projects from matching requirements; amending  
 10 s. 311.09, F.S.; directing seaports to abide by  
 11 the provisions of s. 287.055, F.S., related to  
 12 competitive negotiation; amending s. 316.302,  
 13 F.S.; revising a date concerning commercial  
 14 motor vehicles to conform to federal  
 15 regulations; amending s. 316.3025, F.S.;  
 16 updating a cross reference to federal trucking  
 17 regulations; amending s. 316.515, F.S.;  
 18 deleting a requirement for a department permit  
 19 with respect to the height of automobile  
 20 transporters; amending s. 316.535, F.S.; adding  
 21 weight requirements for certain commercial  
 22 trucks; amending s. 316.545, F.S.; correcting a  
 23 cross reference; amending s. 330.27, F.S.;  
 24 revising definitions relating to aviation;  
 25 providing definitions; amending s. 316.650,  
 26 F.S.; requiring the issuance of a copy of the  
 27 Traffic School Reference Guide with traffic  
 28 citations; amending s. 318.14, F.S.; deleting  
 29 reference to a restriction on the number of  
 30 elections a person may make to attend a basic  
 31 driver improvement course; amending s.

1 318.1451, F.S.; providing an assessment fee  
 2 with respect to driver improvement courses for  
 3 persons who are ordered by the court to attend  
 4 and for certain other violations; amending s.  
 5 322.0261, F.S.; deleting reference to a time  
 6 period and increasing the amount of damage  
 7 required with respect to a crash for the  
 8 screening of certain crash reports; creating s.  
 9 322.02615, F.S.; providing for mandatory driver  
 10 improvement courses for certain violations;  
 11 amending s. 322.05, F.S.; adding a condition  
 12 for the issuance of a driver's license to  
 13 certain persons; amending s. 330.29, F.S.;  
 14 clarifying the department's rulemaking  
 15 authority with respect to airports; amending s.  
 16 330.30, F.S.; eliminating airport license fees;  
 17 revising language with respect to the  
 18 department's site approval process; eliminating  
 19 on-site inspections of private airports;  
 20 creating a registration process for private  
 21 airports; providing conditions; deleting  
 22 obsolete language; providing exceptions;  
 23 amending s. 330.35, F.S.; deleting obsolete  
 24 language with respect to airport zoning;  
 25 amending s. 330.36, F.S.; providing conditions  
 26 under which municipalities may prohibit or  
 27 otherwise regulate seaplanes; amending s.  
 28 332.004, F.S.; adding off-airport noise  
 29 mitigation projects to the projects eligible  
 30 for federal and state matching funds; amending  
 31 s. 334.044, F.S.; authorizing the department to

1 expend promotional money on scenic highway  
 2 projects; authorizing the department to  
 3 delegate its drainage permitting  
 4 responsibilities to other governmental entities  
 5 under certain circumstances; amending s.  
 6 334.193, F.S.; providing for employee bidding  
 7 by department employees; amending s. 334.30,  
 8 F.S.; clarifying existing program for  
 9 public-private transportation projects;  
 10 deleting requirement for legislative approval  
 11 except for projects requiring more than \$50  
 12 million from the State Transportation Trust  
 13 Fund; specifying notice and selection  
 14 requirements for projects under this section;  
 15 allowing Internal Revenue Service Code chapter  
 16 63-20 corporations to participate in these  
 17 public-private transportation projects;  
 18 providing conditions for using loans from Toll  
 19 Facilities Revolving Trust Fund; deleting  
 20 obsolete language; creating s. 335.066, F.S.;  
 21 creating the Safe Paths to Schools Program;  
 22 directing the department to establish the  
 23 program and to authorize establishment of a  
 24 grant program for purposes of funding the  
 25 program; authorizing the department to adopt  
 26 rules to administer the program; amending s.  
 27 335.141, F.S.; eliminating the requirement that  
 28 the department regulate all train speeds;  
 29 amending s. 336.12, F.S.; creating process for  
 30 homeowners' associations to be conveyed roads  
 31 and rights-of-way abandoned by a county

1 governing board for the purpose of converting a  
2 subdivision to a gated neighborhood; amending  
3 s. 336.41, F.S.; clarifying that a contract  
4 already qualified by the Department of  
5 Transportation is presumed qualified to bid on  
6 county road projects; amending s. 336.44, F.S.;  
7 replacing the term "competent" with  
8 "responsible bidder"; amending s. 337.107,  
9 F.S.; authorizing the department to enter into  
10 design-build contracts that include  
11 right-of-acquisition services; amending s.  
12 337.11, F.S.; raising the cap on certain  
13 contracts into which the department can enter  
14 without first obtaining bids; adding  
15 enhancement projects to the types of projects  
16 that can be combined into a design-build  
17 contract; specifying that construction on  
18 design-build projects may not begin until  
19 certain conditions have been met; amending s.  
20 337.14, F.S.; clarifying that contractors  
21 qualified by the Department of Transportation  
22 are presumed qualified to bid on projects for  
23 expressway authorities; amending s. 337.401,  
24 F.S.; providing that for projects on public  
25 roads or rail corridors under the department's  
26 jurisdiction, a utility relocation schedule and  
27 relocation agreement may be executed in lieu of  
28 a written permit; amending s. 339.08, F.S.;  
29 clarifying language with respect to the use of  
30 moneys in the State Transportation Trust Fund;  
31 amending s. 339.12, F.S.; providing that local

1 governments which perform projects for the  
2 department are reimbursed promptly; specifying  
3 that certain counties that use revenues from a  
4 1-cent local option sales tax for state  
5 transportation improvement projects not be  
6 penalized by receiving fewer state  
7 transportation funds; amending s. 339.135,  
8 F.S.; conforming language with respect to the  
9 tentative work program; conforming a reference  
10 to the turnpike district; amending s. 339.137,  
11 F.S.; revising definitions; amending criteria  
12 for program eligibility; directing the advisory  
13 council to develop methodology for ranking and  
14 prioritizing project proposals; directing the  
15 Florida Transportation Commission to review the  
16 proposed project list before submittal to the  
17 Legislature; amending s. 341.051, F.S.;  
18 deleting obsolete language; amending s.  
19 341.302, F.S.; deleting language requiring the  
20 department to perform certain railroad  
21 regulation tasks which are federal  
22 responsibilities; amending s. 348.0003, F.S.;  
23 giving a county governing body authority to set  
24 qualifications, terms of office, and  
25 obligations for the members of expressway  
26 authorities within their jurisdictions;  
27 amending ss. 348.0012, 348.754, 348.7543,  
28 348.7544, 348.7545, 348.755, and 348.765, F.S.;  
29 giving the Orlando-Orange County Expressway  
30 Authority the ability to issue bonds, rather  
31 than issuance through the state Division of

1 Bond Finance; amending s. 373.4137, F.S.;  
2 allowing transportation authorities created  
3 pursuant to chs. 348 and 349, F.S., to create  
4 environmental impact inventories and  
5 participate in a mitigation program to offset  
6 adverse impacts caused by their transportation  
7 projects; amending s. 373.414, F.S.; providing  
8 for legislative review of the uniform wetland  
9 mitigation assessment method rule; amending s.  
10 475.011, F.S.; granting exemption from Florida  
11 licensing for certain firms or their employees  
12 under contract with the state or a local  
13 governmental entity to provide right-of-way  
14 acquisition services for property subject to  
15 condemnation; amending s. 479.15, F.S.;  
16 revising language with respect to harmony of  
17 regulations concerning lawfully erected signs;  
18 creating s. 479.25, F.S.; authorizing local  
19 governments to enter into agreements which  
20 allow outdoor signs to be erected above sound  
21 barriers; creating s. 70.20, F.S.; creating  
22 process for governmental entities and sign  
23 owners to enter into relocation and  
24 reconstruction agreements related to outdoor  
25 advertising signs; providing for just  
26 compensation to sign owners under certain  
27 conditions; amending s. 496.425, F.S.;  
28 redefining the term "facility"; creating s.  
29 496.4256, F.S.; providing that a governmental  
30 entity or authority that owns or operates  
31 welcome centers, wayside parks, service plazas,

1 or rest areas on the state highway system are  
2 not required to issue a permit to, or grant  
3 access to, any person for the purpose of  
4 soliciting funds; repealing s. 316.3027, F.S.;  
5 relating to identification requirements on  
6 certain commercial motor vehicles; amending s.  
7 337.408, F.S.; revising language with respect  
8 to the regulation of benches, transit shelters,  
9 and waste disposal receptacles within  
10 rights-of-way; providing for regulation of  
11 street light poles; amending s. 380.0651, F.S.;  
12 excluding certain wholesaling facilities from  
13 development-of-regional-impact review; deleting  
14 provision which provides the  
15 development-of-regional-impact statewide  
16 guidelines and standards for airports; deleting  
17 provision which provides for certain  
18 residential developments located in one county  
19 to be treated as located in an adjacent less  
20 populated county; amending s. 768.28, F.S.;  
21 providing that certain operators of rail  
22 services and providers of security for rail  
23 services are agents of the state for certain  
24 purposes; providing for indemnification;  
25 repealing s. 316.610(3), F.S.; relating to  
26 certain inspections of certain commercial motor  
27 vehicles; amending s. 337.025, F.S.;  
28 eliminating cap on innovative highway projects  
29 for the turnpike enterprise; amending s.  
30 337.11, F.S.; providing an exemption for a  
31 turnpike enterprise project; amending s.



1 338.22, F.S.; redesignating the Florida  
 2 Turnpike Law as the Florida Turnpike Enterprise  
 3 Law; amending s. 338.221, F.S.; redefining the  
 4 term "economically feasible" as used with  
 5 respect to turnpike projects; creating s.  
 6 338.2215, F.S.; providing legislative findings,  
 7 policy, purpose, and intent for the Florida  
 8 Turnpike Enterprise; creating s. 338.2216,  
 9 F.S.; prescribing the power and authority of  
 10 the turnpike enterprise; amending s. 338.223,  
 11 F.S.; increasing the maximum loan amount for  
 12 the turnpike enterprise; amending ss. 338.165  
 13 and 338.227, F.S.; conforming provisions;  
 14 amending s. 338.2275, F.S.; authorizing the  
 15 turnpike enterprise to advertise for bids for  
 16 contracts prior to obtaining environmental  
 17 permits; amending s. 338.234, F.S.; authorizing  
 18 the turnpike enterprise to expand business  
 19 opportunities; amending s. 338.235, F.S.;  
 20 authorizing the consideration of goods instead  
 21 of fees; amending s. 338.239, F.S.; providing  
 22 that approved expenditure to the Florida  
 23 Highway Patrol be paid by the turnpike  
 24 enterprise; amending s. 338.241, F.S.; lowering  
 25 the required cash reserve for the turnpike  
 26 enterprise; amending s. 338.251, F.S.;  
 27 conforming provisions; amending s. 553.80,  
 28 F.S.; providing for self-regulation; amending  
 29 s. 333.06, F.S.; requiring each licensed  
 30 publicly owned and operated airport to prepare  
 31 an airport master plan; providing notice to

1 affected local governments with respect  
2 thereto; amending s. 380.06, F.S., relating to  
3 developments of regional impact; removing the  
4 rebuttable presumptions with respect to  
5 application of the statewide guidelines and  
6 standards; removing provisions which specify  
7 that certain changes in airport facilities or  
8 increases in the storage capacity for chemical  
9 or petroleum storage facilities constitute a  
10 substantial deviation and require further  
11 development-of-regional-impact review;  
12 exempting certain proposed facilities for the  
13 storage of any petroleum product from  
14 development-of-regional-impact requirements;  
15 amending ss. 163.3180 and 331.303, F.S.;  
16 correcting references; providing application  
17 with respect to airports and petroleum storage  
18 facilities which have received a  
19 development-of-regional-impact development  
20 order, or which have an application for  
21 development approval or notification of  
22 proposed change pending, on the effective date  
23 of the act; providing for severability;  
24 authorizing a board of county commissioners to  
25 require by ordinance that an additional amount  
26 be collected with each civil fine and used to  
27 fund traffic education and awareness programs;  
28 providing an effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1           Section 1. Paragraph (e) is added to subsection (2) of  
2 section 333.03, Florida Statutes, to read:

3           333.03 Power to adopt airport zoning regulations.--

4           (2) In the manner provided in subsection (1), interim  
5 airport land use compatibility zoning regulations shall be  
6 adopted. When political subdivisions have adopted land  
7 development regulations in accordance with the provisions of  
8 chapter 163 which address the use of land in the manner  
9 consistent with the provisions herein, adoption of airport  
10 land use compatibility regulations pursuant to this subsection  
11 shall not be required. Interim airport land use compatibility  
12 zoning regulations shall consider the following:

13           (e) Where an airport authority or other governing body  
14 operating a publicly owned public-use airport has conducted a  
15 noise study in accordance with the provisions of 14 C.F.R.  
16 part 150, any county or municipality applying a noise exposure  
17 map to a development as defined in s. 163.3164(6) pursuant to  
18 its comprehensive plan, a development order, or a development  
19 permit, as defined in s. 163.3164(4), (7), and (8),  
20 respectively, or any land development regulation as defined in  
21 s. 163.3221(7), shall utilize the noise exposure map most  
22 recently approved by the Federal Aviation Administration.

23           Section 2. Section 20.23, Florida Statutes, is amended  
24 to read:

25           20.23 Department of Transportation.--There is created  
26 a Department of Transportation which shall be a decentralized  
27 agency.

28           (1)(a)~~1~~. The head of the Department of Transportation  
29 is the Secretary of Transportation. The secretary shall be  
30 appointed by the Governor from among three persons nominated  
31 by the Florida Transportation Commission and shall be subject

1 to confirmation by the Senate. The secretary shall serve at  
2 the pleasure of the Governor.

3 (b)2. The secretary shall be a proven, effective  
4 administrator who by a combination of education and experience  
5 shall clearly possess a broad knowledge of the administrative,  
6 financial, and technical aspects of the development,  
7 operation, and regulation of transportation systems and  
8 facilities or comparable systems and facilities.

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

22 ~~2. The secretary shall cause the annual department~~  
23 ~~budget request, the Florida Transportation Plan, and the~~  
24 ~~tentative work program to be prepared in accordance with all~~  
25 ~~applicable laws and departmental policies and shall submit the~~  
26 ~~budget, plan, and program to the Florida Transportation~~  
27 ~~Commission. The commission shall perform an in-depth~~  
28 ~~evaluation of the budget, plan, and program for compliance~~  
29 ~~with all applicable laws and departmental policies. If the~~  
30 ~~commission determines that the budget, plan, or program is not~~  
31 ~~in compliance with all applicable laws and departmental~~

1 ~~policies, it shall report its findings and recommendations~~  
 2 ~~regarding such noncompliance to the Legislature and the~~  
 3 ~~Governor.~~

4 (c)~~3~~. The secretary shall provide to the Florida  
 5 Transportation Commission or its staff, such assistance,  
 6 information, and documents as are requested by the commission  
 7 or its staff to enable the commission to fulfill its duties  
 8 and responsibilities.

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

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

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

31

1           2. Members shall be appointed in such a manner as to  
2 equitably represent all geographic areas of the state. Each  
3 member must be a registered voter and a citizen of the state.  
4 Each member of the commission must also possess business  
5 managerial experience in the private sector.

6           3. A member of the commission shall represent the  
7 transportation needs of the state as a whole and may not  
8 subordinate the needs of the state to those of any particular  
9 area of the state.

10           4. The commission is assigned to the Office of the  
11 Secretary of the Department of Transportation for  
12 administrative and fiscal accountability purposes, but it  
13 shall otherwise function independently of the control and  
14 direction of the department.

15           (b) The commission shall have the primary functions  
16 to:

17           1. Recommend major transportation policies for the  
18 Governor's approval, and assure that approved policies and any  
19 revisions thereto are properly executed.

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

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

1 goals of the department in the most effective, efficient, and  
2 businesslike manner.

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

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

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

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

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

31 1. The awarding of contracts.

1           2. The selection of a consultant or contractor or the  
2 prequalification of any individual consultant or contractor.  
3 However, the commission may recommend to the secretary  
4 standards and policies governing the procedure for selection  
5 and prequalification of consultants and contractors.

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

7           4. The specific location of a transportation facility.

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

9           6. The employment, promotion, demotion, suspension,  
10 transfer, or discharge of any department personnel.

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

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

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

28           3. A majority of the membership of the commission  
29 constitutes a quorum at any meeting of the commission. An  
30 action of the commission is not binding unless the action is  
31 taken pursuant to an affirmative vote of a majority of the



1 members present, but not fewer than four members of the  
2 commission at a meeting held pursuant to subparagraph 2., and  
3 the vote is recorded in the minutes of that meeting.

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

7 (e) The meetings of the commission shall be held in  
8 the central office of the department in Tallahassee unless the  
9 chair determines that special circumstances warrant meeting at  
10 another location.

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

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

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

31

1 (i) The commission shall develop a budget pursuant to  
2 chapter 216. The budget is not subject to change by the  
3 department, but such budget shall be submitted to the Governor  
4 along with the budget of the department.

5 (3)(a) The central office shall establish departmental  
6 policies, rules, procedures, and standards and shall monitor  
7 the implementation of such policies, rules, procedures, and  
8 standards in order to ensure uniform compliance and quality  
9 performance by the districts and central office units that  
10 implement transportation programs. Major transportation  
11 policy initiatives or revisions shall be submitted to the  
12 commission for review. ~~The central office monitoring function  
13 shall be based on a plan that clearly specifies what areas  
14 will be monitored, activities and criteria used to measure  
15 compliance, and a feedback process that assures monitoring  
16 findings are reported and deficiencies corrected. The  
17 secretary is responsible for ensuring that a central office  
18 monitoring function is implemented, and that it functions  
19 properly. In conjunction with its monitoring function, the  
20 central office shall provide such training and administrative  
21 support to the districts as the department determines to be  
22 necessary to ensure that the department's programs are carried  
23 out in the most efficient and effective manner.~~

24 ~~(b) The resources necessary to ensure the efficiency,  
25 effectiveness, and quality of performance by the department of  
26 its statutory responsibilities shall be allocated to the  
27 central office.~~

28 (b)(c) The secretary shall appoint an Assistant  
29 Secretary for Transportation Policy and an Assistant  
30 Secretary for Finance and Administration, ~~and an Assistant  
31 Secretary for District Operations~~, each of whom shall serve at

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

6 ~~1. Assistant Secretary for Transportation Policy.--~~

7 ~~a. Development of the Florida Transportation Plan and~~  
8 ~~other policy planning;~~

9 ~~b. Development of statewide modal systems plans,~~  
10 ~~including public transportation systems;~~

11 ~~c. Design of transportation facilities;~~

12 ~~d. Construction of transportation facilities;~~

13 ~~e. Acquisition and management of transportation~~  
14 ~~rights-of-way; and~~

15 ~~f. Administration of motor carrier compliance and~~  
16 ~~safety.~~

17 ~~2. Assistant Secretary for District Operations.--~~

18 ~~a. Administration of the eight districts; and~~

19 ~~b. Implementation of the decentralization of the~~  
20 ~~department.~~

21 ~~3. Assistant Secretary for Finance and~~  
22 ~~Administration.--~~

23 ~~a. Financial planning and management;~~

24 ~~b. Information systems;~~

25 ~~c. Accounting systems;~~

26 ~~d. Administrative functions; and~~

27 ~~e. Administration of toll operations.~~

28 ~~(d)1. Policy, program, or operations offices shall be~~  
29 ~~established within the central office for the purposes of:~~  
30  
31

1           ~~a. Developing policy and procedures and monitoring~~  
2 ~~performance to ensure compliance with these policies and~~  
3 ~~procedures;~~

4           ~~b. Performing statewide activities which it is more~~  
5 ~~cost-effective to perform in a central location;~~

6           ~~c. Assessing and ensuring the accuracy of information~~  
7 ~~within the department's financial management information~~  
8 ~~systems; and~~

9           ~~d. Performing other activities of a statewide nature.~~

10           1.2. The following offices are established and shall  
11 be headed by a manager, each of whom shall be appointed by and  
12 serve at the pleasure of the secretary. The positions shall be  
13 classified at a level equal to a division director:

14           a. The Office of Administration;

15           b. The Office of Policy Planning;

16           c. The Office of Design;

17           d. The Office of Highway Operations;

18           e. The Office of Right-of-Way;

19           f. The Office of Toll Operations;

20           g. The Office of Information Systems; ~~and~~

21           h. The Office of Motor Carrier Compliance;~~;~~

22           i. The Office of Management and Budget; and

23           j. The Office of Comptroller.

24           ~~2.3.~~ Other offices may be established in accordance  
25 with s. 20.04(7). The heads of such offices are exempt from  
26 part II of chapter 110. No office or organization shall be  
27 created at a level equal to or higher than a division without  
28 specific legislative authority.

29           ~~3.4.~~ During the construction of a major transportation  
30 improvement project or as determined by the district  
31 secretary, the department may provide assistance to a business

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

11 ~~(e) The Assistant Secretary for Finance and~~  
12 ~~Administration must possess a broad knowledge of the~~  
13 ~~administrative, financial, and technical aspects of a complete~~  
14 ~~cost-accounting system, budget preparation and management, and~~  
15 ~~management information systems. The Assistant Secretary for~~  
16 ~~Finance and Administration must be a proven, effective manager~~  
17 ~~with specialized skills in financial planning and management.~~  
18 ~~The Assistant Secretary for Finance and Administration shall~~  
19 ~~ensure that financial information is processed in a timely,~~  
20 ~~accurate, and complete manner.~~

21 ~~(f)1. Within the central office there is created an~~  
22 ~~Office of Management and Budget. The head of the Office of~~  
23 ~~Management and Budget is responsible to the Assistant~~  
24 ~~Secretary for Finance and Administration and is exempt from~~  
25 ~~part II of chapter 110.~~

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

- 28 ~~a. Preparation of the work program;~~
- 29 ~~b. Preparation of the departmental budget; and~~
- 30 ~~c. Coordination of related policies and procedures.~~

31

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

5           (c)(g) The secretary shall ~~may~~ appoint an inspector  
6 general pursuant to s. 20.055 who shall be directly  
7 responsible to the secretary and shall serve at the pleasure  
8 of the secretary.

9           ~~(h)1. The secretary shall appoint an inspector general~~  
10 ~~pursuant to s. 20.055. To comply with recommended professional~~  
11 ~~auditing standards related to independence and objectivity,~~  
12 ~~the inspector general shall be appointed to a position within~~  
13 ~~the Career Service System and may be removed by the secretary~~  
14 ~~with the concurrence of the Transportation Commission. In~~  
15 ~~order to attract and retain an individual who has the proven~~  
16 ~~technical and administrative skills necessary to comply with~~  
17 ~~the requirements of this section, the agency head may appoint~~  
18 ~~the inspector general to a classification level within the~~  
19 ~~Career Service System that is equivalent to that provided for~~  
20 ~~in part III of chapter 110. The inspector general may be~~  
21 ~~organizationally located within another unit of the department~~  
22 ~~for administrative purposes, but shall function independently~~  
23 ~~and be directly responsible to the secretary pursuant to s.~~  
24 ~~20.055. The duties of the inspector general shall include, but~~  
25 ~~are not restricted to, reviewing, evaluating, and reporting on~~  
26 ~~the policies, plans, procedures, and accounting, financial,~~  
27 ~~and other operations of the department and recommending~~  
28 ~~changes for the improvement thereof, as well as performing~~  
29 ~~audits of contracts and agreements between the department and~~  
30 ~~private entities or other governmental entities. The inspector~~  
31 ~~general shall give priority to reviewing major parts of the~~

1 ~~department's accounting system and central office monitoring~~  
2 ~~function to determine whether such systems effectively ensure~~  
3 ~~accountability and compliance with all laws, rules, policies,~~  
4 ~~and procedures applicable to the operation of the department.~~  
5 ~~The inspector general shall also give priority to assessing~~  
6 ~~the department's management information systems as required by~~  
7 ~~s. 282.318. The internal audit function shall use the~~  
8 ~~necessary expertise, in particular, engineering, financial,~~  
9 ~~and property appraising expertise, to independently evaluate~~  
10 ~~the technical aspects of the department's operations. The~~  
11 ~~inspector general shall have access at all times to any~~  
12 ~~personnel, records, data, or other information of the~~  
13 ~~department and shall determine the methods and procedures~~  
14 ~~necessary to carry out his or her duties. The inspector~~  
15 ~~general is responsible for audits of departmental operations~~  
16 ~~and for audits of consultant contracts and agreements, and~~  
17 ~~such audits shall be conducted in accordance with generally~~  
18 ~~accepted governmental auditing standards. The inspector~~  
19 ~~general shall annually perform a sufficient number of audits~~  
20 ~~to determine the efficiency and effectiveness, as well as~~  
21 ~~verify the accuracy of estimates and charges, of contracts~~  
22 ~~executed by the department with private entities and other~~  
23 ~~governmental entities. The inspector general has the sole~~  
24 ~~responsibility for the contents of his or her reports, and a~~  
25 ~~copy of each report containing his or her findings and~~  
26 ~~recommendations shall be furnished directly to the secretary~~  
27 ~~and the commission.~~

28         ~~2. In addition to the authority and responsibilities~~  
29 ~~herein provided, the inspector general is required to report~~  
30 ~~to the:~~  
31

1           ~~a. Secretary whenever the inspector general makes a~~  
2 ~~preliminary determination that particularly serious or~~  
3 ~~flagrant problems, abuses, or deficiencies relating to the~~  
4 ~~administration of programs and operations of the department~~  
5 ~~have occurred. The secretary shall review and assess the~~  
6 ~~correctness of the preliminary determination by the inspector~~  
7 ~~general. If the preliminary determination is substantiated,~~  
8 ~~the secretary shall submit such report to the appropriate~~  
9 ~~committees of the Legislature within 7 calendar days, together~~  
10 ~~with a report by the secretary containing any comments deemed~~  
11 ~~appropriate. Nothing in this section shall be construed to~~  
12 ~~authorize the public disclosure of information which is~~  
13 ~~specifically prohibited from disclosure by any other provision~~  
14 ~~of law.~~

15           ~~b. Transportation Commission and the Legislature any~~  
16 ~~actions by the secretary that prohibit the inspector general~~  
17 ~~from initiating, carrying out, or completing any audit after~~  
18 ~~the inspector general has decided to initiate, carry out, or~~  
19 ~~complete such audit. The secretary shall, within 30 days~~  
20 ~~after transmission of the report, set forth in a statement to~~  
21 ~~the Transportation Commission and the Legislature the reasons~~  
22 ~~for his or her actions.~~

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

27           ~~2. The comptroller is the chief financial officer of~~  
28 ~~the department and must be a proven, effective administrator~~  
29 ~~who by a combination of education and experience clearly~~  
30 ~~possesses a broad knowledge of the administrative, financial,~~  
31 ~~and technical aspects of a complex cost-accounting system.~~



1 ~~The comptroller must also have a working knowledge of~~  
2 ~~generally accepted accounting principles. At a minimum, the~~  
3 ~~comptroller must hold an active license to practice public~~  
4 ~~accounting in Florida pursuant to chapter 473 or an active~~  
5 ~~license to practice public accounting in any other state. In~~  
6 ~~addition to the requirements of the Florida Fiscal Accounting~~  
7 ~~Management Information System Act, the comptroller is~~  
8 ~~responsible for the development, maintenance, and modification~~  
9 ~~of an accounting system that will in a timely manner~~  
10 ~~accurately reflect the revenues and expenditures of the~~  
11 ~~department and that includes a cost-accounting system to~~  
12 ~~properly identify, segregate, allocate, and report department~~  
13 ~~costs. The comptroller shall supervise and direct preparation~~  
14 ~~of a detailed 36-month forecast of cash and expenditures and~~  
15 ~~is responsible for managing cash and determining cash~~  
16 ~~requirements. The comptroller shall review all comparative~~  
17 ~~cost studies that examine the cost-effectiveness and~~  
18 ~~feasibility of contracting for services and operations~~  
19 ~~performed by the department. The review must state that the~~  
20 ~~study was prepared in accordance with generally accepted~~  
21 ~~cost-accounting standards applied in a consistent manner using~~  
22 ~~valid and accurate cost data.~~

23         3. ~~The department shall by rule or internal management~~  
24 ~~memoranda as required by chapter 120 provide for the~~  
25 ~~maintenance by the comptroller of financial records and~~  
26 ~~accounts of the department as will afford a full and complete~~  
27 ~~check against the improper payment of bills and provide a~~  
28 ~~system for the prompt payment of the just obligations of the~~  
29 ~~department, which records must at all times disclose:~~

30             a. ~~The several appropriations available for the use of~~  
31 ~~the department;~~

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

3           ~~c. The apportionment or division of all such~~  
4 ~~appropriations among the several counties and districts, when~~  
5 ~~such apportionment or division is made;~~

6           ~~d. The amount or portion of each such apportionment~~  
7 ~~against general contractual and other liabilities then~~  
8 ~~created;~~

9           ~~e. The amount expended and still to be expended in~~  
10 ~~connection with each contractual and other obligation of the~~  
11 ~~department;~~

12           ~~f. The expense and operating costs of the various~~  
13 ~~activities of the department;~~

14           ~~g. The receipts accruing to the department and the~~  
15 ~~distribution thereof;~~

16           ~~h. The assets, investments, and liabilities of the~~  
17 ~~department; and~~

18           ~~i. The cash requirements of the department for a~~  
19 ~~36-month period.~~

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

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

24           (d)(j) The secretary shall appoint a general counsel  
25 who shall be employed full time and shall be directly  
26 responsible to the secretary and shall serve at the pleasure  
27 of the secretary. The general counsel is responsible for all  
28 legal matters of the department. The department may employ as  
29 many attorneys as it deems necessary to advise and represent  
30 the department in all transportation matters.

31

1           (e)(k) The secretary shall appoint a state  
2 transportation planner ~~who shall report to the Assistant~~  
3 ~~Secretary for Transportation Policy. The state transportation~~  
4 ~~planner's responsibilities shall include, but are not limited~~  
5 ~~to, policy planning, systems planning, and transportation~~  
6 ~~statistics.~~ This position shall be classified at a level  
7 equal to a deputy assistant secretary.

8           (f)(l) The secretary shall appoint a state highway  
9 engineer ~~who shall report to the Assistant Secretary for~~  
10 ~~Transportation Policy. The state highway engineer's~~  
11 ~~responsibilities shall include, but are not limited to,~~  
12 ~~design, construction, and maintenance of highway facilities;~~  
13 ~~acquisition and management of transportation rights-of-way;~~  
14 ~~traffic engineering; and materials testing.~~ This position  
15 shall be classified at a level equal to a deputy assistant  
16 secretary.

17           (g)(m) The secretary shall appoint a state public  
18 transportation administrator ~~who shall report to the Assistant~~  
19 ~~Secretary for Transportation Policy. The state public~~  
20 ~~transportation administrator's responsibilities shall include,~~  
21 ~~but are not limited to, the administration of statewide~~  
22 ~~transit, rail, intermodal development, and aviation programs.~~  
23 This position shall be classified at a level equal to a deputy  
24 assistant secretary. ~~The department shall also assign to the~~  
25 ~~public transportation administrator an organizational unit the~~  
26 ~~primary function of which is to administer the high-speed rail~~  
27 ~~program.~~

28           (4)(a) The operations of the department shall be  
29 organized into seven ~~eight~~ districts, including a turnpike  
30 ~~district,~~ each headed by a district secretary, and a turnpike  
31 enterprise, headed by an executive director. ~~The district~~

1 ~~secretaries shall report to the Assistant Secretary for~~  
2 ~~District Operations.~~The headquarters of the districts shall  
3 be located in Polk, Columbia, Washington, Broward, Volusia,  
4 Dade, and Hillsborough, and Leon Counties. The headquarters of  
5 the turnpike enterprise shall be located in Orange County. ~~The~~  
6 ~~turnpike district must be relocated to Orange County in the~~  
7 ~~year 2000.~~In order to provide for efficient operations and to  
8 expedite the decisionmaking process, the department shall  
9 provide for maximum decentralization to the districts.  
10 However, before making a decision to centralize or  
11 decentralize department operations ~~or relocate the turnpike~~  
12 ~~district,~~ the department must first determine if the decision  
13 would be cost-effective and in the public's best interest. The  
14 department shall periodically evaluate such decisions to  
15 ensure that they are appropriate.

16 (b) The primary responsibility for the implementation  
17 of the department's transportation programs shall be delegated  
18 by the secretary to the district secretaries, and sufficient  
19 authority shall be vested in each district to ensure adequate  
20 control of the resources commensurate with the delegated  
21 responsibility. Each district secretary shall also be  
22 accountable for ensuring their district's quality of  
23 performance and compliance with all laws, rules, policies, and  
24 procedures related to the operation of the department.

25 (c) Each district secretary may appoint a district  
26 director for planning and programming, a district director for  
27 production, and a district director for operations. These  
28 positions are exempt from part II of chapter 110.

29 (d) Within each district, offices shall be established  
30 for managing major functional responsibilities of the  
31 department. ~~The offices may include planning, design,~~

1 ~~construction, right-of-way, maintenance, and public~~  
2 ~~transportation.~~ The heads of these offices shall be exempt  
3 from part II of chapter 110.

4 (e) The district director for the Fort Myers Urban  
5 Office of the Department of Transportation is responsible for  
6 developing the 5-year Transportation Plan for Charlotte,  
7 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort  
8 Myers Urban Office also is responsible for providing policy,  
9 direction, local government coordination, and planning for  
10 those counties.

11 (f)1. The responsibility for the turnpike system shall  
12 be delegated by the secretary to the executive director of the  
13 turnpike enterprise, who shall serve at the pleasure of the  
14 secretary. The executive director shall report directly to the  
15 secretary, and the turnpike enterprise shall operate pursuant  
16 to ss. 338.22-338.241.

17 2. To facilitate the most efficient and effective  
18 management of the turnpike enterprise, including the use of  
19 best business practices employed by the private sector, the  
20 secretary shall have the authority to exempt the turnpike  
21 enterprise from departmental policies, procedures, and  
22 standards.

23 3. To maximize the turnpike enterprise's ability to  
24 use best business practices employed by the private sector,  
25 the secretary shall have the authority to promulgate rules  
26 which exempt the turnpike enterprise from department rules and  
27 authorize the turnpike enterprise to employ procurement  
28 methods available to the private sector.

29 (5) Notwithstanding the provisions of s. 110.205, the  
30 Department of Management Services is authorized to exempt  
31 positions within the Department of Transportation which are

1 comparable to positions within the Senior Management Service  
2 pursuant to s. 110.205(2)(i) or positions which are comparable  
3 to positions in the Selected Exempt Service under s.  
4 110.205(2)(l).

5 ~~(6) To facilitate the efficient and effective~~  
6 ~~management of the department in a businesslike manner, the~~  
7 ~~department shall develop a system for the submission of~~  
8 ~~monthly management reports to the Florida Transportation~~  
9 ~~Commission and secretary from the district secretaries. The~~  
10 ~~commission and the secretary shall determine which reports are~~  
11 ~~required to fulfill their respective responsibilities under~~  
12 ~~this section. A copy of each such report shall be submitted~~  
13 ~~monthly to the appropriations and transportation committees of~~  
14 ~~the Senate and the House of Representatives. Recommendations~~  
15 ~~made by the Auditor General in his or her audits of the~~  
16 ~~department that relate to management practices, systems, or~~  
17 ~~reports shall be implemented in a timely manner. However, if~~  
18 ~~the department determines that one or more of the~~  
19 ~~recommendations should be altered or should not be~~  
20 ~~implemented, it shall provide a written explanation of such~~  
21 ~~determination to the Legislative Auditing Committee within 6~~  
22 ~~months after the date the recommendations were published.~~

23 (6)~~(7)~~ The department is authorized to contract with  
24 local governmental entities and with the private sector if the  
25 department first determines that:

26 (a) Consultants can do the work at less cost than  
27 state employees;

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

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

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

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

9  
10 Such contracts shall require compliance with applicable  
11 federal and state laws, and clearly specify the product or  
12 service to be provided.

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

15           110.205 Career service; exemptions.--

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

21           (i) The appointed secretaries, assistant secretaries,  
22 deputy secretaries, and deputy assistant secretaries of all  
23 departments; the executive directors, assistant executive  
24 directors, deputy executive directors, and deputy assistant  
25 executive directors of all departments; and the directors of  
26 all divisions and those positions determined by the department  
27 to have managerial responsibilities comparable to such  
28 positions, which positions include, but are not limited to,  
29 program directors, assistant program directors, district  
30 administrators, deputy district administrators, the Director  
31 of Central Operations Services of the Department of Children

1 and Family Services, and the State Transportation Planner,  
2 State Highway Engineer, State Public Transportation  
3 Administrator, district secretaries, district directors of  
4 planning and programming, production, and operations, and the  
5 managers of the offices specified in s. 20.23(3)(b)1.~~(d)2.~~, of  
6 the Department of Transportation. Unless otherwise fixed by  
7 law, the department shall set the salary and benefits of these  
8 positions in accordance with the rules of the Senior  
9 Management Service.

10 (1) All assistant division director, deputy division  
11 director, and bureau chief positions in any department, and  
12 those positions determined by the department to have  
13 managerial responsibilities comparable to such positions,  
14 which positions include, but are not limited to, positions in  
15 the Department of Health, the Department of Children and  
16 Family Services, and the Department of Corrections that are  
17 assigned primary duties of serving as the superintendent or  
18 assistant superintendent, or warden or assistant warden, of an  
19 institution; positions in the Department of Corrections that  
20 are assigned primary duties of serving as the circuit  
21 administrator or deputy circuit administrator; positions in  
22 the Department of Transportation that are assigned primary  
23 duties of serving as regional toll managers and managers of  
24 offices as defined in s. 20.23(3)(b)2.~~(d)3.~~ and (4)(d);  
25 positions in the Department of Environmental Protection that  
26 are assigned the duty of an Environmental Administrator or  
27 program administrator; those positions described in s. 20.171  
28 as included in the Senior Management Service; and positions in  
29 the Department of Health that are assigned the duties of  
30 Environmental Administrator, Assistant County Health  
31 Department Director, and County Health Department Financial



1 Administrator. Unless otherwise fixed by law, the department  
2 shall set the salary and benefits of these positions in  
3 accordance with the rules established for the Selected Exempt  
4 Service.

5 Section 4. Section 189.441, Florida Statutes, is  
6 amended to read:

7 189.441 Contracts.--Contracts for the construction of  
8 projects and for any other purpose of the authority may be  
9 awarded by the authority in a manner that will best promote  
10 free and open competition, including advertisement for  
11 competitive bids; however, if the authority determines that  
12 the purposes of this act will be more effectively served  
13 thereby, the authority may award or cause to be awarded  
14 contracts for the construction of any project, including  
15 design-build contracts, or any part thereof, or for any other  
16 purpose of the authority upon a negotiated basis as determined  
17 by the authority. Each contractor doing business with the  
18 authority and required to be licensed by the state or local  
19 general-purpose governments must maintain the license during  
20 the term of the contract with the authority. The authority  
21 may prescribe bid security requirements and other procedures  
22 in connection with the award of contracts which protect the  
23 public interest. ~~Section 287.055 does not apply to the~~  
24 ~~selection of professional architectural, engineering,~~  
25 ~~landscape architectural, or land surveying services by the~~  
26 ~~authority or to the procurement of design-build contracts.~~ The  
27 authority may, and in the case of a new professional sports  
28 franchise must, by written contract engage the services of the  
29 operator, lessee, sublessee, or purchaser, or prospective  
30 operator, lessee, sublessee, or purchaser, of any project in  
31 the construction of the project and may, and in the case of a

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

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

28 206.46 State Transportation Trust Fund.--

29 (2) Notwithstanding any other provisions of law, from  
30 the revenues deposited into the State Transportation Trust  
31 Fund a maximum of 7 percent in each fiscal year shall be

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

15 Section 6. Paragraph (a) of subsection (1) of section  
 16 255.20, Florida Statutes, is amended to read:

17 255.20 Local bids and contracts for public  
 18 construction works; specification of state-produced lumber.--

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

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

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

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

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

25 b. Other loss to public or private property which  
 26 requires emergency government action; or

27 c. An interruption of an essential governmental  
 28 service.

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

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

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

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

10          6. When the project is undertaken exclusively as part  
11 of a public educational program.

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

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

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

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

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

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

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

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

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

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

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

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

1 presented to the governing board prior to the approval  
2 required in this paragraph.

3 11. To projects subject to chapter 336.

4 Section 7. Paragraph (g) of subsection (2) of section  
5 287.055, Florida Statutes, is amended to read:

6 287.055 Acquisition of professional architectural,  
7 engineering, landscape architectural, or surveying and mapping  
8 services; definitions; procedures; contingent fees prohibited;  
9 penalties.--

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

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

21 Section 8. Paragraphs (a) and (b) of subsection (3) of  
22 section 311.07, Florida Statutes, are amended to read:

23 311.07 Florida seaport transportation and economic  
24 development funding.--

25 (3)(a) Program funds shall be used to fund approved  
26 projects on a 50-50 matching basis with any of the deepwater  
27 ports, as listed in s. 403.021(9)(b), which is governed by a  
28 public body or any other deepwater port which is governed by a  
29 public body and which complies with the water quality  
30 provisions of s. 403.061, the comprehensive master plan  
31 requirements of s. 163.3178(2)(k), the local financial



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

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

10 1. Transportation facilities within the jurisdiction  
11 of the port.

12 2. The dredging or deepening of channels, turning  
13 basins, or harbors.

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

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

21 5. The acquisition of land to be used for port  
22 purposes.

23 6. The acquisition, improvement, enlargement, or  
24 extension of existing port facilities.

25 7. Environmental protection projects which are  
26 necessary because of requirements imposed by a state agency as  
27 a condition of a permit or other form of state approval; which  
28 are necessary for environmental mitigation required as a  
29 condition of a state, federal, or local environmental permit;  
30 which are necessary for the acquisition of spoil disposal  
31 sites and improvements to existing and future spoil sites; or

1 which result from the funding of eligible projects listed  
2 herein.

3 8. Transportation facilities as defined in s.  
4 334.03(31) which are not otherwise part of the Department of  
5 Transportation's adopted work program.

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

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

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

18 Section 9. Subsection (1) of Section 315.031, Florida  
19 Statutes is amended to read:

20 315.031 Promoting and advertising port facilities.--

21 (1) Each unit is authorized and empowered:

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

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

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

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

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

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

11  
12 ~~Nothing herein shall be construed to authorize any unit to~~  
13 ~~expend funds for meals, hospitality, amusement or any other~~  
14 ~~purpose of an entertainment nature.~~

15 Section 10. Subsection (12) of section 311.09, Florida  
16 Statutes, is amended to read:

17 311.09 Florida Seaport Transportation and Economic  
18 Development Council.--

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

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

12 Section 11. Paragraph (b) of subsection (1) of section  
13 316.302, Florida Statutes, is amended to read:

14 316.302 Commercial motor vehicles; safety regulations;  
15 transporters and shippers of hazardous materials;  
16 enforcement.--

17 (1)

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

25 Section 12. Paragraph (a) of subsection (3) of section  
26 316.3025, Florida Statutes, is amended to read:

27 316.3025 Penalties.--

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

30 Section 13. Subsection (2) of section 316.515, Florida  
31 Statutes, is amended to read:

1           316.515 Maximum width, height, length.--

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

4 However, an automobile transporter may, ~~with a permit from the~~  
5 ~~Department of Transportation,~~ measure a height not to exceed  
6 14 feet, inclusive of the load carried thereon.

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

11           316.535 Maximum weights.--

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

27           ~~(7)(6)~~ The Department of Transportation shall adopt  
28 rules to implement this section, shall enforce this section  
29 and the rules adopted hereunder, and shall publish and  
30 distribute tables and other publications as deemed necessary  
31 to inform the public.

1        (8)~~(7)~~ Except as hereinafter provided, no vehicle or  
 2 combination of vehicles exceeding the gross weights specified  
 3 in subsections (3), (4), ~~and (5)~~, and (6) shall be permitted  
 4 to travel on the public highways within the state.

5        Section 15. Paragraph (a) of subsection (2) of section  
 6 316.545, Florida Statutes, is amended to read:

7            316.545 Weight and load unlawful; special fuel and  
 8 motor fuel tax enforcement; inspection; penalty; review.--

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

1 equalizing the load on all wheels or axles and does so when  
2 requested by the proper authority, the driver shall not be  
3 held to be operating in violation of said weight limits.

4 Section 16. Subsection (3) of section 316.650, Florida  
5 Statutes, is amended to read:

6 316.650 Traffic citations.--

7 (3) Every traffic enforcement officer, upon issuing a  
8 traffic citation to an alleged violator of any provision of  
9 the motor vehicle laws of this state or of any traffic  
10 ordinance of any city or town, shall deposit the original and  
11 one copy of such traffic citation or, in the case of a traffic  
12 enforcement agency which has an automated citation issuance  
13 system, shall provide an electronic facsimile with a court  
14 having jurisdiction over the alleged offense or with its  
15 traffic violations bureau within 5 days after issuance to the  
16 violator. If a law enforcement officer distributes additional  
17 information, such information shall be a copy of the traffic  
18 school reference guide.

19 Section 17. Subsection (9) of section 318.14, Florida  
20 Statutes, is amended to read:

21 318.14 Noncriminal traffic infractions; exception;  
22 procedures.--

23 (9) Any person who is cited for an infraction under  
24 this section other than a violation of s. 320.0605, s.  
25 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or  
26 s. 322.62 may, in lieu of a court appearance, elect to attend  
27 in the location of his or her choice within this state a basic  
28 driver improvement course approved by the Department of  
29 Highway Safety and Motor Vehicles. In such a case,  
30 adjudication must be withheld; points, as provided by s.  
31 322.27, may not be assessed; and the civil penalty that is

1 imposed by s. 318.18(3) must be reduced by 18 percent;  
2 however, a person may not make an election under this  
3 subsection if the person has made an election under this  
4 subsection in the preceding 12 months. ~~A person may make no~~  
5 ~~more than five elections under this subsection.~~The  
6 requirement for community service under s. 318.18(8) is not  
7 waived by a plea of nolo contendere or by the withholding of  
8 adjudication of guilt by a court.

9 Section 18. Subsection (4) of section 318.1451,  
10 Florida Statutes, is amended to read:

11 318.1451 Driver improvement schools.--

12 (4) In addition to a regular course fee, an assessment  
13 fee in the amount of \$2.50 shall be collected by the school  
14 from each person who is court-ordered to attend a course or  
15 elects to attend a course, as it relates to ss. 318.14(9),  
16 322.0261, 322.02615, 322.05(2), 322.291, and 627.06501, which  
17 shall be remitted to the Department of Highway Safety and  
18 Motor Vehicles and deposited in the Highway Safety Operating  
19 Trust Fund to administer this program and to fund the general  
20 operations of the department.

21 Section 19. Paragraph (b) of subsection (1) and  
22 subsection (2) of section 322.0261, Florida Statutes, are  
23 amended to read:

24 322.0261 Mandatory driver improvement course; certain  
25 crashes.--

26 (1) The department shall screen crash reports received  
27 under s. 316.066 or s. 324.051 to identify crashes involving  
28 the following:

29 (b) A ~~second crash by the same operator within the~~  
30 ~~previous 2-year period~~ involving property damage in an  
31 apparent amount of at least \$2,500~~\$500~~.



1           (2) With respect to an operator convicted of, or who  
2 pleaded nolo contendere to, a traffic offense giving rise to a  
3 crash identified pursuant to subsection (1), the department  
4 shall require that the operator, in addition to other  
5 applicable penalties, attend a departmentally approved basic  
6 driver improvement course in order to maintain driving  
7 privileges. If the operator fails to complete the course  
8 within 90 days of receiving notice from the department, the  
9 operator's driver's license shall be canceled by the  
10 department until the course is successfully completed.

11           Section 20. Section 322.02615, Florida Statutes, is  
12 created to read:

13           322.02615 Mandatory driver improvement course; certain  
14 violations.--

15           (1) The department shall screen reports of convictions  
16 for violations of chapter 316 to identify operators who:

17           (a) Are less than 21 years of age and have been  
18 convicted of, or pleaded nolo contendere to, a noncriminal  
19 moving infraction and have also been convicted of, or pleaded  
20 nolo contendere to, another noncriminal moving infraction  
21 since initial license issuance.

22           (b) Have been convicted of, or pleaded nolo contendere  
23 to, more than one noncriminal moving infraction in a 12-month  
24 period.

25           (2) With respect to an operator convicted of, or who  
26 has pleaded nolo contendere to, a noncriminal traffic offense  
27 identified under subsection (1), the department shall require  
28 that the operator, in addition to other applicable penalties,  
29 attend a departmentally approved basic driver improvement  
30 course in order to maintain driving privileges. If the  
31 operator fails to complete the course within 90 days after

1 receiving notice from the department, the operator's driver's  
2 license shall be suspended by the department until the course  
3 is successfully completed.

4 (3) Attendance of a course approved by the department  
5 as a driver improvement course for purposes of s. 318.14(9)  
6 shall satisfy the requirements of this section. However,  
7 attendance of a course as required by this section is not  
8 included in the limitation on course elections under s.  
9 318.14(9).

10 Section 21. Subsection (2) of section 322.05, Florida  
11 Statutes, is amended to read:

12 322.05 Persons not to be licensed.--The department may  
13 not issue a license:

14 (2) To a person who is at least 16 years of age but is  
15 under 18 years of age unless the person has satisfactorily  
16 completed a Department of Education driver's education course  
17 offered pursuant to s. 233.063 or a driver's education course  
18 licensed pursuant to s. 488.01 or a basic driver improvement  
19 course which has been approved by the Department of Highway  
20 Safety and Motor Vehicles and meets the requirements of s.  
21 322.091 and holds a valid:

22 (a) Learner's driver's license for at least 12 months,  
23 with no traffic convictions, before applying for a license;

24 (b) Learner's driver's license for at least 12 months  
25 and who has a traffic conviction but elects to attend a  
26 traffic driving school for which adjudication must be withheld  
27 pursuant to s. 318.14; or

28 (c) License that was issued in another state or in a  
29 foreign jurisdiction and that would not be subject to  
30 suspension or revocation under the laws of this state.

31

1 Section 22. Section 330.27, Florida Statutes, is  
2 amended to read:

3 330.27 Definitions, when used in ss. 330.29-330.36,  
4 330.38, 330.39.--

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

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

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

24 ~~(4) "Aviation" means the science and art of flight and~~  
25 ~~includes, but is not limited to, transportation by aircraft;~~  
26 ~~the operation, construction, repair, or maintenance of~~  
27 ~~aircraft, aircraft power plants, and accessories, including~~  
28 ~~the repair, packing, and maintenance of parachutes; the~~  
29 ~~design, establishment, construction, extension, operation,~~  
30 ~~improvement, repair, or maintenance of airports or other air~~  
31

1 ~~navigation facilities; and instruction in flying or ground~~  
2 ~~subjects pertaining thereto.~~

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

5 ~~(4)(6)~~ "Limited airport" means any ~~an~~ airport,  
6 ~~publicly or privately owned,~~ limited exclusively to the  
7 specific conditions stated on the site approval order or  
8 license.

9 ~~(7)~~ ~~"Operation of aircraft" or "operate aircraft"~~  
10 ~~means the use, navigation, or piloting of aircraft in the~~  
11 ~~airspace over this state or upon any airport within this~~  
12 ~~state.~~

13 ~~(8)~~ ~~"Political subdivision" means any county,~~  
14 ~~municipality, district, port or aviation commission or~~  
15 ~~authority, or similar entity authorized to establish or~~  
16 ~~operate an airport in this state.~~

17 ~~(5)(9)~~ "Private airport" means an airport, publicly or  
18 privately owned, which is not open or available for use by the  
19 public. A private airport is registered with the department  
20 for use of the person or persons registering the facility used  
21 primarily by the licensee but may be made ~~which is~~ available  
22 to others for use by invitation of the registrant licensee.  
23 ~~Services may be provided if authorized by the department.~~

24 ~~(6)(10)~~ "Public airport" means an airport, publicly or  
25 privately owned, which ~~meets minimum safety and service~~  
26 ~~standards and~~ is open for use by the public as listed in the  
27 current United States Government Flight Information  
28 Publication, Airport Facility Directory. A public airport is  
29 licensed by the department as meeting minimum safety  
30 standards.

31

1           (7)(11) "Temporary airport" means any ~~an~~ airport,  
2 ~~publicly or privately owned,~~ that will be used for a period of  
3 less than 30 ~~90~~ days with no more than 10 operations per day.

4           (8)(12) "Ultralight aircraft" means any  
5 ~~heavier than air, motorized aircraft~~ meeting ~~which meets~~ the  
6 ~~criteria for maximum weight, fuel capacity, and airspeed~~  
7 ~~established for such aircraft~~ by the Federal Aviation  
8 Regulation Administration ~~under Part 103 of the Federal~~  
9 ~~Aviation Regulations.~~

10           Section 23. Section 330.29, Florida Statutes, is  
11 amended to read:

12           330.29 Administration and enforcement; rules;  
13 standards for airport sites and airports.--It is the duty of  
14 the department to:

15           (1) Administer and enforce the provisions of this  
16 chapter.

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

19           (3) Establish and maintain a state aviation data  
20 system to facilitate licensing and registration of all  
21 airports.

22           (4)(3) Adopt rules pursuant to ss. 120.536(1) and  
23 120.54 to implement the provisions of this chapter.

24           Section 24. Section 330.30, Florida Statutes, is  
25 amended to read:

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

28           (1) SITE APPROVALS; REQUIREMENTS, ~~FEE~~, EFFECTIVE  
29 PERIOD, REVOCATION.--

30           (a) Except as provided in subsection (3), the owner or  
31 lessee of any proposed airport shall, prior to site ~~the~~

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

9 1. That the site is suitable ~~adequate~~ for the airport  
10 as proposed airport;

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

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

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

23 (b) Site approval shall be granted for public airports  
24 only after a favorable department inspection of the proposed  
25 site.

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

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

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

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

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

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

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

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

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

28           (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,  
29 RENEWAL, REVOCATION.--

30           (a) Except as provided in subsection (3), the owner or  
31 lessee of any an airport in this state must have either a

1 public airport ~~obtain a license or private airport~~  
2 registration prior to the operation of aircraft to or from the  
3 facility on the airport. An Application for a such license or  
4 registration shall be made on a form prescribed by the  
5 department ~~and shall be accomplished jointly with an~~  
6 ~~application for site approval~~. Upon granting site approval;  
7 ~~making a favorable final airport inspection report indicating~~  
8 ~~compliance with all license requirements, and receiving the~~  
9 ~~appropriate license fee, the department shall issue a license~~  
10 ~~to the applicant, subject to any reasonable conditions that~~  
11 ~~the department may deem necessary to protect the public~~  
12 ~~health, safety, or welfare.~~

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

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

25 (b) The department is authorized to license a public  
26 ~~an~~ airport that does not meet all of the minimum standards  
27 only if it determines that such exception is justified by  
28 unusual circumstances or is in the interest of public  
29 convenience and does not endanger the public health, safety,  
30 or welfare. Such a license shall bear the designation  
31



1 "special" and shall state the conditions subject to which the  
2 license is granted.

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

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

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

16  
17 ~~Airports owned or operated by the state, a county, or a~~  
18 ~~municipality and emergency helistops operated by licensed~~  
19 ~~hospitals are required to be licensed but are exempt from the~~  
20 ~~payment of site approval fees and annual license fees.~~

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

30 2. Registration ~~The license period for private all~~  
31 ~~airports other than public airports will remain valid provided~~

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

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

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

29         5. If the renewal application for a public airport  
30 license has ~~and fees have~~ not been received by the department  
31 or no private airport registration recertification has been

1 accomplished within 15 days after the date of expiration ~~of~~  
2 ~~the license~~, the department may close the airport.

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

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

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

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

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

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

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

27 (c) A helistop used solely in conjunction with a  
28 construction project undertaken pursuant to the performance of  
29 a state contract if the purpose of the helicopter operations  
30 at the site is to expedite construction.

31

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

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

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

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

27       Section 25. Subsection (2) of section 330.35, Florida  
28 Statutes, is amended to read:

29       330.35 Airport zoning, ~~approach zone~~ protection.--

30       (2) Airports licensed for ~~general~~ public use under the  
31 provisions of s. 330.30 are eligible for airport zoning

1 ~~approach zone protection, and the procedure shall be the same~~  
2 ~~as is~~ prescribed in chapter 333.

3 Section 26. Subsection (2) of section 330.36, Florida  
4 Statutes, is amended to read:

5 330.36 Prohibition against county or municipal  
6 licensing of airports; regulation of seaplane landings.--

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

13 Section 27. Subsection (4) of section 332.004, Florida  
14 Statutes, is amended to read:

15 332.004 Definitions of terms used in ss.  
16 332.003-332.007.--As used in ss. 332.003-332.007, the term:

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

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

5 Section 28. Subsection (4) is added to section 333.06,  
6 Florida Statutes, to read:

7 333.06 Airport zoning requirements.--

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

25 Section 29. Subsection (5) and paragraph (b) of  
26 subsection (15) of section 334.044, Florida Statutes, are  
27 amended to read:

28 334.044 Department; powers and duties.--The department  
29 shall have the following general powers and duties:

30 (5) To purchase, lease, or otherwise acquire property  
31 and materials, including the purchase of promotional items as

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

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

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

31

1 Section 30. Section 334.193, Florida Statutes, is  
2 amended to read:

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

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

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

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

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

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

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



1 subject matter of requests for bids or proposals. The  
2 department is authorized to select such bid or proposal for  
3 performance of the work by the department.

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

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

14 Section 31. Section 334.30, Florida Statutes, is  
15 amended to read:

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

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

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

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

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

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

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

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

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

1 proposals for the same project purpose. A copy of the notice  
2 must be mailed to each local government in the affected area.  
3 Notwithstanding any other provision of law, entities selected  
4 by the department in this manner shall be deemed to have  
5 complied with open competition provisions of law.

6 (4) A separate bill for projects requiring legislative  
7 approval shall be required for each facility requesting funds  
8 from the State Transportation Trust Fund in excess of a  
9 statewide total of \$50 million in capital cost for all  
10 projects not programmed in the 5-year work program.

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

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

24 (7)~~(4)~~ The department may exercise any power possessed  
25 by it, including eminent domain, with respect to the  
26 development and construction of state transportation projects  
27 to facilitate the development and construction of  
28 transportation projects pursuant to this section. For  
29 public-private facilities located on the State Highway System,  
30 the department may pay all or part of the cost of operating  
31 and maintaining the facility. For facilities not located on

1 the State Highway System,the department may provide services  
2 to the private entity and~~agreements~~ for maintenance, law  
3 enforcement, and other services ~~entered into pursuant to this~~  
4 ~~section~~ shall provide for full reimbursement for services  
5 rendered.

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

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

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

31

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 32. 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 33. 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 34. Section 336.12, Florida Statutes, is  
18 amended to read:

19 336.12 Closing and abandonment of roads; termination  
20 of easement; conveyance of fee; optional conveyance for gated  
21 communities.--

22 (1) Except as otherwise provided in subsection (2),  
23 the act of any commissioners in closing or abandoning any such  
24 road, or in renouncing or disclaiming any rights in any land  
25 delineated on any recorded map as a road, shall abrogate the  
26 easement theretofore owned, held, claimed or used by or on  
27 behalf of the public and the title of fee owners shall be  
28 freed and released therefrom; and if the fee of road space has  
29 been vested in the county, same will be thereby surrendered  
30 and will vest in the abutting fee owners to the extent and in  
31

1 the same manner as in case of termination of an easement for  
2 road purposes.

3 (2) The governing body of the county may abandon the  
4 roads and rights-of-way dedicated in a recorded residential  
5 subdivision plat and simultaneously convey the county's  
6 interest in such roads, rights-of-way, and appurtenant  
7 drainage facilities to a homeowners' association for the  
8 subdivision, if the following conditions have been met:

9 (a) The homeowners' association has requested the  
10 abandonment and conveyance in writing for the purpose of  
11 converting the subdivision to a gated neighborhood with  
12 restricted public access.

13 (b) No fewer than four-fifths of the owners of record  
14 of property located in the subdivision have consented in  
15 writing to the abandonment and simultaneous conveyance to the  
16 homeowners' association.

17 (c) The homeowners' association is both a corporation  
18 not for profit organized and in good standing under chapter  
19 617, and a "homeowners' association" as defined in s.  
20 720.301(7) with the power to levy and collect assessments for  
21 routine and periodic major maintenance and operation of street  
22 lighting, drainage, sidewalks, and pavement in the  
23 subdivision.

24 (d) The homeowners' association has entered into and  
25 executed such agreements, covenants, warranties, and other  
26 instruments; has provided, or has provided assurance of, such  
27 funds, reserve funds, and funding sources; and has satisfied  
28 such other requirements and conditions as may be established  
29 or imposed by the county with respect to the ongoing  
30 operation, maintenance, and repair and the periodic  
31 reconstruction or replacement of the roads, drainage, street

1 lighting, and sidewalks in the subdivision after the  
2 abandonment by the county.

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

17 Section 35. 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 36. 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 37. 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 38. 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  
31

1           2. To accomplish minor repairs or construction and  
2 maintenance activities for which time is of the essence and  
3 for which significant cost savings would occur; or

4           3. To accomplish nonemergency work necessary to ensure  
5 avoidance of adverse conditions that affect the safe and  
6 efficient flow of traffic.

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

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

31

1           Section 39. Subsection (4) of section 337.14, Florida  
2 Statutes, is amended, and subsection (9) is added to said  
3 section, to read:

4           337.14 Application for qualification; certificate of  
5 qualification; restrictions; request for hearing.--

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

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

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

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

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

24 Section 40. Subsection (2) of section 337.401, Florida  
25 Statutes, is amended to read:

26 337.401 Use of right-of-way for utilities subject to  
27 regulation; permit; fees.--

28 (2) The authority may grant to any person who is a  
29 resident of this state, or to any corporation which is  
30 organized under the laws of this state or licensed to do  
31 business within this state, the use of a right-of-way for the

1 utility in accordance with such rules or regulations as the  
2 authority may adopt. No utility shall be installed, located,  
3 or relocated unless authorized by a written permit issued by  
4 the authority. However, for public roads or publicly owned  
5 rail corridors under the jurisdiction of the department, a  
6 utility relocation schedule and relocation agreement may be  
7 executed in lieu of a written permit.The permit shall require  
8 the permitholder to be responsible for any damage resulting  
9 from the issuance of such permit. The authority may initiate  
10 injunctive proceedings as provided in s. 120.69 to enforce  
11 provisions of this subsection or any rule or order issued or  
12 entered into pursuant thereto.

13 Section 41. Subsections (1) and (2) of section 339.08,  
14 Florida Statutes, are amended to read:

15 339.08 Use of moneys in State Transportation Trust  
16 Fund.--

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

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

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

28 (b) To pay the cost of construction of the State  
29 Highway System.

30 (c) To pay the cost of maintaining the State Highway  
31 System.

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

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

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

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

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

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

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

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

27 (l) To fund the Transportation Outreach Program  
28 created in s. 339.137.

29 (m) To pay other lawful expenditures of the  
30 department.

31

1           Section 42. Subsection (5) of section 339.12, Florida  
2 Statutes, is amended, and subsection (10) is added to said  
3 section, to read:

4           339.12 Aid and contributions by governmental entities  
5 for department projects; federal aid.--

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

22           (10) Effective January 1, 2004, any county with a  
23 population greater than 50,000 in which at least 15.5 percent  
24 of its total real property is off the ad valorem tax rolls due  
25 to state property tax exemptions, and which dedicates at least  
26 50 percent of its 1-cent local option sales tax proceeds over  
27 the life of the tax for improvements to the State  
28 Transportation System or to local projects directly upgrading  
29 the State Transportation System within the county's boundary,  
30 shall receive maintenance funding from the department at a  
31 level at least equal to the average of the past 10 years of



1 transportation expenditures for planning, design,  
2 right-of-way, and construction for that county. The  
3 calculation of such maintenance funding shall not include the  
4 State and Federal Bridge Replacement Program, the Interstate  
5 program, seaports, state economic development, toll capital  
6 assistance, small county resurfacing, railroad hazard  
7 elimination, emergency funds, and toll projects. The county  
8 shall have adopted a list of specific state road projects to  
9 be paid for with a 1-cent local option sales tax prior to the  
10 ballot referendum. The county shall enter into a joint project  
11 agreement with the department obligating a 50 percent or  
12 greater portion, over the life of the 1-cent local option  
13 sales tax, to the department for improvements to the State  
14 Transportation System. The department shall enter into a  
15 joint project agreement with the county, over the life of the  
16 sales tax, committing to a maintenance level of funding at  
17 least equal to the average of the past 10 years of  
18 transportation expenditures for planning, design,  
19 right-of-way, and construction for that county. The county  
20 government receiving these funds from the department shall  
21 distribute the funds in accordance with ss. 212.055(2)(c)2.  
22 and 218.62. It is not the intent of the Legislature to provide  
23 a windfall for counties. The intent is to hold harmless any  
24 eligible county willing to fund millions of dollars for state  
25 transportation improvements in its jurisdiction with a funding  
26 level to an average of what the department typically  
27 appropriates to that county for state transportation  
28 improvements, less any department projects for the county not  
29 included in the list of state projects the county is funding  
30 through the 1-cent local option sales tax.

31

1           Section 43. Paragraphs (a), (f), and (g) of subsection  
2 (4) of section 339.135, Florida Statutes, are amended to read:

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

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

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

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

1 level for capacity improvements, which the department has the  
2 discretion to allocate to highway projects.

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

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

28 1. Conduct an in-depth evaluation of the tentative  
29 work program ~~as required in s. 20.23~~ for compliance with  
30 applicable laws and departmental policies; and  
31

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

3  
4 By no later than 14 days after the regular legislative session  
5 begins, the commission shall submit to the Executive Office of  
6 the Governor and the legislative appropriations committees a  
7 report that evaluates the tentative work program for:

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

21          Section 44. Section 339.137, Florida Statutes, is  
22 amended to read:

23           339.137 Transportation Outreach Program (TOP)  
24 supporting economic development; administration; definitions;  
25 eligible projects; Transportation Outreach Program (TOP)  
26 advisory council created; limitations; funding.--

27           (1) There is created within the Department of  
28 Transportation, a Transportation Outreach Program (TOP)  
29 dedicated to funding transportation projects of a high  
30 priority based on the ~~prevailing~~ principles of ~~preserving the~~  
31 ~~existing transportation infrastructure~~; enhancing Florida's

1 economic growth and competitiveness in national and  
2 international markets; promoting intermodal transportation  
3 linkages for passengers and freight; and improving travel  
4 choices to ensure efficient and cost-competitive mobility for  
5 Florida citizens, visitors, services, and goods.

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

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

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

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

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

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

24 (b)(c) Mobility.--Ensuring a cost-effective,  
25 statewide, interconnected transportation system.

26 (c)(d) ~~The term "Regionally significant transportation~~  
27 ~~project.--of critical concern" means~~ A transportation  
28 facility improvement project located in one or more counties  
29 ~~county~~ which provides significant enhancement of economic  
30 development opportunities in that region ~~an adjoining county~~

31

1 ~~or counties and which provides improvements to a hurricane~~  
2 ~~evacuation route.~~

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

8 (4)(3) Proposed Eligible projects that meet the  
9 minimum eligibility threshold include those for planning,  
10 designing, acquiring rights-of-way for, or constructing the  
11 following:

12 (a) Major highway improvements to:-

13 1. The Florida Intrastate Highway System.

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

16 3. Bridges of statewide or regional significance.

17 4. Trade and economic development corridors.

18 5. Access projects for freight and passengers.

19 ~~6. Hurricane evacuation routes.~~

20 (b) Major public transportation projects:-

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

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

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

30 4. Rail projects that facilitate the movement of  
31 passengers and cargo, including ancillary pedestrian

1 facilities, or connect rail facilities to other modes of  
2 transportation.

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

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

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

12  
13 Each proposed project must be able to document that it  
14 promotes economic growth and competitiveness, as defined in  
15 paragraph (2)(a).

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

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

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

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

31

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

4  
5 One or more of the minimum criteria listed in paragraphs  
6 (a)-(d) may be waived for a regionally significant  
7 transportation project.

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

13           ~~(6)(5)~~ The following criteria shall be used  
14 ~~Transportation funding under this section shall use the~~  
15 ~~following mechanisms to prioritize the eligible proposed~~  
16 ~~projects:~~

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

24           (b) The project must promote intermodal transportation  
25 linkages for passengers and freight. ~~Establishment of a~~  
26 ~~funding allocation under this program reserved to quickly~~  
27 ~~respond to transportation needs of emergent economic~~  
28 ~~competitiveness development projects that may be outside of~~  
29 ~~the routine project selection process. This funding may be~~  
30 ~~used to match local or private contributions for~~

31



1 ~~transportation projects which meet the definition of economic~~  
2 ~~competitiveness contained in this section.~~

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

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

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

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

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

8           ~~(b) The project is listed in an outer year of the~~  
9 ~~5-year work program and can be made production ready and~~  
10 ~~advanced to an earlier year of the 5-year work program.~~

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

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

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

23           ~~(8)(7)~~ The Transportation Outreach Program (TOP)  
24 advisory council is created to annually make recommendations  
25 to the Legislature on prioritization and selection of economic  
26 growth projects as provided in this section.

27           (a) The council shall consist of:

28           1. Two representatives of private interests, chosen by  
29 the Speaker of the House of Representatives, who are directly  
30 involved in or affected by any mode of transportation or  
31 tourism chosen by the Speaker of the House of Representatives.

1           2. Two representatives of private interests, chosen by  
2 the President of the Senate, who are directly involved in or  
3 affected by any mode of transportation or tourism ~~chosen by~~  
4 ~~the President of the Senate~~.

5           3. Three representatives of private or governmental  
6 interests, chosen by the Governor, who are directly involved  
7 in or affected by any mode of transportation or tourism ~~chosen~~  
8 ~~by the Governor~~.

9           (b) Terms for council members shall be 2 years, and  
10 each member shall be allowed one vote. Every 2 years, the  
11 council shall select from among its membership a chair and  
12 vice chair.

13           (c) ~~Initial appointments must be made no later than 60~~  
14 ~~days after this act takes effect.~~ Vacancies in the council  
15 shall be filled in the same manner as the initial  
16 appointments.

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

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

25           (f) The department shall provide administrative staff  
26 support, ensuring that council meetings are electronically  
27 recorded. Such recordings and all documents received, prepared  
28 for, or used by the council in conducting its business shall  
29 be preserved pursuant to chapters 119 and 257. In addition,  
30 the department shall provide for travel and per diem expenses  
31 for the council in its annual budget.

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

7           (h) The council is encouraged to seek input from  
8 transportation or economic development entities and to  
9 consider the reports and recommendations of task forces, study  
10 commissions, or similar entities charged with reviewing issues  
11 relevant to the council's mission.

12           (9)~~(8)~~ Because transportation investment plays a key  
13 role in economic development, the council and the department  
14 shall actively participate in state and local economic  
15 development programs, including:

16           (a) Working in partnership with other state and local  
17 agencies in business recruitment, expansion, and retention  
18 activities to ensure early transportation input into these  
19 activities.

20           (b) Providing expertise and rapid response in  
21 analyzing the transportation needs of emergent economic  
22 development projects.

23           (c) Developing ~~The council and department must develop~~  
24 a macroeconomic analysis of the linkages between  
25 transportation investment and economic performance, as well as  
26 a method to quantifiably measure the economic benefits of the  
27 investments.

28           (d) Identifying long-term strategic transportation  
29 projects that will promote the principles listed in subsection  
30 (1).

31

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

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

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

30           ~~(12)(11)~~ For purposes of funding projects under the  
31 Transportation Outreach Program, the department shall allocate

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

9 (13)~~(12)~~ Notwithstanding any other law to the contrary  
10 the requirements of ss. 206.46(3), 206.606(2), 339.135,  
11 339.155, and 339.175 shall not apply to the Transportation  
12 Outreach Program.

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

16 Section 45. Subsection (5) of section 341.051, Florida  
17 Statutes, is amended to read:

18 341.051 Administration and financing of public transit  
19 programs and projects.--

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

21 (a) The department may fund up to 50 percent of the  
22 nonfederal share of the costs, not to exceed the local share,  
23 of any eligible public transit capital project or commuter  
24 assistance project that is local in scope; except, however,  
25 that departmental participation in the final design,  
26 right-of-way acquisition, and construction phases of an  
27 individual fixed-guideway project which is not approved for  
28 federal funding shall not exceed an amount equal to 12.5  
29 percent of the total cost of each phase.

30 ~~(b) The Department of Transportation shall develop a~~  
31 ~~major capital investment policy which shall include policy~~

1 ~~criteria and guidelines for the expenditure or commitment of~~  
2 ~~state funds for public transit capital projects. The policy~~  
3 ~~shall include the following:~~

4       1. ~~Methods to be used to determine consistency of a~~  
5 ~~transit project with the approved local government~~  
6 ~~comprehensive plans of the units of local government in which~~  
7 ~~the project is located.~~

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

14       3. ~~Methods for evaluating alternative transit systems~~  
15 ~~including an analysis of technology and alternative methods~~  
16 ~~for providing transit services in the corridor.~~

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

22       **(c)**~~(d)~~ The department is authorized to advance up to  
23 80 percent of the capital cost of any eligible project that  
24 will assist Florida's transit systems in becoming fiscally  
25 self-sufficient. Such advances shall be reimbursed to the  
26 department on an appropriate schedule not to exceed 5 years  
27 after the date of provision of the advances.

28       **(d)**~~(e)~~ The department is authorized to fund up to 100  
29 percent of the capital and net operating costs of statewide  
30 transit service development projects or transit corridor  
31 projects. All transit service development projects shall be

1 specifically identified by way of a departmental appropriation  
2 request, and transit corridor projects shall be identified as  
3 part of the planned improvements on each transportation  
4 corridor designated by the department. The project  
5 objectives, the assigned operational and financial  
6 responsibilities, the timeframe required to develop the  
7 required service, and the criteria by which the success of the  
8 project will be judged shall be documented by the department  
9 for each such transit service development project or transit  
10 corridor project.

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

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

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

30 3. Improving marketing and consumer information  
31 programs, including, but not limited to, automated information



1 services, organized advertising and promotion programs, and  
2 signing of designated stops, for a period of up to 2 years;  
3 and

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

8  
9 For purposes of this section, the term "net operating costs"  
10 means all operating costs of a project less any federal funds,  
11 fares, or other sources of income to the project.

12 Section 46. Subsections (7), (8), and (10) of section  
13 341.302, Florida Statutes, are amended to read:

14 341.302 Rail program, duties and responsibilities of  
15 the department.--The department, in conjunction with other  
16 governmental units and the private sector, shall develop and  
17 implement a rail program of statewide application designed to  
18 ensure the proper maintenance, safety, revitalization, and  
19 expansion of the rail system to assure its continued and  
20 increased availability to respond to statewide mobility needs.  
21 Within the resources provided pursuant to chapter 216, and as  
22 authorized under Title 49 C.F.R. part 212, the department  
23 shall:

24 (7) Develop and administer state standards concerning  
25 the safety and performance of rail systems, ~~hazardous material~~  
26 ~~handling~~, and operations. Such standards shall be developed  
27 jointly with representatives of affected rail systems, with  
28 full consideration given to nationwide industry norms, and  
29 shall define the minimum acceptable standards for safety and  
30 performance.

31

1           (8) Conduct, at a minimum, inspections of track and  
2 rolling stock, train signals and related equipment,  
3 ~~hazardous materials transportation, including the loading,~~  
4 ~~unloading, and labeling of hazardous materials at shippers',~~  
5 ~~receivers', and transfer points,~~ and train operating practices  
6 to determine adherence to state and federal standards.  
7 Department personnel may enforce any safety regulation issued  
8 under the Federal Government's preemptive authority over  
9 interstate commerce.

10           (10) Administer rail operating and construction  
11 programs, which programs shall include ~~the regulation of~~  
12 ~~maximum train operating speeds,~~ the opening and closing of  
13 public grade crossings, the construction and rehabilitation of  
14 public grade crossings, and the installation of traffic  
15 control devices at public grade crossings, ~~the administering~~  
16 ~~of the programs by the department~~ including participation in  
17 the cost of the programs.

18           Section 47. Paragraph (d) of subsection (2) of section  
19 348.0003, Florida Statutes, is amended to read:

20           348.0003 Expressway authority; formation;  
21 membership.--

22           (2) The governing body of an authority shall consist  
23 of not fewer than five nor more than nine voting members. The  
24 district secretary of the affected department district shall  
25 serve as a nonvoting member of the governing body of each  
26 authority located within the district. Each member of the  
27 governing body must at all times during his or her term of  
28 office be a permanent resident of the county which he or she  
29 is appointed to represent.

30           (d) Notwithstanding any provision to the contrary in  
31 this subsection, in any county as defined in s. 125.011(1),

1 the governing body of an authority shall consist of up to 13  
2 members, and the following provisions of this paragraph shall  
3 apply specifically to such authority. Except for the district  
4 secretary of the department, the members must be residents of  
5 the county. Seven voting members shall be appointed by the  
6 governing body of the county. At the discretion of the  
7 governing body of the county, up to two of the members  
8 appointed by the governing body of the county may be elected  
9 officials residing in the county. Five voting members of the  
10 authority shall be appointed by the Governor. One member shall  
11 be the district secretary of the department serving in the  
12 district that contains such county. This member shall be an  
13 ex officio voting member of the authority. If the governing  
14 board of an authority includes any member originally appointed  
15 by the governing body of the county as a nonvoting member,  
16 when the term of such member expires, that member shall be  
17 replaced by a member appointed by the Governor until the  
18 governing body of the authority is composed of seven members  
19 appointed by the governing body of the county and five members  
20 appointed by the Governor. The qualifications, the terms of  
21 office, and the obligations and rights of members of the  
22 authority shall be determined by resolution or ordinance of  
23 the governing body of the county in a manner that is  
24 consistent with subsections (3) and (4).

25 Section 48. Section 348.0012, Florida Statutes, is  
26 amended to read:

27 348.0012 Exemptions from applicability.--The Florida  
28 Expressway Authority Act does not apply:

29 (1) ~~To in a county in which~~ an expressway authority  
30 which has been created pursuant to parts II-IX of this  
31 chapter; or

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

3           Section 49. Paragraph (b) of subsection (1) of section  
4 348.754, Florida Statutes, is amended to read:

5           348.754 Purposes and powers.--

6           (1)

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

17           Section 50. Section 348.7543, Florida Statutes, is  
18 amended to read:

19           348.7543 Improvements, bond financing authority  
20 for.--Pursuant to s. 11(e), Art. VII of the State  
21 Constitution, the Legislature hereby approves for bond  
22 financing by the Orlando-Orange County Expressway Authority  
23 the cost of acquiring, constructing, equipping, improving, or  
24 refurbishing any expressway system, including improvements to  
25 toll collection facilities, interchanges, future extensions  
26 and additions, necessary approaches, roads, bridges, and  
27 avenues of access to the legislatively approved expressway  
28 ~~system~~, and any other facility appurtenant, necessary, or  
29 incidental to the ~~approved~~ system, all as deemed desirable and  
30 proper by the authority pursuant to s. 348.754(1)(b). Subject  
31 to terms and conditions of applicable revenue bond resolutions

1 and covenants, such ~~costs financing~~ may be financed in whole  
2 or in part by revenue bonds issued pursuant to s.  
3 348.755(1)(a) or (b) whether currently issued, issued in the  
4 future, or by a combination of such bonds.

5 Section 51. Section 348.7544, Florida Statutes, is  
6 amended to read:

7 348.7544 Northwest Beltway Part A, construction  
8 authorized; financing.--Notwithstanding s. 338.2275, the  
9 Orlando-Orange County Expressway Authority is hereby  
10 authorized to construct, finance, operate, own, and maintain  
11 that portion of the Western Beltway known as the Northwest  
12 Beltway Part A, extending from Florida's Turnpike near Ocoee  
13 north to U.S. 441 near Apopka, as part of the authority's  
14 20-year capital projects plan. This project may be financed  
15 with any funds available to the authority for such purpose or  
16 revenue bonds issued by the Division of Bond Finance of the  
17 State Board of Administration on behalf of the authority  
18 pursuant to s. 11, Art. VII of the State Constitution and the  
19 State Bond Act, ss. 215.57-215.83. This project may be  
20 refinanced with bonds issued by the authority pursuant to s.  
21 348.755(1)(d).

22 Section 52. Section 348.7545, Florida Statutes, is  
23 amended to read:

24 348.7545 Western Beltway Part C, construction  
25 authorized; financing.--Notwithstanding s. 338.2275, the  
26 Orlando-Orange County Expressway Authority is authorized to  
27 exercise its condemnation powers, construct, finance, operate,  
28 own, and maintain that portion of the Western Beltway known as  
29 the Western Beltway Part C, extending from Florida's Turnpike  
30 near Ocoee in Orange County southerly through Orange and  
31 Osceola Counties to an interchange with I-4 near the

1 Osceola-Polk County line, as part of the authority's 20-year  
2 capital projects plan. This project may be financed with any  
3 funds available to the authority for such purpose or revenue  
4 bonds issued by the Division of Bond Finance of the State  
5 Board of Administration on behalf of the authority pursuant to  
6 s. 11, Art. VII of the State Constitution and the State Bond  
7 Act, ss. 215.57-215.83. This project may be refinanced with  
8 bonds issued by the authority pursuant to s. 348.755(1)(d).

9 Section 53. Subsection (1) of section 348.755, Florida  
10 Statutes, is amended to read:

11 348.755 Bonds of the authority.--

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

14 (b) Alternatively, the authority may issue its own  
15 bonds pursuant to the provisions of this part at such times  
16 and in such principal amount as, in the opinion of the  
17 authority, is necessary to provide sufficient moneys for  
18 achieving its purposes; however, such bonds shall not pledge  
19 the full faith and credit of the state. Bonds issued by the  
20 authority pursuant to paragraphs (a) or (b)~~The bonds of the~~  
21 ~~authority issued pursuant to the provisions of this part,~~  
22 whether on original issuance or on refunding, shall be  
23 authorized by resolution of the members thereof and may be  
24 either term or serial bonds, shall bear such date or dates,  
25 mature at such time or times, not exceeding 40 years from  
26 their respective dates, bear interest at such rate or rates,  
27 payable semiannually, be in such denominations, be in such  
28 form, either coupon or fully registered, shall carry such  
29 registration, exchangeability and interchangeability  
30 privileges, be payable in such medium of payment and at such  
31 place or places, be subject to such terms of redemption and be

1 entitled to such priorities on the revenues, rates, fees,  
2 rentals or other charges or receipts of the authority  
3 including the Orange County gasoline tax funds received by the  
4 authority pursuant to the terms of any lease-purchase  
5 agreement between the authority and the department, as such  
6 resolution or any resolution subsequent thereto may provide.  
7 The bonds shall be executed either by manual or facsimile  
8 signature by such officers as the authority shall determine,  
9 provided that such bonds shall bear at least one signature  
10 which is manually executed thereon, and the coupons attached  
11 to such bonds shall bear the facsimile signature or signatures  
12 of such officer or officers as shall be designated by the  
13 authority and shall have the seal of the authority affixed,  
14 imprinted, reproduced or lithographed thereon, all as may be  
15 prescribed in such resolution or resolutions.

16 (c)(b) Said Bonds issued pursuant to paragraphs (a)  
17 and (b) shall be sold at public sale in the same manner  
18 provided by the State Bond Act. However, if the authority  
19 shall, by official action at a public meeting, determine that  
20 a negotiated sale of such the bonds is in the best interest of  
21 the authority, the authority may negotiate for sale of the  
22 bonds with the underwriter or underwriters designated by the  
23 authority and the Division of Bond Finance of the State Board  
24 of Administration with respect to bonds issued pursuant to  
25 paragraph (b). The authority's determination to negotiate the  
26 sale of such bonds may be based in part upon the written  
27 advice of its financial advisor. Pending the preparation of  
28 definitive bonds, interim certificates may be issued to the  
29 purchaser or purchasers of such bonds and may contain such  
30 terms and conditions as the authority may determine.

31

1           (d) The authority may issue bonds pursuant to  
2 paragraph (b) to refund any bonds previously issued regardless  
3 of whether the bonds being refunded were issued by the  
4 authority pursuant to this chapter or on behalf of the  
5 authority pursuant to the State Bond Act.

6           Section 54. Section 348.765, Florida Statutes, is  
7 amended to read:

8           348.765 This part complete and additional authority.--

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

29           (2) This part shall not be deemed to repeal, rescind,  
30 or modify any other law or laws relating to said State Board  
31 of Administration, said Department of Transportation, or the



1 Division of Bond Finance of the State Board of Administration,  
2 but shall be deemed to and shall supersede such other law or  
3 laws as are inconsistent with the provisions of this part,  
4 including, but not limited to, s. 215.821.

5 Section 55. Subsections (1) through (6) and subsection  
6 (8) of section 373.4137, Florida Statutes, are amended, and  
7 subsection (9) is added to said section, to read:

8 373.4137 Mitigation requirements.--

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

21 (2) Environmental impact inventories for  
22 transportation projects proposed by the Department of  
23 Transportation or a transportation authority established  
24 pursuant to chapter 348 or chapter 349 shall be developed as  
25 follows:

26 (a) By May 1 of each year, the Department of  
27 Transportation or a transportation authority established  
28 pursuant to chapter 348 or chapter 349 shall submit to the  
29 Department of Environmental Protection and the water  
30 management districts a copy of its adopted work program and an  
31 inventory of habitats addressed in the rules tentatively,

1 pursuant to this part and s. 404 of the Clean Water Act, 33  
2 U.S.C. s. 1344, which may be impacted by its plan of  
3 construction for transportation projects in the next 3 years  
4 of the tentative work program. The Department of  
5 Transportation or a transportation authority established  
6 pursuant to chapter 348 or chapter 349 may also include in its  
7 inventory the habitat impacts of any future transportation  
8 project identified in the tentative work program.

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

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

27 (b) Each transportation authority established pursuant  
28 to chapter 348 or chapter 349 that chooses to participate in  
29 this program shall create an escrow account within its  
30 financial structure and deposit funds in the account to pay  
31 for the environmental mitigation phase of projects budgeted

1 for the current fiscal year. The escrow account will be  
2 maintained by the authority for the benefit of the Department  
3 of Environmental Protection and the water management  
4 districts. Any interest earnings from the escrow account shall  
5 remain with the authority.

6 (c) The Department of Environmental Protection or  
7 water management districts may request a transfer of funds  
8 from an ~~the~~ escrow account no sooner than 30 days prior to the  
9 date the funds are needed to pay for activities associated  
10 with development or implementation of the approved mitigation  
11 plan described in subsection (4) for the current fiscal year,  
12 including, but not limited to, design, engineering,  
13 production, and staff support. Actual conceptual plan  
14 preparation costs incurred before plan approval may be  
15 submitted to the Department of Transportation or the  
16 appropriate transportation authority and the Department of  
17 Environmental Protection by November 1 of each year with the  
18 plan. The conceptual plan preparation costs of each water  
19 management district will be paid based on the amount approved  
20 on the mitigation plan and allocated to the current fiscal  
21 year projects identified by the water management district.  
22 The amount transferred to the escrow accounts ~~account~~ each  
23 year by the Department of Transportation and participating  
24 transportation authorities established pursuant to chapter 348  
25 or chapter 349 shall correspond to a cost per acre of \$75,000  
26 multiplied by the projected acres of impact identified in the  
27 inventory described in subsection (2). However, the \$75,000  
28 cost per acre does not constitute an admission against  
29 interest by the state or its subdivisions nor is the cost  
30 admissible as evidence of full compensation for any property  
31 acquired by eminent domain or through inverse condemnation.

1 Each July 1, the cost per acre shall be adjusted by the  
2 percentage change in the average of the Consumer Price Index  
3 issued by the United States Department of Labor for the most  
4 recent 12-month period ending September 30, compared to the  
5 base year average, which is the average for the 12-month  
6 period ending September 30, 1996. At the end of each year,  
7 the projected acreage of impact shall be reconciled with the  
8 acreage of impact of projects as permitted, including permit  
9 modifications, pursuant to this part and s. 404 of the Clean  
10 Water Act, 33 U.S.C. s. 1344. The subject year's transfer of  
11 funds shall be adjusted accordingly to reflect the  
12 overtransfer or undertransfer of funds from the preceding  
13 year. The Department of Transportation and participating  
14 transportation authorities established pursuant to chapter 348  
15 or chapter 349 are ~~is~~ authorized to transfer such funds from  
16 the escrow accounts ~~account~~ to the Department of Environmental  
17 Protection and the water management districts to carry out the  
18 mitigation programs.

19 (4) Prior to December 1 of each year, each water  
20 management district, in consultation with the Department of  
21 Environmental Protection, the United States Army Corps of  
22 Engineers, the Department of Transportation, transportation  
23 authorities established pursuant to chapter 348 or chapter  
24 349,and other appropriate federal, state, and local  
25 governments, and other interested parties, including entities  
26 operating mitigation banks, shall develop a plan for the  
27 primary purpose of complying with the mitigation requirements  
28 adopted pursuant to this part and 33 U.S.C. s. 1344. This  
29 plan shall also address significant invasive plant problems  
30 within wetlands and other surface waters. In developing such  
31 plans, the districts shall utilize sound ecosystem management

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

27 (a) For each transportation project with a funding  
28 request for the next fiscal year, the mitigation plan must  
29 include a brief explanation of why a mitigation bank was or  
30 was not chosen as a mitigation option, including an estimation  
31

1 of identifiable costs of the mitigation bank and nonbank  
2 options to the extent practicable.

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

14 (c) Surface water improvement and management or  
15 invasive plant control projects undertaken using the \$12  
16 million advance transferred from the Department of  
17 Transportation to the Department of Environmental Protection  
18 in fiscal year 1996-1997 which meet the requirements for  
19 mitigation under this part and 33 U.S.C. s. 1344 shall remain  
20 available for mitigation until the \$12 million is fully  
21 credited up to and including fiscal year 2004-2005. When these  
22 projects are used as mitigation, the \$12 million advance shall  
23 be reduced by \$75,000 per acre of impact mitigated. For any  
24 fiscal year through and including fiscal year 2004-2005, to  
25 the extent the cost of developing and implementing the  
26 mitigation plans is less than the amount transferred pursuant  
27 to subsection (3), the difference shall be credited towards  
28 the \$12 million advance. Except as provided in this paragraph,  
29 any funds not directed to implement the mitigation plan  
30 should, to the greatest extent possible, be directed to fund  
31

1 invasive plant control within wetlands and other surface  
2 waters.

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

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

25 (8) This section shall not be construed to eliminate  
26 the need for the Department of Transportation or a  
27 transportation authority established pursuant to chapter 348  
28 or chapter 349 to comply with the requirement to implement  
29 practicable design modifications, including realignment of  
30 transportation projects, to reduce or eliminate the impacts of  
31 its transportation projects on wetlands and other surface

1 waters as required by rules adopted pursuant to this part, or  
2 to diminish the authority under this part to regulate other  
3 impacts, including water quantity or water quality impacts, or  
4 impacts regulated under this part that are not identified in  
5 the inventory described in subsection (2).

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

21 Section 56. Subsection (18) of section 373.414,  
22 Florida Statutes, is amended to read:

23 373.414 Additional criteria for activities in surface  
24 waters and wetlands.--

25 (18) The department and each water management district  
26 responsible for implementation of the environmental resource  
27 permitting program shall develop a uniform wetland mitigation  
28 assessment method no later than October 1, 2001. The  
29 department shall adopt the uniform wetland mitigation  
30 assessment method by rule no later than January 31, 2002.  
31 Rules promulgated pursuant to this subsection shall be



1 submitted to the President of the Senate and the Speaker of  
2 the House of Representatives for review by the Legislature no  
3 later than 30 days prior to the 2002 regular session, and  
4 shall become effective only after legislative review. In its  
5 review, the Legislature may reject, modify, or take no action  
6 relative to such rules.Once the department adopts the uniform  
7 wetland mitigation assessment method by rule, the uniform  
8 wetland mitigation assessment method shall be binding on the  
9 department, the water management districts, local governments,  
10 and any other governmental agencies and shall be the sole  
11 means to determine mitigation needed to offset adverse impacts  
12 and to award and deduct mitigation bank credits. A water  
13 management district and any other governmental agency subject  
14 to chapter 120 may apply the uniform wetland mitigation  
15 assessment method without the need to adopt it pursuant to s.  
16 120.54. It shall be a goal of the department and water  
17 management districts that the uniform wetland mitigation  
18 assessment method developed be practicable for use within the  
19 timeframes provided in the permitting process and result in a  
20 consistent process for determining mitigation requirements. It  
21 shall be recognized that any such method shall require the  
22 application of reasonable scientific judgment. The uniform  
23 wetland mitigation assessment method must determine the value  
24 of functions provided by wetlands and other surface waters  
25 considering the current conditions of these areas, utilization  
26 by fish and wildlife, location, uniqueness, and hydrologic  
27 connection, in addition to the factors listed in s.  
28 373.4136(4). The uniform wetland mitigation assessment method  
29 shall also account for the expected time-lag associated with  
30 offsetting impacts and the degree of risk associated with the  
31 proposed mitigation. The uniform wetland mitigation assessment

1 method shall account for different ecological communities in  
2 different areas of the state. In developing the uniform  
3 wetland mitigation assessment method, the department and water  
4 management districts shall consult with approved local  
5 programs under s. 403.182 which have an established wetland  
6 mitigation program. The department and water management  
7 districts shall consider the recommendations submitted by such  
8 approved local programs, including any recommendations  
9 relating to the adoption by the department and water  
10 management districts of any uniform wetland mitigation  
11 methodology that has been adopted and used by an approved  
12 local program in its established wetland mitigation program.  
13 Environmental resource permitting rules may establish  
14 categories of permits or thresholds for minor impacts under  
15 which the use of the uniform wetland mitigation assessment  
16 method will not be required. The application of the uniform  
17 wetland mitigation assessment method is not subject to s.  
18 70.001. In the event the rule establishing the uniform wetland  
19 mitigation assessment method is deemed to be invalid, the  
20 applicable rules related to establishing needed mitigation in  
21 existence prior to the adoption of the uniform wetland  
22 mitigation assessment method, including those adopted by a  
23 county which is an approved local program under s. 403.182,  
24 and the method described in paragraph (b) for existing  
25 mitigation banks, shall be authorized for use by the  
26 department, water management districts, local governments, and  
27 other state agencies.

28 (a) In developing the uniform wetland mitigation  
29 assessment method, the department shall seek input from the  
30 United States Army Corps of Engineers in order to promote  
31

1 consistency in the mitigation assessment methods used by the  
2 state and federal permitting programs.

3 (b) An entity which has received a mitigation bank  
4 permit prior to the adoption of the uniform wetland mitigation  
5 assessment method shall have impact sites assessed, for the  
6 purpose of deducting bank credits, using the credit assessment  
7 method, including any functional assessment methodology, which  
8 was in place when the bank was permitted; unless the entity  
9 elects to have its credits redetermined, and thereafter have  
10 its credits deducted, using the uniform wetland mitigation  
11 assessment method.

12 Section 57. Paragraph (d) of subsection (2), paragraph  
13 (c) of subsection (3), paragraph (b) of subsection (4), and  
14 paragraphs (b) and (e) of subsection (19) of section 380.06,  
15 Florida Statutes, are amended, and paragraphs (i) and (j) are  
16 added to subsection (24) of said section, to read:

17 380.06 Developments of regional impact.--

18 (2) STATEWIDE GUIDELINES AND STANDARDS.--

19 (d) The guidelines and standards shall be applied as  
20 follows:

21 ~~1. Fixed thresholds.--~~

22 ~~1.a.~~ A development that is ~~at or~~ below 100 ~~80~~ percent  
23 of all numerical thresholds in the guidelines and standards  
24 shall not be required to undergo  
25 development-of-regional-impact review.

26 ~~2.b.~~ A development that is at or above 100 ~~120~~ percent  
27 of any numerical threshold shall be required to undergo  
28 development-of-regional-impact review.

29 ~~3.c.~~ Projects certified under s. 403.973 which create  
30 at least 100 jobs and meet the criteria of the Office of  
31 Tourism, Trade, and Economic Development as to their impact on

1 an area's economy, employment, and prevailing wage and skill  
2 levels that are at or below 100 percent of the numerical  
3 thresholds for industrial plants, industrial parks,  
4 distribution, warehousing or wholesaling facilities, office  
5 development or multiuse projects other than residential, as  
6 described in s. 380.0651(3)(b)(e), (c)(d), and (h)(i), are not  
7 required to undergo development-of-regional-impact review.

8 ~~2. Rebuttable presumptions.--~~

9 ~~a. It shall be presumed that a development that is~~  
10 ~~between 80 and 100 percent of a numerical threshold shall not~~  
11 ~~be required to undergo development-of-regional-impact review.~~

12 ~~b. It shall be presumed that a development that is at~~  
13 ~~100 percent or between 100 and 120 percent of a numerical~~  
14 ~~threshold shall be required to undergo~~  
15 ~~development-of-regional-impact review.~~

16 (3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES  
17 AND STANDARDS.--The state land planning agency, a regional  
18 planning agency, or a local government may petition the  
19 Administration Commission to increase or decrease the  
20 numerical thresholds of any statewide guideline and standard.  
21 The state land planning agency or the regional planning agency  
22 may petition for an increase or decrease for a particular  
23 local government's jurisdiction or a part of a particular  
24 jurisdiction. A local government may petition for an increase  
25 or decrease within its jurisdiction or a part of its  
26 jurisdiction. A number of requests may be combined in a  
27 single petition.

28 (c) The Administration Commission shall have authority  
29 to increase or decrease a threshold in the statewide  
30 guidelines and standards ~~up to 50 percent above or below the~~  
31 ~~statewide presumptive threshold.~~ The commission may from time

1 to time reconsider changed thresholds and make additional  
2 variations as it deems necessary.

3 (4) BINDING LETTER.--

4 (b) Unless a developer waives the requirements of this  
5 paragraph by agreeing to undergo  
6 development-of-regional-impact review pursuant to this  
7 section, the state land planning agency or local government  
8 with jurisdiction over the land on which a development is  
9 proposed may require a developer to obtain a binding letter  
10 if+

11 ~~1. the development is at a presumptive numerical~~  
12 ~~threshold or up to 20 percent above a numerical threshold in~~  
13 ~~the guidelines and standards.~~7 or

14 ~~2. The development is between a presumptive numerical~~  
15 ~~threshold and 20 percent below the numerical threshold and the~~  
16 ~~local government or the state land planning agency is in doubt~~  
17 ~~as to whether the character or magnitude of the development at~~  
18 ~~the proposed location creates a likelihood that the~~  
19 ~~development will have a substantial effect on the health,~~  
20 ~~safety, or welfare of citizens of more than one county.~~

21 (19) SUBSTANTIAL DEVIATIONS.--

22 (b) Any proposed change to a previously approved  
23 development of regional impact or development order condition  
24 which, either individually or cumulatively with other changes,  
25 exceeds any of the following criteria shall constitute a  
26 substantial deviation and shall cause the development to be  
27 subject to further development-of-regional-impact review  
28 without the necessity for a finding of same by the local  
29 government:

30 1. An increase in the number of parking spaces at an  
31 attraction or recreational facility by 5 percent or 300

1 spaces, whichever is greater, or an increase in the number of  
2 spectators that may be accommodated at such a facility by 5  
3 percent or 1,000 spectators, whichever is greater.

4 ~~2. A new runway, a new terminal facility, a 25-percent~~  
5 ~~lengthening of an existing runway, or a 25-percent increase in~~  
6 ~~the number of gates of an existing terminal, but only if the~~  
7 ~~increase adds at least three additional gates. However, if an~~  
8 ~~airport is located in two counties, a 10-percent lengthening~~  
9 ~~of an existing runway or a 20-percent increase in the number~~  
10 ~~of gates of an existing terminal is the applicable criteria.~~

11 2.3. An increase in the number of hospital beds by 5  
12 percent or 60 beds, whichever is greater.

13 3.4. An increase in industrial development area by 5  
14 percent or 32 acres, whichever is greater.

15 4.5. An increase in the average annual acreage mined  
16 by 5 percent or 10 acres, whichever is greater, or an increase  
17 in the average daily water consumption by a mining operation  
18 by 5 percent or 300,000 gallons, whichever is greater. An  
19 increase in the size of the mine by 5 percent or 750 acres,  
20 whichever is less.

21 5.6. An increase in land area for office development  
22 by 5 percent or 6 acres, whichever is greater, or an increase  
23 of gross floor area of office development by 5 percent or  
24 60,000 gross square feet, whichever is greater.

25 ~~7. An increase in the storage capacity for chemical or~~  
26 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~  
27 ~~7 million pounds, whichever is greater.~~

28 6.8. An increase of development at a waterport of wet  
29 storage for 20 watercraft, dry storage for 30 watercraft, or  
30 wet/dry storage for 60 watercraft in an area identified in the  
31 state marina siting plan as an appropriate site for additional

1 waterport development or a 5-percent increase in watercraft  
2 storage capacity, whichever is greater.

3 ~~7.9.~~ An increase in the number of dwelling units by 5  
4 percent or 50 dwelling units, whichever is greater.

5 ~~8.10.~~ An increase in commercial development by 6 acres  
6 of land area or by 50,000 square feet of gross floor area, or  
7 of parking spaces provided for customers for 300 cars or a  
8 5-percent increase of any of these, whichever is greater.

9 ~~9.11.~~ An increase in hotel or motel facility units by  
10 5 percent or 75 units, whichever is greater.

11 ~~10.12.~~ An increase in a recreational vehicle park area  
12 by 5 percent or 100 vehicle spaces, whichever is less.

13 ~~11.13.~~ A decrease in the area set aside for open space  
14 of 5 percent or 20 acres, whichever is less.

15 ~~12.14.~~ A proposed increase to an approved multiuse  
16 development of regional impact where the sum of the increases  
17 of each land use as a percentage of the applicable substantial  
18 deviation criteria is equal to or exceeds 100 percent. The  
19 percentage of any decrease in the amount of open space shall  
20 be treated as an increase for purposes of determining when 100  
21 percent has been reached or exceeded.

22 ~~13.15.~~ A 15-percent increase in the number of external  
23 vehicle trips generated by the development above that which  
24 was projected during the original  
25 development-of-regional-impact review.

26 ~~14.16.~~ Any change which would result in development of  
27 any area which was specifically set aside in the application  
28 for development approval or in the development order for  
29 preservation or special protection of endangered or threatened  
30 plants or animals designated as endangered, threatened, or  
31 species of special concern and their habitat, primary dunes,

1 or archaeological and historical sites designated as  
2 significant by the Division of Historical Resources of the  
3 Department of State. The further refinement of such areas by  
4 survey shall be considered under sub-subparagraph (e)5.b.

5  
6 The substantial deviation numerical standards in subparagraphs  
7 ~~3.4~~, ~~5.6~~, ~~8.10~~, ~~12.14~~, excluding residential uses, and  
8 ~~13.15~~, are increased by 100 percent for a project certified  
9 under s. 403.973 which creates jobs and meets criteria  
10 established by the Office of Tourism, Trade, and Economic  
11 Development as to its impact on an area's economy, employment,  
12 and prevailing wage and skill levels. The substantial  
13 deviation numerical standards in subparagraphs ~~3.4~~, ~~5.6~~,  
14 ~~7.9~~, ~~8.10~~, ~~9.11~~, and ~~12.14~~ are increased by 50 percent for  
15 a project located wholly within an urban infill and  
16 redevelopment area designated on the applicable adopted local  
17 comprehensive plan future land use map and not located within  
18 the coastal high hazard area.

19 (e)1. A proposed change which, either individually or,  
20 if there were previous changes, cumulatively with those  
21 changes, is equal to or exceeds 40 percent of any numerical  
22 criterion in subparagraphs (b)~~1.-13.1-15~~, but which does not  
23 exceed such criterion, shall be presumed not to create a  
24 substantial deviation subject to further  
25 development-of-regional-impact review. The presumption may be  
26 rebutted by clear and convincing evidence at the public  
27 hearing held by the local government pursuant to subparagraph  
28 (f)5.

29 2. Except for a development order rendered pursuant to  
30 subsection (22) or subsection (25), a proposed change to a  
31 development order that individually or cumulatively with any



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

- 16 a. Changes in the name of the project, developer,  
 17 owner, or monitoring official.
- 18 b. Changes to a setback that do not affect noise  
 19 buffers, environmental protection or mitigation areas, or  
 20 archaeological or historical resources.
- 21 c. Changes to minimum lot sizes.
- 22 d. Changes in the configuration of internal roads that  
 23 do not affect external access points.
- 24 e. Changes to the building design or orientation that  
 25 stay approximately within the approved area designated for  
 26 such building and parking lot, and which do not affect  
 27 historical buildings designated as significant by the Division  
 28 of Historical Resources of the Department of State.
- 29 f. Changes to increase the acreage in the development,  
 30 provided that no development is proposed on the acreage to be  
 31 added.

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

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

6 i. Any other change which the state land planning  
7 agency agrees in writing is similar in nature, impact, or  
8 character to the changes enumerated in sub-subparagraphs a.-h.  
9 and which does not create the likelihood of any additional  
10 regional impact.

11  
12 This subsection does not require a development order amendment  
13 for any change listed in sub-subparagraphs a.-i. unless such  
14 issue is addressed either in the existing development order or  
15 in the application for development approval, but, in the case  
16 of the application, only if, and in the manner in which, the  
17 application is incorporated in the development order.

18 3. Except for the change authorized by  
19 sub-subparagraph 2.f., any addition of land not previously  
20 reviewed or any change not specified in paragraph (b) or  
21 paragraph (c) shall be presumed to create a substantial  
22 deviation. This presumption may be rebutted by clear and  
23 convincing evidence.

24 4. Any submittal of a proposed change to a previously  
25 approved development shall include a description of individual  
26 changes previously made to the development, including changes  
27 previously approved by the local government. The local  
28 government shall consider the previous and current proposed  
29 changes in deciding whether such changes cumulatively  
30 constitute a substantial deviation requiring further  
31 development-of-regional-impact review.

1           5. The following changes to an approved development of  
2 regional impact shall be presumed to create a substantial  
3 deviation. Such presumption may be rebutted by clear and  
4 convincing evidence.

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

9           b. Except for the types of uses listed in subparagraph  
10 (b)~~14.16~~, any change which would result in the development of  
11 any area which was specifically set aside in the application  
12 for development approval or in the development order for  
13 preservation, buffers, or special protection, including  
14 habitat for plant and animal species, archaeological and  
15 historical sites, dunes, and other special areas.

16           c. Notwithstanding any provision of paragraph (b) to  
17 the contrary, a proposed change consisting of simultaneous  
18 increases and decreases of at least two of the uses within an  
19 authorized multiuse development of regional impact which was  
20 originally approved with three or more uses specified in s.  
21 380.0651(3)~~(b)(c), (c)(d), (e)(f), and (f)(g)~~ and residential  
22 use.

23           (24) STATUTORY EXEMPTIONS.--

24           (i) Any proposed facility for the storage of any  
25 petroleum product is exempt from the provisions of this  
26 section, if such facility is consistent with a local  
27 comprehensive plan that is in compliance with s. 163.3177 or  
28 is consistent with a comprehensive port master plan that is in  
29 compliance with s. 163.3178.  
30  
31

1           (j) Any development or expansion of an airport or  
2 airport-related or aviation-related development is exempt from  
3 the provisions of this section.

4           Section 58. Subsection (3) of section 380.0651,  
5 Florida Statutes, is amended to read:

6           380.0651 Statewide guidelines and standards.--

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

11           ~~(a) Airports.--~~

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

14           ~~a. A new commercial service or general aviation~~  
15 ~~airport with paved runways.~~

16           ~~b. A new commercial service or general aviation paved~~  
17 ~~runway.~~

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

19           ~~2. Lengthening of an existing runway by 25 percent or~~  
20 ~~an increase in the number of gates by 25 percent or three~~  
21 ~~gates, whichever is greater, on a commercial service airport~~  
22 ~~or a general aviation airport with regularly scheduled flights~~  
23 ~~is a development of regional impact. However, expansion of~~  
24 ~~existing terminal facilities at a nonhub or small hub~~  
25 ~~commercial service airport shall not be a development of~~  
26 ~~regional impact.~~

27           ~~3. Any airport development project which is proposed~~  
28 ~~for safety, repair, or maintenance reasons alone and would not~~  
29 ~~have the potential to increase or change existing types of~~  
30 ~~aircraft activity is not a development of regional impact.~~  
31 ~~Notwithstanding subparagraphs 1. and 2., renovation,~~

1 ~~modernization, or replacement of airport airside or terminal~~  
2 ~~facilities that may include increases in square footage of~~  
3 ~~such facilities but does not increase the number of gates or~~  
4 ~~change the existing types of aircraft activity is not a~~  
5 ~~development of regional impact.~~

6 (a)~~(b)~~ Attractions and recreation facilities.--Any  
7 sports, entertainment, amusement, or recreation facility,  
8 including, but not limited to, a sports arena, stadium,  
9 racetrack, tourist attraction, amusement park, or pari-mutuel  
10 facility, the construction or expansion of which:

11 1. For single performance facilities:

12 a. Provides parking spaces for more than 2,500 cars;

13 or

14 b. Provides more than 10,000 permanent seats for  
15 spectators.

16 2. For serial performance facilities:

17 a. Provides parking spaces for more than 1,000 cars;

18 or

19 b. Provides more than 4,000 permanent seats for  
20 spectators.

21  
22 For purposes of this subsection, "serial performance  
23 facilities" means those using their parking areas or permanent  
24 seating more than one time per day on a regular or continuous  
25 basis.

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

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

29 or

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

1           **(b)**~~(c)~~ Industrial plants, industrial parks, and  
2 distribution, warehousing or wholesaling facilities.--Any  
3 proposed industrial, manufacturing, or processing plant, or  
4 distribution, warehousing, or wholesaling facility, excluding  
5 wholesaling developments which deal primarily with the general  
6 public onsite, under common ownership, or any proposed  
7 industrial, manufacturing, or processing activity or  
8 distribution, warehousing, or wholesaling activity, excluding  
9 wholesaling activities which deal primarily with the general  
10 public onsite, which:

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

14           2. Occupies a site greater than 320 acres, or for  
15 motor vehicle wholesaling facilities that conduct wholesaling  
16 sales activity no more frequently than an average each year of  
17 3 days per week, occupies a site greater than 500 acres.

18           **(c)**~~(d)~~ Office development.--Any proposed office  
19 building or park operated under common ownership, development  
20 plan, or management that:

21           1. Encompasses 300,000 or more square feet of gross  
22 floor area; or

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

24           3. Encompasses more than 600,000 square feet of gross  
25 floor area in a county with a population greater than 500,000  
26 and only in a geographic area specifically designated as  
27 highly suitable for increased threshold intensity in the  
28 approved local comprehensive plan and in the strategic  
29 regional policy plan.

30           **(d)**~~(e)~~ Port facilities.--The proposed construction of  
31 any waterport or marina is required to undergo

1 development-of-regional-impact review, except one designed  
2 for:

3 1.a. The wet storage or mooring of fewer than 150  
4 watercraft used exclusively for sport, pleasure, or commercial  
5 fishing, or

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

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

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

21 In addition to the foregoing, for projects for which no  
22 environmental resource permit or sovereign submerged land  
23 lease is required, the Department of Environmental Protection  
24 must determine in writing that a proposed marina in excess of  
25 10 slips or storage spaces or a combination of the two is  
26 located so that it will not adversely impact Outstanding  
27 Florida Waters or Class II waters and will not contribute boat  
28 traffic in a manner that will have an adverse impact on an  
29 area known to be, or likely to be, frequented by manatees. If  
30 the Department of Environmental Protection fails to issue its  
31 determination within 45 days of receipt of a formal written

1 request, it has waived its authority to make such  
2 determination. The Department of Environmental Protection  
3 determination shall constitute final agency action pursuant to  
4 chapter 120.

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

8           3. Any proposed marina development with both wet and  
9 dry mooring or storage used exclusively for sport, pleasure,  
10 or commercial fishing, where the sum of percentages of the  
11 applicable wet and dry mooring or storage thresholds equals  
12 100 percent. This threshold is in addition to, and does not  
13 preclude, a development from being required to undergo  
14 development-of-regional-impact review under sub-subparagraphs  
15 1.a. and b. and subparagraph 2.

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

21           1. Encompasses more than 400,000 square feet of gross  
22 area;

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

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

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

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

28           2. Any proposed hotel or motel development that is  
29 planned to create or accommodate 750 or more units, in a  
30 county with a population greater than 500,000, and only in a  
31 geographic area specifically designated as highly suitable for



1 increased threshold intensity in the approved local  
2 comprehensive plan and in the strategic regional policy plan.

3 (g)~~(h)~~ Recreational vehicle development.--Any proposed  
4 recreational vehicle development planned to create or  
5 accommodate 500 or more spaces.

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

22 ~~(j) Residential development.--No rule may be adopted  
23 concerning residential developments which treats a residential  
24 development in one county as being located in a less populated  
25 adjacent county unless more than 25 percent of the development  
26 is located within 2 or less miles of the less populated  
27 adjacent county.~~

28 (i)~~(k)~~ Schools.--

29 1. The proposed construction of any public, private,  
30 or proprietary postsecondary educational campus which provides  
31 for a design population of more than 5,000 full-time

1 equivalent students, or the proposed physical expansion of any  
2 public, private, or proprietary postsecondary educational  
3 campus having such a design population that would increase the  
4 population by at least 20 percent of the design population.

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

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

16         Section 59. Paragraph (a) of subsection (12) of  
17 section 163.3180, Florida Statutes, is amended to read:

18         163.3180 Concurrency.--

19         (12) When authorized by a local comprehensive plan, a  
20 multiuse development of regional impact may satisfy the  
21 transportation concurrency requirements of the local  
22 comprehensive plan, the local government's concurrency  
23 management system, and s. 380.06 by payment of a  
24 proportionate-share contribution for local and regionally  
25 significant traffic impacts, if:

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

1  
2 The proportionate-share contribution may be applied to any  
3 transportation facility to satisfy the provisions of this  
4 subsection and the local comprehensive plan, but, for the  
5 purposes of this subsection, the amount of the  
6 proportionate-share contribution shall be calculated based  
7 upon the cumulative number of trips from the proposed  
8 development expected to reach roadways during the peak hour  
9 from the complete buildout of a stage or phase being approved,  
10 divided by the change in the peak hour maximum service volume  
11 of roadways resulting from construction of an improvement  
12 necessary to maintain the adopted level of service, multiplied  
13 by the construction cost, at the time of developer payment, of  
14 the improvement necessary to maintain the adopted level of  
15 service. For purposes of this subsection, "construction cost"  
16 includes all associated costs of the improvement.

17 Section 60. Subsection (20) of section 331.303,  
18 Florida Statutes, is amended to read:

19 331.303 Definitions.--

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

24 Section 61. (1) Nothing contained in this act  
25 abridges or modifies any vested or other right or any duty or  
26 obligation pursuant to any development order or agreement  
27 which is applicable to a development of regional impact on the  
28 effective date of this act. An airport or petroleum storage  
29 facility which has received a development-of-regional-impact  
30 development order pursuant to s. 380.06, Florida Statutes  
31 2000, but is no longer required to undergo

1 development-of-regional-impact review by operation of this  
2 act, shall be governed by the following procedures:

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

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

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

24 Section 62. If any provision of this act or the  
25 application thereof to any person or circumstance is held  
26 invalid, the invalidity shall not affect other provisions or  
27 applications of the act which can be given effect without the  
28 invalid provision or application, and to this end the  
29 provisions of this act are declared severable.

30 Section 63. Subsection (13) is added to section  
31 475.011, Florida Statutes, to read:

1           475.011 Exemptions.--This part does not apply to:  
2           (13) Any firm that is under contract with a state or  
3 local governmental entity to provide right-of-way acquisition  
4 services for property subject to condemnation, or any employee  
5 of such a firm, if the compensation for such services is not  
6 based upon the value of the property acquired.

7           Section 64. Subsection (2) of section 479.15, Florida  
8 Statutes, is amended to read:

9           479.15 Harmony of regulations.--  
10          (2) A municipality, county, local zoning authority, or  
11 other local governmental entity may not remove, or cause to be  
12 removed, any lawfully erected sign along any portion of the  
13 interstate or federal-aid primary highway system without first  
14 paying just compensation for such removal. A local  
15 governmental entity may not cause in any way the alteration of  
16 any lawfully erected sign located along any portion of the  
17 interstate or federal-aid primary highway system without  
18 payment of just compensation if such alteration constitutes a  
19 taking under state law. The municipality, county, local zoning  
20 authority, or other local government entity promulgating  
21 requirements for such alteration must be responsible for  
22 payment of just compensation to the sign owner if such  
23 alteration constitutes a taking under state law. This  
24 subsection applies only to a lawfully erected sign the subject  
25 matter of which relates to premises other than the premises on  
26 which it is located or to merchandise, services, activities,  
27 or entertainment not sold, produced, manufactured, or  
28 furnished on the premises on which the sign is located. For  
29 the purposes of this subsection, the term "federal-aid primary  
30 highway system" means the federal-aid primary highway system  
31 in existence on June 1, 1991, and any highway which was not on

1 such system but which is, or hereafter becomes, a part of the  
2 National Highway System.This subsection shall not be  
3 interpreted as explicit or implicit legislative recognition  
4 that alterations do or do not constitute a taking under state  
5 law.

6 Section 65. Section 479.25, Florida Statutes, is  
7 created to read:

8 479.25 Application of chapter.--Nothing in this  
9 chapter shall prevent a governmental entity from entering into  
10 an agreement allowing the height above ground level of a  
11 lawfully erected sign to be increased at its permitted  
12 location if a noise attenuation barrier, visibility screen, or  
13 other highway improvement has been erected in such a way as to  
14 screen or block visibility of such a sign; provided, however,  
15 that for nonconforming signs located on the federal-aid  
16 primary highway system, as such system existed on June 1,  
17 1991, and any highway which was not on such system but which  
18 is, or hereinafter becomes, a part of the National Highway  
19 System, such agreement must be approved by the Federal Highway  
20 Administration. Any increase in height permitted under this  
21 provision shall only be that which is required to achieve the  
22 same degree of visibility from the right-of-way that the sign  
23 had prior to the construction of the noise attenuation  
24 barrier, visibility screen, or other highway improvement.

25 Section 66. Section 70.20, Florida Statutes, is  
26 created to read:

27 70.20 Balancing of interests.--It is a policy of this  
28 state to encourage municipalities, counties, and other  
29 governmental entities and sign owners to enter into relocation  
30 and reconstruction agreements that allow governmental entities  
31 to undertake public projects and accomplish public goals

1 without the expenditure of public funds, while allowing the  
2 continued maintenance of private investment in signage as a  
3 medium of commercial and noncommercial communication.

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

17 (2) Except as otherwise provided in this section, no  
18 municipality, county, or other governmental entity may remove,  
19 or cause to be removed, any lawfully erected sign along any  
20 portion of the interstate, federal-aid primary or other  
21 highway system, or any other road, without first paying just  
22 compensation for such removal as determined by agreement  
23 between the parties or through eminent domain proceedings.  
24 Except as otherwise provided in this section, no municipality,  
25 county, or other governmental entity may cause in any way the  
26 alteration of any lawfully erected sign located along any  
27 portion of the interstate, federal-aid primary or other  
28 highway system, or any other road, without first paying just  
29 compensation for such alteration as determined by agreement  
30 between the parties or through eminent domain proceedings. The  
31 provisions of this act shall not apply to any ordinance, the

1 validity, constitutionality, and enforceability of which the  
2 owner has by written agreement waived all right to challenge.

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

15 (4) If the parties fail to enter into a relocation and  
16 reconstruction agreement within 120 days after the initial  
17 notification by the municipality, county, or other  
18 governmental entity, either party may request mandatory  
19 nonbinding arbitration to resolve the disagreements among the  
20 parties. Each party shall select an arbitrator, and the  
21 individuals so selected shall choose a third arbitrator. The  
22 three arbitrators shall constitute the panel that shall  
23 arbitrate the dispute between the parties and at the  
24 conclusion of the proceedings shall present to the parties a  
25 proposed relocation and reconstruction agreement that the  
26 panel believes equitably balances the rights, interests,  
27 obligations, and reasonable expectations of the parties. If  
28 the municipality, county, or other governmental entity and the  
29 sign owner accept the proposed relocation and reconstruction  
30 agreement, the municipality, county, or other governmental  
31 entity and sign owner shall each pay its respective costs of



1 arbitration and shall pay one-half of the costs of the  
2 arbitration panel, unless the parties otherwise agree.

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

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

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

27 (8) Nothing in this section shall prevent a  
28 municipality, county, or other governmental entity from  
29 acquiring a lawfully erected sign through eminent domain or  
30 from prospectively regulating the placement, size, height, or  
31 other aspects of new signs within such entity's jurisdiction,

1 including the prohibition of new signs, unless otherwise  
2 authorized pursuant to this section. Nothing in this section  
3 shall impair any ordinance or provision of any ordinance not  
4 inconsistent with this section, nor shall this section create  
5 any new rights for any party other than the owner of a sign,  
6 the owner of the land upon which it is located, or a  
7 municipality, county, or other governmental entity as  
8 expressed in this section.

9 (9) This section applies only to a lawfully erected  
10 sign the subject matter of which relates to premises other  
11 than the premises on which it is located or to merchandise,  
12 services, activities, or entertainment not sold, produced,  
13 manufactured, or furnished on the premises on which the sign  
14 is located.

15 (10) This section does not apply to any actions taken  
16 by the Florida Department of Transportation which relate to  
17 the operation, maintenance, or expansion of transportation  
18 facilities, and this section does not affect existing law  
19 regarding eminent domain relating to the Florida Department of  
20 Transportation.

21 (11) Nothing in this act shall impair or affect any  
22 written agreement existing prior to the effective date of this  
23 act, including, but not limited to, any settlement agreements  
24 reliant upon the legality or enforceability of local  
25 ordinances. The provisions of this act shall not apply to any  
26 dispute between a municipality or county and a sign owner  
27 where the amortization period has expired and judicial  
28 proceedings were commenced on or before May 1, 1997, to  
29 determine the rights, interests, obligations and reasonable  
30 expectations of the parties to the dispute, nor shall the  
31 provisions of this act apply to any signs that are required to

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

11 (12) The provisions of this section shall not apply  
12 until July 1, 2002, to any dispute between a municipality or  
13 county and a sign owner where the amortization period has  
14 expired and judicial proceedings are pending and the dispute  
15 is not otherwise exempt by subsection (11).

16 Section 67. Paragraph (b) of subsection (1) of section  
17 496.425, Florida Statutes, is amended to read:

18 496.425 Solicitation of funds within public  
19 transportation facilities.--

20 (1) As used in this section:

21 (b) "Facility" means any public transportation  
22 facility, including, but not limited to, railroad stations,  
23 bus stations, ship ports, ferry terminals, or ~~roadside welcome~~  
24 ~~stations, highway service plazas, airports served by scheduled~~  
25 ~~passenger service, or highway rest stations.~~

26 Section 68. Section 496.4256, Florida Statutes, is  
27 created to read:

28 496.4256 Public transportation facilities not required  
29 to grant permit or access.--A governmental entity or authority  
30 that owns or operates welcome centers, wayside parks, service  
31 plazas, or rest areas on the state highway system as defined

1 in chapter 335 may not be required to issue a permit or grant  
2 any person access to such public transportation facilities for  
3 the purpose of soliciting funds.

4 Section 69. Section 337.408, Florida Statutes, is  
5 amended to read:

6 337.408 Regulation of benches, transit shelters,  
7 street light poles, and waste disposal receptacles within  
8 rights-of-way.--

9 (1) Benches or transit shelters, including advertising  
10 displayed on benches or transit shelters, may be installed  
11 within the right-of-way limits of any municipal, county, or  
12 state road, except a limited access highway; provided that  
13 such benches or transit shelters are for the comfort or  
14 convenience of the general public, or at designated stops on  
15 official bus routes; and, provided further, that written  
16 authorization has been given to a qualified private supplier  
17 of such service by the municipal government within whose  
18 incorporated limits such benches or transit shelters are  
19 installed, or by the county government within whose  
20 unincorporated limits such benches or transit shelters are  
21 installed. A municipality or county may authorize the  
22 installation, with or without public bid, of benches and  
23 transit shelters together with advertising displayed thereon,  
24 within the right-of-way limits of such roads. Any contract for  
25 the installation of benches or transit shelters or advertising  
26 on benches or transit shelters which was entered into before  
27 April 8, 1992, without public bidding, is ratified and  
28 affirmed. Such benches or transit shelters may not interfere  
29 with right-of-way preservation and maintenance. Any bench or  
30 transit shelter located on a sidewalk within the right-of-way  
31 limits of any road on the State Highway System or the county

1 road system shall be located so as to leave at least 36 inches  
2 clearance for pedestrians and persons in wheelchairs. Such  
3 clearance shall be measured in a direction perpendicular to  
4 the centerline of the road.

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

18 (3) The department has the authority to direct the  
19 immediate relocation or removal of any bench, transit shelter,  
20 or waste disposal receptacle which endangers life or property,  
21 except that transit bus benches which have been placed in  
22 service prior to April 1, 1992, do not have to comply with  
23 bench size and advertising display size requirements which  
24 have been established by the department prior to March 1,  
25 1992. Any transit bus bench that was in service prior to  
26 April 1, 1992, may be replaced with a bus bench ~~of the same~~  
27 ~~size or smaller~~, if the bench is damaged or destroyed or  
28 otherwise becomes unusable. As of July 1, 2001, the  
29 department, municipality, or county may direct the removal of  
30 any bench, transit shelter, or waste disposal receptacle, or  
31 advertisement thereon, if the department, municipality, or

1 county determines that the bench, transit shelter, or waste  
2 disposal receptacle is structurally unsound or in visible  
3 disrepair.

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

15 (5) Street light poles, including attached public  
16 service messages and advertisements, may be located within the  
17 right-of-way limits of municipal and county roads in the same  
18 manner as benches, transit shelters, and waste receptacles, as  
19 provided in this section and in accordance with municipal and  
20 county ordinances. Public service messages and advertising may  
21 be installed on street light poles on roads on the State  
22 Highway System in accordance with height, size, setback,  
23 spacing distance, duration of display, safety, traffic  
24 control, and permitting requirements established by  
25 administrative rule of the Department of Transportation. The  
26 department shall have authority to establish administrative  
27 rules to implement this subsection. No advertising on light  
28 poles shall be permitted on the Interstate Highway System. No  
29 permanent structures carrying advertisements attached to light  
30 poles shall be permitted on the National Highway System.

31

1           ~~(6)~~(5) Wherever the provisions of this section are  
2 inconsistent with other provisions of this chapter or with the  
3 provisions of chapter 125, chapter 335, chapter 336, or  
4 chapter 479, the provisions of this section shall prevail.

5           Section 70. Subsection (10) of section 768.28, Florida  
6 Statutes, is amended to read:

7           768.28 Waiver of sovereign immunity in tort actions;  
8 recovery limits; limitation on attorney fees; statute of  
9 limitations; exclusions; indemnification; risk management  
10 programs.--

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

22           (b) This subsection shall not be construed as  
23 designating persons providing contracted health care services  
24 to inmates as employees or agents of the state for the  
25 purposes of chapter 440.

26           (c) For purposes of this section, regional poison  
27 control centers created in accordance with s. 395.1027 and  
28 coordinated and supervised under the Division of Children's  
29 Medical Services Prevention and Intervention of the Department  
30 of Health, or any of their employees or agents, shall be  
31 considered agents of the State of Florida, Department of

1 Health. Any contracts with poison control centers must  
 2 provide, to the extent permitted by law, for the  
 3 indemnification of the state by the agency for any liabilities  
 4 incurred up to the limits set out in this chapter.

5 (d) For the purposes of this section, operators of  
 6 rail services and providers of security for rail services, or  
 7 any of their employees or agents, that have contractually  
 8 agreed to act as agents of the Tri-County Commuter Rail  
 9 Authority to operate rail services or provide security for  
 10 rail services, shall be considered agents of the State of  
 11 Florida while acting within the scope of and pursuant to  
 12 guidelines established in said contract or by rule. The  
 13 contract shall provide for the indemnification of the state by  
 14 the agent for any liability incurred up to the limits set out  
 15 in this chapter.

16 Section 71. Section 337.025, Florida Statutes, is  
 17 amended to read:

18 337.025 Innovative highway projects; department to  
 19 establish program.--The department is authorized to establish  
 20 a program for highway projects demonstrating innovative  
 21 techniques of highway construction, maintenance, and finance  
 22 which have the intended effect of controlling time and cost  
 23 increases on construction projects. Such techniques may  
 24 include, but are not limited to, state-of-the-art technology  
 25 for pavement, safety, and other aspects of highway  
 26 construction and maintenance; innovative bidding and financing  
 27 techniques; accelerated construction procedures; and those  
 28 techniques that have the potential to reduce project life  
 29 cycle costs. To the maximum extent practical, the department  
 30 must use the existing process to award and administer  
 31 construction and maintenance contracts. When specific



1 innovative techniques are to be used, the department is not  
 2 required to adhere to those provisions of law that would  
 3 prevent, preclude, or in any way prohibit the department from  
 4 using the innovative technique. However, prior to using an  
 5 innovative technique that is inconsistent with another  
 6 provision of law, the department must document in writing the  
 7 need for the exception and identify what benefits the  
 8 traveling public and the affected community are anticipated to  
 9 receive. The department may enter into no more than \$120  
 10 million in contracts annually for the purposes authorized by  
 11 this section. However, the annual cap on contracts provided in  
 12 this section shall not apply to turnpike enterprise projects  
 13 nor shall turnpike enterprise projects be counted toward the  
 14 department's annual cap.

15 Section 72. Paragraph (c) of subsection (3) of section  
 16 337.11, Florida Statutes, is amended to read:

17 337.11 Contracting authority of department; bids;  
 18 emergency repairs, supplemental agreements, and change orders;  
 19 combined design and construction contracts; progress payments;  
 20 records; requirements of vehicle registration.--

21 (3)

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

28 The turnpike enterprise is exempt from this paragraph for a  
 29 turnpike enterprise project.Title to all necessary  
 30 rights-of-way shall be deemed to have been vested in the State  
 31

1 of Florida when such title has been dedicated to the public or  
2 acquired by prescription.

3 Section 73. Subsection (7) of section 338.165, Florida  
4 Statutes, is amended to read:

5 338.165 Continuation of tolls.--

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

8 Section 74. Section 338.22, Florida Statutes, is  
9 amended to read:

10 338.22 Florida Turnpike Enterprise Law; short  
11 title.--Sections 338.22-338.241 may be cited as the "Florida  
12 Turnpike Enterprise Law."

13 Section 75. Section 338.221, Florida Statutes, is  
14 amended to read:

15 338.221 Definitions of terms used in ss.  
16 338.22-338.241.--As used in ss. 338.22-338.241, the following  
17 words and terms have the following meanings, unless the  
18 context indicates another or different meaning or intent:

19 (1) "Bonds" or "revenue bonds" means notes, bonds,  
20 refunding bonds or other evidences of indebtedness or  
21 obligations, in either temporary or definitive form, issued by  
22 the Division of Bond Finance on behalf of the department and  
23 authorized under the provisions of ss. 338.22-338.241 and the  
24 State Bond Act.

25 (2) "Cost," as applied to a turnpike project, includes  
26 the cost of acquisition of all land, rights-of-way, property,  
27 easements, and interests acquired by the department for  
28 turnpike project construction; the cost of such construction;  
29 the cost of all machinery and equipment, financing charges,  
30 fees, and expenses related to the financing; establishment of  
31 reserves to secure bonds; interest prior to and during

1 construction and for such period after completion of  
 2 construction as shall be determined by the department; the  
 3 cost of traffic estimates and of engineering and legal  
 4 expenses, plans, specifications, surveys, estimates of cost  
 5 and revenues; other expenses necessary or incident to  
 6 determining the feasibility or practicability of acquiring or  
 7 constructing any such turnpike project; administrative  
 8 expenses; and such other expenses as may be necessary or  
 9 incident to the acquisition or construction of a turnpike  
 10 project, the financing of such acquisition or construction,  
 11 and the placing of the turnpike project in operation.

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

16 (4) "Owner" includes any person or any governmental  
 17 entity that has title to, or an interest in, any property,  
 18 right, easement, or interest authorized to be acquired  
 19 pursuant to ss. 338.22-338.241.

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

25 (6) "Turnpike system" means those limited access toll  
 26 highways and associated feeder roads and other structures,  
 27 appurtenances, or rights previously designated, acquired, or  
 28 constructed pursuant to the Florida Turnpike Enterprise Law  
 29 and such other additional turnpike projects as may be acquired  
 30 or constructed as approved by the Legislature.

31

1           (7) "Turnpike improvement" means any betterment  
2 necessary or desirable for the operation of the turnpike  
3 system, including, but not limited to, widenings, the addition  
4 of interchanges to the existing turnpike system, resurfacings,  
5 toll plazas, machinery, and equipment.

6           (8) "Economically feasible" for a proposed turnpike  
7 project means that the revenues of the project in combination  
8 with those of the existing turnpike system are sufficient to  
9 service the debt of the outstanding turnpike bonds to  
10 safeguard investors.+

11           ~~(a) For a proposed turnpike project, that, as~~  
12 ~~determined by the department before the issuance of revenue~~  
13 ~~bonds for the project, the estimated net revenues of the~~  
14 ~~proposed turnpike project, excluding feeder roads and turnpike~~  
15 ~~improvements, will be sufficient to pay at least 50 percent of~~  
16 ~~the debt service on the bonds by the end of the 5th year of~~  
17 ~~operation and to pay at least 100 percent of the debt service~~  
18 ~~on the bonds by the end of the 15th year of operation. In~~  
19 ~~implementing this paragraph, up to 50 percent of the adopted~~  
20 ~~work program costs of the project may be funded from turnpike~~  
21 ~~revenues.~~

22           ~~(b) For turnpike projects, except for feeder roads and~~  
23 ~~turnpike improvements, financed from revenues of the turnpike~~  
24 ~~system, such project, or such group of projects, originally~~  
25 ~~financed from revenues of the turnpike system, that the~~  
26 ~~project is expected to generate sufficient revenues to~~  
27 ~~amortize project costs within 15 years of opening to traffic.~~

28  
29 This subsection does not prohibit the pledging of revenues  
30 from the entire turnpike system to bonds issued to finance or  
31 refinance a turnpike project or group of turnpike projects.

1 (9) "Turnpike project" means any extension to or  
2 expansion of the existing turnpike system and new limited  
3 access toll highways and associated feeder roads and other  
4 structures, interchanges, appurtenances, or rights as may be  
5 approved in accordance with the Florida Turnpike Enterprise  
6 Law.

7 (10) "Statement of environmental feasibility" means a  
8 statement by the Department of Environmental Protection of the  
9 project's significant environmental impacts.

10 Section 76. Section 338.2215, Florida Statutes, is  
11 created to read:

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

29 Section 77. Section 338.2216, Florida Statutes, is  
30 created to read:

31

1           338.2216 Florida Turnpike Enterprise; powers and  
2 authority.--

3           (1)(a) In addition to the powers granted to the  
4 department, the Florida Turnpike Enterprise has full authority  
5 to exercise all powers granted to it under this chapter.  
6 Powers shall include, but are not limited to, the ability to  
7 plan, construct, maintain, repair, and operate the Florida  
8 Turnpike System.

9           (b) It is the express intention of this part that the  
10 Florida Turnpike Enterprise be authorized to plan, develop,  
11 own, purchase, lease, or otherwise acquire, demolish,  
12 construct, improve, relocate, equip, repair, maintain,  
13 operate, and manage the Florida Turnpike System; to expend  
14 funds to publicize, advertise, and promote the advantages of  
15 using the turnpike system and its facilities; and to  
16 cooperate, coordinate, partner, and contract with other  
17 entities, public and private, to accomplish these purposes.

18           (c) The executive director of the turnpike enterprise  
19 shall appoint a staff, which shall be exempt from part II of  
20 chapter 110. The fiscal functions of the turnpike enterprise,  
21 including those arising under chapters 216, 334, and 339,  
22 shall be managed by the turnpike enterprise chief financial  
23 officer, who shall possess qualifications similar to those of  
24 the department comptroller.

25           (2)(a) The department shall have the authority to  
26 employ procurement methods available to the Department of  
27 Management Services under chapters 255 and 287 and under any  
28 rule adopted under such chapters solely for the benefit of the  
29 turnpike enterprise. In order to enhance the effective and  
30 efficient operation of the turnpike enterprise, the department  
31

1 may adopt rules for procurement procedures alternative to  
2 chapters 255, 287, and 337.

3 (3)(a) The turnpike enterprise shall be a single  
4 budget entity and shall develop a budget pursuant to chapter  
5 216. The turnpike enterprise's budget shall be submitted to  
6 the Legislature along with the department's budget.

7 (b) Notwithstanding the provisions of s. 216.301 to  
8 the contrary and in accordance with s. 216.351, the Executive  
9 Office of the Governor shall, on July 1 of each year, certify  
10 forward all unexpended funds appropriated or provided pursuant  
11 to this section for the turnpike enterprise. Of the  
12 unexpended funds certified forward, any unencumbered amounts  
13 shall be carried forward. Such funds carried forward shall  
14 not exceed 5 percent of the total operating budget of the  
15 turnpike enterprise. Funds carried forward pursuant to this  
16 section may be used for any lawful purpose, including, but not  
17 limited to, promotional and market activities, technology,  
18 training, and salary bonuses. Any certified forward funds  
19 remaining undisbursed on December 31 of each year shall be  
20 carried forward.

21 (4) The powers conferred upon the turnpike enterprise  
22 under ss. 338.22-338.241 shall be in addition and supplemental  
23 to the existing powers of the department and the turnpike  
24 enterprise, and these powers shall not be construed as  
25 repealing any provision of any other law, general or local,  
26 but shall supersede such other laws that are inconsistent with  
27 the exercise of the powers provided under ss. 338.22-338.241  
28 and provide a complete method for the exercise of such powers  
29 granted.

30 Section 78. Subsection (4) of section 338.223, Florida  
31 Statutes, is amended to read:

1           338.223 Proposed turnpike projects.--

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

14           Section 79. Subsection (2) of section 338.227, Florida  
15 Statutes, is amended to read:

16           338.227 Turnpike revenue bonds.--

17           (2) The proceeds of the bonds of each issue shall be  
18 used solely for the payment of the cost of the turnpike  
19 projects for which such bonds shall have been issued, except  
20 as provided in the State Bond Act. Such proceeds shall be  
21 disbursed and used as provided by ss. 338.22-338.241 and in  
22 such manner and under such restrictions, if any, as the  
23 Division of Bond Finance may provide in the resolution  
24 authorizing the issuance of such bonds or in the trust  
25 agreement hereinafter mentioned securing the same. All  
26 revenues and bond proceeds from the turnpike system received  
27 by the department pursuant to ss. 338.22-338.241, the Florida  
28 Turnpike Enterprise Law, shall be used only for the cost of  
29 turnpike projects and turnpike improvements and for the  
30 administration, operation, maintenance, and financing of the  
31 turnpike system. No revenues or bond proceeds from the



1 turnpike system shall be spent for the operation, maintenance,  
2 construction, or financing of any project which is not part of  
3 the turnpike system.

4 Section 80. Subsection (2) of section 338.2275,  
5 Florida Statutes, is amended to read:

6 338.2275 Approved turnpike projects.--

7 (2) The department is authorized to use turnpike  
8 revenues, the State Transportation Trust Fund moneys allocated  
9 for turnpike projects pursuant to s. 338.001, federal funds,  
10 and bond proceeds, and shall use the most cost-efficient  
11 combination of such funds, in developing a financial plan for  
12 funding turnpike projects. The department must submit a  
13 report of the estimated cost for each ongoing turnpike project  
14 and for each planned project to the Legislature 14 days before  
15 the convening of the regular legislative session. Verification  
16 of economic feasibility and statements of environmental  
17 feasibility for individual turnpike projects must be based on  
18 the entire project as approved. Statements of environmental  
19 feasibility are not required for those projects listed in s.  
20 12, chapter 90-136, Laws of Florida, for which the Project  
21 Development and Environmental Reports were completed by July  
22 1, 1990. ~~All required environmental permits must be obtained~~  
23 ~~before~~ The department may advertise for bids for contracts for  
24 the construction of any turnpike project prior to obtaining  
25 required environmental permits.

26 Section 81. Section 338.234, Florida Statutes, is  
27 amended to read:

28 338.234 Granting concessions or selling along the  
29 turnpike system.--

30 ~~(1)~~ The department may enter into contracts or  
31 licenses with any person for the sale of ~~grant concessions or~~

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

25 ~~(2) The department may provide an opportunity for~~  
26 ~~governmental agencies to hold public events at turnpike plazas~~  
27 ~~which educate the traveling public as to safety, travel, and~~  
28 ~~tourism.~~

29 Section 82. Subsection (3) of section 338.235, Florida  
30 Statutes, is amended to read:

31

1           338.235 Contracts with department for provision of  
2 services on the turnpike system.--

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

23           Section 83. Subsection (2) of section 338.239, Florida  
24 Statutes, is amended to read:

25           338.239 Traffic control on the turnpike system.--

26           (2) Members of the Florida Highway Patrol are vested  
27 with the power, and charged with the duty, to enforce the  
28 rules of the department. Approved expenditures ~~Expenses~~  
29 incurred by the Florida Highway Patrol in carrying out its  
30 powers and duties under ss. 338.22-338.241 may be treated as a  
31 part of the cost of the operation of the turnpike system, and

1 the Department of Highway Safety and Motor Vehicles shall be  
2 reimbursed by the turnpike enterprise ~~Department of~~  
3 ~~Transportation~~ for such expenses incurred on the turnpike  
4 system mainline, which is that part of the turnpike system  
5 ~~extending from the southern terminus in Florida City to the~~  
6 ~~northern terminus in Wildwood including all contiguous~~  
7 sections. Florida Highway Patrol Troop K shall be  
8 headquartered with the turnpike enterprise and shall be the  
9 official and preferred law enforcement troop for the turnpike  
10 system. The Department of Highway Safety and Motor Vehicles  
11 may, upon request of the executive director of the turnpike  
12 enterprise and approval of the Legislature, increase the  
13 number of authorized positions for Troop K, or the executive  
14 director of the turnpike enterprise may contract with the  
15 Department of Highway Safety and Motor Vehicles for additional  
16 troops to patrol the turnpike system.

17 Section 84. Section 338.241, Florida Statutes, is  
18 amended to read:

19 338.241 Cash reserve requirement.--The budget for the  
20 turnpike system shall be so planned as to provide for a cash  
21 reserve at the end of each fiscal year of not less than 5 ~~10~~  
22 percent of the unpaid balance of all turnpike system  
23 contractual obligations, excluding bond obligations, to be  
24 paid from revenues.

25 Section 85. Section 338.251, Florida Statutes, is  
26 amended to read:

27 338.251 Toll Facilities Revolving Trust Fund.--The  
28 Toll Facilities Revolving Trust Fund is hereby created for the  
29 purpose of encouraging the development and enhancing the  
30 financial feasibility of revenue-producing road projects  
31 undertaken by local governmental entities in a county or

1 combination of contiguous counties and the turnpike  
2 enterprise.

3 (1) The department is authorized to advance funds for  
4 preliminary engineering, traffic and revenue studies,  
5 environmental impact studies, financial advisory services,  
6 engineering design, right-of-way map preparation, other  
7 appropriate project-related professional services, and  
8 advanced right-of-way acquisition to expressway authorities,  
9 the turnpike enterprise, counties, or other local governmental  
10 entities that desire to undertake revenue-producing road  
11 projects.

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

14 (a) The proposed facility is consistent with the  
15 adopted transportation plan of the appropriate metropolitan  
16 planning organization and the Florida Transportation Plan.

17 (b) A proposed 2-year budget detailing the use of the  
18 cash advance and a project schedule consistent with the  
19 budget.

20 (3) Prior to receiving any moneys for advance  
21 right-of-way acquisition, it shall be shown that such  
22 right-of-way will substantially appreciate prior to  
23 construction and that savings will result from its advance  
24 purchase. Any such request for moneys for advance  
25 right-of-way acquisition shall be accompanied by a preliminary  
26 engineering study, environmental impact study, traffic and  
27 revenue study, and right-of-way maps along with either a  
28 negotiated contract for purchase of the right-of-way, such  
29 contract to include a clause stating that it is subject to  
30 funding by the department or the Legislature, or an appraisal  
31

1 of the subject property for purpose of condemnation  
2 proceedings.

3 (4) Each advance pursuant to this section shall  
4 require repayment out of the initial bond issue revenue or, at  
5 the discretion of the governmental entity or the turnpike  
6 enterprise ~~of the facility~~, repayment shall begin no later  
7 than 7 years after the date of the advance, provided repayment  
8 shall be completed no later than 12 years after the date of  
9 the advance. However, such election shall be made at the time  
10 of the initial bond issue, and, if repayment is to be made  
11 during the time period referred to above, a schedule of such  
12 repayment shall be submitted to the department.

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

17 (6) Funds may not be advanced for funding final design  
18 costs beyond 60 percent completion until an acceptable plan to  
19 finance all project costs, including the reimbursement of  
20 outstanding trust fund advances, is approved by the  
21 department.

22 (7) The department may advance funds sufficient to  
23 defray shortages in toll revenues of facilities receiving  
24 funds pursuant to this section for the first 5 years of  
25 operation, up to a maximum of \$5 million per year, to be  
26 reimbursed to this fund within 5 years of the last advance  
27 hereunder. Any advance under this provision shall require  
28 specific appropriation by the Legislature.

29 (8) No expressway authority, county, or other local  
30 governmental entity, or the turnpike enterprise, shall be  
31 eligible to receive any advance under this section if the

1 expressway authority, county, or other local governmental  
2 entity or the turnpike enterprise has failed to repay any  
3 previous advances as required by law or by agreement with the  
4 department.

5 (9) Repayment of funds advanced, including advances  
6 made prior to January 1, 1994, shall not include interest.  
7 However, interest accruing to local governmental entities and  
8 the turnpike enterprise from the investment of advances shall  
9 be paid to the department.

10 Section 86. Subsection (1) of section 553.80, Florida  
11 Statutes, as amended by section 86 of chapter 2000-141, Laws  
12 of Florida, is amended to read:

13 553.80 Enforcement.--

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

23 (a) Construction regulations relating to correctional  
24 facilities under the jurisdiction of the Department of  
25 Corrections and the Department of Juvenile Justice are to be  
26 enforced exclusively by those departments.

27 (b) Construction regulations relating to elevator  
28 equipment under the jurisdiction of the Bureau of Elevators of  
29 the Department of Business and Professional Regulation shall  
30 be enforced exclusively by that department.

31

1           (c) In addition to the requirements of s. 553.79 and  
2 this section, facilities subject to the provisions of chapter  
3 395 and part II of chapter 400 shall have facility plans  
4 reviewed and construction surveyed by the state agency  
5 authorized to do so under the requirements of chapter 395 and  
6 part II of chapter 400 and the certification requirements of  
7 the Federal Government.

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

17           (e) Construction regulations governing public schools,  
18 state universities, and community colleges shall be enforced  
19 as provided in subsection (6).

20           (f) Construction regulations relating to  
21 transportation facilities under the jurisdiction of the  
22 turnpike enterprise of the Department of Transportation shall  
23 be enforced exclusively by the turnpike enterprise.

24  
25 The governing bodies of local governments may provide a  
26 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
27 and this section, for the enforcement of the provisions of  
28 this part. Such fees shall be used solely for carrying out  
29 the local government's responsibilities in enforcing the  
30 Florida Building Code. The authority of state enforcing  
31 agencies to set fees for enforcement shall be derived from



1 authority existing on July 1, 1998. However, nothing contained  
2 in this subsection shall operate to limit such agencies from  
3 adjusting their fee schedule in conformance with existing  
4 authority.

5 Section 87. (1) This shall be known as the "Dori  
6 Slosberg Act of 2001."

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

16 Section 88. Section 316.3027 and subsection (3) of  
17 section 316.610, Florida Statutes, are repealed.

18 Section 89. This act shall take effect July 1, 2001.  
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