

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 20.23, F.S.; revising language with respect to
4 the organization of the department; deleting
5 responsibilities assigned to the secretary;
6 providing that the secretary or his or her
7 designee shall submit a report on major actions
8 at each meeting of the Florida Transportation
9 Commission; revising language with respect to
10 assistant secretaries; creating the Office of
11 Comptroller; deleting language with respect to
12 the inspector general and comptroller; changing
13 the Turnpike District into a turnpike
14 enterprise; exempting the turnpike enterprise
15 from department policies, procedures, and
16 standards, subject to the Secretary of
17 Transportation's decision to apply such
18 requirements; giving the secretary authority to
19 promulgate rules that will assist the turnpike
20 enterprise in using best business practices;
21 amending s. 110.205, F.S.; correcting cross
22 references, to conform; amending s. 163.3180,
23 F.S.; extending a deadline for development on
24 certain roads; amending s. 189.441, F.S.;
25 removing an exemption to s. 287.055, F.S.;
26 amending s. 206.46, F.S.; revising language
27 with respect to the State Transportation Trust
28 Fund; increasing the debt service cap; amending
29 s. 255.20, F.S.; exempting certain
30 transportation projects for certain competitive
31 bidding requirements; amending s. 287.005,

1 F.S.; increasing the amount defining a
2 continuing contract; amending s. 311.09, F.S.;
3 directing seaports to abide by the provisions
4 of s. 287.055, F.S., related to competitive
5 negotiation; amending s. 315.031, F.S.;
6 authorizing certain entertainment expenditures
7 for seaports; amending s. 316.302, F.S.;
8 revising a date concerning commercial motor
9 vehicles to conform to federal regulations;
10 amending s. 316.3025, F.S.; updating a cross
11 reference to federal trucking regulations;
12 amending s. 316.515, F.S.; deleting a
13 requirement for a department permit with
14 respect to the height of automobile
15 transporters; amending s. 316.535, F.S.; adding
16 weight requirements for certain commercial
17 trucks; amending s. 316.545, F.S.; correcting a
18 cross reference; amending s. 330.27, F.S.;
19 revising definitions relating to aviation;
20 providing definitions; amending s. 330.29,
21 F.S.; clarifying the department's rulemaking
22 authority with respect to airports; amending s.
23 330.30, F.S.; eliminating airport license fees;
24 revising language with respect to the
25 department's site approval process; eliminating
26 on-site inspections of private airports;
27 creating a registration process for private
28 airports; providing conditions; deleting
29 obsolete language; providing exceptions;
30 amending s. 330.35, F.S.; deleting obsolete
31 language with respect to airport zoning;

1 amending s. 330.36, F.S.; providing conditions
 2 under which municipalities may prohibit or
 3 otherwise regulate seaplanes; amending s.
 4 331.308, F.S.; revising membership of the board
 5 of supervisors of the Spaceport Florida
 6 Authority; amending s.332.004, F.S.; adding
 7 off-airport noise mitigation projects to the
 8 projects eligible for federal and state
 9 matching funds; amending s. 334.044, F.S.;
 10 authorizing the department to expend
 11 promotional money on scenic highway projects;
 12 authorizing the department to delegate its
 13 drainage permitting responsibilities to other
 14 governmental entities under certain
 15 circumstances; amending s. 334.193, F.S.;
 16 providing for employee bidding by department
 17 employees; amending s. 334.30, F.S.; clarifying
 18 existing program for public-private
 19 transportation projects; specifying legislative
 20 approval for certain projects; specifying
 21 notice and selection requirements for projects
 22 under this section; allowing Internal Revenue
 23 Service Code chapter 63-20 corporations to
 24 participate in these public-private
 25 transportation projects; providing conditions
 26 for using loans from Toll Facilities Revolving
 27 Trust Fund; deleting obsolete language;
 28 creating s. 335.066, F.S.; creating the Safe
 29 Paths to Schools Program; directing the
 30 department to establish the program and to
 31 authorize establishment of a grant program for

1 purposes of funding the program; authorizing
2 the department to adopt rules to administer the
3 program; amending s. 335.141, F.S.; eliminating
4 the requirement that the department regulate
5 all train speeds; amending s. 336.12, F.S.;
6 creating a process for homeowners' associations
7 to be conveyed roads and rights-of-way
8 abandoned by a county governing board for the
9 purpose of converting subdivisions into gated
10 neighborhoods; amending s. 336.41, F.S.;
11 clarifying that a contract already qualified by
12 the Department of Transportation is presumed
13 qualified to bid on county road projects;
14 amending s. 336.44, F.S.; replacing the term
15 "competent" with "responsible bidder"; amending
16 s. 337.107, F.S.; authorizing the department to
17 enter into design-build contracts that include
18 right-of-acquisition services; amending s.
19 337.11, F.S.; raising the cap on certain
20 contracts into which the department can enter
21 without first obtaining bids; adding
22 enhancement projects to the types of projects
23 that can be combined into a design-build
24 contract; specifying that construction on
25 design-build projects may not begin until
26 certain conditions have been met; amending s.
27 337.14, F.S.; clarifying that contractors
28 qualified by the Department of Transportation
29 are presumed qualified to bid on projects for
30 expressway authorities; amending s. 337.401,
31 F.S.; providing that for projects on public

1 roads or rail corridors under the department's
 2 jurisdiction, a utility relocation schedule and
 3 relocation agreement may be executed in lieu of
 4 a written permit; amending s. 339.08, F.S.;
 5 clarifying language with respect to the use of
 6 moneys in the State Transportation Trust Fund;
 7 amending s. 339.12, F.S.; raising the cap on
 8 the amount of money that a local government can
 9 advance the department for state road projects;
 10 providing that local governments which perform
 11 projects for the department are compensated
 12 promptly; amending s. 339.135, F.S.; conforming
 13 language with respect to the tentative work
 14 program; extending the concurrency deadline for
 15 certain department road projects; conforming a
 16 reference to the turnpike district; amending s.
 17 339.137, F.S.; revising definitions; amending
 18 criteria for program eligibility; directing the
 19 advisory council to develop methodology for
 20 ranking and prioritizing project proposals;
 21 directing the Florida Transportation Commission
 22 to review the proposed project list before
 23 submittal to the Legislature; amending s.
 24 341.051, F.S.; deleting obsolete language;
 25 amending s. 341.302, F.S.; deleting obsolete
 26 language; amending s. 348.0003, F.S.; giving a
 27 county governing body authority to set
 28 qualifications, terms of office, and
 29 obligations for the members of expressway
 30 authorities within their jurisdictions;
 31 amending ss. 348.0012, 348.754, 348.7543,

1 348.7544, 348.7545, 348.755, and 348.765, F.S. ;
2 giving the Orlando-Orange County Expressway
3 Authority the ability to issue bonds, rather
4 than issuance through the state Division of
5 Bond Finance; amending s. 348.565, F.S.; adding
6 the Leroy Selmon Crosstown Expressway connector
7 to the legislatively approved list of
8 expressway projects; amending s. 373.4137,
9 F.S.; allowing transportation authorities
10 created pursuant to chs. 348 and 349, F.S., to
11 create environmental impact inventories and
12 participate in a mitigation program to offset
13 adverse impacts caused by their transportation
14 projects; amending s. 373.414, F.S.; providing
15 for legislative review of the uniform wetland
16 mitigation assessment method rule; amending s.
17 475.011, F.S.; granting exemption from Florida
18 licensing for certain firms or their employees
19 under contract with the state or a local
20 governmental entity to provide right-of-way
21 acquisition services for property subject to
22 condemnation; amending s. 479.15, F.S. ;
23 revising language with respect to harmony of
24 regulations concerning lawfully erected signs;
25 creating s. 479.25, F.S.; authorizing local
26 governments to enter into agreements which
27 allow outdoor signs to be erected above sound
28 barriers; creating s. 70.20, F.S.; creating
29 process for governmental entities and sign
30 owners to enter into relocation and
31 reconstruction agreements related to outdoor

1 advertising signs; providing for just
 2 compensation to sign owners under certain
 3 conditions; amending s. 496.425, F.S.;
 4 redefining the term "facility"; creating s.
 5 496.4256, F.S.; providing that a governmental
 6 entity or authority that owns or operates
 7 welcome centers, wayside parks, service plazas,
 8 or rest areas on the state highway system are
 9 not required to issue a permit to, or grant
 10 access to, any person for the purpose of
 11 soliciting funds; repealing s. 316.3027, F.S.;
 12 relating to identification requirements on
 13 certain commercial motor vehicles; amending s.
 14 337.408, F.S.; revising language with respect
 15 to the regulation of benches, transit shelters,
 16 and waste disposal receptacles within
 17 rights-of-way; providing for regulation of
 18 street light poles; amending s. 380.0651, F.S.;
 19 excluding certain wholesaling facilities from
 20 development-of-regional-impact review; deleting
 21 provision which provides the
 22 development-of-regional-impact statewide
 23 guidelines and standards for airports; amending
 24 s. 768.28, F.S.; providing that certain
 25 operators of rail services and providers of
 26 security for rail services are agents of the
 27 state for certain purposes; providing for
 28 indemnification; repealing s. 316.610(3), F.S.;
 29 relating to certain inspections of certain
 30 commercial motor vehicles; amending s. 337.025,
 31 F.S.; eliminating cap on innovative highway

1 projects for the turnpike enterprise; amending
 2 s. 337.11, F.S.; providing an exemption for a
 3 turnpike enterprise project; amending s.
 4 338.22, F.S.; redesignating the Florida
 5 Turnpike Law as the Florida Turnpike Enterprise
 6 Law; amending s. 338.221, F.S.; redefining the
 7 term "economically feasible" as used with
 8 respect to turnpike projects; creating s.
 9 338.2215, F.S.; providing legislative findings,
 10 policy, purpose, and intent for the Florida
 11 Turnpike Enterprise; creating s. 338.2216,
 12 F.S.; prescribing the power and authority of
 13 the turnpike enterprise; amending s. 338.223,
 14 F.S.; increasing the maximum loan amount for
 15 the turnpike enterprise; amending ss. 338.165
 16 and 338.227, F.S.; conforming provisions;
 17 amending s. 338.2275, F.S.; authorizing the
 18 turnpike enterprise to advertise for bids for
 19 contracts prior to obtaining environmental
 20 permits; amending s. 338.234, F.S.; authorizing
 21 the turnpike enterprise to expand business
 22 opportunities; amending s. 338.235, F.S.;
 23 authorizing the consideration of goods instead
 24 of fees; amending s. 338.239, F.S.; providing
 25 that approved expenditure to the Florida
 26 Highway Patrol be paid by the turnpike
 27 enterprise; amending s. 338.241, F.S.; lowering
 28 the required cash reserve for the turnpike
 29 enterprise; amending s. 338.251, F.S.;
 30 conforming provisions; amending s. 553.80,
 31 F.S.; providing for self-regulation; amending

1 s. 333.06, F.S.; requiring each licensed
 2 publicly owned and operated airport to prepare
 3 an airport master plan; providing notice to
 4 affected local governments with respect
 5 thereto; amending s. 373.414, F.S.; providing
 6 for legislative review of the uniform wetland
 7 mitigation assessment method rule; amending s.
 8 475.011, F.S.; amending s. 380.06, F.S.,
 9 relating to developments of regional impact;
 10 removing provisions which specify that certain
 11 changes in airport facilities or increases in
 12 the storage capacity for chemical or petroleum
 13 storage facilities constitute a substantial
 14 deviation and require further
 15 development-of-regional-impact review;
 16 exempting certain proposed facilities for the
 17 storage of any petroleum product from
 18 development-of-regional-impact requirements;
 19 amending ss. 163.3180 and 331.303, F.S.;
 20 correcting references; providing application
 21 with respect to airports and petroleum storage
 22 facilities which have received a
 23 development-of-regional-impact development
 24 order, or which have an application for
 25 development approval or notification of
 26 proposed change pending, on the effective date
 27 of the act; providing for severability;
 28 authorizing a board of county commissioners to
 29 require by ordinance that an additional amount
 30 be collected with each civil fine and used to
 31 fund traffic education and awareness programs;

1 designating a number of roads and bridges in
2 honor of certain individuals; providing an
3 effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

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

9 20.23 Department of Transportation.--There is created
10 a Department of Transportation which shall be a decentralized
11 agency.

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

18 (b)2. The secretary shall be a proven, effective
19 administrator who by a combination of education and experience
20 shall clearly possess a broad knowledge of the administrative,
21 financial, and technical aspects of the development,
22 operation, and regulation of transportation systems and
23 facilities or comparable systems and facilities.

24 ~~(b)1. The secretary shall employ all personnel of the~~
25 ~~department. He or she shall implement all laws, rules,~~
26 ~~policies, and procedures applicable to the operation of the~~
27 ~~department and may not by his or her actions disregard or act~~
28 ~~in a manner contrary to any such policy. The secretary shall~~
29 ~~represent the department in its dealings with other state~~
30 ~~agencies, local governments, special districts, and the~~
31 ~~Federal Government. He or she shall have authority to sign~~

1 ~~and execute all documents and papers necessary to carry out~~
2 ~~his or her duties and the operations of the department. At~~
3 ~~each meeting of the Florida Transportation Commission, the~~
4 ~~secretary shall submit a report of major actions taken by him~~
5 ~~or her as official representative of the department.~~

6 ~~2. The secretary shall cause the annual department~~
7 ~~budget request, the Florida Transportation Plan, and the~~
8 ~~tentative work program to be prepared in accordance with all~~
9 ~~applicable laws and departmental policies and shall submit the~~
10 ~~budget, plan, and program to the Florida Transportation~~
11 ~~Commission. The commission shall perform an in-depth~~
12 ~~evaluation of the budget, plan, and program for compliance~~
13 ~~with all applicable laws and departmental policies. If the~~
14 ~~commission determines that the budget, plan, or program is not~~
15 ~~in compliance with all applicable laws and departmental~~
16 ~~policies, it shall report its findings and recommendations~~
17 ~~regarding such noncompliance to the Legislature and the~~
18 ~~Governor.~~

19 ~~(c)3.~~ (c) The secretary shall provide to the Florida
20 Transportation Commission or its staff, such assistance,
21 information, and documents as are requested by the commission
22 or its staff to enable the commission to fulfill its duties
23 and responsibilities.

24 ~~(d)(c)~~ (d) The secretary shall appoint two ~~three~~ assistant
25 secretaries who shall be directly responsible to the secretary
26 and who shall perform such duties as are specified in this
27 section and such other duties as are assigned by the
28 secretary. ~~The secretary may delegate to any assistant~~
29 ~~secretary the authority to act in the absence of the~~
30 ~~secretary. The department has the authority to adopt rules~~
31 ~~necessary for the delegation of authority beyond the assistant~~

1 ~~secretaries. The assistant secretaries shall serve at the~~
2 ~~pleasure of the secretary.~~

3 (e)~~(d)~~ Any secretary appointed after July 5, 1989, and
4 the assistant secretaries shall be exempt from the provisions
5 of part III of chapter 110 and shall receive compensation
6 commensurate with their qualifications and competitive with
7 compensation for comparable responsibility in the private
8 sector. When the salary of any assistant secretary exceeds
9 the limits established in part III of chapter 110, the
10 Governor shall approve said salary.

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

15 2. Members shall be appointed in such a manner as to
16 equitably represent all geographic areas of the state. Each
17 member must be a registered voter and a citizen of the state.
18 Each member of the commission must also possess business
19 managerial experience in the private sector.

20 3. A member of the commission shall represent the
21 transportation needs of the state as a whole and may not
22 subordinate the needs of the state to those of any particular
23 area of the state.

24 4. The commission is assigned to the Office of the
25 Secretary of the Department of Transportation for
26 administrative and fiscal accountability purposes, but it
27 shall otherwise function independently of the control and
28 direction of the department.

29 (b) The commission shall have the primary functions
30 to:

31

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

4 2. Periodically review the status of the state
5 transportation system including highway, transit, rail,
6 seaport, intermodal development, and aviation components of
7 the system and recommend improvements therein to the Governor
8 and the Legislature.

9 3. Perform an in-depth evaluation of the annual
10 department budget request, the Florida Transportation Plan,
11 and the tentative work program for compliance with all
12 applicable laws and established departmental policies. Except
13 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
14 the commission may not consider individual construction
15 projects, but shall consider methods of accomplishing the
16 goals of the department in the most effective, efficient, and
17 businesslike manner.

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

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

26 6. Perform an in-depth evaluation of the factors
27 causing disruption of project schedules in the adopted work
28 program and recommend to the Legislature and the Governor
29 methods to eliminate or reduce the disruptive effects of these
30 factors.

31

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

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

- 16 1. The awarding of contracts.
- 17 2. The selection of a consultant or contractor or the
18 prequalification of any individual consultant or contractor.
19 However, the commission may recommend to the secretary
20 standards and policies governing the procedure for selection
21 and prequalification of consultants and contractors.
- 22 3. The selection of a route for a specific project.
- 23 4. The specific location of a transportation facility.
- 24 5. The acquisition of rights-of-way.
- 25 6. The employment, promotion, demotion, suspension,
26 transfer, or discharge of any department personnel.
- 27 7. The granting, denial, suspension, or revocation of
28 any license or permit issued by the department.

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

31

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

14 3. A majority of the membership of the commission
15 constitutes a quorum at any meeting of the commission. An
16 action of the commission is not binding unless the action is
17 taken pursuant to an affirmative vote of a majority of the
18 members present, but not fewer than four members of the
19 commission at a meeting held pursuant to subparagraph 2., and
20 the vote is recorded in the minutes of that meeting.

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

24 (e) The meetings of the commission shall be held in
25 the central office of the department in Tallahassee unless the
26 chair determines that special circumstances warrant meeting at
27 another location.

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

30 (g) A member of the commission may not have any
31 interest, direct or indirect, in any contract, franchise,

1 privilege, or other benefit granted or awarded by the
2 department during the term of his or her appointment and for 2
3 years after the termination of such appointment.

4 (h) The commission shall appoint an executive director
5 and assistant executive director, who shall serve under the
6 direction, supervision, and control of the commission. The
7 executive director, with the consent of the commission, shall
8 employ such staff as are necessary to perform adequately the
9 functions of the commission, within budgetary limitations.

10 All employees of the commission are exempt from part II of
11 chapter 110 and shall serve at the pleasure of the commission.
12 The salaries and benefits of all employees of the commission
13 shall be set in accordance with the Selected Exempt Service;
14 provided, however, that the commission shall have complete
15 authority for fixing the salary of the executive director and
16 assistant executive director.

17 (i) The commission shall develop a budget pursuant to
18 chapter 216. The budget is not subject to change by the
19 department, but such budget shall be submitted to the Governor
20 along with the budget of the department.

21 (3)(a) The central office shall establish departmental
22 policies, rules, procedures, and standards and shall monitor
23 the implementation of such policies, rules, procedures, and
24 standards in order to ensure uniform compliance and quality
25 performance by the districts and central office units that
26 implement transportation programs. Major transportation
27 policy initiatives or revisions shall be submitted to the
28 commission for review. ~~The central office monitoring function~~
29 ~~shall be based on a plan that clearly specifies what areas~~
30 ~~will be monitored, activities and criteria used to measure~~
31 ~~compliance, and a feedback process that assures monitoring~~

1 ~~findings are reported and deficiencies corrected. The~~
2 ~~secretary is responsible for ensuring that a central office~~
3 ~~monitoring function is implemented, and that it functions~~
4 ~~properly. In conjunction with its monitoring function, the~~
5 ~~central office shall provide such training and administrative~~
6 ~~support to the districts as the department determines to be~~
7 ~~necessary to ensure that the department's programs are carried~~
8 ~~out in the most efficient and effective manner.~~

9 ~~(b) The resources necessary to ensure the efficiency,~~
10 ~~effectiveness, and quality of performance by the department of~~
11 ~~its statutory responsibilities shall be allocated to the~~
12 ~~central office.~~

13 ~~(b)(c)~~ The secretary shall appoint an Assistant
14 Secretary for Transportation Policy and an Assistant
15 Secretary for Finance and Administration, ~~and an Assistant~~
16 ~~Secretary for District Operations~~, each of whom shall serve at
17 the pleasure of the secretary. ~~The positions are responsible~~
18 ~~for developing, monitoring, and enforcing policy and managing~~
19 ~~major technical programs. The responsibilities and duties of~~
20 ~~these positions include, but are not limited to, the following~~
21 ~~functional areas:~~

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

23 a. ~~Development of the Florida Transportation Plan and~~
24 ~~other policy planning;~~

25 b. ~~Development of statewide modal systems plans,~~
26 ~~including public transportation systems;~~

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

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

29 e. ~~Acquisition and management of transportation~~
30 ~~rights-of-way; and~~

31

1 ~~f. Administration of motor carrier compliance and~~
2 ~~safety.~~

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

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

5 ~~b. Implementation of the decentralization of the~~
6 ~~department.~~

7 ~~3. Assistant Secretary for Finance and~~
8 ~~Administration.--~~

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

10 ~~b. Information systems;~~

11 ~~c. Accounting systems;~~

12 ~~d. Administrative functions; and~~

13 ~~e. Administration of toll operations.~~

14 ~~(d)1. Policy, program, or operations offices shall be~~
15 ~~established within the central office for the purposes of:~~

16 ~~a. Developing policy and procedures and monitoring~~
17 ~~performance to ensure compliance with these policies and~~
18 ~~procedures;~~

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

21 ~~c. Assessing and ensuring the accuracy of information~~
22 ~~within the department's financial management information~~
23 ~~systems; and~~

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

25 1.2. The following offices are established and shall
26 be headed by a manager, each of whom shall be appointed by and
27 serve at the pleasure of the secretary. The positions shall be
28 classified at a level equal to a division director:

29 a. The Office of Administration;

30 b. The Office of Policy Planning;

31 c. The Office of Design;

- 1 d. The Office of Highway Operations;
2 e. The Office of Right-of-Way;
3 f. The Office of Toll Operations;
4 g. The Office of Information Systems; ~~and~~
5 h. The Office of Motor Carrier Compliance;
6 i. The Office of Management and Budget; and
7 j. The Office of Comptroller.

8 ~~2.3.~~ Other offices may be established in accordance
9 with s. 20.04(7). The heads of such offices are exempt from
10 part II of chapter 110. No office or organization shall be
11 created at a level equal to or higher than a division without
12 specific legislative authority.

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

26 ~~(e) The Assistant Secretary for Finance and~~
27 ~~Administration must possess a broad knowledge of the~~
28 ~~administrative, financial, and technical aspects of a complete~~
29 ~~cost-accounting system, budget preparation and management, and~~
30 ~~management information systems. The Assistant Secretary for~~
31 ~~Finance and Administration must be a proven, effective manager~~

1 ~~with specialized skills in financial planning and management.~~
2 ~~The Assistant Secretary for Finance and Administration shall~~
3 ~~ensure that financial information is processed in a timely,~~
4 ~~accurate, and complete manner.~~

5 ~~(f)1. Within the central office there is created an~~
6 ~~Office of Management and Budget. The head of the Office of~~
7 ~~Management and Budget is responsible to the Assistant~~
8 ~~Secretary for Finance and Administration and is exempt from~~
9 ~~part II of chapter 110.~~

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

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

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

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

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

19 ~~(c)(g)~~ The secretary shall may appoint an inspector
20 general pursuant to s. 20.055 who shall be directly
21 responsible to the secretary and shall serve at the pleasure
22 of the secretary.

23 ~~(h)1. The secretary shall appoint an inspector general~~
24 ~~pursuant to s. 20.055. To comply with recommended professional~~
25 ~~auditing standards related to independence and objectivity,~~
26 ~~the inspector general shall be appointed to a position within~~
27 ~~the Career Service System and may be removed by the secretary~~
28 ~~with the concurrence of the Transportation Commission. In~~
29 ~~order to attract and retain an individual who has the proven~~
30 ~~technical and administrative skills necessary to comply with~~
31 ~~the requirements of this section, the agency head may appoint~~

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

1 ~~accepted governmental auditing standards. The inspector~~
2 ~~general shall annually perform a sufficient number of audits~~
3 ~~to determine the efficiency and effectiveness, as well as~~
4 ~~verify the accuracy of estimates and charges, of contracts~~
5 ~~executed by the department with private entities and other~~
6 ~~governmental entities. The inspector general has the sole~~
7 ~~responsibility for the contents of his or her reports, and a~~
8 ~~copy of each report containing his or her findings and~~
9 ~~recommendations shall be furnished directly to the secretary~~
10 ~~and the commission.~~

11 2. ~~In addition to the authority and responsibilities~~
12 ~~herein provided, the inspector general is required to report~~
13 ~~to the:~~

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

28 b. ~~Transportation Commission and the Legislature any~~
29 ~~actions by the secretary that prohibit the inspector general~~
30 ~~from initiating, carrying out, or completing any audit after~~
31 ~~the inspector general has decided to initiate, carry out, or~~

1 ~~complete such audit. The secretary shall, within 30 days~~
2 ~~after transmission of the report, set forth in a statement to~~
3 ~~the Transportation Commission and the Legislature the reasons~~
4 ~~for his or her actions.~~

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

9 ~~2. The comptroller is the chief financial officer of~~
10 ~~the department and must be a proven, effective administrator~~
11 ~~who by a combination of education and experience clearly~~
12 ~~possesses a broad knowledge of the administrative, financial,~~
13 ~~and technical aspects of a complex cost-accounting system.~~
14 ~~The comptroller must also have a working knowledge of~~
15 ~~generally accepted accounting principles. At a minimum, the~~
16 ~~comptroller must hold an active license to practice public~~
17 ~~accounting in Florida pursuant to chapter 473 or an active~~
18 ~~license to practice public accounting in any other state. In~~
19 ~~addition to the requirements of the Florida Fiscal Accounting~~
20 ~~Management Information System Act, the comptroller is~~
21 ~~responsible for the development, maintenance, and modification~~
22 ~~of an accounting system that will in a timely manner~~
23 ~~accurately reflect the revenues and expenditures of the~~
24 ~~department and that includes a cost-accounting system to~~
25 ~~properly identify, segregate, allocate, and report department~~
26 ~~costs. The comptroller shall supervise and direct preparation~~
27 ~~of a detailed 36-month forecast of cash and expenditures and~~
28 ~~is responsible for managing cash and determining cash~~
29 ~~requirements. The comptroller shall review all comparative~~
30 ~~cost studies that examine the cost-effectiveness and~~
31 ~~feasibility of contracting for services and operations~~

1 ~~performed by the department. The review must state that the~~
2 ~~study was prepared in accordance with generally accepted~~
3 ~~cost-accounting standards applied in a consistent manner using~~
4 ~~valid and accurate cost data.~~

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

12 ~~a. The several appropriations available for the use of~~
13 ~~the department;~~

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

16 ~~c. The apportionment or division of all such~~
17 ~~appropriations among the several counties and districts, when~~
18 ~~such apportionment or division is made;~~

19 ~~d. The amount or portion of each such apportionment~~
20 ~~against general contractual and other liabilities then~~
21 ~~created;~~

22 ~~e. The amount expended and still to be expended in~~
23 ~~connection with each contractual and other obligation of the~~
24 ~~department;~~

25 ~~f. The expense and operating costs of the various~~
26 ~~activities of the department;~~

27 ~~g. The receipts accruing to the department and the~~
28 ~~distribution thereof;~~

29 ~~h. The assets, investments, and liabilities of the~~
30 ~~department; and~~

31

1 ~~i. The cash requirements of the department for a~~
2 ~~36-month period.~~

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

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

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

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

21 (f)(l) The secretary shall appoint a state highway
22 engineer ~~who shall report to the Assistant Secretary for~~
23 ~~Transportation Policy.~~ The state highway engineer's
24 ~~responsibilities shall include, but are not limited to,~~
25 ~~design, construction, and maintenance of highway facilities,~~
26 ~~acquisition and management of transportation rights-of-way,~~
27 ~~traffic engineering, and materials testing.~~ This position
28 shall be classified at a level equal to a deputy assistant
29 secretary.

30 (g)(m) The secretary shall appoint a state public
31 transportation administrator ~~who shall report to the Assistant~~

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

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

29 (b) The primary responsibility for the implementation
 30 of the department's transportation programs shall be delegated
 31 by the secretary to the district secretaries, and sufficient

1 authority shall be vested in each district to ensure adequate
2 control of the resources commensurate with the delegated
3 responsibility. Each district secretary shall also be
4 accountable for ensuring their district's quality of
5 performance and compliance with all laws, rules, policies, and
6 procedures related to the operation of the department.

7 (c) Each district secretary may appoint a district
8 director for planning and programming, a district director for
9 production, and a district director for operations. These
10 positions are exempt from part II of chapter 110.

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

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

24 (f)1. The responsibility for the turnpike system shall
25 be delegated by the secretary to the executive director of the
26 turnpike enterprise, who shall serve at the pleasure of the
27 secretary. The executive director shall report directly to the
28 secretary, and the turnpike enterprise shall operate pursuant
29 to ss. 338.22-338.241.

30 2. To facilitate the most efficient and effective
31 management of the turnpike enterprise, including the use of

1 best business practices employed by the private sector, the
2 turnpike enterprise shall be exempt from departmental
3 policies, procedures, and standards, subject to the Secretary
4 having the authority to apply any such policies, procedures,
5 and standards to the turnpike enterprise from time to time as
6 deemed appropriate.

7 3. To enhance the ability of the turnpike enterprise
8 to use best business practices employed by the private sector,
9 the Secretary shall promulgate rules which exempt the turnpike
10 enterprise from department rules and authorize the turnpike
11 enterprise to employ procurement methods available to the
12 private sector.

13 (5) Notwithstanding the provisions of s. 110.205, the
14 Department of Management Services is authorized to exempt
15 positions within the Department of Transportation which are
16 comparable to positions within the Senior Management Service
17 pursuant to s. 110.205(2)(i) or positions which are comparable
18 to positions in the Selected Exempt Service under s.
19 110.205(2)(1).

20 ~~(6) To facilitate the efficient and effective~~
21 ~~management of the department in a businesslike manner, the~~
22 ~~department shall develop a system for the submission of~~
23 ~~monthly management reports to the Florida Transportation~~
24 ~~Commission and secretary from the district secretaries. The~~
25 ~~commission and the secretary shall determine which reports are~~
26 ~~required to fulfill their respective responsibilities under~~
27 ~~this section. A copy of each such report shall be submitted~~
28 ~~monthly to the appropriations and transportation committees of~~
29 ~~the Senate and the House of Representatives. Recommendations~~
30 ~~made by the Auditor General in his or her audits of the~~
31 ~~department that relate to management practices, systems, or~~

1 ~~reports shall be implemented in a timely manner. However, if~~
2 ~~the department determines that one or more of the~~
3 ~~recommendations should be altered or should not be~~
4 ~~implemented, it shall provide a written explanation of such~~
5 ~~determination to the Legislative Auditing Committee within 6~~
6 ~~months after the date the recommendations were published.~~

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

10 (a) Consultants can do the work at less cost than
11 state employees;

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

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

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

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

24
25 Such contracts shall require compliance with applicable
26 federal and state laws, and clearly specify the product or
27 service to be provided.

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

30 110.205 Career service; exemptions.--
31

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

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

26 (1) All assistant division director, deputy division
27 director, and bureau chief positions in any department, and
28 those positions determined by the department to have
29 managerial responsibilities comparable to such positions,
30 which positions include, but are not limited to, positions in
31 the Department of Health, the Department of Children and

1 Family Services, and the Department of Corrections that are
 2 assigned primary duties of serving as the superintendent or
 3 assistant superintendent, or warden or assistant warden, of an
 4 institution; positions in the Department of Corrections that
 5 are assigned primary duties of serving as the circuit
 6 administrator or deputy circuit administrator; positions in
 7 the Department of Transportation that are assigned primary
 8 duties of serving as regional toll managers and managers of
 9 offices as defined in s. 20.23(3)(b)2.~~(d)3~~ and (4)(d);
 10 positions in the Department of Environmental Protection that
 11 are assigned the duty of an Environmental Administrator or
 12 program administrator; those positions described in s. 20.171
 13 as included in the Senior Management Service; and positions in
 14 the Department of Health that are assigned the duties of
 15 Environmental Administrator, Assistant County Health
 16 Department Director, and County Health Department Financial
 17 Administrator. Unless otherwise fixed by law, the department
 18 shall set the salary and benefits of these positions in
 19 accordance with the rules established for the Selected Exempt
 20 Service.

21 Section 3. Paragraph (c) of subsection (2) of section
 22 163.3180, Florida Statutes, is amended to read:

23 163.3180 Concurrency.--

24 (2)

25 (c) Consistent with the public welfare, and except as
 26 otherwise provided in this section, transportation facilities
 27 designated as part of the Florida Intrastate Highway System
 28 needed to serve new development shall be in place or under
 29 actual construction no more than 5 years after issuance by the
 30 local government of a certificate of occupancy or its
 31 functional equivalent. Other transportation facilities needed

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

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

23 315.031 Promoting and advertising port facilities.--

24 (1) Each unit is authorized and empowered:

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

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

30
31

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

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

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

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

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

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

22 311.09 Florida Seaport Transportation and Economic
23 Development Council.--

24 (12) Members of the council shall serve without
25 compensation but are entitled to receive reimbursement for per
26 diem and travel expenses as provided in s. 112.061. The
27 council may elect to provide an administrative staff to
28 provide services to the council on matters relating to the
29 Florida Seaport Transportation and Economic Development
30 Program and the council. The cost for such administrative
31 services shall be paid by all ports that receive funding from

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

17 Section 10. Paragraph (b) of subsection (1) of section
18 316.302, Florida Statutes, is amended to read:

19 316.302 Commercial motor vehicles; safety regulations;
20 transporters and shippers of hazardous materials;
21 enforcement.--

22 (1)

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

30 Section 11. Paragraph (a) of subsection (3) of section
31 316.3025, Florida Statutes, is amended to read:

1 316.3025 Penalties.--

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

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

6 316.515 Maximum width, height, length.--

7 (2) HEIGHT LIMITATION.--No vehicle may exceed a height
8 of 13 feet 6 inches, inclusive of load carried thereon.
9 However, an automobile transporter may, ~~with a permit from the~~
10 ~~Department of Transportation,~~ measure a height not to exceed
11 14 feet, inclusive of the load carried thereon.

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

16 316.535 Maximum weights.--

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

1 ~~(7)(6)~~ The Department of Transportation shall adopt
2 rules to implement this section, shall enforce this section
3 and the rules adopted hereunder, and shall publish and
4 distribute tables and other publications as deemed necessary
5 to inform the public.

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

10 Section 14. Paragraph (a) of subsection (2) of section
11 316.545, Florida Statutes, is amended to read:

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

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

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

9 Section 15. Section 330.27, Florida Statutes, is
10 amended to read:

11 330.27 Definitions, when used in ss. 330.29-330.36,
12 330.38, 330.39.--

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

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

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

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

10 ~~(3)~~~~(5)~~ "Department" means the Department of
11 Transportation.

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

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

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

24 ~~(5)~~~~(9)~~ "Private airport" means an airport, publicly or
25 privately owned, which is not open or available for use by the
26 public. A private airport is registered with the department
27 for use of the person or persons registering the facility used
28 primarily by the licensee but may be made which is available
29 to others for use by invitation of the registrant licensee.
30 Services may be provided if authorized by the department.
31

1 ~~(6)(10)~~ "Public airport" means an airport, publicly or
2 privately owned, which ~~meets minimum safety and service~~
3 ~~standards and is open for use by the public as listed in the~~
4 current United States Government Flight Information
5 Publication, Airport Facility Directory. A public airport is
6 licensed by the department as meeting minimum safety
7 standards.

8 ~~(7)(11)~~ "Temporary airport" means any ~~an~~ airport,
9 ~~publicly or privately owned,~~ that will be used for a period of
10 less than 30 ~~90~~ days with no more than 10 operations per day.

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

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

19 330.29 Administration and enforcement; rules;
20 standards for airport sites and airports.--It is the duty of
21 the department to:

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

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

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

29 ~~(4)(3)~~ Adopt rules pursuant to ss. 120.536(1) and
30 120.54 to implement the provisions of this chapter.

31

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

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

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

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

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

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

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

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

31

1 **(b) Site approval shall be granted for public airports**
2 **only after a favorable department inspection of the proposed**
3 **site.**

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

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

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

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

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

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

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

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

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

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

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

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

28 2. For a private airport, the department shall provide
29 controlled electronic access to the state aviation facility
30 data system to permit the applicant to complete the
31 registration process. Registration shall be completed upon

1 self-certification by the registrant of operational and
2 configuration data deemed necessary by the department.

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

11 (c) The department may authorize a site to be used as
12 a temporary airport if it finds, after inspection of the site,
13 that the airport will not endanger the public health, safety,
14 or welfare. A temporary airport will not require a license or
15 registration. Such Authorization to use a site for a temporary
16 airport will be valid for shall expire not more later than 30
17 ~~90~~ days ~~after issuance~~ and is not renewable.

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

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

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

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

1 to provide a maximum license period of 18 months to facilitate
2 airport inspections, recognize seasonal airport operations, or
3 improve administrative efficiency. ~~If the expiration date for~~
4 ~~a public airport is adjusted, the appropriate license fee~~
5 ~~shall be determined by prorating the annual fee based on the~~
6 ~~length of the adjusted license period.~~

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

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

1 the license, subject to any conditions deemed necessary to
2 protect the public health, safety, or welfare.

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

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

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

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

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

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

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

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

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

1 airport, except ~~or~~ any ultralight landing area with more than
2 10 ultralight aircraft operating from the site ~~is subject to~~
3 ~~the provisions of this section.~~

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

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

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

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

29 (4) EXCEPTIONS.--Private airports with ten or more
30 based aircraft may request to be inspected and licensed by the
31 department. Private airports licensed according to this

1 subsection shall be considered private airports as defined in
2 s. 330.27(5) in all other respects.

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

5 330.35 Airport zoning, ~~approach zone~~ protection.--

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

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

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

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

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

22 332.004 Definitions of terms used in ss.

23 332.003-332.007.--As used in ss. 332.003-332.007, the term:

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

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

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

14 333.06 Airport zoning requirements.--

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

1 Section 22. Subsection (5) and paragraph (b) of
2 subsection (15) of section 334.044, Florida Statutes, are
3 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

1 proposer, such employee or employees must resign from
2 department employment upon executing an agreement to perform
3 the matter bid upon.

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

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

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

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

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

30 (1) The department may receive or solicit proposals
31 and, ~~with legislative approval by a separate bill for each~~

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

- 11 (a) Is in the public's best interest. ~~†~~
12 (b) Would not require state funds to be used unless
13 there is an overriding state interest. However, the department
14 may use state resources for a transportation facility project
15 that is on the State Highway System or that provides for
16 increased mobility on the state's transportation system.† and
17 (c) Would have adequate safeguards in place to ensure
18 that no additional costs or service disruptions would be
19 realized by the traveling public and citizens of the state in
20 the event of default or cancellation of the agreement by the
21 department.

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

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

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

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

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

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

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

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

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

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

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

1 acceptable to the department, to ensure the loans will be
2 repaid as required by law.

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

8 Section 25. Section 335.066, Florida Statutes, is
9 created to read:

10 335.066 Safe Paths to Schools Program.--

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

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

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

23 Section 26. Subsections (3), (4), and (5) of section
24 335.141, Florida Statutes, are amended to read:

25 335.141 Regulation of public railroad-highway grade
26 crossings; reduction of hazards.--

27 ~~(3) The department is authorized to regulate the speed~~
28 ~~limits of railroad traffic on a municipal, county, regional,~~
29 ~~or statewide basis. Such speed limits shall be established by~~
30 ~~order of the department, which order is subject to the~~
31 ~~provisions of chapter 120. The department shall have the~~

1 ~~authority to adopt reasonable rules to carry out the~~
2 ~~provisions of this subsection. Such rules shall, at a minimum,~~
3 ~~provide for public input prior to the issuance of any such~~
4 ~~order.~~

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

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

19 Section 27. Section 336.12, Florida Statutes, is
20 amended to read:

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

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

1 and will vest in the abutting fee owners to the extent and in
2 the same manner as in case of termination of an easement for
3 road purposes.

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

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

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

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

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

1 reconstruction or replacement of the roads, drainage, street
2 lighting, and sidewalks in the subdivision after the
3 abandonment by the county.

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

18 Section 28. Subsection (4) is added to section 336.41,
19 Florida Statutes, to read:

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

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

1 county may provide an appeal process to overcome such
2 consideration with de novo review based on the record below to
3 the circuit court.

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

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

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

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

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

29 Section 30. Section 337.107, Florida Statutes, is
30 amended to read:

31

1 337.107 Contracts for right-of-way services.--The
2 department may enter into contracts pursuant to s. 287.055 or
3 s. 337.025 for right-of-way services on transportation
4 corridors and transportation facilities or the department may
5 include right-of-way services as part of design-build
6 contracts awarded pursuant to s. 337.11. Right-of-way
7 services include negotiation and acquisition services,
8 appraisal services, demolition and removal of improvements,
9 and asbestos-abatement services.

10 Section 31. Paragraph (c) of subsection (6) and
11 paragraph (a) of subsection (7) of section 337.11, Florida
12 Statutes, are amended to read:

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

17 (6)

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

30 1. To ensure timely completion of projects or
31 avoidance of undue delay for other projects;

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 32. 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 within 30 days.

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 33. 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 34. 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 35. Paragraph (c) of subsection (4) and
2 subsection (5) of section 339.12, Florida Statutes, are
3 amended, to read:

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

6 (4)

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

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

1 funds appropriated by the Legislature, and compensation
2 ~~reimbursement~~ for the cost of the project or project phase is
3 to begin in the year the project or project phase is scheduled
4 in the work program as of the date of the agreement.

5 Section 36. Paragraphs (a), (b), (f), and (g) of
6 subsection (4) of section 339.135, Florida Statutes, are
7 amended to read:

8 339.135 Work program; legislative budget request;
9 definitions; preparation, adoption, execution, and
10 amendment.--

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

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

28 2. Notwithstanding the provisions of subparagraph 1.,
29 the department shall allocate at least 50 percent of any new
30 discretionary highway capacity funds to the Florida Intrastate
31 Highway System established pursuant to s. 338.001. Any

1 remaining new discretionary highway capacity funds shall be
 2 allocated to the districts for new construction as provided in
 3 subparagraph 1. For the purposes of this subparagraph, the
 4 term "new discretionary highway capacity funds" means any
 5 funds available to the department above the prior year funding
 6 level for capacity improvements, which the department has the
 7 discretion to allocate to highway projects.

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

20 2. The tentative work program shall be developed in
 21 accordance with the Florida Transportation Plan required in s.
 22 339.155 and must comply with the program funding levels
 23 contained in the program and resource plan.

24 3. The department may include in the tentative work
 25 program proposed changes to the programs contained in the
 26 previous work program adopted pursuant to subsection (5);
 27 however, the department shall minimize changes and adjustments
 28 that affect the scheduling of project phases in the 4 common
 29 fiscal years contained in the previous adopted work program
 30 and the tentative work program. The department, in the
 31 development of the tentative work program, shall advance by 1

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

1 planning organization. ~~The commission shall consider the list~~
2 ~~as part of its evaluation of the tentative work program~~
3 ~~conducted pursuant to s. 20.23.~~

4 (g) The Florida Transportation Commission shall
5 conduct a statewide public hearing on the tentative work
6 program and shall advertise the time, place, and purpose of
7 the hearing in the Florida Administrative Weekly at least 7
8 days prior to the hearing. As part of the statewide public
9 hearing, the commission shall, at a minimum:

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

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

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

20 a. Financial soundness;

21 b. Stability;

22 c. Production capacity;

23 d. Accomplishments, including compliance with program
24 objectives in s. 334.046;

25 e. Compliance with approved local government
26 comprehensive plans;

27 f. Objections and requests by metropolitan planning
28 organizations;

29 g. Policy changes and effects thereof;

30 h. Identification of statewide or regional projects;

31 and

1 i. Compliance with all other applicable laws.

2 Section 37. Section 339.137, Florida Statutes, is
3 amended to read:

4 339.137 Transportation Outreach Program (TOP)
5 supporting economic development; administration; definitions;
6 eligible projects; Transportation Outreach Program (TOP)
7 advisory council created; limitations; funding.--

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

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

20 (a) ~~Preservation.--Protecting the state's~~
21 ~~transportation infrastructure investment. Preservation~~
22 ~~includes:~~

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

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

27 3. ~~Ensuring that the department achieves 100 percent~~
28 ~~of acceptable maintenance standards on the State Highway~~
29 ~~System.~~

30 ~~(b) Economic growth and competitiveness.--Ensuring~~
31 ~~that state transportation investments promote economic~~

1 activities which result in development or retention of income
2 generative industries which increase per capita earned income
3 in the state, and that such investments improve the state's
4 economic competitiveness.

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

7 (c)~~(d)~~ The term "regionally significant transportation
8 project ~~of critical concern~~" means a transportation facility
9 improvement project located in one or more counties ~~county~~
10 which provides significant enhancement of economic development
11 opportunities in that region ~~an adjoining county or counties~~
12 ~~and which provides improvements to a hurricane evacuation~~
13 ~~route~~.

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

19 (4)~~(3)~~ Proposed Eligible projects that meet the
20 minimum eligibility threshold include those for planning,
21 designing, acquiring rights-of-way for, or constructing the
22 following:

23 (a) Major highway improvements to:-

- 24 1. The Florida Intrastate Highway System.
25 2. Major roads and feeder roads which provide linkages
26 to the Florida Intrastate Highway System ~~major highways~~.
27 3. Bridges of statewide or regional significance.
28 4. Trade and economic development corridors.
29 5. Access projects for freight and passengers.
30 6. Hurricane evacuation routes.

31 (b) Major public transportation projects:-

1 1. Seaport projects which improve cargo and passenger
2 movements or connect the seaports to other modes of
3 transportation.

4 2. Aviation projects which increase passenger
5 enplanements and cargo activity or connect airports to other
6 modes of transportation.

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

10 4. Rail projects that facilitate the movement of
11 passengers and cargo, including ancillary pedestrian
12 facilities, or connect rail facilities to other modes of
13 transportation.

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

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

19 (c) Highway and bridge projects that facilitate
20 retention and expansion of military installations, or that
21 facilitate reuse and development of any military base
22 designated for closure by the Federal Government.

23
24 Each proposed project must be able to document that it
25 promotes economic growth and competitiveness, as defined in
26 paragraph (2)(a).

27 (5) In addition to the above minimum eligibility
28 requirements, each proposed project must comply with the
29 following eligibility criteria:

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

4 (b) The project is consistent with a current
5 transportation system plan such as the Florida Intrastate
6 Highway System, aviation, intermodal/rail, seaport, spaceport,
7 or transit system plans.

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

13
14 One or more of the minimum criteria listed in paragraphs
15 (a)-(c) may be waived for a regionally significant
16 transportation project.

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

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

26 (a) The project must promote economic growth and
27 competitiveness.~~Economic development-related transportation~~
28 ~~projects may compete for funding under the program. Projects~~
29 ~~funded under this program should provide for increased~~
30 ~~mobility on the state's transportation system. Projects which~~

31

1 ~~have local or private matching funds may be given priority~~
2 ~~over other projects.~~

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

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

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

29 (7) Eligible projects shall also utilize innovative
30 financing methods that enable the state to respond in a timely
31 manner to major or emergent economic development-related

1 transportation needs that require timely commitments. These
2 innovative financing methods include, but are not limited to,
3 private investment strategies, use of the state infrastructure
4 bank, state bonds for right-of-way acquisition and bridge
5 construction, state bonds for fixed guideway transportation
6 systems, state bonds for federal aid highway construction,
7 funds previously programmed by the department for high-speed
8 rail development, and any other local, state, or federal funds
9 made available to the department.

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

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

17 ~~(b) The project is listed in an outer year of the~~
18 ~~5-year work program and can be made production-ready and~~
19 ~~advanced to an earlier year of the 5-year work program.~~

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

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

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

1 ~~(8)(7)~~ The Transportation Outreach Program (TOP)
2 advisory council is created to annually make recommendations
3 to the Legislature on prioritization and selection of economic
4 growth projects as provided in this section.

5 (a) The council shall consist of:

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

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

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

18 (b) Terms for council members shall be 2 years, and
19 each member shall be allowed one vote. Every 2 years, the
20 council shall select from among its membership a chair and
21 vice chair.

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

26 ~~(d) The council shall hold its initial meeting no~~
27 ~~later than 30 days after the members have been appointed in~~
28 ~~order to organize and select a chair and vice chair from the~~
29 ~~council membership.~~ Meetings shall be held at the call of the
30 chair, but not less frequently than quarterly.
31

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

4 (f) The department shall provide administrative staff
5 support, ensuring that council meetings are electronically
6 recorded. Such recordings and all documents received, prepared
7 for, or used by the council in conducting its business shall
8 be preserved pursuant to chapters 119 and 257. In addition,
9 the department shall provide in its annual budget for travel
10 and per diem expenses for the council.

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

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

22 ~~(9)~~(8) Because transportation investment plays a key
23 role in economic development, the council and the department
24 shall actively participate in state and local economic
25 development programs, including:

26 (a) Working in partnership with other state and local
27 agencies in business recruitment, expansion, and retention
28 activities to ensure early transportation input into these
29 activities.

30
31

1 (b) Providing expertise and rapid response in
2 analyzing the transportation needs of emergent economic
3 development projects.

4 (c) Developing ~~The council and department must develop~~
5 a macroeconomic analysis of the linkages between
6 transportation investment and economic performance, as well as
7 a method to quantifiably measure the economic benefits of the
8 investments.

9 (d) Identifying long-term strategic transportation
10 projects that will promote the principles listed in subsection
11 (1).

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

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

29 (b) The council shall submit its list of recommended
30 projects to the Governor and the Legislature as a separate
31 budget request submitted at the same time as ~~section of the~~

1 department's tentative work program, which is 14 days before
2 the start of the regular session. The Florida Transportation
3 Commission shall submit its written report at the same time to
4 the Governor and the Legislature. Final approval of the
5 Transportation Outreach Program project list shall be made by
6 the Legislature through the General Appropriations Act.
7 Program projects approved by the Legislature must be included
8 in the department's adopted work program.

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

19 (13)~~(12)~~ Notwithstanding any other law to the contrary
20 the requirements of ss. 206.46(3), 206.606(2), 339.135,
21 339.155, and 339.175 shall not apply to the Transportation
22 Outreach Program.

23 (14)~~(13)~~ The department is authorized to adopt rules
24 to implement the Transportation Outreach Program supporting
25 economic development.

26 Section 38. Subsection (5) of section 341.051, Florida
27 Statutes, is amended to read:

28 341.051 Administration and financing of public transit
29 programs and projects.--

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

16 4. Improving technology involved in overall
17 operations, including, but not limited to, transit equipment,
18 fare collection techniques, electronic data processing
19 applications, and bus locators, for a period of up to 2 years.
20

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

24 Section 39. Subsection (10) of section 341.302,
25 Florida Statutes, is amended to read:

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

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

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

13 Section 40. Paragraph (d) of subsection (2) of section
14 348.0003, Florida Statutes, is amended to read:

15 348.0003 Expressway authority; formation;
16 membership.--

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

25 (d) Notwithstanding any provision to the contrary in
26 this subsection, in any county as defined in s. 125.011(1),
27 the governing body of an authority shall consist of up to 13
28 members, and the following provisions of this paragraph shall
29 apply specifically to such authority. Except for the district
30 secretary of the department, the members must be residents of
31 the county. Seven voting members shall be appointed by the

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

20 Section 41. Section 348.0012, Florida Statutes, is
 21 amended to read:

22 348.0012 Exemptions from applicability.--The Florida
 23 Expressway Authority Act does not apply:

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

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

29 Section 42. Section 348.565, Florida Statutes, is
 30 amended to read:

31

1 348.565 Revenue bonds for specified projects.--The
2 existing facilities that constitute the Tampa-Hillsborough
3 County Expressway System are hereby approved to be refinanced
4 by the issuance of revenue bonds by the Division of Bond
5 Finance of the State Board of Administration pursuant to s.
6 11(f), Art. VII of the State Constitution. In addition, the
7 following projects of the Tampa-Hillsborough County Expressway
8 Authority are approved to be financed or refinanced by the
9 issuance of revenue bonds pursuant to s. 11(f), Art. VII of
10 the State Constitution:

11 (1) Brandon area feeder roads;

12 (2) Capital improvements to the expressway system,
13 including safety and operational improvements and toll
14 collection equipment; ~~and~~

15 (3) Lee Roy Selmon Crosstown Expressway System
16 widening; ~~and~~;

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

19 Section 43. Paragraph (b) of subsection (1) of section
20 348.754, Florida Statutes, is amended to read:

21 348.754 Purposes and powers.--

22 (1)

23 (b) It is the express intention of this part that said
24 authority, in the construction of said Orlando-Orange County
25 Expressway System, shall be authorized to acquire, finance,
26 construct, and equip any extensions, additions, or
27 improvements to said system, or appurtenant facilities,
28 including all necessary approaches, roads, bridges, and
29 avenues of access as the authority shall deem desirable and
30 proper, together with such changes, modifications, or

31

1 revisions to of said system or appurtenant facilities project
2 as the authority shall deem ~~be deemed~~ desirable and proper.

3 Section 44. Section 348.7543, Florida Statutes, is
4 amended to read:

5 348.7543 Improvements, bond financing authority
6 for.--Pursuant to s. 11(e), Art. VII of the State
7 Constitution, the Legislature hereby approves for bond
8 financing by the Orlando-Orange County Expressway Authority
9 the cost of acquiring, constructing, equipping, improving, or
10 refurbishing any expressway system, including improvements to
11 toll collection facilities, interchanges, future extensions
12 and additions, necessary approaches, roads, bridges, and
13 avenues of access to the legislatively approved expressway
14 system, and any other facility appurtenant, necessary, or
15 incidental to the approved system, all as deemed desirable and
16 proper by the authority pursuant to s. 348.754(1)(b). Subject
17 to terms and conditions of applicable revenue bond resolutions
18 and covenants, such costs financing may be financed in whole
19 or in part by revenue bonds issued pursuant to s.
20 348.755(1)(a) or (b) whether currently issued, issued in the
21 future, or by a combination of such bonds.

22 Section 45. Section 348.7544, Florida Statutes, is
23 amended to read:

24 348.7544 Northwest Beltway Part A, construction
25 authorized; financing.--Notwithstanding s. 338.2275, the
26 Orlando-Orange County Expressway Authority is hereby
27 authorized to construct, finance, operate, own, and maintain
28 that portion of the Western Beltway known as the Northwest
29 Beltway Part A, extending from Florida's Turnpike near Ocoee
30 north to U.S. 441 near Apopka, as part of the authority's
31 20-year capital projects plan. This project may be financed

1 with any funds available to the authority for such purpose or
2 revenue bonds issued by the Division of Bond Finance of the
3 State Board of Administration on behalf of the authority
4 pursuant to s. 11, Art. VII of the State Constitution and the
5 State Bond Act, ss. 215.57-215.83. This project may be
6 refinanced with bonds issued by the authority pursuant to s.
7 348.755(1)(d).

8 Section 46. Section 348.7545, Florida Statutes, is
9 amended to read:

10 348.7545 Western Beltway Part C, construction
11 authorized; financing.--Notwithstanding s. 338.2275, the
12 Orlando-Orange County Expressway Authority is authorized to
13 exercise its condemnation powers, construct, finance, operate,
14 own, and maintain that portion of the Western Beltway known as
15 the Western Beltway Part C, extending from Florida's Turnpike
16 near Ocoee in Orange County southerly through Orange and
17 Osceola Counties to an interchange with I-4 near the
18 Osceola-Polk County line, as part of the authority's 20-year
19 capital projects plan. This project may be financed with any
20 funds available to the authority for such purpose or revenue
21 bonds issued by the Division of Bond Finance of the State
22 Board of Administration on behalf of the authority pursuant to
23 s. 11, Art. VII of the State Constitution and the State Bond
24 Act, ss. 215.57-215.83. This project may be refinanced with
25 bonds issued by the authority pursuant to s. 348.755(1)(d).

26 Section 47. Subsection (1) of section 348.755, Florida
27 Statutes, is amended to read:

28 348.755 Bonds of the authority.--

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

31

1 (b) Alternatively, the authority may issue its own
2 bonds pursuant to the provisions of this part at such times
3 and in such principal amount as, in the opinion of the
4 authority, is necessary to provide sufficient moneys for
5 achieving its purposes; however, such bonds shall not pledge
6 the full faith and credit of the state. Bonds issued by the
7 authority pursuant to paragraphs (a) or (b)~~The bonds of the~~
8 ~~authority issued pursuant to the provisions of this part,~~
9 whether on original issuance or on refunding, shall be
10 authorized by resolution of the members thereof and may be
11 either term or serial bonds, shall bear such date or dates,
12 mature at such time or times, not exceeding 40 years from
13 their respective dates, bear interest at such rate or rates,
14 payable semiannually, be in such denominations, be in such
15 form, either coupon or fully registered, shall carry such
16 registration, exchangeability and interchangeability
17 privileges, be payable in such medium of payment and at such
18 place or places, be subject to such terms of redemption and be
19 entitled to such priorities on the revenues, rates, fees,
20 rentals or other charges or receipts of the authority
21 including the Orange County gasoline tax funds received by the
22 authority pursuant to the terms of any lease-purchase
23 agreement between the authority and the department, as such
24 resolution or any resolution subsequent thereto may provide.
25 The bonds shall be executed either by manual or facsimile
26 signature by such officers as the authority shall determine,
27 provided that such bonds shall bear at least one signature
28 which is manually executed thereon, and the coupons attached
29 to such bonds shall bear the facsimile signature or signatures
30 of such officer or officers as shall be designated by the
31 authority and shall have the seal of the authority affixed,

1 imprinted, reproduced or lithographed thereon, all as may be
2 prescribed in such resolution or resolutions.

3 ~~(c)(b)~~ Said Bonds issued pursuant to paragraphs (a)
4 and (b) shall be sold at public sale in the same manner
5 provided by the State Bond Act. However, if the authority
6 shall, by official action at a public meeting, determine that
7 a negotiated sale of such ~~the~~ bonds is in the best interest of
8 the authority, the authority may negotiate for sale of the
9 bonds with the underwriter or underwriters designated by the
10 authority and the Division of Bond Finance of the State Board
11 of Administration with respect to bonds issued pursuant to
12 paragraph (b). The authority's determination to negotiate the
13 sale of such bonds may be based in part upon the written
14 advice of its financial advisor. Pending the preparation of
15 definitive bonds, interim certificates may be issued to the
16 purchaser or purchasers of such bonds and may contain such
17 terms and conditions as the authority may determine.

18 (d) The authority may issue bonds pursuant to
19 paragraph (b) to refund any bonds previously issued regardless
20 of whether the bonds being refunded were issued by the
21 authority pursuant to this chapter or on behalf of the
22 authority pursuant to the State Bond Act.

23 Section 48. Section 348.765, Florida Statutes, is
24 amended to read:

25 348.765 This part complete and additional authority.--

26 (1) The powers conferred by this part shall be in
27 addition and supplemental to the existing powers of said board
28 and the department, and this part shall not be construed as
29 repealing any of the provisions, of any other law, general,
30 special or local, but to supersede such other laws in the
31 exercise of the powers provided in this part, and to provide a

1 complete method for the exercise of the powers granted in this
 2 part. The extension and improvement of said Orlando-Orange
 3 County Expressway System, and the issuance of bonds hereunder
 4 to finance all or part of the cost thereof, may be
 5 accomplished upon compliance with the provisions of this part
 6 without regard to or necessity for compliance with the
 7 provisions, limitations, or restrictions contained in any
 8 other general, special or local law, including, but not
 9 limited to, s. 215.821, and no approval of any bonds issued
 10 under this part by the qualified electors or qualified
 11 electors who are freeholders in the state or in said County of
 12 Orange, or in said City of Orlando, or in any other political
 13 subdivision of the state, shall be required for the issuance
 14 of such bonds pursuant to this part.

15 (2) This part shall not be deemed to repeal, rescind,
 16 or modify any other law or laws relating to said State Board
 17 of Administration, said Department of Transportation, or the
 18 Division of Bond Finance of the State Board of Administration,
 19 but shall be deemed to and shall supersede such other law or
 20 laws as are inconsistent with the provisions of this part,
 21 including, but not limited to, s. 215.821.

22 Section 49. Subsections (1) through (6) and subsection
 23 (8) of section 373.4137, Florida Statutes, are amended, and
 24 subsection (9) is added to said section, to read:

25 373.4137 Mitigation requirements.--

26 (1) The Legislature finds that environmental
 27 mitigation for the impact of transportation projects proposed
 28 by the Department of Transportation or a transportation
 29 authority established pursuant to chapter 348 or chapter 349
 30 can be more effectively achieved by regional, long-range
 31 mitigation planning rather than on a project-by-project basis.

1 It is the intent of the Legislature that mitigation to offset
2 the adverse effects of these transportation projects be funded
3 by the Department of Transportation and be carried out by the
4 Department of Environmental Protection and the water
5 management districts, including the use of mitigation banks
6 established pursuant to this part.

7 (2) Environmental impact inventories for
8 transportation projects proposed by the Department of
9 Transportation or a transportation authority established
10 pursuant to chapter 348 or chapter 349 shall be developed as
11 follows:

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

26 (b) The environmental impact inventory shall include a
27 description of these habitat impacts, including their
28 location, acreage, and type; state water quality
29 classification of impacted wetlands and other surface waters;
30 any other state or regional designations for these habitats;

31

1 and a survey of threatened species, endangered species, and
2 species of special concern affected by the proposed project.

3 (3)(a) To fund the mitigation plan for the projected
4 impacts identified in the inventory described in subsection
5 (2), the Department of Transportation shall identify funds
6 quarterly in an escrow account within the State Transportation
7 Trust Fund for the environmental mitigation phase of projects
8 budgeted by the Department of Transportation for the current
9 fiscal year. The escrow account will be maintained by the
10 Department of Transportation for the benefit of the Department
11 of Environmental Protection and the water management
12 districts. Any interest earnings from the escrow account
13 shall remain with the Department of Transportation.

14 (b) Each transportation authority established pursuant
15 to chapter 348 or chapter 349 that chooses to participate in
16 this program shall create an escrow account within its
17 financial structure and deposit funds in the account to pay
18 for the environmental mitigation phase of projects budgeted
19 for the current fiscal year. The escrow account will be
20 maintained by the authority for the benefit of the Department
21 of Environmental Protection and the water management
22 districts. Any interest earnings from the escrow account shall
23 remain with the authority.

24 (c) The Department of Environmental Protection or
25 water management districts may request a transfer of funds
26 from an ~~the~~ escrow account no sooner than 30 days prior to the
27 date the funds are needed to pay for activities associated
28 with development or implementation of the approved mitigation
29 plan described in subsection (4) for the current fiscal year,
30 including, but not limited to, design, engineering,
31 production, and staff support. Actual conceptual plan

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

1 transportation authorities established pursuant to chapter 348
2 or chapter 349 are ~~is~~ authorized to transfer such funds from
3 the escrow accounts ~~account~~ to the Department of Environmental
4 Protection and the water management districts to carry out the
5 mitigation programs.

6 (4) Prior to December 1 of each year, each water
7 management district, in consultation with the Department of
8 Environmental Protection, the United States Army Corps of
9 Engineers, the Department of Transportation, transportation
10 authorities established pursuant to chapter 348 or chapter
11 349,and other appropriate federal, state, and local
12 governments, and other interested parties, including entities
13 operating mitigation banks, shall develop a plan for the
14 primary purpose of complying with the mitigation requirements
15 adopted pursuant to this part and 33 U.S.C. s. 1344. This
16 plan shall also address significant invasive plant problems
17 within wetlands and other surface waters. In developing such
18 plans, the districts shall utilize sound ecosystem management
19 practices to address significant water resource needs and
20 shall focus on activities of the Department of Environmental
21 Protection and the water management districts, such as surface
22 water improvement and management (SWIM) waterbodies and lands
23 identified for potential acquisition for preservation,
24 restoration, and enhancement, to the extent that such
25 activities comply with the mitigation requirements adopted
26 under this part and 33 U.S.C. s. 1344. In determining the
27 activities to be included in such plans, the districts shall
28 also consider the purchase of credits from public or private
29 mitigation banks permitted under s. 373.4136 and associated
30 federal authorization and shall include such purchase as a
31 part of the mitigation plan when such purchase would offset

1 the impact of the transportation project, provide equal
2 benefits to the water resources than other mitigation options
3 being considered, and provide the most cost-effective
4 mitigation option. The mitigation plan shall be preliminarily
5 approved by the water management district governing board and
6 shall be submitted to the secretary of the Department of
7 Environmental Protection for review and final approval. The
8 preliminary approval by the water management district
9 governing board does not constitute a decision that affects
10 substantial interests as provided by s. 120.569. At least 30
11 days prior to preliminary approval, the water management
12 district shall provide a copy of the draft mitigation plan to
13 any person who has requested a copy.

14 (a) For each transportation project with a funding
15 request for the next fiscal year, the mitigation plan must
16 include a brief explanation of why a mitigation bank was or
17 was not chosen as a mitigation option, including an estimation
18 of identifiable costs of the mitigation bank and nonbank
19 options to the extent practicable.

20 (b) Specific projects may be excluded from the
21 mitigation plan and shall not be subject to this section upon
22 the agreement of the Department of Transportation, a
23 transportation authority if applicable, the Department of
24 Environmental Protection, and the appropriate water management
25 district that the inclusion of such projects would hamper the
26 efficiency or timeliness of the mitigation planning and
27 permitting process, or the Department of Environmental
28 Protection and the water management district are unable to
29 identify mitigation that would offset the impacts of the
30 project.

31

1 (c) Surface water improvement and management or
2 invasive plant control projects undertaken using the \$12
3 million advance transferred from the Department of
4 Transportation to the Department of Environmental Protection
5 in fiscal year 1996-1997 which meet the requirements for
6 mitigation under this part and 33 U.S.C. s. 1344 shall remain
7 available for mitigation until the \$12 million is fully
8 credited up to and including fiscal year 2004-2005. When these
9 projects are used as mitigation, the \$12 million advance shall
10 be reduced by \$75,000 per acre of impact mitigated. For any
11 fiscal year through and including fiscal year 2004-2005, to
12 the extent the cost of developing and implementing the
13 mitigation plans is less than the amount transferred pursuant
14 to subsection (3), the difference shall be credited towards
15 the \$12 million advance. Except as provided in this paragraph,
16 any funds not directed to implement the mitigation plan
17 should, to the greatest extent possible, be directed to fund
18 invasive plant control within wetlands and other surface
19 waters.

20 (5) The water management district shall be responsible
21 for ensuring that mitigation requirements pursuant to 33
22 U.S.C. s. 1344 are met for the impacts identified in the
23 inventory described in subsection (2), by implementation of
24 the approved plan described in subsection (4) to the extent
25 funding is provided by the Department of Transportation, or a
26 transportation authority established pursuant to chapter 348
27 or chapter 349 if applicable. During the federal permitting
28 process, the water management district may deviate from the
29 approved mitigation plan in order to comply with federal
30 permitting requirements.

31

1 (6) The mitigation ~~plans~~ plan shall be updated
2 annually to reflect the most current Department of
3 Transportation work program and project list of a
4 transportation authority established pursuant to chapter 348
5 or chapter 349 if applicable and may be amended throughout the
6 year to anticipate schedule changes or additional projects
7 which may arise. Each update and amendment of the mitigation
8 plan shall be submitted to the secretary of the Department of
9 Environmental Protection for approval. However, such approval
10 shall not be applicable to a deviation as described in
11 subsection (5).

12 (8) This section shall not be construed to eliminate
13 the need for the Department of Transportation or a
14 transportation authority established pursuant to chapter 348
15 or chapter 349 to comply with the requirement to implement
16 practicable design modifications, including realignment of
17 transportation projects, to reduce or eliminate the impacts of
18 its transportation projects on wetlands and other surface
19 waters as required by rules adopted pursuant to this part, or
20 to diminish the authority under this part to regulate other
21 impacts, including water quantity or water quality impacts, or
22 impacts regulated under this part that are not identified in
23 the inventory described in subsection (2).

24 (9) The process for environmental mitigation for the
25 impact of transportation projects under this section shall be
26 available to an expressway, bridge, or transportation
27 authority established under chapters 348 and 349. Use of this
28 process may be initiated by an authority depositing the
29 requisite funds into an escrow account set up by the authority
30 and filing an environmental impact inventory with the
31 appropriate water management district. An authority that

1 initiates the environmental mitigation process established by
2 this section shall comply with subsection (6) by timely
3 providing the appropriate water management district and the
4 Department of Environmental Protection with the requisite work
5 program information. A water management district may draw down
6 funds from the escrow account in the manner and on the basis
7 provided in subsection (5).

8 Section 50. Subsection (18) of section 373.414,
9 Florida Statutes, is amended to read:

10 373.414 Additional criteria for activities in surface
11 waters and wetlands.--

12 (18) The department and each water management district
13 responsible for implementation of the environmental resource
14 permitting program shall develop a uniform wetland mitigation
15 assessment method no later than October 1, 2001. The
16 department shall adopt the uniform wetland mitigation
17 assessment method by rule no later than January 31, 2002.
18 Rules promulgated pursuant to this subsection shall be
19 submitted to the President of the Senate and the Speaker of
20 the House of Representatives for review by the Legislature no
21 later than 30 days prior to the 2002 regular session, and
22 shall become effective only after legislative review. In its
23 review, the Legislature may reject, modify, or take no action
24 relative to such rules.Once the department adopts the uniform
25 wetland mitigation assessment method by rule, the uniform
26 wetland mitigation assessment method shall be binding on the
27 department, the water management districts, local governments,
28 and any other governmental agencies and shall be the sole
29 means to determine mitigation needed to offset adverse impacts
30 and to award and deduct mitigation bank credits. A water
31 management district and any other governmental agency subject

1 to chapter 120 may apply the uniform wetland mitigation
2 assessment method without the need to adopt it pursuant to s.
3 120.54. It shall be a goal of the department and water
4 management districts that the uniform wetland mitigation
5 assessment method developed be practicable for use within the
6 timeframes provided in the permitting process and result in a
7 consistent process for determining mitigation requirements. It
8 shall be recognized that any such method shall require the
9 application of reasonable scientific judgment. The uniform
10 wetland mitigation assessment method must determine the value
11 of functions provided by wetlands and other surface waters
12 considering the current conditions of these areas, utilization
13 by fish and wildlife, location, uniqueness, and hydrologic
14 connection, in addition to the factors listed in s.
15 373.4136(4). The uniform wetland mitigation assessment method
16 shall also account for the expected time-lag associated with
17 offsetting impacts and the degree of risk associated with the
18 proposed mitigation. The uniform wetland mitigation assessment
19 method shall account for different ecological communities in
20 different areas of the state. In developing the uniform
21 wetland mitigation assessment method, the department and water
22 management districts shall consult with approved local
23 programs under s. 403.182 which have an established wetland
24 mitigation program. The department and water management
25 districts shall consider the recommendations submitted by such
26 approved local programs, including any recommendations
27 relating to the adoption by the department and water
28 management districts of any uniform wetland mitigation
29 methodology that has been adopted and used by an approved
30 local program in its established wetland mitigation program.
31 Environmental resource permitting rules may establish

1 categories of permits or thresholds for minor impacts under
2 which the use of the uniform wetland mitigation assessment
3 method will not be required. The application of the uniform
4 wetland mitigation assessment method is not subject to s.
5 70.001. In the event the rule establishing the uniform wetland
6 mitigation assessment method is deemed to be invalid, the
7 applicable rules related to establishing needed mitigation in
8 existence prior to the adoption of the uniform wetland
9 mitigation assessment method, including those adopted by a
10 county which is an approved local program under s. 403.182,
11 and the method described in paragraph (b) for existing
12 mitigation banks, shall be authorized for use by the
13 department, water management districts, local governments, and
14 other state agencies.

15 (a) In developing the uniform wetland mitigation
16 assessment method, the department shall seek input from the
17 United States Army Corps of Engineers in order to promote
18 consistency in the mitigation assessment methods used by the
19 state and federal permitting programs.

20 (b) An entity which has received a mitigation bank
21 permit prior to the adoption of the uniform wetland mitigation
22 assessment method shall have impact sites assessed, for the
23 purpose of deducting bank credits, using the credit assessment
24 method, including any functional assessment methodology, which
25 was in place when the bank was permitted; unless the entity
26 elects to have its credits redetermined, and thereafter have
27 its credits deducted, using the uniform wetland mitigation
28 assessment method.

29 Section 51. Paragraphs (b) and (e) of subsection (19)
30 of section 380.06, Florida Statutes, are amended, and
31

1 paragraphs (i) and (j) are added to subsection (24) of said
2 section, to read:

3 380.06 Developments of regional impact.--

4 (19) SUBSTANTIAL DEVIATIONS.--

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

13 1. An increase in the number of parking spaces at an
14 attraction or recreational facility by 5 percent or 300
15 spaces, whichever is greater, or an increase in the number of
16 spectators that may be accommodated at such a facility by 5
17 percent or 1,000 spectators, whichever is greater.

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

25 2.3. An increase in the number of hospital beds by 5
26 percent or 60 beds, whichever is greater.

27 3.4. An increase in industrial development area by 5
28 percent or 32 acres, whichever is greater.

29 4.5. An increase in the average annual acreage mined
30 by 5 percent or 10 acres, whichever is greater, or an increase
31 in the average daily water consumption by a mining operation

1 by 5 percent or 300,000 gallons, whichever is greater. An
2 increase in the size of the mine by 5 percent or 750 acres,
3 whichever is less.

4 5.6. An increase in land area for office development
5 by 5 percent or 6 acres, whichever is greater, or an increase
6 of gross floor area of office development by 5 percent or
7 60,000 gross square feet, whichever is greater.

8 ~~7.~~ ~~An increase in the storage capacity for chemical or~~
9 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~
10 ~~7 million pounds, whichever is greater.~~

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

17 7.9. An increase in the number of dwelling units by 5
18 percent or 50 dwelling units, whichever is greater.

19 8.10. An increase in commercial development by 6 acres
20 of land area or by 50,000 square feet of gross floor area, or
21 of parking spaces provided for customers for 300 cars or a
22 5-percent increase of any of these, whichever is greater.

23 9.11. An increase in hotel or motel facility units by
24 5 percent or 75 units, whichever is greater.

25 10.12. An increase in a recreational vehicle park area
26 by 5 percent or 100 vehicle spaces, whichever is less.

27 11.13. A decrease in the area set aside for open space
28 of 5 percent or 20 acres, whichever is less.

29 12.14. A proposed increase to an approved multiuse
30 development of regional impact where the sum of the increases
31 of each land use as a percentage of the applicable substantial

1 deviation criteria is equal to or exceeds 100 percent. The
2 percentage of any decrease in the amount of open space shall
3 be treated as an increase for purposes of determining when 100
4 percent has been reached or exceeded.

5 ~~13.15.~~ A 15-percent increase in the number of external
6 vehicle trips generated by the development above that which
7 was projected during the original
8 development-of-regional-impact review.

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

19
20 The substantial deviation numerical standards in subparagraphs
21 ~~3.4.~~, ~~5.6.~~, ~~8.10.~~, ~~12.14.~~, excluding residential uses, and
22 ~~13.15.~~, are increased by 100 percent for a project certified
23 under s. 403.973 which creates jobs and meets criteria
24 established by the Office of Tourism, Trade, and Economic
25 Development as to its impact on an area's economy, employment,
26 and prevailing wage and skill levels. The substantial
27 deviation numerical standards in subparagraphs ~~3.4.~~, ~~5.6.~~,
28 ~~7.9.~~, ~~8.10.~~, ~~9.11.~~, and ~~12.14.~~ are increased by 50 percent for
29 a project located wholly within an urban infill and
30 redevelopment area designated on the applicable adopted local
31

1 comprehensive plan future land use map and not located within
2 the coastal high hazard area.

3 (e)1. A proposed change which, either individually or,
4 if there were previous changes, cumulatively with those
5 changes, is equal to or exceeds 40 percent of any numerical
6 criterion in subparagraphs (b)1.-13.1.-15., but which does not
7 exceed such criterion, shall be presumed not to create a
8 substantial deviation subject to further
9 development-of-regional-impact review. The presumption may be
10 rebutted by clear and convincing evidence at the public
11 hearing held by the local government pursuant to subparagraph
12 (f)5.

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

31

- 1 a. Changes in the name of the project, developer,
2 owner, or monitoring official.
- 3 b. Changes to a setback that do not affect noise
4 buffers, environmental protection or mitigation areas, or
5 archaeological or historical resources.
- 6 c. Changes to minimum lot sizes.
- 7 d. Changes in the configuration of internal roads that
8 do not affect external access points.
- 9 e. Changes to the building design or orientation that
10 stay approximately within the approved area designated for
11 such building and parking lot, and which do not affect
12 historical buildings designated as significant by the Division
13 of Historical Resources of the Department of State.
- 14 f. Changes to increase the acreage in the development,
15 provided that no development is proposed on the acreage to be
16 added.
- 17 g. Changes to eliminate an approved land use, provided
18 that there are no additional regional impacts.
- 19 h. Changes required to conform to permits approved by
20 any federal, state, or regional permitting agency, provided
21 that these changes do not create additional regional impacts.
- 22 i. Any other change which the state land planning
23 agency agrees in writing is similar in nature, impact, or
24 character to the changes enumerated in sub-subparagraphs a.-h.
25 and which does not create the likelihood of any additional
26 regional impact.
- 27
- 28 This subsection does not require a development order amendment
29 for any change listed in sub-subparagraphs a.-i. unless such
30 issue is addressed either in the existing development order or
31 in the application for development approval, but, in the case

1 of the application, only if, and in the manner in which, the
2 application is incorporated in the development order.

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

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

17 5. The following changes to an approved development of
18 regional impact shall be presumed to create a substantial
19 deviation. Such presumption may be rebutted by clear and
20 convincing evidence.

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

25 b. Except for the types of uses listed in subparagraph
26 (b)~~14.16~~, any change which would result in the 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, buffers, or special protection, including
30 habitat for plant and animal species, archaeological and
31 historical sites, dunes, and other special areas.

1 c. Notwithstanding any provision of paragraph (b) to
2 the contrary, a proposed change consisting of simultaneous
3 increases and decreases of at least two of the uses within an
4 authorized multiuse development of regional impact which was
5 originally approved with three or more uses specified in s.
6 380.0651(3)~~(b)(e), (c)(d), (e)(f), and (f)(g)~~ and residential
7 use.

8 (24) STATUTORY EXEMPTIONS.--

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

15 (j) Any development or expansion of an airport or
16 airport-related or aviation-related development is exempt from
17 the provisions of this section.

18 Section 52. Subsection (3) of section 380.0651,
19 Florida Statutes, is amended to read:

20 380.0651 Statewide guidelines and standards.--

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

25 ~~(a) Airports.--~~

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

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

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

1 ~~c. A new passenger terminal facility.~~
2 ~~2. Lengthening of an existing runway by 25 percent or~~
3 ~~an increase in the number of gates by 25 percent or three~~
4 ~~gates, whichever is greater, on a commercial service airport~~
5 ~~or a general aviation airport with regularly scheduled flights~~
6 ~~is a development of regional impact. However, expansion of~~
7 ~~existing terminal facilities at a nonhub or small hub~~
8 ~~commercial service airport shall not be a development of~~
9 ~~regional impact.~~

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

20 ~~(a)(b)~~ Attractions and recreation facilities.--Any
21 sports, entertainment, amusement, or recreation facility,
22 including, but not limited to, a sports arena, stadium,
23 racetrack, tourist attraction, amusement park, or pari-mutuel
24 facility, the construction or expansion of which:

25 1. For single performance facilities:
26 a. Provides parking spaces for more than 2,500 cars;
27 or
28 b. Provides more than 10,000 permanent seats for
29 spectators.

30 2. For serial performance facilities:
31

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

2 or

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

5

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

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

12 a. Provides parking spaces for more than 1,500 cars;
13 or

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

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

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

29 2. Occupies a site greater than 320 acres, or for
30 motor vehicle wholesaling facilities that conduct wholesaling

31

1 sales activity no more frequently than an average each year of
2 3 days per week, occupies a site greater than 500 acres.

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

6 1. Encompasses 300,000 or more square feet of gross
7 floor area; or

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

9 3. Encompasses more than 600,000 square feet of gross
10 floor area in a county with a population greater than 500,000
11 and only in a geographic area specifically designated as
12 highly suitable for increased threshold intensity in the
13 approved local comprehensive plan and in the strategic
14 regional policy plan.

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

19 1.a. The wet storage or mooring of fewer than 150
20 watercraft used exclusively for sport, pleasure, or commercial
21 fishing, or

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

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

28 d. The wet or dry storage or mooring of fewer than 50
29 watercraft of 40 feet in length or less of any type or
30 purpose. The exceptions to this paragraph's requirements for
31 development-of-regional-impact review shall not apply to any

1 waterport or marina facility located within or which serves
2 physical development located within a coastal barrier resource
3 unit on an unbridged barrier island designated pursuant to 16
4 U.S.C. s. 3501.

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

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

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

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

6 1. Encompasses more than 400,000 square feet of gross
7 area;

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

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

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

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

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

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

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

1 Administrative Code, or this section for each land use in the
2 development is equal to or greater than 160 percent. This
3 threshold is in addition to, and does not preclude, a
4 development from being required to undergo
5 development-of-regional-impact review under any other
6 threshold.

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

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

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

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

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

1 Section 53. Paragraph (a) of subsection (12) of
2 section 163.3180, Florida Statutes, is amended to read:

3 163.3180 Concurrency.--

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

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

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

31

1 service. For purposes of this subsection, "construction cost"
2 includes all associated costs of the improvement.

3 Section 54. Subsection (20) of section 331.303,
4 Florida Statutes, is amended to read:

5 331.303 Definitions.--

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

10 Section 55. Section 331.308, Florida Statutes, is
11 amended to read:

12 331.308 Board of supervisors.--

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

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

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

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

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

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

1 shall represent organized labor interests and one regular
2 member shall represent minority interests.

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

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

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

13 (5) The Lieutenant Governor is the state's space
14 policy leader. The Lieutenant Governor may designate a regular
15 member to serve as vice-chair and preside over board meetings
16 in the absence of the chair and may assign proxy voting power
17 to the director of the Office of Tourism, Trade, and Economic
18 Development.~~Initial appointments shall be made no later than~~
19 ~~60 days after this act takes effect.~~

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

28 (7) The Governor may ~~has the authority to~~ remove from
29 the board any regular member in the manner and for cause as
30 defined by the laws of this state and applicable to situations
31 that ~~which may~~ arise before the board. Unless excused by the

1 chair of the board, a regular member's absence from two or
2 more consecutive board meetings creates a vacancy in the
3 office to which the member was appointed.

4 Section 56. (1) Nothing contained in this act
5 abridges or modifies any vested or other right or any duty or
6 obligation pursuant to any development order or agreement
7 which is applicable to a development of regional impact on the
8 effective date of this act. An airport or petroleum storage
9 facility which has received a development-of-regional-impact
10 development order pursuant to s. 380.06, Florida Statutes
11 2000, but is no longer required to undergo
12 development-of-regional-impact review by operation of this
13 act, shall be governed by the following procedures:

14 (a) The development shall continue to be governed by
15 the development-of-regional-impact development order, and may
16 be completed in reliance upon and pursuant to the development
17 order. The development-of-regional-impact development order
18 may be enforced by the local government as provided by ss.
19 380.06(17) and 380.11, Florida Statutes 2000.

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

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

1 pursuant to s. 380.07, Florida Statutes 2000, the resulting
2 development order shall be governed by the provisions of
3 subsection (1).

4 Section 57. If any provision of this act or the
5 application thereof to any person or circumstance is held
6 invalid, the invalidity shall not affect other provisions or
7 applications of the act which can be given effect without the
8 invalid provision or application, and to this end the
9 provisions of this act are declared severable.

10 Section 58. Subsection (13) is added to section
11 475.011, Florida Statutes, to read:

12 475.011 Exemptions.--This part does not apply to:

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

23 Section 59. Subsection (2) of section 479.15, Florida
24 Statutes, is amended to read:

25 479.15 Harmony of regulations.--

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

1 any lawfully erected sign located along any portion of the
2 interstate or federal-aid primary highway system without
3 payment of just compensation if such alteration constitutes a
4 taking under state law. The municipality, county, local zoning
5 authority, or other local government entity promulgating
6 requirements for such alteration must be responsible for
7 payment of just compensation to the sign owner if such
8 alteration constitutes a taking under state law. This
9 subsection applies only to a lawfully erected sign the subject
10 matter of which relates to premises other than the premises on
11 which it is located or to merchandise, services, activities,
12 or entertainment not sold, produced, manufactured, or
13 furnished on the premises on which the sign is located. For
14 the purposes of this subsection, the term "federal-aid primary
15 highway system" means the federal-aid primary highway system
16 in existence on June 1, 1991, and any highway which was not on
17 such system but which is, or hereafter becomes, a part of the
18 National Highway System.This subsection shall not be
19 interpreted as explicit or implicit legislative recognition
20 that alterations do or do not constitute a taking under state
21 law.

22 Section 60. Section 479.25, Florida Statutes, is
23 created to read:

24 479.25 Application of chapter.--Nothing in this
25 chapter shall prevent a governmental entity from entering into
26 an agreement allowing the height above ground level of a
27 lawfully erected sign to be increased at its permitted
28 location if a noise attenuation barrier, visibility screen, or
29 other highway improvement has been erected in such a way as to
30 screen or block visibility of such a sign; provided, however,
31 that for nonconforming signs located on the federal-aid

1 primary highway system, as such system existed on June 1,
2 1991, and any highway which was not on such system but which
3 is, or hereinafter becomes, a part of the National Highway
4 System, such agreement must be approved by the Federal Highway
5 Administration. Any increase in height permitted under this
6 provision shall only be that which is required to achieve the
7 same degree of visibility from the right-of-way that the sign
8 had prior to the construction of the noise attenuation
9 barrier, visibility screen, or other highway improvement.

10 Section 61. Section 70.20, Florida Statutes, is
11 created to read:

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

20 (1) Municipalities, counties, and all other
21 governmental entities are specifically empowered to enter into
22 relocation and reconstruction agreements on whatever terms are
23 agreeable to the sign owner and the municipality, county, or
24 other governmental entity involved and to provide for
25 relocation and reconstruction of signs by agreement,
26 ordinance, or resolution. As used in this section, a
27 "relocation and reconstruction agreement" means a consensual,
28 contractual agreement between a sign owner and municipality,
29 county, or other governmental entity for either the
30 reconstruction of an existing sign or removal of a sign and
31

1 the construction of a new sign to substitute for the sign
2 removed.

3 (2) Except as otherwise provided in this section, no
4 municipality, county, or other governmental entity may remove,
5 or cause to be removed, any lawfully erected sign along any
6 portion of the interstate, federal-aid primary or other
7 highway system, or any other road, without first paying just
8 compensation for such removal as determined by agreement
9 between the parties or through eminent domain proceedings.

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

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

1 (4) If the parties fail to enter into a relocation and
2 reconstruction agreement within 120 days after the initial
3 notification by the municipality, county, or other
4 governmental entity, either party may request mandatory
5 nonbinding arbitration to resolve the disagreements among the
6 parties. Each party shall select an arbitrator, and the
7 individuals so selected shall choose a third arbitrator. The
8 three arbitrators shall constitute the panel that shall
9 arbitrate the dispute between the parties and at the
10 conclusion of the proceedings shall present to the parties a
11 proposed relocation and reconstruction agreement that the
12 panel believes equitably balances the rights, interests,
13 obligations, and reasonable expectations of the parties. If
14 the municipality, county, or other governmental entity and the
15 sign owner accept the proposed relocation and reconstruction
16 agreement, the municipality, county, or other governmental
17 entity and sign owner shall each pay its respective costs of
18 arbitration and shall pay one-half of the costs of the
19 arbitration panel, unless the parties otherwise agree.

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

27 (6) The requirement by a municipality, county, or
28 other governmental entity that a lawfully erected sign be
29 removed or altered as a condition precedent to the issuance or
30 continued effectiveness of a development order constitutes a
31 compelled removal that is prohibited without prior payment of

1 just compensation under subsection (2). This subsection does
2 not apply when the owner of the land on which the sign is
3 located is seeking to have the property redesignated on the
4 future land use map of the applicable comprehensive plan for
5 exclusively single-family residential use.

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

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

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

1 (10) This section does not apply to any actions taken
2 by the Florida Department of Transportation which relate to
3 the operation, maintenance, or expansion of transportation
4 facilities, and this section does not affect existing law
5 regarding eminent domain relating to the Florida Department of
6 Transportation.

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

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

1 of tax valuations from other states. OPPAGA shall complete
2 the study by December 31, 2001, and shall report the results
3 of the study to the Legislature.

4 Section 62. Paragraph (b) of subsection (1) of section
5 496.425, Florida Statutes, is amended to read:

6 496.425 Solicitation of funds within public
7 transportation facilities.--

8 (1) As used in this section:

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

14 Section 63. Section 496.4256, Florida Statutes, is
15 created to read:

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

23 Section 64. Section 337.408, Florida Statutes, is
24 amended to read:

25 337.408 Regulation of benches, transit shelters,
26 street light poles,and waste disposal receptacles within
27 rights-of-way.--

28 (1) Benches or transit shelters, including advertising
29 displayed on benches or transit shelters, may be installed
30 within the right-of-way limits of any municipal, county, or
31 state road, except a limited access highway; provided that

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

24 (2) Waste disposal receptacles the interior collection
25 container volume of which is less than 110 gallons in
26 capacity, including advertising displayed on such waste
27 disposal receptacles, may be installed within the right-of-way
28 limits of any municipal, county, or state road, except a
29 limited access highway; provided that written authorization
30 has been given to a qualified private supplier of such service
31 by the appropriate municipal or county government. A

1 municipality or county may authorize the installation, with or
2 without public bid, of waste disposal receptacles together
3 with advertising displayed thereon within the right-of-way
4 limits of such roads. Such waste disposal receptacles may not
5 interfere with right-of-way preservation and maintenance.

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

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

1 denied by the appropriate local government entity consistent
 2 with the provisions of this section.

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

27 (6)(5) Wherever the provisions of this section are
 28 inconsistent with other provisions of this chapter or with the
 29 provisions of chapter 125, chapter 335, chapter 336, or
 30 chapter 479, the provisions of this section shall prevail.

31

1 Section 65. Subsection (10) of section 768.28, Florida
2 Statutes, is amended to read:

3 768.28 Waiver of sovereign immunity in tort actions;
4 recovery limits; limitation on attorney fees; statute of
5 limitations; exclusions; indemnification; risk management
6 programs.--

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

18 (b) This subsection shall not be construed as
19 designating persons providing contracted health care services
20 to inmates as employees or agents of the state for the
21 purposes of chapter 440.

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

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

12 Section 66. Section 337.025, Florida Statutes, is
13 amended to read:

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

1 innovative technique that is inconsistent with another
2 provision of law, the department must document in writing the
3 need for the exception and identify what benefits the
4 traveling public and the affected community are anticipated to
5 receive. The department may enter into no more than \$120
6 million in contracts annually for the purposes authorized by
7 this section. However, the annual cap on contracts provided in
8 this section shall not apply to turnpike enterprise projects
9 nor shall turnpike enterprise projects be counted toward the
10 department's annual cap.

11 Section 67. Paragraph (c) of subsection (3) of section
12 337.11, Florida Statutes, is amended to read:

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

17 (3)

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

29 Section 68. Subsection (7) of section 338.165, Florida
30 Statutes, is amended to read:

31 338.165 Continuation of tolls.--

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

3 Section 69. Section 338.22, Florida Statutes, is
4 amended to read:

5 338.22 Florida Turnpike Enterprise Law; short
6 title.--Sections 338.22-338.241 may be cited as the "Florida
7 Turnpike Enterprise Law."

8 Section 70. Section 338.221, Florida Statutes, is
9 amended to read:

10 338.221 Definitions of terms used in ss.
11 338.22-338.241.--As used in ss. 338.22-338.241, the following
12 words and terms have the following meanings, unless the
13 context indicates another or different meaning or intent:

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

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

1 determining the feasibility or practicability of acquiring or
2 constructing any such turnpike project; administrative
3 expenses; and such other expenses as may be necessary or
4 incident to the acquisition or construction of a turnpike
5 project, the financing of such acquisition or construction,
6 and the placing of the turnpike project in operation.

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

11 (4) "Owner" includes any person or any governmental
12 entity that has title to, or an interest in, any property,
13 right, easement, or interest authorized to be acquired
14 pursuant to ss. 338.22-338.241.

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

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

26 (7) "Turnpike improvement" means any betterment
27 necessary or desirable for the operation of the turnpike
28 system, including, but not limited to, widenings, the addition
29 of interchanges to the existing turnpike system, resurfacings,
30 toll plazas, machinery, and equipment.

31

1 (8) "Economically feasible" for a proposed turnpike
2 project means that the revenues of the project in combination
3 with those of the existing turnpike system are sufficient to
4 service the debt of the outstanding turnpike bonds to
5 safeguard investors.+

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

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

23
24 This subsection does not prohibit the pledging of revenues
25 from the entire turnpike system to bonds issued to finance or
26 refinance a turnpike project or group of turnpike projects.

27 (9) "Turnpike project" means any extension to or
28 expansion of the existing turnpike system and new limited
29 access toll highways and associated feeder roads and other
30 structures, interchanges, appurtenances, or rights as may be

31

1 approved in accordance with the Florida Turnpike Enterprise
2 Law.

3 (10) "Statement of environmental feasibility" means a
4 statement by the Department of Environmental Protection of the
5 project's significant environmental impacts.

6 Section 71. Section 338.2215, Florida Statutes, is
7 created to read:

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

25 Section 72. Section 338.2216, Florida Statutes, is
26 created to read:

27 338.2216 Florida Turnpike Enterprise; powers and
28 authority.--

29 (1)(a) In addition to the powers granted to the
30 department, the Florida Turnpike Enterprise has full authority
31 to exercise all powers granted to it under this chapter.

1 Powers shall include, but are not limited to, the ability to
2 plan, construct, maintain, repair, and operate the Florida
3 Turnpike System.

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

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

20 (2)(a) The department shall have the authority to
21 employ procurement methods available to the Department of
22 Management Services under chapters 255 and 287 and under any
23 rule adopted under such chapters solely for the benefit of the
24 turnpike enterprise. In order to enhance the effective and
25 efficient operation of the turnpike enterprise, the department
26 may adopt rules for procurement procedures alternative to
27 chapters 255, 287, and 337.

28 (3)(a) The turnpike enterprise shall be a single
29 budget entity and shall develop a budget pursuant to chapter
30 216. The turnpike enterprise's budget shall be submitted to
31 the Legislature along with the department's budget.

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

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

23 Section 73. Subsection (4) of section 338.223, Florida
24 Statutes, is amended to read:

25 338.223 Proposed turnpike projects.--

26 (4) The department is authorized, with the approval of
27 the Legislature, to use federal and state transportation funds
28 to lend or pay a portion of the operating, maintenance, and
29 capital costs of turnpike projects. ~~Federal and state~~
30 ~~transportation funds included in an adopted work program, or~~
31 ~~the General Appropriations Act, for a turnpike project do not~~

1 ~~have to be reimbursed to the State Transportation Trust Fund,~~
2 ~~or used in determining the economic feasibility of the~~
3 ~~proposed project.~~ For operating and maintenance loans, the
4 maximum net loan amount in any fiscal year shall not exceed
5 1.5 ~~0.5~~ percent of state transportation tax revenues for that
6 fiscal year.

7 Section 74. Subsection (2) of section 338.227, Florida
8 Statutes, is amended to read:

9 338.227 Turnpike revenue bonds.--

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

28 Section 75. Subsection (2) of section 338.2275,
29 Florida Statutes, is amended to read:

30 338.2275 Approved turnpike projects.--

31

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

20 Section 76. Section 338.234, Florida Statutes, is
 21 amended to read:

22 338.234 Granting concessions or selling along the
 23 turnpike system.--

24 ~~(1)~~ The department may enter into contracts or
 25 licenses with any person for the sale of ~~grant concessions or~~
 26 ~~sell~~ services or products or business opportunities on along
 27 the turnpike system, or the turnpike enterprise may sell
 28 services, products, or business opportunities on the turnpike
 29 system, which benefit the traveling public or provide
 30 additional revenue to the turnpike system. ~~Services, business~~
 31 opportunities, and products authorized to be sold include, but

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

19 ~~(2) The department may provide an opportunity for~~
 20 ~~governmental agencies to hold public events at turnpike plazas~~
 21 ~~which educate the traveling public as to safety, travel, and~~
 22 ~~tourism.~~

23 Section 77. Subsection (3) of section 338.235, Florida
 24 Statutes, is amended to read:

25 338.235 Contracts with department for provision of
 26 services on the turnpike system.--

27 (3) The department may enter into contracts or
 28 agreements, with or without competitive bidding or
 29 procurement, to make available, on a fair, reasonable,
 30 nonexclusive, and nondiscriminatory basis, turnpike property
 31 and other turnpike structures, for the placement of wireless

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

16 Section 78. Subsection (2) of section 338.239, Florida
 17 Statutes, is amended to read:

18 338.239 Traffic control on the turnpike system.--

19 (2) Members of the Florida Highway Patrol are vested
 20 with the power, and charged with the duty, to enforce the
 21 rules of the department. Approved expenditures ~~Expenses~~
 22 incurred by the Florida Highway Patrol in carrying out its
 23 powers and duties under ss. 338.22-338.241 may be treated as a
 24 part of the cost of the operation of the turnpike system, and
 25 the Department of Highway Safety and Motor Vehicles shall be
 26 reimbursed by the turnpike enterprise ~~Department of~~
 27 ~~Transportation~~ for such expenses incurred on the turnpike
 28 system mainline, which is that part of the turnpike system
 29 ~~extending from the southern terminus in Florida City to the~~
 30 ~~northern terminus in Wildwood including all contiguous~~
 31 sections. Florida Highway Patrol Troop K shall be

1 headquartered with the turnpike enterprise and shall be the
2 official and preferred law enforcement troop for the turnpike
3 system. The Department of Highway Safety and Motor Vehicles
4 may, upon request of the executive director of the turnpike
5 enterprise and approval of the Legislature, increase the
6 number of authorized positions for Troop K, or the executive
7 director of the turnpike enterprise may contract with the
8 Department of Highway Safety and Motor Vehicles for additional
9 troops to patrol the turnpike system.

10 Section 79. Section 338.241, Florida Statutes, is
11 amended to read:

12 338.241 Cash reserve requirement.--The budget for the
13 turnpike system shall be so planned as to provide for a cash
14 reserve at the end of each fiscal year of not less than 5 ~~10~~
15 percent of the unpaid balance of all turnpike system
16 contractual obligations, excluding bond obligations, to be
17 paid from revenues.

18 Section 80. Section 338.251, Florida Statutes, is
19 amended to read:

20 338.251 Toll Facilities Revolving Trust Fund.--The
21 Toll Facilities Revolving Trust Fund is hereby created for the
22 purpose of encouraging the development and enhancing the
23 financial feasibility of revenue-producing road projects
24 undertaken by local governmental entities in a county or
25 combination of contiguous counties and the turnpike
26 enterprise.

27 (1) The department is authorized to advance funds for
28 preliminary engineering, traffic and revenue studies,
29 environmental impact studies, financial advisory services,
30 engineering design, right-of-way map preparation, other
31 appropriate project-related professional services, and

1 advanced right-of-way acquisition to expressway authorities,
2 the turnpike enterprise, counties, or other local governmental
3 entities that desire to undertake revenue-producing road
4 projects.

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

7 (a) The proposed facility is consistent with the
8 adopted transportation plan of the appropriate metropolitan
9 planning organization and the Florida Transportation Plan.

10 (b) A proposed 2-year budget detailing the use of the
11 cash advance and a project schedule consistent with the
12 budget.

13 (3) Prior to receiving any moneys for advance
14 right-of-way acquisition, it shall be shown that such
15 right-of-way will substantially appreciate prior to
16 construction and that savings will result from its advance
17 purchase. Any such request for moneys for advance
18 right-of-way acquisition shall be accompanied by a preliminary
19 engineering study, environmental impact study, traffic and
20 revenue study, and right-of-way maps along with either a
21 negotiated contract for purchase of the right-of-way, such
22 contract to include a clause stating that it is subject to
23 funding by the department or the Legislature, or an appraisal
24 of the subject property for purpose of condemnation
25 proceedings.

26 (4) Each advance pursuant to this section shall
27 require repayment out of the initial bond issue revenue or, at
28 the discretion of the governmental entity or the turnpike
29 enterprise ~~of the facility~~, repayment shall begin no later
30 than 7 years after the date of the advance, provided repayment
31 shall be completed no later than 12 years after the date of

1 the advance. However, such election shall be made at the time
2 of the initial bond issue, and, if repayment is to be made
3 during the time period referred to above, a schedule of such
4 repayment shall be submitted to the department.

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

9 (6) Funds may not be advanced for funding final design
10 costs beyond 60 percent completion until an acceptable plan to
11 finance all project costs, including the reimbursement of
12 outstanding trust fund advances, is approved by the
13 department.

14 (7) The department may advance funds sufficient to
15 defray shortages in toll revenues of facilities receiving
16 funds pursuant to this section for the first 5 years of
17 operation, up to a maximum of \$5 million per year, to be
18 reimbursed to this fund within 5 years of the last advance
19 hereunder. Any advance under this provision shall require
20 specific appropriation by the Legislature.

21 (8) No expressway authority, county, or other local
22 governmental entity, or the turnpike enterprise, shall be
23 eligible to receive any advance under this section if the
24 expressway authority, county, or other local governmental
25 entity or the turnpike enterprise has failed to repay any
26 previous advances as required by law or by agreement with the
27 department.

28 (9) Repayment of funds advanced, including advances
29 made prior to January 1, 1994, shall not include interest.
30 However, interest accruing to local governmental entities and
31

1 the turnpike enterprise from the investment of advances shall
2 be paid to the department.

3 Section 81. Subsection (1) of section 553.80, Florida
4 Statutes, as amended by section 86 of chapter 2000-141, Laws
5 of Florida, is amended to read:

6 553.80 Enforcement.--

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

16 (a) Construction regulations relating to correctional
17 facilities under the jurisdiction of the Department of
18 Corrections and the Department of Juvenile Justice are to be
19 enforced exclusively by those departments.

20 (b) Construction regulations relating to elevator
21 equipment under the jurisdiction of the Bureau of Elevators of
22 the Department of Business and Professional Regulation shall
23 be enforced exclusively by that department.

24 (c) In addition to the requirements of s. 553.79 and
25 this section, facilities subject to the provisions of chapter
26 395 and part II of chapter 400 shall have facility plans
27 reviewed and construction surveyed by the state agency
28 authorized to do so under the requirements of chapter 395 and
29 part II of chapter 400 and the certification requirements of
30 the Federal Government.

31

1 (d) Building plans approved pursuant to s. 553.77(6)
2 and state-approved manufactured buildings, including buildings
3 manufactured and assembled offsite and not intended for
4 habitation, such as lawn storage buildings and storage sheds,
5 are exempt from local code enforcing agency plan reviews
6 except for provisions of the code relating to erection,
7 assembly, or construction at the site. Erection, assembly, and
8 construction at the site are subject to local permitting and
9 inspections.

10 (e) Construction regulations governing public schools,
11 state universities, and community colleges shall be enforced
12 as provided in subsection (6).

13 (f) Construction regulations relating to
14 transportation facilities under the jurisdiction of the
15 turnpike enterprise of the Department of Transportation shall
16 be enforced exclusively by the turnpike enterprise.

17
18 The governing bodies of local governments may provide a
19 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
20 and this section, for the enforcement of the provisions of
21 this part. Such fees shall be used solely for carrying out
22 the local government's responsibilities in enforcing the
23 Florida Building Code. The authority of state enforcing
24 agencies to set fees for enforcement shall be derived from
25 authority existing on July 1, 1998. However, nothing contained
26 in this subsection shall operate to limit such agencies from
27 adjusting their fee schedule in conformance with existing
28 authority.

29 Section 82. (1) This shall be known as the "Dori
30 Slosberg Act of 2001."

31

1 (2) Notwithstanding the provisions of s. 318.121,
2 Florida Statutes, a board of county commissioners may require,
3 by ordinance, that the clerk of the court collect an
4 additional \$3 with each civil traffic penalty, which shall be
5 used to fund driver education programs in public and nonpublic
6 schools. The ordinance shall provide for the board of county
7 commissioners to administer the funds. The funds shall be used
8 for direct educational expenses and shall not be used for
9 administration.

10 Section 83. Small Aircraft Transportation System;
11 legislative intent.--

12 (1) The Legislature recognizes that the State of
13 Florida has an opportunity to participate with the National
14 Aeronautics and Space Administration, the Federal Aviation
15 Administration, the aircraft industry, and various
16 universities as partners to provide Florida with improved
17 transportation access and mobility for all of its communities,
18 rural and urban alike, by participating in NASA's Small
19 Aircraft Transportation System. The Legislature recognizes
20 that state support can be leveraged with current federal and
21 industry resources to provide an infrastructure that utilizes
22 the state's network of 129 public-use airports and provides a
23 transportation system capable of competing with the automobile
24 in both convenience and affordability.

25 (2) The Legislature hereby expresses its commitment,
26 through participation in the Small Aircraft Transportation
27 System, to:

28 (a) Improve travel choices, mobility, and
29 accessibility for the citizens of the state.
30
31

1 (b) Enhance economic growth and competitiveness for
2 the rural and remote communities of the state through improved
3 transportation choices.

4 (c) Maintain the state's leadership and proactive role
5 in aviation and aerospace through active involvement in
6 advancing aviation technology infrastructure and capabilities.

7 (d) Take advantage of federal programs that can bring
8 investments in technology, research, and infrastructure
9 capable of enhancing competitiveness and opportunities for
10 industry and workforce development.

11 (e) Participate in opportunities that can place the
12 state's industries and communities in a first-to-market
13 advantage when developing, implementing, and proving new
14 technologies which have the potential to satisfy requirements
15 for the public good.

16 (f) Participate as partners with the National
17 Aeronautics and Space Administration, the Federal Aviation
18 Administration, the aircraft industry, local governments, and
19 those universities which comprise the Southeast SATSLab
20 Consortium to implement a Small Aircraft Transportation System
21 infrastructure as a statewide network of airports to support
22 the commitments described in paragraphs (a)-(e).

23 Section 84. (1) That portion of I-275 which begins at
24 the Pinellas County end of the Howard Franklin Bridge and,
25 proceeding south, ends at the beginning of the Sunshine Skyway
26 Bridge is designated as the "St. Petersburg Parkway."

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

30 Section 85. George Crady Bridge designation;
31 markers.--

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

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

7 Section 86. Doyle Parker Memorial Highway designation;
8 markers.--

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

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

14 Section 87. Lynn Haven Parkway designation; markers.--

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

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

21 Section 88. Bennett C. Russell Florida/Alabama Parkway
22 designation; markers.--

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

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

29 Section 89. Mamie Langdale Memorial Bridge
30 designation; markers.--

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

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

7 Section 90. Martin Luther King, Jr., Memorial Highway
8 designation; markers.--

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

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

15 Section 91. Purple Heart Highway designation;
16 markers.--

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

20 (2) The Department of Transportation is directed to
21 erect suitable markers designating the "Purple Heart Highway"
22 as described in subsection (1).

23 Section 92. Jean-Jacques Dessalines Boulevard
24 designation; markers.--

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

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

1 Section 93. Florida Highway Patrol Memorial Highway
2 designation; markers.--

3 (1) I-75 from Tampa to the Georgia State Line is
4 hereby designated as the "Florida Highway Patrol Memorial
5 Highway."

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

9 Section 94. Jerome A. Williams Memorial Highway
10 designation; markers.--

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

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

17 Section 95. Borinquen Boulevard designation;
18 markers.--

19 (1) That portion of North 36th Street (State Road 25)
20 from Biscayne Boulevard to N.W. 7th Avenue is hereby
21 designated "Borinquen Boulevard" in honor of Miami-Dade
22 County's Puerto Rican community.

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

26 Section 96. Korean War Veterans Memorial Highway
27 designation; markers.--

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

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

4 Section 97. Veterans Memorial Highway designation;
5 markers.--

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

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

13 Section 98. Toni Jennings Boulevard designated;
14 Department of Transportation to erect suitable markers.--

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

19 (2) The Department of Transportation is directed to
20 erect suitable markers designating Toni Jennings Boulevard as
21 described in subsection (1).

22 Section 99. Ed Fraser Memorial Highway designation;
23 markers.--

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

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

30 Section 100. Correctional Officers Memorial Highway
31 designated; markers.--

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

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

8 Section 101. "Steven Cranman Boulevard" and "Ethel
9 Beckford Boulevard" designated; Department of Transportation
10 to erect suitable markers.--

11 (1) That portion of U.S. 1, between S.W. 136th Street
12 and S.W. 186th Street in Miami-Dade County is hereby
13 designated as Steven Cranman Boulevard. The Department of
14 Transportation is directed to erect suitable markers
15 designating Steven Cranman Boulevard as described in this
16 subsection.

17 (2) That portion of S.W. 186th Street between U.S. 1
18 and S.W. 107th Avenue in Miami-Dade County is hereby
19 designated as Ethel Beckford Boulevard. The Department of
20 Transportation is directed to erect suitable markers
21 designating Ethel Beckford Boulevard as described in this
22 subsection.

23 Section 102. "Phicol Williams Boulevard" designated;
24 Department of Transportation to erect suitable markers.--

25 (1) That portion of State Road 5 (U.S. 1) between S.W.
26 312th Street and S.W. 328th Street in Miami-Dade County is
27 hereby designated as Phicol Williams Boulevard.

28 (2) The Department of Transportation is directed to
29 erect suitable markers designating Phicol Williams Boulevard
30 as described in subsection (1).

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Section 103. Section 316.3027 and subsection (3) of section 316.610, Florida Statutes, are repealed.

Section 104. This act shall take effect July 1, 2001.