

Bill No. CS for CS for SB 2056

Amendment No. Barcode 184374

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 1. The awarding of contracts.

25 2. The selection of a consultant or contractor or the
26 prequalification of any individual consultant or contractor.
27 However, the commission may recommend to the secretary
28 standards and policies governing the procedure for selection
29 and prequalification of consultants and contractors.

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

31 4. The specific location of a transportation facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 ~~activities of the department;~~
2 g. ~~The receipts accruing to the department and the~~
3 ~~distribution thereof;~~
4 h. ~~The assets, investments, and liabilities of the~~
5 ~~department; and~~
6 i. ~~The cash requirements of the department for a~~
7 ~~36-month period.~~
8 4. ~~The comptroller shall maintain a separate account~~
9 ~~for each fund administered by the department.~~
10 5. ~~The comptroller shall perform such other related~~
11 ~~duties as designated by the department.~~
12 (d)(j) The secretary shall appoint a general counsel
13 who shall be ~~employed full time and shall be directly~~
14 responsible to the secretary and shall serve at the pleasure
15 of the secretary. The general counsel is responsible for all
16 legal matters of the department. The department may employ as
17 many attorneys as it deems necessary to advise and represent
18 the department in all transportation matters.
19 (e)(k) The secretary shall appoint a state
20 transportation planner ~~who shall report to the Assistant~~
21 ~~Secretary for Transportation Policy.~~ The state transportation
22 ~~planner's responsibilities shall include, but are not limited~~
23 ~~to, policy planning, systems planning, and transportation~~
24 ~~statistics.~~ This position shall be classified at a level
25 equal to a deputy assistant secretary.
26 (f)(l) The secretary shall appoint a state highway
27 engineer ~~who shall report to the Assistant Secretary for~~
28 ~~Transportation Policy.~~ The state highway engineer's
29 ~~responsibilities shall include, but are not limited to,~~
30 ~~design, construction, and maintenance of highway facilities;~~
31 ~~acquisition and management of transportation rights-of-way;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29

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

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1 service to be provided.

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

4 110.205 Career service; exemptions.--

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

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

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

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

25 Section 3. Paragraph (c) of subsection (2) of section
26 163.3180, Florida Statutes, is amended to read:

27 163.3180 Concurrency.--

28 (2)

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

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

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

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

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

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

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1 206.46 State Transportation Trust Fund.--
2 (2) Notwithstanding any other provisions of law, from
3 the revenues deposited into the State Transportation Trust
4 Fund a maximum of 7 percent in each fiscal year shall be
5 transferred into the Right-of-Way Acquisition and Bridge
6 Construction Trust Fund created in s. 215.605, as needed to
7 meet the requirements of the documents authorizing the bonds
8 issued or proposed to be issued under ss. 215.605 and 337.276
9 or at a minimum amount sufficient to pay for the debt service
10 coverage requirements of outstanding bonds. Notwithstanding
11 the 7 percent annual transfer authorized in this subsection,
12 the annual amount transferred under this subsection shall not
13 exceed an amount necessary to provide the required debt
14 service coverage levels for a maximum debt service not to
15 exceed ~~\$200~~^{\$135} million. Such transfer shall be payable
16 primarily from the motor and diesel fuel taxes transferred to
17 the State Transportation Trust Fund from the Fuel Tax
18 Collection Trust Fund.

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

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

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

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

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

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

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

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

31 c. An interruption of an essential governmental

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1 service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 11. To projects subject to chapter 336.

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

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

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

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

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

27 315.031 Promoting and advertising port facilities.--

28 (1) Each unit is authorized and empowered:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (1)

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

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

3 316.3025 Penalties.--

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

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

8 316.515 Maximum width, height, length.--

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

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

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

18 316.535 Maximum weights.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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 (b) Site approval shall be granted for public airports

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

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

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

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

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

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

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

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

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

31 4. That, because of changed physical or legal

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

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

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

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

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

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1 configuration data deemed necessary by the department.

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

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

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

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

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

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

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

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

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

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1 protect the public health, safety, or welfare.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 332.004 Definitions of terms used in ss.
22 332.003-332.007.--As used in ss. 332.003-332.007, the term:

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

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

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

13 333.06 Airport zoning requirements.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (3) The department may request proposals for

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

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

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

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

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

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

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

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

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

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

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

8 335.066 Safe Paths to Schools Program.--

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

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

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

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

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

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

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

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

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

17 Section 27. Section 336.12, Florida Statutes, is
18 amended to read:

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

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

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1 road purposes.

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

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

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

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

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

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1 abandonment by the county.

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

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

18 336.41 Counties; employing labor and providing road
19 equipment; definitions.--

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

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1 the circuit court.

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

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

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

19 336.44 Counties; contracts for construction of roads;
20 procedure; contractor's bond.--

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

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

29 337.107 Contracts for right-of-way services.--The
30 department may enter into contracts pursuant to s. 287.055 or
31 s. 337.025 for right-of-way services on transportation

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

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

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

14 (6)

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

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

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

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

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

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

28 Section 32. Subsection (4) of section 337.14, Florida
29 Statutes, is amended, and subsection (9) is added to said
30 section, to read:

31 337.14 Application for qualification; certificate of

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1 qualification; restrictions; request for hearing.--

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

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

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

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

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

20 Section 33. Subsection (2) of section 337.401, Florida
21 Statutes, is amended to read:

22 337.401 Use of right-of-way for utilities subject to
23 regulation; permit; fees.--

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

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

9 Section 34. Subsections (1) and (2) of section 339.08,
10 Florida Statutes, are amended to read:

11 339.08 Use of moneys in State Transportation Trust
12 Fund.--

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

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

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

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

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

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

30 (e) To reimburse counties or municipalities for
31 expenditures made on projects in the State Highway System as

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1 authorized by s. 339.12(4) upon legislative approval.

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

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

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

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

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

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

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

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

27 Section 35. Paragraph (c) of subsection (4) and
28 subsection (5) of section 339.12, Florida Statutes, are
29 amended, to read:

30 339.12 Aid and contributions by governmental entities
31 for department projects; federal aid.--

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1 (4)

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

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

31 Section 36. Paragraphs (a), (b), (f), and (g) of

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1 subsection (4) of section 339.135, Florida Statutes, are
2 amended to read:

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

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

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

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

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

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

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

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

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

30 (g) The Florida Transportation Commission shall
31 conduct a statewide public hearing on the tentative work

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

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

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

10

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

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

26 and

- 27 i. Compliance with all other applicable laws.

28 Section 37. Section 339.137, Florida Statutes, is
29 amended to read:

30 339.137 Transportation Outreach Program (TOP)
31 supporting economic development; administration; definitions;

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

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

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

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

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

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

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

31 (b)(c) Mobility.--Ensuring a cost-effective,

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1 statewide, interconnected transportation system.

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

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

14 ~~(4)(3)~~ Proposed Eligible projects that meet the
15 minimum eligibility threshold include those for planning,
16 designing, acquiring rights-of-way for, or constructing the
17 following:

18 (a) Major highway improvements to:-

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

26 (b) Major public transportation projects :-

- 27 1. Seaport projects which improve cargo and passenger
28 movements or connect the seaports to other modes of
29 transportation.
- 30 2. Aviation projects which increase passenger
31 enplanements and cargo activity or connect airports to other

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1 modes of transportation.

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

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

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

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

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

18
19 Each proposed project must be able to document that it
20 promotes economic growth and competitiveness, as defined in
21 paragraph (2)(a).

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

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

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

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

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

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

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

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

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

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1 ~~used to match local or private contributions for~~
2 ~~transportation projects which meet the definition of economic~~
3 ~~competitiveness contained in this section.~~

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

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

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

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1 made available to the department.

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

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

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

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

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

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

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

28 (a) The council shall consist of:

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

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1 ~~tourism chosen by the Speaker of the House of Representatives.~~

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

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

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

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

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

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

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

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1 and per diem expenses for the council.

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

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

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

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

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

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

29 (d) Identifying long-term strategic transportation
30 projects that will promote the principles listed in subsection
31 (1).

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

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

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

29 ~~(12)(11)~~ For purposes of funding projects under the
30 Transportation Outreach Program, the department shall allocate
31 from the State Transportation Trust Fund in its program and

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

8 (13)~~(12)~~ Notwithstanding any other law to the contrary
9 the requirements of ss. 206.46(3), 206.606(2), 339.135,
10 339.155, and 339.175 shall not apply to the Transportation
11 Outreach Program.

12 (14)~~(13)~~ The department is authorized to adopt rules
13 to implement the Transportation Outreach Program supporting
14 economic development.

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

17 341.051 Administration and financing of public transit
18 programs and projects.--

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

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

29 ~~(b) The Department of Transportation shall develop a~~
30 ~~major capital investment policy which shall include policy~~
31 ~~criteria and guidelines for the expenditure or commitment of~~

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1 ~~state funds for public transit capital projects. The policy~~
2 ~~shall include the following:~~

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

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

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

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

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

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

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

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

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

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

29 3. Improving marketing and consumer information
30 programs, including, but not limited to, automated information
31 services, organized advertising and promotion programs, and

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1 signing of designated stops, for a period of up to 2 years;
2 and

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

7
8 For purposes of this section, the term "net operating costs"
9 means all operating costs of a project less any federal funds,
10 fares, or other sources of income to the project.

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

13 341.302 Rail program, duties and responsibilities of
14 the department.--The department, in conjunction with other
15 governmental units and the private sector, shall develop and
16 implement a rail program of statewide application designed to
17 ensure the proper maintenance, safety, revitalization, and
18 expansion of the rail system to assure its continued and
19 increased availability to respond to statewide mobility needs.
20 Within the resources provided pursuant to chapter 216, and as
21 authorized under Title 49 C.F.R. part 212, the department
22 shall:

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

31 Section 40. Paragraph (d) of subsection (2) of section

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1 348.0003, Florida Statutes, is amended to read:

2 348.0003 Expressway authority; formation;
3 membership.--

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

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

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1 appointed by the governing body of the county and five members
2 appointed by the Governor. The qualifications, the terms of
3 office, and the obligations and rights of members of the
4 authority shall be determined by resolution or ordinance of
5 the governing body of the county in a manner that is
6 consistent with subsections (3) and (4).

7 Section 41. Section 348.0012, Florida Statutes, is
8 amended to read:

9 348.0012 Exemptions from applicability.--The Florida
10 Expressway Authority Act does not apply:

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

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

16 Section 42. Section 348.565, Florida Statutes, is
17 amended to read:

18 348.565 Revenue bonds for specified projects.--The
19 existing facilities that constitute the Tampa-Hillsborough
20 County Expressway System are hereby approved to be refinanced
21 by the issuance of revenue bonds by the Division of Bond
22 Finance of the State Board of Administration pursuant to s.
23 11(f), Art. VII of the State Constitution. In addition, the
24 following projects of the Tampa-Hillsborough County Expressway
25 Authority are approved to be financed or refinanced by the
26 issuance of revenue bonds pursuant to s. 11(f), Art. VII of
27 the State Constitution:

28 (1) Brandon area feeder roads;

29 (2) Capital improvements to the expressway system,
30 including safety and operational improvements and toll
31 collection equipment; ~~and~~

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1 (3) Lee Roy Selmon Crosstown Expressway System
2 widening; ~~and~~

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

5 Section 43. Paragraph (b) of subsection (1) of section
6 348.754, Florida Statutes, is amended to read:

7 348.754 Purposes and powers.--

8 (1)

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

19 Section 44. Section 348.7543, Florida Statutes, is
20 amended to read:

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

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1 proper by the authority pursuant to s. 348.754(1)(b). Subject
2 to terms and conditions of applicable revenue bond resolutions
3 and covenants, such costs financing may be financed in whole
4 or in part by revenue bonds issued pursuant to s.
5 348.755(1)(a) or (b) whether currently issued, issued in the
6 future, or by a combination of such bonds.

7 Section 45. Section 348.7544, Florida Statutes, is
8 amended to read:

9 348.7544 Northwest Beltway Part A, construction
10 authorized; financing.--Notwithstanding s. 338.2275, the
11 Orlando-Orange County Expressway Authority is hereby
12 authorized to construct, finance, operate, own, and maintain
13 that portion of the Western Beltway known as the Northwest
14 Beltway Part A, extending from Florida's Turnpike near Ocoee
15 north to U.S. 441 near Apopka, as part of the authority's
16 20-year capital projects plan. This project may be financed
17 with any funds available to the authority for such purpose or
18 revenue bonds issued by the Division of Bond Finance of the
19 State Board of Administration on behalf of the authority
20 pursuant to s. 11, Art. VII of the State Constitution and the
21 State Bond Act, ss. 215.57-215.83. This project may be
22 refinanced with bonds issued by the authority pursuant to s.
23 348.755(1)(d).

24 Section 46. Section 348.7545, Florida Statutes, is
25 amended to read:

26 348.7545 Western Beltway Part C, construction
27 authorized; financing.--Notwithstanding s. 338.2275, the
28 Orlando-Orange County Expressway Authority is authorized to
29 exercise its condemnation powers, construct, finance, operate,
30 own, and maintain that portion of the Western Beltway known as
31 the Western Beltway Part C, extending from Florida's Turnpike

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

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

13 348.755 Bonds of the authority.--

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

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

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

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

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1 terms and conditions as the authority may determine.

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

7 Section 48. Section 348.765, Florida Statutes, is
8 amended to read:

9 348.765 This part complete and additional authority.--

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

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

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

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

9 373.4137 Mitigation requirements.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 waters.

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

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

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

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

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

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

22 373.414 Additional criteria for activities in surface
23 waters and wetlands.--

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

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

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

27 (a) In developing the uniform wetland mitigation
28 assessment method, the department shall seek input from the
29 United States Army Corps of Engineers in order to promote
30 consistency in the mitigation assessment methods used by the
31 state and federal permitting programs.

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

10 Section 51. paragraphs (b) and (e) of subsection (19)
11 of section 380.06, Florida Statutes, are amended, and
12 paragraphs (i) and (j) are added to subsection (24) of said
13 section, to read:

14 380.06 Developments of regional impact.--

15 (19) SUBSTANTIAL DEVIATIONS.--

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

24 1. An increase in the number of parking spaces at an
25 attraction or recreational facility by 5 percent or 300
26 spaces, whichever is greater, or an increase in the number of
27 spectators that may be accommodated at such a facility by 5
28 percent or 1,000 spectators, whichever is greater.

29 ~~2. A new runway, a new terminal facility, a 25-percent~~
30 ~~lengthening of an existing runway, or a 25-percent increase in~~
31 ~~the number of gates of an existing terminal, but only if the~~

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~~1 increase adds at least three additional gates. However, if an
2 airport is located in two counties, a 10-percent lengthening
3 of an existing runway or a 20-percent increase in the number
4 of gates of an existing terminal is the applicable criteria.~~

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

7 3.4. An increase in industrial development area by 5
8 percent or 32 acres, whichever is greater.

9 4.5. An increase in the average annual acreage mined
10 by 5 percent or 10 acres, whichever is greater, or an increase
11 in the average daily water consumption by a mining operation
12 by 5 percent or 300,000 gallons, whichever is greater. An
13 increase in the size of the mine by 5 percent or 750 acres,
14 whichever is less.

15 5.6. An increase in land area for office development
16 by 5 percent or 6 acres, whichever is greater, or an increase
17 of gross floor area of office development by 5 percent or
18 60,000 gross square feet, whichever is greater.

19 ~~7. An increase in the storage capacity for chemical or
20 petroleum storage facilities by 5 percent, 20,000 barrels, or
21 7 million pounds, whichever is greater.~~

22 6.8. An increase of development at a waterport of wet
23 storage for 20 watercraft, dry storage for 30 watercraft, or
24 wet/dry storage for 60 watercraft in an area identified in the
25 state marina siting plan as an appropriate site for additional
26 waterport development or a 5-percent increase in watercraft
27 storage capacity, whichever is greater.

28 7.9. An increase in the number of dwelling units by 5
29 percent or 50 dwelling units, whichever is greater.

30 ~~8.10.~~ An increase in commercial development by 6 acres
31 of land area or by 50,000 square feet of gross floor area, or

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1 of parking spaces provided for customers for 300 cars or a
2 5-percent increase of any of these, whichever is greater.

3 ~~9.11.~~ An increase in hotel or motel facility units by
4 5 percent or 75 units, whichever is greater.

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

7 ~~11.13.~~ A decrease in the area set aside for open space
8 of 5 percent or 20 acres, whichever is less.

9 ~~12.14.~~ A proposed increase to an approved multiuse
10 development of regional impact where the sum of the increases
11 of each land use as a percentage of the applicable substantial
12 deviation criteria is equal to or exceeds 100 percent. The
13 percentage of any decrease in the amount of open space shall
14 be treated as an increase for purposes of determining when 100
15 percent has been reached or exceeded.

16 ~~13.15.~~ A 15-percent increase in the number of external
17 vehicle trips generated by the development above that which
18 was projected during the original
19 development-of-regional-impact review.

20 ~~14.16.~~ Any change which would result in development of
21 any area which was specifically set aside in the application
22 for development approval or in the development order for
23 preservation or special protection of endangered or threatened
24 plants or animals designated as endangered, threatened, or
25 species of special concern and their habitat, primary dunes,
26 or archaeological and historical sites designated as
27 significant by the Division of Historical Resources of the
28 Department of State. The further refinement of such areas by
29 survey shall be considered under sub-subparagraph (e)5.b.

30

31 The substantial deviation numerical standards in subparagraphs

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1 ~~3.4.~~, ~~5.6.~~, ~~8.10.~~, ~~12.14.~~, excluding residential uses, and
2 ~~13.15.~~, are increased by 100 percent for a project certified
3 under s. 403.973 which creates jobs and meets criteria
4 established by the Office of Tourism, Trade, and Economic
5 Development as to its impact on an area's economy, employment,
6 and prevailing wage and skill levels. The substantial
7 deviation numerical standards in subparagraphs ~~3.4.~~, ~~5.6.~~,
8 ~~7.9.~~, ~~8.10.~~, ~~9.11.~~, and ~~12.14.~~ are increased by 50 percent for
9 a project located wholly within an urban infill and
10 redevelopment area designated on the applicable adopted local
11 comprehensive plan future land use map and not located within
12 the coastal high hazard area.

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

23 2. Except for a development order rendered pursuant to
24 subsection (22) or subsection (25), a proposed change to a
25 development order that individually or cumulatively with any
26 previous change is less than 40 percent of any numerical
27 criterion contained in subparagraphs (b)~~1.-13.1.-15.~~ and does
28 not exceed any other criterion, or that involves an extension
29 of the buildout date of a development, or any phase thereof,
30 of less than 5 years is not subject to the public hearing
31 requirements of subparagraph (f)3., and is not subject to a

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1 determination pursuant to subparagraph (f)5. Notice of the
2 proposed change shall be made to the regional planning council
3 and the state land planning agency. Such notice shall include
4 a description of previous individual changes made to the
5 development, including changes previously approved by the
6 local government, and shall include appropriate amendments to
7 the development order. The following changes, individually or
8 cumulatively with any previous changes, are not substantial
9 deviations:

- 10 a. Changes in the name of the project, developer,
11 owner, or monitoring official.
- 12 b. Changes to a setback that do not affect noise
13 buffers, environmental protection or mitigation areas, or
14 archaeological or historical resources.
- 15 c. Changes to minimum lot sizes.
- 16 d. Changes in the configuration of internal roads that
17 do not affect external access points.
- 18 e. Changes to the building design or orientation that
19 stay approximately within the approved area designated for
20 such building and parking lot, and which do not affect
21 historical buildings designated as significant by the Division
22 of Historical Resources of the Department of State.
- 23 f. Changes to increase the acreage in the development,
24 provided that no development is proposed on the acreage to be
25 added.
- 26 g. Changes to eliminate an approved land use, provided
27 that there are no additional regional impacts.
- 28 h. Changes required to conform to permits approved by
29 any federal, state, or regional permitting agency, provided
30 that these changes do not create additional regional impacts.
- 31 i. Any other change which the state land planning

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1 agency agrees in writing is similar in nature, impact, or
2 character to the changes enumerated in sub-subparagraphs a.-h.
3 and which does not create the likelihood of any additional
4 regional impact.

5
6 This subsection does not require a development order amendment
7 for any change listed in sub-subparagraphs a.-i. unless such
8 issue is addressed either in the existing development order or
9 in the application for development approval, but, in the case
10 of the application, only if, and in the manner in which, the
11 application is incorporated in the development order.

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

18 4. Any submittal of a proposed change to a previously
19 approved development shall include a description of individual
20 changes previously made to the development, including changes
21 previously approved by the local government. The local
22 government shall consider the previous and current proposed
23 changes in deciding whether such changes cumulatively
24 constitute a substantial deviation requiring further
25 development-of-regional-impact review.

26 5. The following changes to an approved development of
27 regional impact shall be presumed to create a substantial
28 deviation. Such presumption may be rebutted by clear and
29 convincing evidence.

30 a. A change proposed for 15 percent or more of the
31 acreage to a land use not previously approved in the

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1 development order. Changes of less than 15 percent shall be
2 presumed not to create a substantial deviation.

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

10 c. Notwithstanding any provision of paragraph (b) to
11 the contrary, a proposed change consisting of simultaneous
12 increases and decreases of at least two of the uses within an
13 authorized multiuse development of regional impact which was
14 originally approved with three or more uses specified in s.
15 380.0651(3)(b)~~(c)~~,~~(c)~~~~(d)~~,~~(e)~~~~(f)~~, and~~(f)~~~~(g)~~ and residential
16 use.

17 (24) STATUTORY EXEMPTIONS.--

18 (i) Any proposed facility for the storage of any
19 petroleum product is exempt from the provisions of this
20 section, if such facility is consistent with a local
21 comprehensive plan that is in compliance with s. 163.3177 or
22 is consistent with a comprehensive port master plan that is in
23 compliance with s. 163.3178.

24 (j) Any development or expansion of an airport or
25 airport-related or aviation-related development is exempt from
26 the provisions of this section.

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

29 380.0651 Statewide guidelines and standards.--

30 (3) The following statewide guidelines and standards
31 shall be applied in the manner described in s. 380.06(2) to

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1 determine whether the following developments shall be required
2 to undergo development-of-regional-impact review:

3 ~~(a) Airports.--~~

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

6 a. ~~A new commercial service or general aviation
7 airport with paved runways.~~

8 b. ~~A new commercial service or general aviation paved
9 runway.~~

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

11 2. ~~Lengthening of an existing runway by 25 percent or
12 an increase in the number of gates by 25 percent or three
13 gates, whichever is greater, on a commercial service airport
14 or a general aviation airport with regularly scheduled flights
15 is a development of regional impact. However, expansion of
16 existing terminal facilities at a nonhub or small hub
17 commercial service airport shall not be a development of
18 regional impact.~~

19 3. ~~Any airport development project which is proposed
20 for safety, repair, or maintenance reasons alone and would not
21 have the potential to increase or change existing types of
22 aircraft activity is not a development of regional impact.
23 Notwithstanding subparagraphs 1. and 2., renovation,
24 modernization, or replacement of airport airside or terminal
25 facilities that may include increases in square footage of
26 such facilities but does not increase the number of gates or
27 change the existing types of aircraft activity is not a
28 development of regional impact.~~

29 ~~(a)(b) Attractions and recreation facilities.--Any~~
30 ~~sports, entertainment, amusement, or recreation facility,~~
31 ~~including, but not limited to, a sports arena, stadium,~~

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1 racetrack, tourist attraction, amusement park, or pari-mutuel
2 facility, the construction or expansion of which:

3 1. For single performance facilities:
4 a. Provides parking spaces for more than 2,500 cars;

5 or

6 b. Provides more than 10,000 permanent seats for
7 spectators.

8 2. For serial performance facilities:

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

10 or

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

13

14 For purposes of this subsection, "serial performance
15 facilities" means those using their parking areas or permanent
16 seating more than one time per day on a regular or continuous
17 basis.

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

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

21 or

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

24 (b)(c) Industrial plants, industrial parks, and
25 distribution, warehousing or wholesaling facilities.--Any
26 proposed industrial, manufacturing, or processing plant, or
27 distribution, warehousing, or wholesaling facility, excluding
28 wholesaling developments which deal primarily with the general
29 public onsite, under common ownership, or any proposed
30 industrial, manufacturing, or processing activity or
31 distribution, warehousing, or wholesaling activity, excluding

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1 wholesaling activities which deal primarily with the general
2 public onsite, which:

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

6 2. Occupies a site greater than 320 acres, or for
7 motor vehicle wholesaling facilities that conduct wholesaling
8 sales activity no more frequently than an average each year of
9 3 days per week, occupies a site greater than 500 acres.

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

13 1. Encompasses 300,000 or more square feet of gross
14 floor area; or

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

16 3. Encompasses more than 600,000 square feet of gross
17 floor area in a county with a population greater than 500,000
18 and only in a geographic area specifically designated as
19 highly suitable for increased threshold intensity in the
20 approved local comprehensive plan and in the strategic
21 regional policy plan.

22 (d)~~(e)~~ Port facilities.--The proposed construction of
23 any waterport or marina is required to undergo
24 development-of-regional-impact review, except one designed
25 for:

26 1.a. The wet storage or mooring of fewer than 150
27 watercraft used exclusively for sport, pleasure, or commercial
28 fishing, or

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

31 c. The wet or dry storage or mooring of fewer than 150

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1 watercraft on or adjacent to an inland freshwater lake except
2 Lake Okeechobee or any lake which has been designated an
3 Outstanding Florida Water, or
4 d. The wet or dry storage or mooring of fewer than 50
5 watercraft of 40 feet in length or less of any type or
6 purpose. The exceptions to this paragraph's requirements for
7 development-of-regional-impact review shall not apply to any
8 waterport or marina facility located within or which serves
9 physical development located within a coastal barrier resource
10 unit on an unbridged barrier island designated pursuant to 16
11 U.S.C. s. 3501.

12

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

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

31 3. Any proposed marina development with both wet and

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1 dry mooring or storage used exclusively for sport, pleasure,
2 or commercial fishing, where the sum of percentages of the
3 applicable wet and dry mooring or storage thresholds equals
4 100 percent. This threshold is in addition to, and does not
5 preclude, a development from being required to undergo
6 development-of-regional-impact review under sub-subparagraphs
7 1.a. and b. and subparagraph 2.

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

- 13 1. Encompasses more than 400,000 square feet of gross
14 area;
- 15 2. Occupies more than 40 acres of land; or
- 16 3. Provides parking spaces for more than 2,500 cars.

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

- 18 1. Any proposed hotel or motel development that is
19 planned to create or accommodate 350 or more units; or
- 20 2. Any proposed hotel or motel development that is
21 planned to create or accommodate 750 or more units, in a
22 county with a population greater than 500,000, and only in a
23 geographic area specifically designated as highly suitable for
24 increased threshold intensity in the approved local
25 comprehensive plan and in the strategic regional policy plan.

26 (g)~~(h)~~ Recreational vehicle development.--Any proposed
27 recreational vehicle development planned to create or
28 accommodate 500 or more spaces.

29 (h)~~(i)~~ Multiuse development.--Any proposed development
30 with two or more land uses where the sum of the percentages of
31 the appropriate thresholds identified in chapter 28-24,

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

14 (i)~~(j)~~ Residential development.--No rule may be
15 adopted concerning residential developments which treats a
16 residential development in one county as being located in a
17 less populated adjacent county unless more than 25 percent of
18 the development is located within 2 or less miles of the less
19 populated adjacent county.

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

21 1. The proposed construction of any public, private,
22 or proprietary postsecondary educational campus which provides
23 for a design population of more than 5,000 full-time
24 equivalent students, or the proposed physical expansion of any
25 public, private, or proprietary postsecondary educational
26 campus having such a design population that would increase the
27 population by at least 20 percent of the design population.

28 2. As used in this paragraph, "full-time equivalent
29 student" means enrollment for 15 or more quarter hours during
30 a single academic semester. In area vocational schools or
31 other institutions which do not employ semester hours or

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1 quarter hours in accounting for student participation,
2 enrollment for 18 contact hours shall be considered equivalent
3 to one quarter hour, and enrollment for 27 contact hours shall
4 be considered equivalent to one semester hour.

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

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

10 163.3180 Concurrency.--

11 (12) When authorized by a local comprehensive plan, a
12 multiuse development of regional impact may satisfy the
13 transportation concurrency requirements of the local
14 comprehensive plan, the local government's concurrency
15 management system, and s. 380.06 by payment of a
16 proportionate-share contribution for local and regionally
17 significant traffic impacts, if:

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

24
25 The proportionate-share contribution may be applied to any
26 transportation facility to satisfy the provisions of this
27 subsection and the local comprehensive plan, but, for the
28 purposes of this subsection, the amount of the
29 proportionate-share contribution shall be calculated based
30 upon the cumulative number of trips from the proposed
31 development expected to reach roadways during the peak hour

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1 from the complete buildout of a stage or phase being approved,
2 divided by the change in the peak hour maximum service volume
3 of roadways resulting from construction of an improvement
4 necessary to maintain the adopted level of service, multiplied
5 by the construction cost, at the time of developer payment, of
6 the improvement necessary to maintain the adopted level of
7 service. For purposes of this subsection, "construction cost"
8 includes all associated costs of the improvement.

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

11 331.303 Definitions.--

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

16 Section 55. Section 331.308, Florida Statutes, is
17 amended to read:

18 331.308 Board of supervisors.--

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

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

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

24 (c) Two ex officio nonvoting members who are members
25 of the Legislature, one of whom shall be a state senator
26 selected by the President of the Senate and one of whom shall
27 be a state representative selected by the Speaker of the House
28 of Representatives; and

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

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1 Regular members are, ~~all of whom shall be~~ subject to
2 confirmation by the Senate at the next regular session of the
3 Legislature, ~~and each of them the regular board members~~ must
4 be a resident of the state and must have experience in the
5 aerospace or commercial space industry or in finance or have
6 other significant relevant experience. One regular member
7 shall represent organized labor interests and one regular
8 member shall represent minority interests.

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

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

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

19 (5) The Lieutenant Governor is the state's space
20 policy leader. The Lieutenant Governor may designate a regular
21 member to serve as vice-chair and preside over board meetings
22 in the absence of the chair and may assign proxy voting power
23 to the director of the Office of Tourism, Trade, and Economic
24 Development. ~~Initial appointments shall be made no later than~~
25 ~~60 days after this act takes effect.~~

26 (6) ~~The board shall hold its initial meeting no later~~
27 ~~than 20 days after the members have been appointed. At its~~
28 ~~initial meeting, or as soon thereafter as is practicable,~~ The
29 board shall appoint an executive director. Meetings shall be
30 held quarterly or more frequently at the call of the chair. A
31 majority of the regular members of the board shall constitute

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1 a quorum, and a majority vote of such members present is
2 necessary for any action taken by the board.

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

10 Section 56. (1) Nothing contained in this act
11 abridges or modifies any vested or other right or any duty or
12 obligation pursuant to any development order or agreement
13 which is applicable to a development of regional impact on the
14 effective date of this act. An airport or petroleum storage
15 facility which has received a development-of-regional-impact
16 development order pursuant to s. 380.06, Florida Statutes
17 2000, but is no longer required to undergo
18 development-of-regional-impact review by operation of this
19 act, shall be governed by the following procedures:

20 (a) The development shall continue to be governed by
21 the development-of-regional-impact development order, and may
22 be completed in reliance upon and pursuant to the development
23 order. The development-of-regional-impact development order
24 may be enforced by the local government as provided by ss.
25 380.06(17) and 380.11, Florida Statutes 2000.

26 (b) If requested by the developer or landowner, the
27 development-of-regional-impact development order may be
28 amended or rescinded by the local government consistent with
29 the local comprehensive plan and land development regulations
30 and pursuant to the local government procedures governing
31 local development orders.

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1 (2) An airport or petroleum storage facility with an
2 application for development approval pending on the effective
3 date of this act, or a notification of proposed change pending
4 on the effective date of this act, may elect to continue such
5 review pursuant to s. 380.06, Florida Statutes 2000. At the
6 conclusion of the pending review, including any appeals
7 pursuant to s. 380.07, Florida Statutes 2000, the resulting
8 development order shall be governed by the provisions of
9 subsection (1).

10 Section 57. If any provision of this act or the
11 application thereof to any person or circumstance is held
12 invalid, the invalidity shall not affect other provisions or
13 applications of the act which can be given effect without the
14 invalid provision or application, and to this end the
15 provisions of this act are declared severable.

16 Section 58. Subsection (13) is added to section
17 475.011, Florida Statutes, to read:

18 475.011 Exemptions.--This part does not apply to:

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

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

31 479.15 Harmony of regulations.--

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

28 Section 60. Section 479.25, Florida Statutes, is
29 created to read:

30 479.25 Application of chapter.--Nothing in this
31 chapter shall prevent a governmental entity from entering into

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1 an agreement allowing the height above ground level of a
2 lawfully erected sign to be increased at its permitted
3 location if a noise attenuation barrier, visibility screen, or
4 other highway improvement has been erected in such a way as to
5 screen or block visibility of such a sign; provided, however,
6 that for nonconforming signs located on the federal-aid
7 primary highway system, as such system existed on June 1,
8 1991, and any highway which was not on such system but which
9 is, or hereinafter becomes, a part of the National Highway
10 System, such agreement must be approved by the Federal Highway
11 Administration. Any increase in height permitted under this
12 provision shall only be that which is required to achieve the
13 same degree of visibility from the right-of-way that the sign
14 had prior to the construction of the noise attenuation
15 barrier, visibility screen, or other highway improvement.

16 Section 61. Section 70.20, Florida Statutes, is
17 created to read:

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

26 (1) Municipalities, counties, and all other
27 governmental entities are specifically empowered to enter into
28 relocation and reconstruction agreements on whatever terms are
29 agreeable to the sign owner and the municipality, county, or
30 other governmental entity involved and to provide for
31 relocation and reconstruction of signs by agreement,

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1 ordinance, or resolution. As used in this section, a
2 "relocation and reconstruction agreement" means a consensual,
3 contractual agreement between a sign owner and municipality,
4 county, or other governmental entity for either the
5 reconstruction of an existing sign or removal of a sign and
6 the construction of a new sign to substitute for the sign
7 removed.

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

25 (3) In the event that a municipality, county, or other
26 governmental entity shall undertake a public project or public
27 goal requiring alteration or removal of any lawfully erected
28 sign, the municipality, county, or other governmental entity
29 shall notify the owner of the affected sign in writing of the
30 public project or goal and of the intention of the
31 municipality, county, or other governmental entity to seek

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1 such removal. Within 30 days after receipt of the notice, the
2 owner of the sign and the municipality, county, or other
3 governmental entity shall attempt to meet for purposes of
4 negotiating and executing a relocation and reconstruction
5 agreement provided for in subsection (1).

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

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

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

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

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

31 (9) This section applies only to a lawfully erected

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1 sign the subject matter of which relates to premises other
2 than the premises on which it is located or to merchandise,
3 services, activities, or entertainment not sold, produced,
4 manufactured, or furnished on the premises on which the sign
5 is located.

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

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

27 (12) Subsection (6) hereof does not apply when the
28 development order permits construction of a replacement sign
29 that cannot be erected without the removal of the lawfully
30 erected sign being replaced. Effective upon this section
31 becoming a law, the Office of Program Analysis and

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1 Governmental Accountability, in consultation with the property
 2 appraisers and the private sector affected parties, shall
 3 conduct a study of the value of offsite signs in relation to,
 4 and in comparison with, the valuation of other commercial
 5 properties for ad valorem tax purposes, including a comparison
 6 of tax valuations from other states. OPPAGA shall complete
 7 the study by December 31, 2001, and shall report the results
 8 of the study to the Legislature.

9 Section 62. Paragraph (b) of subsection (1) of section
 10 496.425, Florida Statutes, is amended to read:

11 496.425 Solicitation of funds within public
 12 transportation facilities.--

13 (1) As used in this section:

14 (b) "Facility" means any public transportation
 15 facility, including, but not limited to, railroad stations,
 16 bus stations, ship ports, ferry terminals, or ~~roadside welcome~~
 17 ~~stations, highway service plazas, airports served by scheduled~~
 18 ~~passenger service, or highway rest stations.~~

19 Section 63. Section 496.4256, Florida Statutes, is
 20 created to read:

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

28 Section 64. Section 337.408, Florida Statutes, is
 29 amended to read:

30 337.408 Regulation of benches, transit shelters,
 31 street light poles, and waste disposal receptacles within

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1 rights-of-way.--

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

29 (2) Waste disposal receptacles the interior collection
30 container volume of which is less than 110 gallons in
31 capacity, including advertising displayed on such waste

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1 disposal receptacles, may be installed within the right-of-way
2 limits of any municipal, county, or state road, except a
3 limited access highway; provided that written authorization
4 has been given to a qualified private supplier of such service
5 by the appropriate municipal or county government. A
6 municipality or county may authorize the installation, with or
7 without public bid, of waste disposal receptacles together
8 with advertising displayed thereon within the right-of-way
9 limits of such roads. Such waste disposal receptacles may not
10 interfere with right-of-way preservation and maintenance.

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

28 (4) No bench, transit shelter, or waste disposal
29 receptacle, or advertising thereon, shall be erected or so
30 placed on the right-of-way of any road which conflicts with
31 the requirements of federal law, regulations, or safety

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1 standards, thereby causing the state or any political
2 subdivision the loss of federal funds. Competition among
3 persons seeking to provide bench, transit shelter, or waste
4 disposal receptacle services or advertising on such benches,
5 shelters, or receptacles may be regulated, restricted, or
6 denied by the appropriate local government entity consistent
7 with the provisions of this section.

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

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

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

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

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

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

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

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

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

16 Section 66. Section 337.025, Florida Statutes, is
17 amended to read:

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

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

15 Section 67. Paragraph (c) of subsection (3) of section
16 337.11, Florida Statutes, is amended to read:

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

21 (3)

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

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1 acquired by prescription.

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

4 338.165 Continuation of tolls.--

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

7 Section 69. Section 338.22, Florida Statutes, is
8 amended to read:

9 338.22 Florida Turnpike Enterprise Law; short
10 title.--Sections 338.22-338.241 may be cited as the "Florida
11 Turnpike Enterprise Law."

12 Section 70. Section 338.221, Florida Statutes, is
13 amended to read:

14 338.221 Definitions of terms used in ss.
15 338.22-338.241.--As used in ss. 338.22-338.241, the following
16 words and terms have the following meanings, unless the
17 context indicates another or different meaning or intent:

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

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

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

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

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

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

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

30 (7) "Turnpike improvement" means any betterment
31 necessary or desirable for the operation of the turnpike

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1 system, including, but not limited to, widenings, the addition
2 of interchanges to the existing turnpike system, resurfacings,
3 toll plazas, machinery, and equipment.

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

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

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

26

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

30 (9) "Turnpike project" means any extension to or
31 expansion of the existing turnpike system and new limited

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1 access toll highways and associated feeder roads and other
2 structures, interchanges, appurtenances, or rights as may be
3 approved in accordance with the Florida Turnpike Enterprise
4 Law.

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

8 Section 71. Section 338.2215, Florida Statutes, is
9 created to read:

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

27 Section 72. Section 338.2216, Florida Statutes, is
28 created to read:

29 338.2216 Florida Turnpike Enterprise; powers and
30 authority.--

31 (1)(a) In addition to the powers granted to the

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

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

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

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

30 (3)(a) The turnpike enterprise shall be a single
31 budget entity and shall develop a budget pursuant to chapter

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1 216. The turnpike enterprise's budget shall be submitted to
2 the Legislature along with the department's budget.

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

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

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

27 338.223 Proposed turnpike projects.--

28 (4) The department is authorized, with the approval of
29 the Legislature, to use federal and state transportation funds
30 to lend or pay a portion of the operating, maintenance, and
31 capital costs of turnpike projects. ~~Federal and state~~

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1 ~~transportation funds included in an adopted work program, or~~
2 ~~the General Appropriations Act, for a turnpike project do not~~
3 ~~have to be reimbursed to the State Transportation Trust Fund,~~
4 ~~or used in determining the economic feasibility of the~~
5 ~~proposed project.~~ For operating and maintenance loans, the
6 maximum net loan amount in any fiscal year shall not exceed
7 1.5 ~~0.5~~ percent of state transportation tax revenues for that
8 fiscal year.

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

11 338.227 Turnpike revenue bonds.--

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

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

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1 338.2275 Approved turnpike projects.--
2 (2) The department is authorized to use turnpike
3 revenues, the State Transportation Trust Fund moneys allocated
4 for turnpike projects pursuant to s. 338.001, federal funds,
5 and bond proceeds, and shall use the most cost-efficient
6 combination of such funds, in developing a financial plan for
7 funding turnpike projects. The department must submit a
8 report of the estimated cost for each ongoing turnpike project
9 and for each planned project to the Legislature 14 days before
10 the convening of the regular legislative session. Verification
11 of economic feasibility and statements of environmental
12 feasibility for individual turnpike projects must be based on
13 the entire project as approved. Statements of environmental
14 feasibility are not required for those projects listed in s.
15 12, chapter 90-136, Laws of Florida, for which the Project
16 Development and Environmental Reports were completed by July
17 1, 1990. ~~All required environmental permits must be obtained~~
18 ~~before~~ The department may advertise for bids for contracts for
19 the construction of any turnpike project prior to obtaining
20 required environmental permits.

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

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

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

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

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

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

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

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

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

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

19 338.239 Traffic control on the turnpike system.--
 20 (2) Members of the Florida Highway Patrol are vested
 21 with the power, and charged with the duty, to enforce the
 22 rules of the department. Approved expenditures ~~Expenses~~
 23 incurred by the Florida Highway Patrol in carrying out its
 24 powers and duties under ss. 338.22-338.241 may be treated as a
 25 part of the cost of the operation of the turnpike system, and
 26 the Department of Highway Safety and Motor Vehicles shall be
 27 reimbursed by the turnpike enterprise ~~Department of~~
 28 ~~Transportation~~ for such expenses incurred on the turnpike
 29 system mainline, which is that part of the turnpike system
 30 ~~extending from the southern terminus in Florida City to the~~
 31 ~~northern terminus in Wildwood including all contiguous~~

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

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

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

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

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

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

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

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

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

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

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

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

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1 shall be completed no later than 12 years after the date of
2 the advance. However, such election shall be made at the time
3 of the initial bond issue, and, if repayment is to be made
4 during the time period referred to above, a schedule of such
5 repayment shall be submitted to the department.

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

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

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

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

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

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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 (d) Building plans approved pursuant to s. 553.77(6)

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

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

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

16
17 The governing bodies of local governments may provide a
18 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
19 and this section, for the enforcement of the provisions of
20 this part. Such fees shall be used solely for carrying out
21 the local government's responsibilities in enforcing the
22 Florida Building Code. The authority of state enforcing
23 agencies to set fees for enforcement shall be derived from
24 authority existing on July 1, 1998. However, nothing contained
25 in this subsection shall operate to limit such agencies from
26 adjusting their fee schedule in conformance with existing
27 authority.

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

30 (2) Notwithstanding the provisions of s. 318.121,
31 Florida Statutes, a board of county commissioners may require,

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

8 Section 83. Small Aircraft Transportation System;
9 legislative intent.--

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

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

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

28 (b) Enhance economic growth and competitiveness for
29 the rural and remote communities of the state through improved
30 transportation choices.

31 (c) Maintain the state's leadership and proactive role

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1 in aviation and aerospace through active involvement in
2 advancing aviation technology infrastructure and capabilities.

3 (d) Take advantage of federal programs that can bring
4 investments in technology, research, and infrastructure
5 capable of enhancing competitiveness and opportunities for
6 industry and workforce development.

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

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

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

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

26 Section 85. George Crady Bridge designation;
27 markers.--

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

31 (2) The Department of Transportation is directed to

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1 erect suitable markers designating the "George Crady Bridge"
2 as described in subsection (1).

3 Section 86. Doyle Parker Memorial Highway designation;
4 markers.--

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

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

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

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

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

17 Section 88. Bennett C. Russell Florida/Alabama Parkway
18 designation; markers.--

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

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

25 Section 89. Mamie Langdale Memorial Bridge
26 designation; markers.--

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

30 (2) The Department of Transportation is directed to
31 erect suitable markers designating the "Mamie Langdale

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1 Memorial Bridge" as described in subsection (1).

2 Section 90. Martin Luther King, Jr., Memorial Highway
3 designation; markers.--

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

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

10 Section 91. Purple Heart Highway designation;
11 markers.--

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

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

18 Section 92. Jean-Jacques Dessalines Boulevard
19 designation; markers.--

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

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

27 Section 93. Florida Highway Patrol Memorial Highway
28 designation; markers.--

29 (1) I-75 from Tampa to the Georgia State Line is
30 hereby designated as the "Florida Highway Patrol Memorial
31 Highway."

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

4 Section 94. Jerome A. Williams Memorial Highway
5 designation; markers.--

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

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

12 Section 95. Borinquen Boulevard designation;
13 markers.--

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

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

21 Section 96. Korean War Veterans Memorial Highway
22 designation; markers.--

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

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

28 Section 97. Veterans Memorial Highway designation;
29 markers.--

30 (1) That portion of State Road 100, beginning at
31 Highway A1A in Flagler County and continuing east to U.S. 1 in

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1 Bunnell, is hereby designated as the "Veterans Memorial
2 Highway."

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

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

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

12 (2) The Department of Transportation is directed to
13 erect suitable markers designating Toni Jennings Boulevard as
14 described in subsection (1).

15 Section 99. Ed Fraser Memorial Highway designation;
16 markers.--

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

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

23 Section 100. Correctional Officers Memorial Highway
24 designated; markers.--

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

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

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1 Section 101. "Steven Cranman Boulevard" and "Ethel
2 Beckford Boulevard" designated; Department of Transportation
3 to erect suitable markers.--

4 (1) That portion of U.S. 1, between S.W. 136th Street
5 and S.W. 186th Street in Miami-Dade County is hereby
6 designated as Steven Cranman Boulevard. The Department of
7 Transportation is directed to erect suitable markers
8 designating Steven Cranman Boulevard as described in this
9 subsection.

10 (2) That portion of S.W. 186th Street between U.S. 1
11 and S.W. 107th Avenue in Miami-Dade County is hereby
12 designated as Ethel Beckford Boulevard. The Department of
13 Transportation is directed to erect suitable markers
14 designating Ethel Beckford Boulevard as described in this
15 subsection.

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

18 (1) That portion of State Road 5 (U.S. 1) between S.W.
19 312th Street and S.W. 328th Street in Miami-Dade County is
20 hereby designated as Phicol Williams Boulevard.

21 (2) The Department of Transportation is directed to
22 erect suitable markers designating Phicol Williams Boulevard
23 as described in subsection (1).

24 Section 103. Section 316.3027 and subsection (3) of
25 section 316.610, Florida Statutes, are repealed.

26 Section 104. This act shall take effect July 1, 2001.

27
28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled

3 amending s. 20.23, F.S.; revising language with

4 respect to the organization of the department;

5 deleting responsibilities assigned to the

6 secretary; providing that the secretary or his

7 or her designee shall submit a report on major

8 actions at each meeting of the Florida

9 Transportation Commission; revising language

10 with respect to assistant secretaries; creating

11 the Office of Comptroller; deleting language

12 with respect to the inspector general and

13 comptroller; changing the Turnpike District

14 into a turnpike enterprise; exempting the

15 turnpike enterprise from department policies,

16 procedures, and standards, subject to the

17 Secretary of Transportation's decision to apply

18 such requirements; giving the secretary

19 authority to promulgate rules that will assist

20 the turnpike enterprise in using best business

21 practices; amending s. 110.205, F.S.;

22 correcting cross references, to conform;

23 amending s. 163.3180, F.S.; extending a

24 deadline for development on certain roads;

25 amending s. 189.441, F.S.; removing an

26 exemption to s. 287.055, F.S.; amending s.

27 206.46, F.S.; revising language with respect to

28 the State Transportation Trust Fund; increasing

29 the debt service cap; amending s. 255.20, F.S.;

30 exempting certain transportation projects for

31 certain competitive bidding requirements;

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1 amending s. 287.005, F.S.; increasing the
2 amount defining a continuing contract;
3 amending s. 311.09, F.S.; directing seaports to
4 abide by the provisions of s. 287.055, F.S.,
5 related to competitive negotiation; amending s.
6 315.031, F.S.; authorizing certain
7 entertainment expenditures for seaports;
8 amending s. 316.302, F.S.; revising a date
9 concerning commercial motor vehicles to conform
10 to federal regulations; amending s. 316.3025,
11 F.S.; updating a cross reference to federal
12 trucking regulations; amending s. 316.515,
13 F.S.; deleting a requirement for a department
14 permit with 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;

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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

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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

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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,

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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

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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

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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

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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.
8 380.06, F.S., relating to amending s. 380.06,
9 F.S., relating to developments of regional
10 impact; removing provisions which specify that
11 certain changes in airport facilities or
12 increases in the storage capacity for chemical
13 or petroleum storage facilities constitute a
14 substantial 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;

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