

By Senator Sebesta

20-634A-01

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending s. 206.46, F.S.;
4 increasing the debt service cap on the transfer
5 of 7 percent of state transportation revenue to
6 the Right-of-Way Acquisition and Bridge
7 Construction Trust Fund; amending s. 255.20,
8 F.S.; adding an exception to requirements
9 relating to local bids and contracts for public
10 construction works; amending s. 316.302, F.S.;
11 updating references to safety regulations for
12 commercial vehicles; amending s. 316.3025,
13 F.S.; conforming that section to the repeal of
14 s. 316.3027, F.S.; repealing 316.3027, F.S.,
15 relating to commercial motor vehicle
16 identification requirements; amending s.
17 316.515, F.S.; deleting the permit requirement
18 for an automobile transporter; amending s.
19 316.535, F.S.; providing maximum weights for
20 certain trucks; amending s. 316.545, F.S.;
21 conforming provisions to amendments made by
22 this act; repealing s. 316.610(3), F.S.,
23 relating to an irrelevant vehicle inspection
24 service; amending ss. 330.27, 330.29, 330.30,
25 330.35, 330.36, F.S.; providing for the
26 registration and licensing of airports;
27 amending s. 334.044, F.S.; authorizing the
28 department to purchase certain promotional
29 items for the Florida Scenic Highways Program;
30 authorizing the department to enter into
31 permit-delegation agreements in certain

1 | circumstances; amending ss. 335.141, 341.302,
2 | F.S.; removing the department's authority to
3 | regulate the operating speed of trains;
4 | amending s. 336.41, F.S.; providing
5 | prequalification requirements for contractors
6 | who bid on certain government projects;
7 | requiring the publication of prequalification
8 | criteria and procedures; providing for de novo
9 | review of the prequalification process by a
10 | circuit court; requiring the publication of
11 | selection criteria in specified circumstances;
12 | providing applicability; amending s. 336.44,
13 | F.S.; substituting the criterion "lowest
14 | responsible bidder" for "lowest competent
15 | bidder"; amending s. 337.107, F.S.; authorizing
16 | right-of-way services to be included in
17 | design-build contracts; amending s. 337.11,
18 | F.S.; authorizing the advertisement and award
19 | of certain design-build contracts; increasing
20 | the cap on fast-response contracts; authorizing
21 | the use of design-build contracts for
22 | enhancement projects; amending s. 337.14, F.S.;
23 | increasing the length of time for which a
24 | certificate of qualification may remain valid;
25 | providing prequalification requirements for
26 | contractors who bid on certain projects of
27 | specified expressway and bridge authorities or
28 | of the Jacksonville Transportation Authority;
29 | requiring the publication of prequalification
30 | criteria and procedures; providing for de novo
31 | review of the prequalification process by a

1 circuit court; requiring the publication of
2 selection criteria in specified circumstances;
3 providing applicability; amending s. 337.401,
4 F.S.; authorizing the department to accept a
5 utility-relocation schedule and relocation
6 agreement in lieu of a written permit in
7 certain circumstances; amending s. 339.08,
8 F.S.; repealing a rulemaking requirement
9 relating to the department's expending moneys
10 in the State Transportation Trust Fund;
11 amending s. 339.12, F.S.; authorizing
12 compensation to local governments by the
13 department; amending s. 339.135, F.S.;
14 increasing the threshold amount for an
15 amendment to the adopted work program;
16 repealing s. 341.051(5)(b), F.S., relating to
17 methodology development for certain transit
18 projects; amending s. 341.302, F.S.;
19 eliminating the requirement for the department
20 to develop and administer certain rail-system
21 standards; amending s. 475.011, F.S.; providing
22 an exemption for certain employees from
23 specified licensing requirements; amending s.
24 479.15, F.S.; revising requirements relating to
25 harmony of regulations pertaining to signs;
26 defining the term "federal-aid primary highway
27 system"; providing that certain actions
28 constitute a compelled removal that is
29 prohibited without prior payment of just
30 compensation; creating s. 479.25, F.S.;
31 allowing an increase in the height of a sign to

1 restore its visibility, under specified
2 conditions; amending s. 496.425, F.S., and
3 creating s. 496.4256, F.S.; deleting the permit
4 requirement for solicitation at rest areas;
5 providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Subsection (2) of section 206.46, Florida
10 Statutes, is amended to read:

11 206.46 State Transportation Trust Fund.--

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

29 Section 2. Paragraph (a) of subsection (1) of section
30 255.20, Florida Statutes, is amended to read:
31

1 255.20 Local bids and contracts for public
2 construction works; specification of state-produced lumber.--
3 (1) A county, municipality, special district as
4 defined in chapter 189, or other political subdivision of the
5 state seeking to construct or improve a public building,
6 structure, or other public construction works must
7 competitively award to an appropriately licensed contractor
8 each project that is estimated in accordance with generally
9 accepted cost-accounting principles to have total construction
10 project costs of more than \$200,000. For electrical work,
11 local government must competitively award to an appropriately
12 licensed contractor each project that is estimated in
13 accordance with generally accepted cost-accounting principles
14 to have a cost of more than \$50,000. As used in this section,
15 the term "competitively award" means to award contracts based
16 on the submission of sealed bids, proposals submitted in
17 response to a request for proposal, proposals submitted in
18 response to a request for qualifications, or proposals
19 submitted for competitive negotiation. This subsection
20 expressly allows contracts for construction management
21 services, design/build contracts, continuation contracts based
22 on unit prices, and any other contract arrangement with a
23 private sector contractor permitted by any applicable
24 municipal or county ordinance, by district resolution, or by
25 state law. For purposes of this section, construction costs
26 include the cost of all labor, except inmate labor, and
27 include the cost of equipment and materials to be used in the
28 construction of the project. Subject to the provisions of
29 subsection (3), the county, municipality, special district, or
30 other political subdivision may establish, by municipal or
31

1 county ordinance or special district resolution, procedures
2 for conducting the bidding process.

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

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

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

10 b. Other loss to public or private property which
11 requires emergency government action; or

12 c. An interruption of an essential governmental
13 service.

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

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

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

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

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

28 7. When the funding source of the project will be
29 diminished or lost because the time required to competitively
30 award the project after the funds become available exceeds the
31 time within which the funding source must be spent.

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

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

30 10. When the governing board of the local government
31 determines upon consideration of specific substantive criteria

1 and administrative procedures that it is in the best interest
2 of the local government to award the project to an
3 appropriately licensed private sector contractor according to
4 procedures established by and expressly set forth in a
5 charter, ordinance, or resolution of the local government
6 adopted prior to July 1, 1994. The criteria and procedures
7 must be set out in the charter, ordinance, or resolution and
8 must be applied uniformly by the local government to avoid
9 award of any project in an arbitrary or capricious manner.

10 This exception shall apply when all of the following occur:

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

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

28 (I) There is one appropriately licensed contractor who
29 is uniquely qualified to undertake the project because that
30 contractor is currently under contract to perform work that is
31 affiliated with the project; or

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

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

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

19 11. To projects subject to chapter 336.

20 Section 3. Paragraph (b) of subsection (1) of section
21 316.302, Florida Statutes, is amended to read:

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

25 (1)

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

1 relates to the definition of bus, as such rules and
2 regulations existed on October 1, 2000 ~~March 1, 1999~~.

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

5 316.3025 Penalties.--

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

8 Section 5. Section 316.3027, Florida Statutes, is
9 repealed.

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

12 316.515 Maximum width, height, length.--

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

15 However, an automobile transporter may, ~~with a permit from the~~
16 ~~Department of Transportation,~~ measure a height not to exceed
17 14 feet, inclusive of the load carried thereon.

18 Section 7. Present subsection (6) of section 316.535,
19 Florida Statutes, is redesignated as subsection (7), present
20 subsection (7) of that section is redesignated as subsection
21 (8) and amended, and a new subsection (6) is added to that
22 section, to read:

23 316.535 Maximum weights.--

24 (6) Dump trucks, concrete mixing trucks, trucks
25 engaged in waste collection and disposal, and fuel oil and
26 gasoline trucks designed and constructed for special types of
27 work or use, when operated as a single unit, are subject to
28 all safety and operational requirements of law, except that
29 any such vehicle need not conform to the axle spacing
30 requirements of this section if the vehicle is limited to a
31 total gross load, including the weight of the vehicle, of

1 20,000 pounds per axle plus scale tolerances and does not
2 exceed 550 pounds per inch of tire surface width plus scale
3 tolerances. A vehicle operating pursuant to this section may
4 not exceed a gross weight, including the weight of the vehicle
5 and scale tolerances, of 70,000 pounds. Any vehicle that
6 violates the weight provisions of this section shall be
7 penalized as provided in s. 316.545.

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

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

17 Section 8. Paragraph (a) of subsection (2) of section
18 316.545, Florida Statutes, is amended to read:

19 316.545 Weight and load unlawful; special fuel and
20 motor fuel tax enforcement; inspection; penalty; review.--

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

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

17 Section 9. Subsection (3) of section 316.610, Florida
18 Statutes, is repealed.

19 Section 10. Section 330.27, Florida Statutes, is
20 amended to read:

21 330.27 Definitions, when used in ss. 330.29-330.36,
22 330.38, 330.39.--

23 (1) "Aircraft" means a powered or unpowered machine or
24 device capable of atmospheric flight ~~any motor vehicle or~~
25 ~~contrivance now known, or hereafter invented, which is used or~~
26 ~~designed for navigation of or flight in the air, except a~~
27 parachute or other such device ~~contrivance designed for such~~
28 ~~navigation but~~ used primarily as safety equipment.

29 (2) "Airport" means an ~~any~~ area of land or water, ~~or~~
30 ~~any manmade object or facility located thereon, which is used~~
31 for, or intended to be used for use, ~~for the~~ landing and

1 takeoff of aircraft, including and any appurtenant areas,
2 ~~which are used, or intended for use, for airport buildings, or~~
3 ~~other airport facilities, or rights-of-way necessary to~~
4 facilitate such use or intended use, ~~together with all airport~~
5 ~~buildings and facilities located thereon.~~

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

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

20 (3)(5) ~~"Department" means the Department of~~
21 ~~Transportation.~~

22 (4)(6) ~~"Limited airport" means any an airport,~~
23 ~~publicly or privately owned, limited exclusively to the~~
24 ~~specific conditions stated on the site approval order or~~
25 ~~license.~~

26 (7) ~~"Operation of aircraft" or "operate aircraft"~~
27 ~~means the use, navigation, or piloting of aircraft in the~~
28 ~~airspace over this state or upon any airport within this~~
29 ~~state.~~

30 (8) ~~"Political subdivision" means any county,~~
31 ~~municipality, district, port or aviation commission or~~

1 ~~authority, or similar entity authorized to establish or~~
2 ~~operate an airport in this state.~~

3 (5)(9) "Private airport" means an airport, publicly or
4 privately owned, which is not open or available for use by the
5 public. A private airport is registered with the department
6 for use of the person or persons registering the facility,
7 ~~used primarily by the licensee but may be made~~ which is
8 available to others for use by invitation of the registrants
9 ~~licensee. Services may be provided if authorized by the~~
10 ~~department.~~

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

18 (7)(11) "Temporary airport" means any an airport,
19 ~~publicly or privately owned,~~ that will be used for a period of
20 less than 30 ~~90~~ days with no more than 10 operations per day.

21 (8)(12) "Ultralight aircraft" means any
22 ~~heavier than air, motorized aircraft~~ that ~~which~~ meets the
23 criteria for ~~maximum weight, fuel capacity, and airspeed~~
24 ~~established for such aircraft by the Federal Aviation~~
25 ~~Regulations, Administration under Part 103 of the Federal~~
26 ~~Aviation Regulations.~~

27 Section 11. Section 330.29, Florida Statutes, is
28 amended to read:

29 330.29 Administration and enforcement; rules;
30 standards for airport sites and airports.--It is the duty of
31 the department to:

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

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

5 (3) Establish and maintain a state aviation data
6 system to facilitate licensing and registration of all
7 airports.

8 (4)~~(3)~~ Adopt rules pursuant to ss. 120.536(1) and
9 120.54 to implement the provisions of this chapter.

10 Section 12. Section 330.30, Florida Statutes, is
11 amended to read:

12 330.30 Approval of airport sites and licensing of
13 airports; fees.--

14 (1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE
15 PERIOD, REVOCATION.--

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

26 1. That the site is suitable ~~adequate~~ for the airport
27 as proposed ~~airport~~;

28 2. That the airport as proposed ~~airport,~~ if
29 ~~constructed or established,~~ will conform to minimum standards
30 ~~of safety~~ and will comply with the applicable local government
31

1 land development regulations or ~~county or municipal~~ zoning
2 requirements;

3 3. That all nearby airports, local governments
4 ~~municipalities~~, and property owners have been notified and any
5 comments submitted by them have been given adequate
6 consideration; and

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

10 (b) Site approval shall be granted for public airports
11 only after a favorable department inspection of the proposed
12 site.

13 (c) Site approval shall be granted for private
14 airports only after receipt of documentation that the
15 department considers necessary to satisfy the conditions in
16 paragraph (1)(a).

17 (d)~~(b)~~ Site approval may be granted subject to any
18 reasonable conditions that ~~which~~ the department considers ~~may~~
19 ~~deem~~ necessary to protect the public health, safety, or
20 welfare.

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

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

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

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

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

9 3. That, except as required for inflight emergencies,
10 ~~the operation of aircraft~~ have operated ~~of a nonemergency~~
11 ~~nature has occurred~~ on the site; or

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

17 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
18 RENEWAL, REVOCATION.--

19 (a) Except as provided in subsection (3), the owner or
20 lessee of any ~~an~~ airport in this state must have either ~~obtain~~
21 a public airport license or private airport registration prior
22 to the operation of aircraft to or from the facility ~~on the~~
23 ~~airport.~~ An Application for a ~~such~~ license or registration
24 shall be made on a form prescribed by the department ~~and shall~~
25 ~~be accomplished jointly with an application for site approval.~~
26 Upon granting site approval:

27 1. For a public airport, the department shall issue a
28 license after a final airport inspection shows the facility to
29 be in compliance with all requirements for the license. The
30 license may be subject to any reasonable conditions that the
31

1 department considers necessary to protect the public health,
2 safety, or welfare.

3 2. For a private airport, the department shall provide
4 controlled electronic access to the state aviation facility
5 data system to permit the applicant to complete the
6 registration process. Registration is complete upon
7 self-certification by the registrant of operational and
8 configuration data considered necessary by the department.
9 ~~making a favorable final airport inspection report indicating~~
10 ~~compliance with all license requirements, and receiving the~~
11 ~~appropriate license fee, the department shall issue a license~~
12 ~~to the applicant, subject to any reasonable conditions that~~
13 ~~the department may deem necessary to protect the public~~
14 ~~health, safety, or welfare.~~

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

23 (c) The department may authorize a site to be used as
24 a temporary airport if it finds, after inspection of the site,
25 that the airport will not endanger the public health, safety,
26 or welfare. A temporary airport does not need a license or
27 registration. Authorization to use a site for a temporary
28 airport remains valid for ~~Such authorization shall expire not~~
29 more later than 30 90 days after issuance and is not
30 renewable.
31

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

- 3 1. ~~Public airport: \$100.~~
- 4 2. ~~Private airport: \$70.~~
- 5 3. ~~Limited airport: \$50.~~
- 6 4. ~~Temporary airport: \$25.~~

7
8 ~~Airports owned or operated by the state, a county, or a~~
9 ~~municipality and emergency helistops operated by licensed~~
10 ~~hospitals are required to be licensed but are exempt from the~~
11 ~~payment of site approval fees and annual license fees.~~

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

21 2. Registration ~~The license period for private all~~
22 ~~airports remains valid if specific elements of airport data,~~
23 ~~established by the department, are periodically recertified by~~
24 ~~the airport registrant. The ability to recertify private~~
25 ~~airport registration data by electronic submittal must be~~
26 ~~available at all times. The airport registrant must recertify~~
27 ~~the required data every 12 months. If a private airport~~
28 ~~registration has not been recertified within the 12-month~~
29 ~~period following the latest certification, the registration is~~
30 ~~expired. The expiration date of the current registration~~
31 ~~period must be clearly identifiable from the state aviation~~

1 facility data system.~~other than public airports will be set~~
2 ~~by the department, but shall not exceed a period of 5 years.~~
3 ~~In determining the license period for such airports, the~~
4 ~~department shall consider the number of based aircraft, the~~
5 ~~airport location relative to adjacent land uses and other~~
6 ~~airports, and any other factors deemed by the department to be~~
7 ~~critical to airport operation and safety.~~

8 3. The effective date and expiration date shall be
9 shown on the public airport ~~stated on the face of the license.~~
10 Upon receiving an application for renewal of a public airport
11 license on a form prescribed by the department, and upon
12 making a favorable inspection report indicating compliance
13 with all applicable requirements and conditions, ~~and receiving~~
14 ~~the appropriate annual license fee,~~ the department shall renew
15 the license, subject to any conditions deemed necessary to
16 protect the public health, safety, or welfare.

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

20 5. If the renewal application for a public airport
21 license or the registration recertification for a private
22 airport has ~~and fees have~~ not been received by the department
23 within 15 days after the date of expiration ~~of the license,~~
24 the department may close the airport.

25 (e)(f) The department may revoke any airport
26 registration, license, or license renewal ~~thereof~~, or refuse
27 to allow registration or issue a license or license renewal,
28 if it determines:

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

31

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

4 3. That, ~~because of changed physical or legal~~
5 ~~conditions or circumstances~~, the airport has become either
6 unsafe or unusable for flight operations due to physical or
7 legal changes in conditions that were the subject of approval
8 ~~the aeronautical purposes for which the license or renewal was~~
9 ~~issued.~~

10 (3) EXEMPTIONS.--~~The provisions of This section does~~
11 ~~do~~ not apply to:

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

13 (b) An ultralight aircraft landing area; ~~except that~~
14 ~~any public ultralight airport~~ located more than within 5
15 nautical miles from a ~~of another~~ public airport or military
16 airport, except or any ultralight landing area with more than
17 10 ultralight aircraft operating from the site ~~is subject to~~
18 ~~the provisions of this section.~~

19 (c) A helistop used solely in conjunction with a
20 construction project undertaken pursuant to the performance of
21 a state contract if the purpose of the helicopter operations
22 at the site is to expedite construction.

23 ~~(d) An airport under the jurisdiction or control of a~~
24 ~~county or municipal aviation authority or a county or~~
25 ~~municipal port authority or the Spaceport Florida Authority;~~
26 ~~however, the department shall license any such airport if such~~
27 ~~authority does not elect to exercise its exemption under this~~
28 ~~subsection.~~

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

1 (e)~~(f)~~ An airport which meets the criteria of s.
2 330.27(11) used exclusively for aerial application or spraying
3 of crops on a seasonal basis, not to include any licensed
4 airport where permanent crop aerial application or spraying
5 facilities are installed, if the period of operation does not
6 exceed 30 days per calendar year. Such proposed airports,
7 which will be located within 3 miles of existing airports or
8 approved airport sites, shall work out safe air-traffic
9 patterns with such existing airports or approved airport
10 sites, by memorandums of understanding, or by letters of
11 agreement between the parties representing the airports or
12 sites.

13 Section 13. Subsection (2) of section 330.35, Florida
14 Statutes, is amended to read:

15 330.35 Airport zoning,~~approach zone~~ protection.--

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

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

22 330.36 Prohibition against county or municipal
23 licensing of airports; regulation of seaplane landings.--

24 (2) A municipality may prohibit or otherwise regulate,
25 for specified public health and safety purposes, the landing
26 of seaplanes in and upon any public waters of the state which
27 are located within the limits or jurisdiction of, or bordering
28 on, the municipality upon adoption of zoning requirements in
29 compliance with subsection (1).

30 Section 15. Subsections (5) and (15) of section
31 334.044, Florida Statutes, are amended to read:

1 334.044 Department; powers and duties.--The department
2 shall have the following general powers and duties:

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

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

15 (a) Such regulation shall be through a permitting
16 process designed to ensure the safety and integrity of the
17 Department of Transportation facilities and to prevent an
18 unreasonable burden on lower properties.

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

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

7 Section 16. Present subsection (3) of section 335.141
8 is repealed, present subsection (4) of that section is
9 redesignated as subsection (3) and amended, and present
10 subsection (5) of that section is redesignated as subsection
11 (4), to read:

12 335.141 Regulation of public railroad-highway grade
13 crossings; reduction of hazards.--

14 ~~(3) The department is authorized to regulate the speed~~
15 ~~limits of railroad traffic on a municipal, county, regional,~~
16 ~~or statewide basis. Such speed limits shall be established by~~
17 ~~order of the department, which order is subject to the~~
18 ~~provisions of chapter 120. The department shall have the~~
19 ~~authority to adopt reasonable rules to carry out the~~
20 ~~provisions of this subsection. Such rules shall, at a minimum,~~
21 ~~provide for public input prior to the issuance of any such~~
22 ~~order.~~

23 ~~(3)(4) Jurisdiction to enforce such orders shall be as~~
24 ~~provided in s. 316.640, and any penalty for violation thereof~~
25 ~~shall be imposed upon the railroad company guilty of such~~
26 ~~violation. This section does not Nothing herein shall prevent~~
27 a local governmental entity from enacting ordinances relating
28 to the blocking of streets by railroad engines and cars.

29 ~~(4)(5)~~ Any local governmental entity or other public
30 or private agency planning a public event, such as a parade or
31 race, that involves the crossing of a railroad track shall

1 notify the railroad as far in advance of the event as possible
2 and in no case less than 72 hours in advance of the event so
3 that the coordination of the crossing may be arranged by the
4 agency and railroad to assure the safety of the railroad
5 trains and the participants in the event.

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

8 336.41 Counties; employing labor and providing road
9 equipment; definitions.--

10 (4)(a) For contracts in an amount exceeding \$250,000,
11 any governmental entity or authority may require that persons
12 who are interested in performing work under the contract first
13 be certified or qualified to do the work. Any contractor who
14 is prequalified and considered eligible to bid by the
15 department to perform the type of work described under the
16 contract is presumed to be qualified to perform the work so
17 described. The governmental entity or authority may provide an
18 appeal process for challenging that presumption in the circuit
19 court through de novo review that is based on the record.

20 (b) The governmental entity or authority shall publish
21 prequalification criteria and procedures before advertising or
22 issuing a notice of solicitation. Such a publication must
23 include notice of a public hearing for comment on the criteria
24 and procedures before they are adopted. The procedures must
25 provide for an appeal process within the governmental entity
26 or authority to consider objections to the prequalification
27 process and for de novo review by the circuit court which is
28 based on the record.

29 (c) The contracting entity shall also publish for
30 comment, prior to adoption, the selection criteria and
31 procedures to be used by the governmental entity or authority

1 if the procedures would allow the selection of a contractor
2 other than the lowest responsible bidder. The selection
3 criteria must include an appeal process within the contracting
4 entity and de novo review by the circuit court which is based
5 on the record.

6
7 This subsection applies only to contracts that are advertised
8 for prequalification by an authority on or after July 1, 2001.

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

11 336.44 Counties; contracts for construction of roads;
12 procedure; contractor's bond.--

13 (2) Such contracts shall be let to the lowest
14 responsible ~~competent~~ bidder, after publication of notice for
15 bids containing specifications furnished by the commissioners
16 in a newspaper published in the county where such contract is
17 made, at least once each week for 2 consecutive weeks prior to
18 the making of such contract.

19 Section 19. Section 337.107, Florida Statutes, is
20 amended to read:

21 337.107 Contracts for right-of-way services.--The
22 department may enter into contracts pursuant to s. 287.055 or
23 s. 337.025 for right-of-way services on transportation
24 corridors and transportation facilities, or the department may
25 include right-of-way services as part of design-build
26 contracts awarded under s. 337.11. Right-of-way services
27 include negotiation and acquisition services, appraisal
28 services, demolition and removal of improvements, and
29 asbestos-abatement services.

30
31

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

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

8 (6)

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

21 1. To ensure timely completion of projects or
22 avoidance of undue delay for other projects;

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

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

29
30 The department shall make a good faith effort to obtain two or
31 more quotes, if available, from qualified contractors before

1 entering into any contract. The department shall give
2 consideration to disadvantaged business enterprise
3 participation. However, when the work exists within the limits
4 of an existing contract, the department shall make a good
5 faith effort to negotiate and enter into a contract with the
6 prime contractor on the existing contract.

7 (7)(a) If the head of the department determines that
8 it is in the best interests of the public, the department may
9 combine the design and construction phases of a building, a
10 major bridge, an enhancement project, or a rail corridor
11 project into a single contract. Such contract is referred to
12 as a design-build contract. Design-build contracts may be
13 advertised and awarded, notwithstanding the requirements of s.
14 337.11(3)(c). However, construction activities may not begin
15 on any portion of such a project until title to the necessary
16 rights-of-way and easements for the construction of that
17 portion of the project has vested in the state or in a local
18 government entity and all railroad-crossing and utility
19 agreements have been executed. Title to rights-of-way vests in
20 the state when the title has been dedicated to the public or
21 acquired by prescription.

22 Section 21. Subsection (4) of section 337.14, Florida
23 Statutes, is amended and subsection (9) is added to that
24 section to read:

25 337.14 Application for qualification; certificate of
26 qualification; restrictions; request for hearing.--

27 (4) If the applicant is found to possess the
28 prescribed qualifications, the department shall issue to him
29 or her a certificate of qualification that ~~which~~, unless
30 thereafter revoked by the department for good cause, will be
31 valid for a period of 18 ~~16~~ months after ~~from~~ the date of the

1 applicant's financial statement or such shorter period as the
2 department prescribes ~~may prescribe~~. If in the event the
3 department finds that an application is incomplete or contains
4 inadequate information or information that ~~which~~ cannot be
5 verified, the department may request in writing that the
6 applicant provide the necessary information to complete the
7 application or provide the source from which any information
8 in the application may be verified. If the applicant fails to
9 comply with the initial written request within a reasonable
10 period of time as specified therein, the department shall
11 request the information a second time. If the applicant fails
12 to comply with the second request within a reasonable period
13 of time as specified therein, the application shall be denied.

14 (9)(a) Notwithstanding any other provision of law to
15 the contrary, for contracts in an amount exceeding \$250,000,
16 an authority created under chapter 348 or chapter 349 may
17 require that persons who are interested in performing work
18 under the contract first be certified or qualified to do the
19 work. Any contractor who is prequalified and considered
20 eligible to bid by the department to perform the type of work
21 described under the contract is presumed to be qualified to
22 perform the work so described. The governmental entity or
23 authority may provide an appeal process for challenging that
24 presumption in the circuit court through de novo review that
25 is based on the record.

26 (b) The authority shall publish prequalification
27 criteria and procedures before advertising or issuing a notice
28 of solicitation. Such a publication must include notice of a
29 public hearing for comment on the criteria and procedures
30 before they are adopted. The procedures must provide for an
31 appeal process within the authority to consider objections to

1 the prequalification process and for de novo review by the
2 circuit court which is based on the record.

3 (c) The contracting entity shall also publish for
4 comment, prior to adoption, the selection criteria and
5 procedures to be used by the governmental entity or authority
6 if the procedures would allow the selection of a contractor
7 other than the lowest responsible bidder. The selection
8 criteria must include an appeal process within the contracting
9 entity and de novo review by the circuit court which is based
10 on the record.

11
12 This subsection applies only to contracts that are advertised
13 for prequalification by an authority on or after July 1, 2001.

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

16 337.401 Use of right-of-way for utilities subject to
17 regulation; permit; fees.--

18 (2) The authority may grant to any person who is a
19 resident of this state, or to any corporation which is
20 organized under the laws of this state or licensed to do
21 business within this state, the use of a right-of-way for the
22 utility in accordance with such rules or regulations as the
23 authority may adopt. No utility shall be installed, located,
24 or relocated unless authorized by a written permit issued by
25 the authority. However, for public roads or publicly owned
26 rail corridors under the jurisdiction of the department, a
27 utility-relocation schedule and relocation agreement may be
28 executed in lieu of a written permit.The permit shall require
29 the permitholder to be responsible for any damage resulting
30 from the issuance of such permit. The authority may initiate
31 injunctive proceedings as provided in s. 120.69 to enforce

1 provisions of this subsection or any rule or order issued or
2 entered into pursuant thereto.

3 Section 23. Subsections (1) and (2) of section 339.08,
4 Florida Statutes, are amended to read:

5 339.08 Use of moneys in State Transportation Trust
6 Fund.--

7 (1) The department shall expend ~~by rule provide for~~
8 ~~the expenditure of the~~ moneys in the State Transportation
9 Trust Fund accruing to the department, in accordance with its
10 annual budget.

11 (2) ~~The These rules must restrict the~~ use of such
12 moneys is restricted to the following purposes:

13 (a) To pay administrative expenses of the department,
14 including administrative expenses incurred by the several
15 state transportation districts, but excluding administrative
16 expenses of commuter rail authorities that do not operate rail
17 service.

18 (b) To pay the cost of construction of the State
19 Highway System.

20 (c) To pay the cost of maintaining the State Highway
21 System.

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

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

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

29 (g) To lend or pay a portion of the operating,
30 maintenance, and capital costs of a revenue-producing
31 transportation project that is located on the State Highway

1 System or that is demonstrated to relieve traffic congestion
2 on the State Highway System.

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

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

9 (j) To pay the cost of county or municipal road
10 projects selected in accordance with the County Incentive
11 Grant Program created in s. 339.2817 and the Small County
12 Outreach Program created in s. 339.2818.

13 (k) To provide loans and credit enhancements for use
14 in constructing and improving highway transportation
15 facilities selected in accordance with the state-funded
16 infrastructure bank created in s. 339.55.

17 (l) To fund the Transportation Outreach Program
18 created in s. 339.137.

19 (m) To pay other lawful expenditures of the
20 department.

21 Section 24. Subsection (5) of section 339.12, Florida
22 Statutes, is amended to read:

23 339.12 Aid and contributions by governmental entities
24 for department projects; federal aid.--

25 (5) The department and the governing body of a
26 governmental entity may enter into an agreement by which the
27 governmental entity agrees to perform a highway project or
28 project phase in the department's adopted work program that is
29 not revenue producing or any public transportation project in
30 the adopted work program. By specific provision in the
31 written agreement between the department and the governing

1 body of the governmental entity, the department may agree to
2 compensate ~~reimburse~~ the governmental entity the actual cost
3 for the project or project phase contained in the adopted work
4 program. Compensation ~~Reimbursement~~ to the governmental entity
5 for such project or project phases must be made from funds
6 appropriated by the Legislature, and compensation
7 ~~reimbursement~~ for the cost of the project or project phase is
8 to begin in the year the project or project phase is scheduled
9 in the work program as of the date of the agreement.

10 Section 25. Paragraph (c) of subsection (7) of section
11 339.135, Florida Statutes, is amended to read:

12 339.135 Work program; legislative budget request;
13 definitions; preparation, adoption, execution, and
14 amendment.--

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

16 (c) The department may amend the adopted work program
17 to transfer appropriations within the department, except that
18 the following amendments shall be subject to the procedures in
19 paragraph (d):

20 1. Any amendment which deletes any project or project
21 phase;

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

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

31

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

6 Section 26. Paragraph (b) of subsection (5) of section
7 341.051, Florida Statutes, is repealed and present paragraphs
8 (c), (d), (e), and (f) of that subsection are redesignated as
9 paragraphs (d), (e), (f), and (g), respectively.

10 Section 27. Subsections (7), (8), and (10) of section
11 341.302, Florida Statutes, are amended to read:

12 341.302 Rail program, duties and responsibilities of
13 the department.--The department, in conjunction with other
14 governmental units and the private sector, shall develop and
15 implement a rail program of statewide application designed to
16 ensure the proper maintenance, safety, revitalization, and
17 expansion of the rail system to assure its continued and
18 increased availability to respond to statewide mobility needs.
19 Within the resources provided pursuant to chapter 216, and as
20 authorized under Title 49 C.F.R. part 212, the department
21 shall:

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

29 (8) Conduct, at a minimum, inspections of track and
30 rolling stock, +train signals and related equipment, +
31 ~~hazardous materials transportation, including the loading,~~

1 ~~unloading, and labeling of hazardous materials at shippers',~~
2 ~~receivers', and transfer points,~~ and train operating practices
3 to determine adherence to state and federal standards.

4 Department personnel may enforce any safety regulation issued
5 under the Federal Government's preemptive authority over
6 interstate commerce.

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

15 Section 28. Subsection (13) is added to section
16 475.011, Florida Statutes, to read:

17 475.011 Exemptions.--This part does not apply to:

18 (13) Any firm that is under contract with a state or
19 local governmental entity to provide right-of-way acquisition
20 services for property subject to condemnation, or any employee
21 of such a firm, if the compensation for such services is not
22 based upon the value of the property acquired.

23 Section 29. Subsection (2) of section 479.15, Florida
24 Statutes, is amended and subsections (7) and (8) are added to
25 that section to read:

26 479.15 Harmony of regulations.--

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

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

23 (7) The requirement by a governmental entity that a
24 lawfully erected outdoor advertising sign be removed as a
25 condition precedent to the issuance or continued effectiveness
26 of a development order constitutes a compelled removal, which
27 is prohibited without prior payment of just compensation under
28 subsection (2). The requirement by a governmental entity that
29 a lawfully erected outdoor advertising sign be removed from
30 the premises upon which it is located incident to the
31 voluntary acquisition of such property by a governmental

1 entity constitutes a compelled removal, which is prohibited
2 without prior payment of just compensation under subsection
3 (2).

4 (8) This section does not prevent a municipality,
5 county, or other governmental entity from acquiring a lawfully
6 erected sign structure through eminent domain.

7 Section 30. Section 479.25, Florida Statutes, is
8 created to read:

9 479.25 Application of chapter.--This chapter does not
10 prevent a governmental entity from entering into an agreement
11 to allow the height-above-ground level of a lawfully erected
12 sign to be increased at its permitted location if a
13 noise-attenuation barrier, visibility screen, or other highway
14 improvement has been erected in such a way as to screen or
15 block visibility of the sign; however, for nonconforming signs
16 located on the national highway system, including interstate
17 and federal-aid primary highways, such an agreement must be
18 approved by the Federal Highway Administration. Any increase
19 in height which is permitted under this section shall be only
20 that which is required to achieve the same degree of
21 visibility from the right-of-way which the sign had before the
22 construction of the noise-attenuation barrier, visibility
23 screen, or other highway improvement.

24 Section 31. Paragraph (b) of subsection (1) of section
25 496.425, Florida Statutes, is amended to read:

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

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

31

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

3 Section 32. Section 496.4256, Florida Statutes, is
4 created to read:

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

12 Section 33. This act shall take effect upon becoming a
13 law.

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SENATE SUMMARY

Revises various provisions relating to the Department of Transportation. Increases the debt service cap on the transfer of 7 percent of state transportation revenue to the Right-of-Way Acquisition and Bridge Construction Trust Fund. Adds an exception to requirements relating to local bids and contracts for public construction works. Updates references to safety regulations for commercial vehicles. Repeals s. 316.3027, F.S., relating to commercial motor vehicle identification requirements and makes conforming amendments. Deletes the permit requirement for an automobile transporter. Provides maximum weights for certain trucks. Repeals s. 316.610(3), F.S., relating to an irrelevant vehicle inspection service. Provides for the registration and licensing of airports. Authorizes the department to purchase certain promotional items for the Florida Scenic Highways Program. Authorizes the department to enter into permit-delegation agreements in certain circumstances. Removes the department's authority to regulate the operating speed of trains. Provides prequalification requirements for contractors who bid on certain government projects. Requires the publication of prequalification criteria and procedures. Provides for de novo review of the prequalification process by a circuit court. Requires the publication of selection criteria in specified circumstances. Provides applicability of requirements pertaining to prequalification. Substitutes the criterion "lowest responsible bidder" for "lowest competent bidder." Authorizes right-of-way services to be included in design-build contracts. Authorizes the advertisement and award of certain design-build contracts. Increases the cap on fast-response contracts. Authorizes the use of design-build contracts for enhancement projects. Increases the length of time for which a certificate of qualification may remain valid. Provides prequalification requirements for contractors who bid on certain projects of specified expressway and bridge authorities or of the Jacksonville Transportation Authority. Requires the publication of prequalification criteria and procedures. Provides for de novo review of the prequalification process by a circuit court. Requires the publication of selection criteria in specified circumstances. Provides applicability of requirements pertaining to prequalification. Authorizes the department to accept a utility-relocation schedule and relocation agreement in lieu of a written permit in certain circumstances. Repeals the requirement that the department must make rules pertaining to expending moneys in the State Transportation Trust Fund. Authorizes the department to compensate local governments. Increases the threshold amount for an amendment to the adopted work program. Repeals s. 341.051(5)(b), F.S., relating to methodology development for certain transit projects. Eliminates the requirement for the department to develop and administer certain rail-system standards. Provides an exemption for certain employees from specified licensing requirements. Revises requirements relating to harmony of regulations pertaining to signs. Defines the term

1 "federal-aid primary highway system." Provides that
2 certain actions constitute a compelled removal that is
3 prohibited without prior payment of just compensation.
4 Allows an increase in the height of a sign to restore its
5 visibility, under specified conditions. Deletes the
6 permit requirement for solicitation at rest areas.
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