

By the Committees on Governmental Oversight and Productivity;
Transportation; and Senator Sebesta

302-1942-01

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending s. 20.23, F.S.;
4 creating the turnpike enterprise; providing
5 organization changes for the Department of
6 Transportation; amending s. 163.3180, F.S.;
7 providing a deadline for development on certain
8 roads; amending s. 189.441, F.S.; removing an
9 exemption to s. 287.055, F.S.; amending s.
10 206.46, F.S.; increasing the debt-service cap
11 on the transfer of 7 percent of state
12 transportation revenue to the Right-of-Way
13 Acquisition and Bridge Construction Trust Fund;
14 amending s. 255.20, F.S.; adding an exception
15 to requirements relating to local bids and
16 contracts for public construction works;
17 amending s. 287.055, F.S.; increasing the
18 amount constituting a continuing contract;
19 amending s. 311.09, F.S.; referencing s.
20 287.055, F.S., relating to competition
21 negotiation; amending s. 315.031, F.S.;
22 authorizing certain entertainment expenditures
23 for seaports; amending s. 316.302, F.S.;
24 updating references to safety regulations for
25 commercial vehicles; amending s. 316.3025,
26 F.S.; conforming that section to the repeal of
27 s. 316.3027, F.S.; repealing s. 316.3027, F.S.,
28 relating to commercial motor vehicle
29 identification requirements; amending s.
30 316.515, F.S.; deleting the permit requirement
31 for an automobile transporter; amending s.

1 316.535, F.S.; providing maximum weights for
2 certain trucks; amending s. 316.545, F.S.;
3 conforming provisions to amendments made by
4 this act; repealing s. 316.610(3), F.S.,
5 relating to an irrelevant vehicle inspection
6 service; amending ss. 330.27, 330.29, 330.30,
7 330.35, 330.36, F.S.; providing for the
8 registration and licensing of airports;
9 amending s. 332.004, F.S.; including an
10 off-airport noise mitigation project within the
11 meaning of the term "airport or aviation
12 development project"; amending s. 333.06, F.S.;
13 requiring each licensed publicly owned and
14 operated airport to prepare an airport master
15 plan, and providing for notice to affected
16 local governments with respect thereto;
17 amending s. 380.06, F.S., relating to
18 developments of regional impact; removing
19 provisions that specify that certain changes in
20 airport facilities and increases in the storage
21 capacity for chemical or petroleum storage
22 facilities constitute a substantial deviation
23 and require further
24 development-of-regional-impact review;
25 exempting certain proposed facilities for the
26 storage of any petroleum product from
27 development-of-regional-impact review; amending
28 ss. 380.06, 380.0651, F.S.; revising provisions
29 governing application with respect to airports
30 and petroleum storage facilities that have
31 received a development-of-regional-impact

1 development order or that have an application
2 for development approval or notification of
3 proposed change pending on the effective date
4 of the act; amending s. 334.044, F.S.;
5 authorizing the department to purchase certain
6 promotional items for the Florida Scenic
7 Highways Program; authorizing the department to
8 enter into permit-delegation agreements in
9 certain circumstances; creating s. 335.066,
10 F.S.; establishing the Safe Paths to School
11 program; amending s. 334.30, F.S.; providing
12 for public-private transportation facilities;
13 amending ss. 335.141, 341.302, F.S.; removing
14 the department's authority to regulate the
15 operating speed of trains; amending s. 336.41,
16 F.S.; providing prequalification requirements
17 for contractors who bid on certain government
18 projects; requiring the publication of
19 prequalification criteria and procedures;
20 providing for de novo review of the
21 prequalification process by a circuit court;
22 requiring the publication of selection
23 criteria; amending s. 336.44, F.S.;
24 substituting the criterion "lowest responsible
25 bidder" for "lowest competent bidder"; amending
26 s. 337.025, F.S.; exempting the turnpike
27 enterprise from an annual contract cap;
28 amending s. 337.107, F.S.; authorizing
29 right-of-way services to be included in
30 design-build contracts; amending s. 337.11,
31 F.S.; authorizing the advertisement and award

1 of certain design-build contracts; increasing
2 the cap on fast-response contracts; authorizing
3 the use of design-build contracts for
4 enhancement projects; providing an exemption
5 for a turnpike enterprise project; amending s.
6 337.14, F.S.; increasing the length of time for
7 which a certificate of qualification may remain
8 valid; providing prequalification requirements
9 for contractors who bid on certain projects of
10 specified expressway and bridge authorities or
11 of the Jacksonville Transportation Authority;
12 requiring the publication of prequalification
13 criteria and procedures; providing for de novo
14 review of the prequalification process by a
15 circuit court; requiring the publication of
16 selection criteria in specified circumstances;
17 providing applicability; amending s. 337.401,
18 F.S.; authorizing the department to accept a
19 utility-relocation schedule and relocation
20 agreement in lieu of a written permit in
21 certain circumstances; amending s. 337.408,
22 F.S.; revising provisions regulating benches,
23 transit shelters, and waste disposal
24 receptacles within rights-of-way; providing for
25 regulation of street light poles; amending s.
26 338.165, F.S.; revising provisions relating to
27 toll revenues; amending s. 338.22, F.S.;
28 redesignating the Florida Turnpike Law as the
29 Florida Turnpike Enterprise Law; amending s.
30 338.221, F.S.; redefining the term
31 "economically feasible" as used with respect to

1 turnpike projects; creating s. 338.2215, F.S.;
2 providing legislative findings policy, purpose,
3 and intent for the Florida turnpike enterprise;
4 creating s. 338.2216, F.S.; prescribing the
5 power and authority of the turnpike enterprise;
6 amending s. 338.223, F.S.; increasing the
7 maximum loan amount for the turnpike
8 enterprise; amending s. 338.227, F.S.;
9 conforming provisions; amending s. 338.2275,
10 F.S.; authorizing the turnpike enterprise to
11 advertise for bids for contracts prior to
12 obtaining environmental permits; amending s.
13 338.234, F.S.; authorizing the turnpike
14 enterprise to expand business opportunities;
15 amending s. 338.235, F.S.; authorizing the
16 consideration of goods instead of fees;
17 amending s. 338.239, F.S.; providing that
18 approved expenditure to the Florida Highway
19 Patrol be paid by the turnpike enterprise;
20 amending s. 338.241, F.S.; lowering the
21 required cash reserve for the turnpike
22 enterprise; amending s. 338.251, F.S.;
23 conforming provisions; amending s. 553.80,
24 F.S.; providing for self-regulation; amending
25 s. 339.08, F.S.; repealing a rulemaking
26 requirement relating to the department's
27 expending moneys in the State Transportation
28 Trust Fund; amending s. 339.12, F.S.;
29 authorizing compensation to local governments
30 by the department; increasing the amount of a
31 project agreement for a local contribution;

1 providing funds for certain counties that
2 dedicate a portion of a sales tax to certain
3 transportation projects; amending s. 339.135,
4 F.S.; increasing the threshold amount for an
5 amendment to the adopted work program; revising
6 the time period for a transportation project
7 commitment in the work program; amending s.
8 339.137, F.S.; providing membership changes to
9 the Transportation Outreach Program Council;
10 providing restrictions on project
11 consideration; providing for the development of
12 a scoring system; repealing 341.051(5)(b),
13 F.S.; eliminating certain unnecessary public
14 transit studies; amending s. 341.302, F.S.;
15 eliminating the requirement for the department
16 to develop and administer certain rail-system
17 standards; amending s. 348.0003, F.S.;
18 requiring the governing body of the county to
19 determine the qualifications, terms of office,
20 and obligations and rights of members of the
21 expressway authority for the county; amending
22 s. 373.4137, F.S.; providing requirements for
23 environmental mitigation for transportation
24 projects proposed by a transportation
25 authority; requiring the authority to establish
26 an escrow account; providing for mitigation
27 plans; amending s. 348.0012, F.S.; providing an
28 exemption to the Florida Expressway Authority
29 Act; amending s. 348.754, F.S.; revising the
30 authority of the Orlando-Orange County
31 Expressway Authority; amending s. 348.7543,

1 F.S.; expanding the use of bond financing;
2 amending ss. 348.7544, 348.7545, F.S.;
3 authorizing refinancing with bonds; amending s.
4 348.755, F.S.; authorizing the issuance of
5 bonds; amending s. 348.765, F.S.; providing
6 that the section does not repeal, rescind, or
7 modify s. 215.821, F.S.; amending s. 475.011,
8 F.S.; providing an exemption for certain
9 employees from specified licensing
10 requirements; amending s. 479.15, F.S.;
11 defining the term "federal-aid primary highway
12 system"; creating s. 479.25, F.S.; allowing an
13 increase in the height of a sign to restore its
14 visibility under specified conditions; creating
15 s. 70.20, F.S.; creating a process by which
16 governmental entities and sign owners may enter
17 into relocation and reconstruction agreements
18 related to outdoor advertising signs; providing
19 for just compensation to sign owners under
20 certain conditions; amending s. 496.425, F.S.,
21 and creating s. 496.4256, F.S.; revising the
22 permit requirement for solicitation at rest
23 areas; amending s. 255.25, F.S.; authorizing
24 state agencies to execute certain replacement
25 leases; providing guidelines for the execution
26 of such leases; amending s. 320.03, F.S.;
27 imposing a fee for the registration of certain
28 trucks, trailers, and motorcycles and for tag
29 transfers and temporary tags to be deposited
30 into the Transportation Disadvantaged Trust
31 Fund; amending s. 331.308, F.S.; revising the

1 membership of the board of supervisors of the
2 Spaceport Florida Authority; designating the
3 Lieutenant Governor as the chair and as the
4 state's space policy leader; allowing the
5 Lieutenant Governor to assign proxy voting
6 power; amending s. 334.193, F.S.; providing for
7 employee bidding by department employees;
8 amending s. 768.28, F.S.; providing that
9 certain operators of rail services and
10 providers of security for rail services are
11 agents of the state for certain purposes;
12 providing for indemnification; providing
13 effective dates.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (1), paragraph (d) of subsection
18 (2), subsection (3), and paragraphs (a) and (d) of subsection
19 (4) of section 20.23, Florida Statutes, are amended, and
20 paragraph (f) is added to subsection (4) of that section,
21 subsection (6) of that section is repealed, and present
22 subsection (7) of that section is redesignated as subsection
23 (6), to read:

24 20.23 Department of Transportation.--There is created
25 a Department of Transportation which shall be a decentralized
26 agency.

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

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

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

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

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

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

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

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

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

27 (2)

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

30 2. The commission shall hold a minimum of 4 regular
31 meetings annually, and other meetings may be called by the

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

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

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

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

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

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

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

- 23 ~~1. Assistant Secretary for Transportation Policy. --~~
24 ~~a. Development of the Florida Transportation Plan and~~
25 ~~other policy planning;~~
26 ~~b. Development of statewide modal systems plans,~~
27 ~~including public transportation systems;~~
28 ~~c. Design of transportation facilities;~~
29 ~~d. Construction of transportation facilities;~~
30 ~~e. Acquisition and management of transportation~~
31 ~~rights-of-way; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

4 (f)1. The responsibility for the turnpike system shall
5 be delegated by the secretary to the executive director of the
6 turnpike enterprise, who shall serve at the pleasure of the
7 secretary. The executive director shall report directly to
8 the secretary and the turnpike enterprise shall operate
9 pursuant to ss. 338.22-338.241.

10 2. To facilitate the most efficient and effective
11 management of the turnpike enterprise, including the use of
12 best business practices employed by the private sector, the
13 secretary shall have the authority to exempt the turnpike
14 enterprise from departmental policies, procedures, and
15 standards.

16 3. To maximize the turnpike enterprise's ability to
17 use best business practices employed by the private sector,
18 the secretary shall have the authority to adopt rules that
19 exempt the turnpike enterprise from the department's rules and
20 authorize the turnpike enterprise to employ procurement
21 methods available to the private sector.

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

1 ~~made by the Auditor General in his or her audits of the~~
2 ~~department that relate to management practices, systems, or~~
3 ~~reports shall be implemented in a timely manner. However, if~~
4 ~~the department determines that one or more of the~~
5 ~~recommendations should be altered or should not be~~
6 ~~implemented, it shall provide a written explanation of such~~
7 ~~determination to the Legislative Auditing Committee within 6~~
8 ~~months after the date the recommendations were published.~~

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

12 (a) Consultants can do the work at less cost than
13 state employees;

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

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

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

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

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

30 Section 2. Paragraph (c) of subsection (2) of section
31 163.3180, Florida Statutes, is amended to read:

1 163.3180 Concurrency.--

2 (2)

3 (c) Consistent with the public welfare, and except as
4 otherwise provided in this section, transportation facilities
5 designated as part of the Florida Intrastate Highway System
6 needed to serve new development shall be in place or under
7 actual construction no more than 5 years after issuance by the
8 local government of a certificate of occupancy or its
9 functional equivalent. Other transportation facilities needed
10 to serve new development shall be in place or under actual
11 construction no more than 3 years after issuance by the local
12 government of a certificate of occupancy or its functional
13 equivalent.

14 Section 3. Section 189.441, Florida Statutes, is
15 amended to read:

16 189.441 Contracts.--Contracts for the construction of
17 projects and for any other purpose of the authority may be
18 awarded by the authority in a manner that will best promote
19 free and open competition, including advertisement for
20 competitive bids; however, if the authority determines that
21 the purposes of this act will be more effectively served
22 thereby, the authority may award or cause to be awarded
23 contracts for the construction of any project, including
24 design-build contracts, or any part thereof, or for any other
25 purpose of the authority upon a negotiated basis as determined
26 by the authority. Each contractor doing business with the
27 authority and required to be licensed by the state or local
28 general-purpose governments must maintain the license during
29 the term of the contract with the authority. The authority
30 may prescribe bid security requirements and other procedures
31 in connection with the award of contracts which protect the

1 public interest. ~~Section 287.055 does not apply to the~~
2 ~~selection of professional architectural, engineering,~~
3 ~~landscape architectural, or land surveying services by the~~
4 ~~authority or to the procurement of design-build contracts.~~The
5 authority may, and in the case of a new professional sports
6 franchise must, by written contract engage the services of the
7 operator, lessee, sublessee, or purchaser, or prospective
8 operator, lessee, sublessee, or purchaser, of any project in
9 the construction of the project and may, and in the case of a
10 new professional sports franchise must, provide in the
11 contract that the lessee, sublessee, purchaser, or prospective
12 lessee, sublessee, or purchaser, may act as an agent of, or an
13 independent contractor for, the authority for the performance
14 of the functions described therein, subject to the conditions
15 and requirements prescribed in the contract, including
16 functions such as the acquisition of the site and other real
17 property for the project; the preparation of plans,
18 specifications, financing, and contract documents; the award
19 of construction and other contracts upon a competitive or
20 negotiated basis; the construction of the project, or any part
21 thereof, directly by the lessee, purchaser, or prospective
22 lessee or purchaser; the inspection and supervision of
23 construction; the employment of engineers, architects,
24 builders, and other contractors; and the provision of money to
25 pay the cost thereof pending reimbursement by the authority.
26 Any such contract may, and in the case of a new professional
27 sports franchise must, allow the authority to make advances to
28 or reimburse the lessee, sublessee, or purchaser, or
29 prospective lessee, sublessee, or purchaser for its costs
30 incurred in the performance of those functions, and must set
31 forth the supporting documents required to be submitted to the

1 authority and the reviews, examinations, and audits that are
2 required in connection therewith to assure compliance with the
3 contract.

4 Section 4. Subsection (2) of section 206.46, Florida
5 Statutes, is amended to read:

6 206.46 State Transportation Trust Fund.--

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

24 Section 5. Paragraph (a) of subsection (1) of section
25 255.20, Florida Statutes, is amended to read:

26 255.20 Local bids and contracts for public
27 construction works; specification of state-produced lumber.--

28 (1) A county, municipality, special district as
29 defined in chapter 189, or other political subdivision of the
30 state seeking to construct or improve a public building,
31 structure, or other public construction works must

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

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

28 1. When the project is undertaken to replace,
29 reconstruct, or repair an existing facility damaged or
30 destroyed by a sudden unexpected turn of events, such as an

31

1 act of God, riot, fire, flood, accident, or other urgent
2 circumstances, and such damage or destruction creates:
3 a. An immediate danger to the public health or safety;
4 b. Other loss to public or private property which
5 requires emergency government action; or
6 c. An interruption of an essential governmental
7 service.
8 2. When, after notice by publication in accordance
9 with the applicable ordinance or resolution, the governmental
10 entity does not receive any responsive bids or responses.
11 3. To construction, remodeling, repair, or improvement
12 to a public electric or gas utility system when such work on
13 the public utility system is performed by personnel of the
14 system.
15 4. To construction, remodeling, repair, or improvement
16 by a utility commission whose major contracts are to construct
17 and operate a public electric utility system.
18 5. When the project is undertaken as repair or
19 maintenance of an existing public facility.
20 6. When the project is undertaken exclusively as part
21 of a public educational program.
22 7. When the funding source of the project will be
23 diminished or lost because the time required to competitively
24 award the project after the funds become available exceeds the
25 time within which the funding source must be spent.
26 8. When the local government has competitively awarded
27 a project to a private sector contractor and the contractor
28 has abandoned the project before completion or the local
29 government has terminated the contract.
30 9. When the governing board of the local government,
31 after public notice, conducts a public meeting under s.

1 286.011 and finds by a majority vote of the governing board
2 that it is in the public's best interest to perform the
3 project using its own services, employees, and equipment. The
4 public notice must be published at least 14 days prior to the
5 date of the public meeting at which the governing board takes
6 final action to apply this subparagraph. The notice must
7 identify the project, the estimated cost of the project, and
8 specify that the purpose for the public meeting is to consider
9 whether it is in the public's best interest to perform the
10 project using the local government's own services, employees,
11 and equipment. In deciding whether it is in the public's best
12 interest for local government to perform a project using its
13 own services, employees, and equipment, the governing board
14 may consider the cost of the project, whether the project
15 requires an increase in the number of government employees, an
16 increase in capital expenditures for public facilities,
17 equipment or other capital assets, the impact on local
18 economic development, the impact on small and minority
19 business owners, the impact on state and local tax revenues,
20 whether the private sector contractors provide health
21 insurance and other benefits equivalent to those provided by
22 the local government, and any other factor relevant to what is
23 in the public's best interest.

24 10. When the governing board of the local government
25 determines upon consideration of specific substantive criteria
26 and administrative procedures that it is in the best interest
27 of the local government to award the project to an
28 appropriately licensed private sector contractor according to
29 procedures established by and expressly set forth in a
30 charter, ordinance, or resolution of the local government
31 adopted prior to July 1, 1994. The criteria and procedures

1 must be set out in the charter, ordinance, or resolution and
2 must be applied uniformly by the local government to avoid
3 award of any project in an arbitrary or capricious manner.
4 This exception shall apply when all of the following occur:

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

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

22 (I) There is one appropriately licensed contractor who
23 is uniquely qualified to undertake the project because that
24 contractor is currently under contract to perform work that is
25 affiliated with the project; or

26 (II) The time to competitively award the project will
27 jeopardize the funding for the project, or will materially
28 increase the cost of the project or will create an undue
29 hardship on the public health, safety, or welfare.

30 c. In the event the project is to be awarded by any
31 method other than a competitive selection process, the

1 published notice must clearly specify the ordinance or
2 resolution by which the private sector contractor will be
3 selected and the criteria to be considered.

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

13 11. To projects subject to chapter 336.

14 Section 6. Paragraph (g) of subsection (2) of section
15 287.055, Florida Statutes, is amended to read:

16 287.055 Acquisition of professional architectural,
17 engineering, landscape architectural, or surveying and mapping
18 services; definitions; procedures; contingent fees prohibited;
19 penalties.--

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

21 (g) A "continuing contract" is a contract for
22 professional services entered into in accordance with all the
23 procedures of this act between an agency and a firm whereby
24 the firm provides professional services to the agency for
25 projects in which construction costs do not exceed \$1 million
26 ~~\$500,000~~, for study activity when the fee for such
27 professional service does not exceed \$50,000 ~~\$25,000~~, or for
28 work of a specified nature as outlined in the contract
29 required by the agency, with no time limitation except that
30 the contract must provide a termination clause.

31

1 Section 7. Subsection (12) of section 311.09, Florida
2 Statutes, is amended to read:

3 311.09 Florida Seaport Transportation and Economic
4 Development Council.--

5 (12) Members of the council shall serve without
6 compensation but are entitled to receive reimbursement for per
7 diem and travel expenses as provided in s. 112.061. The
8 council may elect to provide an administrative staff to
9 provide services to the council on matters relating to the
10 Florida Seaport Transportation and Economic Development
11 Program and the council. The cost for such administrative
12 services shall be paid by all ports that receive funding from
13 the Florida Seaport Transportation and Economic Development
14 Program, based upon a pro rata formula measured by each
15 recipient's share of the funds as compared to the total funds
16 disbursed to all recipients during the year. The share of
17 costs for administrative services shall be paid in its total
18 amount by the recipient port upon execution by the port and
19 the Department of Transportation of a joint participation
20 agreement for each council-approved project, and such payment
21 is in addition to the matching funds required to be paid by
22 the recipient port. Except as otherwise exempted by law, all
23 moneys derived from the Florida Seaport Transportation and
24 Economic Development Program shall be expended in accordance
25 with the provisions of s. 287.057. Seaports subject to
26 competitive negotiation requirements of a local governing body
27 shall abide by the provisions of s. 287.055 ~~be exempt from~~
28 ~~this requirement.~~

29 Section 8. Subsection (1) of section 315.031, Florida
30 Statutes, is amended to read:

31 315.031 Promoting and advertising port facilities.--

1 (1) Each unit is authorized and empowered:
2 (a) To publicize, advertise and promote the activities
3 and port facilities herein authorized;
4 (b) To make known the advantages, facilities,
5 resources, products, attractions and attributes of the
6 activities and port facilities herein authorized;
7 (c) To create a favorable climate of opinion
8 concerning the activities and port facilities herein
9 authorized;
10 (d) To cooperate with other agencies, public and
11 private, in accomplishing these purposes;
12 (e) To enter into agreements with the purchaser or
13 purchasers of port facilities bonds issued under the
14 provisions of this law to establish a special fund to be set
15 aside from the proceeds of the revenues collected under the
16 provisions of s. 315.03(13), during any fiscal year, for the
17 promotional activities authorized herein.
18 (f) To authorize expenditures for promotional
19 activities authorized by this section, including meals,
20 hospitality, and entertainment of persons in the interest of
21 promoting and engendering goodwill toward its ports
22 facilities.
23
24 Nothing herein shall be construed to authorize any unit to
25 expend funds for meals, hospitality, amusement or any other
26 purpose of an entertainment nature.
27 Section 9. Paragraph (b) of subsection (1) of section
28 316.302, Florida Statutes, is amended to read:
29 316.302 Commercial motor vehicles; safety regulations;
30 transporters and shippers of hazardous materials;
31 enforcement.--

1 (1)

2 (b) Except as otherwise provided in this section, all
3 owners or drivers of commercial motor vehicles that are
4 engaged in intrastate commerce are subject to the rules and
5 regulations contained in 49 C.F.R. parts 382, 385, and
6 390-397, with the exception of 49 C.F.R. s. 390.5 as it
7 relates to the definition of bus, as such rules and
8 regulations existed on October 1, 2000 ~~March 1, 1999~~.

9 Section 10. Paragraph (a) of subsection (3) of section
10 316.3025, Florida Statutes, is amended to read:

11 316.3025 Penalties.--

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

14 Section 11. Section 316.3027, Florida Statutes, is
15 repealed.

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

18 316.515 Maximum width, height, length.--

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

21 However, an automobile transporter may, ~~with a permit from the~~
22 ~~Department of Transportation,~~ measure a height not to exceed
23 14 feet, inclusive of the load carried thereon.

24 Section 13. Present subsection (6) of section 316.535,
25 Florida Statutes, is redesignated as subsection (7), present
26 subsection (7) of that section is redesignated as subsection
27 (8) and amended, and a new subsection (6) is added to that
28 section, to read:

29 316.535 Maximum weights.--

30 (6) Dump trucks, concrete mixing trucks, trucks
31 engaged in waste collection and disposal, and fuel oil and

1 gasoline trucks designed and constructed for special types of
2 work or use, when operated as a single unit, are subject to
3 all safety and operational requirements of law, except that
4 any such vehicle need not conform to the axle spacing
5 requirements of this section if the vehicle is limited to a
6 total gross load, including the weight of the vehicle, of
7 20,000 pounds per axle plus scale tolerances and does not
8 exceed 550 pounds per inch of tire surface width plus scale
9 tolerances. A vehicle operating pursuant to this section may
10 not exceed a gross weight, including the weight of the vehicle
11 and scale tolerances, of 70,000 pounds. Any vehicle that
12 violates the weight provisions of this section shall be
13 penalized as provided in s. 316.545.

14 (7)(6) The Department of Transportation shall adopt
15 rules to implement this section, shall enforce this section
16 and the rules adopted hereunder, and shall publish and
17 distribute tables and other publications as deemed necessary
18 to inform the public.

19 (8)(7) Except as hereinafter provided, no vehicle or
20 combination of vehicles exceeding the gross weights specified
21 in subsections (3), (4), ~~and~~ (5), and (6) shall be permitted
22 to travel on the public highways within the state.

23 Section 14. Paragraph (a) of subsection (2) of section
24 316.545, Florida Statutes, is amended to read:

25 316.545 Weight and load unlawful; special fuel and
26 motor fuel tax enforcement; inspection; penalty; review.--

27 (2)(a) Whenever an officer, upon weighing a vehicle or
28 combination of vehicles with load, determines that the axle
29 weight or gross weight is unlawful, the officer may require
30 the driver to stop the vehicle in a suitable place and remain
31 standing until a determination can be made as to the amount of

1 weight thereon and, if overloaded, the amount of penalty to be
2 assessed as provided herein. However, any gross weight over
3 and beyond 6,000 pounds beyond the maximum herein set shall be
4 unloaded and all material so unloaded shall be cared for by
5 the owner or operator of the vehicle at the risk of such owner
6 or operator. Except as otherwise provided in this chapter, to
7 facilitate compliance with and enforcement of the weight
8 limits established in s. 316.535, weight tables published
9 pursuant to s. 316.535(7)~~s. 316.535(6)~~ shall include a
10 10-percent scale tolerance and shall thereby reflect the
11 maximum scaled weights allowed any vehicle or combination of
12 vehicles. As used in this section, scale tolerance means the
13 allowable deviation from legal weights established in s.
14 316.535. Notwithstanding any other provision of the weight
15 law, if a vehicle or combination of vehicles does not exceed
16 the gross, external bridge, or internal bridge weight limits
17 imposed in s. 316.535 and the driver of such vehicle or
18 combination of vehicles can comply with the requirements of
19 this chapter by shifting or equalizing the load on all wheels
20 or axles and does so when requested by the proper authority,
21 the driver shall not be held to be operating in violation of
22 said weight limits.

23 Section 15. Subsection (3) of section 316.610, Florida
24 Statutes, is repealed.

25 Section 16. Section 330.27, Florida Statutes, is
26 amended to read:

27 330.27 Definitions, when used in ss. 330.29-330.36,
28 330.38, 330.39.--

29 (1) "Aircraft" means a powered or unpowered machine or
30 device capable of atmospheric flight ~~any motor vehicle or~~
31 ~~contrivance now known, or hereafter invented, which is used or~~

1 ~~designed for navigation of or flight in the air~~, except a
2 parachute or other such device ~~contrivance designed for such~~
3 ~~navigation but~~ used primarily as safety equipment.

4 (2) "Airport" means an ~~any~~ area of land or water, ~~or~~
5 ~~any manmade object or facility located thereon, which is used~~
6 for, or intended to be used for use, for the landing and
7 takeoff of aircraft, including ~~and any~~ appurtenant areas,
8 ~~which are used, or intended for use, for airport buildings, or~~
9 ~~other airport facilities, or rights-of-way necessary to~~
10 facilitate such use or intended use, ~~together with all airport~~
11 ~~buildings and facilities located thereon.~~

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

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

26 (3)(5) "Department" means the Department of
27 Transportation.

28 (4)(6) "Limited airport" means any ~~an~~ airport,
29 ~~publicly or privately owned,~~ limited exclusively to the
30 specific conditions stated on the site approval order or
31 license.

1 ~~(7) "Operation of aircraft" or "operate aircraft"~~
2 ~~means the use, navigation, or piloting of aircraft in the~~
3 ~~airspace over this state or upon any airport within this~~
4 ~~state.~~

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

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

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

24 (7)(11) "Temporary airport" means any ~~an~~ airport,
25 ~~publicly or privately owned,~~ that will be used for a period of
26 less than 30 ~~90~~ days with no more than 10 operations per day.

27 (8)(12) "Ultralight aircraft" means any
28 ~~heavier-than-air, motorized aircraft~~ that ~~which~~ meets the
29 ~~criteria for maximum weight, fuel capacity, and airspeed~~
30 ~~established for such aircraft by the Federal Aviation~~

31

1 ~~Regulations, Administration under Part 103 of the Federal~~
2 ~~Aviation Regulations.~~

3 Section 17. Section 330.29, Florida Statutes, is
4 amended to read:

5 330.29 Administration and enforcement; rules;
6 standards for airport sites and airports.--It is the duty of
7 the department to:

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

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

12 (3) Establish and maintain a state aviation data
13 system to facilitate licensing and registration of all
14 airports.

15 (4)~~(3)~~ Adopt rules pursuant to ss. 120.536(1) and
16 120.54 to implement the provisions of this chapter.

17 Section 18. Section 330.30, Florida Statutes, is
18 amended to read:

19 330.30 Approval of airport sites and licensing of
20 airports; fees.--

21 (1) SITE APPROVALS; REQUIREMENTS, FEES, EFFECTIVE
22 PERIOD, REVOCATION.--

23 (a) Except as provided in subsection (3), the owner or
24 lessee of any proposed airport shall, prior to site ~~the~~
25 ~~acquisition, of the site~~ or ~~prior to the~~ construction or
26 establishment of the proposed airport, obtain approval of the
27 airport site from the department. Applications for approval
28 of a site ~~and for an original license~~ shall be jointly made on
29 a form prescribed by the department ~~and shall be accompanied~~
30 ~~by a site approval fee of \$100.~~ The department, ~~after~~
31

1 ~~inspection of the airport site,~~ shall grant the site approval
2 if it is satisfied:

3 1. That the site is suitable ~~adequate~~ for the airport
4 as proposed airport;

5 2. That the airport as proposed ~~airport,~~ if
6 ~~constructed or established,~~ will conform to minimum standards
7 ~~of safety~~ and will comply with the applicable local government
8 land development regulations or county or municipal zoning
9 requirements;

10 3. That all nearby airports, local governments
11 ~~municipalities,~~ and property owners have been notified and any
12 comments submitted by them have been given adequate
13 consideration; and

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

17 (b) Site approval shall be granted for public airports
18 only after a favorable department inspection of the proposed
19 site.

20 (c) Site approval shall be granted for private
21 airports only after receipt of documentation that the
22 department considers necessary to satisfy the conditions in
23 paragraph (1)(a).

24 (d) ~~(b)~~ Site approval may be granted subject to any
25 reasonable conditions that ~~which~~ the department considers ~~may~~
26 ~~deem~~ necessary to protect the public health, safety, or
27 welfare.

28 (e) Such Approval remains valid ~~shall remain in effect~~
29 ~~for a period of 2 years after the date of~~ issue ~~issuance of~~
30 ~~the site approval order,~~ unless ~~sooner~~ revoked by the
31 department or unless, ~~prior to the expiration of the 2-year~~

1 ~~period,~~ a public airport license is issued or private airport
2 registration is granted for an airport located on the approved
3 site has been issued pursuant to subsection (2) prior to the
4 expiration date.

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

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

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

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

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

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

24 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, FEES,
25 RENEWAL, REVOCATION.--

26 (a) Except as provided in subsection (3), the owner or
27 lessee of any an airport in this state must have either obtain
28 a public airport license or private airport registration prior
29 to the operation of aircraft to or from the facility on the
30 airport. An Application for a such license or registration
31 shall be made on a form prescribed by the department and shall

1 ~~be accomplished jointly with an application for site approval.~~

2 Upon granting site approval:

3 1. For a public airport, the department shall issue a
4 license after a final airport inspection shows the facility to
5 be in compliance with all requirements for the license. The
6 license may be subject to any reasonable conditions that the
7 department considers necessary to protect the public health,
8 safety, or welfare.

9 2. For a private airport, the department shall provide
10 controlled electronic access to the state aviation facility
11 data system to permit the applicant to complete the
12 registration process. Registration is complete upon
13 self-certification by the registrant of operational and
14 configuration data considered necessary by the department.
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 (b) The department is authorized to license a public
22 ~~an~~ airport that does not meet all of the minimum standards
23 only if it determines that such exception is justified by
24 unusual circumstances or is in the interest of public
25 convenience and does not endanger the public health, safety,
26 or welfare. Such a license shall bear the designation
27 "special" and shall state the conditions subject to which the
28 license is granted.

29 (c) The department may authorize a site to be used as
30 a temporary airport if it finds, after inspection of the site,
31 that the airport will not endanger the public health, safety,

1 or welfare. A temporary airport does not need a license or
2 registration. Authorization to use a site for a temporary
3 airport remains valid for ~~Such authorization shall expire not~~
4 more later than 30 90 days after issuance and is not
5 renewable.

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

8 1. ~~Public airport: \$100.~~

9 2. ~~Private airport: \$70.~~

10 3. ~~Limited airport: \$50.~~

11 4. ~~Temporary airport: \$25.~~

12
13 ~~Airports owned or operated by the state, a county, or a~~
14 ~~municipality and emergency helistops operated by licensed~~
15 ~~hospitals are required to be licensed but are exempt from the~~
16 ~~payment of site approval fees and annual license fees.~~

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

26 2. Registration ~~The license period for private all~~
27 ~~airports remains valid if specific elements of airport data,~~
28 ~~established by the department, are periodically recertified by~~
29 ~~the airport registrant. The ability to recertify private~~
30 ~~airport registration data by electronic submittal must be~~
31 ~~available at all times. The airport registrant must recertify~~

1 the required data every 12 months. If a private airport
2 registration has not been recertified within the 12-month
3 period following the latest certification, the registration is
4 expired. The expiration date of the current registration
5 period must be clearly identifiable from the state aviation
6 facility data system.~~other than public airports will be set~~
7 ~~by the department, but shall not exceed a period of 5 years.~~
8 ~~In determining the license period for such airports, the~~
9 ~~department shall consider the number of based aircraft, the~~
10 ~~airport location relative to adjacent land uses and other~~
11 ~~airports, and any other factors deemed by the department to be~~
12 ~~critical to airport operation and safety.~~

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

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

25 5. If the renewal application for a public airport
26 license or the registration recertification for a private
27 airport has ~~and fees have~~ not been received by the department
28 within 15 days after the date of expiration ~~of the license,~~
29 the department may close the airport.

30 ~~(e)(f)~~ The department may revoke any airport
31 registration, license, or license renewal ~~thereof~~, or refuse

1 to allow registration or issue a license or license renewal,
2 if it determines:

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

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

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

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

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

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

23 (c) A helistop used solely in conjunction with a
24 construction project undertaken pursuant to the performance of
25 a state contract if the purpose of the helicopter operations
26 at the site is to expedite construction.

27 ~~(d) An airport under the jurisdiction or control of a~~
28 ~~county or municipal aviation authority or a county or~~
29 ~~municipal port authority or the Spaceport Florida Authority;~~
30 ~~however, the department shall license any such airport if such~~
31

1 ~~authority does not elect to exercise its exemption under this~~
2 ~~subsection.~~

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

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

18 Section 19. Subsection (2) of section 330.35, Florida
19 Statutes, is amended to read:

20 330.35 Airport zoning, ~~approach zone~~ protection.--

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

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

27 330.36 Prohibition against county or municipal
28 licensing of airports; regulation of seaplane landings.--

29 (2) A municipality may prohibit or otherwise regulate,
30 for specified public health and safety purposes, the landing
31 of seaplanes in and upon any public waters of the state which

1 are located within the limits or jurisdiction of, or bordering
2 on, the municipality upon adoption of zoning requirements in
3 compliance with subsection (1).

4 Section 21. Section 332.004, Florida Statutes, is
5 amended to read:

6 332.004 Definitions of terms used in ss.
7 332.003-332.007.--As used in ss. 332.003-332.007, the term:

8 (1) "Airport" means any area of land or water, or any
9 manmade object or facility located therein, which is used, or
10 intended for public use, for the landing and takeoff of
11 aircraft, and any appurtenant areas which are used, or
12 intended for public use, for airport buildings or other
13 airport facilities or rights-of-way.

14 (2) "Airport hazard" means any structure or object of
15 natural growth located on or in the vicinity of a public-use
16 airport, or any use of land near such airport, which obstructs
17 or causes an obstruction to the airspace required for the
18 flight of aircraft in landing or taking off at such airport or
19 is otherwise hazardous to landing or taking off at such
20 airport.

21 (3) "Airport master planning" means the development,
22 for planning purposes, of information and guidance to
23 determine the extent, type, and nature of development needed
24 at a specific airport.

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

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

13 (5) "Airport or aviation discretionary capacity
14 improvement projects" or "discretionary capacity improvement
15 projects" means capacity improvements which are consistent, to
16 the maximum extent feasible, with the approved local
17 government comprehensive plans of the units of local
18 government in which the airport is located, and which enhance
19 intercontinental capacity at airports which:

20 (a) Are international airports with United States
21 Customs Service;

22 (b) Had one or more regularly scheduled
23 intercontinental flights during the previous calendar year or
24 have an agreement in writing for installation of one or more
25 regularly scheduled intercontinental flights upon the
26 commitment of funds for stipulated airport capital
27 improvements; and

28 (c) Have available or planned public ground
29 transportation between the airport and other major
30 transportation facilities.

31

1 (6) "Aviation system planning" means the development
2 of comprehensive aviation plans designed to achieve and
3 facilitate the establishment of a statewide, integrated
4 aviation system in order to meet the current and future
5 aviation needs of this state.

6 (7) "Eligible agency" means a political subdivision of
7 the state or an authority which owns or seeks to develop a
8 public-use airport.

9 (8) "Federal aid" means funds made available from the
10 Federal Government for the accomplishment of airport or
11 aviation development projects.

12 (9) "Florida airport system" means all existing
13 public-use airports that are owned and operated within the
14 state and those public-use airports which will be developed
15 and made operational in the future.

16 (10) "Landing area" means that area used or intended
17 to be used for the landing, takeoff, or surface maneuvering of
18 an aircraft.

19 (11) "Planning agency" means any agency authorized by
20 the laws of the state or by a political subdivision to engage
21 in area planning for the areas in which assistance under this
22 act is contemplated.

23 (12) "Project" means a project for the accomplishment
24 of airport or aviation development or airport master planning.

25 (13) "Project cost" means any cost involved in
26 accomplishing a project.

27 (14) "Public-use airport" means any publicly owned
28 airport which is used or to be used for public purposes.

29 (15) "Sponsor" means any eligible agency which, either
30 individually or jointly with one or more eligible agencies,
31 submits to the department an application for financial

1 assistance for an airport development project in accordance
2 with this act.

3 Section 22. Subsection (4) is added to section 333.06,
4 Florida Statutes, to read:

5 333.06 Airport zoning requirements.--

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

23 Section 23. Paragraph (b) of subsection (19) of
24 section 380.06, Florida Statutes, is amended, and paragraph
25 (i) and (j) are added to subsection (24) of that section, to
26 read:

27 380.06 Developments of regional impact.--

28 (19) SUBSTANTIAL DEVIATIONS.--

29 (b) Any proposed change to a previously approved
30 development of regional impact or development order condition
31 which, either individually or cumulatively with other changes,

1 exceeds any of the following criteria shall constitute a
2 substantial deviation and shall cause the development to be
3 subject to further development-of-regional-impact review
4 without the necessity for a finding of same by the local
5 government:

6 1. An increase in the number of parking spaces at an
7 attraction or recreational facility by 5 percent or 300
8 spaces, whichever is greater, or an increase in the number of
9 spectators that may be accommodated at such a facility by 5
10 percent or 1,000 spectators, whichever is greater.

11 ~~2. A new runway, a new terminal facility, a 25-percent~~
12 ~~lengthening of an existing runway, or a 25-percent increase in~~
13 ~~the number of gates of an existing terminal, but only if the~~
14 ~~increase adds at least three additional gates. However, if an~~
15 ~~airport is located in two counties, a 10-percent lengthening~~
16 ~~of an existing runway or a 20-percent increase in the number~~
17 ~~of gates of an existing terminal is the applicable criteria.~~

18 2.3. An increase in the number of hospital beds by 5
19 percent or 60 beds, whichever is greater.

20 3.4. An increase in industrial development area by 5
21 percent or 32 acres, whichever is greater.

22 ~~4.5.~~ An increase in the average annual acreage mined
23 by 5 percent or 10 acres, whichever is greater, or an increase
24 in the average daily water consumption by a mining operation
25 by 5 percent or 300,000 gallons, whichever is greater. An
26 increase in the size of the mine by 5 percent or 750 acres,
27 whichever is less.

28 ~~5.6.~~ An increase in land area for office development
29 by 5 percent or 6 acres, whichever is greater, or an increase
30 of gross floor area of office development by 5 percent or
31 60,000 gross square feet, whichever is greater.

1 ~~7.~~ ~~An increase in the storage capacity for chemical or~~
2 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or~~
3 ~~7 million pounds, whichever is greater.~~

4 6.8. An increase of development at a waterport of wet
5 storage for 20 watercraft, dry storage for 30 watercraft, or
6 wet/dry storage for 60 watercraft in an area identified in the
7 state marina siting plan as an appropriate site for additional
8 waterport development or a 5-percent increase in watercraft
9 storage capacity, whichever is greater.

10 ~~7.9.~~ An increase in the number of dwelling units by 5
11 percent or 50 dwelling units, whichever is greater.

12 ~~8.10.~~ An increase in commercial development by 6 acres
13 of land area or by 50,000 square feet of gross floor area, or
14 of parking spaces provided for customers for 300 cars or a
15 5-percent increase of any of these, whichever is greater.

16 ~~9.11.~~ An increase in hotel or motel facility units by
17 5 percent or 75 units, whichever is greater.

18 ~~10.12.~~ An increase in a recreational vehicle park area
19 by 5 percent or 100 vehicle spaces, whichever is less.

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

22 ~~12.14.~~ A proposed increase to an approved multiuse
23 development of regional impact where the sum of the increases
24 of each land use as a percentage of the applicable substantial
25 deviation criteria is equal to or exceeds 100 percent. The
26 percentage of any decrease in the amount of open space shall
27 be treated as an increase for purposes of determining when 100
28 percent has been reached or exceeded.

29 ~~13.15.~~ A 15-percent increase in the number of external
30 vehicle trips generated by the development above that which
31

1 was projected during the original
2 development-of-regional-impact review.

3 14.16. Any change which would result in development of
4 any area which was specifically set aside in the application
5 for development approval or in the development order for
6 preservation or special protection of endangered or threatened
7 plants or animals designated as endangered, threatened, or
8 species of special concern and their habitat, primary dunes,
9 or archaeological and historical sites designated as
10 significant by the Division of Historical Resources of the
11 Department of State. The further refinement of such areas by
12 survey shall be considered under sub-subparagraph (e)5.b.

13
14 The substantial deviation numerical standards in subparagraphs
15 3., 5., 8., 12.,~~4., 6., 10., 14.~~excluding residential uses,
16 and 13.15., are increased by 100 percent for a project
17 certified under s. 403.973 which creates jobs and meets
18 criteria established by the Office of Tourism, Trade, and
19 Economic Development as to its impact on an area's economy,
20 employment, and prevailing wage and skill levels. The
21 substantial deviation numerical standards in subparagraphs 3.,
22 5., 7., 8., 9.,~~4., 6., 9., 10., 11.,~~and 12.14.are
23 increased by 50 percent for a project located wholly within an
24 urban infill and redevelopment area designated on the
25 applicable adopted local comprehensive plan future land use
26 map and not located within the coastal high hazard area.

27 (24) STATUTORY EXEMPTIONS.--

28 (i) Any proposed facility for the storage of any
29 petroleum product is exempt from the provisions of this
30 section if such facility is consistent with a local

31

1 comprehensive plan that is in compliance with s. 163.3177 or
2 with s. 163.3178.

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

6 Section 24. (1) Nothing contained in this act
7 abridges or modifies any vested or other right or any duty or
8 obligation pursuant to any development order or agreement
9 which is applicable to a development of regional impact on the
10 effective date of this act. An airport or petroleum storage
11 facility that has received a development-of-regional-impact
12 development order pursuant to section 380.06, Florida
13 Statutes, but is no longer required to undergo
14 development-of-regional-impact review by operation of this
15 act, shall be governed by the following procedures:

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

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

28 (2) An airport or petroleum storage facility with an
29 application for development approval pending on the effective
30 date of this act, or a notification of proposed change pending
31 on the effective date of this act, may elect to continue such

1 review under section 380.06, Florida Statutes. At the
2 conclusion of the pending review, including any appeals under
3 section 380.071, Florida Statutes, the resulting development
4 order shall be governed by subsection (1).

5 Section 25. Subsection (3) of section 380.0651,
6 Florida Statutes, is amended to read:

7 380.0651 Statewide guidelines and standards.--

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

12 ~~(a) Airports.--~~

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

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

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

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

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

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

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

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

12 1. For single performance facilities:

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

14 or

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

17 2. For serial performance facilities:

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

19 or

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

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

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

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

30 or

31

1 b. Provides more than 6,000 permanent seats for
2 spectators.

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

13 1. Provides parking for more than 2,500 motor
14 vehicles, excluding vehicles that may be included in the
15 wholesaling facility's inventory; or

16 2.a. Occupies a site greater than 320 acres; or

17 b. For a wholesaling facility that conducts
18 wholesaling sales activity no more frequently than an average
19 each year of 3 days per week, occupies a site greater than 500
20 acres.

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

24 1. Encompasses 300,000 or more square feet of gross
25 floor area; or

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

27 3. Encompasses more than 600,000 square feet of gross
28 floor area in a county with a population greater than 500,000
29 and only in a geographic area specifically designated as
30 highly suitable for increased threshold intensity in the
31

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

3 (d)~~(e)~~ Port facilities.--The proposed construction of
4 any waterport or marina is required to undergo
5 development-of-regional-impact review, except one designed
6 for:

7 1.a. The wet storage or mooring of fewer than 150
8 watercraft used exclusively for sport, pleasure, or commercial
9 fishing, or

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

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

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

24

25 In addition to the foregoing, for projects for which no
26 environmental resource permit or sovereign submerged land
27 lease is required, the Department of Environmental Protection
28 must determine in writing that a proposed marina in excess of
29 10 slips or storage spaces or a combination of the two is
30 located so that it will not adversely impact Outstanding
31 Florida Waters or Class II waters and will not contribute boat

1 traffic in a manner that will have an adverse impact on an
2 area known to be, or likely to be, frequented by manatees. If
3 the Department of Environmental Protection fails to issue its
4 determination within 45 days of receipt of a formal written
5 request, it has waived its authority to make such
6 determination. The Department of Environmental Protection
7 determination shall constitute final agency action pursuant to
8 chapter 120.

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

12 3. Any proposed marina development with both wet and
13 dry mooring or storage used exclusively for sport, pleasure,
14 or commercial fishing, where the sum of percentages of the
15 applicable wet and dry mooring or storage thresholds equals
16 100 percent. This threshold is in addition to, and does not
17 preclude, a development from being required to undergo
18 development-of-regional-impact review under sub-subparagraphs
19 1.a. and b. and subparagraph 2.

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

25 1. Encompasses more than 400,000 square feet of gross
26 area;

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

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

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

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

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

7 (g)~~(h)~~ Recreational vehicle development.--Any proposed
8 recreational vehicle development planned to create or
9 accommodate 500 or more spaces.

10 (h)~~(i)~~ Multiuse development.--Any proposed development
11 with two or more land uses where the sum of the percentages of
12 the appropriate thresholds identified in chapter 28-24,
13 Florida Administrative Code, or this section for each land use
14 in the development is equal to or greater than 145 percent.

15 Any proposed development with three or more land uses, one of
16 which is residential and contains at least 100 dwelling units
17 or 15 percent of the applicable residential threshold,
18 whichever is greater, where the sum of the percentages of the
19 appropriate thresholds identified in chapter 28-24, Florida
20 Administrative Code, or this section for each land use in the
21 development is equal to or greater than 160 percent. This
22 threshold is in addition to, and does not preclude, a
23 development from being required to undergo
24 development-of-regional-impact review under any other
25 threshold.

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

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

2 1. The proposed construction of any public, private,
3 or proprietary postsecondary educational campus which provides
4 for a design population of more than 5,000 full-time
5 equivalent students, or the proposed physical expansion of any
6 public, private, or proprietary postsecondary educational
7 campus having such a design population that would increase the
8 population by at least 20 percent of the design population.

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

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

20 Section 26. Subsections (5) and (15) of section
21 334.044, Florida Statutes, are amended to read:

22 334.044 Department; powers and duties.--The department
23 shall have the following general powers and duties:

24 (5) To purchase, lease, or otherwise acquire property
25 and materials, including the purchase of promotional items as
26 part of public information and education campaigns for the
27 promotion of scenic highways, traffic and train safety
28 awareness, alternatives to single-occupant vehicle travel, and
29 commercial motor vehicle safety; to purchase, lease, or
30 otherwise acquire equipment and supplies; and to sell,

31

1 exchange, or otherwise dispose of any property that is no
2 longer needed by the department.

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

6 (a) Such regulation shall be through a permitting
7 process designed to ensure the safety and integrity of the
8 Department of Transportation facilities and to prevent an
9 unreasonable burden on lower properties.

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

29 Section 27. Section 335.066, Florida Statutes, is
30 created to read:

31 335.066 Safe Paths to Schools Program--

1 (1) There is established within the Department of
2 Transportation the Safe Paths to Schools Program to consider
3 the planning and construction of bicycle and pedestrian ways
4 to provide safe transportation for children from neighborhoods
5 to schools, to parks, and to the state's greenway and trails
6 system.

7 (2) As part of the Safe Paths to Schools Program, the
8 department may establish a grant program to fund local,
9 regional, and state bicycle and pedestrian projects that
10 support the program.

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

13 Section 28. Section 334.30, Florida Statutes, is
14 amended to read:

15 334.30 Public-private ~~Private~~ transportation
16 facilities.--The Legislature hereby finds and declares that
17 there is a public need for rapid construction of safe and
18 efficient transportation facilities for the purpose of travel
19 within the state, and that it is in the public's interest to
20 provide for public-private partnership agreements to
21 effectuate the construction of additional safe, convenient,
22 and economical transportation facilities.

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

1 engage the services of private consultants to assist in the
2 evaluation. Before ~~seeking legislative~~ approval, the
3 department must determine that the proposed project:

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

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

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

15
16 The department shall ensure that all reasonable costs to the
17 state and substantially affected local governments and
18 utilities, related to the private transportation facility, are
19 borne by the private entity.

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

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

1 project purpose. A copy of the notice must be mailed to each
2 local government in the affected area.

3 (4) The department shall not commit funds in excess of
4 the limitation in subsection (2) without specific project
5 approval by the Legislature.

6 (5)~~(2)~~ Agreements entered into pursuant to this
7 section may authorize the private entity to impose tolls or
8 fares for the use of the facility. However, the amount and
9 use of toll or fare revenues may be regulated by the
10 department to avoid unreasonable costs to users of the
11 facility.

12 (6)~~(3)~~ Each ~~private~~ transportation facility
13 constructed pursuant to this section shall comply with all
14 requirements of federal, state, and local laws; state,
15 regional, and local comprehensive plans; department rules,
16 policies, procedures, and standards for transportation
17 facilities; and any other conditions which the department
18 determines to be in the public's best interest.

19 (7)~~(4)~~ The department may exercise any power possessed
20 by it, including eminent domain, with respect to the
21 development and construction of state transportation projects
22 to facilitate the development and construction of
23 transportation projects pursuant to this section. For
24 public-private facilities located on the State Highway System,
25 the department may pay all or part of the cost of operating
26 and maintaining the facility. For facilities not located on
27 the State Highway System the department may provide services
28 to the private entity, and-agreements for maintenance, law
29 enforcement, and other services ~~entered into pursuant to this~~
30 section shall provide for full reimbursement for services
31 rendered.

1 ~~(8)(5)~~ Except as herein provided, the provisions of
2 this section are not intended to amend existing laws by
3 granting additional powers to, or further restricting, local
4 governmental entities from regulating and entering into
5 cooperative arrangements with the private sector for the
6 planning, construction, and operation of transportation
7 facilities.

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

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

26 ~~(11)(6)~~ Notwithstanding s. 341.327, a fixed-guideway
27 transportation system authorized by the department to be
28 wholly or partially within the department's right-of-way
29 pursuant to a lease granted under s. 337.251 may operate at
30 any safe speed.
31

1 Section 29. Present subsection (3) of section 335.141
2 is repealed, present subsection (4) of that section is
3 redesignated as subsection (3) and amended, and present
4 subsection (5) of that section is redesignated as subsection
5 (4), to read:

6 335.141 Regulation of public railroad-highway grade
7 crossings; reduction of hazards.--

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

17 (3)(4) ~~Jurisdiction to enforce such orders shall be as~~
18 ~~provided in s. 316.640, and any penalty for violation thereof~~
19 ~~shall be imposed upon the railroad company guilty of such~~
20 ~~violation.~~This section does not ~~Nothing herein shall prevent~~
21 a local governmental entity from enacting ordinances relating
22 to the blocking of streets by railroad engines and cars.

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

31

1 Section 30. Subsection (4) is added to section 336.41,
2 Florida Statutes, to read:

3 336.41 Counties; employing labor and providing road
4 equipment; definitions.--

5 (4)(a) For contracts in excess of \$250,000, any county
6 may require that persons interested in performing work under
7 the contract first be certified or qualified to do the work.
8 Any contractor prequalified and considered eligible to bid by
9 the department to perform the type of work described under the
10 contract shall be presumed to be qualified to perform the work
11 so described. Any contractor may be considered ineligible to
12 bid by the county if the contractor is behind an approved
13 progress schedule by 10 percent or more on another project for
14 that county at the time of the advertisement of the work. The
15 county may provide an appeal process to overcome that
16 presumption with de novo review based on the record below to
17 the circuit court.

18 (b) The county shall publish prequalification criteria
19 and procedures prior to advertisement or notice of
20 solicitation. Such publications shall include notice of a
21 public hearing for comment on such criteria and procedures
22 prior to adoption. The procedures shall provide for an appeal
23 process within the county for objections to the
24 prequalification process with de novo review based on the
25 record below to the circuit court.

26 (c) The county shall also publish for comment, prior
27 to adoption, the selection criteria and procedures to be used
28 by the county if such procedures would allow selection of
29 other than the lowest responsible bidder. The selection
30 criteria shall include an appeal process within the county
31

1 with de novo review based on the record below to the circuit
2 court.

3 Section 31. Subsection (2) of section 336.44, Florida
4 Statutes, is amended to read:

5 336.44 Counties; contracts for construction of roads;
6 procedure; contractor's bond.--

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

13 Section 32. Section 337.025, Florida Statutes, is
14 amended to read:

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

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

12 Section 33. Section 337.107, Florida Statutes, is
13 amended to read:

14 337.107 Contracts for right-of-way services.--The
15 department may enter into contracts pursuant to s. 287.055 or
16 s. 337.025 for right-of-way services on transportation
17 corridors and transportation facilities, or the department may
18 include right-of-way services as part of design-build
19 contracts awarded under s. 337.11. Right-of-way services
20 include negotiation and acquisition services, appraisal
21 services, demolition and removal of improvements, and
22 asbestos-abatement services.

23 Section 34. Paragraph (c) of subsection (3), paragraph
24 (c) of subsection (6), and paragraph (a) of subsection (7) of
25 section 337.11, Florida Statutes, are amended to read:

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

30 (3)

31

1 (c) No advertisement for bids shall be published and
2 no bid solicitation notice shall be provided until title to
3 all necessary rights-of-way and easements for the construction
4 of the project covered by such advertisement or notice has
5 vested in the state or a local governmental entity, and all
6 railroad crossing and utility agreements have been executed.
7 The turnpike enterprise is exempt from the provision for a
8 turnpike enterprise project.Title to all necessary
9 rights-of-way shall be deemed to have been vested in the State
10 of Florida when such title has been dedicated to the public or
11 acquired by prescription.

12 (6)

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

25 1. To ensure timely completion of projects or
26 avoidance of undue delay for other projects;

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

31

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 s.
20 337.11(3)(c). However, construction activities may not begin
21 on any portion of such a project until title to the necessary
22 rights-of-way and easements for the construction of that
23 portion of the project has vested in the state or in a local
24 government entity and all railroad-crossing and utility
25 agreements have been executed. Title to rights-of-way vests in
26 the state when the title has been dedicated to the public or
27 acquired by prescription.

28 Section 35. Subsection (4) of section 337.14, Florida
29 Statutes, is amended and subsection (9) is added to that
30 section to read:

1 337.14 Application for qualification; certificate of
2 qualification; restrictions; request for hearing.--

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

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

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

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

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

21 Section 36. Subsection (2) of section 337.401, Florida
22 Statutes, is amended to read:

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

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

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

10 Section 37. Section 337.408, Florida Statutes, is
11 amended to read:

12 337.408 Regulation of benches, transit shelters,
13 street light poles,and waste disposal receptacles within
14 rights-of-way.--

15 (1) Benches or transit shelters, including advertising
16 displayed on benches or transit shelters, may be installed
17 within the right-of-way limits of any municipal, county, or
18 state road, except a limited access highway; provided that
19 such benches or transit shelters are for the comfort or
20 convenience of the general public, or at designated stops on
21 official bus routes; and, provided further, that written
22 authorization has been given to a qualified private supplier
23 of such service by the municipal government within whose
24 incorporated limits such benches or transit shelters are
25 installed, or by the county government within whose
26 unincorporated limits such benches or transit shelters are
27 installed. A municipality or county may authorize the
28 installation, with or without public bid, of benches and
29 transit shelters together with advertising displayed thereon,
30 within the right-of-way limits of such roads. Any contract for
31 the installation of benches or transit shelters or advertising

1 on benches or transit shelters which was entered into before
2 April 8, 1992, without public bidding, is ratified and
3 affirmed. Such benches or transit shelters may not interfere
4 with right-of-way preservation and maintenance. Any bench or
5 transit shelter located on a sidewalk within the right-of-way
6 limits of any road on the State Highway System or the county
7 road system shall be located so as to leave at least 36 inches
8 clearance for pedestrians and persons in wheelchairs. Such
9 clearance shall be measured in a direction perpendicular to
10 the centerline of the road.

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

24 (3) The department has the authority to direct the
25 immediate relocation or removal of any bench, transit shelter,
26 or waste disposal receptacle which endangers life or property,
27 except that transit bus benches which have been placed in
28 service prior to April 1, 1992, do not have to comply with
29 bench size and advertising display size requirements which
30 have been established by the department prior to March 1,
31 1992. Any transit bus bench that was in service prior to

1 April 1, 1992, may be replaced with a bus bench ~~of the same~~
2 ~~size or smaller~~, if the bench is damaged or destroyed or
3 otherwise becomes unusable. As of July 1, 2001, the
4 department, municipality, or county may direct the removal of
5 any bench, transit shelter, or waste disposal receptacle, or
6 advertisement thereon, if the department, municipality, or
7 county determines that the bench, transit shelter, or waste
8 disposal receptacle is structurally unsound or in visible
9 disrepair.

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

21 (5) Street light poles, including attached public
22 service messages and advertisements, may be located within the
23 right-of-way limits of municipal and county roads in the same
24 manner as benches, transit shelters, and waste receptacles, as
25 provided in this section and in accordance with municipal and
26 county ordinances. Public service messages and advertising may
27 be installed on street light poles on roads on the State
28 Highway System in accordance with height, size, setback,
29 spacing distance, duration of display, safety, traffic
30 control, and permitting requirements established by
31 administrative rule of the Department of Transportation. The

1 department shall have authority to establish administrative
2 rules to implement this subsection. No advertising on light
3 poles shall be permitted on the Interstate Highway System. No
4 permanent structures carrying advertisements attached to light
5 poles shall be permitted on the National Highway System.

6 (6)~~(5)~~ Wherever the provisions of this section are
7 inconsistent with other provisions of this chapter or with the
8 provisions of chapter 125, chapter 335, chapter 336, or
9 chapter 479, the provisions of this section shall prevail.

10 Section 38. Subsection (4) of section 338.165, Florida
11 Statutes, is amended to read:

12 338.165 Continuation of tolls.--

13 (4) If the revenue-producing project is on the county
14 road system in a county having a population in excess of 2.2
15 million as of the most recent decennial census, any remaining
16 toll revenue may ~~shall~~ be used for the public facilities
17 capital improvements in sanitary sewer, solid waste, drainage,
18 potable water, parks, or construction, maintenance, or
19 improvement of any other state or county road within the
20 county or counties in which the revenue-producing project is
21 located, except as provided in s. 348.0004.

22 (5) Selection of projects on the State Highway System
23 for construction, maintenance, or improvement with toll
24 revenues shall be, with the concurrence of the department,
25 consistent with the Florida Transportation Plan.

26 (6) Notwithstanding the provisions of subsection (1),
27 and not including high occupancy toll lanes or express lanes,
28 no tolls may be charged for use of an interstate highway where
29 tolls were not charged as of July 1, 1997.

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

1 Section 39. Section 338.22, Florida Statutes, is
2 amended to read:

3 338.22 Florida Turnpike Enterprise Law; short
4 title.--Sections 338.22-338.241 may be cited as the "Florida
5 Turnpike Enterprise Law."

6 Section 40. Section 338.221, Florida Statutes, is
7 amended to read:

8 338.221 Definitions of terms used in ss.
9 338.22-338.241.--As used in ss. 338.22-338.241, the following
10 words and terms have the following meanings, unless the
11 context indicates another or different meaning or intent:

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

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

1 expenses; and such other expenses as may be necessary or
2 incident to the acquisition or construction of a turnpike
3 project, the financing of such acquisition or construction,
4 and the placing of the turnpike project in operation.

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

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

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

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

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

29 (8) "Economically feasible" for a proposed turnpike
30 project means that the revenues of the project in combination
31 with those of the existing turnpike system are sufficient to

1 service the debt of the outstanding turnpike bonds to
2 safeguard investors.+

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

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

20
21 This subsection does not prohibit the pledging of revenues
22 from the entire turnpike system to bonds issued to finance or
23 refinance a turnpike project or group of turnpike projects.

24 (9) "Turnpike project" means any extension to or
25 expansion of the existing turnpike system and new limited
26 access toll highways and associated feeder roads and other
27 structures, interchanges, appurtenances, or rights as may be
28 approved in accordance with the Florida Turnpike Law.

29 (10) "Statement of environmental feasibility" means a
30 statement by the Department of Environmental Protection of the
31 project's significant environmental impacts.

1 Section 41. Section 338.2215, Florida Statutes, is
2 created to read:

3 338.2215 Florida Turnpike Enterprise; legislative
4 findings, policy, purpose, and intent.--It is the intent of
5 the Legislature that the turnpike enterprise be provided
6 additional powers and authority in order to maximize the
7 advantages obtainable through fully leveraging the Florida
8 Turnpike System asset. The additional powers and authority
9 will provide the turnpike enterprise with the autonomy and
10 flexibility to enable it to more easily pursue innovations as
11 well as best practices found in the private sector in
12 management, finance, organization, and operations. The
13 additional powers and authority are intended to improve
14 cost-effectiveness and timeliness of project delivery,
15 increase revenues, expand the turnpike system's capital
16 program capability, and improve the quality of service to its
17 patrons, while continuing to protect the turnpike system's
18 bondholders and further preserve, expand, and improve the
19 Florida Turnpike System.

20 Section 42. Section 338.2216, Florida Statutes, is
21 created to read:

22 338.2216 Florida Turnpike Enterprise; powers and
23 authority.--

24 (1)(a) In addition to the powers granted to the
25 department, the Florida Turnpike Enterprise has full authority
26 to exercise all powers granted to it under this chapter.
27 Powers shall include, but are not limited to, the ability to
28 plan, construct, maintain, repair and operate the Florida
29 Turnpike System.

30 (b) It is the express intention of this part that the
31 Florida Turnpike Enterprise be authorized to plan, develop,

1 own, purchase, lease, or otherwise acquire, demolish,
2 construct, improve, relocate, equip, repair, maintain,
3 operate, and manage the Florida Turnpike System; to expend
4 funds to publicize, advertise, and promote the advantages of
5 using the turnpike system and its facilities; and to
6 cooperate, coordinate, partner, and contract with other
7 entities, public and private, to accomplish these purposes.

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

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

23 (3)(a) The turnpike enterprise shall be a single
24 budget entity and shall develop a budget pursuant to chapter
25 216. The turnpike enterprise's budget shall be submitted to
26 the Legislature along with the department's budget.

27 (b) Notwithstanding the provisions of s. 216.301 to
28 the contrary and in accordance with s. 216.351, the Executive
29 Office of the Governor shall, on July 1 of each year, certify
30 forward all unexpended funds appropriated or provided pursuant
31 to this section for the turnpike enterprise. Of the

1 unexpended funds certified forward, any unencumbered amounts
2 shall be carried forward. Such funds carried forward shall
3 not exceed 5 percent of the total operating budget of the
4 turnpike enterprise. Funds carried forward pursuant to this
5 section may be used for any lawful purpose including but not
6 limited to promotional and market activities, technology, and
7 training. Any certified forward funds remaining undisbursed
8 on December 31 of each year shall be carried forward.

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

18 Section 43. Subsection (4) of section 338.233, Florida
19 Statutes, is amended to read:

20 338.223 Proposed turnpike projects.--

21 (4) The department is authorized, with the approval of
22 the Legislature, to use federal and state transportation funds
23 to lend or pay a portion of the operating, maintenance, and
24 capital costs of turnpike projects. ~~Federal and state~~
25 ~~transportation funds included in an adopted work program, or~~
26 ~~the General Appropriations Act, for a turnpike project do not~~
27 ~~have to be reimbursed to the State Transportation Trust Fund,~~
28 ~~or used in determining the economic feasibility of the~~
29 ~~proposed project.~~ For operating and maintenance loans, the
30 maximum net loan amount in any fiscal year shall not exceed
31

1 1.5 ~~0.5~~ percent of state transportation tax revenues for that
2 fiscal year.

3 Section 44. Subsection (2) of section 338.227, Florida
4 Statutes, is amended to read:

5 338.227 Turnpike revenue bonds.--

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

24 Section 45. Subsection (2) of section 338.2275,
25 Florida Statutes, is amended to read:

26 338.2275 Approved turnpike projects.--

27 (2) The department is authorized to use turnpike
28 revenues, the State Transportation Trust Fund moneys allocated
29 for turnpike projects pursuant to s. 338.001, federal funds,
30 and bond proceeds, and shall use the most cost-efficient
31 combination of such funds, in developing a financial plan for

1 funding turnpike projects. The department must submit a
2 report of the estimated cost for each ongoing turnpike project
3 and for each planned project to the Legislature 14 days before
4 the convening of the regular legislative session. Verification
5 of economic feasibility and statements of environmental
6 feasibility for individual turnpike projects must be based on
7 the entire project as approved. Statements of environmental
8 feasibility are not required for those projects listed in s.
9 12, chapter 90-136, Laws of Florida, for which the Project
10 Development and Environmental Reports were completed by July
11 1, 1990. ~~All required environmental permits must be obtained~~
12 ~~before the~~ The department may advertise for bids for contracts
13 for the construction of any turnpike project prior to
14 obtaining required environmental permits.

15 Section 46. Section 338.234, Florida Statutes, is
16 amended to read:

17 338.234 Granting concessions or selling along the
18 turnpike system.--

19 ~~(1)~~ The department may enter into contracts or
20 licenses with any person for the sale of ~~grant concessions or~~
21 ~~sell services or products, or business opportunities on along~~
22 the turnpike system, or the turnpike enterprise may sell
23 services, products, or business opportunities on the turnpike
24 system which benefit the traveling public or provide
25 additional revenue to the turnpike system. Services, business
26 opportunities, and products authorized to be sold include, but
27 are not limited to, the sale of motor fuel, vehicle towing,
28 and vehicle maintenance services; the sale of food with
29 attendant nonalcoholic beverages; lodging, meeting rooms, and
30 other business services opportunities; advertising and other
31 promotional opportunities, which advertising and promotions

1 must be consistent with the dignity and integrity of the
2 state; the sale of state lottery tickets sold by authorized
3 retailers; games and amusements that the granting of
4 ~~concessions for amusement devices which operate by the~~
5 application of skill, not including games of chance as defined
6 in s. 849.16 or other illegal gambling games; ~~the sale of~~
7 Florida citrus, goods promoting the state, or handmade goods
8 produced within the state; ~~the granting of concessions for~~
9 ~~equipment which provides~~ and travel information, or tickets,
10 reservations, or other related services; ~~and the granting of~~
11 ~~concessions which provide banking and other business services.~~
12 ~~The department may also provide information centers on the~~
13 ~~plazas for the benefit of the public.~~

14 ~~(2) The department may provide an opportunity for~~
15 ~~governmental agencies to hold public events at turnpike plazas~~
16 ~~which educate the traveling public as to safety, travel, and~~
17 ~~tourism.~~

18 Section 47. Subsection (3) of section 338.235, Florida
19 Statutes, is amended to read:

20 338.235 Contracts with department for provision of
21 services on the turnpike system.--

22 (3) The department may enter into contracts or
23 agreements, with or without competitive bidding or
24 procurement, to make available, on a fair, reasonable,
25 nonexclusive, and nondiscriminatory basis, turnpike property
26 and other turnpike structures, for the placement of wireless
27 facilities by any wireless provider of mobile services as
28 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any
29 telecommunications company as defined in s. 364.02 when it is
30 determined to be practical and feasible to make such property
31 or structures available. The department may, without adopting

1 a rule, charge a just, reasonable, and nondiscriminatory fee
2 for placement of the facilities, payable annually, based on
3 the fair market value of space used by comparable
4 communications facilities in the state. The department and a
5 wireless provider may negotiate the reduction or elimination
6 of a fee in consideration of goods or services ~~service~~
7 provided to the department by the wireless provider. All such
8 fees collected by the department shall be deposited directly
9 into the State Agency Law Enforcement Radio System Trust Fund
10 and may be used to construct, maintain, or support the system.

11 Section 48. Subsection (2) of section 338.239, Florida
12 Statutes, is amended to read:

13 338.239 Traffic control on the turnpike system.--

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

1 of authorized positions for Troop K, or Troop K may contract
2 with other troops for additional trooper to patrol the
3 turnpike system.

4 Section 49. Section 338.241, Florida Statutes, is
5 amended to read:

6 338.241 Cash reserve requirement.--The budget for the
7 turnpike system shall be so planned as to provide for a cash
8 reserve at the end of each fiscal year of not less than 5 ~~10~~
9 percent of the unpaid balance of all turnpike system
10 contractual obligations, excluding bond obligations, to be
11 paid from revenues.

12 Section 50. Section 338.251, Florida Statutes, is
13 amended to read:

14 338.251 Toll Facilities Revolving Trust Fund.--The
15 Toll Facilities Revolving Trust Fund is hereby created for the
16 purpose of encouraging the development and enhancing the
17 financial feasibility of revenue-producing road projects
18 undertaken by local governmental entities in a county or
19 combination of contiguous counties and the turnpike
20 enterprise.

21 (1) The department is authorized to advance funds for
22 preliminary engineering, traffic and revenue studies,
23 environmental impact studies, financial advisory services,
24 engineering design, right-of-way map preparation, other
25 appropriate project-related professional services, and
26 advanced right-of-way acquisition to expressway authorities,
27 the turnpike enterprise, counties, or other local governmental
28 entities that desire to undertake revenue-producing road
29 projects.

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

1 (a) The proposed facility is consistent with the
2 adopted transportation plan of the appropriate metropolitan
3 planning organization and the Florida Transportation Plan.

4 (b) A proposed 2-year budget detailing the use of the
5 cash advance and a project schedule consistent with the
6 budget.

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

20 (4) Each advance pursuant to this section shall
21 require repayment out of the initial bond issue revenue or, at
22 the discretion of the governmental entity or the turnpike
23 enterprise ~~of the facility~~, repayment shall begin no later
24 than 7 years after the date of the advance, provided repayment
25 shall be completed no later than 12 years after the date of
26 the advance. However, such election shall be made at the time
27 of the initial bond issue, and, if repayment is to be made
28 during the time period referred to above, a schedule of such
29 repayment shall be submitted to the department.

30 (5) No amount in excess of \$1.5 million annually shall
31 be advanced to any one governmental entity or the turnpike

1 enterprise pursuant to this section without specific
2 appropriation by the Legislature.

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

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

15 (8) No expressway authority, county, or other local
16 governmental entity or the turnpike enterprise shall be
17 eligible to receive any advance under this section if the
18 expressway authority, county, or other local governmental
19 entity or the turnpike enterprise has failed to repay any
20 previous advances as required by law or by agreement with the
21 department.

22 (9) Repayment of funds advanced, including advances
23 made prior to January 1, 1994, shall not include interest.
24 However, interest accruing to local governmental entities and
25 the turnpike enterprise from the investment of advances shall
26 be paid to the department.

27 (10) Any repayment of prior or future advances made
28 from the State Transportation Trust Fund which were used to
29 fund any project phase of a toll facility, shall be deposited
30 in the Toll Facilities Revolving Trust Fund. However, when
31 funds advanced to the Seminole County Expressway Authority

1 pursuant to this section are repaid to the Toll Facilities
2 Revolving Trust Fund by or on behalf of the Seminole County
3 Expressway Authority, those funds shall thereupon and
4 forthwith be appropriated for and advanced to the Seminole
5 County Expressway Authority for funding the design of and the
6 advanced right-of-way acquisition for that segment of the
7 Seminole County Expressway extending from U.S. Highway 17/92
8 to Interstate Highway 4. Notwithstanding subsection (6), when
9 funds previously advanced to the Orlando-Orange County
10 Expressway Authority are repaid to the Toll Facilities
11 Revolving Trust Fund by or on behalf of the Orlando-Orange
12 County Expressway Authority, those funds may thereupon and
13 forthwith be appropriated for and advanced to the Seminole
14 County Expressway Authority for funding that segment of the
15 Seminole County Expressway extending from U.S. Highway 17/92
16 to Interstate Highway 4. Any funds advanced to the
17 Tampa-Hillsborough County Expressway Authority pursuant to
18 this section which have been or will be repaid on or after
19 July 1, 1998, to the Toll Facilities Revolving Trust Fund on
20 behalf of the Tampa-Hillsborough County Expressway Authority
21 shall thereupon and forthwith be appropriated for and advanced
22 to the Tampa-Hillsborough County Expressway Authority for
23 funding the design of and the advanced right-of-way
24 acquisition for the Brandon area feeder roads, capital
25 improvements to increase capacity to the expressway system,
26 and Lee Roy Selmon Crosstown Expressway System Widening as
27 authorized under s. 348.565.

28 (11) The department shall adopt rules necessary for
29 the implementation of this section, including rules for
30 project selection and funding.

31

1 Section 51. Subsection (1) of section 553.80, Florida
2 Statutes, as amended by section 86 of chapter 2000-141, Laws
3 of Florida, is amended to read:

4 553.80 Enforcement.--

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

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

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

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

29 (d) Building plans approved pursuant to s. 553.77(6)
30 and state-approved manufactured buildings, including buildings
31 manufactured and assembled offsite and not intended for

1 habitation, such as lawn storage buildings and storage sheds,
2 are exempt from local code enforcing agency plan reviews
3 except for provisions of the code relating to erection,
4 assembly, or construction at the site. Erection, assembly, and
5 construction at the site are subject to local permitting and
6 inspections.

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

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

14
15 The governing bodies of local governments may provide a
16 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
17 and this section, for the enforcement of the provisions of
18 this part. Such fees shall be used solely for carrying out
19 the local government's responsibilities in enforcing the
20 Florida Building Code. The authority of state enforcing
21 agencies to set fees for enforcement shall be derived from
22 authority existing on July 1, 1998. However, nothing contained
23 in this subsection shall operate to limit such agencies from
24 adjusting their fee schedule in conformance with existing
25 authority.

26 Section 52. Subsections (1) and (2) of section 339.08,
27 Florida Statutes, are amended to read:

28 339.08 Use of moneys in State Transportation Trust
29 Fund.--

30 (1) The department shall expend ~~by rule provide for~~
31 ~~the expenditure of the~~ moneys in the State Transportation

1 Trust Fund accruing to the department, in accordance with its
2 annual budget.

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

5 (a) To pay administrative expenses of the department,
6 including administrative expenses incurred by the several
7 state transportation districts, but excluding administrative
8 expenses of commuter rail authorities that do not operate rail
9 service.

10 (b) To pay the cost of construction of the State
11 Highway System.

12 (c) To pay the cost of maintaining the State Highway
13 System.

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

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

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

21 (g) To lend or pay a portion of the operating,
22 maintenance, and capital costs of a revenue-producing
23 transportation project that is located on the State Highway
24 System or that is demonstrated to relieve traffic congestion
25 on the State Highway System.

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

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

1 (j) To pay the cost of county or municipal road
2 projects selected in accordance with the County Incentive
3 Grant Program created in s. 339.2817 and the Small County
4 Outreach Program created in s. 339.2818.

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

9 (l) To fund the Transportation Outreach Program
10 created in s. 339.137.

11 (m) To pay other lawful expenditures of the
12 department.

13 Section 53. Paragraph (c) of subsection (4) and
14 subsection (5) of section 339.12, Florida Statutes, are
15 amended, present subsections (8) and (9) of that section are
16 redesignated as subsections (9) and (10), respectively, and a
17 new subsection (8) is added to that section, to read:

18 339.12 Aid and contributions by governmental entities
19 for department projects; federal aid.--

20 (4)

21 (c) The department may enter into agreements under
22 this subsection for a project or project phase not included in
23 the adopted work program. As used in this paragraph, the term
24 "project phase" means acquisition of rights-of-way,
25 construction, construction inspection, and related support
26 phases. The project or project phase must be a high priority
27 of the governmental entity. Reimbursement for a project or
28 project phase must be made from funds appropriated by the
29 Legislature pursuant to s. 339.135(5). All other provisions of
30 this subsection apply to agreements entered into under this
31 paragraph. The total amount of project agreements for projects

1 or project phases not included in the adopted work program may
2 not at any time exceed ~~\$150~~^{\$100} million.

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

19 (8) Effective January 1, 2004, any county having a
20 population of 50,000 or more in which at least 15.5 percent of
21 its total real property is removed from the ad valorem tax
22 rolls due to state property tax exemptions and which dedicates
23 50 percent or more of the proceeds from the county's 1-cent
24 local option sales tax, over the life of the tax, for
25 improvements to the state transportation system or to local
26 projects that directly upgrade the state transportation system
27 within the county's boundaries shall receive funding in the
28 department's adopted work program of not less than the
29 county's share of equal parts population and motor fuel tax
30 collections of the funds distributed by statutory formula to
31 the districts pursuant to s. 339.135(4)(a)1. The county must

1 have adopted a list of specific state road projects to be paid
2 for with the 1-cent local option sales tax prior to the ballot
3 referendum. The county shall enter into a joint project
4 agreement with the department on obligating the 50-percent or
5 more portion of the tax proceeds, over the life of the 1-cent
6 local option sales tax, to the department for improvements to
7 the state transportation system.

8 Section 54. Paragraph (b) of subsection (4) and
9 paragraph (c) of subsection (7) of section 339.135, Florida
10 Statutes, are amended to read:

11 339.135 Work program; legislative budget request;
12 definitions; preparation, adoption, execution, and
13 amendment.--

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

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

27 2. The tentative work program shall be developed in
28 accordance with the Florida Transportation Plan required in s.
29 339.155 and must comply with the program funding levels
30 contained in the program and resource plan.

31

1 3. The department may include in the tentative work
2 program proposed changes to the programs contained in the
3 previous work program adopted pursuant to subsection (5);
4 however, the department shall minimize changes and adjustments
5 that affect the scheduling of project phases in the 4 common
6 fiscal years contained in the previous adopted work program
7 and the tentative work program. The department, in the
8 development of the tentative work program, shall advance by 1
9 fiscal year all projects included in the second year of the
10 previous year's adopted work program, unless the secretary
11 specifically determines that it is necessary, for specific
12 reasons, to reschedule or delete one or more projects from
13 that year. Such changes and adjustments shall be clearly
14 identified, and the effect on the 4 common fiscal years
15 contained in the previous adopted work program and the
16 tentative work program shall be shown. It is the intent of
17 the Legislature that the first 5 years of the adopted work
18 program for facilities designated as part of the Florida
19 Intrastate Highway System and the first 3 years of the adopted
20 work program stand as the commitment of the state to undertake
21 transportation projects that local governments may rely on for
22 planning purposes and in the development and amendment of the
23 capital improvements elements of their local government
24 comprehensive plans.

25 4. The tentative work program must include a balanced
26 36-month forecast of cash and expenditures and a 5-year
27 finance plan supporting the tentative work program.

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

29 (c) The department may amend the adopted work program
30 to transfer appropriations within the department, except that
31

1 the following amendments shall be subject to the procedures in
2 paragraph (d):

3 1. Any amendment that ~~which~~ deletes any project or
4 project phase;

5 2. Any amendment that ~~which~~ adds a project estimated
6 to cost over \$500,000 ~~\$150,000~~ in funds appropriated by the
7 Legislature;

8 3. Any amendment that ~~which~~ advances or defers to
9 another fiscal year, a right-of-way phase, a construction
10 phase, or a public transportation project phase estimated to
11 cost over \$1 million ~~\$500,000~~ in funds appropriated by the
12 Legislature, except an amendment advancing or deferring a
13 phase for a period of 90 days or less; or

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

19 Section 55. Section 339.137, Florida Statutes, is
20 amended to read:

21 339.137 Transportation Outreach Program (TOP)
22 supporting economic development; administration; definitions;
23 eligible projects; Transportation Outreach Program (TOP)
24 advisory council created; limitations; funding.--

25 (1) There is created within the Department of
26 Transportation, a Transportation Outreach Program (TOP)
27 dedicated to funding transportation projects of a high
28 priority based on the ~~prevailing~~ principles of ~~preserving the~~
29 ~~existing transportation infrastructure~~; enhancing Florida's
30 economic growth and competitiveness in national and
31 international markets; promoting intermodal transportation

1 linkages for passengers and freight; and improving travel
2 choices to ensure mobility.

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

5 ~~(a) Preservation.--Protecting the state's~~
6 ~~transportation infrastructure investment. Preservation~~
7 ~~includes:~~

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

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

12 3. ~~Ensuring that the department achieves 100 percent~~
13 ~~of acceptable maintenance standards on the State Highway~~
14 ~~System.~~

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

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

23 ~~(c)~~(d) The term "regionally significant transportation
24 project ~~of critical concern~~" means a transportation facility
25 improvement project located in one or more counties ~~county~~
26 which provides significant enhancement of economic development
27 opportunities in that region ~~an adjoining county or counties~~
28 ~~and which provides improvements to a hurricane evacuation~~
29 ~~route.~~

30 (3) Transportation Outreach Program projects may be
31 proposed by any local government, regional organization,

1 economic development board, public or private partnership,
2 metropolitan planning organization, state agency, or other
3 entity engaged in economic development activities.

4 (4)(3) Proposed eligible projects that meet the
5 minimum eligibility threshold include those for planning,
6 designing, acquiring rights-of-way for, or constructing the
7 following:

8 (a) Major highway improvements to:-

9 1. The Florida Intrastate Highway System.
10 2. Major roads and feeder roads that ~~which~~ provide
11 linkages to the Florida Intrastate Highway System ~~major~~
12 ~~highways.~~

13 3. Bridges of statewide or regional significance.

14 4. Trade and economic development corridors.

15 5. Access projects for freight and passengers.

16 ~~6. Hurricane evacuation routes.~~

17 (b) Major public transportation projects:-

18 1. Seaport projects which improve cargo and passenger
19 movements or connect seaports to other modes of
20 transportation.

21 2. Aviation projects which increase passenger
22 enplanements and cargo activity or connect airports to other
23 modes of transportation.

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

27 4. Rail projects that facilitate the movement of
28 passengers and cargo, or connect rail facilities to other
29 modes of transportation, including ancillary pedestrian
30 facilities.

31

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

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

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

10
11 Each proposed project must be able to document that it
12 promotes economic growth and competitiveness, as defined in
13 paragraph (2)(a).

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

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

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

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

29 (d) The project involves two or more modes of
30 transportation, or can document that it will have a
31 significant economic benefit in two or more counties.

1
2 One or more of the minimum criteria listed in paragraphs
3 (a)-(d) may be waived for a regionally significant
4 transportation project.

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

10 (6)(5) The following criteria must be used
11 Transportation funding under this section shall use the
12 following mechanisms to prioritize the eligible proposed
13 projects:

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

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

30 (c) The project must broaden transportation choices
31 for Florida residents, visitors, and commercial interests in

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

13 (d) Projects that have local, federal, or private
14 matching funds must be given priority over projects that meet
15 all the other criteria.

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

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

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

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

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

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

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

19 ~~(8)(7)~~ The Transportation Outreach Program (TOP)
20 advisory council is created to annually make recommendations
21 to the Legislature on prioritization and selection of economic
22 growth projects as provided in this section.

23 (a) The council shall consist of:

24 1. Two representatives of private interests, chosen by
25 the Speaker of the House of Representatives, who are directly
26 involved in or affected by any mode of transportation or
27 tourism ~~chosen by the Speaker of the House of Representatives.~~

28 2. Two representatives of private interests, chosen by
29 the President of the Senate, who are directly involved in or
30 affected by any mode of transportation or tourism ~~chosen by~~
31 ~~the President of the Senate.~~

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

5 (b) Terms for council members shall be 2 years, and
6 each member shall be allowed one vote. Every 2 years, the
7 council shall select from its membership a chair and a vice
8 chair.

9 ~~(c) Initial appointments must be made no later than 60~~
10 ~~days after this act takes effect.~~ Vacancies in the council
11 shall be filled in the same manner as the initial
12 appointments.

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

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

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

28 (g) The council shall develop a methodology for
29 scoring and ranking project proposals, based on the
30 prioritization criteria in subsection (6). The council may
31 change a project's ranking based on other factors as

1 determined by the council. However, such other factors must be
2 fully documented in writing by the council.

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

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

12 (a) Working in partnership with other state and local
13 agencies in business recruitment, expansion, and retention
14 activities to ensure early transportation input into these
15 activities.

16 (b) Providing expertise and rapid response in
17 analyzing the transportation needs of emergent economic
18 development projects.

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

24 (d) Identifying long-term strategic transportation
25 projects that will promote the principles listed in subsection
26 (1).

27 (10)~~(9)~~ The council shall review and prioritize
28 projects submitted for funding under the program ~~with priority~~
29 ~~given to projects which comply with the prevailing principles~~
30 ~~provided in subsection (1),~~ and shall recommend to the
31 Legislature a transportation outreach program. The department

1 shall provide technical expertise and support as requested by
2 the council, and shall develop financial plans, cash forecast
3 plans, and program and resource plans necessary to implement
4 this program. These supporting documents shall be submitted
5 with the Transportation Outreach Program.

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

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

25 (12)(11) For purposes of funding projects under the
26 Transportation Outreach Program, the department shall allocate
27 from the State Transportation Trust Fund in its program and
28 resource plan a minimum of \$60 million each year beginning in
29 fiscal year 2001-2002 for a transportation outreach program.
30 This funding is to be reserved for projects to be funded
31 pursuant to this section under the Transportation Outreach

1 ~~Program~~. This allocation of funds is in addition to any
2 funding provided to this program by any other provision of
3 law.

4 (13)~~(12)~~ Notwithstanding any other law to the
5 contrary, the requirements of ss. 206.46(3), 206.606(2),
6 339.135, 339.155, and 339.175 shall not apply to the
7 Transportation Outreach Program.

8 (14)~~(13)~~ The department is authorized to adopt rules
9 to implement the Transportation Outreach Program supporting
10 economic development.

11 Section 56. Paragraph (b) of subsection (5) of section
12 341.051, Florida Statutes, is repealed.

13 Section 57. Subsection (10) of section 341.302,
14 Florida Statutes, is amended to read:

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

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

31

1 ~~of the programs by the department~~ including participation in
2 the cost of the programs.

3 Section 58. Paragraph (d) of subsection (2) of section
4 348.0003, Florida Statutes, is amended to read:

5 348.0003 Expressway authority; formation;
6 membership.--

7 (2)

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

1 governing body of the county in a manner that is consistent
2 with subsections (3) and (4).

3 Section 59. Subsections (1), (2), (3), (4), (5), (6),
4 and (8) of section 373.4137, Florida Statutes, are amended,
5 and subsection (9) is added to that section, to read:

6 373.4137 Mitigation requirements.--

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

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

24 (a) By May 1 of each year, the Department of
25 Transportation or a transportation authority established
26 pursuant to chapter 348 or chapter 349 shall submit to the
27 Department of Environmental Protection and the water
28 management districts a copy of its adopted work program and an
29 inventory of habitats addressed in the rules tentatively,
30 pursuant to this part and s. 404 of the Clean Water Act, 33
31 U.S.C. s. 1344, which may be impacted by its plan of

1 construction for transportation projects in the next 3 years
2 of the tentative work program. The Department of
3 Transportation or a transportation authority established
4 pursuant to chapter 348 or chapter 349 may also include in its
5 inventory the habitat impacts of any future transportation
6 project identified in the tentative work program.

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

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

25 (b) Each transportation authority established under
26 chapter 348 or chapter 349 that chooses to participate in this
27 program shall create an escrow account within its financial
28 structure and deposit funds in it to pay for the environmental
29 mitigation phase of projects budgeted for the current fiscal
30 year. The escrow account will be maintained by the authority
31 for the benefit of the Department of Environmental Protection

1 and the water management districts. Any interest earnings from
2 the escrow account shall remain with the authority.

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

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

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

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

24 (a) For each transportation project with a funding
25 request for the next fiscal year, the mitigation plan must
26 include a brief explanation of why a mitigation bank was or
27 was not chosen as a mitigation option, including an estimation
28 of identifiable costs of the mitigation bank and nonbank
29 options to the extent practicable.

30 (b) Specific projects may be excluded from the
31 mitigation plan and shall not be subject to this section upon

1 the agreement of the Department of Transportation, a
2 transportation authority, if applicable,the Department of
3 Environmental Protection, and the appropriate water management
4 district that the inclusion of such projects would hamper the
5 efficiency or timeliness of the mitigation planning and
6 permitting process, or the Department of Environmental
7 Protection and the water management district are unable to
8 identify mitigation that would offset the impacts of the
9 project.

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

29 (5) The water management district shall be responsible
30 for ensuring that mitigation requirements pursuant to 33
31 U.S.C. s. 1344 are met for the impacts identified in the

1 inventory described in subsection (2), by implementation of
2 the approved plan described in subsection (4) to the extent
3 funding is provided by the Department of Transportation or a
4 transportation authority established pursuant to chapter 348
5 or chapter 349, if applicable. During the federal permitting
6 process, the water management district may deviate from the
7 approved mitigation plan in order to comply with federal
8 permitting requirements.

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

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

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

16 Section 60. Section 348.0012, Florida Statutes, is
17 amended to read:

18 348.0012 Exemptions from applicability.--The Florida
19 Expressway Authority Act does not apply:

20 (1) To ~~in a county in which~~ an expressway authority
21 that has been created pursuant to parts II-IX of this chapter;
22 or

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

25 Section 61. Paragraph (b) of subsection (1) of section
26 348.754, Florida Statutes, is amended to read:

27 348.754 Purposes and powers.--

28 (1)

29 (b) It is the express intention of this part that said
30 authority, in the construction of said Orlando-Orange County
31 Expressway System, shall be authorized to acquire, finance,

1 construct, and equip any extensions, additions, or
2 improvements to said system, or appurtenant facilities,
3 including all necessary approaches, roads, bridges, and
4 avenues of access, as the authority shall deem desirable and
5 proper, together with such changes, modifications, or
6 revisions to of said system or appurtenant facilities ~~project~~
7 as the authority shall deem ~~be deemed~~ desirable and proper.

8 Section 62. Section 348.7543, Florida Statutes, is
9 amended to read:

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

27 Section 63. Section 348.7544, Florida Statutes, is
28 amended to read:

29 348.7544 Northwest Beltway Part A, construction
30 authorized; financing.--Notwithstanding s. 338.2275, the
31 Orlando-Orange County Expressway Authority is hereby

1 authorized to construct, finance, operate, own, and maintain
2 that portion of the Western Beltway known as the Northwest
3 Beltway Part A, extending from Florida's Turnpike near Ocoee
4 north to U.S. 441 near Apopka, as part of the authority's
5 20-year capital projects plan. This project may be financed
6 with any funds available to the authority for such purpose or
7 revenue bonds issued by the Division of Bond Finance of the
8 State Board of Administration on behalf of the authority
9 pursuant to s. 11, Art. VII of the State Constitution and the
10 State Bond Act, ss. 215.57-215.83. This project may be
11 refinanced with bonds issued by the authority under s.
12 348.755(1)(d).

13 Section 64. Section 348.7545, Florida Statutes, is
14 amended to read:

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

31

1 Section 65. Subsection (1) of section 348.755, Florida
2 Statutes, is amended to read:

3 348.755 Bonds of the authority.--

4 (1)(a) Bonds may be issued on behalf of the authority
5 under the State Bond Act.~~The bonds of the authority issued~~
6 ~~pursuant to the provisions of this part,~~

7 (b) Alternatively, the authority may issue its own
8 bonds under the provisions of this part at such times and in
9 principle amount as, in the opinion of the authority, is
10 necessary to provide sufficient moneys for achieving its
11 purpose; however, such bonds shall not pledge the full faith
12 and credit of the state.

13 (c) Bonds issued by the authority under paragraph (a)
14 and paragraph (b), whether on original issuance or on
15 refunding, shall be authorized by resolution of the members
16 thereof and may be either term or serial bonds, shall bear
17 such date or dates, mature at such time or times, not
18 exceeding 40 years from their respective dates, bear interest
19 at such rate or rates, payable semiannually, be in such
20 denominations, be in such form, either coupon or fully
21 registered, shall carry such registration, exchangeability and
22 interchangeability privileges, be payable in such medium of
23 payment and at such place or places, be subject to such terms
24 of redemption and be entitled to such priorities on the
25 revenues, rates, fees, rentals or other charges or receipts of
26 the authority including the Orange County gasoline tax funds
27 received by the authority pursuant to the terms of any
28 lease-purchase agreement between the authority and the
29 department, as such resolution or any resolution subsequent
30 thereto may provide. The bonds shall be executed either by
31 manual or facsimile signature by such officers as the

1 authority shall determine, provided that such bonds shall bear
2 at least one signature which is manually executed thereon, and
3 the coupons attached to such bonds shall bear the facsimile
4 signature or signatures of such officer or officers as shall
5 be designated by the authority and shall have the seal of the
6 authority affixed, imprinted, reproduced or lithographed
7 thereon, all as may be prescribed in such resolution or
8 resolutions.

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

26 (e) The authority may issue bonds under paragraph (b)
27 to refund any bonds previously issued regardless of whether
28 the bonds being refunded were issued by the authority under
29 this chapter or on behalf of the authority under the State
30 Bond Act.

31

1 Section 66. Subsection (2) of section 348.765, Florida
2 Statutes, is amended to read:

3 348.765 This part complete and additional authority.--

4 (2) This part shall not be deemed to repeal, rescind,
5 or modify any other law or laws relating to said State Board
6 of Administration, said Department of Transportation, or the
7 Division of Bond Finance of the State Board of Administration,
8 but shall be deemed to and shall supersede such other law or
9 laws as are inconsistent with the provisions of this part,
10 including, but not limited to, s. 215.821.

11 Section 67. Subsection (13) is added to section
12 475.011, Florida Statutes, to read:

13 475.011 Exemptions.--This part does not apply to:

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

19 Section 68. Subsection (2) of section 479.15, Florida
20 Statutes, is amended to read:

21 479.15 Harmony of regulations.--

22 (2) A municipality, county, local zoning authority, or
23 other local governmental entity may not remove, or cause to be
24 removed, any lawfully erected sign along any portion of the
25 interstate or federal-aid primary highway system without first
26 paying just compensation for such removal. A local
27 governmental entity may not cause in any way the alteration of
28 any lawfully erected sign located along any portion of the
29 interstate or federal-aid primary highway system without
30 payment of just compensation if such alteration constitutes a
31 taking under state law. The municipality, county, local zoning

1 authority, or other local government entity promulgating
2 requirements for such alteration must be responsible for
3 payment of just compensation to the sign owner if such
4 alteration constitutes a taking under state law. This
5 subsection applies only to a lawfully erected sign the subject
6 matter of which relates to premises other than the premises on
7 which it is located or to merchandise, services, activities,
8 or entertainment not sold, produced, manufactured, or
9 furnished on the premises on which the sign is located. For
10 the purposes of this subsection, the term "federal-aid primary
11 highway system" means the federal-aid primary highway system
12 in existence on June 1, 1991, and any highway that was not on
13 such system but that is, or later becomes, a part of the
14 National Highway System.This subsection shall not be
15 interpreted as explicit or implicit legislative recognition
16 that alterations do or do not constitute a taking under state
17 law.

18 Section 69. Section 479.25, Florida Statutes, is
19 created to read:

20 479.25 Application of chapter.--Nothing in this
21 chapter shall prevent a governmental entity from entering into
22 an agreement allowing the height above ground level of a
23 lawfully erected sign to be increased at its permitted
24 location if a noise attenuation barrier, visibility screen, or
25 other highway improvement has been erected in such a way as to
26 screen or block visibility of such a sign; however, for
27 nonconforming signs located on the federal-aid primary highway
28 system, as such system existed on June 1, 1991, and on any
29 highway that was not on such system but that is, or later
30 becomes, a part of the National Highway System, such agreement
31 must be approved by the Federal Highway Administration. Any

1 increase in height permitted under this section shall only be
2 that which is required to achieve the same degree of
3 visibility from the right-of-way that the sign had prior to
4 the construction of the noise attenuation barrier, visibility
5 screen, or other highway improvement.

6 Section 70. Section 70.20, Florida Statutes, is
7 created to read:

8 70.20 Balancing of interests.--It is a policy of this
9 state to encourage municipalities, counties, and other
10 governmental entities and sign owners to enter into relocation
11 and reconstruction agreements that allow governmental entities
12 to undertake public projects and accomplish public goals
13 without the expenditure of public funds, while allowing the
14 continued maintenance of private investment in signage as a
15 medium of commercial and noncommercial communication.

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

29 (2) Except as otherwise provided in this section, no
30 municipality, county, or other governmental entity may remove,
31 or cause to be removed, any lawfully erected sign along any

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

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

28 (4) If the parties fail to enter into a relocation and
29 reconstruction agreement within 120 days after the initial
30 notification by the municipality, county, or other
31 governmental entity, either party may request mandatory

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

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

23 (6) The requirement by a municipality, county, or
24 other governmental entity that a lawfully erected sign be
25 removed or altered as a condition precedent to the issuance or
26 continued effectiveness of a development order constitutes a
27 compelled removal that is prohibited without prior payment of
28 just compensation under subsection (2). This subsection does
29 not apply when the owner of the land on which the sign is
30 located is seeking to have the property redesignated on the

31

1 future land use map of the applicable comprehensive plan for
2 exclusively single-family residential use.

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

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

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

29 (10) This section does not apply to any actions taken
30 by the Department of Transportation which relate to the
31 operation, maintenance, or expansion of transportation

1 facilities, and this section does not affect existing law
2 regarding eminent domain relating to the Department of
3 Transportation.

4 (11) Nothing in this act shall impair or affect any
5 written agreement existing prior to the effective date of this
6 legislation, including but not limited to any settlement
7 agreements reliant upon the legality or enforceability of
8 local ordinances. The provisions of this act shall not apply
9 to any dispute between a municipality or county and a sign
10 owner where the amortization period has expired and judicial
11 proceedings were commenced on or before May 1, 1997, to
12 determine the rights, interests, obligations and reasonable
13 expectations of the parties to the dispute, nor shall the
14 provisions of this act apply to any signs that are required to
15 be removed by a date certain in areas designated by local
16 ordinance as "view corridors" if the local ordinance creating
17 the "view corridors" was enacted in part to effectuate a
18 consensual agreement between the local government and two or
19 more sign owners prior to the effective date of this act.

20 (12) Municipalities and counties may remove, cause to
21 be removed, alter, or cause to be altered any lawfully erected
22 sign along any road, other than along a portion of the
23 interstate or federal-aid primary highway system, as set forth
24 in this act in the manner provided in this subsection provided
25 that the amortization period has expired and there are
26 judicial proceedings pending between the municipality or
27 county and a sign owner in a dispute concerning the
28 amortization or validity of the ordinance providing for the
29 amortization and the dispute is not otherwise exempt by
30 subsection (11). This subsection shall take effect on July 1,
31 2002.

1 (a) If a municipality or county undertakes a public
2 project or has as a public goal requiring alteration or
3 removal of any lawfully erected sign, the municipality or
4 county must first give the sign owner written notice of the
5 intent to remove, cause to be removed, alter, or cause to be
6 altered any lawfully erected sign.

7 (b) Within 30 days after the sign owner's receipt of
8 written notice, the sign owner and the municipality or county
9 must meet for the purposes of negotiating an agreement on
10 whatever terms are agreeable to the sign owner and the
11 municipality involved and to provide for relocation,
12 alteration, and reconstruction of the sign or signs by
13 relocation or reconstruction agreement, ordinance, or
14 resolution.

15 (c) If the parties fail to enter into an agreement
16 within 120 days after the sign owner's receipt of written
17 notice, the involved municipality or county entity may, at its
18 sole option, proceed:

19 1. To remove, cause to be removed, alter, or cause to
20 be altered any lawfully erected sign that is not located in a
21 zone designated exclusively for single-family residential use
22 or in a zone designated exclusively for conservation and open
23 space upon the payment to the sign owner of just compensation
24 as agreed to by the parties or as determined by eminent domain
25 for the value of the sign; or

26 2. To remove, cause to be removed, alter or cause to
27 be altered any lawfully erected sign located in a zone
28 designated exclusively for single-family residential use or
29 exclusively for conservation and open space by exercise of its
30 police power at the expiration of 10 years.

31

1 Section 71. Paragraph (b) of subsection (1) of section
2 496.425, Florida Statutes, is amended to read:

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

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

10 Section 72. Section 496.4256, Florida Statutes, is
11 created to read:

12 496.4256 Public transportation facilities not required
13 to grant permit or access.--A governmental entity or authority
14 that owns or operates welcome centers, wayside parks, service
15 plazas, or rest areas on the State Highway System as defined
16 in chapter 335 may not be required to issue a permit or to
17 grant any person access to such public transportation
18 facilities for the purpose of soliciting funds.

19 Section 73. Subsection (3) of section 255.25, Florida
20 Statutes, is amended to read:

21 255.25 Approval required prior to construction or
22 lease of buildings.--

23 (3)(a) Except as provided in subsection (10), no state
24 agency shall enter into a lease as lessee for the use of 5,000
25 square feet or more of space in a privately owned building
26 except upon advertisement for and receipt of competitive bids
27 and award to the lowest and best bidder. The Department of
28 Management Services shall have the authority to approve a
29 lease for 5,000 square feet or more of space that covers more
30 than 1 fiscal year, subject to the provisions of ss. 216.311,
31 255.2501, 255.2502, and 255.2503, if such lease is, in the

1 judgment of the department, in the best interests of the
2 state. This paragraph does not apply to buildings or
3 facilities of any size leased for the purpose of providing
4 care and living space for persons.

5 (b) The Department of Management Services may approve
6 extensions of an existing lease of 5,000 square feet or more
7 of space if such extensions are determined to be in the best
8 interests of the state, but in no case shall the total of such
9 extensions exceed 11 months. If at the end of the 11th month
10 an agency still needs that space, it shall be procured by
11 competitive bid in accordance with s. 255.249(4)(b)~~s.~~
12 ~~255.249(2)(b)~~. However, an agency that determines that it is
13 in its best interest to remain in the space it currently
14 occupies may negotiate a replacement lease with the lessor if
15 an independent comparative market analysis demonstrates that
16 the rates offered are within market rates for the space and
17 the cost of the new lease does not exceed the cost of a
18 comparable lease plus documented moving costs. A present-value
19 analysis and the consumer price index shall be used in the
20 calculation of lease costs. The term of the replacement lease
21 may not exceed the base term of the expiring lease.

22 (c) Any person who files an action protesting a
23 decision or intended decision pertaining to a competitive bid
24 for space to be leased by the agency pursuant to s.
25 120.57(3)(b) shall post with the state agency at the time of
26 filing the formal written protest a bond payable to the agency
27 in an amount equal to 1 percent of the estimated total rental
28 of the basic lease period or \$5,000, whichever is greater,
29 which bond shall be conditioned upon the payment of all costs
30 which may be adjudged against him or her in the administrative
31 hearing in which the action is brought and in any subsequent

1 appellate court proceeding. If the agency prevails after
2 completion of the administrative hearing process and any
3 appellate court proceedings, it shall recover all costs and
4 charges which shall be included in the final order or
5 judgment, excluding attorney's fees. Upon payment of such
6 costs and charges by the person protesting the award, the bond
7 shall be returned to him or her. If the person protesting the
8 award prevails, the bond shall be returned to that person and
9 he or she shall recover from the agency all costs and charges
10 which shall be included in the final order of judgment,
11 excluding attorney's fees.

12 (d) The agency and the lessor, when entering into a
13 lease for 5,000 or more square feet of a privately owned
14 building, shall, before the effective date of the lease, agree
15 upon and separately state the cost of tenant improvements
16 which may qualify for reimbursement if the lease is terminated
17 before the expiration of its base term. The department shall
18 serve as mediator if the agency and the lessor are unable to
19 agree. The amount agreed upon and stated shall, if
20 appropriated, be amortized over the original base term of the
21 lease on a straight-line basis.

22 (e) The unamortized portion of tenant improvements, if
23 appropriated, will be paid in equal monthly installments over
24 the remaining term of the lease. If any portion of the
25 original leased premises is occupied after termination but
26 during the original term by a tenant that does not require
27 material changes to the premises, the repayment of the cost of
28 tenant improvements applicable to the occupied but unchanged
29 portion shall be abated during occupancy. The portion of the
30 repayment to be abated shall be based on the ratio of leased
31 space to unleased space.

1 Section 74. Effective October 1, 2001, subsection (9)
2 of section 320.03, Florida Statutes, is amended to read:

3 320.03 Registration; duties of tax collectors;
4 International Registration Plan.--

5 (9) A nonrefundable fee of \$1.50 shall be charged on
6 the initial and renewal registration of each automobile for
7 private use, and on the initial and renewal registration of
8 each truck, regardless of having a net weight, except those
9 taxed under s. 320.0715 and s. 320.08(4); each trailer, except
10 those taxed under s. 320.08(5)(a) and (b); and each motorcycle
11 and for each tag transfer and each temporary tag ~~of 5,000~~
12 pounds or less. Such fees shall be deposited in the
13 Transportation Disadvantaged Trust Fund created in part I of
14 chapter 427 and shall be used as provided therein, except that
15 priority shall be given to the transportation needs of those
16 who, because of age or physical and mental disability, are
17 unable to transport themselves and are dependent upon others
18 to obtain access to health care, employment, education,
19 shopping, or other life-sustaining activities.

20 Section 75. Section 331.308, Florida Statutes, is
21 amended to read:

22 331.308 Board of supervisors.--

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

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

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

28 (c) Two ex officio nonvoting members who are members
29 of the Legislature, ~~one of whom shall be~~ a state senator
30 selected by the President of the Senate and ~~one of whom shall~~
31

1 ~~be~~ a state representative selected by the Speaker of the House
2 of Representatives; and

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

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

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

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

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

24 (5) The Lieutenant Governor is the state's space
25 policy leader. The Lieutenant Governor may designate a regular
26 member to serve as vice-chair and preside over board meetings
27 in the absence of the chair and may assign proxy voting power
28 to the director of the Office of Tourism, Trade, and Economic
29 Development. ~~Initial appointments shall be made no later than~~
30 ~~60 days after this act takes effect.~~

31

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

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

16 Section 76. Present subsection (2) of section 334.193,
17 Florida Statutes, is redesignated as subsection (3) and a new
18 subsection (2) is added to that section, to read:

19 334.193 Unlawful for certain persons to be financially
20 interested in purchases, sales, and certain contracts;
21 penalties.--

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

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

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

4 (b) The department may consider competitive bids or
5 proposals of employees or employee work groups submitted on
6 behalf of the department to perform the subject matter of
7 requests for bids or proposals. The department may select such
8 bid or proposal for performance of the work by the 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 Section 77. Subsection (10) of section 768.28, Florida
16 Statutes, is amended to read:

17 768.28 Waiver of sovereign immunity in tort actions;
18 recovery limits; limitation on attorney fees; statute of
19 limitations; exclusions; indemnification; risk management
20 programs.--

21 (10)(a) Health care providers or vendors, or any of
22 their employees or agents, that have contractually agreed to
23 act as agents of the Department of Corrections to provide
24 health care services to inmates of the state correctional
25 system shall be considered agents of the State of Florida,
26 Department of Corrections, for the purposes of this section,
27 while acting within the scope of and pursuant to guidelines
28 established in said contract or by rule. The contracts shall
29 provide for the indemnification of the state by the agent for
30 any liabilities incurred up to the limits set out in this
31 chapter.

1 (b) This subsection shall not be construed as
2 designating persons providing contracted health care services
3 to inmates as employees or agents of the state for the
4 purposes of chapter 440.

5 (c) For purposes of this section, regional poison
6 control centers created in accordance with s. 395.1027 and
7 coordinated and supervised under the Division of Children's
8 Medical Services Prevention and Intervention of the Department
9 of Health, or any of their employees or agents, shall be
10 considered agents of the State of Florida, Department of
11 Health. Any contracts with poison control centers must
12 provide, to the extent permitted by law, for the
13 indemnification of the state by the agency for any liabilities
14 incurred up to the limits set out in this chapter.

15 (d) Operators of rail services and providers of
16 security for rail services, or any of their employees or
17 agents that have contractually agreed to act as agents of the
18 Tri-County Commuter Rail Authority to operate rail services or
19 provide security for rail services, are considered agents of
20 the state for purposes of this section while acting within the
21 scope of and pursuant to guidelines established in the
22 contract or by rule. The contract shall provide for the
23 indemnification of the state by the agent for any liability
24 incurred up to the limits set out in this chapter.

25 Section 78. Except as otherwise expressly provided in
26 this act, this act shall take effect upon becoming a law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 2056

The Committee Substitute removes several provisions of the prior bill which placed restrictions on the Legislature's ability to legislate and appropriate. It also removed provisions authorizing a transfer of Turnpike funds for the purposes of providing employee bonuses. The Committee Substitute for CS/SB 2056 also adds provisions permitting the use of expiring tolls for other capital purposes in large counties; revises the signage compensation provisions; permits state agency renegotiation of leases in specified circumstances; provides sovereign immunity protection for rail operation services of the Tri-County Trail Authority; designates the Lieutenant Governor as the chair of the Spaceport Florida Authority; provides changes to the Transportation Outreach Program to set priorities for legislative funding and project review; retains existing law on reasonable cost sharing arrangements between public and private transportation providers; and permits employees or employee work groups of the state DOT to submit competitive proposals for agency work, provided they resign from employment if they are selected as the successful bidder.