

By Representative Russell

1                                   A bill to be entitled  
2           An act relating to the Department of  
3           Transportation; amending s. 20.23, F.S.;  
4           revising language with respect to the  
5           organization of the department; changing the  
6           turnpike district into a turnpike enterprise;  
7           exempting the turnpike enterprise from  
8           department policies, procedures, and standards,  
9           subject to the Secretary of Transportation's  
10          decision to apply such requirements; giving the  
11          secretary authority to promulgate rules that  
12          will assist the turnpike enterprise in using  
13          best business practices; amending s. 206.46,  
14          F.S.; increasing the debt service cap with  
15          respect to the State Transportation Trust Fund;  
16          amending s. 316.302, F.S.; revising a date  
17          concerning commercial motor vehicles to conform  
18          to federal regulations; amending s. 316.3025,  
19          F.S.; updating a cross reference to federal  
20          trucking regulations; amending s. 316.515,  
21          F.S.; deleting a requirement for a department  
22          permit with respect to the height of automobile  
23          transporters; amending s. 316.535, F.S.; adding  
24          weight requirements for certain commercial  
25          trucks; amending s. 316.545, F.S.; correcting a  
26          cross reference; providing for the discretion  
27          of the department to detain commercial vehicles  
28          until certain penalties are paid; amending s.  
29          334.193, F.S.; providing for employee bidding  
30          by department employees; amending s. 337.11,  
31          F.S.; raising the cap on certain contracts into

1           which the department can enter without first  
2           obtaining bids; adding enhancement projects to  
3           the types of projects that can be combined into  
4           a design-build contract; specifying that  
5           construction on design-build projects may not  
6           begin until certain conditions have been met;  
7           amending s. 337.025, F.S.; eliminating cap on  
8           innovative highway projects for the turnpike  
9           enterprise; amending s. 337.11, F.S.; providing  
10          an exemption for a turnpike enterprise project;  
11          amending s. 338.22, F.S.; redesignating the  
12          Florida Turnpike Law as the Florida Turnpike  
13          Enterprise Law; amending s. 338.221, F.S.;  
14          redefining the term "economically feasible" as  
15          used with respect to turnpike projects;  
16          creating s. 338.2215, F.S.; providing  
17          legislative findings, policy, purpose, and  
18          intent for the Florida Turnpike Enterprise;  
19          creating s. 338.2216, F.S.; prescribing the  
20          power and authority of the turnpike enterprise;  
21          amending s. 338.223, F.S.; increasing the  
22          maximum loan amount for the turnpike  
23          enterprise; amending ss. 338.165 and 338.227,  
24          F.S.; conforming provisions; amending s.  
25          338.2275, F.S.; authorizing the turnpike  
26          enterprise to advertise for bids for contracts  
27          prior to obtaining environmental permits;  
28          amending s. 338.234, F.S.; authorizing the  
29          turnpike enterprise to expand business  
30          opportunities; amending s. 338.235, F.S.;  
31          authorizing the consideration of goods instead

1 of fees; amending s. 338.239, F.S.; providing  
2 that approved expenditure to the Florida  
3 Highway Patrol be paid by the turnpike  
4 enterprise; amending s. 338.241, F.S.; lowering  
5 the required cash reserve for the turnpike  
6 enterprise; amending s. 338.251, F.S.;  
7 conforming provisions; amending s. 339.135,  
8 F.S.; including reference to turnpike  
9 enterprise with respect to the tentative work  
10 program; revising language with respect to the  
11 tentative work program; amending s. 553.80,  
12 F.S.; providing for self-regulation of certain  
13 construction; providing an effective date.  
14

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

16  
17 Section 1. Subsection (4) of section 20.23, Florida  
18 Statutes, is amended to read:

19 20.23 Department of Transportation.--There is created  
20 a Department of Transportation which shall be a decentralized  
21 agency.

22 (4)(a) The operations of the department shall be  
23 organized into seven ~~eight~~ districts, ~~including a turnpike~~  
24 ~~district,~~ each headed by a district secretary and a turnpike  
25 enterprise, headed by an executive director. The district  
26 secretaries shall report to the Assistant Secretary for  
27 District Operations. The headquarters of the districts shall  
28 be located in Polk, Columbia, Washington, Broward, Volusia,  
29 Dade, and Hillsborough, ~~and Leon~~ Counties. The headquarters of  
30 the turnpike enterprise shall be located in Orange County. ~~The~~  
31 ~~turnpike district must be relocated to Orange County in the~~

1 ~~year 2000.~~In order to provide for efficient operations and to  
2 expedite the decisionmaking process, the department shall  
3 provide for maximum decentralization to the districts.  
4 However, before making a decision to centralize or  
5 decentralize department operations ~~or relocate the turnpike~~  
6 ~~district~~, the department must first determine if the decision  
7 would be cost-effective and in the public's best interest. The  
8 department shall periodically evaluate such decisions to  
9 ensure that they are appropriate.

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

19 (c) Each district secretary may appoint a district  
20 director for planning and programming, a district director for  
21 production, and a district director for operations. These  
22 positions are exempt from part II of chapter 110.

23 (d) Within each district, offices shall be established  
24 for managing major functional responsibilities of the  
25 department. The offices may include planning, design,  
26 construction, right-of-way, maintenance, and public  
27 transportation. The heads of these offices shall be exempt  
28 from part II of chapter 110.

29 (e) The district director for the Fort Myers Urban  
30 Office of the Department of Transportation is responsible for  
31 developing the 5-year Transportation Plan for Charlotte,

1 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort  
2 Myers Urban Office also is responsible for providing policy,  
3 direction, local government coordination, and planning for  
4 those counties.

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

11 2. To facilitate the most efficient and effective  
12 management of the turnpike enterprise, including the use of  
13 best business practices employed by the private sector, the  
14 turnpike enterprise shall be exempt from departmental  
15 policies, procedures, and standards, subject to the secretary  
16 having the authority to apply any such policies, procedures,  
17 and standards to the turnpike enterprise from time to time as  
18 deemed appropriate.

19 3. To enhance the ability of the turnpike enterprise  
20 to use best business practices employed by the private sector,  
21 the secretary shall promulgate rules which exempt the turnpike  
22 enterprise from department rules and authorize the turnpike  
23 enterprise to employ procurement methods available to the  
24 private sector.

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

27 206.46 State Transportation Trust Fund.--

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

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

14 Section 3. Paragraph (b) of subsection (1) of section  
15 316.302, Florida Statutes, is amended to read:

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

19 (1)

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

27 Section 4. Paragraph (a) of subsection (3) of section  
28 316.3025, Florida Statutes, is amended to read:

29 316.3025 Penalties.--

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

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

3 316.515 Maximum width, height, length.--

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

6 However, an automobile transporter may, ~~with a permit from the~~  
7 ~~Department of Transportation,~~ measure a height not to exceed  
8 14 feet, inclusive of the load carried thereon.

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

13 316.535 Maximum weights.--

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

29 ~~(7)(6)~~ The Department of Transportation shall adopt  
30 rules to implement this section, shall enforce this section  
31 and the rules adopted hereunder, and shall publish and

1 distribute tables and other publications as deemed necessary  
2 to inform the public.

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

7 Section 7. Paragraph (a) of subsection (2) and  
8 paragraph (a) of subsection (4) of section 316.545, Florida  
9 Statutes, are amended to read:

10 316.545 Weight and load unlawful; special fuel and  
11 motor fuel tax enforcement; inspection; penalty; review.--

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



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

7 (4)(a) No commercial vehicle, as defined in s.  
8 316.003(66), shall be operated over the highways of this state  
9 unless it has been properly registered under the provisions of  
10 s. 207.004. Whenever any law enforcement officer identified in  
11 s. 207.023(1), upon inspecting the vehicle or combination of  
12 vehicles, determines that the vehicle is in violation of s.  
13 207.004, a penalty in the amount of \$50 shall be assessed, and  
14 the vehicle may ~~shall~~ be detained until payment is collected  
15 by the law enforcement officer.

16 Section 8. Section 334.193, Florida Statutes, is  
17 amended to read:

18 334.193 Unlawful for certain persons to be financially  
19 interested in purchases, sales, and certain contracts;  
20 penalties.--

21 (1) It is unlawful for a state officer, or an employee  
22 or agent of the department, or for any company, corporation,  
23 or firm in which a state officer, or an employee or agent of  
24 the department has a financial interest, to bid on, enter  
25 into, or be personally interested in:

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

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

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

1       (a) The department may consider competitive bids or  
2 proposals by employees or employee work groups who have a  
3 financial interest in matters referenced in paragraphs (1)(a)  
4 and (b) when the subject matter of a request for bids or  
5 proposals by the department includes functions performed by  
6 the employees or employee work groups of the department before  
7 the request for bids or proposals. However, if the employees,  
8 employee work groups, or entity in which an employee of the  
9 department has an interest is the successful bidder or  
10 proposer, such employee or employees must resign from  
11 department employment upon executing an agreement to perform  
12 the matter bid upon.

13       (b) The department may consider competitive bids or  
14 proposals of employees or employee work groups submitted on  
15 behalf of the department to perform the subject matter of  
16 requests for bids or proposals. The department may select  
17 such bid or proposal for performance of the work by the  
18 department.

19  
20 The department may update existing rules or adopt new rules  
21 pertaining to employee usage of department equipment,  
22 facilities, and supplies during business hours for  
23 nondepartment activities in order to implement this  
24 subsection.

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

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

1           337.11 Contracting authority of department; bids;  
2 emergency repairs, supplemental agreements, and change orders;  
3 combined design and construction contracts; progress payments;  
4 records; requirements of vehicle registration.--

5           (6)

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

18           1. To ensure timely completion of projects or  
19 avoidance of undue delay for other projects;

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

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

26  
27 The department shall make a good faith effort to obtain two or  
28 more quotes, if available, from qualified contractors before  
29 entering into any contract. The department shall give  
30 consideration to disadvantaged business enterprise  
31 participation. However, when the work exists within the limits

1 of an existing contract, the department shall make a good  
2 faith effort to negotiate and enter into a contract with the  
3 prime contractor on the existing contract.

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

19 Section 10. Section 337.025, Florida Statutes, is  
20 amended to read:

21 337.025 Innovative highway projects; department to  
22 establish program.--The department is authorized to establish  
23 a program for highway projects demonstrating innovative  
24 techniques of highway construction, maintenance, and finance  
25 which have the intended effect of controlling time and cost  
26 increases on construction projects. Such techniques may  
27 include, but are not limited to, state-of-the-art technology  
28 for pavement, safety, and other aspects of highway  
29 construction and maintenance; innovative bidding and financing  
30 techniques; accelerated construction procedures; and those  
31 techniques that have the potential to reduce project life

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

18 Section 11. Paragraph (c) of subsection (3) of section  
19 337.11, Florida Statutes, is amended to read:

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

24 (3)

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

1 turnpike enterprise project.Title to all necessary  
2 rights-of-way shall be deemed to have been vested in the State  
3 of Florida when such title has been dedicated to the public or  
4 acquired by prescription.

5 Section 12. Subsection (7) of section 338.165, Florida  
6 Statutes, is amended to read:

7 338.165 Continuation of tolls.--

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

10 Section 13. Section 338.22, Florida Statutes, is  
11 amended to read:

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

15 Section 14. Section 338.221, Florida Statutes, is  
16 amended to read:

17 338.221 Definitions of terms used in ss.

18 338.22-338.241.--As used in ss. 338.22-338.241, the following  
19 words and terms have the following meanings, unless the  
20 context indicates another or different meaning or intent:

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

27 (2) "Cost," as applied to a turnpike project, includes  
28 the cost of acquisition of all land, rights-of-way, property,  
29 easements, and interests acquired by the department for  
30 turnpike project construction; the cost of such construction;  
31 the cost of all machinery and equipment, financing charges,

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

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

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

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

27 (6) "Turnpike system" means those limited access toll  
28 highways and associated feeder roads and other structures,  
29 appurtenances, or rights previously designated, acquired, or  
30 constructed pursuant to the Florida Turnpike Enterprise Law  
31

1 and such other additional turnpike projects as may be acquired  
2 or constructed as approved by the Legislature.

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

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

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

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



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

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

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

13 Section 15. Section 338.2215, Florida Statutes, is  
14 created to read:

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

1           Section 16. Section 338.2216, Florida Statutes, is  
2 created to read:

3           338.2216 Florida Turnpike Enterprise; powers and  
4 authority.--

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

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

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

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

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

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

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

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

29 Section 17. Subsection (4) of section 338.223, Florida  
30 Statutes, is amended to read:

31 338.223 Proposed turnpike projects.--

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

13           Section 18. Subsection (2) of section 338.227, Florida  
14 Statutes, is amended to read:

15           338.227 Turnpike revenue bonds.--

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

1 construction, or financing of any project which is not part of  
2 the turnpike system.

3 Section 19. Subsection (2) of section 338.2275,  
4 Florida Statutes, is amended to read:

5 338.2275 Approved turnpike projects.--

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

25 Section 20. Section 338.234, Florida Statutes, is  
26 amended to read:

27 338.234 Granting concessions or selling along the  
28 turnpike system.--

29 ~~(1)~~ The department may enter into contracts or  
30 licenses with any person for the sale of ~~grant concessions or~~  
31 ~~sell services or products~~ or business opportunities on along

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

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

28 Section 21. Subsection (3) of section 338.235, Florida  
29 Statutes, is amended to read:

30 338.235 Contracts with department for provision of  
31 services on the turnpike system.--

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

21           Section 22. Subsection (2) of section 338.239, Florida  
22 Statutes, is amended to read:

23           338.239 Traffic control on the turnpike system.--

24           (2) Members of the Florida Highway Patrol are vested  
25 with the power, and charged with the duty, to enforce the  
26 rules of the department. Approved expenditures ~~Expenses~~  
27 incurred by the Florida Highway Patrol in carrying out its  
28 powers and duties under ss. 338.22-338.241 may be treated as a  
29 part of the cost of the operation of the turnpike system, and  
30 the Department of Highway Safety and Motor Vehicles shall be  
31 reimbursed by the turnpike enterprise ~~Department of~~

1 ~~Transportation~~ for such expenses incurred on the turnpike  
2 ~~system mainline, which is that part of the turnpike system~~  
3 ~~extending from the southern terminus in Florida City to the~~  
4 ~~northern terminus in Wildwood including all contiguous~~  
5 ~~sections.~~ Florida Highway Patrol Troop K shall be  
6 headquartered with the turnpike enterprise and shall be the  
7 official and preferred law enforcement troop for the turnpike  
8 system. The Department of Highway Safety and Motor Vehicles  
9 may, upon request of the executive director of the turnpike  
10 enterprise and approval of the Legislature, increase the  
11 number of authorized positions for Troop K, or the executive  
12 director of the turnpike enterprise may contract with the  
13 Department of Highway Safety and Motor Vehicles for additional  
14 troops to patrol the turnpike system.

15 Section 23. Section 338.241, Florida Statutes, is  
16 amended to read:

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

23 Section 24. Section 338.251, Florida Statutes, is  
24 amended to read:

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



1           (1) The department is authorized to advance funds for  
2 preliminary engineering, traffic and revenue studies,  
3 environmental impact studies, financial advisory services,  
4 engineering design, right-of-way map preparation, other  
5 appropriate project-related professional services, and  
6 advanced right-of-way acquisition to expressway authorities,  
7 the turnpike enterprise, counties, or other local governmental  
8 entities that desire to undertake revenue-producing road  
9 projects.

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

12           (a) The proposed facility is consistent with the  
13 adopted transportation plan of the appropriate metropolitan  
14 planning organization and the Florida Transportation Plan.

15           (b) A proposed 2-year budget detailing the use of the  
16 cash advance and a project schedule consistent with the  
17 budget.

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

31

1           (4) Each advance pursuant to this section shall  
2 require repayment out of the initial bond issue revenue or, at  
3 the discretion of the governmental entity or the turnpike  
4 enterprise ~~of the facility~~, repayment shall begin no later  
5 than 7 years after the date of the advance, provided repayment  
6 shall be completed no later than 12 years after the date of  
7 the advance. However, such election shall be made at the time  
8 of the initial bond issue, and, if repayment is to be made  
9 during the time period referred to above, a schedule of such  
10 repayment shall be submitted to the department.

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

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

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

27           (8) No expressway authority, county, or other local  
28 governmental entity, or the turnpike enterprise, shall be  
29 eligible to receive any advance under this section if the  
30 expressway authority, county, or other local governmental  
31 entity or the turnpike enterprise has failed to repay any

1 previous advances as required by law or by agreement with the  
2 department.

3 (9) Repayment of funds advanced, including advances  
4 made prior to January 1, 1994, shall not include interest.  
5 However, interest accruing to local governmental entities and  
6 the turnpike enterprise from the investment of advances shall  
7 be paid to the department.

8 (10) Any repayment of prior or future advances made  
9 from the State Transportation Trust Fund which were used to  
10 fund any project phase of a toll facility, shall be deposited  
11 in the Toll Facilities Revolving Trust Fund. However, when  
12 funds advanced to the Seminole County Expressway Authority  
13 pursuant to this section are repaid to the Toll Facilities  
14 Revolving Trust Fund by or on behalf of the Seminole County  
15 Expressway Authority, those funds shall thereupon and  
16 forthwith be appropriated for and advanced to the Seminole  
17 County Expressway Authority for funding the design of and the  
18 advanced right-of-way acquisition for that segment of the  
19 Seminole County Expressway extending from U.S. Highway 17/92  
20 to Interstate Highway 4. Notwithstanding subsection (6), when  
21 funds previously advanced to the Orlando-Orange County  
22 Expressway Authority are repaid to the Toll Facilities  
23 Revolving Trust Fund by or on behalf of the Orlando-Orange  
24 County Expressway Authority, those funds may thereupon and  
25 forthwith be appropriated for and advanced to the Seminole  
26 County Expressway Authority for funding that segment of the  
27 Seminole County Expressway extending from U.S. Highway 17/92  
28 to Interstate Highway 4. Any funds advanced to the  
29 Tampa-Hillsborough County Expressway Authority pursuant to  
30 this section which have been or will be repaid on or after  
31 July 1, 1998, to the Toll Facilities Revolving Trust Fund on

1 behalf of the Tampa-Hillsborough County Expressway Authority  
2 shall thereupon and forthwith be appropriated for and advanced  
3 to the Tampa-Hillsborough County Expressway Authority for  
4 funding the design of and the advanced right-of-way  
5 acquisition for the Brandon area feeder roads, capital  
6 improvements to increase capacity to the expressway system,  
7 and Lee Roy Selmon Crosstown Expressway System Widening as  
8 authorized under s. 348.565.

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

12 Section 25. Paragraphs (a), (f), and (g) of subsection  
13 (4) of section 339.135, Florida Statutes, are amended to read:

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

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

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

1 public transit block grants shall be allocated to the  
2 districts pursuant to s. 341.052.

3           2. Notwithstanding the provisions of subparagraph 1.,  
4 the department shall allocate at least 50 percent of any new  
5 discretionary highway capacity funds to the Florida Intrastate  
6 Highway System established pursuant to s. 338.001. Any  
7 remaining new discretionary highway capacity funds shall be  
8 allocated to the districts for new construction as provided in  
9 subparagraph 1. For the purposes of this subparagraph, the  
10 term "new discretionary highway capacity funds" means any  
11 funds available to the department above the prior year funding  
12 level for capacity improvements, which the department has the  
13 discretion to allocate to highway projects.

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

31

1 ~~of its evaluation of the tentative work program conducted~~  
2 ~~pursuant to s. 20.23.~~

3 (g)1. The Florida Transportation Commission shall  
4 conduct a statewide public hearing on the tentative work  
5 program and shall advertise the time, place, and purpose of  
6 the hearing in the Florida Administrative Weekly at least 7  
7 days prior to the hearing. As part of the statewide public  
8 hearing, the commission shall, at a minimum:

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

12 ~~b.2.~~ Hear all questions, suggestions, or other  
13 comments offered by the public.

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

19 a. Financial soundness;

20 b. Stability;

21 c. Production capacity;

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

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

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

28 g. Policy changes and effects thereof;

29 h. Identification of statewide or regional projects;

30 and

31 i. Compliance with all other applicable laws.

1 Section 26. Subsection (1) of section 553.80, Florida  
2 Statutes, is amended to read:

3 553.80 Enforcement.--

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

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

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

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

28 (d) Building plans approved pursuant to s. 553.77(6)  
29 and state-approved manufactured buildings, including buildings  
30 manufactured and assembled offsite and not intended for  
31 habitation, such as lawn storage buildings and storage sheds,

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

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

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

13  
14 The governing bodies of local governments may provide a  
15 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
16 and this section, for the enforcement of the provisions of  
17 this part. Such fees shall be used solely for carrying out  
18 the local government's responsibilities in enforcing the  
19 Florida Building Code. The authority of state enforcing  
20 agencies to set fees for enforcement shall be derived from  
21 authority existing on July 1, 1998. However, nothing contained  
22 in this subsection shall operate to limit such agencies from  
23 adjusting their fee schedule in conformance with existing  
24 authority.

25 Section 27. This act shall take effect July 1, 2002.

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HOUSE SUMMARY

Revises provisions of law with respect to the Department of Transportation to:

1. Change the turnpike district into a turnpike enterprise.
2. Increase the debt cap to \$200 million with respect to the State Transportation Trust Fund.
3. Eliminate a requirement for a department permit with respect to the height of automobile transporters.
4. Raise the cap on described contracts into which the department may enter without first obtaining bids.
5. Eliminate the cap on innovative highway projects for the turnpike enterprise.
6. Generally revise language with respect to turnpike enterprises.

See bill for details.