

By the Council for Ready Infrastructure and  
Representatives Russell and Green

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; providing  
11          exceptions to said exemptions; giving the  
12          secretary authority to promulgate rules under  
13          certain conditions that will assist the  
14          turnpike enterprise in using best business  
15          practices; amending s. 206.46, F.S.; increasing  
16          the debt service cap with respect to the State  
17          Transportation Trust Fund; amending s. 316.302,  
18          F.S.; revising a date concerning commercial  
19          motor vehicles to conform to federal  
20          regulations; authorizing the department's Motor  
21          Carrier Compliance officers, and duly appointed  
22          agents holding a safety inspector certification  
23          from the Commercial Vehicle Safety Alliance, to  
24          stop commercial motor vehicles for inspection  
25          of the vehicle and driver's records; providing  
26          that other law enforcement officers may enforce  
27          commercial motor vehicle regulations under  
28          certain conditions; requiring that unsafe  
29          vehicles and drivers be removed from service  
30          under certain conditions; amending s. 316.3025,  
31          F.S.; updating a cross reference to federal

1 trucking regulations; amending s. 316.515,  
2 F.S.; deleting a requirement for a department  
3 permit with respect to the height of automobile  
4 transporters; amending s. 316.535, F.S.; adding  
5 weight requirements for certain commercial  
6 trucks; amending s. 316.545, F.S.; correcting a  
7 cross reference; providing for the discretion  
8 of the department to detain commercial vehicles  
9 until certain penalties are paid; amending s.  
10 334.044, F.S.; providing for officers employed  
11 by the department's Office of Motor Carrier  
12 Compliance and specifying duties and  
13 responsibilities of said officers; authorizing  
14 appointment of part-time and auxiliary  
15 officers; amending s. 334.193, F.S.; providing  
16 for employee bidding by department employees;  
17 amending s. 337.025, F.S.; eliminating cap on  
18 innovative highway projects for the turnpike  
19 enterprise; amending s. 337.11, F.S.; raising  
20 the cap on certain contracts into which the  
21 department can enter without first obtaining  
22 bids; providing an exemption for a turnpike  
23 enterprise project; revising provisions for  
24 design-build contracts; amending s. 337.185,  
25 F.S.; clarifying application of limitation on  
26 certain claims brought before the State  
27 Arbitration Board; 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,  
3           purpose, and intent for the Florida Turnpike  
4           Enterprise; creating s. 338.2216, F.S.;  
5           prescribing the power and authority of the  
6           turnpike enterprise; amending s. 338.223, F.S.;  
7           increasing the maximum loan amount for the  
8           turnpike enterprise; amending ss. 338.165 and  
9           338.227, F.S.; conforming provisions; amending  
10          s. 338.2275, F.S.; authorizing the turnpike  
11          enterprise to advertise for bids for contracts  
12          prior to obtaining environmental permits;  
13          amending s. 338.234, F.S.; authorizing the  
14          turnpike enterprise to expand business  
15          opportunities; amending s. 338.235, F.S.;  
16          authorizing the consideration of goods instead  
17          of fees; amending s. 338.239, F.S.; providing  
18          that approved expenditure to the Florida  
19          Highway Patrol be paid by the turnpike  
20          enterprise; amending s. 338.241, F.S.; lowering  
21          the required cash reserve for the turnpike  
22          enterprise; amending s. 338.251, F.S.;  
23          conforming provisions; amending s. 339.135,  
24          F.S.; including reference to turnpike  
25          enterprise with respect to the tentative work  
26          program; revising language with respect to the  
27          tentative work program; amending s. 553.80,  
28          F.S.; providing for self-regulation of certain  
29          construction; providing effective dates.

30  
31 Be It Enacted by the Legislature of the State of Florida:

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

3           20.23 Department of Transportation.--There is created  
4 a Department of Transportation which shall be a decentralized  
5 agency.

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

25           (b) The primary responsibility for the implementation  
26 of the department's transportation programs shall be delegated  
27 by the secretary to the district secretaries, and sufficient  
28 authority shall be vested in each district to ensure adequate  
29 control of the resources commensurate with the delegated  
30 responsibility. Each district secretary shall also be  
31 accountable for ensuring their district's quality of

1 performance and compliance with all laws, rules, policies, and  
2 procedures related to the operation of the department.

3 (c) Each district secretary may appoint a district  
4 director for planning and programming, a district director for  
5 production, and a district director for operations. These  
6 positions are exempt from part II of chapter 110.

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

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

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

26 2. To facilitate the most efficient and effective  
27 management of the turnpike enterprise, including the use of  
28 best business practices employed by the private sector, the  
29 turnpike enterprise, except as provided in s. 287.055, shall  
30 be exempt from departmental policies, procedures, and  
31 standards, subject to the secretary having the authority to

1 apply any such policies, procedures, and standards to the  
2 turnpike enterprise from time to time as deemed appropriate.  
3 3. To enhance the ability of the turnpike enterprise  
4 to use best business practices employed by the private sector,  
5 the secretary shall promulgate rules which exempt the turnpike  
6 enterprise from department rules and authorize the turnpike  
7 enterprise to employ procurement methods available to the  
8 private sector, provided those methods are not in conflict  
9 with s. 287.055.

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

12 206.46 State Transportation Trust Fund.--

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

30  
31

1           Section 3. Paragraph (b) of subsection (1) and  
2 subsection (8) of section 316.302, Florida Statutes, are  
3 amended to read:

4           316.302 Commercial motor vehicles; safety regulations;  
5 transporters and shippers of hazardous materials;  
6 enforcement.--

7           (1)

8           (b) Except as otherwise provided in this section, all  
9 owners or drivers of commercial motor vehicles that are  
10 engaged in intrastate commerce are subject to the rules and  
11 regulations contained in 49 C.F.R. parts 382, 385, and  
12 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
13 relates to the definition of bus, as such rules and  
14 regulations existed on October 1, 2001 ~~March 1, 1999~~.

15           (8) For the purpose of enforcing this section, any law  
16 enforcement officer ~~agent~~ of the Department of Transportation  
17 or duly appointed agent who holds a current safety inspector  
18 certification from the Commercial Vehicle Safety Alliance may  
19 require the driver of any commercial vehicle operated on the  
20 highways of this state to stop and submit to an inspection of  
21 the vehicle or the driver's records described in s.  
22 ~~316.545(9), any member of the Florida Highway Patrol, or any~~  
23 ~~person employed by a sheriff's office or municipal police~~  
24 ~~department who is authorized to enforce the traffic laws of~~  
25 ~~this state pursuant to s. 316.640 may enforce the provisions~~  
26 ~~of this section. Any officer of the Department of~~  
27 ~~Transportation described in s. 316.545(9), any member of the~~  
28 ~~Florida Highway Patrol, or any law enforcement officer~~  
29 ~~employed by a sheriff's office or municipal police department~~  
30 ~~authorized to enforce the traffic laws of this state pursuant~~  
31 ~~to s. 316.640, who has reason to believe that a vehicle or~~

1 ~~driver is operating in an unsafe condition, may require the~~  
2 ~~driver to stop and submit to an inspection of the vehicle or~~  
3 ~~the driver's records. Any person who fails to comply with an~~  
4 ~~officer's request to submit to an inspection under this~~  
5 ~~subsection is guilty of a violation of s. 843.02 if the driver~~  
6 ~~resists the officer without violence or a violation of s.~~  
7 ~~843.01 if the driver resists the officer with violence. If~~  
8 ~~the vehicle or driver is found to be operating in an unsafe~~  
9 ~~condition, or if any required part or equipment is not present~~  
10 ~~or is not in proper repair or adjustment, and the continued~~  
11 ~~operation would probably present an unduly hazardous operating~~  
12 ~~condition, the officer may require the vehicle or the driver~~  
13 ~~to be removed from service pursuant to the North American~~  
14 ~~Uniform Out-of-Service Criteria, until corrected. However, if~~  
15 ~~continuous operation would not present an unduly hazardous~~  
16 ~~operating condition, the officer may give written notice~~  
17 ~~requiring correction of the condition to require proper repair~~  
18 ~~and adjustment of the vehicle within 14 days.~~

19 (a) Any member of the Florida Highway Patrol or any  
20 law enforcement officer employed by a sheriff's office or  
21 municipal police department authorized to enforce the traffic  
22 laws of this state pursuant to s. 316.640 who has reason to  
23 believe that a vehicle or driver is operating in an unsafe  
24 condition may, as provided in subsection (10), enforce the  
25 provisions of this section.

26 (b) Any person who fails to comply with an officer's  
27 request to submit to an inspection under this subsection  
28 commits a violation of s. 843.02 if the person resists the  
29 officer without violence or a violation of s. 843.01 if the  
30 person resists the officer with violence.

31



1           Section 4. Paragraph (a) of subsection (3) of section  
2 316.3025, Florida Statutes, is amended to read:

3           316.3025 Penalties.--

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

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

8           316.515 Maximum width, height, length.--

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

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

18           316.535 Maximum weights.--

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

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

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

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

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

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

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

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

12 (4)(a) No commercial vehicle, as defined in s.  
13 316.003(66), shall be operated over the highways of this state  
14 unless it has been properly registered under the provisions of  
15 s. 207.004. Whenever any law enforcement officer identified in  
16 s. 207.023(1), upon inspecting the vehicle or combination of  
17 vehicles, determines that the vehicle is in violation of s.  
18 207.004, a penalty in the amount of \$50 shall be assessed, and  
19 the vehicle may ~~shall~~ be detained until payment is collected  
20 by the law enforcement officer.

21 Section 8. Subsection (31) is added to section  
22 334.044, Florida Statutes, to read:

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

25 (31) In order to fulfill the department's mission to  
26 provide a safe and efficient transportation system, the  
27 department's Office of Motor Carrier Compliance may employ  
28 sworn law enforcement officers, certified in accordance with  
29 chapter 943, to enforce the traffic and criminal laws of this  
30 state. Such officers shall have full law enforcement powers  
31 granted to other peace officers of this state, including

1 making arrests, carrying firearms, serving court process, and  
2 seizing vehicles defined as contraband under s. 319.33,  
3 illegal drugs, stolen property, and the proceeds of illegal  
4 activities. Officers appointed under this section have the  
5 primary responsibility for enforcing laws relating to size and  
6 weight of commercial motor vehicles; safety, traffic, tax, and  
7 registration of commercial motor vehicles; interdiction of  
8 vehicles defined as contraband under s. 319.33, illegal drugs,  
9 and stolen property; and violations that threaten the overall  
10 security and safety of Florida's transportation infrastructure  
11 and the motoring public. The office is also authorized to  
12 appoint part-time or auxiliary law enforcement officers  
13 pursuant to chapter 943 and to provide compensation in  
14 accordance with law.

15 Section 9. Section 334.193, Florida Statutes, is  
16 amended to read:

17 334.193 Unlawful for certain persons to be financially  
18 interested in purchases, sales, and certain contracts;  
19 penalties.--

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

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

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

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

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 10. Section 337.025, Florida Statutes, is  
30 amended to read:  
31

1           337.025 Innovative highway projects; department to  
2 establish program.--The department is authorized to establish  
3 a program for highway projects demonstrating innovative  
4 techniques of highway construction, maintenance, and finance  
5 which have the intended effect of controlling time and cost  
6 increases on construction projects. Such techniques may  
7 include, but are not limited to, state-of-the-art technology  
8 for pavement, safety, and other aspects of highway  
9 construction and maintenance; innovative bidding and financing  
10 techniques; accelerated construction procedures; and those  
11 techniques that have the potential to reduce project life  
12 cycle costs. To the maximum extent practical, the department  
13 must use the existing process to award and administer  
14 construction and maintenance contracts. When specific  
15 innovative techniques are to be used, the department is not  
16 required to adhere to those provisions of law that would  
17 prevent, preclude, or in any way prohibit the department from  
18 using the innovative technique. However, prior to using an  
19 innovative technique that is inconsistent with another  
20 provision of law, the department must document in writing the  
21 need for the exception and identify what benefits the  
22 traveling public and the affected community are anticipated to  
23 receive. The department may enter into no more than \$120  
24 million in contracts annually for the purposes authorized by  
25 this section. However, the annual cap on contracts provided in  
26 this section shall not apply to turnpike enterprise projects  
27 nor shall turnpike enterprise projects be counted toward the  
28 department's annual cap.

29           Section 11. Paragraph (c) of subsection (3) and  
30 paragraph (c) of subsection (6) 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           (3)

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

17           (6)

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

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

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

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

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

16           Section 12. Effective July 1, 2003, paragraph (a) of  
17 subsection (7) of section 337.11, Florida Statutes, as amended  
18 by section 4 of chapter 2001-350, Laws of Florida, is amended  
19 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           (7)(a) If the head of the department determines that  
25 it is in the best interests of the public, the department may  
26 combine the right-of-way services and design and construction  
27 phases of a building, a major bridge, a limited access  
28 facility, or a rail corridor project into a single contract.  
29 Such contract is referred to as a design-build contract.  
30 Design-build contracts may be advertised and awarded  
31 notwithstanding the requirements of paragraph (3)(c). However,



1 construction activities may not begin on any portion of such  
2 projects until title to the necessary rights-of-way and  
3 easements for the construction of that portion of the project  
4 has vested in the state or a local governmental entity and all  
5 railroad crossing and utility agreements have been executed.  
6 Title to rights-of-way vests in the state when the title has  
7 been dedicated to the public or acquired by prescription.

8 Section 13. Effective July 1, 2005, paragraph (a) of  
9 subsection (7) of section 337.11, Florida Statutes, as amended  
10 by this act, is amended to read:

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

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

30 Section 14. Subsection (3) of section 337.185, Florida  
31 Statutes, is amended to read:

1           337.185 State Arbitration Board.--

2           (3) A hearing may be requested by the department or by  
3 a contractor who has a dispute with the department which,  
4 under the rules of the board, may be the subject of  
5 arbitration. The request is to be made to the board within  
6 820 days after the final acceptance of the work for all  
7 contracts entered into after June 30, 1993.The board shall  
8 conduct the hearing within 45 days of the request. The party  
9 requesting the board's consideration shall give notice of the  
10 hearing to each member. If the board finds that a third party  
11 is necessary to resolve the dispute, the board may vote to  
12 dismiss the claim, which may thereafter be pursued in  
13 accordance with the laws of the State of Florida.

14           Section 15. Subsection (7) of section 338.165, Florida  
15 Statutes, is amended to read:

16           338.165 Continuation of tolls.--

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

19           Section 16. Section 338.22, Florida Statutes, is  
20 amended to read:

21           338.22 Florida Turnpike Enterprise Law; short  
22 title.--Sections 338.22-338.241 may be cited as the "Florida  
23 Turnpike Enterprise Law."

24           Section 17. Section 338.221, Florida Statutes, is  
25 amended to read:

26           338.221 Definitions of terms used in ss.

27 338.22-338.241.--As used in ss. 338.22-338.241, the following  
28 words and terms have the following meanings, unless the  
29 context indicates another or different meaning or intent:

30           (1) "Bonds" or "revenue bonds" means notes, bonds,  
31 refunding bonds or other evidences of indebtedness or

1 obligations, in either temporary or definitive form, issued by  
2 the Division of Bond Finance on behalf of the department and  
3 authorized under the provisions of ss. 338.22-338.241 and the  
4 State Bond Act.

5 (2) "Cost," as applied to a turnpike project, includes  
6 the cost of acquisition of all land, rights-of-way, property,  
7 easements, and interests acquired by the department for  
8 turnpike project construction; the cost of such construction;  
9 the cost of all machinery and equipment, financing charges,  
10 fees, and expenses related to the financing; establishment of  
11 reserves to secure bonds; interest prior to and during  
12 construction and for such period after completion of  
13 construction as shall be determined by the department; the  
14 cost of traffic estimates and of engineering and legal  
15 expenses, plans, specifications, surveys, estimates of cost  
16 and revenues; other expenses necessary or incident to  
17 determining the feasibility or practicability of acquiring or  
18 constructing any such turnpike project; administrative  
19 expenses; and such other expenses as may be necessary or  
20 incident to the acquisition or construction of a turnpike  
21 project, the financing of such acquisition or construction,  
22 and the placing of the turnpike project in operation.

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

27 (4) "Owner" includes any person or any governmental  
28 entity that has title to, or an interest in, any property,  
29 right, easement, or interest authorized to be acquired  
30 pursuant to ss. 338.22-338.241.

31

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

6           (6) "Turnpike system" means those limited access toll  
7 highways and associated feeder roads and other structures,  
8 appurtenances, or rights previously designated, acquired, or  
9 constructed pursuant to the Florida Turnpike Enterprise Law  
10 and such other additional turnpike projects as may be acquired  
11 or constructed as approved by the Legislature.

12           (7) "Turnpike improvement" means any betterment  
13 necessary or desirable for the operation of the turnpike  
14 system, including, but not limited to, widenings, the addition  
15 of interchanges to the existing turnpike system, resurfacings,  
16 toll plazas, machinery, and equipment.

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

21           ~~(a) For a proposed turnpike project, that, as~~  
22 ~~determined by the department before the issuance of revenue~~  
23 ~~bonds for the project, the estimated net revenues of the~~  
24 ~~proposed turnpike project, excluding feeder roads and turnpike~~  
25 ~~improvements, will be sufficient to pay at least 50 percent of~~  
26 ~~the debt service on the bonds by the end of the 5th year of~~  
27 ~~operation and to pay at least 100 percent of the debt service~~  
28 ~~on the bonds by the end of the 15th year of operation. In~~  
29 ~~implementing this paragraph, up to 50 percent of the adopted~~  
30 ~~work program costs of the project may be funded from turnpike~~  
31 ~~revenues.~~

1       ~~(b) For turnpike projects, except for feeder roads and~~  
2 ~~turnpike improvements, financed from revenues of the turnpike~~  
3 ~~system, such project, or such group of projects, originally~~  
4 ~~financed from revenues of the turnpike system, that the~~  
5 ~~project is expected to generate sufficient revenues to~~  
6 ~~amortize project costs within 15 years of opening to traffic.~~

7  
8 This subsection does not prohibit the pledging of revenues  
9 from the entire turnpike system to bonds issued to finance or  
10 refinance a turnpike project or group of turnpike projects.

11       (9) "Turnpike project" means any extension to or  
12 expansion of the existing turnpike system and new limited  
13 access toll highways and associated feeder roads and other  
14 structures, interchanges, appurtenances, or rights as may be  
15 approved in accordance with the Florida Turnpike Enterprise  
16 Law.

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

20       Section 18. Section 338.2215, Florida Statutes, is  
21 created to read:

22       338.2215 Florida Turnpike Enterprise; legislative  
23 findings, policy, purpose, and intent.--It is the intent of  
24 the Legislature that the turnpike enterprise be provided  
25 additional powers and authority in order to maximize the  
26 advantages obtainable through fully leveraging the Florida  
27 Turnpike System asset. The additional powers and authority  
28 will provide the turnpike enterprise with the autonomy and  
29 flexibility to enable it to more easily pursue innovations as  
30 well as best practices found in the private sector in  
31 management, finance, organization, and operations. The

1 additional powers and authority are intended to improve  
2 cost-effectiveness and timeliness of project delivery,  
3 increase revenues, expand the turnpike system's capital  
4 program capability, and improve the quality of service to its  
5 patrons, while continuing to protect the turnpike system's  
6 bondholders and further preserve, expand, and improve the  
7 Florida Turnpike System.

8 Section 19. Section 338.2216, Florida Statutes, is  
9 created to read:

10 338.2216 Florida Turnpike Enterprise; powers and  
11 authority.--

12 (1)(a) In addition to the powers granted to the  
13 department, the Florida Turnpike Enterprise has full authority  
14 to exercise all powers granted to it under this chapter.  
15 Powers shall include, but are not limited to, the ability to  
16 plan, construct, maintain, repair, and operate the Florida  
17 Turnpike System.

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

27 (c) The executive director of the turnpike enterprise  
28 shall appoint a staff, which shall be exempt from part II of  
29 chapter 110. Among the staff shall be chief financial officer,  
30 who must be a proven, effective administrator with  
31 demonstrated experience in financial management of a large

1 bonded capital program and must hold an active license to  
2 practice public accounting in Florida pursuant to chapter  
3 473. The turnpike enterprise staff shall also include the  
4 Office of Toll Operations.

5 (2) The department shall have the authority to employ  
6 procurement methods available to the Department of Management  
7 Services under chapters 255 and 287 and under any rule adopted  
8 under such chapters solely for the benefit of the turnpike  
9 enterprise. In order to enhance the effective and efficient  
10 operation of the turnpike enterprise, the department may adopt  
11 rules for procurement procedures alternative to chapters 255,  
12 287, and 337.

13 (3)(a) The turnpike enterprise shall be a single  
14 budget entity and shall develop a budget pursuant to chapter  
15 216. The turnpike enterprise's budget shall be submitted to  
16 the Legislature along with the department's budget.

17 (b) Notwithstanding the provisions of s. 216.301 to  
18 the contrary and in accordance with s. 216.351, the Executive  
19 Office of the Governor shall, on July 1 of each year, certify  
20 forward all unexpended funds appropriated or provided pursuant  
21 to this section for the turnpike enterprise. Of the  
22 unexpended funds certified forward, any unencumbered amounts  
23 shall be carried forward. Such funds carried forward shall  
24 not exceed 5 percent of the total operating budget of the  
25 turnpike enterprise. Funds carried forward pursuant to this  
26 section may be used for any lawful purpose, including, but not  
27 limited to, promotional and market activities, technology, and  
28 training. Any certified forward funds remaining undisbursed  
29 on December 31 of each year shall be carried forward.

30 (4) The powers conferred upon the turnpike enterprise  
31 under ss. 338.22-338.241 shall be in addition and supplemental

1 to the existing powers of the department and the turnpike  
2 enterprise, and these powers shall not be construed as  
3 repealing any provision of any other law, general or local,  
4 but shall supersede such other laws that are inconsistent with  
5 the exercise of the powers provided under ss. 338.22-338.241  
6 and provide a complete method for the exercise of such powers  
7 granted.

8 Section 20. Subsection (4) of section 338.223, Florida  
9 Statutes, is amended to read:

10 338.223 Proposed turnpike projects.--

11 (4) The department is authorized, with the approval of  
12 the Legislature, to use federal and state transportation funds  
13 to lend or pay a portion of the operating, maintenance, and  
14 capital costs of turnpike projects. ~~Federal and state~~  
15 ~~transportation funds included in an adopted work program, or~~  
16 ~~the General Appropriations Act, for a turnpike project do not~~  
17 ~~have to be reimbursed to the State Transportation Trust Fund,~~  
18 ~~or used in determining the economic feasibility of the~~  
19 ~~proposed project.~~ For operating and maintenance loans, the  
20 maximum net loan amount in any fiscal year shall not exceed  
21 1.5 ~~0.5~~ percent of state transportation tax revenues for that  
22 fiscal year.

23 Section 21. Subsection (2) of section 338.227, Florida  
24 Statutes, is amended to read:

25 338.227 Turnpike revenue bonds.--

26 (2) The proceeds of the bonds of each issue shall be  
27 used solely for the payment of the cost of the turnpike  
28 projects for which such bonds shall have been issued, except  
29 as provided in the State Bond Act. Such proceeds shall be  
30 disbursed and used as provided by ss. 338.22-338.241 and in  
31 such manner and under such restrictions, if any, as the



1 Division of Bond Finance may provide in the resolution  
2 authorizing the issuance of such bonds or in the trust  
3 agreement hereinafter mentioned securing the same. All  
4 revenues and bond proceeds from the turnpike system received  
5 by the department pursuant to ss. 338.22-338.241, the Florida  
6 Turnpike Enterprise Law, shall be used only for the cost of  
7 turnpike projects and turnpike improvements and for the  
8 administration, operation, maintenance, and financing of the  
9 turnpike system. No revenues or bond proceeds from the  
10 turnpike system shall be spent for the operation, maintenance,  
11 construction, or financing of any project which is not part of  
12 the turnpike system.

13 Section 22. Subsection (2) of section 338.2275,  
14 Florida Statutes, is amended to read:

15 338.2275 Approved turnpike projects.--

16 (2) The department is authorized to use turnpike  
17 revenues, the State Transportation Trust Fund moneys allocated  
18 for turnpike projects pursuant to s. 338.001, federal funds,  
19 and bond proceeds, and shall use the most cost-efficient  
20 combination of such funds, in developing a financial plan for  
21 funding turnpike projects. The department must submit a  
22 report of the estimated cost for each ongoing turnpike project  
23 and for each planned project to the Legislature 14 days before  
24 the convening of the regular legislative session. Verification  
25 of economic feasibility and statements of environmental  
26 feasibility for individual turnpike projects must be based on  
27 the entire project as approved. Statements of environmental  
28 feasibility are not required for those projects listed in s.  
29 12, chapter 90-136, Laws of Florida, for which the Project  
30 Development and Environmental Reports were completed by July  
31 1, 1990. ~~All required environmental permits must be obtained~~

1 ~~before~~ The department may advertise for bids for contracts for  
2 the construction of any turnpike project prior to obtaining  
3 required environmental permits.

4 Section 23. Section 338.234, Florida Statutes, is  
5 amended to read:

6 338.234 Granting concessions or selling along the  
7 turnpike system.--

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

1 ~~The department may also provide information centers on the~~  
2 ~~plazas for the benefit of the public.~~

3 ~~(2) The department may provide an opportunity for~~  
4 ~~governmental agencies to hold public events at turnpike plazas~~  
5 ~~which educate the traveling public as to safety, travel, and~~  
6 ~~tourism.~~

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

9 338.235 Contracts with department for provision of  
10 services on the turnpike system.--

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

31

1           Section 25. Subsection (2) of section 338.239, Florida  
2 Statutes, is amended to read:

3           338.239 Traffic control on the turnpike system.--

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

26           Section 26. Section 338.241, Florida Statutes, is  
27 amended to read:

28           338.241 Cash reserve requirement.--The budget for the  
29 turnpike system shall be so planned as to provide for a cash  
30 reserve at the end of each fiscal year of not less than 5 ~~10~~  
31 percent of the unpaid balance of all turnpike system

1 contractual obligations, excluding bond obligations, to be  
2 paid from revenues.

3 Section 27. Section 338.251, Florida Statutes, is  
4 amended to read:

5 338.251 Toll Facilities Revolving Trust Fund.--The  
6 Toll Facilities Revolving Trust Fund is hereby created for the  
7 purpose of encouraging the development and enhancing the  
8 financial feasibility of revenue-producing road projects  
9 undertaken by local governmental entities in a county or  
10 combination of contiguous counties and the turnpike  
11 enterprise.

12 (1) The department is authorized to advance funds for  
13 preliminary engineering, traffic and revenue studies,  
14 environmental impact studies, financial advisory services,  
15 engineering design, right-of-way map preparation, other  
16 appropriate project-related professional services, and  
17 advanced right-of-way acquisition to expressway authorities,  
18 the turnpike enterprise, counties, or other local governmental  
19 entities that desire to undertake revenue-producing road  
20 projects.

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

23 (a) The proposed facility is consistent with the  
24 adopted transportation plan of the appropriate metropolitan  
25 planning organization and the Florida Transportation Plan.

26 (b) A proposed 2-year budget detailing the use of the  
27 cash advance and a project schedule consistent with the  
28 budget.

29 (3) Prior to receiving any moneys for advance  
30 right-of-way acquisition, it shall be shown that such  
31 right-of-way will substantially appreciate prior to

1 construction and that savings will result from its advance  
2 purchase. Any such request for moneys for advance  
3 right-of-way acquisition shall be accompanied by a preliminary  
4 engineering study, environmental impact study, traffic and  
5 revenue study, and right-of-way maps along with either a  
6 negotiated contract for purchase of the right-of-way, such  
7 contract to include a clause stating that it is subject to  
8 funding by the department or the Legislature, or an appraisal  
9 of the subject property for purpose of condemnation  
10 proceedings.

11 (4) Each advance pursuant to this section shall  
12 require repayment out of the initial bond issue revenue or, at  
13 the discretion of the governmental entity or the turnpike  
14 enterprise ~~of the facility~~, repayment shall begin no later  
15 than 7 years after the date of the advance, provided repayment  
16 shall be completed no later than 12 years after the date of  
17 the advance. However, such election shall be made at the time  
18 of the initial bond issue, and, if repayment is to be made  
19 during the time period referred to above, a schedule of such  
20 repayment shall be submitted to the department.

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

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

30 (7) The department may advance funds sufficient to  
31 defray shortages in toll revenues of facilities receiving

1 funds pursuant to this section for the first 5 years of  
2 operation, up to a maximum of \$5 million per year, to be  
3 reimbursed to this fund within 5 years of the last advance  
4 hereunder. Any advance under this provision shall require  
5 specific appropriation by the Legislature.

6 (8) No expressway authority, county, or other local  
7 governmental entity, or the turnpike enterprise, shall be  
8 eligible to receive any advance under this section if the  
9 expressway authority, county, or other local governmental  
10 entity or the turnpike enterprise has failed to repay any  
11 previous advances as required by law or by agreement with the  
12 department.

13 (9) Repayment of funds advanced, including advances  
14 made prior to January 1, 1994, shall not include interest.  
15 However, interest accruing to local governmental entities and  
16 the turnpike enterprise from the investment of advances shall  
17 be paid to the department.

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

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

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

22 Section 28. Paragraphs (a), (f), and (g) of subsection  
23 (4) of section 339.135, Florida Statutes, are amended to read:

24 339.135 Work program; legislative budget request;  
25 definitions; preparation, adoption, execution, and  
26 amendment.--

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

28 (a)1. To assure that no district or county is  
29 penalized for local efforts to improve the State Highway  
30 System, the department shall, for the purpose of developing a  
31 tentative work program, allocate funds for new construction to



1 the districts, except for the turnpike enterprise ~~district~~,  
2 based on equal parts of population and motor fuel tax  
3 collections. Funds for resurfacing, bridge repair and  
4 rehabilitation, bridge fender system construction or repair,  
5 public transit projects except public transit block grants as  
6 provided in s. 341.052, and other programs with quantitative  
7 needs assessments shall be allocated based on the results of  
8 these assessments. The department may not transfer any funds  
9 allocated to a district under this paragraph to any other  
10 district except as provided in subsection (7). Funds for  
11 public transit block grants shall be allocated to the  
12 districts pursuant to s. 341.052.

13         2. Notwithstanding the provisions of subparagraph 1.,  
14 the department shall allocate at least 50 percent of any new  
15 discretionary highway capacity funds to the Florida Intrastate  
16 Highway System established pursuant to s. 338.001. Any  
17 remaining new discretionary highway capacity funds shall be  
18 allocated to the districts for new construction as provided in  
19 subparagraph 1. For the purposes of this subparagraph, the  
20 term "new discretionary highway capacity funds" means any  
21 funds available to the department above the prior year funding  
22 level for capacity improvements, which the department has the  
23 discretion to allocate to highway projects.

24         (f) The central office shall submit a preliminary copy  
25 of the tentative work program to the Executive Office of the  
26 Governor, the legislative appropriations committees, the  
27 Florida Transportation Commission, and the Department of  
28 Community Affairs at least 14 days prior to the convening of  
29 the regular legislative session. Prior to the statewide  
30 public hearing required by paragraph (g), the Department of  
31 Community Affairs shall transmit to the Florida Transportation

1 Commission a list of those projects and project phases  
2 contained in the tentative work program which are identified  
3 as being inconsistent with approved local government  
4 comprehensive plans. For urbanized areas of metropolitan  
5 planning organizations, the list may not contain any project  
6 or project phase that is scheduled in a transportation  
7 improvement program unless such inconsistency has been  
8 previously reported to the affected metropolitan planning  
9 organization. ~~The commission shall consider the list as part~~  
10 ~~of its evaluation of the tentative work program conducted~~  
11 ~~pursuant to s. 20.23.~~

12 (g)1. The Florida Transportation Commission shall  
13 conduct a statewide public hearing on the tentative work  
14 program and shall advertise the time, place, and purpose of  
15 the hearing in the Florida Administrative Weekly at least 7  
16 days prior to the hearing. As part of the statewide public  
17 hearing, the commission shall, at a minimum:

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

21 b.2. Hear all questions, suggestions, or other  
22 comments offered by the public.

23 2. By no later than 14 days after the regular  
24 legislative session begins, the commission shall submit to the  
25 Executive Office of the Governor and the legislative  
26 appropriations committees a report that evaluates the  
27 tentative work program for:

- 28 a. Financial soundness;  
29 b. Stability;  
30 c. Production capacity;

31

- 1           d. Accomplishments, including compliance with program  
2 objectives in s. 334.046;
- 3           e. Compliance with approved local government  
4 comprehensive plans;
- 5           f. Objections and requests by metropolitan planning  
6 organizations;
- 7           g. Policy changes and effects thereof;
- 8           h. Identification of statewide or regional projects;  
9 and
- 10          i. Compliance with all other applicable laws.
- 11          Section 29. Subsection (1) of section 553.80, Florida  
12 Statutes, is amended to read:
- 13          553.80 Enforcement.--
- 14          (1) Except as provided in paragraphs (a)-(f)~~(a)-(e)~~,  
15 each local government and each legally constituted enforcement  
16 district with statutory authority shall regulate building  
17 construction and, where authorized in the state agency's  
18 enabling legislation, each state agency shall enforce the  
19 Florida Building Code required by this part on all public or  
20 private buildings, structures, and facilities, unless such  
21 responsibility has been delegated to another unit of  
22 government pursuant to s. 553.79(9).
- 23          (a) Construction regulations relating to correctional  
24 facilities under the jurisdiction of the Department of  
25 Corrections and the Department of Juvenile Justice are to be  
26 enforced exclusively by those departments.
- 27          (b) Construction regulations relating to elevator  
28 equipment under the jurisdiction of the Bureau of Elevators of  
29 the Department of Business and Professional Regulation shall  
30 be enforced exclusively by that department.
- 31

1           (c) In addition to the requirements of s. 553.79 and  
2 this section, facilities subject to the provisions of chapter  
3 395 and part II of chapter 400 shall have facility plans  
4 reviewed and construction surveyed by the state agency  
5 authorized to do so under the requirements of chapter 395 and  
6 part II of chapter 400 and the certification requirements of  
7 the Federal Government.

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

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

20           (f) The Florida Building Code as it pertains to toll  
21 collection facilities under the jurisdiction of the turnpike  
22 enterprise of the Department of Transportation shall be  
23 enforced exclusively by the turnpike enterprise.

24  
25 The governing bodies of local governments may provide a  
26 schedule of fees, as authorized by s. 125.56(2) or s. 166.222  
27 and this section, for the enforcement of the provisions of  
28 this part. Such fees shall be used solely for carrying out  
29 the local government's responsibilities in enforcing the  
30 Florida Building Code. The authority of state enforcing  
31 agencies to set fees for enforcement shall be derived from

1 authority existing on July 1, 1998. However, nothing contained  
2 in this subsection shall operate to limit such agencies from  
3 adjusting their fee schedule in conformance with existing  
4 authority.

5           Section 30. Except as otherwise provided herein, this  
6 act shall take effect July 1, 2002.

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