

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. 337.025, F.S.;
16 eliminating cap on innovative highway projects
17 for the turnpike enterprise; amending s.
18 337.11, F.S.; raising the cap on certain
19 contracts into which the department can enter
20 without first obtaining bids; providing an
21 exemption for a turnpike enterprise project;
22 revising provisions for design-build contracts;
23 amending s. 337.185, F.S.; clarifying
24 application of limitation on certain claims
25 brought before the State Arbitration Board;
26 amending s. 338.22, F.S.; redesignating the
27 Florida Turnpike Law as the Florida Turnpike
28 Enterprise Law; amending s. 338.221, F.S.;
29 redefining the term "economically feasible" as
30 used with respect to turnpike projects;
31 creating s. 338.2215, F.S.; providing

1 legislative findings, policy, purpose, and
2 intent for the Florida Turnpike Enterprise;
3 creating s. 338.2216, F.S.; prescribing the
4 power and authority of the turnpike enterprise;
5 amending s. 338.223, F.S.; increasing the
6 maximum loan amount for the turnpike
7 enterprise; amending ss. 338.165 and 338.227,
8 F.S.; conforming provisions; amending s.
9 338.234, F.S.; authorizing the turnpike
10 enterprise to expand business opportunities;
11 prohibiting the department from exercising its
12 powers of eminent domain solely to acquire
13 property for business opportunities on the
14 Florida Turnpike; deleting obsolete language;
15 amending s. 338.235, F.S.; authorizing the
16 consideration of goods instead of fees;
17 amending s. 338.239, F.S.; providing that
18 approved expenditure to the Florida Highway
19 Patrol be paid by the turnpike enterprise;
20 amending s. 338.241, F.S.; lowering the
21 required cash reserve for the turnpike
22 enterprise; amending s. 338.251, F.S.;
23 conforming provisions; amending s. 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~~^{\$135} 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.

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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.

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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 337.025, Florida Statutes, is
16 amended to read:

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

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

14 Section 10. Paragraph (c) of subsection (3) and
15 paragraph (c) of subsection (6) of section 337.11, Florida
16 Statutes, are amended to read:

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

21 (3)

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

1 of Florida when such title has been dedicated to the public or
2 acquired by prescription.

3 (6)

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

- 16 1. To ensure timely completion of projects or
17 avoidance of undue delay for other projects;
- 18 2. To accomplish minor repairs or construction and
19 maintenance activities for which time is of the essence and
20 for which significant cost savings would occur; or
- 21 3. To accomplish nonemergency work necessary to ensure
22 avoidance of adverse conditions that affect the safe and
23 efficient flow of traffic.

24
25 The department shall make a good faith effort to obtain two or
26 more quotes, if available, from qualified contractors before
27 entering into any contract. The department shall give
28 consideration to disadvantaged business enterprise
29 participation. However, when the work exists within the limits
30 of an existing contract, the department shall make a good
31

1 faith effort to negotiate and enter into a contract with the
2 prime contractor on the existing contract.

3 Section 11. Effective July 1, 2003, paragraph (a) of
4 subsection (7) of section 337.11, Florida Statutes, as amended
5 by section 4 of chapter 2001-350, Laws of Florida, is amended
6 to read:

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

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

26 Section 12. Effective July 1, 2005, paragraph (a) of
27 subsection (7) of section 337.11, Florida Statutes, as amended
28 by this act, is amended to read:

29 337.11 Contracting authority of department; bids;
30 emergency repairs, supplemental agreements, and change orders;

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1 combined design and construction contracts; progress payments;
2 records; requirements of vehicle registration.--

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

18 Section 13. Subsection (3) of section 337.185, Florida
19 Statutes, is amended to read:

20 337.185 State Arbitration Board.--

21 (3) A hearing may be requested by the department or by
22 a contractor who has a dispute with the department which,
23 under the rules of the board, may be the subject of
24 arbitration. The request is to be made to the board within
25 820 days after the final acceptance of the work for all
26 contracts entered into after June 30, 1993.The board shall
27 conduct the hearing within 45 days of the request. The party
28 requesting the board's consideration shall give notice of the
29 hearing to each member. If the board finds that a third party
30 is necessary to resolve the dispute, the board may vote to
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1 dismiss the claim, which may thereafter be pursued in
2 accordance with the laws of the State of Florida.

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

5 338.165 Continuation of tolls.--

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

8 Section 15. Section 338.22, Florida Statutes, is
9 amended to read:

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

31

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

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

10 Section 17. Section 338.2215, Florida Statutes, is
11 created to read:

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

29 Section 18. Section 338.2216, Florida Statutes, is
30 created to read:

31

1 338.2216 Florida Turnpike Enterprise; powers and
2 authority.--

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

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

18 (c) The executive director of the turnpike enterprise
19 shall appoint a staff, which shall be exempt from part II of
20 chapter 110. Among the staff shall be chief financial officer,
21 who must be a proven, effective administrator with
22 demonstrated experience in financial management of a large
23 bonded capital program and must hold an active license to
24 practice public accounting in Florida pursuant to chapter
25 473. The turnpike enterprise staff shall also include the
26 Office of Toll Operations.

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

1 operation of the turnpike enterprise, the department may adopt
2 rules for procurement procedures alternative to chapters 255,
3 287, and 337.

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

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

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

30 Section 19. Subsection (4) of section 338.223, Florida
31 Statutes, is amended to read:

1 338.223 Proposed turnpike projects.--

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

14 Section 20. Subsection (2) of section 338.227, Florida
15 Statutes, is amended to read:

16 338.227 Turnpike revenue bonds.--

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

1 turnpike system shall be spent for the operation, maintenance,
2 construction, or financing of any project which is not part of
3 the turnpike system.

4 Section 21. 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 However, the department, pursuant to the grants of authority
2 to the Turnpike Enterprise under this section, shall not
3 exercise the power of eminent domain solely for the purpose of
4 acquiring real property in order to provide business services
5 or opportunities, such as lodging and meeting-room space on
6 the turnpike system.~~The department may also provide~~
7 ~~information centers on the plazas for the benefit of the~~
8 ~~public.~~

9 ~~(2) The department may provide an opportunity for~~
10 ~~governmental agencies to hold public events at turnpike plazas~~
11 ~~which educate the traveling public as to safety, travel, and~~
12 ~~tourism.~~

13 Section 22. Subsection (3) of section 338.235, Florida
14 Statutes, is amended to read:

15 338.235 Contracts with department for provision of
16 services on the turnpike system.--

17 (3) The department may enter into contracts or
18 agreements, with or without competitive bidding or
19 procurement, to make available, on a fair, reasonable,
20 nonexclusive, and nondiscriminatory basis, turnpike property
21 and other turnpike structures, for the placement of wireless
22 facilities by any wireless provider of mobile services as
23 defined in 47 U.S.C. s. 153(n) or s. 332(d), and any
24 telecommunications company as defined in s. 364.02 when it is
25 determined to be practical and feasible to make such property
26 or structures available. The department may, without adopting
27 a rule, charge a just, reasonable, and nondiscriminatory fee
28 for placement of the facilities, payable annually, based on
29 the fair market value of space used by comparable
30 communications facilities in the state. The department and a
31 wireless provider may negotiate the reduction or elimination

1 of a fee in consideration of goods or services ~~service~~
2 provided to the department by the wireless provider. All such
3 fees collected by the department shall be deposited directly
4 into the State Agency Law Enforcement Radio System Trust Fund
5 and may be used to construct, maintain, or support the system.

6 Section 23. Subsection (2) of section 338.239, Florida
7 Statutes, is amended to read:

8 338.239 Traffic control on the turnpike system.--

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

31

1 Section 24. Section 338.241, Florida Statutes, is
2 amended to read:

3 338.241 Cash reserve requirement.--The budget for the
4 turnpike system shall be so planned as to provide for a cash
5 reserve at the end of each fiscal year of not less than 5 ~~10~~
6 percent of the unpaid balance of all turnpike system
7 contractual obligations, excluding bond obligations, to be
8 paid from revenues.

9 Section 25. Section 338.251, Florida Statutes, is
10 amended to read:

11 338.251 Toll Facilities Revolving Trust Fund.--The
12 Toll Facilities Revolving Trust Fund is hereby created for the
13 purpose of encouraging the development and enhancing the
14 financial feasibility of revenue-producing road projects
15 undertaken by local governmental entities in a county or
16 combination of contiguous counties and the turnpike
17 enterprise.

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

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

29 (a) The proposed facility is consistent with the
30 adopted transportation plan of the appropriate metropolitan
31 planning organization and the Florida Transportation Plan.

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

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

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

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

31

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

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

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

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

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

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

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

29 Section 26. Paragraphs (a), (f), and (g) of subsection
30 (4) of section 339.135, Florida Statutes, are amended to read:
31

1 339.135 Work program; legislative budget request;
2 definitions; preparation, adoption, execution, and
3 amendment.--

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

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

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

1 (f) The central office shall submit a preliminary copy
2 of the tentative work program to the Executive Office of the
3 Governor, the legislative appropriations committees, the
4 Florida Transportation Commission, and the Department of
5 Community Affairs at least 14 days prior to the convening of
6 the regular legislative session. Prior to the statewide
7 public hearing required by paragraph (g), the Department of
8 Community Affairs shall transmit to the Florida Transportation
9 Commission a list of those projects and project phases
10 contained in the tentative work program which are identified
11 as being inconsistent with approved local government
12 comprehensive plans. For urbanized areas of metropolitan
13 planning organizations, the list may not contain any project
14 or project phase that is scheduled in a transportation
15 improvement program unless such inconsistency has been
16 previously reported to the affected metropolitan planning
17 organization. ~~The commission shall consider the list as part~~
18 ~~of its evaluation of the tentative work program conducted~~
19 ~~pursuant to s. 20.23.~~

20 (g)1. The Florida Transportation Commission shall
21 conduct a statewide public hearing on the tentative work
22 program and shall advertise the time, place, and purpose of
23 the hearing in the Florida Administrative Weekly at least 7
24 days prior to the hearing. As part of the statewide public
25 hearing, the commission shall, at a minimum:

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

29 b.2. Hear all questions, suggestions, or other
30 comments offered by the public.

31

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

- 6 a. Financial soundness;
- 7 b. Stability;
- 8 c. Production capacity;
- 9 d. Accomplishments, including compliance with program
10 objectives in s. 334.046;
- 11 e. Compliance with approved local government
12 comprehensive plans;
- 13 f. Objections and requests by metropolitan planning
14 organizations;
- 15 g. Policy changes and effects thereof;
- 16 h. Identification of statewide or regional projects;
- 17 and
- 18 i. Compliance with all other applicable laws.

19 Section 27. Subsection (1) of section 553.80, Florida
20 Statutes, is amended to read:

21 553.80 Enforcement.--

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

31

1 (a) Construction regulations relating to correctional
2 facilities under the jurisdiction of the Department of
3 Corrections and the Department of Juvenile Justice are to be
4 enforced exclusively by those departments.

5 (b) Construction regulations relating to elevator
6 equipment under the jurisdiction of the Bureau of Elevators of
7 the Department of Business and Professional Regulation shall
8 be enforced exclusively by that department.

9 (c) In addition to the requirements of s. 553.79 and
10 this section, facilities subject to the provisions of chapter
11 395 and part II of chapter 400 shall have facility plans
12 reviewed and construction surveyed by the state agency
13 authorized to do so under the requirements of chapter 395 and
14 part II of chapter 400 and the certification requirements of
15 the Federal Government.

16 (d) Building plans approved pursuant to s. 553.77(6)
17 and state-approved manufactured buildings, including buildings
18 manufactured and assembled offsite and not intended for
19 habitation, such as lawn storage buildings and storage sheds,
20 are exempt from local code enforcing agency plan reviews
21 except for provisions of the code relating to erection,
22 assembly, or construction at the site. Erection, assembly, and
23 construction at the site are subject to local permitting and
24 inspections.

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

28 (f) The Florida Building Code as it pertains to toll
29 collection facilities under the jurisdiction of the turnpike
30 enterprise of the Department of Transportation shall be
31 enforced exclusively by the turnpike enterprise.

1
2 The governing bodies of local governments may provide a
3 schedule of fees, as authorized by s. 125.56(2) or s. 166.222
4 and this section, for the enforcement of the provisions of
5 this part. Such fees shall be used solely for carrying out
6 the local government's responsibilities in enforcing the
7 Florida Building Code. The authority of state enforcing
8 agencies to set fees for enforcement shall be derived from
9 authority existing on July 1, 1998. However, nothing contained
10 in this subsection shall operate to limit such agencies from
11 adjusting their fee schedule in conformance with existing
12 authority.

13 Section 28. Except as otherwise provided herein, this
14 act shall take effect July 1, 2002.

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