

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; creating s. 339.141, F.S.;  
30 creating the Regional Transportation Act;  
31 providing program purpose; creating the

1 Regional Transportation Advisory Council;  
 2 providing for membership, meetings, and staff  
 3 support of the council; providing duties;  
 4 requiring recommendation of regional  
 5 transportation projects; providing criteria and  
 6 procedures for approval of Regional  
 7 Transportation Act grant projects; providing  
 8 for approval by the department secretary, who  
 9 then submits the list to the Legislature;  
 10 providing for funding; providing for allocation  
 11 of funds from the State Transportation Trust  
 12 Fund; limiting application of certain  
 13 requirements; creating s. 339.142, F.S.;  
 14 providing for designation as a regional  
 15 transportation corridor; providing a  
 16 definition; designating certain infrastructure  
 17 as such corridors; authorizing the council to  
 18 designate such corridors; creating s. 339.143,  
 19 F.S.; creating Regional Transportation Act  
 20 grants; providing legislative findings and  
 21 purpose; providing criteria for program  
 22 eligibility; providing for recommendation by  
 23 the council and approval by the Legislature;  
 24 providing for funding; amending s. 339.2817,  
 25 F.S.; adding new criteria to the County  
 26 Incentive Grant Program; amending s. 339.08,  
 27 F.S.; revising provisions relating to use of  
 28 moneys in the State Transportation Trust Fund;  
 29 correcting references; amending s. 339.1371,  
 30 F.S.; deleting provisions for funding the  
 31 Transportation Outreach Program; amending s.

1 215.211, F.S.; clarifying intent to use certain  
2 local-option fuel tax revenues; specifying  
3 funding for the County Incentive Grant Program  
4 and the Small County Outreach Program;  
5 repealing s. 339.137, F.S., relating to the  
6 Transportation Outreach Program; providing  
7 funds for certain county incentive programs;  
8 creating the "Florida High-Speed Rail Authority  
9 Act"; creating s. 341.8201, F.S.; providing a  
10 short title; creating s. 341.8202, F.S.;  
11 providing legislative findings, policy,  
12 purpose, and intent with respect to the  
13 development, design, financing, construction,  
14 and operation of a high-speed rail system in  
15 the state; creating s. 341.8203, F.S.;  
16 providing definitions; amending s. 341.821,  
17 F.S., relating to the creation of the Florida  
18 High-Speed Rail Authority; removing obsolete  
19 provisions; amending s. 341.822, F.S.; revising  
20 and providing additional powers and duties of  
21 the authority; amending s. 341.823, F.S.;  
22 revising the criteria for assessment and  
23 recommendations with respect to the  
24 establishment of the high-speed rail system;  
25 requiring the authority to establish specified  
26 requirements; requiring the authority to  
27 develop a specified plan, study, and estimates;  
28 amending s. 341.824, F.S.; specifying types of  
29 technical, scientific, or other assistance to  
30 be provided by the Department of Community  
31 Affairs and the Department of Environmental

1 Protection; creating s. 341.827, F.S.;

2 providing for determination of service areas

3 and the order of system segment construction;

4 creating s. 341.828, F.S.; authorizing the

5 authority to utilize existing permitting

6 processes; requiring cooperation between the

7 authority and metropolitan planning

8 organizations; creating s. 341.829, F.S.;

9 requiring the authority, in conjunction with

10 the Executive Office of the Governor, the

11 Department of Community Affairs, and the

12 Department of Environmental Protection, to

13 develop and implement a process to mitigate and

14 resolve conflicts between the system and growth

15 management requirements and environmental

16 standards; providing time limits for the filing

17 of and response to specified complaints;

18 creating s. 341.830, F.S.; authorizing the

19 authority to employ specified procurement

20 methods; providing for the adoption of rules;

21 authorizing the authority to procure

22 commodities and services for the designing,

23 building, financing, maintenance, operation,

24 and implementation of a high-speed rail system;

25 creating s. 341.831, F.S.; authorizing the

26 authority to prequalify interested persons or

27 entities prior to seeking proposals for the

28 design, construction, operation, maintenance,

29 and financing of the high-speed rail system;

30 providing for the establishment of qualifying

31 criteria; creating s. 341.832, F.S.;

1 authorizing the authority to develop and  
2 execute a request for qualifications process;  
3 creating s. 341.833, F.S.; authorizing the  
4 authority to develop and execute a request for  
5 proposals process to seek a person or entity to  
6 design, build, operate, maintain, and finance a  
7 high-speed rail system; creating s. 341.834,  
8 F.S.; providing for award of a conditional  
9 contract; providing contract requirements;  
10 prohibiting transfer of system property without  
11 written approval; creating s. 341.835, F.S.;  
12 authorizing the authority to purchase, lease,  
13 exchange, or acquire land, property, or  
14 buildings necessary to secure or utilize  
15 rights-of-way for high-speed rail system  
16 facilities; providing that the authority is not  
17 subject to specified liability; authorizing the  
18 authority and the Department of Environmental  
19 Protection to enter into certain interagency  
20 agreements; providing for the disposal of  
21 interest in property; authorizing agents and  
22 employees of the authority to enter upon  
23 certain property; authorizing the authority to  
24 accept donations of real property; creating s.  
25 341.836, F.S.; authorizing the authority to  
26 undertake the development of associated  
27 developments; providing requirements of  
28 associated developments; creating s. 341.837,  
29 F.S.; providing for payment of expenses  
30 incurred in carrying out the act; creating s.  
31 341.838, F.S.; authorizing the authority to

1 fix, revise, charge, collect, and adjust rates,  
2 rents, fees, charges, and revenues, and to  
3 enter into contracts; providing for annual  
4 review by the authority of rates, rents, fees,  
5 and charges; providing for uses of revenues;  
6 creating s. 341.839, F.S.; providing that the  
7 act is supplemental and additional to powers  
8 conferred by other laws; exempting powers of  
9 the authority from specified supervision,  
10 approval, or consent; creating s. 341.840,  
11 F.S.; providing tax exemptions for property  
12 acquired or used by the authority or specified  
13 income; creating s. 341.841, F.S.; requiring  
14 the authority to prepare and submit a report;  
15 providing for an annual audit; creating s.  
16 341.842, F.S.; providing construction of the  
17 act; amending s. 288.109, F.S.; removing a  
18 cross reference; amending s. 334.30, F.S.;  
19 removing a cross reference; amending s.  
20 337.251, F.S.; removing a cross reference;  
21 amending s. 341.501, F.S.; providing that  
22 specified actions do not apply to the Florida  
23 High-Speed Rail Authority Act; repealing s.  
24 341.3201, F.S., relating to the short title for  
25 ss. 341.3201-341.386, F.S., the "Florida  
26 High-Speed Rail Transportation Act"; repealing  
27 s. 341.321, F.S., relating to legislative  
28 findings, policy, purpose, and intent with  
29 respect to the development of a high-speed rail  
30 transportation system connecting the major  
31 urban areas of the state; repealing s. 341.322,



1 F.S., relating to definitions of terms;  
2 repealing s. 341.325, F.S., relating to special  
3 powers and duties of the Department of  
4 Transportation; repealing s. 341.327, F.S.,  
5 which provides that the Florida High-Speed Rail  
6 Transportation Act is the sole and exclusive  
7 determination of need for any high-speed rail  
8 transportation system established under the  
9 act, thereby preempting specified  
10 determinations of need; repealing s. 341.329,  
11 F.S., relating to the issuance of bonds to  
12 finance a high-speed rail transportation  
13 system; repealing s. 341.331, F.S., relating to  
14 designation of the areas of the state to be  
15 served by the high-speed rail transportation  
16 system and designation of termini; repealing s.  
17 341.332, F.S., relating to the award of  
18 franchises by the Department of Transportation  
19 to establish a high-speed rail transportation  
20 system; repealing s. 341.3331, F.S., relating  
21 to request for proposals; repealing s.  
22 341.3332, F.S., relating to notice of issuance  
23 of request for proposals; repealing s.  
24 341.3333, F.S., relating to requirements with  
25 respect to an application for franchise, and  
26 confidentiality of the application and portions  
27 of the application relating to trade secrets;  
28 repealing s. 341.3334, F.S., relating to the  
29 departmental review process of application for  
30 franchise; repealing s. 341.3335, F.S.,  
31 relating to interagency coordination of

1 franchise application review; repealing s.  
 2 341.3336, F.S., relating to public meetings on  
 3 franchise applications; repealing s. 341.3337,  
 4 F.S., relating to determination and award of  
 5 franchise; repealing s. 341.3338, F.S.,  
 6 relating to effect of franchise; repealing s.  
 7 341.3339, F.S., relating to postfranchise  
 8 agreements; repealing s. 341.334, F.S.,  
 9 relating to the powers and duties of the  
 10 Department of Transportation with respect to  
 11 the act; repealing s. 341.335, F.S., relating  
 12 to the powers and duties of the Florida Land  
 13 and Water Adjudicatory Commission sitting as  
 14 the board; repealing s. 341.336, F.S., relating  
 15 to the powers and duties of the Department of  
 16 Environmental Protection, the Department of  
 17 Community Affairs, and other affected agencies;  
 18 repealing s. 341.3365, F.S., relating to  
 19 certification procedures; repealing s. 341.342,  
 20 F.S., relating to agreements concerning  
 21 contents of certification application and  
 22 supporting documentation; repealing s. 341.343,  
 23 F.S., relating to review of certification  
 24 applications; repealing s. 341.344, F.S.,  
 25 relating to the establishment, composition,  
 26 organization, and duties of the Citizens'  
 27 Planning and Environmental Advisory Committee;  
 28 repealing s. 341.345, F.S., relating to  
 29 alternate corridors or transit station  
 30 locations; repealing s. 341.346, F.S., relating  
 31 to the powers and duties of an administrative

1 law judge appointed to conduct hearings under  
2 the act; repealing s. 341.3465, F.S., relating  
3 to alteration of time limitations specified by  
4 the act; repealing s. 341.347, F.S., relating  
5 to required combined public meetings and land  
6 use and zoning hearings to be conducted by  
7 local governments; repealing s. 341.348, F.S.,  
8 relating to reports and studies required of  
9 various agencies by the act; repealing s.  
10 341.351, F.S., relating to publication and  
11 contents of notice of certification application  
12 and proceedings; repealing s. 341.352, F.S.,  
13 relating to certification hearings; repealing  
14 s. 341.353, F.S., relating to final disposition  
15 of certification applications; repealing s.  
16 341.363, F.S., relating to the effect of  
17 certification; repealing s. 341.364, F.S.,  
18 relating to a franchisee's right to appeal to  
19 the Florida Land and Water Adjudicatory  
20 Commission under specified circumstances;  
21 repealing s. 341.365, F.S., relating to  
22 associated development; repealing s. 341.366,  
23 F.S., relating to recording of notice of  
24 certified corridor route; repealing s. 341.368,  
25 F.S., relating to modification of certification  
26 or franchise; repealing s. 341.369, F.S.,  
27 relating to fees imposed by the department and  
28 the disposition of such fees; repealing s.  
29 341.371, F.S., relating to revocation or  
30 suspension of franchise or certification;  
31 repealing s. 341.372, F.S., relating to

1 imposition by the department of specified  
 2 administrative fines in lieu of revocation or  
 3 suspension of franchise; repealing s. 341.375,  
 4 F.S., relating to the required participation by  
 5 women, minorities, and economically  
 6 disadvantaged individuals in all phases of the  
 7 design, construction, maintenance, and  
 8 operation of a high-speed rail transportation  
 9 system developed under the act, and required  
 10 plans for compliance by franchisees; repealing  
 11 s. 341.381, F.S., relating to applicability of  
 12 the act; repealing s. 341.382, F.S., relating  
 13 to laws and regulations superseded by the act;  
 14 repealing s. 341.383, F.S., relating to the  
 15 authority of local governments to assess  
 16 specified fees; repealing s. 341.386, F.S.,  
 17 relating to the admissibility of the award of a  
 18 franchise and of a certification under the act  
 19 in eminent domain proceedings; providing  
 20 effective dates.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24 Section 1. Subsection (4) of section 20.23, Florida  
 25 Statutes, is amended to read:

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

29 (4)(a) The operations of the department shall be  
 30 organized into seven ~~eight~~ districts, ~~including a turnpike~~  
 31 ~~district~~, each headed by a district secretary and a turnpike

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

17 (b) The primary responsibility for the implementation  
18 of the department's transportation programs shall be delegated  
19 by the secretary to the district secretaries, and sufficient  
20 authority shall be vested in each district to ensure adequate  
21 control of the resources commensurate with the delegated  
22 responsibility. Each district secretary shall also be  
23 accountable for ensuring their district's quality of  
24 performance and compliance with all laws, rules, policies, and  
25 procedures related to the operation of the department.

26 (c) Each district secretary may appoint a district  
27 director for planning and programming, a district director for  
28 production, and a district director for operations. These  
29 positions are exempt from part II of chapter 110.

30 (d) Within each district, offices shall be established  
31 for managing major functional responsibilities of the

1 department. The offices may include planning, design,  
2 construction, right-of-way, maintenance, and public  
3 transportation. The heads of these offices shall be exempt  
4 from part II of chapter 110.

5 (e) The district director for the Fort Myers Urban  
6 Office of the Department of Transportation is responsible for  
7 developing the 5-year Transportation Plan for Charlotte,  
8 Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort  
9 Myers Urban Office also is responsible for providing policy,  
10 direction, local government coordination, and planning for  
11 those counties.

12 (f)1. The responsibility for the turnpike system shall  
13 be delegated by the secretary to the executive director of the  
14 turnpike enterprise, who shall serve at the pleasure of the  
15 secretary. The executive director shall report directly to the  
16 secretary, and the turnpike enterprise shall operate pursuant  
17 to ss. 338.22-338.241.

18 2. To facilitate the most efficient and effective  
19 management of the turnpike enterprise, including the use of  
20 best business practices employed by the private sector, the  
21 turnpike enterprise, except as provided in s. 287.055, shall  
22 be exempt from departmental policies, procedures, and  
23 standards, subject to the secretary having the authority to  
24 apply any such policies, procedures, and standards to the  
25 turnpike enterprise from time to time as deemed appropriate.

26 3. To enhance the ability of the turnpike enterprise  
27 to use best business practices employed by the private sector,  
28 the secretary shall promulgate rules which exempt the turnpike  
29 enterprise from department rules and authorize the turnpike  
30 enterprise to employ procurement methods available to the  
31

1 private sector, provided those methods are not in conflict  
2 with s. 287.055.

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

5 206.46 State Transportation Trust Fund.--

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

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

26 316.302 Commercial motor vehicles; safety regulations;  
27 transporters and shippers of hazardous materials;  
28 enforcement.--

29 (1)

30 (b) Except as otherwise provided in this section, all  
31 owners or drivers of commercial motor vehicles that are

1 engaged in intrastate commerce are subject to the rules and  
2 regulations contained in 49 C.F.R. parts 382, 385, and  
3 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
4 relates to the definition of bus, as such rules and  
5 regulations existed on October 1, 2001 ~~March 1, 1999~~.

6 (8) For the purpose of enforcing this section, any law  
7 enforcement officer ~~agent~~ of the Department of Transportation  
8 or duly appointed agent who holds a current safety inspector  
9 certification from the Commercial Vehicle Safety Alliance may  
10 require the driver of any commercial vehicle operated on the  
11 highways of this state to stop and submit to an inspection of  
12 the vehicle or the driver's records described in s.

13 ~~316.545(9), any member of the Florida Highway Patrol, or any~~  
14 ~~person employed by a sheriff's office or municipal police~~  
15 ~~department who is authorized to enforce the traffic laws of~~  
16 ~~this state pursuant to s. 316.640 may enforce the provisions~~  
17 ~~of this section. Any officer of the Department of~~  
18 ~~Transportation described in s. 316.545(9), any member of the~~  
19 ~~Florida Highway Patrol, or any law enforcement officer~~  
20 ~~employed by a sheriff's office or municipal police department~~  
21 ~~authorized to enforce the traffic laws of this state pursuant~~  
22 ~~to s. 316.640, who has reason to believe that a vehicle or~~  
23 ~~driver is operating in an unsafe condition, may require the~~  
24 ~~driver to stop and submit to an inspection of the vehicle or~~  
25 ~~the driver's records. Any person who fails to comply with an~~  
26 ~~officer's request to submit to an inspection under this~~  
27 ~~subsection is guilty of a violation of s. 843.02 if the driver~~  
28 ~~resists the officer without violence or a violation of s.~~  
29 ~~843.01 if the driver resists the officer with violence. If~~  
30 the vehicle or driver is found to be operating in an unsafe  
31 condition, or if any required part or equipment is not present



1 or is not in proper repair or adjustment, and the continued  
 2 operation would ~~probably~~ present an unduly hazardous operating  
 3 condition, the officer may require the vehicle or the driver  
 4 to be removed from service pursuant to the North American  
 5 Uniform Out-of-Service Criteria, until corrected. However, if  
 6 continuous operation would not present an unduly hazardous  
 7 operating condition, the officer may give written notice  
 8 requiring correction of the condition ~~to require proper repair~~  
 9 ~~and adjustment of the vehicle~~ within 14 days.

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

17 (b) Any person who fails to comply with an officer's  
 18 request to submit to an inspection under this subsection  
 19 commits a violation of s. 843.02 if the person resists the  
 20 officer without violence or a violation of s. 843.01 if the  
 21 person resists the officer with violence.

22 Section 4. Paragraph (a) of subsection (3) of section  
 23 316.3025, Florida Statutes, is amended to read:

24 316.3025 Penalties.--

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

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

29 316.515 Maximum width, height, length.--

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

1 However, an automobile transporter may, ~~with a permit from the~~  
2 ~~Department of Transportation,~~ measure a height not to exceed  
3 14 feet, inclusive of the load carried thereon.

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

8 316.535 Maximum weights.--

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

24 ~~(7)(6)~~ The Department of Transportation shall adopt  
25 rules to implement this section, shall enforce this section  
26 and the rules adopted hereunder, and shall publish and  
27 distribute tables and other publications as deemed necessary  
28 to inform the public.

29 ~~(8)(7)~~ Except as hereinafter provided, no vehicle or  
30 combination of vehicles exceeding the gross weights specified  
31

1 in subsections (3), (4), ~~and (5)~~, and (6) shall be permitted  
2 to travel on the public highways within the state.

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

6 316.545 Weight and load unlawful; special fuel and  
7 motor fuel tax enforcement; inspection; penalty; review.--

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

1 requested by the proper authority, the driver shall not be  
2 held to be operating in violation of said weight limits.

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

12 Section 8. Subsection (31) is added to section  
13 334.044, Florida Statutes, to read:

14 334.044 Department; powers and duties.--The department  
15 shall have the following general powers and duties:

16 (31) In order to fulfill the department's mission to  
17 provide a safe and efficient transportation system, the  
18 department's Office of Motor Carrier Compliance may employ  
19 sworn law enforcement officers, certified in accordance with  
20 chapter 943, to enforce the traffic and criminal laws of this  
21 state. Such officers shall have full law enforcement powers  
22 granted to other peace officers of this state, including  
23 making arrests, carrying firearms, serving court process, and  
24 seizing vehicles defined as contraband under s. 319.33,  
25 illegal drugs, stolen property, and the proceeds of illegal  
26 activities. Officers appointed under this section have the  
27 primary responsibility for enforcing laws relating to size and  
28 weight of commercial motor vehicles; safety, traffic, tax, and  
29 registration of commercial motor vehicles; interdiction of  
30 vehicles defined as contraband under s. 319.33, illegal drugs,  
31 and stolen property; and violations that threaten the overall

1 security and safety of Florida's transportation infrastructure  
2 and the motoring public. The office is also authorized to  
3 appoint part-time or auxiliary law enforcement officers  
4 pursuant to chapter 943 and to provide compensation in  
5 accordance with law.

6 Section 9. Section 337.025, Florida Statutes, is  
7 amended to read:

8 337.025 Innovative highway projects; department to  
9 establish program.--The department is authorized to establish  
10 a program for highway projects demonstrating innovative  
11 techniques of highway construction, maintenance, and finance  
12 which have the intended effect of controlling time and cost  
13 increases on construction projects. Such techniques may  
14 include, but are not limited to, state-of-the-art technology  
15 for pavement, safety, and other aspects of highway  
16 construction and maintenance; innovative bidding and financing  
17 techniques; accelerated construction procedures; and those  
18 techniques that have the potential to reduce project life  
19 cycle costs. To the maximum extent practical, the department  
20 must use the existing process to award and administer  
21 construction and maintenance contracts. When specific  
22 innovative techniques are to be used, the department is not  
23 required to adhere to those provisions of law that would  
24 prevent, preclude, or in any way prohibit the department from  
25 using the innovative technique. However, prior to using an  
26 innovative technique that is inconsistent with another  
27 provision of law, the department must document in writing the  
28 need for the exception and identify what benefits the  
29 traveling public and the affected community are anticipated to  
30 receive. The department may enter into no more than \$120  
31 million in contracts annually for the purposes authorized by

1 this section. However, the annual cap on contracts provided in  
2 this section shall not apply to turnpike enterprise projects  
3 nor shall turnpike enterprise projects be counted toward the  
4 department's annual cap.

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

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

12 (3)

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

24 (6)

25 (c) When the department determines that it is in the  
26 best interest of the public for reasons of public concern,  
27 economy, improved operations or safety, and only when  
28 circumstances dictate rapid completion of the work, the  
29 department may, up to the ~~threshold~~ amount of \$120,000  
30 ~~provided in s. 287.017 for CATEGORY FOUR~~, enter into contracts  
31 for construction and maintenance without advertising and

1 receiving competitive bids. ~~However, if legislation is enacted~~  
2 ~~by the Legislature which changes the category thresholds, the~~  
3 ~~threshold amount shall remain at \$60,000.~~The department may  
4 enter into such contracts only upon a determination that the  
5 work is necessary for one of the following reasons:

6 1. To ensure timely completion of projects or  
7 avoidance of undue delay for other projects;

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

11 3. To accomplish nonemergency work necessary to ensure  
12 avoidance of adverse conditions that affect the safe and  
13 efficient flow of traffic.

14  
15 The department shall make a good faith effort to obtain two or  
16 more quotes, if available, from qualified contractors before  
17 entering into any contract. The department shall give  
18 consideration to disadvantaged business enterprise  
19 participation. However, when the work exists within the limits  
20 of an existing contract, the department shall make a good  
21 faith effort to negotiate and enter into a contract with the  
22 prime contractor on the existing contract.

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

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

31

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

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

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

23           (7)(a) If the head of the department determines that  
24 it is in the best interests of the public, the department may  
25 combine the ~~right-of-way services and~~ design and construction  
26 phases of a building, a major bridge, a limited access  
27 facility, or a rail corridor project into a single contract.  
28 Such contract is referred to as a design-build contract.  
29 Design-build contracts may be advertised and awarded  
30 notwithstanding the requirements of paragraph (3)(c). However,  
31 construction activities may not begin on any portion of such



1 projects until title to the necessary rights-of-way and  
2 easements for the construction of that portion of the project  
3 has vested in the state or a local governmental entity and all  
4 railroad crossing and utility agreements have been executed.  
5 Title to rights-of-way vests in the state when the title has  
6 been dedicated to the public or acquired by prescription.

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

9 337.185 State Arbitration Board.--

10 (3) A hearing may be requested by the department or by  
11 a contractor who has a dispute with the department which,  
12 under the rules of the board, may be the subject of  
13 arbitration. The request is to be made to the board within  
14 820 days after the final acceptance of the work for all  
15 contracts entered into after June 30, 1993.The board shall  
16 conduct the hearing within 45 days of the request. The party  
17 requesting the board's consideration shall give notice of the  
18 hearing to each member. If the board finds that a third party  
19 is necessary to resolve the dispute, the board may vote to  
20 dismiss the claim, which may thereafter be pursued in  
21 accordance with the laws of the State of Florida.

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

24 338.165 Continuation of tolls.--

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

27 Section 15. Section 338.22, Florida Statutes, is  
28 amended to read:

29 338.22 Florida Turnpike Enterprise Law; short  
30 title.--Sections 338.22-338.241 may be cited as the "Florida  
31 Turnpike Enterprise Law."

1           Section 16. Section 338.221, Florida Statutes, is  
2 amended to read:

3           338.221 Definitions of terms used in ss.  
4 338.22-338.241.--As used in ss. 338.22-338.241, the following  
5 words and terms have the following meanings, unless the  
6 context indicates another or different meaning or intent:

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

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

31

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

5 (4) "Owner" includes any person or any governmental  
6 entity that has title to, or an interest in, any property,  
7 right, easement, or interest authorized to be acquired  
8 pursuant to ss. 338.22-338.241.

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

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

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

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

29 ~~(a) For a proposed turnpike project, that, as~~  
30 ~~determined by the department before the issuance of revenue~~  
31 ~~bonds for the project, the estimated net revenues of the~~

1 ~~proposed turnpike project, excluding feeder roads and turnpike~~  
2 ~~improvements, will be sufficient to pay at least 50 percent of~~  
3 ~~the debt service on the bonds by the end of the 5th year of~~  
4 ~~operation and to pay at least 100 percent of the debt service~~  
5 ~~on the bonds by the end of the 15th year of operation. In~~  
6 ~~implementing this paragraph, up to 50 percent of the adopted~~  
7 ~~work program costs of the project may be funded from turnpike~~  
8 ~~revenues.~~

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

15  
16 This subsection does not prohibit the pledging of revenues  
17 from the entire turnpike system to bonds issued to finance or  
18 refinance a turnpike project or group of turnpike projects.

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

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

28 Section 17. Section 338.2215, Florida Statutes, is  
29 created to read:

30 338.2215 Florida Turnpike Enterprise; legislative  
31 findings, policy, purpose, and intent.--It is the intent of

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

16 Section 18. Section 338.2216, Florida Statutes, is  
17 created to read:

18 338.2216 Florida Turnpike Enterprise; powers and  
19 authority.--

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

26 (b) It is the express intention of this part that the  
27 Florida Turnpike Enterprise be authorized to plan, develop,  
28 own, purchase, lease, or otherwise acquire, demolish,  
29 construct, improve, relocate, equip, repair, maintain,  
30 operate, and manage the Florida Turnpike System; to expend  
31 funds to publicize, advertise, and promote the advantages of

1 using the turnpike system and its facilities; and to  
2 cooperate, coordinate, partner, and contract with other  
3 entities, public and private, to accomplish these purposes.

4 (c) The executive director of the turnpike enterprise  
5 shall appoint a staff, which shall be exempt from part II of  
6 chapter 110. Among the staff shall be chief financial officer,  
7 who must be a proven, effective administrator with  
8 demonstrated experience in financial management of a large  
9 bonded capital program and must hold an active license to  
10 practice public accounting in Florida pursuant to chapter  
11 473. The turnpike enterprise staff shall also include the  
12 Office of Toll Operations.

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

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

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

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

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

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

18 338.223 Proposed turnpike projects.--

19 (4) The department is authorized, with the approval of  
20 the Legislature, to use federal and state transportation funds  
21 to lend or pay a portion of the operating, maintenance, and  
22 capital costs of turnpike projects. ~~Federal and state~~  
23 ~~transportation funds included in an adopted work program, or~~  
24 ~~the General Appropriations Act, for a turnpike project do not~~  
25 ~~have to be reimbursed to the State Transportation Trust Fund,~~  
26 ~~or used in determining the economic feasibility of the~~  
27 ~~proposed project.~~ For operating and maintenance loans, the  
28 maximum net loan amount in any fiscal year shall not exceed  
29 1.5 ~~0.5~~ percent of state transportation tax revenues for that  
30 fiscal year.

31

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

3           338.227 Turnpike revenue bonds.--

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

22           Section 21. Section 338.234, Florida Statutes, is  
23 amended to read:

24           338.234 Granting concessions or selling along the  
25 turnpike system.--

26           ~~(1)~~ The department may enter into contracts or  
27 licenses with any person for the sale of ~~grant concessions or~~  
28 ~~sell~~ services or products or business opportunities on ~~along~~  
29 the turnpike system, or the turnpike enterprise may sell  
30 services, products, or business opportunities on the turnpike  
31 system, which benefit the traveling public or provide



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

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

31

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

3           338.235 Contracts with department for provision of  
4 services on the turnpike system.--

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

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

27           338.239 Traffic control on the turnpike system.--

28           (2) Members of the Florida Highway Patrol are vested  
29 with the power, and charged with the duty, to enforce the  
30 rules of the department. Approved expenditures ~~Expenses~~  
31 incurred by the Florida Highway Patrol in carrying out its

1 powers and duties under ss. 338.22-338.241 may be treated as a  
2 part of the cost of the operation of the turnpike system, and  
3 the Department of Highway Safety and Motor Vehicles shall be  
4 reimbursed by the turnpike enterprise ~~Department of~~  
5 ~~Transportation~~ for such expenses incurred on the turnpike  
6 system mainline, which is that part of the turnpike system  
7 ~~extending from the southern terminus in Florida City to the~~  
8 ~~northern terminus in Wildwood including all contiguous~~  
9 ~~sections.~~ Florida Highway Patrol Troop K shall be  
10 headquartered with the turnpike enterprise and shall be the  
11 official and preferred law enforcement troop for the turnpike  
12 system. The Department of Highway Safety and Motor Vehicles  
13 may, upon request of the executive director of the turnpike  
14 enterprise and approval of the Legislature, increase the  
15 number of authorized positions for Troop K, or the executive  
16 director of the turnpike enterprise may contract with the  
17 Department of Highway Safety and Motor Vehicles for additional  
18 troops to patrol the turnpike system.

19 Section 24. Section 338.241, Florida Statutes, is  
20 amended to read:

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

27 Section 25. Section 338.251, Florida Statutes, is  
28 amended to read:

29 338.251 Toll Facilities Revolving Trust Fund.--The  
30 Toll Facilities Revolving Trust Fund is hereby created for the  
31 purpose of encouraging the development and enhancing the

1 financial feasibility of revenue-producing road projects  
2 undertaken by local governmental entities in a county or  
3 combination of contiguous counties and the turnpike  
4 enterprise.

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

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

16 (a) The proposed facility is consistent with the  
17 adopted transportation plan of the appropriate metropolitan  
18 planning organization and the Florida Transportation Plan.

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

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

1 funding by the department or the Legislature, or an appraisal  
2 of the subject property for purpose of condemnation  
3 proceedings.

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

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

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

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

30 (8) No expressway authority, county, or other local  
31 governmental entity, or the turnpike enterprise, shall be

1 eligible to receive any advance under this section if the  
2 expressway authority, county, or other local governmental  
3 entity or the turnpike enterprise has failed to repay any  
4 previous advances as required by law or by agreement with the  
5 department.

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

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

1 Tampa-Hillsborough County Expressway Authority pursuant to  
2 this section which have been or will be repaid on or after  
3 July 1, 1998, to the Toll Facilities Revolving Trust Fund on  
4 behalf of the Tampa-Hillsborough County Expressway Authority  
5 shall thereupon and forthwith be appropriated for and advanced  
6 to the Tampa-Hillsborough County Expressway Authority for  
7 funding the design of and the advanced right-of-way  
8 acquisition for the Brandon area feeder roads, capital  
9 improvements to increase capacity to the expressway system,  
10 and Lee Roy Selmon Crosstown Expressway System Widening as  
11 authorized under s. 348.565.

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

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

17 339.135 Work program; legislative budget request;  
18 definitions; preparation, adoption, execution, and  
19 amendment.--

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

21 (a)1. To assure that no district or county is  
22 penalized for local efforts to improve the State Highway  
23 System, the department shall, for the purpose of developing a  
24 tentative work program, allocate funds for new construction to  
25 the districts, except for the turnpike enterprise district,  
26 based on equal parts of population and motor fuel tax  
27 collections. Funds for resurfacing, bridge repair and  
28 rehabilitation, bridge fender system construction or repair,  
29 public transit projects except public transit block grants as  
30 provided in s. 341.052, and other programs with quantitative  
31 needs assessments shall be allocated based on the results of

1 these assessments. The department may not transfer any funds  
2 allocated to a district under this paragraph to any other  
3 district except as provided in subsection (7). Funds for  
4 public transit block grants shall be allocated to the  
5 districts pursuant to s. 341.052.

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

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



1 previously reported to the affected metropolitan planning  
2 organization. ~~The commission shall consider the list as part~~  
3 ~~of its evaluation of the tentative work program conducted~~  
4 ~~pursuant to s. 20.23.~~

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

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

14 b.2. Hear all questions, suggestions, or other  
15 comments offered by the public.

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

21 a. Financial soundness;  
22 b. Stability;  
23 c. Production capacity;  
24 d. Accomplishments, including compliance with program  
25 objectives in s. 334.046;

26 e. Compliance with approved local government  
27 comprehensive plans;

28 f. Objections and requests by metropolitan planning  
29 organizations;

30 g. Policy changes and effects thereof;

31

1           h. Identification of statewide or regional projects;  
2 and

3           i. Compliance with all other applicable laws.

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

6           553.80 Enforcement.--

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

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

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

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

31

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

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

13 (f) The Florida Building Code as it pertains to toll  
14 collection facilities under the jurisdiction of the turnpike  
15 enterprise of the Department of Transportation shall be  
16 enforced exclusively by the turnpike enterprise.

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

29 Section 28. Section 339.141, Florida Statutes, is  
30 created to read:

31

1           339.141 Regional Transportation Act; short title;  
2 purpose; Regional Transportation Advisory Council; creation;  
3 membership; transportation grants; criteria; applications;  
4 approval; project lists; funding.--

5           (1) Sections 339.141-339.143 shall be known as the  
6 "Regional Transportation Act," dedicated to identifying and  
7 funding high-priority regional transportation projects that  
8 create intermodal transportation linkages for passengers and  
9 freight, thus increasing cost-competitive travel choices for  
10 Florida residents, visitors, and businesses.

11           (2) The underlying purposes of the Regional  
12 Transportation Act are to identify projects throughout the  
13 state that will provide more efficient movement of travelers,  
14 goods, and services; assist local governments in developing  
15 intermodal linkages; promote logical linkages between  
16 different modes of transportation; and attract federal, state,  
17 local, and private-sector funds to make these improvements.

18           (3) The Regional Transportation Advisory Council is  
19 created to make recommendations annually to the Legislature on  
20 the selection of projects as provided in this section.  
21 Recommendations shall be made for projects seeking Regional  
22 Transportation Act grants pursuant to s. 339.143.

23           (4) The council shall consist of:

24           (a) The secretary of the Department of Transportation,  
25 or his or her designee.

26           (b) Two members of the Senate appointed by the  
27 President of the Senate.

28           (c) Two members of the House of Representatives  
29 appointed by the Speaker of the House of Representatives.  
30  
31

1 Terms for council members from the Legislature shall be 2  
2 years, provided that a legislative member's term shall not  
3 exceed the term of the presiding officer making that member's  
4 appointment to the council. Initial appointments must be made  
5 no later than 30 days after the effective date of this act.  
6 Vacancies on the council shall be filled in the same manner as  
7 the initial appointments.

8 (5) Each member of the council shall be allowed one  
9 vote. The council shall select a chair from among its  
10 membership. Meetings shall be held at the call of the chair  
11 but not less frequently than quarterly. The members of the  
12 council shall be reimbursed for per diem and travel expenses  
13 as provided in s. 112.061.

14 (6) The Department of Transportation shall provide  
15 administrative staff support and shall ensure that council  
16 meetings are electronically recorded. Such recordings and all  
17 documents received, prepared for, or used by the council in  
18 conducting its business shall be preserved pursuant to  
19 chapters 119 and 257.

20 (7) Applications for Regional Transportation Act  
21 funding shall be submitted to the department no later than  
22 October 1 of each year, beginning in 2002, along with  
23 documentation that the proposed project meets the criteria  
24 listed in s. 339.143. Regional Transportation Act projects may  
25 be proposed by any local government, regional organization,  
26 economic development board, public or private partnership,  
27 metropolitan planning organization, state agency, or other  
28 entity engaged in economic development activities.

29 (8) The department shall review all of the  
30 applications submitted to determine which ones meet the basic  
31 criteria listed in s. 339.143(3). By December 1 of each year,

1 beginning in 2002, the department shall submit to the council  
2 all of the Regional Transportation Act grant applications that  
3 comply. Included in the department's submittal shall be a  
4 summary of each eligible grant application, including summary  
5 information indicating how the project meets the criteria in  
6 s. 339.143(5).

7 (9)(a) The council shall evaluate all of the  
8 applications it receives from the department and shall  
9 annually develop a list of recommended projects for Regional  
10 Transportation Act grants. The council shall then submit its  
11 recommended project list to the Secretary of the Department of  
12 Transportation for review and inclusion of any additional  
13 compilation of supporting documentation. The Secretary shall  
14 then submit the approved list to the Legislature for its  
15 consideration in time for inclusion in the General  
16 Appropriations Act.

17 (b) In selecting projects for inclusion on its  
18 recommended projects list, the council shall consider the  
19 additional criteria in s. 339.143(5).

20 (10) The council is encouraged to seek input from  
21 transportation or economic development entities and to  
22 consider the reports and recommendations of task forces, study  
23 commissions, or similar entities charged with reviewing issues  
24 relevant to the council's mission.

25 (11) The council's recommended projects list shall not  
26 be ranked. The list shall total an amount that is no more than  
27 1.5 times the amount of state funding available for the total  
28 regional transportation program that fiscal year.

29 (12) The Legislature shall consider the council's  
30 recommended projects list and shall include approved projects  
31 in the General Appropriations Act. Projects approved by the

1 Legislature must be included in the department's adopted work  
2 program.

3 (13) For fiscal years 2003-2004 and 2004-2005, the  
4 department shall allocate a minimum of \$62 million from the  
5 State Transportation Trust Fund in its program and resource  
6 plan to fund the programs in ss. 339.141-339.143. For fiscal  
7 year 2005-2006, the department shall allocate a minimum of \$96  
8 million for the program in ss. 339.141-339.143. Beginning in  
9 fiscal year 2006-2007 and for each year thereafter, the  
10 minimum amount allocated shall be \$100 million for projects  
11 seeking Regional Transportation Grants. This allocation of  
12 funds is in addition to any funding provided to this program  
13 by any other provision of law. Notwithstanding any other laws  
14 to the contrary, the requirements of ss. 339.135(1)-(5),  
15 339.155, and 339.175 shall not apply to these funds and  
16 programs.

17 Section 29. Section 339.142, Florida Statutes, is  
18 created to read:

19 339.142 Regional transportation corridors.--

20 (1) A "regional transportation corridor" is defined as  
21 a regional system of transportation infrastructure that  
22 collectively provides for the efficient movement of  
23 significant numbers of persons and significant volumes of  
24 intrastate, interstate, and international commerce by  
25 seamlessly linking multiple modes of travel.

26 (2) Florida's initial regional transportation  
27 corridors are:

28 (a) The Interstate 10 Corridor, from Pensacola to  
29 Jacksonville.

30  
31

1           (b) The Gulf Coast Corridor, from Pensacola to St.  
2 Petersburg and to Tampa along U.S. 98 and U.S. 19/State Road  
3 27.

4           (c) The Interstate 95-Atlantic Coast Corridor, from  
5 Jacksonville to Miami.

6           (d) The Central Florida/North-South Corridor, from the  
7 Florida-Georgia border to Naples and Fort Lauderdale/Miami,  
8 along Interstate 75.

9           (e) The Central Florida/East-West Corridor, from St.  
10 Petersburg to Tampa and to Titusville, along Interstate 4 and  
11 the Beeline Expressway.

12           (f) The Jacksonville to Tampa Corridor, along U.S.  
13 301.

14           (g) The Jacksonville to Orlando Corridor, along U.S.  
15 17.

16           (h) The Southeastern Everglades Corridor, linking  
17 Wildwood, Winter Garden, Orlando, and West Palm Beach via the  
18 Florida Turnpike.

19  
20 For the purposes of this subsection, the term "corridor"  
21 includes the roadways linking seaports, commercial service and  
22 general aviation airports, rail yards, transportation  
23 terminals, and intermodal service centers to the major  
24 highways listed in this subsection to designate regional  
25 corridors.

26           (3) The Regional Transportation Advisory Council is  
27 authorized to make additions to, deletions from, or  
28 modifications to the initially designated corridors listed in  
29 subsection (2). These changes shall be accomplished through  
30 adoption of a resolution by majority vote of the council  
31 indicating the changes to the corridors. The department may



1 provide input to the council regarding proposed changes to the  
2 corridors, including the results of any consensus-building  
3 process undertaken by the department to better define regional  
4 transportation corridors. In addition, any of the entities  
5 eligible to submit an application for a Regional  
6 Transportation Act grant pursuant to s. 339.141(7)(a) may  
7 propose corridor changes to the council. The council shall  
8 provide any such adopted resolutions to the Governor, the  
9 President of the Senate, and the Speaker of the House of  
10 Representatives.

11 Section 30. Section 339.143, Florida Statutes, is  
12 created to read:

13 339.143 Regional Transportation Act grants.--

14 (1) The Legislature finds that Florida's future  
15 regional investments in transportation should be targeted  
16 toward a regional transportation system that integrates key  
17 components of the Florida Intrastate Highway System, seaports,  
18 spaceports, aviation facilities, and rail facilities within  
19 designated corridors. The Legislature further finds that  
20 Florida's future economic health depends on a system that can  
21 successfully move growing numbers of residents and tourists  
22 and transport goods and services within Florida, as well as to  
23 and from national and international markets. Therefore, the  
24 Legislature creates Regional Transportation Act grants to  
25 address these needs and to supplement existing related  
26 transportation programs.

27 (2) Projects eligible to receive Regional  
28 Transportation Act grants include, but are not limited to, the  
29 following:  
30  
31

1           (a) Seaport projects that improve cargo and passenger  
2 movements or connect the seaports to other modes of  
3 transportation.

4           (b) Aviation projects that increase passenger  
5 enplanements and cargo activity or connect airports to other  
6 modes of transportation.

7           (c) Transit projects that improve mobility on  
8 interstate highways, improve regional or localized travel, or  
9 connect to other modes of transportation.

10           (d) Rail projects that facilitate the movement of  
11 passengers and cargo, including ancillary pedestrian  
12 facilities, or connect rail facilities to other modes of  
13 transportation.

14           (e) Road or highway improvements that improve access  
15 to another mode of transportation.

16           (f) Roadway relocation projects or other projects that  
17 address vehicle user conflicts, access issues, or safety  
18 concerns with rail lines.

19           (3) The basic criteria for receipt of a Regional  
20 Transportation Act grant are as follows:

21           (a) The project must be able to be made production  
22 ready within a 5-year period following the end of the current  
23 fiscal year.

24           (b) The project must be consistent with a current  
25 transportation system plan, including, but not limited to, the  
26 Florida Intrastate Highway System, aviation, intermodal/rail,  
27 seaport, spaceport, or transit system plans.

28           (c) The project must not be inconsistent with an  
29 approved local comprehensive plan of any local government  
30 within whose boundaries the project is located in whole or in  
31

1 part, or, if inconsistent, must be accompanied by an  
2 explanation of why the project should be undertaken.

3 (d) The project must be of statewide or regional  
4 significance.

5 (e) The project must facilitate the movement of  
6 people, goods, and services within a regional transportation  
7 corridor designated pursuant to s. 339.142.

8 (f) The project must encourage, enhance, or create  
9 economic benefits in urban or rural areas.

10 (4) Eligible projects that meet the basic criteria in  
11 subsection (3) as determined by the department shall be  
12 forwarded by the department to the Regional Transportation  
13 Council for evaluation.

14 (5) The council shall use the following criteria for  
15 selecting projects for its recommended projects list:

16 (a) Whether other funds are available to help complete  
17 the project.

18 (b) The amount of local, federal, or private matching  
19 funds available for the project.

20 (c) The extent to which the project incorporates  
21 corridor management techniques, including access management  
22 strategies, right-of-way acquisition or protection measures,  
23 and appropriate zoning and setback controls.

24 (d) The extent to which the project supports a  
25 multimodal transportation district established pursuant to s.  
26 163.3180(15).

27 (e) The extent to which the project uses new  
28 technologies, including intelligent transportation systems, to  
29 enhance the efficiency of the transportation system.

30 (6) Pursuant to s. 339.141, the Regional  
31 Transportation Advisory Council shall develop a list of

1 recommended regional transportation projects and submit it to  
2 the Secretary of the Department of Transportation, who, after  
3 reviewing it and its supporting documentation, shall forward  
4 it to the Legislature. The Legislature shall consider the  
5 council's recommended projects list and shall include approved  
6 projects in the General Appropriations Act.

7 Section 31. Subsections (2), (3) and (6) of section  
8 339.2817, Florida Statutes, are amended to read:

9 339.2817 County Incentive Grant Program.--

10 (2) To be eligible for consideration, projects must be  
11 consistent with applicable local government comprehensive  
12 plans and, to the maximum extent feasible, with local  
13 metropolitan planning organization plans ~~and local government~~  
14 ~~comprehensive plans~~.

15 (3) The department must consider, but is not limited  
16 to, the following criteria for evaluation of projects for  
17 County Incentive Grant Program assistance:

18 (a) The extent to which the project will encourage,  
19 enhance, or create economic benefits;

20 (b) The likelihood that assistance would enable the  
21 project to proceed at an earlier date than the project could  
22 otherwise proceed;

23 (c) The extent to which assistance would foster  
24 innovative public-private partnerships and attract private  
25 debt or equity investment;

26 (d) The extent to which the project uses new  
27 technologies, including intelligent transportation systems,  
28 which enhance the efficiency of the project;

29 (e) The extent to which the project helps to maintain  
30 or protect the environment; ~~and~~

31

1 (f) The extent to which the project includes  
2 transportation benefits for improving intermodalism and  
3 safety;—

4 (g) The extent to which the county has enacted  
5 local-option fuel taxes and other dedicated local revenue  
6 sources or adopted the 1-percent infrastructure sales surtax  
7 or the small county surtax, with priority spending dedicated  
8 to transportation improvements; and

9 (h) The extent to which the project incorporates  
10 corridor management techniques, including access management  
11 strategies, right-of-way acquisition or protection measures,  
12 and appropriate zoning and setback controls.

13 (6) A municipality may apply to the county in which  
14 the municipality is located for consideration by the county  
15 for funding under this section of any project or project phase  
16 of a transportation facility which is located on the State  
17 Highway System or which is demonstrated to relieve congestion  
18 on the State Highway System. The county must evaluate all  
19 municipal applications as provided in subsection (3). If the  
20 proposed project is determined by the county to meet the  
21 criteria in subsection (3), the county shall send the  
22 application to the department on behalf of the municipality.  
23 If the proposed project is approved by the department, the  
24 county may retain project oversight authority and  
25 responsibility for the project on behalf of the municipality.  
26 If a municipality's proposed project is rejected by the county  
27 for funding under this section, or if the county's proposed  
28 project adversely affects a municipality within the county,  
29 the municipality may request mediation to resolve any concerns  
30 of the municipality and the county.

31

1 Section 32. Subsections (1) and (2) of section 339.08,  
2 Florida Statutes, are amended to read:

3 339.08 Use of moneys in State Transportation Trust  
4 Fund.--

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

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

11 (1) To fund the Regional Transportation Grant  
12 projects selected pursuant to s. 339.143 ~~Transportation~~  
13 ~~Outreach Program created in s. 339.137.~~

14 Section 33. Section 339.1371, Florida Statutes, is  
15 amended to read:

16 339.1371 Mobility 2000; ~~Transportation Outreach~~  
17 ~~Program~~ funding.--

18 (1) Beginning in fiscal year 2000-2001 the  
19 Department of Transportation shall allocate sufficient funds  
20 to implement the Mobility 2000 (Building Roads for the 21st  
21 Century) initiative. The department shall develop a plan to  
22 expend these revenues and amend the current tentative work  
23 program for the time period 2000-2001 through 2004-2005 prior  
24 to adoption to include Mobility 2000 projects. In addition,  
25 prior to work program adoption, the department shall submit a  
26 budget amendment pursuant to s. 339.135(7), requesting budget  
27 authority needed to implement the Mobility 2000 initiative.  
28 Funds will be used for corridors that link Florida's economic  
29 regions to seaports, international airports, and markets to  
30 provide connections through major gateways, improved mobility  
31 in major urbanized areas, and access routes for emergency

1 evacuation to coastal communities based on analysis of current  
2 and projected traffic conditions.

3 (2) Notwithstanding any other provision of law, in  
4 fiscal year 2001-2002 and each year thereafter, the increase  
5 in revenue to the State Transportation Trust Fund derived from  
6 ss. 1, 2, 3, 7, 9, and 10, ch. 2000-257, Laws of Florida,  
7 shall be ~~first~~ used by the Department of Transportation to  
8 fund the Mobility 2000 initiative ~~and any remaining funds~~  
9 ~~shall be used to fund the Transportation Outreach Program~~  
10 ~~created pursuant to s. 339.137~~. Notwithstanding any other law  
11 to the contrary, the requirements of ss. 206.46(3) and  
12 206.606(2) shall not apply to the Mobility 2000 initiative.

13 Section 34. Subsection (3) of section 215.211, Florida  
14 Statutes, is amended to read:

15 215.211 Service charge; elimination or reduction for  
16 specified proceeds.--

17 (3) Notwithstanding the provisions of s. 215.20(1),  
18 the service charge provided in s. 215.20(1), which is deducted  
19 from the proceeds of the local option fuel tax distributed  
20 under s. 336.025, shall be reduced as follows:

21 (a) For the period July 1, 2005, through June 30,  
22 2006, the rate of the service charge shall be 3.5 percent.

23 (b) Beginning July 1, 2006, and thereafter, no service  
24 charge shall be deducted from the proceeds of the local option  
25 fuel tax distributed under s. 336.025.

26  
27 An amount equal to the reduction in the service charge ~~The~~  
28 ~~increased revenues derived from this subsection~~ shall be  
29 deposited in the State Transportation Trust Fund and used to  
30 fund the County Incentive Grant Program and the Small County  
31 Outreach Program. Up to 20 percent of such funds shall be used

1 for the purpose of implementing the Small County Outreach  
2 Program as provided in this act. Notwithstanding any other  
3 laws to the contrary, the requirements of ss. 206.46(3),  
4 206.606(2), 339.135(1)-(5), 339.155, and 339.175 shall not  
5 apply to these funds and programs.

6 Section 35. For fiscal years 2003-2004 and  
7 2004-2005, the department shall allocate a maximum of \$30  
8 million to projects seeking County Incentive Grant Program  
9 grants and Small County Outreach Program grants. Up to 20  
10 percent of such funds shall be used for the purpose of  
11 implementing the Small County Outreach Program. For fiscal  
12 year 2005-2006, the department shall allocate a maximum of \$4  
13 million to projects seeking County Incentive Program grants  
14 and Small County Outreach Program grants. Up to 20 percent of  
15 such funds shall be used for the purpose of implementing the  
16 Small County Outreach Program.

17 Section 36. Section 339.137, Florida Statutes, is  
18 repealed.

19 Section 37. Section 341.8201, Florida Statutes, is  
20 created to read:

21 341.8201 Short title.--Sections 341.8201-341.843 may  
22 be cited as the "Florida High-Speed Rail Authority Act."

23 Section 38. Section 341.8202, Florida Statutes, is  
24 created to read:

25 341.8202 Legislative findings, policy, purpose, and  
26 intent.--

27 (1) The intent of this act is to implement the purpose  
28 of s. 19, Art. X of the State Constitution, which directs the  
29 Legislature, the Cabinet and the Governor to proceed with the  
30 development, either by the state or an approved private  
31 entity, of a high-speed monorail, fixed guideway, or magnetic



1 levitation system, capable of speeds in excess of 120 miles  
2 per hour. The development of such a system, which will link  
3 Florida's five largest urban areas as defined in this act,  
4 includes acquisition of right-of-way and the financing of  
5 design and construction with construction beginning on or  
6 before November 1, 2003. Further, this act promotes the  
7 various growth management and environmental protection laws  
8 enacted by the Legislature and encourages and enhances the  
9 establishment of a high-speed rail system. The Legislature  
10 further finds that:

11 (a) The implementation of a high-speed rail system in  
12 the state will result in overall social and environmental  
13 benefits, improvements in ambient air quality, better  
14 protection of water quality, greater preservation of wildlife  
15 habitat, less use of open space, and enhanced conservation of  
16 natural resources and energy.

17 (b) A high-speed rail system, when developed in  
18 conjunction with sound land use planning, becomes an integral  
19 part in achieving growth management goals and encourages the  
20 use of public transportation to augment and implement land use  
21 and growth management goals and objectives.

22 (c) Development and utilization of a properly  
23 designed, constructed, and financed high-speed rail system and  
24 associated development can act as a catalyst for economic  
25 growth and development, mitigate unduly long and  
26 traffic-congested commutes for day-to-day commuters, create  
27 new employment opportunities, serve as a positive growth  
28 management system for building a better and more  
29 environmentally secure state, and serve a paramount public  
30 purpose by promoting the health, safety, and welfare of the  
31 citizens of the state.

1           (d) Transportation benefits of a high-speed rail  
2 system include improved travel times and more reliable travel,  
3 which will increase productivity and energy efficiency in the  
4 state.

5           (2) The Legislature further finds that:

6           (a) Access to timely and efficient modes of passenger  
7 transportation is necessary for travelers, visitors, and  
8 day-to-day commuters, to the quality of life in the state, and  
9 to the economy of the state.

10           (b) Technological advances in the state's  
11 transportation system can significantly and positively affect  
12 the ability of the state to attract and provide efficient  
13 services for domestic and international tourists and therefore  
14 increase revenue of the state.

15           (c) The geography of the state is suitable for the  
16 construction and efficient operation of a high-speed rail  
17 system.

18           (d) The public use of the high-speed rail system must  
19 be encouraged and assured in order to achieve the public  
20 purpose and objectives set forth in this act. In order to  
21 encourage the public use of the high-speed rail system and to  
22 protect the public investment in the system, it is necessary  
23 to provide an environment surrounding each high-speed rail  
24 station which will allow the development of associated  
25 development for the purpose of creating revenue in support of  
26 and for the high-speed rail system, enhance the safe movement  
27 of pedestrians and traffic into and out of the area, ensure  
28 the personal safety of high-speed rail system and related  
29 facility users and their personal property while the users are  
30 in the area of each station, and eliminate all conditions in  
31 the vicinity which constitute economic and social impediments

1 and barriers to the use of the high-speed rail system and  
2 associated development.

3 (e) Areas surrounding certain proposed high-speed rail  
4 stations can, as a result of existing conditions, crime, and  
5 traffic congestion, pose a serious threat to the use of the  
6 high-speed rail system, reduce revenue from users, discourage  
7 pedestrian and traffic ingress and egress, retard sound growth  
8 and development, impair public investment, and consume an  
9 excessive amount of public revenues in the employment of  
10 police and other forms of public protection to adequately  
11 safeguard the high-speed rail system and its users. Such areas  
12 may require redevelopment, acquisition, clearance, or  
13 disposition, or joint public and private development to  
14 provide parking facilities, retail establishments,  
15 restaurants, hotels, or office facilities associated with or  
16 ancillary to the high-speed rail system and rail stations and  
17 to otherwise provide for an environment that will encourage  
18 the use of, and safeguard, the system.

19 (f) The powers conferred by this act are for public  
20 uses and purposes as established by s. 19, Art. X of the State  
21 Constitution for which public funds may be expended, and the  
22 necessity in the public interest for the provisions herein  
23 enacted is hereby declared as a matter of legislative  
24 determination to implement the intent of s. 19, Art. X of the  
25 State Constitution.

26 (g) Urban and social benefits include revitalization  
27 of economically depressed areas, the redirection of growth in  
28 a carefully and comprehensively planned manner, and the  
29 creation of numerous employment opportunities within  
30 inner-city areas.

31

1       (h) The provisions contained in this act are a  
2 declaration of legislative intent that the state develop a  
3 high-speed rail system to help solve transportation problems  
4 and eliminate their negative effect on the citizens of this  
5 state, and therefore serves a public purpose.

6       (i) Joint development is a necessary planning,  
7 financing, management, operation, and construction mechanism  
8 to ensure the continued future development of an efficient and  
9 economically viable high-speed rail system in this state.

10       (3) It is the intent of the Legislature to authorize  
11 the authority to implement innovative mechanisms required to  
12 effect the joint public-private venture approach to planning,  
13 locating, permitting, managing, financing, constructing,  
14 operating, and maintaining a high-speed rail system for the  
15 state, including providing incentives for revenue generation,  
16 operation, construction, and management by the private sector.

17       Section 39. Section 341.8203, Florida Statutes, is  
18 created to read:

19       341.8203 Definitions.--As used in this act, unless the  
20 context clearly indicates otherwise, the term:

21       (1) "Associated development" means property,  
22 equipment, buildings, or other ancillary facilities which are  
23 built, installed, or established to provide financing,  
24 funding, or revenues for the planning, building, managing, and  
25 operation of a high-speed rail system and which are associated  
26 with or part of the rail stations. The term includes property,  
27 including air rights, necessary for joint development, such as  
28 parking facilities, retail establishments, restaurants,  
29 hotels, offices, or other commercial, civic, residential, or  
30 support facilities, and may also include property necessary to  
31 protect or preserve the rail station area by reducing urban

1 blight or traffic congestion or property necessary to  
2 accomplish any of the purposes set forth in this subsection  
3 which are reasonably anticipated or necessary.

4 (2) "Authority" means the Florida High-Speed Rail  
5 Authority and its agents.

6 (3) "Central Florida" means the counties of Lake,  
7 Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard,  
8 Hernando, Pasco, Hillsborough, Pinellas, and Polk.

9 (4) "DBOM contract" means the document and all  
10 concomitant rights approved by the authority providing the  
11 selected person or entity the exclusive right to design,  
12 build, operate, and maintain a high-speed rail system.

13 (5) "DBOM & F contract" means the document and all  
14 concomitant rights approved by the authority providing the  
15 selected person or entity the exclusive right to design,  
16 build, operate, maintain, and finance a high-speed rail  
17 system.

18 (6) "High-speed rail system" means any high-speed  
19 fixed guideway system for transporting people or goods, which  
20 system is capable of operating at speeds in excess of 120  
21 miles per hour, including, but not limited to, a monorail  
22 system, dual track rail system, suspended rail system,  
23 magnetic levitation system, pneumatic repulsion system, or  
24 other system approved by the authority. The term includes a  
25 corridor and structures essential to the operation of the  
26 line, including the land, structures, improvements,  
27 rights-of-way, easements, rail lines, rail beds, guideway  
28 structures, stations, platforms, switches, yards, parking  
29 facilities, power relays, switching houses, rail stations,  
30 associated development, and any other facilities or equipment  
31 used or useful for the purposes of high-speed rail system

1 design, construction, operation, maintenance, or the financing  
2 of the high-speed rail system.

3 (7) "Joint development" means the planning, managing,  
4 financing, or constructing of projects adjacent to,  
5 functionally related to, or otherwise related to a high-speed  
6 rail system pursuant to agreements between any person, firm,  
7 corporation, association, organization, agency, or other  
8 entity, public or private.

9 (8) "Northeast Florida" means the counties of Nassau,  
10 Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.

11 (9) "Northwest Florida" means the counties of  
12 Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington,  
13 Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon,  
14 Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee,  
15 Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford,  
16 and Levy.

17 (10) "Rail station," "station," or "high-speed rail  
18 station" means any structure or transportation facility that  
19 is part of a high-speed rail system designed to accommodate  
20 the movement of passengers from one mode of transportation to  
21 another at which passengers board or disembark from  
22 transportation conveyances and transfer from one mode of  
23 transportation to another.

24 (11) "Selected person or entity" means the person or  
25 entity to whom the authority awards a contract under s.  
26 341.834 to establish a high-speed rail system pursuant to this  
27 act.

28 (12) "Southeast Florida" means the counties of  
29 Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin,  
30 Okeechobee, and Palm Beach.

31

1           (13) "Southwest Florida" means the counties of  
2 Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte,  
3 Glades, Lee, Hendry, and Collier.

4           (14) "Urban areas" means Central Florida, Northeast  
5 Florida, Northwest Florida, Southeast Florida, and Southwest  
6 Florida.

7           Section 40. Section 341.821, Florida Statutes, is  
8 amended to read:

9           341.821 Florida High-Speed Rail Authority.--

10           (1) There is created and established a body politic  
11 and corporate, an agency of the state, to be known as the  
12 "Florida High-Speed Rail Authority," hereinafter referred to  
13 as the "authority."

14           (2)(a) The governing board of the authority shall  
15 consist of nine voting members appointed as follows:

16           1. Three members shall be appointed by the Governor,  
17 one of whom must have a background in the area of  
18 environmental concerns, one of whom must have a legislative  
19 background, and one of whom must have a general business  
20 background.

21           2. Three members shall be appointed by the President  
22 of the Senate, one of whom must have a background in civil  
23 engineering, one of whom must have a background in  
24 transportation construction, and one of whom must have a  
25 general business background.

26           3. Three members shall be appointed by the Speaker of  
27 the House of Representatives, one of whom must have a legal  
28 background, one of whom must have a background in financial  
29 matters, and one of whom must have a general business  
30 background.

31

1           (b) The appointed members shall not be subject to  
2 confirmation by the Senate. The initial term of each member  
3 appointed by the Governor shall be for 4 years. The initial  
4 term of each member appointed by the President of the Senate  
5 shall be for 3 years. The initial term of each member  
6 appointed by the Speaker of the House of Representatives shall  
7 be for 2 years. Succeeding terms for all members shall be for  
8 terms of 4 years. ~~Initial appointments must be made within 30~~  
9 ~~days after the effective date of this act.~~

10           (c) A vacancy occurring during a term shall be filled  
11 by the respective appointing authority in the same manner as  
12 the original appointment and only for the balance of the  
13 unexpired term. An appointment to fill a vacancy shall be made  
14 within 60 days after the occurrence of the vacancy.

15           (d) The Secretary of Transportation shall be a  
16 nonvoting ex officio member of the board.

17           (e) The board shall elect one of its members as chair  
18 of the authority. The chair shall hold office at the will of  
19 the board. Five members of the board shall constitute a  
20 quorum, and the vote of five members shall be necessary for  
21 any action taken by the authority. The authority may meet upon  
22 the constitution of a quorum. No vacancy in the authority  
23 shall impair the right of a quorum of the board to exercise  
24 all rights and perform all duties of the authority.

25           (f) The members of the board shall not be entitled to  
26 compensation but shall be entitled to receive their travel and  
27 other necessary expenses as provided in s. 112.061.

28           (3) Notwithstanding any other law to the contrary, it  
29 shall not be or constitute a conflict of interest for a person  
30 having a background specified in this section to serve as a  
31 member of the authority. However, in each official decision to



1 which this act is applicable, such member's firm or related  
 2 entity may not have a financial or economic interest nor shall  
 3 the authority contract with or conduct any business with a  
 4 member or such member's firm or directly related business  
 5 entity.

6 (4) The authority shall be assigned to the Department  
 7 of Transportation for administrative purposes. The authority  
 8 shall be a separate budget entity. The Department of  
 9 Transportation shall provide administrative support and  
 10 service to the authority to the extent requested by the chair  
 11 of the authority. The authority shall not be subject to  
 12 control, supervision, or direction by the Department of  
 13 Transportation in any manner, including, but not limited to,  
 14 personnel, purchasing, transactions involving real or personal  
 15 property, and budgetary matters.

16 Section 41. Section 341.822, Florida Statutes, is  
 17 amended to read:

18 341.822 Powers and duties.--

19 (1) The authority created and established by this act  
 20 shall locate, plan, design, finance, construct, maintain, own,  
 21 operate, administer, and manage the ~~preliminary engineering~~  
 22 ~~and preliminary environmental assessment of the intrastate~~  
 23 ~~high-speed rail system in the state., hereinafter referred to~~  
 24 ~~as "intrastate high-speed rail."~~

25 (2) The authority may exercise all powers granted to  
 26 corporations under the Florida Business Corporation Act,  
 27 chapter 607, except the authority may only ~~not~~ incur debt in  
 28 accordance with the provisions of this act.

29 (3) The authority shall have perpetual succession as a  
 30 body politic and corporate.

31

1 (4) The authority is authorized to seek and obtain  
2 federal matching funds or any other funds to fulfill the  
3 requirements of this act either directly or through the  
4 Department of Transportation.

5 (5) The authority may employ an executive director,  
6 ~~permanent or temporary,~~ as it may require and shall determine  
7 the qualifications and fix the compensation. The authority may  
8 delegate to one or more of its agents or employees such of its  
9 power as it deems necessary to carry out the purposes of this  
10 act, subject always to the supervision and control of the  
11 authority.

12 Section 42. Section 341.823, Florida Statutes, is  
13 amended to read:

14 341.823 Criteria for assessment and recommendations.--

15 (1) The following criteria shall apply to the  
16 establishment of the high-speed rail system ~~in developing the~~  
17 ~~preliminary engineering, preliminary environmental assessment,~~  
18 ~~and recommendations~~ required by this act:

19 (a) The system shall be capable of traveling speeds in  
20 excess of 120 miles per hour consisting of dedicated rails or  
21 guideways separated from motor vehicle traffic;

22 (b) The initial segments of the system will be  
23 developed and operated between the St. Petersburg area, the  
24 Tampa area, and the Orlando area, with future service to the  
25 Miami area;

26 (c) The authority is to develop a program model that  
27 uses, to the maximum extent feasible, nongovernmental sources  
28 of funding for the design, construction, maintenance, and  
29 operation, and financing of the system;

30 (2) The authority shall establish requirements ~~make~~  
31 ~~recommendations~~ concerning:

1 (a) The format and types of information that must be  
2 included in a financial or business plan for the high-speed  
3 rail system, and the authority may develop that financial or  
4 business plan;

5 (b) The preferred routes between the cities and urban  
6 areas designated in accordance with s. 341.8203 in paragraph  
7 ~~(1)(b)~~;

8 (c) The preferred locations for the stations in the  
9 cities and urban areas designated in accordance with s.  
10 341.8203 in paragraph (1)(b);

11 (d) The preferred locomotion technology to be employed  
12 ~~from constitutional choices of monorail, fixed guideway, or~~  
13 ~~magnetic levitation; and~~

14 (e) ~~Any changes that may be needed in state statutes~~  
15 ~~or federal laws which would make the proposed system eligible~~  
16 ~~for available federal funding; and~~

17 (e)(f) Any other issues the authority deems relevant  
18 to the development of a high-speed rail system.

19 (3) The authority shall develop a marketing plan, a  
20 detailed planning-level ridership study, and an estimate of  
21 the annual operating and maintenance cost for the system and  
22 all other associate expenses.

23 (3) ~~When preparing the operating plan, the authority~~  
24 ~~shall include:~~

25 (a) ~~The frequency of service between the cities~~  
26 ~~designated in paragraph (1)(b);~~

27 (b) ~~The proposed fare structure for passenger and~~  
28 ~~freight service;~~

29 (c) ~~Proposed trip times, system capacity, passenger~~  
30 ~~accommodations, and amenities;~~

31

1           ~~(d) Methods to ensure compliance with applicable~~  
2 ~~environmental standards and regulations;~~

3           ~~(e) A marketing plan, including strategies that can be~~  
4 ~~employed to enhance the utilization of the system;~~

5           ~~(f) A detailed planning-level ridership study;~~

6           ~~(g) Consideration of nonfare revenues that may be~~  
7 ~~derived from:~~

8           ~~1. The sale of development rights at the stations;~~

9           ~~2. License, franchise, and lease fees;~~

10           ~~3. Sale of advertising space on the trains or in the~~  
11 ~~stations; and~~

12           ~~4. Any other potential sources deemed appropriate.~~

13           ~~(h) An estimate of the total cost of the entire~~  
14 ~~system, including, but not limited to, the costs to:~~

15           ~~1. Design and build the stations and monorail, fixed~~  
16 ~~guideway, or magnetic levitation system;~~

17           ~~2. Acquire any necessary rights-of-way;~~

18           ~~3. Purchase or lease rolling stock and other equipment~~  
19 ~~necessary to build, operate, and maintain the system.~~

20           ~~(i) An estimate of the annual operating and~~  
21 ~~maintenance costs for the system and all other associated~~  
22 ~~expenses.~~

23           ~~(j) An estimate of the value of assets the state or~~  
24 ~~its political subdivisions may provide as in-kind~~  
25 ~~contributions for the system, including rights-of-way,~~  
26 ~~engineering studies performed for previous high-speed rail~~  
27 ~~initiatives, land for rail stations and necessary maintenance~~  
28 ~~facilities, and any expenses that may be incurred by the state~~  
29 ~~or its political subdivisions to accommodate the installation~~  
30 ~~of the system.~~

31

1       ~~(k) An estimate of the funding required per year from~~  
2 ~~state funds for the next 30 years for operating the preferred~~  
3 ~~routes between the cities designated in paragraph (1)(b).~~

4  
5 ~~Whenever applicable and appropriate, the authority will base~~  
6 ~~estimates of projected costs, expenses, and revenues on~~  
7 ~~documented expenditures or experience derived from similar~~  
8 ~~projects.~~

9           Section 43. Section 341.824, Florida Statutes, is  
10 amended to read:

11           341.824 Technical, scientific, or other assistance.--

12           (1) The Florida Transportation Commission, the  
13 Department of Community Affairs, and the Department of  
14 Environmental Protection shall, at the authority's request,  
15 provide technical, scientific, or other assistance.

16           (2) The Department of Community Affairs shall, if  
17 requested, provide assistance to local governments in  
18 analyzing the land use and comprehensive planning aspects of  
19 the high-speed rail system. The Department of Community  
20 Affairs shall assist the authority with the resolution of any  
21 conflicts between the system and adopted local comprehensive  
22 plans.

23           (3) The Department of Environmental Protection shall,  
24 if requested, provide assistance to local governments and  
25 other permitting agencies in analyzing the environmental  
26 aspects of the high-speed rail system. The Department of  
27 Environmental Protection shall assist the authority and the  
28 contractor in expediting the approval of the necessary  
29 environmental permits for the system.

30           Section 44. Section 341.827, Florida Statutes, is  
31 created to read:

1           341.827 Service areas; segment designation.--

2           (1) The authority shall determine in which order the  
3 service areas, as designated by the Legislature, will be  
4 served by the high-speed rail system.

5           (2) The authority shall plan and develop the  
6 high-speed rail system so that construction proceeds as  
7 follows:

8           (a) The initial segments of the system shall be  
9 developed and operated between the St. Petersburg area, the  
10 Tampa area, the Lakeland/Winter Haven area, and the Orlando  
11 area, with future service to the Miami area.

12           (b) Construction of subsequent segments of the  
13 high-speed rail system shall connect the metropolitan areas of  
14 Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft.  
15 Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft.  
16 Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala,  
17 Tallahassee, and Pensacola.

18           (c) Selection of segments of the high-speed rail  
19 system to be constructed subsequent to the initial segments of  
20 the system shall be prioritized by the authority, giving  
21 consideration to the demand for service, financial  
22 participation by local governments, financial participation by  
23 the private sector, and the available financial resources of  
24 the authority.

25           Section 45. Section 341.828, Florida Statutes, is  
26 created to read:

27           341.828 Permitting.--

28           (1) The authority, for the purposes of permitting, may  
29 utilize one or more permitting processes provided for in  
30 statute, including, but not limited to, the metropolitan  
31 planning organization long-range transportation planning

1 process as defined in s. 339.175 (6) and (7), in conjunction  
2 with the Department of Transportation's work program process  
3 as defined in s. 339.135, or any permitting process now in  
4 effect or that may be in effect at the time of permitting and  
5 will provide the most timely and cost-effective permitting  
6 process.

7 (2) The authority shall work in cooperation with  
8 metropolitan planning organizations in areas where the  
9 high-speed rail system will be located. The metropolitan  
10 planning organizations shall cooperate with the authority and  
11 include the high-speed rail system alignment within their  
12 adopted long-range transportation plans and transportation  
13 improvement programs for the purposes of providing public  
14 information, consistency with the plans, and receipt of  
15 federal and state funds by the authority to support the  
16 high-speed rail system.

17 (3) For purposes of selecting a route alignment, the  
18 authority may use the project development and environment  
19 study process, including the efficient transportation  
20 decisionmaking system process as adopted by the Department of  
21 Transportation.

22 Section 46. Section 341.829, Florida Statutes, is  
23 created to read:

24 341.829 Conflict prevention, mitigation, and  
25 resolution.--

26 (1) The authority, in conjunction with the Executive  
27 Office of the Governor, the Department of Community Affairs,  
28 and the Department of Environmental Protection, shall develop  
29 and implement, within 180 days after the effective date of  
30 this act, a process to prevent, mitigate, and resolve, to the  
31 maximum extent feasible, any conflicts or potential conflicts

1 of a high-speed rail system with growth management  
2 requirements and environmental standards.

3 (2) Any person who disagrees with the alignment  
4 decision must file a complaint with the authority within 20  
5 days after the authority's final adoption of the alignment.

6 (3) The authority must respond to any timely filed  
7 complaint within 60 days after the complaint is filed with the  
8 authority.

9 Section 47. Section 341.830, Florida Statutes, is  
10 created to read:

11 341.830 Procurement.--

12 (1) The authority may employ procurement methods under  
13 chapters 255, 287, and 337 and under any rule adopted under  
14 such chapters. To enhance the effective and efficient  
15 operation of the authority, and to enhance the ability of the  
16 authority to use best business practices, the authority may,  
17 pursuant to ss. 120.536(1) and 120.54, adopt rules for and  
18 employ procurement methods available to the private sector.

19 (2) The authority is authorized to procure commodities  
20 and the services of a qualified person or entity to design,  
21 build, finance, operate, maintain, and implement a high-speed  
22 rail system, including the use of a DBOM or DBOM & F method  
23 using a request for proposal, a request for qualifications, or  
24 an invitation to negotiate.

25 Section 48. Section 341.831, Florida Statutes, is  
26 created to read:

27 341.831 Prequalification.--

28 (1) The authority may prequalify interested persons or  
29 entities prior to seeking proposals for the design,  
30 construction, operation, maintenance, and financing of the  
31 high-speed rail system. The authority may establish qualifying



1 criteria that may include, but not be limited to, experience,  
2 financial resources, organization and personnel, equipment,  
3 past record or history of the person or entity, ability to  
4 finance or issue bonds, and ability to post a construction or  
5 performance bond.

6 (2) The authority may establish the qualifying  
7 criteria in a request for qualification without adopting the  
8 qualifying criteria as rules.

9 Section 49. Section 341.832, Florida Statutes, is  
10 created to read:

11 341.832 Request for qualifications.--

12 (1) The authority is authorized to develop and execute  
13 a request for qualifications process to seek a person or  
14 entity to design, build, operate, maintain, and finance a  
15 high-speed rail system. The authority may issue multiple  
16 requests for qualifications. The authority shall develop  
17 criteria for selection of a person or entity that shall be  
18 included in any request for qualifications.

19 (2) The authority may issue a request for  
20 qualifications without adopting a rule.

21 Section 50. Section 341.833, Florida Statutes, is  
22 created to read:

23 341.833 Request for proposals.--

24 (1) The authority is authorized to develop and execute  
25 a request for proposals process to seek a person or entity to  
26 design, build, operate, maintain, and finance a high-speed  
27 rail system. The authority may issue multiple requests for  
28 proposals. The authority shall develop criteria for selection  
29 of a person or entity that shall be included in any request  
30 for proposals.

31

1           (2) In the request for proposals, the authority shall  
2 specify the minimum period of time for the contract duration.  
3 A person or entity may propose a longer period of time for the  
4 contract and provide justification of the need for an extended  
5 contract period. If the authority extends the time period for  
6 the contract, such time period shall be extended for all  
7 persons or entities if so requested.

8           Section 51. Section 341.834, Florida Statutes, is  
9 created to read:

10           341.834 Award of contract.--

11           (1) The authority may award a contract subject to such  
12 terms and conditions, including, but not limited to,  
13 compliance with any applicable permitting requirements, and  
14 any other terms and conditions the authority considers  
15 appropriate.

16           (2) The contract shall authorize the contractor to  
17 provide service between stations as established by the  
18 contract. The contractor shall coordinate its facilities and  
19 services with passenger rail providers, commuter rail  
20 authorities, and public transit providers to provide access to  
21 and from the high-speed rail system.

22           (3) The contractor shall not convey, lease, or  
23 otherwise transfer any high-speed rail system property, any  
24 interest in such property, or any improvement constructed upon  
25 such property without written approval of the authority.

26           Section 52. Section 341.835, Florida Statutes, is  
27 created to read:

28           341.835 Acquisition of property; rights-of-way;  
29 disposal of land.--

30           (1) The authority may purchase, lease, exchange, or  
31 otherwise acquire any land, property interests, or buildings

1 or other improvements, including personal property within such  
2 buildings or on such lands, necessary to secure or utilize  
3 rights-of-way for existing, proposed, or anticipated  
4 high-speed rail system facilities.

5 (2) Title to any property acquired in the name of the  
6 authority shall be administered by the authority under such  
7 terms and conditions as the authority may require.

8 (3) When the authority acquires property for a  
9 high-speed rail system, or any related or ancillary  
10 facilities, by purchase or donation, it is not subject to any  
11 liability imposed by chapter 376 or chapter 403 for  
12 preexisting soil or groundwater contamination due solely to  
13 its ownership. This section does not affect the rights or  
14 liabilities of any past or future owners of the acquired  
15 property, nor does it affect the liability of any governmental  
16 entity for the results of its actions which create or  
17 exacerbate a pollution source. The authority and the  
18 Department of Environmental Protection may enter into  
19 interagency agreements for the performance, funding, and  
20 reimbursement of the investigative and remedial acts necessary  
21 for property acquired by the authority.

22 (4) In acquiring property or property rights for any  
23 high-speed rail system or related or ancillary facilities, the  
24 authority may acquire an entire lot, block, or tract of land  
25 if the interests of the public will be best served by such  
26 acquisition, even though the entire lot, block, or tract is  
27 not immediately needed for the right-of-way proper or for the  
28 specific related or ancillary facilities.

29 (5) The authority, by resolution, may dispose of any  
30 interest in property acquired pursuant to this section on  
31 terms and conditions the authority deems appropriate.

1           (6) The authority and its employees and agents shall  
2 have the right to enter upon properties which may be  
3 determined to be necessary for the construction,  
4 reconstruction, relocation, maintenance, and operation of a  
5 proposed high-speed rail system and associated development and  
6 related or ancillary facilities as described in subsection (1)  
7 for the purposes of surveying and soil and environmental  
8 testing.

9           (7) The authority is authorized to accept donations of  
10 real property from public or private entities for the purposes  
11 of implementing a high-speed rail system.

12           Section 53. Section 341.836, Florida Statutes, is  
13 created to read:

14           341.836 Associated development.--

15           (1) The authority, alone or as part of a joint  
16 development, may undertake development of associated  
17 developments to be a source of revenue for the establishment,  
18 construction, operation, or maintenance of the high-speed rail  
19 system. Such associated developments must be associated with  
20 a rail station and have pedestrian ingress to and egress from  
21 the rail station; be consistent, to the extent feasible, with  
22 applicable local government comprehensive plans and local land  
23 development regulations; and otherwise be in compliance with  
24 the provisions of this act.

25           (2) This act does not prohibit the authority, the  
26 selected person or entity, or a party to a joint venture with  
27 the authority or its selected person or entity from obtaining  
28 approval, pursuant to any other law, for any associated  
29 development that is reasonably related to the high-speed rail  
30 system.

31

1           Section 54. Section 341.837, Florida Statutes, is  
2 created to read:

3           341.837 Payment of expenses.--All expenses incurred in  
4 carrying out the provisions of this act shall be payable  
5 solely from funds provided under the authority of this act, or  
6 from other legally available sources.

7           Section 55. Section 341.838, Florida Statutes, is  
8 created to read:

9           341.838 Rates, rents, fees, and charges.--

10           (1) The authority is authorized to fix, revise,  
11 charge, and collect rates, rents, fees, charges, and revenues  
12 for the use of and for the services furnished, or to be  
13 furnished, by the system and to contract with any person,  
14 partnership, association, corporation, or other body, public  
15 or private, in respect thereof. Such rates, rents, fees, and  
16 charges shall be reviewed annually by the authority and may be  
17 adjusted as set forth in the contract setting such rates,  
18 rents, fees, or charges. The funds collected hereunder shall,  
19 with any other funds available, be used to pay the cost of all  
20 administrative expenses of the authority, and the cost of  
21 designing, building, operating, and maintaining the system and  
22 each and every portion thereof, to the extent that the payment  
23 of such cost has not otherwise been adequately provided for.

24           (2) Rates, rents, fees, and charges fixed, revised,  
25 charged, and collected pursuant to this section shall not be  
26 subject to supervision or regulation by any department,  
27 commission, board, body, bureau, or agency of this state other  
28 than the authority.

29           Section 56. Section 341.839, Florida Statutes, is  
30 created to read:

31

1           341.839 Alternate means.--The foregoing sections of  
2 this act shall be deemed to provide an additional and  
3 alternative method for accomplishing the purposes authorized  
4 therein, and shall be regarded as supplemental and additional  
5 to powers conferred by other laws. Except as otherwise  
6 expressly provided in this act, none of the powers granted to  
7 the authority under the provisions of this act shall be  
8 subject to the supervision or require the approval or consent  
9 of any municipality or political subdivision or any  
10 commission, board, body, bureau, or official.

11           Section 57. Section 341.840, Florida Statutes, is  
12 created to read:

13           341.840 Tax exemption.--The exercise of the powers  
14 granted by this act will be in all respects for the benefit of  
15 the people of this state, for the increase of their commerce,  
16 welfare, and prosperity, and for the improvement of their  
17 health and living conditions, and as the design, building,  
18 operation, maintenance, and financing of a system by the  
19 authority or its agent or the owner or lessee thereof, as  
20 herein authorized, constitutes the performance of an essential  
21 public function, neither the authority, its agent, nor the  
22 owner of such system shall be required to pay any taxes or  
23 assessments upon or in respect to the system or any property  
24 acquired or used by the authority, its agent, or such owner  
25 under the provisions of this act or upon the income therefrom,  
26 any security therefor, their transfer, and the income  
27 therefrom, including any profit made on the sale thereof,  
28 shall at all times be free from taxation of every kind by the  
29 state, the counties, and the municipalities and other  
30 political subdivisions in the state.

1 Section 58. Section 341.841, Florida Statutes, is  
2 created to read:

3 341.841 Report; audit.--The authority shall prepare an  
4 annual report of its actions, findings, and recommendations  
5 and submit the report to the Governor, the President of the  
6 Senate, and the Speaker of the House of Representatives on or  
7 before January 1. The authority shall provide for an annual  
8 financial audit, as defined in s. 11.45, of its accounts and  
9 records conducted by an independent certified public  
10 accountant. The audit report shall include a management letter  
11 as defined in s. 11.45. The cost of the audit shall be paid  
12 from funds available to the authority pursuant to this act.

13 Section 59. Section 341.842, Florida Statutes, is  
14 created to read:

15 341.842 Liberal construction.--This act, being  
16 necessary for the welfare of the state and its inhabitants,  
17 shall be liberally construed to effect the purposes hereof.

18 Section 60. Subsection (10) of section 288.109,  
19 Florida Statutes, is amended to read:

20 288.109 One-Stop Permitting System.--

21 (10) Notwithstanding any other provision of law or  
22 administrative rule to the contrary, the fee imposed by a  
23 state agency or water management district for issuing a  
24 development permit shall be waived for a 6-month period  
25 beginning on the date the state agency or water management  
26 district begins accepting development permit applications over  
27 the Internet and the applicant submits the development permit  
28 to the agency or district using the One-Stop Permitting  
29 System. The 6-month fee waiver shall not apply to development  
30 permit fees assessed by the Electrical Power Plant Siting Act,  
31 ss. 403.501-403.519; the Transmission Line Siting Act, ss.

1 403.52-403.5365; the statewide Multi-purpose Hazardous Waste  
2 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas  
3 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed~~  
4 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

5 Section 61. Subsection (6) of section 334.30, Florida  
6 Statutes, is amended to read:

7 334.30 Private transportation facilities.--The  
8 Legislature hereby finds and declares that there is a public  
9 need for rapid construction of safe and efficient  
10 transportation facilities for the purpose of travel within the  
11 state, and that it is in the public's interest to provide for  
12 the construction of additional safe, convenient, and  
13 economical transportation facilities.

14 (6) ~~Notwithstanding s. 341.327,~~A fixed-guideway  
15 transportation system authorized by the department to be  
16 wholly or partially within the department's right-of-way  
17 pursuant to a lease granted under s. 337.251 may operate at  
18 any safe speed.

19 Section 62. Subsection (9) of section 337.251, Florida  
20 Statutes, is amended to read:

21 337.251 Lease of property for joint public-private  
22 development and areas above or below department property.--

23 (9) ~~Notwithstanding s. 341.327,~~A fixed-guideway  
24 transportation system authorized by the department to be  
25 wholly or partially within the department's right-of-way  
26 pursuant to a lease granted under this section may operate at  
27 any safe speed.

28 Section 63. Section 341.501, Florida Statutes, is  
29 amended to read:

30 341.501 High-technology transportation systems; joint  
31 project agreement or assistance.--Notwithstanding any other



1 provision of law, the Department of Transportation may enter  
2 into a joint project agreement with, or otherwise assist,  
3 private or public entities, or consortia thereof, to  
4 facilitate the research, development, and demonstration of  
5 high-technology transportation systems, including, but not  
6 limited to, systems using magnetic levitation technology. ~~The~~  
7 ~~provisions of the Florida High-Speed Rail Transportation Act,~~  
8 ~~ss. 341.3201-341.386, do not apply to actions taken under this~~  
9 ~~section, and~~ The department may, subject to s. 339.135,  
10 provide funds to match any available federal aid for  
11 effectuating the research, development, and demonstration of  
12 high-technology transportation systems.

13 Section 64. Sections 341.3201, 341.321, 341.322,  
14 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,  
15 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,  
16 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,  
17 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,  
18 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,  
19 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,  
20 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are  
21 repealed.

22 Section 65. Except as otherwise provided herein, this  
23 act shall take effect July 1, 2002.

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