

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

302-2117-02

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; amending s. 20.23, F.S.;
4 transferring the Office of Toll Operations to
5 the turnpike enterprise; redesignating the
6 turnpike district as the turnpike enterprise;
7 amending s. 316.302, F.S.; updating federal
8 references; revising out-of-service
9 requirements for commercial motor vehicles;
10 providing a penalty; amending s. 316.535, F.S.;
11 adding weight requirements for certain
12 commercial trucks; amending s. 316.545, F.S.;
13 conforming provisions; amending s. 334.044,
14 F.S.; providing powers and duties for
15 department law enforcement officers; amending
16 s. 337.025, F.S.; eliminating the cap on
17 innovative highway projects for the turnpike
18 enterprise; amending s. 337.107, F.S.;
19 authorizing the department to enter into
20 design-build contracts that include
21 right-of-way acquisition services; amending s.
22 337.11, F.S.; providing an exemption for
23 turnpike enterprise projects; raising the
24 limitation on certain contracts into which the
25 department may enter without first obtaining
26 bids; expanding the projects that may be
27 combined into a design-build contract;
28 providing restrictions; amending s. 338.165,
29 F.S.; conforming provisions; amending s.
30 338.22, F.S.; redesignating the Florida
31 Turnpike Law as the Florida Turnpike Enterprise

1 Law; amending s. 338.221, F.S.; redefining the
2 term "economically feasible" as used with
3 respect to turnpike projects; creating s.
4 338.2215, F.S.; providing legislative findings,
5 policy, purpose, and intent for the turnpike
6 enterprise; creating s. 338.2216, F.S.;
7 prescribing the power and authority of the
8 turnpike enterprise; amending s. 338.223, F.S.;
9 increasing the maximum loan amount for the
10 turnpike enterprise; amending ss. 338.165,
11 338.227, F.S.; conforming provisions; amending
12 s. 338.2275, F.S.; authorizing the turnpike
13 enterprise to advertise for bids for contracts
14 before obtaining environmental permits;
15 amending s. 338.234, F.S.; authorizing the
16 turnpike enterprise to expand business
17 opportunities; amending s. 338.235, F.S.;
18 authorizing the consideration of goods instead
19 of fees; amending s. 338.239, F.S.; providing
20 that approved expenditures to the Florida
21 Highway Patrol be paid by the turnpike
22 enterprise; amending s. 338.241, F.S.; lowering
23 the required cash reserve for the turnpike
24 enterprise; amending ss. 338.251, 339.135,
25 F.S.; conforming provisions; amending s.
26 339.12, F.S.; raising the amount that local
27 governments may advance to the department;
28 amending s. 553.80, F.S.; providing for
29 self-regulation; providing an effective date.

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

1 Section 1. Paragraphs (c) and (d) of subsection (3),
2 paragraph (a) of subsection (4), and subsection (6) of section
3 20.23, Florida Statutes, are amended, and paragraph (f) is
4 added to subsection (4) of that section, to read:

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

8 (3)

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

18 1. Assistant Secretary for Transportation Policy.--

19 a. Development of the Florida Transportation Plan and
20 other policy planning;

21 b. Development of statewide modal systems plans,
22 including public transportation systems;

23 c. Design of transportation facilities;

24 d. Construction of transportation facilities;

25 e. Acquisition and management of transportation
26 rights-of-way; and

27 f. Administration of motor carrier compliance and
28 safety.

29 2. Assistant Secretary for District Operations.--

30 a. Administration of the seven ~~eight~~ districts; and

31

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

1 ~~g.h.~~ The Office of Motor Carrier Compliance.

2 3. Other offices may be established in accordance with
3 s. 20.04(7). The heads of such offices are exempt from part II
4 of chapter 110. No office or organization shall be created at
5 a level equal to or higher than a division without specific
6 legislative authority.

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

20 (4)(a) The operations of the department shall be
21 organized into seven ~~eight~~ districts, ~~including a turnpike~~
22 ~~district,~~ each headed by a district secretary, and a turnpike
23 enterprise headed by an executive director. The district
24 secretaries shall report to the Assistant Secretary for
25 District Operations. The headquarters of the districts shall
26 be located in Polk, Columbia, Washington, Broward, Volusia,
27 Dade, and Hillsborough, ~~and Leon~~ Counties. The headquarters of
28 the turnpike enterprise shall be located in district ~~must be~~
29 ~~relocated to Orange County in the year 2000~~. In order to
30 provide for efficient operations and to expedite the
31 decisionmaking process, the department shall provide for

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

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

14 2. To facilitate the most efficient and effective
15 management of the turnpike enterprise, including the use of
16 best business practices employed by the private sector, the
17 turnpike enterprise is exempt from the department's policies,
18 procedures, and standards, subject to the secretary's
19 authority to apply any such policies, procedures, and
20 standards to the turnpike enterprise when he or she considers
21 it appropriate.

22 3. To enhance the ability of the turnpike enterprise
23 to use best business practices employed by the private sector,
24 the secretary shall adopt rules that exempt the turnpike
25 enterprise from the department's rules and authorize the
26 turnpike enterprise to employ procurement methods available to
27 the private sector.

28 (6) To facilitate the efficient and effective
29 management of the department in a businesslike manner, the
30 department shall develop a system for the submission of
31 monthly management reports to the Florida Transportation

1 Commission and secretary from the district secretaries and the
2 executive director of the turnpike enterprise. The commission
3 and the secretary shall determine which reports are required
4 to fulfill their respective responsibilities under this
5 section. A copy of each such report shall be submitted
6 monthly to the appropriations and transportation committees of
7 the Senate and the House of Representatives. Recommendations
8 made by the Auditor General in his or her audits of the
9 department that relate to management practices, systems, or
10 reports shall be implemented in a timely manner. However, if
11 the department determines that one or more of the
12 recommendations should be altered or should not be
13 implemented, it shall provide a written explanation of such
14 determination to the Legislative Auditing Committee within 6
15 months after the date the recommendations were published.

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

19 316.302 Commercial motor vehicles; safety regulations;
20 transporters and shippers of hazardous materials;
21 enforcement.--

22 (1)

23 (b) Except as otherwise provided in this section, all
24 owners or drivers of commercial motor vehicles that are
25 engaged in intrastate commerce are subject to the rules and
26 regulations contained in 49 C.F.R. parts 382, 385, and
27 390-397, with the exception of 49 C.F.R. s. 390.5 as it
28 relates to the definition of bus, as such rules and
29 regulations existed on October 1, 2001 ~~March 1, 1999~~.

30 (8) For the purpose of enforcing this section, any law
31 enforcement officer ~~Any agent~~ of the Department of

1 Transportation or its agent, or any other law enforcement
2 officer specified in s. 316.640 who holds a current
3 safety-inspector certification from the Commercial Vehicle
4 Safety Alliance, may require the driver of any commercial
5 vehicle operated on the highways of this state to stop and
6 submit to an inspection of the vehicle or the driver's
7 ~~records described in s. 316.545(9), any member of the Florida~~
8 ~~Highway Patrol, or any person employed by a sheriff's office~~
9 ~~or municipal police department who is authorized to enforce~~
10 ~~the traffic laws of this state pursuant to s. 316.640 may~~
11 ~~enforce the provisions of this section. Any officer of the~~
12 ~~Department of Transportation described in s. 316.545(9), any~~
13 ~~member of the Florida Highway Patrol, or any law enforcement~~
14 ~~officer employed by a sheriff's office or municipal police~~
15 ~~department authorized to enforce the traffic laws of this~~
16 ~~state pursuant to s. 316.640, who has reason to believe that a~~
17 ~~vehicle or driver is operating in an unsafe condition, may~~
18 ~~require the driver to stop and submit to an inspection of the~~
19 ~~vehicle or the driver's records. Any person who fails to~~
20 ~~comply with an officer's request to submit to an inspection~~
21 ~~under this subsection is guilty of a violation of s. 843.02 if~~
22 ~~the driver resists the officer without violence or a violation~~
23 ~~of s. 843.01 if the driver resists the officer with violence.~~
24 If the vehicle or driver is found to be operating in an unsafe
25 condition, or if any required part or equipment is not present
26 or is not in proper repair or adjustment, and the continued
27 operation would probably present an unduly hazardous operating
28 condition, the officer may require the vehicle or the driver,
29 or both, to be removed from service under the North American
30 Uniform Out-of-Service Criteria until the condition has been
31 corrected. However, if continuous operation would not present

1 an unduly hazardous operating condition, the officer may give
2 written notice requiring correction to require proper repair
3 and adjustment of the condition vehicle within 14 days.

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

11 (b) Any person who fails to comply with an officer's
12 request to submit to an inspection under this subsection is
13 guilty of a violation of s. 843.02 if the driver resists the
14 officer without violence or of a violation of s. 843.01 if the
15 driver resists the officer with violence.

16 Section 3. Present subsections (6) and (7) of section
17 316.535, Florida Statutes, are redesignated as subsections (7)
18 and (8), respectively, and amended, and a new subsection (6)
19 is added to that section, to read:

20 316.535 Maximum weights.--

21 (6) Dump trucks, concrete mixing trucks, trucks
22 engaged in waste collection and disposal, and fuel oil and
23 gasoline trucks designed and constructed for special-type work
24 or use, when operated as a single unit, are subject to all
25 safety and operational requirements of law, except that any
26 such vehicle need not conform to the axle-spacing requirements
27 of this section if the vehicle's total gross load, including
28 the weight of the vehicle, does not exceed 20,000 pounds per
29 axle plus scale tolerances and does not exceed 550 pounds per
30 inch width tire surface plus scale tolerances. A vehicle
31 operating pursuant to this section must not exceed a gross

1 weight, including the weight of the vehicle and scale
2 tolerances, of 70,000 pounds. Any vehicle that violates the
3 weight provisions of this section shall be penalized as
4 provided in s. 316.545.

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

10 (8)(7) Except as otherwise hereinafter provided, a no
11 vehicle or combination of vehicles which exceeds exceeding the
12 gross weights specified in subsections (3), (4), and (5), and
13 (6) may not shall be permitted to travel on the public
14 highways within the state.

15 Section 4. Paragraph (a) of subsection (2) and
16 paragraph (a) of subsection (4) of section 316.545, Florida
17 Statutes, are amended to read:

18 316.545 Weight and load unlawful; special fuel and
19 motor fuel tax enforcement; inspection; penalty; review.--

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

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

16 (4)(a) A ~~No~~ commercial vehicle, as defined in s.
17 316.003(66), may not ~~shall~~ be operated over the highways of
18 this state unless it has been properly registered under ~~the~~
19 ~~provisions of~~ s. 207.004. If ~~whenever~~ any law enforcement
20 officer identified in s. 207.023(1), upon inspecting the
21 vehicle or combination of vehicles, determines that the
22 vehicle is in violation of s. 207.004, a penalty in the amount
23 of \$50 shall be assessed, and the vehicle may ~~shall~~ be
24 detained until payment is collected by the law enforcement
25 officer.

26 Section 5. Subsection (31) is added to section
27 334.044, Florida Statutes, to read:

28 334.044 Department; powers and duties.--The department
29 shall have the following general powers and duties:

30 (31) In order to fulfill the department's mission to
31 provide a safe and efficient transportation system, the

1 department's Office of Motor Carrier Compliance may employ
2 sworn law enforcement officers, certified in accordance with
3 chapter 943, to enforce the traffic and criminal laws of this
4 state. Such officers have full law enforcement powers granted
5 to other peace officers of this state, including the power to
6 make arrests, carry firearms, serve court process, and seize
7 contraband and the proceeds of illegal activities. Officers
8 appointed under this section have the primary responsibility
9 for enforcing laws relating to size and weight of commercial
10 motor vehicles; safety, traffic, tax, and registration of
11 commercial motor vehicles; contraband interdiction; and
12 violations that threaten the overall security and safety of
13 this state's transportation infrastructure and the motoring
14 public. The division may also appoint part-time or auxiliary
15 law enforcement officers under chapter 943 and may provide
16 their compensation in accordance with law.

17 Section 6. Section 337.025, Florida Statutes, is
18 amended to read:

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

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

16 Section 7. Effective July 1, 2003, section 337.107,
17 Florida Statutes, as amended by section 3 of chapter 2001-350,
18 Laws of Florida, is amended to read:

19 337.107 Contracts for right-of-way services.--The
20 department may enter into contracts pursuant to s. 287.055 for
21 right-of-way services on transportation corridors and
22 transportation facilities or the department may include
23 right-of-way services, as defined in this section, as part of
24 the design-build contracts awarded pursuant to s. 337.11.
25 Right-of-way services include negotiation and acquisition
26 services, appraisal services, demolition and removal of
27 improvements, and asbestos-abatement services.

28 Section 8. Paragraph (c) of subsection (3) and
29 paragraph (c) of subsection (6) of section 337.11, Florida
30 Statutes, are amended to read:

31

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

5 (3)

6 (c) No advertisement for bids shall be published and
7 no bid solicitation notice shall be provided until title to
8 all necessary rights-of-way and easements for the construction
9 of the project covered by such advertisement or notice has
10 vested in the state or a local governmental entity, and all
11 railroad crossing and utility agreements have been executed.

12 The turnpike enterprise is exempt from this paragraph with
13 respect to a turnpike enterprise project.Title to all

14 necessary rights-of-way shall be deemed to have been vested in
15 the State of Florida when such title has been dedicated to the
16 public or acquired by prescription.

17 (6)

18 (c) When the department determines that it is in the
19 best interest of the public for reasons of public concern,
20 economy, improved operations or safety, and only when
21 circumstances dictate rapid completion of the work, the
22 department may, up to the threshold amount of \$120,000

23 ~~provided in s. 287.017 for CATEGORY FOUR, enter into contracts~~
24 ~~for construction and maintenance without advertising and~~
25 ~~receiving competitive bids. However, if legislation is enacted~~
26 ~~by the Legislature which changes the category thresholds, the~~
27 ~~threshold amount shall remain at \$60,000.~~The department may
28 enter into such contracts only upon a determination that the
29 work is necessary for one of the following reasons:

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

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

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

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

16 Section 9. Effective July 1, 2003, paragraph (a) of
17 subsection (7) of section 337.11, Florida Statutes, as amended
18 by section 4 of chapter 2001-350, Laws of Florida, is amended
19 to read:

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

24 (7)(a) If the head of the department determines that
25 it is in the best interests of the public, the department may
26 combine the right-of-way services and design and construction
27 phases of any a building, a major bridge, or a rail corridor
28 project into a single contract, except for resurfacing or
29 minor bridge projects that may be combined under s. 337.025.

30 Such contract is referred to as a design-build contract.

31 Design-build contracts may be advertised and awarded

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

10 Section 10. Section 338.165, Florida Statutes, is
11 amended to read:

12 338.165 Continuation of tolls.--

13 (1) The department, any transportation or expressway
14 authority or, in the absence of an authority, a county or
15 counties may continue to collect the toll on a
16 revenue-producing project after the discharge of any bond
17 indebtedness related to such project and may increase such
18 toll. All tolls so collected shall first be used to pay the
19 annual cost of the operation, maintenance, and improvement of
20 the toll project.

21 (2) If the revenue-producing project is on the State
22 Highway System, any remaining toll revenue shall be used for
23 the construction, maintenance, or improvement of any road on
24 the State Highway System within the county or counties in
25 which the revenue-producing project is located, except as
26 provided in s. 348.0004.

27 (3) Notwithstanding any other law to the contrary,
28 pursuant to s. 11, Art. VII of the State Constitution, and
29 subject to the requirements of subsection (2), the Department
30 of Transportation may request the Division of Bond Finance to
31 issue bonds secured by toll revenues collected on the

1 Alligator Alley, Sunshine Skyway Bridge, Beeline East
2 Expressway, and Pinellas Bayway to fund transportation
3 projects located within the county or counties in which the
4 facility is located and contained in the ~~1993-1994 Adopted~~
5 ~~Work Program or in any subsequent~~ adopted work program of the
6 department.

7 (4) If the revenue-producing project is on the county
8 road system, any remaining toll revenue shall be used for the
9 construction, maintenance, or improvement of any other state
10 or county road within the county or counties in which the
11 revenue-producing project is located, except as provided in s.
12 348.0004.

13 (5) Selection of projects on the State Highway System
14 for construction, maintenance, or improvement with toll
15 revenues shall be, with the concurrence of the department,
16 consistent with the Florida Transportation Plan.

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

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

23 Section 11. Section 338.22, Florida Statutes, is
24 amended to read:

25 338.22 Florida Turnpike Law; short title.--Sections
26 338.22-338.241 may be cited as the "Florida Turnpike
27 Enterprise Law."

28 Section 12. Section 338.221, Florida Statutes, is
29 amended to read:

30 338.221 Definitions of terms used in ss.
31 338.22-338.241.--As used in ss. 338.22-338.241, the term

1 ~~following words and terms have the following meanings, unless~~
2 ~~the context indicates another or different meaning or intent:~~

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

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

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

31

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

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

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

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

21 (8) "Economically feasible", with respect to a
22 proposed turnpike project, means that the revenues of the
23 project in combination with those of the existing turnpike
24 system are sufficient to service the debt of the outstanding
25 turnpike bonds.+

26 ~~(a) For a proposed turnpike project, that, as~~
27 ~~determined by the department before the issuance of revenue~~
28 ~~bonds for the project, the estimated net revenues of the~~
29 ~~proposed turnpike project, excluding feeder roads and turnpike~~
30 ~~improvements, will be sufficient to pay at least 50 percent of~~
31 ~~the debt service on the bonds by the end of the 5th year of~~

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

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

12
13 This subsection does not prohibit the pledging of revenues
14 from the entire turnpike system to bonds issued to finance or
15 refinance a turnpike project or group of turnpike projects.

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

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

25 Section 13. Section 338.2215, Florida Statutes, is
26 created to read:

27 338.2215 Florida Turnpike Enterprise; legislative
28 findings, policy, purpose, and intent.--It is the intent of
29 the Legislature that the turnpike enterprise be provided
30 additional powers and authority in order to maximize the
31 advantages obtainable through fully leveraging the Florida

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

13 Section 14. Section 338.2216, Florida Statutes, is
14 created to read:

15 338.2216 Florida Turnpike Enterprise; powers and
16 authority.--

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

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

1 (c) The executive director of the turnpike enterprise
2 shall appoint a staff, which is exempt from part II of chapter
3 110, among them a chief financial officer who must be a proven
4 effective administrator with demonstrated experience in
5 financial management, including management of a large bonded
6 capital program and must hold an active license to practice
7 public accounting in this state under chapter 473.

8 (d) The Office of Toll Operations shall be headed by a
9 manager, who shall be appointed by and serve at the pleasure
10 of the turnpike enterprise executive director. The position
11 shall be classified at a level equal to a division director.

12 (2) The department may employ procurement methods
13 available to the Department of Management Services under
14 chapter 255 or chapter 287 and under any rule adopted under
15 either of those chapters solely for the benefit of the
16 turnpike enterprise. In order to enhance the effective and
17 efficient operation of the turnpike enterprise, the department
18 may adopt rules for procurement procedures alternative to
19 procedures set forth in chapters 255, 287, and 337.

20 (3)(a) Effective July 1, 2002, the turnpike enterprise
21 shall be a single budget entity and shall develop a budget
22 pursuant to chapter 216. The budget for the turnpike
23 enterprise must be submitted to the Legislature with the
24 department's budget.

25 (b) Notwithstanding the provisions of s. 216.301 and
26 in accordance with s. 216.351, the Executive Office of the
27 Governor shall, on July 1 of each year, certify forward all
28 unexpended funds appropriated or provided under this section
29 for the turnpike enterprise. Of the unexpended funds
30 certified forward, any unencumbered amounts shall be carried
31 forward. The funds carried forward must not exceed 5 percent

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

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

16 Section 15. 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 16. 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 17. Subsection (2) of section 338.2275,
23 Florida Statutes, is amended to read:

24 338.2275 Approved turnpike projects.--

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

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

13 Section 18. Section 338.234, Florida Statutes, is
14 amended to read:

15 338.234 Granting concessions or selling along the
16 turnpike system.--

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

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

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

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

18 338.235 Contracts with department for provision of
19 services on the turnpike system.--

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

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

9 Section 20. Subsection (2) of section 338.239, Florida
10 Statutes, is amended to read:

11 338.239 Traffic control on the turnpike system.--

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

1 Department of Highway Safety and Motor Vehicles for additional
2 troops to patrol the turnpike system.

3 Section 21. Section 338.241, Florida Statutes, is
4 amended to read:

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

11 Section 22. Section 338.251, Florida Statutes, is
12 amended to read:

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

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

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

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

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

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

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

30
31

1 (5) No amount in excess of \$1.5 million annually shall
2 be advanced to any one governmental entity pursuant to this
3 section without specific appropriation by the Legislature.

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

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

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

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

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

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

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

1 Section 23. Paragraph (a) of subsection (4) of section
2 339.135, Florida Statutes, is amended to read:

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

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

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

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

1 level for capacity improvements, which the department has the
2 discretion to allocate to highway projects.

3 Section 24. Paragraph (c) of subsection (4) and
4 subsection (5) of section 339.12, Florida Statutes, are
5 amended to read.

6 339.12 Aid and contributions by governmental entities
7 for department projects; federal aid.--

8 (4)

9 (c) The department may enter into agreements under
10 this subsection for a project or project phase not included in
11 the adopted work program. As used in this paragraph, the term
12 "project phase" means acquisition of rights-of-way,
13 construction, construction inspection, and related support
14 phases. The project or project phase must be a high priority
15 of the governmental entity. Reimbursement for a project or
16 project phase must be made from funds appropriated by the
17 Legislature pursuant to s. 339.135(5). All other provisions of
18 this subsection apply to agreements entered into under this
19 paragraph. The total amount of project agreements for projects
20 or project phases not included in the adopted work program may
21 not at any time exceed \$150~~\$100~~ million.

22 (5) The department and the governing body of a
23 governmental entity may enter into an agreement by which the
24 governmental entity agrees to perform a highway project or
25 project phase in the department's adopted work program that is
26 not revenue producing or any public transportation project in
27 the adopted work program. By specific provision in the
28 written agreement between the department and the governing
29 body of the governmental entity, the department may agree to
30 compensate ~~reimburse~~ the governmental entity for the actual
31 cost for the project of the ~~or~~ project phase contained in the

1 adopted work program. Compensation ~~Reimbursement~~ to the
2 governmental entity for such project or project phases must be
3 made from funds appropriated by the Legislature, and
4 compensation reimbursement for the cost of the project or
5 project phase is to begin in the year the project or project
6 phase is scheduled in the work program as of the date of the
7 agreement.

8 Section 25. Subsection (1) of section 553.80, Florida
9 Statutes, is amended to read:

10 553.80 Enforcement.--

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

20 (a) Construction regulations relating to correctional
21 facilities under the jurisdiction of the Department of
22 Corrections and the Department of Juvenile Justice are to be
23 enforced exclusively by those departments.

24 (b) Construction regulations relating to elevator
25 equipment under the jurisdiction of the Bureau of Elevators of
26 the Department of Business and Professional Regulation shall
27 be enforced exclusively by that department.

28 (c) In addition to the requirements of s. 553.79 and
29 this section, facilities subject to the provisions of chapter
30 395 and part II of chapter 400 shall have facility plans
31 reviewed and construction surveyed by the state agency

1 authorized to do so under the requirements of chapter 395 and
2 part II of chapter 400 and the certification requirements of
3 the Federal Government.

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

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

16 (f) Construction regulations relating to
17 transportation facilities under the jurisdiction of the
18 turnpike enterprise of the Department of Transportation shall
19 be enforced exclusively by the turnpike enterprise.

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

1 Section 26. This act shall take effect upon becoming a
2 law.

3

4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 CS for Senate Bill 502

6

7 The Committee Substitute for CS/SB 502 corrects an omission
8 from the title to provide notice of the creation of a penalty
9 in s. 316.302 that cross-references ss. 843.01 and 843.02,
10 F.S.

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