

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

314-2173-02

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. 206.46, F.S.; increasing the
8 rights-of-way bond cap; amending s. 316.302,
9 F.S.; updating federal references; revising
10 out-of-service requirements for commercial
11 motor vehicles; providing a penalty; amending
12 s. 316.535, F.S.; adding weight requirements
13 for certain commercial trucks; amending s.
14 316.545, F.S.; conforming provisions; amending
15 s. 334.044, F.S.; providing powers and duties
16 for department law enforcement officers;
17 amending s. 337.025, F.S.; eliminating the cap
18 on innovative highway projects for the turnpike
19 enterprise; amending s. 337.107, F.S.;
20 authorizing the department to enter into
21 design-build contracts that include
22 right-of-way acquisition services; amending s.
23 337.11, F.S., relating to design-build
24 contract; adding, for a specified period,
25 rights-of-way services to activities that may
26 be part of a design-build contract; providing
27 restrictions; amending s. 338.165, F.S.;
28 conforming provisions; amending s. 338.22,
29 F.S.; redesignating the Florida Turnpike Law as
30 the Florida Turnpike Enterprise Law; amending
31 s. 338.221, F.S.; redefining the term

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

29
30 Be It Enacted by the Legislature of the State of Florida:
31

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, except as provided in s. 287.055, is
18 exempt from the department's policies, procedures, and
19 standards, subject to the secretary's authority to apply any
20 such policies, procedures, and standards to the turnpike
21 enterprise when he or she considers 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, provided that those methods are not in
28 conflict with s. 287.055.

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

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

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

19 206.46 State Transportation Trust Fund.--

20 (2) Notwithstanding any other provisions of law, from
21 the revenues deposited into the State Transportation Trust
22 Fund a maximum of 7 percent in each fiscal year shall be
23 transferred into the Right-of-Way Acquisition and Bridge
24 Construction Trust Fund created in s. 215.605, as needed to
25 meet the requirements of the documents authorizing the bonds
26 issued or proposed to be issued under ss. 215.605 and 337.276
27 or at a minimum amount sufficient to pay for the debt service
28 coverage requirements of outstanding bonds. Notwithstanding
29 the 7 percent annual transfer authorized in this subsection,
30 the annual amount transferred under this subsection shall not
31 exceed an amount necessary to provide the required debt

1 service coverage levels for a maximum debt service not to
2 exceed ~~\$200~~^{\$135} million. Such transfer shall be payable
3 primarily from the motor and diesel fuel taxes transferred to
4 the State Transportation Trust Fund from the Fuel Tax
5 Collection Trust Fund.

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

9 316.302 Commercial motor vehicles; safety regulations;
10 transporters and shippers of hazardous materials;
11 enforcement.--

12 (1)

13 (b) Except as otherwise provided in this section, all
14 owners or drivers of commercial motor vehicles that are
15 engaged in intrastate commerce are subject to the rules and
16 regulations contained in 49 C.F.R. parts 382, 385, and
17 390-397, with the exception of 49 C.F.R. s. 390.5 as it
18 relates to the definition of bus, as such rules and
19 regulations existed on October 1, 2001 ~~March 1, 1999~~.

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

1 ~~Department of Transportation described in s. 316.545(9), any~~
2 ~~member of the Florida Highway Patrol, or any law enforcement~~
3 ~~officer employed by a sheriff's office or municipal police~~
4 ~~department authorized to enforce the traffic laws of this~~
5 ~~state pursuant to s. 316.640, who has reason to believe that a~~
6 ~~vehicle or driver is operating in an unsafe condition, may~~
7 ~~require the driver to stop and submit to an inspection of the~~
8 ~~vehicle or the driver's records. Any person who fails to~~
9 ~~comply with an officer's request to submit to an inspection~~
10 ~~under this subsection is guilty of a violation of s. 843.02 if~~
11 ~~the driver resists the officer without violence or a violation~~
12 ~~of s. 843.01 if the driver resists the officer with violence.~~
13 ~~If the vehicle or driver is found to be operating in an unsafe~~
14 ~~condition, or if any required part or equipment is not present~~
15 ~~or is not in proper repair or adjustment, and the continued~~
16 ~~operation would probably present an unduly hazardous operating~~
17 ~~condition, the officer may require the vehicle or the driver,~~
18 ~~or both, to be removed from service under the North American~~
19 ~~Uniform Out-of-Service Criteria until the condition has been~~
20 ~~corrected. However, if continuous operation would not present~~
21 ~~an unduly hazardous operating condition, the officer may give~~
22 ~~written notice requiring correction to require proper repair~~
23 ~~and adjustment of the condition vehicle within 14 days.~~

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

31

1 (b) Any person who fails to comply with an officer's
2 request to submit to an inspection under this subsection is
3 guilty of a violation of s. 843.02 if the driver resists the
4 officer without violence or of a violation of s. 843.01 if the
5 driver resists the officer with violence.

6 Section 4. Present subsections (6) and (7) of section
7 316.535, Florida Statutes, are redesignated as subsections (7)
8 and (8), respectively, and amended, and a new subsection (6)
9 is added to that section, to read:

10 316.535 Maximum weights.--

11 (6) Dump trucks, concrete mixing trucks, trucks
12 engaged in waste collection and disposal, and fuel oil and
13 gasoline trucks designed and constructed for special-type work
14 or use, when operated as a single unit, are subject to all
15 safety and operational requirements of law, except that any
16 such vehicle need not conform to the axle-spacing requirements
17 of this section if the vehicle's total gross load, including
18 the weight of the vehicle, does not exceed 20,000 pounds per
19 axle plus scale tolerances and does not exceed 550 pounds per
20 inch width tire surface plus scale tolerances. A vehicle
21 operating pursuant to this section must not exceed a gross
22 weight, including the weight of the vehicle and scale
23 tolerances, of 70,000 pounds. Any vehicle that violates the
24 weight provisions of this section shall be penalized as
25 provided in s. 316.545.

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

31

1 (8)(7) Except as otherwise hereinafter provided, a no
2 vehicle or combination of vehicles which exceeds ~~exceeding~~ the
3 gross weights specified in subsections (3), (4), and (5), and
4 (6) may not ~~shall be permitted to~~ travel on the public
5 highways within the state.

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

9 316.545 Weight and load unlawful; special fuel and
10 motor fuel tax enforcement; inspection; penalty; review.--

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

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

7 (4)(a) A ~~No~~ commercial vehicle, as defined in s.
8 316.003(66), may not ~~shall~~ be operated over the highways of
9 this state unless it has been properly registered under ~~the~~
10 ~~provisions of~~ s. 207.004. If ~~whenever~~ any law enforcement
11 officer identified in s. 207.023(1), upon inspecting the
12 vehicle or combination of vehicles, determines that the
13 vehicle is in violation of s. 207.004, a penalty in the amount
14 of \$50 shall be assessed, and the vehicle may ~~shall~~ be
15 detained until payment is collected by the law enforcement
16 officer.

17 Section 6. Subsection (31) is added to section
18 334.044, Florida Statutes, to read:

19 334.044 Department; powers and duties.--The department
20 shall have the following general powers and duties:

21 (31) In order to fulfill the department's mission to
22 provide a safe and efficient transportation system, the
23 department's Office of Motor Carrier Compliance may employ
24 sworn law enforcement officers, certified in accordance with
25 chapter 943, to enforce the traffic and criminal laws of this
26 state. Such officers have full law enforcement powers granted
27 to other peace officers of this state, including the power to
28 make arrests, carry firearms, serve court process, and seize
29 vehicles defined as contraband under s. 319.33, illegal drugs,
30 stolen property, and the proceeds of illegal activities.
31 Officers appointed under this section have the primary

1 responsibility for enforcing laws relating to size and weight
2 of commercial motor vehicles; safety; traffic; tax and
3 registration of commercial motor vehicles; interdiction of
4 vehicles defined as contraband under s. 319.33, illegal drugs;
5 stolen property; and violations that threaten the overall
6 security and safety of this state's transportation
7 infrastructure and the motoring public. The division may also
8 appoint part-time or auxiliary law enforcement officers under
9 chapter 943 and may provide their compensation in accordance
10 with law.

11 Section 7. Section 337.025, Florida Statutes, is
12 amended to read:

13 337.025 Innovative highway projects; department to
14 establish program.--The department is authorized to establish
15 a program for highway projects demonstrating innovative
16 techniques of highway construction, maintenance, and finance
17 which have the intended effect of controlling time and cost
18 increases on construction projects. Such techniques may
19 include, but are not limited to, state-of-the-art technology
20 for pavement, safety, and other aspects of highway
21 construction and maintenance; innovative bidding and financing
22 techniques; accelerated construction procedures; and those
23 techniques that have the potential to reduce project life
24 cycle costs. To the maximum extent practical, the department
25 must use the existing process to award and administer
26 construction and maintenance contracts. When specific
27 innovative techniques are to be used, the department is not
28 required to adhere to those provisions of law that would
29 prevent, preclude, or in any way prohibit the department from
30 using the innovative technique. However, prior to using an
31 innovative technique that is inconsistent with another

1 provision of law, the department must document in writing the
2 need for the exception and identify what benefits the
3 traveling public and the affected community are anticipated to
4 receive. The department may enter into no more than \$120
5 million in contracts annually for the purposes authorized by
6 this section. However, the annual limitation on contracts
7 which is provided in this section does not apply to turnpike
8 enterprise projects, nor may turnpike enterprise projects be
9 counted toward the department's annual limitation.

10 Section 8. Effective July 1, 2003, section 337.107,
11 Florida Statutes, as amended by section 3 of chapter 2001-350,
12 Laws of Florida, is amended to read:

13 337.107 Contracts for right-of-way services.--The
14 department may enter into contracts pursuant to s. 287.055 for
15 right-of-way services on transportation corridors and
16 transportation facilities or the department may include
17 right-of-way services, as defined in this section, as part of
18 the design-build contracts awarded pursuant to s. 337.11.
19 Right-of-way services include negotiation and acquisition
20 services, appraisal services, demolition and removal of
21 improvements, and asbestos-abatement services.

22 Section 9. Paragraph (c) of subsection (3) and
23 paragraph (c) of subsection (6) of section 337.11, Florida
24 Statutes, are amended to read:

25 337.11 Contracting authority of department; bids;
26 emergency repairs, supplemental agreements, and change orders;
27 combined design and construction contracts; progress payments;
28 records; requirements of vehicle registration.--

29 (3)

30 (c) No advertisement for bids shall be published and
31 no bid solicitation notice shall be provided until title to

1 all necessary rights-of-way and easements for the construction
2 of the project covered by such advertisement or notice has
3 vested in the state or a local governmental entity, and all
4 railroad crossing and utility agreements have been executed.
5 The turnpike enterprise is exempt from this paragraph with
6 respect to a turnpike enterprise project.Title to all
7 necessary rights-of-way shall be deemed to have been vested in
8 the State of Florida when such title has been dedicated to the
9 public or acquired by prescription.

10 (6)

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

23 1. To ensure timely completion of projects or
24 avoidance of undue delay for other projects;

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

28 3. To accomplish nonemergency work necessary to ensure
29 avoidance of adverse conditions that affect the safe and
30 efficient flow of traffic.

31

1 The department shall make a good faith effort to obtain two or
2 more quotes, if available, from qualified contractors before
3 entering into any contract. The department shall give
4 consideration to disadvantaged business enterprise
5 participation. However, when the work exists within the limits
6 of an existing contract, the department shall make a good
7 faith effort to negotiate and enter into a contract with the
8 prime contractor on the existing contract.

9 Section 10. Effective July 1, 2003, paragraph (a) of
10 subsection (7) of section 337.11, Florida Statutes, as amended
11 by section 4 of chapter 2001-350, Laws of Florida, is amended
12 to read:

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

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

31

1 title has been dedicated to the public or acquired by
2 prescription.

3 Section 11. Effective July 1, 2005, paragraph (a) of
4 subsection (7) of section 337.11, Florida Statutes, as amended
5 by sections 2 and 4 of chapter 2001-350, Laws of Florida, and
6 by this act, is amended to read:

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

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

27 Section 12. Section 338.165, Florida Statutes, is
28 amended to read:

29 338.165 Continuation of tolls.--

30 (1) The department, any transportation or expressway
31 authority or, in the absence of an authority, a county or

1 counties may continue to collect the toll on a
2 revenue-producing project after the discharge of any bond
3 indebtedness related to such project and may increase such
4 toll. All tolls so collected shall first be used to pay the
5 annual cost of the operation, maintenance, and improvement of
6 the toll project.

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

13 (3) Notwithstanding any other law to the contrary,
14 pursuant to s. 11, Art. VII of the State Constitution, and
15 subject to the requirements of subsection (2), the Department
16 of Transportation may request the Division of Bond Finance to
17 issue bonds secured by toll revenues collected on the
18 Alligator Alley, Sunshine Skyway Bridge, Beeline East
19 Expressway, and Pinellas Bayway to fund transportation
20 projects located within the county or counties in which the
21 facility is located and contained in the ~~1993-1994 Adopted~~
22 ~~Work Program or in any subsequent~~ adopted work program of the
23 department.

24 (4) If the revenue-producing project is on the county
25 road system, any remaining toll revenue shall be used for the
26 construction, maintenance, or improvement of any other state
27 or county road within the county or counties in which the
28 revenue-producing project is located, except as provided in s.
29 348.0004.

30 (5) Selection of projects on the State Highway System
31 for construction, maintenance, or improvement with toll

1 revenues shall be, with the concurrence of the department,
2 consistent with the Florida Transportation Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Section 15. Section 338.2215, Florida Statutes, is
11 created to read:

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

29 Section 16. Section 338.2216, Florida Statutes, is
30 created to read:

31

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

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

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

18 (c) The executive director of the turnpike enterprise
19 shall appoint a staff, which is exempt from part II of chapter
20 110, among them a chief financial officer who must be a proven
21 effective administrator with demonstrated experience in
22 financial management, including management of a large bonded
23 capital program and must hold an active license to practice
24 public accounting in this state under chapter 473.

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

29 (2) The department may employ procurement methods
30 available to the Department of Management Services under
31 chapter 255 or chapter 287 and under any rule adopted under

1 either of those chapters solely for the benefit of the
2 turnpike enterprise. In order to enhance the effective and
3 efficient operation of the turnpike enterprise, the department
4 may adopt rules for procurement procedures alternative to
5 procedures set forth in chapters 255, 287, and 337.

6 (3)(a) Effective July 1, 2002, the turnpike enterprise
7 shall be a single budget entity and shall develop a budget
8 pursuant to chapter 216. The budget for the turnpike
9 enterprise must be submitted to the Legislature with the
10 department's budget.

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

24 (4) The powers conferred upon the turnpike enterprise
25 under ss. 338.22-338.241 are in addition and supplemental to
26 the existing powers of the department and the turnpike
27 enterprise, and these powers may not be construed as
28 abrogating any provision of any other law, general or local;
29 but ss. 338.22-338.241 supersede such other laws as are
30 inconsistent with the exercise of the powers provided under

31

1 those sections and provide a complete method for the exercise
2 of the powers granted under those sections.

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

5 338.223 Proposed turnpike projects.--

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

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

20 338.227 Turnpike revenue bonds.--

21 (2) The proceeds of the bonds of each issue shall be
22 used solely for the payment of the cost of the turnpike
23 projects for which such bonds shall have been issued, except
24 as provided in the State Bond Act. Such proceeds shall be
25 disbursed and used as provided by ss. 338.22-338.241 and in
26 such manner and under such restrictions, if any, as the
27 Division of Bond Finance may provide in the resolution
28 authorizing the issuance of such bonds or in the trust
29 agreement hereinafter mentioned securing the same. All
30 revenues and bond proceeds from the turnpike system received
31 by the department pursuant to ss. 338.22-338.241, the Florida

1 Turnpike Enterprise Law, shall be used only for the cost of
2 turnpike projects and turnpike improvements and for the
3 administration, operation, maintenance, and financing of the
4 turnpike system. No revenues or bond proceeds from the
5 turnpike system shall be spent for the operation, maintenance,
6 construction, or financing of any project which is not part of
7 the turnpike system.

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

10 338.2275 Approved turnpike projects.--

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

30 Section 20. Section 338.234, Florida Statutes, is
31 amended to read:

1 338.234 Granting concessions or selling along the
2 turnpike system.--

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

29 (2) ~~The department may provide an opportunity for~~
30 ~~governmental agencies to hold public events at turnpike plazas~~
31

1 ~~which educate the traveling public as to safety, travel, and~~
2 ~~tourism.~~

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

5 338.235 Contracts with department for provision of
6 services on the turnpike system.--

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

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

29 338.239 Traffic control on the turnpike system.--

30 (2) Members of the Florida Highway Patrol are vested
31 with the power, and charged with the duty, to enforce the

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

21 Section 23. Section 338.241, Florida Statutes, is
22 amended to read:

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

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

31

1 338.251 Toll Facilities Revolving Trust Fund.--The
2 Toll Facilities Revolving Trust Fund is hereby created for the
3 purpose of encouraging the development and enhancing the
4 financial feasibility of revenue-producing road projects
5 undertaken by local governmental entities in a county or
6 combination of contiguous counties and the turnpike
7 enterprise.

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

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

19 (a) The proposed facility is consistent with the
20 adopted transportation plan of the appropriate metropolitan
21 planning organization and the Florida Transportation Plan.

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

25 (3) Prior to receiving any moneys for advance
26 right-of-way acquisition, it shall be shown that such
27 right-of-way will substantially appreciate prior to
28 construction and that savings will result from its advance
29 purchase. Any such request for moneys for advance
30 right-of-way acquisition shall be accompanied by a preliminary
31 engineering study, environmental impact study, traffic and

1 revenue study, and right-of-way maps along with either a
2 negotiated contract for purchase of the right-of-way, such
3 contract to include a clause stating that it is subject to
4 funding by the department or the Legislature, or an appraisal
5 of the subject property for purpose of condemnation
6 proceedings.

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

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

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

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

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

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

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

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

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

17 Section 25. Paragraph (a) of subsection (4) of section
18 339.135, Florida Statutes, is amended to read:

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

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

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

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

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

19 Section 26. Paragraph (c) of subsection (4) and
20 subsection (5) of section 339.12, Florida Statutes, are
21 amended to read.

22 339.12 Aid and contributions by governmental entities
23 for department projects; federal aid.--

24 (4)

25 (c) The department may enter into agreements under
26 this subsection for a project or project phase not included in
27 the adopted work program. As used in this paragraph, the term
28 "project phase" means acquisition of rights-of-way,
29 construction, construction inspection, and related support
30 phases. The project or project phase must be a high priority
31 of the governmental entity. Reimbursement for a project or

1 project phase must be made from funds appropriated by the
2 Legislature pursuant to s. 339.135(5). All other provisions of
3 this subsection apply to agreements entered into under this
4 paragraph. The total amount of project agreements for projects
5 or project phases not included in the adopted work program may
6 not at any time exceed ~~\$150~~\$100 million.

7 (5) The department and the governing body of a
8 governmental entity may enter into an agreement by which the
9 governmental entity agrees to perform a highway project or
10 project phase in the department's adopted work program that is
11 not revenue producing or any public transportation project in
12 the adopted work program. By specific provision in the
13 written agreement between the department and the governing
14 body of the governmental entity, the department may agree to
15 compensate ~~reimburse~~ the governmental entity for the actual
16 cost for the project of the ~~or~~ project phase contained in the
17 adopted work program. Compensation ~~Reimbursement~~ to the
18 governmental entity for such project or project phases must be
19 made from funds appropriated by the Legislature, and
20 compensation ~~reimbursement~~ for the cost of the project or
21 project phase is to begin in the year the project or project
22 phase is scheduled in the work program as of the date of the
23 agreement.

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

26 553.80 Enforcement.--

27 (1) Except as provided in paragraphs (a)-(f) ~~(a)-(e)~~,
28 each local government and each legally constituted enforcement
29 district with statutory authority shall regulate building
30 construction and, where authorized in the state agency's
31 enabling legislation, each state agency shall enforce the

1 Florida Building Code required by this part on all public or
2 private buildings, structures, and facilities, unless such
3 responsibility has been delegated to another unit of
4 government pursuant to s. 553.79(9).

5 (a) Construction regulations relating to correctional
6 facilities under the jurisdiction of the Department of
7 Corrections and the Department of Juvenile Justice are to be
8 enforced exclusively by those departments.

9 (b) Construction regulations relating to elevator
10 equipment under the jurisdiction of the Bureau of Elevators of
11 the Department of Business and Professional Regulation shall
12 be enforced exclusively by that department.

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

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

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

1 (f) The Florida Building Code as it pertains to
2 toll-collection facilities under the jurisdiction of the
3 turnpike enterprise of the Department of Transportation shall
4 be enforced exclusively by the turnpike enterprise.

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

17 Section 28. This act shall take effect upon becoming a
18 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/CS/SB 502

1. To guarantee competitive selection, the Committee Substitute requires the Turnpike Enterprise to follow the procurement methods found in s. 287.055, when acquiring professional services such as engineers, architects, and surveyors.
2. The Committee Substitute increases the right-of-way and bridge bond cap from \$135 million to \$200 million. It also authorizes the DOT to combine right-of-way services with design-build contracts until 2005.
3. The Committee Substitute specifies that "contraband" means illegal drugs, to avoid confusion with the Department of Agriculture and Consumer Services law enforcement definition of "contraband" which includes illegal fruits and vegetables.
4. The Committee Substitute specifies that the Turnpike Enterprise will enforce the Florida Building Code for toll collection facilities.
5. The Committee Substitute specifies that the Office of Motor Carrier Compliance or other agents appointed by DOT are responsible for enforcing commercial motor vehicle laws.